



EAST SUFFOLK COUNCIL COMPULSORY PURCHASE ORDER PROTOCOL (SEPTEMBER 2025)



[Cover for indicative purposes only]

EAST SUFFOLK COUNCIL

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1 Introduction

1.1 There is often the need/desire to deliver new or improved infrastructure of various kinds in East Suffolk, such as road, rail and cycle-path projects, flood/coastal defence schemes, utilities improvements, sports and leisure facilities and many others, or to bring forward regeneration / development schemes. Some of these types of infrastructure improvements or developments are delivered by non-local authority bodies, including Homes England, utilities companies, various arms of the NHS, the Environment Agency, Great British Rail and National Highways.

1.2 However, many necessary infrastructure improvements are delivered by/associated with new developments. These can be delivered:

- directly by the developer – for example, providing a new electricity sub-station or a new road;
- through planning obligations payments (Section 106 or Section 38/278 contributions) – for example, towards junction improvements; and
- through the spending of Community Infrastructure Levy payments made by developers – for example, to contribute towards the expansion of a GP surgery or a primary school.

1.3 In other cases, there can be a desire to improve existing infrastructure – for example, improving the cycling network in an urban area.

1.4 In addition, local authorities also have duties in relation to addressing empty homes.

Compulsory purchase

1.5 The Council sometimes may need to acquire land or property from third parties, but its financial resources are limited; there are many desirable projects and schemes that it would ideally like to deliver but cannot. Each potential project must therefore be carefully considered and discussed internally, likely including the Finance, Property, Legal and Planning teams, before it is taken forward. In most cases, although there may sometimes be practical and/or financial difficulties to overcome, the availability of the land to deliver the new/improved infrastructure is not normally a problem.

1.6 Some of the reasons the Council may need to acquire land/property include (but are not limited to):

- To secure a parcel (or parcels) of land needed to help facilitate a wider regeneration project; or
- To deliver infrastructure improvements (for example, an extension to a cycle path); or
- Acquiring a very run-down house, which is impacting on neighbours and the wider area, when efforts to persuade the current owner(s) to repair/renovate it themselves have failed; or
- To make a commercial investment.

1.7 A compulsory purchase order (CPO) is a legal tool that allows certain bodies, such as local authorities, to acquire land or property without the consent of the owner, although the Council would always seek to acquire the land or property by agreement first and only resort to a CPO if negotiations were to ultimately be unsuccessful. The primary purpose of a CPO must be to facilitate projects that are deemed to be clearly in the public interest, such as dealing with abandoned homes, infrastructure development, urban regeneration, or environmental conservation.

1.8 Seeking to force the sale of a private landholding against the opposition of the landowner is a breach of fundamental property rights. The CPO process therefore is onerous to follow and contains various safeguards, checks and balances. Ultimately, a CPO must be confirmed by the relevant minister, sometimes directly, but sometimes he/she will delegate the decision to an Inspector, in a similar way that planning appeals operate (see diagram below).

1.9 This document sets out East Suffolk Council's approach to the use of CPOs. Although the Council has the legal authority to proceed with a CPO application, it remains committed to the principle that compulsory purchase is a last resort. Wherever possible, the Council will seek to acquire land or property by voluntary agreement through negotiation, collaborating with relevant owners, residents, and/or stakeholders.

1.10 This CPO Policy document provides a structured and transparent framework for how the Council will exercise its CPO powers in accordance with national legislation and guidance. It reflects current legal developments, including changes introduced by the

Levelling-Up and Regeneration Act 2023, and aligns with best practice in governance, decision-making, and community engagement.

1.11 The Procedure also outlines the main internal processes, justification requirements, and statutory steps involved in preparing, making, and implementing a CPO. It applies to:

- **Targeted acquisition of individual properties and small pieces of land**, such as long-term empty homes and ‘ransom’ strips (to facilitate infrastructure development); and
- **Large-scale schemes** where land assembly is required to deliver strategic regeneration or larger-scale infrastructure projects.

1.12 Through following this Protocol, the Council aims to ensure that CPO applications are prepared and used lawfully, proportionately, and in a way that supports sustainable development, community benefit, and the efficient use of resources. A flowchart of the main stages of the CPO process is below (source: modified from two diagrams in <https://www.gov.uk/guidance/compulsory-purchase-and-compensation-guide-1-procedure>), although it must be emphasised that each potential project must be considered in a bespoke manner and so the Protocol does not dictate not a rigid and formulaic approach:

Preliminary enquiries

- Acquiring authority considers whether land is required to deliver a project it is promoting and the extent of the land that may be required.

Establish a Clear Public Interest Case

- Demonstrate that the regeneration project will significantly improve economic, social, or environmental wellbeing.
- Ensure the project aligns with planning policies and strategic development goals.

Conduct Early Engagement

- Inform and consult with affected property owners, tenants, and stakeholders.
- Attempt to acquire land/property through negotiation before using compulsory powers.

CPO preparation & submission

- Acquiring authority formally 'resolves' to use its compulsory purchase powers and gathers detailed information about land ownership and occupation. The acquiring authority then makes the CPO, publicises it and submits it to the confirming authority.

Obtain Authority to Make the Order

- The council must pass a resolution authorising the use of compulsory powers.
- Ensure that the decision is documented and that all legal requirements are met.

Ascertain Ownership and Qualifying Persons

- Conduct a thorough investigation to identify all parties with an interest in the property
- Use land registry records, local authority records, and other relevant sources to compile a comprehensive list of owners, leaseholders, and tenants.
- Before the formal compulsory purchase order (CPO) is made, an initial valuation may be conducted to estimate the compensation that might be required.

CPO consideration

- The CPO is considered by the confirming authority through a public inquiry or written representations

Prepare Order and Map, Notices, Statement of Reasons.

Draft the CPO, ensuring it includes:

- A detailed map showing the boundaries of the area to be acquired.
- Notices to be served to all interested parties.
- A statement of reasons explaining the need for the CPO and how it serves the public interest.

Objecting to a CPO

- Those affected by the CPO are invited to submit objections to the confirming authority.

Seal and Date Order

- Officially seal the CPO with the council's seal.
- Date the order and ensure that the appropriate delegations are in place for who can sign the order.

Affix, Serve, Publish Notices, Deposit Documents

- Affix notices on the property to inform the public of the CPO.
- Serve notices to all identified interested parties, including owners, leaseholders, and tenants.
- Publish the notices in local newspapers to ensure wider public awareness.

Decision

- The confirming authority decides whether to confirm, modify or reject the CPO.

Apply to Secretary of State for confirmation

- Submit the CPO to the Secretary of State for confirmation.
- Provide all necessary documentation, including the order, map, notices, and statement of reasons.
- Respond to any queries or requests for additional information from the Secretary of State's office.

Possession & acquisition

- The acquiring authority takes ownership of the land

Compensation

- There is generally a right to compensation if your land is compulsorily acquired. (This is dealt with in Guides 2,3 and 4.)

2 Purpose

2.1 The purpose of this document is to set out the Council's approach and decision-making process when considering the use of Compulsory purchase powers, for instance, in the case of a long-term empty home in the district, with the intended aim of having the property brought back into use. Compulsory purchase powers can also be used in relation to large scale regeneration or infrastructure projects, such as affordable housing development, healthcare and education facilities.

2.2 The Council will only seek to acquire property or land via this route in accordance with legislation.

2.3 In the case of individual properties, the development and refurbishment of such a property must be guaranteed, and the purchased property must contribute to the economic, social, or environmental improvement of the area and community of which it is in. This process applies to all long-term empty properties and will be considered where all other options of support and assistance have been considered and have failed to encourage the owner to bring the property back into use. This approach is viewed as a last resort, as a result of both continued inaction by the owner, and there being no prospect of a property becoming occupied in the foreseeable future.

2.4 For large-scale development, early engagement is essential. The Council will always seek to acquire land/property through negotiation before using compulsory purchase powers and will consult extensively with affected property owners, tenants, and stakeholders.

3 Legislation and Related Guidance

3.1 Some of the main legislation which may be relevant to individual CPOs includes:

- Land Clauses Consolidation Act 1845
- Land Compensation Act 1961
- Compulsory Purchase Act 1965
- Land Compensation Act 1973

- Acquisition of Land Act 1981
- Planning & Compensation Act 1991
- Planning & Compulsory Purchase Act 2004
- Housing and Planning Act 2016
- Housing Act 1985
- Neighbourhood Planning Act 2017
- Town and Country Planning Act 1990 (as amended)
- Levelling-up and Regeneration Act 2023

In addition, there is detailed national guidance explaining why compulsory purchase orders are made, and what people's rights are to challenge them, as well as guidance on the compulsory purchase process and a model compensation claim form for use by those affected by compulsory purchase:

<https://www.gov.uk/government/publications/compulsory-purchase-process-guidance>

<https://www.gov.uk/guidance/compulsory-purchase-and-compensation-guide-1-procedure>

4 Choosing the right compulsory purchase power

4.1 There are a number of enabling powers, each of which specifies the bodies that are acquiring authorities for the purposes of that power and the purposes for which the land or property can be acquired. The purpose for which an acquiring authority seeks to acquire land will determine the statutory power under which compulsory purchase is sought. This in turn will influence the factors which the confirming minister/Inspector will want to take into account in deciding whether to confirm a compulsory purchase order.

4.2 The types of CPOs covered in this Procedure are primarily covered in the Acquisition of Land Act 1981¹, which details the process an acquiring authority must follow under the powers detailed within that Act.

¹ <http://www.legislation.gov.uk/ukpga/1981/67>

4.3 The Housing Act 1985 also gives the Local Authorities the power purchase land, houses or other properties, which may also apply to empty properties. Additional justification for the use of CPOs for housing and planning purposes is found within section 226 of the Town and Country Planning Act 1990 (as amended). The following parts of section 226 are particularly relevant:

226(1) A local authority to whom this section applies shall, on being authorised to do so by the Secretary of State, have power to acquire compulsorily any land in their area which—

(a) is suitable for and required in order to secure the carrying out of development, redevelopment or improvement; or

(b) is required for a purpose which it is necessary to achieve in the interests of the proper planning of an area in which the land is situated.

(1A) But a local authority must not exercise the power under paragraph (a) of subsection (1) unless they think that the development, re-development or improvement is likely to contribute to the achievement of any one or more of the following objects—

(a) the promotion or improvement of the economic well-being of their area;

(b) the promotion or improvement of the social well-being of their area;

(c) the promotion or improvement of the environmental well-being of their area.”

(2) A local authority and the Secretary of State in considering for the purposes of subsection (1)(a) whether land is suitable for development, re-development or improvement shall have regard—

(a) to the provisions of the development plan, so far as material;

(b) to whether planning permission for any development on the land is in force; and

(c) to any other considerations which would be material for the purpose of determining an application for planning permission for development on the land.

4.4 This means that CPO powers are available for development/re-development/improvements – typically this would include regeneration or infrastructure schemes. This is as long as the promotion of economic, social and/or environmental well-being of the area can be shown.

4.5 In deciding whether the land is suitable, the policies of the relevant Local Plan (including whether a particular site/area is allocated for development), will likely be relevant, as will the presence (or absence) of any relevant planning permission(s). But other material considerations may also be relevant.

4.6 In essence, the greater the certainty that a particular (re)development scheme for which a CPO is being considered is credible and deliverable – through an allocation and/or supportive other policies in the Local Plan or, better, a recent planning permission – the greater the likelihood there is of the CPO being eventually confirmed (granted). Seeking a CPO for a piece of land with neither a clearly supportive Local Plan position nor a relevant planning permission is therefore much harder, although not necessarily impossible. In some cases, the early stages of a CPO process may be twin-tracked with a planning application.

5 Funding

5.1 The Council will identify funding sources early on and, before submitting a CPO, the Council must confirm that funding is available. Most land acquisition via a CPO is treated as capital expenditure. Funding a CPO may require the Council to consider external borrowing, which would incur interest costs. This would be a revenue cost and must be accounted for in the Council's Medium Term Financial Strategy (MTFS). Potential sources of funding include:

- Government grants (e.g. from Homes England)
- Local authority reserves
- Internal or external borrowing (e.g. through the Public Works Loan Board)
- Developer contributions (e.g. CIL)
- Private sector investment or joint ventures

5.2 The Council will provide sufficient evidence that it has the appropriate sources of funding approved for both acquiring the land or property and for implementing the proposal intended for the land or property. If funding details cannot be finalised until there is certainty that the necessary land will be required, the Council will provide an indication of how any potential shortfalls are intended to be met and the associated risks. This should include:

- the degree to which any other bodies (including the private sector) have agreed to make financial contributions or underwrite the scheme; and
- the basis on which the contributions or underwriting is to be made.

5.3 Funding should be confirmed early in the process (as part of Stage 1 – see Appendix A). Failing that, the confirming minister/Inspector would expect funding to be available to complete the compulsory acquisition within the statutory period (as detailed in section 4 of the Compulsory Purchase Act 1965²), and only in exceptional circumstances would it be reasonable to acquire land with little prospect of the scheme being implemented for a number of years.

5.4 A Statement of Reasons, also known as the Statement of Case, is a document prepared by the Council when making a CPO. It explains the Council's reasons for seeking to acquire the land or property and is submitted with the CPO. Essentially, it justifies why the specific land or properties within the CPO boundary are deemed necessary for the intended purpose.

6 Justifying a Compulsory Purchase Order (single dwellings)

6.1 For the Council to consider a CPO on a single empty dwelling (or similar, such as a pair of semi-detached properties), the property must meet the following criteria:

- the house is in a poor state of repair and/or it is unlikely to be brought back into use by the owner; and
- a clear public benefit would be achieved.

² <https://www.legislation.gov.uk/ukpga/1965/56/contents>

6.2 Such benefits could include provision of affordable housing and/or improving the appearance of the neighbourhood and/or reducing anti-social behaviour. If a CPO is under consideration, it is likely the Council would engage expert (outside) support, to ensure due process is followed in a timely manner, as the legal and technical processes are complex.

6.3 The Council adopted an Empty Homes Policy in 2022, which has the key aim of reducing the number of long-term empty properties by discouraging owners from leaving them empty and also helping to bring them back into use.

6.4 In line with that Policy³, the local authority will write to the owner, enquiring about their intentions for the property. This letter will include advice about how the property could be brought back into use. If there is no reply within one month of the letter, the Empty Homes Officer (EHO) will write again, explaining that which enforcement powers the Council could consider using.

6.5 If there is no response to this within one month, the owner will be sent a third letter. This will explain that if there is no response, the Council will add the property to an enforcement list for consideration of the options available for enforcement. If after a further month there is still no response, the owner will be sent a final letter, informing them that the property has been added to the enforcement list. If still no action is taken by the owner, the Council will begin legal enforcement action. Ultimately, the Council might seek an enforced sale of the property, [following its policy on this](#).

6.6 The Council will carry out consultation with all owners, residents and other people potentially affected. Once a decision to proceed has been made with the acquisition of the property or properties concerned, the first option will be to come to a voluntary agreement with the owner(s) concerned. If voluntary agreement does not prove possible, then the Council will pursue a compulsory purchase of the owner's (or owners', if owned by more than one person or company/trust) interests in the property.

³ <https://www.eastsuffolk.gov.uk/housing/empty-properties/>

7 Justifying a Compulsory Purchase Order (large-scale development)

7.1 The most common justifications for wanting to acquire larger-scale land is either to help deliver a regeneration project or progress a site which is allocated for development/re-development in the Local Plan. It might also be that there is a planning permission in place, and in some cases the permission may have been implemented, but progress might have stalled or been non-existent. Such sites are important for the overall implementation and delivery of the Local Plan and can include (for example) significant housing numbers and/or important employment land.

7.2 The Council must decide how best to justify its proposal to compulsorily acquire land under the relevant Act. The Council must:

- have a clear idea of how it intends to use the land which it is proposing to acquire; and
- be able to show that all the necessary resources are likely to be available to achieve that end within a reasonable timescale.

7.3 The Council will also have to show that the proposal is unlikely to be blocked by any physical or legal constraints, which could include:

- the programming of any infrastructure accommodation works or remedial work which may be required; and
- any need for planning permission or other consent or licence.

7.4 It is not essential to show that land is required immediately to secure the purpose for which it is to be acquired, but the Council must be able to demonstrate that there are sufficiently compelling reasons for the powers being sought, so that the minister/Inspector confirming the order can take a balanced view between the intentions of the Council and the concerns of those with an interest in the land in question and the wider public interest.

8 Acquisition of the land or property

8.1 The Council will negotiate with the leaseholder or freeholder of the land or property to try to purchase it through a voluntary agreement.

8.2 The Council will arrange for a surveyor to conduct a valuation. Following this valuation, the surveyor will then send written notification of the open market value of the land or property to the owner, as well as details of any Home Loss and Disturbance Payments to which the owner is entitled. It is noted that, of course, there is commonly disagreement as to what the “open market value” of a piece of land/property actually is. The process of assessing “fair compensation” for the landowner is known informally as the “compensation code” – a combination of legislation, caselaw and established CPO practice.

8.3 The Council is committed to working constructively with landowners and stakeholders to acquire land and rights by agreement wherever possible. Compulsory purchase is a measure of last resort, and the Council will seek to engage in meaningful negotiations before formally progressing a CPO process. Reaching a voluntary agreement is not only more efficient and cost-effective, but it also fosters better relationships and reduces uncertainty for all parties involved.

8.4 However, the process of negotiating to acquire land, and preparing, submitting and then having a CPO ultimately approved can be very lengthy, lasting some years. It can clearly be dependent on the willingness and timeliness of the actions of landowners in relation to negotiations and communication. In some cases, therefore, the Council may wish to resolve formally to secure land/property for the specified purpose (e.g. regeneration), up to and including the use of a CPO, if this is ultimately necessary.

8.5 Therefore, there may be circumstances where agreement cannot be reached within a reasonable timeframe, and/or where land ownership is fragmented or unclear. If a voluntary agreement to purchase cannot be reached, then the Council will seek to submit a CPO, with the aim of compulsorily purchasing the property at the fair market value (allowing for the current owner’s reasonable costs, as set out in the national guidance). The Council will only pursue a CPO where there is a compelling case in the public interest and where all reasonable efforts to secure agreement have been exhausted.

9 Preparing, making, and serving the Compulsory Purchase Order

9.1 Sections 11 and 12 of the Acquisition of Land Act 1981 states that the acquiring authority (in this case, East Suffolk Council) must publicise the proposed CPO as follows:

- publication of a notice for two successive weeks in one or more local newspapers
- publish a notice in the prescribed form on an appropriate website for a period of at least 21 days ending with the day specified under subsection (2)(d),
- place notices on or near the land affected
- individual notices to be sent to any person occupying or having an interest in the land
- specify how and when objections can be made

9.2 The CPO paperwork is sent to the confirming authority. This will usually be the Secretary of State (SoS) who has responsibility for housing and planning. In some instances, the SoS can appoint an inspector to act on their behalf. If no objections are made and the confirming authority is satisfied that proper notices have been given, they will then confirm, modify or reject the CPO. If a CPO is unopposed, the Secretary of State will normally issue a decision within two months of receiving the council's application for confirmation. If objections are made – and this is very frequently this is the case – a public inquiry will be held.

9.3 In the case of a confirmed CPO, a Notice to Treat is served to the land or property owner. This notice indicates the intention to acquire the land or property and triggers the formal valuation process. After the Notice to Treat is served, negotiations between the council and the owner can take place. During these negotiations, further valuations may be conducted to ensure fair compensation based on the land or property's market value, any potential losses, and disturbance costs.

10 Public Local Inquiry

10.1 Any person with an interest in the land or property may make an objection to a CPO. The objection must be in writing and submitted to the Ministry of Housing, Communities and Local Government (MHCLG). The most common objections from owners are disputing the Council's case and wanting more time to put their own proposals into effect.

10.2 At the end of the objection period, MHCLG will send copies of objections to the council and announce that it intends to hold a Public Local Inquiry, usually giving 10-12

weeks' notice. The procedure for public enquiries is set out in the Compulsory Purchase by Non-Ministerial Acquiring Authorities (Inquiries Procedures) Rules 1990⁴.

10.3 Under Section 183 of Levelling-up and Regeneration Act 2023 (LURA), the Secretary of State can confirm the CPO subject to conditions, which may include, but are not limited to:

- Secure funding for the scheme before proceeding
- Obtain planning permission or other statutory consents
- Complete negotiations with key stakeholders
- Demonstrate viability or deliverability of a project

11 Minister's/Inspector's Decision

11.1 The Council will normally be notified of the decision two to three months after the Public Local Inquiry (if there has been one). If the CPO is refused, the Council can apply to the High Court for judicial review of the decision on legal grounds if it feels the decision was legally flawed.

11.2 If the CPO is confirmed, the council's Solicitor will prepare a 'Notice of Confirmation' for service on all parties and for press publication. This Notice contains provision for any person to appeal to the High Court against the Secretary of State's decision to confirm the CPO. The appeal must be lodged within six weeks and can only be made on a point of law. At the end of the six-week period the council's Solicitor will establish from the High Court whether an appeal has been made and if not, will seek instructions.

12 Settlement of Compulsory Purchase Order Compensation

12.1 The primary basis for compensation is the market value of the land or property. This is the amount the land or property would likely sell for on the open market at the valuation date, assuming a willing buyer and seller. Compensation may also include costs associated with the disturbance caused by the compulsory purchase. This can cover expenses such as

⁴ <https://www.legislation.gov.uk/ukxi/1990/512/contents/made>

relocation costs, loss of business, and other reasonable costs incurred as a result of having to move. Reasonable legal and professional fees incurred in the process of negotiating and claiming compensation are also covered.

12.2 Once a CPO is confirmed, the council serves a Notice to Treat on the owner, indicating their intention to acquire the land or property and inviting the owner to negotiate compensation. Both the Council and the property owner will typically obtain valuations of the property and these valuations form the basis for negotiating the compensation amount – as noted in paragraph 8.2, the process is known informally as the “compensation code”. The parties negotiate to reach an agreement on the amount of compensation. This stage may involve multiple rounds of offers and counter-offers and in most cases there will, of course, have been (failed) attempts at negotiating the value of the compensation earlier in the process, before the CPO submission was formally made.

12.3 If the parties cannot agree on the compensation amount, the matter can be referred to the Lands Tribunal (Upper Tribunal) for determination. The Tribunal will consider evidence from both sides and make a binding decision on the compensation amount. Once the compensation amount is agreed upon or determined by the Tribunal, the council will pay the compensation to the owner.

12.4 Section 5A of the Land Compensation Act 1961⁵ establishes the date at which land compulsorily acquired is to be valued for compensation purposes (the ‘relevant valuation date’). It also establishes that such a valuation is to be based on the market values prevailing at the valuation date and on the condition of the relevant land and any structures on it on that date.

12.5 Changes brought into effect by the Levelling-up and Regeneration Act 2023 (LURA) allow local authorities to exclude ‘hope value’ – the speculative increase in land value based on potential future planning permissions – from compensation calculations in specific circumstances. This applies to projects delivering affordable housing, education, or health-related developments where there is a compelling public interest justification. Details on the

⁵ <http://www.legislation.gov.uk/ukpga/Eliz2/9-10/33/section/5A>

disposal of such site will form part of the justification for a CPO or may form one or more conditions on a confirmed CPO.

13 What will the Council do with land or property acquired following a Compulsory Purchase Order?

13.1 The Council has three broad options:

- 1) Retain the land/property itself, for example by undertaking the development itself or improving the house and then adding it to its list of affordable housing (for renting out to tenants)
- 2) (Normally not for single dwellings) execute the joint venture agreement with a development partner
- 3) Dispose of the land/property, perhaps to a Registered Provider (for individual dwellings) or an open sale

13.2 In the case of land acquired using a CPO, the Council must manage and dispose of it in a way that remains lawful, transparent, and aligned with the public interest. For regeneration or large-scale development purposes, the Council may retain and directly develop the land itself (e.g. council housing, commercial spaces, public facilities) or it may set up separate development company to carry out regeneration or housing projects. The Council may choose to dispose of land to private developers, housing associations, or joint venture partners, especially for large-scale mixed-use schemes.

14 Tenanted properties

14.1 If the owner of the property or leasehold wishes to sell voluntarily in advance of a CPO, the owner has the overall responsibility for gaining vacant possession of their property from their tenant. This should be done in accordance with the timeframe for vacancy agreed through the voluntary agreement between the owner and the council. However, if a voluntary agreement is not reached, the council will make a CPO covering the property. A copy of this order will be served both on the occupier(s) and the owner(s) of the property.

15 Proposed changes to legislation

15.1 In addition to changes to the Planning and Infrastructure Bill⁶ and the Levelling-up and Regeneration Act (LURA) 2023 detailed in some of the previous sections, the Government is proposing changes relevant to the CPO process. Some of these are streamlining and simplifications of existing processes and so are relatively technical.

15.2 Potentially more significant changes stemming from the LURA were consulted on by the Government from December 2024 to February 2025⁷. This includes “*the power to allow for the removal of value associated with the prospect of planning permission (i.e. “hope value”) from the assessment of compensation in certain circumstances*”. The consultation sought views on which types of sites might fall into this category, with allocated brownfield sites (not coming forward) being a key one. It also asked whether other categories of sites should be included, in the case where this would help deliver housing schemes.

15.3 At the current time (August 2025) there has not been any public response from the Government following the consultation. However, if the changes are implemented as proposed, it would mark a significant shift in the CPO process and potentially give the Council broader opportunities to acquire land for housing purposes.

15.4 The Council will therefore keep this Protocol under review. More significant changes to legislation may necessitate a more detailed review and re-write.

⁶ <https://bills.parliament.uk/bills/3946>

⁷ [Compulsory Purchase Process and Compensation Reforms - GOV.UK](#)

Key Stages and Indicative Timescales

1. Obtain authority to make the Order
2. Ascertain ownership and qualifying persons
3. Prepare Order and map, notices, statement of reasons
4. Seal and date Order
5. Affix, serve and publish notices. Deposit documents
6. Apply to Secretary of State for confirmation

Appendices

Appendix A - Compulsory Purchase Order outline of timescales

Stage	Typical Indicative Timetable
1. Action before a case can be referred for onward formal CPO activity: • Collating evidence on the property/land • Funding to be confirmed • Securing necessary Council approval for the strategy/approach for the land/property (depending on the size and details of the scheme, this may range from a senior manager's approval to Full Council resolution) • Engaging outside professional support, especially for more complicated cases – typically CPO surveyors and appropriate legal advisers will be necessary (including a CPO barrister) • Negotiating with the landowner(s) to acquire the asset	In practice, this is more likely to take at least 6 months, and potentially 12+ months for larger/more complicated sites
2. Making and serving the CPO • Report to Cabinet • Referencing, the Order Map and the Statement of Reasons • Making, serving notice and advertising • Submitting CPO to MHCLG	• Start • By month two • By month three • By month five
3. Public Local Inquiry (if needed) • Notice of Intention to hold Public Local Inquiry • Statement of Case and supporting documentation	• By month seven • By month nine • By month ten

Stage	Typical Indicative Timetable
• Proof of Evidence, conference with Counsel and Public Local Inquiry	
4. Secretary of State's Decision • The Secretary of State's Decision • The Notice of Confirmation • Period of Appeal to High Court (6.4)	• By month thirteen • By month fourteen • By month sixteen
5. Implementation of a confirmed CPO • Consideration of procedure options for implementation of confirmed CPO • General Vesting Declaration • Taking possession / ownership of the property	• By month sixteen • By month nineteen • By month twenty
6. Disposal of a property following compulsory purchase • Onward disposal of property	Dependent on individual circumstances
7. Settlement of CPO Compensation • Settlement of CPO compensation	Dependent on individual circumstances

Appendix B - Procedure Process and Indicative Timescales in relation to empty properties

B.1 Action prior to a case being referred for a Compulsory Purchase Order

1. EHO writes to owner, including details of options.
2. If there is no response within **one month** EHO sends a reminder to owner.
3. If there is no response within **one month** EHO writes again warning of CPO action.
4. If there is no response within **one month** EHO writes again stating intention to start CPO if no response.

5. If there is no response within **one month** EHO writes again stating property has been added to the further enforcement list. If no action is taken the Council will begin legal enforcement action, which could include making an application for a CPO.

At this point there are two possible routes:

A. The owner contacts the Empty Property Service, or

B. council commences with CPO action.

If the owner makes contact with the Empty Property Service at any time after receipt of the initial letter and before the council commences CPO action, the following course of action will follow.

1. Owner contacts the Empty Property Service
2. Owner provides programme of work, including timescales
3. Within five months EHO contacts owner to check progress of work

At this point:

1. The works are completed
2. Property is occupied

Or:

1. Insufficient or no action to complete works
2. council commences with CPO action.

B.2 Making and serving a Compulsory Purchase Order

Steps in the process of making and serving a CPO.

1. EHO obtains estimate of cost and location map
2. EHO establishes need for planning permission and listed property
3. Within one-month EHO drafts a report for decision by Director with responsibility for Housing
4. Within **10 days** Director approves report
5. Director/authorised officer prepares documents for Secretary of State

6. Within **two months of report approval** Director/authorised officer carries out 'referencing', 'Order Map' and 'Statement of Reasons'
7. Within **one month** Director/authorised officer makes and serves notices and advertises the CPO

B.3 Secretary of State Decision Process

1. Secretary of State receives a CPO
2. **Within two months** - CPO is unopposed and the Secretary of State issues a decision.

B.4 Secretary of State Decision Process

1. Secretary of State receives the CPO
2. **Within two months** - Notice of Intention to hold a Public Local Inquiry
1. **Within two months** - Statement of Case and supporting Documentation
2. **Within one month** - Proof of Evidence, conference with Counsel and Public Local Inquiry
3. **Within three months** - The Secretary of State issues a decision.

B.5 Secretary of State Decision Process

1. Secretary of State confirms the CPO
2. **Within one month** a Notice of Confirmation is issued
3. **Two months** - Appeal period to the High Court (on point of law only).

B.6 Implementation of a confirmed Compulsory Purchase Order

1. Consideration of options for implementing confirmed CPO
2. **Within 10 days** - General Vesting Declaration procedure
3. **Within one month** - Statement served and published (first Notice)
4. **Within two months** - Notice served and published (second Notice)

5. **Within two months** council takes possession / ownership of the property.

When the council gave an undertaking during the Public Local Inquiry, not to implement the CPO for a defined period:

- If refurbishment works are done and successfully completed the CPO action will be rescinded
- If no refurbishment works are done or successfully completed, the CPO will move through stages two to five above.