

Newsteer has a team of specialists dedicated to advising both acquiring authorities and those affected by compulsory purchase on all aspects of the CPO process. While each case has specifics which requires tailored advice, those affected by a CPO have a number of common questions which we have sought to provide answers to.

We offer a free 30 minute consultation, once you have reviewed the questions and answers, we recommend giving us a call to discuss the details of your case.

What is a CPO?

A CPO is a tool used mainly by public bodies to acquire property in order to deliver a project considered to be in the public interest. The rationale behind a CPO rests on demonstrating that the project's advantages for the broader public outweigh the infringement on the legal rights of property owners and occupants.

Who can use CPO powers?

A CPO is typically promoted by a public body, such as central government, a government department, or a local council. Certain private organisations, such as utility and power companies, possess compulsory purchase powers. It is also possible for a private developer to work with a local authority to advance a CPO to deliver a private-led development. In this case, the body advancing the CPO is commonly denoted as the 'acquiring authority.'

How long does the process take?

While there is no precise timeframe, a general guideline suggests an 18 to 24-month duration from the initiation of the formal process to the approval of the CPO. The timeline may vary, with larger schemes potentially requiring additional time and smaller ones potentially progressing more swiftly.

They are talking about 'making the CPO' – am I about to lose my property?

Not necessarily. The terminology surrounding "making the CPO" can be deceptive. The actual creation of a CPO occurs when an acquiring authority submits forms to the relevant government minister, expressing their intent to use their CPO powers. This action initiates the objection and public inquiry process, signifying that there is still a considerable distance to cover before any property is compulsorily acquired.

Can I object to and fight a CPO?

Yes, however there are timescales within which an objection has to be submitted. An objection should be focused on material points rather than a general objection to the principle of CPOs generally or matters relating to compensation. Newsteer is experienced in preparing and advancing objections and is able to assist objectors in formulating their case.

What happens after I object?

If valid objections are received by property owners and occupiers directly affected by the CPO, a public inquiry would ordinarily be held. An independent Inspector will be appointed to hear the evidence for and against the CPO, and will then make a recommendation (or decision, if authorised to do so), on whether the CPO should be approved. On occasion, an Inspector may not hold a public inquiry, and instead invite written representations from the relevant parties which will be considered when making a decision.

Does an Acquiring Authority automatically have the ability to compulsory purchase my property?

No. Acquiring authorities have the ability to seek to use their compulsory purchase powers, but the use of these powers has to be approved by a Secretary of State or an independent Inspector.

Does the approval of a CPO mean that my property will definitely be compulsory purchased?

No. The approval of a CPO means that the acquiring authority has a period of time to use the CPO to acquire your property – this is usually three years. However, they may decide not to use the CPO to acquire your property due to changes in the project.

Can I force the acquiring authority to purchase my property?

If specific criteria is met, a blight notice can be served on the acquiring authority which can accelerate the purchase of your property. This is a technical area which is case specific. Newsteer can provide advice on serving blight notices and the consequence of doing so.

What compensation will I get?

Each compensation claim is unique and determined by the specifics of the case. Broadly, compensation is assessed against five principal categories of compensation:

- The market value of your interest in the property disregarding the threat of CPO.
- Any reduction in the value of any land or property you have retained following the compulsory purchase, caused by the division/separation of the land from that acquired, or from the scheme generally (this is known as severance and injurious affection).
- 'Disturbance' – a catch-all term for any losses you suffer as a direct consequence of your property being acquired. This covers matters such as relocation costs or loss of profits from the closure of a business.
- Statutory Payments – other payments, such as Home Loss, Basic Loss and Occupier Loss Payments, specified by law, which may be payable when property is subject to compulsory purchase.
- Reasonable professional fees incurred in obtaining advice on the compulsory purchase process and your compensation claim.

What does a CPO surveyor do?

A CPO surveyor plays a crucial role by offering advice, guidance, and representation in all matters related to the Compulsory Purchase Order (CPO) process. This encompasses:

1. Explanation of how the CPO impacts your property.
2. Assistance in relocation.
3. Property valuation.
4. Evaluation of compensation.
5. Negotiation of your compensation claim.

All individuals affected by compulsory purchase have the right to professional representation, and reasonable fees are covered by the acquiring authority. Hiring an RICS Qualified Chartered Surveyor with expertise in compulsory purchase ensures you benefit from their knowledge in this intricate field, guaranteeing proper advice and protection of your compensation rights.

At Newsteer, our role extends beyond practical advice to provide certainty and clarity during what can be an uncertain period. As a flexible and experienced team with decades of combined experience in CPO, we understand the support claimants need to navigate this challenging process, offering a reassuring human presence to guide you through this difficult time.

What will a CPO surveyor cost?

The compensation code states that an affected interest (landowner or qualifying occupier) should be no worse off after a CPO than they were before. As such all *reasonably incurred costs* (we will help you understand what this means and will work with the acquiring authority to pre-agree fees) will be recoverable in your compensation claim.

Do I need to sell in advance?

Until a CPO is confirmed by the Secretary of State or the Inspector, no one can make you sell your property. Acquiring authorities are under a duty to try and purchase property by agreement in advance of a compulsory purchase, and they will make offers prior to CPO powers being used. There is no obligation to reach an agreement and Newsteer will be able to advise you on whether or not this is to your advantage.

What is the compulsory purchase compensation code?

There is no single book, act or document called the 'Compensation Code'. It is put simply, the short hand name the industry uses for the amalgamation of statutes and case law throughout British legal history that have been used to determine how compulsory purchase compensation is to be assessed. To the uninitiated this can be a bewildering situation, but Newsteer can guide you through the complications to provide clarity on the process.

What is land referencing and why do I need to fill it in?

At the early stage of a CPO promotion process you may have received a letter and a form called a 'Request for Information' from a 'Land Referencer'. This is a body employed by the acquiring authority to establish correct information about the ownership and occupation of property affected by a potential CPO. We recommend completing the form to the best of your knowledge and returning it. Doing so will not impact your prospects either for compensation or for opposing the CPO at a later date.

What should I do next?

It is strongly advised to seek professional guidance as early as possible in the process. Successfully navigating and negotiating a Compulsory Purchase Order (CPO) involves delicately engaging with the local authority to ensure a productive interaction, all while safeguarding your rights as a landowner and ensuring adherence to the legal process.

By choosing Newsteer, you enlist a team of RICS qualified chartered surveyors with extensive experience on both sides of the CPO process. Our team has represented diverse clients, including national firms, property investors, independent business owners (both property owners and renters), and homeowners. Recognising the unique needs of all landowners, we not only bring a robust compensation track record but also provide certainty and guidance during uncertain times.

Get
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