

### Right of owner to claim compensation for loss arising from ACV listing

If an owner or former owner of land listed or previously listed as an ACV incurs loss or expense that it is likely they would not have incurred had the land not been listed as an ACV, they may be able to claim compensation under regulation 14 of the ACV Regulations 2012. Regulation 15 lists certain bodies that are not entitled to claim compensation.

Regulation 14(3) lists the following as examples of types of compensation claim that might be made:

- A claim arising from any delay in entering into a binding agreement to sell the land listed as an ACV, which is wholly caused:
  - by relevant disposals being prohibited under the six-week interim moratorium period; or
  - in the case of a full moratorium period, by relevant disposals of the land being prohibited during any part of the six-month full moratorium period.
- A claim for reasonable legal expenses incurred in a successful appeal to the First-tier Tribunal (General Regulatory Chamber) against a local authority's decision:
  - to list the land;
  - to refuse to pay compensation; or
  - relating to the amount of compensation offered or paid to the owner.

The case of *St John Ambulance v Teignbridge District Council (2018) (CR/2018/0003)* should also be noted, in which the First-tier Tribunal held that regulation 14(2) (stating that a landowner may be able to claim compensation where loss or expense is incurred which would not have incurred if the land was not listed) was wide enough to also include loss or expense arising from the listing of an asset, as well as any arising from compliance with the procedural requirements of the ACV regime.

Any claim for compensation must:

- Be made in writing to the local authority.
- Be made within 13 weeks of the loss or expense being incurred or having finished being incurred.
- State the amount of compensation sought for each part of the claim.
- Include supporting evidence for each part of the claim.

(Regulation 14(5), ACV Regulations 2012.)

Once a local authority has reached a decision regarding compensation, it must give the landowner (or former owner) written reasons for its decision (regulation 14(6)). There is no time period within which a local authority must respond to a claim but the *DCLG: Community Right to Bid: Non-statutory advice note for local authorities* states that as a matter of good practice, a local authority should endeavour to reach a decision as quickly as practicable once it has all of the necessary evidence.