

A46 Newark to Widmerpool A46 Improvements

1. Blight Notice

“Blight” or blighted land is land or property that is affected by a planning proposal of a public authority as defined in Section 149 of the Town and Country Planning Act 1990 and also Schedule 13 of that Act. If successful, a “blight notice” can force the authority to acquire property affected by the threat of a major road scheme.

There are certain eligibility criteria before a blight notice can be served. One of these is that a person must have had made reasonable endeavours to sell their interest in blighted land but has been unable to do so except at a price which is substantially lower than they would reasonably have expected to sell at.

Any blight notice served on the relevant authority such as the Highways Agency, is considered on its individual merits. A blight notice must also be served in the prescribed form.

2. Part 1 Compensation

Part 1 of the Land Compensation Act 1973 gives an affected person a right to compensation where the value of such persons interest in land is depreciated by physical factors caused by the use of the public works.

Such physical factors are defined in Section 1(2) of the Land Compensation Act 1973 and include noise, vibration, smell, fumes, smoke and artificial lighting and discharge onto the land in respect of which the claim is made.

If your property is located in close proximity to the construction of the new A46 roadway improvements, and if no part of your property was required for the development, you may be eligible for compensation under Part 1 of the Land Compensation Act 1973.

There is no strict criteria to be met by a property which is affected by the physical factors of a new road or improvement scheme. Compensation will be determined on proximity more than anything else. If you are very close to the new development there is a good chance that you will be successful in your claim under Part 1 of the 1973 Act.

It should be noted however that claims are normally submitted on or after the first anniversary of the completion of works. We will let you know when that is likely to be.

3. **Compulsory Purchase Orders (CPO)**

This occurs where authorities have the power to make a compulsory purchase order under the Acquisition of Land Act 1981. This happens when the authority need to build on your land to complete an authorised project, such as the A46 road improvements scheme.

The arrangements usually proceed by service, upon the owner affected, of a Notice to Treat and a plan showing the land/property affected. The Notice needs to be responded to with an accompanying Solicitor Title Report form in relation to the land/property affected. There may also be a licence arrangement authorising the completion of essential works such as clearing affected land and fencing the same.

On completion of the forms, compensation will be negotiated in relation to the land/property loss. Your professional fees in the process are usually met by the authority.