

The North Lanarkshire Council (Blocks C, D and E Millcroft Road, Cumbernauld)

Compulsory Purchase Order 2023

Statement of Reasons

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STATEMENT OF REASONS

THE NORTH LANARKSHIRE COUNCIL (BLOCKS C, D AND E MILLCROFT ROAD, CUMBERNAULD) COMPULSORY PURCHASE ORDER 2023

1. Introduction

- 1.1 This is the Statement of Reasons in support of the North Lanarkshire Council (Blocks C, D and E Millcroft Road, Cumbernauld) Compulsory Purchase Order 2023 (“the Order”). The Order was made on the 29th of March 2023 under sections 9 and 10 of the Housing (Scotland) Act 1987. The Order is being promoted by North Lanarkshire Council (“the Council”) in order to provide housing accommodation by acquiring and demolishing the three blocks of flatted dwelling houses, in private ownership comprising Block C (numbers 1-103B), Block D (numbers 2-74) and Block E (numbers 76-204B) Millcroft Road, Cumbernauld (the “Order Land”) and then replacement with new build social housing to be constructed by the Council (hereinafter referred to as the “Scheme”). The current housing is no longer fit for purpose for the majority of residents. The Council is satisfied that the proposed acquisition will facilitate the replacement of the existing 169 flatted properties and associated lock-up garages on the Order Land with well managed high quality social rented housing.
- 1.2 This Statement of Reasons accompanies the Order for the purpose of explaining the basis upon which the Order has been made. It will set out a description of the Order Land to be acquired, the background, the justification for compulsory purchase, the need for good quality social rented housing in the area and proposals for use of the Order Land after acquisition.
- 1.3 The Scheme will result in a development of new homes of modern design, built to high quality sustainable standards which will deliver much needed social rented housing and have a positive impact on the character and appearance of the area.
- 1.4 A long term lack of maintenance of the current blocks has resulted in extremely poor living conditions for the residents. The majority of the properties are owned by private landlords. Tenants living in the properties may be disproportionately impacted by the lack of amenity, and due to financial hardship residing in a situation to which they have no means of resolution or economic escape.
- 1.5 For reasons that are explained in this Statement of Reasons, the Council considers there to be a clear and compelling case in the public interest to acquire the Order Land to facilitate the provision of social rented housing. Once completed the new development is also likely to contribute to the improvement of the economic, social and/or environmental well-being of the local residents. The Council is satisfied that the public interest is sufficiently important to justify the interference with the human rights of those holding interests in the Order Land.

2. Enabling Powers

- 2.1. The Order is being promoted in terms of sections 9 and 10 of the Housing (Scotland) Act 1987. Section 9 enables the Council to acquire land for the provision of housing accommodation and section 10 enables the Council to do so compulsorily.
- 2.2. The Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 (“the 1947 Act”) sets out the process for compulsory acquisition and so applies to the Order. The acquiring authority is the Council but may only exercise the power of compulsory acquisition following confirmation of the Order by the Scottish Ministers. In terms of the procedures that apply under the First Schedule to the 1947 Act, the Council must give notice of the making of the Order to every owner, lessee and occupier of land affected by the Order. The Notice must state the effect of the Order and that it is the Council’s intention to submit the Order to the Scottish Ministers for Confirmation, and there is a period within which objections can be made to the Scottish Ministers. Thereafter, the Scottish Ministers are obliged to consider the objections prior to confirmation in accordance with the procedure contained in the said First Schedule.
- 2.3. The Council has taken into account the compulsory purchase powers available and considers that it is most appropriate to use the Housing (Scotland) Act 1987 in relation to this Order. The Council is satisfied that it may lawfully exercise these powers in relation to the Order Land.
- 2.4. The Statement of Reasons has been prepared in accordance with the Scottish Government Circular 6/2011: Compulsory Purchase Orders and CPO Guidance Notes produced by the Scottish Government in 2018.
- 2.5. The Council’s Housing & Regeneration Committee on 24th November 2021 agreed the making of a Compulsory Purchase Order for the purpose of acquiring the properties at Millcroft Road, Cumbernauld (a copy of the Committee Agenda and Minute are attached at Appendix C).

3. The Scheme

- 3.1. If approved, the Scheme would allow for the construction of 72 flatted units, comprising a mix of wheelchair accessible flats in addition to general amenity properties. The proposed mix matches the local demand in the area, whilst providing parking and amenity space for the residents. The reduced massing of the proposed blocks will allow a more aesthetically pleasing development, with a focus on quality of homes rather than quantity.
- 3.2. The Scheme will remove blocks which are no longer fit for purpose from the area and replace them with a well-formed and attractive series of residential properties in keeping with the scale and character of the surrounding area.

The Scheme will also remove large areas of hardstanding and allow new areas to be properly landscaped.

- 3.3 As a condition of grant funding for the Scheme which will be obtained by the Council from the Scottish Government, the new properties will be built to the Scottish Governments Housing for Varying Needs (HFVN) Standard. This results in homes that are suitable for people of all abilities, with the built form of the housing flexible enough to accommodate a range of needs over time. Some examples of design features which will meet HFVN standards include: step free access; wider door openings; accessible switches; handrails on stairs and bathrooms that can be adapted into shower rooms.
- 3.4 The new homes will meet (at the minimum) the Scottish Government Silver Standard - Aspects 1 and 2 - for Energy Efficiency. They will also comply with the current building regulations at the time of tender submission. This will result in new occupants having high quality, well insulated homes with economical heating costs. The new homes will be consistent in design alignment with the North Lanarkshire Council Net Zero Carbon Target of 2030. There will furthermore be provision for electric vehicle charging within the new Scheme, which will further assist the move to zero carbon technologies.
- 3.5 All new build projects progressed by the Council are designed with security in mind and achieve Secure by Design accreditation. Some of the secure design features which will be explored include: designing windows that overlook common areas to improve surveillance; greater door and window standards to improve security; avoiding dark recessed areas and door viewers or peepholes.
- 3.6 This area of Carbrain will benefit from the high-quality design of the properties. As the Order Land is slightly elevated from the main South Carbrain Road, the external appearance of the new buildings will deliver a much-improved impact on the whole of the surrounding area and will alter the character of the site dramatically.
- 3.7 Externally the new development will incorporate landscaped garden areas and common amenity space to provide a healthier and more attractive environment for residents and neighbours alike. New parking provision will be provided as agreed through North Lanarkshire Council's Roads and Transportation Department. The proposals will have a significant impact on the daily living conditions of prospective residents of the new properties as there is a direct link between good quality housing and improved physical and mental health. In addition, the completed development will support good practice in building a strong community spirit by encouraging Social Inclusion in a pleasant and safe residential surrounding.
- 3.8 The flats will be built in a courtyard formation, with separate courts per block providing pleasant greenspace within each area. The individual flats have been designed to provide attractive aspects onto the common areas which will all provide an abundance of greenery. Parking areas will be provided out with the courtyards. The overall development has been designed taking into consideration the existing public footpaths across the site and enhances this

network by creating a new tree lined street and communal landscaped spaces with footpaths across.

- 3.9 The new homes will improve the quality of life of future residents and improve the amenity of the Millcroft Road and wider Carbrain area. Not only would new high-quality housing be provided but the Scheme would provide a means of maintaining and growing communities through the provision of well-maintained and laid out amenity areas which will engender social interaction between residents and help foster a spirit of community. The proposed court layout will provide a mix of different occupancy levels to encourage a range of social interaction opportunities for residents. Development of the new properties would also provide jobs and training opportunities for local people through the build stage of the Scheme. This is achieved through the Council's procurement process, with expectations of job creation conditioned within the tender itself, as well as Key Performance Indicators specifically included to meet Community Benefit targets (e.g. number of apprenticeships created, engagement with local schools, contribution to community projects etc).
- 3.10 The proposed new homes would be available for social rent to those on the Common Housing Register dependent upon each individual's points allocation for rehousing.

4. Description of the Order Land

- 4.1 The Location Plan attached at Schedule Part 3 shows the Order Land and associated lockups and car parking spaces.
- 4.2 The Order Land has a total of 169 flats and comprises 3 separate blocks of elevated flatted properties comprising Block C, Block D and Block E, ("the Blocks") with individual closes within each block and including the 57 lock up garages serving the properties which are located in front of the blocks at street level. The external layout of each block is similar. Flats located on the ground level of the blocks are accessed via covered alleyways between the lockups into individual slabbed courtyard layouts. The lock ups provide support for a high-level walkway that provides access to the remaining properties within the blocks at level one. Each close has individual access from the external walkway at level one through a covered glass panelled corridor. There is no access between closes. A few of the lock ups are still in use despite their poor condition. Many of the disused lock ups no longer have doors and are being used for dumping rubbish. There are also approximately 20 parking bays located across from the lock ups which are not being used fully either by residents from Millcroft Road or adjacent properties due to the general poor condition and perception of the area. The Council owns one flat within Block C and also owns the areas of ground surrounding Blocks C, D and E being the curtilage of the Blocks. The Council is also in the process of acquiring other flats and lock ups on a voluntary basis (see Section 9). The Council will therefore be able to use these to assist with delivering the Scheme.
- 4.3 The Scheme will ensure the retention of the high-level public footpaths situated to the north east and south west of the Order Land to allow the current rights of access along Millcroft Road and adjoining neighbourhoods in Greenrigg and

Carbrain to be retained. The footpath lying generally to the south west of the Order Land includes a section which is out with the Order Land and is owned in common by the proprietors of the neighbouring block (numbers 209 to 259 Greenrigg Road, Cumbernauld). The common rights in this footpath are not included in the Order Land. During the proposed site works, the footpaths will be closed temporarily to ensure Health & Safety requirements are met thus safeguarding the local residents and public, especially during the proposed demolition works. Alternative routes will be available via on site pedestrian and vehicle management in liaison with the Council Planning and Transportation departments. In addition, there are three lock up garages located underneath the said footpath on the Millcroft Road side which are included in the Order Land.

- 4.4 The addresses of the properties and lock ups included in the Order are detailed in Part 1 of the Schedule.

5. Background

- 5.1 The general condition of the Blocks has deteriorated due to a lack of maintenance resulting in extremely poor living conditions for residents. Photographic evidence is attached in Schedule Part 2 of this document.
- 5.2 The Council's Private Sector Housing Section initially started engaging with owners in 2007 through contact made with the then residents association - Greenrigg Millcroft Flats Residents Association ("GMFRA"). No factoring arrangement was in place and owners were failing to meet their maintenance and repair obligations for the properties, resulting in the condition of the properties deteriorating below 'The Repairing Standard' as defined in Chapter 4 of the Housing Scotland Act 2006 and further described in section 5.6 of this document. Although the duty of 'The Repairing Standard' only applies to tenanted properties, the Council chose this as a benchmark on which to measure the condition of properties due to the high level of privately let flats within the Order Land. At this time changes to legislation meant that the Council was able to offer financial assistance to owners carrying out maintenance works, which was thought would be of benefit to the owners of the properties in initiating a maintenance programme. As a result, a range of actions were taken to encourage owners to participate in a programme to improve their properties.
- 5.3 GMFRA has worked tirelessly over the years with owners and factoring organisations to encourage owners to fulfil their maintenance obligations. This was no easy task however due to non-commitment from owners to pay for works. This problem was exacerbated over the years by the increase in landlord ownership across the flats, the properties were of lower value and many landlords appeared unwilling to commit to works without seeing full return on any money invested in the properties. Ultimately several private sector factoring organisations pulled out of agreements they had with owners due to increasing arrears payments.
- 5.4 Discussions continued with the resident's association for several years until 2010. During this time discussions took place with several different housing associations with regard to options for factoring services. However, there was

no satisfactory outcome as they failed to get a majority to sign up from the owners.

- 5.5 The Housing (Scotland) Act 2006 section 72 requires that the Council prepares and makes publicly available a 'Scheme of Assistance' to detail the circumstances in which they will offer assistance to private sector home owners. The Council's Scheme of Assistance provides that Maintenance Orders should be used for properties which have not been maintained or are unlikely to be maintained to a reasonable standard. Section 42 of the 2006 Act gives Councils the power to enforce Maintenance Orders where they are considered appropriate. Due to the ongoing deterioration in the condition of the Millcroft properties, the Council agreed to use these maintenance powers in 2011.
- 5.6 Officers from the Council's Environmental Health section therefore carried out external inspections of the properties during 2011 to establish the condition of the blocks against a 'Reasonable Standard Assessment' set out by the Council. This was derived from 'The Repairing Standard' (as described above) and details the building elements which require to be assessed to establish if there is justification for a Maintenance Order to be put in place. The assessments were carried out against the following criteria:
- Wind and watertight; Structure and exterior condition.
 - Water, gas and electrical installations.
 - Common security installations; Common areas and fittings.
 - Bin chutes; Gardens, paths and boundary fences/walls.
 - Fire detection and smoke alarms.
- 5.7 The results of the survey showed that the blocks were not being maintained to a reasonable standard with individual closes showing evidence of failing The Tolerable Standard as defined in the Housing (Scotland) Act 1987 as most of the criteria listed above were in such poor condition. In particular it was noted that missing roof tiles and broken guttering were contributing to water ingress; damaged lighting and exposed wiring in common areas as well as defective secure entry systems were presenting a safety and security hazard for residents; broken glass and floor tiles in entrances; and damaged slabs, fencing and rubbish in the common areas of the buildings demonstrated a lack of care and maintenance by owners. This provided the justification for the Council to proceed with Maintenance Orders on the blocks. The flats had not been maintained over a long period which had caused significant deterioration to their condition and this was unlikely to be resolved as current owners demonstrated little willingness or ability to address the situation.
- 5.8 Maintenance orders were prepared by the Council and served on owners of the properties at Blocks D & E in March 2011. Attempts were again made by the resident's association to appoint a factor and although there was a willingness by some owners to pay into the maintenance account held by the factor, the level of funds required to carry out immediate works was not met and the factor withdrew their offer of services.

- 5.9 To assist with prevention of further deterioration of Blocks D & E the Council started enforcement works which were carried out in April 2012 and comprised of essential repairs only (since the Maintenance Order powers did not allow for improvement works such as full re-roofing/ re-rendering). Therefore, works were limited to the roof; rainwater goods and roughcast along with other internal works to address health and safety concerns including unblocking bin chutes, re-wiring of close lighting and repairs to stairs and floor coverings. In addition, following a spate of theft and vandalism, additional glazing and stair nosing's were replaced. The total cost of works was around £3,800 per property, and owners were offered the opportunity of applying for a £500 grant towards the cost of work with any outstanding debt secured against the title of the property.
- 5.10 Following completion of the works, invoices for costs were issued to owners for payment and where there was failure to pay, repayment charges were registered against the title to the properties. This has resulted in charges ranging from less than £1,000 to over £3,000 (together with interest) being secured against 59 properties. As of August 2022, outstanding debt due to the Council in respect of the Maintenance Orders was £124,796.86.
- 5.11 The Council has put in place a package of assistance in order to mitigate the impact of the Scheme on residents. This is set out in the Council's Rehousing Strategy (a copy of which is attached at Appendix E). As part of the Rehousing Strategy and, given the Council's commitment to help residents with any potential financial hardship, a decision was made by the Housing Committee on 31st August 2022, to write off the outstanding Maintenance Order debt.
- 5.12 Block C was served with a Maintenance Order in June 2012 and again the owners failed to submit a plan resulting in the Council serving a maintenance plan on the owners. However, given the lack of success in enforcing maintenance orders in Blocks D & E over the previous year, a decision was made by the Council that no default works would be undertaken at this block.
- 5.13 The Council then began seeking a more significant and permanent solution to the problems which the owners were encountering with the deteriorating condition of the properties. As a result, the demolition and new build proposal currently being progressed was formulated.
- 5.14 There are continuing instances of anti-social behaviour and crime in and around the Order land with Police Scotland having reported a total of 338 crimes and 1,127 incidents within a quarter mile radius of Millcroft Road between August 2021 to October 2022. The highest-ranking reports were recorded for crimes related to drugs, vandalism and assault.
- 5.15 The Council's Anti Social Response Team have also dealt with many Anti Social Reports involving Millcroft Road over the years with 12 Anti Social Reports being made between November 2021 and September 2022.
- 5.16 Other stakeholders in the area are also experiencing issues presented by the blocks. Link Homes have ownership of 24 family homes at 226 – 284 Millcroft Road which face directly onto the Order Land. Given the proximity of these homes to the Order Land, the Council approached Link Housing Association for comment. They submitted the following information on 4th July 2019: -

“The deteriorating condition and anti-social issues within the flats on the Order Land have resulted in the Link properties being difficult to let and manage. The area has become undesirable with low demand and Link’s ability to manage aspects of the tenancies has become difficult. The lock up area has been used as a dumping ground for many years and rats and other vermin have been a common occurrence. The condition of the owner occupied properties and disrepair of the lockups has deteriorated considerably over the past few years and is very poor. Link tenants are facing onto the area and the view is causing increasing levels of concerns and complaints. Tenants have no enthusiasm for keeping their gardens and communal areas tidy when living in such a poor environment. In particular they consider their gardens to be unusable due to the environmental conditions on the adjacent land. Over the years Link has promoted and carried out clean up campaigns and events with tenants help and support. As the years have gone on with no changes or improvements, tenants expectations have lowered and Link now find it difficult to obtain any tenant involvement in environmental issues.”

5.17 In September 2022 Link Housing Association provided the following update:

“The turnover in Link properties located in the area has been relatively low in the last three years with only 3 voids. There are challenges around relets in terms of low demand and customers refusing offers due to the appearance of the nearby properties that are being considered for CPO. Fly tipping, dumping of household items, refuse and associated vermin continue to be a feature of the estate. Link carried out a skip amnesty in 2021 to encourage residents to responsibly dispose of large items. This was to encourage Link tenants and others to improve the appearance of the estate and was well used. Unfortunately, the pattern of dumping has continued. Link tenants are discouraged by the unkempt appearance of the area and have low motivation to improve their own gardens and surroundings as a result.”

5.18 Scottish Fire and Rescue Service carried out a non-intrusive survey of the blocks in March 2018 to assess the potential risks associated with the flats reporting a number of areas of concern. These related to issues of internal and external deterioration to the construction of the structural elements of the building including brickwork and timber components. In addition at the time of their visit it was noted there are multiple areas of unsecured storage and combined areas where combustible materials have been discarded and allowed to accumulate. This is a common occurrence in the area and results in regular action being taken by the Council’s Cleansing department. Access to the entry and exit routes for the upper premises are located along an elevated walkway which does not allow ease of access for both residents or the Fire Service should they have to attend. The fire service noted that there is compromised security at this location, historical acts of vandalism, severe fire loading and accumulation of debris within the means of escape.

5.19 On 24 June 2020 Strathclyde Fire and Rescue called an on site emergency meeting at Millcroft Road with Police Scotland, the local Elected Member, and Council officers from New Supply Team, Environmental Health, Land Services and Waste Management. The meeting was in response to the high risk of fire at the properties due to vast amounts of waste which had

accumulated both inside and outside the closes. Rubbish chutes were overflowing onto internal landings and extensive amounts of furniture and household goods had been dumped externally. At a further meeting on 10 July the Council's Environmental Health team were requested to notify all 169 owners of the properties that the Council's Waste Management department would clear the rubbish to remove the fire risk and address Public Health issues. All rubbish chutes and bin stores have been sealed off to prevent any further incidents in future.

- 5.20 Information obtained by the Scottish Fire and Rescue Service (SFRS) reported that they attended 11 separate incidents at the flats within the period 28/09/21 and 20/09/22. These incidents were majority classified as "flooding within premise" and "actuated fire alarm".
- 5.21 The Council's Infrastructure and Waste Solutions are often required to serve enforcement notices to address defective elements of the building as well as carrying out works to address unacceptable fire and public health risks presented by refuse accumulations within the blocks. The costs associated with works are significant and unsustainable.
- 5.22 The condition of the Order Land together with the effect of continuing anti-social behaviour has a significant detrimental impact on the living conditions of the majority of residents. It also imposes a continuing financial and administrative burden on the Council and other agencies in the area with intensive involvement required to deal with these issues.
- 5.23 The cumulative degradation of the blocks is further intensified due to the majority of owners being private landlords who are not local to the area or available first hand to witness the continued plight of those at Millcroft Road. As of October 2021, 102 Landlords were Registered at the Order Land. 25% of those Registered Landlords are registered as private Limited Companies, rather than individuals. 72% of the Registered Landlords were registered as having addresses out with the Clyde Valley (Glasgow & North Lanarkshire), in which the properties at Millcroft Road are located. Further still, 39% of the Registered Landlords were registered as having addresses out with Scotland. This multitude of interests, reaching out with the locality, makes agreement of approach to upgrade work extremely problematic.
- 5.24 The condition of the blocks has continued to deteriorate as confirmed by the findings of the external survey carried out in August/September 2019 by Hardies LLP.

A summary of areas of defects is listed below:-

- Roofs – Sheeting, brickwork, flashings;
- Rooflights in stairwell have missing or cracked glazing and poor seals;
- External rendering cracked and worn;
- Window frame with wet rot;
- Walkways in poor condition;
- Door entry systems with broken locks and defective comms systems;
- Stairwells with defective plaster, damaged floors and high moisture levels;
- All lighting in common areas poor with damaged and defective lamps;
- Landscaping overgrown and filled with debris.

It is estimated in the 2019 survey that remedial costs of for the common parts of the Blocks would be £9,500 per property.

- 5.25 As well as the external works and based on both the age and construction of the blocks and the low level of owner occupiers, it appears that internally some of the properties are likely to require rewiring, new heating systems, windows, plastering, kitchens and bathrooms and full redecoration at an estimated cost of £15,000 per unit. Given the current rate of inflation and market uncertainty as a result of Brexit, the Covid-19 pandemic and the war in Ukraine, these estimated remedial costs from 2019 will likely be significantly higher if costed again now.
- 5.26 The title deeds to the properties are complex and burdensome and tie the owners into unrealistic maintenance responsibilities. Some individual owners have agreed to carry out works to the common areas on a close by close basis, however this obviously does not impact on the wider condition of the properties. Previous residents groups have also considered the options available to them to change the title deeds to make each block responsible for its own maintenance. However, to change the common titles would involve an application to the Lands Tribunal. This process would involve considerable costs for owners in obtaining legal advice to take an application to the tribunal and instructing representation and legal work required to change the titles and update the Registers of Scotland which is not feasible. This, together with the absence of a factor means that a repair solution by the owners is not a realistic option.
- 5.27 In February 2017 the Council's Housing and Social Work Service Committee approved a proposal to further explore the re-provisioning of the site in order to address the long term lack of maintenance and disrepair. The options considered by committee were:-
- "Do Nothing"

The blocks would have continued to fall into more serious disrepair and there was no viable prospect of the owners being able to resolve the situation.
 - "Council carries out essential repairs using enforcement powers"

As described above, Maintenance Orders have been used by the council but given failed attempts to put in place factoring arrangements, this option provides no long term resolution to the situation.
 - "Council seeks to undertake comprehensive repair/ refurbishment of blocks using Housing Renewal Area enforcement powers"

This option would have been extremely expensive and resource intensive for the Council. According to Scottish Government Guidance, once refurbished a property is expected to achieve a 30 year lifespan against 60 years for new build. The high cost of refurbishment does not therefore reflect value for money when compared to the cost and benefit of new build development.

Even if full refurbishment was possible it is likely that the same problems with anti-social behaviour and deterioration of the condition of the blocks would continue due to the unusual title and maintenance provisions together with an inability to appoint a factor. Given the previous lack of engagement by many of the owners and the fact that it was considered that there would have been considerable opposition from owners, again, this option would not have provided a long term solution.

- “Re-provisioning – demolition of flats to be replaced by new build social housing by Sanctuary Scotland Housing Association.”

This was considered to be the only option that would provide a long term sustainable solution to address the problems at Millcroft Rd. It was anticipated that owner occupiers would be given the option of renting or becoming a shared equity owner of a new flat being built elsewhere in Cumbernauld by Sanctuary Scotland Housing Association (“Sanctuary”).

A copy of the Committee Report and Minute from February 2017 are attached at Appendix A.

- 5.28 Following the consultation process described in more detail below at Section 8, and the lack of any other feasible options to resolve the situation by other means, in November 2017 a further report was approved by committee (copy Report and Minute attached at Appendix B) allowing the Council to proceed with re-provisioning by way of a Compulsory Purchase Order.
- 5.29 It was previously agreed that Sanctuary would deliver the project due to their recent experience with the re-provisioning of 12 mixed tenure multi storey blocks in Cumbernauld. The Scottish Government agreed to provide grant funding towards the project and Sanctuary also agreed to contribute to the project financially. Since then, despite the best efforts of all concerned, it has not been possible to move the project forward with Sanctuary Housing Association (Scotland) as lead delivery partner.
- 5.30 Given the continued decline in the condition of the blocks and subsequent affects on the residents, the Council have assumed responsibility for progressing the delivery of the Millcroft Road Project in lieu of Sanctuary. This includes communication and liaison with owners, residents and other stakeholders; promoting the CPO; development and delivery of the re-housing strategy (with assistance from Sanctuary via provision of new build properties at Burns Road); demolition of the flats and re-development of the site as part of the Council’s New Supply programme. This will provide much needed homes for social rent in Cumbernauld, an area in which the Council has identified a shortfall.
- 5.31 For the reasons set out in this Statement of Reasons, re-provisioning and acquisition by Compulsory Purchase Order is still considered to be the best option to address the problems at the Order Land. As such, a Report was presented to Committee at the Housing & Regeneration Committee meeting on 24th November 2021 where a decision was made to approve the strategy for the council to progress the acquisition, demolition and new build housing at Millcroft Road as lead delivery partner.

6. Public Interest and Justification

- 6.1 There is an identified need for good quality social housing in Cumbernauld. As at 14th February 2022, there were 1,641 applications on the waiting list, with the majority (1,274 or 78%) waiting on 1 or 2 bedroom properties. Total social housing stock in this area is 4,681, and turnover of 6.8% results in a pressure of 5.1. This means that, on average, there are nearly 5 households who don't currently have a tenancy in Cumbernauld waiting for every let. This is higher than the North Lanarkshire average which is 2.3. Affordability analysis suggests that affordability issues are greatest in the Cumbernauld (and neighbouring Moodiesburn) area(s) where around 47% of households are unable to afford the average market rent (based on a 30% income to rent ratio).
- 6.2 All of the 169 flats are in private ownership (with the exception of one property in block C which is owned by the Council). The blocks of flats are in a state of continued decline and living conditions for the majority of residents are poor and unacceptable. The common areas and access walkways are being destroyed by vandalism and littered with rubbish. The cost of refurbishment and ongoing maintenance is prohibitive to both owners and the Council and the current external layout does not lend itself to modern and safe living for residents. It is understood from discussions with occupiers that the internal condition of some of the flats has also deteriorated significantly with excessive evidence of dampness, condensation and disrepair present in properties.
- 6.3 The Scheme will provide 72 high quality new build homes for social rent on the Order Land. Based on the current proposal, 66 of the new homes will be 2 bedrooms, with 6 1 bedroom properties. All homes will be Housing for Varying Needs compliant, with 10% of the homes designed as wheelchair properties. This Scheme is therefore intended to provide a suitably proportionate number of high quality 1 and 2 bedroom houses to help meet the local demand for that size of home.
- 6.4 The Scheme will provide a unique opportunity to drastically improve the unacceptable living conditions of most existing occupiers who will be rehoused in higher quality homes within a sustainable and healthy environment. The new development will provide a high amenity environment which will include garden areas and outdoor space to significantly improve the quality of life for residents and make a considerable contribution to the Council's target of 162 new homes per year within the Cumbernauld and Kilsyth Housing Market Area. The new development will also have a considerable impact on the surrounding area by replacing the existing buildings on the Order Land which have fallen into disrepair with an attractive new build development.
- 6.5 In 2021 Public Health Scotland published a briefing paper on Healthy housing for Scotland. The findings confirm that high housing costs, poor quality housing, fuel poverty and lack of community life can all have a detrimental

effect on health. In comparison people living in warm, dry and affordable housing benefit from improved health. The proposed improvement to housing conditions as a result of the regeneration of the Order Land therefore has the potential to greatly improve health conditions for existing and future residents.

- 6.6 The Scheme will contribute to the quality of life of both owner occupiers and private tenants by improving their living conditions and providing them with an opportunity and support to move to good standard affordable homes for either rent or home ownership.
- 6.7 Without the Scheme, the Order land will continue to have a significant adverse effect on the local environment. Suitable land for housing development in Cumbernauld is limited mainly on brownfield sites. The Scheme provides the opportunity to deliver 72 high quality units of much needed social housing in Cumbernauld within an existing residential area as well as addressing the identified shortfall in available housing stock for those on the Common Housing Register.
- 6.8 Given the number of ownership interests in the Order Land, it would be impossible or impracticable for the Council to acquire all of the interests on a voluntary basis. A Compulsory Purchase Order is therefore necessary in order to deliver the Scheme.
- 6.9 Given the timescale for completion of the properties at Burns Road by Sanctuary, the Council are currently in the process of voluntarily acquiring a number of Millcroft properties from eligible owner occupiers' to enable those owner occupiers who wish to take up the offer of a new property at Burns Road the opportunity to do so. (Further detail is set out in the Rehousing Strategy summarised in Section 9.3 and attached at Appendix E).
- 6.10 At present most resident owners are caught in a situation where they can neither afford to improve the properties to a reasonable living standard nor sell them to move on to alternative accommodation. Likewise, existing landlords are struggling to maintain flats to a good standard due to their poor condition and high repairs and maintenance costs, resulting in many private tenants living in substandard conditions despite paying rent at private sector levels.
- 6.11 The existing housing on the Order Land is no longer fit for purpose and does not meet the needs of residents. The Scheme will improve housing conditions by removing generally poor quality and unsafe housing on the Order Land and replacing it with high quality new build residential accommodation which will comply with current standards and policies (including lifecycle maintenance plans) within an attractive and environmentally friendly locality.
- 6.12 The Scheme will make a significant contribution to the enhancement of the local community and environment at Millcroft Road and the surrounding area. The Council therefore considers there to be a clear and compelling case in the public interest to acquire the Order Land to facilitate the provision of high quality social rented housing. Once completed the Scheme will contribute to the improvement of the well-being of the local residents. The compulsory purchase of the Order Land is considered necessary and proportionate in the circumstances having due regard to the interest of the affected parties and is therefore justified.

7. Local Housing Strategy

- 7.1 The Scheme has been developed in accordance with the Council's previous Local Housing Strategy (2016-2021) and newly approved Local Housing Strategy (2021-2026) and the priorities and actions identified within these to address housing issues in the North Lanarkshire area. The Local Housing Strategy recognises that ongoing improvements have been made to house condition over the past decade but a number of homes within the private sector remain in disrepair or below quality standards. Approval for CPO for properties at Millcroft Road will assist in addressing disrepair and improving stock condition which is a challenge in specific blocks and areas within North Lanarkshire, particularly in the private sector and mixed tenure blocks and estates which includes Millcroft Road.
- 7.2 North Lanarkshire has ambitious plans to regenerate and transform communities to provide sustainable, vibrant and attractive communities in which people want to live, learn, work and invest and the Local Housing Strategy (2021-2026) sets out a strategic housing outcome to create sustainable, vibrant communities and a plan of action to achieve this. Addressing disrepair and neglect in private sector properties, with a specific focus on areas of known poor condition issues which are impacting on the quality of local neighbourhoods and surrounding areas is a key priority as is tackling the issues caused by empty homes and abandoned properties and addressing areas of low demand. The CPO of Millcroft Road properties will address the blight caused by empty, poor quality and low demand homes in the Millcroft area, improving the quality of place, to help create a more flourishing and sustainable community.
- 7.3 North Lanarkshire has an identified shortfall of affordable housing in the Cumbernauld Housing Sub-Market Area (HMA) and has an Affordable Housing Policy (AHP) in place which applies to sites of 5 units and over. The application of an AHP is justified through Housing Need and Demand Assessment 2 which was appraised as 'robust and credible' in May 2015 by Scottish Government Centre for Housing Market Analysis. The CPO of Millcroft Road properties will assist in providing more sustainable, high quality, affordable housing in an area of increased affordable housing pressure.

Local Housing Strategy 2021-2026		
Local Housing Strategy	Housing Need Demand Assessment	Scheme Outcome
Priority 1 – Promote the supply of good quality affordable housing across all tenures		
Increase new build housing by 162 new homes per year	Requirement for 300 new homes each year in North Lanarkshire – 162 in Cumbernauld.	72 high quality new build units provided
Priority 2 - Contribute to regeneration and sustainability of places – Low demand Private Sector Area.		
Address poorly maintained and managed private sector housing which results in low demand, high turnover and transient population.	Address affordability in Private Rented Sector – unaffordable to 39% of residents in Cumbernauld.	<ol style="list-style-type: none"> 1. Existing residents will be rehoused into improved housing conditions; 2. 169 poor quality properties will be demolished. 3. New energy efficient flats will be built to modern standards to address the need for affordable housing in Cumbernauld.
Priority 3 - Homelessness is prevented and appropriate housing support provided to sustain living arrangements		
Provide high quality housing support services to prevent homelessness.	Effective use of existing stock across all tenures.	Residents will receive information and advice on their options for rehousing.
Priority 4 - Ensure there is a range of housing solutions and appropriate support to meet the needs of older households and those with other specific needs		
Focus on older people and those with specific needs who require support.	Flexible Affordable housing options across all tenures will be promoted to residents.	1. Residents in Millcroft Road will receive advice on Housing Options.

		2. Support for specific needs will be identified during the rehousing process.
Priority 5 - Tackle Fuel Poverty and contribute to meeting Climate Change Target		
Improve quality of homes of all tenures to achieve Climate Change Targets.	All New Build units will be built to a high level of energy efficiency to reduce CO2 emissions and achieve lower energy costs.	Demolition of 169 poor quality homes and replacement with 72 new high quality energy efficient properties.
Priority 6 – Improve Stock Conditions across all tenures		
Use of enforcement powers by Council to improve conditions in Private Sector.	Issues from lack of maintenance and management of the flats at Millcroft Road have been identified and a long term solution is required to address the poor quality of the housing stock.	1. CPO of poorly maintained private sector homes which are over 40 years old and display evidence of neglect and disrepair. 2. Demolition and new build programme on the Order Land.

8. Consultation with Owners of the Order Land

- 8.1 The Council and GMFRA have worked with the owners of the blocks since 2007 in attempts to have a sustainable factoring arrangement put in place to ensure the maintenance of the blocks were carried out to a reasonable standard.
- 8.2 Following committee approval in February 2017 to explore the options for reprovisioning, all owners and residents were issued with correspondence in the form of a cover letter and bulletin prepared by Sanctuary. Door to door surveys of the properties were carried out over a 6 week period in April/May 2017 in attempts to establish the composition of the resident household, to gain initial views on the proposals, and to identify any housing preference of residents. In addition this exercise would attempt to identify the extent to which properties were empty or occupied.
- 8.3 Between May and October 2017, owners were asked to provide views on their preferences for the future of the flats. Less than half responded, but the majority of those who did favoured the reprovisioning proposals. During this period there were also several events arranged to allow owners and residents the opportunity to speak to officers from the Council and Sanctuary in relation

to the next stages of the consultation; purchase of the properties; compulsory purchase processes and rehousing options. 37 owners and residents attended these sessions.

- 8.4 Although it is recognised that the percentage of response to the test of opinion was low, this is reflective of the apathy shown by many owners over the years in past attempts to have factoring arrangement put in place and repairs carried out.
- 8.5 Following this consultation process, the Enterprise and Housing Committee on 2nd November 2017 were asked to note the response from owners and approve the making of a CPO in respect of all property interests required.
- 8.6 The Council issued a letter to all owners and residents in November 2018 and again in April 2019 with an update on progress of the Council's proposals with regard to the CPO.
- 8.7 The April 2019 letter also provided details of Open Days being held on 22nd and 29th May 2019 to offer residents the opportunity to access the latest information and ask any queries they might have on the proposals. There was some attendance from residents and the events proved to be helpful.
- 8.8 As previously mentioned, a Social Survey was carried out in September/October 2019 by SAFEDM. This suggested that the majority of residents interviewed remained supportive of the proposals.
- 8.9 The onset of the Covid-19 pandemic and a series of lockdowns commencing in early 2020 onward resulted in a decline in opportunities for face-to-face communication. However, a dedicated email mailbox was set up to allow general enquiries to continue electronically, as well as telephone appointments allowing discussion regarding any enquiries.
- 8.10 Letter drop updates have been utilised to update residents and owners directly during this time, specifically around key project milestones such as November 2021 when the Council sought committee approval to proceed with the project as main developer, rather than Sanctuary as originally envisaged.
- 8.11 Utilisation of Microsoft Teams allowed meetings to continue electronically with the GMFRA, and once Covid restrictions allowed the Council attended the first in person GMFRA annual meeting since the pandemic started in April 2022 to meet with residents and provide an update on the current position.
- 8.12 All existing Tenants have been visited by the project dedicated Housing Advisor to identify their preferred choice of alternative accommodation. If social rented housing is preferred, a Common Housing Register ("CHR") application form has been provided with tailored advice on how to complete. Residents have then been listed on the CHR and pointed as appropriate, based on their circumstances.
- 8.13 After listing on the CHR, an initial Housing Options Interviews will be provided to assess requirements and need. Thereafter, an update will be sought every three months in order to ensure circumstances have not changed. This process includes suggesting other Housing providers within Cumbernauld and the wider area (in addition to provision of accommodation via the Council

stock) such as Sanctuary, Link Housing Association and Abronhill Housing Association. This engagement process is running concurrently with the CPO, allowing the Council to gain a full understanding of the rehousing requirements as soon as possible.

- 8.14 Health and Housing Needs Assessments have been delivered, collected and input onto the system for those individuals requiring additional support. This then allows additional advice and signposting to further services where required.
- 8.15 For households who do not wish to be considered for a North Lanarkshire Council or CHR tenancy (or other socially rented landlords) then other housing advice will be offered in terms of a new Private let. This would include the Rent Deposit Scheme and referral to the NLC Social Inclusion and Wealth Team.
- 8.16 The project Housing Advisor has organised Functional Assessments for residents via the Social Work Department who have health issues to identify possible adaptations which may be required at Burns Road or otherwise.
- 8.17 Furthermore, NLC Environmental Services have been informed of any changes on site that are apparent when the Housing Advisor is making visits to properties, regarding fly tipping, garage fire hazards and unsecure properties.
- 8.18 Engagement with the Greenrigg and Millcroft Friends Residents Association (GMFRA) is ongoing, with continuous communication and quarterly Newsletter going out to all residents and owners.

9. Rehousing Strategy

- 9.1 The Council recognises that there will be an impact on residents and owners as a result of the CPO and has put in place a number of measures within the Rehousing Strategy (Appendix E) in order to mitigate the impact.
- 9.2 At present there are known to be 40 vacant flats with 86 properties with a known tenant who will require rehousing. The Council will work together with all occupiers on a case by case basis to endeavour to reduce hardship and to guide the residents through the rehousing process. Owner Occupiers, Landlords and Tenants will be consulted on an individual basis to identify what level of compensation (if any) they will be entitled to, through Home Loss and Disturbance payments. Owners will also be offered support and guidance throughout each stage of the CPO process by the Council.
- 9.3 All eligible resident owner occupiers have been offered the opportunity to move to a new build property in one of the flats currently being developed by Sanctuary at Burns Road. This ability for Sanctuary to assist with rehousing at Burns Road has followed on from the "Cumbernauld Multi Storey" Project in which Sanctuary redeveloped areas within Cumbernauld (including the site at Burns Road) by the demolition of high rise flats and the construction of new, high quality homes. The council worked in partnership with Sanctuary on the

Cumbernauld Multi Storey project by the use of appropriate Compulsory Purchase powers. The new homes at Burns Road are in close proximity to Millcroft Road and present a unique opportunity for owner occupiers to relocate ahead of the CPO and reside in a modern and energy efficient home.

- 9.4 Those eligible to move to Burns Road have been offered either New Supply Shared Equity (NSSE) purchase or a property for social rent with Sanctuary being their new Landlord. The NSSE option allows owners to remain as owners. By investing the funds received from their existing home into the new property, they would then own that percentage value of their property while the Scottish Government would own the balance.
- 9.5 Those Owner Occupiers who are moving to Burns Road will receive the same compensation they would have received if their property had been compulsorily acquired. This financial support enables rehousing to be more effective, ensuring nobody is adversely affected financially by leaving their property.
- 9.6 The Council are unable to commence voluntary acquisitions of all 168 properties at this time due to the high number of properties to be acquired within a reasonable timescale. There is also considered to be an unacceptably high risk and cost involved in acquiring potentially multiple properties within the Blocks which could then not be rented out or developed by the Council if the Order is not Confirmed. However, in acknowledgement of the difficult situation and the timing for completion of the Burns Road development, the Council is able to carry out voluntary acquisitions for those that wish and are eligible to move to Burns Road, if necessary, in advance of the Confirmation of this Order or the Vesting Date.
- 9.7 The Council has further gained Committee approval to progress with voluntary acquisition of further properties within the Blocks in the event that the Order is Confirmed, and in advance of the Vesting Date. This will allow those remaining owner occupiers and tenants to be rehoused as soon as possible. The Council will continue to engage with all current residents to assess their rehousing needs and options, which will form a key role in the rehousing strategy. This early engagement will put the Council in a better position to rehouse those affected as soon as possible, in the event that the Order is Confirmed.
- 9.8 Options available to private tenants will be dependent on their individual preferences. They may choose to remain as a private tenant and find their own alternative accommodation. They will also have the option of completing a housing application through the Common Housing Register. The Common Housing Register provides the opportunity for waiting list applicants to be housed by one of the social landlords in the area. This means that any person on the waiting list for social housing can be housed by either the Council or Sanctuary (or one of the other social housing providers on the list which gives access to both Council and RSL homes). Since residents are moving due to a demolition Scheme, they will automatically receive 150 additional housing allocation points in the event that the CPO is Confirmed which reflects that they have a serious need for rehousing. This category means they should receive an offer of housing within 2 months from their application.

- 9.9 It is anticipated that some owners will be in a Negative Equity situation, where the current value of their flats will have decreased below the level of their outstanding mortgage. The Council are aware of this very sensitive situation and will assist each individual owner to address their own specific circumstances when considering rehousing options. The Council can provide direct support from its Tackling Poverty Team, who are able to assist residents further in regard to any concerns they may have in relation to their benefits and how the compulsory purchase may affect any benefits they receive or may wish to apply for in future. In addition, the Citizens Advice Bureau have provided a named local contact for the residents of Millcroft Road. CAB are able to advise on a variety of issues from mediation to general money advice, in addition to further housing advice including lease agreements and private rented enquiries.
- 9.10 The Council will adopt a supportive approach and seek to work with all parties to find a solution that is mutually acceptable and minimises hardship. This joined up package of targeted support allows a full profile of rehousing requirements to be assessed early in the process, ensuring that the potential impact on individuals is mitigated when the time comes to move on to their new home.

10. Planning Position

- 10.1 The Council is satisfied that its proposals to demolish sub-standard residential properties and redevelop the Order Land to provide new high-quality housing are compliant with the hierarchy of prevailing planning policy.
- 10.2 The newly adopted NPF4 will form the national position for planning policies for decision-making and outline new processes for plan-making at a local level, becoming part of the statutory development plan. NPF4 will replace NPF3, Scottish Planning Policy (SPP) and the Strategic Development Plans (SDPs). It also removes the requirement to maintain a 5-year housing land supply and replaces this with an expectation that the Local Development Plans will establish a deliverable housing land pipeline for the Local Housing Land Requirement.
- 10.3 The newly adopted National Planning Framework 4 Policy 16 “supports the delivery of high quality, sustainable homes that meet the needs of people throughout their lives. In particular, it supports proposals for new homes that improve affordability and choice by being adaptable to changing and diverse needs, and which address identified gaps in provision. This could include: accessible, adaptable and wheelchair accessible homes; homes that meet the needs of older people; a range of size of homes; and other specialist groups.”
- 10.4 Furthermore, it notes that: “The majority of older people want to remain in their home as they age, preferring mainstream housing, and so accessible and adaptable homes can allow people to continue to live independently. The close alignment of planning and housing delivery at the local level, through LDPs and Local Housing Strategies, will help to deliver the right type and mix

of homes in the right locations. In addition, Housing to 2040 sets out a commitment to Scottish Accessible Home Standard in 2025/26.”

- 10.5 The Scheme presents opportunity to directly deliver on new affordable homes, as set out in Policy 16 of NFP4.
- 10.6 Housing to 2040 specifically identifies the future aspirations of affordable housing supply in Scotland, with proposed regeneration sites as detailed in The Scheme contributing to delivery of the ambition: “...our aim is that, by 2040, everyone will have a safe, high-quality home that is affordable and meets their needs in the place they want to be.”
- 10.7 The North Lanarkshire Local Development Plan 2022 is the relevant and adopted development plan for the Cumbernauld area. The Local Development Plan Policies identify the development sites the Council needs for sustainable and inclusive economic growth. Following an assessment of site status and land supply requirements, a number of sites are identified for development in the Local Development Plan.
- 10.8 The Millcroft Road site is located within an established residential area and zoned as “PROM LOC3 - Housing Development Sites” within the LDP 2022, where the Order Land is identified for future residential development.
- 10.9 The proposal to develop approximately 72 new high quality replacement flats on the Order Land will be subject to a full Planning Application.
- 10.10 Early discussions with North Lanarkshire Council Planning Service have indicated that the proposed replacement flats are in accordance with the local plan zoning of the site as well as the character of the wider area and there are no obvious barriers anticipated in achieving full Planning Permission for this Scheme. North Lanarkshire Council (New Supply) anticipate submitting the planning application in early 2023.

11. Funding

- 11.1 The Council's latest Strategic Housing Investment Plan (SHIP) for the period 2022/23 – 2026/27 recognises the re-provisioning of the properties at Millcroft Road site as a priority. Funding for acquisition of the properties, demolition and new build units has been identified within the Affordable Housing Supply Programme (AHSP) which is set out to ensure that the resources are effectively targeted to deliver new and improved housing to meet local housing priorities.
- 11.2 In June 2018 Sanctuary submitted a Cost Plan for the Scheme to the Scottish Government for a full technical appraisal and this included Acquisition; Compensation; Demolition and New Build costs for the Scheme. In principle funding approval was granted and this has been included in the SHIP programme.
- 11.3 Now that North Lanarkshire Council are delivering the full project in lieu of Sanctuary, the process for claiming the grant will require North Lanarkshire Council to submit a Grant Application to the Scottish Government and receive

a legally binding Offer of Grant for the funding. Grant will then be drawn down directly from the Scottish Government to cover project costs as required.

- 11.4 The Scottish Government has confirmed that it will provide grant funding to support the acquisition of the properties, and construction of new build development. The final level of grant funding cannot yet be confirmed until a formal offer is made. The balance of required funding can be met from the Council's Housing Revenue Account New Supply Programme budget over financial years 2024-2026.

12. Human Rights Considerations

- 12.1 Section 6 of the Human Rights Act 1998 prohibits a public authority from acting in a way which is incompatible with the rights and fundamental freedoms set out in specified provisions of the European Convention on Human Rights ("Convention Rights".)
- 12.2 Convention Rights likely to be engaged in the process of considering, making, confirming and implementing a Compulsory purchase order include those under Article 6 (Right to a Fair and Public hearing to determine a person's civil rights), Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) and Article 8 (Right to respect for private and family life including a person's home).
- 12.3 In relation to the rights protected under Article 1 of the First Protocol the European Court has recognised that "regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole". Both public and private interests are to be taken into account in the exercise of the Council's powers and duties. Any interference with a Convention Right must be necessary and proportionate. Compulsory purchase and overriding private rights must be justified by sufficiently compelling reasons in the public interest and must be a proportionate means of achieving the objectives of the Order. Similarly, any interference with rights under Article 8 must be "necessary in a democratic society" and proportionate. The requirements under the Convention are accurately reflected in paragraph 17 of the CPO Circular.
- 12.4 "17. Compulsory purchase will not breach the European Convention on Human Rights where it is authorised by law, is proportionate and where it can be demonstrated to be in the public interest. This reinforces the requirement that the Authority should use compulsory purchase only where it is a proportionate response in the circumstances and there is a strong enough case for this in the public interest. The authority should therefore properly assess the public benefit in what it proposes against the impact on the people likely to be affected. It should also properly assess any reasonable alternative ways that it might realise its aims."
- 12.5 If a compelling case in the public interest can be demonstrated, as the Council considers here, then this will meet the requirements of the Convention. In making this Order, the Council has carefully considered the balance to be struck between individual rights and the wider public interest. Having regard to the matters set out above, the Council considers that there

is a compelling case in the public interest for confirmation of the Order. The Order, if confirmed, would strike an appropriate balance between public and private interest. Interference with Convention Rights, to the extent that there is any, is considered to be justified and proportionate in order to secure the benefits which the Scheme will bring and the significant positive impact on the well-being of the local population. Appropriate compensation will be available to those entitled to claim it under the relevant statutory provisions.

- 12.6 In relation to the requirements of Article 6, these are satisfied by the statutory procedures. The Council's proposals in relation to the Order Land have been publicised and there has been consultation with the local community and interested parties. All those affected by the CPO have been notified and will have the opportunity to make objections and to be heard at a public inquiry before a decision is made on whether or not the CPO should be confirmed.
- 12.7 The Council believes that it has considered all relevant matters in discharging its statutory duties under the Housing legislation and Scottish Government guidance.

13. The Purpose/Description of any new rights being created

- 13.1 No new rights are being created.

14. Special Considerations

- 14.1 There are no Special Considerations affecting the Order Land.

15. Ministerial Statements

- 15.1 No views have been expressed by Scottish Ministers regarding the Council's proposed Scheme.

16. Barriers to the Order/Other Related Orders

- 16.1 Planning Application – the Planning Authority has indicated that no obvious barriers are anticipated in achieving full Planning Permission for this Scheme. North Lanarkshire Council (New Supply) are currently in discussion with the Planning Department and propose to submit the planning application in early 2023.

17. Unknown Owners

- 17.1 There are a number of owners for whom the Council has not been able to ascertain an address.
- 17.2 For each of these owners the following steps have been taken to try to establish contact -
- Correspondence sent to last known address as detailed in the relevant Land Certificate
 - General enquiries made with neighbouring properties
 - Tracing agents engaged by the Council
 - Advertising in the local paper and by affixing a notice to the relevant land to seek information about the last known owners.
- 17.3 Detailed evidence of the relevant correspondence will be provided to the Scottish Government.

18. Conclusion

This Statement of Reasons sets out the reasons why the Council believes that the powers of compulsory purchase contained in the Order are necessary and sets out why there is a compelling case in the public interest for making the Order which justifies the overriding of private rights. The Council considers that the considerations identified within the Circular have been taken into account in the making of the Order. Furthermore, there is a clear and compelling case for confirmation of the Order.

19. Contact Information

Please contact:

Neil Watts (Project Development Manager – New Supply NLC Housing) at wattsn@northlan.gov.uk or 07583 023239.

Natalie Henry (Project Development Co-ordinator – New Supply NLC Housing) at henryn@northlan.gov.uk or 07583 058447.

20. Inspection of Documents

Documents relevant to this Compulsory Purchase Order can be viewed online at <https://www.northlanarkshire.gov.uk/regeneration-and-investment/investing-housing/milcroft-road-cumbernauld-compulsory-purchase-order>.

If you cannot access the documents online, then please call 07583 058447 and request a copy be sent by post or request a copy by email to: milcroftresidentenquiries@northlan.gov.uk.

Paper copies of the documents can also be viewed at:

First Stop Shop
Fleming House
2 Tryst Road
Cumbernauld
G67 1JW

During the opening hours of:

Monday - Thursday 09:00-16:30 (Closed 13:00-14:00 for lunch)

Friday - 09:00-16:00 (Closed 13:00-14:00 for lunch)

Dated: 14 March 2023

Fiona Ekinli

Fiona Ekinli
Proper Officer
North Lanarkshire Council
Civic Centre
Windmillhill Street
Motherwell
ML1 1AB

This is the Schedule referred to in the foregoing Statement of Reasons relative to the North Lanarkshire Council (Blocks C, D and E Millcroft Road, Cumbernauld) Compulsory Purchase Order 2023

SCHEDULE

PART 1

LIST OF FLATTED DWELLINGHOUSES AND LOCKUPS

Block C Millcroft Road, Cumbernauld

Dwellinghouses Numbers 1, 3, 5, 7, 9, 11, 13, 15, 17A, 17B, 17C, 17D, 21, 23, 25, 27, 29, 31, 33, 35, 37, 39, 41, 43, 45, 47, 49A, 49B, 49C, 49D, 53, 55, 57, 59, 61, 63, 65, 67, 69, 71, 73, 75, 77, 79, 81, 83, 85A, 85B, 85C, 89, 91, 93, 95, 97, 99, 101 and 103

Lock-up garages Block C Millcroft Road, Cumbernauld numbers 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 22, and 23 and store number 21

Block D Millcroft Road, Cumbernauld

Dwellinghouses Numbers 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 32, 34, 36, 38, 40, 42, 44, 46, 48, 50, 52, 54, 56, 58, 60, 62, 64, 66, 68, 70, 72 and 74

Block E Millcroft Road, Cumbernauld

Dwellinghouses Numbers 76, 78, 80, 82, 84, 86, 88, 90, 92, 94, 96, 98, 100, 102, 104, 106, 108, 110, 112, 114, 116, 118, 120, 122, 124, 126, 128, 130, 132, 134, 136, 138, 140, 142, 144, 146, 148, 150, 152, 154, 156, 158, 160, 162, 164, 166, 168, 170, 172, 174, 176, 178, 180, 182, 184, 186, 188, 190, 192A, 192B, 192C, 192D, 194A, 194B, 196A, 196B, 198A, 198B, 198C, 200A, 200B, 202A, 202B, 204A and 204B

Lock-up garages blocks D and E Millcroft Road, Cumbernauld numbers 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36 and 37

PART 2

PHOTOGRAPHIC EVIDENCE

INTERNAL AREAS









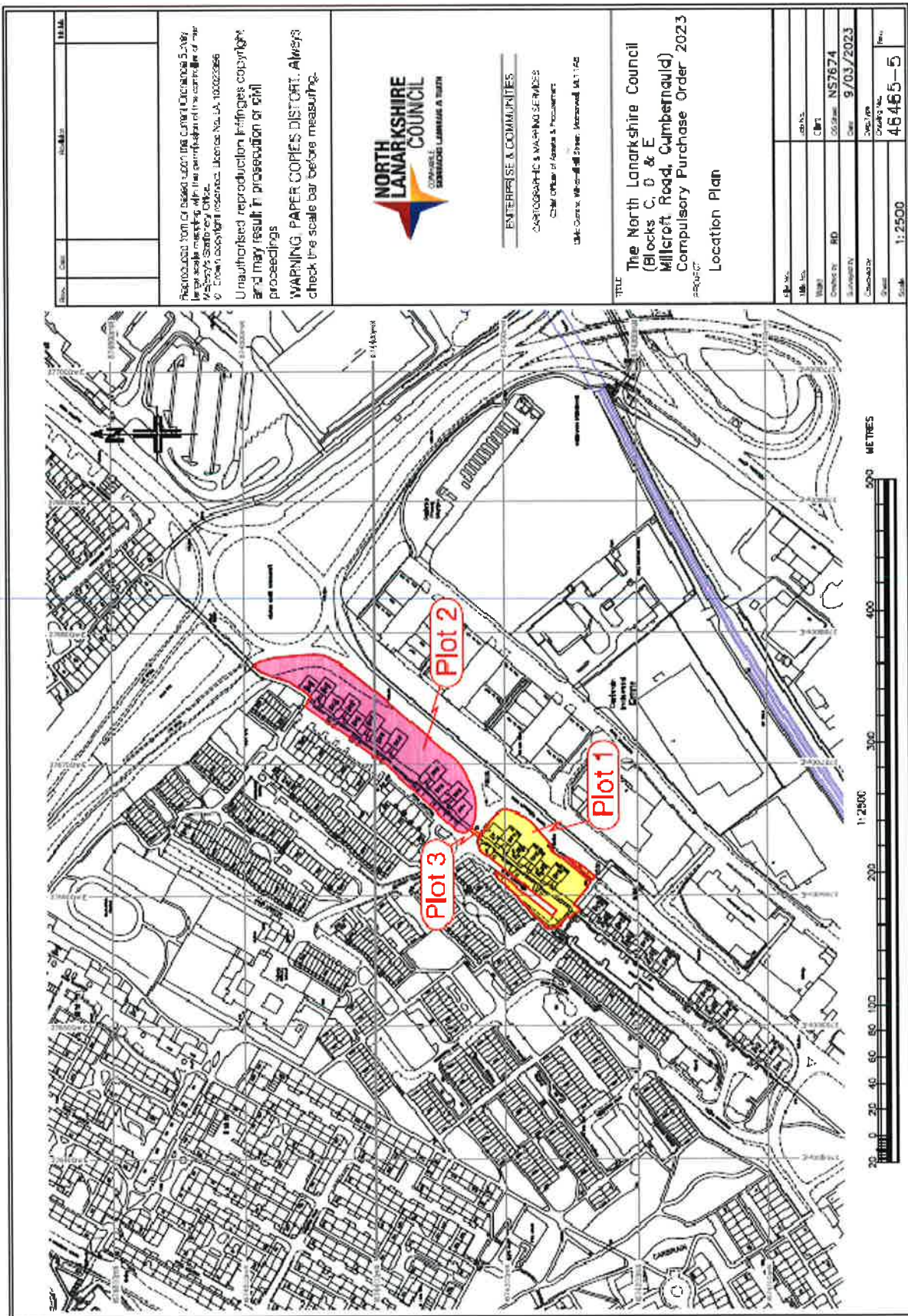
EXTERNAL AREAS







PART 3 – LOCATION PLAN



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TITLE
**The North Lanarkshire Council
 (Blocks C, D & E
 Millcroft Road, Cumbernauld)
 Compulsory Purchase Order 2023**
 SUBJECT
Location Plan

CDP No.	CDP No.
MB No.	CDP No.
Block	CDP No. NS7674
Division ID	Date 9/03/2023
Division ID	Division No.
Division ID	Division No. 46465-5
Division ID	Scale 1:2500

Fiona Ekin.