

Guidance for members on how to approach the repair and replacement of bridges

Introduction

Bridges form a crucial link in a path network. Bridges which are closed for safety reasons or lost through, for example, flooding events or by coming to the end of their serviceable life, can cause a disproportionate impact on access in the local area – and sometimes far more widely too. However, bridges can be expensive to maintain, repair or replace, so public bodies are not always able to prioritise the funding to replace them leading to severed routes and fewer choices of where to walk for locals and visitors alike. Given the increasing likelihood of severe flooding events due to climate change and the reduced funding for public bodies to invest in access infrastructure, Ramblers members at Scottish Council requested a briefing should be produced to guide members on ways to tackle this issue.

This guidance note sets out the legal situation for access infrastructure and gives some advice on how Ramblers members might be able to pro-actively and successfully influence the repair and replacement of bridges in their area.

Legal context

Access rights apply on most land in Scotland as long as people act responsibly. There is also a reciprocal duty on landowners to manage their land in a way which is responsible as regards access rights. In addition, landowners have a duty of care to anyone on their land, which means they should take reasonable steps to ensure that people do not suffer injury or damage. This applies to bridges in that landowners should ensure that any bridges on their land are available to the public (assuming they are in places where access rights apply), and that the public is able to use them safely. A landowner may close or remove a bridge that has become unsafe. However, there is no fundamental legal responsibility on the landowner, or indeed a local authority or national park authority, to maintain a bridge or replace one that is washed away. This is even the case on core paths. In essence, access rights apply on either side of the river but there is no legal obligation on a landowner or public body to retain a bridge across it, even if there may be a strong public interest in them doing so.

Role of different parties

Clearly in lots of cases, but especially for well-used or historic routes, there are many other interested parties involved in using and looking after bridges as well as the landowner. Local authorities and national park authorities (together known as access authorities), community members, national bodies like ScotWays and the Ramblers and mountaineering clubs are among those who have an interest in keeping particular bridges open. Likewise, many landowners will use bridges for their own land management operations regardless of whether they are used for public access. In the case of bodies like the National Trust for Scotland, bridges will be important in promoting access on their land. Below are various roles that can be carried out by the different groups in looking after bridges:

Landowners – work to repair or replace a bridge cannot normally be done without the landowner's permission, although core paths are in a slightly different category (see below). Landowners are able to apply to public and other funding sources for some path infrastructure, although the current situation with regard to a replacement for European

agricultural funding is uncertain at present. Landowners also have their own needs for bridges to manage their land and so may have an incentive to replace a bridge. This means they may be open to approaches to help with fundraising. However, it is important to remember that if a substantial contribution towards funding is raised by, for example, local community or walking groups, towards the cost of the repair or replacement of the bridge, the groups should discuss with the local authority whether the landowner can be required through funding conditions to ensure the bridge is maintained in future.

Access authorities – some authorities are prepared to fund the repair or replacement of bridges which are their own property, but that can only apply to a small minority of cases. They also have legal duties to promote access more generally and the core path network specifically, so this is an incentive for them to work with others to repair and replace bridges, even if not a statutory requirement by itself. Core paths have an additional status in that access authorities have powers to maintain and keep core paths free from obstruction, even without the landowner's consent. In practice this could include repairing a bridge, although it's unlikely it could mean a replacement on land they don't own without the landowner's consent. However, access authorities do enter into path agreements with landowners where there is an undertaking for the landowner to manage paths on the behalf of the authority, and this could include maintenance obligations.

Local Access Forums – there is a LAF in each access authority, although their function and level of activity and commitment can vary. Membership is made up of representatives of the community, recreation user groups and landowning interests and the role of a LAF is to advise the access authority on access matters. LAFs can make the case to the authority of the need to prioritise funding towards bridge repair or replacement and can also work to build partnerships within the local community who may support this effort through fundraising or offering volunteer hours.

Community groups – many communities have active path groups or 'Friends of' groups who carry out path maintenance or manage projects to create new paths or improve their path network. Some of these groups are supported by access authorities and have their own constitutions, such as community development trusts. These groups are aware of the importance of path networks for their local economy – through tourism – and also for the health and enjoyment of local residents and so they will be keen to repair or replace any bridges that have been lost. There are also funding sources open to such groups.

Ramblers groups – as above, many Ramblers groups and individual members/volunteers are actively involved in local community path groups. They can play a role in talking to other groups and building interest, finding out who owns the land, talking to the access authority, etc. They also have the support of Ramblers Scotland staff who can advise and signpost them to partner organisations or to other groups who have been involved in similar activities and can help by sharing their experiences. Ramblers groups have access to some small internal funding sources which could be applied, for example to get a survey carried out for a new bridge, and they can also carry out their own fundraising activities by holding events and publicising the issue more widely. Ramblers members are covered by third party insurance for minor path maintenance work, see [website](#) for details.

Funding opportunities

Funding bodies, grant schemes and their objectives change all the time so it's hard to offer a definitive list of bodies who might be approached to apply for funding for bridges, but below are some relevant organisations to research to see if funding for paths is available:

- Paths for All – Smarter Choices, Smarter Places fund and Community Path grants

- Sustrans Scotland – Community Links programme
- Central Scotland Green Network Trust (for 17 local authorities across the Central Belt)
- Awards for All
- Heritage Lottery Fund and Big Lottery Fund
- Scottish Natural Heritage (also currently administer government’s agricultural funding for landowners, including the Improving Public Access scheme)
- Windfarm funds for local communities
- Coastal Communities Fund
- Climate Challenge Fund
- Tesco - bags of help

Examples

Friends of the Pentlands

This is a voluntary group looking after the Pentland Hills Regional Park and its surrounding area. They carry out numerous path projects including repairing, replacing and installing bridges. These can range from basic railway sleeper bridges to more permanent and substantial structures. They work closely with the local authorities within the park and help them to deliver their path maintenance programmes, but they are also able to fundraise on behalf of these path projects to raise additional funding.

Carnoch bridge, Knoydart

The remote Carnoch bridge was removed by Camusrory estate in April 2018 after flooding made it too dangerous. While it was not heavily used, it did form a vital link on the route into Knoydart and to Sourlies bothy and was used by many walking the Cape Wrath Trail. Without a bridge the river Carnach could be forded in low water conditions, but often was impassable and dangerous, leading to long detours. The cost of a replacement bridge was set at £50,000 but the estate said the bridge wasn’t used in their own land management operations and so it wasn’t important enough for them to replace it. However, a large fundraising effort raised significant contributions towards this amount from ScotWays, Mountaineering Scotland, Mountain Bothies Association and the Scottish Mountaineering Trust. The estate applied for planning permission and the bridge is due to re-open in 2019.

Polhollick Bridge, Ballater

This was one of a number of bridges which were destroyed by Storm Frank in 2016. Stretching over the River Dee, the Polhollick Bridge dates from 1892 and is a B-listed structure. It’s a pedestrian crossing and a key part of a circular walking route from Ballater – and it had only just reopened after a £420,000 upgrade in October 2015. The community council and local councillor made great efforts to get the bridge restored, along with support from the Cairngorms National Park Authority. Funding was awarded from Aberdeenshire Council and also the Scottish Government’s [Bellwin scheme](#), which is used to repair damage caused by emergencies, such as those relating to severe weather incidents. The bridge reopened in autumn 2018.

For more information, contact Helen Todd, campaigns & policy manager, helen.todd@ramblers.org.uk

Ramblers Scotland, Caledonia House, 1 Redheughs Rigg, Edinburgh EH12 9DQ,
Tel: 0131 357 5850 www.ramblers.org.uk/scotland

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