

**FALKIRK COUNCIL**

**Subject: OUTDOOR ACCESS PROJECTS – ACQUISITION OF LAND**  
**Meeting: EXECUTIVE**  
**Date: 14 JANUARY 2014**  
**Author: DIRECTOR OF DEVELOPMENT SERVICES**

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

- 1.1 Members will recall that the Executive meeting of 8 October 2013 approved a proposed Compulsory Purchase Order (CPO) of land required in order to replace a missing bridge needed to carry Core Path 018/686 across the Polmont Burn south of Main Street, Shieldhill. This Core Path connects Main Street, Shieldhill with Bellsrigg Community Woodland, California.
- 1.2 Members requested that officers continue in their attempts to purchase the land by agreement with the landowner and, in the event that this is not possible, approved the Council's promotion of a CPO under the Land Reform (Scotland) Act 2003.
- 1.3 Following detailed title searches, it has become clear that there is a need to extend slightly the area required to achieve the above purpose.
- 1.4 This report seeks approval for the acquisition of the extended area (shown in Appendix 1) voluntarily (Appendix 2 shows the area previously approved for acquisition). However, if matters do not progress satisfactorily, permission is sought to authorise the Director of Development Services and the Chief Governance Officer to include this area in any CPO procedures.

**2. POLICY, FINANCIAL, LEGAL AND PERSONNEL IMPLICATIONS**

**2.1 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.

## **2.2 Financial Implications**

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

## **2.3 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, 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.

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

## **2.4 Personnel Implications**

There are no significant personnel implications.

# **3. RECOMMENDATIONS**

**3.1 It is recommended that the Executive requests officers to continue in their attempts to purchase the land by agreement with the landowner.**

**3.2 However, if this is not possible, it is recommended that the Executive approves the inclusion of the extended area in the Council's promotion of a Compulsory Purchase Order under the Land Reform (Scotland) Act 2003 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: 31<sup>st</sup> December 2013**

Contact Officer: Mandy Brown, Tel. 01324 504716

## **APPENDICES**

1. Plan showing the extended land.
2. Plan showing area previously approved.

### **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.