



Briefing for the Public Petitions Committee

Petition Number: [PE1326](#)

Main Petitioner: Moyra Beattie

Subject: Compulsory purchase powers in relation to derelict properties/land.

Calls on the Parliament to urge the Scottish Government to investigate and review the compulsory purchase powers of local authorities to deal with derelict properties/land.

Background

Local authorities have been granted the power to compulsorily purchase land, or interests in land, by several Acts. These powers of compulsory purchase have been granted to allow local authorities to exercise particular statutory duties. The legislation which grants these powers includes:

Statute	Section	Purpose of the power to compulsorily purchase land
Town and Country Planning (Scotland) Act 1997	189	Development, redevelopment and improvement, proper planning of an area
Housing (Scotland) Act 1987	9	Erection of housing
National Parks and Access to the Countryside Act 1949	17, 18	Management as a nature reserve.
Caravan Sites and Control of Development Act 1960	24	Land for the provision of caravan sites.
Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997	42	Listed buildings in need of repair – proper preservation of a listed building.
Roads (Scotland) Act 1984	11 – 14	Construction or improvement of a road.

The SPICe Briefing on [Compulsory Purchase and the Planning System](#) explains the operation of the power of compulsory purchase granted to local authorities by the Town and Country Planning (Scotland) Act 1997 (“the 1997 Act”), which operates in a broadly similar manner to the other systems listed above. In summary, the 1997 Act allows local authorities to compulsorily purchase land for two reasons:

1. To assemble a site required for development which is currently owned by many different people or organisations.
2. To also acquire land that is not directly required for a major development but is required for a planning purpose.

In deciding whether land is suitable and required for development, and hence compulsory purchase, the 1997 Act requires a local authority to consider:

1. The provisions of the development plan, so far as material,
2. Whether planning permission for any development on the land is in force; and
3. Any other considerations which would be material for the purpose of determining an application for planning permission for development on the land.

It is worth noting that local authorities have a number of other statutory powers to deal with derelict properties or buildings that are either unsafe or dangerous, including Waste Land Notices, Dangerous Building Notices and Defective Building Notices.

One particular constraint on the use of compulsory purchase powers by local authorities is the availability of funds for the purchase of properties.

Scottish Government Action

The then Scottish Executive’s Central Research Unit published a [Review of Compulsory Purchase and Land Compensation](#) during 2001. This provides a comprehensive overview of the compulsory purchase system in Scotland and suggestions for change. This work has never been taken forward.

Scottish Parliament Action

The Scottish Parliament has not considered the use of compulsory purchase powers by local authorities.

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