

## **REPORT TO BANFF AND BUCHAN AREA COMMITTEE - 1 MAY 2018**

### **FERNIE BRAE, GARDENSTOWN**

#### **1 Recommendations**

**The Committee is recommended to:**

##### **1.1 Note the issues relating to landslides in this location**

#### **2 Background / Discussion**

- 2.1 Banff & Buchan Area Committee on 27 March 2018 requested that a report be submitted to the next meeting of the Committee giving details of the potential landslip issues.
- 2.2 On 26 March 2018, during a routine inspection of the path from Fernie Brae to Gardenstown, a visible tension crack was noted to have developed on the west side of the path with some movement of the material below the path. Officers have advised there does not appear to be an immediate risk of a large-scale landslip. However, it does have the potential to slip which could result in mud flowing down towards Seatown, as has previously happened.
- 2.3 Aberdeenshire Council's Infrastructure Services Committee on 18 March 2010 approved the procedure for dealing with landslips (Appendix A). For landslips originating on private property, and where no Council assets are affected, our involvement will be limited to this initial notification to all parties affected by the landslip, continuing monitoring of the site and notification of any change.
- 2.4 There is a footpath which runs from Fernie Brae to the Village, but it is not owned by the Council, nor is it a Public Right of Way for which the Planning Service might have an interest. However, as a community service, the Council's Infrastructure Services cuts the grass and maintains the street lights on the path.
- 2.5 On the slope below Fernie Brae, open ditches have been cut to allow water to drain off the slope to the line of the old watercourse. There is no record of the Council having installed the channels or pipes and it is believed likely that these measures may have been implemented by the owners or residents following a previous landslip.
- 2.6 Our investigations revealed that the pipes under the footpath were blocked and the Council has, without further obligation, assisted the community in works to clear these pipes in the hope that the action might help reduce the risk of future landslips. These works were delayed, but this has not in any way contributed to the recent slip as the drainage was already blocked and encouraging water to flow down the path.

- 2.7 A road drain outfall pipe also runs down the gully from Fernie Brae to the sea and this has been checked using tracer dye and found to be unobstructed and functioning properly. There was no sign of loss of flow, so it is very unlikely that road drainage is contributing to the reported increase in water flowing in the area.
- 2.8 With regard to the unverified issue of Aberdeenshire Council having installed drainage (during the construction of the housing) that may be affecting the land at Fernie Brae, it should be noted that most pipes which remove waste water and surface water beyond the boundary of a property belong to Scottish Water. The Scottish Water drainage system is shown in Appendix B.
- 2.9 If a developer has laid drainage outwith a property boundary, there will be an agreement comprising a wayleave or servitude between the owner and a third party allowing drainage infrastructure to be laid in private land or giving rights to lay and use infrastructure outwith the boundary of the property. There is no evidence of Aberdeenshire Council having any such agreement with the landowner.
- 2.10 The Head of Finance and Monitoring Officer within Business Services have been consulted in the preparation of this report and their comments are incorporated within the report and are satisfied that the report complies with the Scheme of Governance and relevant legislation.

### **3 Scheme of Governance**

- 3.1 The Committee is able to consider and take a decision on this item in terms of Section B.1.1 of the List of Committee Powers in Part 2A of the Scheme of Governance as the as it relates to a matter that is specific to their Area not otherwise properly delegated to any other Committee.

### **4 Implications and Risk**

- 4.1 An equality impact assessment is not required because there are no proposals within this report that have a differential impact on any of the protected characteristics.
- 4.2 There are no staffing and financial implications.
- 4.3 A Town Centre First Impact Assessment (TCFIA) was not required as this report does not have a differential impact on Town Centres.
- 4.4 No Risks have been identified as relevant to this matter on a Corporate Level.

**Stephen Archer**  
**Director of Infrastructure Services**

Report prepared by Gavin Penman, Projects Manager  
Date 18 April 2018







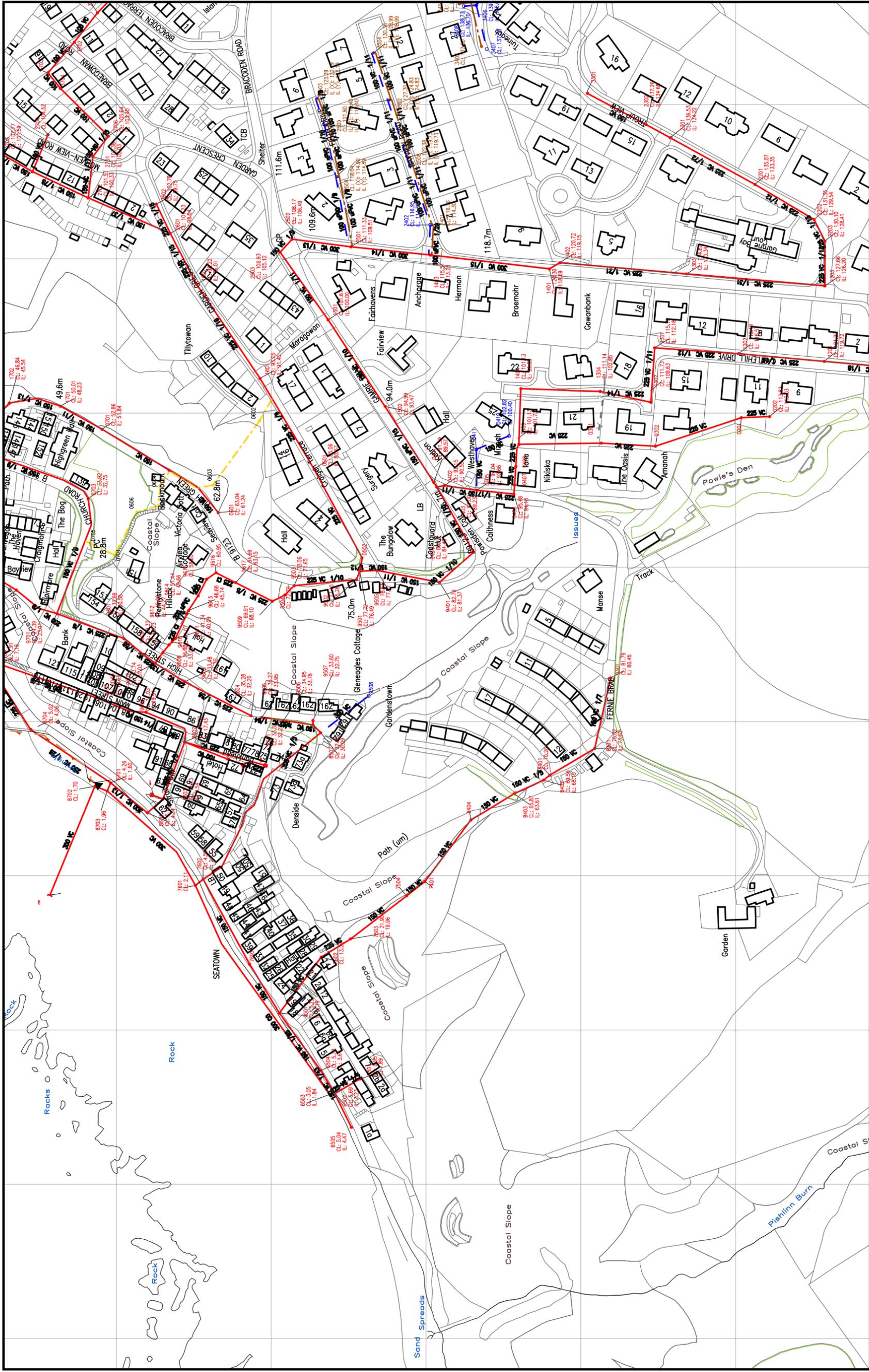












The representation of physical assets and the boundaries of areas in which Scottish Water and others have an interest does not necessarily imply their true positions. For further details contact the appropriate District Office.

Date Plotted: 19/04/2018

Gardenstown  
Fernie Brae

0 236 metres

Scale: 1:2500

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