



Sue Bottoms
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Web Site: www.bedford.gov.uk
Your ref:
Our ref: HAD/GEM/HAD 117 BRI
Date: 6 January 2023

Georgina McDade

This document consists of 4 pages
clerk@brickhillparishcouncil.gov.uk

_LOCAL COUNCIL

Dear Ms Bottoms,

Highways Act 1980 Section 119 Pre-Order Consultation

Proposed Diversion of Part of Public Footpath BRI/9 Environs of 29 Falcon Avenue, MK41 7DS Brickhill CP

Introduction

Bedford Borough Council (“the Authority”) considers that it should Divert part of Public Footpath number 9 in the environs of 29 Falcon Avenue in the Parish of Brickhill.

In this instance there are specific circumstances that lead the Authority to consider that certain parts of the rights of way in question should be diverted. It is known that part of this footpath are intractably obstructed by a residential dwelling that has been “substantially complete” for a number of years. Obstructions of the way include the bricks and mortar of a residential dwelling.

Before the Authority makes a decision whether or not to exercise its powers to make public path orders available under the Highways Act 1980 (“the 1980 Act”) it is customary for the Authority to consult various individuals and bodies to ascertain their views on the proposals.

It is considered that the proposed diversion of the public right of way would be in the interest of the owners/occupiers of the affected dwelling who would be relieved of a right of way that passes through their home. With carrying out this pre-order

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consultation exercise the Authority has also given some consideration to those issues in the legislation that are pertinent to the confirmation of a diversion order. At this stage the Authority is reasonably satisfied that “tests” referred to in Sections 119(1) and 119(6) and (6A) of the 1980 Act that relate to the expediency of carrying out the proposed diversion, the convenience of the proposed revision, public enjoyment of the public right of way as a whole and the effects on land that would come about as a result of the diversion (bearing in mind the provisions for compensation) may be satisfied by a properly drafted diversion order.

The Proposal

To divert the footpath from its current route:

The part of Public Footpath number 9 Brickhill CP proposed to be extinguished is described below and is shown on the enclosed map of the proposal. The intention of an order made to implement this proposal would be to extinguish this length of highway in its entirety.

Start	Location	General direction	End	Location	Length	Symbol
Point A OSGR TL 0545/5182	Environs of 29 Falcon Avenue	North north east	Point B OSGR TL 0545/5187	Outside Curtilage of 29 Falcon Avenue	Approx 41 metres	Bold BLACK Line

And move the footpath to a proposed alternative route:

The alternative Public Footpath in Brickhill CP proposed to be created is described below and is shown on the enclosed map of the proposal.

Start	Location	General direction	End	Location	Length	Symbol
Point C OSGR TL 0544/5184	Environs of 29 Falcon Avenue	North-East	Point B OSGR TL 0545/5187	Outside Curtilage of 29 Falcon Avenue	Approx 29 metres	Bold YELLOW Line

“Definition” of the Proposed Revised Way

The schedule of an order made to implement this proposal will describe the path as being 2.0 (two) metres wide throughout.

Limitations on the Proposed Revised Way

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There are no proposed limitations.

Works

In respect of this proposal it is considered that no structural works are required to put the site of the revised right of way into proper condition for public use. In those circumstances a diversion order made under Section 119 of the 1980 Act may be drafted so that the order comes into force - thereby extinguishing the original path and creating the alternative as a highway - at the expiry of a given number of days from the date of confirmation of the order.

Compensation

It is at this stage, considered most unlikely that a valid claim for compensation would be submitted to the Authority as a result of the coming into force of an order.

General

The rights of statutory undertakers to gain access to any apparatus will be preserved by appropriate "saving clauses" in the articles of an order that is made subsequent to this consultation exercise.

It is considered that the alternative sites for public rights of way may be adequately observed from the existing public right of way network.

In line with the Authority's move to a "Digital Operating Model" this communication has been sent automatically to the e-mail address that you or your organisation has provided. Where this communication has been sent by post because your e-mail address is currently not known by the Authority it would be very much appreciated if you would respond using digital means. If this is not possible then a postal response sent to the signatory of this letter may be made.

In future the Authority will be sending all correspondence and Statutory Notices via e-mail wherever possible.

I would be grateful if you could respond with your comments by e-mail to highway.consultations@bedford.gov.uk or post, no later than 17 February 2023. If you choose not to respond, it will be considered by the Authority that you find the proposal acceptable.

Yours sincerely

Georgina McDade

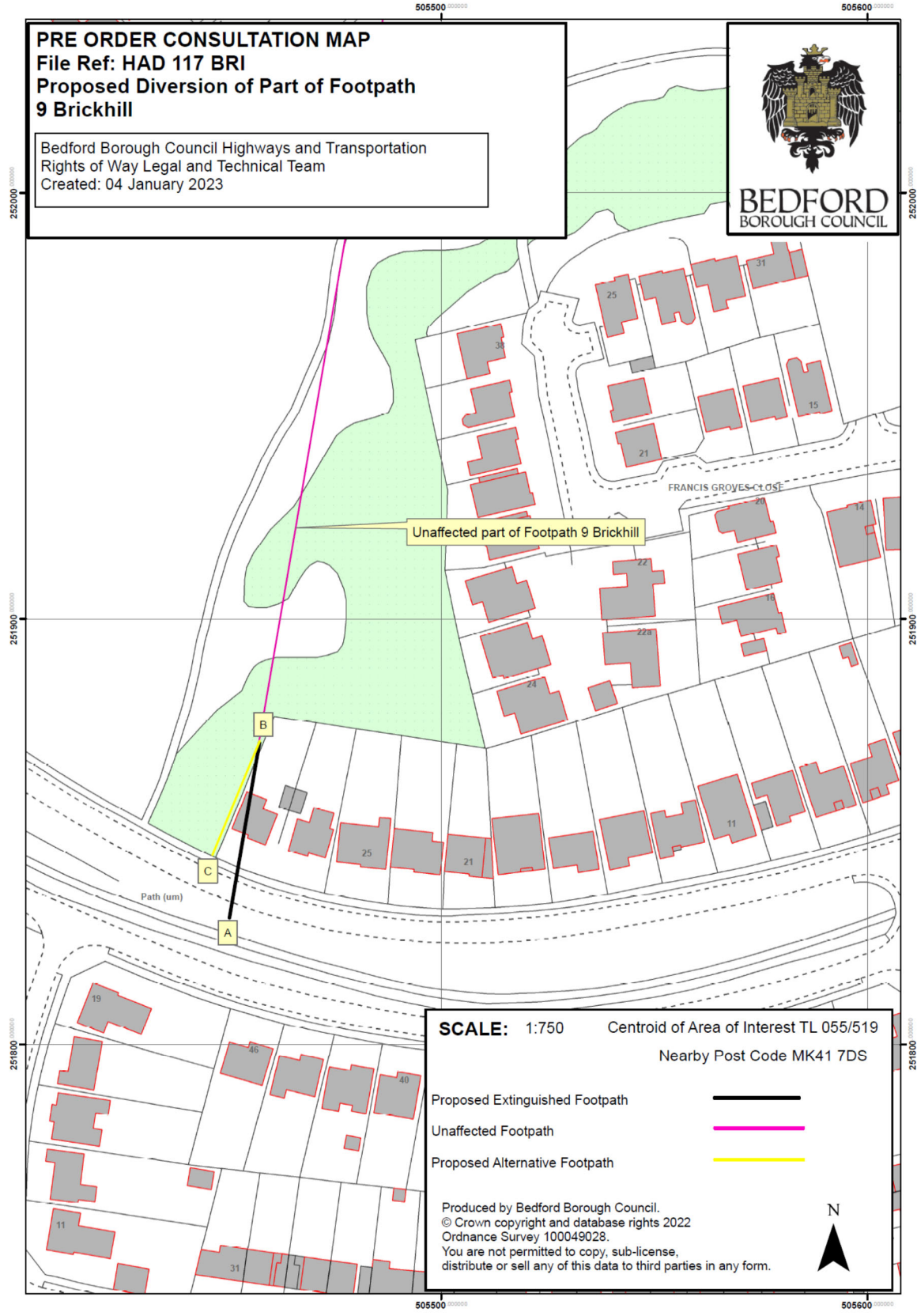
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PRE ORDER CONSULTATION MAP
File Ref: HAD 117 BRI
Proposed Diversion of Part of Footpath
9 Brickhill

Bedford Borough Council Highways and Transportation
Rights of Way Legal and Technical Team
Created: 04 January 2023



SCALE: 1:750 Centroid of Area of Interest TL 055/519
Nearby Post Code MK41 7DS

- Proposed Extinguished Footpath
- Unaffected Footpath
- Proposed Alternative Footpath

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MAP NOT TO ORIGINAL SCALE

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