**DORNOCH COMMON GOOD**

* **PROPOSAL TO DISPOSE, BY SALE, OF APPROXIMATELY 56m² OF LAND AT TIGH RUARAIDH, 8 WELL STREET, DORNOCH, IV25 3LU**

**REPRESENTATIONS AND RESPONSES**

1. **Number of responses received**

The public consultation period ended on 28 July 2022 with a total of 5 responses having been received. Responses were received from The Dornoch Area Community Council, a community group and local residents. These responses are broken down as follows:

* The Community Council confirmed support of the proposal by majority.
* 2 representations supported fully and raised no issues.
* 1 representation was in support but raised a query for response by the Council
* 1 representation objected to the proposal and raised comments for response.
1. **Representations, questions and issues distilled from the responses received**
2. **Supportive comments received**

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

* It tidies up an area of land that has always looked like it belonged with the house.
* It has been maintained in a good and tidy condition as part of the front garden and provided access to the house since at least 1970s. Agreeing the proposal will not cause any problems with general access in the area as the road continues around the back of the property.
* Viable Common Good land should be retained where it can be demonstrated that such retention is of benefit to the community but that is not the case here.
* The land has been used as front garden for years and records of how this came to be are not clear, therefore a sale will simply regularise this situation.
* The fact it is Common Good is restrictive on the house owner – it precludes development and could cause difficulties in any future sale.
* There is no demonstrable benefit in retaining this land as Common Good. Well Street goes around the back of the property and is a quiet road so there is no case in using this area of land for additional road access. Given its size and location there are no options for useful repurposing.
* Dornoch Common Good will receive £8,000 from the sale which will benefit the fund.
1. **Objections or issues raised for response**

Some representations received raised comments or issues for comment only with others objecting to the proposal and also raising comments or issues.

 The issues raised are summarised in the table below.

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| **Questions/issues/concerns** | **Council’s suggested response** |
| Is the valuation high enough bearing in mind the increase in value to the property and current property prices in Dornoch? | The figure negotiated represents best value given the size, market evidence, restricted use and location of the area of land in question. All valuations are undertaken on an individual basis, in order to achieve best value and consider all factors. |
| Dornoch Common Good land is a valuable asset which has been diminished over the years by piecemeal disposals such as the one proposed. A hard line should be taken to resist this unless there are exceptional circumstances. No such circumstances exist here. | This is only the third such request since the Community Empowerment (Scotland) Act 2015 came into force. Of the previous 2 requests one was agreed, and one was refused following Members consideration of the outcome of the consultation process. |
| There are other similar pieces of land in Littletown that have been taken over by householders – if this proposal is agreed other requests will follow.  | Any request received will be investigated and considered on its own merits.  |
| A previous owner of this property sought to purchase this land some years ago and the request was refused. Therefore, it should be refused now. | The request was not refused – the owner at the time decided not to proceed with the transaction for personal reasons. This request has been treated as a new request. |
| The area of land should be leased to the current owner for a commercial rent. This would be of benefit to the Common Good. | The land in question has minimal rental value due to its size, location, and restricted use. A very limited site with little market demand once all factors are considered. This would be reflected in a low rental value. The cost of administering and upholding the lease could offset the rental income from the site due to the low value the site could achieve as a leased area. Due to the reasons mentioned above leasing the site was not considered a practical or realistic resolution for this particular area. Whereas a sale would generate a reasonable capital return to the benefit of the Common Good on the area of ground that is non income generating. |
| The consultation document demonstrates the insignificance of this piece of land and its uselessness to the community. One sentence reads as follows: *‘When the Common Good Asset Register was consulted upon and published in February 2020, this piece of land was overlooked and not raised in consultation enquiries.’*  In other words, this parcel was so insignificant that it was omitted altogether from the register – and nobody noticed. | This is an inaccurate interpretation. Across the Highland Common Good funds there will be remnants of Charter land that may have been overlooked and which may become apparent during property enquiries. It would not have been possible to have definitively identified all these small parcels of land prior to the Registers being published. However, the Registers are living documents and remain open to allow rectification when such areas of land are discovered. |