

Compulsory Purchase

FG Burnett is at the forefront in advising affected parties on their rights when faced with a Compulsory Purchase Order (CPO).



What is Compulsory Purchase?

Compulsory Purchase is the legal right for an Acquiring Authority (usually a Local Authority or public service provider) to acquire land or property without the consent of the owner or occupier, where this land or property is required to deliver a development, regeneration or infrastructure project deemed to be for the public good.

Compulsory Purchase Orders

Being served with a CPO can be extremely upsetting and the law governing the rights of the Acquiring Authority and the affected party is extremely complex. Acquiring Authorities are required to compensate affected parties and in most cases to reimburse their professional fees in challenging / engaging with the Acquiring Authority throughout the acquisition process. It is essential therefore that any one affected by a CPO takes immediate advice to protect their interests.

Our Services

FG Burnett can offer advice to affected parties when a CPO is first promoted, including lodging objections and progressing to a Public Local Enquiry. We can assess and negotiate financial compensation claims with the Acquiring Authority in the three situations when compulsory purchase normally arises:

1. Where the whole property requires to be acquired;
2. Where part-only of a property requires to be acquired;
3. Where no part of a property requires to be acquired but it then lies adjacent or close to a public work.

Most compensation claims are negotiated amicably; however, disputes can arise and a referral to the Lands Tribunal for Scotland is then required for an independent determination.

Our Experience

FG Burnett's work in the field of Compulsory Purchase, stretching over 50 years, is widely acknowledged as being at the highest level and we have represented affected parties on various of the largest infrastructure projects in Scotland and beyond, protecting owner and occupier interests, such as The Aberdeen Western Peripheral Route, Aberdeen Berryden Corridor, Stonehaven Flood Defence, Well Street Regeneration, Paisley, Airdrie – Bathgate Railway Scheme and historically, Greenwich, London relative to the Docklands Light Railway project.

The process is strictly controlled by legislation, including strict timeframes for making representations, so early engagement is imperative.

TO FIND OUT MORE

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