

## **The Highland Council**

### **Planning, Development & Infrastructure Committee**

Agenda Item	11
Report No.	PDI 8/14

**14 May 2014**

### **Proposed Compulsory Purchase of Land at Nether Lochaber Slip (Corran Ferry)**

#### **Joint Report by Director of Development & Infrastructure, and Head of Corporate Governance**

##### **SUMMARY**

Nether Lochaber Slip is the eastern terminal of the Council-operated Corran Ferry crossing.

Between September and December 2010, the Council undertook urgent repair and strengthening of the slip. The work included the construction of a new berthing face for the ferry vessel.

The new berthing face sits on seabed and foreshore ground that is in private ownership. The Council has sought to purchase that area of ground (some 116 sq. metres). The owner remains unwilling to sell the ground to the Council.

This report seeks approval to proceed with the compulsory purchase of the ground, using the Council's statutory powers.

#### **1. Background**

- 1.1 Nether Lochaber Slip is the eastern terminal of the Council-operated Corran Ferry crossing. The ferry slips are 'marine works' in terms of the Harbours Act 1964 and for the purposes of the Local Government (Scotland) Act 1973.
- 1.2 The berthing face of the slip structure (against which the ferry vessel rests when loading and unloading vehicles and passengers) had been formed in steel sheet-piles.
- 1.3 Over the period of approximately 30 years since their installation, in a challenging marine environment, the steel sheet-piles had become heavily corroded, and were holed in places, giving serious concern for the safety of the ferry operation.
- 1.4 Between September and December 2010, the Council undertook urgent repair and strengthening of the slip. This work included the necessary construction of a new concrete berthing face, for secure operation of the ferry vessel.
- 1.5 The new berthing face sits on seabed, and intertidal ground, just in front of the steel sheet-piles. That ground is part of the foreshore adjacent to, and on the north side of the slip. It lies between the Mean Low and High Water Marks of Spring Tides, and extends to an area of some 116 square metres.

- 1.6 In July 2011, some seven months after completion of the works, it was established that the foreshore ground is in the private ownership of Ardgour Estate.
- 1.7 The Council has sought to purchase the area of ground. However, despite negotiations over an extended period, the owner remains unwilling to sell the ground to the Council.

## **2. Compulsory Purchase Order**

- 2.1 The oldest part of the slip structure has been in Council ownership for many years, since the Council's predecessor authorities took over operation of, and responsibility for the ferry operation.
- 2.2 When extension and widening of the slip were undertaken in the 1970s and 1980s, agreement over the required seabed area was reached with The Crown Estate (96 sq. metres), and a small area of foreshore was purchased from Ardgour Estate (110 sq. metres).
- 2.3 The permanent nature of the slip structure is such that the Council requires ownership of the ground on which the whole of the slip (including the recent works) sits. However, despite efforts to reach agreement with Ardgour Estate, including the offer of independent valuation of the ground in question, the owner remains unwilling to sell to the Council.
- 2.4 The Council has carried out the works and the ferry is running. The land owner initially did not appear to have an issue *per se* with the Council's occupation, however in a letter from the owner's agent stated that his client "is not inclined to sell the area of foreshore in question and should an agreement not be reached (*the agents have asked the council agree a lease however a purchase is thought by the council to be appropriate for the reasons in the report*), **the Highland Council will be required to remove the structure**".
- 2.5 Therefore, it is proposed that the Highland Council promote a compulsory purchase order in terms of the Local Government (Scotland) Act 1973 to acquire the foreshore ground. It is considered that a Compulsory Purchase Order is necessary in order to allow the Council to exercise control over the ground in question given the failure to reach agreement with the land owner. The Council will continue to negotiate with the land owner and seek to purchase the land by agreement. Any land purchase compensation arrangements will be undertaken by the District Valuer.
- 2.6 The land required for the slip is shown on the plan which is appended as Appendix A. The Compulsory Purchase Order is to be entitled The Highland Council (Nether Lochaber Slip) Compulsory Purchase Order 2014.

## **3. Implications**

### **3.1 Resource Implications**

The funding for 2010 works was from the Council's Capital Programme. Therefore the proposed compulsory purchase process would also be funded

from the Capital Programme.

3.2 Legal Implications

There are implications in the use of compulsory acquisition powers to acquire land. The Council will publish and give notice of the Compulsory Purchase Order and follow the statutory processes required in order to seek consent.

3.3 Equality Implications

There are no equality implications.

3.4 Climate Change Implications

There are no climate change implications.

3.5 Gaelic Implications

There are no Gaelic implications.

**RECOMMENDATION**

Members are invited to agree to recommend that Council :

- i. resolves to make The Highland Council (Nether Lochaber Slip) Compulsory Purchase Order 2014 to acquire the ground required for the slip as shown in Appendix A;
- ii. authorises the Director of Development and Infrastructure to advertise the Compulsory Purchase Order and take all necessary steps to obtain title; and
- iii. authorises the Director of Development and Infrastructure to undertake negotiations through the District Valuer of any claims for compensation and costs payable to owners and lessees of the ground required.

Designations: Director of Development & Infrastructure / Head of Corporate Governance

Date: 01 May 2014

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Background Papers: Project HAF6163

APPENDIX "A"

Land Interest Plan LP1a.

