

## WEST DUNBARTONSHIRE COUNCIL

### Report by Chief Officer: Supply, Distribution and Property

Council: 31 August 2022

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**Subject: Exxon Land Acquisitions**

#### **1. Purpose**

- 1.1** To note the progress made in negotiations with landowners and seek approval for acquisitions as detailed in the report.

#### **2. Recommendations**

- 2.1** It is recommended that the Committee:

- (i) Approve recommendations contained in 4.8, 4.13; 4.16; 4.18, 4.22, 4.25 and 4.27.
- (ii) Authorise the Chief Officer, Supply, Property and Distribution to conclude negotiations.
- (iii) Authorise the Chief Officer, Regulatory and Regeneration to conclude the transaction on such conditions as considered appropriate.

#### **3. Background**

- 3.1** Previous reports, listed in background papers on Report to Council 31 August 2022: Glasgow City Region City Deal - Update have identified progress of the Council's project at the Exxon site.
- 3.2** The Exxon site development project will entail delivery of road access and the supporting infrastructure required to enable development of the site.
- 3.3** One of the fundamental infrastructure requirements is the construction of road network accesses at the eastern and western extents of the site linked by a spine road through the site, which will enable it to be accessed for development.
- 3.4** The site requires substantial investment in site preparation prior to development taking place including decontamination works prior to transfer to West Dunbartonshire Council, creation of new roads infrastructure, flood, environmental and drainage mitigation.

#### **4. Main Issues**

- 4.1** Extensive discussions have taken place with a number of landowners in respect of acquisitions of land to facilitate the redevelopment of the former

oil terminal.

- 4.2** West Dunbartonshire Council engaged District Valuer as agents to appraise each site, provide valuations and thereafter negotiation with landowners on agreed acquisition prices and other reasonable provisions to accommodate concerns of the landowners and other reasonable provisions to accommodate concerns of the landowners.
- 4.3** A plan detailing the various land acquisition sites can be found at Appendices 1 (a) and 1 (b).
- 4.4** Past Reports to Council have narrated the benefits of the project to the West Dunbartonshire Community in terms of the improvement to transport and the GVA which will arise from the project and the necessity to acquire land in order to deliver the project. These reports are listed as background papers to this report.
- 4.5** It is the viewpoint of officers that they have done all that is reasonable over a number of years to acquire the required land on a voluntary basis.
- 4.6** Whilst the Council has been clear that it would pursue all avenues to acquire on a voluntary basis, and that remains the fastest and most favoured route, the option of compulsory acquisition remained on the table. The project is now at a point that if compulsory purchase is required, a delay in proceeding by that route represents a risk to the project.

#### **Arnold Clark Automobiles Limited**

- 4.7** Negotiations have taken place in respect of a voluntary arrangement with Arnold Clark Automobiles Limited in respect of the area required for the Exxon site development project at a value of Twenty Thousand Pounds (£20,000) Sterling.
- 4.8** It is recommended that members agree to purchase of the area of ground detailed in Appendix 2 from Arnold Clark Automobiles Limited for the sum of Twenty Thousand Pounds (£20,000) Sterling.
- 4.9** During negotiations for the purchase of the land as part of the Exxon site development project we were approached by Arnold Clark Automobiles Limited to purchase the area of ground (Appendix 3) which they currently lease from West Dunbartonshire Council for £20,000 per annum.
- 4.10** This area of ground is not required by West Dunbartonshire Council for any operational requirement.
- 4.11** The disposal of the site to Arnold Clark Automobiles Limited will retain a local business within West Dunbartonshire.
- 4.12** A valuation was instructed via the District Valuer who has subsequently provided a valuation of Three Hundred and Sixty Five Thousand Pounds (£365,000) Sterling.

- 4.13** It is recommended that members agree to dispose of the area of ground detailed in Appendix 3 to Arnold Clark Automobiles Limited for the sum of Three Hundred and Sixty Five Thousand Pounds (£365,000) Sterling.
- 4.14** This disposal will have no suspensive conditions and be able to conclude within 4 weeks of any approval given by Council.

#### **Charles Cleary**

- 4.15** Negotiations have taken place in respect of a voluntary arrangement with Charles Cleary in respect of the area require for the Exxon site development project at a value of Sixty Five Thousand Pounds (£65,000) Sterling.
- 4.16** It is recommended that members agree to purchase of the area of ground detailed in Appendix 4 from Charles Cleary at a value of Sixty Five Thousand Pounds (£65,000) Sterling.

#### **Chivas Brothers Limited**

- 4.17** Negotiations have taken place in respect of a voluntary arrangement with Chivas Brothers Limited in respect of the area require for the Exxon site development project at a value of Twenty Thousand Pounds (£20,000) Sterling.
- 4.18** It is recommended that members agree to purchase of the area of ground detailed in Appendix 5 Chivas Brothers Limited at a value of Twenty Thousand Pounds (£20,000) Sterling together with reasonable accommodation works in respect of safety fencing for the area of land being retained by Chivas Brothers Limited.

#### **Susan Jane Dick**

- 4.19** Negotiations have taken place in respect of a voluntary arrangement with Susan Jane Dick.
- 4.20** Susan Jane Dick has presented the Council with conditions regarding the rehoming of her ponies on a temporary and permanent basis and on assessment officers are able to offer the following which it believes best addresses the conditions:
- Purchase from Susan Jane Dick the area of ground detailed in Appendix 6 at a value of Seventy Seven Thousand Four Hundred Pounds (£77,400) Sterling;
  - Transfer of an area of ground up to 4 acres at the site currently known as Sheepfold, on reinstatement after works, subject to Esso Petroleum Company Limited's approval and subject to ongoing obligations as to use of land. This will be at a value agreed per acre as at today's date to ensure no detriment to Susan Jane Dick when purchasing at a later date.
  - Granting of a grazing let at a site at Overtoun for a nominal sum of £1 for a term to be defined.
  - Transfer at nil value an area of ground near Littlemill for reburial of

horses.

- 4.21** In addition to the above terms the Council will agree to either carrying out a new site investigation report for the area known as Sheepfold or augmenting the report already received to include testing of not just the soil, but also the vegetation and the water on site at the request of Susan Jane Dick.
- 4.22** It is recommended that members agree subject to a voluntary agreement with Susan Jane Dick the terms detailed in 4.20.

### **Scottish Society for Prevention of Cruelty to Animals (SSPCA)**

- 4.23** Negotiations have taken place in respect of a voluntary arrangement with SSPCA in respect of the area require for the Exxon site development project at a value of Eighteen Thousand Pounds (£18,000) Sterling.
- 4.24** Negotiations are ongoing in relation to area of ground to reduce the size of the acquisition but these are not yet concluded at the time of writing the report.
- 4.25** It is recommended that members agree to purchase the area of ground or part of the area of ground detailed in Appendix 7 to SSPCA following conclusion of negotiations with the landowner at a value to be agreed with the District Valuer.

### **All Sites**

- 4.26** All reasonable fees in respect of legal and land agents incurred as a result of any of the transaction will be required to be paid by West Dunbartonshire Council.
- 4.27** While all reasonable efforts have been made to enter into the above voluntary arrangements, officers believe that the terms proposed represent the most the Council can reasonably offer. As timescales for the commencement of construction are extremely tight, should acquisition not be secured on binding terms within a very short period the project would face considerable risk both in terms of price inflation and possession of the railway to allow the works on the underbridge to commence. Accordingly, approval, is sought to acquire any or all of the sites by Compulsory Purchase Order under Part I of the First Schedule to the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 and either the Town & Country Planning (Scotland) Act 1997 or the Roads (Scotland) Act 1984 should there be any delay in acquisition. Delegated authority is sought for the Manger of Legal Services to determine the appropriate approach and formulate any CPO for submission to Scottish Ministers for their approval to the Council's subsequent legal acquisition of the land.

## **5. People Implications**

- 5.1** There are no people implications with this report.

## **6. Financial Implications**

- 6.1** As detailed in 4.26 all reasonable fees in respect of legal and land agents incurred as a result of any of the transaction will be paid by West Dunbartonshire Council but the value of these fees will not be known until transactions have completed.
- 6.2** As detailed in 4.22 and 4.25 and contained in recommendations 4.8, 4.16 and 4.18 cost in the region of £200,400 will be incurred subject to further clarification. This indicative budget cost is already accounted for in the wider the Exxon site development project and no additional funds are being sought in respect of this report.
- 6.3** By agreeing to the recommendation contained within 4.13, the Council will benefit from a sizeable capital receipt of Three Hundred and Sixty Five Thousand Pounds (£365,000) Sterling.
- 6.4** There are no procurement implications arising from this report.

## **7. Risk Analysis**

- 7.1** There are a number of project risks associated with the acquisition of land and the impact on the wider Exxon project and these are monitored regularly by the project board and any issues highlighted in the regular City Deal updates to Council.
- 7.2** There is a risk that if the voluntary acquisition is delayed the project may face delays and costs which may put the viability of the project in doubt. This risk is mitigated by the request that compulsory purchase powers can be delayed in the event of delay.

## **8. Equalities Impact Assessment**

- 8.1** An Equalities Impact Assessment is not required for this report.

## **9. Strategic Environmental Assessment (SEA)**

- 9.1** A Strategic Environmental Assessment is not required for the purposes of this report

## **10. Consultation**

- 10.1** Consultation was undertaken with landowners, external stakeholders and various officers across a number of services including Resources and Regulatory.

## **11. Strategic Assessment**

- 11.1** The acquisition of the land contained within this report as part of the wider Exxon project will contribute to the Council's strategic priority for a strong local economy and improved job opportunities

**Angela Wilson**  
**Chief Officer, Supply, Distribution and Property**  
**Date: 17 August 2022**

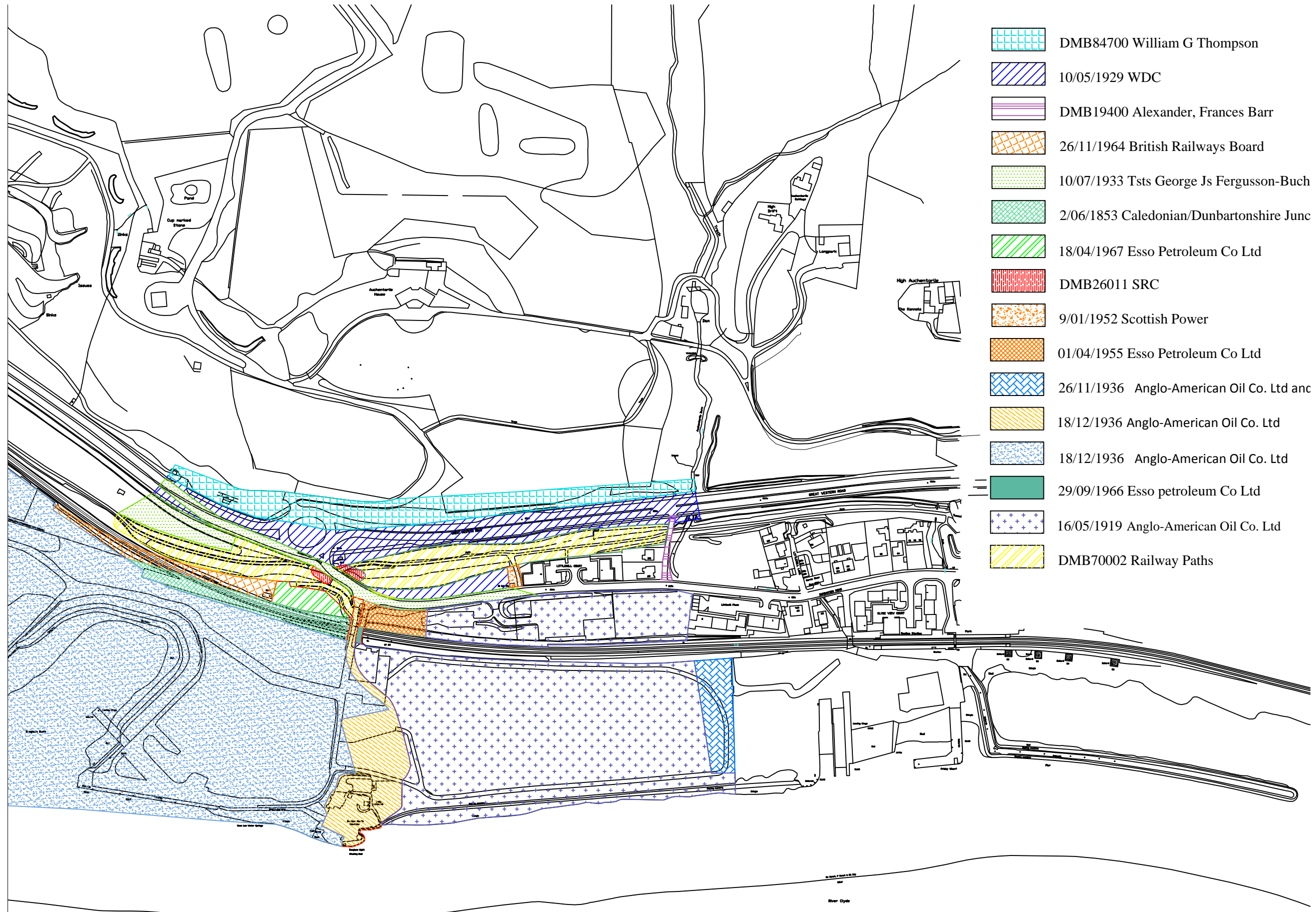
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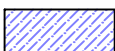

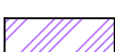

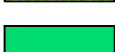


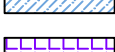
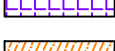
















**Person to Contact:** Michelle Lynn, Assets Co-ordinator  
Email: michelle.lynn@west-dunbarton.gov.uk

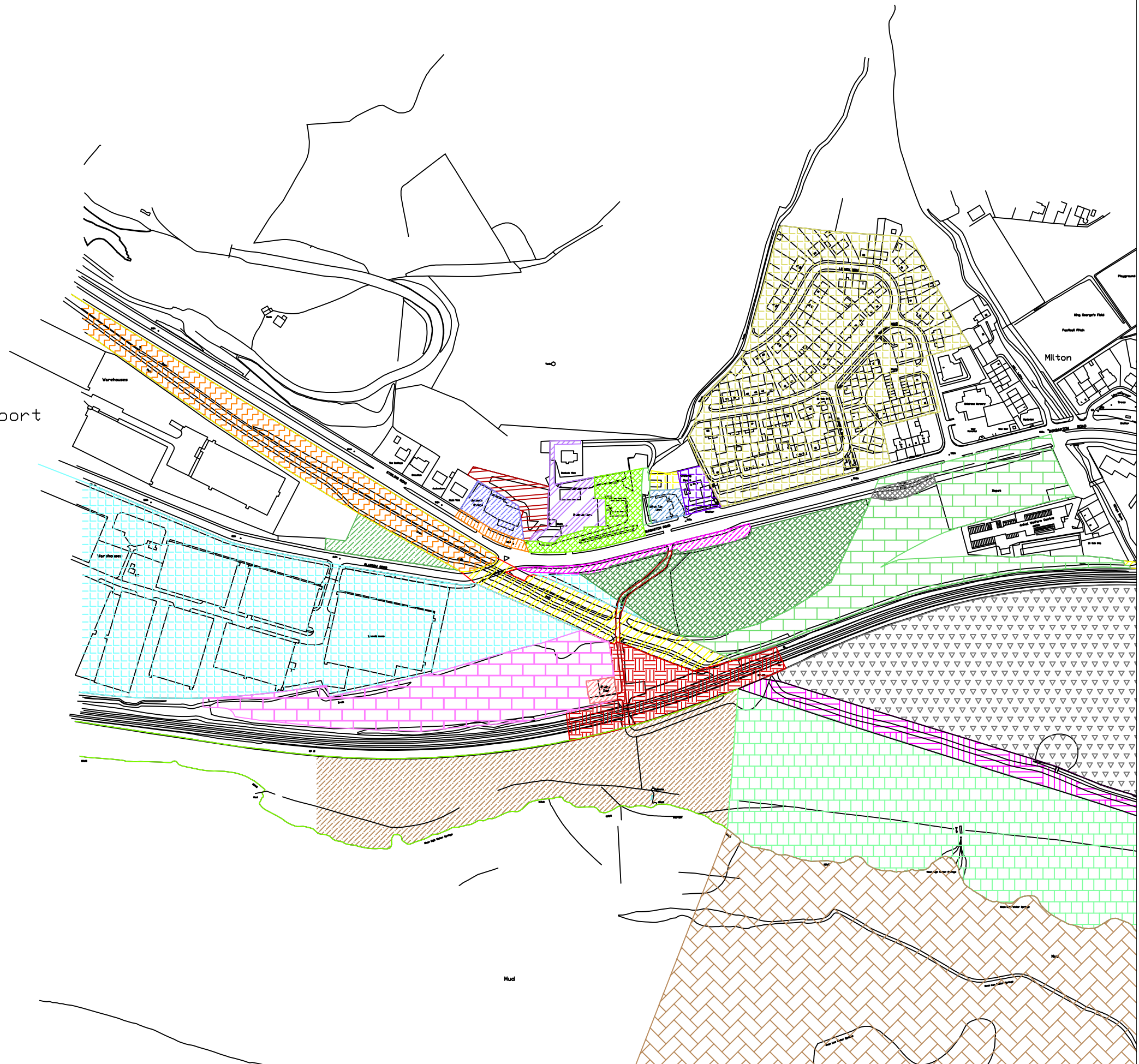
**Appendix:** Appendix 1(a) – Land Acquisition Plan  
Appendix 1(b) – Land Acquisition Plan  
Appendix 2 – Land Acquisition Plan (Arnold Clark Automobiles Limited)  
Appendix 3 – Land Disposal Plan (Arnold Clark Automobiles Limited)  
Appendix 4 – Land Disposal Plan (Charles Cleary)  
Appendix 5 – Land Disposal Plan (Chivas Brothers Limited)  
Appendix 6 – Land Disposal Plan (Susan Jane Dick)  
Appendix 7 – Land Disposal Plan (SSPCA)

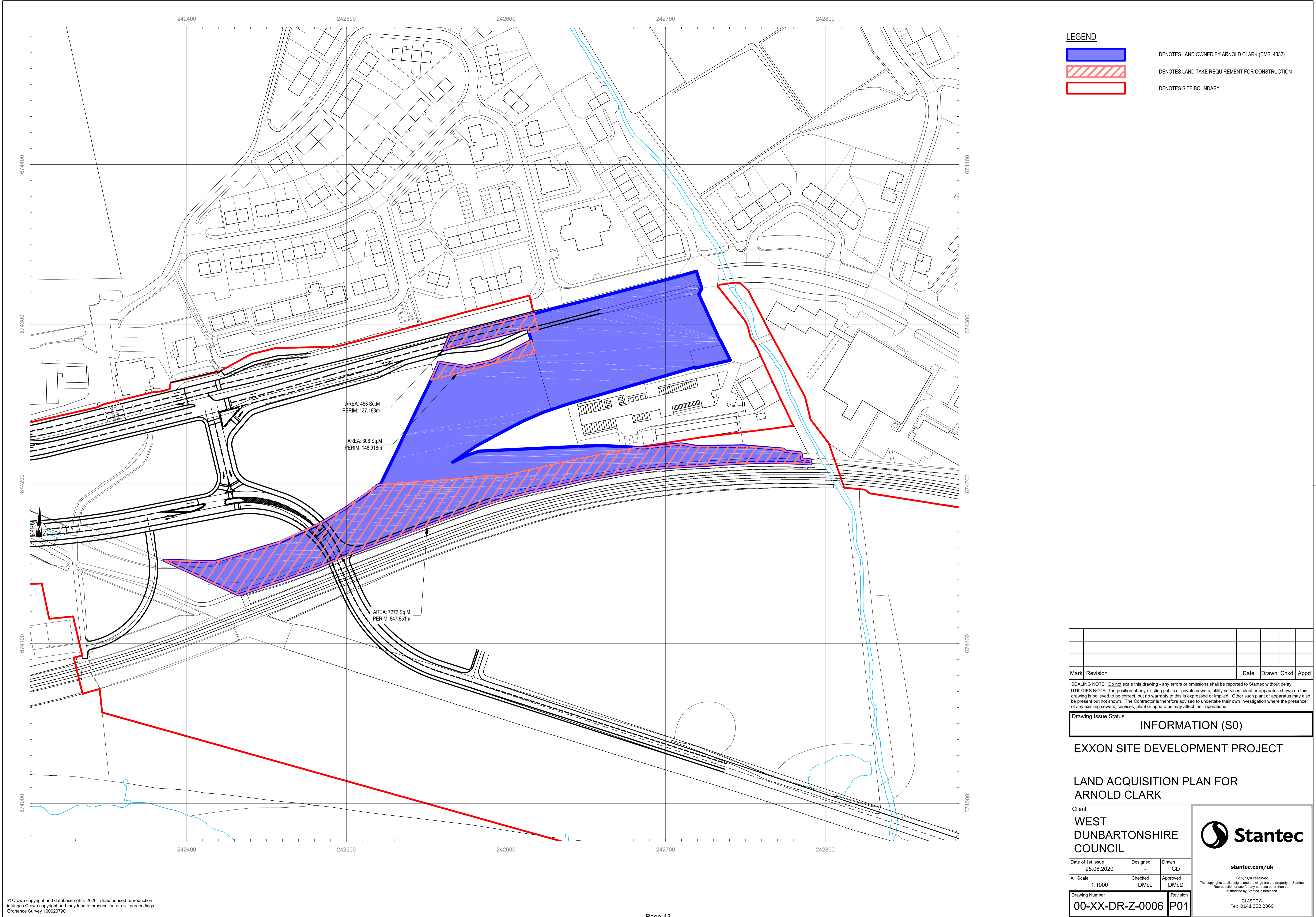
**Background Papers:** UK Shared Prosperity Fund Report to Housing and Communities Committee 22 August 2022  
[GCR Interim Performance Report- 18 Nov 2021](#), [GCR Education Improvement Collaborative/West Partnership Improvement Plan 2021/22](#), Glasgow City Region City Deal – 29 Council updates since February 2016, March 2021 Elected Members briefing- Renfrew Bridge, July 2020 Members Bulletin.  
ExxonMobil Commercial Agreement 24 June 2020.  
Glasgow City Region City Deal - Exxon Site Outline Business Cases 22 Feb 2017 and 28 Nov 2018 (Refreshed).  
Clyde Valley City Deal - Update and Strategic Business Case- Council 24 June 2015.  
Clyde Valley City Deal Update- Council 25 Aug 2015 and 16 Dec 2015.  
Clyde Valley City Deal- Governance- Council 17 Dec 2014.  
Glasgow City Region City Deal- Council 13 August 2014.  
“City Deal Initiative” Clyde Valley Investment Fund- Council 30 April 2014 (Memorandum of Understanding).  
Clyde Valley Community Planning Partnership – City Deal Initiative – Council 28 August 2013.  
Equalities Impact Assessment November 2018.  
Environmental Impact Assessment - [DC20/088 – Planning Application – Documents](#).

**Wards Affected:** 3



- |  |  |
|--|--|
|    | DMB67436 John Lindsay                          |
|    | DMB65027 John Lindsay                          |
|    | 1/3/1966 + 17/6/1977 John Lindsay              |
|    | 22/2/1967 Esso Petroleum                       |
|    | DMB85377 James, Helen Filshie                  |
|    | 21/7/1981 James, Helen Filshie                 |
|    | core path + adjacent proprietors               |
|    | DMB32469 James, Helen Filshie                  |
|    | DMB20377 James Filshie jnr                     |
|    | 15/10/1965 WDC                                 |
|    | Oswald Eden Dickinson or Ministry of Transport |
|    | DMB63630 Secretary of State                    |
|    | 17/07/1947 WDC                                 |
|   | DMB75080 Scottish Ministers                    |
|  | DMB70002 Railway Paths                         |
|  | DMB70815 Susan Jane Dick                       |
|  | DMB82940 Chivas Brothers Ltd                   |
|  | DMB14332 Arnold Clark                          |
|  | 12/07/2011 Network Rail                        |
|  | 23/03/1957 Exxon Mobil                         |
|  | DMB38635 Chivas Brothers Ltd                   |
|  | DMB83804 Scottish Water                        |
|  | DMB10946 and DMB38635 Chivas                   |
|  | 29/05/1959 WDC                                 |
|  | 27/07/1981 James, Helen Filshie                |
|  | 14/09/1960 Exxon Mobil                         |
|  | 11/04/1967 Charles Cleary                      |





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INFORMATION (S0)

EXXON SITE DEVELOPMENT PROJECT

LAND ACQUISITION PLAN FOR  
ARNOLD CLARK

Client



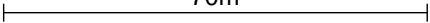
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COUNCIL

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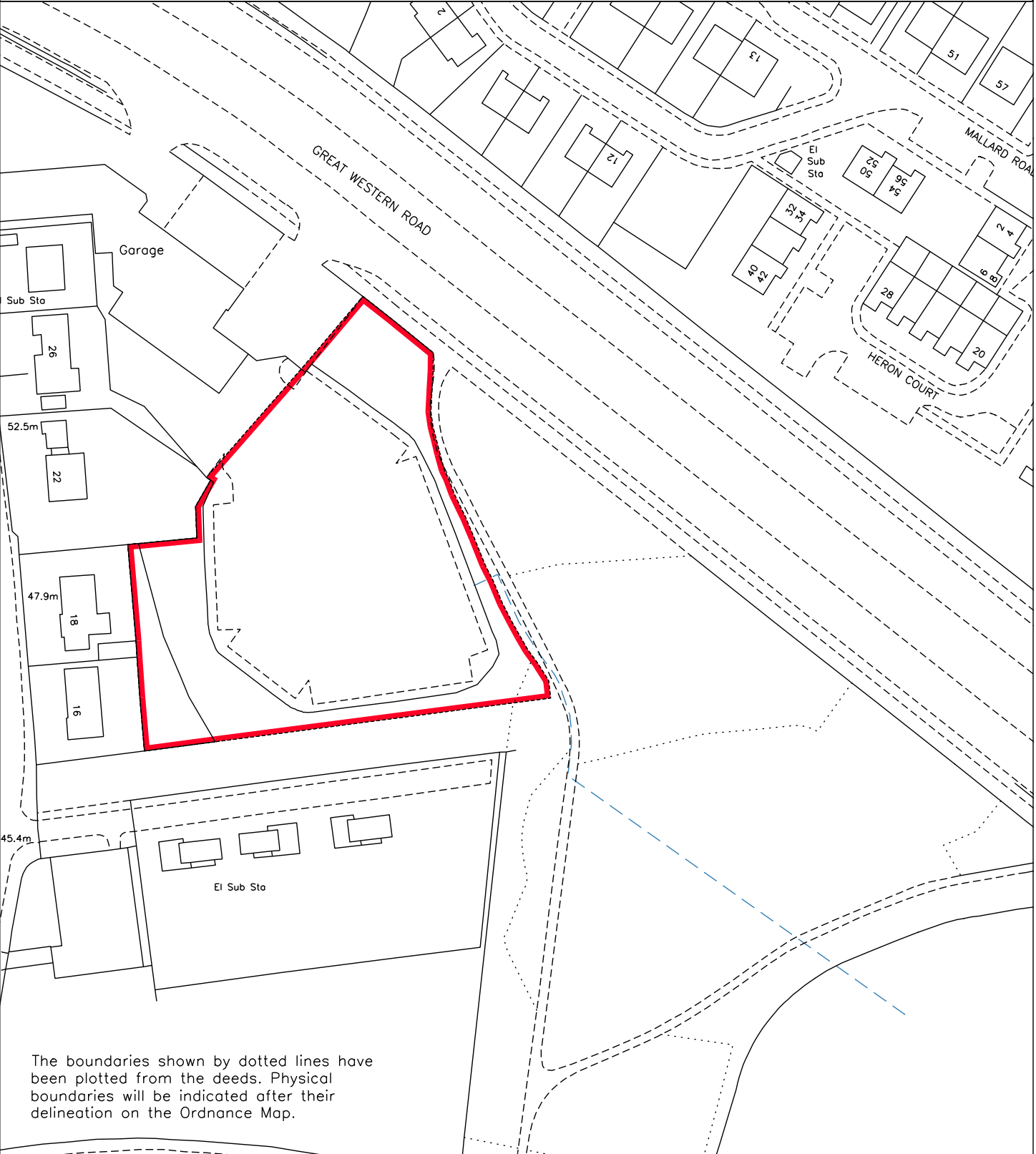
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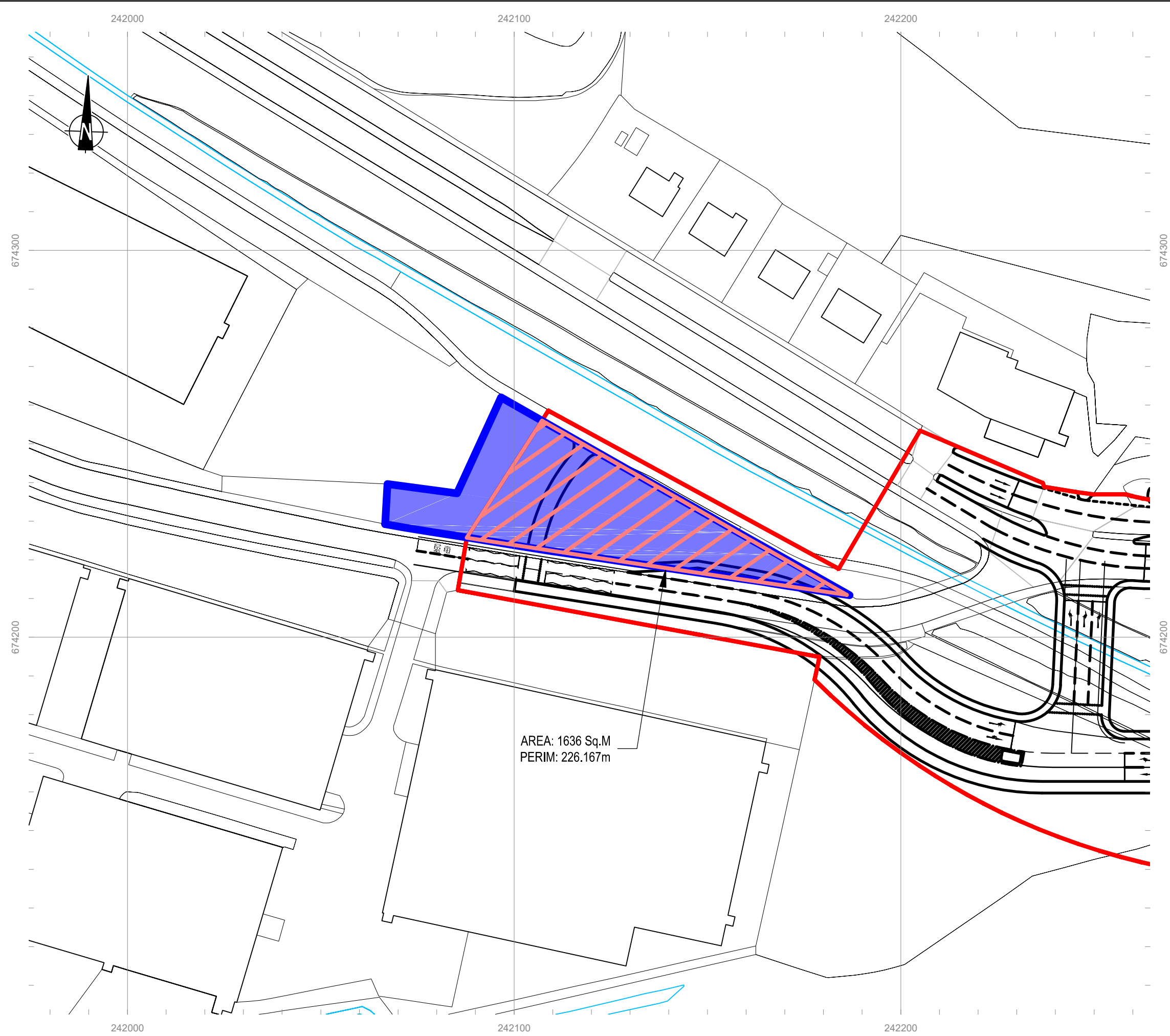
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 LAND REGISTER OF SCOTLAND	Officer's ID / Date	TITLE NUMBER
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	ORDNANCE SURVEY NATIONAL GRID REFERENCE	70m 
NS4972SW NS4972SE NS47SE		Survey Scale 1/1250




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The boundaries shown by dotted lines have been plotted from the deeds. Physical boundaries will be indicated after their delineation on the Ordnance Map.



**LEGEND**

-  DENOTES LAND OWNED BY CHARLES CLEARY (11/04/1967)
-  DENOTES LAND TAKE REQUIREMENT FOR CONSTRUCTION
-  DENOTES SITE BOUNDARY

Mark	Revision		Date	Drawn	Chkd
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**INFORMATION (S0)**

**EXXON SITE DEVELOPMENT PROJECT**

**LAND ACQUISITION PLAN FOR CHARLES CLEARY**

Client  
**WEST DUNBARTONSHIRE COUNCIL**



Date of 1st Issue  
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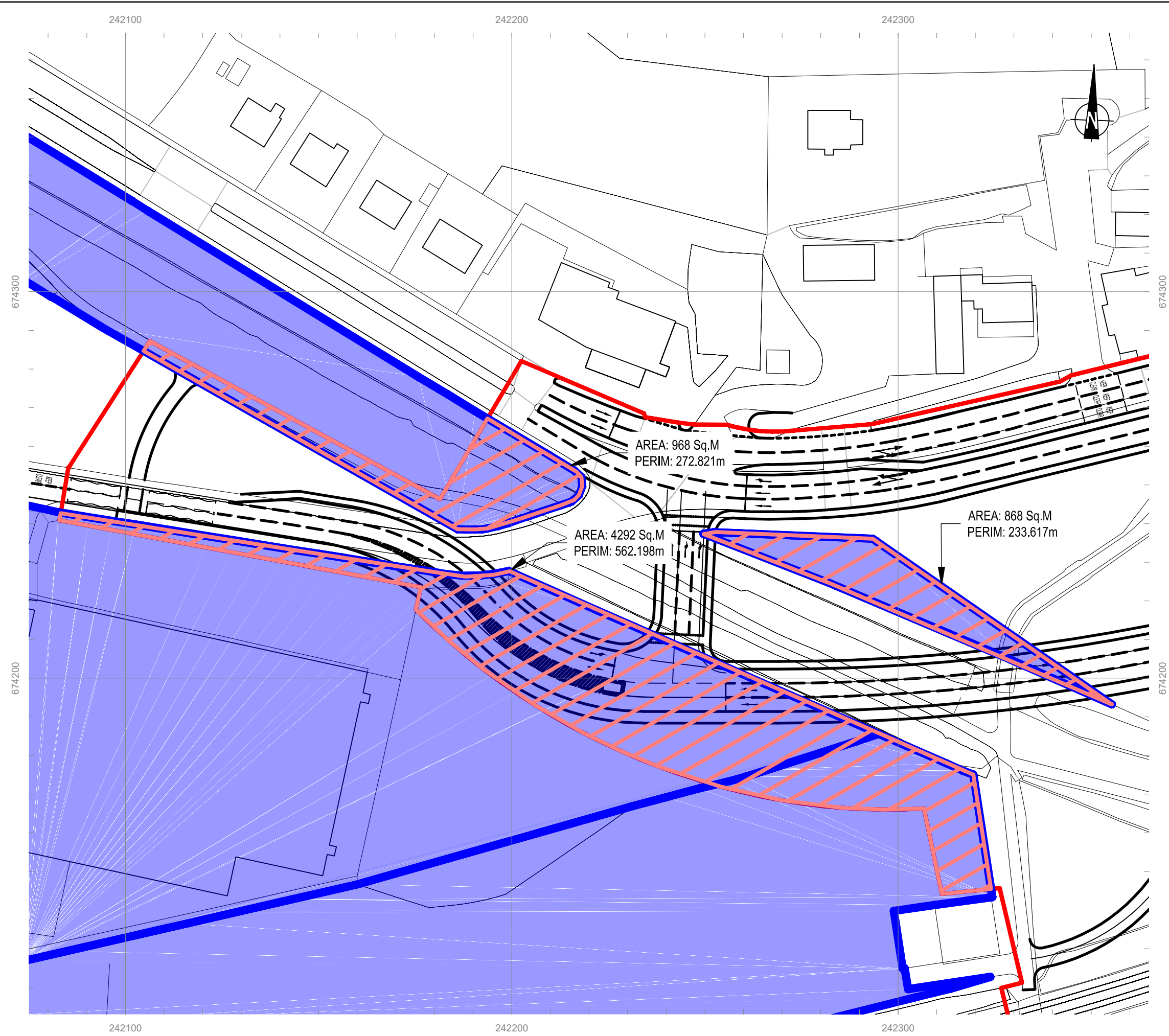
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LEGEND

-  DENOTES LAND OWNED BY CHIVAS BROTHERS LIMITED (DMB10946, DMB82940, DMB38635)
-  DENOTES LAND TAKE REQUIREMENT FOR CONSTRUCTION
-  DENOTES SITE BOUNDARY

Mark	Revision		Date	Drawn	Chkd Appd

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EXXON SITE DEVELOPMENT PROJECT

LAND ACQUISITION PLAN FOR CHIVAS BROTHERS LIMITED

Client  
WEST DUNBARTONSHIRE COUNCIL



Date of 1st Issue  
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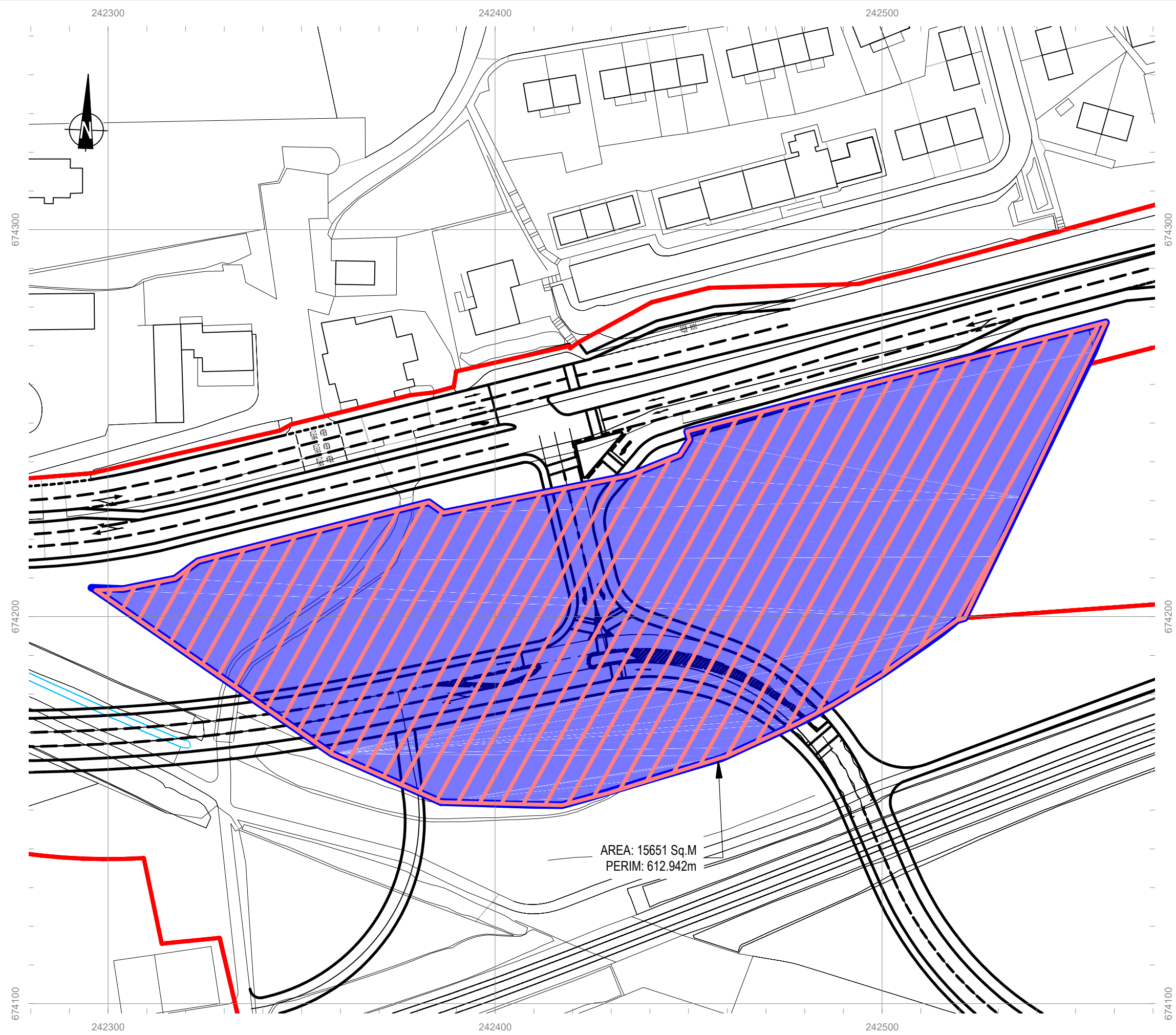
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**LEGEND**

-  DENOTES LAND OWNED BY SUSAN JANE DICK (DMB70815)
-  DENOTES LAND TAKE REQUIREMENT FOR CONSTRUCTION
-  DENOTES SITE BOUNDARY

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**EXXON SITE DEVELOPMENT PROJECT**

**LAND ACQUISITION PLAN FOR SUSAN JANE DICK**

Client  
**WEST DUNBARTONSHIRE COUNCIL**



Date of 1st Issue  
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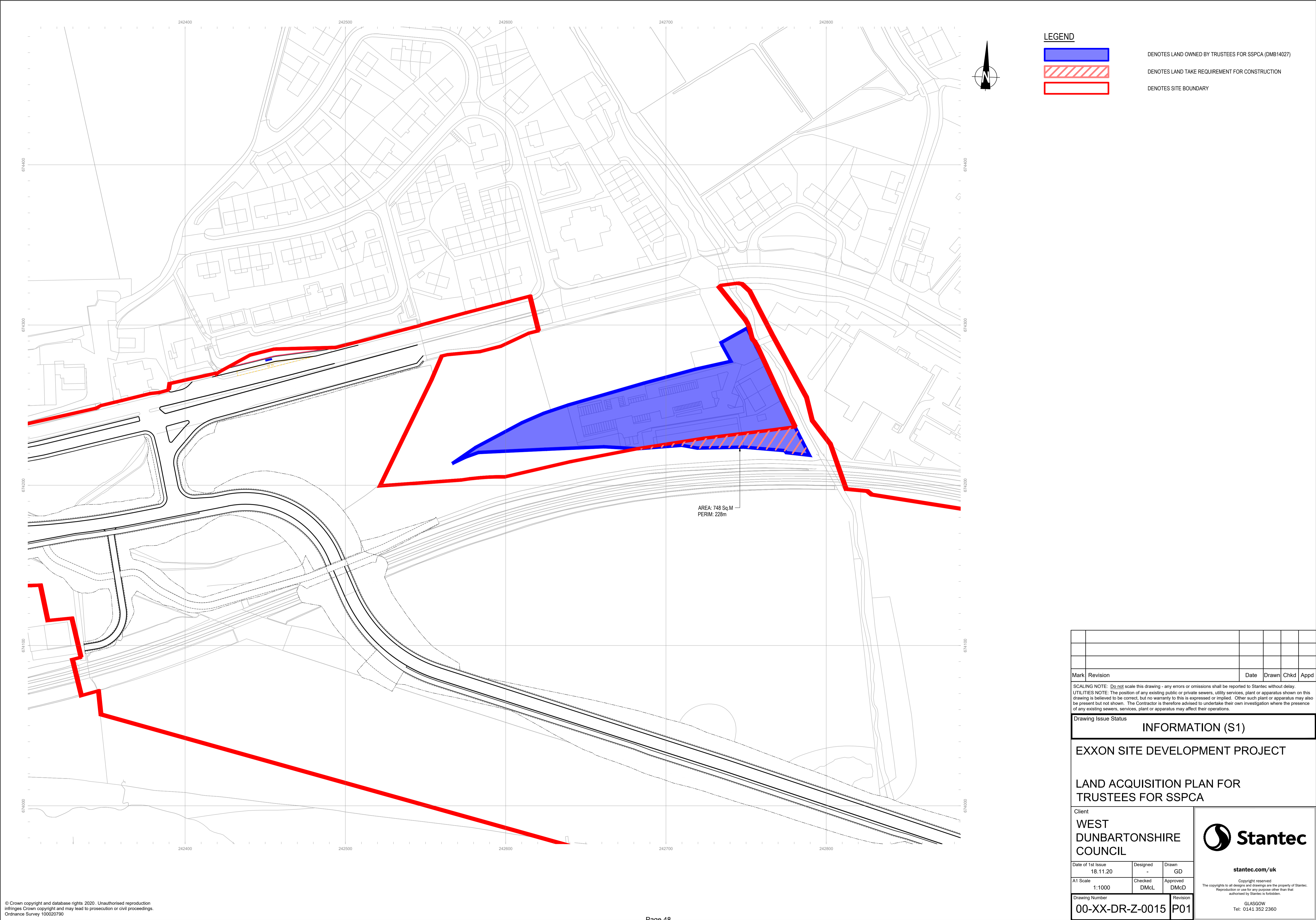
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LEGEND

DENOTES LAND OWNED BY TRUSTEES FOR SSPCA (DMB14027)

DENOTES LAND TAKE REQUIREMENT FOR CONSTRUCTION

DENOTES SITE BOUNDARY

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