



COUNCIL EXECUTIVE

MAIN STREET, BLACKRIDGE – PROPOSED ACQUISITION OF 0.34 ACRE SITE

REPORT BY HEAD OF FINANCE AND PROPERTY SERVICES

A. PURPOSE OF REPORT

To seek Council Executive approval for the acquisition of a 0.34 acre site at Main Street, Blackridge by the use of a Compulsory Purchase Order.

B. RECOMMENDATION

It is recommended that Council Executive:

1. Approves the promotion of a Compulsory Purchase Order to acquire the land shown hatched black on the plan in Appendix 1, extending to 0.34 acres (0.13 Ha.) under Section 189 of the Town and Country Planning (Scotland) Act 1997, and,
2. Grants delegated powers to the Head of Finance and Property Services and the Chief Solicitor to take forward, and conclude any negotiations regarding the payment of statutory compensation or amendments to the statement of reasons associated with the submission.

C. SUMMARY OF IMPLICATIONS

I	Council Values	Focusing on our customers' needs; being honest, open and accountable; making best use of our resources.
II	Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	Enabling powers available under the Town and Country Planning (Scotland) Act 1997. Compulsory acquisition of land in connection with development. Statutory compensation to be assessed in accordance with the land Compensation (Scotland) Acts, 1963 and 1973, as amended.
III	Implications for Scheme of Delegations to Officers	The report seeks approval for granting delegated powers to the Head of Finance and Property Services and the Chief Solicitor to conclude the transaction.
IV	Impact on performance and performance Indicators	None.
V	Relevance to Single Outcome Agreement	We make the most efficient and effective use of resources.

VI Resources - (Financial, Staffing and Property)	Within the General Services Capital Programme 2019/20 approved by Council on 19 February 2019 funding of £300,000 has been allocated for the delivery of the parking, drop off, access and acquisition of the site including associated fees.
VII Consideration at PDSP	Not applicable.
VIII Other consultations	Legal Services and Education. Local elected members have been provided with a copy of the report for information.

D1. TERMS OF REPORT

Background

The site is situated fronting onto the north side of Main Street, Blackridge, immediately to the south and adjacent to Blackridge Primary School. The main vehicle access for the school runs adjacent to the eastern boundary of the site and a footpath accessing the school runs along the western boundary. A plan of the site is shown in Appendix 1.

Until its demolition, the property was the site of a public house and hotel. Following the demolition of the building the site has lay derelict and became overgrown. Due to the condition of the property, it has attracted various negative comments from the Blackridge Community and the Blackridge Primary School Parent Council. Both have requested that the council acquire the site with the aim of cleaning it up in order to improve the visual and environmental amenity of the area.

Officers approached the then owners of the site with a view to negotiating terms of purchase of the property. As discussions progressed, the council commissioned an independent valuation report from the District Valuer and an informal offer to acquire the site, subject to Council Executive approval, for the sum of £85,000 was issued. This was not accepted.

This informal offer was made in good faith, however officers have since learnt that the then owners appear to have divested themselves of the property at nil consideration to another company while the discussions were ongoing with the council.

Officers have written to the new owner to advise that the council is seeking to acquire the site and in the absence of being able to agree the purchase by negotiation, that the council intend to acquire the property by way of a Compulsory Purchase Order (CPO). The new owner has met with officers and accepts that the Council will progress a CPO in parallel to negotiations to voluntarily acquire the site. Whilst the council will seek to acquire the site by negotiation it is essential that the CPO is progressed to ensure timescales for delivery of the project are not impeded.

D2. CPO Statement of Reasons

The Statement of Reasons which forms the council's case to promote a CPO is outlined in Appendix 2. In summary, planning permission was secured on 6 November 2019 for the erection of a nursery building with external play space and the formation of a MUGA pitch with associated car parking (Reference: 0639/FUL/19).

The site extending to 0.34 acres or thereby shown on Appendix 1 is included within the planning application site boundary and would enable the provision of the parking and drop off element of this education project to progress.

Within the General Services Capital Programme 2019/20 approved by Council on 19 February 2019 funding of £300,000 has been allocated for the delivery of the parking, drop off, access and acquisition of the site including associated fees.

The wider project including the nursery extension has been designed in consultation with the school and parents. The proposals are welcomed and will enable the school to deliver increased nursery capacity, future expansion of primary capacity and improve access and parking at the school. The proposals will bring the site which has been abandoned and derelict for a number of years into beneficial use.

D3. CPO Process and Timescales

Scottish Government guidance to local authorities on the use of compulsory purchase powers encourages authorities to engage with the owners in order to try and reach agreement without the need for compulsory purchase. Officers have several times attempted to conclude an acquisition by way of negotiation however the private landowner has not been forthcoming. Revised guidance encourages acquiring authorities to use compulsory purchase powers in instances where agreement by negotiation is not successful.

The council will follow the Scottish Government's process map as outlined at Appendix 3 to ensure compliance with CPO procedures for an acquiring authority. The Chief Solicitor has been engaged to support the progressing of the CPO.

Indicative timescales for the proposed CPO are as follows:

- Council Executive approval to proceed secured: 4 February 2020
- Draft CPO application submitted to Scottish Government: 28 February 2020
- Scottish Government technical check completed: April 2020
- Finalised CPO application submitted to Scottish Government: May 2020
- Statutory objection period expires: 6 April 2020
- No objections received - Scottish Government issue a decision: Not confirmed
- Objections received – Scottish Government issue a decision: Not confirmed
- Period of legal challenge – Six weeks from Scottish Government's decision.
- If no legal challenge is received, acquisition of the subjects is intended to proceed in November 2020.

E. CONCLUSION

It is considered that the acquisition of this property by Compulsory Purchase Order will allow the council to undertake the capital project in accordance with the approved planning consent to construct a new nursery adjacent to Blackridge Primary School with associated MUGA and car parking facilities, whilst improving the amenity of the area. The progressing of both a negotiated acquisition and a compulsory purchase will give more certainty on timescales for securing the land required to deliver the scheme.

F. BACKGROUND REFERENCES

None

Appendices / Attachments :

- Appendix 1 – Location Plan showing site.
- Appendix 2 – Draft Statement of Reasons
- Appendix 3 – CPO Process

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Date of Meeting : 4 February 2020