

PERTH AND KINROSS COUNCIL

COUNCIL MEETING

25 June 2014

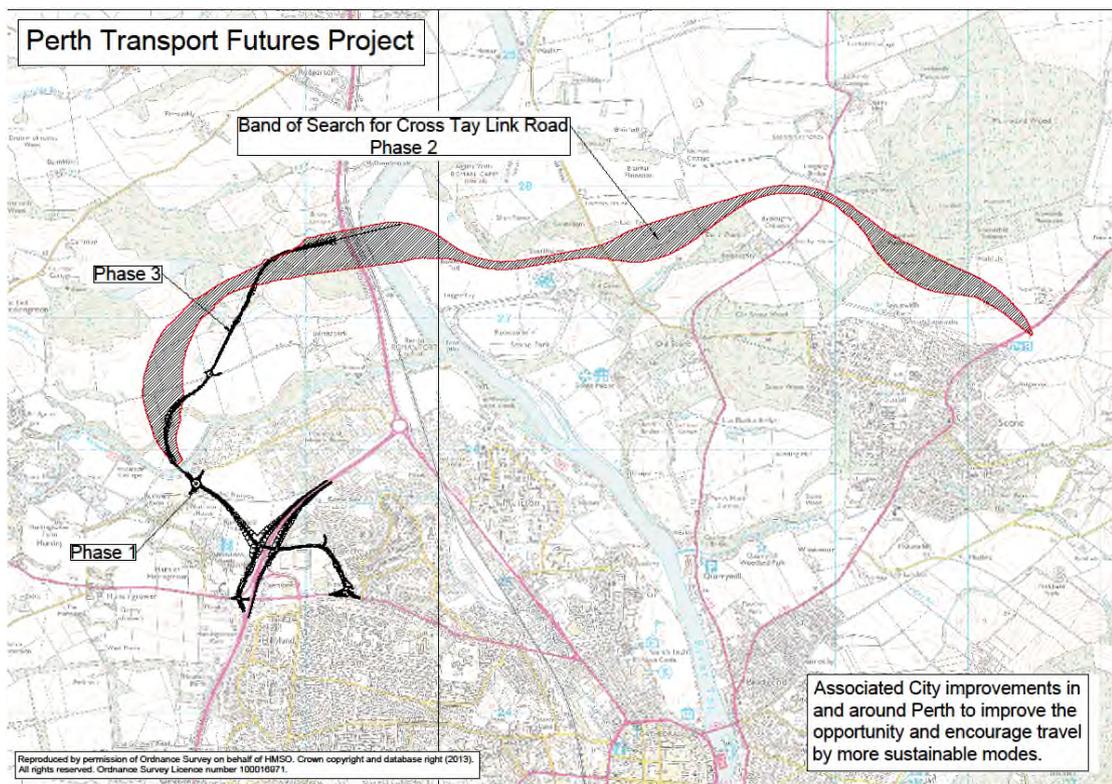
**PERTH TRANSPORT FUTURES PROJECT –
PHASE 1 A9/85 TO BERTHA PARK
COMPULSORY PURCHASE ORDER****Report by the Executive Director (Environment)**

This report seeks authority to acquire land either by negotiation or by Compulsory Purchase to facilitate the construction of Phase 1 of the Perth Transport Futures Project. This includes the A9/A85 junction redevelopment and a new link road to Bertha Park.

1. BACKGROUND / MAIN ISSUES

- 1.1 The Perth Transport Futures Project (PTFP) is to be undertaken by the Council to improve air quality in the city centre, to alleviate current and future traffic congestion and to provide essential roads infrastructure that will support economic growth. This is against the backdrop of the Scottish Government population projections (2010 based and confirmed in the recent 2012 projections) which continue to indicate that the Perth and Kinross area will experience sustained population growth over the period to 2035.
- 1.2 The PTFP is part of the vision for the future transport network which was developed as part of the Scottish Transport Appraisals Guidance (STAG) process “to provide a transport system in and around Perth that will support sustainable economic growth, protect and improve the environment, social inclusion and accessibility.”
- 1.3 The PTFP is focussed on transport infrastructure improvements required to address key congestion points in the road network and to provide essential links to growth areas. The key elements form an integrated series of transportation measures to address air quality issues within the city and ensure Perth’s growth does not compromise the local or national trunk road networks. The PTFP will be delivered over a number of years and can be divided into four phases:
 1. Enhanced A9/A85 Junction and link to Bertha Park
 2. Cross Tay Link Road (CTRL)
 3. Bertha Park north link to A9
 4. Associated city improvements.

1.4 Phases 1, 2 and 3 are shown on the diagram below.



1.5 There are significant benefits arising from the PTFP and these are summarised as follows:

- A positive contribution towards meeting the objectives of the Council's Air Quality Management Area within both the Crieff Road corridor and wider Perth.
- An upgraded A9/A85 junction providing better flow for both local and through traffic and easier connections to the major employment area at Inveralmond.
- A second major access to Inveralmond which will relieve pressure on Inveralmond roundabout at peak times.
- Improved pedestrian and cycle safety over the A9.
- Reduction of journey times on the local transport network and increased network capacity.
- A vital first link in the potential A9/A94 link road and third River Tay crossing, so further enhancing the transport network in and around Perth.
- The facilitation of the sustainable economic growth of Perth as envisaged in the Local Development Plan.
- Improved amenity for residents and businesses in the Crieff Road corridor.
- Potential for the creation of between 3,000 and 5,000 jobs through opening up development land.

- 1.6 The background to the PTFP, and particularly Phase 1, along with the key decision dates, are detailed in previous Council reports. (In particular Report Nos 13/336 and 14/192 refer). This report considers only Phase 1 of the PTFP and is specifically in relation to the land required to facilitate the improvements to the A9/A85 grade separated junction (including a new footbridge) and the new link road to Bertha Park.
- 1.7 As summarised above, the key benefits arising from the PTFP include unlocking the development potential of a number of sites in the north/north west which have been allocated for development in the Local Development Plan (LDP) and which will make a strategic contribution to the future growth of Perth. These include Bertha Park, Almond Valley and employment land at Inveralmond. In the appeal decision issued in respect of the proposed development at Almond Valley (DPEA reference PPA 340- 2065) the Reporter concluded that the A9/A85 interchange improvements are necessary if this part of Perth is to accommodate further development of a strategic scale. However there was no evidence before him which would guarantee that the appeal proposal, if approved, would provide either the finances or land necessary for the road improvements to be delivered within a short timescale. In the absence of any material change in circumstances, it is necessary that the Council assumes responsibility for the delivery of the requisite road infrastructure improvements.
- 1.8 The LDP also provides for an embargo on further planning consents for further developments for sites of 0.5 ha or more outwith Perth on the A85 corridor until such time as the construction of the new A9/A85 junction has commenced. Whilst the embargo is justified, it may act as a barrier to further development that will be removed once Phase 1 of the PTFP is underway.

2. PROPOSALS

Alignment

- 2.1 Phase 1 of the PTFP involves the provision of a new grade separated interchange between the A9 and A85 which will be located to the north of the existing interchange. A new distributor road will be constructed between the new interchange and the Bertha Park site and will include the provision of a new bridge over the River Almond. The works will also include a pedestrian footbridge over the A9, improved pedestrian and cyclist provision, public transport improvements and improved pedestrian provision along the Town Lade (which is to be locally diverted to accommodate the new junction). The most recent version of the design is shown on Drawing 203078-AD-SK-001H at Appendix 1 of this report.
- 2.2 There is limited scope to vary the road alignment due to the location of McDiarmid Park, the crematorium, the crossing point over the River Almond, the escarpment and the line of electricity pylons at Bertha Park.

- 2.3 However, the current proposed alignment has changed from the alignment which received planning consent on 31 May 2012 (Application Number 11/01579/FLL). The changes are as follows:
- At the request of the landowner, the design has been altered to allow the North Stand at McDiarmid Park to remain.
 - The distributor road alignment has been altered to ensure that the amount of Council owned land take is maximised and therefore the amount of private owned land take is minimised.
 - The proposed roundabouts have been changed to traffic signal controlled junctions to minimise land take and ensure that the junctions operate to maximum efficiency.
- 2.4 As a result of these changes a revised planning application is required for Phase 1 of the PTFP and this will be submitted in August 2014.

Land Purchase

- 2.5 The extent of the land required for Phase 1 of the PTFP has been identified and is shown on Drawing 203078-AD-X-008 Rev B at Appendix 2 of this report.
- 2.6 Discussions with a view to purchasing the land by agreement have commenced with the landowners. However, given the extent of the scheme and the number of landowners affected it is proposed to promote a Compulsory Purchase Order (CPO) in parallel. 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.
- 2.7 It is considered that it would be reasonable and proportionate to acquire the land by compulsory purchase in the event that negotiations for voluntary sale cannot be concluded with all the landowners within a reasonable timescale. The land which is required is owned by a number of different parties, which potentially reduces the chances of reaching voluntary agreements for the whole site. Acquiring the whole site by means of a CPO will also help ensure that there are no gaps in title affecting the Council's ownership of the land required. Land take will be minimised and, where appropriate, the Council will enter into discussions regarding reasonable accommodation works.
- 2.8 There are compelling arguments for implementing Phase 1 of the PTFP and it is therefore considered that, on balance, the public interest outweighs that of the individual landowners involved. It is acknowledged that these landowners will be deprived of their land but the preferred option is favoured because, among other reasons, it reduces the land take as far as is possible. The landowners will receive appropriate compensation and, in addition, many will benefit from the new junction and link road providing better access to their land. In some cases the affected land has development potential but development will only be permitted if this project goes ahead.

- 2.9 The District Valuer Service has been instructed by the Council to act as Agent in the negotiation of the land purchase and Brodies Solicitors have been instructed to handle the legal work associated with the project.
- 2.10 The CPO will be promoted under Sections 103 and 104 of the Roads (Scotland) Act 1984 (the 1984 Act) and The Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947. Once the CPO is made, it will be submitted to the Scottish Ministers for confirmation. It should be noted that, if objections are received from any of the affected landowners and are not withdrawn, the Scottish Ministers will arrange a public inquiry. The likely timescales for confirmation of the CPO are set out at paragraph 2.15 below.

A9 Trunk Road – Transport Scotland

- 2.11 The principal aims and objectives of the PTFP are set out in Part 1 of this report. These indicate that it is appropriate for Phase 1 of the PTFP to be taken forward by the Council as local Roads Authority in discharge of its duties and functions under Section 1 of the 1984 Act, harnessing the powers set out in Section 20 of the 1984 Act. However, as the scheme interfaces with the trunk road network consultation is ongoing with Transport Scotland regarding those elements which will connect into the trunk road, including associated slip roads. Transport Scotland has been involved in the preliminary design to ensure the proposals meet their required standards.
- 2.12 It is also proposed that the Council enters into a legal agreement with Transport Scotland to ensure the protection of the trunk road network and to provide for effective traffic management during construction. The legal agreement will also ensure that, in the event that Transport Scotland decides to promote a Trunk Road Order under Section 5 of the 1984 Act, any parts of the scheme which are to be the subject of that Order will be constructed to the appropriate standard. It is anticipated that the legal agreement will be in place prior to the promotion of the CPO.
- 2.13 As it is not possible to acquire land belonging to the Scottish Ministers by compulsory purchase it is proposed that any areas of land required for Phase 1 of the PTFP which are currently held by the Scottish Ministers will be occupied by agreement.
- 2.14 If the CPO is confirmed, it has been agreed with Transport Scotland that they will promote an Order to stop up the existing slip roads which will become redundant after Phase 1 has been completed.

Programme

- 2.15 Once the CPO is made (July 2014) it will be submitted to the Scottish Ministers for confirmation. If no objections are received, or objections are received and resolved, the Scottish Ministers decide whether to confirm or refuse to confirm the CPO. The timescale from promoting the CPO to vesting of the land in this instance could take around 11 months.

- 2.16 If objections are received and are not withdrawn the Scottish Ministers will arrange to hold an Inquiry. Should this be the case, it could take around 17 months from the making of the CPO for the acquisition of the land to be completed. (i.e. November 2015). Timescales could be shorter or longer depending on circumstances.
- 2.17 The current programme for Phase 1 of the PTFP takes account of the CPO process and is for the contract to be awarded in December 2015 and for construction to start in early 2016. It is anticipated that the construction period will be two years. The contract will specify that the section of road from Ruthvenfield Road to Bertha Park will be constructed first to assist construction traffic accessing the school site with a view to meeting the Council's target of March 2018 for the school opening.
- 2.18 The Council has made provision to fund the project in line with updated cost estimates and in accordance with the proposed programme (Council Report 14/192 refers).

3. ADDITIONAL CONSIDERATIONS

- 3.1 The strong growth in the Perth & Kinross population over the past three decades has placed pressure on the secondary school estate. With this trend set to continue, as evidenced in the National Records Office most recent 2010 and 2012 based population projections, the Council identified the need to increase school capacity in the Perth area. The preferred strategy was to construct a new school to supplement the four secondary schools serving the Perth area.
- 3.2 Potential locations were explored through the Council's Local Development Plan (LDP) and took into consideration the opportunities to improve the distribution of the school estate emerging from the Perth Transport Futures Project. This, combined with the strategic growth of the city being concentrated in north/northwest Perth, as set out in the Strategic Development Plan, led to the preferred option being identified as Bertha Park. A new school is identified as a site specific developer requirement for the Bertha Park Site within the LDP.
- 3.3 Therefore, subject to the outcome of a statutory consultation process required by the Education Acts, the Council proposes to construct a new secondary school at Bertha Park, and on 6 February 2013 the Executive Sub-Committee of the Lifelong Learning Committee noted Bertha Park as the preferred location (Report No. 13/67 refers). This was further confirmed by Council in May 2014 (Report No. 14/193 refers). The statutory consultation proposal will be submitted to Lifelong Learning Committee in June 2014. It is planned that the process will be complete by May 2015.

- 3.4 The Council has been awarded funding for the construction of the new secondary school by the Scottish Futures Trust (SFT). As part of the conditions of funding from the SFT, the new school will require to be completed and operational by the end of March 2018. Construction of Phase 1 of the PTFP in advance of this deadline will therefore assist with access to construct the school and the development at the Bertha Park site. This underlines the benefits of proceeding with the CPO now.

4. CONCLUSIONS AND RECOMMENDATIONS

- 4.1 The implementation of Phase 1 of the PTFP is essential to the future growth of the city as it is the means to service the Local Development Plan area. This supports sustainable economic growth and unlocks essential housing and business land throughout the Perth area by relieving pressure on the City Centre. The A9/A85 grade separated junction (including a new footbridge) and the new link road to Bertha Park are the first stage of the project which acts as a catalyst to opening up the land to the west of Perth.
- 4.2 Phase 1 will provide access to the sites at Almond Valley and Bertha Park as well as enhancing access to the Inveralmond industrial estate, thereby reducing the traffic flows across Inveralmond roundabout. The link to service the new school at Bertha Park is also the first section of the road through the Bertha Park site and on to the planned Cross Tay Link Road.
- 4.3 An alignment has been determined and negotiations with the affected landowners are underway. However, for the reasons set out in this report it is proposed to promote a CPO to run in parallel in case some of the land cannot be purchased by agreement.
- 4.4 In order to ensure that the above programme can be met it is recommended that the CPO process is commenced as soon as possible.
- 4.5 The Council is therefore asked to:
1. Agree to the purchase of land required for the project 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 by Compulsory Purchase in parallel with the negotiated process.
 3. Authorise the promotion of the A9/A85 Crieff Road Junction and Link Road to Bertha Park Compulsory Purchase Order 2014 to acquire the land shown on the drawing 203078-AD-X-008 Rev B annexed to this report.

Author(s)

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Approved

Name	Designation	Date
Jim Valentine	Executive Director	17 June 2014

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the Customer Service Centre
on
01738 475000

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 (less £2.18 million contribution from Sainsburys) 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.

Workforce

2.2 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)

- 2.3 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)

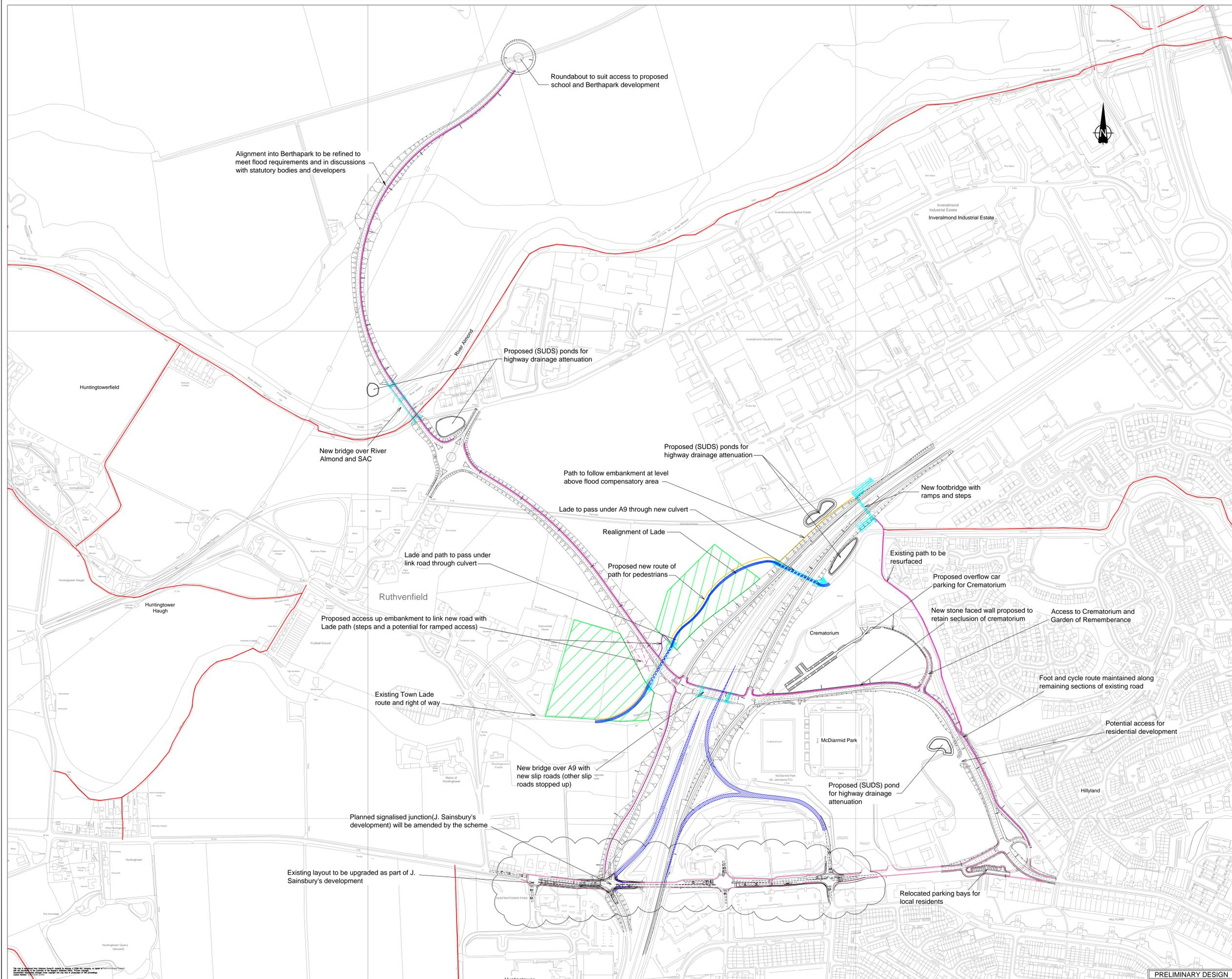
3. APPENDICES

- Appendix 1 – Alignment (Drawing 203078-AD-SK-001H)
- Appendix 2 – Compulsory Purchase Order Plan (Drawing 203078-AD-X-008 Rev B)

- Notes:
- Do not scale from this drawing.
 - All levels given in metres above Ordnance Datum (m aOD).
 - All dimensions in millimetres unless otherwise noted.

Legend:

- Footway: Solid pink line
- Steps / ramp: Dashed pink line
- Combined footway / cycleway: Solid purple line
- Optional paths / access: Dashed purple line
- Existing Right of Way: Solid red line
- Revised Right of Way: Solid yellow line
- Lade Diversion: Solid blue line
- Proposed Culvert: Blue line with bridge symbol
- Proposed Bridge: Blue line with bridge symbol
- Road closed (stopped up): Blue hatched area
- Flood mitigation zone with earth bunds 1m high: Green hatched area



Alignment into Berthapark to be refined to meet flood requirements and in discussions with statutory bodies and developers

Roundabout to suit access to proposed school and Berthapark development

Proposed (SUDS) ponds for highway drainage attenuation

New bridge over River Almond and SAC

Proposed (SUDS) ponds for highway drainage attenuation

Path to follow embankment at level above flood compensatory area

Lade to pass under A9 through new culvert

Realignment of Lade

Lade and path to pass under link road through culvert

Proposed new route of path for pedestrians

New footbridge with ramps and steps

Existing path to be resurfaced

Proposed overflow car parking for Crematorium

New stone faced wall proposed to retain seclusion of crematorium

Access to Crematorium and Garden of Remembrance

Proposed access up embankment to link new road with Lade path (steps and a potential for ramped access)

Foot and cycle route maintained along remaining sections of existing road

Existing Town Lade route and right of way

Potential access for residential development

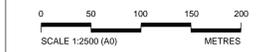
New bridge over A9 with new slip roads (other slip roads stopped up)

Proposed (SUDS) pond for highway drainage attenuation

Planned signalised junction (J. Sainsbury's development) will be amended by the scheme

Relocated parking bays for local residents

Existing layout to be upgraded as part of J. Sainsbury's development



Rev	By	Chkd	App	Date	Description
H	JC	AT	WW	05 Mar 14	New proposed road alignment
G	RM	AT	WW	03 Sep 13	Indicative car park layout added
F	RM	AT	WW	14 Aug 13	Alignment amended to join Bertha Park and new crossroads at Crief Road
E	AT	WW	31 Aug 13	Extent enlarged to cross river almond minor updates applied	
D	CM	AT	WW	09 May 13	Western link and roundabout amended notes and paths added
C	CM	AT	WW	13 Mar 13	Footways moved to north side of bridge & various changes to car traffic route
B	CM	AT	WW	18 Feb 13	4 lanes over A9 slip rd revised on A85
A	CM	AT	WW	12 Feb 13	WW working drawing



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Project: A9/A85 CRIEFF ROAD JUNCTION REDEVELOPMENT

DMRB Stage 3
Alignment Development
General Arrangement

Drawn by: C MacFadden Date: 23-01-2013
Checked by: A Torbet Date: 23-01-2013
Approved by: W Wilson Date: 23-01-2013

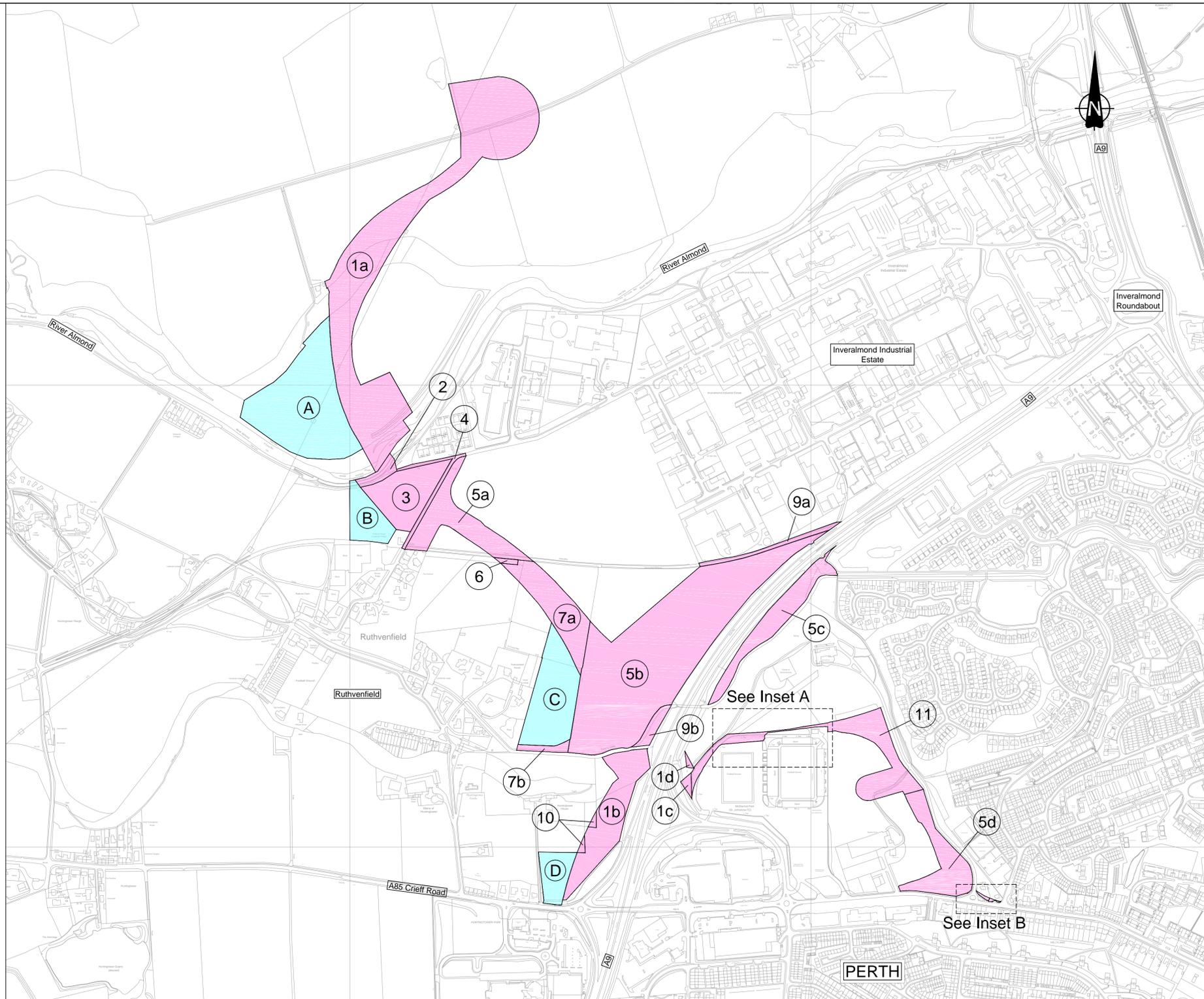
Drawing No: 203078-AD-01
Revision: H

PRELIMINARY DESIGN

APPENDIX 2

Key:

- Land to be acquired
- Temporary access rights required



Rev	By	Chkd	Apprvd	Date	Description
C	JC	AT	WW	20.06.14	1d area added and land ownership amended.
B	JC	AT	WW	17.06.14	Titles amended and land acquisition finalised.
A	JC	AT	WW	13.06.14	Amended areas, colours changed and ownership revisions made.

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Project: Perth Transport Futures Project
Phase 1 A9/A85 To Bertha Park
Compulsory Purchase Order

Drawing:

Council Report Plan Land Acquisition

Drawn by: J Chan Date: 27 May 2014

Checked by: A Torbet Date: 27 May 2014

Approved by: W Wilson Date: 27 May 2014

Drawing Scale: 1:5000 @ A1, 1:1000 @ A1 or as shown

Drawing No.: 203078-AD-X-008 Revision: C

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