

To All Interested Parties

Wednesday, 20 July 2022

When responding please contact
Stephen Kisko
Direct Line: 01273 337630; 07795 237425
E-Mail: stephen.kisko@eastsussex.gov.uk

our ref
RWO 212

your ref

SECTION 53 OF THE WILDLIFE AND COUNTRYSIDE ACT 1981
THE EAST SUSSEX COUNTY COUNCIL (HASTINGS BOROUGH)
DEFINITIVE MAP AND STATEMENT

Dear Sir/Madam

THE EAST SUSSEX (PUBLIC FOOTPATHS HASTINGS 425a, 425b, 425c, 425d, 425e)
DEFINITIVE MAP MODIFICATION ORDER 2021

Following a successful Appeal by the Applicant, the Secretary of State has instructed East Sussex County Council to make the above-named Order, which has now been made. The Explanatory Statement explains why the Order has been made.

I hereby serve on you, a copy of the Order, Order Plan, Explanatory Statement and Public Notice. The Public Notice is a repeat of the one originally published in the local Hastings Observer newspaper on Friday 18 June 2021 and was also posted on site. It came to my attention that the necessary 'dispensation' required to post the same notice on site (because part of the Order route crossed land to which there is no known landowner, F-G) and addressed to 'the owner or any occupiers', to be obtained from the Planning Inspectorate, had not been obtained but has now since been so obtained, and so now this notice is to be placed on site as such enclosed. The notice will not appear in the newspaper, but on site and the subsequent objection period is primarily for the benefit of the unknown landowner.

These documents can also be viewed online by going to <https://www.eastsussex.gov.uk/leisure-tourism/discover-east-sussex/rights-of-way/definitive-map-statement/claiming-changing-public-right-of-way/register-definitive-map-modification-order-applications>, click on the link "[Register of definitive map modification order applications](#)", type in '212' in the search box and press 'Search', click on the link below under the 'Reference' column. This will take you to the case's webpage where you will find the documentation. Should you have any problems viewing these documents, please email definitive.map@eastsussex.gov.uk for assistance.

There is a 42-day objection/representation period until Tuesday 13 September 2022 after which the Order will either be confirmed as made or referred to the Secretary of State for a determination to be made.

Yours sincerely



Stephen Kisko

Definitive Map Officer

T: 01273 337630 | 03456080193 | 07795 237425

E: Stephen.kisko@eastsussex.gov.uk

Rights of Way Map

An online Rights of Way Map showing footpaths and bridleways across the County is available on the East Sussex website at the following address:

<https://www.eastsussex.gov.uk/leisureandtourism/countryside/rightsofway/map/>

The map can be used to plan walks and rides on the Rights of Way network. It also provides the location and reference number of stiles, gates and bridges, as well as path numbers.

Privacy

Please visit our website for information on how we can manage personal information:

www.eastsussex.gov.uk/privacy/rights-of-way-and-countryside

WILDLIFE AND COUNTRYSIDE ACT 1981
THE EAST SUSSEX COUNTY COUNCIL (HASTINGS BOROUGH)
DEFINITIVE MAP AND STATEMENT

THE EAST SUSSEX (PUBLIC FOOTPATHS HASTINGS 425a, 425b, 425c, 425d, 425e)
DEFINITIVE MAP MODIFICATION ORDER 2021

This Order is made by East Sussex County Council ("the authority") under Section 53(2)(b) of the Wildlife and Countryside Act 1981 ("the Act") because it appears to the Secretary of State (who has directed the Authority to that effect) that the East Sussex County Council (Hastings Borough) Definitive Map and Statement require modification in consequence of an event specified in;

Section 53 (3)(c) (i), namely the discovery of evidence which (when considered with all other evidence available) shows that there is a right of way which is not shown in the map and statement subsists or is reasonably alleged to subsist over land in the area to which the map relates, being a right of way such that the land over which the right subsists is a public path.

Section 53(c) (iii), that there is no public right of way over land shown in the map and statement as a highway of any description, or that any other particulars contained in the map and statement require modification.

The Authority has consulted with every local authority whose area includes the land to which the Order relates. Accordingly, the East Sussex County Council hereby orders that:

1. For the purposes of this Order the relevant date is 17 May 2021.
2. The East Sussex County Council (Hastings Borough) Definitive Map and Statement shall be modified as described in Part I and Part II of the Schedule and as shown on the map attached to the Order.
3. This Order shall take effect on the date it is confirmed and may be cited as The East Sussex (Public Footpaths Hastings 425a, 425b, 425c, 425d, 425e) Definitive Map Modification Order 2021.

THE COMMON SEAL of the EAST SUSSEX
COUNTY COUNCIL was hereunto
affixed this 11th day of June
Two Thousand and Twenty One in the presence of:-



Authorised Signatory



1024980

SCHEDULE

PART I

Modification of the East Sussex County Council (Hastings Borough) Definitive Map

Description of path to be added

A route comprising a public footpath across the Roebuck Centre site with an arbitrary centreline route, as detailed below, and as shown on the Order Plan between points A-B-C-D-E-F-G:

The footpath commences on Roebuck Street at a point marked A at TQ 82597 09708.

From here the claimed footpath continues straight into the Roebuck Centre area in a south-westerly direction for 22 metres to a junction at a point marked B on the plan at TQ 82586 09691.

At point B the route firstly continues in a north-westerly direction for 48 metres, passing under the flying freehold of the property fronting 33 High Street, until it reaches the public highway known as High Street at a point marked C at TQ 82544 09712.

Also at point B, the route continues in a generally southerly direction for 28 metres to the junction at a point marked D at TQ 82589 09662.

At point D the route firstly continues in an east-south-easterly direction for 12 metres until it reaches the public highway known as The Bourne (A259; 'Coast Road') at a point marked E at TQ 82600 09658.

Also at point D the claimed footpath continues in a south-south-westerly direction for 30 metres to a point marked F at TQ 82577 09635.

At point F the route continues in a south-south-easterly direction for 12 metres until it reaches the public highway known as The Bourne (A259; 'Coast Road') at a point marked G at TQ 82580 09624 where it terminates.

The width of the public footpath along its length is 2 metres.

PART 2
Modification of Definitive Statement
Addition of the following particulars to the East Sussex County Council (Hastings Borough) Definitive Statement

<u>No.</u>	<u>Type</u>	<u>From</u>	<u>Commencement</u>	<u>To</u>	<u>Termination</u>	<u>Total Length (metre / km)</u>	<u>Remarks</u>
425a	Footpath	TQ 82597 09708	Public Highway known as Roebuck Street	TQ 82586 09691	TQ 82586 09691	22 / 0.022	Vehicle barrier at point A, TQ 82597 09708
425b	Footpath	TQ 82586 09691	TQ 82586 09691	TQ 82544 09712	High Street (public highway)	48 / 0.048	Vehicle bollard , near point C, TQ 82544 09712 Moveable plant pots.
425c	Footpath	TQ 82586 09691	TQ 82586 09691	TQ 82589 09662	TQ 82589 09662	28 / 0.028	
425d	Footpath	TQ 82589 09662	TQ 82589 09662	TQ 82600 09658	The Bourne (public highway)	12/ 0.012	Bollard at point E, TQ 82600 09658
425e	Footpath	TQ 82589 09662	TQ 82589 09662	TQ 82577 09635	TQ 82577 09635	30 / 0.03	2 bollards at point F, TQ 82577 09635
		TQ 82577 09635	TQ 82577 09635	TQ 82580 09624	The Bourne (public highway)	12/ 0.012	4 bollards at point G, TQ 82580 06924

PART 3
Limitations

- 1 vehicle barrier at point A, TQ 82597 09708
- 1 vehicle bollard near point C, TQ 82544 09712
 - 1 bollard at point E, TQ 82600 09658
 - 2 bollards at point F, TQ 82577 09635
 - 4 bollards at point G, TQ 82580 06924

WILDLIFE AND COUNTRYSIDE ACT 1981

THE EAST SUSSEX COUNTY COUNCIL (HASTINGS BOROUGH)
DEFINITIVE MAP AND STATEMENT

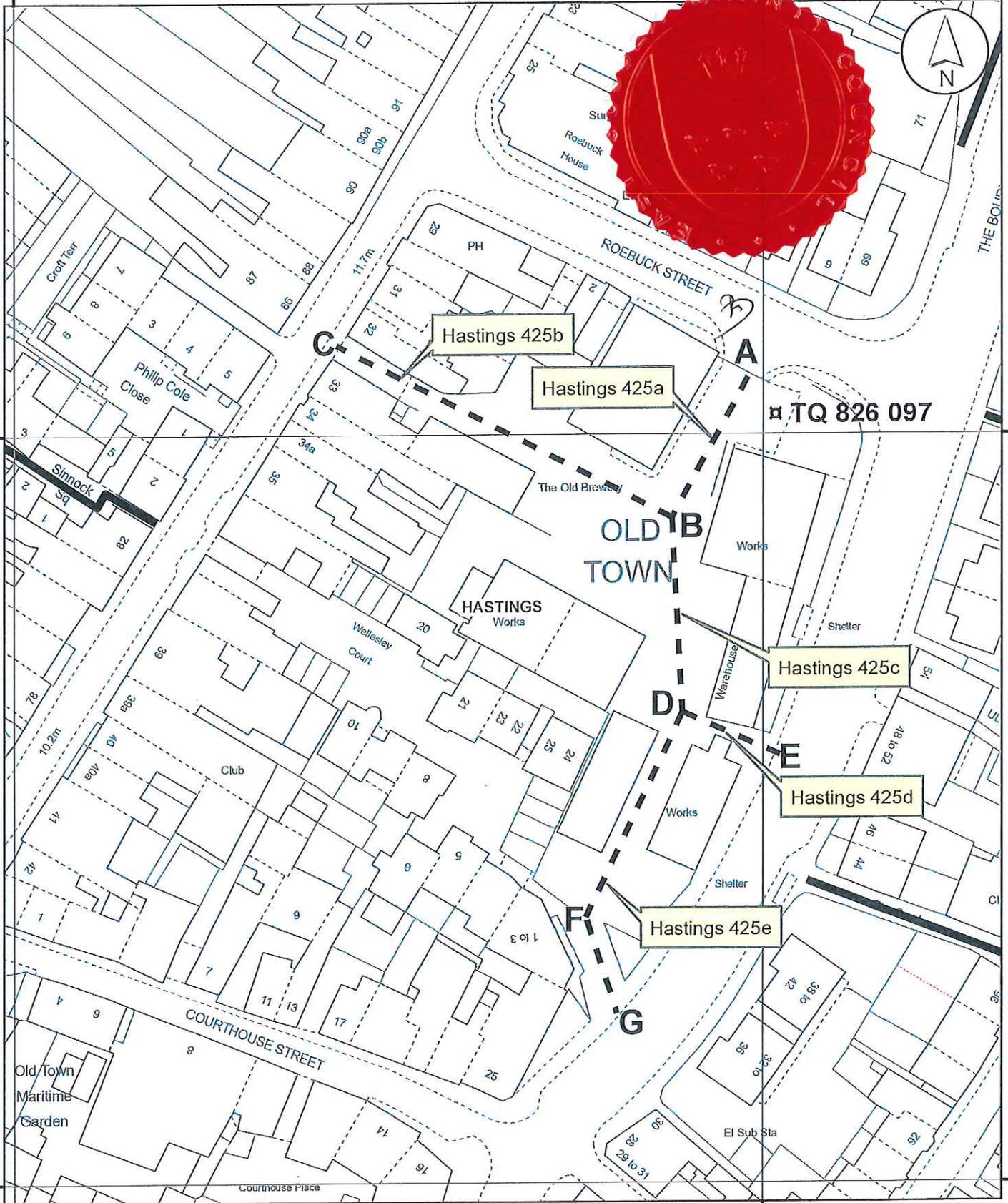
THE EAST SUSSEX (PUBLIC FOOTPATHS HASTINGS 425a, 425b, 425c, 425d, 425e)
DEFINITIVE MAP MODIFICATION ORDER 2021

Made:.....11 June 2021.

Confirmed.....

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Title: THE EAST SUSSEX (PUBLIC FOOTPATHS HASTINGS 425a, 425b, 425c, 425d, 425e) DEFINITIVE MAP MODIFICATION ORDER 2021	
Key:	<p>A B C D E F G</p> <p>Claimed footpath - - - - -</p> <p>Existing Public Right of Way —————</p>
Date: June 2021	Map No: HAS/FP425a-e/DMMO/2021/v1
Scale: 1:722	Author: SK

East Sussex County Council
 County Hall
 St Annes Crescent
 Lewes



eastsussex.gov.uk

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SECTION 53 OF THE WILDLIFE AND COUNTRYSIDE ACT 1981

**THE EAST SUSSEX COUNTY COUNCIL (HASTINGS BOROUGH)
DEFINITIVE MAP AND STATEMENT**

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425e)
DEFINITIVE MAP MODIFICATION ORDER 2021**

To The owners and any occupiers

(land on the map below over which the red route falls upon)



The Secretary of State has directed East Sussex County Council to make the above Order, which was duly made on 11 June 2021. If confirmed as made, the Order will modify the Definitive Map and Statement for the area by:

Adding a route comprising a public footpath across the Roebuck Centre site with an arbitrary centreline route, as detailed below, and as shown on the Order Plan between points A-B-C-D-E-F-G. The footpath commences on Roebuck Street at a point marked A at TQ 82597 09708. From here the claimed footpath continues straight into the Roebuck Centre area in a south-westerly direction for 22 metres to the junction at a point marked B on the plan at TQ 82586 09691. At point B the route firstly continues in a north-westerly direction for 48 metres, passing under the flying freehold of the property fronting 33 High Street, until it reaches the public highway known as High Street at a point marked C at TQ 82544 09712. Also at point B the route continues in a generally southerly direction for 28 metres to the junction at a point marked D at TQ 82589 09622. At point D the route firstly continues in an east-south-easterly direction for 12 metres until it reaches the public highway known as The Bourne (A259; 'Coast Road') at a point marked E at TQ 82600 09658. Also at point D the claimed footpath continues in a south-south-westerly direction for 30 metres to a point marked F at TQ 82577 09635. At point F the route continues in a south-south-easterly direction for 12 metres until it reaches the public highway known as The Bourne (A259; 'Coast Road') at a point marked G at TQ 82580 09624 where it terminates.

All distances are approximate, and all directions are general. The width of the public footpath along its length is 2 metres.

A copy of the Order and the Order Map may be seen free of charge in Reception, East Sussex County Council, County Hall, St Anne's Crescent, Lewes, East Sussex BN7 1UE from 9am to 5pm Monday-Thursday and 9am-4.30pm on Fridays between 29 July 2022 and 13 September 2022. The Order and Order Map may also be viewed at Hastings Borough Council, Muriel Matters House, Breeds Place, Hastings, East Sussex, TN34 3UY, 9am to 5pm Monday, Tuesday and Thursday, 10am to 5pm on Wednesday, and 9am to 4.30pm on Friday during the same time. Copies of the Order and Order Plan can also be requested by emailing definitive.map@eastsussex.gov.uk quoting reference 'RWO 212' and online by going to <https://www.eastsussex.gov.uk/leisure-tourism/discover-east-sussex/rights-of-way/definitive-map-statement/claiming-changing-public-right-of-way/register-definitive-map-modification-order-applications>, click on the link "[Register of definitive map modification order applications](#)", type in '212' in the search box and press 'Search', click on the link below under the 'Reference' column. This will take you to the case's webpage where you will find the documentation.

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Any representation or objection relating to the Order must be sent in writing to Rights of Way, East Sussex County Council, Communities, Economy and Transport, West Block B Floor, County Hall, St Anne's Crescent, Lewes BN7 1UE or by emailing definitive.map@eastsussex.gov.uk, quoting reference 'RWO 212' not later than 13 September 2022. Applicants are requested to state the grounds on which it is made. Copies may also be purchased from the Council at a cost of £1.

If no representations or objections are duly made to the Order, or if any so made are withdrawn, the East Sussex County Council, instead of submitting the Order to the Secretary of State may itself confirm the Order. If the Order is submitted to the Secretary of State for the Environment, any representations or objections which have been duly made and not withdrawn will be sent with it.

Philip Baker, Assistant Chief Executive, Governance Services, County Hall, Lewes, East Sussex BN7 1UE

29 July 2022

SECTION 53 OF THE WILDLIFE AND COUNTRYSIDE ACT 1981

**THE EAST SUSSEX COUNTY COUNCIL (HASTINGS BOROUGH)
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If no representations or objections are duly made to the Order, or if any so made are withdrawn, the East Sussex County Council, instead of submitting the Order to the Secretary of State may itself confirm the Order. If the Order is submitted to the Secretary of State for the Environment, any representations or objections which have been duly made and not withdrawn will be sent with it.

Philip Baker, Assistant Chief Executive, Governance Services, County Hall, Lewes, East Sussex BN7 1UE

29 July 2022

EXPLANATORY STATEMENT

Wildlife and Countryside Act 1981 Explanatory Statement to Accompany Definitive Map Modification Order

THE EAST SUSSEX (PUBLIC FOOTPATHS HASTINGS 425a, 425b, 425c, 425d, 425e) DEFINITIVE MAP MODIFICATION ORDER 2021

THIS STATEMENT DOES NOT FORM PART OF THE ORDER

Public footpaths, bridleways, restricted byways and byways open to all traffic are recorded on definitive maps and statements. These maps and statements provide conclusive legal evidence of the existence of public rights. East Sussex County Council is responsible for the definitive map and statement for East Sussex and has a duty to amend it when evidence suggests that it is inaccurate or incomplete. Such amendments are made by means of modification orders made under section 53 of the Wildlife and Countryside Act 1981. These orders do not come into effect until confirmed: if there are any objections which are not subsequently withdrawn, the Council must refer the order and objections to the Department for Environment, Food and Rural Affairs which will decide whether or not to confirm the order.

The footpath will have a width of 2 metres and a length of 152 metres. This statement explains various aspects of the Order.

Following a successful Appeal by the Applicant, East Sussex County Council has been directed by The Secretary of State to make an Order to record the claimed route on the Definitive Map and Statement.

The Order will come into effect only after it has been confirmed: making and advertising the Order simply provides an opportunity for objections or representations to be made.

Any representation or objection relating to the Order must be sent in writing to Rights of Way, East Sussex County Council, Communities, Economy and Transport, West Block B Floor, County Hall, St Anne's Crescent, Lewes BN7 1UE or by emailing definitive.map@eastsussex.gov.uk, quoting reference RWO 212 not later than 2 August 2021. Applicants are requested to state the grounds on which it is made.

The East Sussex County Council will be willing to discuss the concerns of those considering objecting or making representations relating to the Order. Any queries or concerns may be discussed by contacting: Rights of Way, East Sussex County Council, Communities, Economy and Transport, West Block B Floor, County Hall, St Anne's Crescent, Lewes BN7 1UE or by emailing definitive.map@eastsussex.gov.uk, or by telephoning 0345 60 80 193, quoting reference RWO 212, not later than 2 August 2021.

The right of objection to an Order is a statutory right, but it should be exercised in a reasonable manner. The costs involved in dealing with objections to Orders are normally awarded against objectors only in cases of unreasonable behaviour.

If any objections are made and not withdrawn then the Council will have to refer the Order to the Department of the Environment, Food and Rural Affairs for determination. An Inspector from the Planning Inspectorate will then hear the objections at a public inquiry or hearing, or in writing if the objectors agree. The Inspector can confirm an Order, confirm it with modifications, or refuse to confirm it. If no objections are received the council will be able to confirm the Order itself but it has no power to modify Orders.