

North Lanarkshire Council Report

Enterprise and Growth Committee

approval noting

Ref JS/LN

Date 04/11/21

P021: City Deal - Ravenscraig Access Infrastructure South – Land Assembly through Compulsory Purchase

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Executive Summary

This report provides an update on the Ravenscraig Access Infrastructure South project as part of the Glasgow City Region City Deal.

The report recommends, and seeks approval to, the making of a Compulsory Purchase Order to support the process of acquiring the land and property interests required to deliver the first part of the strategic infrastructure. This report follows the granting of detailed planning permission for the works for which the land and property interests are required.

Recommendations

It is recommended that the Committee:

- i) Note the contents of this report including the progress made to date and the approach to acquiring the property and land interests required to deliver the Ravenscraig Access Infrastructure South project and this Scheme;
- ii) Approve the making of a Compulsory Purchase Order for the land shown on the plans annexed to this Report at Appendix 2 for the purpose of the construction and improvement of a public road to facilitate the Scheme as described in this Report.
Noting that the Council will also continue to seek to acquire all interests through voluntary negotiation and agreement;
- iii) Gives Authority for the Head of Legal and Democratic Solutions to prepare all Compulsory Purchase Order documentation and to take all necessary steps including publication of all statutory notices to secure Confirmation of the Order by the Scottish Ministers and the Vesting of the land in the Council.

The Plan for North Lanarkshire

Priority Improve economic opportunities and outcomes

Ambition statement (5) Grow and improve the sustainability and diversity of North Lanarkshire's economy

1 Background

- 1.1 Planning Permission in Principle for a revised masterplan for Ravenscraig was approved in June 2019 subject to conditions and the permission issued in November 2020 following conclusion of the legal agreement.
- 1.2 Alongside this, the Council developed the proposals and the Outline Business Case (the “OBC”) for the Ravenscraig Access Infrastructure project. The OBC was approved by the Enterprise & Growth Committee in August 2020 and by the Glasgow City Region City Deal (“City Deal”) in October 2020.
- 1.3 The core objective of the Ravenscraig Access Infrastructure project is to provide the strategic transport infrastructure required to unlock the development potential at Ravenscraig. The Ravenscraig Access Infrastructure project seeks to provide new and improved strategic connections to and from Ravenscraig and also to improve connectivity across the area including to regional facilities and improve sub-regional strategic connections as part of the Pan Lanarkshire Orbital Transport Corridor.
- 1.4 The new infrastructure comprises of two parts being the Northern strategic infrastructure, improving connections to the M8, and the Southern strategic infrastructure providing new and improved connections to Motherwell and the M74.
- 1.5 Throughout 2020 and early 2021 the Council has developed proposals for the Southern strategic infrastructure. This has resulted in a detailed planning application being made for the main and first phase of these works (“the Scheme”). The Scheme comprises a 1.3km new dual carriageway beginning at a new signalised roundabout at the junction of Airbles Road/Windmillhill Street, and heading northeast and crossing under the West Coast Main Line Railway (“WCML”) via a new road-under-rail bridge and continuing on to connect to the existing roundabout on Robberhall Road, by the Ravenscraig Regional Sports Facility.
- 1.6 The Scheme incorporates new foot/cycleways, crossings for non-motorised users, a new roundabout within Ravenscraig providing for future local road access, new street lighting, sustainable urban drainage and amendments to adjoining side roads.
- 1.7 The detailed planning application for the Scheme was submitted in April 2021 with planning permission subsequently granted in September 2021.
- 1.8 The Southern strategic infrastructure also includes the completion of the dualling of Airbles Road along with improvements to the junction with Hamilton Road. These works are a later phase in the project with planning permission to be sought later in 2021.
- 1.9 The creation of the new infrastructure is a significant project and the delivery of the Scheme will require the acquisition of a number of land and property interests and the relocation of a number of businesses.

2 Report

The land required

- 2.1 The land required for the Scheme is identified on the plans at Appendix 1. This includes land required for the construction of the road including the foot/cycleway,

separation and service strips, lighting, drainage, utilities, landscaping, embankments and land required for operation.

- 2.2 Much of the land required is within the site of the former steelworks. The Council has an agreement with Ravenscraig Limited relating to (a) the land within its control at the former steelworks and (b) several commercial land interests in Motherwell (all shown on plans attached at Appendix 3 and hereinafter referred to as the "Ravenscraig Land") which are all owned by Ravenscraig Limited (or its shareholders). In terms of the said agreement, Ravenscraig Limited will provide the land required for the Scheme to the Council with vacant possession, free of any occupiers, tenants or lessees. If it is not possible to voluntarily acquire the Ravenscraig Land or if there are any residual interests in the said land as at the date of making the Order, then the Ravenscraig Land or part thereof will be included in the Order.
- 2.3 Whilst much of the works to create the new access from Ravenscraig to Motherwell will take place east of the WCML and within the site of the former steelworks, there are considerable works within Motherwell and on land occupied by existing buildings and associated external areas which will necessitate the demolition of a number of buildings and premises.
- 2.4 Where this land is not currently in the Council's ownership or control, (as part of adopted roads and paths), the Council is seeking to acquire interests through voluntary negotiation and agreement.
- 2.5 To date the Council has acquired the title to the Dellburn Trading Park, immediately adjacent to the railway, and has been working to reach voluntary agreement for the relocation of the tenants bringing leases to an end. Agreement has been reached with the majority of tenants, with discussions ongoing with one remaining tenant and a second party with an access across through the Dellburn Trading Park. The area at the Dellburn Trading Park is included in the plans at appendix 2 due to existing interests (leases and access) being in place at the date of this report.
- 2.6 The Council has also acquired commercial premises at Manse Road and will continue discussions with the remaining tenant occupying a part of these premises. This land is included in the plans at Appendix 2 due to the remaining lease being in place at the date of this report.
- 2.7 The project team is supported by the District Valuer and the Council's Enterprise Development team in these discussions, and acquisitions are reported to, and approved as required by, the Council's Finance and Resources Committee.
- 2.8 The interests acquired to date along with the existing adopted roads and footpaths comprise the majority of the land required for the Scheme however a number of interests remain. Discussions are ongoing with all remaining identified parties and the Council will continue to seek to acquire all interests through voluntary negotiation and agreement.
- 2.9 Notwithstanding that the Council will continue to seek to acquire all remaining interests by voluntary agreement, it is necessary to ensure that the Council is able to secure all land required for the Scheme, and to remove all interests in that land, as it is not possible to construct and operate the Scheme in part only. Accordingly, it is necessary to make an Order for the compulsory purchase of the land shown in the plans attached at Appendix 2.

The need for the Scheme

- 2.10 The Ravenscraig Planning Permission in Principle granted in 2020 and the preceding Outline Planning Permission granted in 2005, identified new transport infrastructure as essential to enable the development of the site and identified the first iterations of proposals for the Scheme.
- 2.11 Without the infrastructure provided for by this Scheme the development and regeneration of the site for the former steelworks will stall and fail.
- 2.12 The Ravenscraig Planning Permission in Principle granted in 2020 includes conditions limiting development specifically in relation to strategic road infrastructure to ensure that suitable roads infrastructure is in place to mitigate the impact of development on the existing transport infrastructure and surrounding communities and businesses.
- 2.13 Current development phasing and activity identifies that the limit, by which the infrastructure proposed by the Scheme is required will be met around 2028. Development thereafter will cease leading to the loss of some 2,100 homes and 120,000 sq.m of commercial and industrial floorspace with nearly three quarters of the site of the former steelworks remaining undeveloped.
- 2.14 The OBC approved in 2020 set out a detailed case for intervention and the Statement of Reasons (draft), which is provided at Appendix 4, provides a detailed justification for use of Compulsory Purchase powers and explains the public benefits to be delivered by the Scheme and why these over-ride the interests of the people affected.
- 2.15 A Compulsory Purchase Order for the Scheme would be made under the powers contained in the Roads (Scotland) Act 1984 and the Statement of Reasons provides further detail on the specific powers under which this would be made and will be submitted to the Scottish Government as part of the CPO process.

3 Public Sector Equality Duty and Fairer Scotland Duty

3.1 Equality Impact Assessment

- 3.1.1 An Equality Impact Assessment has been carried out for the North Lanarkshire City Deal Programme and for the project.

3.2 Fairer Scotland Duty

- 3.2.1 The City Deal Cabinet has agreed that Inclusive Growth is to be fully embedded within the City Deal delivery and that it is also committed to supporting the delivery of the Fairer Scotland Action Plan. As part of the Assurance Framework review, it is intended that guidance will be issued to set out the arrangements for complying with City Deal duties under the Fairer Scotland Action Plan. The Assurance Framework will also require that Inclusive Growth benefits are fully integrated and demonstrated at a project and programmed level through the business case development, delivery and ongoing monitoring.
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4 Impact

4.1 Financial Impact

- 4.1.1 Detailed cashflows are prepared for all City Deal projects, which set out forecast costs over the life of the project on a quarterly basis.
- 4.1.2 The Council is satisfied that it will be able to secure the necessary funding for the project, including the costs associated with the compulsory acquisition of land and payment of any compensation due.
- 4.1.3 Following the approval by the Council's Enterprise and Growth Committee in August 2020, Glasgow City Region City Deal approved the Outline Business Case in October 2020. This confirms the funding to be provided under the City Deal programme.
- 4.1.4 The Council's financial contribution to the costs of the Scheme has been further approved and provided for in the 2021-2025 capital programme, approved at the Council's Policy and Strategy Committee on 18th March 2021. This aligns with the funding availability and constraints of the City Deal programme.
- 4.1.5 Further Committee and City Deal approvals will be required following the conclusion of procurement processes for works contracts but prior to award to ensure that the project progresses within budget and meets the objectives.

4.2 HR/Policy/Legislative Impact

- 4.2.1 With a population of 1.8m, the GCR is critical to the Scottish and UK and Scottish economy. Accounting for 32% of national GVA and 29% of Scotland's businesses, GCR offers a unique conurbation of scale with a highly skilled labour market and facilities to compete on an international stage. City Deal allows its partner Local Authorities to exploit the collective economic power and opportunities generated by the region. The GCR City Deal and Governance structure is an integral component of the wider Glasgow City Region Economic Strategy and Action Plan (2017-2035).
- 4.2.2 A Compulsory Purchase Order for the Scheme would be made under the powers contained in the Roads (Scotland) Act 1984.

4.3 Technology / Digital impact

- 4.3.1 There is no specific direct impact on technology, or the digital transformation programme.

4.4 Environmental impact

- 4.4.1 The original masterplan and permission for the development of Ravenscraig was supported by an extensive Environmental Impact Assessment, and a number of technical assessments were updated in the preparation of the Revised Masterplan in 2017. Further detailed assessments are provided alongside the detailed planning application for the Southern infrastructure.

4.5 Communications impact

- 4.5.1 The Ravenscraig Access Infrastructure project, of which the Scheme is a part, has been well publicised on an ongoing basis by the Council with regular press releases and web updates and specific direct communication and flyer drops to owners and

businesses, along with communities and the public in the vicinity of the Scheme. The Scheme follows the development and approval of the masterplan for Ravenscraig in 2005 and updated in 2020 and is a well-established project.

4.5.2 The Scheme and the associated acquisitions of land and property interests do result in direct change to affected businesses. Notwithstanding the making of a Compulsory Purchase Order for the Scheme, the Council will continue to seek to acquire all remaining interests by voluntary agreement.

4.6 **Risk impact**

4.6.1 The risk and mitigation management of North Lanarkshire's City Deal activity is incorporated within the Council's City Deal programme risk register and within the project specific risk register, which are managed and reviewed by the Council's City Deal Board, the Project Board and by the project team.

5 Measures of success

5.1 The acquisitions of land and property interests is critical to support the development of the new road infrastructure facilitating the development and regeneration of Ravenscraig.

5.2 The Ravenscraig Infrastructure Access project contributes to a number of the Health Context Indicators under the Strategic Performance Framework but as a key part of the Economic Regeneration Delivery Plan, the project, of which these acquisitions form a part, contributes to C16 - Gross Value Added and C18 - Economic Activity.

6 Supporting documents

Appendix 1 – 2 Plans showing the proposed Scheme and land required

Appendix 2 – 2 Plans showing the land to be compulsorily acquired

Appendix 3 – 2 Plans showing the Ravenscraig Land

Appendix 4 - Draft Statement of Reasons



Pamela Humphries
Head of Planning and Regeneration

LOCATION PLAN - For Information Only

Title: Proposed CPO – A723 South
Airbles Road to Ravenscraig

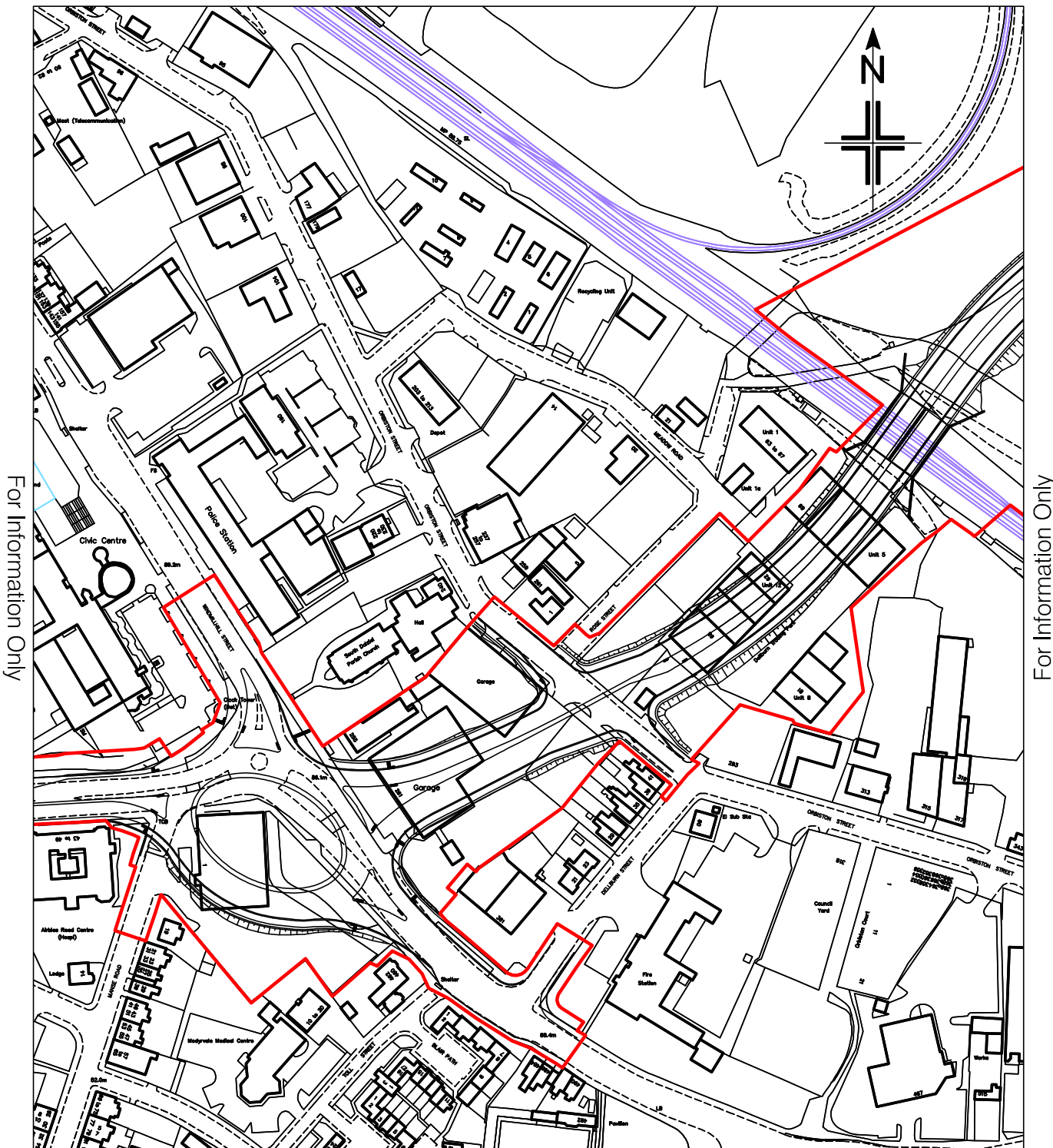
Scale 1:NTS



Town: Motherwell

Date: 05/10/2021

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Head of Asset & Procurement Solutions
North Lanarkshire Council
Fleming House
2 Tryst Road, Cumbernauld
G67 1JW

LOCATION PLAN - For Information Only

Title: Proposed CPO – A723 South
Airbles Road to Ravenscraig

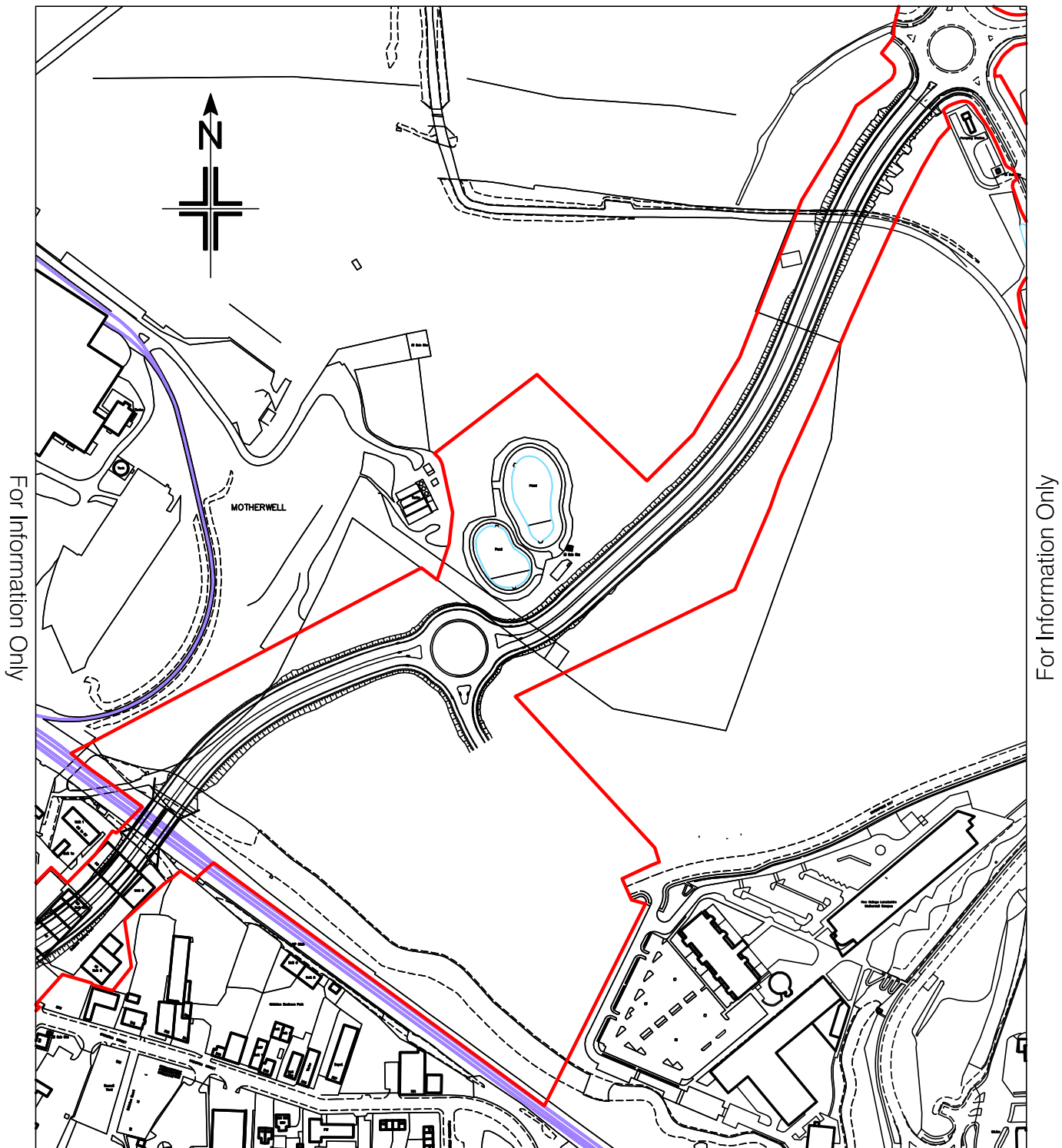
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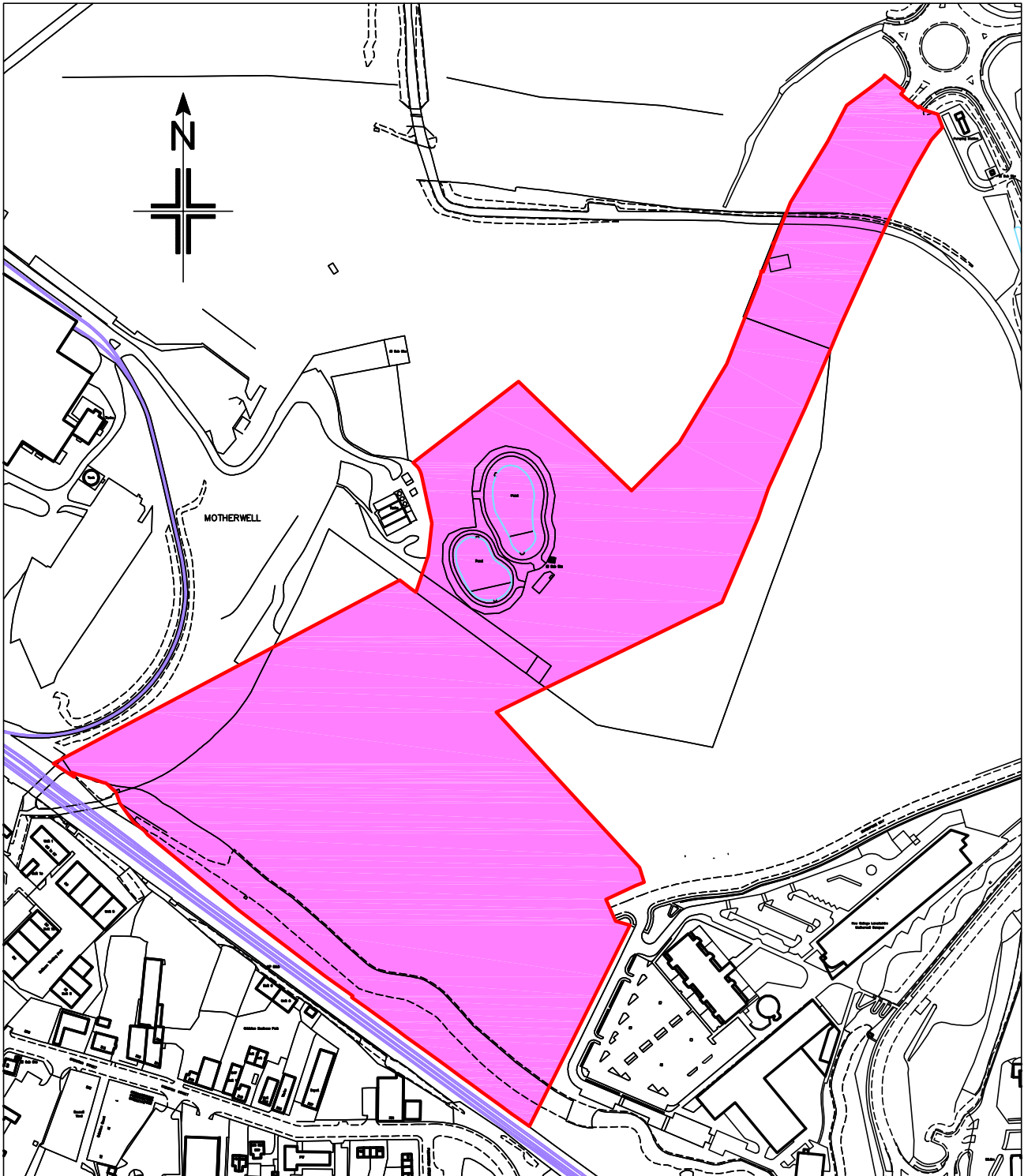
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LOCATION PLAN - For Information Only

Title: Land at Ravenscraig
Properties of Ravenscraig Limited

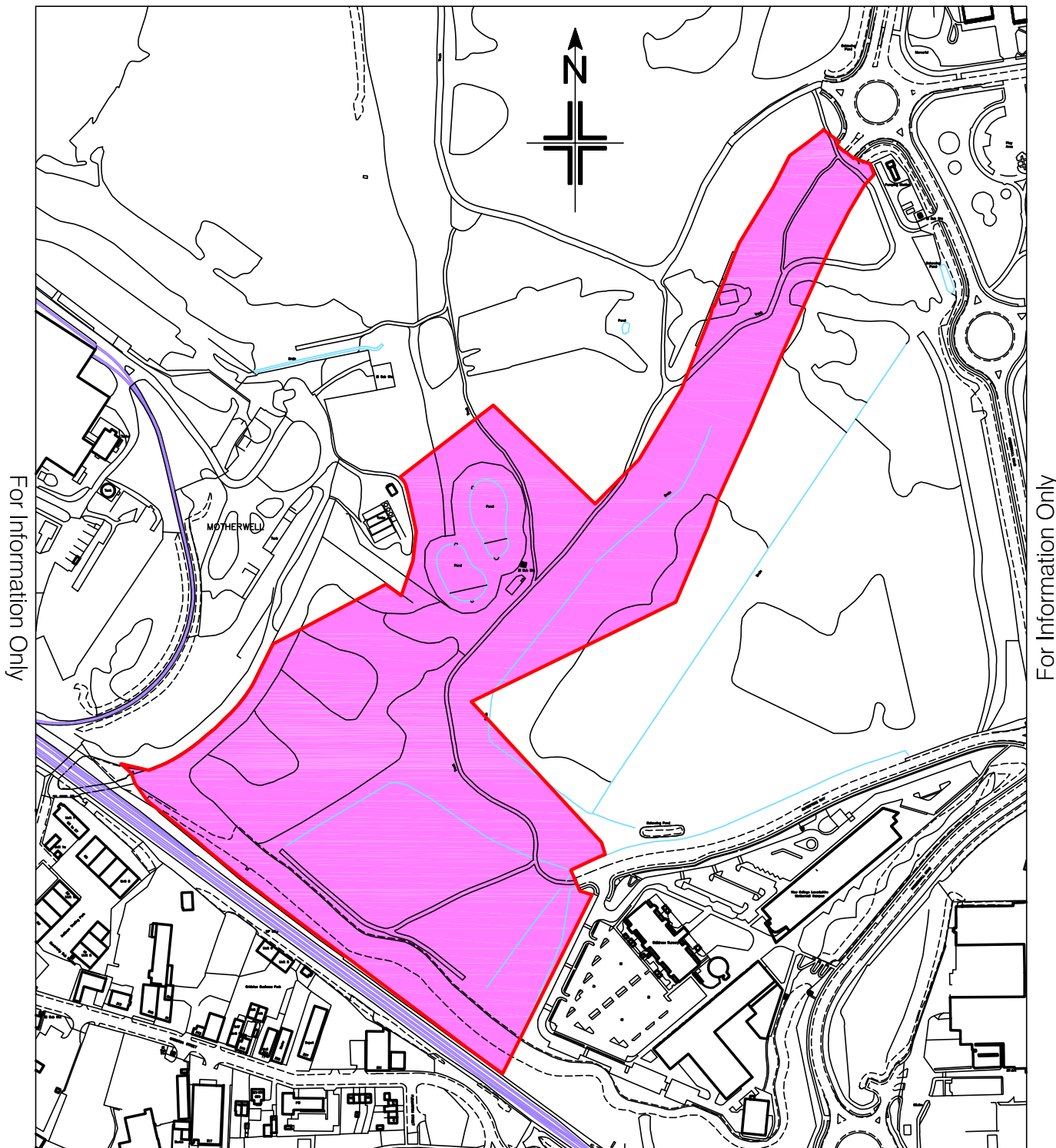
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LOCATION PLAN - For Information Only

Title: Orbiston Street & Windmillhill Street
Properties of Ravenscraig Limited

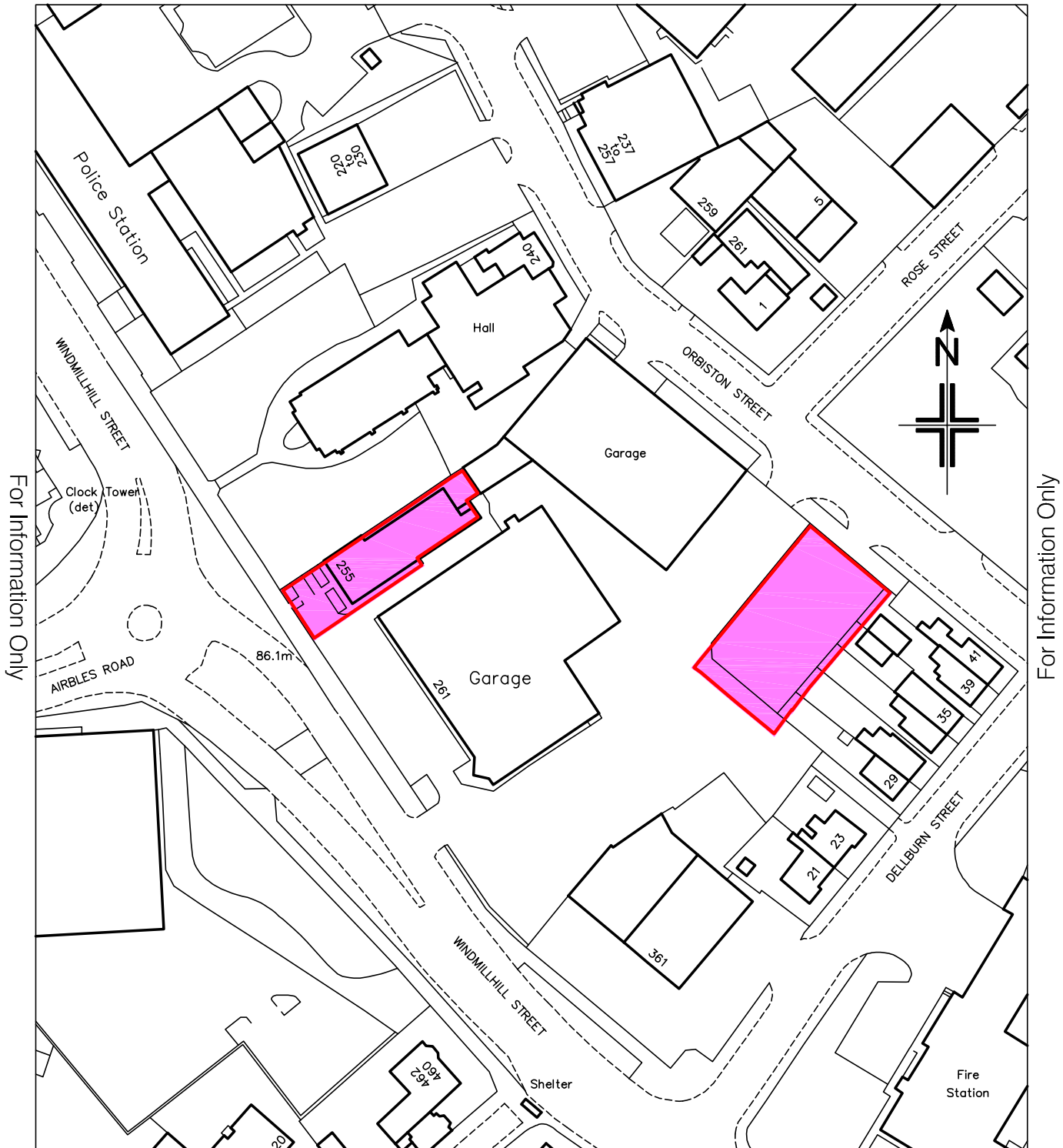
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Town: Motherwell

Date: 05/10/2021

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ROADS (SCOTLAND) ACT 1984

THE NORTH LANARKSHIRE COUNCIL (RAVENS CRAIG ACCESS INFRASTRUCTURE
SOUTH) COMPULSORY PURCHASE ORDER 2021

[DRAFT]

STATEMENT OF REASONS

FOR

NORTH LANARKSHIRE COUNCIL

1 INTRODUCTION

- 1.1 This document is the Statement of Reasons prepared by North Lanarkshire Council (“the Council”) for the making of a compulsory purchase order entitled “The North Lanarkshire Council Ravenscraig Access Infrastructure South) Compulsory Purchase Order 2021 (“the Order”).
- 1.2 The Council is a local roads authority under, and in terms of, the Roads (Scotland) Act 1984 (“the 1984 Act”). In connection with its statutory functions as local roads authority the Council is empowered to construct new roads and improve existing roads in its area.
- 1.3 The Council is promoting the Order in respect of land required to create a new southern vehicular access between Motherwell and the site of the former Ravenscraig steelworks (“the Scheme”) under and in terms of sections 103,104, 106 and [110] of the Roads (Scotland) Act 1984 (“the 1984 Act”). Extracts of the 1984 Act containing the relevant provisions are referred to for their terms [Doc. No. 1]
- 1.4 The Council resolved, at Enterprise and Growth Committee, on 26th August 2021 to authorise the making of the Order.
- 1.5 With regard to the guidance contained in Scottish Government Circular 6/2011: Compulsory Purchase Orders, the Statement of Reasons sets out the case for making the Order including consideration of:
 - a) the land to be acquired;
 - b) the purpose it is to be acquired for;
 - c) the need for the Scheme for which the land is required;
 - d) landowner engagement and concerns;
 - e) the justification for compulsory purchase; and
 - f) how the acquisition will be funded and the Scheme delivered.

2 THE SCHEME

- 2.1 The aim of the Scheme is to deliver the essential strategic road and transport infrastructure which is required to enable the regeneration and redevelopment of the former Ravenscraig steelworks (“Ravenscraig”) and without which the development and regeneration of the site for the former steelworks will stall and fail leaving nearly three quarters of the area vacant and derelict. A location plan of Ravenscraig is produced as Doc. No. 2.
- 2.2 The Scheme comprises a 1.3km new dual carriageway beginning at a new signalised roundabout at the junction of Airbles Road/Windmillhill Street, and heading northeast and crossing under the West Coast Main Line Railway (“WCML”) via a new road-under-rail bridge and continuing on to connect to the existing roundabout on Robberhall Road, by the Ravenscraig Regional Sports Facility.
- 2.3 The Scheme incorporates new foot/cycleways, crossings for non-motorised users, a new roundabout within Ravenscraig providing for future local road access, new street lighting, sustainable urban drainage and amendments to adjoining side roads.
- 2.4 An overview of the general arrangement of the Scheme is produced as Doc. No. 3 and the Scheme, the development and principles of its design are described in the Planning Application Design & Access Statement (produced as Doc. No. 4).
- 2.5 The Scheme is described further below in relation to its differing sections and elements, moving in a north-easterly direction from its beginning in Motherwell to join the existing road infrastructure within Ravenscraig.

- 2.6 The Council has acquired ownership and access rights to most of the land required to deliver the Scheme. The Order is therefore now necessary to acquire only a small number of remaining ownership interests.

New signalised roundabout at Airbles Road and Windmillhill Street

- 2.7 The Scheme begins at a new signalised roundabout at the junction of Airbles Road and Windmillhill Street. This will replace the existing roundabout with a larger roundabout which provides an additional arm for the new dual carriageway. This new roundabout provides greater capacity for traffic, appropriately sized lanes for safe vehicle movements and crossings for non-motorised users on all arms.
- 2.8 The creation of the new junction requires the permanent closure of the exit/entrance of Manse Road from/to Airbles Road for vehicles owing to its close proximity to the new roundabout however access for pedestrians will be maintained and it will retain a core path status linking it to the new footway and crossings at the new roundabout.
- 2.9 The Scheme includes associated soft landscaping including the removal and replacement planting of trees.

New dual carriageway within Motherwell

- 2.10 The Scheme continues with a new dual carriageway, connecting to the new roundabout, and heading northwest towards Ravenscraig, and comprises:
- Two 7.3 metre two lane carriageways separated by central reserve
 - A three metre shared foot and cycleway on both sides of the road, separated from the carriageway by a half metre separation strip
 - A one metre service strip for utilities on each outer side
 - Associated hard and soft landscaping incorporating noise mitigation measures
 - Street lighting
 - Road signage
- 2.11 The creation of the new dual carriageway requires the permanent closure of Orbiston Street as a through road however new left in/left out access will be provided onto and from the new dual carriageway.
- 2.12 Some of the land required for this part of the Scheme is currently part of the existing adopted roads and footpaths, however some of the works are to take place on land occupied by existing buildings and their associated external areas, necessitating the demolition of a number of buildings and premises.
- 2.13 The Council has been undertaking a programme of acquisition for the land and interests required and to date has acquired several interests, including Dellburn Trading Park and commercial premises at Manse Road, leaving only a small number remaining.
- 2.14 In addition the Council has an agreement with Ravenscraig Limited for two commercial land interests in Motherwell under which Ravenscraig Limited is required to transfer title to the Council for the land required for the Scheme with vacant possession, free of any occupiers, tenants or lessees.
- 2.15 These interests along with the existing adopted roads and footpaths comprise much of the land required.
- 2.16 The dominant land interest that remains to be acquired is occupied by a car dealership with its associated showroom, workshops and storage.

- 2.17 Further details of the extent of land and interests which require to be compulsorily acquired for the Scheme (the “Order Land”) are given under section 6 and shown on the drawing attached at Doc 14.

New WCML crossing

- 2.18 The Scheme includes a new bridge to be constructed to allow the new dual carriageway, along with associated foot and cycle ways etc., to cross the West Coast Main Line railway (the “WCML Crossing”). This will take the form of a road-under-rail bridge with the railway being at its current level once works are complete. The dual carriageway maintains its dimensions as it passes under the railway with the exception being that the two carriageways are now separated by a wall in the centre of the bridge which forms a part of the central reserve.
- 2.19 The construction of the bridge will be undertaken in two phases with the first, commencing in 2022, being groundworks and prefabrication of the structure adjacent to but outwith the operational railway. Following this, and commencing in 2023, during a temporary closure of the railway which is programmed to coincide with other works on this line, the track, overhead line and other equipment, and embankment will be removed, final groundworks completed and the new bridge structure moved into place before the track and equipment reinstated.
- 2.20 The land required for the new bridge crossing is within the ownership of the Council and partners to the Scheme: Network Rail and Ravenscraig limited.

New dual carriageway within Ravenscraig

- 2.21 The new dual carriageway continues northeast from the railway and comprises:
- Two 7.3 metre two lane carriageways separated by central reserve
 - A three metre shared foot and cycleway on both sides of the road, separated from the carriageway by a half metre separation strip
 - A one metre service strip for utilities on each outer side
 - Associate earthworks including embankments to form the road at the correct level
 - Street lighting
 - Road signage
 - Connection to a sustainable drainage system
- 2.22 This section leads to a new three-arm roundabout, of which one arm provides for the future connection of a local road accessing development plots to the south east, and one arm which provides for the continuation of the new dual carriageway. This roundabout provides an appropriate opportunity to mark the change in speed limit for the dual carriageway from 30 mile per hour, in keeping with the existing limit for Motherwell, to 40 miles per hour in keeping with the existing dual carriageway of New Craig Road within Ravenscraig.
- 2.23 The new dual carriageway continues northeast to the existing roundabout at Robberhall Road adjacent to the Regional Sports Facility. This existing roundabout includes an existing arm ready for the new dual carriageway and beyond here the road infrastructure continues on the existing dual carriageway of New Craig Road which was completed in 2008 as part of a first phase of strategic infrastructure at Ravenscraig.
- 2.24 This section of dual carriageway will have a 40mph speed limit matching the existing and will comprise:
- Two 7.3 metre two lane carriageways separated by central reserve
 - A three and a half metre shared foot and cycleway on both sides of the road, separated from the carriageway by a one metre separation strip

- A one metre service strip for utilities on each outer side
 - Associate earthworks including embankments and retaining structure in the proximity of an existing electricity pylon to form the road at the correct level
 - Street lighting
 - Road signage
 - A sustainable drainage system including SUDS ponds which will be provided through enlarging and augmenting existing ponds on the site
- 2.25 All of these works will take place within the former Ravenscraig steelworks with the exception of 150m of the new dual carriageway as it exits the new bridge, where the northern edge of the new road encroaches on land within the bounds of the Liberty Steel Dalzell site. The Council is currently in voluntary negotiations with the owners of the Liberty Steel Dalzell site.
- 2.26 The Council has an agreement with Ravenscraig Limited in terms of which Ravenscraig Limited is required to provide the land required for the Scheme with vacant possession, free of any occupiers, tenants or lessees.
- 2.27 With the exception of the works to tie the new dual carriageway into the existing roundabout at Robberhall Road, including re-newing line markings on the carriageway and providing new road signs, all of these works are to take place outwith existing roads and on land that is currently vacant.

Options and design development

- 2.28 The core principles and requirements for the Scheme were established in a Planning Permission in Principle granted in 2020 for the development of the former Ravenscraig steelworks. (the “Ravenscraig Planning Permission in Principle”) produced as Doc. No. 5.
- 2.29 This Ravenscraig Planning Permission in Principle places a number of conditions on the development of the former Ravenscraig steelwork. Within these conditions, there are a number which restrict the extent of residential, commercial and other development which is able to be occupied prior to transport infrastructure being in place. These conditions ensure that suitable local and strategic road infrastructure is in place to mitigate the impact upon the wider area of occupiers and users of future phases of the development of Ravenscraig. Therefore, without the infrastructure provided for by this Scheme the development and regeneration of the site for the former steelworks will stall and fail to progress.
- 2.30 The development of detailed proposals for the Scheme has been principally concerned with the form of the railway crossing and the layout of the new signalised roundabout at the junction of Airbles Road and Windmillhill Street..
- 2.31 Earlier options for the WCML crossing had proposed a road-over-rail bridge with the new dual carriageway rising on a large embankment and bridge structure to pass over the railway. In detailed design development with Network Rail, the preferred option of passing under the railway has been developed and confirmed. This option has a significantly lesser visual and physical impact on its surroundings and provides a more accessible route for pedestrians, cyclists and wheelchair users with the foot and cycle way falling and rising at a significantly shallower gradient. This design development with Network Rail has also led to a realignment and repositioning of the crossing to minimise disruption and impact on overhead line and track equipment.
- 2.32 The detailed design done in collaboration with the Roads Authority and Network Rail has led to the increase in size of the new roundabout and a change in alignment of the WCML crossing. A result of the changes has been that the Scheme extends beyond the red line boundary of the Ravenscraig Planning Permission in Principle and has consequently

required a new full planning application to be made for the Scheme rather than making an application for Matters Subject to Condition under the Ravenscraig Planning Permission in Principle.

- 2.33 Detailed planning permission for the Scheme was granted at a meeting of the Planning Committee on 16th September 2021 with the decision note and permission issued on 24th September 2021 subject to a number of planning conditions (produced as Doc. No. 6).

Phasing and delivery

- 2.34 The Scheme is proposed to be delivered in a number of phases over 3 years:
- Firstly, commencing in 2022, the pre-construction of the WCML Crossing with preparatory groundworks and pre-fabrication of the new bridge taking place outwith the bounds of the operational railway and with the railway remaining in operation. These works will take place on land within the edge of the railway controlled by Network Rail, within the site for the former Ravenscraig steelworks and within land of the Dellburn Trading Park, now owned by the Council.
 - Secondly, during 2023 installation of the WCML Crossing during a temporary closure of the railway. During this phase the track, overhead line and other equipment, and embankment will be removed, final groundworks completed and the new bridge structure moved into place before the track and equipment reinstated. These works taking place within the land noted above.
 - Thirdly, commencing in 2023 and completing in 2025, the formation of the new dual carriageway within Ravenscraig and Motherwell and the new signalised roundabout at Airbles Road and Windmillhill Street.
- 2.35 Because of the existing agreement with Ravenscraig Limited and the voluntary acquisitions which have been completed to date, the Order Land is only required for the third phase of the Scheme.
- 2.36 Prior to the works, the Council will require to secure further orders related to the works. In particular, the formation of the new dual carriageway within Motherwell and the new signalised roundabout at Airbles Road and Windmillhill Street and the associated changes to Manse Road and Orbiston Street, described at 2.7 and 2.10 respectively, will require stopping up orders and the change of Meadow Road to two way operation will require a traffic regulation order.
- 2.37 The proposed construction phasing has been considered as a part of the design process. It will not be possible to undertake all works without temporarily affecting the existing roads and footpaths. As such temporary works and some changes to junction arrangements during works will be required. However a key part of these phasing plans and their development has been to test and ensure that traffic, pedestrian and cyclist movements can be maintained through the areas affected during construction.
- 2.38 An Outline Construction Method Statement has been prepared as a part of the detailed planning application for the Scheme and is produced as Doc. No. 8.
- 2.39 The assessment of the ecological impact of the Scheme has identified a number of constraints and the required mitigations including:
- Protection of habitats and approaches to vegetation clearance including pre-clearance checks, seasonal restrictions and placement of arisings.

- Pre-construction surveys to re-confirm the absence of badgers within the area or the vicinity of the Scheme - should new badger activity be identified then any works may be required to be carried out under appropriate licence.
 - Pre-construction surveys of structures and trees of bat roost potential, appropriate seasonal and night working restrictions on works taking place, and any works taking place under appropriate licence. Additionally to enhance bat roost capability in appropriate nearby locations.
- 2.40 If they are required, Areas or locations for the enhancement of bat roost capability or for the relocation of badgers and establishment of new setts, are present within the land already controlled by the Council or within that land to be provided by Ravenscraig Limited.
- 2.41 The Ecology Appraisal Report prepared as a part of the detailed planning application for the Scheme and is produced as Doc. No. 9.
- 2.42 The Scheme will require the diversion, through agreement, of existing utilities including a sub-station, telecoms, water and drainage.

Planning

- 2.43 Prior to preparing the planning application for the Scheme, a formal screening opinion was requested under Regulation 8 of the Town and Country Planning Environmental Impact Assessment (Scotland) Regulations 2017. The assessment by the Planning Authority concluded that the proposed development is not located on or adjacent to a sensitive area and is unlikely to have significant effects on the environment given the characteristics of the development, location of development and characteristics of potential impact. As such an Environmental Impact Assessment was not required.
- 2.44 Detailed planning permission for the Scheme was granted on 24th September 2021, subject to a number of planning conditions (produced as Doc. No. 6). The planning application including plans were supported by a number of technical reports including:
- Planning Statement
 - Design & Access Statement;
 - Environmental Management Plan;
 - Ecology Appraisal Report;
 - Noise Assessment Report;
 - Air Quality Impact Assessment;
 - Site Investigations Report;
 - Coal Mining Risk Assessment;
 - Landscaping Proposals;
 - Drainage Impact and Flood Risk Assessment Report; and
 - Outline Construction Method Statement.
- 2.45 The permissions for the redevelopment of Ravenscraig identify new transport infrastructure as essential to enable the regeneration of the former steelwork.
- 2.46 In the grant of planning permission for the Scheme, the planning authority concluded that *"... having considered the development against the Development Plan and other material considerations, it is considered that the proposals are acceptable and will play an important integral part in the Council's aspirations for a wider transformational road network connecting Ravenscraig with the M8 and M74 motorways, be crucial in mitigating the additional traffic resulting from the build out of Ravenscraig, and will encourage economic*

investment in, and regeneration of, Ravenscraig which is a national priority. The application is therefore recommended for approval subject to conditions.”

- 2.47 The Authority is satisfied that the Scheme generally accords with prevailing planning policy and further detailed consideration is set out in section 3 below.

3 THE NEED FOR THE SCHEME

Transport infrastructure as key to releasing development

- 3.1 The Ravenscraig Planning Permission in Principle granted in 2020 and the preceding Outline Planning Permission granted in 2005, for the site of the former Ravenscraig steelworks both identified that new transport infrastructure is essential to enable the development of the site. As noted above,
- 3.2 Without the infrastructure provided for by this Scheme the development and regeneration of the site for the former steelworks will stall and fail.
- 3.3 The Ravenscraig Transport Assessment (“Ravenscraig TA”), produced as Doc. No. 10, and the accompanying Updated Ravenscraig STAG Part 1 appraisal (“Ravenscraig STAG”), produced as Doc. No. 11, prepared in 2018 and 2019 in the development of the application for the Ravenscraig Planning Permission in Principle, considered and tested a wide range of interventions including: increases in road capacity and new connections for vehicular traffic; public transport modes, routes and service levels; and provision for active travel.
- 3.4 The Ravenscraig STAG was prepared in recognition of the large and strategic nature of the site of the former Ravenscraig steelworks. The Ravenscraig STAG was undertaken using the Scottish Transport Appraisal Guidance sequential process and particularly considered sustainable transport elements of the assessment. This Ravenscraig STAG fed into the Ravenscraig TA that considered the overall transport implications of the redevelopment of the site of the former Ravenscraig steelworks.
- 3.5 The resulting Ravenscraig TA and the transport strategy, identify a number of core principles including providing for improved road access to and within Ravenscraig.

Transport interventions required to release development

- 3.6 The transport improvements and infrastructure required to realise the potential at Ravenscraig include a large number of strategic and local interventions including:
- Walking and Cycling
 - Green Links - A network of quality shared use paths running north to south and east to west on desire lines to the settlements surrounding the site of the former steelworks;
 - Localised shared footpaths through the various developments within Ravenscraig development which will link into adjacent areas, the green links and the park space;
 - Links west to Merry Street via Allan Street/Coursington Road;
 - **Airbles Road via the new dual carriageway and WCML Crossing link to the south-west of the site;**
 - Links to the Shieldmuir and Craigneuk areas via the re-established link to Shieldmuir Street at the south of the site; and via the link to Glencairn Avenue in Craigneuk; and
 - Cycle parking provision exceeding the minimum standards.

- Public Transport
 - Provision of high quality bus linkages and infrastructure within Ravenscraig site;
 - Potential wider bus network priority measures; and
 - A circular Rail-Bus service which would link Ravenscraig with Motherwell and the key rail stations.

- Road
 - Upgrading of the Hamilton Road/Airbles Road junction including completing the dualling of Airbles Road;
 - **New signalised roundabout at Airbles Road/Windmillhill Street to provide a dual carriageway to Ravenscraig;**
 - **Crossing of the West Coast Main Line Railway and dual carriageway;**
 - Mitigation measures to the Shields Road and Robberhall Road roundabouts on the A721 Craigneuk Street; and
 - Dualling of the existing A723 from Ravenscraig to the M8 (presumed as being completed by the Council).

3.7 The Scheme responds to key parts of the new transport infrastructure: the creation of the new dual carriageway connection between Ravenscraig and Motherwell including the crossing of the WCML a new signalised roundabout at Airbles Road/Windmillhill Street and associated walking and cycling link.

3.8 Without the infrastructure provided for by this Scheme the development and regeneration of the site for the former steelworks will stall and fail.

3.9 The Ravenscraig TA provided preliminary concepts for many of these works with full details to be developed and agreed in subsequent applications. And as noted the Ravenscraig Planning Permission in Principle, was granted in 2020 included conditions limiting development.

3.10 Specifically in relation to strategic road infrastructure, the Ravenscraig Planning Permission in Principle places a condition:

“23. That before the commencement of works relating to plots TC1 and TC4, or the occupation of the 660th housing unit or occupation of more than 23,502 sqm of commercial floorspace or 12,700sqm of leisure floorspace (whichever is sooner, and not including the already consented units on plots A2 and A3) the following improvement works shall be constructed:

- *Completion of the West-Coast Mainline (WCML) dual-carriageway link road between Robberhall Road and Windmillhill Street, and provision of new signalised gyratory at the Airbles Road / Windmillhill Street junction. These improvements to be based upon Drawing B2316000-A8 included within the Transport Assessment. Full details of these works shall be agreed in advance by the Planning Authority.”*

Reason - *to ensure that suitable roads infrastructure is in place to mitigate future phases of development.*

3.11 Development at Ravenscraig is continuing and current activity at Ravenscraig will see the constraint on development being hit in 2028. Development thereafter will cease leading to the loss of some 2,100 homes and 120,000 sq.m of commercial and industrial floorspace with early three quarters (73%) of the site of the former steelworks remaining undeveloped.

The need for the development and regeneration of Ravenscraig

- 3.12 The strategic objective of the Scheme is to support the redevelopment of the former steelworks site of Ravenscraig and to transform up to 200Ha of vacant and derelict land into a national economic asset.
- 3.13 The site of the former Ravenscraig steelworks has the potential to deliver over four thousand high quality homes, create employment and education opportunities and provide a range of community, retail and leisure facilities for the benefit of the new and existing communities including those around Ravenscraig which have some of the highest levels of deprivation in Scotland.
- 3.14 As noted above, development at Ravenscraig is continuing. Recent and current activity on site includes:
- Completion in 2020 and 2021 of 200+ homes by Barratt Homes, Keepmoat and Taylor Wimpey
 - Completion on the new 7Ha town park at the centre of Ravenscraig in summer 2021
 - Completion due in autumn 2021 of an access road releasing 12Ha of land for the development of circa 420,000 sq.ft of commercial and industrial units with marketing currently underway
 - Planning applications being prepared for local 1,400 sq.m retail hub and 50 home residential development
 - Commencement in September 2021 of first phases of green active travel links within Ravenscraig.
- 3.15 Without the strategic infrastructure and new transport connections provided by the Scheme the capacity of the site of the former steelworks is severely constrained. Whilst the planning conditions placed on the Ravenscraig Planning Permission in Principle allow development to continue beyond this current activity, the impact of failing to plan adequately for the long term development of the former steelworks and not providing the strategic infrastructure in good time will see investor confidence wane and fail.
- 3.16 The site of the former Ravenscraig steelworks covers over 400Ha and is located within North Lanarkshire between the towns and communities of Motherwell, Wishaw Craigneuk and Carfin with the M74 lying 3km to the west, the M8 just over 3km to the north and the west coast main railway line bordering the site to the southwest. Despite its location within an established urban area and its close proximity to the motorway and rail network, the former steelworks is poorly connected to both the local and strategic transport network being constrained by existing development to the west, the WCML to the south and the significant level changes resulting from its previous industrial use.
- 3.17 Measured by the Scottish Index of Multiple Deprivation (SIMD) 2020 North Lanarkshire is one of the most deprived local authority areas in Scotland, ranked sixth, in terms of its share of local datazones in the 20% most deprived in Scotland. Twenty five percent of datazones in North Lanarkshire fall within 15% of the most deprived in the country. With regard to income deprivation 15% of people in North Lanarkshire are deprived compared to 12% across Scotland. Of working age people in North Lanarkshire 11% experience employment deprivation. While this is an improved position compared to the SIMD 2016 it is still a higher percentage than for Scotland as a whole. The relative deprivation of the communities surrounding Ravenscraig is high. Areas in Craigneuk and Motherwell are among the 5% most deprived in Scotland and experience high levels of income, employment, health and

education deprivation. The redevelopment of Ravenscraig will meet a need in providing more inclusive opportunities for employment, education and access to help address the high levels of deprivation experienced in these communities.

- 3.18 The demolition of the steelworks, followed by the first phase of decontamination, site servicing and infrastructure works was undertaken with significant public investment and completed in 2008. This intervention enabled the release of a first phase of development, under the Outline Planning Permission granted in 2005, which saw the Ravenscraig Regional Sports Facility constructed at the centre of the site, New College Lanarkshire established on its own campus to the south of the site and approximately 400 new homes created in the north of the site.
- 3.19 As one of the largest regeneration opportunities in western Europe, the need to regenerate Ravenscraig is recognised in national, regional and local spatial strategies and is supported by associated economic, environmental and planning policy.
- 3.20 **Fit with national policy** - The aim of the masterplan for Ravenscraig to deliver mixed use development and sustainable community growth fits well with Scotland's National Performance Framework and its focus on action to achieve sustainable and inclusive economic growth. Through the provision of strategic infrastructure to release vacant and derelict land for the development of new homes and the creation of employment opportunities close to areas of high deprivation, within a well-designed and well connected place incorporating attractive greenspaces and active travel routes, the regeneration of Ravenscraig will contribute to national outcomes on economy, health and communities and the related national indicators of economic growth, income inequality, journeys by active travel and access to green and blue space.
- 3.21 The Project aligns with two of the four priorities, for Investment and Inclusive Growth, of Scotland's Economic Strategy (2015), which sitting under the Performance Framework, sets out how the Scottish Government aims to achieve a more productive, cohesive, fairer Scotland based on increasing competitiveness and tackling inequality. The objectives of the Scheme align with specific actions identified in the Strategy to deliver the priorities of Investment and Inclusive Growth as follows:
- By delivering strategic transport infrastructure to improve connectivity to Ravenscraig as well as through the city region, providing access to the labour market and suppliers, the Project aligns with the identified action of "investing in Scotland's infrastructure to help business grow and create good quality employment opportunities";
 - By unlocking land at Ravenscraig for sustainable, mixed use development for housing, employment uses and community facilities within the one site, and designed with consideration to lowering carbon emissions, the Project supports the Government's action as identified in the Strategy to "invest in strengthening the success and resilience of local communities";
 - By improving connectivity into Ravenscraig, including provision for active travel, and facilitating the development of employment land at Ravenscraig as in the Revised Masterplan the Project supports the action identified in the Strategy to "realise opportunities across Scotland's towns, capitalising on local knowledge and resources, to deliver more equal growth across the country". This action is significant in terms of improving North Lanarkshire's economic performance to reducing the gap at a regional level.
- 3.22 In addition to aligning with the overarching purpose and economic strategy of the Scottish Government the Ravenscraig Masterplan has been developed with regard to and shaped by

national spatial policy and planning and design guidance. The regeneration of Ravenscraig is strongly supported at a strategic level by Scotland's Third National Planning Framework ("NPF3") prepared by the Scottish Government which identifies the site as one of two national development priorities to be taken forward under its strategy to create a "successful, sustainable place" recognising it as one of the largest regeneration sites in western Europe and the significant contribution its redevelopment will make to addressing concentrations of vacant and derelict land in Central Scotland.

- 3.23 The Ravenscraig Planning Permission in Principle has taken on board the opportunity as supported and encouraged by NPF3 to design and plan for low carbon and environmental infrastructure, including heat networks in the form of an energy centre that will contribute to a reduction in emissions, digital connectivity, sustainable urban drainage and the provision of a network of green corridors and active travel links. The Scheme in facilitating this development aligns closely with NPF3 in the delivery of an identified priority for action. Through the transport infrastructure to be delivered directly by the Scheme and achieving the objective of improving sub-regional strategic connections it will support the national planning outcome of making Scotland a connected place.
- 3.24 **Fit with regional policy** - The redevelopment of Ravenscraig, as a vacant and derelict site located centrally between the existing urban areas of Motherwell and Wishaw, adjacent to the WCML and within 2 miles of the M8, M74 and a national priority for development, fits well with, and is strongly supported by, the regional spatial development strategy for Glasgow and the Clyde Valley as set out in Clydeplan. With a focus on regeneration to reuse vacant and derelict land and generate large scale economic activity Clydeplan identifies the mixed use redevelopment of Ravenscraig as a key component of its regional spatial strategy recognising the significance of its contribution to the overall delivery of the strategic development as strategic town centre, a strategic economic investment location (SEIL) and a strategic delivery area for green networks and green infrastructure.
- 3.25 The Scheme also aligns well with the regional spatial development strategy with Policy 3 of Clydeplan which aims to support the development of the Pan Lanarkshire Orbital Transport Corridor, of which the Project forms a significant part, to achieve the strategic priority of regenerating Ravenscraig.
- 3.26 **Fit with local policy** - The Ravenscraig Planning Permission in Principle aligns with housing policy providing land supply to meet future need, without which pressure will be put on inappropriate sites for development. Opening up development land at Ravenscraig provides a rare and important opportunity to rehouse residents being displaced through the Council's re-provisioning of tower blocks within or adjacent to their existing communities and without encroaching on the greenbelt.
- 3.27 The Ravenscraig Planning Permission in Principle aligns with North Lanarkshire Local Plan (NLLP) 2012 which identifies Ravenscraig as an Area Priority for development and contributing to housing and employment land supply.
- 3.28 The economic impact of the Scheme and of the regeneration of Ravenscraig have been assessed and demonstrated as part of the City Deal Outline Business Case prepared during 2020, produced as Doc. No. 12, to secure funding under the Glasgow City Region City Deal as identified under section 7.
- 3.29 The City Deal Outline Business Case brings together the strategic, economic, commercial, financial and management case for the Scheme and for the investment. It sets out the rationale for intervention, the options considered and the impact of the proposed option, alongside arrangements for managing and delivering the Scheme.
- 3.30 The City Deal Outline Business Case identifies the impact of the Scheme and, critically of not doing the Scheme. In addition to the quantifiable loss of development of some 2,100

homes and 120,000 sq.m of commercial and industrial floorspace, failing to deliver the Scheme will see:

- the development of Ravenscraig severely constrained and coming to a standstill in the next few years with substantial parts of the site remaining undeveloped unless the development were allowed to progress with significant negative impact on existing communities and activity as the transport network is overwhelmed;
- pressure to meet housing and commercial demand elsewhere in North Lanarkshire and the region including greenfield sites and on land within the green belt;
- failure to meet demand for residential and commercial property with the demand being met elsewhere; and
- significant impacts of a failure to develop Ravenscraig on place attractiveness and competitiveness and the ability to attract inward investment.

4 POWERS OF COMPULSORY ACQUISITION

- 4.1 The 1984 Act contains the current legislative framework for the management and maintenance of the network of public roads in Scotland. It contains a number of provisions relating to the powers and duties of roads authorities. The statutory responsibilities are divided between the local roads authorities and the trunk roads authorities. Each Scottish local authority is a local roads authority and in terms of the 1984 Act has a statutory responsibility to manage and maintain the public roads in its area. A local roads authority is provided with a range of powers to fulfil its statutory duties in relation to the maintenance and management of public roads in its area, which includes the power to construct new roads and improve existing roads.
- 4.2 The Scheme is of importance to the fulfilment of the Council's statutory functions both as planning authority and local roads authority. The power of a local authority to acquire land for specific purposes through compulsory purchase is contained in various Acts of Parliament. The guidance provided by the Scottish Government regarding the use of appropriate compulsory purchase powers is contained in paragraphs 18 to 21 of Circular 6/2011 [Doc. **No. X**]. The Council considers that the powers under the 1984 Act are the relevant, and most appropriate, powers to use to secure the necessary rights for the roads scheme. The land being acquired will be used for construction of new road infrastructure and improvement of the existing road network in this location.
- 4.3 The Order has been made by the Council in exercise of the powers contained in the Roads (Scotland) Act 1984. In particular:-
- Section 20 which empowers a local roads authority to construct in their area any new road considered necessary;
 - Section 103 which enables a Local Authority to acquire land compulsorily or by agreement;
 - Section 104 which enables a Local Authority to acquire land in connection with the construction or improvement of a public road;
 - Section 106 which enables a Local Authority to acquire land for the purpose of mitigating adverse effects of construction of a road; and,
 - Section 110 sets out the general provisions as to the acquisition of land and particularly provides that any power to acquire land in terms of Sections 104 to 107 of the Roads (Scotland) Act 1984 shall include power to acquire a servitude over land by the creation of a new right.

- 4.4 The Council therefore considers that the making of the Order complies with the terms of its enabling powers.
- 4.5 The Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 sets out the process for compulsory acquisition and so applies to the Order. The acquiring authority is the Council but may only exercise the power of compulsory acquisition following confirmation of the Order by the Scottish Ministers. In terms of the procedures that apply under the First Schedule to the 1947 Act, the Council must give notice of the making of the Order to every owner, lessee and occupier of land affected by the Order. The notice must state the effect of the Order and that it is the Council's intention to submit the Order to the Scottish Ministers for confirmation, and, that there is a period within which objections can be made to the Scottish Ministers. Thereafter, the Scottish Ministers are obliged to consider the objections prior to confirmation in accordance with the procedure contained in the First Schedule.
- 4.6 At the meeting of the Enterprise and Growth Committee on 26 August 2021, the Council resolved to promote a Compulsory Purchase Order for the purpose of acquiring the land required for the roads scheme that had not been acquired through voluntary agreement [Doc. No. 13]. In making this Order the Council has taken full account of the Guidance provided in the Scottish Government Circular 6/2011: Compulsory Purchase Orders. The justification for the exercise of powers of compulsory acquisition is provided in the following section.

5 JUSTIFICATION OF LAND ACQUISITION

- 5.1 The imperative for intervention in delivering the Scheme, and in acquiring the associated land, is derived from the need to deliver economic development and opportunity across North Lanarkshire and in one of Scotland's most deprived locations and therefore benefits the public interest. This will be achieved through sustainable development taking an infrastructure-first and brownfield first approach to development avoiding the displacement of development from Ravenscraig to greenfield or greenbelt sites elsewhere.
- 5.2 The Scheme will facilitate the redevelopment of the Ravenscraig site. The development of the Scheme and of the site of the former Ravenscraig steelworks will see over £600 million net direct GVA, 6,000 net direct construction (PYE) jobs and 770 net direct long term (FTE) jobs.
- 5.3 If development is allowed to continue at Ravenscraig without the Scheme being in place, the existing local road network will quickly become overwhelmed and congested, as evidenced in the Ravenscraig TA. Without appropriate new transport infrastructure, access to the site of the former steelworks is severely constrained and the former steelworks remain largely vacant and derelict with the existing road and transport network being unable to accommodate the development without becoming overwhelmed. By planning to put strategic infrastructure in now, the development of Ravenscraig is able to progress without negative impact on the surrounding communities. The Council therefore believes there is a compelling case in the public interest to acquire the Order Land.
- 5.4 The Council has made significant progress with acquisition of the land required for the Scheme, having already acquired X% through voluntary negotiation and agreement. The Council will continue to seek to acquire all remaining interests by voluntary agreement.
- 5.5 Notwithstanding that the Council will continue to seek to acquire all remaining interests by voluntary agreement, compulsory acquisition of the remainder of the land will allow the Council to secure ownership of all of the land required in order to implement the Scheme..

- 5.6 The City Deal Outline Business Case assessed the potential for a number of approaches to funding including whether funding and the works could be delivered in a more piecemeal fashion over a longer period of time.
- 5.7 The nature of the infrastructure required: its scale, inter-connectedness to other public infrastructure, and its complexity in delivery; present clear evidence of market failure and the need for intervention, as identified in the City Deal Outlines Business Case. This, allied to the fact it is not possible to operate the Scheme in part only, necessitates the need for intervention and delivery through such a programme as the Glasgow City Region City Deal.
- 5.8 The Glasgow City Region City Deal provides significant capital funding for projects from the UK and Scottish Governments however this funding is available until 2025 and requires projects to be delivered by 2025.
- 5.9 For a project of this scale that involves a large number of land interests, it is impracticable for the Council to rely on its ability to acquire all interests by agreement within the project timeframe. Consequently promotion of the Order was considered necessary to ensure that the Scheme can be delivered within the programmed timescale. The timely delivery of the roads scheme is in the public interest, as discussed in section 3 above.
- 5.10 Details of known interests and rights to be acquired are listed in the Schedule to the Order which has been prepared based upon information gathered through searching and reviewing the Land Register of Scotland, title documents and site inspections. It is considered by the Council that only the exercise of powers of compulsory acquisition can deliver the land and the rights required to achieve the successful delivery of the roads scheme with the degree of certainty and security that the Council requires. For the reasons explained in this Statement of Reasons it is considered that compulsory purchase of the Order Land is necessary and justifiable in the public interest.
- 5.11 The rights of owners of interests in the Order land under the Human Rights Act 1998 have been taken into account by the Council when considering whether to make and promote the Order, and in considering the extent of land interests to be acquired under the Order.
- 5.12 Section 6 of the Human Rights Act 1998 prohibits a public authority from acting in a way which is incompatible with the rights and fundamental freedoms set out in specified provisions of the European Convention on Human Rights (“Convention Rights”).
- 5.13 Convention Rights likely to be engaged in the process of considering, making, confirming and implementing a Compulsory purchase order include those under Article 6 (Right to a Fair and Public hearing to determine a person’s civil rights), Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) and Article 8 (Right to respect for private and family life including a person’s home). In addition, in effect, Article 14 prohibits discrimination on any grounds in the way public authorities secure enjoyment of the rights protected by the European Convention on Human Rights.
- 5.14 In relation to the rights protected under Article 1 of the First Protocol the European Court has recognised that “regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole”. Both public and private interests are to be taken into account in the exercise of the Council’s powers and duties. Any interference with a Convention Right must be necessary and proportionate. Compulsory purchase and overriding private rights must be justified by sufficiently compelling reasons in the public interest and must be a proportionate means of achieving the objectives of the Order. Similarly, any interference with rights under Article 8 must be “necessary in a democratic society” and proportionate. The requirements under the Convention are accurately reflected in paragraph 17 of the CPO Circular.

- 5.15 “17. Compulsory purchase will not breach the European Convention on Human Rights where it is authorised by law, is proportionate and where it can be demonstrated to be in the public interest. This reinforces the requirement that the Authority should use compulsory purchase only where it is a proportionate response in the circumstances and there is a strong enough case for this in the public interest. The authority should therefore properly assess the public benefit in what it proposes against the impact on the people likely to be affected. It should also properly assess any reasonable alternative ways that it might realise it's aims.”
- 5.16 If a compelling case in the public interest can be demonstrated as the Council considers here then this will meet the requirements of the Convention. In making this Order, the Council has carefully considered the balance to be struck between individual rights and the wider public interest. Having regard to the matters set out above a compelling case in the public interest exists for the making and confirmation of the Order. Interference with Convention Rights, to the extent that there is any, is considered to be justified in order to secure the benefits which the Scheme will bring. Appropriate compensation will be available to those entitled to claim it under the relevant statutory provisions.
- 5.17 Affected landowners have a right to be heard in respect of any objections to the proposed Order, at a fair, independent and public hearing held under the provisions of the 1947 Act and related regulations for the holding of a public inquiry into objections. Further, those directly affected by the Order will be entitled to statutory compensation in respect of the necessary interference with their property rights.

6 AFFECTED LAND AND LANDOWNER CONSIDERATIONS

- 6.1 The Ravenscraig Planning Permission in Principle includes the proposed Scheme albeit in an iteration prior to the design development and the detailed planning permission.
- 6.2 As noted earlier the Council has an agreement requiring Ravenscraig Limited to provide the land it holds required for the Scheme with vacant possession, free of any occupiers tenants or lessees and also to provide access under licence to such other land as is required for the construction of the Scheme. These interests include land within the site of the former steelworks and two commercial land interests in Motherwell.
- 6.3 As noted at 2.32 the alignment of the crossing of the railway has altered from that shown in the Ravenscraig Planning Permission in Principle and now requires a small area of land the northern edge of the new road as it approaches the railway which is within the bounds of the Liberty Steel Dalzell works site.
- 6.4 In developing the Scheme the Council has sought to meet the requirements of the Scheme in respect of capacity and meeting appropriate standards whilst minimising the extent of land required and making best use of existing adopted roads and footpaths and other land within the Council's ownership.
- 6.5 A number of land interests and existing buildings that fall within the proposed line of the Scheme have remained so throughout the design development and are unavoidable, however beyond these the Council has sought, wherever possible, to limit the impact and the need for acquisitions. This has been possible in some cases and there are no acquisitions of residential properties required by the Scheme.
- 6.6 These intents, along with the constraints of overhead line and track equipment, has led to the alignment of the road-under-rail bridge. This alignment and the need for the new dual carriageway to meet the new signalised roundabout at Airbles Road and Windmillhill Street, whose position is determined by the need to connect to the three existing roads, has in turn determined the alignment of the road as it passes through the existing development areas

between the railway and new signalised roundabout. With the geometry of the road meeting appropriate standards for widths and radii of bends.

- 6.7 All of the land identified in the Schedule to the Order is required for the purpose of the Scheme, which includes land required for the construction of the road including the foot/cycleway, separation and service strips, lighting, drainage, utilities, landscaping, embankments and land required for operation.
- 6.8 The land required for the Scheme is shown on drawing number XXXXX (Doc. No. 14). The Scheme will require the acquisition of approximately 18 land interests that are owned between 12 parties.
- 6.9 The Council has made the Order for the compulsory purchase of the land shown coloured in pink on the land interest plans attached to the Order, and for temporary rights over land shown coloured green on said plans. Generally, the land required lies around the periphery of the existing roundabout at Airbles Road / Windmillhill Street and the adjoining side roads and between this roundabout and the railway line.
- 6.10 The Order Land comprises:-:

Author's note. *The schedule will be inserted following Committee approval to the CPO and prior to finalising making the order to allow for current voluntary negotiations to be properly accounted.*

- 6.11 The Council is satisfied that all of the land that it seeks to acquire through compulsory acquisition is necessary and sufficient to deliver the Scheme.
- 6.12 The Council has maintained an ongoing public profile for the Scheme and sought early engagement throughout and has:
- Maintained dedicated pages on the Council's website for the City Deal programme and for the project, with the ability for visitors to sign up to receive updates;
 - Published press releases and social media post (Facebook and twitter) at key project milestones including at the approval of the strategic and outline business cases and approval of the masterplan for Ravenscraig;
 - Presented public reports to the Council's Enterprise and Growth Committee (and its predecessor the Enterprise and Housing Committee); and
 - Held briefings for elected members including most recently prior to the pre-panning public engagement.
- 6.13 Recent reports to the Council's Enterprise and Growth Committee have included most recently: August 2020 which set out the key points for the business case for the project and provided the details of the concept schemes being developed. The publication of this report was accompanied by an additional notification by letter of the forthcoming Committee report to 555 residential and commercial properties in the immediate vicinity of the proposed development, and in February 2021 which provided update on the City Deal programme and confirmed approval to commence of the procurement of Network Rail to construct the WCML Crossing.
- 6.14 In addition, approval by the Council's Finance and Resources Committee has been sought for acquisitions of Dellburn Trading Park and No.1 Manse Road in March and May 2021 respectively.

- 6.15 In December 2020, a voluntary Pre-Application Engagement exercise was carried out to better inform communities of the proposed scheme. Specifically the engagement aimed to provide information on:
- The proposals, as the detailed designs were developed and ahead of submission for approval and formal public consultation;
 - The overall proposed timing of the project; and
 - The next steps including voluntary acquisition of land and interests
- 6.16 Owing to restrictions in place as a result of COVID19 during the autumn 2020 and the uncertainty over when restrictions might lift or indeed greater restrictions be put in place, it was determined that online engagement was appropriate. The core of the information was provided by a Scheme specific webpage to which links were provided from a number of other Council sites. The publication of the webpage was supported by press notices, social media releases by the Council's Facebook and twitter feeds.
- 6.17 In order that those with limited access to the internet or digital media were notified, a flyer was distributed to residential and commercial properties in the surrounding area. The flyer provided a short introduction to the proposals, a location plan and links to the webpage and contact details for the Project Team. Acknowledging that the particularly geography and location of development means that its impacts a wide area was selected. In total some 6,178 flyers were posted.
- 6.18 Overall, given the nature of the proposed scheme, the number of responses received were relatively low. However, in view of the prior notification of the Scheme through the Ravenscraig Planning Permission in Principle and through the Scheme specific channels, this is not considered to be representative of the level of awareness of the Scheme.
- 6.19 In total 57 responses were received from members of the public, of which 6 related solely to a proposal for a rail freight terminal, which is being made by a third party. These responses were forward to the case office dealing with the potential application. A further 2 responses were received from organisations. In general, the response from members of the public was mixed with some 17 of the 51 responses being opposed to the scheme, whether wholly or in part, and with 10 responses in support of the proposals and the objectives.
- In considering the issues raised, many have been addressed through, for example, the assessment of the impact on noise and air quality and through the design of measures to mitigate these impacts and which have been further assessed through the planning stage.
- 6.20 The detailed planning application for the Scheme was the subject of the statutory neighbour notification procedures and press advertisement. In total 12 public comments were received, with one being from an organisation rather than a member of the public. Of these, 6 objected to the Scheme on the grounds of the nature of the cycling provision (which for this Scheme is consistent with the Council's Active Travel Strategy), the link to the rail freight development, traffic volumes and road safety and speeds on Airbles Road, impacts on air quality and of noise.
- 6.21 The public comments and the case officer's assessment are summarised in the Report to Planning Committee, produced at Doc. No. 15.
- 6.22 As noted there are no acquisitions of residential properties required by the Scheme however it is recognised that the Scheme could impact on residential properties through noise and air quality.
- 6.23 Assessments of these impacts were provided as part of the Scheme Detailed Planning Permission. The assessment of air quality identified concluded that the impact from the proposed schemes is predicted to be insignificant for all major pollutants. The assessment of noise and vibration impacts identified the need for acoustic barriers at three locations

which are included within the Scheme and a small number of properties, 28, which are expected to qualify for secondary insulation under the Noise Insulation (Scotland) Regulations 1975.

6.24 The assessments also considered impacts during construction and required mitigation measures form part of the Outline Construction Method Statement.

6.25 In addition to the above public awareness and consultation, the council is continuing to correspond with affected owners with regard to voluntary acquisitions.

7 FUNDING

7.1 The Council is satisfied that it will be able to secure the necessary funding for the Scheme, including the costs associated with the compulsory acquisition of land and payment of any compensation due. Furthermore the Council is satisfied that the Scheme will be completed over a reasonable timescale.

7.2 Following the approval by the Council's Enterprise and Growth Committee in August 2020, Glasgow City Region City Deal approved the Outline Business Case in October 2020. This confirms the funding to be provided under the City Deal programme. However, this funding is available only until 2025 and requires projects to be delivered by 2025. It is therefore necessary for the Council to promote the Order at the present time to ensure that this timescale for funding can be met.

7.3 The Council's financial contribution to the costs of the Scheme has been further approved and provided for in the 2021-2025 capital programme, approved at the Council's Policy and Strategy Committee on 18th March 2021 (report attached as Doc. No. 15). This aligns with the funding availability and constraints of the City Deal programme.

7.4 Further approvals will be required following the conclusion of procurement processes for works contracts but prior to award to ensure that the Scheme progresses within budget and meets the objectives.

7.5 The estimates of cost of the Scheme are based on:

- Detailed design by the Council and Network Rail' design teams working in close partnership;
- Extensive ground and site investigations;
- Assessment of values of properties and other interests provided the District Valuer Services of the Valuation Office Agency and including acquisitions made to date; and
- Allowances for inflation over the duration of the Scheme and for risk and contingency appropriate to the nature and current status of the Scheme.

8 SPECIAL CONSIDERATIONS/MINISTERIAL STATEMENTS

Related Orders or Applications

8.1 Stopping Up Orders will be required in relation to the closure of Manse Road and Orbiston Street and Traffic Regulation Orders will be required to change the current one-way operation of Meadow Road and Rose Street to two-way operation. Given responses to public consultations already carried out in relation to the application for Planning Permission, the Council is satisfied that there is reasonable prospect of securing all of the required Orders.

- 8.2 Works affecting protected species, including bats and badgers, will be required to be undertaken under appropriate licence. Construction Site Licences will be required under the Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended). Works directly affecting the railway will be undertaken. The Council is satisfied that there is reasonable prospect of securing all of the required licences.

Unknown Owners

- 8.3 There are no unknown owners.

Special Considerations

- 8.4 There are no Special Considerations affecting the Order Land.

Ministerial Statements

- 8.5 No views have been expressed by Scottish Ministers regarding the Council's proposed Scheme.

9 SUMMARY

- 9.1 This Statement of Reasons sets out the reasons why the Council believes that the powers of compulsory purchase contained in the Order are necessary and sets out why there is a compelling case in the public interest for making the Order which justifies the overriding of private rights. The Council considers that the considerations identified within the Circular have been taken into account in the making of the Order. Furthermore, there is a clear and compelling case for confirmation of the Order.

10 LIST OF DOCUMENTS

- 10.1 A list of documents accompanying this Statement of Reasons is appended hereto. The Council reserves the right to add to or amend the list of documents as necessary.

11 INSPECTION OF DOCUMENTS

- 11.1 A copy of the Order, the map referred to therein, and the documents referred to in the documents list appended to this Statement can be viewed on the Council's website at [insert website address]
- 11.2 Any person requiring further information or wishing to raise any queries on the Scheme proposals should contact Jonathan Speed, Senior Project Manager, Planning & Regeneration Email: speedj@northlan.gov.uk Tel: 07583 669625 North Lanarkshire Council

Fiona Ekinli

Legal Manager

Proper Officer

North Lanarkshire Council

[dated]

DRAFT

Author's note. *The documents will be inserted following Committee approval to the CPO and prior to finalising making the order.*

Documents list:

Doc. No. 1 - Extracts of the 1984 Act containing the relevant provisions are referred to for their terms

Doc. No. 2 - Location plan of Ravenscraig

Doc. No. 3 - Overview general arrangement drawing of the Scheme

Doc. No. 4 - Planning Application Design & Access Statement

Doc. No. 5 - Ravenscraig Planning Permission in Principle

Doc. No. 6 - The Scheme Detailed Planning Permission

Doc. No. 7 – Not used

Doc. No. 8 - Outline Construction Method Statement

Doc. No. 9 - Ecology Appraisal Report

Doc. No. 10 - Ravenscraig Transport Assessment

Doc. No. 11 - Updated Ravenscraig STAG Part 1 appraisal

Doc. No. 12 – City Deal Outline Business Case

Doc. No. 13 - Enterprise and Growth Committee report for Promotion of Compulsory Purchase Order

Doc. No. 14 – Land required

Doc. No. 15 – Report to Planning Committee