

DUDLEY BOROUGH LOCAL ACCESS FORUM

Wednesday 19th March, 2008 at 6.30 pm in Committee Room 3 at the Council House, Priory Road, Dudley

PRESENT: -

Mr M Freer (Chairman)

Mr T Antill, Mr D Bates, Mrs C Freer, Mr R Vickers, Mr N Williams, Mr D Woodruff, and Mr A Yeates.

Officers:

Mr J Butler – Group Engineer: Traffic and Transportation and Mr D Jacobs – Project Engineer: Traffic and Transportation (both Directorate of the Urban Environment, Dudley MBC) and Mr R Jewkes, Democratic Services Officer (Directorate of Law and Property, Dudley MBC)

1 APOLOGIES FOR ABSENCE

Apologies for absence from the meeting were submitted on behalf of Mr D Davies, Mr M Parkes and Mr N Weston.

In relation to the absence of Mr Parkes and Mr Weston, it was reported that both members had, due to personal reasons, been forced to resign their membership of the Forum, and would therefore no longer be attending meetings.

2 DECLARATIONS OF INTEREST

Mr Antill declared an interest in any items on the agenda referring to Treherns Farm, in view of his association with the Monarch's Way, which ran through the site.

The Chairman declared an interest in relation to a piece of correspondence from Mr R Burgess which he wished to raise under 'Any Other Business'. He stated that Mr Burgess, who would be attending the meeting as an observer, was known to him in a personal capacity and, by virtue of his Chairmanship of the Halesowen Abbey Trust, was also a colleague.

3 MINUTES

AGREED

That, subject to the deletion of the words 'were now open and' from the first and second lines of Minute Number 6(b) – Planning Applications (Coombeswood), the minutes of the meeting of the Forum held on 23rd January, 2008, be approved as a correct record.

4 MATTERS ARISING FROM THE MINUTES

In connection with Minute No. 4 – Matters Arising from the Minutes, Mr Woodruff reported that an associate of his, who represented local canal interests, had recently started broadcasting on the local Stourbridge radio station, which was known as ‘the Bridge’. He suggested that a group of representatives of the Forum could appear on this programme, which was broadcast on Thursday and Friday afternoons, to promote the activities of the Forum. Members expressed interest in this possibility and it was

AGREED

That Mr. Woodruff pursue the possibility of Forum members appearing on Stourbridge local radio and report his progress in this regard to a future meeting.

In connection with Minute No. 4 – Matters Arising from the Minutes, the Chairman reported that, in relation to the discussion at the last meeting on the possibility of securing representation on the Forum of local canal interests, he had been in contact with a member of the Coombeswood Canal Trust. He suggested that the Forum write to the Trust, requesting that they nominate a member to serve as their representative on the Forum. Members expressed support for this proposal and it was

AGREED

1. That the Chairman obtain a contact address for the Coombeswood Canal Trust.
2. That Mr Jewkes, upon being provided with the address referred to above, write to the Trust introducing the Forum, setting out its role and responsibilities, and inviting the organisation to nominate a representative to become a member.

In connection with Minute No. 4 – Matters Arising from the Minutes, Mr Woodruff reported on efforts being made by Sustrans to secure access improvements to the railway bridge across the line linking the Penfield estate with Withymoor. He stated that currently the stairs up to the bridge were too steep for many potential users, with the bridge itself being too narrow to accommodate a wheelchair or pushchair. In this regard, funding was being sought for appropriate modifications. He undertook to update the Forum on progress as appropriate.

In responding to a question from the Chairman on this matter, Mr Jacobs stated that improvements to the bridge would be welcomed by the Council, but added that appropriate engineering investigations would need to be undertaken to ascertain whether or not the existing bridge could be modified safely. If this was not the case, a replacement structure would be required. He advised that Council assistance for the project would best be pursued through the Dudley Cycling Forum, and suggested that Mr Woodruff raise it there at the earliest opportunity.

5 PLANNING APPLICATIONS

a. Treherns Farm

Mr Jacobs reported that a stopping up order and a stopping up and diversion order had now been published in respect of two public footpaths at Treherns Farm. Copies of the orders had been circulated with the agenda for the meeting. It was reported that a four week statutory representation period was currently underway, following which the Council would attempt to mitigate any objections to the orders. If this did not prove possible, the Secretary of State would consider the orders and come to a decision as to whether or not they would be implemented.

The Chairman reported that a number of members of the Forum had visited the site of the proposed orders in the week preceding the meeting, and had taken a number of photographs which highlighted issues relating to the orders. The photographs were displayed at the meeting and the following issues were raised: -

- New signage near the railway bridge at the site. It was stated that the new signage which had been installed at the bridge was not clear and gave the impression that the public could not access it.
- Issues regarding whether or not there was a public right of way running through the farm. The Chairman stated that the owner of the land recognised that a right of way did exist, and that members of the public were likely to request in future that it be formally recognised as a public path. In responding, Mr Jacobs stated his belief that the landowner did not recognise such a right through the farmyard.
- The absence of statutory notices at the site advising the public of the proposed stopping up of two paths. In responding to these points, Mr. Jacobs stated that checks were made on a weekly basis to ensure that if notices were removed by a member of the public, they were replaced, in order that statutory requirements were met.
- The absence of any confirmation in the orders that the newly created paths would be 'definitive'. In responding to this, Mr Jacobs stated that it was the intention of the Council's to pursue this in due course and confirm the paths as 'definitive'.

Mr Antill reported that he had, on behalf of the Monarch's Way, submitted formal objections to the proposed orders. The details of these objections were discussed at the meeting.

It was noted that the Forum sub-group established to consider and give advice on the proposed orders had formulated a written report on the issue which had been circulated to all members and the appropriate officers for their consideration. Mr Jacobs stated that, according to the statutory requirements, the Council would consider the advice in the document and have regard to it when making decisions regarding the proposed orders. However, this did not necessarily mean that all of the advice in the report would be incorporated in the Council's final action. Mr Jacobs offered to explain to the Forum the Council's response to the Sub-group's advice. Members declined this offer, however, in favour of the submission of a written report to the next meeting. Following further discussion on this point it was

AGREED

That Mr Jacobs submit a report to the next meeting of the Forum, setting out the response of the Council to the points made above in relation to the orders proposed at Treherns Farm, and also to the advice given in the written report produced by the sub-group of the Forum, as circulated previously.

b. Coombeswood

The Chairman reported that members of the Forum had carried out a site visit to Coombeswood on 12th March, and had taken a number of photographs to illustrate points of concern regarding the site. These photographs were displayed at the meeting and the following issues were raised: -

- General concern regarding the lack of signage relating to the public footpaths at the site.
- Erosion, due to rainwater, of the top surface of the newly laid path. It was stated that several sections of the path had already been worn down to the base stone.
- Major safety concern regarding the lack of warning signs at the balancing pool, as discussed at previous meetings of the Forum. It was noted that the remains of a broken warning sign could be seen at the pool, demonstrating that there was a real danger which had been recognised by the previous landowner.
- A blocked drain at the foot of a nearby towpath. Members stated that due to the drain being blocked, when rainwater ran down the towpath steps it flowed over the blocked drain and down on to the towpath adjacent to it, with the effect that the path was being damaged by erosion.
- The absence of 'way markings' on the ground indicating to members of the public where they should walk.

Mr Jacobs responded to the points raised by the Forum, making the following comments: -

- In relation to damage to the erosion of the surface of the newly laid path, he advised that it was virtually impossible to avoid a degree of erosion due to 'run off' on a path of that gradient. He stated that the path itself was made of up off several layers, meaning that even if the fine top surface did wear away, the stone beneath that layer would easily take the weight of normal highway traffic.
- In relation to signage, he stated that all statutory requirements in this regard had been met, with the level of signage and the positioning of signs meeting all government guidelines.

Notwithstanding this, Mr Jacobs stated that the comments of the Forum would be taken on board, and the issues raised considered, with action being taken where appropriate. It was therefore

AGREED

1. That the advice of the Forum in relation to paths at Coombeswood, as set out above, be noted.
2. That Mr Jacobs investigate the issues raised in relation to problems at the site and, where, appropriate, liaise with Council colleagues and St. Modwens to ensure that action is taken.
3. That the Forum be advised, as appropriate, of any action taken in relation to these matters.

c. Cradley Speedway

It was reported that this planning application had now been withdrawn and it was therefore

AGREED

That the agenda item relating to Cradley Speedway be removed from future Forum agendas.

8 GATING ORDERS

a. Report submitted to Select Committee on Community Safety and Community Services

The Forum considered a report submitted by Mr Jacobs to the Select Committee on Community Safety and Community Services on 13th March, 2008, entitled 'Legislation relating to crime and anti-social behaviour on public highways'. A copy of the report had been circulated with the papers for the meeting, and members were invited to raise any issues or comments arising from it.

Arising from consideration of the report, members expressed concern that the Forum had not been given the opportunity to comment on the draft report prior to its submission to the Select Committee. It was noted that point 24 of the report, under the heading 'Consultation', stated that 'The report is supported by the West Midlands Police'. Given the statutory involvement of the Forum in the Gating Orders process, members considered that this disparity, with the Police being consulted whilst the Forum was not, was difficult to justify, particularly as members had consistently indicated a willingness to assist. Indeed, it was noted that there was no reference at any point in the report to the Forum or to its work.

In responding to these points, Mr Jacobs stated that he had written the report at the request of the Select Committee, in order to provide that Committee with information on the issues surrounding Gating Orders. It had never been his intention for the Forum to edit or amend the report, as it was, by definition, a Council Chief Officer's report. He considered that members had had a reasonable opportunity to give their advice on the subject, which had been discussed at length previously. Had further advice been forthcoming, it would have been considered prior to the report being finalised. However, the report was now being submitted to the Forum in order for members to raise any

issues or comments they had relating to the subject matter, which would be considered and taken on board by the Council.

Following further discussion on the matter, it was

AGREED

That a sub-group, consisting of the Chairman, the Vice-Chairman, Mr Antill and Mr Williams meet, on a date to be confirmed by those members, to consider the report in more detail and collate issues and comments relating to the subject matter, on behalf of the Forum, for circulation to members and officers in due course.

b. File Cutters Path

It was noted that members of the Forum had visited the site of the File Cutters path on 12th February, 2008, to consider the proposal, currently under consideration, to implement a Gating Order in the area. Following this visit, a report pulling together the Forum's advice on the matter had been circulated to the relevant officers, Councillor Adams, Cabinet Member for Transportation, and the Councillors for Coseley East Ward.

In relation to this matter, Mr Butler reported that Councillor Adams and the three Ward Councillors had requested a meeting with members of the Local Access Forum to discuss the proposed gating of the path. Members commented that while such a meeting would be welcomed, it would need to be held as soon as possible, and prior to Councillor Adams making the final decision on whether or not the implementation of an Order was the best course of action. Holding a meeting after decision had been made would be pointless. Following some discussion on this point it was

AGREED

1. That Mr Butler liaise with the Chairman and Councillor Adams, with a view to arranging a special meeting of the DBLAF, with Councillor Adams and the three Ward Councillors for Coseley East in attendance, to discuss the options for the File Cutters Path, prior to the final decision in respect of the proposed Gating Order, being made.
2. That the details of this meeting, when confirmed, be notified to all Forum Members, and an agenda circulated.

9 MEMBERSHIP AND PUBLICITY

The Forum considered a number of issues relating to the possibility of increasing its profile locally and raising awareness of its work, and the issue of membership, following the resignation of two members due to personal circumstances. Reference was made to the desirability of appointing a disabled member with an interest in access and open space, in order that the views of this section of the community would be represented on the Forum.

In addition to the invitation for a representative of the Coombeswood Canal Trust to be invited to serve on the Forum, as referred to in Minute Number 4, it was

AGREED

That Mr Jewkes investigate further the possibility of a press release being issued in advance of Forum meetings, explaining the work of the Forum and giving details of the meeting date and venue, and report back to the next meeting of the Forum.

10 ALLOWING BLIND PEOPLE TO ACCESS NEW URBAN DEVELOPMENTS

Mr Bates raised an issue relating to the increased use of 'shared surfaces' in new urban developments, as advocated in the Government guidance document, 'Manual for Streets'.

He stated that with the Government aiming to build 240,000 new homes each year until 2020, the increased use of brown field sites, with higher development densities, was expected to cause access problems for the blind and visually impaired, particularly in relation to the absence of pavements in new developments, and the consequent increased reliance on 'shared surfaces'. The 'Manual for Streets' document advocated this approach, and it was strongly felt within the blind community that developers and the Government were ignoring their needs, in order to pursue developments with a higher number of dwellings per hectare. He requested the support of both the Forum and the Council in rejecting this strategy, in view of the associated safety problems for the visually impaired.

In responding to these comments, Mr Butler thanked Mr Bates for his input, and stated that the Council received between 100 and 200 planning applications each year which had highways implications. Each of these were considered on their own merits, and the implications for pedestrians, the disabled, cyclists and other highways users, were considered in detail prior to any comments or recommendations being made to the relevant planning officer.

In the discussion on these issues, several members commented that the needs of disabled and visually impaired members of the community should be given special consideration in relation to highways issues, in order that safe access could be equally available to all. Members felt that the Forum should consider the issue of disabled access in more detail, and it was therefore

AGREED

That the Council's Access Officer, Mr M Walton, be invited to attend the September meeting of the Forum and give a presentation on general accessibility issues impacting on people with disabilities, particularly in relation to access to buildings.

11 RIGHTS OF WAY IMPROVEMENT PLAN

Members considered an update provided by Ms Perkins, Public Rights of Way Access Officer, in relation to the Rights of Way Improvement Plan (ROWIP).

It was noted that work was still under way on the Action Plan section of the Plan and, as such, it was not finalised in a form that was ready for consultation. The document would be finalised and formatted in the Spring, following which it would be submitted to the Forum as part of the wider consultation process.

AGREED

That the update in respect of the Rights of Way Improvement Plan be noted.

12 CYCLING IN DUDLEY – UPDATE

This item was deferred for consideration at the next meeting of the Forum.

13 BARRIERS TO ACCESS LAND

This item was deferred for consideration at the next meeting of the Forum.

14 REMOVAL OF FOOTPATH SIGN ON FURNACE HILL – UPDATE

In relation to an issue raised at the previous meeting of the Forum, Mr Jewkes reported that he had received a response from Mr A Radford, Technician Engineer, regarding the removal of signs from the footpath at Furnace Hill. In responding to the Forum's comments on the matter, Mr Radford stated that although the replacement of the sign was a low priority at the moment due to other pressures, he would endeavour, if funding allowed, to make arrangements for a replacement sign to be installed on a more substantial mount.

15 CONTACT WITH OTHER WEST MIDLANDS FORUMS

This item was deferred for consideration at the next meeting of the Forum.

16 PROVISION OF RIGHTS OF WAY MAPS TO FORUM MEMBERS

It was requested that members be provided with the most up to date maps of the Borough showing the paths and rights of way related to the Forum's remit, in order that they could view these when considering Forum related issues. Mr Jacobs agreed to provide members with the most appropriate maps available prior to the next meeting of the Forum.

17 ANY OTHER BUSINESS

A letter received by the Chairman from a member of the public, Mr R Burgess, relating to a number of issues regarding the obstruction of public footpaths in Coombeswood, Halesowen, was considered at the meeting. Members expressed concern that a number of the paths referred to in the letter appeared to be falling into disrepair. It was therefore

AGREED

That Mr Jewkes forward a copy of the letter referred to above to Mr A Radford, Technician Engineer, and request that he provide a written response to the points covered in the letter, to be considered at the next meeting of the Forum.

18 DATES OF FUTURE MEETINGS

AGREED

That the following schedule of provisional meeting dates for future meetings of the Forum, with all meetings to be held, where possible, at 6.30pm in Committee Room 3 at the Council House, Priory Road, Dudley, be noted.

Wednesday 21st May, 2008
Wednesday 16th July, 2008
Wednesday 17th September, 2008
Wednesday 18th November, 2008

The meeting ended at 9.10pm

CHAIRMAN