

Rowner Renewal
Enquiry Line:

**08450
343317**



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Rowner Reassurance

The Partnership answers your questions

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Compulsory Purchase Process

**Supported by The Rowner Renewal
Partnership members:**

First Wessex
Gosport Borough Council
Hampshire County Council
Homes and Communities Agency
and Taylor Wimpey Developments Ltd

www.rownerrenewal.com

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the Rowner Renewal Project

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Disclaimer

The information below is to provide a general explanation of the compulsory purchase process. None of the answers below are intended to constitute legal or professional advice.

The law and procedures relating to compulsory purchase are complex and of a technical nature. The information set out in this document is a simple summary and is not intended to cover every possible circumstance. This document is not a guide to the law and it has no legal force. If your property is affected you should consider seeking legal advice from a professionally qualified person.

Compulsory Purchase Order powers

Since the launch of the Rowner Renewal Project on 11 October 2007, the Rowner Renewal Partnership members have met residents and community groups in Rowner and explained the need for a Compulsory Purchase Order for a regeneration project of this size.

Gosport Borough Council applied for a Compulsory Purchase Order for the area of regeneration in September 2010 and the Inquiry open to the public for this was held in March 2011. The Secretary of State has now confirmed the Compulsory Purchase Order for the Rowner Renewal project.

Questions about Compulsory Purchase Order

1. What does this mean for home owners still on the estate in the regeneration area?

Now that the Compulsory Purchase Order has been confirmed, Gosport Borough Council is authorised to compulsorily purchase and take possession of the remaining properties and land under private ownership in the regeneration area.

All affected owners have now received a letter with this leaflet. Please do telephone the Rowner Enquiry line on **08450 343317** if you have any personal concerns or would like further information.

2. Am I going to lose my home?

Now that Gosport Borough Council has CPO powers, you will have to sell your home to them or, if you prefer, First Wessex. This is to ensure that the council has vacant possession of all property and land to enable the project to complete. The Council can now require the sale of your home.

3. When will I be expected to move out?

The process is likely to take two to three months if your property is in Phase 2 of the regeneration area. If your property is in a later phase it is likely to be for a longer period. First Wessex and the Council will keep you fully informed during this process and will arrange a moving date with

you. If you are worried please call our Enquiry Line now for personalised information concerning your property. **Call 08450 343317.**

In due course, you will receive formal notices which will explain how this process will work. If you own your property or you have a lease for over a year your interest may be acquired by a General Vesting Declaration. **See page 6.**

This means it will be automatically transferred to Gosport Borough Council on a date you will be advised. We will then make arrangements for you to move. If your interest is for a shorter term Gosport Borough Council will, in due course, serve you with a notice to treat and notice of entry and advise you of the date when we will need to take possession. Gosport Borough Council may also use this procedure for other interests as we have not decided how many GVDs will be made and what they will include.

5. Can I set the date for First Wessex/Gosport Borough Council to take possession of my home, can it be on a date to suit me, but prior to the latest date that First Wessex/Gosport Borough Council need?

First Wessex or Gosport Borough Council will be as flexible as they can be up to the point when vacant possession of an area is required.



Questions about compensation

1. Will I receive home loss compensation and disturbance costs?

If you are an owner-occupier, under a CPO, you are entitled to receive home loss compensation and disturbance costs. A leaflet setting out your rights is entitled *Having to Move?* and can be downloaded from our website www.rownerrenewal.com

If you are a property owner you will be paid market value for your interest which is acquired. You are also entitled to have your reasonable costs reimbursed for disturbance and other related expenses and you may be entitled to a home or basic loss payment.

If you have an assured tenancy you will be entitled to a home loss and disturbance payment and if a private tenant you will be entitled to your removal costs.

More information about Home Loss payments can be found at www.communities.gov.uk/publications

2. What is it I need to do in order to prove I am entitled to compensation?

You should keep a record of all expenditure you consider has been caused by the CPO which is incurred either before or after we take possession. You will need to produce receipts to prove that expenditure has been incurred.

The Rowner Renewal Partnership has made arrangements with some providers for services such as removals who will invoice the Partnership direct rather than individuals having to fund these costs themselves in the first instance.

3. At what point can I claim compensation?

You can claim compensation at any time after you receive notice that the Council are going to acquire your interest. This will be notified to you by one of the following: notice of Gosport Borough Council having made the GVD, service of a "notice to quit", or service of a "notice of entry". Compensation can only be claimed once a loss has been suffered.

You can apply for an advance payment to reimburse you for expenditure. However once compensation is settled it cannot be reopened as we will ask you to sign a form saying our payment is in full and final settlement of your claim.

You are therefore advised to make your claim once you are satisfied your expenditure has stopped. You must, however, make a claim within six years of Gosport Borough Council taking possession otherwise you may lose the ability to recover any monies due.

4. What do I do if I wish to claim compensation for the loss of business or other reasons as well as for the value of the land?

You are entitled to claim the costs of employing a surveyor to prepare your claim and this is advisable in the case of business loss.

5. What can I do if I am unhappy with the amount offered?

You can appoint an advisor to assist you. In a case where agreement cannot be reached, you can ask the Upper Tribunal (Lands Chamber) to determine the amount which should be paid.

This is a Tribunal which determines land values and compensation. More information is available on the Tribunals website, by emailing **lands@hmcts.gsi.gov.uk** or by writing to it at HM Courts and Tribunal Service, Upper Tribunal (Lands Chamber), 45 Bedford Square, London WC1 3DN.

6. Will all of my professional fees be reimbursed by First Wessex or Gosport Borough Council?

We will pay your reasonable fees. You should ask your advisors to check with us first about fee rates.

7. Where can I get further information?

For further information you can contact First Wessex at the Nimrod Centre or download a booklet from the Department of Communities and Local Government at **www.communities.gov.uk/publications**

Information on The Rowner Renewal project is also available at **www.rownerrenewal.com**

Questions about the legal documents you can expect

1. What is the purpose of a statutory notice?

A statutory notice is a legal document which owners will have received and this should be read carefully. It will explain how the process works to implement the CPO and what rights you have.

2. Why have I received two or more notices?

You will receive two notices but these will normally be around two months apart. The first will tell you about the confirmation of the CPO and possible use of a General Vesting Declaration (GVD) and the second will tell you about the acquisition of your interest. We may also ask you to fill in a form to confirm your interest in your property.

The second notice will explain when your interest will be acquired by the Council. As the Council will require vacant possession of your property you should be making arrangements to move out of the property after you receive the first notice. You should however keep the Council and First Wessex fully informed of your intentions to ensure that you remain entitled to all financial payments.

3. What is a General Vesting Declaration? (GVD)

A GVD is a legal document which transfers the ownership of title or rights in specific plots of land/property to Gosport Borough Council. Unlike a normal house purchase – this does not need to be signed by you in order to take effect.

4. What is Gosport Borough Council's role and what powers does it have?

Gosport Borough Council is a member of the Rowner Renewal Partnership and has the power to permanently acquire title to land and other property interests in or over land/property needed for the project.

5. What is First Wessex's Role?

First Wessex is also a member of the Rowner Renewal Partnership and has been acquiring and holding the land and other property interests required to deliver the project on behalf of the Partnership. First Wessex will continue to purchase properties by agreement following the same criteria as that for the CPO.

6. Can land be acquired without Gosport Borough Council telling the owner?

We have made and will continue to make extensive enquiries about the

whereabouts of owners. We may undertake a further round of enquiries and ask you to fill in a form to confirm your ownership. Only where it proves impossible to trace the owner will the land be acquired and even then a notice will be erected at the property to advise of this step.

7. What do I do if I do not own any of the land or rights mentioned in the notice/letter – will a plan be attached?

If the notice you receive does not apply to your land or interest you should call the legal advisors to Gosport Borough Council, Squire Sanders & Dempsey (UK) LLP by telephoning **0113 284 7038** or call **020 7655 1370**.

8. Does this notice cover all the land/property that I own that will be acquired or occupied for the regeneration project?

All notices will cover all your land, no land is to be split up.

9. Can the sale of my home be directly with First Wessex or does it need to flow through Gosport Borough Council?

Yes it can be sold directly to First Wessex by agreement if you prefer. However if the land is not transferred before a deadline date then it will be included in the GVD and acquired by the Council. It will not be possible to transfer the land to First Wessex after that date. You will be advised of the deadline date in due course.

Questions relating to private tenants

1. I am a private tenant. How will the CPO affect me when my landlord has to sell his property or refuses to sell their property?

The redevelopment of the area means that it will be necessary to acquire the interest of your landlord and also your interest. If these are acquired by compulsory purchase they will be acquired at the same time. If however the interest of your landlord is acquired before your interest is acquired you will be advised of the position and future rent will be payable to Gosport Borough Council or First Wessex depending on who has acquired the interest.

2. As a private tenant and I am being forced to leave the property, will I be able to have a property on the new estate?

As a private tenant you will be entitled to help with your removal expenses. If you meet our criteria we will help with your re-housing into one of our properties or into another private let.

3. As a private tenant will I be given assistance either by Gosport Borough Council or First Wessex?

If you meet the criteria and there is a suitable property available, you will be considered for one of these.

Further questions

1. Can I view plans for the regeneration scheme?

Plans can be viewed at First Wessex's office in the Nimrod Centre, Nimrod Drive, Rowner, Gosport. Please telephone **08450 343317** to make an appointment.

2. How can I secure independent advice?

The Royal Institution of Chartered Surveyors (RICS) and the Law Society can recommend firms who specialise in this field – **www.rics.org** or telephone **0870 333 1600**. The Citizens Advice Bureau may also be able to help – please visit **www.gosportcab.hampshire.org.uk** or telephone advice is available on **08444 77 22 32** (Monday to Friday 10am–4pm).

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 Hampshire County Council
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 and Taylor Wimpey Developments Ltd



INVESTOR IN PEOPLE

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If you would like this information translated into any other language, or made available in large print or audio format, please contact **08450 343317**.



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