

Proposed Lease of Changing Pavilion and adjacent land at Victory Park, Girvan, KA26 9DH

Consultation on proposed lease of changing pavilion and adjacent land

Your Postcode:

KA26 9DH

Comments:

I wish to object to the proposal by raising a concern regarding the legality of Council's decision to approve the planning application for the siting of the pavilion extension and lease. As this was done prior to holding a Common Good consultation, I believe this contravenes the Community Empowerment (Scotland) Act 2015, specifically under subsections 2 and 6 of section 104. Where subsections 2 and 6 state that:

“(2) Before taking any decision to dispose of, or change the use of, such property the local authority must publish details about the proposed disposal or, as the case may be, the use to which the authority proposes to put the property.

(6) In deciding whether or not to dispose of any property held by a local authority as part of the common good, or to change the use to which any such property is put, the authority must have regard to—

(a) any representations made under subsection (4)(b) by a body mentioned in subsection (5), and

(b) any representations made by other persons in respect of its proposals published under subsection (2).”

<https://www.legislation.gov.uk/asp/2015/6/section/104>

The possibility that the lease could be a disposal (via a lease) is recognised by the Council on the consultation information page and no formal determination has been made to rule out this possibility. Therefore, these facts qualify as the Council taking a decision to dispose of Common Good land before publishing details about the proposed disposal.

It would also be impossible for the Council to have regard to representations on the basis that, as no consultation was held prior to the approval of the

planning application, it was impossible for representations to be made to a consultation which at that time did not exist and therefore the possibility exists that representations would have been made to the consultation, where regard could have been made.

You cannot have an unbiased consultation when a decision on the planning application has already been made. Because if this planning application had been declined, people would reasonably wonder what the point would be to responding to a consultation, when the outcome is already known.

Therefore, I am of the view that both the planning application and this Common Good consultation are invalid, and so they should therefore be scrapped and redone under the correct procedure.

Thank you for taking the time to provide comments. These will inform the Council's consideration of the proposed lease of common good land to Girvan Youth Football Club of the changing pavilion and adjacent land in Victory Park, Girvan.

If you are not completing this on-line then please send it to South Ayrshire Council, County Buildings, Wellington Square, Ayr, KA7 1DR or alternatively you can email it to estates@south-ayrshire.gov.uk. Any correspondence should be clearly marked 'Victory Park lease consultation'.

All comments should be received by **noon on Friday 3 December 2021**.

Comments made here are not formal representations to the Planning Authority. There will be opportunity to make comments directly to South Ayrshire Council if an application is made in due course for Planning permission.