

**HIGHWAYS ENGLAND COMPANY LIMITED
LAND COMPENSATION ACT 1973 (AS AMENDED)
A21 TONBRIDGE TO PEMBURY**

1. HIGHWAYS ENGLAND COMPANY LIMITED HEREBY GIVES NOTICE THAT the altered highway, described in the Schedule below, was first open to public traffic on 15 September 2017. That date is known as the “relevant date”.
2. Under Part I of the Land Compensation Act 1973 (as amended) (from now on referred to as the Act), compensation can be claimed by anyone having a qualifying interest in land (see paragraphs 8 and 9 to this notice) if the value of that interest has been depreciated by more than £50 by physical factors caused by the use of the altered highway. The physical factors are noise, vibration, smell, fumes, smoke and artificial lighting and the discharge on to the land of any solid or liquid substance.
3. The first day on which compensation can be claimed is the day after twelve months have expired from the relevant date and is known as the “first claim day”. The first claim day for this altered highway is 16 September 2018. Except for the circumstance described in paragraph 4 to this notice, a claim cannot be made before the first claim day.
4. A claim can be made during the period between the relevant date and the first claim day only where the claimant has made a contract to sell his/her interest in the property or to grant a tenancy. The claim must be made between the making of the contract and before the sale is completed or the tenancy granted. Highways England cannot accept a claim after the sale or grant of a tenancy has been completed. No compensation in respect of such a claim will be paid before the first claim day.
5. Anyone who, after the first claim day, intends to sell his/her interest in the property or, in the case of properties that are not dwellings, to grant a tenancy, must make a claim before a contract to sell or grant a lease is made. Highways England cannot accept a claim after a contract to sell or grant a lease has been made.
6. By virtue of section 19(2A) of the Act and under the Limitations Act 1980, a claim will become time-barred if within six years from and including the first claim day the claimant has not:
 - a. Agreed in writing an offer of compensation (including any reasonable valuation and legal expenses) made by Highways England in writing; or
 - b. If agreement is not so reached, made a reference to the Upper Tribunal (Lands Chamber) to have it determine the compensation.

Where a claim has become time-barred under the Limitations Act 1980, Highways England can no longer be required to pay compensation.

7. No compensation can be claimed under Part I of the Act where part of the property was acquired for the alterations to the highway. Instead, compensation for land acquired is paid under different rules.
8. To claim compensation under Part I of the Act, a qualifying interest in the land must have been acquired before the alterations to the highway were completed and first open to public traffic. The qualifying interest must also be held by the claimant at the date of making a claim. The claimant must be able to produce evidence of his/her interest in the property when required to do so by Highways England. Compensation will not be paid where a claimant's qualifying interest in the property cannot be verified.
9. Interests in land qualifying for compensation are specified in section 2 of the Act. They are:
 - a. For dwellings, the interest must be that of an owner by virtue of owning the freehold or a tenancy with at least three years left to run at the time of making the claim. Where the interest carries the right to occupy the property, the claimant must do so as his residence.
 - b. For agricultural units, the interest must be that of an owner-occupier, that is, a person who occupies the whole of the unit and owns the freehold or a tenancy with at least three years left to run at the time of making the claim in the whole or any part of the unit.
 - c. For other property that is not a dwelling or an agricultural unit, the interest must be that of an owner-occupier, that is, a person who occupies the whole or substantial part of the property by virtue of owning the freehold or a tenancy with at least three years left to run at the time of making the claim. The property must have an annual value that does not exceed £36,000 (this figure may be updated by Order from time to time).
10. Special provisions under the Act apply to claims where the land is subject to a mortgage, where there are persons entitled under trusts or settlements or by inheritance and where there are tenants entitled to enfranchisement or extension under the Leasehold Reform Act 1967.
11. Compensation is assessed by reference to property prices that are current on the first claim day. Account will be taken of the use of the altered highway, as it exists on the first claim day. Account will also be taken of any intensification that may then reasonably be expected of the use of the altered highway in the state it is on the first claim day.
12. Anyone having a qualifying interest who considers they have a claim under the Act can obtain further information and a claim form from **Part I Claims Team**, Highways England, Woodlands, Manton Lane, Bedford MK41 7LW

or by telephoning **0300 470 4850** or by email at:
part1claims@highwaysengland.co.uk.

13. This notice contains a summary of the law. It is not intended to be a complete and full statement of it. Anyone intending to make a claim should consider obtaining independent professional advice.

THE SCHEDULE

The existing 3.5 km single carriageway of the A21 between Tonbridge and Pembury has been upgraded to a dual carriageway all-purpose road. The new road broadly follows the line of the existing A21 with new junctions at Fairthorne (by the petrol station) and at Longfield Road, replacing the existing roundabout at the southern end of the scheme.

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