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| **Final Order Decision** |
| Site visit made on 6 September 2022 |
| **by C Beeby BA (Hons) MIPROW** |
| **an Inspector appointed by the Secretary of State for Environment, Food and Rural Affairs** |
| **Decision date: 31 October 2023** |

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| **Order Ref: ROW/3272220** |
| * This Order is made under Section 53 (2) (b) of the Wildlife and Countryside Act 1981 (the 1981 Act) and is known as the Bedford Borough Council (Definitive Map and Statement for the former North Bedfordshire Borough) (Riseley: Byway Open to All Traffic No.71) Modification Order 2020. |
| * The Order is dated 7 October 2020 and proposes to modify the Definitive Map and Statement for the area by the addition of a Byway Open to All Traffic north from Dag Lane, Riseley as shown in the Order plan and described in the Order Schedule. |
| * In accordance with Paragraph 8(2) of Schedule 15 to the 1981 Act notice has been given of the proposal to confirm the Order subject to modifications. One objection and one representation were submitted to the proposed modifications. |
| **Summary of Decision: The Order is confirmed with the modifications previously proposed.** |
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Preliminary Matters

1. This decision should be read in conjunction with my interim decision of 31 May 2023 in respect of the Order, which outlined the main issues to be addressed and my findings on these matters. I concluded in that decision that the Order should be confirmed with a modification to the status of the route from byway open to all traffic to restricted byway.
2. The submitted objection and representation raise concerns regarding the potential effect of the Order on any private rights of way to adjacent property, requests regarding signage of the Order route and a comment regarding the availability of turning points on the route. Whilst I acknowledge these concerns, as set out in my interim decision, the only issue here is what public rights of way exist. Any private vehicular rights to adjacent property would be unaffected by the Order’s confirmation. Furthermore, suitability and amenity must be disregarded in deciding whether to confirm an order. The matters raised in the objection and representation consequently lie outside the criteria set out within the relevant legislation. As a result, I cannot give them weight in reaching my decision.

Conclusion

1. For the reasons set out in my interim decision I conclude that the Order should be confirmed with the modifications previously proposed.

**Formal Decision**

1. I confirm the Order subject to the following modifications:

* In the Order title: amend “Byway Open to All Traffic No. 71” to “Restricted Byway No. 71”.
* In paragraph 3: amend “Byway Open to All Traffic No. 71” to “Restricted Byway No. 71”.
* In Part I of the Order Schedule (Modification of the Definitive Map): amend “Byway Open to All Traffic” to “Restricted Byway” throughout.
* In Part II of the Order Schedule (Modification of Definitive Statement: amend “Byway Open to All Traffic (BOAT)” to “Restricted Byway”. Amend “BOAT” to “RB”.
* On both the Order Map and the historic Ordnance Survey map: amend all references to “Byway Open to All Traffic” to “Restricted Byway”.
* On the Order Map: amend the notation used for the Order route on the map and within the key to a broken line and small arrowheads.

*C Beeby*

INSPECTOR

ORDER MAP - COPY NOT TO SCALE



