

Finance and Resources Committee

10.00am, Thursday 9 June 2016

Disposal of land in Princes Street Gardens – National Galleries of Scotland Proposed Extension

Item number	8.2
Report number	
Executive/routine	Routine
Wards	11 – City Centre

Executive summary

On 3 February 2015, the Committee authorised negotiations with the National Galleries of Scotland (NGS) regarding the disposal of a strip of land in East Princes Street Gardens to enable the extension of the National Gallery.

This report seeks authority to dispoise the land to NGS on the main terms set out in the report.

Links

Coalition pledges	P31
Council outcomes	CO19 , CO20
Single Outcome Agreement	SO1

Disposal of land in Princes Street Gardens – National Galleries of Scotland Proposed Extension

Recommendations

That Committee:

- 1.1 Authorises the disposal of the strip of land, shown outlined in red on the attached plan, to NGS, on the terms and conditions outlined in this report and on other terms to be agreed by the Acting Executive Director of Resources.

Background

- 2.1 At its meeting on 3 February 2015, Finance and Resources Committee resolved:
 - 2.1.1 To note proposals by the National Galleries of Scotland (NGS) to extend the National Gallery;
 - 2.1.2 To authorise the Acting Director of Services for Communities to enter into negotiations with NGS for the sale of a strip of land at Princes Street Gardens;
 - 2.1.3 To note that the submission of a private bill to the Scottish Parliament will be made to enable the release of the land for sale and, if required, an application to the Court of Session; and
 - 2.1.4 To note that provisionally agreed terms for the proposed sale to NGS would be reported back to Finance and Resources Committee for approval.
- 2.2 NGS has submitted planning and listed building applications (ref: 15/05795/FUL and 15/05791/LBC) for its proposal to expand into Princes Street Gardens to enable it to create an additional 500 square metres of gallery space, which will be used to exhibit Scottish art.
- 2.3 The proposals also include new landscaping works to Princes Street Gardens to improve the connectivity and accessibility of the gallery and the gardens.
- 2.4 The current proposals are designed to enhance the previous similar extension in 2004, which was known as the Playfair Project, and which also included a small section of Princes Street Gardens.
- 2.5 The land which NGS requires for its proposals is shown outlined in red on the attached plan and extends to approximately 708m². This includes an area underneath the Playfair Steps which NGS currently occupies as a plant room

without legal title to the area. For the avoidance of doubt, the Playfair Steps themselves are not included in either the transfer of the land or the proposed works.

Main report

- 3.1 The National Galleries of Scotland Act 2016 received Royal Assent on 23 February 2016. This Act has the effect of removing the restrictions on development imposed on the strip of land by both the City of Edinburgh District Council Order Confirmation Act 1991 and its common good status. The restrictions are removed solely for the purpose of the gallery extension.
- 3.2 The Council has obtained an external valuation of the land which acknowledges that, while the land has only a nominal value in the absence of the gallery's proposals, its value to NGS, as a special purchaser, is estimated at £200,000 (restricted development value).
- 3.3 As part of its proposal, NGS intends to carry out extensive improvement works in Princes Street Gardens. These include a wider public precinct at the upper level, new, improved staircases to both the north and south of the extension, a new accessible path linking the upper and lower levels of the gardens and a new landscaping feature linking the two levels.
- 3.4 At the time the planning application was submitted, the estimated cost of the improvement works was in excess of £1.6m of which more than £1m is purely construction cost. This is in the context of a total project cost estimated at circa £18m. The proposals are currently subject to change through the planning process and the consultation with the Parks Service. The final detail of the works, including the cost, will not be known until the planning process is complete.
- 3.5 NGS' vision is that "Scottish Art is proudly presented to the widest possible public in a gallery of world standing with first class facilities and access". In order to support that vision for an expanded and improved National Gallery, and in return for the substantial improvements to Princes Street Gardens, it is proposed that the disposal to NGS is at nil value. The final cost of the works to the garden is anticipated to be far in excess of the valuation of the land, as outlined above.
- 3.6 Provisionally agreed terms for the disposal of the land are as follows:

Subjects:	Land in East Princes Street Gardens, shown outlined in red on the attached plan;
Purchaser:	The National Galleries of Scotland;
Price:	Nil in return for agreed improvements in Princes Street Gardens;

- Use: A restriction will be placed on the title limiting the use of the land to the gallery extension; and
- Costs: NGS will meet the Council's costs including legal and property costs.

Measures of success

- 4.1 Allowing the disposal of this small strip of land will enable the extension of the National Gallery with a particular focus on Scottish art, enhancing the facility for both Edinburgh residents and visitors to the city.
- 4.2 The works to Princes Street Gardens will enhance their accessibility and provide a much improved public space.

Financial impact

- 5.1 The financial benefit to the Council, in the form of improvement works to Princes Street Gardens is anticipated to be greatly in excess of the value of the land to be disposed.
- 5.2 NGS will meet all the Council's costs associated with the transaction.

Risk, policy, compliance and governance impact

- 6.1 The proposed extension will have a minimal impact on the open space provision within the gardens and will enhance the environment and accessibility of the gardens.
- 6.2 As with any complex project, there is a risk that NGS' proposals will not proceed. There will be safeguards in the legal documentation to ensure the land remains with or returns to the Council in that event.

Equalities impact

- 7.1 By improving the public space in Princes Street Gardens, the proposals will have a beneficial effect on the rights to health and individual, family and social life.
- 7.2 The sale will enable the proposed extension to the national gallery which in turn will enhance the rights to education and learning and individual, family and social life.
- 7.3 The land has not been offered on the open market which could potentially be an infringement of the rights of other interested parties. The land is incapable of development in isolation, however, and has been released from restrictions on its use by a private bill for the gallery. In these circumstances, it is believed the

potential for infringement is very low and is justified by the wider benefits of the proposal.

- 7.4 The proposals intend to increase accessibility to both the gallery and the gardens. One of the main features of the design is a new footpath from the upper to the lower levels of the gardens which will be at an easier gradient than the existing paths.
- 7.5 The proposals at present involve the demolition of a stand alone radar access toilet for people with disabilities. Approval for the demolition of this toilet has still to be obtained and a separate ERIA will be necessary as part of this process. Depending on the terms that are negotiated with NGS, it is possible that the removal of this toilet will be mitigated by access to the existing toilets within the gallery, by means of the new footpath. These toilets are open to all and are not restricted to those with access to the existing radar operated toilet.

Sustainability impact

- 8.1 The impacts of this report in relation to the three elements of the Climate Change (Scotland) Act 2009 Public Bodies Duties have been considered, and the outcomes are summarised below.
- 8.2 The proposals in this report will be carbon neutral because any temporary increase in carbon emissions during construction will be offset against the improved energy and fuel efficiencies in the new building. The landscaping will also be carbon neutral as there are new trees included in the planting scheme.
- The need to build resilience to climate change impacts is not relevant to the proposals in this report because it will have a neutral impact on the Greenspace available.
 - The proposals in this report will help achieve a sustainable Edinburgh because improving the gallery and surrounding Greenspace will promote personal wellbeing by exposure to art and green space.
 - The proposals in this report will help achieve a sustainable Edinburgh because it should encourage greater footfall into the gallery and the gardens, which should in turn create a positive impact on local businesses.
 - The proposals in this report will help achieve a sustainable Edinburgh because the extension will be built to modern standards and landscaping will include tree planting.

Consultation and engagement

- 9.1 Consultation has been carried out on the gallery's proposals, both as part of the planning application and the private bill procedure.

Background reading/external references

[Report to Finance and Resources Committee 3 February 2015: Princes Street Gardens – National Galleries of Scotland Proposed Extension](#)

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Links

Coalition pledges	P31 – Maintain our City’s reputation as the cultural capital of the world by continuing to support and invest in our cultural infrastructure.
Council outcomes	CO19 – Attractive Places and Well Maintained – Edinburgh remains an attractive city through the development of high quality buildings and places the delivery of high standards and maintenance of infrastructure and public realm. CO20 – Culture, sport and major events – Edinburgh continues to be a leading cultural city where culture and sport play a central part in the lives and futures of citizens.
Single Outcome Agreement	SO1 – Edinburgh’s Economy Delivers increased investment, jobs and opportunities for all.
Appendices	Appendix 1 - Location Plan



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 THE CITY OF EDINBURGH COUNCIL
 SERVICES FOR COMMUNITIES
 EDINBURGH

LAND AT PRINCES STREET GARDENS EDINBURGH	
DATE	24/12/14
SURVEYED BY	
DRAWN BY	Mark Ballantyne
SCALE	N.T.S.
NEG. NO.	A3/1529

LOCATION PLAN

PHOTOGRAPHICALLY REDUCED NOT TO SCALE

SITE PLAN