



Powderhall Village Owners Association

(www.powderhallvillage.org.uk)

Minutes of Committee Meeting held on 25 October 2010

Present: Roddy Martine (Chair), Ian Corbett (Sec.), William Mackie (Treasurer), Kathryn Tomlinson, Frans Kooy, Gordon Chrumka, Andrew Nesbit and Jane Chisholm.

Apologies: Sadif Ashraf and Dougie Brown

Agenda:

- Approval of Previous Minutes
- Road Adoption and Parking
- Trees at B&Q
- Update on other Actions from last Minutes
- Any Other Business
- Date, Place and Minutes of next meeting

Approval of previous Minutes. The Minutes of the meeting on 15 September were approved.

Road Adoption and Parking

Action (15/9/10) Ian drafted a letter to be sent by Roddy to Councillor Mackenzie, Convener of the Council's transport, Infrastructure and Environment Committee, asking him to urge Taylor Woodrow (now Taylor Wimpey) to resubmit the Powderhall RCC Road Adoption Application with all the parking spaces shown as private spaces that would not be adopted by the Council. This letter was circulated to all committee members for approval before being sent by Roddy on 22 September 2010. **Completed.**

A reply was received from Councillor Mackenzie on 4 October 2010 stating that it is not possible for the Council to ask Taylor Woodrow to change the RCC application, and enclosing a number of documents claiming to show that the Council is entitled to adopt the relevant parking spaces on the RCC application plan. One of these documents was a Legal Opinion sought by the Council from Dundas and Wilson that defines three legal categories of 'ways': -

- a) 'ways' with a public right of passage
- b) 'ways' to which the public has access
- c) 'ways' used for access purposes within private land

The 1984 Road (Scotland) Act deals only with 'ways' in the first category (a) but categories (b) and (c) are not considered 'roads' for the functions of a Roads Authority under the 1984 Act. It therefore

depends on which categories include the parking bays at Powderhall whether our parking bays are adoptable or not. An extract from the Council's own Maintenance guidelines (section 9.1.5 Parking Areas) was also enclosed, and states that parking areas contiguous with the carriageway will normally be adopted whereas we have been told by the Council in the past that the Council has to adopt such parking bays.

Andrew had circulated the legal decision of a case between Viewfield Housing Association and Lothian Regional Council in 1991 that seemed to be the legal basis for making all cul-de-sacs private. This would apply to the Brae and the Rigg at Powderhall, but not Powderhall Road itself.

Andrew suggested that our next move should be to meet with Taylor Wimpey (the current owners of the land at Powderhall) and try to persuade them to withdraw the current RCC application and resubmit a modified RCC application. To move things along quickly, it was suggested that a small sub-committee of three should be set up under Andrew's chairmanship to meet with Taylor Wimpey representatives as soon as possible. Ian and Roddy agreed to join the small sub-committee.

Action (25/10/10) Andrew to set up a meeting with Taylor Wimpey and arrange for the sub-committee to meet in advance of that meeting to agree the points we want to raise with Taylor Wimpey.

Action (25/10/10) Roddy to send a holding reply to Councillor Mackenzie saying that our Committee are considering where to go from here.

In case we get nowhere with Taylor Woodrow and need to consider getting a legal opinion of our own regarding the specific situation at Powderhall, it was suggested that all committee members should try to identify an appropriate expert in their own firm of solicitors so that we have a short list should it prove necessary in the future.

Action (25/12/10) All committee members to contact their solicitors to see if there is an expert on the Road Adoption within the firm who could provide a legal opinion if asked.

Trees at B&Q

Action (15/9/10) William and Jane drafted a letter for Roddy to send to the CEO of B&Q with copies sent to the manager of the local B&Q store, the B&Q Health and Safety manager in B&Q, and Councillor Louise Lang. **Completed**

An acknowledgement of receipt has been received from the CEO's Office, stating that someone would be in contact with us soon, but to date, no contact has been made.

William informed the committee that Fergus Ewing, MSP, was preparing a bill for consideration by the Scottish Parliament after the next election concerning the height of trees and hedges and the effects on neighbouring properties.

Action (25/10/10) Roddy, if he hasn't been contacted by B&Q in the next two weeks, to send another letter to the CEO's Office stating that the promised contact has not happened.

Update on other Actions from last Minutes

Buildings Insurance Action (13/9/10) Sarah to ensure that she receives quarterly summaries of claims from Deacon, and include this in quarterly bills to owners. **Ongoing**

List of Preferred Contractors Action (02/12/09): Gordon said that the list of preferred suppliers had been added to the website, but the link to this page is not working properly. **Ongoing**

Water seepage into underground car park Action (5/5/10): Sarah met with Paul Ryan of Miller Homes and Colin Macbeth of NHBC on Friday 10 September 2010. Colin Macbeth completed an inspection of the car park and he has the photos taken previously and also the 24 Hour Roofing and Building report to work from. Prior to validating the claim he has requested a copy of the plan showing that the garage is common to 2 - 6 Powderhall Rigg. Sarah has requested a copy of the plan from Building Control and is currently awaiting it. **Ongoing**

Rubbish Collection Action (5/5/10): David Bain has confirmed that he is still monitoring the situation. **Ongoing.**

Refilling of grit bins Action (27/1/10): Sarah has had assurance from Taylor-Woodrow that they will do this. Powderhall is now on their schedule as one of a number of sites where grit bins need replenished, but the work won't be done until the autumn.. **Ongoing**

Communal Electricity Supplier Sarah has have now met with John Wilkinson and awaits his recommendation. **Ongoing**

Gardening Action (28/7/10): Jane met with Brian Hunter and agreed a site for a herb bed, but has asked for a delay in cutting the new bed until the Spring. Jane has accepted Brian Hunter's opinion that a compost bin could attract vermin and has agreed that the idea can be dropped. **Completed**

Social Event The social get together at the Elbow Bar and Kitchen on 22 August was appreciated by the 70 or so people who attended. A number of people had asked if another such event could be arranged close to Christmas, and Sunday 19 December at 5pm was a suggested date and time.

Action (15/9/10): Kathryn has confirmed that the Elbow Bar and Kitchen would be prepared to provide mulled wine and mince pies on Sunday 19 December at 5pm. **Completed**

The Powderhall Village Owners Association would not be subsidising this event, but has agreed to publicise it by fixing posters supplied by the Elbow and Bar to all blocks at Powderhall. Attendees will pay for food and drink on the night, and there will be no tickets unless the Elbow Bar and Kitchen insist on them.

Action (25/10/10): Kathryn to distribute posters when available to committee members to fix to front and back doors of agreed blocks

Fire in Underground Garage An update is awaited from Sarah on progress of clean up and repainting.

CW Accounts people who pay monthly by Direct Debit are still finding it difficult to calculate whether or not they are in credit from the information given on each bill. Could Charles White provide the relevant information in a way that is more easily understood? An update from Sarah is awaited.

Any Other Business

Date of AGM It was agreed that the AGM would be in March 2011 and a date when the school hall is available will be determined in January.

Accounts for 2010 Because the AGM is being moved from January to March, it was agreed that the accounts for 2010 would cover the period from 1 January 2010 to 28 February 2011.

Secretary for 2011 Ian said that he will be resigning from the committee at the next AGM after serving on it for the past six years. Ian agreed to circulate a notice to Stair reps. for display on notice boards asking for volunteers for the position of Secretary, and agreed to work with any volunteer over the next few months to ensure a smooth handover.

Next Committee Meeting

The next committee meeting will be in Ian's flat (7/21 Brae) on Monday 29 November at 7:30pm.