



PLYMOUTH LOCAL ACCESS FORUM

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13 April 2011

Ian Gillhespy
Senior Valuation Surveyor
Plymouth City Council
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This letter constitutes formal advice from the Plymouth Local Access Forum. Plymouth City Council is required, in accordance with section 94(5) of the Countryside and Rights of Way Act 2000, to have regard to relevant advice from this forum in carrying out its functions.

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

Dear Mr Gillhespy,

Plymouth Local Access Forum Members at a meeting held on 28 March 2011 received Notice of Statutory Land Transfer reports for Ridgeway School and Coombe Dean School. It was agreed by the Forum that they formally respond on the notice's for both schools.

The minute of the meeting is as follows –

Members received a report on the Notice of Statutory Land Transfer for Ridgeway School and Coombe Dean School. The PROW Officer informed members that –

- (a) a number of schools had applied for academy status; if granted these schools would no longer be in the control of the local authority;*
- (b) the local authority would need to lease land to the schools who were granted academy status which could impact on public rights of way and other highways issues;*
- (c) the two schools had presently been provided with temporary leases, with formal leases being consulted on and it was important that the land leases correctly incorporate all highway's issues.*

Members commented that –

- (d) before the Coombe Dean lease was finalised existing footpaths should be formally adopted as public rights of way and recorded on the definitive map;*

- (e) *if footpath's were not recorded on the definitive map then they should remain as permissive footpath's or not be included in the lease;*
- (f) *if the footpath's were not recorded and they were to be included in the lease then there should be conditions in the lease that ensure the school do not obstruct the footpath;*
- (g) *local resident's could also apply for the footpath's to be adopted as public rights of way;*
- (h) *the Ridgeway school extinguishment order was a separate issue and should not be considered with the notice of land transfer.*

Agreed that –

- (1) *the LAF Secretary in consultation with the Chair formally respond to Ian Gillhespy, Senior Valuation Surveyor on the notice of land transfer at Ridgeway School;*
- (2) *the LAF Secretary in consultation with the Chair formally respond to Ian Gillhespy, Senior Valuation Surveyor on the notice of land transfer at Coombe Dean.*

Ridgeway School response

The footpath running through the school is a legal public right of way and as such it is the local authorities obligation to maintain the footpath. It was noted that Ridgeway School had applied for an extinguishment order for this footpath in the past, however, this was considered to be a entirely separate issue by the Forum.

It was therefore agreed by the Forum that at present they had no comments to make regarding the Notice of Statutory Land Transfer at Ridgeway School but should a future extinguishment order be successful then the LAF would respond on both issues at that time.

Coombe Dean School

In respect of the Notice of Statutory Land Transfer at Coombe Dean School it was agreed by the Forum that when approving the lease of land the local authority should apply one of the following three proposals –

1. The footpath (in the diagram contained within the report marked blue as A – B) is understood to be the freehold of Plymouth City Council. It is felt by the Forum that the Council should therefore adopt and dedicate this footpath as a public right of way before the lease is agreed with Coombe Dean School;

2. If the Council are not prepared to dedicate the footpath as a public right of way then it was felt that the footpath should remain as a permissive footpath and be excluded from the lease with Coombe Dean School;
3. If neither of the above options are possible then the Council should include the footpath within the lease with Coombe Dean School but there should be conditions contained within the lease that prevents Coombe Dean School from obstructing the path in any way.

It was stated by the Local Access Forum that their preferred option for the lease with Coombe Dean School was proposal 1 above.

The Local Access Forum would like to request that an update on the lease's for both Ridgeway School and Coombe Dean School be provided at a future meeting. For your information the next meeting of the Forum is Monday 13 June 2011.

Yours Sincerely,

Ross Johnston
Secretary to Plymouth Local Access Forum