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From: [Davies, Francis \(NE\)](#)

Date: 25/02/2014 14:12:42

To: [Maureen Comber](#)

Subject: Broxhead Common - Land Registry enquiry

Dear Maureen

Thank you for your email of 26th January 2014 to Jane Houghton for my attention and for your email direct to me on 29th January 2014. I am sorry for the delay in responding.

In your email you ask me to 'liaise with John Pownall to take a relator action to the High Court to have these lamentable matters put right.' (i.e. erection of fencing without permission). It appears from your letter to Mr Pownall that the fencing in question was erected well before 2005, as you state: 'Headley and Kingsley Parish Councils had objected to the proposal which had been put to them by the County Secretary in September 1977.'

The Planning Inspectorate Guidance Note 12a applies which states:

'If the works were erected before 28 June 2005 only certain people can take enforcement action: land owners, Local Authorities and any other person with a legal interest in the land (such as commoners).'

Accordingly in accordance with Guidance Note 12a, Natural England does not have powers or duties in relation to enforcement of illegal fencing erected prior to June 2005, unless Natural England is the landowner or has a legal interest.

Unfortunately in light of this Guidance which indicates who is able to take enforcement action in relation to the fencing, and the limited resources available to it, Natural England is not minded to bring a relator action in relation to this matter. Of course relator actions may be brought by anyone and therefore you would be entitled to approach the Attorney General yourself.

Yours sincerely

Fran Davies

Area Manager - Berkshire, Dorset, Hampshire and the Isle of Wight

Local Partnerships and Integration

Natural England

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