

# Finance and Resources Committee

10.00a.m Thursday, 23 February 2017

## Minute of Amendment of Servitude – Davidson's Mains Park – Gas Main Diversion

Item number	8.3
Report number	
Executive/routine	Routine
Wards	1 - Almond

### Executive Summary

---

The former City of Edinburgh District Council granted Scotland Gas Networks (SGN) a servitude in relation to a gas main located in Davidson's Mains Park in 1980.

The gas main is experiencing low pressure and must be repaired or diverted. The servitude length runs through a heavily wooded area of the park over land in Council ownership. SGN propose to replace the route through the park which will avoid the requirement to fell a large number of mature trees.

The diameter of the proposed main is 250mm which exceeds the amount approved under Delegated Authority Appendix 4, Delegation to the Executive Director of Resources.

This report seeks Committee approval to the grant of a Minute of Amendment to the existing servitude to Scottish Gas Networks (SGN) on the terms set out in the report.

### Links

---

Coalition Pledges	<a href="#">P48</a>
Council Priorities	<a href="#">CP9</a>
Single Outcome Agreement	<a href="#">SO3</a>

## Minute of Amendment of Servitude – Davidson's Mains Park – Gas Main Diversion

### 1. Recommendations

---

That Committee:

- 1.1 Approves the grant of a Minute of Amendment to the existing servitude to Scottish Gas Networks on the terms outlined in this report, and on such other terms and conditions to be agreed by the Acting Executive Director of Resources.

### 2. Background

---

- 2.1 The British Gas Corporation (BGC) laid, with the consent of former The City of Edinburgh District Council (CEDC), a gas main through Davidson's Mains Park in the 1970s.
- 2.2 On completion of the work, CEDC completed a Grant of Servitude in favour of BGC Recorded GRS (Midlothian) 7 July 1980. This Servitude granted the right to BGC and its successors (SGN) to lay, construct, inspect, maintain, protect, use, replace and remove or render unusable the gas main.

### 3. Main report

---

- 3.1 SGN have been experiencing mains gas pressure problems in the Davidson's Mains area, which this main supplies, such that the pressures within local governors have had to be raised to maintain the necessary services to the end users. On inspecting the main within the park, it was found to be in need of replacement.
- 3.2 The servitude runs through a heavily wooded area of the Davidson's Mains park within Council ownership. SGN have proposed a replacement route through the park which will avoid the requirement to fell a large number of mature trees. Although there are no tree preservation orders in place in this area, it would be preferable to avoid significant felling of trees.
- 3.3 SGN have proposed a Minute of Amendment to the existing servitude. Approximately 275m of the existing 250mm pipe would be diverted via a replacement route, laying another length of 250mm pipe, which will be protected by a 6m wide strip. The route of the proposed new main is marked in red on the attached plan at Appendix 1.

- 3.4 The proposed new route crosses the public footpath within the park. Reinstatement works and any temporary alternative public access required will be agreed with Parks and Greenspace and the Operational Estates team. Local Councillors have been notified and have informed the Davidson's Mains and Silverknowes Association and the Friends of Davidson's Mains Park Group for any additional comments.
- 3.5 Provisional agreement has been reached with SGN on the amendment of the servitude based on the following main terms and conditions:
- The right to lay, use and maintain a 250mm gas main and apparatus within a 6m wide strip (marked red on the attached plan);
  - A work programme, reinstatement works and alternative public access if required is agreed with the Council prior to works commencing; and
  - SGN will bear the Council's fees and costs incurred in completing the servitude.

#### **4. Measures of success**

---

- 4.1 Gas main infrastructure is repaired and protected.
- 4.2 A limited number of trees will require to be felled if the servitude route is amended.

#### **5. Financial impact**

---

- 5.1 There is no significant financial impact. The 6m strip will have a restriction on building and planting which might otherwise damage the pipe but the land is within a woodland park and not considered to have development potential.

#### **6. Risk, policy, compliance and governance impact**

---

- 6.1 If the amended servitude is not agreed then SGN have the option of invoking its statutory powers which would lead to the felling of a large number of trees in order to access and repair the existing pipe.

#### **7. Equalities impact**

---

- 7.1 An Equality and Rights Impact Assessment has been carried out.
- 7.2 A possible infringement has been identified in that it is envisaged that there will be some disruption along the park area and footpath network while works are carried out. However, this is justified because it will prevent a large number of mature trees from being felled in order to access the existing pipe.
- 7.3 The mitigation of tree loss will maintain the character of the park and the communities' access to greenspace areas which will enhance health and productive and valued activities.

- 7.4 In addition, the works will ensure the continuity of gas supply which will protect vulnerable groups such as the elderly from gas supply disruptions (i.e. heating/cooking).
- 7.5 SGN will manage any temporary access arrangements and restrictions and ensure that any park users are fully informed via signage if required and kept up to date prior to and during the works.

## 8. Sustainability impact

---

- 8.1 The proposal is for the repair and maintenance of the gas network without the requirement of felling a large number of trees.

## 9. Consultation and engagement

---

- 9.1 The proposal has been discussed with Parks and Greenspace. Local Councillors have been notified and have informed the Davidson's Mains and Silverknowes Association and the Friends of Davidson's Mains Park Group for any additional comments.

## 10. Background reading/external references

---

- 10.1 N/A

### Hugh Dunn

Acting Executive Director of Resources

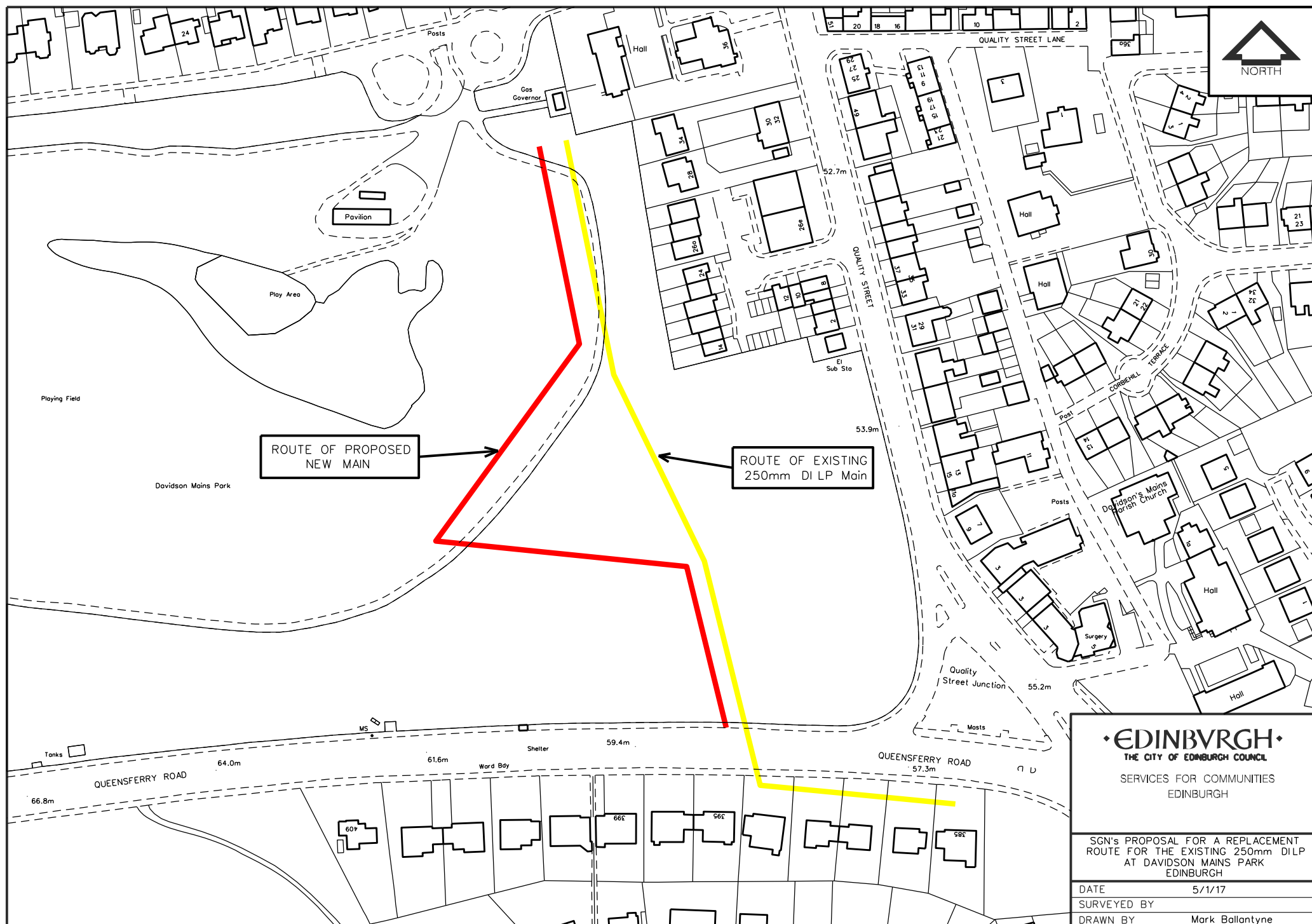
Contact: George Leggat, Estates Surveyor

E-mail: [george.leggat@edinburgh.gov.uk](mailto:george.leggat@edinburgh.gov.uk) | Tel: 0131 469 6120

## 11. Links

---

<b>Coalition Pledges</b>	P48 - Use Green Flag and other strategies to preserve our green spaces.
<b>Council Priorities</b>	CP9 – An attractive city.
<b>Single Outcome Agreement</b>	SO3 - Edinburgh's children and young people enjoy their childhood and fulfil their potential.
<b>Appendices</b>	Location Plan.



SITE PLAN

PHOTOGRAPHICALLY REDUCED NOT TO SCALE

• EDINBURGH •  
THE CITY OF EDINBURGH COUNCIL

SERVICES FOR COMMUNITIES  
EDINBURGH

SGN's PROPOSAL FOR A REPLACEMENT  
ROUTE FOR THE EXISTING 250mm DI LP  
AT DAVIDSON MAINS PARK  
EDINBURGH

DATE 5/1/17

SURVEYED BY

DRAWN BY Mark Ballantyne

SCALE N.T.S.

NEG. NO. A3/1726