

Cllr. Ken Thornber
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15th October 2007

Dear Ken,

Broxhead Common again

Thank you for your letter dated 10th October 2007.

You say that the Inspector's view is only binding as it affects the existence of bridleway rights. Exactly so and it is because he believes the rights to use the whole of the common already exist that he has decided against the appeal. If the County Council disagreed with his decision the correct procedure would have been to appeal to the High Court within six weeks of the date of publication of his report, otherwise his decision as Secretary of State must stand.

Forgive me for contradicting you but the terms of the lease do specifically grant the public access for 'air and exercise' {ex parte Bilson 1998} and there is also an assumption that the land will be managed "to conserve its scientific and landscape qualities while permitting reasonable access"

There can be no reason to further delay the removal of the illegal 'no horse riding' signs and the cutting back of the gorse and scrub to facilitate access of the equestrian public. It should be remembered that the original lease was drawn up between the County Council and the landowner, after the local commoners won their case in the High Court for the removal of the fencing of 80 acres of 'the most valuable and scarce wildlife habitat'. If the landowner now wishes to renege on the contract then it would surely result in his having to forfeit the fenced 80 acres.

As for the compatibility with the nature conservation value of the land, I have already checked this out with the then Chief Executive of English Nature, Dr Andy Brown, and as you will see in the letter attached to this as an email, he says "conservation issues are effectively irrelevant".

I hope to hear from you in the near future that the land is to be managed to effect the terms of the lease, in the spirit and the intention of the original judgement of the High Court.

Yours sincerely,

Maureen
Cllr Comber
BHS DABO Hants