



For information

Title: Consultation on compulsory Purchase Reform in Scotland

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Purpose

This paper is intended to inform members of the Scottish Government's consultation on reform of the compulsory purchase system in Scotland, raise awareness of their potential as tool to support development or other objectives of the Park Authority and of the approach proposed by officers to responding to the consultation.

Recommendation

The Committee is asked to:

- a) Note the consultation and the potential for the use of compulsory purchase powers by the Park Authority and other public bodies.
- b) Note the approach proposed by officers to responding to the consultation.

Background and strategic context

1. Compulsory purchase is a tool given to many public bodies to be used in the public interest. The Scottish Government recognises that it is potentially powerful tool and that it is probably under-used by public bodies, particularly in supporting development, in part because it has a complex and dated legal framework, with relevant provisions in Acts of 1845, 1947, 1963, 1973 and 1997.
2. The Cairngorms National Park Authority has a very broad ability to use compulsory purchase powers in order to further its work but while it has investigated the use of CPO's at some points in the past in relation to proposed or potential developments, it has not actually used one to date. That is partly because the partners of the Park Authority such as local authorities also have compulsory purchase powers and would be the most appropriate body to implement them. It is worth noting that the public interest tests, and potential financial and reputational implications of



compulsory purchase would mean that the Board would be asked to approve decisions to implement compulsory purchase procedures.

3. The Government is now consulting on proposals to modernise the compulsory purchase system to make it more effective and simpler for public bodies to use as well as fairer and more transparent for people affected by it. The full consultation document is available at <https://www.gov.scot/publications/compulsory-purchase-reform-scotland-consultation-paper/>. They plan a Compulsory Purchase Bill for the next Parliament after May 2026.

The consultation and proposed response

4. The consultation document covers a wide range of topics from the enabling powers and purposes of compulsory purchase to processes for Compulsory Purchase Orders (CPOs), implementation, compensation and the potential for alternative powers of compulsory sale orders that have been proposed in the past by the Scottish Land Commission or compulsory lease orders that have been proposed by others. There are 122 questions within the paper, often on fairly technical elements of procedure.
5. Given that the Park Authority has no direct experience of using its CPO powers in practice, officers propose to respond only to the more general questions in the consultation. We will generally welcome the proposals that consolidate and simplify the legislation and procedures for public bodies to intervene in the ownership and rights over land in the public interest as well as making the system fairer, more transparent and easier to understand for parties over whom powers are used.
6. There are a few changes that are proposed that are worth highlighting to members. Firstly, confirmation of CPOs is currently a decision for Scottish Ministers, but the consultation asks if this should be moved to the authority that is acquiring the land or property if the CPO is not opposed (or if any objections have been resolved), in order to speed up the process. Similarly, a new faster mechanism for taking title to land is proposed to replace a number of different processes that can be used currently.



7. Secondly, the consultation proposes new general powers to allow the authorities acquiring the land to also acquire rights in land (such as servitude rights) without the need for full ownership. This could reduce the impacts on those whose land is being acquired, reduce the the land being purchased and reduce the compensation costs for the public sector. There are already some public bodies with this ability but others without it and no obvious reasons for the inconsistencies.
8. Finally, while compensation is an integral part of compulsory purchase procedures, there are various routes to it and it must be claimed by an owner rather than being offered by an authority and accepted by an owner. There are also perceptions about lack of transparency in the assumptions made by acquiring authorities in the valuing land and compensation. The consultation generally seeks views on simplifying processes and improving transparency for owners of land to receive appropriate compensation.

Next steps

9. Officers will provide brief comments to Scottish Government by the deadline of 19 December 2025.

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