



Compensation Scheme for the Community Right to Bid for South Hams District Council and West Devon Borough Council



Under Part 5 Chapter 3 of the Localism Act 2011 and the Assets of Community Value Regulations 2012, private landowners may claim compensation for loss and expense incurred as a result of their asset being listed or previously listed on the List of Assets of Community Value.

Under this scheme claims can be made for reasons including:

- Loss incurred arising from a period of delay in entering into a binding agreement to sell, which is wholly caused by a moratorium period.
- Reasonable Legal expenses incurred in a successful appeal to the First-tier Tribunal.
- Loss incurred as a result of the land being listed.

The Council will not consider any compensation claims that request the full market value. Following any moratorium period owners may proceed with the sale of the asset and therefore this is not a loss incurred. Claims can only be made for the actual loss, or the expense outlaid by owners, with a clear cause and effect relationship between the loss and the moratorium period or to the asset being listed.

A compensation claim must be made by the owner within the earliest of:-

- 13 weeks from the end of the appropriate moratorium period or
- the date when the land ceases to be listed, depending on the nature of the claim.

Claims must be made in writing, stating the amount of compensation sought and owners must provide evidence to support the claim. The responsibility of proving the claim falls on the owner.

Claims should be sent to:

The Community Team
South Hams District Council
Follaton House
Plymouth Road
Totnes
Devon
TQ9 5NE

The Community Team
West Devon Borough Council
Kilworthy Park
Drake Road
Tavistock
Devon
PL19 0BZ

Or to: community@swdevon.gov.uk

The Council will consider the validity of any claim made as soon as practical. There is no specified time limit for the Council to respond to claims, as it may take time to assemble all the necessary evidence and come to an informed decision. South Hams District Council and West Devon Borough Council will endeavour to reach a

decision as quickly as practicable once all the evidence has been assembled. A Corporate Director in consultation with the Head of Finance and Audit makes decisions on compensation claims for the Councils. Once a decision has been reached a written response will be provided to the owner giving reasons for the compensation decision.

If the owner is unhappy with the Council's decision on compensation, owners have the right to request an internal review within 8 weeks of receiving the written response. This review is conducted by a senior officer who was not involved in the original compensation decision in consultation with the Head of Finance and Audit. If the owner continues to be unsatisfied following the outcome of an internal review, owners have the right to appeal to the First-Tier Tribunal, within 28 days of receiving the Councils' outcome of the internal review.

Owners should send their appeal in writing to the First-Tier Tribunal at:

Tribunal Clerk,
Community Right to Bid Appeals
HM Courts & Tribunals
First-tier Tribunal (General Regulatory Chamber)
PO Box 9300
Leicester
LE1 8DJ

Or at GRC.Community.Rights@hmcts.gsi.gov.uk

This compensation scheme does not extend to public bodies defined as:

- Government departments, authorities and other bodies to which section 6 of the National Audit Act 1983 applies;
- Bodies which receive the majority of their funding from public sources which may be examined by the Comptroller and Auditor General under section 7 of the National Audit Act 1983; and,
- Local authorities and other public authorities and bodies that are required to be audited under section 2 of the Audit Commission Act 1998.