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Open consultation

Compulsory purchase - compensation reforms: consultation

Published 6 June 2022

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Scope of the consultation

Topic of this consultation:

This consultation seeks views on amending the compensation provisions in relation to the assessment of prospective planning permission where land is acquired by compulsion.

Scope of this consultation:

Compulsory purchase compensation.

Geographical scope:

These proposals relate to England and Wales.

Basic Information

Body/bodies responsible for the consultation:

Department for Levelling Up, Housing and Communities.

Duration:

This consultation will last from 6 June 2022 to 19 July 2022.

Enquiries:

For any enquiries about the consultation please contact:

compulsorypurchaseconsultation@levellingup.gov.uk

How to respond:

You may respond by completing an [online survey \(https://consult.levellingup.gov.uk/planning/consultation-compulsory-purchase-compensation/\)](https://consult.levellingup.gov.uk/planning/consultation-compulsory-purchase-compensation/).

Alternatively, you can email your response to the questions in this consultation to:

compulsorypurchaseconsultation@levellingup.gov.uk

If you are responding in writing, please make it clear which questions you are responding to.

Written responses should be sent to:

Compulsory Purchase Consultation Team
Planning – Development Management Division
Department for Levelling Up, Housing and Communities
Floor 3, Fry Building
2 Marsham Street
London
SW1P 4DF

When you reply, it would be very useful if you confirm whether you are replying as an individual or submitting an official response on behalf of an organisation and include:

- your name,
- your position (if applicable),
- the name of organisation (if applicable),
- an email address, and
- a contact telephone number

We strongly encourage responses via the online survey, particularly from organisations with access to online facilities such as local authorities, representative bodies and businesses. Consultations receive a high-level of interest across many sectors. Using the online survey greatly assists our analysis of the responses, enabling more efficient and effective consideration of the issues raised.

1. Introduction

1. Compulsory purchase is the power to acquire land and property without the consent of the owner. It is an important tool for assembling land needed to help deliver social, environmental and economic change.

2. The government's high street strategy, [Build Back Better High Streets](https://www.gov.uk/government/publications/build-back-better-high-streets) (<https://www.gov.uk/government/publications/build-back-better-high-streets>), published in July 2021, emphasised the role of compulsory purchase as a catalyst for regeneration in town centres and high streets which are seeing persistent long-term empty properties, and where there are complex and fragmented land ownership patterns. The [Levelling Up White Paper](https://www.gov.uk/government/publications/levelling-up-the-united-kingdom) (<https://www.gov.uk/government/publications/levelling-up-the-united-kingdom>) published in February 2022 made it clear that we want local communities to be empowered to take the lead and ensure they have the tools to succeed.

3. To facilitate this, we want to see a faster, more efficient compulsory purchase system that acquiring authorities are confident in using and that produces the right outcomes to bring forward much needed development including for housing, regeneration and infrastructure. We are therefore, bringing forward reforms to help streamline and modernise the process for compulsory purchase orders (CPO) and to give local authorities in England clearer enabling powers to use CPO for regeneration purposes. These measures are in the [Levelling-up and Regeneration Bill](https://bills.parliament.uk/bills/3155) (<https://bills.parliament.uk/bills/3155>) which is currently being considered by Parliament and include:

- the introduction of conditional confirmations of CPOs
- the ability for compulsory purchase powers under CPOs to be exercised within a longer period than 3 years
- giving inspectors the ability to choose the appropriate procedure to confirm a CPO
- provisions to digitalise the CPO process; and
- clarification that the compulsory purchase powers of a local authority include using those powers for regeneration purposes

4. At the same time, we also want to ensure that schemes that need to rely on compulsory purchase are viable and deliver the benefits that are necessary in the public interest. We are therefore also proposing to make changes to the compensation provisions associated with compulsory purchase where valuation takes into account prospective planning permission. This consultation seeks your views on a specific proposal in this respect.

2. Background

5. Compensation is payable to an affected owner of land or an interest where it is subject to compulsory purchase. The legislative framework around compensation is contained in a number of enactments, including the Land Compensation Act 1961 and the Land Compensation Act 1973, and has continually evolved over time. Collectively, it is known as the “compensation code” although it is not set down in a single enactment.

6. Compensation will be payable wherever compulsory purchase occurs which may be through a CPO or other types of Order that can authorise compulsory purchase such as a Development Consent Order or a hybrid Bill.

7. There are 4 principal elements of compensation:

- the open market value of the interest in land to be acquired
- ‘disturbance’ payments for losses not directly based on the value of land (e.g. removal costs, professional fees, stamp duty)
- loss payments for the distress and inconvenience of claimants being compelled to sell and/or relocate at a time not of their choosing; and
- severance and injurious affection for retained land

8. This consultation focuses on the first of these principles: on the open market value of the interest in land to be acquired. Rule 2 of section 5 of the Land Compensation Act 1961 (LCA 1961) defines this as the amount which the land if sold on the open market by a willing seller might be expected realise, subject to the other provisions of that Act. This is assessed in light of the no-scheme principle set out in section 6A LCA 1961. Under the no-scheme principle, any increases or decreases in the value of the land attributable to the underlying ‘scheme’ e.g. regeneration project, new settlement, trunk road etc. or the prospect of that scheme, are disregarded.

9. Section 14 LCA 1961 makes provision for taking account of actual or prospective planning permission in assessing the open market value under rule 2. Value attributed to prospective planning permission is sometimes referred to as “hope value”. Section 17 further allows for certificates of appropriate alternative development to be issued in respect of appropriate alternative development (AAD) under section 14.

10. The assessment of the value of land in the context of the viability of sites is contained in the government’s [guidance on Viability \(https://www.gov.uk/guidance/viability\)](https://www.gov.uk/guidance/viability) where the concepts of existing use value, existing use value plus and alternative use value are set out. Broadly, existing use value is based on the current use of the land. Existing use value plus allows a premium as a reasonable incentive for a landowner to bring forward land for development while allowing a sufficient contribution to fully comply with policy requirements. Alternative use value reflects the value of land for uses other than its existing use which would fully comply with up-to-date development plan policies.

11. Compensation claims for the value attributed to prospective planning permission and the costs associated with those claims have attracted significant attention in recent years. In September 2018, the Select Committee report on [Land Value Capture \(https://publications.parliament.uk/pa/cm201719/cmselect/cmcomloc/766/766.pdf\)](https://publications.parliament.uk/pa/cm201719/cmselect/cmcomloc/766/766.pdf) recommended changes to the LCA 1961 and that increases in the value of privately-owned land arising from public policy decisions should be shared with the local community.

12. The government is clear that those affected by compulsory purchase should be entitled to a fair value for their interest. Determining value necessarily requires an element of judgment and where hope value is claimed it can be hard to find comparables, particularly in the no-scheme world.

However, we want to ensure that the compensation code does not lead to elevated levels of compensation and costs being paid for prospective planning permission that would result in more than a fair value being paid.

13. Currently, a landowner has 2 different ways of claiming hope value either reflecting:

- the prospect of a planning permission being granted on their land (section 14(2)(b) LCA 1961); or
- AAD for which planning permission may be assumed if AAD is established (section 14(3) and section 14(4) LCA 1961)

14. For the latter, landowners may choose to apply to the local planning authority for a certificate of appropriate alternative development (CAAD) – the costs of which are generally borne by the acquiring authority.

15. Where AAD is established either for the relevant valuation date or a later date, section 14(3) LCA 1961 provides that it may be assumed that planning permission is in force on the relevant date. This leads to perverse outcomes: for instance, a requirement to assume 100% planning certainty for AAD when the planning likelihood may only be 51%. This artificially inflates compensation because a transaction in normal market conditions would reflect the actual risk associated with the likelihood of planning permission being granted.

3. Our approach to compensation

16. We want to correct this to ensure that the balance of compensation and costs in relation to hope value is right. At the same time, we want to simplify the process for obtaining a CAAD. We intend, therefore, to amend sections 14 and 17 of the Land Compensation Act 1961 to:

- reflect normal market conditions in compensation payments by only allowing the equivalent of planning certainty for appropriate alternative development if a CAAD is obtained in relation to that AAD
- establish a single route for determining hope value based on the likelihood of AAD, taking into account the assumptions in section 14(5) LCA 1961
- remove the requirement that acquiring authorities pay the costs of landowners in seeking a CAAD – if a landowner chooses to seek a CAAD then they can do so at their own cost and weigh the risks in doing so against the benefits to value that may materialise
- further streamline the process for obtaining a CAAD so that the ask on local planning authorities is simpler and clearer – local authorities will be asked to only issue a CAAD in relation to the type(s) of AAD applied for
- address the issue raised in *Lockwood v Highways England Company Limited* around the date of determination of a CAAD where the relevant valuation date has not yet occurred

17. The combination of these changes will mean that assessment of value attributable to the likelihood of alternative development is more akin to normal market conditions and rebalance the position on costs and compensation between landowner and acquiring authority to a fairer one. We intend to bring forward these reforms to the compensation provisions as amendments in the Levelling-up and Regeneration Bill.

18. These reforms would apply generally to all compulsory purchase schemes and would apply to England and Wales.

19. The Levelling-up and Regeneration Bill already contains provision to amend the definition of the “scheme” for the purposes of the no-scheme principle. It amends sections 6D and 6E LCA 1961 to ensure that where greenfield land is acquired for development which is made possible by a relevant transport project, then that scheme will include the relevant transport project.

4. Further reform

20. We recognise, however, that there have been calls to go further than this and allow authorities to acquire land at or closer to existing use value. The arguments are broadly that acquisition of land at or closer to existing use value would enable more land value to be captured and then invested for the public benefit in the schemes, for example ensuring the viability of a scheme that may otherwise not be able to come forward or to support greater levels of affordable housing or enhanced infrastructure improvements. The September 2018 Select Committee report on [Land Value Capture](https://publications.parliament.uk/pa/cm201719/cmselect/cmcomloc/766/766.pdf) (<https://publications.parliament.uk/pa/cm201719/cmselect/cmcomloc/766/766.pdf>), at paragraphs 91 to 109, sets out these arguments in more detail.

21. This consultation outlines a proposal as to how that may be achieved. However, we would also welcome further evidence and examples of how paying closer to existing use value for properties may be in the public interest. This may be through the delivery of schemes that would otherwise be unviable, or the delivery of improved outcomes from a scheme.

22. We have asked questions below, as well as having them as a consolidated list in [Annex A](#) of this consultation paper. Questions 1 and 2 are in Annex A and ask for respondent’s details. Where providing examples, please make it clear where you regard any information as commercially confidential and note the contents of [Annex B](#) of this consultation in relation to this.

Question 3: Do you agree that there are schemes where capping or removing the payment of hope value will increase the viability of certain schemes and/or increase the public benefits delivered through the schemes? Please provide details and where possible examples of schemes.

Question 4: Please provide any comments you may have as to the proportionality of capping or removing the payment of hope value balanced against the delivery of public benefits. Please provide any examples you have where you believe the public benefits would be such that it would be proportionate to impose such a cap or removal of hope value to a scheme and what those public benefits may be.

Question 5: Do you have evidence of the extent to which hope value is currently claimed/paid generally in compulsory purchase situations? Please provide details and where possible any evidence that you have as to whether hope value is more likely to be paid on particular types of schemes, for example from urban regeneration schemes to greenfield schemes or from housing schemes to transport schemes.

Question 6: Do you think there are more likely to be measurable public benefits in capping or removing hope value in particular types of scheme? Do you think any solution to this issue should be limited to individual schemes, particular types of scheme or apply across all types of compulsory purchase situations? Please provide details in support of your answers.

5. Consultation proposal

23. The government have carefully considered the balance of:

- acquiring land at a fair value and the human rights considerations of landowners
- ensuring that schemes for the public benefit are deliverable and the enhancement opportunities which arise from them are maximised
- minimising the impact of changes on the overall compulsory purchase system

24. We are proposing a further measure to allow acquiring authorities to request a direction from the Secretary of State that, for a specific scheme, payments in respect of hope value may be capped at existing use value or an amount above existing use value where it can be shown that the public interest in doing so would be justified.

25. Where directions are issued, they would provide upfront certainty for an acquiring authority as to the levels of hope value that would be payable for the relevant scheme. Schemes would then have more confidence in their property cost estimates and consequently more certainty over the viability of the scheme and its ability to deliver the relevant benefits in the public interest. It would avoid lengthy disputes over the amount of hope value payable and uncertainty years into the development of a scheme as to how much compensation may be payable in respect of prospective planning permission, particularly where the viability of the scheme or the delivery of the benefits of the scheme depend on the value paid for the underlying land.

26. Landowners would remain entitled to a fair price for their land. No-one would be paid less than existing use value and, where a cap above existing use value was directed, they would remain entitled to hope value up to the cap where hope value was evidenced. Determining the value of land and therefore a fair price requires an element of judgment. Directions will provide certainty to parties in determining that value and potentially avoid high levels of costs in debating value. Landowners would also continue to receive all other compensation payments that they would be eligible for.

27. It is the government's intention that the ability to seek a direction would only apply to acquiring authorities that are also public sector entities. Acquiring authorities may be either public sector entities like local authorities or, in some circumstances, private companies like airport operators or utilities companies. The public interest in seeking directions is likely to be higher where they are sought by public sector entities. In addition, public sector entities are subject to the public sector equality duty under the Equality Act 2010 and will need to take that into account when considering whether to apply for directions.

28. The government considered whether changes to the assessment of the value attributable to prospective planning permission could be made generally or in relation to specific types of CPO or schemes. However, even within types of CPO or schemes the public interest justification may vary considerably. By allowing acquiring authorities to apply for directions in relation to their specific schemes, this will mean schemes where hope value is not a material consideration will not be affected. The provision could also be flexible allowing it to be available to any type of CPO.

29. An option for the framework of seeking a direction might be as follows:

a. Before a public sector acquiring authority:

- a. makes a CPO; or
- b. applies for other types of Order seeking compulsory purchase powers,

it may apply for a direction from the Secretary of State in relation to a specific scheme.

b. The direction sought may, in relation to the proposed scheme, have the effect of:

- a. taking no account of AAD in a valuation; or
- b. limiting the payment of any effect of AAD to no more than a specific percentage over the existing use value.

c. In seeking a direction from the Secretary of State, the authority would need to:

a. identify the scheme;

b. provide details of the estimated land value that would be captured as a result of issuing a direction for the scheme; and

c. evidence how that land value would be applied to the scheme for the public benefit and/or how certainty over the level of compensation payments in respect of prospective planning permission will benefit the scheme.

d. In considering an application for a direction then Secretary of State may appoint a person with requisite expertise to make a recommendation as to whether to issue a direction.

e. Any disputed compensation that relates to AAD would be settled by the Upper Tribunal (Lands Chamber) on the basis of the terms of the direction.

30. As part of this consultation, we would welcome further comments about the steps that could be required before any such directions are issued. Directions may be challenged in the courts as with other decisions/acts of public authorities.

31. This proposed approach follows a similar, more limited, one contained in section 50 Planning (Listed Buildings and Conservation Areas) Act 1990 where a direction for minimum compensation can be sought from the Secretary of State in the case of a listed building deliberately left derelict that is being compulsorily acquired under section 47 of that Act.

32. The ability to seek such directions would apply to England and Wales.

33. We would welcome your views on this proposal. We have asked questions below, as well as having them as a consolidated list in [Annex A](#) of this consultation paper. Where providing examples, please make it clear where you regard any information as commercially confidential and note the contents of [Annex B](#) of this consultation in relation to this.

Question 7: Do you agree with the proposal to address this through the issue of directions for specific schemes as set out in this consultation?

Question 8: Do you agree with the proposal that the directions could cap the payment of compensation at existing use value or at a percentage above existing use value (excluding the payment of compensation under other heads of claim)?

Question 9: Please provide any comments you may have as to: (1) whether it will be possible to identify certain, deliverable public benefits in applying for directions; (2) how it will be possible to link those public benefits to value captured.

Question 10: Do you think that an acquiring authority should have to consult with affected landowners before seeking a direction from the Secretary of State?

Question 11: Do you agree that issuing directions should only be to schemes where the acquiring authority is also a public sector entity (and subject to the public sector equality duty)?

Question 12: It might be possible for landowners to seek a planning permission so that development value applies under section 14(2)(a) LCA 1961 circumventing any cap applied under a direction. Do you think it should be possible for the directions to cap development value for any planning permission which falls under section 14(2)(a) where that planning permission is made after the "launch date" of the scheme or after the date the directions are issued if later? The launch date is defined by section 14(6) LCA 1961.

Question 13: Do you have any further comments as to how the process of seeking and issuing directions might work?

6. Alternative proposals

34. Alternative proposals to address the concerns set out in this consultation have previously been proposed by others including those provided in [evidence \(https://old.parliament.uk/business/committees/committees-a-z/commons-select/communities-and-local-government-committee/inquiries/parliament-2017/land-value-capture-inquiry-17-19/publications/\)](https://old.parliament.uk/business/committees/committees-a-z/commons-select/communities-and-local-government-committee/inquiries/parliament-2017/land-value-capture-inquiry-17-19/publications/) to the Housing, Communities and Local Government Committee in 2018. The government have carefully considered other proposals and its preferred approach is set out in this consultation.

35. However, we would welcome views as to whether the proposals set out should go further and look to cap or remove hope value generally or in relation to specific types of schemes. Where providing examples, please make it clear where you regard any information as commercially confidential and note the contents of [Annex B](#) of this consultation in relation to this.

Question 14: Do you think the proposals should go further and automatically limit the payment of hope value in compulsory purchase more generally or in relation to specific types of schemes? Please provide details and justification as to why you think it would be in the public interest to go further and what public benefits could be delivered if hope value was limited. Examples of types of schemes, for example regeneration, you think any further general application should apply to would also be helpful.

7. Equality impact assessment

36. Section 149 of the Equality Act 2010 requires the government, when exercising its functions, to pay due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
- advance equality of opportunity between people who share a protected characteristic and those who do not
- foster good relations between people who share a protected characteristic and those who do not

37. The relevant protected characteristics are:

- age
- disability
- sex
- gender reassignment
- marriage or civil partnership
- pregnancy and maternity
- race
- religion or belief
- sexual orientation

38. Compulsory purchase can have an equalities impact and a particular scheme may have an adverse effect on persons with protected characteristics. Where a public sector acquiring authority considers whether to make a CPO and a confirming authority decides whether to confirm a CPO, as part of that decision making it will need to weigh up any adverse effect on persons with protected characteristics and the balance in the public interest of making or confirming the CPO against those adverse effects, sometimes to the advantage of those with protected characteristics.

39. Based on an initial analysis, although there is the potential for increased or new adverse effects on persons with protected characteristics arising from the issue of directions, there is equally the potential for increasing the beneficial effects of a scheme on persons with protected characteristics through improved outcomes to schemes. Our view is that the proposal allows for a full consideration of the equality impacts on a scheme-by-scheme basis before the issue of any directions.

Question 15: Do you have any comments on the initial equality analysis? If yes, please provide your views on the equality impacts arising from this proposal and any suggestions for how those impacts could be mitigated (please include any evidence you may have in support your views).

8. Next steps

40. The consultation will close on 19 July. Responses to this consultation will be analysed and a government response will follow. We will also be engaging the Welsh Government on the consultation.

41. Should the government decide, following consideration of the consultation responses, to take forward this proposal, our intention is for the power to make such directions to be introduced as an amendment to the Levelling-up and Regeneration Bill.

Annex A: consultation questions

Respondent details

Question 1: Respondent details:

- Name
- Position (if applicable)
- Organisation (if applicable)
- Email address
- Telephone number

Please state whether you are responding as an individual or the organisation stated above.

Question 2: Please indicate whether you are applying to this consultation as a (select one option only):

- District / Borough Council
- Unitary Council
- County Council
- London Borough Council
- Parish or Town Council

- National Park / Broads Authority
- Other public sector (please specify):
- Landowner
- Developer
- Professional Institute / Professional e.g. planner, consultant
- Professional Association / Industry representative body
- Community Organisation
- Voluntary / Charitable Sector
- Other (if none of the options in the lists above apply to you, please specify your type of organisation here):

Questions on further reform

Question 3: Do you agree that there are schemes where capping or removing the payment of hope value will increase the viability of certain schemes and/or increase the public benefits delivered through the schemes? Please provide details and where possible examples of schemes.

Question 4: Please provide any comments you may have as to the proportionality of capping or removing the payment of hope value balanced against the delivery of public benefits. Please provide any examples you have where you believe the public benefits would be such that it would be proportionate to impose such a cap or removal of hope value to a scheme.

Question 5: Do you have evidence of the extent to which hope value is currently claimed/paid generally in compulsory purchase situations? Please provide details and where possible any evidence that you have as to whether hope value is more likely to be paid on particular types of schemes, for example from urban regeneration schemes to greenfield schemes or from housing schemes to transport schemes.

Question 6: Do you think the public benefits of capping or removing hope value is more likely to arise in particular types of scheme? Do you think any solution to this issue should be limited to particular types of scheme or apply across all types of compulsory purchase situations? Please provide details in support of your answers.

Questions on consultation proposal

Question 7: Do you agree with the proposal to address this through the issue of directions for specific schemes as set out in this consultation?

Question 8: Do you agree with the proposal that the directions could cap the payment of compensation at existing use value or at a percentage above existing use value (excluding the payment of compensation under other heads of claim)?

Question 9: Please provide any comments you may have as to: (1) whether it will be possible to identify certain, deliverable public benefits in applying for directions; (2) how it will be possible to link those public benefits to value captured.

Question 10: Do you think that an acquiring authority should have to consult with affected landowners before seeking a direction from the Secretary of State?

Question 11: Do you agree that issuing directions should only be to schemes where the acquiring authority is also a public sector entity?

Question 12: It might be possible for landowners to seek a planning permission so that development value applies under section 14(2)(a) LCA 1961 circumventing any cap applied under a direction. Do you think it should be possible for the directions to cap development value for any planning permission which falls under section 14(2)(a) where that planning permission is made after the “launch date” of the scheme or after the date the directions are issued if later? The launch date is defined by section 14(6) LCA 1961.

Question 13: Do you have any further comments as to how the process of seeking and issuing directions might work?

Question on alternative proposal

Question 14: Do you think the proposals should go further and automatically limit the payment of hope value in compulsory purchase more generally or in relation to specific types of schemes? Please provide details and justification as to why you think it would be in the public interest to go further and what public benefits could be delivered if hope value was limited. Examples of types of schemes, for example regeneration, you think any further general application should apply to would also be helpful.

Question on the Equality Impact Assessment

Question 15: Do you have any comments on the initial equality analysis? If yes, please provide your views on the equality impacts arising from this proposal and any suggestions for how those impacts could be mitigated (please include any evidence you may have in support your views).

Annex B: About this consultation

This consultation document and consultation process have been planned to adhere to the Consultation Principles issued by the Cabinet Office.

Representative groups are asked to give a summary of the people and organisations they represent, and where relevant who else they have consulted in reaching their conclusions when they respond.

Information provided in response to this consultation may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Environmental Information Regulations 2004 and UK data protection legislation. In certain circumstances this may therefore include personal data when required by law.

If you want the information that you provide to be treated as confidential, please be aware that, as a public authority, the Department is bound by the information access regimes and may therefore be obliged to disclose all or some of the information you provide. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

The Department for Levelling Up, Housing and Communities will at all times process your personal data in accordance with UK data protection legislation and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties. A full privacy notice is included below.

Individual responses will not be acknowledged unless specifically requested.

Your opinions are valuable to us. Thank you for taking the time to read this document and respond.

Are you satisfied that this consultation has followed the Consultation Principles? If not or you have any other observations about how we can improve the process please contact us via the [complaints procedure \(https://www.gov.uk/government/organisations/department-for-levelling-up-housing-and-communities/about/complaints-procedure\)](https://www.gov.uk/government/organisations/department-for-levelling-up-housing-and-communities/about/complaints-procedure).

Personal data

The following is to explain your rights and give you the information you are entitled to under UK data protection legislation.

Note that this section only refers to personal data (your name, contact details and any other information that relates to you or another identified or identifiable individual personally) not the content otherwise of your response to the consultation.

1. The identity of the data controller and contact details of our Data Protection Officer

The Department for Levelling Up, Housing and Communities (DLUHC) is the data controller. The Data Protection Officer can be contacted at dataprotection@levellingup.gov.uk or by writing to the following address:

Data Protection Officer
Department for Levelling Up, Housing and Communities
Fry Building
2 Marsham Street
London
SW1P 4DF

2. Why we are collecting your personal data

Your personal data is being collected as an essential part of the consultation process, so that we can contact you regarding your response and for statistical purposes. We may also use it to contact you about related matters.

We will collect your IP address if you complete a consultation online. We may use this to ensure that each person only completes a survey once. We will not use this data for any other purpose.

Sensitive types of personal data

Please do not share [special category \(https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/lawful-basis-for-processing/special-category-data/#scd1\)](https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/lawful-basis-for-processing/special-category-data/#scd1) personal data or criminal offence data if we have not asked for this unless absolutely necessary for the purposes of your consultation response. By 'special category personal data', we mean information about a living individual's:

- race
- ethnic origin
- political opinions
- religious or philosophical beliefs
- trade union membership
- genetics
- biometrics

- health (including disability-related information)
- sex life; or
- sexual orientation.

By 'criminal offence data', we mean information relating to a living individual's criminal convictions or offences or related security measures.

3. Our legal basis for processing your personal data

The collection of your personal data is lawful under article 6(1)(e) of the UK General Data Protection Regulation as it is necessary for the performance by DLUHC of a task in the public interest/in the exercise of official authority vested in the data controller. Section 8(d) of the Data Protection Act 2018 states that this will include processing of personal data that is necessary for the exercise of a function of the Crown, a Minister of the Crown or a government department i.e. in this case a consultation.

4. With whom we will be sharing your personal data

DLUHC may appoint a 'data processor', acting on behalf of the Department and under our instruction, to help analyse the responses to this consultation. Where we do we will ensure that the processing of your personal data remains in strict accordance with the requirements of the data protection legislation.

5. For how long we will keep your personal data, or criteria used to determine the retention period

Your personal data will be held for 2 years from the closure of the consultation, unless we identify that its continued retention is unnecessary before that point.

6. Your rights, e.g. access, rectification, restriction, objection

The data we are collecting is your personal data, and you have considerable say over what happens to it. You have the right:

- a. to see what data we have about you
- b. to ask us to stop using your data, but keep it on record
- c. to ask to have your data corrected if it is incorrect or incomplete
- d. to object to our use of your personal data in certain circumstances
- e. to lodge a complaint with the independent Information Commissioner (ICO) if you think we are not handling your data fairly or in accordance with the law. You can contact the ICO at <https://ico.org.uk/> (<https://ico.org.uk/>), or telephone 0303 123 1113.

Please contact us at the following address if you wish to exercise the rights listed above, except the right to lodge a complaint with the ICO: dataprotection@levellingup.gov.uk or

Knowledge and Information Access Team
Department for Levelling Up, Housing and Communities
Fry Building
2 Marsham Street
London
SW1P 4DF

7. Your personal data will not be sent overseas

8. Your personal data will not be used for any automated decision making

9. Your personal data will be stored in a secure government IT system

We use a third-party system, Citizen Space, to collect consultation responses. In the first instance your personal data will be stored on their secure UK-based server. Your personal data will be transferred to our secure government IT system as soon as possible, and it will be stored there for 2 years before it is deleted.

OGI

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