



**Request For Special Extinguishment Order On Public Footpath No. 1
Darley Abbey
Saint Benedict Catholic School And Performing Arts College, Duffield
Road, Darley Abbey**

RECOMMENDATION

1. To refuse the request by St. Benedict Catholic School to make a Special Extinguishment Order under Section 118B Highways Act 1980 (as amended) for the Public Footpath No. 1 Darley Abbey on the grounds that it would not be expedient to make such an Order.

SUPPORTING INFORMATION

2.1 Application

- 2.1.1 The Council, as Highway Authority, has received a request from the Headteacher of St Benedict Catholic School, to make a Special Extinguishment Order (SEO) under Section 118B Highways Act 1980 in relation to Public Footpath No. 1 Darley Abbey, (which is also known as Darley Abbey 1) on the grounds that the existence of this path is a the threat to the safety of staff and pupils at the School.

2.2 Legislation

- 2.2.1 Section 118B of the Highways Act ("the Act") gives the Highway Authority power by order to close footpaths that cross school grounds where the Council considers it is expedient for the purpose of protecting staff and pupils, subject in the case of an opposed order, to it being confirmed by the Secretary of State.
- 2.2.2 The section only applies to a 'relevant highway' crossing land occupied for the purpose of a school. The footpath subject to the application meets both these criteria.
- 2.2.3 The closure of a footpath by means of a SEO is a two-stage process: the first stage is the making of the Order. The second stage is the confirmation of the order. They are separate and distinct stages and involve applying differing tests.
- 2.2.4 The first stage in terms of making the order requires the Council in its capacity as highway authority to determine whether it appears expedient for the purposes of protecting the pupils or staff to stop up the highway. If that test is satisfied the Council then has discretion whether or not to make an SEO.

- 2.2.5 If an Order is made it would then be advertised to allow interested parties the opportunity to object to it.
- 2.2.6 The process in terms of confirmation will depend on whether objections to the closure are received. If objections are received and they are not withdrawn and the Council decides to proceed with its intention to close the footpath a public inquiry would be held by the Planning Inspectorate to examine the available evidence and to determine whether the tests for confirming the order are met. If no objections are received, or those that are received are subsequently withdrawn, the Council can confirm the order themselves if they are satisfied that those tests are met.
- 2.2.7 In relation to the first stage regarding the making of an Order section 118B(1)(b) of the Act provides that the Council may make an order where it appears to them that “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.”
- The Oxford English Dictionary describes ‘expedient’ as meaning advantageous, suitable, or appropriate.
- 2.2.8 There is at present little guidance by way of legal case law in applying the provisions. Such that does exist emphasises the need to ensure that a staged process is followed and that in considering whether it is expedient to make an order Councils should only consider those issues relevant to the first stage of the process.
- 2.2.9 The case law however does recognise that the Council does have an inherent and wide discretion whether to make an order and that in exercising such there would be no point going through the first stage process of making the order if at the subsequent stage the application would be clearly be doomed. It is also recognised by the judgements that there is great overlap between considerations at both stages, most obviously with those matters identified in subsections (8)(a) and (b) of section 118B, which are set out below.

2.2.10 In determining whether to confirm the order under the second stage of the process, section 118B(8) of the Act provides that the Council or, as the case may be the Secretary of State, must be satisfied that in addition to it being expedient to stop up of the highway under the tests in the first stage process mentioned in subsection (1)(b), that it is also 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 respect land served by the highway, account being taken of the provisions as to compensation”.

2.2.11 The second stage is a distinct and separate part of the process requiring the application of a more detailed test. Whilst there is recognition in case law that some overlap can occur during consideration of making the order the Council should not seek to apply the broader questions of expediency applicable to this later stage. For instance matters such as whether the School could have improved its security measures in other ways, whether the Order itself would improve security and whether a better alternative would be diversion rather than extinguishment, are matters that should be considered at the confirmation stage, rather than at the Order making stage.

2.3 The extent of footpath to be closed

2.3.1 Public Footpath No. 1 Darley Abbey is shown on Plan 1 in Appendix A. The path is approximately 626 metres in length and runs from the eastern part of Broadway to southern part of The Crest in Allestree. The School only wishes the section which lies within its grounds to be closed, however, if this part was to be closed it will be necessary to consider the effect on the other sections to the north and to the south.

2.4 Summary of submitted evidence of the St Benedict School

2.4.1 The Headteacher has provided details of various incidents involving staff and pupils in support of his request. This evidence shows that from March 2004 to April 2008, there were 39 days when incidents of people loitering and causing a nuisance on site took place. This includes 7 incidents of threats of violence and 4 actual acts of violence. This evidence is assessed in detail in Appendix B of the main report in Appendix 2.

2.4.2 The Headteacher's request to have the footpath closed is also supported by the NASUWT, the Derby Safeguarding Children Board, by several parents of pupils at the School and by the Police.

2.5 Survey of footpath use

- 2.5.1 In order to assess the usage of the path the Council carried out a survey of path users from 4th September 2008 to 17th October 2008. In total, as a consequence of that survey, I received evidence of use from over 200 people, all of whom recorded their objection to the paths closure.
- 2.5.2 Letters of objection to the path's closure have also been received from the following organisations, the Broadway Action Group, the Darley Abbey Society, the Derby and South Derbyshire Group of the Rambler's Association and Lawn Primary School. A petition objecting to its closure with 191 names of local residents has also been received.
- 2.5.3 From the survey undertaken I know that the path is used every day by very many local residents who consider it to be a very important route.

2.6 Crime Prevention Officer Audit

In order to help us assess the dangers and concerns to pupils and staff arising by the public's use of the path and the inconvenience to local residents that the path's closure would cause, I commissioned the Derby Community Safety Partnership's Crime Prevention Officer (CPO) to undertake a security audit.

2.6.1 The CPO noted that:

- "the peculiarity of the layout has undoubtedly added to the increased perceptions of crime for those working and attending the School."
- the School's fencing improves security but that "there are a number of vulnerable points where access can be gained relatively easily into the School."
- some pedestrian gates had been wide left open giving easy access to the School.
- "the lighting was very poor along the footpath and that this was a "major factor in increasing the fear of crime for those persons wishing to use the footpath for legitimate reasons."
- "any potential offenders can easily access the School if they are motivated to do so. The School needs to build on the crime prevention principle of increasing in the mind of the offender the chances of them being caught."
- "tightening up staff security practices" and additional signage would increase the perception of territoriality and private space and help deter offenders.
- "there are no locks to individual buildings and once any offenders are past the main reception, there are few security measures in place to prevent opportunist theft."

- “the level of maintenance on the site is generally good.” This should help deter offenders as “poorly managed premises generally add to the overall perceptions of a place and the more positive an impression that good maintenance is apparent, the less likelihood of offenders wanting to gain access.”

2.6.2 The CPO considered, however, that “whilst the circumstances are unusual, there is no reason the footpath and the School cannot exist together in harmony, providing a number of improvements are made to the access control management of the School.” He recommended that:

- “placing the highest risk items, such as IT equipment, closer to the centre of the School behind several layers of physical protection.”

“the greatest improvement to access control would be gained by adding electro-magnetic locks to the main vehicle and pedestrian gates leading into the upper School to the west of the footpath. These would be operated by the reception staff via CCTV and remote handset for communication.”

- that access control be given to one member of staff.
- “increased lighting along the footpath close to the School would also greatly assist the CCTV system.”
- “the re-location of the visitors parking to outside the main gates and only allow access to visitors on foot. This will allow vehicular traffic can be more effectively controlled and the gates to remain locked when not in use. Signage would be required as well.”

2.6.3 In summary, the CPO recommended that “the footpath should remain open at least until the point where all other avenues have been exhausted and the School has taken greater responsibility with its own security.”

3. **Summary of Conclusions**

3.1 The first test, which is in Section 118B subsection (1)(b) and referred to in paragraph 2.2.10, is whether it is expedient to make an order to extinguish the footpath.

3.2 The School has provided some evidence that there has been:

- violence and the threat of violence to staff and pupils
- harassment
- alarm or distress arising from unlawful activity and
- a risk to health or safety arising from such activity

- 3.3 It is very possible that some of these types of incidents would have occurred at the School irrespective of whether a public footpath ran through the middle of it or not. It is reasonable to expect that the route of the footpath has led to some of the incidents. However, taking into account the nature and number of the recorded incidents and the evidence that the footpath is and will remain very well used and on balance I conclude that it will remain well used for the foreseeable future, that it would not be expedient to make such an order.
- 3.4 Even if it were judged to be expedient to make an order, I consider that there is no real possibility that the order would meet the test for confirmation. Accordingly there would be little point in making an order at this first stage if at the subsequent stage it would be obviously doomed.
- 3.5 I would therefore recommend that the request to make a SEO be refused on the grounds that it is not expedient to make such an Order. I consider it appropriate to advise the School of the measures recommended by the CPO and would suggest to the School that they should be implemented and monitored for a prolonged period before the question of extinguishing or diverting the footpath should be raised again.
- 3.6 The full report of the assessment of St Benedict School's request can be found in Appendix 2.

For more information contact: Background papers: List of appendices:	Ray Brown, Senior Planning Officer, Tel 01332 255024 e-mail ray.brown@derby.gov.uk Appendix 1 – Implications Appendix 2 – Report summarising the assessment of St Benedict School's request
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IMPLICATIONS

Financial

1. None arising from this report.

Legal

2. As set out in the report.

Personnel

3. None arising from this report.

Supporting the Council's vision and priorities

4. The process adopted furthers the corporate priority of "Giving you excellent services and value for money." And would take forward the priorities of "Leading Derby towards a better environment" and "Helping us all to be healthy and active".

ASSESSMENT OF REQUEST BY SAINT BENEDICT CATHOLIC SCHOOL FOR SPECIAL EXTINGUISHMENT ORDER ON PUBLIC FOOTPATH No. 1 DARLEY ABBEY

1. Summary of Purpose of Report

- 1.1 The following report assesses the request by the Headteacher of St Benedict Catholic School, to make a Special Extinguishment Order (SEO) under Section 118B Highways Act in relation to Public Footpath No. 1 Darley Abbey.
- 1.2 The report contains:
- the background details of School's request including:
 - the description of the Footpath and Site
 - the summary of the legal tests applicable to this application
 - the Derby Community Safety Partnership Security Audit by its Crime Prevention Officer, carried out in December 2008
 - an assessment of the usage of footpath, including the Council footpath usage survey 2008
 - the effect of closure of the footpath
 - the assessment of application
 - the overall Conclusions and Recommendations.

2. Background details of School's request, description of footpath, legal evidence in support of School's case and security assessment

2.1 Application

- 2.1.1 The Council, as Highway Authority, has received a request from the Headteacher of St Benedict Catholic School, to make a Special Extinguishment Order (SEO) under Section 118B Highways Act in relation to Public Footpath No. 1 Darley Abbey, (which is also known as Darley Abbey 1) on the grounds that the existence of this footpath is a threat to the safety of staff and pupils at the School.
- 2.1.2 Applications under this legislation may be determined by the Chief Executive, in consultation with the Assistant Director for Regeneration and the Assistant Director for Highways and Transport in Regeneration and Community. They may also be determined by Planning Control Committee.
- 2.1.3 The School has for a number of years, raised concerns over this footpath and indicated to the Council its desire to have this footpath closed, particularly in regard to concerns relating to security issues at the School. Previously no powers or grounds existed by which the Council could have considered this request The

introduction of new powers in the Countryside and Rights of Way Act 2000 now gives Council powers to close paths for the purposes of protecting pupils and staff, where satisfied that it is expedient to do so.

- 2.1.4 The Headteacher has provided details of various incidents involving staff and pupils in support of his request. This evidence shows that from March 2004 to April 2008, there were 39 days when incidents of people loitering and causing nuisance took place, including 7 incidents of threats of violence and 4 actual acts of violence. This evidence is assessed in detail in Appendix B.
- 2.1.5 Concern for the safety of pupils and staff has also been expressed by a number of parents, Andrew Flack in his position as the Chair of the Derby Safeguarding Children Board and a local branch of the teachers union NASUWT.

2.2 Description of Footpath and Site

- 2.2.1 Public Footpath No. 1 Darley Abbey runs from the eastern part of Broadway to southern part of The Crest in Allestree. The footpath is approximately 626 metres in length. For just over half of its length it crosses the School grounds of St Benedict Catholic School. Only pedestrians have the legal right to use the footpath but I am aware that some cyclists also use the route.
- 2.2.2 The public footpath was first included on the Derbyshire Definitive Map 1st June 1953 but I believe that the footpath's origins date back much further than this. A plan showing the route of the footpath is in Appendix A.
- 2.2.3 At its northerly end the footpath crosses the A38 by a footbridge. It then enters the north western boundary of School grounds of St Benedict School. The footpath dissects the School grounds dividing the southern School buildings from the main playing fields and the School block to the north of the School site. The footpath passes within yards of the southern School buildings. As it passes through the School site the footpath is fenced on both sides by a 2 metre fence which has a number of lockable gates on both sides to allow access from the School onto the playing fields and allowing access onto the access road. The fencing on the south eastern part of the School grounds has adjacent hedging which provides an additional barrier particularly in terms of visibility.
- 2.2.4 The footpath exits the School grounds on the south eastern boundary and runs along a wide pleasant lane to the rear of the properties off Duffield Road and adjacent to boundary of St Mary's Catholic Primary School. It has reasonable secure boundaries between the footpath and those properties, particularly that of the St Mary's Catholic Primary School. The footpath joins Broadway next to the Broadway public house.
- 2.2.5 St. Benedict School itself has reasonably secure boundaries on the north side adjacent to Slack Lane. A new housing estate is currently being built in the north eastern part of the site which presumably will provide secure boundaries at this end. On the western side the School is bounded by the A38 as well as being fenced which makes access difficult, whilst on the south side the School has boundaries with the primary School provides a reasonably secure boundary. The main access to the School is off Duffield Road on the eastern side of the School site. Lying along this boundary are the playing fields to which there is largely unrestricted access.

2.3 Summary of the legal tests applicable to this application

- 2.3.1 Section 118B of the Highways Act ("the Act") gives the Highway Authority power by order to close footpaths that cross school grounds where the Council considers it is expedient for the purpose of protecting staff and pupils, subject in the case of an opposed order, to it being confirmed by the Secretary of State.
- 2.3.2 The closure of a footpath by means of a SEO is a two-stage process: the first stage is the making of the Order; the second stage is the confirmation of the order. They are separate and distinct stages and involve applying differing tests.
- 2.3.3 The Council may make an SEO where it appears to them that:
- "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."

2.3.4 If that test is satisfied the Council then has discretion whether or not to make an SEO. If an Order is made it would then be advertised to allow interested parties the opportunity to object to it.

2.3.5 The process in terms of confirmation will depend on whether objections to the closure are received. If objections are received and they are not withdrawn and the Council decides to proceed with its intention to close the footpath a public inquiry would be held by the Planning Inspectorate to examine the available evidence and to determine whether the tests for confirming the order are met. If no objections are received, or those that are received are subsequently withdrawn, the Council can confirm the order themselves if they are satisfied that those tests are met

2.4 Summary of the School's submissions in support of the SEO

- 2.4.1 St Benedict School's Headteacher, in his letter dated 7 December 2007, stated that he wished to apply to have the public footpath extinguished under Section 118B Countryside and Rights of Way Act 2000. He also stated that he was "mindful of the government's wish that footpaths bisecting schools should be considered as a serious risk to health and safety."
- 2.4.2 In his letter, he also stated why he considered that the closure of the footpath would lead to substantial security improvements and he commented on:
- the measures that the School had already taken to improve its security. These included a lunchtime supervisor, a CCTV system and new fencing
 - a possible diversion which included a link from the southern end of the footpath to Duffield Road and then on to Slack Lane

- the Police having visited the School to deal with youths and adults attempting to enter the site and stated they were in full support of the closure of the footpath
- the busiest times for the use of the footpath was in early morning and teatime when parents were taking their children to and from School
- the nature of the incidents on the site which he believed were youths and men loitering on the footpath to look at schoolgirls, youths coming to confront pupils and bait the supervisors and incidents of burglary. These are all listed and assessed in Appendix B
- support of some local residents, including the St Benedict Residents Action Group, who wanted to see the footpath closed.

2.4.3 He concluded that all these issues justified the swift extinguishment of the footpath.

2.4.4 As noted in paragraph 2.1.4 above, he supplied information on incidents that had occurred which he suggested were as a result of the existence of the footpath. These incidents are set out in full and analysed in Appendix B. He stated that he recognised the Council's duty to balance the needs of the public with the desires of the School but he felt that the risk to the children outweighed the relative inconvenience of a longer route for the public. He also stated that he would permanently close the footpath accesses to the School if the footpath was closed.

Incidents

2.4.5 The Headteacher has provided details of various incidents involving staff and pupils in support of his request. This evidence shows that from March 2004 to April 2008, there were 39 days when incidents of people loitering and causing nuisance took place, including 7 incidents of threats of violence and 4 actual acts of violence. This evidence is assessed in detail in Appendix B.

Measures taken

2.4.6 A supervisor patrols the area where the footpath crosses the main School driveway at the beginning of the day and at lunch times.

Closed circuit television (CCTV)

2.4.7 A CCTV system has been installed across the School sites including the gates and where the footpath crosses the site.

Costs of measures

2.4.8 The Headteacher stated that the School has already spent considerable sums on improving security. The fencing cost £30,000, the CCTV system cost £30,000 and an extra supervisor at the point where the School's drive crosses the footpath costs £7000 a year.

2.4.9 He said that at the time no other measures had been suggested by the Police or security advisers.

Summary of Representations from other parties supporting the closure of the footpath

2.4.10 In addition to letters from The Branch Secretary of the NASUWT, (National Teachers Union), Andrew Flack as Chair of Derby Safeguarding Children Board and the Police, the Council also received three emails and two letters of support for the closure of the footpath from members of the public.

2.4.11 The **Branch Secretary of the NASUWT**, (letter dated 12 March 2008) stated that the Union “has been concerned for many years now about the general public’s access to St Benedict School via the public footpath, particularly as it crosses the site at South Block, the most heavily populated part of the School.” He stated that this had become a greater problem in recent years with verbal and physical abuse to both staff and teachers and considered that a serious incident would occur sooner or later unless access to the School was restricted. He noted that the School had carried out works to improve security but that “the current location of the public footpath remains a significant obstacle to the School’s ambition to create a safe learning and working environment for both staff and pupils.” He requested that the footpath be closed or diverted away from the School site.

2.4.12 The **Chair of the Derby Safeguarding Children Board** (letter dated 1 April 2008) raised concerns about the implications for students at St Benedict School due to the footpath crossing the School grounds. He considered that “parents expect their children to be entirely safe when they are in the care of the Schools and the public footpath makes it very difficult for the School to guarantee pupil safety.”

2.4.13 He considered that “with a public footpath running across the site, the School’s efforts to protect their students are always going to be threatened.” He also stated that he was aware of some serious incidents that had occurred. He asked that despite “the presumption that public footpaths should remain available for use as a service to us all”, the Council give urgent consideration to the closure of the footpath because of the risk to a significant number of young people who attend the School.

2.4.14 **Detective Pat Parry of Derbyshire Constabulary** (letter dated 28 November 2008) stated that he had been “liaising with the School on a number of issues concerning the security of the pupils, staff and grounds.” He had concerns which he broadly placed into three categories:

- The path’s course through the heart of the School, which has “young and potentially vulnerable persons on site,” makes it difficult for staff to exercise their duty of care.
- “When the School is closed it becomes a very isolated series of buildings in large grounds.” An “open route into the heart of the School buildings substantially increases the risk of such crime.”
- Over the years, pupils from other schools have visited St Benedict with a view to cause disorder. These pupils prefer to use the footpath “to take them close to the main School area.”

- 2.4.15 **Mrs L M Berrington of 59 Bramfield Avenue, Derby**, (letter dated 18 December 2007) stated that her son was a pupil at the School. She felt that “the footpath is not only danger but totally inappropriate.” She felt fearful for her son’s safety and considered that the footpath was misused by dog walker and wanted to see it closed as soon as possible.
- 2.4.16 **Mr P Jakeman, of 7 Cherrydale Court, Littleover, Derby**, (letter dated 19 December 2007) said that he was a parent of a pupil at the School. He said that he was in support of the Headteacher’s request to have the footpath closed or redirected around the School perimeter. He also stated that he had “contacted the School a number of times regarding concerns about people standing on the path and looking at the children during their break times.”
- 2.4.17 **Mr Antonio Palermo**, (email dated 1 January 2008) said that he supported Dr Reynolds’s campaign to close the footpath. He recognised the closure would make some people unhappy but, as a parent, considers that it is very important to keep staff and student’s safe.
- 2.4.18 **Mr and Mrs Liz and Charles Harrison**, (email dated 8 January 2008) expressed their concern that a public footpath runs through the School and wished the Council to close it.
- 2.4.19 **Ms Urusla Pyke**, (email dated 9 March 2008) expressed concern regarding the footpath running through the School. She stated that although she recognised the inconvenience that would be caused to footpath users, she believed that “it is wiser to eliminate an opportunity within regards to our children’s safety.”

2.5 Derby Community Safety Partnership Security Audit

- 2.5.1 The Council commissioned a security audit in relation to the footpath and School grounds by the Derby Community Safety Partnership’s Crime Prevention Officer which was carried out in December 2008. He reported his findings to us in his report dated 22 December 2008, a copy of which can be found in Appendix C.
- 2.5.2 The report stated that from 1 January 2006 to 22 December 2008, there were 32 crimes at the School recorded by the Police. They were:
- 6 burglaries (3 IT equipment, one handbag theft and 2 copper thefts)
 - 17 thefts (majority are mobile phones or money taken)
 - 3 counts of criminal damage
 - 6 assaults between staff and/or pupils
- 2.5.3 Only the 6 assaults between staff and/or pupils could be of relevance in this case but it has not been stated whether these incidents took place on the footpath.
- 2.5.4 The audit looked at the following seven subject areas:
- Access and Movement
 - Structure
 - Surveillance
 - Ownership

- Physical protection
- Activity
- Management and Maintenance

2.5.5 The report concluded that:

“the School have spent considerable funds already on protecting its boundary and this is to be congratulated. A fence, however, is only as strong as its weakest link and there are a couple of areas that cause concern, namely at the limit of the School boundary at either end.

2.5.6 The CCTV system is comprehensive and there is an upgrade and improvements planned in the near future. This will serve to complement improvements to access control at the top site entrance and would be a worthwhile investment.

2.5.7 The School does require electronic access control to the gates surrounding the footpath and to any vulnerable doors further within the School. Management of this could be done in the main reception and entry permitted by way of an electric release following identity confirmation by telephone handset and CCTV.

2.5.8 The footpath should remain open at least until the point where all other avenues have been exhausted and the School has taken greater responsibility with its own security. Too many local people use this footpath and the only alternative diversion is quite dangerous for cyclists since the installation of the A6 bus route close to the School.”

3. Usage of Footpath

3.1 Importance of footpath

3.1.1 The footpath, as shown in Map 1 in Appendix A, is a direct, off road route which is very well used by local residents both to the north of the footpath in the Allestree and Darley Abbey areas and to the south of the footpath in the Broadway and lower Duffield Road areas.

3.1.2 The footpath provides part of the route to Park Farm district shopping centre for the many footpaths users who access it from the southern end at Broadway. The footpath also provides part of the route to the city centre, Darley Park, the Broadway public house and St Benedict School for those who access it from the northern end.

3.1.3 Footpath users in both directions also used the footpath for more general activities such as visiting friends and relatives and for leisure and recreational purposes.

3.1.4 Although it is not a legal cycle route, the footpath is also used by many cyclists as a safe and more direct alternative to the busy Duffield Road and Slack Lane route.

3.2 Footpath user survey

3.2.1 In order to assess the usage of the footpath the Council carried out a survey of footpath users I carried out a 6 Week survey. I posted notices along the whole length of the footpath beginning on 4th September 2008 until 17th October 2008. I also notified the local neighbourhood forums of the survey and encouraged people

to come forward with details of their use of the footpath. Although survey officially ended on 17th October 2008, I continued to receive letters and emails from residents up to April 2009.

- 3.2.2 I received 184 letters and emails from 201 people, most of whom gave details of their use of the footpath. Many people gave multiple reasons for using the footpath and several different times when they used it.
- 3.2.3 I also received letters objecting to the request for closure from Lawn Primary School, the Broadway Action Group, Darley Abbey Society, Derby and South Derbyshire Rambler's Group.
- 3.2.4 I also received a petition with 191 signatories, many of whom appear to be children. This also objected to the closure of the footpath. (A copy of the petition will also be available at the meeting).
- 3.2.5 Every correspondent in the survey expressed concern about the possibility of the footpath being closed. Some of the correspondents were parents of pupils at St Benedict School.
- 3.2.6 The statistical results of the survey can be found in Appendix D.

3.3 Summary of survey results

- 3.3.1 The evidence from the survey showed that the footpath is very Well used by local residents both to the north of the footpath in the Allestree and Darley Abbey areas and to the south of the footpath in the Broadway and lower Duffield Road areas, to the north of the city centre.
- 3.3.2 28% of respondents said that they used the footpath to visit the city centre, just over 21% visited Darley Park, 17% visited Park Farm shopping centre, 15% used the footpath to go to work, 13% used the footpath to go to School and 10% used the footpath for leisure and recreational purposes.
- 3.3.3 Other specific uses included visit the Broadway Public House, catching the bus, going to Church and exercise.
- 3.3.4 Many respondents were not specific about which times they used the footpath and said that their use varied or they used the footpath at various times. 19% of respondents said that they used the footpath from 8am to 5pm. 6% used the footpath after 5pm and 5% used the footpath before 8am. Other time periods given included weekends only and outside of School hours.
- 3.3.5 31% of respondents said that they used the footpath daily, 8% used the footpath twice a week, 5% used the footpath 3 times a week, 5% used the footpath 4 times a week, 4% used the footpath weekly, and 3% used the footpath 6 times a week. 1% used the footpath 5 times a week and 1% used the footpath monthly. Other significant numbers of respondents said that they used the footpath but used more general terms such as regularly, occasionally and frequently.

- 3.3.6 Only a relatively small number of respondents gave the length of time of their total journey when using the footpath. These times ranged from as short as 10 minutes to as long as an hour.
- 3.3.7 It is perhaps worth noting that many of the respondents considered St Benedict School's pupils to be the main problem on the footpath.
- 3.3.8 The results of the survey showed that the footpath was extremely Well used at all times and throughout the Week and that any closure of the footpath would have a severely detrimental effect on the local population in terms of journey times and safety and could significantly increase vehicle use.

3.4 Effect of closure of the footpath

- 3.4.1 The Headteacher has said that if the footpath was to be closed then he would close both the access points on the School's playing fields that led north westwards to the Crest and southwards to Broadway.
- 3.4.2 It is also a requirement that if a footpath is extinguished then the Highway Authority has a responsibility to make sure that the extinguished sections of footpath are properly disposed of. This is what I envisage would happen to the footpath if extinguished.
- The section of footpath that runs from The Crest to the bridge over Queensway (A38) and also links to Alstonfield Drive would not be extinguished and remain as it is and be maintained by the Council.
 - The section over the bridge over Queensway (A38) would be in the ownership of the Highways Agency.
 - The section of footpath running through the School's grounds belongs to the School and would become their sole responsibility.
 - The section of footpath running between Broadway and the southern end of the School grounds could become a private access to properties served by it with the School having access rights over it.

4. Assessment of Application

- 4.1 An analysis of the incidents as provided by the School in support of the making of the SEO can be found in Appendix 2, the details and letters relating to which are to be found in Appendix.
- 4.2 Between March 2004 and April 2008 there were 11 incidents of violence and threats of violence connected to persons using the footpath. The lack of recorded detail in most of the incidents makes it difficult to assess whether the incidents would have taken place irrespective of the existence of the footpath. The reality is that, in my opinion, those intent on confrontation at the School with pupils will find a way and given that access from the Duffield Road side is largely unrestricted then the existence or not of the footpath would in such circumstances in all probability have not have prevented such taking place.

- 4.3 It is, therefore, perhaps fair to assume that as to those incidents where persons are visiting the School for a set and specific purpose such as the events in February 2008 or the incident on 19 December 2007, the means of access is largely irrelevant. Similarly given the ease of access off Duffield Road it may not be surprising to find the occasional incident caused by those seeking conflict with pupils taking place at the bus stop. The fact that access was gained from the footpath rather than direct off the road in these cases was perhaps simply incidental. A similar comment can be made in terms of the incidents of trespass.
- 4.4 Undeniably I feel that the footpath is bound to facilitate some incidents and also may precipitate some incidents. The same can be said of any other path although the nature of this footpath (bringing into contact large numbers of young people with other young people either ex pupils or from other schools) will give rise to a higher potential of conflict than in many other circumstances.
- 4.5 Overall in terms of the evidence I am not convinced that the incidents described involving violence or the threat of violence can, in terms of linking a specific event to the specific “offender’s” use of the footpath, be directly related or primarily attributable to the use of the footpath.
- 4.6 No direct evidence of persons using the footpath to intentionally harass pupils or staff has been provided.
- 4.7 As to “alarm and distress” and the risk of to health and safety to pupils /staff arising from unlawful activities it would have been helpful in terms of the incidents of trespass to have more detail as to what part of the site the trespass was occurring. There is very little detail as to the alarm or distress caused specific to each incident referred to, be able to give a valued assessment of the evidence. Whilst the School may be concerned at incidents of trespass, it doesn’t follow that such incidents will inevitably cause alarm or distress or create a risk to health and safety. Inevitably it will depend on the nature of the incident and the vulnerability of those affected. An unknown intruder seeking to enter the School buildings is undoubtedly going to cause more concern as compared to a person being on the playing fields or main access road.
- 4.8 I suspect a number of the incidents where trespass has occurred may not have occurred if the footpath didn’t exist and certainly where access has been sought of the main the School buildings the proximity of the footpath to such allows for access by the opportunist seeking to gain access to such if the access points are not being adequately supervised to prevent such. Other areas of the School premises are however easily accessed off Duffield Road and incidents where trespass occurred may have occurred anyway irrespective of the footpath, although I note the head master’s comments that persons cut over the land from Duffield Road to access the footpath.
- 4.9 Certainly the incident where the footpath was used by persons suspected of drug dealing is an issues that would be of a very serious concern although this suggestion was only a suspicion and it is surprising given the serious nature of the incident that the concerns did not lead the School to contact the police to deal with the incident.
- 4.10 Overall the evidence of incidents in terms of meeting the tests is weak and somewhat reliant on assumptions being made. This might be considered surprising

given that the details provided by the School have been collated since the early part of 2004 for the purpose of providing evidence with the specific intention of supporting this application.

- 4.11 In terms of safety of pupils and staff common sense dictates that it is clearly not desirable to have a footpath crossing the School grounds. Of particular note is the location of the footpath which not only dissects the School but passes extremely close to the School buildings.
- 4.12 Undeniably the footpath could potentially facilitate some incidents and also may precipitate some incidents. Whilst that can also be said of any other path the nature of this footpath (bringing into contact large numbers of young people with other young people either ex pupils or from other Schools) will give rise to a higher potential of conflict than in many other circumstances. It also may provide easier access to others intent on committing unlawful or criminal actions which harm or threaten pupils or staff.
- 4.13 So whilst the evidence provided is not particularly strong there clearly is a potential for the footpath being used that could put pupils or staff at risk. The perception from the headteacher, Police and NASUWT suggests that this risk is high, although no evidence has been submitted that specifically supports that view. As the police point out there is a common perception that Schools are targets for drug dealing, and other illegal and anti social activities, however no material has been submitted on which to be able to give any degree of assessment of the suggested risks. Assuming that the common perception is correct those problems and risks will exist whether or not the footpath remains, the question therefore must be whether those risks are significantly increased by the existence of the footpath.
- 4.14 In terms of drug dealing no evidence has been presented to suggest that this is a problem at the School or that the footpath facilitates such. There was only one incident mentioned over the 4 year period where it was suspected but wasn't confirmed and somewhat surprisingly the School appears not to have called the police. As such there is no evidence of a real issue in this regard. Of course if it does become a problem then the closure of the footpath can be revisited.
- 4.15 There are undeniably a small number of high profile cases across the country where extreme criminal and anti social activities have occurred. Particularly given the open nature of the School off Duffield Road removal of the footpath is hardly likely to prevent such incidents occurring, if anything the existence of the footpath with its fencing provides a barrier limiting access to the southern block of School buildings, which presumably is only there because of the footpath. The effectiveness of this barrier in a large measure depends on the control exercised over the various access gates. Common sense however dictates that there is some, be it very small a degree of risk; the principle concern must be whether the proximity of the footpath significantly increases the degree of risk.
- 4.16 The footpath allows strangers to gain close proximity to the southern block of School buildings without necessarily raising suspicion. Access off the footpath is limited by fencing entry being gained through several gates. There have been incidents reported of unauthorised persons accessing or trying to access the site but on such occasions they have been effectively challenged, these incidents primarily if not totally appear to relate to youths.

- 4.17 If the footpath is closed then strangers would have to access the southern School block via the main road or across the playing fields. Access to the south block might to a degree be more open if the closure resulted in the removal of the current fencing but may prove a deterrent in that anyone seeking access would be much more exposed to open view.
- 4.18 A number of reasonable steps have already been taken by the School to improve security, such as the extensive fencing adjacent to the footpath and the CCTV system which is due to be upgraded.
- 4.19 The Crime Prevention Officer suggests improvements to the fencing which is weak in some areas. He also recommends an electronic access control system for the gates adjacent to the footpath and to any vulnerable doors within the School. He recommends improved lighting over the footpath, especially close to the School. It is clear that he believes that the School could do more. These seem to be realistic and affordable measures.
- 4.20 The survey showed that the footpath was extremely well used at all times and that residents use it for a wide variety of purposes. The footpath is clearly of great importance to the local population in the areas around Allestree and Darley wards and its closure would have a severely detrimental effect on their everyday activity.

5. Overall Conclusions and Recommendations

- 5.1 Overall, whilst I have significant sympathy with the concerns of the Headteacher and the School, I consider that there is not enough evidence to justify the path closure. He has not provided strong enough evidence to show a degree of threat to pupils and staff that would, in my opinion, create the necessary expediency to justify the making of a special extinguishment order for the footpath particularly given the high levels of use of this footpath by local people.
- 5.2 The Council's own survey shows that the loss of this footpath would be of great inconvenience to over 200 people and I believe there could well be many more who did not respond or were not aware of the survey.
- 5.3 The CPO has also demonstrated that there are more security measures that could be taken to improve the security of the School.
- 5.4 The test for considering making an order under Section 118B subsection (1)(b), is whether it is expedient to make an order to extinguish the footpath.
- 5.5 The School has provided some evidence that there has been:
- violence and the threat of violence to staff and pupils
 - harassment
 - alarm or distress arising from unlawful activity and
 - a risk to health or safety arising from such activity.
- 5.6 It is very possible that some of these types of incidents would have occurred at the School irrespective of whether a public footpath ran through the middle of it or not.

But it is reasonable to expect that the route of the footpath has led to some of the incidents. I do not believe, however, that, given the nature and number of the recorded incidents when balanced against the evidence that the footpath is very well used and that it will remain well used for the foreseeable future, that it would be expedient to make such an order.

- 5.7 Even if it was judged to be expedient to make an order, I consider that there is no real possibility that the order would meet the test for confirmation. Accordingly there would be little point in making an order at this first stage, if at the subsequent stage it would be obviously doomed.
- 5.8 I would recommend, therefore, that the request to make a SEO be refused on the grounds that it is not expedient to make such an Order. I consider it appropriate to advise the School of the measures recommended by the CPO and would suggest to the School that they should be implemented and monitored for a prolonged period before the question of extinguishing or diverting the footpath should be raised again.

Assessment of submitted evidence in terms of incidents relating to pupils and staff

Violence

1. **31 January 2005** - 2 pupils assaulted on path. (No further details).
2. **22 April 2005** - 3 youths accessed School site via path, ignored requests to leave walked down School drive to assault a student waiting for bus (presumably the on site bus stop). (Comment – the violent incident took place at the bus stop which is as if not more accessible directly off Duffield Road. It is not clear whether assault was premeditated or opportunist. Left wondering whether this incident would have occurred irrespective of the existence of the path).
3. **April 2007** - pupil assaulted by 2 youths on footpath, no other details.
4. **February 2008** - assault on pupil by adult. 2 young adults had come specifically to School to target a pupil for reprisal for alleged bullying they accessed School via path, altercation followed on path between the adults and staff/pupils.

Police have provided no direct evidence of incidents having occurred.

Headteacher - claims that there are plenty of examples in his evidence (however only the above 4 are mentioned).

Threat of Violence

1. **16 March 2004 (8.25am)** - 2 young men waiting on path with intention of assaulting a student. (Comment - unclear as to how intent was established).
2. **March 2005** - 3 intruders on site (presuming they arrived by footpath) refusing to move abusive and threatening to staff.
3. **12 April 2005** - 2 young men accessed School site via footpath abusive and threatening behaviour to staff when trying to remove them.
4. **13 April 2005** - 3 youths were on the footpath. They were asked to leave by staff and were abusive.
5. **July 2007** - 2 boys accessed School site via path, boarded bus (presumably at the on site bus stop) and threatened a pupil and member of staff. (Comment - the violent incident took place at the bus stop which is as if not more accessible directly off Duffield Road. It is not clear whether assault was premeditated or opportunist. It is possible that this incident would have occurred irrespective of the existence of the path).
6. **20 July 2007** - 2 young men accessed School site via footpath abusive and threatening behaviour to staff when asked to move on. Incident reported to police. (Comment - the term access School site in the record suggests that the men had left

7. the path, although the reference to being asked to move on suggests that they were probably on the path).
8. **19 December 2007** - two men at first then accompanied by another two men wanting to confront pupil were aggressive and threatening to staff.

Police have provided no direct examples of incidents of threats of violence.

The Headteacher claims that there are plenty of examples in the list, there being

Harassment

No specific incidents recorded.

Police have provided no direct examples of incidents of harassment.

Headteacher - claims that although none are recorded there are frequent incidents particularly from those who are asked to move on. (Comment - a difference has to be drawn between those parties who use the footpath with the clear intention of coming onto the School grounds to harass staff and pupils and the nature of the incidents described by the headteacher where people are reacting to being confronted on the path. Given the specific purpose of keeping the submitted record it is surprising that incidents as claimed by the headteacher are not recorded).

Alarm or distress arising from unlawful activity

To fall within this category the alarm or distress must arise from an unlawful activity alarm or distress being caused as a result of the incident to pupils or staff (unlawful doesn't mean criminal, it's arguable that the unlawful activity needs to be taking place on the path although I suspect not and that incidents of trespass arising from use of the path may count).

Trespass incidents

4 March 2005 - 3 intruders on site (presuming they arrived by footpath) refusing to move abusive and threatening to staff.

14 March 2005 - Group of youths (presuming they arrived by footpath). Police called to remove them.

15 March 2005 - Youth riding bike on School drive accessed by footpath.

23 March 2005 - 3 youths arrived on site via footpath, refused to leave police called.

12 April 2005 - (see threat of violence).

22 April 2005 - (see violence).

25 April 2005 - 2 intruders arrived on site via footpath.

29 April 2005 - former pupil arrived on footpath refused to leave (presuming arrival on site by footpath).

10 May 2005 - 2 youths arrived on site via footpath.

16 June 2005 - former pupil arrives on site via footpath.

1 November 2005 - former pupil arrives on site via footpath.

2 May 2006 - 2 incidents reported:

- 2 men on bikes came via footpath suspicious
- 5 pupils from other School on site via footpath refusing to move

2 July 2007- Group of boys trespassing on site having accessed via footpath police removed them.

5 July 2007 - 2 incidents reported:

Group of boys trespassing on site having accessed via footpath moved on by staff. (See threat of violence).

20 July 2007 - (see threat of violence).

28 September 2007 - 3 youths and an excluded pupil caused a disturbance on the footpath in mid afternoon and remained in the area until the end of the school day.

19 December 2007 - two men at first then accompanied by another two men wanting to confront pupil were aggressive and threatening to staff.

4 February 2008 - two young adults came on site via footpath at end of school day. One of them assaulted a pupil. He became aggressive when asked by two staff members to leave.

7 March 2008 - adult intruder entered site from path, left when challenged by students.

There is insufficient information to be able to assess the degree of alarm or distress caused in terms of most of the recorded incidents, there was sufficient concern to note them record and in some cases sufficient concern to warrant calling the police on the odd occasion.

Other incidents recorded mainly relate to youths "loitering" or hanging around on the path and refusing to move when requested to do so by the School.

Police have provided no direct examples of incidents of threats of violence.

Headteacher - refers to incident in 2007 concerning group of youths being moved on who threatened to return which caused distress to the younger pupils and which resulted in the School asking for police presence. Also refers to an incident of persons suspected of trying to sell drugs and refers to himself being threatened when tackling trespassers using the main School drive to access the footpath.

Any risk to health and safety arising from such activities

At least 11 of the incidents referred to above resulted in violence or threats of such. There is also a perception of risks arising when challenging persons unlawfully on site.

Derby Crime and Safety Partnership Security Audit

Security Audit – Footpath St. Benedict's School

Author Mark Kennell

Background Information

St. Benedict's school, Darley Abbey, has experienced a high number of alleged crimes over many years, including sexual assault, intimidation and sneak-in thefts; however, the only crimes recorded on the police Guardian crime recording system are as follows:

Since 1 Jan 06 to present

6 burglaries (3 IT equipment, one handbag theft and 2 copper thefts)

17 thefts (majority are mobile phones or money taken)

3 counts of criminal damage

6 assaults between staff and/or pupils

The school has recorded a list of 34 incidents between 16 Mar 04 and 20 Jul 07, which mainly involve trespass by youths and youths hanging around on the footpath refusing to leave.

A request was received from Ray Brown, Senior Planning Officer, Derby City Council, to survey the location and to report findings, giving recommendations where appropriate. The headmaster has campaigned for many years to have the footpath closed as he feels the school, its teachers, and its pupils, are at risk from crime and anti-social behaviour. Many local people are opposed to the footpath closure as it is well used and links Allestree with Darley Park and the shortest available route on foot and by cycle into the city centre. It also links those in the Darley Park/Broadway area with Park Farm shopping centre, providing an alternative to the city centre for shopping and medical/dental care. There is an alternative route for pedestrians and cyclists; however, this would require a detour of some distance and include using a potentially dangerous section of the A6 on Duffield Road, which has resulted from the creation of a new bus lane. Pedestrians and cyclists are now forced to compete for limited space with vehicles at the narrowest points and any possible re-routing of the footpath along this road should be considered very carefully due to the danger presented.

Survey findings

whilst the upper part is accessed from a private road joining the two together. A public footpath runs across and perpendicular to the private road and adjacent to the upper school. The peculiarity of the layout has undoubtedly added to the increased perceptions of crime for those working and attending the school. Whilst the circumstances are unusual, there is no reason the footpath and the school cannot

exist together in harmony, providing a number of improvements are made to the access control management of the school.

Access and Movement: *places with well-defined routes, spaces and entrances that provide convenient movement without compromising security*

The school has an open driveway with parking for up to 20 vehicles either side of a security entrance gate. 1.8m high weldmesh security fencing has been erected on both sides of the footpath from the footbridge over the A38 down to the school boundary 100m from the Broadway public house on Broadway. The school has done much to improve security with the erection of the fencing; however, there are a number of vulnerable points where access can be gained relatively easily into the school. A fence is only as strong as its weakest link and certainly some remedial work is required to maximise physical defences. During the survey, a number of pedestrian gates were left wide open, which allowed easy access to the school and playing fields on the opposite side of the public footpath. In this respect, I feel the school could do more to ensure there was only one route of entry via the main entrance where the identification of visitors could be better policed.

Structure: *places that are structured so that different uses do not cause conflict*

The footpath in question is part of an ancient ridge-way Roman road between Derby and Wirksworth <http://www.conferencesdirect.co.uk/clacton/The%20Ridge-way.pdf> (top of page 7) and, therefore, has historical importance. That said, its interface and close proximity with the school is not ideal and it does conflict with the security. The school should be commended for the work done and investment made thus far towards ensuring segregation from the footpath, however, points raised above should be considered carefully to make the best use of the security that exists.

Surveillance: *places where all publicly accessible spaces are overlooked*

The type of fencing installed is of the open weldmesh design and is particularly good for improved surveillance across the whole area; however, this could cause some problems with some potential offenders during break and games periods. A good quality, fully functional CCTV system has been installed a number of years ago and this is a huge benefit to the overall security of the site. There are a number of improvements that could assist surveillance and help improve the perceptions of crime for staff and pupils. These are mainly around staff roles and responsibilities and how these could be altered slightly to give ownership for access control and security to one member of staff.

One major benefit to surveillance during hours of darkness is lighting. Presently, lighting is very poor along most of the footpath and this provides cover for potential offenders and also is a major factor in increasing the fear of crime for those persons wishing to use the footpath for legitimate means. Increased lighting along the footpath close to the school would also greatly assist the CCTV system.

Ownership: *places that promote a sense of ownership, respect, territorial responsibility and community*

The fencing and CCTV does portray a feeling of private space on the school grounds. Those individuals using the footpath would have no question that the school grounds were private; however, any potential offenders can easily access the school if they are motivated to do so. The school needs to build on the crime

prevention principle of increasing in the mind of the offender the chances of them being caught. This can be achieved by tightening up staff security practices and with the erection of further signage, thereby, increasing the perceptions of territoriality and private space. Moreover, clear signage at either end of the footpath warning of CCTV would perhaps deflect offenders even before they have got near to the school.

Physical protection: *places that include necessary, well-designed security features*

Although security fencing exists, there are weaknesses, mainly concentrated at either end of the site. The CCTV could benefit with some upgrading; however, this is low priority compared to controlling access, which is pretty poor on the whole. There are no locks to individual buildings and once any offenders are past the main reception, there are few security measures in place to prevent opportunist theft or other crime. By installing electro-magnetic locks to the doors most at risk, access can be controlled more effectively. Similarly, by placing the highest risk items, such as IT equipment, closer to the centre of the school behind several layers of physical protection, it is possible to effectively dissuade thieves. The greatest improvement to access control would be gained by adding electro-magnetic locks to the main vehicle and pedestrian gates leading into the upper school to the west of the footpath. These would be operated by the reception staff via CCTV and remote handset for communication. There would need to be some changes to car parking as presently visitors use these spaces. I would recommend the re-location of the visitors parking to outside the main gates and only allow access to visitors on foot. This will allow vehicular traffic can be more effectively controlled and the gates to remain locked when not in use. Signage would need to compliment these changes and help to reinforce the security management of the site.

Activity: *places where the level of human activity is appropriate to the location and creates a reduced risk of crime and a sense of safety at all times*

Human activity here is not always appropriate to the location due to the close proximity of the footpath to the school, however, once these recommendations have been put in place there should be a noticeable improvement to the present. Many other schools are located close to roads and footpaths and don't suffer the same levels of intrusion, possibly due to increased staff awareness and vigilance and a good access control policy, or both. I believe that once effective access control is in place, this will improve security for the staff and pupils in St. Benedict's. There is certainly much more that can be done within the school before any suggestion of a closure to the footpath is considered.

Management and Maintenance: *places that are designed with management and maintenance in mind, to discourage crime in the future*

The level of maintenance on the site is generally good. There was little evidence of litter or poorly kept areas within the school and surrounds. Poorly managed premises generally add to the overall perceptions of a place and the more positive an impression that good maintenance is apparent, the less likelihood of offenders wanting to gain access.

Safer Places: The Planning System and Crime Prevention, (2004): ODPM

Conclusion

The following recommendations are given as free advice and should not be considered beyond that. There is no guarantee that crime will be prevented completely, even if all of the recommendations are carried out. Moreover, there is no contractual obligation for the CSP to fulfil any aspects of these recommendations.

In conclusion, the school have spent considerable funds already on protecting its boundary and this is to be congratulated. A fence, however, is only as strong as its weakest link (see photographs) and there are a couple of areas that cause concern, namely at the limit of the school boundary at either end.

The CCTV system is comprehensive and there is an upgrade and improvements planned in the near future. This will serve to compliment improvements to access control at the top site entrance and would be a worthwhile investment.

The school does require electronic access control to the gates surrounding the footpath and to any vulnerable doors further within the school. Management of this could be done in the main reception and entry permitted by way of an electric release following identity confirmation by telephone handset and CCTV.

The footpath should remain open at least until the point where all other avenues have been exhausted and the school has taken greater responsibility with its own security. Too many local people use this path and the only alternative diversion is quite dangerous for cyclists since the installation of the A6 bus route close to the school.

Photographs are attached

Path Survey Results Tables – September to October 2008 and extended to March 2009

Reasons for using the public footpath

Reason	No. of people	Percentage of total respondents (201)
Visit town/ city centre	57	28
Visit Darley Park	43	21
Visit Park Farm shopping centre	35	17
Go to work	30	15
Go to School	26	13
Leisure/ recreational purposes	21	10
Broadway Public House	7	3
Pub	7	3
Broadway	6	3
Darley Abbey area	6	3
Allestree area	4	2
Bus stop	4	2
Church	3	1
Exercise	3	1
Visit family member	2	1
Markeaton Park	2	1
Abbey Fields	1	0
Amenities	1	0
Dog walking	1	0
Short cut	1	0

Times of use of the public footpath

Times of use	No. of people	Percentage of total respondents (201)
Varies/ various times	79	39
8am - 5pm	38	19
After 5pm	13	6
Before 8am	10	5
Weekends only	2	1
Outside School hours	2	1

Frequency of use of the footpath

Frequency	No. of people	Percentage of total respondents (201)
Daily	63	31
Regularly	30	15
2 times per Week	17	8
Occasionally	12	6
4 times per Week	11	5
3 times per Week	11	5
Weekly	8	4
6 times per Week	7	3
5 times per Week	3	1
Frequently	3	1
Monthly	2	1

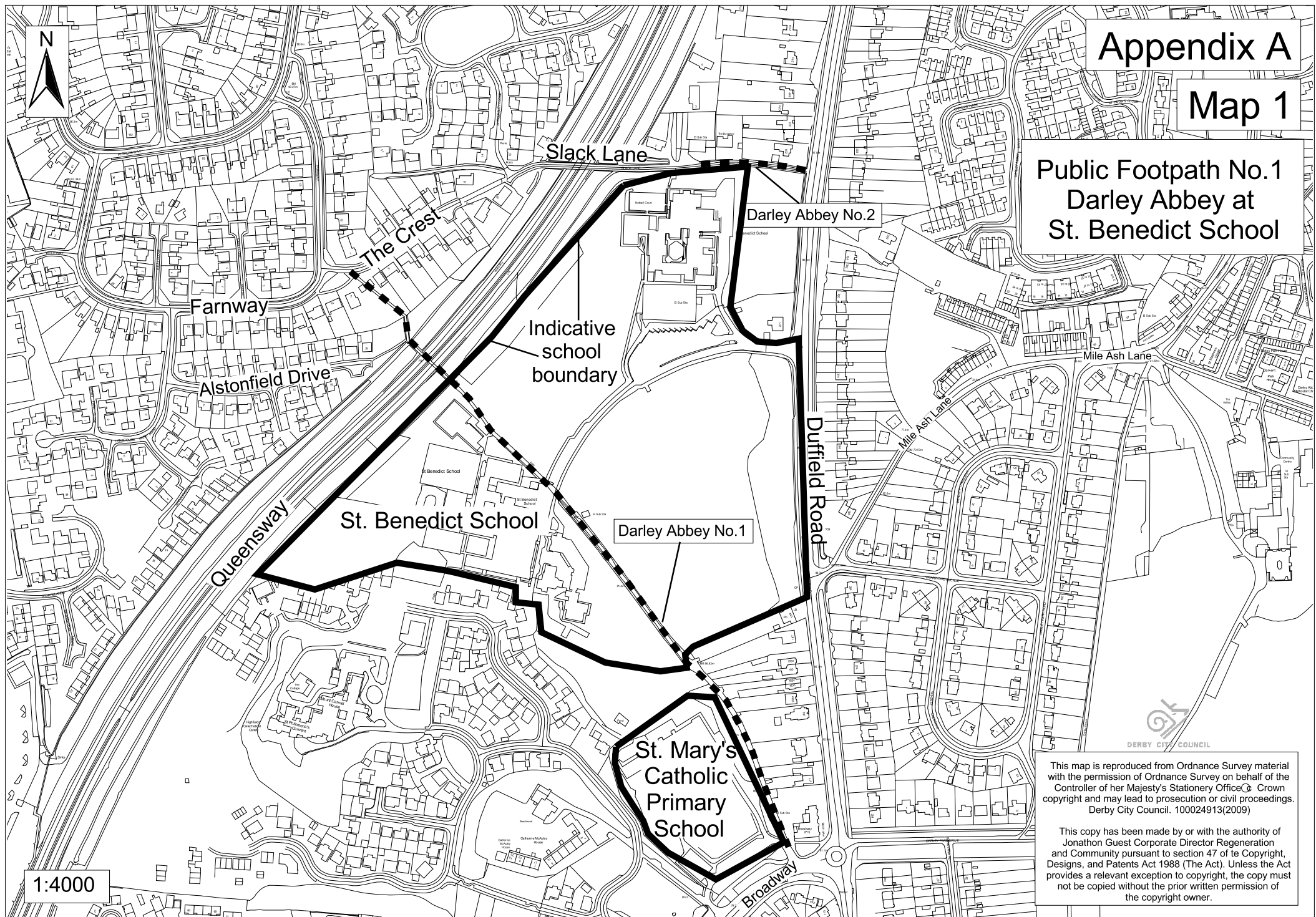
People's total time of journey

Time (minutes)	No. of people	Percentage of total respondents (201)
10-15	4	2
Up to 10	2	1
20-25	2	1
30-45	2	1
45-60	2	1
15-20	0	0

Appendix A

Map 1

Public Footpath No.1 Darley Abbey at St. Benedict School



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