



BEDFORD BOROUGH COUNCIL

Borough Charter granted in 1166



Chief Executive: Laura Church

Lucy Crawford
Clerk to Staploe Parish
Council
33 Staploe
St Neots
PE19 5JA

Please ask
for:

Countryside Access Team

E-mail: Highway.consultations@bedford.gov.uk
Web Site: www.bedford.gov.uk
Our ref: HA/GEM/HAV 074 STA
Date: 20 April 2023

clerk@staploe-pc.gov.uk

This document consists of nine [9] pages

Dear Lucy

HIGHWAYS ACT 1980 SECTIONS 119 AND 326(5)

Notice of Order Varying a Public Path Order

BEDFORD BOROUGH COUNCIL (STAPLOE: PARTS OF FOOTPATH Nos. 8 AND 8A) VARYING ORDER 2023

The abovementioned order was varied by Bedford Borough Council under the provisions of the Highways Act 1980 Section 326(5) on 06 March 2023.

I, therefore, enclose a Statutory Notice of the Making of Order together with a copy of the order as made. In accordance with the Regulations a Notice of Making of the Order will appear in the local press on 20 April 2023.

Please note that as set out in the Statutory Notice any objections to or representations about the order must be received by Bedford Borough Council no later than Friday 19 May 2023

Yours sincerely

Countryside and Access Team
Bedford Borough Council
Countryside & Public Access Team
Highways and Transportation
Room 436 Borough Hall
Cauldwell Street
Bedford MK42 9AP

Borough Hall
Cauldwell Street, Bedford MK42 9AP

Phone: (01234) 267422 Fax: (01234) 228619
Web: www.bedford.gov.uk

Notice of Order Varying a Public Path Order

Bedford Borough Council

HIGHWAYS ACT 1980 SECTIONS 119 AND 326(5)

BEDFORD BOROUGH COUNCIL (STAPLOE: PARTS OF FOOTPATH Nos. 8 AND 8A) VARYING ORDER 2023

To: Lucy Crawford

Of: Clerk to Staploe Parish Council
33 Staploe
St Neots
PE19 5JA

clerk@staploe-pc.gov.uk

_LOCAL COUNCIL

The above Order made on 06 March 2023 under Section 326(5) of the Highways Act 1980 will vary a length of Public Footpath in the Parish of Staploe commencing at a point where it has a junction with that part of Footpath number 8A Staploe to be retained approximately 110 metres west of the Electricity Sub-station at Ordnance Survey Grid Reference (OSGR) TL 1606/5867 shown as Point A on the attached map then running in a generally south-easterly then north-easterly direction for **61 metres to point X (OSGR) TL 1610/5863 then running in a south easterly and easterly direction for 120 metres to Point Y (OSGR) TL 1620/5857 then to** a point approximately 135 metres south-east of the Electricity Sub-station at OSGR TL 1629/5862 shown as Point E (OSGR) TL 1629/5862 then running in a generally north-north-easterly direction for 100 metres to a point at the Borough Boundary where it has a junction with the western margin of Road A1 at OSGR TL 1635/5870 shown as Point B on the attached map.

For the avoidance of doubt, the varied Footpath is shown between Point X-Y 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-of-way/public-path-orders/>

Any representations about or objections to the Order may be sent by email to highway.consultations@bedford.gov.uk not later than Friday 19 May 2023 or be sent in writing to the Bedford Borough Council, Manager of Transport Operations, Room 436, Borough Hall, Cauldwell Street, Bedford MK42 9AP. Please state the grounds on which they are made.

Borough Hall
Cauldwell Street, Bedford MK42 9AP

Phone: (01234) 267422 Fax: (01234) 228619
Web: www.bedford.gov.uk

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 20 April 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

COPY OF ORDER ON FOLLOWING PAGES

**ORDER VARYING A PUBLIC PATH ORDER
BEDFORD BOROUGH COUNCIL
HIGHWAYS ACT 1980 SECTIONS 119 AND 326(5)**

I certify that this is a true copy of the Order as it was when it was:

**MADE BY
BEDFORD BOROUGH COUNCIL**

Signed: *Seamus McNamee*

Dated: 16 March 2023

**BEDFORD BOROUGH COUNCIL (STAPLOE: PARTS OF FOOTPATH
Nos. 8 AND 8A) VARYING ORDER 2023**

1. On 06 March 2019 Bedford Borough Council being the Highway Authority and in pursuance of the powers of the Highways Act 1980 Section 119 made a Public Path Order, the, "*Bedford Borough Council (Staploe: Parts of Footpath Nos. 8 and 8A) Public Path Diversion Order 2019*".
2. Bedford Borough Council made an Order under Highways Act 1980 Section 119 because it was satisfied that it was expedient to divert the footpaths to which the Said Diversion Order of 2019 cited above relates.
3. On 03 May 2019 Bedford Borough Council confirmed the, "*Bedford Borough Council (Staploe: Parts of Footpath Nos. 8 and 8A) Public Path Diversion Order 2019*" as an unopposed Order.
4. Article 3 of the said Diversion Order of 2019 required that a replacement highway be provided as described in Part 2 of the Schedule to the said Diversion Order of 2019 and depicted in the Order Map between Point "A" and Point "E". This replacement highway cannot be provided in the position shown in the Order Map for the entire length between Point "A" and Point "E".
5. This Order sets out the Variations to the said Diversion Order of 2019 that are necessary to enable Bedford Borough Council to be satisfied that the alternative highways have been created to the reasonable satisfaction of the authority in accordance with Article 3 of the, "*Bedford Borough Council (Staploe: Parts of Footpath Nos. 8 and 8A) Public Path Diversion Order 2019*".
6. Bedford Borough Council, having regard to all material considerations, considers that it is expedient to Vary the, "*Bedford Borough Council (Staploe: Parts of Footpath Nos. 8 and 8A) Public Path Diversion Order 2019*".
7. A copy of the, "*Bedford Borough Council (Staploe: Parts of Footpath Nos. 8 and 8A) Public Path Diversion Order 2019*", depicting the required variations is annexed as the Schedule to this Order. The Variations are those modifications to the said Diversion Order of 2019.
8. This Order may be cited as the, "*Bedford Borough Council (Staploe: Parts of Footpath Nos. 8 and 8A) Varying Order 2023*".

Continued Over

Continued from the previous page containing the Articles of the Order

NOW THEREFORE Bedford Borough Council as Highway Authority and in pursuance of Highways Act 1980 Sections 119 and 326(5) hereby make the following Order:-

The, "Bedford Borough Council (Staploe: Parts of Footpath Nos. 8 and 8A) Public Path Diversion Order 2019" made by Bedford Borough Council on 06 March 2019 and confirmed by Bedford Borough Council as an unopposed Order on 03 May 2019 shall be Varied as described in Article 7 of this Order. The Variations to the Said Diversion Order of 2019 shall take effect upon the Confirmation of this Order.

For the avoidance of doubt the provisions of Article 1 of the said Diversion Order of 2019 are unaffected. Therefore, the public rights of way to be stopped up by the Said Diversion Order of 2019 shall be stopped up on the date on which Bedford Borough Council certify that work has been carried out to bring the sites of the new highways mentioned in Part 2 of the Schedule to the Said Diversion Order of 2019 into a fit condition for use by the public.

Dated this 06 day of MARCH 2023

THE COMMON SEAL OF
BEDFORD BOROUGH COUNCIL

was hereunto affixed
in The presence of:-

Wai K. Tsang
Solicitor
Legal Services
Bedford Borough Council

W. K. Tsang

Authorised Signatory

I certify that this is a true copy of the Order
as it was when it was:

MADE BY
BEDFORD BOROUGH COUNCIL

Signed: *Seamus McRae*

Dated: 16 March 2023



I certify that this is a true copy of the Order as it was when it was:

**MADE BY
BEDFORD BOROUGH COUNCIL**

Signed: *Seamus McRae*

Dated: 16 March 2023

SCHEDULE

A COPY OF THE:

"Bedford Borough Council (Staploe: Parts of Footpath Nos. 8 and 8A) Public Path Diversion Order 2019" with Variations marked in red.

SCHEDULE

PART 1

Description of Sites of Existing Footpaths

- (i) A part of Public Footpath number 8A Staploe commencing at a point where it has a junction with that part of Footpath number 8A to be retained approximately 110 metres west of the Electricity Sub-station at Ordnance Survey Grid Reference (OSGR) TL 1606/5867 shown as Point A on the attached map then running in a generally easterly direction for 290 metres to a point where it has a junction with that part of Public Footpath number 8 Staploe to be extinguished by this Order approximately 180 metres east of the Electricity Sub-station at the Borough Boundary at the western margin of Road A1 at OSGR TL 1635/5870 shown as Point B on the attached map.

The Definitive Statement records the width for Public Footpath 8A Staploe as being 4 (four) feet wide. For the avoidance of doubt it is intended to stop up the length of Public Footpath described above at (i) in its entirety.

- (ii) A part of Public Footpath number 8 Staploe commencing at a point where it has a junction with that part of Footpath number 8A Staploe to be extinguished approximately 180 metres east of the Electricity Sub-station at the Borough Boundary at the western margin of Road A1 at OSGR TL 1635/5870 shown as Point B on the attached map then running in a generally south-south-westerly direction for 117 metres to a point approximately 185 metres south-east of the Electricity Sub-station at OSGR TL 1633/5858 as shown as Point C on the attached map then running in a generally west-south-westerly direction for 314 metres to a point where it has a junction with that part of Footpath number 8 to be retained approximately 218 metres south-west of the Electricity Sub-station at OSGR TL 1602/5853 shown as Point D on the attached map.

The Definitive Statement records the width for Public Footpath 8 Staploe as being 4 (four) feet wide. For the avoidance of doubt it is intended to stop up the length of Public Footpath described above at (ii) in its entirety.

PART 2

Description of Sites of New Footpaths

- (i) A length of Public Footpath in the Parish of Staploe commencing at a point where it has a junction with that part of Footpath number 8A Staploe to be retained approximately 110 metres west of the Electricity Sub-station at Ordnance Survey Grid Reference (OSGR) TL 1606/5867 shown as Point A on the attached map then running in a generally south-easterly then north-easterly direction for 61 metres to point X (OSGR) TL 1610/5863 then running in a south easterly and easterly direction for 120 metres to Point Y (OSGR) TL 1620/5857 then to a point approximately 135 metres south-east of the Electricity Sub-station at OSGR TL 1629/5862 shown as Point E (OSGR) TL 1629/5862 then running in a generally north-north-easterly direction for 100 metres to a point at the Borough Boundary where it has a junction with the western margin of Road A1 at OSGR TL 1635/5870 shown as Point B on the attached map.

The new length of Public Footpath described above shall have a width of 2.0 (two) metres throughout.

For the avoidance of doubt, the varied Footpath is shown between Point X-Y on the Order Map.

- (ii) A length of Public Footpath in the Parish of Staploe commencing at a point where it has a junction with that length of Public Footpath to be created by this Order described at (i) above approximately 135 metres south-east of the Electricity Sub-station at OSGR TL 1629/5862 shown as Point E on the attached map then running in a generally southerly and west north-westerly direction for 500 metres to a point where it has a junction with that part of Public Footpath number 8 Staploe to be retained approximately 218 metres south-west of the Electricity Sub-station at OSGR TL 1603/5853 shown as Point D on the attached map.

The new length of Public Footpath described above shall have a width of 2.0 (two) metres throughout.

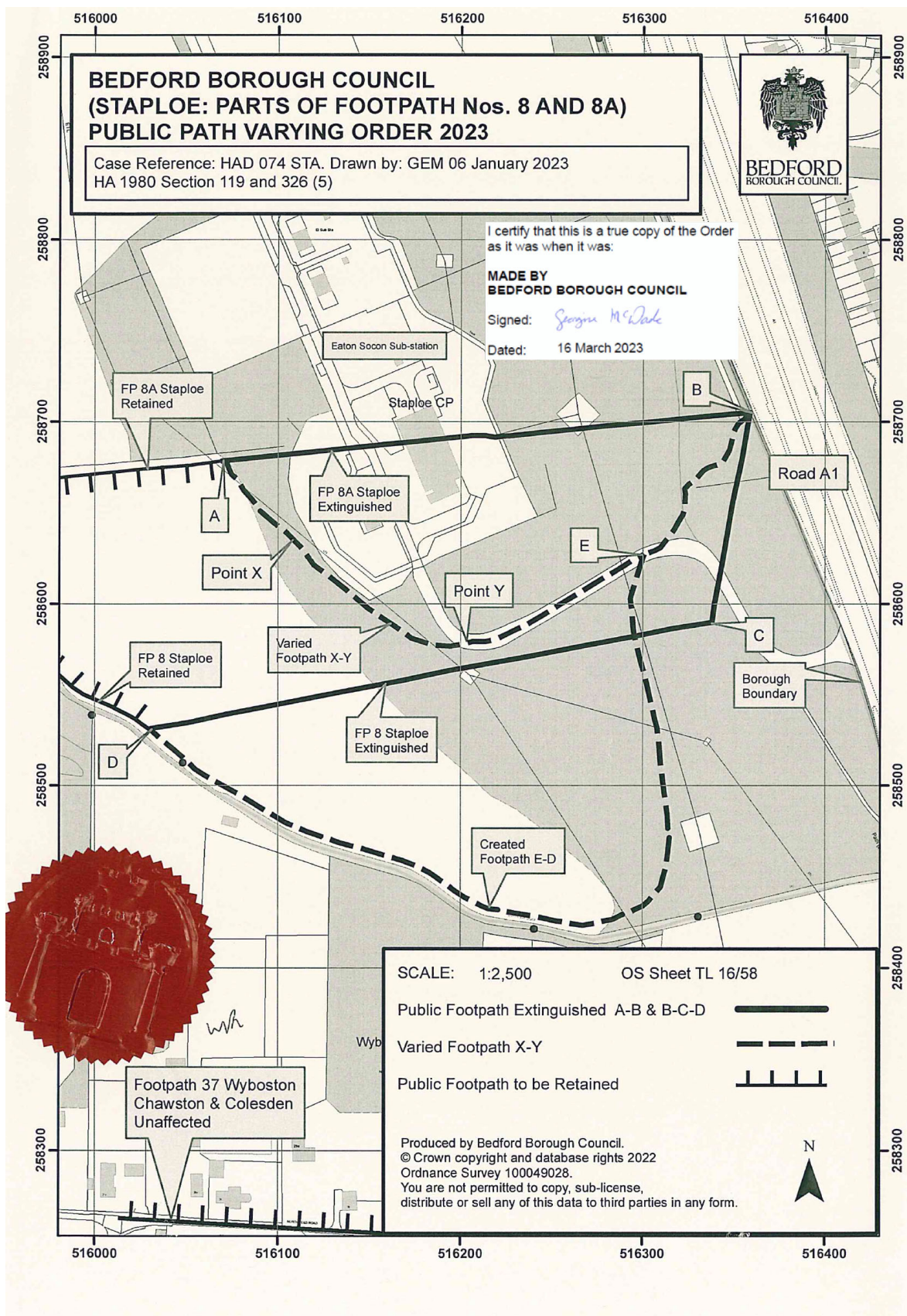
AUTHORITY FOR EXECUTION		
COUNCIL/COMMITTEE	MINUTE No.	DATE
DELEGATED POWER	By Whom Exercised	DATE
TRANSPORTATION	M D'Archambaud	26/01/23
	OFFICERS INITIALS	DATE
ORIGINATED AND CHECKED BY	AQ	20/02/2023
APPROVED BY	GEM	03/03/2023

I certify that this is a true copy of the Order as it was when it was:

**MADE BY
BEDFORD BOROUGH COUNCIL**

Signed: *Seamus McNamee*

Dated: 16 March 2023



MAP IS NOT TO ORIGINAL SCALE

END OF DOCUMENT