

**A46 Newark Bypass
TR010065/APP/5.2**

**5.2 Consultation Report Annexes
Part 2**

**Annex J: Section 47 Consultation
Material**

APFP Regulation 5(2)(q)

Planning Act 2008

Infrastructure Planning (Applications: Prescribed Forms and
Procedure) Regulations 2009

Volume 5

April 2024

Infrastructure Planning

Planning Act 2008

**The Infrastructure Planning
(Applications: Prescribed Forms
and Procedure) Regulations 2009**

A46 Newark Bypass

Development Consent Order 202[x]

CONSULTATION REPORT ANNEXES

ANNEX J: SECTION 47 CONSULTATION MATERIAL

PART 2

Regulation Number:	Regulation 5(2)(q)
Planning Inspectorate Scheme Reference	TR010065
Application Document Reference	TR010065/APP/5.2
Author:	A46 Newark Bypass Project Team, National Highways

Version	Date	Status of Version
Rev 1	April 2024	DCO Application

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J.8. – Artists Impressions from Selected Locations

A46

Newark Bypass

Artist impressions from
selected locations

Introduction

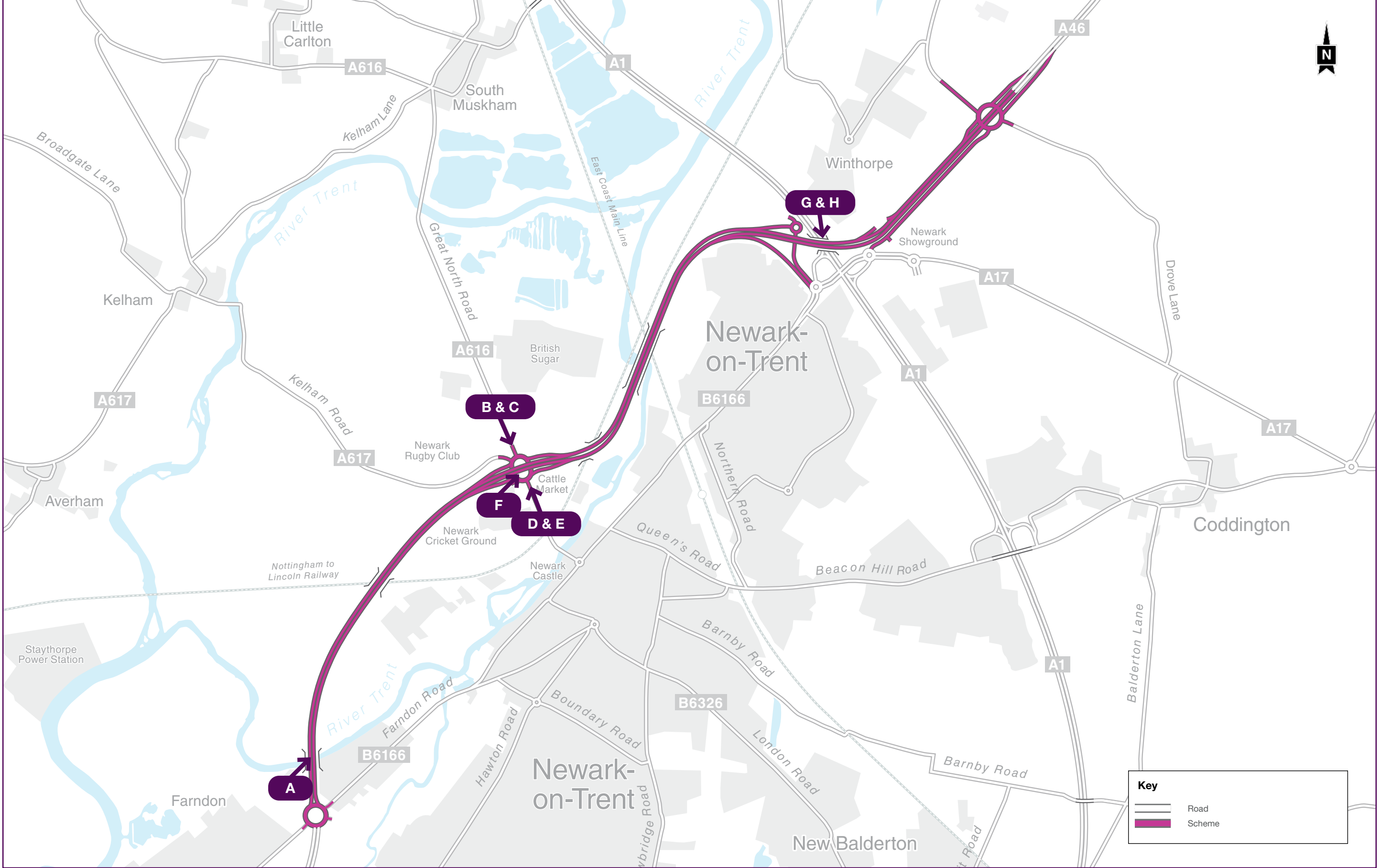
This document contains artist impressions from selected locations along the A46 Newark Bypass scheme and has been produced as information requested by stakeholders.

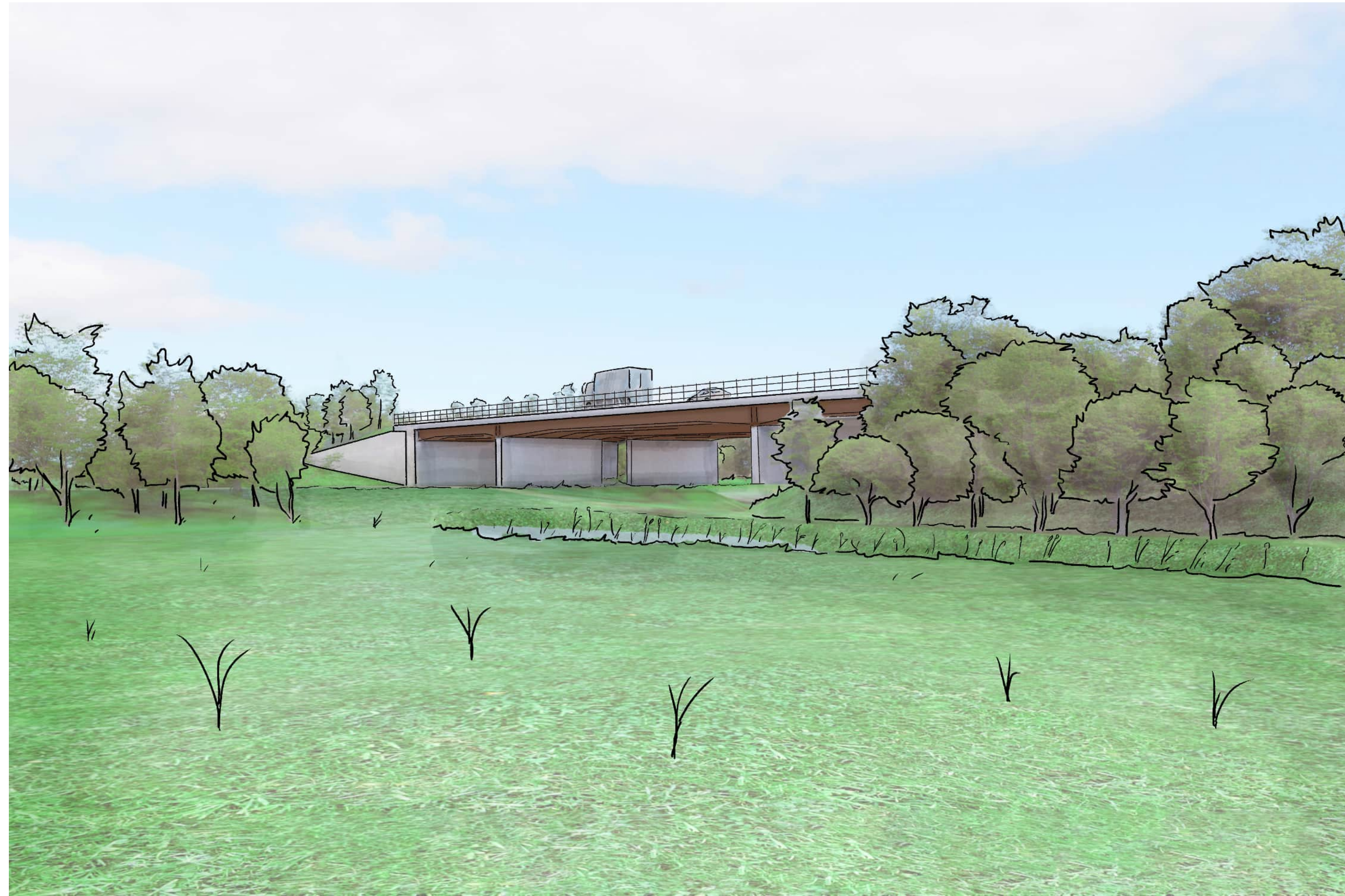
The artist impressions are for illustration purposes only and show the scheme based on the preliminary design proposals submitted as part of the statutory consultation.

The locations included are:

- A** Rear of Crees Lane in Farndon, looking north east across the proposed Windmill Viaduct
- B** Great North Road, looking south across the proposed Cattle Market junction towards Newark (far view)
- C** Great North Road, looking south across the proposed Cattle Market junction towards Newark (near view)
- D** Great North Road, looking north across the proposed Cattle Market junction (far view)
- E** Great North Road, looking north across the proposed Cattle Market junction (near view)
- F** Sandhills Park Road, looking north across the proposed Cattle Market junction
- G** South of Winthorpe village, looking south across the proposed new bridge crossing the A1
- H** South of Winthorpe village, looking south across the proposed new bridge crossing the A1 (second view)

Locations of artist impressions





A – Rear of Crees Lane in Farndon, looking north east across the proposed Windmill Viaduct



B – Great North Road, looking south across the proposed Cattle Market junction towards Newark (far view)



C – Great North Road, looking south across the proposed Cattle Market junction towards Newark (near view)



D Great North Road, looking north across the proposed Cattle Market junction (far view)



E – Great North Road, looking north across the proposed Cattle Market junction (near view)



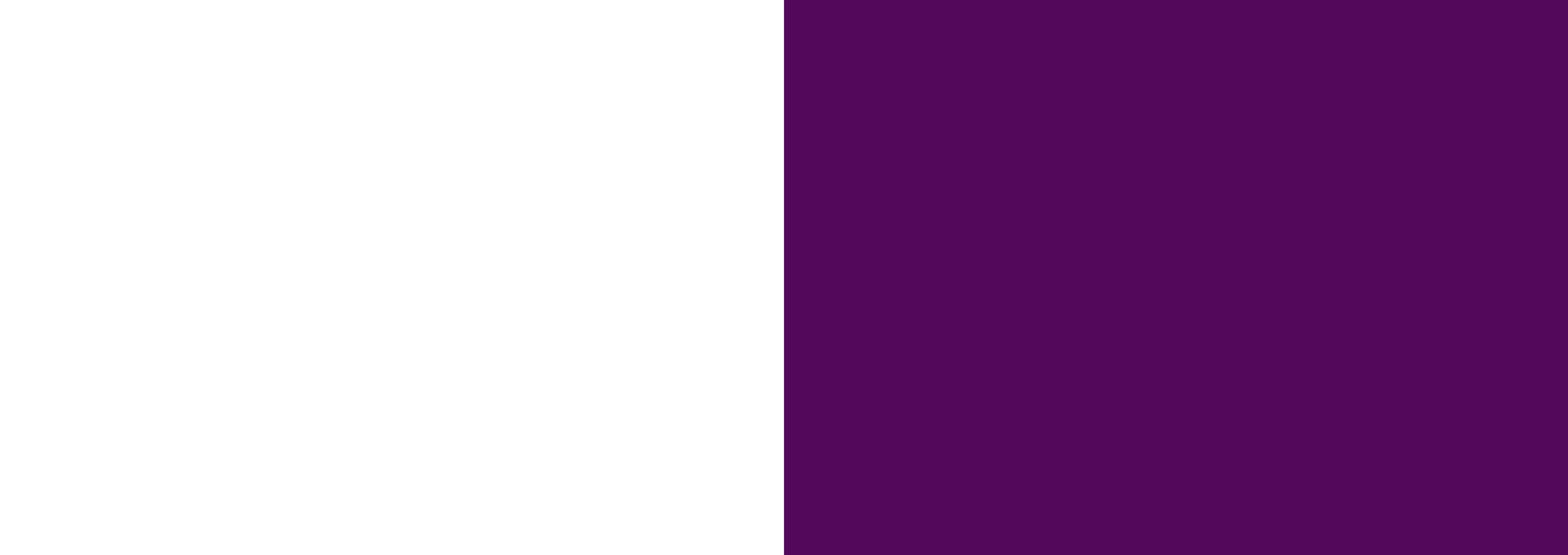
F – Sandhills Park Road, looking north across the proposed Cattle Market junction



G – South of Winthorpe village, looking south across the proposed new bridge crossing the A1



H – South of Winthorpe village, looking south across the proposed new bridge crossing the A1 (second view)



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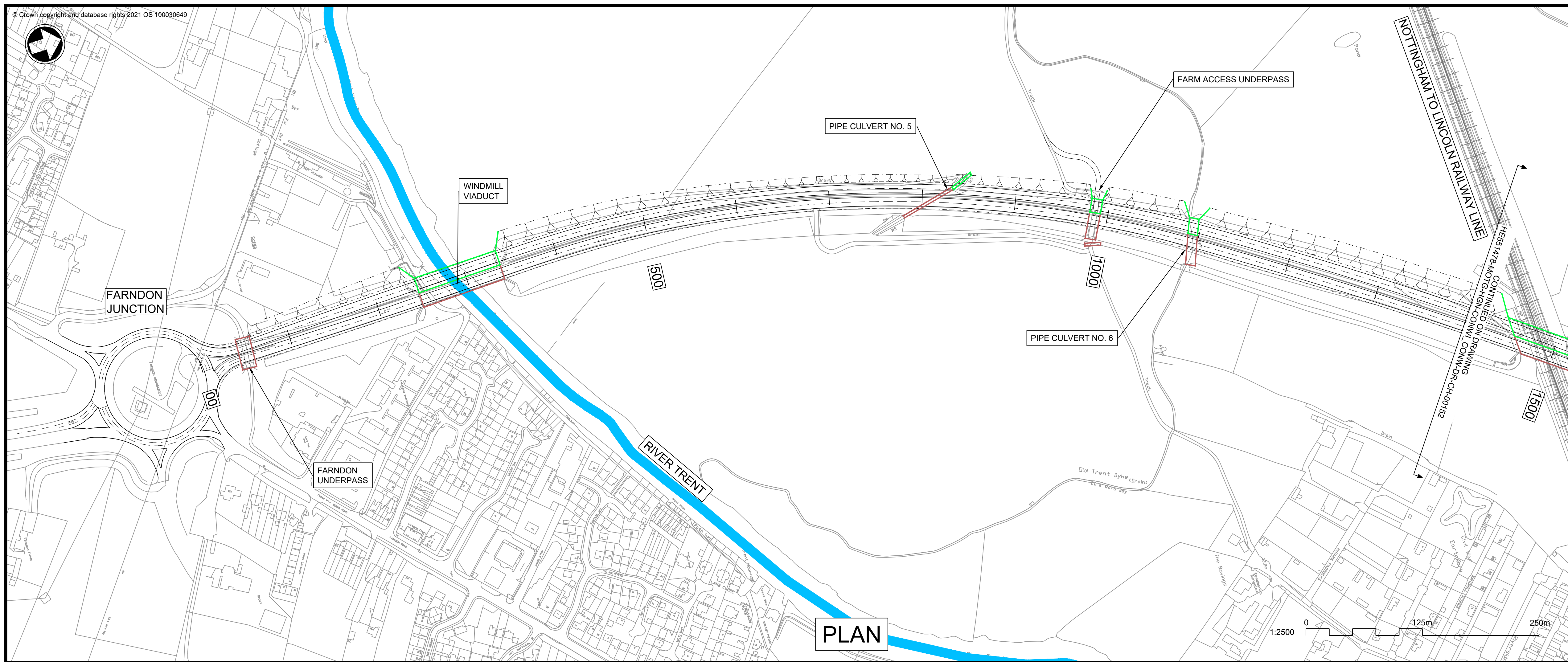
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J.9. – Plan and Profile Drawings

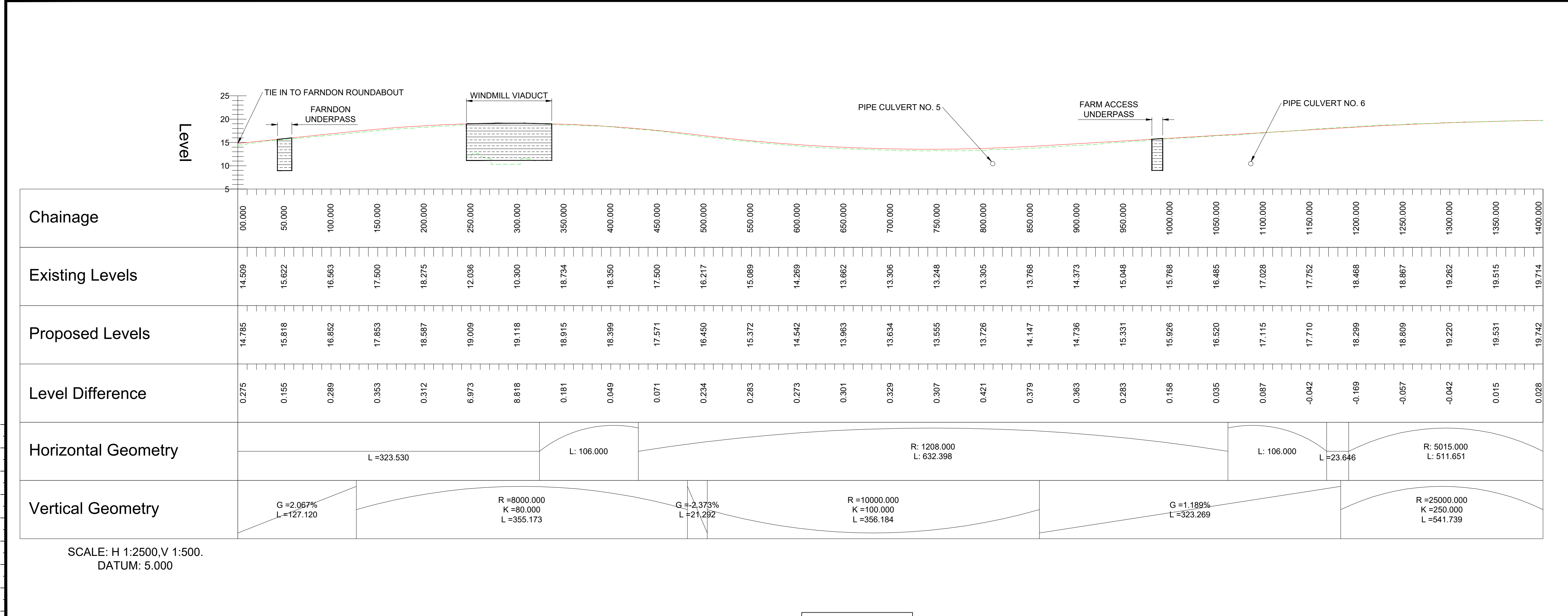
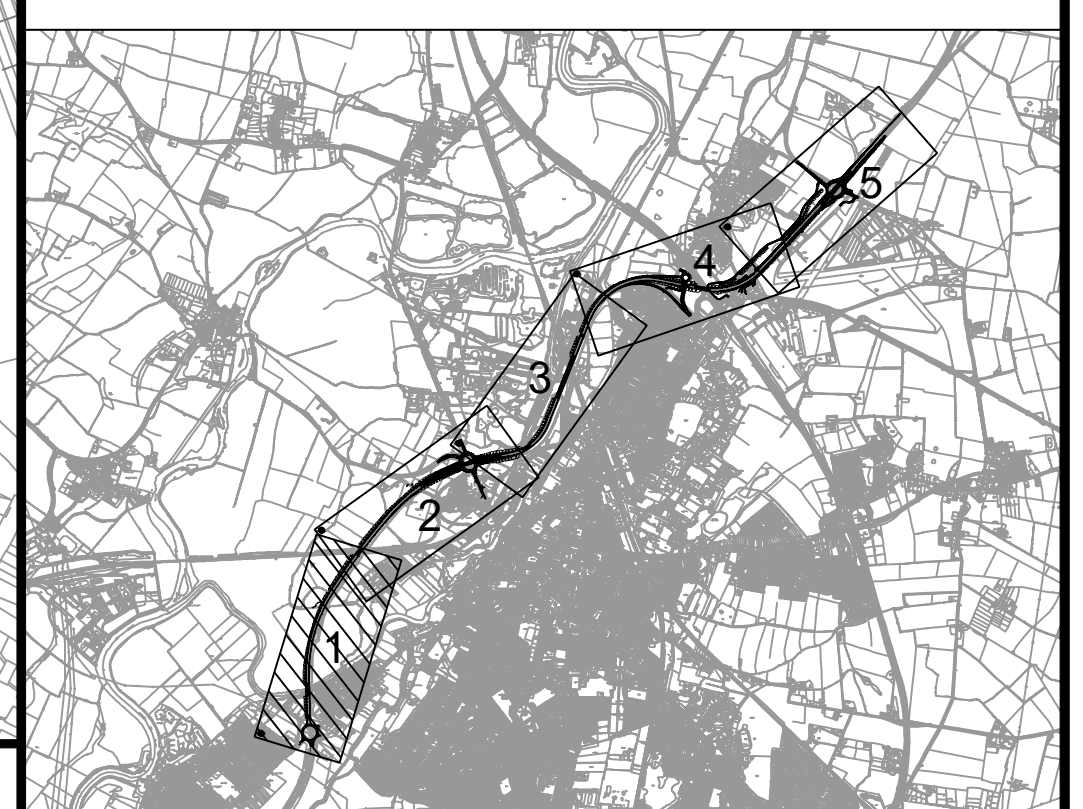
A46

Newark Bypass

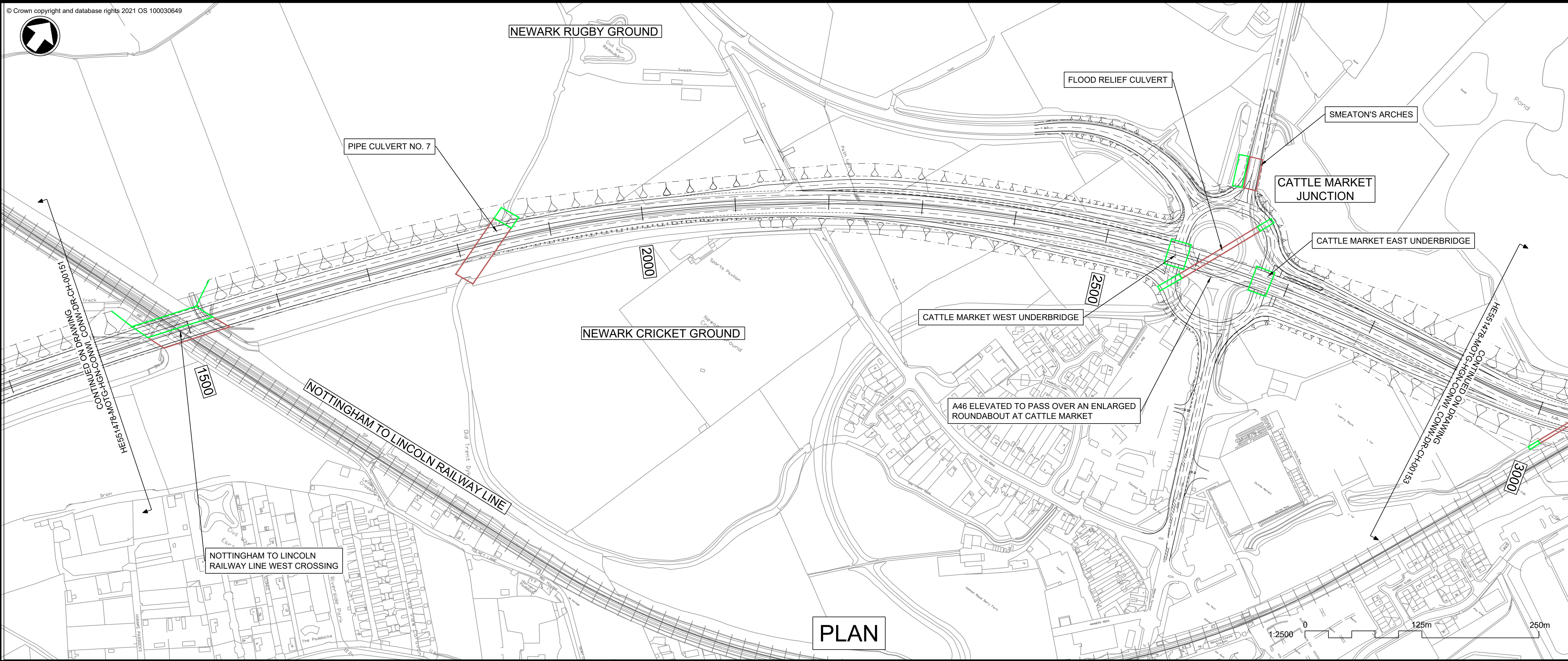
Plan and Profile Drawings



- Notes**
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- Profile View Key:**
- Existing Ground
 - New Proposed Road Level
 - Proposed Structure
- Plan View Key:**
- Existing Structure
 - Proposed Structure
 - Proposed Design Alignment
 - Proposed Design Chainage
 - Proposed Embankment
 - Proposed Cutting
 - River
 - Railway Line



P01	21/10/22	FOR STATUTORY CONSULTATION	MH	EJ	RH
REV.	DATE	AMENDMENT DETAILS	ORIG	CHK'D	APP'D
Project's Promoter					
Supported by					
Drawing Status		Suitable for Review & Comment		Status	
				S3	
Project Title					
A46 Newark Bypass					
Drawing Title					
Plan and Profile - Sheet 1 of 5 For Statutory Consultation					
Scale	Designed	Drawn	Checked	Approved	
1:2500	JS	MH	EJ	RH	
Original Size	Date	Date	Date	Date	
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Drawing Number	Originator	Volume	Project Ref. No.		
HE551478 - MOTG	- HGN -		HE551478		
CONWI_CONW	- DR - CH -	00151	Revision		
Location	Type	Role	Number		
			P01		



PLAN

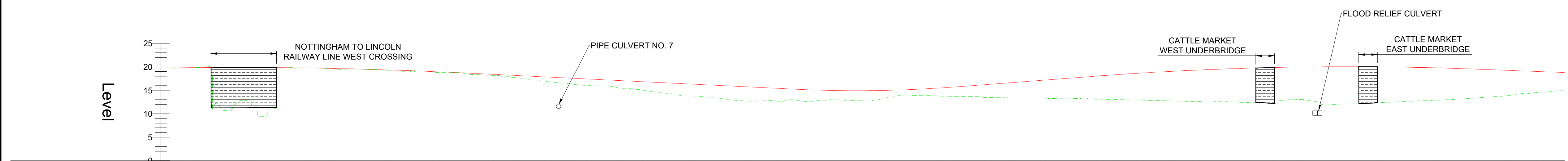
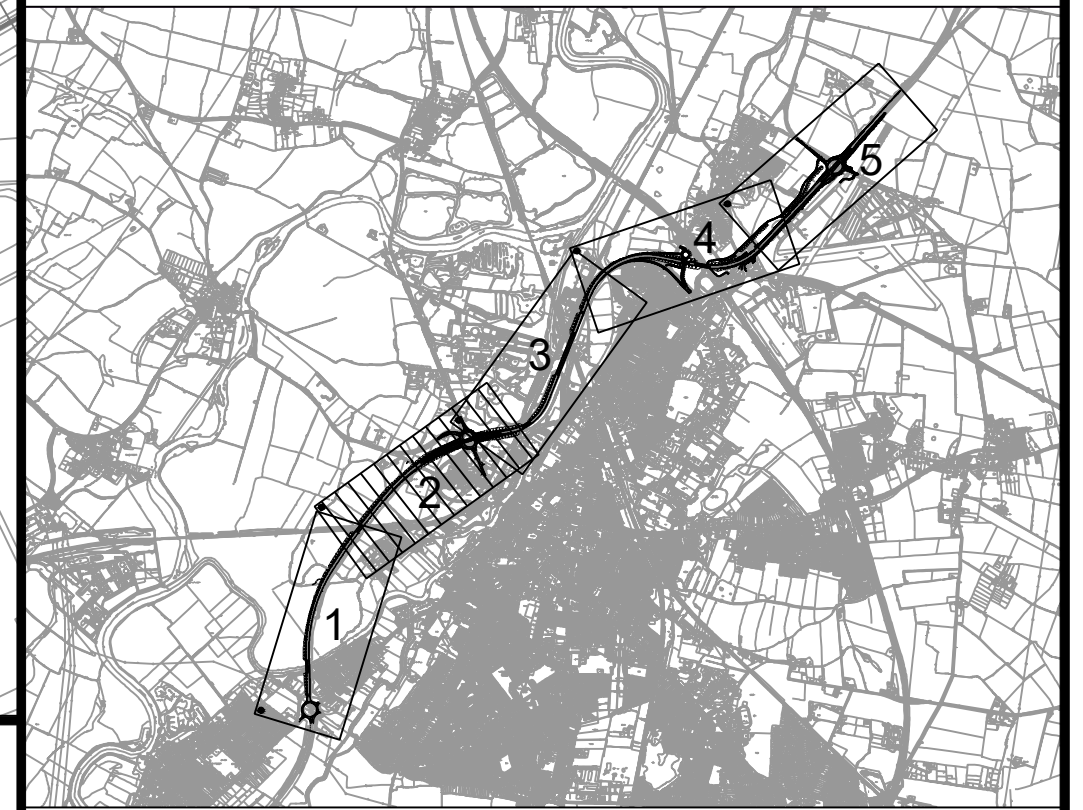
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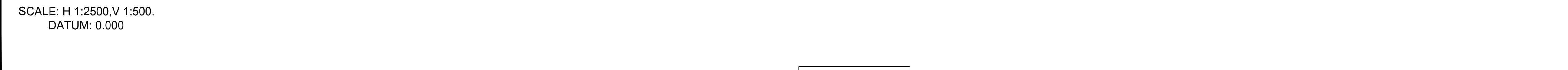
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Plan View Key:

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- Proposed Structure
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- Proposed Embankment
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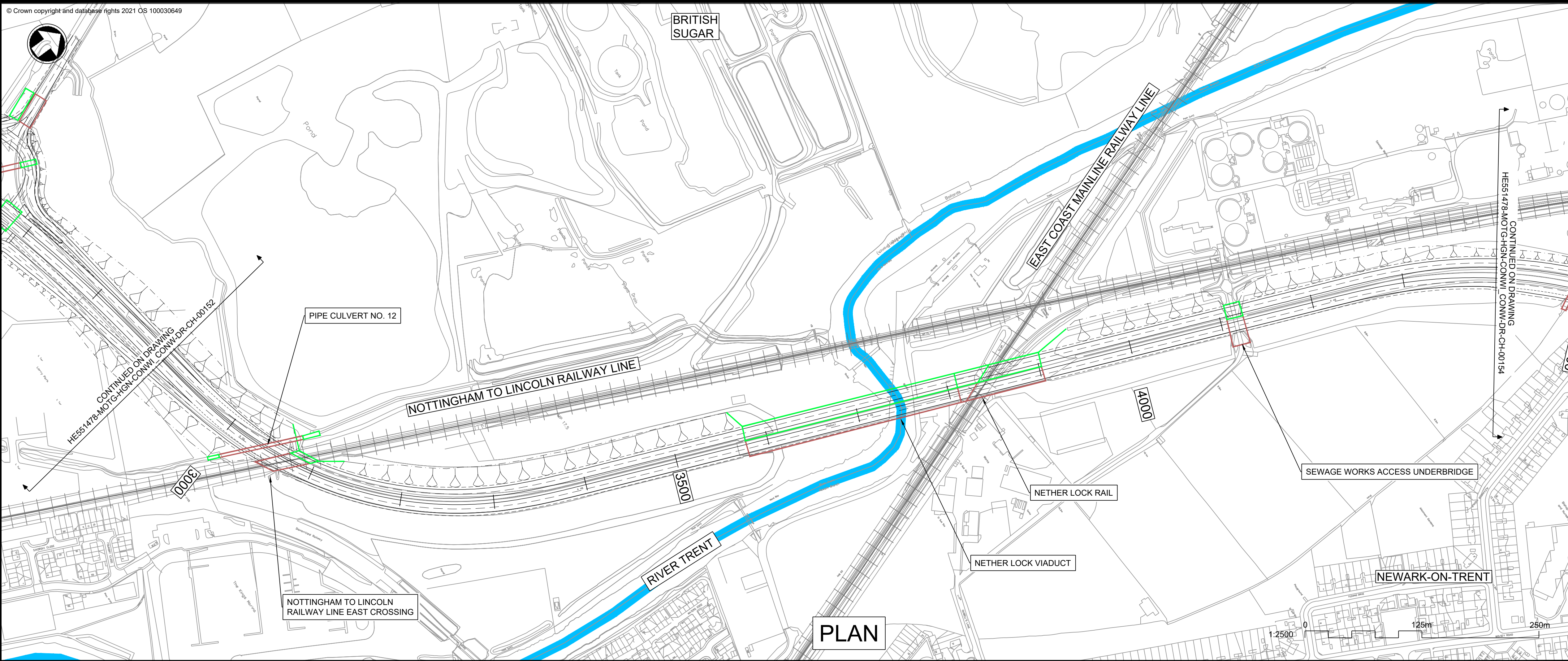


Chainage	Existing Levels	Proposed Levels	Level Difference
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1450.000	20.048	19.852	-0.196
1500.000	11.610	19.863	8.253
1550.000	19.758	19.774	0.016
1600.000	19.500	19.585	0.084
1650.000	19.117	19.295	0.178
1700.000	18.788	18.906	0.118
1750.000	18.204	18.430	0.225
1800.000	17.155	17.941	0.786
1850.000	16.098	17.452	1.353
1900.000	15.451	16.963	1.512
1950.000	14.130	16.474	2.344
2000.000	13.161	15.985	2.824
2050.000	12.799	15.497	2.697
2100.000	12.736	15.063	2.317
2150.000	12.889	14.922	2.034
2200.000	13.963	15.149	1.186
2250.000	13.697	15.733	2.036
2300.000	13.406	16.347	3.095
2350.000	13.268	17.270	4.002
2400.000	13.089	18.035	4.946
2450.000	12.889	18.706	5.817
2500.000	12.637	19.239	6.602
2550.000	12.461	19.635	7.174
2600.000	12.843	19.894	7.051
2650.000	11.941	20.015	8.074
2700.000	12.336	19.999	7.663
2750.000	12.782	19.846	7.063
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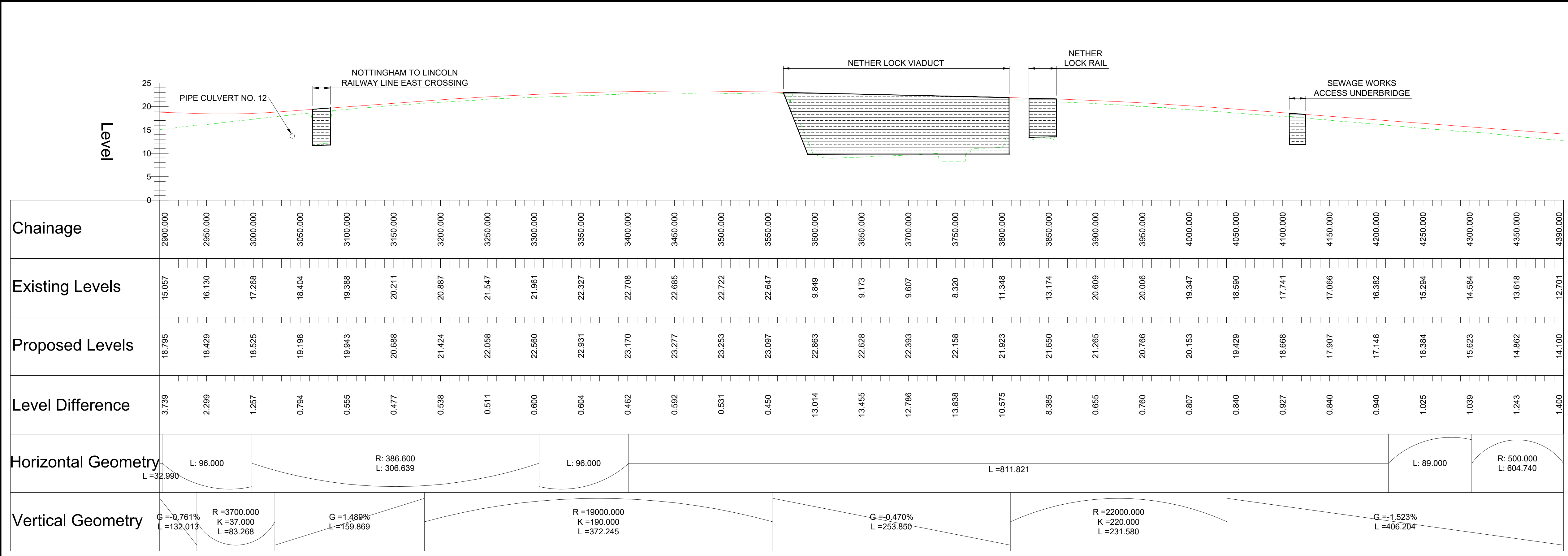
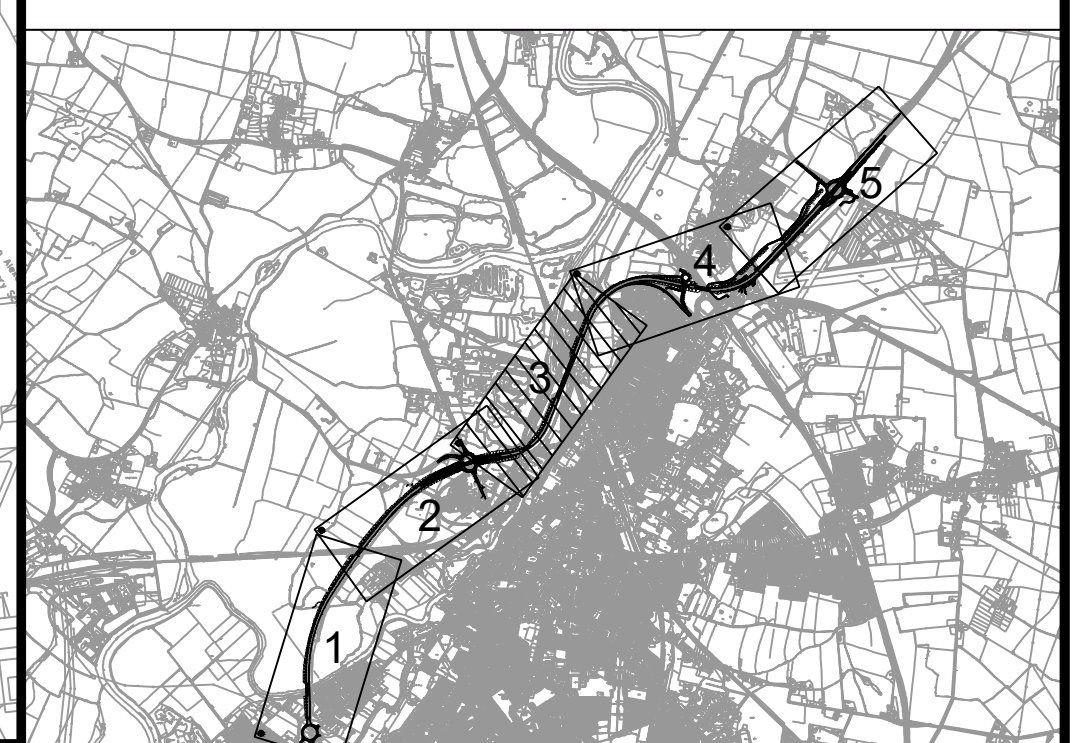


PROFILE

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Supported by					
Drawing Status		Suitable for Review & Comment		Status S3	
Project Title					
A46 Newark Bypass					
Drawing Title					
Plan and Profile - Sheet 2 of 5 For Statutory Consultation					
Scale	1:2500	Designed	JS	Drawn	MH
Original Size	A1	Date	21/10/22	Date	21/10/22
Checked	EJ	Approved	RH		
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Project Ref. No.	HE551478				
Location	CONWI_CONW	Type	DR - CH	Number	00152
Revision	P01				

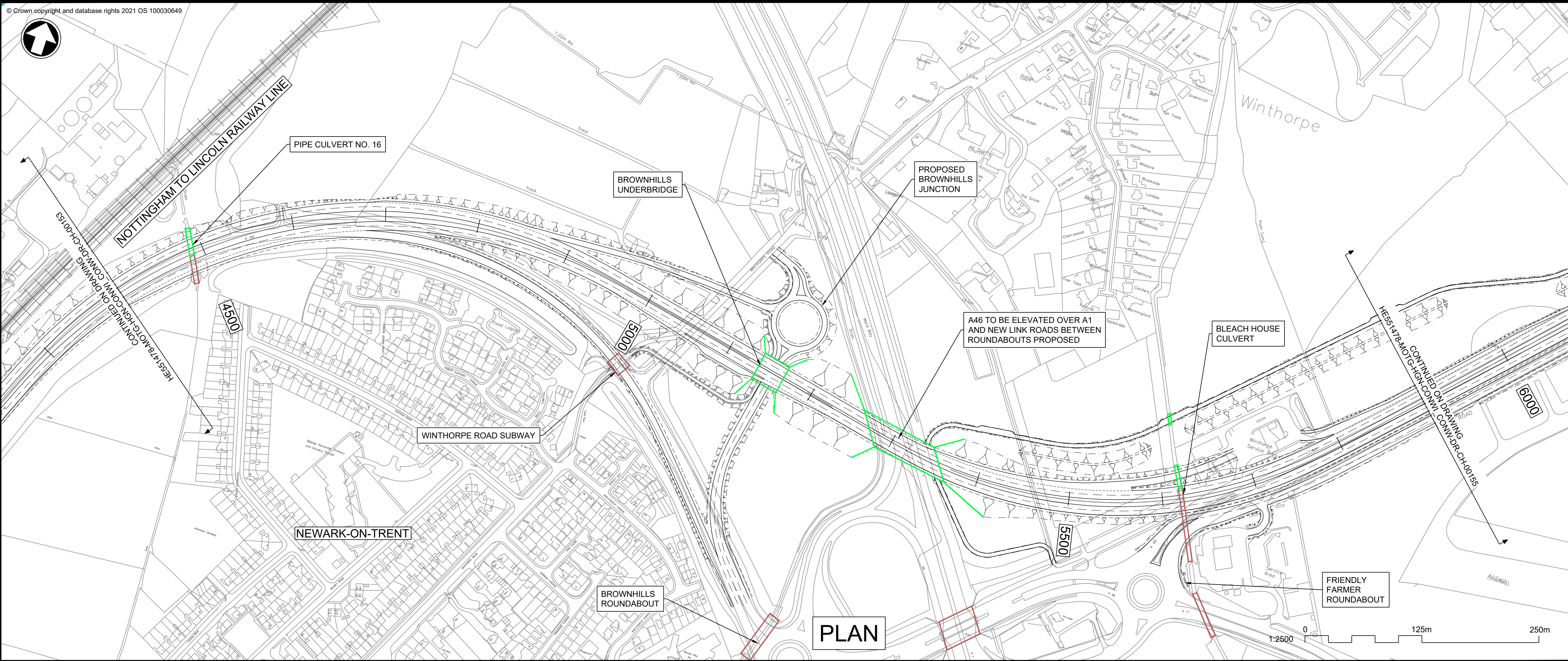


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SCALE: H 1:2500, V 1:500.
DATUM: 0.000

P01	21/10/22	FOR STATUTORY CONSULTATION	MH	EJ	RH
REV.	DATE	AMENDMENT DETAILS	ORIG	CHK'D	APP'D
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Supported by					
Drawing Status			Status		
Suitable for Review & Comment			S3		
Project Title					
A46 Newark Bypass					
Drawing Title					
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Original Size	Date	Date	Date	Date	
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CONWI_CONW	- DR - CH -	00153	Revision		
Location	Type	Role	Number		
			P01		



PLAN

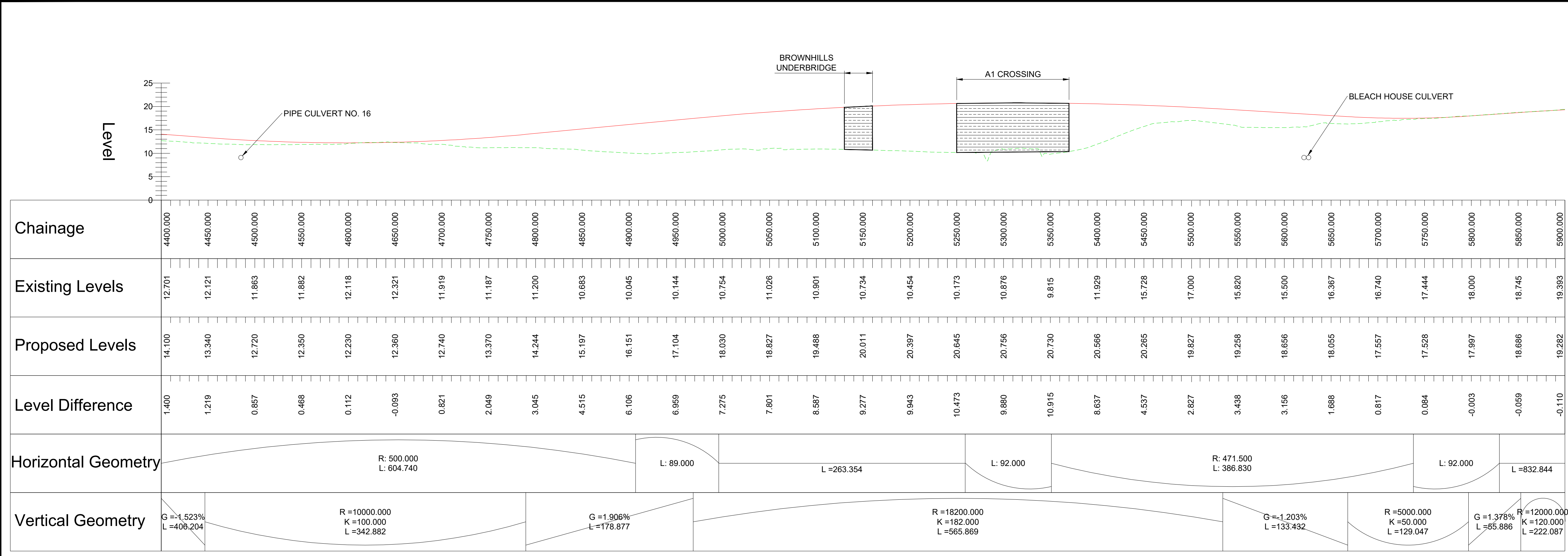
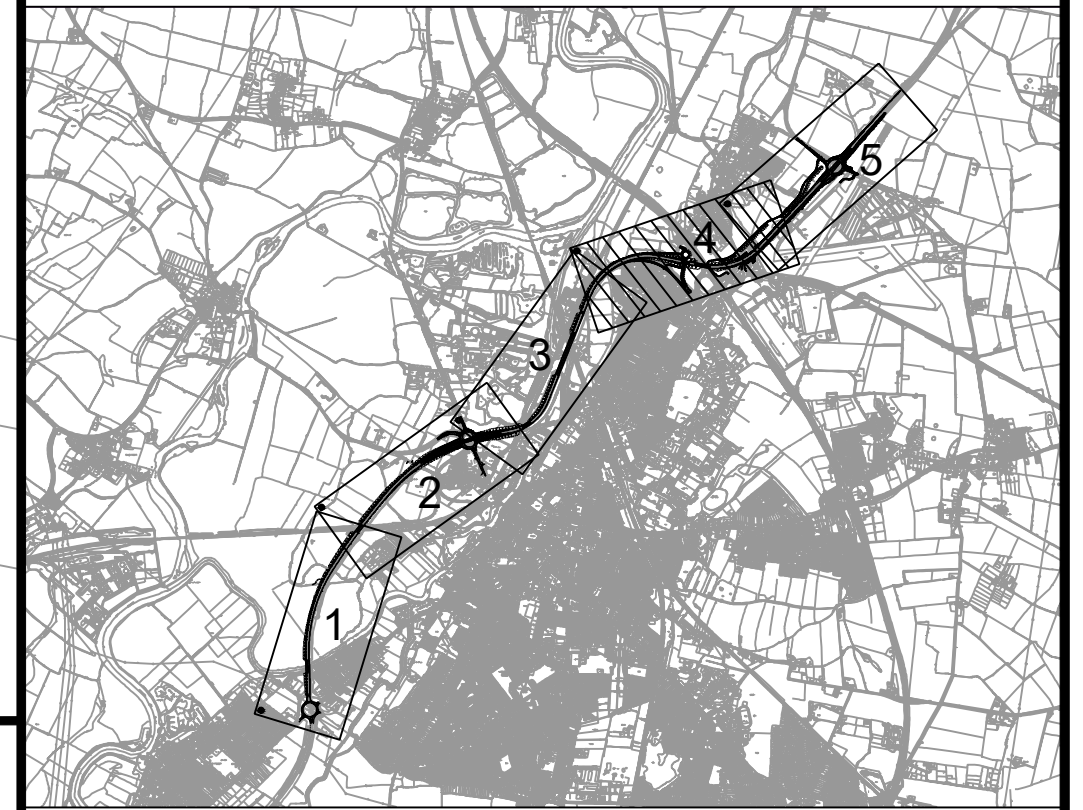
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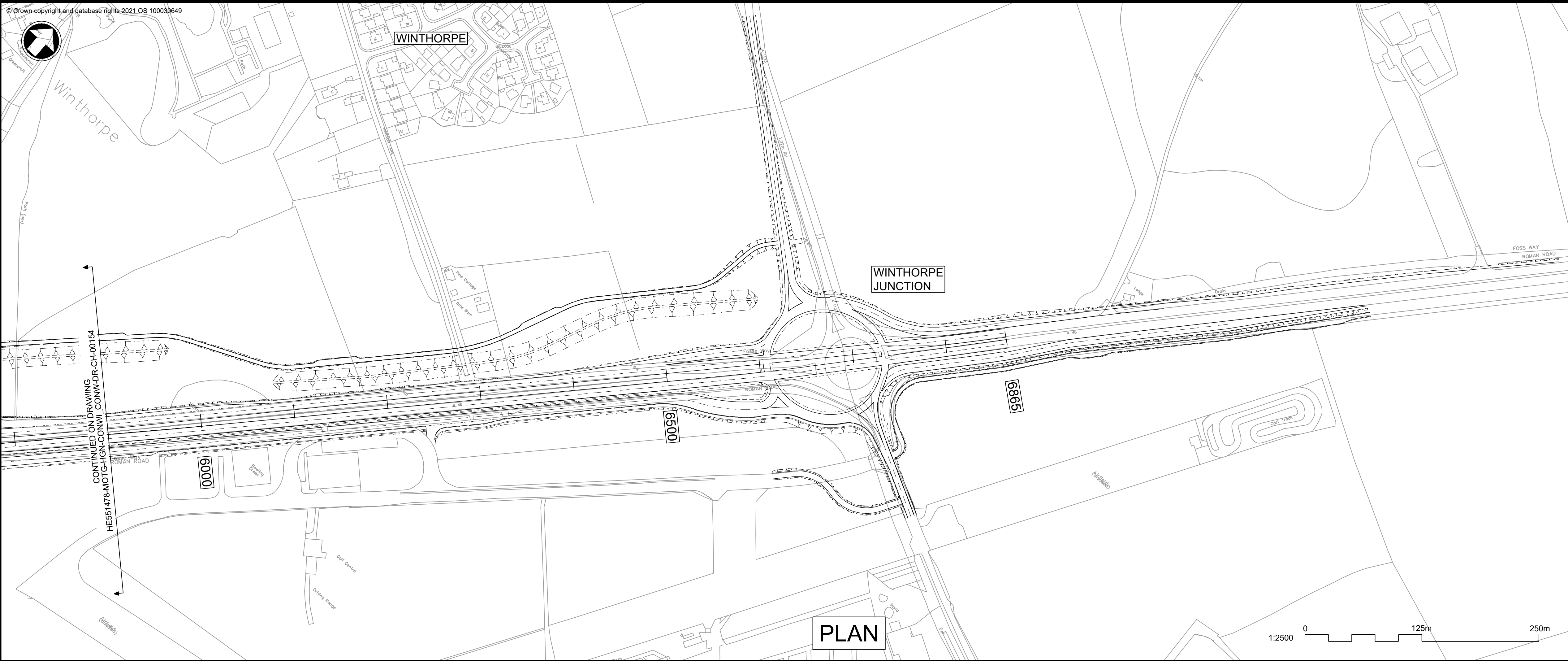


PROFILE

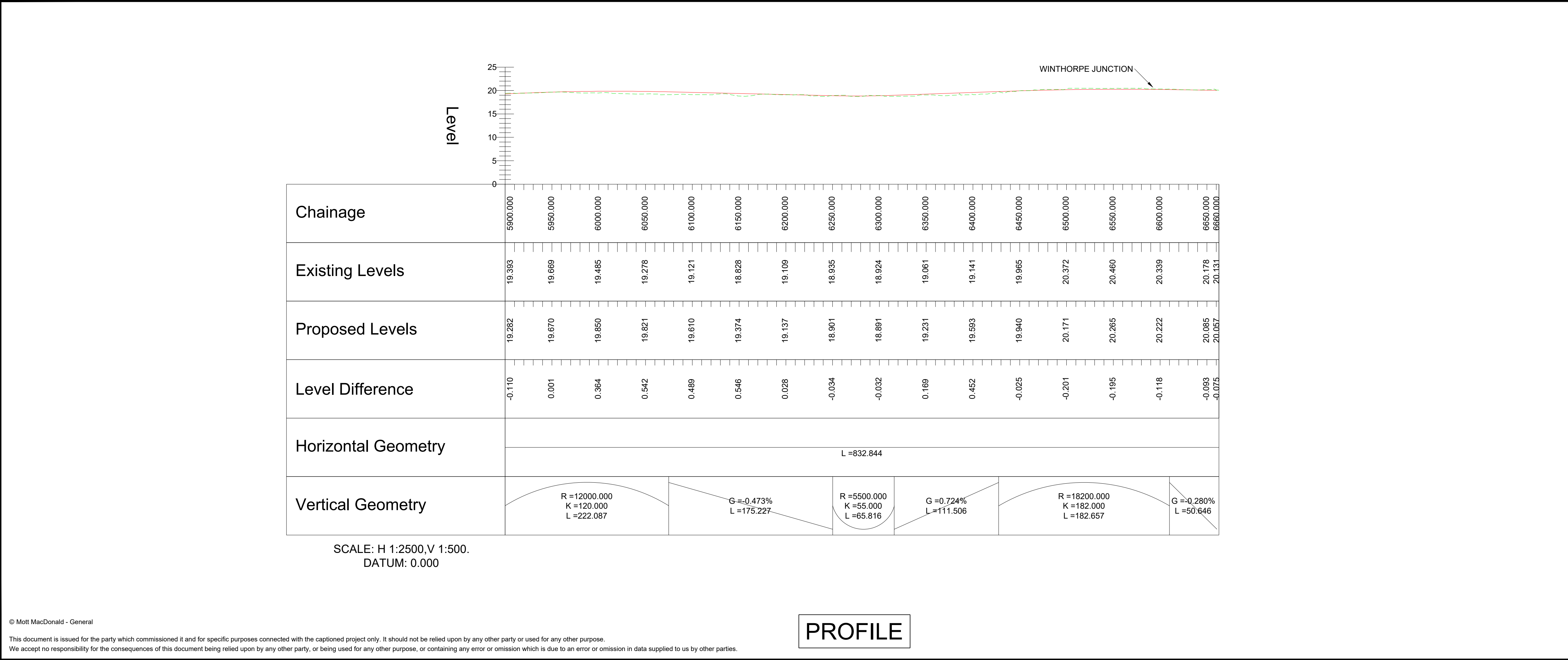
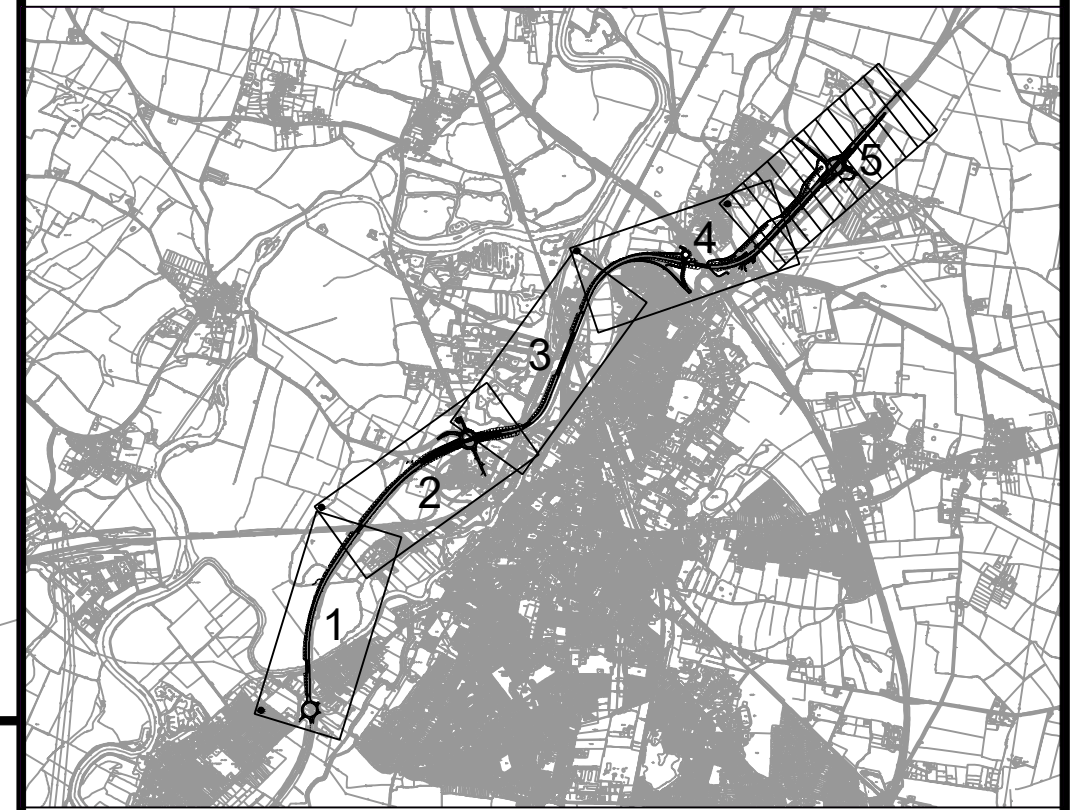
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Existing Levels	12.701	12.121	11.863	11.882	12.118	12.321	11.919	11.187	11.200	10.683	10.045	10.144	10.754	11.026	10.901	10.734	10.454	10.173	10.876	9.815	11.929	15.728	17.000	15.820	15.500	16.367	16.740	17.444	18.000	18.745	19.393
Proposed Levels	14.100	13.340	12.720	12.350	12.230	12.360	12.740	13.370	14.244	15.197	16.151	17.104	18.030	18.827	19.488	20.011	20.397	20.645	20.756	20.730	20.566	20.265	19.827	19.258	18.656	18.055	17.557	17.528	17.997	18.686	19.282
Level Difference	1.400	1.219	0.857	0.468	0.112	-0.093	0.821	2.049	3.045	4.515	6.106	6.959	7.275	7.801	8.587	9.277	9.943	10.473	9.880	10.915	8.637	4.537	2.827	3.438	3.156	1.688	0.817	0.084	-0.003	-0.059	-0.110
Horizontal Geometry	R: 500.000 L: 604.740										L: 89.000			L = 263.354			L: 92.000			R: 471.500 L: 386.830			L: 92.000			L = 832.844					
Vertical Geometry	G = -1.523% L = 408.204		R = 10000.000 K = 100.000 L = 342.882					G = 1.906% L = 178.877			R = 18200.000 K = 182.000 L = 565.869			G = -1.203% L = 133.432			R = 5000.000 K = 50.000 L = 129.047			G = 1.378% L = 65.886		R = 12000.000 K = 120.000 L = 222.087									

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Supported by					
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Status: S3					
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Original Size: A1	Date: 21/10/22	Date: 21/10/22	Date: 21/10/22	Date: 21/10/22	
Drawing Number: HE551478 - MOTG		Originator: - HGN -		Project Ref. No.: HE551478	
CONWI_CONW - DR - CH - 00154		Location: -		Revision: P01	



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P01	21/10/22	FOR STATUTORY CONSULTATION	MH	EJ	RH
REV.	DATE	AMENDMENT DETAILS	ORIG	CHK'D	APP'D
Project's Promoter					
Supported by					
Drawing Status		Suitable for Review & Comment		Status S3	
Project Title					
A46 Newark Bypass					
Drawing Title					
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Checked	EJ	Approved	RH		
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Location	CONWI_CONW	Type	DR - CH	Number	00155
					Revision
					P01

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J.10. – Preliminary Environmental Information (PEI) Report and Non-Technical Summary of PEI Report

Preliminary Environmental Information (PEI) Report – Volume 1 & Volume 2

[Preliminary Environmental Information \(PEI\) Volume 1 Main Report](#)

[PEI Volume 2 Figures Contents Page](#)

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[PEI Volume 2 Figure 2.2 Current Draft Order Limits](#)

[PEI Volume 2 Figure 2.3 Indicative Environmental Masterplan](#)

[PEI Volume 2 Figure 6.1 Operational Receptors](#)

[PEI Volume 2 Figure 6.2 Air Quality Monitoring](#)

[PEI Volume 2 Figure 6.3 Construction Dust Buffer](#)

[PEI Volume 2 Figure 7.1 Cultural Heritage Designated Assets](#)

[PEI Volume 2 Figure 7.2 Cultural Heritage Non-Designated Assets](#)

[PEI Volume 2 Figure 7.3 Cultural Heritage Events](#)

[PEI Volume 2 Figure 8.1 Zone of Theoretical Visibility - Existing](#)

[PEI Volume 2 Figure 8.2 Landscape Character Areas](#)

[PEI Volume 2 Figure 8.3 Visual Receptor Plan](#)

[PEI Volume 2 Figure 8.4 Zone of Theoretical Visibility - Post-development](#)

[PEI Volume 2 Figure 9.1 Statutory and Non-Statutory Designated Sites within 2km of the Draft Order Limits](#)

[PEI Volume 2 Figure 10.1 Potential Sources of Contamination](#)

[PEI Volume 2 Figure 12.1 Noise Important Areas](#)

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[PEI Volume 2 Figure 13.3 Residential Properties Situated within the Local Impact Area](#)

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[PEI Volume 2 Figure 13.5 Open Spaces and Recreational Routes](#)

[PEI Volume 2 Figure 13.6 Businesses Situated within the Local Impact Area](#)

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Newark Bypass

Preliminary Environmental
Information



Volume 3: Non-Technical Summary

October 2022

About

Revision number	P02
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Status	Final Version – For Statutory Consultation
Reference	RDP A46 Newark Bypass Preliminary Environmental Information Volume 3: Non-Technical Summary
Date	October 2022
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1. Introduction

1.1 Overview

National Highways proposes to upgrade a section of the A46 by widening the road between Farndon and Winthorpe roundabouts and the A1, developing a new section of dual carriageway between the western and eastern sides of the A1. The proposed scheme will help promote economic growth and development in Newark-on-Trent, Nottinghamshire and Leicestershire by improving safety, reducing congestion, improving customer experience and increasing resilience of the A46 and wider road network. The scheme also aims to protect and enhance the environment and biodiversity surrounding Newark.

This proposal is a “Nationally Significant Infrastructure Project” under the Planning Act 2008, which means that an application will need to be made for permission to deliver the proposed scheme. The permission is called a Development Consent Order (DCO).

Before an application for a DCO is submitted, the local community and other stakeholders must be formally consulted on the proposals and provided information. This includes a description of the proposed scheme, the likely significant environmental effects based on the preliminary environmental information available at the time, measures to avoid or reduce such effects and the alternatives considered. This is to help consultees develop an informed view of the likely significant environmental effects of the proposed scheme.

As well as undertaking this consultation, we’re continuing to gather environmental information, identifying the potential effects of the proposed scheme, and developing measures to avoid or reduce adverse effects - a process known as environmental impact assessment (EIA).

1.2 Scope and content of the Preliminary Environmental Information

We’ve prepared a Preliminary Environmental Information (PEI) Report (Volume 1) to describe the environmental setting and currently anticipated impacts of the proposed scheme on the environment. The PEI Report has been developed for the purposes of the statutory consultation and presents currently available information from the ongoing EIA process. The PEI Report is accompanied by a number of Supporting Figures (Volume 2). The PEI Report and Supporting Figures are available online at: www.nationalhighways.co.uk/a46-newark-bypass.

This document provides a summary of the PEI Report in non-technical language and forms Volume 3.

The information contained within the PEI Report is preliminary, we’ll continue to develop the findings further in the Environmental Statement (ES) to reflect the evolution of the design of the proposed scheme, informed by the feedback received from the consultation, and the ongoing EIA process. We’ll submit the ES, presenting the full results of the EIA, with the application for the DCO.

2. The scheme

2.1 Scheme location

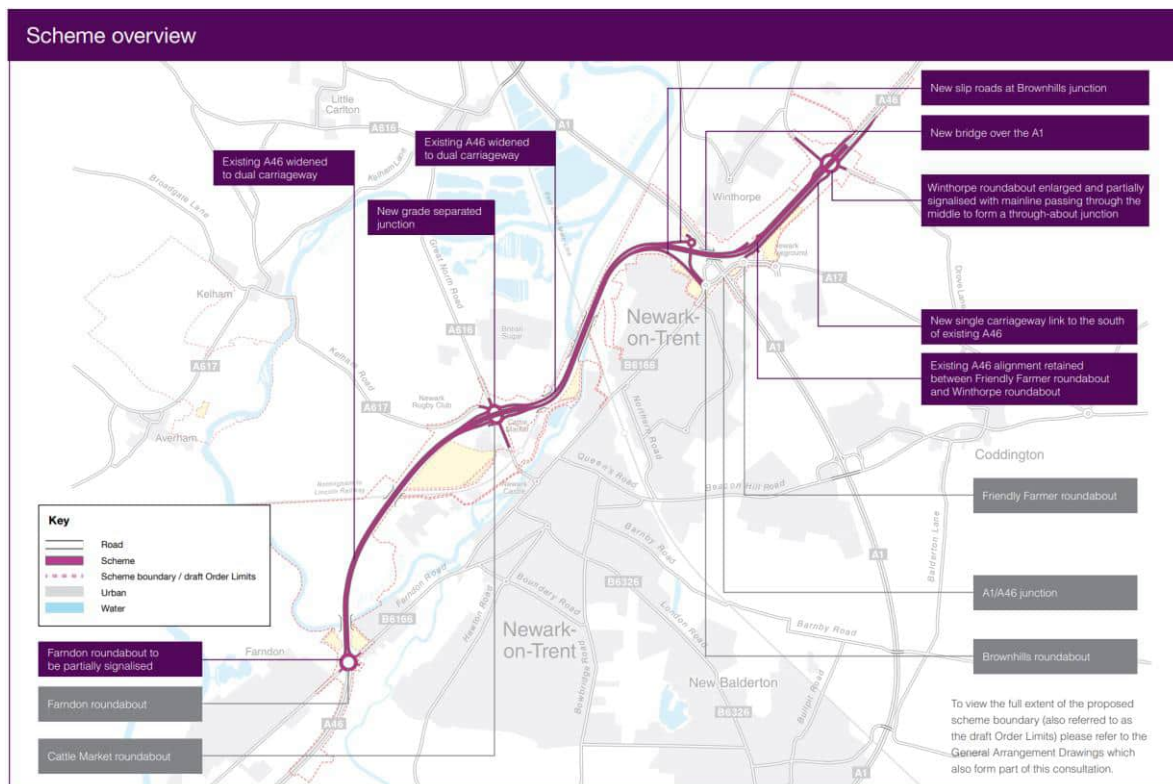
The scheme will provide a dual carriageway on the A46 between Farndon and Winthorpe. Farndon roundabout is located at the western extent of the scheme where the B6166 Farndon Road joins the A46. Winthorpe roundabout is located at the eastern extent where the A1133 joins the A46. Along its route, the scheme crosses A617 and B6326, at Cattle Market junction, and A1 between the Friendly Farmer roundabout and Brownhills roundabout.

The scheme will be situated within the county boundary of Nottinghamshire County Council, and Newark and Sherwood District Council.

The scheme crosses the River Trent twice, the Nottingham to Lincoln railway line twice, and the East Coast Main Line once.

Figure 1 below shows the location of the scheme.

Figure 1: Scheme location



2.2 Scheme objectives

The current National Highways' scheme objectives are below:

Safety

- Improve safety through scheme design to reduce collisions for all users of the A46 scheme.

Congestion

- Improve journey time and journey time reliability along the A46 and its junctions between Farndon and Winthorpe, including all approaches and A1 slip roads.

Connectivity

- Accommodate economic growth in Newark-on-Trent and the wider area by improving its strategic and local connectivity.

Environment

- Deliver better environmental outcomes by achieving a net gain in biodiversity, and improve noise levels at Noise Important Areas along the A46 between Farndon and Winthorpe junctions.

Customer

- Build an inclusive scheme which improves facilities for cyclists, walkers and other vulnerable users where existing routes are affected.

2.3 The proposed scheme

The proposed scheme has the following key features:

- widening of the existing A46 to a dual carriageway for a distance of 6.5 kilometres (approximately four miles) to provide two lanes of traffic in both directions between Farndon and Winthorpe roundabouts.
- partial signalisation of Farndon roundabout at the southern extent of the scheme to improve traffic flows during peak hours.
- a new grade-separated junction at Cattle Market junction, with the A46 elevated to pass over the roundabout. A larger roundabout beneath the A46 to provide increased capacity.
- a new dual carriageway section between (approximately) Brownhills roundabout and Friendly Farmer roundabout.
- new grade-separated roundabout (Brownhills roundabout) providing local access with a two-way link road on the southern arm to connect with the existing Brownhills roundabout.
- a new bridge structure over the existing A1, located to the north of the existing bridge.
- an upgraded roundabout with signal controls at Winthorpe roundabout.
- improvements to non-motorised user (NMF) facilities through safer, enhanced routes for walkers, cyclists and horse riders.
- provision of floodplain compensation to account for loss of floodplain as a result of the scheme footprint.

2.4 Alternatives

Proposals to improve the A46 have been the subject of extensive study and consultation since 2015. The process of options identification and route selection leading to the proposed scheme is summarised in Chapter 3 of the PEI Report (Volume 1). The process followed the following stages:

- identification and initial sifting of corridors of interest.
- review of constraints and opportunities for each corridor during an options workshop in January 2018.
- a second option sifting exercise.
- options consultation.
- production of an Environmental Assessment Report.
- selection of Preferred Route.

The Preferred Route was a modification of a route option which took consultation responses into account. The Preferred Route forms the basis of the proposed scheme.

3. The environmental impact assessment

3.1 The Environmental Impact Assessment process

Under the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017, the proposed scheme automatically requires a statutory Environmental Impact Assessment (EIA) due to the scale of the development. Accordingly, we're undertaking an EIA to meet the requirements of the relevant planning policy and legislation, so we can identify the effects of the proposed scheme on the environment.

The EIA considers impacts during the construction and operation of the scheme. The construction phase assessment addresses both the temporary activities involved in building the scheme and the subsequent permanent presence of the scheme once constructed; where relevant, these temporary and permanent effects are described separately below. The operational assessment considers the situation when the scheme is being used by traffic. The scheme would unlikely be decommissioned as it would form an integral part of the Strategic Road Network (SRN). Therefore, decommissioning requires no further assessment.

Where adverse impacts are identified, we'll put in place measures to avoid, minimise or mitigate the impact. We'll identify appropriate mitigation measures in accordance with Best Practicable Means (BPM) which we'll incorporate into Environmental Management Plans.

We're continuing to undertake further work as part of the EIA process to confirm the preliminary findings presented below. We'll present the final assessment of environmental impacts in the ES that will be submitted with the DCO application.

3.2 Environmental Mitigation

The development of the scheme design is an iterative process and adheres to the principles of the design and mitigation hierarchy. The first principle being to avoid potential effects, if at all possible, before seeking to minimise or mitigate for any unavoidable impacts through a well-developed mitigation strategy.

Preliminary environmental mitigation has been established through this iterative process and incorporated into the scheme design. An indicative Environmental Masterplan has been developed and can be seen in Figure 2.3 of the PEI Report (Volume 2).

As the design develops, we'll continue to identify ways to avoid, minimise and mitigate any adverse environmental impacts. Full details of all mitigation measures will be included within the ES and the Environmental Management Plan.

3.3 Environmental Constraints

All of the environmentally designated sites located within 2 kilometres of the scheme extent are shown on the Environmental Constraints Plan (Figure 2.1 contained in Volume 2). The sites include those that are designated for natural or heritage reasons for example. Notable statutory and non-statutory environmental designations and additional environmental constraints are as follows:

- Devon Park Pastures Local Nature Reserve (LNR) (approximately 500 metres east of Farndon junction) and Farndon Ponds LNR (approximately 800 metres west of Farndon junction).
- 42 locally designated non-statutory ecological sites (39 of which are Local Wildlife Sites (LWS), 11 of which lie within the scheme footprint).
- the River Trent and four other main rivers (two of which are crossed by the existing A46).
- The scheme is located across areas within Flood Zone 2 and Flood Zone 3.
- Noise Important Areas (NIAs) within the scheme footprint along the A1, A46, A617, Fosse Road and the East Coast Main Line.
- designated heritage assets including scheduled monuments (a Civil War sconce at Devon Bridge, Civil War redoubts at Dairy Farm, Valley Farm and the Sugar Refinery, and a Moated site at Dairy Farm are within the scheme footprint).
- numerous listed buildings and structures within 2 kilometres of the scheme.
- Winthorpe Conservation Area and Newark-on-Trent Conservation Area are within the scheme footprint. Averham and Kelham Conservation Areas are located immediately adjacent to the scheme footprint. Farndon Conservation Area is located 1 kilometre west of the scheme footprint.
- Newark-on-Trent Castle Gardens Grade II Listed Registered Park and Garden is located approximately 580 metres south of the existing A46.
- predicted grade 3 land (good to moderate).
- the Trent and Belvoir Vales National Character Area.
- four veteran and ten notable trees identified within, or directly adjacent to, the scheme footprint (of which one veteran and nine notable trees are located at Kelham).
- a number of trees covered by Tree Protection Orders (TPOs).
- existing communities in the vicinity of the scheme that are sensitive to environmental change include Newark-on-Trent to the south-west of the scheme, and the village of Winthorpe, located to the north east of the scheme.

4. Potential environmental effects

4.1 Air quality

Baseline

Pollutant concentrations in the area around the proposed scheme are considered to be low. There are no Air Quality Management Areas (AQMAs) close to the scheme and the available local authority and scheme monitoring data undertaken to date has shown no exceedances of the applicable thresholds. AQMAs are locations which the local authority has identified as exceeding air quality thresholds and require air quality action plans. The nearest AQMA is in the centre of Grantham, approximately 21.5 kilometres south-east of the scheme. This AQMA is declared for exceedance of nitrogen dioxide air quality threshold and is unlikely to be impacted by the scheme.

A scheme-specific diffusion tube monitoring survey is currently underway and is due to be completed in November 2022. The results will inform the baseline and assessment contained within the Environmental Statement (ES).

Construction

Without mitigation, construction of the proposed scheme may temporarily impact air quality because of dust generated from construction activities, and direct emissions of pollutants from construction equipment, such as excavators, cranes and on-site generators. Mitigation measures would involve the use of Best Practicable Means (BPM) to reduce emissions. Examples of these include avoiding double handling of materials, minimising stockpile heights and wetting down of surfaces to reduce dust emissions. With the implementation of best practice mitigation measures, no significant effects on air quality are predicted during the construction phase.

Operation

During operation there's the potential for the scheme to change pollutant concentrations where people may be present and at ecologically important locations. This is due to changes in emissions associated with traffic flows and speeds resulting from the scheme. The scheme is predicted to reduce flows in the centre of Newark where lots of people are present. There are increases in traffic flows predicted along the existing A46 due to the lane and junction improvements and on the B6326 Great North Road as a result of improvements at Cattle Market junction. However, there are few people present at these locations. The assessment we've undertaken has shown that there are no exceedances of air quality thresholds at human health locations. The assessments at ecologically important locations have been reviewed by an ecological specialist and no significant effects have been identified. Overall, no likely significant effects are anticipated on air quality from the operation phase.

4.2 Cultural heritage

Baseline

Cultural heritage includes archaeology, historic buildings/structures and historic landscapes, including parks and gardens. Designated assets are archaeological or built heritage features with statutory protection due to their heritage value. Non-designated assets are those heritage features and artefacts which are recorded but are not considered to meet the requisite criteria for statutory protection.

While a limited in depth archaeological survey has taken place at this stage, we recognise the high potential for medium and high value/sensitivity archaeology across the route. This mostly relates to prehistoric features at Farndon and Kelham, as well as Roman features in relation to the Fosse Way and Civil War era features across the route, particularly around Cattle Market junction.

There are a number of designated assets located within one kilometre of the proposed scheme, which include: 17 scheduled monuments, seven Grade I listed buildings, 15 Grade II* listed buildings, 387 Grade II listed buildings, a Grade II registered park and garden, and five conservation areas. There are also a number of non-designated assets within 500 metres of the proposed scheme, including 150 non-designated archaeological heritage assets and a further 82 non-designated built heritage assets.

Construction

The construction activities could cause temporary adverse impacts on the value of cultural heritage assets through visual intrusion, noise, vibration, dust, changes to setting and direct damage or disturbance.

The use of construction plant, materials, machinery, construction compounds and the provision of construction lighting would potentially adversely impact the setting of both designated and non-designated assets and have a temporary direct significant adverse effect on their heritage value during construction.

Mitigation measures would include the production of an Archaeological Management Plan to be updated at each phase of archaeological works and management of noise and vibration in the vicinity of heritage assets during construction. These would minimise any temporary impacts during construction activities.

The presence of the proposed scheme could also cause permanent adverse effects on the value of cultural heritage assets through permanent demolition or removal of assets due to excavation, ground disturbance and compaction, and changes to the setting of heritage assets as a result of the construction of new, and modification of existing, infrastructure.

Potential beneficial impacts on the value of cultural heritage assets may result from the advancement of knowledge and understanding of known and unknown heritage assets through discovery and recording.

Operation

Further assessment is required to establish the potential for noise and vibration impacts from changes to traffic flows and levels on designated and non-designated built heritage assets. These changes could have an effect on the setting of these assets. We'll provide further assessment within the ES.

No operational effects would be anticipated on buried archaeological remains as these assets would not be affected by the operation of the proposed scheme.

Possible beneficial effects to the value of cultural heritage assets may result from a potential reduction in noise, vibration or traffic which can result in an improvement in the setting of the heritage resource. There may also be beneficial effects as a result of the planting which, once established, would enhance the setting of assets.

4.3 Landscape and visual effects

Baseline

The proposed scheme would be situated in a landscape characterised by both natural and manmade features such as the River Trent; farmland; existing vegetation, including trees and hedgerows; road and rail infrastructure; industrial and commercial development; and residential settlements. To the north of the A46, farmland of irregular field patterns dominates, interspersed with small-scale village settlements. To the south of the road, the town of Newark-on-Trent has developed from a long and rich history to form a notable urban settlement.

Construction

Potential impacts on landscape character and visual amenity during construction would result from the presence of construction works, associated traffic movements, and temporary fencing, lighting and structures beyond the current highway boundary.

There remains potential for significant adverse effects on local landscape character immediately surrounding the works, for a temporary period during construction.

There's also the potential for significant adverse effects as a result of changes to views for residential receptors and from public rights of way, including the Trent Valley Way, and for visitors to recreational facilities including Newark Castle, and road users.

Significant effects at a national character level are unlikely given the scale and nature of the works in relation to the scale of the National Character Area.

Measures to mitigate the visual impacts of construction activities would include keeping a well-maintained site, restoration of land used temporarily to construct the scheme, as soon as practicable and limiting works to daylight hours where possible, with any night works to be kept to a minimum.

Operation

Potential impacts to landscape character and visual effects during operation include additional road infrastructure, notably new structures such as bridges, and the permanent loss of vegetation.

There's the potential for significant adverse effects on landscape character which would most likely result in significant effects within the immediate landscape surrounding the scheme rather than more broadly at a national scale. Any significant adverse effects on landscape character during the initial years of scheme operation would reduce over time as mitigation planting establishes, ensuring that the scheme is integrated into the landscape once planting is mature.

There's the potential for significant adverse effects for visual receptors such as residential properties in close proximity to the scheme, where there would be short distance, direct views to the widened A46 and associated structures. However, those significant adverse effects during the early years of scheme operation would reduce over time as mitigation planting becomes established and starts to screen views of the scheme. It may not be possible to fully mitigate all significant visual effects during operation, particularly for visual receptors with direct views to the scheme, or where at height structures such as bridges are notable within a view. However, in these circumstances views of the scheme are still likely to be softened by proposed planting over time.

Significant adverse effects aren't currently predicted as a result of the floodplain compensation area during operation.

Mitigation measures would include retention and enhancement of hedgerows and linear belts of vegetation along the highway boundary, with opportunities for habitat creation to be incorporated into the environmental design, with an aim to increase biodiversity.

4.4 Biodiversity

Baseline

There are several important designated sites in the vicinity of the proposed scheme, such as Devon Park Pastures and Farndon Ponds Local Nature Reserves (LNRs). Other important non-statutory designated sites near the proposed scheme include Local Wildlife Sites (LWSs) and Sites of Interest for Nature Conservation (SINCs).

Priority habitats in the vicinity of the scheme include wood pasture, traditional orchard, eutrophic standing water, lowland meadows and, coastal and floodplain grazing marsh.

Construction

The scheme will result in permanent habitat loss and fragmentation of habitat at multiple LWSs including Dairy Farm Railway Strip, Great North Road Grasslands, Newark Dismantled Railway, and Newark (Beet Factory) Dismantled Railway. Construction activities could also increase the risk of a pollution incident, such as contaminated run off, spills/leaks of oils and fuels, and increased airborne pollutants.

The scheme will result in loss of priority habitat consisting of deciduous woodland, wood pasture, coastal and floodplain grazing marsh, lowland meadow and lowland fen. It has the potential to result in indirect effects on other priority habitats due to construction activities required for the scheme and vegetation clearance required to

facilitate construction. Additional indirect impacts may also affect habitats through airborne pollution, run-off, and compaction of root systems.

Site clearance and construction activities may have an adverse effect on protected species where commuting, foraging, breeding and rearing habitats are lost. These protected species include otters, water voles, aquatic invertebrates, barn owls, badgers and bats. Construction related run-off could indirectly impact the water quality of local water courses inhabited by species such as water vole and otter. Night works would directly disturb nocturnal species and terrestrial invertebrates due to increased lighting pollution, noise and vibration. This disturbance could potentially contribute to the displacement of a number of species from the area. Additional impacts on species include mortality or injury through construction activities and indirect impacts. Changes in water levels has the potential to alter how bankside habitat can be used for water vole burrowing and otter resting sites. Nightworks and associated lighting have the potential to cause disturbance to bats, badgers and barn owls.

Measures to mitigate impacts on biodiversity during construction include:

- reducing the significance of effects caused by changes to air quality
- reducing the significance of effects caused by changes to water quality
- preparing an Ecological Mitigation Strategy
- granting protected species licenses from Natural England
- managing lighting during night works

Operation

Without mitigation, traffic emissions as a result of the proposed scheme could lead to changes in air quality and increased levels of nitrogen deposition at the LWSs. This could adversely impact sensitive habitats and species.

Once operational, the scheme would result in the permanent severance of habitats of biodiversity value. In the absence of mitigation, the permanent severance of habitats suitable to support protected and notable species has the potential to adversely affect individual species and their conservation status.

There's the potential for changes to hydrology and water quality at LWSs and nearby grassland and woodland habitats as a result of additional traffic.

There's the potential for adverse effects on protected species through the incorporation of a new road at height, with the risk of killing and injuring species such as bats, otters and barn owls through collision with traffic along the flyover. There's also the potential for adverse effects on nocturnal species as a result of light disturbance. Increased traffic volume and speed during operation may have adverse effects on the behaviour of species sensitive to noise, particularly birds.

Mitigation measures will be implemented to reduce operational effects where possible. These measures include directional and hooded lighting to minimise light spill and additional screening vegetation around areas of road at height to minimise the chance of collisions between protected species and traffic.

4.5 Noise and vibration

Baseline

The area consists of discrete groups of residential receptors separated by more rural, agricultural areas with isolated properties. There are also recreational and industrial/commercial receptors in the area. In addition to the existing A46, there are several other trunk roads and two railways. Therefore, background noise consists largely of road traffic noise (the level being dependent on time of day and distance from the road network) and noise from the railways.

Construction

Temporary noise and vibration impacts related to the proposed scheme and associated construction traffic are likely. These impacts would mainly be in the vicinity of the scheme. However, depending on haul routes and construction-related traffic, these could extend along the existing road network.

Measures to mitigate impacts of noise and vibration during the construction period include implementation of Best Practicable Means (BPM), controlled timing of works and careful site layout to minimise noise and vibration. The effects of potential noise and vibration on affected communities will also be mitigated by effective communication between the promoter, contractor and the public.

The preliminary construction assessment indicates no significant adverse effects are anticipated from construction noise and no significant adverse effects are anticipated from construction vibration.

Operation

Without mitigation, changes in traffic flows and road alignment can potentially result in noise changes at noise sensitive receptors, particularly from increased road traffic. These impacts can be beneficial or adverse.

Measures to mitigate the impacts of noise and vibration during the operation phase include the use of noise barriers and earth bunds. Sound insulation packages for residences will be offered where significant impacts remain after incorporation of reasonably practicable mitigation measures. The preliminary operational assessment indicates that the scheme has potential to result in significant residual adverse effects at noise sensitive receptors, thus suitable mitigation will be considered. Operational vibration is not considered to lead to significant adverse effects and has already been scoped out of requiring further assessment.

4.6 Geology and soils

Baseline

The solid geology within the location of the scheme comprises of the Mercia Mudstone Group, the Edwalton Member Mudstone and the Gunthorpe Member Mudstone. Mercia Mudstone is recorded underlying the full extent of the scheme. The Edwalton Member

is recorded underlying the southwest extent of the scheme, while the Gunthorpe Member underlies the southeast extent.

Superficial deposits of Alluvium, associated with the River Trent, are present across the majority of the south-western half of the study area. The Balderton Sand and Gravel Member underlies much of the north-eastern section of the study area. Small areas of Holme Pierrepont Sand and Gravel Member are also present, mainly located just west of the A1, north of Cattle Market roundabout and at the south-western extent of the study area. Engineered Fill for the existing A46 embankments is also present within the study area.

The soils in the scheme area belong to three broad groups:

- coarse textured soils found on the terraces of the River Trent in the north of the survey area.
- where the terrace gravels thin out, the coarse loamy deposits overlie the red clay of Mercian Mudstone that occurs below 60cm.
- the low-lying Trent floodplain supports loamy and clayey alluvium.

The Agricultural Land Classification (ALC) grades of soils identified in the study area include grade 2, subgrade 3a, 3b and non-agricultural land. Soils comprising of Grade 2 and 3a, are deemed 'Best and Most Versatile' (BMV) land.

Historical land use within the scheme area is defined predominately by railway, roads and agricultural fields. We've identified a number of possible sources of contamination including Made Ground, the railway lines, the active British Sugar factory, active sewage works, former chemical works, historic landfill, active fuel filling station, ADR automotive site, Newark lorry wash, an old bleaching house and a former petrol station.

Construction

Potential impacts associated with contamination are likely to relate to the existing level of ground contamination on site and its interaction with the proposed scheme.

There's potential for the creation of contamination pathways/driving down of contaminants, presenting a risk to groundwater. The removal or remediation of any areas of contaminated soils identified would have a potential benefit.

It's considered that the scheme has the potential to result in significant adverse effects on ALC grade 2 soils in the Kelham and Averham Floodplain Compensation Area during construction due to the loss of agricultural land.

There's potential for permanent compaction or removal of anticipated BMV agricultural soils or topsoil/sub soil material. Soil deterioration and compaction may occur due to vehicle movements and loading, leading to adverse impacts.

There are no designated or non-designated geological sites/features of interest within 500 metres of the scheme. Therefore, there are no anticipated impacts on geology.

Measures to mitigate impacts on geology and soils include using a robust materials management plan and site waste management plan (SWMP), and complying with industry codes of practice document.

Operation

There's the potential for fuel leakage from vehicles and site run-off. The highways drainage will be designed in accordance with the Design Manual for Roads and Bridges (DMRB) standards to collect potentially contaminated site run off from vehicle fuel leakage to mitigate potential operational impacts on geology and soils. There are no anticipated significant adverse effects on geology, contaminated land or soils during operation.

4.7 Road drainage and water environment

Baseline

The surface water environment includes four main rivers (River Trent, Middle Beck, River Devon and Slough Dyke (the Fleet)). Currently, the A46 crosses the River Trent twice and Slough Dyke (the Fleet) once. There are also ordinary watercourses¹ within the study area, including the Old Trent Dyke which the A46 crosses. There are also numerous lakes and ponds within the study area. The scheme is located within the Trent Valley Internal Drainage Board (IDB) area. The majority of the scheme is located within areas of very low risk of surface water flooding, however there are some areas of medium risk located within the study area. These are associated with the River Trent.

The entirety of the scheme is located within the Lower Trent Erewash Secondary Combined Water Framework Directive (WFD) groundwater waterbody. Bedrock in the area are designated as a Secondary B aquifer, which typically comprise low permeability layers that store and yield limited amount of groundwater through fissures. The majority of the scheme is located within an area that is considered highly susceptible to groundwater flooding.

There are two Local Nature Reserves (LNRs) (Farndon Ponds LNR, and Devon Park Pastures LNR), and three authorised landfills within the study area.

Construction

There's the potential for construction activities, such as excavation, deposition of soils and sediments, and fuel spillages, to affect surface water quality by contaminants entering surface watercourses. In addition, construction activities have the potential to contaminate the groundwater through movement of contaminants within the soil. There's the potential for significant adverse effects on the water quality of surrounding surface waterbodies from the potential discharge of pollutants into watercourses during construction activities.

There's the potential for an increase in flood risk across the scheme and surrounding areas due to construction activities altering the flow paths of surface water or increasing the amount of surface water run-off in localised areas. An increase in flood

¹ An Ordinary Watercourse is any river, stream, brook, ditch, drain, culvert, pipe and any other passage through which water may flow which is not designated as Main River. It does not have to be recorded on a map to be an ordinary watercourse and commonly is not.

risk could also occur due to any changes in topography and/or earthworks which could change the overland flows during storm events.

Modification and construction of culverts and bridges could also potentially produce adverse impacts by causing localised damage to the watercourse. This could also have the potential to affect the WFD status of the waterbodies. The scheme has the potential to result in deterioration in water quality and impact the groundwater flow through piling and other subsurface construction activities in the Lower Trent Erewash Secondary Combined WFD groundwater waterbody.

There's a potential for ground and earthworks during construction to cause disruptions to the flow of groundwater. De-watering activities in the superficial sediments or bedrocks have the potential to result in minor reductions in groundwater flows. These impacts may lead to either a reduction or loss of water supply to groundwater abstractions.

There are no anticipated impacts on LNRs. However, changes to surface water qualities and volumes during construction could adversely impact the LNRs through contaminated surface water run-off.

Measures to mitigate construction impacts on road drainage and the water environment include implementing an Environmental Management Plan, following Best Practice Measures in accordance with industry guidelines and monitoring the watercourses at risk of pollution. With mitigation, the effects from construction activities on surface water and groundwater are not anticipated to be significant.

Operation

There's the potential for adverse effects from contaminated surface water run-off entering surface and groundwater waterbodies leading to long-term degradation of water quality. There's also the potential for redirection of surface water run-off and an increase in impermeable surface that could increase the risk of surface water flooding, resulting in a significant adverse effect.

The presence of permanent infrastructure within the floodplain, an increase in impermeable surfacing, changes to surface water run-off and the presence of permanent below ground structures, all have the potential to increase the flood risk in the area. The presence of permanent below ground structures also has the potential to change the existing groundwater flow, resulting in an interruption of flow which may lead to the loss of water supply to springs and streams. A new drainage system has the potential to interrupt surface water flow which may result in a reduction in recharge to the underlying aquifer. The construction of permanent below-ground structures and/or deep foundations has the potential to have a significant adverse effect on groundwater flow by forming barriers. Surface water flows and sediment transportation could also be affected. Infrastructure within or adjacent to watercourses has the potential to cause direct adverse impacts to the shape and flow in the watercourse, which could result in a less dynamic flow, loss of riverbed continuity, increased sedimentation, habitat severance, potential barriers for fish migration and loss of habitats for plants through shading.

Mitigation will be incorporated within the design of the scheme to reduce the impact of the above on the water environment within the study area, including new drainage systems designed in accordance with industry standards, floodplain compensation sites, and surface water quality monitoring.

4.8 Material assets and waste

Baseline

Demand for materials and minerals/mineral products in the UK includes primary aggregates, recycled and secondary aggregates, cementitious products, ready-mixed concrete, asphalt, dimension stone, China clay, slag, apparent steel use, igneous rock limestone dolomite and sandstone, and sand and gravel. We've identified aggregates reserves and permitted aggregates sites for the Nottinghamshire region that may be used by the scheme, along with the status of current land banks.

We've identified appropriate available facilities for recycling and recovery which manage construction and demolition waste, either through transfer, treatment, crushing and screening, or storage, within 10 kilometres of the existing A46 junctions. Although the scheme aims to prioritise the waste hierarchy² and avoid sending waste to landfill, we've identified a list of permitted landfill sites with remaining capacity within 50 kilometres of the existing A46 junctions that could accept waste in a worst-case scenario.

Construction

The materials likely to be required during the construction of the proposed scheme include steel, concrete, plastic, wood, cement and aggregate. Without mitigation, construction of the proposed scheme could result in importing material resources and depletion of non-renewable resources from quarries and other mineral sources.

Waste generation during the construction phase may result in adverse impacts including temporary occupation of waste management infrastructure capacity, temporary occupation of land for storing waste awaiting transfer off-site and permanent reduction in landfill capacity. The scheme would aim to minimise the generation of waste as much as possible.

It's unlikely that the generation and management of waste would result in significant effects as long as there's appropriate waste management and mitigation measures are implemented.

It's likely that any significant effects due to the quantity of material resources required could be appropriately mitigated. Further assessment within the Environmental Statement is required to confirm there will be no significant effects.

Potential measures to mitigate construction impacts on materials include prioritising the waste hierarchy through delivering materials on an 'as required' basis, maximising

² The "waste hierarchy" ranks waste management options according to what is best for the environment. It gives top priority to preventing waste in the first place. When waste is created, it gives priority to preparing it for re-use, then recycling, then recovery, and last of all disposal (e.g. landfill).

recycling and reuse of waste, identifying locally sourced materials and suppliers where practicable, and avoiding, where possible, temporary stockpiling of fill materials prior to incorporation to the scheme. Surplus cut materials would be suitable to be re-used in the landscaping for the scheme.

Operation

There would be minimal requirement for materials used in the operation of the scheme with the exception of small quantities of materials that may be required for maintenance. Significant adverse effects are not likely for material assets during the operation of the scheme.

The use of materials and waste produced through the operation of the scheme will be negligible. The scheme would aim to minimise the generation of waste as much as possible throughout operations such as by promoting resource efficiency by repairing and reusing materials, and complying with required maintenance schedules to prolong the lifespan of materials.

We anticipate that waste generated through general operational activities and significant maintenance and repair activities would be infrequent and unlikely to generate large volumes of waste requiring treatment or disposal.

Potential measures to mitigate operational impacts on materials are the same as those implemented during the construction phase of the scheme, where applicable. This will assist in reducing material requirements and waste generation.

4.9 Population and human health

Baseline

Key communities near to the scheme are: Newark-on-Trent to the south-west of the scheme, accessed from the A46 via Farndon Road; Great North Road and Lincoln Road; and the village of Winthorpe, located to the north-east of the scheme, accessed via the A1133. There are a number of community resources located within the Local Impact Area (LIA), including Newark Rugby Club, Sconce and Devon Park, Lovers Lane Primary School and Newark Showground. The Newark and Sherwood Local Plan identifies three employment sites with planning permission, four housing sites with planning permission, two mixed use allocations and the Newark Flyover transport scheme.

Much of the land within the LIA is used for arable production, with approximately 550 agricultural land holdings. There are also a number of public rights of way (footpaths and bridleways) in the LIA including Newark BW2 and Winthorpe FP2. There are further walking, cycling and horse-riding (WCH) amenities in the LIA such as Trent Valley Long Distance Path and National Cycle Network Route 64. The population of the LIA is 11,773, the majority of which are of working age.

Construction

During construction of the proposed scheme, potential impacts on agriculture relate to both permanent and temporary use of agricultural land along the route within the

scheme footprint, potentially impacting on the functioning and viability of agricultural holdings and enterprises. The construction of the scheme may also require both permanent and temporary land take from the grounds of residential properties, businesses and development land in the Newark area within the scheme footprint.

Temporary changes to access and increases in traffic from construction activities could impact access to private property and housing in Newark and Winthorpe, community land and assets, development land and businesses, and access of WCH facilities within the LIA during the construction period.

Temporary diversions or closures of WCH routes are likely to be needed within the LIA. This could result in changes to accessibility and increases to journey lengths for WCHs.

Temporary creation of jobs necessary to deliver the scheme may have direct and indirect beneficial impacts on employment in the wider area.

There are also likely to be temporary changes to the local environment from construction dust and noise, and this can have an effect upon human health such as from sleep disturbance and stress. However, .

measures to mitigate the impacts of construction of the proposed scheme include implementation of the Environmental Management Plan (EMP) to mitigate adverse effects associated with air quality, noise, traffic and visual impacts, and this will ensure that adverse effects during construction will be reduced. Additionally, a Construction Communications plan to engage with local people and businesses will be developed, and a traffic management plan (TMP) will be implemented to ensure that access is maintained, and disruption is minimised as far as possible. With these measures in place, the temporary effects from construction are not likely to be significant.

Operation

There's the potential for permanent closures or diversions of WCH routes within the LIA and for new WCH provisions to be delivered as part of the scheme. These could potentially increase journey lengths for WCH, including for vulnerable travellers. However, the scheme also has the potential to reduce severance resulting in a benefit for cyclists, walkers and other vulnerable road users wishing to cross the A46 within the LIA.

Additionally, the operation of the scheme is anticipated to reduce congestion, reduce journey time and improve safety, improving the access to employment for people living within the LIA and supporting the future economic growth of the region. The scheme has the potential to improve the provision of infrastructure that encourages active travel modes, supports a potential reduction in pollutants and offers access to employment with the potential for positive health impacts.

Measures to mitigate adverse operational effects from the scheme include providing appropriate signage for new or permanently diverted WCH routes and maintaining access to all affected residential properties, businesses and areas of open space and recreation.

4.10 Climate

Baseline

For 2020, in Nottinghamshire County, the emissions for all roads were estimated at 1,392.7kt CO₂e; in 2019 this was 1,696.8kt CO₂e. This continues a downward trend from previous years as there was 1,717.2kt CO₂e in 2018 and 1,751.8kt CO₂e in 2017³.

Mean annual temperatures over the region vary from around 8 °C to just over 10 °C. The highest values occur in the lower Severn valley, while the lowest occur at the higher altitudes such as the Peak District. In the region, the more sheltered areas of the South and East Midlands are the driest with less than 600mm per year in parts of Northamptonshire, the lower Trent valley and the Avon valley. This is 80% lower than the highest rainfall area in the UK, but still 300-500mm greater than the driest parts.

Construction

The main impact on climate during construction will be the release of greenhouse gases (GHGs) which contribute towards altering the UK's climate beyond what would be expected from natural variation. GHG release will be by plant and machinery, construction process stage, materials production, land use change and changes to traffic flows.

Measures to mitigate the impacts of construction on climate include requirements for subcontractors and suppliers to prioritise low/zero carbon solutions, reporting and collaboration requirements, and completing a carbon Management Plan.

The projected future climate is likely to follow the UK wide trend of drier summers, wetter winters and an increase in average mean temperature. It's also likely that changes to the climate will lead to an increase in the frequency and severity of weather events such as storms, heavy rainfall, droughts and heatwaves. The scheme will experience the effects of these changes in construction. Measures to manage and reduce the impact of these changes include adopting construction processes which are adapted to ensure they are resilient to changes in climate during the construction period.

Operation

The main impact on climate during operation will be the release of GHG which contribute towards altering the UK's climate beyond what would be expected from natural variation. GHG release will be caused by changes in land use, vehicle distributions and speed limits, maintenance activities, repair activities, and replacement and refurbishment of assets.

Measures to mitigate the operational impacts of the proposed scheme on climate include ensuring the lifetime operation is as efficient as possible and identifying

³ Calculated from UK Local authority and regional data 'Nottinghamshire Total' Road Transport (A roads), Road Transport (Motorways) & Road Transport (Minor roads) (2020) available at https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fassets.publishing.service.gov.uk%2Fgovernment%2Fuploads%2Fsystem%2Fuploads%2Fattachment_data%2Ffile%2F1086982%2FUK-local-authority-ghg-emissions-2020.ods&wdOrigin=BROWSELINK (Last accessed July 2022)

opportunities during the design and construction of the scheme to reduce operational GHG emissions.

The projected future climate is likely to follow the UK wide trend of drier summers, wetter winters and an increase in average mean temperature. It is also likely that changes to the climate will lead to temporal and severity increase of weather events such as storms, heavy rainfall, droughts and heatwaves. The scheme will experience the effects of these changes in operation.

Measures to mitigate the operational impacts of the proposed scheme on climate include developing the scheme design to accommodate the predicted changes in regional climate.

5. Consultation and next steps

This Non-Technical Summary has been prepared to help those potentially affected or interested in the proposed scheme to understand the environmental setting and currently anticipated effects of the proposed scheme on the environment. These considerations can then be taken into account in your responses to the consultation.

Your feedback from the consultation will inform our continuing development of the scheme. Once we have considered your feedback, we plan to submit our application for a Development Consent Order (DCO) in summer/autumn 2023. We'll also prepare a report on the consultation, recording the feedback and our response, which will be published with our application.

5.1 Where you can get more information

The scheme webpage

The scheme webpage provides current scheme information as well as historic information and can be accessed using the following web address:

www.nationalhighways.co.uk/a46-newark-bypass

You can also use the scheme webpage to sign up to receive latest news and updates via email.

Copies of consultation materials

Printed copies of our consultation brochure and consultation response form will be available free of charge at deposit locations and consultation events, throughout the consultation period. Copies of other consultation documents and plans will be available online and for inspection only at our consultation events. Copies of additional or accessible versions of our consultation materials are available upon request from our project team.

Consultation events

We're using community venues and our Engagement Van to give you the opportunity to speak to members of the project team about the proposed scheme. Details of the events are as follows:

Location	Day	Time
Newark Showground Gift and Food Show, Lincoln Road, Winthorpe, Newark-on-Trent, NG24 2NY	29 October 2022	9am to 5pm
Newark Showground Gift and Food Show, Lincoln Road, Winthorpe, Newark-on-Trent, NG24 2NY	30 October 2022	9am to 4pm
Farndon Memorial Hall Marsh Lane, Farndon, Newark-on- Trent, NG24 3SZ	8 November 2022	3pm to 8pm
Newark Town Hall Market Place, Newark-on-Trent, NG24 1DU	9 November 2022	11am to 4pm
Bridge Community Centre Lincoln Road, Newark-on-Trent, NG24 2DQ	10 November 2022	3pm to 8pm
Winthorpe Community Centre Woodlands, Winthorpe, Newark-on- Trent, NG24 2NL	12 November 2022	12 noon to 5pm
The Fox Inn Main Street, Newark-on-Trent, NG23 5QP	15 November 2022	3pm to 8pm
Newark Market Place Market Place, Newark-on-Trent, NG24 1DU	19 November 2022	10am to 2pm
Northgate Retail Park Northgate, Newark-on-Trent, NG24 1GA	20 November 2022	10am to 2pm
Newark Town Hall Market Place, Newark-on-Trent, NG24 1DU	30 November 2022	11am to 4pm

Any changes to these events will be communicated on the scheme webpage and on social media. You can also call us to confirm that an event is going ahead.

Deposit locations

The opening times of these deposit locations may be subject to change due to circumstances out of our control. If in doubt, please contact a location before visiting.

Location	Opening hours	
	Day	Time
Newark Indoor Bowls Centre Newark Showground, Lincoln Road, Winthorpe, Newark-on-Trent, NG24 2NY	Monday to Friday:	9:45am to 9:30pm
	Saturday and Sunday:	9:30am to 2:30pm
The Lord Nelson Gainsborough Road, Winthorpe, Newark-on-Trent, NG24 2NN	Monday to Saturday:	10am to 10pm
	Sunday:	10am to 7pm
Bridge Community Centre Lincoln Road, Newark-on-Trent, NG24 2DQ	Monday to Sunday:	8:30am to 9pm
Newark and Sherwood District Council Castle House, Great North Road, Newark-on-Trent, NG24 1BY	Monday to Friday:	9am to -5pm
The Fox Inn Main Street, Newark-On-Trent, NG23 5QP	Monday to Thursday:	12 noon to 10pm
	Friday and Saturday:	12 noon to 11pm
	Sunday:	12 noon to 8pm
Newark Library Balderton Gate, Town Centre, Newark-on-Trent, NG24 1UW	Monday and Wednesday:	9am to 6:30pm
	Tuesday, Thursday and Friday:	9am to 6pm
	Saturday:	9am – 4pm
	Sunday:	Closed
The Lord Ted Farndon Road, Newark-on-Trent, NG24 4SW	Monday to Sunday:	11am to 11pm

5.2 How to respond to our consultation

The consultation period will run from Wednesday 26 October to Monday 12 December 2022. We'd like to hear what you think, so please share any ideas, local knowledge, or concerns that you may have about our proposals by responding to our consultation. All your feedback will be considered as we continue to develop our proposals and the scheme design. You can respond to our consultation using one of the following methods:

Online

Complete our response form online at www.nationalhighways.co.uk/a46-newark-bypass

Post

Complete a copy of our printed response form and post it back to our team using the scheme freepost address:

Freepost A46 NEWARK BYPASS

There's no need for a stamp when using this freepost address. The response form can be placed in an envelope with the freepost address written on the front.

In person

Complete a copy of our printed response form and give it to a member of staff at one of our consultation events.

All responses should be submitted by 11.59pm on Monday 12 December 2022.

Your comments will be analysed by National Highways and any of its appointed agents. Copies may be made available in due course to the Secretary of State, the Planning Inspectorate and other relevant statutory authorities so that your comments can be considered as part of the DCO application process. We'll request that your personal details are not placed on public record and will be held securely by National Highways in accordance with the Data Protection Act 1998. Your data will be used solely in connection with the consultation process and subsequent DCO application and, except as noted above, will not be passed to third parties.

5.3 Contact us

Visit our scheme webpage for information about the scheme and how to have your say, or call or email us to find out more.

- A46newarkbypass@nationalhighways.co.uk
- 0300 123 5000
- www.nationalhighways.co.uk/a46-newark-bypass

5.4 Next steps

If our application for a DCO is accepted by the Planning Inspectorate, there will be an examination of the application in which the public can participate. This examination will take a maximum of six months. The Planning Inspectorate then has three months to make a recommendation to the Secretary of State, who then has a further three months to make a final decision. If our application is approved, work on the scheme is planned to start in 2025

If you would like any further information on the DCO application process, please visit the Planning Inspectorate's website: [**http://infrastructure.planningportal.gov.uk**](http://infrastructure.planningportal.gov.uk)

The Planning Inspectorate's website will also provide updates on the scheme's application process, including providing access to the submitted application documents.

J.11. – Snip of Materials Listed on Scheme Webpage

+ Targeted Consultation 2023

— Public Consultation 2022

Consultation Brochure

Consultation Response Form

General Arrangement Drawings

Plan and Profile Drawings

A46 Newark Bypass fly-through video

Artist impressions from selected locations

Preliminary Environmental Information (PEI) Volume 1 Main Report

PEI Volume 2 Figures Contents Page

PEI Volume 2 Figure 2.1 Environmental Constraints Plan

PEI Volume 2 Figure 2.2 Current Draft Order Limits

PEI Volume 2 Figure 2.3 Indicative Environmental Masterplan

PEI Volume 2 Figure 6.1 Operational Receptors

PEI Volume 2 Figure 6.2 Air Quality Monitoring

PEI Volume 2 Figure 6.3 Construction Dust Buffer

PEI Volume 2 Figure 7.1 Cultural Heritage Designated Assets

PEI Volume 2 Figure 7.2 Cultural Heritage Non-Designated Assets

PEI Volume 2 Figure 7.3 Cultural Heritage Events

PEI Volume 2 Figure 8.1 Zone of Theoretical Visibility - Existing

PEI Volume 2 Figure 8.2 Landscape Character Areas

PEI Volume 2 Figure 8.3 Visual Receptor Plan

PEI Volume 2 Figure 8.4 Zone of Theoretical Visibility - Post-development

PEI Volume 2 Figure 9.1 Statutory and Non-Statutory Designated Sites within 2km of the Draft Order Limits

PEI Volume 2 Figure 10.1 Potential Sources of Contamination

PEI Volume 2 Figure 12.1 Noise Important Areas

PEI Volume 2 Figure 12.2 Noise Monitoring Locations

PEI Volume 2 Figure 13.1 Local Impact Area

PEI Volume 2 Figure 13.2 Wider Impact Area

PEI Volume 2 Figure 13.3 Residential Properties Situated within the Local Impact Area

PEI Volume 2 Figure 13.4 Community Land Assets Situated within the Local Impact Area

PEI Volume 2 Figure 13.5 Open Spaces and Recreational Routes

PEI Volume 2 Figure 13.6 Businesses Situated within the Local Impact Area

PEI Volume 2 Figure 14.1 Surface Water Constraints

PEI Volume 2 Figure 14.2 Flood Zones

PEI Volume 2 Figure 14.3 Groundwater Constraints

PEI Volume 3 Non-Technical Summary

Section 47 Notice

Section 48 Notice

Statement of Community Consultation

J.12. – Press Release

Thursday 17 November 2022

Still time to have say on A46 Newark Bypass plans

National Highways is reminding residents and drivers that there is still time to find out more about the new multi-million-pound A46 Newark Bypass and to help influence final designs for the congestion-busting route.

Three information events are still to take place as the public consultation period for the new road in Nottinghamshire reaches the halfway stage.

There are three weeks left for people to have their say on the planned A46 bypass that will tackle traffic queues along a crucial trade corridor through the East Midlands.

The bypass will upgrade a stretch of single carriageway on the A46 which is used by, on average, 17,000 drivers every day as the key Trans-Midlands Trade Corridor connecting the M5 with the Humber Ports.

This will 'fill in the gap' to create a continuous dual carriageway from Lincoln to Warwick which will have national significance for travel and the economy as well as easing congestion on the outskirts of Newark.

Earlier this year National Highways announced its preferred route for the bypass which incorporated many suggestions from the local communities and organisations such as the Think Again residents' group.

Since then, National Highways has drawn up detailed designs for the bypass which is between Farndon and Winthorpe roundabouts. A public consultation was launched on the latest design on 26 October and is open until Monday 12 December.



Caption: Farndon roundabout

National Highways Senior Project Manager, Phil Boffey, said:

“We’ve already had a fantastic response to the consultation and are grateful to everyone who has come along to one of our events or returned a response form to share their thoughts with us.

“This scheme is incredibly important for local communities and businesses as it will tackle the heavy congestion here and also mean safer and more reliable journeys. But we need to know exactly how it could impact on people, so this feedback is invaluable.

“We are halfway through the consultation period now so there is still time to come along to see us and give us that important feedback before the deadline of 12 December.”

The proposals for the bypass include:

- A flyover junction at Cattle Market with the A46 elevated to pass over the roundabout. This will separate through traffic from local traffic improving safety for all road users including pedestrians and cyclists
- Winthorpe junction will be enlarged to a five-arm roundabout with traffic lights to connect the new A46 link
- A short section of new dual carriageway over the A1, including slip roads to Brownhills roundabout and a new bridge to the north of the existing A46 bridge over the A1.
- A new single lane carriageway between Friendly Farmer and Winthorpe roundabouts providing links to the A17, A1 and Newark.
- Adding traffic lights to Farndon junction to improve flows during peak hours

Skanska has been appointed to deliver the bypass and will, with design partner Mott MacDonald, undertake the design and construction of the scheme.

A series of information events are taking place in the local area setting out the scheme design with members of the project team available to answer any questions. The remaining three events are:

- **19 November**, 10am to 2pm, Newark Market Place, Newark, NG24 1DU
- **20 November**, 10am to 2pm, Northgate Retail Park, Lincoln Road, Northgate, NG24 1GA
- **30 November**, 11am to 4pm, Newark Town Hall, Market Place, Newark, NG24 1DU

Consultation response forms can be completed online at www.nationalhighways.co.uk/a46-newark-bypass, returned at the consultation events, sent by email to A46newarkbypass@nationalhighways.co.uk or by post using the address:

Freepost A46 NEWARK BYPASS

Details of the proposals are available on the scheme webpage at:

www.nationalhighways.co.uk/a46-newark-bypass

Feedback from the public consultation will help to define the final design which will be submitted in an application for a Development Consent Order (DCO). This is made to the Planning Inspectorate who examine the application and then make a recommendation to the Transport Secretary who decides whether the scheme will go ahead or not.

J.13. – Social Media/Press Activity

A46 Newark Bypass Stat Con – Social media analysis

The campaign ran from Monday 16 October to Sunday 12 December 2022 across our Twitter and Facebook channels.

Purpose:

As part of our application for a Development Consent Order (DCO), we're required to carry out a statutory consultation. This is so we can get the views of local people, businesses and other interested bodies on our proposals for the scheme design. We held events both in person and online across the duration of the consultation period.

To raise awareness of our consultation events and encourage attendees we developed a social media campaign on our East Midlands pages.

Assets:

Our creative team at National Highways designed two GIFs with the following text:

- "We want to hear your views"
- "We're sharing our plans with you"

We also shared a fly-through video of the scheme design, which was uploaded to the scheme webpage via [YouTube](#).

Channels:

- Twitter – @HighwaysEMids
- Facebook - @National Highways: East Midlands

Goals:

- To raise awareness of the statutory consultation events
- To encourage people to complete our response form online
- To provide further information on the scheme, and our designs
- Amplifying 'roads for good' and 'safer roads' messaging
- To create positive sentiment around the scheme, by showing transparency and openness

Target audience:

- Public
- Media
- Stakeholder groups

Twitter post stats:

Date	Post/Asset	ER	Engagements	Impressions	Link clicks
17/10/2022	Pre-consultation launch post	2.34%	60	2568	29
21/10/2022	Pre-consultation launch post	1.14%	16	1409	9
25/10/2022	Pre-consultation launch post	2.68%	60	2241	24
26/10/2022	Consultation launch post	2.18%	47	2155	23
26/10/2022	Consultation launch post (2)	2.12%	44	2077	24
28/10/2022	Consultation event info	1.16%	28	2145	11
31/01/2022	Picture from consultation event	1.87%	55	2947	8
04/11/2022	Consultation event info	1.29%	17	1321	-
07/11/2022	Consultation event info	0.98%	38	3887	18
09/11/2022	Picture from consultation event	2.42%	46	1897	24
14/11/2022	Consultation event info	0.66%	12	1832	1
21/11/2022	Consultation event info	0.45%	7	1567	0
28/11/2022	Final in person consultation event	2.19%	32	1458	8
05/12/2022	Online consultation event	1.5%	49	3271	15
13/12/2022	Consultation closed	1.96%	47	2934	13
Total				33,709	207
Average		1.67%			

Facebook post stats:

Date	Post/Asset	ER	Engaged users	Impressions	Link clicks
17/10/2022	Pre-launch consultation post	4.6%	63	1370	31
21/10/2022	Pre-launch consultation post	2.78%	5	188	1
26/10/2022	Consultation launched	8.27%	129	1629	55
04/11/2022	Consultation event info	2.33%	17	750	7
07/11/2022	Consultation event info	1.68%	2	122	0
14/11/2022	Consultation event info	6.25%	5	83	0
21/11/2022	Consultation event info	1.25%	2	163	
29/11/2022	Final consultation event	1.15%	1	90	0
13/12/2022	Consultation closures	1.79%	5	287	3
Total				4682	97
Average		3.34%			

J.14. – Deposit Location Photographs



J.15. – Consultation Information Posters



A46 Newark Bypass Statutory consultation

We're consulting on our proposals for the A46 Newark Bypass, a new 6.5km widening of the A46 to a dual carriageway, between Farnon and Winthorpe roundabouts, which will help make journeys in the area safer and more reliable.

Come and visit us at one of our consultation events, you'll get the opportunity to speak to members of the project team. Our events are as follows:

Location	Day	Time
Newark Showground (Engagement Visit) 221 A46, Farnon Drive, Lincoln Road, Northgate, Newark on Trent NG24 2JH	28 October 2022	10am to 5pm
Newark Showground (Engagement Visit) 221 A46, Farnon Drive, Lincoln Road, Northgate, Newark on Trent NG24 2JH	30 October 2022	10am to 5pm
Farnon Memorial Hall Market Place, Farnon, Newark on Trent NG24 2JH	8 November 2022	10am to 5pm
Newark Town Hall Market Place, Newark on Trent NG24 2JH	8 November 2022	10am to 5pm
Bridge Community Centre Lincoln Road, Winthorpe, Newark on Trent NG24 2JH	10 November 2022	10am to 5pm
Winthorpe Community Centre Winthorpe, Winthorpe, Newark on Trent NG24 2JH	10 November 2022	10am to 5pm
The Pav for Farnon 221 A46, Farnon Drive, Newark on Trent NG24 2JH	10 November 2022	10am to 5pm
Newark Market Place (Engagement Visit) Market Place, Newark on Trent NG24 2JH	10 November 2022	10am to 5pm
Northgate Round Park (Engagement Visit) Northgate, Newark on Trent NG24 2JH	10 November 2022	10am to 5pm
Newark Town Hall Market Place, Newark on Trent NG24 2JH	10 November 2022	10am to 5pm

For more information please visit our webpage or contact us by:

- www.nationalhighways.co.uk/a46-newark-bypass
- 0300 123 5000
- A46newarkbypass@nationalhighways.co.uk
- @highwaysEMDs



Share your views
26 October to 12 December 2022

IMPORTANT SAFETY WARNING Product Recall



itsu Noodle Soup Veg Gyoza & Greens Pack 5

Brand: itsu
Use By affected: All dates from 08 Oct to 13 Oct 2022

itsu is recalling the above product due to potential contamination. The possible presence of contaminants may be unsafe for allergy sufferers. Not suitable for vegetarians.

- Do not consume
- Package up item
- Return the product to your local Waitrose & Partners

Contact Us
Email: customerservice@itsugroup.com
Write to us at: itsu (group), Partnership House, Colson
18A or call us on: 0333 224 3613

We apologise that it has been necessary to recall the products mentioned above.

Newark Bypass

Statutory consultation

We're consulting on our proposals for the A46 Newark Bypass, a new 6.5km widening of the A46 to a dual carriageway, between Farndon and Winthorpe roundabouts, which will help make journeys in the area safer and more reliable.

Come and visit us at one of our consultation events, you'll get the opportunity to speak to members of the project team. Our events are as follows:

Location	Day	Time
Newark Showground (Engagement Van) Gill and Frost Show, Lincoln Road, Winthorpe, Newark-on-Trent, NG24 2NY	29 October 2022	9am to 5pm
Newark Showground (Engagement Van) Gill and Frost Show, Lincoln Road, Winthorpe, Newark-on-Trent, NG24 2NY	30 October 2022	9am to 4pm
Farndon Memorial Hall Abbot Lane, Farndon, Newark-on-Trent, NG24 2NY	8 November 2022	3pm to 8pm
Newark Town Hall Market Place, Newark-on-Trent, NG24 1DU	9 November 2022	11am to 4pm
Bridle Community Centre Lincoln Road, Newark-on-Trent, NG24 2DU	10 November 2022	3pm to 8pm
Winthorpe Community Centre Woodlands, Winthorpe, Newark-on-Trent, NG24 2NL	12 November 2022	12 noon to 5pm
The Fox Inn Main Street, Newark-on-Trent, NG24 1QP	15 November 2022	3pm to 8pm
Newark Market Place (Engagement Van) Market Place, Newark-on-Trent, NG24 1DU	19 November 2022	10am to 2pm
Northgate Retail Park (Engagement Van) Northgate, Newark-on-Trent, NG24 1DA	20 November 2022	10am to 2pm
Newark Town Hall Market Place, Newark-on-Trent, NG24 1DU	30 November 2022	11am to 4pm

For more information please visit our webpage or contact us by:

- www.nationalhighways.co.uk/a46-newark-bypass
- 0300 123 5000
- A46newarkbypass@nationalhighways.co.uk
- @highwaysEMOs



Scan to go straight to our interactive webpage

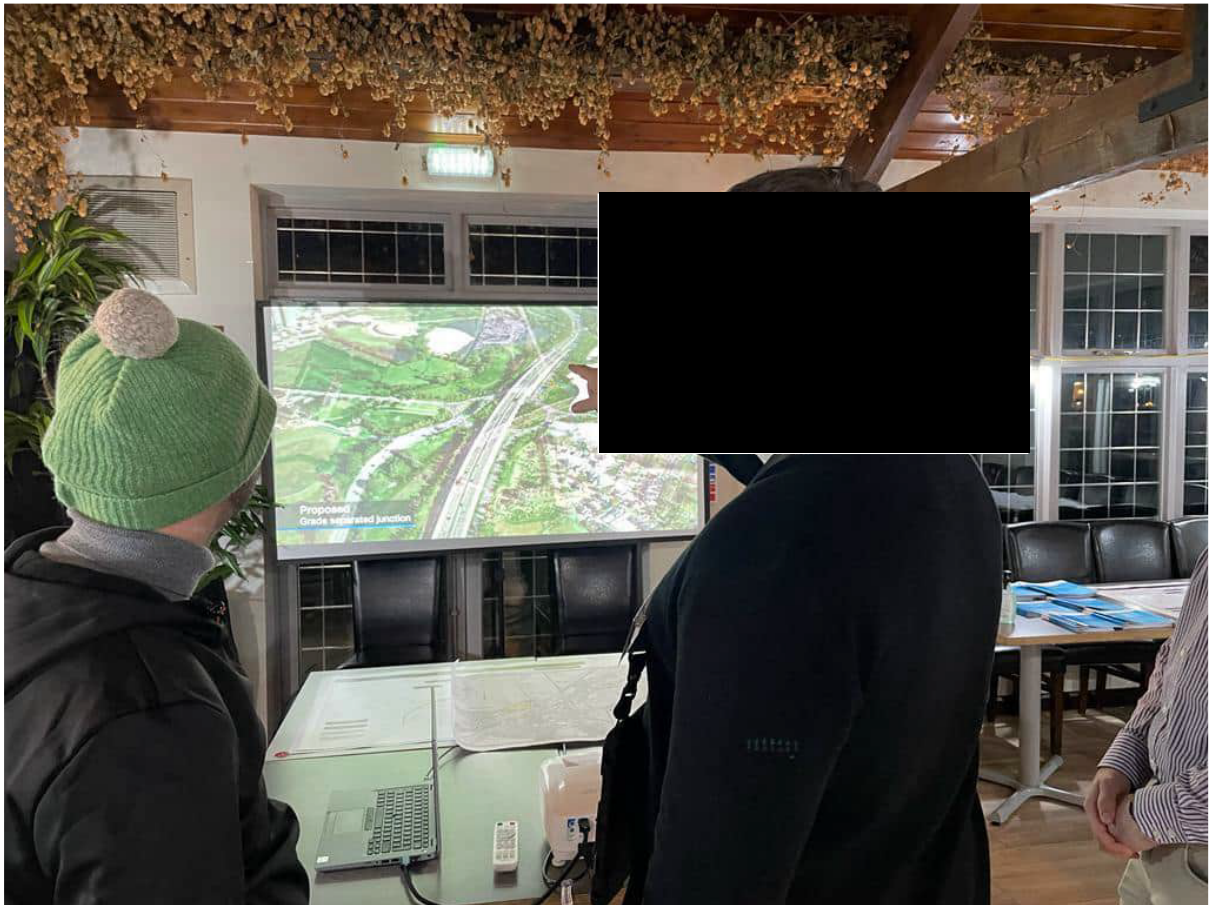
Share your views
26 October to 12 December 2022











J.16. – SoCC

A46 Newark Bypass

Statement of Community Consultation (SoCC)

1. Introduction

- 1.1 We are publishing this Statement of Community Consultation in connection with proposed improvements to the A46 Newark Bypass between Farndon and Winthorpe roundabouts (referred to throughout this document as 'the scheme').
- 1.2 The purpose of this document is to set out how we will consult the local community about our proposals. It outlines the details of our statutory consultation including where you can find information, how to respond and how consultation responses will be used in the development of the scheme. The document also provides background to the scheme and how the application to construct and operate it will progress.
- 1.3 This document will be available to view and download via the scheme webpage at the following address: www.nationalhighways.co.uk/a46-newark-bypass after the launch of the statutory consultation and paper copies will be available on request.
- 1.4 To make sure we approach the consultation in the best way for the local community, we have consulted with host and neighbouring local authorities on this document. This includes Newark and Sherwood District Council and Nottinghamshire County Council, the local authorities at district and county level in the area in which the scheme is proposed to be built.

2. The application

- 2.1 The scheme is being developed under the Planning Act 2008 and we are publishing this statement under Section 47 (Duty to consult the local community) of that Act.
- 2.2 Under the Planning Act 2008, we are required to make an application to the Secretary of State for Transport through the Planning Inspectorate for a Development Consent Order (DCO) to build and operate the scheme. The Planning Inspectorate will appoint an Examining Authority to examine our application and the Secretary of State for Transport will decide whether the scheme should go ahead based on a recommendation made by the Examining Authority.
- 2.3 The scheme is considered to be a nationally significant road project and therefore a key consideration for the Examining Authority and the Secretary of State for Transport when assessing our DCO application is the National Policy Statement for National Networks (NPS NN), which was published in 2014. The NPS NN policy sets out the need and Government policies for nationally significant infrastructure rail and road projects for England and is the policy against which decisions on major road projects are made. It can be found on the GOV.UK website at this address:
www.gov.uk/government/publications/national-policy-statement-for-national-networks
- 2.4 The best way to provide feedback to inform our final design on the scheme is by taking part in the statutory consultation.
- 2.5 We anticipate that our DCO application for the scheme will be submitted in summer/autumn 2023.
- 2.6 During the pre-examination stage, those with an interest in the scheme can register to participate in the examination. During the examination period, the Examining Authority is likely to hold hearings to examine some issues in greater depth where interested parties can attend and provide their views.
- 2.7 You can find more information about the Planning Inspectorate and the Planning Act 2008 on its National Infrastructure Planning website:
<http://infrastructure.planninginspectorate.gov.uk> or by calling the Planning Inspectorate on 0303 444 5000.

3. The scheme

- 3.1 In March 2020, the government's second Road Investment Strategy included a commitment for National Highways to improve the A46 'Trans-Midlands Trade Corridor' between the M5 and the Humber Ports, to create a continuous dual carriageway from Lincoln to Warwick.
- 3.2 The A46 around Newark-on-Trent is the only remaining single carriageway section of this key strategic trunk road. We propose to fill in this gap, eliminating the regular traffic jams and creating improved journey time reliability in this area of the A46 corridor.
- 3.3 National Highways is proposing to improve the A46 Newark Bypass by widening 6.5km of the existing single carriageway to a dual carriageway, to provide two lanes in each direction between Farndon and Winthorpe roundabouts near Newark-on-Trent. The scheme includes:
- Adding traffic signals to Farndon junction to improve traffic flows during peak hours
 - A grade separated junction at Cattle Market with the A46 elevated to pass over the roundabout
 - A short section of new dual carriageway over the A1, including slip roads to Brownhills roundabout and a new bridge to the north of the existing A46 bridge over the A1
 - A new single lane carriageway between Friendly Farmer and Winthorpe roundabouts providing links to the A17, A1 and Newark-on-Trent
 - Enlarging and adding traffic signals to Winthorpe roundabout with the mainline passing through the middle to form a through-about junction
 - Diversion of utilities, environmental mitigation and floodplain compensation
- 3.4 The current scheme objectives are:

Safety

Improve safety through scheme design to reduce collisions for all users of the A46 scheme.

Congestion

Improve journey time and journey time reliability along the A46 and its junctions between Farndon and Winthorpe, including all approaches and A1 slip roads.

Connectivity

Accommodate economic growth in Newark-on-Trent and the wider area by improving its strategic and local connectivity.

Environment

Deliver better environmental outcomes by achieving a net gain in biodiversity, and improve noise levels at Noise Important Areas along the A46 between Farndon and Winthorpe roundabouts.

Customer

Build an inclusive scheme which improves facilities for cyclists, walkers and other vulnerable road users where existing routes are affected.

- 3.5 Due to its potential environmental impacts, the scheme is an Environmental Impact Assessment (EIA) development as defined by the Infrastructure Planning (EIA) Regulations 2017. This means that as part of the DCO application, we will be producing an Environmental Statement that will give information about the likely significant effects of the scheme and the measures proposed to mitigate any negative effects.
- 3.6 As required by the Planning Act 2008, we are publishing a Preliminary Environmental Information (PEI) Report and a Non-Technical Summary (NTS) of the PEI Report, as part of our consultation materials. The purpose of the PEI Report and the NTS of the PEI Report is to help consultees to develop an informed view of the project as part of the statutory consultation by providing sufficient information about the environmental effects of the project.
- 3.7 The PEI Report is a statutory requirement for projects that require an EIA. The PEI Report will document the knowledge to date regarding the environmental baseline and provide an indication of the environmental effects of the proposed scheme and potential mitigation included as part of the scheme design. It will sit alongside the EIA Scoping Report, which outlines what we propose to survey and how we propose to assess the effects of the scheme on the environment.
- 3.8 Additional information about the scheme and the statutory consultation will be included in the consultation materials listed in Section 7 of this document.

4. Previous community engagement

- 4.1 A consultation on two different options considered for the scheme design was carried out from December 2020 to February 2021, known as an options consultation.
- 4.2 The options consultation sought opinions from the local community on which option was preferred and why. Consultation materials provided information on the options and included a response form, which included both 'closed' questions and 'open' questions.
- 4.3 Following the options consultation, a Report on Public Consultation was published in April 2021 and a Preferred Route Announcement (PRA) was made in February 2022, which announced Option 2 Modified as the preferred route for the scheme. Option 2 Modified now forms the basis for our plans as we have developed the scheme design for the statutory consultation.
- 4.4 The Report on Public Consultation and the PRA brochure for the scheme have further details including, the result of the options consultation and how we developed the scheme design ahead of the preferred route announcement. These are available to download from the scheme webpage at the following address: www.nationalhighways.co.uk/a46-newark-bypass

5. Statutory consultation

5.1 The statutory consultation will run from 26 October 2022 to 12 December 2022 (closing at 11.59pm). The consultation period provides over 6 weeks after the local half term school holiday for responses to be submitted. Consultation events have been organised to fall outside of any holiday period. During the consultation period we will publish information including:

- The scheme design
- Junction layouts
- Preliminary environmental information
- Emerging arrangements for the construction stage of the scheme

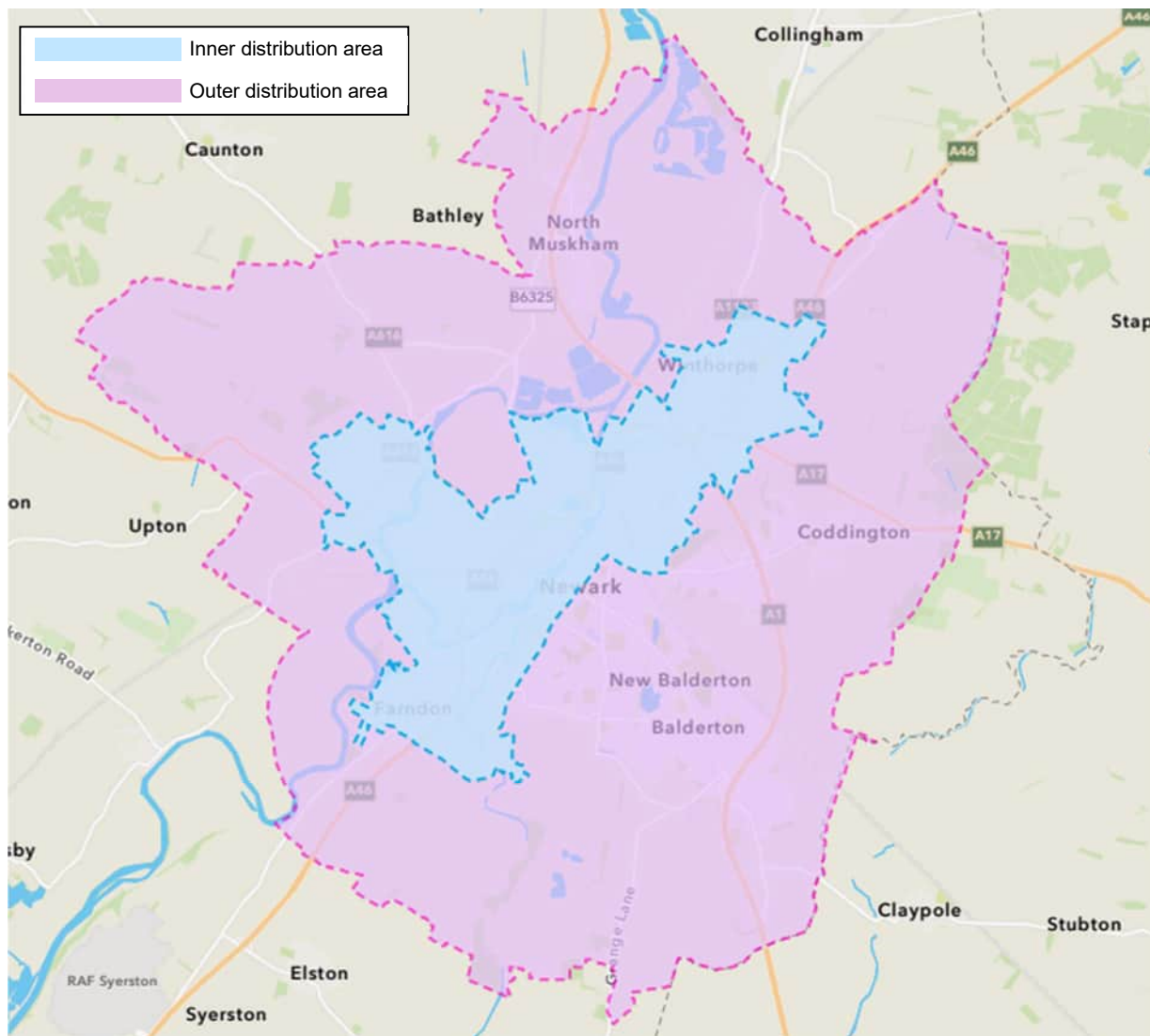
5.2 The objectives of the statutory consultation are to:

- Help local communities understand the nature, and potential local impact of the scheme
- Enable stakeholders to have their say on the scheme with the potential to help guide the evolution of the scheme design
- Explain how previous consultation feedback and stakeholder engagement has helped to shape the scheme
- Provide an opportunity for additional environmental mitigation measures to be identified for consideration and potential inclusion within the scheme design
- Identify potential opportunities for the scheme to support wider strategic or local objectives

5.3 Anyone who is interested in the scheme is welcome to take part. We will listen to everyone's views, and we will consider all opinions before we submit our DCO application.

5.4 In consultation with Newark and Sherwood District Council and Nottinghamshire County Council, we have developed distribution areas for our consultation materials, shown in Figure 1. The distribution areas are based on the areas used for the options consultation and have been reviewed and increased in size to reflect the latest scheme proposals. It has been created using professional assessment on impact of the scheme and the locations of key stakeholders.

Figure 1: Consultation material distribution areas



5.5 We will communicate with people living and working in the distribution areas to let them know about the statutory consultation by posting information directly to them.

5.6 Properties located within the inner distribution area will receive consultation brochures and response forms directly in the post. Properties located within the outer distribution area will receive an information postcard providing them with details about the statutory consultation.

- 5.7 We recognise that people who live and work beyond the identified distribution areas may also have an interest in our proposals and may have participated in the options consultation. To give these individuals and organisations the opportunity to participate we will aim to raise awareness of the statutory consultation in the following ways:
- Using publicity methods to share information with a variety of audiences including social media, websites, press releases and newspaper notices
 - Hosting events online and using a mobile engagement van to engage with different road users
 - Seeking to use community-based communication channels such as Facebook groups and parish council newsletters
- 5.8 We are undertaking an Equality Impact Assessment (EqIA) for the scheme. As part of this process we have consulted with Newark and Sherwood District Council and Nottinghamshire County Council for ways of identifying and engaging with local organised or demographic groups with specific needs. Information in the EqIA has been used to inform our consultation approach to make it as inclusive and accessible as possible to the local community.
- 5.9 We are committed to ensuring the statutory consultation process and associated communications reach as many parts of the community as possible. We have identified a range of 'under-represented' or 'seldom heard' groups and individuals who may be less likely to participate in or respond to conventional consultation techniques. These are aligned to groups identified in Nottinghamshire County Council's and Newark and Sherwood District Council's Statement of Community Involvement (SCI) and include:
- Young people and older adults
 - Ethnic minorities, including gypsies and travellers
 - People with disabilities
 - Homeless people
- 5.10 Our consultation methodology has been developed to accommodate communicating as effectively as possible with these groups. We will identify bodies and organisations representing these groups to ensure our approach meets the specific needs of their members. Requests for specific consultation activity to cater for their members will be considered on a case-by-case basis.

5.11 The table below shows methods we will use to promote the statutory consultation and gather feedback on the scheme proposals. Further detail regarding consultation materials and information can be found in Section 7 of this document.

Method	Detail
Consultation brochure	The brochure will contain details of the scheme, including proposed preliminary environmental mitigation measures and updates to the preliminary scheme design. It will also include details of consultation events and methods available for submitting consultation responses.
Consultation response form	The consultation response form will contain both open and closed questions relating to the scheme and aims to capture feedback from all stakeholders interested in or impacted by the scheme. Printed copies of the response form will be available as outlined in Section 7 of the document; an electronic version will also be available via the scheme webpage at the following address: www.nationalhighways.co.uk/a46-newark-bypass
Information letters and postcards	Information letters will be posted to stakeholders in the inner distribution area, shown in Figure 1, along with the consultation brochure and consultation response form. Information postcards will be posted to stakeholders within the outer distribution area, shown in Figure 1.
Statutory notices	Statutory notices will publicise the proposed DCO application and this Statement of Community Consultation document in local newspapers (The Newark Advertiser and The Nottingham Post) on 13 October 2022 and 20 October 2022 and a national newspaper (The Times) and the London Gazette on 20 October 2022.
Scheme webpage	The scheme webpage will provide information about the scheme as well as electronic versions of all consultation materials: www.nationalhighways.co.uk/a46-newark-bypass
Social media	The consultation will be promoted using social media channels, including Twitter and Facebook. We will also approach some stakeholders to help promote the consultation using their social media channels.
Press releases	Press releases will be distributed to local news and media outlets on key dates throughout the consultation.

Method	Detail
Information posters	Information posters with details about the consultation will be displayed at public locations including event venues and deposit locations.
Consultation events	In person events will be held to give people the opportunity to speak to members of staff to find out information about the scheme and the consultation. Please see Section 7 of this document for further information about the events.
Online information events	Online information events will be held where we will present information about the scheme and the statutory consultation as well as a live question and answer session. Information about these events will be publicised on the scheme webpage at the following address: www.nationalhighways.co.uk/a46-newark-bypass

6. Responding to the statutory consultation

6.1 Responses to the statutory consultation must be received by 11:59pm on 12 December 2022.

6.2 Responses posted on the statutory consultation closing date will still be accepted.

6.3 Responses can be submitted using the following methods during the consultation period:

- Completing a copy of the response form and posting it back to the project team using the scheme freepost address:

Freepost A46 NEWARK BYPASS

There is no need for a stamp when using this freepost address, the response form can be placed in an envelope with the freepost address written on the front

- Completing the online version of the response form available via the scheme webpage at the following address:
www.nationalhighways.co.uk/a46-newark-bypass
- Giving a copy of a response form to a member of staff at one of the consultation events

7. Statutory consultation information and materials

7.1 Further information about the scheme can be found in the following materials that have been produced as part of the consultation:

- Consultation brochure and response form
- General Arrangement and Plan and Profile Drawings
- Preliminary Environmental Information (PEI) Report and Non-Technical Summary (NTS) of the PEI Report
- Section 47 Notice and Section 48 Notice
- Fly-through video

7.2 Printed copies of our consultation brochure and consultation response form will be available free of charge at deposit locations and consultation events, listed in the tables below, throughout the consultation period. Copies of other documents and plans will be available on the scheme webpage and for inspection only at our consultation events. Printed copies of consultation documents can be supplied on request, but there maybe a charge applied in certain cases to cover the cost of printing and postage.

7.3 Deposit locations

The opening times of the deposit locations may be subject to change due to circumstances out of our control. If in doubt, please contact a location before visiting.

Deposit Location	Opening hours	
Bridge Community Centre Lincoln Road, Newark-on-Trent, NG24 2DQ	Monday to Sunday:	8.30am to 9pm
Newark & Sherwood District Council Castle House, Great North Road, Newark-on-Trent, NG24 1BY	Monday to Friday:	9am to 5pm
Newark Indoor Bowls Centre Newark Showground, Lincoln Road, Winthorpe, Newark-on-Trent, NG24 2NY	Monday to Friday Saturday and Sunday	9.45am to 9.30pm 9.30am to 2.30pm
Newark Library Balderton Gate, Town Centre Newark-on-Trent, NG24 1UW	Monday: Tuesday: Wednesday: Thursday: Friday: Saturday: Sunday:	9am to 6.30pm 9am to 6pm 9am to 6.30pm 9am to 6pm 9am to 6pm 9am to 4pm Closed
The Fox Inn Main Street, Newark-On-Trent, NG23 5QP	Monday to Thursday: Friday and Saturday: Sunday:	12 noon to 10pm 12 noon to 11pm 12 noon to 8pm
The Lord Nelson Gainsborough Road, Winthorpe, Newark-on-Trent, NG24 2NN	Monday to Saturday: Sunday:	10am to 10pm 10am to 7pm
The Lord Ted Farndon Road, Newark-on-Trent, NG24 4SW	Monday to Sunday:	11am to 11pm

7.4 Consultation events

In person events will be held using community venues and a mobile engagement van, to give stakeholders the opportunity to speak to members of the project team about the scheme. Any changes to the consultation events will be communicated on the scheme webpage and on social media. The project team can also be contacted ahead of any event to confirm that it is still taking place using the contact details at the end of this section.

Details of the events are as follows:

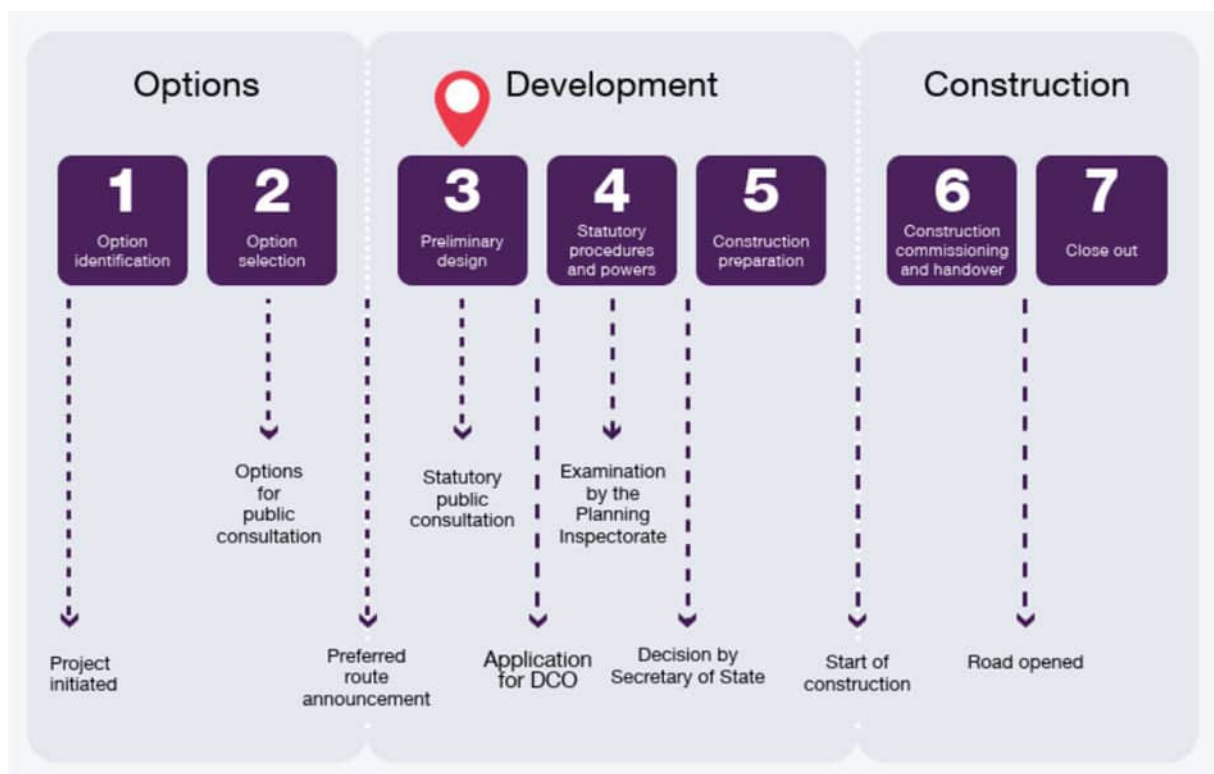
Location	Date	Time
Newark Showground (Engagement Van) Gift and Food Show, Lincoln Road, Winthorpe, Newark-on-Trent, NG24 2NY	29 October 2022	9am to 5pm
Newark Showground (Engagement Van) Gift and Food Show, Lincoln Road, Winthorpe, Newark-on-Trent, NG24 2NY	30 October 2022	9am to 4pm
Farndon Memorial Hall Marsh Lane, Farndon, Newark-on-Trent, NG24 3SZ	8 November 2022	3pm to 8pm
Newark Town Hall Market Place, Newark-on-Trent, NG24 1DU	9 November 2022	11am to 4pm
Bridge Community Centre, Lincoln Road, Newark-on-Trent, NG24 2DQ	10 November 2022	3pm to 8pm
Winthorpe Community Centre, Woodlands, Winthorpe, Newark-on-Trent, NG24 2NL	12 November 2022	12pm to 5pm
The Fox Inn, Main Street, Newark-on-Trent, NG23 5QP	15 November 2022	3pm to 8pm
Newark Market Place (Engagement Van) Market Place, Newark-on-Trent, NG24 1DU	19 November 2022	10am to 2pm
Northgate Retail Park, (Engagement Van) Northgate, Newark-on-Trent, NG24 1GA	20 November 2022	10am to 2pm
Newark Town Hall, Market Place, Newark-on-Trent, NG24 1DU	30 November 2022	11am to 4pm

7.5 Further information about the statutory consultation or about requesting consultation materials in alternative formats (including large print and additional languages) is available from the project team using the details below:

Email address: **A46newarkbypass@nationalhighways.co.uk**
 Telephone number: **0300 123 5000 (24/7 Customer Contact Centre)**
 Postal address: **Freepost A46 NEWARK BYPASS**

8. Next steps

- 8.1 Where we consider it appropriate, and before submitting our DCO application, we may choose to undertake further targeted consultation on certain changes to the scheme, made in response to consultation feedback or updated technical information.
- 8.2 We will record and carefully consider all responses received during the statutory consultation which will be taken into account when finalising our DCO application before we submit it to the Planning Inspectorate.
- 8.3 We will summarise our findings in a Consultation Report which will include a description of how our application was informed by the responses received, and outline any changes made as a result of the statutory consultation. The Consultation Report forms part of our application to the Secretary of State, as required by Section 37(3) of the Planning Act 2008.
- 8.4 The Planning Inspectorate will decide whether the application meets the required standards to proceed to examination and will determine whether our statutory consultation has been adequate.
- 8.5 For more information visit the scheme webpage at the following address: www.nationalhighways.co.uk/a46-newark-bypass where you can also sign up for email alerts whenever the webpage is updated. The image below shows where we are in the process and the next steps:



9. Your data, your rights

- 9.1 In line with UK data protection legislation, National Highways are required to explain to you – consultees, stakeholders and customers – how your personal data will be used and stored.
- 9.2 National Highways adheres to the government’s consultation principles, the Planning Act 2008 and the Highways Act 1980 as required and may collect personal data to help shape development of highways schemes.
- 9.3 Personal data collected by the project team will be processed and retained by National Highways and its appointed contractors until the scheme is complete.
- 9.4 In some instances consultation responses may also be sent to the Planning Inspectorate. To view the Planning Inspectorate’s information relating to Data Protection at Examination events please visit:
infrastructure.planninginspectorate.gov.uk/help/privacy-notice/
- 9.5 Under the GDPR regulations 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

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 tell you what that other purpose is. We will do this prior to any further processing taking place and we will include any relevant additional information, including your right to object to that further processing.

- 9.6 You have the right to lodge a complaint with the supervisory authority, the Information Commissioners Office.
- 9.7 If you’d like more information about how we manage data, or a copy of our privacy notice, please contact:

DataProtectionAdvice@nationalhighways.co.uk

J.17. – Section 48 and Section 47 Notices

National Highways is proposing to improve the A46 Newark Bypass by widening 6.5km of the existing single carriageway to a dual carriageway, to provide two lanes in each direction between Farndon and Winthorpe roundabouts near Newark-on-Trent. We intend to make an application to the Secretary of State for Transport under section 37 of The Planning Act 2008 for a Development Consent Order to authorise construction and operation of the scheme.

Before making our application, we must produce a Statement of Community Consultation setting out how we will consult the local community about our proposals. We must also make the statement available for inspection by the public and publish this notice stating where and when the statement can be inspected. We must carry out public consultation in accordance with the statement.

This notice contains a summary of the consultation details. However, full details of the consultation can be found in our Statement of Community Consultation, which can be viewed online at:

www.nationalhighways.co.uk/a46-newark-bypass

This will be available throughout our consultation period, which will run from **26 October 2022 to 12 December 2022**. Printed copies of the Statement of Community Consultation are available upon request. Any person may comment on the proposals. When providing your response, please include your name and address or, if you would prefer your comments to be anonymous, your postcode only. Please also confirm the nature of your interest in the scheme. Responses can be submitted by:

- Completing our consultation response form on the scheme webpage online at:

www.nationalhighways.co.uk/a46-newark-bypass

- Completing a copy of our printed consultation response form and posting it to us using the freepost address:

Freepost A46 NEWARK BYPASS

- Completing a printed copy of our consultation response form and giving it to a member of staff at one of our consultation events

Responses must be received between 26 October 2022 and 12 December 2022.

Printed copies of our consultation brochure and consultation response form will be available free of charge at deposit locations and consultation events, listed in the tables below, throughout the consultation period. Copies of other consultation documents and plans will be available online and for inspection only at our consultation events, where you can also speak with the project team and share your views. Printed copies of consultation documents can also be supplied on request, but there may be a charge applied in certain cases to cover the cost of printing and postage.

The scheme is an Environmental Impact Assessment development, which means a Preliminary Environmental Information Report has been produced to describe the environmental effects on the scheme and is being consulted on alongside the other public consultation documents. It also means that an Environmental Statement will be produced and submitted with the application in due course.

Deposit Locations		
Location	Opening hours	
	Day	Time
Newark Indoor Bowls Centre Newark Showground, Lincoln Road, Winthorpe, Newark-on-Trent, NG24 2NY	Monday to Friday: Saturday and Sunday:	09.45-21.30 09.30-14.30
The Lord Nelson Gainsborough Road, Winthorpe, Newark-on-Trent, NG24 2NN	Monday to Saturday: Sunday:	10.00-22.00 10.00-19.00
Bridge Community Centre Lincoln Road, Newark-on-Trent, NG24 2DQ	Monday to Sunday:	08.30-21.00
Newark and Sherwood District Council Castle House, Great North Road, Newark-on-Trent, NG24 1BY	Monday to Friday:	09.00-17.00
The Fox Inn Main Street, Newark-On-Trent, NG23 5QP	Monday to Thursday: Friday and Saturday: Sunday:	12.00-22.00 12.00-23.00 12.00-20.00
Newark Library Balderton Gate, Town Centre, Newark-on-Trent, NG24 1UW	Monday and Wednesday: Tuesday, Thursday and Friday: Saturday: Sunday:	9.00-18.30 9.00-18.00 9.00-16.00 Closed
The Lord Ted Farndon Road, Newark-on-Trent, NG24 4SW	Monday to Sunday:	11.00-23.00

The opening times of these deposit locations may be subject to change due to circumstances out of our control. If in doubt, please contact a location before visiting.

Public Consultation Events		
Location	Day	Time
Newark Showground Gift and Food Show, Lincoln Road, Winthorpe, Newark-on-Trent, NG24 2NY	29 October 2022	09.00-17.00
Newark Showground Gift and Food Show, Lincoln Road, Winthorpe, Newark-on-Trent, NG24 2NY	30 October 2022	09.00-16.00
Farndon Memorial Hall Marsh Lane, Farndon, Newark-on-Trent, NG24 3SZ	8 November 2022	15.00-20.00
Newark Town Hall Market Place, Newark-on-Trent, NG24 1DU	9 November 2022	11.00-16.00
Bridge Community Centre Lincoln Road, Newark-on-Trent, NG24 2DQ	10 November 2022	15.00-20.00
Winthorpe Community Centre Woodlands, Winthorpe, Newark-on-Trent, NG24 2NL	12 November 2022	12.00-17.00
The Fox Inn Main Street, Newark-on-Trent, NG23 5QP	15 November 2022	15.00-20.00
Newark Market Place Market Place, Newark-on-Trent, NG24 1DU	19 November 2022	10.00-14.00
Northgate Retail Park Northgate, Newark-on-Trent, NG24 1GA	20 November 2022	10.00-14.00
Newark Town Hall Market Place, Newark-on-Trent, NG24 1DU	30 November 2022	11.00-16.00

Any changes to these events will be communicated on the scheme webpage and on social media. You can also call us to confirm that an event is going ahead.

Contact the team:

Email: A46newarkbypass@nationalhighways.co.uk

Telephone: 0300 123 5000

Postal address: Freepost A46 NEWARK BYPASS

**SECTION 48 PLANNING ACT 2008
REGULATION 4 OF THE INFRASTRUCTURE PLANNING
(APPLICATIONS: PRESCRIBED FORMS AND PROCEDURE)
REGULATIONS 2009
A46 NEWARK BYPASS
NOTICE PUBLICISING A PROPOSED APPLICATION FOR A
DEVELOPMENT CONSENT ORDER**

NATIONAL HIGHWAYS LIMITED of Bridge House, 1 Walnut Tree Close, Guildford, GU1 4LZ (“the Applicant”) proposes to make an application (“the Application”) under Section 37 of the Planning Act 2008 to the Secretary of State for Transport for a Development Consent Order.

The Application is for the proposed A46 Newark Bypass scheme and is located between Farndon village and Newark Showground, near Newark-on-Trent (Nottinghamshire) and is a Nationally Significant Infrastructure Project (NSIP) under Sections 14 and 22 of the Planning Act 2008.

The proposed scheme includes:

- Adding traffic signals to Farndon roundabout to improve traffic flows during peak hours
- A grade separated junction at Cattle Market with the A46 elevated to pass over the roundabout
- A short section of new dual carriageway over the A1, including slip roads to Brownhills roundabout and a new bridge to the north of the existing A46 bridge over the A1
- A new single lane carriageway between Friendly Farmer and Winthorpe roundabouts providing links to the A17, A1 and Newark-on-Trent
- Enlarging and adding traffic signals to Winthorpe roundabout with the mainline passing through the middle to form a through-about junction
- Diversion of utilities
- Environmental mitigation and floodplain compensation
- Application and/or disapplication of legislation relevant to the scheme
- Such ancillary, incidental and consequential provisions, permits or consents as necessary or convenient
- In addition any necessary rights and powers will be sought to ensure delivery of the scheme, including permanent and temporary compulsory acquisition (if required)

More details location and route plans can be found on the scheme webpage online at:

www.nationalhighways.co.uk/a46-newark-bypass

The scheme is an Environmental Impact Assessment development (“EIA development”), as defined by The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017. An Environmental Statement will be submitted as part of the Application. Preliminary Environmental Information (“PEI”) forms part of the public consultation material.

Consultation on the proposals will take place from 26 October 2022 to 12 December 2022. Any person may comment on the proposals. When providing your response, please include your name and address or, if you would prefer your comments to be anonymous, your postcode only. Please also confirm the nature of your interest in the scheme.

Responses can be submitted by:

- Completing the consultation response form on the scheme webpage online at:
www.nationalhighways.co.uk/a46-newark-bypass
- Completing a copy of the printed consultation response form and posting it using the freepost address:
Freepost A46 NEWARK BYPASS
- Completing a printed copy of the consultation response form and giving it to a member of staff at one of the consultation events. Details of the consultation events are available on the scheme webpage online at:
www.nationalhighways.co.uk/a46-newark-bypass

Responses must be received between 26 October 2022 and 12 December 2022.

Printed copies of the consultation brochure and consultation response form will be available free of charge at deposit locations, listed in the table below, throughout the consultation period.

Copies of other consultation documents and plans will be available online and for inspection only at consultation events where you can also speak with the project team and share your views. Printed copies of consultation documents can be supplied on request, but there may be a charge applied in certain cases to cover the cost of printing and postage.

Deposit Locations		
Location	Opening hours	
	Day	Time
Newark Indoor Bowls Centre Newark Showground, Lincoln Road, Winthorpe, Newark-on-Trent, NG24 2NY	Monday to Friday: Saturday and Sunday:	09.45-21.30 09.30-14.30
The Lord Nelson Gainsborough Road, Winthorpe, Newark-on-Trent, NG24 2NN	Monday to Saturday: Sunday:	10.00-22.00 10.00-19.00
Bridge Community Centre Lincoln Road, Newark-on-Trent, NG24 2DQ	Monday to Sunday:	08.30-21.00
Newark and Sherwood District Council Castle House, Great North Road, Newark-on-Trent, NG24 1BY	Monday to Friday:	09.00-17.00
The Fox Inn Main Street, Newark-On-Trent, NG23 5QP	Monday to Thursday: Friday and Saturday: Sunday:	12.00-22.00 12.00-23.00 12.00-20.00
Newark Library Balderton Gate, Town Centre, Newark-on-Trent, NG24 1UW	Monday and Wednesday: Tuesday, Thursday and Friday: Saturday: Sunday:	9.00-18.30 9.00-18.00 9.00-16.00 Closed
The Lord Ted Farndon Road, Newark-on-Trent, NG24 4SW	Monday to Sunday:	11.00-23.00

The opening times of these deposit locations may be subject to change due to unforeseen circumstances. If in doubt, please contact location before visiting.

National Highways will consider and have regard to all responses when developing the Application for a Development Consent Order. Responses will form the basis of a Consultation Report that will be one of the factors taken into consideration by the Secretary of State when deciding whether the Application can be accepted for examination. Therefore, in providing any comment, it should be borne in mind that the substance of it may be communicated to others as part of the Consultation Report.

If you would like further information about this notice, the public consultation or the scheme, including requests for copies of consultation documents, the project team can be contacted using one of the following methods:

- **Email:** A46newarkbypass@nationalhighways.co.uk
- **Telephone:** 0300 123 5000
- **Postal address:** Freepost A46 NEWARK BYPASS

J.18. – Inner Zone Letter

Ngozi Abakasanga
Project Manager
National Highways
2 Colmore Square
Birmingham
B4 6BN

Tel: 0300 123 5000
21 October 2022

Dear sir/madam,

A46 Newark Bypass - Statutory Consultation

As you may be aware, in March 2020, the government's second Road Investment Strategy included a commitment for National Highways to improve the A46 'Trans-Midlands Trade Corridor' between the M5 and the Humber Ports, to create a continuous dual carriageway from Lincoln to Warwick.

The A46 around Newark-on-Trent is the only remaining single carriageway section of this key strategic trunk road. We propose to fill in this gap, eliminating the regular traffic jams and creating improved journey time reliability in this area of the A46 corridor.

From December 2020 to February 2021, we held an options consultation to seek views on the two options for the scheme design. Following a review of the feedback received, we announced the preferred route for the scheme in February 2022.

We're now seeking feedback on our latest scheme design as part of a statutory public consultation running from Wednesday 26 October to Monday 12 December 2022.

Enclosed is a copy of our consultation brochure in which we explain our proposals as well as information about the consultation. We've also enclosed a copy of our consultation response form and freepost envelope for you to use to provide us with your feedback. If you would prefer you can use our online response form which can be accessed via our scheme webpage: www.nationalhighways.co.uk/a46-newark-bypass

Please note that all responses should be submitted by **11.59pm on Monday 12 December 2022.**

If you have any questions about the scheme or this consultation, including how to access consultation materials, please get in touch by emailing our on a46newarkbypass@nationalhighways.co.uk or calling our Customer Contact Centre on 0300 123 5000.

Yours sincerely

Ngozi Abakasanga
Project Manager for the A46 Newark Bypass
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J.19. – Property Information Brochures

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

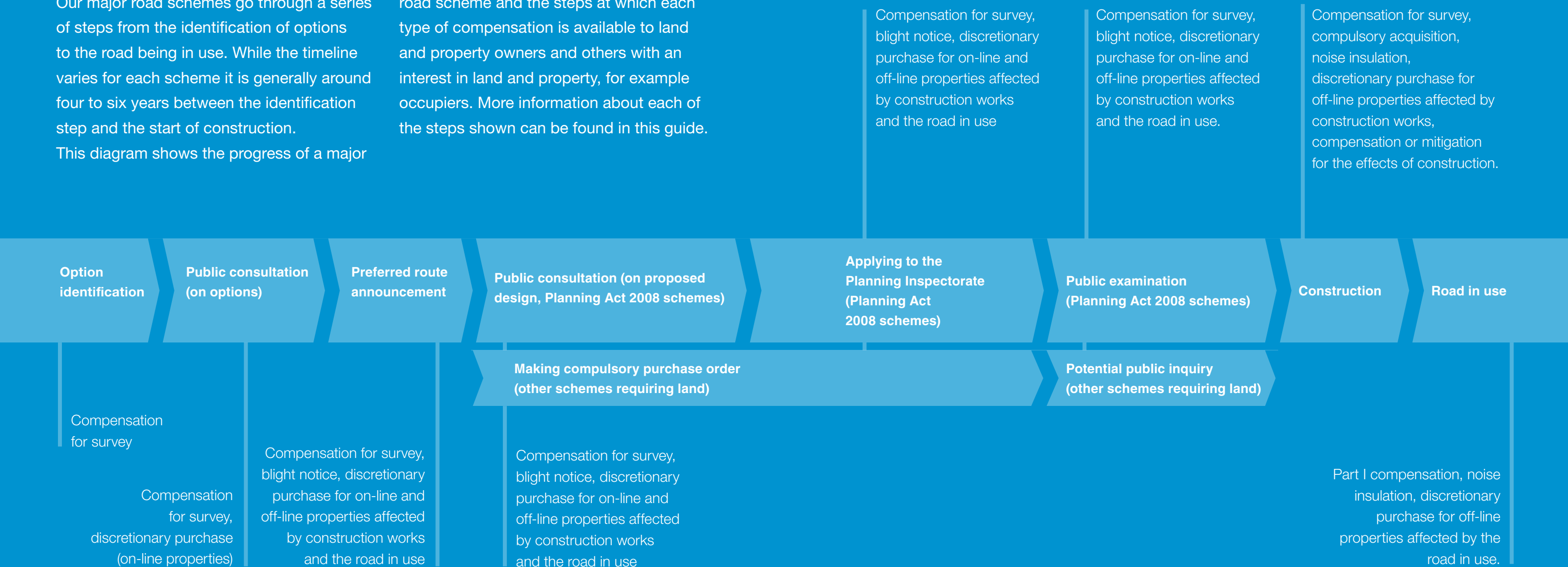
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 www.nationalhighways.co.uk

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

☎ 0300 123 5000

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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If you have any enquiries about this publication email info@nationalhighways.co.uk or call **0300 123 5000**. Please quote the National Highways publications code **PR130/22**.

National Highways creative job number PR130/22

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Your property
and land surveys

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Highways England

At Highways England, 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.

In 2014, the government 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 compensation you may be entitled to if we enter onto your land to carry our surveys, or leave measuring apparatus on it.

Our major road schemes go through a series of steps from the identification of options to the road being in use. The surveys we carry out help inform our decisions about which option is selected and the layout and design of the scheme.

More information about the process we follow to deliver our larger road schemes and the other types of compensation that may be available can be found in the following Highways England publications:

Your property and our road proposals: 2017
Your property and blight: 2017
Your property and discretionary purchase: 2017
Your property and compulsory purchase: 2017
How to claim for the effects on your property of new or altered roads: 2015

For more information

 info@highwaysengland.co.uk

 0300 123 5000

 www.highways.gov.uk

Surveys and compensation

Even though Highways England can legally enter land to carry out surveys using its legislative powers, we would much rather work with you to agree suitable access arrangements, as this helps to keep any impact on your land or property to an absolute minimum.

We can compensate owners and occupiers for disturbance and damage resulting from surveys and pay rent where there is a need to leave apparatus on site. It is usually the occupier of the land who gets compensation as he/she is the one that will be most affected by our works. However, we will also consider reasonable evidence-based claims from landowners who are not in occupation but who have suffered disturbance and damage as a result of the survey.

You will normally need to make your claim for compensation after the survey has taken place. However, please refer to the “How we process your claims” section of this guide for more information.

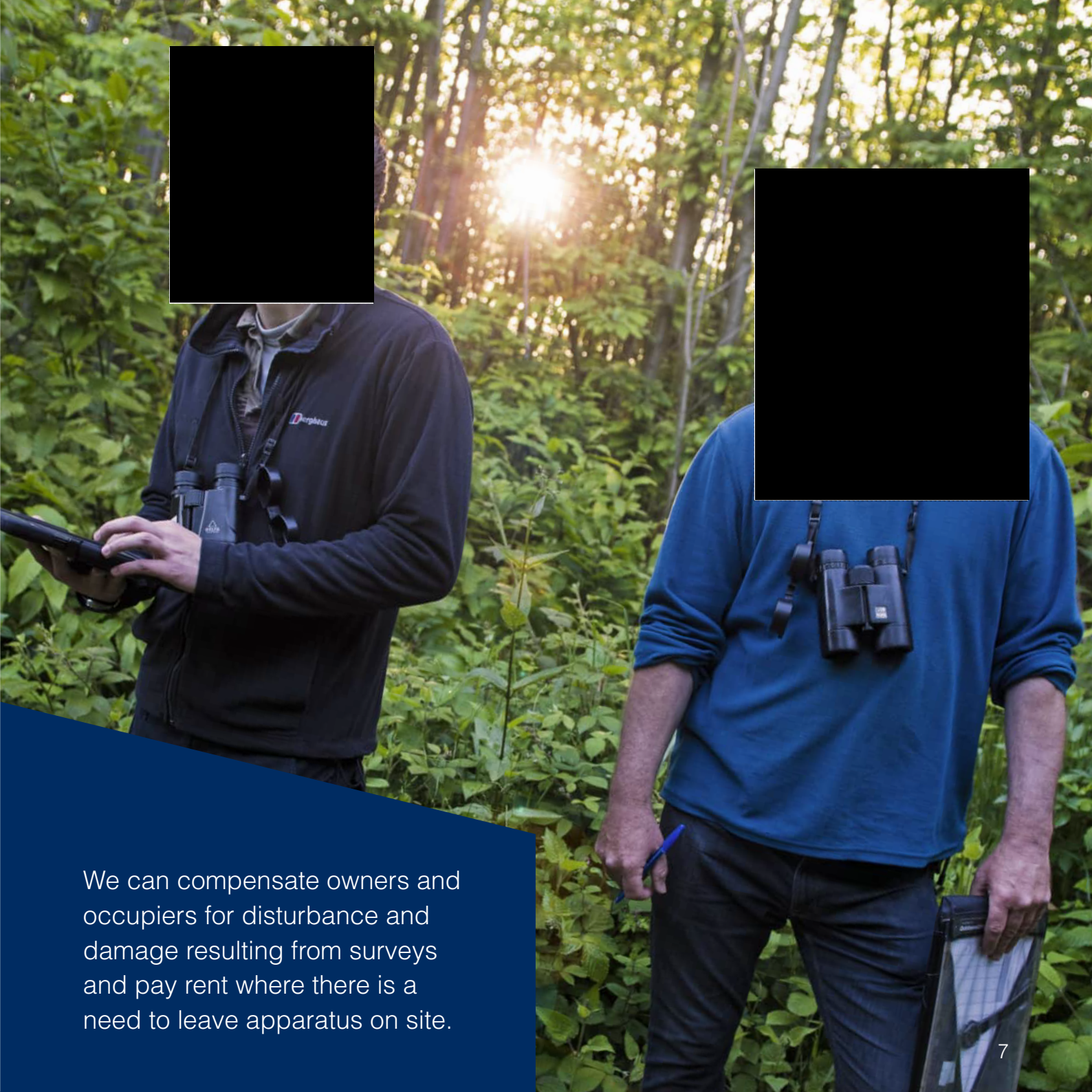
Typical compensation levels

The tables on pages 8, 9 and 10 give a very general idea of the compensation rates Highways England typically applies to different types of survey. These rates are based on our experience of previous schemes and are considered to cover most of the losses suffered by those in occupation of the land.

The rates enable us to settle claims quickly and can be applied where we access your land by agreement and where we serve notice on you using one of our legislative powers. As they are a guide, any exceptional cases will be assessed on an individual basis. For example, they do not include disturbance payments such as crop loss or any effect on payments you receive from the Rural Payments Agency.

To assist you with compensation claims for intrusive surveys (such as boreholes, trial pits and archaeological surveys and trenches) we will send you a condition report which will include:

- Plans of the site (including details of access routes across your land to reach the survey locations)
- Details of the surveys undertaken
- A photographic record of conditions before and after the survey including any reinstatement works that have been carried out.



We can compensate owners and occupiers for disturbance and damage resulting from surveys and pay rent where there is a need to leave apparatus on site.

Compensation for boreholes and trial pits

These types of survey can be intrusive. However, the following rates assume that Highways England or our contractor puts the land back into its original state immediately after use:

Land Type	Compensation per borehole
Arable	£200
Grazing or grassland	£200
Woodland	£50
Orchards, hop-gardens and self-pick areas	£100
Yards, gardens etc.	£200

Rent for measuring apparatus left on the land

These could prompt a single one-off payment, or an annual figure depending on how long the equipment is left in place. Both options are reflected in the table below:

Land Type	Compensation annually	Compensation one off payment
Arable	£100	£200
Grazing or grassland	£100	£200
Woodland	£50	£100
Orchards, hop-gardens and self-pick areas	£100	£200
Yards, gardens etc.	£100	£200

Where a number of items of apparatus is to be left on your land, we will try to group them closely together and the rates apply to each group of apparatus. However, where there are single pieces of apparatus that cannot be grouped with other pieces, the rates will apply to the group and to each single piece.

The rates include checking visits. Where we leave equipment on your land we will enter into an agreement with you to detail:

- The type of equipment being left
- Its position
- How long it will be in place
- How often it will be monitored.

Archaeological surveys

Highways England pays a set fee per archaeological trench that reflects our experience.

Land Type	Compensation per trench
Arable	£200
Grazing or grassland	£200
Woodland	£50
Orchards, hop-gardens and self-pick areas	£100
Yards, gardens etc.	£200

Nevertheless, we also recognise that the size and depth of the trench and the duration of the survey may have a material impact. Therefore, we will consider evidence-based claims showing exceptional circumstances.

Compensation for non-intrusive/walk-over surveys

We do not have a rate for non-intrusive/walk-over surveys where there is no physical disturbance to the land. However, evidence-based claims for disturbance and damage will be considered.

Surveyors fees

The compensation rates, together with the short-term nature of the survey, mean that we can negotiate agreements directly with you. However, if you would prefer to appoint your own surveyor to negotiate with us, we will also pay the reasonable and proportionate costs that you incur in engaging him/her, together with his/her appropriate out of pocket expenses. Your surveyor's fee must represent the cost of valuing, compiling and negotiating the claim and we will request information, such as time sheets, from them.

Claims for the time of the landowner or occupier

In addition to the above compensation rates, you can also claim for your own time spent in dealing with survey agreements, where:

- Your time was directly attributable to the claim
- Highways England agrees that it is reasonable to repay you.

How we process your compensation claims

What we need from you.

Once the surveys are complete (or every three months if the surveys are continuing) Highways England requires the occupier, landowner or his/her surveyor to submit a detailed claim for compensation showing:

- The number of surveys carried out (you can find this information in the condition report or we can provide it on request)
- The amount being claimed
- Evidence for any additional items being claimed.

In some circumstances, Highways England may request their own surveyor to assess whether the level of compensation being claimed is reasonable. We will keep you informed of progress if this is the case.

We will ask you to provide your bank details and confirmation of your VAT status before we are able to make any payment. Compensation, including any surveyor's fee, is paid directly to you and you will be responsible for settling your surveyor's fees. However, we can pay your surveyor's fees directly to them if we have your written consent.

How long the process usually takes

Highways England commits to dealing with your compensation claim in a timely manner and wherever possible we will try to make payment within 40 days of the claim being received (providing all the necessary information has been supplied). The settlement of a claim may take less time, for example if we do not need to refer it to our own surveyor.

Many of our legislative survey powers also provide that, if we cannot agree the amount of compensation payable, you may refer your claim to the Lands Chamber of the Upper Tribunal for determination. However, where you do not have this right, provided the Tribunal is content to hear your claim, we would not raise an objection to your reference. The Tribunal can award costs to either party so it is important that you seek professional advice before referring your claim. Please note that, depending on the number of references the Tribunal is dealing with, it may take several months for it to hear your claim.

Claims should be referred to the Upper Tribunal (Lands Chamber) 5th Floor, Rolls Building, 7 Rolls Buildings, Fetter Lane, London EC4A 1NL.

Our commitment to be open and fair

We are open, honest and fair and publish all relevant information unless it is exempt from publication under the General Data Protection Regulations (GDPR) and the Data Protection Act 2018 (DPA 2018).

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.

However, if you appoint a surveyor to negotiate your claim, we will take that as your agreement to share your information, other than your bank or building society details, with them, unless you instruct us not to do so.

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 address below and we will respond to your request within 40 days.

**Highways England
Piccadilly Gate
Store Street
Manchester
M1 2WD**

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 GDPR and the DPA 2018 and therefore we would not pass this information on.

To find out more please look at the freedom of information section of our website:

 www.highways.gov.uk

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 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 can ask the Upper Tribunal (Lands Chamber) to determine your claim.

More information about the complaints procedure can be found at:

 info@highwaysengland.co.uk.

 0300 123 5000

 www.highways.gov.uk

Further information

The Department for Communities and Local Government (DCLG) 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

 info@highwaysengland.co.uk.

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 www.highways.gov.uk

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write to the **Information Policy Team, The National Archives, Kew, London TW9 4DU**, or email **psi@nationalarchives.gsi.gov.uk**.

This document is also available on our website at **www.gov.uk/highways**

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Highways England Company Limited registered in England and Wales number 09346363

Your property
and discretionary
purchase

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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 will provide you with information about the circumstances in which we may offer to purchase property either in advance of requirements for a new or improved road scheme or where the construction works or the road in use will seriously affect your enjoyment of the property.

We realise that some of the terms we use in this booklet may not be familiar to you, so we have included a glossary in Annex 1 at the end.

More information about the process we follow to deliver our larger road schemes and other types of compensation that may be available can be found in the following publications:

Your property and our road proposals

Your property and land surveys

Your property and blight

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

 0300 123 5000

 www.nationalhighways.co.uk

Discretionary purchase

There may be situations where owners have a pressing need to sell their property and are unable to do so except at a significantly reduced price as a result of our proposed road scheme. While we are under no obligation to purchase those properties, Parliament has given us the ability to purchase properties using discretionary powers in the following sections of the Highways Act 1980:

- Section 248 applications can be made for properties on the line of one of our published public consultation route options or on the preferred route once announced ('on-line property'). There may also be situations where the planning inspector recommends we investigate an alternative route suggested by a third party. Property owners on that alternative route can also apply under this section.
- Section 246 applications can normally be made once the notification of development is issued to the local planning authority, giving notice of the preferred route, for properties not on its line ('off-line property') but the enjoyment of which is seriously affected as follows:

- Section 246(2A) serious effect from the construction works or from the road in use. Applications can normally be made after a notification of development has been issued to the local planning authority.
- Section 246(2)(a) serious effect from the construction works. Applications can be made during the construction period.
- Section 246(2)(b) serious effect from the road in use. Applications can be made during the first year after it has opened to traffic.

This booklet explains the way in which we will consider applications. However, please note that we only exercise our discretion in exceptional circumstances.

Requesting and submitting an application for discretionary purchase

Please let us know the section of the Highways Act 1980 under which you are applying for discretionary purchase so that we can send you the correct form. If you are unsure we can advise you.

Request an application form

@ info@nationalhighways.co.uk

☎ 0300 123 5000

Your completed application and supporting information should be submitted to the National Highways office dealing with the specific scheme.

You can find contact details for our schemes on our website:

www www.nationalhighways.co.uk/our-work

We will confirm receipt of your discretionary purchase application.

We aim to decide applications within three months of receipt, providing they are fully completed. However, some applications may take longer; we will let you know if this is the case.



How we assess your application

Applications under section 246 (off-line property), are assessed in three stages.

Stage 1 – the pre-conditions

We will consider whether you have met the pre-conditions for submitting an application. We will:

- check that you have a qualifying interest in the property (including whether you meet the occupancy requirements and whether your application relates to the whole of your interest in a single hereditament)
- ask our valuer to confirm whether you have made reasonable endeavours to sell your property at a realistic price and have been unable to do so.

Stage 2 - the assessment of serious effect

We will assess the effects of the road scheme on your enjoyment of your property to determine whether it is (or is predicted to be) seriously affected from:

- Diminution in value
- Visual impact
- Noise
- The severe aggravation of a pre-existing medical condition
- Any other factor stated in your application

Stage 3 – your case for discretionary purchase

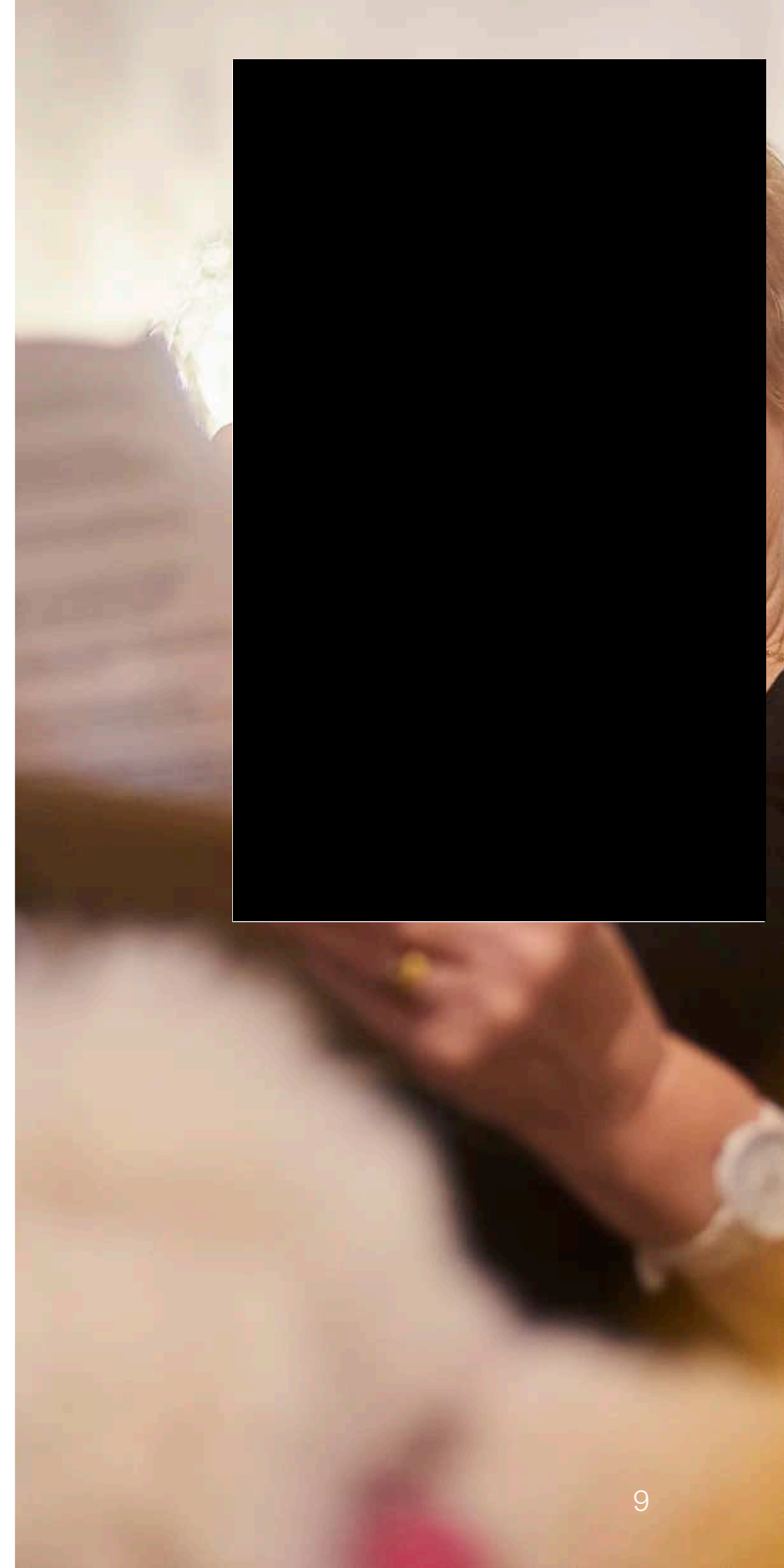
We will consider whether your case for discretionary purchase justifies National Highways exercising its limited discretion to offer to purchase your property. We will consider whether you:

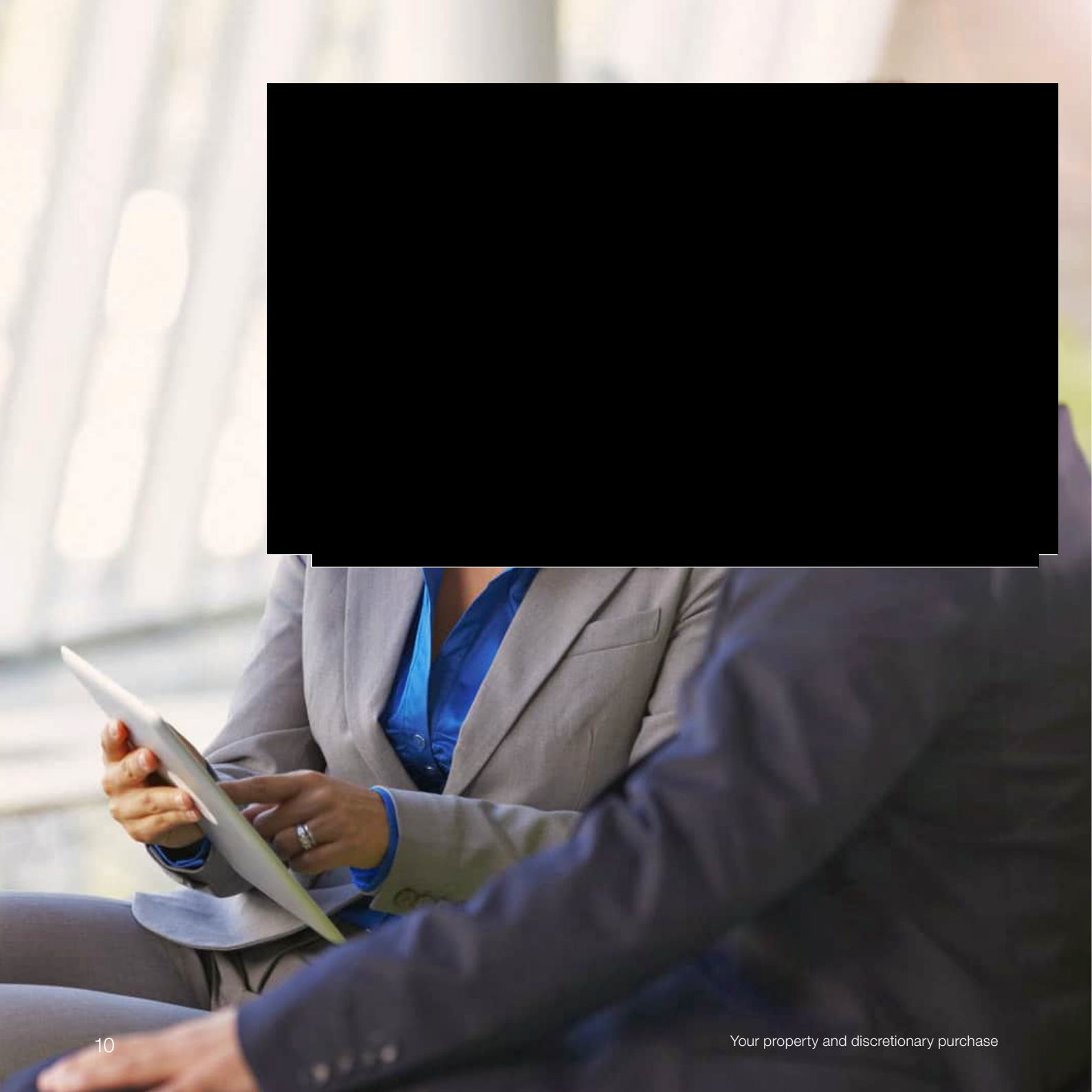
- have a pressing need to sell (ie a need to sell now or in the immediate future) and will suffer severe hardship as a result of being unable to sell, except at a significantly reduced price
- purchased your property with foreknowledge of the road scheme.

Further information about each of the factors in these stages can be found in the following pages of this booklet. Please note that we can only consider stages 2 and 3 if your application has met the criteria in the earlier stage(s).

Applications under section 248 (on-line property) follow a similar process, but if your property is on the line of the proposed road scheme (or on one of the public consultation options) we will accept that it is seriously affected in stage 2, without the need for further assessment. Where your property is partly on-line and partly off-line, we will consider whether the on-line part can be acquired without making the off-line part less useful or less valuable in some significant degree. If it cannot, we may offer to purchase your whole property. If we only offer to purchase part of your property, you may wish to consider making an application for the remaining (ie off-line) part under section 246.

We may also waive some of the factors in stages 1 and 2 in limited circumstances. Details of these circumstances are explained in the following pages of this booklet.





Stage 1 - the pre-conditions

Qualifying interest

Discretionary purchase applications under sections 246(2)(a), 246(2)(b), 246(2A) (off-line property) and section 248 (on-line property: on one of our published public consultation route options, or on the line of an alternative route suggested by a third party which the planning inspector recommends we investigate) can be made by freeholders and leaseholders provided the lease has at least three years remaining. To be eligible you must have a qualifying interest in the property as one of the following:

- A residential owner-occupier of a private dwelling
- An owner-occupier of business premises with a net annual value not currently exceeding £36,000 per year
- An owner-occupier of an agricultural unit or part of an agricultural unit
- A personal representative of a deceased person who, at the date of his or her death, would have been able to apply
- A mortgage lender who has the right to sell the property and who can give immediate possession

Applications can be made by owner-occupiers of homes, business premises or agricultural units provided you have occupied the property for at least six months. If you move out of a property without applying for discretionary purchase, you can still apply within twelve months as long as you had lived there for at least six months and the property has been unoccupied since you moved. Personal representatives or mortgage lenders do not have to satisfy the occupancy requirements

Your application also needs to relate to a single hereditament (see Annex 1 for further details) and be for the whole of your interest in it.

Important: If you have let your property, or if you are a tenant, then you would not have a qualifying interest and you would not normally be able to make an application for discretionary purchase.

However, for discretionary purchase applications under section 248 within the boundary of our notification of development, applicants do not need to have a qualifying interest.

Reasonable endeavours to sell the property

For us to consider an application for discretionary purchase you must have made reasonable endeavours to sell your property at a realistic price and been unable to do so.

The property should have been marketed with an estate agent or placed in the local or national press at least twice. The property must be marketed for a minimum of 13 weeks. You must show that you have not received any offers within 15 per cent of the unaffected market value or, if you have received an offer, that it has been withdrawn due to our road scheme.

Exceptionally if you are suffering from unusually severe hardship (please see the definition in Annex 1), we may accept a shorter period of marketing if the hardship would occur (eg if your property would be repossessed) before you could complete 13 weeks marketing.

Important: You will need to submit evidence of your endeavours to sell, and any offers received, with your application for discretionary purchase.



Stage 2 – the assessment of serious effect

For applications under section 248 (on-line property):

- If your property is likely to be required for the road scheme, we will accept that it is seriously affected.
- If part of your property is likely to be required for the road scheme, we will assess whether that part can be acquired without making the remainder less useful or less valuable in some significant degree. Where the part can be acquired without making the remainder significantly less useful or valuable, we may offer to exercise our discretion only over that part. However, where it cannot, we will offer to purchase the whole of your property.
- If we cannot say with any certainty how much of your property would be required for the road scheme, we will normally offer to acquire the whole of it.

If we offer to purchase only part of your property, you may be able to make an application under section 246 (off-line property) for the remainder.

For applications under section 246 (off-line property), we will assess whether there is serious effect on your enjoyment of the property from the following factors:

- Diminution in value: this is the amount by which the value of your property has been reduced by the road scheme. We will ask our independent contracted valuer to assess whether your property has reduced in value. However, you can also submit any valuation advice you have received. Our policy is that we would not normally consider diminution in value of less than 15 per cent to have seriously affected a person's enjoyment of a property.
- Noise from the construction works or the road in use: our policy is that we will normally consider that the enjoyment of a property will be seriously affected by noise if, taking account of any proposed mitigation measures such as noise fencing (but not noise insulation installed at the property), the predicted noise levels:
 - of the construction works (applications under sections 246(2A) or 246(2)(a)) is well in excess of 70 dBA (12 hour Leq) for a substantial period of the day, over a period of at least three months, or if the property is eligible for noise insulation.

- from the road in use (applications under sections 246(2A) or 246(2)(b)) rises by at least 1 dBA to a level of 68 dBA (18 hour L10) during the first year after opening. Please see Annex 2 for further information on noise measurement.

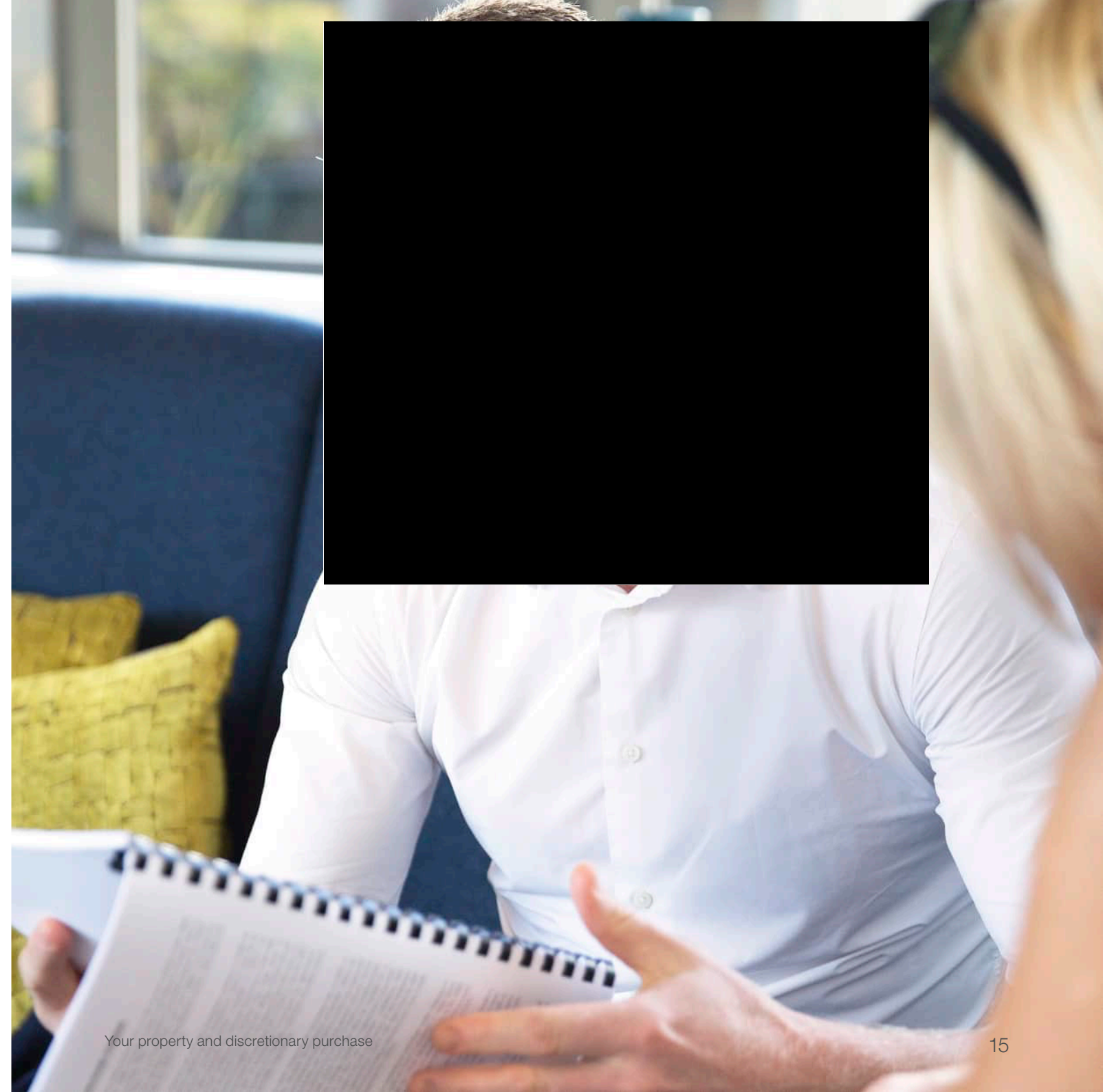
- Visual impact from the construction works or from the road in use: our policy is that we assess this factor in accordance with our published document LA 107 - Landscape and visual effects, which explains the requirements for assessing and reporting the landscape and visual effects of highway projects. It considers the significance of visual effect by using a matrix that measures visual sensitivity and the magnitude of effect. The significance of visual effect ranges from 'neutral' to 'very large'. For us to accept that your property is seriously affected by visual impact, the significance of visual effect must be (or be predicted to be) 'very large' during the construction period (applications under sections 246(2A) or 246(2)(a)) or the first year of the road opening to traffic (applications under sections 246(2A) or 246(2)(b)).

- Severe aggravation of a medical condition caused by physical effects: if you, or a dependant living with you, have a pre-existing, serious recognised mental or physical medical condition, which is likely to be severely

aggravated by the physical effects from either the construction of the road or its use, we will consider the effects of the road scheme on that condition. However, general stress and anxiety (eg about our road proposals) are not normally considered. Physical effects may include noise, dust and poor air quality (this is not an exhaustive list). The medical conditions that may be relevant may include respiratory conditions and tinnitus. Applications made on the basis of the severe aggravation of a pre-existing medical condition should include a statement from your GP or specialist.

- Other factors (for example air quality, loss of privacy, or vibration) may also cause serious effect. If you consider that your enjoyment of your property is seriously affected by other factors, please provide details in your application.

Unless we consider that the effects of the road scheme will severely aggravate a pre-existing medical condition or you are suffering from unusually severe hardship (please see definition in Annex 1), we will not normally consider your enjoyment of your property will be seriously affected unless two of these factors are assessed as having been met, or are predicted to be met.



Stage 3 – your case for discretionary purchase

If we have assessed that your property is seriously affected, we will then decide whether to exercise our discretion to offer to purchase. In reaching this decision we will consider the following factors.

Foreknowledge

We will not normally agree to purchase a property affected by our road scheme if we issued the notification of development before you acquired the property (or, for s248 applications on the line of one of our published consultation route options, if we published the consultation before you acquired the property). In this situation we believe that you could have expected that the road scheme would affect your enjoyment of the property. However, foreknowledge may be waived where:

- The design of the road scheme has significantly changed in substance or location, such that the physical effects being, or predicted to be, experienced by you could not have been reasonably foreseen at the time you acquired the property.

- For applications under section 248 (on-line property within the boundary of the notification of development), compulsory acquisition powers have come into force in relation to the property, for example where the development consent order has been granted or the compulsory purchase order has been confirmed (these orders are explained in Annex 1).
- For applications under section 246 (off-line property), the physical factors would severely aggravate a medical condition that you (or a dependant living with you) were not suffering from at the time you acquired the property.

An application from a mortgage lender is not accepted if the lender entered into a mortgage at a time when it should have known (ie had foreknowledge of) the effects of the road scheme.

Pressing need to sell and hardship

We must be satisfied that you have pressing reasons for selling (ie a need to sell now or in the immediate future) and that severe hardship would result if you were unable to do so at a reasonable price. Your case must be convincing and in most cases the reasons for selling must be unrelated to the road scheme. As a guide, the following situations would be regarded as a pressing need to sell (please note that this is not an exhaustive list):

- Domestic – there is a need to move to a larger or different house to accommodate a growing family
- Employment – a need to relocate to take a new job outside a reasonable commuting distance
- Financial – there are external financial pressures, such as dividing assets following a divorce, releasing capital for a business, or to avoid threatened repossession
- Medical condition unrelated to the road scheme – where you, or a dependant living with you, has developed a medical condition making the property unsuitable. Examples would include a severe loss of mobility making it difficult to maintain your home and garden or a requirement to go into sheltered accommodation or a long-term

- nursing home due to infirmity or ill health
- Winding up the estate of a deceased person
- A disposal by a mortgage lender in possession

However, this factor may be waived in applications under:

- section 246 (off-line property), where the construction works or the road in use will severely aggravate an existing medical condition.
- section 248 (on-line property within the boundary of the notification of development), where the development consent order has been granted or the compulsory purchase order has been confirmed.

For applications relating to residential dwellings where the property is your only asset, an inability to sell it other than at a significantly reduced price will be deemed to cause severe hardship.

Hardship can also relate to non-financial matters, such as living conditions that might severely affect your health (and which cannot be mitigated by reasonably adapting your home, such as fitting a stair-lift).

Please let us know if you are suffering from unusually severe hardship (please see Annex 1 for an explanation of this) and we will aim to prioritise your application.

Our decision

We aim to decide applications within three months of receipt, providing they are fully completed. However, some applications may take longer; we will let you know if this is the case.

We will write to you and let you know our decision on your application.

If we offer to purchase your property under section 248 (on-line property) or under section 246 (off-line property) due to serious effect, our offer will be available for you to accept now.

However, if we offer to purchase your property under section 246 (off-line property) due to a pre-existing medical condition that would be severely aggravated by the construction or use of the road, we would normally defer the purchase until nine months before the start of construction or the road opening depending on which event will aggravate that condition. We will contact you at that time to offer to proceed with the purchase.

If we defer our offer to purchase your property until nine months before the start of construction or road opening, you will be required to keep your property for sale on the open market at a realistic price and advise us if you receive an offer within 15 per cent of the asking price.

Important: If we accept your application and offer to buy your property, our offer will only be open for one month. The offer will also be subject to agreement on price and exchange of contracts within six months of the date of the offer. If you do not meet these timescales the offer to purchase may be withdrawn. However, if we defer the purchase, these timescales will not apply before we contact you to offer to proceed with the purchase.

Compensation for successful applications

We will offer to purchase your property at its unaffected market value, not the reduced value as a result of our road scheme. Our independent professional valuer will negotiate and agree the value of the property with you.

When selling to us under discretionary purchase you normally pay your own surveyor's costs, legal fees and moving expenses. However, where your application is accepted under:

- Section 246 (off-line property) on the grounds that you, or a dependant living with you has a pre-existing medical condition that will be severely aggravated by the physical effects of the scheme, or
- Section 248 (on-line property) on the grounds that your property is within the boundary of our notification of development,

we will reimburse your reasonable surveyor's costs, legal fees and a disturbance payment in line with entitlements under the Compensation Code.

Also, for section 248 applications, if your property is within the boundary of our notification of development, you may qualify for a home loss, basic loss or occupier's loss payment. More information about these payments can be found in our guide *Your property and blight*.

In all cases, we will not pay the costs involved in marketing the property beforehand nor will we pay the costs for preparing and submitting unsuccessful applications.

Data protection and you

National Highways will collect and process your data in relation to your discretionary purchase application. 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 the exercise of discretionary purchase powers (where relevant).

We will not use your personal information for any purpose other than to process your application, and if an offer to purchase is made, your 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 prepare your application and 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

We aim to provide the best possible service at all times but there may be circumstances in which you wish to make a complaint about our handling of your application. We are keen to improve the service we offer our customers wherever possible and provide redress where appropriate.

More information about the complaints procedure can be found at:

 info@nationalhighways.co.uk

 0300 123 5000

 www.nationalhighways.co.uk

Annex 1 - Glossary

Compulsory purchase order - A statutory order that authorises the compulsory acquisition of land and property. National Highways will make the order in accordance with legislative processes and hold a public inquiry (if necessary) to consider any objections, before the Secretary of State for Transport decides whether to confirm the order and grant us the powers to compulsorily acquire the land and property needed for the road scheme.

Development consent order - This is similar to a compulsory purchase order, in that it authorises the compulsory acquisition of land and property. However, it also includes powers relating to changes to highways, public and private rights of way, and certain other consents and licences. National Highways will make an application for the order (a form of planning permission) to the Planning Inspectorate, who will consider objections and make a recommendation to the Secretary of State for Transport whether to grant the order. The Secretary of State will then decide whether to grant the order and give us the powers to compulsorily acquire the land and property needed for the road scheme.

Hereditament - The definition of hereditament in Highways Act 1980, refers to Section 115(1) General Rate Act 1967, which defines a hereditament as follows:

“hereditament means property which is or may become liable to a rate, being a unit of such property which is, or would fall to be, shown as a separate item in the valuation list”

Notification of development - This is a written notice and a map or plan identifying the land required for the preferred route. It is served on the local planning authority and is registered as a local land charge.

On-line property - Land is, or is likely to be, required from the property for the proposed road scheme, including any land that would be less useful or less valuable in some significant degree by the acquisition of the required land.

Off-line property - No land is required from the property for the proposed road scheme (or where only part of the property is required, the remaining part).

Planning Inspectorate - The Planning Inspectorate acts on behalf of the Secretary of State to examine the road scheme and recommend whether the order, authorising the compulsory acquisition of land and property, should be confirmed/granted.

Preferred route announcement - This is the public announcement of the route selected by National Highways, from those put to the public during the route option public consultation, as the route that it intends to take forward into detailed design.

Unusually severe hardship - This occurs where the hardship is particularly severe and pressing, for example (this is not an exhaustive list):

- The threat of repossession of your home by a mortgage lender
- The division of assets in a divorce, where the courts have issued a settlement order requiring the property be sold and you are otherwise unable to separate your lives
- The threat of bankruptcy or your business going into liquidation
- A life threatening or shortening effect to your health (or to the health of a dependant living with you) due to:
 - your property not being suitable to meet your needs
 - your property not being capable of reasonable adaptation; and
 - you being otherwise unable to move to more suitable accommodation.

In these cases, we may waive the requirement to market the property if the unusually severe hardship is likely to occur before you could fully meet the marketing requirement.

Annex 2 - Noise measurement

dB(A)

The unit used for the measurement of sound within the frequency range of the human ear. dB is short for decibel.

L10 (18 hour)

This is the average of the hourly L10 noise between 0600 and 2400 hours on a normal working day. L10 is the noise level exceeded for one tenth of one hour (six minutes).

Leq

The sound level, which, if maintained continuously, would give the equivalent amount of noise energy as the varying levels would over the same period.



Typical noise levels

0 dBA	Threshold of hearing
35 dBA	Quiet bedroom
40 dBA	Library
50 dBA	Ordinary conversation
60 dBA	Office environment
62.5 dBA	Communication starts becoming difficult
70 dBA	Passenger car (60 km/h at 7 metres distance)
81 dBA	Modern twin-engine jet
83 dBA	Heavy diesel lorry (40 km/h at 7 metres distance)
90 dBA	Hazard to hearing from continuous exposure
95 dBA	Pneumatic drill (unsilenced) at 7 metres
120 dBA	Threshold of pain

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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Your property
and compulsory
acquisition

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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 will provide you with information about the process we follow to acquire land and property needed for our schemes using compulsory powers and the compensation that may be available to people with an interest in that land or property.

More information about the process we follow to deliver our larger road schemes and the other types of compensation is available in the following publications:

Your property and our road proposals

Your property and land surveys

Your property and blight

Your property and discretionary 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

☎ 0300 123 5000

www www.nationalhighways.co.uk

Compulsory acquisition

Parliament has given us the ability to acquire land so that we can carry out infrastructure developments that are in the public interest. For our larger road schemes, the ability to acquire land and property by compulsion is included in each scheme's development consent order. Our smaller schemes do not require a development consent order but we still have the power to make a compulsory purchase order.

The Secretary of State for Transport authorises our development consent and compulsory purchase orders. Once an order has been authorised it is subject to a six-week challenge period.

We will send notices to all those who have an interest in land that we are acquiring through the exercise of compulsory powers of acquisition. This will confirm the plot(s) of land to be acquired; enable us to enter onto and take possession (and in certain circumstances, ownership) of the land; and invite you to make a claim for compensation. There are various processes we can use when taking possession and ownership of the land:

- **A general vesting declaration** transfers ownership of the land to us. We will serve notice that we have made a general vesting declaration on all affected landowners. This allows us to take possession and ownership of the land after the time period stated in the notice (which must not be less than three months). We will pay compensation

once we have agreed the amount and you have signed a receipt accepting the payment in full and final settlement of all claims.

- **A notice to treat and notice of entry** does not transfer ownership of the land to us; you will be required to convey (ie transfer) the land to us after compensation has been finalised. When using this method we serve a notice to treat confirming that we will compulsorily purchase the land. This will be accompanied or followed by a notice of entry which will state the date we intend to take possession of the land.

Generally, we use the general vesting declaration process so that we take possession and ownership of the land at the same time. However, in some circumstances, we may serve a notice to treat and notice of entry. We will discuss our plans with you and give you as much warning as possible.

You can sell land that we are acquiring, or acquiring rights over, until the date the ownership transfers to us. However, the amount someone is willing to pay for the land could be reduced by the threat of compulsory acquisition and the compensation you may be eligible to receive from us may be affected. We recommend seeking professional advice before selling land that we are acquiring or we are acquiring rights over.

Parliament has given us the ability to acquire land so that we can carry out infrastructure developments that are in the public interest.

Compensation for freeholders, leaseholders and tenants (compensatable interests)

Freeholders, leaseholders and tenants can claim a number of types of compensation when their land or property is being compulsorily acquired as part of a road scheme. Listed below are the sorts of compensation that may be available depending on your rights or interest in the affected land and property.

- The market value of the land. This is the value of the land ignoring the effect of the scheme.
- Disturbance compensation is paid for the costs incurred by having to leave the property.
- If you retain land after the compulsory acquisition, you may claim compensation if the value of that land is reduced by its separation from the acquired land, or its division into separate parts.
- Injurious affection compensation is paid where the construction or use of the improved road has reduced the value of your remaining land.
- A home loss payment or an occupier's loss payment could be paid if you have occupied the land as a freeholder, leaseholder or tenant for at least one year on the date we enter onto and take possession of your land.

You may also be entitled to a basic loss payment. The government sets the minimum and maximum amount of these payments.

- There is compensation available if the compulsory acquisition affects your benefit from a restrictive covenant or right of way and, as a result, the value of your land has been reduced.
- If access to your property is closed as a result of our scheme, we will provide an alternative means of access for you. If the alternative access is a private means of access (rather than a public highway), you will be responsible, or jointly responsible, if the access is shared with your neighbours, for maintaining the alternative route. If the maintenance costs of the new access exceed the costs of maintaining the old one, you may be able to claim the difference.
- We will also repay reasonable fees for your chartered surveyor, estate agent or other valuer to prepare and negotiate your compensation claim. If your accountant assists you with your claim we will consider repaying these fees. We repay reasonable fees for your solicitor to provide proof of ownership of your rights or interest in the land and if required, to transfer this to us. However, we will not repay your solicitors' hourly rate if they negotiate your compensation claim.

Disturbance payments for people without compensatable interests

If you do not hold an interest that qualifies you for compensation, you may be entitled to a disturbance payment if you incur expenses, or suffer a loss due to being disturbed, as a consequence of having to leave the property.

Important: the compulsory acquisition compensation legislation and case law is complex. We recommend that you seek independent advice.

Freeholders, leaseholders and tenants can claim a number of types of compensation when their land or property is being compulsorily acquired as part of a road scheme.



How we process your compensation claim

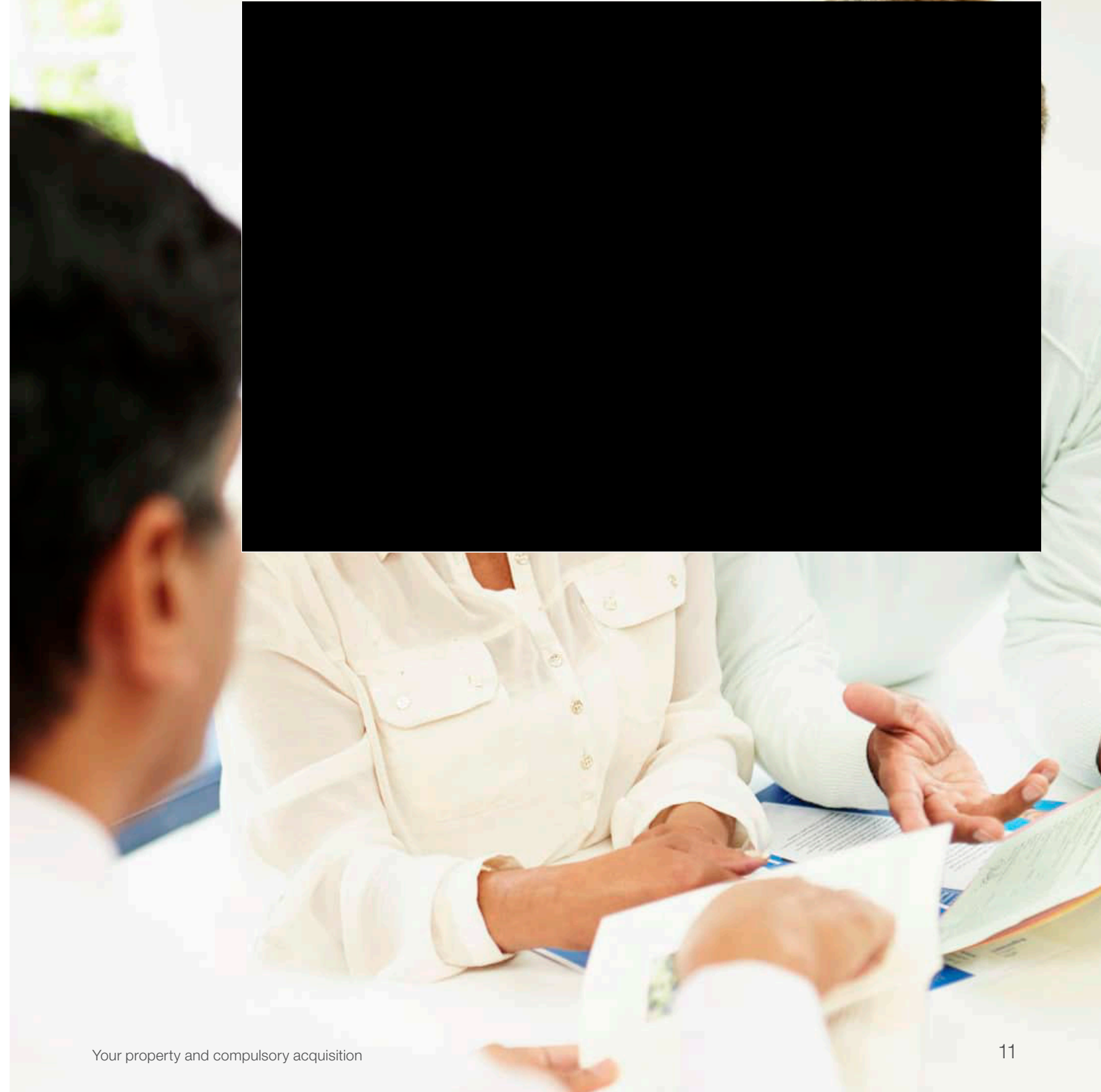
When we receive your claim we will ask our independent valuer to begin compensation negotiations with you. We may also instruct our solicitors to check that you own the land; they would normally contact your solicitor to ask for proof of ownership.

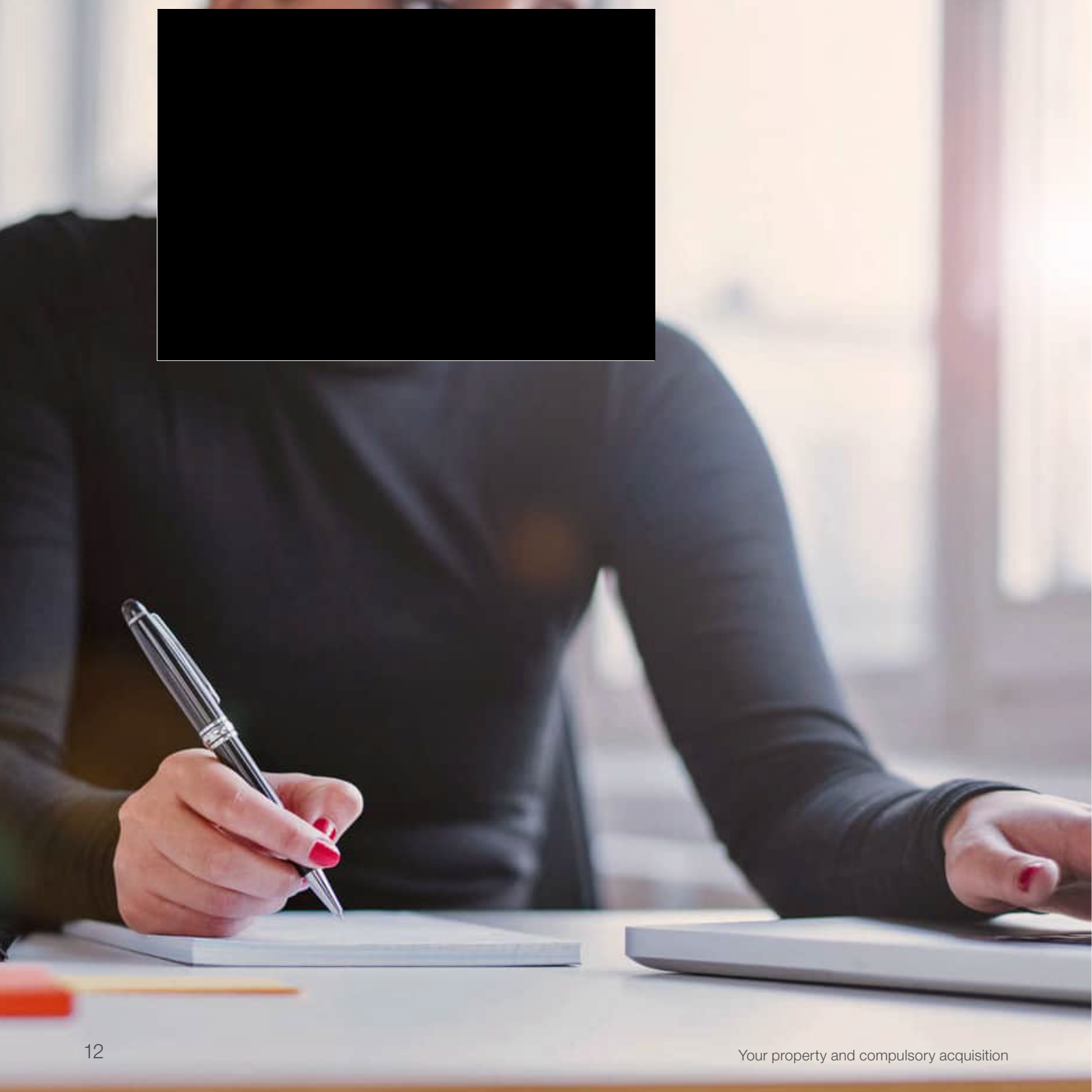
If your land is subject to a general vesting declaration then, once you have agreed compensation with our valuer, we will prepare a receipt for you to sign to accept the compensation and release any mortgage that you may have had against the land. We will pay the compensation after you have signed the receipt to accept the amount in full and final settlement of all claims.

If we have served a notice to treat, our conveyancing solicitors will draw up the legal document needed to either transfer the land to us or grant us rights over the land. We will pay compensation after we have agreed the amount with you and the transfer of ownership or grant of rights has been completed.

If you are a tenant, or if we only require a temporary licence over your land, we will ask you for proof of ownership in the land. Once you have agreed compensation with our valuer, we will prepare an agreement for you to sign to accept the amount in full and final settlement of all claims.

You may be eligible to apply for advance payments of compensation.





Applying for advance payments

Once we have made a general vesting declaration (see page 6) or served a notice of entry, freeholders, leaseholders and tenants can apply to us for an advance payment before their compensation has been finalised.

Applications must be submitted in writing and provide all the required information. To help with this we will send you the following forms when we serve notice:

- Claim for compensation for the acquisition or the occupation of land
- Solicitor's report on title
- Bank details form.

Advance payments are normally made within two months of us receiving the fully completed application. If an application is received before the general vesting declaration is made or notice of entry served, the two-month processing time will start from that date.

Applications must be submitted in writing and provide all the required information.

Advance payment calculation

Up to 90% of the compensation that we have agreed with you, or if this has not been agreed, 90% of our compensation estimate, may be advanced.

If the land is mortgaged, your advance payment will be reduced by the amount required by your mortgage lender to release the mortgage. If you and your mortgage lender agree, we can pay some or all of the advance payment directly to your mortgage lender either to reduce or pay off your mortgage.

Where only part of your land is compulsorily acquired, your mortgage lender may decide that they require part of the mortgage to be repaid before releasing that land from your mortgage. Alternatively, they may decide that you will retain sufficient land to cover the outstanding mortgage and release the land we are acquiring from your mortgage without payment. This is your mortgage lender's decision.

The advance payment may also include:

- up to 90% of any surveyor's fees (this can be an estimated amount)
- 90% of any basic loss payment or occupier's loss payment
- 100% of any home loss payment

- your solicitor's reasonable fees for work in connection with your advance payment
- VAT where you are unable to recover this from HM Revenue and Customs
- interest on the agreed or estimated compensation and surveyor's fees. Interest is calculated from the vesting date or date of entry depending on the type of notice we sent you. We do not pay interest on VAT or the home loss payment. Government sets the rate of interest at 0.5% below the Bank of England base rate.

In situations where we are unable to agree the amount of compensation with you, we will ask our independent valuer to provide us with an estimate. If land is mortgaged we will contact your lender to calculate the amount that can be advanced to you and your lender.

Accepting an advance payment will not affect your negotiations or the final payment of compensation. In situations where the final amount of compensation agreed is higher than the estimate paid, we will pay you the difference. However, if the amount paid in advance is higher than the final settlement you will have to pay back the difference.





Referring compensation disputes to the Upper Tribunal

We will work with you and your professional advisers to agree the amount of compensation payable. However, there may be cases where we cannot agree. In this situation, you can refer your claim to the Lands Chamber of the Upper Tribunal. The Upper Tribunal is the court of law appointed to deal with these types of disputes.

Claims must be referred to the Tribunal within six years of the vesting date (where we have served notice of making a general vesting declaration) or the date of entry (where we have served a notice of entry).

To refer your case to the Upper Tribunal, you need to submit an application in writing to:

Upper Tribunal (Lands Chamber)
5th Floor
7 Rolls Buildings
Fetter Lane
London
EC4A 1NL

When the Upper Tribunal receives an application, all parties are encouraged to attend mediation meetings before the tribunal hearing. A neutral third party oversees the meeting and will encourage all involved to reach an agreement on the disputed points. It may not be possible to reach agreement on all the issues but settling some points can save time and reduce costs of the hearing. The Tribunal will make the final decision on your claim.

Important: The Upper Tribunal can award costs to either party so it is important that you seek professional advice before referring your claim.

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 acquisition 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 our offer of compensation this falls outside the remit of our complaints procedure and you can 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 BED22 0014

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Your property and blight

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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 blight caused by major new road proposals or improvements. It has been produced to help you to understand whether your property may be affected and the options available to you.

More information about the process we follow to deliver our larger road schemes and other types of compensation that may be available can be found in the following publications:

Your property and our road proposals

Your property and land surveys

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

☎ 0300 123 5000

www www.nationalhighways.co.uk

Blight explained

Blight is when the value of a property is substantially reduced because of a proposal to carry out public works, such as a new road or improvements to an existing road and the owners are unable to sell it at unaffected market value; this is the amount the property would be worth if the scheme did not exist, not the blighted (reduced) value.

Under the Town and Country Planning Act 1990 (as amended), we have legislative powers to buy certain interests in blighted land and property. We purchase blighted properties at their unaffected market value.

Properties that are on the line of the proposed route and where land is required for the scheme can be directly affected by blight; this is known as statutory blight. 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 certain circumstances home owners might have an urgent need to move but cannot sell their property except at a significantly reduced price as a result of the scheme.

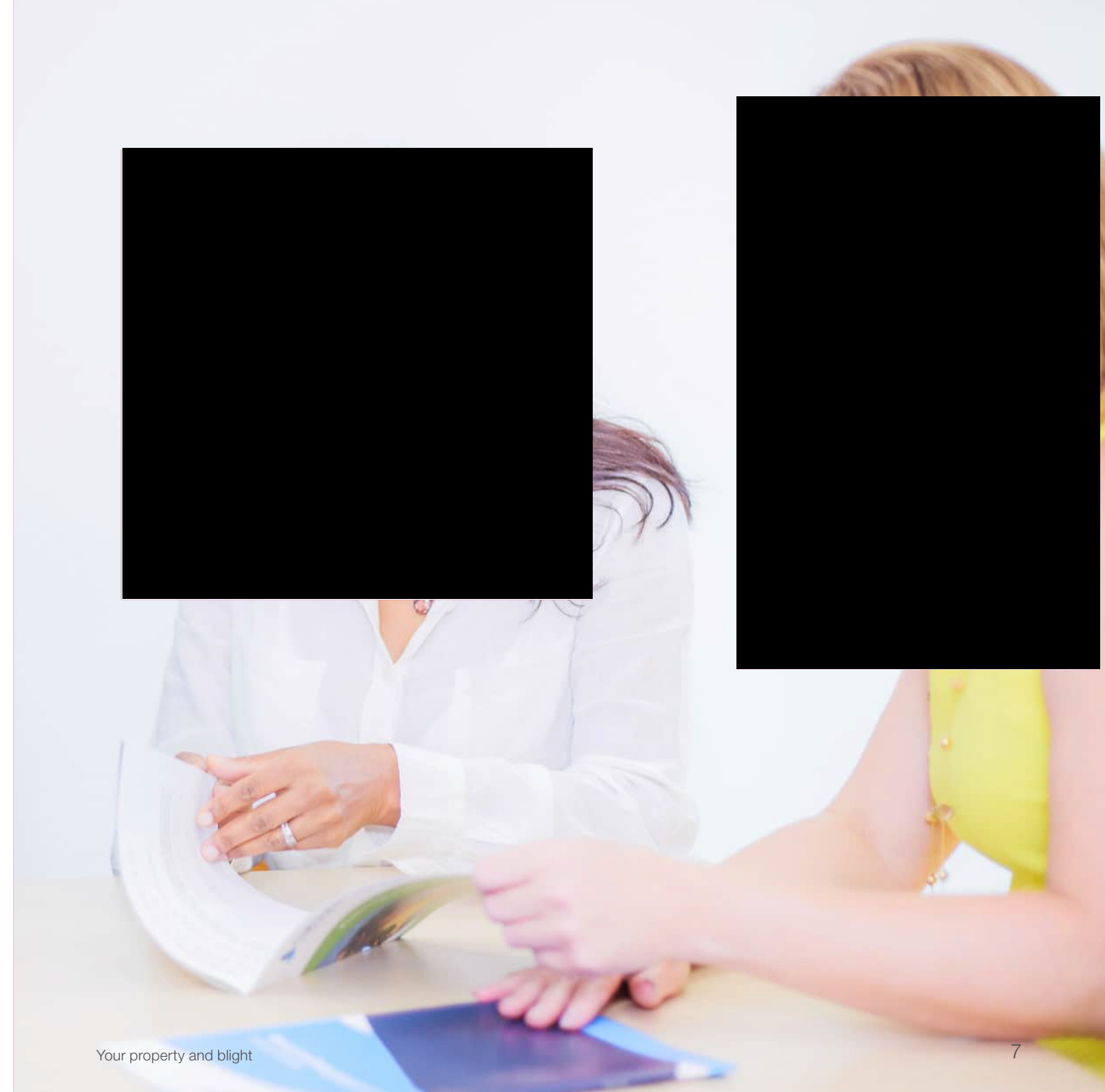
To find out more about the rare circumstances where we may consider buying off-line properties please see our guide *Your property and discretionary purchase*.

For more information

@ info@nationalhighways.co.uk

☎ 0300 123 5000

www www.nationalhighways.co.uk



When a blight notice can be submitted

Statutory blight is normally triggered following National Highways issuing a notification of development to the local planning authority, with a plan showing the land it expects will be required for the new or improved road. This is the first time we can say with any certainty which properties will be affected by the scheme. Property owners on the line of the route can then ask us to buy their property. We cannot accept blight notices before the notification of development has been issued.

We cannot accept blight notices before the notification of development is issued.

Applicant eligibility (qualifying interests)

Blight notices can be served by both freeholders and leaseholders, providing the lease has at least three years remaining. To be eligible you must have an interest in the land as one of the following:

- A residential owner-occupier of a private dwelling.
- An owner-occupier of business premises with a net annual value not currently exceeding £36,000 per year.
- An owner-occupier of an agricultural unit or part of an agricultural unit.
- A mortgage lender who has the right to sell the property and who can give immediate possession (see notes on page 16).
- A personal representative of a deceased person who, at the date of his/her death, would have been able to serve a blight notice (see notes on page 17).

Applications can be made for homes, business premises or agricultural units provided you have occupied the property for at least six months. If you move out of a property without serving a blight notice, you can still serve one within 12 months providing the property has been unoccupied since you moved.

Important: we can only consider blight notices for the whole of your freehold or leasehold interest in a property, even if only part of the property is on the line of the route.



Applications can be made for homes, business premises or agricultural units provided you have occupied the property for at least six months.

Reasonable endeavours to sell the property

Properties are considered blighted by a road scheme when, as a result of them being on the line of the scheme, the owners are unable to sell except at a substantially reduced price (ie when compared to unaffected market value). Therefore to be eligible to serve a blight notice you must be able to show that you have made reasonable endeavours to sell the property at a realistic unaffected price and that you have been unable to do so. You should enclose marketing evidence with your blight notice, such as copies of advertisements and any offers received. If you serve a blight notice after a development consent order has been made or a compulsory purchase order has been confirmed, but before you receive notice that we are exercising our compulsory acquisition powers in the made or confirmed order, you do not need to show that you have made reasonable endeavours to sell your property. However, you will still need to show us that your property is blighted.

Requesting and submitting a blight notice

Request a blight notice

@ info@nationalhighways.co.uk

☎ 0300 123 5000

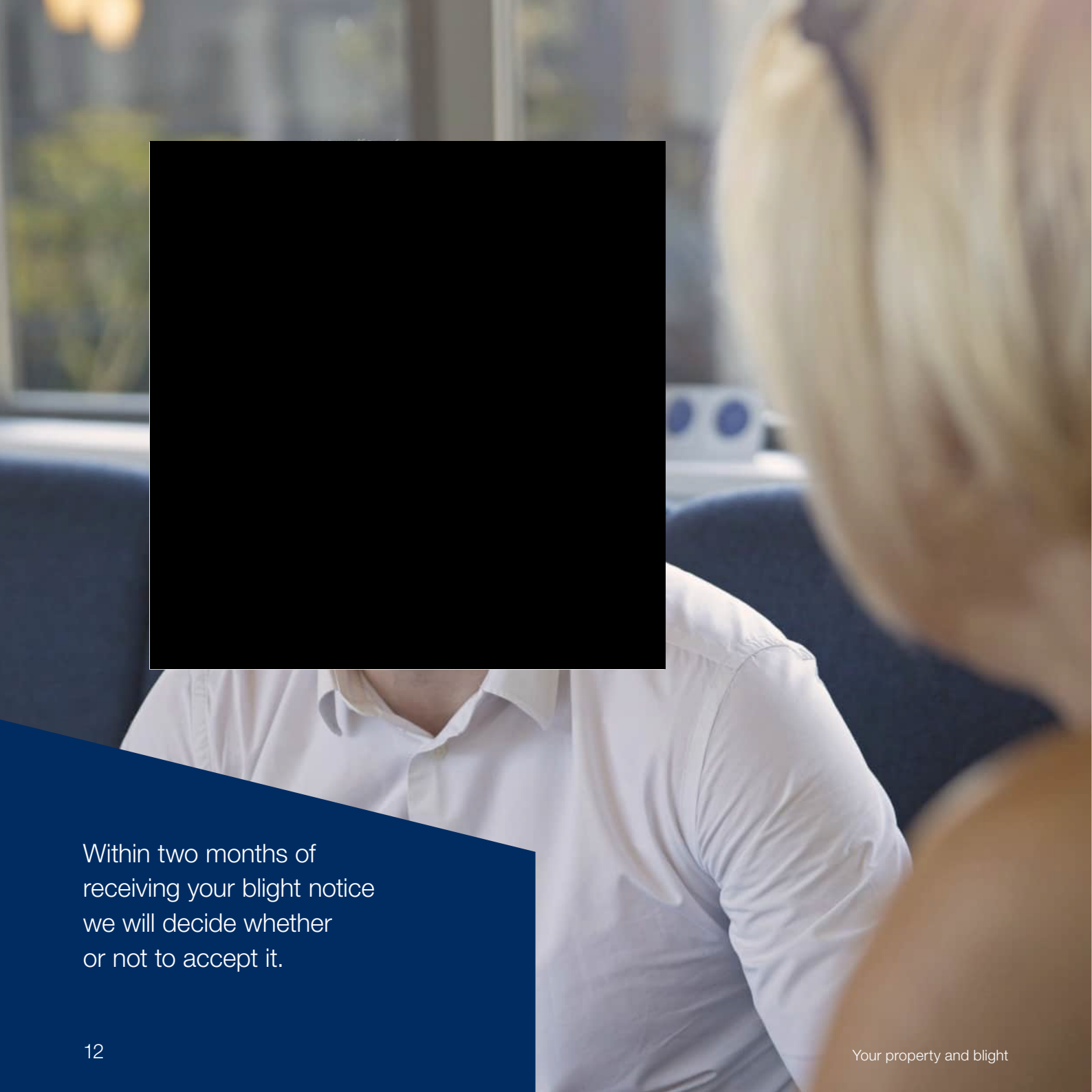
Your completed blight notice and supporting information should be submitted to the National Highways office dealing with the specific scheme. We will confirm receipt of your blight notice.

You can find contact details for our schemes on our website:

www www.nationalhighways.co.uk/our-work

Properties are considered blighted by a road scheme when, as a result of them being on the line of the scheme, the owners are unable to sell except at a substantially reduced price.





Within two months of receiving your blight notice we will decide whether or not to accept it.

How we process a blight notice

We will check that you have a qualifying interest in the property (see page 8).

If your interest in the property qualifies for blight we will:

- Assess whether any or all of your property will be required permanently for the road scheme.
- Ask our valuer to confirm whether you have made reasonable endeavours to sell your property at a realistic unaffected price (see page 10).

Where only part of your property is required for the road scheme we will assess the following:

- In the case of a house, building or factory, whether the part required can be taken without detrimentally affecting the house, building or factory.
- In the case of a park or garden belonging to a house, whether the part required can be taken without seriously affecting the amenity or convenience of the house.
- In the case of an agricultural unit, whether the unaffected area can still be farmed either by itself or with other land you own or lease (with at least three years remaining on the lease) at the time you submitted the blight notice.

Within two months of receiving your blight notice we will decide whether or not to accept it. If we accept the notice we will offer to purchase your property.

If we do not accept the blight notice we will serve you with a counter-notice. Under s151(4) Town and Country Planning Act 1990 (as amended) we can issue a counter-notice on a number of grounds including:

- No part of the house, business premises or agricultural unit is required for the scheme.
- We do not propose to purchase any part of the house, business premises or agricultural unit.
- We only require part of the house, business premises or agricultural unit and propose purchasing only that part.

In cases where we are not sure how much of your property we need for the scheme, and providing all the aforementioned requirements have been met, we would normally accept the blight notice and would offer to purchase the whole property.

If we do not serve a counter-notice within two months of receiving a valid blight notice, the blight notice automatically becomes accepted and we have to offer to purchase your property.

Your options if we serve a counter-notice

If we serve a counter-notice to purchase only part of the property and you accept it, your blight notice only becomes valid for the part we intend to acquire.

You have one month from when we serve a counter-notice to accept our proposal to acquire only part of your property. If you do not act within this time, the blight notice lapses and is no longer valid.

Alternatively: if you disagree with our decision to serve a counter-notice, either rejecting your blight notice or offering to purchase only part of your property, you can challenge this in the Lands Chamber of the Upper Tribunal. The Tribunal is the court of law appointed to deal with these types of disputes. You have one month from the date we serve the counter-notice to do this. The Tribunal's address is

Upper Tribunal (Lands Chamber)
5th Floor, 7 Rolls Buildings
Fetter Lane, London
EC4A 1NL

The Tribunal will decide whether our objection is correct and if it was not, may require us to offer to purchase the whole of your property.

Compensation

Where we accept your blight notice to offer to purchase your property or serve a counter-notice offering to purchase only part of it, we will ask our contracted independent professional valuers to begin compensation negotiations with you.

You will be entitled to the full unaffected market value of your property. If the blight notice relates to a residential property you may be entitled to a home loss payment. If we are purchasing a non-residential property under blight, you may be entitled to basic and occupier's loss payments.

We will also pay your surveyor's and solicitor's costs for preparing and submitting the successful blight notice. However, we will not pay the costs involved in marketing the property beforehand nor will we pay the costs for preparing and submitting unsuccessful blight notices.

We may pay disturbance costs caused by our purchase, such as removal costs and alterations of fixtures and furnishings.

After we accept your blight notice you have three years to complete the sale of your property to us unless during that time, we agree compensation, you refer your claim to the Upper Tribunal or we take possession of it to carry out the road scheme (in which case your blight notice will remain valid indefinitely).

It is important to note that neither we, nor the local housing authority, have any duty to re-house you if we acquire your home under blight.

Referring compensation disputes to the Upper Tribunal

We would like to reach a compensation agreement with you and will work with you throughout the process. Where we cannot agree compensation, you can refer your claim to the Lands Chamber of the Upper Tribunal.

To refer your case to the Upper Tribunal, you need to submit an application in writing to:

Upper Tribunal (Lands Chamber)
5th Floor
7 Rolls Buildings
Fetter Lane
London
EC4A 1NL

When the Upper Tribunal receives an application all parties are encouraged to attend mediation meetings before the Tribunal hearing. A neutral third party oversees mediation meetings and will encourage all involved to reach an agreement on the disputed points. It may not be possible to reach agreement on all the issues but settling some points can save time and reduce costs of the Tribunal hearing. The Tribunal will make the final decision on your claim.

Important: [The Upper Tribunal can award costs to either party so it is important that you seek professional advice before referring your claim.](#)

Withdrawal of your blight notice

You can withdraw your blight notice provided:

- The purchase has not been completed.
- The Upper Tribunal (Lands Chamber) has not determined compensation, or where it has determined compensation you withdraw the blight notice within six weeks of such a determination.
- We have not taken possession of your property.

Blight notices from mortgage lenders

Mortgage lenders can serve blight notices for property on the line of the scheme following the issuing of a notification of development (see page 8). To do so they must be able to satisfy the following statutory conditions:

- Be entitled (for example: by virtue of a court order) to sell the property.
- Be able to give vacant possession.
- Have made reasonable endeavours to sell the property, except where a development consent order has been made or a compulsory purchase order confirmed.
- Have been unable to sell the property except at a substantially reduced price because of the proposal to carry out the road scheme.

A mortgage lender may not serve a blight notice where another person has served a blight notice that has not been withdrawn; or where that blight notice has been countered, within one month of the counter-notice being served; or if the counter-notice has been referred to the Lands Chamber of the Upper Tribunal, until it has been upheld.

Blight notices from personal representatives of a deceased person

The personal representative of a deceased person (including executors and administrators) may serve a blight notice for property on the line of the scheme following the issuing of a notification of development (see page 8) provided:

- At the date of his/her death the deceased was entitled to a qualifying interest in the property and could have served a blight notice.
- The personal representative has made reasonable endeavours to sell the property.
- The personal representative has been unable to sell the property except at a substantially reduced price because of the proposal to carry out the road scheme.
- One or more individuals (but not a corporate body) are beneficially entitled to the freehold or leasehold (with more than three years left to run) interest in the property.

A personal representative may not serve a blight notice where another person has served a blight notice that has not been withdrawn; where that blight notice has been countered within one month of the counter-notice being served; or if the counter-notice has been referred to the Lands Chamber of the Upper Tribunal, until it has been upheld. However, where the person who served the blight notice has passed away, a personal representative can become the claimant.

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 we offer to purchase your property and you are unhappy with our offer of compensation this falls outside the remit of our complaints procedure and you can 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 Limited registered in England and Wales number 09346363

Your property

and Part I compensation

7

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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 booklet explains how compensation, often called 'Part I compensation', can be claimed for the effects on residential, agricultural and other property from the use of new roads or alterations to existing roads operated by National Highways.

It is not a complete guide to Part I compensation. Please ask if you have questions about your particular circumstances **(see Section 11 – How to contact us)**. You may also consider taking independent professional advice **(see Section 4 – How do I claim?)**.

More information about the process we follow to deliver our larger road schemes and other types of compensation that may be available can be found in the following publications:

Your property and our road proposals

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

For more information

 info@nationalhighways.co.uk

 0300 123 5000

 www.nationalhighways.co.uk

1. What is Part I compensation?

Under Part I of the Land Compensation Act 1973 ('the Act'), compensation can be claimed by people who own and also 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.

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

The cause of the physical factors must be the new or altered road in use. For example, if a road is altered, the noise and other adverse 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.

Under the provisions of the Act, a road is altered only 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 is not payable when the carriageway has simply been resurfaced. Part I compensation is also not payable where part of the affected property has been taken for the construction of the new or altered road. This is because the effect of the use of the road on the value of the rest of the property must be taken into account in calculating the compensation for the part of the property taken.

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



2. Can I claim?

Residential property

To claim, you must have been the owner of the property before the date the road first came in to public use (known as the 'relevant date'). You must also still be the owner on the date you claim.

For the purposes of making a claim under the Act, you are the owner of the property if you hold either the freehold or a lease that has at least three years left to run at the date you claim.

In addition to being the owner, you must also occupy the property as your home at the date you claim. The exceptions to this are where you have let the property to someone else or there is another legal reason preventing you from occupying, for example, there is a court order in place which removes your right to occupy the property.

Agricultural unit

You must be the owner and the occupier both before the new or altered road first came into public use and at the date you claim.

You must occupy the whole of the unit and own the freehold or a lease with at least three years left to run in the whole or any part of the unit at the date of claiming.

Other property

Small business premises are an example of the type of property that falls into this category. The property must not have an annual value above a set amount. At the time of publication, that amount is £36,000 but please note it is varied from time to time. The rating office at your local council will be able to tell you the annual value of your property.

You must be the owner and the occupier both before the new or altered road first came into public use and at the date you claim. You must occupy the whole or substantial part of the property and own the freehold or a tenancy with at least three years left to run at the date of claiming.

Can I claim if only part of my property is residential?

Where a property has more than one use, for example, a shop with living accommodation above, then you can claim for the living accommodation. You may also claim for the business part of the property provided that business part has an annual value of not more than £36,000.

Can I claim if I transfer ownership of my property to another family member and continue to occupy it?

Although your occupation of the property has continued, you must still satisfy the ownership requirements described earlier in this section. So, if you transfer the property to a family member before you claim, you will not be eligible for Part I compensation. The family member to whom the property was transferred may be able to claim, providing the transfer took place before the date the road first came in to public use. He/she must also occupy the property unless they do not have a legal right to do so, as described earlier in this section.

Whether a legal right exists will depend on the terms under which the previous owner continues to occupy the property. An informal arrangement where there is no tenancy agreement in place means a claim is unlikely to succeed.

Can I claim if I inherited my property after the road first came into public use?

Yes, provided the person from whom you inherited the property was the owner before the date the road first came into public use. Also at the date you claim, you must also be the owner of the inherited property. Ownership does not pass by inheritance immediately on the death of the previous owner. Further, being named as a beneficiary in a will does not mean that ownership has transferred. You are the owner only when the legal title of the property has passed to you.

You must also occupy the inherited property at the date you claim, if you have a right to do so, even if you still have another property to live in.

Can the personal representatives (executors/administrators) of a deceased person make a claim?

No. They obtain legal title by operation of the law and not by inheritance. As they have not inherited, they cannot take the benefit of those provisions described above.

3. When can I claim?

The first day for claiming compensation is a year and a day after the new or altered highway first came into public use (known as the ‘first claim day’).

For most road schemes, we publish notices on our website:

<https://www.gov.uk/government/collections/compensation-claims-notice>

We do this at the time the road first came into public use.

We cannot accept claims made before the first claim day, except when you are selling your property or granting a lease **(see Selling my property before the first claim day on page 13)**. It is important that you claim as early as possible after the first claim day. Your right to compensation may be lost if your claim is not made and settled within the six years following the first claim day. Claims made after those six years will not be accepted **(see Section 10 – The Limitation Act 1980)**.

Selling my property before the first claim day

Normally, claims cannot be made during the 12 months between the new or altered road first coming into use and the first claim day.

However, if you are selling your property or granting a lease during that period, you can lodge a claim with us but you must do so after exchanging contracts to sell and before completing the sale or granting the lease. We will not negotiate your claim or pay any compensation before the first claim day.

Your claim may not be accepted if, while waiting for your property to be sold, you move into another before the date of your claim. This is because you may no longer be able to meet the occupancy requirement **(see Section 2 – Can I claim?)**.

4. How do I claim?

You can make a claim yourself or ask someone to do this for you. Anyone can act for you but most people prefer to use a professional property valuer or an agent that specialises in Part I claims to prepare and negotiate the claim on their behalf.

Making a claim yourself

Forms for making a claim are available from us **(see Section 11 – How to contact us)**.

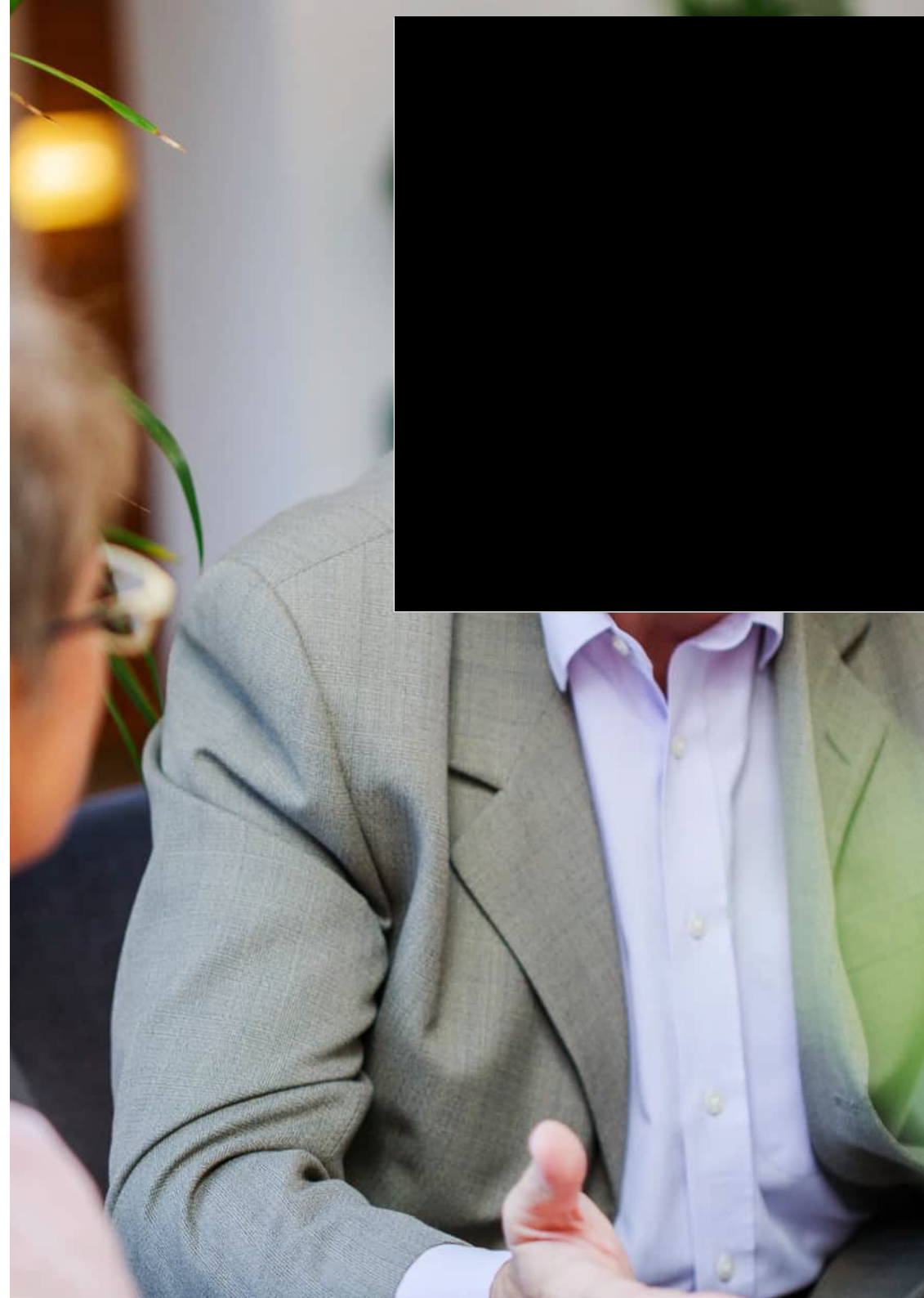
You should keep a copy of your completed claim form. Using a type of postal delivery that provides you with proof of posting is advisable in case your claim does not reach us and we need to be sure that a claim was, in fact, made.

It is important that all the information asked for on the claim form is provided.

You need to be sure you are the owner of either the freehold or a lease with at least three years left to run and that you can prove this. If you do not occupy the property, you will need to show that you do not have a legal right to do so. For example, if the property is let, we may ask to see a copy of the tenancy agreement.

Details of joint owners must be included in the claim. People with a different interest to yours in the property should submit their own, separate claim. For example, if they are the owners or long-term tenants of a different part of the same property, you cannot claim for them.

Please make sure you tell us about any changes relating to your claim, including your contact details.



Using an agent to act on your behalf

It is quite possible that one or more agents offering to act on your behalf have already approached you. It is not unusual for such approaches to be made well before the first claim day or even before the new or altered scheme has opened for public use.

We can accept only one claim on your behalf. The settlement of your claim may be delayed if you or any other person you have authorised makes further claims on your behalf. This is because we will need to clarify which agent will be representing you.

We have no authority over the agent you employ or any responsibility for his actions or conduct. This includes the terms of any contract or agreement between you and your agent, the content of your agent's literature and the way in which your agent may ask for payment of fees from you. We cannot comment on the terms of an individual contract or agreement, which are private matters between you and your agent. For these reasons, it is important that you are clear about the contractual arrangements you enter into with your agent, which could be legally binding. You should also be clear about what your agent will actually do on your behalf and what payments and other costs you may be asked to meet. This includes any charges if your claim is not successful or if you choose no longer to employ the agent. It also includes any other payments in addition to the fee we will repay.

Paying for the services of an agent

We will refund what we consider to be reasonable valuation expenses incurred by you to employ an agent to prepare and negotiate your claim **(see Section 7 – What shall we pay for?)**. We shall repay only one set of agent's fees. You need to keep this in mind if you consider changing your agent during the processing of your claim. The repayment of your agent's fee will only happen if your claim is successful and compensation is to be paid. When we make a formal offer of compensation to you, we will also ask whether you would like us to send the fee directly to your agent. Otherwise, the fee will be paid to you for you to settle with your agent at the time we pay you the agreed compensation.

The Highways Agency Method of calculating reasonable valuation expenses

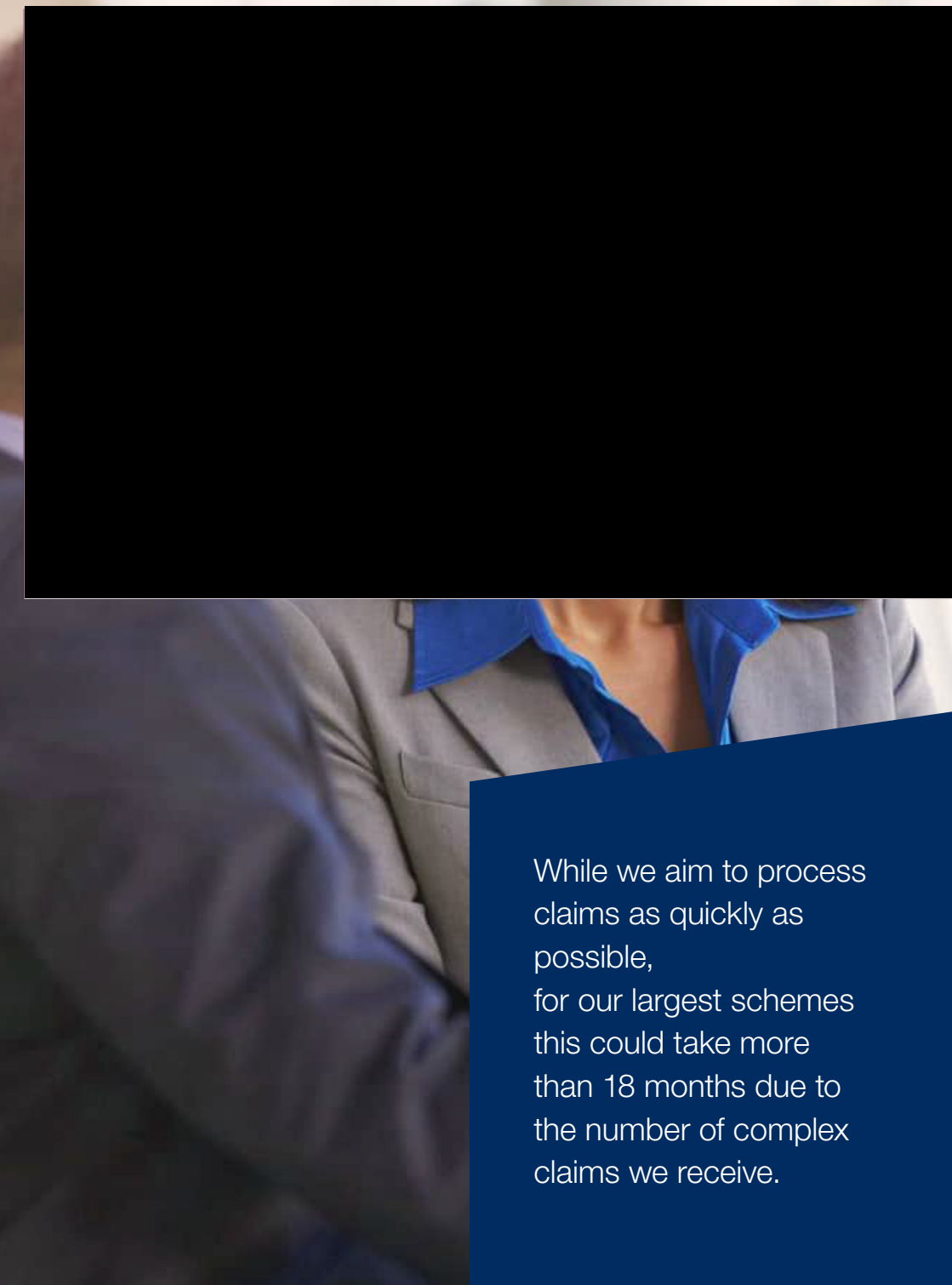
We have worked closely with a number of the national firms of claims agents to develop a way of calculating the level of their fees. Using 'the Highways Agency Method', we will repay an amount to an agent for all the successful claims he/she has negotiated on a particular scheme. That way of working out fees recognises the increased costs an agent faces when working on a scheme with a small number of claims and the benefits obtained when negotiating a large number of claims. As it would not be reasonable to expect an agent to wait until all claims are settled, a notional fee per claim is calculated to be paid on the settlement of each claim. The amount of that fee is worked out by using the 'Highways Agency Fee Table' – a copy of which is available from us (**see Section 11 - How to contact us**). The figures shown in the Table are inclusive of all costs and expenses incurred. The Table is reviewed not earlier than twelve months from the previous review and, in line with government policy, is revised in accordance with the Consumer Prices Index all items (CPI1). National Highways will continue to use 'the Highways Agency Method' for the payment of claimants' agents fees.

In calculating these fees we have taken into account the many activities agents tell us they carry out when negotiating claims. Namely:

- making pre-instruction enquiries
- taking written instructions from a client and confirming those instructions, often several years before a scheme commences
- researching and storing data both in relation to the scheme and also the subject properties
- communicating with National Highways and claimants to ensure claims are valid
- dealing with correspondence during the course of the claims process and obtaining, for example, any necessary documents, for example, marriage/death certificates or those relating to divorce, dissolution of civil partnerships etc
- handling those claims which can be submitted between road opening to traffic and first claim day
- obtaining technical data (dust/noise impact studies etc) and comparable evidence of open market values before, during and after construction
- inspecting property prior to the claim date
- determining amount to claim, completing claim form and submission of claim to National Highways

- negotiating claims with our independent valuer including attending meetings, undertaking site visits and submitting further/additional evidence of claim
- submitting any offers of compensation to the claimant (including subsequent discussions and explanation of reasoning behind offer)
- considering whether to refer a dispute to the Upper Tribunal (Lands Chamber) and discussions with the claimant on the appropriate action
- dealing with final agreement by claimant and reporting provisional settlement to National Highways
- handling invoicing and payment enquiries

Whatever method is used to determine the level of agent's fees. National Highways recognises that it cannot prevent agents seeking additional fees from their clients – that is a private matter and one that must be left to the parties concerned.



While we aim to process claims as quickly as possible, for our largest schemes this could take more than 18 months due to the number of complex claims we receive.

5. How shall my claim be dealt with?

We will write to tell you we have received your claim form. It is important that you, or your appointed agent, contact us if you do not receive an acknowledgement letter within six weeks of your claim being sent to us.

Your claim will be checked to see that all the necessary information has been provided. Other checks will be carried out to establish that your claim is valid.

Once our initial checks are successfully completed, we will then ask one of our valuers to contact you, or your appointed agent, to discuss your claim and negotiate the amount of compensation. However, the discussion or negotiation of any amounts payable neither constitutes an acceptance of your claim nor an offer of compensation. The valuer will report to us when the negotiations have been completed to help us to decide the final validity of your claim. If you have access to the internet, you will be able to check the progress of your claim on our website:

**[www.nationalhighways.co.uk/our-work/
part-one-claims-tracker/](http://www.nationalhighways.co.uk/our-work/part-one-claims-tracker/)**

Please note: whether you use an agent or act for yourself, it is important that you do not enter into any financial commitment in the hope that you will receive compensation. This is because:

- something may arise during the processing of your claim that could lead it to being rejected
- the amount of compensation offered to you may be less than you claimed or no compensation will be offered to you if your property has been devalued by less than £50
- if your property is mortgaged, we are required by law to offer the compensation to the mortgage lender to reduce the amount you owe them. They may decide not to accept the compensation and it will be paid to you

6. How is compensation worked out?

Our valuer will weigh up the impact of physical effects arising from the road in use against the value of your property based on property prices current on the first claim day.

If you sell your property or grant a lease before the first claim day, your compensation will still be assessed on the basis of property values applying at the first claim day **(see Section 3 – Selling my property before the first claim day)**. Although the new owner may have altered the property by then, its condition will be assumed to be as it was on the date you claimed.

The compensation will be assessed based on the amount of traffic using the new or altered road at the first claim day. Account will also be taken of any future increase in traffic that could reasonably be predicted at the first claim day.

We may well have already undertaken to provide noise insulation for your property or pay a grant towards its installation. If so, the benefit of the insulation will be taken into account and it will be assumed for valuation purposes that it has been installed. If we have carried out other works as part of the road scheme, such as noise barriers, the benefit of those works will be taken into account.

Sometimes the value of property can be increased because of the road scheme; for example, noise levels are reduced because heavy traffic has been removed from roads closer to your property. Such benefits will also be taken into account.

If an amount of compensation has not been agreed or our valuer recommends that no compensation is payable, we shall write to tell you that and inform you no further action will be taken. If you disagree with our decision, you may refer your claim to the Upper Tribunal (Lands Chamber) for determination **(see Section 9 – What can I do if there is a dispute about my claim?)**.

7. What shall we pay for?

Successful claims

If your claim is successful, we **will** pay:

- the agreed compensation for the decrease in value of your property.
- interest on your compensation. This is simple interest payable at a rate 0.5% below the Bank of England Base Rate so, when this rate is low little or no interest may be paid. It will be calculated from the date your claim was received by us to the date your compensation is paid. If your claim was received before the ‘first claim day’ because you were selling your property or granting a lease, the interest will be calculated from the first claim day.
- the reasonable fees of your agent (**see Section 4 – Using an agent to act on your behalf**). We will ask you to say whether you would like us to pay the fees directly to the agent or to you so that you can arrange for your agent to be paid.
- if our simple ownership check at the Land Registry is unsuccessful, the reasonable costs of a solicitor to prove your ownership of the property, including the cost incurred to retrieve title deeds. Your solicitor will be asked to invoice us for their costs, which will be paid after your compensation has been paid.
- any other costs for proving title will have to be met by you.

Even if your claim is successful, **we will not pay**:

- any charges your agent may seek from you that are additional to the reasonable fees agreed by National Highways for the preparation and negotiation of your claim
- the fees of more than one agent
- solicitor’s costs that have been unnecessarily incurred for proving your ownership of the property
- any charges made by your mortgage lender relating to our legal obligation to offer the compensation to the lender before you

Unsuccessful claims

If your claim is not successful, we will not pay any:

- compensation
- interest
- agent’s fees
- solicitor’s costs

8. How long does it take to settle a claim?

We aim to clear up all claims as quickly as possible. A small road scheme where there is a small number of claims, which are straightforward will usually take about six months to complete. For bigger road schemes where there is a large number of claims or if your claim is complex, the processing period may be up to 18 months. The process can take even longer for the very largest road schemes or if negotiations are especially complex. As already mentioned, if you have access to the internet, you will be able to check the progress of your claim on our website:

www.nationalhighways.co.uk/our-work/part-one-claims-tracker/

Because there can be no certainty about how long it will take to process your claim, it is important that you claim as soon as possible after the first claim day to be sure your claim does not become time barred

(see Section 10 – The Limitation Act 1980).

9. What can I do if there is a dispute about my claim?

We hope we will reach an agreement. But if we cannot, you may refer your case to the Upper Tribunal (Lands Chamber).

The Upper Tribunal (Lands Chamber) is the court of law appointed to deal with this type of dispute. The Tribunal will make the final decision on your claim but you should be aware that it has power to award costs to either party, so it is wise to take professional advice before referring your claim.

It is important that you make your referral no later than six years from the first claim day

(see Section 10 – The Limitation Act 1980).

10. The Limitation Act 1980

A person whose property has been reduced in value by more than £50 by physical factors caused by the use of a new or altered road must, within six years of the first claim day:


- either agree an offer of compensation (made by us) or
- if agreement cannot be reached, ask the Upper Tribunal (Lands Chamber) to decide the amount of compensation.

After that six-year 'limitation period', we can no longer be ordered to pay compensation.

11. How to contact us

If you have any questions about how to claim or if you would like a claim form or additional copies of this booklet:

 info@nationalhighways.co.uk

 0300 123 5000

A claim form and electronic version of this booklet are also available on our website at:

www.nationalhighways.co.uk/publications

This booklet is updated from time to time to ensure it is correct. The latest version is always published on our website. Please check the website to ensure you are reading the latest version.

Tips to help your Part I claim

1. Don't delay making your claim – do so as quickly as possible after the first claim day **(see Section 3 – When can I claim?)**.
2. Act quickly at all stages in the life of your claim so that it does not become time barred under the Limitation Act 1980 **(see Section 10 – The Limitation Act 1980)**.
3. If you are selling your property after the road has opened and before the first claim day, make sure you claim after exchanging contracts and before completing the sale **(see Section 3 – When can I claim?)**.
4. Make sure you have an owner's interest in the property at both the date the road opened and the date you claim and that this can be verified **(see Section 2 – Can I claim?)**.
5. Make sure you can verify you are occupying the property where you have a right to do so (as your home for residential property) at the date you claim **(see Section 4 – How do I claim?)**.
6. Tell us about all other persons who may also have an owner's interest in the property **(see Section 4 – How do I claim?)**.
7. Keep a copy of your completed claim form and use a type of

postal delivery that provides you with proof of delivery in case your claim does not reach National Highways **(see Section 4– How do I claim?)**.

8. We acknowledge all claims. If you do not receive an acknowledgement after six weeks contact us to check we have your claim **(see Section 5 – How shall my claim be dealt with?)**.
9. If you intend to ask an agent to make a claim on your behalf, be careful to appoint just one **(see Section 4 – How do I claim?)**.
10. Make sure all the information you provide to us is accurate and that you keep us informed of any changes, including those to your contact details **(see Section 4 – How do I claim?)**.
11. Make sure that you are able to prove your identity. If compensation is payable we will ask for copy documentation confirming your identity before payment is made.

Data protection and you

National Highways will collect and process your data in relation to your enquiry about or claim for Part I compensation. 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 in this connection 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 represent you, 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 can 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

Please note we are unable to provide copies of the above booklets which are available at the following link:

<https://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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or email **psi@nationalarchives.gsi.gov.uk**.

This document is also available on our website at **www.nationalhighways.co.uk**

If you have any enquiries about this publication email

info@nationalhighways.co.uk

or call **0300 123 5000***. Please quote the National Highways publications code **PR124/17**.

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Your property

and compensation or
mitigation for the effects
of 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 will provide you with information about how we seek to mitigate the effects of our road proposals on your property.

More information about the process we follow to deliver our larger road schemes and other types of compensation that may be available can be found in the following publications:

Your property and our road proposals

Your property and land surveys

Your property and blight

Your property and discretionary purchase

Your property and compulsory purchase

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

 0300 123 5000

 www.nationalhighways.co.uk

Compensation and mitigation for the adverse effects of our road proposals on your property

In designing new or improved highways, we are required to produce an environmental statement to assess the likely effects of the construction works and the road in use, such as noise, construction dust, vehicle emissions, etc. (“the adverse effects”) on neighbouring properties.

Parliament has provided us with a range of powers and duties to enable us to mitigate and compensate for the adverse effects, as follows:

1. We can acquire land to mitigate the adverse effects of constructing or improving a highway, by providing “environmental mitigation” (section 246(1) Highways Act 1980 and section 122 Planning Act 2008).
2. We can enter into “off-site planting agreements” to use land near highways for the planting and maintenance of trees, shrubs or plants to mitigate the effects of the new or improved highway on surrounding land (section 253 Highways Act 1980. This section also provides for other measures to be taken to mitigate the effects of the highway.)
3. We can provide “noise insulation” (or make a grant towards your costs in providing insulation) in the form of secondary glazing, supplementary ventilation and where appropriate, venetian blinds and double or insulated doors (in accordance with the Noise Insulation Regulations 1975 (“the Noise Insulation Regulations”).
4. We can make “noise payments” to compensate for the effect of noise from the construction or use of a new or improved highway to owners of movable homes (in accordance with the Highways Noise Payments and Movable Homes (England) Regulations 2000 (the “Noise Payments Regulations”).
5. We may pay your reasonable additional expenses to move into temporary suitable alternative residential accommodation, whilst the most disruptive of the construction works are being undertaken (section 28 Land Compensation Act 1973).
6. We can pay compensation (section 10 Compulsory Purchase Act 1965) for injurious affection caused by the construction or improvement of a new or improved highway.
7. We can exercise “off-line discretionary purchase” powers to acquire property the enjoyment of which is [predicted] to be seriously affected by the construction or use of the new road (sections 246(2) and 246(2A) Highways Act 1980)
8. We can pay compensation (under Part I Land Compensation Act 1973) where property has been reduced in value by more than £50 by physical factors caused by the use of a new or altered road.

Each of these powers, and our duties in complying with them, is explained in further detail in this booklet.



1. Environmental mitigation

We have powers to acquire land by compulsion to carry out environmental mitigation works to mitigate the adverse effects which the construction, or use, of a new or improved highway will have on the surrounding land.

compulsory purchase then explains what you can claim compensation for if we need to acquire your land by compulsion; when you can claim compensation; and how we will negotiate and agree the amount with you.

Environmental mitigation works include (this is not an exhaustive list):

In constructing new or improved highways we are legally required to ensure that any construction activities are not prejudicial to health, nor are they a nuisance. Our contractors are required to implement a construction environmental management plan setting out mitigation measures (such as frequent wetting down to control dust).

- landscaping, such as planting trees, shrubs or plants to screen the new or improved highway from view
- building earth mounds or constructing noise barriers or air quality barriers to reduce the effects of the new or improved road in use
- erecting temporary fencing to screen noise and lighting from our construction compounds

Furthermore, local authorities have powers in section 80 Environmental Protection Act 1990 to serve a statutory nuisance notice on anyone responsible for causing a nuisance from matters such as dust or noise. The notice would require us to take necessary steps to restrict or prevent its reoccurrence. In adhering to these requirements, we will ensure that our construction activities do not become a nuisance and in the unlikely event that a breach occurs, we would remedy it immediately.

If we need to acquire your land (or part of it) to provide environmental mitigation, our booklet *Your property and our road proposals* explains the major steps that our schemes go through in obtaining compulsory acquisition powers, and how we will engage with you throughout the process to take your views into account. Our further booklet *Your property and*

2. Off-site planting agreements

An off-site planting agreement is a voluntary agreement with you to mitigate the adverse effects (eg noise) on your (or your neighbour's) land from the construction works, or the new or improved road in use, by planting and then maintaining trees, shrubs or plants on your land, or taking other mitigation measures.

In most cases, planting or other mitigation measures are undertaken by our landscape contractors. However, exceptionally and where the planting is likely to be minimal, we may agree that you can arrange it.

If you arrange the planting, after it has been undertaken we would reimburse your proper and reasonable costs, although we would be prepared to advance up to £1,000.

Where we identify that you (or your neighbour) would benefit from off-site planting to help mitigate the construction works or the new or improved road in use, we will contact you

to discuss how this may benefit you and what planting might be provided. If you were interested in proceeding, we would then agree a management plan with you. This would confirm:

- what planting we are prepared to provide
- details of the contractor appointed to carry out the planting
- how to contact us
- when the planting is expected to be undertaken
- the length of time that we will initially maintain, or replace if necessary, the planting to ensure its establishment (this is normally three years)
- that you would take over the maintenance (including any replacement) responsibilities on the expiry of our maintenance period. Immediately prior to this, we will arrange a site inspection with you to establish that everything is in order before responsibility is passed to you

Agreements normally run for 25 years on our major highway improvements. However, where the area to be planted is less than 100 square metres, this may be reduced to 10 years.

Under the terms of the agreement, you would retain ownership of the land, but its use would be restricted to the maintenance of the planting. This could include restrictions on the lopping or removal of the planting. The agreement would also provide for us (including our appointed representatives) to enter onto the land from time to time (at intervals of not less than five years) to inspect the planting and to confirm that you are meeting your maintenance obligations.

A local land charge would be registered over your land to protect our interest in the planting and to ensure that, if you sold the land during the maintenance period, your successor in title (ie your buyer) would be bound by the agreement. In view of this, we will need to see evidence that you own the land and you will be advised to consult a solicitor before signing the agreement.

Furthermore, the agreement would need to be signed before we can arrange the planting.

Where the planting will solely benefit your neighbours, we will pay:

- compensation in respect of any loss arising from your inability to use the planted land
- a commuted sum to cover your proper and reasonable costs in managing and maintaining the planting
- if you employ a solicitor, or other professional to advise you, their proper and reasonable fees (please see the fees section of this booklet for further information about how we may contribute towards the fees of your professional advisers)

However, we would not pay these amounts where the planting is solely for your benefit.

Where the planting will benefit both you and your neighbours, we will pay a proportionate share of these amounts.

3. Noise insulation

Where we propose to carry out highway improvement works, the Noise Insulation Regulations 1975 enable us (in the circumstances explained below) to carry out insulation work or to make a grant for you to carry out the work.

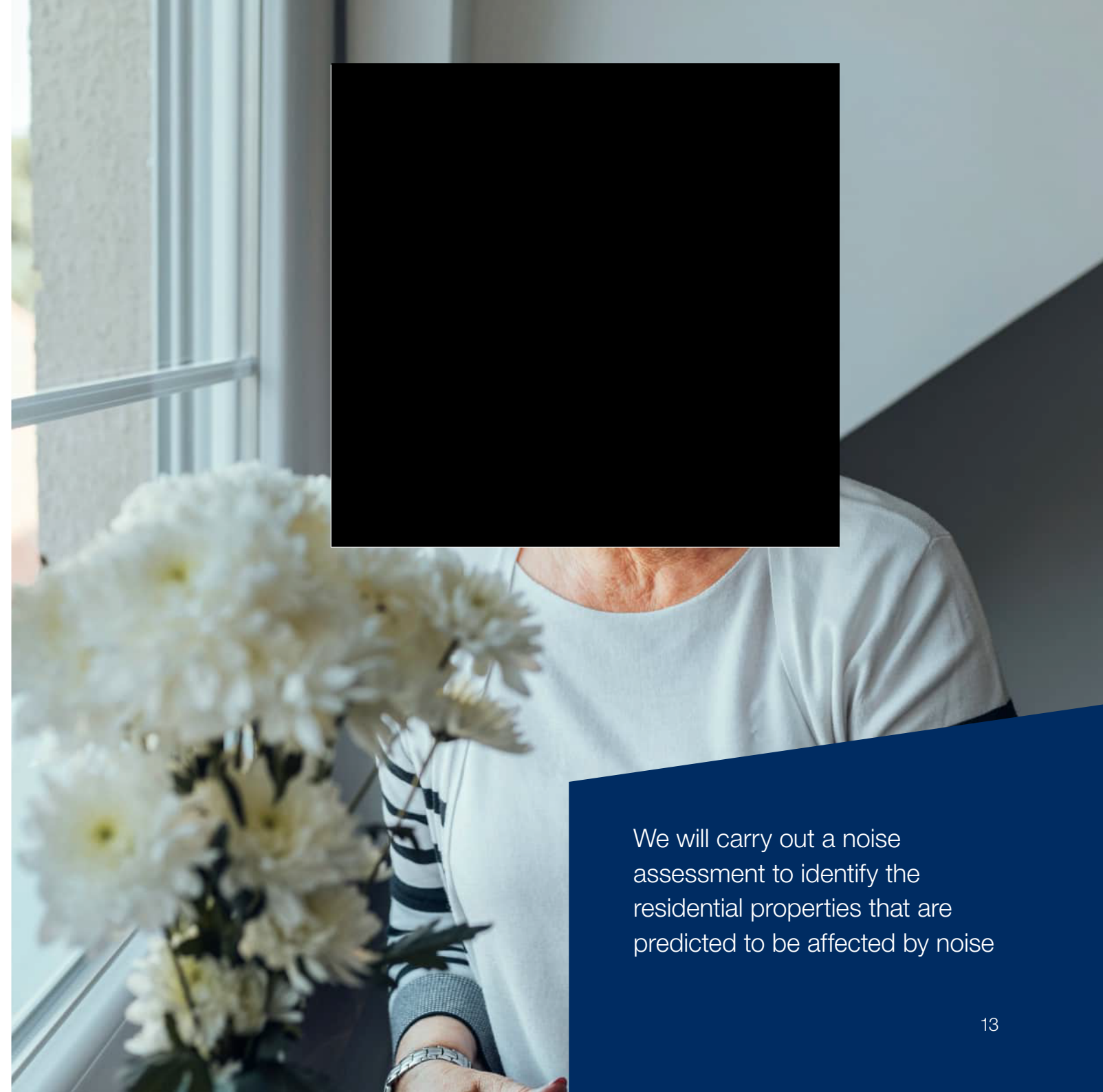
We will carry out a noise assessment to identify the residential properties that are predicted to be affected by noise levels at or above the “specified level” in the Noise Insulation Regulations, or are likely to be affected by excessive construction noise over long periods.

Where we are constructing a new road or adding an additional carriageway to an existing road, we will publish for public inspection details (a map or list) of the residential properties that are predicted to be affected by noise. If the property you occupy is identified, we will contact you directly to offer to carry out insulation work, or to make a grant.

Please note that if you rent your home, we will normally make the offer to you (rather than to your landlord). However, you should advise your landlord that you have received an offer.

Where we are altering an existing road by changing the location, width or level of the existing carriageway (this does not include resurfacing works), we are not obliged to provide noise insulation or a grant. However, if you believe your property meets the criteria below, you should contact us to discuss whether we may be able to offer insulation or a grant.

In accordance with the insulation specifications in Schedule 1 of the Noise Insulation Regulations, we will provide insulation in the form of secondary glazing, supplementary ventilation and, where appropriate, venetian blinds and double or insulated doors.



We will carry out a noise assessment to identify the residential properties that are predicted to be affected by noise

To qualify for insulation, or a grant for insulation, the following criteria must be met:

- The proposed highway improvement must be to:
 - construct a new road
 - add an additional carriageway to an existing road
 - to alter an existing highway
- Your property (the affected building) must be residential. Under the Noise Insulation Regulations, eligible buildings include dwellings and other residential properties, or parts of properties such as houses, flats, care homes, nursing homes or residential accommodation in educational establishments
- The affected building must be:
 - adjacent to the construction works (for insulation from construction noise)
 - within 300 metres of the new road, additional carriageway or altered highway (for insulation from noise from the road in use)
- The affected building must have been occupied:
 - during the construction works (for insulation from construction noise)
 - before the new road or additional carriageway was first open to public traffic (or the altered highway was re-opened following the alteration)
- An extension to a dwelling or an alteration (eg a loft conversion) will only be eligible for insulation if it was occupied before the opening of the new road, additional carriageway, or altered highway.
- For construction noise, the noise level must exceed 70dB(A) Leq over long periods of the day extending over a period of months (“the excessive construction noise over long periods”).
- For noise from the new road, additional carriageway or altered highway, the noise level must be predicted to increase by a minimum of 1dB(A) and be not less than 68dB(A) L10 (18 hour) (“the specified level”) within 15 years of the new or improved road opening to public traffic.
- In calculating the above noise levels, we will take into account any fencing or earth mounds we build as part of the scheme which would lessen the effects of noise.

- Insulation will only be installed on the façades of the eligible building that are predicted to be exposed to the excessive construction noise over long periods or noise to the specified level from the road in use and only if the façade has an eligible room, being a:
 - living room
 - dining room
 - study
 - bedroom
 - bedsit

Please note that properties that have been identified as being liable to be acquired compulsorily are not eligible for noise insulation.

Where buildings of unconventional construction (eg lightweight prefabricated houses), or those with eligible rooms in converted loft spaces, present technical difficulties meaning that the insulation specifications in Schedule 1 of the Noise Insulation Regulations may not be appropriate, we will consider how to achieve the same degree of noise reduction.

Please note that we are not obliged to carry

out (or make a grant) for work to remedy a defect (such as a rotting window sill) before installing secondary glazing. You will be required to repair any defects beforehand.

Also, if you have recently already installed secondary glazing, if the insulation you installed does not comply with the specification in Schedule 1 of the Noise Insulation Regulations (or is incomplete), we may offer you a grant for the further work required, or arrange for this to be undertaken by our contractor.

Once the insulation works have been completed, they become part of your property and it will be your (or your landlord's) responsibility to maintain them.

Finally, please note that, to be effective, noise insulation requires the secondary glazing to be kept shut. This will restrict natural ventilation. Air circulation will be required to help prevent condensation from forming, and to keep the room comfortable in hot weather.

Also, to reduce any build-up of odours or toxic gasses (eg carbon monoxide from boilers) we cannot (for reasons of your safety) install noise insulation in a room with a flueless combustion appliance (eg an oil heater or gas cooker), unless it contains an openable window (ie a window on another façade that does not qualify for insulation, or one that will be left un-insulated).

The contractor (either our contractor or the person you appoint to carry out the works) will be able to provide you with information and guidance on the proper use of the insulation.

Action if your property is not assessed as qualifying for insulation

Where we are constructing a new road or adding an additional carriageway to an existing road and your residential property is not identified on the published map or list, you have a right to request that we review our calculations.

Where your request relates to construction noise, you must make it before the construction works are completed. Alternatively, where it relates to noise from the road in use, you must make it within six months of the date on which

the new road or additional carriageway was first open to public traffic (or the altered highway was re-opened following the alteration).

You should set out why you believe your property qualifies for insulation and request that we review our noise assessment. On receiving your request, we are obliged to reassess noise calculations and to make you an offer if the reassessment confirms that your property is predicted to be affected by the excessive construction noise over long periods or the specified level for noise from the road in use.

However, if the reassessment confirms that your property does not qualify, we will confirm the results of our reassessment and advise you of this.

Accepting an offer of insulation

You have six months within which to accept our offer.

However, if you rent your property and have not accepted our offer within three months, your landlord may accept it.

Alternatively, if our offer is not accepted within six months, and we have made it in relation

to the predicted noise from the improved highway in use, you will have a further opportunity to accept it within 12 months of the new road or additional carriageway opening to public traffic (or of the altered highway re-opening following the alteration).

In considering our offer you may decide to accept the insulation in just one, some, or all of the eligible rooms. You can also decide to accept the offer to carry out the installation in some rooms and receive a grant in respect of others.

If you are a tenant and are concerned that your tenancy agreement prohibits you from making alterations to the property without your landlord's consent, please note that under the Noise Insulation Regulations, we have authority to carry out the work without his/her consent and without breaching the terms of your tenancy.

If you accept our offer, our contractor will contact you to make arrangements for the insulation works to be undertaken at a mutually convenient time.

Accepting an offer of a grant

If you would rather make your own arrangements to install the insulation, you may request a grant.

We will pay a grant equivalent to the lesser of:

- the actual cost of providing secondary glazing for the qualifying windows and doors and ventilator systems of the eligible rooms on the qualifying façades or the works described in our offer letter (taking account of any discounts provided by the supplier)
- the reasonable cost of those works

This will include the cost of making good the existing fabric and decorations (not including curtains) affected by the carrying out of insulation work, including the adaptation of any existing pelmet and curtain track.

Please ensure that your contractor is aware that the installation needs to conform to the specifications in Schedule 1 of the Noise Insulation Regulations. We are happy to advise your contractor about the types of insulation that would comply with the Noise Insulation Regulations.

If you wish to request a grant, you should obtain a quotation from your chosen contractor and submit it to us for approval before appointing him/her to carry out the works. Please note that we may ask you to obtain more than one quotation. Your quotation should confirm:

- the name and address of your chosen contractor (unless you are intending to do the works yourself)
- the dimensions of each eligible window, external door and venetian blind to be fitted
- the number of rooms to be provided with approved ventilator systems and permanent vents including supply ducts and cowls or grilles
- if flued combustion appliances are present in an eligible room their output rating in kilowatts
- if you reside in a property of unconventional construction, please ensure that

the quotation clearly explains:

- how the proposed insulation works will differ from the insulation specifications in Schedule 1 of the Noise Insulation Regulations (“the non-specified work”)
- what level of noise insulation the works will achieve
- itemise the cost of each non-specified work
- the total estimated cost

Please note that if you:

- intend to undertake the works yourself, you will not be able to claim a grant towards your own labour costs
- have eligible rooms in a converted loft space, we will not carry out (or provide a grant to cover the cost of) additional works, such as insulating the roof structure

We aim to decide grant applications within three months of receiving the quotation. If your application is approved, you must complete the works within twelve months from the date we approved it.

You should ask your contractor to advise you of any changes to the approved quotation as the works progress and seek our further approval to any cost increases.

On completion of the works, we will arrange a convenient time to visit you to inspect the works. If we are satisfied that they conform to the specification in Schedule 1 of the Noise Insulation Regulations, we will arrange for the approved grant to be paid to you. Please note that you will be required to supply an invoice(s) as evidence of the costs you have paid to your contractor.

You will be responsible for managing your contractor and for paying his/her fees. Please note that:

- We do not make payments directly to contractors; it is your responsibility to pay him/her. If you request that we pay your contractor directly, we will politely decline, as to do so cuts across the commercial/professional relationship between you and your contractor.
- We have no authority over your contractor, or any responsibility for his/her conduct. That includes the terms of their contract or agreement with you, the content of their literature and how they ask you to pay their fees. We cannot and do not comment on the terms of contracts or agreements; this is a private matter between you and your contractor.

4. Noise payments for movable homes

Our noise assessment may also identify movable homes (caravans or houseboats) that may qualify for a noise payment under the Noise Payments Regulations.

Where our noise assessment identifies movable homes that may qualify for a noise payment, we will make a map or list available for public inspection. If your movable home is identified, we will contact you directly with information about making a claim.

If we have not contacted you but you believe your property may be eligible then you can contact us to request a claim form.

Under the Noise Payments Regulations, claims can be made for disturbance either from construction works or from traffic using the new or improved road. You cannot make a claim for both.

To qualify for a noise payment due to construction noise, the noise from the construction of a new or altered highway must have seriously adversely affected the enjoyment of your mobile home for a continuous period of six months. Serious effect is likely to exist where, having taken account of any measures undertaken to mitigate the level of construction noise, a noise level significantly in excess of 70dB(A) (12 hour Leq) (for practical purposes this may be taken as 73dB(A) or greater) is present on most days over a period of six months.

To qualify for a noise payment due to noise from traffic using the new or altered highway, the predicted noise level 15 years after the road opens to traffic must be not less than 68dB(A) L10(18-hour). In the case of an altered highway, a claim for a noise payment may be considered only if, following opening of the alteration, the noise level exceeds or is expected to exceed previous noise levels by at least 1dB(A) and to be not less than 68dB(A) L10 (18-hour).

For a claim to be successful you must satisfy the following conditions:

- Some part of your home has, throughout the relevant 'qualifying period' (see following bullet points), been located within 300 metres of our road project.
- If your home is a caravan, it has been lawfully stationed on a protected site within the meaning of section 1(2) Caravan Sites Act 1968.
- If your home is a houseboat, it has been lawfully moored or secured with any necessary consent of the navigation or other authority responsible for the water in which it is located and of any land to which it is moored.
- You are able to provide written evidence that you are in lawful occupation of the home in respect of which you are claiming.
- If you are claiming for construction noise, your occupation began one year before our works started and the enjoyment of your home has been seriously affected (see page 20) by that noise for six months following the start of construction. This is the 'qualifying period' for construction noise claims.

- If you are claiming for traffic noise (see page 20 regarding the level of noise that must exist or be predicted before a claim can be made), your occupation began prior to, and has continued for, a continuous period of three years from the date our road project first opened to traffic. This is the 'qualifying period' for traffic noise claims.
- Your claim is made within six years of the expiry of the 'qualifying period' for either a claim for construction or traffic noise.

If you make a successful claim, we will make you a noise payment of £1,650. Any noise payment made to you will not attract interest. Nor are we able to reimburse you for any professional costs that you may incur if you make a claim.

If you own the land on which your home is situated, you will not be able to claim compensation under the Noise Payments Regulations. However, you may be eligible to make a claim under Part I Land Compensation Act 1973 (see page 28 of this guide).

5. Reasonable additional expenses to move into temporary suitable alternative residential accommodation

If you live adjacent to the site of the construction works for a new or improved highway, and the physical effects of the works are causing such significant disruption and discomfort as to make your continued occupation of your home not reasonably practicable, we have a discretionary power to pay the reasonable additional expenses (the costs that exceed those you would have incurred if you had continued to occupy your home) to move into 'temporary suitable alternative residential accommodation' ('TSARA') during the period of those works.

TSARA will normally only be appropriate:

- for periods of two or three months
- where the occupier's additional expenses are likely to be less than the cost of noise insulation

However, this discretionary power does not extend to residential property:

- on unaltered highways that may be affected by an increase in construction works traffic, using it to access the construction site
- affected by reconstruction and maintenance works, where the original highway specifications, such as its location, width, level and load bearing capacity, remain unaltered

To be eligible to claim reasonable additional expenses to move into TSARA:

- the construction works for the new or improved highway must be adjacent to your home
- you must be an occupier of a residential property (such as a house, flat, care home, nursing home or residential accommodation in an educational establishment)

In considering whether the physical effects of the construction works are causing such significant disruption and discomfort as to make your continued occupation of your home not reasonably practicable, we will consider the effects arising from construction noise, air quality and vibration. We will also consider any other physical factor arising from the works which you state is making the occupation of your home not reasonably practicable. However, we will not have regard for factors such as visual impact (except artificial lighting from overnight works flooding directly into bedrooms) or loss of privacy.

- for construction noise:
 - the predicted (or actual) noise level during construction must exceed the relevant threshold in Annex 3 - Table of temporary re-housing noise trigger levels, for either:
 - a period of 10 or more days working in any consecutive 15 days
 - a total of 40 days or more in any 6 consecutive months.
 - the exceeded noise level must be experienced in an eligible room, being a living room or bedroom having a qualifying door or window (please see the Glossary for details)
 - where the nuisance is from construction noise resulting in noise levels well in excess of 70dB(A) Leq over long periods of the day extending over a period of months, we will normally consider providing noise insulation as an alternative to paying the reasonable additional expenses of TSARA

- for air quality, we will assess the effects in accordance with our published document *LA 105 – Air quality*, which provides a framework for assessing, mitigating and reporting the effects of our road schemes on air quality
- for vibration, we will assess the effects in accordance with our published document *LA 111 Noise and vibration*

For us to consider that the occupation of your home is not reasonably practicable, only one of these factors needs to be present at the required level and duration.

Where we identify that the physical effects of our construction mean that it is not reasonably practicable for you to remain there for a short period, we will contact you to offer to pay your reasonable additional expenses to move into TSARA.

Alternatively, if you feel that the physical effects of the construction works mean that it is not reasonably practicable for you to stay in your home, you should contact us. We will then assess the physical effects of the works on your property, and how long those works are expected to last.

Please note that we will only reimburse your reasonable additional expenses if we have agreed this with you before the expenses are incurred.

Where reimbursement is approved, we will confirm the period of TSARA that we will pay reasonable additional expenses for and what expenses we will pay. You will be required to provide evidence of the reasonable additional expenses to be incurred. We will typically reimburse your reasonable additional expenses of (this is not an exhaustive list):

- the cost of the TSARA
- removals (although, as the move will normally only be temporary, removals should not generally include items such as furniture, or the cost of maintaining gardens, etc. at the TSARA)

- storage and insurance of personal effects
- where appropriate the cost of pets to go into kennels, catteries, etc.
- costs of disconnection/connection of utilities
- additional costs in insuring the property vacated

Important: Whilst we have the power to make such payment, it is at our discretion and we are not obliged to do so.

Important: You must arrange your own TSARA, we cannot do this for you.

6. Section 10 claims

Section 10 Compulsory Purchase Act 1965 provides for a landowner to claim compensation for “injurious affection” caused by the execution of public works, such as the construction or improvement of a new trunk road or motorway.

Injurious affection occurs where the construction works interfere with your enjoyment of your land and for which, in the absence of any statutory authority authorising the works (eg a Development Consent Order or orders under the Highways Act 1980), you could bring a claim in law for nuisance. For example, the construction works may temporarily interfere with the access to your property.

Compensation is assessed by reference to the resulting diminution in value of your land. The rules governing claims for injurious affection are complex but are briefly stated below. You are advised to seek advice from your land agent (chartered surveyor) before making a claim.

1. Injurious affection must be the consequence of the lawful exercise of statutory powers, otherwise the remedy is action in the civil courts.
2. The injurious affection must arise from that which will give rise to a cause of action if done without the statutory authority for the relevant scheme of works.
3. The damage or injury for which compensation is claimed must be in respect of some loss of value of the land of the claimant.
4. The loss or damage to the claimant’s land must arise from the execution of the works and not from the authorised use of the lands compulsorily acquired following completion of the works.

Finally, claims under section 10 are only available where no land is being acquired from you for the construction or improvement of the highway. Where land is being acquired from you, claims for injurious affection are assessed as part of your compensation claim for the land acquisition.

Find out more

Please see our booklet *Your property and compulsory purchase* for further details about injurious affection where we acquire part of your land.

7. Off-line discretionary purchase

There may be situations where owners have a pressing need to sell their property and are unable to do so except at a significant loss as a result of our proposed road scheme. While we are under no obligation to purchase such property, Parliament has given us the ability to do so using discretionary powers (in sections 246(2) and 246(2A) Highways Act 1980):

Find out more

Details of how we exercise our discretion to offer to purchase property under these powers can be found in our booklet *Your property and discretionary purchase*.

You may apply to us to purchase your property under:

- Section 246(2A) - serious effect from the construction works or from the road in use. Applications can normally be made after a notification of development (a written notice and a map or plan identifying the land required for the highway) has been issued to the local planning authority. You can ask us whether we have issued a notification of development for the proposed road scheme.
- Section 246(2)(a) - serious effect from the construction works. Applications can be made during the construction period.
- Section 246(2)(b) - serious effect from the road in use. Applications can be made during the first year after the new or improved road has opened to traffic.

8. Part I compensation

Under Part I Land Compensation Act 1973 ('the Act'), compensation can be claimed by people who own and also 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.

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

The cause of the physical factors must be the new or altered road in use. Compensation cannot be claimed for the effects of traffic further down the road where no alteration has taken place.

Under the provisions of the Act, a road is altered only 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 is not payable when the carriageway has simply been resurfaced.



Find out more

More information about when and how to make a claim, and about how we will handle your claim, can be found in our publication *Your property and Part I compensation*.

Fees – Making a contribution towards your surveyor's, solicitor's or other professional adviser's fees

Where we may contribute towards your reasonable fees

We will contribute towards your reasonable fees for a land agent (chartered surveyor) to:

- attend meetings we have instigated to help you engage with us to develop our scheme proposals (including the reasonable preparation for meetings and dealing with actions arising)
- identify and consider potential scheme design changes (including alternatives), to deliver a scheme that best meets its objectives (eg, reduce congestion at a junction or deliver safety improvements) or delivers better value

- identify and reduce scheme impacts
- agree a statement of common ground or a position statement with you
- exchange information needed or beneficial for the scheme, reducing the risk of delays or extra work

This means that where we approach you to discuss the provision of environmental mitigation works (including the acquisition of your land to provide such works) or to seek your consent to enter into an off-site planting agreement that will benefit your neighbours, we will contribute towards reasonable fees.

In the case of off-site planting:

- where the planting will also benefit you, we will make a proportionate contribution towards reasonable fees (as explained in more detail in the off-site planting section of this booklet)
- we will contribute towards your solicitor's fees for advising you about the terms of the agreement and for arranging for it to be completed

We will only contribute towards reasonable fees, taking into account the skill and expertise required and the typical professional hourly rates.

We will require reasoned justification for the attendance of partners at meetings, etc and we would require you to submit that justification to us beforehand for prior agreement.

When you seek reimbursement for work undertaken, we will ask for a detailed record of: time spent; activities undertaken; and justification. As a public body, we cannot repay fees without a reasoned justification and we will look to our independent valuation (and conveyancing) advisers to help us make an assessment of the contribution we will make to your costs.

Where we will not contribute towards your fees

We are **not** willing to contribute towards your costs:

- if we are providing information and asking for your feedback (except in exceptional circumstances)
- for any meetings taking place between you and your land agent, which we have not instigated
- for any meeting with us, or other activity, where no part of your land is to be acquired (permanently or temporarily) for the scheme, or suffers no serious effect
- incurred from consultation activities where a response has not been requested from you

Additionally, we will not contribute towards your fees for a land agent to:

- appoint a contractor (where you chose to make your own arrangements to install noise insulation at you property and we are paying a grant; or to arrange your own off-site planting). This is because it is your choice to accept the offer of a grant, rather than have the insulation installed by our contractor; or to carry out the off-site planting yourself

- assist you in making a claim for a noise payment for your movable home
- agree your reasonable additional expenses where we have accepted that you can move into TSARA because the construction works will make your continued occupation of your home not reasonably practical for a short period. This is because claims are based on actual expenses reasonably incurred and so, it is not normally expected that you would need to employ a land agent (or a solicitor) to assist you in the settlement of your claim

Our booklets:

- *Your property and discretionary purchase* explains the limited situations in which we would contribute towards your land agent (and solicitors) reasonable expenses, where we exercise our discretion to make an offer to purchase your property.
- *Your property and Part I compensation* explains how to claim reimbursement of the reasonable fees of your agent.

Your responsibilities in appointing a professional adviser to represent you

Please note that we have no authority over your professional adviser, or any responsibility for his/her conduct. That includes the terms of their contract or agreement with you, the content of their literature, and how they ask you to pay their fees. We cannot and do not comment on the terms of contracts or agreements; this is a private matter between you and your adviser.

If you appoint a land agent who is a member of The Royal Institution of Chartered Surveyors ('RICS'), he/she should abide by its professional code of conduct and in particular the professional statement in respect of advising clients on compulsory purchase and statutory compensation.

<https://www.rics.org/globalassets/rics-website/media/upholding-professional-standards/sector-standards/land/surveyors-advising-in-respect-of-compulsory-purchase-and-statutory-compensation-1st-edition-rics.pdf>

Please note that if we have agreed to pay a contribution towards your professional adviser's fees, we will pay this to you. We do not make payments directly to your advisers; it is your responsibility to pay your adviser. If you request that we pay your adviser directly, we will politely decline, as to do so cuts across the commercial/professional relationship between you and your adviser.

However, if you appoint a solicitor to represent you, we may pay your compensation (including a contribution towards their fees) directly to them. Solicitors are regulated by the Solicitors Regulation Authority and are required to hold separate accounts for holding client monies and their fees, and to account to clients accordingly.

In certain circumstances, we may also pay for your time, or that of your employees, at an agreed rate if we deem it reasonable. However, our agreement to repay these costs must be sought before they are incurred. We will only accept one claim from you, regardless of whether your land is held in joint ownership. Again, we will require you to keep and provide a detailed record of hours spent, activities undertaken and justification for our approval and we may look to our independent valuation advisers to help us make an assessment of the contribution we are prepared to make.

Annex 1 – Glossary

This glossary is for use with (as appropriate):

- Noise insulation
- Claims for the reasonable additional expenses to move into temporary suitable alternative residential accommodation (TSARA)

Altered highway – a highway of which the location, width or level of the carriageway has been (or is to be) altered (otherwise than by resurfacing).

Additional carriageway – a carriageway constructed, or proposed to be constructed, beside, above, or below an existing carriageway.

Eligible building – a dwelling or other building used for residential purposes, which is not more than 300 metres from the nearest point of:

- the carriageway of a new highway
- an additional carriageway
- the altered carriageway

Eligible room – a living room or a bedroom, having a qualifying door or a qualifying window, in an eligible building.

Façade - a side of a building.

Insulation work - work carried out to insulate a building against noise and to provide for ventilation and solar control.

Qualifying door (or window) - an external door that opens directly into an eligible room (or a window in an eligible room) and which, in the case of:

- noise from the new road, additional carriageway or altered highway:
 - is likely to experience noise at the specified level
 - is an eligible façade that continues onto an adjoining building that is not eligible (because the noise levels fall below the specified level) but is in a position which, in our opinion, is physically comparable with that of a qualifying door or qualifying window in adjoining eligible building
- noise from the construction works; is or will, in our opinion, seriously affect the enjoyment of an eligible building (which in the case of claims for the reasonable additional expenses to move into TSARA, is adjacent to the construction works), for a substantial period (over 70dB(A) Leq over long periods of the day extending over a period of months)

Specified level - a noise level of 68dB(A) L10 (18-hour) at one metre in front of the most exposed of any windows and doors in a façade of a building caused or expected to be caused by traffic using or expected to use any highway.



Annex 2 - Noise measurement

dba - The unit used for the measurement of sound within the frequency range of the human ear. dB is short for decibel.

L10 (18 hour) - This is the average of the hourly L10 noise between 0600 and 2400 hours on a normal working day. L10 is the noise level exceeded for one tenth of one hour (six minutes).

Leq - The sound level, which, if maintained continuously, would give the equivalent amount of noise energy as the varying levels would over the same period.

Typical noise levels

0 dBA	Threshold of hearing
35 dBA	Quiet bedroom
40 dBA	Library
50 dBA	Ordinary conversation
60 dBA	Office environment
62.5 dBA	Communication starts becoming difficult
70 dBA	Passenger car (60 km/h at 7 metres distance)
81 dBA	Modern twin-engine jet
83 dBA	Heavy diesel lorry (40 km/h at 7 metres distance)
90 dBA	Hazard to hearing from continuous exposure
95 dBA	Pneumatic drill (unsilenced) at 7 metres
120 dBA	Threshold of pain

Annex 3 - Table of temporary re-housing noise trigger levels

	Time	Averaging time	Temporary re-housing trigger level LAeq, T(dB)
Monday to Friday	0700-0800	1 hour	80
	0800-1800	10 hours	85
	1800-1900	1 hour	80
	1900-2200	1 hour	75
	2200-0700	1 hour	65
Saturday	0700-0800	1 hour	80
	0800-1300	5 hours	85
	1300-1400	1 hour	80
	1400-2200	1 hour	75
	2200-0700	1 hour	65
Sunday and Bank Holidays	0700-2200	1 hour	75
	2200-0700	1 hour	65

Trigger levels are defined as 1 metre in front of the closest façade of an eligible room.

Data protection and you

National Highways will collect and process your data in relation to discussing any measures (set out in this booklet) to mitigate the adverse effects (if any) of our road proposals on your property. 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 in this connection 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 represent you, 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 our dealings with you. We are keen to improve the service we offer our customers wherever possible and provide redress where appropriate.

However, if you make a Part I compensation claim and you are unhappy with our offer of compensation this falls outside the remit of our complaints procedure and you can 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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