



# Highways Act 1980

## 1980 CHAPTER 66

### PART XII

#### ACQUISITION, VESTING AND TRANSFER OF LAND ETC.

##### *Acquisition of land generally*

#### **246 Acquisition of land for mitigating adverse effects of constructing or improving highway.**

- (1) Subject to subsection (3) below, a highway authority may acquire land for the purpose of mitigating any adverse effect which the existence or use of a highway constructed or improved by them, or proposed to be constructed or improved by them, has or will have on the surroundings of the highway.
- (2) Subject to subsection (3) below, a highway authority may acquire by agreement (but not compulsorily)—
  - (a) land the enjoyment of which is seriously affected by the carrying out of works by the authority for the construction or improvement of a highway;
  - (b) land the enjoyment of which is seriously affected by the use of a highway which the authority have constructed or improved,

[<sup>F1</sup>if the interest of the vendor is a qualifying interest].

<sup>F2</sup>[(2A) Where the highway authority propose to carry out works on blighted land for the construction or improvement of a highway, they may acquire by agreement land the enjoyment of which will in their opinion be seriously affected by the carrying out of the works or the use of the highway if the interest of the vendor is a qualifying interest.

(2B) In this section—

“qualifying interest” has the meaning given in section 149(2) of the Town and Country Planning Act 1990, taking references to the relevant date as references to the date on which the purchase agreement is made, and

“blighted land” has the meaning given in section 149(1) of that Act. ]

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*Changes to legislation: Highways Act 1980, Section 246 is up to date with all changes known to be in force on or before 19 May 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) View outstanding changes*

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- (3) The powers conferred by subsection (1) above to acquire land compulsorily and the powers conferred by subsection (2)(a) above shall not be exercisable unless the acquisition is begun before the date on which the highway or, as the case may be, the improved highway is first opened to public traffic (“the opening date”); and the powers conferred by subsection (1) above to acquire land by agreement and the powers conferred by subsection (2)(b) above shall not be exercisable unless the acquisition is begun before the end of one year after the opening date.
- (4) For the purposes of subsection (3) above the acquisition of any land is begun—
- (a) if it is compulsory, on the date on which the notice required by [F<sup>3</sup>section 11 of the Acquisition of Land Act 1981] is first published;
  - (b) if it is by agreement, on the date on which the agreement is made;
- and where the compulsory acquisition of any land under subsection (1) above is begun within the time limited by subsection (3) above but is not proceeded with, any subsequent compulsory acquisition of that land under subsection (1) is to be treated for the purposes of this section as begun within that time.
- (5) Where under the powers of this section a highway authority have acquired, or propose to acquire, land forming part of a common, open space or fuel or field garden allotment and other land is required for the purpose of being given in exchange for the first-mentioned land, the authority may acquire that other land.
- (6) For the purpose of assessing the compensation payable on the compulsory acquisition of land under this section the land is to be treated as if it were being acquired for the construction of the highway or, as the case may be the improvement in question.
- (7) In this section references to the construction or improvement of a highway include references to the construction or improvement of a highway by virtue of an order under section 14 or 18 above.

#### Textual Amendments

- F1** Words in s. 246(2) substituted (25.09.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 28:1\), s. 70, Sch. 15 para.26; S.I. 1991/2067, art. 3.](#)
- F2** S. 246(2A)(2B) inserted (25.09.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 28:1\), s. 62\(2\); S.I. 1991/2067, art. 3.](#)
- F3** Words substituted by [Acquisition of Land Act 1981 \(c. 67, SIF 28:1\), s. 34, Sch. 4 para. 31\(3\)](#)

#### Modifications etc. (not altering text)

- C1** S. 246(1)(2)(2A)(5) functions exercisable jointly (1.4.2018) by [The Sub-national Transport Body \(Transport for the North\) Regulations 2018 \(S.I. 2018/103\), regs. 1\(2\), 9\(2\), 10\(f\)](#)
- C2** S. 246(1)(2)(2A)(5) functions exercisable concurrently (1.4.2018) by [The Sub-national Transport Body \(Transport for the North\) Regulations 2018 \(S.I. 2018/103\), regs. 1\(2\), 9\(3\), 11\(h\)](#)

**Changes to legislation:**

Highways Act 1980, Section 246 is up to date with all changes known to be in force on or before 19 May 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.

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 79(15)(aa) inserted by [2023 asc 3 Sch. 13 para. 54\(b\)](#)
- s. 90B(1A) inserted by [2015 c. 20 Sch. 10 para. 15\(3\)](#)
- s. 90C(2)(2A) substituted for s. 90C(2) by [2015 c. 20 Sch. 10 para. 16\(3\)](#)
- s. 90FA inserted by [2015 c. 20 Sch. 10 para. 20](#)
- s. 118ZA(5)(a) words inserted by [2015 c. 20 s. 25\(3\)](#)
- s. 120(3ZA) inserted by [2000 c. 37 Sch. 6 para. 13\(6\)](#)
- s. 121E(1A)(1B) inserted by [2015 c. 20 s. 23\(5\)](#)
- s. 146(6) inserted by [2015 c. 20 s. 24\(6\)\(d\)](#)
- s. 147(1A) inserted by [2015 c. 20 s. 24\(3\)](#)
- s. 147(5A) inserted by [2015 c. 20 s. 24\(5\)](#)
- s. 203(2)(b)(ia) inserted by [S.I. 2023/908 reg. 6\(2\)\(b\)](#)
- s. 219(1)(a)(i)(ii) inserted by [S.I. 2023/908 reg. 6\(3\)](#)
- s. 220(1A) inserted by [S.I. 2023/908 reg. 6\(4\)\(b\)](#)
- s. 223(1A) inserted by [S.I. 2023/908 reg. 6\(5\)\(b\)](#)
- s. 223(5A) inserted by [S.I. 2023/908 reg. 6\(5\)\(d\)](#)
- s. 223(5B)-(6) s. 223(6) renumbered as s. 223(5B)(6) by [S.I. 2023/908 reg. 6\(5\)\(e\)](#)
- s. 322(5)(ab) inserted by [2004 c. 18 s. 64\(2\)](#)
- s. 325(2B) inserted by [2015 c. 20 Sch. 10 para. 21](#)
- Sch. 6 para. 1(3ZA) inserted by [2015 c. 20 Sch. 7 para. 8\(2\)\(b\)](#)
- Sch. 6 para. 2(2ZA)-(2ZE) inserted by [2015 c. 20 Sch. 7 para. 8\(3\)](#)
- Sch. 6 para. 2(4) inserted by [2015 c. 20 Sch. 7 para. 8\(4\)](#)
- Sch. 6 para. 2(5)(6) inserted by [2015 c. 20 Sch. 7 para. 8\(5\)](#)
- Sch. 6 para. 2ZZA inserted by [2015 c. 20 Sch. 7 para. 8\(6\)](#)
- Sch. 6 para. 4A(2) inserted by [2015 c. 20 Sch. 7 para. 8\(7\)\(c\)](#)
- Sch. 6 para. 5(ba) inserted by [2015 c. 20 Sch. 7 para. 8\(8\)](#)
- Sch. 6 para. 4A(1) words renumbered as Sch. 6 para. 4A(1) by [2015 c. 20 Sch. 7 para. 8\(7\)\(a\)](#)
- Sch. 6 para. 4A(1) words substituted by [2015 c. 20 Sch. 7 para. 8\(7\)\(b\)](#)
- Sch. 6 Pt. 1 para. 2B(4) inserted by [2015 c. 20 s. 25\(6\)](#)