



# **Compulsory Purchase: An effective tool for local authorities**

Compulsory Purchase Association, South West Region, Spring 2017

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# Foreword

This guide has been produced by members of the South West regional branch of the Compulsory Purchase Association, which is a national multi-disciplinary association of professionals working in the field of compulsory purchase. It has been prepared to refresh the knowledge of local authorities in South West England of their powers of compulsory purchase.



It is inevitable that demand for new housing and infrastructure in the South West will only increase over forthcoming years. Alongside other strategies to tackle the housing crisis, pressure will be on local authorities to use their compulsory purchase powers to drive urban regeneration and housing renewal.

It is acknowledged that the use of compulsory purchase powers to bring forward regeneration is lacking in the South West in comparison to London and the North West region. One reason which can be given for the infrequent use of these powers by local authorities is a lack of familiarity and confidence in using them.

The following pages explain the powers which local authorities hold and present a number of success stories from the South West and beyond where compulsory purchase powers have been used to great effect. This includes Nationally Significant Infrastructure Projects which local authorities are affected by; to the acquisition of individual dilapidated dwellings for affordable housing.

One of the objectives of the Compulsory Purchase Association is to promote the free exchange of views, experience and advice. I would commend to other local authorities and their members the benefit of early engagement with the Compulsory Purchase Association and its members for information and guidance on application of their compulsory purchase powers.



**Councillor Paul Smith**  
Cabinet Member for Housing  
Bristol City Council

# Compulsory Purchase:

## An effective tool for local authorities

At present the law relating to the use of compulsory purchase powers and provision of compensation is not without complication, but is undergoing a period of reform.

The use of the compulsory purchase regime is being encouraged by Government to assist local authorities in speeding up housing delivery. Local authorities are to make use of the regime as a tool to encourage the build out of stalled development sites, brownfield sites, dilapidated housing estates and to bring forward commercial development.

In doing so, it is the Government's intention to make the compulsory purchase regime more transparent, fair and efficient to all parties engaged in the process.

This section sets out local authority powers available to bring forward regeneration and the types of projects which local authorities can be affected.

### Available Powers

As an acquiring authority, specific statutory powers are used to bring forward certain types of scheme by local authorities as follows:

- **Regeneration schemes**

These are brought under section 226 (1) of the Town and Country Planning Act 1990 ("TCPA 1990"). Under this section, a local authority is permitted, when authorised by the Secretary of State, to compulsorily acquire any land in their administrative area which will facilitate the carrying out of development, re-development or improvement of the area (provided this will contribute to economic, social or environmental well-being), or which is necessary to achieve in the interests of the proper planning of an area in which the land to be acquired is situated.

Compulsory purchase orders ("CPOs") should be considered where there is the opportunity to regenerate an area through the provision of new retail, employment, leisure and housing. This power can be used for the compulsory purchase of both large and small sites.

The examples of Firepool, Taunton (page 6) and Symes Avenue, South Bristol (page 8), which are large mixed use sites, have been brought forward by CPOs promoted in partnership with either commercial developers or retailers. Both sites were in need of regeneration which would not have been forthcoming without CPOs being obtained.

This power can also be used for the acquisition of individual 'problem properties'; an example of which is given in Swanage, Dorset (page 12) where an unknown owner warranted a CPO to be sought. The end result was that a derelict property could be brought back into use. Individual problem properties can be regenerated to provide much needed affordable housing, improve the appearance of the surrounding area and reduce anti-social behaviour.





- **Housing CPOs**

The Homes and Communities Agency (“HCA”) has wide powers to acquire land by way of compulsory purchase under section 9 of the Housing and Regeneration Act 2008. The HCA are expected to support local authorities in improving the supply of housing by securing regeneration or development of land and infrastructure.

The HCA often work in partnership with Network Rail and local authorities to secure land around stations for development, whether this is for commercial or housing needs. It can also acquire land to try to stimulate private sector investment into an area, in a bid to stimulate local economic growth.

Extensive powers are also available for local authorities to deal with the problem of empty homes. As stated above derelict properties can be acquired for redevelopment, but local authorities can also bring forward CPOs under section 17 Housing Act 1985. This would apply for empty properties in good condition and not in need of improvement, where section 226 (1)(a) TCPA 1990 cannot be used. Under the Housing Act, a local authority can acquire a house, or houses for the provision or improvement of housing accommodation (whether by itself or someone else).

- **Highways CPOs**

Highway authorities have powers under the Highways Act 1980 and the TCPA 1990 to use the regime to acquire land for road infrastructure developments and improvements that are in the public interest. The South Bristol Link (page 14) is an example of such a scheme which is now open and expected to reduce traffic on unsuitable residential roads with alternative routes to the A370 and A38.

## Infrastructure projects

Major infrastructure projects rely on compulsory purchase powers to acquire land and rights for the purposes of construction, operation and maintenance. A local authority would more likely be affected by these projects, as land owner of plots where schemes have been proposed.

Infrastructure projects can be consented to under various regimes, which include:

- Nationally Significant Infrastructure Projects (“NSIPs”) under the Planning Act 2008 such as power stations, electricity grid connections, railways, pipelines and airports authorised under a Development Consent Order (“DCO”). The Hinkley Nuclear Power Station Grid Connection (page 16) is an example of an NSIP which has had the benefit of wide ranging compulsory acquisition powers to deliver a project over significant sections of its route;
- Transport and Works Act Orders (“TWAO”) under the Transport and Works Act 1992 for railway and tramway schemes which fall outside of the Planning Act 2008 regime. The Cambridgeshire Guided Busway (page 18) is an example of a project brought forward under the TWAO regime which had the benefit compulsory acquisition powers;
- Electricity Act 1989 CPOs which can be brought forward by electricity statutory undertakers and promoters who hold an appropriate Licence issued by OFGEM; and
- Hybrid Bills, such as for High Speed 2, which has now received Royal Assent as an Act of Parliament.

Where a local authority’s land is under threat of compulsory purchase certain statutory tests should be applied in those circumstances to permit its acquisition. A local authority’s land is considered to be a ‘special kind’ of land which is afforded some protection against compulsory purchase.



## Compensation

Compulsory purchase of land is underpinned by the principle that the land owner will be compensated for neither less nor more than their loss. However, in practice this principle is complicated to apply, and settling compensation claims can still take a number of years after the land has been acquired. This can introduce a degree of uncertainty as to the final cost of the CPO. Accordingly, in embarking on a CPO, a local authority will need to prove that adequate funding is in place not only to acquire the land, but to pay for any compensation which would be payable following a claim. This would require funding to be in place from either the local authority itself, or a development partner having sufficient funds or covenant strength to cover the land acquisition and any compensation claims.

## Procedure

This section of the guide outlines the general procedure for promoting a CPO where the local authority is the acquiring authority. The regimes listed under the infrastructure project heading above follow a different process.

The detailed steps for preparation of a CPO by an acquiring authority are set out within government guidance, legislation and regulations. An overriding principle of a successful CPO is that it must demonstrate ‘*a compelling case in the public interest*’. If it cannot be proven that proceeding with a CPO is in the public interest, then the CPO may be rejected by the Secretary of State.

In the course of promoting the CPO, the acquiring authority will be expected to produce several key documents, which are the Order itself and Order Schedule, detailing the powers requested, and the interests in the land over which powers are to be acquired (this can include freehold land or new rights over land e.g. easements for access). The Order Map will show the plots of land over which the Order will be made; and although not required by statute, there should be a Statement of Reasons. A Statement of Reasons effectively sets out the acquiring authority’s advance case for making a CPO and explains why compulsory powers are sought, together with describing the land over which these powers are to be granted.

It is essential that in proceeding with a CPO the local authority makes the correct resolutions and appropriate internal authorisations. This must be evidenced by committee resolutions and minutes. When the acquiring authority has determined that a CPO can be sealed and 'made', the CPO will not have effect until it is confirmed by the relevant confirming authority, being the relevant Secretary of State. The acquiring authority must submit the made CPO for confirmation by the confirming authority. The confirming authority will subject the Order to scrutiny. This may include examination by public inquiry or by written representations. This would be the case if the CPO is objected to by statutory undertakers, landowners or other parties directly affected by the CPO.

In scrutinising whether a CPO can be confirmed, the Secretary of State must take into account various considerations, including:

- whether the CPO is justified and whether it is necessary to use CPO powers;
- that there are no planning impediments outstanding for the scheme to go ahead (primarily, whether planning permission should be obtained prior to the making of a CPO);
- that there are no financial impediments facing the scheme if the CPO is confirmed (this will focus on whether the scheme is adequately funded);
- that the scheme is deliverable (that the necessary resources and expertise exists for the acquiring authority or development partner to carry out the scheme, or has a reasonable prospect of doing so).

If the Secretary of State determines that the case for compulsory purchase is justified, the CPO will be 'confirmed' and will have legal effect. The acquiring authority is required to serve and publish a notice advertising the fact that the CPO has been confirmed.

After this point the acquiring authority can serve various notices on the land owners to take possession and/or vest the land interests in themselves to acquire the necessary property rights for the scheme. The proposed scheme can then be commenced, and the regeneration objective of the CPO can be met.



## Indicative CPO Timetable

Obtaining a CPO is a step by step process which is set out in overview in the timetable at the centre of this brochure. It estimates that from start to finish, in a best case scenario, a suggested timeframe would be 42 to 46 weeks from a request for confirmation for an opposed CPO (being one that has received objections), or 52 to 56 weeks when the acquiring authority's pre-CPO actions are included. A reasonable estimation for obtaining a CPO would be one year, provided it proceeds smoothly.

## Further Queries

This guide is not intended to be legal advice, but if any local authority requires further advice or guidance on advancing a CPO, further information and a list of CPA members can be found online at [www.compulsorypurchaseassociation.org](http://www.compulsorypurchaseassociation.org).



# Case Study: Firepool

The Firepool scheme forms a key part of Taunton Deane Borough Council's wider vision for the redevelopment of Taunton town centre, known as Project Taunton, which includes the high quality, sustainable regeneration of approximately 124 acres of under-utilised land. It is projected that Firepool has the potential to create over 1,800 jobs.

Firepool is situated towards the northern end of Taunton town centre opposite the County Cricket Ground and lies on either side of the River Tone. The Firepool scheme will secure the redevelopment of three areas of under-utilised and semi-derelict brownfield land within Taunton town centre, but will offer a sustainable development given the proximity to Taunton town centre and the railway station. Taken together, the Firepool areas extend to approximately 18 hectares.

## What was the project?

Delivery of the wider Firepool scheme is expected to take 12 years in total. The riverside site is made up chiefly of the former livestock market north of the River Tone and the surface car park in Priory Bridge Road ("Priory Bridge Road Car Park Site"), together with existing properties between the railway station and Canal Road.

Part of the Priory Bridge Road Car Park Site contained residential buildings which, in order to assemble the site and progress development, the Council had to acquire. Whilst a number of residential buildings located on the Firepool site were acquired by an agreement with the

Council, some of the properties could not be acquired in this way. The Council accordingly resolved to utilise its compulsory purchase powers under the TCPA 1990.

## Who was the promoter?

Property developer St. Modwen was responsible for delivering the project, which is being delivered in partnership with the Council.

## Project process

St. Modwen signed a Development Agreement with the Council in April 2009. A planning application for the first phase of commercial and residential accommodation was then approved in November 2010. This allowed for the development of the 4.5 acre Priory Bridge Car Park into 113,000 sq ft of offices, with the potential to incorporate a hotel and new apartments overlooking the river.

The CPO was made on 7 April 2011 pursuant to section 226 (1)(a) TCPA 1990 for the purposes of securing a mixed use development at the Priory Bridge Road Car Park. Objections were made to the CPO.



Image courtesy of St. Modwen



The compulsory purchase order authorising the Council to acquire the residential properties was confirmed by the Council on 29 November 2011 following the last remaining objection being withdrawn just prior to the start of the inquiry.

### **How was the development achieved?**

In December 2010, St. Modwen completed a development agreement with Viridor to relocate its current head office operations and over 110 members of staff to a 27,000 sq ft building at Firepool. Construction of the headquarters was completed in June 2012.

Delivery of the residential homes (by Acorn Homes) commenced in July 2015. The residential development has proved to be very popular: at the time of writing, only two of the homes remain unsold. Without the use of compulsory purchase powers, the redevelopment of the Priory Bridge Road Car Park Site could not have progressed.

### **Insight**

The new homes mark the beginning of the residential development forming part of the wider Firepool regeneration which will see 17 acres of former brownfield land transformed into a vibrant mixed-use scheme – a key part of the wider regeneration of Taunton. It is a good example of how CPOs can be used to unlock a specific part of a larger development and be the catalyst to drive forward negotiations and subsequent agreement with landowners in a reasonable timescale.



Image courtesy of St. Modwen

# Case Study: Symes Avenue

For many years the District Centre at Symes Avenue Hartcliffe in South Bristol had been in decline. Bristol City Council took on the regeneration project partnering with a food retailer to deliver substantial improvements to the built environment.

Given the nature of the land interests, the Council needed to promote the use of CPO powers. The Council was the principal freeholder but there was an investment leaseholder whose previous proposals to regenerate the area had not been delivered.



## What was the project?

Symes Avenue was the main shopping centre (purpose-built in the 1950s) serving the estates of Hartcliffe and Withywood. These estates, with a population of around 20,000 people, had long been identified as suffering a multitude of different problems that characterise a deprived and socially excluded community. Attempts to regenerate through the long leaseholder over the previous 20 years had not succeeded.

Symes Avenue had been in continual decline since the early 1990s, and was a key regeneration site. The quality and level of shopping provided had deteriorated significantly prior to the Council's intervention. When CPO powers were used, only 10 of the 34 retail units were occupied. The principal reason for this was the changing nature of shopping patterns in South Bristol, particularly the emergence of the superstore as the preferred shopping format of many people.

There were repeated problems of vandalism and crime (particularly burglary and theft) that continued to create difficult trading conditions for businesses and an unpleasant environment for shoppers. The maisonettes above the shops were derelict or vandalised, and in an extremely poor state of repair. Neither the maisonettes nor the vacant retail units were maintained by the former head leaseholder.

The project (on a site of 2.6ha) was to deliver a new retail focused centre (83,000 sq ft) for the community, including:

- an anchor store, for Morrisons, including car parking and petrol filling station;
- a parade of retail shops to enable existing occupiers of Iceland and the Post Office to remain in the new development;
- a new amenity space;
- landscaping;
- a Scouts District Centre;
- accommodation works to improve garaging car parking and landscaping for adjoining residential properties which remained;
- over 300 new jobs created.

The project was designed to bring the whole site back into constructive use, and become a 'Flagship Project' and symbol of regeneration in the area, thus providing a catalyst for further local investment and improvements.

## Who was the promoter?

Bristol City Council brought forward the development with Morrisons PLC as the development partner. The Council promoted the CPO backed by a development agreement with Morrisons, who were contracted to deliver the whole development.

The significant majority of the scheme's £26m funding came from Morrisons. A small proportion of funding came from a South West Regional Development Agency.

## Project process

The scheme in the form promoted was in development by 2000. After some false starts on appointment of a developer, a Development Agreement with Morrisons was signed in February 2005. The CPO was made in October 2005, and was confirmed without inquiry in August 2006. Works started shortly thereafter. Then development was open for trading for Christmas 2007.

The CPO was promoted using the Council's regeneration powers. Four objections to the CPO were received; all were withdrawn before the inquiry opened, so the inquiry was cancelled on the Friday prior to the opening date. That meant that the CPO was confirmed less than 3 weeks after the scheduled inquiry.

## How was the development achieved?

A lot of work had been undertaken by the Council, not only as planning authority to put in place a framework for development, but also as a landowner. The Council's officers worked tirelessly with the community to mitigate the impacts of works, especially during construction.

The powers used were the Council's land assembly powers for planning purposes under section 226 of the Town and County Planning Act.

## Insight

This project made a real and immediate impact on the community, both when demolition occurred to remove the derelict buildings and when the scheme opened. The legal advisors on the scheme had the privilege of attending the opening. In talking with some of the local residents, it was apparent that the improved quality of the retail on offer was going to be very beneficial to the area.

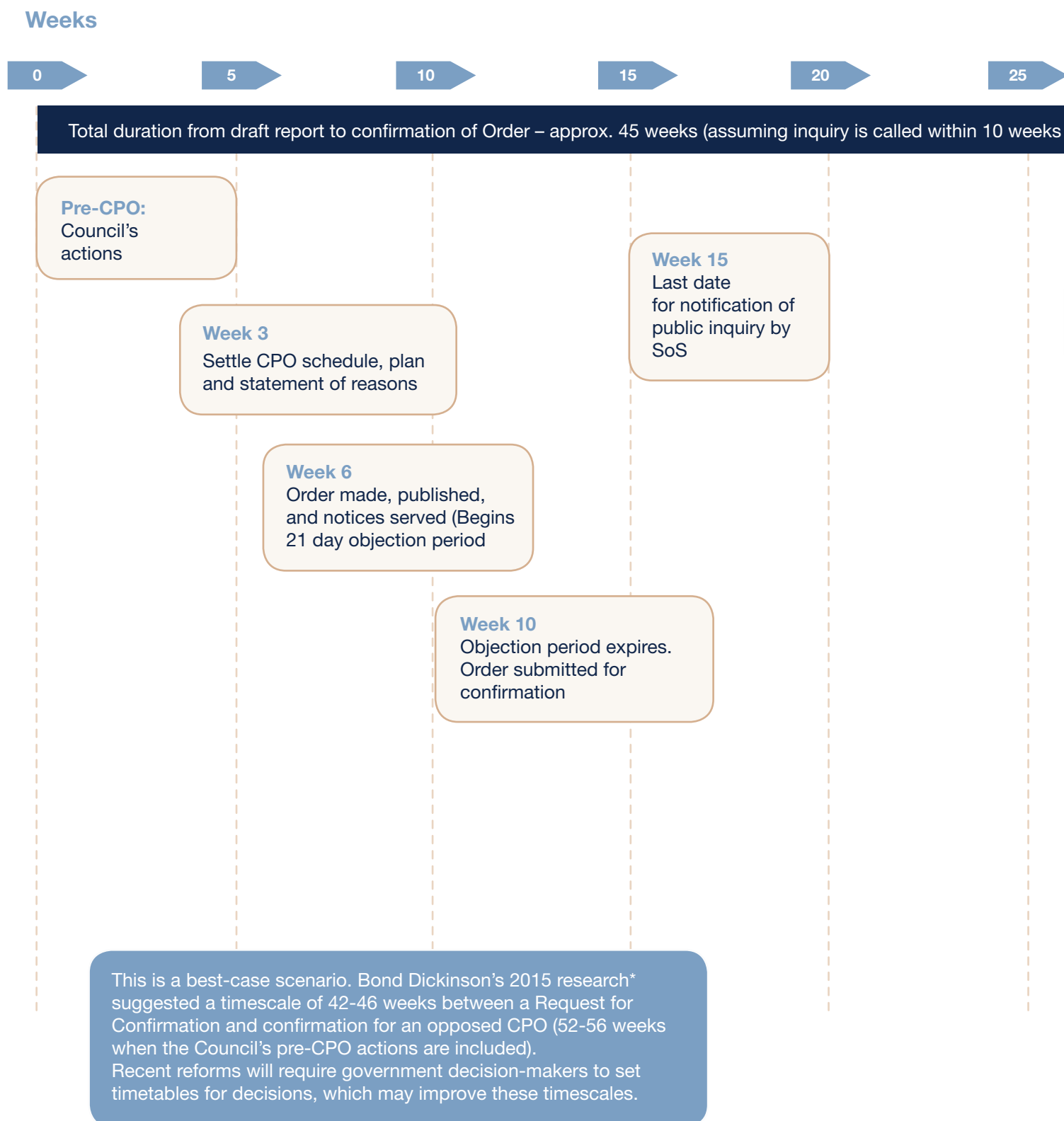
Over 900 applicants applied for the 300 roles with Morrisons following a local recruitment drive.

The key driver was to open for the Christmas trading in 2007. The scheme opened in November 2007.

This is a compact scheme in the range of planning CPOs for retail led regeneration. Whilst the regeneration powers can be used for a range of schemes, it is important that the local planning policy supports the powers' use from a retail hierarchy perspective. District centres that have suffered decline due to changing retail needs can be regenerated if there is the policy support and the political will to effect improvements to an area.

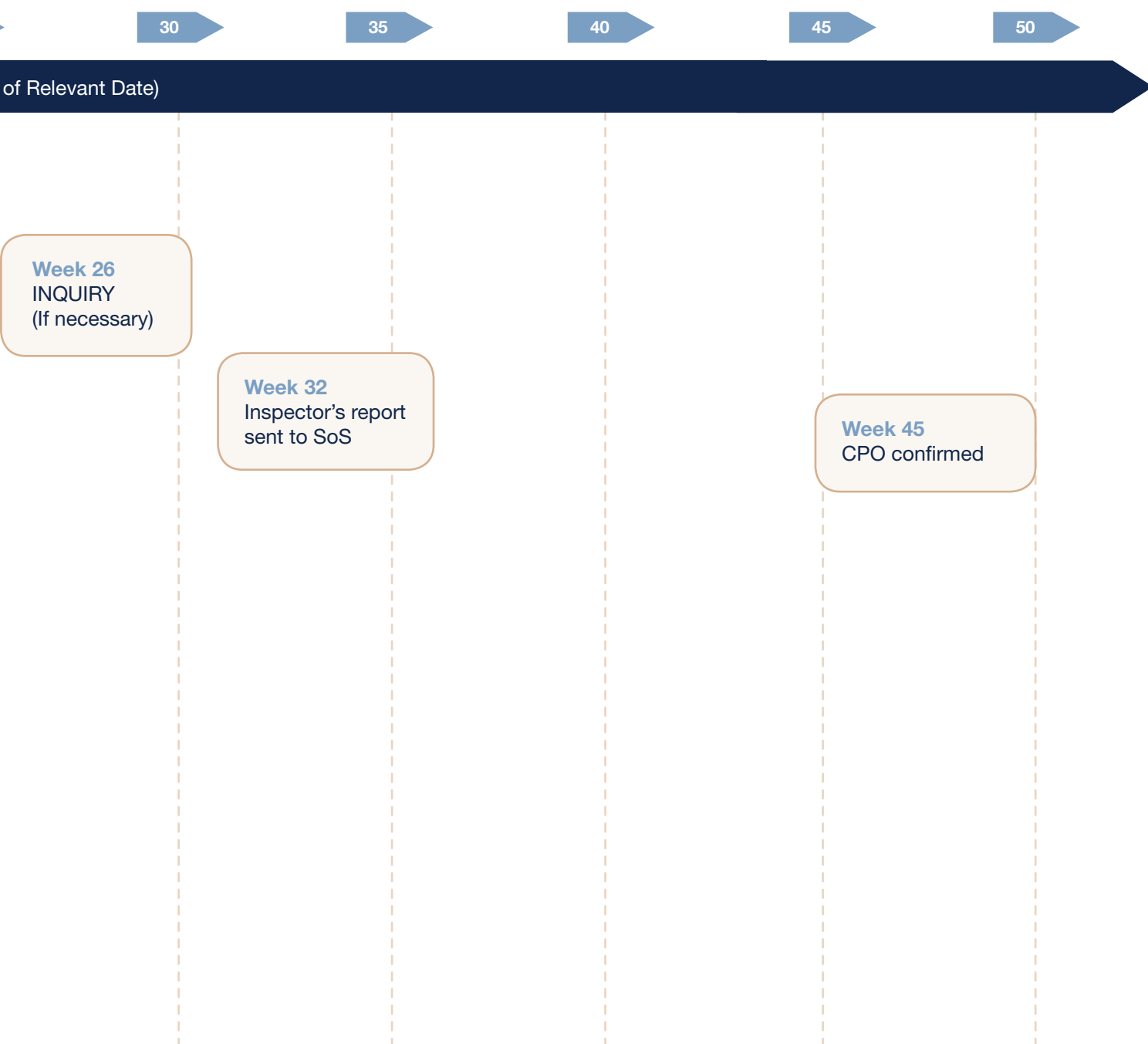


# Indicative CPO timetable



\* [https://www.bonddickinson.com/sites/default/files/cpo\\_report\\_2015\\_summary\\_for\\_web.pdf](https://www.bonddickinson.com/sites/default/files/cpo_report_2015_summary_for_web.pdf)





# Case Study: 355 High Street, Swanage

Number 335, High Street, Swanage is a Victorian mid-terrace property which prior to the confirmation of a CPO had been derelict for over 18 years. The last use of the property was as a bakery with living accommodation on the first and second floors. It is situated within a Conservation Area with an adjoining Grade 2 listed property, although the property itself is not listed.

## What was the project?

The property was in a poor condition prior to the CPO and its dilapidated state was causing significant detriment to the local area.

Numerous complaints had been received regarding the property's poor condition and from it attracting anti-social behaviour. Given the deteriorating fabric of the property, water ingress through the roof had damaged buildings on either side.

Attempts to find the owner of the property were made, but following an extensive search, it was not possible to identify any party with an ownership interest in it. With no identifiable owner or inhabitant, this prevented the effective use of other planning act powers (such as section 215 TCPA 1990 notices) to remedy the detriment to amenity being caused. The project was to compulsorily acquire the freehold of the property, with the aim of it being refurbished and re-used for either a commercial or residential purpose.

## Who was the promoter?

Purbeck District Council promoted and funded the costs of the CPO.



Image courtesy of Osborne Clarke

## Project process

Following a resolution to make a CPO by members, The Council (335 High Street, Swanage, Dorset) Compulsory Purchase Order 2009 (“the Order”) was made on 22 October 2009 under the TCPA 1990 section 226 (1)(a).

No objections were received and the Order was submitted to and confirmed by the Secretary of State on 16 February 2010 without the need for an Inquiry or Written Representations procedure.

Notice of the confirmation of the Order was published on 8 July 2010 and a General Vesting Declaration was made on 22 September 2010 to subsequently vest the title of the property in the Council.

The CPO process from the members’ resolution to vesting of title took just over one year.

## How was the development achieved?

Following compulsory acquisition, the Council agreed to work with Raglan Housing Association to convert the property into two units of self-contained temporary accommodation. Title to the property was transferred and Raglan Housing Association obtained planning permission for the conversion and undertook the refurbishment and conversion works.

## Insight

Compulsory acquisition of the property by the Council successfully remedied a prominent eye-sore in the local community. This led to the improvement in the condition and appearance of the property, caused a reduction in anti-social behaviour and prevented continuing damage to neighbouring properties. The property now provides much needed self-contained temporary accommodation for households within Purbeck District.

This was the first compulsory purchase order pursued by the Council in recent years. It demonstrates the effectiveness of the CPO process for smaller single site projects as an effective tool to remedy problem empty properties.



Image courtesy of Purbeck District Council



# Case Study: South Bristol Link

South Bristol Link (SBL) is a new 4.5km bus route and roadway which runs between the Long Ashton bypass and Hengrove Park. It opened in January 2017. It provides users with an alternative route to the A370 and A38, thereby reducing levels of traffic on residential roads.



SBL is part of the wider MetroBus project, an innovative joint venture between Bristol, North Somerset, Bath & North East Somerset & South Gloucestershire Councils. MetroBus will provide a rapid public transport system across all 4 councils' administrative boundaries. The 50km MetroBus network will use a combination of segregated busways and bus lanes to efficiently transport high numbers of people to key destinations around Bristol and the wider area. MetroBus services are expected to start using SBL in Autumn 2017.

## What was the project?

SBL is a 4.5km express bus route and roadway. It also includes new cycle and pedestrian paths along its length; a new major rail bridge; two new road bridges; two new roundabouts; three signalled junctions; 0.5km of bus-only road; major landscaping works; and the restoration and preservation of three historic lime kilns on the A38 roundabout.

Running between the A370 in Long Ashton (located to the South West of Bristol city centre) and Hengrove Park (located to the South of the city centre), SBL is designed to reduce traffic on residential roads by offering users an alternative route between South Bristol, the A370 and the A38, including providing improved accessibility to Bristol Airport.

Prior to the opening of South Bristol Link, the most direct alternative route for commuters in and out of South Bristol and to the Airport was along the congested A3029 Winterstoke Road, via the Parson Street gyratory, and along either the A38 Bridgwater Road or the A4174 Hartcliffe Way. Drivers also commonly used Barrow Street in Barrow Gurney or Yanley Lane in Long Ashton to travel between the A38 and the A370.





Images courtesy of North Somerset Council

It is anticipated that SBL will have a very positive impact on those living in South Bristol, particularly Bedminster, as it will result in a large reduction in the amount of traffic heading into Bedminster and back out again in order to circumnavigate the south of the city. South Bristol Link will also have a positive impact on traffic heading to and from Bristol Airport. In particular, the roadway is expected to reduce traffic on the B3130 through the village of Barrow Gurney.

### Who was the promoter?

North Somerset Council promoted the CPO and brought forward the development with the support of Bristol City Council, in order to acquire land within the administrative boundaries of both North Somerset Council and Bristol City Council.

### Project process

Two CPOs and a side roads order ("SRO") were made pursuant to the Council's powers under the Highways Act 1980 and an exchange land certificate for the common land known as Highridge Common was used.

The first CPO and the SRO were made in November 2013 and the second CPO was made in May 2014. The orders were confirmed and the exchange land certificate was granted on 21 October 2014. Construction started in Autumn 2014 and SBL opened for use by the public on 16 January 2017.

### How was the development achieved?

38 objections were lodged against the first CPO, one against the second CPO, 10 against the SRO and two against the exchange land certificate. A Public Inquiry was held in July 2014. Negotiation with the objectors was very effective and by the close of the Inquiry there were only four remaining objections to the first CPO, two to the SRO and one to the exchange land certificate. Negotiation with Landowners has also minimised the number of compensation claims being brought forwards and has enabled the Council to keep tight control of its budget for such claims.

Construction of SBL was undertaken by Alun Griffiths (Construction) Ltd.

### Insight

SBL is seen by many as vital to the regeneration of South Bristol and is predicted to bring £224m of economic benefit to the area and create approximately 2,500 new jobs. And as part of the wider MetroBus scheme, SBL will contribute to the overall objectives of MetroBus to provide a smarter way of travelling that will speed up journey times, relieve congestion and reduce levels of pollution.

SBL is a good example of how the CPO process can be used to aid effective negotiation with landowners. It is also a very positive example of how neighbouring local authorities can work together to make the best use of their planning and compulsory purchase powers to deliver road improvements that have a positive impact on people's lives across administrative boundaries.

# Case Study: Hinkley Point C Connection

Following the grant of a DCO to EDF Energy to construct the new Hinkley Point C Nuclear Power Station in Somerset, a new major electricity connection was required to connect this project to the grid, together with other significant new power generation projects proposed in the South West.



National Grid promoted this project to connect the new electricity generators to its National Transmission System, which will involve the installation and relocation of over 100km of electricity lines between the site of the new Nuclear Power Station at Hinkley Point, Somerset and the National Grid's primary substation at Seabank, Avonmouth.

## What was the project?

The project involves the construction of approximately 57km of new 400kV electricity lines using both overhead lines and underground cables; construction of three new cable sealing end compounds; a new 400kV/132kV

substation; an extension to an existing 400kV substation; the removal of existing 132kV overhead lines and construction of replacement 132kV overhead lines and underground cables; modification of existing overhead lines and extensions and other alterations to four existing 132kV substations.

Whilst the majority of the apparatus is routed upon or under agricultural land, approximately 8km of overhead lines are proposed to be constructed over the industrial district of Avonmouth, including the Port of Bristol.

## Who was the promoter?

National Grid Electricity Transmission PLC.

## Project process

The project fell within the category of NSIPs under the Planning Act 2008, and accordingly an application for a DCO was required. This was submitted to the Planning Inspectorate on 28 May 2014. After a detailed examination process (where the case for granting compulsory acquisition powers was considered at length), the Secretary of State granted the project's DCO on 19 January 2016.

## How was the development achieved?

A DCO would not have been achieved without a robust compulsory acquisition case. To support this, over 4,000 parcels of land were land referenced and a Book of Reference (analogous to the Schedule of a traditional CPO) running to 7,000 pages was prepared. Significant progress was made in reaching voluntary agreements with land owners, with 750 options for easements for overhead lines and underground cables being negotiated.

In terms of specific compulsory acquisition issues encountered, the project covers a wide geographic area from the industrial district of Avonmouth in the North to the agricultural areas of Somerset in the South, including the Somerset levels. These two distinct areas have each provided their own set of challenges. The system of 'rhynes' on the Somerset levels meant that unknown ownerships of small parcels of land were frequently encountered. There was also a particular challenge with the commercial district of Avonmouth, where there are several complex tiers of ownership and occupation to unpick, with many unregistered interests. A robust Unknown Ownership procedure was accordingly adopted for the scheme.

The project is now in the early stages of construction.



## Insight

This was a major project from both a consenting and a compulsory acquisition perspective. In terms of scale, it was the second largest project undertaken at that time in the United Kingdom, after High Speed 2.

A considerable amount of work had to be undertaken on land referencing and attempting to obtain voluntary agreements with landowners. Bespoke land referencing databases and software was developed to assist with this task, together with dedicated project teams.

Being a linear electricity grid scheme, this project would not be able to come forward without the benefit of compulsory acquisition powers.



# Case Study: Cambridgeshire Guided Busway

The Guided Busway is Cambridgeshire County Council's innovative new £116.2m scheme to ease major road congestion within the busy A14 corridor in Cambridgeshire.



## What was the project?

The busway is now in operation and attracts approximately 2,500,000 passengers a year, more than 40% above the predicted numbers, and in doing so greatly reduces congestion on Cambridgeshire's already crowded roads. The project involved converting an old, disused railway line running from St Ives to Cambridge into a guided busway to provide a high quality, reliable and frequent transport service.

The compulsory acquisition element of the project required the acquisition of some 600 plots of land needed to enable contractors to construct the 25km guided busway, which at that time was the longest in the world.

The scheme was also significant as it satisfied section 106 obligations for residential developments in the locality, particularly in respect of Northstowe (a proposed New Town).



## **Who was the promoter?**

Cambridgeshire County Council.

## **What was the project process and what powers were used**

A TWAO was made under the Transport and Works Act 1992, which granted both consent for the project and compulsory acquisition powers. This was useful as it allowed for temporary possession of the land and specific time limits that were required for the project in respect of its lifespan.

## **How was the development achieved?**

Post the TWAO being made by the Secretary of State, the CPO programme was relatively typical except for the combined use of Notices to Treat, Notices to Enter and GVD powers (the two different procedures for exercising compulsory acquisition powers) simultaneously.

A strategy to serve statutory notices over the two year build period was adopted to stagger the acquisition of the land.

## **Insight**

The statutory notice programme, compensation provisions and linear construction process made this a straightforward project to deliver. Public perception of the project was slightly uncertain at the outset but, post the works and with the scheme in operation, public opinion of the scheme is high.

A somewhat bizarre outcome of the original design allowed a bank-robber to modify the axles on his getaway car to fit the bus lane which prevented the police from following him as he made good his escape. Now, all road crossings include car traps to avoid any potential mis-use.

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Compulsory Purchase Association

**[www.compulsorypurchaseassociation.org](http://www.compulsorypurchaseassociation.org)**

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You must not rely on the information in the report as an alternative to legal or other advice from an appropriately qualified professional. If you have any specific questions about the matters contained within this brochure further information and a list of CPA members can be found online at [www.compulsorypurchaseassociation.org](http://www.compulsorypurchaseassociation.org)

BD.2043

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