

**EXPLANATORY MEMORANDUM TO**  
**THE TOWN AND COUNTRY PLANNING (BLIGHT PROVISIONS) (ENGLAND)**  
**ORDER 2010**

**2010 No. 498**

1. This explanatory memorandum has been prepared by the Department for Communities and Local Government and is laid before Parliament by Command of Her Majesty.
2. **Purpose of the instrument**
  - 2.1 Blight notices are a procedure available to the owners of property who cannot sell their premises except for a significantly reduced amount because they are under a direct threat of compulsory purchase or certain other development proposals. Owner-occupiers of business premises are able to serve blight notices provided the annual rateable value of their premises does not exceed a prescribed limit. This Order raises the current limit of £29,200 to £34,800 to take account of the rating re-valuation for 2010.
3. **Matters of special interest to the Joint Committee on Statutory Instruments**
  - 3.1 None
4. **Legislative Context**
  - 4.1 Section 149(3)(a) of the Town and Country Planning Act 1990 enables the Secretary of State to prescribe a limit on the annual rateable value of the business premises for which an owner occupier can serve a blight notice. The limit has been updated with each subsequent rating revaluation.
  - 4.2 The same rateable value limit used for blight notices applies to eligibility for businesses claiming compensation for loss of value under Part 1 of the Land Compensation Act 1973 when their premises are affected by physical factors such as noise, vibration, fumes and artificial lighting from new public works such as highways and aerodromes. It also applies to eligibility under the 1973 Act for business proprietors aged at least sixty to claim disturbance compensation on the basis of the total extinguishment of their business when they are subject to a compulsory purchase order.
  - 4.3 This Order revokes the Town and Country Planning (Blight Provisions) (England) Order 2005 (S.I. 2005/406).
5. **Territorial Extent and Application**
  - 5.1 This instrument applies to England.

## **6. European Convention on Human Rights**

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

## **7. Policy background**

- *What is being done and why*

7.1 Blight notices can currently be served by owner occupiers of business premises which have a rateable value of up to £29,200. Where such an owner cannot sell their premises except for a significantly reduced amount, because the premises are under a direct threat of compulsory purchase or certain other development proposals, the owner may serve a blight notice on the public body responsible for the scheme. If such a notice is confirmed, the owner can require the public body to acquire the premises early.

7.2 The current rateable value limit on the eligibility to serve blight notices in respect of business premises was set at £29,200 when the last revaluation took effect in April 2005. The forthcoming rating revaluation which takes effect on 1 April 2010 increases the rateable values of properties by an average of 19.3%. The threshold therefore needs to be raised to £34,800 to remain in the same relative position from 1 April 2010.

- *Consolidation*

7.3 This Order revokes S.I. 2005/406 and replaces it. Consolidation is therefore not a relevant issue.

## **8. Consultation**

8.1 As the uprating is a routine consequence of the rating revaluation and does not represent a change in policy, the revised figure has not been the subject of consultation.

## **9. Guidance**

9.1 Notification of the change will be provided to Local Authorities. A notice will be posted on the Department for Communities and Local Government website.

## **10. Impact**

10.1 The legislation has no impact on business, charities or voluntary bodies. The increase in the rateable value limit is proportionate to the change in rateable values which will take place on 1 April 2010 for the sector of businesses within the current limit, i.e. in line with inflation in rental values for that sector.

10.2 The legislation has no impact on the public sector as the increase in the rateable value limit maintains the threshold at the same point relative to the change in rateable values to take place on 1 April 2010.

10.3 As the legislation has no impact on business, charities or voluntary bodies an impact assessment has not been prepared for this instrument.

## **11. Regulating small business**

11.1 The legislation applies to small business.

11.2 To minimise the impact of the requirements on firms employing up to 20 people, the approach taken is to update the threshold in line with the rating valuation. The desired effect is to have no impact on small business.

## **12. Monitoring & review**

12.1 It is intended that the rateable value limit will be reviewed in five years' time.

## **13. Contact**

Cyril Kearney at the Department for Communities and Local Government Tel: 030344 41718 or email: [cyril.kearney@communities.gsi.gov.uk](mailto:cyril.kearney@communities.gsi.gov.uk) can answer any queries regarding the instrument.