

**Written Evidence Submitted by Alan Bowers
to
The Joint Committee on the Draft
DEREGULATION BILL**

Land Usage

**ISSUES WHICH NEED TO BE CONSIDERED AND CHANGED!
REGARDING “RIGHTS of WAY”**

- Rights of Way officers in Local Authorities are committed in their attempt to create and maintain Rights of Way and do not act Impartial or Independent. And work in close partnership with User Groups to achieve the same goal.
- The Land/Home owner is powerless against decisions made by Government appointed Inspectors who appear to have the same ultimate aim; (To create and maintain Rights of Way). This is because the majority are former “Rights of Way Officers” with the same mindset. The only course open for the Land/Home owner is unaffordable High Court costs. Every individual is entitled to a Legal , Fair, and Independent hearing!
- Decisions concerning Rights of Way in a specific locality, should be made by Parish and Local Authorities and decided by elected members (Decision makers) and not be allowed to be Intimidated by Council officers, (Advisors).
- Privacy and Security of the Land/Home Owner should be considered, when Rights of Way issues are debated and discussed.
- Statements referring to use of Rights of Way should be under oath or statutory declaration.
- Evidence must be seen regarding the Existence of Lost Ways.
- Section 31 Highways Act 1980; is used to deprive Land/Home owners of their property.

At the present time the Land Owner/Home Owner is overwhelmed by Local Authorities and User Groups attempting to create and preserve Rights of Way over private property. They are also assisted by Inspectors appointed by Government to investigate Rights of Way disputes. The majority of Inspectors are former “Rights of Way Officers” and are therefore not IMPARTIAL or INDEPENDENT! The Land Owner is therefore deprived of a Fair and Impartial hearing, they are also overwhelmed with unsustainable costs in an effort to protect their property and privacy against Local Authorities who have substantial funds supplied by the very people they are persecuting.

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BEDFORDSHIRE.

THE WRONGS OF RIGHTS OF WAY.

1/

My Saga began in 1989 when I purchased some land adjoining my home at that time, the normal searches were made which revealed a Public Right of Way which is a Bridle Way, situated 50 yards away and running parallel with my property and used by the public. In 1992 my then next door neighbour Mrs. Izzard, stated that an Occupational Path (For the use of workers on the ground) running through my property was a Public Path. She contacted Beds County Council (BCC) who visited various friends and relatives of Mrs Izzard and took statements from them and indeed paid their legal expenses. At no time did the Council Officials approach myself or previous owners concerning this alleged Path, one of whom had owned the land for over 40 years. The BCC decided to make a Public Path on my property, although there was evidence in the form of a letter to Mrs. Izzard from the County Surveyor in 1957 stating that the Occupational Path was not a public path.

2/

In 1994 I applied to the Local Authority Mid. Beds. District Council (MBDC) to build a house on the property, this was granted with no mention of any path. On commencement of the building, Beds County Council informed me that they had

received a complaint that I was building over a public path. I met with officials at Beds County Council on 10th. Oct. 1995 who advised me to approach Mid. Beds. Council to have the path extinguished under the Town & Country Planning Act, also stating that they would not object. Mid Beds. District Council (MBDC) stated they could not extinguish something that did not exist. Beds. County Council (BCC) replied that they would confirm it as a Public Path so that MBDC could extinguish it. After the path was confirmed MBDC issued an order to extinguish the path, this was advertised in the local press and received 17 objections from the Izzard family and user groups. A public inquiry was held 9th. Feb 1999. The BCC attended and objected to the order even though they assured MBDC they would not object. An Inspector who presided over the inquiry did not confirm the order. I wrote to the Local Government Ombudsman to complain about the actions of BCC, and after a long period they informed me that BCC had the right to change their mind. MBDC then advised me to apply to them to extinguish the path using the Highways Act.

3/

At a meeting of BCC Development Committee 14th. Sept 2000 the members voted to support the MBCC in their attempt to extinguish the path, this was confirmed by BCC officials. MBDC issued an order to extinguish the path, which was again advertised in the local press, this again prompted objections from the same people. A public inquiry was held 19th. June 2001 which was presided over by another Inspector, again the BCC sent a letter via a local activist stating that they did not support the order, even though they had stated to MBDC and various other parties that they did support it.

4/

MBDC advised me to confront the BCC. I wrote to the Chief Executive of BCC. 19th. Sept 2001 expressing my concern. He replied 28th. Sept. stating that at the Committee Meeting of 14th, Sept. 2000 "At no time during the meeting did the members vote to support MBDC" (This is completely untrue). 31st. October 2000 the Chief Executive BCC wrote to Local Government Ombudsman stating. "Now having looked twice in a few weeks at the whole issues, 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".

5/

At a meeting of the Committee on 6th. Dec 2001 the members agreed that they had voted to support MBDC on 14th. Sept 2000. At a further meeting held 24th. Jan 2002 the committee instructed the BCC. to extinguish the path. The Council then wrote to me informing me of the committee's decision and that an order would be made within 2 months to Extinguish the path. The members of the committee were ordered to attend a "PRIVATE" meeting arranged for 7th. March where they were threatened with legal action against them individually, by officials within the Authority if they continued in their endeavours to have the path extinguished, under these circumstances the members changed their minds. (Blackmail). This did not come to light until many months later.

6/

The committee met on 4th. March 2004 to consider a recommendation of the BCC officials that a new path be created on my property. The members agreed to create a new path. The BCC issued an order in the local paper on 23rd. July 2004. Objections were received from, MBDC, Maulden Parish Council and Beds. Police Authority. There were also written objections sent in by 180 members of the public. The BCC contacted all the members of the public who objected and asked them to reconsider their objections. MBDC, suggested that I again apply to the BCC to have the path extinguished using the Highways Act. I sent in my application to BCC 11th. Sept. 2004. I received a response from BCC 12th. Oct. 2004 stating that the application could take up to 18 months to be considered. In July 2005 I wrote to my local MP. Ms. Nadine Dorries asking for advice and assistance. She has been most supportive over the past years as will become apparent later. Because of objections received to the order issued by BCC 23rd. July 2004 another public inquiry was arranged for 9th. March 2006. The meeting was presided over by another Inspector. (Mrs. Erica Eden). Prior to the meeting the BCC contacted MBDC and Maulden Parish Council threatening them with action if they objected to the order. MBDC withdrew their objection, but Maulden Parish Council wrote to BCC stating that "they were appalled by the threats and would not be intimidated". The enquiry finished at 5.30pm, to be resumed Tues. 28th. March. At the inquiry 28th. March I was able to give my statement which I had prepared. Halfway through my statement the Inspector stopped me and said she had heard enough. (I was not very happy at this). The Inspector confirmed the Order.

7/

20th. July 2007, I received a summons from BCC to appear before the Magistrates Court on 9th. Aug. 2007. The offence was that I had obstructed the footpath. The summons had been issued because of a notice issued by Mr. Mike Clark (Bedfordshire Rights of Way Association). I appeared before the court, at the beginning of the case I asked the court to consider dismissing the case because in Sept 2004 I submitted an application to BCC to extinguish the path, and this application had not yet been

considered. The solicitor for BCC informed the court that the BCC had no intention of considering my application, although they had informed me in 2004 that it could take up to 2 years to consider it. The magistrates felt that the case was too complicated for them to consider and that it should be considered by a Circuit Judge.

8/

I attended court 6th. Sep. 2007 where a circuit judge presided, the Judge asked for the case to be considered on 2nd. Nov 2007. I attended court 2nd. Nov.2007 accompanied by three Councillors and a past Councillor who wished to give evidence on my behalf. Unfortunately they were not allowed to give evidence and I was not allowed to question BCC officers although I had spent many hours preparing my case, I had also requested a site visit, which was denied. The Judge did not fine me but awarded BCC £1000 costs although they had asked for £1800, I was also issued with an enforcement order to open up the footpath within 120 days. (See statement made by Chief Executive BCC. Para. 4).

9/

A meeting was arranged for 21st. Aug. 2008. The meeting was attended by the two directors and two BCC officials. I was accompanied by two councillors and a past councillor, I requested that the meeting be recorded, but was told it was not possible. I insisted that minutes be taken. During the meeting it was suggested by Mr. Brawn (BCC) that I should apply to them to DELETE the path using the Country & Wildlife Act. I was also advised to pursue my application of 2004 to extinguish the path. On 6th. Oct. 2008 my agent Jan Molyneux submitted my application to BCC to have the path DELETED as they advised. The minutes of the meeting when issued were incorrect, I requested to see the minutes taken at the meeting and was informed that they had been destroyed

10/

I was summoned to appear in court April 20th. 2009 the case was presided over by Judge Nicholas Leigh-Smith the same judge who presided in Nov 2007. During the case, evidence was given by Mr. Brawn (BCC), when questioned by my barrister Mr. Brawn stated that the common sense thing to do, was to extinguish the path. When asked why they had not done so Mr. Brawn answered, "We have gone by the common sense stage" When questioned by the judge to explain his statement Mr. Brawn stated that if the council were to look at the situation "afresh" they would recommend the path be extinguished. The case lasted two days in which time I was able to have my say. At the end of the second day the judge announced that he would consider the case and adjourned until 30th. April 2009. On 30th. April the judge found me guilty and fined me £5000 and £9000 costs and an additional fine of £250 per. day if I did not open up the path. I came away from the court disillusioned and with a criminal record. Many people attending the case said afterwards "The one with the most money always wins the day". My barrister said I could appeal to the High Court, I had already spent in excess of £70,000 so it was out of the question. Under the circumstances I had no option but to comply to the judges wishes. To open up the path I had to remove buildings, trees (one was 30ft.high), fences, shrubs, and erect new fences. I had to hire diggers and lorries. The cost amounted to over £10,000. In March 2009, the BCC were replaced by a Unitary Council, Central Bedfordshire Council (CBC)

11/

At that moment I felt that my case had been defeated. After a few months I became aware of many other people who had suffered the same fate as myself because of Local Authorities giving into various powerful user groups. Eventually I contacted Richard Connaughton of Dorset who had suffered the same injustice and was prepared to stand up to the unjust methods used by Local Authorities and user groups. We have since been in touch with various people all over the country who have suffered the frustrations and enormous costs involving Rights of Way disputes. A report was produced called "The Hobhouse Report 2011" which highlights the failure of Local Authorities and Government officials to rectify the unjust and intimidating methods used by Rights of Way activists. I have tried to communicate with Richard Benyon MP, a Minister attached to DEFRA, sending various papers and information, also asking if it was possible to arrange a meeting to explain the situation regarding the misery and distressed caused by Rights of Way Groups, but have failed to receive a positive reply, only to say "that a meeting would be of no benefit to any party".

12/

After many letters, telephone calls and with the help of elected members of the local authority, The Central Bedfordshire Council agreed to process my applications which were submitted in 2004 and 2008. At a meeting with Rights of Way officers on 14th. Dec. 2011, they assured me, and a councillor who accompanied me that they will look at the situation "afresh". I have made them aware that in the past they have stated that because of the nearby Bridle Way the Path is superfluous. I have the support of members of the council, Parish Council, Police Authority, many local members of the public (Most of whom have lived in the area most of their lives), and very strong support from my local MP Nadine Dorries .

13/

13th. February 2013 the Development Management Committee (DMC) of CBC. met to consider three applications to remove the path, these were submitted 2004 and 2008. The officers misinformed the committee members and withheld evidence relating to one of the applications! (Section 53 Wildlife and Countryside Act). The members rejected the application. However they supported the other two applications 118 and 116 of the Highways Act.

14/

When the members were made aware of the situation they requested that the committee should reconsider the decision they had made. This was refused by the Council Officials. When minutes of the meeting were produced they were incorrect and contained information which was not discussed and not decided. These minutes were contested immediately by people who had attended the meeting, letters were sent to Committee Members and Council Officials but the Legal Representative for the council stated that they could not be changed. When I requested to see the minutes taken at the meeting I was informed that they had been destroyed. (As in August 2008). I am in the process of complaining to the Customer Relations Team of CBC. I will then contact the Local Government Ombudsman and Bedfordshire C.I.D.

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9th. September 2013

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