

## **Deregulation Bill, Second Reading**

Hansard, 3 February 2014

**Bill Wiggin (North Herefordshire) (Con):** I notice that my right hon. Friend has scampered past clause 13, which touches on the issue of rights of way, particularly the ones that go very close, or even through, people's houses. *[Interruption.]* I just wanted to ask him if we can have confidence that not only are people who like rambling and walking through the countryside going to be able to continue to do so, but people who have a problem with rights of way that intrude on their privacy — and which may have been created willy-nilly by a group of difficult people — will have a chance to fight back without being bankrupted by large organisations that they cannot afford to fight against?*[Interruption.]*

**Mr Letwin:** Yes, I can give my hon. Friend some comfort on that. Incidentally, it is rather interesting to hear Opposition Front Benchers chuntering away as if this is somehow a preoccupation of those who have large houses. Not at all. I do not know about my hon. Friend's constituents, but I have a constituent who has quite a small house, who — *[Interruption.]* Actually, it is a perfectly ordinary house with a perfectly ordinary garden and it has a right of way going through it, and it is pretty miserable. I suspect Opposition Members have such constituents too who have very modest houses with very modest gardens, and if the Opposition knew the slightest thing about rural England they would know that.

The fact is that there has been a problem. We need to preserve the system of rights of way as that is an enormously important part of our countryside, but it has been difficult to make sensible adjustments because of the ground rules against which inspectors are making decisions. The stakeholders working group looked at this very intensively over a very long period and took a very balanced view. The upshot is clause 13 and the surrounding clauses, and I am delighted to say that I have agreed with my right hon. Friend the Environment Secretary that it should be accompanied by guidance that will specifically ask the inspectors to give real weight to the fact that a particular path goes through someone's garden. That will help enormously to achieve a more sensible balance. That is now being looked at in detail by the SWG, which I hope will approve the new guidance in very short order.

**Bill Wiggin:** I am very grateful for what my right hon. Friend says about that because it can take up to 12 years in my constituency just to get a tiny little movement on such rights of way.

**Mr Letwin:** I very well know the phenomenon. In fact in the case I was talking about, I think it has taken about 25 years, so I know what my hon. Friend is talking about.

**Julian Smith (Skipton and Ripon) (Con):** Will that guidance also refer to the issue of green lanes which has come up among my constituents in north Yorkshire? I would be interested to know whether my right hon. Friend has been lobbied or representations have been made by those involved in that campaign.

**Mr Letwin:** Well, to say that I have been lobbied about these matters is mild understatement. I think it would be sensible for my hon. Friend and me to have a detailed discussion of clauses 14, 16 and 17. I will just mention clause 17 for a moment, which authorises the construction of gates on public ways. If my hon. Friend pauses to consider the materiality of that change, he will understand just how important this is. . . .

**Priti Patel:** . . . I want to touch briefly on an emotive group of clauses: clauses 13 to 19 on the use of land. This topic came up when my right hon. Friend the Minister for Government Policy opened the debate, and specifically the question of rights of way. This is a very sensitive area. It is right that this Bill provides a mechanism to allow landowners to extinguish redundant rights of way on their land where it is appropriate to do so. I have to say we received a great deal of evidence on this issue — that may even be an understatement, as we really did receive a lot of evidence. A lot of work is still taking place and dialogue is going on with the stakeholder working group. There is a long history here, with so many examples where local authorities and landowners have not been able to find the right kind of outcomes and resolutions. The Bill reduces the burdens on local authorities that arise from their having to consider many detailed applications for modifications. There are so many sensitivities and so many people and communities to please in different ways. This Bill has thus far approached this issue in the right way. . . .

**Andrew Bridgen** (North West Leicestershire, Conservative): . . . My hon. Friend the Member for Witham mentioned the use-of-land provisions in clauses 13 to 19. This aspect of the Bill has received a lot of attention, particularly in relation to rights of way and proposed changes to the designation of public footpaths. I am sure that all right hon. and hon. Members will be aware of how emotive and protracted disputes over rights of way and public footpaths can be. Definitive maps and statements setting out recorded public rights of way have never been completed despite work on this being done for well over 50 years. The changes proposed in the Bill will harness and streamline expertise by devolving decisions on public rights of way to a local level. I understand that there have been positive responses to the proposal, with the chief executive of Ramblers, Benedict Southworth, commenting:

‘The proposed legislation has been carefully put together by representatives from landowners, paths users and local government — including ourselves and the NFU — who have worked together for over three years to simplify the law around rights of way for the benefit of everyone.’

We should all applaud that. This proposal will have a positive economic impact, as it will cut the time for recording a right of way by several years and save, it is hoped, almost £20 million a year by cutting needless bureaucracy. It is also worth noting that visitors to England’s outdoors spent £21 billion last year — a significant contribution to our economy — including in my constituency, where we have many well-used public footpaths as well as the heart of the new national forest. . . .

**John Mann (Bassetlaw) (Lab):** For this flagship Government Bill, one wonders where all the Tories have gone. They seem rather reluctant to participate in the debate, whereas on these Benches — *[Interruption.]* Fine dialogue on modernising the structure of the Labour party might well be going on elsewhere. Colleagues have rightly seen that the mishmash of junk that has been presented as the Deregulation Bill is virtually worthless — so much so that it does not even warrant attendance.

The Bill should be called the Deregulation (of previous Tory laws) Bill. The Minister who opened the debate, despite being such a learned man, suggested that it was undoing the ills of previous Labour Governments, but the truth is rather different. The following clauses remove previous Tory legislation: clauses 5, 6, 8, 9, 10, 12, 14, 16, 17, 18, 19, 20, 21, 24, 25, 26, 28, 29, 30, 36, 46, 47, 49, 50, 53, 57, 59 and 60 — virtually the entire Bill. The same is true of the detail, as schedules 2, 3, 5, 6, 7, 8, 9, 11, 12, 13, 16 and 17 remove previous Tory legislation. I am therefore in favour of some of those changes — although not all — because they relate to irrelevant legislation that should never have been on the statute book in the first place. Redundant and irrelevant Tory legislation is rightly being removed, although of course, being the Tory party, they have to throw in half the legislation on health and safety. . . . .

**Mr Clarke:** . . . The measures on rights of way achieved remarkably unanimous acceptance — this is an impossibly controversial area, but the stakeholders' group has reached agreement. The Government's proposals have been advanced, and I am glad that they have been accepted.