



Department for
Communities and
Local Government



HM Treasury

Consultation on further reform of the compulsory purchase system

Government response to consultation



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Introduction

1. Compulsory purchase powers are an important tool for assembling land needed to help deliver social, environmental and economic change. Used properly, compulsory purchase can contribute towards effective regeneration. The government's current guidance¹, however, emphasises that compulsory purchase is intended as a last resort to secure the assembly of all the land needed for the implementation of projects. Acquiring authorities must also always demonstrate that there is a compelling case in the public interest to acquire the land which outweighs the owners' private property rights.
2. A number of changes have been made to improve the system in recent years. Most recently we consulted on a package of reforms² in March 2015 which were subsequently included in the Housing and Planning Act 2016.
3. In response to the March 2015 consultation, respondents put forward a range of ideas for further reform of the compulsory purchase system. The government considered those ideas and other suggestions from the sector and, in March 2016, published a 'Consultation on further reform of the compulsory purchase system'³. This consultation sought views on a range of proposals aimed at making the compulsory purchase process clearer, faster and fairer for all.
4. A total of 41 responses were received. The largest group of respondents was professionals and professional institutions/associations (29%). Other responses came from: business (12%); individuals (12%); industry representative bodies or trade organisations (10%); voluntary/charity/community organisations (10%); local authorities (5%); other public sector bodies (7%); house builders/developers (3%); with the remaining 12% falling into the 'other' category.
5. With the exception of one minor proposal, a clear majority of respondents supported each of the proposals. We welcome this support for the overall package of reform.
6. This document provides a summary of the responses to each proposal and sets out the government response.

¹ Compulsory purchase process and the Crichel Down Rules: guidance (October 2015):
<https://www.gov.uk/government/publications/compulsory-purchase-process-and-the-crichel-down-rules-guidance>

² Technical consultation on improvements to compulsory purchase processes (March 2015):
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/413866/Technical_consultation_on_improvements_to_compulsory_purchase_processes.pdf

³ Consultation on further reform of the compulsory purchase system (March 2016):
<https://www.gov.uk/government/consultations/further-reform-of-the-compulsory-purchase-system>

Section 1: Changes to compensation assessment and process

Clearer way to identify market value

7. A core principle of compulsory purchase compensation is that land should be acquired at market value in the absence of the scheme underlying the compulsory purchase. Since the principle was first established, over a century of case law has sought to clarify the basis upon which the land valuation in these circumstances is calculated, based around the principle of what is known as the 'no scheme world'.
8. The 'no scheme world' principle has, however, been interpreted in a number of complex and often contradictory ways. This lack of clarity may make it very difficult to establish the basis for calculating market value in some cases and causes significant delays and uncertainty in the determination of compensation.
9. The consultation sought views on proposals to establish the principle of the 'no scheme world' fairly and effectively in the valuation process by codifying it in statute and introducing a:
 - clearer definition of the project or scheme that should be disregarded in assessing value
 - clearer basis for assessing whether the project forms part of a larger 'underlying' scheme that should also be disregarded
 - more consistent approach to the date on which the project is assumed to be cancelled
 - broadening of the definition of the 'scheme' to allow the identification of specified transport infrastructure projects that are to be disregarded within a defined area, over a defined period of time

Summary of responses

Clarifying the principle of the 'no scheme world'

10. There was strong support for the proposal to codify the 'no scheme world' valuation principle in legislation. However, respondents expressed a range of views on how this could be achieved. A key point made was that if the new legislation is not drafted with a full understanding of the issues it will create more problems than it solves. A number of respondents commented that codification could reduce the flexibility that currently exists if the definition of the 'no scheme world' was unduly prescriptive, resulting in more litigation.
11. The main reasons given by those who did not support the proposal were:
 - the 'no scheme world' principle has been extensively tested - codification would simply result in a retesting through the courts creating uncertainty
 - the definition of the scheme should be considered on a case by case basis as schemes differ greatly

12. The proposal to use the Law Commission's 'Rule 13' as the starting point for codification was strongly supported. However, it was noted by a number of respondents that given the time which has elapsed since the Law Commission's report was published, there was a need to examine the soundness of the Law Commission's proposal in the light of changes to the compulsory purchase system. Other comments included:
- repeal of legislation should be limited to sections 6 and 9 of, and schedule 1 to, the Land Compensation Act 1961
 - the best elements of case law should be incorporated
 - drafting needs to allow acquiring authorities to make a case for a wider statutory project not solely limited to physical area
 - requiring acquiring authorities to define the scheme in the published documents will reduce the risk of it being open to abuse
13. Comments from those who did not support the proposal included that the Law Commission's Rule 13 fails to take account of recent case law and will lead to uncertainty and further litigation.
14. There was considerable support for the proposal to use the launch date as the date on which the scheme is assumed to be cancelled rather than the Law Commission's suggestion of using the valuation date. The main reasons given include:
- it is consistent with the reformulated planning assumptions introduced in the Localism Act 2011
 - the launch date is closely related to the confirmation process and the scheme details submitted as part of the compulsory acquisition case
 - even the launch date may not be early enough
 - the definition of what is meant by 'launch date' for different kinds of compulsory acquisition should be included in legislation
15. Those opposed to the use of the launch date included a number of expert practitioners. The main reason cited was that the long time between the launch date and the valuation date could lead to significant disputes and speculation over what may or may not have happened in the intervening period. They felt that using the launch date would require valuers to assess something which did not match reality as opposed to assessing actual known facts if the valuation date was used. They considered this would inevitably lead to delays in settling compensation and increase to potential for litigation.

Extending the definition of 'the scheme'

16. Strong support was given to the proposal to allow the definition of the statutory project to be extended to include an enabling power which would allow specific transport infrastructure projects to be identified that are to be disregarded within a defined area, over a defined period of time. However, many of those who supported the proposals raised issues around how it might work in practice including:
- the extended definition of the statutory scheme should be set out during the confirmation process and should be open to challenge during the confirmation process at a public inquiry
 - establishing a geographical and time line around the transport project would risk arbitrarily leaving out residents and companies who may be at an unfair

advantage or disadvantage as not only those directly within a regeneration area will benefit from that project

- there is a need to ensure that the infrastructure and area covered are very carefully defined
- there is concern that the definition may be manipulated to suit the acquiring authority and the definition of the scheme should include suitable safeguards to guard against this

17. Respondents opposed to the proposal of extending the definition of ‘the scheme’ gave a variety of reasons including:

- it would result in unfairness where those just outside compulsory purchase area benefit from uplift in value but a neighbour across the road is penalised because his property is subject to the compulsory purchase order
- land for regeneration projects will be acquired by commercial developers and there is no reason why they should benefit
- homeowners might suffer as there is a reasonable expectation they should benefit for increases in land value as result of infrastructure
- it would throw the basis of valuation into confusion because of unrealistic assumptions
- it would result in more objections rather than facilitate delivery of the scheme

18. There was considerable support for including other types of infrastructure schemes within the extended definition of the statutory project. However, there was no overall consensus as to which types of schemes should be included. Most respondents suggested broad categories of schemes rather than specific types of infrastructure. The most popular being ‘any infrastructure where there was a direct link to the compulsory acquisition scheme’. Other suggestions included any relevant publicly funded schemes and any infrastructure schemes which fall under section 106 obligations and/or the Community Infrastructure Levy regulations.

19. Points made by those opposed to including other types of infrastructure schemes included:

- disentangling values could be extremely complicated and costly
- not convinced other infrastructure will have same beneficial effect on land values
- any other additions to the extended definition would be arbitrary and artificial

Government response

20. The government welcomes the strong support for this proposal. We acknowledge that extending the definition of ‘the scheme’ to exclude specified transport infrastructure may result in claimants receiving less compensation than they might otherwise have done. However, we believe it is right that the public purse, rather than private interests, should benefit from increases in land values arising from public investment.

21. The government will therefore, take forward the proposal to codify the ‘no scheme world’ valuation principle in legislation. In doing so we will take account of the points raised by providing appropriate safeguards to limit the scope of this power. We will base the drafting on the Law Commission’s Rule 13. We note that while there was overall support for the proposal to use the launch date instead of the valuation date as

the date on which the scheme is assumed to be cancelled, a number of expert practitioners were opposed. After further careful consideration, we have decided to follow the Law Commission's suggestion that the valuation date should be used as the cancellation date. We have been persuaded that although in valuation terms a launch date cancellation is appropriate for planning assumptions it would be better to establish the valuation date as the statutory cancellation date because this would reflect what is currently happening in practice. Using the valuation date will have the benefit of avoiding potential disputes, with the associated delays and costs, over what might or might not have happened in the period between the launch date and the valuation date and meet our objectives for a clearer and fairer system.

22. We will also take forward the proposal to extend the definition of 'the scheme' to include relevant transport infrastructure projects subject to safeguards to ensure a direct link to "the scheme". We note the support for extending the definition further to include other types of infrastructure project. However, on balance, we consider that as transport infrastructure projects have the most discernible impact on land values, the proposal to extend the definition of 'the scheme' should be limited to those types of infrastructure project.

Putting mayoral development corporations on same footing as new town and urban development corporations

23. For new town and urban development corporations, the whole of the designated new town or urban development area and all the development in those areas is disregarded for the purposes of assessing compensation for compulsory purchase orders. This means that the compensation for later compulsory purchase orders in those areas is assessed on the same basis as the first order and is not therefore, influenced by the development undertaken in earlier phases.

24. The consultation sought views on putting mayoral development corporations (both in London and where a combined authority has a mayor) on the same footing as new town and urban development corporations.

Summary of responses

25. There was strong support for this proposal. However, while supportive of the principle, a number of key bodies queried how the change could be achieved given that repeal of Schedule 1 to the Land Compensation Act 1961 is implicit in the proposal to clarify the principle of the 'no scheme world'. Other comments included that careful consideration should be given to the effect of the reform on private investment in the development area. It was also suggested that the proposal could be applied more widely to other long term, large scale regeneration schemes.

26. Those not in favour of the proposed change commented that mayoral development corporations do not have a defined life span and development could therefore, be more sporadic. They felt that the proposal could therefore, result in long term static land values and undermine investment because of doubt over whether the investment would be compensated under a future compulsory purchase order.

Government response

27. The government considers that there is a clear anomaly between mayoral development corporations and new town and urban development corporations in the treatment of the land to be disregarded for the purposes of assessing compensation. We will, therefore, take this proposal forward as part of the changes required to implement the proposal to introduce a clearer way to identify market value.

Review of the ‘Bishopsgate’ principle

28. Under the current rules licensees with no interest in the land are entitled to more generous compensation than short-term tenants and lessees with a break clause in their leases. This is because in assessing compensation entitlement for licensees account is taken of the period for which the land occupied by the tenant might reasonably have been expected to be available for the purpose of their trade or business. While for short-term tenants and lessees with a break clause in their leases it is assumed that the landlord terminates the tenant’s interest at the first available opportunity following notice to treat, whether that would happen in reality or not.

29. The government wants to ensure that compensation entitlement where land is acquired by compulsion is fair to all claimants. The consultation therefore, sought views on amending the legislation to put the assessment of compensation for short term tenants and lessees with a break clause in their leases on the same footing as licensees with no interest in the land.

Summary of responses

30. There was overwhelming support for this proposal. However, a number of respondents commented that the ‘Bishopsgate’ principle was being applied more widely than just those tenancies covered by section 20 of the Compulsory Purchase Act 1965. They advised it was being applied to all cases involving unprotected or contracted out tenancies (i.e. tenancies not protected by Part 2 of the Landlord and Tenant Act 1954) and therefore, that in the interests of fairness and consistency the proposal should be widened to include all affected tenants and landlords. A small number of respondents expressed the view that, if introduced, the provision should apply to outstanding claims at that time as well as any future claims.

31. Comments from those opposed to the proposal included that:

- in the interests of the public purse, compensation for licensees with no interest in the land should be reduced rather than compensation being increased for short-term tenants and lessees with a break clause in their leases
- the proposal might deter the temporary use of land acquired ahead of commencement of projects

Government response

32. The government will take forward the proposals as consulted on. However, we have also noted the comments from respondents that the ‘Bishopsgate’ principle is being applied more widely than to just short-term tenants and lessees with a break clause in

their leases. We have, therefore, decided to widen the scope of the proposal by introducing a requirement that in assessing the compensation entitlement for all tenancies which do not benefit from security of tenure under Part 2 of the Landlord and Tenant Act 1954, the prospect of renewal of a tenancy should be taken into account.

Reverse loss payment share for landlords and occupiers

33. Sections 33A-33F of the Land Compensation Act 1973 provide for loss payments to be made to owners and occupiers of land to be compulsorily acquired. These payments are in acknowledgement of the fact that a party is displaced from property against their will. Under the current rules, the owners of the land are likely to receive more compensation than the occupiers. The government considers that this is unfair as it is the occupier who bears the burden of having to close down or relocate their business operation and incurs the greater cost.
34. The consultation sought views on amending the current rules to adjust the balance of loss payments in favour of occupiers. It also sought views on a minor related issue – simplifying the basis for calculating the ‘buildings amount’ of the loss payment by changing it from gross external area to net lettable area.

Summary of responses

Adjust the balance of loss payments in favour of occupiers

35. There was considerable support for the proposal to adjust the balance of loss payments in favour of occupiers. Comments from those in favour included:
- the caps should be regularly reviewed
 - advance payments should be possible
 - account should be taken of rural/non-rural differences
36. Of those opposed to the proposal, the main reasons given were that:
- the caps are too low and need to be reviewed
 - a 50:50 split would be more equitable
 - there should be flexibility to consider each case on its merits

Simplify the method of calculating the ‘buildings amount’

37. More than half of those who responded did not support the proposal to change the method of calculating the ‘buildings amount’ to the net lettable area. The main reason given was that net lettable area was not a recognised standard measurement and might lead to confusion. Of the alternatives suggested, the most popular was Gross Internal Area as defined in the Royal Institution of Chartered Surveyors’ Property Measurement Professional Statement. A small number of respondents opposed to the change also commented that if the measurement was to be internal area rather than external area the rate per square metre should be increased so occupiers were not disadvantaged.
38. Those who supported the proposal considered that measurement of net lettable area was straightforward and readily understood.

Government response

39. The government will take forward the proposal to adjust the balance of loss payments in favour of the occupier as set out in the consultation. We have however, noted the comments about reviewing the caps associated with loss payments and we will consider these further as we develop this proposal.

40. The government has noted the divided views on the best method of calculating the 'buildings amount'. On balance, we have decided against changing this to the net lettable area. Instead we consider it would be better to adopt an industry recognised standard and will discuss the matter further with the Royal Institution of Chartered Surveyors.

Penal interest rates to enforce the making of advanced payments

41. In the government response to the March 2015 consultation⁴ the government confirmed that it would introduce penal rates of interest on outstanding payments of advance payments of compensation by acquiring authorities. The power to set such rates was included in section 196 of the Housing and Planning Act 2016. This consultation sought views on a proposal to set the rate at 8% above base rate.

Summary of responses

42. There was considerable support for this proposal. The main reason given was that a rate of 8% recognised the distress late payment causes claimants. A number of respondents commented that there would need to be clarity about when the penal rate becomes due and what it is applied to.

43. Most of those opposed to the proposal felt that 8% was excessive. Some suggested that a rate of 4% was more appropriate. Other points made included that:

- acquiring authorities may reduce the amount of advance payments to reduce their exposure to penal rates
- it may disincentivise negotiations as claimants try to take advantage of a high penal rate of interest
- while this may not be a problem for well-organised local authorities, other less experienced acquiring authorities may struggle to pay compensation on time
- it would have a detrimental impact on the public purse

Government response

44. The government notes the views expressed that a rate of 8% is too high. However, we believe that such a rate recognises the significant impact late payments can have

⁴ Technical consultation on improvements to compulsory purchase processes: Government response to consultation (October 2015):

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/472595/151027_Government_response_for_publication_FINAL.pdf

on claimants and will act as an incentive to acquiring authorities to do everything they can to ensure that payments are made in a timely manner. We will therefore, take forward the proposal as set out in the consultation.

Statutory Blight

45. The current planning system enables owner-occupiers of properties or businesses that are affected by statutory blight from proposed development to require the acquiring authority to purchase their property on compulsory purchase terms.
46. However, there is currently a rateable value limit of £34,800 below which owner-occupiers of non-residential and non-agricultural properties are able to submit a blight notice. The government believes this limit is unfair to occupiers and landowners of properties in high value areas because their properties exceed the rateable value limit, even though owners of similar properties elsewhere would fall below the threshold. They are therefore barred from serving a blight notice.
47. The consultation sought views on setting a higher rateable value limit for serving a blight notice within Greater London than elsewhere in the country. It also asked whether other parts of the country may also need a higher rateable value limit.

Summary of responses

48. There was strong support for the proposal to set a higher rateable value limit in Greater London. However, a number of respondents, both those in favour of the proposal and those against, queried whether rateable value was the correct approach. Suggestions put forward included that the floor area of the property should be a factor; small investor-owners should be eligible; and basing the right to serve a blight notice on whether business was 'micro' or 'small' as defined in relevant legislation. There were also calls for the rateable value to be updated regularly or linked to inflation.
49. There was also strong support for the need for other parts of the country to have higher rateable values. Some respondents called for a full review to identify which areas this should apply to. Others suggested particular areas such as rural areas, major cities, the South East.
50. Of those who did not agree with the proposal, the main comments were that the rateable value limit is outdated and should be scrapped altogether.

Government response

51. The government will take forward the proposal to set a higher rateable value limit for serving a blight notice in Greater London. We will work with the Valuation Office Agency to consider what the revised limit should be. In light of the comments received we will also explore with the Agency what other areas of the country might also require a higher limit.

Repeal of section 15(1) of the Land Compensation Act 1961

52. The consultation sought views on making the compulsory purchase system clearer by repealing section 15(1) of the Land Compensation Act 1961, which assumes that planning permission would be granted for the acquiring authority's scheme.

Summary of responses

53. There was considerable support for the proposal with most agreeing that section 15(1) had been made redundant by the provisions in section 232 of the Localism Act 2011, which substituted section 14 – 18 of the 1961 Act. The main reason cited by those opposed to the proposal was that removing section 15(1) achieves nothing other than denying certainty to an assumed planning status. Others were concerned that repealing this section might give rise to unforeseen consequences.

Government response

54. The government will take forward this proposal as we consider that it will complete the reform of the planning assumptions started in 2011. The proposal will be taken forward as part of the changes required to implement the proposal to introduce a clearer way to identify market value.

Repeal of Part 4 of the Land Compensation Act 1961

55. The consultation sought views on repealing Part 4 of the Land Compensation Act 1961 so that no additional compensation is payable if the acquiring authority obtains a more valuable planning permission on the land taken than was envisaged by the scheme and which could have been obtained by the claimant.

Summary of responses

56. More than half of the respondents supported the repeal of Part 4 of the Land Compensation Act 1961. Those respondents expressed the view that claimants already have the right to get the benefit of planning consents in place at the valuation date, as well as any reasonably foreseeable consent which may be given and therefore there is no need to retain Part 4.

57. Those who did not support the proposal acknowledged that the provision is seldom used. However, some commented that there are still cases where a more valuable planning permission is granted within 10 years and they considered that this may increase in the future due to the number of infrastructure schemes happening. Others felt that the provision was still useful but was in need of reform to make it easier to use.

Government response

58. The government recognises the differences in opinion on this matter. However, on balance, we think it is right to take forward the repeal of Part 4 of the Land Compensation Act 1961. This is because Part 4 ought not to be necessary as the prospects for obtaining planning permission in the future should already be taken into in the statutory planning assumptions underlying the assessment of compensation.

Section 2: Further technical process improvements

Allowing more authorities to bring forward compulsory purchase orders

59. At the current time, only principal local authorities are capable of promoting a joint compulsory purchase order (on cross-boundary sites). However, the government considers that there is potential to increase housing development on surplus or underused public sector land by conferring similar powers on the Greater London Authority and Transport for London.

60. The consultation therefore, sought views on allowing the Greater London Authority and Transport for London to promote a joint compulsory purchase order for transport and regeneration purposes for one site. It also sought views on whether such powers should also be given to new combined authorities with mayors.

Summary of responses

61. There was overwhelming support for the proposal to allow the Greater London Authority and Transport for London to promote a joint compulsory purchase order. The main reason given was that it would make the compulsory purchase process more efficient, reducing unnecessary costs and delays. Other comments included that:

- as there would still need to be a compelling case in public interest there is no disbenefit from this proposal
- as local authorities already have the power to promote joint compulsory purchase orders so should the Greater London Authority with their subsidiary body Transport for London
- it would overcome unnecessary challenges where compulsory purchase orders are promoted under one function
- the proposal should be extended to other types of project

62. Those who did not support the proposal commented that:

- there are other acquiring authorities in London with sufficient powers to allow regeneration and transport schemes – another process is unnecessary
- there are other ways to allow Transport for London to benefit from uplift in values resulting from station development
- having two separate compulsory purchases orders may be justified
- it would have the practical effect of extending acquiring authorities' powers beyond the minimum necessary to carry out their statutory functions

63. An overwhelming majority of respondents agreed that the proposal should also apply to new combined authorities with mayors. Reasons given included that:

- local authorities already have the power to make combined compulsory purchase orders so extending it to combined authorities is appropriate

- proposal should also apply to other acquiring authorities where similar efficiencies can be achieved
- this is appropriate provided each acquiring authority is responsible for delivering the part of the scheme for which they have the statutory power and expertise

64. Respondents who did not support extending the proposal to new combined authorities with mayors did not offer any views on why they thought this was not appropriate.

Government response

65. The government wants to make it easier to bring forward comprehensive development schemes. We therefore, welcome the overwhelming support for the proposal to allow Transport for London and the Greater London Authority to promote joint compulsory purchase orders. Although the vast majority of respondents considered that new combined authorities with mayors where similar bodies and powers exist should also have this ability, it is not clear whether this would be necessary in all cases. The government will consider this matter further in the light of the emerging arrangements for combined authorities.

Making provision for temporary possession

66. All acquiring authorities may need to use land on a temporary basis: for example to store materials needed for the development which is the subject of the compulsory purchase order. There is a power to use land temporarily under Special Acts, Transport and Works Act Orders and power to enter and/or use land on a temporary basis is regularly sought in Development Consent Orders. However, compulsory purchase orders can only authorise the permanent acquisition of land or the acquisition of permanent new rights.

67. The consultation sought views on making the compulsory purchase system fairer by giving all bodies with compulsory purchase powers the same power to temporarily enter and use land for the purposes of delivering their scheme.

Summary of responses

68. There was strong support for the proposal to give all acquiring authorities the same power to take temporary possession of land. Key points made by respondents included:

- where acquiring authorities already have these powers, there is a significant divergence of approach to how they are used and so introducing a standard approach would be beneficial in terms of clarity and consistency
- the scope of the power should be clearly set out
- fair compensation which takes full account of the impact on business should be payable
- acquiring authorities should be required to justify the need for permanent or temporary possession
- government guidance on the use of the power is required

69. Other points included that acquiring authorities should be allowed to acquire land temporarily or permanently but not both and that owners and occupiers should be able to request that land is taken permanently as an alternative.
70. Those opposed to the proposal felt that temporary possession should only be possible by agreement given the impact it can have on owners and occupiers. Some respondents commented that it may be unfair to owners and occupiers of the land unless there is a duty to pay fair compensation and the scope of the power is clearly defined so owners and occupiers are clear from the outset on such things as how long land is needed for, what it is to be used for and what restoration will take place at the end of the temporary possession period.
71. Many of the respondents agreed that precedent or model provisions would provide a helpful starting point on which to base the new temporary possession power. The main reasons given by those who did not agree with this approach included that:
- the basis of compensation should be rent rather than 'loss or damage'
 - the precedent and model provisions are insufficiently clear as to the application of the power
 - there needs to be flexibility around the reinstatement of land
72. A range of views were expressed on what modifications to the standard advance payment regime might be required. The key area which respondents identified as needing further consideration was around the timing of initial advance payments and the need for staged payments during the temporary possession period.

Government response

73. The government will take forward the proposal as set out in the consultation. However, we have noted the comments received and will build in the necessary safeguards to ensure landowners and occupiers are treated fairly and there is some certainty about how the power can be used. These would include making provision for reinstatement of the land and protecting the status of tenants.

New legislative requirement to bring orders into operation

74. Once a Secretary of State has confirmed a compulsory purchase order it is returned to the acquiring authority to be brought into effect under section 15 of the Acquisition of Land Act 1981. A confirmation notice is required to be served on interested persons and published in the local press. The date that notice is published in the press is the date that the order becomes operative and is the start of the six week challenge period (during which a person aggrieved by an order may apply to the court under section 23 of the Acquisition of Land Act 1981) and also the start of the three year period within which the compulsory powers must be exercised.
75. Whilst most acquiring authorities are keen to bring a confirmed order into effect at the earliest opportunity, there is no statutory requirement for a notice to be published within a specific timescale.

76. The consultation sought views on introducing a target timescale of 6 weeks unless the Secretary of State agrees a different period from confirmation of an order to the date the notice of confirmation is published.

Summary of responses

77. There was overwhelming support for introducing target timescales to provide more certainty and prevent avoidable delays. Those who did not support the proposal felt that if a longer period than 6 weeks is taken it was because there are genuine problems, for example, where there are large and complex orders which require a significant amount of time to check to ensure the documentation is correct once the decision has been issued.

78. There was considerable support for setting a 6 week target. Respondents felt this would align with the planning Judicial Review challenge period. They also welcomed the flexibility of being able to extend the period if required. The majority of those who did not support the proposal felt that a 6 week period was too short; with most suggesting 3 months would be more appropriate.

Government response

79. The government notes the comments that 6 weeks is not a long enough period to allow for publication of the notice. However, we consider that in most cases it is reasonable and where it is not, it is open to the acquiring authority and the confirming authority to agree a more appropriate timescale. The government will therefore, take forward this proposal as set out in the consultation.

Section 3: Impact Assessment

Impact on acquiring authorities and claimants

80. The consultation sought views on the likely impact of the proposals on business, both individually and as a whole.

Summary of responses

81. Overall there was strong support for most of the assumptions used in the impact assessment. The only exception was the assumption around the likely number of transport projects associated with regeneration promoted by public sector acquiring authorities backed by business per year where views were fairly evenly split. Of those who did offer further comment the view seemed to be that the number of such schemes would be greater than assumed but there was no consensus on what alternative assumption should be used. The majority of respondents were unable to provide evidence, other than anecdotal, about the impact of the proposals.

Government response

82. The government welcomes the overall support for the assumptions used in the impact assessment. We note the differing views about the likely number of transport projects associated with regeneration promoted by public sector acquiring authorities backed by business per year. However, in the absence of a clear alternative, the impact remains assessed on the basis set out in the consultation impact assessment.

Public Sector Equalities Duty

83. The consultation sought views on whether there are potential equalities impacts arising from any of the proposals.

Summary of responses

84. Less than half of the 41 respondents to the consultation answered the question on the potential equalities impacts that might arise from the proposals outlined in the consultation. Of those who responded the majority agreed that the proposals would not give rise to potential equality impacts but did not provide further comment. Of the respondents who expressed a view that there would be equalities impacts their comments were about compulsory purchase generally and the potential impact of a proposal on claimants as a whole.

Government response

85. The government notes that on the whole the response to the consultation did not raise concerns about equality impacts on persons with protected characteristics. In the absence of any further evidence, at this stage we remain of the view that we cannot envisage how the proposals will have a differential impact on those with protected characteristics as compared to those who do not share those

characteristics. However, we will keep the matter under review as the proposals are developed.

Next steps

86. In line with the outcome of the government's consideration of the consultation responses outlined above, the following proposals require primary legislation and have been included in the Neighbourhood Planning Bill introduced in Parliament on 7 September 2016:

- to set out a clearer way to identify market value when agreeing levels of compensation, including extending the scheme for certain transport projects
- to put mayoral development corporations on the same footing as new town and urban development corporations for the purposes of assessing compensation
- to reform the 'Bishopsgate' principle
- to repeal section 15(1) of the Land Compensation Act 1961
- to repeal Part 4 of the Land Compensation Act 1961
- to allow more authorities to bring forward joint compulsory purchase orders for mixed purposes
- to make provision for temporary possession
- to introduce a new legislative requirement to bring compulsory purchase orders into operation

87. Some proposals only require secondary legislation and will be taken forward at the earliest opportunity, including:

- reverse loss payment share for landlords and occupiers
- penal interest rates to enforce the making of advanced payments
- statutory blight

88. The final impact assessment for all of these measures has received a 'fit for purpose' rating from the Regulatory Policy Committee and is published alongside the government response.