

Delegated Decision

30th May 2019



SECTION 291 NOTICE – HIGHWAYS ACT 19

ALLERTON BURN BRIDGE REPAIR AT STANHOPE

Ordinary Decision/Key Decision No.

Report of Regeneration and Local Services

Brian Buckley, Strategic Highways Manager

Electoral division(s) affected:

Weardale.

Purpose of the Report

- 1 The purpose of this report is to approve the serving of a Notice under Section 291 of the Highways Act 1980 to enter onto a third parties land to undertake bridge repair works to Allerton Burn Bridge in Stanhope.

Executive summary

- 2 Durham County Council have a duty to maintain the highway under the Highways Act 1980.
- 3 Negotiations with landowners for access to maintain the highway take place in an attempt to reach an amicable decision.

Recommendation

- 4 The landowner to the western side of the bridge has requested an access fee of £500 per week; an offer of £50 per week has not been responded to. As the requested fee is unreasonable and would set a precedent, it is recommended that the serving of Notice under S291 of the Highways Act 1980 be approved.

Background

- 5 It has been identified that repair works are required to Allerton Burn Bridge in order to prolong the life of the bridge.
- 6 Access to both sides of the bridge is required to undertake the works.
- 7 The landowner to the East has granted access for works, while the landowner to the West has rejected reasonable offers and been very slow to communicate. The landowner to the West has therefore caused a significant delay to the scheduled repair works.

Options

- 8 Previous options requiring more extensive access to the land on the western side of the bridge have been considered, and a method of working has been devised to minimise impact to the land on the western side of the bridge

Main implications

- 9 Works are required to Allerton Burn Bridge to prolong the life of the bridge. If these works are not undertaken then it is likely that the bridge would eventually deteriorate to the point where the road would need to be closed.

Conclusion

- 10 Approve the serving of notice under Section 291 of the Highways Act to enter land in private ownership for the necessity to undertake repairs to Allerton Burn Bridge.

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Appendix 1: Implications

Legal Implications

The Council as highway authority has a statutory duty to maintain the highway. Without access to the western side of the bridge, further deterioration to the structure is likely.

Finance

The repair works will be funded by the Council's Structures Capitalised Maintenance Budget.

Consultation

Landowners to the east and west of the structure have been consulted through Land and Property Services.

Equality and Diversity / Public Sector Equality Duty

Text.

Human Rights

Text.

Crime and Disorder

Text.

Staffing

The project will be managed by DCC staff and appointed sub-contractors. There will be no additional resource requirement.

Accommodation

Text.

Risk

The project is for structural repair works and is considered a low risk.

Procurement

A specialist sub-contractor has been appointed to undertake a specialist portion of the works through our approved .