

## DUDLEY BOROUGH LOCAL ACCESS FORUM

Monday 20<sup>th</sup> July, 2009 at 6.30pm in Committee Room 4 at the Council House,  
Priory Road, Dudley

### PRESENT: -

Mr M Freer (Chairman)  
Mr D Woodruff (Vice-Chairman)

Mr T Antill, Mr D Bates, Mr R Burgess, Mr A Cutler, Mr D Davies, Mr R Vickers,  
and Mr N Williams.

### Officers:

Mr J Butler – Development Group Engineer (Directorate of the Urban  
Environment) and Miss K Fellows – Democratic Services Officer, (Directorate  
of Law, Property and Human Resources).

### Also in Attendance:

Mr Gameson, (Chairman of the Local Access Forum for  
Stafford/Wolverhampton).

### 67. APOLOGY FOR ABSENCE

An apology for absence from the meeting was submitted on behalf of Mrs  
C Freer.

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### 68. DECLARATIONS OF INTEREST

Mr Antill declared a personal interest in relation to agenda item no. 5 –  
Footpaths from Leasowes to Lady Pool Close and West Dean Close,  
agenda item no. 6 – Coombeswood Green Wedge Planning Decision,  
agenda item no. 8 – Treherns Farm Costs Decision and agenda item no.  
9 – Flooding to Footpath H26 Coombeswood as founder and a member of  
the Monarch's Way Association.

Mr Burgess declared a personal interest in relation to agenda item no. 6 –  
Coombeswood Green Wedge Planning Decision, as an observer of the  
decision upon the Council's modification order in relation to the footpaths.

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### 69. MINUTES

RESOLVED

That the Minutes of the meeting of the Forum held on 18th May, 2009, be approved as a correct record, subject to the following amendments:-

The deletion of the word “milling” and the substitution therefor of the word “millennium” second line of the fourteenth paragraph, of Minute number 55.

The deletion of the sentence “closed or diverted, there should be an application to the Secretary of State for a separate hearing” and the substitution therefor of the words “proposals for diversion or closure, and there were objections that could not be resolved, the Secretary of State would initiate a Public Enquiry” in the second line of the sixth paragraph, of Minute number 57.

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70. MATTERS ARISING FROM THE MINUTES

In relation to Minute number 57 – Coombeswood Green Wedge Planning Decision, Mr Antill suggested that Circular 1 of the 2009 Department and Rural Affairs guidelines to Local Authorities relating to Rights of Way provided confirmation that “development could not take place as far as it affected rights of way including pending applications for a right of way to be included on the definitive map” which precluded St Modwen from commencing the development.

AGREED

That the Development Group Engineer be requested to raise this issue with the planning enforcement officer.

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71. FOOTPATHS FROM LEASOWES TO LADY POOL CLOSE AND WEST DEAN CLOSE

The Chairman advised that a briefing note had been submitted to the Halesowen Area Committee on 1<sup>st</sup> July, 2009, following a meeting on 29<sup>th</sup> June, 2009 in order to consider options to improve the safety and accessibility of the above route, and he had been pleased to note that recommendations to cut back overhanging vegetation and for the provision of steel tubular handrails and steel fencing, modest resurfacing and drainage improvements had been supported by the Area Committee.

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72. COOMBESWOOD GREEN WEDGE PLANNING DECISION.

The Chairman advised that a meeting had taken place on the 16<sup>th</sup> July, 2009 with the Friends of Coombeswood and Council Officers, when good progress had been made. Notes had been taken at the meeting and would be circulated to all members.

Mr Burgess advised members of details in relation to five footpaths that would be supported by the Council, and it was confirmed that a report would be submitted to the Cabinet Member for Transportation during mid September, 2009 in this regard.

Following a question from a member it was confirmed by Mr Antill that St Modwen could not commence their development until the position in relation to the footpaths on the site had been resolved.

In view of the fact that the Forum were concerned in relation to time constraints and did not wish to delay the definitive footpath order process by further consultation it was

AGREED

That a Sub-Committee be formed comprising the Chairman, Mr Antill, Mr Burgess and Mr Davies to deal with the consultation in relation to the Combeswood Green Wedge Planning Decision and the applications for the definitive footpath orders.

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### 73. THE SANCTUARY

Mr Woodruff presented the report submitted in relation to the Sanctuary housing estate making particular reference to the map displayed of the Sanctuary area, pointing out that this was the name given to the area by local residents, with the estate being situated at the end of Aldridge Close, which was behind the Audnam junction, Stourbridge. The photographs in the report were also referred to.

In presenting the report, Mr Woodruff made particular reference to Aldridge Close which abutted the towpath of the Stourbridge Arm of the Canal that was the alleged focus for anti social and criminal behaviour as indicated in the report. The response of the Crime Prevention Officer to the allegations was also set out in the report. An opening of two metres between the end of the junction and the fence at the Western end of the junction where motorbikes were driven through the opening and along the tow path was referred to and problems in relation to discovering the owner of the path were discussed, together with methods of abating the alleged anti social behaviour. It was further reported that should the opening be closed, this could create access problems for residents of Aldridge Close, Richardson Drive and Rushall Close who utilised the opening, and the closure would result in parents and local residents having to walk around to the ramp at Longboat Lane Bridge to access the canal and walk their children to a nearby primary school.

It was indicated that access to the ramp would be difficult due to the fact that it was overgrown with vegetation, would be awkward to negotiate due to it being stepped, and would involve an increase in walking distance of some two hundred metres.

Photographs of the culvert at the end of Rushall Close, Stourbridge were referred to, and it was indicated that this area had suffered problems with flooding.

Arising from the presentation of the report a number of questions and issues were raised including:-

- Whether the flooding at Rushall Close affected public access and safety;
- Whether British Waterways or the Council owned the land referred to above;
- A suggestion that bollards be erected to abate the alleged anti social behaviour at Aldridge Close;
- A suggestion that CCTV be installed to combat problems;
- The possibility of applying to the relevant Area Committee in order to fund the work required;

In responding to the issues and questions raised, Mr Woodruff indicated that the flooding would not affect public access and safety, and the erection of bollards might prevent public access to those who were disabled, and those who utilised the path to access the local primary school.

It was confirmed that the culvert referred to was that situated at the end of Richardson Drive below the ramp that provided access to Rushall Close, Stourbridge.

The Development Group Engineer, indicated that the Council might have records of the pipes that ran below the culvert.

#### AGREED

- (1) That the Sanctuary Report be referred to members of the Stourbridge Area Committee, the local Police Highway Authority, the appropriate Ward Councillors, West Midlands Police Authority and British Waterways.
- (2) That Development Group Engineer be requested to report to a future meeting of the Forum in relation to whether the Council would be responsible for maintaining the culvert at the end of Richardson Drive, Stourbridge.

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#### 74. TREHERNS FARM COST DECISION

The costs decision of the Planning Inspectorate Inquiry on 3<sup>rd</sup> March, 2009 regarding the application made by Dudley Metropolitan Borough Council for the full award of costs in relation to the stopping up of footpath orders at Treherns Farm was submitted.

In discussing the decision the Forum determined to draw to the attention of the Council and request further clarification on the aspects of its

submissions referred to in the resolution below. The Chairman also referred to the best practice of a Local Access Forum, as stated in the Handbook, to attend a Planning Inquiry to explain its advice to the

Planning Inspectorate which contradicted the denial by the Council that the Forum were entitled to express their advice to a Public Inquiry.

The Chairman then referred further to the attention drawn by the Inspector to the entitlement of the Forum to make representations, and that they had not been objectors, as stated by the Council.

The Chairman also referred further to the statement made by the Council's legal representative that "it may be that there would be further repercussions for Dudley Borough Local Access Forum and its leader", and suggested that clarification of repercussions should be sought from the Council.

Mr Antill referred to paragraph 17 of the Planning Inspectorates decision explaining his views that an incorrect statement had been made as the Rights of Way Guidance to Law and practice stated that a Parish Council qualified as a Local Authority, indicating that the Secretary of State should cause a local inquiry to be held should a Parish Council raise objections in relation to footpath orders. He stated that this matter had been discussed with the Ramblers Association who had agreed they would correspond with the Planning Inspectorate in order to suggest that an advice note should be issued to all planning inspectorates and interested parties, amending their statement in relation to Parish Council's.

Mr Gameson, the Chairman of the Local Access Forum for Stafford/Wolverhampton suggested that the above should also be brought to the attention of the National Local Access Forum. Following further discussion it was

#### AGREED

That the Forum bring to the attention of and clarify with the Chief Executive, the Deputy Leader of the Council and the Cabinet Member for Transportation

- (1) details of the alleged deluge of emails and correspondence that the Council received wasting inquiry time and putting the Council to considerable expense in relation to the public inquiry;
- (2) clarification of the further repercussions for Dudley Borough Local Access Forum and its leader which were referred to by the Council's legal representative at the public inquiry;
- (3) The Forum's role and function as advisers to the Council.

75. FLOODING TO FOOTPATH H26 COOMBSWOOD

Following discussion it was agreed that this item be deferred to the next meeting of the Forum.

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76. PLANNING APPLICATIONS

(a) H23 – Gainsford Drive to Coombes Road

Following further discussion it was agreed that this item be removed from future agendas.

(b) Plan no. P08/096 – Land Adjacent to 107 Long Lane, Halesowen

Following further discussion it was agreed that this item be removed from future agendas.

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77. SITE VISITS – GATING ORDERS – MURCROFT/WYCHBURY ROAD

(a) Murcroft/Wychbury Road

Concerns were raised by members in relation to the removal of fencing and re-surfacing work that had been undertaken, to the gated area.

In response to these concerns, the Development Group Engineer, confirmed that fence posts and the path would be completely reinstated should the Council decide not to pursue a further gating order.

There followed a general discussion in relation to reviewing gating orders, public footpaths and non-interference with footpaths, when temporary gating orders were in existence, and the cost of re-surfacing work that could be incurred by the Council.

In response the Development Group Engineer confirmed that a footpath would continue to exist even when some of its length had been gated off. Should the gated off section be re-opened in the future and require attention to prevent tripping accidents it would be more appropriate for a tarmac surface to be constructed.

Following further queries in relation to the duration of gating orders and further consultation processes it was indicated by the Development Group Engineer that should a gating order end at the end of a three year period, and the path be re-opened, consultation would be required should the Council intend to make a new order in the future.

Members also raised concerns in relation to the increasing costs in relation to making gating orders.

#### File Cutters – Coseley

- (b) The Chairman reported that the gating had been situated at the end of the cul-de-sac thus providing residents with continuing access to the footpath, which had pleased the residents at both ends of the cul-de-sac, following the implementation of the gating order.

The Chairman raised concerns and expressed his view that the Gating Order Notice displayed might not have strictly complied with the Gating Order Regulations.

#### AGREED

That the Forum prepare a report in relation to the site visits and gating orders and submit it to the Cabinet Member for Transportation, the Ward Councillors and the Development Group Engineer.

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#### 78. LEAD OFFICER TO THE FORUM

Concerns were raised in relation to the replacement of a Lead Officer to the Forum. The Chairman indicated that although a replacement for the Forum's previous lead officer had been in post for some time, they had been without a Lead Officer since January, 2008.

It was stated that the Forum had been inconvenienced by the lack of a lead officer and that this had also impacted upon the Council.

It was confirmed that the Forum were unable to fulfil their statutory obligations in relation to preparing and submitting their annual report without a lead officer. A report had not been prepared for two years. It was believed that when the Countryside Officer's post had been advertised, this had included reference to servicing the Local Access Forum.

#### AGREED

That the Forum circulate a note to the Deputy Leader of the Council stating that they had been informed that there would be a Lead Officer to the Forum and they were unable to fulfil their statutory obligations by way of preparation of their annual report without a Lead officer.

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#### 79. RECRUITMENT OF NEW FORUM MEMBERS

It was reported by the Chairman that the Forum had vacancies for members and these vacancies should be advertised by the appropriate

department of the Directorate of the Urban Environment.

AGREED

That the Forum correspond with that the Head of Museums, Greenspaces and Bereavement Services requesting that the vacancies for Forum members be advertised.

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80. ANY OTHER BUSINESS

A Member requested that the Deputy Mayor be invited to the next meeting of the Forum.

It was reported that the Rights of Way Improvement Plan Steering Group would meet the following week, and that the Forum members appointed to represent the Forum would attend the meeting.

The Chairman reported that the Council did not employ a rights of way improvement officer, and he had prepared a report justifying the appointment of such an officer, stating that the report would be brought to a future meeting of the Forum, for members approval.

A member of the Forum suggested that the Council's Footways Officer be requested to attend the next meeting of the Forum.

AGREED

That Democratic Services be requested to invite the Deputy Mayor and the Council's Footways Officer to the next meeting of the Forum.

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81. DATE OF NEXT MEETINGS

That the next meetings of the Forum be held on:-

- Monday 21<sup>st</sup> September, 2009
- Monday 16<sup>th</sup> November, 2009

All meetings to start at 6.30pm

The meeting ended at 8.55 p.m

CHAIRMAN