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## Update on Legislation – July 2017

**Matthew Scudamore**  
July 2017

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### Update on Legislation

- **New CPO Legislation**
- **What to expect in the post General Election world**



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## Update on Legislation

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- *“The current law of compulsory purchase of land is difficult to locate, complicated to decipher and elusive to apply. The case for its reform is overwhelming and has been recognised by Government”*
  - Executive Summary of the Law Commissions report title ‘Towards a Compulsory Purchase Code’ in 2004.
  
- March 2015 – Government published ‘Technical Consultation on improvements to compulsory purchase processes’. This sought views on proposals aimed at making the compulsory purchase process clearer, faster and fairer

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- Neighbourhood Planning Act 2017
- Housing and Planning Act 2016

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## Update on Legislation



*“In response to the consultation ... we received a number of responses requesting consolidation and full review of the compulsory purchase system. We acknowledge that it has been some time since there has been a fundamental review of the primary and secondary legislation on compulsory purchase, but a full scale consolidation would take considerable time and need significant resources to complete. Given the pressing need to ensure that compulsory purchase can more effectively support the delivery of the Government’s housing, regeneration and infrastructure objectives, we propose to take forward these reforms, having regard to the outcome of the consultation, at the earliest possible opportunity”.*

- Consultation on further reform of the compulsory purchase system, March 2016

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## Update on Legislation


**Neighbourhood Planning Act 2017**

- Temporary possession of land
- Reform of the ‘no-scheme’ principle
- Repeal of Part 4 of the Land compensation Act 1961
- Time limit for confirmation notices
- Compensation for disturbance (Bishopsgate principle)
- Joint CPO powers: GLA & TFL

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**Temporary Possession of Land (ss. 18 – 28)**

- ❑ Addresses a discrepancy in availability of temporary possession powers
- ❑ Avoids the need to enter into separate commercial agreements; therefore gives greater certainty
- ❑ Counter-notice available limiting the period of temporary possession (12 months for residential; 6 years otherwise)
- ❑ Power to make advance payment (on the same terms as introduced by the Housing & Planning Act 2016)

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**No Scheme World**

- ❑ A codification of the 'no-scheme' principle (s.32)
- ❑ Introduces:
  - (i) a clearer definition of the project/scheme that is to be disregarded in assessing value
  - (ii) a clearer basis for assessing whether the project forms part of a larger 'underlying' scheme that should also be disregarded

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**Repeal of Part 4 of Land Compensation Act 1961 (s.33)**

- ❑ Part 4 of the 1961 Act – ‘Compensation where planning permission for additional development granted after acquisition’
- ❑ Now regarded as an anomaly; the new legislation removes the ‘second bite of the cherry’ that Part 4 gives to landowners whose land had been acquired by CPO
- ❑ Removes risks for acquiring authorities

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**Time limit for confirmation notices (s.34)**

- ❑ Introduces a statutory time limit of 6 weeks for publishing the confirmation notice (unless a longer period is agreed between the acquiring and confirming authorities)
- ❑ This removes uncertainty as to when the Order will become operative

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## Update on legislation

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**Compensation for disturbance (s.35)**

- ❑ Under existing authority businesses with minor unprotected tenancies with an interest in land are entitled to less generous compensation than licensees, who have no interest (Bishopsgate principle)
- ❑ The compensation payable is now aligned

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## Update on legislation

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**Joint acquisition of land (s.36)**

- ❑ To take forward a regeneration scheme which also involved transport infrastructure, two schemes had to be promoted: one for transport; one for regeneration
- ❑ Allows a joint order. This removes the ability for objectors to exploit any uncertainty as to whether the land is primarily required for transport or regeneration purposes
- ❑ Makes it easier to bring forward a comprehensive scheme and is easier for the public to understand

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### Housing & Planning Act 2016: in force May 2016

- ❑ Part 7 – Compulsory purchase
- ❑ General power of entry
- ❑ Confirmation of Inspectors
- ❑ Time limits for notice to treat or general vesting declaration
- ❑ Power to override easements and other rights (amended by the NPA 2017)
- ❑ Advance payments
- ❑ Material detriment claims
- ❑ High Court powers



Vote Share : 42.4%

## Post General Election

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Vote Share : 40.0%

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## Post General Election

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- Interpret this how you will!

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## Post General Election

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### Queen's Speech

<https://www.gov.uk/government/speeches/queens-speech-2017>

- Focus on leaving the European Union
- Policies on immigration; international sanctions; nuclear safeguards; agriculture; fisheries
- International trade arrangements
- Attract investment in infrastructure to support economic growth (but examples given are electric cars and commercial satellites)
- Ensure new houses are built

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## Post General Election

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### Manifestos

#### Labour:

- Bigger role for Government in building new houses
  - HCA will be overhauled to become a housing delivery body
  - CPO powers will be updated to make them more effective and able to unlock planned development
  - The creation of a Department for Housing
- Increase the transparency of land ownership and keep the Land Registry in public ownership

#### Conservative:

- Reform CPO powers to make them easier and less expensive for councils
- Make it easier to determine the market value of sites

#### Liberal Democrats:

- No specific mention of CPO powers
- Will penalise excessive land banking when builders with planning permission have failed to build after 3 years
- Enforce housebuilding on unwanted public sector land

#### Green Party:

- Empty Homes
- Land value tax

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