

Explaining the Coombeswood Footpath Situation Agenda Item No. 6b

Mick Freer of DBLAF - 8th November 2010

For over two years the Forum has been involved, quite rightly, in Coombeswood footpath issues. At this juncture it is appropriate to recall why we have shown an interest, particularly as we have new members who should be briefed accordingly to ensure that we are all 'up to date'. The situation, if carefully explained, is not difficult to understand but, as so often happens, if there is gap in our knowledge then this can lead to confusion, which I believe exists at the present time and needs to be dealt with. Please bear with me as some background information is necessary.

1. The location of Coombeswood, its status, importance and access issues.

- 1.1. Coombeswood lies on the west face of an elevated prominent ridge above and to the east of Halesowen Town. Interestingly this ridge, with its scenic streams and wooded deep valleys, formed the canvas on which William Shenstone, the 18th century poet, would create his famous Leasowes landscaped estate. The historic importance of the Leasowes is now acknowledged by English Heritage, with designation as a 'Grade 1 Listed Garden'.
- 1.2. There can be no doubt that Coombeswood, situated between the Mucklow Hill and Gorsty Hill roads, at one time exhibited the same natural beauty as its favoured neighbour and counterpart - the Leasowes. However, whilst the Leasowes was cosseted by its appreciative and cultured owner, Coombeswood was ruthlessly exploited, initially to remove the woodland that gave it its name, but then for extraction of coal and clay. This devastation was followed by industrial developments served by the Dudley No 2 Canal, created in the late 18th Century.
- 1.3. Gone now was Coombeswood's former sylvan glory. The scenic Golden Orchard corn mill and the hedgerows, with huge elm trees, that marked this former agricultural landscape, were no more. The ultimate act of disregard came about when the earthworks, left bare and ugly by exploitation of the buried wealth, were filled with poorly regulated tipping. Once glittering streams, known to contain trout, were crudely culverted to allow waste, in some instances fifty feet in depth, to be laid over the watercourses. The streams, which ran in the open from the depths of time, will never be seen again.
- 1.4. In the 1980s the Coombeswood area was revealed, in the headline article of a national newspaper (The Observer I believe), to be one of the worst contaminated sites in the country. To this day, in times of prolonged heavy rain, the culverted streams, emerging to join the River Stour, run rust brown as they carry the toxic material from this site.
- 1.5. The land was left as an eyesore with no regard for those whose lives were so directly affected by the devastated landscape left 'on their doorstep' by this upheaval. Whilst it is true that some of the people earned a living from the degradation of this former agricultural land, we need to recognise that this was generally at the expense of hard work for long hours and low pay. A few local people even lost their lives in the Coombeswood pit disaster.
- 1.6. The point is that once the owners had exploited the land for their own means, they abandoned it.

2. The effects of nature, with human assistance, and the Council's recognition of the emerging importance of Coombeswood.

- 2.1. In recent years Dudley Council have capped off the waste with a layer of clay and topsoil. Nature, assisted by third parties, has slowly transformed this once bleak area and local people for decades have enjoyed unfettered access to it. It is a trait of humans that they gradually wear desire lines into a landscape and rather than wonder aimlessly, most people prefer to follow these.
- 2.2. Volunteers have planted tens of thousands of trees and have improved some of the footpaths. They have even replaced the former Coombes Bridge over the canal to re-establish a pedestrian link lost in World War II, when Dad's Army (the Home Guard) 'blew up' the original to improve security for the factories involved with munitions and other production associated with the war effort.
- 2.3. To its credit, Dudley Council, in spite of objections from the main landowner, designated Coombeswood as Green Belt. Those planners, **no longer working for the authority**, also bestowed policies to protect the landscape and the amenity provided.
- 2.4. In the 1980s, they went one step further and produced a study, known as the Coombeswood Green Wedge Plan, which was formally adopted by the Council in 1993 after extensive consultation within the community.

2.5. The Study stated,

"Potential: At present the site provides a valuable resource for both nature conservation and informal recreation purposes. It is the most easily accessible part of the Coombeswood Wedge, including an important pedestrian link between Gorsty Hill Road and residential areas in Shell corner.

It is considered that this area should remain predominantly in its present use as grassland. Potential does, however, exist to improve public access to this part of the Wedge, through defining additional public rights of way (following existing desire lines) and better signposting, waymarking and interpretation. Attention will be paid to the need to cater for disabled visitors and to deter unauthorised use of this area by motorcyclists. As such detailed attention will be paid to the design of stiles and other access points into the site. Scope also exists for new hedgerow planting around the periphery of the area and along existing fencelines, in order to enhance the diversity of natural habitats and species. This should include the planting of some trees as indicated on the proposals map, although the predominantly open character of this part of the Wedge should not be prejudiced."

- 2.6. Our former Secretary, Kevin Clements, who, prior to leaving Dudley Council, was their Countryside Manager, did all that he could to implement that plan. He provided finance and other assistance to volunteers, as part of his '*Dudley Countryside Management Project*', to allow them to make the adopted study's objectives a reality.
- 2.7. Unfortunately, for whatever reasons, it would appear that the officers of the Highway Authority, responsible for public rights of way, took no action whatsoever in delivering the 1993 approved approach of formally acknowledging 'desire lines' as defined public rights of way. This is arguably surprising because the approved plan, prior to adoption, had undergone

extensive consultation, not only with the local community, but also within the relevant departments of the Council. What went wrong?

3. The Applications

- 3.1. In September 2008, two applications affecting Coombeswood were lodged with the Council.
- 3.2. The first was by St Modwen, a national multimillion pound development company, with its Head Office at Quinton. Initially, in previous years, they had acted for British Steel in redeveloping the former Stewarts & Lloyds site, off Gorsty Hill. Following on from that they were successful in getting Dudley Council to approve the development of the former steelworks football pitch as a site for Wyco Bearings. Unfortunately, a once in a lifetime opportunity to improve the definitive public right of way, that runs alongside it, was missed by the officers. The public found traversing the true alignment on an embankment difficult and therefore reasonably walked at the top of the embankment. Despite being aware of this difficult footpath situation, the Council officers, when in a position to gain concessions for improvement by way of appropriate conditions associated with approval, did not do so. As a consequence of granting permission, new fencing was erected, which prevented the public from circumnavigating the problem path. This predictably had the effect of making access difficult and dangerous.
- 3.3. Volunteers came to the rescue and did the best possible job in far from ideal circumstances. Since that time, some of the restored path has been encroached upon by the industrial neighbours but the responsible Council officers would not take action. As such, the available path is narrow and potentially intimidating at some points.
- 3.4. Taking a different approach, a much better and commodious path, suitable for the disabled, could have been provided. This is explained here, in association with the planning history being described, to show that decisions at the planning stage do not always take advantage of potential benefits. The potential leverage available for concessions in allowing built development of a sports pitch were indeed considerable but not acted upon.
- 3.5. At some time St Modwen became the owners of the former British Steel land, including that which comprises of most of the Coombeswood Green Wedge (Belt). This involves some virgin former agricultural land, as well as that worked for resources and subsequently tipped upon. They are also the owners of the site on which Coombeswood Cricket Club has been located for over 100 years. It is understood that since taking ownership of the land, St Modwen would not grant the Club a lengthy lease and this has been on an annual basis, naturally causing concerns of security of tenure for the cricketers. It would appear that this is because St Modwen have continually wished to develop the Club's attractive home site for housing with a view to relocating them elsewhere.
- 3.6. This objective materialised in September 2008 with St Modwen's application to convert a large and visually prominent tract of the Coombeswood Green Wedge into that replacement cricket facility. The massive earthworks associated require a cut and fill operation, which will result in the creation of 5 metres high embankments. To many it was a surprise that Dudley Council would agree to such a massive change in a landscape which was protected by very clear policies.

- 3.7. Simultaneous to the lodging of this development application, the 'Friends of Coombeswood', in mid September 2008, lodged an application to add eight footpaths to the definitive map. These were the paths that the Council itself, in 1993, considered should be formally added. Under such circumstances with user evidence etc, the 'Friends' believed that, in accordance with '*Rights of Way Circulars 1/08 and 1/09*' from Defra, that their paths would be given fair consideration in the determination of the development. Using a cricket analogy, they no doubt considered that they '*would be bowling to an open wicket*' because of the Council's determination in 1993 to give the paths the recognition that they already deserved at that time.
- 3.8. The 'Friends' confidence, whilst understandable, was misplaced and without going over the whole of the documentation at the time, the easiest way to demonstrate how much importance the paths were given is to consider a single remark in the report of the planning officer to the Development Control Committee. In his '*Reason for Granting Planning Permission*', for the St Modwen application, he stated unequivocally that,
- "The development will have no adverse impact upon the surrounding footpath network."***
- 3.9. It is therefore surely amazing that immediately following the granting of planning permission, to St Modwen, that Dudley Council quickly recognised the worthiness of just two of the 'Friends' eight paths and identified the need to close these permanently to allow the development to proceed?
- 3.10. These Orders were initiated in December 2009 under Section 257 of the Town & Country Planning Act with the predictable consequence that objections were made and we proffered our advice, in our statutory roll, to the Council. As a consequence of the objections a Public Inquiry is forthcoming.
- 3.11. The Forum is fully aware of this situation but we are now asking the Council to update us with their progress in processing the 'Friends' application of September 2008 for all eight paths.
- 3.12. The Council should have finalised that situation by September 2009 but apart from a wish to close two of these paths for the benefit of development they have not yet made a formal decision in relation to the remaining six.
- 3.13. As I understand it, the applicants, the Friends of Coombeswood, after over two years of waiting, are now in a position to request the Secretary of State to intervene.
- 3.14. I cannot see any logical justification for the Council delaying the situation on the grounds that they are currently processing two of the paths for closure.
- 3.15. However, we still await the Council briefing in this respect.

I hope that this has been helpful to Forum members in advance of our meeting on the 23rd November 2010?