

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)**

24TH NOVEMBER 2015

REPORT AUTHOR: Nina Davies, Countryside Access Officer (Operational)
Sian Barnes, Definitive Map and Commons Registration
Officer

SUBJECT: Footbridge on Footpath LL10A

REPORT FOR: **Decision**

1 Summary

- 1.1 The purpose of this report is to agree a way forward with regards to the future of a footbridge spanning the railway line, over which runs Footpath LL10(A) in Llandrindod Wells. The footbridge – and footpath – run between Alexandra Court and the playing fields / Rock Park.
- 1.2 In the 1960's, Radnorshire County Council was given permission by the British Railways Board to construct a bridge over the Heart of Wales railway line at O.S. grid ref: SO 058606 in Llandrindod Wells.
- 1.3 The bridge carried a private footpath. It is believed that the reason for this is that access was needed between the Llandrindod Wells County Secondary School and its playing fields. However, this is not specified in the easement and agreement giving permission for the bridge to be built.
- 1.4 The bridge file holds correspondence highlighting discussions over the bridge and its maintenance dating back to 1996. No conclusion was ever reached as to which department would, or should be responsible for the structure; numerous council departments were considered, including Education, Highways and Property Services. Corporate Property has confirmed that the council has not undertaken any work on the bridge since 1999, but earlier records were not available.

- 1.5 Corporate Property commissioned an Engineer's report in September 2010, (Appendix 1). The report highlighted erosion to the bridge structure. Recommendations for repair were made within the report, as it was assumed at that time that Powys County Council would be responsible for maintaining the bridge, but no repair work was carried out.
- 1.6 An application for a Definitive Map Modification Order was received in 2006 and completed in 2013; this resulted in a public right of way being recorded over the Alexandra Road Footbridge (Footpath LL10A).
- 1.7 The footbridge was inspected by one of the Council's structural engineers in July 2014. Due to verbal concerns raised following this, Countryside Officers took the decision to close the bridge to the public. A temporary Traffic Regulation Order (TRO) to close the bridge and stop public access across it has been in place since August 2014. The closure runs out in March 2016 and cannot be extended.
- 1.8 A written Structural Inspection Report was received in October 2014 (Appendix 2). The report highlighted significant concerns regarding erosion to the bridge. It was stated that any required repairs were likely to be extensive and it was anticipated that it would be cheaper to replace the whole steel footbridge. However, as the footbridge is not to modern access standards, a significantly larger structure would be required to meet Equality Act requirements.
- 1.9 The recommendation of the 2014 engineer report was that *"In view of the poor condition of this footbridge, its critical high risk location, and the lack of knowledge of the existing load capacity, it should remain closed and either be made good, replaced with a new structure or removed."*
- 1.10 *"The Footbridge is currently closed, but will be continuing to deteriorate, and could collapse onto the railway. If the footbridge cannot be repaired or replaced in the near future the Steel structure of the footbridge should be removed."*
- 1.11 Counsel advice on land ownership was requested whilst the application for a Definitive Map Modification Order was being processed; this cast doubt over the assumption that Powys County Council would be responsible for maintaining the footbridge.
- 1.12 Given that, George Laurence QC was asked for advice on the matter (14th May 2015, Appendices 3 and 4.) He is of the opinion that the bridge is not maintainable at public expense. Although, PCC have the power to repair and replace the structure if they wish, there is no duty to do so.

- 1.13 Mr Laurence highlighted the fact that Network Rail could repair, replace or demolish the bridge and then re-charge the costs to Powys County Council.
- 1.14 A meeting was held with Network Rail on 23rd September 2015 to discuss the future of the bridge. Network Rail have provided costs for the demolition of the bridge and line possession of £53,911.11 (Appendix 5), which includes environmental and other surveys. The surveys may identify additional work that is not included in these costs.
- 1.15 The demolition could be completed by Network Rail before the temporary closure expires in March 2016.
- 1.16 On 15th October 2015, Countryside Services were made aware of vandalism to the barriers preventing access to the bridge. The crime reference number is DRL/0510/20/10/2015/01/c. On inspection Countryside Officers found that the steel chains holding the barriers in place had been cut and the barriers moved to allow access to the bridge. There was evidence of the bridge being used. Officers bought core-strengthened chains and made the bridge secure.

2 Proposal

- 2.1 That the decision be made to instruct Network Rail to remove the bridge over the railway line before March 2016, in line with the quote they have provided of £53,911.11.

3 One Powys Plan

- 3.1 Responding to potential safety hazards on public rights of way (as a highway) is part of the Council's statutory duties; one of the primary duties of a Highway Authority is to maintain safe passage for users of the highway network. That is not specifically provided for in the One Powys Plan, but remains a legal statutory duty of the Council. Engineer advice states that the bridge is not safe for use. Therefore it is the council's responsibility to act on that advice by restricting access to the bridge and taking appropriate action with regard to its future.

4 Options Considered/Available

- 4.1 Option One would involve repairing the footbridge and re-opening it. The 2014 Engineer report stated that "*The required repairs are likely to be extensive and we anticipate that it will be cheaper to replace the whole steel footbridge retaining the existing concrete foundations than to repair it. However the footbridge is not to modern access standards, we have not looked at what would be required to replace this bridge to modern standards, but would expect a significantly larger structure to be required due to the need for a low incline ramp (which would also require additional foundations).*"
- 4.2 Option Two would be to leave the footbridge closed under a Traffic Regulation Order for the foreseeable future. However, when the temporary closure runs out in March 2016 it would be necessary to

open the bridge to public access for a short time before another closure could be implemented. In the meantime, the bridge would be continuing to deteriorate. It is known that attempts have been made to forcibly access the bridge, as noted in point 1.16 above. There is a risk that further such attempts will be made. This poses a risk to both those making the attempts and to other members of the public, who, on removal of the relevant signage and / or barriers, may not then be aware that the footbridge is still considered to be dangerous.

- 4.3 Option Three involves the demolition of the bridge, as an interim safety measure whilst discussions as to the future of the bridge are ongoing. Network Rail have provided quote for costs of £53,911.11. Only Network Rail can undertake the removal of the bridge as it is on railway land and over a live track. The current closure of the bridge runs out in March 2016 and it cannot be extended without opening the bridge to the public for a period. Due to the significant health and safety concerns raised by the engineer, it is felt unwise to open the bridge to the public, even for a short timeframe. Given that, it seems prudent to arrange for the demolition to occur before March 2016.

5. Preferred Choice and Reasons

- 5.1 Option Three is the preferred choice. Engineer advice is that repair would be more expensive than replacement and that the bridge is deteriorating and should be removed if it is not to be repaired. Therefore, Option Three would allow for the removal of a dangerous structure over the railway, before the temporary closure comes to an end. The recent vandalism to the barriers restricting access lends support for the demolition proceeding, at the earliest possible opportunity.
- 5.2 When the barriers were vandalised and removed, evidence was found that someone may have taken a child's buggy or pram over the bridge. The Police also raised concerns that children may access the bridge. Its urban location means that it is easily accessible by a large number of people, including children; the fact that it spans a railway line makes it particularly dangerous.
- 5.2 A Virement Form has been completed outlining a transfer from Specific Reserves (Transport) for the funding required to pay Network Rail the £53,911.11 to remove the bridge over the railway.

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

- 6.1 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.

- 6.2 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 current footbridge has a steel deck that can become slippery when wet, is narrow (0.9 metres wide) and has 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. Given that, it is not felt that demolition of the footbridge would present significant issues in terms of equalities or sustainability.
- 6.2 The proposal is not considered to impact on the Crime and Disorder, Welsh Language or other Policies, other than that removal of the footbridge may reduce the potential for vandalism.

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

- 7.1 Removing the dangerous structure would help to protect children and young people who may be tempted to ignore the barriers and signs to access the bridge. The Police raised concerns that the bridge may be accessed by children.

8 Local Member(s)

- 8.1 Cllr T. Turner – As the local member effected I have to disagree very strongly with the councils preferred option of demolishing. I should like to fight to have the bridge repaired and opened.

9 Other Front Line Services

- 9.1 No known implications for other front line services. Despite closure for more than 12 months, no concerns have been raised from other Services.
- 9.2 Development Management have advised that Network Rail will need to submit a Demolition Notification and post site notices before undertaking the removal of the footbridge. The matter will need to be taken to the Planning, Taxi Licensing and Rights of Way Committee. Network Rail will be advised accordingly.

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

9.1 Legal - The Professional Lead – Legal supports the recommendation outlined in this report.

9.2 Finance – given the current economic climate affecting the Council’s revenue funding, it would seem appropriate that the recommended option be funded from Specific Reserves (Transport).

11 Local Service Board/Partnerships/Stakeholders etc

11.1 N/A

12 Corporate Communications

12.1 A Communications strategy and press release will be implemented upon member decision.

13 Statutory Officers

13.1 Strategic Director Resources (Section 151 Officer) - The Strategic Director Resources (S151 Officer) notes and supports the comments made by finance.

13.2 The Solicitor to the Council (Monitor Officer) has commented as follows: “I note the legal comment and have nothing to add to the report.”

14 Members’ Interests

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

15 Future Status of the Report

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.

The view of the Monitoring Officer is that:

Recommendation:	Reason for Recommendation:
Instruct Network Rail to remove the bridge over the railway as soon as possible and in any case by March 2016 at the latest.	Health and safety. To protect members of the public, especially children and young people.
That the virement of £53,911.11 from Specific Reserves (Transport) be agreed to fund the works required.	

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Relevant Policy (ies):			
Within Policy:	Y	Within Budget:	N

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

Contact Officer Name:	Tel:	Fax:	Email:
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Background Papers used to prepare Report:

Appendix 1	Engineers Report Sept 2010
Appendix 2	Engineers Report Oct 2014
Appendices 3a and b	QC advice May 2015 and accompanying plan – CONFIDENTIAL AND LEGALLY PRIVILEGED
Appendix 4	Updated QC Advice June 2015 – CONFIDENTIAL AND LEGALLY PRIVILEGED
Appendix 5	Network Rail demolition costs - CONFIDENTIAL AND COMMERCIALY SENSITIVE
Appendix 6	Location plan – footbridge and alternative route

CABINET REPORT TEMPLATE VERSION 3