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Solicitor
Legal Services
North Ayrshire Council
Cunninghame House
Irvine
KA12 8EE



27 August 2019

Your ref: PPE/01/0018
Our ref: CPO-NAY-002

Dear [REDACTED]

**TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997
ACQUISITION OF LAND (AUTHORISATION PROCEDURE) (SCOTLAND) ACT 1947
THE NORTH AYRSHIRE COUNCIL (SCHOOL ROAD, KILBIRNIE) COMPULSORY
PURCHASE ORDER 2019**

1. I refer to your letter of 23 May 2019 submitting the above mentioned Compulsory Purchase Order (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 lodged with them in terms of paragraph 4(4)(a) of Schedule 1 to the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947, section 189. The Scottish Ministers are satisfied the Order should be confirmed.

Background Information

3. The Order is made in exercise of the powers conferred by section 189 of the Town & Country Planning (Scotland) Act 1997 for the purpose of acquiring land.
4. The Orders purpose is to allow North Ayrshire Council to acquire the land currently formed as a road from Moorpark Primary and the former Garnock Academy (demolished) The land extends to 503 square metres. The owner of the land to be acquired cannot be identified, however the council and all predecessors have occupied the land since approximately 1857.
5. Following the relocation of Garnock Academy in December 2016 the existing buildings were demolished creating a potential development site. The land has been

used since both schools existed in the 1970's and provides an exit from the site as part of a one way street system. The Council has established a need to retain the use of this land to allow access/agree from the adjacent site. The Order is necessary and appropriate to allow North Ayrshire Council to secure the land for their future long term use.

The Scottish Ministers' Decision

6. In determining to confirm the Order, the Scottish Ministers have carefully considered all the documentation submitted by Council and taken into account that the Order is required to facilitate access to the adjacent site.

7. The Scottish Ministers have considered carefully all the evidence presented to them and consider that acquisition of the interests listed in the Order by compulsory means is proportionate and in the public interest. Taking these considerations into account, the Scottish Ministers are satisfied that The North Ayrshire Council (School Road, Kilbirnie) Compulsory Purchase Order 2019 should be confirmed. This letter constitutes the Scottish Ministers' decision in that regard.

8. Accordingly, the original Order, with docquet of confirmation thereon together with the map referred to in the said Order, docquetted and signed on behalf of the Scottish Ministers, is enclosed.

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. North Ayrshire Council will require to take what action it considers 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.

10. 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.

11. 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.

12. I should be grateful if you would acknowledge receipt of this letter.

Yours sincerely

