

## Wayleave – TLBP Limited, Lochend Park Ringfencing of Capital Receipt

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City of Edinburgh Council

12 May 2005

### Purpose of Report

- 1 To recommend that the £100,000 received for a wayleave at Lochend Park be ringfenced to fund improvement works in the park.

### Main Report

- 2 At its meeting on 12 April 2005, the Executive considered the attached report by the Director of Culture and Leisure on negotiations for a wayleave for a surface water drain between the Lochend Butterfly site development and Lochend Park.
- 3 The agreement included a provision to use the £100,000 received for the wayleave agreement for upgrading Lochend Park.
- 4 The Executive agreed to recommend to the Council that the £100,000 be ringfenced to fund improvement works in the park

### Recommendation

- 5 That the £100,000 received for a wayleave at Lochend Park be ringfenced to fund improvement works in the park.

**Donald Anderson**  
Leader of the Council

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**Appendices** Report no E/543/04-05/C&L by the Director of Culture and Leisure

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**Wards affected**

**Background Papers** Minute of the Executive of 12 April 2005

## WAYLEAVE – TLBP LIMITED, LOCHEND PARK

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### Executive of the Council

12 April 2005

### Purpose of report

1. To seek the Council Executive's recommendation to the City Council to 'ring fence' the sum achieved for a wayleave at Lochend Park for improvements at the Park.

### Main Report

2. In 2004 developers TLBP approached the Culture and Leisure Department to grant a wayleave for a surface water drain between the Lochend Butterfly site development and Lochend Park.
3. The City Development Department (Estates) and Legal Services negotiated an agreement for the wayleave, which included a provision to use the sum of £100,000 received for the wayleave agreement for upgrading Lochend Park.
4. This will be the most significant single investment in Lochend Park in the last ten years and will address local priorities, which include:
  - Removal of over-mature trees from the perimeter of the pond area.
  - Improvement to habitats, by retaining root plates and spreading wood mulch around the pond perimeter.
  - Replacement of dilapidated and damaged chain link fencing with more sustainable and higher quality galvanised and powder coated bow top fencing.
  - Upgrading to tarmacadam standard sections of perimeter paths to the west of the pond.
5. Standing Order 88 requires that the Council should approve any expenditure not in the current Capital or Revenue Budgets. It is Council policy that capital receipts should not normally be ring fenced, except where the receipt is directly linked to identified proposed expenditure, in which case City Council approval of the ringfencing is necessary. Consequently, it is my proposal that the Executive recommend to the City Council that the sum generated by the wayleave agreement be used for upgrading Lochend Park.

**Agenda item:**

**Report title: Wayleave - TLBP Limited, Lochend Park**

In accordance with the Council's Standing Orders, the contents of this report have been noted by the appropriate Executive Member.

Without prejudice to the integrity of the report, and the recommendations contained within it, the Executive Member expresses his/her own views as follows:

Signed: *Ricky Henderson*

Date: *4 Apr 2005*

**For information** – Standing Order 57(1) states:

“Heads of Department will prepare reports, with professional advice and recommendations, on matters requiring decisions by the Executive:

- a report seeking decisions on matters of corporate strategy, corporate policy and corporate projects will be submitted direct to the Executive
- a report seeking decisions on matters relating to the special responsibilities allocated to an individual member of the Executive will be submitted, in the first instance, to that member. The member will add his or her own recommendation to it before submission to the Executive. Where the Executive member disagrees with the advice and the recommendation of the officers, the Executive member will also state his or her reasons.”