

DUDLEY BOROUGH LOCAL ACCESS FORUM

Wednesday 17th September, 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, Mr R Burgess, Mr A Cutler, Mr D Davies, Mrs C Freer, Mr R Vickers and Mr D Woodruff

Officers:

Mr D Jacobs – Project Engineer: Traffic and Transportation (Directorate of the Urban Environment, Dudley MBC) and Miss K Fellows, Democratic Services Officer (Directorate of Law and Property, Dudley MBC)

Also in Attendance:

Mr Gameson (Vice-Chairman of the Local Access Forum for Stafford/Wolverhampton)

17 APOLOGY FOR ABSENCE

An apology for absence from the meeting was submitted on behalf of Mr J Yeates.

18 DECLARATIONS OF INTEREST

Mr Burgess declared an interest in relation to the following Agenda Items:-

- Agenda Item no 9 – Unauthorised Tipping at Coombeswood adversely affecting the enjoyment of adjacent footpaths and the Coombeswood Green Wedge and
- Agenda Item no 10 – Relocation of Sporting Facilities in Coombeswood as Chairman of Halesowen Abbey Trust and Coombeswood being in the area of the benefit to the Trust.

Mrs Freer declared an interest in relation to the following Agenda Items:-

- Agenda Item no 7 – Coombes Road on Coombeswood Way;
- Agenda Item no 9 – Unauthorised Tipping at Coombeswood adversely affecting the enjoyment of adjacent footpaths and the Coombeswood Green Wedge;
- Agenda Item no 10 – Relocation of Sporting Facilities in Coombeswood due to her capacity as a Committee Member of the Halesowen Abbey Trust.

19 MINUTES

AGREED

That, the minutes of the meeting of the Forum held on 16th July, 2008, be approved as a correct record, subject to the following amendments:-

The deletion of Councillor Mrs Faulkner in the list of Members present at the meeting.

The addition of Vice before Chair after the name of Mr Gameson in the list of Members present at the meeting.

The replacement of Coombeswood in the fourth and eighth paragraphs in Minute number 7 – Matters Arising from the Minutes.

The replacement of 'permission' with 'application' the first paragraph of Minute number 8 – Unauthorised Tipping at Coombeswood.

The insertion of the letter 's' in the word 'monarch' in the second paragraph, second line of Minute number 8 – Unauthorised Tipping at Coombeswood

20 CHANGE TO ORDER OF BUSINESS

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

Agenda item no 16 followed by the remaining items.

21 MURCROFT ROAD

Mr Woodruff gave a presentation in relation to Murcroft Road and the effect the gating order had had upon the gated and adjoining land.

In responding to queries raised during the presentation, Mr Jacobs, Project Engineer: Traffic and Transportation (Directorate of the Urban Environment), reported that following the closure of the path problems had been experienced as two families had continued to use the path, and there was no enforcement action that could be taken to remove people from the path.

Concerns were raised following the presentation in relation to the Wychbury Road entrance, as it appeared that the land that previously formed the right of way had been subsumed into the driveway of a property in Wychbury Road.

In responding to a question by the Vice Chairman of the Local Access Forum for Stafford and Wolverhampton in relation to reviewing the Gating Order, Mr Jacobs confirmed that the Gating Order in relation to Murcroft Road had

been reviewed earlier in the year. There followed a discussion as to whether the Forum should have been consulted as Statutory Consultees, and whether the Local Authority had failed in its statutory duty to consult. It was

AGREED

The Forum expressed concern in the strongest possible terms that they had not been advised beforehand that a review of the Murcroft Road Gating Order was going to take place. Indeed, the Forum had still not seen the evidence and documentation and minutes of that review, which apparently took place sometime earlier this year. The Forum wished to advise that Council that reviews should be formally made at prescribed intervals, of say six months, and that the local access forum should be invited to attend and participate, together with the Police. In the absence of such a formal inclusive and recorded procedure that it would be difficult to see how Gating Orders could be seen to be reviewed fairly and impartially in the public interest”.

The Forum advised that the failure to adopt such a procedure would bring the whole process into disrepute, and it was agreed that the Forum would bring this matter to the attention of the appropriate Cabinet Member, Councillor Angus Adams.

22 MATTERS ARISING FROM THE MINUTES

No matters were raised.

23 ACCESS BARRIERS TO THE DISABLED

Following discussion it was

AGREED

That this item be deferred for consideration at the next meeting of the Forum.

24 ALLOWING BLIND PEOPLE TO ACCESS NEW URBAN DEVELOPMENTS

Mr Bates distributed to the Forum a draft letter that he was proposing be forwarded to the Development Control Committee in order to ensure that disabled people were not disadvantaged by legislation relating to shared surface areas, that provided both a walkway for pedestrians and an access way for vehicles.

Following further discussion, it was

AGREED

That the contents of the letter be approved and signed by the Chairman in order to give evidence of the approval given and forwarded by the Forum to the members of the Development Control Committee and to other Access Forums.

25 COOMBES ROAD ON COOMBESWOOD WAY

A response from St Modwen in relation to drainage and maintenance problems affecting public safety was circulated to all Members of the Forum. It was reported by the members of the Forum that drainage problems continued, and that a new section of the right of way taking pedestrians immediately adjacent to a balancing pond, that was disguised by the presence of reeds. The Forum members discussed the risks this posed to public health and safety and it was

AGREED

- 1 That the Forum write to St Modwen with a copy to British Waterways, advising that it was understood that their drainage was causing damage to the horse path that lead immediately to the towpath; requesting that both the drain and the path be repaired, and that these repairs should be negotiated between British Waterways and St Modwen.
 - 2 That the Forum write to St Modwen, indicating that they disagree with the content of the risk assessments in relation to the balancing pond; consider that there was a significant risk to the general public and ask that they reconsider the risk considered to be involved.
- 26
- (a) Coombeswood H23 – Chancel Way to Amber Way – Mr Jacobs stated that he would provide an update to the Forum at the next meeting in November.
 - (b) H23 – Gainsford Drive to Coombes Road – Mr Jacobs advised the Forum that he would make contact with the owners of the land who had erected the fencing, and would discuss with them the issue of encroachment upon the pathway if planning enforcement was not pursued. An update would be given at the next meeting.
 - (c) Path H21/24 – Photographs of this path were distributed at the meeting when considerable concern was raised in relation to a leakage from the landfill site near to the path.
 - (d) Plan Number PO8/096 – Land adjacent to 107 Long Lane, Halesowen – The Forum discussed the response received from the Senior Development Control Officer, Mr D Holloway.

AGREED

- 1 In relation to path H21/24 – that the Technician Engineer Mr Radford be requested to update the Forum at its meeting in November in relation to the leakage from the landfill site near to the path.

- 2 In relation to Plan Number PO8/096 Mr D Holloway, the Senior Development Control Officer, be requested to update the Forum as to any further action that had been taken in relation to this development.

27 UNAUTHORISED TIPPING AT COOMBESWOOD ADVERSELY AFFECTING THE ENJOYMENT OF ADJACENT FOOTPATHS AND THE COOMBESWOOD GREEN WEDGE

The Chairman advised the Forum that a response had been received from St Modwen, confirming that they had been made aware of the fly tipping which had taken place on the last development plot on the Coombeswood Business Park East, and within part of the Green Wedge adjacent to this plot. It was further reported that St Modwen had taken action by removing the material off the site creating a soil bund on the road to avoid any further tipping by preventing access to vehicles. It was also confirmed that a survey of the area would determine any further material which should be removed. Following further discussion it was

AGREED

That the Forum write to Mr M Muston, the Acting Head of Planning recording that:-

- (i) the situation was far from acceptable and that the tipping was spoiling the view;
- (ii) pointing out that this was a landscaped heritage area and conflicts with planning policy;
- (iii) that the unauthorised tipping should be removed forthwith without prevarication;
- (iv) that although the Forum sympathised with any landowner who was subjected to fly tipping it was still the responsibility of that landowner to remove the tipping;
- (v) the Forum noted that the site had CCTV footage and suggest that this be examined to identify the fly tipping perpetrator;
- (vi) that the Forum understand that the tipping was beyond the designated industrial land.

28 RELOCATION OF SPORTING FACILITIES IN COOMBESWOOD

It was reported that the planning application in relation to the above was submitted on 16 September 2008. There ensued a discussion between Forum members in relation to deferring this item to a special meeting of the Forum or a Sub-Committee. The Chairman advised the Forum that he would be willing to meet with Mr B Meade, Head of Executive Support (Directorate of the Urban Environment), in order to discuss the proposed planning application. Following on from further discussions it was

AGREED

That a sub committee be appointed comprising of the Chairman, Mr T Antill, Mr R Burgess, Mr D Davies and Mr D Woodruff and that the members of the sub committee be requested to prepare a report in

relation to the planning application for circulation to all members of the Forum for approval and submitted to the Director of the Urban Environment for including in any report subsequently submitted to the Development Control Committee.

29 ITEMS RAISED AT CENTRAL DUDLEY AREA COMMITTEE - JUNE 2008 – PATH RUNNING ADJACENT TO 75 MAUGHAN STREET AND 9 PARK ROAD QUARRY BANK

The Forum considered the response of the Technician Engineer, Mr Radford. The Chairman reported that following a site visit there was found to be a large amount of litter at the Park Road entrance which should be removed, and although the Forum appreciated that there may be a problem with under funding; considered that this should be regularly maintained. Following further discussion it was

AGREED

That Democratic Services write to Mr D Wesson, Team Manager, Street Cleaning, (Directorate of the Urban Environment), stating that although the situation had vastly improved, there remained a large amount of litter at the Park Road entrance that should be removed, and requesting that the path be regularly maintained.

30 GATING ORDERS

- (a) Consideration was given to a report entitled Gating Orders – The Dudley Experience. Mr D Davies congratulated all those involved in the research and preparation of the report and it was proposed that should this report be approved by the Forum members this should be submitted to other Local Access Forums, The Ramblers Association, All Elected Members of Dudley Metropolitan Borough Council, the West Midlands Police, Fire Service and the Department for Environment Food and Rural Affairs.

- (b) The File Cutters Path – Consideration was given to a newspaper article that had been circulated during the meeting in relation to the gating order, stating that this had jeopardised the consultation process. Mr Jacobs reported that the article may have given the false impression of the stage of the Order. The Forum, as statutory consultees to the Order would be informed and it should make any views known during the forthcoming representation period. The gating order would go to press shortly inviting representations. Following further discussion it was

AGREED

- (1) That the report entitled Gating Orders – The Dudley Experience be circulated by the Forum in accordance with the Members wishes as indicated above and that Democratic Services be asked to circulate the report to all elected members
- (2) That further consideration of the File Cutters gating order be deferred to the next meeting of the Forum in November and that Mr Jacobs report to the next meeting of the Forum following his discussions with the Legal Section relating to any action that may be taken against the Express and Star for the mis-reporting in their article on the gating order.

31 RIGHTS OF WAY IMPROVEMENT PLAN UPDATE

It was reported that Miss K Perkins, Transportation Officer, had provided a written response to the Forum, stating that the deadline for adoption in November last year had passed and that the development of the rights of way improvement plan had not progressed as quickly that limited resources and conflicting priorities had meant that the plan had lost momentum. Apologies for the delay were submitted by Miss Perkins. She also advised that the consultation of the draft would commence at the end of September 2008.

Following further discussion it was

AGREED

That this matter be deferred to the next meeting of the Forum.

32 GREEN BELT – OLDNALL ROAD, WOLLESCOTE/CRADLEY

This item was deferred to the next meeting of the Forum.

33 PUBLIC RIGHT OF WAY AT THE REAR OF PROVIDENCE CHURCH, WINDMILL HILL, CRADLEY

Mr D Jacobs reported that the Church would be gating along their own private land and therefore the right of way would not be affected.

34 ANY OTHER BUSINESS

Following a proposal by Mr D Davies that the Forum express concerns in relation to the failure to appoint a Lead Officer following the departure of Mr K Clements from the Local Authority it was

AGREED

That the Forum write to the Directorate of the Urban Environment expressing concerns in relation to their failure to appoint a Lead Officer to attend the meetings of the Forum.

35 EXPENSES OF THE FORUM

Following a query raised by Mrs Freer in relation to the reimbursement for expenses it was

AGREED

That Democratic Services be requested to contact Miss S Orton, Head of Museums, Green Spaces and Bereavement Services, (Directorate of the Urban Environment), to ascertain the up-to-date position in relation to the payment of expenses to the Forum Members.

36 THE STOURBRIDGE ARM OF THE STOURBRIDGE CANAL

The Vice Chairman of the Local Access Forum for Stafford/Wolverhampton raised a query, requesting the view of the Forum Members in relation to the tow path along the Stourbridge Arm of the Stourbridge Canal no longer being in use. He also expressed concerns in relation to the timetable for repair to the banks to prevent leakage onto the towpath. It was further reported that the high bank drops down to the River Stour and previously flooded a bonded warehouse. It was stated that there was a 20 ft wide hole throwing up onto bedrock, and that it was not safe to walk along the towpath.

AGREED

That the Chairman of the Forum write to British Waterways requesting them to advise on the up to date position in relation to the repairs to the banks, and that this item be deferred for further discussion at the next meeting of the Forum.

37 FRIENDS OF COOMBESWOOD

The Chairman reported to the Forum that the Friends of Coombeswood had hand delivered to him a copy of an application for an Order, to modify the definitive plan by adding eight footpaths in the Coombeswood area. The Chairman advised that he had been delighted to read it as it appeared to accord with the intention of the Council to take similar action in a formal plan in 1993.

It was noted that no application papers were submitted to the meeting.

It was further reported that as the Forum had previously received a deluge of negative issues relating to footpaths, it came as a pleasant surprise to be approached with a positive proposal. The Chairman advised that it should be recognised that the Friends of Coombeswood had undertaken a lot of work preparing the application and that they should be congratulated for doing so.

The Chairman requested that Council officers deal with this application in a positive manner and offer assistance to the Friends of Coombeswood in their pursuit. This would include guiding them appropriately if for instance there were any procedural or other amendments that were necessary to process the application.

The Chairman called for support from the Forum Members and following further discussion it was

AGREED

That the Forum send a copy of this minute to Susan Westbury of the "Friends of Coombeswood" expressing the wish that they were successful in relation to their application.

38 ITEM RAISED AT HALESOWEN AREA COMMITTEE – 4 SEPTEMBER 2008

Mr Jacobs reported that Halesowen Area Committee had been presented with a petition by residents of Beaumont Road requesting that the path which was adjacent to the back of the houses in Beaumont Road be gated. It was further reported that a police report was awaited in relation to this matter for further consideration.

39 DATE OF FUTURE MEETING

It was noted that the date of the future meeting would be on Wednesday 19 November 2008.

The meeting ended at 9.05pm

CHAIRMAN