

# Individual Decision

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The attached report will be taken as  
an Individual Portfolio Member Decision on:

**3<sup>rd</sup> September 2009**

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<b>Ref:</b>	<b>Title</b>	<b>Portfolio Member(s)</b>	<b>Page No.</b>
ID1925	<b>Footpath 16a Compton Special Diversion Order 2008 (opposed)</b>	Councillor Hilary Cole	3 – 20



## Individual Executive Member Decision

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<b>Title of Report:</b>	<b>Footpath 16a Compton Special Diversion Order 2008 (opposed)</b>
<b>Report to be considered by:</b>	Individual Executive Member Decision
<b>Date on which Decision is to be taken:</b>	3 <sup>rd</sup> September 2009
<b>Forward Plan Ref:</b>	ID1925

**Purpose of Report:** To decide whether the Council should send the opposed Special Diversion Order 2008 for Footpath 16a Compton (part), to the Planning Inspectorate for Determination

**Recommended Action:** To send the opposed Special Diversion Order 2008 for Footpath 16a Compton (part) to the Planning Inspectorate for Determination

**Reason for decision to be taken:** The Council has made the Special Diversion Order 2008 and objections to it have been raised.

**Statutory:**       **Non-Statutory:**   
**Other:**

**Other options considered:** The Council is not obliged to send the opposed order to the Planning Inspectorate. It could decide to abandon the Order.

**Key background documentation:** Report for Individual Decision dated 22<sup>nd</sup> November 2007 and s119B Highways Act 1980 as amended by Countryside and Rights of Way Act 2000

Portfolio Member Details	
<b>Name &amp; Telephone No.:</b>	Councillor Hilary Cole - Tel (01635) 248542
<b>E-mail Address:</b>	hcole@westberks.gov.uk

Contact Officer Details	
<b>Name:</b>	Sallie Jennings
<b>Job Title:</b>	Rights of Way Officer
<b>Tel. No.:</b>	01635 519070
<b>E-mail Address:</b>	sjennings@westberks.gov.uk

## Implications

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<b>Policy:</b>	None
<b>Financial:</b>	Budgetary provision exists for the making and advertising of Diversion Orders including sending opposed Orders to the Planning Inspectorate for determination
<b>Personnel:</b>	None
<b>Legal/Procurement:</b>	None
<b>Environmental:</b>	None
<b>Partnering:</b>	None
<b>Property:</b>	None
<b>Risk Management:</b>	None
<b>Community Safety:</b>	None
<b>Equalities:</b>	None

## Consultation Responses

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### Members:

<b>Leader of Council:</b>	Graham Jones – no comments received
<b>Overview &amp; Scrutiny Management Commission Chairman:</b>	Brian Bedwell – no comments received
<b>Select Committee Chairman:</b>	Emma Webster – no comments received Quentin Webb - no comments received
<b>Ward Members:</b>	Barbara Alexander – no comments received
<b>Opposition Spokesperson:</b>	Royce Longton – no comments received
<b>Local Stakeholders:</b>	Compton Parish Council. Ramblers' Association
<b>Officers Consulted:</b>	Paul Hendry, Sharon Armour
<b>Trade Union:</b>	n/a

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

## Supporting Information

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### 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:-
  - (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 (came into effect Nov. 2006) to provide for the new Graham Taylor building (GTB)
- 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. 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 Act 2000, which inserts new sections 118B and 119B into the Highways Act 1980.
- 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. This came into effect in Nov. 2006.
- 1.7 As a Foundation school, the governors make decisions about its grounds. Following a further public meeting at which there was still opposition to diverting the footpath,

the school made an 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 was made in May 2007. The proposal is shown on the map (Appendix 1).

- 1.8 During the 2008 school summer holidays dark green palisade fencing was installed around parts of the school 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.

## **2. Objections to the Order**

- 2.1 At the informal consultation stage, letters were received from 9 local residents, the majority of whom lived in Shepherds Mount, the road adjacent to the eastern end of the footpath. All of these respondents either objected to the proposal or had 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 (D - Z on map – Appendix 1). Six of these residents wished for their objections to be maintained despite subsequent communication with them and following discussions with the school. Of these, two (Mr and Dr. Brewer and Mr Rowe) have officially objected to the Order (see paragraphs 2.2 and 2.3 below). It is possible that the 4 residents who did not withdraw their objections but who did not object during the formal objection period, are under the misapprehension that their earlier letters of objection still stand. Whilst they were not “officially” made, they can be sent to the Planning Inspectorate as background information.

- 2.2 Mr and Dr. Brewer would like the following objections to be taken into account:-

- Loss of privacy and security as the new route would be alongside their property boundary;
- Security of footpath users as walkers would be vulnerable in the 256 metre long tunnel which would be the new route;
- Insufficient detail regarding the earthworks needed to form the new route; They also make comments about litter being generated by school children. Their letter is attached as Appendix 2)

- 2.3 Mr Rowe’s objections are made on the following grounds:-

- Unsightly structure spoiling the view from his property;
- Possible water run off;
- Increased threat of criminal activity;
- Inability to maintain his hedges due to the new fencing;
- Noise and nuisance from all users;
- Turf surface on the steep slopes in winter would be unsuitable;
- Lone walkers, especially women would be vulnerable in the long “fenced tunnel”.

His letter is attached as Appendix 3).

- 2.4 Mr Howard, a resident of Compton, is also objecting to the movement of the footpath. He thinks the desire to protect the school is honestly motivated but misguided. He believes that the fence destroys the positive atmosphere that the

school and the setting of Compton provide and is unnecessary in the rural environment. His letter is attached as Appendix 4).

- 2.5 Compton Parish Council comment on the fact that the school has said that parts of the school will remain open, (i.e. gates not closed during school hours) to allow free access to staff, pupils and visitors. It “questions the appropriateness of stating that Footpath 16a is the weak link in the school security and whether the use of the CROW Act 2000...., to apply to divert a footpath for the purpose of protecting pupils and staff at the school would still hold-up legally, given that free and open access to school continues”. (A copy of the e-mail sent to Stuart Higgins is attached as Appendix 5).
- 2.6 The school has responded to the various objections outlined above and its comments are attached as Appendix 6.

### **3. Legal Considerations**

- 3.1 The application must be considered under Section 119B of the Highways Act 1980. The Council had to consider that it was 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
- 3.2 The school has suffered a high number of incidents over several years. 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. For this reason, the Council made the Special Diversion Order 2008.
- 3.3 In order for the Diversion Order to be confirmed, regard must be given to all 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.
- 3.4 The school does have CCTV in place which has captured some of the criminal activity 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.

- 3.5 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. The rights of way officer considers that the proposal would be strengthened if the main vehicle and pedestrian gates leading to the main reception in the GTB were locked during the school day. This would mean that any visitors to the school during these times would have to be buzzed through by intercom. This would make the school very secure during school hours and only the front of the GTB would be accessible when the Sports Centre was open to the public. The school has indicated that it would be willing to comply with this suggestion.
- 3.6 A further step that could be taken before diverting the footpath would be for the school to fence the existing footpath on either its northern side or both sides. This would require impenetrable fencing (gated to allow school children to pass through), but this would not take the public away from the vicinity of the GTB and if only fenced on the northern side would still give the public access to part of the school field. The school has indicated that it does not wish to fence the footpath as they consider it would be expensive, unattractive and inconvenient and wouldn't resolve the key issue of daytime and night time access to the front of the GTB. Officers have raised concerns that this should have been carried out and the results tested prior to a diversion of the footpath being considered, and have advised that it may lead the Planning Inspectorate to consider that the school have not done enough to meet the criteria of the Act (see paragraph 3.2 (i) above).
- 3.7 With regard to the proposed new route, 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 2.5 metres should help to reduce the tunnelling effect as should the school's proposal to provide less intrusive fencing (as used by The Castle School, Shaw). Less intrusive fencing alongside the path will hopefully "disappear" more easily into the proposed greenery, than the palisade fencing that was initially proposed. The Executive Member for Children and Young People has prepared a bid for capital funding of a pavement between points D and Z (see Appendix 2) and an undertaking has been given by the Highways department that this will be provided if the Diversion Order is confirmed. The school has been in contact with householders whose properties border the proposed new path and will continue to liaise with them about provision of fencing/measures to reduce the impact of the proposed new route on their properties.

#### **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, although the "tunnel effect" cited by objectors is of concern.



- 4.2 Whilst the school has taken various steps to improve school security, officers have concerns that the relevant criteria in the Act are not met because it is unclear whether:-
- the footpath is facilitating the criminal activity;
  - that the new route is a substantial improvement in security; and
  - the school has exhausted all other possibilities.
- 4.3 Therefore the two options open to the Council are to either abandon the Order or to send the matter to the Planning Inspectorate for determination. Given the above and in light of the fact that this is one of West Berkshire's schools, it is proposed that the matter is sent to the Planning Inspectorate for independent determination.
- 4.4 The Council will remain neutral at any Public Inquiry or Hearing that may take place. It will be up to the school to provide the evidence they have met the criteria and officers will simply be there to assist the Inquiry and explain why the order was made.
- 4.5 It is recommended that the matter is therefore passed onto the Planning Inspectorate for determination as soon as possible.

## **Appendices**

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Appendix 1 – Plan of area

Appendix 2 – Objection Letter – Mr. & Dr. Brewer

Appendix 3 – Objection Letter – Mr. S.J. Rowe

Appendix 4 - Objection Letter – Liam Howard

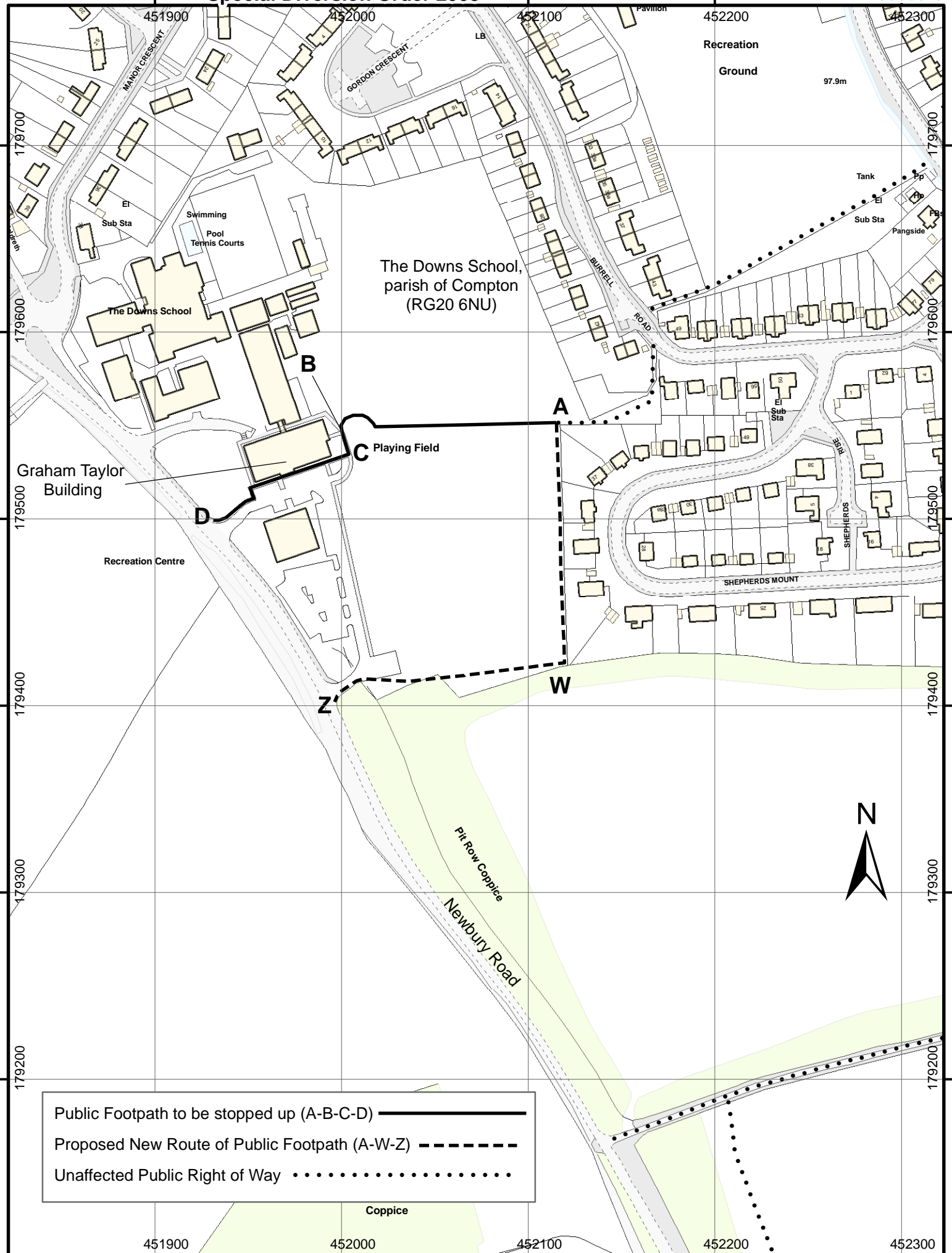
Appendix 5 – E-mail from Compton Parish Council

Appendix 6 – Response to objections from The Downs School



# West Berkshire District Council (Public Footpath Compton 16a (part), The Downs School) Special Diversion Order 2008

Scale: 1:2500



Public Footpath to be stopped up (A-B-C-D) ————  
 Proposed New Route of Public Footpath (A-W-Z) - - - - -  
 Unaffected Public Right of Way . . . . .



ENVIRONMENT

12 NOV 2008



35 Shepherds Mount  
Compton  
Newbury  
RG20 6QY  
10<sup>th</sup> November 2008

Re: Proposed diversion of Public Footpath Compton 16a

Dear Mr Jennison,

We recently received notification of the intention to divert Compton Public Footpath 16a where it passes through the Downs school grounds. We would like to formally raise our objections again to oppose the diversion. We were first informed of the intention to divert the footpath last year. At that time we wrote to object and our letter of that period (dated 28/08/07), although acknowledged, remains unanswered. This new communication addresses some of the points raised by local residents but leaves many objections unanswered. We would therefore like the following objections to be taken into account:

- 1) Loss of privacy. The school field is currently used by pupils and staff, during term time and mainly during school hours. Diverting the footpath along our boundary with the school will result in loss of our privacy as anyone will be able to walk within 7.5 metres of our house 24 hours per day, 365 days per year.
- 2) Security. The school's fence along this boundary is only 1.3 metres high, is in poor condition, and is easily scaled by any criminals the school seeks to defend itself from. I have seen no offer to replace this with anything more substantial.
- 3) Security for footpath users. The new footpath will form a 256 metre tunnel with no means of escape for anyone confronted by an attacker. Legitimate users will be vulnerable and may not feel that they can continue to use this footpath in the proposed form.
- 4) Insufficient detail in the proposal. The additional note which accompanies the proposal states a new fence will be erected no closer than 2.5 metres from the school boundary fence and the steeply sloping ground at the edge of the school field will be made level to form the new path. The proposal gives no indication how this will be achieved without undermining residents' gardens and the boundary fence with those properties.
- 5) Litter. One of the school's reasons for seeking a diversion was due to litter from walkers. We believe this litter is largely generated by school pupils since much of it consists of sweet wrappers and school work. We know this as the prevailing wind is from the South West across the school field and the litter is blown into our garden.

Yours sincerely,

Mr and Dr Brewer.

Public Rights of Way Team  
West Berkshire Council Offices  
Faraday Road  
Newbury  
RG14 2AF

By Courier

Diversion of Public Footpath Compton

Dear Sirs,

In reply to correspondence dated 16th October and received from you 30<sup>th</sup> October.

I do object to this proposal and have done so in writing on numerous occasions.

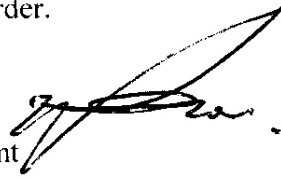
My last reply was on 30<sup>th</sup> October 2007, Ref MS/L14 0398/03 21010, in response to correspondence from Michelle Sherman dated 25<sup>th</sup> October 2007.

I enclose copies of these letters and confirm that my objections are made on the grounds of the disruption to my enjoyment of my property and the likely nuisance this proposal will cause.

None of the suggestions offered in response have in any way answered or adequately overcome the points I have raised.

I will therefore require that my objections are sent to the Secretary of State with the Order.

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



31/10/08

Enc  
#1 30 October 2007  
#2 13 August 2007

Dear Public Rights of Way Team,

I am putting forward an objection to the movement of the Public Right of Way footpath leading around the Downs School, Compton. I object to the movement of it as I believe it to be for the purpose of enclosing the school in an unnecessary and flawed fencing system.

I think that the desire to protect the school is honestly motivated, but ultimately misguided. Enclosing the school from both sides of the fence will not help to protect it any further due to the aforementioned flaws in the fence design; for example, it is easy to move under the gates which have a high ground clearance. The gates can also be climbed over due to placement of the door bolting device. All the fence serves to do at the Downs School is to destroy the positive atmosphere that the school itself and the setting of Compton provide, an atmosphere that the school tries hard to promote.

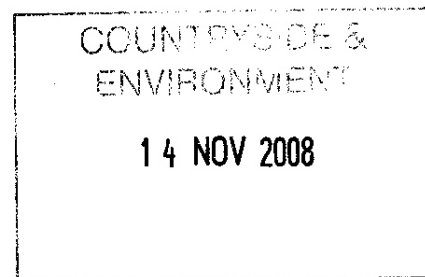
Such security is not a necessity in the rural environment. If the right of way is moved and the new fence is erected then the only people it will exclude are local people who walk their dogs, or the children who play on the slopes when it snows. These reasons may seem trivial compared with security, but there is only a perceived security breach and not a clear and present danger of one.

Thank you for reading my letter,

Yours faithfully,

  
.....

Liam Howard, resident of Compton



**From:** Stuart Higgins  
**Sent:** 14 November 2008 17:16  
**To:** Sallie Jennings  
**Subject:** FW: Footpath Diversion Order at Compton Down School  
**From:** salison1@aol.com [mailto:salison1@aol.com]  
**Sent:** 13 November 2008 15:11  
**To:** Elaine L Cox  
**Cc:** comptonparish@googlemail.com  
**Subject:** Footpath Diversion Order at Compton Down School

Hi Elaine

I have been advised to drop you an email with regard to the Footpath Diversion Order impacting Compton footpath 16 (across the downs school), as a Parish Council we early this year posed a question to the [WBC](#) legal team which has yet to be adequately answered, and I note on the current Order that comments must be into your department this week.

When the original diversion idea was brought to the Parish a member of your team (I believe Sally Jennings) informed us that under the Rights of Way Act the school where within their rights to seek a diversion of any right of way that crossed their land providing it could be deemed as a weak link in the security necessary to provide a safe environment for the staff and students alike.

At the time we suggested that as the school was completing lacking in any form or security (including fencing) and that the students were free to roam the Parish during lunch breaks the above act could not possibly to [enforced](#).

Clearly we have come some way since then with the school having now erected palisade fencing as a form of security, however it was confirmed to the Parish Council by the School Governors at a Public Meeting that the school remains open ([ie](#) gates are not closed during school hours) to allow free flowing access to staff, students and visitors. By "open" they mean physically open and unmanned and unmonitored. The PC therefore immediately posed the following question: "We therefore question the appropriateness of stating that footpath [16a](#) is the weak link in the school security and whether the use of the Countryside and Rights of Way Act 2000 Section 57 schedule 6, to apply to divert a footpath for the purpose of protecting pupils and staff at the school would still hold-up legally, given that free and open access to school continues".

As we have yet to receive an adequate answer to this question, please take this email as a formal registration of the same question within the allowed time limit for comments associated with the diversion order currently pending.

We look forward to hearing from you very soon.

With kind regards

Alison

Compton Parish Councillor

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### **The Downs School – Diversion of Public Footpath 16a**

The school has applied for the diversion of footpath 16a because it poses a significant security risk to its students, staff and property.

This proposal is made in the light of Paragraphs 8 and 12 of Schedule 6 of the countryside and Rights of Way act 2000, which inserts new sections 118B and 119B into the Highways Act 1980.

The existing footpath route runs across the middle of the playing fields. The proposed diversion runs around the south eastern edge of the grounds and would be fenced to separate it from school property. All works will be undertaken by the school as will the ongoing maintenance of the path.

The school appreciates that this diversion will affect some of our neighbours and people who use the footpath, and has adjusted its proposals following their earlier comments.

Newly drawn plans of the proposed footpath diversion are attached, along with engineering notes and drawings of the cross sections of the proposed path where it would cut along the slopes to the east and south of the playing fields. (Please note that the fencing erected in 2007 would have to be re-routed at the southern end of the school, as the proposed diverted footpath route goes through its current position.) This route then joins the permitted path through the woods to the south of the school.

This document considers the objections to the diversion order in turn, and gives the school's response.

#### **Objection to the diversion:**

**There are no security issues at the school and the footpath diversion is not required.**

**Response:** The safety of staff and students is paramount. The security of school property is also very important. The school has a legal duty to keep the site safe. Also, we are not able to secure the requisite insurance if we cannot demonstrate that we have done everything we should to make the site secure following a process of risk assessment. Our risk assessment concludes that the footpath is best re-routed.

In summer 2007 a security fence was put up around much of the school. This has reduced breaches of security at night but daytime security remains a problem.

The most recent incident (November 2008 see attached) involved a youth roaming the school at lunchtime through crowds of students. After refusing to leave the site he assaulted a teacher and then a policeman whilst he was being arrested. In the past there have been many other incidents, which the school has not always wished to advertise – for obvious reasons:

**Objection to the diversion:**

**There will be a negative impact on neighbours because the school's problems with vandalism will be exported to them via the diverted footpath. Neighbours are worried about disruption to the enjoyment of their property**

**Response:** 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; and the school only wishes to provide itself with a similar level of security with its own fencing. We have offered to provide chain link fencing to improve fencing for neighbours where theirs is insubstantial. If any neighbours would prefer palisade fencing, we are happy to enter into discussions with them. The Land Registry advises that historically the fencing between the school and its neighbours is a joint responsibility; neither party "owns" or has particular responsibility for the fence.

The type of vandalism and trespass we have seen at school is a consequence of the layout and nature of the school buildings – wide and empty, with hidden spaces where youths can congregate, drink and get into mischief whilst remaining unseen. This opportunity is not offered by the diverted footpath we are proposing - an argument reinforced by the fact that other country footpaths around Compton do not see such nefarious activity.

*Actually the existing footpath is only used to a limited extent by ordinary walkers – which leads us to believe that our neighbours really will not be inconvenienced by large numbers of people using the proposed diverted footpath. Our problem with the current footpath is of course not the ordinary walker, but the individuals who use it to gain access to students and property in order to cause real fear and harm. Once those individuals can no longer gain access to the school to cause such problems we believe that they will abandon the immediate vicinity, leaving the area safer for everyone.*

**The Downs School March 2009**

- a group of drunken youths sitting outside the sixth form centre drinking lager
- two youths running through the Graham Taylor building
- youths trying to get onto the school buses while students are going home
- a group of youths walking into the student support centre to menace particular students
- missiles thrown at staff on the field during the school day
- a drunken youth climbing onto a roof and smashing CCTV cameras
- stones thrown at students performing in an evening concert, as they moved between buildings
- 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.

It is essential to improve day time security and if the footpath were diverted we could close all entrances to the site once the school day has begun. This will mean that all students, staff and visitors must come through reception once school has actually started ie between 8.50am and 3.15pm; all external gates would be closed including a new gate at the Burrell Road entrance. (There would also be additional fencing to the left of this gate, as seen from the playing fields, to secure the site where it borders some disused land - but we do not currently consider that fencing is required around the north eastern edges of playing fields.). We have moved towards a secure site during school hours by closing some of the gates along the main road at these times, but these arrangements can only be fully implemented if the footpath is diverted enabling us to secure the rear of the school.

Out of school hours, the whole of the school playing field and buildings to the rear of the school, even though private property, are currently accessible to the public because of the route of the footpath. This is patently a security issue. People can and do wander at will. We have had break-ins in this area and property has been damaged and stolen. An extreme example was on a dark evening when stones were thrown from the rear of the school at pupils, staff and visitors participating in a concert.

It has been suggested that the school should just fence the existing footpath where it is. We reject this proposal because the path would still run around the side and front of the main Graham Taylor block, which is an integral part of the school. Many of the incidents listed above could still occur with this route, and it would be impossible to secure the whole school site at any time. The fence would also cut the school playing fields in half.

#### **Objections to the diversion:**

**The diverted path will be too steep and uneven; there will be poor disabled/ pushchair access. The green palisade fencing is unsightly and the “tunnel” effect of path would make it feel too enclosed.**

**Response:** The attached detailed plans show the exact route of the proposed diversion. This route complies with the maximum gradient requirements set out in the diversion order, which is informed by disabled access law. The level surface of the grass path will be at least 2m wide along its whole length. This meets legal requirements for disabled access.

The fence that will be erected on the school's side of the path will be green metal palisade fencing. However this will be set back at least 1m from the edge of the path, and hedging will then be planted in this 1 m gap.

Please note that where the proposed diversion leaves the existing route (turning left once the school grounds are entered from the easterly Burrell Rd side) the steep bank immediately on the walker's right hand side would be moved back to make room for the 2m wide path on a level with the bottom of the existing gully, plus further space for the hedging and fencing. As the footpath route is followed the height of the bank on the right falls away until it eventually becomes a slope dropping away from the walker.

In direct response to comments received in the consultation process, we have sited the path and the fence so that the aspect walkers experience is as open as possible. Our hope is that when the hedging grows up in a few years' time to form a dense barrier, the metal palisade fencing could be replaced with chain link or wooden fencing. We would work to make walkers' enjoyment of the footpath more like that of other pleasant footpaths around the village. The school readily undertakes responsibility for the mowing and upkeep of the footpath, and to provide reasonable access to the neighbours fence line from the school side, should this be needed by our neighbours.

**Objection to the diversion:**

**The diverted footpath will introduce a risk of problematic water run-off and subsidence.**

**Response:** The attached plans show that the path will be properly engineered and constructed so that any risk of subsidence is completely avoided. Any water run-off will be downhill onto the school's property but the engineering advice is that there will not be a problem – just as there isn't an issue at the moment.

**Objection to the diversion:**

**The diverted path would come out onto an unlit busy road**

**Response:** There is a 2m wide grassy verge which provides pedestrian access going north from the point at which the diverted footpath meets the main road, running down to the main school entrance. The school will commit to keep this verge in good order, mowed and free of debris. The existing footpath comes out onto the same unlit road – but at the main school entrance, so the diversion would give no change from what already exists in that respect. The grass verge is lit until 10.45pm each night by the lights of the school car park.

Of course if using the diverted footpath route, walkers would avoid the need to use the grass verge – which they currently have to do - as the end of permitted path through the woods to the south of the school is right next to where the diverted footpath comes out.