

## Written statement of a key decision

### Cabinet

<b>Title</b>	Hereford Western Bypass Phase One Land Acquisition CPO
Decision maker	<p>Cabinet</p> <p>Information about cabinet, including the names and contact details of the cabinet members, can be found here:</p> <p><a href="http://councillors.herefordshire.gov.uk/mgCommitteeDetails.aspx?ID=251">http://councillors.herefordshire.gov.uk/mgCommitteeDetails.aspx?ID=251</a></p>
Date of decision	18 December 2025
Report exemption class	Open
<p>A notice was served in accordance with Part 2, Section 5(2) (Procedures prior to private meetings) of The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012. Further notice was served in accordance with Part 2, Section 5(4) of the same regulations.</p>	
Reason for being a key decision	<p>This is a key decision because it is likely to result in the council incurring expenditure which is, or the making of savings which are, significant having regard to the council's budget for the service or function concerned. A threshold of £500,000 is regarded as significant.</p> <p>This is a key decision because it is likely to be significant having regard to: the strategic nature of the decision; and / or whether the outcome will have an impact, for better or worse, on the amenity of the community or quality of service provided by the authority to a significant number of people living or working in the locality (two or more wards) affected.</p>
<p>A notice was served in accordance with Part 3, Section 9 (Publicity in connection with key decisions) of The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.</p>	
General exception or special urgency (as defined in the constitution)	No
Purpose	Resolution by cabinet to acquire land for the construction of the Hereford Western Bypass Phase one project through a compulsory purchase order.
Decision	<p><b>To agree to resolve that the Council</b></p> <p>a) note the draft Statement of Reasons (at Appendix 1);</p>

	<ul style="list-style-type: none"> <li>b) makes The County of Herefordshire District Council (Hereford Western Bypass – Phase One) Compulsory Purchase Order 2026 (CPO) pursuant to sections 239, 240, 246, 250 and 260 of the Highways Act 1980 and the Acquisition of Land Act 1981 for the acquisition of all interests (both residential and commercial), and any other interests as may arise, which are not already owned by the Council and new rights within the areas shown edged red and shaded pink and blue on the plans attached at Appendix 2</li> <li>c) note The County of Herefordshire District Council (South Wye Transport Package – A4194 Southern Link Road) (Classified Road) (Side Roads Order) Order 2018 (2018 SRO) attached at Appendix 3 which was confirmed by the Secretary of State in March 2019.</li> <li>d) Delegate authority to the Corporate Director for Economy and Environment to <ul style="list-style-type: none"> <li>a. make The County of Herefordshire District Council (Hereford Western Bypass – Phase One) Side Road Order 2026 (SRO) (if required) under Section 14 and 125 of The Highways Act 1980 and all other purposes necessary to <ul style="list-style-type: none"> <li>i) Improve the lengths of highway referred to in the SRO and the corresponding plan</li> <li>ii) Stop up each length of the highway as referred to the SRO and the corresponding plan</li> <li>iii) Construct a new highway along each route as referred to in the SRO and the corresponding plan;</li> <li>iv) Stop up each private means of access to premises as referred to in the SRO and the corresponding plan;</li> <li>v) Provide new means of access to premises as referred to in the SRO and the corresponding plan.</li> </ul> </li> </ul> <p>which will be as per the plan appended to the 2018 SRO (subject to any amendments to the said plan the Corporate Director for Economy and Environment shall determine as being necessary if the SRO is required);</p> <ul style="list-style-type: none"> <li>b. to make such minor or technical amendments to the CPO and or SRO (together “the Orders”) and associated plans as the Corporate Director for Economy and Environment shall determine;</li> <li>c. take all necessary and ancillary steps, including preparing and finalising all necessary documentation (including the Orders and supporting statements of reasons), the submission of the Orders to the Secretary of State for confirmation, publication and service of</li> </ul> </li> </ul>
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	<p>all statutory notices and the presentation of the Council's case at any public inquiry to secure the confirmation of the CPO and SRO by the Secretary of State;</p> <ul style="list-style-type: none"> <li>d. acquire all interests in land within the areas of the CPO either compulsorily or by agreement;</li> <li>e. deal with objections to the Orders including agreeing terms for the withdrawal of objections in order to secure the delivery of Phase One of the Hereford Western Bypass Scheme;</li> <li>f. negotiate and enter into agreements or undertakings with persons with any interest in the land affected by or relating to the Orders;</li> <li>g. remove from the CPO any plot (or interest therein) no longer required to be acquired compulsorily and to amend the interests scheduled in the CPO (if so advised) and to alter the nature of the proposed acquisition from an acquisition of existing property interests to an acquisition of new rights ;</li> <li>h. make any minor amendments as are considered necessary to the Orders arising as a result of negotiations with affected persons or further design work to enable the delivery of Phase One of the Hereford Western Bypass Scheme</li> <li>i. make any amendments to the Statement of Reasons a draft version of which is annexed at Appendix 1 to this report as are considered necessary prior to its submission to the Secretary of State;</li> <li>j. confirm the CPO if granted power to do so by the Secretary of State;</li> <li>k. to implement the CPO, SRO and 2018 SRO, including the acquisition of all necessary land and interests and new rights and to take all steps to secure the settlement of compensation arising from the implementation of the Orders including referral to the Upper Tribunal Lands Chamber.</li> <li>l. to pay such compensation and to carry out any other additional steps needed for the implementation of the CPO, SRO and 2018 SRO and make any other operational decisions to implement these recommendations;</li> </ul>
Reason for the decision	<p>As set out in the report. Documents relating to this decision are available at</p> <p><a href="http://councillors.herefordshire.gov.uk/mglIssueHistoryHome.aspx?Id=50052801">http://councillors.herefordshire.gov.uk/mglIssueHistoryHome.aspx?Id=50052801</a></p>
Options considered	<p>1. The alternative to not proceeding to resolve to make a CPO in order to implement the Phase One Hereford Western Bypass Scheme would be to resolve to implement the scheme without a CPO, i.e. by continuing to seek agreement with the owners of the interests in land in the absence of a CPO. This strategy puts the Council at</p>

	<p>considerable risk from all owners who could seek to hold the Council to ransom in order to escalate the purchase price of their interest. Additionally, if voluntary agreement could not be reached between the Council and the interest holders for the interests in the land the Council would not be able to compulsorily acquire the land and interests required for the delivery of the scheme which would put the delivery of the scheme at risk.</p> <p>2. In line with CPO Guidance the Council is seeking to acquire land and interests voluntarily through negotiation as its primary approach. If all interests in land and new rights required to facilitate the delivery of Phase One Hereford Western Bypass Scheme are formally acquired through voluntary agreement the Council may decide not to implement the CPO.</p> <p>3. Acquisition by compulsory purchase will only be utilised where formal acquisition of all interests and new rights over the land required for the delivery of the Phase One Hereford Western Bypass Scheme has not been secured within a reasonable timescale to enable the scheme to be constructed.</p> <p>4. The 2018 SRO was confirmed on 14 March 2019. The Council may implement that 2018 SRO to enable works to progress. However, a further SRO may be required to enable the full extent of works required as part of the Phase One Hereford Western Bypass Scheme. If the further SRO is not made it is possible that the proposed works as part of the Phase one Hereford Western Bypass Scheme will not be authorised, which would put the delivery of the scheme at risk.</p>
Declarations of interest (see ▪ below)	
Call-in expiry date (decisions are not subject to call-in where special urgency provisions apply)	24 December 2025

<p>Councillor: .....</p> <p>Leader of the Council (Councillor Jonathan Lester)</p>	<p>Date 18 December 2025</p>
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- a record of any conflict of interest declared by any executive member who is consulted by the member which relates to the decision;

and

- in respect of any declared conflict of interest, a note of dispensation granted.