

Delegated Decision

11 September 2024

Intention to Serve Notice under Section 291 of the Highways Act 1980 for vegetation clearance at Leazes Footbridge in Durham City



Report of Anthea Smith, Highway Services Manager, Neighbourhoods and Climate Change

Electoral division affected:

City of Durham (Elvet and Gilesgate)

Purpose of the Report

- 1 To authorise the Council to service notice under the Highways Act 1980 to enable vegetation clearance to facilitate the demolition of Leazes Footbridge. The area of occupation is edged on the plan in **Appendix 2** of this report.

Executive Summary

- 2 Durham County Council (DCC) are demolishing Leazes Footbridge and have contracted MGL Demolition to undertake the work.
- 3 Part of the work involves undertaking vegetation clearance to facilitate the demolition of the south (curved) span of the footbridge and approach ramp/stairs. Therefore, notice is required to be served under Section 291 of the Highways Act 1980 to allow such work to be carried out.
- 4 The necessary consultations have been undertaken with Local Councillors and no objections have been raised.
- 5 The vegetation clearance is planned to take five days to complete between Monday 23 September and Friday 27 September.
- 6 Therefore, it is proposed and recommended that statutory powers are used to serve notice under Highways Act 1980, as detailed within this report.

Recommendation

- 7 Pursuant to paragraph 9 of Table 7 to the Officer Scheme of Delegations, it is recommended that notice is served under Section 291 of the Highways

Act 1980 to allow vegetation clearance to facilitate the demolition of the south (curved) spans of Leazes Footbridge and approach ramp/stairs.

Background

- 8 Leazes Footbridge is a four-span structure situated over the A690 Leazes Road between Elvet and Gilesgate in Durham City Centre. The south spans, which are curved in plan, are situated over privately owned land.
- 9 The footbridge was closed in July 2023 after an assessment identified that parts of the structure were in a poor condition and not able to support full pedestrian load.
- 10 Subsequent appraisal of refurbishment/replacement options has identified that the footbridge is beyond economic repair and is to be demolished.
- 11 Prior to demolishing the footbridge, a new signalised pedestrian crossing is to be provided along the A690 Leazes Road near Gilesgate Roundabout.
- 12 The land around the south spans of the footbridge falls under an area of private ownership:
 - i. Land under DU241634: The University of Durham of The Palatine Centre, Stockton Road, Durham, DH1 3LE.
- 13 This delegated report seeks approval for serving notice on the relevant landowner for works relating to the demolition of Leazes Footbridge. The full outline of works are as follows:
 - (i) Clearance of vegetation surrounding south spans of footbridge and approach ramp/stairs.
- 14 The vegetation clearance is planned to take five days to complete between Monday 23 September and Friday 27 September.
- 15 The necessary consultation has been undertaken with Local Councillors regarding the proposals and no objections have been raised.
- 16 It is recommended that notice is served under Section 291 of the Highways Act 1980 to allow vegetation clearance to facilitate the demolition of the south spans and approach ramp/stairs of the adopted footbridge.

Main implications

- 17 The serving of notice to access land under private ownership to ensure vegetation clearance at Leazes Footbridge in Durham City Centre.
- 18 The use of statutory powers under S291 of the Highways Act 1980 allows Highways and officers duly authorised to perform duties in maintaining the

highway. In this instance to undertake vegetation clearance to facilitate the demolition of Leazes Footbridge.

- 19 The report outlines the background and reasoning in the requirements to agree the licence to occupy for the subject land.

Conclusion

- 20 It is proposed and recommended that notice is served under Section 291 of the Highways Act 1980 to allow vegetation clearance to facilitate demolition of the south spans and approach ramp/stairs of Leazes Footbridge.

Appendices

- Appendix 1: Implications
- Appendix 2: Site Plan
- Appendix 3: Email to Councillors

Useful documents

- Land Registry Titles DU241634.

Author

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Appendix 1: Implications

Legal Implications

DCC will service notice under Section 291 of the Highways Act 1980 as a requirement of Highways is to demolish Leazes Footbridge to remove a safety issue within the adopted highway as the structure is beyond economic repair.

Finance

Serving notice will not require payment to be made as the demolition of the footbridge, plus associated preparation and reinstatement works, are established under Section 291 of the Highways Act 1980. However, if the private land suffers damage during the proposed works then financial compensation may be paid.

Consultation

Local Councillors David Freeman and Richard Ormerod were consulted alongside Portfolio Holder Councillor John Shuttleworth regarding the proposals. No objections were raised.

The email correspondence can be found in **Appendix 3** of this report.

Equality and Diversity / Public Sector Equality Duty

N/A

Climate Change

N/A

Human Rights

N/A

Crime and Disorder

N/A

Staffing

N/A

Accommodation

N/A

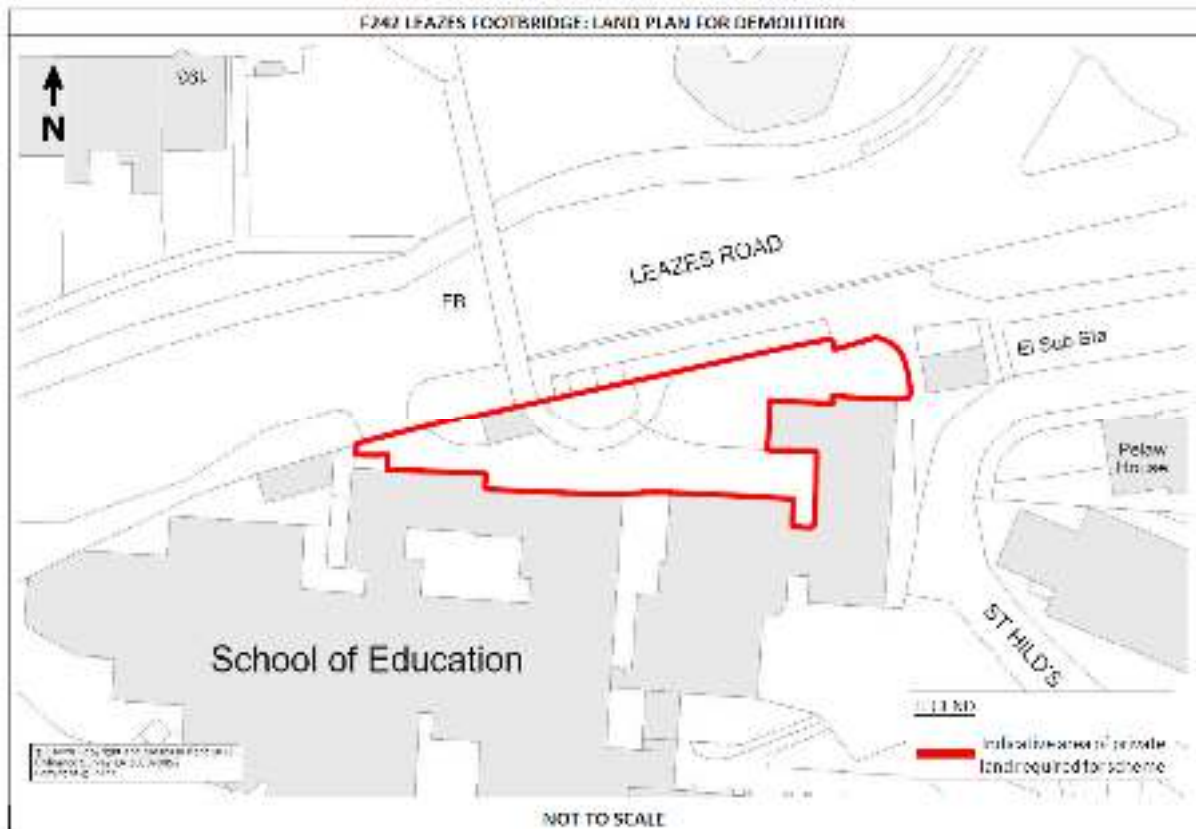
Risk

N/A

Procurement

N/A

Appendix 2: Site Plan



Appendix 3: Email to Councillors

Chris Patterson

From: Chris Patterson
Sent: 11 September 2024 19:00
To: Cllr David Freeman; Cllr Richard Ormerod; Cllr John Shuttleworth
Cc: Andrew Lough; Munir Jadalla
Subject: RE: Leazes Footbridge - Land Access for Demolition
Attachments: Demolition Land Plan [Rev A].pdf

Good Afternoon,

This e-mail is for internal use only and is not to be shared externally.

Following the recent resumption of the scheme to demolish Leazes Footbridge, I can confirm that access will be required to private land to undertake vegetation clearance, erect scaffolding, remove the south (curved spans) of the structure and take down the approach ramp/stairs, as well as completing various reinstatement work.

It is currently anticipated that land access will be required for a minimum of eight weeks from Monday 23 September until Friday 15 November. Please note that the exact end date is dependant on the reinstatement of the boundary wall and may be prolonged as planning permission is currently being sought for this element of the scheme.

The area of private land to the south side of the footbridge, as highlighted on the attached plan, through which access is required to undertake the proposed work belongs to Durham University. The affected landowner will be notified of the proposed works in advance of the anticipated start date.

Should you have any queries or require further information please do not hesitate to contact me.

Regards,

Chris Patterson
Structures Team Leader

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