

## **EX95. Transport Projects – Acquisition of Land for the Denny Eastern Access Road (DEAR)**

The Executive considered a report by the Director of Development Services which provided an update on the progress of the Denny Eastern Access Road (DEAR). Authority was sought to proceed with a Compulsory Purchase Order (CPO) to enable delivery of the project should it not prove possible to acquire the land by negotiation or gain access to the land under licence.

The Council owned land that would deliver the northern section of the proposed scheme. This was shown on a plan appended to the report. Plot 3 was owned by Avant homes. This road was subject to a Roads Construction Consent and would be adopted as part of the Public Road network in due course. The land shown on the plan as Plots 1 and 2 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. This land was owned by Callendar Estates and leased to 2 tenant farmers who occupied different parts of the Order Land at Mydub farm and Cuthelton Farm.

The District Valuer commenced negotiations in April 2018 with Callendar Estates. The Council offered to purchase the land at a nominal cost to reflect the purpose and betterment to Callendar Estates land as a result of the construction of DEAR. Callendar Estates had co-operated with the negotiations, enabling various ground investigations. However, some concern had recently been expressed regarding the extent of land required for DEAR, including the temporary ancillary areas needed to facilitate construction.

Callendar Estates suggested that a temporary licence and road adoption agreement be agreed between the parties, permitting early access onto their land. The licence was prepared and issued by Falkirk Council in February 2019. The intention was that once completed and publicly adopted, Council would acquire ownership of only the footprint of the new road and the surplus ancillary areas would revert to Callendar Estates. However, the licence agreement had not been concluded.

The Council sought to progress and simplify the matter by seeking a straight purchase of the land specifically required for the construction of DEAR. A land cost estimate was provided in June 2019 and revised terms and conditions were issued to Callendar Estates for the land acquisition. Discussions with Callendar Estates continued and it was evident that they wished to take a holistic view and were keen that the roads and planning matters applicable to the development of their adjacent land ownership were clarified. This uncertainty was impeding the early construction of DEAR and added justification for the need to promote a Compulsory Purchase Order (CPO).

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 is 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 these issues.

## **Decision**

### **The Executive:-**

- (1) noted the progress of the Denny Eastern Access Road (DEAR) project;**
- (2) agreed to the promotion of a Compulsory Purchase Order under the Roads (Scotland) Act 1984 over the private interests in the land outlined in the report and shown on the plan annexed to allow for the construction of the remaining section of the DEAR and associated roads infrastructure, and**
- (3) (if necessary to complete the transaction), agreed to the subsequent referral of the CPO to Scottish Ministers for confirmation.**