

Planning Blight & Compensation

South Western Relief Road (SWRR)

Position Statement

February 2018

Stratford-on-Avon District Council is aware of concerns from some residents whose properties are adjacent to the proposed route of the South Western Relief Road that they may be affected by planning blight.

This position statement sets out the District Council's understanding of the legal position in respect of planning blight. It also considers the issue of compensation.

What is Planning Blight?

Planning blight has a very specific legal definition as set out in Schedule 13 of the Town and Country Planning Act 1990. The legislation sets out the circumstances in which a landowner can require an authority to acquire his or her property where the property has been adversely affected, or "blighted", by public works. There are potentially three ways in which land or property may be considered to be "blighted". These are set out below.

1. Land indicated in the Core Strategy

Blighted land can include land indicated in a development plan (namely the District Council's Core Strategy) on which a highway is proposed to be constructed or to be improved or altered (see Paragraph 13 of Schedule 13).

However, the District Council considers that this paragraph only applies to land that is to be used for the construction, alteration or improvement of a highway and not any adjacent properties to that highway.

2. Order or Schemes under Part II Highways Act 1980

Land adjacent to the line of a proposed highway can also be blighted (see Paragraph 14 of Schedule 13). However, for this to apply the proposed highway needs to be indicated in an Order or Scheme under Part II of the Highways Act, and be land required for the purpose of construction, improvement or alteration of the highway.

The South Western Relief Road is not specified in any Order or Scheme under the Highways Act 1980 and Warwickshire County Council as the Highway Authority, has no plans to use powers of compulsory acquisition. As such, the District Council does not consider that paragraph 14 is relevant to the circumstances of the South Western Relief Road.

3. Plans Approved by a Resolution of the Local Highway Authority

Planning blight can also apply to land forming part of the site area necessary for the construction, alteration or improvement of a highway as shown on plans approved by a resolution of the Highway Authority (see Paragraph 15 of Schedule 13).

However, this provision would only apply to Land comprised in the highway and would not cover Land adjacent to the highway. Further, there is no relevant resolution of the Highways Authority because the road is being promoted and constructed by private developers who control the land required to build the road.

Conclusion on Blight

In summary, the District Council does not consider that any of the statutory circumstances, as set out above, apply, that would allow a blight notice to be served.

Compensation

Although a separate matter to the question of planning blight, section 1 of the Land Compensation Act 1973 sets out that where the value of a property is depreciated by physical factors caused by the use of a highway, then compensation may be payable.

