



## Department for Communities and Local Government

Key Compulsory Purchase Organisations  
and Businesses (See Annex B)

Our Ref: AC/SL/17/01

Your Ref:

11 January 2017

Dear Colleagues,

### **Compulsory Purchase Orders Streamlining - Delegated Decisions and Timescales for Decision**

In March 2015 the Government published the '[Technical consultation on improvements to compulsory purchase processes](#)' which sought views on a range of proposals aimed at making the compulsory purchase process clearer, fairer and faster for all. The proposals included introducing a power for the Secretary of State to delegate to an Inspector a decision on whether to confirm a compulsory purchase order and introducing statutory targets and timescales for the confirmation stage of the compulsory purchase process for cases decided by the Secretary of State and for delegated decisions.

There was overwhelming support from respondents to the consultation to the principle of having statutory targets and timescales and a significant number of respondents to the consultation supported the principle of certain decisions being delegated to Inspectors. Following the consultation, the Government decided to take forward these proposals in the Housing and Planning Act 2016 which inserted a new section 14D into the Acquisition of Land Act 1981 enabling a confirming authority:

- to appoint an Inspector to act instead of it in relation to the confirmation of a non-Ministerial compulsory purchase order to which section 13A of the Acquisition of Land Act 1981 applies; and
- to cancel the appointment of an Inspector acting instead of him in relation to the confirmation of a non-Ministerial compulsory purchase order at any time until a decision is made.

The Housing and Planning Act 2016 also inserted a new section 14B into the Acquisition of Land Act 1981 requiring the Secretary of State:

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- to publish one or more timetables setting out the steps to be taken by confirming authorities in confirming a compulsory purchase order; and
- to publish an annual report to Parliament setting out the extent to which confirming authorities have complied with any applicable timetable published under this section.

The Government agreed to undertake further targeted consultation with stakeholders on the criteria which would be used to delegate the decision on whether to confirm a non-ministerial compulsory purchase order to a PINS Inspector and on the timescales for issuing a decision on delegated cases.

This letter seeks your views on the proposed criteria for delegating a compulsory purchase order to an Inspector, together with the timescales for issuing the decision on these delegated cases. Based on the proposed criteria and the compulsory purchase orders submitted in 2015/2016 we anticipate that between 75% and 80% of cases may be delegated to an Inspector, but this will depend on the compulsory purchase orders submitted and the suitability of each compulsory purchase order to be delegated will be carefully considered by the Secretary of State on its individual merits.

The proposed criteria and timescales are set out in Annex A to this letter and we would welcome your views by midnight on 13th February 2017. This letter has been addressed to key representative bodies in the sector and a full list of the organisations and businesses invited to comment is attached at Annex B. We would be more than happy for you to share this letter with others who may have an interest in the proposals.

These streamlining proposals are aimed at speeding up the process of deciding compulsory purchase orders. Our initial assessment is that these proposals would be unlikely to result in any significant differential impacts on any group or groups with protected characteristics for the purposes of the Public Sector Equality Duty under section 149 of the Equality Act 2010. However, we would welcome your views on whether you consider there are any potential equalities impacts arising from the proposals and, if so, to provide details of these impacts including views on how these impacts might be addressed or mitigated.

Comments on the delegation criteria and the proposed timescales can be made at the following link [Survey Monkey - Secretary of State delegated decisions and timescales survey](#).

All the responses to this consultation will be carefully considered and a response by the Government will then be issued.

If you would like any further information please do not hesitate to contact me.

Yours sincerely,



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## **Annex A**

### **Criteria for delegating Compulsory Purchase Order cases for decision by an Inspector**

Section 181 of the Housing and Planning Act 2016 inserts a new section 14D into the Acquisition of Land Act 1981 enabling a confirming authority to appoint an Inspector to act instead of it in relation to the confirmation of a non-Ministerial Compulsory Purchase Order (CPO) to which section 13A of the Acquisition of Land Act 1981 applies.

This statement sets out the Secretary of State's policy on appointing an Inspector to act instead of him in relation to the confirmation of a non-Ministerial CPO. This policy applies to CPOs made after commencement of section 181 of the Housing and Planning Act 2016.

The Secretary of State will carefully consider the suitability of all CPOs to be delegated to an Inspector, but will generally delegate the decision on confirmation of an order where, in his opinion, it appears unlikely to:

- conflict with national policies on important matters;
- raise novel issues;
- give rise to significant controversy; or
- have impacts which extend beyond the local area.

New section 14D of the Acquisition of Land Act 1981 also enables a confirming authority to cancel the appointment of an Inspector acting instead of him in relation to the confirmation of a non-Ministerial CPO at any time until a decision is made. This statement also sets out the Secretary of State's policy where the appointment of an inspector is cancelled.

While each CPO will be considered on its individual merits, if, at any time until a decision is made by the appointed Inspector, the Secretary of State considers, in his opinion, that the CPO now raises issues which should be considered by him, he may decide that the appointment of the Inspector to issue a decision whether or not to confirm the CPO should be cancelled. In these instances, the Inspector will be asked to submit a report and recommendation to the relevant Minister who will make the decision whether or not the CPO should be confirmed.

### **Proposed introduction of timescales for issuing a decision**

The March 2015 consultation paper set out that we would consult separately on target timescales for cases that are delegated to an Inspector, should the proposal be taken forward. This statement sets out the proposed timescales in which an Inspector would be required to issue a decision on a delegated CPO Scheme.

### Orders subject to the written representations process

The new target is proposed to be:

Decision to be issued within four weeks of the site visit date in 80% of cases; with 110% of cases being decided within eight weeks of the site visit date.

### Orders subject to public inquiry

Parties to be notified within ten working days of the close of the Inquiry the date on or before which a decision will be issued.

Decision to be issued within eight weeks of the close of the Inquiry in 80% of cases; with 100% of cases being decided within twelve weeks.

## Annex B - Organisations and Businesses invited to comment

Accessible Retail  
Amber Valley Borough Council  
Aylesbury Leaseholders Action Group  
Bedford Borough Council  
Berkeley Group  
Bilfinger GVA  
Birmingham City Council  
BNP Paribas Real Estate UK  
Bond Dickinson  
Bristol City Council  
Bristol water Company  
British Property Federation  
Browne Jacobson LLP  
Building Societies Association  
Campaign to Protect Rural England  
Carter Jonas  
Caxtons  
Central Association of Agricultural Valuers  
Centre for Progressive Capitalism  
Compulsory Purchase Association  
Council of Mortgage Lenders  
Country Land and Business Association  
CPRE Lancashire  
Devon County Council  
Doncaster Metropolitan Borough Council  
EDF Energy  
EMEPP  
Empty Homes UK Ltd  
Energy UK  
EY  
Falcon Chambers  
Fisher German  
Greater London Authority  
Hartlepool Borough Council  
Highbury Group on housing Delivery  
Highways England  
Historic England  
HS2 Ltd  
Kent County Council  
Law Society  
Local Government Association  
London Borough of Southwark  
Nabarro LLP  
National Farmers Union  
National Grid  
National Infrastructure Planning Association  
National Trust  
Network Rail Infrastructure Limited  
Norfolk County Council  
North Norfolk District Council  
Nottinghamshire County Council  
Peter Brett Associates LLP  
Peterborough City Council  
Planning and Environmental Bar Association  
Planning Officers Society  
Preston City Council  
Richard Harwood QC  
RiverOak Investment Corporation LLC  
Royal Borough of Kingston upon Thames  
Royal Institution of Chartered Surveyors  
Royal Town Planning Institute  
Savills  
Sawyer Fielding LTD  
Severn Trent Water Limited  
Shakespeare Martineau  
Shelter  
South Norfolk Council  
Stoke-on-Trent City Council  
Swindon Borough Council  
Tanner Rose LLP  
Tatton Estate Management Ltd.  
Town and Country Planning Association  
The Law Society  
The National Trust  
TLT LLP  
Town Centre Regeneration Ltd  
Transport for London  
UK Powers Networks  
Wainhouse  
Wessex Water  
Wolverhampton City Council  
Yorkshire Water

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