





Compulsory Purchase Orders: Legal Issues in Compensation
CAADs and Hope Value
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Part III LCSA, 1963.....Planning assumptions 

- Existing Use
- Intended Use
- Development not constituting new development



Establishing Development Value 

- ▶ What is a certificate of appropriate alternative development (CAAD)?
- ▶ When is it relevant?

CAAD Process



- ▶ Who can apply and how
- ▶ Relevant circumstances



Right to apply



- Act or Order of Parliament
- Notice under Enactment
- Written offer to negotiate
- Scottish Acts?



CAAD – Questions to be answered



- ▶ Positive certificates
- ▶ Negative or nil certificates



Assessing value



- ▶ No scheme world (Pointe Gourde principle)
- ▶ Future date?
- ▶ Application of planning principles
- ▶ Relevant date
- ▶ Development plan policy

Conditions



- Where permission would have been granted subject to conditions
- Benefits



Decisions and appeals



- Time limit
- Right of appeal
- Confirm, vary, substitute
- Right to be heard
- Expenses
- Appeal to Court of Session – vires, procedural defects

- ▶ Transport for London v Spirerose Limited [2009] UKHL 44
- ▶ Steel v Scottish Ministers 2015 SLT (Lands Tr) 81

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