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**To: Infrastructure, Land & Environment Policy Board**

**On: 31 August 2022**

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**Report by: Chief Executive**

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**Heading: Disposal of land from Paisley Common Good, Bridge Street, Paisley**

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**1. Summary**

- 1.1 This report was continued from the June 2022 meeting of the ILE Board.
- 1.2 The purpose of this report is to declare the area of land at Bridge Street, Paisley, shown on the attached plan (E3167), as surplus to requirements and to pursue its disposal from the Paisley Common Good through the Court to an adjoining owner.

**2. Recommendations**

- 2.1 It is recommended that the Board:
- i) Note the completion of the statutory process as part of the Community Empowerment (Scotland) Act 2015, to consult on the proposed disposal of Common Good property and further to note the one representation received.
  - ii) Authorise the Head of Corporate Governance to make an application to the Court under section 75 of the Local Government (Scotland) Act 1973 to approve the disposal of the land from the Paisley Common Good.
  - iii) If the application made to the Court is approved then to declare the area of land subject to the Court application as surplus to requirements, with a view to disposing to the adjacent owner.
  - iv) Authorise the sale thereof to the adjoining proprietor, Nixon Blue Ltd, on such terms and conditions as may be negotiated by the Head of Economy & Development utilising delegated powers.

- v) Authorise the Head of Corporate Governance to conclude the sale incorporating into the bargain such terms and conditions as may be deemed necessary to protect the Council's interest.
- vi) Note that the Head of Economy and Development will place an advert in the local press in terms of the Town and Country Planning (Scotland) Act 1959 for the proposed sale of an area of open space.

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### 3. Background

- 3.1 Following the approval of planning application (ref. 20/0533/PP) for the construction of a residential and mixed-use development at 20-22 Bridge Street, Paisley the landowner and developer, Nixon Blue Ltd formally approached the Council seeking to acquire the adjacent open space that connects Bridge Street along the River Cart walkway towards Forbes Place. See attached plan ref E3167.
- 3.2 This area of land, which is held on the Paisley Common Good, extends to 904 sq.m. or thereby and is an area of maintained open space with public access across it. There is substantial Scottish Water infrastructure beneath the site. The land was disposed to the Burgh of Paisley in 1938.
- 3.3 The applicant has expressed an interest in acquiring this land to facilitate a terrace and amenity space adjacent to the new development while retaining the trees, public access to the majority of the space and the existing riverside walkway. These elements are included in their planning consent for the site.
- 3.4 As would be the normal process in these situations one of the Council's qualified valuation surveyors has valued the land in question. This price has been agreed with the prospective purchaser.
- 3.5 As part of the construction of the neighbouring site (Nixon Blue - Millhouse apartments) the Council received and approved a Licence to Occupy request for the land in question. This was to help facilitate the construction of the apartment block. It also included the developer's ability to erect temporary signage to market the new apartments on this land. Any such signage will be removed when the new development is completed. Such signage does not require an express planning consent.
- 3.6 It should be noted that the Council will retain control and maintenance responsibility for the Bridge Street pavement and also the existing River Cart Walkway.
- 3.7 The developer has meanwhile being progressing their development of new apartments with ground floor commercial uses. We understand that they have already agreed terms for a restaurant / café to occupy the ground floor space adjacent to the riverside walkway and Bridge Street.

#### **4. Consultation on the disposal of Common Good land**

- 4.1 Section 104 of Community Empowerment (Scotland) Act 2015 requires the Council to consult with the local community when it is planning to dispose of common good property. In accordance with the Act notices and adverts were published on the 16<sup>th</sup> March 2022 asking interested parties to make representations to the Council by the 11<sup>th</sup> May 2022, being an 8 week period. All information relating to the proposed disposal was published on the Council's web site and hard copies were made available for public inspection at the Customer Service Centre of Renfrewshire House. A notice was placed on the site, an advert was placed in the Paisley Gazette and the Paisley West and Central Community Council was directly notified.
- 4.2 During this period one representation was received. This asked a series of questions regarding the proposal. These were responded to, and the comments and replies have been published on the web site, as summarised in Appendix 1. As this was received from an individual not representing an organisation, that individual's name has been withheld. No further comments have been received.

#### **5. Next Steps**

- 5.1 Should the Board accept the principle of the disposal of this common good land then the Council is required to make an application under section 75 of the Local Government (Scotland) Act 1973 to the Court of Session or the Sheriff Court to obtain approval from the Court that it has the right to dispose of the land. The Sheriff or Court may impose conditions if they think fit or may impose a condition requiring that the Council shall provide in substitution for the land proposed to be disposed of other land to be used for the same purpose for which the former land was used.
- 5.2 If approved by the Court terms for the sale of the land to Nixon Blue Ltd will be concluded by the Head of Economy and Development and the Head of Corporate Governance.

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#### **Implications of the Report**

1. **Financial** – The receipt from the sale of this land will benefit the Paisley Common Good.
2. **HR & Organisational Development** – None.
3. **Community Planning** – No implications.
4. **Legal** – Court and conveyancing of land required as described in the main report.
5. **Property/Assets** – As per report.

6. **Information Technology** – None.

7. **Equality & Human Rights**

- (a) The Recommendations contained within this report have been assessed in relation to their impact on equalities and human rights. No negative impacts on equality groups or potential for infringement of individuals' human rights have been identified arising from the recommendations contained in the report. Required following implementation, the actual impact of the recommendations and the mitigating actions will be reviewed and monitored, and the results of the assessment will be published on the Council's website.

8. **Health & Safety** – None.

9. **Procurement** – None.

10. **Risk** – None.

11. **Privacy Impact** – None.

12. **Cosla Policy Position** – Not applicable.

13. **Climate Risk** – None.

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**List of Background Papers**

- (a) None.
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## APPENDIX 1

Representation response as published on <https://www.renfrewshire.gov.uk>

### Disposal of common good property: consultation

#### Community Empowerment Scotland (Act) 2015      Part 8      Section 104

In terms of the Community Empowerment Scotland (Act) 2015 Part 8, Section 104 - Renfrewshire Council is considering the disposal of land at Bridge Street, Paisley which is held by the Council as part of the common good. Notices and adverts were published on the 16<sup>th</sup> March 2022 asking interested parties to make representations to the Council by the 11<sup>th</sup> May 2022, being an 8 week period.

During this period one representation was received, summarised below along with the Council's response. As this was received from an individual not representing an organisation, that individual's name has been withheld.

The representation asked 5 questions –

1 - Is it proposed that the developer pay a fee for this land?

*Response - Yes, this is a sale of land and a price will be paid for it, this will go to the Paisley Common Good Fund.*

2 - Will this piece of land remain open to the Public to walk through as they do just now?

Your website says "to facilitate a terrace and amenity space adjacent to new development while retaining the trees, public open space and the riverside walkway". This statement suggests it will remain open to the Public. Please clarify. If it does remain open to the Public then how does that work when it is supposed to be an outdoor area for a restaurant? I'm sure they wouldn't want members of the Public wandering through their restaurant area? Something doesn't make sense here !

*Response - The detailed drawing on the website shows an area for a restaurant terrace and an area to be enclosed by a hedge outside the windows of 2 ground floor flats, the rest of the area remains unrestricted for public access.*

3 - Who becomes responsible for the maintenance of the cherry blossom trees and grassed areas? I assume this would be the developer? Please confirm how this will be enforced.

*Response - The purchaser will be responsible for maintenance, and this will be part of the conditions of sale.*

4 - Will the developer be required to make a separate planning application for any work here ?

*Response - No, the necessary planning consent is in place, the consented scheme for the flats includes the terrace and landscaped area.*

5 - With respect to representations, please confirm names and addresses are withheld from publication.

*Response – name and address withheld from publication.*

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