



# PINS NOTE 34/2015r1

To: All Inspectors (England)

Relevancy: Planning appeals and Secretary of State Casework; enforcement appeals; Nationally Significant Infrastructure Projects (NSIPs)

Date of Issue: 6 November 2015

Currency: review on 5 May 2016

Last updated: 20 November 2015 – Paragraph 3 amended to clarify when Inspectors should seek the views of the parties.

## DCLG Guidance on Compulsory Purchase Process and the Crichel Down Rules 2015

### Action

1. Inspectors should be aware that new [Guidance on Compulsory Purchase Process and the Crichel Down Rules for the disposal of surplus land acquired by, or under the threat of, compulsion](#) was published on 29 October 2015. The guidance applies to England only and has already taken effect.
2. This guidance has been revised to reflect legislative and case law changes since 2004. It replaces and cancels Circular 06/2004 'Compulsory Purchase and the Crichel Down Rules' and 13 other circulars and guidance documents.
3. Inspectors dealing with ongoing CPOs under s226 of the TCPA 1990 are likely to need to seek the views of the parties given that the tests contained in Annex A of cancelled circular 06/2004 are now substantially rewritten. DCLG have advised that they would support Inspectors doing so. Inspectors dealing with CPO powers under other enabling acts or the NSIP regime will need to carefully consider seeking the views of the parties, or, where appropriate, make reference to these changes in the report.
4. With regards to NSIP applications it should be noted that [DCLG Planning Act 2008: Guidance related to procedures for the](#)

[Compulsory Acquisition of Land](#) (September 2013) states at paragraph 45 that Circular 06/2004 provides further guidance on matters related to compulsory acquisition, but that at the time it was published Circular 06/2004 was being revised. The reference to Circular 06/2004 in paragraph 45 should now be read as if it were a reference to the new October 2015 guidance.

5. The intention is that this guidance will in due course be converted to a web-based resource similar to that used for planning guidance.

## **Background**

6. The new Guidance has come about as a result of the government's [consultation on improving the compulsory purchase process](#). This consultation closed on 9 June 2015 and a government response to the consultation was published on 29 October. Alongside the introduction of the new guidance, as a result of the consultation, the government has also proposed a wide range of measures to improve and speed-up the development and confirmation process. These measures have now been included in the draft [Housing and Planning Bill](#) and are set out in summary in PINS Note 32/2015

7. The guidance is divided into the following 'Tiers'.

- Compulsory purchase overview
- Enabling powers
- Guidance on detailed procedural issues and the preparation and service of additional documents
- Separate but related guidance concerning Purchase Notices and The Crichton Down Rules

Changes to the existing guidance will be reflected in a forthcoming update to the Compulsory Purchase Order chapter of the Inspector Training Manual.

8. The following list of circulars and guidance documents are cancelled (Where these circulars are joint publications with the former Welsh Office, the cancellation applies only in relation to England):
  - Ministry of Housing and Local Government Circular 36/63 Discretionary payments to occupiers displaced by acquisition of land or slum clearance
  - Ministry of Housing and Local Government Circular 63/67 Notification of right to claim professional fees on compulsory acquisition or acquisition under shadow of compulsion
  - Department of the Environment Circular 9/72 Acquisition of land from charity trustees

- Department of the Environment Circular 114/75 Land Compensation Act 1973 – the Noise Insulation Regulations 1975
- Department of the Environment Circular 9/77 Local Government (Miscellaneous Provisions) Act 1976
- Department of the Environment Circular 75/77 Land Compensation Act 1973 – home loss payments
- Department of the Environment Circular 13/83 Purchase notices
- Department of the Environment Circular 15/91 Planning and Compensation Act 1991: land compensation and compulsory purchase
- Department of the Environment Circular (Unnumbered) 12 March 1997 Compulsory Acquisition of Land: Acquisition of Land (Rate of interest after entry) Regulations 1995
- Appendix C of Department of the Environment, Transport and the Regions Circular 01/2001: Arrangements for handling heritage applications – notification and directions by the Secretary of State - The retention of listed buildings and buildings in conservation areas subject to action under Part IX of the Housing Act 1985
- Office of Deputy Prime Minister Circular 06/2004 Compulsory purchase and the Crichel Down Rules
- Department for Communities and Local Government Circular 01/2008 Compulsory Purchase (Inquiries Procedure) Rules 2007
- Department for Communities and Local Government Circular 04/2010 - Amendment to Appendix C of Circular 06/04
- Department for Communities and Local Government letter to Chief Planning Officers: Transfer of compulsory purchase orders and land disposal work to National Planning Casework Unit (2012)

9. Please contact XXXX if you have any queries on this note, or XXXX for queries related to NSIP cases.