

Transport and Environment Committee

10.00am, Thursday, 14 September 2023

Roseburn to Union Canal Active Travel Route and Green Corridor – Compulsory Purchase Order

Executive/routine
Wards

Executive
6 – Corstorphine/Murrayfield; 7 – Sighthill Gorgie; and
11 – City Centre

1. Recommendations

- 1.1 Transport and Environment Committee is asked to:
 - 1.1.1 Agree to pursue a Compulsory Purchase Order (CPO) for the area of land shown in Appendix 3;
 - 1.1.2 Note that it is intended to submit a draft CPO to the next appropriate meeting of the Council for authority to exercise compulsory purchase powers; and
 - 1.1.3 Note that the Council will continue to seek a negotiated purchase or servitude access to the land noted in Appendix 3 in parallel with the CPO process.

Paul Lawrence

Executive Director of Place

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E-mail: daisy.narayanan@edinburgh.gov.uk

Roseburn to Union Canal Active Travel Route and Green Corridor – Compulsory Purchase Order

2. Executive Summary

- 2.1 This report seeks approval to serve a Compulsory Purchase Order (CPO) in respect of the plot of privately-owned land shown on the plan provided in Appendix 3. The acquisition of this plot by the Council is required to enable the construction of a link onto the main Roseburn to Union Canal route at Duff Street Lane, which will be of value to local residents for accessing the main active travel route and greenspace.

3. Background

- 3.1 The Roseburn to Union Canal project is a multi-million pound scheme that will provide a high quality green corridor and improved public open space by transforming the quality of walking and cycling connections from the North Edinburgh Path Network (NEPN) and Quiet Routes 8 and 9 (West Edinburgh) to the Union Canal, and onwards to the Meadows and Southside, as well as southwest Edinburgh and National Cycle Network route 75 (NCN75). A plan showing the extent of the route is provided in Appendix 1.
- 3.2 On 8 September 2022, the Finance and Resources Committee delegated authority to the Executive Director of Place to award a contract to Balfour Beatty Civil Engineering Limited to undertake construction of the Roseburn to Union Canal project.
- 3.3 Preparatory tree felling commenced on 6 February 2023, with the main contract awarded on 5 May 2023 and completion scheduled for June 2024.
- 3.4 In addition to the main walking and cycling network, access points onto the main route have been designed at various locations along its length. These will provide steps and ramps for people walking, wheeling and cycling to access the route. Access points are proposed at Russell Road, Duff Street Lane and the Lidl car park on Dalry Road.
- 3.5 Access onto the main route at Duff Street Lane was identified as an aspiration of local residents during an extensive public and key stakeholder consultation, undertaken over a seven-week period when the project was originally

conceptualised in late 2016 and was subsequently incorporated into the project design. A plan showing the current design for the Duff Street Lane link is provided in Appendix 2.

4. Main report

- 4.1 While the successful delivery of the main route is not dependent on the Duff Street Lane link, in order to construct it there is a requirement to acquire an area of land not currently in the ownership of the Council. This area of land is shown in the plan provided in Appendix 3.
- 4.2 The section of ground is currently fenced off, and in a disused state characterised by overgrown vegetation. Research has established that it is owned pro indiviso by the owners of adjacent residential development.
- 4.3 The property management factor representing the property owners has been contacted by the Council to express the Council's interest in acquiring the land. The factor subsequently advised that there was an unwillingness among some of the owners to sell the ground. Consequently, a CPO will be required to acquire the land.
- 4.4 The Council will, however, continue to engage with the property factor with a view to negotiating an acquisition or servitude right of access to the land required for the project works.
- 4.5 Although the use of the area as an active travel link was not formally stipulated as a planning condition, nor is it detailed within the adopted Edinburgh Local Development Plan, it is noted within report seeking Planning Permission. Specific reference was made in Planning Permission ref [03/04721/FUL](#), which shows the area of adjacent ground designated as a future link to cycle pathways to the south of the site. The section of ground is also identified as such on the approved site layout plan for the development. A copy of this plan is provided in Appendix 4.
- 4.6 It is intended that Balfour Beatty would construct the link as part of the main construction work if the CPO process can be completed in time. If the process cannot be completed within this timescale, then the delivery of the access could be progressed later and, in this event, the main construction works will incorporate measures to ensure the link could be added with minimal need for changes.
- 4.7 The CPO process requires to be commenced now, to ensure that the land can be timeously acquired to ensure the best possible chance of delivering the Duff Street Lane link as part of the main construction contract. The CPO will only be implemented if title or access has not been able to be acquired by agreement.

5. Next Steps

- 5.1 The procedure for making and, where appropriate, confirming most CPOs is contained in The Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 (the “1947 Act”). Specific Acts of Parliament provide the Council with powers to acquire land by CPO in specific circumstances.
- 5.2 Acquiring title by CPO is a complex process, with the 1947 Act putting mechanisms in place to ensure an objecting affected party has a right to be heard and that all affected parties are fairly compensated.
- 5.3 Where a CPO is not objected to, it may be confirmed by Scottish Ministers within months, however if there are valid objections it may take significantly longer.
- 5.4 If negotiations were to fail in respect of the required acquisition, without a CPO being commenced now, there is a risk to the delivery of the Duff Street Lane link as part of the main construction works to be undertaken by Balfour Beatty.
- 5.5 The Council has CPO powers to enable delivery of this redevelopment project in terms of Section 189 (1) of the Town and Country Planning (Scotland) Act 1997. Section 189 (1) allows a Local Authority, on being authorised by Scottish Ministers, the power to acquire compulsorily any land in their area which is:
 - 5.5.1 Suitable for and is required in order to secure the carrying out of development, redevelopment or improvement; and
 - 5.5.2 Required for a purpose which it is necessary to achieve in the interests of the proper planning of an area in which the land is situated.
- 5.6 If approved by Committee, a draft CPO will be prepared. The draft CPO and this report will be referred to the Council for approval. If approved, the Order will be advertised with an opportunity for any objections to be made. If any valid objections cannot be resolved, Scottish Ministers will appoint a Reporter and arrange for a Hearing or Inquiry in respect of the CPO. Subject to the Ministers’ satisfaction the Order will be confirmed, modified or rejected.
- 5.7 If the CPO is confirmed by Scottish Ministers, it will be for the Council to determine whether it is necessary to implement it.
- 5.8 The Council will continue to seek a negotiated purchase of or a servitude access across the land, in parallel with the CPO process.

6. Financial impact

- 6.1 The estimated overall project cost for the whole route is £17.25 million with the contract value of the main construction works amounting to £12.5 million.
- 6.2 The Places for Everyone grant scheme provides for all pre-construction costs to be met by Sustrans, up to the value of 10% of the total construction cost. Construction costs are match funded, 70% through Sustrans and 30% through Council capital expenditure.

- 6.3 The revised Active Travel Investment Programme 2021-26 has been agreed with Sustrans.
- 6.4 An estimated valuation for this area of land has been prepared by Council officers, based on the ground being classed as amenity space. As the area involved is small, measuring approximately 30 square metres, it is expected that the cost of acquiring the land itself will be nominal and somewhere within the range of £10k to £20k.
- 6.5 The cost of the CPO process is estimated at between £0.015m and £0.025m, depending on whether a Hearing/Inquiry is required.
- 6.6 The source of the funding for the CPO will depend on when the process can be finalised. Balfour Beatty remain under contract until June 2024 and if the link to Duff Street Lane can be constructed under the current contract, then the work would benefit from 70% Sustrans funding. If this work needs to be undertaken following completion of the main contract, the work might require to be fully funded by the Council's capital budget.

7. Equality and Poverty Impact

- 7.1 An Integrated Impact Assessment has been prepared for the project and is updated periodically as the project progresses.
- 7.2 It is expected that the proposals set out in this report will advance equality of opportunity by improving Edinburgh's cycling and walking infrastructure, and making it more attractive, safer and accessible for less confident cyclists and people on foot and wheeling, including children and older people. It will also improve access to local services, including schools, by active travel modes.
- 7.3 There will be positive impacts on rights to standard of living and health through improving the attractiveness of walking and cycling, and through promoting healthier forms of travel and development of landscaping and place.

8. Climate and Nature Emergency Implications

- 8.1 As a public body, the Council has statutory duties relating to climate emissions and biodiversity. The Council

“must, in exercising its functions, act in the way best calculated to contribute to the delivery of emissions reduction targets”

(Climate Change (Emissions Reductions Targets) (Scotland) Act 2019), and

“in exercising any functions, to further the conservation of biodiversity so far as it is consistent with the proper exercise of those functions”

(Nature Conservation (Scotland) Act 2004)

- 8.2 The City of Edinburgh Council declared a Climate Emergency in 2019 and committed to work towards a target of net zero emissions by 2030 for both city and corporate emissions, and embedded this as a core priority of the Council Business Plan 2023-27. The Council also declared a Nature Emergency in 2023.

Environmental Impacts

- 8.3 The overall project will:
- 8.3.1 Deliver a significant net increase in the number of trees along the route, as well as a higher quality, more diverse and better managed woodland;
 - 8.3.2 Increase the biodiversity of the route through planting native trees and shrubs and creating areas of wildflower meadow; and
 - 8.3.3 Through enabling modal shift from car use to walking and cycling, help contribute to reduced carbon emissions, noise pollution and congestion and will help improve local air quality.

9. Risk, policy, compliance, governance and community impact

- 9.1 The access onto the main route at Duff Street Lane was identified as an aspiration of local residents during an extensive public and key stakeholder consultation, undertaken over a seven-week period when the project was originally conceptualised in late 2016 and was subsequently incorporated into the project design. It will enable local residents of Duff Street Lane more direct access to the new active travel route and green spaces.
- 9.2 Failure to deliver the link could therefore have a reputational impact on the Council and would reduce the ability of residents of the surrounding area to easily access the active travel route and greenspace that the project will deliver. The contractor will future proof the delivery of the link to Duff Street Lane in order to facilitate its future delivery should the works not be deliverable under the main contract.
- 9.3 The overall scheme will:
- 9.3.1 Reduce carbon emissions by contributing towards the core objectives of the Council's Active Travel Action Plan to increase the number of people walking and cycling in Edinburgh;
 - 9.3.2 Increase the city's resilience to climate change impacts by providing more opportunities for sustainable travel through improvements to walking and cycling infrastructure; and
 - 9.3.3 Help achieve a sustainable Edinburgh through the promotion of healthier forms of travel.
- 9.4 The reputational risk of not proceeding with purchasing this section of ground and delivering the Duff Street Lane link is contained in the project's risk register and is therefore being managed at a project level.

10. Background reading/external references

10.1 [City of Edinburgh Council Active Travel Action Plan 2016](#)

11. Appendices

11.1 Appendix 1 – Plan showing extent of Roseburn to Union Canal route

11.2 Appendix 2 – Plan showing Duff Street Link

11.3 Appendix 3 – Plan showing area of land to be acquired.

11.4 Appendix 4 – Plan associated with Planning Permission ref 03/04721/FUL



- NOTES:
1. This drawing is to be read in conjunction with all other drawings and specifications.
 2. Do not scale off this drawing. Written dimensions to be taken only.
 3. Any discrepancies found between this drawing and other drawings, specifications or other associated documents must be referred to the Landscape Architect prior to work commencing.
 4. This drawing must not be copied in whole or in part without prior written consent of HarrisonStevens Limited
 5. Survey information is based upon the Topographical Survey and OS data where referenced.

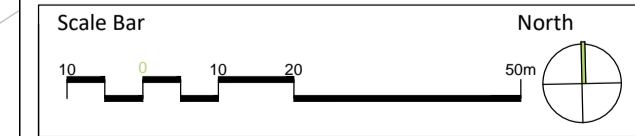
Issue	Revision	By	Date
H07	Tree grilles removed	dm	15.12.21
H06	Updated planting key	nb	13.12.21
H05	Fourth issue for TENDER	dm	29.11.21
H04	Updated play equipment	nb	08.09.21
H03	Fourth issue for TENDER	dm	03.12.20
H02	Third issue for TENDER	el	17.08.20
H01	Second issue for TENDER	dm	07.07.20
H00	First issue for TENDER	dm	15.05.20
E00	First issue for PLANNING	dm	03.12.19

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Client:
CEC

Project:
Roseburn to Union Canal Pathlink

Drawing Title
General Arrangement Key Location



Date 12.04.19 Status TENDER

Drawn dm Checked mh Scale 1:1000@A1

Dwg. No. 14067_L_200 Rev. H07



- NOTES**
- The drawing is to be used in conjunction with all other drawings and specifications.
 - Do not scale off this drawing. Where dimensions do not appear, dimensions shall be taken from the landscape architect's plan.
 - Any dimensions shown on this drawing are approximate and shall be subject to change without notice.
 - The drawing must be read in conjunction with the project brief and other documents.
 - Survey information is based upon the Topographic Survey and OS data when referenced.
- Hardworks**
- Project Application Boundary
 - Extent of Earthworks
 - Paving Type 1A - Asphalt (to engineer's specification)
 - Paving Type 1B - Marked / Coloured Asphalt - to conflict areas (to engineer's specification)
 - Paving Type 2 - FCC Steps
 - Paving Type 3 - Pink EPDM Play Surface
 - Paving Type 4 - Orange EPDM Play Surface
 - Paving Type 5 - Red EPDM Play Surface
 - Paving Type 6 - Yellow EPDM Play Surface - to rubber spheres
 - Paving Type 7 - 100% Concrete - to 3D climbing structures
 - Softwood Chip - To Play Areas
 - Bridge Deck Path - To elevated cycle routes (to engineer's specification)
 - Rubber Matting - Grass protection to play areas

Issue	Revision	By	Date
H05	Updated planting key	nb	13.12.21
H04	Updated play equipment	nb	08.09.21
H02	Third issue for TENDER	el	17.08.20
E01	First issue for costing	dm	10.07.19
E00	First issue for team comment	dm	25.04.19

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Client:
CEC

Project:
Roseburn to Union Canal Pathlink

Drawing Title:
General Arrangement 2 of 5

Scale Bar: 2.5m, 5m, 10m

Date: 12.04.19 Status: TENDER

Drawn: dm Checked: mh Scale: 1:250@A1

Dwg. No: 14067_L_202 Rev: H05

TRIE PLANTING GENERALITY

Plants to be used shall be selected from the following list and shall be suitable for the site conditions. Plants shall be selected from the following list and shall be suitable for the site conditions. Plants shall be selected from the following list and shall be suitable for the site conditions.

PLANTING TYPHOLOGIES

Type 1 - New Woodland and Parkland

- 100% Softwood
- 100% Hardwood
- 100% Mixed
- 100% Grass

Type 2 - New Woodland and Parkland

- 100% Softwood
- 100% Hardwood
- 100% Mixed
- 100% Grass

Type 3 - New Woodland and Parkland

- 100% Softwood
- 100% Hardwood
- 100% Mixed
- 100% Grass

BRIDGE DECK PATH

100% Concrete

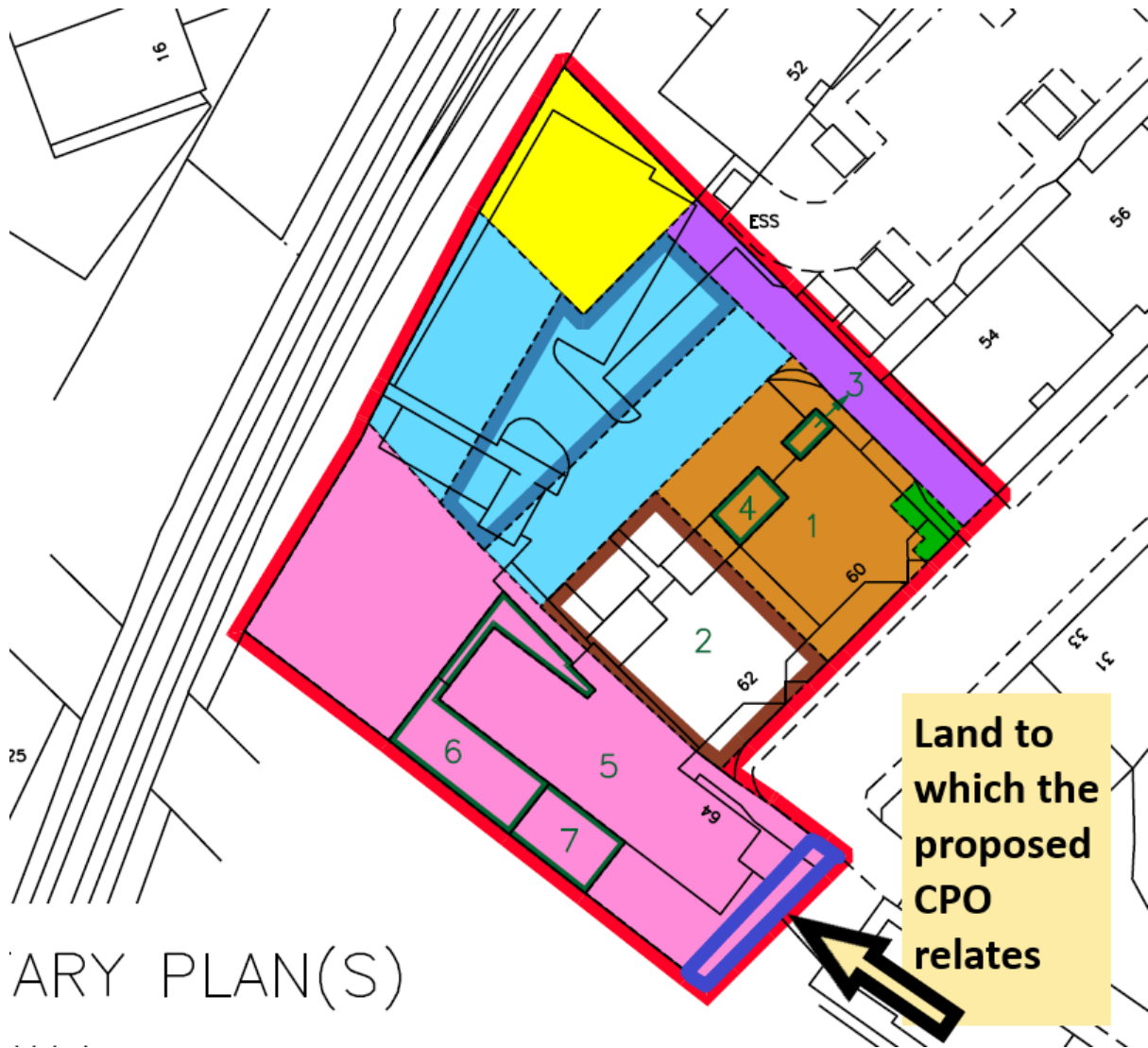
BRIDGE DECK PATH

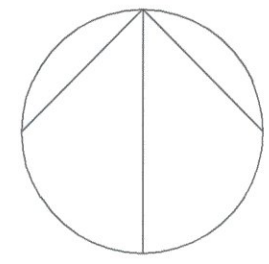
100% Concrete

BRIDGE DECK PATH

100% Concrete

Appendix 3 – Plan showing area of land to be acquired





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 DO NOT SCALE THIS DRAWING
 ALL DIMENSIONS AND LEVELS TO BE CHECKED ON SITE
 DISCREPANCIES TO BE REPORTED TO SMITH SCOTT MULLAN ASSOCIATES BEFORE PROCEEDING
 IF IN ANY DOUBT ABOUT INFORMATION ON THIS DRAWING, CONTACT SMITH SCOTT MULLAN ASSOCIATES

REVISIONS	
REV A	UPDATED FOLLOWING CLIENT COMMENTS 14.12.03 EM SB
REV B	UPDATED FOR PLANNING APPLICATION 19.12.03 SB
REV C	REDUCED TO 36 UNITS, UPDATED ACCORDINGLY 22.03.04 EM SB
REV D	FLOOR PLANS UPDATED 17.04.04 EM SB
REV E	FLOOR PLANS UPDATED 19.05.04 EM SB
REV F	FLOOR PLANS UPDATED 20.05.04 EM SB
REV G	SITE LAYOUT UPDATED 13.12.04 EM RM
REV H	UPDATED FOR PLANNING SUBSTITUTION 23.12.04 EM RM
REV J	REVISED TO CLIENTS COMMENTS 08.02.05 MC
REV K	UPDATED FOR PLANNING RESUBMISSION 14.02.05 EM RM

ACCOMMODATION NUMBERS
 FOR DETAILED INFORMATION REFER TO ACCOMMODATION SCHEDULE DOCUMENT.

STAIR A:
 5 STOREY, 20 UNITS,
 15 NO. 2 BED FLATS &
 5 NO. 3 BED FLATS.

STAIR B:
 5 STOREY, 5 UNITS,
 5 NO. 2 BED FLATS.

STAIR C:
 5 STOREY, 10 UNITS,
 5 NO. 1 BED FLATS,
 5 NO. 2 BED FLATS.

TOTAL: 35 UNITS

**PARKING: 35 SPACES - 100 %
 CYCLE PROVISION: 40 - 114 %**

CLIENT
 J SMART & Co.

PROJECT
 60-64 DUFF ST
 EDINBURGH

DRAWING TITLE
 SITE LAYOUT
 AS PROPOSED

SCALE
 1:200 @ A1
 DATE
 11.12.03

CAD FILE
 0235-Site-Layout-Current
 DRAWN BY
 EM SB

STATUS
 DWG NO
 0235/ D-30 REV K

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 EDINBURGH
 EH7 4PF

PLANNING & STRATEGY

DRAWING No. 03/04721/PL

DO REF

18 FEB 2005

MEETING	AGENDA ITEM	DECISION

SITE LAYOUT AS PROPOSED