

Transport and Environment Committee

10.00am, Thursday, 27 January 2022

West Edinburgh Link - Compulsory Purchase Order

Executive/ Routine:	Executive
Wards:	3 - Drum Brae/Gyle 7 - Sighthill/Gorgie
Council Commitments:	16,17,27

1. Recommendations

- 1.1 It is recommended that Transport and Environment Committee:
 - 1.1.1 Agrees to pursue a Compulsory Purchase Order (CPO) for the land noted in Appendix 1 and instructs the Head of Legal, Risk and Compliance to commence proceedings;
 - 1.1.2 Notes that it is intended to submit a draft CPO to the next appropriate meeting of the City of Edinburgh Council for authority to exercise compulsory purchase powers; and
 - 1.1.3 Notes that the Council will continue to seek a negotiated purchase of, or servitude access to, the land noted in Appendix 1 in parallel with the CPO process.

Paul Lawrence

Executive Director of Place

Contact: Daisy Narayanan, Head of Placemaking and Mobility

E-mail: daisy.narayanan@edinburgh.gov.uk

West Edinburgh Link - Compulsory Purchase Order

2. Executive Summary

- 2.1 West Edinburgh Link (WEL) is one of the winners of Sustrans Scotland's 2017 Community Links PLUS competition, now known as Places for Everyone. Places for Everyone is an opportunity to conceptualise, design and deliver exemplary and inspirational walking, cycling and placemaking projects in Scotland.
- 2.2 The WEL project aims to transform the quality of cycling, walking, public spaces and accessibility for all within and around one of Scotland's key business parks, along a 10km route in the west of Edinburgh.
- 2.3 This report seeks approval to serve a Compulsory Purchase Order (CPO) in respect of the plots of privately-owned land detailed in Appendix 1. The acquisition of these plots by the Council is required to enable the construction of the project.

3. Background

- 3.1 The WEL will connect South Gyle, Edinburgh Park and nearby local neighbourhoods through high quality walking and cycling routes and new public spaces. This will provide a viable option to travel in sustainable ways which help enhance the area as a place for people.
- 3.2 The 10km project route has been divided into three geographic areas to assist in the dialogue and consultation undertaken since project inception. Details of these sections and their benefits to the local communities are available from the project [website](#).
- 3.3 The project is being delivered in a phased way, with the central and southern sections of the route delivered first. The proposed CPO covers only the areas of land required for the delivery of these two sections.
- 3.4 It is anticipated that the northern section will follow, post 2025/26. A further CPO will also be required at that time to acquire land to deliver this section.

4. Main report

- 4.1 In order to deliver the project, there is a requirement to acquire ownership rights or servitude access to land not currently in the ownership of the Council.
- 4.2 The acquisition of 15 privately owned plots of land across the central and southern sections of the route is required, which are currently in the possession of 11 separate landowners.
- 4.3 All landowners have been contacted on at least two occasions by recorded delivery letter and the Council will continue to seek engagement with all landowners with a view to negotiating a voluntary acquisition or servitude right of access for the project works.
- 4.4 Discussions with landowners have, to date, been largely positive and it is hoped that amicable agreements can be reached in all cases. However, CPO action requires to be commenced now to ensure that titles can be timeously acquired to ensure the contractual programme is not delayed. The CPO will only be implemented if title or access has not been able to be acquired by agreement, to maintain both funding and construction programmes.

5. Next Steps

- 5.1 The procedure for making and, where appropriate, confirming most CPOs is contained in The Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 (the “1947 Act”). Specific Acts of Parliament provide the Council with powers to acquire land by CPO in specific circumstances.
- 5.2 Acquiring title by CPO is a complex process, with the 1947 Act putting mechanisms in place to ensure an objecting affected party has a right to be heard and that all affected parties are fairly compensated.
- 5.3 Where a CPO is not objected to, it may be confirmed by Scottish Ministers within months, however if there are valid objections it may take significantly longer.
- 5.4 If negotiations were to fail in respect of any of the required acquisitions, without a CPO being commenced now, there is a significant risk to delivery of some aspects of the programme.
- 5.5 The Council has CPO powers to enable delivery of this redevelopment project in terms of Section 189 (1) of the Town and Country Planning (Scotland) Act 1997. Section 189 (1) allows a local authority, on being authorised by Scottish Ministers, the power to acquire compulsorily any land in their area which is:
 - 5.5.1 Suitable for and is required in order to secure the carrying out of development, redevelopment or improvement; and
 - 5.5.2 Required for a purpose which it is necessary to achieve in the interests of the proper planning of an area in which the land is situated.

- 5.6 If approved by this Committee, a draft CPO will be prepared. The draft CPO and this report will be referred to the Council for approval. If approved, the Order will be advertised with an opportunity for any objections to be made. If any objections cannot be resolved, Scottish Ministers will appoint a Reporter and arrange for a Hearing or Inquiry in respect of the CPO. Subject to the Ministers' satisfaction the Order will be confirmed, modified or rejected.
- 5.7 If the CPO is confirmed by Scottish Ministers, it will be for the Council to determine whether it is necessary to implement it.
- 5.8 The Council will, at all times, continue to seek a negotiated purchase of or servitude access to the land noted in Appendix 1, in parallel with the CPO process.

6. Financial impact

- 6.1 The estimated overall project cost for the whole route is £19.97m.
- 6.2 In line with the revised Active Travel Investment Programme 2021-26, as approved by the Committee on [14 October 2021](#), the project budget to 2025/26 is £8.882m; of which £4.979m relates to construction costs. This budget will deliver the central and southern sections of the route, with delivery of the northern section to follow, post 2025/26. The Places for Everyone grant scheme provides for all pre-construction costs to be met by Sustrans, up to the value of 10% of the total construction cost. Construction costs are match funded, 70% through Sustrans and 30% through Council capital expenditure.
- 6.3 The revised Active Travel Investment Programme 2021-26 has been agreed with Sustrans.

7. Stakeholder/Community Impact

- 7.1 It is expected that the proposals set out in this report will advance equality of opportunity by improving Edinburgh's cycling and walking infrastructure, and making it more attractive, safer and accessible for less confident cyclists and people on foot and wheeling, including children and older people.
- 7.2 There will also be positive impacts on rights to standard of living and health through improving the attractiveness of walking and cycling, and through promoting healthier forms of travel and development of landscaping and place.
- 7.3 The proposals set out in this report will reduce carbon emissions by contributing towards the core objectives of the Council's Active Travel Action Plan to increase the number of people walking and cycling in Edinburgh.
- 7.4 The proposals set out in this report will increase the city's resilience to climate change impacts by providing more opportunities for sustainable travel through improvements to walking and cycling infrastructure.

- 7.5 The proposals in this report will help achieve a sustainable Edinburgh through the promotion of healthier forms of travel.

8. Background reading/external references

- 8.1 [October 2017 Transport and Environment Committee Business Bulletin](#)
- 8.2 [August 2018 Transport and Environment Committee Business Bulletin](#)
- 8.3 [October 2019 Transport and Environment Committee Business Bulletin](#)
- 8.4 [October 2020 Transport and Environment Committee Report - Priority Parking Area](#)
- 8.5 [October 2021 Transport and Environment Committee Report - ATInP Update](#)

9. Appendices

- 9.1 Appendix 1 - Land Acquisition requirements and route

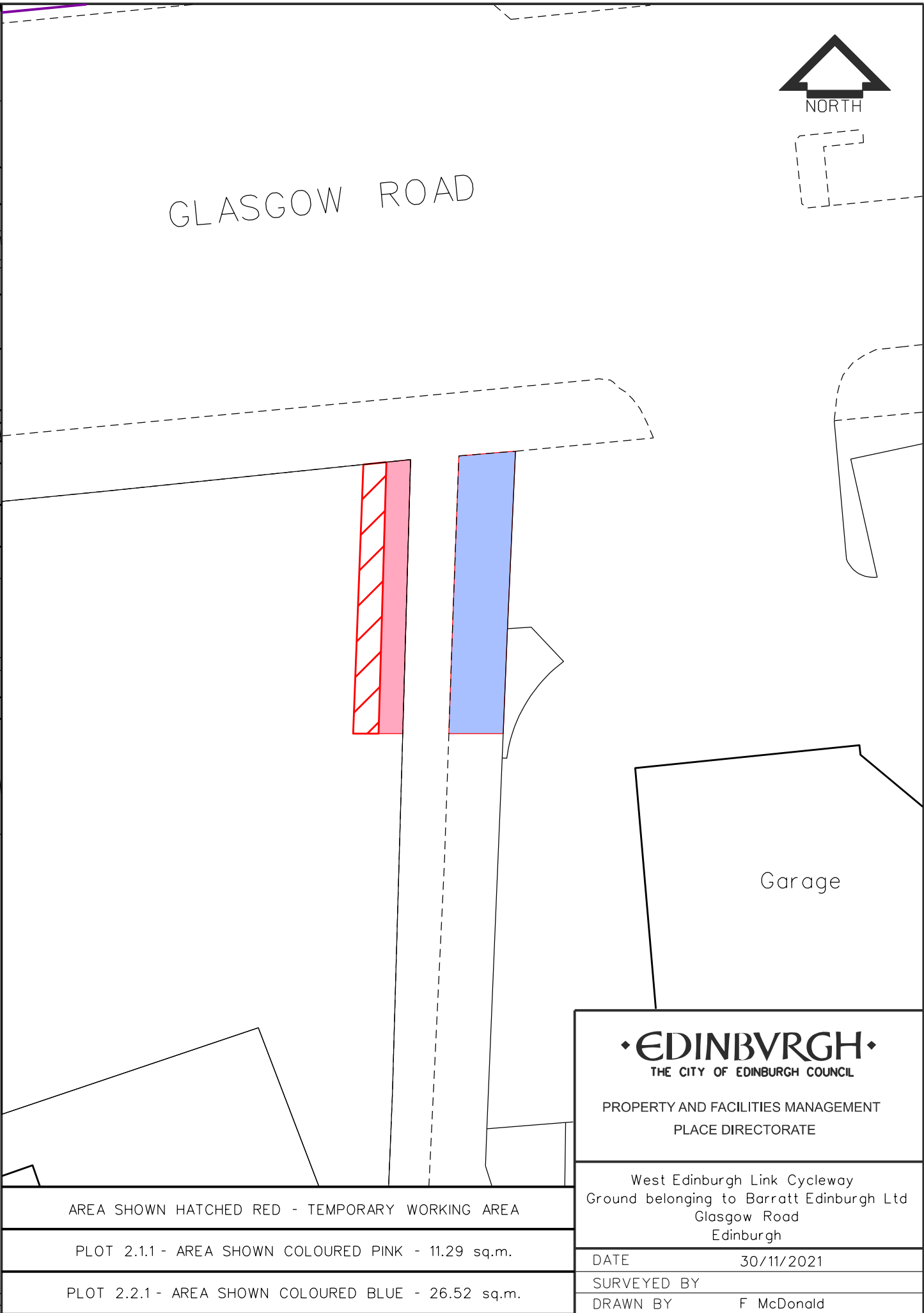
Appendix 1 - Land Acquisition requirements and route

Reference	Landowner
2.1.1	Barratt Edinburgh Ltd
2.2.1	Barratt Edinburgh Ltd
3.1.1	Gyle Shopping Centre Trustees Ltd.
3.2.1	Taylor Wimpey UK Ltd
3.4.1	Riverland No 2 Limited
3.5	South Gyle Park Property Management Ltd
3.7.1	Parabola Edinburgh Park Hermiston Ltd.
3.7.2	Parabola Edinburgh Park Hermiston Ltd.
3.8.1	South Gyle Property Management Ltd
5.4.1	Glenbervie (Edinburgh) Ltd
5.4.2	Glenbervie (Edinburgh) Ltd
5.5.1	WW Partnership LLP
5.6.1	Big Yellow Shelf Storage
5.7	Honda Motor Europe Limited
5.8.1	Church of Scotland General Trustees



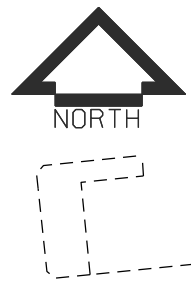
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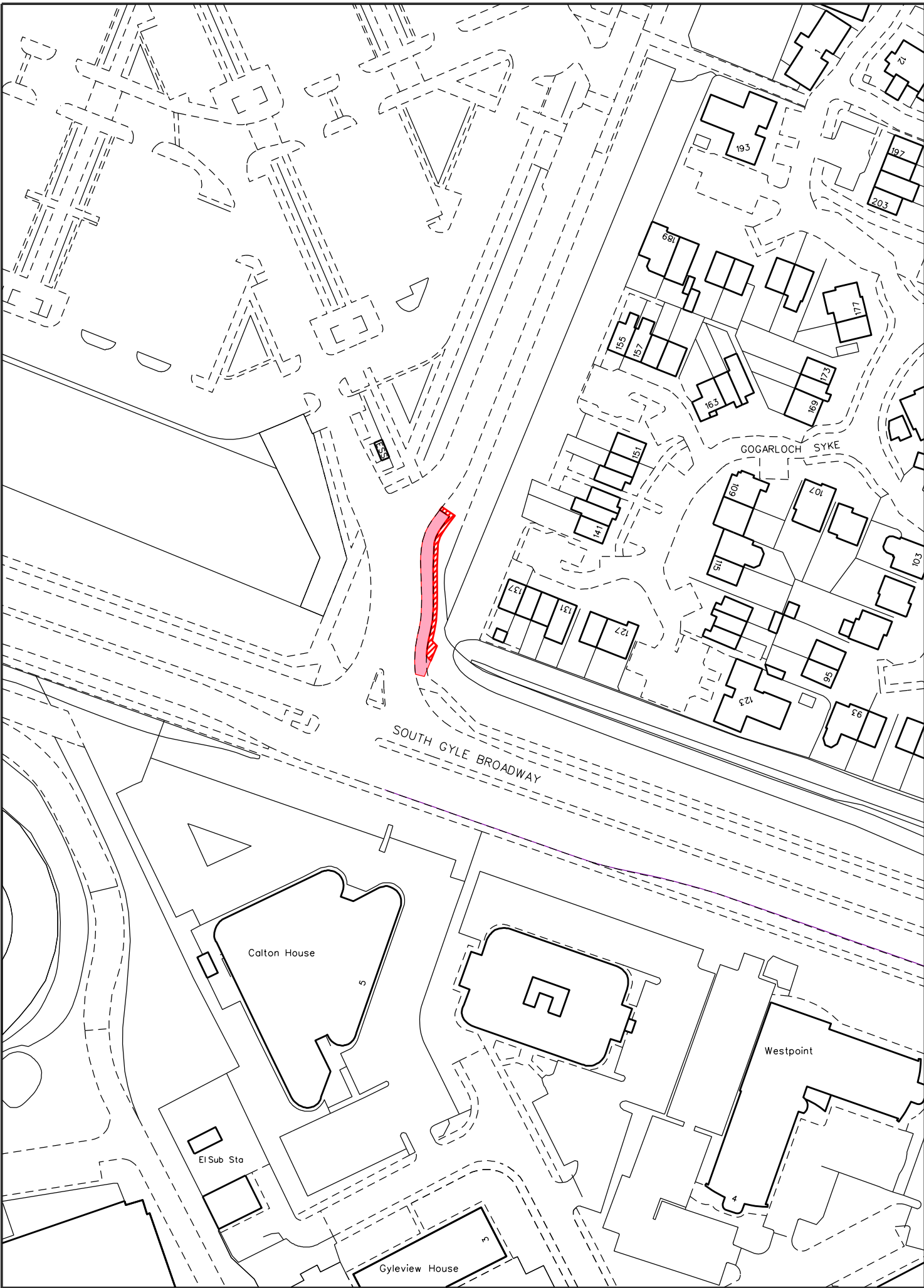


SITE PLAN

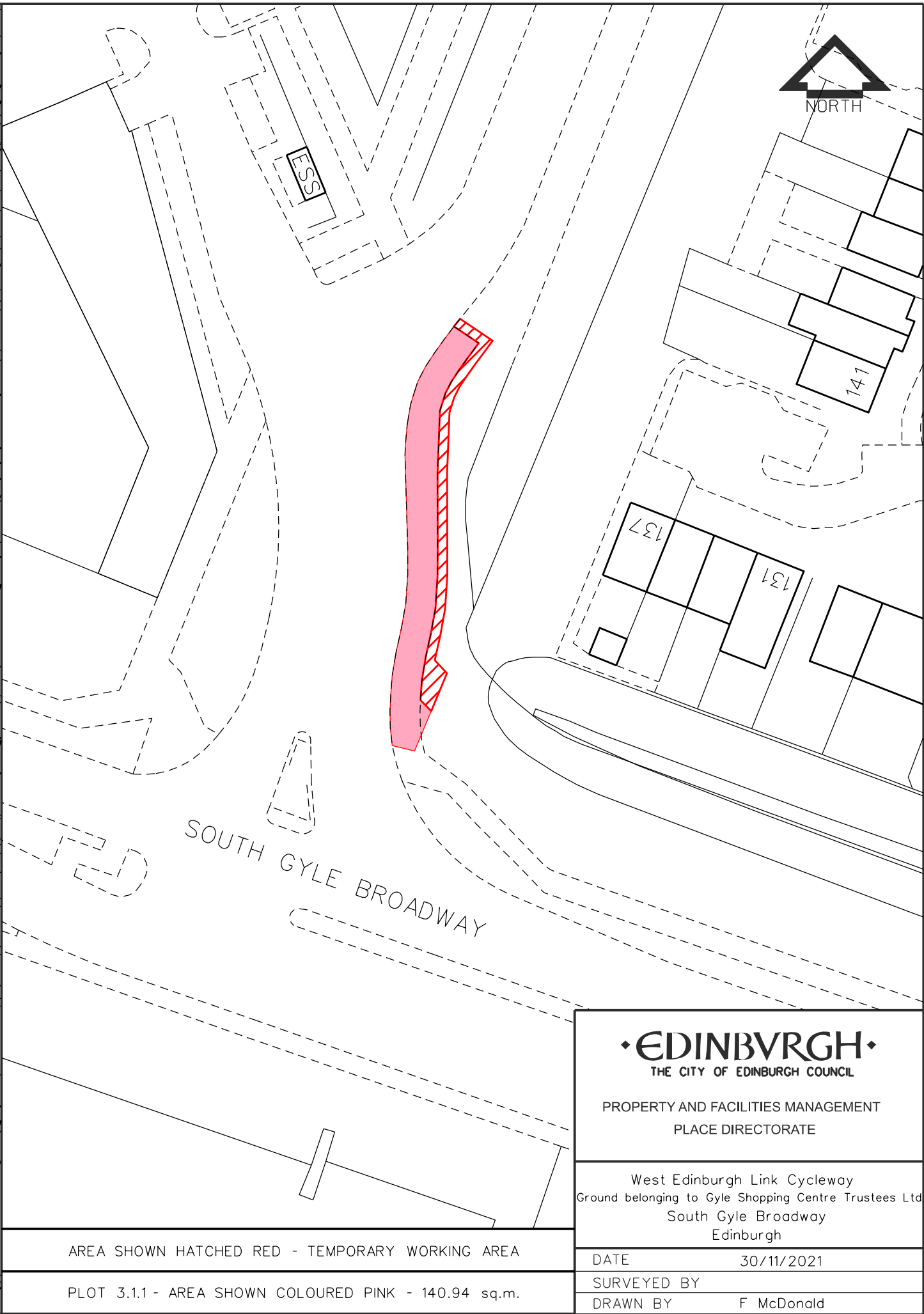
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PROPERTY AND FACILITIES MANAGEMENT PLACE DIRECTORATE	
West Edinburgh Link Cycleway Ground belonging to Barratt Edinburgh Ltd Glasgow Road Edinburgh	
DATE	30/11/2021
SURVEYED BY	
DRAWN BY	F McDonald
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PLAN. NO.	Plots 2.1.1 and 2.2.1

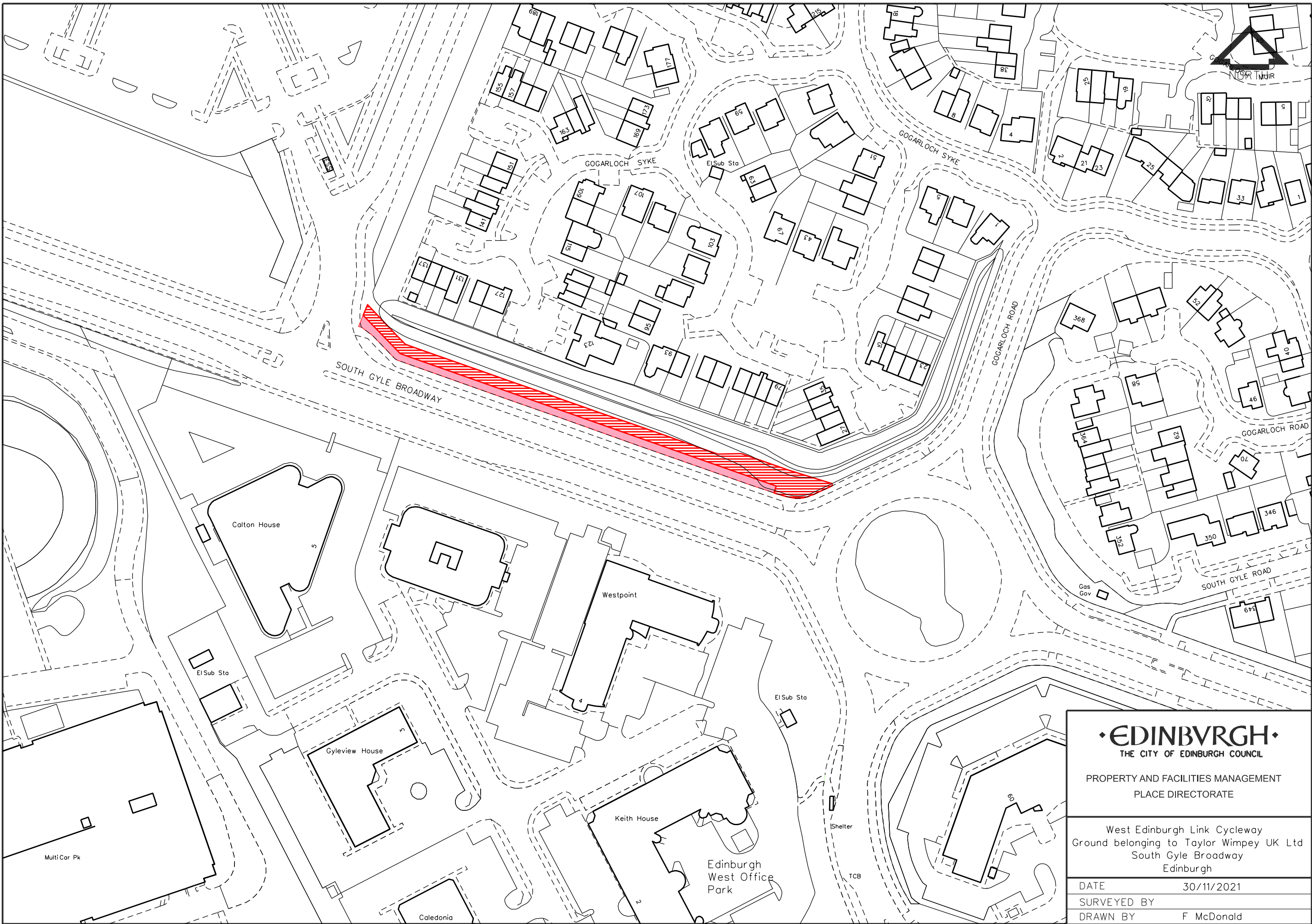


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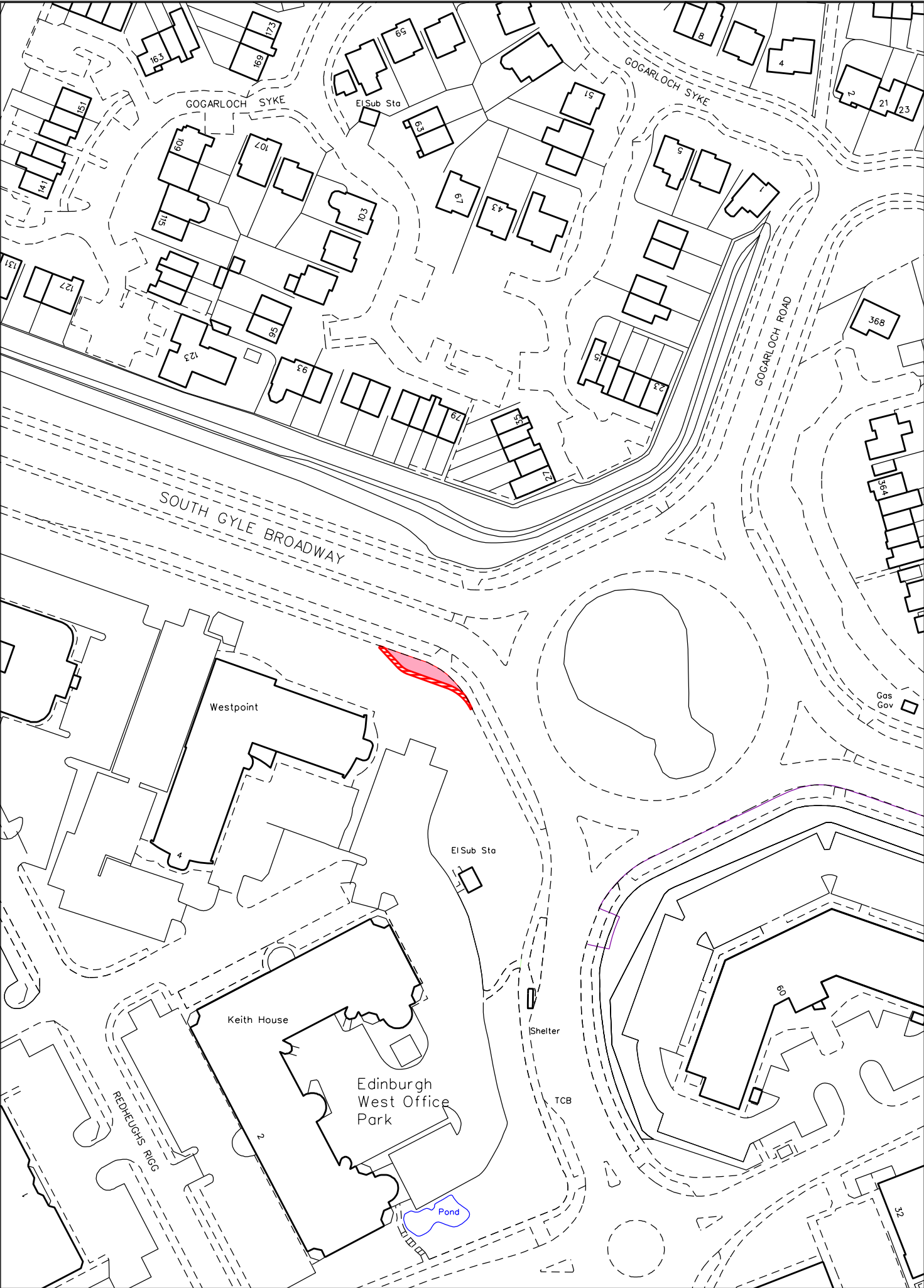
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DATE	30/11/2021
SURVEYED BY	
DRAWN BY	F McDonald
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PLAN. NO.	Plot 3.1.1



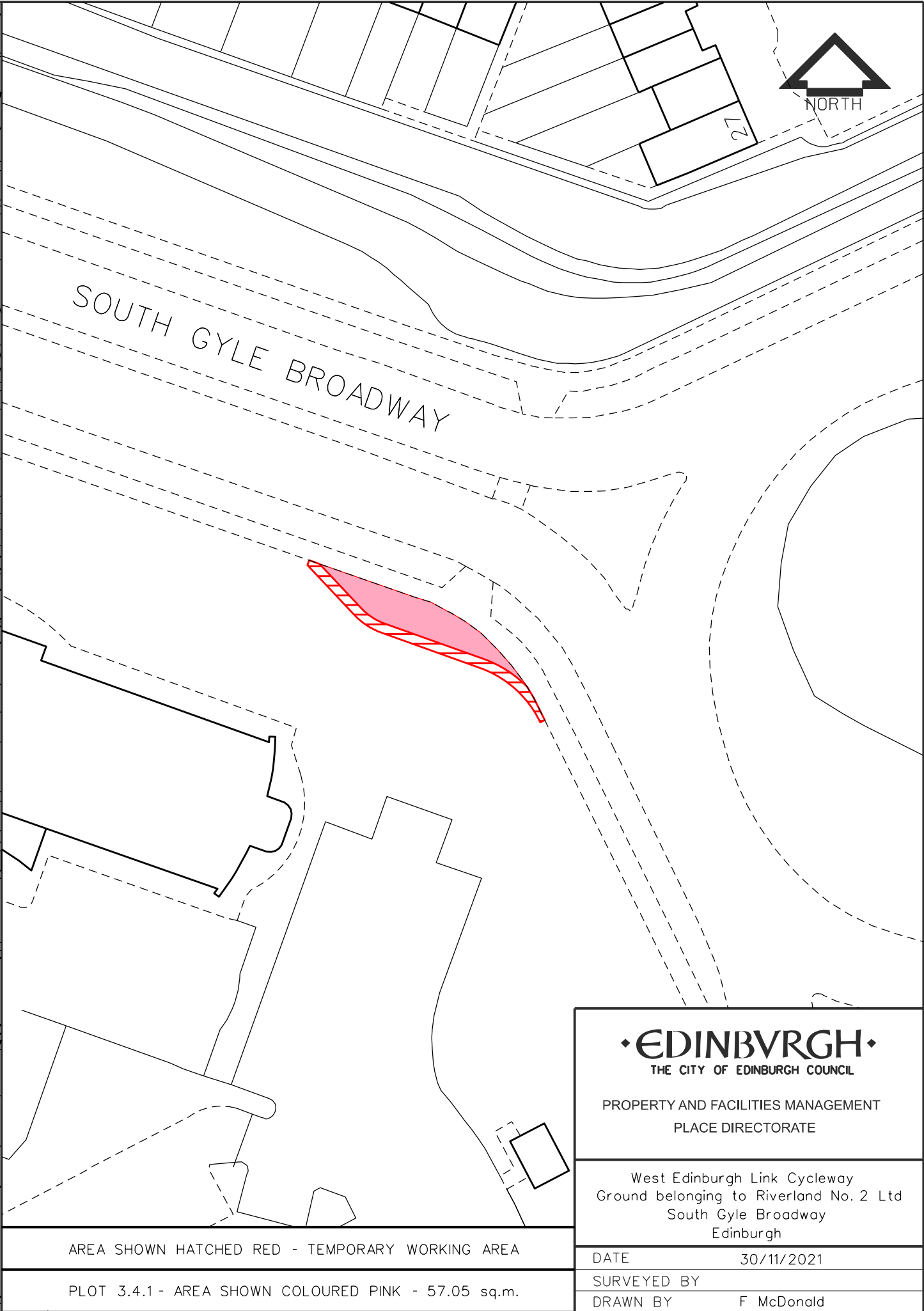
AREA SHOWN HATCHED RED - TEMPORARY WORKING AREA

PLOT 3.2.1 - AREA SHOWN COLOURED PINK - 458.39 sq.m.

•EDINBURGH• THE CITY OF EDINBURGH COUNCIL	
PROPERTY AND FACILITIES MANAGEMENT PLACE DIRECTORATE	
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SURVEYED BY	
DRAWN BY	F McDonald
SCALE	1:1250 @ A3
PLAN. NO.	Plot 3.2.1



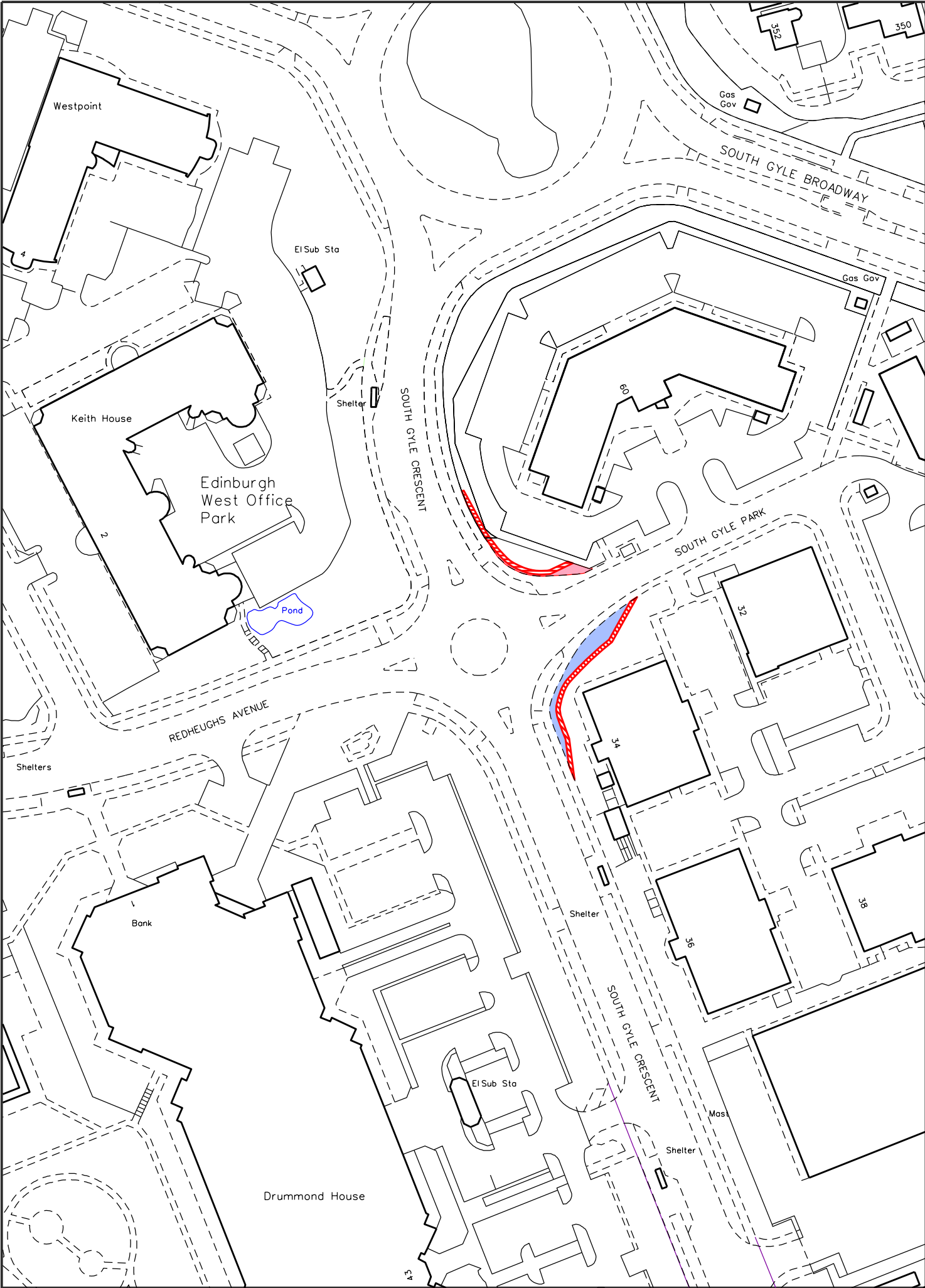
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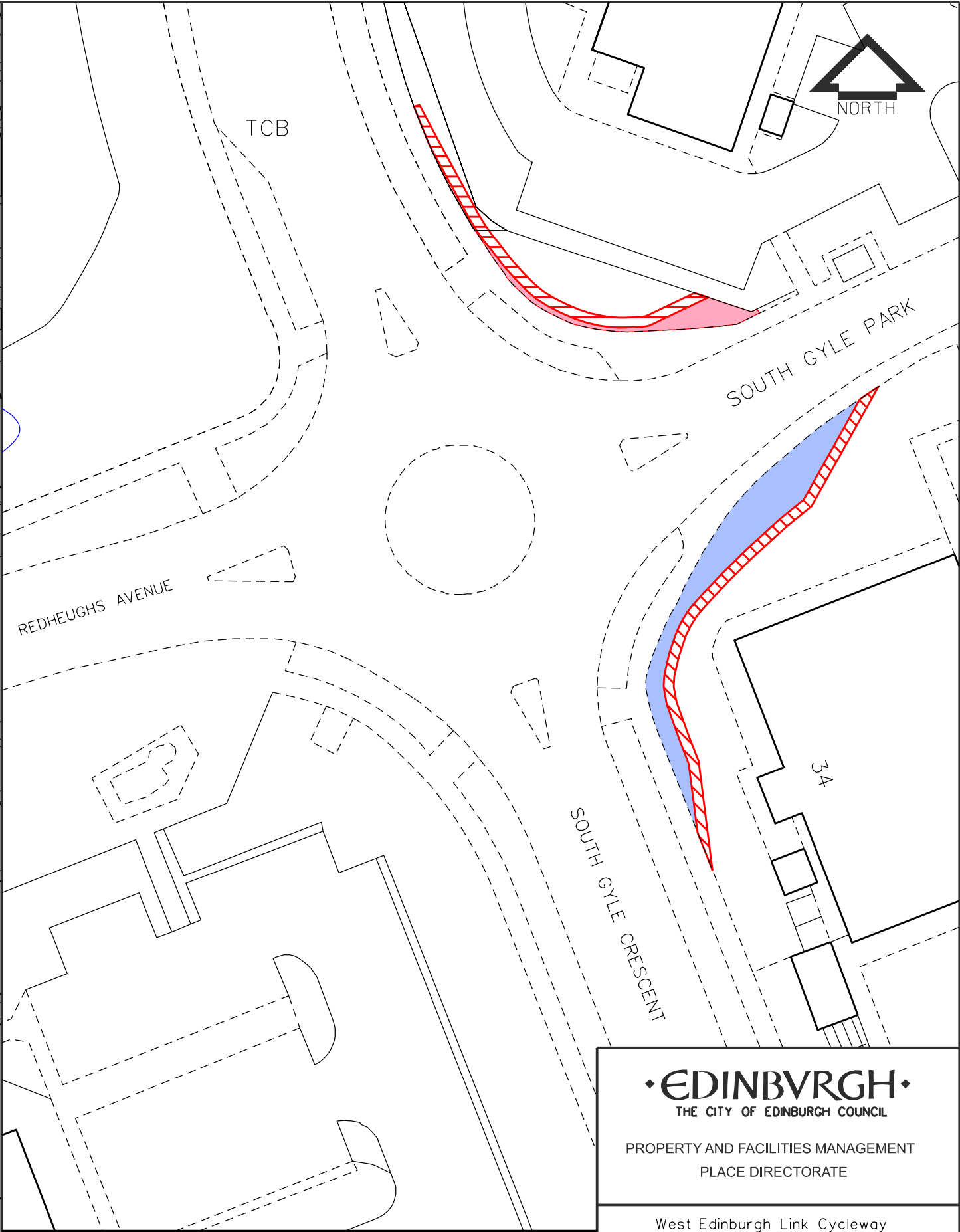
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DATE	30/11/2021
SURVEYED BY	
DRAWN BY	F McDonald
SCALE	Plan to scale @ A3
PLAN. NO.	Plot 3.4.1

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LOCATION PLAN SCALE 1:1250



AREA SHOWN HATCHED RED - TEMPORARY WORKING AREA	
PLOT 3.5 - AREA SHOWN COLOURED PINK - 29.88 sq.m.	
PLOT 3.8.1 - AREA SHOWN COLOURED BLUE - 112.85 sq.m.	
SITE PLAN SCALE 1:500	

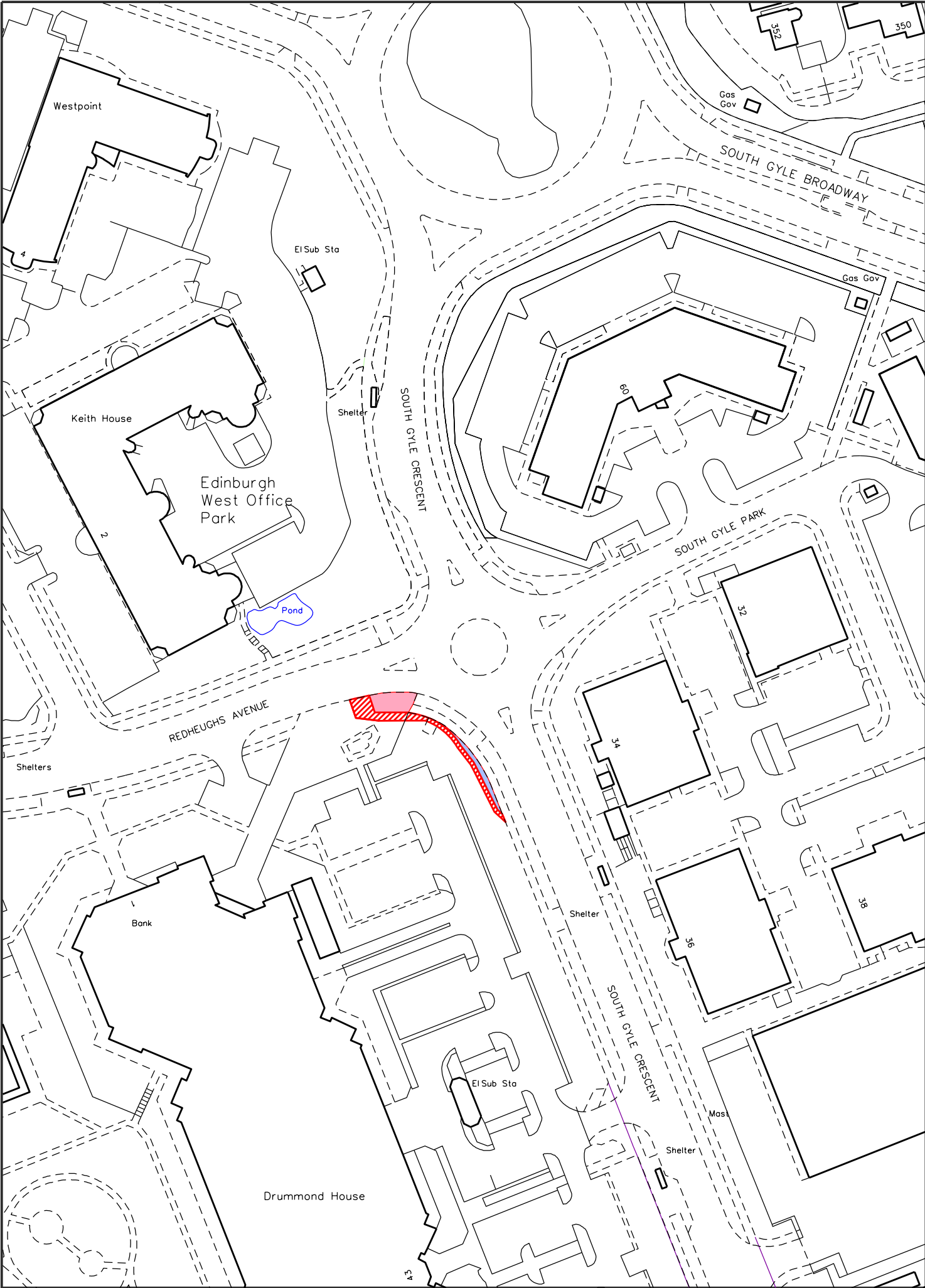
•EDINBURGH•

THE CITY OF EDINBURGH COUNCIL

PROPERTY AND FACILITIES MANAGEMENT
PLACE DIRECTORATE

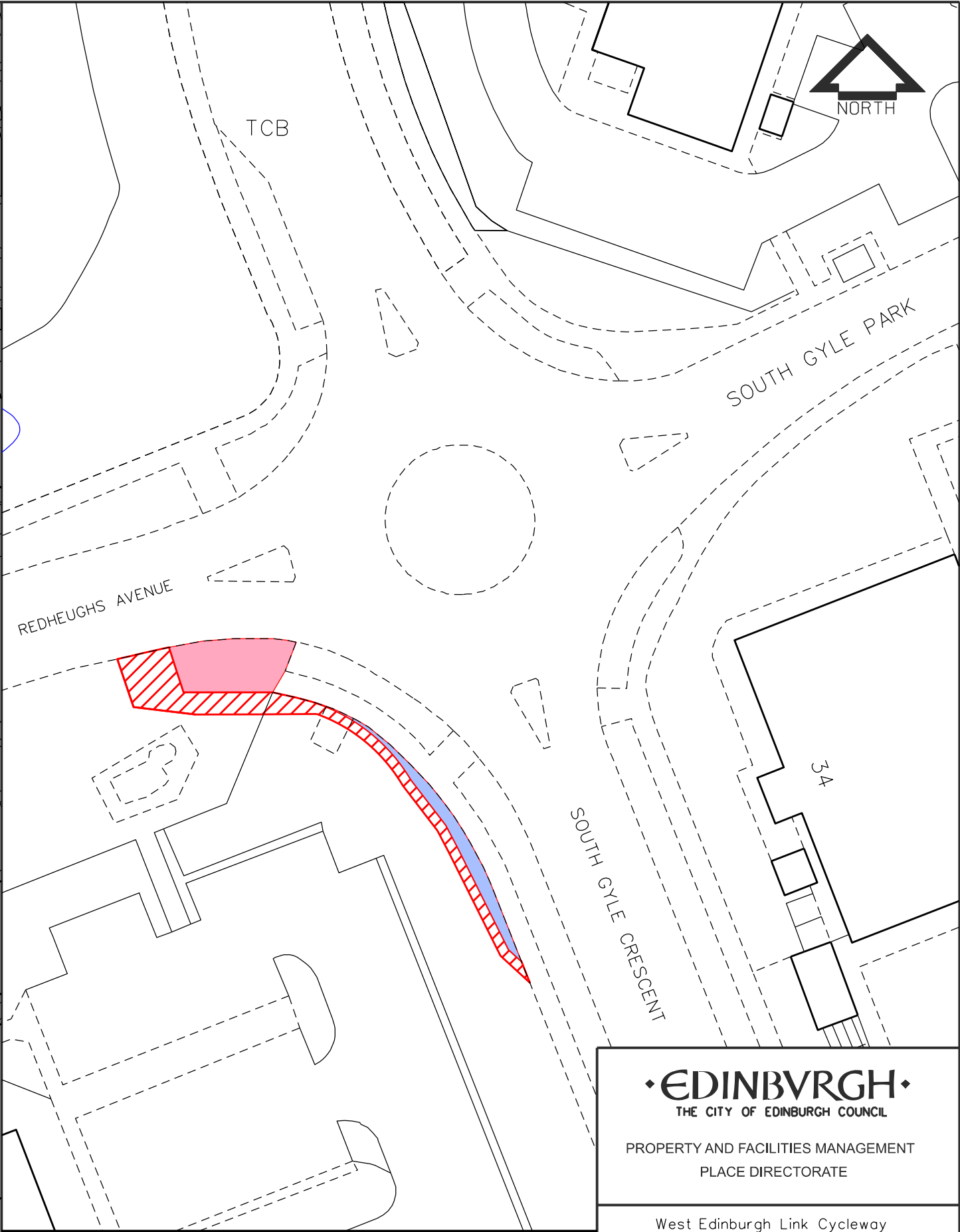
West Edinburgh Link Cycleway
Ground belonging to South Gyle Park Property Management Ltd
South Gyle Park
Edinburgh

DATE	30/11/2021
SURVEYED BY	
DRAWN BY	F McDonald
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PLAN. NO.	Plots 3.5 and 3.8.1



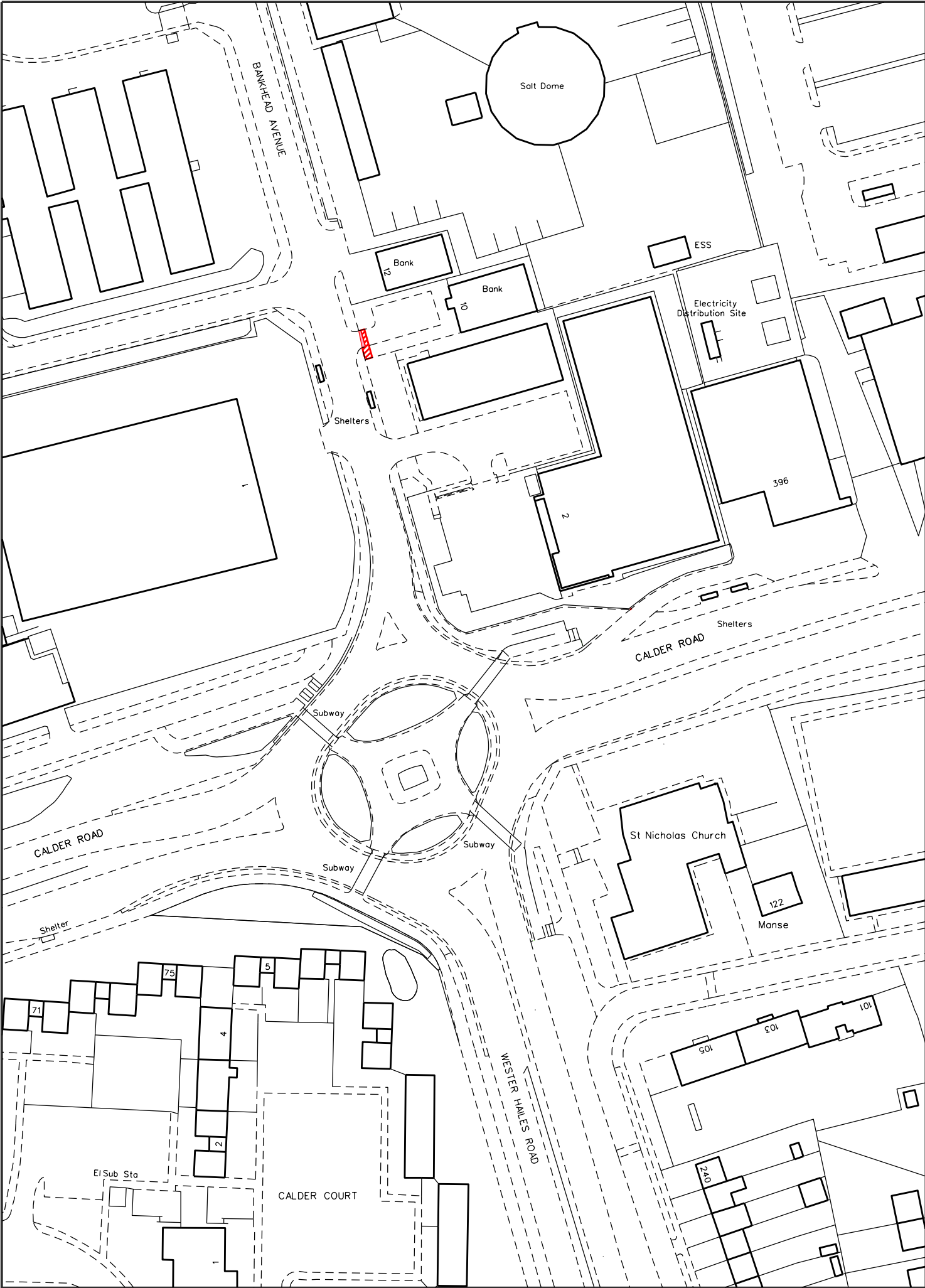
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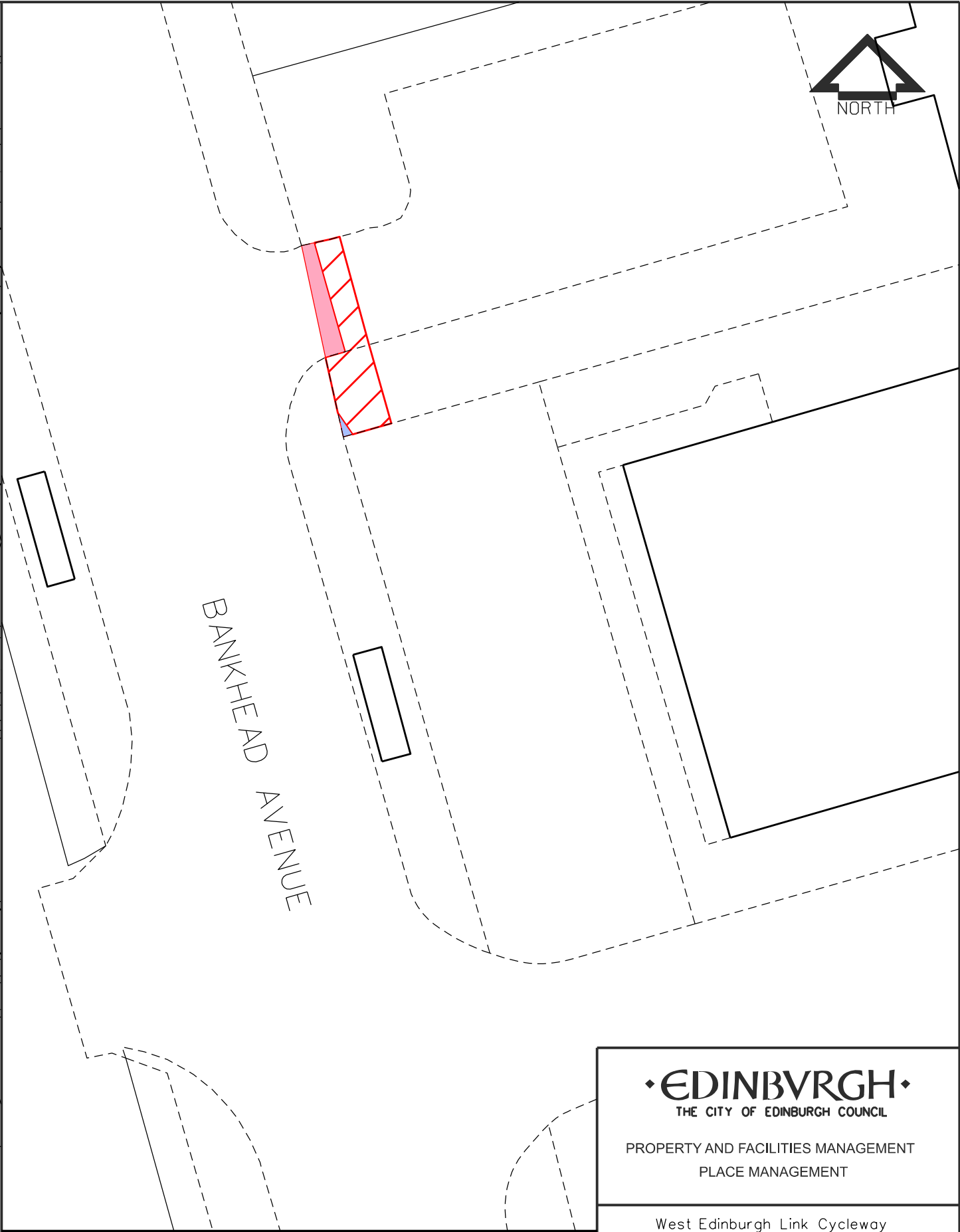


AREA SHOWN HATCHED RED - TEMPORARY WORKING AREA	
PLOT 3.7.1 - AREA SHOWN COLOURED PINK - 56.73 sq.m.	
PLOT 3.7.2 - AREA SHOWN COLOURED BLUE - 28.55 sq.m.	
AREA SHOWN HATCHED RED - TEMPORARY WORKING AREA	
PLOT 3.7.1 - AREA SHOWN COLOURED PINK - 56.73 sq.m.	
PLOT 3.7.2 - AREA SHOWN COLOURED BLUE - 28.55 sq.m.	

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PROPERTY AND FACILITIES MANAGEMENT PLACE DIRECTORATE	
West Edinburgh Link Cycleway Ground belonging to Parabola Edinburgh Park Hermiston Ltd Redheughs Avenue / South Gyle Crescent Edinburgh	
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PLAN. NO.	Plots 3.7.1 and 3.7.2

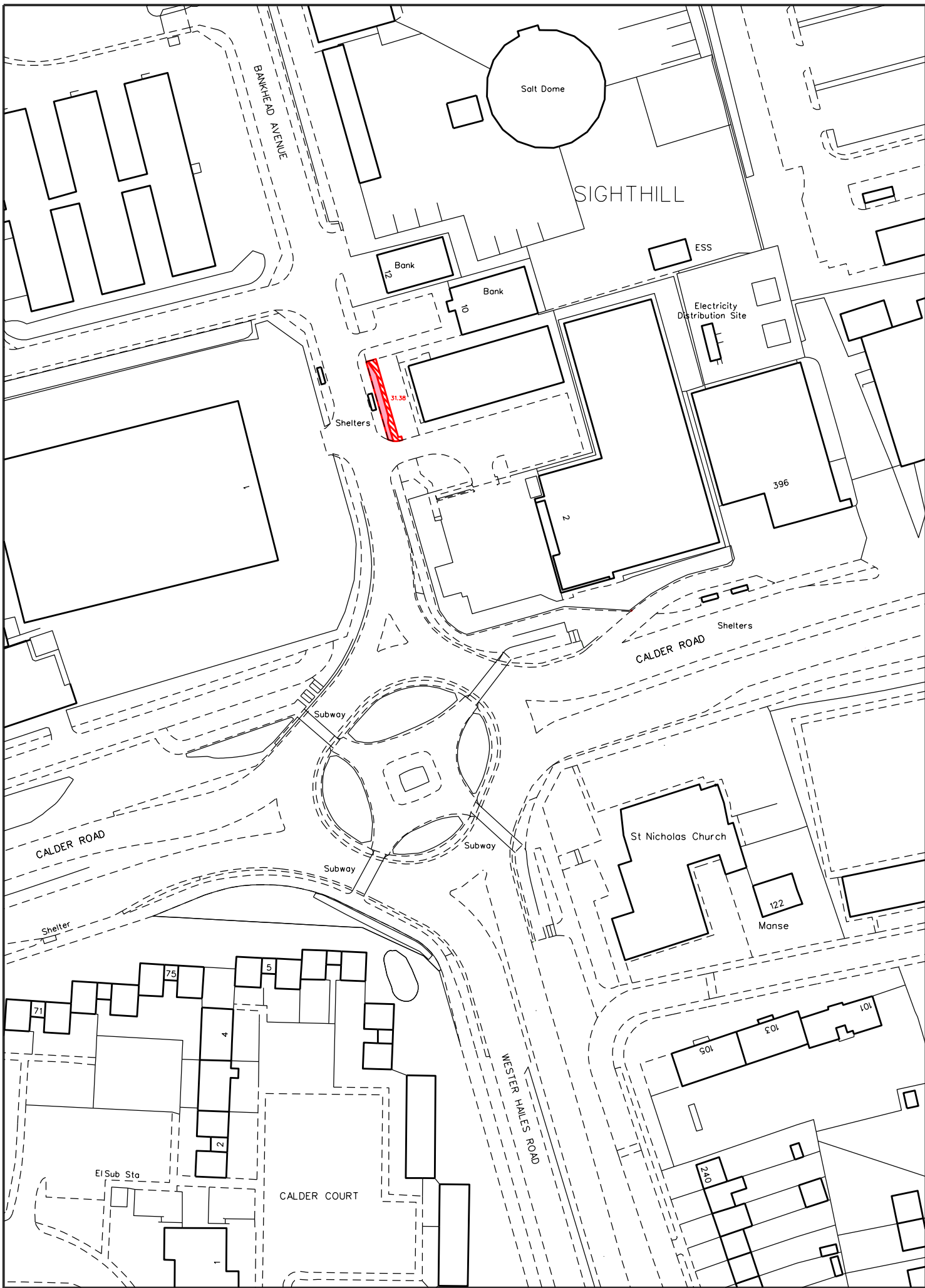


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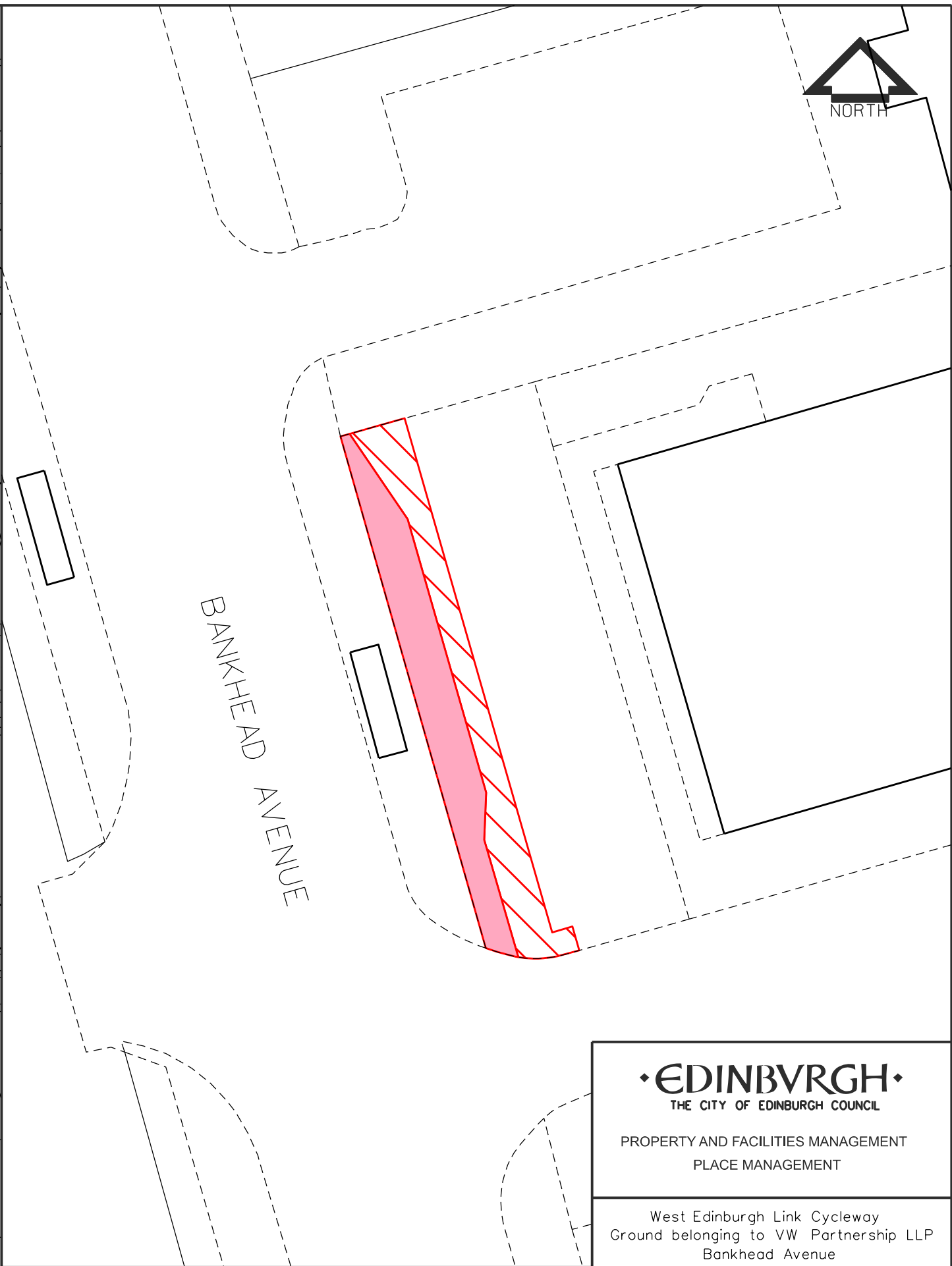


SITE PLAN SCALE 1:200

•EDINBURGH• THE CITY OF EDINBURGH COUNCIL	
PROPERTY AND FACILITIES MANAGEMENT PLACE MANAGEMENT	
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SURVEYED BY	
DRAWN BY	F McDonald
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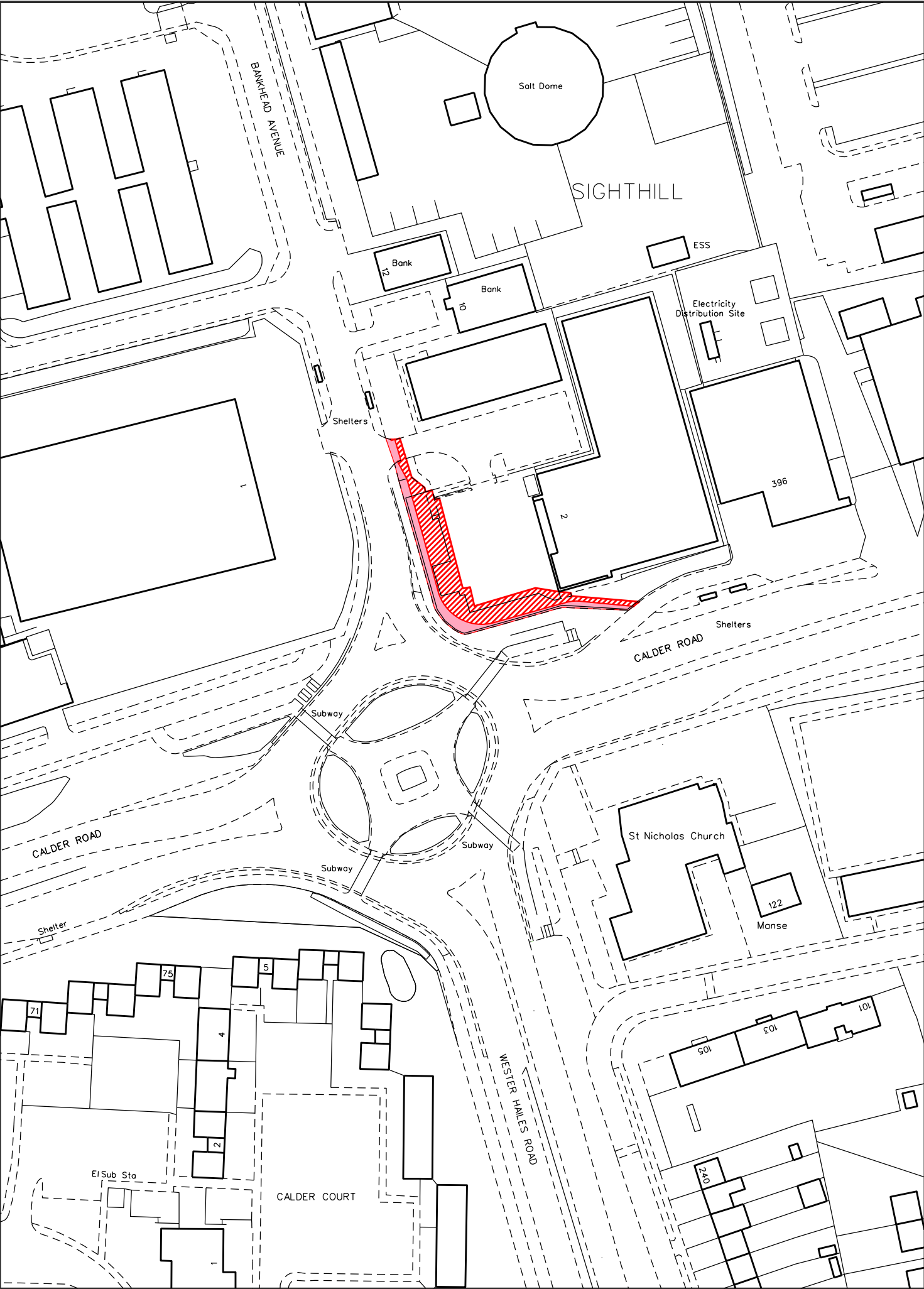


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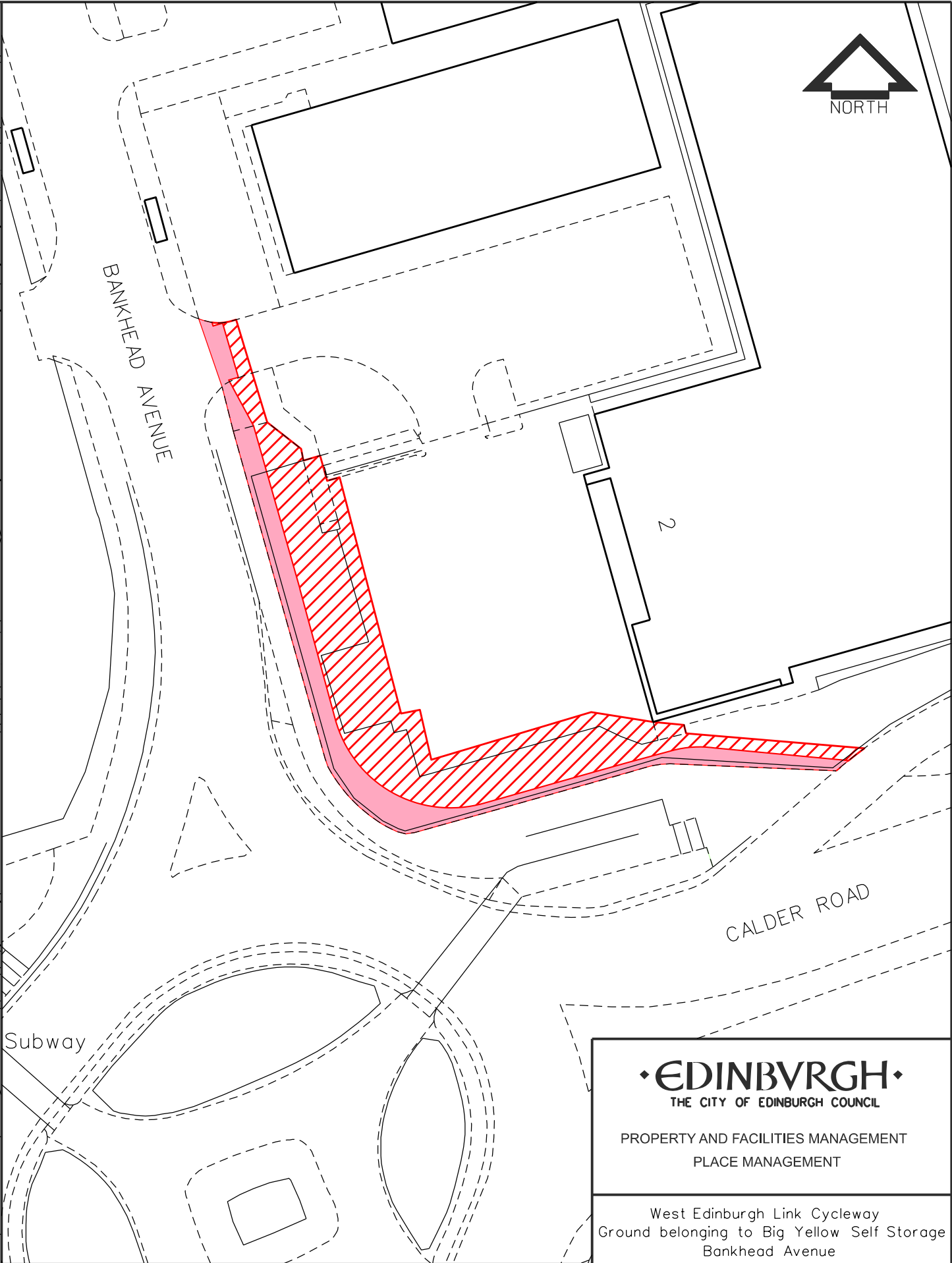


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PROPERTY AND FACILITIES MANAGEMENT PLACE MANAGEMENT	
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DRAWN BY	F McDonald
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PLAN. NO.	Plots 5.4.1 and 5.4.2



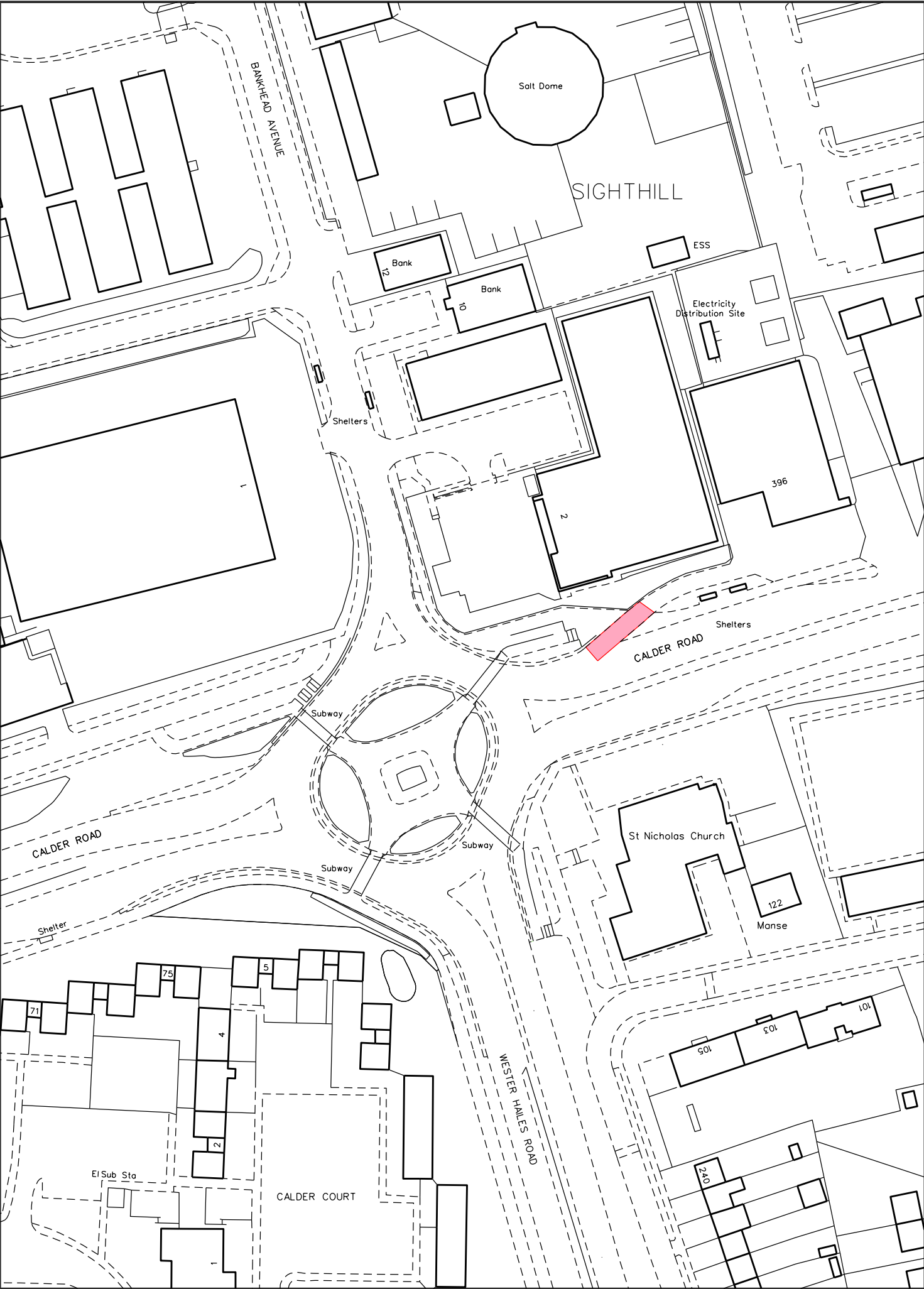
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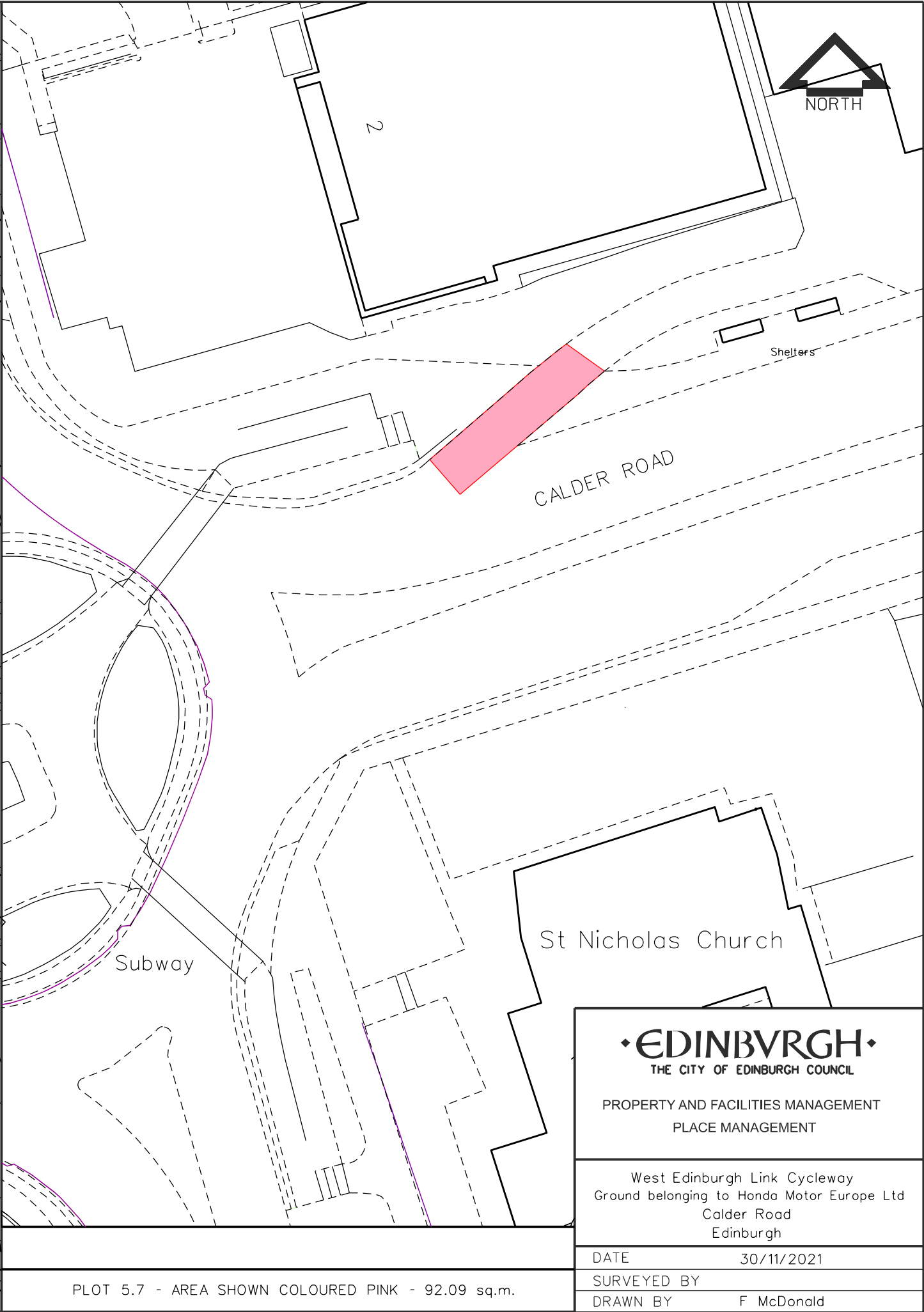
SITE PLAN SCALE 1:500



•EDINBURGH• THE CITY OF EDINBURGH COUNCIL	
PROPERTY AND FACILITIES MANAGEMENT PLACE MANAGEMENT	
West Edinburgh Link Cycleway Ground belonging to Big Yellow Self Storage Bankhead Avenue Edinburgh	
DATE	30/11/2021
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DRAWN BY	F McDonald
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PLAN. NO.	Plot 5.6.1

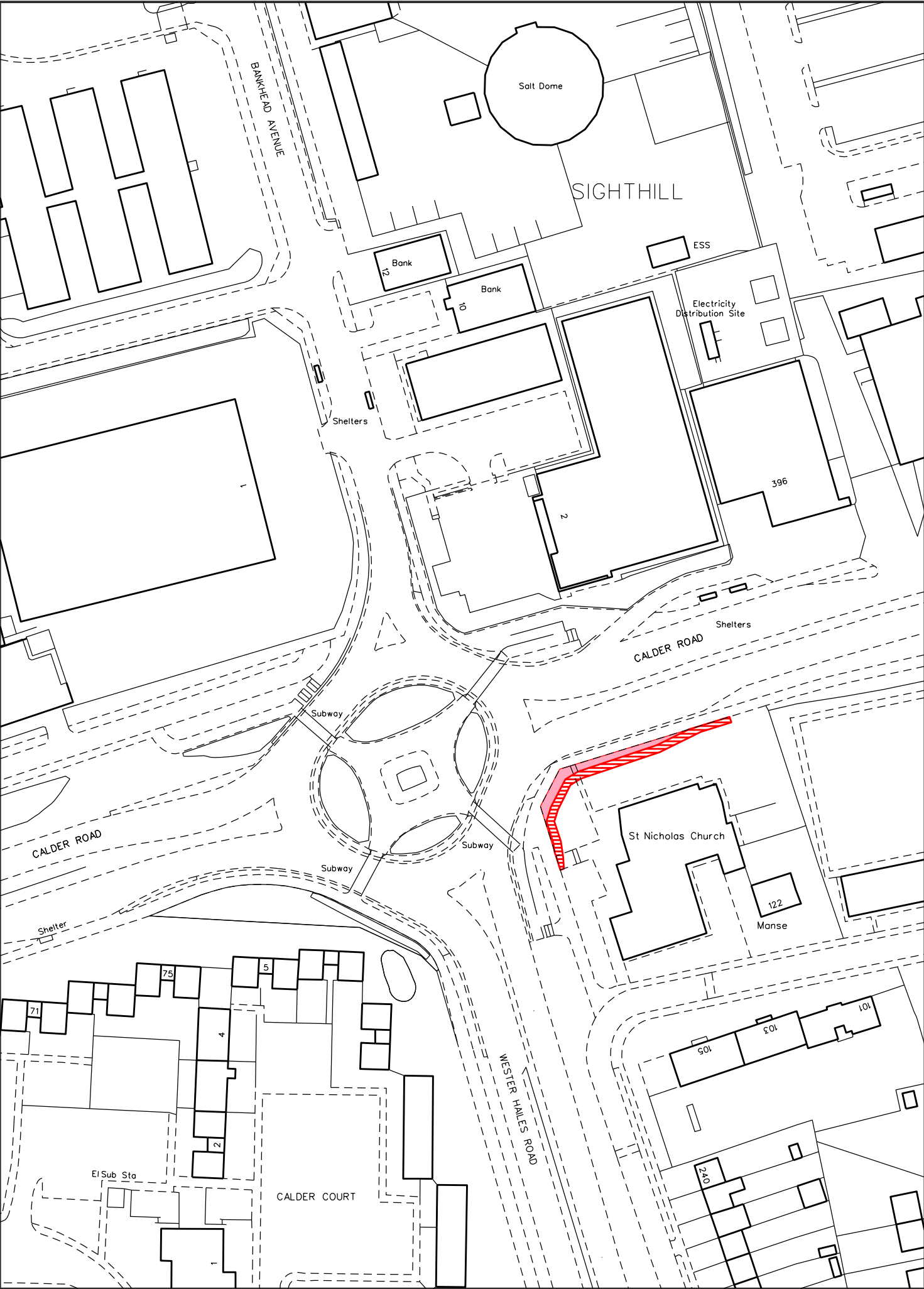


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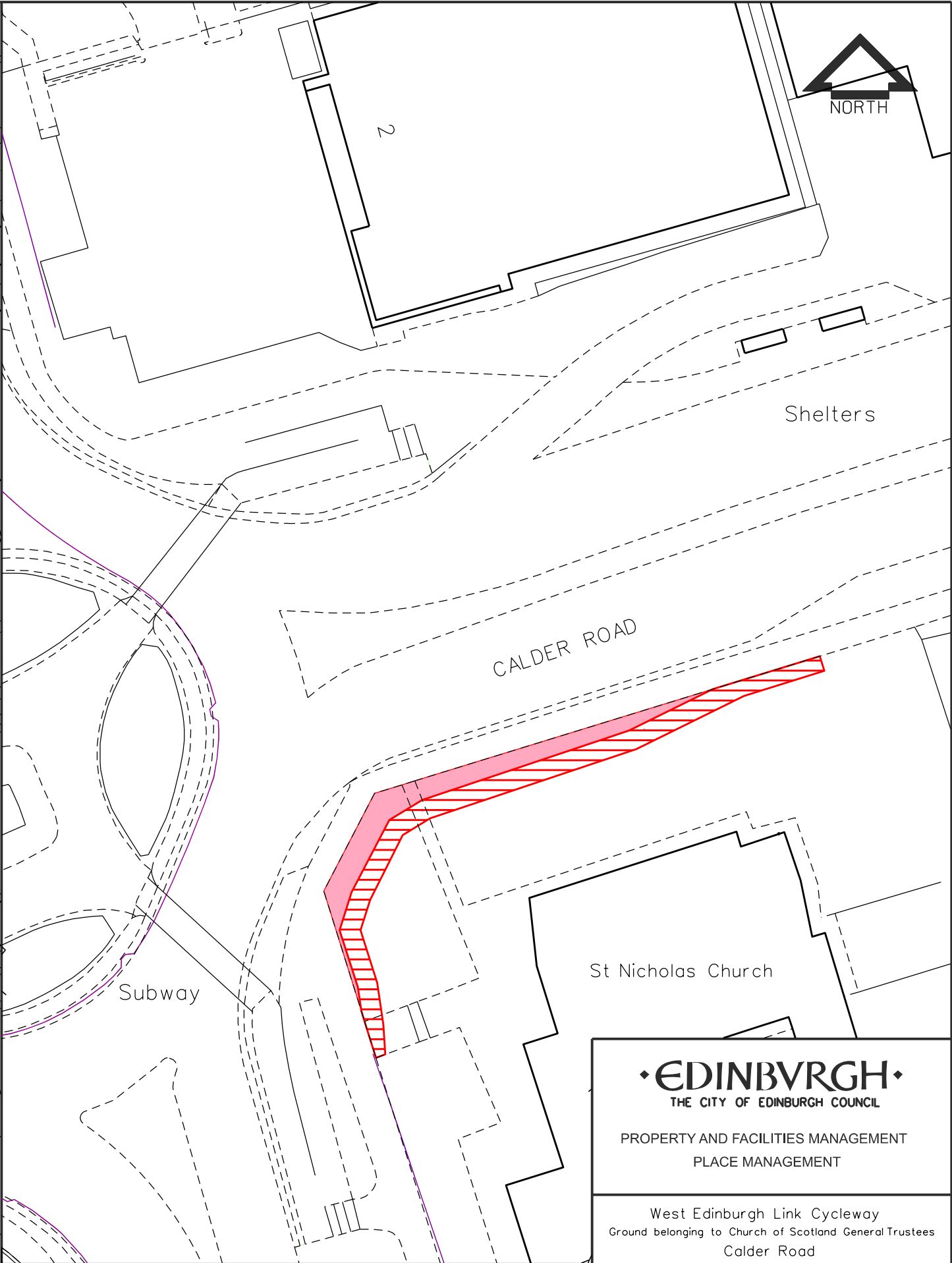


SITE PLAN SCALE 1:500

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PLAN. NO.	Plot 5.7



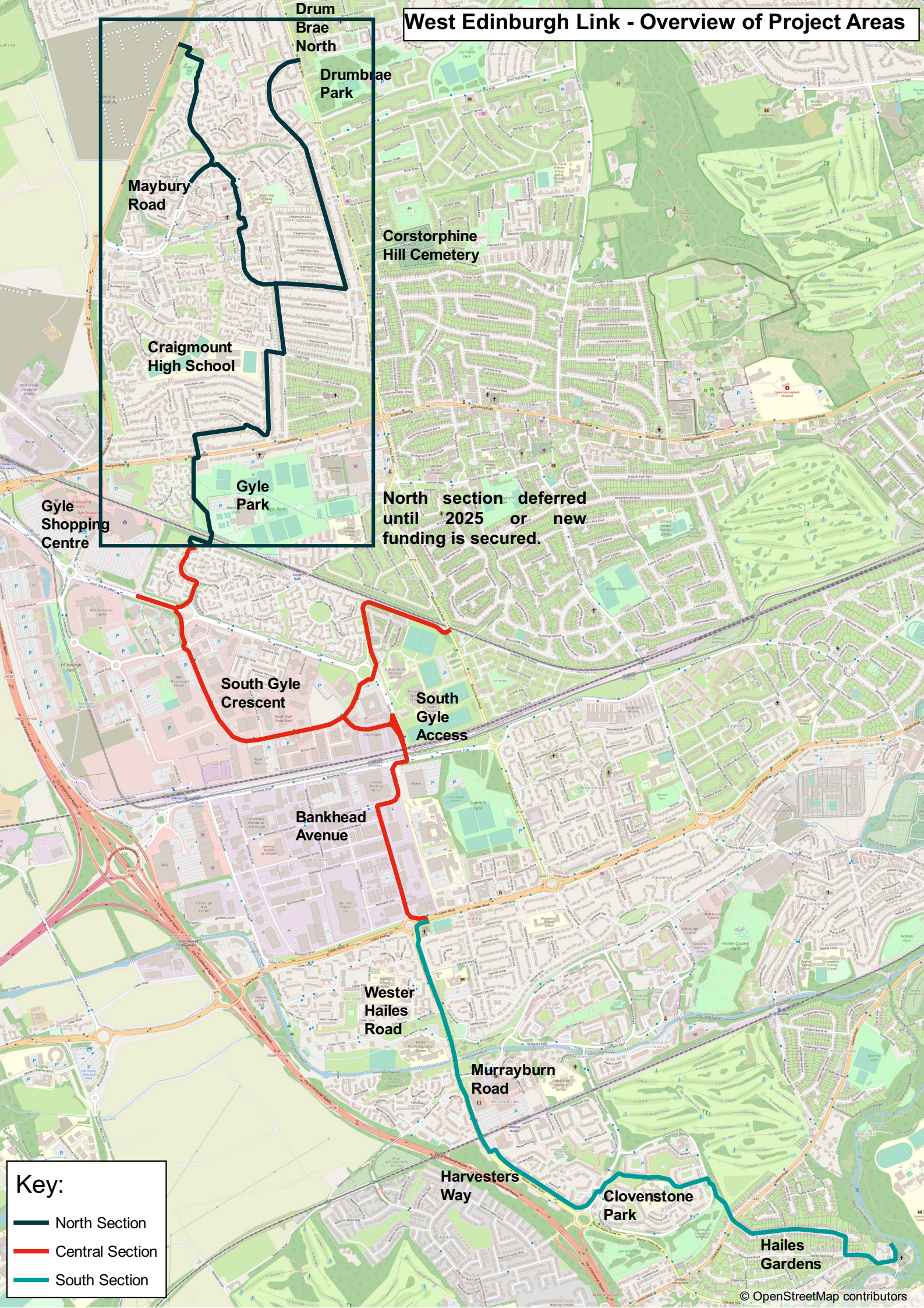
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SITE PLAN SCALE 1:500

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PROPERTY AND FACILITIES MANAGEMENT PLACE MANAGEMENT	
West Edinburgh Link Cycleway Ground belonging to Church of Scotland General Trustees Calder Road Edinburgh	
DATE	30/11/2021
SURVEYED BY	
DRAWN BY	F McDonald
SCALE	Plan to scale @ A3
PLAN. NO.	Plot 5.8.1

West Edinburgh Link - Overview of Project Areas



Key:

- North Section
- Central Section
- South Section