

Individual Decisions

The attached reports will be taken as an
Individual Portfolio Member Decisions on:

22 November 2007

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Individual Decision

Title of Report:	Footpath 16a Compton (part) – School Governors Request for Diversion		
Report to be considered by:	Geoff Findlay	on:	22nd November 2007
Forward Plan Ref:	ID1510		

Purpose of Report:

To consider the applicant's request for a Diversion of this footpath and whether the legal criteria under section 119B Highways Act 1980 (amended) are met

Recommended Action:

To make a Special Public Path Diversion Order to divert the footpath

Reason for decision to be taken:

The Council may make Orders to Divert/Extinguish public rights of way following applications from the proprietor of a school. Despite objections/representations from some local residents, the proposal is considered to meet the criteria

List of other options considered:

The Council is not obliged to make the Order. Also, in view of the objections to the proposal the Council could decline to make the Diversion Order

Key background documentation:

Appendices 1- 13 and s119B Highways Act 1980 as amended by Countryside and Rights of Way Act 2000

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Supporting Information

1. Background

- 1.1 The Downs School and Sixth Form, Compton is a co-educational, average-sized comprehensive school serving the rural community of the Berkshire Downs and beyond.
- 1.2 Footpath 16a Compton runs through the school site. It is shown on West Berkshire Council's Consolidated Definitive Map and Statement. It has been diverted several times in the past (see attached map – Appendix 1)
 - (a) The footpath was claimed by Compton Parish Council in 1951 and added to the Definitive Map and Statement 1954.
 - (b) It was diverted in 1957 to make way for the development of a school on the land it crossed and again in 1977 to provide for further development at the school.
 - (c) It was most recently diverted in June 2005 to provide for the new Graham Taylor building (GTB) - a temporary diversion was in place whilst the building work was being carried out and the permanent diversion came into effect in Nov. 2006.
- 1.3 The footpath therefore now runs across the centre of the school field and directly in front of the Graham Taylor Building. The current Definitive Map has yet to be modified to accommodate this change.
- 1.4 For many years the school has suffered incidents of vandalism, particularly during evenings and weekends and more worryingly incidents during the school day where the safety of staff and pupils has been jeopardised. A detailed log of these incidents is attached as Appendix 2. The head teacher and governors feel the school is vulnerable to such incidents due to the presence of the footpath running through the school site and that it prevents the complete fencing and gating of the school.
- 1.5 From February 2003, highway authorities in England were given the power to close or divert a right of way across school land to protect pupils and staff using Schedule 6 of the Countryside and Rights of Way 2000, which inserts new sections 118B and 119B into the Highways Act 1980 (see Appendix 3)
- 1.6 The possibility of either extinguishing or diverting the footpath was first discussed during 2004 when the former head teacher, Mr Taylor, contacted the education department and the rights of way section about the issue. A public meeting was held in March 2004 in which participants strongly favoured the retention of the footpath. There was considerable opposition to the possibility of diverting the footpath around the edge of the school field. The school therefore decided to compromise and only apply (under the Town and Country Planning Act 1990) for the small diversion necessary to re-route the footpath around the new GTB.
- 1.7 As a Foundation school, the governors make decisions about its grounds. They have now made another application under s119B Highways Act 1980 for a Special Diversion Order to move the footpath again, onto a route around the eastern and southern edges of the upper school field. The application, made in May 2007 is attached as Appendix 4. The proposal is shown on the map (Appendix 5).
- 1.8 During the recent school summer holidays dark green palisade fencing has been installed around parts of the school (as shown on the map - Appendix 5) to provide a degree of security to some parts

of the school. Unauthorised gates across the public footpath have also been installed in two places but these have been left open, so the footpath is still available.

- 1.9 Following momentum about the security issue from the new head teacher, Mrs Houldey, another public meeting had been held in February 2007 convened by the parish council and attended by representatives of the school, all interested parties and local residents. Despite some opposition to the proposed diversion of the footpath the governors decided to proceed with making the application.

2. Consultations

- 2.1 A pre-Order informal consultation on the proposals took place throughout August and part of September 2007 with interested parties. A consultation letter was sent out to the utility companies, the local parish council and representatives of user groups as well as local residents whose properties are immediately adjacent to the proposed diverted route. Notices and maps were also placed on site, at either end of the footpath, inviting the views of footpath users.
- 2.2 The local ward member, Barbara Alexander, strongly supports the diversion. She does however have concerns about the different point of termination on the road and has put in a member bid to extend the footway between points A and B alongside the road.
- 2.3 Thames Valley Police also supports the proposal although it has some concerns about moving the footpath closer to a residential development. It considers however that the improved fencing/hedging offered by the school will offset these possible problems.
- 2.4 In a letter from the crime prevention adviser for Thames Valley Police which accompanies the application for the diversion (Appendix 4) he "fully supports the school in the risk assessment that the path across (the) premises creates dangers for staff and pupils, increases the likelihood of damage and crime to school property, anti-social behaviour associated with unauthorised use of school grounds and the health dangers of dog fouling, broken glass and other dangerous litter" He goes on to say the "low level anti-social activity being experienced (is) often the pre-cursor to more serious crime ... and should be addressed without delay".
- 2.5 No objections have been received from the utility companies.
- 2.6 The West Berkshire Liaison Group on Disability agrees with the diversion, although they have not given any reasons for this.
- 2.7 The Parish Council has indicated its agreement to the diversion but does have several concerns which are similar to those outlined by the Ramblers' Association (see paragraph below).
- 2.8 The Ramblers' Association comments that the existing path is easy to use and follows a flat route, enjoys an open aspect and is obviously well used by local people for a circular walk, returning using pavements alongside roads. It considers that the proposed route will be steep making it difficult to walk along, enclosed making it of concern to lone walkers and that it would emerge onto a very busy road without pavements provided to walk back into the village. Unless these issues are addressed, it wishes to object to the proposal.
- 2.9 Letters have been received from 9 local residents, the majority of whom live in Shepherds Mount, the road adjacent to the eastern end of the footpath. All of these respondents either object to the proposal or have serious concerns about it, particularly with regard to the "tunnel effect" of the proposed new

route and the lack of a pavement between the old and new exit points on the main road (A - B on map – Appendix 5).

- 2.10 Of the above, two letters are from residents whose properties are immediately adjacent to the proposed new route. (Their letters are attached as Appendices 6 and 7). They have concerns about the creation of a public footpath adjacent to their garden boundaries but also have similar concerns to the other objectors. Mr and Mrs Brewer suggest an alternative route for the diversion. They believe the security concerns of the school and the residents of properties backing onto the proposed route could be addressed if the footpath continues across the field on its existing route but diverts to turn at right angles just before the new school buildings. This route could be fenced and gated on one or both sides.
- 2.11 School representatives have responded to all the representations and their comments are detailed in the table (Appendix 8). They have not commented on the suggestion of the alternative diversion. The comments have been forwarded to the objectors.
- 2.12 Replies have been received from the Ramblers' Association and from 6 of the local residents. Appendices 9 and 10, are from the residents who wish to maintain (some of) their objections. 3 other local residents also wish to maintain their objections. One local resident has withdrawn her objection and another has said he will do so providing a "pavement" is provided alongside the road between points A and B. The Ramblers' Association has also withdrawn its objection on the basis that the proposed route is to be flat and maintained by the school. It wants the minimum walkable width of the footpath to be at least 2 metres taking into account any "greenery" which is to be planted alongside the fences. 3 objectors support the fencing off of the existing footpath (see Appendices 11, 12 and 13) which they consider will resolve the school's problems at minimum cost.

3. Legal Considerations

- 3.1 The application must be considered under Section 119B of the Highways Act 1980. The Council must consider:
- (1) If the footpath is a relevant highway which crosses land occupied for the purposes of a school. (Footpath 16a Compton is shown on the Definitive Map and Statement as a public footpath and is therefore a relevant highway and clearly crosses land occupied for the purposes of a school).
 - (2) That it is expedient that the footpath should be diverted for the purposes of protecting the pupils and staff from
 - violence or the threat of violence;
 - harassment;
 - Alarm or distress arising from unlawful activity, or
 - any other risk to their health or safety arising from such activity

In May 1996, following two tragic incidents at other schools, the Department for Education and Employment published the report of a Working Group on School Security. The Group made a total of 22 recommendations including the following:

"Recommendation 9. Schools should continue to review their security, drawing on published guidance from the Department for Education and Employment and others, on the views of

parents and on advice from the local police and the local education authority (in the case of LEA maintained schools). Particular attention should be given to the effective control of access” and “Recommendation 10. If as a result of a security review, a school should identify a public right of way through its grounds as a significant security risk, the relevant local authority should consider seeking to change the right-of-way so as to eliminate or at least reduce that risk”

The school has suffered a high number of incidents over several years (Appendix 2). The governors of the school clearly feel that the school is vulnerable to increasing incidents of vandalism and violence. The education service fully supports the application since they consider the fact that the footpath can be used by youths to cause a nuisance and defy reasonable requests to leave the site to be unacceptable.

- (3) That it is expedient to confirm the Order having regard to all the circumstances, and in particular to:
- (i) any other measures that have been or could be taken for improving or maintaining the security of the school;
 - (ii) whether it is likely that the coming into operation of the Order will result in a substantial improvement in that security;
 - (iii) the effect which the coming into operation of the order would have as respects land served by the existing public right of way, and
 - (iv) the effect which any new public right of way created by the order would have as respects the land over which the right is so created and any land held with it

The school does have CCTV in place which has captured some of the events e.g. a break in, but this hasn't deterred the incidents. The school has tried to manage the footpath in various ways: at lunchtime there are lunchtime supervisors who patrol the field and the area of the path which abuts the school and at break time and at the end of the school day, teachers are on duty. The school does not consider this to be a satisfactory way of managing the risk.

The proposal to divert the footpath around the school field would enable the school to fence the site securely. When the sports centre is open, the inner school area can be secured and when it is closed the whole of the school site can be secured and locked.

A further step that could be taken before diverting the footpath would be for the school to fence the existing footpath on both sides. This would require palisade fencing (gated to allow school children to pass through), but this would not take the public away from the vicinity of the GTB. The school has indicated that it does not wish to do this.

- (4) Before making a special diversion order the Council must consult the police authority for the area in which the highway lies. (This has been done - see consultation responses).
- (5) A special diversion order must not divert the cul-de-sac end of a highway nor, where the termination is on a highway, otherwise than to another point on the same highway or a highway connected with it. (This test is met).
- (6) Before deciding to make the order, the council may require the applicant to pay or make a contribution to any compensation payable to a third party, or costs which may be incurred in bringing the new route into a condition fit for public use. The new route may be unconditional

or subject to limitations and conditions and will come into existence and the old route be extinguished, on the date specified in the order. Where work is necessary on the new route, as is the case here, the old route will not be extinguished until the Council has certified the works.

The school intends to carry out earthworks to create a level path which will be graded at both ends to make it suitable for walkers with pushchairs and in some motorised wheelchairs. A minimum width of 2 metres should help to reduce the tunnelling effect as should the "see through" palisade fencing alongside the path. Works to either improve the grass verge or create a "pavement" between points A and B has been requested by various consultees. As outlined above, the Executive Member for Children and Young People has prepared a bid for capital funding of a pavement between these points (see Appendix 5).

4. Conclusion

- 4.1 Significantly, section 119B under which this order is being considered does not stipulate appropriate attributes for any proposed new route, for example if the order were being made under s119 Highways Act 1980 the new route would need to be substantially as convenient as the old. In the absence of such stipulation, the new route is deemed acceptable.
- 4.2 The Rights of Way Officer considers that the alternative diversion route suggested by one of the objectors (Appendix 7) may be a suitable compromise. She feels if it were to be fenced that it would afford the school a degree of protection yet it would avoid most of the objectors' concerns.
- 4.3 The school has taken various steps to improve school security, and whilst more measures could be implemented it is considered that that the relevant criteria in the Act are met.
- 4.4 Therefore, despite the objections to the Order it is recommended that the Council make a special Diversion Order to change the route of Footpath 16a Compton, where it passes through the school grounds, as proposed. If the objections are maintained, the matter will then be decided by the Secretary of State.

5. Implications

Policy: None

Financial: Budgetary provision exists for the making and advertising of Diversion Orders

Consultation Responses

Members:

Leader of Council: Graham Jones – No comments received

**Overview & Scrutiny
Commission Chairman:** Brian Bedwell – No comments to make

Ward Members: Barbara Alexander – fully supports the proposal providing a pavement is provided between points A and B

Opposition Spokesperson: Royce Longton – no comments received

**Policy Development
Commission Chairman:** Quentin Webb – no comments received

Local Stakeholders: Compton Parish Council. Ramblers' Association

Officers Consulted: Paul Hendry, Michele Sherman

Trade Union: N/A

Comment by Executive member for Environment and Public Protection

In accepting that Footpath 16a should be diverted round the perimeter of the Upper Field as requested by The Governors of the Downs School, Compton I am mindful of the well documented record of anti-social and criminal behaviour over a long period of time which supports the request made by the Head Teacher. Whereas I have noted the objections from a small number of neighbouring residents in Shepherds Mount, I believe that these are outweighed by the unequivocal recommendations by Thames Valley Police and the Head of the Council's Education Service. In seeking to propose that the present path is merely fenced in, residents of Shepherds Mount base their opposition to the proposed diversion of Footpath 16a around Upper Field on a perceived or possible threat to their own properties in terms of vandalism, litter, a possible undermining of gardens adjacent to the new line of the Footpath and a change in the quality of the view from their properties. The latter is of course not a material planning consideration whilst the former objections are a matter of supposition.

Section 119B of the 1980 Act is now quite specific about the factors which may be taken into account in assessing the need for the diversion of a path which 'crosses land occupied for the purposes of a school':

- Violence of the threat of violence;
- Harassment;
- Alarm or distress arising from unlawful activity, and
- Any other risk to their health and safety arising from such activity.

There is no doubt that the incidents documented in the School's application for the diversion of Footpath 16a fall within these categories.

The purpose of the amendment to the Act is quite clear – it is to distance the Path from the site of the educational facility and thus remove the likely risk to staff and students. The requested route clearly does this as the diverted Path is removed from the focus of the unacceptable behaviour – the GT Building and associated centre of the School. The alternative proposal put forward by those objecting to the diversion would seek to rely on containment of the nuisance and danger by fencing in the Footpath where it passes School Buildings. Whereas the proposed palisade fencing should prevent entry into school buildings from the Footpath, it could not in itself ensure that those intent on mischief did not remain on the Footpath in the vicinity of the School Buildings. Furthermore, the palisade fencing would not in itself prevent acts of anti-social behaviour being committed nor would it prevent such behaviour being witnessed by staff and students. The

alarm and distress which the perpetrators of such behaviour have inflicted in the past could continue unabated were that that route to be confirmed.

Accordingly, for the reasons noted above I accept the Recommendation to divert Footpath 16a round the perimeter of the Upper Field.

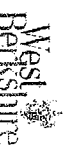
Nov 07

Cllr Geoff Findlay
Executive Member Environment & Public Protection
West Berkshire Council

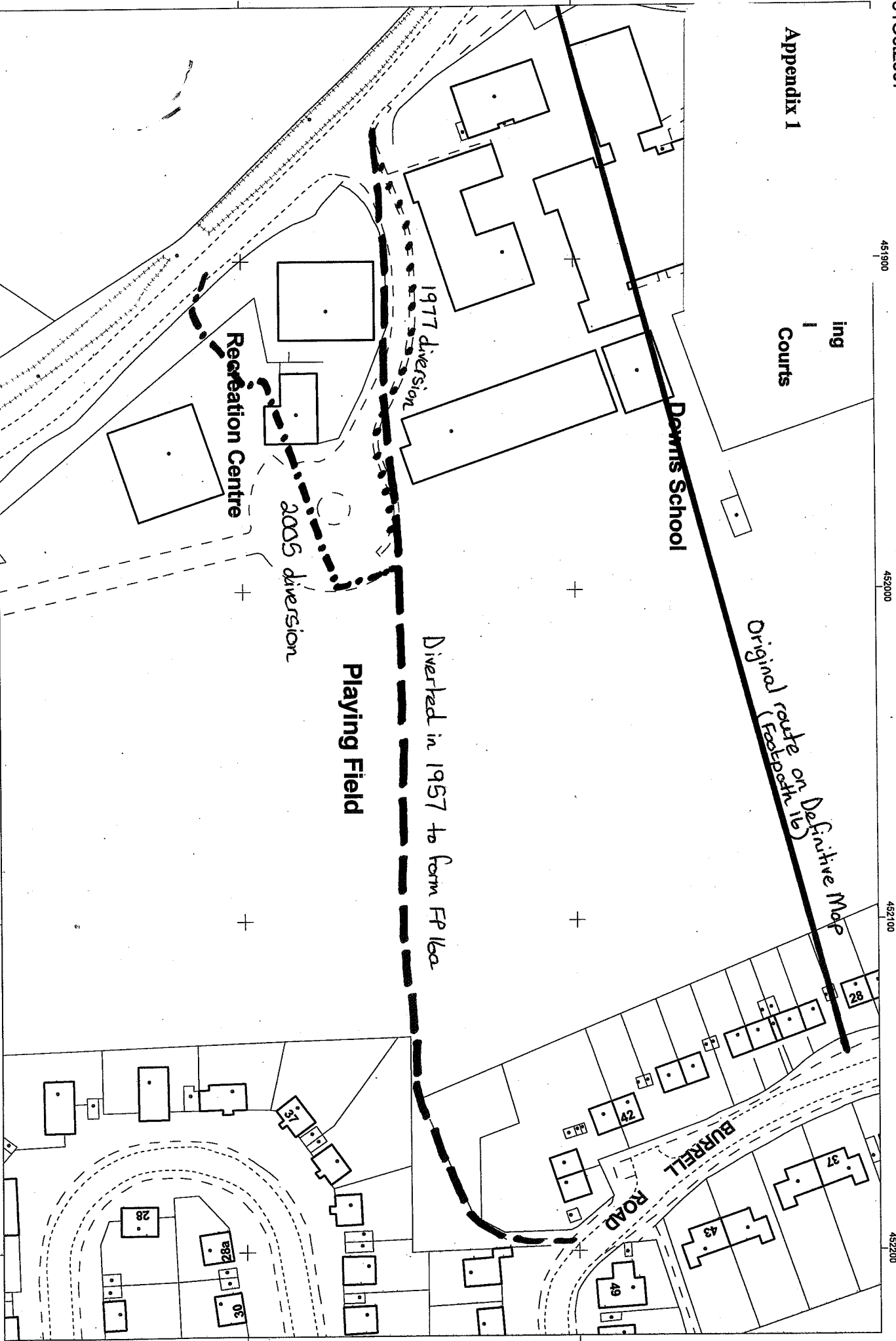
Compton Footpaths 16/16a - Diversions

31 Oct 2007

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Appendix 1



Vandalism Record

Vandalism Record

2001			
Date	Description of Vandalism	Time Required	Cost of Damage
January 6th	Break in at the Music Block	1 hour	
February 4th	Vandalism		
May 16th	Vandalism caused on fences and windows		
July 29th	Swimming Pool broken into and gate broken	1 hour	£600 - £1000
August 4th	Swimming Pool broken into and gate broken		£250
September 22nd	Windows broken in the CDT Block		£250
September 25th	Attempted burglary in the Main Building		£250
October 1st	Windows broken and door kicked in at the CDT Block	1 hour	£200
October 5th	Windows broken and door kicked in at the CDT Block		£350
November 6th	Smashed window in the Sixth Form Block		£350
			£200

2002			
Date	Description of Vandalism	Time Required	Cost of Damage
Easter	Goal nets ripped to shreds		
April 15th	Swimming Pool broken into	1 hour	
May 8th	Pool Plant Room broken into	1 hour	
May 29th	Attempted break in on Conservatory roof		
May 30th	Benches broken and bins smashed		£250
June 17th	Terrapin windows broken	1 hour	
June 27th	Windows broken in the Sixth Form Block		£600
June 29th	Windows broken at the back o the Tribe Building		£450
			£280

2003			
Date	Description of Vandalism	Time Required	Cost of Damage
February 18th	Broken window in the Main Building		
February 21st	Steps outside Room 11 ruined		£200
March 14th	All bins on the field emptied		£150
March 14th	Bus parked on-site and its window smashed	1 hour	
April 5th	Swimming Pool broken into and the cover ripped	1 hour	(Not known)
May 21st	Cricket nets torn	1 hour	
May 28th	Sixth Form Boiler Room door vandalised	1 hour	£150

Date	Description of Vandalism	Time Required	Cost of Damage
2004			
June 8th	Down pipes smashed and windows broken in CDT and the Library		
June 20th	Sixth Form windows broken and the door kicked in		£850
June 28th	Terrapin windows smashed		£450
August 3rd	Swimming Pool vandalised		£150
August 8th	Trees and bins wrecked at the back of CDT	1 hour	
August 15th	Barn vandalised and broken into	1 hour	
September 20th	Sports Hall vandalised with graffiti	1 hour	
September 28th	Sixth Form broken into (drugs)	3 hours	
September 28th	Sixth Form broken into (drugs) + 3 hours with the police	5 hours	
October 18th	Swimming Pool vandalised and the cover ripped	3 hours	
November 28th	Barn broken into	1 hour	
December 18th	Broken window in the Sixth Form	1 hour	
			£250

Date	Description of Vandalism	Time Required	Cost of Damage
2005			
January 25th	Lots of people on site drinking and littering		
March 5th	Geography Building attempted break in	1 hour	
April 7th	Barn broken into by party on site	1 hour	
April 17th	Terrapin windows broken	1 hour	
April 22nd	Geography Building attempted break in		
June 10th	Swimming Pool broken into and littered	1 hour	£150
June 13th	Sports Shed broken into and padlock sawn off	1 hour	£1,200
July 4th	Sixth Form door blocked up	1 hour	
August 20th	Front Door glass smashed	1 hour	
November 6th	Terrapin windows broken		£250
November 20th	Eggs thrown over windows and obscene messages		£150
December 14th	Vandalism on site	2 hours	
2005			
Date	Description of Vandalism	Time Required	Cost of Damage
January 6th	Party conducted outside Sixth Form Building until 2 a.m.	1 hour	
April 6th	Sixth Form window broken	1 hour	
July 13th	Bins upset all over site		
July 13th	Swimming Pool broken into with people skinny-dipping	2 hours	£250
July 16th	Swimming Pool broken into	1 hour	
July 17th	Swimming Pool broken into	1 hour	

Date	Description of Vandalism	Time Required	Cost of Damage
November 10th	Eggs thrown over terrapias	1 hour	
November 18th	Graffiti	1 hour	
December 7th	Fencing around tennis courts broken	1 hour	
December 11th	Builders compound broken into (Police called)	1 hour	
December 23rd	Lights pulled down around building site	1 hour	
		3 hours	£350
2006			
January 3rd	Fencing adjacent to the coach park demolished		
January 11th	All bins around the site upturned and emptied	3 hours	£300
January 19th	Broken glass by Library	2 hours	
January 23rd	Dentist Van vandalised		
January 31st	Room 11 vandalised	1 hour	£250
February 2nd	Temporary fencing stolen	3 hours	
February 4th	Fires being lit in bins around site	1 hour	
February 5th	Steps outside Room 13 smashed	2 hours	£50
February 8th	Steps outside Room 13 smashed	2 hours	
February 27th	Field bins being set alight and emptied around site	2 hours	£30
March 6th	Broken window	2 hours	£50
March 10th	Room 13 steps smashed	2 hours	£400
March 10th	Sports Hall exit door broken into	2 hours	£250
March 10th	Geography Building broken into and Room 12 window smashed	1 hour	£50
March 11th	Police enquiry regarding events on March 10th	6 hours	
March 18th/19th	Vandalism on site	1 hour	£350
April 13th	Room 11 vandalised	3 hours	
April 18th	Bins emptied all around site	1 hour	
April 21st	Bins emptied all around site	2 hours	
April 23rd	Sixth Form window broken	1.5 hours	
April 28th	Rooms 1 and 2 vandalised with graffiti	1 hour	£250
May 17th	Geography Building broken back window	1 hour	
May 19th	Swimming Pool fencing vandalised	1 hour	
June 5th	Field benches smashed	6 hours	£210
June 12th	Rubbish everywhere from Sunday	3.5 hours	£150
June 17th	Kids throwing spikes through windows	1 hour	£200
June 19th	Top field fencing broken	1 hour	£250
July 12th	Temporary fencing stolen	1 hour	£50

Vandalism Record

July 16th	Vandalism on site		1 hour	
July 20th	Litter from a party on site		1 hour	

ADDED NOTES:

Every weekend during holidays, there are kids on site and numerous cars parked in the car parks until 10-11 p.m. See September notes on file.
 Every morning, spending 1-2 hours clearing dogs mess off of the fields and ridding car parks of debris, which include cans, glass, pizza and McDonalds.

Please note that this record is by no means comprehensive, however all of the events above were recorded at the noted time.

Incident Log

DATE	INCIDENT	Police involved?
6 th September	Youths on site, stole Lisa Hill's bike	Yes
8 th September	3 youths on site, very abusive walked up to the buses looking as if they were after someone on them	
14 th September	3 Youths on school grounds drinking Stella. 2 other incidents prior to this.	No
19 th September	Scott Harvey on site	No
24 th September	About 40 doing various things, i.e. skateboarding around the car park, cycling and motor bikes around the car park. Drinking alcohol. This was from 7p.m. onwards	No
26 th September	Vandalism of school property at 9p.m.. Lights smashed down side of footpath, Sport's Hall trees uprooted. Lads drinking in car outside GTB (Danny Aston, Matthew Butler and 3 others that Lee can identify but not name.	Yes – Crime report no. FP9551599-06
28 th September	Youth seen on site by the Science block. Throwing and kicking stones.	No
2 nd October	Bins on playing fields set fire to, now need replacing.	No
3 rd October	Youth seen on site near the buses	
3 rd October	Intruders on site at night, beer cans left as litter. Site team had to clear up.	
9 th October	Youth on site near the buses. Verbally abused one of the Teacher's on bus duty.	
12 th October	Youth was on site today while Ms Reid was on bus duty and refused to leave when asked.	
13 th October	Youth on site. He was a good way from the path. He refused to leave the school gateway and behaved in an intimidating way to midday supervisors. Went off towards the woods.	Yes at 1.30p.m.
14 th October	Bins on the field emptied and kicked around, lots of rubbish everywhere	
15 th October	Trees uprooted and lined up outside GTB	

25 th November	Loads of young people on site at 9.55pm drinking and general disturbance smashing bottles etc. Lots and lots of rubbish left on site	
3 rd December	Smashed fencing, bins upturned, tables upturned.	FP9601325-06 Reported on 3/12/06 at 8am
17 th December	Kids skateboarding, bins emptied. 4x4 trucks on field (probably the hot air balloon company) no pictures on cctv	Marie to ring the hot air balloon company and remind them to speak to Lee
7 th January 2007	Room 11 broken into, personal items taken.	FP9627748-07 Reported on 8 th January URN 191,8 th Jan
24 th January 2007	A group of 8 youths (aged about 17 to 18) walked on to the site, into the school building and stood outside one of the classrooms. They then went to student support where they told the student manager they wanted to speak to one of our pupils. It transpired that this pupil did not know these people at all. Following on from this, the intruders then tried to get into the sixth form centre and argued with the Head, when she asked them to leave, about leaving the site. They were standing on the footpath at this point.	
Friday, 23 rd Feb 2007	Gardens at rear of field broken into and child toys i.e. trampoline and slide, put in Grundon by sports hall.	
Saturday, 24 th Feb 2007	Trees around sports hall car park smashed	
Sunday, 25 th Feb	Plants around GTB removed and thrown against front of building	
18 th March	Vandalism over the weekend, plants pulled out around GTB, bins emptied around site, no camera's in the areas where the damage was done. Gates outside Music and Drama fire escape route were kicked in on Sunday.	
21 st March	Vandalism again, plants pulled out	

	around GTB and downpipes smashed on the sports terrapin.	
31 st March 2007	School broken into and vandalism to bins. Skylight in dining room broken.	URN 217
8 th April	science weather device smashed (broken beyond repair £400 approx to replace)	
9 th April	Bins on field vandalised	

Sch 6

Appendix 3

“regulations” means regulations made by the Secretary of State.”

in 119A (diversion of footpaths and bridleways crossing led as follows.

in (2)(b), for “so specified” there is substituted “specified in the ed under subsection (7) below”.

ion (7) there is substituted—

(1) where it appears to the council that work requires to be done to bring the new site of the footpath or bridleway into a fit condition for use by the public, the council shall—

- (a) specify a date under subsection (2)(a) above, and
- (b) provide that so much of the order as extinguishes (in accordance with subsection (2)(b) above) a public right of way is not to come into force until the local highway authority for the new path or way certify that the work has been carried out.”.

12. After section 119A of the 1980 Act there is inserted—

“Diversion of certain highways for purposes of crime prevention, etc.

119B.—(1) This section applies where it appears to a council—

- (a) that, as respects any relevant highway for which they are the highway authority and which is in an area designated by the Secretary of State by order under section 118B(1)(a) above, the conditions in subsection (3) below are satisfied and it is expedient, for the purpose of preventing or reducing crime which would otherwise disrupt the life of the community, that the line of the highway, or part of that line should be diverted (whether on to land of the same or another owner, lessee or occupier), or
- (b) that, as respects any relevant highway for which they are the highway authority and which crosses land occupied for the purposes of a school, it is expedient, for the purpose of protecting the pupils or staff from—
 - (i) violence or the threat of violence,
 - (ii) harassment,
 - (iii) alarm or distress arising from unlawful activity, or
 - (iv) any other risk to their health or safety arising from such activity,
 that the line of the highway, or part of that line, should be diverted (whether on to land of the same or another owner, lessee or occupier).

(2) In subsection (1) above “relevant highway” means—

- (a) any footpath, bridleway or restricted byway,
- (b) any highway which is shown in a definitive map and statement as a footpath, a bridleway, or a restricted byway, but over which the public have a right of way for vehicular and all other kinds of traffic, or
- (c) any highway which is shown in a definitive map and statement as a byway open to all traffic,

but does not include a highway that is a trunk road or a special road.

(3) The conditions referred to in subsection (1)(a) above are—

- (a) that premises adjoining or adjacent to the highway are affected by high levels of crime, and
- (b) that the existence of the highway is facilitating the persistent commission of criminal offences.

(4) Where this section applies, the council may by order made by them and submitted to and confirmed by the Secretary of State, or confirmed as an unopposed order—

- (a) create, as from such date as may be specified in the order, any such—
 - (i) new footpath, bridleway or restricted byway, or
 - (ii) in a case falling within subsection (2)(b) or (c) above, new highway over which the public have a right of way for vehicular and all other kinds of traffic,

as appears to the council requisite for effecting the diversion, and

- (b) extinguish, as from such date as may be specified in the order or determined in accordance with the provisions of subsection (8) below, the public right of way over so much of the highway as appears to the council to be requisite for the purpose mentioned in paragraph (a) or (b) of subsection (1) above.

(5) An order under subsection (4) above is in this Act referred to as a “special diversion order”.

(6) Before making a special diversion order, the council shall consult the police authority for the area in which the highway is situated.

(7) A special diversion order shall not alter a point of termination of the highway—

- (a) if that point is not on a highway, or
- (b) (where it is on a highway) otherwise than to another point which is on the same highway, or a highway connected with it.

(8) Where it appears to the council that work requires to be done to bring the new site of the highway into a fit condition for use by the public, the council shall—

- (a) specify a date under subsection (4)(a) above, and
- (b) provide that so much of the order as extinguishes (in accordance with subsection (4)(b) above) a public right of way is not to come into force until the local highway authority for the new highway certify that the work has been carried out.

(9) A right of way created by a special diversion order may be either unconditional or (whether or not the right of way extinguished by the order was subject to limitations or conditions of any description) subject to such limitations or conditions as may be specified in the order.

(10) The Secretary of State shall not confirm a special diversion order made by virtue of subsection (1)(a) above, and a council shall not confirm such an order as an unopposed order unless he or, as the case may be, they are satisfied that the

SCH. 6

conditions in subsection (3) above are satisfied, that the diversion of the highway is expedient as mentioned in subsection (1)(a) above and that it is expedient to confirm the order having regard to all the circumstances, and in particular to—

- (a) whether and, if so, to what extent the order is consistent with any strategy for the reduction of crime and disorder prepared under section 6 of the Crime and Disorder Act 1998,
- (b) the effect which the coming into operation of the order would have as respects land served by the existing public right of way, and
- (c) the effect which any new public right of way created by the order would have as respects the land over which the right is so created and any land held with it,

1998 c. 37.

so, however, that for the purposes of paragraphs (b) and (c) above the Secretary of State or, as the case may be, the council shall take into account the provisions as to compensation contained in section 28 above as applied by section 121(2) below.

(11) The Secretary of State shall not confirm a special diversion order made by virtue of subsection (1)(b) above, and a council shall not confirm such an order as an unopposed order unless he or, as the case may be, they are satisfied that the diversion of the highway is expedient as mentioned in subsection (1)(b) above and that it is expedient to confirm the order having regard to all the circumstances, and in particular to—

- (a) any other measures that have been or could be taken for improving or maintaining the security of the school,
- (b) whether it is likely that the coming into operation of the order will result in a substantial improvement in that security,
- (c) the effect which the coming into operation of the order would have as respects land served by the existing public right of way, and
- (d) the effect which any new public right of way created by the order would have as respects the land over which the right is so created and any land held with it,

so, however, that for the purposes of paragraphs (c) and (d) above the Secretary of State or, as the case may be, the council shall take into account the provisions as to compensation contained in section 28 above as applied by section 121(2) below.

(12) A special diversion order shall be in such form as may be prescribed by regulations made by the Secretary of State and shall contain a map, on such scale as may be so prescribed—

- (a) showing the existing site of so much of the line of the highway as is to be diverted by the order and the new site to which it is to be diverted,
- (b) indicating whether a new right of way is created by the order over the whole of the new site or whether some part of it is already comprised in a highway, and
- (c) where some part of the new site is already so comprised, defining that part.

(13) Schedule 6 to this Act has effect as to the making, confirmation, validity and date of operation of special diversion orders.

(14) Section 27 above (making up of new footpaths and bridleways) applies to a highway created by a special diversion order with the substitution—

- (a) for references to a footpath or bridleway of references to a footpath, a bridleway, a restricted byway or a highway over which the public have a right of way for vehicular and all other kinds of traffic,
- (b) for references to a public path creation order of references to a special diversion order, and
- (c) for references to section 26(2) above of references to section 120(3) below.

(15) Neither section 27 nor section 36 above is to be regarded as obliging a highway authority to provide on any highway created by a special diversion order a metalled carriage-way.

Application by proprietor of school for special diversion order.

119C.—(1) The proprietor of a school may apply to a council for the making by virtue of section 119B(1)(b) above of a special diversion order in relation to any highway for which the council are the highway authority and which—

- (a) crosses land occupied for the purposes of the school, and
- (b) is a relevant highway as defined by section 119B(2) above.

(2) No application may be made under this section for an order which would create a new highway communicating with—

- (a) a classified road,
- (b) a special road,
- (c) a GLA road, or
- (d) any highway not falling within paragraph (a) or (b) above for which the Minister is the highway authority,

unless the application is made with the consent of the highway authority for the way falling within paragraph (a), (b), (c) or (d) above.

(3) Before determining to make a special diversion order on an application under this section, the council may require the applicant to enter into an agreement with them to defray, or to make such contribution as may be specified in the agreement towards—

- (a) any compensation which may become payable under section 28 above as applied by section 121(2) below, or
- (b) to the extent that the council are the highway authority for the highway in question, any expenses which they may incur in bringing the new site of the highway into fit condition for use by the public, or
- (c) to the extent that the council are not the highway authority, any expenses which may become recoverable from them by the highway authority under the provisions of section 27(2) above as applied by section 119B(14) above.

Appendix 4

Please read the accompanying notes before completing this form

WEST BERKSHIRE DISTRICT COUNCIL
HIGHWAYS ACT 1980 S.119
AND COUNTRY PLANNING ACT 1990 s.257

APPLICATION FOR A PUBLIC PATH OR WAY
DIVERSION ORDER

1. APPLICANT'S NAME: ...The Governors, The Downs School,
.....

ADDRESS: Manor Crescent, Compton, Newbury, Berkshire, RG20 6NU
.....
.....
.....

TELEPHONE NO. (Daytime): 01635 270000

2. DETAILS OF PATH OR WAY TO BE DIVERTED:

(a) Is it a footpath or bridleway?

.....Footpath.....

(b) Its Number on the Definitive Footpath Map (if known)16a.....

(c) Parish within which the footpath/bridleway is located

...Compton.....

N.B. This information can be obtained from the Rights of Way Section, Countryside and Environment, Faraday Road, Newbury, Berkshire RG14 2AF.

Telephone: 01635 519070/519069 (Sallie Jennings/Suzanne Hopes)

Fax: 01635 519325/519543

3. STATUS OF THE APPLICANT:

(1) Are you the:

(a) Owner x

(b) Occupier x

(c) Lessee

of the path or the land crossed by the path or way described in your reply to question 2 and/or by the proposed diversion

(2) Are any other persons with a legal interest in the land affected by the diversion? / NO

If yes, please supply their names and addresses below and a plan showing the extent of the Land they own affected by the application. All such persons must consent to this application by signing this page 3 of this application form.

- 4. Section 119 of Highways Act 1980 permits diversions of public footpaths and bridleways on the grounds that it is expedient in the interests of (i) the owner, lessee or occupier and/or (ii) the public. PLEASE INDICATE WHY THIS APPLICATION SERVES THE INTERESTS OF (i) AND/OR (ii).

.....The safety of the pupils and staff of The Downs School. Please see accompanying letter and attachments.....

- 5. WHAT EFFECT WILL THE DIVERSION HAVE ON THE CONVENIENCE AND ENJOYMENT OF THE PATH BY THE PUBLIC?

.....Very little effect. As shown on the attached plan the revised path will link to the local footpath network in a more convenient manner. An access point will be maintained within the proposed fence for pupils of the school to use the entrance from Shepherds Mount at the start and end of the school day.....

- 6. AT WHAT WIDTH WILL THE NEW ROUTE BE DEDICATED? (Please see guidance notes)

.....A minimum of 2 metres.....

.....
.....

7. HOW WOULD YOU DESCRIBE THE SURFACE OF THE EXISTING ROUTE?

..... Grass.....
.....
.....
.....
.....
.....
.....

8. HOW DO YOU PROPOSE TO SURFACE THE NEW ROUTE?

..... We will consult with the relevant bodies concerning their requirements.....
.....
.....
.....
.....
.....
.....

9. WHAT OTHER WORKS (e.g. construction of new gates) WILL YOU NEED TO CARRY OUT TO BRING THE NEW ROUTE UP TO A SUITABLE STANDARD FOR THE PUBLIC?

..... A steel, anti-climbing fence will be installed between the proposed path and the school grounds. The exact design will be agreed with the relevant bodies concerned.....
.....
.....
.....
.....
.....
.....

10. PLEASE ATTACH a plan showing the existing line of the path or way which is to be diverted and the line of the diverted path or way in accordance with the requirements set out in the guidance notes.

I HEREBY AGREE that if a Diversion Order is made I will defray or make such contribution as may be agreed with the Council for:

(a) any compensation which may become payable in consequence of the coming into operation of the Order

and

(b) any expenses which are incurred in bringing the new site of the path or way into a fit condition for use by the public

11. I HEREBY UNDERTAKE to discharge in full the actual costs and all disbursements incurred by the Council in connection with the processing of this application.

Applicant's signature: AA BROWN

Date: 4/5/07

TO BE COMPLETED ONLY IF OTHERS HAVE AN INTEREST IN THE LAND

I/We the undersigned, having a legal interest in the land affected by the proposed diversion, have no objection to the proposal.

Signatures

Date

- | | |
|---------|-------|
| 1. | |
| 2. | |
| 3. | |

PLEASE SEND COMPLETED APPLICATION FORM TO:-

MISS M. SHERMAN
LEGAL AND DEMOCRATIC SERVICES
WEST BERKSHIRE COUNCIL
MARKET STREET
NEWBURY
BERKSHIRE
RG14 5LD

Supporting evidence for application to divert footpath in The Downs School, Compton

The footpath in question runs, at present directly through the centre of the school field and skirts around the entrance to the sixth form centre. Problems we experience fall into two camps:

1. Safety of pupils and staff during the school day
2. Safety of buildings and resources during evenings and weekends.

A log of issues as supporting evidence, dating back to 2001, is attached.

At weekends we have groups of youths vandalising windows, lights, trees, leaving rubbish, dog-walkers fouling the school field and recently a break-in which involved theft and caused a considerable amount of damage.

However, what is more concerning are incidents which threaten people's safety. These have included drunken youths coming along the path and running through the school building; youths sitting on the bank outside the sixth form centre drinking lager during afternoon school, and youths harassing students on site as they embark on the school buses. The most worrying of all occurred 24th January 2007. A group of 8 youths (aged about 17 to 18) walked on to the site, into the school building and stood outside one of the classrooms. They then went to the Student Support Centre where they told the student manager they wanted to speak to one of our pupils. It transpired that this pupil did not know these people at all. Following on from this, the intruders then tried to get into the sixth form centre and argued with me, when I asked them to leave, about leaving the site. They were standing on the footpath at this point.

The school has tried to manage the path in various ways:

At lunchtime there are lunchtime supervisors who patrol the field and the area of the path which abuts the school; at break time and at the end of the school day, teachers are on duty. However, I have to say that I am concerned about the safety of these individuals and do not consider this to be a satisfactory way of managing the risk. We have CCTV cameras which have captured some of the events described above (for example the break-in). The school site manager regularly patrols the site at weekends and spends time removing dog muck from the field. The school has placed bins for dog mess at the entry to the school site. However, this bin was filled faster than we could empty it and, recently, it was burnt out and destroyed by intruders.

The proposal is to re-route the path around the school field. This would enable us to fence the site securely. There would be a separate arrangement for fencing off the area of the school in which the sports centre is situated allowing for an airlock arrangement. When the sports centre is open, the inner school area can be secured. When the sports centre is shut, the whole of the site can be secured and locked.

We propose that a gate is placed at the current footpath entrance which can be opened for local children to enter and leave the school, and that this gate is locked at times other than the start and end of the school day.

We have a letter in support of diverting the footpath from the police and from the education authority. In previous consultation with the local parish council and the Ramblers' Association (March 2004), agreement was given by these groups to a diversion.

We have consulted with the local community via the Parish Council, parents and the Ramblers' Association. Parents have been asked to return their views to the school. Of those returned 83% indicated they were in support of either diversion or extinguishment. The vast majority were happy to support either option. 13% returned papers with no details completed and 5% indicated aversion to either diversion or extinguishment. PE staff have indicated considerable concern as they are the most exposed group of staff, teaching on the field with the footpath right next to their teaching area.



Dave STUBBS MA PG Cert Ad Cert ED&CP
Crime Prevention Design Adviser (Berks)

Thatcham Police Station
20, Chapel Street
Thatcham, BERKS.
RG18 4QL

Tel. 01635 295156
Fax. 01635 295126
Mobile 07970 211 772
Email david.stubbs@thamesvalley.pnn.police.uk

Date 3rd October 2006

For 'Secured by Design' standards and application forms,
visit the 'SBD' website at :-
www.securedbydesign.com

Mrs. V. Houldey
Head Teacher
The Downs School
Compton
BERKS.

Dear Mrs. Houldey.

Footpaths and Site Security.

Thank you for your time this morning.

Rising concern regarding school site security, pupil and staff safety and crime prevention on educational premises has prompted government legislation in the form of the Countryside and Rights of Way Act – as spoken – with specific powers given to local authorities to address the problems of rights of way across school grounds.

I would fully support The Downs School in the risk assessment that the path across your premises creates dangers for staff and pupils, increases the likelihood of damage and crime to school property, anti-social behaviour associated with unauthorised use of school grounds and the health dangers of dog fouling, broken glass and other dangerous litter. The cost of staff time and resources in managing such problems is a significant diversion from educational priorities.

It is my professional opinion that the permeability of your site perimeter and inappropriate access needs to be addressed. The consistent levels of dog fouling and low level anti-social activity being experienced at The Downs are often the pre-cursor to more serious crime or a general deterioration of respect for school property and should be addressed without delay.

In addition to the Countryside and Rights of Way Act, Section 17 of the Crime & Disorder Act 1998 places a duty on local authorities to 'exercise all their various functions' – (this would include education, rights of way, planning etc.) in light of the need to do all they can to prevent crime and disorder in their area.

I would therefore be very happy to support the school and West Berkshire Council in addressing the risks clearly identified to the Downs School site.

Yours sincerely.

Dave STUBBS MA PG Cert. AD. Cert. ED & CP
Thames Valley Police
CPDA. (Berks.)

Secured by Design
placing design between
crime & the community



16th February 2007

Mrs Val Houldey
Headteacher
The Downs School
Compton
Newbury
Berkshire
RG20 6NU

Education Service
Avonbank House
West Street Newbury
Berkshire RG14 1BZ

Our Ref: IP/mlw
Your Ref:

Please ask for: Ian Pearson
Direct Line: 01635 519729
Fax: 01635 519624
e-mail: ipearson@westberks.gov.uk

Dear Mrs Houldey

Safety on The Downs School Site

Thank you for your recent letter outlining a number of incidents you have had to deal with, including damaged property, intruders and anti-social behaviour. Unfortunately, these issues are not new and I had numerous previous conversations with your predecessor, Graham Taylor, about how to make the site more secure.

One of the main problems we face is having a public footpath running through the middle of a school site, something that gives major cause for concern because of the way it allows free access to pupils and buildings, and something that no sensible education authority would seek by design. The fact that the footpath can be used by youths to cause a nuisance and defy reasonable requests to leave the site is clearly unacceptable.

Both the local authority and schools have a duty of care to staff and pupils and we are well aware of some tragic incidents that have taken place on other school sites around threats of violence and physical assaults. In the circumstances therefore, I would fully support any proposal to re-route the footpath around the edge of the site as the only sensible way of ensuring building and personal safety.

Yours sincerely



Ian Pearson
Head of Education Service

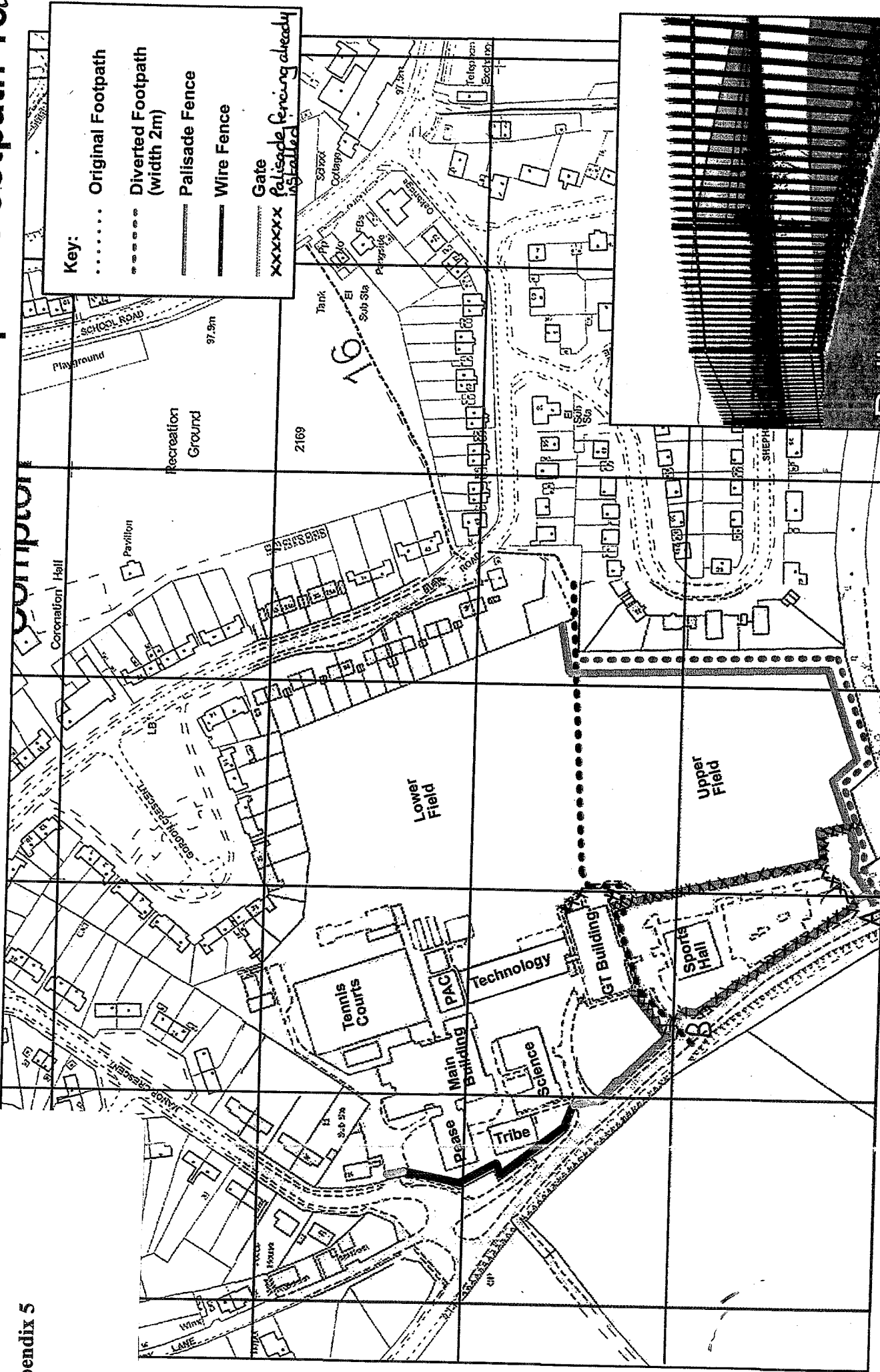
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Proposed Changes to Compton Footpath 16a

Appendix 5

Key:

- Original Footpath
- Diverted Footpath (width 2m)
- ===== Palisade Fence
- Wire Fence
- Gate
- xxxxxx Palisade fencing already installed

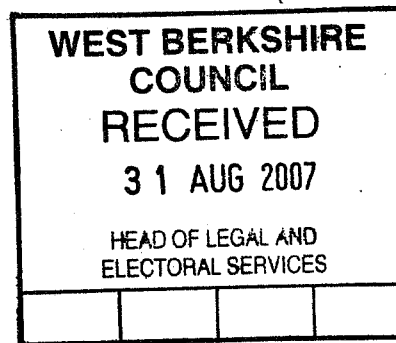


Palisade Fence

35 Shepherds Mount,
Compton,
Newbury,
Berkshire.
RG20 6QY

28th August 2007

Miss Sherman,
Legal and Electoral Services,
West Berkshire District Council,
Council Offices,
Market Street,
Newbury,
Berkshire.
RG14 5LD



**Highways Act 1980 S119B(1)(b) as amended by the Countryside and Rights of
Way Act 2000 Schedule 6 para 8
FP 16a Compton (Part) SU Ref 5180**

Dear Miss Sherman,

In reply to your letter sent on the 2nd August we would like to comment on the Downs School proposal to divert the footpath around the edge of the school field, from the current route across the middle.

We've reviewed the school's proposal and feel it to be a poorly thought out plan which raises more questions than it answers. The school has proposed a 2m wide path around the perimeter of the existing field, which borders our property. They propose a heavy duty 2m high palisade fence on their side and have offered to replace their existing chain link fencing along their boundary which adjoins our property, with more chain link fencing and some hedging.

The school field has been formed by terracing what was originally a hill. This means the perimeter of the field, where the proposed path would run, would have a slope across the footpath so steep that it cannot be used by walkers. To level the path would undermine the neighbouring gardens unless a retaining wall was built at great disruption.

The school's proposal states that they wish to divert the path because of concerns around security and litter, citing recent break-ins. It worries us that if such activity is commonplace, as the school suggests, then the proposed plan will increase the risk of robbery/vandalism to our property. They have after all only offered to replace their existing boundary neighbouring our garden with more chain link fence. This type of fencing was mentioned at the Compton Parish Council meeting in February and

wholly rejected by Mrs Houldey as an unsuitable deterrent, so that offers little comfort. Regarding the litter found on the field, so far as we have seen, the majority of the litter appears to be due to the pupils themselves rather than other people using the existing footpath, or so we conclude from the sweet wrappers and school homework blown into our garden.

We understand that the priority of the school is to protect its pupils and staff but we do not believe that diverting the footpath and barricading the school in this way is the best solution to their problems. As the school has already started to fence off other parts of the site with the palisade fencing, it is now much easier to see what the footpath would look like. The fencing looks fine from a distance but is quite intimidating close up. Creating a path fenced in this manner will produce a much less approachable route, which many will find threatening especially in the evening/at night. As the school insists on this type of barricade, it would be much easier to fence in the existing path, which is already flat. They complain that the footpath currently passes too close to the school buildings, so why was the new extension designed and built in this way? The site is large enough for this to have been taken into account. *

In summary, I feel there are many points against the proposed diversion and few for it. To offer an alternative, we believe the security concerns of the school and the residence of Shepherds Mount could be addressed if the footpath continues across the field on its existing route but diverts to turn left at the far side of the field just before the new school buildings. This route could easily be fenced and locked in the manner they propose without aggravating walkers and their neighbours alike.

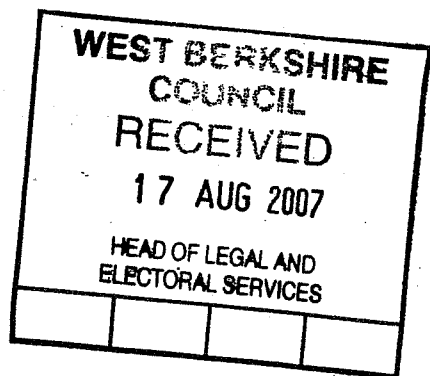
Yours sincerely,



Mr and Dr Brewer (Cantab)

t Council

Council Offices
Market Street
Newbury
Berkshire
RG14 5LD



**Highways Act 1980 S119B (1) (b) as amended by the
Countryside and Rights of Way Act 2000 Schedule 6 para 8
FP16a Compton (part) SU Ref 5180**

15 August 2007

Dear Ms Sherman,

In response to your letter of 2nd August I would like to make the following comments regarding this proposal.

I have been a neighbour to the Downs School now for almost 30 years and in that time I have enjoyed quiet pleasure from our property, in fact I bought our house largely because of its location.

My three children were brought up in the village and all attended the school, and I therefore have a little knowledge of the history and workings of the site.

I have made great efforts to gather information and consider this application, and have held a site meeting with Lisa Hill from the school, I have walked the proposed route with her and filmed various points that I consider would become an issue if this were to be approved.

Unfortunately because the proposed path must follow the contours of the ground, the exact location of such a fence within a few Cm either way will dramatically affect the final height.

At the lower boundary of my garden the school already has a mound that is 1.4m higher than my ground, placing a 2m fence on that will mean a 3.4m structure looming over our property, more in keeping with a prison than a school.

If it were to be placed at the real ground and current boundary level, there will be some considerable earth works required and I have some concerns that depending on how this is done, may cause water run off from the field and impact my property. Your letter refers to hedges, which provided they are within the school boundary and properly maintained could probably help

screen in some way, provided that they do not become neglected and add even more to the height of the structure.

The question of the existing fence was discussed at my meeting with Lisa, and it was unclear to her as to who was responsible for its upkeep, there have been numerous times in the past years that I have found it necessary to make repairs to this for our own security although it was originally installed as a continuous fence along all boundaries by the school, when asked for assistance in the past I have always been advised that there were no funds available and have therefore borne all costs myself.

Regardless of whether the path route is changed or not I appreciate that the school recognises this issue and is willing finally to repair or replace their existing fence. Provided that in doing so my hedges are not damaged in any way.

Partly because of the condition of this existing fence, and for our own privacy I have over the years planted and nurtured hedging as a screen along that fence line.

This raises an important issue for me however, as in order to keep this healthy and under control it is necessary to have it professionally trimmed twice a year, failure to do this would have resulted in it becoming overgrown, too high and ineffective as a screen at low level.

We have always in the past had this work carried out by kind permission of the school with access from both sides, as it requires our contractor to work on the school side and remove considerable amounts of trimmings by trailer.

If there were to be a 2 meter strip of path bounded by two high fences, along the entire length of our property, I cannot see how we could ever do this again and it would very quickly become overgrown.

Until this application was discussed I was quite unaware of the extreme levels of criminal and anti social activity taking place a few feet from my home.

It is therefore inevitable that as in all such cases the problem is exported to the surrounding areas, in this case clearly my property, as all walkers for whatever their purpose will pass the entire length of my garden within a meter of us.

I just cannot believe that unless walkers whisper, children stroll silently past us and their pets are muzzled that we will not be subjected to a nuisance that has never existed before.

The existing path is always strewn with rubbish, and even now we regularly clear refuse from our garden that is thrown over our hedges. I can only assume that this will become much worse.

Should this application be successful the offer of a chain link fence would not help a great deal, as when discussed at the Parish Council meeting on 20th February, this type is apparently easily climbed, hence the school requirement for the proposed Palisade.

Surely we too would require an equal level of security?

In conclusion I feel that for the following reasons, I strongly object to the proposed change of route.

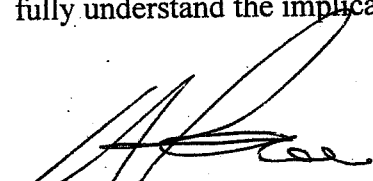
- 1 Unsightly structure spoiling our view
- 2 Possible water run off
- 3 Increased threat of criminal activity
- 4 Inability to maintain our hedges
- 5 Noise and nuisance from all users
- 6 Turf surface on the steep slopes in winter would be unsuitable.
- 7 Lone walkers, especially women would be vulnerable in this long "fenced tunnel".

I would have thought that simply continuing the current route bounded by whatever fence the school feels appropriate would be a much more sensible proposal, firstly the ground is flat, and whilst more fence would be required this would be partly offset as there would be no need to repair or replace the wire link as suggested.

The fact that the school would be more secure would in itself remove this problem, I would in that event be quite prepared to take over the responsibility for that boundary and install a replacement at my own cost.

As the various slopes and terrain are impossible to consider on paper, it may be advisable, as I did, for those responsible in considering this proposal to actually walk the planned route,

within the 2 meter strip as shown, only by doing so would you fully understand the implications.



Yours sincerely

Mr S J Rowe
37 Shepherds Mount
Compton
Berks
RG20 6QY

Response by The Downs School to comments on proposed diverted footpath

Appendix 8

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Issue	Complaint	Response
Lighting	No streetlighting at end of proposed footpath diversion	There is no lighting at the end of the existing footpath (or indeed from there turning right along the pavement until the top of Manor Cr is reached). The school has written to the highways department at WB requesting streetlighting along the road earlier in 2007 (unrelated to footpath diversion), but this has been refused. Lighting, parking and access around the Sports Centre was improved by the school in 2006.
	No lighting along route of proposed diverted path	There is no lighting along existing path, which is difficult to navigate most nights without a torch. It is the norm for County footpaths to be unlit in the Compton area.
Vandalism	School is overplaying incidents of vandalism/ trespass/ harassment	<p>The school has not wanted to advertise incidents because it is so very damaging for its public image. Many very worrying incidents have occurred both during and after school hours. The school has a duty of care for people and property but at present the site cannot be described as safe. Interestingly the parish council, the police and the local councillor, who are fully aware of similar problems around the village all support the diversion.</p> <p>We are not "intimidated by activities" but when (just as an example) youths are holding all night drinking sessions, getting drunk and breaking up, stealing and burning things, and at other times petrol bombs are thrown at the Science block then we must limit these activities. If we do nothing our insurance is likely to be compromised because we will not have responded to the obvious threat of even more serious damage to people or property.</p> <p>Other events have involved: youths coming onto site hurling missiles at staff on the playing fields, youths getting on the buses taking pupils home, drunken youths running through the building which they have accessed from the footpath, windows and doors kicked in, overhead wires cut, CCTV cameras damaged. Our incident records are available for the council to view and the police are well aware of our problems. Walkers are less likely to see dog mess because our site manager spends a considerable amount of time picking it up - we cannot have our children playing sport in dog mess.</p> <p>Our site manager is regularly the victim of verbal abuse from a minority of dog walkers who allow their dogs to use and foul the school playing fields.</p>
Partial fencing of school boundary in advance of footpath decision (summer 2007)	Fencing is unsightly	Irrelevant to proposed diversion. Advise from WB planning department was sought beforehand regarding need for general planning permission and we were advised that none was required. It is a shame not everyone feels, as the school does, that the fence is absolutely necessary, but it is necessary and most residents when asked have said that they understand the need, and think it looks OK, particularly as we have chosen a green colour, not grey or black. The hedging and trees will grow over time to soften the lines. Unfortunately many of the new trees planted alongside the new car park were vandalised in the spring of 2007.
	Permission for gates across footpath (continuing the line of the fence) not sought by school from WB footpaths officer	The school did not realise that even unlocked gates required permission. We completely apologise for this oversight. The padlocks have been removed from the two gates across the footpath so they cannot be locked. We have always known that the gates across the footpath would need to be open at all times. We certainly do not regard ourselves as "above the law" - we are simply working to safeguard the 1,000 children, 150 staff and approximately £12 million of property in our care.

Response by The Downs School to comments on proposed diverted footpath

Issue	Complaint	Response
	Fencing is unnecessary	<p>Our insurance conditions require that we do everything reasonable to ensure the safety of the site. Central government legislation requires that we keep the site safe. Risk assessments have been done and fencing was an obvious solution.</p> <p>Vandalism (at least within the school buildings now bounded by the new fence and gates at the rear of the school) has almost stopped since the fence was erected. The most serious exception to this was on a dark evening in early October when stones were thrown (from the boundary gate to the side of Drama) at pupils, staff and visitors participating in a concert - luckily only two windows were broken and nobody was hurt)</p>
<p>No pavement at end point of proposed diversion</p>	<p>Proposed diverted footpath does not link in to wider footpath network</p>	<p>Most walkers coming from the Burrell road entrance either want to access the school/sports centre, in which case onward routes are irrelevant, or are heading south - usually through the woods that belong to Maxted farms. The route through the woods is normally accessed at the moment by walkers trespassing over the top school field. The alternative is to walk up to the end of the footpath where it terminates at the road, turn left and walk up the road (grass verge) and then cut left into the woods. The proposed diverted footpath thus offers a safer route to the woods, which does not involve trespassing on school grounds. Once through the woods the walker can pick up the footpath running past Hawk Croft Copse and then down to the primary school. (The end of the proposed diverted footpath is closer than the existing route to this Hawk Croft Copse footpath, and that is what was meant by "linking to the wider footpath network" in our original diversion submission.)</p> <p>If the walker turns right to come back into Compton at the end of the diverted footpath route then there is no pavement (but there is a fairly wide grass verge) for about 150 yards, but it is very often the case with a footpath network that one path does not directly join another.</p>
<p>The diverted footpath itself</p>	<p>Poor disabled/pushchair access/ ease of route</p>	<p>The proposed diverted footpath will be as accessible to the same degree as the existing footpath, albeit there would be a very gradual slope up along one side of the field, and then a very gradual slope down along the other side. We restate: the footpath itself would be level and at least 2m wide. It must be borne in mind that the entrance to the footpath from Burrell Rd has several steep steps (without a handrail on either side) and as marked slope as any proposed by the diversion - so <u>access is already restricted to people who can navigate this.</u></p>

Response by The Downs School to comments on proposed diverted footpath

Issue	Complaint	Response
	<p>Vulnerability of people using a long, fenced in footpath</p>	<p>Again, the entrance to the footpath at Burrell Rd is already vulnerable to the same degree, although it is shorter, of course. There are many examples around the village of similarly enclosed footpaths which pose the same level of vulnerability to the user eg the footpath alongside the gallops between Superity and Stocks farm, the footpath from Church Farm where it joins the Downs Rd (running between two properties) and most of the footpath from the railway bridge at the end of Wallingford Rd going up to Crows foot. Indeed it is actually the norm locally that footpaths are enclosed, the exceptions being where they run across or beside agricultural fields, or along the side (not the middle) of the recreation field. The only path we can see that borders private buildings and is not enclosed is the footpath through the old railway station. The school is a private building just like a residential property, and deserves the same level of protection.</p> <p>If the footpath is indeed diverted then the school would plant up its side of the fence with greenery to grow up and soften the lines of the fence and thus the view for people walking along the footpath.</p> <p>Walkers and residents should also know that our intention would be to fence in the path on both sides on its current route across the field, if the diversion is not granted, so an enclosed path would be created whatever happens.</p>
	<p>Security and "export of vandalism" to neighbours</p>	<p>Neighbours are concerned that their properties will be made vulnerable by having the path diverted alongside their gardens. We would say that their gardens are fenced thus providing security; the school only wishes to provide itself similar security with fencing. We have offered to provide chain link fencing to improve fencing for neighbours where it is insubstantial. If any neighbours wish to have palisade fencing the same as the school's, we are happy to enter into discussions with them. Land Registry records show that the fencing between our neighbours and the school is a joint responsibility - no one party "owns" the fence.</p> <p>The sort of vandalism and trespass we have seen at school is a function of the layout and nature of the school buildings - wide, empty, hidden spaces where youths can congregate (often in cars), drink and get up to no good whilst remaining unnoticed. This opportunity is not offered by the footpath we are proposing - and this argument is reinforced by the fact that other footpaths around Compton do not see such activity.</p>
	<p>Water run-off</p>	<p>The school cannot see how water run-off will be more of a problem with a diverted path than it is now. Any run off would fall onto the school land rather than neighbours'.</p>
	<p>Building of the path itself</p>	<p>All the engineering requirements of making the path, including the earthworks, have been taken into account by the school. The footpath would be well maintained and level, with a gentle slope up one side of the field and another gentle slope down the other side. Its surface would be turf.</p>
	<p>Height of fence - neighbours overlooked</p>	<p>The fence will not be higher than Mr Rowe's own garden fence (he wrote and was concerned about this) as the footpath would run at the level of the bottom of the gully behind his fence, not on the field at the top of the gully.</p>
	<p>Maintenance</p>	<p>The school accepts that it will maintain and keep the path clear. Any access required for the maintenance of neighbours' garden hedges will be allowed for in the fencing design.</p>

Response by The Downs School to comments on proposed diverted footpath

Issue	Complaint	Response
BT access	Access	Access will be available for BT at all times.
Litter	Children drop litter on existing path	There would be no need for Downs School children to use the entire length of the footpath to access school, so any litter dropped by them would be reduced. It would also be easier for us to keep children on site at lunchtime thereby decreasing any lunchtime litter problems and possible nuisance factor. We will have a gate for pupils to access school at the Burrell Road entrance.

read receipt. [Click here to send a receipt.](#)

Appendix 9

Sent: Tue 30/10/2007 08:01

things

f MS/L14_0398/03_21010

30 October 2007

Dear Lisa/Sallie

Please see the attached thread from Dr McGeehin, who is maintaining his objection to the proposal.

Yours

Michèle Sherman

Michèle Sherman

Legal Executive

Legal & Electoral Services

Market Street Newbury RG14 5LD

Document Exchange: 30825 Newbury

(T): (01635) 519416

(F): (01635) 519431

From: Dr Peter McGeehin [mailto:p.mcgeehin@btinternet.com]

Sent: Mon 29/10/2007 17:49

To: Michele Sherman

Cc: Claire Southgate

Subject: Footpath 16a/Compton ref MS/L14_0398/03_21010

Dear Ms Sherman

I am in receipt of your letter of 25th October 2007 with the attached Response from The Downs School. I am not convinced by the Response and I therefore formally record that my objections should not be withdrawn.

Given the current arrangement of fencing and entrance gates on The Downs School site, and the liking of the School for security fencing in proximity to buildings, I cannot see why fencing cannot be erected either side of the current path across the playing fields. This would be a shorter route for pedestrians, would be considerably less expensive to construct, and would involve the School in significantly reduced future maintenance costs. I commend this solution - tacitly acknowledged by the School - to the Council.

I note the School has given an undertaking to maintain any fenced path that is constructed and a legal obligation should be placed on the School in order to create a binding commitment.

I am copying this message to the Clerk to Compton Parish Council.

Yours sincerely

Dr Peter McGeehin
Oakbridge, School Road
Compton, Newbury
Berks RG20 6QU UK
Tel: +44 1635 578 952

Appendix 10

Mr.M.J.& Mrs.A. Lofting
25 Shepherds Mount
Compton
Newbury
Berks. RG20 6QY

29 October 2007

Miss M. Sherman
Legal Services
West Berkshire District Council
Market Street
Newbury
RG14 5LD

Dear Miss Sherman,

Proposed Diversion of Footpath - Downs School Compton. SU Ref 5180. Public Path
Diversion Order 2007.


Thank you for passing on the response of the school to the objections raised. The undertaking by the school to maintain the new path enables us to withdraw point 3 of our objections, but we have to maintain our objection to the above proposal for the reasons 1 and 2, which we raised, and for which there is no satisfactory response from the school. To reiterate the outstanding reasons for our objection are:

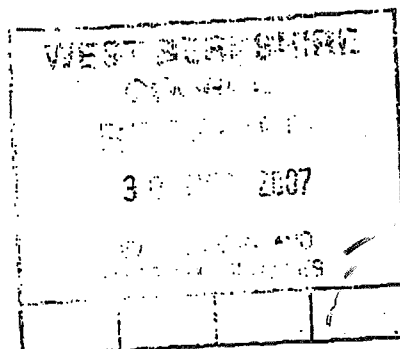
1. The proposed new route as shown does not take the path through to the same point on the Newbury road as the existing path. Consequently, to walk from that end of the path back towards the village it would be necessary to walk on the road where it is narrow and carries fast moving traffic (40 mph limit is too fast and not widely observed anyway).
2. The palisade fencing already installed has been taken right up to the existing (damaged) fence at the boundary of the playing field with Pitt Coppice. Furthermore, this part of the new fencing has already been extended through a right angle along the line of the damaged existing fence to join the latter where the damage ends - ie blocking off any exit from the end of the proposed route of the diverted footpath.

We also reiterate that these objections would be overcome if:

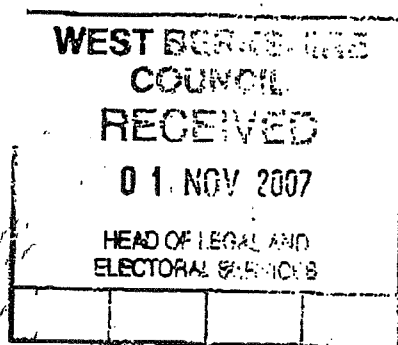
1. Some levelling and reseeding is carried out on the strip of land between the edge of the Newbury road and the newly installed palisade fencing between the exit onto the road of the present path and Pitt Coppice. One could then walk on this rather than the road. This is not much to ask, given that all the machinery for making the new path will be on site. It is not a satisfactory answer to this objection to claim (wrongly in our case) that "most people want to walk the other way".
2. The misplacement of the newly erected palisade fencing is corrected.

Yours sincerely,


(Mr. M.J. Lofting and Mrs. A. Lofting)



Appendix 11



Oakbridge
 School Road
 Compton
 Newbury
 Berkshire. RG20 6QU
 Tel: 01635 578952
 f.mcgeehin@btinternet.com

30th October 2007

Ms Michele Sherman
 Legal and Electoral Services
 West Berkshire Council
 Council Offices
 Newbury
 Berkshire. RG14 5LD

Attention of Michele Sherman Legal Executive

**Highways Act 1980 S119B (1) (b) as amended by the Countryside and Rights of Way Act 2000 Schedule 6 para 8
 FP 16a Compton (part) SU 5180**

Dear Ms Sherman

Thank you for your letter of 25th October with the attached response from the Downs School. For various reasons, some of which I have noted below, I am not willing to withdraw my objections to the proposed diversion order which I would like to be passed on to the Portfolio Member.

In general I feel that a great deal of public money will be necessary to construct and maintain structures which will in all probability not solve any of the problems, be an eyesore in a village environment and not render the school any 'safer' in the long run. Regarding the 'public image' of the school - surely it is the responsibility of the community whose children are creating the public nuisance to be aware and do something about the problems. This will not happen if they are unaware of the 'incidents' taking place.

The problems regarding the proposed footpath will not necessarily be evident on the footpath. Already the inability to enter the footpath from the area at the top corner of Shepherds Mount is causing trespassing along the edge of the farm field at the back of the houses at the top of the Mount.

I note that the school has indicated that if the application is rejected the intention is to enclose the current footpath. This would indeed overcome all of my objections at minimum cost. I recommend this course of action to the Council.

Yours sincerely

Faye McGeehin

Faye McGeehin (Mrs)

in
Services
incil

34 Shepherds Mount
Compton
Newbury
Berkshire
RG20 6QZ

SECTION OFFICES
Newbury
Berkshire
RG14 5LD

30th October 2007

Attention of Michèle Sherman Legal Executive

Highways Act 1980 S119B (1) (b) as amended by the Countryside and
Rights of Way Act 2000 Schedule 6 para 8
FP 16a Compton (part) SU 5180

Dear Ms Sherman

Thank you for your letter dated 25th of October.

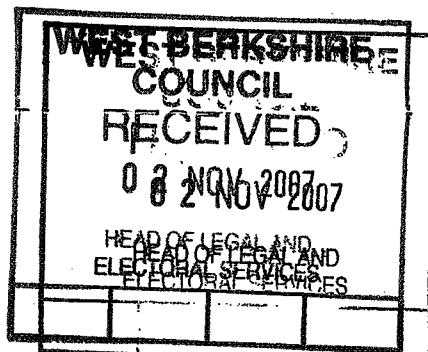
I gather from the responses that if the proposed diversion is not accepted the school will fence in the existing path, I think that is a much safer idea, it would give walkers an open view on all sides whereas the proposed diversion would have woods on one side.

I am a little surprised that no one at the school realised that even unlocked gates needed permission; I would have thought they would have investigated the whole issue thoroughly knowing that it was a contentious issue.

I am prepared to withdraw my objection, because I feel the school will re-route the footpath sooner or later, and I hope that this does stop any acts of vandalism.

Yours sincerely


Mrs M Collins



Appendix 13

49 Shepherds Mount
Compton
Newbury
Berkshire
RG20 6QY

30th October 2007

Ms Michele Sherman
Legal and Electoral Services
West Berkshire Council
Council Offices
Newbury
Berkshire
RG14 5LD

Attention of Michele Sherman Legal Executive

Highways Act 1980 S119B (1) (b) as amended by the Countryside and Rights of Way
Act 2000 Schedule 6 para 8
FP 16a Compton (part) SU 5180

Dear Ms Sherman

Thank you for your letter of 25th October 2007 with attachment from the Downs School.

I am not withdrawing my objections to the re-routing of footpath 16a Compton.

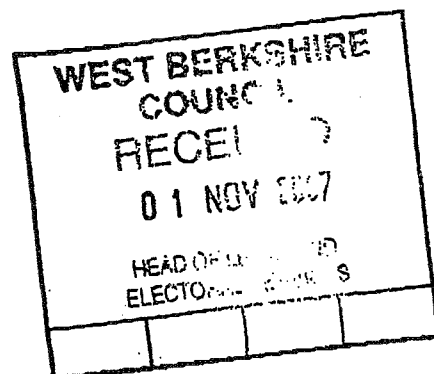
Unfortunately I feel the responses to the enquiries I have made are very selective and do not cover all my concerns. I also cannot believe that the Head Teacher and 150 of her staff members did not know that permission had to be confirmed by the West Berkshire footpaths officer before any gates locked or unlocked could be erected.

The Downs School has stated they intend to fence in the current path (Footpath 16a) on both sides of the footpath if the new route is not granted. I have no objections to the current footpath being fenced in. This is safer for walkers as the route is straight and will not run along the woods. The cost will also be considerable cheaper for the School than re-routing the footpath 16a Compton

Yours sincerely

Roberta Fannin

Roberta Fannin



Individual Decision

Title of Report:	Nominee for LA Appointed School Governor at Trinity School		
Report to be considered by:	Chairman of the Newbury Area Forum	on:	22 November 2007
Forward Plan Ref:	ID1514		

Purpose of Report:

To approve a nominee for a Local Authority Appointed governor position at Trinity School

Recommended Action:

To approve the appointment.

Reason for decision to be taken:

Newbury Area Forum decided all school governor appointments to be made by individual decision.

List of other options considered:

To not appoint.

Key background documentation:

None.

Portfolio Member:	Councillor Mike Johnston
Tel. No.:	01635 582463
E-mail Address:	mjohnston@westberks.gov.uk

Contact Officer Details

Name:	Barbara Sandford
Job Title:	Governor Support Assistant
Tel. No.:	01635 519084
E-mail Address:	bsandford@westberks.gov.uk

Supporting Information

1. Background

1.1 The Newbury Area Forum decided all governor appointments are to be made by individual decision.

Appendices

Appendix A - Nomination form completed by nominee.

Implications

Policy:	None.
Financial:	None.
Personnel:	None.
Legal:	None.
Environmental:	None.
Equalities:	None.
Partnering:	None.
Property:	None.
Risk Management:	None.
Community Safety:	None.

Consultation Responses

Members:

Leader of Council:	Graham Jones
Overview & Scrutiny Commission Chairman:	Brian Bedwell
Policy Development Commission Chairman:	Irene Neill
Ward Members:	Marcus Franks and Paul Bryant
Opposition Spokesperson:	Alan Macro
Local Stakeholders:	Barbara Alexander (Portfolio Member) Members of Newbury Area Forum. No response except: Adrian Edwards – supports appointment.
Officers Consulted:	Rosie Bass – approves of appointment.
Trade Union:	*

Is this item subject to call-in.	Yes: <input checked="" type="checkbox"/>	No: <input type="checkbox"/>
<p>If not subject to call-in please put a cross in the appropriate box:</p> <p>The item is due to be referred to Council for final approval <input type="checkbox"/></p> <p>Delays in implementation could have serious financial implications for the Council <input type="checkbox"/></p> <p>Delays in implementation could compromise the Council's position <input type="checkbox"/></p> <p>Considered or reviewed by OSC or associated Task Groups within preceding 6 months <input type="checkbox"/></p> <p>Item is Urgent Key Decision <input type="checkbox"/></p>		