

TO: PERSONS OCCUPYING OR HAVING AN INTEREST IN LAND WEST OF RICCAL DRIVE AND SOUTH OF STOREY CLOSE, HELMSLEY

THE RYEDALE DISTRICT COUNCIL
(LAND WEST OF RICCAL DRIVE AND SOUTH OF STOREY CLOSE, HELMSLEY)
COMPULSORY PURCHASE ORDER 2015

The Town and Country Planning Act 1990
and the Acquisition of Land Act 1981

1. Notice is hereby given that the Secretary of State for Communities and Local Government, in exercise of his powers under the above Acts, on 12 January 2016 confirmed with modifications the Ryedale District Council (Land West of Riccal Drive and South of Storey Close, Helmsley) Compulsory Purchase Order 2015 submitted by the Ryedale District Council.
2. The order as confirmed provides for the purchase of the land described in the schedule below for the purpose of securing its availability for development for employment, being a purpose which it is necessary to achieve in the interests of the proper planning of Helmsley.
3. A copy of the order as confirmed by the Secretary of State for Communities and Local Government and of the map referred to therein have been deposited at Ryedale House, Malton, North Yorkshire YO17 7HH and may be seen at all reasonable hours.
4. The order as confirmed becomes operative on the date on which this notice is first published. A person aggrieved by the order may, by application to the High Court within 6 weeks from that date, challenge its validity under section 23 of the Acquisition of Land Act 1981. The grounds for challenge can be that the authorisation granted by the order is not empowered to be granted or that there has been a failure to comply with any relevant statutory requirement relating to the order.

SCHEDULE
LAND COMPRISED IN THE ORDER AS CONFIRMED

An area of largely undeveloped scrubland, west of Riccal Drive and south of Storey Close, Helmsley, North Yorkshire, having an area of approximately 0.8ha (but now reduced as a result of the modification to the order)

FORM OF STATEMENT OF EFFECT OF PARTS II AND III OF THE
COMPULSORY PURCHASE (VESTING DECLARATIONS) ACT 1981

Power to make General Vesting Declaration

1. The Ryedale District Council (hereinafter called "the Council") may acquire any of the land described in the Schedule above by making a General Vesting Declaration under section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981. This has the effect, subject to paragraph 4 below, of vesting the land in the Council at the end of the

period mentioned in paragraph 2 below. A Declaration may not be made before the end of a period of two months from the first publication of a notice which includes this statement except with the consent in writing of every occupier of the land affected.

Notices concerning General Vesting Declaration

2. As soon as may be after the Council make a General Vesting Declaration, they must serve notice of it on every occupier of any of the land specified in the Declaration (except land where there is one of the tenancies described in paragraph 3) and on every person who gives them information relating to the land in pursuance of the invitation contained in any notice. When the service of notices of the General Vesting Declaration is completed, a further period begins to run. This period, which must not be less than twenty eight days, will be specified in the Declaration. On the first day after the end of this period (“the vesting date”) the land described in the Declaration will, subject to what is said in paragraph 4, vest in the Council together with the right to enter on the land and take possession of it. Every person on whom the Council could have served a Notice to Treat in respect of his interest in the land (other than a tenant under one of the tenancies described in paragraph 3) will be entitled to claim compensation for the acquisition of his interest in the land, with interest on the compensation from the vesting date.

Modifications with respect to certain tenancies

3. In the case of certain tenancies, the position stated above is subject to modifications. The modifications apply where the tenancy is either a “minor tenancy”, ie a tenancy for a year or a yearly tenancy of a lesser interest, or “a long tenancy which is about to expire”. The latter expression means a tenancy granted for an interest greater than a minor tenancy but having on the vesting date a period still to run which is not more than the period specified in the Declaration for this purpose (which must be more than a year). In calculating how long a tenancy has still to run, where any option to renew or to terminate it is available to either party, it shall be assumed that the landlord will take every opportunity open to him to terminate the tenancy while the tenant will use every opportunity to retain or renew his interest.

4. The modifications are that the Council may not exercise the right of entry referred to in paragraph 2 in respect of land subject to a tenancy described in paragraph 3 unless they first serve Notice to Treat in respect of the tenancy and then serve every occupier of the land with a notice of their intention to enter and take possession after the period (not less than fourteen days from the service of the notice) specified in the notice. The right of entry will be exercisable at the end of that period. The vesting of the land will be subject to the tenancy until the end of that period or until the tenancy comes to an end, whichever happens first.

Every person who, if a General Vesting Declaration were executed in respect of all of the land comprised in the Order (other than land in respect of which notice to treat has been served), would be entitled to claim compensation in respect of any such land is invited to give information to the Council in the prescribed form with respect to his name and address and the land in question. The relevant prescribed form is set out below.

THE RYEDALE DISTRICT COUNCIL
(LAND WEST OF RICCAL DRIVE AND SOUTH OF STOREY CLOSE, HELMSLEY)
COMPULSORY PURCHASE ORDER 2015

To: Anthony Winship, Council Solicitor, Ryedale House, Malton, North Yorkshire, YO17 7HH

[I] [We] being [a person] [persons] who, if a General Vesting Declaration were made under Section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981 in respect of all the land comprised in the Compulsory Purchase Order cited above in respect of which Notice to Treat has not yet been given, would be entitled to claim compensation in respect of [all] [part of] that land, give you the following information, pursuant to the provisions of Section 3 of that Act.

1. Name and address of informant[s] (i)

.....

2. Land in which an interest is held by informant[s] (ii)

.....

3. Nature of interest (iii)

Signed

[on behalf of]

Date

(i) In the case of a joint interest insert the names and addresses of all the informants.

(ii) The land should be described concisely.

(iii) If the interest is leasehold, the date of commencement and length of term should be given. If the land is subject to a mortgage or other incumbrance, details should be given, eg name of Building Society and Roll Number.

DATED this day of January 2016

Anthony Winship
Council Solicitor
Ryedale House
Malton
North Yorkshire
YO17 7HH