

The Brow - Technical Team  
 Monthly Report No.5 – MAY 2024

<b>Report No.</b>	05	<b>Author:</b>	Malcolm Perrin
		<b>Date:</b>	07 MAY 2024

<b>Circulation:</b>	<p>All members of the Technical Team plus...</p> <p>Chair for KLTC – Paul Cassell (PC)          Clerk for KLTC - Kevin Price (KP):</p>
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<b>Aims and Objective:</b>	<p>Kirkby Lonsdale Town Council (KLTC) have set up a Technical Team to review existing technical documentation in its possession, with the aim of re-opening The Brow footpath using a cost-effective approach that is low risk and safe for Public access.</p> <p>The KLTC Technical Team was officially announced at a monthly KLTC meeting on 08NOV23. The team comprises of the following members, each skilled and experienced in their own special field...</p> <ul style="list-style-type: none"> <li>• <i>Malcolm Perrin (Lead) – Civil Engineer &amp; KL Town Councillor;</i></li> <li>• <i>Robin Ree – Semi-Retired Engineer &amp; KL Town Councillor;</i></li> <li>• <i>Mike Marczynski – Industrial Chemist &amp; KL Town Councillor;</i></li> <li>• <i>Nick Hampson – Civil Engineering &amp; Chartered Surveyor;</i></li> <li>• <i>John Peel – Retired Construction Director</i></li> </ul> <p>The Team will meet regularly to examine a ‘way forward’ and gather evidence to fill gaps in past reports. The Lead will submit a progress report to the KLTC Chair each month detailing costs, progress and evaluations for the Town Council to approve for development.</p>
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Item	Description	Action	Date for completion
<b>1.</b>	<b>Health, Safety, Environment &amp; Quality (HSEQ):</b>		
a.	<p><u>Statement:</u> All work requested by Kirkby Lonsdale Town Council (KLTC) Technical Team will be planned, managed and monitored in accordance with current Health &amp; Safety legislation, including...</p> <ul style="list-style-type: none"> <li>• <i>Health and Safety at Work Act (HSWA) 1974;</i></li> <li>• <i>Management of Health and Safety at Work Regulations 1999; and</i></li> <li>• <i>The Construction (Design and Management) Regulations 2015</i></li> </ul> <p>... to ensure the health, safety and welfare at work of their employees and contractors.</p> <p>All Contractors will be asked to prepare a Risk Assessment and Method Statement (RAMS) for approval by a member of the Technical Team before work can commence on site.</p> <p>RAMS will include...</p> <ul style="list-style-type: none"> <li>• <i>Proof of training for the task;</i></li> <li>• <i>Current certification for any plant and equipment being used;</i></li> <li>• <i>Proof of adequate Public Liability insurance.</i></li> </ul>	NOTE	
b.	<p>Does the Town Council have Directors and Officers insurance...?</p> <p><i>Directors' and officers' liability insurance – also known as D&amp;O insurance – covers the cost of compensation claims made against your business's directors and key managers (officers) for alleged wrongful acts.</i></p> <p><i>Action: KP will contact our insurers Zurich Insurance and W&amp;FC for advice and report back at next KLTC meeting.</i></p>	KP	Ongoing
c.	<p><u>Incidents / Adverse events to date:</u></p> <p>Despite locked gates preventing Public access along The Brow, many pedestrians continue to climb over handrails at the top of Radical Steps and walk along a well-worn path next to the footpath railings.</p> <ul style="list-style-type: none"> <li>• <i>The 'lost' section of iron railings reported last month has been located at the bottom of embankment, close to the river edge.</i></li> </ul> <p>During the recent Music &amp; Beer Festival (3, 4, 5 MAY24) a lock on gates closest to the Rugby Club was forced open leaving gates open all weekend. Many visitors and families used The Brow footpath to walk to and from the town centre. Many continue to rest at the first viewing platform to enjoy Ruskins View in fine weather.</p>	NOTE	

	<ul style="list-style-type: none"> <li>• <i>KLTC have placed signs at each gate showing the footpath is 'CLOSED' and not taking any responsibility for harm or injury to anyone choosing to use the path.</i></li> <li>• <i>KLTC have agreed not to install any further fencing for fear of vandalism and causing injury by further climbing over spiked iron railings.</i></li> </ul>		
<b>2.</b>	<b>Technical / Engineering:</b>		
a.	<p>Stage 1a – Tree management and vegetation clearance To proceed without delay. Vegetation clearance started in OCT23.</p> <p>The Arbtech THREATS report was sent to YDNPA on 30JAN24 for their approval allowing us to prune relevant trees and branches. This proves a huge saving for the Brow Project because no major work is required... only minimal pruning of branches overhanging the path.</p> <ul style="list-style-type: none"> <li>• <i>Meghann Mezzanotte from YDNPA has finally replied allowing us to commence work on cutting ivy and loose branches.</i></li> </ul> <p>Advise from Arbtech Ltd is not to cut back mature trees in an attempt to reduce wind loading on the Brow embankment. Trees establish a deep root system as large as the canopy spread itself. Trees move and deflect in strong winds and the roots adapt to stormy weather growing stronger in their ground conditions and surroundings.</p> <p>Local tree surgeons Charlesworth will be asked to quote for carrying out maintenance work for KLTC. <b>Minimal and ongoing maintenance work so no competitive tender required.</b></p> <ul style="list-style-type: none"> <li>• <i>Craig Bradshaw has been asked by KLTC to control the weeds along each side of the footpath.</i></li> </ul>	<p>NOTE</p> <p>NOTE</p> <p>JP/RR</p> <p>ONGOING maintenance</p>	<p>31MAY24</p>
b.	<p>Stage 1b. – Survey Monitoring of The Brow Monthly surveys are required for min. 6months to establish any movement in the footpath. Scope of work includes...</p> <ul style="list-style-type: none"> <li>• Level survey required along the footpath for horizontal and vertical movement;</li> <li>• Footpath cracks – to be measured across existing cracks in tarmac;</li> <li>• The Motte stone boundary wall – 3D Laser Point Cloud survey for verticality.</li> </ul> <p>Malcolm Hughes Land Surveyors Ltd (MHL) are appointed to carry out the monthly survey monitoring on The Brow as described above.</p> <p>The 5th of 6No. site surveys is now complete for MAY24. All survey data will be analysed by MHL and presented on drawings, photographs and spreadsheets.</p> <ul style="list-style-type: none"> <li>• <i>Following the clearance of overgrown vegetation along the path in MAR24, a number of historic survey stations were discovered, we suspect from 1996. These have now been 'tied-in' to recent surveys and all data assessed. There appears to be no significant movement of the footpath for over 28 years. This is major evidence to submit to W&amp;FC Highways Team.</i></li> </ul>	<p>NOTE</p> <p>MP/NH</p>	<p>Ongoing</p>

	<p>Further surveys will be required at the top of the embankment to check the condition of footpath support (existing gabions and concrete edge beams). It is likely that part of the footpath is 'undercut' because of drainage issues washing away 'fines' in the stone support. To be investigated when good weather allows and vegetation can be cleared.</p> <p>At some stage a monitoring survey is required at river level to assess the state and extent of water erosion along the riverbank. However, this is not within the scope of Stage 1b. monitoring.</p>		
<b>3.</b>	<b>Communication / Request for Information (RFI)</b>		
a.	<p>It is good practice and recommended that all hard copies of archive material be digitised.</p> <p><i>Action: NH is working hard, turning all hard copy files to .pdf digital files.</i></p>	NH	Ongoing
b.			COMPLETE
c.	<p>Request information from Fairhurst...</p> <ul style="list-style-type: none"> <li>• Reports and surveys for future Pre-Construction Information (PCI);</li> <li>• Borehole logs, trial pit logs, intrusive work on The Brow;</li> <li>• Topographical survey, condition surveys, drawings – all in AutoCAD format.</li> <li>• Data and details of software used in slope stability assessment.</li> </ul>	MP	On HOLD
d.			COMPLETE
e.	<p>Request costs expended on The Brow to date from Town Clerk Kevin Price. It is our duty as a Sub-group of KLTC to record all public monies received and spent on this Project and to remain transparent at all times.</p> <ul style="list-style-type: none"> <li>• <i>ACTION: Town Councillor Nigel Martin (NM), a retired Chartered Accountant is collating costs for analysis from 2016 – to date.</i></li> </ul>	NM/MP	Ongoing
f.			COMPLETE
g.	<p>'Internxt' app is now being used by five members of the Technical team to store and share all information online.</p>	NOTE	
h.	<p>Open communications with local WFC Councillors Ian Mitchell and Hazel Hodgson to inform and take advice on future contact with WFC.</p> <p>A site meeting at The brow took place on 29FEB24 with HH, IM, PC, Austin Shields (W&amp;FC) but no members of the Technical Team (??). I understand it was agreed to collate 6 months of data and then review.</p>	NOTE	
i.	<p>Open communications with W&amp;FC Engineers.</p> <p>MP wrote to Phil Greenup – Assistant Director Sustainable Transport and Highways at Westmorland and Furness Council on 21FEB24, seeking to engage with the right people and ask for technical and legal advice with re-opening the Brow footpath.</p> <p>On 26FEB24 Phil passed me to his colleague Andy Brown – Senior Manager for Highways Asset and Strategy, who has agreed to be our initial point of contact.</p>		

	<p>MP attempting to open communications with Andy Brown. Andy leads a number of services which includes the Public Rights of Way Team, and the Bridges and Structures (which include Slope Stabilisation).</p> <p><i>Action: MP to continue to discuss options with W&amp;FC Engineers</i></p> <ul style="list-style-type: none"> <li>• <i>Andy Brown has accepted a site meeting for 10.00 22MAY24.</i></li> <li>• <i>Items to discuss:-</i> <ul style="list-style-type: none"> <li>○ <i>Survey Monitoring results to date;</i></li> <li>○ <i>Any movement of the footpath and embankment over the past 30 years;</i></li> <li>○ <i>Qualitative v. Quantitative Assessment;</i></li> <li>○ <i>Risk assessment of Public using the footpath – LOW risk;</i></li> <li>○ <i>Remedial works to be carried out;</i></li> <li>○ <i>Resurfacing the footpath.</i></li> <li>○ <i>This is not an exhaustive list of items.</i></li> </ul> </li> </ul>	MP	Ongoing
<b>4.</b>	<b>Programme / Progress</b>		
a.			COMPLETE
b.			COMPLETE
c.			COMPLETE
d.	<p>Planned work for the coming weeks includes a non-intrusive Drainage survey along the footpath and behind the stone wall to prove the flow of rainwater over The Brow and into the River Lune. The concern is that surface water is percolating under the footpath and washing away fine soils supporting the edge of footpath. New drainage pipes will be needed to direct water safely over the embankment to the river.</p> <p>Malcolm Hughes Land Surveyors Ltd will be instructed to carry out a drainage survey along The Brow footpath and in the Church Glebe Field using Ground Penetrating Radar (GPR) techniques in APR 2024.</p> <ul style="list-style-type: none"> <li>• <i>Drainage survey 'ON HOLD' – considered a poor use of funds</i></li> </ul>	NOTE	
		MP	ON HOLD
<b>5.</b>	<b>Commercial</b>		
a.	<p>Malcolm Hughes Land Surveyors Ltd (MHL) submitted a successful bid presenting low cost with an immediate start and are therefore appointed to carry out all survey monitoring for Stage 1b. along The Brow for the next 12months.</p> <p>MHL fees for Stage 1b. only are:- £995 first visit to establish baseline, then £995 / monthly visit to site for 6 months. Costs shown do not include VAT at 20%.</p> <p>Arbtech Consulting Ltd charged £1259 + VAT for their THREATS Survey.</p>	NOTE	
b.			COMPLETE
c.	<p>Costs to date – 07MAY24</p> <ul style="list-style-type: none"> <li>• Malcolm Hughes Surveying: 5monthly surveys x £995 = £4975 + VAT</li> <li>• Malcolm Hughes Historic comparisons / data review = £2040 + VAT</li> <li>• Arbtech Ltd THREATS survey: = £1259 + VAT</li> <li>• Craig Bradshaw: Clearing vegetation / maintenance = ~£1000</li> </ul> <p style="text-align: right;"><u>TOTAL = £9274 net of VAT</u></p>		

<b>6.</b>	<b>Legal</b>		
a.	<p>The Title Register and Title Plan was purchased by NH for KLTC. Documents show clear areas of ownership and adjacent land rights.</p> <p>Land known as ‘Ruskins View’ immediately North of the Radical Steps is owned by KLTC but was never registered at the Land Registry. NH recommends to the Council that the property is registered, thus recording and safeguarding the title to the land for future generations.</p> <p>The application cost for this is small (potentially as little as £20), but it will involve getting at minimum a formal copy of the deeds from Kendal Archive Centre (£15 for the copy) and the production of a formal plan to identify the area on current Ordnance Survey Master Map data (which NH will do at just the cost of the OS data, which will probably be &lt; £50).</p>	NH	Ongoing
b.	<p>KLTC own the land along The Brow. WFC have liability for maintenance – (the top two spits – 150mm) YDNPA regulate the area – D2R Survey was commissioned by the NPA.</p> <p><i>Action: NH to discuss issues and responsibilities with known contact Alison Lea, Planning Inspector – specialist in access and rights of way.</i></p> <ul style="list-style-type: none"> <li>• <i>Can KLTC reassign The Brow footpath a Permissive Path...?</i></li> <li>• <i>Can KLTC restrict access along the footpath by locking gates during severe weather forecasts...?</i></li> <li>• <i>Can KLTC re-open part of The Brow – upto the first viewpoint (St Marys viewpoint).</i></li> <li>• <b><i>All above questions to be put to W&amp;FC at site meeting on 22MAY24</i></b></li> </ul>	NH/MP	Ongoing
<b>7.</b>	<b>Stakeholders</b>		
a.			COMPLETE
<b>8.</b>	<b>Friends of Save Ruskins View</b>		
a.	<p><del>MP outlined key areas of work being carried out by the Technical Team at a presentation to The Friends on 20 FEB 24. See Technical Team Monthly Report No.3 for more details. COMPLETE</del></p> <p>The Friends are now confirmed as a Registered Charity.</p> <p><b>Malcolm Perrin</b> <b>Technical Team Lead</b> <b>07MAY24</b></p> <p>End of document</p>		COMPLETE