

DBLAF Meeting of the 8th December 2021

Agenda Items

4. To confirm the Minutes of the meeting held on 15th September, 2021

The following corrections to the Draft Minutes are proposed:

Minute 6. Black Country Plan: This was a briefing exercise for the Forum and not an appropriate consultation, with no reports issued to members well in advance of the meeting, which would have given them time to consider the issues and also advising what the officers expected of the 'briefing' from the Forum. For clarity, in adding this item to the Agenda, for the meeting of the 15th September, 2021, there was no prior indication of the purpose and scope of the 'briefing'. In the draft minutes, it is falsely claimed that the Forum raised no objections to development of the four sites and by implication supported development. That is not true. The Forum did not specifically state that they do not object, but the minute implies that the Forum did. There were no formal proposals of this nature from Forum Members; no seconders and no vote on a resolution. Therefore the minute needs to be appropriately amended to delete such references and the following action, suggested in the draft minutes, which was not proposed, seconded and approved, should be deleted and not proceed:

"That the comments of the Dudley Borough Local Access Forum, ,be submitted to the Director of Regeneration and Enterprise for consideration as part of the Black Country Plan consultation exercise."

The importance of this correction cannot be over-emphasised, because as the minute stands, it misrepresents the Forum and its prime function, as expressed in Section 94 of the CROW Act 2000, to:

"advise as to the improvement of public access to land in the area for the purposes of open-air recreation and the enjoyment of the area, and as to such other matters as may be prescribed."

Arguably, it would not be appropriate for the Forum to support development in a forward looking development plan, which will conflict with its prime function and would damage enjoyment of the countryside. It is important to note that the Forum were not afforded the opportunity of a site visit and were not advised, before the meeting, that the Council would treat this as a formal consultation exercise with the Forum and would quote it as such in response to the representations of others, who have objected. At the meeting it is recorded that Forum members expressed concern that the 8 week consultation period for the Black Country Plan was insufficient and yet, with no prior announcement, the Forum briefing, taking only a few minutes to deliver was treated as a consultation exercise, which is inappropriate. There is no doubt that DBLAF should have been consulted in respect of the Black Country Plan policies affecting leisure, recreation and open spaces, which fall with the Forum's remit as defined in the CROW Act, relating to access and enjoyment of open spaces and countryside. The consultation should not have related simply to four Green Belt sites, where the Council want development. In that respect it can be argued that the Forum should have been consulted in respect of ALL of the 'Call for Sites' proposals for development of Green Belt that the Council have rejected. In this respect the Council have created a situation where they could be accused of being selective.

Proposed resolution:

'That Minute 6. Black Country Plan is deleted from the draft Minutes of the meeting held on the 15th September 2021 and is substituted with the following:

6. Black Country Plan: *Mr Jacobs briefed the Forum in respect of four sites, which Dudley Council are proposing as urban extensions for housing. The Forum noted Mr Jacobs comments.'*

Minute 11c. Public Right of Way H124 and H125 Hawne Bank/Park, Belle Vale to Hawne Lane, Halesowen: The last sentence of the first paragraph states:

“In responding to previous requests made by the Forum, the Project Engineer confirmed that the path could not be made **dismissive**.”

The last word should be ‘**definitive**’, or ‘**permissive**’ but not ‘**dismissive**’.

Minute 12. Hasbury Paths 183 and 174 (Barbed wire fence encroaching over definitive line making the useable width very narrow)

“The Maintenance Manager confirmed that the wire had been cut back.”

The barbed wire has not been cut back and therefore this minute requires correction.

7. Rights of Way Improvement Plan – Future Maintenance Programmes and the Delivery of the Rights of Way Improvement Plan

A statutory review of the existing ‘*Rights of Way Improvement Plan*’, which was published in 2009, should have been concluded and published in 2019, but did not happen.

Amongst other requirements, the Local Access Forum must be consulted and should be involved in this process.

10. Any Other Business

‘Draft’ Minutes: As we have seen, when considering the Minutes of the DBLAF Meeting of the 15th September, 2021, corrections were necessary **before** the Minutes can be confirmed and adopted as a true record. However the draft minutes were in the public domain, many weeks ago with no indication that they were in draft form and had not been adopted. This is confusing and could mislead the public and others, with potential consequences. This recognisable problem needs to be rectified and I am suggesting that it is placed on the Agenda of the next meeting for consideration and resolution.

**Roy Burgess
December 2021**