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GU35 0QS

Your ref. NATROW/Q1770/529A/07/11

12<sup>th</sup> February 2007

Dear Sirs,

**WILDLIFE & COUNTRYSIDE ACT 1981  
APPEAL UNDER PARAGRAPH 4(1) OF SCHEDULE 14  
HAMPSHIRE COUNTY COUNCIL'S REFUSAL TO MODIFY THE  
DEFINITIVE MAP TO ADD A BRIDLEWAY BETWEEN CRADLE LANE  
AND BRIDLEWAY 54 IN THE PARISH OF HEADLEY**

Thank you for your letter of 26<sup>th</sup> January 2007 and enclosed appeal forms. I am sending all relevant material but I would like you to be aware of the following>

1. This claim is closely related to two previous claims, one for a bridleway on Broxhead Common. Decision letter from Inspector Bryant dated 25<sup>th</sup> September 1997 refers. (Your ref. FPS/Z1700/7/51). The Researching Officer, Colin Piper (CP) refers to this in his report and I believe his assumptions are incorrect and misleading because:
  - ✦ He is saying that the Inspector in this case has said there is insufficient evidence of user. He omits disclosing the fact that the Inspector is taking 1964 as the date of challenge.
  - ✦ He ignores the fact that the SOS is satisfied that there is sufficient evidence of user prior to 1975. (Page 27 2<sup>nd</sup> Para of Officers report)
  - ✦ The Inspector refers to horse riders using the whole of the common before 80 acres of it was enclosed in 1964.Overall he is misusing the results of a previous PI to enhance the case he is making for refusal.
2. NATROW/Q1770/529A/05/64 is the reference for the next claim which is still with you.
3. Looking through the papers has made me feel that the difficulty I am having in resolving a safety issue for horse riders –confirmed in the 1997 report by Inspector Bryant – is lamentably, caused by acute vexation by the Hampshire County Council on the fact that after 20 years I did eventually succeed in upgrading FP54 on Broxhead Common to Bridleway. Letters from the Principle Solicitor Ted Mason dated 7.08.1998, last para. and Andrew Smith, Rights of Way Manager dated 22.01.01 indicate that this is the case.
4. No attempt has been made to accept the judgement of Lord Justice Sedley that the problem could be resolved by discussion and agreement. This is

confirmed by the letter from Mrs Tett dated 24<sup>th</sup> June 1996 in which she says that the land I am referring to is not common land and is owned. Both incorrect.

Given the foregoing, I had hoped that by presenting a reasonably strong case of 20-year user it would be thought not unreasonable to at least send this forward to Public Inquiry. Sadly this was not to be and the negativity continues.

I would like to point out that the claim is entirely on marginal land and the section D – E past the Rifle Range is common land without an apparent owner. It stands out on all the old maps as having been an old road alignment.

I was dismayed to see at the meeting of the Regulatory Committee that few of them seemed to know what ROWIP's were let alone their relationship to the LTP. When asked by one member if indeed the route was shown on them the Officer replied "No, they are far too general". I was unable to point out that I myself had put it on them when I filled in the consultation map. Hence my letter to Ken Thornber the Leader of Hampshire County Council.

I attach his reply. I am still not happy that they have taken my points to heart especially that they are acting ultra vires in not making an Order for a claim which is a "fine balance" so that the merits of it can be decided at PI if contested.

Yours sincerely

Maureen Comber  
ABO BHS Hants