

Compulsory Purchase Consultation – response

Summary

Compulsory Purchase Orders represent a useful, if underused, tool that local authorities can use to stimulate growth and development within their areas. They can also be utilised in support of local authorities' vital role as positive shapers of places. Historic England believes that through supporting the use of CPOs as tools to help tackle buildings that blight local character and discourage investment, local authorities will be able to shape places that attract people and investment. One way of doing that would be to remove *hope value* as a consideration for those buildings that contribute significantly to local character and local people's perception of place.

About Historic England

Historic England is the Government's statutory adviser on all matters relating to the historic environment in England. We are a non-departmental public body established under the National Heritage Act 1983 and sponsored by the Department for Culture, Media and Sport (DCMS). We champion and protect England's historic places, providing expert advice to local planning authorities, developers, owners and communities to help ensure our historic environment is properly understood, enjoyed and cared for. Historic England is firmly committed to supporting national and local government, in support of this mission.

Question 1: *Do you agree that directions to remove compensation payable for prospective planning permissions ("hope value") should be allowed to be included in CPOs made on behalf of parish/town or community councils by local authorities under section 125 of the Local Government Act 1972 where the schemes underlying the orders are providing affordable or social housing?*

Yes, we do agree. We believe that parish/town or community councils, through being 'closer' to places, are well placed to make decisions as to how best to employ tools like CPOs for the benefit of the local area.

Question 2: *Do you agree that a decision on the confirmation of a CPO which includes a direction to remove value attributed to the prospects of planning permission (i.e. "hope value") from the assessment of compensation for land taken should be eligible, where the relevant criteria in guidance are met, to be undertaken by:*

- *Inspectors where there are objections to the order; and*
- *Acquiring authorities providing there are no objections to the order?*

No comment.

Question 3: *Do you agree that the decision-making function of the confirming authority relating to the making of a direction for additional compensation under Schedule 2 of the Land Compensation Act 1961 should be eligible to be undertaken by an inspector?*

No comment.

Question 4: Do you agree that section 14A of the Land Compensation Act 1961 should be amended to make it clear that directions to remove hope value should apply to other heads of claim where open market value is a relevant factor in the assessment of compensation?

No comment.

Question 5: Another approach to removing hope value from the assessment of compensation could be to allow the Secretary of State in England or the Welsh Ministers in Wales to issue general directions for sites which meet certain defined criteria. We would welcome examples of brownfield sites suitable for housing in your areas (e.g. through an allocation) where a planning permission has not been sought along with the reasons why. In particular, examples of sites where either:

- it is claimed the delivery of the scheme with minimum affordable housing provision and other obligations such as provision of public infrastructure is not viable; or
- the costs associated with the value associated with the prospect of planning permission (“hope value”) has made the scheme unviable.

No comment

Question 6: We would welcome views on why you think, in the circumstances of the example(s) given in question 5, the removal of the value associated with the prospect of planning permission (“hope value”) where CPO powers are used could help deliver a housing scheme which meets the policy requirements of the local authority and how it would help address the problem outlined in the example.

The assets play a significant role in how the place is perceived by people, both those that live and work there, and those that visit. Their condition creates the perception of an area in decline and so serves as a disincentive for those wishing to invest in the area. Creating conditions that more easily facilitates a CPO would increase the ability of local authorities to take positive steps that could help revitalize the assets themselves and thereby the wider area.

Question 7: We would also welcome your views on whether, in the circumstances of the example(s) given in question 5, there would be any consequences of removing the value associated with the prospect of planning permission (“hope value”) from the assessment of compensation as a result of the use of CPO powers and the delivery of land for housing development.

By decreasing the cost implications of the CPO on the local authority, it would encourage their use in cases that could stimulate the renewal of places.

Question 8: We would welcome views on whether there are any other categories of sites, other than those listed in question 5, which would be suitable for the proposal. If so, please give reasons why you think the removal of the value associated with the prospect of planning permission (“hope value”) where CPO powers are used in those circumstances could help deliver a housing scheme which meets the policy requirements of the local authority and how it would help address the problem outlined.

Principally, Historic England believes that sites that make a significant contribution to the quality of a place should be included as an additional category (e.g. removing hope value from the compulsory acquisition of a listed building (see s47 of the Planning (Listed Buildings and Conservation Areas) Act 1990). The condition of these sites often serves as a bellwether for the

success of the wider place and so, when they are in poor repair, discourages others from investing in the place. Tackling such sites can be vital to the wider regeneration of the places. Below are a number of examples of listed buildings where both the buildings, along with the wider area, would benefit from a CPO:

- Trafalgar Mill, Burnley [VICTORIA MILL, Non Civil Parish - 1313388 | Historic England](#)
- Crescent Pub, Salford [19, 20 AND 21, THE CRESCENT, Non Civil Parish - 1386171 | Historic England](#)
- Empress Conservation Area, Trafford – Essence Factory [ESSENCE FACTORY, Non Civil Parish - 1240409 | Historic England](#) Veno Building (unlisted) Trafford Press (unlisted) Empress Mill (unlisted)
- Steamer / Schooner tenements, Barrow [STEAMER STREET TENEMENTS, Non Civil Parish - 1282852 | Historic England](#) [SCHOONER STREET TENEMENTS, Non Civil Parish - 1218826 | Historic England](#)

Question 9: *Do you agree that notices and documents required to be served under the Land Compensation Act 1961, Compulsory Purchase Act 1965, Land Compensation Act 1973 and the Acquisition of Land Act 1981 should be capable of being served electronically if parties agree in writing to receive service in that manner or where the recipient is a public authority?*

No comment.

Question 10: *Do you agree that the information relating to the description of land published in newspaper notices of the making and confirmation of CPOs should be simplified?*

No comment.

Question 11: *Do you agree that where a CPO requires modification to rectify an error such as a drafting mistake or to remove a plot of land from the schedule and/or map, the acquiring authority should be able to confirm the CPO itself by making the required modification(s) providing: (a) all other conditions under section 14A of the Acquisition of Land Act 1981 have been met, and (b) the proposed modifications are non-controversial in the manner set out in the consultation?*

No comment.

Question 12: *Are there any modifications which you think should or should not be capable of being made by the acquiring authority (in addition to the inclusion of additional land in a CPO without the consent of the owner) when confirming its own CPO?*

No comment.

Question 13: *Do you agree that the Secretary of State should be able to appoint an inspector to undertake a decision on whether to confirm or refuse a CPO made under the New Towns Act 1981?*

No comment.

Question 14: *Do you agree the temporary possession powers available under the Neighbourhood Planning Act 2017 do not need to apply to the taking of temporary possession of land under the Transport and Works Act 1992 and Planning Act 2008 as there are sufficient provisions under those consenting regimes which provide for the temporary possession of land?*

No comment.

Question 15: *Do you agree there should be an expedited notice process for the vesting of interests in land and properties under the general vesting declaration procedure in the circumstances outlined in the consultation?*

Yes. An expedited process would be appropriate in cases where the asset under consideration is under immediate threat due to its deteriorating condition, where further degradation may result in any proposed repairs not being viable and so raising the possibility of the asset being lost (i.e. demolition becoming the only option). This would be particularly important where the asset in question holds significant heritage value (either locally or nationally) or plays an important role in the character of the wider place.

Question 16: *If you answered positively to question 15, we would welcome views on whether there are any other circumstances where the expedited notice process for the vesting of interests in land in an acquiring authority should apply?*

See above.

Question 17: *If you answered positively to question 15, do you agree those with an interest in land included a CPO should be able to enter into an agreement with the acquiring authority for their interest to vest in the authority earlier than the existing minimum 3-months' notice period?*

Yes, for the reasons outlined in our response to Question 15.

Question 18: *Do you agree that the current loss payments should be adjusted as set out in the consultation?*

No comment.

Question 19: *Do you agree that the method of calculating the "buildings amount" under sections 33B(10) – 33C(11) of the Land Compensation Act 1973 should be changed to "gross internal floor area"?*

No comment.

Question 20: *Do you agree that exclusions to home loss payments should apply where one of the statutory enforcement notices or orders listed under section 33D(4) and (5) of the Land Compensation Act 1973 has been served on a person and they have failed to take the required action on the day the relevant CPO which their property is subject to is confirmed?*

No comment.

Question 21: *Do you have any comments on the likely impact of the proposals outlined in this consultation on business interests both for the acquiring authority and claimants?*

No comment.

Question 22: *Do you consider there are potential equalities impacts arising from any of the proposals in this consultation? Please provide details including your views on how any impacts might be addressed.*

No comment.