

**CYNGOR SIR POWYS COUNTY COUNCIL.**

**CABINET DECISION**

**20<sup>th</sup> December 2016**

**REPORT AUTHOR: County Councillor W. Barry Thomas  
Leader**

**SUBJECT: Maintenance liability for Bronrevel / Bron-yr-Efail  
Bridge, Llanbister**

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**REPORT FOR: Decision**

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**1.0 Summary**

This report considers representations from the community of Llanbister that Bronrevel Bridge and a short section of road from the junction with the A483 over the bridge and as far as the first junction should be maintained by Powys County Council as a public highway.

**2.0 Proposal**

- 2.1 That Bronrevel Bridge be formally recognised as a Powys County Council asset where maintenance obligations lie with the Council, but not to be recorded as a public highway over the bridge
- 2.2 The claim that the road from the boundary with the A483 Trunk Road to the first junction beyond the bridge is maintainable by Powys County Council at public expense be formally rebutted.

**3.0 Powys Change Plan**

Not relevant in this report

**4.0 Options Considered/Available**

4.1 Option 1

That the claim that the bridge and road is maintainable at public expense be formally rebutted;

4.2.1 Option 2a

That Bronrevel Bridge be formally recognised as a Powys County Council asset where maintenance obligations lie with the Council, but not to be recorded as a public highway over the bridge;

4.2.2 Option 2b

That the claim that the bridge is maintainable at public expense be formally rebutted but that the claim that the road is maintainable at public expense be formally recognised;

- 4.3 Option 3  
That the bridge and road are formally recognised as maintainable at public expense and recorded in the official records;

## **5.0 Preferred Choice and Reasons**

- 5.1 The preferred choice is Option 2a, that the bridge be formally recognised as maintainable by Powys County Council but that the claim that the road is maintainable is formally rebutted. Whilst liability to maintain the bridge is accepted the highway surface over the bridge is not to be recognised as a public highway. If the Highways Authority were to formally adopt the highway over the bridge the distance of public highway would be a matter of metres providing no continuity of county road. The scope of adoption would also terminate at a point where the road itself diverges into junctions that serve individual residences.
- 5.2 Submissions by Llanbister Community Council and witness statements provide detail relating to the bridge history are available as background documents.
- 5.3 Legal Services have been consulted on the matter and have provided advice in relation to possible options.
- 5.4 The council archive records indicate that a replacement bridge was built to replace the footbridge that “went down” in 1931. The records indicate that a wider replacement bridge was built with the majority of funding from Radnor County Council as the highway authority. A contribution was made by Knighton Rural District Council and potential users of the bridge provided haulage for some of the materials free of charge. These contributions enabled a wider bridge to be built that was suitable for light cart traffic.
- 5.5 Legal Services consider that because the funding for the replacement bridge came from two predecessor authorities, Powys County Council as the successor authority is the legal owner of the bridge and is responsible for maintaining the same. The route over the bridge is not a highway maintainable at public expense.
- 5.6 With regard to the road either side of the bridge Legal Services do not consider that it can be considered to form part of the highway network that is maintainable at public expense as defined by the Highways Act 1980 as the road does not provide continuity within the context of the wider highway network. Whilst there is anecdotal evidence that a previous council undertook work on the road to the first junction, no reference has been found to any commitment to carry out such works in the historical records therefore on balance it is considered that should this work have been carried it would have been on a without prejudice basis.

5.7 It is considered that responsibility for the majority of the access road from the A483 Trunk Road to the bridge probably lies with the Welsh Government as Highway Authority for Trunk Roads in Wales. Any section of road between this and the bridge cannot be substantiated as public highway at this time, and is therefore private. The County Council will wholly accept liability for the structure of the bridge but not the highway that sits upon the bridge.

5.8 Whilst no formal assessment of the condition of the bridge has been undertaken it is unlikely to meet current standards and would likely need to be weight limited, replaced or closed to protect user safety. A weight limit is likely to cause significant difficulties for users needing to access land for agricultural purposes whilst closure would give rise to a severance situation. It is estimated that the cost of works to the bridge and road would be in the order of £200,000. A provisional capital growth bid has been included for 2017/2018 to cover the additional financial burden.

## **6.0 Sustainability and Environmental Issues, Equalities, Crime and Disorder, Welsh Language and Other Policies etc**

6.1 Not applicable in this report

## **7.0 Children and Young People's Impact Statement - Safeguarding and Wellbeing**

7.1 Not applicable for this report.

## **8.0 Local Member(s)**

8.1 Cllr John Brunt is the local member for the bridge. As the Portfolio Holder for such matters Cllr Brunt has declared an interest and asked for the matter to be dealt with by the Leader, Councillor W. Barry Thomas.

8.2 Cllr John Brunt as the local member comments:  
I am pleased to note the recommendation to cabinet, that the bridge be formally recognised as maintainable by Powys County Council and hope that capital funding can be made available for repairs in the 2017/18 budget.

8.2 Cllr David Evans and Cllr Hywel Lewis have links with the area and are supportive of the Community Council in seeking to have the bridge and road recognised as maintainable at the public expense.

## **9.0 Other Front Line Services**

9.1 Not applicable for this report.

## **10.0 Support Services (Legal, Finance, HR, ICT, BPU)**

10.1 Finance:

The Finance Business Partner Place notes the contents of the report, the recommendation will impose an immediate capital burden and

ongoing revenue liability for the service. There is currently no capital funding approved for the costs included in this report. A bid for additional capital funding has been included in the capital strategy for 2017-18 to fund the improvements required to the bridge but this is yet to be approved. The ongoing revenue costs would have to be funded from the current revenue budget held by the service.

**10.2 Legal:**

The Highways and Enforcement Solicitor has reviewed the documentary evidence and has provided input to the recommendation.

**10.3 Countryside Services:**

The route of the bridge is not recorded on the Definitive Map as a public right of way.

**11.0 Local Service Board, Partnerships, Stakeholders etc**

11.1 Stakeholder views are accounted for through the Local Members and HGSS Managers when priorities are considered.

**12.0 Corporate Communications**

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

**13.0 Statutory Officers**

13.1 The Strategic Director Resources (S151 Officer) notes the comments made by finance.

**14.0 Members' Interests**

14.1 The Monitoring Officer is aware that Cllr Jon Brunt and Cllr John Powell have declared an interest in relation to this report. If Members have an interest they should declare it at the start of the meeting and complete the relevant notification form.

Recommendation:	Reason for Recommendation:
<p><b>1 That Bronrevel Bridge be formally recognised as a Powys County Council asset where maintenance obligations lie with the Council, but not to be recorded as a public highway over the bridge</b></p>	<p><b>1 To conclude long standing representations and recognise that the bridge is maintainable by Powys County Council.</b></p>
<p><b>2 The claim that the road from the boundary with the A483 Trunk Road to the first junction beyond the bridge is maintainable by Powys County Council at public expense be formally rebutted.</b></p>	<p><b>2 To conclude long standing representations and recognise that the road is not maintainable by Powys County Council.</b></p>

<b>Relevant Policy (ies):</b>			
<b>Within Policy:</b>	<b>Y / N</b>	<b>Within Budget:</b>	<b>Y / N</b>

<b>Relevant Local Member(s):</b>	<b>Cllr John Brunt</b>
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<b>Person(s) To Implement Decision:</b>	<b>Head of Highways, Transport and Recycling</b>
<b>Date By When Decision To Be Implemented:</b>	<b>On Recommendation</b>

<b>Contact Officer Name(s):</b>	<b>Tel:</b>	<b>Fax:</b>	<b>Email:</b>
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**Background Papers used to prepare Report:**

Submissions by Llanbister Community Council and witness statements

List of Streets

Bridge Asset records

Definitive Map

Archive material