

Minutes of the Dudley Borough Local Access Forum

Wednesday, 13th September, 2017 at 2.00pm in Meeting Room 1, 3-5 St James's Road, Dudley

Present:

T Boothroyd (Chair)
R Brooks (Vice-Chair)
R Burgess, P Greenaway, A Nicholls, T Pritchard, N Williams and S Yeadon.

Officers:

D Keeley – Countryside Manager (Place Directorate) and M Johal – Senior Democratic Services Officer (Chief Executive's Directorate).

T Weller – in attendance for Agenda Item 7(e)

R Brooks in the Chair

16. **Apologies for Absence**

Apologies for absence from the meeting were submitted on behalf of Councillors C Elcock and G Partridge and D Jacobs (Project Engineer)

17. **Declarations of Interest**

R Burgess declared an interest in Agenda Item No 7(a) to (f) – Access/Rights of Way Issues as he was a Member of Halesowen Abbey Trust.

T Pritchard declared an interest in Agenda Item No 7(a) to (f) – Access/Rights of Way Issues as he was a Member of Halesowen Abbey Trust.

S Yeadon declared an interest in Agenda Item No 7(a) to (f) – Access/Rights of Way Issues as she was the Chair of Friends of Coombeswood Wedge.

18. **Minutes**

Reference was made to Minute No 14 in relation to a letter of thanks to be sent to the Tack Farm owner and it was stated that it should read Breach Farm. Contact details in this regard were given to the Chair so that the letter thanking the owner for allowing access to undertake works to the bridge could be sent.

Agreed

- (1) That subject to an amendment to Minute No 14 in the second paragraph to replace the words "Tack Farm owner" to "Breach Farm owner", the Minutes of the meeting held on 4th July, 2017, be approved as a correct record.

At this juncture T Boothroyd arrived and took the Chair

19. Change in Order of Business

It was agreed to consider Agenda Item No 7(e) as the first item of business as Mr Weller was in attendance for this matter.

20. Access/Rights of Way Issues and Updates

- (e) Proposed 5 kilometres Dowery Dell Trail as a Permissive Path

Mr Weller attended the Forum for this item and made a request to make the dismantled Halesowen Railway line into a permissive footpath.

It was reported that the most northerly section of the Dowery Dell Trail, of 400 metres, was in the Dudley borough and could be walked on but details of ownership were not known, although it was believed that it might be the landowners to the west of the line. There was evidence of horses using the railway line via a gate from a field on the west side, by the back garden perimeter fence of the Manor Way house built on the railway line in the 1970s. However, access was via a wooden pedestrian gate on the west side of the vehicle entrance to the Halesowen Athletic and Cycling Club. Their permission would need to be given to allow walkers to cross grass to the road to St John's Ambulance and the Tennis Club. From the St John's Ambulance and tennis club road there was a low, not too steep slope that may need steps, and a stile at a wire fence, onto the railway line. The owner of the land from the bridge over the Illey Brook to the tennis courts was not known.

It was further stated that the purpose of the proposed permissive path was to encourage greater physical activity in order to promote health and recreation. It would be a valuable addition to the footpath network and would remind walkers of fine Black Country railway heritage.

The Forum considered points made by D Jacobs which were conveyed in an email. Although, the concept of re-opening old railway lines for modern connectivity, by any transport means, was broadly welcomed, there needed to be an objective and realistic approach to any proposal. There were some issues as time had moved on and ownerships of land had become more complicated particularly as there were several owners in this case. Expanding budgets and staff resources of the past were also no longer available to Council's.

D Jacobs had also, in his email, raised the following queries concerning the route of the Dowery Dell Trail and corresponding responses were given as follows:-

- (i) Ownerships were not under public control and it was highly unlikely that a permissive way could be agreed. This was not being dismissive but was the likely reality given there would be little incentive for the landowners to agree.
 - Mr Weller undertook to ascertain how many landowners were involved and to also establish contact details. It was considered that should the trail start from Monarch's Way it could be linked to Monarch's Way and Leasowes.
- (ii) Could it be used in a safe and persistent well maintained manner? It took a lot of users for a path width to be maintained by usage alone.
 - There was currently a track in place given the adjacent railway line and therefore the footpath would already be wide. It was difficult to ascertain usage but there was the possibility of attracting people if points of interest were promoted correctly.
- (iii) Who would maintain it?
 - It was acknowledged that the site was not publicly owned and the Council owned a small section. Volunteer Groups, such as the Halesowen Abbey Trust would maintain the area under Dudley borough's jurisdiction.
- (iv) Would the proposed way lead to opportune crime and Anti Social Behaviour given that there would be no natural surveillance and there was stabling, sporting facilities and St John's Ambulance adjacent to it?
 - St John's Ambulance was in a visible position and there was a lot of traffic in the vicinity. The same query would also apply to other paths.

- (v) How would it fit into the footpath network given the first section did not intersect with any other paths?
 - Monarch's Way and Leasowes were in close proximity and if using the crossing as the main Road it would link up. Should the pathway be moved further easterly the entrance would also be moved.
- (vi) What costs would be involved?
 - Costs were unknown at this stage.
- (vii) How do you overcome the fact that at the southern end at Illey Lane, there was no safe junction or adjoining footway reserves to connect to other paths in the local vicinity?
 - There was no footway on the road but a grass verge. The short section with no footway was wide enough to easily construct a pathway.
- (viii) To reach the north start point of the proposed permissive way from Halesowen Town Centre, crossing the Manor Way, near the major roundabout, was not inviting.
- (ix) It was suggested that the Trail perhaps needed a start-up section away from major traffic problems that connects with rural paths first and builds outwards.
 - It was acknowledged that owing to the majority of the trail being under the jurisdiction of Worcestershire that they should initially be approached to ascertain support and commitment prior to progressing in Dudley.

Agreed

- (1) That the Chair, together with Mr Weller, be requested to liaise with Worcestershire Local Access Forum to gauge their interest.
- (2) That Mr Weller be requested to identify landowners that would be affected by the proposal.

21. **Rights of Way Improvement Plan – Future Maintenance Programmes**

The Senior Democratic Services Manager referred to an email from K Perkins that had been circulated prior to the meeting containing information in relation to the proposed Right of Way Improvement Programme (ROWIP) for 2017/18.

ROWIP representatives had been unable to attend the meeting and it was reported that the proposed locations were:-

Shelah Road, Halesowen; Rectory Road, Stourbridge; Cinder Road, Lower Gornal; Longmoor Road to Dunstall Road, Halesowen; Greaves Road, Netherton; Bratch Road, Netherton and Carlton Avenue, Wollescote.

Arising from the presentation of the information Members of the Forum sought clarification on current footpath standards and also confirmation on the type of material to be used to resurface footpaths on all proposals.

Other queries made in relation to specific proposals were as follows:-

Shelah Road – Whether there were any plans for a dropped kerb on both sides for wheelchair access.

Rectory Road – Clarification on the type of material to be used for the overlay.

Cinder Road – Need to include dropped kerbs at entrances and at the end of paths.

Longmoor Road – What was the difference in costs in reinstating the footpath.

Greaves Road, Netherton Part 1 – It was commented that Access in Dudley opposed trip rails.

Greaves Road, Netherton Part 2 – The grass laid just before the entrance leading to the path needed to be levelled off as it was a potential tripping hazard.

Carlton Avenue – Clarification sought on the type of surface to be used.

A Member of the Forum reported on the setting up of a new Friends of Gornal Field Group with a view to maintaining the area and improvements to rights of way in the local vicinity for potential inclusion in the proposed Right of Way Improvement Programme (ROWIP) for 2018/19. A request was made for a Member of that Group to have representation on the Local Access Forum.

The Countryside Manager indicated that he would speak to the Member concerned with a view to making an application for representation on the Local Access Forum.

In responding to a query on whether the Friends of Gornal Field Group had had any input into the Black Country Core Strategy, the Chair reported that the deadline for submission of comments on the Black Country Core Strategy had passed. However, due to format issues, the deadline had been extended for the Chair until 13th October and she asked for any comments from the Group be submitted to her within the next ten days so that she could incorporate feedback with her submission.

Agreed

That the Countryside Manager be requested to liaise with the Member concerned in relation to the Friends of Gornal Field Group having representation on the Local Access Forum.

22. **Planning Applications**

The Countryside Manager reported that the order payment in respect of the Ye Olde Saltbrook Public House was awaited before progressing with advertising.

Agreed

That the verbal update on the Ye Olde Saltbrook Public House be received and noted.

23. **Terms of Reference**

Agreed

That the Terms of Reference be received and noted.

24. **Access/Rights of Way Issues and Updates**

- (a) Footpath and Steps Off Coombes Road, Gorsty Hill, Halesowen

R Burgess reported that notices had been served on St Modwens Canal and River Trust and 14 witness statements had been provided in relation to liability for the path. The Trust had stated that they were not accepting ownership and details had been submitted to the Project Engineer in this regard.

It was commented that the route had been promoted as a cycleway along the canal towpath to Gorsty Hill in leaflets produced by the Council. Discussions were also underway with Councillor Hilary Bills with a view to updating the restructure to include a right of way, and eventually, creating a bridge over Manor Way.

Agreed

That the Project Engineer be requested to submit a response on the matter to R Burgess.

(b) H13 Monarch's Way, Halesowen – Flood Work

S Yeadon indicated that work to the culvert had been completed and the operation seemed to be running smoothly. Sandbags had been placed to assist with overflow problems. An application would be made to the Community Forum for a grant towards assistance to enable digging to take place to clear the area further and also to install steps and another footpath.

Agreed

That the matter be recorded as completed.

(c) Monarch's Way Signs

S Yeadon reported that she had attempted to contact the relevant person to enquire about metal signs but no response had been received. She undertook to pursue the matter.

Agreed

That S Yeadon be requested to contact the relevant person in relation to obtaining metal signs for Monarch's Way.

(d) Illey and Lapal Footpath Maintenance Funded by Section 106 Receipts from P08/1373 and Potential Future Community Infrastructure Levy (CIL) Funding

R Burgess informed the meeting that a survey was being undertaken in relation to Illey and Lapal to determine costs associated in maintaining the styles and footpaths. The Council had also requested grid references and Global Positioning System (GPS) details of the footbridge. A report containing this information would be submitted to the Countryside Manager in due course.

In response to a query from the Chair on whether the Council were being charged for providing the service, R Burgess indicated that he would consider adding the cost of undertaking the survey to the application.

(e) Proposed 5 kilometres Dowery Dell Trail as a Permissive Path

This item had been discussed earlier in the meeting.

(f) Footpath Maintenance Team Work Between A456 and the Worcestershire Boundary

T Pritchard reported that a team of workers was required to assist in footpath maintenance work. The work had become progressively hard as the nearby fields were overgrown making it difficult to walk through and it was full of knotweed. Problems

were also being encountered in using cutting tools between the fence and the hedge as it was narrow. It was also queried who was responsible in maintaining the area between the fence and the hedge as it was a public highway.

The Countryside Manager stated that the Council were responsible if it was a public footpath. A team would be required to maintain the area and a professional streamer would be needed for use between the fence and the hedge. As previously discussed there were legal implications in using volunteers to undertake maintenance work and discussions would need to take place with the Maintenance Manager in this regard.

The Chair requested that the Maintenance Manager be approached on whether appropriate tools could be provided together with supervision of volunteers.

It was suggested that Leasowes could be used as a base for storing tools and that contact details be compiled on a network of volunteers and groups that could offer assistance for projects. In relation to a query on whether the Council could buy tools for organisations as they were able to claim Value Added Tax (VAT), the Countryside Manager stated that there were issues in this regard, however, servicing and maintenance of equipment could be undertaken.

The Chair commented that pursuing Charitable status was an option for organisations.

Agreed

That the Countryside Manager contact the Maintenance Manager to ascertain whether appropriate tools and supervision could be provided to undertake maintenance Work Between A456 and the Worcestershire Boundary.

25. **Gating Orders**

The Countryside Manager reported on a draft decision memorandum that had been prepared relating to Gating Orders and their legal change to Public Space Protection Orders. The information was not as yet in the public domain but the following locations were affected:-

Enterprise Drive, Hayes Lane, Lye – Vehicular Highway
Church Road to Summer Hill Road, Coseley – Public Footpath
Albert Road to Wassell Road, Halesowen – Public Footpath
Kilburn Drive to Holbeache Lane, Kingswinford – Public Footpath
Murcroft Road to Wychbury Road, Stourbridge – Public Footpath
Robin Hood Road to Marion Close, Quarry Bank – Public Footpath
Iris Close to Bunns Lane, Dudley – Public Footpath
Park Road to Maughan Street, Quarry Bank – Public Footpath

Agreed

That the information contained in the verbal update on Gating Orders and their legal change to Public Space Protection Orders, be noted.

26. **Pottery Farm (Section 257 of the Town and Country Planning Act Order)**

It was reported that there had been no objections to the Footpath Order.

Agreed

That the verbal update be noted.

27. **Any Other Business**

Volunteers

The Countryside Manager reported on a request from Councillor Les Jones for volunteers to assist in clearing paths near woodland in the Ham Dingle area, Stourbridge. Wardens would be arranging a one-off volunteer day to assist with this work and further volunteers were sought from Forum Members to assist with the project.

It was noted that S Yeadon, R Burgess, P Griffiths and T Pritchard had volunteered to assist on clearing the Ham Dingle area.

Saltwells Base

The Countryside Manager indicated that there were issues with the base at Saltwells. A planning application had been submitted and approved for erection of a new base adjacent to the site in the car park although funding had not as yet been identified for the base.

Visitor Centre

R Burgess reported that Visitor Centre Groups in Halesowen were pursuing a new Business Centre at Leasowes and detailed proposals had been submitted to the Chief Executive in this regard.

The Countryside Manager reported that the plan had been referred to him and he would respond in due course. It was indicated that elements of the proposals were achievable.

28. **Dates and Venues of Future Meetings**

Noted, that future meetings of the Forum would take place at 2.00 pm at 3-5 St James's Road, Dudley on the following dates:-

- 13th December 2017
- 21st February, 2018
- 18th April, 2018
- 4th July, 2018

The meeting ended at 3.55 pm