

Notice of Making a Public Path Order
Highways Act 1980

Bedford Borough Council

**BEDFORD BOROUGH COUNCIL (BRICKHILL: FOOTPATH No. 9)
PUBLIC PATH DIVERSION ORDER 2023**

To: Sue Bottoms

Of: Clerk to Brickhill Parish Council
St Mark's Church & Community Centre
Calder Rise
Brickhill
Bedford
MK41 7UY

clerk@brickhillparishcouncil.gov.uk

_LOCAL COUNCIL

The above Order made on 21 September 2023 under Section 119 of the Highways Act 1980 will divert that length of Public Footpath numbered 9 in the Parish of Brickhill commencing from the public road known as "Falcon Avenue" approximately 20 metres south of 29 Falcon Avenue, Brickhill at Ordnance Survey Grid Reference (OSGR) TL 0545/5182 shown as Point A on the order map then running in a north north east direction for approximately 240 metres to a point where it has a junction with that part of the public road known as "Waveney Avenue" at OSGR TL 0549/5206 shown as Point B on the Order Map to a route commencing from a point where it joins that part of the public road known as "Falcon Avenue" approximately 20 metres west south west of 29 Falcon Avenue, at Ordnance Survey Grid Reference (OSGR) TL 0543/5185 shown as Point C on the order map then running in a generally north north east direction for approximately 197 metres until it reaches a junction with the public road known as "Waveney Avenue" at Ordnance Survey Grid Reference OSGR TL 0547/5203 shown as Point D on the Order map.

Compensation for depreciation or damage for disturbance arising as a result of the coming into force of the Order is payable under Section 28 as applied by section 121(2) of the Highways Act 1980 (as amended by the Transport and Works Act 1992) that are copied with this notice.

A copy of the Order and the Order map have been placed and may be seen free of charge at Borough Hall, Cauldwell Street, Bedford by appointment from 10am to 4pm on Weekdays (Bank and Public Holidays excepted). A copy of the Order as made and the Order Map have been placed and may be downloaded free of charge from the Bedford Borough Council Website. Navigate to: <https://www.bedford.gov.uk/parking-roads-and-travel/public-rights-way/public-path-orders>

Any representations about or objections to the Order must be addressed to Manager of Transport Operations, Bedford Borough Council, Room 436, Borough Hall, Cauldwell Street, Bedford MK42 9AP. They may be sent by email to RightsofWay@bedford.gov.uk or by post, to be received no later than 24 November 2023. Please state the grounds on which they are made.

If no such representations or objections are duly made, or if any so made are withdrawn Bedford Borough Council may confirm the Order as an unopposed Order. If the Order is

sent to the Secretary of State for the Environment, Food and Rural Affairs for confirmation any representations and objections which have not been withdrawn will be sent with the Order.

Dated 26 October 2023

CRAIG AUSTIN
Director of Environment

Highways Act 1980 Section 28
Compensation for loss caused by public path creation order.

(1) Subject to the following provisions of this section, if, on a claim made in accordance with this section, it is shown that the value of an interest of a person in land is depreciated, or that a person has suffered damage by being disturbed in his enjoyment of land, in consequence of the coming into operation of a public path creation order, the authority by whom the order was made shall pay to that person compensation equal to the amount of the depreciation or damage.

(2) A claim for compensation under this section shall be made within such time and in such manner as may be prescribed by regulations made by the Secretary of State, and shall be made to the authority by whom the order was made.

(3) For the purposes of the application of this section to an order made by the Secretary of State under section 26(2) above, references in this section to the authority by whom the order was made are to be construed as references to such one of the authorities referred to in that subsection as may be nominated by the Secretary of State for the purposes of this subsection.

(4) Nothing in this section confers on any person, in respect of a footpath or bridleway created by a public path creation order, a right to compensation for depreciation of the value of an interest in the land, or for disturbance in his enjoyment of land, not being in either case land over which the path or way was created or land held therewith, unless the creation of the path or way would have been actionable at his suit if it had been affected otherwise than in the exercise of statutory powers.

(5) In this section "interest", in relation to land, includes any estate in land and any right over land, whether the right is exercisable by virtue of the ownership of an interest in land or by virtue of a licence or agreement, and in particular includes sporting rights.

Highways Act 1980 Section 121 (2)8
Supplementary Provisions as to Public Path Extinguishment and Diversion orders.

(2) Section 28 above (compensation for loss caused by public path creation order) applies in relation to public path extinguishment orders, rail crossing extinguishment orders, special extinguishment orders public path diversion orders, rail crossing diversion orders, special diversion orders and SSSI diversion orders as it applies in relation to public path creation orders but as if—

(a) the references in it to section 26(2) above were references to section 120(3) above, and

(b) in relation to special extinguishment orders, special diversion orders and SSSI diversion orders, the reference in section 28(4) to a footpath or bridleway included a reference to a restricted byway or a highway over which the public have a right of way for vehicular and all other kinds of traffic.

EXTRACT ENDS