

Agenda Item	8b.
Report No	SCC/23/19

THE HIGHLAND COUNCIL

Committee: Sutherland County Committee

Date: 14 November 2019

Report Title: Dornoch Common Good Fund: Proposed lease of Common Good land to East Sutherland Rescue Association

Report By: Acting Head of Policy

1. Purpose/Executive Summary

- 1.1 This report provides information on the outcome of the public consultation under the Community Empowerment (Scotland) Act 2015 in respect of the proposal to lease an increased area of Common Good land to East Sutherland Rescue Association (ESRA).

2. Recommendations

2.1 Members are asked to:

- i. Note the outcome of the consultation process undertaken.
- ii. Agree the proposal to dispose of an increased area of Common Good to ESRA subject to the consent of the Sheriff Court being obtained.

3. Implications

- 3.1 Resource – ESRA have agreed to meet the costs associated with the consultation, Court proceedings and property transaction.
- 3.2 Legal – the statutory requirement to consult has been complied with. Where land is also considered inalienable, there is a statutory requirement to seek Court approval for a disposal. This must also be complied with.
- 3.3 Community (Equality, Poverty, Rural and Island) – the proposal will allow ESRA to develop a bigger and improved lifeboat facility which will be to the benefit of the community and beach users.

3.4 Climate Change / Carbon Clever – none.

3.5 Risk – none.

3.6 Gaelic – none.

4. Proposal to dispose of an increased area of Common Good land to ESRA

4.1 ESRA already leases a small area of Common Good land adjacent to the Beach Car Park where the current lifeboat shed is located. ESRA submitted a request to increase the area leased to allow them to construct a new building which would offer bigger and improved facilities with a lease term of 99 years. A public consultation pursuant to section 104 Community Empowerment (Scotland) Act 2015 was necessary because any lease over 10 years is considered to be a disposal and, as some of the land required is currently public access amenity land, a change of use would also be involved. Members were briefed in July and agreed to commence the public consultation.

4.2 The public consultation commenced on 17 July 2019 and concluded on 11 September 2019. An analysis has been prepared containing the outcome of the consultation. **(Appendix 1)**

4.3 Five representations were received, with all being in support. One response raised a number of points which will require a response. ESRA have supplied additional details to allow the responses to be drafted. Details of the issues raised and the proposed responses are provided in section 2 of Appendix 1.

4.4 This area of Common Good land is considered to derive title from the Burgh Charter of 14 July 1628 and, except for the area of the existing shed, to have been public access amenity land for time immemorial. Therefore it is necessary to apply to the Sheriff Court for permission to dispose of the land by lease – section 75 Local Government (Scotland) Act 1973. How long this application will take to conclude will be entirely contingent upon Court timescales.

4.5 Members are now asked to note the outcome of the consultation. The available options for the next steps are:-

- Agree that the proposal to dispose of the land by lease to ESRA should go ahead subject to the Court permission being granted
- Amend the proposal (any significant amendment would require a new consultation)
- Decide that the proposal should not go ahead

On the basis of the outcome contained in Appendix 1 it is recommended that Members agree that the proposal to dispose of the area of land by lease to ESRA should go ahead.

Designation: Acting Head of Policy

Date:

Author: Sara Murdoch, Common Good Fund Officer

Background Papers: Appendix 1 – Analysis of Community Consultation

DORNOCH COMMON GOOD**PROPOSAL TO DISPOSE, BY LEASE, OF AN AREA OF COMMON GOOD LAND TO EAST SUTHERLAND
RESCUE ASSOCIATION****ANALYSIS OF COMMUNITY CONSULTATION****1. Number of responses received**

The public consultation period ended on 11 October 2019 with a total of 5 responses having been received. 4 of the 5 were fully supportive and raised no issues for comment. The remaining response was supportive of the service and the need for more space for equipment, training and facilities but raised some concerns and additional comments – see below.

There was no response received from the Community Council.

2. Issues and comments raised for response

Questions/issues/concerns	Council's suggested response
Concern regarding size of the new building – 3 times the size of existing building and 2 storeys. Will it be architecturally sympathetic to the beach?	ESRA has confirmed that the design of the building will be architecturally sympathetic to a beach location. The proposed building is planned to be just under twice the size of the existing boatshed with the intention that the second storey will be the same height as the existing building. Design has been driven by health and safety concerns due to the cramped size of the current building. The intention is that the new building will include toilets, showers, changing/drying rooms, kitchen, training room, first aid facilities and an operations room for multi-agency co-operation. There will be a further consultation in due course under the planning legislation.
Is the proposed location the most appropriate? Were other locations considered?	Full consideration was given to location and it was decided that the existing location remains the most suitable as it is closer to the beach for launch and provides a viewing location of the beach and surrounding Firth. Consideration was also given to what was best for other beach users and accessibility for ESRA members, the majority of who reside locally.
Proposal is to retain the existing shed for storage – responder would prefer to see this being removed.	The plan remains to retain the existing boatshed for storage and maintenance at this time.
Can the toilets in the new building be accessible to the public? If not, why not?	This was considered but ruled out due to the cost implications for insurance, cleaning and maintenance together with the extra cost of providing a public suitable toilet facility.

3. Next steps

- Consider responses to the above questions/issues raised. Clarifications of some issues have been obtained from ESRA where appropriate.
Whilst the most appropriate forum for questions of building design may be within the planning process, a question has been raised here so a response must be given.
- Once responses have been considered, they can be included in a document for publication on the Council website and notifying to those who have responded within the consultation process.
- Members to consider outcome following consultation process. To ensure momentum is maintained, Members can discuss at Ward Business Meeting and indicate a decision in principle on the understanding that the final decision will be agreed at the Area Committee meeting on 14 November 2019.
- Available options
 - a) Happy with proposal going ahead and agree with proceeding to apply to Court for permission.
 - b) Consider if any amendments to the proposal may be necessary – if significant such amendments will trigger a fresh consultation period.
 - c) The proposal does not go ahead.

4. Additional information

As the area of land concerned is considered to derive title from the Burgh Charter of 14 July 1628 and, with exception of the area of the existing shed, has been used as public amenity land for time immemorial, it raises a question of inalienability and therefore an application to the Sheriff Court for permission to dispose is required.

The Community Empowerment consultation and Court application are separate to any process and consultation under planning legislation.

Sara Murdoch
Common Good Fund Officer
26.09.2019