

**Welcome to Landmark Chambers’
‘Delivering Major Infrastructure: Part 2 – Justifying
the land acquisition strategy’ webinar**

The recording may be accessed [here](#).

Your speakers today are...



Topic:
Justifying the
acquisition of land:
the promoter's
perspective

Richard Turney (Chair)



Topic:
CPO: compelling
case, human rights
and alternatives

David Elvin QC



Topic:
Justifying the need
for land and rights:
an overview

Yaaser Vanderman



Topic:
The objector's
perspective:
opposing acquisition

Matthew Fraser

Justifying the need for land and rights: an overview

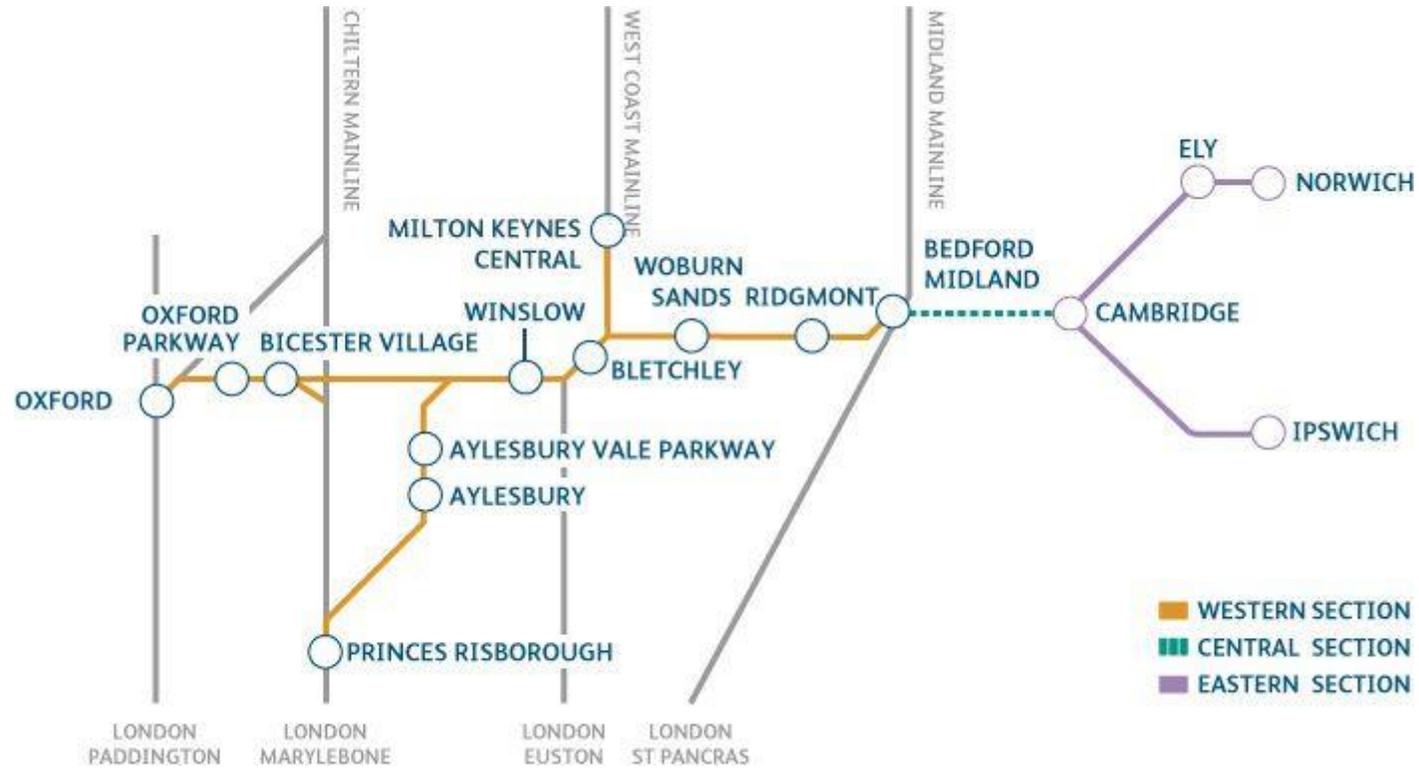


Yaaser Vanderman

Topics

- Specificity
- Permanence
- Evidence
- Material Detriment

Case Study – East West Rail 2



Specificity

- Acquisition of Land Act 1981
 - Section 10(2): The compulsory purchase order shall be in the prescribed form and shall describe by reference to a map the land to which it applies.

Specificity

- Compulsory Purchase of Land (Prescribed Forms) (Ministers) Regulations 2004

SCHEDULE

Table 1

Number on map <i>(i)</i>	Extent, description and situation of the land <i>(j)</i>	Qualifying persons under section 12(2)(a) of the Acquisition of Land Act 1981—name and address <i>(k)</i> (3)			
		Owners or reputed owners	Lessees or reputed lessees	Tenants or reputed tenants (other than lessees)	Occupiers
(1)	(2)				

Specificity

- Book of Reference
- Deposited Plans

Specificity

Number on Plan (1)	Extent, description and situation of the land (2)
1171	60071 square metres, or thereabouts, of Agricultural land, woodland, hedgerow and Footpath 6 situated to the west and south of Matey Boys Level Crossing, in the parish of Husborne Crawley
1172	108 square metres, or thereabouts, of Land forming part of adopted highway known as Bedford Road situated to the south west of Matey Boys Level Crossing, in the parish of Husborne Crawley

Permanence

- Difference between CPOs and others (e.g. special/hybrid acts, TWAOs and DCOs (Infrastructure Planning (Model Provisions) (England and Wales) Order 2009))
- But see s18 of Neighbourhood Planning Act 2017

Permanence

- DCLG – “Planning Act 2008 – Guidance related to procedures for the compulsory acquisition of land”
 - “The applicant must have a clear idea of how they intend to use the land which it is proposed to acquire.” (para 9)

Permanence

- *R (FCC Environment (UK) Ltd) v SSECC* [2015] EWCA Civ 55
 - Sullivan LJ (para 11):

11. The parties were also agreed that it was not, in fact, so difficult to conceive of circumstances where an examining Panel could conclude that there was no compelling case for compulsory acquisition despite an NPS having established an urgent need for development. Three examples were given in Mr. Blundell's Skeleton Argument:

“(1) The land proposed to be acquired compulsorily may, on proper analysis, be found to be excessive because the development proposals can be constructed without needing that land to be acquired (in which case, the section 122(2) test would also not be met);

(2) The acquisition of a right over the land, rather than its acquisition, might suffice; and

(3) The land may be necessary but, during the course of the Panel's consideration of the application, the owner may agree to sell it willingly rather than by compulsion (a common scenario in compulsory purchase inquiries).”

Permanence

- Time-limited consent but permanent acquisition and extinguishment of land/rights?
 - *R (John Mars Jones) v SSBEIS* [2017] EWHC 1111 (Admin)
 - “65. [Article 18](#) of the Order provides for the undertaker to create and acquire compulsorily the rights, or impose restrictions over the Order land described in the book of reference and shown on the land plans. ...The panel explained in [section 8](#) of its report why the powers of compulsory acquisition of rights over land should not be time limited notwithstanding that the development consent itself expired after 30 years. In essence, there was a need to create such rights in order to implement the development consent. That could only be done by having a power to acquire rights or by granting temporary possession. The panel considered that the compulsory acquisition of rights was preferable as temporary possession would mean excluding persons from the land for 30 years, not merely granting rights over the land. Further, the rights would be linked to the use of the proposed development and would cease, in practice, to be used once the development consent expired. No challenge is made to that reasoning.”

Permanence

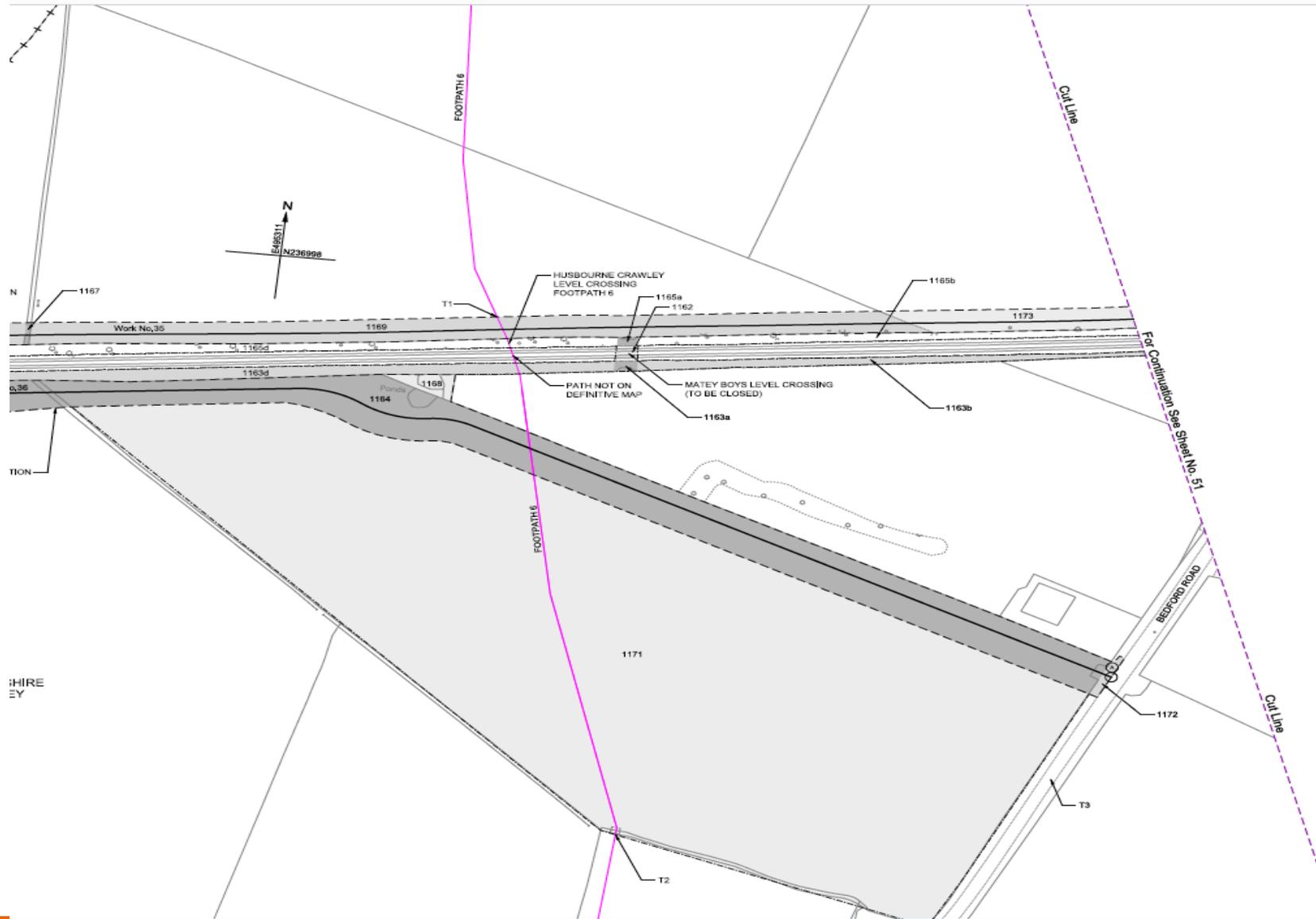
– *R (John Mars Jones) v SSBEIS* [2017] EWHC 1111 (Admin)

- “66. [Article 23](#) of the Order relates to private rights and restrictive covenants over land which is subject to the compulsory creation and acquisition of rights or the impositions of restrictions under the Order (that is, in particular, land in respect of which rights and restrictions may be imposed under [Article 18](#) of the Order). Such rights are suspended and unenforceable or, subject to the giving of notice by the statutory undertaker, extinguished ‘in so far as in either case their continuance would be inconsistent with the exercise of the right created and acquired or the burden of the restriction imposed’.

68...The fact that the power provides for the permanent extinction of private rights whereas the development consent itself will expire in 30 years does not of itself render the inclusion of [Article 23](#) in the Order unlawful or necessarily disproportionate. It is possible to envisage situations in which the permanent extinguishment of a right, consequent upon the compulsory acquisition of another right (as in the example given above) is necessary.

69...As a matter of principle, therefore, the inclusion of the powers of extinguishment set out in [Article 23](#) is capable of being lawful and within the powers conferred by the 2008 Act to make such an order.”

Permanence – EWR2

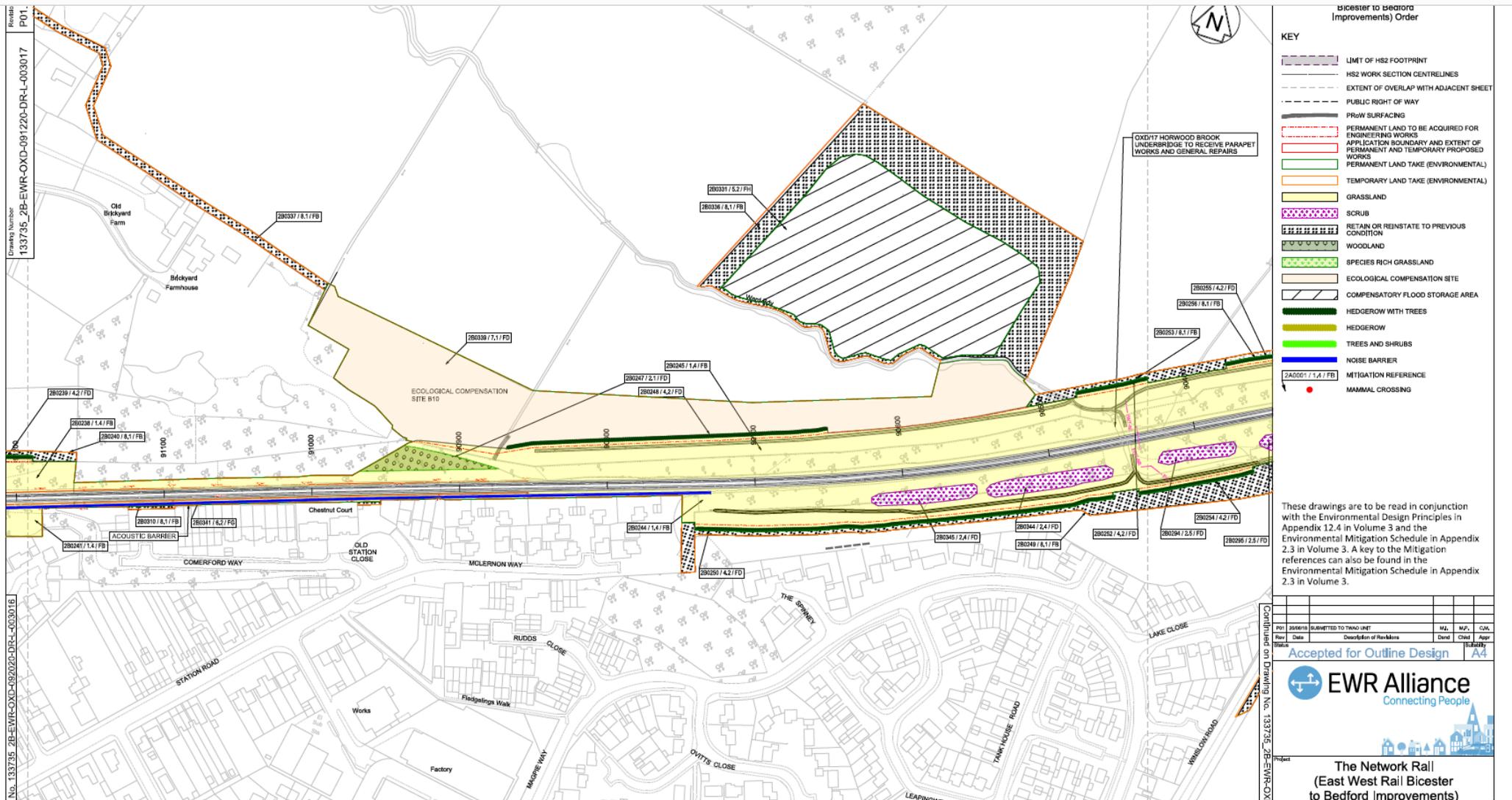


UNRESTRICTED POWERS TO ACQUIRE LAND
No. on plan: 1160, 1161, 1163, 1163a, 1163b, 1163c, 1163d, 1164, 1165, 1165a, 1165b, 1165c, 1165d, 1167, 1168, 1169, 1171, 1172, 1173
POWERS LIMITED TO TEMPORARY USE OF LAND
No. on plan: None
POWERS LIMITED TO TEMPORARY USE OF LAND AND ACQUISITION OF RIGHTS
No. on plan: None
POWERS LIMITED TO ACQUISITION OF RIGHTS
No. on plan: None
POWERS LIMITED TO EXTINGUISHMENT OF RIGHTS
No. on plan: 1162, 1162a
HIGHWAYS TO BE STOPPED UP TEMPORARILY
Footpath 6 and path not on the definitive map between points T1 and T2 Bedford Road between points T3, T2 (on sheet 51) and T1 (on sheet 51)
KEY
————— CENTRE LINE OF WORK
- - - - - LIMIT OF DEVIATION
- - - - - LIMIT OF LAND TO BE ACQUIRED OR USED
..... COUNTY / BOROUGH / DISTRICT BOUNDARY
+ + + + + PARISH BOUNDARY
● COMMENCEMENT OF WORK
○ TERMINATION OF WORK
⊙ NEW / IMPROVED ACCESS
— EXISTING OR ALLEGED PUBLIC RIGHT OF WAY
— PUBLIC RIGHT OF WAY OR ALLEGED PUBLIC RIGHT OF WAY TO BE STOPPED UP

Evidence

- Demonstrating why each plot (and each part of the plot) is necessary
- Expert evidence

Evidence – EWR2



Bicester to Bedford Improvements Order

KEY

- LIMIT OF HS2 FOOTPRINT
- HS2 WORK SECTION CENTRELINES
- EXTENT OF OVERLAP WITH ADJACENT SHEET
- PUBLIC RIGHT OF WAY
- PR/W SURFACING
- PERMANENT LAND TO BE ACQUIRED FOR ENGINEERING WORKS
- APPLICATION BOUNDARY AND EXTENT OF PERMANENT AND TEMPORARY PROPOSED WORKS
- PERMANENT LAND TAKE (ENVIRONMENTAL)
- TEMPORARY LAND TAKE (ENVIRONMENTAL)
- GRASSLAND
- SCRUB
- RETAIN OR REINSTATE TO PREVIOUS CONDITION
- WOODLAND
- SPECIES RICH GRASSLAND
- ECOLOGICAL COMPENSATION SITE
- COMPENSATORY FLOOD STORAGE AREA
- HEDGEROW WITH TREES
- HEDGEROW
- TREES AND SHRUBS
- NOISE BARRIER
- MITIGATION REFERENCE
- MAMMAL CROSSING

These drawings are to be read in conjunction with the Environmental Design Principles in Appendix 12.4 in Volume 3 and the Environmental Mitigation Schedule in Appendix 2.3 in Volume 3. A key to the Mitigation references can also be found in the Environmental Mitigation Schedule in Appendix 2.3 in Volume 3.

Rev	Date	Description of Revisions	MA	MJ	CA
P01	20/06/18	SUBMITTED TO TWO UNIT			

Accepted for Outline Design

The Network Rail
(East West Rail Bicester to Bedford Improvements)

Drawing Number: 133735_2B-EWR-OXD-091220-DR-L-003017
 No. 133735_2B-EWR-OXD-091220-DR-L-003016

Environmental Statement – Appendix 9.13



- 2.3.11 ECS B9 is location north of the unnamed tributary of the Claydon Brook. It is immediately north of an ecological compensation site for a housing development project to the east of Furze Lane. ECS B9 will extend this existing ecological compensation site and benefit the protected and/or notable species that the existing ecological compensation site supports.

B10 Land East of Great Horwood Road, Winslow

- 2.3.12 It has not been possible to secure ECS B10 prior to the TWAO so far therefore it has only been subject to high level ecological design.

Table 2.11: Ecological compensation site details for ECS B10

Ecological Compensation Site: B10	Area: 1.8 ha
Specific IEFs for compensation: Great crested newts, designated sites, terrestrial habitats, aquatic habitat and species, otters, water vole, birds, terrestrial invertebrates, bats, badgers	
Existing habitats to be lost: Improved grassland (pasture)	
Proposed habitats to be gained: Ponds and marginal planting (HPI), lowland mixed deciduous woodland (HPI) lowland meadow (HPI), hedgerows (HPI), open mosaic habitat (HPI), scrub, reptile embankments, hibernacula, log piles	

- 2.3.13 ECS B10 is close to an area where pond habitat supporting great crested newts would be lost. ECS B10 will be used for the translocation of great crested newts (under a Natural England licence). ECS B10 will also be used for the translocation of reptiles ECS B10 will include creation of ponds and marginal planting, lowland mixed deciduous woodland, open mosaic habitat, lowland meadow, native species-rich hedgerows with trees, scrub, south-facing reptile embankment, hibernacula and log piles. The provision of these habitats, once established, will support great crested newts, reptiles, birds, badgers, bats and terrestrial invertebrates such as black, brown and white-letter hairstreak butterflies.
- 2.3.14 ECS B10 is situated immediately east of Old Quarry, Winslow BNS and 90 m north of Wood Copse off Magpie Way LWS and ancient woodland. Once the habitats within ECS B10 have established and are under adaptive management, this will connect up the BNS with the LWS and ancient woodland, consequently extending the habitat within each of these designated sites and enabling the ranges of the protected and/or notable species these support to expand.

B13 Land East of Winslow Road, Winslow

- 2.3.15 It has been possible to secure ECS B13 prior to the TWAO and therefore it has been subject to detailed design.

Table 2.12: Ecological compensation site details for ECS B13

Ecological Compensation Site:	Area:
--------------------------------------	--------------

Evidence – EWR2

“This is a significant over-simplification of the situation. Network Rail has developed a comprehensive strategy for the mitigation and compensation of impacts on great crested newts as a result of EWR2. This involves the replacement of lost habitat, both terrestrial and aquatic along the length of the Scheme in order to address impacts on each metapopulation of newts affected. New ponds are proposed in areas suitable for pond creation (in terms of their proximity to newt metapopulations, their physical characteristics, such as underlying geology, slope or aspect, and their location close to the railway corridor). Not every location for the creation of proposed ponds will be within 500m of a lost pond; instead the new ponds form part of a route-wide solution based on great crested newt metapopulation ecology.”

Material Detriment

- Valuation Office Agency's Land Compensation Manual, Section 15, Part 1
 - “15.1 Authorities exercising compulsory powers to buy land frequently find that only part of a property is required for the scheme and include that part in the compulsory purchase order and notice to treat. However some protection (other than the entitlement to compensation for injurious affection and severance) is afforded to the property owner as many of the Acts conferring the power to take land compulsorily incorporate ‘material detriment’ provisions, whereby the owner, upon receipt of the notice to treat, can challenge the demand by the authority to take part of the property, and if the challenge is successful, compel the authority to purchase the whole of the property.”

Material Detriment

- MHCLG “*Guidance on Compulsory purchase process and The Crichton Down Rules*” (2018)

- **“282. What happens where an owner objects to the division of land because it would cause material detriment to their retained land?”**

Where an acquiring authority proposes to acquire only part of a house (or park or garden belonging to a house), building or factory, the owner can serve a counter-notice on the acquiring authority requesting that it purchases the entire property.

On receipt of a counter-notice, the acquiring authority can either withdraw, decide to take all the land or refer the matter to the Upper Tribunal (Lands Chamber) for determination.

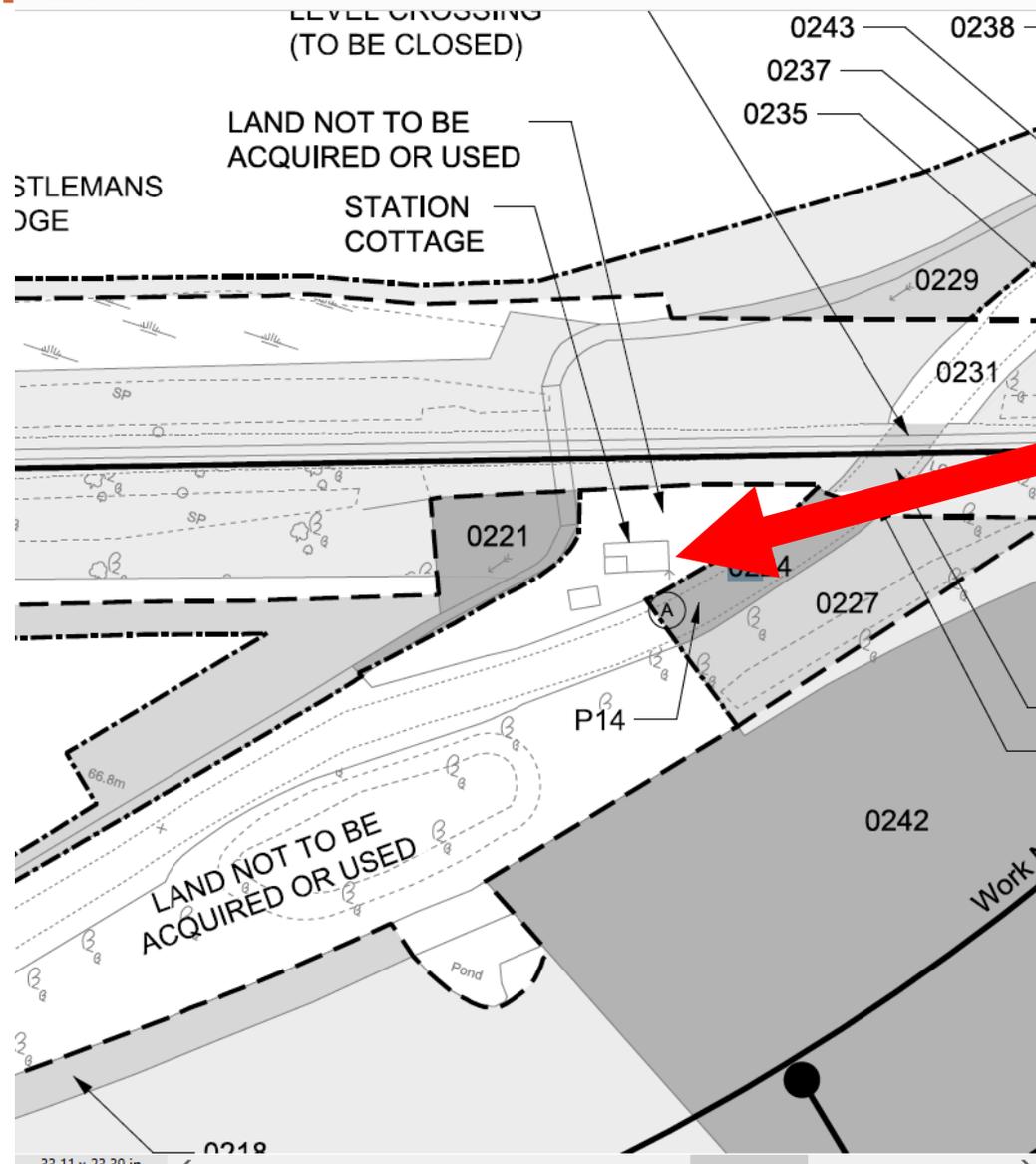
The Upper Tribunal will determine whether the severance of the land proposed to be acquired would in the case of a house, building or factory, cause material detriment to the house, building or factory (**ie cause it to be less useful or less valuable to some significant degree**), or in the case of a park or garden, **seriously affect the amenity or convenience of the house to which the park or garden belongs.**”

Material Detriment

- Section 8(1) of the Compulsory Purchase Act 1965 for CPOs under the Acquisition of Land Act 1981
- Section 166 of the Town and Country Planning Act 1990
- Para 7, Schedule 19 to the Highways Act 1980
- Para 8, Schedule 3 to the Gas Act 1986
- Schedule 3 to the Electricity Act 1989

- Schedule 13 to The Network Rail (East West Rail) (Bicester to Bedford Improvements) Order 2020

Material Detriment



CPO: compelling case, human rights and alternatives



David Elvin QC

Compelling case: significance of CPO

- Laws J. in ***Chesterfield Properties Plc v Sec of State*** (1998) 76 P&CR 117
 - “To some ears it may sound a little eccentric to describe, for example, Kwik Save's ownership of their shop in Stockton as a human right; but it is enough that ownership of land is recognised as a constitutional right, as Lord Denning said it was. The identification of any right as ‘constitutional’, however, means nothing in the absence of a written constitution unless it is defined by reference to some particular protection which the law affords it. The common law affords such protection by adopting, within *Wednesbury*, a variable standard of review. There is no question of the court exceeding the principle of reasonableness. **It means only that reasonableness itself requires in such cases that in ordering the priorities which will drive his decision, the decision-maker must give a high place to the right in question. He cannot treat it merely as something to be taken into account, akin to any other relevant consideration; he must recognise it as a value to be kept, unless in his judgment there is a greater value that justifies its loss.** In many arenas of public discretion, the force to be given to all and any factors which the decision-maker must confront is neutral in the eye of the law; he may make of each what he will, and the law will not interfere because the weight he attributes to any of them is for him and not the court. **But where a constitutional right is involved, the law presumes it to carry substantial force. Only another interest, a public interest, of greater force may override it. The decision-maker is, of course, the first judge of the question whether in the particular case there exists such an interest which should prevail.**”

Compelling case

- Key requirement of national policy, long established, currently found in MHLCG online **Guidance on Compulsory purchase process and The Crichton Down Rules** (July 2019), e.g. **para. 12** (see also **para. 2**) sets a high hurdle -
 - “There are certain fundamental principles that a confirming minister should consider when deciding whether or not to confirm a compulsory purchase order (see How will the Confirming minister consider the acquiring authority’s justification for a compulsory purchase order?). Acquiring authorities may find it useful to take account of these in preparing their justification. **A compulsory purchase order should only be made where there is a compelling case in the public interest. An acquiring authority should be sure that the purposes for which the compulsory purchase order is made justify interfering with the human rights of those with an interest in the land affected.** Particular consideration should be given to the provisions of Article 1 of the First Protocol to the European Convention on Human Rights and, in the case of a dwelling, Article 8 of the Convention.”

Compelling case: cont.

- Proving the compelling case requires a significant degree of justification which inevitably turns on the facts of each case:
 - **“13.How will the confirming minister consider the acquiring authority’s justification for a compulsory purchase order?”**
 - The minister confirming the order has to be able to take a balanced view between the intentions of the acquiring authority and the concerns of those with an interest in the land that it is proposing to acquire compulsorily and the wider public interest. The more comprehensive the justification which the acquiring authority can present, the stronger its case is likely to be.
 - However, the confirming minister will consider each case on its own merits and this guidance is not intended to imply that the confirming minister will require any particular degree of justification for any specific order. It is not essential to show that land is required immediately to secure the purpose for which it is to be acquired, but a confirming minister will need to understand, and the acquiring authority must be able to demonstrate, that there are sufficiently compelling reasons for the powers to be sought at this time.”

Compelling case: cont.

- **Para 13** warns:
 - “If an acquiring authority does not:
 - have a clear idea of how it intends to use the land which it is proposing to acquire; [SEP] and [L] [SEP]
 - cannot show that all the necessary resources are likely to be available to achieve that end within a reasonable time-scale
 - it will be difficult to show conclusively that the compulsory acquisition of the land included in the order is justified in the public interest, at any rate at the time of its making.”
- There are also requirements associated with the strength of the case (**paras. 14 and 15**) e.g. sources and availability of funding, other impediments to the scheme going ahead:
 - “the programming of any infrastructure accommodation works or remedial work which may be required; and
 - any need for planning permission or other consent or licence”
- Permission is not required but must show “no obvious reasons” for withholding it

Compelling case: categories of case

- **The CPO Guidance sets out guidance in Tier 2 for what must be shown in specific categories of case:**
 - Section 1: advice on section 226 of the Town and Country Planning Act 1990
 - Section 2: advice on section 121 of the Local Government Act 1972
 - Section 3: Homes England
 - Section 4: urban development corporations
 - Section 5: New Town Development Corporations
 - Section 6: local housing authorities for housing purposes and listed buildings in slum clearance
 - Section 7: to improve the appearance or condition of land
 - Section 8: for educational purposes
 - Section 9: for public libraries and museums
 - Section 10: for airport Public Safety Zones
 - Section 11: for listed buildings in need of repair

Compelling case: s. 226 CPOs

- **Additional requirements in s. 226 TCPA cases (Tier 2, Section 1, §106)**
- the purpose for which the land is being acquired fits in with the adopted Local Plan or, where no up to date Local Plan exists, with the draft Local Plan and NPPF
- the extent to which the proposed purpose will contribute to the achievement of the promotion or improvement of the economic, social or environmental wellbeing of the area
- whether the purpose for which the acquiring authority is proposing to acquire the land could be achieved by any other means. This may include considering the appropriateness of any alternative proposals put forward by the owners of the land, or any other persons, for its reuse. It may also involve examining the suitability of any alternative locations for the purpose for which the land is being acquired
- the potential financial viability of the scheme for which the land is being acquired. A general indication of funding intentions, and of any commitment from third parties, will usually suffice to reassure the Secretary of State that there is a reasonable prospect that the scheme will proceed. The greater the uncertainty about the financial viability of the scheme, however, the more compelling the other grounds for undertaking the compulsory purchase will need to be. The timing of any available funding may also be important.

Compelling case: CPOs by UDCs

- **Additional requirements in UDC cases (Tier 2, Section 4, §132)**
 - i. whether the urban development corporation has demonstrated that the land is in need of regeneration
 - ii. what alternative proposals (if any) have been put forward by the owners of the land or other persons for regeneration
 - iii. whether regeneration is on balance more likely to be achieved if the land is acquired by the urban development corporation
 - iv. the recent history and state of the land
 - v. whether the land is in an area for which the urban development corporation has a comprehensive regeneration scheme; and the quality and timescale of both the urban development corporation's regeneration proposals and any alternative proposals

Compelling case: authorities

- ***Prest v Secretary of State for Wales*** (1983) 81 L.G.R. 193
- ***R. v Secretary of State for Transport Ex p. De Rothschild*** (1989) 57 P&CR 330
- ***Chesterfield Properties Plc v Secretary of State*** (1998) 76 P&CR 117
- ***Tesco Stores Ltd v. Secretary of State & Wycombe DC*** (2000) P&CR 427
- ***Bexley LBC v Secretary of State*** [2001] EWHC 323 Admin
- ***R. (Hall) v. First Secretary of State*** [2008] JPL 63
- ***R. (Clays Lane Housing Cooperative Ltd) v. Housing Corp*** [2005] 1 WLR 2229
- ***Horada v Secretary of State*** [2016] PTSR 1271 (SoS reasons for disagreeing with the Inspector on guarantees and safeguards inadequate)
- ***Grafton Group (UK) Plc v Secretary of State for Transport*** [2017] 1 WLR 373 (planning permission refused but CPO confirmed)

Compelling case: authorities

- **Prest** applied an approach which stricter than **Wednesbury** - which was confirmed as the correct approach in **De Rothschild** and given context by Laws J. in **Chesterfield Properties**
- In **Tesco Stores** and **Bexley** both Sullivan J and Harrison J. held the application of the ECHR added nothing of substance to the compelling case test. This was approved by the CA in both **Hall** and **Clays Lane Housing**.
- **Grafton Group** CPO confirmed despite the refusal of permission for the scheme, since there was sufficient prospect of a better scheme although though no detailed evidence presented. Laws LJ at [36]:
 - “Given his comprehensive appreciation of the details of the scheme on offer, his criticisms of its scale and design, his legitimate emphasis on the benefits of the wharf’s reactivation, taken with his view (para 12.61) that *on balance*, the proposals would be contrary to the development plan and the appeal should fail (emphasis added), the inspector was in my view wholly entitled to decide that there was a sufficient probability of an alternative, adjusted scheme coming forward and that in those circumstances the CPO should be confirmed.”.

Compelling case: examples

- **Liverpool City Council (Paradise Street Development Area, Liverpool) CPO 2003** (and related St Anne's Street CPO to relocate the fire station) -
 - Major comprehensive, privately-led scheme for regeneration of 18.5ha of Liverpool city centre involving restructuring of city centre around Paradise Street – now Liverpool One;
 - Supported by recent plan policy and major alternative contender for the whole scheme refused prior to CPO on appeal. The Scheme (which had involved a competition) had taken 5 years to reach the point of inquiry in 2003 and considerable investment including property acquisition. Planning permission had been granted at the time the Council made the CPO;
 - Complex development agreement with Grosvenor which included stopping up public highways rights on some streets and works to restore the Grade 1 Bluecoat centre;
 - Pressure to deliver by 2008 when L was European Capital of Culture

Compelling case: Liverpool One cont.

- No alternatives to whole scheme advanced, only to individual elements by individual landowners. The Inspector concluded (and SoS accepted) –
 - “473. A number of objectors advanced alternative proposals for their sites, which they were prepared to implement . The merits of any individual proposal are considered below in relation to each such objection. However, I am aware from the Council’s extensive submissions that case law shows that the use of compulsory purchase powers can be justified in order to achieve a better scheme of development in the public interest than an alternative scheme put forward by an objector which does not require compulsory acquisition. Further case law shows that the creation of delay and uncertainty in considering alternative proposals put forward in support of CPO objections is itself a material consideration in considering objections to a CPO, and I have also had regard to that. In this connection I accept that it is important to meet the aspirations of Government and the Council for the Capital of Culture in 2008, and the construction programme envisages that, provided a start on construction is made in mid-2004 completion in 2008 is attainable.”

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PSDA Masterplan

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Compelling case: examples

- **Crossrail Act 2008**

- Hybrid bill process ran from Feb 2005 to Royal assent in July 2008 with Select Committee hearings in HoC and HoL (similar process followed in the first HS2 Act). Prior public consultations ran for a number of years.
- Not have to prove compelling case to SC since hybrid bill, principle fixed at Second Reading – however, justification provided for the bill -
 - Need for strong cross London public transport links, unsuccessful attempts previously (including a failed private bill)
 - Support economic growth and the City
 - Overcrowding and lack of tube capacity
 - Need to provide faster connections across London and from City of London & Docklands to Heathrow
 - Integrated with LUT tube station works e.g. at Tottenham Court Rd



House of Commons

Select Committee on the Crossrail Bill

Crossrail Bill

First Special Report of Session 2006–07

Volume II

Oral evidence

17 January to 23 March 2006

Ordered by The House of Commons to be printed 18 October 2007

HC 235-II

[incorporating HC 837-i to -xx, Session 2005-06]

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Promoter's Opening Address

from 10am until 12pm and from 2.30pm until 4.30pm; and on Thursdays from 10am until 1pm and from 2.30pm until 4.30pm.

9. The Committee has so far agreed a preliminary future programme; copies are available in the room from Winckworth Sherwood, the Government's Agents for the Bill, and on the parliamentary web page under the Committee's pages at www.parliament.uk.

10. The Committee has also agreed that petitioners are not required to enter appearances on the first day on which the Committee meets nor to enter an appearance in advance of being represented by themselves, their counsel or agents.

11. The Committee has also agreed, and I assume the legal profession agree, that counsel should appear in wigs and gowns.

12. The Committee would be grateful when anyone rises to speak if they could be loud, clear and give their name at the beginning of their remarks. Will those speaking to this Committee also please deposit 16 copies of any documents they are using in the room with the Committee Assistant at the beginning of the meeting. Copies must also be provided to the shorthand writer and to the display screen operator.

13. I ask all Members of the Committee, petitioners, agents and counsel and all members of the general public during the course of the Committee to ensure that mobile phones are switched off.

14. Finally, can I advise all present that the Government has not challenged the *locus standi*; that is the right to appear, of any petitioners, so in line with normal practice on a Hybrid Bill we will begin the proceedings with a factual statement from counsel to the Government about the proposals contained within the Bill. I should stress it is not in order at this stage to interrupt counsel in the course of his statement. Petitioners will get the chance to make their own views known in due course.

15. I now ask counsel for the Promoters to introduce his team and begin. I call Mr David Elvin to start this procedure.

16. **Mr Elvin:** Chairman, thank you very much. Chairman, Members of the Committee, can I begin by introducing the team promoting the Bill. I am appearing with my learned friends Ms Nathalie Lieven, Mr Tim Mould, Mr Reuben Taylor and Ms Rachel Bateson, all of whom are instructed on behalf of the promoting department.

17. As you will be aware, the Bill is promoted by the Government through the Secretary of State for Transport. It is co-sponsored by Transport for London and Crossrail London Links Limited, which is jointly owned by the Secretary of State, and Transport for London is the project developer.

18. There is available to the Committee, and I do not know whether they have been distributed already, three documents, one rather longer than the others. Can I just introduce those. Firstly, perhaps most usefully, there is the Crossrail Quick Guide, which was produced last year by CLRL, Crossrail London Links. This simply provides you with a useful overview map of the route, is handy to carry around and can be referred to and gives you some indications of the general locations of the stations and what is proposed. We also thought it would be useful for the Committee to have at this stage a copy of the main Environmental Statement Non-technical summary which has got some of the more detailed maps which I might refer the Committee to during the course of my opening submission in due course. The third document, which is the bulky one, is the information papers which have been prepared and published and are currently available on the Crossrail Bill document website which contains effectively a series of generic policy documents which explain a number of important matters which will affect many, if not most, petitioners relating to matters such as how the scheme was developed, a summary of the powers of the Bill, how environmental controls are proposed to be approached, property and compensation issues, and some particular papers with regard to the specific parts of the scheme. Those documents will be referred to in our response to most of the petitioners as we proceed.

19. **Chairman:** Mr Elvin, can I just ask one question. In relation to the two first documents, which were the Quick Guide and the Environmental Statement, are these available for petitioners?

20. **Mr Elvin:** Yes. They are available both in paper form and electronic form on Crossrail's website which I will come to in a moment. The Non-technical summary was part of the main Environmental Statement which was published at the time of Bill deposit last February.

21. As the Committee will know, this is the first hybrid Bill in a decade, the Channel Tunnel Rail Link having received Royal Assent 10 years ago in 1996. As the Committee will be aware, a hybrid Bill is an unusual composite of features of public and private Bills, and I do not think I need to say much more about it given that you summarised its principal characteristic in your opening address, namely the principle of the Bill in a hybrid Bill is fixed by the House on Second Reading. I do not, I anticipate, need to touch on the instructions at this stage but if any issue arises in due course then obviously I will address the Committee.

22. There are some short procedural matters that it would be useful to address at the end of the Committee hearing today or first thing in the morning if that is convenient.

Promoter's Opening Address

23. Also, I ought to say that although we are not operating under the full IT system which the Committee had demonstrated to it last Thursday in Committee Room 5, we do have two screens available upon which a number of images are proposed to be projected during the course of these submissions just to illustrate some of the points. In respect of detailed plans and the like, can I apologise that it is much more difficult to see the maps on these screens than it will be on the screens which you were shown last week in Committee Room 5 where you will each have an individual screen and the screen for the public will be that much easier to see. Where necessary, I will refer to plans in the Environmental Statement Non-technical summary as it saves eyestrain, because I for one certainly cannot make out all the detail from this distance and I think you are further away from the screen at the back, sir, than I am from the one at the front.

24. Crossrail is a major new cross-London rail link. It is a project which serves not only London but the South East of England and, in many respects, the nation as a whole. It will support and maintain the status of London as a World City by providing a much needed world class transport system. You have there, and it is in the Quick Guide and the Non-technical summary right at the front, the main route of that, which I imagine you will be at least passingly familiar with already at this stage. It is page two of the Non-technical summary.¹

25. The introduction of lines for heavy rail running from one suburb to another by a tunnel under the city centre with underground stations would be new to London but it is not to other cities. The RER system in Paris is perhaps the best known of this type of system. That system now has five lines.

26. The Crossrail project, therefore, represents a fundamental change to the past development of rail services which has resulted today in a cordon of termini of mainline rail stations that force the large proportion of people today who want to get from the rail termini to the centre of the city to transfer to underground or buses in order to get to their destination. Crossrail will enable those people to get much more directly to their final destination. It will increase the passenger capacity available for such journeys and will relieve the congestion at the termini and on London Underground, which of course has wider benefits, about which I shall say more in a moment.

27. The project includes the construction of a twin-bore tunnel on a west-east alignment under central London beginning at Royal Oak just west of Paddington and the upgrading of existing National Rail lines to the east and west of central London. Crossrail includes the construction of seven central area stations providing interchanges with London Underground, the National Rail system and bus services, and the upgrading or renewal of existing

stations outside central London. It will also allow an integrated upgrading together with Transport for London of Tottenham Court Road tube station to provide a joint interchange.

28. Crossrail will provide fast, efficient and convenient rail access to the West End and the City by linking existing routes from Shenfield in the east and Abbey Wood in the south-east with Maidenhead and Heathrow in the west.

29. Crossrail will be a significant and essential addition to London's transport infrastructure and the South East. It will deliver improved services for rail users through the relief of overcrowding, faster journeys and a range of new journey opportunities, which both the line and the interchanges will provide. It will have wider social and economic benefits, not only for London but, as I have already mentioned, for the South East as a whole, and in particular for the regeneration of areas such as Docklands and Thames Gateway and, as such, will also have national benefits.

30. The three key objectives of Crossrail are: firstly, to support the development of London as a World City and its role as the financial centre of Europe and the United Kingdom; secondly, to support the economic growth of London and its regeneration areas by tackling congestion and the lack of capacity on the existing rail network; and, thirdly, to improve rail access into and within London.

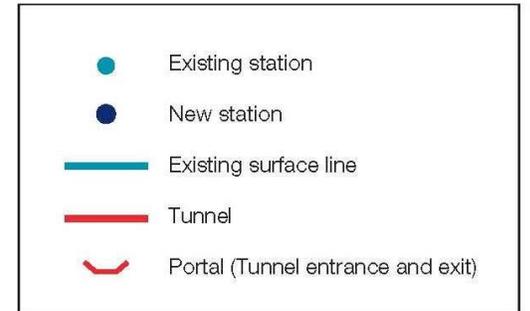
31. It will achieve these objectives by addressing problems of inadequate capacity on the National Rail and Tube networks by improving accessibility to regeneration areas, and by providing transport capacity for the growth expected for London. This is not at the expense of regional services, such as to the South West and to Wales. Crossrail services will use only the slow lines during normal operation, not the fast lines into Paddington and Liverpool Street that the regional services use. The scheme has been in the planning for many years, the need is a longstanding one and therefore has been subject to extensive consideration. Cross London Rail Links Limited, CLRL, was set up in 2001 to undertake the necessary feasibility, design and assessment work to support an eventual application for powers to authorise the project. CLRL was established as a joint venture company initially owned by TfL and the former Strategic Rail Authority. Following the Rail Review, the role previously taken by the SRA was assumed by the Secretary of State for Transport who, together with TfL, is the joint shareholder of CLRL. The Bill proposes that the Government shall nominate one or more organisations, known in the Bill as the nominated undertaker, to take the project forward once Royal Assent has been given, but until any such nomination is made the Secretary of State will himself have the powers of the nominated undertaker under the Bill. The Bill will, however, allow the devolution of the project, if that is thought appropriate, to either the Greater London

¹ Crossrail Non-Technical Summary, Route Map, billdocuments.crossrail.co.uk/LINEWD-EXH02-001.

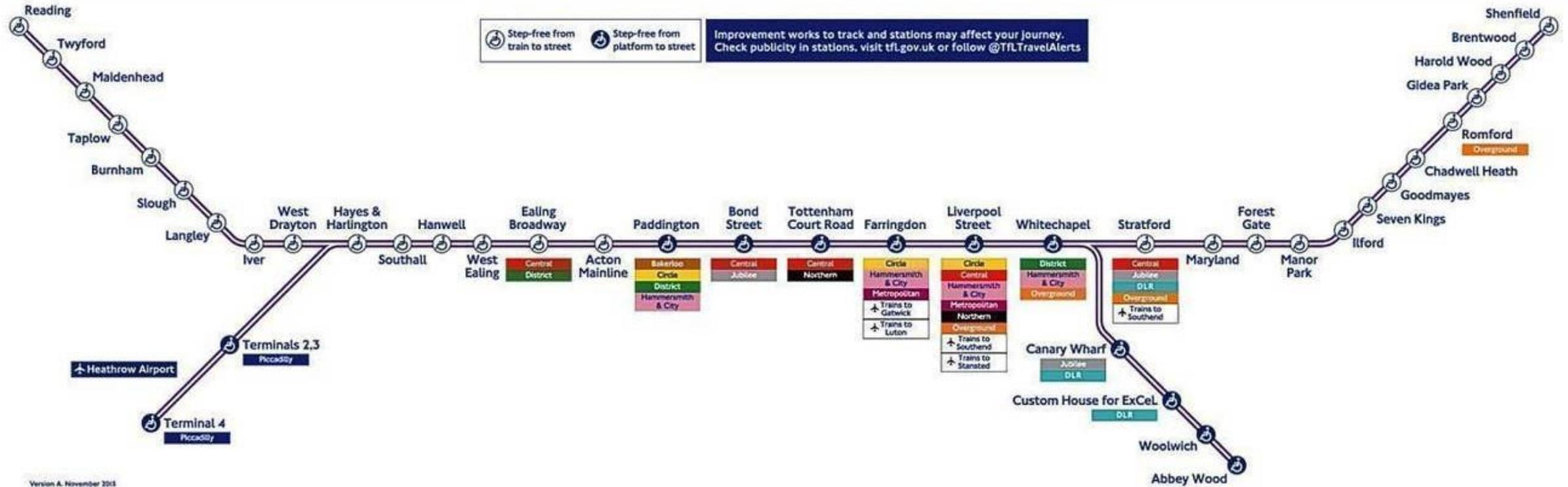


Crossrail line 1

Preferred Route map



Elizabeth line



Compelling case: examples

- **South Tees Development Corporation (Land at the former Redcar Steel Works, Redcar)**
Compulsory Purchase Order 2019, c 1752 acres, confirmed by Inspector 29.4.20. Underpinned by
 - Lord Heseltine “Tees Valley Opportunity Unlimited” (2016) following the closure of the main steel-making facilities at Redcar recommending setting up of DC
 - Setting up of South Tees Development Corporation to “take strategic leadership of the site to coordinate and drive regeneration in the area”
 - STDC to secure the regeneration of the STDC Area, focusing on the promotion of the long term sustainable economic prosperity & commercial development of Tees Valley
 - STDC SPD & Master Plan produced for regeneration and redevelopment of the area
 - Local plan policies supported, STDC aligned with TV Combined Authority and Mayor
 - Long term plan for regenerations – 20 + years anticipated
 - Government funding for keep safe & remediation and regeneration works and funding model provided for future development
 - Steps to acquire land and undertake preliminary works



MIDDLESBROUGH

SEAL SANDS

STDC AREA

SOUTH BANK

DORMANSTOWN

BERWICK HILLS

REDCAR

TEESVILLE

GRANGETOWN

WILTON INTERNATIONAL

ESTON



Potential Development Illustrative Plan



Compelling case: examples (cont.)

- **“Conclusion**
- 120. The scheme underpinning the CPO is wholly in accordance with the Local Plan, which is the key part of the statutory development plan, and the SPD. Both these documents, and the Master Plan, seek decontamination and regeneration of the wider area including the Order Lands with a focus on advanced manufacturing and technology and port related activities. It is also worth noting that the SPD specifically resists piecemeal development and recognises the role of compulsory acquisition.
- 121. The regeneration of the Order Lands will contribute to sustainable development and accord with the national objective of building a strong, responsive and competitive economy. It would also create an environment which has the potential to support the wellbeing of the community. The decontamination and reuse of the land would contribute to the protection and enhancement of the natural and built environment. The scheme which underpins the CPO is in line with national planning policy.
- 122. For the reasons set out above, especially related to the condition of the area and its recent history, there needs to be a properly phased programme of demolition, preparation and infrastructure provision across the Order Lands. This has to reflect the future needs of investors and end users.”

Compelling case: examples of failure to establish

- **Horada** (Shepherds Bush Market CPO 2013) (where the Inspector had been concerned that sufficient safeguards had not been provided to the Shepherds Bush market traders and the CA (disagreeing with Dove J) considered that the SoS failed to give sufficient reasons for disagreeing with the Inspector.
- **Welsh Streets, Liverpool** (CPO 2013) the SoS disagreed with the Inspector's recommendation of confirmation of the scheme which proposed to complete an earlier housing regeneration scheme with the partial demolition of some and conversion of others in a series of basic, and poorly maintained terraced houses on the basis that a viable alternative of restoration and reuse existed –"refurbishment and upgrading of existing homes should be the first and preferred option and that demolition of existing homes should be the last option after all forms of market testing and options for refurbishment are exhausted." Despite there being a detailed assessment SoS was "not persuaded that the scale of demolition proposed in this case - has been demonstrated to be necessary and that sufficient forms of market testing and options involving more refurbishment have been exhausted."

Compelling case: examples of failure to establish

- **Ayelsbury Estate**, Southwark - SoS surprisingly refused to confirm the latest phase of housing estate regeneration (despite earlier confirmations) in September 2016 and despite its compliance with the DP, viability and lack of alternatives since -
 - the scheme would have considerable economic, social and environmental disbenefits in terms of consequences for homeowners;
 - as a result of the number of dwellings that would fail to meet Southwark's adopted policies for sunlight and daylight, and the extent of overshadowing of the proposed amenity areas, the scheme would fail to achieve the environmental wellbeing sought;
 - Southwark had not taken reasonable steps to negotiate with the homeowners to acquire their interests by agreement;
 - the purposes for which the CPO was made would not justify interfering with the human rights of those with an interest in the land affected; and
 - in applying the Public Sector Equality Duty he was concerned that there would be significant negative impacts on protected groups if the CPO were confirmed.
- Decision quashed by consent (reasons) and in November 2018 the CPO was confirmed

Alternatives: policy

- No general guidance on alternatives in Tier 1 of the Guidance, but it is specifically set out as a consideration for confirmation in Tier 2
 - Section 1 §106 (s. 226)
 - Section 3 §124 (Homes England)
 - Section 4 §132, 135 (UDCs)
 - Section 5 §§143, 144 (new towns)
 - Section 6 §147 (local housing authorities)

Alternatives

- This in substance is an aspect of the compelling case, which is that the availability of an alternative may go to undermine the justification for expropriation.
- That will depend on a variety of factors e.g. the nature of the alternative, how it well meets the objectives of the CPO without expropriation or the same degree of expropriation, how it integrates with the CPO (if only a partial alternative), effects on funding and delay on the CPO scheme as a whole
- ECHR approach similar (see later)

Alternatives: cont.

- Often contended by objectors to major CPOs that they could deliver part of the scheme, or that part could be delivered, without the need for acquisition. Many such objections to the Liverpool Paradise St CPO (now the Liverpool One development) in 2003 but rejected because of their uncertainty in delivery, or lack of satisfactory ability to deliver or integrate with the CPO scheme or to be likely to create delay.
- On the other hand, during the bill proceedings for what became the Crossrail Act 2009, the Select Committee in several cases were willing to recommend alternatives or additions which were considered to better serve the public/private interest balance e.g. delivering a better solution to Liverpool Street Station and lesser interventions elsewhere e.g. in the Smithfield and Spitalfields areas, as well as requiring a station and Woolwich. The SC had the advantage of being able to give its views as it proceeded and for bill amendments to be published as the process progressed.

Alternatives: cont.

- Detailed alternative proposals may be presented but unless they are clear cut and would clearly be able to deliver aspects of the CPO scheme they are unlikely to be attractive to an Inspector/Secretary of State if the general case for regeneration has been made out.
- See the decision to confirm **Liverpool PSDA CPO** in 2003/4 despite attempts to argue individual alternatives could be delivered by the landowners – uncertainty and delay
- The **Bexley** case is a useful example where whilst the SoS granted planning permission on a call-in for a Sainsbury supermarket he rejected it as an alternative to the CPO scheme on the basis it would create uncertainty and delay delivery of regeneration.
- The rejection of the **Welsh Streets CPO** may be an example of a SoS looking to find the possibility of alternatives since the Inspector had found them unviable. Political dimensions?

CPO: issues under the ECHR

Human rights

- Main ECHR provisions engaged: arts. 6, 8 and Article 1 of the First Protocol
- Art. 8 requires any interference is proportionate (necessary in a democratic society) and in the public interest
- A1P1 requires that interference with private property rights must be justified in the public interest i.e. a “fair balance” must be struck between the public reason for acquisition and private property rights, a form of proportionality requiring that the decision to expropriate must be justified on the facts of the case.
- ***James v. UK*** (1986) 8 EHRR 123 at para. 50:
 - “there must also be a reasonable relationship of proportionality between the means employed and the aim sought to be realised ... This latter requirement was expressed in other terms in the *Sporrong and Lönnroth* judgment by the notion of the “fair balance” that must be struck between the demands of the general interest of the community and the requirements of the protection of the individual's fundamental rights ”

Human rights: *James v UK* cont.

- Wide margin of appreciation [46] -
 - “... the decision to enact laws expropriating property will commonly involve consideration of political, economic and social issues on which opinions within a democratic society may reasonably differ widely. The court, finding it natural that the **margin of appreciation available to the legislature in implementing social and economic policies should be a wide one**, will respect the legislature's judgment as to what is 'in the public interest' unless that judgment be manifestly without reasonable foundation.”
- No requirement to demonstrate no available alternatives [51] -
 - “The availability of alternative solutions does not in itself render the leasehold reform legislation unjustified; **it constitutes one factor, along with others, relevant for determining whether the means chosen could be regarded as reasonable and suited to achieving the legitimate aim being pursued, having regard to the need to strike a "fair balance"**. Provided the legislature remained within these bounds, it is not for the Court to say whether the legislation represented the best solution for dealing with the problem or whether the legislative discretion should have been exercised in another way ...”

Human rights: *James v UK* cont.

- Availability of compensation relevant though not absolutely essential ([54])
 - “... the Court observes that under the legal systems of the Contracting States, the taking of property in the public interest without payment of compensation is treated as justifiable only in exceptional circumstances not relevant for present purposes. As far as Article 1 is concerned, the protection of the right of property it affords would be largely illusory and ineffective in the absence of any equivalent principle. Clearly, compensation terms are material to the assessment whether the contested legislation respects a fair balance between the various interests at stake and, notably, whether it does not impose a disproportionate burden on the applicants ...
 - ... the **taking of property without payment of an amount reasonably related to its value would normally constitute a disproportionate interference which could not be considered justifiable under Article 1**. Article 1 does not, however, guarantee a right to full compensation in all circumstances. Legitimate objectives of "public interest", such as pursued in measures of economic reform or measures designed to achieve greater social justice, may call for less than reimbursement of the full market value. Furthermore, the Court's power of review is limited to ascertaining whether the choice of compensation terms falls outside the State's wide margin of appreciation in this...”

Human rights: cont.

- Generally compensation required - *Holy Monasteries v. Greece* (1995) 20 EHRR 1. German unification provided a very rare example of where no compensation was justifiable but there was compliance with A1P1 – *Jahn v Germany* (2006) 42 E.H.R.R. 49
- Strasbourg rarely concerned with the basis of calculation of compensation it has found an interference contrary to A1P1 where there is an extreme disparity between the value of the asset expropriated and the compensation payable.
- *Vistins v. Latvia* (2014) 58 EHRR 4:
 - “110. Compensation terms under the relevant legislation are material to the assessment whether the contested measure respects the requisite fair balance and, notably, whether it imposes a disproportionate burden on the applicants. The Court has already held that the taking of property without payment of an amount reasonably related to its value would normally constitute a disproportionate interference. In many cases of lawful expropriation, such as a distinct taking of land for road construction or other “public interest” purposes, only full compensation may be regarded as reasonably related to the value of the property. On this point, the Court cannot equate a lawful expropriation, complying with domestic law requirements, with a constructive expropriation that seeks to confirm a factual situation arising from unlawful acts committed by the authorities.”

Human rights: cont.

- In *Vistins*, the Court reaffirmed the view that circumstances may justify the payment of less than full compensation but found the limitations on the compensation payable so great as to be equivalent to the payment of no compensation -
 - “119 Nevertheless, the Court observes an extreme disproportion between the official cadastral value of the land and the compensation received by the applicants: that received by the first applicant constituted less than one thousandth of the cadastral value of his land, and the compensation awarded to the second applicant was some 350 times lower than the total cadastral value of all his properties. In the Court’s view, such disproportionate awards are almost tantamount to a complete lack of compensation. As the Court has already indicated above, only very exceptional circumstances may justify such a situation.”
- See also *Kozacioglu v Turkey* (2011) 53 E.H.R.R. 34 at [65]-[73] where the compensation payable for expropriation of a property considered a cultural asset failed to take into consideration the rarity or architectural and historical features of the applicant’s building and so failed to assess fair compensation because it did not take into account to a reasonable degree the property’s specific features in determining the level of compensation.

Human rights: cont.

- In both *Tesco Stores* (Sullivan J. pre-HRA) and *Bexley LBC* (Harrison J., post HRA) considered that the application of the ECHR made no substantive difference to the application of CPO. *Bexley* at [46]:
 - “The right of an individual to peaceful enjoyment of his possessions under that Article is a qualified, rather than an absolute, right and it involves a balancing exercise between the public interest and the individual's right whereby any interference with the individual's right must be necessary and proportionate. Like Sullivan J in the *Tesco Stores* case, I am not persuaded that there is anything materially different between those principles and the principles applied by the Secretary of State under Circular 14/94 whereby a compulsory purchase order is not to be made unless there is “a compelling case in the public interest”. Such an approach necessarily involves weighing the individual's rights against the public interest.”
- This approach was supported by the CA in *Hall* and *Clays Lane* where the CA also rejected the view that CPO required the “least intrusive option” and that planning/CPO already incorporated a proportionality balance between public and private rights.

- Maurice Kay LJ held:
- “25 ... the decision was then one between two preferred alternatives. Although not in every respect the same as a planning decision, it approximated to what Keene LJ was describing in *Lough v First Secretary of State* [2004] 1 WLR 2557, para 55, namely "a situation where the essential conflict is between two or more groups of private interests". I conclude that the appropriate test of proportionality requires a balancing exercise and a decision which is justified on the basis of a compelling case in the public interest *and* as being reasonably necessary but not obligatorily the least intrusive of Convention rights. That accords with Strasbourg and domestic authority. It is also consistent with sensible and practical decision making in the public interest in this context. If "strict necessity" were to compel the "least intrusive" alternative, decisions which were distinctly second best or worse when tested against the performance of a regulator's statutory functions would become mandatory. A decision which was fraught with adverse consequences would have to prevail because it was, perhaps quite marginally, the least intrusive. Whilst one can readily see why that should be so in some Convention contexts, it would be a recipe for poor public administration in the context of cases such as *Lough v First Secretary of State* and the present case.”

Justifying the acquisition of land: the promoter's perspective



Richard Turney (Chair)

- Preparing for the examination/inquiry process
- Evidence
- Key elements of the promoter case
- Dealing with objectors at examination/inquiry

Preparation (1)

- Keep sight of the strategic case
- Ensure Statement of Reasons encapsulates the case
- Avoid viewing land acquisition in isolation
 - Land requirements may be dictated by scheme design, necessary mitigation, requirements for flexibility
- Establish a negotiation strategy for each or each group of objectors
 - Need to show continued willingness to negotiate (even if likely to fail) and ensure resources available to negotiate in parallel to examination/inquiry

Preparation (2)

- Ensure “hearing” team (advocate, witnesses) have all necessary information on each objector
 - Who are they?
 - What land do they own and how much is acquired?
 - History of negotiations
 - What is the scheme’s specific need for these powers in respect of their land?
 - Where is the evidence?
- Avoid assumptions about the nature of objectors
 - “businesses” may be individuals and vice versa

Preparation (3)

- Challenge the need for the land
 - Do we need this interest at all?
 - Can we accept less (rights rather than acquisition, smaller site)?
 - Are is the land requirement driven by an absolute need or by need for flexibility?
 - Could other land be used for the purpose (e.g. construction compounds, mitigation planting)?
- Assess risks
 - How strong is each unresolved objection?
 - Do they carry other risks (e.g. objector attacking scheme fundamentals)?

Evidence

- Consider presentation of evidence
 - Inquiry process – formalities, and likely to be through series of witnesses
 - Examination – presented through advocate with support from witnesses
 - Do not assume that the “land and property” witness is the right person to defend a CA/CPO objection
- Documents
 - Negotiations tracker with supporting correspondence
 - Annotated land plans (perhaps cross referencing ES, Statement of Reasons etc)

Key elements of the promoter's case (1)

- The strategic case for the scheme
 - Why this scheme, here, and now
 - How is it supported in policy? Note relevant tests e.g. s 104 PA 2008
 - Leads to the “compelling case”
- Alternatives
 - Note that cannot simply rely on NPS statements of need to address alternatives for CA purposes (*FCC Environment* [2015] Env LR 22)

Key elements of the promoter's case (2)

- Need for land/rights in question
 - Link to the relevant statutory test
 - Note especially s 122 PA 2008, and be clear which of the three statutory purposes it is fulfilling (*(a) required for the development to which the development consent relates, (b) required to facilitate or is incidental to that development, or (c) is replacement land*)
- Negotiations
 - Try to have the “last word” in a letter which records what has gone before
 - Generic letters are to be avoided – meetings (especially with cross-disciplinary promoter team) are a more powerful narrative
 - Make sure decision-maker knows about the cases you have settled, not just the ones you have not

DCO examinations

- Compulsory Acquisition Hearings
 - Must be held if required by objector (s 92(2)) – the only right to be heard in the PA 2008
 - More likely that cross examination may be permitted
 - However still ExA led, generally without formal presentation of evidence
- Note also likely overlap with other Issue Specific Hearings (do not compartmentalise)
- Remember an engineer, ecologist, hydrologist etc. may be needed to justify the acquisition in question

CPO inquiries

- Wide range of different inquiries depending on powers used
- May be CPO alone, but may also be authorising scheme (TWAOs)
- Note a range of different procedural rules apply
- Evidence formally led and cross examined
- Need to ensure coherent approach across experts – CPO objector may be attacking any element of the case

The objector's perspective: opposing acquisition



Matthew Fraser

Key objector points

- **Negotiation** – have reasonable steps been taken to acquire the land/rights by agreement?
- **Alternatives** – have alternatives to compulsory acquisition been fully explored, e.g. is there scope for securing the objectives of the order without recourse to compulsory powers?
- **Planning** – is there any reason to think planning permission might not be achievable for the scheme?
- **Funding / deliverability** – are all necessary resources likely to be available within a reasonable time-scale, and is the prospect of delivery reasonable?

Other important objector points

- Has the authority complied with the **Public Sector Equality Duty** under section 149 of the Equality Act 2010?
- Has the authority justified an interference with the human rights of those affected by the compulsory acquisition?
 - **Article 1, Protocol 1 ECHR** – the right to peaceful enjoyment of possessions
 - **Article 8 ECHR** – the right to private and family life (engaged where acquisition would affect objector's home)
- Has the authority justified the need to acquire **all** of the land in the Order?

Compelling case?

Can the acquiring authority demonstrate a “*compelling case in the public interest*” to justify compulsory acquisition?

Q&A

We will now answer as many questions as possible.

Please feel free to continue sending any questions you may have via the Q&A section which can be found along the top or bottom of your screen.

Thank you for listening

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