

ANGUS COUNCIL

INFRASTRUCTURE SERVICES COMMITTEE

25 AUGUST 2009

REBUILDING OF RETAINING WALL AND WIDENING OF C6 ROAD THROUGH TEALING

REPORT BY THE DIRECTOR OF INFRASTRUCTURE SERVICES

**ABSTRACT**

This report recommends that the Committee approves the rebuilding of a retaining wall and widening of the C6 road adjacent to the wall on the opposite side of the road in order to reduce the likelihood of further damage to property walls on either side of the road. This is subject to successful negotiations with private owners failing which it is recommended that the retaining wall reconstruction should proceed on its own.

**1 RECOMMENDATION**

1.1 It is recommended that the Committee:

- (i) approves the rebuilding of a retaining wall along the property frontage known as Sunnyview in Tealing and the acquisition of land for the widening of the C6 road adjacent to the properties Rosconelle, Tealing DD4 0QZ and Miltonhaugh, Tealing, DD4 0QZ, subject to successful negotiations with the owners.

**2 BACKGROUND AND DESCRIPTION OF WORKS**

- 2.1 The C6 is a busy rural route (see attached plan). It is particularly narrow through Tealing where the road width drops to a minimum of 4.5 metres in places where it is difficult for large vehicles to pass each other without waiting or slowing virtually to a stand still. As a result the walls on each side have on occasions been damaged by vehicles overrunning the available carriageway width.
- 2.2 On the west side (property known as Sunnyview) the road is supported by a retaining wall. In such circumstances where the road is supported by a retaining wall the council is normally responsible for the maintenance of the wall. As the neighbouring property is owned by a council employee it is considered appropriate to bring this matter to Committee for consideration.
- 2.3 Additionally a dry stone dyke on the boundary of the property known as Rosconelle on the opposite side of the road has on occasions also been damaged. Responsibility for repair at this location rests with the owner. However the owner has indicated that he would be prepared to transfer a strip of his front garden of around 1.5 metres in width to the council free of charge on the basis that the council widen the road and move his dry stone dyke back to the revised boundary line.
- 2.4 A scheme has been drawn up that would provide a 0.9 metre footway on the Sunnyview (west) side, a 6 metre carriageway, a 0.5 metre strip on the east side and a new dry stone dyke. A small piece of land at the entrance at the property Miltonhaugh to the north of Rosconelle would also be required and it is understood that the owner here may also be prepared to provide this land free of charge to the council. A plan of the proposal is attached in Appendix 1 of this report.

### 3 DETAILS

- 3.1 Land negotiations are still underway and if successfully concluded this would enable all the work to be undertaken together. However if it is possible that negotiations may prove to be protracted it may be necessary to progress reconstruction of the wall to Sunnyview on its own to ensure the stability of the road structure and the safety of the occupants in the garden of their property.

### 4 FINANCIAL IMPLICATIONS

- 4.1 The total estimated cost for this project is £46,000 and can be funded from the Roads Revenue account in the current financial year (2009/10).
- 4.2 There are no additional revenue implications arising from the proposals in this report.

### 5 HUMAN RIGHTS IMPLICATIONS

- 5.1 This report recommends that members agree options for carrying out road improvements to the C6 which will involve acquiring properties to allow the work to be carried out. The following articles of the European Convention on Human Rights are relevant to this report:

- (a) Article 8- right to respect for private and family life, home and correspondence. The Article relates to the owners' enjoyment of their homes. The Council is allowed to interfere with this right in accordance with the law and as is necessary in the interests of public safety or for the protection of health or morals.
- (b) Article 1 of the First Protocol- protection of property. The owners of the properties are entitled to peaceful enjoyment of their possessions, in this case the right to enjoy living in their home. However, the Council may take such action as it considers necessary to control the use of the property in accordance with the general interest.

- 5.2 The legal basis for the proposed action is the Roads (Scotland) Act 1984. Any action taken by the Council must be proportionate, i.e. there must be as little interference as possible to achieve the desired aim. It is considered that the recommendations in this report meet this requirement and that, in taking such action, the Council would not be acting in any way which is incompatible with Human Rights. The proposals for the retaining wall refurbishment specifically are to enable peaceful enjoyment of the property.

### 6 EQUALITIES IMPLICATIONS

- 6.1 The issues dealt with in this Report have been the subject of consideration from an equalities perspective (as required by legislation). An [equalities impact assessment](#) has been undertaken.

### 7 SINGLE OUTCOME AGREEMENT

- 7.1 This report contributes to the following local outcome contained within the Single Outcome Agreement for Angus
- Communities in Angus are safe, secure and vibrant.

### 8 CONSULTATION

- 8.1 The Chief Executive, the Director of Corporate Services, the Head of Law and Administration and the Head of Finance have been consulted in the preparation of this report.

**9 CONCLUSION**

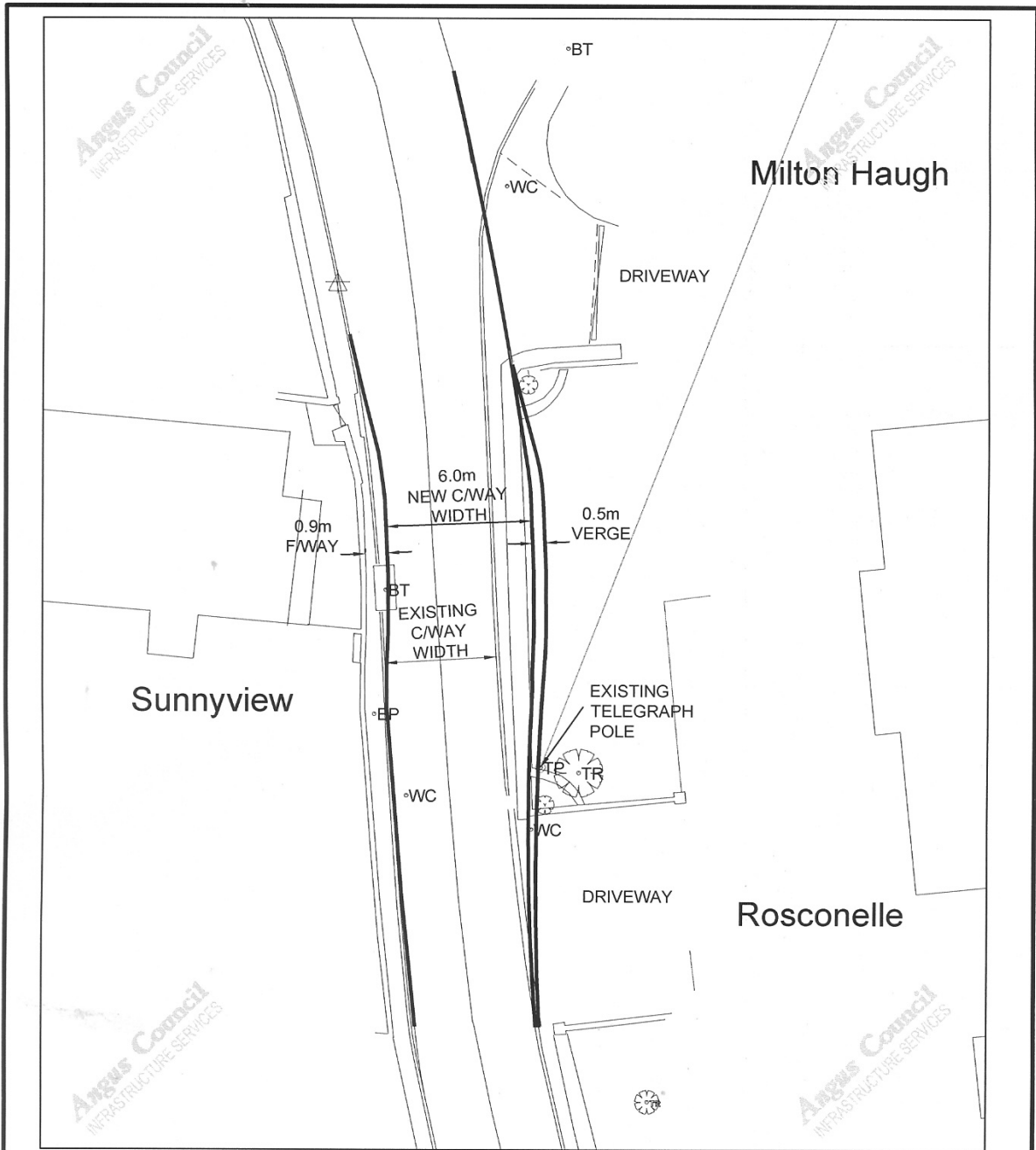
- 9.1 This report recommends that Committee approve the rebuilding of a retaining wall and widening of the adjacent C6 road through Tealing to prevent further damage to property walls on either side of the road due to its narrowness at present subject to successful land negotiations with private parties and failing these negotiations to the wall reconstruction proceeding on its own in order to maintain the stability of the existing road.

**ERIC S LOWSON  
DIRECTOR OF INFRASTRUCTURE SERVICES**

**NOTE:**

No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) were relied on to any material extent in preparing the above Report.

Roads/JG/JDH



© Crown Copyright.  
Allrights reserved.  
Angus Council 100023404. 2009

Rev.	Date	Description	Drawn	Checked	Approved

Drawing Size: A4	Plotting Scale: 1:1	Status: FINAL
Drawn by: KS	Checked By: RR	Approved By: CH
Date: 07/08/09	Date: 13/08/09	Date: 14/08/09

**Angus Council**  
INFRASTRUCTURE SERVICES DEPARTMENT  
Engineer—Head of Roads, Angus Council

Traffic Section  
County Buildings  
Market Street  
Forfar  
DD8 3WR

Tel: 01307 461460  
Fax: 01307 473388

Drawing Title: PROPOSED NEW ALIGNMENT
Project Title: C6 AT TEALING
Project No: 105040000

Issue: CONTRACT	Path & Filename:	Drawing No: TEAL/01	Revision:
--------------------	------------------	------------------------	-----------

C6 Tealing retaining wall