

**PLYMOUTH LOCAL ACCESS FORUM**

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23 July 2013

Ian Gillhespy
Senior Valuation Surveyor (Corporate Estates Team)
Corporate Services
Plymouth City Council
Civic Centre
Floor 13
PL1 2AA

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,

At the meeting of the Local Access Forum on 17 June 2013 the issue of Coombe Dean school was discussed. The Forum agreed:

- that a letter is sent to Plymouth City Council Officers requesting a response on the Forum's comments regarding Coombe Dean School.

The Forum last wrote to you on 10 April 2012 (letter attached as Appendix 4) (all previous correspondence between you and the Forum is attached as appendices to this letter), where it was commented that the letter sent to the Forum on 12 March 2012 confirming the exclusion of land from long term lease for the footpath at Coombe Dean School failed to explain:

1. The status of the footpath.
2. The designation of the footpath as a public right of way on the Definitive Map and statement or as a footpath on the Highway Register.
3. Confirmation that the footpath would remain in the ownership of Plymouth City Council.
4. How the footpath would be protected or maintained.
5. Whether the footpath would be fenced.
6. In defining the footpath what costs would be incurred and how will these costs be met and by whom.

7. Who would be responsible for the maintenance of the footpath

The Forum would like a response to this letter providing an answer on all seven points raised above. The Forum would like to receive a response to this letter by 20 August 2013, in time for its inclusion on the agenda for the next meeting on 2 September 2013 at 10:30am.

Yours Sincerely,

Ray Fairchild,
Chair of the Plymouth Local Access Forum

Encs:

Appendix 1 – Letter from the LAF of 13 April 2011

Appendix 2 – Letter from Mr Gillhespy of 13 July 2011

Appendix 3 – Letter from Mr Gillhespy of 1 March 2012

Appendix 4 – Letter from the LAF of 10 April 2012

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13 April 2011

Ian Gillhespy
Senior Valuation Surveyor
Plymouth City Council
Civic Centre
Armada Way
Plymouth
PL5 2UB

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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

BEST ACHIEVING
COUNCIL OF THE YEAR



Mr R Johnston
Secretary to Plymouth Local Access Forum
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Please ask for: Ian Gillhespy

Date 13 July

My Ref IG011et

Your Ref

Dear Mr Johnston

Re: Notices of Statutory Land Transfer for Ridgeway School and Coombe Dean School

Thank you for your letter of 13 April following the Plymouth Local Access Forum Members meeting of 28 March 2011. I respond to the formal advice as follows.

Ridgeway School

The Council proposes to exclude the public right of way from the lease to be granted to the Ridgeway Academy Trust.

Coombe Dean School

As a minimum the Council will follow proposal 2 in that the footpath will remain as a permissive footpath and be excluded from the lease with Coombe Dean Academy Trust.

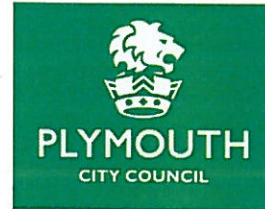
Discussions are ongoing in relation to the adoption and dedication of the Coombe Dean School footpath as a public right of way.

I trust this response is sufficient for the Forum.

Yours sincerely

Ian Gillhespy
Senior Valuation Surveyor (Corporate)
Corporate Property

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Secretary to Plymouth Access Forum
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Please ask for: Ian Gillhespy

Date 1 March 2012

My Ref IG02let

Your Ref

Dear Mr Johnston

Re: Notices of Statutory Land Transfer for Ridgeway School and Coombe Dean School

I write by way of update to the Plymouth Local Access Forum in relation to the above matters.

Ridgeway School

The Ridgeway Academy Trust have been granted a Tenancy at Will of the School site pending completion of the long term lease both of which exclude Geasons Lane and Footpath No. 2 from Moorland Road to Geasons Lane.

Coombe Dean School

The Coombe Dean Academy Trust have been granted a Tenancy at Will of the School site pending completion of the long term lease both of which exclude the land to the north east corner of that School site which provides a footpath linking Charnhill Way to Furzehatt Avenue.

Yours sincerely



Ian Gillhespy
Senior Valuation Surveyor (Corporate Estates Team)
Corporate Property

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10 April 2012

Ian Gillhespy
Senior Valuation Surveyor (Corporate Estates Team)
Corporate Services
Plymouth City Council
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Dear Mr Gillhespy,

At the last meeting of the Local Access Forum on 12 March 2012 members discussed the updates provided on the Notice of Statutory Land Transfer for Ridgeway School and Coombe Dean School and agreed that Mr John Emery, LAF member would provide a written response and list of questions to the LAF Secretary who would then use this to formally respond to Mr Ian Gillhespy, Senior Valuation Surveyor (Corporate Estates Team).

The Forum indicated that they had no concerns with regard to the Ridgeway School update, however, there were a number of concerns raised in response to the update on Coombe Dean School.

The Forum has requested that a further written update is provided at the next meeting in June 2012 which addresses the concerns raised. It was felt that the concerns identified needed answering in order to prevent any long term problems with the footpath.

It was commented that the letter submitted to the Forum on 12 March 2012 confirming the exclusion of land from long term lease for the footpath at Coombe Dean School failed to explain:

1. The status of the footpath.
2. The designation of the footpath as a public right of way on the Definitive Map and statement or as a footpath on the Highway Register.
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Yours Sincerely,

Ross Johnston
Secretary to Plymouth Local Access Forum