Finance and Resources Committee

10.00am, Tuesday, 21 November 2023

EICA Bridge, Ratho – Proposed Lease Variation, Sub-Lease and Servitude

Executive/routine Routine

Wards 2 – Pentland Hills

1. Recommendations

1.1 That the Finance and Resources Committee approve the variation of an existing lease, subsequent sub lease and grant of servitude of the Edinburgh International Climbing Arena (EICA) Access Bridge to allow the installation of a foul drainage pipe to facilitate the neighbouring Lostshores Development on the terms outlined in the report.

Paul Lawrence

Executive Director of Place

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Report

EICA Bridge, Ratho – Proposed Lease Variation, Sub-Lease and Servitude

2. Executive Summary

- 2.1 The Council currently leases the access bridge to the Edinburgh International Climbing Arena Bridge (EICA) from British Waterways (trading as Scottish Canals). Lostshores Ltd (formerly Wavegarden/Tartan Leisure) require to connect into the mains drain, located to the north of the EICA site. The proposed route is across the EICA bridge for which a sublease from the Council is required.
- 2.2 This report seeks approval for a variation of the existing lease, sub lease and servitude to Lostshores Limited on the terms outlined in the report.

3. Background

- 3.1 The EICA was purchased by the Council from receivers in 2006. The only access into the facility is via a bridge over the Union Canal as shown on the attached plan. The rights over the canal are leased from British Waterways (trading as Scottish Canals), which was inherited by the Council from the previous owners. The lease runs until 2051 and the current rent is £14,648 per annum, which is subject to five yearly reviews with the rent increasing by 25% each time.
- 3.2 Planning Permission was granted in 2016 (application reference 16/06371/PAN) for Lostshores proposed development including the erection of a water sport and training facilities, associated infrastructure, access (pedestrian and vehicular), landscaping and ancillary works. Additional Planning Permission was granted for the supporting buildings including ancillary class one (retail) and class three (food and drink) uses and tourism accommodation.
- 3.3 In order to deliver the proposed scheme, Lostshores Ltd require a sub-lease from the Council which will grant them rights to install a 110mm foul drainage pipe into ducting within the void of the Bridge. The terms of the existing lease with Scottish Canals require to be varied to allow the proposed sub-letting.
- 3.4 This report also requires council approval for a Servitude to Lostshores Ltd for the drainage pipe to be routed down the western curtilage of the EICA site extending to approximately 270 metres.

4. Main report

- 4.1 The following terms have been provisionally agreed for the grant of the sublease, following the variation of the head lease to allow sub-letting to take place:
 - 4.1.1 Subjects: ducting within the void of the bridge for use by Lostshores Limited for drainage purposes only;
 - 4.1.2 Sub-lessee: Lostshores Limited;
 - 4.1.3 Term: 25 years from date of entry (anticipated November 2023);
 - 4.1.4 Rent: Initially £7,324 per annum (50% of the head lease rent);
 - 4.1.5 Rent Reviews: Every five years in accordance with the head lease between the Council and Scottish Canals; and
 - 4.1.6 Costs: the Council's legal and surveyor's costs are covered by the Lostshores Limited.
- 4.2 All other terms within the Head Lease will be replicated and passed onto the Sub-Tenant.

5. Next Steps

5.1 Following approval of the terms by the Finance and Resources Committee, solicitors will be instructed to conclude the legal documentation.

6. Financial impact

- 6.1 The Council's lease expires in 2051. At the end of the lease, the rent will be circa £55,000 per annum, based on the provisions of the review clause.
- 6.2 A contribution of £7,324 per annum from the sub-tenant to the Council, will reduce the Council's rental commitments for the period of the sub-lease. The rental income from the sub-tenant will be subject to the same five yearly reviews as the Head Lease so will remain at 50% of the rent which the Council pays to Scottish Canals through the sub lease term.

7. Equality and Poverty Impact

7.1 No impact has been identified.

8. Climate and Nature Emergency Implications

8.1 As this proposal involves use of existing infrastructure, any impact on carbon emissions is expected to be minimal.

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

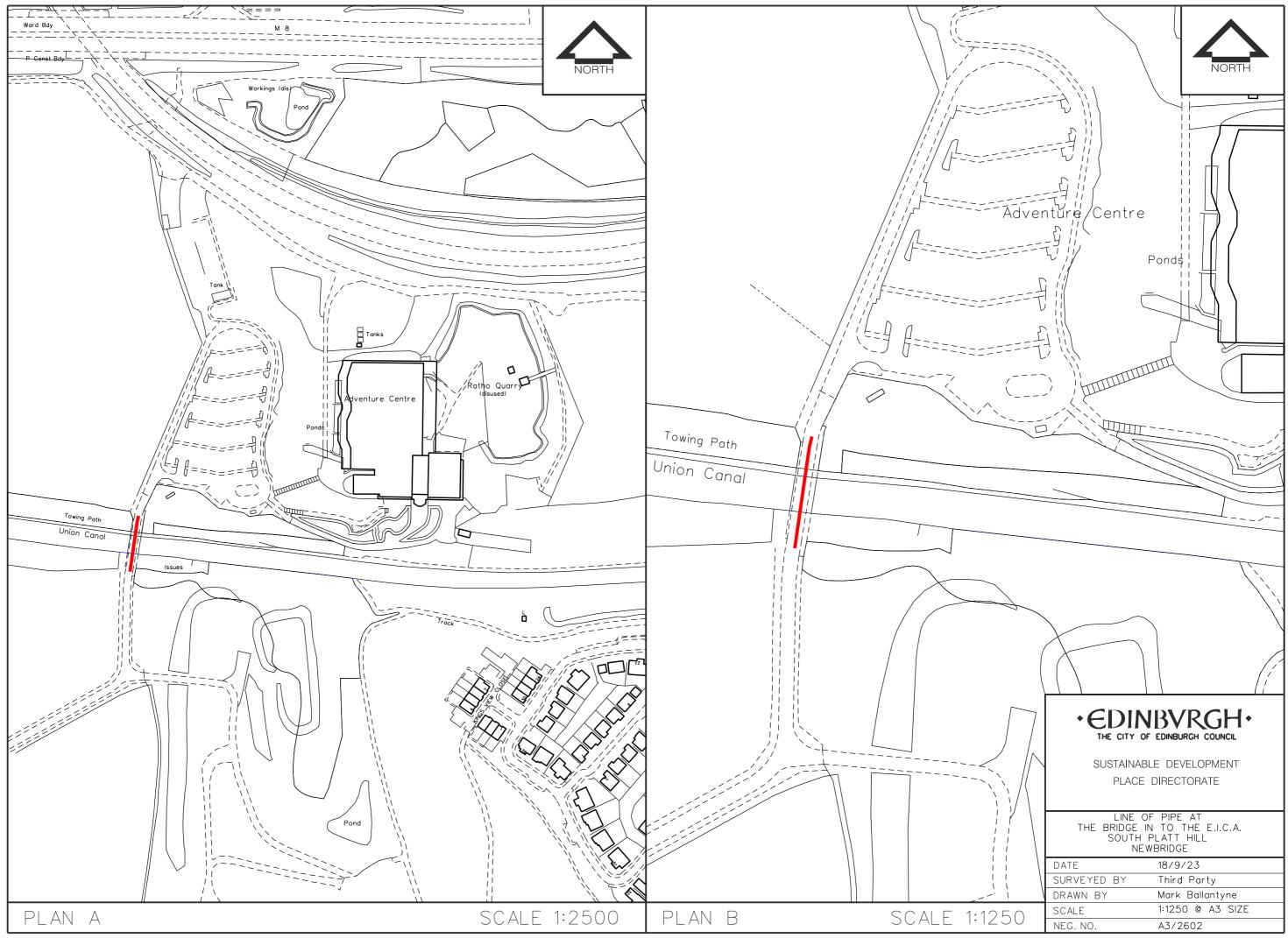
- 9.1 Ward members have been aware of the recommendations of this report.
- 9.2 No community impact has been identified.

10. Background reading/external references

10.1 None.

11. Appendices

- 11.1 Appendix 1 Sub-lease plan.
- 11.2 Appendix 2 Servitude plan.



NONE IDENTIFIED.	NONE IDENTIFIED.	• N/A		
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	SE SAND		110	BE USED.
		RISING MAI	N BEDDING D SCALE 1:20	<u>ETAIL</u>

HEALTH & SAFETY RESIDUAL DESIGN RISK TABLE

RESIDUAL RISK

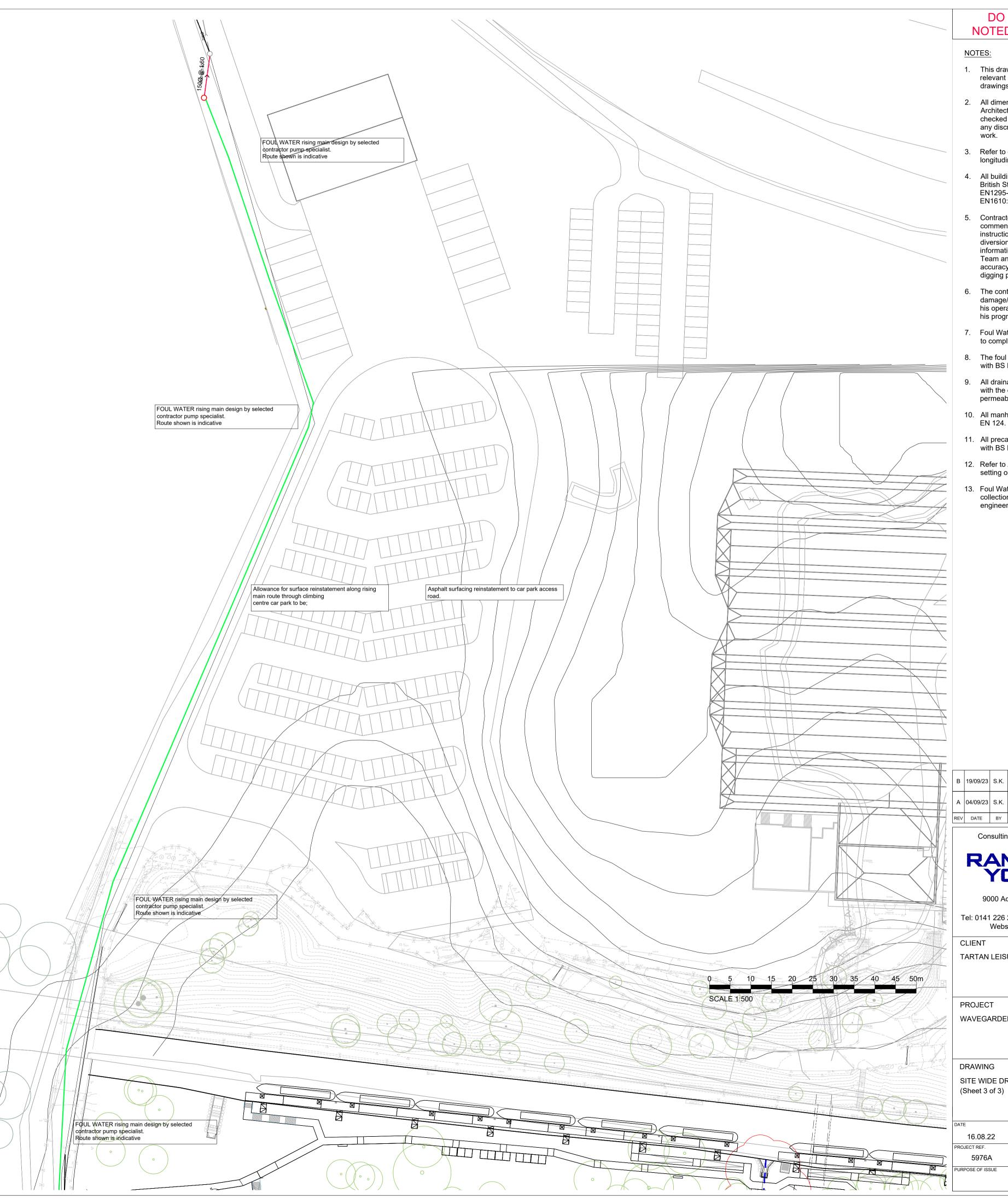
OPERATION

PROCEDURE TO

• N/A

PRAINAGE LAYOUT :-BLACK PE80 SDR17 MDPE RISING MAIN.





DO NOT SCALE - USE NOTED DIMENSIONS ONLY

- This drawing is to be read in conjunction with the relevant specification and all other related drawings issued by the Architect and Engineer.
- All dimensions and levels to be confirmed by Architect. All dimensions and levels are to be checked on site and the Engineer to be notified of any discrepancies prior to commencement of
- 3. Refer to drawings 5976A 140 -146 for drainage longitudinal sections and manhole schedules.
- 4. All building drainage to comply with the following British Standards: BS EN12056-1:2000, BS EN1295-1:1998, BS EN752 2017 and BS EN1610:1998
- 5. Contractor to investigate existing services prior to commencement and to agree and obtain instructions in regard to any protection and/or diversion works necessary. All existing services information obtained from Public Utilities, Design Team and other sources cannot be guaranteed for accuracy and shall be verified by Cat Scan or trial digging prior to commencement.
- 6. The contractor shall be responsible for damage/disruption to existing services caused by his operations and should make due allowance in his programme and costs in this regard.
- Foul Water connection to public drainage system to comply with requirements of Scottish Water.
- 8. The foul and surface water drainage shall comply with BS EN 752:2008.
- All drainage pipes to be solid PVC-U to EN 1401 with the exception of surface water pipes within permeable paving areas.
- All manhole covers and frames to comply with BS EN 124.
- 11. All precast concrete manhole chambers to comply with BS EN 1917.
- 12. Refer to Architect's drawings for drainage pop-up setting out.
- 13. Foul Water Pump Chamber requires backup at collection manhole in case of pump faiulure. M&E engineer to design/specify.

B | 19/09/23 | S.K. | RISING MAIN ALIGNMENT AMENDED. A 04/09/23 S.K. RISING MAIN INFORMATION ADDED.

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CLIENT

TARTAN LEISURE

PROJECT

WAVEGARDEN, RATHO

DRAWING

SITE WIDE DRAINAGE LAYOUT (Sheet 3 of 3)

===	DATE	DRAWN	SCALE AT A1	CHECKED	
	16.08.22	B.B.R.	1:500	J.R.	
	PROJECT REF.	DRAWING NO.		REV	
	5976A	132		В	
	PURPOSE OF ISSUE				

CONSTRUCTION