



Your property and  
our road proposals

# Content

Highways England	4
Introduction	5
Major road schemes: step by step	6
Option identification	8
Public consultation	8
Discretionary purchase (on-line property)	8
Preferred route announcement	9
Blight notice	10
Discretionary purchase (off-line property)	10
Applying to the Planning Inspectorate	11
Compulsory acquisition	12
Compensation for the effects of construction	12
Noise insulation	12
Part I compensation - when the new or altered road is in use	13
Our commitment to be open and fair	14
Complaints procedure	15
Further information	15

# Highways England

At Highways England, we maintain, operate and improve England's motorways and major A-roads, the roads we all use between major cities and which are vital to our economy.

In 2014, the government tasked us with delivering their road investment strategy. This is a programme of investment which aims to improve journeys, tackle congestion, support the economy and maintain safety.

## Introduction

This guide aims to inform you about the delivery of our larger road schemes (those costing over £10 million) and the types of compensation that may be available to affected property owners. More detail about the compensation outlined in this guide can be found in the following publications:

*Your property and discretionary purchase*

*Your property and blight*

*Your property and compulsory purchase*

*Your property and Part I compensation*

### For more information

@ info@highwaysengland.co.uk

☎ 0300 123 5000

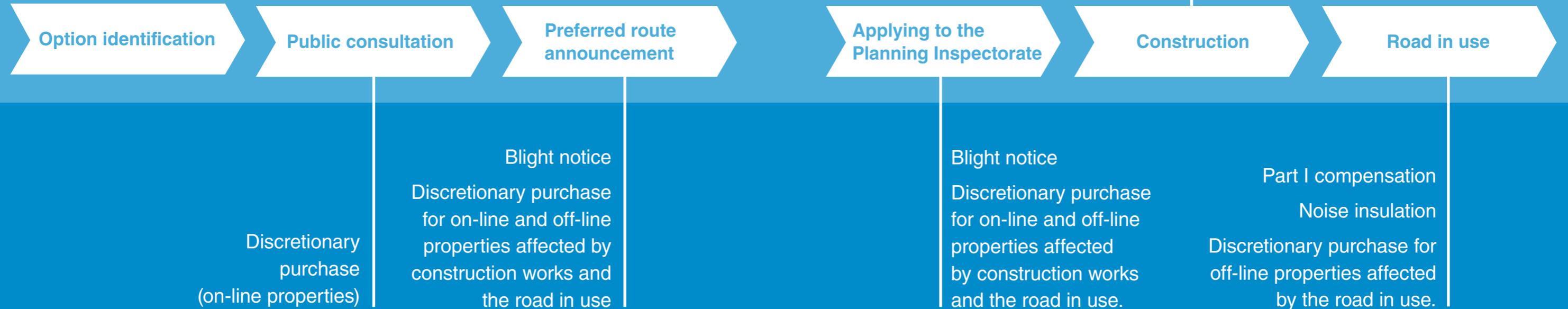
www www.highways.gov.uk

# Major road schemes: step by step

Our major road schemes go through a series of steps from the identification of options to the road being in use. While the time line varies for each scheme it is generally around four to six years between the identification step and the start of construction.

This diagram shows the progress of a scheme and the steps at which each type of compensation is available to land and property owners. More information about each of the steps shown can be found in this guide.

Compulsory acquisition  
 Noise insulation  
 Discretionary purchase for off-line properties affected by construction works.  
 Compensation for the effects of construction.



# Major road schemes: step by step

## Option identification

When the government commissions the assessment of a proposed major road scheme, we carry out a study of the potential options. We examine each route option based on the cost, sustainability, economic, social and environmental impacts.

## Public consultation

For large schemes and schemes with more than one route option, we hold a public consultation to share our findings with the community, local businesses and other interested organisations.

Consultation is an opportunity for you to share your local knowledge and views on the scheme. Your views and concerns are important. Once the consultation is completed the information and views provided are analysed and we publish a report outlining our response to the points you raised. What you tell us will influence the decision to find the preferred route.

### Discretionary purchase (on-line properties)

Owners who have a pressing need to sell their property, and are unable to do so as a result of the routes published in our consultation, can ask us to buy their property through our discretionary purchase scheme.

For more information please see our guide Your property and discretionary purchase. This is available at:

@ info@highwaysengland.co.uk

☎ 0300 123 5000

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## Preferred route announcement

Either we or the Secretary of State for Transport will announce the preferred route and explain why it was chosen.

At this stage we will register the route with the local planning authority who will let us know about any planning applications which fall within the notification area. They will reveal the scheme on local land searches carried out by anyone planning to buy a property within 200 metres of the route.



## Blight notice

Once a preferred route has been announced, owners on the line of the route can ask us to buy their property under 'blight'. A property is considered blighted when its value is significantly reduced as a result of the scheme and the owners are unable to sell the property at market value.

We purchase blighted properties at their unaffected market value; this is the amount the property would be worth if the scheme did not exist, not the blighted (lower) value.

For more information about blight please see our guide *Your property and blight*. This is available at:

 [info@highwaysengland.co.uk](mailto:info@highwaysengland.co.uk)

 0300 123 5000

 [www.highways.gov.uk](http://www.highways.gov.uk)

## Discretionary purchase (off-line property)

Blight can also affect properties that are not directly in the line of the route and where no land is required for the scheme; these properties are known as off-line. Although we are not obliged to buy off-line properties, Parliament has recognised that in some circumstances home owners may have an urgent need to move but are unable to sell their property except at a significant loss as a result of the scheme.

To find out more about the rare circumstances where we may consider buying off-line properties please see our guide *Your property and discretionary purchase*. This is available at:

 [info@highwaysengland.co.uk](mailto:info@highwaysengland.co.uk)

 0300 123 5000

 [www.highways.gov.uk](http://www.highways.gov.uk)

## Applying to the Planning Inspectorate

Parliament has given a number of bodies, including Highways England, the power to compulsorily acquire property for infrastructure developments that are in the public interest.

Under the Planning Act 2008 the majority of large road schemes must be referred to the Planning Inspectorate which examines applications for nationally significant infrastructure projects for transport, energy, water, wastewater and waste, for a development consent order. A development consent order is a form of planning application that sets out the initial design of the new road, the effect of the scheme on other roads and the land that is required.

The Planning Inspectorate will appoint an independent examiner to review the application and will write to everyone whose property or land is affected.

The Planning Inspectorate's independent examiner will hold public hearings close to the proposed road scheme where you will be able to present your views.

Once the review is completed the Planning Inspectorate will make its recommendations about the scheme to the Secretary of State for Transport. The Secretary of State will then make the decision on whether to approve the scheme and grant the development consent order.

More information about the development consent order process can be found on the Planning Inspectorate website:

<https://infrastructure.planninginspectorate.gov.uk/>

For smaller improvement schemes we are able to make a compulsory purchase order.

## Compulsory acquisition

When a development consent order is granted or a compulsory purchase order is confirmed by the Secretary of State for Transport it is subject to a six-week challenge period.

Highways England will serve notice on everyone with an interest in, or the power to sell or release, the land required for the highway improvement.

More information can be found in our guide *Your property and compulsory purchase*. This is available at:

 [info@highwaysengland.co.uk](mailto:info@highwaysengland.co.uk)

 0300 123 5000

 [www.highways.gov.uk](http://www.highways.gov.uk)

## Compensation for the effects of construction

If your property or business has been adversely affected by the construction works carried out for our improvement scheme, you may be able to claim compensation under section 152 of the Planning Act 2008 or under section 10 of the Compulsory Purchase Act 1965. This legislation is complicated: we recommend you seek professional advice before making a claim.

## Noise insulation

We will assess predicted noise levels and offer to insulate properties that will experience an increase in noise, above a certain level, as a result of the construction or use of the new road.

In certain cases we may consider providing temporary alternative accommodation when construction work is particularly noisy.

If you think you will be disturbed by our road scheme please contact us at:

 [info@highwaysengland.co.uk](mailto:info@highwaysengland.co.uk)

 0300 123 5000

## Part I compensation - when the new or altered road is in use

Under Part I of the Land Compensation Act 1973 compensation can be claimed by people who own and occupy property that has been reduced in value by more than £50 by physical factors caused by the use of a new or altered road. A road is altered when there is a change to the location, width or level of the carriageway. Part I compensation cannot be claimed when a road is resurfaced.

The physical factors considered for compensation under Part I are noise, vibration, smell, fumes, smoke, artificial lighting and the discharge on to the property of any solid or liquid substance. Loss of view, personal inconvenience and physical factors arising during the construction of the road are not included under Part I compensation.

Part I compensation cannot be claimed where part of the property has been taken under compulsory purchase for the new or altered road.

More information can be found in our guide *Your property and Part I compensation*. This is available at:

 [info@highwaysengland.co.uk](mailto:info@highwaysengland.co.uk)

 0300 123 5000

 [www.highways.gov.uk](http://www.highways.gov.uk)

## Our commitment to be open and fair

We are open, honest and fair and publish all relevant information unless it is exempt from publication under the Data Protection Act.

We will not use your personal information for any purpose other than to process your claim for compensation. All information we hold will be maintained accurately and kept as up-to-date as possible. It will only be accessible to those in Highways England with a need to see and process it. It will be destroyed when that purpose is complete.

However, if you appoint a surveyor to negotiate your claim, we will take that as agreement to share your information, other than your bank or building society details, with them, unless you instruct us not to do so.

You may request a copy of the personal records we hold about you in connection with your claim. Requests must be made in writing to the address below and we will respond to your request within 40 days.

**Data Protection Officer  
Highways England  
Piccadilly Gate  
Store Street  
Manchester  
M1 2WD**

Following a request for information, we will write to let you know whether we hold the information requested and, if we do, send that information to you. We are not required to send information where one or more of the exemptions apply. For example, another person's personal details would be protected under the Data Protection Act and therefore we would not pass this information on.

To find out more please look at the freedom of information section of our website:

 [www.highways.gov.uk](http://www.highways.gov.uk)

## Complaints procedure

Our aim is to provide the best possible service at all times but there may be circumstances in which you wish to make a complaint about the handling of your claim. We are keen to improve the service we offer our customers wherever possible and provide redress where appropriate. However, if you are unhappy with any offer of compensation then that falls outside the remit of our complaints procedure and you can ask the Upper Tribunal (Lands Chamber) to determine your claim.

More information about the complaints procedure can be found at:

 [info@highwaysengland.co.uk](mailto:info@highwaysengland.co.uk)

 0300 123 5000

 [www.highways.gov.uk](http://www.highways.gov.uk)

## Further information

The Department for Communities and Local Government (DCLG) publishes the following series of technical booklets that you may find useful:

Booklet 1: Compulsory purchase procedure

Booklet 2: Compensation to business owners and occupiers

Booklet 3: Compensation to agricultural owners and occupiers

Booklet 4: Compensation to residential owners and occupiers

Booklet 5: Mitigation works

Please note we are unable to provide copies of the above booklets. The booklets are available on the DCLG website.

**[www.gov.uk/government/collections/compulsory-purchase-system-guidance](http://www.gov.uk/government/collections/compulsory-purchase-system-guidance)**

If you need help accessing this or any other Highways England information, please call **0300 123 5000** and we will help you.

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This document is also available on our website at **[www.gov.uk/highways](http://www.gov.uk/highways)**

If you have any enquiries about this publication email **[info@highwaysengland.co.uk](mailto:info@highwaysengland.co.uk)** or call **0300 123 5000\***. Please quote the Highways England publications code **PR171/16**. Highways England Creative job number S160370

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