

**FALKIRK COUNCIL**

**Subject: OUTDOOR ACCESS PROJECTS – ACQUISITION OF LAND**  
**Meeting: EXECUTIVE**  
**Date: 8 OCTOBER 2013**  
**Author: DIRECTOR OF DEVELOPMENT SERVICES**

**1. INTRODUCTION**

- 1.1 In order to construct outdoor access projects in the Council's planning and investment programmes it is, on occasion, necessary to acquire land. This report considers the need for a compulsory purchase order (CPO) for a project where it has not been possible to acquire the land by negotiation. A plan showing the affected land is attached as Appendix 1.

**2. PROPOSED COMPULSORY PURCHASE ORDER – Main Street, Shieldhill**

- 2.1 Falkirk Council's Core Paths Plan identifies a direct off-road route between Shieldhill and California (core paths 018/686, 018/699 and 018/688). However, this route has been severed since Autumn 2008 when the previous culvert at Polmont Burn collapsed. A bridge is therefore required to reconnect these communities and improve access from Shieldhill to Bellsrigg Community Woodland, California.
- 2.2 An objection to inclusion of path 018/686 in Falkirk Council's Core Paths Plan was raised by the landowner. This was then subject to examination through a Local Inquiry into the Core Paths Plan led by a Scottish Government appointed Reporter. Notwithstanding the need for a bridge, the Reporter agreed with Falkirk Council's position that route 018/686 be retained as a core path.
- 2.3 Since adoption of the Core Paths Plan in 2010, an ongoing legal dispute with the landowner has frustrated progress by Falkirk Council to install a new bridge across Polmont Burn.
- 2.4 The core paths play an important role for communities. As well as offering public benefit in terms of health and well-being, they enable public access into the countryside, and provide opportunities to reconnect communities. Evidence of this wider benefit is shown through continued pressure from the local community for public access along this core path, as voiced through Shieldhill & California Community Council. This reaffirms the public benefits of acquiring the land.
- 2.5 The area under consideration is currently owned by two separate land owners, one of whom has indicated a willingness to allow occupation of the land for the duration of the bridge construction and associated path works. The second owner who is the owner of the land shown on the attached plan, has been approached by Falkirk Council to agree works, but no such agreement has been reached. It is anticipated that further approaches to secure voluntary rights will prove difficult to achieve.

- 2.6 This report seeks permission from the Executive to acquire the land as shown on the attached plan voluntarily. However, if matters do not progress satisfactorily, approval is sought for the Director of Development Services and the Chief Governance Officer to commence CPO procedures.

### **3. POLICY, FINANCIAL, LEGAL AND PERSONNEL IMPLICATIONS**

#### **3.1 Policy**

The proposed land acquisition is for a scheme that satisfies Council policies, in particular:

##### **Local Plan Policies:**

##### **ST1 Core Path Network**

The Council will safeguard and promote the development of the core path network.

##### **EQ29 Outdoor Access**

(1) The Council will seek to safeguard, improve and extend the network of countryside access routes, with particular emphasis on the core path network.

##### **Local Transport Strategy Policies:**

##### **Policy MU1**

The Council will continue to maintain, and work to enhance where possible, the existing path network and work towards developing multi-use paths as a major contribution to the network.

#### **3.2 Financial & Legal Implications**

Funding is available for the acquisition of this land from the outdoor access budget.

The bridge and access path will be constructed to an appropriate standard for countryside use by walkers, cyclists and horse riders, and the Council will be responsible for future upkeep and maintenance of both the bridge structure and the access path.

Any licence agreed with the current landowners will allow the Council access to construct the bridge and path and access for maintenance purposes.

#### **3.3 Personnel Implications**

There are no significant personnel implications.

#### **3.4 Legal Implications**

Section 16 of the Land Reform (Scotland) Act 2003 gives powers for acquisition of land by the local authority to enable or facilitate exercise of access rights. This can be achieved by agreement or, with consent of Scottish Ministers, the land can be acquired compulsorily. Scottish Ministers have the power to order a Public Local Inquiry and there is no guarantee that the application for compulsory purchase will be successful.

#### **4. RECOMMENDATIONS**

- 4.1 It is recommended that the Executive instructs officers to continue in their attempts to purchase the land by agreement with the landowner.
- 4.2 Where officers determine that a voluntary acquisition is unlikely to be achieved, it is recommended that the Executive approves the Council's promotion of a Compulsory Purchase Order in terms of the Land Reform (Scotland) Act 2003 over the private interests outlined in the report and subsequent referral to the Scottish Ministers, for the construction of the following project:
- (i) Footbridge across Polmont Burn to replace collapsed culvert.
  - (ii) Path reinstatement and improvements along Core Path 018/686 between Main Street, Shieldhill and Bellsrigg Community Woodland, California.

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**Director of Development Services**

**Date: 26 September 2013**

Contact Officer: Mandy Brown, Planning Officer (Environment) ext.4716.

#### **APPENDIX**

1. Plan showing the affected land.

#### **LIST OF BACKGROUND PAPERS**

1. Falkirk Council Core Paths Plan 2010.
2. Files – Outdoor Access and Core Path Planning, Shieldhill.

Anyone person wishing to inspect the background papers listed above should contact 01324 504716 and ask for Mandy Brown.