

# Appendix 12: Old Oak West Land Assembly Strategy

Old Oak West OBC | Version 2: Revised December 2023

**OPDC**  
OLD OAK AND  
PARK ROYAL  
DEVELOPMENT  
CORPORATION



Homes  
England



Department  
for Transport



Department for Levelling Up,  
Housing & Communities



# Appendix 12: Land Assembly Strategy

This Land Assembly Strategy (LAS) sets out how OPDC aims to achieve certainty that land and new rights in land can be assembled in a timely manner, to enable the delivery of the development proposals outlined in the OBC.

The extent of land required and new rights in land, is currently being refined to determine what is necessary for the delivery of OPDC's objectives for Old Oak West. The land required will include interests currently in third-party ownership, which are held both publicly and privately. The approach to securing the public land is by agreement as set out in the Commercial Case.

OPDC will seek to secure the required third-party private land and new rights, and override any restrictions or rights on the assembled land (including the public land). OPDC will consider acquisition by agreement as well as through compulsory acquisition by means of a Compulsory Purchase Order ("CPO"), if necessary and as a last resort. OPDC will in every case seek to reach agreement with affected parties, but simultaneous preparation for a CPO (or multiple CPOs, if appropriate) will be required in order to remove uncertainty regarding OPDC's ability to assemble the sites within an appropriate timescale or at an acceptable price. Making a CPO in parallel with efforts to acquire by agreement is recommended by the Government's Guidance<sup>1</sup> (the "Guidance") (para 17 and others).

## Approach to Acquisition

The power for OPDC to acquire land, either by agreement or through the use of compulsory purchase, (within the consent of the Mayor) is contained in Section 207 of the Localism Act 2011.

## Acquiring Land and New Rights by Agreement

Where required land interests are in private ownership, OPDC will seek to control their acquisition by agreement. This can be achieved by using a range of flexible means appropriate to the circumstances, including:

- outright acquisition of interests in land by agreement;
- the securing of options or other legally enforceable contracts by which land can be acquired by OPDC at the required time on giving notice;
- agreement with landowners to make their land available for the project, underpinned by a legally enforceable agreement;
- the exercise of powers available to a landlord to terminate a tenancy or other occupation in order to gain vacant possession; and
- relocation to enable certain specific businesses/occupiers to relocate either within the project boundary or to another location in a manner which minimises disruption to existing operations.

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<sup>1</sup>[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/107150/0/CPO\\_guidance\\_-\\_with\\_2019\\_update.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/107150/0/CPO_guidance_-_with_2019_update.pdf)



In addition, OPDC is currently undertaking a due diligence exercise of the users and occupiers of the land required who may be impacted by OPDC's objectives at Old Oak West. This process will assist OPDC in considering what may be appropriate where relocation assistance is considered appropriate necessary.

### **Acquisition by Compulsory Purchase Order ("CPO")**

Those areas of land and interests in land not acquired by agreement but which are required for the development proposals to proceed, will be included in any necessary CPO (or series of CPOs). In addition, public sector land interests that are to be assembled by agreement may be included within a CPO in order to override rights, restrictions and easements, including rights of light.

There are a range of compulsory purchase powers available to certain public bodies to acquire land for regeneration. The Guidance states that "Acquiring Authorities should look to use the most specific power available for the purpose in mind". The potential powers are briefly summarised as follows:

- Local Planning Authorities have compulsory acquisition powers (under Section 226 of the Town and Country Planning Act 1990) to acquire land in their area for development and for planning purposes where such an acquisition would contribute to social, environmental or economic wellbeing. These powers are not considered relevant in these circumstances given OPDC's location across multiple local authority boundaries, which could require multiple CPOs by different authorities.
- Homes England has compulsory acquisition powers under Section 9 of the Housing and Regeneration Act 2008 to acquire land for the delivery of "housing and regeneration". The Greater London Authority's compulsory acquisition powers are those available to Homes England, which were conferred to the GLA under Section 333ZA of the GLA Act 1990. OPDC has concluded that if the Homes England powers were to be used in London, they would need to be exercised by the GLA.
- OPDC's compulsory acquisition powers are also those under the Housing and Regeneration Act 2008. These powers are effectively those available to Homes England, which were conferred to Mayoral Development Corporations under Section 207 of the Localism Act 2011 and can be used for the 'object' for which OPDC was set up, namely to secure the regeneration of its area.

Having regard to the Guidance and the circumstances, OPDC considers that the most appropriate approach would be for it to use its own powers (rather than ask the GLA to use their similar powers) given OPDC was set up as a Mayoral Development Corporation for the specific purpose of delivering the regeneration of the Old Oak Common and Park Royal area. OPDC would need to obtain the consent of the Mayor to submit any CPO for confirmation to the Secretary of State under Section 207 of the Localism Act.

Any CPO made would be subject to confirmation by the appropriate Minister, or the delegated inspector in some cases.

Steps to securing land through promotion of a CPO can be summarised in the table below. OPDC is currently in the formulation stage and has commenced early discussions with some landowners in the area to understand potential to reach agreement on acquisitions.

Stage	Summary of activity and anticipated timeline
Formulation	The focus of the formulation stage is to define the scheme, identify the CPO boundary (or extent of multiple CPOs, if applicable) through desktop land referencing, landowner/stakeholder engagement, requisitions for information and site inspections. This stage will also define the justification for acquisition of any third-party land interests and rights.
Resolution	Subject to Mayoral approval, the OPDC Board may make a Resolution to use its CPO powers for the identified Scheme. At this stage, OPDC would draft its Statement of Reasons for making the CPO would outline the compelling case in the public interest for the CPO, define the Scheme for CPO purposes, and outline the ways in which OPDC considers that the CPO is justified in accordance with the matters set out in the Guidance. In order to present a coherent case in the Statement of Reasons, at this stage OPDC would set out the planning position of the Scheme, and how it would be funded (including any conditionality of funding). OPDC is currently contemplating seeking to secure a resolution to make a CPO in Autumn 2024.
Order	The CPO comprises the publication of the CPO Map, the Order itself and Schedule (setting out the interests and rights in land subject to the CPO) and the Statement of Reasons.
Objections	Following the making of any CPO, there must be minimum period of 21 days in which objections can be made. OPDC may choose to allow a longer period.
Public Inquiry	<p>If qualifying objections are received, there would be a Public Inquiry in order for an inspector (appointed by the Secretary of State) to hear the evidence of the Acquiring Authority (OPDC) and of objectors. At this stage, OPDC would make its case for the CPO, and would set out its case to the inspector, including:</p> <ul style="list-style-type: none"> <li>- that reasonable efforts have been made to acquire the land and new rights included in the Order by agreement;</li> <li>- that the proposals for which land is being acquired present a compelling case in the public interest which justify interfering with the human rights of those with an interest in the land affected;</li> <li>- how it intends to use the land which it is proposing to acquire;</li> <li>- that all of the necessary resources are likely to be available to achieve the intentions within a reasonable timescale;</li> <li>- the sources of funding and timing of funding (including any conditionality); and</li> <li>- that the scheme is unlikely to be blocked by any physical or legal impediments to implementation, including planning.</li> </ul> <p>Timing for the Public Inquiry would depend on the number and scope of objections received, but is currently anticipated to be around Spring 2025.</p>
Decision	Following the Public Inquiry, the inspector would either make a recommendation to the Secretary of State or, if the decision has been delegated to an inspector, he/she would make a decision. A decision is usually given within 12-30 weeks following the Public Inquiry, but timing can vary.
Possession	Following confirmation of a CPO there would be publication of the decision, and notices to acquire land compulsorily can be served on landowners. Acquisition could be through a combination of notice to treat/notice of entry and General Vesting Declaration. Landowners would be given a minimum of 3 months' notice of acquisition, but it could be longer if OPDC chooses.

Compensation	Compensation settlements normally follow on once possession has been taken, but it is advisable and encouraged for OPDC to seek to reach agreement with affected landowners/parties as soon as possible – in some instances in advance of taking possession. If agreement cannot be reached, references (formal claims for disputed compensation) can be made to the Upper Tribunal (Lands Chamber) within 6 years of OPDC taking possession.
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### OPDC management and governance of land assembly

A “Land Assembly Working Group” (LAWG) aims to meet fortnightly to review progress, including efforts to acquire land by agreement. The LAWG is also currently working on formulation of a CPO in order for OPDC to be ready to make a resolution, if necessary. The LAWG will also manage the interface of the various workstreams that have interdependencies with making a case for a CPO:

- Planning: Prior to making a CPO, OPDC should be able to demonstrate that any major planning difficulties have been resolved, or that there are no planning (or other) impediments to the proposed scheme.
- Viability: The justification for a CPO will need to be supported by a case which satisfies the Secretary of State that there is a reasonable prospect that the scheme will proceed. In viability terms, the proposals will either need to be shown to be viable or, where additional funding is required, that funding will be available when required, and that the level will be sufficient to cover the required costs of development, including compensation.
- Resources and Governance: It will be necessary to explain how the necessary resources would be available to enable the delivery of the scheme, without delay or other adverse impact, including the procurement of delivery partners.
- Programme and sequencing: There are likely to be a number of other associated statutory processes required in order to secure the delivery of the scheme, such as stopping up orders in relation to public highways and the overriding of rights or restrictions, as described above. The timing of these related processes will be considered by the LAWG in order to align the making of the CPO with other relevant activities.

The LAWG will work closely with the wider OPDC team to ensure that the LAS is consistent with and cognisant of the wider Commercial Case and procurement strategy for delivering the scheme.