

Councillor Ken Thornber CBE
Leader of Hampshire County Council
The Castle
WINCHESTER
Hants
SO23 8UJ

The Old Cottage
Frith End
BORDON
Hants
GU35 0QS

17th September 2007

Dear Ken,

Broxhead Common

Thank you for your letter dated 12th September in reply to mine of 9th August 2007.

It seems that there are four issues which need clarification:

1. The Inspectors decision not to permit the claimed bridleways on Broxhead Common is based on the fact that he believes the right of 'air and exercise' for horse riders already exists under the terms of the lease. In which case there is no need for further permission from the landowner; indeed the penultimate paragraph in the original lease only permits the landowner and his successors in title "reasonable access" to the leased land on an equal footing to the public. In view of this please may I know why you are saying that it is necessary for the Northern Area Team of the Countryside Service to "review with the landowner the possibilities for allowing permissive access for riders"? Why do you assume in the circumstances that there is a necessity for this?
2. You are correct to say that the report does not say that routes for riders must be provided under the terms of the lease. That is because the right to ride all over the common already exists. [ex parte Bilson 1998]. I suggested that HCC as the lessee may wish to make the claimed paths available to save clearing all of the rest of this overgrown and neglected site although it would of course be preferable if the common was properly managed and cleared of gorse, fern and brambles etc. in line with other lowland heath sites, which make walking and riding unpleasant or impossible.
3. You say the common is managed primarily for wildlife and nature conservation. Again the original lease says that the County Council should manage it in such a way as to conserve its scientific and landscape qualities while permitting reasonable access. Most of our SSSI's have public access which does not conflict or harm them. Indeed I would go so far as to say that if five acres of the land has been turned into cricket and football pitches which will indeed change the nature of the landscape, then there is little that can be said about the occasional presence of horses who are acknowledged for their bio-diversity.
4. Finally after consultation with DEFRA and NE I am convinced that they do not look favourably on any application to prohibit public access on the grounds of nature conservation and I am aware that there is a rigorous and thorough consultative procedure which has to be followed in this respect.

I hope that you will agree with me that it is lamentable that any Council should be conniving in depriving a small section of the public of its rights of access whether acquired under Sec.15 of CROW as a local agreement as in the case of Broxhead or under the LPA sec 193 as in the case of Portchester Common. This amounts to discrimination of the worst kind.

I hope to hear from you again soon that this matter has been resolved and that the misleading and illegal [Wildlife and Countryside Act 1949] 'no horse riding' signs put up while the appeal was still in progress and against the recommendation of the Regulatory Committee who asked that the paths should be made available through the Executive Member, have been removed.

Yours sincerely

Cllr. Maureen Comber