

REPORT TO: THE MORAY COUNCIL ON 20 JANUARY 2010

SUBJECT: A96 TRUNK ROAD (FOCHABERS & MOSSTODLOCH BYPASS) COMPULSORY PURCHASE ORDER 2005

BY: HEAD OF ESTATES SERVICES

1. REASON FOR REPORT

- 1.1 To ask the Council to note that the Scottish Government has acquired the lands (shown outlined and hatched black on **APPENDICES 1-4**) from the Council using compulsory purchase powers and to ask that the Council approve the provisionally agreed terms of compensation.
- 1.2 This report is submitted to the Council in terms of Section (ii) 4 of the Council's Administrative Scheme relating to compulsory acquisition of land and buildings.

2. RECOMMENDATION

- 2.1 **It is recommended that the Council approve the provisionally agreed terms of compensation as set out in Section 3.2 of this report.**

3. BACKGROUND

- 3.1 Transport Scotland promoted the A96 Trunk Road (Fochabers & Mosstodloch Bypass) Compulsory Purchase Order 2007 for the purposes of acquiring land necessary for the construction of the Fochabers & Mosstodloch Bypass. Following on from the above Compulsory Purchase Order, Transport Scotland issued the Moray Council with a general vesting declaration, as a consequence of which they became owners of the lands shown outlined and hatched black on **APPENDICES 1-4** and entitled to take possession, with effect from 11 July 2008.
- 3.2 Following negotiations by the Head of Estates Services with Transport Scotland's agents provisional terms of compensation were agreed as follows:-
- a. A compensation payment of £7,100 by the Scottish Government to the Council.
 - b. The Council's legal expenses in this matter will be met in full by the Scottish Government.
 - c. The Council's surveyor's expenses in the amount of £1,043.78 will be met by the Scottish Government.

- d. Interest on the purchase price will be paid at the statutory rate from 11 July 2008 until the date of payment.

4. SUMMARY OF IMPLICATIONS

(a) Single Outcome Agreement/Service Improvement Plan

The proposals support Local Priority 10 (Efficiencies) of the Single Outcome Agreement.

(b) Policy and Legal

None.

(c) Resources (Financial, Risks, Staffing and Property)

Financial/Risks

Settling the compensation arrangements as detailed above would generate a capital receipt of £7,100 in financial year 2009/10 to the General Services Account. This sum is considered to represent market value. The Scottish Government is to meet the Council's legal and surveying fees and expenses.

Staffing

None.

Property

The property implications are as detailed in this report.

(d) Consultations

Aileen Scott, Principal Solicitor (Commercial & Conveyancing) and the Chief Financial Officer were consulted and their comments are contained within this report.

Ward Members Councillors A D McDonald, G McIntyre and D G Ross have been consulted and will be able to make their views known at the meeting.

5. CONCLUSION

5.1 The compensation provisionally agreed is considered to represent the full market value of the property and accordingly it is recommended that the provisionally agreed terms be approved.

Author of Report: Alex Burrell, Estates Surveyor
Background Papers:
Ref: AB/JB/ME/780/48/rep 090813