



Solicitor  
North Ayrshire Council  
Legal Services, 1st Floor West,  
Cunninghame House  
Irvine KA12 8EE

6 April 2023

Dear 

**THE HOUSING (SCOTLAND) ACT 1987  
THE ACQUISITION OF LAND (AUTHORISATION PROCEDURE) (SCOTLAND) ACT 1947  
THE NORTH AYRSHIRE COUNCIL (2 MONTGOMERIE ROAD, SALTCOATS)  
COMPULSORY PURCHASE ORDER 2022**

1. I refer to the Council's email of 1 December 2022 submitting the North Ayrshire Council (2 Montgomerie Road, Saltcoats) Compulsory Purchase Order 2022 ("the Order") to the Scottish Ministers for confirmation.
2. The Scottish Ministers have given careful consideration to the merits of the Order, to which no objections were received. Ministers are satisfied that the Order should be confirmed.

**Background Information**

3. The Order is made in exercise of the powers conferred by section 124 of the Housing (Scotland) Act 1987 for the purpose of recovering demolition costs regarding a previously demolished house. The Order allows the Council to obtain title to the land which was the former site of one demolished cottage at 2 Montgomerie Road, Saltcoats, KA21 5DJ, extending to 114.27 square metres.
4. The owners of the property are deceased and as the property has lain empty for many years and was in such poor condition, two demolition orders were served. The first in 2015 to the solicitors thought to be acting for the deceased owners, but the solicitors confirmed they did not have instructions to deal with the property, and the relatives of the deceased owners instructed that no further contact be made with them regarding the property.

As the solicitors were not acting for the owners it was considered that the validity of this notice could not be relied upon. Notice was served again in February 2021 by affixing a notice to the building and requiring the demolition of the building within six weeks. It was also advertised in the local press. No contact of any kind was made, and the Council arranged for the demolition of the property. In the absence of any owners the Council have not been able to recover the costs of this demolition. Notice of the Compulsory Purchase Order was served by attaching a site notice at the property fence, and it was checked at least three times per week by Council Legal Officials to ensure the notice remained in situ for the objection period. The Compulsory Purchase Order notice was also placed in the local press on 7 and 14 December 2022.

5. If the promoted Order is confirmed, the Council will take title to the land and hope to sell it to recoup the demolition costs incurred.

### **The Scottish Ministers' Decision**

6. In determining to confirm the Order, the Scottish Ministers consider that the compulsory acquisition of the land at 2 Montgomerie Road, Saltcoats is necessary to allow the Council to recoup the demolition costs for an ownerless building which they had to demolish due to its derelict condition. No persons would be made homeless by this acquisition as the derelict property had been empty for many years after the death of the last owner and has already been demolished.
7. The Scottish Ministers have considered carefully all the evidence presented to them and consider that acquisition of the land listed in the Order by compulsory means is proportionate and in the public interest. The Scottish Ministers consider that a fair balance has been struck between the need to protect the rights of the owners and the public interest. Taking these considerations into account, the Scottish Ministers are satisfied that the Order should be confirmed.
8. This letter constitutes the Scottish Ministers decision to that effect.

### **Subsequent Procedures**

9. 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.
10. North Ayrshire 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.

11. 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.
12. 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:

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

Alternatively, they may be emailed to [REDACTED]

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

Yours sincerely

[REDACTED]

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