



**General Purposes Committee**  
29<sup>th</sup> June 2010

**Report from the Director of  
Environment and Culture**

For Information

Wards Affected:  
Northwick Park

**Northwick Park – Diversion of Public Rights of Way –  
Supplementary Report**

**1.0 Summary**

The Chair of this committee has received a letter from the Open Spaces Society.

**2.0 Recommendation**

The committee notes the receipt of this letter.

**3.0 Detail**

The Open Spaces Society has sent a letter to Councillor John strongly recommending rather than make a new order the Council should carry out its legal duty and re-open the existing route, removing the obstruction placed there by the previous operator of the golf driving range. The Society say that moving or extinguishing the path is a dereliction of that duty.

The Society refer to a High Court judgement this year in the case of Herrick v Kidner and Somerset County Council which has made it clear that an obstruction includes the existence of a gate across a path even if it is not locked which is the case here.

The letter also points out that the Council has made an order previously which was opposed and rejected by the Secretary of State. If a new order is made the Society say there will again be many objections, another public inquiry which will cost the Council a great deal of money.

The Society have offered to attend a site meeting if the Committee decides not to pursue the diversion to advise on how the matter should be resolved.

### **Background Papers**

Letter from The Open Spaces Society

### **Contact Officers**

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Richard Saunders  
Director of Environment and Culture