

ABERDEEN CITY COUNCIL

COMMITTEE	Finance and Resources
DATE	7 August 2024
EXEMPT	No
CONFIDENTIAL	No
REPORT TITLE	Site 16 Lang Stracht - Instruction to Dispose.
REPORT NUMBER	F&R/24/222
EXECUTIVE DIRECTOR	Eleanor Shepherd
CHIEF OFFICER	Stephen Booth
REPORT AUTHOR	Cate Armstrong
TERMS OF REFERENCE	4.1 & 4.4

1. PURPOSE OF REPORT

- 1.1 To seek Committee approval to start a process to dispose of Common Good land property at Lang Stracht and upon its completion, to seek instruction to advertise the Site for sale.

2. RECOMMENDATIONS

That the Committee:-

- 2.1 Instruct the Chief Officer - Corporate Landlord to undertake the consultation process as required under the terms of the Community Empowerment (Scotland) Act 2015 for this Common Good site; and
- 2.2 Instruct the Chief Officer - Corporate Landlord on completion of the above, providing he considers it to be appropriate in the circumstances, to advertise the property seeking offers to purchase or enter into a long lease and to report the outcome of the process to a future meeting of the Finance and Resources Committee.

3. CURRENT SITUATION

- 3.1 At the City Growth and Resources Committee of 11 May 2021 Committee had before it a report, relating to Site 16, Lang Stracht. At the meeting the Committee agreed that the site not be sold or marketed without further committee approval.
- 3.2 A further report RES/22/108 - Proposed Disposal of Lang Stracht Site was put before Committee on 21 June 2022, this recommended acceptance of an unsolicited offer to purchase, received from Lidl GB Ltd (LIDL), Site 16, Lang Stracht. This proposed purchase was progressed but did not conclude when LIDL withdrew.
- 3.3 The Site sits within the Mastrick Industrial Estate, see Appendix 1, and is zoned for B1 – Business and Industrial Land; Lidl submitted a pre-application planning

enquiry for a retail store to the Planning Authority. The response of the planning authority noted that although the principle of retail use was not ruled out, it would need to be demonstrated, by advertising the site on the open market, that the site was no longer required for a use falling within Class 4, 5 or 6.

- 3.4 There has been some recent interest in the site and given that it is surplus to the Council's requirements and is no longer generating an income for the Common Good Account, it is recommended that the Site be marketed for sale.
- 3.5 The Site is held on the Common Good Account, however the historic long-term lease granted to Aberdeen Journals Ltd constituted a disposal from the Common Good in accordance with the Local Government (Scotland) Act 1973 Part VI. Accordingly, the site is considered to be alienable for the purposes of sale, and there is no requirement to apply to the Courts for authority to sell.
- 3.6 The Council must follow the legislation provided under Part 8 of the Community Empowerment (Scotland) Act 2015 and the guidance provided by Scottish Ministers on disposal of Common Good and publish the details regarding the proposed disposal prior to putting it on the market. This consultation will last for 8 weeks.

4. FINANCIAL IMPLICATIONS

- 4.1 By taking the site to the market the Council can ensure that it will achieve Best Value.

5. LEGAL IMPLICATIONS

- 5.1 The disposal of the site must adhere to all relevant statutory requirements for disposal of land, including the Local Government (Scotland) Act 1973 and the Community Empowerment (Scotland) Act 2015.
- 5.2 Under Part 8 of the Community Empowerment (Scotland) Act 2015 the Council is required to consult with the local community when considering any disposal under Section 74 and 75 of the Local Government (Scotland) Act 1973, whether that is by sale (or other disposal), or change of use of Common Good property. The legislation requires that the Council publish details of the proposed disposal or the change of use of the Common Good property and notify and invite representations from Community Councils and community bodies that are known to the Council to have an interest in the property.
- 5.3 When deciding whether or not to dispose of Common Good property, the Council must have regard to the representations received from the responses received in respect of the proposals published.
- 5.4 Following completion of the consultation process and consideration of all representations received in respect of the proposals published, the Council will be in a position to determine if it should proceed with the proposed disposal.

6. ENVIRONMENTAL IMPLICATIONS

6.1 There are no direct environmental implications arising from the recommendations of this report.

7. RISK

Category	Risks	Primary Controls/Control Actions to achieve Target Risk Level	*Target Risk Level (L, M or H) *taking into account controls/control actions	*Does Target Risk Level Match Appetite Set?
Strategic Risk	No significant risks identified			
Compliance	If the consultation is not progressed there is a risk of non-compliance with Community Empowerment legislation		L	Yes
Operational	No significant risks identified			
Financial	No significant risks identified			
Reputational	There is reputational risk if the consultation process is not carried out		L	Yes
Environment / Climate	No significant risks identified			

8. OUTCOMES

<u>COUNCIL DELIVERY PLAN</u>	
	Impact of Report
Aberdeen City Council Policy Statement	The proposals in this report have no impact on the Council Delivery Plan
<u>Aberdeen City Local Outcome Improvement Plan</u>	
Prosperous Economy Stretch Outcomes	The proposals in this report have no impact on the Prosperous Economy Stretch Outcomes
Prosperous People Stretch Outcomes	The proposals in this report have no impact on the Prosperous People Stretch Outcomes

Prosperous Place Stretch Outcomes	The proposals in this report have no impact on the Prosperous People Stretch Outcomes Prosperous Place Stretch Outcomes
Regional and City Strategies	The proposals in this report have no impact on the Regional and City Strategies

9. IMPACT ASSESSMENTS

Assessment	Outcome
Integrated Impact Assessment	Not required
Data Protection Impact Assessment	Not required

10. BACKGROUND PAPERS

10.1 Finance Policy and Resources Committee

- 7 June 2016 CH/16/122 - Site 10 Whitemyres Avenue and Site 16 Lang Stracht
- 7 December 2016 CH/16/260 - Sale - Site 16 Lang Stracht
- 29 June 2017 CH/17/171 Site 16 – Lang Stracht – Demolition of Buildings

City Growth and Resources Committee

- 11 February 2021 RES/21/015 Site 16 – Lang Stracht – Demolition and disposal update
- 11 May 2021 RES/21/107 Site 16, Lang Stracht – Demolition and Disposal Update
- 21 June 2022 RES/22/108 – Proposed Disposal of Lang Stracht Site

11. APPENDICES

12. REPORT AUTHOR CONTACT DETAILS

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