

CPO FAQs – Woolwich Exchange

1st November 2022

1. I thought the redevelopment was not going ahead?

The redevelopment of the site is proceeding. As a consequence of the Former Woolwich Covered Market being listed as a heritage asset (Grade II) in October 2018 it was necessary to redesign the proposed development so as to incorporate the listed elements of the former market within the new scheme. Consequently, the developers, St. Modwen and Notting Hill Genesis, prepared an alternative scheme. Planning permission for the Woolwich Exchange scheme was granted on the 23rd December 2021. Full details of the planning application can be found on the Royal Borough of Greenwich's planning portal under reference number **20/3385/F**.

2. Timeline of anticipated events as at 1st November 2022

Stage	Date	Completed / Forecast
Submission of Planning Application	October 2020	Completed
Resolution to Grant Planning	May 2021	Completed
Planning Permission Confirmed	December 2021	Completed
CPO submitted	May 2022	Completed
Public Inquiry (to determine the CPO)	7 th – 22 nd February 2023	Forecast
Decision from the Public Inquiry	May 2023	Forecast
Publication of Decision	May 2023	Forecast
Vacant Possession Required	From September 2023	Forecast

3. I've been told that the Council may use compulsory purchase to acquire my property – when will this happen?

The Council has compulsory purchase powers which it can use to acquire land, property and other interests, including securing new rights over land, to deliver key projects such as the Woolwich Exchange development that deliver public benefits and are in the public interest. Whilst the Council has these powers, and has resolved to use them, it cannot compulsorily purchase land until the Compulsory Purchase Order (CPO) has been confirmed by the Secretary of State.

4. What is the process for securing the Secretary of State's consent for a CPO?

The Council submitted the CPO to the Secretary of State for confirmation of the CPO in May 2022. Alongside the submission to the Secretary of State, we notified all parties who own, occupy or have a legal interest in a property included within the CPO boundary that the CPO has been submitted and provide information as to how objections can be made and where the documents relating to the CPO can be inspected. The Council also placed public notices in the local newspaper and around the site. Once the notice was given there was a period of 30 days in which objections could be made.

Following the submission of the CPO the Secretary of State for Levelling Up, Housing and Communities has appointed an Inspector and delegated their decision making powers to the Inspector. A local Public Inquiry will be held to hear the case for the proposed CPO which is scheduled to commence on the 7th February 2023. The Inquiry involves the Council

presenting its case as to why the CPO should be confirmed and an opportunity is provided to objectors to make their case. The Inquiry will be chaired by the appointed Inspector who, after the Inquiry, will decide whether the CPO should be confirmed.

5. What are the timescales for securing a CPO?

We are forecasting a CPO decision in May 2023 but this is an estimate. The Council does not have control over when a decision is made so the process can be shorter or longer.

6. I understood CPO should be used as a last resort?

The Council, in partnership with the developer, is seeking to acquire all interests in land by agreement with the relevant person/s. Newsteer has been engaging with property owners and occupiers with this aim. However, the Government's guidance on the use of Compulsory Purchase advises that, if an acquiring authority waits for negotiations to break down before starting the compulsory purchase process, valuable time may be lost, given the timescales involved in securing a CPO. It is therefore acknowledged that it is often sensible to run both the CPO and negotiation process in parallel. If you haven't already engaged with Newsteer to discuss the acquisition of your interest in the property we recommend doing so.

7. Can I object to a CPO?

Yes, any member of the public can object. If you are directly affected by the proposed development and your land/interest is included within the CPO then you will have received a personal notice when the CPO was made, advising you that the CPO has been made and the timescales for submitting an objection. Any objection must relate to matters relevant to the CPO decision-making process.

8. Is using a CPO for a private development lawful?

The use of compulsory purchase to support the delivery of development by a private developer is lawful and a number of private developments are supported in this manner. The overarching test considered by the Secretary of State as to whether use of CPO powers is appropriate and a CPO should be confirmed is whether the public benefits of the scheme outweigh the interference with private rights (i.e. people's land being compulsorily acquired). The interaction between the benefits of the scheme and the impacts on people's land and rights is therefore carefully considered throughout the process.

Whilst it is the Council who has compulsory purchase powers, it can use them to facilitate a development being delivered by a private organisation if they believe that the scheme is in the public interest and warrants the use of a CPO. The Council considers that the Woolwich Exchange development fulfils the relevant criteria and will provide substantial public benefits.

9. When will I lose my property?

Until the CPO is confirmed, you cannot be compelled to sell your interest in any affected land. If the CPO is confirmed, the Council will need to serve the relevant legal notices on you to exercise the CPO and acquire your interest in the property. The Council is required to give you at least **3 months'** notice before it acquires your interest. However, it will look to give affected property owners and occupiers as much time as possible, and is committed to ongoing communication with affected people throughout the process.

The Council can commit to not displacing occupiers before 1st September 2023 and will provide all occupiers with not less than six months notice of the need to vacate the property.

10. What happens if I refuse to leave the property having received the formal legal notices requiring me to do so?

The CPO allows the Council to acquire your interest and take possession of the land. If you refuse to vacate, the Council will take action to secure possession through High Court Enforcement Officers.

11. Am I entitled to compensation?

If your interest is acquired under the CPO then you will be entitled to submit a compensation claim.

12. How much compensation will I receive?

There is no set amount of compensation that each claimant is entitled to receive but there is an established compensation code which must be followed. Each claim will be assessed on its own merits: each property will have its own Market Value assessed (in accordance with the compensation code and under the "no scheme principle", i.e. not taking into account the impact of the CPO or redevelopment on the property's value). Any loss incurred which is a natural, direct and reasonable consequence of the acquisition will be payable as compensation. However a claimant has a duty to mitigate their loss and act reasonably, and the compensation sum will reflect any benefit or betterment that you derive from the scheme. We recommend that you appoint an appropriately qualified surveyor at the appropriate time to advise you on your compensation rights. We can provide information on where to find independent advice.

13. When will you negotiate with me?

Newsteer are instructed to negotiate with property owners and occupiers. You should have received correspondence from Newsteer seeking to engage with you. If you have not responded to this correspondence, we recommend you do so, and welcome the opportunity to take discussions forward.

14. Can I require you to acquire my property early?

In certain circumstances you may be able to serve something called a blight notice which would have the effect of requiring the Council to acquire your interest sooner than planned. However, there a number of conditions you would need to satisfy in order to serve a valid blight notice and we strongly recommend that you take professional advice if you want to explore this option. Please note, if your interest is acquired under a blight notice you will not be entitled to continue to occupy the property once it has been acquired.

15. Will you pay compensation on a CPO basis from the outset?

Yes, Newsteer, have been appointed to negotiate on this basis. They will be offering compensation in accordance with the compensation code.

16. Who will pay for my professional advice?

If your property is compulsorily acquired you will be entitled to be reimbursed the reasonable professional fees you have incurred in obtaining relevant advice about your compensation claim. If you are happy to enter into discussions in advance of any compulsory purchase to sell your interest, the developer is happy to provide a fee undertaking to your professional advisor on the basis that fees are pre-agreed and are reasonably and properly incurred. Fees incurred in objecting to the CPO will not be paid.

17. Will there be opportunities to relocate into the new scheme?

The opportunities for businesses to relocate into the new development will be limited on account of the need to demolish all of the properties in order to undertake the development. The constrained urban nature of the site, together with the provision of a basement for car parking, servicing, storage and plant, limits the ability to introduce multiple phases into the development which would allow for a form of decant process and continuity of existing trade once the development has commenced.

The development will deliver 200 sq. m. of affordable workspace providing business space for start-ups or establishing local, independent businesses to grow from. The development is also delivering 500 sq. m. of on-site small retail units (each unit no larger than 80 sq. m.) which will provide affordable opportunities for retailers to move into the scheme.

Properties within the new development will be openly marketed and the Developer will consider all offers. Where local businesses displaced by the compulsory purchase wish to relocate into the new development, understanding there will not be continuity of trade, please contact Newsteer who will work with you to identify whether there is suitable accommodation and whether their business would be viable in the new scheme.

18. What support will I receive in finding a new property?

Newsteer will undertake regular reviews to identify available properties in the local area and a schedule of these properties is available to businesses affected by the development who are interested in relocating at the following website:

https://www.royalgreenwich.gov.uk/info/200200/regeneration/142/woolwich_regeneration/5

If you would like Newsteer to directly assist you in finding alternative accommodation please contact us. This assistance will come at no cost to you.

Retail Revival, a company specialising in providing businesses with growth planning and relocation advice and support, has also been appointed to act as an independent adviser to occupiers affected by the redevelopment. If you are an occupier who would like support in planning for a relocation, we recommend you contact Retail Revival at sally@retailrevival.org.uk to discuss how they can provide your business with support. This service is available to all occupiers within the development site and comes at no cost. Information you share with Retail Revival as part of the relocation support process will be treated confidentially and not shared with the Council.

The Council will also seek to give affected parties as much notice as possible regarding the timing of the acquisition of their property. Occupiers will be provided a minimum six months

notice of needing to vacate and this will not be before 1st September 2023. We will provide regular updates as to the development's progress.

19. Should I continue to maintain my property in good repair and condition?

Yes, we recommend that your property is maintained in good repair and condition. The prospect of compulsory purchase does not change the requirement for property owners and occupiers to comply with building standards and meeting health and safety criteria. The assessment of compensation will also reflect the condition of the property.

20. Where can I obtain professional advice?

The Royal Institution of Chartered Surveyors (RICS) offers a free 30-minute initial consultation for those who require CPO advice. If you contact the RICS on 024 7686 8555 (Monday to Friday from 8:30am to 5:30pm) they will put you in contact with an RICS member who can answer your questions.

The Government has produced a series of booklets explaining the compulsory purchase and compensation process. The booklets provide a very useful resource to those who want an introduction to CPO and to understand the process. The guides can be found as follows:

Booklet 1: CPO Procedure

<https://www.gov.uk/government/publications/compulsory-purchase-and-compensation-booklet-1-procedure>

Booklet 2: Compensation for Business Owners and Occupiers

<https://www.gov.uk/government/publications/compulsory-purchase-and-compensation-booklet-2-compensation-to-business-owners-and-occupiers>

Booklet 3: Compensation for Agricultural Owners and Occupiers

<https://www.gov.uk/government/publications/compulsory-purchase-and-compensation-booklet-3-compensation-to-agricultural-owners-and-occupiers>

Booklet 4: Compensation for Residential Owners and Occupiers

<https://www.gov.uk/government/publications/compulsory-purchase-and-compensation-booklet-4-compensation-to-residential-owners-and-occupiers>

Booklet 5: Reducing the adverse effects of public development – mitigation measures

<https://www.gov.uk/government/publications/compulsory-purchase-and-compensation-booklet-5-reducing-the-adverse-effects-of-public-development>

The Department for Levelling Up, Housing and Communities' Guidance on the Compulsory Purchase Process

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/817392/CPO_guidance - with 2019 update.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/817392/CPO_guidance_-_with_2019_update.pdf)