

SCOTTISH BORDERS COUNCIL
22 DECEMBER 2016
APPENDIX I

Question from Councillor Bell

To The Executive Member for Roads and Infrastructure

While welcoming the settlement between Scottish Borders Council and the owners of the Glen Hotel in Selkirk that has resulted in work beginning to restore the dispute wall in Yarrow Terrace, can I draw your attention to a similar problem in Walkerburn.

At 34 – 41 Galashiels Road a retaining wall has not been repaired since it was damaged by an accident over 3 years ago. It could be argued that as this wall holds up the Council's road, the A72, it is the Council's responsibility to repair and restore it.

When will the Council either repair this wall or constructively engage in mediation or arbitration to settle responsibility for repairing the wall?

Reply from Councillor Edgar

It is officers' view that the Council is not responsible for the maintenance of this wall, as in terms of the Roads (Scotland) Act 1984, the responsibility for maintaining and repairing retaining walls which support adopted roadways, falls to the owners of the particular wall. Ownership of this wall, and therefore, legal responsibility for repairing it, lies with the owners of the adjacent properties.

This responsibility is denied by the homeowners, who, through their insurers, have instructed solicitors to act in this matter. Officers have been in discussion with these solicitors for more than a year and as part of that discussion, the matter of instructing an independent third party to settle the dispute has been raised. Council officers have offered to refer this matter to a third party expert for independent resolution but this offer has so far not been taken up.

Council officers continue to monitor the state of the wall, and as a result of a review of the most recent inspection reports from the Council's Senior Structural Engineer, it is proposed that the Council's Asset Management section commence the design of the repair/replacement solution to the damaged wall in the New Year. This in turn will allow an estimate for the repair/replacement to be determined.

On completion of the design and estimation process, the Council will commence the legal process to have the wall repaired/replaced by the owners of the wall, as provided for in the 1984 Act.

Supplementary

Councillor Bell advised that while the Insurers were prepared to pay for a like for like replacement the Council were asking for a higher standard of repair. He asked that Councillor Edgar manage a discussion to allow for a pragmatic and practical arrangement to resolve this with the owners. Councillor Edgar advised that there was no indication that extra works were required and that until a full assessment was carried out in the New Year the full costs would not be known.

Question from Councillor Logan

To Executive Member for Planning and Environment

What are the marketing plans for Sunnybrae Lodge, Walkerburn?

Reply from Councillor Smith

I can confirm that the Council are currently in the process of acquiring a small additional piece of land adjoining the property. It is hoped that this will be concluded early in the New Year. As soon as this land is acquired we will be making arrangements to have the property placed on the open market through our selling agents.

Supplementary

Councillor Logan asked on behalf of the elderly resident of the adjoining property that the damage to the access road caused by the previous contractor be repaired as it was preventing her leaving the house. It was confirmed that this matter would be investigated.