

Report

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Report to:	Estates Committee
Date of Meeting:	17 January 2012
Report by:	Executive Director (Housing and Technical Resources)

Subject:	Peacock Cross Link Road and Park and Ride – Full and Final Payment of Compensation to Robert Reid Junior, 12 Wellhall Road, Peacock Cross, Hamilton
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1 Purpose of Report

1.1 The purpose of the report is to:-

- ◆ Seek authority to make the final balance payment of compensation for the land compulsorily acquired at 12 Wellhall Road, Peacock Cross, Hamilton, to Robert Reid Junior.

2 Recommendation(s)

2.1 The Committee is asked to approve the following recommendations:-

- (1) that the final balance payment of £43,000 exclusive of VAT together with associated professional fees be paid for the land compulsorily acquired at 12 Wellhall Road, Peacock Cross, Hamilton to Robert Reid Junior in full and final settlement of this claim.
- (2) that the Executive Director (Housing and Technical Resources), in consultation with the Head of Legal Services, if appropriate, be authorised to conclude all matters and enter into the necessary legal agreements on terms which are in the best interests of the Council.

3 Background

- 3.1 The Executive Committee, on 31 January 2007, approved the construction of a link road from Wellhall Road to Burnbank Road to ease traffic congestion at Peacock Cross, to carry out associated traffic management and junction improvements in the area and to provide a Park and Ride facility for Hamilton West Station. This project was identified in the South Lanarkshire Local Plan as a necessary improvement to the roads network and also to support requirements identified in the Structure Plan for an additional 4,000 houses needed in the Hamilton housing market area through Greenfield release between 2011 and 2025.
- 3.2 On 19 September 2007, approval was given by the Enterprise Resources Committee to acquire the land required for the link road by means of voluntary acquisition or, failing which, the promotion of a Compulsory Purchase Order (CPO) under the Town and Country Planning (Scotland) Act 1997.
- 3.3 Following a public enquiry into the CPO during May 2009, the Scottish Ministers accepted the Reporter's findings and recommendation that the Compulsory Purchase Order be confirmed without modification with a vesting date of 1 February 2010 confirmed shortly thereafter.

- 3.4 Approval was given by the Estates Committee, on 3 June 2008, for the Council to pursue the voluntary acquisition of 12 Wellhall Road, Hamilton, in connection with the construction of the link road as shown outlined on the attached plan.
- 3.5 Negotiations to acquire voluntarily were unsuccessful and, therefore, the land and properties at 12 Wellhall Road, Hamilton were acquired by compulsory purchase in order to allow the project to continue without delay.
- 3.6 A formal claim of £200,000 plus statutory interest payable from the general vesting date of 1 February 2010 was received from Robert Reid Jnr via their agents. Despite protracted negotiations, agreement on value could not be reached. An interim payment was requested under Section 48 of the Land Compensation (Scotland) Act 1973 for "advanced payment of compensation". On 7 December 2010 the Estates Committee approved an interim compensation payment of £99,000.
- 3.7 Following further negotiations, agreement has now been reached at £142,000. The Council, having already paid £99,000 by way of advance payment, is now required to pay the balance of £43,000 in full and final settlement plus statutory interest and reasonable solicitors' and agents' fees.

4 Terms and Conditions

- 4.1 It is proposed that the site be acquired on the following principal terms and conditions:-
- That the Council pay the balance payment of £43,000 (forty three thousand pounds sterling) exclusive of VAT plus interest in full and final settlement of the compulsory acquisition of the land at 12 Wellhall Road, Peacock Cross, Hamilton to Robert Reid Jnr.
 - The Council shall bear the reasonable legal and surveyors' fees incurred in the transaction.
 - Such additional terms and conditions deemed necessary by the Head of Legal Services.

5 Employee Implications

- 5.1 There are no employee implications.

6 Financial Implications

- 6.1 The balance payment of £43,000 exclusive of VAT professional fees and statutory payments will be met from the existing resources allocated within the Enterprise Resources Capital Programme for 2011/12.

7 Other Implications

- 7.1 The implication of not proceeding with this transaction is for the case to proceed to the Lands Tribunal which will result in the Council incurring additional expense in terms of interest and legal fees.

8 Equalities Impact Assessment and Consultation Arrangements

- 8.1 All necessary consultations have been undertaken with Council Resources.
- 8.2 This report does not introduce a new policy, function or strategy or recommend a change to an existing policy, function or strategy and, therefore, no impact assessment is required.

Lindsay Freeland
Executive Director (Housing and Technical Resources)

28 November 2011

Link(s) to Council Objectives/Improvement Themes/Values

- ◆ Improve the road network and public transport.
- ◆ Improve the quality of the physical environment.

Previous References

- ◆ Enterprise Resources Committee – 19 September 2007
- ◆ Executive Committee – 31 January 2007
- ◆ Estates Committee – 3 June 2008
- ◆ Estates Committee – 17 May 2011

List of Background Papers

- ◆ None.

Contact for Further Information

If you would like to inspect the background papers or want further information, please contact:-

Mr Steven Robertson, Surveyor
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LOCATION PLAN - For Committee purposes only

12 Wellhall Road
Hamilton



PROPERTY SERVICES

