

Compulsory Purchase Guide for affected owners, leaseholders, tenants and occupiers.

This guide is provided as an introduction to help those affected by compulsory purchase orders promoted by the Council. Links to further information are available at the end of the guide along with information specific to the scheme.

What is a CPO?

CPO stands for Compulsory Purchase Order. A Compulsory Purchase Order gives the Acquiring Authority (the organisation using the CPO, in this case the Council) the legal power to require land owners and occupiers to sell their land (which can also include buildings and structures on land which you own, and also interests in land such as leases and rights you have over land, e.g. private rights of way) to the Council as Acquiring Authority.

CPOs must be used carefully and proportionately, having proper regard to the rights of affected third parties. Acquiring Authorities must demonstrate that there is a compelling case in the public interest for a CPO to be confirmed.

The Council has to pay compensation to the owners and occupiers. The law sets out how the compensation must be worked out. These laws are referred to as the “Compensation Code” but are actually a combination of Acts of Parliament and legal case law.

How does a CPO get approved?

A CPO only allows the Council to acquire certain land interests and for a certain purpose. The Council must get the CPO approved (or “confirmed”) by the Secretary of State before it can be used to acquire land interests, but the Council can acquire land interests before the CPO is confirmed if the owner agrees to sell.

To get the CPO confirmed, the Council has to publish the CPO and inform everyone whose land is affected that the CPO has been created and where they can look at a copy. There is a period (usually 28 days) within which people can object to the CPO if they wish. The letter informing affected owners and occupiers about the CPO will also contain details of how to object.

The Secretary of State will look into the CPO and decide whether it should be confirmed. If there are any objections from people whose land or rights in land are affected, the Secretary of State will usually hold a public inquiry so that the Council and the objectors can have their say before the Secretary of State decides whether or not to confirm the CPO.

If the CPO is confirmed by the Secretary of State, the Council can serve legal notices on the owners of the affected land, and the effect of those notices is to transfer ownership of the land to the Council after a specified time, usually between one and three months. These notices will either take the form of a 'general vesting declaration', or a 'notice to treat/notice of entry', depending on the type of land interest to be acquired.

Stages in the CPO process

- Scheme consultation and planning (including service of notices requesting information about ownership of land interests), by the Council
- Council making the CPO, and receiving comments
- Public Inquiry
- Confirmation of the CPO by the Secretary of State
- Notices by the Council to owners and occupiers

- Council acquisition of the land. Occupiers move out where required. Council negotiates and pays compensation to owners/occupiers.

How do I know if I am affected?

The CPO contains a schedule which lists all the known owners, occupiers and affected parties, and a plan indicating all the land interests which are affected by the CPO. When the CPO is made, the Council will write to all the owners and occupiers they have been able to find, to tell them about the CPO and how to comment.

If you are not sure if you are affected, contact the Council using the details at the end of this guide.

What do I need to do?

If you have received a letter asking you to confirm details of your ownership or occupation of the land, you must respond within the time given in the letter with the information requested, to the best of your knowledge. It is a criminal offence not to respond.

You do not have to sell your land interest, or move out, until the CPO is confirmed by the Secretary of State, and the Council send you either:

- (a) a *Notice to Treat/Notice of Entry*; or
- (b) a *General Vesting Declaration* notice;

in respect of your land interest. However, you may wish to talk to the Council, or their development partner, before the Secretary of State confirms the CPO, about how your land interest will be affected and when, and what arrangements can be agreed to sell your land interest earlier (if you wish to do that), or to help you manage the move of your home or business.

In the first instance, please contact the Council or the Council's development partner, using the details at the end of this guide or in the letters you have received about the CPO.

Where can I get advice?

You do not have to seek professional advice about the CPO, but if the CPO affects your land interest, you may find it worthwhile to seek advice at an early stage so that you can fully understand the CPO process and your rights to compensation.

If you do seek professional advice, the Council may be able to assist with the cost of your professional adviser, but **you must check with the Council before you incur any cost** on a professional adviser. The Council will not be able to help with the cost of an objection to the CPO, but may be able to help with the cost of professional advice on compensation or relocation. A Chartered Surveyor with CPO expertise will be able to explain the CPO process and your compensation rights. They will also be able to negotiate compensation with the Council, on your behalf. You should ensure that your surveyor is a member of the Royal Institution of Chartered Surveyors (RICS), and that they meet the RICS standard "*Surveyors advising in respect of compulsory purchase and statutory compensation, UK, 1st edition, April 2017*".

To find a Chartered Surveyor in your area contact the RICS through their website www.RICS.org and search "find a surveyor" or contact the RICS helpline on 02476 868 555.

What compensation will I receive and when?

Compulsory purchase compensation can be complex and you should consider taking advice as outlined above. In simple terms, you may be entitled to compensation that is made up as follows:

1. The price you would have received if you had sold your land interest on the open market and there was no CPO.
2. Reasonable costs you incur in moving to another property, or if you are an investor, investing in another UK property (subject to time limits).
3. The reasonable cost of professional advice relating to compensation negotiations and relocating (but not objecting to the CPO).
4. A "Loss Payment" on top of your other compensation. This will depend on whether you are a resident, business occupier or investor.

You will normally receive compensation at the time you agree this with the Council or their development partner. You can apply for an "advance payment" of compensation before it is agreed, which will amount to 90% of the Council's estimate of the compensation you are entitled to. A valid advance payment request will be payable when the Council take possession of your land interest under the CPO or up to three months after you apply for an advance, whichever is the later.

Contacts and Assistance on specific CPO's

LONDON BOROUGH OF HOUNSLOW (LAND SOUTH OF BRENTFORD HIGH STREET) COMPULSORY PURCHASE ORDER 2017

This CPO is to help deliver the Brentford Waterside Regeneration scheme. The Council is working with the Ballymore Group to help deliver the scheme.

The CPO was made on 8th March 2017.

The Public Inquiry to hear objections will start on 3rd October 2017.

Links to Further Information

For further information please see the Council's web page for this CPO :

The website includes

- The CPO Order, schedule and plan showing affected land
 - The policy for assisting with the cost professional advice
 - Links to the RICS helpline
 - Links to Government booklets about CPO compensation
- Links to support for businesses having to relocate

Find out more about the development at: <http://www.ballymoregroup.com/project/detail/brentford-waterside>

You can see the planning permission for the scheme for further details – visit:

http://planning.hounslow.gov.uk/planning_search.aspx

and search for planning reference **00607/BA/P2**

Contacts

If your land is affected by the CPO, you will already have heard from the Council, or the Ballymore Group, who have been talking to affected land owners and occupiers for some time.

If you have any questions, or if you would like to reach agreement to sell your land before the CPO takes effect, or to discuss an objection you have made against the CPO, please get in touch using the contact details below.

For negotiations and objections:

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