



Highways Act 1980

1980 CHAPTER 66

PART XII

ACQUISITION, VESTING AND TRANSFER OF LAND ETC.

Special compensation provisions as respects certain compulsory acquisitions for highway purposes

261 Benefit to vendor to be taken into account in assessing compensation on certain compulsory acquisitions for highway purposes.

- (1) Subject to subsection (3) below, in assessing the compensation payable in respect of the compulsory acquisition of land by a highway authority under section 239 above (except subsection (6) thereof), section 240 above, section 246 above or section 250(2) above, the Lands Tribunal—
 - (a) shall have regard to the extent to which the remaining contiguous lands belonging to the same person may be benefited by the purpose for which the land is authorised to be acquired;
 - (b) without prejudice to the generality of paragraph (a) above, shall in the case of land authorised to be acquired for widening a highway set off against the value of the land to be acquired any increase in the value of other land belonging to the same person which will accrue to him by reason of the creation of a frontage to the highway as widened; and
 - (c) shall take into account, and embody in its award, any undertaking given by the highway authority as to the use to which the land, or any part of it, will be put.
- (2) Without prejudice to subsection (1) above, in assessing the compensation payable on a compulsory acquisition by virtue of section 252(3)(a) above the Lands Tribunal shall take into account, and embody in its award, any undertaking given by the acquiring authority as to rights of user or occupation, or other rights, which they are willing to accord to the landowner (or to him and his successors) as respects the land referred to in section 252(2) above.

Status: Point in time view as at 21/12/2001.

Changes to legislation: Highways Act 1980, Cross Heading: Special compensation provisions as respects certain compulsory acquisitions for highway purposes is up to date with all changes known to be in force on or before 03 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (3) Where a highway authority, by virtue of section 250(1) above, compulsorily acquire rights under section 239 above (except subsection (6) thereof), section 240 above or section 246 above, then in assessing the compensation payable in respect of the acquisition the Lands Tribunal—
- (a) shall have regard to the extent to which the land over which the right in question is, or is to be, acquired, or any contiguous land belonging to the same person, may be benefited by the purpose for which the right may be authorised to be acquired;
 - (b) shall, in the case of a right acquired, or to be acquired, in connection with the widening of a highway, take into account as abatement of compensation any increase in the value of the land, or of other land belonging to the same person, which will accrue by reason of the creation of a frontage to the highway as widened; and
 - (c) shall take into account, and embody in its award, any undertaking given by the highway authority as to the manner in which the right will be exercised.
- (4) Where by a compulsory purchase order made in the exercise of a relevant power a highway authority acquire two or more rights over land belonging to the same person, or acquire not only rights (one or more) but also adjoining or adjacent land so belonging, then in applying subsection (1) or subsection (3) above the Lands Tribunal shall consider together the compensation payable in respect of both or all of the rights or, as the case may be, in respect of the right or rights and also the adjoining or adjacent land.
- In this subsection “relevant power” means a power under any provision of this Act to which subsection (1) or (3) above relates.
- (5) In assessing the compensation payable in respect of the compulsory acquisition by a highway authority under section 241 above of land lying between an improvement line and the boundary of a street, the Lands Tribunal shall take into account any benefit accruing to the vendor by reason of the improvement of the street except in so far as it may have been previously taken into account in the assessment of compensation payable under section 73(9) above.
- (6) Section 5 of the ^{M1}Land Compensation Act 1961 shall, in its application to compulsory acquisition by a highway authority under a provision to which subsection (1), (3) or (5) above relates, have effect subject to subsection (1), (3) or (5) as the case may be.

Modifications etc. (not altering text)

- C1** S. 261 modified by Dartford–Thurrock Crossing Act 1988 (c. 20, SIF 59), ss. 2, 19, **Sch. 2 Pt. II para. 7**
- C2** S. 261 modified (13.2.1992) by Severn Bridges Act 1992 (c. 3), s. 2(6), **Sch. 2 Pt. II para. 6**
- C3** S. 261(2) modified by Dartford–Thurrock Crossing Act 1988 (c. 20, SIF 59), ss. 2, 19, **Sch. 2 Pt. II para. 2(3)(c)**

Marginal Citations

- M1** 1961 c. 33.

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262 Assumptions to be made in assessing compensation on certain compulsory acquisitions of land for service stations etc. and lorry areas for special roads.

- (1) Where land is compulsorily acquired—
- (a) under section 239(4)(c) above in a case where the acquisition is authorised by a compulsory purchase order which does not also authorise the acquisition of land required for the provision of the adjacent length of special road, or
 - (b) in pursuance of a notice under [^{F1}section 137 of the Town and Country Planning Act 1990] (protection of owners of land affected by certain planning decisions) in a case where the Lands Tribunal is satisfied that there are proposals for using the whole or part of the relevant land for such purposes in connection with the special road as are mentioned in section 239(4)(c) above and that the amount of compensation would apart from this section be affected by the provision or proposed provision of the special road, or
 - (c) in pursuance of a notice under [^{F2}section 150 or 161 of that Act] (protection of owner-occupiers in respect of planning blight) in a case where the appropriate enactment for the purposes of [^{F2}section 154 of that Act] is or includes section 239(4)(c) above,

then subsection (3) below applies for the purpose of assessing compensation in respect of the compulsory acquisition.

- (2) Where there are proposals for the provision of a lorry area on land adjoining, or in the vicinity of, a special road or proposed special road then, if that land, or any land of which that land forms part, is compulsorily acquired—
- (a) under section 240(5) above in a case where the acquisition is authorised by a compulsory purchase order which does not also authorise the acquisition of land required for the provision of the adjacent length of special road, or
 - (b) in pursuance of a notice under [^{F3}section 137 of the Town and Country Planning Act 1990], in a case where the Lands Tribunal is satisfied that there are proposals for using the whole or part of the relevant land for the purpose of providing a lorry area, in connection with the special road, and that the amount of the compensation would apart from this section be affected by the provision or proposed provision of the special road, or
 - (c) in pursuance of a notice under [^{F4}section 150 or 161 of that Act] in a case where the appropriate enactment for the purposes of [^{F5}section 154 of that Act] is or includes section 240(5) above,

subsection (3) below applies for the purpose of assessing compensation in respect of the compulsory acquisition.

- (3) In any such case as is mentioned in subsection (1) or (2) above the value of the relevant interest shall be ascertained—
- (a) so far as it is attributable to any relevant planning permission, on the assumption that traffic carried by the special road will not have direct or indirect access to the relevant land; and
 - (b) so far as it is not attributable to any such planning permission, on the assumption that traffic carried by the special road will not have direct access to the relevant land.

- (4) In this section—

“direct access” means access otherwise than by means of a highway which is not a special road and “indirect access” means access by means of a highway which is not a special road;

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“lorry area development” means development for the purpose of providing a lorry area for use in connection with a special road or proposed special road;

“relevant planning permission” means any planning permission for service area development or, as the case may be, lorry area development, which is in force on the date of service of the notice to treat, or as to the grant of which any assumption is required to be made by virtue of section 15 or 16 of the ^{M2}Land Compensation Act 1961, or the possibility of the grant of which is taken into account in assessing the compensation;

“service area development” means development of the relevant land, or of any part of it, for the purpose of providing such service stations or other buildings or facilities as are mentioned in section 239(4)(c) above or of providing any other buildings or facilities designed to cater to a significant extent for traffic carried or to be carried by the special road;

and any expression which is also used in the ^{M3}Land Compensation Act 1961 has the same meaning as in that Act.

Textual Amendments

- F1** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\), s. 4, Sch. 2 para. 45\(15\)\(a\)\(i\)](#)
- F2** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\), s. 4, Sch. 2 para. 45\(15\)\(a\)\(ii\)](#)
- F3** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\), s. 4, Sch. 2 para. 45\(15\)\(b\)\(i\)](#)
- F4** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\), s. 4, Sch. 2 para. 45\(15\)\(b\)\(ii\)](#)
- F5** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\), s. 4, Sch. 2 para. 45\(15\)\(b\)\(ii\)](#)

Marginal Citations

- M2** 1961 c. 33.
- M3** 1961 c. 33.

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