Meeting WLC: Wednesday 12th June 2024

**Present**: Scott Hughes, Rachel Donald, Pauline Stafford, Colin Smith, Jocelyn Lockhart, Paul Mallis, Carole Campbell

**Discussed**:

**Overview** from Scott Hughes:

-Land is Common Good and has recently been moved from the Housing Revenue Account (all funds ringfenced for HRA budget) to the General Services account. Previous plans for social housing have been abandoned.

-Any sale of the land would not generate a capital receipt for the council but would instead go into Bathgate’s Common Good Fund. On the Local Development Plan 2018 this land was designated for housing.

-The next LDP is in motion and ‘Call for Ideas’ is open for communities to make representations for any changes to land use. Depending on timing of the Garden’s development planning permission for change of use may be required.

**Land use process**: Under delegated powers it might have been possible to obtain a 10yr ‘Community Benefit’ lease from the council (for sports pavilions, allotments and community gardens) without having to go to the Council Executive for a decision. However, because it is Common Good it will have to go before the CE anyway.

-Steps are to develop the group’s proposal (including evidence of community engagement/support), take this to the Council Executive, commence formal 8-week Common Good community consultation, return to Council Executive for final decision. Occasionally it is necessary to complete this by going to the Court of Session.

-Options are lease (10-25yrs) sometimes funders require more security of tenure, community asset transfer (full ownership), community asset lease (usually full repairing and insuring lease but WLC retains ownership).

-‘Peppercorn’ leases (ie £1 per year) no longer considered legally competent. Market Value/Best Value must be considered. However, can add a community benefit clause which says ‘in lieu of all non-financial benefits the fee can be waived or reduced’. Calculate non-financial benefits on outcomes such as volunteer hours, saving to NHS through well-being programme etc.

**Proposal**

**-**Main points to demonstrate: clear vision, clear outcomes, robust community engagement, sustainable business plan.

-Go to the community and ask what they want to see (not top down), feed this into any plans, consult more formally. Demonstrate community support.

-Consider which stakeholders to consult. Jocelyn suggested mapping these at next meeting.

-Purpose Garden public amenity, food growing, education??

Show a thoroughly thought-out proposal.

Submit along with a business plan/action plan showing how the proposal will be achieved.

We can submit proposal as subject to funding 'streams' as it is envisaged that pockets of funding/grants will be generated rather than one funding source.

**Practical Considerations**

-Geo-technical surveys needed if growing in the ground (even fruit trees). Carole Campbell may be able to help with these. Also check with John Smith (WLC project manager from housing development proposal) to see if any previous surveys were done/can be shared.

-Consult with WLC Planning on issues with change of use planning permission, traffic impact, parking, access, security fence/wall etc

-Consider boundary treatment careful lie screening for residential properties privacy, security for site itself and those using it (young children)

-Service checks (water, electricity) Carole Campbell may be able to assist. Strathbrock issue-may be worth visiting other gardens to ask about solutions.

-business plan include revenue plans, cost of services, public liability, waste disposal, maintenance of any fencing/structures

**Next Steps**

-Map stakeholders, initial engagement, vision/plan, business plan, meet with Scott Hughes/Rachel Donald again.

**Contacts**

-Martin Thompson: business advisor specialising in 3rd sector. Can advise on best constitutional model for the group, legal advice, funding, business plan.

-Dougie Grierson: Community Wealth Building officer. Support with funding.

-COSS: Community Ownership Support Service

Business Growth Adviser (Economic development):

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