

A GUIDE TO COMPULSORY PURCHASE ORDERS (CPO)

Somerset West and Taunton



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1. Introduction

1. For Somerset West and Taunton Council to progress the regeneration of the North Taunton Woolaway Project (NTWP), a compulsory purchase order is needed to provide certainty to the delivery of the construction programme.
2. The Council will only use its compulsory purchase powers if it has first been unable to reach individually agreed purchase terms with property owners affected by the NTWP regeneration. The Council is seeking to purchase those privately owned homes situated in Phases A – D on the phasing plan below



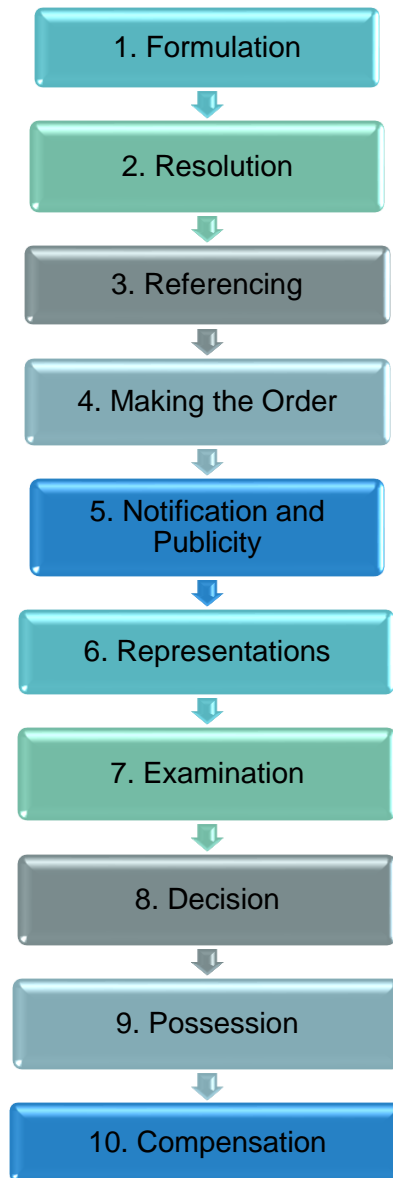
Phasing Plan for the NTWP Project

3. A compulsory purchase order is intended as a last resort and the Council will continue to seek to acquire your property by agreement at any time during the process at the same time as taking steps to acquire the land by compulsion. If you are willing to sell your home, please contact the North Taunton Woolaway Project Team to request a valuation.

4. Whilst exercising its compulsory purchase powers, the Council will always seek to provide as much information about the process and advance notice as possible, particularly for the date required for the purchase of your home.
5. Compulsory purchase is a legal mechanism by which certain bodies (known as 'acquiring authorities') such as the Council, can acquire land without the consent of the owner. Compulsory purchase powers can support the delivery of a range of development, regeneration and infrastructure projects in the public interest. In doing so, they can help to bring about improvements to social, economic and environmental wellbeing, and improve and increase housing stock.
6. Although compulsory purchase powers can help to deliver positive change, the Council recognises that it can be upsetting and stressful to discover the property which you own is to be compulsorily acquired. Furthermore, the law and procedures relating to compulsory purchase are complex, which can be daunting. This guide is intended to help those affected by compulsory purchase by explaining how the system works in simple terms.
7. This guide provides an end-to-end overview of the Compulsory Purchase Order (CPO) process and is aimed at people potentially affected by a CPO. It outlines the procedures which acquiring authorities (the Council) must go through to use its' powers and explains what role those affected have in the process. The guide reflects the legislative position in effect on the date of publication of this guide.
8. Further guidance is available which explains what compensation affected owners and owner/occupiers are entitled to and how it is assessed. These are:
 - Compulsory Purchase and Compensation (Guide 1)
[Compulsory purchase and compensation: guide 1 - procedure - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/compulsory-purchase-and-compensation-guide-1-procedure)
 - Residential Owners and Occupiers (Guide 4)
[Compulsory purchase and compensation: guide 4 - compensation to residential owners and occupiers - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/compulsory-purchase-and-compensation-guide-4-compensation-to-residential-owners-and-occupiers)
9. This guide is intended to assist affected parties to understand the basis of the CPO process but cannot cover every circumstance that may arise. It is not a substitute for professional advice. There are a number of bodies and organisations who may be able to offer their advice if you are affected by compulsory purchase. A list of useful contact names, addresses and telephone numbers are set out in Section 6.

2. 10 Steps to the Compulsory Purchase Order (CPO)

1. The CPO process is made up of several stages, which are set out below. It should be noted that the length of the process may vary significantly. There may be a considerable amount of time between you becoming aware of a proposal to acquire your home and the Council subsequently taking possession of it.



2. An integral part of this process is the requirement for the Secretary of State (or an Inspector appointed by the Secretary of State) to confirm the CPO before CPO powers can be used. You can see from the process map above that the Council would only be able to proceed to compulsory purchase your property after the CPO was confirmed (Stage 8 – Decision).

3. Compensation payments will generally be made where properties and/or rights are acquired by the Council exercising its CPO powers. The way these compensation payments are calculated is set out in legislation and case law and is known as the Compensation Code. Please refer to the guides for compensation set out in paragraph 8 of Section 1.
4. If compensation cannot be agreed, the Lands Chamber of the Upper Tribunal is an independent body (part of HM Courts and Tribunals Service) which decides the level compensation payable.
5. Compensation to owners includes market value for their property and any other statutory payments including reimbursement of reasonably incurred expenses arising from being displaced from the land or property, known as disturbance payments.
6. If it difficult to estimate how long the CPO procedure will take to complete because the time involved in each stage of the process can vary, and it is not within the Councils' control. As a guide between 8 to 15 months to implement the CPO and take possession, and the settlement of compensation may take longer in exceptional cases, for example where it cannot be agreed and so the matter is referred to the Upper Tribunal.
7. The Council is seeking to make a CPO over Phases C to D but it does not have to exercise the CPO if it is no longer needed, for example if negotiations eventually lead to an agreed purchase. Individual properties can be removed from the CPO as they are purchased.
8. Section 3 describes in more detail the individual stages of the CPO process.

3. The 10 CPO Stages

1. **Formulation:** The Council will undertake an initial information gathering exercise to help it understand all the land and interests in needs to acquire. You will receive a Service of Request for Information (RFI) Notice giving you 14 days to respond. The Council will confirm its' decision to pursue a CPO in addition to negotiating with individual owners to acquire your property by agreement.
2. **Resolution:** This is the formal decision made by the Council to use CPO powers, and defines the land and properties that will be affected. This stage has been completed and the Council resolved on 7 December 2021 to make a Compulsory Purchase Order pursuant to powers under Section 17 of the Housing Act 1985 and Section 13 of the Local Government (Miscellaneous Provisions) Act 1976 and all other enabling powers as deemed necessary for the acquisition of the private properties in Phases B to D.
3. **Referencing:** identifying everyone who has a legal interest in, or right to occupy, the properties the Council proposed to acquire.
4. **Make the Order:** Once the referencing exercise is complete, the Council will set out in a schedule and a map the properties and interests it needs to acquire, then prepare the CPO documents which are then signed and sealed by the Council. A 'Statement of Reasons' describing the need and the requirement for the CPO will be prepared. The Council is required by law to publish in the schedule the name and address of everyone included within the CPO.
5. **Notification of Making and Publicity:** Before or at the same time as the CPO is submitted to the relevant Secretary of State for confirmation (submission is usually to what is known as the Planning Casework Unit, which manages decisions on behalf of the Secretary of State), the Council will serve notices on everyone included in the CPO, publish notices in the local paper (for example the County Gazette) and advertise notices in and around the CPO area.
6. **Representations:** People wishing to make representations, including objections to the CPO have a set time period to make such representations to the Secretary of State/Planning Casework Unit who is handing the CPO. The relevant details of how and by when to submit such representations will be set out in the notice described in paragraph 4 above.
7. **Examination:** If any objections are received, and cannot be resolved by discussion, an independent Government appointed Inspector will consider any objections through a Public Inquiry or through a written representation procedure. Once the Inspector has considered all representations, they will set out their conclusion in a report, and will either make a decision whether or not to confirm the CPO themselves (if that power is given to them by the Secretary

of State) or recommend whether the Secretary of State should either confirm or refuse to confirm the CPO.

8. **Decision:** If an Inspector has been granted the power by the Secretary of State to make the confirmation decision, they will then do so in writing. If the Secretary of State is the decision maker, they will review the Inspector's report and decide whether or not to confirm the CPO.
9. **Possession:** Following formal confirmation of the CPO, there are several ways in which the Council is able to acquire the affected properties if agreement has not been reached.
 - Notice of Treat/Notice of Entry – A Notice to Treat is a formal notice which says the Council wants to acquire your property and asks you to submit information regarding the amount of compensation you are claiming. Following this, if the Council serves a Notice of Entry, it is allowed to take possession of your property and you will need to move out, even in compensation has not yet been agreed.
 - General Vesting Declaration (GVD) – A GVD transfers ownership of your property to the Council and allows the Council to enter and take possession of your property on the date it takes effect. Following a GVD, you will be entitled to claim compensation, and you will need to move out, even if compensation has not yet been agreed.
10. **Compensation:** Following a CPO you may be entitled to compensation for the value of your property, and various other statutory payments such as Home loss payment and disturbance. A person whose property has been compulsorily acquired should be no worse or better off than they were before the CPO, but you will need to demonstrate your losses in order to claim them. Further, you are under a duty to mitigate your losses, which means that you should take reasonable steps to avoid incurring additional costs where possible.

4. CPO Paperwork you may receive

Service of a Request for Information Notice & Letter

Affected households will receive a letter, a questionnaire, and a statutory notice requiring them to provide information about the ownership of and interests in their property.

It is important you return this information to the Council, so it can make sure that it takes account of everyone who may be affected by the CPO. Failure to complete the information and return to the Council (or their agent) is a criminal offence, which may attract a fine.

Notice of Making the CPO, and Notices relating to the Examination of the CPO

Once the Council signs and seals the CPO so that it is made, it will notify all those included in the CPO. Further, should the CPO be subject to examination through the public inquiry or written representations procedure and you have objected, you will receive communications regarding that process.

Notice of Confirmation of the CPO

Should the CPO be confirmed, then you will receive formal notice of that confirmation.

General Vesting Declaration (GVD)

Following confirmation of a CPO, you may receive a Notice of Execution of a GVD. Once the Council has served a notice of execution of GVD after a specified time period (minimum 3 months) the Council will own your property.

Compensation will be payable and details of how to claim will be sent to you.

It is important that you do not ignore this notice, and you may wish to seek legal advice if you receive this notice.

Notice to Treat (NtT) / Notice of Entry (NoE)

A NtT requests details of the interest in the land you hold (secure tenant, leaseholder, private tenant, etc.) and provide you with an opportunity to claim compensation. It is important you return the form within the time required.

A NoE will state the date when you need to move out of the property and the Council will enter the property and take possession. This will be at least 3 months after the date of NoE.

5. Glossary

Acquiring Authority

A local authority or a government department or other body exercising a statutory power of compulsory purchase or acquiring a property by agreement in advance of compulsory purchase. Somerset West and Taunton Council is the acquiring authority for the purposes of the NTWP Regeneration Scheme.

Basic-loss payment

In order to qualify for basic loss payment, you must have held the interest in the property for a year or more, usually ending on the date the acquiring authority takes possession. Other qualification criteria may also apply.

CPO

A compulsory purchase order made by a private or public body (usually a local authority or Government department) with the relevant statutory powers which, after confirmation by the Confirming Minister, gives the right to acquire specific land compulsorily.

Confirming Minister

The Government Minister in charge of the activity for which compulsory purchase powers are being sought.

Compensation Code

A collective term for a number of principles derived from Acts of Parliament and case law, relating to compensation for compulsory acquisition.

Disturbance

Reasonable costs that you have had to pay as a consequence of the Council buying your property.

Home-loss payment

In order to qualify for home loss payment, you must have lived in the property, or a substantial part of it, as your only or main residence, for a period of not less than one year ending with the day you have to move out. Other qualification criteria may also apply

Interest

If you rent or own a property or land then you have an “interest” in it and in addition you may have rights over adjacent land to gain access to and from the public highway on foot as a pedestrian and in some cases with a vehicle where permitted.

Land

Land includes buildings and structures. Existing interests and rights in land, such as freehold or leasehold together with any existing rights can be compulsorily acquired either as a whole or in part.

Leaseholder

Someone who owns a property on a long lease (typically flats).

Market value

The amount of money that your property would achieve if put to sale on the open market (a freely competitive environment operating without any restrictions).

Order Land

This is the land that the Council includes in the CPO and intends to purchase compulsorily, including any leasehold or freehold properties within it. On CPO plans it is shown shaded pink and outlined with a red boundary.

Serving a notice

This is when a notice is served upon you (posted or given to you). Also sometimes referred to as “by way of service.”

6. Useful Contacts

<p>North Taunton Woolaway Project Team</p>	<p>northtauntonwoolawayproject@somersetwestandtaunton.gov.uk</p>	<p>Somerset West and Taunton Council Project Team delivering the North Taunton Woolaway Regeneration Project.</p>
<p>Compulsory Purchase Association (CPA)</p>	<p>Website: www.compulsorypurchaseassociation.org</p>	<p>The CPA is a membership organisation which promotes best and effective practice in delivering land for infrastructure, housing and regeneration.</p> <p>Its members offer CPO and compensation advice, and a list of members, together with other useful information, is available on its website.</p>
<p>The Department for Levelling Up, Housing and Communities (DLUHC)</p>	<p>Planning Development Management 3rd Floor, Fry Building 2 Marsham Street London SW1P 4DF</p> <p>Tel: 030 3444 0000</p> <p>Website: https://www.gov.uk/dluhc</p>	<p>Government department responsible for the compulsory purchase system in England.</p> <p>DLUHC can provide guidance on the operation of the compulsory purchase system. However, the Department cannot provide advice on individual cases.</p>
<p>Royal Institution of Chartered Surveyors (RICS)</p>	<p>RICS Contact Centre Westwood Way Coventry CV4 8JE</p> <p>Tel: 0870 333 1600</p>	<p>Advice on land value and compensation.</p> <p>RICS also hold a list of surveyors who are experienced in offering</p>

	<p>Website: www.rics.org</p> <p>Email: contactrics@rics.org</p>	support on compulsory purchase matters.
Citizens Advice Bureau	<p>St Mary's House, Magdalene Street, Taunton, TA1 1SB</p> <p>Tel: 0344 4889623</p>	An independent charity that provides free, confidential and impartial advice for people who live and work in Taunton.