

PERTH AND KINROSS COUNCIL**8 October 2014****Perth Transport Futures Project – Phase 1 A9/A85 to Bertha Park
Compulsory Purchase Order (Report 2)****Report by the Executive Director (Environment)****PURPOSE OF REPORT**

This report seeks authority to acquire additional land and rights either by negotiation or by Compulsory Purchase to facilitate the construction of Phase 1 of the Perth Transport Futures Project. The additions are in response to further consultation with affected landowners, discussions with statutory environmental agencies and design development.

1. BACKGROUND / MAIN ISSUES

- 1.1 At its meeting on 25 June 2014, the Council gave authority to acquire land, either by negotiation or by compulsory purchase to facilitate the construction of Phase 1 of the Perth Transport Futures Project (PTFP). Phase 1 includes the A9/A85 junction redevelopment and a new link road to Bertha Park. The areas of land in question are shown on the drawing (No. 203078-AD-X-008 Rev C) at Appendix 1. (Report No. 14/303 refers).
- 1.2 The background to the PTFP, and particularly Phase 1, along with the key decision dates, are detailed in previous Council reports. The significant benefits have also been reported.
- 1.3 In response to further consultation with affected landowners, and the results of further environmental studies and discussions with statutory environmental agencies (SNH and SEPA), the engineering design for the scheme has now been refined. Consequently, additional land and rights are now required for the scheme to proceed, and the Council's approval is sought for this amended land take. It is also highlighted that some land, the acquisition of which the Council previously authorised for the scheme, will now not be required. It is not anticipated that any further additional land will be required in the future.

2. PROPOSALS**Additional Land Required and Purpose of Acquisition**

- 2.1 The additional land (and/or rights over land) required, and the purposes for which they are required, are summarised in this Report and are shown referenced on drawing (No 203078-AD-X-014) at Appendix 2.

Area:	a	Permanent acquisition of area of farmland at Bertha Park.
Purpose:		Land to form part of revised layout for new road approaching Bertha Park roundabout (and so that new road can avoid electricity transmission pylon).
Area:	d	Permanent acquisition of area of farmland at Bertha Park.
Purpose:		Land for part of new road section between River Almond and Bertha Park roundabout, and to allow for embankment drainage and ecological mitigation measures as required. This follows discussions with Scottish National Heritage regarding ecological issues along the wooded escarpment.
Area:	e	Permanent acquisition of area of farmland at Bertha Park.
Purpose:		Land to form part of new road approaching Bertha Park roundabout, embankment drainage and ecological mitigation measures so that new road can be constructed at a higher level, if required, for flood prevention reasons.
Area:	f	Permanent acquisition of area of farmland at Bertha Park.
Purpose:		Land for part of new road section between River Almond and Bertha Park roundabout, and for flood mitigation (formation of low level flood relief channel between River Almond and new road) and to allow for embankment drainage and ecological mitigation measures as required. Follows discussions with SEPA and SNH regarding ecological issues and mitigation of flood risk (both temporarily during construction and permanently once the new bridge and road have been completed).
Area:	g	Permanent acquisition of area of riverbed and riverbank (River Almond) at Bertha Park.
Purpose:		Required for part of low level flood relief channel (see Area f above) and headwall.
Area:	h	Temporary possession of part of River Almond riverbed and Northern river bank at Bertha Park.
Purpose:		Required for temporary works on the Northern river bank and Northern half of the riverbed to prevent adverse impacts on the river during the construction period.
Area:	i	Permanent acquisition of area of riverbed and river bank (River Almond) at Ruthvenfield.
Purpose:		Required to raise top of river bank (including footpath/cycle path) by 150mm for flood mitigation purposes and works on the Southern river bank and Southern half of the riverbed to prevent adverse impacts on the river during the construction period.
Area:	j	Permanent acquisition of area of riverbed and river bank (River Almond) at Ruthvenfield (was previously to be temporary possession during construction only).
Purpose:		Required to raise top of river bank (including footpath/cycle path) by 150mm for flood mitigation purposes and works on the southern river bank and southern half of the riverbed to prevent adverse impacts on the river (e.g. altered river flows) during the construction period.

Area:	k	Permanent acquisition of area of riverbed at new River Almond bridge crossing location.
Purpose		Land required to ensure that all parts of the new bridge structure fall within the land permanently acquired for the project.
Area:	l	Permanent acquisition of third party rights in river bank and riverbed area owned by Perth & Kinross Council at new River Almond bridge crossing location (NB Council's ownership interest does not need to be acquired).
Purpose		To ensure that whole footprint of road bridge deck, piers and drainage outfall falls within permanent acquisition and common interest rights in the river held by third party landowners can be acquired and extinguished.
Area:	m	Permanent acquisition of area of riverbed and river bank (River Almond) across the river from Double Dykes Travellers Site.
Purpose:		To allow routing of SUDS pond outfall (in consultation with SEPA and SNH - exact route depends on ecological/environmental issues e.g. results of fish surveys and location of wildlife habitats). Follows discussions with SEPA and SNH regarding ecological issues and mitigation of flood risk (both temporarily during construction and permanently once new bridge and road have been completed).
Area:	n	Temporary possession of part of River Almond riverbed and northern river bank at Bertha Park.
Purpose:		Required for temporary works on the Northern river bank and Northern half of the riverbed to prevent adverse impacts on the river during the construction period
Area:	t	Permanent acquisition of area of land to South of new road embankment.
Purpose:		Additional land permanently required so new road verge will remain at 2 metres from Southern edge of road, part of design of new access into McDiarmid Park (St Johnstone Football Club) following consultation with them.
Area:	u	Area of land (embankment) to South of new road.
Purpose		Permanent rights of access for maintenance of road embankment (e.g. remedial works if road and embankment subside or stability threatened) while allowing open aspect for safety/aesthetics reasons and continued access/use of the land by St Johnstone Football Club.
Area:	v	Permanent acquisition of area of land to South of new road.
Purpose:		Additional land permanently required to undertake works to stabilise new road independently of the existing retaining wall at St Johnstone Football Club.

- 2.2 With reference to Area u, the new road will sit at the top of a sloping embankment at McDiarmid Park but the land at, or towards, the bottom (South) of the embankment will still belong to St Johnstone Football Club. It is therefore considered necessary to create permanent rights for maintenance

purposes over the part of the embankment which will lie within Area u. Taking permanent rights allows for continued access/use of the land by St Johnstone Football Club i.e. reduces the impact of acquisition on the Club. This follows recent discussions between the Council and St Johnstone Football Club regarding design and access issues at McDiarmid Park.

- 2.3 The possibility of using powers under other legislation has been considered to minimise the use of compulsory purchase powers, but this would not give sufficient certainty that all necessary elements of the project can be delivered in accordance with project timescales.

Reduction in Land Required / Downgrade to Nature of Rights Required

- 2.4 Some land which was previously authorised by the Council for acquisition for the project will not now be required, following refinement of the engineering design. These are detailed below, along with the reasons, and are shown referenced on drawing (No 203078-AD-X-014) at Appendix 2.

Area:	b	Part of Plot 1a (see plan forming Appendix 1)
Reason:	The area of land permanently required for the new Bertha Park roundabout can now be reduced in size following consultation with the owner of Bertha Park Estate and the promoters of the Springfield Development proposals.	
Area:	c	Part of Plot 1a (see plan forming Appendix 1)
Reason	Due to the realignment of the approach to the relocated roundabout at Bertha Park, the area of land permanently required can now be reduced in size.	
Area:	o	Part of Plot 5b (see plan forming Appendix 1)
Reason	The area of land permanently required within this Plot can be reduced following discussions with SEPA on flood risk management. The area not permanently required will now only be needed for temporary possession during the construction period. This therefore reduces the impact of the project on the affected landowner (the Trustees of the Robert Reid 1999 Settlement).	
Area	p	Part of Plot 5b (see plan forming Appendix 1)
Reason:	As Area o above.	

Area:	q	Part of Plot 7b (see plan forming Appendix 1).
Reason:		The area of land permanently required within this Plot can be reduced following discussions with SEPA on flood risk management. The area not permanently required will now only be needed for temporary possession during the construction period. This therefore reduces the impact of the project on the affected landowner.
Area:	r	Part of Plot D (see plan forming Appendix 1).
Reason:		Area of land within plot within Transport Scotland Minute of Agreement.
Area:	s	Part of Plot 11 (see plan forming Appendix 1).
Reason:		This was previously authorised for permanent acquisition but will now only be required for temporary possession during the construction period. This therefore reduces the impact of the project on the affected landowner (St Johnstone Football Club).

Land Purchase

- 2.5 The extent of the land required for Phase 1 of the PTFP has now been revised and is shown in full on the drawing (No. 203078-AD-X-008 Rev D) at Appendix 3 of this report.
- 2.6 A similar plan, but with the road alignment proposals included, is shown at Appendix 4 (No. 203078-AD-X-010 Rev B).
- 2.7 As reported to Council on 25 June 2014, discussions with a view to purchasing the land by agreement have commenced and continue with landowners. However, given the extent of the scheme and the number of landowners affected, it is proposed to promote a CPO in parallel with these discussions. Scottish Government Guidance (Circular 6/2011) endorses this approach and negotiations with landowners will continue to ensure that all reasonable endeavours are made to purchase the land by agreement within a reasonable timescale. Furthermore, negotiated acquisition of the common interests in the river bed would not be possible due to the numbers of owners involved. Compulsory acquisition of these rights avoids any “gaps” in ownership which might arise if any owners of such rights are not identified.

Impact on Programme and Budget

- 2.8 The current programme for Phase 1 of the PTFP takes account of the CPO process and allows for the contract to be awarded in December 2015, with construction starting in early 2016. The requirement for additional land and rights has delayed the publishing of the CPO and may have an impact on the programme by around three months. However, this will be closely managed through early discussions with landowners and Transport Scotland. Additionally, completion of the compulsory purchase procedure for land acquisition will be kept as close as possible to the original programme by advance preparation of necessary documents and notices at all stages.

- 2.9 The Council has made provision to fund the scheme in line with updated cost estimates and in accordance with the proposed programme (Report No. 14/192 refers).
- 2.10 The amended land take does not alter the current cost estimate, therefore any associated costs will be contained within the existing budget.

3. CONCLUSIONS AND RECOMMENDATIONS

- 3.1 In response to further consultation with affected landowners, and the results of further environmental studies and discussions with statutory environmental agencies (SNH and SEPA), the engineering design for the scheme has now been refined. This means additional land areas and rights in land are now required for the scheme to proceed.
- 3.2. The additional land and rights required, and the purposes for which they are required, together with details of land no longer required are summarised in this report. It is not anticipated that any further additional land will be required in the future.
- 3.3 Council's approval is sought for this amended land take (and/or rights over land). The additional land and rights need to be included in the CPO to ensure that all parts of the scheme are contained within the boundaries of the land acquired and to minimise the risk of objection to the scheme, on the grounds that the scheme cannot be delivered in the absence of these. To avoid such an objection being successful, the Compulsory Purchase Order will "stand alone" and enable the scheme to be wholly delivered within the land and rights included in the CPO.
- 3.4 It is recommended that Council:
1. Agree to the purchase of land and rights required for the scheme referred to in this report by negotiation with affected land owners.
 2. Instruct the Head of Legal Services to initiate the statutory procedures to acquire the land and rights by compulsory purchase in parallel with the negotiated process.
 3. Note the areas of land which are no longer required for the scheme.
 4. Authorise the promotion of the A9/A85 Crieff Road Junction and Link Road to Bertha Park Compulsory Purchase Order 2014 to acquire the land and rights shown on the drawing 203078-AD-X-014 annexed to this report, in addition to the lands and rights the Council gave authorisation to acquire on 25 June 2014.

Author(s)

Name	Designation	Contact Details
Jillian Robinson	Roads Infrastructure Manager	jrobinson@pkc.gov.uk

Approved

Name	Designation	Date
Barbara Renton	Depute Director (Environment)	26 September 2014

If you or someone you know would like a copy of this document in another language or format, (on occasion, only a summary of the document will be provided in translation), this can be arranged by contacting the Customer Service Centre on 01738 475000.

You can also send us a text message on 07824 498145.

All Council Services can offer a telephone translation facility.

1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

Strategic Implications	Yes / None
Community Plan / Single Outcome Agreement	Yes
Corporate Plan	Yes
Resource Implications	
Financial	Yes
Workforce	Yes
Asset Management (land, property, IST)	Yes
Assessments	
Equality Impact Assessment	Yes
Strategic Environmental Assessment	Yes
Sustainability (community, economic, environmental)	Yes
Legal and Governance	Yes
Risk	Yes
Consultation	
Internal	Yes
External	Yes
Communication	
Communications Plan	Yes

1. Strategic Implications

Community Plan / Single Outcome Agreement

1.1 The project supports the Community Plan Vision to “create and sustain vibrant, safe, healthy and inclusive communities in which people are respected, nurtured and supported and where learning and enterprise are promoted.” Specifically this projects encourages sustainable economic growth, an improves and safer environment and healthier choices for sustainable transport.

1.2 The project supports the following Outcomes:

- Our area will have a thriving and expanding economy
- Our area will have improved infrastructure and transport links
- Our young people will attain, achieve and reach their potential
- Our communities will be safer
- Our area will have a sustainable natural and built environment

Corporate Plan

1.3 The Council’s Corporate Plan 2013 – 2018 lays out five outcome focussed strategic objectives which provide clear strategic direction, inform decisions at a corporate and service level and shape resources allocation. They are as follows:

- i) Giving every child the best start in life
- ii) Developing educated, responsible and informed citizens
- iii) Promoting a prosperous, inclusive and sustainable economy
- iv) Supporting people to lead independent, healthy and active lives
- v) Creating a safe and sustainable place for future generations.

1.4 The project's benefits in respect of the wider objectives of the Corporate Plan (2013 – 2018) are outlined below:

- Giving every child the best start in life – provides access to the proposed new school campus.
- Promoting a prosperous, inclusive and sustainable economy – assist in the delivery of sustainable economic growth of the Perth Area, in particular opening up of economic development land to the north and north west of Perth.
- Supporting people to lead independent, healthy and active lives – The project will reduce congestion and therefore reduce traffic emissions, thereby contributing positively to air quality in the corridor and surrounding area. This will have a positive benefit for the health of residents in this area. The project also includes enhanced provision for pedestrian and cycle crossing over the A9 together with the upgrading of existing footpaths. This will provide a more positive environment for pedestrians and cyclists and could encourage more people within the area to walk and cycle.
- Creating a safe and sustainable place for future generation – The project will facilitate the delivery of the Local Development Plan strategy to support the sustainable economic growth of the area. In addition, by facilitating the Cross Tay Link Road and delivering the “Shaping Perth’s Transport Future” transport strategy, this project can contribute to reducing the carbon footprint of the area and promoting sustainable travel modes. The project will lead to lower journey times and reduce congestion, while providing more travel connections and alleviating the conflict between local and through traffic movements. This will provide for a better environment for this area.

2. Resource Implications

Financial

- 2.1 Funding of £23.5 million (which included £2.18 million contribution from Sainsbury’s) was committed by the Council on 26 June 2013 (Report 13/336 refers), with up to a further £15.7 million approved through borrowing by Council on 7 May 2014 (Report 14/192 Refers). The funding includes provision for the purchase of the required land.
- 2.2 Sainsbury’s have withdrawn from developing the auction mart site and therefore their contribution of £2.18m will not be made, however the total budget allocated by the Council remains at £39.2m at this stage. Stage 3 Cost Estimates for the Scheme are due to be prepared in late 2014.

- 2.3 The amended land take does not alter the current cost estimate therefore any associated costs will be contained within the existing budget.

Workforce

- 2.4 The CPO process will be undertaken by the Roads Infrastructure Team and Legal Services with support from the District Valuer Service and Brodies, Solicitors.

Asset Management (land, property, IT)

- 2.5 Future maintenance will be prioritised within the budget available.

3. Assessments

Equality Impact Assessment

- 3.1 The proposals have been considered under the Corporate Equalities Impact Assessment process (EqIA) using The Integrated Appraisal Toolkit and have been assessed as **not relevant** for the purposes of EqIA

Strategic Environmental Assessment

- 3.2 The proposals have been considered under the Environmental Assessment (Scotland) Act 2005 using The Integrated Appraisal Toolkit and no further action is required as it does not qualify as a PPS as defined by the Act and is therefore exempt.

Sustainability

- 3.3 The proposals have been considered under the provisions of the Local Government in Scotland Act 2003 and Climate Change Act using The Integrated Appraisal Toolkit. The proposals will not have a direct impact on sustainable development or climate change.
- 3.4 Under the provisions of the Local Government in Scotland Act 2003 the Council has to discharge its duties in a way which contributes to the achievement of sustainable development. In terms of the Climate Change Act, the Council has a general duty to demonstrate its commitment to sustainability and the community, environmental and economic impacts of its actions. This report however seeks to identify the capital funding take forward a proposal which is a key action from the Proposed LDP. There is a statutory duty of the Council to ensure that the LDP contributed towards sustainable development accordingly no further assessment is required.

Legal and Governance

- 3.5 The Perth Transport Futures Project has been under development for a number of years and is full documented in various reports and plans.

- 3.6 The CPO will be promoted in accordance with the relevant legislation and guidance.

Risk

- 3.7 A Project Board has been established to oversee the delivery of Phase 1. Membership includes the Heads of Legal and Finance. The Board examines all issues in relation to risk through the developing risk matrix.

4. Consultation

Internal

- 4.1 The Executive Officer Team, the Head of Finance, the Head of Legal Services and the Head of Democratic Services have been consulted in the preparation of this report.

External

- 4.2 Discussions ongoing with all affected landowners.

5. Communication

- 5.1 This is a significant infrastructure project which will require a detailed communications plan. This has included workshops with Elected Members and will also include consultation as part of the planning process.

2. BACKGROUND PAPERS

- Report to Executive Sub-Committee of the Lifelong Learning Committee 6 February 2013, Scotland's Schools for the Future – Phase 3 Update (13/67)
- Report to Council 26 June 2013, Perth Transport Futures Project (13/336)
- Report to Council 7 May 2014, Perth Transport Futures Project – Phase 1 A9/A85 to Bertha Park (14/192)
- Report to Council 25 June 2014, Perth Transport Futures Project – Phase 1 A9/A85 to Bertha Park, Compulsory Purchase Order (14/303)

3. APPENDICES

- Appendix 1 – Drg No. 203078-AD-X-008 Rev C (original land take approved in June 2014)
- Appendix 2 – Drg No. 203078-AD-X-014 (land take changes)
- Appendix 3 – Drg No. 203078-AD-X-008 Rev D (revised land take, October 2014)
- Appendix 4 – Drg No. 203078-AD-X-010 Rev B (revised land take with road proposals included)

APPENDIX 1

- Key:**
- Land to be acquired
 - Temporary access rights required

Ref	By	Date	Approved	Date	Description
C	JC	AT	WV	13/05/14	65 mm soldier and fix concrete to be installed.
B	JC	AT	WV	13/05/14	This consented area has excavation finished.
A	JC	AT	WV	13/05/14	This consented area has excavation finished.

CH2MHILL

Perth Transport Futures Project
Phase 1 A9/A65 To Bertha Park
Compulsory Purchase Order

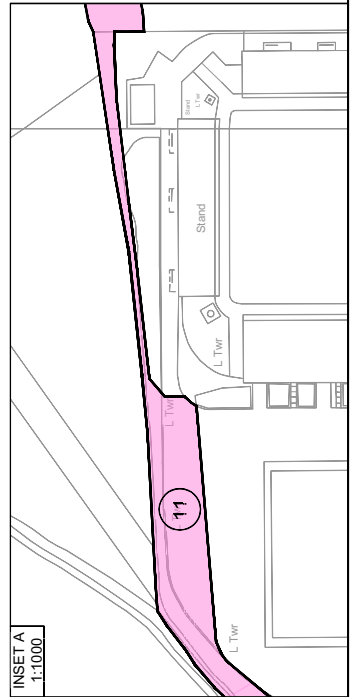
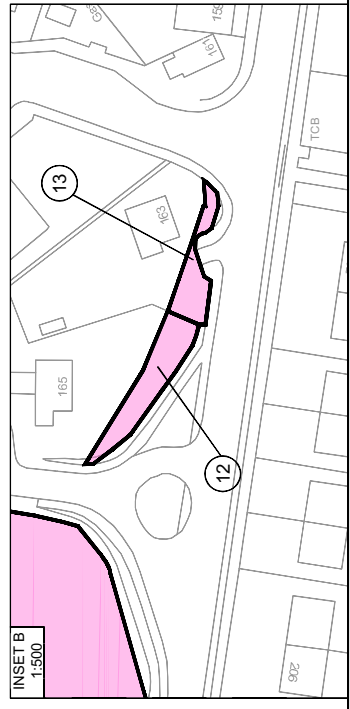
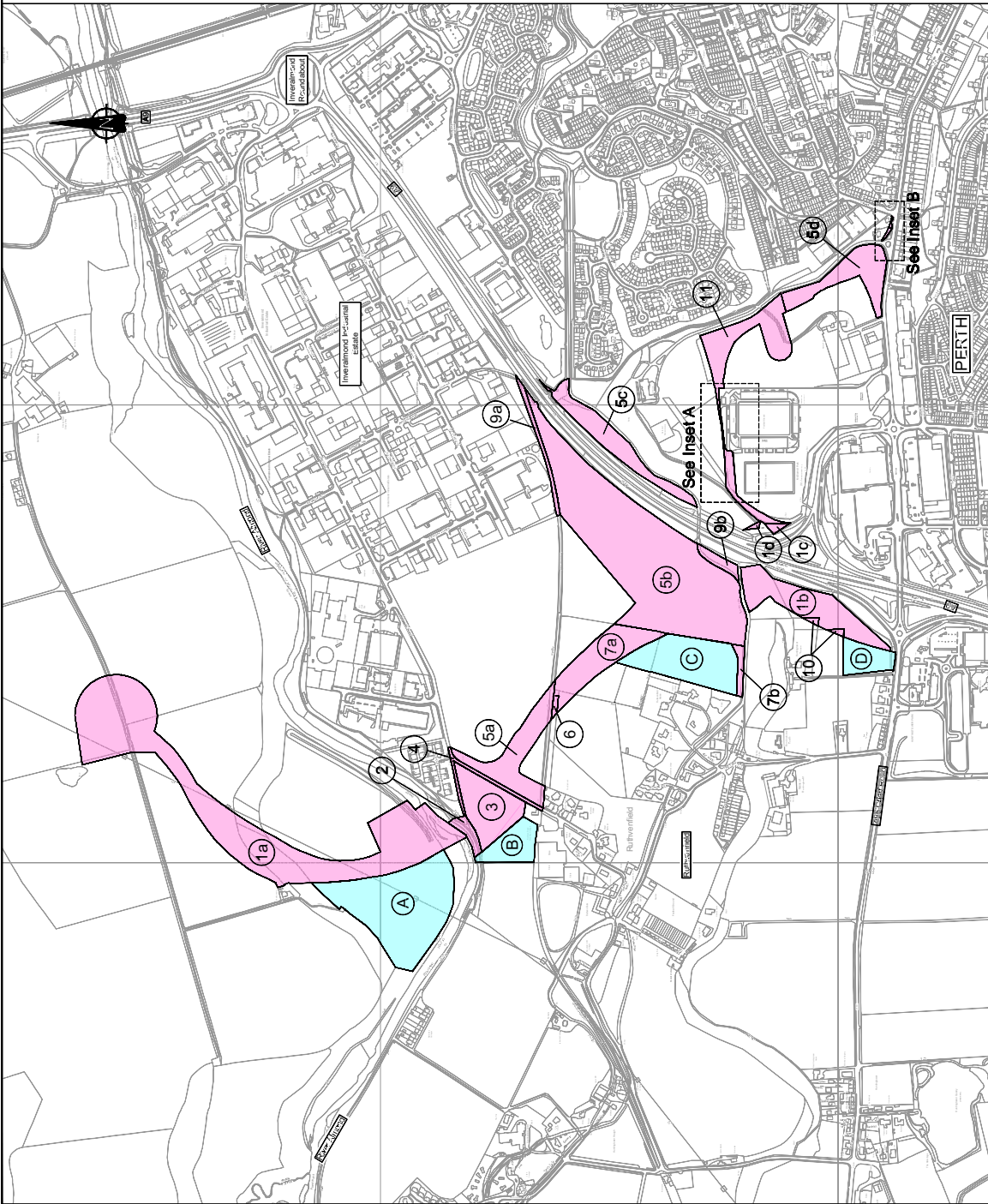
PERTH & KINROSS COUNCIL

City Park
Cherry Road
Perth, Perthshire
Tel: +44 (0)1843 822 200
Fax: +44 (0)1843 822 205
www.perth.gov.uk

Perth Transport Futures Project
Phase 1 A9/A65 To Bertha Park
Compulsory Purchase Order








Council Report Plan
Land Acquisition
(June 2014)

Drawn by: J Chen Date: 27 May 2014
 Checked by: A Todd Date: 27 May 2014
 Approved by: W Wilson Date: 27 May 2014
 Drawing Date: 15/05/14 @ A1: 1:1000 @ A1 or as shown
 Drawing No: 203078-AD-X-008
 Revision: C



APPENDIX 2

KEY:

-  Additional land to be acquired
-  Land to be acquired (previously shown as temporary occupation)
-  Additional temporary occupation required
-  Temporary occupation (previously shown as land to be acquired)
-  Additional use/rude right to be acquired
-  Previously identified plots that are no longer to be included in the CPO
-  Previously identified plots for acquisition

Note:

1. This plan shows area required for CPO and highlights amendments identified as a result of design progression and consultation.

Ref	By	Date	Approved	Date	Description

CH2M



PERTH & KINROSS COUNCIL

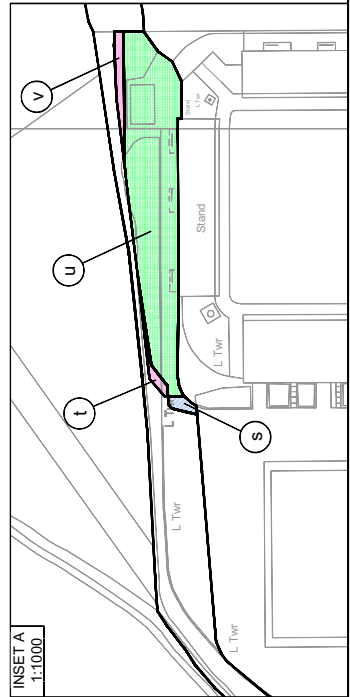
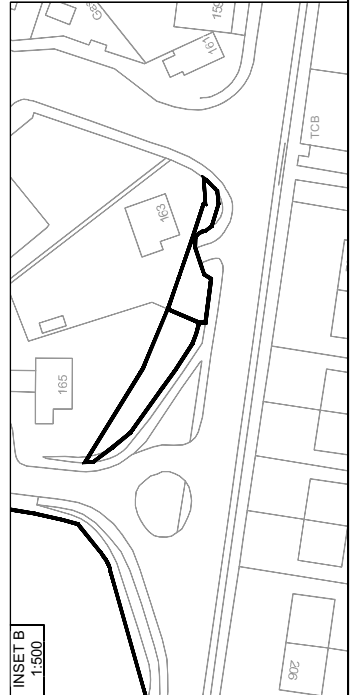
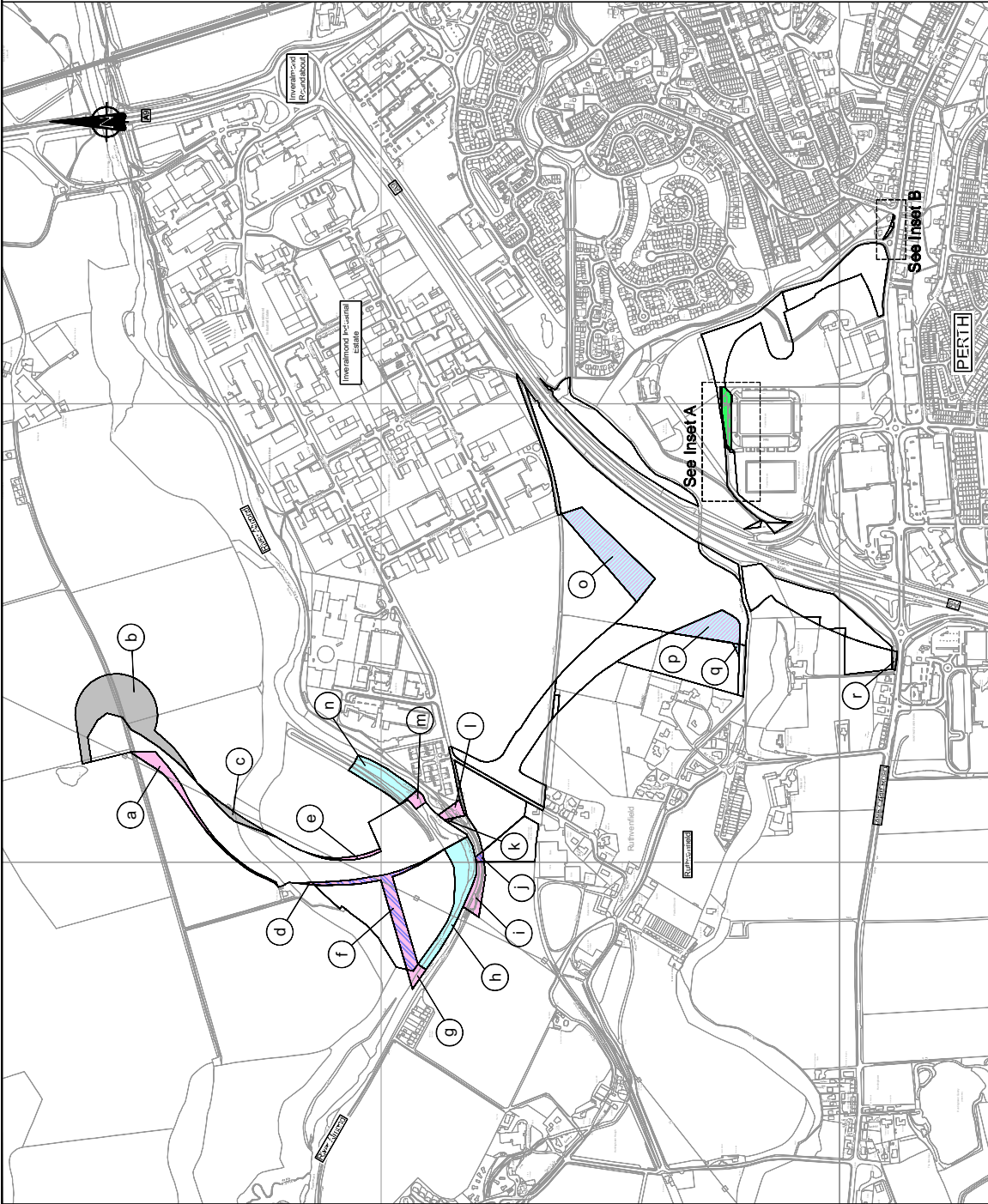
CH2MHILL
 City Park
 Dundee
 TEL: +44 (0)141 562 2000
 www.ch2mhill.com

Project: Perth Transport Futures Project
 Phase 1 A9/A95 To Perth Park
 Compulsory Purchase Order

Drawings:

**Council Report Plan
 Land Acquisition
 Changes
 (October 2014)**

Drawn by: A Todd	Date: 22 Sep 2014
Checked by: A Todd	Date: 22 Sep 2014
Approved by: D McIlroy	Date: 22 Sep 2014
Drawing No.: 1000 @ A1, 1:1000 @ A1 or as shown	Revision:
Drawing No.: 203078-AD-X-014	Revision:



Map data reproduced by permission of Ordnance Survey on behalf of HMRC. © Crown copyright and database right 2012. All rights reserved. Ordnance Survey Licence number: 100018077.

APPENDIX 3

KEY:

- Land to be acquired
- Temporary occupation required
- Servitude right to be acquired

D	AT	Check	DATE	BY	Description
C	JC	AT	17/05/2014	WV	100% of 45 m width and 100% of 100 m length
B	JC	AT	17/05/2014	WV	100% of 45 m width and 100% of 100 m length
A	JC	AT	17/05/2014	WV	100% of 45 m width and 100% of 100 m length

PERTH & KINROSS COUNCIL

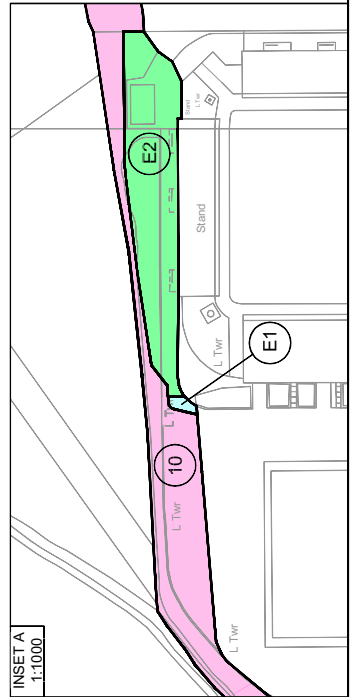
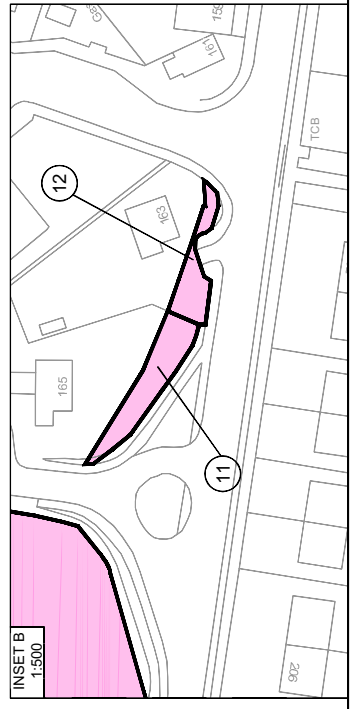
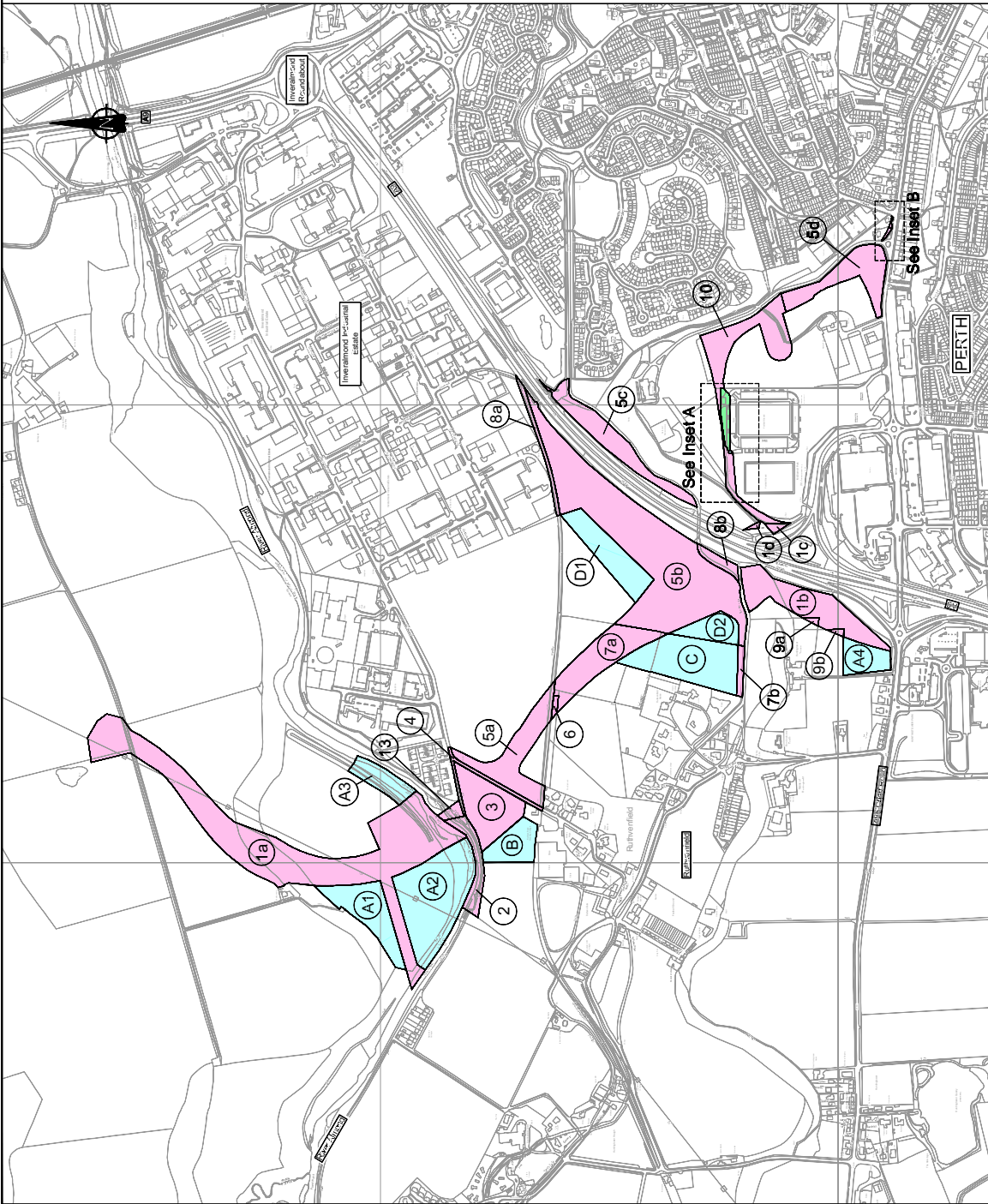
CH2MHILL

City Park
Cherry Road
Perth, Perthshire
Tel: +44 (0)1843 822 200
Fax: +44 (0)1843 822 205
www.ch2mhill.com

Perth Transport Futures Project
Phase 1 A9/A65 To Bertha Park
Compulsory Purchase Order

Council Report Plan
Land Acquisition
(October 2014)

Drawn by: J Chen Date: 27 May 2014
 Checked by: A Todd Date: 27 May 2014
 Approved by: W Wilson Date: 27 May 2014
 Drawing Date: 15/05/2014 @ A1: 1:1000 @ A1 or as shown
 Drawing No: 203078-AD-X-008
 Revision: D



Map data reproduced by permission of Ordnance Survey on behalf of HMRC. © Crown copyright and database right 2012. All rights reserved. Ordnance Survey Licence number: 100018077.

APPENDIX 4

Key:

- Land to be acquired
- Temporary occupation required
- Servitude right to be acquired

Ref	By	Date	Approved	Description
B	AT	AT	AT	Final: 100% of proposed route to full roadbed design
A	JC	AT	AT	100% AT: 100% of proposed route to full roadbed design

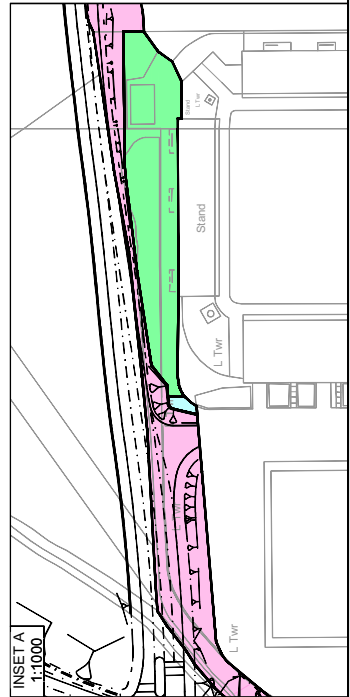
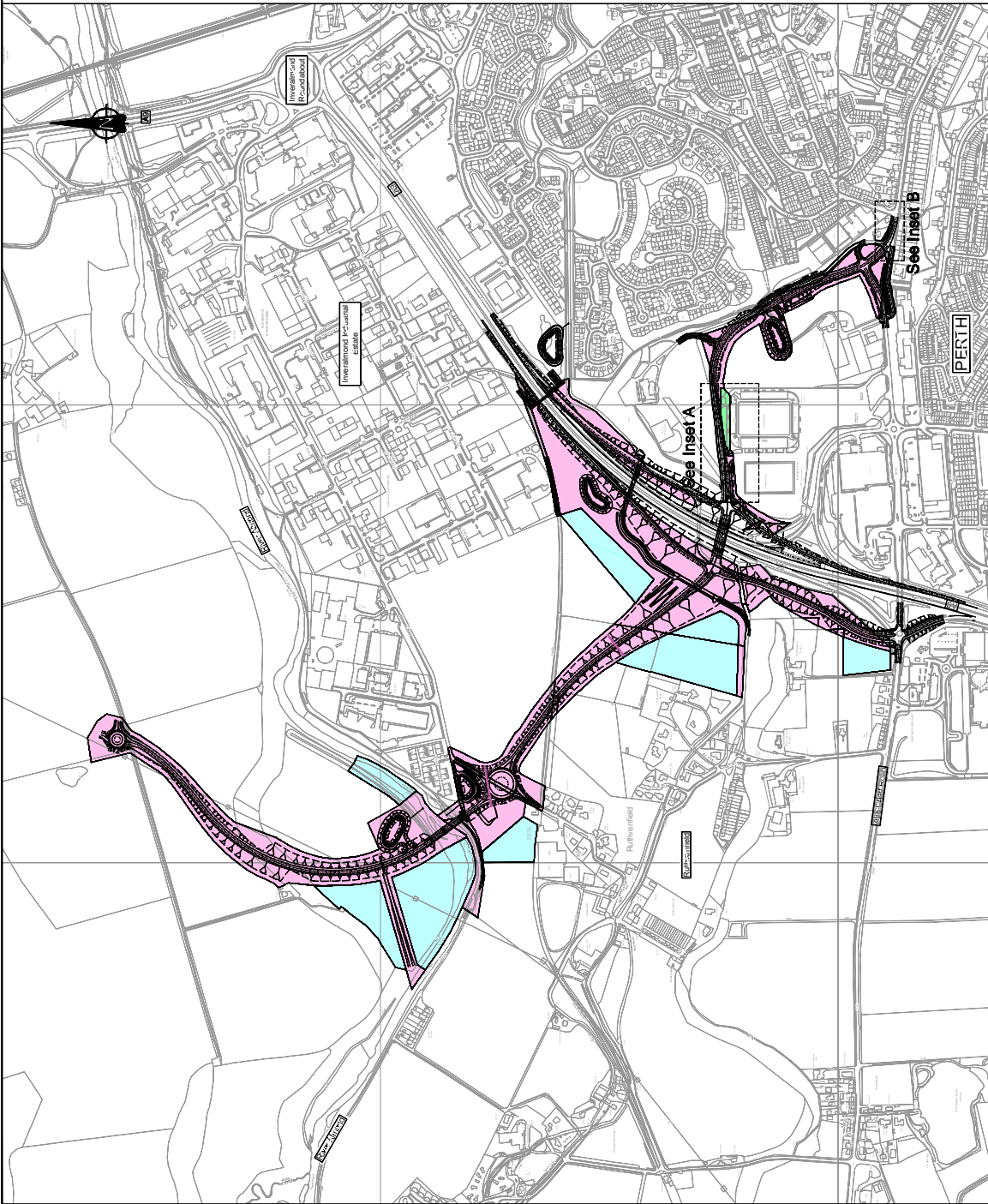


CH2MHILL
 City Park
 Dundee
 TEL: +44 (0)141 562 2010
 www.ch2mhill.com

Perth Transport Futures Project
 Phase 1 A9/A65 To Bertha Park
 Compulsory Purchase Order

Council Report Plan
Land Acquisition
Road Proposals Included
(October 2014)

Drawn by: J Chen	Date: 17 June 2014
Checked by: A Todd	Date: 17 June 2014
Approved by: W Wilson	Date: 17 June 2014
Drawing No: 1500 @ A1, 1:100 @ A1 or as shown	Revision: B
Client No: 203078-AD-X-010	



Map data reproduced by permission of Ordnance Survey on behalf of HMRC. © Crown copyright and database right 2012. All rights reserved. Ordnance Survey Licence number: 100018077.