

**Kirkby Lonsdale Town Council, 12 January, 2022**

**Item 11, Saving The Brow/Ruskin's View**

**BROW CLOSURE**

As councillors will be aware the physical closure of the Brow footpath is currently from a point past the Glebe gates to a point south of the new Graveyard gates. Keeping that closure secure has been extremely difficult with County Council staff having to re-attach the fences over the holiday period, and eventually having to be reinforced with chains and padlocks provided by County Councillor Cotton.

The Town Council has recognised that a better form of closure must be put in place and has agreed to pay 50% of the cost subject to agreement on the overall cost and design.

Two key decisions are awaited from Cumbria County Council:

- 1) The Town Council's technical consultants have recommended that the footpath should actually be closed from the gazebo to a point beyond the new Graveyard gates and also beyond the footpath leading down to Lily Wood. The County Council were advised of this in mid-December and despite a number of reminders no response has yet been received.
- 2) Closure of the footpath will probably need to be for a minimum period of two years (see below) and the Town Council is still awaiting a revised design of the form of closure from the County Council.

(A map showing the footpath and current Closure Order points is attached for information).

Advance advisory notices were printed by the Town Council and provided to St Mary's Church last year but for some reason these have not been put in place. The Church are checking on this.

Display boards produced and printed by the Town Council, which explained in more detail why the path is closed, have been vandalised. Further copies of these will be displayed when the more permanent closure is put in place.

**VIEWING PLATFORM**

The full closure of the Brow footpath would mean that 'Ruskin's View' will not be available to residents and visitors.

The Town Council and St Mary's are exploring the possibility of erecting a ramped access and viewing platform across part of the old graveyard, which would allow visitors and residents the opportunity to experience the view, albeit without being able to use the footpath. A location within the old graveyard does provide a good viewing point and a ramped access would protect the old graveyard from too much foot traffic.

A sketch design has been produced and a site meeting has been held with the scaffolding firm that erected the temporary footway structure along the river for the Yorkshire Dales National Park. A quote for the works is awaited and this will be reported to the Council as soon as it is

available. The works would also require a Faculty (the equivalent of planning permission) from the Church of England.

At this time, it cannot be assumed that permission would be forthcoming or that such a proposal would be fundable, but as an interim arrangement it would help reduce the impact of the footpath closure.

## **ALTERNATIVE ACCESS ARRANGEMENTS**

With the closure of the footpath two issues arise – can an alternative footpath be provided and/or how can access be obtained to the new graveyard.

The Town Council does not own any land that would enable an alternative footpath to be provided. The only feasible access is via privately owned land (ie Church and Underley Estate land) and for understandable reasons the Church do not want to encourage unrestricted public access to the Glebe and The Motte. Therefore, an alternative path does not appear feasible.

However, controlled access to the new graveyard is required and is of concern to a wide range of people in the community. In particular, access is required for funerals, and funeral parties, those visiting graves in the graveyard and for maintenance. At present St Mary's are permitting controlled access for two hours per week via the Rector's garden for those wishing to visit the new graveyard, and access is available via the Rugby Club from the north end. However, for funerals this is a difficult and unsatisfactory route.

The Church have indicated that if a viewing platform is constructed then this would provide an access, via a gate in The Glebe wall for funerals and funeral parties, together with controlled access for those wishing to visit the new graveyard.

However, it is by no means certain that a viewing platform can or will be constructed. In this event the Town Council should encourage the Church to provide a level means of access across the old graveyard (along the line proposed for the viewing platform) and a gated access into the Glebe. This would allow controlled access to the Glebe/new graveyard for funerals, funeral parties, visitors to the new graveyard and for maintenance.

## **TECHNICAL UPDATE**

At the Council's last meeting it was agreed that Commendium be appointed to carry out the topographical survey. This survey was carried out before Christmas and the following interim report has been provided by Commendium.

*Interim Report: 9<sup>th</sup> Jan 2022*

*On 22<sup>nd</sup> Dec 2021, Commendium performed an initial survey of Ruskin's View. This involved a complete LiDAR survey of the area between the Rugby Club and the St Mary's Churchyard. This has provided a based model of the area which has been supplied to Fairhurst as an AutoCAD model. It includes the length of the path, the Churchyard, gardens of the Manse, the Mott, the far north*

*graveyard, the slope itself and the far river bank. A total of 25 points along the path have had fixed GPS points placed and measured with 4 control points in the four corners of the survey area. Finally, eight white/orange survey poles were placed in a vertical position on the slope itself. Each month the GPS points will be resurveyed to detect any movement and the poles visually inspected for signs of movement.*

*We noted at this time that there was fresh signs of soil slippage over many parts of the slope and the brick walls supporting the path itself are failing.*

*We visited the site on 30<sup>th</sup> Dec to check on any noticeable change. Of note was that pole 1, the southmost pole was noticeable off-vertical which could indicate the surface of the slope is moving at the southern end. However, no noticeable change to the other poles was noted. We revisited on 9<sup>th</sup> January, and no further movement was noted, however, we were not able to walk along the path as the areas is now securely locked. We must add, that this report would have had a recommendation to secure the area completely as when we were surveying the warning barriers and signs were being ignored by many walkers.*

*The first resurvey of the GPS points is scheduled for 21<sup>st</sup> Jan, where the bathymetric survey of the river will take place as well. This will give us the first chance to empirically detect any movement of the slope. We shall be accessing the far side of the river at this time. We did not need to do this on our first visit as the river was so low.*

In view of the views expressed in this report it has been sent to the County Council and a response has been requested in time for the Council meeting.

Because the issues with The Brow extend on to land owned by St Mary's (the old graveyard, the Glebe, the Motte and the new graveyard), the Church are commissioning two surveys. Boreholes are to be drilled within the church lands and the PCC are awaiting a proposal from Fairhurst's on where the holes should be drilled. The PCC is also commissioning a survey of the drains under the church land to establish the position of the drains - this work is to be carried out at the beginning of February, the earliest date available from the contractor.

From discussions with the Environment Agency, it is clear that remediation works to The Brow can only take place between June and September. The technical work, appointment of contractors and achieving the various permissions cannot be in place by June of this year, and sufficient funding will not be in place by then. The earliest start date for works is therefore June 2023 and it is recommended that this be the target date to achieve full funding and start on site.

## **FUNDRAISING**

Following the last meeting the draft Funding Strategy prepared by Sam Millar for the Council was printed and a copy provided to all councillors. It was agreed that the appointment of a professional fund raiser be explored and a verbal update will be given on this aspect.

Fundamentally, the Town Council does not have a councillor who is leading on fundraising, following the resignation of Marie Batty, although Marie has said she is still willing to assist with this. Without a lead councillor there is a serious risk that little or no progress will be

made on fundraising. The Council could end up with technical solutions but insufficient funds.

As outlined above, the target date to start on site must be June 2023 and all funding must be in place by then. This is the date which will be used as part of the funding strategy.

The exact cost is not known at this time but should be known within the next few months – a figure in excess of £1million is expected. The Town Council has agreed to pump prime the fundraising with £100k and this is dealt with elsewhere on this agenda (item 9c, setting the Precept).

Tim Farron MP has approached the District and County Councils, as well as the Yorkshire Dales National Park and the Environment Agency, on behalf of the Town seeking financial support for The Brow. He has received letters of broad support and a willingness to work with the Town Council, but no offers of financial support. At the last meeting the Town Council resolved to ask Councillor Nick Cotton to arrange a meeting with senior officers and politicians at the County Council.

## **AKL**

The issues with The Brow are not just the Town Council's and discussions have been taking place with St Mary's Church, the Rugby Club and the County Council. In order to provide the Town as a whole with an overview of what is happening it is recommended that an article be submitted for the February edition of AKL, agreed, if possible, with all these parties.





