



# **Guide to Serving a Blight Notice and Selling your Blighted Property**

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## Contents

<b>1. Introduction</b>	<b>4</b>
<b>1.1 Safeguarding and Statutory Blight</b>	<b>4</b>
<b>2. The Statutory Blight process for EWR Co</b>	<b>5</b>
<b>2.1 Summary of key steps and time scales</b>	<b>5</b>
<b>2.2 Initial discussions and appointing an Advisor</b>	<b>6</b>
<b>3. Eligibility Criteria</b>	<b>8</b>
<b>3.1 Is your property fully or partly within the safeguarded area?</b>	<b>8</b>
<b>3.2 Do you have a qualifying interest in the property that you want us to buy?</b>	<b>8</b>
<b>3.3 Do you meet the occupancy requirements?</b>	<b>8</b>
<b>3.4 Have you made reasonable efforts to sell your property</b>	<b>9</b>
<b>3.5 If you do not meet the eligibility criteria</b>	<b>10</b>
<b>4. Completing a Blight Notice</b>	<b>11</b>
<b>4.1 Serving a Blight Notice</b>	<b>11</b>
<b>4.2 How we review and decide on your Blight Notice</b>	<b>12</b>
<b>4.3 If we accept your Blight Notice</b>	<b>12</b>
<b>4.4 If we do not accept your Blight Notice</b>	<b>13</b>
<b>5. Selling your property</b>	<b>14</b>
<b>5.1 Submission of your Blight Claim</b>	<b>14</b>
<b>5.2 What would you be entitled to if EWR Co agreed to buy your property?</b>	<b>14</b>

<b>5.3 Reaching agreement</b>	<b>15</b>
<b>5.4 What happens if we are unable to reach agreement on compensation</b>	<b>16</b>
<b>5.5 Conveyancing</b>	<b>17</b>
<b>6. Contact details and further information</b>	<b>19</b>
<b>6.1 How you can contact us</b>	<b>19</b>
<b>6.2 Managing personal information</b>	<b>20</b>
<b>7. Abbreviations &amp; Glossary</b>	<b>21</b>

# 1. Introduction

## 1.1 Safeguarding and Statutory Blight

This guidance provides information about Statutory Blight and how it applies to owners of properties within what is known as the safeguarded area for East West Rail (EWR).

The Secretary of State has issued a Safeguarding Direction for EWR. As well as helping to protect the land needed for our proposals, issuing a Safeguarding Direction means the Statutory Blight regime is triggered under section 149 and Schedule 13 of the Town and Country Planning Act 1990.

This means that eligible owner-occupiers within the safeguarded area may be able to serve a Blight Notice on East West Rail Company (EWR Co) asking us to purchase the property before it is needed for the construction of the railway. If the Blight Notice is accepted then a Blight Claim can be submitted for the property to be acquired on statutory compensation terms, which is set out in more detail in Section 5 of this document. More information on safeguarding, including plans of the safeguarding area and the Blight Notice process, can be found on the EWR website [www.eastwestrail.co.uk/safeguarding](http://www.eastwestrail.co.uk/safeguarding)

In this guide we provide a summary of the steps involved in serving a Blight Notice, including who may be eligible to serve a Blight Notice. It also takes you through selling your property after you have made a successful application and the types of compensation that can be claimed. For more details on the Statutory Blight process, please see the guidance produced by the Ministry of Housing, Communities and Local Government (formerly Department for Levelling Up, Housing and Communities): [www.gov.uk/government/collections/compulsory-purchase-system-guidance](http://www.gov.uk/government/collections/compulsory-purchase-system-guidance)

Our Land & Property Team would be happy to speak to you to explain our proposals, how they may affect your property and our process to consider Blight Notices. Section 6 of this guide sets out how you can contact us.

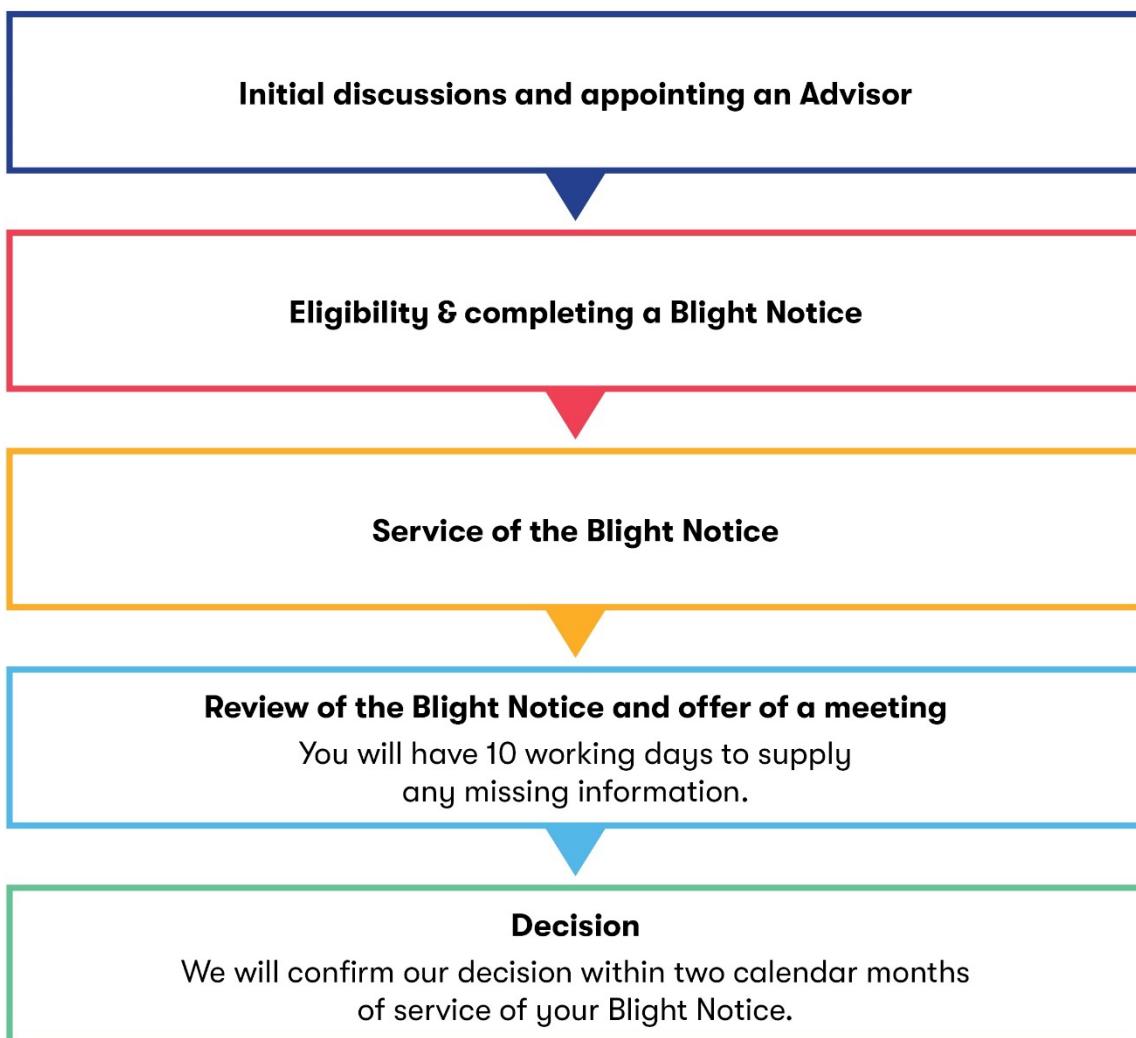
The information contained in this document is for guidance only and we would encourage you to appoint an Advisor to provide expert advice on your particular circumstances. If you would like to appoint a professional Advisor, please refer to Section 2.2.

The Ministry of Housing, Communities and Local Government has produced guidance on compulsory purchase legislation here: [www.gov.uk/government/publications/compulsory-purchase-process-and-the-crichet-down-rules-guidance](http://www.gov.uk/government/publications/compulsory-purchase-process-and-the-crichet-down-rules-guidance)

## 2. The Statutory Blight process for EWR Co

This section sets out the steps involved in submitting a Blight Notice to ask us to buy your property. Section 2.1 sets out a summary of the process of submitting a Blight Notice and further detail can be found in Section 4. The process is also clearly set out in our fact sheet 'Summary of the Blight Notice Process' that can be found on the EWR website.

### 2.1 Summary of key steps and time scales



We will respond to your Blight Notice within two months of you serving your Blight Notice. If your Blight Notice is accepted, you will have three years and two months from the date of you serving the Notice to submit a Blight Claim and sell your property to us. We would usually expect the process to be completed in this time.

## 2.2 Initial discussions and appointing an Advisor

If you are considering serving a Blight Notice or would like to find out more information, please contact our Land & Property Team to understand the EWR proposals and how they may affect your property. We can explain more about the process and the information we will require to consider a Blight Notice. This may help you gather information to consider your next steps. You can call us on 0330 838 7583 or email us at [land@eastwestrail.co.uk](mailto:land@eastwestrail.co.uk).

The existing law around statutory compensation and Statutory Blight is complicated and based on written law and more than 100 years of case law (court cases) – this is known collectively as the Compensation Code. We strongly advise you to get professional advice from a chartered surveyor experienced in compulsory purchase (including advising on Statutory Blight) who has appropriate professional indemnity insurance. The Royal Institution of Chartered Surveyors (RICS) can refer you to a firm in your area that is willing to give you a 30 minutes' free initial consultation. The Central Association of Agricultural Valuers (CAAV) may also be able to assist owners of agricultural interests. The CAAV offer an initial free consultation and can refer you to a firm in your area. Contact details are included in the box below.

If we accept your Blight Notice you may be able to claim back the professional fees you have paid. You will not usually be able to claim back professional (or other) fees if we reject your Blight Notice or it is left to expire. Your Advisor must agree a clear fee arrangement with you in writing before starting work and say how much the fee will be or how they will calculate it. You are responsible for paying the fees, but you can include reasonable fees as part of your compensation claim. For further details related to reimbursement of Agent's Fees, please refer to our **Guide to the Reimbursement of Agents Fees** which can be found [here](#)

You should encourage your Advisor to agree the basis for their fee with us at the start of their work. If they do not, there is an increased risk that we may not agree to include all the fees in the compensation if we do not think they are reasonable.

You will also need to appoint a legal Advisor such as a solicitor, legal executive, or licensed conveyancer to represent you in transferring your property once your compensation claim has been agreed.

### RICS

The RICS has produced a Consumer Guide giving a clear, impartial guide to compulsory purchase at [cpo-consumer-guide.pdf \(ricsfirms.com\)](http://cpo-consumer-guide.pdf (ricsfirms.com))

The RICS operates a service to refer you to a qualified person in your area that specialises in compulsory purchase. You can search the RICS website for a regulated RICS member firm to provide you with a free 30 minute initial consultation at [www.ricsfirms.com/residential/legal-issues/compulsory-purchase/](http://www.ricsfirms.com/residential/legal-issues/compulsory-purchase/).

You can contact the RICS:

- By email via [contactrics@rics.org](mailto:contactrics@rics.org)
- By phone to RICS Helpline on 024 7686 8555

In April 2017, the RICS produced a professional statement to provide its members with mandatory requirements as to professional behaviour and competence in providing advice on compulsory purchase (including blight). On appointment, a RICS surveyor will confirm that they will comply with the professional statement and offer you a copy. If they do not provide you with things such as the terms of engagement and the basis for their fees, you should request them.

## **CAAV**

You can search the CAAV website to find a CAAV member in your local area at [www.caav.org.uk/find-a-caav-member](http://www.caav.org.uk/find-a-caav-member) or contact the CAAV:

- By phone via 01452 831815
- By email to [enquire@caav.org.uk](mailto:enquire@caav.org.uk)
- By post at:  
Harts Barn Farmhouse  
Monmouth Road  
Longhope  
Gloucestershire  
GL17 0QD

### 3. Eligibility criteria

The eligibility criteria for serving a Blight Notice are set out in legislation. When serving a Blight Notice, you will need to provide evidence that you can satisfy all the criteria. It is in your interest to provide as much evidence as possible to support your Blight Notice.

#### 3.1 Is your property fully or partly within the safeguarded area?

You can only serve a Blight Notice if your property is fully or partly within the safeguarded area. You can check whether your property is in the safeguarded area by reviewing our safeguarding plans on the EWR website. Please speak to our Land & Property Team if you need any support to understand our proposals and the safeguarding area. The Blight Notice must be served for the whole of your property, regardless of whether it is fully or partly in the safeguarded area.

#### 3.2 Do you have a qualifying interest in the property that you want us to buy?

To be eligible for Statutory Blight, you need to provide evidence that you have a qualifying interest in the property. The types of qualifying interests are listed in the table below.

Do I have an interest in the property which qualifies me to apply?				
YES – I am a freeholder or a leaseholder (with at least three years left on my lease) of a property which is fully or partly within the safeguarded area, and one of the following applies:			YES – I am one of the following:	
I am an owner-occupier of a private residential property that is my main home.	I am an owner-occupier of a business premises that have an annual rateable value of no more than £36,000.	I am an owner-occupier of an Agricultural Unit.	I am a personal representative of someone who has died and who had a qualifying interest (as set out in the three columns to the left) at the time of their death.	I am a mortgage lender (for example, a bank) with a right to sell the property and who can give immediate Vacant Possession.

### 3.3 Do you meet the occupancy requirements?

You will also need to show that you meet the occupancy or other requirements as set out in the table below:

Occupancy Requirements	
<b>Residential Properties</b>	You must be living in the property on the date you serve the Blight Notice and must have owned it and lived in it as your main home for at least 6 months before the date.  OR  If the property is empty: you must have lived there as your main home for at least 6 months before it became empty; it has not been empty for more than 12 month; and it has not been occupied by anyone else since.
<b>Business Premises</b>	You must have a qualifying interest in the premises on the date you serve the Blight Notice and you must have owned or lease it for at least 6 months before that and have run a business from there throughout this time.  OR  If the property is empty you must have run a business from there for at least 6 months before it became, as long as it has not been empty for more than 12 months.
<b>Non-Residents</b>	You must have the right to sell the property and be able to give immediate Vacant Possession.  If are the representative of someone who has died, the HM Land Registry title for the property does not need to be updated with the names of the beneficiaries under the will. You can prove you have the right to sell the property by submitted relevant document such as death certificate, will, grant of probate, or letter of administration.
<b>Agricultural Units</b>	You must have a qualifying interest in the Agricultural Unit and have occupied it at least 6 months before serving the Blight Notice.  OR  If the Agricultural Unit is not occupied you must have a qualifying interest in it, and must have occupied it for at least 6 months before it became empty, as long as it has not been empty for more than 12 months.

### 3.4 Have you made reasonable efforts to sell your property?

You will need to provide evidence that you have made reasonable efforts to sell your property and have been unable to do so. You will need to demonstrate what those efforts were. Those efforts should include marketing the property with a local estate agent. If marketing the property is not possible, you should still provide evidence to demonstrate the efforts you made to sell the property.

For example:

- You might have asked a local estate agent to market the property. You may have done this in person or by phone, email or post. You should provide details of the estate agent's response. If you didn't get a response, you may wish to still give us details of your original approach to them as this will help us to understand the effort you made.
- If an estate agent explains, for example, that they would market your property only for a special upfront fee to reflect the fact that the property is in the safeguarded area and is unlikely to sell, please tell us about that too and provide evidence of this.

### **3.5 If you do not meet the eligibility criteria**

We introduced our discretionary Need To Sell (NTS) Property Scheme at the Route Update Announcement in 2023. This provides support for property owners who have a compelling need to sell their property but are unable to do so, other than at a substantially reduced value, because of EWR proposals.

Owner-occupiers who are not eligible to serve a Blight Notice may be able to apply under the NTS Property Scheme. Your property does not need to be within the safeguarded area for you to be eligible to apply under the scheme. You can find more information on the scheme at [www.eastwestrail.co.uk/needtosell](http://www.eastwestrail.co.uk/needtosell)

If you have an active or refused application under the NTS Property Scheme and your property is now within the safeguarded area (either all or part), you may be eligible to serve a Blight Notice. Our Land & Property Team will contact you to discuss this if you:

- Have applied for the NTS Property Scheme but your application was refused;
- Have an ongoing application under the NTS Property Scheme;
- Have contacted us to discuss the NTS Property Scheme but have not yet applied; or
- Been accepted on the NTS Property Scheme but have not yet sold your property to us.

## 4. Completing a Blight Notice

To serve a Blight Notice you will need to provide evidence setting out how you meet the relevant eligibility criteria. Section 3 of this guide explains the criteria that you will need to meet to be eligible to serve a Blight Notice.

You should serve your Blight Notice over the whole of a single property interest (a Hereditament), such as a house or an agricultural unit. We recommend that you take advice from your Advisor regarding this.

The information you provide will need to be supported by clear evidence to demonstrate that you are eligible. You can find more details of the evidence we require in our Blight Notice Information Questionnaire.

### 4.1 Serving a Blight Notice

To serve a Blight Notice you will need to complete and provide the following:

- Blight Notice (which can be found on the EWR website)
- Blight Notice Information Questionnaire (which can be found on the EWR website)
- Supporting evidence. We will need to see original or certified copies of evidence. We will check your original documents and return them to you securely.

You can:

- Post the documents using Royal Mail Special Delivery (or equivalent postage) to:  
**BLIGHT TEAM**  
EWR Co  
The Quadrant  
Elder Gate  
Milton Keynes  
MK9 1EN
- Email to documents to [blight@eastwestrail.co.uk](mailto:blight@eastwestrail.co.uk)
- You can email your Blight Notice and supporting information, but we will also need to see the original copies of evidence within 10 days to review your Blight Notice. If you choose to email your Blight Notice we recommend that you also attach a copy of the email when you send us the original copies of your supporting evidence. We will check your original documents and return them to you as soon as possible after receiving your application. We will take copies of all documents and return the originals to you. If it is not possible to produce a clear copy of the document (due to its age or condition), we may need to keep

the original until a decision on your application has been made. Your Case Manager will tell you if we need to do this.

## **4.2 How we review and decide on your Blight Notice**

We will acknowledge receipt of your Blight Notice and we will check it to see whether or not you have provided enough evidence to meet the eligibility criteria for Statutory Blight set out in Section 3 of this guide. You can find more details of the evidence we need in our Blight Notice Information Questionnaire which can be found on the EWR website.

If we do not have enough evidence, we will tell you what additional evidence we need. You will have 10 working days to supply the missing information. If you do not provide a satisfactory response within 10 working days, we will reject your application by serving a counter notice as set out in Section 4.4.

If we have enough evidence, we will decide whether to accept your Blight Notice (see Section 4.3) or reject your Blight Notice (see Section 4.4).

## **4.3 If we accept your Blight Notice**

We must accept or reject your Blight Notice within two months of receiving it. If you do not receive a response within this time, the notice will have automatically been accepted. If we accept your Blight Notice, this means that we are authorised to buy your property at the Unblighted Market Value and it is considered that a 'Notice to Treat' has been served on the date the Blight Notice was accepted. A 'Notice to Treat' creates an obligation to sell (and for us to buy) the property. The accepted Blight Notice will be valid for three years and two months from receipt of your Blight Notice; this timescale will be set out in our letter. This means you have three years and two months from receipt of your Blight Notice to agree compensation with us (through a professional Advisor) or, if there is no agreement, refer the matter to the Upper Tribunal (unless you and we agree to extend this period or the Government serves a Notice of Entry and takes possession of your property). Any agreement to an extension of time is entirely at the discretion of EWR Co.

We will confirm in the letter that you will now be able to submit a Blight Claim. We will also offer you and your Advisor a meeting to discuss the process for selling your property. This will give you the opportunity to meet your case officer and our property Advisor and discuss what is set out in Section 5 below.

The process to agree to your Blight Claim is set out in Section 5. Our Step-by-Step 'How to Sell your Property through Statutory Blight' provides details of the process we follow once an offer is accepted, which can be found on the EWR website.

## 4.4 If we do not accept your Blight Notice

If we decide not to accept your Blight Notice, we will send you a counter notice which will set out the reasons for our decision. The counter notice will reference one or more of the Seven Grounds (A-G) set out in section 151(4) of the Town and Country Planning Act 1990.

If we serve a counter notice, you may still submit a further Blight Notice.

This further Blight Notice should contain new information or details of how your circumstances have changed, as it is very unlikely that resubmitting a Blight Notice with the same information would result in a different outcome.

If you do not agree with our decision, you may wish to consult with your Advisor and consider whether to make a reference to the Upper Tribunal (Lands Chamber). The Upper Tribunal (Lands Chamber) must receive this reference within one month from the date of service of the counter notice.

If your Blight Notice is not accepted, then you may be able to make an application to the Need to Sell Property Scheme (see Section 3.5) if relevant: [www.eastwestrail.co.uk/needtosell](http://www.eastwestrail.co.uk/needtosell)

## 5. Selling your property

This section sets out how you sell your property through Statutory Blight. The process is also clearly set out in our fact sheet 'How to Sell Your Property through Statutory Blight' that can be found on the EWR website.

### 5.1 Submission of your Blight Claim

If your Blight Notice is accepted you will have three years within which to submit a Blight Claim and sell your property to us. The three year period commences two months after the date your Blight Notice was received by us. We will confirm this date in our acceptance letter to you.

A suitably qualified Advisor will be able to support you to complete your Blight Claim, identify the statutory compensation you may be eligible for and negotiate your Blight Claim. See Section 5.2 for details of all the compensation you may be entitled to claim. You can use the claim form on the EWR website, to provide the information required.

We will appoint an Advisor to negotiate and agree the Blight Claim with you or your Advisor. Our Advisor will arrange to visit your property, ideally within two weeks of receiving your claim, to inspect it for valuation purposes and to carry out a building survey. We must do this to help assess the property's market value and consider anything that may affect it, such as the property's general state of repair (but not the effects of EWR).

### 5.2 What would you be entitled to if EWR Co agrees to buy your property?

The aim of compulsory purchase compensation is to put you in the same financial position as you were before EWR Co bought your property, as far as is reasonable. The categories of compensation (or heads of claim) paid to property owners are detailed in the Compensation Code which sets out the principles used for assessing compensation. These categories are summarised below:

- **The value of the land taken** – this is the Unblighted Market Value. In other words, the value of the property as if there were no proposals for EWR. The value is generally negotiated by our agents and recommended to us to accept. We do not accept offer prices or the views of local estate agents as suitable evidence as they do not represent evidence of actual sales.

Market value may also reflect development value or other 'hope value', if you can show that this would have existed in what is known as the no-scheme world (i.e. as if EWR had never been proposed). You may have to get a Certificate of Appropriate Alternative Development (CAAD) from the local planning authority, which will confirm if a particular use or uses would be possible had it not been for EWR Co needing to buy your property. If

you claim development value or hope value, you may not be able to claim disturbance payments and certain loss payments.

- **Severance and Injurious Affection** – if we buy only part of your property you may be entitled to compensation, not only for the land we take but also for any negative effect on the value of the land you keep. ‘Severance’ is the term used to describe where land taken contributes to the value of land kept, so what is left has a reduced value. ‘Injurious Affection’ refers to the reduction in value of the kept land as a result of constructing and using EWR.

In these circumstances, we usually assess compensation using a ‘before and after’ valuation, to consider the combined effect on value. We will also need to consider any increase in value, or ‘betterment’, of the land you keep.

Please ask your Advisor for more details on this if you think it would apply to your property. This is a complicated procedure and area of law and this may or may not apply to your circumstances.

- **Disturbance** – this covers reasonable additional costs and losses you have as a result of being displaced (for example, removal expenses and Stamp Duty Land Tax for a replacement property, capped at the value of your current property).

When claiming compensation, you have a duty to keep such losses to a minimum. We will not accept a claim for losses that could reasonably have been avoided. Your professional Advisor (legal Advisor or a surveyor) will be able to help with this claim.

- **Statutory loss payments** – Statutory loss payments compensate you for the inconvenience and disruption of selling your property under Statutory Blight. There are different loss payments depending on whether the property is residential or non-residential. This will include home loss payments, basic loss payments or occupier loss payments, as applicable to the interest acquired.
- **Fees** – compensation for reasonable professional fees that you have to pay due to us buying your property. They will need to be reasonable in relation to the scale and complexity of the claim.

### 5.3 Reaching agreement

Following the property visit, our Advisor will give us their initial views on your compensation claim. They will then begin negotiations with your Advisor to reach a provisional agreement on the Unblighted Market Value of your property and any other disturbance compensation. This provisional agreement will be ‘subject to contract’ and subject to our approval. The length of this stage depends on how easily we can agree the claim. In straightforward cases, we would expect to agree compensation relatively quickly. However, it can take a number of months to reach agreement.

Once your and our Advisors have reached a figure that they (and you) are happy with, our Advisor will give us their report and a recommendation for compensation. An agreement with our Advisor at this stage is 'subject to contract'.

Our case officer will then ask for formal approval. They need this approval to be able to make a firm offer and move on to the conveyancing (selling your current property and buying a new property).

At this stage the price must remain subject to contract, as the checks made during the conveyancing stage can sometimes mean the price has to be reviewed or even reduced. If there has been a significant period between the inspection and providing the final report, we may need to inspect the property again.

This is also the time when you may want to commission surveys for the property you want to move to. You will need to make sure your property Advisor is aware of this and includes the surveys in your claim before we reach agreement (depending on our approval) if you are looking to claim these costs.

## **5.4 What happens if we are unable to reach agreement on compensation**

We will work with you to reach an agreement on your Blight Claim. However, there may be circumstances where we are unable to reach an agreement. The following options should be considered if this is the case:

### **Meeting with all parties**

If, after negotiations, we still disagree on your claim (or parts of the claim), we will usually ask for an 'agents and principals' meeting between you, your case manager and both our agents. The aim of this meeting is to try to settle the points being disputed and help both parties to fully understand each other's positions. The meeting will look at why negotiations have broken down and see if they can be restarted.

### **Alternative Dispute Resolution (ADR)**

If it becomes clear that we are unable to reach an agreement, we will explore the reasons for this with you or your Advisor and consider different means of ADR as a way of progressing negotiations. This is a quicker and cheaper way of reaching a solution than referring the case to the Upper Tribunal (Lands Chamber). ADR uses an independent third party to try to settle differences. Some examples of ADR include mediation, expert witness determination and early neutral evaluation. The most appropriate form of ADR may depend on the specific circumstances and can be discussed if an agreement is unable to be reached.

## Upper Tribunal

If we can't reach agreement then either party may refer the case to the Upper Tribunal (Lands Chamber) for determination. Both parties can refer the claim to the Upper Tribunal once your Blight Notice has been accepted and before it runs out.

A compensation dispute relating to a Blight Notice must be referred to the Upper Tribunal within three years and two months of the Blight Notice being served. After that time the notice lapses, a new Blight Notice must be served.

Reference to the Upper Tribunal is a formal process. The Upper Tribunal can be asked to make a decision on compensation matters. Often, this is on a point of law that will affect the level of compensation payable. It can, however, decide the level of compensation where parties have been unable to agree through negotiation.

The costs of referring a case to the Upper Tribunal can be high and you should always get professional advice before you do this. However, the Upper Tribunal is usually the last step if an agents and principals meeting or ADR is unsuccessful. Once a case is referred to the Upper Tribunal, the tribunal will issue directions that set out a proposed plan to solve your case and may hold a hearing to assess how much compensation you must be paid.

## 5.5 Conveyancing

The process to sell your property, known as conveyancing, can only begin after EWR Co has agreed to buy your property. This usually takes around three months, although this can vary from case to case. You can also have some control over the timescales, such as asking for completion to be delayed until you can move into your new property. This is the same as for a normal sale.

The table on the following page, shows the key steps in the process.

- 1**  
We instruct a legal Advisor to start the conveyancing.
- 2**  
Our legal Advisor will request the title pack (official documents relating to the property) from your legal Advisor and undertake property searches.
- 3**  
Our legal Advisor will produce a draft Contract.
- 4**  
Our legal Advisor will produce a report on title when the draft Contract is agreed with you and your legal Advisor.
- 5**  
Our agent will review the report on title and confirm if it affects their view on value.
- 6**  
A Pre-Completion Report is arranged and completed.  
We then approve the final documents.
- 7**  
We will arrange for funds to be transferred to our legal Advisor.  
They receive the funds within 10 working days of our request and send the Contract and Transfer documents to EWR Co to be signed.
- 8**  
EWR Co needs five working days from receiving the Contract and Transfer to return the signed documents.
- 9**  
A date for completion is agreed, giving the managing agent at least 10 working days' notice to make the necessary arrangements. Contracts can be exchanged.

## 6. Contact details and further information

### 6.1 How you can contact us

#### To contact our Blight Team:

- Call us on 0330 838 7583
- Email us on [blight@eastwestrail.co.uk](mailto:blight@eastwestrail.co.uk)
- Write to us at Freepost EAST WEST RAIL LAND

If you want to speak to us about the Need to Sell (NTS) Property Scheme, please contact our dedicated Need to Sell Team by phone on 0330 838 7583, or email us at [needtosell@eastwestrail.co.uk](mailto:needtosell@eastwestrail.co.uk)

#### To submit your Blight Notice or Blight Claim:

Please send in your Blight Notice, along with our Information Questionnaire and supporting evidence, using Royal Mail Special Delivery (or equivalent postage) to:

#### **BLIGHT TEAM**

EWR Co  
The Quadrant  
Elder Gate  
Milton Keynes  
United Kingdom  
MK9 1EN

You can also email documents to [blight@eastwestrail.co.uk](mailto:blight@eastwestrail.co.uk)

We will need to see the original copies of evidence within 10 days of you emailing your Blight Notice for review. If you choose to email your Blight Notice, we recommend that you also attach a copy of the email when you send us the original copies of your supporting evidence.

Once you have submitted your Blight Notice, you will be provided with a named Case Manager who will be your main point of contact if you have any questions.

#### If you have any issues, concerns or wish to make a complaint:

If you have issues, concerns or wish to make a complaint, please do not hesitate to get in touch so we can investigate and quickly find a good resolution. You can do this by:

- Raising the issue with your named Case Manager

- Contact our Blight Team in any of the ways set out above
- Contact EWR Co by sending us a message online at [www.eastwestrail.co.uk/get-in-touch](http://www.eastwestrail.co.uk/get-in-touch) or calling us on 0330 134 0067

## 6.2 Managing personal information

We understand the importance of privacy and protecting your information. The information you share will be handled in accordance with our privacy policy which can be found at: [www.eastwestrail.co.uk/privacy-at-ewr-co](http://www.eastwestrail.co.uk/privacy-at-ewr-co)

## 7. Abbreviations & Glossary

Term	Description
<b>Acquisition approval</b>	The process where we ask for formal approval of your compensation, which our Advisors will have agreed in principle or 'subject to approval'. Until acquisition approval, there is no guarantee that we will pay the compensation that has been negotiated. The price remains 'subject to contract' during conveyancing, as the checks made may result in the need to review or reduce the price.
<b>Advisor</b>	Someone appointed to advise and negotiate on your or our behalf. We recommend you appoint a suitably experienced RICS (Royal Institution of Chartered Surveyors) or CAAV (Central Association of Agricultural Valuers) surveyor, who may also be referred to as your 'agent'.
<b>Agricultural Unit</b>	Land which is occupied as a unit for agricultural purposes, including any home or other building occupied by the same person for the purpose of farming the land. Agricultural purposes are horticulture, fruit growing, seed growing, dairy farming, breeding and keeping livestock, using land as grazing land, meadow land, osier land, market gardens or nursery grounds, and using land for woodland in a way that supports the farming of land or for other agricultural purposes.
<b>Alternative Dispute Resolution (ADR)</b>	Various dispute resolution methods and techniques to resolve a matter without going to court or a tribunal.
<b>Betterment</b>	If land you keep increases in value due to EWR (that is, it has 'betterment'), we may deduct this increase in value from the compensation we pay for the land we take.
<b>Blight Claim</b>	Claim for compensation to sell your property to EWR Co. A Blight Claim can only be served once we confirm that we have accepted your Blight Notice.
<b>Blight Notice</b>	The statutory notice that you can serve on EWR Co asking us to buy your property.
<b>Building survey</b>	This is the same type of survey that is done for private properties. The survey will identify any issues with the condition of the property that we should know about before contracts are exchanged.
<b>CAAV</b>	The Central Association of Agricultural Valuers (CAAV) is a specialist professional body representing, qualifying and briefing members practising in a diverse range of agricultural and rural work throughout England, Wales, Scotland, and Northern Ireland. CAAV members are agricultural and rural valuers who provide professional advice and valuation expertise on issues affecting the countryside, including compulsory purchase of land and farming business advice. The CAAV has also published the 'Good Practice in Statutory Compensation Claims' for its members to reference when providing advice to clients.

<b>Certificate of Appropriate Alternative Development (CAAD)</b>	If you or we feel that planning consent would be granted for alternative uses for land or property that is being compulsorily purchased, perhaps because this may have a higher market value, either of us can apply to the local planning authority for a Certificate of Appropriate Alternative Development (CAAD). The local planning authority will then issue a certificate identifying the classes of development (if any) for which they believe planning permission would be granted if there were no compulsory purchase. If either of us disagree with the planning authority's decision, we can appeal to the Upper Tribunal (Lands Chamber).
<b>Claim Form</b>	A document used to outline ownership rights, boundaries or other legal interests related to the property.
<b>Compensation Code</b>	A collective term for the principles derived from Acts of Parliament and case law relating to compensation for compulsory acquisition. The overriding principle of compulsory purchase compensation is equivalence. This is the principle that people whose land is acquired compulsorily should be left neither better nor worse financially as a result of their land being acquired and are entitled to compensation which is neither more nor less than the value of their loss.
<b>Completion date</b>	The date when the sale of the property is completed (that is, the date you will be paid the purchase price and when you leave and no longer own the property).
<b>Contract</b>	The legally binding agreement that sets out the details of the purchase of your property. The contract commits you and us to the sale and purchase. When we are both ready to commit, the two contracts are exchanged by the legal Advisors.
<b>Conveyance or Transfer</b>	The legally binding document that transfers ownership of the property from you to the Government.
<b>East West Rail (EWR)</b>	A new rail link that would connect the communities between Oxford, Milton Keynes, Bedford and Cambridge. Our proposals involve the construction of a new railway between Bedford and Cambridge and works to upgrade the existing railway between Oxford and Bedford.
<b>Hereditament</b>	Any property or piece of land that can be inherited.
<b>Market Value</b>	The estimated worth of which a piece of land or property should exchange between a willing buyer and a willing seller under normal conditions take place.
<b>Need to Sell (NTS) Property Scheme</b>	The Need to Sell (NTS) Property Scheme is a discretionary scheme (that is, we do not have to offer it by law) to support property owners who have a compelling reason to sell their property but are unable to do so, other than at a substantially reduced value due to our proposals. You can find more guidance at <a href="#">East West Rail   Need to Sell</a> .
<b>Notice of Entry</b>	A notice served following the Notice to Treat which specifies the date in which possession of the land or property is to be taken

<b>Notice to Treat</b>	This is a notice served on an owner, leaseholder or mortgage provider by an authority with compulsory purchase powers. The notice states that the authority is willing to agree a price to buy the property.
<b>Pre-Completion Report</b>	This is a survey or assessment of your property, which will be done before the legal conveyancing is completed. The survey is needed to make sure we can put necessary measures in place on the day of completion to continue to manage the property.
<b>Qualifying interest</b>	A legal right or claim in relation to a piece of land. This can include: a freeholder or leaseholder (with at least three years left on your lease) of a property fully or partly within the safeguarded area; a personal representative of someone who has died and who had a qualifying interest or; a mortgage lender with a right to sell the property and who can give immediate Vacant Possession.
<b>Report on title</b>	A report outlining the results of the investigation into your property's title. It explains the findings of the searches, and highlights any legal issues (for example, if there is anything which may affect how the property is used), which we will need to deal with before contracts can be exchanged.
<b>RICS</b>	The Royal Institution of Chartered Surveyors. RICS is a worldwide professional body that promotes and enforces the highest international standards in valuing, managing, and developing land, real estate, construction, and infrastructure. For RICS advice on compulsory purchase, please go to: <a href="http://www.ricsfirms.com/media/1183/rics-consumer-guide-compulsory-purchase.pdf">www.ricsfirms.com/media/1183/rics-consumer-guide-compulsory-purchase.pdf</a> .
<b>Safeguarding</b>	<b>Safeguarding</b> is an established part of the planning system. It is designed to protect land which has been earmarked for major infrastructure projects from conflicting developments which might otherwise take place. From the date safeguarding directions are issued, local planning authorities must consult the authority which issued the directions on planning applications they receive that are within the safeguarded area. Safeguarding also triggers 'Statutory Blight'. This means that property owners within the safeguarded area may be able to serve a Blight Notice asking the Government to buy their property before any compulsory purchase.
<b>Safeguarding Direction</b>	The direction issued by the Secretary of State that establishes the land which is safeguarded. The Safeguarding Direction for EWR means that local planning authorities must consult us about relevant planning applications for development within the safeguarded area that could conflict with the railway. This consultation allows us to comment on potential conflicts and suggest measures that could be taken to resolve these conflicts.

<b>Searches</b>	<p>A way of identifying whether there is anything that may affect a property's value. There are many different types of searches, and we will assess which are relevant. They may include a:</p> <ul style="list-style-type: none"> <li>• bankruptcy search;</li> <li>• brine search;</li> <li>• coal-mining search;</li> <li>• commons registration search;</li> <li>• company search;</li> <li>• environmental search;</li> <li>• Land Registry search;</li> <li>• land charges search;</li> <li>• index map search;</li> <li>• local authority search;</li> <li>• tin-mining search; and</li> <li>• water authority or drainage search.</li> </ul>
<b>Seven Grounds (A-G) of section 151 (4) of the Town and Country Planning Act 1990</b>	<p>The grounds on which objection may be made in a counter notice to a notice served under section 150 are:</p> <ol style="list-style-type: none"> <li>a. That no part of the hereditament or agricultural unit to which the notice relates is compromised in blighted land;</li> <li>b. That the appropriate authority (unless compelled to do so) do not propose to acquire any part of the hereditament, or in the case of an agricultural unit any part of the affected area, in the exercise of any relevant powers;</li> <li>c. That the appropriate authority propose in the exercise of relevant powers to acquire a part of the hereditament or, in the case of an agricultural unit, a part of the affected area specified in the counter notice, but (unless compelled to do so) do not propose to acquire any other part of that hereditament or area in the exercise of such powers;</li> <li>d. In the case of land falling within paragraph 1,3, or 13 but not 14, 15 or 16 of Schedule 13, that the appropriate authority (unless compelled to do so) do not propose to acquire in the exercise of any relevant powers any part of the hereditament or, in the case of an agricultural unit, any part of the affected area during the period of 15 years from the date of the counter-notice or such longer period from that date as may be specified in the counter-notice;</li> <li>e. That on the date of service of the notice under section 150, the claimant was not entitled to an interest in any part of the hereditament or agricultural unit to which the notice relates;</li> <li>f. That (for reasons specified in the counter-notice) the interest of the claimant is not a qualifying interest;</li> <li>g. That (for the conditions specified in (b) and (c) of section 150(1) are not fulfilled.</li> </ol>

<b>Severance</b>	Compensation for the reduction in value of land you own that you do not sell to the Government, or which was in some way held with the land that was compulsorily purchased.
<b>Statutory Blight</b>	The method in which you may be able to sell your property as set out within Schedule 13 to the Town and Country Planning Act 1990
<b>Tenure</b>	The term used to describe how land and buildings are held and occupied, e.g. Freehold or Leasehold.
<b>Unblighted Market Value</b>	The value of the property as if there were no proposals for EWR.
<b>Upper Tribunal (Lands Chamber)</b>	The Upper Tribunal (Lands Chamber) is a specialist tribunal for determining property related disputes in England and Wales. It is the legal authority responsible for handling applications for cases about compensation for the compulsory purchase of land. It is the last resort when settling disputes about compensation.
<b>Vacant Possession</b>	Unless it has been agreed that you will rent back your property, you must hand over an empty property, including the loft and any outbuildings. This is known as vacant possession. You are responsible for making sure that you have removed all of your possessions, in line with the fittings and contents form. You should also make sure that, if the property is vacant before the Completion Date, no squatters are living there.