

## **COMPULSORY PURCHASE ORDER (CPO) PROCESS**

Powers are available to enable the Council to compulsorily acquire property and land for specific purposes. The protocol for acquisition generally follows the provisions of The Land Acquisition Act 1981.

However if property owners affected by Council proposals involving compulsory acquisition are keen to sell their property then they should contact the Council who may consider purchasing it in advance of the Compulsory Purchase Order (CPO) process (refer to [Voluntary Acquisitions](#)).

The CPO process generally comprises a number of specific stages:

1. Formulation/Information Gathering
2. Resolution
3. Making of the Order/Publicity
4. Objections
5. Public Local Inquiry
6. Decision/Confirmation/Publicity
7. Further Challenge
8. Taking Possession of Property/land

### **1. Formulation/Information Gathering**

If the Council determine that land is required for a particular purpose and that the use of compulsory purchase powers would best achieve this it will define the boundaries of the area to be considered and will gather information relevant to the proposals so that an informed decision can be made. The Council will seek to identify everyone who has an interest in the land including those with freehold or leasehold interest together with any occupiers/tenants and it may serve a requisition for information notice to seek to identify such persons with an interest.

### **2. Resolution**

A report stating the case for a CPO is presented to the Council's Cabinet. If it is agreed then a resolution is passed declaring the Council's intention to make a CPO. The resolution is entered in the local land search register.

### **3. Making of the Order/Publicity**

The CPO will be made and all known persons with an interest will be informed by the Council serving a notice on them, together with a public announcement in the local press inviting representations/objections to be made within 21 days, although this period may be longer at the discretion of the Council. This gives everyone with an interest an opportunity to express their views. Representation/objections are sent to the First Secretary of State at his local Manchester Office. At the same time all interested parties will receive a Statement showing the Council's reasons for making the CPO

## **4. Objections**

If no valid objections are received and the First Secretary of State is satisfied that the proper procedures have been observed, the CPO will be confirmed, modified or rejected without the need for a formal hearing. However, if objections are received which are deemed as valid reasons then they are heard at a Public Local Inquiry.

Compensation issues are not valid reasons for objection but are dealt with by the Lands Tribunal (website: [www.landtribunal.gov.uk](http://www.landtribunal.gov.uk)).

Objections usually fall into three categories:

1. Persons who agree with the purpose of the scheme, but would like to see minor amendments to minimise its impact.
2. Persons who agree with the purpose of the scheme, but feel it should be located elsewhere.
3. Persons who object to the scheme completely.

The acquiring authority may then negotiate with the objector to see if the objection can be resolved and withdrawn. If the acquiring authority is unable to secure the withdrawal of every objection, a Public Local Inquiry must be held.

## **5. Public Local Inquiry**

Shortly after the closing date for objections, the First Secretary of State will write to the Council and the objectors informing them that an Inquiry is to be held. The date of this letter is known as the 'relevant date'. This date is used to establish the timetable for the Inquiry procedures.

No later than six weeks after the relevant date and at least 28 days before the Inquiry, the acquiring authority must supply a "Statement of Case" to the Government Office and each objector.

Within 22 weeks of the relevant date, the Inquiry should normally be held and is presided over by a Government appointed Inspector, although the First Secretary of State has the power to modify the time periods. The Inspector will visit the site before, during or after the close of the Inquiry. However, the Inspector cannot discuss the merits of the case with objectors during the visit.

The Inspector will produce a report for the First Secretary of State clearly setting out conclusions and recommendations. The Inspector will recommend a course of action to the Secretary of State.

## **6. Decision/Confirmation/Publicity**

After considering the Inspectors report, the Secretary of State confirms, modifies or rejects the CPO. The Council must publicise the decision in one or more local newspapers and notify all persons with an interest. This usually includes notice of the General Vesting power enabling the land to become vested in the Council following a period of 3 months thereafter.

## **7. Further Challenge**

There may be grounds for seeking a judicial review of the Inspectors decision in the High Court.

## **8. Taking Possession of Property/Land**

If the CPO is confirmed, then the Council proceeds to take possession of the land/buildings. Anyone with good title to land/buildings will then have their interest transferred to the Council and take up their compensation settlement. In cases where compensation cannot be agreed then either party can have the matter referred to the Lands Tribunal for a decision. In each case everyone is entitled to market value compensation for their interest as well as other compensation payments