



BEDFORD BOROUGH COUNCIL

Borough Charter granted in 1166



Chief Executive: Laura Church

Mr Martin Brough
Clerk to Melchbourne & Yelden
Parish Council
3 Saxon House End
Harrold
MK43 7FS

Melchyeldpc@gmail.com

Please ask
for:
Direct line:
E-mail:
Web Site:
Our ref:
Date:

Countryside and Access
Team
01234 276070
RightsofWay@bedford.gov.uk
www.bedford.gov.uk
HA/GEM/HAD 139 MY
21 March 2024

This document consists of seven [7] pages

Dear Mr Brough

The Highways Act 1980 – Section 119 Making of Public Path Order

BEDFORD BOROUGH COUNCIL (MELCHBOURNE & YILDEN: PART OF PUBLIC FOOTPATH No. Y17) PUBLIC PATH DIVERSION ORDER 2024

The abovementioned order was Made by Bedford Borough Council under the provisions of the Highways Act 1980 Section 119 on 14 March 2024.

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 21 March 2024.

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 19 April 2024.

Yours sincerely

Georgina McDade

Georgina McDade
Definitive Map Officer
Bedford Borough Council
Countryside & Public Access Team
Highways and Transportation
Room 436 Borough Hall
Cauldwell Street
Bedford MK42 9AP

Notice of Making a Public Path Order
Highways Act 1980

Bedford Borough Council

BEDFORD BOROUGH COUNCIL
(MELCHBOURNE & YILDEN: PART OF PUBLIC FOOTPATH No. Y17)
PUBLIC PATH DIVERSION ORDER 2024

To: Mr Martin Brough

Of: Clerk to Melchbourne & Yilden Parish Council
3 Saxon House End
Harrold
MK43 7FS

Melchyeldpc@gmail.com

_LOCAL COUNCIL

The above Order made on 14 March 2024 under Section 119 of the Highways Act 1980 will divert that length of Public Footpath numbered Y17 in the Parish of Melchbourne & Yilden in the environs of "The Manor" commencing from a point approximately 118 metres east south-east from the residential dwelling known as "The Manor" Melchbourne & Yilden at Ordnance Survey Grid Reference (OSGR) TL 0143/6728 shown as Point A on the attached map then running in a generally north-west direction for approximately 321 metres before running north for approximately 80 metres where it joins the unaffected part of Footpath Y17 at OSGR TL 0112/6744 shown as Point B on the Order Map to a route commencing from a point where it has a junction with that part of the unaffected part of Footpath Y17, Melchbourne & Yilden approximately 118 metres east south-east from the residential dwelling known as "The Manor" Melchbourne & Yilden at Ordnance Survey Grid Reference (OSGR) TL 0143/6728 shown as Point A on the attached map then running in a generally north-east direction for approximately 147 metres until Point C OSGR TL 0148/6741 where it then runs in a generally westerly direction for approximately 363 metres where it reaches a junction with the unaffected part of Footpath Y17, Melchbourne & Yilden at Ordnance Grid Reference OSGR TL 0112/6745 shown as Point B 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 19 April 2024. 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 21 March 2024

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

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

**MADE BY
BEDFORD BOROUGH COUNCIL**

Signed: *Seamus McDade*

Dated: 15 March 2024

PUBLIC PATH DIVERSION ORDER

HIGHWAYS ACT 1980

BEDFORD BOROUGH COUNCIL

BEDFORD BOROUGH COUNCIL (MELCHBOURNE & YILDEN: PART OF PUBLIC FOOTPATH No. Y17) PUBLIC PATH DIVERSION ORDER 2024

THIS ORDER is made by the Bedford Borough Council ("the Authority") under Section 119 of the Highways Act 1980 ("the 1980 Act") because it appears to the Authority that in the interest of the public the land crossed by the footpath described in paragraph 1 of this Order it is expedient in the interest of the applicant landowners that the line of the footpath should be diverted.

The Landowners have agreed to defray any compensation which becomes payable in consequence of the coming into force of this Order and any expenses which are incurred in bringing the new site of the footpath into a fit condition for use by the public.

BY THIS ORDER:

1. The public rights of way over the land situated in the environs of "The Manor", in the Parish of Melchbourne & Yilden and shown by a bold continuous line between Points A – B on the map attached to this Order and described in Part 1 of the Schedule to this Order shall be stopped up after 84 (eighty four) days from the date of confirmation of this Order
2. Notwithstanding paragraph 1 of this Order statutory undertakers shall have the same rights over the land referred to in paragraph 1 above, in respect of their apparatus under, in, upon, over, along or across the said land as they had immediately before the date of confirmation of this Order
3. There shall be at the end of 84 (eighty four) days from the date of confirmation of this Order a public footpath over the land situated in the environs of "The Manor" in the parish of Melchbourne & Yilden as described in Part 2 of the Schedule to this Order and shown by a bold broken line between Points A - C - B on the map attached to this Order
4. This order may be cited as the "Bedford Borough Council (Melchbourne & Yilden: Part of Public Footpath No. Y17) Public Path Diversion Order 2024"

Dated this 14 day of MARCH 2024

THE COMMON SEAL OF
BEDFORD BOROUGH COUNCIL

was hereunto affixed
in the presence of:-

David Doome
Authorised Signatory
David Doome
Solicitor
Service Manager (GPPL)
Legal Services
Bedford Borough Council



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

**MADE BY
BEDFORD BOROUGH COUNCIL**

Signed: *Seorgina McNamee*

Dated: 15 March 2024

SCHEDULE

PART 1

DESCRIPTION OF SITE OF EXISTING PATH OR WAY

That length of Public Footpath numbered Y17 in the Parish of Melchbourne & Yelden in the environs of "The Manor" commencing from a point approximately 118 metres east south-east from the residential dwelling known as "The Manor" Melchbourne & Yelden at Ordnance Survey Grid Reference (OSGR) TL 0143/6728 shown as Point A on the attached map then running in a generally north-west direction for approximately 321 metres before running north for approximately 80 metres where it joins the unaffected part of Footpath Y17 at OSGR TL 0112/6744 shown as Point B on the Order Map.

The Definitive Statement records a width of 2 metres between OSGR TL 0144/6727 to OSGR TL 0128/6734 and 3 metres between OSGR TL 0112/6741 to OSGR TL 0113/6774 for Public Footpath number Y17 Melchbourne & Yelden. For the avoidance of doubt, it is intended for this Order to stop up the length of Public Footpath described above in its entirety.

PART 2

DESCRIPTION OF SITE OF NEW PATH OR WAY

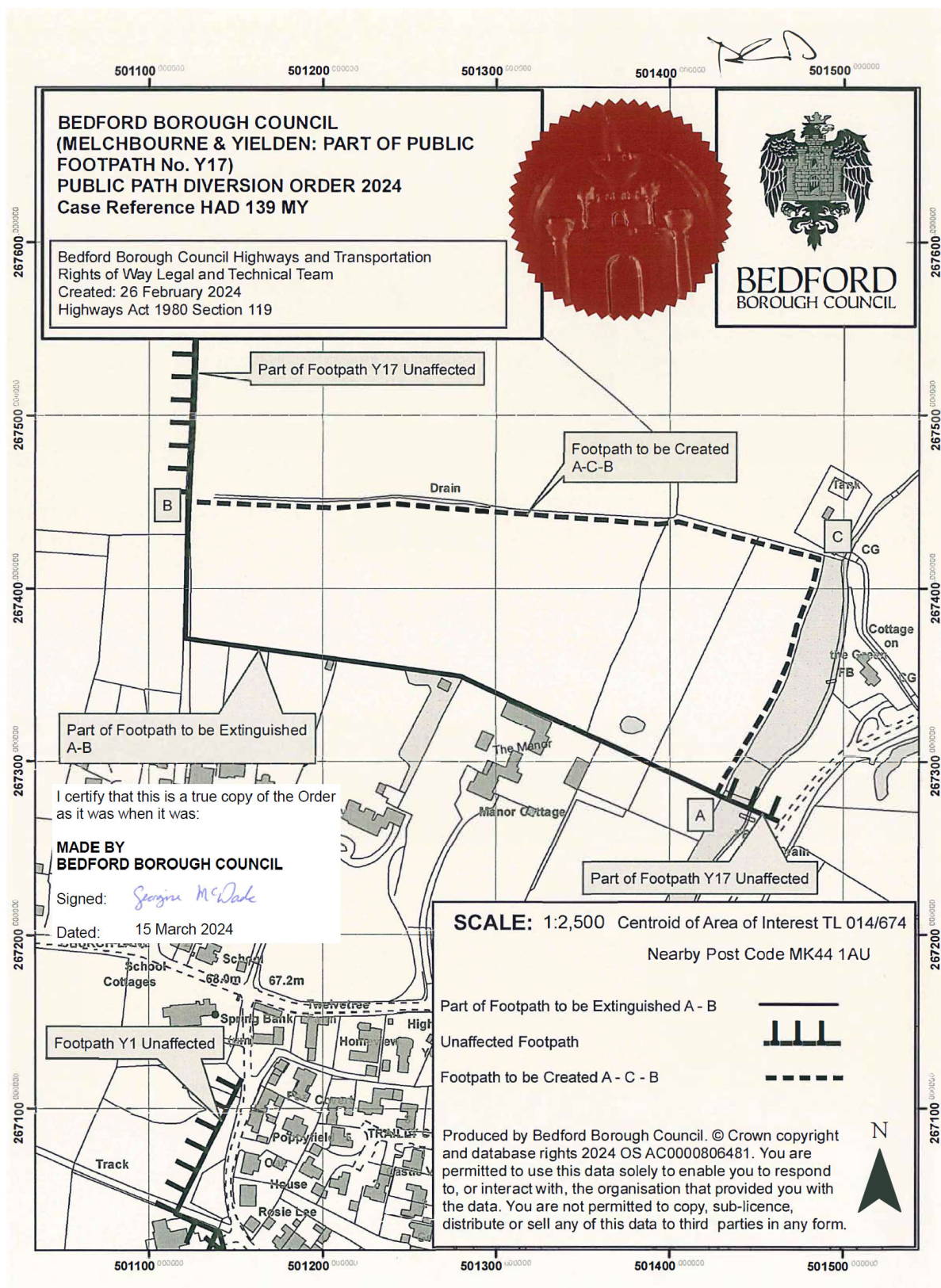
A length of Public Footpath to be created in the Parish of Melchbourne & Yelden by this Order in the environs of "The Manor" commencing from a point where it has a junction with that part of the unaffected part of Footpath Y17, Melchbourne & Yelden approximately 118 metres east south-east from the residential dwelling known as "The Manor" Melchbourne & Yelden at Ordnance Survey Grid Reference (OSGR) TL 0143/6728 shown as Point A on the attached map then running in a generally north-east direction for approximately 147 metres until Point C OSGR TL 0148/6741 where it then runs in a generally westerly direction for approximately 363 metres where it reaches a junction with the unaffected part of Footpath Y17, Melchbourne & Yelden at Ordnance Grid Reference OSGR TL 0112/6745 shown as Point B on the Order 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 Matthew D'Archambaud	DATE 14/02/24
	OFFICERS INITIALS	DATE
ORIGINATED AND CHECKED BY	GEM	26/02/24
APPROVED BY	AQ	6/3/24

Borough Hall
Cauldwell Street, Bedford MK42 9AP

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



MAP IS NOT TO ORIGINAL SCALE
END OF DOCUMENT