

CYNGOR SIR POWYS COUNTY COUNCIL.

PORTFOLIO HOLDER DELEGATED DECISION

by

COUNTY COUNCILLOR W JOHN T POWELL

(PORTFOLIO HOLDER FOR ENVIRONMENT AND SUSTAINABILITY)

AND

COUNTY COUNCILLOR WYNNE T JONES

(PORTFOLIO HOLDER FOR FINANCE)

AND

COUNTY COUNCILLOR JOHN H BRUNT

(PORTFOLIO HOLDER FOR HIGHWAYS)

August 2016

REPORT AUTHOR: Countryside Access Officer (Operational)
Definitive Map and Commons Registration Officer

SUBJECT: Footbridge on Footpath LL10A, Llandrindod Wells

REPORT FOR: **Decision**

1 Summary

- 1.1 This report is further to the previous Delegated Decision made by Portfolio Holders, dated 24th November 2015. That decision approved the demolition of the footbridge spanning the railway line, over which ran Footpath LL10(A) in Llandrindod Wells. The footpath runs between Alexandra Court and the playing fields / Rock Park. A copy of the previous report, which outlines the history and background to this issue, is attached in Appendix 1.
- 1.2 Following the decision made by Portfolio Holders in November 2015, Network Rail were instructed to remove the structure. The works were undertaken in March 2016.
- 1.3 After the decision to demolish the existing structure was made, there has been correspondence from some residents, Kirsty Williams AM and Chris Davies MP. Kirsty Williams forwarded copies of correspondence she had received, from concerned residents who did not wish to see the structure removed. Appendix 2 includes a summary of the correspondence forwarded to Countryside Services on the matter.
- 1.4 Kirsty Williams has stated that there is strong public feeling over the matter, however, Countryside Services have directly received comments from less than ten members of the public. Also included in Appendix 2 is an email from two interested parties, who have

requested that Portfolio Holders take their view into account when making a decision over the future of any structure at this location.

- 1.5 Gwynedd County Council Engineers were commissioned to undertake an Options Report looking into the possible options for replacement of the footbridge. This included cost estimates for the options and possible restrictions. The Options Report in full can be found in Appendix 3.
- 1.6 The options explored included the following 1) replacement with a like-for-like structure meeting current safety standards, 2) a footbridge fully accessible for all, 3) a footbridge that could also be used by cyclists, and 4) an option for a footbridge that could be upgraded in the future to meet Equalities Act standards. The engineer's recommendation, along with costings and reasoning's, are included within the report in Appendix 3.
- 1.7 All of the options outlined within the engineer's report are outside the scope of the Countryside Services budget. Additional funding would have to be identified from outside the Service to construct any of the replacement options.
- 1.8 Portfolio Holders are reminded that QC advice was obtained on this matter (Appendices 4 and 5.) The QC (George Laurence) is of the opinion that the bridge is not maintainable at public expense. Although, Powys County Council have the power to repair and replace the structure if they wish, there is no duty to do so.
- 1.9 Portfolio Holders are now requested to make a decision over the future of a structure in this location.

2 Proposal

- 2.1 That Portfolio Holders make a decision over whether to provide a replacement structure at this location at the present time.

3 One Powys Plan

- 3.1 As there are alternative routes to the open space and Rock Park areas, a decision over replacing the footbridge is not considered to have an impact on any of the objectives outlined in the One Powys Plan.

4 Options Considered/Available

- 4.1 Portfolio members are requested to make a decision over whether to provide a replacement structure. A summary of the replacement bridge options are shown in the table overleaf.

Table 1. Summary of Replacement Options and Costs

Bridge Type	Design, Contracts, Surveys and Fees	Construction Costs	Total Cost
1. Similar to previous structure but meeting modern design requirements	£28,500	£250,000	£278,500
2. Full DDA compliant structure	£28,500	£781,500	£810,000
3. Similar to previous but with option to adapt for future DDA provision	£28,500	£290,500	£319,000
4. Full DDA Compliant plus cycle provision	£28,500	£914,000	£942,500

4.2 **Option One** is to provide a similar replacement structure over the railway line, meeting modern design requirements. This would comprise a flat span over the railway, between columns built on railway property where the original supports were. There would be steps on the approach to the span over the railway. The proposed bridge would be wider than the original, as the extra width provides better compliance with current standards at little extra construction cost. The estimated cost of this option is £278,500.

4.3 **Option Two** provides a fully DDA compliant solution. The main span over the railway would be supported on columns outside the railway boundary, providing ease of construction with no need to gain consent to construct on railway property land. In addition the main span would be slightly arched; this achieves the clearance over the railway but starts to reduce the height of the bridge, so slightly reducing the length of approach ramps. To maintain a shallow gradient of no more than 1 in 20 this solution requires long lengths of approach ramps, from the public open space they will be a dominant feature looking east. These have the potential to be unsightly and would be a significant addition to the bridge. The recommended width of the bridge and ramps is 2.0m to allow easy passing of two wheelchairs. To save on construction costs it is recommended that the lower length of the approach ramp be constructed on an earth embankment rather than steel spans. This embankment could be top soiled and landscaped in a manner to suit

the use of the adjacent land (grass/bushes/trees). The estimated cost of this option is £810,000.

- 4.4 **Option Three** would provide a bridge similar in alignment and accessibility to the original (Option One), but with a larger width and landings included in the design to allow for future installation of shallow approach ramps. This option would be more expensive to construct compared to Option One, due to the additional landings and greater width. With provision for future upgrade to make it DDA compliant, construction may be justified as an interim measure, with the installation of ramps being possible in the future when further funding may be obtained. The estimated cost of this option is £319,000.
- 4.5 **Option Four** provides a fully DDA compliant solution with additional provision to suit use for cyclists. This may make it viable to tap into other funding pools and so provide an easier mechanism by which the reinstatement of the bridge can be achieved. Cycle provision would however increase the cost of the bridge as the parapets for cycle routes have to be 1.5m high (300mm more than pedestrian) and the bridge needs to be wider, a minimum of 2.5m wide, where there is combined use by cyclists and pedestrians. Other than these changes the alignment, profile and access for construction are all the same as Option Two. The estimated cost for this option is £942,500.
- 4.6 The estimated costs for Options One, Two, Three and Four are outside the scope of the Countryside Services budget. If the decision was made to replace this structure, appropriate funding would have to be identified.
- 4.7 If the decision is taken to provide a replacement structure, it will take a significant length of time to secure appropriate funding, undertake detailed surveys, commission engineering specifications, go through the procurement process and complete construction. The footpath would remain inaccessible beyond the current closure, which expires in September 2016.
- 4.8 **Option Five** is that Portfolio Holders decide not to provide a replacement structure at this location at the present time.
- 4.9 QC advice maintains that the previous structure was not maintainable at public expense and therefore Powys County Council has no duty to replace the structure. The advice also suggests that if there is no structure at that location, the public right of way over the former footbridge ceases to exist. As such, the current closure may not need to be extended in September 2016, if the footbridge were not to be replaced. The QC advice in full is attached in Appendices 4 and 5.
- 4.10 QC advice can only be tested through the courts; there is a risk that if the footbridge is not replaced, a formal challenge may be made.

5. Preferred Choice and Reasons

- 5.1 Option Five is the preferred choice.
- 5.2 The Alexandra Road Footbridge was not maintainable at public expense. Powys County Council had a power but not a duty to maintain the structure. Given the significant costs involved with providing a replacement structure, it is not deemed an appropriate use of public resources to replace the structure at this time. If resources were to become available in the future, this decision could be revisited.
- 5.3 This footpath provides a means of access between the residential area of Llandrindod to the east of the railway line and the playing fields. (Please see Appendix 6) There are two alternative routes which allow access between the Alexandra Court area and the playing fields / Rock Park. The eastern end of footpath LL10(A) starts at the junction of Temple Avenue, Montpellier Park and Alexandra Court. The first alternative route, via footpaths CF12 and CF13, starts 135 metres away at the corner of Montpellier Park. The second alternative route, via Park Lane and footpath LL10, starts 298 metres away. Both of these routes can be accessed from Alexandra Court along surfaced pavements.
- 5.4 Both alternative routes are considered to be physically at least as accessible as the footbridge, if not more so, in terms of the surfacing, gradient and number of steps. The old footbridge had a steel deck that could become slippery when wet, was narrow (0.9 metres wide) and had a two stage, steep flight of steps at one end. The alternative routes are both significantly wider than this, with tarmac and / or aggregate surfacing. One alternative route has no steps. The other route (footpath LL12) has a short flight of steps; the treads are much deeper and the steps are on a gentler gradient than those on the footbridge.

6 Sustainability and Environmental Issues/Equalities/Crime and Disorder,/Welsh Language/Other Policies etc

- 6.1 Given the alternative routes available (as outlined in 5.3 and 5.4), it is felt that the decision not to replace the structure would not present significant issues in terms of equalities.
- 6.2 If the decision is taken to provide a replacement structure, consideration must be given to how the new structure meets the requirements of the Equalities Act. Powys County Council would need to evaluate the situation and conclude if it is, or is not, reasonable to install a fully accessible structure at the location and be able to fully explain its reasoning as to how it made its decision (the justification). Some could argue that if the authority decides to replace the structure, not installing a fully accessible structure would be unreasonable. Conversely, others could argue the opposite, citing the significant differences in cost as a reasonable justification.

- 6.3 If a replacement structure were to be provided, there would be sustainability issues as Powys County Council would be liable for all future maintenance of the structure.
- 6.4 The proposal is not considered to impact on the Crime and Disorder, Welsh Language or other Policies.
- 6.5 The work of Countryside Services, with regards to public rights of way, is outlined in the Powys Rights of Way Improvement Plan 2007-2017. Due to scarce resources and high demand, works on public rights of way have to be prioritised. The current policy is called the Priority Community Area Approach, which specifies that works within an Area officer's patch are targeted in the community with the highest demand. (There are some works which fall outside of this prioritisation, such as health & safety concerns and grant-funded works for example.) Llandrindod Wells is not currently a priority community, so footpath LL10(A) should not receive higher attention for works as there are no longer any health & safety concerns.

7 Children and Young People's Impact Statement - Safeguarding and Wellbeing

- 7.1 Footpath LL10(A) allows access from Alexandra Court to the playing fields and Rock Park on the other side of the railway line. This is an open space available for play and outdoor recreation, recently a community orchard has been planted there too. As there are two alternative routes to this open space, the wellbeing of children and young people will not be significantly impacted by a decision not to replace the footbridge.

8 Local Member(s)

- 8.1 Cllr T. Turner - Option 1 is my preferred choice and I ask that the council explore all funding opportunities to provide a replacement structure. Local residents would very disappointed if Option 5 was taken up.

9 Other Front Line Services

- 9.1 Development Control – The Gwynedd engineers report outlines that some of the potential replacement options may require planning permission. Powys County Council's Development Control team have advised that under Part 13 of the GPDO regarding development by Highway Authorities, none of the replacement bridge options would require planning permission as the works could be undertaken under permitted development rights.

10 Support Services (Legal, Finance, Corporate Property, HR, ICT, Business Services)

- 10.1 Professional Lead – Legal agrees with the recommendation set out in this report taking into account all matters as well as Powys CC legal position/obligations as outlined in the QC’s advice attached to this report.
- 10.2 Finance -The Capital and Financial Planning Accountant confirms that the replacement bridge is not in the capital programme.

11 Local Service Board/Partnerships/Stakeholders etc

- 11.1 n/a

12 Corporate Communications

- 12.1 The report is of public interest and requires a proactive news release and use of appropriate social media to publicise the decision.

13 Statutory Officers

- 13.1 Strategic Director Resources (Section 151 Officer) - The comments that funding for a replacement isn’t in the overall capital programme has been confirmed by the Capital and Financial Planning Accountant. The legal comments confirm the council does not have responsibility to fund a replacement.
- 13.2 Solicitor to the Council (Monitoring Officer) - I note the legal comments and the external QC advice obtained and have nothing to add.

14 Members’ Interests

- 14.1 The Monitoring Officer is not aware of any specific interests that may arise in relation to this report. If the Portfolio Holders have an interest they should declare, complete the relevant notification form and refer the matter to Cabinet for decision.

15 Future Status of the Report

- 15.1 Members are invited to consider the future status of this report and whether it can be made available to the press and public either immediately following the meeting or at some specified point in the future.

Recommendation:	Reason for Recommendation:
That the decision be taken not to provide a replacement structure over the railway line near Alexandra Court in Llandrindod Wells.	Powys County Council does not have a duty to provide or maintain a structure at this location. Due to the significant replacement costs and the fact that there are alternative routes available, the structure should not be replaced.

Relevant Policy (ies):	Powys ROWIP 2007-2017		
Within Policy:	Y	Within Budget:	Y

Relevant Local Member(s):	Cllr T Turner
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Person(s) To Implement Decision:	Nina Davies
Date By When Decision To Be Implemented:	September 2016

Contact Officer Name:	Tel:	Fax:	Email:
Nina Davies	01597 827683		nina.davies@powys.gov.uk

Background Papers used to prepare Report:

- Appendix 1** Portfolio Holder Delegated Decision Report 24th Nov 2015 Alexandra Road Footbridge
- Appendix 2** **2a** Summary of Correspondence **2b** Email from Interested Parties
- Appendix 3** YGC Alexandra Road Footbridge Replacement Options Report
- Appendix 4** **Appendices 4a and b** QC advice May 2015 and accompanying plan –**CONFIDENTIAL AND LEGALLY PRIVILEGED**
- Appendix 5** Updated QC Advice June 2015 – **CONFIDENTIAL AND LEGALLY PRIVILEGED**
- Appendix 6** Location plan – footbridge and alternative routes