

Dear Mr Williams please see below Mrs Bennett's comments in response to Mr Stewart's case.

Mr Stewart contends that the proposed route is substantially less convenient and enjoyable than the currently used route. The proposed route and the currently used route are exactly the same thing and have been for a significant period of time. Mr Stewart has clearly done no due diligence whatsoever before making his factually incorrect claims. Mr Stewart has almost no knowledge of the path in question and a total indifference to the veracity or otherwise of his claims. Mr Stewart further asserts that the proposed path is substantially less convenient and enjoyable than the route on the definitive plan. The route on the definitive plan takes you directly to where the Bourton flood relief ditch flows into Tagmoor Brook and is one of the most flooded parts of the Cotswolds due to the undersize culvert that tries to take this water under Marshmouth Lane. It goes through a compact area where there is a lot of farm and domestic traffic and livestock handling areas and buildings. The path is non-existent on the other side of Tagmoor Brook so it is a path to nowhere. Mr Stewart's claim that the path on the definitive plan is more convenient and enjoyable is patently absurd.

Mr Stewart assumes to opine upon what will be convenient or enjoyable to users. However, Mr Stewart is not a user of this path and clearly has no knowledge of the path users and little knowledge of path. OSS often make the spurious and dishonest claim that they represent the views of the public. However, OSS have no mandate whatsoever from the public or way of knowing what the public want in relation to proposed diversion. OSS represent the narrow special interests of the nearly couple of thousand people that constitute their membership and nobody else. It is fundamentally dishonest of them to claim to represent path users or the public. The local community, the Parish council and local footpath wardens have been consulted on the proposed path via on site notifications, advertisement in the newspapers and word mouth and the only comments that have been made are supportive of the proposed diversion. The Ramblers Association which has a large enough membership to claim to represent some element of the public have been consulted and they have raised no objection. Mr Stewart and OSS are being wilfully blind to the abundance of evidence that clearly demonstrates that the proposed path is more convenient and enjoyable to path users than the route on the definitive plan. They seem to only believe in the validity of public consultations if they produce the response that they want - otherwise they completely disregard them and presume to know better what the public wants than the public knows itself.

Numerous people have told Mrs Bennett and her family members how much better the diverted path as per the specification of the draft order is and not a single person has raised a word of complaint to them about the diverted path. Many people have asked why the diversion took so long and Mrs Bennett informs them that it OSS is holding that whole thing up. Mrs Bennett has had many of these conversations over the years and she has never encountered a single path user who have heard of Open Spaces Society. OSS have no connection whatsoever with the people they dishonestly claim to represent.

Mr Stewart claims the path has been freely used by the public for about 50 years. Mr Stewart again demonstrates his casual approach to the truth - Mrs Bennett did not own the farm 50 years, the farm buildings did not exist and the public were not using the path. The barns did not obstruct a path - there was no active path and the route on the plan had not been used in living memory. At that time there was no connection between any of the various farms along the route and Mrs Bennett's neighbours who have lived on the lane for generations extended their farmhouse over the route on the definitive plan because the path had not been used in the 3 generations their family had been on the lane. Mrs Bennett resents the suggestion that she obstructed a path by the construction of her farmyard. Mr Stewart makes clear his only connection to this path only started when he was alerted to opportunities arising from a diversion application.

Mr Stewart notes the unrestricted nature of the route on the definitive map and on the ground. It is OSS' stated policy that they want the right to roam in England, however as a matter of law that right does not exist. Footpaths are legally restricted to the width set out on the definitive map. It sadly the case people like Mr Stewart, who feel they can roam freely anywhere that they are not enclosed, are ensuring that an ever greater number of paths in the countryside are enclosed which is having a very damaging effect on the AONB.

Mr Stewart's assertion that the only restrictions on the informal route through the yard were field gates is completely false. There were 2 farm yard gates, a stile and some steps up onto a pedestrian bridge and a pedestrian gate (and a second pedestrian gate at our neighbour's end of the bridge). The route was also often enclosed on one or both sides by electric fencing. The location of the electric fencing constantly changes depending on what type of livestock is being grazed and the season. Mrs Bennett currently has ewes and lambs, cows and calves, youngstock a ram and a pony on the farm. She has n fields without a footpath and so she has to manage the interaction as best she can. The stock get rotated because rotation grazing minimises the use of pesticides and medical interventions. Sheep, ponies and cattle host different parasite so if you rotate the grazing you reduce issues with worms and there is a similar effect with foot rot. Equally sheep will eat off the docks that the ponies leave behind. Little ponies suffer from a form of diabetes when there is a high sugar content in the grass so they live in a constantly evolving paddock shape in the grass season and sheep are used to graze off the paddock to protect the pony. Mr Stewart clearly has no idea what happens on the land in front of Mrs Bennett's house and what restrictions that gives rise to. It should be noted that many of the public, especially the dog walking public, consider livestock to be a serious restriction and would much sooner be separated from them. In the yard the public were subject to the restrictions occasioned by whatever activity is going on at the time, be that hay carting, muck carting, livestock handling etc.

Mr Stewart notes that neither the path on the definitive map nor the informal diversion required improvement to the surface. Mr Stewart again completely makes things up. Both the path on the definitive map and the now defunct informal diversion are in high risk flood areas - they basically become marshes in the winter used as foraging grounds for wading birds such as egrets. They are were not improved but that was definitively was not because they did not require improvement to make them convenient for path users - quite the reverse true because those areas are completely waterlogged for much of the winter.

Mr Stewart notes walkers from Bourton will be obliged to depart from their "desired line". There is no evidence whatsoever that the route through Mrs Bennett's yard is their "desired line". There have been extensive public consultations and not a single person has expressed a preference for a route Mrs Bennett's yard. The walking public must be a terrible disappointment for the militants at Open Spaces Society.

Mr Stewart notes that walkers will use the freedom of walking across an "open field". The area in question is not an open field but rather a small paddock that has been strip grazed by mains electric fencing for decades.

Mr Stewart further notes that the diverted path is over a water course - this is incorrect. The route on the definitive map shows goes across a water course which is Tagmoor Brook and that is the drainage basin of the area - the proposed path is on top of a culverted ditch which does not contain a body of flowing water and is not in the drainage basin. Mr Stewart's comments on wetness or otherwise of the location are directly contradicted by the flood maps produced by the environment agency and the experience on the ground.

Mrs Bennett's concerns about COVID 19 related to use of gate handles around her home as all the evidence suggests that risk posed to public in the outdoors stemmed from objects that people touch. The proposed path reduces the number of gates or stiles that people have to touch from 4 to 1 on Mrs Bennett's land so it is safer from a COVID 19 perspective for path users and Mrs Bennett alike.

Mrs Bennett has had floodlights on her barns for decades and her family fitted security cameras for her all around her farm yard when she disturbed thieves trying to take her lawnmower. So Mr Stewart's comments that fitting floodlights and alarms "could vastly improve security" is completely false. The rural community support officer told Mrs Bennett that she needed to secure her farmyard to protect herself after she was attacked by a walker's dog. They have also told her in the past that she should keep a dog to alert her to intruders but her old Labrador unfortunately gets attacked by walkers' dogs which are not on the lead so she has to keep her dog in the house to protect it. Mrs Bennett has discussed her security concerns with many experts, including crime prevention officers, and none have ever suggested diverting the footpath out of the farmyard would be a bad thing. Mrs Bennett does not understand how Mr Stewart thinks he can inform her of what the firm advice of a crime prevention officer would be unless he is indeed himself a crime prevention officer - in any event his statement is diametrically opposed to what the crime prevention officer who have visited the property have said. Given the history of the property it would be very odd if Mrs Bennett had not consulted a crime prevention officer and it would be even more odd for her to deliberately take steps that increased her security risk - Mrs Bennett is a rational person and listens to the advice of experts in the field. Mr Stewart further suggests Mrs Bennett puts a pedestrian gate next to the yard gate - the gate would go straight into a large drainage ditch and into a mound of soil before entering the lane on a blind corner with gets traffic 4 ways. Further, Mr Stewart evidently does not comprehend that oak trees have roots and it would be impossible to dig gate post into the root of an oak tree.

Mr Stewart's comments that a stoned path with one gate is substantially less convenient to someone on a mobility scooter than a path through 3 gates, over one stile and up a set of steps to a bridge and through a marsh and floodzone is, to put it mildly, patently absurd. OSS cannot believe the nonsense they are spouting on this front. All the comments they are making come straight out of their playbook of how to object to a proposed path diversion and completely ignore the circumstances of the path section in question. It is completely dishonest of Mr Stewart and OSS to make these obviously nonsensical comments. Mrs Bennett can assure that a mobility scooter has never been used by a path user in her farm yard - marshland is not suitable for any type of vehicle. Marshmouth Lane is so-called because it is on a marsh.

Mr Stewart notes how a path with a width of 2m would be inconvenient and unenjoyable and dissuade users. This is untrue. The 2m in Mrs Bennett's garden will be one of the widest paths in the vicinity where many paths are enclosed to widths less than 1m. The use of the path has substantially increased since Mrs Bennett implemented the diversion. One of the local Polish families said to Mrs Bennett that they never used the path prior to the diversion as per the proposed route because culturally they would never go through someone's farmyard however they use it regularly since the draft order was implemented

Mr Stewart notes that Mrs Bennett is likely to erect a 2m fence in her garden for privacy and she has indeed done so. The general public have no interest in looking into Mrs Bennett's back garden or

bedroom - no views of the open countryside are obscured by the privacy fencing and walkers with good manners prefer to afford their host privacy so prefer the separation in private spaces.

Mrs Bennett notes as follows.

1. The account given by Open Spaces Society is materially incorrect on pretty much everything asserts. This total disregard for the facts and misrepresentation of the views and actions of the public is deliberate.
2. OSS have no interest whatsoever in the convenience of or enjoyment by the public in this section of the path. If they were interested in these matters they would have changed their approach when the outcome of the public consultation made clear that the public want this proposed diversion to be implemented.
3. OSS is behaving opportunistically - it is simply using the indefinite delays they can create by gaming the diversion process to force landowners to accept wider paths for every diversion and so redefine the concept of a footpath by the backdoor.
4. Mrs Bennett has been trying to divert this footpath in good faith since the people first expressed an interest in using it in about 1994. Parliament clearly did not intend a diversion supported unanimously by path users to be so strung out and tortuous. OSS' conduct represents a systematic abuse of process and is a classic example of lawfare, i.e. using expensive lawyers to achieve through the legal system what should be achieved through the political system.
5. OSS is wasting a vast amount of time and resources of the Rights of Way Department and the Planning Inspectorate with this vexatious conduct. They are also breaching Mrs Bennett's right to a fair process.
6. OSS receives a very generous subsidy from the British taxpayer via their charitable status and it is incumbent on those who benefit from such privileges to act with honest and integrity. OSS fall below the standard of what is expected of a charity,
7. OSS is one of the bodies consulted by DEFRA on diversion applications. Consultees should act with honesty and integrity and not systematically seek to abuse a legal process to achieve a political end,
8. OSS should be stripped of its charitable status and its status of a consultee on diversions and form a political party to pursue its right to roam and trespass agenda. If Mr Stewart believes he has the support of the public he should put a rosette on his chest and put himself forward at the next election.
9. The planning inspector should confirm the order which has already been implemented for in excess of 12 months to the unanimous approval of the path using public. The planning inspector should acknowledge that it is appropriate to have a 2m fence in Mrs Bennett's back garden.

Best wishes

On behalf of Grace Bennett