

**REPORT TO: PLANNING AND TRANSPORTATION COMMITTEE
16 APRIL 2001**

**REPORT ON: A92 PROJECT MODIFICATIONS TO COMPULSORY PURCHASE
AND SIDE ROAD ORDERS**

REPORT BY: DIRECTOR OF PLANNING AND TRANSPORTATION

REPORT NO: 232-2001

1 PURPOSE OF REPORT

1.1 This report seeks approval from the Council to promote modifications to the Compulsory Purchase and Side Roads etc Orders in relation to the proposed dualling of the A92 already promoted by Dundee City Council generally to accommodate requests made by affected parties.

2 RECOMMENDATIONS

2.1 It is recommended that Committee

- i Agree that the Compulsory Purchase Order and Side Roads etc Order already promoted by Dundee City Council in relation to the A92 Dundee to Arbroath dualling project in respect of that part of the road falling within the Local Government area of Dundee should be modified in the manner referred to in this report.
- ii Resolve to promote the modifications contained in the finalised Schedule of Modifications to the Dundee City Council (A92 Dundee-Arbroath Dualling) Compulsory Purchase Order 1999.
- iii Resolve to promote the modifications contained in the finalised Schedule of Modifications to the Dundee City Council (A92 Dundee-Arbroath Dualling) (New Side Roads, Side Road Improvements) (Stopping-Up of Side Roads and Private Accesses) Order 1999.
- iv Note that in the event of any modification not being capable of being promoted for any reason that the modification would be dropped and the promoted scheme would revert to the terms of the original orders.
- v Note that Angus Council have promoted reciprocal modifications to the Compulsory Purchase and Side Road etc Order within the Angus Council area.

3 FINANCIAL IMPLICATIONS

3.1 There will be no financial consequences or implications for Dundee City Council arising as a result of this report.

4 LOCAL AGENDA 21 IMPLICATIONS

4.1 No direct effect.

5 EQUAL OPPORTUNITIES IMPLICATIONS

5.1 No direct effect.

6 BACKGROUND

6.1 Report No 146/99 which was approved by Planning and Transportation Committee, approved the making of the orders.

6.2 A conjoined Public Local Inquiry has been arranged to consider objections made and maintained in respect of the Compulsory Purchase and Side Roads etc Orders promoted by Dundee City and Angus Councils.

6.3 Pre-inquiry meetings were held on 20 December 2000 and 12 February 2001 with a commencement date for the Public Local Inquiry set for 18 April 2001. The Reporter – Miss Janet McNair – has scheduled the Inquiry to last approximately two weeks.

6.4 Angus Council as lead authority for the project has facilitated the necessary preparation for both Councils in respect of the Inquiry and these preparations are ongoing.

6.5 A number of objections have been withdrawn but 31 objections remain outstanding to the Compulsory Purchase and Side Roads etc Orders. Discussions are ongoing with objectors' agents with a view to either resolving outstanding objections or confining the scope of dispute.

6.6 In terms of SODD circular 17/1998, it is expected that the Scottish Minister's decision on the Orders following receipt of the Reporter's findings and recommendation would be issued between three and four months after the close of the Inquiry (presently scheduled to close on 4 May 2001).

6.7 Clearly, the less the scope of dispute between the Councils and the objectors, the shorter the duration of the Public Local Inquiry should be, the quicker the Scottish Minister's decision should take and the less the expense of dealing with the Public Local Inquiry should be. Reducing the scope of dispute also reduces the risk of expenses being awarded against the Councils in respect of successful (or partially successful) objections.

7 PROPOSED MODIFICATIONS TO STATUTORY ORDERS

7.1 With a view to resolving outstanding objections and also to meet the reasonable requests of affected parties, the Council has been discussing proposed modifications to the statutory orders with such parties.

7.2 There are no statutory requirements to advertise or notify such proposed modifications. However, in terms of the Acquisition of Land (Authorised Procedure) (Scotland) Act 1947, as amended, all persons with a relevant interest must consent to any modifications to the Compulsory Purchase Order which entail the taking of additional land. This has consequential effects for any proposed Side Roads etc Order modifications which require the taking of additional land. Accordingly, the net effect has been that any modifications to the Compulsory Purchase or Side Roads

etc Orders requiring the taking of additional land have required the consent of affected owners, lessees or occupiers.

- 7.3 The necessary consent letters were issued to all affected parties on 23 February 2001 for return by 2 March 2001. Accordingly, the provisional modifications have now been finalised in the light of the consents received and are therefore recommended for promotion. Copies of the finalised modifications for the Dundee City Compulsory Purchase and Side Road etc Orders from background papers to this Report and have been placed in the Members' Lounge for examination.
- 7.4 It should be noted that planning permission for these modifications, where required, (ie insofar as not already granted planning permission by virtue of the principal Notice of Intention to Develop (NID) deemed granted by the Scottish Ministers on 23 December 1999) was deemed granted by a supplementary NID published by the Director of Support Services on 19 May 2000.
- 7.5 It should also be noted that, in the event that it is determined during the course of the Public Local Inquiry that any of the proposed modifications is not capable of being implemented for any reason, the Council would simply revert to the terms of the Orders originally sought without that modification.

8 CONSULTATIONS

- 8.1 The Chief Executive, Director of Finance, Director of Support Services and Director of Corporate Planning have been consulted and are in agreement with the contents of this report.

9 BACKGROUND PAPERS

- 9.1 a Finalised Schedule of Modifications to the Dundee City Council (A92 Dundee – Arbroath Dualling) Compulsory Purchase Order 1999.
- b Finalised Schedule of Modifications to Dundee City Council (A92 Dundee – Arbroath Dualling) (New Side Roads, Side Road Improvements, Stopping Up of Side Roads and Private Accesses and Provision of New Means of Private Access) Order 1999.

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30 March 2001

IFS/EN

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