

## A46 Compensation Factsheet

For those who haven't had land bought off them by the Highways Agency, there are two major forms of compensation that might be available.

### Part 1 Compensation under the Land Compensation Act 1973

Mr. Jones lives near the A46. At present, the road is approximately 250 yards from his house. However, due to the widening, it will now be 150 yards from his house. Mr. Jones owns his house along with his wife, Mrs. Jones.

Mr. Jones is worried about the disturbance that will be caused by the new road. He is also concerned that his property may be de-valued by it.

When the road is eventually finished and open to traffic, Mr. Jones finds out that there is significantly more noise, artificial lighting, vibration and fumes coming from the road. In particular, there is increased noise from the traffic and at night he suffers disturbance from car headlights coming in through his living room and bedroom windows.

### Our Advice to Mr. Jones

Mr. Jones' property may well have depreciated in value as a result of the increased physical factors described above. As such, he may have a claim for "Part 1 Compensation". However, he would only be able to make this claim 12 months or more from when the new road is opened for traffic. With the help of legal representation, he should submit a Part 1 compensation claim to the Highways Agency. His claim will be assessed and valued by the District Valuer who will give valuation advice and help negotiate the claim for compensation.

The compensation will depend on what the valuer considers to be the depreciation in value of Mr. Jones' house. If he is successful in his claim, Mr. Jones may also claim his reasonable professional fees, in other words, fees for the solicitors and surveyors he has used.

### Blight

Mrs. Smith owns a 2-bedroomed house 500 yards away from the present A46 and the same distance from the new proposed route of the A46.

Mrs. Smith has recently decided to sell her house. However, she is finding it extremely difficult to find any purchasers. She has had some offers, but they are significantly below what she expected them to be.

Mrs. Smith's estate agents and surveyor have told her that the drop in price is mainly due to the plans for the A46 improvement.

It may well be that Mrs. Smith's property is "blighted". This may entitle her to what is called a "Blight Notice" on the Highways Agency. This Blight Notice requires the agency to purchase her house at its full market value (as if the road had never been proposed). The Highways Agency have 3 months to respond to this and can either accept it or reject it. If the Blight Notice is accepted, then Mrs. Smith will be able to sell her home to the Highways Agency within the next 3 years.

As with Part 1 compensation, if the claim is successful then Mrs. Smith will be able to claim her reasonable professional costs from the Highways Agency.

If you have any queries regarding any of the information included in this factsheet please do not hesitate to call William Cursham on 01159 471 529 or email [wcursham@fraserbrown.com](mailto:wcursham@fraserbrown.com).

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