

Appendix C

Consultation Responses

- C.1. The joint applicants, Mr. Gridley Esq. Mrs. Gridley, Mr. Kinmond and Ms. McCaw were consulted. Mr. Gridley Esq. stated that he was "...happy with the details proposed..." Mrs. Gridley responded to state "...I am more than happy with the proposed plans [as applied for] and contributing towards the administration and advertising costs..." Mr. Kinmond and Ms. McCaw are happy that their application is being moved forward.
- C.2. The applicant, Mr. A. Moffitt has been consulted on the proposal that his application should be refused. He has subsequently submitted the following statement in support of his application.

FOR THE ATTENTION OF MR ADAM MACIEJEWSKI

Dear Adam,

HIGHWAYS ACT – SECTION 118 – PROPOSED EXTINGUISHMENT OF PARTS OF HOUGHTON REGIS FOOTPATHS NOS. 33 AND 36

Further to our meeting with you here at the farm, I am listing out some reasons for extinguishing the footpath between our two farmyards and also the footpath in the field known as Blacksmiths Shop. These are labelled as FP36 on your map of 23.01.15. These have been discussed with you and your predecessors many times over the past 12 years, since we first requested our extinguishment.

- 1. These footpaths are not needed for public use as other, better paths adequately serve the area, and, in the case of the footpath through the farmyard, run within a few metres of the established path. Also, although available for use by the public, they have not been used for many years, (probably since 1876 when the new yard was built.) Therefore these paths could rightly be extinguished under section 118 of Highways Act 1980.*

2. POTENTIAL RISKS TO WALKERS

Walkers would seriously be at risk walking through a farmyard where heavy machinery is in constant use. To open an access for the public to a potentially dangerous workplace seems to most sensible people to be both foolish and irresponsible. The Health and Safety Executive is constantly reminding us of the danger existing in farmyards, and also of the high number of fatal incidents occurring in farmyards. F.P.36 from Blacksmiths Shop to the entrance to Sewell Farm follows the route of Sewell Lane for approximately 30 metres. This part of the lane can be extremely dangerous as it is near a blind bend in the road and motorists and motorcyclists often drive round this bend extremely fast. Most of the motorcyclists have been using the cycle track illegally and are often

neither insured nor taxed. We phone the police about this frequently. (The police have asked us to do this.)

3. SECURITY

Our farm is very vulnerable to crime and theft because of the open visibility from the old railway, which also gives an easy escape route onto the green lanes for criminals. We have lost 2 quad bikes and numerous pieces of equipment to thieves. Virtually all of this loss has been covered by ourselves because of the high cost of insurance. To have to leave an open gate into our 2 farmyards and houses means easier access to our properties and increased risk of criminal activity. The Police are advising increased security, while the Council are wanting open access to our property. We already have one access to our farmyards from F.P.33 and another easier access can only lead to more crime.

4. PRIVACY

My wife and I have a disabled daughter and we are extremely worried about privacy and security here, to the point that it is now making us ill. Louise suffers from refractory epilepsy and worry is the main trigger for her seizures. She is often hospitalised with seizures and we are concerned this footpath problem will exacerbate her illness.

My son and daughter in law, living in the farm house, are really worried about the danger to their two small boys aged five and three, with an unlocked gate and ready access to their garden.

5. PUBLIC INTEREST

There is no reason that these two sections of F.P.36 should not be extinguished as they both have public rights of way already established, parallel with them within a few yards. The new route of F.P.33 between Sundial Cottage and Springwell Cottage is easier, shorter and more scenic.

Through Blacksmiths Shop, the path is paralleled by Sewell Lane and Whitehill Lane.

No member of the public would in any way be inconvenienced, by extinguishing of these footpaths and the Council would save a lot of money, from signings and infrastructure for steps, bridges, gates and styles.

None of the interest groups have objected to the request to extinguish the footpath.

Yours sincerely

Alistair

- C.3. Mr. Moffitt also submitted two sequences of photographs showing tractors and sheep moving through his farmyard. The most relevant of these photographs

be they Mr. Moffitt's disabled daughter and two young grandchildren or members of the public walking the footpath. Mr Moffitt also alleges the 25 metres of Sewell Lane between the two sections of Footpath No. 36 is dangerous but omits to comment that the alternative route is over 100 metres along the same section of lane. The thefts that have occurred have been when there has been no recorded or signed footpath and with a locked gate. Consequently the presence of the footpath has not contributed to the level of criminal activity.

- C.6. Mr. Moffitt is concerned about the safety and welfare of his disabled daughter and two young grandchildren who live on the farm. In my opinion the presence of a footpath through the farm is unlikely to have such a detrimental effect on Mr. Moffitt's family so as to override the prime considerations of public need and future public use of the footpath.
- C.7. The two sections of Footpath No. 36 in question are significantly different in character to Footpath No. 33 and Sewell Lane which would provide the alternative route. As discussed in the Legal and Policy Considerations at Appendix B I consider that the southern section of Footpath No. 36 between points W-X is needed as a link to the Sewell Greenway. Whilst I agree that the northern section of Footpath No. 36 between points Y-Z through the farmyard is not needed due to the proximity of Footpath No. 33, I consider that if it was opened up it would be used by the public and consequently an order to extinguish the footpath could not be confirmed. The Chiltern Society has already indicated that it would object to the extinguishment of the section W-X were an order made to extinguish it (see paragraphs C.11 and C.12 below).
- C.8. Mr. Andrew Selous MP has written to the Council on behalf of Mr. Moffitt. Mr. Selous' inquiries relate principally to the issues of security of Mr. Moffitt's farm equipment and the health and safety of walkers. The text of Mr. Selous' inquiries, Mr. Moffitt's e-mails to the MP, and the Council's responses to Mr. Selous are included at Appendix D.
- C.9. Houghton Regis Town Council was consulted on the applications (as made) and the Deputy Town Clerk responded to state "... *The Town Council's 'Planning & Licensing Committee' considered the above extinguishment at its meeting this week and is in support of the proposals...*"
- C.10. The Ramblers' local footpaths officer was consulted and responded in May 2015, stating "... *I feel that the tidying up of old orders is essential and I have no objections to the proposal...*" as applied for. This contradicts an earlier more detailed response from the Ramblers which was received in June 2008. In this the Local Footpath Officer ("LFO") stated "... *The addition to the Definitive Map of parts of Footpath No. 36 is needed to provide the option of an alternative walk back to BW35 so that the same route does not have to be covered on the outward and return sections of any circular walk... The fact that the footpath is not easily accessible from point D because of the steep railway cutting is not a reason for extinguishing the footpath, it is a reason for improving access [the LFO alludes to not reinstating the vertical descent of the southern side of the cutting]... ..the applicant cites the proximity of FP33 to FP36 as a reason for extinguishing parts of FP36... The proposal tries to erode the maxim 'once a highway always a highway'... ..The Association is*

prepared to comment on a properly presented case for modification of the short additional section of FP33 running parallel to Sewell Lane. This section serves no particular purpose if FP33, as used at present (ie on the slope east of Sundial Cottage), were to be formally designated, properly signposted from Sewell lane, and waymarked..."

- C.11. The Chiltern Society was consulted and responded in March 2015, stating for Footpath No. 33 "...[C-D] We would oppose the diversion of this section to the line from D to E. We feel it would be a much better route if the footpath joined the new track to The Barn. Coming from D the path could join the track shortly before the sleeper revetment... This would mean part of the pink area should not be extinguished... [A-B] If most of the rest of the pink area is to be extinguished a decent clear grass verge is needed from A to B..." For Footpath No. 36 the Society stated "...[X-W] We all agreed that this section of the path should be retained and we would oppose its extinguishment... [W-V] This section does seem impossible to follow... we might reluctantly agree not to oppose its extinguishment... [Y-Z] As this is duplicated by Footpath No. 33 we would be agreeable to its extinguishment provided some improvements were made to Footpath No. 33... [D-Z] ...the planks over the stream are going rotten. A proper bridge with a handrail needs to be provided if the section of Footpath No.36 from Y to Z is to be extinguished..."
- C.12. In a follow up e-mail in March 2015 the Chiltern Society made further comments, stating "...We were both unhappy with the path crossing the parking area. We feel if a car or van is parked on the line of the path this would both obstruct and hide the path and probably make it impassable for a mobility vehicle. Our suggestion was not D-C but a combination of D-E and D-C. At the moment just before sleeper revetments the drop down from D-E to the track is minimal and would not involve a lot of earth moving to make it suitable for a mobility vehicle. Quite a lot of improvements are needed to make D-E suitable for a mobility vehicle. I think the path is rather steep for a mobility vehicle from E down to the lowest point..."
- C.13. In response – the section of Footpath No. 33 between points C-D currently goes down a track and then would have to climb up a very steep 3 metre high bank requiring steps. The proposed alternative between points D-E stays on the high ground and has no steep slopes or steps. The Chiltern Society's suggestion would not benefit walkers and would make it unusable for mobility scooters or buggies. Consequently the Council could not adopt this suggestion under the Equalities Act 2000. The section of Footpath No. 33 between points A-E is buried under landscaping. The section between points C-B is also affected by some landscaping and is not a level walk until on the drive by Springwell Cottage and Lane Farm. The verge along the road can be cleared of overhanging vegetation to allow passage – though there is very little vehicular traffic along this dead-end land as it only serves Sewell Farm and Sundial Cottage.
- C.14. The now inactive Bedfordshire Rights of Way Association was consulted on the extinguishment applications in 2008. It responded to state "...It is our opinion that Y-Z would be used in preference to A-C-D-Z. W-X offers a walk through pasture land offering good views..."

- C.15. Sustrans was consulted and Mr. Peter Bate, Sustrans Area Manager, Beds, Herts & Milton Keynes, stated that for the section of Footpath No. 36 between points X-V “...It seems very odd that this is still a FP given the steepness of the cutting. Does anyone use it? I don’t even think there are any signs. There is no objection to the proposal to extinguish this FP provided that the diversion via BW35 and Sewell Lane is available...” and for the section of Footpath No. 36 between points Y-Z “...The proposals to modify FP33 seem a sensible alternative. Again, I don’t recall ever seeing any signs at the junction with Sewell Lane...”
- C.16. The Wildlife Trust was consulted as part of Footpath No. 36 between points V-W-X is within a County Wildlife Site but has not responded.
- C.17. The County Archaeological Officer, Mr. Martin Oake, was consulted as parts of Footpaths Nos. 33 and 36 lie within an Archaeological Notification Area. He stated “...The lengths of footpaths W-X and D-E are in the area of Sewell medieval settlement (HER 16885) which is indeed an archaeologically sensitive area. W-X runs through an undisturbed area which contains substantial earthworks. I am concerned that groundworks will be required on the stretch as these could affect the integrity of the earthworks and disturb buried archaeological deposits relating to the medieval settlement. I would prefer to see any ‘opening up’ involve a minimum of ground disturbance in this area, of ground disturbance is necessary it is likely to require archaeological monitoring in order to investigate and record any archaeological deposits that are affected. Although D-E is also within the archaeologically sensitive area I am much less concerned about it. There has, as you point out, been extensive ground works along this stretch already including cutting the bank back some distance and depth. It is unlikely that further revetting will result any much additional loss of archaeological deposits in this area...”
- C.18. In response – it is envisaged that some minor works will be needed at the roadside bank at point X to put in a few steps up into the meadow and probably the installation of a kissing gate. There would not be any other structures installed within the main area of archaeology within the meadow. Another kissing gate would probably be installed at the northern boundary of the railway cutting (close to point W) with possibly a flight of steps down into the bottom of the cutting. Where possible steps can be built up and backfilled rather than being cut into banks to protect any underlying archaeology.
- C.19. Mr. Michael Griffin, a local walker who has been an interested party in this case for many years, was consulted and stated that he had no objection to the applications as made.
- C.20. The statutory undertakers were consulted. Neither Anglian Water, UK Power Networks (electricity), National Grid (gas) nor British Telecommunications Plc responded.