Assets of Community Value - Process chart for Disposal of Listed Land

Owner wishes to dispose of listed land

Owner must notify the Council of their intention to dispose of the land *(section 95)* (see section 95 of Localism Act and Schedule 3 of the Regulations for various exceptions).

Relevant disposals are set out by section 96 and include:

- Disposal of freehold estate with vacant possession
- Grant or assignment of a leasehold of a term 25 years of more with vacant possession

On receipt of the notice Colchester City Council (CCC) must:

- Update the entry in the list to show:
 - o That a notice of the intention to dispose of the land has been received
 - The date when the notice was received
 - The date for the end of the initial moratorium period (6 weeks), the full moratorium period (6 months) and the protected period (18 months).
- CCC must notify the person who made the original community nomination
- CCC must make arrangements for these matters to be publicised in the area where the land is situated

Interim moratorium period (6 weeks). Disposal of land may not take place (except if sold to a community group which can take place at any time). Before end of the interim moratorium period No written request received from a community (6 weeks) the Council receives written request group before end of the interim moratorium from a community group to be treated as a period (6 weeks) asking to be treated as a potential bidder. potential bidder As soon as practicable, CCC passes the request to the owner of the land or informs the owner of the details of the request (section 98) Once 6 weeks have expired The full moratorium period applies. Disposal may not take place within 6 months from the date the Council received notification from the owner (except if sold to a community group). Once 6 months have expired Disposal may go ahead as long as no more than 18 months has passed since the Council received notification from the owner.

The owner or former owner of listed land is entitled to compensation from CCC of such amount as CCC may determine when that person has incurred loss or expense which would not have been incurred if the land had not been listed.

(Section 99 and Regulation 14)

The following types of claim can be made:

- Any period of delay in entering into a binding agreement to sell which is wholly caused by being
 prohibited to dispose of land during the 6 week period, or where the prohibition continues for six
 months any part of that 6 month period.
- A claim for reasonable legal expenses incurred in a successful appeal to the fist tier tribunal against
 the Council's decision to list the land, refuse to pay compensation, or with regard to the amount of
 compensation offered or paid.

Claims must be made in writing before 13 weeks after the loss or expense was incurred, state the amount of compensation sought, and be accompanied by supporting evidence.

The person making the claim can request a review of the decision under regulation 16. This compensation review must follow the procedure in schedule 2 of the regulations (similar to the listing review procedure).

Where a local authority has carried out a compensation review, the person who requested the review may appeal to the First-Tier Tribunal (Regulation 17).