

# Willenhall Framework Plan potential Compulsory Purchase Orders

January 2023

## Frequently asked questions

This document sets out a list of frequently asked questions about the potential Compulsory Purchase Orders that may be required to assist in the delivery of the Willenhall Framework Plan. It focuses on the potential Compulsory Purchase Order (CPO) for Phase 1 of the Willenhall Framework Plan, which covers an area around Moat Street and Villiers Street.

This document will be regularly updated as Walsall Council (the council) brings forward development of the various phases within the Willenhall Framework Plan. These updates will include more information and detail about each stage of the CPO process if and when CPOs are taken forward by the council including how affected parties can object to any CPOs. More information about the Willenhall Framework Plan can be found at Section 9.

### **1. What is a Compulsory Purchase Order (CPO)?**

A Compulsory Purchase Order (CPO) allows public bodies to acquire land and rights without the consent of the owner.

Compulsory purchase powers are an important tool to use as a means of acquiring the land needed to deliver positive social, environmental and economic change. Compulsory purchase powers are available to public bodies including local authorities to acquire third party land/property interests and rights to deliver these changes and should only be used where there is a compelling case in the public interest.

It is necessary for compulsory purchase powers to be used in circumstances where land and interests that are required to deliver positive change cannot be acquired through negotiation and agreement.

### **2. Has the Council made a CPO to help deliver the Willenhall Framework Plan?**

The council's cabinet has agreed the principle of using its CPO powers for Phase 1 only but has not yet made any CPOs to deliver the Willenhall Framework Plan.

The council will need to obtain further approval from its cabinet to make a CPO.

### **3. What does the CPO process involve?**

CPO powers can only be authorised by the relevant Secretary of State, with a decision on any CPO made either by an appointed planning inspector or the Secretary of State.

If the council decides to make a CPO, the council is required to carry out due diligence to ensure it identifies all affected property interests and rights to include in the CPO, alongside carrying out negotiations to acquire third party property interests by agreement if possible.

If the council formally makes and publishes a CPO, it will include:

- an Order, which sets out the purpose of the CPO
- an Order Schedule, which sets out the details of the land and rights the council wishes to acquire
- an Order Map, which shows the land and rights the council wishes to acquire
- and the Statement of Reasons which would set out the council's reasoning for making the CPO

From the date the council publishes a CPO, any affected or interested party has a minimum of 21 days to make an objection to the CPO. Objections made by affected parties may result in a public inquiry.

At a public inquiry, an independent planning inspector would then consider the case for making the CPO, hearing from both the council and from any objectors to the CPO. Either a planning inspector or Secretary of State would then make a decision whether to confirm (approve) the CPO, confirm the CPO with modifications or refuse the CPO.

If the CPO is confirmed the council would then need to publish notice of its confirmation and there would be a six-week judicial review period. After confirmation of the CPO, the Council would be able to serve notice to compulsorily acquire the land or rights, giving at least three months' notice to any affected parties.

Throughout the CPO process the council is required to continue negotiations to acquire third party property interests. Compensation would be paid for acquisition of any property and rights, in accordance with the statutory compensation code, to parties from whom land, property and interests are being acquired. Further information on compensation is set out at section 5 below.

### **4. Will I be able to object to a CPO?**

Yes. Once the council has made a CPO you will have at least 21 days to submit an objection. If your property interest is included within the Order Schedule, you are known as a qualifying objector. This gives you the right to object to a CPO, but your objection must be received by the council within 21 days of the CPO being made.

If you do not appear on the Order Schedule, you are unlikely to be a qualifying objector and while you can still object this will carry less weight.

## 5. How much will the Council buy my interest for and will I be entitled to wider compensation?

You may be entitled to financial compensation if your property interest is included within a CPO. The extent of compensation depends on the type of property interest you hold and the impact of the scheme on your property interest.

Compensation will be paid based on the principle that the owner should be paid neither less nor more than their loss, in accordance with the statute and case law which govern compulsory purchase compensation. Compensation would usually include financial compensation to cover the following:

- Value of the interest in the land taken which is usually market value
- Disturbance payments for losses caused by reason of losing possession of the land and other losses not directly based on the value of land.
- Statutory loss payments for the distress and inconvenience of being required to sell and/or relocate from your property at a time not of your choosing.
- Reimbursement of reasonable professional fees.

## 6. How will the council support my business and help me find a property to relocate to?

The council understands that it can be unsettling and stressful for businesses potentially subject to a CPO and wants to support local businesses as far as possible. The council has prepared a Business Charter which sets out the support it will provide. This can be viewed at the link below. The council is continuing to review and update the Business Charter as the schemes progress and as more information becomes available from affected businesses through negotiations.

Willenhall Phase 1 Business Charter:

<https://go.walsall.gov.uk/sites/default/files/2022-09/Appendix%20D%20Draft%20Business%20Charter.pdf>

The council also has a dedicated Business Growth Manager who is available to discuss the impact of the CPO on your business and the support that the council may be able to provide:

**Daniel Turner**

**Business Growth Manager**

Email: [Daniel.Turner@walsall.gov.uk](mailto:Daniel.Turner@walsall.gov.uk)

Mobile: 07584443838

Website: <https://go.walsall.gov.uk/business/support-your-business/growing-your-business>

## 7. Where can I get more information about the CPO process?

National Government provides guidance on CPO in a number of documents. These include:

The Department for Levelling Up, Housing & Communities' (DLUHC) *Guidance on Compulsory Purchase Process and The Crichton Down Rules, 2019*. This provides a full explanation of the CPO process and the council would follow the process set out in this document in making any CPO:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/964686/CPO\\_guidance\\_-\\_with\\_2019\\_update.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/964686/CPO_guidance_-_with_2019_update.pdf)

The government's 2021 guidance on *Compulsory purchase and compensation: guide 1 – procedure*. This explains why compulsory purchase orders are made and what people's rights are to challenge them:

<https://www.gov.uk/guidance/compulsory-purchase-and-compensation-guide-1-procedure>

The government's 2021 guidance on *Compulsory purchase and compensation: guide 2 – compensation to business owners and occupiers*. This provides guidance about compensation to owners and occupiers of business premises:

<https://www.gov.uk/guidance/compulsory-purchase-and-compensation-guide-2-compensation-to-business-owners-and-occupiers>

The government's 2021 guidance on *Compulsory purchase and compensation: guide 4 – compensation to residential owners and occupiers*. This provides guidance about compensation to owners and occupiers of residential properties:

<https://www.gov.uk/guidance/compulsory-purchase-and-compensation-guide-4-compensation-to-residential-owners-and-occupiers>

The Royal Institution of Chartered Surveyors' (RICS) professional statement on *Surveyors advising in respect of compulsory purchase and statutory compensation, 2017*. This sets out the guidelines in which RICS members must act in accordance with when advising on CPO:

<https://www.rics.org/globalassets/rics-website/media/upholding-professional-standards/sector-standards/land/surveyors-advising-in-respect-of-compulsory-purchase-and-statutory-compensation-1st-edition-rics.pdf>

## **8. Is Walsall Council intending to make CPOs to enable redevelopment in Willenhall?**

The council is considering the use of its compulsory purchase powers to assist in the delivery of the Willenhall Framework Plan and ensure that its objectives can be delivered. The council is first progressing with Phase 1 of the Willenhall Framework Plan and further information is set out below.

## **9. What is the Willenhall Framework Plan?**

The Willenhall Framework Plan aims to deliver around 500 high quality homes throughout Willenhall over the next ten years, enhancing the town and acting as a catalyst for further growth.

The framework has identified four areas of opportunity within which the council wish to redevelop. These are:

- Moat Street / Villiers Street
- Pinson Road
- Station Gateway – sites near the proposed new Train Station (please see Framework Plan – link below)
- North Willenhall – sites around Temple Bar and Wednesfield Road (please see Framework Plan – link below)

Due to the scale of the plan, a phased programme has been agreed with Phase 1 coming forward first which intends to redevelop the Moat Street/Villiers Street area.

More information about the framework plan and schemes can be found at:

<https://go.walsall.gov.uk/business/regeneration-and-investment/willenhall-framework>

## **10. Has the council made a CPO for Phase 1?**

The council is seeking to acquire all the required third-party property interests by negotiation, to enable Phase 1 of the Willenhall Framework Plan to be delivered. Negotiations began in March 2021 when the council and its advisors sought to make contact with everyone identified as having a property interest affected in Phase 1 of the scheme. A number of letters have already been sent to those affected providing information about the scheme and advising that the council would like to acquire the property, there have been site visits, door knocks and meetings have taken place already. If you think you are affected and have not received the correspondence sent to date please contact:

Alison Squires  
Director  
Avison Young  
St Catherine's Court  
Berkeley Place  
Bristol  
BS8 1BQ

Email: [alison.squires@avisonyoung.com](mailto:alison.squires@avisonyoung.com)

Mobile: 0777 499 5686

The council has not yet made a CPO and you will be notified if it does. To date the council has obtained approval from its cabinet in February 2022 to bring forward the Willenhall Framework Plan including the following key recommendations in relation to the proposed CPOs:

- Endorse the Willenhall Framework Plan
- Commence the compulsory purchase preparatory works for the Moat Street/Villiers Street site (Phase 1) and to agree to in principle use of its compulsorily purchase powers if required
- Appoint land referencing agents to identify all owners, tenants, occupiers and others with a legal interest in the Moat Street/Villiers Street site (Phase 1)
- Make reasonable attempts to acquire land interests by agreement in the Moat Street/Villiers Street site (Phase 1)
- Endorse the draft Business Charter

For further information, the cabinet report can be viewed at item 11 on:

<https://cmispublic.walsall.gov.uk/cmisis/Meetings/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/3349/Committee/434/Default.aspx>

Negotiations to acquire third party interests are continuing and if agreement cannot be reached to acquire all the necessary interest, the council intends to return to its cabinet for approval to make a CPO in 2023.

## **11. What are the timescales for Phase 1?**

The council's proposed indicative timetable for the delivery of Phase 1 is as follows.

- Outline planning application to be submitted early 2023
- If required, seek cabinet authority to make a CPO summer 2023
- Make the CPO summer 2023
- If required, a CPO inquiry expected winter 2023/spring 2024.

Whilst the council is able to acquire your property now to provide certainty, it can confirm that it does not require acquisition before spring 2024.

## **12. When will the council buy my property and when will I need to vacate my property?**

The council has the funds to buy your property now and if agreement can be reached is able to purchase your property as soon as possible. It will also consider purchasing your property at a later date closer to the proposed construction start date and would be happy to discuss this further with you.

### **13. Who do I contact to discuss selling my property and to find out more about the project and potential CPO?**

Please contact the council's property consultants, Avison Young, who lead on negotiations to acquire third party property interests on behalf of the council.

**Alison Squires**

**Director**

Avison Young

St Catherine's Court

Berkeley Place

Bristol

BS8 1BQ

Email: [alison.squires@avisonyoung.com](mailto:alison.squires@avisonyoung.com)

Mobile: 0777 499 5686

If you would like to discuss directly with the council, please contact:

**Kauser Agha**

**Regeneration Officer**

Email: [Kauser.Agha@walsall.gov.uk](mailto:Kauser.Agha@walsall.gov.uk)

Telephone: 01922 654498

### **14. Can I appoint my own surveyor to provide me with advice?**

Affected parties may find it useful to seek professional advice and/or representation from a chartered surveyor who specialises in compulsory purchase to ensure that they fully understand the CPO process and for the surveyor to either lead or assist them with negotiations with the council/the council's consultants.

The council has already written to everyone identified within Phase 1 (the site at Moat Street/Villiers Street) and has offered to reimburse reasonably incurred surveyor fees. Please contact the council's property consultants directly to discuss this further if you would like to appoint a surveyor:

**Alison Squires**

**Director**

Avison Young

St Catherine's Court

Berkeley Place

Bristol

BS8 1BQ

Email: [alison.squires@avisonyoung.com](mailto:alison.squires@avisonyoung.com)

Mobile: 0777 499 5686

You can also search the Royal Institution of Chartered Surveyor's (RICS) website for firms at:

<https://www.ricsfirms.com/helplines/compulsory-purchase/>

The RICS also offers a free telephone helpline (02476 868 555) which will connect you with someone to provide a 30-minute consultation.