

Finance and Resources Committee

10.00am, Tuesday, 23 January 2018

Deed of Servitude - Water Supply over Meggetland Playing Fields

Item number	8.5
Report number	
Executive/routine	Routine
Wards	9 - Fountainbridge/Craiglockhart Ward
Council Commitments	None applicable

Executive Summary

Planning Consent was granted for a 60 bed care home (Ref: 12/00789/FUL) adjacent to the north west corner of Meggetland Playing Fields, south of Slateford Railway Station. The development, by Northcare (Scotland) Limited, is nearing completion.

A servitude is required over Council land to formalise the placement of a water supply for the care home. A licence to carry out the installation of the pipes was granted in consultation with Edinburgh Leisure, Scottish Water and the developer. These works have now been completed and the land reinstated. The works include three pipes being laid across Meggetland Playing Field to connect into the nearest water main, located at Meggetland Wynd.

Deed of Servitude - Water Supply over Meggetland Playing Fields

1. Recommendations

1.1 That Committee:

- 1.1.1 Approves the grant of a servitude to Northcare (Scotland) Limited on the terms outlined within this report and on such other terms and conditions to be agreed by the Executive Director of Resources.

2. Background

- 2.1 Northcare (Scotland) Limited require a water supply for a 60 bed new build care home which is nearing completion. The route, across the playing fields, was the only route available to the developer owing to the proximity of the closest water main which is located at Meggetland Wynd.
- 2.2 The agreed route goes around the pitches within an area of rough ground which meant that there was no interference with the local herringbone drainage and no disruption to the use of the football pitches, nor cricket wicket.
- 2.3 The proposed servitude will create a heritable and irredeemable right for the water pipes to be laid, maintained, repaired, renewed and accessed (with conditions).

3. Main report

- 3.1 The Council's Operational Estates and Legal teams, together with Scottish Water, and Edinburgh Leisure were consulted and agreed the route of the pipes, together with reinstatement conditions and an access route. To conclude matters a servitude is required to formalise this agreement. The following terms and conditions are proposed:
 - A right to lay, repair, maintain and if necessary renew, and replace the pipes in, through or under the servitude area;

- A right of pedestrian and vehicular access (without heavy machinery) to the servitude area along the access route at all reasonable times, subject to giving reasonable prior notice (except in an emergency);
- A grassum payment of £26,000 to the Council;
- A lift and shift provision in the event of any future development;
- The developer will bear the Council's legal fees and any costs associated with the works including any future liability; and
- A bond of £5,000 is being held pending completion of the servitude.

4. Measures of success

- 4.1 The provision of a water supply for a 60 bed care home facility which will expand care capacity for the city.
- 4.2 The route does not impact on the use of the pitches nor the local herringbone drainage system.
- 4.3 The reinstatement works are completed and the ground returned to its original condition.

5. Financial impact

- 5.1 The Council will receive a grassum payment of £26,000.
- 5.2 A lift and shift provision has been agreed whereby the pipes can be relocated at any point in the future in order to facilitate a new development, should this be required.

6. Risk, policy, compliance and governance impact

- 6.1 If the servitude is not granted then Northcare (Scotland) Limited will have to remove the water pipes. Scottish Water could then invoke statutory powers on behalf of the developer, which in turn would lead to the care home not opening on time due to the lack of a water supply.

7. Equalities impact

- 7.1 An Equality and Rights Impact Assessment has been carried out.
- 7.2 The works have a limited impact on the accessibility to the public owing to the size of Meggetland Playing Fields and the location of the works within rough ground. Any future access for the maintenance of the pipes will require prior notice with minimal disruption to the use of the playing fields.

- 7.3 Entering into a servitude will formally ensure the provision of a water supply to a needed care facility which will benefit the local community.

8. Sustainability impact

- 8.1 The impacts of this report in relation to the three elements of the Climate Change (Scotland) Act 2009 Public Bodies Duties have been considered. Relevant Council sustainable development policies have been taken into account and are noted at Background Reading later in this report.

9. Consultation and engagement

- 9.1 The proposal has been discussed with Edinburgh Leisure, Scottish Water and the greenkeeping team at Meggetland.
- 9.2 Ward Members have been informed of the recommendations contained within this report.

10. Background reading/external references

- 10.1 Relevant Council sustainable development policies: [Biodiversity Action Plan](#), [Edinburgh and Lothians Forestry and Woodland Strategy](#), [Edinburgh Natural Heritage Strategy](#), [Edinburgh Natural Heritage Strategy](#), [Sustainable Edinburgh 2020](#), [Water Policy](#)

Stephen S Moir

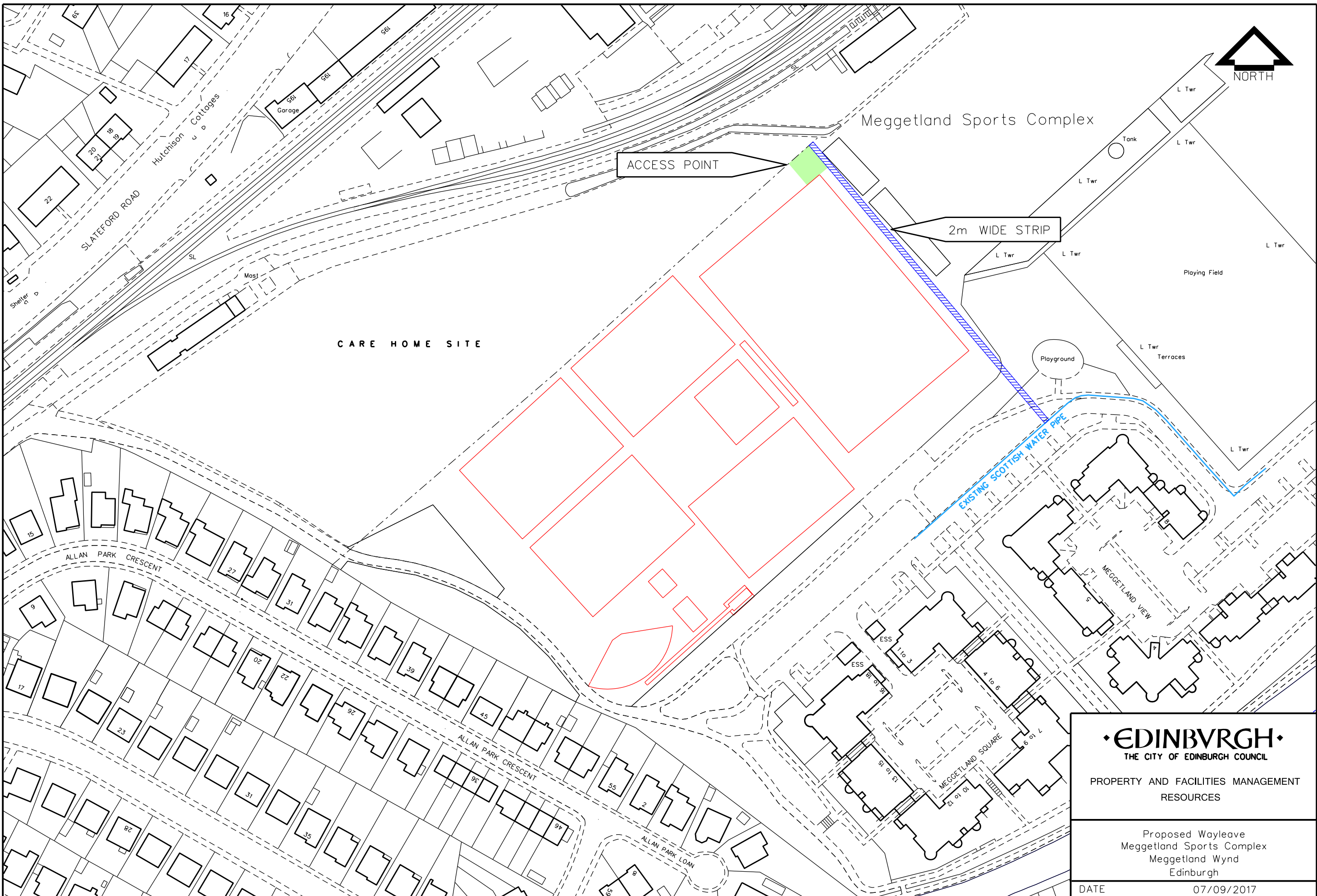
Executive Director of Resources

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11. Appendices

- 11.1 Appendix 1 – Location Plan



CARE HOME SITE

Meggetland Sports Complex

ACCESS POINT

2m WIDE STRIP

Playground

EXISTING SCOTTISH WATER PIPE

ALLAN PARK CRESCENT

ALLAN PARK CRESCENT

ALLAN PARK LOAN

MEGETLAND SQUARE

EDINBURGH
THE CITY OF EDINBURGH COUNCIL

PROPERTY AND FACILITIES MANAGEMENT
RESOURCES

Proposed Wayleave
Meggetland Sports Complex
Meggetland Wynd
Edinburgh

DATE	07/09/2017
SURVEYED BY	F McDonald
DRAWN BY	F McDonald
SCALE	1:1250 @ A3
NEG. NO.	NT 2172/A3/1783 B

EXISTING POSITION OF PITCHES SHOWN DELINEATED RED

PROPOSED 2m WIDE WAYLEAVE SHOWN HATCHED BLUE

ACCESS POINT SHOWN COLOURED GREEN