

## Compulsory purchase powers

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In the first instalment of our series of articles on compulsory purchase orders (CPOs), we look at the powers of authorities to acquire land and the effect that the measures proposed in the Levelling Up and Regeneration Bill may have on those powers.

Compulsory purchase orders (CPOs) provide certain bodies with the power to acquire land without the consent of the owner. These powers are an important tool for acquiring land needed to carry out projects such as the construction of major transport infrastructure and urban regeneration schemes which benefit the public.

There are a number of measures in place to ensure that the powers of acquiring authorities are balanced with the rights of landowners whose properties have been identified as being required. Landowners must be given proper notice, the right to object and fair compensation.

### **The Levelling Up and Regeneration Bill**

The purpose of the Levelling up and Regeneration Bill is to reduce geographical inequalities between regions and spread opportunity more equally throughout the UK. The Bill was introduced in May 2022 and is currently at Committee Stage in the House of Lords.

The Bill includes a number of changes to the compulsory purchase process, the aim which is to incentivise local governments to pursue regeneration schemes by clarifying that their powers extend to regeneration purposes and speeding up the compulsory purchase process.

The Bill has already proven controversial, with industry voices expressing scepticism about whether these new proposals will have the desired effect.



The Bill proposes the following changes to compulsory purchase powers:

## Removal of the right to a public inquiry

In an attempt to improve efficiency, the Bill includes measures to remove the right to hold an inquiry and provide the Secretary of State with the power to decide whether to hold an inquiry, use written representations or a hearing.

## Conditional confirmation

At present, the Secretary of State can only confirm a CPO in whole or in part and in order for a CPO to be granted, the acquiring authority must have funding in place for the scheme that it wishes to implement. In an effort to shorten timescales for bringing schemes forward, it is proposed that the Secretary of State will be able to confirm a CPO subject to the acquiring authority meeting conditions by a particular date with objectors having a second opportunity to raise objections during the condition discharge stage. It is not clear how much time acquiring authorities will be given to fulfil conditions. The greater flexibility afforded by these measures is likely to be welcomed by acquiring authorities, however they could result in landowners facing longer periods of uncertainty.

## Longer time limits for providing notice to landowners and implementing a CPO

Landowners must be given at least three months' notice of the date on which ownership of the land will pass to the acquiring authority and this date cannot be changed once it has been set.

The Bill will allow the date to be extended by agreement in writing. This may be useful in certain circumstances, for example, if the affected landowner's move to another property has been delayed for some reason.

The period for of time for implementing a CPO is currently three years. The Bill proposes that the Secretary of State will now have the discretion to impose a longer time period where appropriate which may result in longer periods of uncertainty for those affected.

## Conclusion

The measures proposed in the Bill are designed to speed up the delivery of projects where a CPO is needed but more detail is needed before we can see how it will work and whether the shift in the balance of power in favour of acquiring authorities will increase uncertainty for landowners.

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