

# **EAST AYRSHIRE COUNCIL**

## **DEVELOPMENT SERVICES COMMITTEE**

**11 APRIL 2000**

### **FOREST ENTERPRISE: POSSIBLE OPTION AGREEMENT OVER ROUTE OF FORMER DARVEL/STRATHAVEN RAILWAY LINE AT ALLANTON**

#### **Report by Director of Development Services**

#### **1. PURPOSE OF REPORT**

1.1 To seek Committee authority for the Council to enter into an Option Agreement with Forest Enterprise Scottish Lowlands Forest District over part of the route of the former Darvel/Strathaven railway line at Allanton to ensure continued access.

#### **2. BACKGROUND**

2.1 In October 1998 consultants for Forest Enterprise Scottish Lowlands Forest District consulted the Planning and Building Control Division regarding their client's wish to afforest an area at Allanton through which the trackbed of the former Darvel/Strathaven railway passes, as shown on the map forming the Appendix to this report.

2.2 The trackbed has future potential as a possible continuation of the access network presently being developed as part of the Irvine Valley Regeneration Strategy (IVRS) although the route is not currently identified as part of the above IVRS footpath network. The proposed planting might prejudice any eventual possible development of this section of the trackbed as a strategic long distance footpath or multi-user route, including its possible future use as a cycleway.

2.3 The Planning and Building Control Division is also concerned that Forest Enterprise make adequate access arrangements for future planting and removal of trees from the proposed plantation.

2.4 In view of these concerns the Planning and Building Control Division advised the consultants for Forest Enterprise in July 1999, that Forest Enterprise had agreed, in principle, to enter into an option for continued public access with East Ayrshire Council relating to that part of the above trackbed that might be affected by the forestry proposal referred to in paragraph 2.1.

#### **3. LEGAL AUTHORITY AND IMPLICATIONS**

3.1 In terms of Sections 30 and 49A of the Countryside (Scotland) Act 1967, a planning authority has power to enter into both public path creation agreements and management agreements with owners of land. An Option Agreement made between the Council and Forest Enterprise would provide for public access to the trackbed subjects for the purpose of free informal quiet enjoyment, all subject to the terms of the

Agreement. The Agreement shall state those agreed dates between which the Council could exercise its option to formalise public access to the trackbed. Forest Enterprise has suggested a ten year period during which the Council could exercise its option.

#### **4. PLANNING IMPLICATIONS**

4.1 The Ayrshire Joint Structure Plan (AJSP) provides for the three Ayrshire Councils to prepare an Indicative Forestry Strategy for Ayrshire (Policy E3). The Government considers that the IFS should include provisions for the creation of high quality woodlands servicing a variety of purposes including public access.

4.2 The AJSP also provides for Local Plans to bring forward proposals that encourage cycling and walking by promoting new and attractive pedestrian and cycle priority routes (Policy T2B).

4.3 Under Policy TLR4 of the East Ayrshire Local Plan – Finalised Version,

“the Council will seek to develop a definitive strategic local footpath and cycleways network (and) will encourage the creation and promotion of strategic long distance cycle routes and footpath links. Priority will be given to new circular routes and footpath links between settlements especially where these utilise existing disused railway lines, forestry access roads etc to maintain and secure improved access to the countryside”.

4.4 The above disused trackbed at Allanton is not registered as a public right of way by either the Council or the Scottish Rights of Way Society.

#### **5. FINANCIAL IMPLICATIONS**

5.1 The Council would not be required to make payment to the Forestry Commission were it to enter into an Option Agreement as specified in Section 2 above. The Council would bear its own administration costs of entering into the Agreement but the Forestry Commission would pay the reasonable legal costs of the Council on completion of the Agreement.

5.2 Should the Council elect to take up the option, the Council shall undertake to provide certain things including ranger service cover, erect notices and maintain/manage the trackbed subjects. Therefore, this would mean a future financial implication to the Council.

#### **6. CONCLUSIONS**

6.1 It is concluded that, in view of the above Structure Plan and Local Plan policies relating to forestry and the promotion of public access outlined in Section 4 above, it would be in the best interests of the Council to safeguard the trackbed of the former Darvel/Strathaven railway at Allanton for its possible future use as an access route, by entering into a CPA Option Agreement with Forest Enterprise, as described in Section 2 of this report.

## **7. RECOMMENDATION**

### **7.1 It is recommended that the Committee -**

**(i) authorise the Solicitor to the Council to arrange, in consultation with the Head of Planning and Building Control, for the Council to enter into negotiations for an Option Agreement with Forest Enterprise with regard to that part of the trackbed of the former Darvel/Strathaven railway at Allanton as specified in Section 4 above and shown on the plan forming the Appendix to this report,**

**(ii) prior to exercising the option contained within the above Agreement at a future date, a further report on the financial implications of exercising that option shall be considered by the Committee, and that**

**(iii) meantime the Head of Planning and Building Control investigate with Forest Enterprise potential arrangements for access into the site for forestry operations in connection with the proposed planting scheme, as specified in Section 2 above.**

**Stephen Chorley  
Director of Development Services**

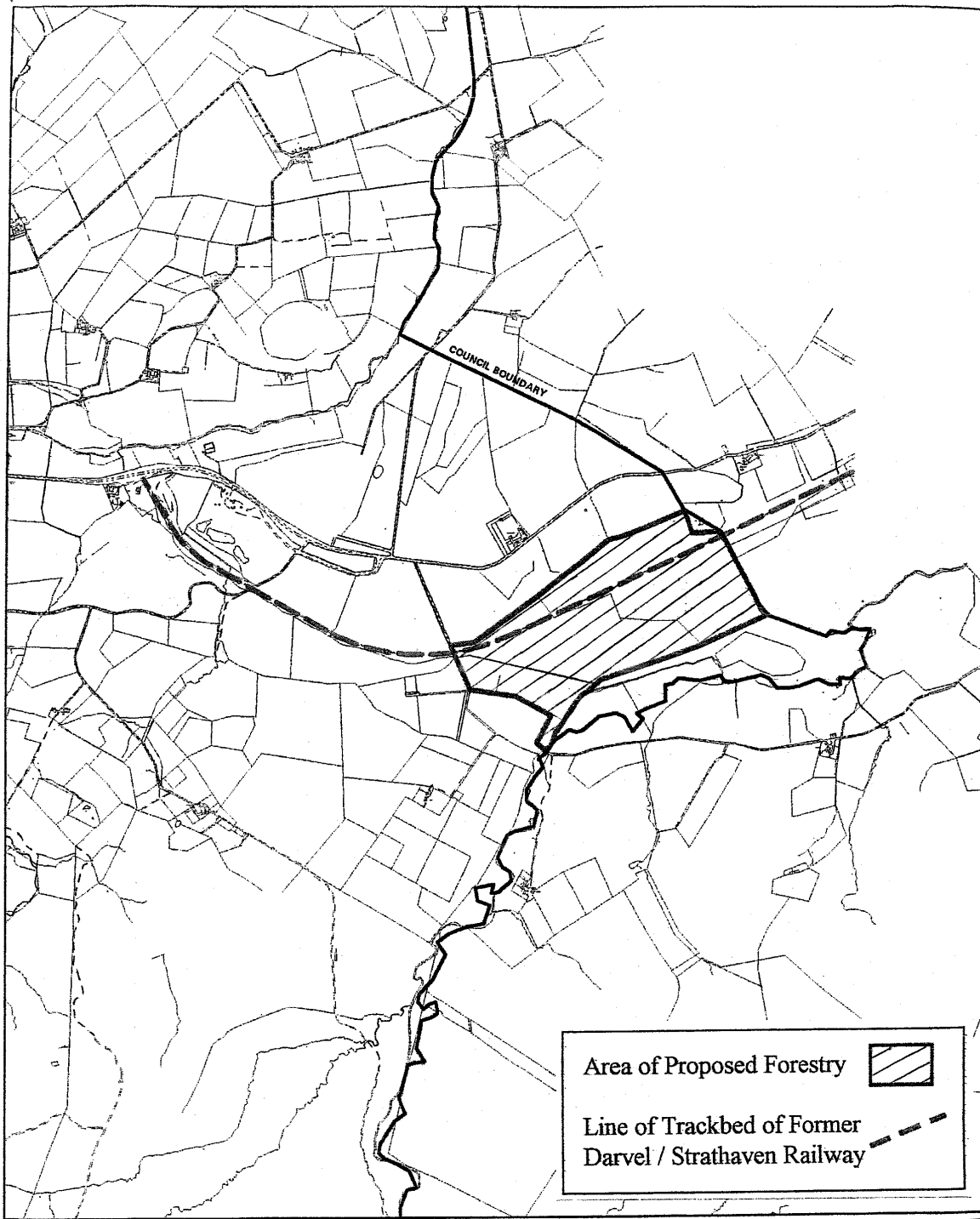
29 March 2000 (JT/MMM)


### **LIST OF BACKGROUND PAPERS**


1. Letters from Youngs, Chartered Surveyors to Head of Planning and Building Control dated 15 October 1998 and 23 July and 07 October 1999.
2. Model Agreement:Scotland relating to Sections 30 and 49A of the Countryside (Scotland) Act 1967.

Anyone wishing to inspect the above papers please contact Julian Thorp on 01563 576789.

***Implementation Officer: Karl Doroszenko***



Area of Proposed Forestry 

Line of Trackbed of Former  
Darvel / Strathaven Railway 

Title/Location **FOREST ENTERPRISE - ALLANTON**  
**POSSIBLE CPA OPTION AGREEMENT**  
**NS6136**

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SCALE:1:20000 Date: 02/11/1999

**AGENDA**