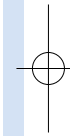
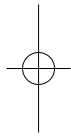


Glasgow Airport Rail Link

**Private Bills, Compulsory Purchase
and Compensation**





Cover photography © Iain McLean





Introduction

Strathclyde Passenger Transport (SPT) is working on a new, direct rail link between Glasgow Central Station and Glasgow Airport. SPT has to get permission for the rail link from the Scottish Parliament by submitting a Private Bill for the Parliament's approval. If the Bill is passed it will give SPT the legal powers it needs to build the rail link.

The link is likely to cross private property so the Bill will include powers to buy land using compulsory purchase powers. It will also include powers to temporarily take possession of land that is needed while the rail link is being built.

This leaflet describes what rights people have, what compensation they may be due and how they can object to the Bill or appeal against decisions.

The Law relating to compulsory purchase and compensation is very complicated. This page is only intended as a simple guide and shouldn't be used as a substitute for legal advice. You should contact your solicitor or other adviser for advice about your particular case.



The Parliamentary Process

In legal terms, SPT is the promoter of the Glasgow Airport Rail Link Private Bill. When a promoter applies for a Private Bill, which includes compulsory purchase powers, the promoter must notify all landowners who may be affected. This gives people a chance to lodge an objection to the Bill in Parliament in the same way as if they were objecting to a normal compulsory purchase order.

Bills are considered by a Parliamentary Committee before being considered by the Full Parliament. Committees can take evidence from the promoter, supporters and objectors. This is a key part of the parliamentary process. Once a Bill is passed and has received Royal assent it becomes an Act of the Scottish Parliament.

How much land is needed?

All the land that is potentially needed will be listed in the Bill. It will also be shown on plans. Both the Bill and the plans will be available to the public. A compulsory purchase order can only be used to buy land that is actually needed for the project. Once all the design work is finished, it may turn out that a piece of land isn't actually needed even though it's mentioned in the Bill. In this case it can't be bought with a compulsory purchase order.

Temporary possession

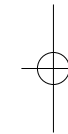
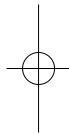
A piece of land might only be needed for a short time, for example, during construction work. Ideally we would negotiate an agreement with you to use the land. If this isn't possible we may serve you with a Notice of Entry. This would be done at least 28 days before the land was needed. If we need to use your land temporarily you might be entitled to compensation for loss of, or damage to, the land.

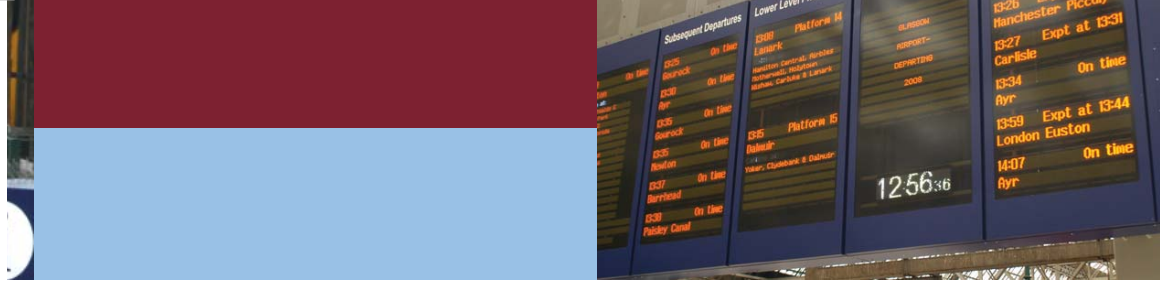
Compensation

If we buy or temporarily use your land under the powers of the Act you will be entitled to compensation. You may want to get professional advice to help you with any claim for compensation. If you have to pay fees for getting advice from a surveyor or solicitor, for example, you may be able to claim them back from us. Fees are normally paid in line with the scale set out in the Statutory Compensation Code which is the body of legislation and case law governing compulsory purchase. You can take your case to the Lands Tribunal for Scotland if you aren't happy with the amount of compensation we offer.

When we buy land

We would rather not have to use any compulsory purchase powers if we can avoid it. Our aim is to negotiate with landowners





to reach an agreement to buy the land and property we need.

If you own land or property that's mentioned in the Bill, or if you own a property that's affected by the work, you can ask us to buy it. We will carefully consider all requests.

If we need to buy your property and we can't reach an agreement with you, then you will get compensation. We will pay the 'market value' for your land or property. This is what a willing seller might be expected to get for the property on the open market. It takes into account any planning permission or the potential to get planning permission.

One of the key principles with compulsory purchase is that the landowner should be in the same financial position as if his/her property hadn't been taken. This means while they shouldn't be worse off, they shouldn't be better off either.

The market value does not take into account any increase or decrease in value caused by the GARL project or the fact that the land or property is being bought using compulsory purchase powers. Similarly, we can't take into account any buildings or developments which have been built for the sole reason of increasing compensation.

Where there isn't a general market demand for a property for example, a church, then the compensation would be the cost of relocating and setting up in new premises.

In certain cases you can claim for disturbance caused as a result of the scheme. Disturbance

usually covers the costs of removal, adaptation of fittings etc.

If we only take part of the property you may claim compensation for severance, injurious affection or both.

Severance is when we take part of your land and this reduces the value of the land you have left. For example if we were to take part of your garden, you might lose access to your property. We may agree to do certain work, for example creating a new access or building new walls, instead of paying compensation in cash.

Injurious affection is when the effects of the railway line, for example noise, fumes or vibration, reduce the value of the part of your property you have left.

You can't claim compensation for severance or injurious affection if we buy all of your property.

If you suffer material detriment then you may be able to ask us to buy the whole of your property. Material detriment is where taking a part of certain types of property (e.g. of a garden of a house) has a serious effect on what is left.

Taking entry

If we need to acquire your property for the scheme we will serve the appropriate notices on you. The procedures and notice periods are laid down in the compulsory purchase legislation. You will have at least three months from the date we issue the



notice to the date we take possession of your property. Before we take possession of your property, we may need to enter it to carry out a survey. In this case, we will issue you with a Notice of Entry at least seven days before the survey is due to start.

Compensation when no land is bought

If the Bill is passed, then the Glasgow Airport Rail Link scheme would be authorised by an Act of the Scottish Parliament. This means that you couldn't bring an action, under the general law of nuisance, against the project if it interfered with your use or enjoyment of your land or property. This immunity only covers activities authorised by the Act or which follow on from an activity authorised by the Act. You can still claim compensation for activities which are negligent.

There may be situations where we don't buy any part of your land but the value of your land falls because of the building of the railway. If you want to claim compensation in these circumstances your claim must satisfy four rules:

- The fall in the value of your land is due to work authorised by the Act.
- Something has been done which you could normally have taken action against if the GARL Scheme hadn't been protected by law.

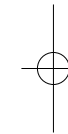
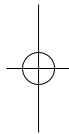
- Your land has fallen in value because a lawful right you enjoy, which increases the value of your land, is being physically interfered with.
- The fall in value is due to ongoing work and not the operation of the railway.

Blight

Blight is where you consider that you can't sell your property, or you can only get a reduced price for it, because we have said in the Bill that we may need to buy your property. After the Bill becomes an Act of the Scottish Parliament you can serve a notice on us which, if we either accept it or the Lands Tribunal for Scotland rules in your favour, would mean that we have to acquire your property at market value.

After the railway has opened

We may pay compensation if you can show that the value of your property has been reduced by 'physical factors' caused by the new railway being used. Your claim needs to be based on one of seven specific physical factors: noise, vibration, smell, fumes, smoke, artificial lights and solid or liquid substances being released onto the land. You can't claim compensation for things like losing your view. You can only claim this type of compensation after the new railway has been open to traffic for at least one year. There are special arrangements if you sell your property within one year of the railway opening.



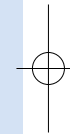
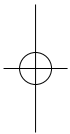


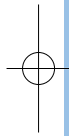
**You can find out more about the
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