



**Executive**  
10<sup>th</sup> April 2006

**Report from the Director of  
Children and Families**

For Action

Wards Affected:  
ALL

**Compulsory Purchase of land at Dollis Hill Industrial Estate,  
Brook Road, London NW2**

Forward Plan Ref: C&F05/06-044

**1.0 Summary**

- 1.1 This report seeks authorisation for the Council to exercise its statutory powers under the Education Act 1996 and section 226 of the Town and Country Planning Act 1990 for the compulsory purchase of land.

**2.0 Recommendations**

- 2.1 The Executive approves the making of a Compulsory Purchase Order (CPO) to acquire (save those already owned by the Council) all of the interests and rights in land at Dollis Hill Industrial Estate Brook Road London NW2 which is edged by a thick plan line on the plan attached to this report at Appendix 1 ("the CPO Land") firstly (in respect of the land shown hatched) under Section 530 (1) Education Act 1996 for the purposes of the John Kelly Community Schools which are to be maintained by the Council and secondly in respect of the remainder of the land under Section 226 of the Town & Country Planning Act 1990.
- 2.2 The Executive authorises the submission of the CPO, once made, to the Secretary of State for confirmation;

## 2.3 The Executive authorises the :

- 2.3.1 Director of Children and Families to enter into agreements and make undertakings on behalf of the Council with the holders of interests in the CPO Land or parties otherwise affected by the Scheme setting out the terms for the withdrawal of their objections to the confirmation of the CPO and including the offering back of any part of the Order Land not required by the Council after the completion of the development or the acquisition of rights over the CPO Land in place of freehold acquisition, where such agreements are appropriate;
- 2.3.2 Making of one or more general vesting declarations or service of Notices to Treat and Notices of Entry (as appropriate) pursuant to the Compulsory Purchase (Vesting Declarations) Act 1981 and the Compulsory Purchase Act 1965 respectively should the CPO be confirmed by the Secretary of State;
- 2.3.3 Service of all requisite notices on the holders of the CPO Land relating to the making and confirmation of the CPO;
- 2.3.4 Director of Children and Families to remove from the CPO any plot (or interest therein) no longer required to be acquired compulsorily for the scheme to proceed and to amend the interests scheduled in the CPO (if so advised) and to alter the nature of the proposed acquisition from an acquisition of existing property interests to an acquisition of new rights (if so advised);
- 2.3.5 Director of Children and Families within the defined boundary of the CPO Land, to acquire land and/or new rights by agreement either in advance of the confirmation of compulsory purchase powers, if so advised, or following the confirmation of compulsory powers by the Secretary of State;

2.4 The Executive authorises the Borough Solicitor to instruct Counsel and experts to represent the Council and provide evidence at any inquiry into the confirmation of the CPO if necessary.

2.5 The Executive authorises the Director of Children and Families, if so advised, to seek to acquire for the Council by agreement any interest in land wholly or partly within the limits of the CPO Land for which a blight notice has been validly served.

## 3.0 Detail

3.1 Both John Kelly Boys and Girls Schools are in need of rebuilding for three main reasons. Suitability assessments, under the Asset Management Plan (AMP) guidelines reveal that the schools a poor suitability grading (see paragraph 3.7) ; the AMP logs the condition of the buildings generally poor. The Schools face a shortage of school places as the capacity is insufficient to

accommodate the numbers of pupils on roll (see paragraph 3.3). In addition, the Council is projecting a shortfall of up to the equivalent of 14 Forms of Entry in the secondary school sector by 2014. The Council considers that the John Kelly Schools will play a major role in enabling the Council to expand the supply of school places within its area, by expanding by 1FE, in the context of plans to expand secondary provision elsewhere in the Borough. The net result of the information considered is that the schools would need to be rebuilt as otherwise, given the site constraints particularly, the inadequacies could not be addressed.

- 3.2 The site is deficient in a number of respects – size, configuration, access and slope.
- 3.3 The total site area is 36,030m<sup>2</sup>(John Kelly Boys: 17,850m<sup>2</sup>; John Kelly Girls : 18,180m<sup>2</sup>). The schools have a combined pupil capacity of 1556 pupils (Numbers of Pupils on roll (NOR) = 1608). The DfES (Department for Education and Skills) Area Guidelines (although non-statutory) produce a range target figures for overall site areas for secondary schools to allow for variation in the shape and contours of the site and in the size of the building complex. The guideline area for 1556 pupils ranges from 101,136m<sup>2</sup> (lower limit) to 109,360m<sup>2</sup> (upper limit). The existing site is therefore 64% below the lower recommended limit, and 67% below the upper limit.

#### **The Site – Impact on Provision**

- 3.4 The limited site area impacts on the provision of outdoor recreational and PE space for the pupils. This limited area is compounded by the inefficient lay out and number of school buildings. The recommended total outdoor PE spaces (that is sports pitches and hard surfaced games courts) is 68,376m<sup>2</sup>. The recommended playing field area (everything except the building footprint and access) is 78,906m<sup>2</sup>. On site both schools outdoor PE spaces are limited to hard courts which impacts on standards and the extent to which pupils get involved in activities which use grass pitches. The Boys School has to use the local park for games lessons and all fixtures with other schools must take place away from the college. OfSTED notes that the accommodation for PE at the Boys' School is unsatisfactory 'The gymnasium is barely adequate....there is a total lack of outdoor facilities for football, rugby, cricket and athletics. This has a negative effect on pupils' attainment and progress'.
- 3.5 It is the case that a number of schools in the London area have site areas below the guidelines and it is acknowledged by the DfES that 'where available land is limited the disadvantages of a restricted site need to be weighed against the merits of a particular location. If a site below recommended range then shortage can be offset to some extent by the provision of more hard surfaced area,' and the lack of team playing fields can be offset against synthetic surfaces/sports hall provision/off site provision.
- 3.6 The situation is however particularly difficult at these two schools and the opportunity to offset the deficient provision most limited. The site is long and linear and on a steep slope which does not lend itself to the provision of suitable hard surfaced recreational areas. Significant areas of the site are

unusable in this respect. In addition the restricted, single vehicular access means valuable land is given over to both vehicular and pedestrian access routes to the many independent buildings on the site. Although the teaching accommodation is housed in teaching blocks up to four storeys a number of single storey buildings eat into the restricted site area.

### **The Buildings : Suitability Considerations**

- 3.7 The existing school buildings are unsuitable in a number of respects. They require a high level of investment to bring them up to an acceptable standard in terms of condition and suitability for purpose. A recent assessment has been carried out on the secondary schools in the borough under the 'Building Schools for the Future' government initiative. Under that initiative both of these schools have been identified as a priority for a complete rebuild. An imaginative rebuild on the existing site will enable better use to be made of the deficient site but it will still be well below DfES standards and will not be able to meet the growing demand for secondary school places in the area (see below). Additional land would address the shortage of outside space and enable the potential for the schools to remain on the existing site whilst a phased new build takes place. It is not considered viable to achieve this rebuild without the additional land, given the unavailability of alternative temporary sites in the area.

### **Other Site constraints**

- 3.8 The existing site is extremely constrained with regards to redevelopment –
- a) It is not possible to build or replace the school buildings without decanting to another site (none has been identified as yet upto the time of drafting this report) or extending the site. The disruption factor is enormous to the children's education.
  - b) The site profile means that the changes of level restrain the development of the schools.
  - c) The site is well below the requirements for area for the schools. This includes informal and formal play space.
  - d) The schools are 50% accommodated in temporary accommodation already. There is limited space for more mobiles to be located on the site.
  - e) The site requires more than one access point for pupils' access. The existing access does not allow for adequate access to the school including pedestrian access.
  - f) The loss of the adjacent land – either for redevelopment by the Owners or sale to another party is likely to prohibit any redevelopment of the John Kelly Schools. This is confirmed by studies carried out by design consultants with substantial quality experience of school building design;

- g) The availability of the adjacent land will avoid the need for the expensive costs of the provision of temporary mobiles on the site. The option of the additional land for the redevelopment of the John Kelly Schools seems to be the best solution in terms of value for money for the Authority.

- 3.9 The Council's Planning Committee resolved on 3<sup>rd</sup> March 2005 to grant outline planning permission to redevelop the John Kelly School Brook Road London NW2. The decision Notice granting permission was issued on March 17<sup>th</sup> 2005. The outline planning permission permits a mixed use development re-providing education and B1, B2 & B8 uses; new school building for JKTCs, consisting of a central shared admin/sixth form block and separate wings for the girls' and boys' school, remodelling of car-parking and means of access to site, new business units, comprising D1, B1, B2 & B8 uses, to Dollis Hill industrial Estate, including alterations to car parking (matters determined: siting and access)] ("the Scheme"). The outline planning permission is valid for three years.
- 3.10 The report to the Planning Committee explained that part of the CPO land required for the construction of the new school, currently contains employment floor space which will be lost by virtue of the redevelopment of the school. Accordingly it is proposed to refurbish Churchill House and to erect new "incubation units" in order to compensate for the employment floor space lost. In addition the incubation units would facilitate vocational and training including work placements for sixth form pupils of John Kelly Technology schools. In order to ensure that the employment floor space is reprovided in this way, is also necessary to acquire the land of which Churchill House is situated and upon which the new incubation units would be constructed. This is shown un-hatched on the plan attached to this report. The Council has the power under section 226 of the Town and Country Planning Act to compulsorily acquire any land if it thinks that the acquisition will facilitate the carrying out of development, redevelopment or improvement in relation to the land. It is accordingly considered that the un-hatched land can be acquired under this power.
- 3.11 The CPO Land is owned freehold by Mulgate Investments Limited and it is mortgaged to National Westminster Bank Plc.
- 3.12 Mulgate Investments applied for planning permissions to develop the CPO Land on [24<sup>th</sup> March 2004 and 5<sup>th</sup> January 2006. The Council refused the planning applications for various reasons including that the grant of the permissions would prejudice the redevelopment of John Kelly School and Mulgate Investments appealed to the Secretary of State. The planning appeal is due to be heard on 13<sup>th</sup> June 2006 for 6 days.
- 3.13 The government circular recommends that the acquiring authority should attempt to purchase land by negotiation wherever practicable before making a CPO. While it makes it clear that the CPO should be a last resort it also encourages acquiring authorities to initiate formal CPO procedures in parallel with negotiations in order to facilitate those negotiations. In this case though there is not currently considered to be any realistic prospect of agreeing voluntary acquisition of the land as the freehold owners appear to be intent on

pursuing their planning appeal (as referred to in the para above). If it is possible to pursue negotiations for voluntary acquisition at a later stage, officers will pursue this.

- 3.14 In summary the acquisition of the CPO Land is critical to the implementation of the proposed John Kelly school extension.

### **Justifications for the Compulsory Purchase Order**

- 3.15 Circular 06/2004 issued by the Deputy Prime Minister provides that an acquiring authority should only make a Compulsory Purchase Order where there is a compelling case in the public interest to do so.
- 3.16 **The CPO is being made because there is a compelling case in the public interest for the reasons set out in Para 4. This sufficiently justifies interfering with the human rights of those with an interest in the land having regard in particular to the provisions of Article 1 of the First Protocol to the European Convention on Human Rights.** The Circular also states that the acquiring authority must be able to justify the CPO and there are no impediments to the Scheme as set out in this report.
- 3.17 The Circular also states that the acquiring authority must be able to show that there is a reasonable prospect of the Scheme being implemented and that there are no particular impediments being carried out.
- 3.18 So far as the planning position is concerned, outline planning permission was issued by the Council on 17 March 2005 for the Scheme. There is therefore, no impediment to the Scheme proceeding by virtue of planning issues.
- 3.19 So far as funding for the acquisition of the land itself is concerned, at its meeting on the 6<sup>th</sup> of March Full Council approved the provision of funds considered by officers to be sufficient for compulsory purchase of the site. These are contained within an overall £70 million four year capital programme for Children and Families Department.

### **Funding the New Build of John Kelly Schools**

- 3.20 Turning to the question of funding for the rebuilding of the school itself, Executive will note that the Department for Education and Skills (DfES) have made a commitment in 2003 (re-stated in each of the successive years) to a programme for investing in Secondary Schools - Building Schools for the Future (BSF) - nationally over a 15 year period, with an estimated £2.3bn a year. The aim of the programme is to ensure that all secondary schools at a national level are modernised and that in particular 50% of the national stock is re-built, 35% undergoes a combined programme of remodelling and major refurbishment and 15% benefits from minor works and refurbishment. Documents publicly available confirming the Government's commitments to the programme include "BSF : Consultation on a New Approach to Capital Funding (2003)", "BSF : A New Approach to Capital Funding (2004)"; "Schools Capital : Investment for All (2004)". The Chancellor has just announced in the Budget 2006 further increases in the Schools Capital Budget through to 2011.

- 3.21 In order to secure the benefits for local communities, the Government have set up procurement vehicles - Local Education Partnerships (local delivery vehicles to be set up where appropriate) and a new national body Partnership for Schools to help the government deliver the programme. .
- 3.22 Three phases of investment have been announced - Waves 1, 2 and 3. The Chancellor's Budget 2006 paves the way for the announcement of waves 4 to 6. . Brent Council is in Waves 7-9, which will see funding released for investment from 2010/11, subject to the outcomes of the Government's Comprehensive Spending Review in 2009. The funding will be released to Local Authorities for them to prioritise investment broadly in line with their Expression of Interest.
- 3.23 Brent has 19 schools with secondary pupils in them. They include 14 mainstream secondary schools, three special education schools, and two Pupil Referral Units. Brent Council's Expression of Interest (EoI) included for five newbuild schools, eight schools to undergo remodelling and major refurbishment and three to benefit from minor refurbishment. Three of Brent's Secondary Schools were to receive no BSF investment as they are either new (JFS and Capital City Academy) or they have a well advanced partnership arrangement with the private sector for the rebuilding of their school (Copland Community School).
- 3.24 In its EoI, Brent indicated John Kelly Schools (Boys and Girls) as a 100% rebuild to be prioritised in the first year of BSF investment in Brent. This is driven by information on the condition of the building, its suitability and the sufficiency of school places in the local area.
- 3.25 It is in this context therefore that the Directors of Children and Families and Finance and Corporate Resources base their confidence that the Capital resources will be available from the national BSF programme to enable the rebuilding of John Kelly Boys and Girls Schools, provided the land required, and referred to in this report, is secured in advance.
- 3.26 Provided the CPO land is secured, it is considered that there are no physical impediments to the School proceeding since there would be sufficient land for construction of the new school.

### **Risk Options Associated with the Funding for the Newbuild of John Kelly Schools**

- 3.27 There are three possible risk scenarios facing the Council in respect of BSF. In the first scenario, BSF funding comes on stream in line with all Government announcements and it is sufficient to build the new John Kelly Schools buildings; in the second scenario, BSF is cancelled by Government in the future for any reason, – in this instance the Council will still be able to review its Capital allocations for Children and Families and consider the funding of John Kelly School buildings in the context of other competing priorities; in the third scenario, in addition to there being no BSF funding release, the Council

is unable to prioritise the John Kelly Schools new build sufficiently against other competing priorities.

- 3.28 Against the three risk scenarios, the Council needs to consider the impact on the future buildability of the schools of a decision not to proceed with the acquisition of the proposed parcel of land.

#### **4.0 Financial Implications**

- 4.1 Full Council on 6<sup>th</sup> March 2006 agreed as part of the overall Capital Programme for 2006-2010, that resources be allocated for the purchase of the land. There are significant risks that the amount allocated may not be sufficient, if the CPO route is followed.

- (a) The Valuation of the land may be higher than anticipated
- (b) There may be additional costs covering blight, injurious affection, costs of the tribunal and officer and consultant fees.
- (c) If the Council loses the appeal in June 2006, the land valuation (currently based on its existing use) may alter.

- 4.2 Similar risks exist if a negotiated settlement is sought, but the Council could review its position in light of the financial position before a final commitment is made.

- 4.3 If the available resources were exceeded, this would need to be contained within the overall resources allocated to the Childrens and Families Department in the Capital Programme.

- 4.4 There is also risk that the Building Schools for the Future (BSF) funding is withdrawn, is insufficient to meet the required construction costs or payment is delayed. This will need to be monitored closely to ensure that the Council is not holding a land asset which is not being effectively utilised.

#### **5.0 Legal Implications**

- 5.1 The Council has power on being authorised by the Secretary of State to make a compulsory purchase order under S. 530 (1) Education Act 1996 if land is required for the purposes of any school or institution which is or is to be maintained by the Council or which they have power to assist or otherwise required for the purposes of their functions under the Act.

- 5.2 Compulsory purchase orders must only be made if the Council is satisfied that there is a compelling public interest to do so. Para. 17 of Part 1 of the Memorandum to ODPM Circular 06/04 states:

*“A compulsory purchase order should only be made where there is a compelling case in the public interest. An acquiring authority should be sure that the purposes for which it is making a compulsory purchase order sufficiently justify interfering with the human rights of those with an interest in the land affected. Regard should be had, in particular, to the provisions of Article 1 of the First Protocol to the European*



*Convention on Human Rights and, in the case of a dwelling, Article 8 of the Convention.”*

- 5.3 For the reasons set out in Para 1 of this report, it is considered that there is such a compelling case and that the public interest requires that the order be made in order to carry through the necessary redevelopment of the CPO Land.
- 5.4 Further, in making the order there should be no impediments to its eventual implementation. Para's 22 and 23 of Part 1 of the Memorandum to ODPM Circular 06/04 advise (in part):
- “22. In demonstrating that there is a reasonable prospect of the scheme going ahead, the acquiring authority will also need to be able to show that it is unlikely to be blocked by any impediments to implementation. In addition to potential financial impediments, physical and legal factors need to be taken into account. These include the programming of any infrastructure accommodation works or remedial work which may be required, and any need for planning permission or other consent or license.*
- Where planning permission will be required for the scheme, and has not been granted, there should be no obvious reason why it might be withheld...”*
- 5.5 Again, for reasons set out in section 4 of this report, officers consider that there is a reasonable prospect of the Scheme going ahead, outline planning permission has been granted for it and there are unlikely to be any impediments to implementation.
- 5.6 The acquisition procedure is governed by the Acquisition of Land Act 1981, the Compulsory Purchase of Land Regulations 2004 and the Compulsory Purchase of Land (Vesting Declarations) Regulations 1990.
- 5.7 The CPO must be advertised locally and copies served on any owners, lessees, tenants (whatever the tenancy period), occupiers, all persons interested in, or having power to sell and convey or release, the land subject to the CPO. In addition the CPO must be served on persons whose land is not acquired under the CPO but nevertheless may have a claim for injurious affection under Section 10 of the Compulsory Purchase Act 1965, such as owners of rights of access to and from the public highway, easements and covenants that are affected by the CPO. Officers are currently preparing a detailed Statement of Reasons setting out the justification for compulsory acquisition. This statement will cover all the issues set out in this Report.
- 5.8 If any duly made objections are not withdrawn, the Secretary of State must hold an Inquiry and consider the conclusions and recommendations of the Inspector before confirming the Order.
- 5.9 Before and during the compulsory acquisition process, the Council is expected to continue the process of seeking to acquire the properties sought by negotiation and private agreement: see Part 1 of the Memorandum to

Circular 06/04 paras. 24 and 25. Para. 25 notes that “undertaking informal negotiations in parallel with making preparations for a compulsory purchase order can help to build up a good working relationship with those whose interests are affected by showing that the authority is willing to be open and to treat their concerns with respect...”.

- 5.10 Any dispute as to the amount of compensation to be paid is referred to the Lands Tribunal for determination. A facility also exists for owners to obtain a certificate of appropriate alternative development to determine alternative planning uses for any property the subject of a CPO to assist with the determination of compensation whether or not the matter is referred to the Lands Tribunal to agree.

## **6.0 Human Rights**

- 6.1 The Convention Rights applicable to the making of the Order are Articles, 6 and 8 and Articles 1 of the First Protocol. The position is summarised in para. 17 of Part 1 of the Memorandum to ODPM Circular 06/04.

- 6.2 Article 6 provides that:

*“In determining his civil rights and obligations...everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law”*

- 6.3 The proposals have been extensively publicised, consultation has taken place with communities that will be effected by the Order.

- 6.4 All those affected by the Orders will be informed and will have the right to make representations to the Secretary of State and to be heard at a Public Inquiry. Those directly affected by the Order will also be entitled to compensation proportionate to any losses that they may incur as a result of the acquisition.

- 6.5 Article 8 states that:

*“Everyone has the right to respect for his private and family life, his home and his correspondence....interference is justified however, if it is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well being of the country, for its prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedom of others.”*

- 6.6 Article 1 of the First Protocol states that:

*“Every natural or legal person is entitled to peaceful enjoyment of his possessions” and “(n)o one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by the law and by the general principles of international law....”*

- 6.7 Whilst occupiers and owners will be deprived of their property if the Order is confirmed, this will be done in accordance with the law. It is being done in the public interest as required by Article 8 and Article 1 of the First Protocol. The reasons for this are set out in Sections 8.4 and 8.6 of this Report.
- 6.8 Members need to ensure that there is a reasonable prospect of the Scheme underpinning the CPO proceeding. Relevant to this consideration are the financial resources to implement the Scheme. This has been addressed in section 4 above.
- 6.9 The consequences of abandoning a confirmed CPO depends on:
- (a) whether a notice to treat or entry has been served on the owner of the land or not; and
  - (b) whether the Council has entered the land following the service of the notice or made a General Vesting Declaration in respect of the land. The position regarding blight is contained in Appendix 1 attached to this report.
- 6.10 Where notice to treat and entry have been served, and then not acted upon, the Council is under an obligation to inform the owner of the withdrawal of the notices or expiry as the case may be (as notice to treat has a life span of three years from date of service) and will be liable to pay compensation to the owner for all losses and expenses occasioned to him by the giving of the notice and its ceasing to have effect. The amount of compensation shall in default of agreement be assessed by the Land's Tribunal. Interest is payable on the Compensation.
- 6.11 It is too late for the Council to abandon the CPO where the Council has entered on the land following notices to treat and entry. The Council is obliged to pay compensation to the owner in this situation. The level of compensation payable is determined in accordance with Section 5 Land Compensation Act 1961. This basically provides that the Council must pay the market value for the property or if special property the cost of equivalent reinstatement elsewhere. In addition to this the Claimant is entitled to compensation for disturbance and if applicable severance and injurious affection. This also applies where the Council has acquired the land following a General Vesting Declaration.

## **7.0 Staffing Implications**

- 7.1 The CPO will be progressed by the Council's Borough Solicitor. Assistance may be required at the appropriate time from various elements of the Council's departments, principally the Education Services and Property and Asset Management.

## **8.0 Environmental Implications**

- 8.1 Planning permission for the proposed development to be achieved though the CPO has been granted and the environmental implications were considered by the Planning Committee.

## **9.0 Diversity Implications**

- 9.1 The accommodation currently available for pupils is in very poor condition. The school draws its school population from a diverse community with 31.9% of pupils at John Kelly Boys and 34.6% of pupils at John Kelly Girls from Asian backgrounds and 34.91% of pupils at John Kelly Boys and 34.98% of pupils at John Kelly Girls from African-Caribbean backgrounds.
- 9.2 37.8% of pupils at John Kelly Boys and 41.1% of pupils at John Kelly Girls receive free school meals and 78.5% of pupils at John Kelly Boys and 72.2% of pupils at John Kelly Girls have an incidence of additional needs as measured by EAL (English as an Additional Language).
- 9.3 The school results are 52% for pupils at John Kelly Boys and 36% for pupils at John Kelly Girls as measured by 5 A\*-C GCSE results.
- 9.4 The new build and expansion will make a significant contribution to the ability of both schools to contribute to the Council's agenda for raising achievement and standards in education.

## **10.0 Conclusion**

- 10.1 Your officers believe there is a compelling case in the public interest for compulsory purchase powers to acquire the lands required for the Scheme.
- 10.2 The Scheme cannot proceed without the acquisition of the CPO Land. It is therefore recommended that CPO powers are exercised in case voluntary acquisition is unsuccessful . The Council has the resources to allow the Scheme to proceed within a reasonable timescale.

### **Background Papers**

- i) Replacement UDP
- ii) Planning Permission for John Kelly Schools

### **Contact Officers**

Nitin Parshotam, Chesterfield House, 9 Park Lane, Wembley Middlesex HA9 7RW. Tel: 020 8 937 3080 Fax: 020 8 937 3093. Email: nitin.parshotam@brent.gov.uk

John Christie  
Director of Children & Families

## APPENDIX 1

### *Blight*

1. Statutory blight notices may be served pursuant to the relevant provisions of the Town and Country Planning Act 1990 by business owners of the land if they are owner occupiers of a property and are unable to dispose of a property as a result of the effect of certain development and infrastructure proposals. The rateable value of the blighted property must be less than a fixed "annual value" as is explained below. In these circumstances notices may be served by owners to require a council to acquire their interest in the subject property at a price consistent with the unblighted value of the property.
2. A person may serve a blight notice if they are the holder of a qualifying interest in blighted land. A qualifying interest means that the annual value of the land is below £29,200 per annum and the interest is that of an owner-occupier on the relevant date. The relevant date is the date of service of a Blight Notice on the Council. The claimant must have made reasonable endeavours to sell his interest and as a result of the blighting he has been unable so to do except for at a price substantially lower than which it might have been reasonably expected to have been sold for if it was not so blighted.
3. The relevant circumstances in which land becomes blighted include where highway proposals for the construction improvement or alteration of a highway are approved by a resolution of the Council. Blight Notices are most likely to be served from the date the order is submitted to the Secretary of State for confirmation.
4. The Council will be able to tell from requisitions served on the interested parties more about individual occupation arrangements for the properties although at the moment such information is not complete. It is, however, possible to assess the current (2000) rating.