

understand why HCC are protecting the landowners interests rather than the public as a whole. Can you enlighten me?

Kind Regards  
Maureen

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

**From:** Allen, Phil

**To:** Maureen Comber

**Cc:** Thornber, Cllr T K ; Smith, Andrew (Countryside) ; Thompson, Rob (Countryside) ; Stoneman, Ian

**Sent:** Wednesday, December 05, 2007 3:46 PM

**Subject:** RE: Broxhead Common and Cradle Lane

Hello Maureen. Ian Stoneman (site ranger) and I met with Simon Porter on November 15th. I discussed with Simon the possibility of providing a permissive bridleway, and also about the interpretation of "incidental air and exercise", which is what I discussed with you at Audley's Wood Hotel. I believe the Inspector made reference to that phrase when explaining his decision, but I don't recall reference to any clearance.

The permissive bridleway still does not find favour with the landowner, and so my remaining option is to re-explore the legal interpretation of "incidental air and exercise" and how that pertains to horseriding. In order to question my current advice on this interpretation, and therefore to question my legal colleagues and approach Counsel, I will need to put a paper to Regulatory Committee.

Simon Porter accepted that the legal exploration of the interpretation of "incidental air and exercise" was a rational next step for me to take, although he was confident that it did not pertain to horseriding.

As regards Cradle Lane, I am discussing this with Rob Thompson, and the outcome will very much depend on priorities and resources. I will endeavour to let you know our conclusions when we reach them.

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**From:** Maureen Comber [mailto:m.comber@btinternet.com]

**Sent:** 04 December 2007 15:36

**To:** Allen, Phil

**Cc:** Thornber, Cllr T K

**Subject:** Broxhead Common and Cradle Lane

Dear Phil,

It is now four weeks since we met at the Hants Land Management Framework Forum. You said you would be meeting the Agent for Broxhead with a view to implementing the decision by the SOS so that the area in the vicinity of the claimed paths could be cleared to allow for more permissive access. Did the meeting take place and what was the outcome?

You were also going to look at Cradle Lane so that I can have an ETA for its repair + TRO. I think you will agree that the deep grooves have made it very unsafe for pedestrian use and I include horse riders in this respect.

I should be glad of an update on these matters please

KR  
Maureen

**Maureen Comber**

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**From:** "Maureen Comber" <m.comber@btinternet.com>  
**To:** "Smith, Andrew (Countryside)" <andrew.t.smith@hants.gov.uk>  
**Sent:** 02 June 2008 18:43  
**Subject:** Fw: Broxhead Common and Cradle Lane

Dear Andrew,

I don't know whether Phil is off sick or what other explanation there might be for not receiving further information on the subject of Broxhead Common which remains overgrown and unavailable or Cradle Lane which is now so damaged that it is dangerous to use. I see there is concern from Dockenfield residents as well.

Please can you update me with regard to these matters

Kind Regards  
 Maureen  
 Cllr Comber

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

**From:** [Maureen Comber](#)  
**To:** [Allen, Phil](#)  
**Sent:** Monday, February 04, 2008 4:46 PM  
**Subject:** Re: Broxhead Common and Cradle Lane

Dear Phil,

Please can you update me on this matter

Kind Regards  
 Maureen

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

**From:** [Allen, Phil](#)  
**To:** [Maureen Comber](#)  
**Sent:** Friday, December 07, 2007 4:44 PM  
**Subject:** RE: Broxhead Common and Cradle Lane

Maureen, I'm checking out the files on the points you mention on Friday 14th. I will try to respond accordingly thereafter.

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**From:** Maureen Comber [mailto:m.comber@btinternet.com]  
**Sent:** 07 December 2007 14:51  
**To:** Allen, Phil  
**Cc:** Thornber, Cllr T K; Smith, Andrew (Countryside); Thompson, Rob (Countryside); Stoneman, Ian  
**Subject:** Re: Broxhead Common and Cradle Lane

Well I hope it doesn't take you too long to reach a conclusion. I would rather you didn't leave me with no option other than sec 130A.

The interpretation of 'air and exercise' is already settled law and can be found in the Bilson case (High Court Feb 1998)

As you have left the Inspectors decision unchallenged, that decision must hold. His decision clearly states that the claim for BW's cannot be upheld because we already have a permissive right to use the whole common which is something that I have repeatedly told you. In which case if we cannot use the whole common because of its neglected state then it should be cleared in the vicinity of the paths if not completely. It is not a very large area so clearance would not be a major problem. Again if you continue to prevaricate then I shall have no option but to seek help through the legal processes. I am at a loss to

17/08/2008