

COMPULSORY PURCHASE ORDERS

INFORMATION FOR PERSONS AFFECTED BY COMPULSORY PURCHASE ORDERS ("CPOs")

Frequently Asked Questions

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1. What is a CPO

CPOs enable public bodies to secure land for regeneration projects where there is a compelling case in the public interest. This power is conferred on LTGDC by legislation, in the Local Government Planning and Land Act 1980.

LTGDC, if authorised by the Secretary of State, may acquire land by a CPO to further its statutory objects which are to secure the regeneration of its area by:

- bringing land and buildings into effective use
- encouraging the development of existing and new industry and commerce,
- creating an attractive environment and
- ensuring that housing and social facilities are available to encourage people to live and work in the area.

LTGDC's preferred option for acquiring the land is by reaching private agreement with landowners.

However, the size of the sites within LTGDC's designated areas and the number of landowners, occupiers and property interests involved makes it unlikely that all the necessary land interests can be acquired by agreement in a reasonable timeframe. This is why LTGDC needs to use its CPO powers.

2. What does the CPO process involve?

One of the first steps is to contact all landowners potentially affected by the CPO to find out the exact nature of their property interest and identify any other landowners that may be affected.

It is important to seek to identify all parties so that everyone is aware of the subsequent CPO process. This known as "Land Referencing". However, it is possible that some land that has been referenced will not in fact be included in the CPO.

Once Land Referencing has been carried out, in due course the LTGDC may go on to make a CPO.

If this happens, LTGDC will send a copy of the CPO to all persons whose land will be directly affected. It will also publish notices in a local newspaper and put up notices in the vicinity of the CPO.

When LTGDC sends Notices of the making of the CPO to affected landowners and occupiers it will include a 'Statement of Reasons' explaining the reasons for making the CPO.

Persons affected have the right to make an objection to the CPO in writing and this will need to be sent to the address shown on the Notices, within 21 days. It will be the address of a Government Department. Objections that relate to matters of compensation may be disregarded by the Secretary of State, because that is a matter for the Upper Tribunal (Lands Chamber), the court of law that determines compensation.

If there are objections (other than those relating to compensation), the Secretary of State will (subject to certain exceptions where the matter may be determined on paper) order a public inquiry or hearing to be held to consider LTGDC's case and the Objector(s)' case(s). The Inquiry or Hearing is conducted by a Planning Inspector.

The Inspector then prepares a written report with a recommendation to the Secretary of State.

Whether or not there is a public inquiry, the Secretary of State then decides to confirm, confirm with modifications or not confirm the CPO. If it is confirmed or confirmed with modifications, a formal notice of the decision is published and served on all persons directly affected by the CPO.

There follows a six-week period during which legal challenges to the CPO can be made in the High Court on legal grounds.

LTGDC's powers to acquire land compulsorily under the CPO take effect from the date on which the notice of the Secretary of State's confirmation of the CPO is published. However, LTGDC is not then legally obliged to proceed with the CPO.

Once the Secretary of State has confirmed the CPO, LTGDC may serve Legal Notices on individual

owners and occupiers. Technically, there are two types of notice and these are known as “General Vesting Declarations” and “Notices to Treat and Notices to Enter” as appropriate. The practical effect of these different procedures on the owners/ occupiers is the same and in each case they require the owners/occupiers to give up possession. The owners/occupiers are then entitled to bring a claim for compensation against LTGDC. Compensation is discussed below.

3. What does it mean for me if I own or lease a property within the CPO area?

Generally, the principle of CPO compensation is that where land is acquired you should be no worse or better off in financial terms after the acquisition.

In addition to the market value of your property, you may be entitled to disturbance compensation and must normally be in physical occupation of the land to qualify. Disturbance costs entitlement will be the costs and expenses normally incurred in vacating the property. These can include costs of acquiring a replacement property (but not the cost of the property) and the costs of moving to the property.

If the property is your home you may be entitled to a home loss payment in addition to any compensation due.

If you rent your property and the landlord is entitled to require possession quite apart from the CPO (such as in the case of an assured shorthold tenancy) you will probably not be entitled to compensation.

The above is a very general overview, and is not a substitute for professional advice. We would strongly advise you to read the free booklets issued by the Government that provide a more detailed guide of the many issues that may arise from your own circumstances. [See below](#).

4. What does it mean for me if I own a business located in the CPO Area?

Generally, the principle of CPO compensation is that where land is acquired you should be no worse or better off in financial terms after the acquisition.

Compensation is based on the market value of the land, together with disturbance compensation that would entitle you to the losses that might arise from being "disturbed" from the land or premises. Essentially this relates to the presumption that the business is relocated, or if it is not viable to do so is closed.

If you rent your property and the landlord is entitled to require possession quite apart from the CPO (such as in the case of a licence or some short term lettings) you will probably not be entitled to compensation.

The above is a very general overview, and is not a substitute for professional advice. We would strongly advise you to read the free booklets issued by the Government that provide a more detailed guide of the many issues that may arise from your own circumstances. [See below](#).

In addition in limited circumstances the LTGDC is prepared to consider meeting the proper and reasonable costs of affected persons obtaining professional advice. This is subject to various conditions and does not apply in all cases. This is set out in the LTGDC 's "Relocation and Acquisition Policy" which can be accessed by [clicking here](#).

[5. What are my rights and what opportunities exist to resist or influence the procedure?](#)

If you own or occupy property that is affected you have the right to make an Objection to the CPO which must be in writing within 21 days. If the Secretary of State orders that Public Inquiry or Hearing be held you will have the right to appear before the Planning Inspector to state your case. You may be represented by a solicitor or barrister but legal aid is not available for this.

If the Order is confirmed you have the right to make a legal challenge in the High Court within 6 weeks of any such confirmation.

If LTGDC implement the Order and you and we cannot agree on the amount of compensation then either you or we may refer the matter to the Upper Tribunal (Lands Chamber) which is the Court of Law that determines such disputes.

[6. Where can I get more information?](#)

The Department of Communities and Local Government (CLG) has a series of five booklets explaining how the compulsory purchase system works.

The booklets can be downloaded from the CLG website in pdf format.

Alternatively these publications are available free of charge from Communities and Local Government Publications;

PO Box 236, Wetherby LS23 7NB.

Tel: 0870 1226 236

Fax: 0870 1226 237

Email: communities@capita.co.uk.

Please quote the product code (04 PD 02635/1 to /5) when ordering. Delivery will be five to seven days from receipt of your order. A maximum quantity restriction may apply. For an enquiry about your order please contact customer services on 0870 1226 236, open Monday to Friday 08:00 - 18:00.

Alternative formats under Disability Discrimination Act (DDA): if you require any of these publications in an alternative format (e.g. Braille or audio) please email alternativeformats@communities.gsi.gov.uk quoting the title and product code of the publication, and your address and telephone number.

This guidance is not a substitute for professional advice. If your property may be the subject of a Compulsory Purchase Order you should seek advice from a professionally qualified person such as a chartered surveyor or solicitor, who should be able to advise on your rights and also act on your behalf if appropriate. It is best to seek professional help as early as possible.