

Your property and our road proposals

1 Introduction

Highways England is a government-owned company set up to look after England's motorways and major A-roads: the roads we all use between major cities and which are important to our economy. We maintain, operate and improve this strategic road network to help traffic flow more smoothly and provide drivers with information they need to plan reliable journeys.

2. Why road schemes are needed

Roads support our daily life and are vital to our economy. Since 2010, the Government has steadily invested in road schemes that tackle congestion and improve safety on our motorways and major A-roads. On 1 December 2014, the Government published its road investment strategy to triple levels of spending on England's roads by the end of the decade. Delivering these benefits to road users as quickly as possible is essential and we want to accelerate the pace at which we work through a programme of investment designed to improve journeys, tackle congestion and maintain safety.

3. This booklet

This booklet outlines the procedures we follow to deliver the largest of our road schemes, those improvements costing more than £10 million. A large part of our work now is focused on making better use of the existing road network, for example by actively managing traffic flows. The procedures for delivering these types of road scheme may fall outside of what is covered in this publication.

4. Public consultation

We carry out a study to investigate and assess route options when a road scheme is taken forward. We consider each option based on cost, sustainability and economic, social and environmental impact.

Following this, we run a consultation process and publish a free consultation document that is used to explain our proposals to people living near, or on, any of the options included in the consultation as well as any interested local businesses or organisations. The consultation document is normally available on our website and is also normally deposited in locations near to the area, such as libraries, etc, so that it is available to people who do not have access to our website. The document gives details of the various options and the likely effects on the local area. We will normally include a questionnaire asking for local knowledge and your preferences and views in order to help us choose the preferred route. We may hold public information events to explain the options under consideration and give you an opportunity to discuss our proposals.

We take into account all the views expressed at events and in response to our consultation document. If we decide to go ahead with a particular option, we will announce a preferred route for the road and the reasons for the choice. We also publish the results of the consultation and of any work done to compare the options.

At times, we may modify the public consultation procedure or dispense with it altogether if it is not necessary. This will normally be for smaller projects but may include larger schemes (or for smart motorways) where our assessment of the route options has shown only one sustainable option. If public consultation does not take place, the proposal is announced in the same way as the preferred route.

Alongside the preferred route announcement, we will take steps to protect the preferred route from conflicting development. We often do

this by registering the preferred route with the local planning authority and asking them to protect a corridor within (usually) 67 metres of the centre line of the route. The local planning authority will then tell us about any planning applications made in their area which fall within the protected zone/corridor. They will also reveal the scheme on local land searches carried out by anyone planning to buy a property within 200 metres of the route. Homeowners on, or close to, the line of the proposed scheme can ask us to consider buying their homes under blight.

To find out more about statutory blight, please see our booklet *Your property and blight*, which can be downloaded free of charge from our website www.highways.gov.uk.

Alternatively, printed copies may be obtained by calling our information line on [0300 123 5000](tel:03001235000) or by emailing us at info@highwaysengland.co.uk

Blight can also affect off-line property – that is, where no land is required for a road scheme. Different rules apply to off-line properties. We are not obliged to purchase off-line properties. Parliament has recognised that, in these circumstances, owners might have an urgent need to move but cannot sell their property except at a significant loss because of the effects of the scheme.

To find out more about the rare circumstances where we may consider buying off-line properties, please see our guidelines for discretionary purchase, which can be obtained by calling our information line on [0300 123 5000](tel:03001235000) or by emailing us at info@highwaysengland.co.uk

5. Statutory procedures and environmental impact assessment

We will carry out an environmental impact assessment. For larger

schemes and for those with a significant environmental impact, we will prepare and publish an Environmental Statement (ES). The ES will record our assessment of the environmental impacts and tell you what steps we propose to take to reduce that impact.

Under the Planning Act 2008 almost all major road schemes will require an application to the Planning Inspectorate (PINS) for a development consent order (DCO) (similar to a planning application) setting out the design of the new road, the effect on other roads and the land needed for the scheme. This provides a fast and fair development consent system for nationally significant infrastructure projects (NSIPs) for transport, energy, water, waste-water and waste infrastructure.

We will consult the local community and we will consider your comments before we make an application to PINS for a DCO. PINS then has 28 days to decide whether or not to accept the application for examination. During this time, the application and supporting documents will be deposited at various locations in the area for you to look at.

6. Compulsory purchase and your right to object

If the application is accepted, PINS will write to everyone whose property (land) is affected and a notice will be displayed on the site of the proposed road and published in the local press. At this stage you will be able to register your interest with PINS. Anyone can make their views known to PINS about the draft DCO and register as an

interested party. Your views must be given in writing by letter or email. All comments will be published on the national infrastructure planning website maintained by PINS.

7. Preliminary meetings and public hearings

A preliminary meeting will then be held to decide the programme for the examination of the DCO. Everyone who has registered and made a relevant representation will be invited to attend that meeting, which will be run and chaired by an examiner appointed by PINS (for large schemes there is likely to be a panel of examiners). The examiner will then issue a letter saying how the examination of the application will be completed and whether there will be a public hearing.

This will be held close to the proposed road scheme and you will be able to present your case in front of an independent examiner from PINS. If you have registered with PINS as an interested party, you will receive written notification of the hearing dates.

This procedure does not consider objections about the amount of compensation payable for the acquisition of land required for the scheme. **For information about resolving such disputes, please see our booklet *Your property and compulsory purchase (in preparation)*, referred to in section 9.**

8. Decision and granting of development consent

Once the examiner has completed the examination PINS will make its recommendations about the DCO to the Secretary of State for Transport, who will look at the findings and consider its recommendations. Whatever the examiner's recommendations, the Secretary of State takes the final decision whether to make the DCO. If the Secretary of State approves the scheme, the DCO can then be granted. We will tell anyone directly affected and we will publish notices in the press and place notices on site. Once the DCO is granted, you have six weeks in which to challenge it in the High Court.

You can only make a challenge on the basis that the DCO is going beyond legal powers or the procedure has not been followed properly (rather than on the merits of the decision).

9. Acquisition process

Parliament has given power to a number of bodies to purchase property using powers of compulsion to allow them to carry out infrastructure developments that are in the public interest. Highways England may make an application for a DCO for major highway improvements that includes powers to acquire land by compulsion. Alternatively, for smaller highway improvements, not classed as NSIPs, Highways England has powers to make a compulsory purchase order (CPO).

When a DCO is granted (or a CPO is confirmed) by the Secretary of State for Transport, it is subject to a six week challenge period. If no challenges are received 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. That notice may either be that the company has made a general vesting declaration (GVD) or alternatively, it may be a notice to treat. In some cases, we may serve you with a notice that a GVD has been made for just part of the land being compulsorily acquired and a notice to treat for the remaining part.

We may need to enter and take possession of the land being compulsorily purchased, to use it to construct or improve the highway, before we have completed its purchase.

Where we have made a GVD, we have the right to enter onto (and take possession of) your land 28 days after we have served notice that a GVD has been made on all affected landowners.

However, if we have served a notice to treat on you, we will serve a notice to enter giving you not less than 14 days' notice that we will

enter and take possession of your land. We may serve the notice to enter with, or after, the notice to treat. A notice to enter does not transfer your land to the company.

We will normally discuss our needs with you before serving the notice, and we will give you as much warning as possible.

To find out more about the acquisition process and compensation payable please see our booklet *Your property and compulsory purchase*, which is in preparation and can be obtained by calling our information line on **0300 123 5000 or by emailing us at info@highwaysengland.co.uk**

10. Other claims for compensation

A) 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. However, there are instances where you do not have to occupy the property (please see our booklet referred to below for further information).

The physical factors are noise, vibration, smell, fumes, smoke, artificial lighting and the discharge on to the property of any solid or liquid substance.

The new or altered road in use must be the source of the physical factors. For example, if a road is altered, the noise and other effects must arise from the traffic using the altered stretch of road. Part I compensation cannot be claimed for the effects of traffic further down the road where no alteration has taken place.

A road is altered when there is a change to the location, width or level of the carriageway or an additional carriageway is provided beside, above or below an existing one. Part I compensation cannot be

claimed when the road has simply been resurfaced.

Part I compensation cannot be claimed where part of the property has been taken under compulsory purchase for the new or altered road. This is because the effect of the road on the value of the remaining property must be taken into account in the compensation claimed for the compulsory purchase.

Loss of view, personal inconvenience and physical factors arising during the construction of the road are also not included under Part I compensation. However, we do consider claims for damage to property arising from incidents on our road network but not under the terms of Part I.

To find out more about the Part I process and compensation payable please go to our website www.highways.gov.uk.

Alternatively, call our information line on **0300 123 5000 or by emailing us at info@highwaysengland.co.uk**

B) If your property or business has been adversely affected by road improvement works carried out by Highways England, you may be entitled to claim compensation under s 152 Planning Act 2008. The law governing the situations where compensation will be paid is complicated and you should take your own legal advice.

C) Noise insulation regulations:

We will assess predicted noise levels. We will deposit, for public inspection, a list or map of the properties expected to suffer a noise increase above a certain level because of the construction or use of the new road. We will then offer insulation to those properties. If you feel that you will be disturbed by our road scheme, we want to hear from you and know how you think we may be able to help. In addition,

we may consider in certain cases providing temporary re-housing when the road works are particularly noisy.

11. Our commitment to be open and fair

We are open, honest and fair and normally 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.

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 **Data Protection Officer, Piccadilly Gate, Store Street, Manchester M1 2WD**. We will respond to your request within 40 days.

We are also bound by the Freedom of Information Act 2000, which aims to make information held by public authorities more accessible to the public and allows you to request a wide variety of data.

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.

12. Complaints procedures

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. We are keen to improve the service we offer our customers wherever possible and provide redress where appropriate.

For further information about the complaints procedures, please see our website www.highways.gov.uk or call our information line on 0300 123 5000 or email us at info@highwaysengland.co.uk

13. Further information

As well as the Highways England leaflets already mentioned, the Department for Communities and Local Government (DCLG) publishes a series of technical booklets that you may find useful.

These are listed below:

- 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.

Our website also contains general information about us and if you have any questions, you can always call our information line on **0300 123 5000** or email us at **info@highwaysengland.co.uk**

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.highways.gov.uk

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or call **0300 123 5000***. Please quote the Highways England publications code **PR156/15**

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