

Your property and our road proposals

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National Highways

At National Highways, 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.

The government has 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 land surveys

Your property and blight

Your property and discretionary purchase

Your property and compulsory purchase

Your property and compensation or mitigation for the effects of our road proposals

Your property and Part I compensation

These booklets are updated from time to time to ensure they are correct. The latest versions are always published on our website. Please check the website to ensure you are reading the latest version.

For more information

@ info@nationalhighways.co.uk

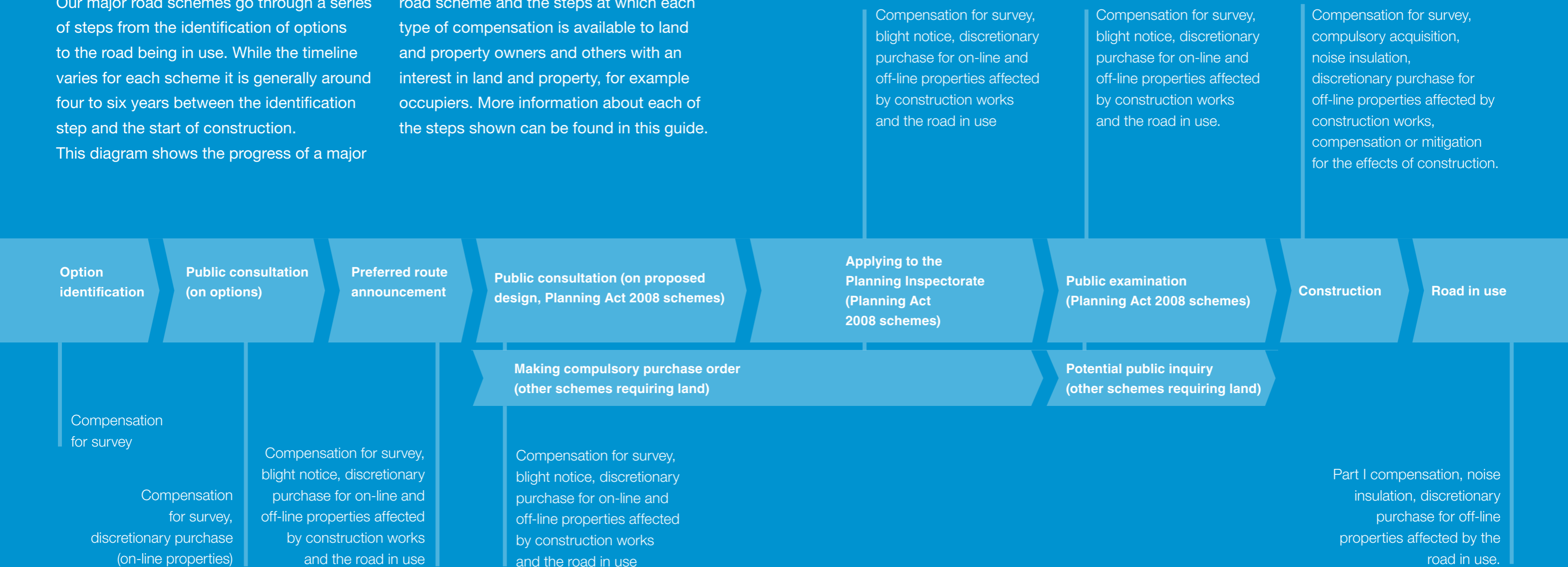
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Major road schemes: step by step

Our major road schemes go through a series of steps from the identification of options to the road being in use. While the timeline 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 major

road scheme and the steps at which each type of compensation is available to land and property owners and others with an interest in land and property, for example occupiers. More information about each of the steps shown can be found in this guide.



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 (on options)

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@nationalhighways.co.uk

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www www.nationalhighways.co.uk

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@nationalhighways.co.uk

 0300 123 5000

 www.nationalhighways.co.uk

Discretionary purchase (off-line property)

Blight can also affect properties that are not directly on 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@nationalhighways.co.uk

 0300 123 5000

 www.nationalhighways.co.uk

Public consultation (on proposed design, Planning Act 2008 schemes)

Under the Planning Act 2008, we must refer many of our large road schemes to the Secretary of State for Transport for a decision on whether the scheme should be built. Before a decision can be made, the Planning Inspectorate, on behalf of the Secretary of State, examines the scheme. To provide information for the examination, we must make an application for a Development Consent Order (DCO). A DCO is a form of planning permission. If we want to use powers of compulsory acquisition to acquire or use land for the scheme, we need to include them in our DCO.

Before we apply to the Planning Inspectorate for a DCO, we must consult on our proposals. We must contact all the owners, lessees, tenants, occupiers and others interested in the land, having powers over it, or who could make a claim for compensation, to invite them to respond to our consultation. This consultation is an important opportunity for you to view our proposals including the land we intend to acquire or use. There is limited potential to amend the proposals once we submit our application. Therefore consultation is the best time to share your views on how our proposals may impact you and help us refine the scheme using your feedback.

Applying to the Planning Inspectorate (Planning Act 2008 schemes)

We will record and carefully consider all responses received during the consultation. We will take them into account in finalising our DCO application before we submit it to the Planning Inspectorate.

We will explain our consideration of the consultation responses in a consultation report. This will include a description of how our application was informed by the responses received, and outline any changes made as a result of consultation. The consultation report forms part of our DCO application to the Planning Inspectorate.

Other application documents will include the land plans, which show the land we need for the scheme. We will also include a book of reference which lists each plot of land and who we understand owns or has another type of interest in it. We will also include a statement of reasons which explains why we need each plot of land for the scheme. These documents will be published on the Planning Inspectorate's website after we submit our DCO application.

The Planning Inspectorate will appoint an examining authority to examine the DCO application and manage the examination process. All parties interested in the scheme will have the opportunity to register as an interested party and contribute to the examination of the application. We will write to all the owners and others interested in the land to make them aware of this opportunity.

The examination process is primarily carried out in writing. However, the examining authority is likely to hold public hearings close to the proposed road scheme where you will be able to present your views.

Once the examination is complete, the examining authority will make its recommendations to the Secretary of State. The Secretary of State will then decide whether to approve the scheme and grant the DCO.

More information about the DCO process can be found on the Planning Inspectorate website:

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

Publication of Compulsory Purchase Order and potential public inquiry (other schemes needing land)

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

We will publish a notice in a local newspaper advertising that the CPO has been "made", which means we have prepared it for publication. The notice will give information about the land included in the CPO, how the scheme proposes to use it, and confirm where you can inspect a copy of the CPO and associated plans. The notice will also advise the date by which objections to the CPO need to be made to the Secretary of State.

Notices will also be served on every owner, lessee and occupier (except tenants for a month or less) of the land included in the CPO (the 'Land Interests').

If objections to the CPO and / or to associated orders relating to highway works are received and these are not resolved during the objection period, the Secretary of State decides whether a public inquiry is to be held. If so, the Secretary of State will direct the arrangement of that inquiry. Objectors appearing at the public inquiry and giving evidence will be required to submit their proof of evidence, setting out the basis of their objection, in advance to the inspector appointed by the Secretary of State.




If no objections are received, or objections are received but are resolved during the public inquiry, the Secretary of State will "confirm" the CPO, that is finalise it. We will then publish a letter in the local press and serve notices on the Land Interests giving details about where the CPO can be inspected.

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.

National Highways 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@nationalhighways.co.uk
-  0300 123 5000
-  www.nationalhighways.co.uk

Compensation for the effects of construction




If your property or business has been adversely affected by the construction works carried out for our road 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 or altered road.

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

More information can be found in our guide *Your property and compensation or mitigation for the effects of our road proposals*. This is available at:

-  info@nationalhighways.co.uk
-  0300 123 5000
-  www.nationalhighways.co.uk




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@nationalhighways.co.uk
-  0300 123 5000
-  www.nationalhighways.co.uk

Data protection and you

National Highways will collect and process your data in relation to your property claim. National Highways is permitted to do this in order to: carry out our statutory and public functions; enter into a contract with you; and/or meet any statutory requirements relating to compulsory purchase powers (where relevant).

We will not use your personal information for any purpose other than to process your property claim or to meet our statutory requirements. All information we hold will be maintained accurately and kept as up-to-date as possible. Your data will be processed and retained by National Highways and our appointed contractors until the purpose for which it was collected is complete. In some cases, we may be required to share your information with the Planning Inspectorate.


If you appoint an agent 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.

Under the General Data Protection Regulation you have the following rights:

- Right of access to the data (Subject Access Request)
- Right for the rectification of errors
- Right to erasure of personal data – this is not an absolute right under the legislation
- Right to restrict processing or to object to processing
- Right to data portability.

To exercise these rights, please contact our Data Protection Officer using the following contact details:

 DataProtectionAdvice@nationalhighways.co.uk

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


If, at any point, National Highways plans to process the personal data we hold for a purpose other than that for which it was originally collected, we will provide you with information about what that other purpose is and any relevant further information about the rights referred to above, including the right to object to that further processing.

You have the right to lodge a complaint with the supervisory authority, the Information Commissioner's Office.


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 may be able to ask the Upper Tribunal (Lands Chamber) to determine your claim.

More information about the complaints procedure can be found at:

 info@nationalhighways.co.uk

 0300 123 5000

 www.nationalhighways.co.uk

Further information

The government 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

The booklets are available on the government website:

www.gov.uk/government/collections/compulsory-purchase-system-guidance

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

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National Highways creative job number PR130/22

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Printed on paper from well-managed forests and other controlled sources when issued directly by National Highways.

Registered office Bridge House, 1 Walnut Tree Close, Guildford GU1 4LZ

National Highways Limited registered in England and Wales number 09346363