

PERTH AND KINROSS COUNCIL

Environment Committee

3 June 2015

Update on Oakbank Road Landslip, Blairgowrie

Report by the Executive Director (Environment)

This report gives an update on the condition of the leased Oakbank Road and associated embankments in Blairgowrie. Following specialist legal advice received from Counsel, the report recommends that the 'road' can be re-opened to pedestrian traffic provided suitable fencing is in place, other works are undertaken and the condition of the road is monitored. It also notes the costs for these works which would require approval from Strategic Policy and Resources Committee.

1. BACKGROUND / MAIN ISSUES

- 1.1 A report was submitted to the Environment Committee on 12 November 2014 regarding Oakbank Road in Blairgowrie (Report No. 14/482 refers). This 'road' connects the town centre and Riverside Park with viewing platforms, a bridge at Keithbank Mill and forms part of the CATERAN Trail (Appendix 1). The track is cut into a steep embankment located in a highly dynamic river valley which is naturally subject to constant change from the cycle of alluvial erosion and deposition.
- 1.2 A severe landslip occurred on the Oakbank Road just prior to Christmas 2012, following a period of sustained heavy rain. This saturated the embankment material and increased the river flow causing erosion to the base and subsequent collapse (Appendix 2). There had been previous movement of the slope on a 12 metre long section with partial failure of a retaining wall in 2011, further north of the 2012 landslip. There is evidence the whole area has been subject to several slippages in the past.
- 1.3 To protect the public from the edge of the 2012 landslip and possible further landslips, fencing preventing access was erected and permanent signage installed to direct the public around the slippages via Lornty Road. The alternative routes are suitable for the able bodied only, which is the same situation for those using the majority of the CATERAN Trail. The most recent landslip has been of considerable concern to the Council, the landowner and local community. Based on specialist surveys and advice from the Council's consultant engineers, it was decided that, on the grounds of public safety, the route should remain closed and the public directed to use the alternative.
- 1.4 At its meeting in November 2014, the Environment Committee resolved that a decision be deferred to allow further discussions with the landowner, Blairgowrie and Rattray Community Council, elected members, the access forum and other interested parties with a report brought back to the Environment Committee on the outcome of the discussions.

- 1.5 In addition, Counsel's Opinion was also sought on whether appropriate signage could be installed on both sides of Oakbank Road to allow the road to remain open by allowing the public to use it at their own risk.

A site visit by Committee members was also to be arranged. This was held on 21 May 2015 and was also attended by local elected members.

- 1.6 The Opinion of Counsel was that the Council is obliged to maintain Oakbank Road in a state of repair suitable for pedestrians. As such, Counsel was of the view that the Council would be fulfilling its duty to the public if it re-opened the road with the erection of suitable fencing, signs, works to reduce run-off, repairs to walls and regular monitoring. Counsel suggested that a solution along the lines of Option 4 set out in the previous committee report should be attempted.

- 1.7 Option 4 is as follows:

"To partially re-open the road on a "risk based approach" as set out in the consultants' Options Report. This would require fencing restrictions, minor works to reduce run-off, signage to inform the public of the risk and regular monitoring. In addition, sections of existing retaining wall along the route would also need to be repaired at a considerable cost. Restriction fencing could be installed without affecting the stability of the remaining slope and would leave a path 1.2m wide next to the landslide. The total cost of these works would be in excess of £100,000. Monitoring the landslide would require a suitably qualified person to undertake recorded, regular inspections. These would need to be monthly for at least 3 months initially, reducing to every two months or quarterly thereafter. An engineer would also need to ensure the correct inspection and recording methods and procedures were established and attend on a less frequent basis or after the road had been subject to severe weather conditions.

- 1.8 Whilst the Council were correct to close the road until the matter of public safety had been fully considered, on the basis of the most recent advice, the Council can now consider re-opening the road but on a risk based approach. This does not mean the route is less likely to suffer further landslips but that the action the Council is proposing to take will reduce the risk to the public whilst keeping the route open. These measures would be needed for as long as the route was to remain open. The frequency of inspections will require either an additional resource or time to be allocated from other activities the Council undertakes.

- 1.9 This option also identified that sections of existing retaining wall would need to be repaired to reduce the risk of the road being further undermined in these areas (Appendix 3). The re-opening of the road may not be dependent on the immediate repair of these sections of wall and this would be further examined prior to any works being undertaken. The total cost of the fencing, signage and repairs was estimated as being in excess of £100,000 for which funding would be required. This work, whilst sufficient to allow the route to be re-

opened, does not protect the rest of the ground in this area, which is inherently unstable, from further landslips.

2. PROPOSALS

- 2.1 It is proposed that the detailed design and works identified in 'Option 4' as outlined above, be developed further with a view to implementation as soon as practicably possible, subject to funding approval from the Strategic Policy & Resources Committee. Final costs would be obtained as the design progresses and tenders received. At this stage, it is estimated that implementation of the works will cost in excess of £100,000.
- 2.2 As there is no budget for this work in the Environment Service revenue budget, it is proposed that the Executive Director (Environment) make a request for funding to the Strategic Policy & Resources Committee before commencing the works.
- 2.3 It is also proposed that it is delegated to the Executive Director (Environment) to determine how best to ensure an adequate inspection regime is put in place and resourced.

3. CONCLUSION AND RECOMMENDATIONS

- 3.1 The temporary closure of the Oakbank Road for pedestrians has been taken in the best interests of public safety until a suitable solution could be agreed.
- 3.2 Following specialist legal advice, it has been confirmed that the Council would be acting reasonably if it allowed the road to be re-opened to pedestrian traffic. This would be done on a "risk based approach" requiring fencing restrictions, minor works to reduce run-off, repairs to walls, signage to inform the public of the risk and regular monitoring.
- 3.3 It is recommended that the Committee approves that:
 - (i) Further detailed design work is undertaken to develop a scheme which allows the road to be re-opened to pedestrian traffic as soon as practically possible.
 - (ii) Subject to final costs being confirmed, resources in the region of £100,000 be sought from the Strategic Policy & Resources Committee.
 - (iii) The Executive Director (Environment) is delegated to determine the most appropriate method of ensuring the site is regularly monitored for further landslips and that resources are identified to put this in place.

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1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

Strategic Implications	Yes / None
Community Plan / Single Outcome Agreement	None
Corporate Plan	None
Resource Implications	
Financial	Yes
Workforce	Yes
Asset Management (land, property, IST)	Yes
Assessments	
Equality Impact Assessment	No
Strategic Environmental Assessment	None
Sustainability (community, economic, environmental)	Yes
Legal and Governance	Yes
Risk	Yes
Consultation	
Internal	Yes
External	Yes
Communication	
Communications Plan	Yes

1. Strategic Implications

Community Plan / Single Outcome Agreement

1.1 This section should set out how the proposals relate to the delivery of the Perth and Kinross Community Plan/Single Outcome Agreement in terms of the following priorities:

- (i) Giving every child the best start in life;
- (ii) Developing educated, responsible and informed citizens;
- (iii) Promoting a prosperous, inclusive and sustainable economy;
- (iv) Supporting people to lead independent, healthy and active lives; and
- (v) Creating a safe and sustainable place for future generations.

1.2 This report relates to Priority (v)

Corporate Plan

1.3 This section should set out how the proposals relate to the achievement of the Council's Corporate Plan Priorities:

- (i) Giving every child the best start in life;
- (ii) Developing educated, responsible and informed citizens;
- (iii) Promoting a prosperous, inclusive and sustainable economy;
- (iv) Supporting people to lead independent, healthy and active lives; and
- (v) Creating a safe and sustainable place for future generations.

1.4 This report relates to Priority (v).

2. Resource Implications

Financial

2.1 The cost to temporarily reopen the existing road and repair the existing retaining walls, providing the temporary fencing and signage and other minor works is estimated to cost at least £100,000. As there is no budget in the Environment Service revenue budget for this work, funding will require to be sought from the Strategic Policy & Resources Committee prior to any legal commitment being made.

2.2 The re-opening will require regular inspection of the condition of the landslip which will need to be resourced either through additional funding or prioritised within the existing revenue budget.

Workforce

2.3 The proposals in this report will have workforce implications for the Council in that staff members will be required to undertake regular inspections of the site. They will need to have suitable training to ensure they are competent to undertake these duties.

Asset Management (land, property, IT)

2.4 The proposals in this report has direct land and property implications. The Depute Director (Environment) and Head of Legal Services has been consulted, and has indicated agreement with the proposals.

3. Assessments

Equality Impact Assessment

3.1 Under the Equality Act 2010, the Council is required to eliminate discrimination, advance equality of opportunity, and foster good relations between equality groups. Carrying out Equality Impact Assessments for plans and policies allows the Council to demonstrate that it is meeting these duties.

- 3.2 The function, policy, procedure or strategy presented in this report was considered under the Corporate Equalities Impact Assessment process (EqIA) with the following outcome:
- 3.3 Assessed as **not relevant** as the re-opening of the road will restore pedestrian access to those who had it before it was shut.
- 3.4 The Environmental Assessment (Scotland) Act 2005 places a duty on the Council to identify and assess the environmental consequences of its proposals.
- The matters presented in this report were considered under the Environmental Assessment (Scotland) Act 2005 and no further action is required as it does not qualify as a PPS as defined by the Act and is therefore exempt.

Sustainability

- 3.5 Under the provisions of the Local Government in Scotland Act 2003 the Council has to discharge its duties in a way which contributes to the achievement of sustainable development. In terms of the Climate Change Act, the Council has a general duty to demonstrate its commitment to sustainability and the community, environmental and economic impacts of its actions.
- 3.6 The proposals have been assessed in terms of the requirements to manage the Council's Greenspace assets in a sustainable long term way. Re-opening the existing route on Oakbank Road allows the public to continue to enjoy the recreational assest in the area on the basis they do so at their own risk.

Legal and Governance

- 3.7 The Head of Legal Services has been consulted and the proposals are complaint with the terms of the lease to maintain public access along the riverside.

Risk

- 3.8 There is a risk that the public and land may be affected by futher landslips along the route but the advice to the Council is that by taking the measures proposed the Council is acting responsibly in discharging its duty of care to the public.

4. Consultation

Internal

- 4.1 The Head of Legal Services, the Head of Democratic Services and the Head of Finance have been consulted in the preparation of this report.

External

- 4.2 The landowner and Community Council were consulted during the preparation of the previous report (14/482) and specialist legal advice has been sought in relation to liability issues.
- 4.3 The local elected members, landowner, Community Council and Access Forum were informed that the road could be re-opened (subject to Committee approval). They confirmed that this met with their approval, therefore it has not been considered necessary to further consult them on the matter.

5. Communication

- 5.1 Officers will contact representatives of Blairgowrie Community Council to outline the Council's position and answer questions.

2. BACKGROUND PAPERS

- A report (14/482) was submitted to the Environment Committee on 12 November 2014

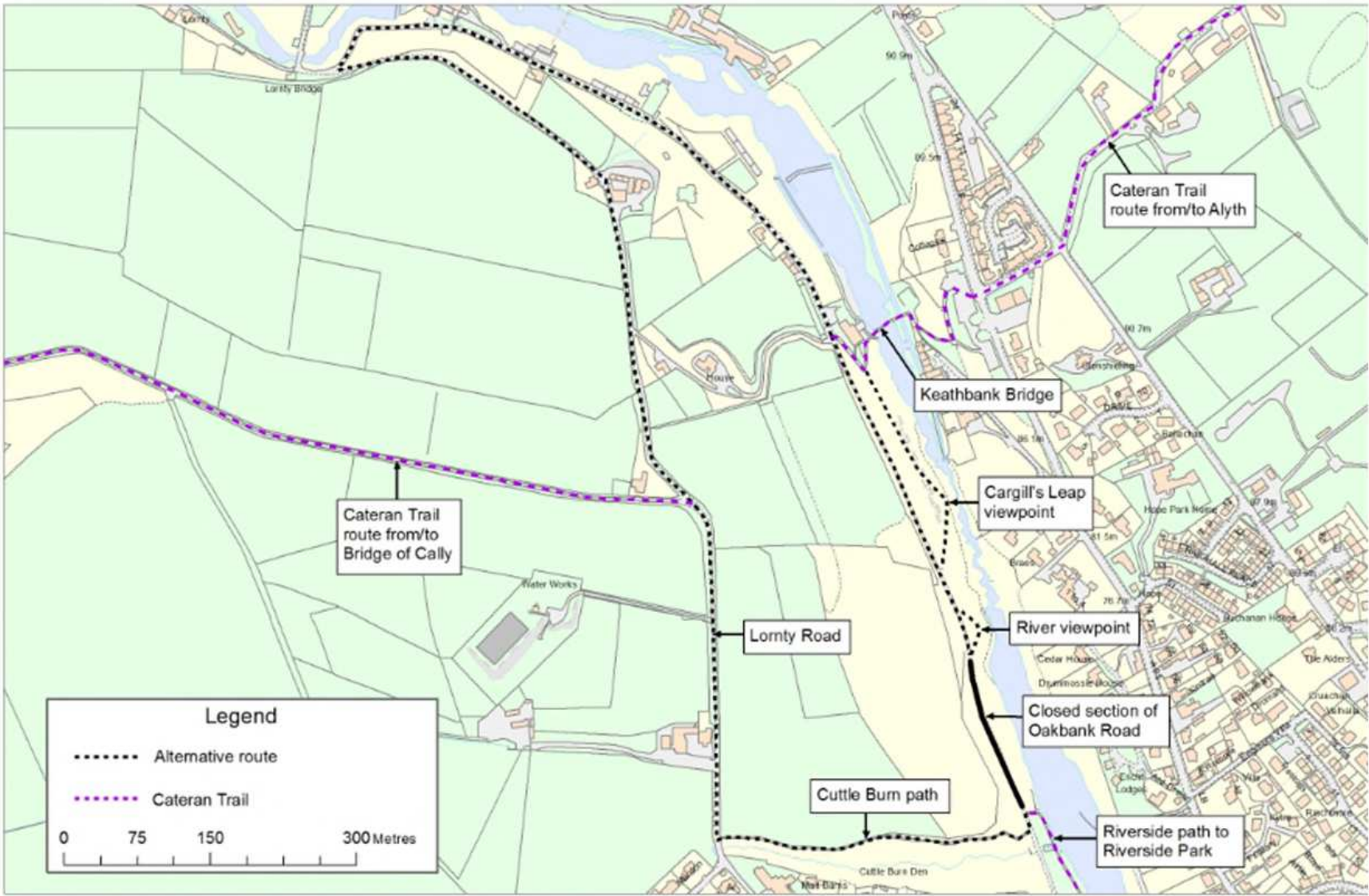
3. APPENDICES

Appendix 1 – Plan 1. Oakbank Road and Core Paths

Appendix 2 – 2012 Landslip Damage

Appendix 3 – Plan 2 - Oakbank Road Leased Land and Infrastructure

Blairgowrie Oakbank Road Map



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Blairgowrie Oakbank Road and surrounding paths



Appendix 2

2012 Landslip Damage



2012 Landslip Damage



Bedrock and Sections of Retaining Wall on Leased Land

