

## **Malvern Wells Parish Council**

Minutes of the Meeting of the **Environment Committee** duly convened and held in The Committee Room of Malvern Wells Village Hall- commencing at 7.30 pm on **Thursday, 8<sup>th</sup> October, 2015**

**Present:** P Clement, P Stanier, R Winterton, Cllr J Smethurst, Cllr S Atwell, P Buchanan, R Hayes

**In Attendance:** D Taverner (Clerk and Responsible Finance Officer)  
Mr S Mitchell (local resident), Messrs C Lowe and A Davis (representing the Worcestershire Golf Club)

**Apologies for absence:** N Nimmo-Smith, M Millen and S Maund (Parish Lengthsman)

### **1 Appointment of a Chairman for the Meeting**

It was agreed that Peter Clement should Chair the meeting.

### **2 Minutes of the Previous Meeting**

The Minutes of the Meeting of the Committee held on 9<sup>th</sup> July, 2015, having been previously circulated, were approved and signed by the Chairman as a correct record of that meeting.

### **3 Matters arising from the Minutes**

**Footpath 511** – A dilapidated finger post adjacent to Blackmore Park Road needed to be replaced. A new post has been obtained from the Countryside Service and had now been installed

**Jackie Smethurst** had completed her Parish Paths Warden training.

**Pam Stanier & Richard Winterton** had previously advised that the hedge on the north side of **MW502** had become very overgrown but this had now been cut back.

### **4 Issues relating to the use of permissive rights of way at the Worcestershire Golf course.**

The Parish Council had received a letter of complaint, from Mr Stanley Mitchell, that a path near the north end of path MW 666, between Warren Farm and the Golf Clubhouse had been closed by the Worcestershire Golf Club. The path is not shown as a public right of way on the definitive footpath map but Mr Mitchell stated that both he and other members of the public have been in the practice of walking the path in question for many years.

Mr Mitchell reported that, for some time, there had been a notice warning people that as they were walking near to a golf course they should be aware of the danger from golf balls. Mr Mitchell's was of the view that there had been some ambiguity in the wording of the original warning sign and he believed that he had established a right to continue to walk along the path having done so, on

almost a daily basis, for in excess of twenty years. He was concerned that new signage had recently been erected by the Golf Club stating that the pathway was in fact private property and that there was no public right of way.

Mr Colin Lowe, representing the Worcestershire Golf Club, explained that the public's use of the path had been a long-term problem for the golf club. Mr Lowe stated that the land is in the private ownership of the golf club and there is indeed no public right of way across the course. Whilst access is granted for vehicles visiting Warren farm, there is no access to the general public.

Walkers attempting to cross the course using the path had been regularly challenged by golf club players and officials and had been warned on numerous occasions that they were in fact trespassing on private property. The major concern for the Golf club is the possibility of someone being struck by a golf ball. Players cannot always easily see people on the pathway with views being partially obscured in some places from both tee and fairway. There were also concerns that the pathway being used also follows close by the Golf Club's equipment storage facility.

Peter Clement advised that he had previously met with officers of the golf club following similar complaints back in 2009 when the footpath been closed by the Golf Club arbitrarily even though some walkers actually considered it a 'Right of Way'.

Investigations had been undertaken at that time which showed that this was not a definitive path and the signage erected at that time at the Warren Farm end, the Golf clubhouse end, and at Wood Farm Road all clearly stated there was no public right of way.

Mr Lowe re-emphasised that new signage have been erected as the Club are principally concerned that members of the public, who in their view are trespassing on private property, might be hit by golf balls as golfers would not be expecting people walking in the area

Mr Mitchell was advised that the current status of the path, is a private way across private land. This can only be changed to a right of way by invoking a change to the Definitive Map by means of a Definitive Map Modification Order (DMMO). Anyone can apply for a DMMO and there's no charge for doing so. The application should be made to Worcestershire County Council. Evidence to back up to the claim for a change of status would need to be submitted along with the application.

Mr Mitchell thanked members of the committee for affording him the opportunity to set out his views on the matter.

Subsequent to the meeting Mr Mitchell had telephoned the Clerk to advise that he had decided not to proceed with the DMMO process in this case.

## **5 Report of the Parish Paths Warden**

Norman Nimmo Smith had tendered his apologies for being unable to attend the meeting but he had submitted the following written report:-

**“Bridleway MW511** – the dilapidated finger post at the junction of the bridleway with Blackmore Park Road has now been replaced with a new one. Marilyn Millen kindly helped with the installation.

**Footpath MW514** – the wobbly stile at the junction with MW666 has been repaired, and no longer wobbles.

**Footpath MW518** – the finger post at the footpath’s junction with MW522 has been broken and needs to be replaced. The County Council will provide me with a new post in due course. Pam and Richard have kindly agreed to help with the installation.

**Footpath MW532** – the landowner pointed out that walkers frequently deviate from the line of the footpath as it crosses a field, and end up climbing over fences in their efforts to find the correct route. To help with navigation, waymark discs have now been installed on two existing power-line poles sited along the route of the footpath.

**Footpath MW546** – a branch that fell across the footpath in early September was removed by a contractor, presumably employed by the Chase Care Home. The branch damaged a fence belonging to the Care Home.

**Footpath MW548** – two stiles on this path are rather dilapidated and need replacing. The landowner (Mr Kingsley Morris of Brick Barns Farm) has agreed that one of them can be replaced by a metal gate, which is clearly a bonus for walkers. The County Council will provide Brick Barns Farm with one new stile and a replacement gate. When delivered, the landowner has agreed to install them.

**Footpath MW665** – the new gate at the northern entrance to the Golf Course has now been installed by Steve Lloyd, the Golf Club’s course manager.

The replacement for Tracy Sutton, our previous Area Officer from the Countryside Service, has not yet been appointed. It is understood that candidates are in the process of being interviewed.”

## **6 Review of public rights of way in the care of each member of the Committee**

**Pam Stanier & Richard Winterton** advised that the overgrown hedge on the north side of **MW502** had now been cut back and no longer impeded the path. Some cutting back work was necessary to path **MW 555**.

The Clerk was asked to re-issue the list of paths being looked after by the individual path wardens.

## **7 Date of the next meeting**

It was agreed that the date of the next meeting of the Committee would take place on Thursday 7<sup>th</sup> January, 2016.

There being no other business the Chairman closed the meeting at 8.52 pm

Approved Chairman -----  
Dated 7th January, 2016