**DORNOCH COMMON GOOD**

1. **PROPOSAL TO DISPOSE, BY SALE, OF APPROXIMATELY 49M² OF LAND AT 1 RIVER STREET, DORNOCH, IV25 3LZ**
2. **PROPOSAL TO DISPOSE, BY SALE, OF 164 M² OF LAND AT 1 WELL STREET, DORNOCH, IV25 3LU**

**REPRESENTATIONS AND RESPONSES**

1. **Number of responses received**

The public consultation period ended on 1 October 2021 with a total of 7 responses having been received. Some responses addressed both consultations however most addressed the proposal in connection with Well Street and made no comment on River Street. These responses are broken down as follows:

* 2 addressed both proposals
* 5 addressed Well Street only

Of the 2 addressing both proposals, both were fully supportive of the proposal regarding River Street and supportive of the proposal regarding Well Street subject to provisos which will be raised in the table below.

Of the 5 responses that addressed Well Street only, 2 were fully supportive, 2 opposed the proposal and 1 was in support with provisos otherwise against the proposal. All issues raised will be addressed in the table below.

1. **Representations, questions and issues distilled from the responses received – River Street**
2. **Supportive comments received**

The types of supportive comments received can be summarised in the following examples:-

* The proposal in the case will result in the righting of an historical wrong.
* It is beneficial to the occupier and will bring funds into the Common Good fund which will benefit Dornoch residents.
1. **Objections or issues raised for response**

Only comment made was that it is assumed the occupier finds the purchase price to be fair and reasonable. It is confirmed that the price has been agreed with solicitors on behalf of the purchaser.

1. **Representations, questions and issues distilled from the responses received – Well Street**
2. **Supportive comments received**

Supportive comments were received from the immediate neighbouring property and a former resident of that property and are summarised as follows:-

* It is beneficial to the occupier and will bring funds into the Common Good fund which will benefit Dornoch residents.
* Since taking on the lease, the tenant has kept the land very tidy, grass mown, and all old litter and rubbish has been removed.
* It would be good for this area of land to be in private ownership in keeping with the other properties at 1-4 Well Street.
1. **Objections or issues raised for response**

The issues raised as provisos for support are also included in the table below.

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| **Questions/issues/concerns** | **Council’s suggested response** |
| 1. Where does address of 1 Well Street come from? Over 60 years ago my parents bought no 1 & no 2 and combined them into one house with the address 2 Well Street.
2. My name is on the title of 2 Well Street, and I will live there after my mother’s death. I would like the opportunity to purchase this area of land.
3. Householders should have been properly consulted about this sale.
 | 1. It may be that this is a clerical error. The first house it listed as 1 Well Street on the map system used by the Council however, the lease plan identifies the same property as no 2. In any event the location as identified in the images within the consultation document (a copy of which was posted outside 2 Well Street) is clear.
2. Negotiations have taken place with the existing tenant who has a tangible interest in the property. As such this makes her a special purchaser and the Council is not obliged to offer the site on the open market.
3. This is the forum for the public consultation on the proposal to sell.
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| 1. Why does the current tenant want to buy when there is still time left to run on the lease?
2. Does she plan to turn the land and garage into a dwelling house or letting pod?
3. If the sale goes ahead, can the Council give written confirmation that no planning permission will be granted for dwelling of commercial premises on this land?
 | 1. The only information comes from the solicitor making the request to consider sale to his client which was that the site was historically dilapidated, and she had invested considerable sums in and now tidied up
2. There has been no indication given that to this effect.
3. This would place a restriction on the use of the land which would impact on the value resulting in a reduction in price. Even if the Council agreed to impose such a burden, it could subsequently be challenged and would be likely to be overturned in Court.
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| This land also provides access to 2, 3 & 4 Well Street which would be lost if the land was sold. | Land would be sold with all existing access rights. Such existing rights would not be extinguished by the sale.A site visit has taken place to clarify the position as follows:* Vehicular access for number 3 via ground subject to proposal

However, there are paths giving pedestrian access between the gable ends of numbers 2 & 3 and for number 4 on the other side.Access to the rear of the properties by pedestrians exists other than over the property in question but vehicular access for number 3 would need to be protected in any sale.  |
| The Highland Council has always had a policy against the sale of Common Good land. This is a rental property which raises income for Dornoch Common Good and this can continue. There is no justification for a sale. | The Highland Common Good fund policy does not prohibit sales of Common Good property and each case is assessed on its individual merits. Whilst this is a rental property, the annual rental is low and unlikely to increase significantly. The public consultation is a way to seek information which will all be considered in making a decision in respect of this proposal. |
| The sale proceeds should be ring fenced to purchase another parcel of land or to allow for the purchase of additional land by a community group. | Any proceeds from the sale will be a capital receipt into Dornoch Common Good fund and will be available to be used in accordance with Common Good policy and governance. |
| If the disposal goes ahead and development consent is subsequently obtained and the plot sells for considerably more than £8000, a percentage of around 80% of the gain after appropriate inflation adjustment should be paid to the Common Good Fund. | It is unlikely any purchaser would agree to such a condition. The only way it could be achieved would be by placing an economic development burden on the land, but this would reduce the value of the land.The current price negotiated will have included a “hope value” in respect of future development although no guarantees about any decision can be given. |