

From: m.comber@btinternet.com
To: [HINDS Damian](#); [Dominic Grieve QC MP](#); [Lord Neuberger](#)
Subject: RE: Response for Natural England's answers to my questions of 17th July 2013
Date: 24 November 2013 14:11:04
Attachments: [DEFRA 8.1.13.doc](#)
[2013-09-25 EMCR Management of Common Land at Yateley and Shortheath Copy.pdf](#)

Dear Damian,

With regard to your email below, please see attached. We seem to have gone full circle with no satisfactory explanations along the way.

In this case I have to ask what is meant by "accepted by DEFRA on 17th October who will in due course send a response to Mr Barnett". Will he just be told

to contact his MP I wonder, like I was?

Other than the attached, which as you will see is in response to mine dated 12th November 2012, I have not had a reasonable explanation with regards to the misappropriation of 80 acres of Broxhead

Common or the lamentable enclosure of hundreds of acres of our open spaces/common lands, which it seems is continuing in spite of this government's awareness.

You have been helpful in forwarding my correspondence to Defra, Richard Benyon as the Secretary of State and hopefully now Dan Rogerson, but it appears we are going around in circles.

What on earth is going on?

Only last week I attended an HCC Regulatory Committee meeting at Winchester, concerning a 'package' of diversions for bridleways on Yately Common. The BHS are objecting to this, but despite

Emailing all committee members requiring them to ask my questions for the sake of openness, transparency and accountability, they did not, as far as I could hear. Anyway I have emailed the

Chairman, Cllr Robin McIntosh, and asked him to ensure that I get a written response to those questions, even though the 'package' was agreed. I mention this only so that you can see that if Local Government is allowed to ignore correspondence and threaten to invoke unreasonable complainant Behaviour, rather than answer the questions, then this country is heading fast for third world status as far as democracy is concerned.

I also attach the HCC Agenda for the Culture, Recreation and Countryside Committee dated 25th September 2013. This was held on the day we delivered our petition to No. 10 Downing Street, so

I was not able to attend myself. On the top of page 4, you will see that HLS is being paid by Natural England to Hampshire County Council and Single Farm Payment also to their Countryside

Department. As I have pointed out very clearly in previous correspondence, "*...And although agri-environment agreements can be made available to groups of commoners for the management of a CPR, such as a large extensive upland common, the property rights regime reflected in the registers makes it extremely difficult to achieve the necessary consensus between all potential appropriators in order to secure an agreement. The agreement of all common rights holders will be required in order to*

*identify all potential commoners with property rights in the common. And if they can be identified, achieving a comprehensive consensus in a legally binding agreement can be difficult and time consuming..... Finally, the legal characterization of the land use permitted by a common property right will also impact upon the utility of agri-environment schemes as a tool for promoting the environmental management of common land. **Measures under the EC Rural Development Policy are only available for applicants engaged in 'farming', and are therefore inapplicable if a common is not put to an agricultural use.** The determining factor here is the economic use to which commoners put their rights, rather than the nature of the rights themselves - **only common rights holders who are registered as farmers for the receipt of European Community subsidies can claim agri-environment payments under schemes such as ESA, ELS or HLS.***

It follows that agri-environment schemes such as HLS have no potential application for the management of 'recreational' commons or those whose primary feature is (paradoxically) their high nature value rather than their value as an agricultural resource."

This Committee will meet again on 4th December 2013 where I have no doubt that protest will be swept aside and an application for fencing Yately Common will be agreed!

Damian, I am quoting the law. Therefore please explain how it is that the law is apparently being sidestepped and broken by Defra, Natural England and Local Government via the Planning Inspectorate? I can understand why it is, if it is to misappropriate EU funding, but if this is the case, then it is a very good example of why we should not remain in the EU. Simply it is dishonest and below the standards we expect of Great Britain to misappropriate funds in this way, because at the end of the day it is all public money. I have asked you if the Coalition was aware of this problem or did they perhaps unwittingly inherit it? The Government needs to be clear. This is the wrong thing to do and it needs putting right. The money must be returned as it has been falsely obtained and what is worse, from the pockets of those who need it most, i.e. the Farmers of England.

I therefore have no choice but to call upon the Master of the Rolls, Lord Neuberger and the Attorney General, The Rt. Hon. Dominic Grieve, to hold this government to account for the wrongful acquisition of EU CAP funding, since they have been well informed by others as well as myself for several years, as to the sly, underhand and unofficial enclosure of our common land by government departments and ALB's.

Since we seem to have gone full circle I would say it is time these matters were addressed?

Yours sincerely,

Maureen Comber
Hon. Sec. BCA

-----Original Message-----

From: [HINDS, Damian](#)

Date: 21/11/2013 17:02:10

To: m.comber@btinternet.com

Subject: RE: Response for Natural England's answers to my questions of 17th July 2013

Dear Maureen,

Have been in touch with DCLG who have confirmed that the Petition/Statement was transferred to and accepted by DEFRA on 17th October who will in due course send a response to Mr. Barnett. DCLG say that common land is a matter for DEFRA.

Best wishes,

Janice

Damian Hinds
MP for East Hampshire
House of Commons, London SW1A 0AA
0207 219 7057 // 01420 84122
damian.hinds.mp@parliament.uk

My next open public meeting is on Fri 13 December at 7pm at the Village Hall, Buriton.
Please come along and make a point or ask a question.

From: m.comber@btinternet.com [mailto:m.comber@btinternet.com]
Sent: 21 November 2013 11:36
To: HINDS, Damian
Subject: RE: Response for Natural England's answers to my questions of 17th July 2013

Petition attached and response.

Grateful if you could have a go Janice as the organiser has tried but not had much success.

We are concerned that the coalition is being drawn into illegal proceedings by NE which will not be beneficial to them in the long run.

I agree with No 10 that Eric Pickles is best placed to deal with this, but has he ever received it? Not if NE has anything to do with it I suspect as the organiser

was told it had fallen into a black hole at Defra, who understandably did not know what it was about, or so they say. Poor Damian is dealing with a cartload of monkeys as far as I can see.

Labour has much to answer for and mud sticks. Openness, transparency and accountability. We shall see.

Many thanks

Maureen

-----Original Message-----

From: [HINDS, Damian](#)

Date: 21/11/2013 11:06:51

To: m.comber@btinternet.com

Subject: RE: Response for Natural England's answers to my questions of 17th July 2013

Noted, Maureen.

Did get the photos but not sure about tracing the current whereabouts of the petition. If the organiser of it has had an acknowledgment he or she would be best placed to try to track it down. Think I would need more detail since, as you will appreciate, there will be quite a few petitions which are current at any one time.

Best wishes,

Janice

Damian Hinds
MP for East Hampshire
House of Commons, London SW1A 0AA
0207 219 7057 // 01420 84122
damian.hinds.mp@parliament.uk

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From: m.comber@btinternet.com [<mailto:m.comber@btinternet.com>]
Sent: 20 November 2013 19:29
To: HINDS, Damian
Subject: RE: Response for Natural England's answers to my questions of 17th July 2013

Yes fine but I think the Minister should be kept informed also, as if he read their response without my reply he will have been misinformed. A copy of their reply when it is forthcoming should also be sent to the Minister as in the end the buck will stop with him?

Did you receive the photos I sent you of our visit to Downing St? Have you had time to discover just where the petition ended up? Was it a black hole or did Eric Pickles eventually get to see it?

Best

Maureen
-----Original Message-----

From: [HINDS, Damian](#)
Date: 20/11/2013 18:36:16
To: m.comber@btinternet.com
Subject: RE: Response for Natural England's answers to my questions of 17th July 2013

Dear Maureen,

As the Minister asked Natural England to reply last time and you are now responding to their reply, it is proposed to send your response and the copy of Mr. Whitfield's letter to them for their consideration and further comment. Hope this meets with your approval.

Best wishes,

Janice

Damian Hinds
MP for East Hampshire
House of Commons, London SW1A 0AA
0207 219 7057 // 01420 84122
damian.hinds.mp@parliament.uk

My next open public meeting is on Fri 13 December at 7pm at the Village Hall, Buriton.
Please come along and make a point or ask a question.

From: m.comber@btinternet.com [<mailto:m.comber@btinternet.com>]
Sent: 14 November 2013 19:45
To: HINDS, Damian
Cc: NEUBERGER, Lord (External)
Subject: Response for Natural England's answers to my questions of 17th July 2013

FAO Dan Rogerson?

Please find attached letter to Damian and letter from Peter Whitfield 2005

Thanks

Maureen
GU35 0QS

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