

EDINBURGH AIRPORT RAIL LINK BILL

Approved

ADVANCE PURCHASE SCHEME (“APS”)

relating to property subject to compulsory purchase within LOD/LLAU

Criteria

The Edinburgh Airport Rail Link Bill (“the Bill”) applies the provisions of the Town and Country Planning (Scotland) Act 1997, relating to planning blight. This means that after Royal Assent, when the Bill has become an Act of the Scottish Parliament, land that may be compulsorily purchased under the Bill will be “blighted land” for the purposes of the 1997 Act. Those with what the 1997 Act calls “qualifying interests” in blighted land may be entitled to purchase their property under statutory blight provisions. For further information see the Office of the Deputy Prime Minister (“ODPM”) booklet ‘Compulsory Purchase and Compensation: Compulsory Purchase Procedure’ published in October 2004. A copy can be found on the ODPM website at www.odpm.gov.uk.

tie has taken the decision that before the Bill passes it will operate as if these statutory provisions applied, subject to some minor modifications. The complete scheme is set out in detail below.

Property included in APS

A. The APS applies to the following types of property:–

- (a) Residential property
- (b) Non-residential property (not including agricultural property) within the criteria specified below
- (c) All or part of an agricultural unit*

*An agricultural unit is land occupied as a unit for agricultural purposes. It includes any dwellinghouse or other building occupied by the applicant for the purpose of farming

B. The property must be

- (a) within the limits of deviation as shown on the Parliamentary plans that have been lodged with the Bill (“LOD”) or
- (b) within the limits of land to be acquired or used as shown on those plans (“LLAU”), and be subject to outright acquisition of the land (as distinct from rights in the land).

C. Purchases under this scheme will be on the same basis as if the property were being acquired compulsorily. Broadly this means:

- (a) Market value

- (b) Assessed as if the EARL scheme did not exist
- (b) Legal and agents' reasonable fees connected with the purchase, disturbance costs and where appropriate home loss payment, as provided for in the Land Compensation (Scotland) Act 1973.

Qualifying interest in the property

Residential property

- D. The applicant must be a resident owner-occupier or have a lease of the property for residential purposes with at least three years unexpired.
- E. The applicant must have been residing at the property for at least 12 months prior to the application to purchase.

Non-residential property (not including agricultural property)

- F. Any non-residential property must meet the criteria for statutory blight. That is:–
 - (a) property with a rateable value non exceeding, currently, £28,000; and
 - (b) the applicant must be an owner-occupier.

Agricultural property

- G Any agricultural unit must meet the criteria for statutory blight. That is:–
 - (a) the applicant must be an owner-occupier or have a lease of the property with at least three years unexpired;
 - (b) the applicant must occupy the whole unit;
 - (c) a dwellinghouse will be included if it has been occupied by the applicant for the purpose of farming the land;
 - (d) the applicant must have been occupying the property for at least 12 months prior to the application to purchase.

Note that where these criteria are fulfilled by a partnership, the application must be by the partnership, not individual partners.

Efforts to sell

- H. The applicant must be able to demonstrate that reasonable efforts have been made to sell the property on the open market for a period of not less than three months with the property being advertised at a realistic market price. The claimant must produce:–
 - (a) confirmation that there have been no offers for the property; or
 - (b) independent confirmation that no offer has been received within 15% of the unaffected market value (i.e., the market value ignoring EARL); or
 - (c) independent confirmation that any offer in excess of this amount was withdrawn due to the EARL scheme.