

Under Part 1 of the Land Compensation Act 1973 (as amended) there is a right to compensation in respect of any depreciation of more than £50 in the value of certain interests in land caused by the use of new or altered highways and resulting from specified physical factors (noise, vibration, smell, fumes, smoke and artificial lighting and the discharge onto the land in respect of which the claim is made of any solid or liquid substance). Compensation is assessed by reference to prices current at a date twelve months after the highway is first open to public traffic or, in the case of an altered highway, first open to public traffic after completion of the alterations.

Interests qualifying for compensation are specified in section 2 of the above-mentioned Act and there are special provisions relating to claims by mortgages and persons entitled under trusts or settlements. However, no compensation can be paid under Part 1 where part of a property has been acquired for the purpose of constructing the highway as depreciation will have been taken into account in assessing compensation for the part acquired.

Any person entitled to a qualifying interest who considers he has a claim under the said provisions may obtain further information and claim forms from the Highways Agency, Motorway Widening Unit, Friars House, Manor House Drive, Coventry CV1 2TD.

Claims may be made twelve months after the new or altered highway is first open to public traffic, that is on or after 11th February 1995 (the "first claim day"). Claims should be made within 6 years of this date. However, any person who within the twelve months preceding the date makes a contract for disposing of his interest or (insofar as the interest in land which is not a dwelling) for granting a tenancy may make a claim within that period and must do so before the interest is disposed of or the tenancy granted. Compensation in such cases will not be payable before the first claim day.

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