

THE DUDLEY BOROUGH LOCAL ACCESS FORUM (DBLAF)

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DUDLEY BOROUGH LOCAL ACCESS FORUM AGENDA

The next meeting of the Dudley Borough Local Access Forum will be held at 1:00pm on Wednesday 13th December, 2023 in Committee Room 4 at The Council House, Priors Road, Dudley, DY1 1HF to consider the business set out below:-

1. Apologies for Absence
2. Declarations of Interest
3. To confirm the Minutes of the meeting held on 13th September, 2023 (Pages 3 – 12)
4. The River Stour
5. Future Maintenance Programme
6. Delivery of the Rights of Way Improvement Plan
7. Proposed Eight Hills Regional Park (Client and Lickey Range) – R Burgess

The DBLAF is an advisory body established under Section 94 of the Countryside and Rights of Way Act 2000, to provide advice as to the improvement of public access to land in the Dudley Borough for the purpose of open-air recreation and enjoyment of the area. Its views do not necessarily represent those of the Council.

8. Planning Applications

- (a) Planning Application – Land off Old Wharf Road
- (b) Planning Application P22/1733 – Proposed provision of battery energy storage system at Lowlands Farm, Illey – R Burgess (Pages 13 – 15)

9. Access/Rights of Way Issues and Updates

- (a) Lower Illey between Footpath 107 in Dudley and Footpath 6 in Worcestershire
- (b) Public Right of Way – H124 and H125 Hawne Bank/Park, Belle Vale to Hawne Lane, Halesowen

10. Any Other Business

- (a) Legal Event Modification Orders – Halesowen – D Jacobs
- (b) Access/rights of way issues. Survey to assess the condition of various Public Rights of Way in Halesowen – R Burgess (Page 16)

It is requested that Members e-mail Karen Malpass at the address shown on the Agenda cover at least seven clear working days before the Meeting, details of any issues that they would wish to raise under this Agenda Item.

11. Dates of Future Meetings:-

(All Meetings to commence at 1pm at a venue to be confirmed)

- 13th March, 2024

TO: All Members of the Dudley Borough Local Access Forum namely:-

Mrs T Boothroyd	R J Brooks	R Burgess
Councillor K Denning	Councillor P Lee	Ms A Nicholls
T Pritchard	Ms S Yeadon	

Minutes of the Dudley Borough Local Access Forum

Wednesday 13th September, 2023 at 1.00pm

In Committee Room 4

At the Council House, Dudley

Present:

T Boothroyd (Chair)

R Brooks and T Pritchard

Officers:

D Keeley – Countryside Manager, D Jacobs – Group Engineer and

A Radford – Maintenance Manager (Directorate of Environment) and

K Malpass – Democratic Services Officer (Directorate of Finance and Legal)

Also in attendance:

D Chaffey – Chair of the Friends of The Leasowes

16. **Apologies for Absence**

Apologies for absence from the meeting were submitted on behalf of R Burgess, A Nicholls, S Yeadon and Councillor K Denning.

17. **Declarations of Interest**

T Pritchard declared a non-pecuniary interest in relation to Agenda Item No. 9 – Access/Rights of Way Issues and Updates, as a Member of the Halesowen Abbey Trust.

18. **Minutes**

Resolved

That the Minutes of the meeting held on 14th June, 2023, be approved as a correct record.



DBLAF/10

19. **Change in Order of Business**

That the order of business be varied, and the agenda items be considered in the order set out in the minutes below.

20. **Leasowes Park, Access, Footpath Network, Signage and Interpretation**

The Chair of the Friends of the Leasowes and D Jacobs provided an update to Members and indicated that following a meeting between members of the Golf Club on 29th March, 2023, a number of concerns were raised during consideration of the reinstatement of the well-used footpath from Manor Lane via Stennels Field East to Leasowes Lane and the change of status to a Public Right of Way, therefore, it was agreed that an alternative route be identified. The proposed new route was displayed on screen and Members were advised that, should the footpath be approved, it would be dedicated as a Public Right of Way and maps publicising the route would be made available. As a tribute to the late Nick Williams, it was suggested that a section of the route be named after him to honour his memory and contribution to the work he carried out on behalf of The Leasowes Park.

The Countryside Manager referred to the grassland located at Stennels Fields which had been declared a Site of Special Scientific Interest (SSSI) for its nationally important assemblage of waxcap fungi and species-rich neutral grasslands. Whilst an agreement had been made in principle on the proposed new route, it was on the provision that no surfacing of any nature would be laid through Stennels Fields. It was exceptionally important to preserve the grassland and avoid altering the nutrient levels around the footpath.

The Countryside Manager indicated that a section of the grassland had a gradient and would be extremely difficult to for disabled users to access, however, signage would be put in place in an appropriate location to notify disabled users of the gradient.

D Jacobs informed Members of next steps and indicated that a report would be submitted for approval and signed off by the Director of Environment in November.

The Chair welcomed the progress made and requested that Officers be thanked for the work undertaken.

Action	Officer/Member
That part of the proposed new Right of Way connecting Manor Lane to Leasowes Lane be named in honour of the late Nick Williams for his contribution to the work carried out on behalf of The Leasows Park	D Jacobs
That Officers be thanked for the work undertaken to identify a new route connecting Manor Lane to Leasowes Lane.	D Jacobs
That the item be removed from the agenda.	Democratic Services Officer

21. **9 Mile Walk**

The Countryside Manager referred to the recent work carried out to trim back vegetation and maintain the footpath along the Hawne Colliery section of the 9 mile walk and ongoing discussions were taking place with The Friends of Hawne Park regarding some work required in Hawne Woods. A map of the 9 mile route was now available and would be circulated to Members of the Forum.

The Countryside Manager advised Members of the work being undertaken, which focussed on providing three key longer routes in the North, Centre and South of the Borough, which included:-

- North of the Borough - The Limestone Way, which was a long-established route leading to Sedgley Beacon.
- Centre of the Borough – Collaborative work with The Friends of Saltwells was currently taking place to identify a route to connect Bumble Hole, Saltwells and Buckpool and Fenspool Nature Reserves.
- South of the Borough - 9 Mile Walk.

Additional resources had been secured to ensure that the three key footpaths were maintained by the Council. It was envisaged that an A2 size plan of the Borough would be made available to promote the longer distance walking footpaths in the three areas of the Borough. Ideas had been provided to Communications and Public Affairs and once agreed, the Plan would be submitted to Members of the Forum.

Action	Officer/Member
That a map of the 9 mile walk be circulated to Members of the Forum.	D Keeley
That a plan incorporating the three key longer walking routes in the North, Centre and South of the Borough be circulated to all Members of the Forum once approved.	D Keeley
That the item be removed from the agenda.	Democratic Services Officer

22. **Future Maintenance Programme**

The Maintenance Manager updated Members on progress to date on the programme for improvement for 2023/24. It was noted that the programme was on target to complete the programmed works by the end of the municipal year.

In referring to the increased issues with motorbike users, Members were advised of the difficulties in erecting motor bike barriers that restricted access for motorbikes and the disadvantages any potential restriction would cause disabled path users. T Boothroyd undertook to raise the matter with the Chief Executive.

Action	Officer/Member
That the potential disadvantages to disabled users by restricting access to footpaths due to the increased use of motorbikes and possible alternative solutions be discussed with the Chief Executive.	T Boothroyd
That the item remain on the agenda for an update at the next meeting of the Forum.	Democratic Services

23. **Delivery of the Rights of Way Improvement Plan**

The Group Engineer provided Members with an update in relation to the Rights of Way Improvement Plan (ROWIP). Members were advised that the completed ROWIP was available to view on the

Internet. Comments and queries submitted by all consultees had been considered and responded to and feedback had been incorporated in the ROWIP where necessary.

The main points raised by consultees were referred to and discussed with Members. Concerns were raised in relation to the lack of support provided by Dudley Council Plus Officers and the inadequate reporting system used to report issues.

Members were advised that dividing footpaths into rural and urban footpaths within the Borough was not viable due to various reasons.

D Keeley referred briefly to issues concerning the River Stour and it was agreed that the item on the 9 Mile Walk be replaced with The River Stour and an update would be provided at the next meeting of the Forum.

Action	Officer/Member
That the item on the 9 Mile Walk be replaced with the River Stour and an update be provided to Members at the next meeting of the Forum.	K Keeley/ Democratic Services
That the item remain on the agenda for an update at the next meeting of the Forum.	Democratic Services

24. Planning Applications

(a) Planning Application – Land off Old Wharf Road

The Project Engineer indicated that negotiations were ongoing and an update would be provided at the next meeting of the Forum.

Action	Officer/Member
That the item remain on the agenda for an update at the next meeting of the Forum.	Democratic Services/D Jacobs

- (b) Planning Application P23/0940 – Field at Illey Lane (Illey Brook Farm) – Proposed Battery Energy Storage System and Infrastructure

In referring to the concerns associated with Planning Application P23/0940 – Field at Illey Lane (Illey Brook Farm) – Proposed Battery Energy Storage System and Infrastructure, Members were advised that a letter of objection, approved by the Chair of the Forum, had been submitted to the Planning Department on behalf of the Dudley Borough Local Access Forum.

25. **Access/Rights of Way Issues and Updates**

- (a) Lower Illey between Path 107 in Dudley and Path 6 in Worcestershire

The Project Engineer referred to the ongoing issues associated with the path and indicated that the draft Section 25 Agreement was currently awaiting approval by Worcestershire City Council. Dudley's legal section had been requested to seek clarification on the ownership of the land and should the owner of the land not have altered, it was envisaged that the document would be approved in the near future. Whilst it was confirmed that Illey House Farm was currently on the sale market, it was unknown whether the current Right of Way located at the front of the property would be impacted. Although the process was slow, it was acknowledged that progress was being made and an update would be provided at the next meeting of the Forum.

Members were advised that the signage and post in the vicinity of the Farm had gone missing, however, it was in the process of being replaced.

Action	Officer/Member
That the item remain on the agenda for an update at the next meeting of the Forum.	Democratic Services/J Jacobs

(b) Public Right of Way H124 and H125 Hawne Bank/Park, Belle Vale to Hawne Lane, Halesowen

The Group Engineer indicated that following a meeting with representatives of The Friends of Hawne Park, it had been agreed that an alternative footpath be identified and maintained by the Local Authority. The Countryside Manager informed Members that additional staffing resources had been provided which would enable Officers to focus and manage additional sites within the Borough. Members were advised that there was a section of the footpath that was privately owned land, which would not be maintained by the Council. The Group Engineer indicated that correspondence had been submitted to Harden Housing Association on two separate occasions asking for a meeting to take place on site to discuss the matter further. Members would be updated at the next meeting of the Forum.

Action	Officer/Member
That the item remain on the agenda for the next meeting of the Forum.	J Jacobs/ Democratic Services Officer

(c) Stile Improvements – Lapal Area

Whilst it was acknowledged that work was still required to improve the Stiles in the Lapal area, Members accepted that funding remained an issue which had created significant delays.

Action	Officer/Member
That the item be removed from the agenda.	Democratic Services Officer

26. **Any Other Business**

Legal Event Modification Orders

The Group Engineer reported that progress had been delayed due to a number of work issues that had taken priority, however, delegated authority had been requested to assign responsibility to a Senior Officer to approve the Legal Event Order in Halesowen with a view to the document being completed by the end of the year.

Action	Officer/Member
That the item remain on the agenda for an update at the next meeting of the Forum.	D Jacobs/ Democratic Services

Dudley path south of A456

In referring to the report submitted to the meeting, T Pritchard indicated that the barbed wire fence located on footpath 183 alongside Uffmoor Wood that left the track to Tack Farm had now been repaired and expressed appreciation to the Maintenance Manager for addressing the issues raised. The Maintenance Manager indicated that he had since received a response from the Woodland Trust in relation to the watercourse that crossed the footpath and was in the process of arranging a site visit with the Contractor to discuss the matter further and identify an appropriate solution. The condition of the footpath was very concerning, and Members were assured that the matter would be addressed.

Action	Officer/Member
That the item be removed from the agenda.	Democratic Services

Access/rights of way issues – surveys to access the condition of various Public Right of Ways in Halesowen

Action	Officer/Member
That R Burgess be requested to provide an update at the next meeting of the Forum.	R Burgess

Lack of Access to Halesowen Abbey

T Pritchard referred to the ongoing concerns in relation to the planning approval for a barn conversion at Halesowen Abbey. Whilst progress with the development had been delayed, concerns were raised regarding the condition to ensure that a footpath was created to access the Halesowen Abbey. As the developer had adhered to the planning regulations, it was considered inappropriate for Planning Officers to intervene with the development at the current stage. Members agreed to remove the item from the agenda, with a view to discussing the matter further should planning conditions not be observed moving forward.

Action	Officer/Member
That the item be removed from the agenda.	Democratic Services Officer

Alleged Public Right of Way across Halesowen Golf Club

An update had been provided to Members during consideration of the Leasowes Park, Access, Footpath Network, Signage and Interpretation item.

Action	Officer/Member
That the item be removed from the agenda.	Democratic Services Officer

Restoration of lands south of the former Crooked House

Concerns had been raised in relation to the public right of way that existed on the land south of the access road of the former Crooked House. The paths were subject to a Highway Order to allow development to take place. The Planning Officers would be in discussions with the developer in the near future to re-establish the conditions that were required to be met regarding the site. The site did not directly affect the land on which the former crooked House stood. Access to the former Crooked House was via a connection of paths in two Authorities from Himley Road to the former public house.

Advertisement of Members

Various recruitment opportunities were being explored to ensure requirements were being observed and updates would be provided to Members at a future meeting.

Action

Officer/Member

That an update be provided to Members at a future meeting of the Forum.

D Keeley

Proposed 8 Hills Regional Park (Clent and Lickey Range and surrounding district)

Action

Officer/Member

In the absence of R Burgess, it was agreed that the item be placed on the agenda for consideration at the December meeting.

Democratic Services Officer/
R Burgess

27. Future Meeting, Date and Time

Future meeting dates and times of the Forum were noted as follows:-

- Wednesday 13th December, 2023 – 1.00pm
 - Wednesday 13th March, 2024 – 1.00pm
-

The meeting ended at 3.20pm.

Karen Malpass (Law and Governance)

Subject: Planning Application No.P22/1733. Proposed provision of battery energy storage system at Lowlands Farm, Illey

Dear Karen, I enclose a copy of the Abbey Trusts Objection to the above illustrating the outstanding landscape as viewed from PROW NoH87 , for information regarding DBLAF meeting 13th Dec 2023.

Sent from [Mail](#) for Windows

Kind regards

Roy Burgess
Halesowen Abbey Trust

Subject: Planning Application No.P22/1733. Proposed provision of battery energy storage system at Lowlands Farm, Illey

19th September 2023

Dear Catherine Golightly,

Planning Application No.P22/1733 Proposed provision of battery energy storage system. Land adj., to the M5 Motorway, Lowlands Farm, Illey, Halesowen.

On Monday, the 18th September 2023, I took a very pleasant walk, in the Illey countryside, along Public Footpath No. H87. This path links to The Illey Way, at Coopers Wood, and thence to a section of Woodgate Valley Country Park at Kitswell, via a pedestrian bridge over the M5 Motorway.

I took the attached photograph on an elevated section of path No. H87, looking in a westerly direction, near the approach to the motorway bridge, overlooking the field where the development is proposed.

The photograph speaks for itself. 'A traditional English scene, from a farm gate, with cattle grazing in open pasture, a wooded stream valley (originating from the ancient Kitswell), and on the far horizon the majestic Clent and Walton Hills.'

The Ordnance Survey Map indicates that the pasture falls away to the West by 15 metres. This will involve major cut and fill earthworks to provide level construction platforms . The resultant affect will place the development in a dominant position, which will be totally inappropriate in this location.

The views of the countryside, from the adjacent public path will be severely impacted and totally ruined by this industrial scale proposal.

P.S Please add our objection to the Planning Register

—

Roy Burgess
Chairman & Trustee
Halesowen Abbey Trust



Access/rights of way issues. Survey to assess the condition of various Public Rights of Way in Halesowen – Roy Burgess

On the 11/7/ 23 – Visited Tack Farm, Hasbury noted the following:

Paths H174 and H183 require ground vegetation clearance.

Path 183 needs a boardwalk over a small stream.

Paths 183, 173 and 182 require statutory signposts at Uffmore Lane.

On the 15/7/23 – Visited Hawne/River Stour Valley and noted the following:

Paths H115 and H116 require ground vegetation clearance.

Path 115 fallen tree obstructing the path.

Path 116 Dangerous vertical drop needs fence/ barrier.

Path 115 needs surface treatment and vertical retaining in selected location.

On the 15/7/23 – Visited Coombeswood Green Wedge, and noted the following:

Paths H25, 21, 26, 26a and 32 all in need of ground vegetation clearance.

On the 19/7/23 – Visited Lutley lane (Track) and noted the following:

Paths H137, 137a and 138 all in need of ground clearance (impassable in places).

On the 19/7/23 – Visited Foxcote/Oldnall and noted the following:

Path H215 completely obstructed with ground and side vegetation and in need of some serious clearance.

Path S454 fallen trees and ground vegetation in need of clearance.

Paths S155/156 need Statutory Signpost at Seymoure Road.

The report has been sent to Alan Radford and progress would be reported on at the meeting.