

ABERDEEN CITY COUNCIL

COMMITTEE	Finance and Resources
DATE	28 th September 2010
DIRECTOR	Gordon McIntosh
TITLE OF REPORT	Access from the North Proposals ("Third Don Crossing"), Compulsory Purchase Order.
REPORT NUMBER:	EPI/10/225

1. PURPOSE OF REPORT

- 1.1 To advise the Committee of the extent of land to be acquired through compulsory purchase order (CPO) to facilitate the construction of the Access from the North Proposals ("Third Don Crossing").

2. RECOMMENDATION(S)

- 2.1 It is recommended that the Committee:
- a) notes the contents 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) approves delegated powers to the Head of Legal & Democratic Services and the Head of Asset Management & Operations, in consultation with the Convenor, to purchase land required for the scheme by a negotiated process in advance of a CPO assuming such purchases represent Market Value and are within the scheme budget;
 - d) authorises Officers to seek Scottish Minister approval for the transfer of required land from the Housing Revenue Account to the Roads account at Market Value, subject to the approval of the Housing and Environment Committee;
 - e) authorises transfer of required land from the Common Good account to the Roads account at current market value;
 - f) notes that officers will provide regular updates to Committee in relation to progress with land acquisition against budget;
 - g) authorises the issuing of a guidance document to parties whose properties are affected by the scheme which outlines the CPO process and its implications.

3. FINANCIAL IMPLICATIONS

- 3.1 Land acquisition will be funded from the project's capital budget allocation. The transfer of Housing and Common Good Land will take place in future financial years.

4. OTHER IMPLICATIONS

- 4.1 Resources from both Enterprise Planning & Infrastructure and Legal & Democratic Services will be required to complete the land acquisitions required to implement the scheme. EP&I's Asset Policy Team's term contractor will act as land agent for land purchase negotiations.
- 4.2 The scheme is currently subject to an application for planning permission.

5. BACKGROUND/MAIN ISSUES

- 5.1 Following submission of a report to the Environment and Infrastructure Committee (22nd March 2007) and subsequently the Resources Management Committee (29th March 2007), Full Council (25th April 2007) approved progression of a CPO whilst appointed agents continued to negotiate with affected owners.
- 5.2 Subsequent to this approval, the Reporter to the Public Local Inquiry on the finalised Aberdeen Local Plan recommended that the project should not be included in the then new Local Plan since it had inconsistencies with transportation and planning policy. As a result of this, progress on the land acquisition for the project was temporarily suspended.
- 5.3 Since then the scheme has now been included in numerous Council policies such as the Aberdeen City and Shire Structure Plan, the Regional Transport Strategy and the Local Transport Strategy. Following the introduction of these policy updates a new Planning Application was submitted in January 2010.
- 5.4 It is now intended to fulfil the outstanding remit to progress the land acquisition required to construct this project. As before, it is proposed to progress the CPO whilst negotiations are carried out with land owners to purchase land by agreement, where possible. Current indications are that it is likely that a CPO will be necessary to acquire some of the land. The Council's Asset Policy Team has instructed Ryden LLP, to act as land agent on behalf of Aberdeen City Council.
- 5.5 Additionally, some land needs to be transferred from the Housing Revenue Account to the Roads Account. Land held on the HRA requires Scottish Minister approval to be transferred to the General

Services Account. The HRA is ringfenced and any transfer has to be at Market Value. This report also seeks approval for appropriate officers to seek Scottish Minister approval for transfer of required land between the Housing and Roads accounts.

- 5.6 Similarly, there is a need to transfer some land from the Common Good account to the Roads account. Land that has been registered as Common Good land requires Committee approval for alternative uses. Again, any transfer of land is required to be at Market Value. The Market Value of Common Good Land will be determined by the Council's external valuation contractor.
- 5.7 Given that some land owners may not be fully aware of the implications of the use of a CPO it is proposed to issue a guidance document outlining the process and its implications. A copy of this document in draft is attached in Appendix B.

6. IMPACT

- 6.1 The proposal to promote the CPO is in accordance with the Council's Community Plan where it assists in the delivery of the aim to "maintain and improve the range of transport choices available to, from and within the city".
- 6.2 The promotion of the CPO will facilitate the construction of the scheme, make a significant contribution to the achievement of outcomes 10, 12 and 14 within the Single Outcome Agreement which, in a local context, seek to improve sustainable travel options.
- 6.3 Vibrant, Dynamic and Forward Looking states, under transport, the desire to "Improve Aberdeen's transport infrastructure – including delivering the Third Don Crossing and addressing other "pinch points" in the city's roads network". The promotion of the CPO is considered a prerequisite of constructing the scheme.

7. BACKGROUND PAPERS

- 7.1 A report approved by Council on 29 November 2009 provides background information on the scheme.
- 7.2 Reference is made to the Compulsory Purchase Order 2010 plan; 1/R/R4669/CPO/1, a copy of which is appended to this report (Appendix A).
- 7.3 Reference is made to the leaflet produced by Asset Management on the compulsory purchase process, a copy of which is appended to this report (Appendix B).

7.4 Reference is made to Article 11 of the Minute of Meeting of Aberdeen City Council on 25th April 2007. The report advised Members of the likely need for the promotion of a Compulsory Purchase Order (CPO) to facilitate the acquisition of land required for the purpose of progressing the third River Don crossing aspect of the access from the North proposals. The Council resolved to authorise the appropriate officers to progress the CPO.

8. REPORT AUTHOR DETAILS

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(Note: Appendix A will be issued immediately prior to Committee meeting.)