

Summary of Compulsory Purchase Order powers

1. Government Guidance to Councils and other public bodies - It should be noted that the Government believes that Compulsory Purchase Order (CPO) powers can be an important tool for local authorities and other public bodies to use as a means of assembling the land needed to help deliver social and economic change. Used properly, CPO powers can contribute towards effective and efficient urban and rural regeneration, the revitalisation of communities and the promotion of business leading to improvements in quality of life. Councils are encouraged to consider using them pro-actively wherever appropriate to ensure real gains are brought to residents and the business community without delay.

2. Certainty of site assembly - The first and most obvious benefit of the use of CPO powers is to provide certainty of site assembly. Whilst the Council will seek to acquire the freehold of private land and property by negotiated agreement if possible, the complex nature of sites in a town centre means that it is unlikely that all the required interests can be acquired by agreement. The programming of this development will be a complex task and whilst the CPO procedures can be lengthy the Council as the acquiring authority, where appropriate, can integrate the CPO procedures into the overall programme with the intention of avoiding delay and achieving the target completion date.

3. To be able to provide realistic cost estimates - The second important reason is that the CPO procedures enable the costs of the site acquisition to be dealt with under recognised procedures so that realistic estimates can be prepared from the outset. It may still be preferable to achieve negotiated settlements but in the background there will be the ability to utilise, where necessary, the compensation procedures and thus avoid having to make any ransom payments.

4. To obtain a clean title - The third major reason for the use of CPO powers is the ability to secure a 'clean title' for the development site and to avoid possible breaches of easements, restrictive covenants, rights of light, etc. Furthermore, the main advantage of obtaining a clean site through the use of compulsory purchase powers or other statutory powers, is the comfort that whilst compensation may be payable for the breach of restrictions, the remedy of an injunction to prevent or stop the development will not be available to an objector.