

THE LONDON - CANTERBURY - DOVER TRUNK ROAD

(CANTERBURY BY-PASS SIDE ROADS) ORDER 197

The Secretary of State for the Environment makes this Order in exercise of powers conferred by section 9 of the Highways Act 1959, section 27 of the Local Government Act 1966 and sections 3 and 62 of the Highways Act 1971, and now vested in him, and of all other enabling powers:

1. The Secretary of State is authorised in relation to the Trunk Road, the new trunk road and the slip roads -

- (a) to carry out the improvement of highways,
- (b) to stop up highways,
- (c) to construct new highways,
- (d) to stop up private means of access to premises, and
- (e) to provide new means of access to premises,

all as indicated (in the manner specified in Article 2(1) hereof) in the Schedules numbered 1 to 4 to this Order and as shown (in the manner specified in Article 2(2) hereof) on the site plans (each site plan showing the works indicated in one Schedule and having the same number as the Schedule to which it refers, and each Schedule stating the title of its related site plan).

2. (1) The works authorised by Article 1 of this Order are indicated in the said Schedules to this Order in the following manner (each Schedule naming at the head thereof the locality in which the highways and means of access referred to therein are or will be situated, and all the localities so named being in the County of Kent) -

- (a) highways to be improved are named,
- (b) lengths of highway to be stopped up are described (all distances stated being approximate only),
- (c) new highways to be constructed are indicated by the statement in the Schedules of the reference letters which are given to those new highways on the site plans showing the routes along which they are to be constructed, and where a new highway is to be constructed in connection with the stopping up of a length of highway described in a Schedule, its reference letter is placed opposite to the description of that length, and where a new highway is to be a footpath or a bridleway" the word "footpath" or "bridleway" (as the case may be) is placed in brackets beneath the reference letter,

- (d) lengths of private means of access to be stopped up are described (the distances stated being approximate only), and
- (e) new means of access to be provided are indicated by the statement in the Schedules of the reference numbers which are given to those new means of access on the site plans showing the routes along which they are to be provided, and where a new means of access is to be provided in connection with the stopping up of a length of private means of access described in a Schedule, its reference number is placed opposite to the description of that length,

and each new highway referred to in a Schedule will be a road unless that Schedule indicates that it is to be a footpath or a bridleway.

(2) The works authorised by Article 1 of this Order are shown on the said site plans in the following manner -

- (a) lengths of highway to be improved are shown by cross hatching and, where the improvement of a length of highway involves its realignment, the cross hatching shows the realigned position,
- (b) lengths of highway to be stopped up are shown by zebra hatching,
- (c) routes of new highways to be constructed are shown by stipple, a reference letter is given to each new highway, and the centre line of each new highway is shown by an unbroken black line,
- (d) lengths of private means of access to be stopped up are shown by solid black bands, and
- (e) routes of new means of access to be provided are shown by hatching and a reference number is given to each new means of access,

and each site plan marks the position of the Trunk Road, the route of the new trunk road, or the route of the slip roads (as appropriate) in relation to the works shown on that plan.

3. It is hereby declared that the Secretary of State is satisfied -

- (a) as respects each length of highway the stopping up of which is authorised by this Order, that another reasonably convenient route is available or will be provided before that highway is stopped up, and

- (b) as respects each length of private means of access the stopping up of which is authorised by this Order, that other reasonably convenient means of access to the relevant premises are available or will be provided in pursuance of this Order before that private means of access is stopped up or that no access to the relevant premises is reasonably required.

4. Each new highway shall be transferred to the County Council of Kent. Each transfer of a new highway shall take effect as from the date on which the Secretary of State notifies that authority that the new highway has been completed and is open for through traffic.

5. Immediately after the transfer of a new highway for which a classification is shown in the relevant Schedule opposite to the reference letter of that new highway, that highway shall be classified accordingly.

6. Where immediately before a length of highway is stopped up in pursuance of this Order there is under, in, on, over, along or across that highway any apparatus of statutory undertakers or any sewer or sewage disposal works of a sewerage authority, then, subject to section 63 of the Highways Act 1971, those undertakers or that authority, as the case may be, shall have the same rights as respects that apparatus or sewer or those works, as they had immediately before the stopping up took place.

7. In this Order -

- "classified road" as a classification for a new highway, means that the highway is not a principal road for the purposes of enactments or instruments which refer to highways classified as principal roads but is a classified road for the purpose of every enactment and instrument which refers to highways classified by the Secretary of State and which does not specifically refer to their classification as principal roads;
- "improvement" in relation to a highway, includes raising, lowering or otherwise altering that highway, and "improved" shall be construed accordingly;
- "new highway" means a highway authorised by this Order to be constructed and "new highways" shall be construed accordingly;
- "site plan" means one of the site plans numbered 1 to 4 and contained in the plan folio numbered CSE 234/5/26/03, marked "The London-Canterbury-Dover Trunk Road (Canterbury By-Pass Side Roads) Order 197 ", signed by authority of the Secretary of State and deposited at the Department of the Environment, St Christopher House, Southwark Street, London, SE1, where it may be inspected free of charge at all reasonable hours, and "site plans" shall be construed accordingly;
- "the Trunk Road" means the London-Canterbury-Dover Trunk Road (A2);
- "the new trunk road" means the trunk road to be constructed by the Secretary of State in pursuance of the London-Canterbury-Dover Trunk Road (Canterbury By-Pass) Order 197 ;
- "the Bridge By-Pass" means the trunk road to be provided in pursuance of "The London-Canterbury-Dover Trunk Road (Bridge By-Pass) Order 1973";

SCHEDULE 1

Locality - Upper Harbledown

Site Plan title - Faulkeners Lane, Whitehall Road, North Downs Way and other alterations

Highways to be improved Faulkeners Lane  
Whitehall Road

Highways to be stopped up Particulars of new highways

	<u>Reference Letter</u>
North Downs Way (Footpath 452) for 12 metres southwestwards from its junction with Faulkeners Lane	B (footpath)
Faulkeners Lane for 300 metres southwestwards from a point 120 metres southwest of "Willow Down"	A
Footpath 512 for 340 metres generally eastwards from its junction with North Downs Way (Footpath 508)	A and C (bridleway)
North Downs Way/Pilgrims Way (Bridleway 521) for 140 metres eastwards from a point 340 metres east of its junction with North Downs Way (Footpath 508)	A and C (bridleway)
Footpath 485 for 190 metres southwards and <del>then</del> southwestwards from its junction with Whitehall Road	E (footpath)
Footpath 456 for 65 metres southwestwards from its junction with Whitehall Road	E (footpath)
Whitehall Road for 126 metres southeastwards from its junction with Footpath 456	D
<u>Private means of access to be stopped up</u>	<u>Reference Number of new means of access</u>
Private means of access to China and Poldhurst Farms for 165 metres westwards from a point 160 metres west of its junction with Faulkeners Lane	1

SCHEDULE 2

Locality - Thanington

Site Plan title - Thanington Road, Hollow Lane, Stuppington Lane  
and other alterations

Highways to be improved      Thanington Road (A28)  
Wincheap  
St Nicholas Road  
Cockering Road  
Hollow Lane  
Stuppington Lane

Highways to be stopped up

Particulars of new highways

Reference  
Letter

Cockering Road for 190 metres  
southwestwards from its most  
northeasterly junction with  
Wincheap

-

Footpath 491 for 90 metres where  
it crosses the new trunk road

A  
(footpath)

Footpath 111-112 for 64 metres  
where it crosses the new trunk road

B and C  
(footpaths)  
and D

Stuppington Lane for 280 metres north-  
eastwards from a point 130 metres north  
of its junction with Merton Lane

D

Private means of access to be stopped up

Reference Number of new  
means of access

Private means of access to allotment gardens  
by the River Great Stour where it crosses  
the new trunk road

-

Private means of access to smallholdings and  
allotment gardens for 190 metres northwest-  
wards from its junction with the A28  
Thanington Road

1

Private means of access to allotment gardens  
north of the Red House where it crosses the  
new trunk road

-

Private means of access from Cockering Road  
to Wincheap Farm where it crosses the new  
trunk road and the slip roads in the vicinity  
of Thanington Pumping Station

-

Schedule 2 (cont'd)

Private means of access from Cockering Road to Wincheap Farm where it crosses the new trunk road and the slip roads southwest of Wincheap Farm buildings

Private means of access from Hollow Lane across Wincheap Farm where they intersect on the route of the new trunk road about 150 metres southwest of their junction with Hollow Lane

Private means of access across Wincheap Farm immediately to the west of and parallel with Hollow Lane where it crosses the new trunk road

Private means of access across Wincheap Farm eastwards for 60 metres from its junction with that access immediately to the west of and parallel with Hollow Lane

SCHEDULE 3

Locality - Nackington

Site Plan title - Merton Lane, Nackington Road and other alterations

Highways to be improved

Merton Lane  
Nackington Road (B2068)  
Footpath 115-116  
Bridleway 358  
Footpath 116-117

Highways to be stopped up

Particulars of new highways

	<u>Reference Letter</u>	<u>Classification</u>
Footpath 115-116 for 50 metres northeastwards from its junction with Merton Lane	A, B and C	classified road
Merton Lane for 190 metres southeastwards from its junction with Bridleway 359 and Footpath 116-117	C	classified road
Footpath 115-118 for 44 metres northwestwards from its junction with Merton Lane	A, B and C	classified road
Footpath 348 for 40 metres southwards from its junction with Merton Lane	A, B and C	classified road

Private means of access to be stopped up      Reference number of new means of access

Private means of access to Merton Farm land northeastwards for 46 metres from its junction with Merton Lane

1

Private means of access from Nackington Road across Winters Farm where it lies within the new trunk road

SCHEDULE 4

Locality - North of Bridge

Site Plan title - Dover Road and other alterations

Highways to be improved

The unclassified road which leaves the Trunk Road adjacent to Pond Cottages at a point south of the new trunk road. Dover Road.

The road linking Dover Road and Bekesbourne Road.

Highways to be stopped up

Particulars of new highways

Reference Letter

Footpath 346 for 65 metres where it crosses the new trunk road

-

Footpath 315 for 380 metres northeastwards from a point opposite Renville Cottages

A

The unclassified road leaving the Trunk Road adjacent to Pond Cottages for 270 metres in a southwesterly direction

A

Dover Road for 260 metres north-westwards from a point 170 metres northwest of its junction with Bekesbourne Road

-

Private means of access to be stopped up

Reference number of new means of access

Private means of access east of Footpath 346 from Nackington Road and Dover Road to Nackington village where it crosses the new trunk road

-

Schedule 4 (Cont'd)

Private means of access from Byway 309 to Nackington village and Nackington Road where it crosses the new trunk road -

Private means of access from Dover Road to Nackington village where it runs parallel to existing electricity pylons and crosses the new trunk road -

- 1

Private means of access from the Trunk Road to Renville Farm for a distance of 85 metres southeastwards from where it leaves the Trunk Road 2

Private means of access to the orchard between the Bridge By-Pass and Bekesbourne Road for 20 metres eastwards from its junction with Dover Road -

---

NOTE: 1 metre = 1.094 yards approximately