

# Strategic and Technical Planning Committee

## 17 October 2024

### Application to extinguish part of Footpath 131 and divert part of Footpath 62, Weymouth For Decision

**Cabinet Member and Portfolio:** Cllr Shane Bartlett

**Local Councillor(s):** Cllr David Northam (Upwey & Broadwey Ward)

**Executive Director:** J Britton, Interim Lead for Place

Report Author: Carol McKay

Job Title: Senior Definitive Map Technical Officer

Tel: 01305 225136

Email: carol.mckay@dorsetcouncil.gov.uk

**Report Status:** Public

#### **Brief Summary:**

Radipole Primary School in Weymouth has applied to Dorset Council, in its capacity as local highway authority, to extinguish a section of Footpath 131 and to divert a section of Footpath 62 which both currently run through the school grounds. It is proposed that Footpath 62 be diverted along the southern edge of the school entrance drive. The affected land is registered to Dorset Council and one other landowner.

There is evidence that the present routes of the two footpaths pose a risk to the security and the health and safety of pupils and staff at the school and that the extinguishment and diversion would significantly reduce the risk.

This report considers objections which have been received to the proposal and recommends that a Special Extinguishment Order under Section 118B of the Highways Act 1980 and a Special Diversion Order under Section 119B of the Highways Act 1980 be made on the basis that the relevant legal tests have been met.

#### **Recommendation:**

That:

- (a) The application to extinguish part of Footpath 131 and divert part of Footpath 62, Weymouth at Radipole Primary School be accepted and a Special Extinguishment Order under Section 118B of the Highways Act 1980 and a Special Diversion Order under Section 119B of the Highways Act 1980 be made;

- (b) The Orders include provisions to modify the definitive map and statement to record the changes made as a consequence of the extinguishment and diversion; and
- (c) If the Orders are unopposed, and they are considered to meet the legal tests they be confirmed by the Council.
- (d) If the Orders are opposed, and the objections to the Orders are of a similar nature to those already considered by the Committee, they be submitted to the Secretary of State without further reference to the Committee.
- (e) The Orders are to be made concurrently. If objections are received to one order but not the other, both orders will be submitted to the Secretary of State for confirmation.
- (f) That recommendations (a) to (e) are subject to the Council not receiving any objections from Taylor Wimpey which have not already been considered in this report.

**Reason for Recommendation:**

- (a) The proposed extinguishment and diversion meet the legal criteria set out in Section 118B and Section 119B of the Highways Act 1980.
- (b) The inclusion of these provisions in public path orders means that there is no need for a separate legal event order to modify the definitive map and statement as a result of the extinguishment and diversion.
- (c) For the reasons set out below in the report the proposed extinguishment and diversion are considered expedient and therefore Dorset Council can itself confirm the orders.
- (d) Dorset Council is unable to confirm opposed orders itself but can submit them to the Secretary of State for confirmation, subject to the legal tests being fulfilled. In the event that objections of a similar nature to those already considered are received to the orders, the committee will have already considered the objections in light of the legal criteria and therefore Dorset Council will submit the orders to the Secretary of State for confirmation.
- (e) Both Orders need to be confirmed together to avoid leaving a cul se sac footpath and to allow security improvements to be carried out at the School.

- (f) There has been insufficient time to consult Taylor Wimpey prior to publication of this report (see paragraph 4.14)

## **Report**

### **1 Background**

- 1.1. Dorset Council received an application from Radipole Primary School in November 2023 to extinguish part of Footpath 131, Weymouth under Section 118B of the Highways Act 1980 and divert part of Footpath 62, Weymouth under Section 119B of the Highways Act 1980 as shown on Drawing P261/24/8 attached as Appendix 1.
- 1.2. Radipole Primary School, Weymouth is a community school catering for boys and girls aged from 4 to 11 years. It is a larger than average primary school with over 400 pupils on its roll.
- 1.3. Under the Education Act 2002<sup>1</sup>, local authority maintained schools have a duty to carry out their functions with a view to safeguarding and promoting the welfare of their pupils.
- 1.4. Radipole Primary School has provided evidence that the present line of the footpaths, which allow members of the public to walk through the school grounds between the main school buildings and the playing field is a security risk and limits the School's ability to protect pupils and staff.
- 1.5. The powers in Sections 118B and 119B of the Highways Act 1980 to make Special Orders are considered to be the most appropriate means to extinguish and divert the footpaths as the School has concerns about the safety and well-being of pupils and staff.
- 1.6. The current definitive route of Footpath 131 to be extinguished runs from its junction with Footpath 133 at point A generally south east and south south west to its junction with Footpath 62 at point B as shown on Drawing P261/24/8 (Appendix 1) and is approximately 56 metres long.
- 1.7. The current definitive route of Footpath 62 to be diverted runs from point C north north east to its junction with Footpath 131 at point B then generally east and north east to its junction with the footway adjacent Radipole Lane at point D as shown on Drawing P261/24/8 (Appendix 1) and is approximately 159 metres long. It should be noted that the definitive footpath does not correspond with the used route of Footpath 62. The used route follows the pavement or driveway from point D (the definitive route is shown running

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<sup>1</sup> [Safeguarding in English schools - House of Commons Library \(parliament.uk\)](https://www.parliament.uk/libraries/commons/libraries/commons-library/education/safeguarding-in-english-schools)

through the edge of the playing field) and from point B it runs south west (the definitive route runs south south west from point B to point C).

- 1.8. The proposed new route of Footpath 62 runs from point C generally east north east to point F, north east to point G, north north east to point H and then north east to point I, generally north to point J and generally east north east to its junction with the footway adjacent Radipole Lane at point K and generally north to point D as shown on Drawing P261/24/8 (Appendix 1) and is approximately 167 metres long.
- 1.9. Dorset Council is the registered owner of the affected land for the majority of both the proposed extinguishment and diversion as indicated on Drawing P261/24/7 attached as Appendix 2. There is one additional landowner, Taylor Wimpey, over whose land a section of proposed new footpath runs, (between points K and D) whose comments are awaited.
- 1.10. All Public Path Order applications affecting Dorset Council owned land, whether or not objections are received to the pre-order consultation, must be considered by the Strategic and Technical Planning Committee, in the interests of transparency.

## 2 Law

### Highways Act 1980

#### Extinguishment – Section 118B

- 2.1 This section applies where it appears to a council that, as respects any footpath, bridleway or restricted byway 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 highway should be stopped up.
- 2.2 Before making a special extinguishment order, the council shall consult the local policing body for the area in which the highway lies.



- 2.3 A special extinguishment order shall not be confirmed as an unopposed order unless the Council is satisfied that the stopping up of the highway is expedient as mentioned in 2.1 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 availability of a reasonably convenient alternative route or, if no reasonably convenient alternative route is available, whether it would be reasonably practicable to divert the highway under section 119B below rather than stopping it up, and
  - (d) the effect which the extinguishment of the right of way would have as respects land served by the highway, account being taken of the provisions as to compensation contained in section 28 of the Highways Act 1980

#### **Diversion – Section 119B**

- 2.4 This section applies where it appears to a council that, as respects any footpath, bridleway or restricted byway 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 highway should be diverted.
- 2.5 Before making a special diversion order, the council shall consult the local policing body for the area in which the highway lies.
- 2.6 If required, the applicant must enter into an agreement to bring the new path into a fit condition for public use.

- 2.7 A special diversion order shall not alter a point of termination of the highway if that point is not on a highway; or (where it is on a highway) otherwise than to another point which is on the same highway, or a highway connected with it.
- 2.8 A special diversion order shall not be confirmed as an unopposed order unless the Council is satisfied that the diversion of the highway is expedient as mentioned in 2.4 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
- 2.9 Section 119(3) of the Highways Act 1980 as amended by the Countryside and Rights of Way Act 2000 provides that the extinguishment of the existing 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”.
- 2.10 The Council will take into account the provisions as to compensation contained in section 28 of the Highways Act 1980. Section 28 of the Highways Act 1980 provides that a person with an interest in land affected by the consequence of the coming into operation of a public path order can make a claim for compensation for the depreciation of land value or damage suffered by being disturbed in his enjoyment of land.
- 2.11 Section 29 of the Highways Act 1980, as amended by Section 57 of the Countryside and Rights of Way Act 2000, says that when making diversion or extinguishment orders Dorset Council must have regard to the needs of agriculture, forestry and nature conservation and the desirability of conserving flora, fauna and geological and physiographical features. “Agriculture” includes the breeding and keeping of horses.
- 2.12 Dorset Council may itself confirm the orders if they are unopposed. If they are opposed they may be sent to the Secretary of State for confirmation.

- 2.13 The order making and confirmation tests should be considered separately. The Council must first consider whether the test for making an order is met. If it is, it is entitled to bear in mind the requirements of order confirmation to the extent that it need not make the order if there was no chance of the order confirmation requirements being met.
- 2.14 However the two stages of the process are distinct. If the Council finds it inexpedient to make the order, it should not cite matters that fall within the order confirmation requirements as reasons for not making the order.

### **Wildlife and Countryside Act 1981**

- 2.15 Section 53A of the Wildlife and Countryside Act 1981 enables provisions to amend the definitive map and statement required by virtue of a diversion or extinguishment order to be included in the extinguishment or diversion order instead of being the subject of a separate legal event order.

### **Equality Act 2010**

- 2.16 Section 149 of the Equality Act 2010 puts a duty on public authorities to have due regard to the need to:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
  - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

### **Human Rights Act 1998 – Human rights implications**

- 2.17 The provisions of the Human Rights Act and principles contained in the Convention of Human Rights have been taken into account in reaching the recommendation contained in this report. The articles/protocols of particular relevance are:

Article 8 - Right to respect for private and family life

The First Protocol, Article 1 - Protection of Property.

- 2.18 When considering whether it is expedient to make the order a council must consider the rights of any affected landowner under Article 8 and Article 1 of the First Protocol and in particular have due regard to any argument put forward by an affected landowner that their rights would be infringed.

## **Rights of Way Improvement Plan**

- 2.19 Dorset Council's Rights of Way Improvement Plan (ROWIP) is a statutory document setting out a strategy for improving its network of Public Rights of Way, wider access and outdoor public space.
- 2.20 Before confirming a public path creation, diversion or extinguishment order a council or the Secretary of State must have regard to any material provision of a rights of way improvement plan prepared by the local highway authority.
- 2.21 None of the five themes identified in the ROWIP for improving access in Dorset are of particular relevance to the present case.

## **3 Evidence in support of the application**

- 3.1 Radipole Primary School has provided supporting evidence that demonstrates that there is a need to extinguish part of Footpath 131 and divert part of Footpath 62 for the purposes of school security and safeguarding which fulfils the legal tests under Sections 118B and 119B of the Highways Act 1980 (see 2.1 – 2.9 above).
- 3.2 The application form includes the following supporting evidence:
- Correspondence from local Police Community Support Officer supporting the application
  - Extract from a Health and Safety report carried out in 2023 which identifies the footpaths as a matter of concern for site security
  - A log of incidents recorded by staff between May and October 2023
  - Correspondence from parents regarding concerns about dogs on site during school drop off and pick up times
- 3.3 The log of incidents between May and October 2023 detail a number of concerns relating to school security and health and safety including:
- Numerous instances of dogs on site including several off the lead, on and off the footpaths, including on the playing field
  - Pupils using scooters and skateboards on site
  - Child riding bike on site
  - Members of the public playing golf on the playing field
  - Woman photographing playground area

- Former pupils entering the school to see members of staff despite warnings this is not permitted

3.4 In addition to the supporting evidence received with the application, the school has submitted further evidence in support of the proposals:

- Incident report forms (Feb 2023 – June 2024)
- Photographic evidence of dogs loose on the site during the school day
- Risk Assessment - August 2024 (Appendix 10)
- Safeguarding Fencing Requirements - August 2024 (Appendix 7)
- Health and Safety Report – August 2024 (Appendix 8)
- Safeguarding Report – September 2024 (Appendix 9)
- Advice following recent Team Teach training on pupils with SEND

3.5 A Risk Assessment was carried out in August 2024 identifying a number of risk factors which are affected by the location of the public footpaths. The Risk Assessment (Appendix 10) includes two plans of the site – Plan 1 is the current layout, Plan 2 shows the desired layout if the orders are successful with new fencing and security gates in place.

3.6 The following table summarises the key risk factors which are relevant to the location of the footpaths with the predicted effect of the extinguishment and diversion.

<b>Risk</b>	<b>Level of residual risk with current footpaths</b>	<b>Level of residual risk if orders successful</b>
Trespassers	High	Low
Attacks on pupils	Medium / Low	Low
Attacks on staff	Medium / Low	Low
Absconders	Medium	Low
Animals Intrusion	Low – Internal Spaces / High – External Spaces	Low
School drop off and collection	High	Medium

- 3.7 All of these risks would be reduced by the proposed extinguishment and diversion.
- 3.8 The incident report forms submitted by the School provide further evidence of the risks identified by the Risk Assessment. They include the following events:
- Aggressive behaviour of parent towards staff  
  
Action to prevent a recurrence - Advice given to staff not to meet the parent alone.
  - Several incidents of dysregulated pupils attempting to abscond from school  
  
Action to prevent a recurrence – none possible due to current site gates and fences
  - Onsite caretaker woken by shouting and noise by three males on site. Police helicopter and patrol car in attendance.  
  
Action to prevent a recurrence - caretaker advised to phone police if concerned.
  - Threat of violence towards staff by ex-pupil sent by email.  
  
Action to prevent a recurrence - Critical; incident and lockdown procedures to be initiated if ex-pupil enters site.
  - Arrest related to safeguarding incident off site, resulted in an alert of possible child abduction.  
  
Action to prevent a recurrence - School advised to phone police if individual enters site.
- 3.9 The Assets and Property Team were commissioned by Children’s Services to look at installation of new fencing to address the risks identified at Radipole Primary School. Following a site visit in August 2024 they have produced a report (attached as Appendix 7) which includes recommendations for new site fencings to address risks and concerns about safeguarding children during the school day.
- 3.10 The Asset and Property Team recommend new fencing on site to include:
- 2100mm high weldmesh fencing along the southern perimeter of the playing field with a maintenance access gate providing vehicular access to the field.

- A double leaf 3m wide pedestrian access gate providing access for school drop off / pick up
  - Electronically controlled double leaf 4m wide vehicular access gates to staff car park and reception
  - 1800mm high weldmesh fencing on the northern edge of the proposed diverted footpath
- 3.11 Drawing DR\_L\_100 Revision A (Appendix 7 - page 3) shows the proposed safeguarding fencing across the site.
- 3.12 Dorset Council's Health and Safety Manager carried out a site visit in August 2024. The report is attached as Appendix 8.
- 3.13 The Health and Safety Manager's view is that the location of the two footpaths is a risk to both safeguarding of children and safety of staff as the public can easily enter the school grounds unchallenged and unseen.
- 3.14 Because of this, adequate lockdown procedures would be unachievable and could lead to a high-risk situation.
- 3.15 His opinion is that the proposed extinguishment and diversion would be the safest option because the right of way would continue to the main road without the public being able to access the school site, including the playing field at the front of the site, ensuring the safety and safeguarding of all persons on site.
- 3.16 Fencing the existing footpath still has risk attached because the playing field at the front of the site, which is used for sports and events, would still be cut off from the main school and may still lead to a level of unacceptable risk.
- 3.17 A Safeguarding Monitoring Visit and Site Safety Inspection was carried out in September 2024 by Dorset Council's Safeguarding and Standards Advisor who provides advice and support to education providers across the Dorset Council area and ensures that schools and alternative providers are meeting the appropriate standards of safeguarding within their settings to ensure children and young people who attend are protected.
- 3.18 The Safeguarding and Standards Advisor's report (attached as Appendix 9) cites Government guidance on school site security<sup>2</sup> and highlights the following considerations:

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<sup>2</sup> [Site security guidance - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

- Is your perimeter secure?
- Is your external environment secure?
- Do you have a security lockdown procedure?

- 3.19 He states “For Radipole Primary School, with the current public footpath intersecting the school site, they would not be able to achieve the underlined points above. As such, they are not able to assure Department for Education guidance on site security and as such, the safeguarding of their student body.”
- 3.20 In addition, further Government guidance<sup>3</sup> is referenced which encourages schools to consider baselining, which is a process to understand the current security measures and identify any weaknesses such as:
- how easily can someone without a pass access your site?
  - how easily can someone walk through your site without being challenged?
  - how easily can someone access secure areas?
  - using high-vis or other props to look like a contractor (such as a ladder or trolley) how easily can someone blend into the surroundings without actually having official access?
- 3.21 Dorset Council’s Safeguarding and Standards Advisor advises that Radipole Primary School cannot be confident in their site security when considered against these questions and this guidance document.
- 3.22 The recommendation from the Safeguarding in Education Team is to encourage consideration of Radipole Primary School’s application to divert the public footpath in light of their current limitation around site security and associated safeguarding risks.
- 3.23 In addition, the School has highlighted a specific safety issue for pupils with SEND (Special educational needs and disabilities) which relates to the lack of fencing and issues with the security of the school site.
- 3.24 The School has an increasing number of children who can become dysregulated during the school day. One of the results of this dysregulation is a need to access outside space, which initially presents as absconding.
- 3.25 The School has measures currently in place that involve walkie talkies so that staff are aware of children's movements.

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<sup>3</sup> [Protective security and preparedness for the education sector \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)



- 3.26 During recent Team Teach training, and following conversations with other Headteachers, Radipole Primary School reports that they appear to be the only school site in the area who do not have secure gated access.
- 3.27 According to training guidance and experience, pupils who are dysregulated will often need to leave the school buildings and should not be physically prevented unless they are considered to be a risk to themselves and others.
- 3.28 Radipole Primary School is unable to follow this guidance and often staff have to intervene at an earlier stage than is advised because of the dynamics of the site and lack of security.
- 3.29 The lack of a secure boundary and possibility of unknown persons being on the school site creates an additional risk to children who have SEND and therefore potentially heightened emotional responses.

### **Measures taken by School**

- 3.30 The school has taken steps to deal with problems which arise from the location of the footpaths:
- Liaison with the Police
  - Challenging any member of public who is not on the public footpath
  - Use of walkie talkies (as discussed above at 3.25)
  - Clear signage requesting dogs are kept on leads
  - Clear signage to deter trespassers
  - Locked gates, partial perimeter fencing
  - Lone working policy
  - Well-lit car parking area
  - Visitor passes and signing in procedure
  - Supervision of children
  - Caretaker on site
- 3.31 However, the current location of Footpaths 131 and 62 prevents Radipole Primary School from taking any additional action to secure the site and further reduce the risks identified.

## **Improvement in security if orders successful**

- 3.32 If the orders are successful, Radipole Primary School indicates that it will secure the school site with fencing and security gates as shown on Drawing DR\_L\_100 Rev A (Appendix 7, page 3) resulting in a substantial improvement to the security of the school. This would be compliant with government guidance on school site security.
- 3.33 The extinguishment and diversion orders would enable the school to adhere to government guidance on controlling access to school premises (see 3.18 above).
- 3.34 The removal of footpaths from the main school site will also mean that restrictions considered necessary by the School could be implemented across the entire school site, which is currently not possible. This would include bans on family members who are not allowed on site due to court orders, and restrictions on dogs, scooters and any other constraints required for the purposes of health and safety or security.

## **4 Consultation**

- 4.1 The Council carried out a consultation in June – August 2024 and six objections were received, with one representation in support of the proposals. Of the six objections, five are from local residents, with a holding objection submitted by The Ramblers.
- 4.2 All consultation responses are summarised in Appendix 6.
- 4.3 The consultation plan Drawing P261/24/1 is attached as Appendix 3. This has been superseded by Drawing P261/24/8 attached as Appendix 1 as discussed below (see 4.14 – 4.17).
- 4.4 The local member, Cllr David Northam, Dorset Council member for Upwey & Broadwey Ward, was consulted on the application and expressed concerns about the proposed diversion and extinguishment. He submitted two alternative proposals (see 4.18 – 4.23 below). The proposals were discussed at a site meeting with Cllr Northam, the School and the case officer.
- 4.5 As a result of discussions with Cllr Northam, the School indicated that they were willing to consider permissive access through the School at times when it was not in use. It was stressed that the site is used for a number of activities outside of the normal school day, including evenings, weekends and school holidays, but in principle the School would consider the possibility of permissive access.

- 4.6 Weymouth Town Council requested to see some alternatives before commenting further, stating that the loss of this footpath would be a significant loss of amenity as the diversion is a long way round. Further information about the application was sent to the Town Council but no further comments have been received.
- 4.7 The Ramblers submitted a holding objection, with a request for further information on the measures that have been taken or could be taken to improve or maintain security of the school and whether it is likely that the coming into operation of the order will result in a substantial improvement in that security. They also requested that the unaffected part of Footpath 62 that runs in a generally north westerly direction from point C be widened to the same specification as the proposed diverted path if possible.
- 4.8 OFFICER COMMENT – Details of the supporting evidence for the application and proposals for new fencing were sent to the Ramblers. The request to widen the unaffected part of Footpath 62 will be considered as part of the new fencing installation and accommodated if practical.
- 4.9 The Ramblers made further enquiries regarding two of the alternative proposals which are discussed below (4.18 – 4.23).
- 4.10 Cllr Matt Bell and Cllr Louise Bown, Dorset Council members for Radipole Ward, were consulted but made no response.
- 4.11 No objection has been received from neighbouring landowners.
- 4.12 The legislation requires the council to consult the local policing body for the area in which the highway lies before making a Special Extinguishment or Diversion Order.
- 4.13 A Police Community Support Officer from Weymouth Police station who is the liaison between the police and Radipole Primary School has indicated support for the proposals.

#### **Additional Landowner**

- 4.14 It became apparent after the consultation was carried out that the proposed new route should be amended to include a section along existing highway between points K and D. This avoids splitting the footpath in two and creating new termination points. The landowner of this section of the route (Taylor Wimpey) has been consulted on the proposal and their response is awaited. The revised proposal is shown on Drawing P261/24/8 (attached as Appendix 1).

### **Boundary fence**

- 4.15 In response to the consultation, a query was received from an adjacent landowner disputing the location of the fence along the southern boundary of Radipole Primary School, in particular the section north west of point C alongside the part of Footpath 62 which is unaffected by the diversion.
- 4.16 The issue is under investigation and negotiations are ongoing between Dorset Council and the adjacent landowner.
- 4.17 This does not affect the proposed diversion, however as a result of this query, the proposed diversion of Footpath 62 was redrawn to take into account the location of the fence as it does not correspond with Ordnance Survey base mapping. The revised proposals are shown on Drawing P261/24/8 (attached as Appendix 1).

### **Alternative proposals**

- 4.18 Two alternative proposals were submitted by Cllr Northam (attached as Appendix 5).
- 4.19 The first proposal is to divert Footpath 131 onto the south western corner of the playing field and amend the proposed diversion of Footpath 62 to connect with this route.
- 4.20 OFFICER COMMENT – This does not reduce the risk to the same extent as the current proposal because the playing field is still separated from the main school by the footpath.
- 4.21 The second proposal is to create a footpath at the north east corner of the playing field alongside 17 Steeple Lane linking Footpath 131 with Footpath 62 / Radipole Lane.
- 4.22 OFFICER COMMENT – Whilst this option connects Footpath 62 with Footpath 131, this option may not be acceptable to those who have objected to the overall increased length of the walking which would result from the proposals, or, more significantly, to the occupants of 17 Steeple Lane.
- 4.23 When considering whether it is expedient to make the order a council must consider the rights of any affected landowner and in particular have due regard to any argument put forward by an affected landowner that their rights would be infringed under the Human Rights Act (see 2.17 and 2.18).
- 4.24 Several objectors have suggested erecting fencing with security gates to the west of A-B-C instead of the proposed extinguishment and diversion.

- 4.25 OFFICER COMMENT – This option would not resolve two of the key issues raised by the school. Firstly the school entrance area would still be open to the public, which means that any restrictions such as a ban on dogs cannot be put in place and enforced across the whole school site. Secondly the playing field would still be separated from the rest of the school site.
- 4.26 A number of objectors have suggested locking gates at points A and C during school hours or as needed.
- 4.27 OFFICER COMMENT – It is not possible to restrict access to a public right of way in this way through the current application for a Special Extinguishment Order and a Special Diversion Order. In addition, the School holds events and activities outside of the normal school day, therefore access would not be available at regular times.
- 4.28 The Council's Legal Services have advised that although there are other means of restricting access on public rights of way i.e. permanent Traffic Regulation Orders or Public Spaces Protection Orders neither of these are appropriate in this instance and that Sections 118B & 119B of the Highways Act 1980 is the correct legislation to use to address the issues raised by the school.
- 4.29 However, as discussed above at 4.5, the School has indicated willingness to consider permissive access at times when the School is not in use.
- 4.30 Another suggestion put forward by one of the objectors was to create a new footpath from the back of Radipole Manor on Footpath 62 along the southern edge of the playing field to access Footpath 63 to restore the network.
- 4.31 OFFICER COMMENT – This option would require secure fencing to separate the path from the school site or the creation of a new route on a neighbouring landowner's land. Neither option would be financially viable due to the high cost of fencing, and possible compensation if the route were to be created on a neighbouring landowner's land.

#### **Summary of objections raised**

- 4.32 The objectors raise concerns which are principally about the loss of amenity and additional distance along pavements which would be introduced by the extinguishment and diversion, as well as querying the need for the application.
- 4.33 The reasons for the application are set out above in 3.1 – 3.29.

- 4.34 The existing footpaths do not appear to provide direct access to amenities (other than to the School – access from the north of the site will be retained for pupils via a gate at point A, with access from the south via the diverted route) although they clearly have recreational value. Whilst the overall effect of the extinguishment and diversion will be to increase the walking distance, officers considered that this is a minor inconvenience for a small number of walkers.
- 4.35 The legislation for Special Orders does not specifically allow consideration of inconvenience or public enjoyment but they are part of the overall expediency test for order confirmation.
- 4.36 It is necessary to balance the extinguishment and diversion of the two footpaths for the safety of pupils and staff with the objections raised which suggest that the orders will impact on the public enjoyment and convenience of the footpaths.
- 4.37 It is the view of officers that more weight should be given to the safety of pupils (including vulnerable pupils) and staff than the potential inconvenience caused by changes to the public rights of way network. The impact of proposals on the overall network is shown on Drawing P261/24/3 attached as Appendix 4.

## **5 Compliance with the legal tests**

- 5.1 The legal tests for extinguishment and diversion under Sections 118B and 119B of the Highways Act 1980 significantly overlap and where this is the case the legal tests will be discussed together. Where the tests differ, these areas will be discussed separately.

### **Order making - Extinguishment and Diversion**

- 5.2 The following main areas of concern have been identified as detailed in the School's Risk Assessment (Appendix 10):

- Trespassers

This relates to potential violence or threat of violence, harassment or alarm or distress (staff or pupils)

- Attacks on pupils

This relates to potential violence or threat of violence, harassment or alarm or distress (pupils)

- Attacks on staff

This relates to potential violence or threat of violence, harassment or alarm or distress (staff)

- Absconders

This relates to other risks to health or safety (pupils)

- Animals Intrusion

This relates to potential alarm or distress and other risks to health or safety (staff or pupils)

5.3 Officers consider that these issues satisfy the order making tests set out in paragraphs 2.1 and 2.4.

5.4 Therefore it is considered expedient that part of Footpath 131 should be stopped up and part of Footpath 62 should be diverted.

5.5 The risks identified at 5.2 are increased by the location of the public footpaths which restricts the School's ability to reduce the risk.

5.6 The local policing body for the area in which the highway lies have been consulted as required (2.2 and 2.5) and support the proposals.

5.7 Dorset Council's Assets and Property Team, Health and Safety Manager and Safeguarding in Education Team have carried out site visits and assessments at the School, and fully support the application.

5.8 It is the view of officers that an Extinguishment Order and a Diversion Order should therefore be made.

#### **Order making - Diversion**

5.9 The diversion affects land held by Dorset Council and land registered to one other landowner, Taylor Wimpey, whose response is awaited. The section of land not registered to Dorset Council is already subject to highway rights so it is not anticipated that any compensation would be payable under section 28 of the Highways Act 1980.

5.10 The termination points of Footpath 62 are unaffected by the diversion.

#### **Order confirmation - Extinguishment and Diversion**

5.11 It is the view of officers that it is expedient to confirm the orders for the following reasons.

- 5.12 As discussed above, the School has taken measures to improve security. However these measures have not adequately dealt with the matters set out in paragraphs 3.2 – 3.8 above due to the current location of Footpaths 131 and 62 which allow access to the school site at all times. There are no reasonable additional practical measures that have been or could be taken for improving or maintaining the security of the school.
- 5.13 The Extinguishment and Diversion Orders would result in a substantial improvement in security as evidenced by the Safeguarding Fencing Requirements (Appendix 7), Health and Safety Officer's Report (Appendix 8) and Safeguarding and Standards Advisor's Report (Appendix 9).

#### **Order confirmation - Extinguishment**

- 5.14 There is a reasonably convenient alternative route to Footpath 131, via Footpath 133, and then via pavements (part of the highway extent) along Steeple Close, to connect with the unaffected part of Footpath 62 alongside Radipole Lane and joining the proposed diverted route of Footpath 62 at point D.
- 5.15 There is no negative effect of the extinguishment on land served by the current highway. The extinguished path would be retained as access for school drop off and pick up via a gate at point A which would be locked except when access is needed.
- 5.16 The extinguishment affects land held by Dorset Council so no compensation would be payable under section 28 of the Highways Act 1980.

#### **Order confirmation - Diversion**

- 5.17 There is no negative effect of the diversion on land served by the existing footpath.
- 5.18 With regard to the new public rights of way created by the diversion, this affects land held by Dorset Council and land registered to one other landowner, Taylor Wimpey, whose response is awaited. The section of land not registered to Dorset Council is already subject to highway rights so it is not anticipated that any compensation would be payable under section 28 of the Highways Act 1980.
- 5.19 If the Orders are successful, the School will be able to fence a new secure area within their grounds. As part of the changes, parking spaces affected by the new diverted route will be reconfigured. The proposed new footpath will be outside of the new secure area (C – K) and over existing highway (K – D) so there will be no adverse effect on the land over which the right is so created and any land held with it.



- 5.20 The width of the new route will be 2 metres except at points E and F where the width will be 1.2 metres. A gap of 2 metres will be created in the boundary hedge at point K.
- 5.21 There is no negative effect of the diversion on the land over which the proposed new route would run. As discussed above (5.19) the proposed new footpath will be outside of the new secure area (C – K) and over existing highway (K – D).
- 5.22 The following works will be carried out on the new route to improve it for public use:
- Vegetation clearance between points C – E – F – G and H and between points J and K
  - Surface improvements as needed
- 5.23 The works will be carried out and funded by the applicant.
- 5.24 The order will be confirmed only on completion of these works. If confirmed by the Secretary of State, the order will provide that the diversion is not effective until the works have been completed and certified.
- 5.25 In addition to the above works, the new path will be fenced along its northern edge, as part of the school safeguarding fencing improvements planned by Radipole Primary School (Appendix 7).

### **Other considerations**

- 5.26 The proposed diversion increases the length of Footpath 62 by approximately 8 metres. However, the overall effect of the extinguishment and diversion will increase the walking distance between point A and point C.
- 5.27 Currently, the combined distance between point A and C via Footpaths 131 and 62 is approximately 72 metres. If the extinguishment and diversion orders are successful, the distance from point A to point C via Footpath 131, Steeple Close, Radipole Lane and the new route of Footpath 62 will be approximately 530 metres.
- 5.28 Whilst the proposals will increase the overall length of the routes for walkers, the footpaths are primarily recreational in use, and they will still connect with the wider public rights of way network as indicated on Drawing P248/24/3 (Appendix 4).
- 5.29 Any inconvenience to walkers should be balanced against the safety of the pupils and staff at Radipole Primary School.

- 5.30 The proposals neither fulfil nor undermine any objectives in the Rights of Way Improvement Plan to improve Dorset's network of Public Rights of Way, wider access and outdoor public space.

## **6 Financial Implications**

- 6.1 The applicant has agreed to pay in accordance with Dorset Council's usual scale of charges and also for the cost of advertising the order and subsequent notice of confirmation. The law does not permit Dorset Council to charge the applicant for the cost of obtaining confirmation by the Secretary of State if an order is the subject of an objection.

## **7 Natural Environment, Climate & Ecology Implication**

- 7.1 The proposal will not have any effect on carbon emissions and supports alternative methods of travel to the car.

## **8 Well-being and Health Implications**

- 8.1 Use of public rights of way promotes a healthy balanced lifestyle. The proposals do not have a negative impact as connections are maintained with the wider public right of way network.

## **9 Other Implications**

- 9.1 Safeguarding children. The safeguarding of vulnerable or 'at risk' children is paramount to the work of the council. A number of pupils who attend Radipole Primary School are in care and some children need to be protected from contact with a family member who is not allowed access to them. The current layout of the footpaths makes it difficult to prevent unauthorised contact between family members and children. The proposed diversion and extinguishment will allow greater protection of vulnerable or 'at risk' children who attend Radipole Primary School, by enabling the school to securely fence the school boundary and more effectively monitor and prevent unauthorised access.

## **10 Risk Assessment**

- 10.1 **HAVING CONSIDERED:** the risks associated with this decision; the level of risk has been identified as:  
Current Risk: LOW  
  
Residual Risk: LOW

## 11 **Equalities Impact Assessment**

- 11.1 The surface, width and gradient of the proposed new footpath are no less accessible than the current route. The proposals are not considered to have a negative impact on any persons with a protected characteristic.

## 12 **Conclusion**

- 12.1 It is the view of Officers that the legal tests to extinguish part of Footpath 131 and divert Footpath 62 under Section 118B and Section 119B of the Highways Act 1980 respectively have been met and the Orders should be made.
- 12.2 If the extinguishment and diversion orders are unopposed the orders should be confirmed as the tests for both making and confirming an extinguishment and diversion order have been met, as discussed in the report.
- 12.3 If the Orders are opposed, and the objections to the Orders are of a similar nature to those already considered by the Committee, they be submitted to the Secretary of State without further reference to the Committee.
- 12.4 The Orders are to be made concurrently, therefore in the event that objections are received to one order but not the other, both orders will be submitted to the Secretary of State for confirmation.
- 12.5 Due to the amendment of the diversion to include land registered to Taylor Wimpey, the recommendations are subject to their response to the proposals.

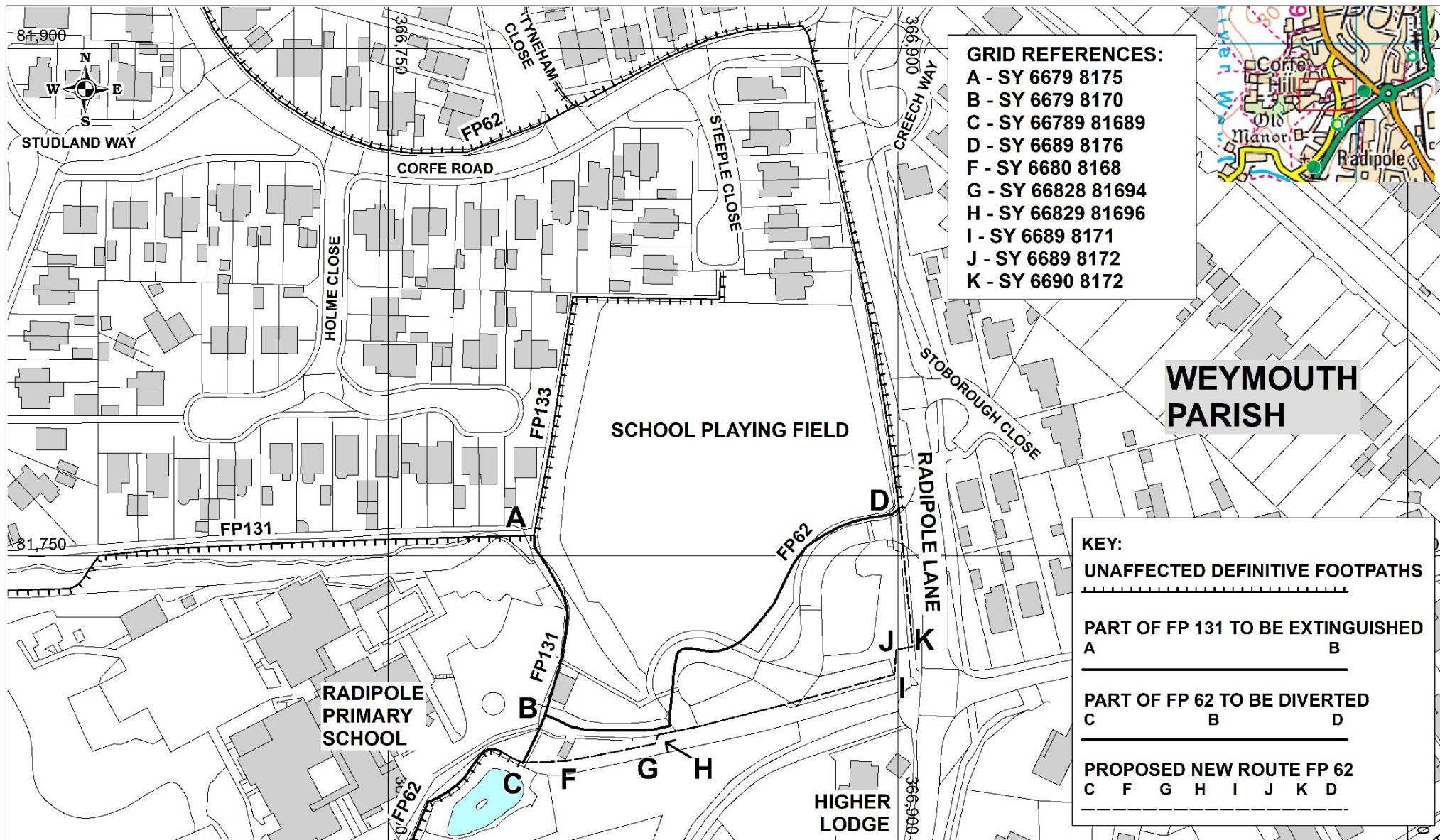
## 13 **Appendices**

- 1 Drawing P261/24/8 – Proposed extinguishment and diversion
- 2 Drawing P261/24/7 – Dorset Council land
- 3 Drawing P261/24/1 – Consultation plan
- 4 Drawing P261/24/3 – Layout of public rights of way if orders successful
- 5 Alternative proposals submitted by Cllr Northam
- 6 Summary of consultation responses
- 7 Safeguarding Fencing Requirements – August 2024
- 8 Health and Safety Officer's Report – August 2024
- 9 Safeguarding and Standards Advisor's Report – September 2024
- 10 Radipole Primary School Risk Assessment – August 2024

14 **Background Papers**

The files of the Executive Director, Place (ref.RW/P261).

**Oct 2024**



**SECTIONS 118B AND 119B, HIGHWAYS ACT 1980  
 APPLICATION TO EXTINGUISH PART OF FOOTPATH 131 AND DIVERT PART OF  
 FOOTPATH 62, WEYMOUTH AT RADIPOLE PRIMARY SCHOOL**

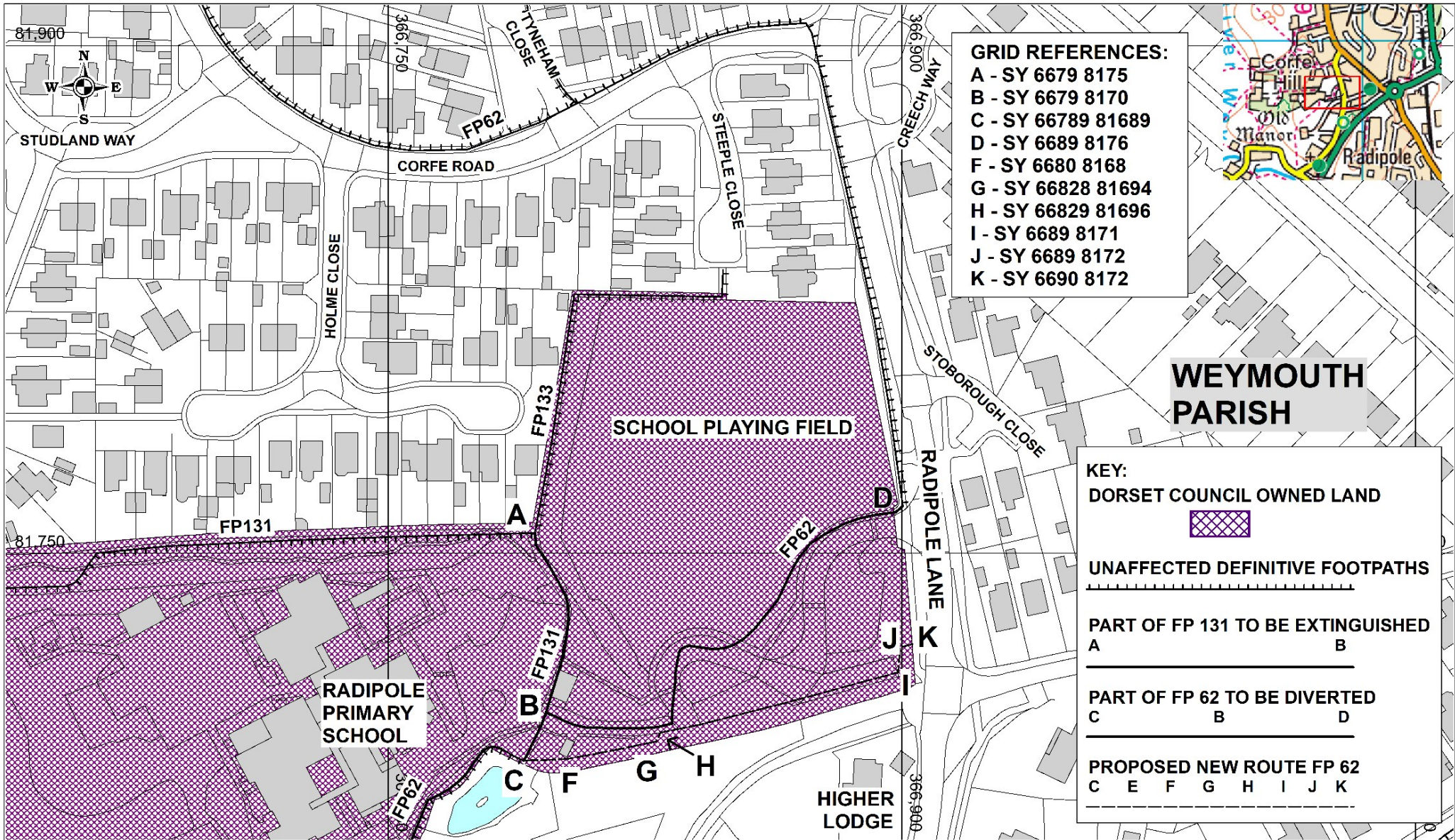
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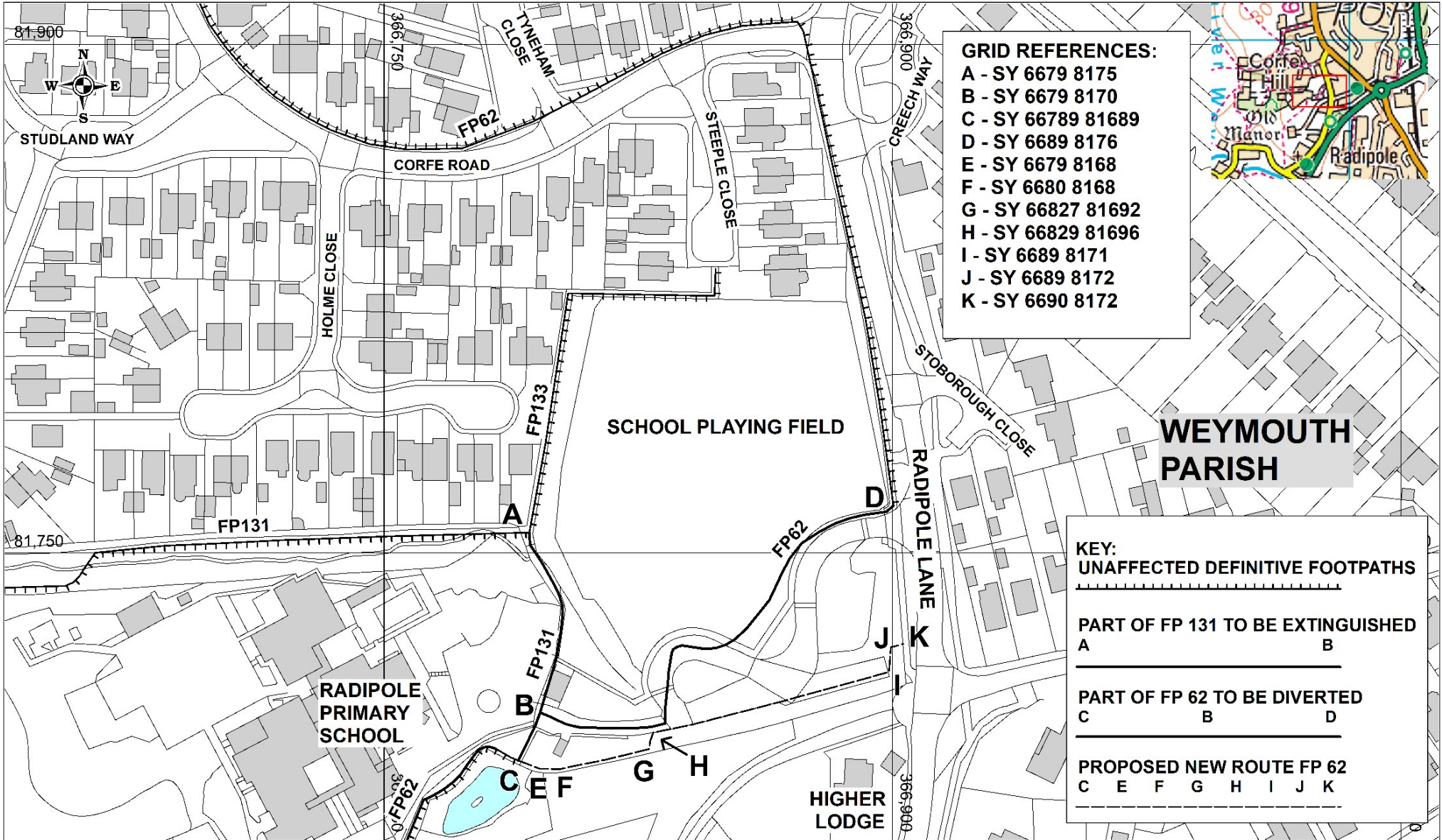


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 G - SY 66828 81694  
 H - SY 66829 81696  
 I - SY 6689 8171  
 J - SY 6689 8172  
 K - SY 6690 8172

**WEYMOUTH  
PARISH**

**KEY:**  
 DORSET COUNCIL OWNED LAND  
  
 UNAFFECTED DEFINITIVE FOOTPATHS  
  
 PART OF FP 131 TO BE EXTINGUISHED  
 A B  
  
 PART OF FP 62 TO BE DIVERTED  
 C B D  
  
 PROPOSED NEW ROUTE FP 62  
 C E F G H I J K  






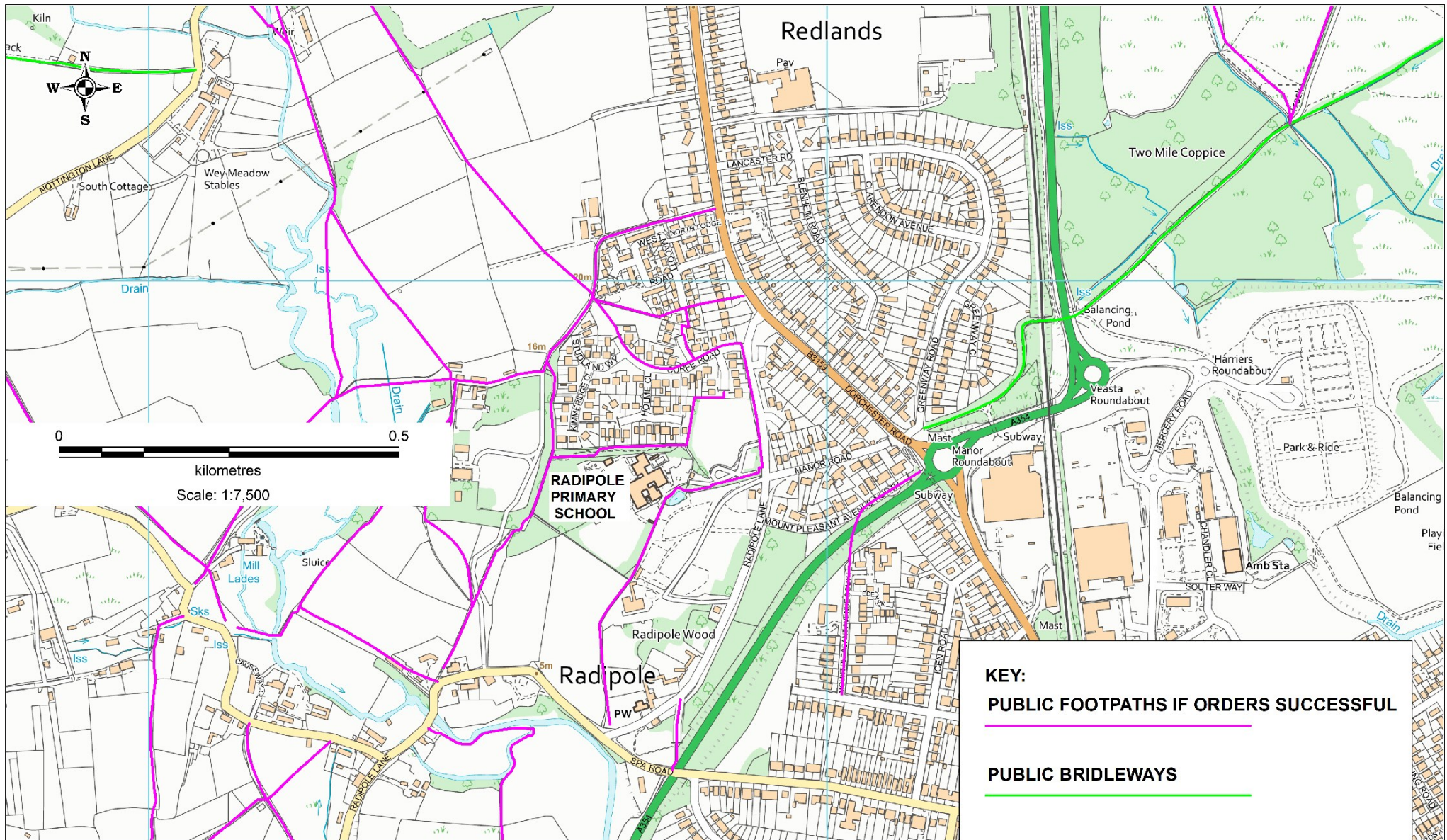
**SECTIONS 118B AND 119B, HIGHWAYS ACT 1980  
 APPLICATION TO EXTINGUISH PART OF FOOTPATH 131 AND DIVERT PART OF  
 FOOTPATH 62, WEYMOUTH AT RADIPOLE PRIMARY SCHOOL**

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**KEY:**

**PUBLIC FOOTPATHS IF ORDERS SUCCESSFUL**

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**PUBLIC BRIDLEWAYS**

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**LAYOUT OF PUBLIC RIGHTS OF WAY IF SPECIAL EXTINGUISHMENT AND DIVERSION ORDERS SUCCESSFUL**

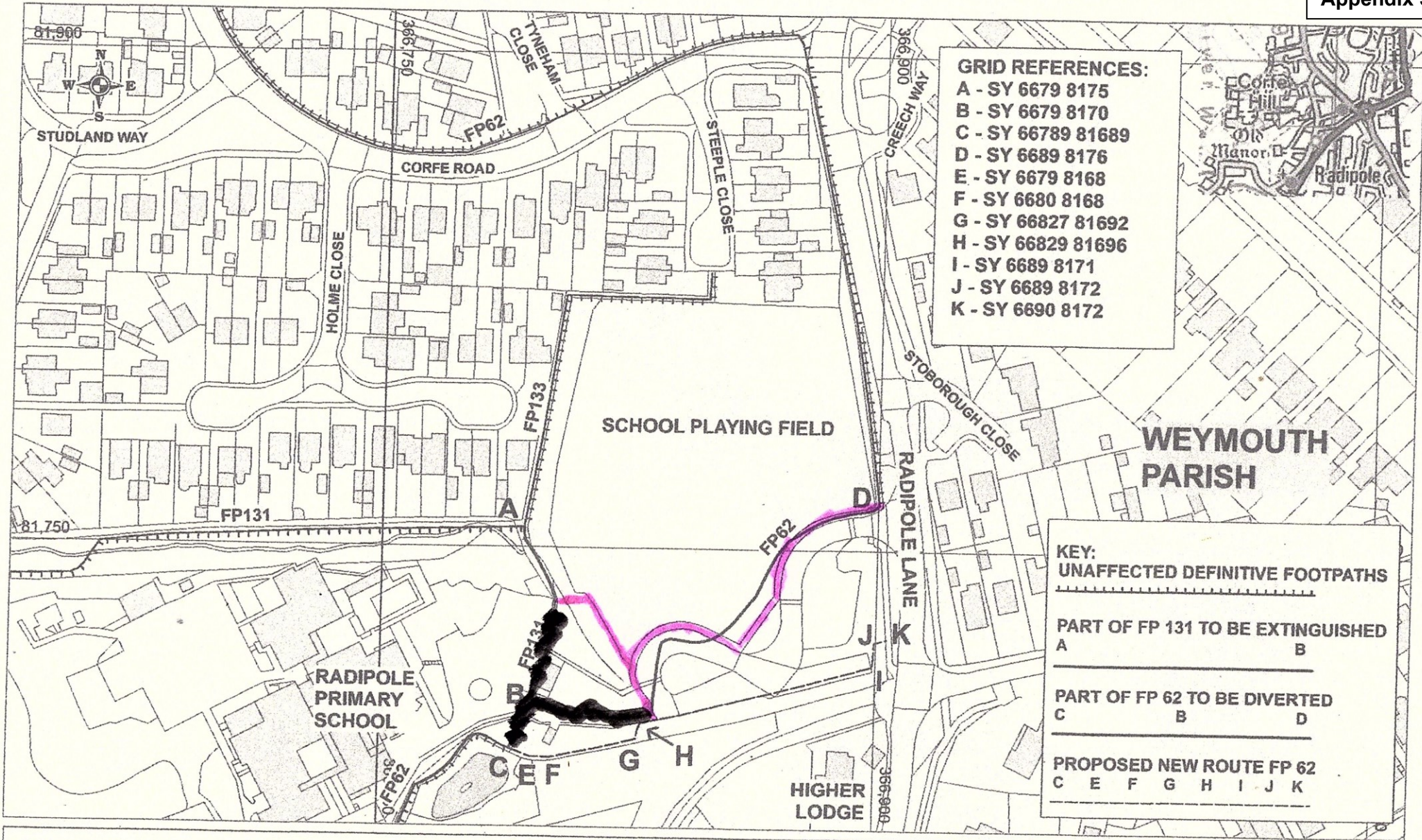
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**SECTIONS 118B AND 119B, HIGHWAYS ACT 1980  
 APPLICATION TO EXTINGUISH PART OF FOOTPATH 131 AND DIVERT PART OF  
 FOOTPATH 62, WEYMOUTH AT RADIPOLE PRIMARY SCHOOL**

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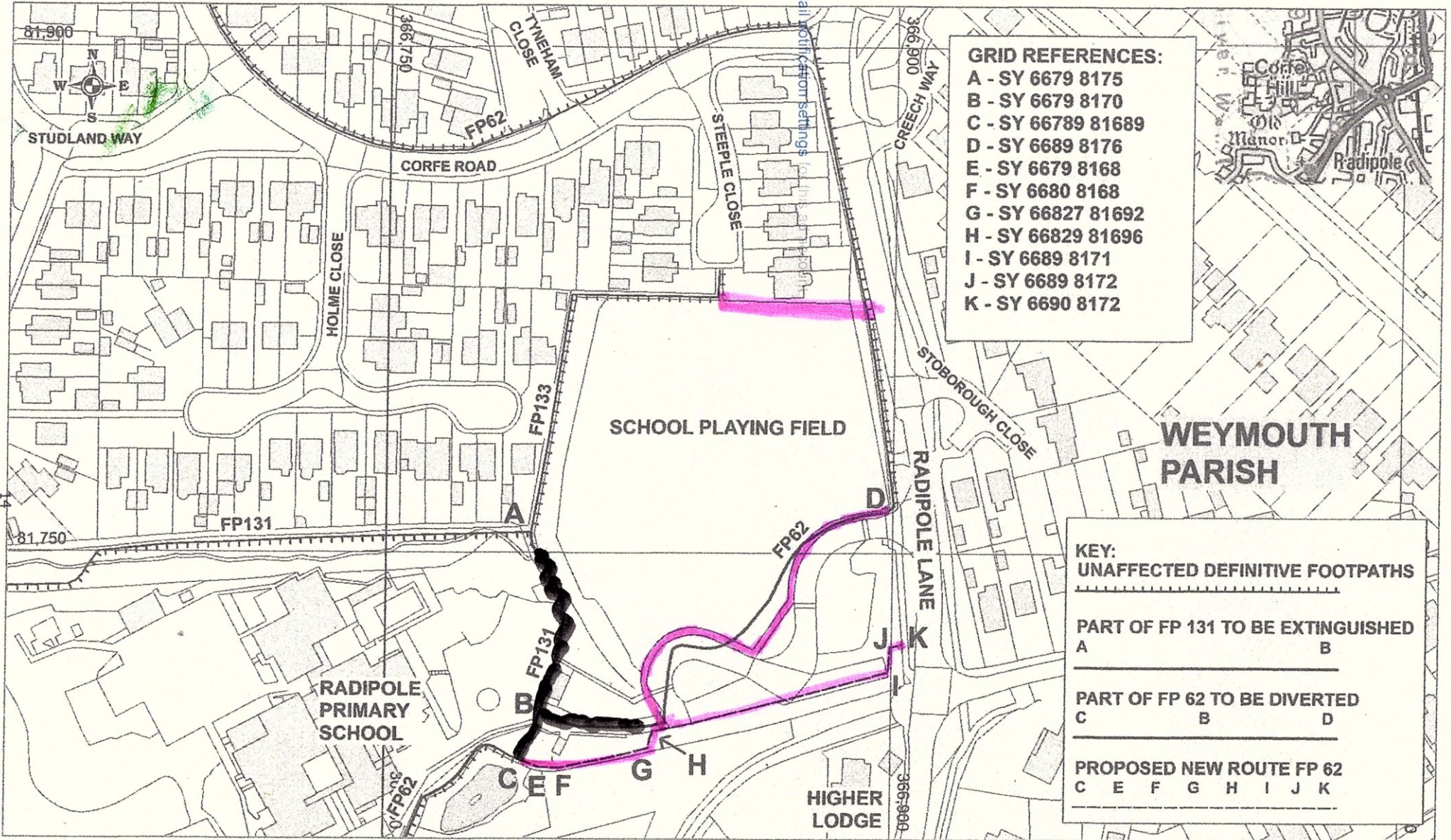


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  - C - SY 66789 81689
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  - G - SY 66827 81692
  - H - SY 66829 81696
  - I - SY 6689 8171
  - J - SY 6689 8172
  - K - SY 6690 8172

- KEY:**
- UNAFFECTED DEFINITIVE FOOTPATHS
  - PART OF FP 131 TO BE EXTINGUISHED
  - PART OF FP 62 TO BE DIVERTED
  - PROPOSED NEW ROUTE FP 62

**SECTIONS 118B AND 119B, HIGHWAYS ACT 1980**  
**APPLICATION TO EXTINGUISH PART OF FOOTPATH 131 AND DIVERT PART OF**  
**FOOTPATH 62, WEYMOUTH AT RADIPOLE PRIMARY SCHOOL**

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## Summary of consultation responses

June – August 2024

### Objecting to the proposal:

Name	Comments
The Ramblers	<p>Holding objection to the proposed extinguishment.</p> <p>Not Ramblers policy to accept extinguishments.</p> <p>Disappointing to lose valuable north / south link between Footpath 62 and junctions of Footpaths 133 and 131.</p> <p>Request for more information on:</p> <p>(a) any other measures that have been or could be taken for improving or maintaining the security of the school</p> <p>(b) whether it is likely that the coming into operation of the order will result in a substantial improvement in that security.</p> <p>e.g. consultation with Police and/or Department for Education</p> <p>No objection to the proposed diversion. Request to widen the route that runs north west from point C</p>
REP1 Local Resident	<p>Regularly uses Footpath 131 (A – B) and Footpath 62 (B – D) mostly for dog walking. Occasionally uses Footpath 131 A - B and Footpath 62 B - C.</p> <p>Proposal not logical as unaffected part of Footpath 62 south of point C is very close to school &amp; playground</p> <p>School playing field securely fenced &amp; gated, used under adult supervision, including to &amp; from school building.</p> <p>Suggests school secure area might start on school building side of existing footpaths A - B - C, without detriment to school security, with fencing &amp; gates across existing driveway with suitable controls to allow vehicles.</p>

<p><b>REP2</b></p> <p><b>Local Resident</b></p>	<p>Footpath 131</p> <p>A-B used by parents who live / park on Corfe Estate to do school runs.</p> <p>Public can only see staff car park from this section so no child safety issues.</p> <p>Is regular dog walker of path to access woods and River Wey.</p> <p>Suggests school is “more fed up with kids coming in with muddy shoes as that path suffers with large puddles that you can't manoeuvre around after heavy rain.”</p> <p>Has never seen off-lead dogs being walked up/down school driveway “...no one would consider doing that in an area where schoolchildren frequent.” Also states “ I have certainly not seen any dog excrement in said area either.”</p> <p>Footpath 62</p> <p>Path not heavily used as often overgrown. Children using playground next to this path always accompanied by staff. Suggests school could erect 6 foot wooden fence along path if concerned.</p> <p>School's arguments are weak and there is no cause for worry.</p> <p>Objector and family have had connections with the school for 52 years. Family member who worked at school for 14 years never aware of any issues with the footpaths.</p> <p>Believes footpaths should remain with new fence along playground boundary.</p>
<p><b>REP3</b></p> <p><b>Local Resident</b></p>	<p>Understands child and staff safety issues but not aware of any incidents.</p> <p>Requests statistics from school and police.</p> <p>School could put up new fencing, security gates and CCTV on boundaries of public footpaths without local community losing access.</p> <p>Head teacher should have contacted local community and held meeting at school. Has lived close to school for 31 years and is disappointed with school's approach.</p>

	<p>Objector is a dog owner and has never seen another dog off lead in school entrance as area is busy with vehicles so it would be dangerous to do so.</p> <p>Questions school's decision to spend money on measures that will not improve safety.</p> <p>Asks how many trees will be felled to carry out footpath alterations suggesting this will spoil character of area.</p> <p>Queries if recent fencing on site erected by Dorset Council is in correct location.</p> <p>Worried if approved will set a precedent for head teacher to request extinguishment of more footpaths adjoining school premises.</p>
<p>REP4 Local Resident</p>	<p>Other options should be explored to achieve balance between adequate school security and the rights of enjoyment for local residents.</p> <p>Local Radipole resident for over 25 years – has enjoyed Footpath 62 multiple times each week.</p> <p>Appreciates and completely agrees with need to increase school security, but believes this can be achieved in an alternate way.</p> <p>Proposals mean much longer walk via pavement of Radipole Lane to Corfe Road and along Steeple Close to reach point A via Footpath 133. Also much longer for walkers using Footpath 62 and heading north from point C for the same reason.</p> <p>Suggests erecting fencing with security gates to the west of A-B-C. Driveway and parking area not used by unaccompanied children so no significant risks to wellbeing if footpath used by public. This would increase security for school and would have less impact on other stakeholders.</p> <p>Proposals mean loss of access not only during school hours but also outside of school hours, including early mornings, late afternoons, evenings, weekends all school holidays, when there would be no risk associated with use of current footpaths.</p> <p>Second alternative taking into consideration both needs of community and need for increased school security, would be to extinguish footpath 131 and divert footpath 62 as proposed but have lockable gates at both point A and point C, and to lock these gates only during</p>

	<p>school hours allowing access from point C to point A for footpath users at other times.</p> <p>Extinguishment of footpath 131 would fracture connection of footpaths in area, reduce use of footpath network, and result in significant loss of enjoyment of rights of way.</p> <p>The proposals do not fully take into consideration requirement of local residents.</p>
<p>REP6</p> <p>Local Resident</p>	<p>Children's safety is paramount.</p> <p>Objectors' grandchildren attended this school</p> <p>Objection to complete fracturing of footpath network</p> <p>Footpath 62 would become a loop going nowhere</p> <p>Proposed exit of new footpath at J too close to a blind bend</p> <p>Asks if gates at B and C could be locked when necessary and public excluded by order at times to suit school.</p> <p>Asks if new footpath could be created from back of Radipole Manor on footpath 62 along southern edge of playing field to access wood owned by the council and join up to footpath S1/63, to restore network.</p> <p>Objector has been walking to river Wey along existing footpath for 75 years. Extra distance of diversion could curtail this activity</p>

### Supporting the proposal:

Name	Comments
<p>REP5</p> <p>Local Resident</p>	<p>Proposals will make it quieter in term time, and more secure for children and teachers.</p> <p>Have used path occasionally but can walk round other way quite easily.</p> <p>Weren't aware there had been problems but happy council / school working to resolve them for safety of children &amp; staff.</p>

**Other responses received:**

Name	Comments
Cllr David Northam	<p>Concerned at the proposed extinguishment of FP 131 and loss of direct connection to FP62.</p> <p>Requests consideration of two alternative arrangements (plans attached as Appendix 5)</p> <p>Option 1 – Preferred as it makes the least change in distances but enables greater security to the main school area.</p> <p>Diverts FP131 away from main school area to turning circle within the school grounds and connects with re-routed FP62 at point H. For completeness Section of FP62 should be diverted to run along pavement bordering school entrance road. Will enable main school area to be secured and moves FP131 away from staff car park and school playground to the other side of the trees preventing overlooking of these areas. Option 2 – Less preferred as it creates a path running adjacent to a private property and creates a bigger diversion for walkers and may receive objections for these reasons.</p> <p>This accepts removal of FP131 but proposes extending FP133 to run along northern edge of playing field to join FP62 on Radipole Lane.</p> <p>Reduces additional distance for walkers through Steeple Close and Corfe Road to Radipole Lane, along Radipole Lane to the diverted FP62 at point.</p>
Senior Archaeologist, Dorset Council	<p>At present no recorded archaeological finds or features or historic buildings on or in immediate vicinity of routes affected by proposal. Medieval settlement remains situated a little way to south west in Humpty Dumpty Field, but Scheduled Monument (Humpty Dumpty Field, Radipole, Weymouth – 1002395) is not affected by proposed changes. Historic environment considerations do not constitute a constraint in context of proposal.</p>
SSE	Apparatus affected by proposals. No objection raised.
SGN	Apparatus affected by proposals. No objection raised.
BHS	Sensible diversion
Weymouth Town Council	Request to see some alternatives before making a comment. Loss of this footpath would be a significant loss of amenity as the diversion is a long way round.

RADIPOLE PRIMARY SCHOOL

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SAFEGUARDING FENCING REQUIREMENTS

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August 2024

AUGUST 2024  
Assets and Property



## Client Brief

Children's Services has commissioned Assets and Property to look at installation of site fencing to address risks and concerns about safeguarding children during the school day.

The School has reported numerous incidents relating to safeguarding and inability to adequately segregate pupils from public, with a public Right of Way running through the school grounds. The School is unable to implement a Lockdown Policy as required by Ofsted without additional safeguarding measures being put in place.

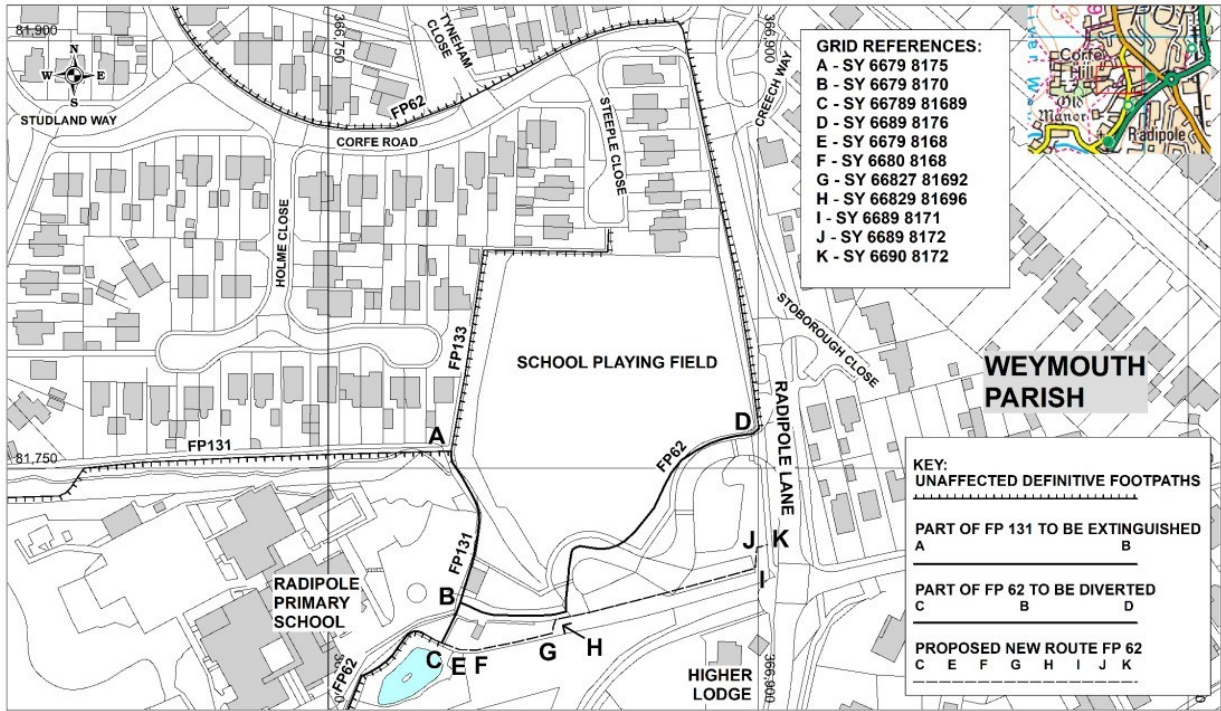
The School has applied to Dorset Council to divert a section of the Public Footpath, providing an alternative route, which could be fenced off to fully segregate members of the public, and their dogs from the school children.

The following fencing proposals will be used in support of the Planning Application for the footpath diversion, in conjunction with incident evidence to be provided by the School to accompany their Application.

## Aerial Photograph

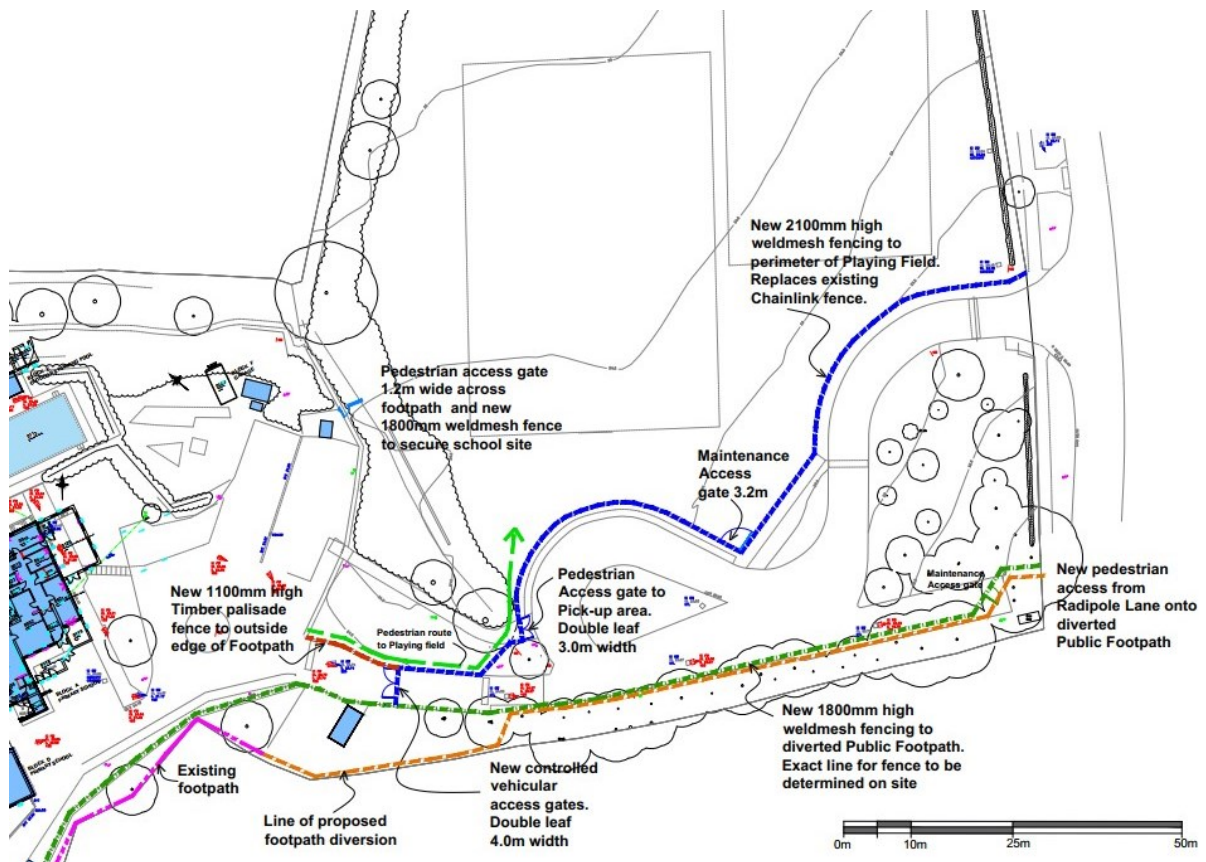


## Proposed Footpath Diversion



This plan has been produced by Dorset Council's Rights of Way Team as part of the Planning Application consultation documents for the proposed footpath diversion.

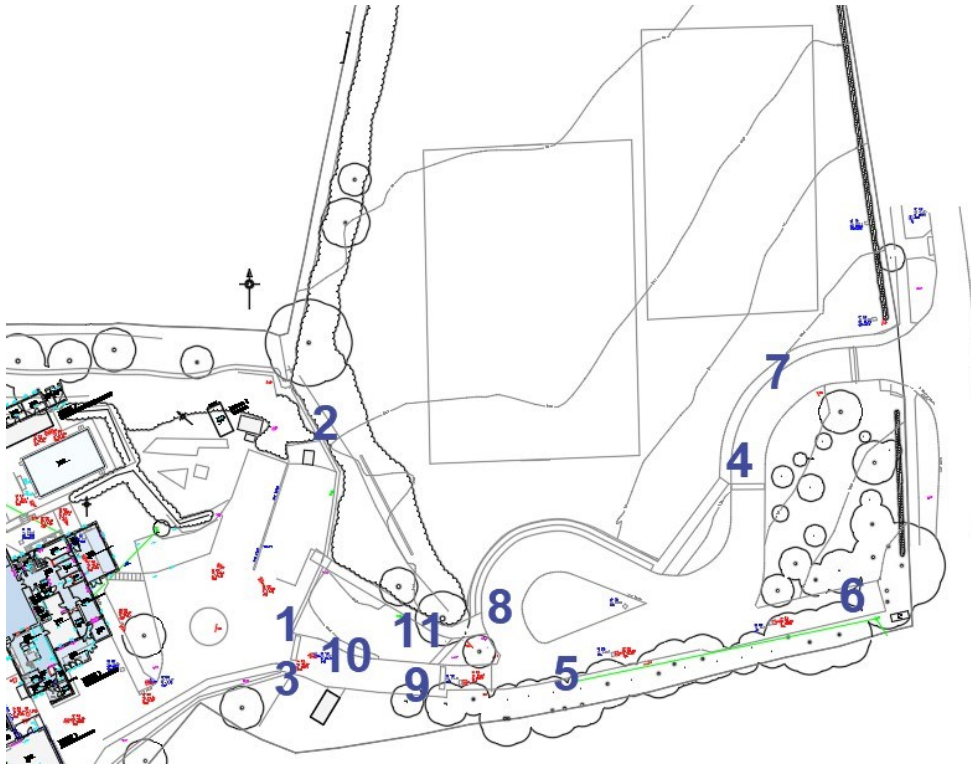
### Proposed Site Fencing Plan



Site Photographs 01.08.24



## Photograph Location Plan



**1:** Existing Public Right of Way FP 131; section to be extinguished





**2:** Public Right of Way FP 133, section to remain Fence and gate to be installed to close off the extinguished section of footpath.



**3:** Existing Right of Way FP 131 to be extinguished and new fencing installed across opening.





**4:** Existing Route of FP 62 to be diverted.  
New 2100mm high weldmesh fencing to be installed to replace existing Chain link fence.



**5:** New route for diverted Right of Way FP62, to be fenced with 1800mm high weldmesh fencing to segregate footpath users from the School. Existing parking bays to be adjusted to allow for adequate footpath width alongside existing mature trees.





**6:** Route for diverted Right of Way FP 62 through existing hedgerow to Radipole Lane at east end of school site. 1800mm high fencing to be installed and new gate to the Lane.



**7:** Existing fence to Playing Field perimeter to be replaced with 2100mm high weldmesh fencing. Gates to be installed for grounds maintenance.





**8:** New fencing and pedestrian access gates to be installed at the Pick-up Drop-off zone adjacent to the roundabout.



**9:** Existing low chain link fencing to be replaced with 1800mm high weld mesh fencing to improve safeguarding adjacent to diverted public Right of Way FP62.





**10:** Proposed location for new electronically controlled vehicle access gates to staff car park and Reception. Refresh road markings.



**11:** Existing low timber fence to be replaced with 2100mm high weldmesh fencing along outside of existing footpath, between drop off zone and end of footpath.



## **Safeguarding Monitoring Site Visit and Consultation Report**

It was recommended to the School to request a Safeguarding Monitoring Visit and Site Safety Inspection from Dorset Councils Safeguarding and Standards Adviser.

The Safeguarding and Standards Advisers work as part of Dorset Quality Assurance and Partnership Team, within Dorset Council's Children's Services. It is the responsibility of the SSA's to provide advice and support to education providers across the Dorset Council area and to ensure that schools and alternative providers are meeting the appropriate standards of safeguarding within their settings to ensure children and young people who attend are protected.

A member of the Safeguarding Standards Advisory Team conducted a site visit on the 3<sup>rd</sup> September 2024 and a Consultation Report dated 13.09.24 was issued to Radipole Primary School.

The Consultation Report concluded that with the current public footpath intersecting the school site, Radipole Primary School would not be able to achieve Department for Education guidance on site security measures and therefore, the safeguarding of their student body. The DfE guidance gives instruction around site perimeter and site entrance safeguarding measures for schools to follow, none of which Radipole Primary School are currently able to guarantee.

Recommended Next Steps:

The Safeguarding in Education Team, within Dorset Council, encourages consideration of Radipole Primary School's application to divert the public footpath in light of their current limitations to adequately secure their school site and the associated safeguarding risks.

The Government guidance referenced in the Consultation Report document has been established in response to genuine threats to school sites across the United Kingdom.

## Health and Safety visit to Radipole Primary School – 21<sup>st</sup> August 2024

I was invited to visit Radipole Primary School to review the potential solutions to a perennial issue surrounding security and safety of students and staff on site due to the public right of way running through the school grounds.

Numerous reports have been submitted relating to safeguarding on site and of safety related matters resulting from known persons who have made threats or could be a threat to school staff and students on site.

The site itself is bordered by a public right of way, which intersects the school grounds. This means that members of the public and persons who may be a risk to both safeguarding of children and safety of staff are able to enter the school grounds unchallenged and unseen. Because of this adequate lockdown procedures would be unachievable and could lead to a high-risk situation.

Whilst on-site I was shown two potential solutions to the hazards caused by unknown persons accessing site.

The first proposal included extending the public right of way from the existing entrance to the school property (just left of the second set of gates which lead into the staff car park and school grounds proper) all the way to Radipole Lane. The public right of way would then continue along the road a short distance to where the existing exit/entrance to the footpath already exists.

The second proposal includes leaving the public right of way to enter the school grounds in its current location and would include improvement of the fence at the school and the introduction of a new gate leading into the school grounds and staff car park.

It is my opinion that the first option would be the safest option because the right of way would continue to the main road without persons being able to access the school site, including the playing field at the front of the site ensuring the safety and safeguarding of all persons on site. The second option still has risk attached because the playing field at the front of the site, which is used for sports and events, would still be cut off from the main school and may still lead to a level of unacceptable risk.

Paul Downton

Dorset Council

Health and Safety Manager.

Date of Consultation:	03.09.24	Time of Visit:	14:30
Name & Role of Professional:	Kathy McCann - Headteacher		
Professional's agency:	Radipole Primary School		
Telephone Number:			
Email Address:	kmccann@radipole.dorset.sch.uk		

**Overview of Discussion:**

Purpose of the visit was to consider the concerns held by Kathy McCann about the site security of Radipole Primary School, from the perspective of the Safeguarding in Education Team at Dorset Council.

This visit followed a visit by Paul Downton, Health and Safety Manager – Dorset Council, in August 2024, to assess and consider the same concerns and should be read in conjunction with Paul's report from his visit.

As noted in Paul's report:

*The site itself is bordered by a public right of way, which intersects the school grounds. This means that members of the public and persons who may be a risk to both safeguarding of children and safety of staff are able to enter the school grounds unchallenged and unseen. Because of this adequate lockdown procedures would be unachievable and could lead to a high-risk situation.*

This viewpoint is accepted and supported by the Safeguarding in Education Team, within Dorset Council.

The presence of the public footpath intersecting the Radipole Primary School site means that the Leadership Team and Staff within the school would be unable to be assured that there were no unknown individuals on the school site. The location of the footpath, between the school building and sports fields, means that, members of the public can have access to interact with the children during the school day.

The Department for Education released the following guidance in July 2024 - [Site security guidance - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/site-security). The site security guidance gives the following points to consider:

**Points to consider**

- Is your perimeter secure?
- Is your external environment secure?
- Are your buildings secure?
- Is your contents secure?
- Do you have a security lockdown procedure?
- Have you taken steps to advise older students about counter terrorism?

For Radipole Primary School, with the current public footpath intersecting the school site, they would not be able to achieve the underlined points above. As such, they are not able to assure Department for Education guidance on site security and as such, the safeguarding of their student body. The same guidance also gives instruction around site perimeter and site entrance, for schools to follow. None of which Radipole Primary School are currently able to guarantee.

Further guidance on this subject, from the Department for Education, can be found here - [Protective security and preparedness for the education sector \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/781212/Protective_security_and_preparedness_for_the_education_sector.pdf)

Within this guidance it encourages schools to consider the following:

*Baselining is a process to understand the current security measures in place at a setting. It will identify any vulnerabilities and opportunities that someone intending to cause harm may exploit...*

- *how easily can someone without a pass access your site?*
- *how easily can someone walk through your site without being challenged?*
- *how easily can someone access secure areas?*
- *using high-vis or other props to look like a contractor (such as a ladder or trolley) how easily can someone blend into the surroundings without actually having official access*

Consistently, as with the first piece of Government guidance, Radipole Primary School cannot be confident in their site security when considered against these questions and this guidance document.

#### Recommended Next Steps:

The Safeguarding in Education Team, within Dorset Council, would encourage consideration of Radipole Primary School's application to divert the public footpath in light of their current limitation around site security and associated safeguarding risks. Government guidance shared within this document has been established in response to genuine threats to school sites across the United Kingdom and as such represents an area all schools need to consider and seek to ensure.

Name of safeguarding advisor:	Jack Corrigan
Date sent:	13.09.24.

### Risk Assessment

Workplace - Site Security	Date of Assessment	August 2024
Assessment completed by (Name) Kathy McCann & Kelly Elliott	Due for review	August 2025
(Designation) Headteacher & School Business Manager		

#### Plan 1 – Current site layout (Boundaries and Footpaths)

#### Plan 2 – Proposed amended footpath access and site boundary fencing

Hazard / Risk <small>e.g. slip/trip hazards, electricity, equipment/activity related hazards</small>	Who is at risk?	Current Controls in Place  Are they adequate?  Is the risk reduced as far as possible?	Level of Residual Risk  Low, medium, high or very high?	Additional measures to control the risks
Trespassers (Plan 1)	All	<ul style="list-style-type: none"> <li>Clear signage e.g. no trespassers – <i>Offence under Section 40 Local Government (Misc Provisions) Act 1982;</i></li> </ul>	Currently High	<ul style="list-style-type: none"> <li>Gates to both the KS1 playground and side access to our year 5/6</li> </ul>

		<ul style="list-style-type: none"> <li>Clearly signed reception, visitor parking areas etc;</li> <li>Staff to challenge or report trespassers</li> </ul>	<ul style="list-style-type: none"> <li>The area to the front of the school and KS1 playing field is not able to be monitored at all times of the day due to the restricted view and site logistics.</li> <li>There is Free flow and easy access from both the main road and the footpaths right up to the main office and the gates to the KS1 playground. (Shaded red on plan 1)</li> <li>The public footpath enables access to the front school playing field and when children move from the main school area to the playing field they can come into contact with members of the public when crossing the current footpath and with members moving around the areas show on plan one shaded red</li> </ul>	<p>area that are locked during school hours</p> <ul style="list-style-type: none"> <li>Walkie Talkies used by staff members to raise alert in the event of unwanted trespassers</li> </ul>
Trespassers (Plan 2)	All	<p>Additional Possible Controls:</p> <ul style="list-style-type: none"> <li>2 M high fencing to encompass the school field and the boundary of the site up to access gates.</li> <li>1M high fencing to identify the planned footpath route from the access gates running parallel with the drop off area shaded red on plan 2</li> <li>Control entry gates for visitors to site during school hours, both pedestrian and vehicular.</li> <li>The option to install CCTV with clear boundaries in place</li> </ul>	Low	
Vandalism (Plan 1)	Whole School	<ul style="list-style-type: none"> <li>Maintain effective exterior lighting;</li> <li>Local vigilance - foster supportive relationships with neighbours;</li> <li>Neighbourhood watch or Schoolwatch</li> </ul>	Medium	<ul style="list-style-type: none"> <li>We have had to report to the police on separate occasions when we have had unwanted members</li> </ul>

		<ul style="list-style-type: none"> <li>schemes</li> <li>• Caretaker living on site</li> <li>• Maintain lines of sight with neighbours – trim hedges etc</li> <li>• Remove graffiti and deal with vandalism damage promptly</li> <li>• Minimise points of access onto roofs</li> <li>• Security lighting in vulnerable building recesses</li> <li>• Report incidents to Police;</li> <li>• Seek advice from Crime Prevention Officer.</li> </ul>		<p>of the public on site during the holiday periods.</p> <ul style="list-style-type: none"> <li>• We also had a police presence on site and the Police search helicopter present when unwanted trespassers used the school site to try and escape the police – this occurred in the early hours of the morning on a weekday.</li> </ul>
Theft/Burglary (Plan 1)	Whole School	<ul style="list-style-type: none"> <li>• Keep blinds closed;</li> <li>• Maintain building in good repair;</li> <li>• Robust key control – named keyholders only</li> <li>• Reporting of lost keys &amp; key audits</li> <li>• Supervision of lettings</li> <li>• Lettings conducted in restricted areas/limit access to other parts of building</li> <li>• Clear locking arrangements / responsibilities</li> <li>• Close/lock windows at end of day</li> <li>• Pupils – stated rules regarding valuables in school (e.g. no phones/ipods etc);</li> <li>• Bicycle/Scooter store readily visible from school building;</li> <li>• Staff – advised not to bring valuable personal items in to school</li> <li>• Bins secured to prevent wheeling against building; Paper/Card recycling bin lids locked;</li> <li>• Local vigilance and crime reporting;</li> </ul>	Low	

		<ul style="list-style-type: none"> <li>• Site security walks look for evidence of fire setting, vandalism and drug use etc.</li> </ul>		
Theft/Burglary (Plan 2)	Whole School	<p>Additional Controls</p> <ul style="list-style-type: none"> <li>• Gated Access which can be locked when no one is on site</li> <li>• Installation of CCTV and signage</li> </ul>	Low	
Arson / Fire (Plan 1)	Whole School	<ul style="list-style-type: none"> <li>• Entrance visible from reception;</li> <li>• Single point of access with other doors locked;</li> <li>• Staff present supervising pupils during lessons and outdoor play or learning;</li> <li>• Inventory signing in and out system so easy identification of who is on site at any point in time is possible</li> </ul>	Low	
Arson / Fire (Plan 2)	Whole School	<p>Additional Controls</p> <ul style="list-style-type: none"> <li>• Secure monitored/manned access to building with a gated control put in place</li> <li>• CCTV</li> </ul>	Low	
Attacks on pupils (Plan 1)	Pupils	<ul style="list-style-type: none"> <li>• Procedure for reporting 'incidents' in playground</li> <li>• Visitor passes and signing in process;</li> <li>• Supervised visitors;</li> <li>• Approved contractors;</li> <li>• Partial Site perimeter fencing</li> <li>• Staff presence;</li> <li>• Call 999 in emergency;</li> <li>• DBS vetting for staff, volunteers etc</li> <li>• Arrival and handover procedure at beginning and end of day</li> <li>• Clear communication to parents when pupils will be supervised</li> </ul>	Medium/Low	<ul style="list-style-type: none"> <li>• Although we consider the risk to be low due to being very vigilant and putting in place all of the measures that can be followed the risk would be less if strangers on site could be challenged</li> <li>• We have concerns that more could be done to alleviate this risk.</li> <li>• We are unable to currently prevent unwanted trespassers from accessing the school field and this could occur for example during times when</li> </ul>



				children are participating in sporting activities
Attacks on Pupils (Plan 2)	Whole School	Additional Controls <ul style="list-style-type: none"> <li>Renewal and additional fencing will help to eliminate the free flow of dogs on site (Dog Attacks)</li> </ul>	Low	<ul style="list-style-type: none"> <li>Fencing and control gated access to encompass our front school playing field will eliminate some of our risk concerns.</li> <li>Our main risk is of dog attack due to the proximity of the footpath that runs through our site, children can currently come into direct contact with both footpath users and dogs when moving from and to the school field as well as at the beginning and end of the school day</li> </ul>
Attacks on staff (Plan 1)	Staff	As above, plus:- <ul style="list-style-type: none"> <li>Lone working policy;</li> <li>Well lit car parking area;</li> <li>Sharing of information and team debrief following incidences of aggression from parents etc.</li> <li>Signage and policy requesting for members of the public to respect staff members</li> </ul>	Medium/Low	
Attacks on staff (Plan 2)	Staff	<ul style="list-style-type: none"> <li>Controlled gated entrance to prevent parents/known members of the public from having free access to site</li> <li>CCTV to monitor irrational threatening behaviours.</li> <li>Signage regarding CCTV being on site</li> </ul>	Low	<ul style="list-style-type: none"> <li>There are currently known parents that are not allowed on site due to Child Protection Orders and Court Orders. These individuals cannot be challenged if they are in the vicinity of the footpath as they are</li> </ul>

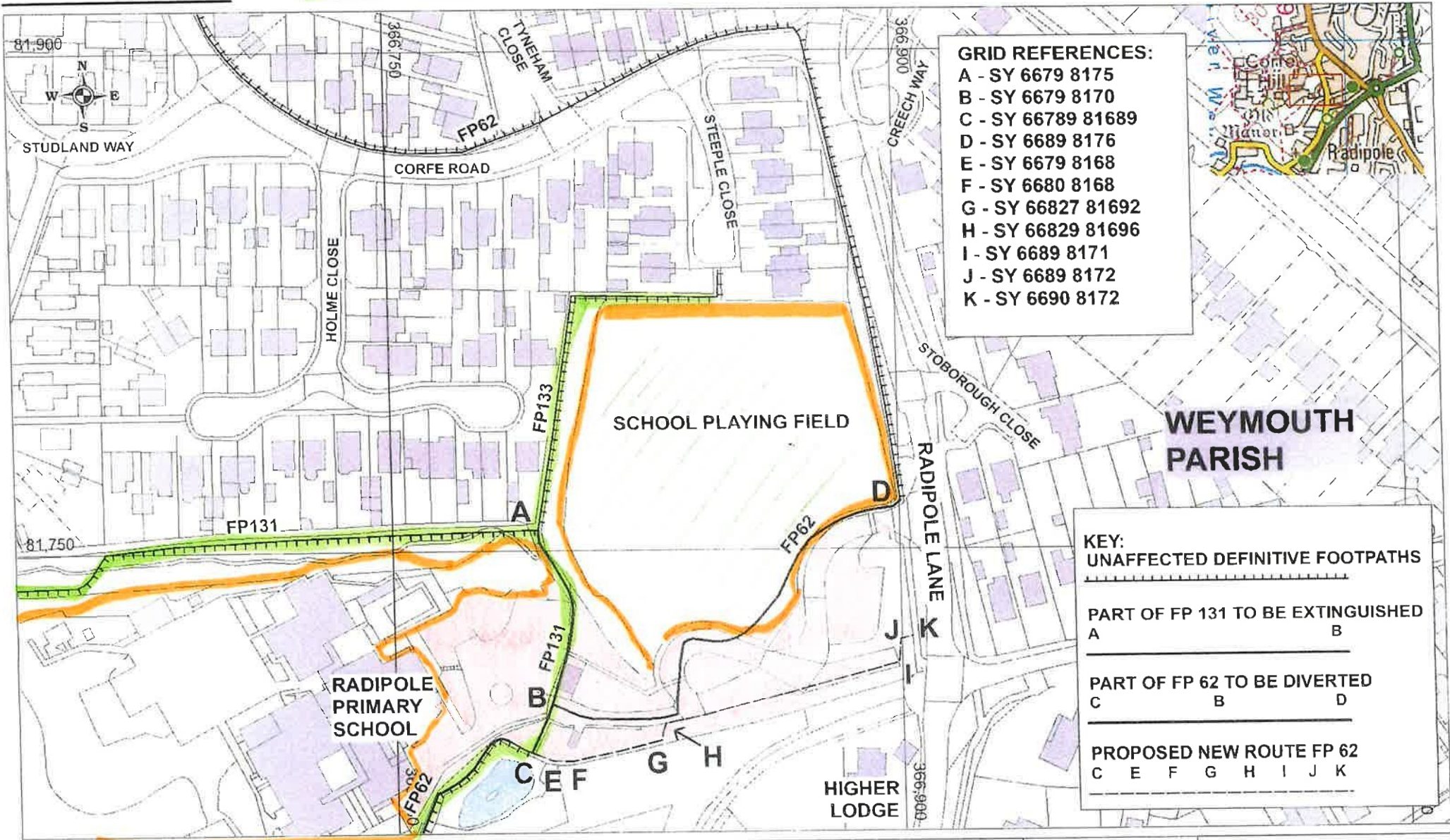
				<p>within their rights to be there.</p> <ul style="list-style-type: none"> <li>There is no early warning for staff members, with granted access through a gated entrance this would be possible.</li> </ul>
Absconders (Plan 1)	Identified pupils	<ul style="list-style-type: none"> <li>Locked gates and fences</li> <li>Adequate supervision</li> <li>Staff members to have access to walkie talkies in classrooms, main office and SLT members so that there is an early alert in the event that a child runs away</li> <li>High Vis vest to be worn by identified pupils so that they are easy to pick out on the playground</li> </ul>	Medium	<ul style="list-style-type: none"> <li>Where this has in the past been considered to be a low risk we now consider this to be a medium risk. We have had one occasion when a pupil has got to the front gates in their efforts to leave site.</li> <li>We have an increased number of flight risk children attending the school than previously when we accessed the risk</li> <li>A higher fence would enable us to eliminate this risk</li> </ul>
Absconders (Plan 2)	Identified Pupils	<ul style="list-style-type: none"> <li>Higher security fencing and gates would eliminate the likelihood of pupils climbing to leave site</li> <li>Gated access would offer a visual barrier preventing the likelihood of pupils identifying absconding as being a possibility</li> <li>CCTV to identify if a pupil has gone out of sight and offer an easy way of picking up where they are on site.</li> </ul>	Low	
Animals intrusion (Plan 1)	Pupils/staff	<ul style="list-style-type: none"> <li>Fences</li> <li>Locked gates</li> <li>Supervision for children</li> <li>Clear signage requesting dogs are kept on leads</li> </ul>	<p>Low – Internal Spaces</p> <p>High – External Spaces</p>	<ul style="list-style-type: none"> <li>We consider this risk to be low in respect of animals gaining access to the school buildings</li> </ul>

				<ul style="list-style-type: none"> <li>This risk is however deemed to be High for playground and field areas due to the location of the site for wild animals and the proximity of the footpath and dog walkers all of which could be eliminated with correct fencing and boundaries</li> </ul>
Animals Intrusion (Plan 2)	Pupils.Staff	<ul style="list-style-type: none"> <li>Fencing to clearly identify the footpath routes – would help to ensure users are kept safe from on-site traffic</li> <li>Fencing will help to ensure that dogs cannot access the playground or field areas where children play. These outside spaces are used regularly for teaching and also during non-term time for various clubs and activities</li> <li>No direct contact between dog walkers and pupils as their paths do not cross with the application to extinguish the section of footpath</li> </ul>	Low	
School Drop Off & Collection – Accidents involving pupils parents, staff & members of the public (Plan 1)	All	<ul style="list-style-type: none"> <li>No Traffic zones identified, cars not allowed on site during school drop off and pick up times</li> <li>No parking hatched lines clearly marked at the entrance to the school</li> <li>Staff presence outside at these times of the day</li> <li>Crossing Patrol directly outside of the school to assist everyone crossing the road</li> <li>PCSO attends to monitor traffic issues and buildup outside of school grounds</li> </ul>	High	<ul style="list-style-type: none"> <li>Staff members arrive and leave at times that can clash with the start and end of day rush</li> <li>Members of the public do not respect the no traffic request</li> <li>Disregard to pedestrian pathways and road is used as a footpath</li> </ul>
School Drop Off & Collection – Accidents involving pupils parents,	All	<ul style="list-style-type: none"> <li>Identified drop off zone re-introduced at the entrance to the gated access utilizing the turning circle allowing cars onto the restricted area highlighted red on plan 2 to help reduce the road congestion</li> </ul>	Medium	

staff & members of the public (Plan 2)		<ul style="list-style-type: none"> <li>• Clear signage with new fencing ensuring that members accessing the footpath are safe</li> <li>• New fencing ensures no vehicular access to the main school area.</li> <li>• School council taking an active role to promote safe travel and moving around site</li> </ul>		
Fire		<ul style="list-style-type: none"> <li>• See Separate Fire Risk Assessment</li> </ul>	Low	
Cash Handling		<ul style="list-style-type: none"> <li>• Cash handling procedure</li> <li>• Cash handled out of sight of visitors</li> <li>• Store small amounts in locked safe</li> <li>• Bank cash frequently at varying times of day</li> <li>• Disguise/hide cash box when transporting to bank</li> </ul>	Low	
ICT Security		<ul style="list-style-type: none"> <li>• ICT rooms internal or blinds closed;</li> <li>• DNA protected equipment</li> <li>• Servers/data 'backed up' securely;</li> <li>• Supervised use of computers by pupils;</li> <li>• Laptops locked/secured</li> </ul>	Low	
Data Security		<ul style="list-style-type: none"> <li>• Personal and sensitive information held securely – in locked draws etc;</li> <li>• DBS schemes for staff, volunteers, contractors</li> </ul>	Low	

PLAN 1

EXISTING FOOTPATH



**GRID REFERENCES:**  
 A - SY 6679 8175  
 B - SY 6679 8170  
 C - SY 66789 81689  
 D - SY 6689 8176  
 E - SY 6679 8168  
 F - SY 6680 8168  
 G - SY 66827 81692  
 H - SY 66829 81696  
 I - SY 6689 8171  
 J - SY 6689 8172  
 K - SY 6690 8172

**WEYMOUTH  
PARISH**

**KEY:**  
 UNAFFECTED DEFINITIVE FOOTPATHS  
 PART OF FP 131 TO BE EXTINGUISHED  
 A B  
 PART OF FP 62 TO BE DIVERTED  
 C B D  
 PROPOSED NEW ROUTE FP 62  
 C E F G H I J K

**SECTIONS 118B AND 119B, HIGHWAYS ACT 1980  
 APPLICATION TO EXTINGUISH PART OF FOOTPATH 131 AND DIVERT PART OF  
 FOOTPATH 62, WEYMOUTH AT RADIPOLE PRIMARY SCHOOL**

THIS MAP IS NOT DEFINITIVE AND HAS NO LEGAL STATUS

Ref: P261/24/1  
 Date: 27/06/2024  
 Scale: 1:1500  
 Drawn by: CAM  
 Cent X: 366849  
 Cent Y: 81788



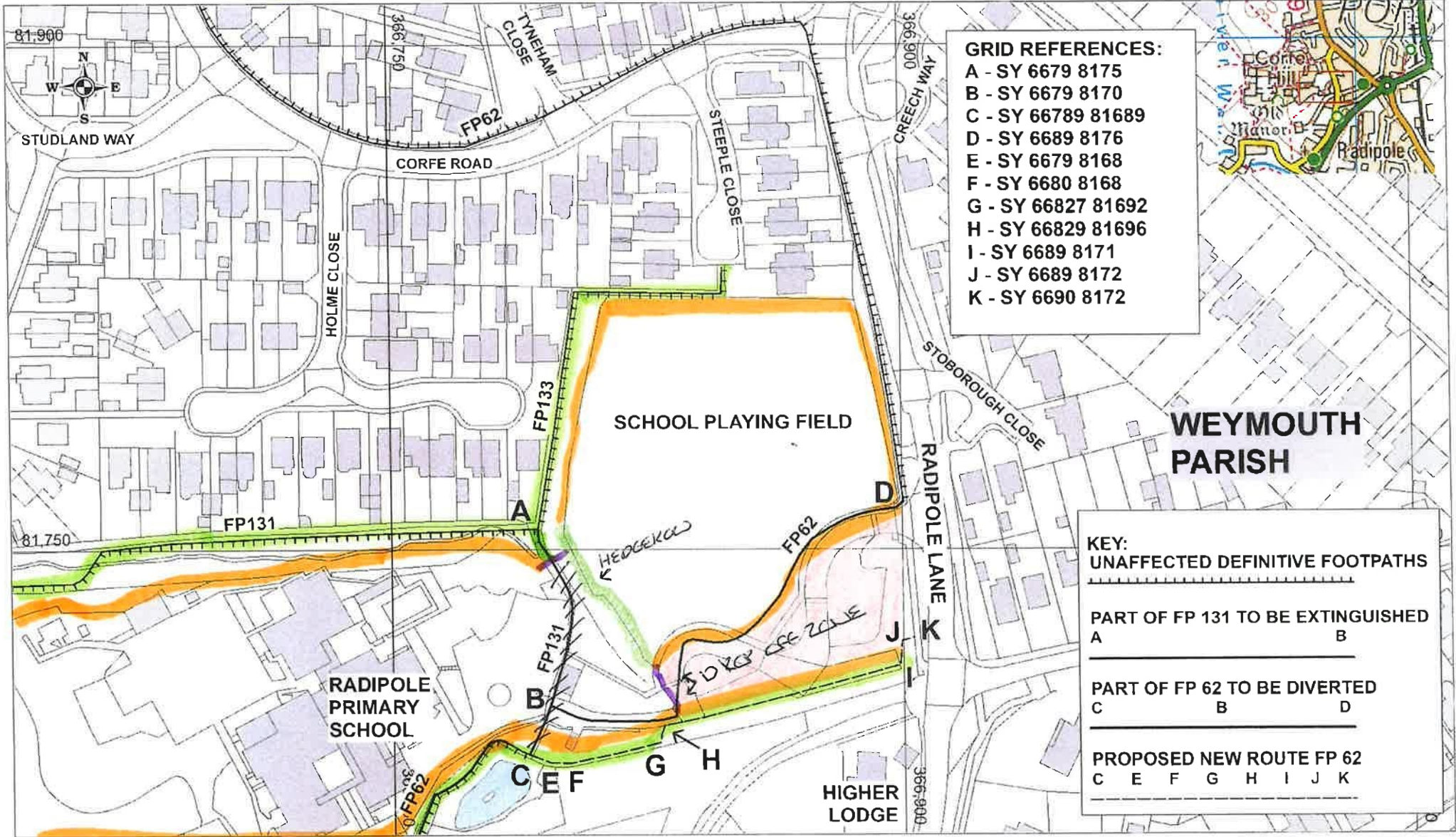
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Plan 2

PROPOSED BOUNDARY (FENCIBLE)  
 CLIFFERT + PROPOSED FOOTPATH

ENTERED ACCESS  
 PROPOSED EXTINGUISHED FOOTPATH



**GRID REFERENCES:**  
 A - SY 6679 8175  
 B - SY 6679 8170  
 C - SY 66789 81689  
 D - SY 6689 8176  
 E - SY 6679 8168  
 F - SY 6680 8168  
 G - SY 66827 81692  
 H - SY 66829 81696  
 I - SY 6689 8171  
 J - SY 6689 8172  
 K - SY 6690 8172

**WEYMOUTH  
 PARISH**

**KEY:**  
 UNAFFECTED DEFINITIVE FOOTPATHS  
 PART OF FP 131 TO BE EXTINGUISHED  
 A B  
 PART OF FP 62 TO BE DIVERTED  
 C B D  
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 C E F G H I J K

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