

DUDLEY BOROUGH LOCAL ACCESS FORUM

Monday 16th March, 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 (for part of the meeting only), Mr A Cutler, Mr D Davies, Mrs C Freer and Mr R Vickers.

Officers:

Ms A Roberts – Planning Policy Manager and Mr R Whitehouse - Senior Planning Policy Officer, (Both Directorate of the Urban Environment) and Miss K Fellows – Democratic Services Officer, (Directorate of Law and Property).

Also in Attendance:

Ms C Davies and Mrs S Davies, residents from Leasowes, Ms M Diller representative of Friends of Leasowes and Mr C Leech representative from Groundwork Black Country.

36. APOLOGIES FOR ABSENCE

Apologies for absence from the meeting were submitted on behalf of Mr J Butler, Councillor T Crumpton and Mr N Williams.

37. DECLARATIONS OF INTEREST

The Chairman declared a personal interest in agenda item no. 8 – Treherns Farm Public Enquiry, as he remains a member of the Forum and the Halesowen Abbey Trust. Mr Antill declared a personal interest in relation to agenda item no. 5 – Comments by the Chairman, agenda item no. 8 – Treherns Farm Public Enquiry and agenda item no. 11 – Closure of section of path providing access to the canal and the Leasowes, as he was the founder and remains a member of The Monarch's Way Association and Mr A Cutler declared a personal interest in agenda item no. 12(b) – Gating Orders – Murcroft/Wychbury Road, as he had a relative who resides within close proximity to the vicinity.

38. MINUTES

That the Minutes of the Forum held on 19th January, 2009, be approved as a correct record, subject to the deletion of "Mr D Davis" and the replacement of "Mr R Vickers" in the first line of the resolution of minute number 29 – ROWIP Response.

39. CHANGE TO ORDER OF BUSINESS

It was agreed that the remaining agenda items be dealt with in the following order:-

Agenda item no's 6, 11, 7 and 4, followed by the remaining items.

40. DRAFT PARKS AND GREEN SPACE STRATEGY (FEBRUARY 2009) – NOTICE OF FORMAL CONSULTATION.

Mr R Whitehouse, Senior Planning Policy Officer gave a verbal presentation in connection with Dudley Council's emerging draft Parks and Green Space Strategy (PPG17 Audit) document which was currently out for six weeks formal public consultation, advising that the Consultation would take place until 5pm on Monday 6th, April 2009, indicating that the purpose of the draft Strategy would be outlined during the verbal presentation, the purpose of the draft Strategy would be to assess the quantity, quality, accessibility and distribution of the Borough's Parks and other green spaces.

It was reported that the emerging draft Strategy was anticipated to have a positive effect in helping to ensure that Section 106 monies for open space improvements would be targeted to the right parts of the urban area in order to help address key improvement priorities and up to date area needs. It had been envisaged that the draft Strategy would also have a positive effect in helping to attract external funding to help improve some of the Borough's Parks and other green spaces.

The Strategy would help to ensure that sensitive green space areas continued to remain protected from inappropriate development pressures within the Dudley Borough. Early initial evidence from the emerging draft Strategy suggested that the Dudley Borough appears to be well served to amenity green space provision, (for example small grassed areas within housing estates), and natural and semi natural green space sites between twenty hectares to ninety nine point nine hectares in land parcel size. Also early initial findings appeared to suggest that the Dudley Borough had an under-provision for children's and young people's green space provision, which included equipped children's play areas.

It was further reported that following a mapping exercise, a total of eight hundred and seventy two sites had been identified within the draft Strategy and of these, four hundred and ninety had unrestricted public access, (for example had no restrictions or physical barriers in place which prevented public access), and compared to neighbouring Black Country Local Authorities of Walsall, Sandwell and Wolverhampton, Dudley's emerging draft Strategy found that the Dudley Borough had more hectares of unrestricted public access green space provision per one thousand head of population.

The members were requested to comment on the draft Parks and Green Space Strategy by writing to the Planning Policy Department at Dudley Council or emailing their responses to Mr Whitehouse within the consultation period, which would end on 6th April, 2009.

In responding to a questions from members, Mr Whitehouse advised

that:-

- over one hundred individual stakeholders had been consulted as part of the (February to April 2009) six weeks formal public consultation stage. The draft Strategy had been placed on public display at all main Dudley Libraries and at the following Council public reception areas;

Council offices at 3 St James's Road, Dudley;
Mary Steven's Park (MSP) Council offices;
Claughton House, Blowers Green Road, Dudley;
Dudley Council Plus, Dudley Town Centre.

- The Strategy had examined the quantity, quality and accessibility of the Borough's parks and other green spaces.

Following further discussion it was:-

AGREED

- (a) That a Sub-Committee be formed comprising of Mr D Davies, Mrs C Freer and Mr D Woodruff, in order to deal with the Forum's response to the Draft Parks and Green Space Strategy.
- (b) That Mr R Whitehouse would provide to the members of the Sub-Committee with hard paper copies of the draft Parks and Green Space Strategy consultation document.

41 CLOSURE OF SECTION OF PATH PROVIDING ACCESS TO THE CANAL AND THE LEASOWES.

Mrs S Davies made representations to the forum in relation to the closure of the path, advising that as a local resident, she believed it would be a retrograde step to close it as this assisted with encouraging people to attend the park, and the closure would prevent this. This path had been utilised for a period of approximately thirty three years, and concerns were raised in relation to the disruption to wildlife, should the path be closed.

Ms C Davies referred to a letter that had been circulated prior to the meeting, received from Mr Ravenscroft the Senior Warden at the Leasowes, advising that prior to receipt of this letter, she had not been aware of the suggested alternative solutions that had been investigated in relation to the closure of the path.

The Chairman made reference to the site visit attended by himself and Mr T Antill, indicating that there were standard markers on the path, which would suggest that it had been an official Dudley Council Path utilised for many years.

It was indicated that the reason for the closure of the path had been specified as health and safety, however during the site visit several elderly people had been witnessed utilising the path, it had been ascertained that the upper path had been visibly far more dangerous than the path

proposed for closure, and should the path be closed this would break up a circular route thus affecting enjoyment, and discouraging users.

It was suggested that the Friends of Leasowes and local residents should contact Dudley Council, and request assistance with an application that the path become a definitive right of way.

Following the circulation of a report to the members at the meeting, in relation to the footpath from the Leasowes to Lady Pool Close and West Dean Close, containing the Forum's advice it was:-

AGREED

That the advice of the Forum as contained in the report be adopted by them, and that the Forum circulate the report to Mr D Jacobs, (Project Engineer, Traffic and Transportation), Ms S Orton, (Head of Museums, Green spaces and Bereavement Services) and Councillor A Adams.

42. REFURBISHMENT OF DUDLEY NO. 2 CANAL.

Mr C Leech, representative from Ground Work Black Country gave a verbal presentation, advising that Dudley Canal Trust had made a bid for lottery funding in order to commence work upon a four mile stretch of the canal, from Blowers Green to Lodge Farm, Netherton up to Bumble Hole in Sandwell and back to Dudley and Halesowen.

It was stated that the proposed project would fit in with the Healthy Towns Project, and that this would provide a significant amount of access to those who lived around the canals, local school children whose schools were situated within close proximity to the canal and cyclists.

It was indicated that discussions had taken place with council representatives in relation to healthy routes to school, and including the canal network within these routes. It was also envisaged that the waterways could be used for educational purposes.

It was reported that further funding for this project would continue to be investigated, and when bids in relation to this had been successful, further proposals would be submitted to the Forum for consideration.

In responding to a question from a member it was confirmed that this project would link into the Parks and Green Space Strategy previously reported upon.

It was further reported that Ground Work Black Country would assist by providing employment within local areas, to people seeking employment, as they would be recruited to work on the project.

It was stated that consultation would take place with the police and the council in relation to the project, in order to provide safety measures and determine access points with council planners.

In responding to a question from a member relating to continuing maintenance once the project was completed, it was stated that the majority of the funding organisations who had been approached required written confirmation in relation to continued maintenance of the paths, and council officers and British Waterways would be approached with a view to the sustainability of maintenance of the paths.

Mr Woodruff advised that Sustainable Transport were investigating the possibility of adopting the above routes onto the National Cycle Network.

AGREED

- (a) That the information reported on be noted and support be given to the project.
- (b) That a representative of Ground Work, Black Country be requested to provide further updates to the Forum in relation to the refurbishment of Dudley No. 2 Canal.

43. MATTERS ARISING FROM THE MINUTES.

In relation to minute number 27 – Cycle Barriers on the Strourbridge Arm of the Stourbridge Canal, Mr Woodruff reported that in relation to the Forum's recommendation to adopt Richardson Drive, through Rushall Close and Smallshire Way into the Borough's network of cycle routes it had been agreed in principle that this would make a good addition to the Borough's cycle routes.

It was further stated that in relation to Essington Close, many cyclists and walkers utilised the garden to the rear of one of the properties in order to bypass the cycle barrier, and following further investigations Mr Woodruff produced photographs which revealed that motor cycle tracks had been found in the garden of the property, which suggested that this may be a cause of anti social behaviour.

It was indicated that although the housing estate ran along side the tow path and was separated from the path by wooden fencing, parts of this had been removed in order to gain access routes, and given this barriers across the access points would not assist with the problems outlined above.

44. COMMENTS BY THE CHAIRMAN.

The Chairman referred to the attendance of both himself and Mr Antill at the Treherns Farm Public Enquiry, and the issue of the council's claim for costs against the Forum, as an objector to the proposed planning application. The Chairman emphasised to the members that at the enquiry he provided evidence stating that the Forum were advisers to the council and not objectors, and he re-assured members that any successful claim for costs, would not result in individual claims against

them.

At this juncture the Chairman resigned and the Vice Chairman, Mr Woodruff took the Chair.

Mr D Davies, expressed his support for Mr Freer, congratulating him upon the work he had done for the Forum, given his exceptional knowledge.

Mr Antill indicated that the Barrister representing the Council had made applications for costs against three other organisation, including The Monarch's Way Association and the Halesowen Abbey Trust as objectors, however under the Town and Country Planning and Highways Act, the Secretary of State had called for the enquiry and not the objectors, and in relation to the position of The Monarch's Way Association, their representatives had made it clear that they would have preferred to make written representations rather than attend a public enquiry.

Mr Antill stated that the Secretary of State had not informed those making representations that these were not legally relevant and thus the parties concerned did not have the opportunity to modify their representations.

Mr Freer indicated that in responding to a question from him, the Council's Barrister had advised that should the costs of the enquiry be proportioned then eighty per cent, should be payable by the Forum.

Following further discussions it was:-

AGREED

That the foregoing comments be noted and that Mr Freer be re-elected as Chairman of the Forum for the remainder of the ensuing municipal year.

(Mr Freer in the Chair)

45. TREHERNS FARM – PUBLIC ENQUIRY

The Chairman reported that all parties continued to await the outcome in relation to the Council's claim for costs. He circulated a report referring to the Forum's involvement in the planning application that had culminated in the inquiry of 3rd March, 2009.

Discussions ensued in relation to the Forum's role as advisors to the Council and particularly to the planning inspectorate and not objectors, as referred to at the enquiry, and the request that information that the Forum required in order to undertake investigations in order that they may advise the Council, should be readily available to them for consideration at their meetings.

Following further discussions and observations raised it was

AGREED

- (a) That the report circulated at the meeting be approved and adopted by the Forum.
- (b) That the Forum forward the report and covering letter to:-

The Interim Chief Executive of the Council;
The Leader of the Council; and
The Cabinet member for Transportation.

46. ROWIP RESPONSE SUB-COMMITTEE

Mr Antill reported that the sub-committee had had two meetings with Ms K Perkins and Mr M Holloway in relation to this matter, whereby positive outcomes had arisen and as a result of the Forum's response, several amendments had been made to the draft Rights of Way Improvement Plan.

Mr Antill reported that at the second meeting, the amendments had been the focus of discussions, particularly those amendments in relation to gating orders. Following this the documentation would now be the subject of internal consultation and should any problems or concerns arise, the Forum would be re-consulted.

It was indicated that a decision in relation to the amended documentation should be reached by 10th April, 2009.

AGREED

That subject to the agreed amendments, the contents of the Right of Way Improvement plan be agreed and noted.

47. PLANNING APPLICATIONS

- (a) Coombswood H23 – Chancel Way to Amber Way
- (b) H23 – Gainsford Drive to Coombes Road.
- (c) Plan no. P08/096 – Land adjacent to 107 Long Lane, Halesowen

AGREED

That the above items be deferred to the next meeting of the forum.

- (d) Plan no. P08/1373 – Land off Stewarts Road, Coombs Road and, Oliver Hill Primary School, Halesowen – New Sports Ground and Social Club).

The Chairman reported that due to a failure to consult, he had written to the Council, stating that consideration should have been given to the application for footpaths within the area to be included within the definitive map, when determining the planning application of St Modwen, and it was believed that the way in which the application for permission had been dealt with had been contrary to circulars 108 and 109 of the Town and Country Planning Act.

48. GATING ORDERS

(a) File Cutters Path Gating Order

The Chairman made reference to the site visit that some of the members had attended, stating that whilst inspecting the path, two local residents and Councillor Mrs Ridley were also in attendance, when discussions were undertaken in relation to the twenty four hour gating order that had been imposed.

(b) Murcroft/Wychbury Road

The Chairman reported that the site visit had revealed that part of the path had been subsumed into the driveway of a neighbouring property, and the gated area had been utilised as a tipping ground, which in the opinion of the members had become a health hazard.

It was reported that there would be a further consultation in April, 2009 relating to the continuation of the gating order, when the Forum would be invited to attend a further site inspection.

49. SITE VISIT – THE BRIDLEWAY OFF TURLS HILL ROAD/SETTON DRIVE.

There was general agreement that the work completed to date was approved of by the members, who also commented that this was reminiscent of the ancient countryside and was a wonderful area.

50. DATE OF NEXT MEETINGS

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

- Monday 18th May, 2009
- Monday 20th July, 2009
- Monday 21st September, 2009
- Monday 16th November, 2009

All meetings to start at 6.30pm

The meeting ended at 9.10 p.m.

CHAIRMAN