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PLYMOUTH LOCAL ACCESS FORUM

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4th February 2010

When calling or telephoning please ask for: **Mr Ross Jago**

PLYMOUTH LOCAL ACCESS FORUM

AGENDA SUPPLEMENT PACK

DATE: MONDAY 8 FEBRUARY 2010
TIME: 10.30 AM
PLACE: WARSPITE ROOM, COUNCIL HOUSE

Committee Members–

Mr Fairchild, in the Chair

Mr Stewart, Vice Chair

Mr Attrill, Cllr. Berrow, Cllr. Browne, Mr Emery, Mr Goddard, Ms Hitchens, Mr Loze, Mrs Mewton, Mrs Mickley, Mr Pawley, Ms Roberts, Mr Skinner and Cllr. Wheeler.

Members are invited to attend the above meeting to consider the items of business overleaf

Members are requested to sign the attendance list at the meeting.

PLYMOUTH LOCAL ACCESS FORUM

4. MINUTES (Pages 1 - 4)

The Forum will be asked to confirm the accuracy of the minutes of the 7 December 2009.

8. RIDGEWAY SCHOOL PUBLIC PATH NO.2 EXTINGUISHMENT ORDER (Pages 5 - 6)

To consider and vote on a position statement on the Ridgeway School public path No. 2 extinguishment order. (4.8.1 Guidance on Local Access Forums in England).

10. CORRESPONDENCE (Pages 7 - 8)

To consider any correspondence received and note any correspondence sent by the Forum.

Plymouth Local Access Forum

Monday 7 December 2009

PRESENT:

Mr Fairchild, in the Chair.

Mr I Stewart, Vice Chair.

Mr N Attrill, Councillor Peter Berrow, Councillor Thomas Browne, Mr J C Emery, Mr R Goddard, Ms P Hitchens, Mrs C Mewton, Mrs B Mickley, Mr D E Pawley, Stephanie Rodgers, Mr J Skinner and Councillor George Wheeler

Apologies for absence: Beth Roberts, Jeremy Sable

The meeting started at 10.30 am and finished at 1.00 pm.

Note: At a future meeting, the committee will consider the accuracy of these draft minutes, so they may be subject to change. Please check the minutes of that meeting to confirm whether these minutes have been amended.

33. DECLARATIONS OF INTEREST

Name	Minute	Reason	Interest
Councillor Browne	39	Previous member of the Planning Committee	Personal
Councillor Wheeler	39	Member of the Planning Committee	Personal

34. MINUTES

Resolved that the minutes of the meeting held on 5 October 2009 be approved.

35. CHAIR'S URGENT BUSINESS

There were no items of Chairs urgent business.

36. CORRESPONDENCE

a) NATURAL ENGLAND COASTAL ACCESS AUDIT REPORT

The Panel received the Natural England Coastal Access Audit report. It was noted that at the Eastern and Western end of the Plymouth's coast path was highlighted red indicating there was no satisfactory, legally secure path. In response to questions from the Forum the Rights of Way officer reported that-

- (i) the coastal path is designated as a national trail;
- (ii) the trail in Plymouth is mostly made up of adopted highway;
- (iii) the trail is managed by the rights of way officer.

Resolved that a letter is sent to the rights of way officer recommending a new guide for the coastal path and offering the services of the Local Access Forum in this matter.

b) NATURAL ENGLAND REPORT 'NO CHARGE'

The forum noted the Natural England report 'No Charge'.

c) SOUTH WEST LOCAL ACCESS FORUM REGIONAL CONFERENCE SUMMARY REPORT

The forum received the summary report of the South West Local Access Forums regional conference. Eleven out of twelve LAFs were represented at the conference and

points raised in the workshop were contained within the report.

Resolved that-

- (1) secretarial support currently provided by Plymouth City Council was sufficient and no further discussion on the matter was required;
- (2) the LAF would engage earlier during the policy forming process and would also perform its role of influencing the Local Area Agreement.

37. **DEFRA DRAFT GUIDANCE PATH FURNITURE**

The forum considered draft guidance from DEFRA on path furniture. This guidance is being drafted to deal with the impact of disability discrimination legislation.

Resolved the forum will provide a response when formal consultation begins.

38. **LOCAL TRANSPORT PLAN 3**

A Senior Transport Planner attended and provided a verbal update on the Local Transport Plan 3.

It was reported that-

- (i) Transport officers would provide a framework on the plan making process;
- (ii) Plymouth City Council formulate the plan and Amey carry out the works;
- (iii) the Highway Agency are responsible for the A38/Parkway
- (iv) works on the local network PCC are responsible for cannot effect the Highway Agencies network.

Resolved that –

1. The chair and vice chair would liaise with LTP officers to become involved with the plan making process at an early stage,
2. the LTP officer would provide an update every six months to the Forum.

39. **RIDGEWAY SCHOOL PUBLIC PATH EXTINGUISHMENT ORDER**

The forum considered a presentation from the Head Teacher of the Ridgeway School on reasons for requesting a Public Path extinguishment order. Following the presentation in response to questions, the Head teacher reported that-

- (i) safeguarding children was difficult due to the existence of the path and had adversely affected the schools OFSTED inspection;
- (ii) there had been a steep rise in incidents reported to the police which was due to CCTV installation and the ability to record more incidents;
- (iii) Coombe Dean school had a similar problem and following the closure of the public footpath the number of incidents at the school sharply decreased;
- (iv) Earliest buildings on the site were c. 19th century.

A forum member presented photographs of the site highlighting open gates and sections of fencing which had been removed from the footpath the head teacher commented that-

- (v) large gaps in the fence around the footpath were required for moving a large amount of students in case of fire;
- (vi) no public body had made an objection.

Resolved that a site visit would be organised for members unfamiliar with the path.

40. **WORKING GROUPS**

a) **POTENTIAL RIGHTS OF WAY WORKING GROUP**

It was reported that there had not been a meeting of the Potential rights of way working group since the last meeting of the LAF.

Resolved that the working group would meet to discuss maps on the morning of the 15 February at 10:30 am.

b) **PLANNING WORKING GROUP**

The Planning working group requested that the forum members take note of orders as and when they were published in the newspaper.

41. **DEFRA ACCESS NEWSLETTER - ISSUE 42**

The DEFRA Access Newsletter was noted by the forum.

42. **BOVRIL GREAT OUTDOORS REVIVAL**

The Rights of Way Officer highlighted the Bovril Great Outdoors Revival Programme and encouraged members to enter should they require funding for any small scale projects. As a business, the city council was not eligible to apply.

43. **DATE OF NEXT MEETING**

Resolved that the next meeting of the forum be held at 10:30 am on Monday 8 February 2010 at the Council House.

44. **ANY OTHER BUSINESS**

There were no items of other business.

a) **LOCAL ISSUES**

There were no local issues raised by the forum.

b) **INFORMATION AND NEWS**

There were no items of information or news raised by the forum.

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Position Statement on the Proposed Extinguishment Order Public Right of Way – Footpath No. 2 – Ridgeway School, Plympton

- 1 At the 7th December meeting of the Plymouth Local Access Forum (PLAF) a decision on how to respond to an informal consultation process was deferred subject to a site visit. The informal consultation process closed on the 15th January 2010 and the PLAF did not provide a response in this informal period.
- 1.1 The proposed order has not yet been made by the Local Authority. In the event that the order is made, it remains a possibility that any formal consultation process could fall outside of the scheduled business meetings of the PLAF. It is proposed by the secretary of the PLAF, in consultation with the Chair, that the PLAF develop a position statement on the issue (4.8.1 Guidance on Local Access Forums in England). The Statement will set out advice on this issue in order for the secretary to respond to the local authority in the event that the forum cannot meet.
- 1.2 In order for the Forum to have a starting point from which to develop the statement, the Secretary of the PLAF requested members to provide initial views via email. The following two position statements have been collated from the four responses received from PLAF members.

2 Position Statement 1

Anticipating the need for the forum to provide advice to a possible consultation process on the above issue which could fall outside of the business meeting cycle, the Plymouth Local Access Forum has developed the following position statement. The statement can be used by the secretary of the forum to respond to the consultation process only if it falls outside of scheduled business meeting.

Local Access Forums have a statutory duty to offer advice to local authorities and Section 94 Bodies on open access and public rights of way. Terms of reference and guidance from the Secretary of State require Local Access Forum members to offer independent advice based on statutory and government regulations devoid of personal opinion or emotive feelings when responding to issues affecting open access and public rights of way.

The Local Highway Authority when considering making a Modification Order must meet the requirements of Section 118B of the Highways Act 1980, paragraph 8, in that:

- A. *any other measures that have been or could be taken for improving or maintaining the security of the school' have been taken,*
- B. *whether it is likely that the coming into operation of the order will result in a substantial improvement in that security,*
- C. *availability of a reasonable convenient alternative route or, if no*

reasonably convenient alternative route is available, whether it would be reasonably practicable to divert the highway under section 119B rather than stopping it up.

Ridgeway School has not taken any action to implement these conditions in the two and half years since the last Modification Order was made.

The position statement should also refer to Minute 46 of the Plymouth Local Access Forum meeting on the 29th January 2007 that record:

46. PUBLIC PATH ORDERS

The forum considered whether they would wish to make a formal response on the Ridgeway

School special extinguishment order

Resolved *that a letter be sent by the Chair expressing the forum's objection to the Ridgeway*

School special extinguishment order and seeking clarification on the reasons for closure.

The Forum would be ill advised to support the making of an Extinguishing Order before the requirements Section 118B of the Highways Act 1980 have been met.

3 Position Statement 2

Anticipating the need for the forum to provide advice to a possible consultation process on the above issue which could fall outside of the business meeting cycle, the Plymouth Local Access Forum has developed the following position statement. The statement can be used by the secretary of the forum to respond to the consultation process only if it falls outside of scheduled business meeting.

In principle, the Plymouth Local Access Forum is against the loss of public rights of way. There are however occasions where common sense, protection of and the safety of citizens should override other considerations.

Having reviewed information provided by Local Access Forum members, the Local Authority and Ridgeway School, it is not considered that the reinstatement of fencing along the length of the Public Right of Way would be sufficient to resolve security problems at the school and would be in direct conflict with fire evacuation routes.

It is for the reasons detailed above that the Plymouth Local Access Forum will not object to any proposed Extinguishment Order for Public Right of Way Footpath 2 Ridgeway School, Plympton.

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20th January 2010

Chair
Plymouth Local Access Forum
C/O Secretary PLAF
Civic Centre
Plymouth
PL1 2AA

Dear Chair

Proposed Special Extinguishment of Footpath No. 2 in the Ward of Plympton St Mary, Plymouth, Devon, PL7 2RS

Members of the Plymouth Local Access Forum were advised at the meeting in December of the informal consultation being undertaken by Plymouth City Council regarding the application by Ridgeway School, Plympton to extinguish public right of way footpath No.2. Members considered it would be inappropriate to make a decision on the consultation as background papers had not been made available for study before the meeting. Members agreed that the matter would be discussed at the February meeting of the Forum. It is of great concern to be informed in an email from the Public Rights of Way Officer on the 15th January 2010 that the Forum was supporting the application to make an Order.

Members will be asked to amend the draft minutes of the December meeting when it meets in February to reflect the decision that it had not been possible for the Forum to respond to the informal consultation by the closure date on 15th January 2010.

The procedure followed in the informal consultation by the Highway Authority made Forum members feel inept after being informed that only representative bodies could respond to the consultation. Forum members, as members of the public, were not allowed to make representations as the Order had not yet been made. It would therefore appear that the urgency for the site visit to the school was unwarranted and the letters and emails from the Public Rights of Way Officer in support of the application were at best misleading. The other unsatisfactory aspects of the procedure adopted in this informal consultation will be taken up with the Highway Authority.

It would be in the interests of the Forum if members were able to consult Section 118B of the Highways Act 1980, paragraph 8, to view the criteria that the school has to meet before the Highway Authority can make an order.

- (a) *any other measures that have been or could be taken for improving or maintaining the security of the school' have been taken.*
- (b) *whether it is likely that the coming into operation of the order will result in a substantial improvement in that security.*
- (c) *availability of a reasonable convenient alternative route or, if no reasonably convenient alternative route is available, whether it would be reasonably practicable to divert the highway under section 119B rather than stopping it up.*

Members who have expressed views on the footpath closure need reassurance that the Forum will not respond to the making of the Order until after the February meeting.

Yours sincerely

John Emery