



---

**REPORT TO: MORAY COUNCIL ON 6 MARCH 2024**

**SUBJECT: TELFORD BRIDGE, CRAIGELLACHIE**

**BY: DEPUTE CHIEF EXECUTIVE (ECONOMY, ENVIRONMENT AND FINANCE)**

**1. REASON FOR REPORT**

- 1.1 To inform Council of the condition of Telford Bridge and what options are available for its future operation.
- 1.2 This report is submitted to Council in terms of paragraph II (20) of the Scheme of Administration relating to matters which currently do not fall within the terms of reference of any Committee.

**2. RECOMMENDATION**

**2.1 It is recommended that Council:-**

- (i) notes the ownership, condition and maintenance responsibilities relating to the Telford Bridge as set out in the report;**
- (ii) agrees that the Council's future responsibilities are as set out in para 7.2 – 7.5; and**
- (iii) agrees that should there be sufficient interest from an external group that the Council would further explore the options set out in paras 7.6-7.10 subject to its reasonable costs being covered by a third party.**

**3. BACKGROUND**

- 3.1 This report has been prepared in response to the Notice of Motion to the meeting of Moray Council on 27 September 2023, regarding Telford Bridge, Craigellachie – Ownership and Future Development (para 8 of the minute refers). The Notice of Motion is provided in **Appendix A**.
- 3.2 Telford Bridge was constructed in 1812 by Thomas Telford to provide a crossing over the River Spey at Craigellachie. In 1972 this bridge was replaced by the New Craigellachie Bridge, which carries the A941 over the River Spey. Since 1972 Telford Bridge has remained open to pedestrians and cyclists only.

- 3.3 Given the absence of clear ownership, views on what is required to maintain the bridge are complex and it may be helpful to considered in two contexts: a) the bridge as a structure which has an adopted public road passing over it and the council's responsibility as roads authority; and b) the bridge as a historic local landmark and where responsibilities lie in this regard.
- 3.4 The council has a role as roads authority and the majority of the report is written in that context, in terms of the rights and obligations on the council.
- 3.5 The bridge is an iconic and historic local landmark, however, the council has no specific responsibilities for the structure in that regard, as it does not own the structure and does not have a duty to preserve the bridge as a landmark. The latter part of this report tries to recognise the bridge in this context and set out options whereby those with legitimate interests in preserving it as a landmark may be able to take action.
- 3.6 Interest in leasing the bridge under the CAT process, to raise funds and refurbish the bridge was expressed by a local charity, Friends of Craigellachie Bridge. However, this interest was withdrawn in May 2022.

#### **4. CONDITION OF THE STRUCTURE**

- 4.1 A Principal Inspection of the bridge was carried out in 2014. This inspection found that the bridge was not considered dangerous. However, the paint system on the bridge has failed, which will increase the rate of deterioration if refurbishment work is not undertaken.
- 4.2 The Friends of Craigellachie Bridge undertook a drone survey of the bridge in 2022, the conclusion and recommendation of which were that an additional in person survey is required.
- 4.3 A General Inspection was undertaken by the Council in 2023. The findings of this inspection are that maintenance works required are low to medium priority.
- 4.4 To fully assess the current condition of the bridge would require a Principal Inspection and a Structural Assessment to be undertaken. The Structural Assessment would provide details of the bridge condition and any works required. The cost of the Principal Inspection and Structural Assessment would be in the region of £30,000.
- 4.5 Council Officers met with Friends of Craigellachie Bridge and at this meeting the group indicated that they are willing to carry out a survey of the bridge and officers have provided information to enable this to happen.

#### **5. OWNERSHIP**

- 5.1 Ownership of the bridge is not known. At the time of construction half of the funds came from the government and the other half from subscriptions. To establish ownership a full title investigation would need to be undertaken, which would require a significant amount of work from the Council's Legal

Services Section. This section is currently under resourced and it is unlikely it would be able to undertake this work in the foreseeable future. This work could be outsourced but significant input would still be required by Legal Services. There is no budget identified for such costs in the council's revenue budget. It should be noted even a full title investigation may be unable to identify the bridge owner.

## **6. MAINTENANCE RESPONSIBILITIES**

- 6.1 While Telford Bridge is no longer used for road traffic, it is still on the Council's List of Public Roads (LOPR), listed U150H. Although the Council does not own the bridge, it has sufficient powers to enable it to undertake maintenance works to the bridge such as it considers necessary in order to fulfil its duty to maintain the road (i.e. the road carried by the bridge). As such, Moray Council has no need to take ownership of the bridge.
- 6.2 As set out above, whilst there are low to medium priority works identified in the General Inspection in 2023. As this bridge is closed to vehicular traffic and an alternative route is provided by the new Craigellachie Bridge, it does not meet the criteria necessary to be prioritised for maintenance works under the council's Bridge Maintenance Prioritisation Policy. Consequently, there are currently no maintenance works allowed for this bridge in the Council's Revenue or Capital budgets.

## **7. FUTURE OPTIONS**

- 7.1 Potential options for the future ownership / leasing of the bridge are provided below.
- 7.2 Status Quo – this option recognises the existing rights and obligations of the Council, whereby the Council retains responsibility for all future maintenance of the road carried by the bridge, in line with its current statutory duty, and relies upon its statutory powers in terms of any future maintenance requirement for the bridge structure itself.
- 7.3 As this bridge does not meet the criteria necessary to be prioritised for maintenance works under the council's Bridge Maintenance Prioritisation Policy it would not be put forward for significant maintenance and refurbishment works. This will result in a managed decline of the bridge with eventual closure and possible demolition (and associated stopping up of the right of passage for pedestrians and cyclists). The Council has a duty under the Buildings (Scotland) Act 2003 to ensure public safety and as the owners of the bridge cannot be identified, it may be required to undertake demolition of the bridge at its own cost. This is no different to other buildings or structures in the Moray area, for which the council may need to assume responsibility if ownership cannot be established and the structure is no longer safe.
- 7.4 As stated in paragraph 4.1, the paint system on the bridge has failed which will increase the rate at which the bridge condition will deteriorate. If works are not undertaken to address the condition of the bridge it is likely it will need to be closed to all users at some point in the future and eventually demolished. The cost of demolition will depend on environmental constraints

and market conditions when the works are required, however, it is likely to be in excess of £1,000,000.

- 7.5 Whilst a de-listing or stopping up order could be pursued to remove maintenance obligations, given the absence of clear ownership and the current deteriorating condition of the bridge, the legal advice given to officers is that this may not relieve the council of all obligations, not least any duties under the Buildings (Scotland) Act 2003 mentioned above.
- 7.6 The following options are identified to recognise the interests in preserving the bridge as a historic landmark.
- 7.7 **Community Asset Transfer** – the Community Empowerment Act gives community groups a right to ask to take over control of Council assets. They can ask to buy or lease an asset or for the transfer of other rights, such as might be included in a management agreement or other similar arrangement. However, before the Council could agree to any form of asset transfer arrangement, it would first need to acquire the necessary property rights. Property rights could be acquired under Compulsory Purchase Legislation (CPO). The cost of progressing a CPO would depend on the amount of work required but a similar process was undertaken in 2022 at a cost of approximately £23,000, including VAT. This cost is for an external solicitor only and does not allow for officer time required to manage the contract or gather and collate the information required. This indicative cost would not cover the costs of any detailed title investigation. The costs could also be higher if any parties objected to any proposed CPO. It is recommended that if this option is pursued, that it is clear that the costs to the Council of undertaking a CPO (and any associated activity) are required to be third party funded, and that any additional liabilities to the council are understood and agreed prior to any decision to CPO.
- 7.8 **Purchase / Lease from owner** – theoretically, a group interested in refurbishing the bridge could approach the owner of the bridge and negotiate the purchase or lease that would allow them to undertake this work. The owner of the bridge is currently unknown and would need to be identified if this option was to be progressed. Whilst it is recognised that this could be a complex undertaking, the actions and costs associated with direct purchase / lease would be for any interested group to consider.
- 7.9 **Other funding routes** - It may be possible, under certain circumstances, for an interested party to provide funding to the council for works to the bridge. Whether this could be done within the current position around ownership, or whether the council would need to have established ownership through CPO would need further exploration. If this was a route to be pursued then further advice would be taken.
- 7.10 If a group were to take ownership, management or control of the bridge, consideration would need to be given by the Council as to whether it remained appropriate for the right of passage for pedestrians and cyclists to be maintained as adopted road with a continuing duty for maintenance of that road or if the road should be either de-listed or otherwise stopped up.

## **8. FRIENDS OF CRAIGELLACHIE BRIDGE**

- 8.1 The Friends of Craigellachie Bridge was established as a SCIO (Scottish Charitable Incorporated Organisation) in April 2016 with the object of promoting, preserving and conserving Craigellachie Bridge. Initially, the charity approached the Council with a view to leasing the bridge through the CAT Scheme. However, following advice from the Community Ownership Support Service (COSS), they withdrew that interest. Nevertheless, they are interested in options that may enable them to take an active role in preserving the bridge for the future. Council officers will continue to engage with them, or other groups with similar interests.

## **9. SUMMARY OF IMPLICATIONS**

### **(a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))**

Building a better future for our children and young people in Moray.

### **(b) Policy and Legal**

The Council does not own the bridge but it has statutory powers to enable it to undertake maintenance works to the bridge such as it considers necessary in order to fulfil its duty to maintain the road (i.e. the road carried by the bridge).

### **(c) Financial implications**

The costs associated with Principal Inspection, Structural Assessment and maintenance are not currently included in the council's revenue or capital budget. If the council decides to fund any of these works this would result in unplanned expenditure.

At the time of writing this report, it was proposed at its meeting on 28 February 2024 that the Council would balance its budget by using reserves and one-off financial flexibilities. The indicative 3 year budget showed a likely requirement to continue to make savings in the order of £13.5 million in the next two years. All financial decisions must be made in this context and only essential additional expenditure should be agreed in the course of the year. In making this determination the committee should consider whether the financial risk to the Council of incurring additional expenditure outweighs the risk to the Council of not incurring that expenditure, as set out in the risk section.

### **(d) Risk Implications**

The Council does not own the bridge but it has statutory powers to enable it to undertake maintenance works to the bridge such as it considers necessary in order to fulfil its duty to maintain the road (i.e. the road carried by the bridge).

### **(e) Staffing Implications**

If Members decide to facilitate a CAT or other transfer to a local group to enable them to refurbish the bridge it would first have to acquire the necessary property rights. The bulk of the legal work required to acquire these rights would be outsourced to the Council's framework solicitors,

however, legal services would be required to gather and collate all relevant information and manage the contract with the framework solicitors.

**(f) Property**

The Council does not own the bridge but it has statutory powers to enable it to undertake maintenance works to the bridge such as it considers necessary in order to fulfil its duty to maintain the road (i.e. the road carried by the bridge).

**(g) Equalities/Socio Economic Impact**

There are no equalities implications related to the recommendations in this report because they do not affect groups of people in different ways.

**(h) Consultations**

The Depute Chief Executive (Economy, Environment and Finance), Head of Environmental and Commercial Services, the Legal Services Manager, Asset Management Coordinator, Chief Financial Officer, Committee Services Officer (T Sutherland) and the Equal Opportunities Officer have been consulted and comments have been taken into account.

## **10. CONCLUSION**

**10.1 Telford Bridge is considered an iconic structure and a significant tourist attraction for Moray.**

**10.2 The current condition of the bridge is very poor. The bridge is closed to vehicular traffic but open to cyclists and pedestrians. The bridge does not meet the criteria necessary to be prioritised for maintenance works under the Council's Bridge Maintenance Prioritisation Policy. As such, there are currently no maintenance works allowed for this bridge in the Council's Revenue or Capital budgets.**

**10.3 The Council does not own the bridge but it has statutory powers to enable it to undertake maintenance works to the bridge such as it considers necessary in order to fulfil its duty to maintain the road (i.e. the road carried by the bridge).**

**10.4 If Moray Council decides to facilitate a CAT or management agreement, to enable an outside organisation to take on the refurbishment of the bridge, it will first have to acquire the necessary property rights, but that would bring with it a clearer duty on the part of the Council to maintain the bridge structure.**

Author of Report: Debbie Halliday, Consultancy Manager  
Ref: SPMAN-524642768-1044