

Q2.5.3.5 b) Applicant and Travelodge Hotels Limited, explain with reference to relevant legislation and policies, if the Compulsory Purchase Association Land Compensation Claims Protocol or any part of it is relevant to the ExA's consideration and recommendation to the SoS.

The Examining Authority (ExA) confirmed in CA1 that to satisfy the requirements of Section 122 of the Planning Act 2008 the Applicant is required to demonstrate a compelling case in the public interest for CA. This includes making reasonable efforts to avoid using CA, including only seeking authority to acquire land compulsorily if attempts to acquire by agreement have failed (see *Roao FCC Environment (UK) Ltd v Secretary of State for Energy & Climate Change* [2015] EWCA Civ 55 and paragraph 25 of government guidance (Planning Act 2008 Guidance related to procedures for compulsory acquisition of land).

It follows it is relevant to consider what reasonable attempts to acquire land by agreement looks like?

The Compulsory Purchase Association Land Compensation Claims Protocol (the 'Protocol') is a statement of best practice in relation to land compensation claims. It also has formal relevance to the compulsory purchase process. The Upper Tribunal (Lands Chamber) Practice Directions (19 October 2020) state:

"Parties to references for compensation for compulsory purchase or loss caused by public works are encouraged to follow the pre-reference protocol published by the Compulsory Purchase Association at <http://compulsorypurchaseassociation.org/landcompensation-claims-protocol-1.html> The Tribunal will take an unreasonable refusal to follow the Protocol into account when deciding what order for costs to make at the conclusion of the reference."

The Protocol is therefore an authoritative guide showing what reasonable endeavours to acquire property by agreement looks like, and is accordingly relevant to the ExA's consideration and recommendation.