



CPO Powers Jul-26

Full Council Briefing Note – 27 July 2026

Prepared by Town Clerk/RFO

1. BACKGROUND

- 1.1. In March 2026 Council authorise the use of officer capacity to research and explore Compulsory Purchase Orders (CPOs) powers and reach out to other organisations who have undertaken one.

2. LEGISLATION

- 2.1. Acquisition of Land Act 1981¹ governs how permission is sought for CPO, setting out the formal process for making, advertising, objecting to, and confirming a CPO.
- 2.2. The Compulsory Purchase Act 1965² outlines the process for obtaining the land.
- 2.3. Land Compensation Act 1961³ covers how compensation is calculated
- 2.4. These acts do not provide justification for CPO of land. This comes from:
- Town and Country Planning Act 1990⁴ – Planning/Regeneration
 - Highways Act 1980⁵ – Road widening and transport projects
 - Housing Act 1985⁶ – Housing redevelopment or clearance areas
- 2.5. Town and Country Planning Act 1990 s.226 (Compulsory acquisition of land for development and other planning purposes.)⁷ is the main regeneration CPO power. It allows a local planning authority to acquire land compulsorily if:
- it will facilitate the carrying out of development, redevelopment, or improvement, and
 - that development will contribute to the economic, social, or environmental wellbeing of the area
- 2.6. There are two main forms:
- s226(1)(a) – for actual development/redevelopment projects (e.g. housing estates, town centre schemes)
 - s226(1)(b) – to secure “proper planning” where land is not being used effectively
- 2.7. Section 227 is also relevant as Allows authorities to:

¹ [Acquisition of Land Act 1981](#)

² [Compulsory Purchase Act 1965](#)

³ [Land Compensation Act 1961](#)

⁴ [Town and Country Planning Act 1990](#)

⁵ [Highways Act 1980](#)

⁶ [Housing Act 1985](#)

⁷ [Town and Country Planning Act 1990 s.126](#)

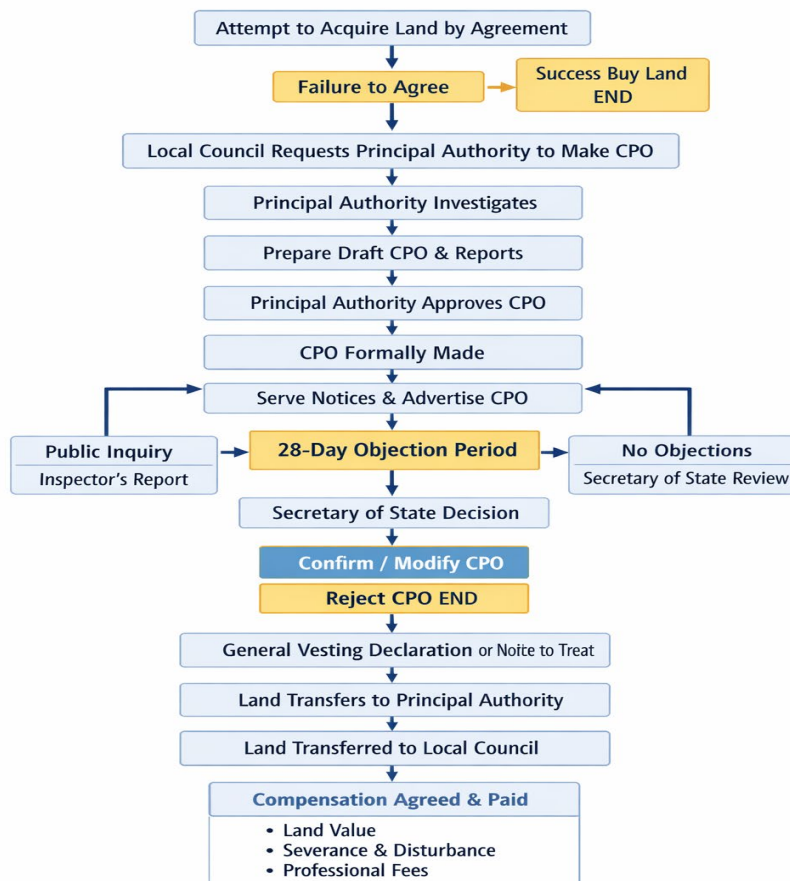
- acquire land by agreement (not compulsory purchase),
- where they could have used compulsory purchase powers.

This is often used as a less confrontational alternative to a CPO.

- 2.8. A parish or town council cannot normally use the broad regeneration CPO power in Section 226 of the Town and Country Planning Act 1990. That power is generally available to local planning authorities (district, borough, unitary, and some other principal councils).
- 2.9. Section 125 of the Local Government Act 1972 is the key provision that allows a district council which would be the Isle of Wight Council (also referred to as the **confirming authority**) to promote a CPO on behalf of a parish or town council. The parish/town council does not itself make the CPO; it asks the district council to do so.
- 2.10. This is only applicable if a parish or town council:
- Has a statutory power to acquire land for a particular purpose;
 - Has tried and failed to acquire suitable land by agreement on reasonable terms;
- 2.11. Compulsory purchase should be used only as a last resort, after attempts to acquire land by agreement have failed.

3. CPO PROCESS

Compulsory Purchase Order (CPO) Process



4. CPO TIMELINE



5. RIGHTS AND JUSTIFICATION

Specific Power

- 5.1. Guidance indicates the acquiring authority should choose the most specific power available.
- 5.2. Sandown for example is blighted by derelict sites and properties. Re-developing derelict land that is harming the economy and community would most commonly be treated as a regeneration or redevelopment purpose.
- 5.3. In legal terms, this would usually fall under a planning and regeneration compulsory purchase power – The Town and Country Planning Act 1990 (section 226)
- 5.4. Derelict land causing harm to the economy and community is not its own statutory category but is typically used to justify regeneration-based compulsory purchase under planning legislation, where the public interest is defined broadly in terms of revitalisation and removal of blight.

Characterisation

- 5.5. An acquiring authority would argue that the land is:
 - blighted, underused, or derelict (Derelict or underused land that contributes to economic decline, environmental degradation, or social disadvantage is often characterised as “blighted,” and its redevelopment may be justified on the basis that it will secure wider public benefits such as job creation, improved amenities, and urban renewal)
 - prejudicial to the proper planning of the area
 - causing economic underperformance or social harm that redevelopment would improve economic, social, and environmental wellbeing

Confirmation

- 5.6. Because the purpose is regeneration under planning powers, the confirming authority will focus on factors such as:
 - whether redevelopment is likely to proceed (deliverability)
 - whether there is a clear and viable scheme, not just aspiration
 - the extent of public benefits (jobs, housing, environmental improvement)
 - whether the current condition of the land is genuinely harmful to the area’s amenity or economy
 - whether compulsory purchase is a last resort (reasonable attempts to acquire voluntarily)

- the planning justification in the development plan and national policy
- 5.7. They will also look at if the public benefits outweigh interference with private property rights.
 - 5.8. Particular weight will be given to the extent to which the redevelopment aligns with planning policy objectives, including regeneration and sustainable development, and whether the authority has made reasonable efforts to acquire the land by agreement.
 - 5.9. Overall, compulsory purchase in this context is justified not simply by the existence of derelict land, but by the demonstrable necessity of intervention to achieve substantial public benefits that could not otherwise be delivered.
 - 5.10. The more comprehensive the justification which the acquiring authority can present, the stronger its case is likely to be.

Justification

- 5.11. An acquiring authority must generally show a clear and realistic plan for how it will use the land, along with evidence that the resources and ability to deliver the scheme exist within a reasonable timescale. If it cannot demonstrate this, it may struggle to justify compulsory purchase as being in the public interest.
- 5.12. However, detailed final proposals are not always required at the point of making the order.
- 5.13. Where only a broader planning framework or endorsed masterplan exists, the authority must still provide enough detail in the statement of reasons to explain the intended use, timing, and justification for acquisition, giving the confirming authority confidence that the scheme is deliverable and justified.
- 5.14. In addition, the confirming authority must be satisfied that the interests of affected parties have been properly considered, including any mitigation measures offered, when assessing the impact of the compulsory purchase order.

6. FINANCIAL AND RESOURCE IMPLICATIONS

- 6.1. An acquiring authority must provide clear evidence of the financial and resource implications of the proposed scheme when justifying a compulsory purchase order.

Funding sources:

- 6.2. Detailed information on how both the acquisition of the land and delivery of the scheme will be paid for, including any contributions or guarantees from private or other public bodies, and the basis of those commitments must be provided.
- 6.3. If the scheme is not yet fully financially viable, the authority must explain how any funding gaps will be covered.

Timing of funding:

- 6.4. Funding should ideally be available immediately or early in the process.
- 6.5. At minimum, it must be available within the period needed to complete acquisition. In some cases, acquisition may still be justified even if the scheme will not be built for some time, provided there is a clear purpose such as enabling future masterplanning.

Blight contingencies

- 6.6. A blight notice relates to a completely different concept to that of the planning concept of blight.
- 6.7. It is the effect of a proposed public scheme on a property owner's ability to sell their property.
- 6.8. Here, the property itself may be perfectly well maintained and occupied. It is "blighted" because:
 - a road scheme, regeneration project, or CPO is proposed;
 - buyers are unwilling to purchase the property because of the uncertainty; and
 - the owner is effectively trapped with an unsaleable property.
 - For example, a well-kept family home may become statutorily blighted if it lies within the route of a proposed bypass.
- 6.9. The authority must also show that it can provide sufficient funds to respond promptly to any blight notices arising from the compulsory purchase process.
- 6.10. Overall, the confirming authority needs assurance that the scheme is financially realistic, deliverable, and properly resourced.

7. ATTEMPT TO ACQUIRE LAND BY AGREEMENT

- 7.1. The acquiring authority must normally try to buy the land through voluntary negotiation before seeking compulsory purchase powers.
- 7.2. The Principal Authority will typically require evidence that reasonable efforts have been made to acquire the land by agreement before deciding whether a CPO is justified.
- 7.3. This requirement is intended to show that compulsory acquisition is a last resort. The authority should:
 - Evidence details of ownership investigations;
 - Identify the landowners and affected parties.
 - Open negotiations with them to purchase the land voluntarily.
 - Retain correspondence with landowners;
 - Make reasonable efforts to reach agreement on the sale terms and compensation.
 - Keep records of the negotiations and offers made and responses.
 - Understand the impact of the CPO on the owners/occupiers.
 - Have a explanation of why voluntary acquisition has not been achieved.
- 7.4. Importantly, the authority does not have to conclude an agreement before making or confirming a CPO. It only needs to demonstrate that genuine attempts were made and that negotiations can continue alongside the CPO process.
- 7.5. Guidance encourages acquiring authorities to pursue negotiations in parallel with compulsory purchase procedures, as voluntary acquisition can save time, cost, and dispute.

8. NEXT STEPS BY THE PRINCIPAL AUTHORITY

8.1. The Principal Authority investigates:

- Ownership and legal interests
- Title checks
- Affected parties identified

Surveys and entry

8.2. Acquiring authorities may enter land to carry out surveys or valuations related to a proposed CPO under the Housing and Planning Act 2016. They should first seek the landowner's permission and only use statutory entry powers when necessary. Force can only be used with a warrant from a justice of the peace where physical obstruction is likely or has occurred, and any warrant must specify the number of permitted entries

Documentation

8.3. The Principal Authority Officers will need to prepare:

- A report supporting compulsory purchase
- A Statement of Reasons
- A draft CPO.
- A general certificate

9. STATEMENT OF REASONS

9.1. The Statement of Reasons explains why the acquiring authority is seeking compulsory purchase powers and why the CPO is justified.

9.2. The Statement of Reasons should explain:

- What land is being acquired – its location, features and current use.
- What legal powers are being used to make the CPO.
- Why the land is needed and the purpose of the acquisition.
- Why compulsory purchase is justified, including consideration of affected owners' human rights.
- How equality duties have been considered and whether any groups are particularly affected.
- Any special compensation provisions being relied upon and why they are justified.
- How compensation will be assessed, including any assumptions about the scheme.
- What is planned for the land after acquisition.
- The planning status of the site and any relevant planning permissions or policies.
- How the proposal complies with government policy, where applicable.

- How any obstacles will be overcome – for example, obtaining licences, permits, consents or approvals needed before the scheme can proceed.
- Impact on affected owners and occupiers – a summary of how the CPO is expected to affect people, businesses and landowners.
- Mitigation measures – what steps will be taken to reduce those impacts, including compensation, relocation assistance or other support.
- Government department views – any comments or positions expressed by government departments on the proposed scheme.
- Attempts to acquire land by agreement – details of negotiations and efforts made to purchase the land voluntarily before pursuing a CPO.
- Support for affected parties – such as rehousing displaced residents or helping businesses relocate.
- Related applications or orders – any linked planning applications, appeals, road closures, listed building consents or other approvals that need to be considered alongside the CPO.
- Supporting documents and evidence – details of plans, maps, reports and other documents that may be relied upon, and where they can be inspected.
- Any special site constraints or designations, such as listed buildings, conservation areas, ancient monuments, protected land, or consecrated land.

10. PURPOSE OF A GENERAL CERTIFICATE IN SUPPORT OF A CPO

- 10.1. A General Certificate accompanies a Compulsory Purchase Order (CPO) submission and provides formal confirmation that the acquiring authority has complied with the legal and procedural requirements for making the order.
- 10.2. Typically, the certificate confirms that:
 - The CPO has been properly made and sealed.
 - Required notices have been served on owners, occupiers and other interested parties.
 - The order and supporting documents have been published and made available for inspection.
 - Statutory procedures and deadlines have been followed.
 - The information submitted to the confirming authority is accurate and complete.
 - Any objections received have been recorded and reported.
- 10.3. The certificate helps the confirming authority verify that the CPO process has been carried out correctly and that affected parties have been given the opportunity to be informed and make representations.
- 10.4. It forms part of the evidence supporting the order's validity and assists the confirming authority in deciding whether the CPO should proceed.

11. APPROVAL

- 11.1. Approval is needed by both the acquiring authority (in this case the local council) and the principle or approving authority (the Isle of Wight Council)

12. PREPARING AND SERVING THE COMPULSORY PURCHASE ORDER AND NOTICES

- 12.1. The acquiring authority must prepare the CPO and accompanying maps and documents accurately, clearly identifying all land to be acquired.
- 12.2. The authority must identify all owners, occupiers and anyone with a legal interest in the land.
- 12.3. Once the CPO is made, the authority must serve notices on affected parties and publish public notices in accordance with statutory requirements.
- 12.4. The notices must explain the purpose of the CPO, the land affected, where documents can be inspected, and how objections can be made.
- 12.5. Affected parties must be given the opportunity to submit objections within the prescribed time period.
- 12.6. The authority must keep records demonstrating that all notices have been properly served and published.
- 12.7. Compliance with these procedures is essential to ensure the CPO process is fair, transparent and legally valid.

13. 28-DAY OBJECTION PERIOD – SUMMARY

- 13.1. After a Compulsory Purchase Order (CPO) is made and notices are served and published, affected landowners, occupiers and other interested parties are given 28 days to object to the order.
- 13.2. During this period:
- People can review the CPO documents and supporting information.
 - Written objections can be submitted to the confirming authority.
 - Objections should explain the reasons for opposing the CPO.
 - The acquiring authority may continue negotiations and seek to resolve objections.
- 13.3. If objections remain unresolved after the 28-day period, the confirming authority may decide that a public inquiry, hearing, or written representations process is needed before deciding whether to confirm the CPO.
- 13.4. The 28-day objection period ensures that anyone affected by the CPO has a fair opportunity to review the proposal and formally object before a final decision is made.

14. PUBLIC INQUIRY – SUMMARY

- 14.1. A Public Inquiry may be held when objections to a Compulsory Purchase Order (CPO) remain unresolved after the objection period. The inquiry is conducted by an independent inspector appointed by the confirming authority.
- 14.2. A Public Inquiry is an independent hearing that allows both the acquiring authority and objectors to present their cases before a decision is made on whether the CPO should proceed.
- 14.3. During the inquiry:
- The acquiring authority presents evidence explaining why the CPO is necessary and in the public interest.
 - Objectors can present their objections, evidence and witnesses.
 - Both sides may be questioned and cross-examined.
 - The inspector considers all the evidence and arguments.
- 14.4. Following the inquiry, the inspector submits a report and recommendation to the confirming authority, which then decides whether to confirm, modify or reject the CPO.

15. INSPECTOR'S REPORT

- 15.1. Following a Public Inquiry, the independent inspector prepares a report that summarises the evidence, objections and arguments presented by all parties.
- 15.2. The Inspector's Report is an independent assessment of the evidence and objections, together with a recommendation to help the confirming authority decide whether the CPO should proceed.
- 15.3. The report will typically:
- Summarise the acquiring authority's case for the CPO.
 - Summarise the objections raised by affected parties.
 - Assess the evidence and relevant legal and policy considerations.
 - Consider whether the CPO is necessary, proportionate and in the public interest.
 - Evaluate impacts on affected landowners, occupiers and businesses.
 - Make findings on key issues and disputed facts.
 - Provide a recommendation on whether the CPO should be confirmed, modified or rejected.
- 15.4. The report is submitted to the confirming authority, which will take the inspector's findings into account before making the final decision on the CPO.

16. THE SECRETARY OF STATE

- 16.1. After considering the Inspector's Report and all the evidence, the Secretary of State (or the relevant confirming authority acting on their behalf) makes the final decision on the Compulsory Purchase Order.

- 16.2. The Secretary of State reviews the Inspector's Report and all relevant evidence before making the final decision on whether the CPO should proceed, be amended, or be refused.
- 16.3. The Secretary of State may:
- Confirm the CPO in full.
 - Confirm the CPO with modifications.
 - Reject the CPO.
- 16.4. The decision will take into account:
- The Inspector's findings and recommendations.
 - The case put forward by the acquiring authority.
 - Objections and representations from affected parties.
 - Relevant legislation, planning policy and public interest considerations.
 - Human rights and equality impacts.
- 16.5. The decision and reasons are then issued to the acquiring authority and interested parties.

17. GENERAL VESTING DECLARATION (GVD)

- 17.1. A General Vesting Declaration (GVD) is a legal procedure that allows an acquiring authority to take ownership of land after a Compulsory Purchase Order (CPO) has been confirmed.
- 17.2. A General Vesting Declaration is the mechanism by which an acquiring authority formally takes ownership of land following confirmation of a CPO, while preserving the landowner's right to compensation.
- 17.3. The acquiring authority serves notices on affected owners, occupiers and other parties with an interest in the land.
- 17.4. Key points
- A minimum notice period must be given before ownership transfers.
 - On the vesting date specified in the GVD, the land automatically transfers to the acquiring authority.
 - The authority gains legal title to the land without needing separate conveyance documents from each owner.
 - Compensation rights remain and are dealt with separately from the transfer of ownership.
 - The GVD procedure is often used as an alternative to serving individual Notices to Treat and Notices of Entry.

18. COMPENSATION SETTLEMENT

- 17.5. Following acquisition of the land under a CPO, the acquiring authority must compensate affected owners and occupiers for their losses.

- 17.6. Compensation is intended to place those affected, as far as money can, in the same position they would have been in had the land not been compulsorily acquired.
- 17.7. Compensation settlement is the process of agreeing or determining the payment due to those affected by a CPO, ensuring they receive fair compensation for the land acquired and any related losses.
- 17.8. Compensation may include:
- The market value of the land or property acquired.
 - Disturbance costs, such as relocation expenses, business losses or professional fees.
 - Severance and injurious affection, where retained land is adversely affected by the acquisition.
 - Loss payments and other statutory compensation where applicable.
- 17.9. The authority will seek to agree compensation through negotiation, but if agreement cannot be reached, the amount can be determined by the Upper Tribunal (Lands Chamber).