



<b>CPO Example</b>	Improving the Public Amenity (Regeneration)
<b>Project Name</b>	Mill Street Project , Perth City Centre
<b>Acquiring Authority</b>	Perth and Kinross Council
<b>CPO Type</b>	Planning

### OVERVIEW

In an effort to support the Council’s vision to create and promote a ‘cultural corridor’ from Perth Concert Hall at one end of Mill Street to Perth Theatre at the other, Perth and Kinross Council proactively acquired the necessary land at Mill Street to enable improvements to be made to enhance the public realm and pedestrian environment. This project was considered integral to the Perth City Plan and its vision to develop the City of Perth as the most desirable place in Scotland to live, work, visit and invest.

Mill Street (with the exception of the area in front of the Concert Hall) provided a poor standard of public realm, with uninviting vennels, and characterised by back land parking areas detracting from the setting of the various cultural venues and the shopping and visitor experience. There was an acknowledged need to invest in Mill Street after a previous retail led scheme failed to materialise.

### PROJECT SCOPE

The project consisted of the provision of a safer, higher quality environment for pedestrians in Mill Street. Perth & Kinross Council wanted to implement a scheme which rewarded the residents, local users and visitors of the city centre with a safe, high quality pedestrian environment, similar to that which had already been delivered for the High Street. Objectives included:

- Improve the visual amenity of Mill Street thus providing an attractive environment for pedestrians whilst creating a distinctive ‘place’ – this underpins the vision of the Perth City Plan.
- Eliminate multiplicity of landownership.
- Unlock land and provision of an environment which will act as a catalyst for development and private sector investment.
- Connect the city’s main cultural assets – Perth Museum & Art Gallery, the Concert Hall and Perth Theatre.
- Improve the pedestrian links (Vennels) between Mill Street and the High Street.
- Encourage a vibrant night time economy.
- Provide attractive spaces which can be utilised for markets, events and outdoor eating and drinking.
- Implement a shared space to generate a sense of place.

“It was felt was that by consolidating the landownership, this would remove barriers to the future development of sites along Mill Street enabling current and safeguarding future development and ensuring the overall scheme could be delivered in full”

The pattern of multiple land ownership across the Mill Street area was a potential barrier to the council's ambitions. It was felt that key to the successful implementation of the Mill Street Project was the promotion of a Compulsory Purchase Order (CPO) to acquire areas of land and all private rights in and over them. It was felt that by consolidating the landownership, this would remove barriers to the future development of sites along Mill Street enabling current and safeguarding future development and ensuring the overall scheme could be delivered in full.

## APPROACH

Perth & Kinross Council's Roads Infrastructure Team, together with the council's Investment Team and Legal Services, commenced work on the Compulsory Purchase Order (CPO) in 2014. Brodies LLP were commissioned to undertake the Land Referencing exercise and to provide support and guidance on the process as and when required. The work was undertaken in accordance with Planning Circular 6/2011: Compulsory Purchase Orders and under Section 189 of the Town & Country Planning (Scotland) Act 1997.

At the start of the CPO process a **timetable** detailing the key stages was prepared to inform the programme for the design and construction of the works. Firstly, an extensive **Land Referencing** exercise was undertaken and included obtaining copies of title deeds from the Land Register of Scotland and identifying any Public Utility apparatus. Where applicable these were cross-referenced with documents held by the council. This led to the preparation of an **Ownership & Property spreadsheet** together with a concise **Land Plan** showing the extents of ownership. Once the preliminary design for the scheme was finalised the extents of the land required were determined with the ownership details easily identified. This, together with the land referencing exercise, enabled the plan, schedules and plot descriptions for the CPO to be prepared.

Those to be affected by the Mill Street scheme were advised, through correspondence and meetings, of the scheme at an early stage and how this would impact on them. Where applicable this included discussions on purchasing the land by agreement. The majority of the discussions were positive with the businesses acknowledging the benefits the scheme would bring to the city centre. Additionally, it has been possible to adopt, rather than acquire, some of the private land meaning that they will be added to the List of Public Roads in accordance with Section 16 of the Roads (Scotland) Act 1984 by the council, as Roads Authority.

“The council considered that it was extremely important that the Statement of Reasons accurately and clearly set out the policy basis on which the scheme was promoted and the council's reasons for making the CPO and explained the justification for it”

A Council Report was prepared, and the council approved the compulsory acquisition of land required for the scheme at its meeting on 25 February 2015. The next step was to draft the **Statement of Reasons** for making the compulsory Purchase Order, which set out the benefits of the scheme. It set out that single ownership is necessary to achieve the physical delivery of the comprehensive development required. This was prepared following Scottish Government guidelines.

The council considered that it was extremely important that the Statement of Reasons accurately and clearly set out the policy basis on which the scheme was promoted and the council's reasons for making the CPO and explained the justification for it. **The CPO, incorporating the Land Plan and Schedules, was made by the council on 14 May 2015.**

When the CPO was made, statutory notices were served by recorded delivery on those believed to have an interest as owner, lessee, occupier, holder of a personal real burden, benefited proprietor or owners' association. A spreadsheet was prepared to record the date sent, tracking number and date delivered. Notices were also displayed on-street and photographed for recording purposes.

Six objections to the CPO were received. Three were from landowners, two from lessees and one from a public utility company. The main concerns related to access rights. **However, through providing clarification and ensuring provision for access the objections were all removed.**

**The CPO was confirmed by the Scottish Government on 28 April 2016**

## **CONCLUSION AND LEARNING POINTS**

- Obtain knowledge: involve key stakeholders/colleagues in from the start to share local knowledge with affected stakeholders (internal and external);
- Communication matters: ensure transparent dialogue with affected parties is maintained throughout the process
- Be realistic: negotiations with third parties can take over six months and any programme should cater for this period;
- Engage with stakeholders: officers met early on with retailers to have them on board ahead of promoting the CPO;
- Define CPO boundary early on: promotion of the CPO was on the back of completing the design phase. Proceeding before this point can lead to amendments to the CPO and issues with affected parties later down the line;
- **Be prepared:** the priorities of the local authority may not match those of the affected stakeholders.

**Perth and Kinross Council**

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