

Basingstoke Canal Joint Management Committee**Bridge management report – for information****10 October 2013**

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County Council**Key Issue**

To inform Members of the current liability to maintain bridges over the canal and the condition of bridges as at the last condition assessment in January 2010.

Summary

That the condition of bridges was last thoroughly assessed in 2010, with the condition then being in “fair” condition and remedial works having since been carried out.

1 Introduction & background

- 1.1 Most Canals authorised under an Act of Parliament require that the company authorised to run the Canal were liable for the maintenance of bridges carrying private roads, public rights of way or public roads over or under their canal – that was indeed the case with the Basingstoke Canal under the original Basingstoke Canal Act of 1778.
- 1.2 The Basingstoke Canal Company became insolvent in 1869 and was wound up in 1878; the Receiver selling the assets of the company in 1874 to a single private individual – William St Aubyn. Through the latter years of the C19th the Canal went through a succession of private owners and limited companies who managed with decreasing success to make the Canal profitable.
- 1.3 By 1910 the condition of the bridges carrying public highways over the Canal was causing Woking Urban District Council¹ such concern that they independently sought an Act of Parliament to enable them to repair the bridges and recover the cost of any works carried out from the Basingstoke Canal Company or their successors.
- 1.4 In 1912 Woking UDC carried out works to the bridges and sought to recover their costs from mortgagee of the Canal, William Carter, as the owning company was insolvent². That civil case never reached trial with Woking UDC and Carter reaching agreement. The Canal Company however took a summons against Woking UDC on the basis they were not the successor to the original company and were not liable for the bridges. In the High Court their case failed. However the Canal Company appealed, resulting in a landmark Appeal Court decision - which affected the history of the Canal.

¹ Predecessor local authority to today's Woking Borough Council

² London & South-western Canal Company

- 1.5 The Court of Appeal held that the owners of the Canal were not the successor to the original Canal company, as they only had title to the land through possession of the land since 1874 and further that they could not be carrying on a public undertaking under the Canal Act as the waterway had become a private property on the cessation of the original company. They ruled that the original Act was still in force, but spent as the original company had been wound up and assets sold *ultra vires* by the Receiver. The powers and duties of the original company had not been transferred to any successor, as a further Act would have been required to do this, which had not been sought.
- 1.6 As far as bridges were concerned the Court therefore ruled that the then current and any subsequent owners of the Canal deriving their ownership through the possessory title obtained by William St Aubyn had no liability to maintain them. They went on to suggest that Surrey and Southampton [*sic*] County Councils as the Highway Authority were liable to repair bridges “of public utility” built before 1803 unless someone else was liable to maintain them.
- 1.7 Successive legal opinions obtained by Surrey County Council since it took ownership of its part of the Canal in 1976 have agreed with the 1913 case.

2 Liabilities to maintain

- 2.1 The County Councils who now own the Canal find themselves in an unusual position. As the owners of the Canal they have no liability to maintain any of the original canal bridges.
- 2.2 As the Highway Authority for public roads and rights of way however they are liable to maintain any of the bridges carrying public rights which were erected before 1803 (i.e. any of the original canal bridges). Any road bridges erected subsequently would also be the responsibility of the County Councils as Highway Authority under later statutory duties.
- 2.3 There is some uncertainty over who precisely is liable to maintain any of the original bridges solely carrying private rights. It is likely that no-one is now responsible for their maintenance; but both those who have rights to use the bridge and the County Councils as owner of the Canal are both likely to have a duty of care to stop the bridge from becoming dangerous to persons using the private right of way, or the public using the Canal. More recent private bridges such as the Bedser Bridge at Woking have a legal agreement between the Canal and bridge owners governing maintenance.
- 2.4 Rail bridges were all constructed after the Canal and are therefore responsibility of the rail company to repair under the various enabling Acts for the railways – those liabilities currently rest with Network Rail.
- 2.5 The County Councils as owners of the Canal are liable for are those bridges which were erected subsequent to the purchase of the Canal. These are principally the lock tail bridges and the swing bridge at the Canal Centre which are designed for Canal users only. These are the responsibility of the BCA to maintain on an operational level on behalf of the owning Countryside Departments, who would currently be liable for capital renewals.

3 Bridge Stock

- 3.1 In January 2010 Surrey County Council compiled an Asset Condition report during the preparation of the 4th Edition of the Canal’s Asset Management Plan. This report concluded that there were 108 bridges over the Canal (including the remains of

several now demolished bridges), and three aqueducts carrying the Canal over other features. Of these the BCA, on behalf of the owning Countryside Departments, are liable for 30 bridges (29 smaller mainly pedestrian lock tail bridges maintained as part of the adjacent lock, plus 1 swing bridge), there are 30 bridges registered for structural inspection in each County by the Highways / Structures Departments (i.e. a total of 60 bridges). The remainder are mainly rail bridges which are the responsibility of Network Rail.

- 3.2 A complete asset inventory of canal over-bridges are appended as Annexe 1.
- 3.3 One aqueduct is the responsibility of Network Rail, one the responsibility of Surrey County Council's Highways Department, and one the responsibility of the BCA / Hampshire County Council's Countryside Department.
- 3.4 Inspection data for six registered bridges and all of the aqueducts and was identified as inadequate and requiring further investigation.
- 3.5 The report considered the condition of each structure registered with the Highways / Structures Departments of each County Council using the County Surveyor's Society Bridge Condition Index. It found that the bridge stock in each county was overall in "fair" condition with an estimated £226,000 of outstanding work in Surrey and £41,700 in Hampshire. This work was added to the bridge programmes of each of the County Councils, and is gradually being carried out.
- 3.6 Despite the bridge stock being in overall very similar condition the difference in values of outstanding work appears to be in a difference of interpretation between the two County Councils, with Surrey estimating the work required to bring each bridge back to "as new" condition, whereas Hampshire only estimating the work to keep the bridge serviceable.
- 3.7 This report has not been subsequently updated to reflect any works carried out in the intervening three years.

4 Background Papers

- Basingstoke Canal Asset Management Plan – 4th Edition 2011
- Basingstoke Canal Asset Condition Survey 2010

Annexe 1 – over-bridges asset inventory

Asset ID	Asset Name	Locality	County	Route Type	Road Number
1	Brick Kiln	Up Nately	Hampshire	Public road	U245
2	Slades	Up Nately	Hampshire	Public Footpath	Footpath 32 Mapledurwell & Up Nately
3	Eastrop	Up Nately	Hampshire	Public Byway	BOAT 35 Mapledurwell & Up Nately
4	North Warnborough Lift Bridge	Odiham	Hampshire	Public road	U245
5	Swan Bridge	Odiham	Hampshire	Public road	B3349
6	Lodge Farm	Odiham	Hampshire	Public Footpath	Footpath 18 Odiham
7	Colt Hill Canal	Odiham	Hampshire	Public road	B3016
8	Canal Bridge	Odiham	Hampshire	Public road	A287
9	Broad Oak	Broad Oak	Hampshire	Public Footpath	Footpath 62 Odiham
10	Pillars Bridge (demolished)	Broad Oak	Hampshire		
11	Sandy Hill Bridge	Sandy Hill	Hampshire	Public Footpath	Footpath 10 Dogmersfield
12	Sprats Hatch	Winchfield	Hampshire	Public Bridleway	Bridleway 4 Dogmersfield
13	Baseleys	Winchfield	Hampshire	Footpath	Footpath
14	Staceys	Winchfield	Hampshire	Public Footpath	Footpath 6 Winchfield
15	Barley Mow	Winchfield	Hampshire	Public road	U243
16	Chatter Alley (demolished)	Dogmersfield	Hampshire		
17	Blacksmiths bridge	Dogmersfield	Hampshire	Public Footpath	Footpath 1 Dogmersfield
18	Dogmersfield (Double)	Dogmersfield	Hampshire	Public road	C46
19	Dogmersfield Swingbridge (demolished)	Dogmersfield	Hampshire		
20	Coxmoor bridge (demolished)	Crookham	Hampshire		
21	Chequers	Crookham	Hampshire	Public road	C46
22	Poulters	Crookham	Hampshire	Public road	U248
23	Zephon Common	Crookham	Hampshire	Public Bridleway	Bridleway 13b Crookham Village
24	Malthouse Footbridge	Crookham	Hampshire	Footpath	Footpath
25	Malthouse	Crookham	Hampshire	Public road	C46
26	Coxheath Fleet	Fleet	Hampshire	Public road	C400
27	Coxheath Fleet FB	Fleet	Hampshire	Footpath	Footpath
28	Reading Road	Fleet	Hampshire	Public road	B3013
29	Pondtail	Fleet	Hampshire	Public Road	Velmead Road (no vehicles)
30	Pondtail new	Fleet	Hampshire	Public road	A323
31	Norris	Fleet	Hampshire	Public road	U259
32	Norris Pyestock	Fleet	Hampshire	Public road	U239
33	Eelmoor	Eelmoor	Hampshire	Private Road	MoD Road
34	Claycart	Claycart	Hampshire	Private Road	MoD Road
35	Pipe Bridge	Farnborough Road	Hampshire		
36	Wharf	Farnborough Road	Hampshire	Public road	A325
37	Wharf New	Farnborough Road	Hampshire	Public road	A325
38	Iron	Aldershot	Hampshire	Public Road	Queens Avenue
39	New Mod Footbridge	Aldershot	Hampshire	Private	N/A

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					footpath	
40	Sylvesters (demolished)	Aldershot	Hampshire		Footpath	
41	Lock 29 Footbridge	Aldershot	Hampshire		Footpath	N/A
42	Gasworks (Government Road)	Aldershot	Hampshire		Public Road	Government Road
43	Railway No.13	Aldershot	Hampshire		Railway	
44	Railway	Ash	Surrey		Railway	
45	Ash Vale Canal Bridge (Ash Wharf)	Ash	Surrey		Public Road	Vale Road A321
46	Ash Vale Canal Footbridge (Ash Wharf)	Ash	Surrey		Public Road (footway)	Vale Road footway
47	Heathvale	Ash	Surrey		Public Road	Heathvale Road
48	Ash Vale Junction Bridge	Ash	Surrey		Private Road	MoD Road
49	Ash Vale Railway	Ash	Surrey		Railway	
50	Valley View (Deedmans) Footbridge	Ash	Surrey		Private Footpath	N/A
51	Mytchett Lake Railway	Mytchett	Surrey		Railway	
52	Mytchett Lake Canal Bridge	Mytchett	Surrey		Public Road	Mytchett Lake Road
53	Mytchett Place Canal Bridge	Mytchett	Surrey		Public Road	Mytchett Place Road
54	Canal Centre Swing Bridge	Mytchett	Surrey		Footpath	N/A
55	Guildford Road Canal (Kings Head)	Frimley	Surrey		Public Road	B3012
56	Deepcut Pipe Bridge	Deepcut	Surrey			
57	Deepcut Bridge (demolished)	-	-		-	-
58	Deepcut (High Bridge)	Frimley	Surrey		Public Road	B3015
59	Lock 28 Vehicle Bridge	Deepcut	Surrey		Private road	N/A
60	Lock 27 Footbridge	Deepcut	Surrey		Footpath	N/A
61	Lock 26 Footbridge	Deepcut	Surrey		Footpath	N/A
62	Curzon Bridge	Pirbright	Surrey		Private Road	Brunswick Road (private MoD road)
63	Lock 25 Footbridge	Deepcut	Surrey		Footpath	N/A
64	Lock 24 Footbridge	Deepcut	Surrey		Footpath	N/A
65	Lock 23 Footbridge	Deepcut	Surrey		Footpath	N/A
66	Lock 22 Footbridge	Deepcut	Surrey		Footpath	N/A
67	Lock 21 Footbridge	Deepcut	Surrey		Footpath	N/A
68	Lock 20 Footbridge	Deepcut	Surrey		Footpath	N/A
69	Lock 19 Footbridge	Deepcut	Surrey		Footpath	N/A
70	Lock 18 Footbridge	Deepcut	Surrey		Footpath	N/A
71	Cowshot Manor	Pirbright	Surrey		Private access	N/A
72	Lock 16 Footbridge	Pirbright	Surrey		Footpath	N/A
73	Bisley Bullet Railway (demolished)					
74	Lock 15 Footbridge	Pirbright	Surrey		Footpath	N/A
75	Pirbright Bridge	Pirbright	Surrey		Public Road	Brunswick Road
76	Sheets Heath	Woking	Surrey		Road (status uncertain)	Sheets Heath Lane (private road)
77	Lock 14 Footbridge	Brookwood	Surrey		Footpath	N/A

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78	Lock 13 Footbridge	Brookwood	Surrey	Footpath	N/A
79	Lock 12 Footbridge	Brookwood	Surrey	Footpath	N/A
80	Brookwood Bridge	Woking	Surrey	Public Road	A322
81	Hermitage Bridge	Woking	Surrey	Public Road	A324
82	St Johns Lye Canal Footbridge	Woking	Surrey	Public Road (footway)	D3612 footway
83	Kiln Bridge (St Johns)	Woking	Surrey	Public Road	A324
84	Lock 11 Footbridge	St Johns	Surrey	Footpath	N/A
85	Lock 10 Footbridge	St Johns	Surrey	Footpath	N/A
86	Woodend Bridge	Woking	Surrey	Public Footpath & Private Road	Footpath 406 Woking
87	Lock 9 Footbridge	St Johns	Surrey	Footpath	N/A
88	Lock 8 Footbridge	St Johns	Surrey	Footpath	N/A
89	Lock 7 Footbridge	St Johns	Surrey	Footpath	N/A
90	Langmans Lane, Woodend	Woking	Surrey	Public Footpath & Private Road	Footpath 400a Woking
91	Goldsworth Park Bridge	Woking	Surrey	Public Road	Parley Drive
92	Arthurs Bridge	Woking	Surrey	Public Road	Bridge Barn Lane (no vehicles)
93	Horsell Moor Footbridge (Step Bridge)	Woking	Surrey	Public Road (footway)	A324 footway
94	Goldsworth Relief Road Canal Bridge (Skew Bridge)	Woking	Surrey	Public Road	Lockfield Drive
95	Victoria Bridge (demolished)	Woking	Surrey	Footpath	N/A
95a	Bedser Bridge	Woking	Surrey	Footpath & cycleway	N/A
96	Chobham Road Bridge (Wheatsheaf)	Woking	Surrey	Public Road	Chobham Road
97	Chertsey Road Bridge	Woking	Surrey	Public Road	Chertsey Road
98	Monument Bridge	Woking	Surrey	Public Road	Monument Road
99	Lock 6 Footbridge	Woodham	Surrey	Footpath	N/A
100	Sheerwater Bridge	Woking	Surrey	Public Road	A245
101	Lock 5 Footbridge	Woodham	Surrey	Footpath	N/A
102	Lock 4 Footbridge	Woodham	Surrey	Footpath	N/A
103	Faris Barne (Lock 3 Footbridge)	Runnymede	Surrey	Public Footpath	Footpath 16 Chertsey
104	Lock 2 Footbridge	Woodham	Surrey	Footpath	N/A
105	Scotland Footbridge	Runnymede	Surrey	Footpath	Scotland Bridge Rd footway
106	Scotland Bridge	Runnymede	Surrey	Public Road	Scotland Bridge Road
107	Lock 1 Footbridge	West Byfleet	Surrey	Footpath	N/A
108	Junction Bridge	Runnymede	Surrey	Footpath	Towpath