

Kirkby Lonsdale Town Council, 8 December, 2021

Update on Saving Ruskin's View/Church Brow

Footpath Closure

1. As agreed at the last Council meeting, a meeting was held on 11 November involving Council members (Councillors Muirhead, Marczynski and Burchnall), the Council's consultants Fairhurst and representatives of the County Council. As the Council's land adjoins Church land, a representative of St Mary's was invited.
2. The purpose of the meeting was to discuss the closure of the Brow footpath which had been initiated by the County Council - the principle of the closure, the extent of the closure and the means of closure. Prior to the last Council meeting the closure point had been moved from the gazebo to just beyond the Glebe Field gates. In particular Fairhurst were asked to comment on the risks facing both the Council's land and the Church lands, and the implications of this for the footpath.
3. A wide ranging discussion took place and as a result Fairhurst agreed to carry out a further site inspection involving a senior surveyor and to give advice to both the Town Council and St Mary's on the risks facing their land and their advice on closure, which could then be considered by the County Council.
4. The further inspection took place on 15 November and the advice to the Town Council was received on 25 November. This advice has already been circulated to all councillors and a copy is attached to this report. A further advice letter was sent to St Mary's Church.
5. In essence the advice is that the footpath should be closed from the gazebo to the new graveyard gates (the original area of closure and that referred to in the formal Notice of Closure issued by the County Council) and that because of the difficulties of predicting when an event may occur, closure should be on a permanent basis until remedial works have been carried out.
6. A copy of this advice has been passed to the County Council and a decision is awaited from them as to what the extent of closure will be. When the Council are advised of the extent of closure, discussions will take place as to how any closure measures can be put in place and the means of communicating this.

Letter from John Short

7. It was reported at the last meeting that a letter had been received from a local resident, John Short, which he had asked to be passed to Fairhurst for consideration and response. This was passed to Fairhurst in advance of the meeting on 11 November. Subsequently, the Clerk received a further email from John Short asking

for a response. In the meantime, Fairhurst had considered the contents of his letter and responded to John Short by a letter of 25 November.

Update on technical aspects

- 8.** In relation to the technical side of the works, the Council has agreed with Fairhurst the company who should carry out the topographical assessment of the site. In parallel Fairhurst will be developing their design solutions for stabilising the embankment and identifying contractors who can quote for the works. This will give the Council a degree of certainty over costs.
- 9.** A key player in carrying out remediation works is the Environment Agency, particularly in respect of works carried out within 8 meters of the river edge. To this end an exploratory meeting was held with an officer of the Environment Agency on 30 November and a further meeting with a senior member of the Agency is scheduled for 14 January, 2022.

Fundraising

- 10.** Whilst the technical solutions for dealing with The Brow issues are likely to be forthcoming over the next few months, the key issue remains one of funding. Former Councillor Batty and the consultant Sam Millar have been examining this and a draft funding strategy is awaited, but it is imperative that the Council progress this as quickly as possible.
- 11.** One possibility is to bring in a professional fund raiser and this is currently being explored and an update will either be provided at the Council meeting or at the January meeting.
- 12.** A specific Brow Fund bank account has now been established by the Council

Timescale and financial implications for the Council

- 13.** From discussions with the Environment Agency it is clear that the remedial works can only be carried out between June and September each year and it is likely that all the works would have to be carried out at one time. The Council is therefore looking to do the works in either 2022 or 2023 - if it is the latter, the footpath is likely to be closed for two years plus.
- 14.** The costs of the works are not yet known, but are likely to be in excess of £1m. The Council has said that to kick start the process it would commit £100k from next year's budget to the process.
- 15.** A full report on the Council's budget will be presented to the precept meeting in January, but in advance of that the Council might like to consider how this commitment could be met next year.

- 16.** Given all the Council's current commitments and the use of Community Infrastructure Level (CIL) to fund the recent river works by the YDNP and the cost of Fairhurst's current contract, the Council are likely to end up the year with a net balance of circa £23k and with £30k of CIKL remaining. The Council are advised to hold a reserve and the £23k is the minimum that the Council should hold. The remaining CIL funds can be transferred to the Brow fund.
- 17.** If the Council keeps the £23k in reserve and holds the precept at the same level as last year, then it is £70k short of being able to devote £100k to the Brow fund. To raise a further £70k the Council would need to raise the precept by 115%, meaning for a Band D council tax payer this would be an increase from £61.69 last year to circa £132.63. Alternatively, any increase could be phased over two years, but this might delay works until 2023.
- 18.** The key consideration for the Council to consider in January is whether it wants to try and carry out the remedial works in 2022, with the implications of funding the full cost of the works in that timescale, or whether the works are carried out in 2023.

RECOMMENDATION

That the contents of this report be noted and the financial aspects be further considered at the January precept meeting.