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Birmingham Law School

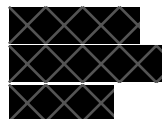


Ref: 00126 - Kudrna

Date: 24/11/23

Private and confidential

Laura Kudrna



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Dear Ms Kudrna

Your risk of Compulsory Purchase Order

Thank you for your enquiry with us to provide advice in relation to your risk of compulsory purchase order in relation to the Ladywood regeneration.

1. Situation outline

We understand from what you have told us in your interview on 26th October 2023 that there is a threat of a compulsory purchase order (CPO) affecting around 2,000 neighbouring homes in your locality of Ladywood, Birmingham. You attended both in a personal capacity and also to highlight the grievances of the wider community who will potentially be affected by the CPO.

These properties, which include social housing, privately owned homes, council properties, and rentals, are facing potential acquisition. Notably, you have told us that some homes are relatively new, under 30 years old and of good quality.

Whilst the threat of compulsory purchase appears to come from Birmingham City Council ("the Council"), we understand that the Council has now selected Berkeley Homes as its "delivery partner". It is said that the purpose of this Order is to achieve regeneration including to deliver affordable homes, refurbished tower blocks, open spaces, community transport, better access to transport, jobs and training opportunities.

We are instructed that, in June 2023, Birmingham City Council made the decision to select a developer. We understand that to be Berkeley Group. During our meeting, you highlighted various concerns with this process including the extent to which there was competition between the parties, the extent of consultation with local people and communication about the project. You also noted concerns that the local Member of Parliament (“MP”) had not met with the community to discuss the project. You consider that this has fueled discontent within the community. We understand that the local group have resorted to protests and extensive letter-writing campaigns in their quest for resolution.

We have provided guidance below to help you understand which part of the process you are in and what steps you can take to object to the CPO. Due to the scale of the CPO, it is difficult to provide specific advice. The following information we hope will be useful and help clarify a few intricate and complex parts of the law.

2. Legal position

2.1 Stages of a Compulsory Purchase Order

There are four key stages to a Compulsory Purchase Order (CPO), which I will outline below. It is important to familiarise yourself with these stages as they will help you to understand what stage the CPO is at now and what steps you can take to object to the CPO before it becomes official.

Firstly, the local authority must gather information relating to the CPO; this includes the purpose, outline of the plan and a statement of reasons for the CPO. The information must show that the local authority has exhausted all alternatives, such as agreement to acquire the land from the owners, before implementing a CPO. After the investigation has been completed, there will be a formal resolution made to the council committee outlining the proposal. This must be approved before the CPO advances onto stage two which, from the information you have provided, is where you are currently at. The local authority must serve requisition for information notices. This involves serving official notices to all who occupy the land under threat and issuing advertisements in the local paper to notify them of the CPO. There is a timeframe for any objection after the notice, usually 21 days. You must continue to tell your council and MPs of your objections toward the CPO.

If the local authority receives valid objections towards the CPO, a public local inquiry will likely be held, given the number of people likely affected by the CPO. Here, you will be allowed to present evidence supporting your objection, and a planning inspector will decide on a final result after hearing both parties. This is an incredibly important time to voice your opinion and ensure you are listened to. Evidence can include procedural rules from the developer that have not been followed correctly or negative social and economic impact that the CPO can have upon the people within the community. After the inquiry, the inspector will produce a report that the State will consider for approval. This is the final stage, as the CPO will either come into place, be modified or be rejected entirely. Upon approval of the CPO, the acquiring authority will be granted three years to execute the order.

2.2 Section 226 Town and Country Planning Act 1990

Section 226 of the Town and Country Planning Act 1990 allows local planning authorities to acquire land through a CPO when necessary for planned development in the public interest, ensuring that development

projects can proceed following local planning policies and objectives. There are three key elements of this Act, which I have outlined below.

Section 226 allows local planning authorities to acquire land when it is deemed essential for planning purposes, in this case, the redevelopment of an area. This is typically done to support public infrastructure, housing projects, regeneration, and other planned developments that align with local planning policies.

The acquisition of land under Section 226 must be in the public interest and essential for achieving the objectives of local planning. The local planning authority must demonstrate that the acquisition will benefit the community. In this case, the public interest is the chronic house shortage that we face in the UK. However, considering the redevelopment predominantly supplies luxury housing and apartments, it does not solve the housing crisis.

Landowners whose property is subject to compulsory purchase under Section 226 are entitled to reasonable compensation for their land. The compensation should reflect the market value of the property and any associated costs or losses incurred due to the acquisition. This is not a stage you have reached yet, but it is important to remember.

Consult a reputable estate agent or the government official website to find a valuation for your house, or a surveyor to receive an official estimate to ensure you receive fair and reasonable compensation when the time comes. Additionally, gather all receipts regarding expenditures you have made on your home (e.g. home improvements). The more records you have, the more likely you can recoup the costs through negotiation.

3. Recommendation

From our conversation with you in the interview, it is clear that you are in the very early stages of the CPO being issued. In a way, this is positive as it allows you to have more input into whether the CPO is eventually issued. We advise you to attend as many of the workshops that the council is holding as possible and raise as many questions and objectives as possible. It is worth keeping a detailed log of what you are doing to object to the CPO, whether that takes the form of protesting, writing letters or attending workshops; keeping a paper trail will be incredibly useful if a public inquiry occurs.

Additionally, collect as much publicly available information as possible about the proposal. This will not only help you identify and raise any specific concerns or queries you have but also keep track of any changes that have been made within the scheme.

As mentioned previously, it is immensely difficult to provide more specific advice considering there are 2000 homes involved along with local businesses and churches.

We do hope that the service provided by Birmingham FLAG was satisfactory and we would be pleased to hear if you have any comments or suggestions about the service we gave you. We encourage feedback from our clients so that their needs and concerns can be considered in our service delivery plans. We shall send to you an online feedback form and would be grateful if you could take a few moments to complete the form.

Thank you for consulting the Birmingham FLAG. Should you require any help in the future on any other matters, please do not hesitate to contact us.

Yours Sincerely

Freya and Kelvin

Freya and Kelvin
FLAG Students Advisors

Amy Tabari
Birmingham FLAG Director