

REPORT

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:	16 FEBRUARY 1999	

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 the 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 proprietors in Holytown, Newarthill, New Stevenston and Carfin.

This represents the eighth Report to Committee on this subject following earlier Reports dated 27 May, 23 September and 11 November 1997 and 31 March, 27 September, and 10 November 1998 and 5 January 1999. A total of 5 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 is shown on the attached Schedule for ease of reference.

A statutory rate of interest will be applied to the compensation figure 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

SCHEDULE

Address	Description	Compensation	Claimant
16 Tweed Lane, Holytown	3 apartment mid terrace	£1,025	J Cox

