

Finance and Resources Committee

10.00am, Thursday, 25 January 2024

Water of Leith Walkway, Gillespie Road – Proposed Deed of Servitude

Executive/routine
Wards

Routine
8 - Colinton/ Fairmilehead

1. Recommendations

- 1.1 That the Finance and Resources Committee approves the grant of a Deed of Servitude in favour of the owner of 19 Gillespie Road under the terms and conditions outlined in this report and on other terms to be agreed by the Executive Director of Place.

Paul Lawrence

Executive Director of Place

Contact: Greg Manson, Trainee Estates Surveyor

E-mail: greg.manson@edinburgh.gov.uk | Tel: 0131 529 5774

Water of Leith Walkway, Gillespie Road – Proposed Deed of Servitude

2. Executive Summary

- 2.1 This report seeks approval for the grant of a Deed of Servitude in relation to a water supply pipe, over a section of Council owned land at the Water of Leith Walkway, Gillespie Road.

3. Background

- 3.1 The owner of 19 Gillespie Road approached the Council in March 2022 to request permission to lay a water supply pipe for their property through Council owned land at section of the Water of Leith Walkway. These works are to upgrade the existing lead pipe to PVC and establish a new route. The intention was for the pipe to become adopted by Scottish Water as part of their network once laid.
- 3.2 To allow the necessary permissions to install the pipe, the owner of 19 Gillespie Road entered into a Licence Agreement to undertake the works, with prior approval from the Council's Natural Heritage team.
- 3.3 During the installation works, Scottish Water decided that they would no longer adopt the pipe. Therefore, in order to ensure the owner of 19 Gillespie Road is responsible for future maintenance of the pipe, it has been agreed in principle that they enter into a Deed of Servitude with the Council

4. Main report

- 4.1 The following terms have been provisionally agreed:
- 4.1.1 Grantor: City of Edinburgh Council;
 - 4.1.2 Grantee: the owner of 19 Gillespie Road;
 - 4.1.3 Rights: the Deed of Servitude will allow the grantee the obligation to repair, maintain, replace, and renew the water supply pipe over the Servitude area lineated red on the attached plan;

- 4.1.4 Conditions: the grantee will acquire full maintenance obligations over the Servitude area;
- 4.1.5 Consideration: the Council will receive a grassum payment of £1,000 for the Servitude; and
- 4.1.5 Costs: the Council's reasonable legal costs and Surveyor's fee will be paid by the grantee.

5. Next Steps

- 5.1 Following Committee approval, the Council will enter into a Deed of Servitude with the grantee in accordance with the terms and conditions stated within this report.

6. Financial impact

- 6.1 The Council will receive a £1,000 grassum payment, and all reasonable legal costs and surveyors fees will be met by the grantee.

7. Equality and Poverty Impact

- 7.1 The impact on equalities has been considered. The Integrated Impact Assessment (IIA) checklist has been completed and the outcome is that a full IIA is not required for this Servitude. There is little relevance to equality and no negative impact given the services provided by the Servitude.

8. Climate and Nature Emergency Implications

- 8.1 In terms of environmental issues, the previously existing water supply pipe was constructed of lead, which is a material hazardous to health. The replacement pipe is made from PVC, which does not pose the same health risks.

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

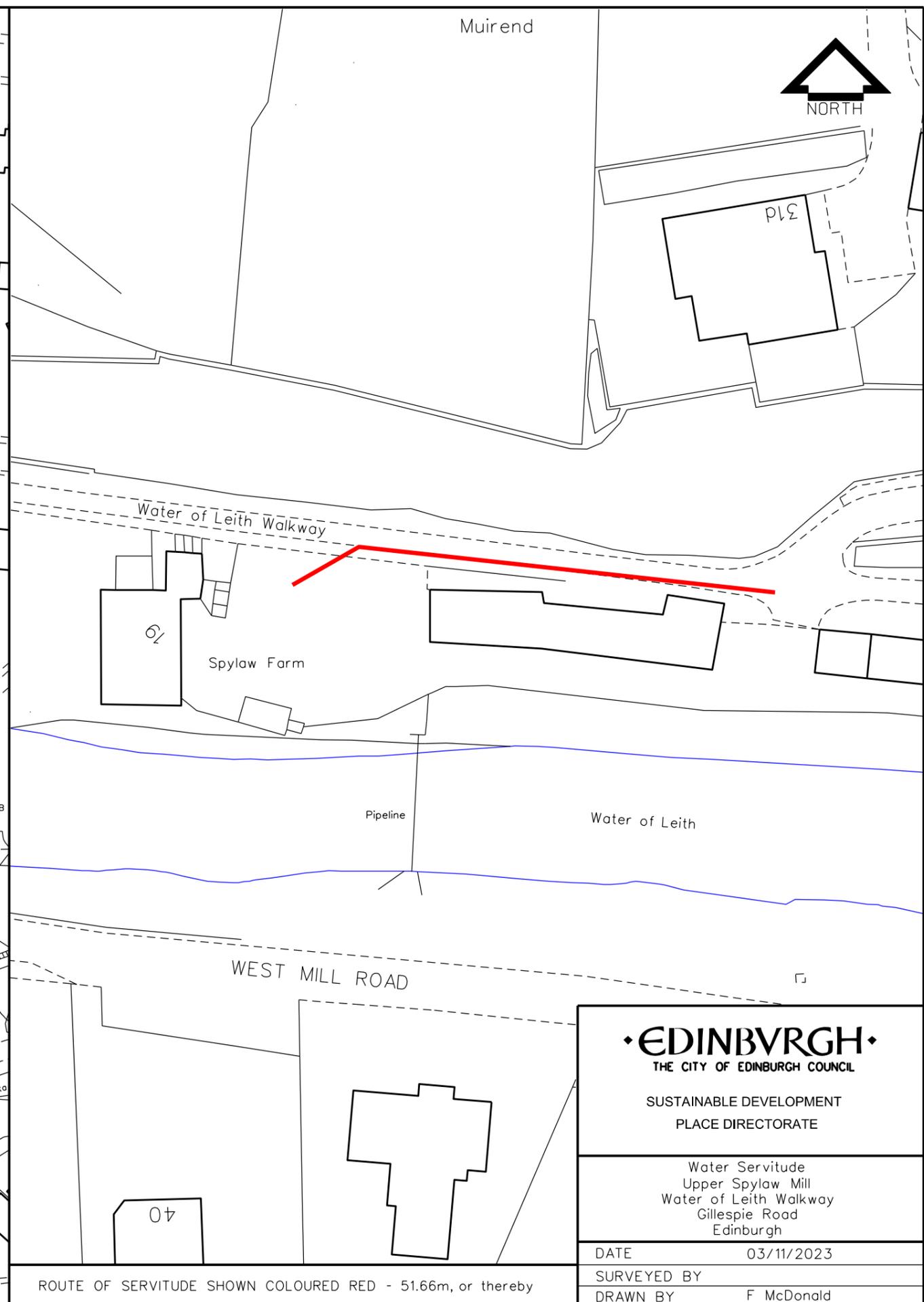
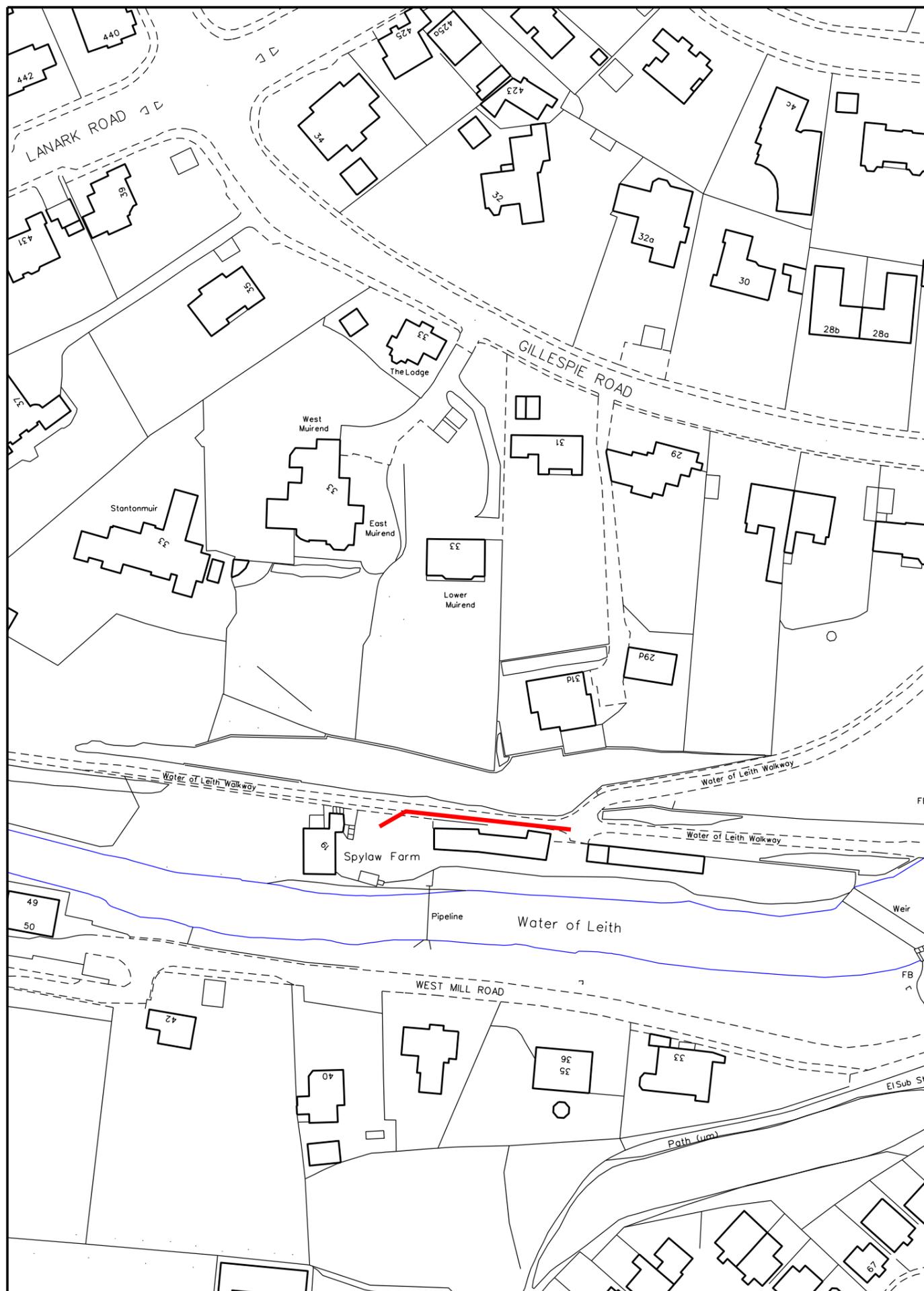
- 9.1 Ward members have been aware of the recommendations of this report.
- 9.2 The Neighbourhood Environmental Services team have been consulted and are in support of the Servitude.

10. Background reading/external references

- 10.1 None.

11. Appendices

11.1 Appendix 1 – Servitude plan.



LOCATION PLAN

SCALE 1:1250

SITE PLAN

SCALE 1:500

• EDINBURGH • THE CITY OF EDINBURGH COUNCIL	
SUSTAINABLE DEVELOPMENT PLACE DIRECTORATE	
Water Servitude Upper Splylaw Mill Water of Leith Walkway Gillespie Road Edinburgh	
DATE	03/11/2023
SURVEYED BY	
DRAWN BY	F McDonald
SCALE	To scale @ A3
PLAN. NO.	NT2068/A3/2617

ROUTE OF SERVITUDE SHOWN COLOURED RED - 51.66m, or thereby