

Horden Residents' Charter (Draft)

Who is this charter for?

This charter is for all residents and tenants (together referred to in this charter as "Residents") and property owners who are not residents (referred to in this charter as "Non-Residents") in the Numbered Streets, Eden, Tees and Warren Streets and South Terrace in Horden who are or may be affected by Durham County Council's regeneration proposals as set out in the Horden Masterplan.

The purpose of this document is to set out the local policy to be applied by the Council when engaging with residents who are affected by the Horden Masterplan regeneration and associated land acquisition proposals.

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1. Background to the Horden Masterplan and proposed regeneration

- 1.1. In response to longstanding concern of residents and other stakeholders, the Council has developed a regeneration strategy embodied within the Horden Masterplan.
- 1.2. A three-stage consultation with residents which was widely advertised within the community was carried out:
 - In 2018 a community wide consultation was carried out, open to all residents of Horden which was intentionally open-ended providing a blank page for respondents to share their views. 318 responses were received. The most popular response was for demolition (at 31%), followed by better landlord controls (at 14%).
 - In 2019 an options-based consultation sought views on identified options. This received 1,123 responses of which 75% preferred an option involving wholesale clearance and rebuild.
 - A further consultation took place in 2022 on the preferred Masterplan option. 369 responses were received, of which 86% supported the proposed master plan and 11% partly supported it.
- 1.3. The adopted Horden Masterplan is accessible at [Horden Regeneration Scheme](#).
- 1.4. The area and first phase of the Masterplan are identified in the plan attached at appendix 1.
- 1.5. To deliver the objectives of the Masterplan, the Council will need to acquire those properties (residential and non-residential) in the regeneration area it does not presently own to allow redevelopment.
- 1.6. At the date of this Charter, there are detailed proposals for Phase 1 of the Masterplan for which planning permission has been granted. Phase 1 of the Masterplan is limited to the development of Third Street and Fifth Street together with the cleared area of the former Fourth Street. The Council is therefore currently seeking to acquire properties within Third Street and Fifth Street but as the detailed proposals come forward for the later phases of the Masterplan, the Council will need to acquire those interests within those phases that it does not own.

- 1.7. The Council wishes to acquire the interests that it needs by agreement. This Charter sets out in more detail how the Council will look to agree a value for affected properties and, where agreement on valuation can be reached, to acquire those properties with the relevant owner.
- 1.8. The Council has made good progress in acquiring properties for the Phase 1 area and since August 2024 when it acquired the first property, it has acquired 52 properties within Third Street and Fifth Street. The Council continues to engage with all remaining owners to try to acquire those properties by agreement.
- 1.9. Where the Council is unable to acquire all necessary interests by agreement, then it may choose to use its statutory powers of compulsory purchase. Where the Council acquires properties, whether by agreement or through their powers of compulsory purchase, the Council will pay compensation based on statutory entitlement as further set out in section 6 of this Charter. This Charter also sets out commitments by the Council over and above the statutory entitlements.

2. Principles and Purpose of the Charter

- 2.1. The charter principally sets out the Council's commitments to residents and non-residents in the Masterplan area who will be affected by the Council's acquisition and regeneration proposals.
- 2.2. Throughout the acquisition and regeneration process the Council will ensure that:
 - All Residents and Non-Residents are treated fairly, and their rights are protected
 - All Residents and Non-Residents are listened to and kept informed
 - The process will be fair and transparent
 - Wherever practicable, the Council will consult with residents on the delivery of phases of the Horden Masterplan, because the Council understands that the Horden Masterplan may cause worry and/or uncertainty for residents.
- 2.3. A key purpose of the Charter is therefore to provide key information in one document and to set out the Council's commitments, including that:
 - No resident will be made homeless because of the regeneration programme.
 - All eligible Residents will receive compensation, including for the loss of their home and any eligible expenses they have incurred due to moving home.
 - All eligible Non-Residents will receive compensation, including for the loss of their property and any eligible expenses they have incurred because of having to sell their property to the Council.
- 2.4. The above principles will guide the way the Council will support Residents and Non-Residents throughout the delivery of the Horden Masterplan. The Charter has been prepared to consolidate existing materials prepared in connection with Phase 1 of the Masterplan and to set out the Council's commitment at this key stage of the project.
- 2.5. The Charter will apply throughout the delivery of the wider Masterplan, but sections may need to be updated as the Masterplan progresses. Any changes will be communicated with residents with further consultation undertaken as deemed necessary where major changes are proposed.

- 2.6. The views of those most affected by the proposals are important, which is why the Council is asking Residents in particular to get involved with the formation of a Residents Steering Group as a means of informing decision making.
- 2.7. The Council's Horden Regeneration Project Team (referred to in the Charter as "the Project Team") is responsible for delivering the advice and support outlined in this charter. Their contact details are provided in section [12].

3. Residents Steering Group

- 3.1. In order to deliver the Charter's commitments, the Council will work to establish a Residents Steering Group and to get their input. This group will:
 - Hold the Council responsible for its performance on the Charter commitments.
 - Receive updates and progress information from the Project Team.
 - Provide a forum for discussion and a link for feedback from Residents
 - Provide Residents with a formal and regular opportunity to ensure that their voices are heard throughout the Masterplan process.
 - Work with the Project Team to put forward solutions to issues that may arise during the construction stages of the Masterplan.
- 3.2. Residents can also raise concerns or complaints about Council performance in any aspect of the Charter or regeneration process. They can do so through the resident's steering group or directly via the council complaints procedure¹.
- 3.3. The proposed terms of reference for the Residents Steering Group, setting out the details as to membership of the Residents Steering Group and the how the Steering Group will operate are appended to the Charter at Appendix 2.

4. Independent Advice

- 4.1. In respect of Phase 1 of the Masterplan, the Council has appointed the Tenants Participatory Advisory Service (Tpas) to give Residents independent advice about the principles of the regeneration proposals.
- 4.2. Tpas is a not-for-profit organisation that seeks to promote and support tenant involvement. In the context of the Masterplan, they are working with all Residents, including owner-occupiers, providing advice in respect of Residents' rights and the obligations of the Council.
- 4.3. The Independent Advisor appointed by Tpas has assisted in the following ways:
 - Reviewed relevant Council information and communications to ensure they are accurate, clear and inclusive.
 - Helped individual Residents engage with the Council on specific issues and sought to represent Resident interests at all meetings attended.
 - Been available for one-to-one appointments either by telephone or in person.

¹ <https://www.durham.gov.uk/complaints>

- Offered drop-in style sessions for affected parties to discuss concerns and individual circumstances with them directly.
 - Providing knowledge to the Council of best practice and experience of other projects to inform the Council's approach.
- 4.4. Tpas' ongoing involvement is subject to regular reviews by the Council, but the Council will make sure that some independent support is in place to support the Residents and the Resident's Steering Group.

5. Commitment to consultation and involvement

- 5.1. The Council will consult with individuals and the community throughout the delivery of the Masterplan and the regeneration process. Depending upon the circumstances, information will be provided in different formats including, letter, email, telephone and in person and where practicable will be in a Resident's or Non-Resident's preferred format. As relevant, information will also be provided in other formats including languages other than English.

6. Project information

- 6.1. The Council will provide all Residents and Non-Residents with information on:
- Project activities and timescales
 - Project progress
 - Resident and other comments or feedback

7. Individual communication

- 7.1. The Council will contact individuals about any issues that might affect them. It will respond to enquiries in line with the Council's expected response times, including within 10 working days for written enquiries.

8. Project Engagement

- 8.1. As set out above, the Council will use the Residents Steering Group to keep the community informed about the progress of Phase 1 of the Masterplan.
- 8.2. Detailed proposals for the wider Masterplan beyond Phase 1 are not yet determined. In addition to consulting with the Residents Steering Group, the Council will also consult Residents and Non-Residents on the proposals for the later phases of the Masterplan in advance of them coming forward. The Council may consult with the whole community or specific groups, such as private tenants depending upon the nature of the proposals.
- 8.3. Consultation feedback will support project decisions and help to monitor project performance. Consultation outside of the Residents Steering Group may be done in one or more of these methods:
- Surveys or questionnaires
 - Online and social media
 - Focus group or community drop-in

- Face to face events

9. Commitments to Residents and Non-Residents

- 9.1. The Council will compensate Residents and Non-Residents in accordance with statute and guidance.
- 9.2. National Guidance includes:
 - Guidance on the Compulsory Purchase Process and Compulsory Purchase [Compulsory purchase process: guidance - GOV.UK](#)
 - Compulsory Purchase and Compensation: Guide 1 - Procedure. [Compulsory purchase and compensation: guide 1 - procedure - GOV.UK](#)
 - Compulsory Purchase and Compensation: Guide 4 - Compensation to Residential Owners and Occupiers [Compulsory purchase and compensation: guide 4 - compensation to residential owners and occupiers - GOV.UK](#)
- 9.3. The Council will determine compensation on a deemed Compulsory Purchase Order (CPO) basis meaning that the compensation principles as set out by statute, case law and guidance in a CPO context will apply where a Resident or Non-Resident has agreed to sell their property on a voluntary basis.
- 9.4. The underlying principle applying to compensation is known as the principle of equivalence, meaning that when land or property is acquired by negotiation or through compulsory purchase, the owner should be no worse off and no better off than if it had not been taken so far as money may provide. Compensation is paid to cover what is actually lost, not to provide a profit or act as a punishment. This usually includes paying the market value of the property, plus any extra costs or losses caused by the move, such as disturbance, or statutory payments like a home loss payment for people who qualify.
- 9.5. Details as to how the Council will value properties and what compensation may be payable are set out in more detail in the relevant Appendix as set out below:
 - Appendix 3 – Owner-occupiers
 - Appendix 4 – Tenants
 - Appendix 5 – Non Residents
- 9.6. No resident will be made homeless due to the regeneration scheme. To ensure these commitments, the regeneration team will offer the following in respect of the Phase 1 proposals. Appropriate commitments will be given for future phases of the Masterplan once the nature of the proposals for each future phase is determined.

- **Access to social housing in County Durham**

The Council will offer tenants and owner occupiers priority access to social housing in the County. Usually, **homeowners** would not get priority access, but the Council wants to ensure that they can access an affordable home once they sell their property.

- **Access to independent advice from Tpas**
- **The right to return**

The Council will give priority to all eligible Residents who have moved from Third Street or Fifth Street and want to rent one of the newly built Council homes. These homes will not be built before demolition takes place so it will not be possible to move directly into one of the new properties, but support will be provided to those Residents to relocate to temporary alternative accommodation.

10. Summary of support

The following table sets out a summary of support offered.

Please note to qualify for support you must have lived in your current property as your main home for 1 year or longer. (The team may still advise you if you do not qualify).

Support	Owner Occupiers	Tenants (of Private landlords)	Non-resident owners Landlords
Information and advice from the Horden Regeneration Project Team.	Yes	Yes	Yes
Band 1 priority for social housing in County Durham through Durham Key Options	Yes	Yes	N/A
Help to find a privately rented property (the Project Team will provide a list of local properties)	Yes	Yes	N/A
Help to find a property to buy (the Project Team will provide a list of local properties for sale within a defined price parameters equivalent to purchase prices within a Masterplan phase area. The list will be updated periodically)	Yes	Yes	N/A
‘Disturbance’ compensation for reasonable costs they have due to moving house	Yes	Yes	N/A
Home Loss Compensation – paid after the sale of the property to the Council is complete (£8,100)	Yes	Yes	N/A
A Local Lettings Policy will enable residents to return to Council Homes for rent, subject to eligibility.	Yes	Yes	N/A
Market Value for your property – using the RICS standard valuation method	Yes	N/A	Yes
Payment of the legal fees for the sale of the property to the Council	Yes	N/A	Yes
Payment of the legal fees for buying another property as your main home	Yes	N/A	N/A

Statutory property loss compensation of 7.5% of the value of the property.	N/A	N/A	Yes
Payment for Third party, independent valuation, by RICS registered surveyor.	Yes	N/A	Yes
Rent loss compensation during conveyancing process (max.12 weeks at local benefits rate)	N/A	N/A	Yes

11. What the Council can and cannot do

11.1. The Council recognises that the proposed regeneration by means of demolition and rebuilding may be worrying for those directly or indirectly affected. To address these difficulties the Council will seek to take into account individual circumstances while at the same time being fair, reasonable and consistent so far as practicable.

11.2. There are things it cannot do legally and things that are not practical. For example, it must use public money in the best way for all County Durham residents and comply with grant funding conditions for the Horden Masterplan.

11.3. The Council **can**

- Deliver the regeneration of the Numbered Streets, set out in the Masterplan, agreed by Horden residents and in particular, deliver Phase 1 of the Masterplan
- Make sure no-one is made homeless because of the regeneration proposals
- Pay compensation on a "deemed CPO basis"
- Keep Residents and No-Residents informed and consider their views and feedback
- Provide practical support and up to date factual advice

11.4. The Council **cannot**

- Pay more than market value for a property
- Compensate for a shortfall if you have negative equity on a mortgage
- Provide a loan to property owners to help them buy a property
- Change benefit entitlement or get benefits agencies to be flexible
- Pay Home Loss compensation before a property has been sold to the Council²
- Buy a new home for the owners in exchange for their current property
- Guarantee to move a resident from their current home directly into one of the new build properties.

11.5. The Council is going beyond what it is required to do in a number of ways, including:

- Giving owner occupiers priority access to social housing
- Giving private tenants priority access to social housing
- Offering all property owners an independent valuation from a qualified surveyor to compare with council surveyor's valuation

² The council recognises that all circumstances are different, and consideration can be given to providing immediate support through agreements to advanced payments.

- Using the Valuation Office Agency where appropriate to provide an independent view on differing surveyor prepared valuations
- Providing additional advice, including legal, financial, benefits advice (and, in respect of Phase 1, from independent housing professionals Tenants Participatory Advisory Service (Tpas))
- Supporting Residents with additional needs to access Council services or other agencies that provide what they need to live well in a new home.
- Supporting Residents who are moving out of their homes with ancillary support for example signposting in connection with services such as local removals, storage facilities, and house clearance.

12. General information

Social Housing

Help to find a new home from a social landlord [Home - Durham Key Options](#)

User guide - [Applying to DKO - Durham Key Options](#)

Property Purchase

Help to find a new property to buy or property to rent privately

www.rightmove.co.uk

www.onthemarket.com

www.zoopla.co.uk

You can ask a member of the Regeneration Team to send a list of available homes to rent or buy. Local Estate Agents will also help.

Local Estate Agents

Pattison- Peterlee 0191 5183251

Hunters - Peterlee 0191 5863836

Dowen - Peterlee 0191 5180181

Horden Regeneration Team

Email: hordenmasterplan@durham.gov.uk or telephone, L. Hanson 03000 264419, J. Hopkins 03000262944 or V. Young 03000 260599

Capita

Email: chris.wilkinson@capita.com or telephone Chris Wilkinson 07874 613511

The Tenants Independent Advisory Service

For tenants, owner occupiers and property owners.

hordenindependentadvisor@tpas.org.uk or by telephone on 0800 731 1619

Royal Institution of Chartered Surveyors

For independent property valuation and advice.

Tel: 02476868555 or [Contact RICS](#)

You can find a local surveyor at [RICS Find a Surveyor](#)

Further Information on the Horden Masterplan

Visit [Horden Regeneration Scheme](#)

Complaints

[Make a complaint - Durham County Council](#)

Phase 1 (Planning Permission Area)



Appendix 2 Residents Steering Group Terms of Reference

Horden Masterplan Residents Steering Group Draft Terms of Reference

1. Purpose

The Horden Residents' Steering Group will bring together the Council, residents and representative of local organisations to provide a forum to discuss matters of mutual interest and concern.

It will allow the Council to better inform Residents and Non-Residents (Landlords in the Masterplan boundary area) about its ongoing plans for the Masterplan, and it will allow Residents and Non-Residents (Landlords in the Masterplan boundary area) to better inform the Council as to their concerns and views.

It will provide a forum for consultation and engagement on all aspects of the Masterplan.

The Horden Residents' Steering Group is not a decision-making body; rather it will make representations to the Council relating to the delivery of the Masterplan.

2. Structure and composition of the Residents Steering Group

The membership of the Horden Residents' Steering Group will be as follows:

- Durham County Council – Regeneration, Economy and Growth Directorate (Chair)
- Durham County Council - Elected Ward Members
- Durham County Council – Horden Together Project
- Horden Parish Council – Nominated Representative
- Horden Residents Association – Nominated Representative
- Horden Resident – x6 (representatives will cover both the Masterplan area and the wider Horden area)

The Horden Residents' Steering Group will be chaired by a senior officer of the Council's Regeneration, Economy and Growth Directorate and nominations will be sought for a vice chair.

Horden Resident members will be sought to join the group through an application process. If there are more applicants than seats available, the chair and other members of the Steering Group will undertake an interview process as necessary.

Horden Residents' Steering Group members will be able to resign by giving a month's notice. Where that member was an organisational representative, a new member from that organisation will be sought. Where the resigning member is a Resident member, the Steering Group will invite applications from the community for a replacement member.

The Horden Residents' Steering Group is a genuine partnership with all members having equal rights.

The Horden Residents' Steering Group will have the authority to set up specific task groups as it considers relevant. These groups will report back to the Horden Residents' Steering Group.

The terms of the Horden Residents' Steering Group will be one year and will be renewable for the life of the Horden Masterplan.

Unless otherwise agreed by the Horden Residents Steering Group, the Horden Residents' Steering Group shall remain in place until the Horden Masterplan is fully developed and completed.

On completion of the Horden Masterplan, the Horden Residents' Steering Group in consultation with the Horden Residents Association and Council will determine whether to disband or to become a subgroup of the Horden Residents Association (thereby enabling the continued benefit of the Horden Residents' Steering Group experience in delivering major works).

Where a Residents Association does not exist upon completion of the Horden Masterplan, the Horden Residents' Steering Group will cease to operate.

3. Responsibilities of the Horden Residents' Steering Group

The Horden Residents' Steering Group shall be responsible for:

- Representing the varied interests of all residents affected by the delivery of the Masterplan, not just their own.
- Providing a voice for **all** residents
- Working with the Council and other stakeholders to inform them of residents' views on the delivery of all phases of the Horden Masterplan.
- Providing information and sign posting assistance to affected residents.
- Making representations to the Council on issues associated with the construction phases of the Horden Masterplan.

In carrying out its functions the Horden Residents' Steering Group will have access to Council Officers and other advisors throughout the duration of the Horden Masterplan and will be encouraged to comment upon, challenge, and shape the proposals for the Horden Masterplan.

Horden Residents' Steering Group Members will be expected to:

- Attend meetings - if they have not attended 3 meetings without sending apologies the Horden Residents' Steering Group can end their membership
- Read papers before each meeting
- Represent the interests of all affected residents
- Use their best endeavours to work together to enable the Horden Residents' Steering Group to meet its responsibilities.
- Treat others at the meeting with respect.
- Uphold the confidentiality of information provided to them.

4. Proceedings at meetings

Notice of Meetings

The agenda and papers for discussion shall be circulated 7 working days prior to the meeting, and only in matters of urgency shall papers be circulated 3 working days in advance.

Late items will be accepted at the discretion of the Chair and shall only be matters that are urgent and could not be included in the agenda.

Servicing of Meetings

Servicing of meetings will be arranged by the Council, which will include taking minutes, sending out papers to Horden Residents' Steering Group members and circulating information to other relevant parties.

Conduct of Meetings

Agenda planning will be the responsibility of the Chair.

Items for the Agenda shall be notified to the Chair at least 14 days before each meeting.

At every meeting of the Chair (or in his or her absence, the Vice Chair) shall preside. If neither the Chair nor Vice Chair is present within fifteen minutes of the time appointed for the meeting then the members of the Horden Residents' Steering Group present shall appoint one of their number to act as Chair, whose function it shall be to conduct the business of the meeting in an orderly manner.

The quorum necessary to carry any decision about the business of the Horden Residents' Steering Group shall be a third of voting members of the Horden Residents' Steering Group.

Where a vote on a decision of the Steering Group is required, such voting shall be on a majority basis. In the case of an equality of votes, whether on a show of hands or on a ballot, the Chair of the meeting shall have a second or casting vote.

A public record will be maintained of the decisions of the Horden Residents' Steering Group. Approved minutes will be posted on the Council website.

Confidential business items will be clearly indicated on the agenda. No member shall disclose the content of, or discussions relating to confidential business items. Papers relating to confidential items will be numbered, tabled at the meeting and retained at the end of the meeting when necessary.

Only members of the Horden Residents' Steering Group will be able to vote at RSG Meetings.

Frequency of Meetings

The Horden Residents' Steering Group will agree a timetable for regular meetings at the beginning of each year (it is anticipated that the Horden Residents' Steering Group will meet at least once per calendar quarter). The Chair, after consultation with the Vice-Chair, may convene an urgent meeting outside the agreed schedule to discuss any urgent issues that cannot wait until the next regular meeting.

Appendix 3: Additional Advice for Owner Occupiers

The Council follows national guidance for purchasing properties from their owners in the context of a Compulsory Purchase Order and on a deemed CPO basis. It will appoint qualified Chartered Surveyors, registered with the Royal Institute of Chartered Surveyors (RICS). The Council has appointed Capita to value properties in the Masterplan area and support the acquisition process.

Following a valuation visit by Capita's surveyor:

- You will be made an offer for your home based on open market value (more details are below)
- You may then choose to agree a price for your home and sell it to the Council
- You will need to find a solicitor to act for you. The Council will pay your legal fees.
- You can arrange your own 'Third Party Valuation' provided you chose a RICS Registered Surveyor (details below)
- In addition to the open market value for your home, subject to statutory eligibility criteria, you will receive compensation for the loss of your home known as "Home Loss". Both payments will be made on completion of the sale of your home to the Council.
- Subject to statutory eligibility criteria, you will also be able to claim 'Disturbance' compensation for costs directly associated with moving home. Further details around Disturbance payments are given below.
- You will be expected to move to a new home. Properties must be vacant before sale to the Council can complete.
- You can contact any member of the Project Team for support and advice, or you can contact Capita directly.

Establishing open market value

The Council will be fair and reasonable over valuations. It will take account of the owner's views and will seek to understand their concerns. However, the Council must follow rules on spending public money as well as guidance on valuations. It will always offer fair open market value but cannot offer valuations that are unjustifiably higher.

Open market value is usually calculated by a valuation method called the Royal Institute of Chartered Surveyors (RICS) 'Red Book' valuation. It's done by comparing the value of your property to similar properties in the area.

The valuation must be calculated using values that disregard the effect (whether lowering or raising) of the Masterplan and regeneration proposals.

The Council will pay for your own valuation if the surveyor you appoint is RICS qualified, provides a Red Book valuation and provides the valuation report to the Council.

Following a negotiation with Capita on the Council's behalf, if a valuation is agreed, then the property will be acquired by the Council in a timely fashion.

If a valuation still cannot be agreed, then the Council will consider appointing the Valuation Office Agency to provide an independent view on valuation.

If no agreement can be reached

In advance of the CPO process, if you cannot agree a valuation or do not want to sell your property then the Council cannot compel you to sell.

However, if it transpires that the Council is unable to acquire by agreement all the property interests that it needs in order to carry out its proposed regeneration then it may choose to use its statutory powers of compulsory purchase. In that process the Council (the "acquiring authority") submits a Compulsory Purchase Order (CPO) to the Secretary of State (the "confirming authority") who will usually convene a public inquiry chaired by an Inspector to consider the evidence and thereafter either the Inspector or the Secretary of state will make the decision whether or not to confirm the CPO. A CPO has to be confirmed for the Council to be able to compulsorily acquire any remaining property interests.

Please note that even if has commenced the compulsory purchase process the Council will remain open to acquire by agreement.

If, following the compulsory acquisition of a property by means of a confirmed CPO, agreement as to property value and/or overall compensation cannot be reached the matter may be referred to a tribunal known as the Lands Chambers which rules on valuation.

Finding a new home

The Council will ensure that no Residents will be made homeless because of the regeneration proposals.

- The Council will help to identify affordable homes within 3 miles of the Masterplan area or further away if requested
- If it is not possible to buy another property, or if owners choose this, Residents (including owner-occupiers) will get priority access to social housing in County Durham, via Durham Key Options (DKO). DKO gives access to a range of properties across County Durham. Some homeowners find this a good solution especially if they require a different type of home, such as a bungalow.
- The Project Team can provide an up-to-date list of private rental properties, on request
- Owner Occupiers have a 'Right to Return' (see section 9 of Horden Residents Charter)

The Council will take into account individual circumstances and will give people time to find a new home. It will not pressure homeowners to move immediately after they agree to sell but does expect them to move within a reasonable timescale.

Legal and other costs

- The Council will pay the legal fees for selling your home and for buying a new property (if this applies)
- Legal fees are usually paid at the time the sale completes
- The Council will also pay for a Third Party (independent) property valuation of your current home (See section 9 of Horden Residents Charter).

Compensation

In addition to paying the open market value of property the Council will also pay compensation on a "deemed CPO basis" to owner-occupiers who meet the eligibility criteria. These are Home Loss compensation and Disturbance compensation.

Home Loss compensation is to compensate owners for having to sell their home. The amount payable is set by the Government and is currently 10% of the value of the property but subject to a minimum and a maximum value.

- The maximum amount of a Home Loss payment is £81,000, and a minimum amount is £8,100. All homeowners will therefore receive a minimum of £8,100, even if 10% of their property value is less than this amount.
- Home loss compensation can only be paid when the property is acquired by the Council following a CPO, however the Council may make discretionary home loss payments where an owner-occupier agrees to sell their property to the Council.
- It is paid at the same time as the amount agreed for the property when the sale completes.
- It is important to understand that outstanding debts or penalties owed to the Council will be deducted from this payment (this is standard practice in the UK).
- The Project Team can discuss and advise owners about any deductions and the final settlement.

Disturbance compensation is paid to owner occupiers. It is paid to cover the reasonable costs associated with relocation and removal from your home. Disturbance compensation is considered on a case-by-case basis and upon receipt of evidence of payments made, but the Council's general policy will be that the following types of costs (subject to an assessment of the reasonableness of the amount claimed in each case) will likely be considered suitable for compensation:

- Legal costs associated with the purchase of a new home
- Removals
- Redirection of mail
- Replacement of fitted appliances
- Storage costs for a limited time if moving is delayed

Disturbance compensation is not fixed, and each claim is assessed individually. There are limits on what can be paid for each item, so it is best to speak to the Project Team before buying anything.

The Council may be able to give you an advanced payment from disturbance compensation if you can't afford to pay for the items you need. You must keep the receipts. If receipts cannot be provided, the Council will reduce the home loss compensation claim by the amount of advance disturbance compensation not covered by receipts.

The Project Team and the Independent Advisor are available to advise and support with home loss and disturbance claims.

Appendix 4: Additional Advice for tenants

Finding a new home

The Council will ensure that no tenants will be made homeless because of the regeneration proposals.

Tenants who have lived in their property for one year or more:

- Will get priority access to social housing in County Durham, via Durham Key Options (DKO)
 - DKO gives access to a range of properties across Durham. Some tenants find this a good solution especially if they require a different type of home, such as a bungalow.
 - DKO is an online system (a user guide is included in section 8)
 - The regeneration team can assist anyone who cannot access the online system
- You can move to a private rented property
 - The Regeneration team can provide an up-to-date list of private rental properties
- Tenants have a 'Right to Return' (see section 6)

Tenants who have lived in their property for less than one year will still receive support in moving to a private rented property or applying for social housing in County Durham (without priority access).

The Council will give tenants time to find a new home. It will only complete the acquisition after the property is vacant. It does expect people to move within a reasonable timescale.

Compensation

Eligible tenants (who have lived in their property for 1 year or more) are also entitled to Home Loss compensation and Disturbance compensation.

The Project Team and the Independent Advisor are available to advise and support with home loss and disturbance claims.

Appendix 5: Additional Advice for Non-Residents

The Council follows national guidance for purchasing properties from their owners in the context of a Compulsory Purchase Order and on a deemed CPO basis. It will appoint qualified Chartered Surveyors, registered with the Royal Institute of Chartered Surveyors (RICS). The Council has appointed Capita to value properties in the Masterplan area and support the acquisition process.

Following a valuation visit by Capita's surveyor:

- You will be made an offer for your property based on open market value (more details are below)
- You may then choose to agree a price for your property` and sell it to the Council
- You will need to find a solicitor to act for you. The Council will pay your legal fees.
- You can arrange your own 'Third Party Valuation' provided you chose a RICS Registered Surveyor (details below)
- You will be expected to help secure vacant possession of your property. Properties must be vacant before sale to the Council can complete.
- You can contact any member of the Project Team for support and advice, or you can contact Capita directly.

Establishing open market value

The Council will be fair and reasonable over valuations. It will take account of the owner's views and will seek to understand their concerns. However, the Council must follow rules on spending public money as well as guidance on valuations. It will always offer fair open market value but cannot offer valuations that are unjustifiably higher.

- Open market value is usually calculated by a valuation method called the Royal Institute of Chartered Surveyors (RICS) 'Red Book' valuation. It's done by comparing the value of your property to similar properties in the area.
- The valuation must be calculated using values that disregard the effect (whether lowering or raising) of the Masterplan and regeneration proposals.
- The Council will pay for your own valuation if the surveyor you appoint is RICS qualified, provides a Red Book valuation and provides the valuation report to the Council.
- Following a negotiation with Capita on the Council's behalf, if a valuation is agreed, then the property will be acquired by the Council in a timely fashion.
- If a valuation still cannot be agreed, then the Council will consider appointing the Valuation Office Agency to provide an independent view on valuation.

If no agreement can be reached

In advance of the CPO process, if you cannot agree a valuation or do not want to sell your property then the Council cannot compel you to sell.

However, if it transpires that the Council is unable to acquire by agreement all the property interests that it needs in order to carry out its proposed regeneration then it may choose to use its statutory powers of compulsory purchase. In that process the Council (the "acquiring authority") submits a Compulsory Purchase Order (CPO) to the Secretary of State (the

"confirming authority") who will usually convene a public inquiry chaired by an Inspector to consider the evidence and thereafter either the Inspector or the Secretary of state will make the decision whether or not to confirm the CPO. A CPO has to be confirmed for the Council to be able to compulsorily acquire any remaining property interests.

Please note that even if has commenced the compulsory purchase process the Council will remain open to acquire by agreement.

If, following the compulsory acquisition of a property by means of a confirmed CPO, agreement as to property value and/or overall compensation cannot be reached the matter may be referred to a tribunal known as the Lands Chambers which rules on valuation.

The Project Team and the Independent Advisor can support and advise Non-Residents.

Legal and other costs

- The Council will pay the legal fees for selling your property
- Legal fees are usually paid at the time the sale completes
- The Council will also pay for a Third Party (independent) property valuation of your current home (See section 10 of the Horden Residents Charter).