

7 November 2012

Lord Taylor of Goss Moor  
House of Lords  
London, SW1A 0PW

Dear Lord Taylor

### **Review of planning practice guidance**

I write on behalf of the National Committee of the Compulsory Purchase Association in relation to the review of planning practical guidance which you are currently undertaking for DCLG. Some of that guidance, and in particular a number of circulars, relates to compulsory purchase and compensation matters. We have given careful consideration to this guidance in the light of the terms of reference of your group and wanted to write to set out our position in the hope that this may be of assistance to you in reaching your conclusions.

The Association's objective is to work for the public benefit in relation to compulsory purchase and compensation in all its forms. This includes promoting the highest professional standards amongst practitioners at all levels and participating in debate as to matters of current interest in compulsory purchase and compensation. The CPA has some 500 members practising in this field, including surveyors, lawyers, accountants, planners and officers of public authorities.

We are firmly of the view that the following guidance should be kept: circulars 06/04, 01/08, and 13/83, the March 1997 circular on interest, and the five explanatory booklets on compulsory purchase and compensation.

The reasons why we consider that this guidance should be kept are that, where state powers of compulsory acquisition are being used to take the land of private persons effectively against their will, it is right that there should be guidance both to those persons about what the procedures are and what their rights are, but also guidance from government as to how authorities should responsibly exercise those powers. This guidance is very valuable. We can see no justification for cancelling it. The expenditure invested in putting the guidance together would be wasted. The guidance is very useful to practitioners and to lay people who find themselves involved in the compulsory purchase and compensation process. The availability of this guidance is necessary to enable people to engage effectively with the compulsory purchase and compensation process, which can be complex and confusing, even for professionals. The cancellation of this guidance would undermine the effective working of the compulsory purchase and compensation system which would in turn undermine effective planning and undermine economic growth through development which often depends in part at least on compulsory purchase.

We would also say that these circulars, and in particular circular 06/04, should be updated to ensure that they have kept pace with changes in legislation (eg the Localism Act) and best practice (eg in relation to the advance payment of compensation to people whose land has been compulsorily acquired).

We would have no strong objection to the cancellation of the following, although we see some merit in their retention for some of the same reasons as given above: circulars 15/91, 9/77 and 114/75, and the Dear Chief Planning Officer letter dated 11 April 2012.

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We think it might be appropriate to cancel the following circulars, if the Government wished to do so: 01/01, 14/91, 75/77 and 36/63.

Circulars 9/72 and 63/67 still fulfil some useful function. Circular 9/72 allows charities reinvestment costs without the time limit, which is very important to charitable trustees. Circular 63/67 reminds authorities that professional fees should be paid on acquisitions under the shadow of compulsion; although we would hope that most authorities would not need this reminder, its cancellation might send the wrong message.

I hope that this feedback is useful to you in considering what is a complex and technical area of law and policy. If the Association can be of any further assistance, please do not hesitate to contact me.

Yours sincerely

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Chairman

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