
Report To: Environmental and Regeneration Committee **Date:** 3 March 2022

Report By: Interim Director, Environment & Regeneration **Report No:** ERC/RT/GMcF/18.633

Contact Officer: Stuart Jamieson **Contact No:** 01475 714800

Subject: Path Agreement between Inverclyde Council and Peel Land & Property (Greenock Harbours) Limited for the Construction of the NCN75 Shared Path through East India and Victoria Harbour.

1.0 PURPOSE

1.1 The purpose of this report is to seek approval to enter into a Path Agreement with the landowner Peel Land & Property (Greenock Harbours) Limited to enable the NCN75 Shared Path to be completed between the Beacon Arts Centre and the existing access to EE contact centre located to the east on the A8, Rue End Street on the route shown at Appendix 1.

2.0 SUMMARY

2.1 The Council has been awarded a grant of £150,000 by Cycling, Walking and Safer Roads (CWSR) to complete this phase of the NCN75 cycle route from the Beacon Arts Centre and the existing access to EE contact centre located to the east on the A8, Rue End Street.

2.2 There is no previous legal agreement for this section of Shared Path.

2.3 This phase of the route passes through East India and Victoria Harbours which are owned by Peel Land & Property (Greenock Harbours) Limited and requires a Path Agreement between the Council and the landowner, under Section 21 of the Land Reform (Scotland) Act 2003, for the creation and maintenance of the path within land in respect of which access rights are exercisable.

3.0 RECOMMENDATIONS

3.1 That the committee delegates authority to the Head of Roads & Environmental Shared Services to enter into a Path Agreement with Peel Land & Property (Greenock Harbours) Limited on the terms set out in the body of the report and such other terms as are recommended by the Head of Legal and Democratic Services and the Interim Director Finance and Corporate Governance.

Gail MacFarlane
Head of Roads & Environmental Shared Services

4.0 BACKGROUND

4.1 The Shared Path from the Beacon Arts Centre and the existing access to EE contact centre located to the east on the A8, Rue End Street is the first phase of the NCN75 Cycle Route which is proposed to link Greenock with Port Glasgow.

4.2 This section of the Shared Path passes through 2 'parcels of land' which are owned or leased by Peel Land & Property (Greenock Harbours) Limited and are earmarked for future development. Consequently the Shared Path at these locations may be subject to change i.e. re-route depending on the type of development. The agreement will take cognisance of this which Peel Land & Property (Greenock Harbours) Limited agrees to in principle.

4.3 The path agreement will cover the following points (in summary)

- The agreement will be a Path Agreement under Section 21 of the Land Reform (Scotland) Act 2003 for the creation and maintenance of a path within land in respect of which access rights in terms of the Act are exercisable.
- The Council shall for the purposes of the creation and maintenance of the path in terms of this Agreement, have a non-exclusive right of access to the path
- The Council, or other person authorised by it, shall manage and maintain the works for the duration of the Agreement. Access for such management and maintenance work shall be taken under the terms and conditions of Section 26 of the Act.
- The Council shall be allowed to promote and encourage public use of the route. The Council will encourage, by reasonable means, users of the route to behave responsibly in keeping with the Scottish Outdoor Access Code.
- Officers envisage the duration of the agreement to be between 15-25 years based on a previous Path Agreement of a similar nature.
- The proposed route of the Path to be covered by the Path Agreement is shown on the plan at Appendix 1.

5.0 IMPLICATIONS

5.1 Finance

5.2 The construction of the path is Grant Funded by CWSR.

There is a maintenance liability for the path to keep it tidy and repair any defects.

Financial Implications:

One off Costs

Cost Centre	Budget Heading	Budget Years	Proposed Spend this Report £000	Virement From	Other Comments
N/A	CWSR		1		

Annually Recurring Costs/ (Savings)

Cost Centre	Budget Heading	With Effect from	Annual Net Impact £000	Virement From (If Applicable)	Other Comments
		June 2022	0.5		Inspections will be carried out as part of the standard cycle route inspection regime

5.3 Legal

Legal and Democratic Services have been consulted on this report. The draft Path Agreement has yet to be agreed between Inverclyde Council and Peel Land and Property (Greenock Harbours) Ltd.

5.4 Human Resources

There are no HR implications arising from this report.

5.5 Equalities

(a) There are equalities implications in this report.

YES - This report introduces an amendment to a policy, function or strategy or recommend a substantive change to an existing policy, function or strategy. Therefore, a Equality Impact Assessment is required.

NO

(b) **Fairer Scotland Duty**

If this report affects or proposes any major strategic decision:-

Has there been active consideration of how this report's recommendations reduce inequalities of outcome

YES

NO - This report's recommendations have no impact on inequalities of outcome caused socio-economic disadvantage has been completed.

(c)

Data Protection

YES

NO - This report does not involve data processing

5.6 Repopulation

There are no repopulation implications arising from this report.

6.0 CONSULTATIONS

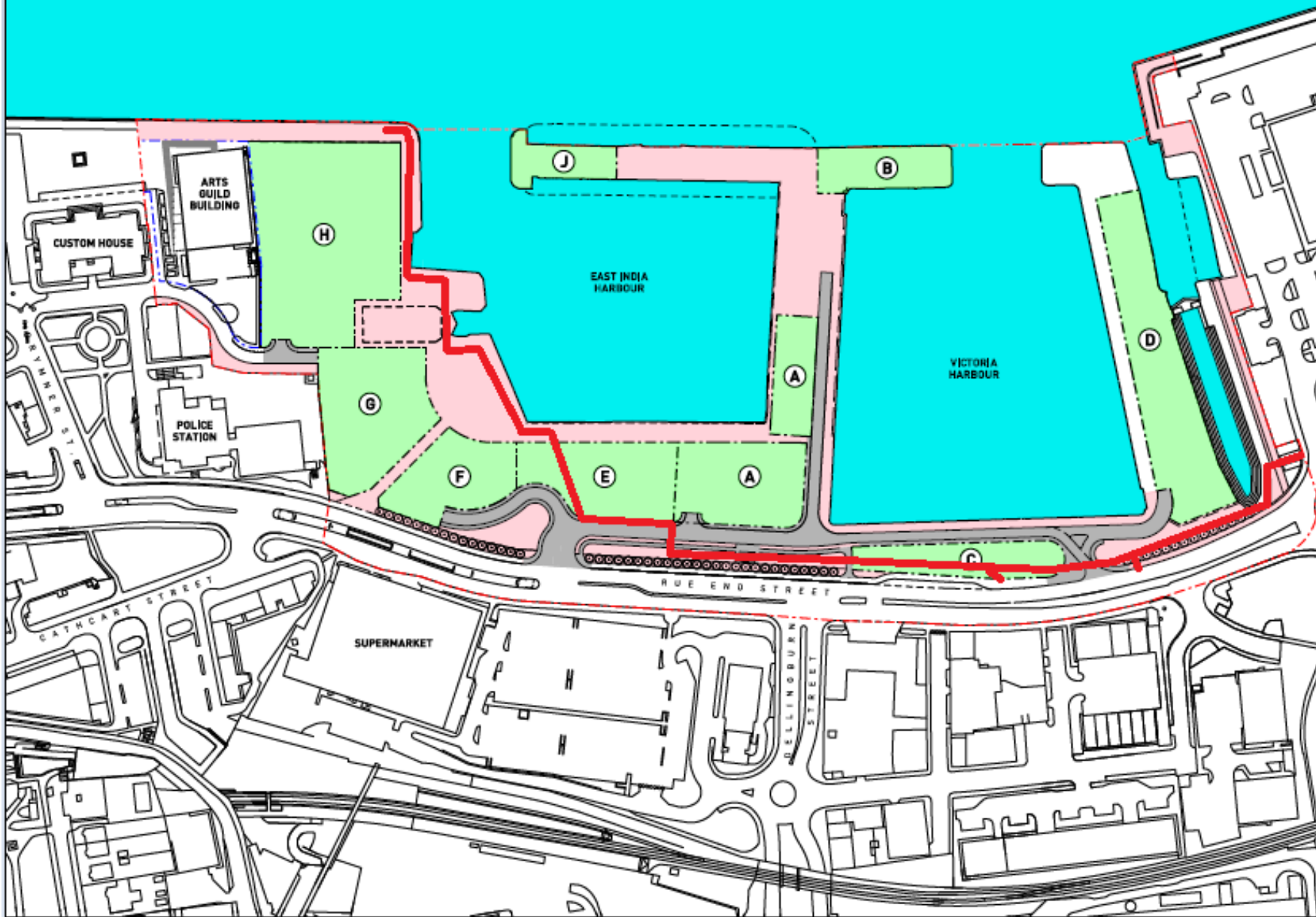
6.1 The Chief Financial Officer, The Interim Head of Legal Services, and the Corporate Procurement Manager have been consulted on the contents of this report.

7.0 LIST OF BACKGROUND PAPERS

7.1 Appendix 1: Plan of the proposed Shared Path

Proposed Shared Path

Appendix 1



NOTES

KEY:

- - - Development site boundary
- - - Greenock Arts Guild (BAG) boundary
- Development plot
- New road works
- Public realm works

DEVELOPMENT SCHEDULE

Development Plot	Area (ha)	Area (acres)
Development Plot A	0,401	0,991
Development Plot B	0,150	0,371
Development Plot C	0,175	0,433
Development Plot D	0,463	1,144
Development Plot E	0,276	0,682
Development Plot F	0,217	0,535
Development Plot G	0,338	0,836
Development Plot H	0,709	1,751
Development Plot J	0,104	0,258
TOTAL	2,853	7,047

REVISION HISTORY

REV.	DESCRIPTION	DATE	BY
•	First Issue	04.10.14	EG
A	Updated to suit revised development plot layout	19.02.15	EG

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INFORMATION

DRAWING DEVELOPMENT PLOTS AS PROPOSED

PROJECT REDEVELOPMENT THE HARBOURS, GREENOCK

CLIENT CLYDEPORT 14 ROBERTSON STREET, GLASGOW, G2 8DS

DATE 04.10.14	DRAWN EG	SCALE 1/2000	ORIGINAL A3
PROJECT NO. G904	DRAWING NO. SK 2 25	REVISION A	

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