

EE10. Transport Projects – Acquisition Of Land for the Denny Eastern Access Road (DEAR)

The Emergency Executive considered a report by the Director of Development Services which provided an update on the progress of the DEAR Compulsory Purchase Order (CPO). It sought authority to proceed with a CPO for additional land required as a result of the technical review by Transport Scotland to enable delivery of the transport project should it not prove possible to acquire the land by negotiation or gain access to the land under licence.

The Executive had agreed on 10 December 2019 to the promotion of a CPO under the Roads (Scotland) Act 1984 over the private interests in the land on two plots. These plots represented the extent of land needed for the road and associated infrastructure.

A technical review had highlighted that there was no provision in the current legislation to allow for the temporary acquisition of land e.g. for working space, storage areas and to carry out accommodation works. The Council therefore required to acquire more land than was originally anticipated to allow the construction of DEAR to take place.

The additional land was shown as plots 3-9 on the plan attached to the report. The land would be used on a temporary basis to provide working space and access, storage areas and to carry out agreed accommodation works for the affected parties. As this would be needed only temporarily the Council would initially try to gain access under licence rather than outright acquisition which would make the land transfers more straightforward and prevent the Council having to convey the land back once the scheme was completed.

Plots 1 to 9 was the balance needed to complete the land assembly to allow the remaining section of DEAR to be constructed along with associated roads features and infrastructure. The land was owned by Callendar Estates and leased to two tenant farmers. There had been no further progress in land negotiations with Callendar Estates for the order land.

In order for CPO to be confirmed, an acquiring authority must establish whether the public benefits of acquiring the necessary land outweigh the private interests and that there was no suitable alternative way to realise its objective. The principle of housing development in the area had been long established and growth had been encouraged through the local development plan process. The resultant impacts on traffic congestion, at Denny Cross and the need to provide a robust traffic network solution for proposed new housing developments in the area meant that the DEAR solution was the only viable way of addressing the issues.

Decision

The Emergency Executive agreed:-

- (1) to the promotion of a revised Compulsory Purchase Order under the Roads (Scotland) Act 1984 over the private interests in the land outlined in the report and shown as Plots 1 to 9 on the plan annexed to allow for the construction of the remaining section of the DEAR and associated roads infrastructure, and**
- (2) to the subsequent referral of the CPO to Scottish Ministers for confirmation.**