

E: [REDACTED]

[REDACTED]
Solicitor
Corporate and Property Law
Glasgow City Council
City Chambers
Glasgow G2 1DU

16 April 2024

Dear [REDACTED]

**THE HOUSING (SCOTLAND) ACT 1987
THE ACQUISITION OF LAND (AUTHORISATION PROCEDURE) (SCOTLAND) ACT 1947
THE GLASGOW CITY COUNCIL (73 RYLEES CRESCENT, GLASGOW) COMPULSORY
PURCHASE ORDER 2023**

I refer to the Council's email of 13 July 2023 submitting the Glasgow City Council (73 Rylees Crescent, Glasgow) 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 one statutory objection was received and 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First Schedule to the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947, an objection lodged and not withdrawn leads to a Public Local Inquiry or Hearing.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 virtual Hearing was conducted by Reporter, Paul Cackette on 8 February 2024, after a site visit on 8 January 2024.

The Report

A redacted copy of the report is enclosed for your information with a site description and factual background to the Order contained in Chapter 1. This chapter also considers Glasgow City Council's justification for the Order. The position of the landowner/objector and CPO examination procedures is contained in Chapter 2, conclusions and recommendations in Chapter 3, and includes relevant submitted materials in Appendices 1-8.

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 3 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

3.30 I would reject the suggestion that use of a Compulsory Purchase Order is inappropriate in the circumstances.

3.31 I have considered the powers being used, the policy justification, the facts relating to the history of the property (including the facts applied to that policy context), the requirements of Circular 6/2011 and the prospects of steps still being realistically possible as might suggest that confirmation be refused or delayed. I have considered the wider public policy justification for the depriving of the landowner of his property with his human rights in mind. I have balanced those considerations.

3.32 I have had regard to the objections and other representations made by the landowner. I have considered the reasons giving rise to the difficulties in his fuller participation in this process and made what I consider to be reasonable adjustments to the examination process. I gave due notice of the steps taken and adjustments made.

3.33 I recommend that the Glasgow City Council (73 Rylees Crescent, Glasgow) Compulsory Purchase Order 2023 be 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 interest listed in the Order by compulsory means is proportionate and in the public interest. Therefore, the Glasgow City Council (73 Rylees Crescent, Glasgow) Compulsory Purchase Order 2023 is confirmed without modification. This letter constitutes their decision to that effect. A copy of this letter along with a redacted copy of the report will be sent to relevant parties to the Hearing, the Reporter and Official Publications Unit, National Library of Scotland. In addition, a redacted copy of this letter and the report will be 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.

Glasgow City 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:

[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] : [REDACTED]

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