
NORTH AYRSHIRE COUNCIL

2 November 2022

North Ayrshire Council

Title: Sevenacres Bridge, Kilwinning – Compulsory Purchase

Purpose: To approve the compulsory purchase of land required to install a replacement bridge over the Lugton Water at Sevenacres, Kilwinning and to provide temporary access for those works to be undertaken.

Recommendation: That the Council resolves to make a Compulsory Purchase Order to be called “The North Ayrshire Council (Sevenacres Bridge, Kilwinning) Compulsory Purchase Order 2022” as detailed in the report and further detailed in the appendices.

1. Executive Summary

- 1.1 A replacement bridge is required over the Lugton Water at Sevenacres, Kilwinning and land requires to be purchased for that purpose. Negotiations have been ongoing since 2017 with the owners of the ground which the Council requires to purchase to install a replacement bridge over the Lugton Water at Sevenacres, Kilwinning and for temporary access to additional ground to facilitate those works. Although substantial progress has been made, unfortunately binding contracts are not yet in place with all of the owners to allow the works to be undertaken.
- 1.2 In addition, SEPA guidance for carrying out engineering works in a water course indicates that access is generally only allowed on site between March and September due to fish spawning season therefore to prevent further delays in replacing the bridge, a Compulsory Purchase Order is required to give the Council a title to the land

2. Background

- 2.1 The existing Sevenacres Bridge located near Kilwinning is a 7.3m single span masonry arch structure and carries an unclassified single carriageway over the Lugton Water. The average width between the parapets is 5m and the bridge has no verge or footway. The bridge was repaired in the 1980's but significant deterioration has occurred since then. More recently two steel beams were installed on either side of the bridge to support the spandrels and parapets of the bridge, but these repairs haven't prevented the ongoing deterioration of the fabric of the structure. A structural assessment of the load capacity of the bridge was carried out in 2013. The bridge failed this assessment and an 18 tonne weight limit was implemented, however due to the ongoing deterioration to the fabric of the bridge it has been closed to vehicular traffic in 2022 for safety reasons.

- 2.2 Due to the very poor condition of the existing bridge a bridge replacement scheme was considered to be the best way forward. Replacement also provides the opportunity to make improvements to the geometry of the bridge to increase safety of road users. The proposed bridge is to be a precast masonry arch bridge with masonry parapets with an increase in width of the bridge to 6.5m and narrow footways added. The proposed bridge will look very similar to the existing bridge and although there will be an increase in the footprint of the bridge, the additional land take requirement is minimal.
- 2.3 Negotiations to purchase the additional land required for construction, and to agree temporary access for the construction have been ongoing since 2017. All land owners have indicated a willingness to sell the required land and there are indications that the bulk of the land acquisition can be achieved in the near future by voluntary means. However, land acquisition has not yet been finalised with many of the land owners and the situation has become more urgent due to the closure of the bridge to vehicular traffic. This is causing significant disruption to those living close to the existing bridge as well as to the public.
- 2.4 A tender for the bridge replacement can be issued as soon as there is some certainty that the land acquisition can be completed. Compulsory purchase of the land required for the bridge is now considered to be the best method of concluding land acquisition and allowing the replacement of the existing bridge to take place. It is anticipated that most of the land acquisition will be concluded voluntarily but the CPO process will limit the potential for future delays.

Compulsory Purchase Order

- 2.5 The Compulsory Purchase Order will require to be advertised and a Site Notice will be erected on the ground to advertise the Council's proposals, thereafter there will be a period for objections and any objections which cannot be resolved will, in due course, be determined at a Public Inquiry before a Reporter appointed by the Scottish Ministers. If the Order is confirmed there requires to be a further advert period prior to title being completed.
- 2.6 Disputes in relation to any compensation can be referred to the Lands Tribunal for Scotland. The estimated time scale for an opposed Compulsory Purchase Order is in the region of 18 months or more and Officers therefore propose that the Council commence the compulsory purchase procedures as soon as possible.
- 2.7 The rights of the owners of land or property under the Human Rights Act 1998 must be considered before deciding to make a Compulsory Purchase Order. In this connection, it is considered there is a compelling case in the public interest for acquisition of the ground to secure a replacement bridge at Sevenacres, Kilwinning and a Compulsory Purchase Order would strike an appropriate balance between public and private interest.
- 2.8 If the Order is promoted in terms of the legislation the owners and any other person having an interest in the land have a right to object to the proposed Order at a fair, independent and public hearing and are also entitled to statutory compensation in respect of their interest in land. In the absence of agreement compulsory purchase is accordingly considered to be both necessary and appropriate in the circumstances.

3. Proposals

- 3.1 The proposal is “that The North Ayrshire Council resolves in exercise of the powers conferred by Section 104 of the Roads (Scotland) Act 1984 and in accordance with the provisions of the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 to make a Compulsory Purchase Order to be called “The North Ayrshire Council (Sevenacres Bridge, Kilwinning) Compulsory Purchase Order 2022” to purchase compulsorily ALL and WHOLE those areas of ground listed on the Schedule hereto which are required to replace the existing Sevenacres Bridge, Kilwinning, authorise and instruct the Senior Manager (Legal Services) to sign the Order and plan on behalf of the Council, affix thereto the Common Seal of the Council, submit the Order and plan to the Scottish Ministers for confirmation, give the appropriate notice to the owners and occupiers of the subjects, insert the appropriate notice in the local press and certify to the Scottish Ministers that the subjects (a) do not belong to the local authority, (b) have not been acquired by statutory undertakers for the purpose of the undertaking, (c) do not form part of common or open space, (d) are not held inalienably by the National Trust for Scotland and (e) are not listed as being of special historical or architectural interest under Section 1 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, and take all steps necessary to complete the compulsory purchase procedures”.

4. Implications/Socio-economic Duty

Financial

- 4.1 The cost of compensating the land owners and the cost of replacing the bridge will be met from existing capital budgets

Human Resources

- 4.2 None

Legal

- 4.3 A Compulsory Purchase Order is the only way to complete title to land where the owner is not willing or not able to agree a voluntary transfer. The process can take some time to complete but commencing the procedure does not preclude negotiations with the owners continuing.

Equality/Socio-economic

- 4.4 None.

Climate Change and Carbon

- 4.5 None.

Key Priorities

- 4.6 The bridge replacement addresses the Council Plan key priorities of providing 'sustainable and effective infrastructure'.

Community Wealth Building

- 4.7 None

5. Consultation

- 5.1 Negotiations and consultation around the purchase of land have taken place between officers in the Commercial Services Directorate and the landowners over a period of years. Landowners are aware that NAC intended to resort to CPO in order to conclude the land purchase and minimise further delay in the replacement of the existing bridge.

Aileen Craig
Head of Democratic Services

For further information please contact **Raymond Lynch , Senior Manager (Legal Services)**, on **01294 324321**.

Background Papers

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Schedule

LAND REQUIRED AND THE PURPOSE OF ACQUISITION

The land (and or rights over land) required and the purposes for which they are required are summarised in this report and shown referenced on the Plan:-

Area	1A	Permanent acquisition of ground and riverbank lying to the north of the Lugton Water and to the west of Sevenacres Bridge, Kilwinning as shown delineated in red and coloured pink and labelled 1A/Pink on the Plan.
Purpose: Land to from part of the layout for the new bridge.		
Area	1B	The right to take temporary occupation of shrubbed area and river bank lying to the north of the Lugton Water and to the west of Sevenacres Bridge, Kilwinning as shown delineated in red and coloured brown and labelled 1B/Brown on the Plan.
Purpose: For construction purposes, including the right to remove and cut back trees and other vegetation; the right to construct and retain temporary buildings, structures, fences and other works including temporary roads, tracks and other means of access; the right to use for access and egress for pedestrians and vehicles (including heavy vehicles and construction traffic); the right to park vehicles of all types; the right to site and operate machinery and all types of ancillary equipment (including jacking columns, mobile elevated working platforms, scaffolding, cranes and under bridge units); and the right to store materials, plant machinery and other equipment.		
Area	2A	Permanent acquisition of ALL and WHOLE that land extending to 112.9 square metres or thereby lying to the south of the Lugton Water and to the west of Sevenacres Bridge, Kilwinning as shown delineated in red and coloured pink and labelled 2A/Pink on the Plan
Purpose: Land to from part of the layout for the new bridge and access for maintenance of new bridge and road embankment.		
Area	2B	The right to take temporary occupation of woodland, grazing land, river bank and river bed (Lugton Water) lying to the south of the mid-line of the said river and to the west of Sevenacres Bridge, Kilwinning as shown delineated in red and coloured brown and labelled 2B/Brown on the Plan.
Purpose: For construction purposes, including the right to remove and cut back trees and other vegetation; the right to construct and retain temporary buildings, structures, fences and other works including temporary roads, tracks and other means of access; the right to use for access and egress for pedestrians and vehicles (including heavy vehicles and construction traffic); the right to park vehicles of all types; the right to site and operate machinery and all types of ancillary equipment (including jacking columns, mobile elevated working platforms, scaffolding, cranes and under bridge units); and the right to store materials, plant machinery and other equipment.		

Area	3A	Permanent acquisition of ground, riverbed and riverbanks (Lugton Water) lying to the west and east of Sevenacres Bridge, Kilwinning as shown delineated in red and coloured pink and labelled 3A/Pink on the Plan
Purpose: Land to from part of the layout for the new bridge.		
Area	3B	The right to take temporary occupation of ALL and WHOLE that land extending to 378.2 square metres or thereby and comprising woodland, farming land, river bank and river bed (Lugton Water) lying to the east of Sevenacres Bridge, Kilwinning as shown delineated in red and coloured brown and labelled 3B/Brown on the Plan
Purpose: For construction purposes, including the right to remove and cut back trees and other vegetation; the right to construct and retain temporary buildings, structures, fences and other works including temporary roads, tracks and other means of access; the right to use for access and egress for pedestrians and vehicles (including heavy vehicles and construction traffic); the right to park vehicles of all types; the right to site and operate machinery and all types of ancillary equipment (including jacking columns, mobile elevated working platforms, scaffolding, cranes and under bridge units); and the right to store materials, plant machinery and other equipment.		
Area	3C	The right to take temporary occupation of ALL and WHOLE that land extending to 678.5 square metres or thereby and comprising woodland, farming land, lying at the west of the junction of road leading south from Sevenacres Bridge, Kilwinning and road leading to Burrowland Farm the as shown delineated in red and coloured brown and labelled 3C/Brown on the Plan
Purpose: For construction purposes, including the right to remove and cut back trees and other vegetation; the right to construct and retain temporary buildings, structures, fences and other works including temporary roads, tracks and other means of access; the right to use for access and egress for pedestrians and vehicles (including heavy vehicles and construction traffic); the right to park vehicles of all types; the right to site and operate machinery and all types of ancillary equipment (including jacking columns, mobile elevated working platforms, scaffolding, cranes and under bridge units); and the right to store materials, plant machinery and other equipment.		
Area	4A	Permanent acquisition of ground and riverbank lying to the north of the Lugton Water and to the east of Sevenacres Bridge, Kilwinning as shown delineated in red and coloured pink and labelled 4A/Pink on the Plan.
Purpose: Land to from part of the layout for the new bridge.		
Area	4B	The right to take temporary occupation of garden ground/shrubbed area and river bank lying to the north of the Lugton Water and to the east of Sevenacres Bridge, Kilwinning as shown delineated in red and coloured brown and labelled 4B/Brown on the Plan

Purpose: For construction purposes, including the right to remove and cut back trees and other vegetation; the right to construct and retain temporary buildings, structures, fences and other works including temporary roads, tracks and other means of access; the right to use for access and egress for pedestrians and vehicles (including heavy vehicles and construction traffic); the right to park vehicles of all types; the right to site and operate machinery and all types of ancillary equipment (including jacking columns, mobile elevated working platforms, scaffolding, cranes and under bridge units); and the right to store materials, plant machinery and other equipment.

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Purpose: Land to from part of the layout for the new bridge and access for maintenance of new bridge and road embankment.		
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