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House of Lords

London SW1A 0PW.

7th September 2013.

Dear Madam,

I would be most grateful if you would present the following notes to the members of the Joint Committee on the Draft Deregulation Bill (Ref: Land Use).

Yours Sincerely

Alan Bartlett.

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FOR CONSIDERATION BY THE JOINT COMMITTEE ON THE DRAFT DEREGULATION BILL.

1.-3. My Background

4. Need for Reorganisastion

5.-6. Observations

7.- 8. Personal Experience

9. Suggestions for Improvement

10. Conclusion.

1. My name is Alan Bartlett , I am a recently retired fifth generation Dairy Farmer having been born and lived on the same farm all my life. During that time I have had considerable experience dealing with problems associated with footpaths and bridleways there being a network of both across the farm.

2. I am a past Chairman of Somerset National Farmers' Union, Past South West Regional Chairman of the NFU and was Chairman of the South West BSE Emergency Committee during that terrible crisis.

3. I was for many years Chairman of the Somerset NFU Legal Assistance Scheme and as such had sight of a great number of cases concerning rights of way problems. I was a member of the Agricultural Lands Tribunal. I mention these things not as some form of self-glorification, but as evidence that I have considerable experience of farming and its various problems.

4. I am delighted that there is now an opportunity as part of your work to consider regulation in particular concerning Rights of Way. The procedure for dealing with applications and infringements of Rights of Way is in need of a complete reorganisation, it does not operate fairly and is over beurocratic and sad to say in many instances not humane in the way it deals with a great number of cases and a system that takes ten years or more just to start to review a case is obviously in need of attention.

5. I will restrict my comments to just a few general observations gleaned from my personal experience; I leave others to deal with technical and legal matters.

6.. In most instances the first indication a landowner will get when a Rights of Way dispute arises is when he receives a letter detailing an alleged infringement or an application to create a new access. Immediately the Landowner is forced to obtain legal advice because he is usually unable to obtain any further information from the local authority. The legal costs of dealing with these things can become enormous and very often because Rights of Way is such a complicated subject , poor

mapping and lack of understanding of historical documentation causes the whole thing to become a nightmare.

7. I realise that for most people the idea that a Rights of Way dispute can cause the total destruction of a person's life is a difficult thing to understand but I have experienced it many times. If I do nothing else with these few notes I wish to convey with all my heart the human suffering that can be caused by a bureaucracy which does not apply the principles of fairness and humanity that this country stands for.

8. Twenty years ago, my very good friend and farming neighbour of mine was subjected to a most horrendous ordeal concerning an alleged Right of Way that he had ploughed up. I was present on one occasion when he was being interviewed by the rights of way officer. I will never forget the most discourteous way he was treated then and subsequently. The Somerset County Council decided to make an example of his alleged offence under recently introduced legislation and he was duly taken to court and fined. Being a new case it made the headlines of the national newspapers, as you can imagine this caused my friend great distress, sadly a little while later he committed suicide a strong contributory factor being the stress caused by these problems. The most distressing thing about all this was that due to the persistence of another of his neighbours over many years of struggle and expense, it was proven that the Right of Way over which he was prosecuted did not exist. This is but one of many such examples that can be given.

9. The subject of understanding Historical Rights of Way is very complicated and certainly most Local Authority Rights of Way officers would not be expert in this field, indeed there are very few people who are. It is therefore most important that any dispute should be dealt with openly and fairly and I would suggest some sort of Tribunal system with an expert Chairman would be a step forward. The introduction of charging similar to that for planning applications would have the effect of restricting cases coming forward.

10. In conclusion I would say that I have been a witness to some quite horrendous situations concerning Rights of Way (many of which could have been avoided by a little more understanding and less confrontation on the part of the officers from the local authorities), and that another way of dealing with these matters is way overdue. I hope I have been able in a small way to communicate why a change of approach to the problems of Rights of Way at least from the human point of view is vitally important and that the Committee will think my views are worthy of consideration.

Alan Bartlett; September 2013