

County Council

23 March 2011

Shotley Papermill Footbridge



Report of Corporate Management Team
Terry Collins, Corporate Director of Neighbourhood Services
Don McLure, Corporate Director of Resources
Councillor Bob Young, Cabinet Portfolio Member for Strategic Environment and Leisure

Purpose of Report

1. To seek authority to the use of compulsory purchase powers for the purpose of the acquisition of land shown on the attached plan for the Shotley Papermill Footbridge scheme.

Background

2. Shotley Papermill Footbridge first appeared on historic map information held by Durham County Council in its present form and position on the 1894–1899 map editions placing it at circa 116 years old. The bridge is understood to have been built to connect The Forge Cottage at the time with the papermill industries on the east side of the river Derwent.
3. In the summer of 2008 a maintenance scheme had been prepared to strengthen, paint and re-deck the existing footbridge. Works were due to commence in September 2008 and initial access scaffolding had been erected in preparation.
4. On 6 September 2008 unprecedented flooding of the River Derwent caused the destruction of the existing footbridge. In total three footbridges were lost during this flood in County Durham. Northumberland experienced similar flooding and also lost a number of bridges at this time, especially in Morpeth which made national headlines.
5. The footbridge at Shotley Papermill provided an important crossing between County Durham and Northumberland linking Public Rights of Way on both sides of the River Derwent and it also provided a private pedestrian access to Forge Cottage. Vehicular access to Forge Cottage is via a track some 1.9km long from the A68; however the owner generally used the car park on the eastern bank for parking and crossed the bridge on foot. The nearest alternative pedestrian crossing of the river is a footbridge some 600 metres downstream.

Bridge Replacement Proposals

6. The preparation of a replacement footbridge was started immediately after its loss with a view to construction during the summer of 2009. Views were sought from planners and conservation planners from both Durham County Council and Northumberland along with the views of the local residents of the immediate vicinity.

Initial consultations with the Environment Agency were also undertaken and possible construction restraints considered. Shotley Bridge Village Trust was likewise consulted on the proposals. The proposal for the replacement footbridge was for a location slightly downstream of the original bridge – shown as Option One on the attached plan. The land does not fall into any special categories and therefore there is no need for any special procedures

7. This option however did not progress at the time and therefore consideration was given to relocate the bridge to the same location as the “washed away” bridge - shown as Option Two on the attached plan. The high skew crossing shown in this option arises from the need to provide disabled access on a ramped approach to the east end of the bridge. The bridge that was washed away had stairs at the east end but the site constraint would not facilitate a ramped approach to any replacement bridge at this location and would not therefore meet our disabled access obligation. There was also construction and environmental constraints with placing the bridge in its original position due to the site conditions e.g. mature trees, possible flood implications, other properties and construction problems etc.
8. Option 2 also required extensive hydraulic studies to satisfy the Environment Agency (EA) and this, together with their construction restrictions, meant the construction date in 2009 could not be met. This was however resolved in early 2010 which would have permitted construction during summer 2010, subject to obtaining planning permission and Environment Agency consent.
9. Negotiations with the landowner were well advanced; however the landowner's agent proposed an excessive claim for compensation to reflect the cost of land acquisition, licensing of land for working space and also for disruption while the bridge had been missing. It should be noted that extensive accommodation works had previously been agreed with the landowner, which included track upgrade and further works including fencing, gates, footpath improvements, site clearance and street lighting. The claim was considered to be without basis and therefore preparations for site works ceased until a resolution could be found.
10. The opportunity was then taken to re-examine alternatives in more detail and the original (Option One) was found to be significantly superior in engineering, Environment Agency requirements, environmental impact and aesthetics. Further investigation into the costs of construction also showed significant savings of up to £70,000, further reinforcing this as the option to pursue. Legal advice also confirmed that there was no requirement to land the bridge at the same location as the original. Funding for the project has been identified in the County Council's Local Transport Plan
11. Option 1 no longer necessitates acquisition of land from the owner of Forge Cottage but will require the acquisition of 9 sq. metres of riverbank land for the bridge support together with a licence area of 40 sq. metres for working space and a permanent deck easement of 37 sq. metres which corresponds with the boundary of ownership as shown on the land interest plan in Appendix 3.. Preliminary negotiations with this landowner's agent have indicated that the land needed for the scheme would be secured by mutual agreement at the present time, but authority for the use of compulsory purchase order (CPO) is considered appropriate should negotiations not secure the land interest. Planning permission and Environment Agency consent is also being sought for Option One.

12. A further benefit with the preferred option1 is that works could be undertaken at any time of the year and would not be dictated by Environment Agency conditions for working in the river. A mutual agreement would therefore permit an earlier delivery of the scheme

Conclusions

13. It is proposed to develop the scheme shown as Option One on the plan detailed in Appendix 2. Negotiations with the landowners agent will continue with a view to Durham County Council securing the land interest by mutual agreement.
14. Should it not be possible to complete negotiations with the landowners agent it will be necessary to have authority to pursue a CPO. The necessary orders for the Public Right of Way will also be required but this will be dealt with by the Corporate Director Regeneration and Economic Development.

Recommendation

15. It is recommended that:
 - a) The County Council agree to the use of compulsory purchase powers for the purpose of acquiring the land shown on the attached plan in Appendix 3 for Shotley Papermill Footbridge as described in the report above under the provisions of the Highways Act 1980 section 239 and other enabling powers and that
 - b) the Corporate Director of Resources be authorised to:
 - i) take all necessary steps to secure the making , confirmation and implementation of the CPO, including the publication and service of all notices and the presentation of the Council's case at any Public Inquiry.
 - ii) acquire interests in the land and new rights within the compulsory purchase order either by agreement or compulsorily
 - iii) approve agreements with land owners setting out the terms for the withdrawal of objections to the Order, including where appropriate seeking exclusion of land or new rights from the Order
 - iv) confirm the order, if unopposed, when referred to the authority by the Government Office North East or its successor.

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Appendix 1: Implications

Finance

The scheme is included in the current Bridges Programme for 2011/2012 to be funded through LTP Bridges Maintenance

Risk

Not securing County Council authority to compulsory purchase the land necessary for the proposed footbridge may result in not being able to replace the washed out footbridge.

Staffing

None

Equality and Diversity

Positive impact on gender, age and disability. An Equality and Diversity impact assessment has been undertaken and is attached at Appendix 4.

Accommodation

None

Crime and Disorder

None

Human Rights

The project does involve the acquisition of a small area of land which does not undermine the viability of the remaining land holding. The land owner will be compensated for the agreed value of the land to be acquired.

Consultation

Planning permission and Environment Agency consultations

Procurement

None

Disability Discrimination Act

None

Legal Implications

None

Health

The footbridge will re-instate a link to the public rights of way on both sides of the River Derwent and encourage walking.