

TWO TUNNELS GREENWAY

MEETING OF THE TTG/BathNES Council/Sustrans STEERING GROUP HELD AT TRIMBRIDGE HOUSE BATH ON 8 JAN 10

MAIN POINTS AND ACTIONS

| | | | |
|-----------------|-----------------|------------------|----------------------------|
| Present: | TTG | Gitte Dawson | Chair |
| | Sustrans | Malcolm Shepherd | CE |
| | | Paddy Tully | TT Project Manager |
| | BathNES Council | Roger Symonds | Council Cycling Champion |
| | | Neil Butters | Councillor, Bathavon South |
| | TTG | Adrian Clarke | Transport Policy Manager |
| | | Frank Tompson | Secretary |

1. Apologies

BathNES Council, David Trigwell (last minute – because of council redundancy issues).

2. Main Points and Actions from 27 Nov 09 meeting

Items taken under agenda headings.

3. BathNES Council Approval to Proceed and Signing of the MOU

Single Member Decision (SMD) - This was now urgent because of the need to spend the Railway Heritage Trust £40K grant before the end of the financial year. Adrian Clarke had duly drafted the SMD report originally intended for December, and circulated it.

Steering Group members were dismayed to hear that **still** further legal input was required to clarify potential liability in adopting the tunnels as part of the public highway (eg something falling from a tunnel roof), and further scrutiny of the revised Sustrans business case. A meeting with Legal Services, arranged some time ago, had been postponed, and while a new meeting had been scheduled there was no clear indication of how long it would take to resolve these newly raised issues.

Two consents were outstanding: (1) whether planning permission was required for the temporary bund from the spoil from Devonshire Tunnel excavation, later to be used for infilling the new bridge heads, as no guidance had yet been received from Planning Services; and (2) whether permission was required from Property Services to begin work on land under their control. On the latter, no information was available as to who could give such permission, and whether they had even been asked.

Action: AC to establish if such permission is required and secure it.

Roger Symonds was completely perplexed that, while the Council clearly considered this project important enough to cover every conceivable risk and expense, there was no-one at a senior level giving clear direction, or willing and able to finally tie up all the loose ends, to the point where £40K of grant funding was now at risk. He reminded the meeting that both planning permission and £1m Lottery funding were granted over two years ago. The meeting appreciated Adrian Clarke's efforts to take things forward but recognised that he had limited power to persuade other parts of The Council to deal with outstanding matters promptly. Approaches from the councillors to senior officers for help with this crucial issue were discussed.

Post Meeting Note: RS has obtained agreement from BathNES Council's CE, John Everitt, to convene a meeting for week commencing 11 Jan 10 to bring everyone together to discuss the issues.

Given the urgency of the SMD, Steering Group members wondered whether the legal issues could not be resolved more quickly, over the telephone or via email, in the hope that the Fri 14 Jan 10 report publication deadline for a 1 Feb 10 final decision might still be met.

Council Fees - Even though Sustrans were now taking responsibility for over half the land and structures on the route, the draft SMD report now projected £80K rather than £50K to be required by the Council to cover approval processes, Construction Design and Management (CDM) Regulations and adoption of the route. It was not clear to Sustrans why this should be the case as at least some of these items attracted a standard statutory rate. The raising of such fees was not normally the case in Sustrans dealings with other local authorities. The National Lottery had already queried the original £50K and a detailed explanation would be required.

Action: AC to obtain a breakdown from the Design and Projects Team and pass to PT

Volunteer Labour - Sustrans confirmed that no volunteer labour would be used in route construction.

Funding Gap - While latest estimates showed a £60K funding gap (partly caused by the above increased fee estimate), plans for further fundraising could be put in place and this was not a reason to hold up the project, which was, in any case, due to be undertaken in phases.

Timescales - As stated above, the earliest possible date for MOU signature was now 1 Feb 10 (allowing one week's consultation before the decision can be made plus a further week's call-in period before the decision becomes final.) Work must start **by 15 Feb 10** to ensure completion by the end of Mar 10. **The timescale has reached a critical point with no room for any slippage at all.**

4. Project Management

Digging Out Devonshire Tunnel - 5 contractors had been invited to tender by Sustrans, and, to date, 4 had confirmed they would be bidding. Bids were due back by 18 Jan 10, and the successful company would be appointed about a week later. Mon 15 Feb 10 was the target date for starting work, but sooner if the successful contractor was able. With the exception of the items listed at para 3 above, all planning conditions and legal requirements had been discharged to allow work to start. Completion was essential by the end of March this year as the Railway Heritage Trust grant of £40k for the restoration of the Devonshire Tunnel Portal depended upon work being completed within the current financial year. As stated above, confirmation that no planning permission for the temporary bund was required was still awaited. If planning permission **was** required, the spoil would have to be carted off site, at considerable expense, because time was now too short to secure such permission.

CCTV at tunnel entrances - As agreed with Council representatives, a microwave link was the most cost-effective solution long-term. This included infra-red detection in times of darkness.

Bats – Following the recent meeting between Natural England and Sustrans, and on the advice of Roger Ransome, Sustrans' bat expert, it had been agreed that lighting should be turned off between 11pm and 3am. Formal Sustrans mitigation proposals, which, it was hoped, would result in a licence for work to proceed on both tunnels, would be submitted shortly. Eight weeks was the normal timescale for Natural England to grant a licence.

Action: PT

Midford Castle Stretch - Initial contact had been made with Mr Scott Adams, the new owner of Midford Castle, following its recent sale. Paddy had spoken with him about the possible purchase of a small piece of his land to facilitate upgrading the path for cycling in addition to walking, and initial indications were positive. Paddy would now follow up the initial approach.

Action: PT

5. Any Other Business

A TTG route walk was to be held on Sat 30 Jan 10. All were welcome to attend.

Action: FT to arrange for notification to Sustrans for onward dissemination to members.

Given that initial work was due to commence on digging out Devonshire Tunnel on 15 Feb 10, consideration should be given to a celebration event prior to the next Steering Group meeting.

Action: All

6. Date and Location of Next Meeting

Fri 19 Feb 10 at 2.30 in the Ralph Allen meeting room (2nd floor) Trimbridge House

Action: NB to arrange a room and coffee please.

10 Jan 10

Frank Tompson
Secretary