



| | |
|----------------------------|--------------------------------------------------|
| CPO Example | Land Assembly with No Agreement from Land Owners |
| Project Name | Horsley Brae |
| Acquiring Authority | North Lanarkshire Council/ Transport Scotland |
| CPO Type | Transport (Relieving Congestion) |

OVERVIEW

NLC are in the final stage of taking possession of the land in a recently confirmed Roads CPO. It was not possible to voluntarily secure all of the land required for the project and therefore the Council decided to make a CPO for the remaining interests.

BACKGROUND

Garrion Bridge crosses the River Clyde at Garrion. The river is on the boundary between North Lanarkshire and South Lanarkshire. Significant traffic queues arising from right turning traffic (A71 into Brownlee Road) cause excessive delays extending across the River Clyde into South Lanarkshire. The A71 is of significant local importance and is a significant route for freight transport through rural Lanarkshire providing access to Ayrshire and Edinburgh and provides a key route for tourism. The congestion also has a negative impact on potential future developments in the area

APPROACH

Following consultation with South Lanarkshire Council, various STAG reports and a Preferred Options Review it was determined that the best option available to reduce congestion involved the construction of additional lanes.

Early attempts to secure voluntary acquisitions appeared to be positive. However after a three year period of negotiation with the owners, the Council only managed to voluntarily acquire two out of the five plots required for the project. At this stage there appeared to be no prospect of acquiring the land by agreement and the planning permission for the project had less than a year before it expired.

Taking into account the negative impact that the congestion was having on the local area and the obvious beneficial impact that the project would have on the local community, the Council decided there was a compelling case in the public interest to acquire the land compulsorily using the Roads legislation.

The Order was considered to be necessary and proportionate, with every effort having been made to a) assess reasonable alternative solutions and b) reduce the amount of land that required to be taken compulsorily.

The draft Order and supporting documentation was sent to Transport Scotland for technical examination. Transport Scotland identified a number of issues which required further clarification by the Council. This was a very useful exercise as it highlighted areas of concern at an early stage.

“After a three year period of negotiation with the owners, the Council had only managed to voluntarily acquire two out of the five plots required for the project - there appeared to be no prospect of acquiring the land by agreement”

As a result when the order was sent to the Scottish Government for confirmation the process was expedited as the process had been frontloaded.

CONCLUSION & LEARNING POINTS

- Planning Permission – keep an eye on timescales as it will expire after 3 years. Also check conditions, in this case an ecological survey highlighted that there were badgers setts in the area which may have to be moved. If this is the case make sure SNH are contacted at an early stage in case a licence is required to move the setts. Furthermore you may need to take extra land in order to move the badgers;
- Make sure careful consideration is given to the land take to ensure all land - including land only required during construction (if this cannot be secured by agreement) is included in the CPO.
- Take advantage of the technical check offered by the Scottish Government.
- Engage with client early and get as much detail as possible about the project
- A site visit is an important part of the process in terms of “land referencing”. It helps to identify all interests in the land including interests such as rights of access which not appear in the property register.
- If there are any e.g gas pipe servitudes affecting the land make contact with the appropriate statutory undertaker as soon as possible otherwise they will object and delay the project.
- Check if any Roads Orders are required for the project or any ‘Stopping up Orders’ as these could be potential barriers to the project.

North Lanarkshire Council

© Crown copyright 2017

ISBN: 978-1-78851-482-8 (web only)

Published by The Scottish Government, December 2017

Produced for The Scottish Government by APS Group Scotland, 21 Tennant Street, Edinburgh EH6 5NA
PPDAS325366 (12/17)