

**NORTH LANARKSHIRE COUNCIL**

**REPORT**

To: PLANNING AND TRANSPORTATION		Subject: A723 CARFIN-HOLYTOWN DUALLING  RECOMMENDATION FOR PROMOTION OF COMPULSORY PURCHASE ORDER
From: HEAD OF ROADS AND TRANSPORTATION		
Date: 6 August 2014	Ref: PER-06-048	

**1. Purpose of Report**

- 1.1 The purpose of this report is to consider Compulsory Purchase Order (CPO) proposals for the A723 Carfin-Holytown Dualling.

**2. Background**

- 2.1 Since December 2008, The Planning and Transportation Committee had authorised the Head of Roads and Transportation to liaise with NR and authorised the Head of Legal Services to enter into agreements with NR for the provision and maintenance of a new rail bridge.
- 2.2 On June 2012 the Policy and Resources Committee approved £10m for advancement of land assembly to support the A723 upgrade and NR works with acceleration of £0.45m for the purchase of land around the Network Rail bridge area given in September 2013. This funding to be available for works in advance of the Tax Incremental Financing (TIF) being drawn down.
- 2.3 Procurement of the rail bridge was the subject of a report to Planning and Transportation on 25 September 2013. Briefly, the bridge is to be constructed off line and transported into position during a 9 day railway line closure in September 2014.
- 2.4 The Planning and Transportation Committee granted full planning permission for the A723 Carfin-Holytown Dualling project on 23 October 2013. That planning permission includes the provision of the new rail bridge which is the subject of this report.
- 2.5 In December 2013, NR undertook the tendering exercise awarding the works to BAM Nuttal in February 2014. These works are currently underway.
- 2.6 In January 2014 a report to Planning and Transport Committee intimated that a CPO may be necessary to secure the land required to construct the dualling works that lies outwith council ownership. The CPO would be promoted pursuant to the council's powers under the Roads (Scotland) Act 1984.

**3. Considerations / Proposals**

- 3.1 The Scottish Government's Planning Circular 62011 sets out its policy on the use of CPO in Scotland.

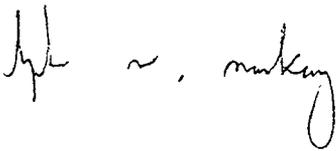
- 3.2 Circular 6 2011 states that where practicable, an authority "should try to buy the land it needs by agreement before making a compulsory purchase order."
- 3.3 Circular 6 2011 recognises however that purchase by agreement may not be practicable in some circumstances. Circumstances where purchase by agreement may be impracticable include when attempting to acquire numerous interests within the project timescale at reasonable cost. This point was well illustrated when acquiring relatively few plots of land by negotiation for the purpose of constructing the rail bridge.
- 3.4 It is therefore proposed that council promotes the CPO for the remaining land required to deliver the A723 Carfin Holytown Dualling project.

#### **4 Financial Implications**

- 4.1 A sum of £10m was approved for the project by the Policy and Resources Committee. Taking account of the procurement costs for the rail bridge it is anticipated that a residual amount of the order of £5m will be available as a contribution towards the acquisition of the land required to deliver the whole of the project for which TIF is to be used.

#### **5. Recommendations**

- 5.1 It is recommended that committee:
- a) Notes the content of this Draft Statement of Reasons attached in APPENDIX1.
  - b) Notes that the following are lodged in the member's library:-
    - A723 Dual Carriageway DMRB Stage 3 Report.
    - A723 Final Study Report.
    - Extract of land to be acquired for the project.
  - c) Approves promotion of a CPO for the purpose of acquiring the land required for this project.



**GRAHAM MACKAY**  
**HEAD OF ROADS AND TRANSPORTATION**

## APPENDIX 1

# THE NORTH LANARKSHIRE COUNCIL (A723/B799 DUALLING) COMPULSORY PURCHASE ORDER 2014

## DRAFT STATEMENT OF REASONS

### 1. Introduction

- 1.1 The following report outlines the background to the proposed acquisition of land adjacent to the A723/B799 by North Lanarkshire Council ("the Council"). The Council is promoting The North Lanarkshire Council (A723/B799 Dualling) Compulsory Purchase Order 2014 ("the Order") in terms of sections 103, 104 and 106 of the Roads (Scotland) Act 1984 ("the Act"). This report has been prepared in accordance with the Scottish Government Circular 6/2011: Compulsory Purchase Orders.
- 1.2 The Order is being promoted by the Council for the dualling of the A723/B799 ("the Scheme") and associated junctions between the Ravenscraig Roundabout Motherwell and the Honeywell Roundabout, Holytown. Along with provision of a footway/cycleway to encourage sustainable travel.
- 1.3 The Order is justified in the public interest, and the compulsory acquisition of the land is considered necessary and proportionate in the circumstances, having due regard to the interests of the affected parties.

### 2 The Land

- 2.1 The existing carriageway runs through the North Lanarkshire Council Wards 'Motherwell North' and 'Mossend and Holytown'. The land required lies immediately adjacent to the existing A723/B799 and is made principally of a mixture of maintained grass strips, semi improved grassland and scrubland. The land extends to as shown on the plan.
- 2.2 The Scheme will require the acquisition of approximately 48 land interests between 22 parties. Given the multiple interests compulsory purchase was seen as the appropriate mechanism to achieve certainty for the project.
- 2.3 Wherever practicable the design has been developed to minimise the impact on residential property. Some of the land required comprises common ground pertaining to residential development. However, the only residential property affected by the Order is 179 New Stevenston Road, Motherwell. Notification was given to the owners in April 2013, prior to the application for planning permission. On consultation with the solicitors acting for the owners the alignment was adjusted to minimise landtake at the property. The extent of the landtake is shown in Appendix A.
- 2.4 The land required is necessary and sufficient to deliver the Scheme.

### 3 The Council's purpose in seeking to acquire the land and proposals for use after the acquisition

- 3.1 The purpose of the Order is to facilitate the construction of 3.4 km of carriageway together with associated roundabout improvements and footway/cycleway provision between the Merry Street Roundabout, Motherwell in the south and the Eurocentral/Honeywell Roundabout, Holytown in the north.

- 3.2 At present the council own the majority of the land required, around xx%. Acquisition will allow the Council to secure the complete corridor of land required for dualling of the carriageway.
- 3.3 The Scheme has been identified as a key to promoting economic development and infrastructure and identified in the the Council's North Lanarkshire Council Local Plan 2012.
- 3.4 The scheme is to address the increase in traffic flow generated from recent and future developments in the area. A corridor impact assessment commissioned by North Lanarkshire Council identified that projected traffic growth will increase demand resulting in congestion and delays on the carriageway and the immediate road network.

#### **4 The Purpose/Description of any new rights being created**

- 4.1 The Council is not seeking to acquire new rights over land.

#### **5 Use of enabling act**

- 5.1 The Order is being promoted in terms of the powers contained in Section 103, 104 and 106 of the Roads (Scotland) Act 1984.
- 5.2 The Council considers the Roads Scotland) Act 1984 as the appropriate act to acquire the land in connection with the construction and improvement of the public road.

#### **6 Community Consultation**

- 6.1 In January 2013 a Pre Application Consultation exercise was carried out to better inform communities of the proposed Scheme. Letters were sent to local community councils, councillors, MSPs and local residents who had either land or property affected by the proposed Scheme. Press adverts were also lodged in both local papers: The Bellshill Speaker and Motherwell Times, inviting the general public to view and comment.
- 6.2 The event, held at the John McCormack Community Centre, Carfin, was attended by in excess of 30 individuals. The attendees had concerns regarding the increase in air and noise pollution levels both with the construction and the finished Scheme. As a result it was decided that the acoustic barriers required for the dualling would be erected wherever practicable at the start of the construction rather than on completion of the dualling. A detailed account of the consultation exercise is contained in the document 'Proposal of Application Notice A723/B799'
- 6.3 The subsequent planning application was also the subject of the statutory neighbour notification procedures and press advertisement, allowing public comment on the proposals, as noted in paragraph 8.2 below.

#### **7 The Council's Justification for Making the Order**

- 7.1 The Order has been promoted to acquire the land required to allow implementation of the Scheme. The Scheme accords with the North Lanarkshire Local Plan as outlined at paragraph 8.
- 7.2 Where appropriate the Council has entered into negotiations with land owners, however it was impracticable for the Council to acquire all interests by agreement in the project timeframe and therefore compulsory purchase was seen as necessary to ensure that the Scheme be delivered.
- 7.3 The Order is being promoted by the Council as traffic appraisals have shown that recent and future committed developments will cause an increase in demand along this section of carriageway resulting in a four fold increase in journey times with excessive queuing on the side road network. The dualling will ensure there is sufficient road capacity available up to and beyond 2027 and encourage further development in the area for future years.
- 7.4 The principle of the Scheme accords with the North Lanarkshire Council Local Plan adopted on 28 September 2012.

- 7.5 The existing single carriageway was constructed in 1995 by Strathclyde Regional Council and inherited by North Lanarkshire Council as successor roads authority in 1996. Since then recent developments, both commercial and residential, have been made along the road corridor and surrounding area increasing the amount of traffic along the carriageway. In particular, the site of the former Ravenscraig steelworks (which lies at the southern end of the length of road to be upgraded to dual carriageway), is undergoing a major long-term redevelopment which will provide some 3,500 houses, 2.5 million square feet of business and industry and a new town centre. Already, the site contains a major campus for New College Lanarkshire (formerly Motherwell College), a Regional Sports Facility, some 400 houses under construction (approximately 120 occupied) and the BRE Innovation Park. Further works planned include the town centre and business park developments, for which the Area Planning Briefs have been prepared. Over and above Ravenscraig, since the road was built in 1995, there have been many other significant housing, commercial and industrial developments in the area which have contributed to traffic growth on the road, and further developments are planned adding to the need for the road to be upgraded.
- 7.6 In 2006 STAG 1 and STAG 2 appraisals were commissioned by the Council to assess the effect the Ravenscraig Development would have on the existing road network across the local authority. The appraisals concluded that widening the A723 corridor to accommodate dualling and associated roundabout improvements from the A723 Merry Street to the A755 Edinburgh Road would be the most effective solution to accommodating the development related traffic growth along this part of the network.
- 7.7 A detailed study was commissioned in 2007 for the A723 corridor, extending from the A775, Edinburgh Road to the A721 Craigneuk Street. The assessment commissioned a cordoned Paramics model for the A723 corridor. The study evaluated the provision of a dual carriageway with junction improvements along the route and a preliminary design for a signal controlled roundabout solution at the Merry Street/Ravenscraig access road.
- 7.8 In 2012, the Council commissioned an update of the Paramics corridor model with revised traffic forecasts produced for 2022 and 2027 design years and a DMRB Stage 3 Appraisal report.
- 7.9 The model showed that the inclusion of currently committed developments and background traffic growth would produce an increase in traffic volumes of over 50% for the next 10 to 15 years.
- 7.10 Projected traffic growth with the single carriageway scenario would cause substantial congestion at peak periods. Southbound journey times would increase fourfold from a current 3mins to 13mins by 2027 compared with a dualled carriageway returning average journey times of between 3 to 4mins for the same projected year. The existing road layout would act as a constraint on development preventing this extreme congestion from occurring.
- 7.11 The DMRB Stage 3 appraisal report concluded that projected flows applied to the current single carriageway road extreme congestion is experienced with traffic flows reduced to not much more than walking pace while the A723 operates sufficiently when upgraded to dual carriageway. A PEARS (Program for Economic Assessment of Road Schemes) economic assessment identified the economic case for the dual carriageway upgrade showing a Benefit/Cost Ratio of around 70. This is unusually high due to the extreme congestion in the "with development but without mitigation scenario" The economic assessment concluded that there is a strong economic case for the carriageway dualling with most of the benefit coming from reduced travel times for all users.
- 7.12 The A723 is on the line of the 'Pan Lanarkshire Orbital Transport Corridor' connecting the Glasgow Southern Orbital Road at Stewartfield Way, East Kilbride to the A803 west of Kilsyth (as identified in the SPT West of Scotland conurbation public transport study). The route is intended to provide road capacity, bus improvements and improve connectivity, unlock commercial and housing developments across both North and South Lanarkshire.
- 7.13 The Scottish Government's upgrade of the A8 to motorway is due for completion 2017. The works involve a new Chapelhall Interchange of which the southbound arm of the interchange will connect to the B799/A723 and be constructed as dual carriageway.

## **8 Planning Position**

8.1 The proposal to upgrade the road is included in the Council's North Lanarkshire Local Plan 2012, under Policy EDI 2B "Promoting Economic Development and Infrastructure – Transport Development".

8.2 A Planning Application (reference 13/01279/FUL) was submitted to Council on 11th July 2013 for the upgrading of the A723 to dual carriageway, and included a specimen design for the road this was accompanied by an Environmental Statement, a Corridor Study, a Flood Risk Assessment, a Ground Investigation Report and a Design and Access Statement as well as full details of the consultation as detailed in the pre-application consultation report. The application was approved subject to conditions on 23rd October 2013.

Letters of notification were sent to properties affected by the proposed works. In response a total of 39 comments were received of which 37 were objections.

The Scheme has been identified in NLC's 2012 Local Plan and recognised as key to the council's road network, connecting Motherwell, Wishaw and their surrounding communities to the M8/A8 corridor. The dualling will improve strategic road links for existing and future developments in the area, including Eurocentral and the Ravenscraig Development Sites which are identified as a strategic freight transport hub and strategic economic investment locations in the Glasgow and Clyde Valley Strategic Development Plan. Ravenscraig has also been identified as a national development within the national planning framework.

## **9 The Scheme**

9.1 Taking into account the background to the proposals outlined above, alternatives considered during project planning have been limited to alignment and construction options. The preferred Scheme of on-line dualling along the existing route minimises the impact of land take. This approach also allows one running lane to remain open in each direction during construction, thereby minimising impact on other road users and reducing the effect of traffic diversions on other areas.

9.2 In selecting which side of the existing alignment to construct the new carriageway consideration has been given not only to site topography and engineering feasibility, but also to impact upon existing land uses and properties. The aim has been to minimise impacts on land use within a tightly constrained corridor. The benefits of retaining one carriageway open throughout construction have also been an important consideration.

## **10 Funding**

10.1 The Council is satisfied that it will be able to secure the necessary funding for the Scheme including the acquisition of land and any compensation due. Furthermore the Council is satisfied that the Scheme will be completed over a reasonable timescale..

10.2 Funding for the Scheme will be raised from Tax Incremental Financing (TIF) which has been approved in principle by the Scottish Government, and will allow borrowing to fund infrastructure works associated with the Ravenscraig development, including the upgrading of the A723.

## **11 Description of Works**

11.1 The proposed Scheme will involve the construction of 3.4km of additional carriageway to dual the existing A723 and B 799 between the Ravenscraig Roundabout, Motherwell and the Honeywell Roundabout at the Eurocentral Gateway to the north of Holytown, along with provision of a footway/cycleway.

11.2 The existing roundabouts at each junction will be reconstructed to cater for the new dualled carriageway at the following locations:-

i) Ravenscraig Roundabout; for access to and from Ravenscraig Development Site from the north.

- ii) Glen Ord Roundabout; for access to and from residential developments within Carfin immediately adjacent to the A723.
- iii) Carfin Street Roundabout; for access to and from the western side of Carfin and the retail development park to the east.
- iv) Loanhead Road Roundabout; for access to and from New Stevenson and Whittagreen to the west and east respectively.
- v) Memorial Way Roundabout; for access to and from Holytown Crematorium.
- vi) Holytown Roundabout; for access to and from Holytown and Edinburgh Road to the west and east respectively.
- vii) Honeywell Roundabout; for access to Eurocentral and Newhouse Industrial Estates to the west and east respectively.

- 11.3 A new carriageway will be constructed between the Ravenscraig Roundabout and the Carfin Street roundabout. This 680 m section of road is divided approximately halfway down its length by the Glen Ord Roundabout the new carriageway will be constructed to the west of the existing A723.

The Carfin Street Roundabout to Loanhead Road Roundabout section consists of 480 m of the new carriageway constructed on the east side of the existing A723 to form the new southbound lanes. The carriageway will be in cutting along the majority of its length and will pass under the existing Glasgow to Shotts railway line. The structure will be of a similar form to that of the existing rail bridge. The cutting, excavated to the east side of the existing road will carry both the new carriageway and cycle path.

The Loanhead Road Roundabout to Holytown Roundabout section will be approximately 1500m in length. The first 650m of new carriageway will be constructed in cut and form the northbound carriageway. This section is bounded on the west by an existing noise bund and on the east by the A723. The new carriageway will exit the cutting and passes under a new footbridge linking Holytown to Yett before crossing over the Legbrannock Burn. The carriageway will continue to run immediately west of the existing A723 for a further 600m to reach Memorial Way Roundabout, which services Holytown Crematorium, after which it continues for a further 230m in open space to Holytown Roundabout.

The dualling will continue northwards from Holytown Roundabout for a further 650 m to finish at the Honeywell Roundabout. The road number changes along this section from A723 to the B799. The new carriageway will be constructed on the western side of the existing B799, creating the northbound lanes of the dual carriageway.

- 11.4 The proposed Scheme will not result in the permanent diversion or loss of any rights of way or any increase in severance for pedestrians along the road corridor. There are a number of informal and core paths in the vicinity of the proposed Scheme. Core Path No 246 currently runs between housing estates at Yett and New Stevenson crossing the A723 via a dedicated footbridge. A new footbridge will be constructed alongside the existing Legbrannock footbridge before works commence ensuring uninterrupted access between communities.

The existing path (Core Path No 245) from Merry Street, Motherwell to Newarthill crossing the A723 north of Ravenscraig Roundabout will be provided with a safe crossing point at Ravenscraig Roundabout.

The proposed Scheme will not result in the permanent diversion or loss of any rights of way or any increase in severance and the creation of a designated footpath and cycleway along the widened road will provide enhanced access for pedestrians and cyclists.

## **Scheme Impacts and Mitigation**

An Environmental Impact Assessment (EIA) has been carried out along the study corridor and identified and assessed the likely main environmental effects the Scheme will have along the study corridor as required by the Environmental Impact (Scotland) Regulations 1999.

The EIA identifies measures to prevent, reduce and where possible offset any diverse effects that have been produced. Mitigation will involve new landscape planting, noise barriers and other measures to reduce traffic noise to minimise the impact the additional carriageway will have to the surrounding area.

## **Special Considerations/Ministerial Statements**

As detailed in paragraph 7.5 above, there is ongoing major development at Ravenscraig. This project has been included as a National Development in the draft National Planning Framework 3 (NPF 3), which has undergone a consultation period and will come into effect in the summer of 2014.

## **Unknown Owners**

## **Barrier to completing the Scheme**