Appendix B Compulsory Purchase Order

1. Compulsory Purchase Powers

1.1 KCC, as highway authority, has powers under the Highways Act 1980 to acquire land required for the improvement of a highway, either by agreement or compulsorily.

1.2 KCC will continue to seek acquisition of the necessary land and rights by voluntary agreement wherever possible; however, should agreement not be achievable, it is proposed that the Council progresses a Compulsory Purchase Order under the Highways Act 1980 to secure the land required to deliver the scheme.

1.3 Currently, no CPO powers include temporary power. Where CPO projects require land temporarily, one of two strategies is adopted, assuming the temporary occupation cannot be secured by agreement. This is the case for Galley Hill.

1.4 One strategy is to seek a permanent acquisition power and then serve a Notice to Treat (NTT) to acquire the land. An NTT creates an obligation to sell the land but does not transfer title. The land is then returned to the landowner at the end of the works. This strategy depends on the owner being willing to take the land back. The landowner could require the authority to acquire the land and pay compensation accordingly. As such, the budget for this has been included within the cost estimate.

1.5 The second strategy is to seek rights, rather than seeking to acquire the temporary land. Although the rights will exist into perpetuity, the authority is not obliged to use them after the works are completed. After the works are completed, the right can be removed by agreement. If the right is not removed Compensation would have to reflect the presence of the right.

2. Land Requirement

2.1 The land and rights that will be included in the CPO are the minimum that will be necessary to deliver the scheme and have been determined by design and engineering standards, environmental measures, and the requirements of statutory bodies. The affected land parcels are shown in Figure 1, with the parcels closest to the spine required for construction with the remaining parcels required for access during construction.

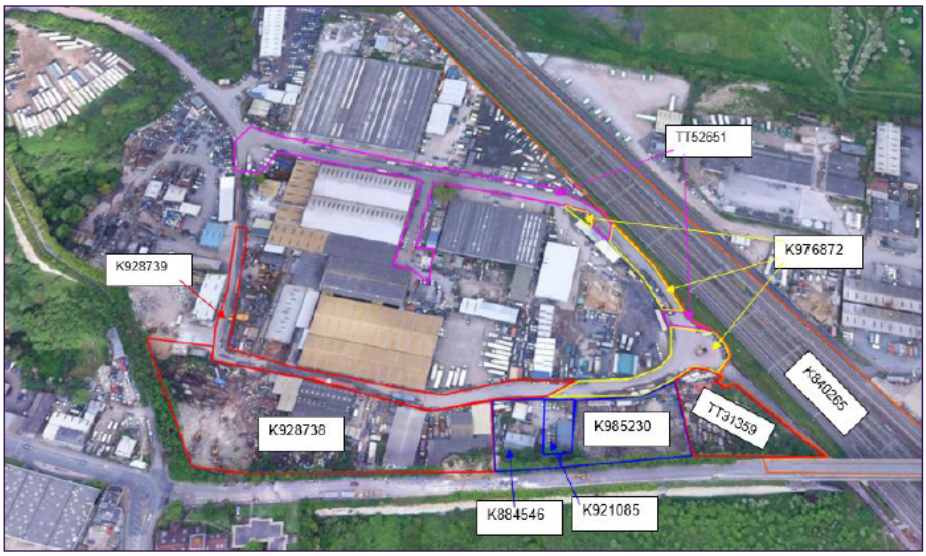


Figure 1: Land parcels affected by the proposed CPO

2.2 Land is also required to the south of the spine to deliver the scheme. This land was auctioned in May 2026 and KCC have purchased this land. As such, the land has already secured and will not be subject to the CPO or voluntary acquisition process.

3. Legal and Policy Tests for the use of Compulsory Purchase

3.1 The use of compulsory purchase is a strong power available to a local authority and justification for its use must satisfy numerous legal and policy tests. It is considered that, in the stringent development of the scheme, these tests are met. The details will be included in the Statement of Reasons that will be published with the Order.

3.2 The Secretary of State requires a “compelling case in the public interest” to be demonstrated in order to confirm the CPO. In the case of Galley Hill, the public benefits fall clearly within the purpose of the Highway Act. The improvements will allow the A226 to reopen, reducing congestion on alternative routes, and providing capacity for future increases in traffic.

3.3 Early implementation of the scheme is important so that the infrastructure is in place at the earliest opportunity as the number of new homes within the Swanscombe and Ebbsfleet area being built and occupied increases. The scheme funding is also time limited requiring construction to start as soon as practicable.

4. Programme of Compulsory Purchase

4.1 The time required to secure a CPO can vary considerably. The current A226 Galley Hill programme allows 15 months between making the CPO and confirmation. Factors affecting the length of the CPO programme are largely out of the authority's control. If no objections are received, the timescales can be reduced considerably.