

Finance and Resources Committee

10.00am, Thursday, 8 September 2022

Deed of Servitude for access at Water of Leith Walkway, Waulkmill Loan

Executive/routine Wards Council Commitments	Routine Pentland Hills
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1. Recommendations

- 1.1 It is recommended that the Finance and Resources Committee approves granting a Deed of Servitude in favour of Mr Brian Hall under the terms and conditions outlined in this report.

Paul Lawrence

Executive Director of Place

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Report

Deed of Servitude for access at Water of Leith Walkway, Waulkmill Loan

2. Executive Summary

- 2.1 This report seeks approval to grant a Deed of Servitude for access to Mr Brian Hall, along the Water of Leith Walkway at Waulkmill Loan.

3. Background

- 3.1 Mr Hall has requested a formal Deed of Servitude for pedestrian and vehicular access over a section of the Water of Leith Walkway, delineated in red on the attached plan. This is to access his fields, used for agricultural grazing, shown yellow on the attached plan. Mr Hall had previously been informally utilising the Water of Leith Walkway for a number of years, as this is the only access available to reach his fields. A Deed of Servitude has been requested to formalise this arrangement.

4. Main report

- 4.1 Approval is sought to grant a Deed of Servitude for access along the Water of Leith Walkway on the following terms and conditions:
- 4.1.1 Grantor: City of Edinburgh Council;
 - 4.1.2 Grantee: Mr Brian Hall;
 - 4.1.3 Rights: the Deed of Servitude will allow Mr Hall pedestrian and vehicular access to reach his property in the area shaded yellow on the plan, for the sole purpose of agricultural grazing. Mr Hall will also be permitted to access his land via the walkway for the maintenance, upkeep, tree management and enjoyment of his property;
 - 4.1.4 Conditions: Vehicles used for access must be a maximum of 3.5t in weight. Primary users of the walkway (pedestrians, cyclists, horse riders, etc.) must be given priority at all times. Any damage to the walkway caused by the

exercise of the Servitude Rights must be made good on the Council's demand; and

4.1.5 Fees: The Council's legal fees will be paid by Mr Hall.

5. Next Steps

5.1 If Committee approval is granted, the Council will enter into a Deed of Servitude with Mr Hall in accordance with the terms and conditions as detailed in this report.

6. Financial impact

6.1 The Council's legal fees will be met by Mr Hall.

7. Stakeholder/Community Impact

7.1 Council Parks officers from the Forestry and Natural Heritage service have been consulted and are in support of the Servitude.

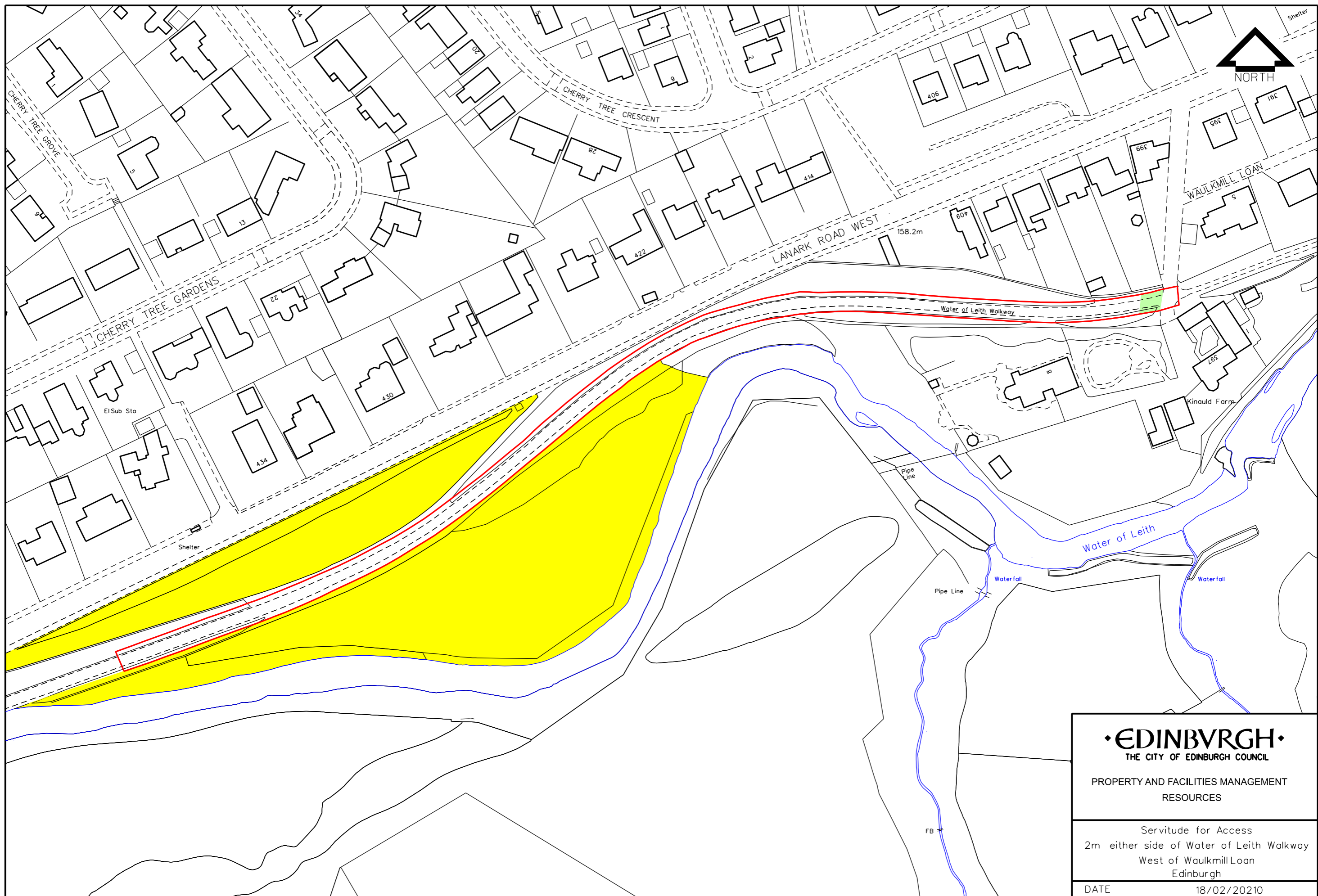
7.2 Ward members have been made aware of the recommendations of the report.

8. Background reading/external references

8.1 None.

9. Appendices

9.1 Appendix 1 – Location Plan.



• EDINBURGH •
THE CITY OF EDINBURGH COUNCIL

PROPERTY AND FACILITIES MANAGEMENT
RESOURCES

Servitude for Access
2m either side of Water of Leith Walkway
West of Waulkmill Loan
Edinburgh

DATE 18/02/20210

SURVEYED BY

DRAWN BY F McDonald

SCALE 1:1250 @ A3

PLAN. NO. NT1767/A3/2194 B

AREA SHOWN DELINEATED RED - 0.323ha (0.797 Acre), or thereby

BOLLARD AREA SHOWN COLOURED GREEN

LOCATION PLAN

SCALE 1:1250