

E: [REDACTED]@gov.scot

Ms [REDACTED] & Ms [REDACTED]
Solicitors
North Lanarkshire Council
Civic Centre
Windmillhill Street
Motherwell
ML1 1AB

29 January 2025

Dear Ms [REDACTED] and Ms [REDACTED]

**THE HOUSING (SCOTLAND) ACT 1987
THE ACQUISITION OF LAND (AUTHORISATION PROCEDURE) (SCOTLAND) ACT 1947
THE NORTH LANARKSHIRE COUNCIL (BLOCKS C, D AND E, MILLCROFT ROAD,
CUMBERNAULD) COMPULSORY PURCHASE ORDER 2023**

I refer to the Council's email of 30 March 2023 submitting the North Lanarkshire Council (Blocks C, D and E, Millcroft Road, Cumbernauld) Compulsory Purchase Order 2023 ("the Order") to the Scottish Ministers for confirmation.

The Scottish Ministers have given careful consideration to the merits of the Order, to which three statutory objections were received, one withdrawn on 9 October 2023 and two maintained. In accordance with paragraph 4(2) of the First Schedule to the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947, an objection lodged and not withdrawn leads to a Public Local Inquiry or Hearing. A Hearing was conducted by Reporter, [REDACTED] on 17 and 18 April 2024, 4 and 6 June 2024 and 27 August 2024. Three site visits took place on 23 November 2023 (accompanied), 12 May 2024 (unaccompanied) and 27 August 2024 (accompanied).

The Report

A copy of Mr [REDACTED] report (received on 6 November 2024) is enclosed for your information. Chapter One considers North Lanarkshire Council's justification for the Order, as read with paragraphs 1 to 10 of Appendix 2. Chapter Two of the Report sets out the case for the objectors and, as narrated in Appendix 2, the evidence led and as appropriate the findings made at the Hearing sessions. This included evidence in relation to the options process undertaken, compliance with Scottish Government Circular 6/2011 (Compulsory Purchase Orders) and consideration of possible modifications. Conclusions and recommendations are at Chapter Three. There are three Appendices to this report.

Consideration by the Reporter

The Reporter's recommendation is to confirm without modification. The Reporter's findings in fact, reasoned conclusions and recommendations are set out in detail in Chapter Three of the report.

The Scottish Ministers' Decision

Scottish Ministers have carefully considered all the evidence presented, the Council's case for the Order, the objections and Reporter's conclusions and recommendations from the Hearing.

Reporter's Conclusions and Recommendation

Overall conclusions

3.63 In my view, the case made as the justification for the Order by the acquiring authority is strong to overwhelming, for all the reasons set out above. I reach that view notwithstanding the criticisms I make of the authority as set out at paragraphs 3.54 to 3.62 above.

3.64 The policy interventions under-pinning the case of the acquiring authority in their vision for the future of this location is clear. The objectors have a competing vision of the future, based on a non-interventionist approach. I have little doubt in accepting and recommending confirmation of the Order based on the vision of the acquiring authority in preference to the perpetuation of a sink estate, doing the barest minimum to meet standards of repair and quality of habitation by and for the residents of the properties at Millcroft Road.

3.65 Although the objectors argue that the failure of maintenance in the past (allowing the current situation to arise) is irrelevant (or explicable), I consider that these failures cannot be disregarded in looking at the questions before Ministers in the round. If the prospect of a compulsory purchase order has not resulted in the taking of essential maintenance steps by owners in relation to common parts across the three blocks, it is hard to accept that the removal of that prospect will change those behaviours. That prospect is made all the more unlikely where so many owners are absent landlords living elsewhere and so with limited investment in the amenity of the area.

3.66 Although the objectors are entitled to their view as to the overall condition of the properties, the overwhelming evidence and my findings are against them. From the evidence of the Reports, the Hardies witnesses and the photographs lodged, from my own assessment of the condition of the properties, from the evidence of Ms [REDACTED] and from the surveying evidence of Mr [REDACTED], the unacceptably poor quality and condition of the properties at present is clear. That situation has prevailed for some time. Ms [REDACTED] was entirely correct to describe their condition as wretched.

3.67 In considering the justification for the intervention of the State into private property rights, I have considered the circumstances with particular regard to the protections of private and personal possessions protected under ECHR and in balancing those against the public interest justification made by the acquiring authority (set out in section 12 of their Statement of Case).

A compelling case for compulsory acquisition has in my view been made in the public interest, for all the reasons set out in this Report. Compensation for the rights proposed to be acquired is provided for.

3.68 I recommend that the North Lanarkshire Council (Blocks C, D and E, Millcroft Road, Cumbernauld) Compulsory Purchase Order 2023 is confirmed without modification.

Scottish Ministers accept the Reporter's reasoning and conclusions within the report and adopt them for the purposes of their own decision. Scottish Ministers consider the acquisition of the interests listed in the Order by compulsory means is proportionate and in the public interest. Therefore, the North Lanarkshire Council (Blocks C, D and E, Millcroft Road, Cumbernauld) Compulsory Purchase Order 2023 is confirmed without modification. This letter constitutes their decision to that effect. A copy of this letter along with a copy of the report will be sent to relevant parties to the Hearing and the Reporter. In addition, a redacted copy of this letter and the report will be sent to the Official Publications Unit of the National Library of Scotland and published on the DPEA website.

Subsequent Procedures


In accordance with paragraph 6 of the First Schedule to the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 ("the 1947 Act"), notice of confirmation of the Order should be published as soon as may be in the prescribed form (Form No. 4 in the Schedule to the Compulsory Purchase of Land (Scotland) Regulations 2003 (SSI 2003/446) in one or more newspapers circulating in the locality in which the land comprised in the Order is situated. A like notice and a copy of the Order as confirmed must be served on all persons on whom notice under paragraph 3 of the First Schedule to the 1947 Act was served.

North Lanarkshire Council will require to take what action they consider necessary regarding the service of the notices in accordance with paragraph 19(4) of the First Schedule to the 1947 Act, as amended by paragraph 6 of Schedule 2 to the Local Government (Miscellaneous Provisions) (Scotland) Act 1981.

The Order will become operative on the date on which notice of the confirmation is first published, but any person aggrieved may, within 6 weeks of that date make application to the Court of Session in terms of paragraph 15 of the First Schedule to the 1947 Act, as extended by Section 60 of the Land Compensation (Scotland) Act 1973.

Extracts of newspapers containing notice of the confirmation of the Order should be forwarded to the Scottish Ministers for retention along with a certificate of the service of required notices.

Please send these notices to:


 Policy Officer
 The Scottish Government
 More Homes Division
 Bothwell House
 Hamilton Business Park
 Caird Park
 Hamilton ML3 0QA

Alternatively, they may be emailed to Ms [REDACTED] : [REDACTED] [@gov.scot](mailto:[REDACTED]@gov.scot)

I should be grateful if you would acknowledge receipt of this letter to Ms [REDACTED] .

Yours sincerely

[REDACTED]

[REDACTED]
Team Leader
More Homes Division
Directorate for Local Government & Housing