

## Deciding on the land and the rights to be acquired



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## Deciding on the land and the rights to be acquired (1)

- Permanent or temporary acquisition
- Mitigation land
- Reaching agreement
- Special landowners
- Special categories of land

## Approach to strategy

- Who?
- What?
- Where?
- When?
- How?
- Why?



# Deciding on the land and the rights to be acquired (2)

- Acquiring authority
- Statutory powers
- Purpose
- Particular land
- Adverse third party rights

## What land?

### What is land?

- Sch 1, Interpretation Act 1978
- S.205(1)(ix), Law of Property Act 1925

### Estates and interests

- Legal freehold
- Legal leasehold
- Legal interests in and rights over land
- Equitable interests in and rights over land

## What sort of acquisition?

- Permanent acquisition?
- Temporary acquisition?
  - Is there power?
  - Removal of structures and subsequent reinstatement
  - Planning Act 2008
- Is some lesser right sufficient?
  - E.g. right of access

## What impact?

Mitigation land

Power to acquire land:

- To mitigate adverse effect of public works
- Where enjoyment of land is seriously affected
- To mitigate adverse effects of highway

## Reaching agreement (1)

How?

Voluntary acquisition:

- Open market purchase
- Negotiations with alternative of CP powers
- Start CP process first, then purchase

## Reaching agreement (2)

Why?

CP should be last resort (see MHCLG guidance)

Benefits:

- Flexibility
- More time
- Greater certainty

But – need willing vendor

## Who owns the land? (1)

Special considerations apply for land owned by certain categories of owners:

- Statutory undertakers, including:
  - Transport undertakings (but not private bus and taxi firms)
  - Docks, harbours, lighthouses
  - CAA and NATS
  - Universal postal providers
  - Utility providers
- Local authorities
- National Trust

## Who owns the land? (2)

### Section 16, Acquisition of Land Act 1981

- Representation to Minister
- Must be satisfied
  - Either that land can be acquired without serious detriment
  - Or that land can be replaced without serious detriment

### Section 17

- Objection  special parliamentary procedure

## How is the land used?

Land giving rise to special considerations:

- Commons, open space, allotments
- Listing buildings and conservations areas
- Ecclesiastical property
- Public highway

## Open space etc. (1)

Section 19 Acquisition of Land Act 1981

CPO subject to special parliamentary procedure unless SoS is satisfied:

- Exchange land of at least the same size and advantage
- Land purchased to preserve or improve its management
- Land does not exceed 250 square yards or for widening or drainage of a highway

## Exchange land

Factors:

- Relative size
- Proximity
- Prospects of improvement
- Character and features

## Open space etc. (2)

Includes disused burial grounds

What about the bodies?



# Thank you for listening

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