

REPORT

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| TO: | PLANNING & DEVELOPMENT (BUILDINGS AND PROPERTY) SUBCOMMITTEE | SUBJECT: CARFIN/HOLYTOWN NEW ROUTE - LAND COMPENSATION (SCOTLAND) ACT 1973 PART 1 |
| FROM: | DIRECTOR OF PLANNING & DEVELOPMENT | |
| DATE: | 10 NOVEMBER 1998 | REF: JD/HM |

1. PURPOSE OF REPORT

The purpose of this Report is to seek Council approval to pay compensation to residential owner/occupiers adjacent to the new Carfin/Holytown Link Road under the terms of the Land Compensation (Scotland) Act 1973 Part 1.

2. DESCRIPTION

A list of the properties which are the subject of this Report are detailed on the attached Schedule.

3. BACKGROUND

Under the terms of the Land Compensation (Scotland) Act 1973 owner/occupiers of residential properties adjacent to newly constructed road schemes are entitled to claim compensation for the depreciation in value of their premises as a result of physical factors emanating from the scheme (i.e. noise, vibration, pollution).

The Carfin/Holytown Link Road was constructed by Strathclyde Regional Council and first opened to traffic on 3 May 1995 which is deemed to be the "relevant date". Any person owning a property affected by the new route as at "the relevant date" may submit a claim for compensation after 12 months. The first "claim date" is therefore 3 May 1996 and at present North Lanarkshire Council have received 230 competent claims from 5 separate chartered surveying firms acting on behalf of the claims in Holytown, Newarthill, New Stevenston and Carfin areas.

This represents the sixth Report to Committee on this subject following earlier Reports dated 27 May, 23 September and 11 November 1997 and 31 March, 27 September 1998. A total of 18 claims now remain outstanding.

4. PROVISIONAL AGREEMENT

Compensation payments are based on a percentage of the depreciation in value of each property as at the first claim date, 12 months after the opening of the road. The provisional compensation figures for each property are shown in the attached Schedule for ease of reference.

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A statutory rate of interest will be applied to the compensation figures from the "first claim date". In addition under the terms of the Land Compensation (Scotland) Act 1973 North Lanarkshire Council are obliged to pay the claimant's surveyor's fees and legal fees incurred in the transaction.

5. RECOMMENDATION

It is recommended that the provisional agreement described above and as shown on the attached Schedule are approved by Committee.



STANLEY COOK
Director of Planning & Development

JK
AHY

SCHEDULE

| Address | Description | Compensation | Claimant |
|--------------------------|--------------------|--------------|------------|
| 18 Tweed Lane, Holytown | 3 Apt. Mid Terrace | £1,230 | D McKenzie |
| 3 Deveron Road, Holytown | 3 Apt. Mid Terrace | £1,680 | A Nimmo |

LOCATION PLAN - For Information Only

Title: Carfin/Holytown New Road C.P.O.

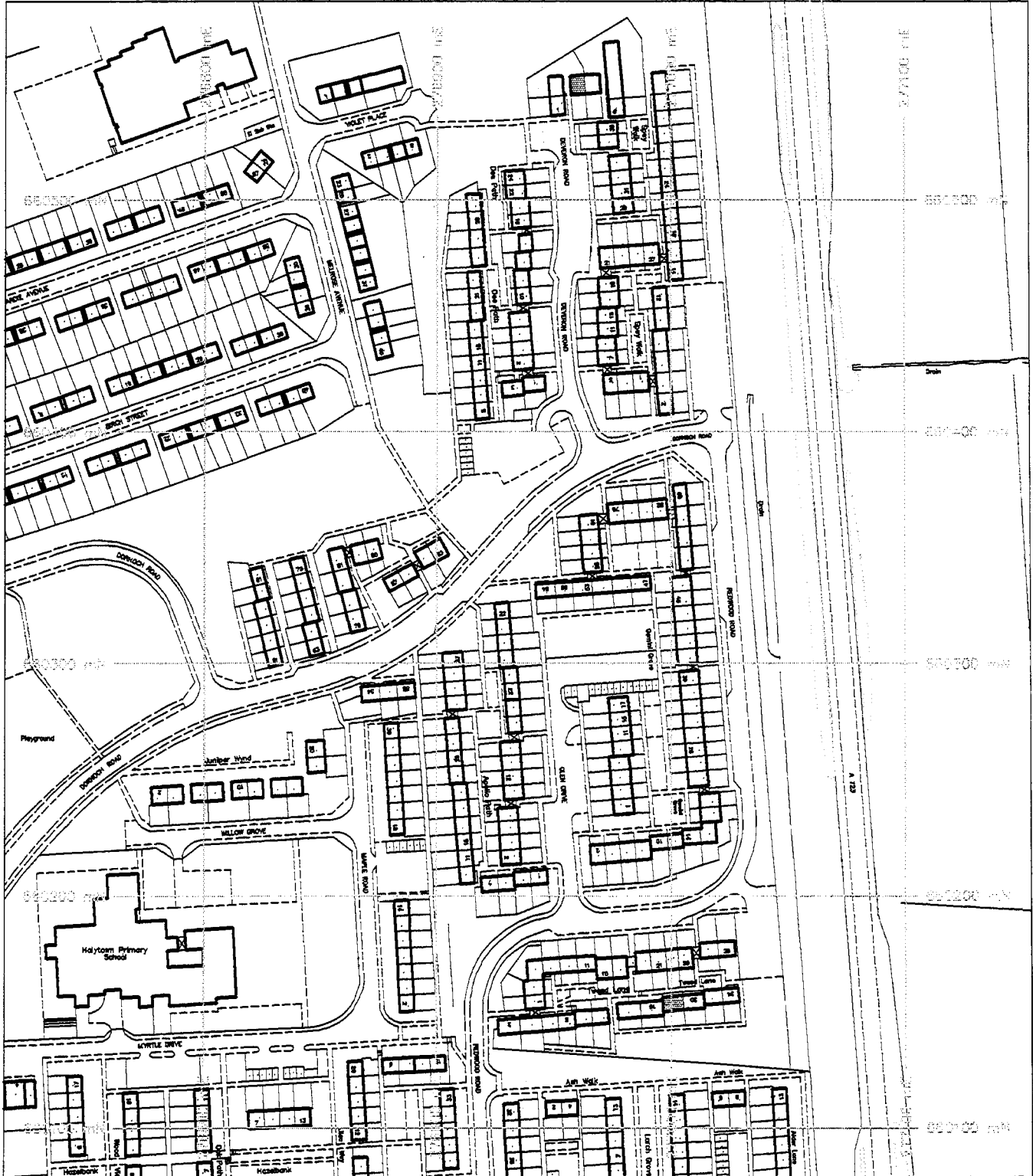
Scale: 2500

Town: Part 1 Claims Holytown

Date: 02/11/98



Property Division



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DEPARTMENT OF PLANNING & DEVELOPMENT

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