



Mrs M. Comber
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Culture, Communities and Rural Affairs
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Enquiries to Alex Lewis

My reference

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Your reference

Date 1 July 2009

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Arts

Tourism

Dear Mrs Comber

Re: Part of Broxhead Common at Trottsford

Countryside
Service &
Rights of Way

I realise that I have yet fully to answer the issues raised in your e-mail of 2 June.

River Hamble

Rural Affairs

Libraries and
Information

You say that this part of Broxhead Common has a right of air and exercise which includes horse riding. I have not seen any evidence which leads me to believe that there is any public right of access to this common over and above that granted by s. 2 Countryside and Rights of Way Act 2000. This is limited to a right of access on foot and it does not require access to be made available from any part of an adjacent highway.

Hampshire
Learning

Museums

Archives

Sport,
Community
& Outdoor
Services

The enforcement of a breach of s.38 Commons Act 2006 is a separate issue. The local authority is not under any obligation to take enforcement action. Our Area Countryside Access Manger has visited the site and advised me that there has been no attempt to stop access to the common on foot from Footpath 48. In the circumstances, I do not consider that the public interest is best served by the County Council taking enforcement action in respect of fencing which does not prevent access, especially in the light of new powers which entitle any individual aggrieved by the fencing to pursue the matter through the County Court.

I hope that this clarifies our position.



Yours sincerely



Alex Lewis
Access Team Leader

INVESTOR IN PEOPLE



EQUALITY
FRAMEWORK
FOR LOCAL
GOVERNMENT
ACHIEVING

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Director of Culture, Communities and Rural Affairs
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