

Dear Mrs Comber,

This is a Stage 2 response to your complaint, in response to your further e-mail of the 19th January; I understand that you have been previously forwarded information on our complaints policy.

Thank you for your advice on the placement of the sign, which is noted. However, having spoken to the Site Manager, it is his professional view that the sign is placed in an appropriate location and does not present a safety risk to riders. It is noted that the sign has been in place for some time now, and no complaints (other than yours) have been received. However, as previously stated, the Site Manager will be looking into to the signage you requested asking vehicles not to obstruct the entrance to the bridleway.

As previously stated, section 38(1) of the Commons Act 2006 applies only to 'restricted works'. The definition of restricted works is given in section 38(2) and signage does not fall within this definition.

You state that it is a duty of the County Council to protect the Common in respect of the fencing. I note that Section 41 of the Commons Act 2006 provides that any person may apply to the County Court where works are carried out in contravention of section 38(1). There is no duty on the County Council to act in respect of this section of legislation. Due to limited resources the County Council does not intend to pursue this matter through the Courts, but, as stated by the legislation, action is open to any member of the public.

Please find a link to our list of claims awaiting investigation: <http://www.hants.gov.uk/rh/row/claims-list-a.pdf> I believe the claims to which your refer are number 34 onwards.

I note the report of the Inspector. The County Council maintains its position that it rejects the assertion that the lease conveys permissive access for horse riders. However, it is correct that a commitment was given to explore equestrian access to the Common. To this end, it was investigated by the Area Team Leader in 2006 when the matter was raised. However, it was noted that the consent of the freeholder of the land would be required for any additional access, and that the landowner in question was not willing to entertain such a proposal. Further it was noted that due to the designation of the site as a SSSI and Special Protection Area, consent from Natural England (then English Nature) would be required, and that consent was highly unlikely to be forthcoming. It was therefore considered inappropriate at that time to pursue the creation of any new routes.

I hope this addresses your complaints. If you are not satisfied, our complaints policy contains information about what further options are open to you.

Yours sincerely,  
Andy Smith

Andy Smith

Head of Countryside  
Hampshire County  
Council tef 01962 846003

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