

WARDS:

DUDLEY METROPOLITAN BOROUGH COUNCIL

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STOURBRIDGE AREA COMMITTEE – 12 SEPTEMBER 2005

REPORT OF THE DIRECTOR OF THE URBAN ENVIRONMENT

**STOPPING UP OF PART OF A PUBLIC PATH THAT CROSSES
THE RIDGE PRIMARY SCHOOL, GREGORY ROAD, WOLLASTON**

Purpose

1. To seek the support of this Committee to limit the use of a public footpath at The Ridge Primary School, Wollaston.

Background

2. A request has been received from The Ridge Primary School, to stop up a length of public footpath that crosses the playing field area of the school. Legislation permits such a closure if it is expedient for the purposes of protecting pupils or staff from the threat of certain criminal activity. The grounds and procedures for this type of closure differs from other more convoluted and complex legislation relating to other public footpaths and crime issues.
3. The length of path in question runs from the head of the cul-de-sac of Gregory Road to The Ridgewood School playing fields and is shown on the attached plan TMD/CP/427.
4. Due to the path's alignment across the playing field, the school feels that children and staff are vulnerable to the potential of attack. Although the children are supervised, when playing in clement weather on the field or during their physical education and botany activities, the path could provide a chance to access the entire playing field area. This is in complete contrast to the levels of protection afforded when the children are in the building or the playground. A diverted route around the school playing field is not commodious, does not comply with Secured by Design principles, for both users and landowner, and would be very costly. The crime levels, relating to the school's property, is low.

5. It is acknowledged by the school that parents and carers access the school from either end of this section of path. It is also recognised that there are low recorded crime statistics outside of the school hours and the grounds for closure relate to security to the staff and pupils and not the premises.
6. Consultation has taken place with the local Police, local residents and the Dudley Borough Local Access Forum. From those discussions, in agreement with the school, it is proposed to close during the school operating times which will include a short period for the movement of children to and from school. Failure to provide access out of school times would result in a formal objection from the Access Forum. The school wishes to avoid this action.
7. The present access points will need to be secured by gating and fencing. The management of the gates' opening and closing will be undertaken by the school's caretaker.

Finance

8. The cost of the Order and the gating/fencing will be met by the School from their Security Budget.

Law

9. A public footpath that crosses land occupied for the purposes of a school may be stopped up under S118B(1)(b) of the Highways Act 1980, if it is expedient for the purposes of protecting pupils or 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.
10. The Special Extinguishment Order under this procedure does not provide for a closure that is not permanent. However, by the use of a Public Path Dedication by an agreement with the landowner, with a limitation as to the hours over which a public highway would exist, the required effect can be achieved. Although it is not normally appropriate for the Council to enter into an agreement with itself, it is felt incongruous that the creation of a public footpath by agreement under section 25 of the Highways Act 1980 should not apply to the Council dedicating its own school land as public highway and that being adopted by the Council as Highway Authority. Thus, it is considered that Council could agree to accept a dedication of the footpath on limited hours basis subject to confirmation of the Special Extinguishment Order.

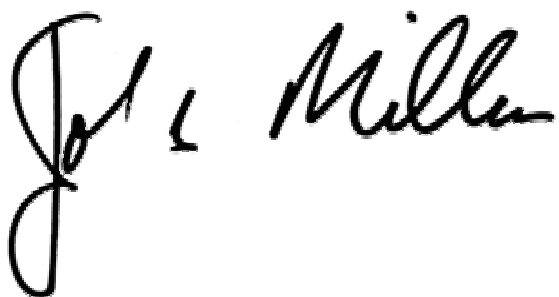
Equality Impact

11. The contents of this report comply with the Council's Equal Opportunities Policy.

Recommendation

12. That this Committee supports an Order to stop up a length of public footpath as shown on Plan TMD/CP/427 during the Ridge Primary School's operating hours.

That this Committee supports the making of an Order for the closure of the length of public footpath under Section 118B(1)(b) of the Highways Act 1980 and agrees to rededicate the footpath under Section 25 of the Highways Act 1980 subject to the restriction that it shall remain closed during the school operating periods in the interests of the safety of the staff and pupils but will be open to the public at all other times.

A handwritten signature in black ink, appearing to read 'J. B. Millar'. The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

J. B. Millar
Director of the urban environment

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Background documents used in the preparation of this report:-