

Appendix D

E-mails between Andrew Selous MP, Mr. Alistair Moffitt and Central Bedfordshire Council

Andrew Selous MP query No.2 (23rd June 2015)

From: David Leverington
Sent: 17 July 2015 11:07
To: Andrew Selous
Subject: Fw: Sewell Farm Footpath - MR ALISTAIR MOFFITT - SEWELL FARM

Dear Mr Selous

My apologies for the delay in a reply.

I understand that Mr Moffitt has recently made a number of submissions direct to Adam Maciejewski. Adam will include these in his report to Councillors on the Development Management Committee later in the year. He also confirmed that the report would have an open recommendation, so that members can decide what to do.

Should they decide to refuse the application to extinguish, we would then work with Mr Moffitt in terms of his Health and Safety assessment as landowner and any subsequent mitigation measures considered necessary to safeguard the public.

Regards

David Leverington
ROW Team Leader

From: HOWAT, Susan [<mailto:HOWATS@parliament.uk>] [on behalf of Andrew Selous]
Sent: 23 June 2015 14:00
To: Jason Longhurst
Cc: Cllr Richard Stay
Subject: Fw: Sewell Farm Footpath - MR ALISTAIR MOFFITT - SEWELL FARM

Dear Jason,

Sewell Farm Footpath - MR ALISTAIR MOFFITT - SEWELL FARM

Further to my previous correspondence and the reply received from David Leverington, Mr Moffitt has again contacted me to let me have his response to the Council's recent email. given Mr Moffitt's response please could I ask the Council to carry out an assessment in respect the impact on Mr Moffitt's farm and health and safety concerns of opening the footpath across Mr Leverington's farmyard given that

the farm is still in operation and that Mr Moffitt confirms that heavy machinery needs to be operated in the farmyard without interruption from pedestrians using the footpath.

I look forward to hearing back from you.

With very best wishes

Andrew

Andrew Selous

Member of Parliament for SW Bedfordshire

nb: email forwarded by my secretary to avoid delay due to OUTLOOK Network problems

From: Alistair Moffitt

Sent: 22 June 2015 14:41

To: SELOUS, Andrew

Subject: Sewell Farm Footpath - Mr. Andrew Selous M.P.

Dear Andrew,

Thank you for your further email and David Leverington's reply. It was not our fault that the Council's Definitive Map did not show the footpath through our farm. They had a legal duty to show footpaths that were extant. If we had known we probably would not have bought the farm.

He says he is not aware of a legal diversion of the footpath. Obviously this was a de facto action on the part of Mr. Cooke when he built the new farmyard in 1876, because of the risk of injury from cattle and horses and carts.

He also states that Adam Maciejewski has rarely seen farm traffic. This is only a small farm, but when we carry out many jobs we use large machinery and there is fairly constant movement between the two farmyards. Adam would need to spend a lot of time here to see all the movements. It seems to me and most sensible people that to open an access to a potentially dangerous workplace is both foolish and irresponsible. Warning notices are of not much use. They tend to be ignored or torn down. We are constantly being reminded by the Health and Safety Executive that farming is the only industry which kills its children and family members. Most of these accidents happen in farmyards. I leave you to judge the corollary.

Mr. Leverington states that the current level of theft cannot be blamed on the presence of a public footpath. We already have one footpath giving access to our farmyards. What I am suggesting is that a further footpath giving easier access to the farmyards will only lead to more crime. On one hand I have the Police telling me to increase our security and on the other I have the Council wanting me to have an unlocked gate and access for all to our farmyards. Only last week we have had a break-in and serious criminal damage to our property which has involved the police in a lot of work.

My wife and I have a disabled daughter and we are extremely worried about security here, to the point that it is now making us all ill. Louise suffers from refractory epilepsy

and worry is the main trigger for her fits. She is often hospitalised with fits and we are concerned this footpath problem will exacerbate her illness.

With paedophiles at large in the community, my daughter -in-law, living in the farmhouse is really worried about the danger to her two small boys aged three and five, with an unlocked gate and ready access to her gardens.

I applied to extinguish the footpath nearly twelve years ago. This has been hanging over us for a very long time. We have always welcomed walkers on our farm, and without the path through the farmyards, walkers would in no way be inconvenienced, as path 33 is actually shorter and probably more scenic.

Mr Leverington goes on to say that the path through the farmyards would probably be used if it were opened up. Any new road or path is always used simply because it is there. (Aristotle said nature abhors a vacuum)

We are really worried about the health and safety and security risks. The public would in no way be inconvenienced as there is already a parallel path, which has been used for the past 139 years. (Miss Bradshaw, who lived in Sundial Cottage since 1930, told us that no-one had used the path through the farm, at least since that date.). There will be no public benefit, only a loss of security and a far greater Health and Safety risk to the public.

It amazes me that Mr. Leverington can so glibly pass off our concerns Do not we have Human Rights of safety and security?

As you can see from what I have written we really are worried and concerned about this intrusive footpath which the Council seem to want to steamroller through without concern for our own rights.

Kind regards

Alistair

Andrew Selous MP query No.1 (15 June 2015)

From: David Leverington

To: Andrew Selous

Subject: MR ALISTAIR MOFFITT ORCHARD BARN, SEWELL, DUNSTABLE LU6 1RP – FOOTPATH

Dear Mr Selous

Thank you for your email that has been forwarded for my attention.

We are unsure when the route across Mr Moffitt's land was last used but according to the Ordnance Survey 25 inch maps it has been available since about 1880, plus it is also recorded in the Houghton Regis Inclosure Award of around 1800. However, both this authority and its predecessor have been sympathetic to Mr. Moffitt's

extinguishment application, seeking to determine the application before any attempt to open up the legal route.

The standard property search only asks what routes are currently shown on the Definitive Map of Public Rights of Way. Footpath No. 26, whilst legally in existence, was not recorded on the Definitive Map at the time of Mr. Moffitt's search and so its presence was not relayed to him. We are unaware of any legal diversion of Footpath No. 36 onto the current route of Footpath No. 33.

The footpath if reinstated would run up the main access to the farmyard. Adam Maciejewski has visited the farm a number of times but has rarely seen farm traffic. However, we do agree that modern farm vehicles pose a risk to pedestrians and in such situations would advise the erection of warning notices for both path users and vehicle drivers.

I understand that Mr. Moffitt has suffered a number of thefts from his farmyard over the years. These have occurred whilst there has been no public access to the farmyard and so the presence of a public footpath cannot be blamed on the current level of thefts.

Mr. Moffitt applied to extinguish the footpath through his farm. Adam has looked at the case and agrees with him that there is an alternative route nearby (Footpath No. 33). It can be argued that the farmyard footpath is not needed for public use due to the parallel Footpath No. 33. However, we also have to have regard to the extent to which the route would be used by members of the public if it were open and available for use and not extinguished. Adam does consider that the route would be used by the public to a significant degree but cannot quantify this level as the route is obstructed. He also currently thinks that the loss of the public right outweighs factors in favour of privacy, security and public safety.

Adam's intention is to submit a report to the Council's Development Management Committee in August and has encouraged Mr Moffitt to make his own submissions for inclusion in the report. He may also be persuaded by such to reconsider his opinion and hence recommendation to the Committee.

Regards

David Leverington

ROW Team Leader

From: SELOUS, Andrew [mailto:andrew.selous.mp@parliament.uk]

Sent: 15 June 2015 12:49

To: Jason Longhurst

Subject: MR ALISTAIR MOFFIT ORCHARD BARN, SEWELL, DUNSTABLE LU6 1RP - FOOTPATH

Dear Jason,

MR ALISTAIR MOFFIT ORCHARD BARN, SEWELL, DUNSTABLE LU6 1RP – FOOTPATH

I write on behalf of my constituent Mr Moffitt who has raised with me his concerns about a Council proposal to reinstate a medieval footpath through his farm yard which

I understand has not been used for the past 139 years. I further understand that when Mr Moffitt purchased the farm in 2003 Council searches only showed a diverted footpath so they were unaware of the original route of the path. I further understand from Mr Moffitt that should the footpath be reinstated through his farmyard and property that it will run right through an area which is used constantly by heavy farm machinery thus causing public health and safety issues. I further understand that the reinstatement of this footpath which has not been in existence for the past 139 years will also cause a great deal of financial outlay for Mr Moffitt in order to provide security for his farm.

Please could I ask you to look into the concerns that Mr Moffitt has raised with me and let me know what steps can be taken by the Council to resolve all the concerns which Mr Moffitt has highlighted in the attached email to assist me in writing back to my constituent.

With very best wishes,

Andrew Selous

Member of Parliament for SW Bedfordshire

& Parliamentary Under Secretary of State for Justice

www.andrewselous.org.uk

From: Alistair Moffitt [mailto:moffittalistair@gmail.com]

Sent: 15 June 2015 12:14

To: SELOUS, Andrew

Subject: CENTRAL BEDS COUNCIL - FOOTPATH -Mr. Andrew Selous MP

Dear Andrew,

Councillor Richard Stay advised me to contact you regarding a footpath issue.

Central Beds Council want to reinstate a footpath running between the Victorian Farmyard (build in 1876) and the original farm yard by the farm house.

It was diverted beyond the Victorian yard for common sense reasons of safety and security and has not been used for 139 years.

The Definitive map has until now only showed the diverted path, and when we purchased the farm in 2003 the Council searches only showed the diverted path so we were unaware of the original path.

Walkers would be seriously at risk walking through a working farmyard where heavy machinery is in constant use. The potential Health and Safety risk is great.

If we had an open gate there would also be a serious security risk. At the moment we feel under siege as we have had several thefts and break-ins over recent years. Only yesterday youths in a stolen car drove through our entrance gate and continued over 2 fields, (one, a new wild flower meadow) and onto our neighbours land, damaging beyond repair 2 gates and a length of new hedging and fencing.

While we are having to increase our security at great expense, the Council is trying to force us to keep an open gate onto our property.

If this footpath were to be reinstated, not only would there be a potential Health and Safety issue, also our lives would be made very difficult as we could have problems with security and privacy.

There is no need for this path through our farmyard as the diverted path runs parallel within 100 feet of the other path, so walkers would not be inconvenienced in any way.

I can of course supply you with much more detail, maps and photos, if you require them.

I would be extremely grateful if you could help us in this issue.

Thanking you again for your help in the past.

Yours sincerely

Alistair.

c.c. Councillors Richard Stay, Susan Goodchild and John Cane