



## **Statement of Reasons for The South Lanarkshire Council (Replacement of Clyde Bridge by Pettinain) Compulsory Purchase Order 2020**

### **Introduction**

This Statement of Reasons is submitted in support of The South Lanarkshire Council (Replacement of Clyde Bridge by Pettinain) Compulsory Purchase Order 2020 (**"the CPO"**) made by South Lanarkshire Council in terms of s104 of the Roads (Scotland) Act 1984 (**"the Act"**).

South Lanarkshire Council (**"the Council"**) proposes to acquire the land (**"the CPO Site"**) shown on the map or plan attached to the CPO being as shown on Council Drawing 08\_2303 Revision C (**"the CPO Plan"**) as roads authority, in order to carry out works in terms of a road improvement scheme to replace the existing Clyde Bridge road bridge (**"the Bridge"**) (which has been closed for some time and is dangerous), and to improve and re-align the C29 road on approach to the Bridge (**"the Scheme"**).

However, the Council has been unable to purchase all of the land required for the Scheme within a reasonable timescale, and accordingly considers that the exercise of compulsory powers is necessary.

The land described in the CPO (**"the CPO Site"**) is shown outlined in red and shaded pink on the CPO Plan. The proposed location of the New Bridge mentioned below is shown outlined in blue on the Additional Plan attached. This Additional Plan also shows the land the Council has already acquired from The Scottish Ministers coloured and outlined in green. The areas shown outlined in red and shaded pink on the CPO Plan and the land acquired from The Scottish Ministers comprise the whole Development Site.

The Council considers that the full extent of the CPO Site needs to be acquired to enable such works to be carried out, and that this acquisition is necessary in order to provide a safe crossing over the river and achieve the road improvements which will benefit the area in which the whole Development Site is situated.

## **Description of the land**

The CPO Site is located to the south of the village of Carstairs Junction, and lies immediately adjacent to the C29 Pettinain Road and generally on or towards the north-west and south-east of the Bridge, which spans the River Clyde. The approximate Ordnance Survey co-ordinates of the CPO Site are 295622E:644471N. The Bridge is located 4.7 miles east of Lanark.

The CPO Site comprises six (6) plots which are shown outlined in red and shaded pink on the CPO Plan.

- Plot 1 extends to 1,586 square metres, lying on or towards the north-west of the Bridge and comprising an area adjacent to the C29 Pettinain Road. This area adjacent to C29 Pettinain Road is presently used for grazing livestock.
- Plot 2 extends to 1,291 square metres, lying on or towards the west side of the Bridge and comprising an area adjacent to the C29 Pettinain Road. This area adjacent to C29 Pettinain Road is presently used for grazing livestock.
- Plot 3 extends to 818 square metres or thereby and comprises the solum of the C29 Pettinain Road as it approaches the Bridge, the road over the Bridge and part of the solum/alveus of the River Clyde on which the Bridge is constructed.
- Plot 4 extends to 2,027 square metres, lying on or towards the west of the Bridge, comprising an area adjacent to the C29 Pettinain Road. This area is presently used for grazing livestock
- Plot 5 extends to 9,656 square metres, comprising part of the solum of the River Clyde and the existing bridge, an area of the C29 Pettinain Road and areas adjacent to and on either side of the C29 Pettinain Road. These areas on either side of the existing Pettinain Road are presently used for grazing livestock.
- Plot 6 extends to 2,408 square metres or thereby and includes the solum of the C29 Pettinain Road and areas of land adjacent to this road. These areas adjacent to the road are used for grazing livestock and as an underpass.

## **Purpose for which the land is being acquired**

The Council is promoting the Scheme on the grounds of the benefits afforded by the construction of a replacement structure. The Bridge was closed to traffic and pedestrians in August 2018. The Council proposes that the superstructure of the Bridge will be removed entirely. A new structure ("**the New Bridge**"), which will be designed and constructed in accordance with current Eurocode design standards, will be constructed at a position

immediately adjacent to and to the south of the Bridge. In addition, the existing roadway of the C29 will require to be realigned to adjoin the New Bridge. Land is required to accommodate the new carriageway alignment and associated road improvement works. As part of the embankment of the realigned road will be within the solum of the existing C29 Pettinain Road, the Council seeks to acquire the solum of the road as it approaches the Bridge to facilitate future maintenance.

The acquisition of Plot 6 is required to enable the Council to construct a replacement underpass structure beneath the C29 Pettinain Road. The existing underpass structure at this location, which is in a state of disrepair and requires to be replaced, affords access for livestock between grazing land located to the north-west and south-east of C29 Pettinain Road.

3 drawings are attached to this Statement of Reasons which show the detail of the works as presently proposed. The drawings are respectively titled "Roads General Layout" drawing, "Proposed Replacement Bridge General Arrangement" drawing and "Structure No. 3 Proposed Replacement Culvert General Arrangement" drawing.

### **Engagement with owners**

The Scheme affects two farms: Strawfrank Farm, Carstairs Junction and Bagmoors Farm, Pettinain, with the Council requiring to acquire land from each of the farms. The farm owners are fully aware of the Scheme, and have been involved in detailed discussions with the Council about the proposals for the road improvements. The Council has consulted with the farm owners and has taken account of their views in determining the accommodation works to be completed as part of the Scheme.

The Council entered into discussions with the owners of Strawfrank Farm in connection with the voluntary acquisition of Plot 1, Plot 2, and Plot 4. Plots 1 and 4 are owned by one member of the relevant family. Plot 2 is owned jointly by 2 other members of the same family. However voluntary acquisition has not been achieved and so the Council has no alternative but to resort to compulsory purchase. The farm owners' agent and solicitor have both been advised the Council is now pursuing a Compulsory Purchase Order to secure acquisition of the land.

The Council entered into discussions with the owner of Bagmoors Farm in connection with the voluntary acquisition of Plots 5 and 6. However voluntary acquisition has not been achieved and so the Council has no alternative but to resort to compulsory purchase. The

farm owner's agent and solicitor have both been advised the Council is now pursuing a Compulsory Purchase Order to secure acquisition of the land.

With regard to Plot 3, it took some time to identify the current owner of Plot 3 and the extent of his ownership. Initially it was thought that Plot 3 had been sold out of the Estate title of the Lands and Barony of Carstairs but the Council was able to obtain a coloured version of a plan which was previously thought to be unobtainable and which shows that Plot 3 was not included in a previous sale out of the Estate title and appears to remain vested in the owner of the residue of the Lands and Barony of Carstairs. There was also an issue with the extent of ownership along the boundary with Plot 1 which was flagged up in a Plans Report obtained by the Council from Registers of Scotland in December 2019. This resulted in the Council having to carry out further detailed investigations into ownership in this locality with the help of external searchers. That in turn required the Council to correspond with Registers of Scotland regarding what appeared to be an error in the extent of the registered title of Plot 1. Registers of Scotland has accepted that there was such an error and rectified the title of Plot 1 in May 2020 which had a knock-on effect on the extent of Plot 3. Negotiations are ongoing with the party identified as the owner of Plot 3. The Council will continue to attempt to achieve a voluntary acquisition but it is in the public interest that the Council progress with this CPO in tandem with those negotiations.

### **Description of new rights being created**

The Council does not require any new servitudes or other rights benefitting the land being compulsorily acquired.

### **The enabling act**

The CPO is proposed under section 104(1) of the Act, which enables a roads authority to acquire land required in connection with the construction, improvement or protection of a public road under or by virtue of the Act. The Council is the roads authority for the local government area of South Lanarkshire. The C29 road is a public road for the purposes of the Act as it is on the list kept by the Council of roads maintained by the Council. The Act is used as enabling act as the Scheme is a road improvement project.

### **The Council Resolutions**

On 3 September 2019, the Council's Community and Enterprise Resources Committee authorised the promotion of a Compulsory Purchase Order of the land necessary to deliver

the Scheme, in the event that the Council was unsuccessful in securing the land through voluntary acquisition.

An update was provided to the Council's Community and Enterprise Resources Committee on 24 November 2020 and a further authorisation granted to proceed with the promotion of the Compulsory Purchase Order in the event that the Council was unsuccessful in securing the land through voluntary acquisition. This authorisation extended to additional land which is required for the Scheme and which was not included in the plan approved by the Committee on 3 September 2019.

### **Justification for promoting the CPO**

The Council is proposing to replace the sub-standard Bridge, which is located on the C29 Pettinain Road, south of Carstairs Junction, with a new structure designed and constructed in accordance with current Eurocode design standards.

The existing structure was installed in 1912 as a road crossing over the River Clyde. A 2 ton vehicular weight restriction was imposed on the structure in 1956. The Bridge was therefore identified as weak at a relatively early point in its existence.

The Council has continued to monitor the condition of the structure over many years. A monitoring inspection undertaken in August 2018 recorded significant further deterioration in the condition of the structure. Fundamental and long standing structural defects had now deteriorated to an extent where the Bridge was no longer considered manageable or safe for public use. A full road closure has been imposed since this date.

The structure provided an important local transportation link between the villages of Carstairs Junction to the north and Pettinain to the south. The closure prompted a high volume of enquiries from customers and, in addition, there was significant political interest at local and national levels.

It is vital that the replacement structure is installed as soon as practicable.

Following the resolution made by the Council at its Community and Enterprise Resources Committee on 3 September 2019, the Council has endeavoured to acquire the Development Site by voluntary acquisition from the landowners. Difficulties surrounding the voluntary acquisitions have not been resolved, and given the passage of time and delays in establishing the precise identity of all the owners and the exact extent of some of the

ownerships and the complexity of the issues it is felt that the only practicable option is to now proceed by way of a CPO in order to enable the Scheme to proceed.

### **Funding for Acquisition and Development (including compensation payments)**

The acquisition and project development costs will be funded from the Council's Capital budget.

### **Proposals for use of the land after acquisition**

The Council proposes to use the land for the construction of a replacement bridge and to realign the carriageway on approaches to the Bridge.

Dependent upon when the CPO process is completed, and subject to permissions and seasonal constraints, it is anticipated that the Scheme shall commence in 2021 and should be completed within 12 months of works having commenced.

### **The Planning Position**

Planning permission is required for the Scheme and has been granted.

### **Special Considerations**

None.

### **Other Consents/Regulatory requirements**

The proposed design will satisfy all the SEPA Controlled Activities Regulation requirements as stipulated within the licences. These shall be met through continual consultation with SEPA throughout the design process and through a design philosophy focused on minimising negative environmental impact and seeking opportunities for positive measures to improve the existing local environment. The structural design of all elements within the remit of the Scheme shall be designed to meet the relevant Eurocode design standards.

### **Ministerial Statements**

None.

### **Any other information**

None-

### **Related orders or applications**

The sections of the existing C29 road which will no longer be required for the public carriageway will have a stopping up order applied to them.

### **List of Documents previously published by the Council**

The following Committee Papers are available on the Council's website:-

- Future Capital Investment Strategy Report dated 30 October 2018, considered by Executive Committee on 21 November 2018.
- Minute of Executive Committee meeting on 21 November 2018.

### **Equalities statement**

If you need this information in another language or format, please contact us to discuss how we can best meet your needs.

Phone 0303 123 1015 Email [equalities@southlanarkshire.gov.uk](mailto:equalities@southlanarkshire.gov.uk)