

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.