



# **Title of report: Hereford Western Bypass Phase One Land Acquisition CPO**

**Meeting: Cabinet**

**Meeting date: Thursday 18 December 2025**

**Cabinet member: Cabinet member transport and infrastructure;**

**Report by: Corporate Director, Economy and Environment**

**Report Author: Delivery Director - Infrastructure**

## **Classification**

Open

## **Decision type**

Key

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.

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.

Notice has been 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.

## **Wards affected**

(All Wards);

## **Purpose**

To seek approval from Cabinet to make a Compulsory Purchase Order (CPO) and Side Roads Order (SRO) for the acquisition of land and rights required to construct, operate, facilitate and maintain the first phase of the Hereford Western Bypass. Progress has been made to acquire land by negotiation, however, should any of the negotiations fail to reach an agreed purchase the Council will have no other option but to use its compulsory purchase order powers to acquire the land. The Council now considers it necessary and proportionate to begin the CPO process to enable the land and interests needed to be acquired in a timely period. The Council will continue to negotiate with landowners and their agents in parallel with the CPO in hopes that successful purchase agreements can be reached. Once any agreements are reached the Council will remove that land from the CPO process.

### **Recommendation(s)**

**To agree to resolve that the Council**

- a) note the draft Statement of Reasons (at Appendix 1);**
- 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**
- 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.**
- d) Delegate authority to the Corporate Director for Economy and Environment to**
  - 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**
    - i) Improve the lengths of highway referred to in the SRO and the corresponding plan**
    - ii) Stop up each length of the highway as referred to the SRO and the corresponding plan**
    - iii) Construct a new highway along each route as referred to in the SRO and the corresponding plan;**
    - iv) Stop up each private means of access to premises as referred to in the SRO and the corresponding plan;**
    - v) Provide new means of access to premises as referred to in the SRO and the corresponding plan.**

**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);**

- 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;**
- 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 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;

- d. acquire all interests in land within the areas of the CPO either compulsorily or by agreement;
- 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;
- f. negotiate and enter into agreements or undertakings with persons with any interest in the land affected by or relating to the Orders;
- 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 ;
- 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
- 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;
- j. confirm the CPO if granted power to do so by the Secretary of State;
- 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.
- 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;

## **Alternative options**

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 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.
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.

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.
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.

### Key considerations

5. [The New Road Strategy for Hereford](#) was approved by Cabinet in March 2024. The strategy includes the Hereford Western Bypass which consists of two phases, the first phase being a link between the A49/B4399 junction and the A465 (formerly called the Southern Link Road) and the second phase the continuation of the road to a junction with the A49 to the north of the City.
6. Phase one of the Hereford Western Bypass provides much need improved access to the Hereford Enterprise Zone from the South-West of the County and further afield into South Wales. The proposed route would remove significant numbers of vehicles from the current junction of the A465 and A49 just south of Greyfriars Bridge, and from some of the more rural roads that are currently used as a short cut between the two routes, which are not suited to the levels of traffic currently utilising them.
7. Phase One also facilitates the wider Hereford Western Bypass, which will bring significant benefits to the City, County and wider region, enabling ambitions for housing and employment growth to be realised.
8. Phase One has been granted full [planning permission](#) (Planning Number P151314/F). That planning permission was implemented in July 2019 and further construction is programmed in December 2026, however, this requires the acquisition of much of the land along its route, with only one parcel of land currently within the council's ownership.
9. At its meeting of 17 July 2025, Cabinet approved the proposed strategy for the acquisition of land associated with the Western Bypass Phase One which stated that a CPO would be commenced to run in parallel with the negotiation process.
10. The council is prioritising acquiring land voluntarily by negotiation and discussions are continuing with landowners. The council has a duty to demonstrate value for money and must be seen to spend public money prudently to achieve the best combination of costs and outcomes. There is therefore a finite envelope of costs that the council must work within for negotiations and a timescale within which negotiations must be completed to meet the council's delivery programme. It is therefore prudent to run a compulsory purchase process in parallel with negotiations, should land not be able to be acquired by negotiation.
11. A previous compulsory purchase order and side roads order for land along the route was approved at a public inquiry in January 2019 and confirmed on 14 March 2019. These orders were titled The County of Herefordshire District Council (South Wye Transport Package – A4194 Southern Link Road) (Classified Road) (Side Roads Order) Order 2018 and The County

of Herefordshire District Council (South Wye Transport Package – A4194 Southern Link Road) Compulsory Purchase Order 2018). As a result of the scheme being paused and then subsequently cancelled, not all land was acquired at that time and land that had been acquired was transferred back to landowners.

12. The compulsory purchase order confirmed in 2019 has now time expired. The Council understands the 2018 SRO remains in force, but if for any reason, a new SRO is required as a result of changes to planning a new SRO would be required and it will cover only the proposals covered by those previously forming part of the 2018 SRO.
13. A draft Statement of Reasons has been developed explaining the reasons the land is required and the justification for the need for the CPO and which will also cover the need for an additional SRO if this is required. This statement will be updated (as applicable) prior to the submission of the CPO (and the SRO) to the Secretary of State
14. Should Cabinet approve the making of the CPO and the SRO the draft statement of reasons will be finalised and served on all relevant parties together with the Orders.
15. The council has allocated £10.3m within its capital programme for the development of the scheme to construction, acquisition of land and associated costs. A further £30m of funding, to undertake the construction of the scheme has also been included within the council's capital programme.

## **Community impact**

16. The proposals would directly impact those who own land along the route. This comprises of seven different landowners.
17. There are a further three parcels of land for which the Compulsory Purchase Order will not apply. The first is a parcel of land already within the council's ownership. A second is land in the vicinity of the junction with the A49 which is owned by National Highways and will remain in the ownership of National Highways upon the completion of the scheme to enable maintenance to be able to be undertaken without wayleaves. Finally, a third parcel of land is in the ownership of Network Rail, however the scheme does not make contact with that land and hence only air rights from Network Rail are required. Agreements with National Highways and Network Rail are being progressed separately.
18. When considering the impact on those landowners directly affected by the proposals all reasonable accommodations will be considered to mitigate the impact of the permanent works within the compulsory purchase offer made to residents. It will be ensured that land acquired temporarily to enable construction of the scheme will be returned post construction in an equivalent state to that which it was in when received, unless alternative arrangements have been agreed with the landowner.
19. There are no further impacts arising from the compulsory purchase order. There remains some opposition to the proposed bypass however, and therefore it is possible that objections to the proposed order may be received, potentially requiring a public inquiry.

## **Environmental Impact**

20. The proposal has no direct environmental impact as it relates purely to the transference of the ownership of land to the council. Impacts upon the environment of the scheme itself and how these will be mitigated have been addressed as part of previous reports on the proposals and

will continue to be addressed as part of discharge of planning conditions and a business case to draw down upon funding.

## Equality duty

21. The Public Sector Equality Duty requires the Council to consider how it can positively contribute to the advancement of equality and good relations, and demonstrate that it is paying 'due regard' in our decision making in the design of policies and in the delivery of services.
22. The mandatory equality impact screening checklist has been completed for this activity and it has been found to have low impact for equality.
23. Due to the potential impact of this activity being low, a full Equality Impact Assessment is not required. However, the following equality considerations should be taken into account when making a decision about this activity:
  - a. The land to be acquired includes public footpaths. Public footpaths can often be utilised by those on low incomes as a method of accessing education or employment and those with disabilities. Therefore, any public footpaths retained within the ownership of the council will need to continue to be maintained to ensure accessibility to all users and any newly diverted/ created footpaths retained by the council or returned to the landowner will need to ensure that access for disabilities is improved or maintained within ongoing maintenance requirements. Any enhanced maintenance of land returned to landowners will need to be considered within acquisition costs.
  - b. Public concerns relating to equality arise from the proposed scheme which the compulsory purchase order supports and not the compulsory purchase order itself. The scheme has received planning consent and objections to the scheme have been taken into consideration as part of that process.
  - c. The previous compulsory order process received several objections from members of the public not directly impacted by the proposals. Valid concerns raised at that time by landowners and other stakeholders were taken on board and included within the final version of proposals and remain included within the current scheme. Further impacts may come to light as part of this process and consideration will be given at all stages to ensure that any reasonable impacts are mitigated by the final proposals. This may require small areas of additional land to be brought into the compulsory purchase order prior to it being made, to accommodate any mitigations.
24. The broader scheme has sought to maintain public rights of way, albeit with some minor diversions, and provides for a new bridleway to improve safety of equestrian users currently using Grafton Lane. The land required to enable these to be provided are included within the scope of the compulsory purchase order.

## Resource implications

25. This proposal would require external support from specialist legal services in addition to support from the councils own legal and property teams.
26. There are two scenario's to be considered.
  - i) all land is acquired by negotiation and CPO not proceeded with or some land is unable to be acquired by negotiation, but a compulsory purchase order is not contested
  - ii) some land is unable to be acquired by negotiation and a compulsory purchase order is contested resulting in a public inquiry

The resource implications would be different for each scenario

27. Should the land be acquired through negotiation or a CPO and SRO (if required) not be contested then the cost of additional legal and professional services support to run a compulsory purchase order in parallel with land negotiations would be in the region of £35,000 plus the land acquisition and compensatory costs.
28. Should a CPO and SRO be required and contested, resulting in a public inquiry, then costs of additional legal and professional services support would likely be in the region of £500,000 plus the land acquisition and compensatory costs.
29. Both scenarios would require additional internal legal, property services and project management support to facilitate.
30. Property acquisition costs are anticipated to be in the region of £1.5m to £3.0m depending on final land values, scale of accommodation activity required, blight claims etc.
31. The Council has previously approved £10.3m for the development of the scheme to construction, including land acquisition, and the costs of both scenarios are able to be accommodated with that budget.

## Legal implications

32. Sections 239,240, 246, 250 and 260 of the Highways Act 1980 and the Acquisition of Land Act 1981 (to secure the acquisition of the land) grant a highway authority (such as the Council) statutory powers to acquire land for the construction and improvement of a highway, to acquire land for the construction and improvement of a highway, to acquire land which is required for (or use in connection with) the construction of the highway, to acquire land to mitigate the adverse effects of the highway and to create new rights over land.
33. The CPO process allows for the authority (following a Cabinet resolution) to make the compulsory purchase order acquiring the land interests, the order is then submitted to the Secretary of State for confirmation.
34. As the highway authority for the scheme, the Council has powers under sections 14 and 125 of the Highways Act 1980 to make the SRO and to submit the order to the Secretary of State for confirmation.
35. If confirmed by the Secretary of State, the SRO will authorise the Council to stop up, divert, raise, lower, improve or otherwise alter existing highways that cross or enter the route of the new road or will be otherwise affected by the construction of the new road. Such existing highways could be a carriageway, footpath, bridleway or cycle track.

36. If statutory objections are received to the CPO and/or the SRO within the objection period, then the Secretary of State must proceed to determine the matter by way of written representations or Inquiry. Following consideration of any Report prepared by an Inspector appointed to consider the representations or hear the evidence presented at the Inquiry, the Secretary of State will decide whether or not to confirm the Orders with or without modifications.
37. If no objections are received to the Orders and or if objections are withdrawn in respect of the Orders the Secretary of State may authorise the Council to confirm the Orders with or without modification.

## Risk management

38. The key risks associated with the approval of the compulsory purchase order and side roads order are set out below

Ref	Risk	Potential Impact	Mitigation
1	Scheme design changes	<p>The CPO may not include all of the land required to construct the bypass.</p> <p>The existing SRO may become invalid.</p>	<p>Every effort is being made to contain design changes within the boundaries of the proposed CPO plan.</p> <p>Delegation to make minor amendments to reflect changes prior to making the order after the decision of Cabinet is included within the recommendations.</p> <p>A new side roads order is included to accommodate any changes of access in mitigation to land acquisition negotiations.</p>
2	Objections are received to the compulsory purchase order or the side roads order	Valid objections may trigger a public inquiry resulting in a significant delay to the scheme and potentially the rejection of the CPO meaning that the scheme is unable to be constructed.	The CPO and SRO are being proposed to reflect their previous form as far as practicable. The scheme was previously successful at Public Inquiry and therefore it is considered that there would be high confidence of another successful result.

3	The council is not successful in acquiring land either through negotiation or through compulsory purchase.	The council is unable to proceed with the construction of the scheme	The council is working closely with landowners to incentivise the acquisition of the land through negotiation to ensure that the council receives good value for money and remove the need for a compulsory purchase order and the associated high costs.
4	Publishing of a CPO has a detrimental impact on current negotiations with landowners.	Landowners may consider the publishing of a CPO a mechanism to bypass negotiations and seek to acquire the land at a cheaper price.	All landowners have been advised that acquiring land through negotiation remains the preferred approach.  The high cost of a challenged CPO means that the council is unlikely to be able to acquire the land at a cheaper cost than through negotiation.
5	Cost variation	The council is currently in negotiation with landowner agents on agreed market values for the land. This valuation would apply to either negotiated acquisition or Compulsory Purchase Order Route.  Depending on the finally agreed cost there is a wide variation in costs that the council may be subject to.	Officers are seeking to ensure good value within the acquisition of land and therefore require evidence of market value to inform final costs.  Whilst a budget has been made available to acquire land, a further contingency remains available which will cover the costs of all scenarios, with any underspends from budgets and contingency able to be made available to contribute to construction costs.

## Assurance Statement:

The strategic risks associated with the Herefordshire Western Bypass – Phase One compulsory purchase and side roads order have been reviewed and are being managed in accordance with the Council's Risk Management Strategy. The key risk areas identified, including cost variations and programme delays arising from a public inquiry, negative

reputational impact, are appropriate and proportionate to the scope and stage of the programme. Oversight of risk mitigations will continue through the Council's established governance and assurance frameworks to ensure risks are effectively monitored, escalated, and addressed.

I have reviewed the risks identified within the report and am satisfied that they have been appropriately assessed and are being managed through proportionate and reasonable mitigations. The risk management approach taken is in line with the Council's expectations for a project of this scale and complexity.

## Consultees

39. The following consultation has taken place

Consultation	Date	Feedback
Political groups consultation on a key decision	10 December 2025	To be reported back as a supplementary item
Member Steering Group for Growth Corridor and Hereford Western Bypass.	12 <sup>th</sup> June 2025	Supportive of approach

## Appendices

Appendix 1 – Draft Statement of Reasons

Appendix 2 – The Compulsory Purchase Order Plans

Appendix 3 - Side Roads Order 2018

## Background papers

None Identified

**Please include a glossary of terms, abbreviations and acronyms used in this report.**

CPO              Compulsory Purchase Order

SRO              Side Roads Order

SoS              Secretary of State