Land Compensation Your Rights Explained



1 Your Home and Compulsory Purchase



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In this booklet, 'public development' means development undertaken by a public authority or another body acting in accordance with statutory powers.	

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FOREWORD

The land compensation code makes provision for those who suffer as a result of development undertaken for the benefit of the community. The code is principally laid down in the Land Compensation Acts of 1961 and 1973, the Compulsory Purchase Act 1965 and the Planning and Compensation Act 1991.

This booklet provides up-to-date information for residential owners and occupiers whose homes are taken for public development of one kind or another. It is not a complete guide to the law and has no legal force, but it does provide answers to some of the most usual questions that people want to ask.

If you are affected by public development in any of the ways described in this booklet, you are strongly recommended to seek help from a professionally qualified person such as a solicitor or surveyor who would be able to advise you on the rights that you may have and could also act on your behalf with the authority concerned. If compensation becomes payable, the reasonable professional fees incurred in preparing and negotiating your claim will normally be repaid by the acquiring authority.

This booklet also applies to owners and occupiers of residential accommodation on farms and in business premises who have to leave these premises because of action taken by an authority acting under statutory powers.

If you want to find out more about a particular scheme, your local council should be able to help.

Other booklets in this series are:

Booklet 2 - Your home and nuisance from public development

Booklet 3 - Your business and public development

Booklet 4 - The farmer and public development

Booklet 5 - Insulation against traffic noise

Part I: Where the whole of your property is wanted

Compensation for compulsory purchase

1. Who decides how much compensation I will get?

The acquiring authority are obliged to pay you the open market value of your house or flat that is the amount which you might have got for it if the authority had not proposed to buy it and you had sold it privately. The amount is usually agreed in negotiation between the parties concerned. You are also entitled to disturbance compensation for your reasonable expenses in moving (see paragraphs 4 to 6) and you will normally be entitled to a home loss payment (see the next section).

In certain circumstances you may become entitled to a further payment of compensation if, within ten years after the acquisition of your house or flat, a planning decision is made which, if it had been made before the acquisition, would have meant that your house or flat had a higher market value.

2. Should I get someone to act for me?

Yes. This valuation of property can be very complicated and you would be well advised to ask a professionally qualified person such as a surveyor or solicitor to act on your behalf. Their fee will normally be repaid by the acquiring authority.

3. What happens if I cannot agree with the authority on the amount of compensation?

The case can be referred to the Lands Tribunal, an independent expert body appointed to deal with such disputes. Under the Limitation Act 1980 you have six years from the date that the authority takes possession of your land to refer a disputed claim to the Lands Tribunal. It is wise to take professional advice first. The Tribunal has the power to award costs to either party. (It may be possible - at the discretion of the Tribunal and if all the parties are willing - for the case to be determined on the basis of written representations rather than a hearing).

4. What about all my expenses?

The authority are obliged to pay your proper legal costs of conveyance of the house or flat that you are selling and will pay disturbance compensation for other reasonable expenses or losses which you have had to incur as a result of the compulsory purchase.

5. What kinds of expenses are generally allowed?

Examples are - removal expenses, cost of altering soft furnishings and movable fixtures and fittings to fit your new home, telephone reconnection charges, and incidental costs in buying a new home of the same standard, including the legal costs of conveyance, reasonable travelling expenses, a survey fee and the costs in connection with the transfer of any outstanding mortgage to your new home or with the raising of a new mortgage for a similar amount. Your professional adviser will be able to tell you what to claim in your particular situation.

6. And what kinds are not usually allowed?

If you should pay a higher price for your new home than the market value of your old one, the compensation would not cover the difference nor will you be reimbursed the higher legal and other costs incurred. You cannot get compensation for increased rent or other overheads for your new home, or the cost of buying new fittings and appliances which represent value for money spent.

7. I am a tenant not an owner and find my tenancy isn't worth anything on the open market. What do I get?

You can still be paid for your incidental losses such as removal expenses, cost of altering soft furnishings and movable fixtures and fittings to fit your home, telephone reconnection charges, etc. If you need help in preparing and negotiating your claim, the fee of a surveyor or solicitor will normally be repaid by the acquiring authority.

8. What happens if the authority decide not to go ahead with the purchase of my house or flat?

Where your house or flat is included in a compulsory purchase order, the authority normally have three years in which to exercise their compulsory purchase powers by serving a notice to treat on you. The authority must also take certain positive steps towards assessing the compensation due to you within a period of three years, from the date of service of the notice to treat. If the authority fail to take such steps within the three years during which the notice to treat is valid (or, if you have agreed with them on a longer period, within that period), the notice to treat will cease to have effect. In such circumstances, you would be entitled to compensation from the authority for any loss or expenses you incurred between service of the notice to treat and its subsequent abandonment.

Unfit property

9. I am an owner and my house has been included in a clearance area as unfit for human habitation, and the authority are buying it. What do I get?

The compensation you receive will be assessed on the basis of the market value of the house, as for any other house, which is explained in paragraph 1.

10. I run a business from my house which has been included in a clearance area as it is unfit for habitation. Does this affect the compensation I get?

No, so long as your property was included in a compulsory purchase order your compensation would be assessed in the normal way (see paragraph 1, and also Booklet 3 in this series, *Your business and public development*).

11. I am a tenant of a house which has been included in a clearance area. What do I get?

You may have a right to a disturbance payment to cover your reasonable expenses in moving (see paragraphs 4 to 7), or to a home loss payment (see relevant section).

12. My house is not being bought but it has been found to be unfit and the authority are considering serving either a closing order or a demolition order. Will I get any compensation, if they do so?

A closing order on your house would mean that it can no longer be lived in. A demolition order would mean that the house has to be demolished within a specified period. In both of these cases occupants would have to move out, although the owner will retain the site and may be entitled to compensation. Generally speaking the compensation payable would be equivalent to the depreciation in the market value of your home due to the making of the closing or demolition order. The making of such orders may not always cause the value of someone's home to fall, and may, on occasions, even cause the value to rise. When this happens, no compensation will be paid. Occupiers may, however, still be entitled to a disturbance payment to cover their reasonable expenses in moving (see paragraphs 4 to 7) or a home loss payment (see the next section).

13. My house has been made fit and the authority have lifted the closing order. Do I have to repay any compensation?

Yes, if the authority lift the closing order, wholly or in part, you may have to pay back some or all of the compensation that you received, provided that at the time the order was lifted you had the same interest in the property as you did when the order was made. Similarly, you may have to repay some or all of the compensation if the authority decide to lift a demolition order which had been made on your house.

14. The authority had served a closing order on my house but they have since decided that it should be demolished and they have now served a demolition order. Will I get any more compensation?

You will be entitled to compensation if the existence of the demolition order causes the value of your interest in the property to fall, and this would be assessed in the same way as the original closing order (see paragraph 12). However, the amount of compensation you receive would be reduced by the amount of compensation, if any, received by you or a previous owner in respect of the closing order.



15. When will I get my compensation?

The compensation is paid when the conveyance or assignment of the freehold or lease takes place. But if the authority take possession of your house or flat before that, you have the right to an advance payment of 90 per cent of the authority's estimate of the compensation (including disturbance compensation where this is known or can be estimated) or, if you have agreed the compensation sum, 90 per cent of that amount. For Compulsory Purchase Orders made after 31 October 2004, if you request an advance payment of compensation, and you have an outstanding mortgage, the advance paid to you must be reduced by the amount required to secure the release of the mortgage lender's interest. In some circumstances it may be possible to require the authority to make an advance payment direct to your mortgage lender, with the lender's consent. The authority are also obliged to pay you simple interest on any unpaid compensation from the time they take possession of your property to the date on which your compensation is finally agreed or awarded to you.

16. How do I get the advance payment?

A request should be made in writing to the authority giving particulars of your interest in the house or flat which the authority are acquiring from you. They have the right to ask you for all the information needed to estimate the amount of the advance payment.

17. When do I get it?

The request can be made at any time and the authority must be provided with all the necessary information (see paragraph 16 above). If that is done more than three months before the date when the authority takes possession, payment must be made on that date. Otherwise payment must be made within three months after you have made the request and give the authority the information they need.

18. Can I get any further advances before I receive my compensation?

Yes. If an advance has been made to you based on the authority's estimate of compensation, and it later appears to the authority that their estimate was too low, you are entitled to ask for a further advance of the balance of the amount of the advance payment calculated as at the time of your request. If the total amount paid to you in advance exceeds the compensation finally agreed or awarded to you, you will have to repay the excess to the authority.

19. Can I receive advances of interest on outstanding compensation as well?

Yes. You are entitled to receive any interest which has accrued on the compensation due to you, whenever you receive an advance payment. If, one year after you received the initial advance, the amount of interest on any unpaid balance of compensation due to you is calculated to be more than £1,000, the authority must pay you the interest and, until the

compensation is finally agreed or awarded, continue to pay you such interest as it accrues at yearly intervals.

20. What if I need the money before the authority have taken possession of my house or flat?

The authority may make an advance payment before taking possession if you need the money to rehouse yourself, but you cannot claim this as of right.

21. If I am a tenant not an owner, can I ask for an advance of my disturbance compensation?

The authority have discretion to make payments on account of your compensation and of any interest due to you, if you request them to do so.

Home loss payment

22. What is it?

It is a payment made in recognition of the personal distress and inconvenience suffered by people who are displaced from their homes by an authority acting under statutory powers.

The right to this payment is separate from and additional to any right to compensation for the market value of the property and for disturbance.

23. What does displacement mean?

It means being required to move permanently:

- a) as a result of the compulsory purchase of your house or flat, or;
- b) because it is being compulsorily improved by the owner, or;
- c) because the property is unfit and the local housing authority has required the owners to demolish or close it or to stop using it for human habitation, or;
- d) because of redevelopment or improvement by a public authority or a registered housing association which already owns the dwelling, or;
- e) because of redevelopment or improvement by another body to which the dwelling is to be sold by a public authority or registered housing association, or;
- f) because your landlord is a public authority or a registered housing association and needs to obtain possession of your home in order to redevelop it.

24. Who is entitled to one?

Anyone who has occupied a dwelling as his or her only or main residence for at least one year before displacement. This includes both owners and certain categories of tenants and licensees. Your legal advisor or the authority will be able to tell you if you qualify.

25. What if I do not qualify for a payment because I was not living in my home for a whole year before displacement?

The authority may make a discretionary payment to you, up to the amount of home loss payment you would have got if you had qualified. But, in some circumstances, the authority must take into account the periods you occupied other dwellings before moving to your home, to see whether you qualify for a home loss payment as of right.

26. What if I sell to the authority by agreement in advance of compulsory purchase?

If the authority's proposed compulsory purchase order has been confirmed, you qualify for a home loss payment anyway. If not, it is up to the authority whether to make a home loss payment. Your professional adviser should raise this point with them before advising you to accept an offer to purchase by agreement. You cannot get a home loss payment if you sell to an authority which does not or did not have power to buy from you compulsorily.

27. I am a tenant. Do I get a home loss payment if my landlord sells by agreement?

If the authority could have used compulsory powers to buy from your landlord you may qualify for a home loss payment.

28. Do I get one if I serve a blight notice?

Yes. If as a result of your serving a blight notice (see the section on blight notices) the authority have agreed to buy your home and you are displaced, you have the same entitlement to a home loss payment as if your home had been purchased compulsorily.

29. How much will I get?

If you are an owner-occupier (that is, a freeholder or a leaseholder whose lease has more than three years to run), the amount of home loss payment is ten per cent of the market value of your home as it would be assessed for compulsory purchase, subject to a minimum payment of £4,700 and a maximum of £47,000. If you are not an owner-occupier, the amount of payment is £4,700.*

(*These entitlements apply to anyone who is displaced on or after 1 September 2008. If you were displaced before that date, you should consult the authority or your professional advisor)

30. My wife and I own our home jointly. Who gets the home loss payment?

Joint owner-occupiers will have the home loss payment divided equally between them.

31. What happens if I have let part of my house?

You may qualify for a home loss payment for having to leave the accommodation that you and your family occupy, and your tenant may qualify for a home loss payment for having to leave the part that he occupies.

32. I am a joint tenant. What do I get?

Tenants who share the same home will have the home loss payment divided equally between them.

33. What happens if I live in a separate part of the house from another tenant?

You may qualify for a home loss payment for having to leave the part you occupy.

34. I am separated from my spouse but am continuing to live in our matrimonial home under a statutory right of occupation. Can I claim a home loss payment?

Yes. As long as your spouse also still has the right to occupy the home but is not actually doing so.

35. How and when should I apply?

You should apply to the authority in writing giving full particulars of your claim and you may do so either before or after you move. Claims should be made within six years of the date of displacement because after this time the Limitation Act takes effect and you no longer have a right to recover the home loss payment.

36. When will I get the money?

The authority must pay you by whichever is the latest of: the date of displacement; three months after you make your claim; or, if you are an owner-occupier, when the market value of your home is agreed or finally determined.

37. If I am an owner-occupier, can I get my home loss payment before the market value of my home has been settled?

Yes. The authority may make an advance payment to you, at any time, of either the maximum amount of £47,000 or ten per cent of the agreed value of your home, whichever is the lesser sum. But if the value has not been settled by the date of displacement or within three months of you making your claim, whichever is the later, they must pay you an advance of the lesser of £47,000 or ten per cent of the estimated value. When the value has been settled the authority must then pay you any shortfall between the advances and the home loss payment due to you. But by the same token you must repay to them any excess if the home loss payment proves to be less than the advance paid to you.

38. Can I get a home loss payment if I live in a caravan?

You may qualify if you have lived in a caravan on the same permanent site for a minimum of one year even if you have moved from one pitch to another during that time, or the authority may make a discretionary payment to you if you do not meet that requirement. The qualifying conditions are the same as for other dwellings, except that you do not qualify if a suitable alternative site for stationing your caravan is available to you on reasonable terms.

Blight notices

39. What is blight?

It is a word used to describe the situation where it is difficult to get the normal price for a property because an authority with compulsory purchase powers may buy it at some future date, and so people are less likely to want to buy it.

40. What is a blight notice?

If you are an owner-occupier and have tried to sell your house or flat on the open market but cannot find a buyer except at a reduced price because of an authority's proposals, you may in certain circumstances serve a blight notice which requires the authority to buy in advance.

41. What are these circumstances?

Broadly speaking, if there has been a formal indication that a public authority may want to buy your house or flat in order to carry out development of some kind, such as a new or widened road. The indication may be given in a number of ways - in a proposed development plan or alteration to a development plan, which has been published, in a published highway order or scheme or by the declaration of a clearance area under the Housing Acts, the publication of a notice of a compulsory purchase order or a draft order designating the site of a new town. This is not an exhaustive list; the full range of situations in which blight notices may be served is set out in Schedule 13 to the Town and Country Planning Act 1990. Your legal adviser should be able to tell you about this.

42. How do I qualify to serve a blight notice?

You must at the time of serving the notice own the freehold of your house or flat or a lease with an unexpired term of at least three years and you must have occupied the whole or part of it for at least six months up to the date of service. However, if you gave up occupation not more than a year before serving the notice you may still qualify if you had then been in occupation for a period of six months and the property has remained unoccupied ever since.

43. How do I set about serving a blight notice?

The notice must be served on the authority who propose to buy your house or a flat at a future date. Schedule 2 to the Town and Country Planning General Regulations 1992 (Statutory Instrument 1992/1492, available from The Stationery Office / www.tso.co.uk) shows the form the notice should take.

44. What happens then?

The authority may serve on you a counter-notice of objection. They can do so on several grounds. For example, if they need only part of your property, a counter-notice can say so. Or they may say they have no intention of acquiring any part of the property. Or they may give other reasons. If you object to a counter-notice you can refer the matter to the Lands Tribunal for a decision (see paragraph 3).

45. What if the authority do not serve a counter-notice?

If the authority do not serve a counter-notice within two months or if the Lands Tribunal rejects the counter-notice, the blight notice automatically takes effect. The authority are then obliged to buy your house or flat. In a straightforward case the authority might accept the blight notice and open negotiations without waiting for the two months to expire.

46. How much compensation will I get?

You will be paid compensation on the same basis as for compulsory purchase, as well as a home loss payment where applicable. It may include compensation for disturbance where you can show that you have incurred expense as a direct result of the acquisition, but not the fee for serving the blight notice. You do not have the right to be rehoused by the local housing authority if you serve a blight notice (see the section on rehousing).

Selling by agreement

47. What do I get if I sell to the authority by agreement?

If the authority have got compulsory powers but have not used them, you should get exactly the same amount as if they had been used. You will not qualify for a home loss payment or a disturbance payment, but the authority have discretion to make such payments if they choose. They may make a payment in advance of completion where it is justified. If they don't offer to pay all you would get for a compulsory acquisition, then you don't have to sell.

48. And what if the authority have no compulsory powers?

Then the purchase price is entirely a matter for you or your professional adviser to negotiate with the authority, but you will not be given a home loss payment.

49. Can I appeal if we cannot reach agreement on price?

If you and the authority together agree to refer the matter to them, the Lands Tribunal may be willing to settle the figure (see paragraph 3), but you should consult your professional adviser before committing yourself to this.

Rehousing

50. Will the local authority rehouse me?

The local housing authority have a duty to rehouse you in certain circumstances regardless of which public authority obliged you to move, but only when no other suitable alternative accommodation on reasonable terms is available.

51. What are these circumstances?

These are where you have to move permanently:

- a) because your dwelling has been compulsorily acquired, or;
- b) because it has been bought by agreement by an authority possessing compulsory powers, or;
- c) because of re-development or improvement by a public authority or registered housing association which already owns the property, or;
- d) because of re-development or improvement by another body to which the dwelling is to be sold by a public authority or registered housing association, or;
- e) because it has been declared unfit for human habitation, or;
- f) because it is being compulsorily improved by the owner

52. And what do I have to do to qualify?

You must have been in residence from a qualifying date. This will usually be the date when a compulsory purchase order was published, the date when an agreement to purchase was made or the date when action was taken under the Housing Acts in respect of an unfit house. You must not be living there as a trespasser and you must not have served a blight notice.

53. What will happen to me if I don't qualify?

Under Part III of the 1985 Housing Act (the homelessness legislation), local housing authorities are obliged to give some kind of help to all who are genuinely homeless (or threatened with homelessness). In a number of cases, authorities may have a duty to secure accommodation for homeless people. Anyone who is homeless (or threatened with homelessness) should seek the advice of the local housing department immediately.

54. Is it true that my compensation might be reduced if I accept rehousing?

No. It is illegal for an authority to reduce on this account the amount of any compensation to which you have a right or the amount of any other payment such as a home loss payment or disturbance payment.

55. Can I be rehoused if I live in a caravan?

You have a right to rehousing if you are displaced from a permanent caravan site. The qualifying conditions are the same as for other dwellings except that you have no right to be rehoused if there is a suitable alternative site for stationing your caravan available to you on reasonable terms.

56. I am an owner and my tenants are being rehoused by the council. Will this affect my compensation?

No, if they are rehoused after a 'notice to treat' has been served on you, your compensation will continue to be assessed at market value without vacant possession.

57. I am a tenant being displaced, but would like to buy my own house or flat. Can I get any help?

Yes. The authority may agree to pay any reasonable expenses (other than the purchase price) which you incur in buying a reasonably comparable dwelling, provided it is bought (a contract for purchase is sufficient) not more than a year after you are displaced.

Mortgages

58. I have a mortgage at low fixed interest rate, and a new mortgage at current rates will be much more expensive. Will the authority pay the difference?

The authority will take account of this in assessing your compensation for disturbance. They will make a payment based on your net loss having regard to the difference between the net amount that you would have had to pay as interest on the remaining sum outstanding at the old rate and the net amount you will have to pay on the same sum at the new rate.

59. If it is difficult for me to get a mortgage when I am forced to move, who will help me to get one?

If you are compulsorily displaced from your home, whether you occupy it as owner or tenant, and are unable to get a mortgage loan from a building society or a bank, the local authority may be able to give you a mortgage loan if you want to buy yourself a house or flat to live in.

Because local authorities are required to compete with private mortgage lenders, there are no overriding reasons why they should grant mortgages. However, the authority's lending

criteria may be such that they would be willing to grant a mortgage in circumstances where a private lender would not.

60. Will the authority pay legal costs too?

If you are an owner-occupier, the authority will repay as part of your compensation the legal cost of conveyance incurred in buying your new house or flat up to the amount that would be payable if the purchase price was not more than the market value of the old one. If you were a tenant and you buy a house or flat yourself, then the acquiring authority may be prepared to pay your legal costs.

61. I can't find another house for the price of my old one and on my income I can't get a big enough mortgage. Do I have to accept rehousing by the council?

Not unless you want to. If you are an owner-occupier the authority may, subject to the limitations explained in paragraph 59 above, be willing to advance you money in the form of a special mortgage under which the repayment of the capital sum is deferred until a later date and you make regular periodic payments (usually monthly) only of the interest on the amount borrowed. The date for repayment of the capital sum would be settled at the time the advance is made but you may make earlier repayments of some or all of the capital sum if you wish. The conveyancing costs of buying a new house will be paid as part of the disturbance compensation paid when the authority buy your old property.

62. Can I get this special mortgage if I have already sold my house or flat to the council?

Sometimes an authority buy a property and permit the former owner-occupier to go on living there, as a tenant, pending redevelopment. You may still be able to get a mortgage on the special terms mentioned above when you are displaced, if you are in this position.

63. The local housing authority have to rehouse me if I have nowhere to live, so does it have to find me another house or flat to buy?

No, but local authorities may be able to meet their rehousing obligation by offering vacant houses for sale to certain categories of priority purchasers. The authority may also offer houses for sale on a shared ownership basis whereby you partly rent and partly buy the property, increasing your ownership share when you can afford to do so. If the authority have houses available for sale you might therefore be able to buy a house on more beneficial terms than those available on the private market.

Disabled persons

64. I am an owner-occupier and my house is specially adapted because I am disabled. Will my compensation enable me to get a similar house or flat?

If your house or flat was built or substantially modified to meet the special needs of a disabled person, then compensation for acquiring your freehold or lease may be based on the cost of providing or modifying a similar dwelling.

65. I am the landlord and I carried out structural alterations because my tenant is disabled. What do I get?

If you intend to provide alternative accommodation suitable for occupation by a disabled person, your compensation may be based on the reasonable cost of providing and modifying a similar dwelling.

66. I am a disabled tenant of a specially adapted house and my landlord is not willing to provide me with another dwelling and adapt it for me. What happens to me?

You can be rehoused by the council, who will make any necessary alterations to the dwelling which they provide. If you have a right to a disturbance payment to cover your expenses in moving, and you prefer, and are able to find, another place to live privately, the reasonable cost of adapting it to meet the needs of your displacement will be met either by the authority which displaces you or by the local council. If this concerns you, it would be wise to talk to the authority about it as soon as you can.

Part 2: Where only part of your property is wanted

Extension of purchase to the whole of your property

67. If the authority take part of my garden to widen the road, living conditions will become intolerable - what can I do?

In certain cases you may be able to make the authority buy the whole of your property and not just the part. It will depend very much on the circumstances of your particular case whether you can do this or not, and it would be a good idea to consult a surveyor or solicitor at an early stage.

68. In what circumstances could I hope to make the authority take the whole of my property?

Broadly speaking, where part cannot be taken without causing serious detriment to the remainder. For this purpose the effect of the whole of the works that the authority propose to carry out and the use to be made of them can be taken into account.

69. And if we cannot agree?

Both you and the authority have the right to refer the matter to the Lands Tribunal for a decision as to whether the part or the whole should be taken (see paragraph 3).

Compensation where only part of your property is taken

70. If I cannot get the authority to buy the whole of my house and garden, or if I want to stay, what compensation do I get?

You will get compensation for the market value of your interest in the land taken. You may also have a right to compensation for loss due to severance, that is if the market value of the rest of your property is reduced by taking part of it away. You will be entitled to compensation for 'injurious affection' if any reduction in the market value of the rest of your property is caused by the presence and use of the new public works. For example, where part of your property is taken to build a new road, the compensation you receive at the time of purchase will take full account of the effect of the use of the road on the value of the rest of your property, but you will not then be able to make a further claim for 'injurious affection' under Part I of the Land Compensation Act 1973.

In certain circumstances you may become entitled to a further payment of compensation (including compensation for severance and injurious affection) if, within ten years after the acquisition, a planning decision is made which, if it had been made before the acquisition, would have meant that your land had a higher market value.

71. Can I get advance payment of compensation?

If the authority take possession of the part they want before the sale is completed, you are entitled to an advance payment (see paragraphs 15 to 21, for details).

72. If the authority need to demolish part of my boundary - for instance, a wall or a gate - will they replace it?

Your legal right is to cash compensation only, but the authority will normally offer to carry out 'accommodation works', for example providing a new access or a new fence, wall or gate in the new boundary of your property for you, with your agreement. In that case your compensation will take into account any benefits of such works.

73. There will be a lot of noise and mess while the new works are being built. Can I get any help?

If the disturbance is exceptionally serious, but temporary, the authority may, if they think it is justified, pay you something towards the reasonable cost of living somewhere else for the whole or part of the time the disturbance is going on. If your home is very badly affected and you want to move out temporarily you should contact the authority before doing so because, to get the payment, you must get their agreement first. The payment will be limited to the amount by which your expenses exceed those which you would have incurred if you had stayed in your home.

74. Can I get insulation against construction noise?

Possibly. Where a new road is being built or a new carriageway added, the highway authority can sometimes predict the traffic noise which will arise when the completed road is open to public traffic. In these cases it may identify the eligible dwellings early and offer to install sound insulation before the start of construction. When such an offer is made you will have up to six months in which to accept, if the insulation is to be completed in time to reduce construction noise. The ventilation unit which it will provide with the double glazing incorporates an air filter, so dust is also reduced. In certain cases the level of noise expected from traffic using the road may not be high enough to justify double glazing but you may still be offered it because of the construction noise. In that case you have two months in which to accept the offer.

75. Where can I find out whether I will be eligible for insulation against traffic noise when the road is opened to public traffic?

In Booklet 5 in this series, *Insulation against traffic noise*. You can get information about insulation against aircraft noise from the authority responsible for the aerodrome.



76. Where can I find out more about compensation for nuisance from public development affecting my home?

In Booklet 2 in this series, Your home and nuisance from public development.