

MINUTES of the meeting of Environment Scrutiny Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday, 2nd January, 2008 at 11.00 a.m.

Present: Councillor RI Matthews (Chairman)
Councillor KG Grumbley (Vice Chairman)

Councillors: CM Bartrum, PJ Edwards, JHR Goodwin, JW Hope MBE, B Hunt, TW Hunt, PM Morgan, AT Oliver, A Seldon and PJ Watts

In attendance: Councillors WLS Bowen, H Bramer, R Mills (Ward Member) RV Stockton (Ward Member), DB Wilcox (Cabinet Member - Highways and Transportation) and JB Williams.
Mr Bill Wiggin, Member of Parliament for the Leominster Constituency.

In the absence of the Chairman the Vice-Chairman, Councillor KG Grumbley, took the Chair.

44. APOLOGIES FOR ABSENCE

Apologies were received from Councillor MAF Hubbard and Councillor RI Matthews (Chairman).

45. NAMED SUBSTITUTES (IF ANY)

Councillor PJ Edwards substituted for Councillor MAF Hubbard and Councillor B Hunt for Councillor RI Matthews (Chairman)

46. DECLARATIONS OF INTEREST

There were no declarations of interest.

47. SUGGESTIONS FROM MEMBERS OF THE PUBLIC ON ISSUES FOR FUTURE SCRUTINY

No suggestions were made for future scrutiny.

48. CALL-IN OF CABINET DECISION ON COLWALL RAILWAY BRIDGE

The Committee considered the Cabinet decision to approve expenditure to provide a temporary bailey bridge over the sub-standard bridge in Colwall carrying the B4218 if the results of an assessment report showed, on deliberation, that such a solution was the most appropriate means of opening the bridge to normal highway traffic.

The agenda report detailed the three Members who had called-in the decision and the stated reasons for the call-in. Appended to the report was the decision notice of Cabinet setting out the decision and the report to Cabinet on 13th December 2007 on which that decision had been based. Also attached to the report at appendix 2 was an extract from the draft minutes of Cabinet held on 13th December 2007. Committee Members had also received copies of the Network Rail Western Region

report 'Early Notification Report – August 2007' and a technical drawing entitled 'Colwall temporary road bridge'.

The Cabinet Member (Highways and Transportation) reported that constitutionally the report had not needed to be put to Cabinet but in the interests of openness and public interest Cabinet had considered the report. He briefly set out the background to the inspection of the bridge, its initial closure and subsequent opening limited to light vehicles weighing up to 3 tonnes. He clarified that these actions had been taken following the Network Rail August 2007 inspection report. A further inspection had been carried out in October and the results of that inspection had only been received over the Christmas period.

Replying specifically to the reasons for call-in he confirmed that written confirmation had now been received from Network Rail that they were agreeable to a 50/50 share of the cost of the bailey bridge. However, this would be subject to the appointment of independent advisors to undertake an independent feasibility study and assessment of the cost. He emphasised that he wished to avoid spending £.5m now only to find that Network Rail would undertake works next year. Concerning the cost of a permanent replacement bridge this rested with its owners, Network Rail. However, £1m to £1.5m could be taken as a provisional estimate. Regarding the competitive tendering process he had been assured that there was only one supplier of a bridge to the required length and loading capacity, as stated in the report. However, he confirmed that the Director of Environment was reviewing the tendering position regarding the installation and associated works.

The two Members for Hope End Ward, who had been invited to attend, emphasised the severe detrimental effect the initial closure and subsequent weight limit was having on both the local community and businesses and commented on the difficulty larger vehicles were having in using the long diversionary route, particularly if approaching from the south.

The Programme and Contracts Manager confirmed that the diversionary route for larger vehicles approaching from the south necessitated a detour to Malvern with a subsequent approach via the hairpin bends coming down from Wyche Cutting. He also confirmed that alternative routes into the village were either too narrow or contained numerous sharp bends.

He confirmed that the report following the October inspection had now been received, but had yet to be studied. He did, however, report that the bridge had suffered significant further deterioration and was considered overall to have a zero tonne factor of safety. The current 3 tonne weight limited single line of traffic used a route supported by girders suffering the least corrosion.

The Member of Parliament for the Leominster constituency, who had also been invited to attend, commented further on the damaging effect the situation was having on the community and also highlighted issues concerning the safety of local traffic using minor roads in the area. He assured the Committee that he had already raised the matter of the bridge with Network Rail. He would also be questioning the apparent disparity between Network Rail's responsibility to maintain to 24 tonnes capacity and the Council's highway responsibility to maintain to 40 tonnes.

In the course of discussion the following principal points were noted:

- Responding to a question on why Network Rail were not responsible for the full costs the Committee were informed that they were responsible for the bridge maintenance to a standard set many years ago (24 tonnes capacity) however the Council as Highway Authority was responsible for providing a

highway bridge to 40 tonne capacity

- On the issue of whether it would be cheaper to repair (patch up) the bridge the Committee were informed that it would be inefficient to do so and would necessitate closing the bridge while extensive 'patching' was carried out.
- It was suggested that in view of the apparent lack of adequate maintenance to the bridge, serious consideration be given to reporting Network Rail to the Health and Safety Executive. It was, however, noted that Network Rail undertook their responsibilities by implementing a regime of inspections.
- It was further noted that the inspection methodology of Network Rail, as a railway operator related to a 24 tonne capacity, differed from that of a Highway Authority with responsibility to provide a 40 tonne capacity. Therefore the Council had undertaken an inspection as part of its normal inspection regime and found weaknesses and had, 2 years ago, adjusted the traffic flow by introducing traffic controls pending a replacement bridge. It had been the August 2007 inspection that had identified further deterioration.
- Responding to legal issues the Principal Lawyer reported that from preliminary investigations, the law relating to railway bridges with highways over then seemed to be arcane and out dated. He also commented in general terms concerning possible methods of enforcement against Network Rail.
- While no specific legal advice on this issue had been given by Legal Services at Cabinet the technical issues contained in the report had been addressed by officers in the Highways Construction Division.
- The Construction Projects Team Leader reported that inspections were undertaken in accordance with national legislation, guidance and Bridge Guard 3 protocols.
- Network Rail were required to use a different formula to that used by the Highway Authority when establishing a bridge's tonnage capacity and therefore a cost split using the tonnage figures was considered impracticable.
- Major concern was expressed that assuming a bailey bridge serving 40 tonnes was in place, Network Rail would be under no pressure, other than for reasons of railway safety, to undertake the replacement of the bridge by 2011.
- While Network Rail had been invited to attend this Committee meeting the Cabinet Member (Highways and Transportation) reported that Network Rail had no objection in principle to meeting with councillors, however, they did not wish to meet without proper consideration of the two new assessment reports as any decisions could be rendered invalid if there was something unexpected contained within the reports. No representative of Network Rail was in attendance. The Cabinet Member also reported that technical reports had been prepared by Owen Williams for both the Council and Network Rail.
- The Network Rail estimated programme for replacement was 2011 and there had been no indication that work would be undertaken any earlier.
- The Cabinet Member (Highways and Transportation) re-emphasised that the bailey bridge option would progress only if no better option could be reached with Network Rail.
- The Programme and Contracts Manager reported that even if Network Rail agreed to replace the bridge now, due to design, contracts and building, it would probably be 2 or 3 years before it could be used.
- Based on current information it was confirmed that the problem with the bridge related to maintenance issues e.g. extensive and severe corrosion, rather than any stress issues due to heavy vehicles.
- Since finding the problems the Council had adopted a regular inspection regime to ensure the safety of the bridge to 3 tonne capacity.
- Questioned on the degree of evidence placed before Cabinet it was confirmed that no further information or financial statements had been

supplied to support the alternative options set out in the report to Cabinet on 13th December. In relation to the option of widening and strengthening local roads, it had been automatically assumed that this option would be too costly and take too long to implement.

- Questioning the statement in the report to Cabinet that 'a capital bid of £450,000 had been submitted for consideration' it was noted that this related to a bid to the Council's capital funding under the Medium Term Financial Strategy. No extra external funding was expected.

The Committee noted that the next phase of work would be to consider the latest inspection report and discuss with Network Rail any options to rectify the situation.

(The meeting adjourned between 12.25pm and 1.14pm)

On reconvening the Committee's conclusions were read to the meeting.

RESOLVED: That the Committee agree the need for a temporary crossing however they strongly recommend that Cabinet:

- a) seek urgent clarification as to the legal responsibilities on both Council and owners of non Council owned bridges over which a highway runs;**
- b) considers representation to the Health and Safety Executive on Network Rail's failures to adequately maintain Colwall Railway bridge;**
- c) agree that the final decision on the temporary crossing is treated as a key decision;**
- d) treat this as urgent in view of the detrimental effect on the local community.**

The meeting ended at 1.16 p.m.

CHAIRMAN