

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 14th June, 2023 in at the Saltwells Wardens Base, Saltwells National Nature Reserve, Saltwells Lane, Dudley, DY5 1AX to consider the business set out below:-

1. Election of Chair
2. Election of Vice-Chair
3. Apologies for Absence
4. Declarations of Interest
5. To confirm the Minutes of the meeting held on 22nd March, 2023
6. 9 Mile Walk
7. Leasowes Park, Access, Footpath Network, Signage and Interpretation
8. Future Maintenance Programme
9. Delivery of the Rights of Way Improvement Plan

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.

10. Planning Applications

- (a) Planning Application – Land off Old Wharf Road
- (b) P23/0316 – Innage Farm, Halesowen – D Jacobs/R Burgess
- (c) P23/0699 – Illey Brook Farm, Halesowen – Proposed electricity storage site of approximately 8 acres – R Burgess
- (d) P23/0492 – No. 70 Quarry Lane, Halesowen – Proposed Care Home – R Burgess

11. Access/Rights of Way Issues and Updates

- (a) Lower Illey between Footpath 107 in Dudley and Footpath 6 in Worcestershire
- (b) Footpath H115 – Site of Hawne Colliery and Footpath 116 – rear of Oil Refinery, Shelah Road, Halesowen
- (c) Public Right of Way – H124 and H125 Hawne Bank/Park, Belle Vale to Hawne Lane, Halesowen
- (d) Footpath S454
- (e) Stile Improvements – Lapal area – T Pritchard to provide an update

12. Any Other Business

- Legal Event Modification Orders – Halesowen

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.

13. Dates of Future Meetings:-

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

- 13th September, 2023
- 13th December, 2023
- 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 22nd March, 2023 at 1.00pm

At Saltwells Wardens Base, Saltwells National Nature Reserve,
Saltwells Lane, Dudley

Present:

T Boothroyd (Chair)

R Brooks (Vice-Chair)

R Burgess, A Nicholls, T Pritchard and S Yeadon

Officers:

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

Also in attendance

M Freer – Honorary Secretary, Halesowen Abbey Trust

53. **Apology for Absence**

An apology for absence from the meeting was submitted on behalf of N Williams.

54. **Declarations of Interest**

T Pritchard declared a non-pecuniary interest in relation to Agenda Item No. 4 – Delivery of the Rights of Way Improvement Plan, as a Member of the Halesowen Abbey Trust.

S Yeadon declared a non-pecuniary interest in relation to Agenda Item No. 4 – Delivery of the Rights of Way Improvement Plan, as Chair of the Friends of Coombeswood Wedge.



55. **Minutes**

Following the meeting held on 15th February, 2023, Members decided not to submit a letter at this time to the Planning Department, outlining a proposal to be considered should Planning Application P22/1733 – Provision of battery energy storage, substation compound with associated infrastructure, fencing, access road, drainage and landscaping (resubmission of refused application P22/0541) be approved. Members strongly supported refusal of the application and would reconsider the matter further following consideration of the application.

Resolved

That the Minutes of the meeting held on 15th February, 2023, be approved as a correct record.

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

In discussing the draft Rights of Way Improvement Plan (ROWIP), the following points were raised.

R Burgess referred to the voluntary conservation work completed between 1987 and 2023 by the Halesowen Abbey Trust in Dudley/North Worcester (not including the schoolhouse and walled garden) as follows:

1.	Notice boards with canopy	5 NO	
2.	Stiles, install 100%	114 NO	
3.	Stiles, repair, new footsteps etc	23 NO	Illey/Lapal with Wardens
4.	Path clearance, vegetation and side hedges	8,549 ML	
5.	1.2ML high timber fencing post and wire/rail and wire	555 ML	
6.	Farm gates	12 NO	
7.	Metal barrier gate	1 NO	Earls
8.	Horse barriers/squeeze stiles	8 NO	
9.	“Statutory” fingerposts wood/metal	44 NO	
10.	8” DIA heavy duty footpath timber marker posts	150 NO	

11.	Path surfacing AV 2ML wide x 100mm deep	586 ML	MOT type 1 stone
12.	Ditching/land drains	736 ML	
13.	6-8ML timber foot bridges	14 NO	
14.	Foot bridges steel (canal)	1 NO	Coombes Bridge
15.	Woodland ridges – side coppicing	1,060 ML	Uffmoor Wood
16.	Major culvert repair and ride repair	1 NO	Uffmorr Wood
17.	Timber footsteps stone filled	182 NO	No handrail
18.	Timber footsteps some with handrails stone filled	66 NO	Handrails, Hurst Green, Coombeswood
19.	Tree planting	10,000 NO	

R Burgess referred to the amount of improvement work carried out by Halesowen volunteers. He indicated that following the recent work carried out at Hurst Green Park, which had been surveyed and costed by him and funds raised by Halesowen Abbey Trust, he reported that he would be unable to carry out the level of work required for maintenance/repair in the future due to other commitments and the age of current volunteers. It was anticipated that the work required in the countryside would largely rely upon volunteers, however, no recruitment, training, funding or staff restructure had been recognised. The Chair acknowledged and expressed gratitude for the work carried out by volunteers, however, indicated that the Local Authority had limited resources and funding available to undertake a review of all footpaths in the Dudley Borough.

R Burgess compared the draft ROWIP to the Department for Environment, Food and Rural Affairs (DEFRA) Statutory Guidance to Local Highway Authorities in England, in respect of Rights of Way Improvement Plans, and highlighted the following issues:

Section 2.2 – Assessing the needs of different classes of user Local Authorities should consider the adequacy of: -
Section 2.2.2 stated: -

- Access to attractive areas of countryside, in order to support local tourism and economic regeneration.
- Opportunities for cycling, horse riding and walking other than roads.
- Routes from centres of population using public transport to gain access to the countryside.

- Links which create circular walks.
- Routes near waterside features.
- Convenient and safe crossings over roads, railways, rivers and canals.
- Routes for local journeys and amenities.
- Routes through developed areas to ensure continuity.

It was considered that the draft ROWIP virtually repeated the Statutory Guidance, however, nothing appeared to have been assessed.

Section 2.2.8 – Equestrians

Section 2.2.11 stated: -

- Consider the needs of riders.
- Local highway authorities should assess the case for additional provision through the creation of bridleways and restricted byways.

It appeared that there had been no assessment of the above included in the draft ROWIP.

It was reported that the Countryside Manager was pursuing the requirements for the creation of bridleways.

Section 2.2.12 – Cyclist

Section 2.2.13 stated that local highway authorities should assess the case for additional provision for a full range of cyclists from those on family outings to experience mountain bikes through the creation of bridleways, cycle tracks and restricted byways.

It appeared that there had been no assessment of the above included in the ROWIP.

Section 2.2.15 – People with mobility problems

Section 2.2.18 stated that local highway authorities should assess the needs for works to existing ways and the need for new ways to enable people with mobility problems, including disabled riders to enjoy a higher proportion of the network than is currently the case.

Section 2.2.19 stated: -

- Section 69 of the Countryside and Rights of Way (CROW) Act places a duty on local highway authorities to have regard to the

needs of people with mobility problems when authorising the erection of barriers on footpaths or bridleways.

- Section 147 ZA of the Act will empower the local authority to make agreements with landowners for works to replace or improve structures (such as gates or stiles) to make them safer or more convenient for people with mobility problems.

It was considered that public rights of way routes had been identified in consultation with the Access in Dudley Group for differing needs of disabled users, however, it appeared that there had been no assessment of the above included in the draft ROWIP.

Whilst it was acknowledged that some footpaths in the countryside were not suitable for disabled users which prevented people from accessing the wider countryside, consultation with appropriate user groups did occur, however, funding was an issue. Various options had been discussed such as the user of gates with radar keys, however, there was an issue with youths vandalising the locks resulting in the Local Authority funding any repair work.

Section 2.3 – Making the assessment

Section 2.2.1(e) stated that local highway authorities should undertake a survey to assess the nature and scale of the present and likely future needs of the public (both local and visitors to the area) in relation to the rights of the way of network.

It was considered that the draft ROWIP virtually repeated the Statutory Guidance, however, it appeared that no assessment had been included in the draft ROWIP.

Section 2.4 – Preparing the Statement of Action

Section 2.4.1 stated that the CROW Act requires local highway authorities to prepare a statement of action they propose to take for the management of local rights of way and for securing an improved network, with particular regard to matters dealt with in the assessment.

Section 2.4.2 – Statement of action should establish: -

- Their proposed action.
- The estimated costs.
- The key organisations they intend to involve.
- The timescales within which they propose to complete the action.

Section 2.47 – Securing improvements to the Network. The section stated that both capital and revenue funding will be required to put the improvements into practice and to ensure long term maintenance. Highway authorities are encouraged to be innovative in sourcing funds to support the improvements and should consider seeking funds from lottery bodies, local transport plans, agri environment schemes and some charitable trusts.

It appeared that only one page of the draft ROWIP was devoted to an action plan, which was considered inadequate as there were no proposals or commitments based on assessments (which had not been prepared) and no costings contained in the ROWIP.

Whilst it was acknowledged that funding and the lack of resources available remained an issue and it would be difficult to quantify adequate funding, it was considered that costings should be provided to ensure the Local Authority met its legal responsibilities and objectives of the ROWIP and be in a position to explore alternative funding opportunities.

T Pritchard referred to the improvements made in updating the definitive map and expressed gratitude for the continued work.

It was suggested that R Burgess/R Brooks and T Pritchard provide leaflets to the next meeting of the Forum to discuss the possibility of updating Local Authority leaflets in relation to walking routes provided within the Dudley Borough to enable the most up-to-date walking routes to be distributed to members of the public and included in the ROWIP.

It was suggested that Dudley's ROWIP be compared with neighbouring authorities, including plans provided by Worcestershire, Staffordshire and Shropshire Councils.

It was noted that the Halesowen Abbey Trust had raised £9,500 from the Community Forums to fund a joint project with the Leasowes Warden, however, prior to completion, officers had withdrawn from the project resulting in the Halesowen Abbey Trust having to relinquish the unspent £5,000.

Following consideration of the comments made at the meeting, Members requested that the following be considered and incorporated in the draft ROWIP. Whilst it was considered that the following action would take longer than the proposed 12-week consultation period, it

was considered that the consultation period proposed was the minimum period set out in the guidance.

- Survey all public rights of way for all users and assess the number of stiles, bridges, steps, pedestrian gates, surfacing and way marking required, with reference to replacing obstructions for disabled routes and accommodating the needs of equestrian and cycle users.
- Prepare costings or budgets for the total amount of work required over the 10 year plan period, including yearly maintenance. Whilst it was acknowledged that costing the 10 year plan would be a challenge, it was suggested that the yearly maintenance plan could be included in the draft ROWIP as a baseline for future costing.
- As the present budget was totally inadequate, the highways authority should set out its proposals to secure funds from “outside” resources as there was no guarantee that funding from proposed developers would be available. Members suggested that the availability of section 106/Community Infrastructure Levy funding should be explored to ensure planning applications provided funding support to ROWIP schemes.
- Walk leaflets be produced showing routes, preferably circular and cross over into neighbouring councils rights of ways.
- There was an urgent need to upgrade procedures for reporting an issue on a public right of way, which would need promoted and published. Reference was made to implementing the same procedure used at Worcestershire County Council or using an answer machine and monitored daily.
- The need for rural and urban tarmacked paths to be considered separately as urban footpaths would always take priority over any maintenance/repair work required as those footpaths were used more frequently. Concern was raised with the rural 14km of footpaths south of the A456. It was reported that twenty-four stiles had been improved recently with money acquired by Halesowen Abbey Trust, with fifty still awaiting improvement.
- Two replacement bridges on footpaths 66 and 89.
- A stream required bridging on footpath 183 by Uffmoor Wood about 100 metres from the bridge featured on page 28 of the draft ROWIP.
- Proposed timescales for all improvements were requested.
- A walk/cycle way along the River Stour would be an asset.
- Include an advert to attract younger volunteers for footpath maintenance with the possibility of using offenders for community services to reduce council costs.
- A dedicated officer employed to identify available funding

opportunities.

The Chair expressed her appreciation to Members for the comments raised.

Action	Officer/Member
That the information outlined above be submitted to the Group Engineer for consideration and inclusion in the Rights of Way Improvement Plan.	Democratic Services Officer
That leaflets be submitted to the next meeting of the Forum to discuss the possibility of updating Local Authority leaflets in relation to walking routes provided within the Dudley Borough to enable the most up-to-date walking routes to be distributed to members of the public and included in the ROWIP.	R Burgess/R Brooks/ T Pritchard
That the item remain on the agenda for an update at the next meeting of the Forum.	Democratic Services

57. **Any Other Business**

There were no matters raised under this item.

58. **Future Meetings, Dates and Times**

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

- 14th June, 2023 – 1.00pm
 - 13th September, 2023 – 1.00pm
 - 13th December, 2023 – 1.00pm
 - 13th March, 2024 – 1.00pm
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The meeting ended at 2.29 pm.