

COMMITTEE	Finance Policy and Resources
DATE	23 April 2015
DIRECTOR	Pete Leonard
TITLE OF REPORT	ROB ROY BRIDGE PARTIAL REPLACEMENT; LAND ACQUISITION
REPORT NUMBER	CHI/15/152
CHECKLIST COMPLETED	Yes

1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to establish the requirement for land acquisition through Compulsory Purchase Order for the land adjacent north of Rob Roy Bridge crossing Culter Burn on the A93 North Deeside Road, Peterculter.

2. RECOMMENDATION(S)

- 2.1 It is recommended that the committee:
- a) notes the content of this report.
 - b) resolves to make an order in terms of the draft Compulsory Purchase Order attached to this Report and authorise the Head of Legal and Democratic Services to implement the statutory procedures following on from the making of the Order.
 - c) authorises the payment of statutory compensation to the affected proprietors.

3. FINANCIAL IMPLICATIONS

- 3.1 Capital funding for this project has already been secured through the appropriate channels. Monies to the value of £800,000 have been awarded for the total construction costs. Any land purchase costs must come from within this £800,000 amount.

4. OTHER IMPLICATIONS

- 4.1 Resources from Communities Housing and Infrastructure and Legal & Democratic services will be required to deliver the CPO.

5. BACKGROUND/MAIN ISSUES

- 5.1 Rob Roy bridge forms part of the adopted road network, has been long identified as a structure requiring significant remedial works and has been on a close monitored inspection programme for a number of years due to its poor condition. The reinforced concrete elements on the north side of the structure are in an advanced stage of degradation with localised loss of section to many structural elements.
- 5.2 A business case justifying the required remedial works has already been agreed and capital monies have been allocated to the project.
- 5.3 In order that replacement works for these elements can proceed, safe access to the structure is required which includes the land under and adjacent to the bridge.
- 5.4 To date the land owner (or persons with an interest in the land) have been obstructive in so far as asking for an unreasonably high price for allowing land access. Discussions will continue whilst the CPO is progressed.
- 5.5 There is a current planning consent for a small scale hydro scheme further upstream from Rob Roy bridge (approximately 150m away) which is understood to belong to the landowner. No works for this hydro scheme have started to date.
- 5.6 It is due to the landowner's reluctance to negotiate in a meaningful manner for temporary access to the bridge which would enable all the construction works to proceed that a compulsory purchase order for the land is required in tandem with further negotiations.
- 5.7 The scope of the Compulsory Purchase Order to relates to lands immediately north of Rob Roy bridge on both east and west banks of the Culter Burn (as shown on drawing RR/110 accompanying this report) and under the bridge. In addition; the rights to demolish part of the existing disused old mill race (a concrete channel which was used to carry water) are sought in order to facilitate the bridge works.

6. IMPACT

- 6.1 Progressing with the CPO would allow the construction phase of the Rob Roy Bridge works to commence once the Scottish Ministers have confirmed the CPO.
- 6.2 The contents of this report link to the Community Plan vision of creating "*A sustainable City with an integrated transport system that is accessible to all*".
- 6.3 The contents of this report link to the Single Outcome Agreements (SOAs) "*Aberdeen is easy to access and move around in*" and

“Aberdeen is an energy efficient city, with high quality open spaces, a natural environment and low levels of pollution and waste”

7. MANAGEMENT OF RISK

- 7.1 Financial – by implementing the recommendations of this report there is a perceived reduction in the amount of financial risk through proceeding with a CPO which will result in a market based value for the required land being paid and not the landowner’s valuation, which to date has been very high.
- 7.2 Health and Safety – There are no direct risks to health & safety from the implementation or otherwise of this report’s recommendations.
- 7.3 Legal – implementing the recommendations of this report could result in potential legal challenges. These challenges would be unlikely to succeed due to the essential nature of the works required for Rob Roy Bridge. However if any objections made to the CPO are not withdrawn, a public local inquiry would be held which would delay the proposed works. This risk will be mitigated by continuing to negotiate with the landowner to reach agreement on a price for a voluntary acquisition.

8. BACKGROUND PAPER

None

9. REPORT AUTHOR DETAILS

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