

CABINET ITEM COVERING SHEET PROFORMA

AGENDA ITEM

REPORT TO CABINET

10 JUNE 2010

**REPORT OF CORPORATE
MANAGEMENT TEAM**

COUNCIL/CABINET DECISION

Regeneration & Transport – Lead Cabinet Member – Councillor R Cook

LEVEN BRIDGE – REPAIR STRATEGY

1. Summary

Leven Bridge is one of the oldest bridges within the Borough dating back to the early 1800s and carries the A1044 principle road between Yarm, Ingleby Barwick and Thornaby. In late February 2010, visible cracking in the road surface, became evident and prompted a road closure for safety reasons.

The purpose of this report is to update Cabinet on the issues that forced the road closure, the solution that has been identified to rectify the problem and the impact on resources as a result.

2. Recommendations

It is recommended that:

1. Council note that there may be an impact on resources as a result of the works required and Council approve the release of Council balances up to a maximum of £500,000.
2. Authority be delegated to the Acting Head of Technical Services in consultation with the Cabinet Member for Regeneration and Transport to oversee the programme of works
3. Authority be delegated to the Acting Head of Technical Services in consultation with the Cabinet Member for Regeneration and Transport to look for alternative funding sources.

3. Reasons for the Recommendations/Decision(s)

The use of additional resources will enable the Authority to maintain a safe highway for road users and meet its statutory duty to maintain the highway.

4. Members' Interests

Members (including co-opted Members with voting rights) should consider whether they have a personal interest in the item as defined in the Council's code of conduct (**paragraph 8**) and, if so, declare the existence and nature of that interest in accordance with paragraph 9 of the code.

Where a Member regards him/herself as having a personal interest in the item, he/she must then consider whether that interest is one which a member of the public, with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to

prejudice the Member's judgement of the public interest (**paragraphs 10 and 11 of the code of conduct**).

A Member with a prejudicial interest in any matter must withdraw from the room where the meeting considering the business is being held -

- in a case where the Member is attending a meeting (including a meeting of a select committee) but only for the purpose of making representations, answering questions or giving evidence, provided the public are also allowed to attend the meeting for the same purpose whether under statutory right or otherwise, immediately after making representations, answering questions or giving evidence as the case may be;
- in any other case, whenever it becomes apparent that the business is being considered at the meeting;

and must not exercise executive functions in relation to the matter and not seek improperly to influence the decision about the matter (**paragraph 12 of the Code**).

Further to the above, it should be noted that any Member attending a meeting of Cabinet, Select Committee etc; whether or not they are a Member of the Cabinet or Select Committee concerned, must declare any personal interest which they have in the business being considered at the meeting (unless the interest arises solely from the Member's membership of, or position of control or management on any other body to which the Member was appointed or nominated by the Council, or on any other body exercising functions of a public nature, when the interest only needs to be declared if and when the Member speaks on the matter), and if their interest is prejudicial, they must also leave the meeting room, subject to and in accordance with the provisions referred to above.

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RECOMMENDATIONS

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DETAIL

1. The visible cracking in the road surface at Leven Bridge prompted a road closure in February 2010. The intervening period since then has resulted in a number of investigations being carried out to determine the cause and assist in identifying the solution.
2. These investigations have found that scour in the river bed and river bank had undermined the upstream corner of the north road bridge abutment and footbridge abutment resulting in a partial lack of support to both the road bridge and footbridge.
3. Remedial measures have now been identified that involve filling the void with special grout bags and reinstating the river bed with anti scour material that will prevent the problem re-occurring. These are currently being implemented. An appropriate contractor was appointed on an emergency basis to assist with the development and delivery of the solution. This procurement was recorded as an Officer Decision (TS.H.142.09), in order to expedite the necessary works and associated expenditure, given the timescales involved. In parallel

officers have been working closely with the Environment Agency, utility companies and landowners to secure the necessary consents to ensure the works can be expedited at the earliest convenience.

4. It is anticipated that the works should be completed in July 2010 and the bridge re-opened to traffic in that period.
5. Officers are working closely with the contractor and other agencies to ensure that the cost implications in implementing the project are kept to a minimum, but it is recognised that the extent of works that are required could be up to £500,000. The Acting Head of Technical Services has been in dialogue with Government Office North East and the Department of Transport since early March to try and source financial support for the situation. To date mixed messages have been received however, it is the intention to continue to lobby at the highest level to try and secure the support that is rightly needed to fund the project. The Cabinet Member for Regeneration and Transport has also written to the Secretary of State for Transport to strengthen this message.
6. Where possible, and appropriate, officers will pursue other potential sources of funding where liability is proven to be a significant contributory factor to the damage to the bridge. This may be in the form of a cocktail of contributions based upon where the liability sits and the level of contribution to the overall problem. It is recognised however that the provisions within the new Flood and Water Management Act which received Royal assent in April 2010 in respect of defining responsibilities for maintenance of flood defence assets would not be able to be applied retrospectively.
7. The closure of the bridge and the arterial route it carries has had an impact not only on local residents and commuters but also local businesses in the immediate vicinity including those in Yarm, Ingleby Barwick and Thornaby. Throughout the period officers have given regular updates to Ward Councillors and to the wider public through dialogue with the media. Officers will continue to ensure that the progress and completion of the project is effectively communicated.

FINANCIAL IMPLICATIONS

8. It is anticipated that the costs of the project could be up to a maximum of £500,000. If attempts to secure financial support from Central Government fail then additional resources will be needed to pay for the project, which will need to be funded from Council balances. Recent Government announcements with regard to public sector spending and the impending Autumn Comprehensive Spending Review mean that the opportunities to secure support from Central Government are more challenging than ever. The Acting Head of Technical Services will be able to report further on this verbally at the meeting.
9. The closure of the A1044 has resulted in school transport between Ingleby Barwick and Conyers School having to use an alternative, longer, route. This has meant that transport providers have had to be paid their additional costs, which are currently being met from within CESC resources.

LEGAL IMPLICATIONS

10. The Council has a statutory duty under section 41 of the Highways Act 1980 to maintain the highway. Failure to do so may leave the Council liable for any claims against it.

RISK ASSESSMENT

11. This is considered to be a medium level risk to the Council. Failure to maintain the roads under the Highways Act 1980 may result in personal injury and/or accident claims against the Authority.

12. With specific regard to the damage caused to Leven Bridge, a risk report has been prepared. This report considered the most appropriate engineering solution that will allow the bridge to open and be fit for purpose, whilst minimising the expenditure required to make the bridge serviceable again.

SUSTAINABLE COMMUNITY STRATEGY IMPLICATIONS

Economic Regeneration and Transport

13. The A1044 is a principal road and a key commuter route in the Borough's transport network. It also supports local businesses in delivering their services. Without this important link functioning, local businesses and residents are suffering.

Safer Communities

14. Well maintained highways provide safe passage for users.

EQUALITIES IMPACT ASSESSMENT

15. This is a Borough wide strategy to repair the highway network and it potentially affects all residents. An Equality Impact Assessment is not required in this instance.

CONSULTATION INCLUDING WARD/COUNCILLORS

Throughout the period of the road closure Ward Councillors across the south of the Borough have been kept up to date with the circumstances around the bridge and the anticipated length of closure.

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Education related?

No.

Background Papers

None.

Ward(s) and Ward Councillors:

All Ward Councillors.

Property

N/A.