



Department
for Transport

Lord Hendy of Richmond Hill
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The Lord Moylan
House of Lords
London
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13 November 2025

Dear Lord Moylan,

PLANNING AND INFRASTRUCTURE BILL: REPORT STAGE CLARIFICATIONS

It was an honour to represent the Government during Report stage of the Planning and Infrastructure Bill in the House of Lords. I continue to be grateful for the concerns and questions that you raised during the session.

I welcome the opportunity to respond to a technical point raised during the debate. For the purposes of transparency, I shall also be depositing a copy of this letter in the House of Lords Library.

Highways Act 1980: Compulsory acquisition powers to include taking of temporary possession

In the debate, the question was posed regarding how long after works had finished could the land be compulsorily possessed.

Temporary possession is a well-established legal concept that provides certainty and practical powers essential for safe, efficient delivery of infrastructure works. The term “temporary” is not defined in legislation; temporary having the meaning of ‘lasting for only a limited period of time; not permanent’. This provides flexibility to the order-making authority and landowner when considering the nature of the powers.

Where agreement cannot be reached, it is important that there be safeguards to prevent excessive land acquisition, or the occupation of land longer than necessary. To this end the duration of any powers of temporary possession


granted would be prescribed in the order made by the Secretary of State, having been satisfied that the land take is fully justified, proportionate, and in the public interest.

It is expected that the acquiring authority will self-limit both the amount and period during which a piece of land is temporarily possessed, in order to minimise the financial cost. There may be circumstances where an acquiring authority will require temporary access to land for a period longer than initially intended. In such circumstances, compensation provided to the affected parties would be altered according to the changed circumstances, as per the Land Compensation Act 1961.

I also promised to return to your question on the need for guidance regarding this clause. Publishing any guidance in relation to this clause will be at the Secretary of State's discretion. However, there is already a suite of well-established guidance covering compulsory purchase mechanisms, including temporary acquisition and compensation. As a consequence, we do not consider it necessary to supplement that familiar and well understood guidance at this time.

I trust that these responses provide clarity and reassurance on the points raised.

Yours sincerely,

A handwritten signature in dark ink, appearing to read 'Peter Hendy', followed by a long, horizontal, wavy line that extends to the right.

Peter, Lord Hendy of Richmond Hill

MINISTER OF STATE FOR RAIL