

Report to Local Access Forum on 3rd December 2013.

Public Paths across Leasowes Park, Halesowen.

The attached plan shows those paths across Leasowes Park that members of this Forum wish to be incorporated into the Definitive Map of Public Rights of Way. The reason behind the request is that the Group has indicated that they wish to see linking paths from the southern green belt, south of Manor Way, via the disused canal towpath into Leasowes Park and then onto Coombeswood that would be shown on the Ordnance Survey maps and also give such paths a level of protection and prominence.

Definitions

The Definitive Map is a legal document that shows conclusive proof that a way has public rights attached to it. Those ways are called Definitive Public Rights of Way. However, just because a public path is not shown does not mean that its legal status is any the less diminished.

Permissive Paths are paths which the landowner permits the public to use with the intention that they will not become public rights of way. Although they may be subject to restrictions, the landowner will still have a duty of care to the user.

Definitive lines, other paths dedicated public paths and permissive paths are all identified on the Ordnance Survey plans and can identify leisure routes over significant distances.

Consultation with managers and wardens of Leasowes Park and members of this Group has identified 4 sections of path for consideration.

The lines identified are:-

Plan 1

1) That length of path along the towpath of the Dudley Canal from east of Manor Way Primary School to its junction with Leasowes Lane, north-west of the Warden's Centre. This would be a definitive route and linking public footpaths at its northern and southern ends.

Plan2

2) That length of path PP1 that descends from public footpath H34 just north of Ladypool Close to Breaches Pool following closely the route of the Shenstone Way to turn northward following the north-eastern boundary of Halesowen Golf Course terminating at public footpath H31.

3) That length of path PP2 that commences at Kent Road to head west and then generally north to terminate at public footpath H31.

4) That length of path PP3 that connects paths PP1 and PP2 east of Halesowen Golf Course

For path 1) to become “public” there must be “dedication”. In this case the land over which the path crosses is owned by the Council but the Council cannot legally make an agreement with itself. However, by virtue of a public report signed by an authorised member of the Council, express dedication may be deemed to have taken place and a Definitive Path Legal Event Order can be made. This type of order cannot be challenged. As a consequent of the order the Ordnance Survey will be informed and they will include these ways on their next publication.

Not all paths crossing publically maintained open areas are public paths and indeed if they were the Council would be very restricted in its ability to manage access in such areas. Changes to a path’s line and levels, however small, mean that costs could be incurred due to the making of highway orders, temporary and permanent. For this reason the Council would not wish paths 2)3) and 4) to become definitive. However it is thought beneficial that these paths be recognised as “permissive paths” so that they will appear on Ordnance Survey maps supplementing the definitive network.

The maintenance of the paths within the Council will not change and thus any works will be done through the Countryside Service budgets. There are no present identified works associated with this issue.

Proposed Resolution

This Forum is asked to give support to inclusion of path 1) as Definitive Path and paths 2)3) and 4) as Permissive.

A form of this report will be submitted to the appropriate Members in due course.

Dave Jacobs

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