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Guidance

Coronavirus (COVID-19): compulsory purchase guidance

In response to the spread of coronavirus (COVID-19), MHCLG has published guidance for acquiring authorities on compulsory purchase matters.

From:

Ministry of Housing, Communities & Local Government

(<https://www.gov.uk/government/organisations/ministry-of-housing-communities-and-local-government>)

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Applies to:

England

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Compulsory purchase

Further guidance to help acquiring authorities on specific compulsory purchase matters is set out below:

Recently Submitted CPOs

Where an acquiring authority has submitted a CPO during or after the week commencing 16 March and has not received acknowledgement of receipt from MHCLG's Planning Casework Unit, please contact PCU@communities.gov.uk.

Service of documents

Where any documents are required to be 'served' on a person under the Acquisition of Land Act 1981, this requires either personal delivery, leaving it at their proper address, or post by recorded delivery. Due to the current public health guidelines, Royal Mail have indicated that they are not at present capturing customer signatures but will instead log the name of the person accepting items sent by recorded delivery. This does, however, continue to meet the service requirement in section 6(1) of the 1981 Act (<http://www.legislation.gov.uk/ukpga/1981/67/section/6>).

Time periods for responses

We would encourage acquiring authorities to consider whether it would be appropriate to increase time periods for people to respond when requesting information about interests in land to be acquired or submitting objections to CPOs, given that due to COVID-19, and the possibility of self-isolation, some people may not be able to reach a postbox, or responses may be otherwise delayed (e.g. due to illness or delays in the postal system).

Making documents available for inspection

The Acquisition of Land Act 1981 (<http://www.legislation.gov.uk/ukpga/1981/67/contents>) requires acquiring authorities as part of their notification requirements for a compulsory purchase order after it is made, and again after it is confirmed, to name a place within the locality where a copy of the order and map can be inspected.

The government considers that publication of the order and map online by the acquiring authority fulfils these requirements to publish in a 'place'. However, to ensure that effective notice that a compulsory purchase order has been made is provided, and to mitigate any risk of prejudicing the interests of those who may not have ready access to the internet, acquiring authorities should ensure that notices also provide contact details for individuals to request a hard copy of the order and map. In the event of social distancing restrictions being eased sufficiently to enable local offices to be open to the public, acquiring authorities should once again allow for inspection of documents in person.

The government considers that similar requirements in the Compulsory Purchase of Land (Prescribed Forms) (Ministers) Regulations 2004 (<http://www.legislation.gov.uk/uksi/2004/2595/contents/made>), the Compulsory Purchase of Land (Written Representations Procedure) (Ministers) Regulations 2004 (<http://www.legislation.gov.uk/uksi/2004/2594/contents/made>) and the Compulsory Purchase (Inquiries Procedure Rules) 2007 (<http://www.legislation.gov.uk/uksi/2007/3617/contents/made>) may be approached in the same way. Notices may specify an online location for inspection and acquiring authorities should post or email out copies of relevant documents where requested.

While care should be taken to ensure that documents are served in accordance with section 6 of the Acquisition of Land Act 1981 (<http://www.legislation.gov.uk/ukpga/1981/67/section/6>) where relevant, acquiring authorities may additionally wish to seek alternative addresses, including email addresses, where qualifying persons may have difficulty receiving notices at their primary address (e.g. where businesses are closed). It also may be appropriate to increase the deadlines for objections to allow more time for responses.

Return of documents to acquiring authorities

Where it is necessary for the MHCLG Planning Casework Unit (PCU) to return CPO documents to acquiring authorities and where this cannot be done electronically, PCU will contact the acquiring authority to agree where documents should be sent.

Decisions remitted back to acquiring authorities

Where CPOs are remitted back to acquiring authorities for confirmation, notices to the confirming authority should be sent by email and post. Where possible we will send decisions electronically. Hard copy documents will follow as soon as practically possible. Please note there might be a delay with this. Address any queries to PCU@communities.gov.uk.

In addition, we have changed our arrangements for accepting CPOs for confirmation. Acquiring authorities should contact MHCLG's Planning Casework Unit at PCU@communities.gov.uk if they are expecting to submit a CPO within the next 6 months in order to discuss handling arrangements.

Dealing with claimants

Finally, when implementing CPOs during this exceptional period, acquiring authorities should act responsibly in relation to both business and residential claimants, particularly in terms of the timing of vesting orders and compensation. Residents should not be unduly evicted during this period in line with the Government's wider guidance on evictions.

Acquiring authorities are reminded that under section 52 of the Land Compensation Act 1973 (<http://www.legislation.gov.uk/ukpga/1973/26/section/52>), an advance payment of compensation:

- may be paid at any time after the compulsory acquisition has been authorised
- must be paid in accordance with the deadlines in section 52(4)

Acquiring authorities are also referred to paragraph 85 of the departmental guidance. Delays in making advance payments may have a more significant impact as a result of anticipated additional cash flow burdens at this time, so it is important that acquiring authorities ensure that they make timely payments to claimants.

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1. 27 May 2020

Added section on 'Making documents available for inspection'

2. 13 May 2020

First published.

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