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Ms Ruth Parsons
Chief Executive
HISTORIC SCOTLAND
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Salisbury Place
Edinburgh EH9 1SH

9th May 2011

Dear Ms Parsons,

PERTH & KINROSS COUNCIL – FORMER CITY HALL

In advance of the anticipated applications by Perth & Kinross Council for Planning Permission and Listed Building Consent to demolish the former City Hall in the centre of Perth, you should be made aware of the complete history of the failed competition conducted by the Council in 2004-2005 for the planned redevelopment of the building, and of the aftermath, that has led to this appalling prospect. I therefore enclose a copy of the fully documented narrative and review of the many questions to which it gives rise.

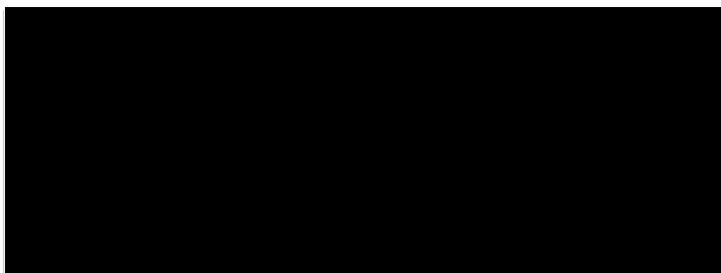
Entitled "The Non-Starter", this document is as yet unpublished and of course copyright. It is the result of five years' intensive research at great expense; much of the information having been obtained in face of fierce resistance by Council Officers.

The only consolation for so many wasted years, at immeasurable cost to the Council and public alike, is that the building is still in remarkably good condition. Several sets of fresh proposals are now being prepared by interested parties, designed to put it to good use and preserve it for another hundred years. I will gladly supply any additional information required. Meanwhile you will no doubt kindly acknowledge safe receipt.

If I may add a further comment, the Council might seek to avoid the need for a pre-application public consultation exercise by designating these applications as of only "local" status (Circular 5/2009 on 'Hierarchy of Developments'), which would be quite wrong both procedurally and on the merits of the case. Will you please give an assurance that, if necessary, you would urge Ministers to exercise their power under Section 26A(3) of the Act to direct that this must be dealt with as for a "major" development, following the procedure required in terms of Circular 4/2009 on 'Development Management Procedures'?

Yours faithfully,

VIVIAN LINACRE



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THE NON-STARTER!

the doomed competition to redevelop PERTH CITY HALL

and the urgent need for an INDEPENDENT INQUIRY

VIVIAN LINACRE

Founding Member: British Council of Shopping Centres (1984)

Founding Member: Society of Property Researchers (1986)

Member: International Real Estate Federation British Chapter Management Committee (1982-86)

Chairman: UN 1987 International Year of Shelter Scottish Appeal Committee

Chairman: Linacre Land Limited

INTRODUCTION

In September 2004, Perth & Kinross Council launched a competition, based on the offer of a Lease for 125 years, for redevelopment of Perth City Hall, a 'B'-listed building in classical Beaux-Arts style, which had become redundant following completion of the Concert Hall. Designs and financial proposals from interested companies were submitted by the closing date of 21 January 2005 (including two sets of proposals from Linacre Land Ltd.); but on 10 March a letter was issued, inviting revised or alternative submissions by 29 April (when Linacre Land presented two further alternatives). The five schemes selected for the short list comprised one from Wharfside Regeneration Ltd., two from Linacre Land and two from Henry Boot. The Council decided on 2 November 2005 to appoint Wharfside, an Agreement for Lease was executed in May 2006 but amended in July 2007. Planning permission for Wharfside's scheme, although radically altered from the competition winner, was granted in September 2006, but further amended in March 2008. No physical progress having been made, and the 3-years rent-free period under the Agreement having expired by 31 May 2009, relations with Wharfside were finally severed in September 2009. The two runners-up in the competition were not invited to resubmit. Instead, the Council decided in June 2010 to demolish the building and clear the site, with a view to creation of a new city square – which, however, is subject not only to consent from Historic Scotland but also to funding. The Council's failure to redevelop City Hall may be compounded by failure to demolish it.

Meanwhile, ever since 2006, in view of the many questions arising from the conduct of the competition and realizing that the chosen scheme could not possibly materialize, I relentlessly pursued investigations ranging from Freedom of Information enquiries to the Court of Session, against fierce resistance at every level, discovering numerous apparent irregularities throughout the competition and its aftermath, as detailed in this publication. But the motivation of the Council Officers responsible for this inevitable fiasco remains a mystery, and can be revealed only by a full, independent Inquiry. My sole purpose in placing this sorry saga on record, therefore, is to call for such an Inquiry. It must be independent to ensure expert, disinterested investigation of the whole affair in the public interest. That is my only concern.

Part I asks the obvious questions, that would arise from any review of the affair, yet which still remain unanswered. Those questions alone justify a full Inquiry at Scottish Ministerial level. Part II is a straight narrative that places all those questions into context while raising many more of a procedural or interpretative nature.

This detailed account (fully documented in my files) covers the six wasted years from the competition of 2004-2005 through the lingering aftermath until the abject termination in 2009 and the indefinite period of suspense that inevitably followed. But neither the questions nor the history can so far explain or even suggest the motives of the responsible Council Officers (and Councillors).

For after so many years of investigation and discovery, we are still confronted with the mystery: Why? What is the inside story? I can only ask the questions which first-hand experience and exhaustive searches have thrown up, while marvelling at the colossal waste of time and money as well as the apparent incompetence with which the competition and its aftermath were conducted.

Was the underlying aim of this lavish public competition, as it might appear, to ensure the appointment, out of the three on the short list, of the one company, Wharfside Regeneration Limited, whose scheme was unfunded and indeed had no funding capability? Why did the Officers, with a compliant Council, back the one horse in the race that could not get out of the starting-gate – that did not even have a leg to stand on? The numerous irregularities detailed here and in Part II were not accidental: they must have been collectively devised and orchestrated, but to what end? Even now the objectives remain completely hidden; therefore Holyrood must order an official independent Inquiry while memories, personnel and records are still accessible – and while City Hall may yet be saved.

Pending the Inquiry's findings, no accusations or allegations are made. Indeed, none could be made, because the whole affair, even after all available evidence is assembled and with every benefit of hindsight, remains unaccountable and irrational; and also because ultimately no party gained any discernible benefits. So the facts must speak for themselves and readers must draw their own inferences.

This record could not be published until I had exhausted all official channels, but at last I have succeeded in gathering all the accessible material and am therefore free to disclose it – in a coherent form but with strict objectivity. After all these years, the task has become urgent, if the inside story is ever to be exposed, as the Council now wishes to bury it, literally, beneath a vast heap of rubble, by demolishing this great building; and by seeking to make a virtue out of what is in reality a final admission of defeat—quite apart from adding millions of pounds more to what has already been wasted. But everyone who understands the origins and evolution of this mediaeval city and cherishes its architecture will ensure that this ultimate absurdity does not come about and that the fiasco of the original project is laid bare; for only then can a fresh start be made, to produce a proper scheme of development, for public enjoyment and profit, which will preserve City Hall for its second century.

For while there were no winners, there were many heavy losers: chiefly, of course, the shopping public who were denied a once-in-a-generation opportunity to enjoy the quality of retailing which increasingly entices them away to Dundee, Stirling and Dunfermline; but also the Council, which wasted a fortune in administrative costs and forfeited millions of pounds of potential capital investment as well as future income from business rates – and suffered immeasurable damage to its reputation, both as a place for doing business and as a shopping destination.

Meanwhile this iconic structure in the heart of the city continues to moulder. The most immediate losers, naturally, were the two runners-up, my own company and the Henry Boot Group. Added to our hundreds of thousands of pounds spent directly on the competition was the much greater cost of lost opportunity. I intend to pursue whatever action may be prompted by the Inquiry's findings.

March 2011

PART I

The Independent Inquiry will want to know:

1. Why were no independent experts retained – consultant surveyors specializing in retail development, such as Ryden, Montagu Evans, CBRE or J & E Shepherd – to promote and advise on the competition; why were the responsible officers so intent on keeping the project to themselves?
2. Why did they fail to obtain an expert open-market valuation at the outset, on the proposed basis of tenure and conditions, to give the Council an estimate of the likely outcome – as required by European Commission regulations designed to ensure fair competition? Considering their own total lack of experience in this sector, why were the Officers permitted not only to dispense with the appointment of professional advisers, but also to dispense with an opening valuation, thereby avoiding the proper precaution of a check against forthcoming bids?
3. Why was the Council's advertising campaign restricted to a level far below the requirements of those same EC regulations, thereby severely limiting the competition? Publication was limited to: one half-page in *'The Estates Gazette'* on 9th October 2004, about one-sixth of a page in *'The Scotsman'* on 12th and 19th October, and a tiny ad. in *'The Courier'* on 27 October and 17 November. So one miserable insertion in only one property journal, nothing at all in the UK national press, nothing in the EU's Journal or other European media, and only in two Scottish newspapers. That was pitifully inadequate.
4. Note also that these few advertisements appeared far too late, only two or three months before the closing date for submissions of 21 January, with the festive season intervening. Were potentially interested developers, their agents, architects and surveyors, supposed to come to Perth (maybe from London), carry out market research, design and cost a scheme, consult lawyers and financiers, and prepare a bid, all within a few weeks? No wonder that, even in the favourable economic climate which was then prevailing, this attracted such a low level of interest. Why was it kept so quiet, very much against the public interest?
5. But beyond these preliminary questions there are two which are crucial. Firstly, why select a developer with no funding and, even worse, why persist in a public pretence that funding was in place when it was not? Had funding been in place, then there was nothing to prevent Wharfside from going ahead; but it could not, and the officers knew that it could not.

Following on from that, why,` some six months after the appointment, when it was already obvious that Wharfside had made no progress and never could, did the Council Chief Officers nevertheless proceed to execution of the Ground Lease Agreement, committing the Council to a contract which the other party could not fulfil, while still assuring the public that it would?

The other vital question: why did the officers defer to Wharfside's insistence on incorporation of a "Suspensive Condition" which was not merely abnormal but quite incapable of realization, consequently rendering the whole Agreement for Ground Lease worthless – and thereby aborting the entire project? This was Clause 3.1 in the Agreement which stipulated that it was subject to:

"the Developer obtaining heads of terms from prospective tenants of the Development for the letting of the Lettable Units comprising not less than 50% of the net lettable floor space of the Development (as measured in accordance with the Royal Institution of Chartered Surveyors Code of Measuring Practice (5th Edition)) and all those on terms satisfactory to the Developer."

So six months spent in negotiating and drafting the hundred pages of the impressive volume comprising the 'Agreement' and 'Ground Lease' (and no doubt tens of thousands of pounds spent on legal costs) succeeded in producing no more than a crude option in Wharfside's favour, committing the Council while leaving Wharfside entirely free of any obligation. It was effectively a dead letter. How could the Council's Chief Officers take part in this masquerade?

The only reason why Wharfside had to demand this unprecedented concession was because, without having pre-let at least half the units, they could not obtain funding. That was self-evident to the Officers who agreed to it as well as to the signatories to the Agreement, yet they still assured the public that Wharfside had funding in place. Every statement by councillors and officers assuring the media and electorate that Wharfside's scheme was fully funded and expressing confidence that the project would proceed – over the whole period from appointment in November 2005 to execution of the Agreement in May 2006 and then throughout the three years until the end of May 2009 which was the longstop for discharge of suspensive conditions – was not merely false but wilfully false. The Council's Chief Officers are far too intelligent not to realize the contrast between their public posture and the reality. That is a terrible indictment. It is even more scandalous and almost incredible that these public deceptions over so many years have never been exposed.

6. Why, even as late as 11 September 2008, was the Head of Legal Services still asserting, in a letter to me, that "the Council remains of the view that despite the difficulties in the current economic climate, the Wharfside scheme will be delivered and will be a successful project for both the developer and the City of Perth", when he must have known that, after two-and-a-half years of inertia, the scheme was dead – if only because there was no prospect whatever of the pre-requisite pre-lettings? How could the Head of Legal Services nevertheless express such confidence on behalf of the whole Council?

So there were these two distinct proofs, each on its own absolutely conclusive, that Wharfside's scheme was unfunded: (a) the simple fact that Wharfside could make no progress – could not afford even to proceed from a sketch design to working drawings – and (b) the ludicrously impossible requirement for 50% pre-lettings. Is it not worth an Inquiry, if only to discover firstly why such a worthless offer was accepted in the first place and then why it was justified and sustained for years afterwards by systematic public deception?

7. How, furthermore, could the Council acquiesce in Wharfside's propaganda, designed to shore up confidence during this long period of stagnation? With no intervention or correction by Council officers or its press office, Wharfside was free to have a series of stories published in 'The Perthshire Advertiser' [PA] and 'The Courier' [C] bearing such headlines as:

<i>Work on hall's revamp to start within 'weeks'</i> [C]	28 July 2007
<i>Work finally set to start on City Hall</i> [C]	9 October 2007
<i>Funding secured for the City Hall</i> [P]	18 January 2008
<i>Green light for £4m city hall revamp</i> [P]	30 May 2008
<i>Work set to start?</i> [P]	8 July 2008

This last piece quoted the laughable announcement by Wharfside's 'project manager': "all we are waiting for is for the client to get the funding in place and the contractor can start towards the end of the month". So there is the public confession that Wharfside never had funding in place, contradicting earlier official assurances. Are not Council-tax payers entitled to know why!

8. Why, apparently, did it suit the Council to let Wharfside create this smokescreen of lies? Why was the Council happy for the public to be continually misinformed on a project of immense commercial and civic importance affecting the everyday lives of the entire population?
9. Fulfilment of the special suspensive condition in Clause 3.1 was in any event hopelessly impracticable because, as any commercial property surveyor or lawyer would have advised, no prospective tenant could ever agree to enter into "Heads of Terms" for an occupational Sub-Lease in a proposed new development with no commitment whatever from the developer! Wharfside could not give any indication as to a date for handing over the shop units, ready for fitting-out by the tenants; nor could they supply detailed drawings or information on service-charges – nor even give an undertaking to proceed with the project at all! How could any trader sign up for a unit if the developer, having failed to sign up at least a dozen more to achieve the required 50%, was free to walk away?

So the developer was expecting, having secured an option from the Council, then to secure options on a large number of lettings. An option from the Council on one hand and options from potential tenants on the other – all gratis and with no obligation – a developer's Utopia! Yet that is what the officers recommended for the Council's approval, which was duly granted. But retail traders are not so stupid; consequently, after three-and-a-half entirely wasted years, not one pre-letting had been secured.

10. Meanwhile, once Wharfside realized that the "winning entry" could not work, and with no sign of interest from any potential investors or tenants, why did the Council grant planning approval in September 2006 to a radically different scheme, instead of reopening the

competition? Why, when the revised design was shown not to work either – and still with no sign of interest from investors or tenants – did the Council in March 2008 approve yet another major amendment without demur?

11. Instead, why did not the Council invite the other two short-listed companies to resubmit? That was the proper course of action, for Linacre Land and Henry Boot were the 'reserve bidders', each with two alternative schemes – fully funded! Reverting to the runners-up, if the nominated appointee fails to perform, is the normal practice in any such competition. Why was that not done?
12. Why did not the Council even think of demanding, in consideration of those revisions to the scheme, the waiving of Clause 3.1? Once again it meekly acquiesced. Did the relevant Council officers not even realize that, since Wharfside had to keep modifying the design, the engineering drawings could not be produced, consequently no application could be prepared for Building Warrant, so a start on site was still years away? Yet they were happy to see the local media proclaiming news of a start within weeks!
13. Why, throughout all these years of inactivity, did the Officers not even attempt to exact some contribution from the appointee towards the continual costs of maintenance, heating, lighting, cleaning, security and insurance of the building?
14. Why has the Council never admitted that selection of Wharfside's scheme had been an outrageous blunder and apologized to council-tax payers for the colossal waste of time and public money?
15. Then why did Councillors and officers blame the project's all-too predictable demise on the 'credit crunch' and property slump, which did not actually affect the UK market until the Lehman Brothers collapse in September 2008, after two-and-a-half years of bullish market conditions since Wharfside's appointment? Had funding been available, the building programme would have been far advanced before any repercussions of the banking crisis were felt. Besides, the contract was for a Lease of 125 years, to create a long-term investment, which is not subject to short-term market fluctuations. For this was, as the Council and all interested parties believed at the time, the most beneficial means of preserving the building well into the next century, and it remains so.

Yet the Council and officers have exploited the present downturn, not only as a desperate excuse for their misadventure with Wharfside but also for their failure to pursue alternative plans to secure the building's future. ("Public consultation" as a means of justifying Council decisions in this sector is always misleading, for memories are short and popular preferences – expressed as instant answers to opinion surveys – are entirely governed by current conditions, by what people want *today*; so that whereas the consensus was wholly in favour of shopping development a few years ago and will be again once the economy recovers a few years from now, at the moment it is depressed and averse.) Why is the Council incapable of taking a responsible, long-term view?

16. Why, incidentally, are both the Scottish Public Services Ombudsman and Audit Scotland – having each been presented with the whole dossier – so reluctant to investigate, even though neither disputes the facts of the case? Maybe this fuller picture will incite them to action: if not, an independent Inquiry will save them the trouble. They could not deny that, if Linacre Land had been appointed, the project would have proceeded immediately in accordance with one or other of its designs, and been completed before Christmas 2009, to the great benefit of the Council and the people. Instead, huge losses have been incurred and untold damage done to the Fair City's name, without a peep from central government.
17. Finally, why was the Council so bereft of confidence and constructive thinking as to take the decision last year to demolish City Hall while – by a tragic irony – celebrating the Burgh's 800th anniversary and pressing the case for City status! But the scandal of City Hall cannot be buried beneath its rubble. A full Inquiry must be held to expose the "inside story". Then, belatedly, City Hall can be given the new lease of life that it deserves.

These are the principal questions, all perfectly clear, which arise *prima facie* from the case; but many more will occur to readers of the detailed and fully documented narrative that now follows in Part II.

PART II

1. Upon learning from the local press of the Perth & Kinross Council's proposed competition for appointment of a company to redevelop the City Hall, I made a direct enquiry and was invited to an informal meeting with the principal officer concerned at Pullar House on 27 February 2004. He helpfully explained that a brochure ("the brief") was being prepared to be issued to applicants in response to forthcoming advertisements in the national press and professional journals. He proposed further meetings, which took place on 11 and 16 March, followed by formal meetings on 22 September and 19 October, at which he introduced two colleagues who seemed to comprise the rest of the team, while I brought in my company's architects.

Discussions were friendly and enthusiastic, but rather one-sided, because these were middle-ranking officers, in charge of the project yet with no expertise in commercial property development, so there was little inter-change or sense of collaboration. The Council did not then employ an Estates Surveyor or Property Director of executive rank, which was very odd. Yet, odder still, they were embarking on this major project without a qualified principal officer and without engaging a firm of specialist consultants. Even large authorities with qualified staff who are experienced in this sector will commonly engage appropriate consultants for an important project, as much to protect the Council by demonstrating independence and transparency as to provide expert guidance; so who decided that this spectacular competition, of immense public interest and complexity, required no special competency, neither in-house nor *ad hoc*?

2. Our architects and I were also perturbed that the official team included no representative from the Planning Department, especially as this was primarily a design competition – indeed, we never met a planning officer – but we were assured that the brief would contain all the planning advice required.
3. In September the prospectus duly appeared, lavishly produced yet comprising only twelve pages, featuring several largely irrelevant photographs – either historical or exotic, such as one of the "Rockerfeller [*sic*] Centre, New York" – while the glossy text gave scant information on programme or procedure, which was what interested parties wanted, but did prominently identify approved potential "Land Uses", including:

"Residential – There has been significant growth in housing in the city centre in the last twenty years and there is support for further development in appropriate locations where residential amenity can be sustained and parking provision can be met either on or adjacent to the site."

This was welcome, because (a) the comparatively large residential element in central Perth is one of the city's traditional benefits and (b) the height of the building would lend itself to a mixed development incorporating upmarket duplex apartments within the roof-space. The officers were keen on this concept, even inviting the Council Roads Engineer to join our

October meeting in order to advise on car-parking provision for the housing, while we introduced the residential agency partner of a leading firm of Perthshire surveyors.

But of course, as every surveyor and estates manager in Scotland should be aware, Part II S.8(1) of the Land Reform Act 1974, prohibits residential occupancy within a property held on long lease, yet according to the brief the Council was offering only a lease of the building for 125 years! The actual wording of the sub-section reads:

“It shall be a condition of every long lease executed after the commencement of this Act that, subject to the provisions of this Part of the Act, no part of the property which is subject to the lease shall be used as or as part of a private dwelling-house.”

So within this one pamphlet, which constituted the entire guidance for potential developers, residential use was approved but the basis of tenure offered was a 125 years lease which rules out residential use!

However, we were confident that the apparent conflict had arisen from the very sketchy form of brief and would be resolved by preparing alternative schemes, bidding to purchase the freehold on the mixed commercial-residential option, at a price far more attractive to the Council, obviously, than a premium for the lease on the purely commercial composition.

On 6 December we had our final meeting, only weeks before the closing date for submissions on 21 January. By then it was safe enough to show the meeting the design drawings of the two alternative schemes – ‘A’ and ‘B’ – which were nearing completion. Both were discussed and highly commended. So then I queried the conflict with the 1974 Act, of which they had evidently never heard, as was confirmed when I read out the relevant passage from the statute, a copy of which I had brought with me. Our hosts were aghast. Both parties at the meeting were speechless, for different reasons! They could only confirm that (a) in principle residential use was acceptable and (b) drafts of the brochure during its course of preparation had been vetted by Legal Services Department (among others) but nevertheless (c) only a 125 years lease was available and any offer for the freehold would be rejected.

4. So it was a false prospectus and should have been withdrawn or reissued with a correction; but the officers could not face such humiliation, so they did nothing, confident that the blunder could be glossed over. They also knew that if I wished to stay in the competition I had no choice but to persevere in silence. Besides, by then we were committed to the dual submission. Indeed, we had even commissioned an expensive architectural scale-model of the mixed scheme ‘A’ in order to exhibit its complex multi-level design to best advantage. Yet it was not until receipt of a letter dated 10 March 2005 that I was informed:

“For avoidance of doubt, [implying that there might have been some doubt] the property will be made available to the successful bidder on the basis of a long lease and not on the basis of an outright sale”. But what was the use or the sense of telling me that – eight weeks after lodgement of our two offers!

5. However, while scheme 'A' was already eliminated, scheme 'B' had hugely impressed them. The responsible officer wrote on 11 February 05:

"Dear Vivian – Thank you for your submission and scale model received on 21 January.....Your submission has now been considered by officers in Property Management and Planning & Transportation Services. It is intended a report will be submitted to the next meeting of the Strategic Planning & Resources Committee on 16 March recommending a short list of parties whose submissions are to be taken forward. I will therefore make contact with you again after the meeting on 16 March.....I would confirm that meanwhile the scale model is being kept in a secure store in Property Management – Yours sincerely"

That could not have been more precise or more encouraging. Note there was no suggestion that scheme 'A' had been discarded or that the model should be taken away!

6. **But on 10 March, only six days before the scheduled Committee Meeting, the following letter [mentioned earlier in a different context] was issued from the same office as was the letter of 11 February, yet effectively countermanding it – and without making reference to it! What was even more astonishing, it made no reference to the forthcoming Committee Meeting either:**

"Thank you for your proposals for the redevelopment of the City Hall. One of the Council's important aspirations was to try to improve the interface of the building with St John's Kirk. Unfortunately, an initial review by the project board has concluded that none of the several submissions received has dealt with that particular aspect of the brief. Accordingly, prior to completion of the first stage of the formal appraisal exercise, which has been extended for that reason, you are invited to consider whether or not your proposals can be amended to address that point, or to submit alternative proposals having regard to that issue. You are not obliged to submit alternative or revised proposals. Your existing submission will continue to be considered along with any new proposals which will be appraised on the same criteria. The closing date for any such submissions is Friday 29th April....."

This was a complete reversal, both of the current situation and of our relationship. It made no sense and remains totally unaccountable. Whatever the cause, the letter certainly seems to have been fabricated at very short notice in order to forestall the planned report to the SP&R Committee Meeting.

7. **This is indeed the heart of the matter – the "inside story" – which has defied all my years of investigation and which only a full, independent inquiry can now expose. What happened during late February into early March that induced the officers concerned so abruptly to tear up their public time-table and increase costs for all concerned by reopening the competition?**

For as late as 2nd March, this appeared on the Council's website:

"The future options for Perth City Hall became clearer today as Perth & Kinross Council mapped out the process and time-scales for marketing the site as follows:

January 2005	Deadline for submission of initial proposals
February 2005	Short-list of viable options drawn up – more detailed proposals
March/April 2005	Public consultation on viable options
April/May 2005	Recommendations to Council Committee – final decision

8. "The pretext for postponement was plainly spurious. In the first place, according to the earlier letter of 11 February, the submissions had already been studied with a view to presentation of a report to the Committee on 16 March; therefore it is impossible that those same officers could have failed, *four weeks later*, even to have "completed the first stage of the formal appraisal exercise", and equally unbelievable that, *six weeks after the closing date* within a tight time-table, the "project board" had only conducted "an initial review"!

Besides, the prospectus and associated correspondence had constituted an "Invitation to Tender", which we and others had accepted in good faith and with which we had complied in accordance with a closing-date of 21 January. So what was the real reason for reopening of the competition, with no clear remit – no individual advice on specific requirements for amendment – no opportunity for consultation but clearly with every opportunity for leakage and exploitation of information on the original submissions?

9. It could not have been the reason given, moreover, because this juxtaposition of the front of the Kirk and the back of the Hall had in fact been the *focus* of both our Scheme designs 'A' and 'B'. This enhanced space we actually named 'City Square – indeed, the title City Hall was abandoned in favour of City Square for the whole development to maximize its prominence. So to include our submissions within that blanket condemnation was absurd. But once again we were still obliged to 'play ball', so made use of the enforced delay by submitting on the new closing date of 29 April 2005 two more variations of design, schemes 'C' and 'D', rebuilding the architectural model of scheme 'A' as for the new scheme 'D'.
10. In contrast, Wharfside publicly announced (as quoted in the September issue of 'Prospect' and local press) that they saw no reason for "extra public realm" and so were taking no further action. How were they so confident that there was no need to respond to this invitation, despite their one scheme having been officially condemned with the rest?
11. Proof of the absurdity of including our 'A' and 'B' within the "Project Board's" blanket ban lay in the Minutes of that SP&R Committee Meeting on 16 March, commending our original two schemes: "Both schemes envisage refurbishment of Kirk Close and the adjoining Vennel and the creation of an enhanced public square between the building and the St. John's Kirk."

So the letter was sent to developers on 10 March, condemning all the submissions for having failed to "improve the interface of the building with St. John's Kirk" but the report from the

same officers to the Committee Meeting less than a week later emphasized that our submissions had fulfilled that requirement conspicuously! **At that juncture, my company was effectively deprived of the prospect of winning the competition.**

Furthermore, the Minutes of the SP&R Committee Meeting on 15 June, finally reviewing all twelve rival sets of proposals, repeated that commendation in respect of all our four entries: **"All schemes envisage refurbishment of Kirk Close and the adjoining Vennel and the creation of an enhanced public area between the building and the St. John's Kirk."** So that again gave the lie to the pretext for reopening the competition.

Maligning our submissions in the letter of 10 March was clearly a gross, deliberate misrepresentation. Is there any possible explanation other than that it was a crude device for extending the closing date to serve some entirely different purpose?

12. In any event, as our lawyers discovered by letter from the FOI Officer dated 6th April 2006, the "project board" did not exist! They were told: "The Project Board to which you refer is the Council's Executive Officer Team who in turn report to the Strategic Policy & Resources Committee. The EOT consists of [the Chief Executive plus four Executive Directors]....the constitution of the EOT is not recorded." What right had the EOT, an unconstitutional body, to call itself the "Project Board" and why did it need such a pseudonym? In any event, the EOT is mentioned in only one of the many sets of Minutes that we obtained by FOI enquiry, while the "Project Board" is mentioned nowhere. **So the letter of 10 March had been written on behalf of a fictitious body and issued without any authority.**
13. Equally anomalous constitutionally is the following from the Minutes of the SP&R Meeting on 16 March: "Each of the submissions has been formally scored by a team of officers from the Property Management and Planning & Transportation Services in accordance with the criteria set out in the brochure.....The outcome of the formal appraisal exercise has been considered by the Central Area Development [*sometimes 'Redevelopment'*] Group", creating the impression that this Group was independent of the appraisal "team"; but they are the same people! **The "team of officers" was simply the Group acting anonymously, fabricating authority for its own actions.**
14. The decision resulting in the letter of 10 March seems to have been trumped up on 17 February at a meeting of the Group, which was an *ad hoc* body loosely composed of half-a-dozen or so middle-ranking officers; for the following fragment of its Minutes was salvaged by FOI: "A draft report to the Strategic Policy & Resources Committee on 16 March on offers received and the proposal that bidders be asked to reconsider the terms of the Council brief with regard to improving the setting of St John's Kirk was tabled and agreed following discussion." That was all: no reason given, no indication of the source of this "proposal" – i.e. whose proposal it was – nor any indication of its authority.

FOI enquiries revealed that the Central Area (Re)development Group in fact had no constitution. Furthermore, in response to our request for "information as to the identity of the persons authorizing, ratifying and adopting the recommendations referred to in the Group Meeting's Minutes dated 17 February 2005" we were simply told that "....the Council

does not hold that information. However, I am advised that the personnel listed in the Minute as present would have authorized, ratified and adopted recommendations made at that meeting." *Fait accompli* – they were a law unto themselves! **Evidently, it was this small, unconstitutional group of officers, with no Council representation, who effectively decided the outcome of the competition.**

15. Further proof that the three months postponement – the second-round of competition – had nothing to do with the setting of St John's Kirk but was a complete waste of time and money and was purely an artifice to serve some other purpose altogether, was revealed by a Report (obtained with great difficulty under FOI) dated 15 June 05 which was stamped "EXEMPT – not for publication by virtue of para. 6 & 9 of Part I of Schedule 7A of the 1973 Act", from the Directors of Corporate Services [*a post later scrapped!*] and of Planning & Transportation, in which Para. 5.2 states:

"Notwithstanding the concerns relating to the interface with St John's Kirk in the initial submissions, the appraisal team were of the view that the alternatives in the supplementary submissions, to a greater or lesser extent, compromised the overall development proposals and they were not persuaded that partial demolition to create an open area between the building and [the] Kirk should be an over-riding consideration in assessing design when selecting their short list."

16. Hence, three months after the letter of 10 March announced that the "interface" issue necessitated a reopening of the competition, whatever the real purpose was had evidently been accomplished and the truth could safely be admitted.
17. In its report to the full Council for the conclusive meeting on 2 November 2005, the SP&R Committee devoted section 2.0 to 'Background'. Having outlined the history up to submissions on 21 January in section 2.1, it proceeded directly to 2.2 which opened: "The Committee at their meeting on 15 June 2005....." So the entire episode of the extension to the competition – all the machinations over those three months – never happened, it was simply air-brushed out of history. Evidently it had served its purpose.
18. But the ultimate proof that the "interface" exercise was a smokescreen is that the eventual winner had ignored it and the effective runner-up, our scheme 'B', was also one of the original submissions, whose wholesale dismissal for having failed to address this "important aspiration" was the excuse for the consequent delay!
19. Perhaps one clue to the real reason given on 15 March when the local press (and the Council's own '*Herald & Post*' on 17 March) reported a statement by the Council Leader (obviously prepared for him to deliver), seeking to justify the postponement, in which he announced that nine sets of proposals from six developers had been submitted on 21 January, ranging from a mere letter of intent to a "detailed scale model", which of course was ours. (He neglected to point out that it was the model for a scheme which his officials had eliminated owing to their blunder in the brochure.)

So here was the Council Leader publicly disclosing confidential information from one of the developers' submissions, concerning an exclusive feature of that submission; disclosing it, moreover, while announcing the invitation to all interested developers to prepare fresh submissions! Is any comment necessary?

20. So what a surprise that, come 29 April, Wharfside presented a brand-new model! That was quietly commissioned while their spokesman was announcing that they would not be responding to the official invitation because they saw no need to modify their submission. We knew nothing about the Wharfside model until it appeared as the centre-piece on their stand at the public exhibition held in City Hall from 23 to 25 June – *fait accompli*! FOI enquiries later revealed that it was presented at the SP&R Committee Meeting on 15 June.
21. Five schemes were displayed by three developers at that exhibition: Wharfside's one, two from Henry Boot and Linacre Land's two – schemes 'B' and 'D', from the first and the second closing date respectively. Throughout, the competition was ostensibly judged solely on design and competition: financial criteria were never mentioned by officials and never queried by the local press – or even, apparently, by Councillors.
22. The final decision was taken by the Council without any of its Members officially meeting any of the short-listed developers, neither at Committee nor at Party Group level. No interviews and no presentations: the officials in charge kept tight control.
23. A fragment from the Minutes of an EOT Meeting (one of the few on record) held on 13 September 2005 consists of only one sub-paragraph, "2 – Matters Arising – (g) Perth City Hall" which reads simply: "J Irons indicated that it was his intention to proceed with negotiations as far as possible in relation to City Hall and then assess the situation to decide the best way to proceed. It was noted that it was essential to keep Leaders advised on progress with this matter."

It appears, therefore, that the Depute Chief Executive was already in advanced negotiations secretly with Wharfside seven weeks before the Council was due to take a decision at its Meeting on 2nd November. When were these negotiations initiated and on whose authority and why?

24. The SP&R Committee report to the fateful Council Meeting on 2nd November advised: "There has also been consultation with local and national representative bodies including Perthshire Chamber of Commerce, Perth Civic Trust, Perth City Partnership, Perth City Centre Action Group, St John's Kirk, Historic Scotland and the Architectural Heritage Society of Scotland." But two of these are imposters, slipped in between the Civic Trust and St. John's Kirk as if they were independent consultees rather than mini-quangos created and monitored by the Council, with no independent existence. A diagram obtained under FOI illustrates the relationships: City Centre Action Group is accountable to Perth City Centre Partnership Coordinating Group which is accountable to Perth City Partnership Steering Committee which is accountable to Perth & Kinross Economic Partnership (*I am not making this up!*) which is notionally accountable to the Council.

To pad out the list of genuine consultees with these stooges, simply to inflate apparent support for Wharfside, was an outrageous public deception and abuse of the competitive process. For of course their contributions to the consultations were identical, simply rubber-stamping Wharfside's nomination without troubling even to mention any of the other four schemes on the short list. So another component of the 'inside story' is the answer to the question: who arranged for their inclusion and who gave the instructions?

The genuine consultees' responses are in stark contrast. (Scarborough Property Holdings plc is the major property development and investment company whose Scottish director co-signed Linacre Land's application forms to guarantee its funding.)

Two of the genuine consultees, Historic Scotland and the Architectural Heritage Society of Scotland, were bound to support Wharfside, irrespective of commercial content or viability with which they were not concerned, but simply because they wanted minimal work on the existing building. But once Wharfside had scrapped its 'winning scheme' as unworkable in August 2006, and substituted another that would have removed most of the listed interior features – yet which likewise proved unworkable and was heavily amended even further by a third scheme in March 2008 – the AHSS Case Officer wrote to me (as a Member myself) advising that: "As far as the AHSS is concerned, the City Hall is now a thing of the past, since the qualities that gave it listed status are to be destroyed." So AHSS's endorsement lasted only as long as Wharfside's original scheme, while HS's judgment must await the final outcome of this epic. The other genuine consultees' responses were summarized:

Perthshire Chamber of Commerce "Scarborough Development Group plc and Linacre Land Ltd. 'Option D' proposal does most to satisfy them [*i.e. the Chamber's priorities*]"

St. John's Kirk "Of the five options presented, the preferred one is Scarborough Property Holdings plc and Linacre Land Ltd. Scheme 'D'".

Perth Civic Trust "The preferred choice is Scarborough Linacre 'B' or Wharfside. Our next preference is for Scarborough Linacre 'D'".

Therefore, even crediting the initial support from HS and AHSS, only a minority of the genuine consultees supported Wharfside. Therefore the two local puppets were evidently brought in as makeweights, so that the Council could claim a majority of consultees favoured Wharfside. They didn't miss a trick!

25. The Council published a full-page advertisement in the (since defunct) magazine 'Perth Life', all in the Council's livery and bearing its crest, headlined "Praise for City Hall Consultation" (i.e. praising itself at public expense) which condensed the responses, giving prominence to the puffs from the Perth City Partnership and Perth City Centre Action Group. The Chamber of Commerce's views were confined to two sentences:

"The Board identified three essential elements – an enhanced experience for the visitor to Perth city centre, improved environmental and aesthetic impact, and minimal adverse retail impact. The Board were also attracted to the proposals by Wharfside Regeneration Limited".

So, for public consumption, that looked like a straight vote for Wharfside, contradicting the summary in the Officers' Report for the Council Meeting. But under FOI a copy was obtained of the Chamber's complete response, dated 4 August 2005, signed by the President, from which – while each of those two sentences was quoted correctly – **the crucial passages both before and after the *second* sentence had been cunningly excised in order to reverse the original meaning.**

Here they are reproduced in full, with those crucial passages in bold:

“Having identified these three principal requirements, the Board conclude that the Scarborough Development Group plc and Linacre Land Limited Option D does most to satisfy them. It is recognized that the design of this particular proposal is perhaps the most radical and dramatic of those being considered and therefore likely to be the most controversial. It is, however, conceptual at this time and we would certainly be interested to see the design detail if this project is to proceed – for instance, in the finish to the large area of glazed elevation on three sides of the project. The Board were also attracted to the proposals by Wharfside Regeneration Limited. However, whilst these retain the essential external fabric of the building (and may be less controversial), they do not meet so many of the required conditions detailed above. In particular, the number, size and layout of the smaller retail units causes concern, and the Board would like viability of those, and their impact on the existing retail sector in the area, considered before (and if) this project finally proceeds.”

That excellent advice from the most eminent consultee was entirely ignored. So desperate were those responsible to secure Wharfside's nomination that no consideration whatever was given to the viability of Wharfside's scheme, nor to a marketing assessment – not that there were any Council officers qualified to carry out such an exercise – otherwise it would have been obvious that the scheme could not possibly succeed. The Civic Trust had also warned (in the *'Perthshire Advertiser'* of 8th November) of “the risk the Council would take if selection were made without a robust assessment of present and future demand”. But it seems that these strong – and prophetic – reservations had to be suppressed.

So the bulk of the Chamber of Commerce's response to the Council's public consultation – comprising the conclusion advocating my company's scheme 'D' and the grave doubts about Wharfside's scheme – was entirely deleted and the remaining fragments stitched together to read as if expressing opinions diametrically opposed to reality. Such flagrant manipulation goes far beyond textual tampering, for by turning the Chamber's stance about-face it changed the outcome of the consultation exercise as publicly advertised. This manipulation alone cries out for a full Inquiry!

Who devised it and who approved the layout and on whose instructions was it done? Also, who vetted the drafts and the proofs?

26. The reason for the concern shared by the Chamber of Commerce and Civic Trust was that the Wharfside scheme essentially comprised some thirty small shop units, which was precisely what the City Centre did *not* need. The glaring demand was for no more than

three or four large, modern fashion stores. Having realized which way the competition was heading, I wrote personally to the Council's Chief Executive on 22 October 2005 – just two weeks before the decisive Council Meeting – to warn her that:

"If your Council wishes to revitalize the city centre, restore it to its former status relative to its rivals in the hierarchy of shopping destinations, and enjoy the huge economic and social benefits that will follow, then the retail content of the City Hall redevelopment must be confined to no more than three or four large units on two or three floor levels.....The alternative, to fill the building with a lot of small shop units, might be a superficially attractive 'soft option', but the effects would be disastrous."

So, indeed, they were. But of course my letter was given no consideration. Nothing was going to deter those in charge from their pre-determined outcome. Hence, the catastrophe resulting from Wharfside's appointment was entirely self-inflicted.

27. Having no understanding of town centre retail development, Council Officers were afraid that a successful redevelopment of City Hall to provide two or three large high-quality stores would undermine their own ambitious proposals for a redevelopment of the old Woolworth store and on Mill Street behind, to be undertaken by KW Properties Ltd. For they imagined that the cake was fixed in size and a slice taken by one project would necessarily be at the expense of the other; whereas what was wanted was a substantial enlargement of the cake, which had shrunk so much in the previous thirty to forty years, as Perth exported huge volumes of consumer spending power to other town. So there was plenty of scope for both projects. They were not in conflict, but were complementary and would have been mutually beneficial, because the Woolworth frontage faced straight down King Edward Street to the front of City Hall on one side and a main entrance to the St. John Centre on the other, creating an axis with a two-way flow – a reciprocal pull between twin poles – and reinforcing the ancient street pattern by forging a strong link between High Street and South Street.

The Chairman of KW Properties Ltd., an old friend, wholeheartedly agreed, writing to me on 31 August 2005 (two months prior to the Council's decision) deploring the Officials' blinkered "misconception that the two schemes will compete against each other rather than be complementary" and adding that they "would be very keen to work with you" – but even his expert intervention was to no avail.

So Perth city centre could have enjoyed a massive boost from coordination of both projects, but – those in charge knowing better as always – ended up with neither. Following the collapse of the Woolworth-Mill Street scheme, the need for a high-quality City Hall redevelopment was obviously all the greater. But no such realization will ever shake the complacency of those responsible.

28. With equal complacency, when Wharfside substituted a revised scheme in August 2006 and was requested by the Planning Office to make a few minor modifications, the developer's architect replied on 7th September 2006: "As you know, Brian [the Planning Department's Case Officer] and I have spent a considerable amount of time and effort over the past

fifteen months working up the scheme with officers of the Council and various consultative bodies., to ensure that there is not only a high-quality scheme that is understood by all but also that it has the same look and spirit as our original competition submission. We do not intend to alter anything in the scheme.”

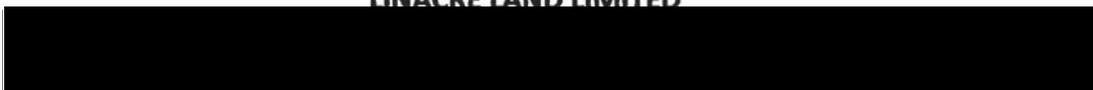
Wharfside was obviously outraged at the Planning Committee’s daring to suggest any improvements – as if it was for Wharfside to dictate to the Council rather than *vice versa*! They evidently knew that he could safely ignore the request, as they seemed to have known that they could safely ignore the invitation in the letter of 10 March the previous year to submit revised proposals. The consequence was, of course, that the Committee duly capitulated and granted approval to the inferior scheme with no public comment or consultation, just as it hastily granted approval to further design degradations in the planning amendment of March 2008.

29. Note that “fifteen months” prior to September 2006 was June 2005; which means that Wharfside’s architect was working on the scheme with Planning Officers some five months before the Council’s decision on the outcome of the competition! This may relate to my earlier reference to the Meeting on 13 September 2005 of the Executive Officers Team at which the Deputy Chief Executive reported on his advanced negotiations.

30. On 15 October 2009, the Head of Legal Services, having again refused to release vital information on Wharfside’s financial offer (even though by then the Council had severed relations with them) wrote: “I am of the view that the Council has now dealt with all the queries that you have raised in respect of the appointment of the preferred lessee of Perth City Hall carried out in 2004-05....so do not propose to enter into further correspondence on this matter again.” He may have hoped that this was the end, but in vain, for only three weeks later I received a letter dated 6th November from the Council’s Head of Shared Support Services (of whom I had not previously heard) advising:

“The FOI Team continued to maintain the exemption under Section 30(c) of the Act, stating that disclosure of the financial proposals would otherwise prejudice substantially, or be likely to prejudice substantially, the effective conduct of public affairs. This was in connection with the future use of City Hall, and the possibility that releasing the details may affect the bargaining position of both the Council and third parties in future negotiations. You argue that the economy has been transformed since 2004-2005 to such an extent that none of the requested information can have a bearing on any decisions the Council may take in the future. It is my opinion that the decision to continue to withhold the redacted information was incorrect.”

31. This opened the door to all the financial information that I and our lawyers had been fighting to extract, against the Council’s implacable resistance, for more than three years. Of principal concern is para. 5.0 of the SP&RC report to the decisive Council Meeting on 2nd November 05, headed “Detailed Appraisal of Schemes”, which reports on the Linacre-Scarborough scheme ‘B’:



“The company is offering a £1M capital payment and 5% of the actual net rental income (which officers estimate at around £40,000 per annum) or a lesser capital payment with an increased percentage of the actual net rental income. They are also offering £150,000 for environmental improvements in the vicinity of the building and a rent-free art gallery for occupation by a public body....The actual net rental income is likely to be net of void property costs, irrecoverable rents/service charges, promotional costs, etc.....”

Now contrast with the report on Wharfside’s scheme:

“Wharfside are offering the Council 10% of the rents received for the units, subject to a minimum annual rent of £30,000. A conservative estimate of the maximum rent achievable by the Council, assuming all the units are let, would be £50,000 per annum.”

What is the meaning of a conservative estimate of a maximum, and why quote a maximum for Wharfside’s scheme but not for ours?

What use is an “Appraisal” that shows no workings of calculations, gives no indication of rental values per square foot (whether zoned or overall) and no comparables or other market evidence – but merely their opinion to the nearest £10,000 p.a.?

Any analysis would have exposed the grotesque hyperbole of their projection of a net rentroll of $(100/10=10) \times £50,000 = £500,000$ p.a. from the Wharfside scheme – equivalent to say £17,000 p.a. rental income from every one of these very small units, assuming they were all let – because any expert firm of commercial property surveyors, if the Council had not avoided appointing one, would have halved that estimate.

Note the ridiculous notion that there is more risk of empty units in a scheme comprising only three or four large stores than in one consisting of thirty small shops – i.e. that the income from ours should be subject to a void allowance but no such deduction applied to Wharfside’s, which they could safely assume would be fully let!

Likewise, Wharfside’s scheme was somehow immune to “irrecoverable rents/service charges, promotional costs, etc.” – whereas in reality, of course, a development containing thirty tenants, many of them sole traders, is infinitely more difficult and expensive to manage than one comprising only three or four blue-chip national retailers.

Wharfside offered no contribution towards environmental improvements and no premium payable on grant of the Lease, but the officers failed to take this capital payment of £1M into account in presenting their comparisons of Council revenue; whereas they should have rentalized that sum, i.e. expressed its annual equivalent of say £30,000 p.a. (a modest return in 2005 when interest rates were very much higher than today) which, added to their extremely low base “estimate” for our rentroll of £40,000 p.a., would total £70,000 p.a. – far in excess of the inflated Wharfside estimate.

32. Their report on our scheme ‘D’ is even more flagrant:

“The company is proposing capital payment of £1.5M as opposed to the £1M offered for Option ‘B’ but otherwise their offer for Option ‘D’ is identical to the Option ‘B’ offer. Officers consider the estimated rental income to the Council for this scheme is around £30,000 per annum.”

This derisory estimate is quite breath-taking! If the gross rentroll were only $(100/5 = 20) \times £30,000 = £600,000$ p.a., then, allowing for the £1.5M premium plus the various benefits in kind, the project would not have been viable and therefore could not have been submitted. Also, the officials had excluded altogether the rental income from the restaurant which was planned to occupy the whole of the extra floor in the roof-space and, once again, they ignored the rental equivalent of the premium, which @ 3% was worth £45,000 p.a. on top of their abysmal “estimate” of £30,000 to total £75,000 p.a. for the Council, though in fact it would have been much higher still.

The inescapable conclusion is that they could easily have produced their “Detailed Appraisal” without studying the schemes at all, merely putting an arbitrary value to the Council for Wharfside’s scheme of £50,000p.a. against £40,000 for my ‘B’ and £30,000 for my ‘D’ – simples!

33. In that final report the Officers emphasized Wharfside’s “experience” but specified none. At a presentation to the Civic Trust the only project for which they claimed credit was the conversion of the former Corn Exchange in Leeds; but strangely that was not mentioned in their CV whereas it was cited in the CV of their architect, John Lyall, which might suggest that it was done on behalf of a different client. Predictably, no reference whatever was made to my own experience (see professional qualifications on front cover) over forty years specializing in development of shopping centres, including several won in local authority competitions, such as the original Eastgate Centre in Inverness, won in open competition conducted by the former Highland Regional Council and completed by Vivian Linacre Estates (Inverness) Ltd., and others in partnership with Renfrew and Midlothian District Councils as well as in England.

34. The crudest and most vital of all these manipulations was revealed, however, only when persistent FOI enquiries at last yielded Minutes of the CARG Meeting on 16 August 2005, referring to our scheme ‘D’. This concluded:

“The projected income would be in the region of £80,000 per annum.” Excluding the annual equivalent of the capital payments, that was actually quite a reasonable estimate, but evidently to be disclosed only to that meeting. In contrast, for the purposes of the final report to the full Council Meeting eleven weeks later, which was to decide the outcome of the competition, this estimate was slashed from £80,000 to £30,000. No explanation was given then and no comment is necessary now. Only a full, independent Inquiry will reveal who was responsible and why.

The huge contrast between those two “estimates” of Council revenue accruing from our scheme ‘D’ is exceeded only by the contrast between the “conservative estimate” of Council revenue to accrue from Wharfside’s proposals and the reality of the consequences – a total

loss. Yet the Council remains imbued with self-satisfaction, despite all those wasted years, the continuing deterioration of the building, the huge abortive costs to all concerned, and the incalculable damage done to Perth as a shopping destination and as a place to do business. But some Councillors and several Officers, who must know the inside story, may be worrying that eventually it will all come out.

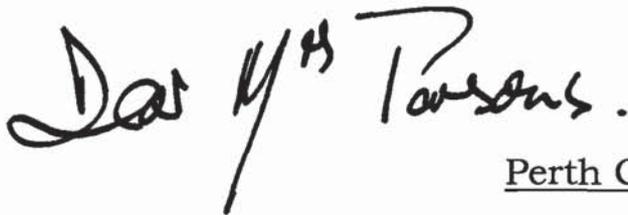
March 2011

Words: *10,070*

PCCC
Perth City Centre Campaign

Mrs. Ruth Parsons
Chief Executive
Historic Scotland

4th.May 2011



Perth City Hall

As you will be aware, Perth and Kinross Council have decided that they want to demolish the above hall and use the cleared site as a civic square. They will shortly be submitting to themselves 'planning and listed building applications' and I understand from their officers that there has already been dialogue between council representatives and your officials about the case for demolition.

The future use of this listed category B building has been a highly controversial local issue for many years and although the Council claim there is majority support in the community for their proposal the controversy will, I am sure, come to a head again once the applications are made.

A number of interested parties have come together in a group, which we call Perth City Centre Campaign. This group consists of about 20 prominent, well known local representatives of: business, former council officials, tourism, construction, legal, Church, former councillors, trusts, the army, an architect, and a quantity surveyor, all of whom are united to bring a focus to our City that currently lacks real heart.

The group covers all colours of the rainbow, including those who wish to retain the whole building, to those that would prefer total demolition. But all are united in a proposed 'Plan B' and by the fact that recent decisions resulting in the withdrawal of many traditional businesses have directly influenced the lack of prosperity for the town centre.

The group have been greatly concerned about the short-sightedness of the Council's stance on the City Hall. We are fully united in the belief that what is being proposed lacks any vision in what must be seen as a once in a lifetime opportunity.

At this time of writing we are waiting to hear whether a meeting can be held with PKC officials on a way forward. We well understand that the Council took a unanimous decision to demolish the hall, and that officials therefore are constrained in their proposals. We will be trying to work with the Council to improve their ideas, at this the formative stage, before the applications are submitted.

But it is clear that there is a strong body of opinion in our group - and among the Perth public - that the "clear fell" option is unwise, unnecessary, insensitive and likely to be regarded in the future as another example of a unique part of the city's heritage being lost, in large part due to the wrong questions being asked at the evaluation of options stage.

Our group has been fortunate to have the support of Mr. Ian Dunsire, former City Architect for Dundee (and now a local resident), who has drawn up a scheme which unites the concept of a civic square with the retention of the principal section of the existing building fronting King Edward Street. I enclose for your information a copy of Mr. Dunsire's latest drawings which illustrate the concept better than any written description I could offer. As a group we see the advantages of this approach over the council's proposal as :

- It would provide a strong physical counterpoint to St John's Kirk at the other end of the square,
- It would retain a building of architectural quality and importance in a townscape which, apart from the Kirk, has little aesthetic appeal,

- It would retain a key element of the existing building and be a welcome concession to the many local people who have a strong affection for this part of our heritage,
- It would be an element of continuity between "old" and "new" Perth
- It would meet the policy criteria as laid out in Barbara Cummins letter to me of 31/12/10 ,
- It would create a focused City Centre bringing greater public benefit through added activity, promoting Perth as a Tourism Information and Interpretation Center, a Gateway to the Highlands, and the start of the Whisky trail. It would also be an obvious place for a Heritage Information Exhibition.
- It can be delivered on the same time schedule as that proposed by the Council.

As the procedures introduced by the 2006 Planning Act have:

(a) removed the need for the council to notify Scottish Ministers of their intention to apply for planning permission on a property in which they have a financial interest, and

(b) allowed the application to be treated as **Local Development**, which can be processed without the need for further publicity and public scrutiny, only being submitted to PKC's Development Control Committee.

We see the role of Historic Scotland as being particularly important and one of the main reasons for your organisation's existence.

We are therefore concerned that, as you will have only 28 days in which to respond to the council's official consultation, it is important that you are fully briefed on any alternative to demolition well before you have to make a decision. Especially an alternative that has been carefully worked through, over several months, by local interests within the local community.

We know that it is a cornerstone of your remit to exercise a presumption in favour of the retention of important listed buildings and I am writing to ask therefore whether I, and some

representatives of our group, could meet you and explain aspects of the attached drawings which I have not covered in this letter.

In whatever form the Council finalise their scheme, we know from discussions with their officers that it will be based on the "clear fell" option, and we think, in fairness, we should have the same opportunity as they have had for a dialogue with you and your officials before a decision is taken. In other words the sooner the better!

Yours Truly



James Provan


Tel.no. 

Copy to: Mrs. Barbara Cummins

*We might also reminisce on
part life in Doufermlie - where
I was brought up!*

From: Charles Wardrop [REDACTED]
Sent: 02 October 2011 06:56
To: Johnston L (Leigh)
Subject: Fwd: Perth City Hall as an Asset

Begin forwarded message:

From: Charles Wardrop [REDACTED] >
Date: 16 September 2011 19:41:03 GMT+01:00
To: [REDACTED]
Subject: Perth City Hall as an Asset

Sir,-Your report today about the high costs of demolishing Perth's City Hall could have been helpfully supplemented by what it could very usefully become, if the powers-that-be will only see sense and preserve this handsome building, one of Perth's genuine architectural assets.

A more-central Tourist Info. Centre, relocated in the Hall, complemented by a Civic information area, listing and describing current local events and opportunities in the Fair City and the County, would enhance facilities for visitors and tourists, who depend nowadays on a rather remote office, which is difficult to find, and so good it deserves a better location.

This would leave extra space for a cafe, perhaps, in the Information areas, and, as successfully in Rosslyn House, for very centrally located flats.

The depressingly incongruous idea of a piazza in Perth, likely to become a haunt of ne'erdoweels and litter droppers, with no real, defined, useful objective, should now be quietly dropped.

Space around the preserved City Hall should rightly be used for more-frequent farmers' markets, attracting visitors and enhancing local businesses.

(Dr) Charles Wardrop, [REDACTED] (Tel. [REDACTED])

This email was received from the INTERNET and scanned by the Government Secure Intranet anti-virus service supplied by Cable&Wireless Worldwide in partnership with MessageLabs. (CCTM Certificate Number 2009/09/0052.) In case of problems, please call your organisation's IT Helpdesk. Communications via the GSi may be automatically logged, monitored and/or recorded for legal purposes.

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has been swept for the presence of computer viruses.





5th July 2011

Ms Ruth Parsons
Chief Executive
Historic Scotland
Longmore House
Salisbury Place
Edinburgh
EH9 1SH

Dear Ms Parsons

As I am a member of Historic Scotland I hope you do not object to me contacting you regarding the following.

I trust Historic Scotland will never give permission to Perth and Kinross Council to demolish the City Hall which is a historic listed building to make way for a civic square. Over many years the Council has made no attempt to hire out the City Hall for different events and functions where they could have been held and still could be.

The Council state that 'Perth City Centre is renowned as a retail centre for its historic environment' yet they want to demolish a historic building. Furthermore, Perth and Kinross Council are seeking to be granted City status next year but yet they want to demolish the City Hall. In my view this is contradictory to the facts and it makes me wonder where peoples' thoughts come from.

I thank you for your time on this matter.

Yours sincerely



Mr J Stewart



From: Dymond N (Nicole)
Sent: 07 October 2011 15:07
To: Murray V (Victoria)
Subject: FW: Perth City Hall
Victoria

An email received into the Inspectorate external box regarding Perth City Hall!

Thanks

Nicole

From: John Pearson [REDACTED]
Sent: 07 October 2011 09:54
To: hs.inspectorate (external)
Subject: Perth City Hall

Dear Sir,

It was mentioned on the news on STV last night that Perth City Hall, although a Category B listed building and the subject of interest by at least one developer, is probably to be demolished. Please do not allow this. It is a beautiful building, albeit not in the best place. However, bearing in mind the wind and rain that comprises the Scottish climate, is an open plaza really a better alternative to using this splendid building as a covered market hall (for example)?

Remember Paternoster Square at St Paul's in London? And that was an open area in a much more climatically favoured part of Britain than Perth. It summed up all that George Orwell was describing in '1984'. Please retain what we have that is of merit. If another example of the silly waste of good buildings is needed just look at Dundee. Surely we have learnt not to lose good quality buildings in favour of modern substandard temporary buildings?

And while I have your ear..... is it too late to stop this nonsense in Dundee? Put pressure on the city council to abandon plans to disfigure the shoreline with another fashionable architectural exercise in the name of the V&A and use instead the excellent and beautiful Custom House which is on the market and seems to be failing to find a buyer. Or will demolition of that building be advised because modern development and change have caused that to be in the wrong place too?

These two buildings are good solid examples of classical architecture and must be retained in an age when solidity and quality seem to be in short supply. We have got them - let us keep them, please.

John Pearson [REDACTED]
[REDACTED]

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PCCC

Perth City Centre Campaign

Mrs. Ruth Parsons
Chief Executive
Historic Scotland

13 September 2011

Dear *M. Parsons*

Perth City Hall

As you will be aware we and many others have lodged objections to Perth and Kinross Councils proposal for total demolition of the City Hall.

In previous letters to you reference has been made to flawed economic data in the report, on which the decision was based. As a consequence, we decided to look at the justification and the figures surrounding the Councils case.

As you are aware senior Council officials are progressing their proposal for total demolition without full Council Member approval, without taking into account their duty of care for our historic buildings, and basing their proposal on the Colliers/Locum report that clearly states:

- It is difficult to quantify the (economic) impact of each option' (page 86)
- 'Visitor numbers would need to be tested against market demand' (page 86)
- 'The lack of comparable information. There is no baseline figure from which to project uplift in visitor numbers or expenditure' (page 87)
- 'In particular it should be noted that there is no currently accepted method of calculating economic impact generated by public realm development.' (page 87)

I think you will agree that the above statements in the report signify that some figures used are highly questionable if not down right unjustifiable, and that they should be treated with caution, as they add greatly to the risks involved with this option.

PCCC, being aware of these cautionary statements surrounding the model, were fortunate to have a 'forensic accountant of international repute', volunteer to look at the figures of the options that were floated by the Council.

As we concur with the consultant's views regarding the difficulty of calculating economic benefit, it is very important in accepting the model, to analyse in detail the build up of these figures as they are the only justification for the Council official's proposal.

We fully accept that economic benefit is a major factor in determining the various options for the City Hall and that the method used to calculate economic benefit is primarily based, in this case, on the additional number of visitors that would be attracted by each option. We have no dispute with that.

But the PCCC analysis has uncovered the fact that the additional visitor figures used to justify total demolition are virtually double the number of visitors of any of the other options. This is pure speculation and PCCC strongly contests the basis for this assumption as it is, not only the sole justification for the selection of that option, but it also totally distorts the conclusions. (page 97)

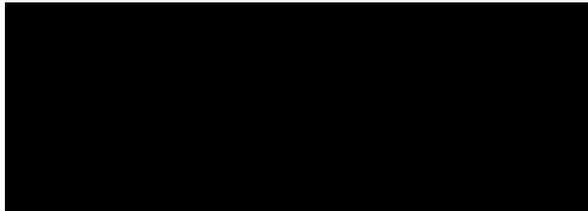
As a consequence of this analysis we refute the evidence on which the Council are basing their proposal. We would respectfully ask that Historic Scotland also investigate these figures.

In coming to any conclusions we believe the Council should further consider:

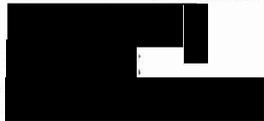
1. That the footprint of the retained part of the City Hall would take up only 11% of the total area available, and provide an attractive, protected area.
2. That the activities planned for the square (again from the consultant's report) could all, equally well, be performed in the marginally smaller square and therefore attract a similar number of visitors.
3. That retaining part of our heritage, and history, would provide Perth with a City Centre of some grandeur and quality that would attract an even greater number of visitors.
4. If visitor benefits were equalised for the two options the gap in financial benefit would also be equalised, and indeed would be greatly enhanced were a Heritage and Visitors centre to be included.

In thanking Historic Scotland, and the staff involved, for the help and guidance that you have given, we would again ask you to reject the Councils proposal and to recommend a compromise along the lines suggested by PCCC.

Yours Faithfully

A large black rectangular redaction box covering the signature area.

James Provan
Chairman PCCC

A black rectangular redaction box covering contact information.A black rectangular redaction box covering contact information.

Copied by Email to:
Barbara.Cummins@scotland.gsi.gov.uk
Leigh.johnston@scotland.gsi.gov.uk



1st August 2011

Barbara Cummins,
Director of Heritage Management,
Historic Scotland
Longmore House,
Salisbury Place,
Edinburgh EH9 1SH

Dear Barbara, **Demolition of Perth City Hall**

I enclose herewith a copy of my personal objection to the proposed demolition of the City Hall. It is longer than I intended but, apart from the need to draw attention to the inadequacies of the concept, I felt that there were serious issues to be covered in relation to (1) failings in due process – specifically, the fact that detailed applications have been lodged with no preceding resolution that demolition had been agreed, (2) lack of democratic oversight of the officials' proposals, and (3) a complete failure to engage with the public in the development of design options for a square. I am not sure where the dividing line lies between Historic Scotland, the Ombudsman and Jim Mackinnon's directorate on these important failings but, in my view, they add up to a project which is deeply flawed in conception and execution. Having all of the criticisms in one place is, I hope, an effective way of making each of the above parties aware of the Council's failings and how they are connected.

In relation to Historic Scotland's specific role, I hope I can convince you that, through lack of thought or by design, the Council have not followed a path likely to lead them to restoring purchasers as required by your SHEP criteria. After their negotiations with Wharfside failed they could have turned to the reserve bidders – but didn't. Instead, they appointed consultants to speculate on uses and users rather than doing the obvious, and required, thing of re-advertising. The consultants' report actually says that in the course of their local inquiries they came across 13 businesses that expressed an interest in occupying part of a retained building but there is no further reference to what became of this.

Their latest ploy is to dismiss the PCCC alternative concept on the grounds that it is not backed by a business plan when they know perfectly well that we are in no position to provide one. Firstly, it is central to our argument that if restoring users exist they will not be conjured out of our heads - or their consultants' : they can only be flushed out by public canvassing uninhibited by obstructive pre-conditions. We are in no position to

offer terms to the limited number of potential users we have come across. If we did, we would be told we had exceeded our authority and, if we passed them on to PKC, I do not believe they would be dealt with in an open-minded way.

Having read the appeal decision last month relating to the proposed demolition of wards at Murray Royal (HGG/A/TC/726) I see many reassuring comparisons between that case and this one : it is, in many ways, the City Hall story written in lower case. The similarities are that demolition was being proposed on the grounds that it would improve the setting of another listed building ; PKC argued that demolition “would deliver significant benefits to the local community” and “to expect the buildings to be marketed for an extended period of time would be unrealistic” and “There is no proven need for the retention of the buildings”. All of these arguments were dismissed. In particular, the Council was found to have applied an “erroneous test” in the no proven need argument.

Against the above background, I urge you therefore to (1) refuse to agree the demolition and, (2) require the Council to conduct a serious marketing exercise for the building in terms of full or partial retention. My own preference would be for partial retention.

Yours sincerely,

A solid black rectangular box redacting the signature of Denis Munro.

Denis Munro



Mr Nick Brian,
Head of Development and Building Control
The Environment Service,
Perth and Kinross Council,
Pullar House
35 Kinnoull Street,
Perth
PH1 5GD

20th July 2011

Dear Mr. Brian,

Demolition of City Hall and Construction of New City Square – 11/01082/FLL

I wish to object to the above application. My objection is in four parts.

1. Flawed Procedure The submitted design for the square has been served up as a “*fait accompli*” by officers with no public consultation (except with neighbours in March) and no discernible involvement of elected members. To add to the surprise, there has been no resolution by the Council, or any of its committees, to demolish the City Hall - which due process requires as a precursor to the submission of these applications. On the last occasion the issue was discussed (16th June 2010) the actual resolution was only to the effect that “*Further consideration be given to the complete demolition of the City Hall..*”

The only written explanation I have seen for this bizarre state of affairs is that the minute had to be drafted that way to avoid giving the impression of “*pre-empting the proper planning and listed building consent process.*” Two other excuses I have heard are, that “the minute is not right but we know what the councillors meant,” and, “the minute needs to be read with what the officers’ recommended in their report.” All of these are simply ridiculous. As matters stand, there is no resolution of the Council to carry out the demolition and the applications should be rejected on that basis alone. Given that the Council is almost judge and jury in this case there is a greater need for due process than in any other. Instead, they have conducted a corner-cutting exercise.

I have set out my full criticisms of the flawed procedure in a letter dated 1st July to Mr. McCrone which I wish to be conjoined with this letter of objection. I would add that I have worked in every planning department of the Perth and county area between 1968 and 2003 and I have never witnessed a major civic project from which the public and elected members have been so comprehensively excluded. The public input has been limited to an opportunity to object after the design was finalised and applications submitted. The elected members have been equally excluded from the design process and if the Development Control Committee is left to determine

the applications, only the 13 members of that committee will have a say on the outcome. This all sits very uncomfortably with the Council's public declarations of openness and accountability.

2 Inadequate Justification for Demolition When an application proposes the demolition of a listed building Historic Scotland expects the applicant to show that.

- (a). the building is not of special interest; or
- (b). the building is incapable of repair; or
- (c). the demolition of the building is essential to delivering significant benefits to economic growth or the wider community; or
- (d). the repair of the building is not economically viable and that it has been marketed at a price reflecting its location and condition to potential restoring purchasers for a reasonable period..

No one has seriously suggested that tests (a) and (b) justify demolition in this case. In relation to (c) it is true that, in an unquantifiable way, the creation of a civic square could create economic benefits for the city but those benefits would occur equally, and probably to a greater extent, in a square based on the partial retention of the City Hall as proposed by The Perth City Centre Campaign (PCCC). In relation to (d) the Council has not actively marketed the City Hall since the Wharfside exercise in 2004/2005. When those negotiations failed, the obvious thing to do was, either to establish whether the unsuccessful first round bidders were still interested in the property, or, re-advertise it . Instead, the Council engaged Collier consultants with a brief "*To utilise Perth & Kinross Council's property assets in such a way that delivers 'best value' for Perth and the local authority area*".

That was no more than a narrow, property manager's brief and is in no way a substitute for an open marketing exercise intended to find a restoring purchaser. Handing the question over to consultants, when there is a straightforward marketing alternative, creates the impression - and perhaps the reality - of getting the result the Council was seeking. In any case, no consultant or panel can possibly know the full range of ideas and investors who are "out there." It seems, however, that looking no further than Perth itself the consultants reported "*13 businesses responded that they would be interested in occupying space within the City Hall if all or part of it is retained and converted.*"(para 3.4, page 21) We heard no more of that.

As a justification for demolition, the consultants' report is also flawed in the sense that their brief excluded any responsibility for taking account of the listed building/ conservation issue. To their credit, they recognise this deficiency at several points and say, for example, at para 4.8, page 53,

"It is not the purpose of this report to make recommendations about the symbolic, personal and social value of the City Hall or its importance in the collective memory of the local population and their sense of place. Nonetheless the Council should be aware of these issues and they should be factored into the eventual decision on the future of the City Hall."

Condition (d) of Historic Scotland's demolition criteria has therefore not been satisfied in this case and, with others, I will be asking Historic Scotland to insist that the Council undertakes an exercise of the type referred to in (d) above before any demolition consent is considered. In such an exercise, the potential of the partial demolition concept, linked to a new square, should be highlighted as an option.

3 The Deficiencies of the Proposal In the officers' design, three sides of the square would be formed by North and South St. John's Place and the east elevation of the Shopping Mall. None of

these frontages has the strength and aesthetic appeal one would expect in a high quality square. The Kirk would stand alone as a building of merit. In contrast, the retention of the front part of the City Hall, as proposed by PCCC, would be a perfect partner and counterpoint to the Kirk at the opposite end of the square and, in terms of mass, scale and gravitas it would compensate for some of the deficiencies of the north and south elevations referred to above. It would also create a better “enclosure” of the square and make it less windswept in inclement weather. For all practical purposes, including visual appreciation of the Kirk, the resulting square would be more than adequate (approximately 59 metres north-south and 62 metres east-west) for civic, leisure and performance uses on a scale appropriate to the location and surrounding uses.

As I have stressed above, assessing the conservation value of the existing building formed no part of the consultants’ brief. They therefore ignored this issue and it is completely lacking from the officers’ report to the Council in June 2010. Throughout that report, the building is portrayed as a problem rather than something of positive value for the city or its centre. Nothing is said in its favour. The nearest it comes to giving a balanced view is in para 51 where it states :

“The consultation exercise has shown that a number of people and organisations believe the City Hall adds to the history of Perth and think it is an attractive building. However, many also think it is not an attractive building.”

That assessment grossly undervalues the extent to which, for a very large, number of Perth people, the City Hall has a special importance derived from its apparent permanence (classical or Victorian gothic buildings are always perceived to be much older than they are), its timeless style and craftsmanship (built at a time when Scottish stone-working skills were at their peak) and associations with important periods / events in their lives. For these people the building is, in conservation language, part of “a familiar and cherished scene”. For them, if the structure is to be disturbed at all, it would be reassuring that the most impressive part of it was to be retained and put to a new use. Adoption of the PCCC concept would therefore be a “win- win” outcome in the sense that the conservation-minded section of the population would have saved something emblematic of our past and, for the reasons I have given above, **everyone** would have a better square than the one being proposed by the Council. And if the Tourist Information Office were located in the building it would greatly increase the number of visitors to the square.

Listed buildings are not so plentiful in Perth that they can be squandered if there is an alternative or middle way. The stock is always depleted one-by-one in situations like this - and with the rationalisation that it is being traded for something better and is not a precedent for repetition elsewhere. The Council’s case for complete demolition is based on the fact that the whole project will be cheaper - not that a better square will result. But cheaper than what? Cheaper than retaining part of the building and using it for purposes which will attract visitors – and residents – into the town centre.? Such an argument would not be acceptable if made by a private developer and, if the Council will not step back from approving its scheme, the objectors must hope that Historic Scotland will judge that a case has not been made for complete demolition when a sensible compromise is so obviously available. Councils have a statutory responsibility to safeguard these buildings through the planning system and that responsibility is doubled where, as in this case, they happen to be the owner as well as the planning authority.

Historic Scotland’s guidance is contained in their Scottish Historic Environment Policy (SHEP) which, in words that could hardly be more apposite to the City Hall, states at para 1.7.

“ The remains of the past can act as a powerful catalyst and stimulus to high-quality new design and development leading to successful regeneration and community-building. We believe that the historic environment should be valued as an asset, rather than thought of as a barrier to development. It reinforces the identity of communities, and can add value, provided that value is recognized at the outset and it becomes an integral part of any development or regeneration project.”

Put more poetically, and in a local context, a writer on **Auld Perth** wrote in 1914, soon after the City Hall was built.

“The citizens of Perth have often been foolish enough to exchange old lamps for new ones, which, however valuable and useful they may be in themselves, they do not seem to light up our past history.”

4. As a Neighbour. The “amphitheatre” and performance idea has been a dominant influence on the detailed design of the square. To serve that concept, a tiered arrangement of levels and a stage is proposed which will compromise, or disable, its suitability for activities which require a flat surface. As an illustration of what the designers have in mind the neighbour consultation drawings issued in March highlight : “ ICE RINK, BIG WHEEL, STREET FOOTBALL, BBC BLAST TRUCK TOUR AND AIRCRAFT DISPLAY, THE SQUARE WOULD ALSO PROVIDE A VENUE FOR PERFORMANCE AND CIVIC CEREMONIES”. As I said in response to the neighbour consultation, the concept owes more to T in The Park or Disneyland than to a dignified civic square. Since then, the design has remained virtually unchanged and the performance function is still central to the scheme. I think this is a serious mistake for the following reasons.

- (i) The square will be small and has many residential flats in it. The designers seem to have overlooked the fact that many of the flats on the St. John’s place frontages will not be near or adjacent to the amphitheatre but actually **in** it. We will therefore be a compulsory part of the audience for each of the events described above.
- (ii) The Council has a very sensible planning policy which precludes pubs being inserted in ground floor properties where there are occupied flats above. The justification is that it is unreasonable to risk adversely affecting the amenity of existing occupiers (as opposed to those who might subsequently choose to live there knowing the risks). I have lived here since 1997 and I love it, accepting the inevitable noise of town centre living and the comings and goings of people in all conditions going to the bars, restaurants and night club below and near my flat. The amphitheatre concept will cause a quantum leap in disturbance to the many residential properties around the proposed square and the designers of this scheme have given no thought to the advice in PAN 1/2011 “Planning and Noise” which states “*The planning system has a role in ensuring that development does not result in increasing numbers of people exposed to adverse noise impacts.*” Specifically, a Noise Impact Assessment as described in para 19 of the PAN should have been carried out before the applications were submitted.

Conclusion. Since the collapse of the Wharfside negotiations there has been a determination within the Council to demolish the entire City Hall. They say they can’t make any conversion scheme work within their financial guidelines (which may be true); on the other hand, they will not make any serious attempt to find somebody who can. Asking consultants to speculate on alternative uses was the least likely method of identifying ideas or investors capable of bringing new life to all or part of the building. Asking the public to choose between full and

partial demolition without supporting illustrations of what either choice would mean for the physical form of the replacement square made the judgements less informed than they could have been. The PCCC have stepped into that vacuum and very few people who have seen their concept doubt that the partial demolition option will create a much better square. Also, the retained section of the building could provide accommodation for uses which would make the square a more-visited destination than it would otherwise be.

Despite a minute which plainly reads to the contrary, the Council continues to insist that they decided unanimously in June last year that the whole building must come down. Since then, detailed plans have been drawn up by officers for a single, non-negotiable design - no question of options – and those plans were seen by no members of the public, other than neighbouring proprietors, until they became available as applications for planning and listed building consent at the beginning of this month. Prior to the lodging of those applications no committee of the Council approved them as a basis for submission. No significant changes can now be made to the content of the scheme without the applications being withdrawn or rejected and, of course, there is little chance of that.

Fortunately, a final decision on this city-changing project will be made by Scottish Ministers under advice from Historic Scotland which is “*charged with safeguarding the nation’s historic environment*”. I therefore request that the Council withdraw the plans and think again about the option of partial demolition. If they cannot make that option work within their financial guidelines they have an obligation to re-advertise it on the open market as required by the SHEP guidelines. If the council do not do either of these things I request that Historic Scotland reject the submitted scheme on the grounds that, in relation to the four SHEP criteria referred to above,

(a) and (b) do not apply

(c) The economic benefits claimed for a civic square would be greater under a scheme based on a partial retention of the City Hall. An additional benefit of the latter arrangement is that it would have a better fit with Historic Scotland’s conservation objectives and address public concern about the symbolic personal and social value of the building

(d) While the Council may not have a use for the building it has not, as required by this criterion “*been marketed at a price reflecting its location and condition to potential restoring purchasers for a reasonable period.*”

Yours sincerely

Denis Munro

LINACRE LAND LIMITED

Co.No.SC240835

Ms Barbara Cummins
Director of Heritage Management
HISTORIC SCOTLAND
Longmore House
Salisbury Place
Edinburgh EH9 1SH

17 August 2011

Dear Ms Cummins

PERTH CITY HALL: 11/01083/LBC

I hasten to correct, with apologies, a typographical error in the first paragraph of the letter from my company dated 11 August, which referred to the Report from the Depute Chief Executive to the Council Meeting on "6 December 2009", which should have read 16 December 2009. I shall be most grateful if you will very kindly amend accordingly.

May I also please take this opportunity of adding one further reflection on that same Report, with reference to point no. 3 on page 43, which stated:

"At the time of construction of the City Hall, the St. John's Kirk (now listed as a Category A Listed Building) enjoyed no statutory protection, and it is fair to say that any proposal to construct a building of the scale of the City Hall in such an important and sensitive setting today would be subject to intense scrutiny."

On the contrary, the Council proved the unfairness of that hypothesis by its own actions in relation to the 'Fair Maid of Perth's House', which is one of the city's most celebrated buildings (and vital to the tourist industry), directly in front of which, obliterating its setting and severely impairing its accessibility, the Council constructed, only a few years ago, a building even larger than the City Hall – the Concert Hall

May I ask you please to attach this observation to my company's letter of objection?

With many thanks,

Yours sincerely

VIVIAN LINACRE (Chairman)

LINACRE LAND LIMITED

[REDACTED]

Ms Barbara Cummins
Director of Heritage Management
HISTORIC SCOTLAND
Longmore House
Salisbury Place
Edinburgh EH9 1SH

[REDACTED]

11 August 2011

Dear Ms Cummins

PERTH CITY HALL: 11/01083/LBC (2)

Further to earlier informal correspondence, I beg to submit my Company's formal objection to Perth & Kinross Council's application for consent to demolish the above listed building. For this purpose, without prejudice to numerous other valid grounds, I shall concentrate on points arising from the Report by the Depute Chief Executive to the Council Meeting on 16 December 2009.

But first I must declare an interest on behalf of my Company, which had presented four different design solutions (and respective financial offers) in the course of the competition for redevelopment of the building, all fully funded, two of which ('B' and 'D') were selected among the five on the short list that were exhibited to the public in the summer of 2005, the other three selected schemes comprising two from Henry Boot and one from Wharfside. One or other of our two design solutions was recommended as first choice by the principal official Consultees, Perthshire Chamber of Commerce and St John's Kirk, and joint first by Perth Civic Trust.

Nevertheless, Wharfside was appointed in November 2005 but subject to an abnormal special condition which was inherently incapable of fulfilment, as quickly became apparent. Following any such public competition, of course, if the 'preferred bidder' cannot proceed, then the 'reserve bidder(s)' should be invited to retender, but we received no invitation or notification of any kind. We even took the initiative ourselves, reaffirming our continuing interest, but our approaches were rebuffed. Instead, the Council persisted with Wharfside until September 2009 and then immediately embarked on a course of 'consultation', employing the London firm Locum, which inevitably led to the present situation.

At paragraph 15 on page 45 of said Report, it was claimed that:

"Following a workshop on 22 October 2009 and contact with interested parties, including those who had submitted proposals previously for re-use, Locum have concluded that there are limited options for retention and conversion to alternative uses."

But the only contact we had from them was one telephone call from the Locum representative, to enquire if we were still interested in City Hall, to which I answered yes, of course, as the Council was well aware; whereupon he asked what was the nature of our latest proposals, to which I responded

that it was impossible to describe our new scheme's design and function over the telephone to a complete stranger but that I would be delighted to meet him for a full discussion; to which he replied that he had no time for that because he was about to leave for Perth in order to present his finished report! He then admitted that he had been commissioned to produce this report some months earlier but had been asked to give me a ring only a few days ago.

So not only was the pretence that we had been consulted unfounded, there was never any intention of consulting us. Even worse, that pretence was used in support of his arbitrary conclusion. This is gross misrepresentation of the facts.

In any event, his conclusion that "there are limited options for retention and conversion to alternative uses" was worthless. Of course they were limited: how could they possibly have been unlimited? But the five schemes on the Council's short list had illustrated a wide range of designs for adaptation of the building, and in the changed economic climate of today a fresh range of potential solutions in design and function is readily available. The Council is taking such a blinkered view, forgetting that though the climate has changed the building has not, which is what matters, and there is no reason at all why it cannot survive for another hundred years of useful life as one of the city's chief assets and architectural glories – though Locum's indifference to the latter has clearly infected the Council's attitude.

Strangely, the issue of consultation was revisited at paragraph 34 on page 48:

"Locum contacted all parties who had previously expressed an interest in the building, some of whom have confirmed their continued interest and have indicated informally that they would resubmit proposals if invited. Whilst this may indicate continuing market interest, the viability of any potential proposals remains unproven at this stage."

Of course it indicates continuing market interest, which is why the Council ought to have remarketed the property and belatedly should do so now. And of course the viability remains unproven, because interested parties were never invited to resubmit! This paragraph confirms, as shown in the passage from paragraph 15 quoted earlier, that the Council was at pains to dismiss or suppress all evidence of continuing interest in re-use of the building.

I must add that recently an Edinburgh firm of architects acting for a party very interested in re-use of City Hall was refused access to view the interior because any such arrangement might "compromise or at least complicate" negotiations with demolition contractors! So the Council is not only frustrating any potential interest in re-use of the building: it is even seeking to pre-empt approval of its current applications.

At paragraph 35 on page 48 the Report advised that:

"The Council will therefore have to assess this conflicting evidence and consider whether or not it is satisfied that there is no viable re-use of the building without further broader market testing. Alternatively, they may take the view that regardless of any potential reuse of the building, the removal of the building and the creation of a new public square is of greater benefit to the economy and wider community. This will form a particular focus of the public consultation."

What “conflicting evidence”? The only evidence was of continuing interest in re-use of the building. How could the Council be “satisfied” that there was no viable re-use without remarketing and while refusing to pursue interests already expressed? The Depute Chief Executive was recommending the Council to repudiate its prime responsibility under conservation principles and disregard the guidance test on listed buildings by abandoning consideration of the future of the building (“*regardless of any potential re-use*”) in order to restrict further consultation to its replacement, the proposed public square – i.e. that the Council should pre-empt the whole issue of conservation of the building, which is the very issue to be determined by the subject application!

At paragraph 28 on page 47 the Depute Chief Executive’s Report stated:

“The building is currently in a reasonable condition and not incapable of repair. However, the costs of bringing it back into use would not be insubstantial (possibly in the region of £4m) and may be difficult to finance without public subsidy.”

In the first place, the building is still in *excellent* condition, thanks to the exceptionally high quality of construction. As of course you know, the period from the late 19th century up to 1914 was the golden age of Scottish stone masonry, of which City Hall is one of the few large survivors in its original state.

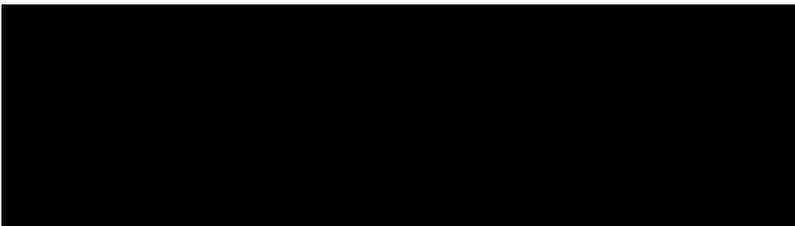
In the second place, what did “possibly in the region of £4m” mean? No evidence was provided to support that estimate. It was a gross exaggeration – purely a notional figure – inserted to load the argument in favour of demolition, like so much else in Locum’s report as well as in the Depute Chief Executive’s. Quoting such an excessive figure (*in parenthesis!*) no doubt influenced the Council’s decision as intended.

Having wildly inflated the likely cost of refurbishing the building in its present state, the Council is equally intent on deflating the probable cost of its current proposals. The figure quoted of just £3millions grossly underestimates the costs of relocation and renewal of utilities and building services, the peripheral environmental and traffic requirements, and of the major archaeological implications. The actual expenditure of the project may well exceed £5millions, of which only a fraction is funded. It would be the worst of all worlds if the Council were permitted to embark on the scheme but then could not finish it properly – which, given the prevailing economic outlook, might become a real danger.

For these special reasons, I ask on behalf of my Company that you **reject** the application.

Yours sincerely,

for LINACRE LAND LIMITED



Vivian Linacre (Chairman)

No doubt you will kindly acknowledge.



1/07/11

Barbara Cummins
Heritage Management Director
Historic Scotland
Salisbury Place
Edinburgh
EH9 1SH

Dear Madam

RE: Perth and Kinross Council's 'decision' to demolish City Hall

You are of course aware of the above appalling and misguided move by Perth and Kinross Council to demolish City Hall. The ineptness, lack of vision and arrogance of the Council is shameful. To propose to demolish this building, designed by Clifford and Lunan (1908-11), the only large secular building of note in Perth, is sheer vandalism and an outrageous misuse of £5m of taxpayers' money for no return whatsoever.

Perth at present has a combined Museum and Art Gallery adjacent to the New Concert Hall. The basement storage houses extensive stocks of museum artefacts and of paintings, drawings and prints, seldom if ever seen for lack of space. On enquiry I find there is a sore need to separate the two functions as the museum has sufficient stock to fill the present building as a Museum. City Hall could be adapted with the insertion of an intermediate floor as a splendid and dignified Gallery of Art filled with the fine Victorian Collection of paintings, the drawings, and prints. It could accommodate a visitor/tourist centre, a gallery shop, a cafeteria, outside exhibitions, and educational facilities for schools.....and given inclement Scottish weather conditions, a refuge for visitors to Perth.

All of the above – and given that there are grants available - would cost no more than the creation of a wasted space revealing architecture of no merit whatsoever and appallingly, the rear of St. John's Shopping Centre. Perth would acquire a worthy City Museum adjacent to the Concert Hall plus a splendid Gallery of Art adjacent to and complementing St. John's Kirk. The wider cultural and economic benefits to the historic City of Perth would be immeasurable. Demolition of City Hall would merely diminish Perth; this counter-proposal would enhance it and give to Perth a centre of which generations to come can be justly proud.

I trust that you will put paid to the Council's plans.

Yours faithfully,



Margaret Linacre (Mrs)

From: Derek Jackson [REDACTED]
Sent: 01 October 2011 12:03
To: Johnston L (Leigh)
Cc: Derek Jackson
Subject: Proposed demolition of Perth City Hall

Hello,

We strongly object to the Council's decision to demolish Perth City Hall.

A wonderful use for the Ciy Hall would be to house the Perth Museum which in its current state is woefully inadequate . It has hundreds of items in storage which it is unable to display due to lack of exhibition space and is not situated in an ideal position for any visitors to find being slightly off the beaten track at the far end of George Street. We could have the Carpow dug out found on the banks of the Tay , a Roman legionaires gravestone which is currently in the Hunterston musem which was found at Ardoch Roman Fort at Braco and I am sure there are many other Tayside artefacts which are currently displayed in other museums which could be returned to Perth.

Other uses for the City Hall are for example for antiques fairs, vinyl records and CD fairs, even for ballroom dancing as it has now taken off due to the Strictly Come Dancing program. It could also house practice rooms for musicians of all types of music. The lesser hall could also be used for five a side football and other indoor sports such as badminton, table tennis etc.

The idea of a square for people to sit in is crazy, one the weather is totally incompatible , two , it would turn into a gathering place for people with alcohol problems.

The loss of the Perth Post Office building was a sad loss of a beautiful building lets not have another one !

Regards,

Derek and Diana Jackson

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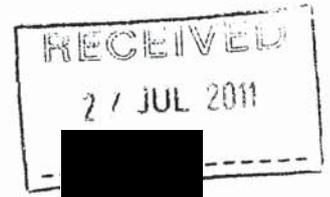
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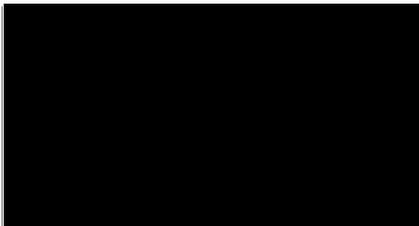
22nd July 2011

Historic Scotland
Longmore House
Salisbury Place
Edinburgh
EH9 1SH

Dear Sir

Planning Application – 11/01082/FLL, Perth City Hall, Perth

Please find enclosed copy of correspondence to Perth & Kinross Council relating to the above Planning Application which we feel may be of interest to you.



Fraser Middleton
President

Enc

Cc
RIAS
John Swinney, MSP
Roseanna Cunningham, MSP
Perthshire Chamber of Commerce
Perth Civic Trust
Architectural Heritage Society of Scotland
Tayside Building Preservation Trust

COPY



DUNDEE INSTITUTE OF ARCHITECTS

A Chapter of the Royal Incorporation of Architects in Scotland

22nd July 2011

Perth and Kinross Council
Planning Service
Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Dear Sir,

Planning Application 11/01082/FLL, Perth City Hall, Perth

Further to the recent Planning application relating to the demolition of Perth City Hall and subsequent development of the site our members have expressed concern over the proposals submitted. We have subsequently entered into discussions with our local members to ascertain their opinions and would take this opportunity to formally object to the application.

Our view is that it would be a great architectural, historical and cultural loss to Perth to lose such a focal and historically important building. Perth City Hall has significant architectural merit and irreplaceable townscape value. We anticipate that significant subsequent regret would be experienced should the current proposals be pursued. We contend that the proposals do not produce anything better in either architectural or planning terms and this reason alone should be sufficient for Refusal of this scheme. The present proposals are inadequate and are certainly not of sufficient quality to merit adoption in this prominent, central location.

We accept that the current building in its entirety may no longer be functionally relevant in its present form. We also realise that it is a challenge financially for the Council to maintain such a property however this should not be the reason for the wanton destruction of such a fine example of Edwardian architecture. It is a prominently located Listed building and one of relatively few which contribute so importantly to the townscape and attractive vistas in the heart of the town.



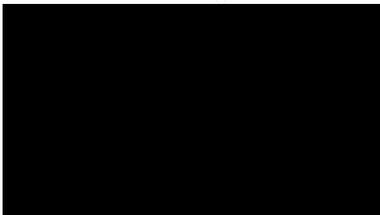
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We accept also that this location presents a challenge to the Council. Our members have risen to the challenge and have voluntarily produced a variety of exciting proposals to create a sustainable and relevant solution integrating contemporary concepts within the traditional architectural townscape tableau. These should provide an ideal opportunity to further investigate the potential of many of these ideas. We feel that Perth owes it to itself to retain its best historical architecture and to use it, where relevant, to provide a catalyst to encourage regeneration and an attractive visual contribution within the urban environment. A large anonymous, hard, square such as the one proposed does not address a significant number of the current challenges facing Perth town centre and certainly does not contribute positively to the sense of place-making. It may even create other long term problems as experienced by other towns and cities which have barren, unattractive and windswept central spaces. To create a large anonymous open space is certainly not a worthwhile alternative to the current attractive Beaux Arts façade of the present listed building. It should be recognised that to merit a B-Listing it must after all have been identified as having significant architectural and historic importance. This should be respected accordingly.

We therefore submit that to completely demolish this building will be detrimental to Perth and we must therefore formally object to the current application.

Please do not hesitate to contact this office should you require any additional information or wish to discuss this matter further.



Fraser Middleton
President



From: clark [REDACTED]
Sent: 03 October 2011 17:50
To: Johnston L (Leigh)
Subject: Perth City Hall

from Clark Cross [REDACTED] [REDACTED]

My wife and I both were born, raised and educated in Perth so the fate of the City Hall is important to us. My 91 year-old mother still lives there and has been following the arguments. My mother had a copy of the Perthshire Advertiser and I read the letter from Mr and Mrs Wardrop. I agree with what was said and would be grateful if you can convey my agreement with their letter to the authorities who are going to make the decisions. To clarify I would be against the demolition of this structure especially if it is going to house yet more fast food outlets and more hair dressing salons. There are more than enough already.

Clark Cross

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[REDACTED]

From: Judy Bremner [REDACTED]
Sent: 02 October 2011 17:01
To: Johnston L (Leigh)
Subject: Fwd: city hall Perth

----- Forwarded message -----

From: **Judy Bremner** [REDACTED]
Date: 25 September 2011 20:25
Subject: city hall
To: [REDACTED]

I write to object to the council's decision to demolish one of Perth's outstanding historical buildings. In spite of 800 years of history which we celebrated last year, there are sadly few reminders of its colourful and important past. The City Hall may be a comparatively recent addition to Perth's history but it has a part to play in the story of the Town. It is just not good enough for the council to say they cannot find a use for it. One wonders how much effort has been expended to find an alternative solution.

Whilst an open piazza may be fine in warmer climes, it is hardly suitable for our situation and would probably degenerate into a skateboard park. Perth museum has so many artefacts it cannot exhibit but a limited number, so how about an extension in a refurbished City hall with perhaps an engraved glass wall depicting important events in the last 800 years. Could the Tourist Information Centre be moved to the city centre - I presume we do still have one somewhere??

These are just a couple of suggestions from an interested but amateur resident. I would think there are professionals in the wider world who would have many more feasible ideas. In my extensive travels round Britain I have seen many examples of innovative attractions, often in towns which have far less to boast about than Perth.

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From: herbert booth [REDACTED]
Sent: 30 September 2011 20:39
To: Johnston L (Leigh)
Subject: Perth City Hall
Dear Ms Johnston

Your namesake, dear old Dr Johnson, castigated himself in one of his prayers for his 'vascillation and vagrancy of mind'. This may well be applied to explain, in part, the literally unbelievable intent of Perth council to demolish Perth City Hall. I am being charitable though. This is such an appalling turn of events for so many reasons - emotional, heritage, business, financial, etc, that it would take me a book to express myself fully. To spare you this, I simply implore Scottish Heritage to oppose any such heritage crime. Could the building be upgraded to a category 'A'? It is arguably the finest secular building in Perth (not a lot of competition at any rate!) and must be saved for future generations to use and enjoy. If Scottish Heritage does not come down on Perth council like a ton of bricks over this, I question what it is in operation for.

Please, please - a bit of common sense protection of our unique heritage.

Robert Booth
[REDACTED]

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[REDACTED]

From: herbert booth [REDACTED]
Sent: 27 June 2011 14:07
To: hs.inspectorate (external)
Subject: Perth City Hall demolition

Dear Sir/Madam

I am a resident of Perth, and I am writing to say how appalled I am at the proposed demolition of Perth City Halls. This would be vandalism on a great scale. Perth council is notorious for its lack of dynamism and for its ineptitude - the current mess with regard to the planning mistakes made re the proposed incinerator plant in the middle of Perth is an example - and I do not think that enough effort has been made by the council to reuse this fine old historic building.

I personally wrote to the Provost a year or two ago, with ideas for reuse, and was told that it was up to developers and/or interested parties to come up with a viable plan for the building. This left me wondering what all these highly paid people in the council are paid for if they could not be more proactive and find a use for the building. I was told that the building needed about £7 million pounds spent on it to bring it up to standard. And yet, I now see millions of pounds being spent on new pavements and roads in Perth which seem unnecessary. It will cost about £3 million we are told to demolish the building and make a new square. This new square (which of course is illustrated by a drawing showing a bright blue sky and lots of happy children playing, not the more usual windswept rainy area that it would be), would not act as an economic benefit to Perth. Nobody is going to say 'Lets go to Perth, it has a square!' The farmers market is perfectly OK where it is now. The idea of concerts is also a no no, as this would cause endless noise problems for residents.

I wonder if you would advise me as to what I can do to protest about this? What is Historic Scotland's view? Does it have a view? If it does not oppose demolition of this historic building, which is to be done on accountancy grounds alone it seems to me, then what is the point of Historic Scotland?

Perth council is trying to make out that the people of Perth want this building demolished. I do not think that this is correct. In any case, I lived through enough demolition in Glasgow decades ago, to know that people often do not value their heritage until it disappears. Is this demolition a done deal, or can it be stopped?

Regards

Robert Booth

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From: Charles Wardrop [REDACTED]
Sent: 12 October 2011 09:01
To: Johnston L (Leigh)
Subject: Fwd: Save and adapt Perth City Hall, or accept a diminution of the Fair City.

Follow Up Flag: Follow up
Due By: 13 October 2011 00:00
Flag Status: Red

Having not received you reply, I'm forwarding this message in case it went unnoticed. What P&K Council address do you recommend for my representations to be made? Thanks, Isabel & Charles Wardrop.

Begin forwarded message:

From: Charles Wardrop <[REDACTED]>
Date: 2 October 2011 05:24:18 GMT+01:00
To: Leigh.Johnston@scotland.gsi.gov.uk
Subject: Save and adapt Perth City Hall, or accept a diminution of the Fair City.

Dear Leigh Johnston,

Mr Barry Pringle has given us your name as appropriate to whom pleas for the retention of Perth City Hall may be submitted.

On 27 September, we had a letter published in ""Perthshire Advertiser" stating our reasons for our wish to see this handsome building retained and adapted for modern applications to help the people of the City and County.

Briefly, we suggested that the outside walls should be retained so as to re- house the Tourist Info Centre, at present out of the way, supplemented by an expanded Info Centre giving details of current and future functions and events in the County and City for visitors and locals. Space left over could be developed for residential use, perhaps by local builders, as so successfully realised in Rosslyn House and the King James Hospital in the Fair City.

The surrounding areas outside the building should be used, as at present, for farmers' markets and trade shows and the like, in increased frequency over the present monthly events.

Basically, we deplore the proposed demolition of a fine building quite capable of developments to enhance tourism and other activities in the Fair City and the County.

The proposed piazza development would be an almost meaningless, shabby imposition, attracting ne'erdoeweels and litterers, but without useful or decorative benefits to visitors or locals.

Piazzas need a warmer climate, as predicted for the future, but showing no signs of reality yet !

We have never seen a demolished, previously intact old building replaced by a preferable modern replacement, and the proposed piazza would be fairly useless as well as visually unappealing, in short, a diminution of the Fair City.

We hope you and your colleagues in Historic Scotland will agree and be able to prevent the senseless loss of a historic building well capable of adaptation to modern uses, for the benefit of visitors and locals alike.

Yours Sincerely,

Isabel and Charles Wardrop, [Redacted]

[Redacted]

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[Redacted]