

Guide to claims for loss of property value arising from Tilbury2 operations

PoTLL can confirm that no residential properties are proposed to be acquired as a result of the Tilbury2 proposals.

However, PoTLL is aware that a number of residents have raised concerns as to the potential loss of value to their properties as a result of the operation of the Tilbury2 proposals. We have therefore produced the following guide which provides a summary of the statutory measures that exist where such loss of value occurs. Through the EIA process for the proposals, PoTLL will be developing a range of mitigation measures to minimise impacts to residents from Tilbury2.

If you have any further concerns relating to this, please do not hesitate to contact Charlotte Potts on 07766 305 109 or charlottepotts@ardent-management.com, Peter Gibbard on 07917341614 or petergibbard@ardent-management.com or Max Curson on 07825 069 090 or maxcurson@ardent-management.com

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Who can claim for compensation?

If you own and also occupy property that has been reduced in value by physical factors caused by the operation of Tilbury 2 only, then you may claim for compensation under Part 1 of the Land Compensation Act 1973. Physical factors include:

- Noise;
- Vibration;
- Smell;
- Fumes;
- Smoke;
- Artificial lighting;
- The discharge on to the property of any solid or liquid substance.

The claimant must own a qualifying interest in the property before the relevant date, which is defined as the date the works first came into use.

A qualifying interest is either freehold ownership or a tenancy with not less than three years to run.

For property other than a dwelling, the claimant must be an owner/occupier and the property must have a rateable value below £36,000.

When can I claim?

A claim can be made from a year and one day after Tilbury 2 first comes into operation, subject to a limitation period of six years from the date Tilbury 2 first comes into operation.

How do I claim?

A claim may be made by serving a notice on The Port of Tilbury London Limited (PoTLL) containing the following particulars:

- the land in respect of which the claim is made;
- the claimant's interest and date of acquisition;
- the claimant's occupation of the land;
- any other interest in the land known to the claimant;
- the public works to which the claim relates;
- the amount of compensation claimed;
- details of other contiguous or adjoining land owned by the claimant.

How is compensation calculated?

Compensation payable under Part 1 is normally assessed by reference to prices current on the first day of the claim period. The diminution in value is that arising due only to the defined physical factors caused by the operation of Tilbury 2 only. Any increase in value caused by these works would be set off against the amount of compensation otherwise payable. Such claims would be capable of independent determination.