

PUBLIC PATH DIVERSION ORDER
HIGHWAYS ACT 1980
CENTRAL BEDFORDSHIRE COUNCIL

CENTRAL BEDFORDSHIRE COUNCIL (KENSWORTH: PART OF FOOTPATH NO 7) PUBLIC PATH DIVERSION ORDER 2012

This Order is made by Central Bedfordshire Council (“the authority”) under Section 119 of the Highways Act 1980 (“the 1980 Act”) because it appears to the authority that in the interests of the owner of the land crossed by the footpath described in paragraph 1 of this Order and in the interests of the public it is expedient that the line of the footpath should be diverted.

Mr R Morris of Kingsclere, Common Road, Kensworth, Bedfordshire has 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 bridleway into a fit condition for use by the public.

Kensworth Parish Council has been consulted as required by Section 120(2) of the 1980 Act.

BY THIS ORDER

1. The footpath situated in the parish of Kensworth and shown by a bold black line between points A-B on the attached map and described in Part 1 of the Schedule to this Order (“the Schedule”) shall be stopped up as provided below.
2. There shall be created to the reasonable satisfaction of Central Bedfordshire Council an alternative highway over the land situated in the parish of Kensworth for use as a replacement for the said footpath as provided in Part 2 of the Schedule and shown by a bold black dashed line between points A-C-B on the attached map.
3. The diversion of the footpath shall have effect on the date on which Central Bedfordshire Council will certify that the terms of Article 2 have been complied with.

SCHEDULE

PART 1

Description of Site of Existing Footpath

The length of Footpath No 7 Kensworth to be stopped up extends from Ordnance Survey Grid Reference (OS GR) TL 0234 1843 (Order map - point A) in a generally south south easterly direction for approximately 55 metres to another part of Footpath No 7 Kensworth at OS GR TL 0236 1838 (Order map - point B).

PART 2

Description of Site of New Footpath

The length of Footpath No 7 Kensworth to be created extends from OS GR TL 0234 1843 (Order map - point A) in a south easterly direction for approximately 29 metres to OS GR TL 0236 1841 (Order map – point C) and then in a southerly direction for approximately 28 metres to another part of Footpath No 7 Kensworth at OS GR TL 0236 1838 (Order map - point B).

The new route of the footpath has a width of 2.0 metres.

In witness whereof
THE COMMON SEAL OF
CENTRAL BEDFORDSHIRE COUNCIL
was hereunto affixed this
7th day of September 2012
in the presence of:

Signed

IMPORTANT: THIS COMMUNICATION AFFECTS YOUR PROPERTY

Central Bedfordshire Council
Notice of Making of Public Path Order
Highways Act 1980

CENTRAL BEDFORDSHIRE COUNCIL (KENSWORTH: PART OF FOOTPATH NO 7) PUBLIC
PATH DIVERSION ORDER 2012

To: Mr R Morris
Of: Kingsclere, Common Road, Kensworth, Bedfordshire

The above Order made on 7th September 2012 under Section 119 of the Highways Act 1980 will divert part of Footpath No 7 Kensworth as shown on the Order map.

The length of Footpath No 7 Kensworth to be stopped up extends from Ordnance Survey Grid Reference (OS GR) TL 0234 1843 (Order map - point A) in a generally south south easterly direction for approx 55 metres to another part of Footpath No 7 Kensworth at OS GR TL 0236 1838 (Order map - point B).

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The new route of the footpath has a width of 2.0 metres.

A copy of the Order and the Order map have been placed and may be seen free of charge at the offices of Countryside Access Team, Central Bedfordshire Council, Technology House, Ampthill Road, Bedford between 9.00am and 5.00pm on Mondays to Thursdays and between 9.00am to 4.00pm on Fridays. Copies of the Order and map may be bought there. An explanatory statement can be obtained by phoning 0300 300 6249. Further details can also be found on the Council's website at: <http://www.centralbedfordshire.gov.uk/environment/countryside/public-rights-of-way/public-rights-of-way-definitive-map.aspx>

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) to which reference should be made.

Any representations about or objections to the Order may be sent in writing to the Orders and Commons Registration Officer, Countryside Access Team, Central Bedfordshire Council, Technology House, Ampthill Road, Bedford MK42 9BD not later than 17th October 2012. 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 the Central Bedfordshire 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 12th September 2012

Technology House, Ampthill Road
Bedford MK42 9BD

DAVID LEVERINGTON
Rights of Way Team Leader

Central Bedfordshire Council
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Highways Act 1980

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INTRODUCTION

Definitive Maps and Statements record the existence and route of any rights of way that exist over a parcel of land. These maps and statements provide conclusive evidence of the existence of public rights of way and are very important for both landowners and users as a record of where the public has a right to walk, ride horses and drive vehicles.

Central Bedfordshire Council has made a public path order to:

- **Divert part of Footpath No 7 Kensworth**

THIS ORDER

Central Bedfordshire Council has made this public path order to resolve an anomaly on the Definitive Map and Statement.

THIS STATEMENT DOES NOT FORM PART OF THE ORDER. It has been prepared to explain why the order has been made.

Under Section 119 of the Highways Act 1980 a public right of way can be diverted if it is expedient to do so in the interests of the owner or lessee of the land crossed by the path or in the interests of the public. Also if the order would not alter any point of termination of the path, other than to another point on the same path, or another highway connected with it, and which is substantially convenient to the public.

The diversion order is made in the interests of the landowner and the public to avoid the obstructions in the garden. The new footpath follows the used route and will be made wider by the landowner. The new footpath also provides a route that is easier to follow and will be enjoyed by the public.

Before confirming the orders the Council must be satisfied that the path will not be substantially less convenient to the public as a consequence of the diversion.

The diversion will not be substantially less convenient to the public and the termination points are unaltered. The new route of Footpath No 7 Kensworth will have a width of 2.0 metres.

OBJECTING TO THE ORDER

Objections or representations relating to this order must be made in writing by the date stated in the Public Notice to: The Orders and Commons Registration Officer, Central Bedfordshire Council, Technology House, Amphill Road, Bedford MK42 9BD

The Council is willing to discuss the concerns of anyone considering objecting or making representations relating to the order. Please telephone 0300 300 6107.

WHAT WILL HAPPEN NEXT

If there are no objections to the order, or if all objections are withdrawn, the Council will confirm the order which will then come into operation.

If objections are made and these are not withdrawn, the Council must forward the order to the Secretary of State for the Environment, Food and Rural Affairs, who will appoint an independent inspector to consider the evidence and hear the objections, normally by holding a public inquiry or by means of an exchange of written representations. Objectors to the order will be given the chance to put their case at an inquiry and will be able to cross-examine any witnesses produced by the Council. The inspector may then decide to confirm the order, with or without modification, or may decide that it should not be confirmed.

This order has no effect until and unless confirmed.

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Central Bedfordshire Council
Notice of Confirmation of Public Path Order
Highways Act 1980

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PATH DIVERSION ORDER 2012

To: Mr R Morris
Of: Kingsclere, Common Road, Kensworth, Beds LU6 2PN

On 8 October 2013 The Secretary of State for Environment, Food and Rural Affairs confirmed the above Order made under Section 119 of the Highways Act 1980.

The effect of the Order as confirmed is to divert the following length of public Footpath No 7, Kensworth as shown on the Order map.

The length of Footpath No 7 Kensworth to be stopped up extends from Ordnance Survey Grid Reference (OS GR) TL 0234 1843 (Order map - point A) in a generally south south easterly direction for approx 55 metres to another part of Footpath No 7 Kensworth at OS GR TL 0236 1838 (Order map - point B).

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The new route of the footpath has a width of 2.0 metres.

A copy of the Order as confirmed and the Order map have been placed and may be seen free of charge at the offices of Countryside Access Team, Central Bedfordshire Council, Technology House, Ampthill Road, Bedford between 9.00am and 5.00pm Mondays to Thursdays and between 9.00am to 4.00pm Fridays. Copies of the Order and map may be bought there at a charge of £3.70.

Any person who wishes to claim compensation under section 28 as applied by section 121(2) of the 1980 Act for depreciation or damage for disturbance arising as result of coming into force of the Order must make a claim in writing addressed to the Definitive Map Officer, Countryside Access Team, Central Bedfordshire Council, Technology House, Ampthill Road, Bedford, MK42 9BD and serve it by delivering it as or sending by prepaid post to that address not later than six months after the date that Central Bedfordshire Council certify that the public footpath described in Article 2 of the Order has been set out to their satisfaction.

The Order comes into force on the date on which Central Bedfordshire Council certify that the public footpath described in Article 2 of the Order has been set out to their satisfaction, but if a person aggrieved by the Order wants to question its validity, or that of any provision contained in it, on the grounds that it is not within the powers of the Highways Act 1980, as amended, or of any regulation made under the Act has not been complied with in relation to the Order, he or she may, under paragraph 2 of Schedule 2 to the Act as applied by paragraph 5 of Schedule 6 to the Act, within 6 weeks from 23 October 2013 make an application to the High Court.

Dated 23 October 2013

Technology House
Ampthill Road
Bedford MK42 9BD

DAVID LEVERINGTON
Rights of Way Team Leader
david.leverington@centralbedfordshire.gov.uk



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