TRILOGY

Revised 10 March 2014

Richard Connaughton

It is to be hoped that those who have the power to alter things also have the courage to resist the ingrained prejudice of the present administrators and can see there has to be change.

Alan Bartlett, The Hobhouse Report 2011

A pattern of corrupt practice

Letters to:

Local Authority	CEO Mid Bedfordshire Council
Planning Inspectorate	The Treasury Solicitor
DEFRA	To whom it should concern

Wallhayes, Nettlecombe, Bridport, Dorset, DT6 3SX
Tel: 01308-485002 Fax: 01308-485446
e-mail: richard.m.connaughton@lineone.net

Richard Carr, Esq.
Chief Executive
Central Bedfordshire Council
Priory House
Monks Walk, Chicksands
SHEFFORD, Bedfordshire
SG17 5TQ

12 February 2014

Dear Mr Carr,

THE BOWERS CASE

1. Paras 153-154 of the Parliamentary Joint Committee's Report on the Draft Deregulation Bill draws attention to the Alternative Stakeholders Working Group of which Mr Alan Bowers is one of 12 representative examples. The Committee spoke of such people who have "personal and traumatic experience of the current rights of way legislation" and questions whether there is not a need for root and branch reform. This letter seeks to examine your contribution, that of your colleagues and their associates' "contribution towards the personal and traumatic experience" of Mr Bowers and others who have involuntarily found themselves in similar positions.

2. You will be aware that a dossier containing relevant, new evidence entitled "Ventilation – the Bowers Case" was submitted to your Senior Legal Officer, Mr Atkinson, with the request he assist in our enquiries by answering the set questions. He has refused to do so. Your problem begins in 1995 with the unjustifiable taking of the Bowers property which appears to have been a calculated form of theft. Arrangement will be made in due course to discover the truth of the Bowers Case by asking that Mr Atkinson responds to the questions. Your own Council's risk analysis acknowledges your vulnerability:

   - "Reputational risks.
   - Risk of failure to discharge statutory responsibilities and legislative issues.
   - Risk of further challenge/appeal/legal action/judicial review or risk of legal action being taken against officers of the former County Council or Central Bedfordshire Council."

   It is the acknowledgement and reaction to these risks which account for consistent failure to act fairly and impartially.

3. Questions aimed at clarifying who did what have also been put to you. You too have not answered the questions. Since I understand that I can now be considered a bona fide representative of Mr Bowers, perhaps you will feel more at ease in cooperating in order to discover the truth of what has happened here.

4. Let me begin by referring to the Development Management Committee Meeting (DMC) of 13 February 2013. I attended that Meeting. It soon became apparent that there was no intention to assist elected members in understanding what they were being asked to decide, the differences between the three options put to them or the consequences of adopting each of the three courses open. I recognise here the Council's interest in seeing Section 53 of the Wildlife and Countryside Act

1981, an application to delete Maulden Footpath 28, fail. The reasons for saying this are concerned with past misconduct of officials and the Council's liability for substantial compensation. "Ventilation – The Bowers Case" provides the elaboration you should read in tandem with this letter. The failure to provide an obligatory legal brief to enable elected members to come to an informed decision resulted in the Council achieving the desired result. Recommended procedures are to be found in Rights of Way Law Review Procedures for Modification Orders Section 10.4 dated February 1990 and as advised in correspondence to you. "The Officers of the authority must thoroughly investigate the case and provide the committee with all the relevant facts and a clear explanation of the relevant law so that the Committee Members are able to make a decision for themselves as to whether or not to make an Order." This is common sense. It should not be necessary to set the obvious out in writing.

5. There was also a particular Councillor who talked nonsense with confidence. It was he in his uninformed way who led the elected members to follow his lead. There was a solicitor present but he did nothing to correct misunderstanding of the law.

6. I am content that on 26 October 2012 Mr Bowers did rehearse with Councillor Duckett, Mr Emerton and Mr Maciejewski MIPROW the relevant new law being introduced in the Case. In fact, it is possible for law already in the Authority's possession to become new law. There is evidence for example that in 1957 the path through Mr Bowers' home was an "occupation way". It is only when this state is married-up with its definition that it becomes new evidence and it is only then that it can be readily understood why the Authority may have neglected to do so.

7. I saw the draft statement as applicable to Mr Bowers. I contacted Mr Emerton, a member of your legal team. I asked him whether he was content to allow Mr Maciejewski MIPROW to insist "no new substantive and cogent evidence had been discovered". That was untrue and Mr Emerton would have been aware it was untrue. Was Mr Emerton content to allow Mr Maciejewski MIPROW to perjure himself? The lawyer said to me: "It cannot be perjury, he did not say that on oath". The lie was allowed to stand and was duly put before the elected members as if true.

8. It was further stated "(no new substantive and cogent evidence had been discovered) which demonstrated on the balance of probability that a valid non-intervention to dedicate existed during the period 1936-1956". There is a serious problem here. The land was in the ownership of the Izzard family, the complainants, 1936-1946, therefore, over that period the land was private, not public.[*] You have failed to demonstrate the path was public for 20 uninterrupted years, for that is impossible. The case against the Bowers fails on both requisites. These facts were not put to the elected members. On 9 April 2013, your officials sent a decision letter to Mr Bowers telling him the members who had been in a permanent state of ignorance, "ultimately resolved that you had supplied insufficient evidence to overturn the presumption that the Definitive Map and Statement is correct". I cannot agree that the elected members came to any such conclusion.

9. On 17 September 2013, Mr Maciejewski MIPROW wrote in an e-mail to Ernest Sutton, Council Solicitor: "It is interesting that every person is someway

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[*] The Inspector's Report 1997 FPS/M0200/7/25, 26 August 1997, para 26 states: "Only the Izzard family have asserted the existence of a right of way".

connected to the Izzards… This information – if correct – was not available to either Bedfordshire County Council or to myself". He will therefore need good reason to explain why an Authority Official was actively engaged in recruiting parties who were not related to the Izzards to speak against the Bowers. "…potentially the deemed dedication was incorrect…I think it will be up to the Inspector hearing the Sch 14 appeal to decide how to weight 'distant relative' and 'neighbour' when it comes to determining whether user was 'as of right' or 'by right'". The decision did not arise due to Officers in the Planning Inspectorate's Rights of Way Office withholding the relevant evidence from the Inspector.

10. The Inspector, Mark Yates MIPROW, had also been inexcusably selective in the evidence he drew upon to come to his decision. Para 25 of Mr Bowers' appeal was ignored in its totality: "Furthermore, in the absence of cross-examination, it was not revealed that the Applicant was herself a member of the family who owned the property between 1936-1946 and therefore for 10 years of the claimed period [1936-1956]. It is trite law that an owner of land cannot claim exercise of the public right of way when the use exercised is by way of private right. The Izzard family was owner of the land in question."

11. The Inspector's error is substantial:

- Had Mr Bowers been present he would not have allowed the decision without remonstration. He is entitled to be heard, something he was denied. The Case Law is Regina v. National Assembly for Wales *ex parte* Robinson 2000.
- In finding the Bowers' path to be public, the Inspector found as a fact something upon which he could not rely. He had made an error as to fact since FP28 does not meet the criteria. The time is long overdue to appoint barristers to make decisions. It is unacceptable that the public is judged in law by interested parties unqualified in law. (Article 6(1) Human Rights Act 1988)

12. I am aware that Mr Bowers approached the Chairman of the DMC to complain of the critical procedural failure which had been so prejudicial to his having any prospect of success with his case. I do not agree that this procedural failure had been a case of negligence. I believe it was deliberate. Apparently the Chairman agreed to reconvene the Committee and conduct the case in accordance with established guidelines. He said there were precedents to go by. It would appear that you intervened in what, as a bare minimum, became a miscarriage of justice or, at the worst, a perversion of the course of justice in that you blocked the reconvening of the Committee. Enquiries as to why this intervention from you to prevent the recall of the Committee was answered with bland statement, "it is illegal". Twice I asked you what part of the Law you depended upon to justify your removal of Mr Bowers' rights. There has been no reply. I ask you now, a third time, on what part of the law did you depend to deny Mr Bowers his rights? Did you have a motive for doing so? I believe there is a clearly identifiable motive for your doing as you did.

13. I put it to you, your argument that the decision had a legal status is invalidated through the process having been corrupted. Your first duty of care is to deal with the possible criminality of permitting the occurrence of either a miscarriage or perversion of the course of justice either by accident or by design. You cannot claim that you took your action because the case was now the subject of an appeal – no lawyer would propose such a defence to you. The Committee Meeting was held on 13 February 2013. The Decision letter is dated 9 April 2013. Add to that 28 days to lodge an appeal and the process spans almost three months. The appeal was not lodged until 30 April. You cannot therefore claim the imminence

of an appeal to have any relevance in justifying your actions. There was a whole two-month period prior to the appeal being lodged for you to concede that the immediate priority was to establish a procedurally correct and fair process.

14. A study of this case reveals serious incidents of abuse. Permit me to refer to references made in the Minutes of 13 February 2013, of action which allegedly took place but did not. There are two entries in particular which perpetuate this unfortunate tendency to be untruthful:

- DM/12/329 shows that it was resolved that the Committee:

  "(b) Required the applicant Mr Bowers to pay the costs associated with the carrying out of works to provide pedestrian refuges on the nearby Maulden Bridleway No 24 to accommodate increased levels of pedestrian traffic" and

- DM/12/330. It was further resolved that the committee:

  "(c) As the bridleway has not undergone significant improvements to enable the Council to disregard the earlier decisions by *independent Inspectors* who concluded the bridleway was not suitable alternative (sic) to the footpath, the applicant Mr A Bowers will be required to pay the costs associated with the carrying out of works to provide pedestrian refuges on the alternative route to accommodate increased levels of pedestrian traffic."

15. None of the above was discussed at the Committee Meeting. I am prepared to state that on oath: it is a total fiction. It should not be difficult to identify the person(s) responsible. The Officials appear to have convinced themselves "of necessary works". For my part, I believe this is part of an ongoing intention to crucify Mr Bowers with further costs because I can find no other reason for the bullying arising out of a business which your Officials have allowed to become personal. The understanding in a case such as this is, a path or bridleway is accepted in the condition in which it is found.

16. Permit me to discuss briefly the second of these two examples. It is true that in 1997 an independent Inspector did not believe the bridleway was an alternative route even though for centuries it had sufficed as the original route. Remedial work taken immediately after satisfied the County Council, District Council, Parish Council, County Police and the Open Spaces Society that the condition of the bridleway meant the path taken through the Bowers' home was superfluous. On 31 October 2000, the then County Council CEO, David Bell, in reply to the Local Government Ombudsman, said "…my Council believes that the bridleway near to footpath 28 is a suitable alternative route and, as a result, the footpath is not needed for public use. My officers will, therefore, not take any physical action to open the path or recommend further legal action to make the landowner do so".. They did. Mr Maciejewski MIPROW told the Committee on 13 February 2013 that Bridleway 24 was a suitable alternative to Footpath 28.

17. You were informed someone had doctored the Minutes. It is evident that one or more of your Officials had actively used their positions of trust to ensure the failure of Mr Bowers' defence of his home. It should not be difficult to identify that individual. My follow-on concern is the knowledge that procedurally, at the next Committee Meeting, it would have been good practice for the Chairman to put to the Committee the request for all elected members to approve the adoption of the Minutes. Did that happen and, if so, who were the elected members content to confirm an action which had not occurred?

18. The reference to "independent Inspectors" requires clarification. The Inspector whose decision of 1997 is referred to was an independent Inspector of the Lord Chancellor's Panel. That Panel was disbanded in 2001 and the independent Inspectors were replaced in the main by new Inspectors drawn from the rights of way fraternity (9 of the 11 involved in casework). This cadre of Inspectors, most imbued with a rights of way and access mindset, were not independent, few were impartial and, since none had a legal qualification, were unable to establish the essential tribunal as enshrined in Law (Article 6(1) of The Human Rights Act 1998). I mention in passing the action of one of these individuals, Mrs Eden MIPROW, overturning the expressed wishes of 85% of the Dorset Roads and Rights of Way Committee to permit a diversion around my home. Dorset CID claimed she had been biased. CPS told me "she will conduct no further Inquiries, she will retire". No way has been found to overturn her execrable decision and poor judgement. It was this same person, an 'independent Inspector', who was one of Mr Bowers' Inspectors. These individuals are also responsible for Schedule 14 Reviews, to where Mr Bowers was directed after the refusal to grant the deletion of a wrongfully taken footpath through his home.

19. There is every indication Mr Bowers was manipulated against his will to make a Schedule 14 Appeal, a process without legitimacy and under the control of parties opposed to what Mr Bowers was attempting to achieve. One further blow to Mr Bowers as a result of forcing him into a Schedule 14 Appeal was its effect on stopping him from having the Ombudsman investigate what you had done. They said the fact he had appealed would serve to debar him from having his case investigated. And the Inspector said: "I do not judge you to have suffered significant injustice". So you see, you have much to answer for.

20. In order to assist him with his case, Mr Bowers made an application for the sight of files in the Council's rights of way officials' charge. This was a legitimate request under the Freedom of Information Act. When he received the documents, it was evident that documents which should have been beneficial in his case-building had been removed by an official. This was the second internal review of alleged misconduct and the second to find colleagues blameless. How can a member of the public identify documents he wants to see if he is unaware what is held? These are the same individuals who recognise that if they do nothing – nothing will happen. Since August 2013, Mr Bowers has consistently asked you, the CEO, to meet and discuss his situation. Your gatekeeper conveyed to Mr Bowers your alleged determination not to do so. That decision was responsible for the raising of Mr Bowers' stress levels to a dangerous extent. Mr Bowers has faced calculated obstruction. For all this malpractice, the 'buck' sticks with the CEO. I have not encountered an organisation quite like yours with an absence of curiosity, of moral courage and leadership both administrative and political.

21. The questions which still require immediate answers are:

- Are you aware your Council has a duty to act impartially?
- Why did the elected members of the DMC not have the benefit of the essential legal brief?
- What were the points of law you relied upon to prevent Mr Bowers from having a proper hearing?
- How was it possible for the Minutes of the DMC meeting to attribute costs to Mr Bowers when the matter was not discussed in Committee? Who was responsible for making this unauthorised and mischievous insertion?

- Who put to the Committee the fallacious statements that there was no new evidence and a 20-year qualifying period existed from which the assumption of dedication could be made?

A year has passed since the corrupting of the DMC. Mr Bowers is now 74. There is a parallel here with a Somerset case involving a pair of siblings. That too involved collusion, procrastination and inadequate Inspectors.

21. I will sign off this letter to you, Part 1, followed by a narrative account in Part 2, of how the subversion and rolling conspiracy passed upward to the Inspectorate's Rights of Way Section. Mr Macjiewski MIPROW, who told your Ernest Sutton, for whatever reason, that Mr Bowers was a freemason, also confided in Ms McEntee, "Dear Jean" of the Rights of Way Section in the Planning Inspectorate and copied to Ernest Sutton:. "Having not seen the actual except (sic) from Pratt and McKenzie 1967 that Mr Bowers quotes I cannot argue that point specifically [it is sound]. (I have some experience of Mr Bowers misquoting material and dates so I now do not rely on his quotes without checking them first…)" Of these attempts at character assassination of a member of the public by a public official, I wish to say that I have never known Mr Bowers exploit his position in the freemasons nor have I known him to be anything other than meticulous in his use of written material. It is precisely due to that fact that he will succeed while those officials who have been gratuitous in their obstruction will be punished. Mr Maciejewski reassured Ms McEntee he did not believe Mr Bowers' correspondence "has any material effect on the Surveying Authority's position….kind regards. Adam". Maciejewski MIPROW told his colleague Jean he was on leave. "Should you have any further queries could you please direct them to Ernest Sutton in our Legal Team." Ernest should explain to him the penalties available for collusion. In the meantime, there are 5 questions requiring immediate answers from you without further prevarication.

Yours sincerely,

Richard Connaughton

Wallhayes, Nettlecombe, Bridport, Dorset, DT6 3SX
Tel: 01308-485002 Fax: 01308-485446
e-mail: richard.m.connaughton@lineone.net

10 March 2014

DC Ian Johnson
Bedfordshire CID
Greyfriars
Bedford
MK40 1HR

FORMAL COMPLAINT RE CONDUCT OF
RICHARD CARR, CEO CENTRAL BEDFORDSHIRE COUNCIL
AND ACOLYTES

It is suggested you might read the three part paper 'Trilogy' to place Mr Carr and his authority in its context with behaviour and mindsets of similar patterns to those evident in The Planning Inspectorate and DEFRA.

I am making this formal complaint due to my real concern for the health and wellbeing of Mr Alan Bowers. His uncompromising treatment by Bedfordshire County Council's and Central Bedfordshire's access interests is Putinesque, political, has become personal and reveals no recognisable qualms over the damage inflicted upon an individual regarded as an opponent needing to be put in his place. That damage has not only been caused within the Council but has also been exported to Higher Authorities for the award of penalties unavailable within the Authority.

The paper 'Ventilation – The Bowers Case' has set out a series of questions relating to apparent malpractice within the Council. The senior legal officer responsible for what appears to have been a wrongful designation of a path through Mr Bowers' home in 1995 has refused to respond to the questions raised, as has the present CEO.

There also appears to have been further malpractice relating to an MPC meeting on 13 February 2013. The CEO refused to respond to the questions arising on the grounds I was not representing Mr Bowers. Mr Bowers clarified that matter by informing the CEO I was one of those helping a person in urgent need of assistance. Having therefore done as requested, the CEO continued to refuse to provide answers to the five questions outstanding. The letter to Mr Carr dated 7 March 2014 refers.

It is my belief that there are two criminal charges applicable to the CEO. That suspicion can be resolved to everyone's satisfaction if the five questions are put to the CEO for answers. He is not beyond being accountable. I respectfully request that the conduct of the former Bedfordshire County Council and Central Bedfordshire Council's officials be investigated in relation to apparent impropriety towards Mr Alan Bowers.

Yours sincerely,

R.M. Connaughton

Wallhayes, Nettlecombe, Bridport, Dorset, DT6 3SX
Tel: 01308-485002 Fax: 01308-485446
e-mail: richard.m.connaughton@lineone.net

22 February 2014

Susan Jacobs
General Law and Planning Team
Treasury Solicitors Department
10th Floor
1 Kemble Street
LONDON, WC2B 4TS

Dear Susan Jacobs,

1. I have seen your letter of 13 February 2014, a thin vein of welcome kindness in the direction of doing what is right. It is unfortunate that Grace Darling had to intervene to rescue Officials all at sea in a boat, the bung at the bottom of which they had thoughtlessly removed. I have looked at the proposal and confess there is an absence of precision. I cannot identify among the collection of words an unequivocal provision for people such as Mr Bowers to have a right to hear and be heard at a Schedule 14 review.
2. This letter to you is Stage 2 in an analysis of malpractice involving Government Officials representing access interests. I addressed Stage 1, the Tactical Level, to the CEO of Central Bedfordshire Council, the representative Authority. Stage 3, at the strategic level of a three-tiered dystopian construct, will involve comments concerning the conduct of public servants employed within the access industry in DEFRA.
3. There are two parts to Stage 2. The first concerns the law and the second involves malpractice of access industry Government Officials working within the Planning Inspectorate. Apropos the latter, attempts to create a dialogue have been frustrated by Officials' refusal to cooperate, insisting all observations be directed to you. That is understandable in relation to the law. It does not seem possible your interest will extend to lapses in Officials' discipline and levels of impartiality.
4. This Study begins by reference to the Peppard siblings. This case reveals the extent to which public servants have been prepared to abuse their positions of trust with the purpose of achieving political advantage. That is achieved through the wrongful designation of paths through properties with the improper intention of converting private paths to public. The persecution of this resilient, ordinary couple spanned over 40 years, twice the amount of time seen in the similar Bowers case. They avoided stumbling at the usual hurdle of the cost of defending their home by the appearance of a White Knight who represented them, *pro bono*, for 19 years. Bullying, intimidation and malpractice continue unchecked, driven by public servants of the access industry with the tacit support, perhaps even encouragement, of Government. The extent to which Government has been complicit can be measured by reference to the performance of the Minister responsible for Policy in the Cabinet, Oliver Letwin MP, and public servants within DEFRA whose

calculated obstruction of homeowners constitutes unfettered perversion of the course of justice.

5. The application for the Peppard Case to be considered for Judicial Review of a Schedule 14 decision was lodged in 2009, coming before Mr Justice Holgate QC on 12 October 2012. The Judge determined that the Government Inspector, Susan Doran MIPROW, had erred in Law on *four* counts. The Law is precise. Relevant new law is admissible evidence. This is statute, not case law. The first count in the Peppards' case had been the refusal of DEFRA to consider relevant law relating to the Peppard appeal. Apparently, this was due to DEFRA having adopted a new, in-house policy without either consultation or effecting a change of existing law. It is worth noting that in the process of subversion, policy and policy-makers are primary targets of subversives. The Judge would have none of the argument that this was new DEFRA policy. He said it was not a matter of policy but a matter of construction (of the law).

6. Mr Justice Holgate QC approved the application for Judicial Review as being in the public's interest, adding in *obiter* the subject required "ventilation". Those in DEFRA who presume to represent your Client, the Secretary of State, had no wish for the Peppard Case to have the benefit of the exposure of a full Judicial Review for fear of what the ventilation would reveal. We saw a capitaulation during which the access officials in DEFRA argued over the wording of the Consent Order in order to achieve optimum damage limitation.

7. As you are aware, a Consent Order does not set out all four Grounds where the law has been transgressed. The First suffices in setting out a reminder of pre-existing law:

> "The Defendant (DEFRA) concedes that in relation to Ground 1 of the Claim the Inspector erred in law when she refused to consider evidence which had not been considered by the Committee".

   The Consent Order is dated 9 July 2013. During the interregnum between Central Bedfordshire Council's controversial rejection of Mr Bowers' application to have the wrongfully-designated footpath through his home deleted under Section 53 of the Wildlife and Countryside Act 1981 and his obligation to make a Schedule 14 Appeal, there was a reappraisal and new statement of evidence in a folder entitled "Ventilation - the Bowers Case". That document is essential reading.

8. On 5 September 2013, the Bowers Case document was sent to the Inspectorate's Ms McEntee by Recorded Delivery with the request it be set before the Inspector. Two weeks passed, after which the Bowers Case document was returned under cover of a letter from Ms McEntee dated 18 September 2013 in which she said:

> "I am returning your enclosure as the Inspector, Mr Yates MIPROW, will not be able to consider it…..only evidence considered by the Authority in making that decision should be considered in the appeal".

   The public has a reasonable expectation that the law, refreshed as it was in the minds of the Inspectorate as recently as 9 July 2013, should not be blatantly ignored. Worse was still to come.

9. The Inspector's Report, dated 20 September 2013 – over two weeks after the Inspectorate had received "The Bowers Case" – was released to the public. For those who had followed the case, the main interest lay in the manner in which the Inspector would address what was, for him, the difficult issue of the appellant having owned the land in question 1936-1946, or half the mandatory qualifying

period, thus debarring any claim for public use as of right. Included in the "Bowers Report" is additional, follow-on evidence conducted by independent local Councillors which, as we know, was blocked by officials within the Planning Inspectorate. The independent Councillors examined 38 user-evidence forms, concluding "none of the user forms presented to Committee was valid".

10. It appears the Inspector solved his problem by failing to examine the key issue. It also appears that Central Bedfordshire's impartial 'Adam' had not drawn what might have been an oversight to 'Dear Jean', his colleague in the Inspectorate. The Planning Inspectorate's Caroline Baylis responded to Mr Bowers' complaints as to procedure on 21 January 2014 by outlining what an Inspector considers in reaching a decision: "The Inspector is concerned with the evidence that *supports* the existence of a public right of way". It is therefore unsurprising that we have a weight of protest against the Inspectors' partiality.

11. The proposal to put Mr Bowers before another of these inadequate Inspectors is an example of double jeopardy. "Quashed" means quashed. It does not mean giving the villains who got it wrong another go. In view of the history of this case, it is difficult to imagine the nature of person prepared to inflict another Government Inspector upon Mr Bowers. They have a dreadful track record, are illegal and unqualified. There is no case for Mr Bowers to answer. On 14 April 2013, he wrote to Oliver Letwin (overleaf) explaining to him the relationship between the public and the access industry. I will carry forward Mr Letwin's revealing reply to Part 3.

12. As one on the outside looking in, it is so obvious that what we have here is the seamless intention of the access industry and associates that Mr Bowers shall not be permitted to succeed. We can take note of idealistic comments in the Press which one wonders whether a number are calculated to deceive. A Mrs Elizabeth Kirk of the Byeways and Bridleways Trust wrote to *The Times*: "Once a route is established, there is no reason why some element of diversion should not be agreed". There is every reason. The public servants who manage the system exercise a strident 'no precedent' policy. The methods adopted have seen the abuse of public office so appalling as to justify the leadership at each of the three levels to be deprived of their liberty. They have taken Mr Bowers to the brink, on a trumped-up case. Where are the good and decent? Why no intervention? Where is moral courage and from the past, what used to be understood to be Christian values and people then who understood what this meant as a code of conduct? The Bowers family who have done no wrong deserve their remaining years to be spent in peace, free from the yobs who have persecuted them for over 20 years. Resorting to another Inspector is an unfair, unreasonable and inefficient procedure. Where is it established in law that a case which the Government fails to prosecute has to be reheard?

13. Mr Bowers and I both share the experience of appearing before a former Government Inspector, Mrs Erica Eden MIPROW. Dorset CID is on record as having said she appeared to have been biased. The law, Article 6(1) of the Human Rights Act 1998, is unambiguous, guaranteeing members of the public an impartial, independent tribunal. The bulk of the present cadre of Inspectors are former rights of way officers with rights of way mindsets, not easily impartial. This cadre came into being in 2001, replacing the Lord Chancellor's Independent Panel. They are not Independent. Nine of the 11 who replaced the Independent Inspectors on casework were of rights of way origin, none of whom had a legal qualification between them. The job specification required them to have had charge of a Definitive Map. They are unqualified to chair the mandatory tribunal. Any person

14th. April 2013

A. Bowers
Ein-Ty 123b Clophill Rd
Maulden
Beds. MK45 2AE

Oliver Letwin MP
House of Commons
London
SW1A 0AA

Dear Mr. Letwin,

I have seen the correspondence passing between you and Mr. Richard Connaughton.
I am one of the 12 who wrote to you and heard nothing in reply. Since there appears to be some doubt as to the disposal of the set of letters. I thought I should again send you the account of my experiences at the hands of those whom you choose to support. (I enclose a copy of my letter to you).

I understand that you have sent two letters of protest to two successive Labour Secretaries of State which were seen off due to the intervention of the access industry interests in DEFRA. I also understand that meetings were arranged for the Secretary of State, to see certain people to discuss the wrongful workings of Rights of Ways Authorities and Access officers in Local Government. These meeting were also abandoned with no explanation given.
The consequences can be seen in the Decisions coming out of Public Inquires. It seems almost 100% predictable that any person appearing before the Inspectors is bound to fail if he or she is proposing to modify access. Inspectors are not independent, are not qualified to chair specified Tribunals and, due to their mindsets, are invariably not impartial as required by law.

Nevertheless, the failure of Government to implement the law, bestows upon Inspectors, appointed, by the Secretary of State to preside over Public Inquires, an aura of invincibility, above accountability, and untouchable.

Access officials in Local Authorities also enjoy privileged status, being active in the wrecking of applications for the modification of a path or way. Dishonesty is rife due to there being no checks and balances regime.

In the most recent chapter of my experience, the Council rejected an application I requested due to there being "no new evidence", which was untrue, and attributing fictitious agreements to Committee Minutes. Nothing is being learned because Officials lie at will, confident they will go unchallenged.

Section 31 of the Highways Act 1980 is widely known as the Cheat's Charter for it permits interest groups to assemble in quantity so as to outnumber property owners with the nonsensical claims of having enjoyed untroubled, unbroken passage through property for over 20 years. If there is no documentary proof, then their claims are decided on "Balance of probabilities" which is a measure of opinions.

The case is then put before Government Inspectors, most of whom are former "Rights of Way officers" with a predictable but often indefensible decision. Far too many good, decent people are losing their property because cost is routinely being used to deter private property owners from making a legal stand to protect their family homes. The extent of criminality is broad and diverse. The combined efforts of User Groups and County Council Officials, including threats to their own elected members has resulted in costing me in excess of £75000
in defence of my property and emerging with a criminal record. No evil device is ignored in what is an exercise in matching means to ends.
The time has come when Rights of Way sufferers like myself should have the opportunity to meet and discuss the " Wrongs of Rights of Way" with ministers or representatives of the Government to rectify the Evil and Unlawful system used at the present time. I respectfully request a positive response to this letter.

Yours sincerely,

Alan Bowers.

looking for proof of the Inspectors' poverty of knowledge of the law need look no further than the cases illustrated here. One is only left to wonder to where they have been reassigned The Land Tribunal, recently reorganised, is qualified to hear cases under the provisions of the Human Rights Act 1998. If unpersuaded, an opinion should be sought from the Attorney General.

14. The fact remains that there are consequences arising from DEFRA debarring admissible, relevant evidence, as is true of having an illegal regime of Inspectors in place. There are victims committing suicide as a result of the hopeless, unequal position in which they find themselves. Archie and Ivy Peppard, ordinary people, dreadfully treated by government employees pursuing a political agenda, proved that they were right to defend their home. The problem is, it took so long; they were not to know they had won. Both were dead. I am certain those opposing 74 year old Mr Bowers have the same outcome for him in mind. I ask that in the interest of justice his case is fast-tracked by a compassionate Government.

15. There is an important issue that is likely to be overlooked and which falls between establishing the new process and clarifying the old, lest it be carried forward without review. The fact is that the Planning Inspectorate is of the opinion that it is one for you to answer, not them. In his Appeal Decision FPS/P20240/14A/1 of 20 September 2013, Inspector Mark Yates MIPROW says at para 3:

> "I agree with the Council that Section (sic) 6(1) of the Human Rights Act 1998 is not applicable to my decision in so far as it relates to personal consideration, in light of primary legislation. The 1981 Act does not permit personal considerations to be taken into account…. However, there is nothing to suggest that the appeal process in this case is contrary to Article 6 of the Act".

I beg to differ:

- His exclusion of key issues is emblematic of bias – the Inspector is not impartial.
- He cannot be considered to be Independent.
- He is neither a barrister nor a solicitor, therefore he is ineligible to chair a tribunal as specified in law.
- Over and above these three considerations, Mr Bowers was not permitted to be heard at the Schedule 14 review, contrary to case law.

16. I am unclear what *personal considerations* debar Mr Bowers from a fair hearing. I cannot seriously believe that the Wildlife and Countryside Act 1981 which predates the 1998 Human Rights Act and which came into English Law in 2000, is a valid authority to deprive individuals of their human rights. I would go so far as to say I would be content to put the question to ECHR. Right-minded people would agree there is no value here in testing our sovereignty before the ECHR when the case is absurd and bound to be lost. I suspect that behind this myth there lies one of DEFRA's Advice Notes which does not have the authority of law. I therefore ask you for a legal opinion.

17. I ask for your comment please on behalf of your Client the Secretary of State DEFRA on the following observations:

    a) Case law reveals as illegal the closet decision-making of Inspectors conducting Schedule 14 Decisions without allowing the appellant the right to be heard – R v National Assembly for Wales *ex parte* Robinson (2000).

b) The behaviour of the Officials in the Planning Inspectorate's Rights of Way Department is judged to have been inappropriate and improper. Will that misconduct now be the subject of external review?

c) "Quashed means quashed". How can it be just to subject Mr Bowers to yet another Inspector from a group who "have a dreadful track record, are illegal and unqualified?"

d) I have asked why it is that we have in place Inspectors, many of whom appear not to be impartial, are not Independent and who cannot chair the Tribunal specified in law. I am told it is because the issue has not been tested in court. Why should The Human Rights Act 1998, approved by Parliament in 2000, require to be tested in Court?

e) In the interest of justice, the Bowers case should be fast-tracked. It was particularly cruel after his having been stitched-up at the Schedule 14 stage to have him steered towards Judicial Review – a process which involves testing the law. That specific part of the law had already been tested in the Peppard Case and, by mutual agreement, the action taken was found to have been illegal.

f) Mr Bowers was stripped of his human rights both at the Local Authority and by the Planning Inspectorate's Inspector. What is the source of that Advice?

Yours sincerely,

Richard Connaughton PhD (Politics)

THE THIRD DIMENSION

1. We have commented upon the hypocrisy where we, as a State, criticise other States for their lapses in Human Rights. Neither have we been slow, for example, to criticise Mr Mugabe's management of Zimbabwe. There is a fallacious supposition that Westminster Government is the epitome of perfection. It requires only a review such as this to reveal the contrary to be true. The indictment of this Government is that having been presented with the truth of institutional abuse in the access industry, we have witnessed invertebrate politicians and public servants retreat into denial, blocking access and ears. The offences committed against the public by officials of both local and central Government and associates have passed beyond revolting. They have bullied, intimidated and abused helpless members of the public in pogroms launched from the privileged firm bases they have created for themselves. They could not have done so had they not had the benefit of the protection of elected members whose motives for doing so require explanation. It is to the Third firm base within DEFRA that we now turn our attention.

2. In 1947, Sir Arthur Hobhouse's Rights of Way Committee revealed in their Report a New Deal in the interests of the health and wellbeing of the 80 per cent of the 40 million population of England and Wales living in towns and cities. A number of the Hobhouse proposals were given statutory effect in the National Parks and Access to the Countryside Act (NPACA) 1949. It soon became evident that there were two serious flaws in the 1949 Act. As the Peppards discovered to their cost, the Act was deficient in failing to provide a requirement to notify landowners that a path or paths had been recorded on their land and was also deficient in its failing to provide a procedure to correct errors.

3. The Ramblers Association and Open Spaces Society were well organised to capitalise on the entrée unintentionally presented to them. For example, the Ramblers Association's indefatigable Somerset representative claimed 1100 paths in Somerset, Dorset and Wiltshire as public. He had no car. He must have made his claim on what the map revealed. There was no sensitivity in sweeping up private paths and declaring them to be public. In fact, in some places claimants were instructed to lay claim to all paths in the belief that their errors would be resolved over time. That logic does not work in a situation where there was no statutory requirement for Authorities to tell owners what they had done. The Rights of Way Associations enjoyed uncontested countryside access to the extent that the freedom they were allowed permitted them to take over. In 2011, Sir Arthur Hobhouse's grandson, Henry, wrote the Hobhouse Report, in which he accused the access industry of having hijacked what his grandfather had intended. DEFRA has never responded to that document which sets out what is wrong and what must be done to redress the balance so that country people can have a voice over the management of the land in which they and their forebears live or have lived.

4. Sir Arthur recommended County Councils should be responsible for the Surveys, for which they sought assistance from Parishes. Disused ancient and historic paths were understandably excluded. It would seem that in taking

account of those paths in use and recorded as such but not recording paths such as those used, for example, in the past by agricultural labourers for work rather than recreation, all contingencies would be covered. Apparently not. The intention to close Definitive Maps by 2026 fostered the Lost Ways Scam whereby multiple claims were made for the inclusion of many "pre-1949 paths" upon Definitive Maps. Were it not for such matters being under the control of the access industry, the application of common sense and logic would have dismissed such blatant acquisitiveness for the nonsense that it is. No attempt has been made to define Unrecorded Rights of Way. It is essential that this is done.

5. The thinking of the quango Natural England as a front for the expression of DEFRA's wishes saw the production of two entirely separate Reports with 32 identical recommendations. It appears that Natural England were advised by public servants in DEFRA to invite onto a Stakeholders' Committee on recorded Rights of Way, 15 members who could be guaranteed to do what was expected of them. Officials announced the creation of a Consultation Process which was confined entirely to those of the same persuasion as the officials. It was not an example of Consultation as we know it. In psychological operations, PSYOPS, people's minds are played upon to the extent that they do precisely what they are told. They were told not to disrupt the consensus and not to cherry-pick the 32 Recommendations, most of which were inimical to country interests. All 15 members of the Stakeholders Working Group (SWG) approved the 32 Recommendations. It is "a balanced representation" said the public servant who drafted this piece of dishonesty, as did the Minister and MP. This was an opportunity for the nodding donkeys who dared not step out of line to reward those responsible for distributing favours.

6. A Star Chamber, a quangocracy, had been created in which the minority who should have known better acted out roles emblematic of a condition known as the Stockholm Syndrome. They displayed in another scam the consequence of their appointments by drawing up as law, regulatory clauses for land usage in a Deregulation Bill. There was a number who said 'foul' to the Committee, none of whom was listening. Similarly there was a body confused at how a partisan group of 15 individuals assembled to fix a question of unrecorded rights of way had now extended their interest beyond the bounds of reasonable understanding.

7. In their submission, the NFU told the Joint Committee: "Any partial implementation of the recommendations would unbalance the position and damage the consensus behind the proposal", yet they did not dedicate any time at all to explain how that which they had been told by Officials had either relevance or meaning. We noted with concern the CLA's access member sitting among SWG's activists. On a number of occasions we have asked how this person had come to endorse, on behalf of CLA, every one of the access industry's recommendations. We did not have the benefit of a reply.

Our concern is that those two misrepresentatives are giving the impression that they represent country interests.

8. Oliver Letwin has held the belief that the CLA and NFU do represent the countryside and nothing further needs to be done to enhance representation. They do not. They do not even come close. Of the 12 country-dwellers, all victims of malpractice, who set up an Alternative Stakeholders Working Group (ASWG) both to democratise the process and to restore the balance in favour of those who live in and nurture the countryside, only two – one each – belonged to the CLA and NFU. They repudiated each of their Organisations for their disinterest in their members' problems. Farmer David Perrin, one of the 12, gave his submission the title 'Not in my Name'. He woke up one morning to find 7 claims for bridleways across his small farm. The villain of this particular case, which is especially prevalent in Somerset, was the BHS.

9. Readers should be in no doubt that the SWG is an unrepresentative, tribal, unsuitable Group, prepared to use all necessary means to have their way. That much is evident from the evidence of one of the SWG's appointees, Rosalinde Shaw who, the transcript from the Deregulation Committee reveals, boasted of the majority's intimidatory relationship with the token landowner: "We had an independent representative for landowners on the panel as part of the SWG…..so we listened to what he had to say, and he eventually agreed to agree with what the group was proposing". I asked this farmer to account for this manipulation, how he had agreed to all 32 of the SWG's self-serving recommendations. "I was worried", he replied, "what might happen to my land had I not done so". This is not how the civilised behave. The concern which must be addressed is that the 5 million people living in homes in the countryside – the potential targets – are totally unrepresented. The ASWG was permitted to give evidence to the Draft Deregulation Committee. "We are up from the country for a reality check. A quango which has formed a working group, filled it with like-minded activists, has put before a Deregulation Committee proposals almost entirely regulatory". The ASWG provided a legal opinion of the proposals formulated by the SWG. Whereas the SWG was invited to follow-on discussions, the ASWG was not, nor would the legal points raised have the benefit of ventilation. A trace was put down to identify the origins of the SWG. It was discovered that this creativity was the inspiration and work of a middle-ranking public servant employed on access matters within DEFRA.

10. The administration of political theory reveals the understanding that Officials are advisers and elected members are the decision-makers. The role of decision-makers has been hijacked. It is not just a matter that public servants have no scruples in tapping into the elected members' power base and treating those individuals as their playdough, it is that the structure lends itself to penetration and explains how we have a SWG and how they have complete, unsupervised freedom to frame the primary legislation which forms the regulatory clauses in the Deregulation Bill. The principal lessons to have arisen from this study are the dysfunctionality of Government and the absence of any apparent attempt by Government to challenge the public service.

11. The tool in the activists' swag bag which would have worried the SWG farmer would be the oft manipulated Section 31 of the Highways Act 1980, known as

the Cheat's Charter. Those wishing to convert private property to public need do no more than assert in numbers their use of whichever path or paths they covet. They do so in front of an Inspector, invariably one whose career has been dedicated exclusively to the extension of access. Evidence from Cumbria reveals no more than two horse riders having been able to achieve that aim. Para 17, p8 of the 2011 Hobhouse Report explains: "Central to the 20-year rule contrivance, by which a group of citizens may claim a pathway on the grounds of their continuous use over that period, is the Public Way Evidence Form, devoid of any warning of the consequences of perjury or requirement for a statement of truth". In fact, claimants do not have to attend the Public Inquiry, thereby avoiding cross-examination. Section 31 was used by Bedfordshire County Council to deprive Alan Bowers of the path through his home. The County's Rights of Way Officers had been active in the recruitment of his opponents.

12. I gave evidence to the Deregulation Committee. Among my concerns was the proffering of Regulatory legislation for inclusion in a Deregulation Bill. The first impression is of an unscrupulous, optimistic attempt by the cerebrally impaired to take advantage. Yet, the two words 'Regulation' and 'Deregulation' are unambiguous. This is not the sole example of a contradiction of opposites. The activists within DEFRA claim to be Reformists yet no one of sound mind would allow the Public Services to reform themselves. But they do not interpret Reform in the manner described in any dictionary. To them, Reform means advancement, *carpe diem*, taking advantage whilst the political leadership is asleep at its post. They are to some extent nevertheless correct. Reform is essential, but not Reform as interpreted by them. The SWG must be disbanded and its replacement brought into a new order in which those who live in the countryside emerge as first among equals rather than being studiously ignored. There has been much glib discussion associated with the clauses assembled to be embraced within the Deregulation Bill. This is to ignore the fact that at the three points of public contact – local Authorities, the Planning Inspectorate and in DEFRA – there are public servants dedicated to Access and who have not the slightest intention of making any concessions. It would be wrong to believe that obstruction is confined to the access industry's public servants. We will conclude with an examination of the manner in which one of the Joint Sponsors of the Deregulation Bill has behaved.

13. On 12 July 2012, the ASWG sent an Open Letter to Oliver Letwin containing 12 submissions, telling him of the bullying, manipulation and malpractice of government officials of the access industry. They told of their experiences and others' loss of property, bankruptcy through being forced through Courts where bad law was the order of the day, stress and severe illness. Two of the 12 submissions told of cases of attributable suicide among friends and relatives. There were a further two among the 12 whose condition gave cause for concern. One of the 12 was Alan Bowers. These were serious revelations of Government Officials left free to cause extreme harm to those of a different doctrinal disposition. With the MP now having become disinterested and unresponsive, an attempt was made to tell Richard Drax MP what was happening. He said Convention forbade him from interfering. Twice I wrote to the Chairman of the Environment Committee. There was no

reply. Then, Oliver Letwin responded to Alan Bowers' letter – the one shown in Part 2. His email of 25 June 2013 had us confused. The documented cases Oliver Letwin asked for had already been sent to him in an Open Letter dated 16 July 2012. Some say he probably lost the letter but the subject and the nastiness were not easy to forget. Others said it had probably been binned in the park with other constituents' correspondence. Mr Bowers' gratitude "on behalf of my family and other fellow sufferers for all your assistance" could not have been more misplaced.

alan

From: "GORDON BANKS, Jane" <jane.gordonbanks@parliament.uk>
To: <sales@tavistockmotors.co.uk>
Cc: <richard.m.connaughton@lineone.net>
Sent: 25 June 2013 21:33
Subject: RE: Rights of Way

Dear Mr Bowers,

Thank you for your email of 24th June.

Under the Parliamentary conventions, I cannot represent constituents of another MP.

But I have said to Mr Connaughton that I would be happy to submit to the Secretary of State a number of documented cases, if he, (Mr Connaughton) collects them and asks me to send them to the Secretary of State on his behalf.

May I ask you therefore to forward whatever documents you wish to form part of this bundle to Mr Connaughton?

I am copying this email to Mr Connaughton.

With best wishes,

Yours sincerely,

OLIVER LETWIN

From: sales [mailto:sales@tavistockmotors.co.uk]
Sent: Monday, June 24, 2013 09:20 AM
To: CHARLES, Angela
Subject: Rights of Way

Right Honourable Oliver Letwin MP

Dear Sir.
You may recall my writing to you 14th. April 2013 in your capacity as "Cabinet Minister Responsible for Policy" (Copy attatched). I told you what had happened to me and my home at the hands of Government Officials intent on Creating and Preserving Rights of Way at any cost. I understand you received similar requests from other Rights of Way suffers through out the land. All of us have had considerable difficulty in being heard by the people who have control of the situation.(I personally have had good support from my MP. Nadine Dorries). You indicated that you would endevour to put things right, and send the dossier of the Alternative Stakeholder Working Group to the Secrtary of State DEFRA. I understand you are meeting with Mr. Richard Connaughton on Friday 28th. June, to inform him of any developments. Please permit me to thank on behave of my family and all other fellow suffers for all your assistance. My family and I have experienced 21 years of distress and financial burden. Attributted to Government and Local Authorities employees and associates.

Regards.

Alan Bowers

Department
for Environment
Food & Rural Affairs

Nobel House
17 Smith Square
London SW1P 3JR

T: 08459 335577
helpline@defra.gsi.gov.uk
www.gov.uk/defra

The Rt Hon Oliver Letwin MP
House of Commons
London
SW1A 0AA

Our ref: PO 315162/CC

13th August 2013

The Rt Hon Owen Paterson MP
From the Secretary of State

Thank you for the correspondence and information you have passed on from a group of people who are aggrieved about the way they have been treated by the public rights of way system. Obviously I cannot comment on the very detailed cases cited as I have no knowledge of all the facts. However, I do appreciate that the individuals concerned have been very upset and have suffered considerable stress as a result of the events that have befallen them. It is clear that where people's private property is concerned there needs to be sensitivity and thought put into the handling of those cases.

Public rights of way tend to generate a great deal of passion on both sides of the argument and it is seldom that the losing side is happy with the outcome. However, what is important is that there are checks and balances in the system, which allow for complaints to be heard and appeals to be made where injustice is felt to occur. At a local authority level there are complaints procedures and the Local Government Ombudsman. The Planning Inspectorate has its Quality Assurance Unit for complaints. There are also the legal routes of appeal both statutory and judicial review via the High Court. These mechanisms are designed to provide the necessary checks and balances but it is evident that these correspondents believe this is not enough and I recognise that the length of time it can take for cases to be resolved can be considerable.

Although the correspondence raises a lot of different issues I think the key issues here are transparency and accountability. I will address the issues raised in that context rather than on an individual case by case basis. There are also some misconceptions in the correspondence about how Government works and how the Stakeholder Working Group operates and I wish to clarify any misunderstandings that there might be.

It may help if I first put the issue of public rights of way in some historical context. The 1949 National Park and Access to the Countryside Act placed a statutory duty on all local authorities to record all the historical public rights of way in their area and record them on the definitive map, the legal record of public rights of way. It was anticipated that this duty would be completed relatively quickly but to this day many public rights of way all over England remain unrecorded and obviously the length of time it has taken to complete this task has created uncertainty and conflict in a world that has changed substantially since the passing of the Act in 1949.

This leads us into the work of the Stakeholder Working Group, which was set up precisely to address these problems. I am concerned that the correspondence questions the integrity of the members of the Group. The individuals are respected officials of recognised organisations that Defra works with on a regular basis and the others are individuals recognised as experts in their field. The Group was set up by invitation and is carefully balanced in number between landowner representatives, user groups and local authorities. Rural interests are clearly represented. There is no element of intimidation in the Group but discussions are generally lively and constructive.

The Group was set up specifically to address the problems of recording public rights of way, which included looking at proposals that would enable landowners to mitigate the effects of public rights of way that crossed their land. It is very unusual for a group of stakeholders to work on government policy in this way and for a group of stakeholders to reach a consensus on such a controversial topic is a real achievement. The membership, guiding principles and terms of reference of the Group are all published on the Natural England website, as are all the meeting notes, therefore the Group could not work in a more open or transparent way. I would underline that all the Groups final recommendations were those recommendations decided by a consensus and not a majority.

The recommendations made by the Group and published in the report were considered and broadly accepted by the Minister, Richard Benyon. Subsequently Defra carried out a full public consultation last year where anybody could comment on the Stakeholder Working Group proposals and the results of that consultation show the majority of respondents favoured implementation of the proposals, as a complete package. We will publish a summary of the consultation responses shortly.

Those Stakeholder Working Group proposals that need primary legislation to implement have now been included in the recently published Deregulation Bill. The relevant clauses relate to the recommendations, as made by the Group, accepted by the Minister and set out in the Defra consultation. The aim of the clauses is to ensure that the procedures relating to public rights of way will be substantially simplified and speeded up to pave way for implementation of the cut-off date in 2026. This will make it easier for landowners to get

local authorities to act on a request for a diversion or extinguishment of a public right of way across their land. These are all measures that are to be welcomed and should, in addition, provide significant savings to taxpayers. We will shortly publish a note clarifying how each individual rights of way clause in the Bill relates to the Group's proposals. Of course in drafting the Bill, we have to ensure it is compliant with all current legislation including the Human Rights Act.

I note that, in the correspondence there is substantial criticism of the Planning Inspectorate and their Inspectors. However, decisions by the Inspectorate have to be made in accordance with the law. The decisions on public rights of way cases are usually based on complicated historical evidence and previous case law. Inspectors need to have the technical expertise to handle such cases. The system runs very much along the lines of the planning system and likewise has statutory rules for the running of hearings and public inquiries to ensure fairness between parties. The basis for all decisions is in accordance with the Consistency Guidelines and Advice Notes, as set out on the Planning Inspectorate website, including an Advice Note specifically on Human Rights.

THE RT HON OWEN PATERSON MP

14. A year passed. Oliver Letwin did nothing. The Bowers letter prompted him to act. He was given *another* two sets of papers, one of which he was specifically asked by me to put in the hands of Secretary of State Owen Paterson. There could have been no misunderstanding. Bold capitals on the front cover read: "RIGHTS OF WAY. A COLLECTION OF LETTERS FOR THE RT HON OLIVER LETWIN MP TO CONVEY TO THE RT HON OWEN PATERSON MP, SECRETARY OF STATE DEFRA". At that meeting in Chickerell, I reiterated the requirement that the document be put into the hands of the Secretary of State, for fear it would be sabotaged. Mr Letwin did not do as I had asked. The folder fell into the hands of those who were the subject of the complaints. The nonsensical letter, which we had done all we could to prevent, was duly drafted and signed by the Secretary of State. As a result, the grotesque experiences of 12 members of the public at the hands of rogue officials were expunged from the record. At no stage did Mr Letwin give any indication our request would be ignored. The Hobhouse Report 2011 told of the practice among DEFRA's access officials of dealing with difficult correspondence by ignoring set questions and complaints. Nonsensical written replies would be put before Ministers and the S of S for signature. One such, dated 11 August 2013, had been crafted by a public servant for Owen Paterson's signature in a letter to Oliver Letwin. A complaint to DEFRA for this gross deceit was summarily dismissed in the following manner:

> ----- Original Message -----
> **From:** ccu.correspondence@defra.gsi.gov.uk
> **To:** sales@tavistockmotors.co.uk
> **Sent:** Monday, October 14, 2013 10:36 AM
> **Subject:** Response to your Query : - Ref:DWOE000324770 - DWO - Mr Connaughton - Reply
>
> Dear Mr Connaughton
>
> Thank you for your email of 5 October about the letter to Oliver Letwin from the Secretary of State.
>
> You asked the identity of the person who drafted the Secretary of State's letter of 11 August. As the Secretary of State signed the letter, that letter is his and he takes responsibility for it. It would not be appropriate to discuss what advice he used in its preparation.
>
> Yours sincerely
>
> Charlie Coombs
> Defra – Customer Contact Unit

Westminster Government rarely touches such a low ebb. Follow-on emails were ignored. There are two draft criminal charges to be married up to this individual. He had summarily closed the 12 submissions of victims, or individuals aware of victims, damaged in the process. That act was viewed as

a deliberate attempt to remove from the record serious allegations raised against colleagues. That is a criminal act, as is the action of any individual found to be protecting a person guilty of a crime.

15. There is a history relating to public attempts to tell Secretaries of State, namely Miliband and Benn, of the anarchic state prevailing within their areas of responsibility. Public servants are highly competent at closing ranks to unwanted public enquiries. Within the past two months the opportunity was taken to submit a fair, honest, critical report to the Secretary of State through a person described as an advisor to the Sof S, one Guy Robinson.

> On 09/11/2013 15:15, Robinson, Guy (Defra) wrote:
>
> Dear Richard,
>
> Many thanks for sending this through. I will make sure that Owen has sight of it when I see him on Monday morning.
>
> Best wishes,
>
> Guy

The investigation will ascertain whether Mr Robinson did as he said. If he did not and the Secretary of State is still in the dark, he too has committed a criminal act. If he did do as he said he intended, that admission opens an entirely new avenue of enquiry. What we have here is not simply a matter of institutional anarchy within DEFRA but also gross malpractice within other related areas. Emails requesting news of progress have been ignored.

16. I want to highlight the hostility which Government Officials are able to direct upon individuals from the privileged and trusted positions they enjoy. We start with reference to DEFRA's access industry, the Planning Inspectorate and bad officials within County Rights of Way Offices, with particular reference to Bedfordshire and their hostility towards the Bowers family. An Official took a Dossier addressed to the Secretary of State by Oliver Letwin, from which he drafted a response for the Secretary of State's signature. The thrust of the Dossier's 12 submissions was the bullying, intimidation and malpractice, top down, from DEFRA through to the Counties. The reply in the Secretary of State's letter dated 11 August 2013 touched on nothing of the central thrust of the document. The reality of this significant and criminal malpractice which perverted the course of justice is that a document which had taken over a year to reach its destination was blocked by the calculated obstruction of an easily identifiable government individual. There are other areas of malpractice.

17. The Joint Committee for the Draft Deregulation Bill allowed itself to become the victim of the political crime of being hoodwinked and outmanoeuvred. The matter is a crime due to the deception involved here, having the intention to ensure the SWG's predominance. I refer particularly to paras 129-130 of the Joint Report. Who could write this stuff? I note that the NFU's incoherence has been eagerly seized upon and replicated in the text. I do not share the view of the importance of the package remaining as a whole, for what happens is what has happened here with varying degrees of mediocrity, with no hint of being deregulatory. Does that not matter? The people behind this disreputable charade have drawn on three safeguards:

- They have confined the decision-making to a stacked pack of individuals, specially selected to deliver what is required.
- Have set ultimata to achieve that goal.
- Have threatened sanctions against any individual who reveals himself to have scruples.

Who wrote para 130? It is partisan. We want to know. In view of what has happened here, the embarrassment caused, this is no place to "commend the SWG for its achievement in reaching its consensus on the issue of recording unrecorded historic rights of way". There can be no advance until the author explains what he means. Is it truly desirable to insist upon the maintenance of consensus if it means what we have here are clauses of dubious, variable degrees of relevance? It would be helpful if one of those responsible for this contrivance would identify where the deregulation lies. I see a corrupted process. How the access officials must be celebrating having sold this nonsense to the Committee. These are people identifiable with bullying, intimidation and malpractice. The reason they experience success is because responsible people do not exercise the full extent of their curiosity. There is no accountability. This is a disgrace. We pursue the matter of "nonsensical letters" and the key part they play as instruments designed to kill complaints from the public. In the first letter, the thus far anonymous author puts words of eulogy into the Secretary of State's mouth to describe what the SWG has done. It is more a case of PRC than Westminster.

18. To send a second nonsensical letter from the Secretary of State, this time to *Sir* Richard Connaughton, was tactically unsound. This second letter represents a shot in all the feet of the subversives who surround and steer the Secretary of State. Had he read any of the referenced letters, he would not have put his signature to the letter. The fact that he did, reveals more of the nature of his advisors than it does of him. The content and style is identical to that sent to Oliver Letwin but, more importantly, is also recognisable in parts of the land usage section of The Joint Committee Report on the Draft Deregulation Bill, a theoretical, designer-product of a leftward-leaning quangocracy. Nowhere has anyone begun to consider how compliance is to be achieved over government access officials who are unfair, neither impartial nor independent and are not qualified in law. The Deregulation Committee did suggest to the Government that root and branch reform was required. This request was ignored because in this environment, the function of Government has been assumed by interested employees.

19. The Nonsensical Letter is not the sole means employed by the bureaucracy to have their way. In the depths of despair and in a trough of depression deliberately created by those opposed to what he was attempting to do, Mr Bowers decided to write to the then Minister, Richard Benyon MP. He was aware from the Hobhouse Report 2011 of DEFRA's public servants' predilection to intercept mail and either respond themselves or create a nonsensical response for the Minister's or Secretary of State's signature. "In order to prevent my correspondence to the Minister being interfered with by DEFRA's staff, I sent it to his office in the Commons", explained Mr Bowers. Earlier, Mr Benyon had written to Mr Bowers' MP, Nadine Dorries, telling her he could not "comment on individual cases". Is that another Convention? On 26 September 2011, Mr Bowers wrote to Mr Benyon in his Westminster office, asking for a meeting to discuss the situation and problems within his area of responsibility. The reply came from an apparatchik in DEFRA's Customer Contact Unit. "We do not feel that a meeting to discuss the situation would be of real benefit to any party." The question was put to her, "who are *we*?" "*We*", she wrote, "refers to DEFRA's rights of way policy officials".

20. I wrote *The Fraternity – A Report of Malfeasance in Public Office* to describe my family's treatment across all three stages set out in this disposition (www.connaughton.org.uk)[1] "I am aware that I am not alone in believing that this matter of the Fraternity is overwhelming", agreed Marlene Masters. "Claims from every direction which are causing not just incalculable distress but also serious money. How can these MPs simply turn a blind eye or even believe this is for the good of the general public – if the appeal is to add on, it succeeds, if it is to delete an error, it is unsuccessful."

21. Those who live in the country – erstwhile supporters of the Government – look on in disbelief at this populous Government's policy of appeasing the access industry's class warriors at the expense of their traditional country supporters. They say they need to reach beyond traditional voters to win the next election. I would be surprised if there was a single vote for the Tories going begging among the access industry's dedicated activists. The *Telegraph*'s Charles Moore pondered the question why the Coalition finds it so difficult to listen to the country. "The more you commit yourself to a particular Party – expecting, presumably, some protection of your interest and some respect for your opinion – the more that party disregards you."

22. I will now show you the above is true by reference to a dialogue between me and Oliver Letwin MP, my constituency MP for West Dorset, who set out as supportive of my family and our difficulties but who appears to have changed sides.

    Q.1. Why did it take you a year to take action against those responsible for abuse of office and recommend means to prevent repetition?

    A.1. I did not believe that transmission of your documents (dated 16 July 2012, second set dated 28 June 2013, and telling of widespread

[1] This website also contains "Ventilation – The Bowers Case" and the Open Letter of 12 July 2012 to Oliver Letwin containing 12 submissions from access industry victims.

bullying, intimidation and malpractice among Government officials, Local and Central) would serve any useful purpose.

Supplementary Q.1. Why therefore did you email Mr Bowers on 25 June 2013 [attached] to gather documented cases (which Mr Letwin already had) so that I would ask my MP in Letwin's words "to send them to the Secretary of State on his behalf". Why say this if you believed contacting the Secretary of State would not serve any useful purpose? Was it reasonable in your mind that the Secretary of State had no interest in discovering the full extent of the malpractice within his area of responsibility? In the event you were correct but that is why we are examining this problem.

Q.2. Did you, as requested, hand the said document to the Secretary of State? If not, why not?

A.2. It is not normal practice for constituency MPs to hand documents personally to Secretaries of State.

Note. I had carefully explained to Mr Letwin that the only way in which the neutralisation of the 12 submissions telling of outrageous behaviour could be prevented was for him to put the document into the hands of the Secretary of State.

Q.3. Why is it that after reading the Secretary of State's letter (of 11 August 2013) and therefore becoming aware no attempt had been made to answer the examination questions, you did not remonstrate with your colleague the Secretary of State?

A.3. I do not agree that the Secretary of State's response was nonsensical.

Note. Let me dwell on this. The letter in question (attached) is so patronising and explicitly dishonest. Let us remember why these 12 individuals complained and what they had suffered. The evidence tells of blatant manipulation by Government employees and the uncontrolled damage they are free to inflict upon homeowners living in the countryside. **Show me in the Secretary of State's letter where the Secretary of State addresses this endemic criminality.** There can be no worse a servant than one who wrongfully exposes his master to be a fool. That can also be said of one who does not believe to be nonsensical a letter which unbelievably converts the reported *key issues* of *bullying, intimidation* and *malpractice* into the vague matters of *transparency* and *accountability.* The Secretary of State then turned inordinately to defending the indefensible creation of the Stakeholders Working Group. We should not forget who wrote this letter! It served to kill off the combined protests of many damaged individuals. It is criminal for the part it played in perverting the course of justice. Attempts to identify this squalid individual were frustrated by colleagues closing ranks. The Secretary of State notes "there is substantial criticism of the Planning Inspectorate and their Inspectors". But nothing is done. Then, there is this peach of gullibility attributed to the Secretary of State, "Decisions of the Inspectorate have to be made in accordance with the law". (Please refer to Part 2 of this trilogy, the letter to the Treasury Solicitor).

Disinformation is a ploy we use to deceive our opponents. The Secretary of State and his public servants are supposed to be on the same side and working in the interest of the common good. The identification of Advice Notes for particular praise was unfortunate, particularly when it specifically referred to human rights.

In summary, the Secretary of State's letter is nonsensical. It would have had greater utility had it been presented upon perforated paper.

Q.4. Who prepared the draft upon which the (Joint) Committee's Decisions were promulgated? It sounds too familiar. (This question refers to the Joint Committee's Report.)

A.4. The relevant clauses of the draft Bill were prepared by DEFRA and Parliamentary Counsel. (The question referred to decisions.)

Q.5. Your Committee has given no reason why new Regulatory measures should be included in a Deregulation Bill. Why?

A.5. I am not responsible for the decisions of the Joint Committee of the two Houses. You would need to ask them why they did not take a view in accordance with your own.

Q.6. From where does the SWG, comprising the appointees of an access industry quango, derive its authority to draft English law to the exclusion of the overwhelming majority?

A.6. The Stakeholder Working Group has no authority to draft Law and has not done so. It has made recommendations to Ministers which Ministers have accepted.

Note. The Draft Deregulation Bill Report shows this to be an area of work still in progress. The text reveals the *SWG* declaring: "the clauses in the draft Bill are not final. Because of the complexity of the legislation that we are seeking to amend and the importance of getting it right". The SWG and the access interests within DEFRA were one and the same, presenting an impression of wide involvement and deliberation when those not with them were excluded, leaving what were essentially two distinct groups of fellow travellers.

Q.7. The Committee sensed there was a need within the rights of way environment for "root and branch reform" but then let the initiative pass when they said: "we draw to the attention of the Government the wider rights of way concerns raised in the course of this inquiry and urge them to take action to meet them. How has this remit of the Joint Committee been met?

A.7. As with Question 4, you need to ask the Committee itself if you want to understand more about their reasoning. They are entirely independent from me.

Note. This reply is evasive, disingenuous and unworthy. The Committee tasked the Government, of which Mr Letwin is a member, to take action to deal with the concerns arising from the corruption and malpractice found to be endemic among rights of way activists.

23. A letter was sent to Mr Letwin to follow up on this task given to him by the Committee as co-sponsor of the Bill and member of Government. That letter requested him to appoint an Independent Judge to examine the accumulation of evidence revealing the extent of the malpractice within the access industry. He declined. Convention has it that the request has to be put to Oliver Letwin, my constituency MP. There is evidence that Mr Letwin may have a case to answer for perverting the course of justice. To ask him therefore to take action that may not have been in his interest was bound to prove nugatory. The question had to be asked in order to move on, to adopt the next option.

24. The so-called Deregulation Bill went before the House of Commons Public Bill Committee on Thursday, 6 March 2014. The subject was introduced and led by a public servant, the Parliamentary Secretary, Office of the Leader of the House of Commons, Mr Tom Brake. It is important that we understand the need to identify and separate the subversives from the subversed. The clichés of the former are as identifiable to its source within interested parties in DEFRA as fingerprints. What he said may well have been drafted by colleagues in DEFRA:

> "The Clause (13) is an element of a balanced package of reforms agreed by consensus at the stakeholder working group, whose members come from a cross-section of interested parties. It might help members to know precisely what the range of the group's membership is. As we heard in the evidence session, it includes the Country Landowners Association, the Ramblers, the Open Spaces Society and local authorities. Members *will* agree that that is a good representation from the organisations that have an interest in these issues."

They would not agree if they had read the earlier paras 5-10 and would suspect they were deliberately being led astray. No attempt was made to draw attention to the significance of "pre-1949" (its description at para 4 as the "Lost Ways Scam" requiring that "pre-1949 paths" be defined). This has not been done.

25. Mr Brake does not explain to the Committee that it is not the law that is critical but rather the requirement for root and branch "reform of public servants who corrupt the process in their own interest".

26. Commenting upon an issue relevant to England and Wales, the Member for Dunfermline and West Fife said: "I want to pay tribute to the stakeholder working group because bringing together a diverse range of interests in a common cause was a difficult and contentious process". He did not say it was corrupt, such as the exclusion of all parties who identified themselves and their concerns during what passed as a consultative process.

27. The attempt by Ms Ashbrook, through the Member for Leyton and Wanstead, to institutionalise and create a stakeholder view panel is an unwelcome and unwise development. The Members should be examining ways to restore the balance in favour of those who live in and nurture the countryside.

28. The more I read of Tom Brake, the more I wonder how he managed to carry the Committee with him. "Members are probably surprised that the group was able to reconcile the views of organisations as disparate as the Ramblers

and the Country Land and Business Association in producing that package" – nowhere near as surprised as those who live in the country and have been sold down river. Then he reverts to the public service cliché: "the package should be taken in its entirety", without saying why. The point at which I abandoned the Committee's Report for the nonsense that it is was when Brake said: "the fact that no amendments have been tabled to the rights of way clauses is a good indication". A good indication where he is coming from and the passivity and disinterest of Members who in their Report said they "would not consider proposals for additional provisions". There is an odour here. It is understandable why the Government absolutely refuses for the evidence of criminal malpractice to be set before an independent judge.

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29. When I returned home after a career in the Army we experienced the co-ordinated onslaught of local activists, the Open Spaces Society and Government Officials against our home. The support of elected members in the County was virtually unanimous but those who would not accept they were not to have their way relied upon a single Inspector who empathised with their demands and overturned the expressed wishes of local decision-makers. I had spent my career defending our way of life. I joined the large number of people in the country who could not be defended against the acquisitive juggernaut confronting them. The more I looked at the framework of abuse marshalled against my family and others in the same position, the top-down opposition was found to be rotten, contrary to everything we believe in. the process was unfair, was neither impartial nor independent and although Inspectors are supposed to operate according to the law, not one was qualified to do so. There are people who could have helped who chose not to do so. Worst of all was the inability to communicate the extent of the evil we faced to the authorities. This was largely due to the calculated obstruction of government employees who had a free hand to act in accordance with their own interests. I looked for leadership, common decency and moral courage but found none. I am horrified to discover how the law is manipulated in order to secure advantage and how its cost is blatantly mobilised by those with ready access to public money to deny those they oppose. The original twelve who made submissions regarding the malpractice they faced were cynically outmanoeuvred by the culpable. Predominantly on government payrolls, they have been given the green light by weak government to carry on regardless. Almost every day we hear of those targeted and picked off in what is a country-wide endeavour to nationalise private property. Three in Suffolk, Bernard Hones of Morcambe Bay, Trevor Yarwood of Leicestershire… The list is endless. Those brought up in the understanding of doing what is right find the universal spinelessness intolerable.

11 February 2014

The Rt Hon Oliver Letwin, MP
The House of Commons
Whitehall
London SW1A 0AA

Dear Dr Letwin,

Thank you for your letter of 7 February in which you wonder what further you might be able to add in this matter of mutual concern.

On 4 October 2012, Mr David Holgate QC heard an application for Judicial Review on behalf of the Peppards, two Somerset siblings. In granting the application, he determined that the Government Inspector responsible for the rejection of their Schedule 14 Appeal had erred in law on 4 grounds. He said it was in the public's interest the case should be heard, adding in *obiter*, it was a matter requiring 'ventilation'.

Having no wish to attract the attention of a full Judicial decision in the High Court, the public servants responsible for access in DEFRA capitulated. Ventilation was avoided. This situation may be only temporary. The law states everyone is entitled to be heard and this will probably be achieved through a non-statutory Public Inquiry. Who will chair that Inquiry? That is another matter.

As co-sponsor of the Deregulation Bill 2014, you will have seen the Committee's acknowledgement that there are members of the public "who have personal and traumatic experience of the current rights of way legislation" – "heart-rending stuff", admitted one of their opponents. The Committee drew to the Government's attention "the wider rights of way concerns raised in the course of this inquiry and urge them to take action to meet them". Was it not, they asked, time for "root and branch reform"? This was not a rhetorical question.

The Committee is talking of the endemic bullying, intimidation and malpractice among Government access officials, local and central. I do not need to remind you of the Prime Minister's abhorrence of such behaviour.

Tasked as you are therefore to do something, I propose you appoint a Judge, ideally Mr Holgate, who can resume where he left off with the idea of essential ventilation by examining evidence of wrongdoing. I have concluded my Research Project in this area, the papers of which I would willingly make available. I can also recommend who among the victims should be called to give the Judge verbal evidence. It would be beneficial if the Judge were to examine a number of examples of alleged wrongdoing out on the ground.

Yours sincerely,

Richard Connaughton