

Comrie Flood Protection Scheme

Note on Compensation

Introduction

Perth & Kinross Council intends to carry out flood protection works on the Water of Ruchill, the River Earn and the River Lednock at Comrie under the powers of the Flood Risk Management (Scotland) Act 2009. Landowners should be aware that the Act also gives the Council the right of entry for construction and maintenance purposes to ground on which the flood defences will be built.

As an owner/occupier of land either directly affected by the works, or over which access is required, you may be entitled to compensation for any depreciation in the value of your property resulting from the construction and use of the works. If compensation is payable, the Council will in some instances agree to undertake accommodation works (works in lieu of monetary payment) instead of cash compensation.

Entitlement to Compensation

Under Sections 82 and 83 of the Flood Risk Management (Scotland) Act 2009, a Local Authority must compensate any person who has sustained damage in consequence of exercising its general power to manage flood risk under Section 56. A person sustains damage where it is shown that “the value of the person’s interest in land has been depreciated” or “the person has been disturbed in the person’s enjoyment of land.” A Local Authority must pay compensation to a person only if the person gives notice to the local authority of the claim stating the grounds of the claim and the amount claimed.

Timescale for Claims

If you believe you are entitled to compensation a claim must be submitted before the expiration of 2 years from the depreciation becoming apparent or, as the case may be, the first occurrence of the disturbance or 10 years from the completion of the flood protection work, whichever is the earlier.

How to Claim

The Council has prepared a claim form for compensation under the Flood Risk Management (Scotland) Act 2009 and a copy of the form is attached for your information. Should you believe that you have a valid compensation claim then you should complete the attached form and return it to the Head of Legal Services at the address shown on the claim form. It should be noted that the Council will not

automatically pay for legal and surveying fees associated with submitting a claim but reasonable costs will be payable on all valid compensation claims.

Disputes

Certain disputes arising over your entitlement to compensation, or the amount of compensation payable, can be referred to the Lands Tribunal for Scotland. For details of these schemes, and information about the procedure involved in referring your case to the Tribunal, you should contact:-

The Lands Tribunal for Scotland
George House
126 George Street
Edinburgh
EH2 4HH

DX ED 259

Tel: 0131 271 4350

E-mail: LTS_Mailbox@scotcourtribunals.gov.uk

Web: www.lands-tribunal-scotland.org.uk/