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# The Statutory Process



SCOTTISH EXECUTIVE



Aberdeenshire COUNCIL



in association with



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Aberdeen Western Peripheral Route

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# The Statutory Process

**This leaflet explains in simple terms the procedures the Scottish Ministers, in partnership with Aberdeen City and Aberdeenshire Councils, will follow in taking the Aberdeen Western Peripheral Route forward.**

The Scottish Ministers, as promoter of the scheme, will be responsible for promoting the statutory procedures under relevant legislation. This is the statutory process they are required to follow, and it starts once the route development has been completed. In addition, the Scottish Ministers will seek to engage the public at an earlier stage, as the proposals for the route develop.

Being located within a rural area, the route will inevitably have an impact on homes, farms, businesses and communities. The overall process is intended to make sure that those affected know at the earliest possible time what is proposed and how they can make their views known.

## Keeping the public informed

This leaflet provides information in advance of the formal statutory process programmed for Spring 2005. A general leaflet, titled "Aberdeen Western Peripheral Route – The Way Ahead", is also available.

It is intended to discuss the developing proposals with affected landowners and occupiers in Spring 2004. Further guidance on the compulsory purchase and compensation process will also be issued at that time.

There will also be consultation with the wider general public, most likely through exhibitions, in Autumn 2004. This will allow everyone affected by the scheme, or with an interest in it, to view details of the developing proposals and make comments upon the proposals.

It is anticipated that a more detailed leaflet, outlining the developing proposals for the new road will be available for the public consultations in Autumn 2004.

Once route development is completed, draft orders for the scheme are expected to be published in Spring 2005 which marks the commencement of the statutory process.

## The Statutory Process

Scottish Ministers have the powers to compulsorily purchase land and property for the route. They must follow set procedures to protect the rights of those the route affects. The Scottish Ministers may seek to buy land and properties on the line of the preferred route by agreement. In addition, any owner affected can ask the Scottish Ministers to purchase his or her property. All such requests will receive full consideration.

The following sets out the statutory requirements Scottish Ministers will follow.

### Publication of draft route and orders (expected timetable Spring 2005)

The first stage in the process is for the Scottish Ministers to publish certain documents setting out their proposals. These documents will be served on certain parties specified by statute, including owners, tenants and/or occupiers of land and property needed for the route and will be publicised widely. Public exhibitions and roadshows setting out the proposals will also be held locally.

*The documents to be published are as follows:*

- *road schemes and order(s) (hereinafter called "road order(s)") showing the line of the new road with junctions and connections to existing roads, together with changes required to the existing road network;*
- *compulsory purchase order(s) showing the land to be purchased for the scheme; and*
- *an Environmental Statement setting out the impact that the Aberdeen Western Peripheral Route will have on the environment, both in and surrounding the road corridor.*

Initially, the road order(s) and compulsory purchase order(s) are published in draft. The Environmental Statement, published at the same time, will report the results of the environmental impact assessment of the design on which the road orders are based. Any person has the right to object or make representations to the proposals contained within these documents within set time limits. These time limits will be set out clearly in explanatory material accompanying the orders and Environmental Statement.

Those directly affected by the scheme may wish to seek independent expert advice.

### Public Local Inquiry (PLI) (expected timetable autumn 2005)

If objections to the compulsory purchase order(s) are made

and not withdrawn or resolved, the Scottish Ministers are normally required to hold a public local inquiry. Ministers have discretion on whether to hold a public local inquiry into objections to draft road orders. An independent person, called a reporter, leads the inquiry.

A Scottish Executive booklet, titled "What You Will Need to know about Inquiry Procedures", will be available when notice is given of any PLI being held.

### The PLI decision (expected timetable autumn 2006)

Following any PLI, the reporter prepares a report for the Scottish Ministers who will then announce whether or not the scheme will proceed on the basis of the road order(s) and compulsory purchase order(s) published in draft.

### Publication of made orders (expected timetable late 2006)

If the Scottish Ministers decide to proceed on the basis of the road order(s) and compulsory purchase order(s) published in draft, they will publish the final orders (called the "made" orders).

### Land entry and acquisition (expected timetable spring 2007)

The fact that the Scottish Ministers have made a compulsory purchase order does not stop them from acquiring property through an agreed purchase. Where this does not happen, the statutory compulsory purchase order procedure allows the Scottish Ministers to execute a General Vesting Declaration (GVD). This GVD gives the Scottish Ministers a legal title to the land and property included in the compulsory purchase order and also allows them to take possession of the land and property to meet their programme.

Those affected will be given at least 28 days' notice of when the Scottish Ministers intend to take title and possession of their land or property under the GVD procedure.

### Compensation

Those whose home, land, farm or business is required will be paid compensation in line with the statutory compensation code. The Valuation Office (an Agency of the Inland Revenue and formerly the District Valuer) assesses and negotiates the compensation payable to those affected on behalf of the Scottish Ministers. Those directly affected may wish to seek professional advice to help with any claim for compensation.

Any fees reasonably incurred in obtaining advice from a professionally qualified person, such as a surveyor or a solicitor, will be reimbursed in line with the scale set out in the statutory compensation code.

### After the road has opened

Compensation may be paid where it can be shown that the value of property which was not required by the Scottish Ministers has been reduced by certain prescribed physical factors arising from the use of the new road.

Applications for this compensation cannot normally be submitted until one year after the new road is open to traffic. However, applications must be made within six years of its opening. If within a year of the road opening to traffic, a property is put up for sale, special arrangements apply.

### Noise Insulation

As a separate issue from compensation, noise insulation by way of secondary glazing or a grant to the equivalent cost towards suitable double glazing may be available for residential properties before the road has opened to mitigate the effects of construction noise, or after the road has opened to mitigate the effects of traffic noise resulting from the operation of the new road.

### Further information

At the time draft orders are published, it is intended that more detailed guidance will be available on the compulsory purchase procedures and compensation.