

REPORT FROM: Environmental Services Manager

TO: Colne and District Committee

DATE: 5th January 2023

Report Author: Tom Partridge

Tel. No: 01282 661059

E-mail: Tom.partridge@pendle.gov.uk

FOR INFORMATION

COLLAPSE OF PUBLIC FOOTPATH 211 TRAWDEN AT WYCOLLER COUNTRY PARK - UPDATE

PURPOSE OF REPORT

- (1) To provide an update on progress towards implementing this project.
- (2) To respond to a letter sent to the Committee by the Chairman of Trawden Parish Council.

ISSUE

Wycoller to Laneshawbridge footpath collapse – update

We received the first reports about the most recent collapse to this footpath in February 2020 and the footpath has since been subject to a temporary closure order on safety grounds, but with a temporary alternative through the adjoining field which was set up with the agreement of the owners.

The possible engineering solutions we have looked at include:

- (1) stabilising the land and making permanent the diversion into the farmer's field,
- (2) building a bridge over the collapsed section, or
- (3) restoring the land so that the footpath can run on its original alignment.

For all options would include a drainage system will be installed to intercept surface water and water from the existing field drainage system to ensure the future stability of the structure.

Under the Highways Act 1980 the maintenance of public rights of way is the responsibility of the highway authority, in this case Lancashire County Council, and therefore any major structures built as part of the public rights of way network require LCC's consent. In addition the collapsed section of footpath is within LCC's ownership. We looked initially at restoring the land and making permanent the diversion (option 1) but we were unable to reach an agreement with the landowner for this. We therefore looked at constructing a bridge over the collapse (option 2) but this proposal

has been rejected after consulting LCC. Pendle BC and LCC engineers recent met on site and agreed that a retaining wall constructed with rock bags and reinforced fill would be acceptable, but the most effective and cost efficient solution would also involve the diversion of the footpath into the adjoining farm land, i.e. on the current temporary route (i.e. back to option 1). The owner of the land recently came to a further site meeting with Pendle BC staff including the Engineering Manager to try again to see if we could reach an agreement around diverting the footpath. This did not prove possible so we are now working on a design to construct a retaining wall with rock bags and reinforced fill to restore the footpath to its original position (i.e. option 3). There is further work required to prepare budget estimates, and ensure that the necessary funding is in place. We will also have to apply for Environment Agency consent for the work in the river. We're hoping to have a design for the end of February to start consultations with LCC, adjacent landowner and the EA. The aim is that the work on site will start in July 2023, but this is still subject to having the required funding and consents in place.

Letter received from the Chairman of Trawden Parish Council

The text of the letter received is included in Appendix 1. Our response is that the land above the collapse is in private ownership, not in Lancashire County Council's land ownership. Problems associated with the drainage of the land above may well have led to the instability at the site of the collapse, and arguably the owners of the land may have some responsibility. But equally, the highway authority has powers to install drainage systems for the purpose of highway and public rights of way drainage, so it could have acted prior to the collapse to install sufficient drainage to protect the footpath. However, in seeking to resolve this problem we have been focused on finding solutions rather than apportioning blame, and working in partnership with Lancashire Council on public rights of way maintenance as we have done for nearly 50 years. And we are pleased to have a productive working relationship with the landowners, which has been essential for permitting the temporary diversion, and may prove invaluable for accessing the land during construction.

IMPLICATIONS

Policy: None arising directly from this report.

Financial: None arising directly from this report.

Legal: None arising directly from this report.

Risk Management: None arising directly from this report.

Health and Safety: None arising directly from this report.

Sustainability: None arising directly from this report.

Community Safety: None arising directly from this report.

Equality and Diversity: None arising directly from this report.

APPENDICES

Text of letter from Trawden Parish Council.

LIST OF BACKGROUND PAPERS

None

APPENDIX 1 Text of letter from the Chairman of Trawden Parish Council

Re: Problem Footpath at Wycoller

In the late eighties, people in winter were having difficulty on the path, just past the Pump House, Wycoller to Laneshaw Bridge because of a bogey area. At times, they had to climb over the wall into the next field where the temporary footpath is at present; and then climb back again.

It is now obvious that the ground was sound before and after the land slide, and that there has been a problem in this area being on a big banking down to the river. It is that there has been an issue with water here for a long time.

On looking up the adjoining field, the line and depression that has been created, was from a drain. As land manager, Lancashire County Council had a responsibility to clear it, so that the water could escape. We must remember the catastrophe in Aberfan in Wales, where the ground was solid until water was added into it, and then it became vastly unstable.

The Parish Council feel that, as Lancashire County Council are owners and managers of this land, they should be held responsible and repair their mistakes in the 20-30 years that this problem has been in existence. They have a duty for the safeguarding of the footpath, and by not maintaining the drain, they should be responsible for its reinstatement.