

Town Centre Planning Pilots Programme



Perth: Mill Street, Perth
Proactive land assembly
enabling enhancements to Perth town centre -
promotion of Compulsory Purchase Order
'How To' Guide

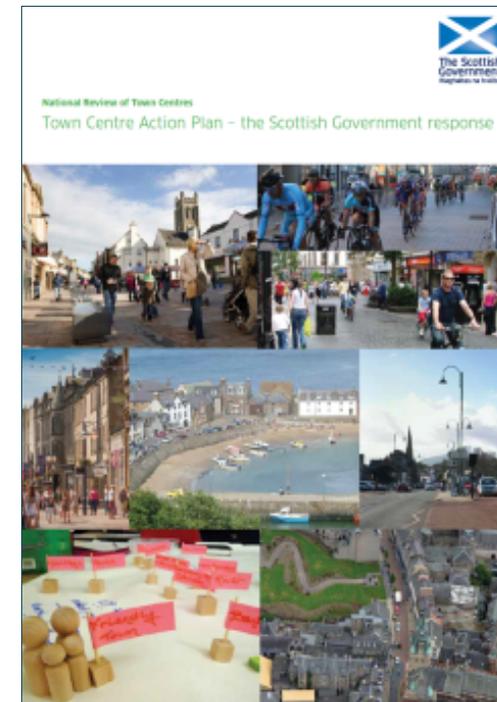


Town Centres Planning Pilots Programme

Town centres are at the heart of their communities and can be hubs for a range of activities. It is important that planning supports the role of town centres to thrive and meet the needs of their residents, businesses and visitors for the 21st century.

The **Town Centre Action Plan** (November 2014) sets out various actions to bring a focus on town centres.

One of its key themes is **Proactive Planning**, the Scottish Government fully embraces the Town Centres Review recommendation for a simple, encouraging and pro-active planning policy in support of town centres.



Town Centre Action Plan

We committed in the Action Plan that:

We will identify pilots with interested planning authorities who wish to consider collaboration and test approaches which could help simplify planning processes in town centres.

The Town Centres Planning Pilots Programme is working with **10** planning authorities and Heads of Planning Scotland (HOPS) supporting **15** pilots based around **7** key areas, as shown on the map.

- ➔ This guide shows how Perth & Kinross Council used Compulsory Purchase powers as a placemaking tool to support the regeneration of Perth town centre.
- ➔ It shows how the council proactively acquired the necessary land at Mill Street to enable improvements to be made to enhance the public realm and pedestrian environment. This proactive approach supports the vision to create and promote a 'cultural corridor' from Perth Concert Hall at one end of Mill Street to Perth Theatre at the other.



Project Details: The story behind it all...

The Mill Street Project is 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.



The project consists 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.

The project involves replacing the existing traditional road and footway layout with a shared space which will be constructed using a mixture of natural stone paving, high quality concrete paving and asphalt road pavement.

However, the pattern of multiple land ownership across the Mill Street area was a potential barrier to the council's ambition to improve the public realm and create a new Cultural Quarter in the town centre.

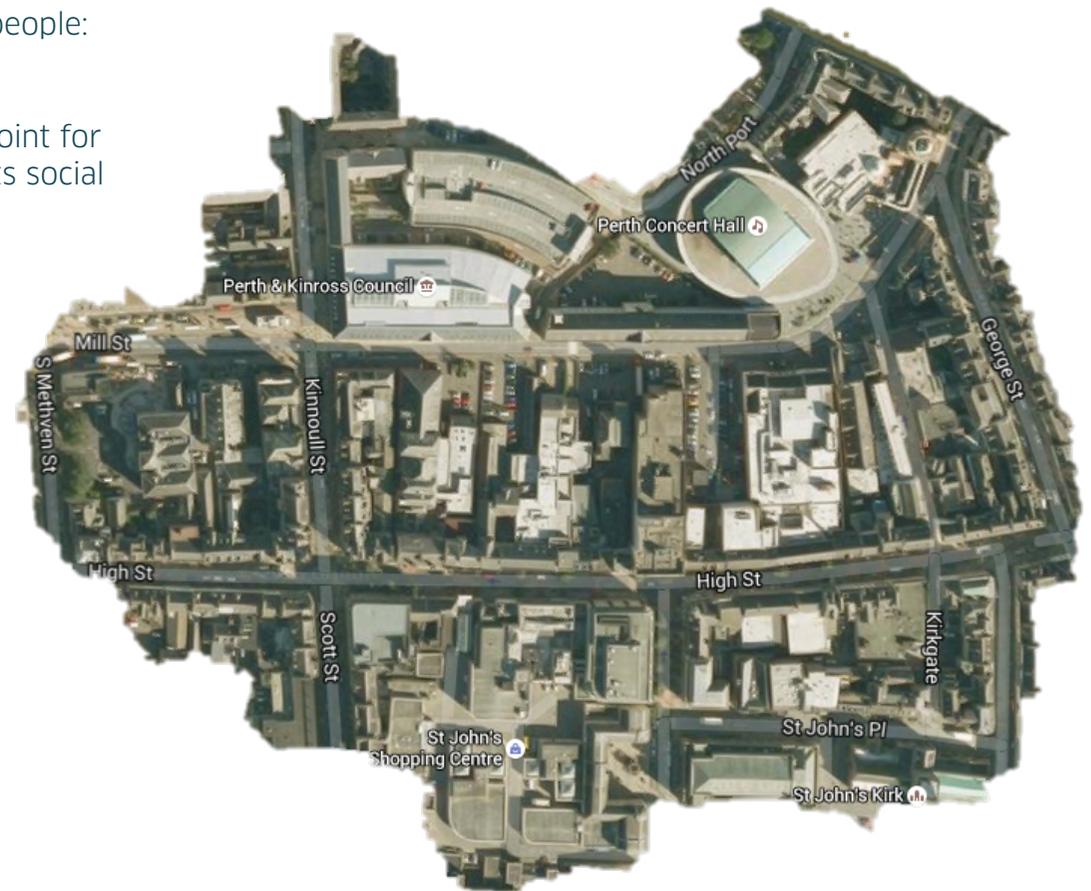
The Scottish Government's Town Centre Toolkit recognises that town centres must be attractive, active and accessible and these three themes have been used throughout the design process of the Mill Street Project.

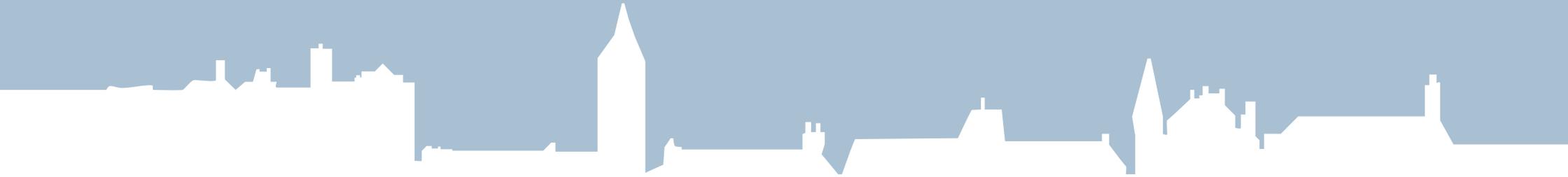
Before

Mill Street lies parallel to Perth's High Street, connected via a series of vennels.

It is in a good location with a number of assets and uses that attract people:

- Perth Theatre backs onto it;
- Perth Concert Hall sits at the other end, which serves as a focal point for the arts within the centre and attracts visitors who make use of its social and business facilities;
- council offices; and
- in close vicinity to the bus terminus for people arriving into the town.



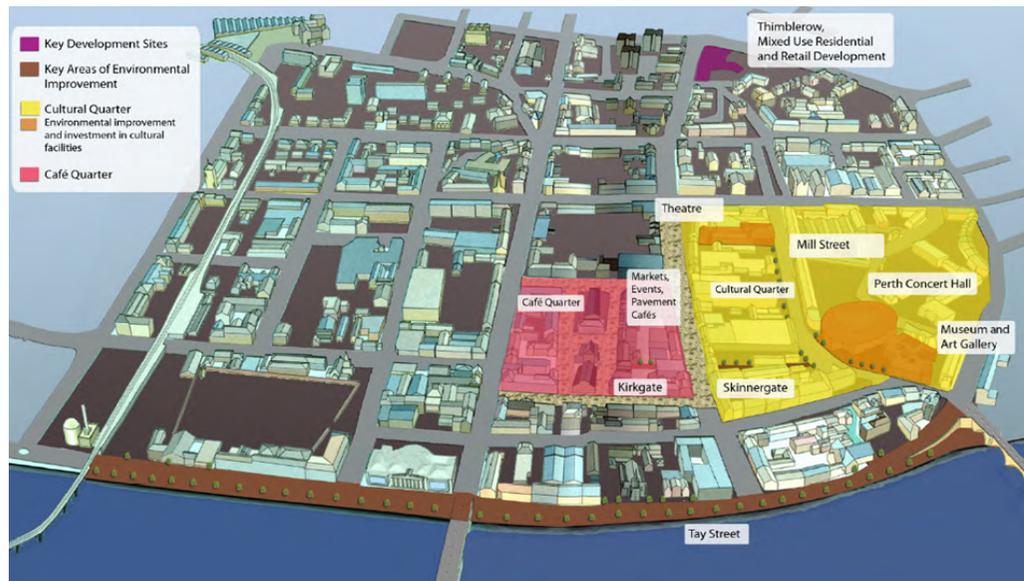


However, at present Mill Street (with the exception of the area in front of the Concert Hall) provides a poor standard of public realm, with uninviting vennels, and characterised by backland parking areas detracting from the setting of the various cultural venues and the shopping and visitor experience.

There was an acknowledged need to invest in Mill Street after a previous retail led scheme failed to materialise.



Vision

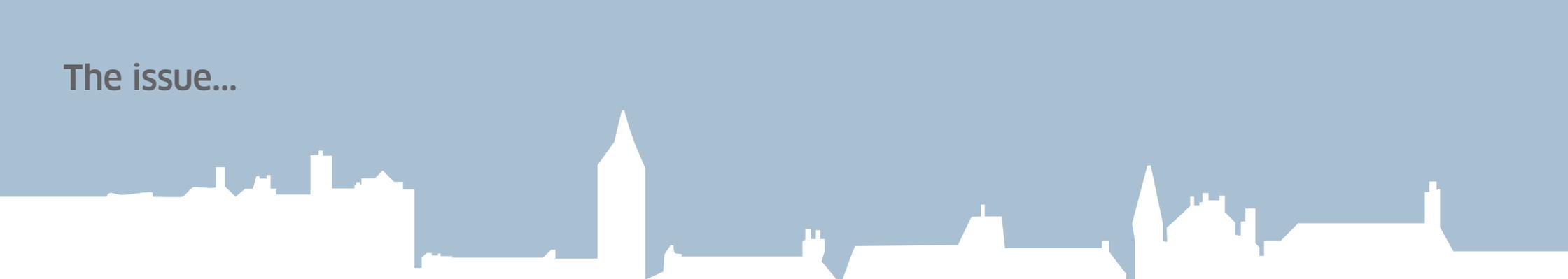


Smart Growth for Perth City

The Perth City Plan 
2015-2035 Perth

Mill Street lies within the heart of the Perth's proposed Cultural Quarter. Perth & Kinross Council want the city to offer a world-class quality of life and build upon its existing leisure and cultural assets by establishing a vibrant Cultural Quarter around the existing bases of Perth Theatre, Perth Museum & Art Gallery, Concert Hall and the Fergusson Gallery while exploring opportunities for new national facilities. The council wanted to create a safe, high quality pedestrian environment for residents, local users and visitors to the city centre.

The issue...



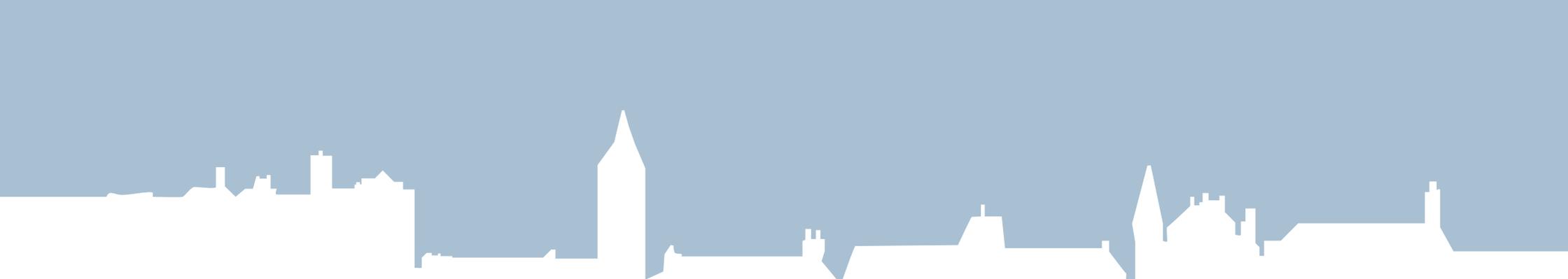
The multiplicity of ownership (some unknown), uncertainty over access rights and unclear boundaries presented the council with a series of risks which could jeopardise the successful delivery of the scheme and as a consequence the potential for future development of infill sites.

In its Town Centre Action Plan the Scottish Government encourages local authorities and other stakeholders to use compulsory purchase powers to promote sustainable economic growth.

Approach:

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.

- Other investment by private sector e.g. Gillies, Premier Inn.
- Ability to provide additional parking in the short/medium term and promote smaller infill development along Mill Street (south side) through private sector investment.



Project Objectives:

- 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.

What was done...

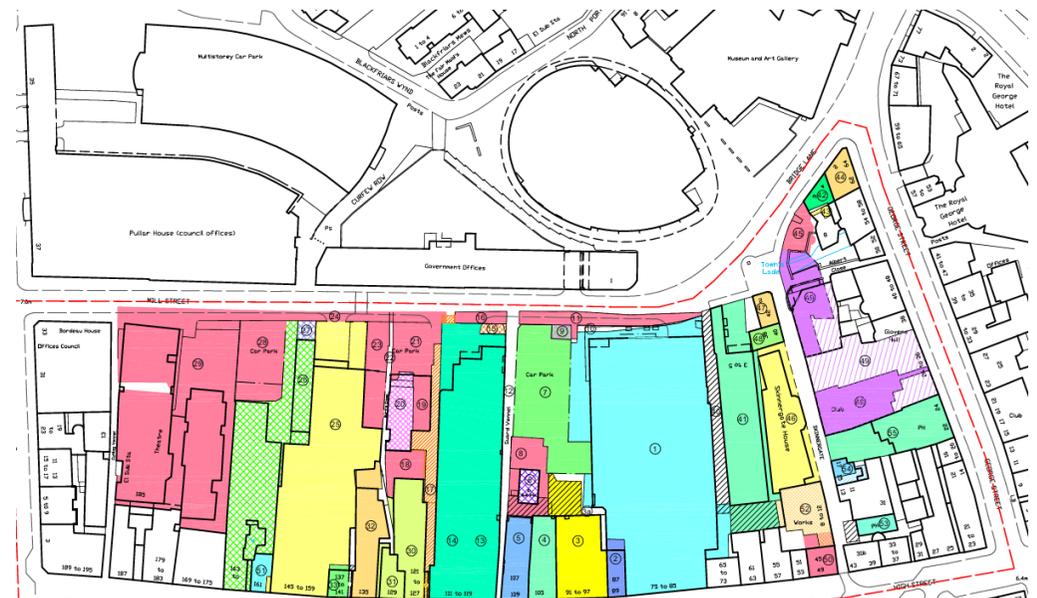
Perth & Kinross Council's Roads Infrastructure Team, together with the council's Investment Team and Legal Services, **commenced work on the Compulsory Purchase Order (CPO) in 2014**. Brodies LLP were commissioned to undertake the Land Referencing exercise and to provide support and guidance on the process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

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.



What was done...

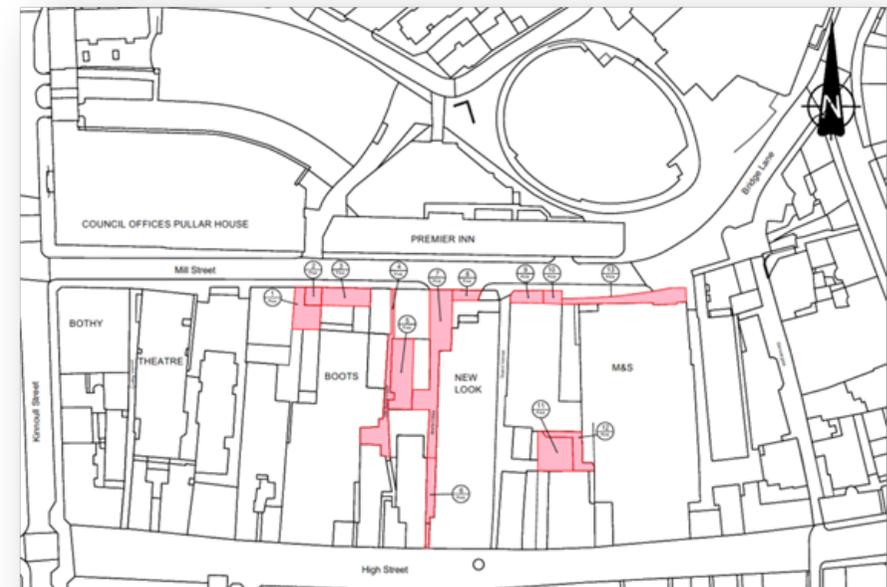
When making a CPO, councils are required to use the prescribed form contained within the CPO legislation which includes a statement that the 'acquiring authority is hereby authorised to purchase compulsorily...' There must therefore be clear authority from the council before the Order can be made. A **Council Report** ([click here](#)) 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 redevelopment required.

This was prepared following the guidelines set out in Planning Circular 6/2011 and is necessary for the authority to be satisfied that the purposes for which it is making a CPO justifies interfering with the rights of the people affected. The justification for making a CPO will, subject to the requirements of the law, be a matter of fact and circumstance in each case.

It is extremely important that the Statement of Reasons accurately and clearly sets out the policy basis on which the scheme is being promoted and the council's reasons for making the CPO and explains the justification for.

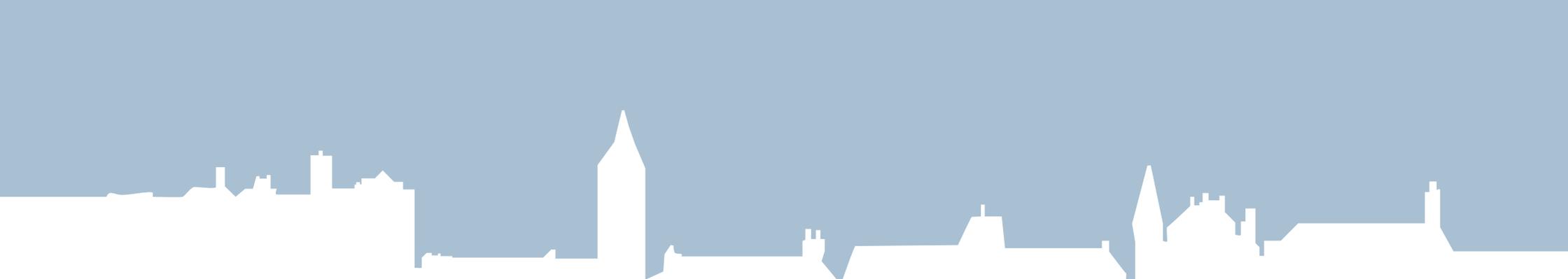
The **CPO**, incorporating the Land Plan and Schedules, was made by the council on 14 May 2015.



Key



Land to be acquired



Benefits of the Scheme set out in the Statement of Reasons:

- The visual amenity of Mill Street will be improved, increasing the likelihood of development and private sector investment.
- Improvements to the vennels will improve the links between Mill Street and High Street, and encourage greater use.
- Improving the public realm will enhance the attractiveness and the safety of Perth City Centre and is likely to encourage visitors to stay longer and make more use of the local shops, restaurants, coffee shops etc, with a consequential positive outcome for local businesses and the local economy.
- Improving the public realm will enhance the amenity and safety of local residents
- Investing in high quality public realm along Mill Street will demonstrate confidence in Perth as a destination for visitors, businesses and investment, in line with the Perth City Plan.
- The Scheme will build upon the recent investment at the Concert Hall, the refurbished Perth Theatre and the recent private sector investment at the Premier Inn and Gillies (furniture store).
- The Scheme eliminates the multiplicity of land ownership in the Mill Street area by consolidating pockets of land, safeguarding them for future development.
- The Scheme will unlock land for potential development, which it is considered will have a positive impact within the area.
- The setting of both the Concert Hall and the redeveloped Perth Theatre will be significantly improved and will create a Cultural Quarter within the City Centre. This will provide a high quality, social destination for visitors and residents.
- The Scheme will include functional and aesthetic lighting which will promote the historic context of Mill Street and highlight the links to the High Street, assisting the evening and night-time economy by creating a safer environment as well as creating a more visually striking centre.

Composite approach to Place

What was done...

Engaging effectively with the people affected by the CPO before, during and after, is an integral part of the process.

Engaging early with the people potentially affected by a CPO can help allay concerns, let people know what the authority is proposing and how it will affect them.

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.

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.**

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.



Policy links

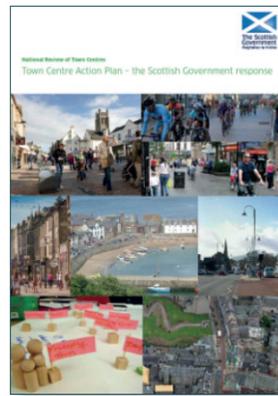
The project supports the following policies:



Scottish Government Designing Streets Policy

<http://www.gov.scot/resource/doc/307126/0096540.pdf>

- focus on place and movement of pedestrians (implementation of a shared space).



Town Centre Action Plan

<http://www.gov.scot/Resource/0043/00437686.pdf>

The Action Plan contains themes on vibrant local economies, enterprising communities and proactive planning.

TAYplan



PKC Local Development Plan

<http://www.pkc.gov.uk/Local-Development-Plan>

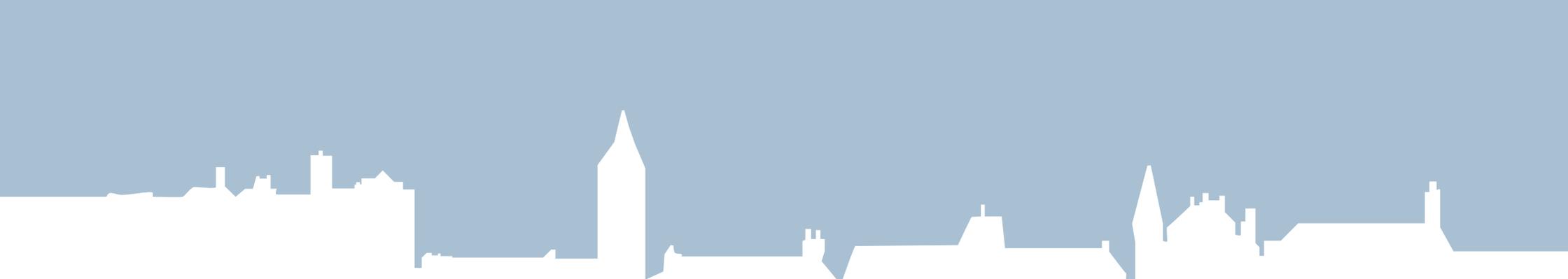
Policy 7 (TayPlan) and OP 4 (PKC LDP); support mix uses in city and town centres to improve their vitality and the diversity of economic and social activity in both the day and evening.



PKC Single Outcome Agreement 2013-2023

<http://www.pkc.gov.uk/CHttpHandler.ashx?id=20613&p=0>

Promoting a prosperous, inclusive and sustainable economy, and creating a safe and sustainable place for future generations.



Challenges

- Dealing with some of the large retailers presented the principal challenge.
- One building with adjacent land was leased to two different large retailers. It was therefore necessary to deal with landlord, their agent in addition to the two retailers and their agents. Also, one of the retailers initially failed to engage in the process.
- Personnel within two of the large retailers changed on several occasions and the information already provided had to be re-issued, and further meetings arranged.
- It was necessary to deal with different personnel/teams (i.e. Store Manager, Estates Section and Legal Section) within one retailer which often resulted in differing positions and led to confusion.

Key learning points

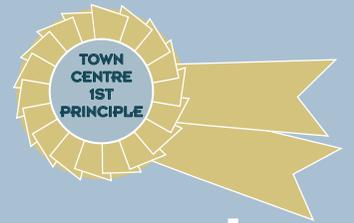
- **Obtain knowledge:** involve key stakeholders/colleagues in from the start to share local knowledge with affected stakeholders (internal and external).
- **Communication matters:** ensure transparent dialogue with affected parties is maintained throughout the process.
- **Be realistic:** negotiations 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.

Resources

People involved: Perth & Kinross Council (City Development, Roads Infrastructure, Estates, Legal, Planning, City Centre Management) & Brodies Solicitors

Cost: £60k (Does not include compensation/purchase of land)

Timescale: 12 months



An integrated approach to improving streets:

- ★ Proactive clearance of derelict buildings to facilitate future development.
- ★ Streetscape prioritises pedestrians.
- ★ Shared space and new power points to facilitate additional events and improve vibrancy of city centre.
- ★ First local authority in Scotland to integrate and implement key strategic aspects of town centre.

Toolkit

Attractive, Active and Accessible - through the use of a Compulsory Purchase Order.



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