PEDESTRIAN/CYCLEWAY BRIDGE OVER THE RIVER NITH, CASTLEDYKES - DUMFRIES

1. Reason for Report
To report the decision of the Scottish Ministers in respect of the Public Local Inquiry held in December 2004 for the Castledykes Pedestrian/Cycleway Bridge Scheme.

2. Background
2.1 The proposed pedestrian/cycleway bridge forms part of the Dumfries Southern Sector Access Strategy Project and also the South West Scotland Visitor Access Project, which are currently being progressed.

2.2 The **Dumfries Southern Sector Access Strategy** is aimed at addressing present and future needs by providing a sustainable access package to unlock the potential of the Crichton University and Business Complex and to encourage greater use of public transport, walking and cycling. As well as providing improved access to the Crichton site, the project will also improve access to the adjacent hospitals and surrounding area.

2.3 Funding for the Strategy totals some £2,939,000 and includes funding from the Scottish Executive Public Transport Fund, the Scottish Executive Cycling, Walking, Safer Streets Fund, the Crichton Development Company and Dumfries and Galloway Council.

2.4 The **South West Scotland Visitor Access Project** is a linked access package involving walking and cycling facilities across Dumfries and Galloway. Details of initiatives included in the project are shown in **Appendix 1**.

2.5 The project involves a relatively complex funding package totalling £1,980,000. Council funding, funding from the Scottish Executive’s Public Transport Fund and funding from other external partners (including Scottish Natural Heritage, Solway Heritage, and Forest Enterprise) has been used as 50% match funding for the European Regional Development Fund application. It should be noted that monies available from the Scottish Executive’s Public Transport Fund for the cycle/pedestrian bridge at Castledykes forms part of the match funding.

2.6 The attached drawing, TM/D/05/75, shows the location of the bridge site.

3. Key Points
3.1 On the understanding that navigational issues were covered under the Coast Protection Act 1949 and that all necessary permissions had been obtained from the Scottish Ministers, the Council awarded a contract to construct the bridge on 11 August 2003.

3.2 During the works concern was raised by a small group of people in respect of navigational issues. A subsequent Council audit of procedures identified that not all the necessary statutory procedures were in place and the Council decided to stop the works on 26 September 2003, after the site was made safe.
3.3 Subsequently, the Scheme was submitted for confirmation to the Scottish Ministers under the Roads (Scotland) Act 1984 in terms of Section 75(3) of the Act. In accordance with Part II of Schedule I to the Act, notification of the Scheme was published on 26 September 2003.

3.4 Objections to the Scheme were received from nineteen individuals and from the Dumfries Cruising Club.

3.5 Representations in support of the Scheme were received from two individuals and from the Troqueer Tenants and Residents Association.

3.6 A Public Local Inquiry was held in Dumfries on 8, 9 and 10 December 2004 by the Scottish Executive Reporter Mr R.W. Jackson LLB.

3.7 In the recommendation section of his report to the Scottish Ministers, Mr Jackson indicated that:
- “In view of my findings that recent past and current use of the river for navigation by vessels other than small pleasure craft that would not normally be affected by the proposed bridge is minimal, I am satisfied that based on past and recent usage, only a very few sailing boats would be affected by the construction of the bridge. I have seen no compelling evidence that would lead me to believe that such very limited usage is likely to increase. I am satisfied that the evidence shows that there is no reasonable demand for a marina development in Dumfries because the Nith is not attractive to recreational sailors from a navigational viewpoint...” and “I consider that the marina/pontoon proposals put forward by objectors are seriously deficient and are not likely to be economic. For these reasons the proposals would be unlikely to succeed and certainly not upstream of the proposed bridge. If any such marina type development was able to overcome the formidable problems associated with navigating the River Nith then I consider that such development, if it was to occur at all, would be more likely to occur downstream at a more accessible location such as Kingholm Quay”; and
- “In contrast, the bridge would be of potential benefit to a wide range of users, including employees and visitors at the Crichton/hospital site, avoiding use of the busy St Michaels Bridge, as well as local leisure users, such as young people going to the skateboard/BMX track, leisure cyclists and mountain bikers going to or from Mabie forest. It would also accord with the full range of national, strategic and local planning policies and aspirations regarding encouraging pedestrian and cycling use. This public policy support has also been subject to wide public consultation, particularly in the shape of the structure and emerging local plans and the Local Transport Strategy. I therefore recommend that the Dumfries and Galloway Council Castledykes (Dumfries) Pedestrian/Cycleway Bridge and Cycle Track Scheme 2003 be confirmed.”

3.8 Following consideration of the Reporter’s report the Scottish Ministers confirmed the Scheme by letter dated 13 May 2005. The Scottish Executive advise that “Any person aggrieved by the Scheme desiring to question its validity may within 6 weeks of the date of publication of the notice of confirmation apply to the Court of Session as regards that validity.” The date of publication of the notice was 20 May 2005.
4. Financial Implications
4.1 Within the Dumfries Southern Sector Access Strategy Project, the Castledykes Pedestrian/Cycleway Bridge was originally allocated £500,000 in the bid submission.

4.2 The tender for the bridge was awarded to Storey Construction at a sum of £475,668, giving a total scheme cost of £550,000. This scheme cost was contained within the Dumfries Southern Sector Access Strategy Project budget.

4.3 To date some £332,000 has been spent in progressing the bridge. This includes some £28,000 spent on demobilisation by the contractor, storage costs for the bridge and site maintenance since the works were stopped.

4.4 The Director of Combined Services has indicated that the costs required to complete the bridge are some £443,000. This takes account of costs associated with a delay of almost 2 years. The main elements of increased costs are associated with re-mobilising the contractor, re-establishing the site, surface treatment of bridge structure, fabrication, cranage and materials. The Director of Combined Services advises that because all foundation work is completed there are unlikely to be any further unforeseen costs for the Council.

4.5 The allocation remaining for the bridge is some £218,000 (Scottish Executive Public Transport Fund – Section 70 Grant).

4.6 It is recommended that the shortfall funding of £225,000 be managed within the Dumfries Southern Sector Access Strategy Project. This would however require additional funding to be found should Members decide to progress with the Glencaple Road Re-alignment (currently deferred).

4.7 The arrangements suggested in paragraph 4.6 would require confirmation by the Scottish Executive in respect of the Public Transport Fund. Initial indications are favourable subject to confirmation.

4.8 The Director of Combined Services has indicated that the new estimated cost of the bridge project of some £775,000 would continue to represent value for money at current prices. He has also indicated that the contractor has identified a 24 week programme, commencing as soon as the Council gives an instruction to continue, to complete the fabrication of the bridge and install it on site. The earliest date siteworks could commence would be Monday, 4 July 2005 (6 weeks beyond the Scheme advertisement date of 20 May 2005). A 24 week programme would see the bridge in place and the contract completed by week ending 23 December 2005.

4.9 The Director of Combined Services has indicated that there would be additional costs associated with not completing the bridge. These costs could possibly amount to some £50,000.

4.10 It is also worth noting that there would be implications for the South West Scotland Visitor Access Project if the bridge was not to be completed. The £500,000 Public Transport Fund funding identified in the bid document could not be used as matched funding and this would mean that £500,000 of European Regional Development Fund funding would not be available. The new project total would be £960,000 as compared with £1,960,000 currently available.
4.11 Consideration would need to be given to reducing elements of the project in scale or removing elements completely to allow a smaller scale project to progress within the finance available.

4.12 Reducing the project from £1,960,000 to £960,000 is unlikely to meet the outputs outlined in the original application and in these circumstances there is an element of risk as to whether or not this would be acceptable to the South of Scotland European Partnership.

5. Consultation
The Director of Combined Services and the Director of Financial Services have been consulted and are in agreement with the terms of the report.

6. Recommendation
Members are asked to:

6.1 note that the Scottish Ministers have confirmed the Dumfries and Galloway Council Castledykes (Dumfries) Pedestrian/Cycleway Bridge and Cycle Track Scheme 2003;

6.2 agree the funding allocation identified from the Dumfries Southern Sector Access Strategy Project for the Castledykes Pedestrian/ Cycleway Bridge.

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APPENDICES - 2

Background Papers:
South West Scotland Visitor Access Project

The elements of the project are as follows:

1. The pedestrian/cycleway bridge over the River Nith at Castledykes, Dumfries.
2. A connection between National Cycle Route 7 at Newton Stewart and the National Cycle Network in Northern Ireland via the ferry terminals at Stranraer/Cairnryan (including an off-road path at Newton Stewart).
3. An off-road path along the corridor of the Maxwelltown Railway Line, Dumfries.
4. Links to Ae Forest and Mabie Forest/Caulkerbush.
5. Coastal access in the Stewartry, the Machars and the Rhins.
6. Path and footway works in Stranraer.
8. A path connection between Stranraer and Cairnryan.