

## **Appendix 12: Summary of CPO Process**

The acquiring authority does not have the powers to compulsorily acquire land until the appropriate Government Minister confirms the CPO. However, they can acquire by agreement at any time and they should attempt to do so before acquiring by compulsion. CPO should only be used in circumstances where authorities are unable to purchase by agreement.

### **Formulation**

The first stage is for the acquiring authority to decide that land is required for some particular purpose or scheme and that they are prepared to use compulsory purchase powers to assist in achieving this.

The acquiring authority must determine how much land they require for their scheme and are likely to undertake feasibility studies to define the boundaries of the scheme. This may involve walking the site and undertaking inspections of affected properties.

The acquiring authority may choose to make direct contact with owners and occupiers at this stage, and may seek to enter into negotiations to acquire land by agreement. They may use statutory powers to obtain information from landowners and occupiers or to enter land for survey purposes.

### **Resolution**

Once the acquiring authority has completed their initial investigations and established the proposed CPO boundary, they can proceed to formally resolve to use compulsory purchase powers. If the CPO is to be made by a local Council, as is the case here, the Council Cabinet or the appropriate committee will consider a report prepared by officers recommending the use of compulsory purchase powers and make a decision.

The resolution must define the land to be acquired (usually by reference to a plan) and state the purpose for which the land is required.

### **Referencing - Recording Information**

The acquiring authorities will then collect and record further information on land ownership and occupation. The process builds upon the initial information-gathering exercise which an acquiring authority would have undertaken during the formulation stage and the acquiring authority will seek to identify everyone who has a legal interest in, or right to occupy, the land they propose to acquire. This would include the freeholders, leaseholders, tenants and occupiers.

### **Making the Order**

Once the information-gathering exercise is complete, the acquiring authority should be ready to make the CPO. To assist in this process the authority will usually serve a "requisition for information" form on all owners or occupiers of property they wish to acquire.

The main body of the CPO will contain details of the Act authorising the acquisition, the purpose for which the CPO is being made and the name of the acquiring authority.

### **CPO Schedule and Map**

Attached to the CPO will be a schedule showing the ownership of land within the CPO. The schedule will contain the extent, description and situation of the land and set out (where known) the names and addresses of reputed owners, leaseholders, tenants, occupiers, persons who enjoy rights over the land which will be interfered with, and persons who are likely to be entitled to make a claim for compensation because the value of their land will or may be reduced as a result of works carried out on the land being compulsorily acquired even though none of their land is being compulsorily acquired.

Each plot of land referred to in the schedule will have a reference number which will correspond with the relevant plot on the CPO map which will be attached to the CPO.

### **Statement of Reasons**

The acquiring authority will usually prepare a Statement of Reasons for making the Order. This sets out the authority's reasons for seeking to acquire the land, and will accompany the CPO.

### **Notification and Publicity**

Before the acquiring authority submits the CPO for confirmation, a notice must be published for two successive weeks in one or more local newspapers and must also be fixed on or near the land covered by the order.

The acquiring authority must also serve notice stating the effects of the order on every "qualifying person", namely:

- every owner, leaseholder, tenant, and occupier of any land comprised in the CPO; and
- any other person who may have the right to claim compensation either because:
  - o they own rights in the land being acquired and these will be interfered with; or
  - o the value of their land will/may be reduced as a result of works carried out on the land being compulsorily acquired (even though none of their land is being compulsorily acquired).

It may not be possible for the acquiring authority to identify all such people before the CPO is made. The authority must, therefore, also put up site notices on the land.

The content of both the press notice, the site notice, and the individual notices will:

- State that a CPO is about to be submitted to a Government Minister for confirmation.
- Specify the time within which objections to the CPO can be made (at least 21 days from the date the notice is posted).
- Specify the manner in which objections to the CPO may be made.
- Say where in the locality the CPO and map may be inspected.

### **Objections**

If no objections are made and the Minister is satisfied that the proper procedure for serving and publishing notices has been observed, he will consider the case on its merits and may confirm, modify or reject the CPO without the need for any form of hearing. If objections are received and not withdrawn, the Minister will either arrange for a public local inquiry to be held or – where all the remaining objectors agree to it – arrange for the objections to be considered through the written representations procedure.

### **Negotiations with the Acquiring Authority**

The acquiring authority will normally seek to negotiate with objectors prior to the public inquiry or, where relevant, during the written representations procedure. If an objection relates to a specific matter which the acquiring authority can accommodate without prejudicing their scheme, they may be prepared to amend their scheme thus enabling the withdrawal of the objection.

If the acquiring authority is unable to secure the withdrawal of every remaining objector's objection there will either be a public local inquiry or (if all the remaining objectors have agreed to its use) the written representations procedure will be followed.

### **Consideration of objections**

Shortly after the closing date for objections if the Minister thinks the objections could be considered through the written representations procedure he will write to the remaining objectors seeking their consent to this. If, however, he considers that the written representations procedure is not appropriate he will write to the acquiring authority and the objectors indicating that an inquiry is to be held. Similarly, where one or more remaining objector does not consent to the written representations procedure, the Minister will write to all parties indicating that an inquiry is to be held.

### **The Inquiry**

The procedure before, during and after the inquiry is generally governed by the Compulsory Purchase (Inquiries Procedure) Rules 2007 and is not set out in detail here.

### **Post Inquiry Procedure**

After the close of the inquiry, the Inspector will produce a report for the Minister setting out his or her conclusions and putting forward recommendations. The Inspector does not make a decision, but recommends a course of action to the Government Minister.

### **The written representations procedure**

As an alternative to holding an inquiry, objections can be considered by an Inspector through the written representations procedure. Instead of the acquiring authority and objectors (or their representatives) appearing in person before an Inspector, the cases for and against the order are elaborated entirely in writing. The written representations procedure is governed by the Compulsory Purchase of Land (Written Representations Procedure) (Ministers) Regulations 2004.

### **Decision**

After considering the Inspector's Report following either an inquiry or the use of the written representations procedure, the Minister will confirm, modify or reject the CPO, notifying the relevant parties in writing.

### **Confirmation of the CPO**

As soon as possible after the decision letter is issued, the acquiring authority must publicise the decision in one or more local newspapers. A copy of the notice and a copy of the confirmed CPO must be fixed on or near the site and served on:

- all owners, lessees, tenants and occupiers of the land; and
- any other person who may have the right to claim compensation either because:
  - o they own rights in the land being acquired and these will be interfered with; or
  - o the value of their land will/may be reduced as a result of works carried out on the land being compulsorily acquired (even though none of their land is being compulsorily acquired).

### **Challenges to the CPO**

it is possible to challenge the CPO in some circumstances, however this procedure has not been considered here.

