

**REPORT TO:** POLICY & RESOURCES COMMITTEE – 9 MARCH 2015

**REPORT ON:** GARDNER STREET WALL COLLAPSE

**REPORT BY:** DIRECTOR OF CITY DEVELOPMENT

**REPORT NO** 123-2015

## **1 PURPOSE OF REPORT**

- 1.1 This report advises on the issues regarding a major retaining wall collapse to the rear of properties in Gardner Street and seeks authority for the Council to reinstate the wall and seek recompense from any liable parties

## **2 RECOMMENDATION**

- 2.1 It is recommended that the Committee notes the circumstances regarding the collapse of the retaining wall at Gardner Street, the impact that is having on adjacent residents and agrees that the Council should take the initiative to bring a resolution to the present situation.
- 2.2 That officers be remitted to instruct Sir Robert McAlpine Ltd to carry out the necessary works to reinstate the retaining wall at a total cost of £776,967.20.
- 2.3 That officers be remitted to then pursue the reimbursement of the Council's costs from any parties found to be liable either in whole or part for the collapse of the retaining wall.

## **3 FINANCIAL IMPLICATIONS**

- 3.1 The full cost of the necessary design and reinstatement works is £830,000 and this can be contained in the approved Capital Plan allocation for the Bridge Assessment & Work Programme in 2014/15 and 2015/16

## **4 BACKGROUND**

- 4.1 On 30 December 2013, a substantial retaining wall to the rear of Gardner Street and Lochee Road collapsed and caused a major land-slip. As a result, properties at 2, 4 & 6 Gardner Street and 175, 177 & 179 Lochee Road had to be evacuated for public safety reasons.
- 4.2 On the following day, the Council instructed Dundee Plant Company Ltd to carry out emergency temporary works to the affected area, as a result of which the residents of 179 Lochee Road were immediately authorised to re-occupy their premises and those of 175 & 177 Lochee Road and 4 & 6 Gardner Street were similarly authorised a few days later.
- 4.3 Unfortunately, a decision had to be made not to allow the re-occupation of 2 Gardner Street prior to completion of permanent works to remove the public danger. As a result, formal "Notices to Remove from a Building" were served on the owners of twelve flats at 2 Gardner Street on 14 January 2014 and these restrictions still remain in place over one year since.
- 4.4 The reason for the long delay in resolving the carrying out of the necessary permanent works is that the ownership responsibility for the wall and the liability for repairs remains unclear despite discussions with the parties involved. In the interim, site investigation boreholes and building surveys have been carried out and real time building movement apparatus installed to monitor the position.
- 4.5 The Council sold the land at 175-179 Lochee Road to Nationwide Housing Trust Ltd in January 1986 to enable the development of the flats which presently occupy the site; however, the current owners, Hillcrest Housing Association, claim that they have no

ownership, responsibility or obligation in respect of the wall. It has, therefore, not yet been possible to formally identify the party responsible for the collapsed retaining wall.

- 4.6 A further complication is that a common sewer which passed through the wall from the properties to the north in Gardner Street was known to have had blockages cleared shortly before the wall's collapse. It is possible therefore that a build of pressure behind the wall could have occurred due to leakage from this sewer and this may have contributed to its collapse. Again it has not yet been possible to identify the potentially responsible owner of this sewer or their level of liability.
- 4.7 In the meantime, the residents at 2 Gardner Street are still unable to return to their homes due to the remaining public danger and if they have to await the resolution of the ownership and liability issues explained above, it could be a considerable period of time before the permanent works are undertaken.
- 4.8 It would be possible for the Council to act in the best interests of its citizens and take the initiative to remove the remaining public danger by carrying out the required permanent works. This would allow the residents at 2 Gardner Street to reoccupy their homes and the Council could then seek recompense for the works from any liable parties once the ownership and responsibility issues are resolved.
- 4.9 As part of a Partnership project agreed by the Chief Executive, a cost has been agreed with the aforementioned contractor for the design and construction of a replacement wall and the re-grading of the adjacent land to provide a permanent resolution at a cost of £776,967.20. This expenditure is in addition to the cost of the emergency temporary works already undertaken by the Council which currently totals £48,565.28. It should also be noted that the Council has provided security arrangements from the outset, subject to liable parties being identified. The Council could seek recompense for the costs incurred on the temporary and permanent works and security arrangements.
- 4.10 The Council's authority is, therefore, sought to carry out the permanent works and seek to recover costs from any liable parties.

## **5 POLICY IMPLICATIONS**

- 5.1 This Report has been screened for any policy implications in respect of Sustainability, Strategic Environmental Assessment, Anti-Poverty, Equality Impact Assessment and Risk Management. There are no major issues.

## **6 CONSULTATIONS**

- 6.1 The Chief Executive, the Director of Corporate Services and Head of Democratic and Legal Services have been consulted and are in agreement with the contents of this report.

## **7 BACKGROUND PAPERS**

- 7.1 None.

Mike Galloway  
Director of City Development

MPG/MS

16 February 2015

Dundee City Council  
Dundee House  
DUNDEE