From: Eleri Davies
To: "Ian Mulroy";
Subject: EN030001 Preesall - Compulsory Acquisition Query
Date: 16 November 2011 14:29:00

Dear Ian

EN030001 Preesall - Compulsory Acquisition Query

I refer to your email dated 14 November 2011 relating to the compulsory acquisition of land.

If a Development Consent Order (DCO) is made which authorises compulsory acquisition of land, compensation will be payable. However, the amount of compensation payable is not prescribed by the Planning Act 2008 (PA 2008) and will not be determined by the IPC. The assessment of compensation is complex and governed by other legislation and extensive case law. The IPC is unable to give any detailed advice about compensation and has not produced any advice or guidance on this matter.

The guidance document 'Planning Act 2008: Guidance related to procedures for compulsory acquisition' (February 2010) (http://www.communities.gov.uk/documents/planningandbuilding/pdf/guidancecompulsoryacquisit.pdf) prepared by the Communities and Local Government department (CLG) relates specifically to the compulsory acquisition ***procedures*** that affect the promoter and the IPC during the decision-making process under the PA 2008. This document does however make a cross-reference to the Office of the Deputy Prime Minister (ODPM) Circular 06/2004 'Compulsory Purchase and the Crichel Down Rules' (October 2004) (http://www.communities.gov.uk/publications/planningandbuilding/circularcompulsorypurchase2?view=Standard) which discusses compensation. We would also suggest that you look at the booklets produced by the CLG (http://www.communities.gov.uk/publications/planningandbuilding/compulsorypurchase2) which explain further the principles relating to compensation for residential, business and agricultural owners and occupiers affected by compulsory acquisition.

We would also recommend that you consider obtaining professional help from a suitably qualified agent. The agent will be able to advise you

whether professional fees could be included and recovered in a claim for compensation.

I trust the above answers your query.

Kind Regards

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We are required by law to publish on our website a record of the advice we provide and to record on our website the name of the person or organisation who asked for the advice. We will however protect the privacy of any other personal information which you choose to share with us and we will not hold the information any longer than is necessary.

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