

Part 1 claims



Simon Pickles

Part 1 claims (1/7)

Land Compensation Act 1973 Part 1

- Compensation where value of an interest in land depreciated by '*physical factors*' caused by the use of '*public works*' following their construction, their alteration or a change in their use
- Fills gaps:
 - » Where land not taken (CPA 1965 s.7)
 - » Where injurious affection not caused by execution of works (CPA 1965 s.10)
 - » Nuisance claim not maintainable (use authorised by statute)

Part 1 claims (2/7)

'Physical factors'

- Noise, vibration, smell, fumes, smoke and artificial lighting and discharge on to the land in respect of which the claim is made of any solid or liquid substance.
- Their source must be situated on or in the public works the use of which is alleged to be their cause except that physical factors caused by aircraft arriving at or departing from an aerodrome shall be treated as caused by its use (whether or not the aircraft is within its boundaries)
- Excluded: physical factors caused by accidents involving vehicles on a highway or accidents involving aircraft

Part 1 claims (3/7)

'Public works'

Any highway, aerodrome, and other works on land (not being a highway or aerodrome) provided or used in the exercise of statutory powers

Part 2 claims (4/7)

Potential claimants/qualifying interests

The interest must have been acquired before the public works are first used or, in the case of a highway, it is first open to traffic. NB *Fallows v. Gateshead MBC* (1993) 66 P&CR 460.

Dwellings – freehold or a tenancy with >3 years to run at date of claim

Other – “owner–occupier” where land is (or is part of) (i) a hereditament whose annual value is not in excess of a prescribed sum or (ii) an agricultural unit

Part 1 claims (5/7)

Claims

Generally not before expiry of 12 months following date highway open to public, or use of other works ('first claim day')

Reasonable valuation & legal expenses recoverable

Part 1 claims (Title 6/7)

Compensation

Payable in respect of depreciation in value of the claimant's interest in land

Tic public work's use existing on the 'first claim day', and intensification of use to be reasonably expected

LCA 1961 s.5 rules 2 (market value), 3 (special suitability or adaptability) & 4 (contrary to law) apply

Planning assumptions: Existing use & buildings except may tic (i) (in some instances) rebuilding, maintenance, alteration & improvement of buildings, & (ii) sub-division of a single dwelling house. Unimplemented permission to left out of account.

Part 1 claims (7/7)

- Set-off

- Increase in value

- of land to which claim relates
- of other contiguous or adjacent land to which entitled in same capacity
 - Contiguous – *touching*
 - Adjacent – *close to*

- Double-recovery provisions

Thank you for listening

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London

180 Fleet Street
London, EC4A 2HG
+44 (0)20 7430 1221

Birmingham

4th Floor, 2 Cornwall Street
Birmingham, B3 2DL
+44 (0)121 752 0800

Contact us

✉ clerks@landmarkchambers.co.uk
🌐 www.landmarkchambers.co.uk

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