
NORTH AYRSHIRE COUNCIL

1st November 2023

North Ayrshire Council

Title: B714 No. 1 Compulsory Purchase Order

Purpose: This Report requests that the Council approve the recommendation to make the Compulsory Purchase Order (CPO) to facilitate the construction of Phase 1 of the B714 Upgrade

Recommendation: That the Council resolves to make a Compulsory Purchase Order to be called “The North Ayrshire Council (B714) No. 1 Compulsory Purchase Order 2023 as detailed in the Report and on the Plans.”

1. Executive Summary

- 1.1 The upgrade of the B714 is a strategic transport priority of the Council. It aims to increase the potential for economic development and tourism by significantly improving connectivity to and from Glasgow, the central belt and wider motorway network. A successful bid to the UK Government’s Levelling Up Fund (LUF) of £23.7 million was confirmed on 27th October 2021.
- 1.2 At its meeting on 29th August 2023 Cabinet noted the proposed delivery of the project across two phases, agreed to the submission of the updated outline Business Case to the UK Government for approval and subject to that approval, agreed the reallocation of Council funding to support the delivery of the project.
- 1.3 The B714 Project Team has progressed the design of the Project and defined the land required to construct the B714 Upgrade. Due to the number of plots of land involved it is unlikely that acquisition by agreement in an appropriate timescale will be possible and it is now appropriate to commence the compulsory purchase process to secure the necessary land for the project. Officers will continue to seek voluntary acquisition alongside the CPO process as it is desirable to acquire land by agreement where possible.

2. Background

- 2.1 North Ayrshire has been identified as a priority 1 category authority in terms of the LUF funding given North Ayrshire's socio-economic and connectivity challenges. A £23.7m allocation was secured from Round 1 of the LUF in October 2021 to support the delivery of the project, match funded by a £3m allocation from the Council's Recovery and Renewal Fund.
- 2.2 The upgrade of the B714 will significantly improve connectivity between North Ayrshire and Glasgow, the central belt and wider motorway network. This will substantially increase the potential for tourism and economic development and will provide enhanced links to the Arran and Cumbrae ferry services. It will contribute to the re-population of the islands and rural areas by providing improved access between the ferry terminals, mainland settlements, Glasgow, the central belt and wider motorway network. It will ensure that those living in rural, remote and island communities are well connected and have equitable access to services as those living in the rest of Scotland. It will also divert a significant volume of traffic accessing the A78 away from Kilwinning as traffic will connect directly to the A78 via the new upgraded B714.

Land Acquisition

- 2.3 The B714 Project Team has progressed the design of the project and, due to the increase in construction costs, the Council will deliver the project across two phases with:
- Phase one commencing at Girthill to Hillend Roundabout with on-line improvements between Meiklelaught and Muirlaught
 - The construction of a roundabout to connect the upgraded road to the Hillend Roundabout
 - Phase Two between Sharphill Roundabout and Muirlaught Farm being delivered at a later date, subject to funding.
- 2.4 Phase one will:
- Improve the resilience of and enhance the most direct link between Glasgow and the Three Towns
 - Improve safety and contribute to accident reduction on the B714 through increased width and improved road alignment over the most sub-standard sections from Girthill to Hillend Roundabout and Meiklelaught to Muirlaught and
 - Contribute to alleviating congestions and air quality related issues in Kilwinning.
- 2.5 The land required to implement Phase one has been identified and is detailed on the plans attached to this report. There are over 50 separate areas comprising areas to be acquired outright and others for the creation of new rights required for the project. Officers will continue to seek voluntary acquisition alongside the CPO process as it is desirable to acquire land by agreement where possible. However, considering the above and given the importance of the B714 upgrade as part of North Ayrshire's strategic transport priorities it is now appropriate to commence the compulsory purchase process through the making of a CPO to acquire control over all of the necessary land that is unlikely to be secured by agreement.
- 2.6 The design work will continue on the route and whilst it is anticipated that there may be further minor changes as the detailed design progresses, any such changes are not likely to increase the required land take.

Compulsory Purchase Order

- 2.7 If Council approves the recommendations contained in this Report, the CPO will be made, advertised, and served on all relevant parties. It is proposed that service of the CPO will likely be carried out by January 2024.
- 2.8 Following notice being served, the CPO will be sent to Scottish Ministers for confirmation. The process allows proprietor objections to be made to the CPO over a minimum period of 21 days. Any objections require to be sent to the Scottish Ministers in writing. Should the Scottish Ministers receive objections they will contact the Council to ask if they can be resolved and subsequently withdrawn.
- 2.9 Should objections from landowners, tenants or occupiers be substantial, the Scottish Ministers must arrange for the Public Local Inquiry (PLI) to be held. If a PLI were to be held, Scottish Ministers will appoint an independent reporter who will consider the case being made by the Council and any objectors. On completion of the PLI, the Reporter will submit a Report to the Scottish Ministers making a recommendation on whether the CPO should be confirmed. Scottish Ministers will then consider the Report and make a final decision on whether to confirm the CPO. There are no set timescales for these processes, but they typically take between 12-18 months from the making of a CPO to decision by the Scottish Ministers.
- 2.10 The rights of the owners of land or property under the Human Rights Act 1998 must be considered before deciding to make a CPO. In this connection, it is considered there is a compelling case in the public interest for acquisition of the ground to secure the upgrade of Phase 1 of the B714 and a CPO will strike an appropriate balance between public and private interests.

3. Proposals

- 3.1 The proposal is that The North Ayrshire Council resolves in exercise of the powers conferred by sections 103 to 106 inclusive and 110 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 (B714 No.1) Compulsory Purchase Order 2023 to purchase compulsorily ALL and WHOLE (One) those plots of ground shown delineated in red and coloured pink and (Two) servitudes rights over those plots of ground shown delineated red and coloured blue on the four plans annexed hereto which are required for Phase One of the B714 upgrade, authorise and instruct a Proper Officer 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 a 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 estimate for Phase 1 of the project is estimated at £31.7m, inclusive of contingency and inflation allocations. The Department for Transport (DfT) has indicated that there is a possibility that the funding could be cancelled if government policy changes or if the necessary legal permissions or match funding cannot be secured. The Council requires to provide 10% match funding for the initial £23.7m project and this will be met by the £3m Recovery and Renewal Fund Capital Allocation approved by Cabinet on 15th June 2021. Subject the approval of the Final Business Case by the UK Government, the balance of the £5 million deficit will be met by the reallocation of funding approved by Cabinet on 29th August 2023.

Human Resources

4.2 The estimated cost of the staffing requirements for the project were included in the application and business case submitted. These have been refreshed in the updated estimates. This includes project management and legal staffing requirements to support the land acquisition process.

Legal

4.3 The relevant legislation for making the CPO for the purposes for the construction of a roads project is as follows:

1. Sections 103 -106 and 110 of the Roads (Scotland) Act 1994 and
2. Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947.

A parallel landowner negotiation and Compulsory Purchase Order process is proposed to progress the land requirements for the B714 as is to ensure that the land acquisition can be achieved and the project delivered within the funding timescales. This is proposed due to the length of the route, number of landowners and timescales for delivery and the preference as previously stated will however be to negotiate and reach agreement with the landowners on the purchase of the land. 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 The project will assist in meeting our socio-economic duty as set out in the Fairer Scotland Duty. It seeks to reverse economic, social and physical decline and reduce socio-economic disadvantage and aims to build community wealth and tackle local deprivation by improving connectivity to support economic development and the re-population off the islands which will contribute to the regeneration of the communities.

Climate Change and Carbon

- 4.5 The project aligns with the approved Environmental Sustainability and Climate Change Strategy. The upgraded B714 project will also reduce the impact of transport on our communities. In particular, it will reduce the volume of traffic travelling through Kilwinning past four schools, reducing pollution, congestion and the potential for accidents. It is envisaged that it will also improve electric vehicle charging availability and enhance active travel between the three towns and the Garnock Valley however these improvements will require to be funded from alternative funding sources.

Key Priorities

- 4.6 The project will contribute to the four Council Plan priorities and key activities of: Ensuring our places and spaces where we live, work and visit are well maintained and accessible; Developing infrastructure to support business growth; Working with communities to adopt low carbon behaviour change; Transitioning to low and zero carbon travel; and Focusing our investment on priorities.

Community Wealth Building

- 4.7 The project will contribute to community wealth building and in particular will have a significant positive impact on the Council's ambitions under the following pillars:

Procurement: Local supply chain opportunities will be created through the project for future procurement exercises related to the project, the EDR business Development team will review opportunities for the North Ayrshire business base and provide supplier development support as required.

Fair employment: The project will create employment opportunities, particularly within the construction sector. Where North Ayrshire is the contractor for services, through our enhanced community benefits approach we will ensure the creation of local training and work experience opportunities. Furthermore, the upgrade of the B714 will provide enhanced connectivity to help those from rural areas access work.

Financial Power: The project will invest in localities and leverage external national investment into North Ayrshire.

5. Consultation

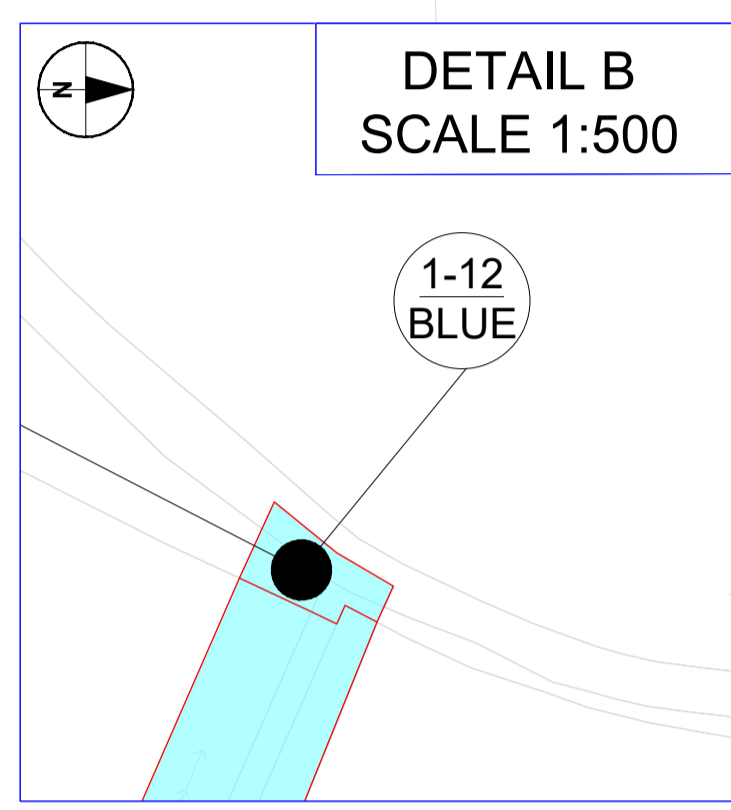
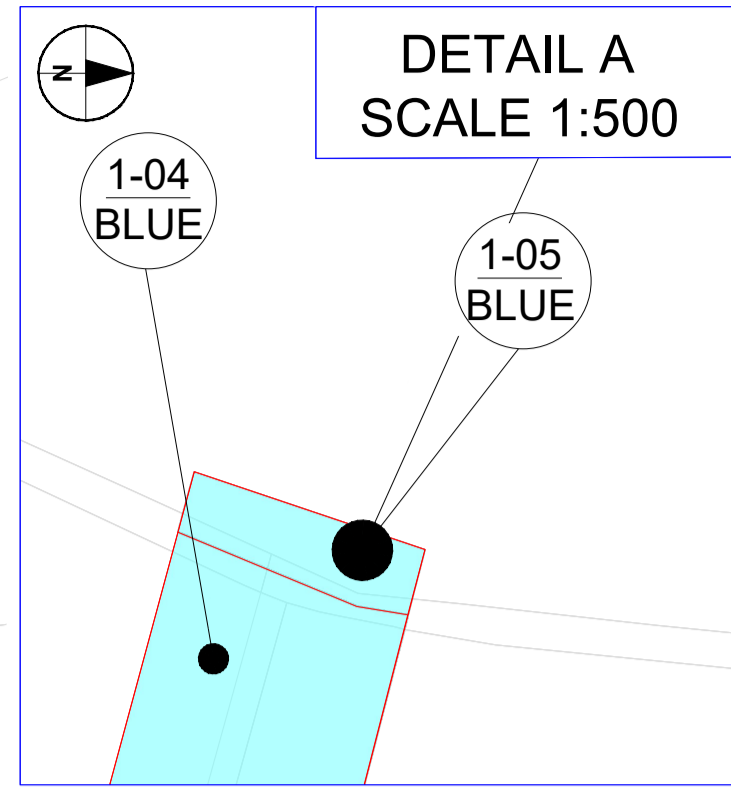
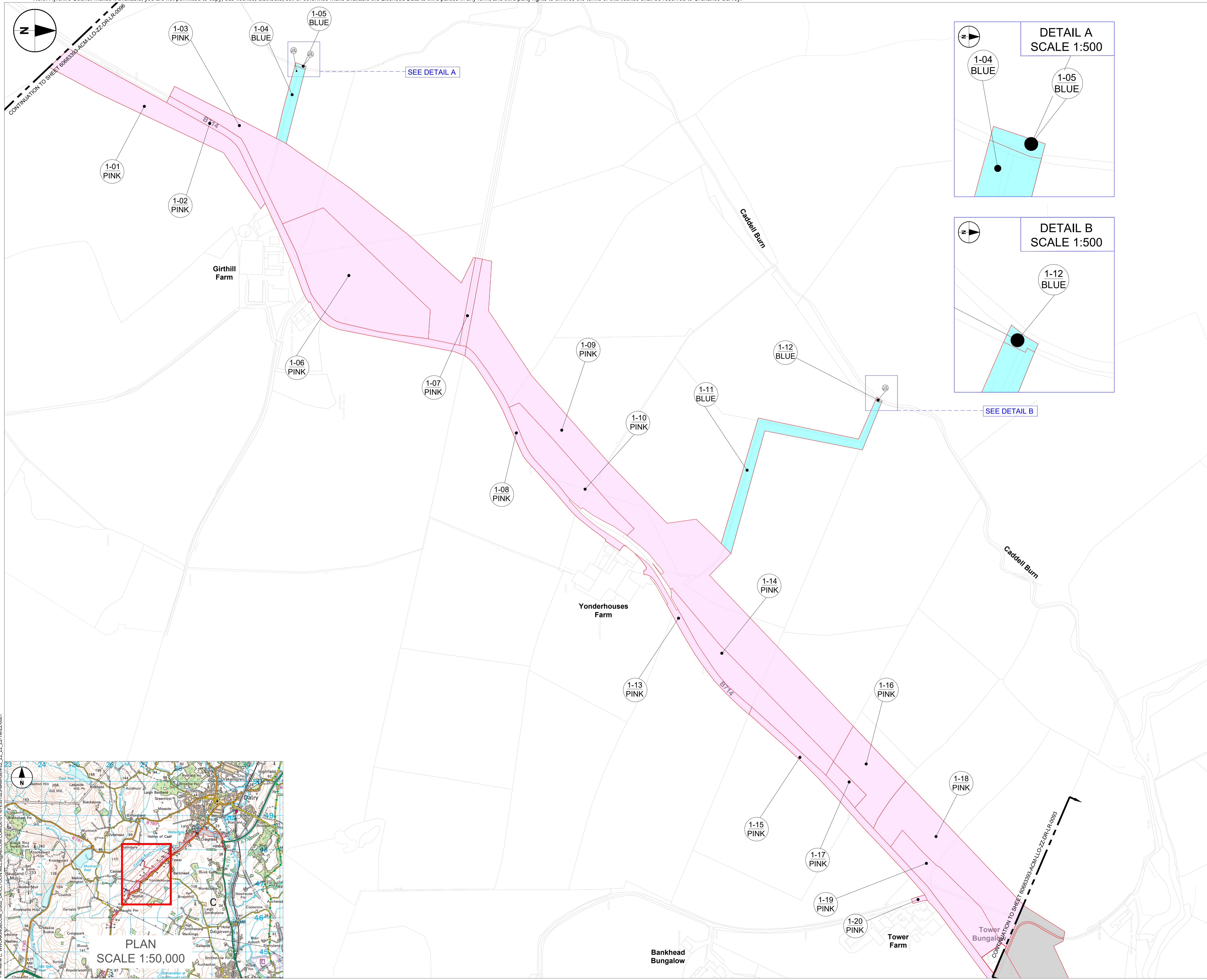
- 5.1 The draft Outline Business Case and design has been informed by consultation with Elected Members, landowners, communities, road users, transport providers, transport industry and community organisations. This included a public consultation and exhibition in November and December 2022. Further consultation and engagement will be undertaken to inform the development of the Final Business Case and detailed design.

Aileen Craig
Head of Democratic Services

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

Background Papers

N/A



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LEGEND

X-XX PINK PLOT NUMBER

PINK LAND TO BE ACQUIRED

BLUE SERVITUDE RIGHT TO BE ACQUIRED


ISSUED TO	MS	Date	Suffix
NAC		01/09/23	P02
		01/09/23	P03.1

REVISION DETAILS

By	Check	Date	Suffix

INITIAL STATUS OR WIP

Client



Project Title

B714 Upgrade

COMPULSORY PURCHASE ORDER 1 PLANS SHEET 2 OF 4

Designed	Drawn	Checked	Approved	Date

Internal Project No. 60683393

Scale @ A1 1:2500

Suitability S0

Volume Land Ownership Boundaries

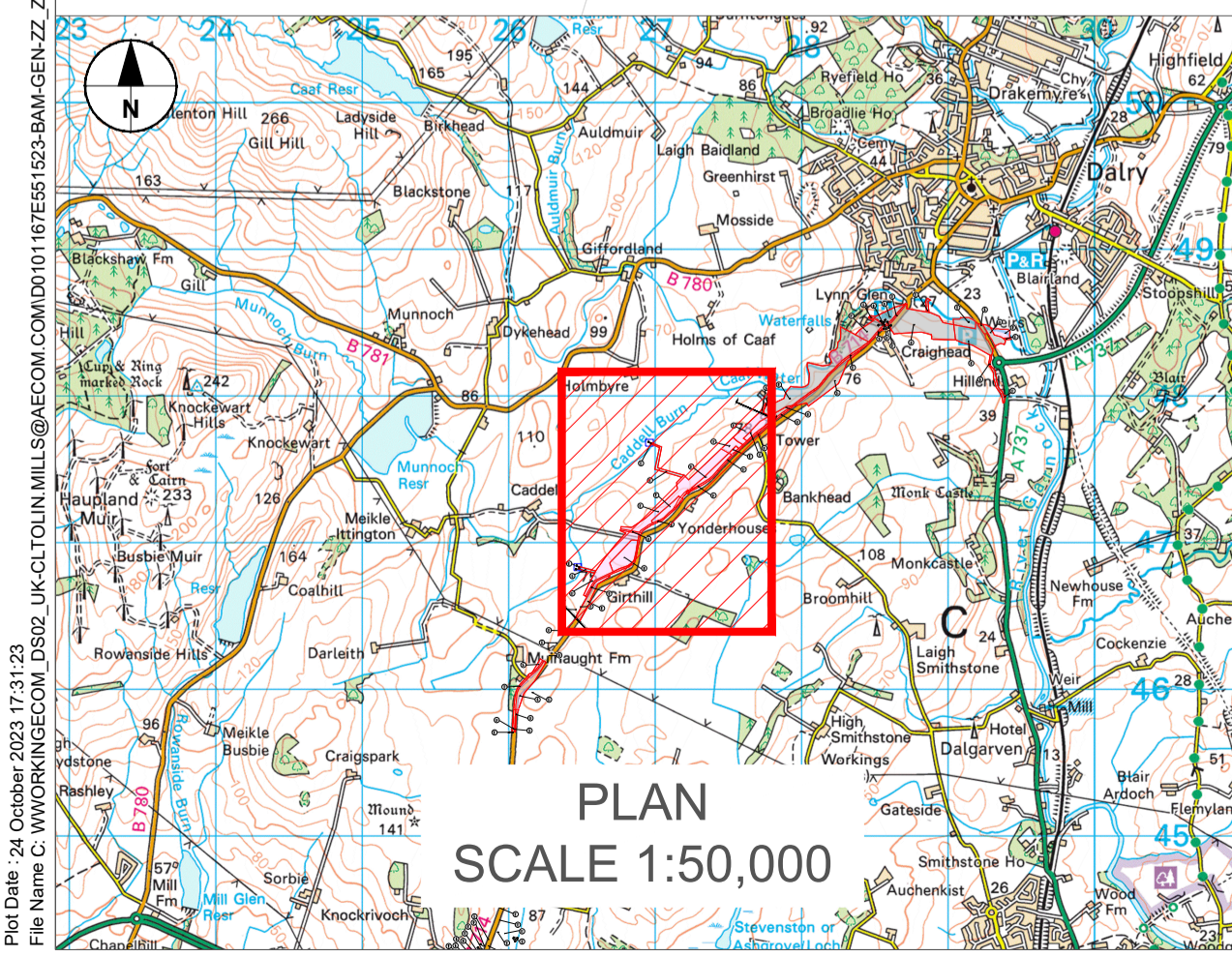
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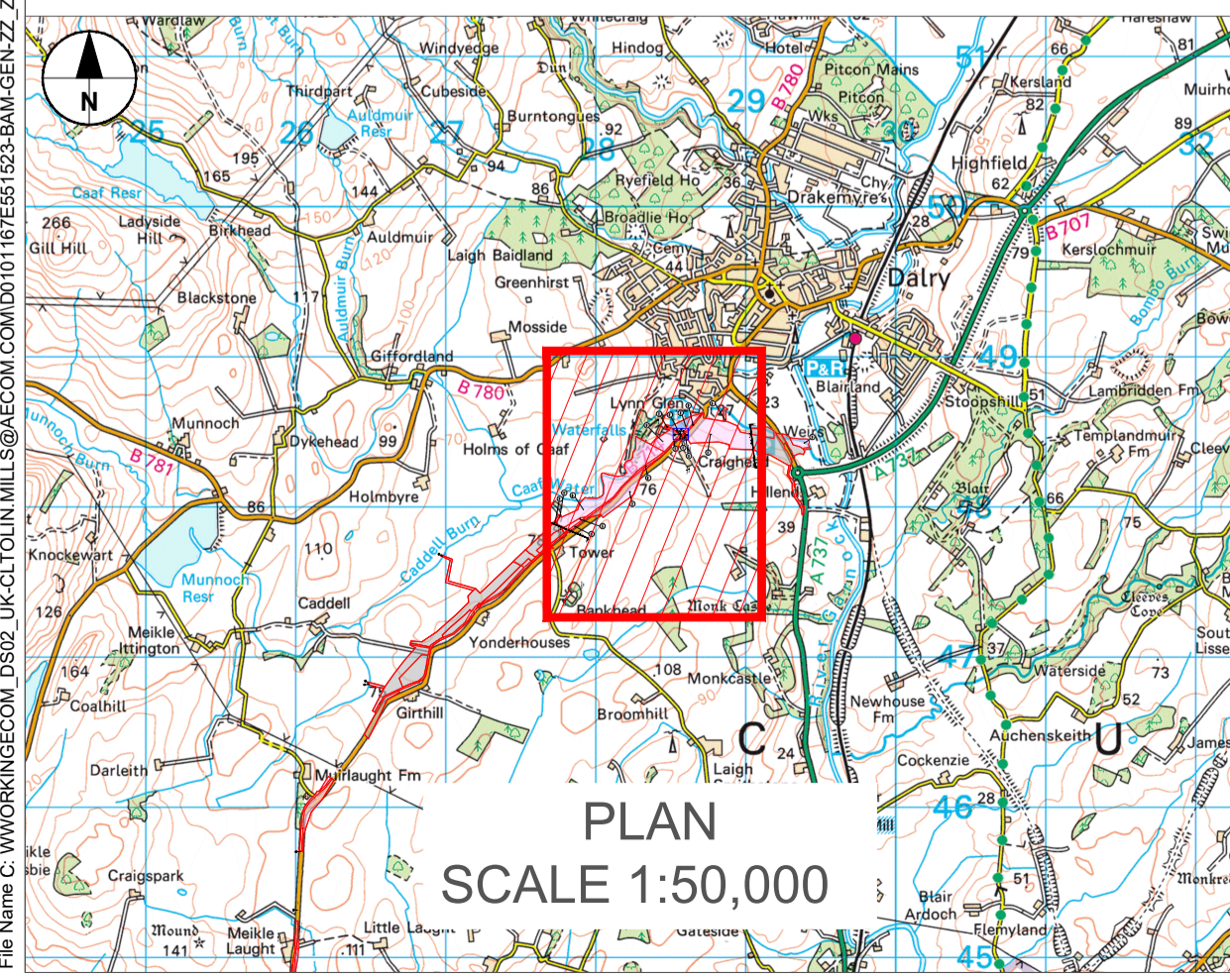
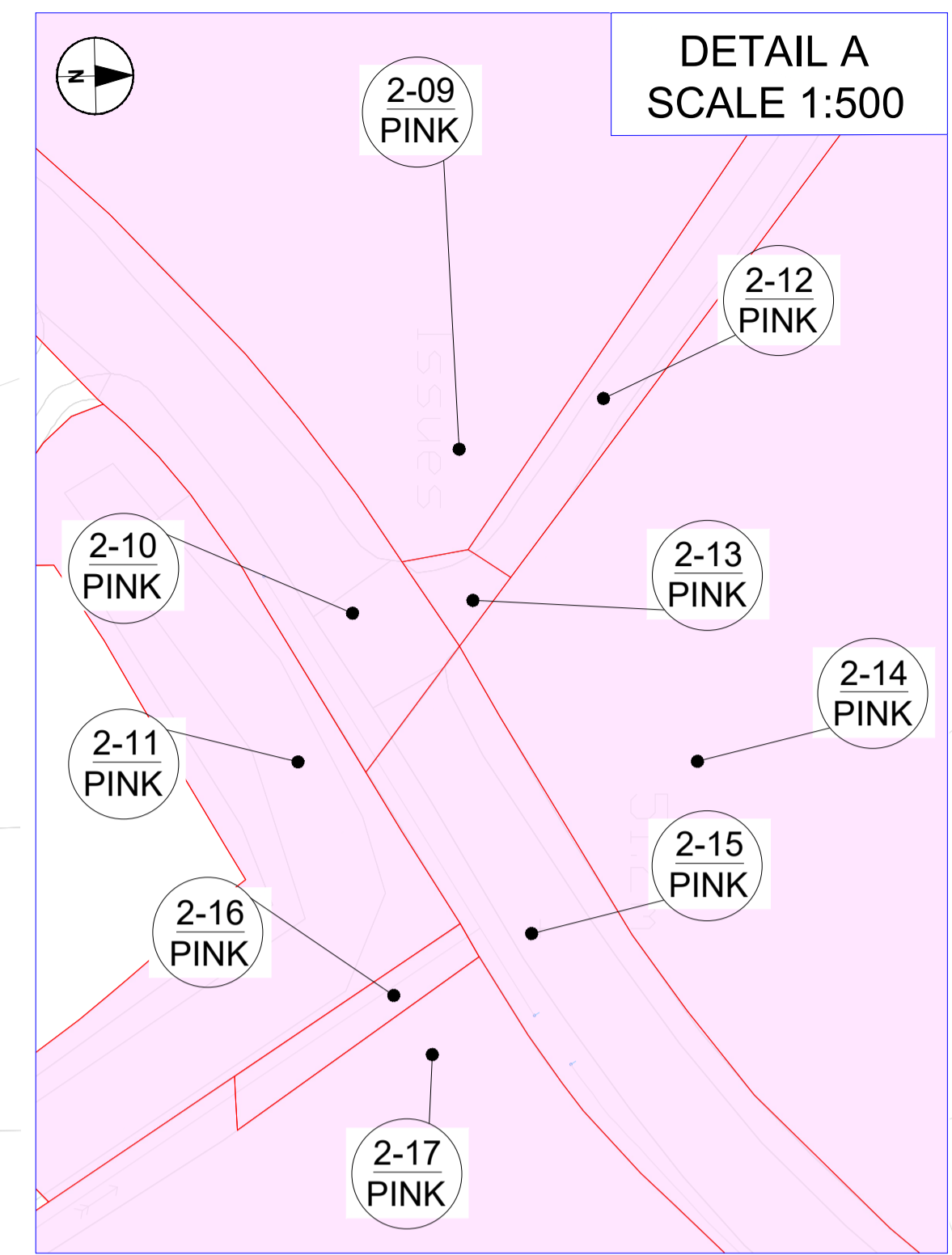
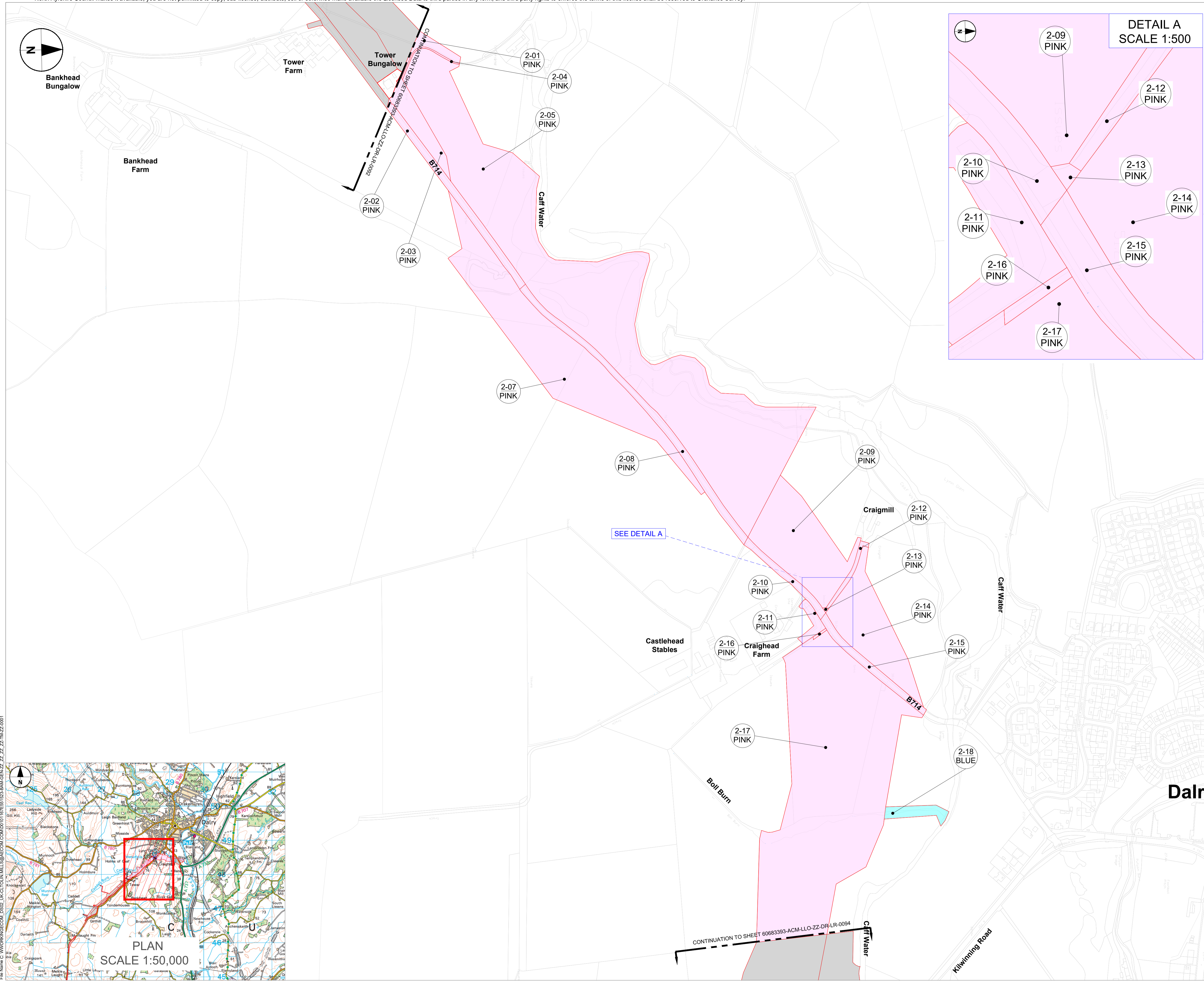
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REVISION DETAILS

By	Check	Date	Suffix

INITIAL STATUS OR WIP

Client:

Project Title: **B714 Upgrade**

Drawing Title: **COMPULSORY PURCHASE ORDER 1 PLANS SHEET 3 OF 4**

Designed	Drawn	Checked	Approved	Date

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Volume Land Ownership Boundaries

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