

# Kendal Fell and Golf Course

## Consultation response



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# 1. Introduction

Over the past ten years on Kendal Fell, areas of what was grassland have become woodland or been invaded by coarse grasses and bramble, swamping out many of the wild flowers which were present and making conditions unsuitable for many of the rarer butterflies.

This has led to renewed concern about the loss of important wildlife habitats and changes in the character of the Fell and to the need for a new management plan to protect the special features of the Fell.

The group are also working together to overcome conflict which is becoming increasingly common between users of the fell.

The Kendal Fell Advisory Group secured funding from SLDC to prepare the new updated management plan and action plan for Kendal Fell. The management plan and action plan is there to provide a clear strategy of how the Fell is to be managed, who is to manage the various area and which areas are to be prioritised. It is also there to be used by the various stakeholders to ensure that the work undertaken is that agreed by stakeholders, therefore avoiding any mis-understandings, and ensure that when the work is undertaken, its to the required standard and undertaken at the correct time of year.

Kendal Fell Advisory Group (KFAG) s made up of the following organisations:

- Fellside Forum
- Kendal Golf Club
- Kendal Civic Society
- Butterfly Conservation
- Open Spaces Society
- Friends of the Lake District
- Cumbria Wildlife Trust
- South Lakeland District Council

The Council along with stakeholders that make up the Kendal Fell Advisory Group have consulted on the management plan/ action plan and the consultee comments can be seen below. Further actions will now be undertaken to amend and accept the plan as required.

The aims of Kendal Fell Advisory Group are:

- To conserve and enhance the features that contribute to the value of the historic area of Kendal Fell for recreation.
- To encourage local people to use the Fell for lawful sports and pastimes

- To conserve and enhance the biodiversity of the Fell
- To conserve and enhance the historic environment of the Fell
- To ensure that people understand and celebrate the significance of the Fell through educational and outreach activities
- To involve the local communities in the management of the Fell in ways that promote its responsible use and encourage people to give their time and effort to make it a better place.
- To contribute to the sustainable development of Kendal.

Terms of Reference for the Kendal Fell Advisory Group are as follows:

- Setting management objectives for the historic area of Kendal Fell
- Organising and reviewing progress against specific management objectives and actions as agreed in formal Fell Management or action plans
- Promoting the use of the Fell in ways that are consistent with the aims of the K FAG and its status as a Town Green
- Co-ordinating plans and activities designed to achieve these objectives by:
  - o Promoting the participation of local communities, volunteers, businesses and other stakeholders in the management and general enhancement of the area.
  - o Establishing and maintaining methods of communication that enable citizens to participate in the development of the plans and their implementation and which encourage appropriate use of the area for recreational purposes.
  - o Designing participatory monitoring schemes aimed at measuring changes in the condition of the area to assess the effectiveness of management.
  - o Promoting the use of the area for educational purposes.
  - o Developing and promoting a general ‘Kendal Fell Code of Conduct’
- Identifying and pursuing partnerships, sources of funding and other opportunities need to secure any additional resources required to achieve the aims.

## **2. Who we have engaged with**

- 2.1 We have consulted with the public and the various societies, groups that make up the Kendal Fell Advisory Group.
- 2.2 Various methods of engagement were used to help broaden the accessibility of the consultations, they included:

- Consultation on line using the Kendal Fell Advisory group web page with access to the citizen space web page for responses.
- Copies of the Kendal Fell Management Plan and Action Plan were provided at various locations such as South Lakeland House, Kendal Library, Kendal Golf Club.
- Feedback was taken through the Citizen Space website, in writing or via email and collated. All Kendal Fell Advisory Group members were issued with a copy of the feedback and the group were able to feedback on the responses given.
- The public consultation was advertised through the Westmorland Gazette, The Council's communications team and through those groups that are represented on the Kendal Fell Advisory Group.

### 3. Consultation Feedback – Total Responses 15.

There are various views and comments expressed in the feedback. To summarise, these can be split into four main themes;

- **Comments and views on the Kendal Fell Management Plan** – There are a number of comments on various sections of the plan. These include; requests for the addition of financial information, a need for consultation on any future work, views around the code of conduct and concerns around health and safety.
- **Conflict between users of Kendal Fell** – there are views from members of Kendal Golf Club regarding issues with dog walkers, and the effort and time they put into maintaining the area. There was also views from other users of the Fell regarding conflict with those playing golf.
- **Flora and Fauna** – information has been provided around the various types of flora and fauna in the area, including Japanese Knotweed and ash trees, and how these should be managed.
- **Signage and footpaths** – Some respondents feel there is a need for better signage, and commented on certain footpaths in the area.

This summary gives a brief overview of the consultation response. However due to the complexity and detail of the responses it is advised that the feedback be viewed in full.

#### Response 1

In general happy, but some comments:

a) The footpath over the fell going past Kettlewell crag across the golf course to the footbridge over the by-pass and onto Cunswick fell is an important well used through route and there is no mention of this importance in the report.

b) My experience is that most people enter the Kendall Fell area through Serpentine Woods and then out onto the Meadow, and currently there appears to be no signage planned along this route. This would be the most common route for people walking up from the centre of town.

c) The signage should include when the bird breeding seasons are, as most people will be ignorant of this.

d) Probably costing too much, but the addition of a viewing table saying what the view is at either the Meadow or Kettlewell Crag could provide a focus for visitors to the town who want a short walk without having to go all the way to the Mushroom on Scout Scar. Maybe crowd funding could be used?

Ps. While on the subject of the Mushroom, the viewing panels have been disappearing which is a disappointment. While not within Kendal directly, this is used by many Kendalians and should really be fixed, again crowd funding could be used if finances are not available?

South Lakeland District Council's Response:

- Management Plan to be updated to cover Point a.
- Signage locations to be reviewed to ensure that signage is installed at key access points. Information on birds to be updated to include birds nesting season.
- Viewing table option/ viewing panels not to be taken forward currently until other actions have been completed.

## Response 2

I contacted the enforcement department at SLDC in January by letter regarding the dog fouling and sometimes rude and abusive behaviour from dog walkers that was directed at golf club members on Kendal Golf Course.

After about 5 months and numerous calls I was eventually contacted by an employee. I explained to him that that despite the hard work by staff and members to keep the course in the best condition possible, it was being ruined by some irresponsible dog walkers. A few people who have dog walking businesses and take 4 or more dogs onto the course let them run riot and do not pick up after them as they do not have any idea where they are running off to. I get the impression this is why they love going onto the course as they know they can get away with it.

I am not by any means saying this is the behaviour of everyone but it is a big problem. They are also ruining our driveway which is full of pot holes and it is the members that have to pay out to repair this.

The council do not help in any way with the cost of these repairs and it is a big outlay for the members. Why does the council take more notice of members of the public that abuse and disrespect the beautiful area we have on our doorstep?

We pay the council a substantial rent each year and spend a small fortune on keeping the course in the best condition we can, this includes respecting and looking after the flora and fauna to be found on the land. It is a hard and laborious job to do this but the members are always aware that we need to nurture the land for prosperity. We pay our fees each year and a big proportion of this money goes to the council.

South Lakeland District Council's Response:

- Further work required to enforce against dog fouling. Enforcement team to be notified of the concerns and to undertake regular patrols of the area.

### **Response 3**

Westmorland & Lonsdale Green Party welcomes the development of a plan for Kendal Fell and is pleased to see attempts to balance priorities between conservation and other objectives.

We would, however, like to see a further statement looking at the longer term policy for the Fell (beyond 5 years) given the likely implications of climate change over the next 30 years and more. In such a statement we would like to see recognition that issues such as carbon costs, herbicide and fertiliser use (for example in golf course management) addressed.

We would also want to see a robust analysis of income (e.g. Golf course lease) and costs of management.

We would like to see an open public discussion of access rights to public land and a consideration of best practice use of this natural resource for both nature and human needs in the light of climate crisis. Such a discussion would need to ask fundamental questions about, for example, the appropriate balance between artificial creation of areas which have zero wildlife benefit and removal of opportunities for some types of wild life in order to facilitate others ( which may be given priority because of their scarcity rather than overall increases in biodiversity)"

South Lakeland District Council's Response:

- Currently, the Council and KFAG will concentrate on the initial 5 year period due to concerns around the previous management plan not working and the previous group splitting up. Efforts to be put in, the immediacy, to ensure that the group are working together effectively before considering a longer term plan.

### **Response 4**

As a family we use Kendal Fell as dog walkers and golfers. As a dog walker, I am very respectful of the golf course and keep my dog on a lead when golfers are playing. However, if it is early morning or late evening then I do let my dog off the lead but have trained her to not go near greens or bunkers. I do recognise that some other dog walkers are not as courteous however. I have been sworn at by golfers and told that I should not be walking on Kendal Fell.

I think that clear signs for users is very important so that people know the code of conduct. Also, clearer signs as to the golf course itself so that non golfers know where they should not be crossing over fairways.

I live next to Kendal Fell and it is such an important historical part of Kendal and should be able to be used by all locals working together to be enjoy. More history information would be a good idea on the signage. It is a joy to walk through the woodland and see and hear the wildlife and we are lucky to have volunteers who know what to do to conserve this.

South Lakeland District Council's Response:

- Supportive comments above and clearer signage to be installed to ensure that code of conduct for all is clear.

## **Response 5**

Thank you for the opportunity to comment on the Kendal Fell Management Plan. I am a volunteer for South Cumbria Rivers Trust and, together with others, have been working to eliminate Himalayan Balsam from the Kent catchment, within which Kendal Fell lies.

We have worked on balsam control on parts of the fell over recent years and are keen to see this work continue. We therefore applaud the commitment to do this. I realise that the 2-page summary is just that - a summary - but would urge caution regarding the methods used to control Himalayan Balsam and Japanese Knotweed.

The plants and anything contaminated by plant material/seeds are, in law, controlled waste and so cannot be removed from the site without proper licences for transport and disposal. In the case of Himalayan balsam, the best technique is to pull the plant and twist off the roots below the lowest 'node' in the stem. We are also finding that strimming close to the ground has a similar effect but is not always feasible. Cut plants can then be left in situ to decay.

Japanese Knotweed should NOT be cut or pulled; it is best to seek expert advice on control measures, which usually involve injecting with herbicide.

South Lakeland District Council's Response:

- Ensure that Kendal Golf Club and volunteer groups are made aware of these concerns. Management Plan to be updated to ensure that these points are picked up for clarity.

## **Response 6**

I have only 2 comments.

Firstly. The right of way south of Coffin Wood seems to be incorrectly shown.

Secondly. Due to the situation with ash dieback more consideration should be given to the management of the ash trees on the Fell. Depending how the disease evolves it may be necessary to nurture trees if they show signs of resistance as well as clear others. It seems necessary to keep an open mind on such things.

South Lakeland District Council's Response:

- Management Plan to be checked to ensure that right of way south of Coffin Wood is correctly shown. Further information and new policy added if needed to the management of ash trees.

## **Response 7**

At a special meeting of the Fellside and Greenside Forum held on Tuesday 9th July 2019, twenty-four residents of Fellside and Greenside attended a meeting to discuss and agree the Forum's formal response to SLDC's consultation on the "Kendal Fell and Golf Course Management and Action Plans" (MAP). During the meeting, specific issues covered by the reports were discussed and positions agreed and at the end of the meeting these were summarised in the form of a resolution expressing the views of the Forum. This resolution was then voted on and passed unanimously:

“Subject to the following caveats and recommendations, the Fellside and Greenside Forum endorses the recommendations made in the Kendal Fell Management Plan (dated 11 June 2019) and the associated Action Plan 2019-2023 (dated 30 Jan 2019) and agrees to participate in their implementation through the work of the Kendal Fell Advisory Group (K FAG):

1. In the light of the extent of Ash die-back on Kendal Fell, coppicing as suggested in the Management and Action Plan (MAP) may no longer be appropriate. The management plan may need updating to reflect the new reality.
2. The Forum would like to see the ‘face’ of Kettlewell quarry cleared of scrub / smaller woodland to better show the geology of this site.
3. The Forum would like the management and action plan state that Herbicide, Pesticide and Vermicide should not be used as part of the management of Kendal Fell. The forum notes that in exceptional circumstance for example control of Japanese Knotweed herbicide is used. However, this should be the exception used away from species-rich grassland after consultation with the K FAG.
4. Whenever changes to the MAP are being considered by any party, wider consultation should be the default behaviour. For example, the ‘new’ water courses installed by Kendal Golf Club (KGC) should be undertaken after consultation with the K FAG.
5. The task of “continued review and updating of fell management actions” should be added to the Terms of Reference of the K FAG.
6. When considering Coffin and Little woods the MAP refers to a woodland report. The woodland report is at present unpublished and there has been no general consultation on it. The report needs to be published as soon as possible and after consultation.
7. The Forum strongly supports the re-installation of the historic walls that enclose Coffin and Little woods. The Forum invites discussion on how this can be achieved.
8. The Forum believes the MAP should be pro-active in removing garden shrubs in particular the Laurel that is regenerating on hole 10.
9. The Forum is strongly in favour of more clearly demarking the parish / national park boundary. That demarcation should reflect back to the original wall (removed after KGC ‘s purchase of the land at Hellsfell). As such the Forum favours the second option detailed in the MAP.
10. The Forum approves of initiatives to encourage children’s and youth use of Kendal Fell for lawful sports and pastimes including, but not limited to, golf. However, new initiatives should be done only after consultation with the K FAG. For example, the Forum approves of the intended use of the mini-golf area to encourage young people to play golf, but if this area is not being used then it could be returned to being a flat grassland area that may suitable for other non-golfing leisure activities. “

We also noted that while the MAP provides comprehensive coverage of operational objectives related to wildlife and landscape conservation some of the more general objectives related to joint use of the Fell are only superficially covered and therefore the Forum was unable, at this stage, to provide a detailed response on issues related to these. Referring to Table 3 in the Action Plan, the following management objectives of particular concern to the Forum fall into this category:

Objective 11: To reduce conflicts between walkers and golfers;

Objective 1: To resolve conflicts between individuals and organisations in Kendal concerned with Kendalian's rights on Kendal Fell and Golf Club; and

Objective 17: Monitor the effectiveness of the management.

The Forum regards all of these issues as very important and looks forward to working with the K FAG and, where appropriate, bilaterally with its contributing organisations to implement specific actions to address them.

In conclusion, the Forum now looks forward to the implementation of the plan over the next 5 years. It intends to take a full and active part in the work of the Kendal Fell Advisory Group and will also actively encourage participation in any volunteer activities that are needed to undertake some of the work.

South Lakeland District Council's Response:

In response to the 10 points raised, please see comments against each point:

1. K FAG to review ash tree management as part of the Management Plan.
2. Further discussions to take place with Kendal Golf Club and volunteer groups re: the 'face' of Kettlewell quarry cleared of scrub / smaller woodland to better show the geology of this site.
3. K FAG to discuss the use of Herbicide, Pesticide and Vermicide with Kendal Golf Club. Management Plan to be changed to ensure that this is included.
4. Consultation to take place with members of K FAG when management plan is amended in the future.
5. Terms of Reference to be changed to taken into account the following point: The task of "continued review and updating of fell management actions" should be added to the Terms of Reference of the K FAG.
6. SLDC to publish the woodland reports and to adopt alongside these reports.
7. SLDC to consider funding for the walls around Little and Coffin Wood.
8. Further discussion to take place with K FAG re: removal of Laurel.
9. Further work to be undertaken to demark the National Park boundary. Discussions are ongoing on this.
10. This work to be put on hold until the group has gathered momentum and the working relationship is strong between all members within K FAG.

## **Response 8**

The Management Plan says the consultees in 2000 were Kendal Golf Club, Cumbria Wildlife Trust, Friends of the Lake District and Kendal Town Council. Since then other organisations such as the Open Space Society, Village Green society, Kendal Civic Society and others too numerous to list have had an active say. The management plan makes suggestions, all of them with an associated cost in someone or some organisations time and with expense.

While the objectives appear to be reasonable there is no indication who will either do the work or pay for it. Who will supply the machinery to carry it out? Further information is required here.

However here are some facts associated with this area.

Dog walkers allow dogs to run free and many people think they can walk anywhere, they do not realise they are only allowed to walk on designated paths, which should be clearly marked but KTC and SLDC have consistently failed to ensure they are visible. Instructions to only walk on the paths and notices to dog walkers to keep their animals on a lead are not in evidence. There is no policing by KTC or SLDC of the regulations so they are totally ineffective and may well not be in force.

The cost of maintenance of the Fell has fallen totally upon the shoulders of KGC without any financial or manpower support from any of the organisations that have a large say in the management of the plan. If KGC did not maintain the golf course for the benefit of their paying members who would pick up the costs of implementing any management plan. KGC incur a massive annual payment to rent the area without any support from SLDC.

These organisations are allowed to punch well above their weight and the good they do, they are first in the queue when it comes to complaining but last in the queue, indeed nowhere to be seen when it comes to paying for implementing the management plan. Without KGC working and maintaining the area it would soon become a scrubland that no one would be able to use as nature would take over.

In terms of usage of the area, KGC probably have over 2500 people/hours every week using the facilities, the other organisations may have 500 in a year yet many of these people think the whole of the area is available to them at no cost. KGC is a local employer with specialist ground staff working diligently to maintain the area to a very high standard. Well people, wake up, if KGC is expected to pay large amounts into the coffers of SLDC, maintain the golf course and look after the interests of everyone else, many of whom have no respect for the rules and regulations of the area, the costs of membership will become prohibitive that members will reconsider their subscriptions and with every golf club in the country facing reduced membership the day may come when the area will be handed back to SLDC. Will SLDC maintain it to the current standards, especially as they have lost revenue from the loss of the rental and commercial development will not be allowed so the opportunity to replace the lost income will not be available?

Any further costs to KGC should be offset by the a reduction in the rent payable to SLDC and would it not be a marvellous gesture on the part of SLDC to remove the rental charge completely as KGC look after the area for Kendal people. KGC has been in existence over 100 years, is it not time that KTC and SLDC acknowledged their support of the town and the importance it plays in the local community, most of its members are local people and ratepayers. KGC should be levying a charge to SLDC for maintenance of Kendal Fell, not the way it is. The loss of rental to SLDC is negligible but to KGC it is a very large amount.

Let's keep the area attractive to everyone, let non golfers know their rights and obligations and reduce the costs to KGC to allow another 100 years of recreational activity.

South Lakeland District Council's Response:

- The action plan sets out what works is needed in which locations and suggest those that best suited to undertake the proposed works.

- Further work required to enforce against dog fouling. Enforcement team to be notified of the concerns and to undertake regular patrols of the area.
- KFAG to discuss the costs being incurred in addition to general mtce and upkeep of the golf course.

## Response 9

I am a Kendal resident, member of the Golf Club and the Ramblers Association.

Members of the Golf Club have prepared a response to the Management Plan to which I broadly agree. However there are some additional comments that I wish to make. These are as follows:

I support the aim to protect flower rich grassland and where possible to reverse the loss of this important feature to scrub, coarse grass and woodland. However this should not be to the detriment of maintaining a golf course to a high standard. There are areas of the course in the 'rough' alongside fairways and outside its boundaries but part of the Fell where this could be considered.

If golf course management can be adjusted to restore species to the grassland without loss to the quality of the course, then it should be possible also, that other areas of the Fell could be improved, which for many years have been neglected. Without the Golf Course the Fell would have more scrub, particularly on the steeper slopes and much more woodland. It is likely that there would be fewer orchids cowslips, snowdrops and daffodils and other wild flowers encouraging insects such as butterflies.

Whilst it is easy to be critical of the creation of a rock garden alongside the 16th Fairway it is certainly more attractive than the scrub that was there before to which it would probably revert or be invaded by cotoneaster if it was removed. Should the plants be replaced then species should be chosen that encourage butterflies and/or provide berries for birds.

Public footpath way marking has been improved recently, though the footpath crossing the 13th Fairway along the line of the Parish boundary could be clearer when walking West. However I am not in favour of the suggestion to create a shallow trench to mark the boundary. This seems to be unnecessarily intrusive. The public Footpath which passes the 6th Green on its north side requires a finger post at the stile in the boundary wall. There is a post with a way marker but it is leaning against the wall.

The Fell is very popular with dog walkers. The majority of owners keep their pets under control but there are always some who do not, causing inconvenience to golfers. In my view all dogs should be kept on a lead during the bird nesting season and when crossing fairways.

Recreational activities within the area of the Village Green should be defined. Pursuits which conflict with golf, walking or running or which could cause damage to the golf course or the ecology of the area should not be permitted.

None of the proposals in the report are costed. Nor is there any indication as to who would carry them out though I assume this would ultimately be the responsibility of SLDC. Where landowners and farmers carry out environmental work they receive financial payment. Similarly should the golf club incur additional costs due to changes in course management then these must be reimbursed.

South Lakeland District Council's Response:

- More works required on signage and to highlight public footpaths. Further work needed to identify those recreational activities permitted on Kendal Fell. Consideration to be given for additional funding where over and above the management of the golf course.

## **Response 10**

I would like to acknowledge the amount of effort that has gone into the preparation of the report.

Within the report there are references to the relationship and responsibilities of users of the Fell.

However I believe that in promoting shared use of the Fell as a golf course and as an area for recreation for non-golfers is potentially hazardous. The fact that shared use of the Fell has been made over the years does not mean that it is fundamentally safe to encourage shared use.

Accordingly in such a detailed report one could reasonably expect a section on Health & Safety and Risk Assessments to deal with these issues.

A golf course is inherently dangerous for golfers and is exceptionally so at Kendal where there are other non-golfers on the Fell. It is not a matter of if someone gets struck by a golf ball; it is a question of when. Kendal Golf Course has many "blind" holes where the golfer cannot see where the ball lands. (Not to mention wayward shots where the ball lands in an unintended area.)

Recreational users with dogs can be a particular nuisance. I have seen in a medal completion one golfer had his ball removed from the twelfth fairway by a dog. (The ball was not returned or replaced).

One member of the senior section resigned this year due to abuse he received by recreational users of the Fell. Some users feel they have the right to roam and picnic wherever they choose and to allow dogs to run out of control.

With regard to the plan there are a number of actions recommended. It is difficult to see who would finance or carry out the work suggested. Golf clubs nowadays are often struggling to retain existing members and recruit new members in order to balance their finances and Kendal Golf Club is in the same position as many other members clubs. The trend is likely to continue and will require prudent financial management otherwise some golf clubs will not be viable in the future. There is unlikely to be funds available from Kendal Golf Club to finance the recommendations in the report.

Apart from financing the recommended actions, the feasibility of carrying out work while the course is being played has its own hazards.

On a somewhat less serious matter, it seems most surprising that anyone could complain about the very modest floral/shrub planting on the rock wall beside the path on the way down to the sixteenth green. I've never heard any criticism of this feature, only praise. Such small modest features should be encouraged. (E.g. at the path from the eighteenth green back to the clubhouse.)

South Lakeland District Council's Response:

- The management and action plan aims to make it clear what responsibility the users of the fell have. The code of conduct, signage and more discussions with local societies aims to bring a more focused group together to help address the issues raised.

## **Response 11**

A small group of Burneside residents, at the millennium, compiled a booklet on the flora and fauna of the Burneside parishes. Helsfell Nab and Halhead Nab, which are both within these parishes, were surveyed for their flora and fauna.

At the time there was an abundance of plant varieties, birds, butterflies and other insects. As you are aware, the limestone area is home to flora and fauna that is not found elsewhere in the Burneside or Kendal area.

Sadly, there has been a dramatic change over the following years due to the rank grasses (Helsfell Nab) and scrub (Halhead Nab) which have taken over, suppressed the vegetation and resulted in the disappearance of most of the rich flora. As a result, there has been a dramatic drop in the number and variety of butterflies and other insects which relied on these plants for their survival.

I am writing in the hope that by sympathetic management, this situation could be rectified to return these areas to their former state and to the benefit of the wildlife in general.

I have included the results of a plant survey of Helsfell Nab carried out by members of Cumbria Wildlife Trust in 1992. (See page 18)

South Lakeland District Council's Response:

- Management plan to be reviewed to taken to these areas and strengthened where needed. Further monitoring to be undertaken and reviewed on a regular basis to help understand the impact of the management plan.

## **Response 12**

These comments on the proposed Management Plan will only address one aspect of the plan - The Code of Conduct (CoC).

1. There is evidence that not only will the inclusion of a CoC not achieve the aim desired but that it could matters worse.

1.1 The thrust of the statements, or 'rules', could be summed up as 'behave responsibly and considerately'. This is something that the majority of people do. People that don't feel a need to do so are not people that would take any notice of a CoC.

1.2 The introduction of, essentially, a code of behaviour raises several unfortunate reactions. People may reasonably ask - who is it that is assuming some hierarchical authority here? The CoC draws attention to potential problems by way of conflicts of interest whilst on the fell and thus makes everyone more susceptible to feeling that their interest is being threatened or over-ridden.

1.3 In any situation when you tell someone not to do something, are they going to listen or are they more motivated than ever to do it? Science would say that the latter is more likely;

it's called reactance. Similarly if you tell someone not to think about something that is what they will think about; potential conflict is that thing here.

1.4 Is this CoC to be enforced? By whom? The danger, of course, is that people will take the opportunity to use the Code to have an argument with others that are annoying them. An opening for people to take the law into one's own hands.

1.5 I walk over the Fell on average four times a week I would estimate. I have been doing so for at least a decade. I would say that in that time I have had maybe two conversations that were not entirely convivial. Thus I would argue that this is not a problem. By suggesting to people that it is a problem you are much more likely to make it one.

1.6 All the suggested 'rules' are either:

too vacuous to be worth stating (show respect, behave responsibly) which is no more valid on The Fell than it is in the Market Place

already covered by laws or bye-laws (dogs) or are part of the long established Countryside Code.

### Conclusion

An analysis of each 'rule' could be made to further demonstrate the issues raised above and I would be happy to expand on the points I have raised. For now I would ask that it be considered precisely what problem this CoC is designed to address and what happens if someone breaches the code. I would strongly argue that the introduction and promotion of the code is likely to do more harm than good and thus should be removed from The Management Plan.

As long as it is stated that the fell is open access and that it is also a golf course should be totally adequate.

South Lakeland District Council's Response:

Code of Conduct and its content has been discussed robustly with K FAG. Therefore the Code of Conduct will still progress but K FAG are keep the Code of Conduct and related signage under review. It is proposed that the signage and code of conduct will confirm that all user groups have a right to access the fell and therefore how they are to enjoy the fell in harmony.

### Response 13

I would like to start my observations by stating the residents of Kendal are very fortunate to have such a beautiful area of land it can enjoy on its doorstep, namely the village green VG65 that is Kendal Fell – to have such a lovely place on its doorstep with such varied and wide ranging views is to be very lucky.

Having said that I think my first observation of the new management plan would be I think the plan appears to be somewhat biased towards the wishes of the golf club over other users of Kendal Fell which ,I feel, is unlike the previous 2000 management plan which seemed to be written in a far more neutral tone.

I also think it is too heavily weighted towards the ecology, fauna, flora etc. side of things (which I am less interested in) rather than the day-to-day issues regarding the potential conflicts

between the golf club and all other users, which strike me as being somewhat ignored in this plan.

It is worth remembering why the 2000 management plan came about and it was **mainly** brought about as a result of conflict between the golf club and other users – see various articles/letters pages in Westmorland Gazette from that period.

- see attached

1. Golf club - letters from Westmorland Gazette - July 28th 2000 (see page 19)

2. Golf club - article from Westmorland Gazette - September 22nd 2000 (see page 20)

I mention this historical context because since 2000 the golf club has virtually ignored everything in the 2000 management plan and has been allowed by SLDC to do what it wishes (especially in terms of ignoring issues such as the requirements of the planning laws).

There is an inherent conflict between the rights of golfers and the rights of other users which I accept is difficult (or next to impossible) to resolve.

No amount of management plans will solve this unless the golf club accepts it does not have primacy of use on this land and is just one of many competing users of this land and as a result **has to share it equally** – I have heard the golf club wants signs putting up telling other users they should wait for golfers to play their shots – whilst most people do this as a matter of course, to have it written on a sign is both wrong on a moral point of view and in any case illegal as walkers have absolute right of way on a public footpath – even the golf club know this as they have put out green signs on the tees stating members and visitors must give way to people on the public footpath (see attached photo of sign). To suggest otherwise on signs would send a conflicting message which would have the potential to lead to further conflict and possibility of injury as golfers would take they had some sort of right of way – **they do not**. If anything the right of way lies with all other users as golfers should be educated to the fact that they should not take any shots whilst the potential of striking other people is a possibility.

I get the feeling the golf club still does not accept this basic premise that this land is shared equally and no one group has primacy over the other.

Whilst I accept the golf club has a right to exist I also expect the same courtesy from the golf club of my right to exist and not put that existence in danger by its lack of concern for H&S and it's clear mistaken belief that it has primacy over this land because it pays a ridiculously small amount in rent to lease such a large area of land – I get the feeling the golf club believes it should have primacy over this land.

It does not strike me as any coincidence that the leader of SLDC, Giles Archibald is also a member of this golf club when things when such as the driving range being put up without planning permission and then gaining subsequent retrospective permission happen despite the planners strongly objecting. Things like this only goes to reinforce the prevalent view that the golf club feels it can do as they please.

It is worth noting that despite claiming how desperate they were to get retrospective planning permission for the 'bus shelter', they illegally put up (the alleged portable driving range) it has remained **unused** for nearly 2 years without any covers having once again been blown over the cliff as it had been previously before the councillors overturned the planners recommendations and passed the plans to approve it. It has not been useable for nearly 2 years despite how desperate the golf club had claimed they needed this driving range/training shelter.

The issue of the inherent conflict between the needs of the golfers and all other users of the Fell has not been addressed in this management plan (I shall address this in more detail later) nor has the fact that the golf club attempted to damage relations with other fell users by

attempting to suggest Kendal Fell shouldn't be a town green and hadn't gone through the correct procedures to be a village green and got barristers involved which held up this consultation for the last 18 months.

I shall go through the lines in the management plan in more detail – (quotes from plan in blue)

page 5 '*Kendal Fell was given to the town under the terms of an Act of Parliament, the Kendal Fell Act 1767*'

It wasn't given to the golfers of Kendal – it was given to all the residents in the town.

Page 5 - "*Under the Lease and under the Town and Village Green registration, golfers and those who use the fell in other ways both have access rights that must be respected, those who are entitled to use the Fell do so in a manner which allows the club the freedom to play the game of golf.*"

Despite saying both have access rights this is wrongly implying golfers have more rights - the sentence could equally have been written to say non-golfers are entitled to use the fell in a manner which allows them to do so freely and without fear of having their life put in danger by golfers.

Page 6 - '*Kendalians have a right of access to the whole town green, but such access must not be to the detriment of its usage as a golf course, and no person shall cause any deliberate hindrance and delay in the playing of the game*'

Again this appears to be written on behalf of the golf club and is quite provocative as it again implies golfers have more rights than anyone else on Kendal Fell – **THEY DO NOT**

Why should the rights of golfers to play without hindrance and delay take precedence over every other user's right to do whatever they are doing without hindrance and delay?

Page 6 - '*SLDC have agreed to take reasonable steps to encourage walkers to use the public footpaths to cross the course*'

The lease certainly does not say this - it says from '*time to time*' and '*bearing in mind the status of the premises as a village green*'

In any case I take issue with this – it stated the same objective as this in 2000 and all that happened was the footpaths had their footpath signs removed and instead SLDC put up big metal signs effectively saying keep off the golf course – bearing in mind that not only is the map showing the path to Boundary Bank in the wrong position i.e. pre- 2007 position when the footpath signs eventually did get replaced in 2018 (after being missing for about 10 -15 years they were either out in the wrong place (as in the case of the Boundary Bank path) or they were put in places that you couldn't follow the path unless you knew where it went i.e. hidden away in the middle of copses!– path from corner of Serpentine Woods to 10<sup>th</sup> tee)

I wrote to Sion Thomas numerous times to ask him to put me in contact with the people who had done this to get them to rectify this and was totally ignored.

It is clear SLDC and the golf club have no real interest in people using the public footpaths on the course when the signs pointing to alternative paths away from the course are concreted in and made of metal and have been in place through out the last 20 years

Page 6 - '*This calls for all individuals to show respect for all other users, to take responsibility for personal safety and that of other users*'

The problem I have with that statement is where I walk does not threaten the physical health and safety of golfers.

Where golfers drive their golf balls and when they drive does affect mine - golfers seem blissfully unaware of their responsibilities for the safety of others UNLESS the other person is a golfer.

I have had golf balls hit at me when it has not been safe to do so and when, if I had had had a golf club in my hand they would not have dreamed of taking the shot – the golfers seem to think they have more rights than walkers and this management plan at times suggests they do in the language it uses.

I am very careful on Kendal Fell (the golf course) and normally let the golfers to take their shots with me waiting for them – on the odd occasion when I am caught out because the golfer has decided not to putt on the previous green or go from the 4<sup>th</sup> green to the 8<sup>th</sup> tee then, as I am not a mind reader, I expect them to wait for me (as I have waited for them on other occasions) and not play the shot when it is dangerous to do so – I have had my life put in danger on occasions by golfers who ignore this and I resent it greatly. I spoke recently with one golfer who was appalled when I showed him where I was in relation to the tee and he admitted he aimed when driving to only just be off line from where I had been.

It is also ignoring the fact I know the course inside out and other visitors/residents do not (I know of one resident who has walked up Kendal Fell for 70 years and hasn't the slightest idea where any of the holes are).

It is also ignoring the rights of runners who may well be recording their times and have just as much right to enjoy their sport without interruption as golfers – I can see no possible reason why golfers should think they have any more rights than any other users of Kendal Fell.

I normally give way to golfers as I don't wish to interfere with their pastime any more than I expect them to interfere with my walk. I am quite happy to share this beautiful piece of land with golfers but only on an equal footing.

However I am getting a bit tired of giving way to golfers only for them to then endanger my life on the rare occasions I get caught in no man's land when I don't – I don't go round trying to interfere with their pastime or more importantly, put them in any danger and in return I expect the same respect given to me.

Bottom line though is this – if the golfers wouldn't dare take the shot if the person in front of them had a golf club in their hand then they shouldn't be taking shots when it is a member of the public.

Whilst the vast majority golfers are fine with this issue it needs 100% adherence to H&S for preventable accidents not to happen.

#### **Page 6 - '*and the course scorecard*'**

Golfers (or visitors!) need to be made aware they could be **personally liable** for any injuries they cause to ANYONE and may need personal liability insurance - see Niddry Castle case as to why that is important -

<http://www.thegolfbusiness.co.uk/2013/11/settlement-reached-in-niddry-castle-case/>

<https://www.scotcourts.gov.uk/search-judgments/judgment?id=348f8aa6-8980-69d2-b500-ff000d74aa7>

I cannot believe there is no-one at Kendal Golf Club or SLDC unaware of this judgment and its implications.

I have asked SLDC for its H&S documents on this issue and have been told there are none.

In fact hidden away in the small print on the Kendal Fell Golf club website is recognition they are more than aware of this issue

7. Kendal Golf Club cannot be held responsible in any way for damage, loss or injury to property, persons or vehicles. It is expected that visitors will be fully insured against such contingencies.

<http://www.kendalgolfclub.co.uk/visitors/#1557499029898-f144ac43-b57d>

I note however the website states “Members are insured for public liability whilst playing the course through the Bluefin golf club policy.”

This seems a bit off given visitors are also paying for the privilege of playing golf and are not insured by the golf club – why are they not similarly insured?

I would point out to a court however that whilst there has been an attempt to warn other users of the dangers of the golf course there has been little or no reciprocal attempt to warn golfers of either their responsibilities or the hazards to be encountered due to the fact Kendal Fell is a village green and so you may encounter anyone anywhere on the course and not just golfers.

I therefore propose the Golf club therefore need to **explicitly** publicise this fact the golf course is on a Town Green – preferably advising them with a sign on the first tee that the course is a Town Green and as such they should expect to encounter people at any point on the course.

This is not a request – as they **must** give way as the walker is on a public highway.

Golfers do not have priority over members of the public who are on a public footpaths (**by law**)

The golf club are clearly aware of this issue as regards to public rights of way as on quite a few of the tees is the little green signs which state a public right of way crosses this hole and members and visitors **must** give way to walkers who are using it..

The golf club are aware of that and have put notices on the 2<sup>nd</sup>, 4<sup>th</sup>, 8<sup>th</sup>, 9<sup>th</sup>, 10<sup>th</sup>, 12<sup>th</sup> and 13<sup>th</sup> tees to make the golfers aware of this and it **EXPLICITLY** states they must give way to members of the public on those public footpaths.

See photo - ‘Tuesday 16th July 2019 (8)’ (see page 24)

Unfortunately the golf club has less interest in setting out the course with any regards to H&S with numerous blind shots – 3 of which cover the path from Serpentine Woods to Cunswick Scar – blind tee shot on 2<sup>nd</sup>, blind tee shot on 4<sup>th</sup>, blind second shot on 8<sup>th</sup>, dangerous tee shot on 12<sup>th</sup> competition tee (can’t see any walkers on the public footpath)

All could be made ‘safer’ with a bit of thought as to how the course is set out or diverting the line of the path.

Bearing in mind even the greenkeepers, when I asked one, wasn’t aware of the line of the paths it is hardly surprising any of the golfers know where they are

#### **Page 6 - ‘To provide a good quality golf course for the residents of Kendal’**

There is already a **very** good quality course at Carus Green for the residents of Kendal (which is actually a better course).

#### **Page 7 - ‘Be responsible for your own safety’**

I take issue with this - I can try and take responsibility for my own safety but the main danger to my safety is golfers playing shots **when it is not safe for them to do so**

I have had balls driven towards me from 50 yards away when I am at an angle of 30 degrees off line (from the 8th tee) - had I had a golf club in my hand they would not have dared take the shot.

Giles Archibald was given a list of the blind shots and H&S on the golf course 3 years ago and it’s contents were totally ignored by him and the golf club.

### ***Page 8 - 'Follow local signage and advice'***

It depends what the signs say – SLDC has for the last 20 years said follow the marked footpaths which are then not marked or signs telling me to avoid crossing the golf course which is not allowing me to use the village green

see photo '**Tuesday 16th July 2019 (3)**' (see page 24)

### ***Page 8 - 'Kendal Fell and Golf Course Management Plans'***

One of the primary reasons given for the 2000 plan was because 'there were concerns about rights of access and public safety on the golf course given its 'village green' status.

I am led to believe that during the drafting of this current management plan the golf club has tried to claim this land was not a village green and wasted a lot of time and taxpayers money in getting barristers involved trying to prove this – one of the drafts I have of this report was from January 2018 which shows the length of time this consultation has been delayed.

This report does little to address this issue even though the rights of users other than golfers is equal to that of golfers.

I am led to believe the golf club has finally seen sense and realised, as it presumably did in 1999 when I assume it attempted a similar trick (a FOI request for information refused to release this information from the barristers so we can only assume that was what SLDC and the golf club were trying to hide)

One gets the impression though that the golf club has still had a large say in what is in and not in this report – I specifically refer to one bit I am aware of ...the missing Map 36 – The strava map of footpath usage which the golf club has recently had removed.

I presume that was because they didn't want more people to be aware of the well-used path through Little Wood to the top of the golf course or the fact the public footpath which they allegedly want people to use (despite it being unsafe due to blind shots on the 2<sup>nd</sup>, 4<sup>th</sup>, 8<sup>th</sup> tees and fairways) and yet have made no attempt to mark this footpath (apart from an SLDC sign saying somewhat ironically asking you to follow the marked path!) and SLDC having a sign telling you to go on another path off the golf course

### ***Page 9 - 'Although not formally set aside for public recreation Kendal Fell has long been used informally for walking by the population of Kendal and continues to this day to be a popular location for walking, running, looking at the spectacular views of the surrounding landscape and observing the flora and fauna present, amongst other activities, including playing golf'***

It is a hill so why would it need to be formally set aside for public recreation?

In any case the rights of all the people of Kendal to use this land pre-dates the golf club's rights by 130 years as I suspect do the public rights of way (although haven't researched this)

I would also suspect, just from visual observation that the number of other users outnumbers golfers by a considerable margin

### ***Page 10 - 'In the past seventeen years the fell has become more wooded as a number of areas of scattered trees and shrubs have developed into young woodland in the absence of management'***

Some of these have been deliberately planted in the past 17 years i.e. by track from Little Wood to the top (I have no particular problem with this copse as it protects people on the path from wayward shots from the 8<sup>th</sup> and 10<sup>th</sup> fairways.

### ***Page 11 - 'The 2000 Management Plan also instigated the gradual replacement of Leylandii with native broadleaved trees on Holes 2 and 9'***

The golf club had and has no intention of removing the leylandii from the 9<sup>th</sup> which look appalling from all parts of North Kendal - the trees planted to replace them had no chance of growing bearing in mind they were planted North of the Leylandii and right next to them so have had no sunlight – the Leylandii should be removed immediately or as a bare minimum cut down to 10 feet high to allow the other trees a chance to grow

**Page 11 - *'In the 1990s the line of the old wall marking the boundary was distinct in the form of a low bank'***

It was distinct in the form of **a wall** which the golf club had illegally removed – It was not just any old wall but the boundary wall of the LDNP.

See letter from D. E Richards in

1. golf club - letters from Westmorland Gazette - July 28th 2000 (see page 19)

**Page 12 - *'The principal nature conservation interest on the Fell is the presence of species-rich grasslands.'***

which the golf club constantly cuts into to make the fairways larger and the rough smaller and reduce this area -

**Page 12 - *'and the gradual "greening" of the fell produced by expansion of the area managed for golf over the decades'***

continued gradual expansionism which has been still increasing over the last 20 years

**Page 12 - *'Creation of new greens or tees may also be deemed to be unlawful if statutory approval is not obtained'***

this is a constant threat and the number of expansionist policies by the golf club is quite disgraceful – this was also stated in the 2000 plan and ignored by the golf club who have embarked on a number of new tees (i.e. 4th tee extension land grab), new bunkers, watercourses, putting 2 shipping containers on a town green, driving range, new signs put up, building a new mini golf course, planting of garden plants on rock faces on Hole 16 etc. etc. all without planning permission.

Compare all this land grab with the fact that in 2003 they had to put in planning permission for merely altering the 9<sup>th</sup>, 11<sup>th</sup> and 13<sup>th</sup> greens.

**Page 13 - *'The terms of the Golf Club's lease from SLDC also control development on the Kendal Fell part of the golf course'***

Which they ignore – see fiasco of the driving range where they were twice turned down after application to planning so just went ahead and put up a driving range anyway or putting up shipping containers on a village green – really quite disgraceful

**Page 13 - *'This means that Kendal people have a right of access to the fell and that both the Golf Club and local inhabitants have rights of use and that neither can interfere with the other's rights. Those who are entitled to use the Fell must do so in a manner which allows the Club the freedom to play the game of golf'***

problem with that is there is an inherent conflict between those rights and I object to what is written here as it again implies a primacy in the rights of golfers which is incorrect – they have no more or less rights than I do - I find it objectionable that it should be written in this report in this way.

I would prefer that line to be replaced by

***'Those who are entitled to use the Fell must do so in a manner which allows the non-golfers to engage in that entitlement with the freedom to not be put in danger by golfers'***

**Page 14 - 1. *'To resolve conflicts between individuals and organisations in Kendal concerned with Kendalians' rights on Kendal Fell and Kendal Golf Club'***

This has been totally ignored since the 2000 plan and golf club has been allowed to do what they want – the golf club trying to prove the land was not a village green has done little to invoke positive relations between the golf club and all other residents.

**Page 16 - *'Partial replacement of Leylandii has occurred on Hole 2 and Hole 9'***

not so that you would notice on hole 9 (it is now twice the height it was in 2000)

**Page 17 - *'Waymarking of public rights of way is a highly contentious issue'***

How can it be a contentious issue?

its required in law - this shows a slant of the report – The golf club (and SLDC) has done everything it can to avoid waymarking for the last 17 years – but is very keen on putting up signs telling you ways to avoid the golf course and that you cross the fairways at your own risk.

The sign also ironically tells you to stick to the waymarked path!

Also the little green signs show that deep down the golf club is aware of who has rights of way on a public footpath – it is not a coincidence that since the Niddry Castle judgement not only have more of these signs been placed on various tees but whenever I have asked for them to be replaced when they get damaged or removed they are now replaced fairly quickly (in the past they were not)

**Page 19 - *'The walls around Little and Coffin Woods however are in a poor state of Repair, particularly the southern and eastern boundaries of Coffin Wood and northern side of Little Wood.'***

2000 plan said coffin wood wall was to be rebuilt - instead it must be the fastest example of 'erosion' of limestone in the country with almost all the eastern side of that wall disappearing.

**Page 20 - *'maps dating from the 1980s but is absent from those of the late 1990s'***

Untrue - it was still on the 2005, 2 and half inch OS map

**Page 20 - *'In addition to the loss of the a physical marker for the parish boundary the line of the public footpath which followed the wall has also been lost and now it is unclear exactly where it goes which has led to the creation of a number of alternative routes across this gap.'***

I have had to help visitors on numerous occasions as they are often unable to find the route as waymarking has been missing for years or even now is still not very clear as it is still missing one of the signs that used to be there - having the wall put back would solve that problem

**Page 21 - *'The removal of these trees is controversial'***

more appropriate word was disgraceful – if memory serves me well it was done during bird nesting season

**Page 23 - *'Note that it is unlikely that further removal of Leylandii will occur in the 2019-2023 Action Plan cycle as the trees planted to replace them are not yet mature enough to be effective windbreaks'***

They should be removed – the trees planted to replace them can never grow whilst being prevented by the Leylandii

**Page 23 – *'Cherry Laurel - these will be retained'***

Should be removed – they have no place on Kendal Fell.

### Page 23 – *‘improve waymarking along public rights of way’*

It is clear SLDC and Kendal Golf Club do not actually believe in that given their record on this issue in the last 20 years plus they do everything they can to advise you not to cross the golf course and the golf course as it is currently set out makes the path from Serpentine Woods dangerous – I have suggested various ways to improve this matter but it would involve the golf club actually marking the path and not hiding footpath signs in copses or making the next footpath sign impossible to see – other golf clubs have marked footpaths physically on the ground, moving 2<sup>nd</sup> tee to winter tee so that golfers could actually see walkers entering the 2<sup>nd</sup> fairway – I don't believe SLDC or Kendal golf Club show any interest in this

Another suggestion was to alter the line of the footpath so as to make it safer as happened with the footpath to Boundary Bank in 2007 (albeit current line shown incorrectly on your map 1 and footpath signs deliberately placed in the wrong place in 2018 away from the correct line of that route)

See photo *‘Friday 9th November 2007 147’ - public path diversion order’* for correct line of public footpath (see page 21)

See photos *‘Saturday 13th July 2019 (10)’* - footpath sign wrongly place, should be on the track to the left (see page 22)

See photos *‘Saturday 13th July 2019 (11)’* (see page 22)

And *‘Saturday 13th July 2019 (15)’* where the track should be straight up the track (see page 23)

looking back down the track from the 7<sup>th</sup> the path should go straight down the stone track but for reasons unknown there has been a signpost wrongly put up illegally diverting the path to the left into the undergrowth

See photo *‘Saturday 13th July 2019 (32)’* (see page 23)

### Page 23 - *Consider waymarking other regularly used paths across golf course as well’*

I agree – the path through Little Wood to the top of the golf course should be waymarked – given Map 36 was removed by the golf club they clearly don't

### Page 27 - *‘Map 1 Ownership and Public Rights of Way’*

this path is not shown in the right place on the map or on the ground – It was moved in 2007 to the stone track between the 6th and 7th tees - recent footpath signs have been put in the wrong place presumably at behest of the golf club - despite repeated attempts by me to resolve this issue Sion Thomas ignored my e-mails

The footpath diversion notice in 2007 read

*"run initially over firm grass in a generally eastern direction and then south-easterly along a **stone surfaced track** within the curtilage of Kendal Golf course in a generally easterly direction for a distance of approximately 381 yards to a stone stile at grid reference SD 5064 9278"*

NOTHING about the going off into the undergrowth as the current footpath signs have indicated - the path is along the stone surfaced track and is not where it is shown on the management plan which is the footpath which was extinguished by this order, nor where it is currently shown on the ground according to the footpath markers which have clearly been placed for the benefit of the golf club

See *Friday 9th November 2007 147 - public path diversion order* for what is the correct line of that route. (see page 21)

Page 62 - *'This page is left deliberately blank'*

This page was Map 36 which was in the draft document until very recently - The Strava map of footpath usage - taken out, I am led to believe, at behest of the golf club –

Its removal tells you all you need to know about the slant on this report - the reason I would suggest it was taken out was it was clear the second most used path was that from Little Wood to the top of the fell and the golf club didn't want more people to use this or any of the other paths.

The bottom line though is **KENDAL FELL IS A TOWN GREEN** and **Kendalians are free to go where they please** should they choose to do so whether it is a public footpath or not.

South Lakeland District Council's Response:

- The management and action plan aims to make it clear what responsibility the users of the fell have. The code of conduct, signage and more discussions with local societies aims to bring a more focused group together to help address the issues raised. No change proposed for the management plan but certainly K FAG to be used to raise and discuss the concerns of each user group to get to a position where user groups respect the land and each other.
- - All members of the K FAG have worked incredibly hard to get to a position with the management plan. The management and action plan have been robustly discussed and agreed as a group.

Comments against the points set out in Blue are as follows (highlighted in Black bold writing):

page 5 *'Kendal Fell was given to the town under the terms of an Act of Parliament, the Kendal Fell Act 1767'*

**The management plan to be amended to ensure that there is clarity.**

Page 5 - *"Under the Lease and under the Town and Village Green registration, golfers and those who use the fell in other ways both have access rights that must be respected, those who are entitled to use the Fell do so in a manner which allows the club the freedom to play the game of golf."*

The game of golf needs to be allowed to proceed without interference. The Council see this as the game being allowed to flow but that courtesy be shown from all parties to allow this to happen and to ensure that local users of the fell be allowed to access the fell as required.

Page 6 - *'Kendalians have a right of access to the whole town green, but such access must not be to the detriment of its usage as a golf course, and no person shall cause any deliberate hindrance and delay in the playing of the game'*

The game of golf needs to be able to flow. Courtesy can be shown from all parties to allow this to happen.

Page 6 - *'SLDC have agreed to take reasonable steps to encourage walkers to use the public footpaths to cross the course'*

The work being undertaken in the management plan and action plan are ways that the Council are helping to bring about harmony for the Kendal Fell and for mutual respect for all users of the fell.

Page 6 - *'This calls for all individuals to show respect for all other users, to take responsibility for personal safety and that of other users'*

The code of conduct and management plan will help bring about an understanding for all users.

Page 6 - *'and the course scorecard'*

KFAG to discuss the signage options at the first tee and at various tee points where visibility is poor. Signage to encourage users to use key footpaths will also prove beneficial.

Page 6 - *'To provide a good quality golf course for the residents of Kendal'*

No comments here.

Page 7 - *'Be responsible for your own safety'*

KFAG to discuss the signage options at the first tee and at various tee points where visibility is poor. Signage to encourage users to use key footpaths will also prove beneficial.

Page 8 - *'Follow local signage and advice'*

The signage will encourage certain routes. We acknowledge that local residents have the right to walk across the Fell.

Page 8 - *'Kendal Fell and Golf Course Management Plans'*

No comment provided here.

Page 9 - *'Although not formally set aside for public recreation Kendal Fell has long been used informally for walking by the population of Kendal and continues to this day to be a popular location for walking, running, looking at the spectacular views of the surrounding landscape and observing the flora and fauna present, amongst other activities, including playing golf'*

No comments provided here.

Page 10 - *'In the past seventeen years the fell has become more wooded as a number of areas of scattered trees and shrubs have developed into young woodland in the absence of management'*

No comments provided here.

Page 11 - *'The 2000 Management Plan also instigated the gradual replacement of Leylandii with native broadleaved trees on Holes 2 and 9'*

KFAG to discuss this option and management plan to be reviewed following the discussion.

Page 11 - *'In the 1990s the line of the old wall marking the boundary was distinct in the form of a low bank'*

KFAG to discuss this option and management plan to be reviewed following the discussion.

Page 12 - *'The principal nature conservation interest on the Fell is the presence of species-rich grasslands.'*

The management set out to be clear on what is and what isn't permitted for all user groups to following including the golf club.

Page 12 - *'and the gradual "greening" of the fell produced by expansion of the area managed for golf over the decades'*

The management set out to be clear on what is and what isn't permitted for all user groups to following including the golf club.

Page 12 - *'Creation of new greens or tees may also be deemed to be unlawful if statutory approval is not obtained'*

The management set out to be clear on what is and what isn't permitted for all user groups to following including the golf club.

Page 13 - *'The terms of the Golf Club's lease from SLDC also control development on the Kendal Fell part of the golf course'*

No comments provided here.

Page 13 - *'This means that Kendal people have a right of access to the fell and that both the Golf Club and local inhabitants have rights of use and that neither can interfere with the other's rights. Those who are entitled to use the Fell must do so in a manner which allows the Club the freedom to play the game of golf'*

The game of golf needs to be allowed to flow, otherwise the game cannot be played and will cause congestion and even more Health and Safety concerns on site. There needs to be common courtesy shown by all users of the fell. This includes golfers waiting for fell users to cross the course.

Page 14 - 1. *'To resolve conflicts between individuals and organisations in Kendal concerned with Kendalians' rights on Kendal Fell and Kendal Golf Club'*

The management plan and action plans to clearly set out the rights of each users group. It also plans to bring about a respect between all user groups.

Page 16 - *'Partial replacement of Leylandii has occurred on Hole 2 and Hole 9'*

KFAG to discuss this option and management plan to be reviewed following the discussion.

Page 17 - *'Waymarking of public rights of way is a highly contentious issue'*

No comments provided here

Page 19 - *'The walls around Little and Coffin Woods however are in a poor state of Repair, particularly the southern and eastern boundaries of Coffin Wood and northern side of Little Wood.'*

KFAG to discuss this works, volunteer groups or contactors to be brought in to undertake the repairs.

Page 20 - *'maps dating from the 1980s but is absent from those of the late 1990s'*

No comments provided here

Page 20 - *'In addition to the loss of the a physical marker for the parish boundary the line of the public footpath which followed the wall has also been lost and now it is unclear exactly where it goes which has led to the creation of a number of alternative routes across this gap.'*

Work to take place to mark the boundary. Management Plan to be reviewed.

Page 21 - *'The removal of these trees is controversial'*

In the future, the management plan and action plans to clearly set out the rights of each users group. It also plans to bring about a respect between all user groups.

Page 23 - *'Note that it is unlikely that further removal of Leylandii will occur in the 2019-2023 Action Plan cycle as the trees planted to replace them are not yet mature enough to be effective windbreaks'*

**KFAG to discuss this option and management plan to be reviewed following the discussion.**

**Page 23 – ‘Cherry Laurel - these will be retained’**

**KFAG to discuss this option and management plan to be reviewed following the discussion.**

**Page 23 – ‘improve waymarking along public rights of way’**

**This to be reviewed by KFAG and management plan/ signage to be implemented where needed.**

**Page 23 - ‘Consider waymarking other regularly used paths across golf course as well’**

**This to be reviewed by KFAG and management plan to be amended where needed.**

**Page 27 - ‘Map 1 Ownership and Public Rights of Way’**

**This to be reviewed by KFAG and management plan to be amended where needed.**

**Page 62 - ‘This page is left deliberately blank’**

**The management plan/ action plan has been prepared by a local ecologist consultant, the plans have been robustly discussed in KFAG meetings and agreement reached to consult on these plans.**

## **Response 14**

Kendal Golf Club has been in existence for over 128 years, and for 122 years has been located on Kendal Fell. The first lease between the founders of the Club and the Kendal Fell Trustees, as owners, (but now continued with SLDC) gave permission to create a golf course on Kendal Fell. Over the years this has been developed and maintained to a high standard and is highly regarded by members and visitors alike with the club having invested many thousands of pounds in creating and upgrading the golf course to what it is, plus bearing the costs of all machinery and manpower deployed. Our members currently pay upwards of £650 in subscriptions and there is a high expectation that the club spend those sums wisely in enhancing their facilities and making the course valuable to the sport, and as a sports facility for local people. We have created a fantastic sporting amenity for Kendal and South Lakeland and have no wish to see that curtailed in any way.

The Club is a designated Community Amateur Sports Club, and therefore is very much a grass roots golf club providing facilities for young, old, male, female, able and disabled. We consider this to be a tremendous achievement to the benefit of the health and wellbeing of a great number of people, something which we believe SLDC would be keen to support and promote in this, as well as other sports clubs and facilities in the town and surrounding area. The Club has a significant number of junior members (the most of any club in Cumbria), plus visiting juniors who play in matches and competitions. What could be a more welcoming sight than seeing young people enjoying sport and not sitting at home on their I-pads and X-boxes etc? Our Club Professional spends many hours in providing coaching lessons and over the years a large number of our young members have gone on to enjoy success not only as golfers, but several have made successful careers in the sport.

As regards the Management Plan, the Club is happy to support the ecological protection of the flora, fauna etc, on the Fell and welcomes the creation of both the Management and the Action Plans, even though the proposals are un-resourced. However, publicising the attributes of the Fell, including some aspects of historical interest will inevitably increase the amount of footfall on the whole area of the Kendal Fell, including the golf course. This will have an adverse effect on protecting the environment, as has already been experienced with

the loss of ground nesting birds on the Fell as a result of increasing numbers of dog walkers letting their dogs run loose.

Since the Management Plan was publicised, the Club has already experienced more members of the public wandering across the course and they are interfering with the smooth running of the game. From the interactions between golfers and walkers that have occurred, it is clear that most members of the public are unaware that they should not hinder or delay the playing of the game. Others do not care – they have been erroneously advised, or they themselves believe, that as the land is village green, they have equal rights on it. This issue must be addressed with some urgency and the Club requires that SLDC fulfils the obligations under the terms of the lease to provide adequate signage at entry points to the course, as well as at key hotspots around the course, advising the public of the Club's playing rights, as well as to invite them to use the public footpaths as required by the lease.

We have no wish to deter others from entering the Fell to enjoy what surrounds us, but mutual respect in using and accessing the Fell has to recognise the rights of the Club to use the land as a golf course. Having people wandering around the course is a serious safety hazard. There are many blind areas on the course and it is fortunate that over the years no one has been seriously injured. However, one occurrence is one too many – neither SLDC, nor the Golf Club, can afford to ignore their obligations to ensure that safety on the course is properly addressed. It is imperative that appropriate warning signage is erected and walkers, runners, etc, must be invited to keep to the designated pathways. Both the Golf Club and SLDC may be liable if any member of the public is injured or killed – the signage must be provided, and justified, from a health and safety point of view. In a similar vein the club will issue appropriate notices to club members and visiting golfers of the need to be vigilant and to exercise courtesy to walkers.

Golfers would be distraught if they were to hit and injure someone with a golf ball – too many areas are blind to golfers when playing and the public must be warned and directed wherever possible to safe areas.

Over the last few years the Club has seen a significant increase in the number of dog walkers on the course, some with as many as six dogs on the loose – how can they keep control of six dogs as well as ensuring they remove their poop? We are requesting that all dogs are kept under close control and must not be allowed to play in, or run through, the sand bunkers, or run across greens – many dog walkers seem to delight in throwing balls or Frisbees across the greens, and dogs chasing them damaging the carefully nurtured and prepared greens with their claws. This could be classed as criminal damage and the Club might need to start reporting those responsible. Hopefully the Public Spaces Protection regulations will be implemented sooner rather than later, and dogs be required to be kept in close control. The Club also suffers from dog walkers who lose their dogs on the course. The dog owners then wander over the course shouting their dogs and putting themselves in danger as they walk around the area of the course trying to find their dogs. Other loose dogs see golf balls, pick them up, run off with them, leading to further altercations between golfers and dog walkers. The golfer loses a ball (whether lost to the dog, or it being returned having been chewed), the dog walker often cannot provide recompense as they do not carry money.

It must not be forgotten that Kendal Golf Club members are local people (over 400 of them!) and they not only have town and village green rights of access, but through their subscriptions, they pay a premium to the landlord SLDC to rent the land for use as a golf course – golfers must be allowed to play on the course unimpeded by walkers/runners etc. The Club's members greatly appreciate our surroundings but it must not be overlooked that

were it not for the golf club, the Kendal Fell would in all probability have become overrun by brambles, trees and scrub, and it would not be the place it is today.

In no way could it be suggested we have destroyed any of the natural habitat – the land was used extensively for grazing for many years prior to the Club taking over responsibility for the land. In latter years there are many areas on the fell which have been maintained in order to create habitat for all forms of wildlife.

Kendal Golf Club is a great asset to Kendal and the surrounding the Fell, and the Fell itself is a great asset, and through good management, both golfers and the public can benefit in harmony, but the above issues must be addressed in order to keep a proper balance between the Club's legal rights to use the Fell as a golf course, and the rights of access to the general public. Kendal Golf Club has a long and proud history and it must be allowed to continue to thrive, and our hope is that through proper guidance we can create mutual respect between golfers and all users of the Fell.

South Lakeland District Council's Response:

Further work required to enforce against dog fouling. Enforcement team to be notified of the concerns and to undertake regular patrols of the area.

The management and action plan aims to make it clear what responsibility the users of the fell have. The code of conduct, signage and more discussions with local societies aims to bring a more focused group together to help address the issues raised. No change proposed for the management plan but certainly K FAG to be used to raise and discuss the concerns of each user group to get to a position where user groups respect the land and each other.

## **Response 15**

Subject to the u/m caveats, Kendal Civic Society endorses the recommendations made in the Kendal Fell Management Plan (dated 11th June 2019) and the associated Action Plan 2019-2023 (dated 20th January 2019), and agrees to participate and help implement them through the work of the Kendal Fell Advisory Group (K FAG).

Caveats:

1. The Civic Society considers it a pity that Serpentine Wood has not been included in the Plans, and recommends that consideration be given to its inclusion in the future.
2. Wherever possible more native trees should be planted on the Fell to help mitigate the effects of global warming.

South Lakeland District Council's Response:

- Consideration to be given to Serpentine Woods becoming part of the management plan once the plan and the group are making good progress with the management plan.

#### **4. Next steps and conclusion.**

Following the consultation responses, the management plan and action plan will be revised where required and the Kendal Fell Advisory Group will then be asked to accept the changes proposed before formally adopting the plan.

The various stakeholders are already working to the management plan and a review of the works completed by the various volunteer groups and golf club are reviewed quarterly.

Currently, the Council and K FAG will concentrate on the initial 5 year period due to concerns that the previous management plan did not work and the previous group was disbanded. Time and effort will be a priority to ensure that the group are working together effectively and the plan is working but consideration will be given to a longer term plan in due course.

The Council would like to thank the various stakeholders in the Kendal Fell Advisory Group for their time and efforts to date and for those who have taken the time to feedback as part of the consultation.