

# Minutes of the Dudley Borough Local Access Forum

Wednesday 13<sup>th</sup> March, 2024 at 1.00pm

In Committee Room 4

At the Council House, Dudley

## **Present:**

T Boothroyd (Chair)

R Brooks (Vice-Chair)

R Burgess, Councillor K Denning and T Pritchard

## **Officers:**

D Jacobs – Project Engineer, A Radford – Maintenance Manager  
(Directorate of Environment) and K Malpass – Democratic Services Officer  
(Directorate of Finance and Legal)

### **38. Apologies for Absence**

Apologies for absence from the meeting were submitted on behalf of  
A Nicholls, S Yeadon, Councillor P Lee and D Keeley, Countryside  
Manager.

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### **39. Declarations of Interest**

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

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### **40. Minutes**

#### **Resolved**

That the Minutes of the meeting held on 13<sup>th</sup> December, 2023,  
be approved as a correct record.



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41. **The River Stour**

**Action**

**Officer/Member**

That the item remain on the agenda for the Countryside Manager to provide an update at the next meeting of the Forum.

D Keeley/  
Democratic  
Services

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42. **Future Maintenance Programme**

The Maintenance Manager indicated that a meeting had been arranged to discuss a Maintenance Programme for 2024/25 and welcomed any suggestions from Members in relation to any potential work/repair or maintenance projects for inclusion in the forward plan of the maintenance programme. Whilst projects had been delayed due to historical problems and resources available focused on filling potholes in the Borough, it was noted that the current maintenance programme would not be completed by the end of the financial year.

In responding to a question from R Burgess, the Maintenance Manager confirmed that the budget allocated for footpath improvements was still available and would be carried into the 2024/25 municipal year. Various options were being explored to ensure progress was observed with the possibility of employing sub-contractors as well as utilising in-house resources to ensure the maintenance programme was completed moving forward.

The Maintenance Manager confirmed that work to address issues associated with Lawyers Field in Dudley had been carried out to ensure the area was safe and would be included in the Maintenance Programme for regular strimming moving forward. Members were advised that whilst there were signs of general wear and tear of the surface area, no defects had been identified. In referring to the funding allocated to create an all-inclusive play area in the park, the Chair referred to the lack of access which would restrict people with mobility issues, which was a concern. The Chair undertook to contact appropriate officers to discuss concerns around the lack of access.

<b>Action</b>	<b>Officer/Member</b>
That the Chair contact appropriate officers to discuss concerns regarding the lack of access proposed for the new all-inclusive play area located in Lawyers Field.	T Boothroyd
That the item remain on the agenda for an update at the next meeting of the Forum.	Democratic Services

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43. **Proposed Eight Hills Regional Park (Clent and Lickey Range)**

R Burgess provided Members with an update in relation to the proposed Eight Hills Regional Park and confirmed that a response had been received from the Planning Department which outlined that the Planning Department were aware of the issues raised and working with the National Trust to address. It was reported that the Dudley Borough Local Access Forum's interest had been noted and any future update would be provided to Members accordingly.

<b>Action</b>	<b>Officer/Member</b>
That any future updates be provided to Members of the Forum.	Democratic Services
That the item remain on the agenda for an update at the next meeting of the Forum.	Democratic Services

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44. **Planning Applications**

(a) **Planning Application – Land off Old Wharf Road**

The Project Engineer provided an update in relation to the Planning Application and indicated that the Section 38 Agreement to dedicate a piece of land to enable a bridge to be erected from the bottom section of the development to link to the open space and amenities was still awaiting approval and signature by the developer. In referring to the agreement to provide a footpath to Stanford Road as part of the development plan, the Group Engineer reported that funding options were being explored and an update would be provided to Members at the next meeting.

The Group Engineer referred to a planning application submitted to develop an area in the vicinity of the Bonded Warehouse, Stourbridge, the exact location was provided on screen for Members. It was noted that whilst a footpath had been identified, it was not clear whether it was dedicated as a public footpath. The Planning Application was currently being considered and Members would be updated accordingly.

<b>Action</b>	<b>Officer/Member</b>
That any future updates be provided to Members of the Forum.	D Jacobs
That the item remain on the agenda for an update at the next meeting of the Forum.	Democratic Services/D Jacobs

(b) Planning Application P22/1733 – Proposed provision of battery energy storage system at Lowlands Farm, Illey

R Burgess indicated that Planning Application P22/1733 – proposed provision of battery energy storage system at Lowlands Farm, Illey had been refused. R Brookes referred to and circulated an article from the Express and Star which referred to a similar provision proposed for Staffordshire which provided an idea of what the planning proposal entailed but on a much smaller scale.

R Burgess referred to an obstructive barrier that had been erected by the landowner on a footpath in the vicinity of the Planning Application and queried what measures could be taken to address the issue as the area was considered “off-putting” to footpath users. The Maintenance Manager indicated that he had sent a letter to the landowner requesting him to consider erecting a stile in place of the barrier and whilst a response had not been received, he undertook to pursue the matter.

In referring to Planning Application P23/0940 – Erection of a battery energy storage system at Illey Lane, R Burgess confirmed that the application had also been refused.

<b>Action</b>	<b>Officer/Member</b>
That the Maintenance Manager pursue a response from the landowner in relation to rectifying the issues associated with the obstructive barrier.	A Radford
That the item be removed from the agenda under Planning Applications and replaced with a separate item headed Obstructive footpath at Lowlands Farm.	Democratic Services

(c) Section 247 Order - Park Lane, Cradley Heath

The Project Engineer referred to a Section 247 Order of the Town and Country Planning Act 1990 (as amended), a stopping up order to allow a development to take place at Park Lane, Cradley Heath. Members were advised that the matter was being referred to the Secretary of State by the developer for consideration. Updates would be provided to Members as necessary.

<b>Action</b>	<b>Officer/Member</b>
That updates in relation to the Section 247 Order at Park Lane be provided to Members as necessary.	D Jacobs

(d) Aldi – Zoar Street

The Project Engineer referred to a planning application received for Aldi, Zoar Street. Concerns had been raised in relation to a Section 257 Order submitted to the Secretary of State for the stopping up of the highways to allow the development to take place which had been made by the Local Authority and the developer and which concerned footpaths across Abbey Steet Park. On further consideration, following correspondence sent outlining concerns raised, the Order had been withdrawn.

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45. **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 he had a meeting on 14<sup>th</sup> March, 2024 to discuss, finalise and sign the Section 25 Agreement. It was reported that the Order consisted of a three-party agreement to dedicate the path as a public footpath.

T Pritchard referred to a fallen Beech tree on the bank on the northern side of the footpath, which was located on the Worcestershire side of the boundary and had fallen in the proposed area identified for the bridge to be erected. The responsibility of the removal of the tree was considered to be with the landowner, however, it was confirmed that it would not affect the Order.

T Pritchard referred to the access to the footpath that led to the White House at Lower Illey and indicated that the recently replaced sign had again been removed. In responding, the Maintenance Manager indicated that he would investigate the matter and action as appropriate.

<b>Action</b>	<b>Officer/Member</b>
That the Maintenance Manager be requested to investigate the removal of the recently erected sign and action as appropriate.	A Radford
That the item remain on the agenda for an update at the next meeting of the Forum.	Democratic Services/D Jacobs

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

<b>Action</b>	<b>Officer/Member</b>
That the item remain on the agenda for an update to be provided at the	D Jacobs/ Democratic

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**46. Any Other Business****Legal Event Modification Orders**

The Project Engineer provided an update in relation to the Leasowes Park and indicated that the Decision Memorandum associated with the agreement made for an alternative footpath to be created had now been finalised and signed and would be defined as a public right of way and that part of the footpath would be recorded in literature a Nick's Mile. It was noted that details would be provided to the Ordnance Survey for update and included in the Legal Event Modification Order.

The Group Engineer referred to a request received from Earls High School to close the footpath from Melbourne Road to Furnace Hill, which passed through the middle of the school. Members were advised that the matter was being considered under section 118b of the Highways Act.

In referring to the public right of way located on land in the vicinity of Brook Primary School, the Group Engineer informed Members that a member of the public was in the process of contesting the status of the footpath. Whilst specific plans were not obtainable, following investigation, it was considered that the footpath was a public right of way due to its frequent and well-established use. Ongoing work associated with the issue was discussed and was now currently going through a right of way modification order, which would potentially be submitted for public enquiry to prove the status of the footpath. Members were advised that the Local Authority were defending the public right of way and updates would be provided as necessary.

**Action****Officer/Member**

That the item remain on the agenda for an update at the next meeting of the Forum.

D Jacobs/  
Democratic  
Services

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

The Maintenance Manager provided an update as follows:

### Tack Farm, Hasbury

Paths H174 and H183 required ground vegetation clearance

Path 183 needed a boardwalk over a small stream

Paths 183, 173 and 182 required statutory signposts at Uffmore Lane

The Maintenance Manager indicated that part of footpath H174 had been cleared last year and included in the programme of routine maintenance moving forward. Following a request for a section of H183 and H174 to be strimmed down and cleared of vegetation, it was reported that the footpaths had been included in the programme for ongoing routine maintenance. The request had been made in response to concerns that had been raised regarding access which would include additional benefit of clearly exposing the existence of the fencing alongside the section of footpath. Members of the Forum were happy with the comments made and agreed with the proposals outlined. It was confirmed that way markers had been provided on footpaths 183, 173 and 182.

R Burgess queried the presence of the barbed wire fence on footpath 183 which he considered was a serious risk to public safety. Whilst the Maintenance Manager acknowledged the issue, he indicated that due to the Council's budget position, the removal of the barbed wire fence was not an option at the current time.

### Hawne/River Stour Valley

Paths H115 and H116 required ground vegetation clearance – It was reported that the footpaths had been included on the programme of routine maintenance.

Path 115 fallen tree obstructing the path – it was reported that the tree had been removed.

Path 116 - dangerous vertical drop needed fence/ barrier – It was noted that advice was being sought.

Path 115 needed surface treatment and vertical retaining in selected location – it was reported that part of the surface had been treated and Councillor S Phipps was working with the Wildlife Trust to ensure work continued.



### Coombeswood Green Wedge

Paths H25, 21, 26, 26a and 32 all in need of ground vegetation clearance – R Burgess to monitor and update the Maintenance Manager accordingly.

### Lutley lane (Track)

Paths H137, 137a and 138 all in need of ground clearance (impassable in places) – It was reported that the footpaths had been included on the programme of routine maintenance.

### Foxcote/Oldnall

Path H215 completely obstructed with ground and side vegetation and in need of serious clearance – The Maintenance Manager would investigate the matter as it was considered that the footpath should be included on the programme of routine maintenance.

Path S454 fallen trees and ground vegetation in need of clearance – The Maintenance Manager reported that he had requested for the obstruction to be cleared and placed on the programme of routine maintenance.

Paths S155/156 needed statutory signpost at Seymour Road – It was confirmed that the signage was currently on hold due to the funding position.

R Burgess expressed gratitude to the Maintenance Manager for the update and work carried out.

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

### Steps between Green Park and Jasmine Road

The Chair referred to steps located on footpath 46 between Green Park and Jasmine Road and queried whether the area had been included on the programme of routine maintenance. In responding, the Maintenance Manager indicated that he would investigate the matter and action as necessary.

<b>Action</b>	<b>Officer/Member</b>
That the Maintenance Manager be requested to investigate whether the steps between Green Park and Jasmine Road had been included on	A Radford

the programme of routine maintenance and action as necessary.

### Advertisement of Members

In referring to the importance of recruiting members to the Forum, the Chair requested that the item be placed on the agenda for an update to be provided at the next meeting.

<b>Action</b>	<b>Officer/Member</b>
That an item be included on the agenda for an update to be provided at the next meeting.	Democratic Services/D Keeley

### Footpath HLS 066

The Maintenance Manager reported that it was envisaged that the bridge would be replaced in the very near future.

### Compliment – staff in Green Care

T Pritchard indicated that a compliment had been received for the work carried out by staff in Green Care at the canal footpath between Manor Way School and Leasowes Park.

<b>Action</b>	<b>Officer/Member</b>
That the Maintenance Manager be requested to forward the appreciation received to staff within Green Care for the work provided on the canal footpath between Manor Way and Leasowes Park.	A Radford

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

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

- 12<sup>th</sup> June, 2024 – 1.00pm
- 18<sup>th</sup> September, 2024 – 1.00pm
- 11<sup>th</sup> December, 2024 – 1.00pm
- 12<sup>th</sup> March, 2025 – 1.00pm

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The meeting ended at 2.30pm.