

Town and Country Planning Act 1990: Mortgagee's Blight Notice

TOWN AND COUNTRY PLANNING ACT 1990

Mortgagee's Blight Notice

To East West Rail Company ⁽¹⁾

At BLIGHT TEAM, EWR Co, The Quadrant, Elder Gate, Milton Keynes, MK9 1EN. ⁽²⁾

I/We of..... ⁽³⁾

HEREBY GIVE YOU NOTICE under section 162(1) (and by virtue of section 158)⁽⁴⁾ of the Town and Country Planning Act 1990 ("the Act") as follows:--

1. I am/We are entitled as mortgagee(s) by virtue of a power which has become exercisable, to sell the interest described in Schedule 1⁽⁵⁾ to this Notice in the property described in Schedule 2⁽⁶⁾ to this Notice, giving immediate vacant possession of the land.
2. The whole/Part of⁽⁷⁾ that property is blighted land within paragraph(s) ⁽⁸⁾ of Schedule 13 to the Act.
3. The said interest in that property qualifies for protection under Chapter II in Part VI of the Act because

(EITHER)

that property is (part of)⁽⁹⁾ a hereditament whose annual value does not exceed the amount prescribed for the purposes of section 149(3)(a) of the Act and the person entitled (otherwise than as mortgagee) to the interest (is an owner-occupier of that hereditament) (was an owner-occupier of that hereditament on and (part of)⁽⁷⁾ that property was blighted land on that date)⁽¹⁰⁾.

(OR)

that property is (part of)⁽⁹⁾ a hereditament and the person entitled (otherwise than as mortgagee) to the interest (is a resident owner-occupier of that hereditament) (was a resident owner-occupier of that hereditament on and (part of)⁽⁷⁾ that property was blighted land on that date)⁽¹⁰⁾.

(OR)

that property is (part of)⁽⁹⁾ an agricultural unit and the person entitled (otherwise than as mortgagee) to the interest (is an owner-occupier of that agricultural unit) (was an owner-occupier of that unit on ,

and (part of)⁽⁷⁾ that property was blighted land on that date)⁽¹⁰⁾.

4 .

(1) *(EITHER)* I/We have made reasonable endeavours to sell the said interest in that property, and details of those attempts are set out in (Schedule 3 to/the letter accompanying)⁽¹¹⁾ this Notice. *(OR)* The powers of compulsory acquisition relevant for the purposes of paragraph 21/22 of Schedule 13 to the Act remain exercisable ⁽¹²⁾.

(2) In consequence of the fact that (part of)⁽¹³⁾ the hereditament/agricultural unit was, or was likely to be, comprised in blighted land, I/we have been unable to sell the interest except at a price substantially lower than that for which it might reasonably have been expected to sell if no part of the hereditament/unit were, or were likely to be, comprised in blighted land.

5. ⁽¹⁴⁾ The (part of the)⁽⁹⁾ agricultural unit in which the interest subsists contains land which is not blighted land as well as land which is, and the land which is not blighted land is not reasonably capable of being farmed, either by itself or with other relevant land, as a separate agricultural unit.*(EITHER)*

6. I/We therefore require you to purchase the said interest⁽¹⁵⁾.

(OR)

7. I/We therefore require you to purchase the said interest so far as it subsists in property which is described in Schedule 2 to this Notice and which is blighted land⁽¹⁶⁾.

SCHEDULE 1

The Interest to which this Blight Notice Relates

SCHEDULE 2

The Property to which this Blight Notice Relates

SCHEDULE 3

Details of Attempts to Sell the Interest to which the Blight Notice Relates

Dated.....

Signed.....

(Solicitor/Surveyor/Land Agent, of.....)

on behalf of)(17)

NOTES

1. Insert name of the appropriate authority.
2. Insert address of the appropriate authority.
3. Give full name(s) and address(es) of claimant(s).
4. Delete unless this notice relates to an agricultural unit and a claim and requirement under section 158(2) of the Act are to be included.
5. Schedule 1 should contain a description of the interest which the claimant has power to sell, and a list of any other incumbrances to which (to the knowledge or belief of the claimant) that interest is subject, with the names and addresses of the mortgagees.
6. The boundaries of the property should normally be clearly marked on a plan annexed to the Blight Notice.
7. Use "Part" instead of "The whole" if only some of the land was blighted land.
8. Insert relevant paragraph number(s).
9. Delete unless the interest is in only part of the hereditament or unit.

10. The second alternative may only be used if the claimant was the relevant owner-occupier on the date inserted, being a date not more than six months before the service of this notice.
11. Delete as appropriate.
12. The second alternative may be used only if paragraph 2 of this notice refers to paragraph 21 or 22 of Schedule 13 to the Act.
13. Delete unless only part of the property was blighted land.
14. Use this paragraph (and the reference to section 158 at the top of the notice - see Note 4 above) only to make a claim under section 158(2).
15. Use if the property is a hereditament or is an agricultural unit and paragraph 5 has been included.
16. Use if the property is an agricultural unit but paragraph 5 has been deleted.
17. **If this notice is signed by an agent, insert here full name and address of agent or firm, and name(s) of claimant(s).**

