



Cumbria County Council Planning Blight Guidance

Overview

This guidance note sets out how the County Council proposes to consider Statutory Blight and Discretionary Purchase, in relation to the construction of the Carlisle Southern Link Road and will provide you with information about the circumstances in which the County Council may consider a claim for Statutory Blight or make an offer of Discretionary Purchase.

Compensation may be claimed under the Land Compensation Act 1973 part 1 for the effects on residential, agricultural and other property from the use of the new roads. Further details are set out below.

Having read the guidance below if you have any further queries please contact the Carlisle Southern Link Road Project Team via email at: cslr@cumbria.gov.uk

Statutory Blight

If your land or part of your land is required for the construction of the Carlisle Southern Link Road scheme and you believe the value of your entire property or holding will be significantly reduced as a result of the scheme proposals, then providing you have made reasonable endeavours to sell the property but have been unable to do so solely as a consequence of the road proposals then you may be able to serve a blight notice on Cumbria County Council, requesting that they purchase your entire property or holding at its full market value.

Provided you have an eligible interest* you can serve a blight notice if your property is either:

- A hereditament (land or building)
- An agricultural unit

For further information on the Statutory Blight notice process please see the statutory blight notice flowchart in Appendix A.

A Statutory Blight notice form is included in Appendix B.

**Eligible interests are listed in the statutory blight procedure flowchart in Appendix A.*

Discretionary Purchase

If your land is not required for the Carlisle Southern Link Road scheme but is in immediate proximity to the proposed route and you have been trying to sell your property, however you could only do so at a significant financial loss as a result of the scheme, then you may be able to apply to the council for them to consider a discretionary purchase of your property at its full market value.

Provided you hold an eligible interest** in your property, applications can be made under the relevant section of the Highways Act 1980. The sections which may apply to your circumstances are listed below:

Section 248 – your property is on the line of the proposed route of the road (you do not need to hold a qualifying interest to apply for discretionary purchase under this section).

Section 246 – your property lies outside the line of the proposed route and the enjoyment of your property will be seriously affected by the scheme.

Section 246 (2A) – you will be seriously affected by the construction works or the use of the completed road.

Section 246 (2)(a) – you are suffering serious adverse effects from the construction works. Applications under this section can be made during the construction period.

Section 246 (2)(b) – you are suffering serious adverse effects from the use of the completed road. Applications under this section can be made during the first year after the road opens for traffic.

For further information on the Discretionary Purchase process please see the Discretionary Purchase flowchart in Appendix C.

A Discretionary Purchase form is included in Appendix D.

IMPORTANT: The council is under no obligation to purchase your property but has the ability to do so and will only consider such a course of action in **exceptional circumstances**.

***Eligible interests are listed in the discretionary purchase procedure flowchart in Appendix C.*

Part 1 Claims

There are limited circumstances in which those holding an eligible interest*** in some types of property**** can make a claim for compensation when they have no land taken under the scheme proposals. Part 1 of the Land Compensation Act 1973 entitles these eligible property owners to compensation for any loss in the value of their property as a result of the “physical factors” arising direct from the use of the completed road. The physical factors to be considered are:

- Noise
- Vibration
- Smoke
- Smell
- Fumes
- Artificial Lighting
- Solid and/or Liquid Discharge

No account can be made for any change in the view from the property, for any change in the physical factors arising from other unaltered roads or for the effects arising as a result of the works to construct the road. Claims can be submitted one year after the road is opened for traffic and for successful claims the Council will reimburse any reasonable fees incurred, should you have a professional representative negotiate the claim on your behalf.

****The interest in the property must be either a freehold or leasehold with at least three years remaining on the term when the claim is submitted.*

***** the property must be a residential dwelling, an agricultural unit as defined in section 171(1) Town and Country Planning act 1990 and occupied by the claimant, or a hereditament occupied by the claimant and with an annual value not exceeding £36,000 at the time of writing.*

Appendices

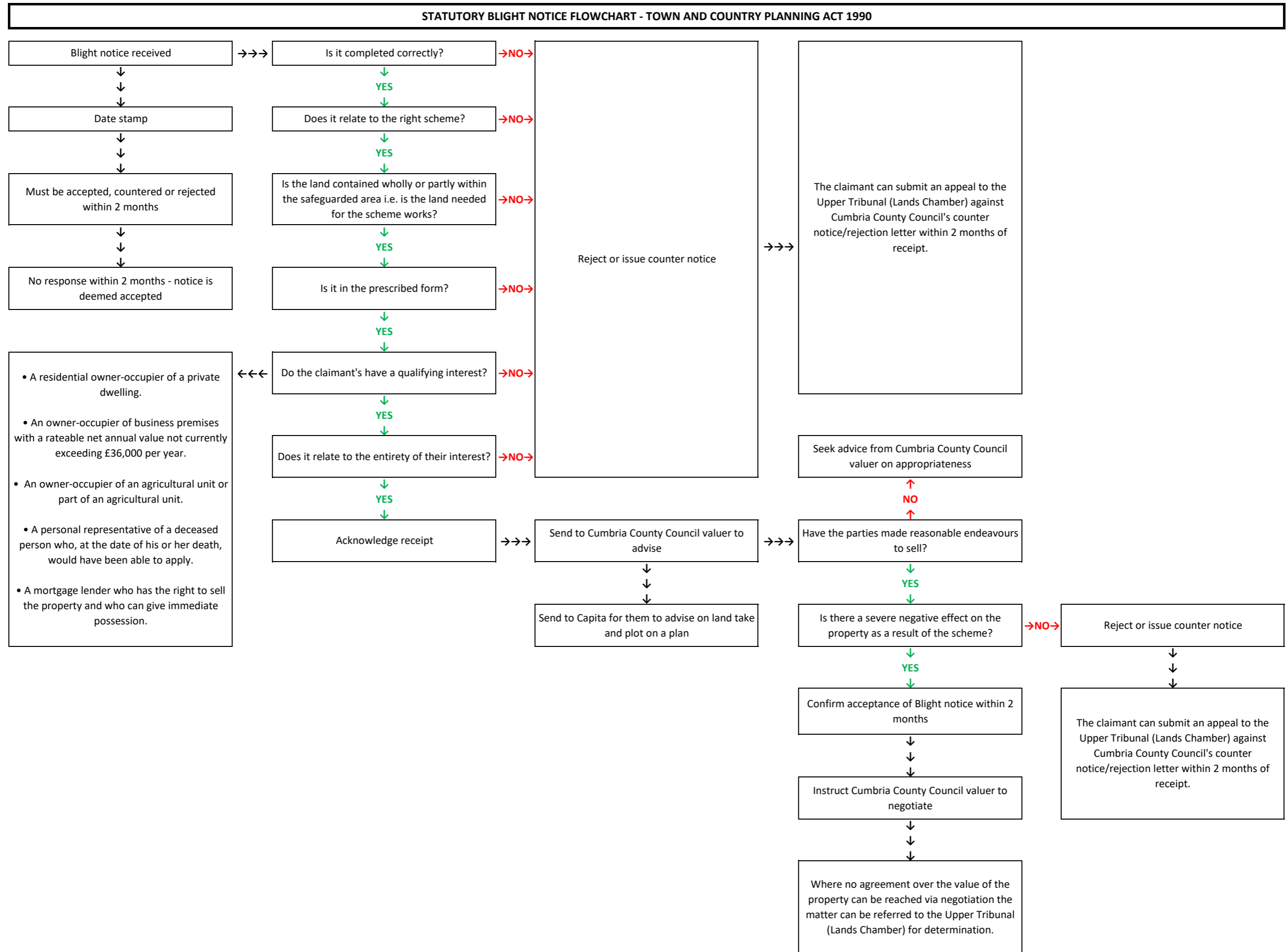
Appendix A: Statutory Blight Notice flowchart

Appendix B: Statutory Blight Notice form

Appendix C: Discretionary Purchase flowchart

Appendix D: Discretionary Purchase form

Appendix A - Statutory Blight Notice Flowchart



Town and Country Planning Act 1990: Blight Notice
Town and Country Planning Act 1990

Blight Notice 2: (*Authority Details*)

We: (*Input full parties details*)

HEREBY GIVE YOU NOTICE under Section 150 of the Town and Country Planning Act 1990 (“The Act”) as follows:

- 1) We are entitled to the interest described in Schedule 1 to this Notice in the property described in Schedule 2 to this Notice.
- 2) The whole of that property is blighted land within Paragraph(s) 13, 14, 15, 16, 17, 18, 21 and 22 of Schedule 13 of the Act.
- 3) Our interest in that property qualifies for protection under Chapter II in Part VI of the Act because the property is a hereditament and we are resident owner/occupiers of that hereditament.
- 4) The powers of Compulsory Acquisition relevant for the purposes of Paragraph 21/22 of Schedule 13 of the Act remain exercisable.
- 5) In the consequence of the fact that the hereditament was, or was likely to be, comprised in blighted land, we have been unable to sell our interest except at a price substantially lower than that for which it might reasonably have been expected to sell if not part of the hereditament were, or were likely to be comprised in blighted land.
- 6) We therefore require you to purchase our interest in the property described in Schedule 2 to this Notice.

Dated:

Signature(s):

Appendix B – Statutory Blight Notice Form

Schedule 1

The persons with a freehold interest in:

(Insert property details and full details of owner/occupiers and full details of any mortgage held over property including details of mortgage provider):

Schedule 2

(Provide plan showing full extent of property to include all land, buildings and houses comprised within the hereditament)

Appendix B – Statutory Blight Notice Form

Schedule 3

Title Register

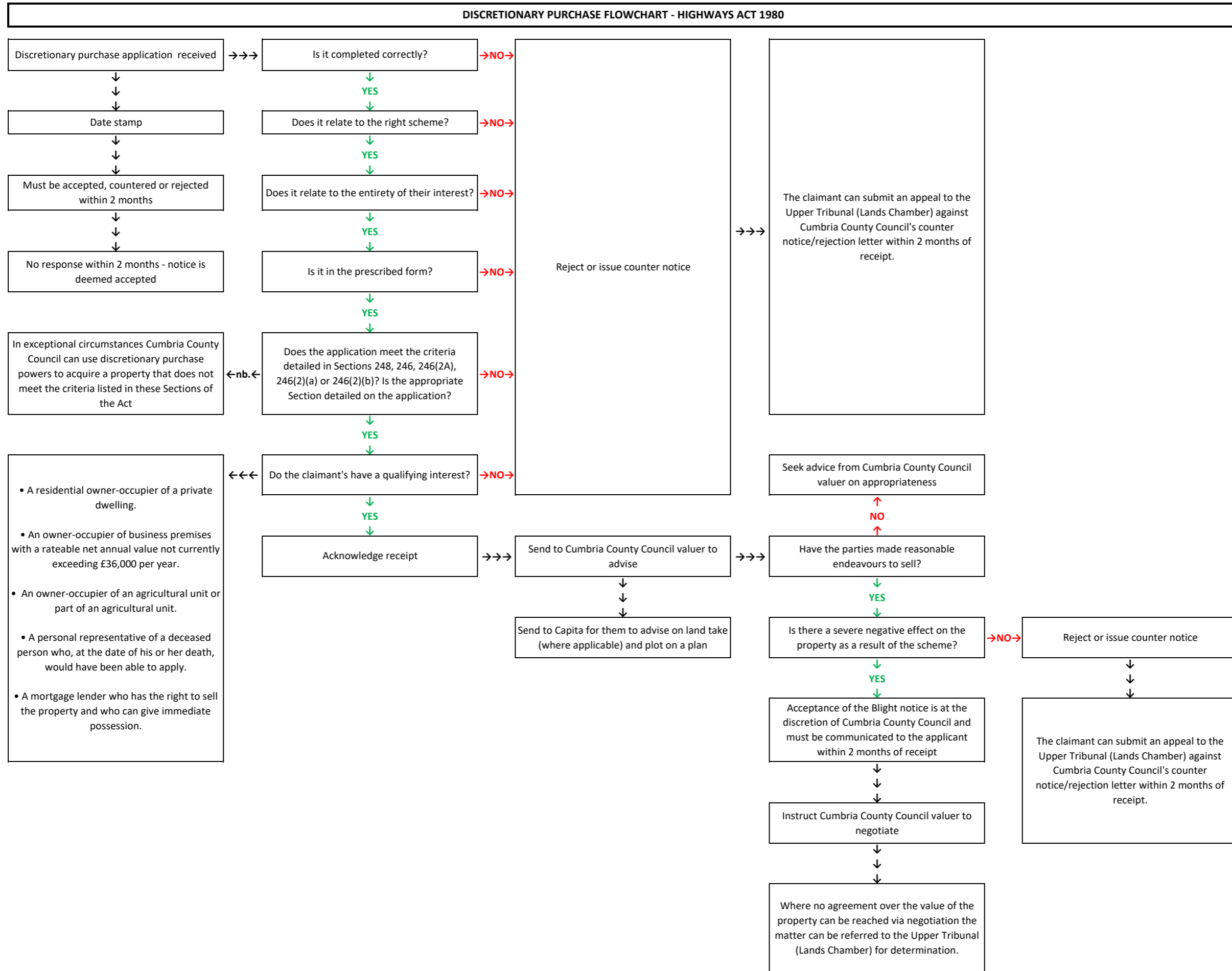
(Provide copy of title register to property)

Schedule 4

Letter of Assurance from Estate Agent

(Provide full details of estate agent and full property marketing details including dates when property was placed on the market)

Appendix C - Discretionary Purchase Flowchart



Highways Act 1980 Section 248 Request for Discretionary Purchase

To be completed by Property Owner(s)

- 1 **This request for a discretionary purchase relates to the interest in the property as detailed and indicated below:**
*

- 2 **The property was acquired by us on the following date:**
*

- 3 **The property appears to be wholly or partially included in land required for the following road scheme:**
*

- 4 **The reasons for needing to sell our interest in this property immediately are as detailed below:**
*

- 5 **We have made reasonable endeavours to sell our interest(s) in this property on the open market but have been unable to do so, except at a price substantially lower than that which it might reasonably have been expected to be sold but for the proposed road scheme:**
*

- 6 **Details of the financial hardship the failure to sell the interest immediately except at such a depreciated price will cause us are set out and detailed below, and on the continuation sheet if necessary:**
*

- 7 **We therefore request that Cumbria County Council exercise its discretion and to purchase our interest(s) in the property under the powers contained in section 248 of the Highways Act 1980:**
*

- 8 **We declare that to the best of our knowledge the information we have given above to be correct:**
*

Date: **Signed:**.....

Name(s) in Block Capitals

.....
.....

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