



General Purposes Committee
27th September 2007

**Report from the Director of
Transportation**

For Action

Wards Affected:

Northwick Park

**Northwick Park Public Rights Of Way 34 & 37 Diversion
Order**

1.0 Summary

- 1.1 This report seeks the approval of the Committee to the making of a diversion order in respect of Public Rights of Way 34 & 37 (PROW 34 & 37) at Northwick Park, Watford Road, Harrow, Middlesex.

2.0 Recommendations

- 2.1 The Committee hereby resolves to make Orders (the Orders) for the diversion of so much of PROW 34 & 37 by way of the creation of a new footpath and the extinguishment of the former lengths of the relevant sections of PROW 34 & 37 pursuant to Section 119 of the Highways Act 1980 detailed on the plan attached in Appendix 3 to this report ("the Plan")
- 2.2 That the Director of Transportation Services be authorised to enter into discussions with parties affected by the Orders.
- 2.3 That the availability of compensation to persons affected by the closure of accesses pursuant to the Orders be noted.
- 2.4 That the Director of Transportation Services in consultation with the Borough Solicitor be authorised to take all necessary steps for the promotion of the Orders including publishing the requisite notices, considering any objections and representations received and reporting back to members if thought appropriate. Otherwise the Director of Transportation is authorised to take all

necessary steps to confirm the Orders, instruct Counsel and experts to provide evidence and prepare the case for the Orders and arrange for any inquiry whenever required into the making of the Orders.

- 2.5 That upon the confirmation of the Orders the Director of Transportation be authorized to take all necessary steps to implement the Orders made.

3.0 Detail

- 3.1 The Council is the owner of land at Northwick Park Watford Road Harrow Middlesex (the site). The site consists of Metropolitan Open Land/Public Open Space.
- 3.2 By an Agreement for Lease dated 18th April 2002 and made between the Council of the one part and Playgolf (Northwick Park) Limited of the other part, Playgolf agreed to redevelop the site by constructing a golf driving range, 6 hole golf course and ancillary leisure buildings and facilities.
- 3.3 Under the Conditions to the Planning Permission for the golf facility dated 14th May 2001 (Application No. 99/2397) the Local Planning Authority required details of means to prevent vehicular access to the public footpaths/Rights of Way and their surface treatments to be submitted for approval before any work is commenced (Condition 4). Also, Condition 5 states that all parking and turning areas, points of access from Watford Road and circulation roads and paths are operational before the golf course and driving range come into use. While this could be inferred to include any Public Rights of Way mentioned in Condition 4, the reason for the condition is specific in that its intention is to secure the safe, convenient and amenable passage of vehicular traffic and parking around and within the site.
- 3.4 No conditions required details of the routes of the public footpaths/Rights of Way mentioned in Condition 4 to be submitted. The Planning Service is therefore not in any position to pursue enforcement action in regards to the positions or routes of the Rights of Way or their operational openness.
- 3.5 Three sections of Public Rights of Way lie within the golf facility area. These are PROW 34, PROW 36 and PROW 37 as numbered on the definitive local map maintained by Transportation on behalf of the Highway Authority (refer to extract of the Definitive Plan in Appendix 1).
- 3.6 PROW 36 runs west to east across the northern edge of the golf facility, i.e. parallel to the southern edge of the grounds of Northwick Park Hospital. PROW 36 adjoins PROW 34 to the west and abuts PROW 35 at right angles to the east. PROW 36 also coincides with the Capital Ring, a round London footpath route, primarily through the green spaces of London. The Capital Ring is promoted by Transport for London, the London Walking Forum and has wide community support. The Capital Ring is the subject of several leaflets and books. The Capital Ring is a tourist attraction which is promoted in various 'walking for health' initiatives and indications are that use of the route will continue to increase. Transport for London (TfL) undertook some

further investment in the route in the spring of 2004, including improved way marking across the Borough.

- 3.7 The Council concluded that the development of the golf facility could proceed without closing or diverting PROW 36.
- 3.8 PROW 37 lies on an approximately south-east to north-west route across Northwick Park. It runs across the golf facility and is shown on the attached extract of the Definitive Plan in Appendix 1. The north section of PROW 37 runs into PROW 34 in the vicinity of the then proposed driving range.
- 3.9 A permanent diversion order of PROW 37 therefore needed to be considered which took a safe route across fairway No 4 to the south of the golf course and diverted it around the proposed driving range to the north.
- 3.10 After investigation and consideration of the matter, officers informed Playgolf that the Council was willing to consider a permanent diversion of PROW 37 subject to the alternative route being agreed with Playgolf.
- 3.11 Following discussions and consultation, Brent Council Parks Service, Playgolf, and other interested parties agreed to the permanent diversion of the relevant section of PROW 37 to follow the route shown by the line C to D on the attached plan in Appendix 2 which traversed around the eastern boundary of the driving range before reconnecting with PROW 36 through a kissing gate near the boundary of Northwick Park Hospital.
- 3.12 The Order was subsequently made on 4th October 2005 under Section 119 of the Highways Act 1980 and is known as The London Borough of Brent Northwick Park Public Path Diversion (No. 1) Order 2005.
- 3.13 However, Playgolf then constructed and opened the golf driving range to the public without first ensuring that the section of PROW 37 affected by the driving range netting was diverted around the installation in advance. This action by Playgolf effectively obstructed the original route of PROW 37. That is, the installation by Playgolf of golf ball containment nets at the boundary of the driving range obstructed free passage by the public along PROW 37 in the vicinity of the driving range.
- 3.14 There followed objections from members of the public which resulted in a public hearing being held by The Planning Inspectorate on Tuesday 21st November 2006. After all views were heard, The Inspector, Helen Slade, issued her report. The Summary of the Inspector's Report dated 30th November 2006 stated the following:
- a) "The Order is not in the interests of the public. I consider that on this ground alone I would be justified in failing to confirm the Order since it is not expedient in the interests of one of the parties cited in the preamble to the Order as benefiting from it."

- b) “Furthermore, I consider that the Order is misleading in the way that it has been presented, in that it suggests that an entirely new route is being proposed, whereas in fact up to one third of the proposed route would co-exist with part of Footpath 36, occupying the same space. This has resulted in confusion amongst those people who have objected to the Order and prejudiced their ability to identify the relevant issues on which objections were relevant. Nevertheless, following the full and open discussion which took place at the hearing, had I been satisfied on all other issues of this case, I might have been able to propose a modification to the Order in this respect. As it is, I have concluded that the altered termination point is not substantially as convenient to the public and this again would be sufficient ground not to confirm the Order.”
- c) “However, I have concluded that there are issues of public safety which, in my opinion, have not been given sufficient attention by either the Order Making Authority or Playgolf management such that the proposed route would be substantially less convenient for the public, I have also concluded that the diversion would have a significantly detrimental effect on the enjoyment by the public of the route as a whole. I therefore conclude that although the proposed diversion is undoubtedly expedient in the interests of the landowner and the lessee of the land, I find that this is outweighed by the disadvantages to the public. Consequently, it is not expedient to confirm the Order.”

3.15 The conclusion of the Inspector was that, “Having regard to these and all other matters raised at the hearing and in the written submissions I conclude that the Order should not be confirmed”.

3.16 As a result of the Inspector’s decision, Officers of the Transportation Services Unit met with Mr Postins of Playgolf at Northwick Park Golf Course on 3rd January 2007. Playgolf were advised to re-open the original route of PROW 37 where it is obstructed by the driving range fencing, and to expect to receive a Notice under Section 143 of the Highways Act confirming the Council’s requirement as Highway Authority for the route to be restored.

3.17 A Notice from the Director of Transportation under Sections 130 and 143 of the Highways Act 1980 was issued to Playgolf on 8th January 2007 which allowed Playgolf 60 days to remove the perimeter fencing to the driving range together with material deposited on the footpath where they obstruct PROW 37. The notice also advised that Playgolf needed to draw up proposals to adequately protect the public from collision by golf balls being driven on the driving range and to submit these to the Council for approval before installing such protection works.

3.18 After expiry of the 60 day period on 8th March 2007, a further letter was sent to Playgolf dated 16th March 2007 recording that, although removal of obstructions had substantially been addressed by installing gates through each side of the driving range netting and removing various obstructing materials, Playgolf had still neither submitted nor installed any measures to

adequately protect walkers wishing to cross the driving range, but had instead padlocked the gates each side of the driving range to prevent usage of PROW 37 in the vicinity of the driving range, and posted notices informing the public to use the alternative permissive route (the previously rejected diversion route) around the driving range.

- 3.19 Playgolf then requested the Council for another Order to be made to divert PROW 37 around the driving range and golf facility on a safer route. Playgolf were also encouraged by the Council in the mean time to pursue a method of protecting the public from driven golf balls so that the original section of the path crossing the driving range could be walked by the public. However, Playgolf have been unable or unwilling to formulate a protected crossing solution for the driving range along the existing route of PROW 37, at least not one which the Council would find acceptable for use by the public (it was considered unacceptable for the public to be allowed to walk across the driving range to be confronted with the full view of golf balls being driven towards them with only netting as protection for example).
- 3.20 Officers are of the opinion that it is expedient and in the interest of the public for the footpath to be diverted along the safer route shown by the broken line A to C on the Plan in Appendix 3, and that the line referred to along the existing sections of PROW 34 & 37 should be extinguished for that purpose. The sections of path to be extinguished form part of the existing north section of PROW 37 and part of the existing east section of PROW 34, as PROW 34 does not merge into PROW 36 as thought at the time of the first diversion order, but merges with PROW 37 part way across the north section of the golf course (as described in the Definitive Map and Statement).
- 3.21 The existing commencement point of PROW 37 and the section adjacent to the watercourse across fairway No 4 to the south will be unaltered in the proposed footpath diversion. Thereafter, to the north, the line of the diverted PROW 37 will follow the proposed route shown in Appendix 3 and will terminate at the north where it meets PROW 36 at gap in the fencing, which is approximately 110 metres to the east of its original termination point at the west end of PROW 36. This difference in termination point is not considered by Officers to be substantial enough to cause concern to the Planning Inspector on its own, as was mentioned in the body of the Planning Inspector's report of 30th November 2006.
- 3.22 It is believed that the diverted PROW will not be substantially less convenient to the public in consequence of the diversion as it is only approximately 260m metres longer, which would take about three minutes longer to walk, and it follows a scenic line.
- 3.23 Officers consider that it is expedient in the interests of the safe operation of the golf facility and the safeguarding and preservation of the public interest for the Orders to be made which will also minimise interference to PROW 34 & PROW 37. This takes into account the public interest in enjoying those rights and the land on which the PROWs sit on the balance of convenience where, for the reasons outlined in clause 5.7 below, the re-routing or creation of a

new footpath and closure of the whole of the present PROW 34 & 37 would not be expedient, feasible, or legally practicable.

3.24 The new proposed diversion route received Playgolf's approval on 13th June 2007 who stated that:

"After reviewing the alternative proposal route we have concluded that on balance this route is certainly no less safe and probably safer for walkers than the original proposed diversion. In particular we consider that the following is relevant:

1. The walkers crossing the 4th fairway are far less likely to be struck by a drive from the 4th tee as the majority of golfers play up to the stream and then play their second shots to the green.
2. Even if a golfer over-hits a drive into the stream (and thus the route of the footpath) the ball will be bouncing/rolling along the ground with very little energy, and thus the risk of injury is also reduced.
3. Even though walkers are walking parallel to the 4th fairway for a short distance, the safety margin is approximately 45m which is usually considered as adequate."

3.25 Open Spaces Society issued a notice to the Director of Transportation dated 28th June 2007 (which was received on 2nd July 2007) under section 130A (1) of the Highways Act 1980 requesting the Council as highway authority to secure the removal of three cited obstructions on PROW 34 & 37 (padlocked gate and 2m high wire mesh fencing at the driving range and a water tank to the north of the driving range).

3.26 Transportation responded to Open Spaces Society on 7th August 2007 informing them that a notice under section 130A (6) of the Highways Act 1980 was served on Mr D Postins of Playgolf the same day. The Council's notice informed Playgolf that it considered that the 2m high wire mesh fencing and the water tank did not obstruct the line of the footpath such that no action was to be taken for these. Regarding the padlocked gate, it was found on inspection on 31st July 2007 that the gate was found not to be padlocked, and hence the obstruction did not exist. It was, however, recognised that this may have been purely a temporary situation. It was considered that the action to be taken was to ask Playgolf to confirm whether they intend for the gate to be left un-padlocked and to make a further order to divert the relevant parts of PROW 34 and PROW 37.

3.27 Mr Postins of Playgolf confirmed on 14th August 2007 by telephone that the gates each side of the driving range are to be left un-padlocked. Playgolf were also asked to arrange for the permissive route around the driving range to be altered to follow the line of the new proposed diversion route by removing the old waymarking of the previous permissive route and remarking the line of the new proposed diversion and permissive route.

3.28 On about 11th August 2007 new notices were affixed to the gates each side of the driving range by Playgolf which read:

“DANGER

If you are entering the driving range you do so at your own risk. Northwick Park Management accepts no responsibility for personal injuries arising from the range. Please use the alternative route around the back of the range. Thank you.”

An Officer discussed this with Playgolf on 11th September 2007 (P Fraser/D Postins) who agreed to alter the wording to make the message less threatening and to provide a mechanism such as a bell or similar at each gate to enable walkers intending to walk across the driving range to warn players driving golf balls at the driving range of their presence.

Consultation

- 3.29 Consultation letters were sent out to 20 interested parties, and notices were posted along the proposed route, all on 16th August 2007. These all informed addressees and walkers of the Council’s proposals and invited any comments and suggestions on improvements to the route by 7th September 2007.
- 3.30 A total of 12 responses were received by the closing date of 7th September 2007 (refer Appendix 4 showing letters received).
- 3.31 An analysis of the respondents’ points follows:

Safety

- a) Walkers using proposed route are exposed to the hazards of a golf course which was not the case before development. Comment – it is not unusual for golf courses to have footpaths crossing.
- b) Walkers entering from the south are not seen by golfers at 4th Tee. Comment – Playgolf intend to place a bell here to warn golfers that walkers intend to cross. Playgolf say that the risk is considered low as golfers play short of the stream and balls will have lost most of their energy by the time they bounce towards it and the path. Also, this is the original line of the path in the 1970 Order.
- c) The proposed path alongside the 4th Fairway presents a safety hazard to walkers. Comment – Playgolf state that the previous option of crossing the 1st Fairway is considered more hazardous as walkers are unsighted to those teeing off. Walkers are quite protected from sliced shots from the 4th Tee by the thicket between the 4th and 1st holes and are a long way off the line of play which is to the south of the fairway.
- d) There are visibility issues coming through the trees into range of Hole 2. Comment – this is subjective and there doesn’t appear to be any visibility issues here.
- e) Passing between greens 3 and 4 it would be easy to be hit by a ball overshooting green 3. Comment – Playgolf state that there is a 35m to

40m safety margin measured from the centre of the fairway and that the occurrence of golfers hitting the back of the green is virtually nil, as most golfers over-estimate their ability with a particular club and the shot invariably lands short. The path maintains the 30m safety margin recommended by the European Institute of Golf Course Architects, being the distance from the centre of the green to any footpath.

- f) The route passes alongside the tees for Hole 2 where a sliced ball would be dangerous to any walker. Comment – Playgolf state that the risk is remote as the slice would have to be of monumental proportions and most golfers wait for passers by to walk past before taking tee shots as it is a distraction to them.
- g) There is a risk of being hit from a sliced tee shot from the 4th Tee. Comment – Playgolf state that the chances of this happening are negligible as the shot would have to be 50m off line.
- h) The proposed route is too close to the 1st and 3rd Greens. Comment – Playgolf state that it is no closer than 20m to the edge of either of these.
- i) Trees are not recognised as sufficient protection for walkers on a golf course. The path width between trees is not comfortable for two walkers. Comment – Playgolf state that they are not relying on trees to protect walkers from golf balls and that the route is wide enough for two walkers – the trees may need to be pruned periodically.
- j) Playgolf also state that all of the documents listed in respondent No 4's submission are from other (rural) local Authorities. Developing a golf course in a rural, open countryside environment is a different prospect to developing an urban golf course in a confined space. The 50m safety margins are much easier to achieve but these are not realistic in this situation. In any event the distances are recommended guidelines and do not carry any legal status.
- k) Playgolf also state that walkers have been crossing the course for nearly 2 years without incident, thus proving the safety of the course.

Amenity

- a) The proposed route is longer to walk for people attending hospital. Comment – 3 minutes longer to walk is not considered to be excessive.
- b) The Definitive Map alignment is blocked by the golf course boundary fence, water tank and rubbish tip at north near Ducker Pond. Comment – Definitive Statement is unclear about exact alignment and, traditionally, walkers veer off the Definitive Map alignment here. The proposed route is considered perfectly adequate and relatively scenic.
- c) The proposed route is not attractive, being a winding and forced route not easily way marked, which significantly reduces the footpath network in the area of PROW 34, 36 & 37. Comment – this view is subjective and it is

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believed that the route is more interesting and attractive than the one crossing the driving range. Surely by increasing the length of the footpath the network is being increased and not decreased?

- d) Why can't the path follow the back of the driving range? Comment – Playgolf say that although walking around the nets may be safe, it is the approach to the nets which crosses the danger area.
- e) The exit point of PROW 34 was onto open fields and now this is not possible. Comment – Playgolf state that their driving range now exists and the exit point of PROW 34 will always be into the vicinity of the range which is not considered unpleasant.
- f) The 1970 Diversion Order reduced the number of paths crisscrossing this piece of open space and reduced the rights of the public in the area. Comment – Playgolf state that the 1970 Diversion Order ensured that the football and rugby pitches were not crossed by public rights of way. It made sense in 1970 to divert them around the pitches. Surely it makes sense now to divert the path around the driving range?

Suggested Alterations

- a) Remove steps at north end, restore PROW 37 to original line, move 20m high towers to west of the stream, re-site Hole 1 and shorten and reverse Hole 4 to afford shots being played away from the line of PROW 37. Playgolf comment that there is no law against steps on a golf course and that re-siting would render the course un-usable and un-playable. Also, people are at liberty to walk original line of PROW 37 across the range, which is safe to walk when the course is shut.
- b) Alter “Danger” signage at gates each side of driving range. Comment – Playgolf accept this and have agreed to amend the signs.
- c) Three plank bridge needs upgrading with a handrail. Comment – Playgolf have agreed to upgrade this and provide a handrail.
- d) Remove the chain link fence from the Ducker boundary to the kissing gate on PROW 36 including the gate to allow walkers some flexibility on the north side. Comment – Playgolf say that the fence along PROW 36 is there to confine walkers to the right of way for safety reasons as well as security. However, they have agreed to remove the kissing gate to allow unrestricted passage.

Planning consent

- a) Planning consent was granted conditional upon the footpath being diverted. Comment – this statement is incorrect.

Playgolf Attitude

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a) Walkers are seen as intruders by Playgolf. Comment – Playgolf state that the rights of way are signed and clearly marked on the score card and that they have always tried to accommodate walkers.

3.32 These response letters were sent to Playgolf for comment by e-mail. Mr Postins of Playgolf responded to the points made by most of the respondents by e-mail on 6th and 11th September 2007 (refer Appendix 5).

3.33 Council Officers (P Fraser & I Litchfield) met with David Postins and his groundkeeper at the golf course on 10th September 2007 to walk the proposed route and discuss the points raised by respondents to the consultation and to obtain Playgolf's future actions in relation to these. Playgolf stated that they will take the following actions as soon as possible, which officers found to be reasonable in response to the points raised by the respondents:

a) Upgrade the present 3 plank wooden bridge at the south end of PROW 37 where it enters the golf course and crosses a ditch by widening it and installing handrails.

b) Provide a bell that walkers can ring at this location to warn golfers on the 4th tee that walkers are about to cross the 4th fairway.

c) Waymark the revised proposed diversion route (as the revised permissive route) and revise the maps and signage displayed on the golf course.

d) Remove the kissing gate at the north end of the proposed diversion route where it meets PROW 36 and lock the gate at the south entrance to the golf course where the previously rejected PROW 37 diversion started.

e) Alter the wording on the "DANGER" sign on the two gates each side of the driving range to be less threatening as mentioned in 3.26 above, and provide a mechanism (such as a bell or other) at each gate so that walkers who intend to cross the driving range may warn the players driving golf balls at the range of their presence.

3.34 A member of the public who is also a respondent to the consultation, in his letter to the Chief Executive dated 1st September 2007, has taken his complaint about PROW 34 & 37 proposed diversion to Stage 3. He has stated, among other things, that incomplete site notices were posted on the golf course, that only the first page was displayed, that the map was missing and that other posted notices confused the information. This was not the case as all pages were enclosed in each notice and all pages were found to be intact when the notices were taken down on 10th September 2007. The fastening which prevented the two sheets of plastic of the display assembly to be opened was purposefully omitted on the right hand side so that the public could remove the notice to read all its pages including the map. It was

obvious that the pages had been removed to be read and then replaced between the plastic housing at some locations, as the pages were misaligned but still legible. As for other notices posted, the original Playgolf map was displayed at the start and finish of the rejected route. Playgolf have stated that they will change this to show the new proposed diversion and permissive route. There were no other Council notices visible during the period the new ones were posted.

4.0 Financial Implications

- 4.1 London Borough of Brent (the Council) will be liable to pay compensation to those affected by the Orders. However it is not reasonably anticipated that the diversion arrangements resulting from the Orders will result in any claim for compensation.
- 4.2 The cost of work undertaken by the Council's Legal, Transportation and Parks Services to date in connection with the proposed diversion of PROW 37 is estimated at approximately £25,000 and in the event that the matter went again to Inquiry a further £10,000 in costs would necessarily be incurred.
- 4.3 These further or prospective costs would arise because the Council would be obliged to pay for the costs of the Inspector appointed to any such Inquiry that may be convened and also the costs of the Council itself preparing and making its case for the Orders.
- 4.4 The Director of Environment has confirmed that both the present and prospective level of costs referred to above in 4.2 can be accommodated within current budgetary constraints and parameters and that it is content to meet the total level of such costs in order to secure the commissioning of this important leisure facility and development which the Council has for many years sought to create.
- 4.5 Playgolf has agreed to pay a contribution up to £10,000 towards the Council's costs in respect of the diversion as they accept that such costs are reasonably integral or at least incidental to their overall redevelopment.

5.0 Legal Implications

- 5.1 The Council will need to comply with the procedure for making the proposed Orders, principally set out in Section 119 and Schedule 6 of the Highways Act 1980. The Council must also be mindful at all times of its role as order making authority despite it being interested in the development as a land owner.
- 5.2 The procedure is subject to independent review if an inquiry is called, as the appointed inspector will be from the Planning Inspectorate. Further independent scrutiny is provided by the Secretary of State for the Environment in the process.

- 5.3 The proposals for the orders must be notified to relevant persons and publicised. Any person may object to the proposal. If an objection is made and not withdrawn, a public local inquiry will be held by the Secretary of State. Any public Inquiry will be conducted by an Inspector appointed by the Secretary of State' who will hear evidence from any persons objecting to the orders and from the Council as promoter.
- 5.4 The Inspector would then submit a report on the Public Inquiry and his/her recommendations to the Secretary of State who would then decide whether or not to confirm the orders.
- 5.5 The orders may only be made on the basis of grounds specified in the relevant sections of the Acts.
- 5.6 Members must bear the implications of the Human Rights Act 1998 in mind when making their decision. The Act came into force on 2 October 2000. The Act effectively incorporates the European Convention on Human Rights into UK law and requires all public authorities to have regard to Convention Rights. In making decisions Members need to have regard to the Convention. The rights which are of most relevance to local authorities making orders it itself proposes is Article 6 – the right to a fair hearing. The Inspector appointed to any Inquiry will be independent of the Council. The decision of the Inspector and the Secretary of State can be scrutinised by the Court.
- 5.7 The Council must consider that it is expedient in the interest of the landowner lessee or occupier or in the interest of the public that the line of path should be diverted on to another part of the land before making the Orders. The replacement line of way will not be substantially less convenient to the public in consequence of the diversion given the configuration and route and as shown on the Plan. It is expedient to make the Orders so that public enjoyment of PROW 34 & 37 as a whole is preserved and to facilitate the proposed development referred to without detriment to the Council's interest as landowner and protecting by all reasonable means the safety and convenience of walkers along PROW 34 & 37. The diversion or re-routing of PROW 34 & 37 in its entirety could only be secured by the creation of a new footpath and the closure or stopping up of the whole length of PROW 34 & 37. It would not be expedient for the Council to consider such a course of action in view of the lengthy and expensive procedure this would entail and the resulting and total extinguishment of an established public right of way. The proposed and limited replacement /diversion will not cross the driving range of the new facility. The diversion will cross one of the fairways (whereas the original lines of PROW 34 & 37 crossed two fairways). However this is not an uncommon arrangement where public rights of way intersect golfing links and courses and, provided reasonable signage and warning notices are erected, the risk of injury to persons using the path is considered to be remote.

6.0 Diversity & Inclusion Implications

- 6.1 This report has been screened by officers for diversity implications and it is believed there are none.

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7.0 Staffing/Accommodation Implications

7.1 The order making authority for the orders to be made is the Council itself. It is anticipated that the Council's legal services will advise the Council on the Order making process. Officers from Transportation and Park Services will perform many of the functions required to promote and confirm the Orders.

8.0 Environmental Implications

8.1 Officers believe that there are no additional environmental implications than existed with the original path alignment.

Background Papers

- Files of papers of the Director of Transportation.
- Order Decision of The Planning Inspectorate dated 30th November 2006.
- General Purposes Committee Report of 12th July 2005 entitled 'Northwick Park Foot Path Diversion Order'.

Contact Officers

Any person wishing to inspect the above mentioned papers should contact Paul Williams at 2nd Floor West Brent House, Wembley Telephone: 020 8937 5043.

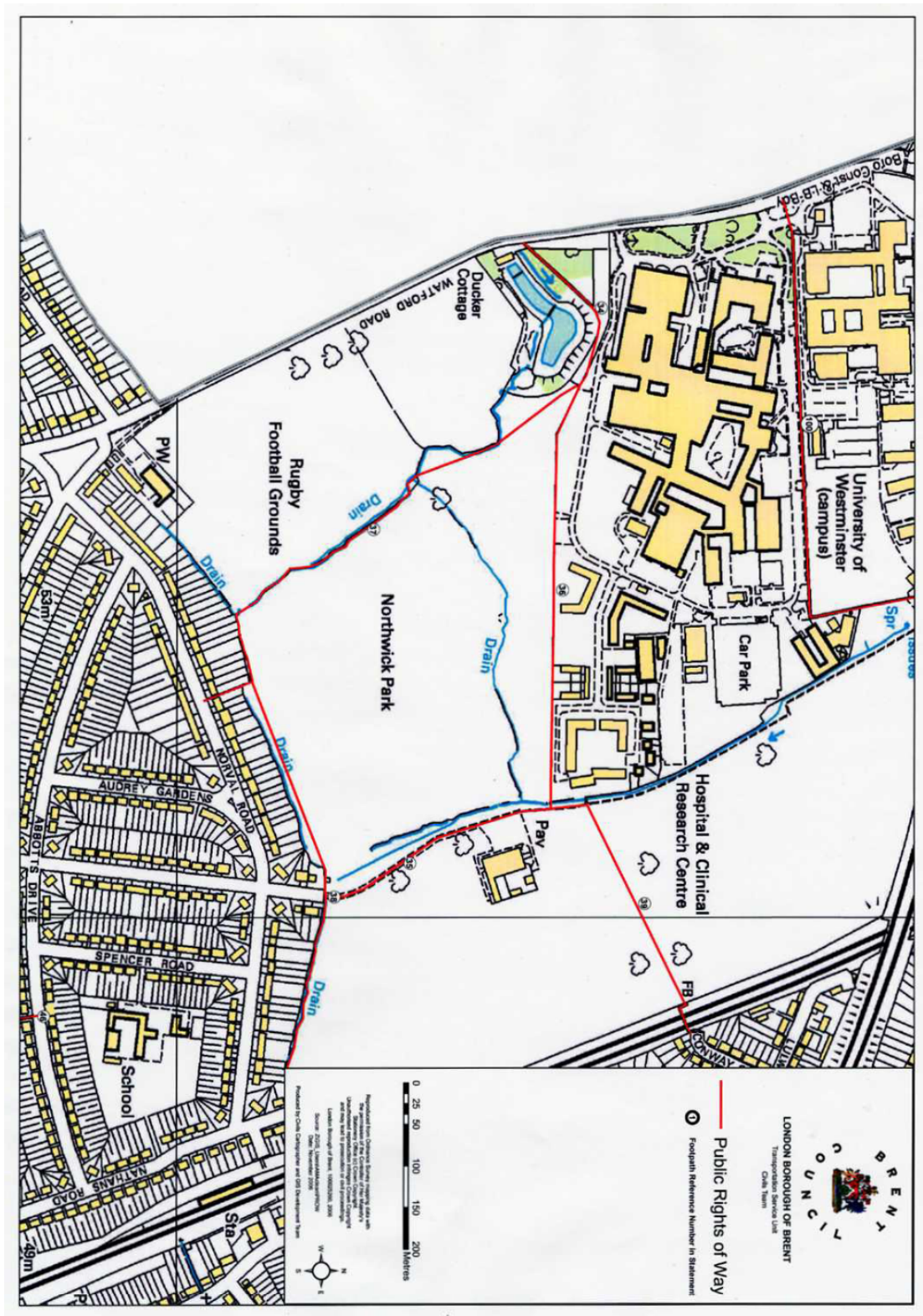
Richard Pearson, Director of Transportation Service Unit, 2nd Floor East, Brent House, 349-357 High Road, Wembley, Middlesex, HA9 6BZ . Telephone: 020 8937 5151.

Richard Saunders, Director of Environment & Culture, 3rd Floor West, Brent House, 349-357 High Road, Wembley, Middlesex, HA9 6BZ . Telephone: 020 8937 5002.

APPENDICES

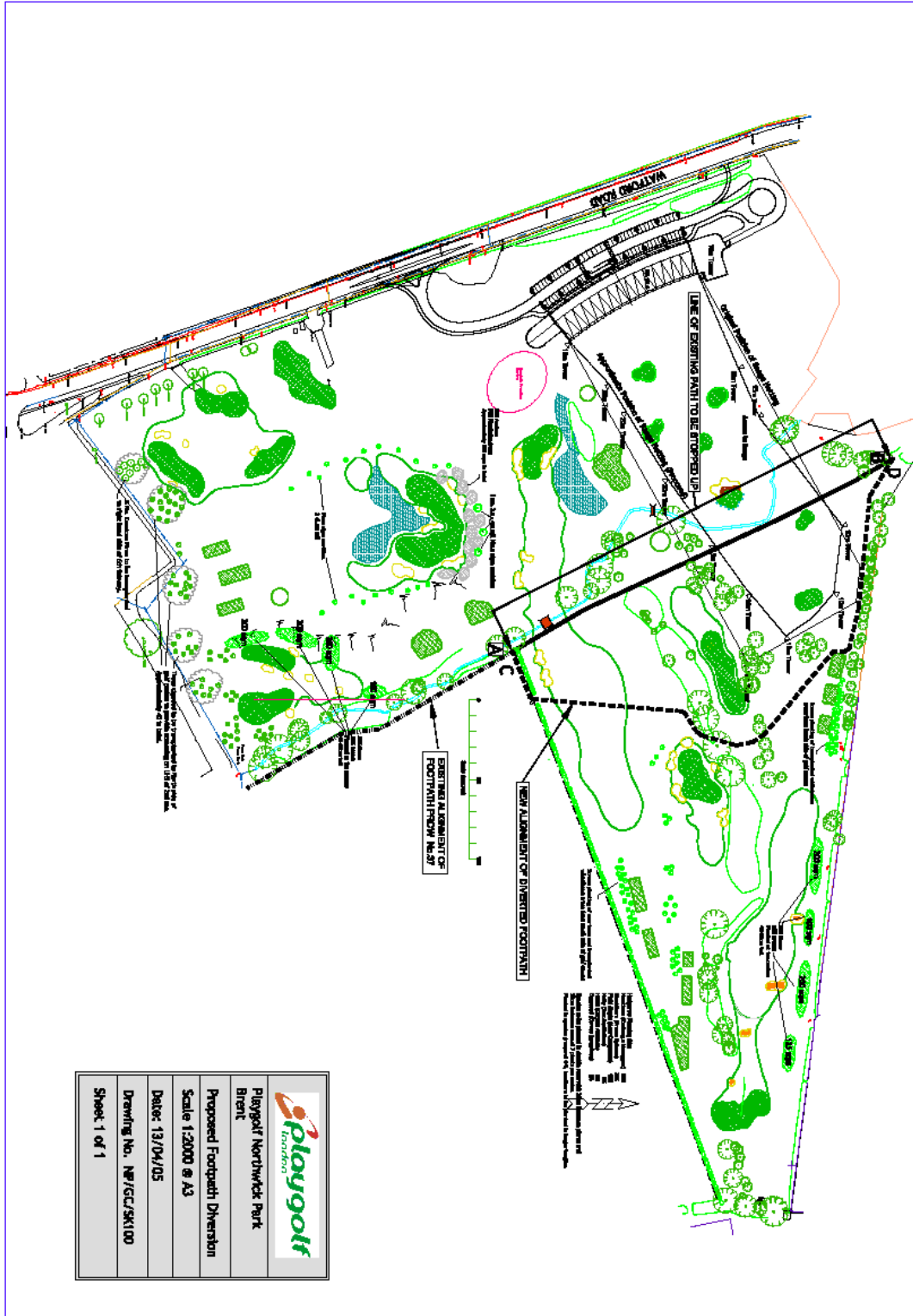
APPENDIX 1

Extract of Definitive Map Showing Location of PROW 34, 35, 36, 37 & 38 at Northwick Park



APPENDIX 2

Plan Showing Previously Proposed PROW Diversion Rejected by Planning Inspector - Line C to D



APPENDIX 3

Plan Showing Presently Proposed PROW Diversion Line A to C in Purple



APPENDIX 4
Responses to Consultation

THU, 23-AUG-07 13:46

+44 20 8861 4590

P. 01

Your ref: TSU/00/06/457

RESPONDENT 1

To: Transportation Services Unit
Brent Council / Brent House
349-357 High Road
WEMBLEY
HA9 6BZ

(By fax and post - For the attention of Richard Pearson)

Dear Sirs,

**HIGHWAYS ACT 1980, Section 119 - Proposed diversion of PROW 37
Northwick Park Golf Course**

I refer to your letter of 16th August inviting comments about the further proposal to divert PROW 37. My remarks below are submitted without prejudice to my contention that Brent Council is already guilty of maladministration in this affair; that is the subject of separate, ongoing correspondence.

1. The comments by Playgolf admit that walkers using the proposed route would be exposed to the hazards of a golf course, something which was not the case before development of the area commenced. Why should users of a Public Right of Way be thus placed at risk, or dissuaded from using the lawful route? I somehow doubt that the driving of golf balls would be allowed either parallel to or across the A404 on the western boundary of the site! Why is it tolerable that users of PROW 37 be given less protection? No outcome (be it a diversion of the path or an alteration of the golf course) should be approved unless walkers are safe, to the same standard as would be applied to a footpath that follows the kerb of a vehicular highway.
2. The newly-proposed route extends the total distance involved for people accessing Northwick Park Hospital from the South Kenton area. Whilst that might not be a problem for recreational use of PROW 37, it is necessary to remember that some users are attending the hospital either as staff or as patients. What they, particularly, need is restoration of the direct and level route previously enjoyed.

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Continuation....

To: Brent Council TSU/00/06/457

Date: 23rd August 2007

I suggest the following alternative as a compromise solution:

- A. Restore PROW 37 to its original position, in the process levelling the artificial hillock near the northern end so as to do away with the hazardous wooden steps recently installed there. (Just this morning, my dog missed her footing one tread from the top and ended up in an undignified heap at the bottom, nearly knocking herself out in the process. These steps are unsafe as well as being a block to use of the route by humans with impaired mobility.)
- B. Demolish all the 20 metre towers to the east of the line of PROW 37 and re-install them to form a double line of protection just to the west of the stream.
- C. Abolish the fairway of Hole 1 as presently constructed, moving the tee to a new position just east of the proper line of PROW 37 (on land currently part of the Driving Range) and the hole to a new position between fairways 2 & 3. This would result in shots being played away from the line of the path rather than across or alongside it.
- D. Shorten Hole 4 so that it lies wholly to the East of PROW 37 and reverse its direction of play. Again, this would result in shots being played away from the line of PROW 37 rather than across or alongside it.

Rather obviously, the above proposals would result in a golfing facility somewhat less attractive than currently exists. So be it; the Right of Way existed long before the golf facility was ever conceived.

Planning consent was granted *conditional upon the footpath being diverted*. No such diversion having been agreed at the time of construction, the Driving Range (in particular) exists in breach of planning consent. If the above proposals A to D were implemented in full, I would be content for the condition to be removed.

The above proposals do nothing to lessen the risk of balls being played on Fairways 2 and 4 straying outside the boundaries of the site. In the case of Hole 2, this represents a hazard to users of PROW 36. In the case of Hole 4 the risk is to users of the public open space just to the South. Unfortunately, it seems to me that the present proceedings do not provide a forum for addressing these issues.

Page 2 of 3 pages.

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P. 03

Continuation....

To: Brent Council TSU/00/06/457

Date: 23rd August 2007

Nevertheless I wish to record here that I continue to disapprove of the situation as regards Holes 2 and 4; nothing herein shall be taken as condoning those risks. Planning Consent for that aspect of the course having been granted unchallenged, it may now fall to the Health & Safety Executive (HSE) to determine whether, in the course of a commercial activity, Playgolf is acting in a manner that gives rise to a risk to the general public.

My understanding of HSE's powers is that they can put an immediate stop to any commercial activity giving rise to risk, irrespective of whether Planning Consent exists or not. Might it therefore be appropriate to seek their involvement straight away, with a view to devising a plan of action that meets their approval from the outset and disposes of all outstanding issues?

In conclusion I would urge the Council to insist upon the original line of PROW 37 being made available, on an unimpeded basis, pending the final outcome of this matter. On or shortly before 11th August, new notices were affixed to the gates of the Driving Range which read:

DANGER

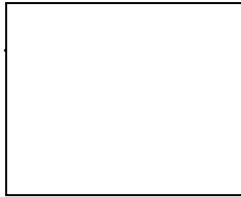
If you are entering the driving range you do so at your own risk. Northwick Park Management accept no responsibility for personal injuries arising from entering the range. Please use the alternative route around the back of the range. Thank you.

This begs the question "Who is Northwick Park Management?". The Council? Playgolf? Someone is trying to bring about the closure of the lawful route without proper authority. Surely what is written is legal nonsense?

Yours faithfully,



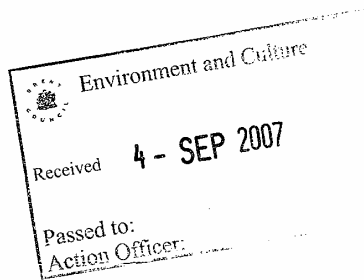
Page 3 of 3 pages.



RESPONDENT 2

Mr Richard Pearson
Director of Transportation
Transportation Service Unit
Brent House
349- 357 High Road
Wembley
Middlesex HA9 6BZ

2nd September 2007



Dear Mr Pearson

Re Highways Act 1980, Section 119 – Proposed Diversion of PROW 37 and PROW 34 Northwick Park Golf Course. Brent Transportation Ref:TSU/00/06/457

Having walked the proposed path this afternoon I found the route to be dangerous to walkers, at the following points.

Where the path enters the course to the south, near the stream, it is difficult for golfers teeing off from tee number 4 to see walkers because their line of sight is blocked by mounds. This is a par three hole and therefore it is to be expected that a good golfer would not have difficulty in hitting a ball from the tee that would land in that area with some force. In fact for a golfer unaware of walkers they would probably wish to clear the stream. (It would be interesting to compare the length of no 4 hole with the length of the driving range, where it was deemed necessary to have 20 metre nets at the end to protect the public).

The route then runs alongside fairway 4, closer than the mentioned 45 metres' 'safety margin'.

Passing between the greens of 3 and 4, it would be particularly easy to be hit by a ball overshooting green 3, as this is a short hole, and golfers would aim for the green. The trees offer little protection.

The route then passes alongside the tees for hole 2. A sliced ball at this point would be dangerous in the extreme to any walker.

Surely if the path exists then walkers should be free to enjoy the path at their leisure and not in fear.

Yours sincerely,

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26th October 2005

RESPONDENT 3

Re. Diversion of PROW 37 at Northwick Park

We write as long-term users of the footpaths at Northwick Park and members of the Golf Course Residents Advisory Committee which Brent Council set up to review the overall development of the golf course, a committee which has not recently been consulted by the Council .

We understand that Brent Council is considering a diversion of the footpath PROW 37, in order to bypass the driving range at the newly created golf course at Northwick Park. We understand the need for a diversion and we accept the line shown on your map, which maintains the line of the footpath within the golf course area to its terminating point, where it meets the Ducker footpath (PROW 34). This appears to be the agreed plan, and we note from your report (Para.3.10) that the termination point is to remain unaltered.

However, we yesterday walked the footpath, and found to our dismay that the termination point, as marked on your map, is blocked by the boundary fence of the golf course. No provision has been made by Playgolf at this termination point for a gate to exit or enter the path at its junction with the Ducker footpath, though a notice exists there disclaiming responsibility should anyone enter the lakes.

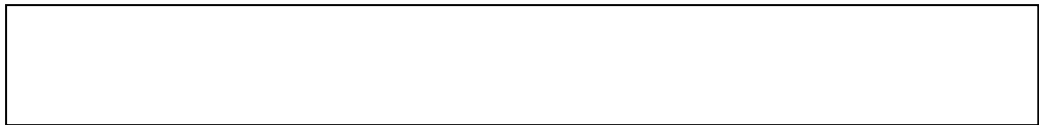
The only exit is a gate perhaps 250yards from this point, forcing walkers to go behind the fence and join the wholly unsatisfactory PROW 36. This is not the agreed termination of PROW 37 and we trust you will ensure that Playgolf install a gate at the proper termination point.

Regarding PROW 36, it was agreed that this footpath would be properly landscaped by Playgolf. Yet in places, only a very narrow path is negotiable on foot, and walkers are either forced up against the wire fence like caged beasts, or invited to descend, where the clods fell into the hedgerow, when the bulldozers had finished levelling the golf course. The spacious and well-groomed provision for golfers on the other side of the fence is enviable!

Perhaps Brent Council could insist that Playgolf, either landscape the footpath, or move their fence back a yard or so, to provide a path where two people can comfortably walk side by side. The Capital Ring, of which it is part, is meant to be family-friendly. This section of it, at present is not.

With best wishes,

Yours sincerely,



Received 4 - SEP 2007 2nd September 2007
Passed to:
Action Officer:

Dear Mr Pearson,

Highways Act 1980, Section 119 - Proposed diversion of PROW 37 at Northwick Park golf course.

Thank you for your letter, dated 16th August 2007, addressed to my sister and myself, outlining the council's proposals for a further Diversion Order of PROW 37 at Northwick Park and inviting comments. My sister is replying to you separately.

A careful walking of the suggested route today, at a time when the golf course was in active use, convinces me that the new proposal is really no safer than that rejected by the Inspector at the hearing on 21st November 2006.

It is gratifying to note that the council now accepts the route affects the east end of PROW 34, which curves round the boundary of the Ducker site and which has been quite deliberately blocked by Playgolf's appalling rubbish tip and allowed to become overgrown.

From the beginning my greatest objection has been the blocking of this section of path, and the forcing of walkers through a kissing gate to join PROW 36. (See our letter of 26.10.05, copy attached)

For walkers, this confinement continues to be a great bone of contention. Since the Inspector's requirement (30.11.06) to re-open the original route, it has become customary to follow the much pleasanter path by the stream as far as the driving range, then skirt the range and exit the gate in Playgolf's fence nearer to PROW 34. This latter section is by far the safest part of the route, and should not be extinguished.

Walking PROW 37 from the south, the problem of visibility at the entrance to the golf course remains. It is not possible from the third tee, to see walkers entering the course from the field. This problem can only be resolved by lowering the mounds along the southern boundary of the golf course. (Perhaps the spoil could be used to make PROW 36 an easier path for walkers.) At this approach, in the corner of the field, walkers are currently faced with wholly inaccurate information in a notice by Playgolf. (It was **never** the intention to divert the footpath **around** the golf course). The Brent Council notice relating to the latest plan is displayed further along, at the entrance rejected by the inspector, together with a map which relates to the earlier application. All this is no doubt part of Playgolf's ploy to confuse the public and discourage any use of the footpath.

Walking from the south, it is good that the new plan accepts the path by the stream. However, the diversion across the course to the right, remains unsafe and far too close to teeing platforms and greens. It is preferable for it to continue straight on across the fairway of hole 1, where walkers are clearly in view of players at the teeing platform.

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We have to accept that with the present configuration of the course and driving range, there is no really safe path, especially with so many novices using the course, which was designed with expert golfers in mind. It is dangerous for golfers too!

The greatest problem is that Playgolf see walkers as intruders. While they claim to be providing a resource for the community, their idea of community excludes walkers. This appears to be Playgolf policy, for we have been consistently challenged by golfers who question our right to walk across the course and point out the dangers of doing so.

We need a more welcoming attitude towards footpath users from Playgolf. At the southern entrance, the bridge of wooden planks across the ditch needs to be up-graded, perhaps with a handrail provided, and some contouring of the facing bank to make it more accessible, along with lowering the mounds mentioned above. The part of PROW 34 behind the Ducker should be restored and any thought of combining the path with PROW 36 abandoned.

It would be advantageous for everyone if Playgolf's fencing from the Ducker boundary, perhaps as far as the objectionable kissing gate on PROW 36 be taken down, thus opening up the landscape and allowing walkers some flexibility where PROWs 34/37 and 36 converge. Instead, a gated fence further up their access road would offer far more security to the course, preventing public access from the car park.

Thank you very much for the opportunity to respond to the latest Council proposal for our valued footpath. I hope these suggestions will be seriously considered.



Mr Richard Pearson
Director of Transportation
Brent House
349-357 High Road
WEMBLEY HA9 6BZ

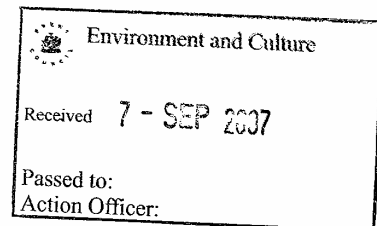
RESPONDENT 4

R Pearson Esq.
Director of Transportation
Transportation Service Unit
Brent House
349-357 High Road
Wembley
Middlesex
HA9 6BZ

Fax no 0208 937 5129

Email: RICHARD.PEARSON@brent.gov.uk

Your Ref: TSU/00/06/457



5th September 2007

Dear Mr Pearson,

Highways Act 1980, Section 119
Proposed Diversion of PROW37 Northwick Park Golf Course

Thank you for your letter of 16th August. Please note that this reply is written on my own personal behalf to give comments as invited by way of pre-Diversion Order consultation in relation to the above footpath.

In fact, I am assuming that the consultation is also intended in connection with the Diversion Order for PROW34. The proposals set out on the map appear to result in a partial extinguishment of that PROW also, and so I have made my comments on that below. As to whether the route is equally as attractive as the current PROW routes, this diversion would have a significant detrimental effect on the enjoyment of the footpath route as a whole; it is not attractive – especially comparing the open routes of PROW34 and 37 being turned into winding and forced route – not easily way marked – round the design of golf holes. We lose effectively a large proportion of PROW 34, an unspecified amount of PROW37, which part is then absorbed into part of PROW36, being a significant reduction in the footpath network in the area of the park.

The termination point of PROW37, let alone PROW 34 is not “substantially as convenient” as required by the terms of Section 119 for a diversion order. In respect of the comment that the Inspector in her Decision Notice finding the altered termination point acceptable, that is not exactly what she said. It was rather that, all

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other aspects being satisfactory, she might have felt able to make a modification as to the termination point of PROW37, which would itself have had to be re-advertised, and therefore, potentially subject to objection. She was not of course advised of the position on PROW34. The kissing gate she found clearly unsatisfactory and unauthorised, as set out in the Decision Notice but I refer to that below.

The route itself is, in any event, extremely circuitous, confined and hazardous feeling, particularly along the line of the hedge and tree line running by fairway for Hole 4 and approaching Hole 2. The hazards referred to from Hole 1 are only less threatening feeling, because you cannot see the green for Hole 1 behind you, shielded by a mound. Any user of the footpath will, however, be only too aware of the possibility of being hit from Hole 3, since, especially when the course is busy, at the point on the footpath to the north west of the green for Hole 3, you can see people playing that hole. As to golfers playing hole 4, see my comment below about the notice by that hole.

To comment specifically:

PROW37

1. As you may be aware, I was present at the Hearing held on Tuesday 21st December 2006 by Mrs Slade, the Planning Inspector, when the previous Diversion Order was considered and ultimately not confirmed. Whilst my comments are invited on the diversion, and therefore I have to make comments against the background of the actual line of PROW37 on the Definitive Map, a lot of the issues canvassed at that Hearing arise again with the new route. I am not repeating all those here, as I assume the Council will have regard to that Decision Notice and the Inspector's comments. Clearly, the Council realise that they have themselves, as order making authority, to have substantiated a view that this new route is substantially convenient as the definitive route, The previous route is not relevant, save that its not being confirmed – and the reasons for that set out in Mrs Slade's Decision – might guide how any new route should be considered if it is to fulfil the statutory criteria under Section 119.
2. I have walked the route and again undertaken a comparison with the Definitive Map line (except I have not walked the driving range section for personal safety reasons, as reflected in Playgolf's rather intimidatory notice) I have seen your comments, which have been made about the line of the path being "modified" (letter of 7th August to Kate Ashbrook at the Open Spaces Society). Of course, as no doubt Mrs Ashbrook will be pointing out in reply to that letter, it is not possible for the Council to amend lines on a Definitive Map. If anything, the fact of evidence of walkers "veering off" may well go to evidence a wider appropriate width of the footpaths on the map. The Statement does not refer to a width but the photograph on the Definitive Map website shows clearly path lines taken. I note, in fact, that no reference in this consultation is made to the proposed width of the diverted footpath, and therefore I assume that it will be the "usual" width (allowing two people to walk together comfortably). When considering the terms of a proposed Order, if this is decided on by the Council, the width of the path ought to be made

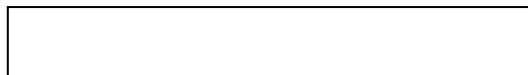
clear, and also suggestions as to how it is going to be marked on the ground, if a Diversion Order were to be confirmed.

3. Following that walking of the path on the evening of 29th August (before it was too dark but after the players had left the course), I have come to the conclusion that the proposed diversion route is not safe, and, so far as relevant, may actually be even less safe than the previous Diversion Order. I have also previously walked the route when people are playing, which experience also informs this letter. I thought it would be useful if I explained my reasons on the safety aspects in particular:-
 - A.1. When you enter the area of the golf course at the Norval Road playing fields end, there is exactly the same problem with lack of sight lines (blocked by the moundings on the boundary with the main playing fields) as previously.
 - A.2. This may be worse, because it is even further away from the tees for Hole 4.. You simply cannot be seen from any of the tees for Hole 4. If you look on the PlayGolf website, you will see that this Hole is a Par 3, and therefore experienced golfers will be aiming to hit the fairway in one. The hole is 368 yards, and Playgolf's own website describes the hole as "multi-level" and requiring a "strong drive". Anyone playing the hole would be completely unaware as they stand at any of the tees as they take their "strong drives" that walkers can be entering the site onto "their fairway" for that hole – for both walker and golfer, shielded from view by the contours of the land
 - A.3. PlayGolf's comments are noted in your letter but presumably the Council have substantiated these claims for themselves in accordance with their statutory duty as Highway authority proposing any Order. In fact, the evidence on the ground in the point before the stream is that many balls land quite hard in the area where the footpath crosses.
 - A.4. As mentioned in the Hearing in connection with previous route (as to crossing the fairway for Hole 4), there is simply no time for any warning to be issued by a golfer playing off, or for walkers to have any visibility of what is going on.
 - B.1. We then had to walk the line of hedges, having crossed the fairway for Hole 4, walking along that fairway at a distance of about **3 metres** from the edge of that fairway. Playgolf's comment about the "safety margin of 45 metres" is simply not understood. What does the Council think this means? The Council's officers have no doubt walked and measured but, from a rough "pacing out", it appears to be not much more than 45 metres from the **entrance** to the golf course to **the line of hedges** along which the diverted route turns.
 - B.2. At the end of this letter, I extract form the Open Space's submissions to the 21 November 2006 Hearing, in particular citing Oxford County Council's criteria for safe golf courses. Mrs Slade at that Hearing and in her Decision Notice gently criticised the Council and Playgolf for not appearing aware of the Health and Safety publications she produced at that Hearing. It would be

unfortunate if, in the event the Diversion Order goes forward, the Council have not paid attention to the Guidelines to which Mrs Slade pointed the Council and Playgolf.. The actual publications are referred to in the footnote to the Decision Notice (page 7). So what is the “safety margin”, and how does it accord with what would normally be required?

- B.3 Since the Hearing, we have had more time, and experience of trying to walk the golf course. Both my husband and I attend Northwick Park Hospital and walking the route to get there is not a practical proposition if we want to have regard to our personal safety. As mentioned in the Hearing, players of all types and variety of skill, including young children, use the course. Golfers do not take any notice whatsoever of walkers. In fact, there have been incidences of golfers actually aiming golf balls at walkers, and further my husband has been sworn at by golfers and told to clear off, when walking along the edge of the hedgerow reached immediately after crossing the fairway for Hole 4.
- C.1 We then had to cross from the row of hedges through to the line of four trees which are much more widely spaced than appear from the scale of the plan. I am not too sure that the scale is correct in any event but it is hard to read from the scale of plan. By and between the trees, there is not only a risk of being hit by a slice from Tee 4 (and it is interesting to note that there is a notice on Tee 4 requesting players to have a care to people in the “left field”(presumably the adjoining playing fields) and also those golfers who may be on Green 3.
- C.2 If you look on the map, you will see that Green 3 is approximately 12 metres from the area of diverted path within those trees. So, apart from the risk of being over- hit from Hole 3, which is easy to contemplate, Playgolf clearly contemplate risks from golfers hitting from Tee 4. Hole 3 is 194 yards at the furthest tee, and it can easily be appreciated how a shot exceeding by only 10 yards or so the length of the hole could hit a walker, either by going through the trees or pulling the shot. The tee farthest to the front of that hole 3, however, is only 176 yards from the green, creating an even greater potential problem of striking someone on that diverted footpath.
- C.3 A further danger is that rapidly you are also in line for over hitting from Hole 1, the green for which you will note on the ground is behind a mound but perhaps no more than 12-15 metres away from the line of the footpath. Walkers are, therefore, exposed to risks from Hole 4 (which recommends a strong drive on the Playgolf website), Hole 3, which is not a particularly long hole, and Hole 1. Hole no 1, at the start of the course, at 205 yards presents another hazard. Shots can overshoot. The path is easily within the range of a golfer hitting for that tee. going to left or right
- D.1 The Health & Safety publications authority guidelines referred to above clearly say that trees are not recognised as sufficient protection for walkers on a golf course
- E The path then goes between more trees, and is certainly not of a width comfortable for two walkers, as referred to above. The ground generally is uneven, and the route offering much less enjoyment to the user.

- F.1 We then walked essentially into the “zone “of Hole 2. As can readily be seen from the map, the tees are very close to the footpath, and, on the current proposed route, you are expected to walk within just a few yards of where people are playing. Miss hits could easily hit anyone on the path and there is no other escape.
- F.2 Further, there seems absolutely no reason why this route for walkers should be taken so close to that line and right by the first tee, other than to ensure the termination point is by the existing kissing gate (which the Inspector said was not adequate for disabled and child in buggy use and unauthorised anyway). There is no reference in the consultation to the right of way being obstructed by a gate, or any limitation at all, which would not be in line with the duties of the Highway Authority to keep the footpath network unobstructed and usable easily by the disabled, and encourage family use of the network. The Council will be aware that a gate (**even if unlocked**) is an obstruction and would have to be listed as a limitation on the right of way
- F.3. It is notable that there is a sign by the tees for Hole 2 warning players not to play if people are walking down the footpath to the left i.e. PROW36. So Playgolf recognise walkers need protection from mis-hits in one direction – and, incidentally, that the whole alleged rationale for that fence’s existence within the boundary of Playgolf’s demise is false, if it is recognised as not protecting walkers on PROW36. So why the Council not appreciate that there is an equal risk to walkers from mis-hits in the other direction? As I mention above, even young children are out on this course hitting golf balls on the various holes. The fence bounding PROW36, which is within PlayGolf’s boundary, creates an artificial barrier for PROW36, which means that PROW36 is not well maintained, as the Council should be ensuring as Highway authority.
- F.4 Again there are visibility issues, coming through the trees into range of Hole 2
- G I do not understand why the route could not take a less acute angle, follow the back of the driving range and exit at the boundary with PROW34 and 36 at the north east corner of the site at the old termination point for PROW34(37 continuation) This would reduce the range for being hit from a tee for Hole 2.
- H As mentioned above, I also object to the route on the other grounds within S 119, as those points raised in my original Submissions on behalf of the Open Spaces Society, and reflected in the Decision Notice of Mrs Slade are applicable to this route, e.g., the route is infinitely more circuitous and has less pleasant views as the one walking along the existing line of PROW37 (bearing in mind that in accordance with the law and as confirmed by the Inspector at the Hearing, the “temporary” obstructions to the definitive line of PROW37 have to be ignored for the purposes of assessing whether the walk is as pleasant or as convenient or as expedient to the general public). I also again make the point raised at the Hearing and reinforced by the current position that it may not be a diversion in the interests of teh landowner as the Lease may not be granted. That point (as well as giving the Inspector an incorrect lease



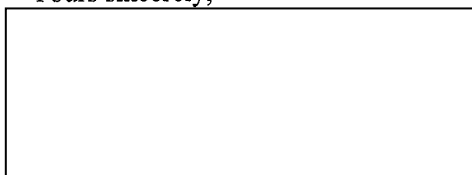
term length) was refuted by the Council and Playgolf at the hearing but it is in fact still subject to deliberation by the Council, and would be raised at any future hearing if still applicable.

PROW34

- A.1 Curtailing PROW34 in this way will have an adverse affect on the remainder of PROW34, and significantly decrease the footpath network in the area. As at its definitive route, it also provided a natural escape route onto open fields from quite a dark and copsed area of footpath leading from the Watford Road part of that path
- A.2 Ignoring the unlawful obstructions, as above, the route of PROW34 was much more pleasant because it exited on to open fields, and the extinguishment of a large proportion of PROW34 is a significant dis-benefit to the public. The Council will also be aware that the way has to be not substantially less convenient, and that teh same has to apply to its termination point. It is hard to see how curtailing that point for the enjoyment of teh public open space of Northwick Park could be as substantially convenient. The Inspector refers to the land as public open space in her Decision Notice.
- A.3 It should also be viewed against the background that the 1970 Diversion Order reduced the number of paths crisscrossing this piece of open space, and the serious reduction in the rights of the public in the area.

I have gone into some detail even though this is a only a pre Diversion Order consultation, as I think it important that these points should be considered while the Council decides if it will recommend the making of the proposed Diversion Order. If such a decision is made, could you please confirm whether this recommendation will be going before the General Purposes Committee, as on the occasion of the previous Order?

Yours sincerely,



Extract Open Spaces Society Submissions to Hearing 21 November 2006

10. The Ramblers' Association "Footpaths Policy And Guidance Documents Golf Courses And Rights Of Way," (copy attached at 3) refers to various local authority and government guidelines on golf course developments and rights of way.

10.1 Under Government planning guidance, PPG17: Sport and Recreation, the advice to local authorities acknowledges that golf courses can have a significant impact on the countryside and says, "They should be located

and designed to ensure harmony with surrounding countryside and to conserve the natural environment. Each proposal should contain full details of the site and of the impact of the development proposed, including the effect on public rights of way". Any effect considered, as per the Order Report, was carried out with inadequate understanding and concern for the safety of walkers exercising their rights of way.

10.2 The Countryside Commission's view that public rights of way should be avoided unless than can be safely and effectively designed into the new course. It is submitted that this diversion route of the public right of way has not been safely effectively designed into the course.

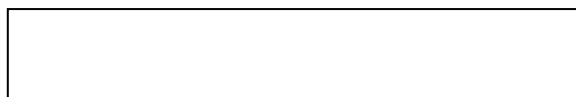
10.3 The Council – being urban - do not appear to have a formal policy on golf course development. Other local authorities, do and examples are cited in the Ramblers Association publication referred to above. I have set these out below to illustrate how a diverted route crossing a fairway and close to various tees and greens should not be found "substantially no less convenient" to those using the path from that of an open and safe and straight route across fields used for ordinary leisure pursuits. The Ramblers Association document states that, whilst there is no national agreement on the part of local authorities as to avoiding the potential danger caused by golfers, or, consequently, on how close rights of way should be to fairways/greens or tees, there does appear to be some consensus from the published policies of those local authorities that have looked at the issue in detail. According to the publication of the Ramblers Association referred to above, there does however appear to be general agreement that courses should be designed to ensure that rights of way do not cross fairways.

10.4 The Essex Golf Report "Eastern Council for Support and Recreation Guideline" states, "Footpaths crossing fairways should be avoided if possible".

10.5 The Oxfordshire County Council publication attached at 2 Public Rights Of Way On Golf Courses" gives detailed minimum standards likely to be acceptable to that Council: -

"Tees: the nearest edge of the teeing area to be not less than 15 metres from any right of way.

Fairways: the fairway should run at an angle away from the highway so that at a distance of 200 metres from the front edge of the teeing area the edge of the fairway should be not less than 50 metres from any right of way. No part of any fairway more than 200 metres from the front edge of the teeing area should



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be less than 50 metres from any right of way.

Greens: should normally be sited so that no right of way is closer than 50 metres from the edge of the green. For rights of way situated beyond the green, this may be reduced to 30 metres provided the whole of the right of way is clearly visible from the area of the fairway (or from the teeing area if appropriate) from which the shots are likely to be played."

10.6 According to the Ramblers Association document, similar standards have been adopted by Berkshire and Gloucestershire County Councils

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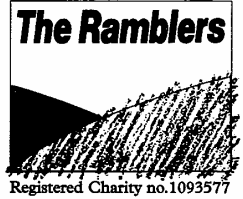
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The Ramblers' Association
Working for walkers

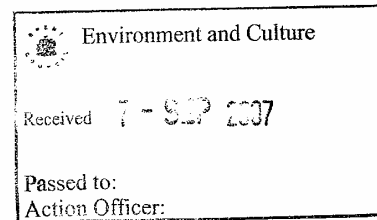
Buckinghamshire & West
Middlesex Area

RESPONDENT 5



*Telfer's Cottage, Turville, Henley-on-Thames RG9 6QL
tel/fax 01491 638396 email ashbrookk@aol.com*

Richard Pearson Esq
Director of Transportation
Brent Council
Transportation Service Unit
Brent House
349-357 High Road
Wembley
Middlesex HA9 6BZ



Your ref TSU/00/06/457
6 September 2007

Dear Mr Pearson

Highways Act 1980 section 119
Proposed diversion of PROW 37, Northwick Park golf course

Thank you for sending us a copy of your proposals.

The Ramblers' Association Buckinghamshire and West Middlesex Area objects to the proposed diversion of PROW 37, which we consider does not comply with the criteria in section 119 of the Highways Act 1980.

The proposed diversion is substantially less convenient to the public

The proposed new route is longer and less direct, replacing the purposeful route with a circuitous one.

The proposed new termination point C is not substantially as convenient as the existing point B

The new termination point is on PROW 36, and introduces a further dog-leg into the route. It is further from the direction of travel. There is a danger that termination point C could become overgrown with vegetation because the route is fenced in.

The proposed diversion will have an adverse effect on public enjoyment of the path as a whole

The path as a whole is a direct one, and the diversion loses that sense of purpose.

It is unlikely that the public will be any safer on this route than on the existing one. Playgolf admits that this route 'is certainly no less safe and probably safer for walkers than the original proposed diversion' but the inspector at the public inquiry found 'the threat to the public, whether perceived or actual, is far less on the definitive line than on the proposed route'. So the claim that this diversion may be safer than the earlier one offers little comfort. We are deeply concerned that the public will be at risk on the proposed diversion.

We therefore urge you not to continue with the proposed diversion. There are many problems with the existing route of PROW 37 and my association asks that you ensure that the route is fully open on its definitive line, and safe for public use.

Yours sincerely



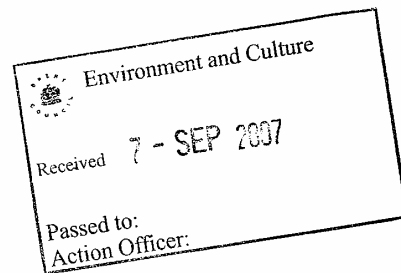
Kate Ashbrook
Area footpath secretary



RESPONDENT 6

Chairman RODNEY LEGG Charity no 214753 General Secretary KATE ASHBROOK

Richard Pearson Esq
Director of Transportation
Brent Council
Transportation Service Unit
Brent House
349-357 High Road
Wembley
Middlesex HA9 6BZ



Your ref TSU/00/06/457
6 September 2007

Dear Mr Pearson

**Highways Act 1980 section 119
Proposed diversion of PROW 37, Northwick Park golf course**

Thank you for your letter of 16 August consulting us on the proposed diversion.

As you know, this footpath is illegally obstructed and we are currently in correspondence with you about this. We therefore deplore your council's attempt to evade its statutory duty to reopen this path, and instead to attempt to move the path itself. You went so far as to issue a notice to Playgolf to remove the obstructions, which was laudable, but unfortunately you then backed off when it proposed a diversion.

Without prejudice to this, we wish to oppose the proposed diversion on grounds which include the following:

The proposed diversion is substantially less convenient to the public

It is significantly longer and less direct. The route which people wish to follow is the direct SE-NW one, they do not want to wander aimlessly over the area to reach their destination.

The proposed new termination point C is not substantially as convenient as the existing point B

The new termination point is not on the direct route which people wish to follow and is liable to become overgrown. The inspector, in her report of 30

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November 2006 into the previous diversion, noted that 'serious concerns were expressed by the objectors as to the capability of the council to actually fulfil its duties in this respect' and 'there will be an on-going requirement to monitor the situation which is regularly less convenient for the public...'

The proposed diversion will have an adverse effect on public enjoyment of the path as a whole

The path as a whole is a direct SE-NW route, and the diversion takes it away from this direct path.

Furthermore, the public will be at risk in using this route across the golf course. Playgolf admits that this route 'is certainly no less safe and probably safer for walkers than the original proposed diversion'. It is astonishing that you should be promoting a diversion which even Playgolf cannot declare to be safe, merely 'probably safer' than another route.

The notice which the public see on entering the golf course from PROW 37 in the south, is a deterrent to walkers, and indicates that nowhere on the golf course is truly safe. Your council is negligent in failing to ensure that walkers on the definitive rights of way are safe.

Other points

The map accompanying your letter is very unclear, and we do not understand your references to PROW 34. It would be helpful if you could send us a clear copy of the definitive map of rights of way.

Conclusion

We trust you will abandon the proposed diversion and concentrate on reopening PROW 37 and making it safe, as required by law.

Yours sincerely



Kate Ashbrook
General Secretary

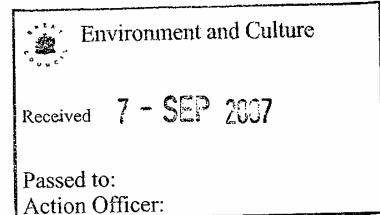
R Pearson Esq.
Director of Transportation
Transportation Service Unit
Brent House
349-357 High Road
Wembley
Middlesex
HA9 6BZ

RESPONDENT 7

Your Ref: TSU/00/06/457

5th September 2007

Dear Mr Pearson,



Highways Act 1980, Section 119
Proposed Diversion of PROW37 Northwick Park Golf Course

Thank you for your letter of 16th August.

Before I begin, I assume that we are starting from point where we acknowledge that definitive route is illegally blocked by the operator, and that the alternate route which was rejected on the 30th November 2006 by the Planning Inspectorate is irrelevant to this consultation.

I regularly tramp footpaths PROW 34, 36, 37 and the St Cuthbert's path. I have to say that, aside from this issue, PROW 34 is in a terrible state due to rubbish throughout its length, as is the St Cuthbert's at its entrance from Watford Road. PROW 34 also becomes impassable during wet weather.

PROW 36 is substantially overgrown throughout its length, also, its entrance at the Pavilion and Children's Play Ground end (east I think) looks as if there is no footpath there due to the high metal fences and no obvious signposting. While walking this path, I was very aware that, throughout 90% of its length, golfers playing the parallel hole could not see walker using the path (there is a warning sign on the tee, so it is considered to be dangerous). I also believe this is an extremely dangerous situation for such a well used footpath (regularly used by hospital staff emerging from properties along the footpath on their way to work). Golf balls can easily be retrieved from the undergrowth, as golfers who hit the path area would have a very long walk to retrieve their golf balls due to the unbroken, 6 foot high chain link fence which bounds the this footpath throughout the length of hole 2.

As for PROW 37 and 38: you and the operator are suggesting an alternate route for these footpaths. What you are actually suggesting is a diversion to PROW 37 and a partial extinguishment and diversion of PROW 34. From the details you have provided, I feel that someone ought to inspect the site on the ground and check the details, nowhere, is there a 45 metre safety zone from any part of the fairways. Surely the council should check what they are being told? Has anyone checked the scale of the maps?? Perhaps they should! Using the scale and map you and the operator provided, the boundary fence along hole 4 appears to be 380 metres in length, while on the ground, I estimate it at 261 metres. **Strange one that.**

[

I walk all the paths regularly, and many times over the last few weeks and have these observations about the proposed diversion. Many of my comments and issues raised also apply to the definite route; these issues ought to be resolved with haste by the council, as it is their duty to do so, both as the body responsible for ensuring compliance of Health and Safety at Work legislation on this site, and also, the protection of public highways.

1. Where PROW 37 reaches the southern boundary of the golf course, the entrance area has been made to look as intimidating as possible, with a narrow entrance bounded by a 6 foot high chain link fence, a recently planted hedge, a ditch bridged by 3 'planks', a steep mound of earth which is un-scalable when wet, except to those with the correct footwear and young in years. I often watch people walking up to the fence and turning away from the footpath. When I have spoken to these people they have said that they believe they are not allowed through, or that it is difficult to get over the obstacles. Other comments have been about the dangers of people playing hole number 4 not being able to see walkers and ignoring them even when they can see the walkers, and the verbal abuse received from golfers for getting in the way. To summaries, many walkers (of whom there are many using these adjoining fields) are now not using the path, many don't realise it is a public footpath. The council should not allow this situation to continue, they should, as is their duty, protect these public highways.
2. Upon entering the golf course, you immediately enter the area of the fairway for hole 4 where most 'driven' balls land, as can be seen from the numerous divots on the fairway. This in itself is bad enough; however, it is compounded by the substantial invisibility of the walkers to those driving off from the 4th tee. The screening of this area has been introduced as part of the course design and landscaping and includes tall soil mounds and trees. This is also true if you enter at the kissing gate where the council have apparently and erroneously erected copies of the consultation notice.
3. The proposed route, having crossed the 4th fairway now travels east along a shrubbery and within a few feet of the 4th fairway, (not the 45 metres referred to by the operator); I have now been verbally abused by golfers on two occasions for using this part of the path. I can understand why, as you can watch golfers driving off very long shots in your direction. I think being hit by a ball travelling at a speed required to cover 200+ yards in the air could be quite damaging to a walker.
4. As you pass the end of the shrubbery you become aware that you could be hit from behind by poor shots from the 1st tee, in fact you cannot be seen from the first tee and there is no warning to golfers. A little further on you pass areas of dangers from shots over-hit from the 1st tee, the 3rd tee, and also shots hit out of the driving range since the introduction of their new high compression balls advertised in January this year. I note that there is a danger sign on the 4th tee warning golfers of other golfers playing hole 3, there is no similar warning about walkers who would also be in the line of flight.
5. The path now winds its way along the safest part of its route, behind the driving range nets, safe is relative as there are always range balls to be found in this area which have been over-hit.

6. The path now approaches the tees for the 2nd hole, any poor shots being susceptible to hitting walkers on PROW 37 and PROW 36. In fact, PROW 37 actually passes so close to the tee for this hole that you have to walk on it. This area is quite dangerous as my observations so far have shown that golfers appear to believe that walkers should not be there, so continue regardless. From this point on, the path is relatively safe unless you walk behind the 6 foot high chain link fence the operator would prefer you to use, which forms a tight corridor against the hospital boundary fence and undergrowth. I believe at least one driving range ball has crossed this area and has broken a car window in the hospital car park to the north as documented by the operator. I have personally found range ball in this area, but they may have been carried by hand.

Above I have made points referring mainly to accessibility and safety. Obviously the footpath network is now far less accessibly than it was and is also extremely dangerous to use. The design of the facility seems to have been for the golfer first and the walkers somewhere off the scale. Has a Health and safety review been made by the Council yet? If so what was the outcome? If not, why not?

I also find that the blocking of PROW 37, and the proposed diversion have added substantially to the length of the paths and therefore the time taken to travel them. I have paced out the length of the definitive route from where it enters the golf course at the southern end, to where you can join the Ducker Path (PROW 34) in a gap in the fence. I note that the definitive route of PROW 34 has now been totally blocked by several different obstructions which include: the range nets, large soil mounds, a water storage tank, 6 foot high chain link fences, fallen trees, brambles and assorted undergrowth for about a 3rd of its course. All these obstructions make it impossible to follow the definitive route shown on the 1970's diversions map. I hope the council will reopen this route as soon as possible.

PROW 37 and PROW 34 are blocked by the intimidating signage by the gates through the driving range nets on the definitive route. These signs should be removed and walkers should be assured that the operator will assume full responsibility for accidents while walking the path. The path should also be sign posted as a public footpath.

Anyway, I digress. The paced distance from the southern end PROW 37/24 to where it exits the course to the north on the (almost) definitive line is 314 paces (I average 2 feet per step) walking the proposed route, the number of paces increases to 485, that's a 54.5% increase in length.

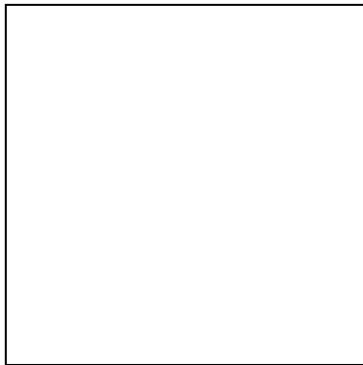
I also believe that the proposed footpath, especially where it deviates from the definitive route, is substantially less enjoyable, firstly because of the dangers of the golf course and the constant having to monitor for golfers, 'just in case', the feeling that you are not wanted there, an example would be the lack of appropriate signage for a public footpath, 'Danger Signs', the 6 foot and 20 metre fencing and the circuitous route and of course the attitude of the golfers which could be remedied by appropriate signage and warnings to the golfers.

The views while walking are also reduced, where once the definitive route gave a vista across open ground, and included an amazing unobstructed view of Harrow on the Hill, with mature trees (which effectively masked the hospital buildings), ancient hedgerows, an un-abused waterway with borough grade 1 listed nature area and many native flowers. Walkers could diverge from the footpath as they wished on this 'Public Open Space'. Now, those walkers

who dare to use this path are intimidated into crossing the facility with haste instead of enjoying this parkland which was sold to Middlesex Council by the governors of the John Lyon Charity for use as playing fields, hospital and college, even a golf course being compatible with the covenants applied. I doubt those governors, nor the covenants envisaged or allow such buildings and lighting as have been erected for this overly commercialised golf driving range, conference centre, bar, restaurant, fitness club, sports superstore, National baseball Centre, oh yes, and 6 hole golf course with numerous playing restrictions due to the tight and confined nature of the course.

What we have now are manicured golf fairways, the odd shrubby harbouring grass cutting and other detritus which has killed the old undergrowth which used to support varied wildlife (which has become incompatible with modern golf courses, even the substantial local population of crows stay on the surrounding fields, strangely not daring to trespass). The ancient watercourse has been abused by damming and removal original plants, and is now a stagnant mess full of algae and duck weed and covered with netting for a substantial distance. For the majority of the walk along the proposed PROW 37 you have your back to the magnificent view of Harrow on the Hill, however, you can't miss the 20metre high ball stop nets, similar height batting cage and the monstrous two tier driving range and ancillary buildings. Also, the change of route has made the hospital buildings a prominent view for prolonged periods.

Part of the proposed route even puts you behind a 6 foot high chain link fence close to the facilities boundary with the adjoining hospital which creates a narrow fenced corridor with no escape, consequently creating an extremely intimidating walkway, as with the whole of PROW 36. This 6 foot high fence does not have planning permission (as per G Leggett); it should be removed as it deters the use of the footpath and creates a dangerous pathway which is often blocked by unmanaged undergrowth.



RESPONDENT 8

Your Ref. T50/00/06/45

Environment and Culture
Received 7-SEP 2007
Passed to: Action Officer:

5 September 2007

Dear Mr. Pearson,

NORTHWICK PARK - PROPOSED DIVERSION
OF PROW 37

1. Thank you for your letter of 16 August on the above subject, to which I am now responding in an individual capacity.
2. Since moving to my present address some forty years ago I have been a regular user of PROW 37 all the way from Normal Road on the Dudding Cowl estate to a point near to the entrance to the Ducker woods where it meets PROW 34. This has provided an extremely pleasant walk, particularly at its northern end in the area currently occupied by Playgolf.
3. My general view is that as much as possible of the valuable public amenity currently

represented by PROW 37 must be preserved, taking into reasonable account the existence of the Playgolf facility with its driving range. In this context there are two features of the revised plan to re-route PROW 37 about which I am not unhappy, and I shall deal with them in the following paragraphs.

4(a) As mentioned above, the northern part of PROW 37 was always particularly attractive. Some of it is now lost to the Playgolf driving range. But, with its proximity to the stream, the section between point A on your map and the southern side of the driving range (roughly where Playgolf have put a gate) remains far more attractive than the diversion to the north of point A which you are ^{now} proposing.

4(b) For the reason set out in paragraph 4(a)

feel most strongly that, rather than
 turning to the right at point A, on your map,
 PROW 37 should continue straight ahead. On
 reaching the driving range it would then
 turn right along its southern side, then left
 along its short eastern side. The right-liners
 across fairway 8 are excellent for both golfers
 and walkers; and walking alongside the
 driving range would be very safe, with any
 balls either dribbling under the netting or flying
 far over the top of it.

5(a) My other point of serious concern is what is now
 being proposed for the (northern) termination point
 of PROW 37. It is quite clear that the Council's
 original intention was that this point would
 remain unchanged (see the last sentence of
 paragraph 3.10 of the Director of Environment's

Report to the FPC meeting of 12 July 2005).

56) In the third paragraph of your letter you say that the curtailment ~~was~~ proposed of PROW 37 at its northern end (now calculated at approx. 110 metres) was "not considered to be substantial enough in its proposed diversion order to cause concern to the Planning Inspector on its own". I have to say that I find this conclusion completely baffling. In the first place, this curtailment was not being considered on its own, but as part of a substantial proposed diversion of PROW 37. Secondly, in the last sentence of paragraph 49 of her Report the Planning Inspector says that she has concluded that the altered termination point is not substantially as convenient to the public and this again would be sufficient

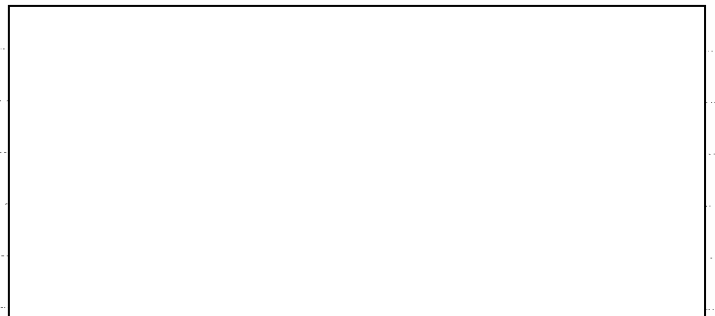
agreed not to confirm the order." (My underlining) This quotation from the preliminary report of course is the finding in the last sentence of paragraph 25 in the body of the report.

5(c) As I understand it, point C on your map represents simply the point where I myself decided, quite unilaterally, to place a turning gate. To use it as a new termination point for PAVN 37 would therefore be a wholly arbitrary decision, which would have the effect of forcing walkers on to PAVN 36 for some 100 metres. Walking PAVN 36 is an exceedingly dispiriting experience these days, and I find it quite unacceptable that members of the public using PAVN 37 should be forced on to it for no good reason.

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5(d) For the reasons set out in paragraphs 5(a) to 5(c) above my contention is that the (northern) termination point of PROW 37 should remain unchanged. This is of course point B on your map, and rightly where I ~~thought~~ are currently providing a gap in their fence. The final stretch of PROW 37, roughly 20 metres long, would then run close to the northern side of the driving range.

6. Thank you for giving me an opportunity to express my views at this early stage of the planning process.

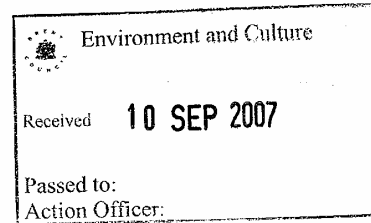


Mr. Michael Pearson
Director of Transportation
Rendon Borough of Brent

RESPONDENT 9

6th September 2007

Mr Richard Pearson
Director of Transportation
Transportation Service Unit
Brent House
349- 357 High Road
Wembley
Middlesex HA9 6BZ



Dear Mr Pearson

Re Highways Act 1980, Section 119 – Proposed Diversion of PROW 37 and
PROW 34 Northwick Park Golf Course. Brent Transportation
Ref:TSU/00/06/457

The footpath PROW 37 has been currently blocked by the driving range of
Playgolf. It is the duty of the council to have this footpath open for public use.
Instead of carrying out your statutory requirement to ensure the legal footpath
37 is open, you go for an easy alternative and propose a diversion.

I believe before any discussion is made about any diversion the legal
requirement should be upheld and the original footpath PROW 37 be opened
to public.

Your sincerely



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Copy of my E/mail letter



→ *Paul Fraser*

RESPONDENT 10

Dear Mr Person

**Proposed diversion of ROW 37
Northwick Park Golf Course**

Your consultation has only just been posted to me via the Capital Ring project manager.

I found problems when I was leading The Capital Ring, I was amazed that a golf course had been built with no regard for the public rights of way existing in this area.
There are special guide lines for golf courses to make a design that incorporate the rights of way safely. I will be visiting this area again soon for Walk London weekends.
The revised alignment of ROW 37 is not as direct, it takes a route to point C along 36 and I feel there are issues of safety as well.
I wish to object, the correct route should be made available



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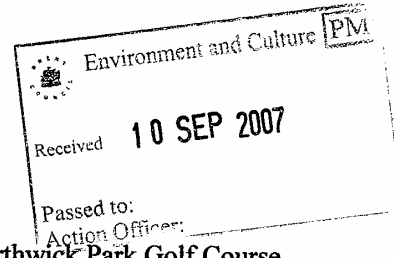
Environment and Culture
Received **10 SEP 2007**
Passed to:
Action Officer:

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RESPONDENT 11

Mr. Richard Pearson,
Director of Transportation,
Brent House,
349-357, High Road,
Wembley, HA9 6BZ

Dear Mr. Pearson,



Re: Footpaths - Northwick Park Golf Course.

Thank you for your letter and small scale plan of the newly-proposed diversion of PROWs 37 and 34.

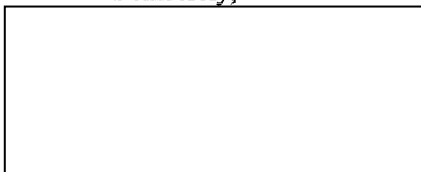
Having walked the proposed diversion I do not find this to be a safer route, except for that part which follows along the original route by the stream. The high mounds to the right of the entrance gate block any view of golfers/walkers from each other. These mounds should be re-landscaped. The entrance at the far end of the field across the wooden bridge is in the right place but needs a handrail and some adjustment for safety. The diversion to the right loses much of the once pleasant course this footpath took, which included views of Harrow - appreciated by walkers and golfers alike.

The path should continue straight to the boundary of the driving range and thence around it to join up with PROW 34 at the boundary of the Ducker site. This will require golfers to respect the rights of users of the footpath. The diversion through the kissing gate takes walkers far too close to greens and tees and was rejected by Mrs Slade in her report. Also, it seriously reduces the footpath provision in the district.

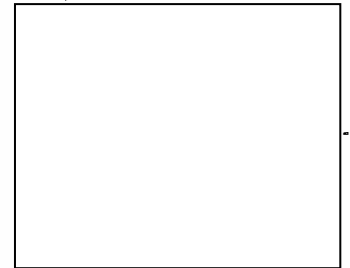
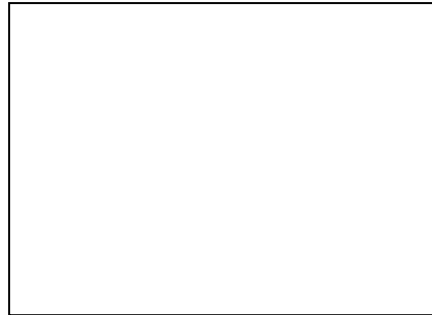
It must have been obvious to golf planners that footpaths existed and it is dreadful to see the rubbish and piled up debris adjacent to the Ducker Wall where the footpath used to go. That part of PROW 34 is now occupied by a water tank. It is important that this area is kept open for walkers. The removal of Playgolf's fence in this area is most desirable. This would increase safety and give more open access to the Watford Road exit of PROW 34.

I hope these points will be helpful in deciding how best to solve the problem that Playgolf has created in designing the course without consideration of the footpath network.

Yours sincerely,



OSS Brent House
I confirm that this is a true copy
Original sent and returned



Mr Richard Pearson-Director of Transportation
Brent Council Transportation Service Unit
Brent House
349-357 High Road
Wembley
HA9 6BZ

6th Sept. 2007

Ref: TSU/00/06/457

Dear Mr Pearson

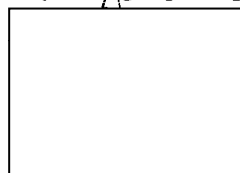
HIGHWAYS ACT 1980, SECTION 119
PROPOSED DIVERSION OF PROW 37
NORTHWICK PARK GOLF COURSE

Thank you for your letter dated 16th August 2007 inviting comments and suggestions for improvements to the line of the above diverted route.

I have walked the proposed diversion on several occasions and my first comment is that the most pleasant views of Harrow-on-the-Hill enjoyed for many years by residents, commuters and dedicated walkers alike, have been spoilt by the excessively high mounds near the stream and these should be greatly reduced in height to give both golfers and pedestrians better and safer sightings of one another. The wooden footbridge crossing the stream leads straight on to a steep incline and this could be decidedly dangerous in inclement weather conditions.

The Ducker Wall on the northern boundary of the golf course is adjacent to PROW 34 which is an absolutely unacceptable and unhygienic depository for such items as old building rubble and used beer cans from Amano's Restaurant, plus a very large untaxed decrepit old Ford lorry, (has a S.O.R.N. application been sent to D.V.L.A. Swansea for this old banger and what is it doing on Metropolitan Open Land?)

There is also a water tank with pump-house shed on that section of PROW 34 and it is time for Brent Council to insist on the removal of the northern boundary fence in order that the Capital Ring Road may be restored along with PROW 34 to its proper status. This would give increased safety during the winter season and also access to the Watford Road from PROW 34. I hope these comments will ensure that pressure is brought to bear on Playgolf to rectify their gung-ho approach to this whole project.



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APPENDIX 5

**COMMENTS FROM PLAYGOLF ON CONSULTATION
RESPONSES**

1) Comments from David Postins of Playgolf by e-mail dated 6th September 2007 to LBB.

Comments regarding Respondent 1:

1. The golf course has been constructed in accordance with approved plans and the planning permission. The footpath crossing the golf course is no different to any number of footpaths which cross golf courses in the UK. Indeed you would be hard pressed to find a golf course in London which does not have a right of way crossing it at some point. In all of these cases it is more likely that the footpaths existed before the golf courses. In this respect, Northwick Park is not unusual.
2. It is accepted that the diversion of the footpath will increase the length by 260m. At average walking pace this will add no more than 3 minutes to the journey time.
 - A. There is no law which prohibits steps on the line of a footpath.
 - B. This would render the golf range un-usable.
 - C. This proposal is not practical or workable.
 - D. This would render the golf course un-playable.

The existence of footpaths on golf courses is not unusual. Wimbledon Common Golf course is criss-crossed by footpaths.

The planning consent does NOT contain a condition requiring the diversion of the footpath. The diversion of the footpath is mentioned but the diversion process was not completed (by Brent Council).

The comments regarding PROW 36 and holes 2 and 4 are not relevant to this Order.

The original line of PROW 37 is available, and people are at liberty to walk this route if they so wish. The route is unaffected when the golf course and range are closed.

Comments regarding Respondent 2:

As stated previously, the vast majority of golfers (95 %+) play their first shots up to the stream and are wary of going in it and thus play short of it. Only the better golfers will attempt to carry the stream and these players are more likely to be successful and not endanger users of the path as they will clear it quite comfortably. This a par 4 hole although I don't see the relevance of Ms Seifalian remarks.

The 45m safety margin is measured from the centre of the fairway. The occurrence of golfers hitting out of the back of a green is virtually nil. Most golfers tend to (a) over-estimate their ability with a particular club and (b) often do not strike the ball as cleanly as desired and thus the shot invariably lands short. Whilst the route passes behind two greens, it maintains the 30m safety

General Purposes Committee 27 September 2007	Version 1.3 19 th September 2007
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margin as recommended by the European Institute of Golf Course Architects, being the distance from the centre of the green to any footpath.

The risk of being hit from a sliced tee shot from the 2nd tee is also quite remote. For a walker to be hit from the tee, the slice would be of monumental proportions. In addition most golfers wait for passers by to walk past before they take their tee shots as it is a distraction.

As stated previously, Northwick Park is no different to any number of golf courses up and down the country which are crossed by public rights of way. Golfers and walkers have shared the same open space for years and are able to co-exist quite happily. We are keen to keep this tradition and will take all reasonable steps to improve the experience and safety of walkers wherever possible.

Please call me if you need to discuss any aspect of the above.

Comments regarding Respondent 3:

It has been accepted that the definitive map does not accurately reflect the route which has been taken by walkers for some time. There are mature trees on the indicated route which are at least 20 years old. The traditionally walked route has not been impeded by the activities of Playgolf.

The point of entry on the South side of the golf course is as safe as it can be given the current topography and distance from the tee. In situations like this it is not uncommon for a bell to be rung by walkers alerting golfers who might be about to tee off. We could install such a bell. As stated previously, the risk of being struck by a golf ball at this point is quite low as the majority of golfers play up to the stream and are wary of going in it.

The signs are not mis-leading. It was the original intention that the footpath would be diverted around the golf course. We have no intention of confusing walkers.

The option of crossing the 1st fairway is not a good one. The risk of being hit from the 1st tee is increased and the route enters a zone which catches the bulk of golf balls which are hit (from the range) over the range nets. Walkers are quite well protected from sliced shots from the 1st tee by the thicket between the 4th and 1st holes.

We have never seen walkers as intruders. On the contrary we have allowed walkers to cross the golf course on whichever route they please, although we have tried to steer them along the safest possible route. The rights of way are clearly marked on the score card and golfers are further made aware of the existence of these paths on signs. Golfers are told that walkers have priority. We cannot be held responsible for the attitude of an individual.

We accept the comments with regard to the bridge at the southern end of PROW 37 and we are in the process of upgrading it.

PROW 34 exists on the well-trodden alignment of the last few years as does PROW 36. The fence along PROW 36 is there to confine walkers to the right of way for safety reasons as well as security.

2) Comments from David Postins of Playgolf by e-mail dated 11th September 2007 to LBB.

Comments regarding Respondent 4:

- A.1. The lack of visibility can be overcome by means of a bell and some signs. This arrangement is not uncommon on golf courses.
- A.2. The hole is a par 4. Golfers play their first (tee) shots short of the stream and then play their second shots over the stream to the green. Only the good golfers will play to carry the stream and these golfers will be confident of not landing short.
- A.3. I am assuming that the "evidence of balls landing quite hard in the area of the stream" is in fact the divots which are the result of people taking their second shots to the green. Any golf balls which arrive in this location will be rolling along the ground having landed 20-30m away.
- A.4. The bell can be positioned at the boundary of the course where there is little or no risk of being hit by a stray ball. Instructions on the 4th tee would inform golfers not to play their tee shots if the bell is rung as it indicates that walkers are about to cross the fairway.
- B.1. The safety margin is taken from the centre of the fairway to the footpath. In truth it varies between 35m and 40m since the fairway has been cut to a new line. The distance from the boundary fence to the turning point on the proposed route is 75m.
- B.2. It is true that I personally was not familiar with the particular publications which were tabled by Ms Slade, but I made it clear at the hearing that I was not the designer and that it would be the designers who would refer to such publications.
- B.3. Golfers are made aware of the presence of footpaths on and adjacent to the golf course. We can not be held responsible for the conduct of individuals. Why shouldn't children use the golf course? The Middlesex County juniors play the course regularly. I for one would be happy to have a handicap as low as some of these "children".
- C.1. All trees have been surveyed and plotted in their exact positions. The chances of being hit by a sliced tee shot from the 4th tee are negligible. For this to happen a tee shot would have to be 50m off line! Golfers are made aware of other golfers on green 3 as they may well be playing a second shot from around the green (nearest the 4th fairway) which might influence whether or not a golfer on the 4th tee feels confident about taking a tee shot. (If for example he knows he is prone to slicing the ball). In truth the sign is somewhat superfluous as golfers should always be aware of their surrounding environment.
- C.2. The diverted footpath is no closer than 20m to either the 1st or the 3rd greens. In addition the path is clear of the 30m safety margin as recommended by the European Institute of Golf Course Architects. You will find all over London, footpaths which are present adjacent to golf

greens, some of which are closer than 30m to the centre of the green. The risk of being hit by a tee shot which overshoots the green is minimal as most golfers tend to (a) over-estimate their ability with a particular club and (b) often do not strike the ball as cleanly as desired and thus the shot invariably lands short.

- C.3. See C.2 above.
- D.1. We are not relying on trees to protect walkers from golf balls.
- E. The route is wide enough for two walkers. The trees need to be pruned periodically.
- F.1. The occurrence of a tee shot being sliced to the degree that would send it onto the line of the footpath is extremely remote. In any event, most golfers wait for walkers to pass before playing their tee shots as it is a distraction.
- F.2. The gate has been re-hung so that it is no longer a kissing gate. Furthermore we have agreed to remove the gate altogether.
- F.3. The relationship between PROW 36 and hole 2 is completely different to that between hole 2 and the proposed diversion route for PROW 37. Therefore, protection for walkers is not necessary.
- F.4. There are no visibility issues coming through the hedge from Hole 1 to Hole 2.
- G. The chances of being hit from a tee shot off the 2nd are very remote.
- H. There are no temporary obstructions to PROW 37. The driving range netting has planning permission and in any event does not obstruct the line of the path. The route is not "infinitely more circuitous". The Lease between Brent Council and Playgolf is in the process of being completed. The council have cited the issue of the footpath as being a reason for delaying the completion of the lease.

PROW 34

- A.1. PROW 34 will not be curtailed in any way. Surely, by increasing the length of the footpath the network is being increased and not decreased?
- A.2. The alignment of PROW 34 is the route that has been adopted by walkers over the recent past. There is no diversion of this route in practical terms. The exit of Prow 34 is into Northwick Park as it stands. Whether or not there were open fields, the fact remains that a driving range exists and the exit point of PROW 34 will always be into the vicinity of the driving range.
- A.3. It should be noted that the Diversion of the footpaths in 1970 was to ensure that the football and rugby pitches were not crossed by them. In this respect, this proposed diversion is no different. It made sense in 1970 to divert the paths around the pitches. Surely it makes sense to divert the path around the driving range.

All of the documents listed in the respondent's submission are from other (rural) local Authorities. Developing a golf course in a rural, open countryside environment is a different prospect to developing an urban golf course in a confined space. The 50m safety margins are much easier to achieve but these are not realistic in this situation. In any

event the distances are recommended guidelines and do not carry any legal status.

I trust the above is of some assistance. Please contact me if you require further information.

Comments regarding Respondents 5, 6, 7 & 8:

Further to your email with letters attached please find below a response to any new issues raised.

Open Spaces Society – Respondent 6:

We would maintain that the route is substantially as convenient to the public as the original alignment. It is only 150m longer than the definitive route which will add between one and a half and two minutes on to the journey time. In addition, the diverted route is far safer as it avoids the need to cross the driving range.

We are of the opinion that walkers are safe on the diverted route. It is the objectors who are suggesting that the route is unsafe. This opinion is unfounded as people have been crossing the golf course for the best part of two years without any incidence of anybody being struck by a golf ball.

Rambler's Association – Respondent 5: As above.

Respondent 7 appears to raise no significant new points and is entirely in keeping with his previous correspondence.

Respondent 8:

Firstly I would like to point out that I respect the views of Respondent No 8 as he has always taken a balanced approach to the proposals for the footpath, and I get the feeling that his observations and recommendations are genuine. The route that he is suggesting which closely follows the perimeter of the driving range netting is one which we have considered in the past but one which we have rejected for the following reasons:

- (i) The route crosses the 1st fairway in a position which has reasonable visibility when going South-North but not very good visibility when going N-S. A number of golfers mis-hit their tee shots into the wooded area between the green and the range nets and a walker from the north would not be obvious to the golfer until it was too late.
- (ii) The walkers come into an area which receives a high number of poor tee shots from the 1st tee.
- (iii) The route enters a zone which receives the bulk of the golf balls which escape from the confines of the golf range. The green keepers collect range balls from this area every day and whilst Respondent No 8 is correct in his assessment that one is safe when

walking next to the range nets, it is the approach to the nets which crosses the danger area.

- (iv) Items (i) and (ii) can be managed and it would probably be unlikely that a walker would stray into the path of a tee shot. Item (iii) however is not easy to manage and golfers on the driving range are totally unaware of people walking along this route.

With regard to the termination point of PROW 37 on PROW 36 I would suggest that this has been proposed purely for reasons of logic. It makes perfect sense for one PROW to meet another PROW; this happens all of the time. If PROW 37 did not join PROW 36 at this point then there would be a situation where one footpath was running parallel to another footpath two metres away. This hardly seems sensible or necessary. The available route for this section is one of the maintenance tracks for the golf course and at times it can be quite busy with machinery passing to and fro. We feel that it is in the interests of all to separate the walkers from the machinery.

Regarding the maintenance of PROW 36, we do maintain and cut back the vegetation periodically. I am aware though that sometimes it becomes a little overgrown and we accept that we need to do a bit more in this respect.

Please call me if you need any further information in respect of the above.

Kind regards

David Postins
Property Director
Playgolf (Holdings) plc