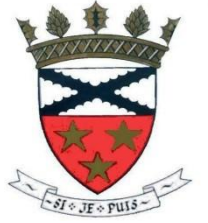


Helensburgh Waterfront

Public Meeting on Section 104 Consultation

13th October 2026



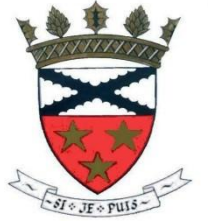


Why are we here?

To ensure the community is informed and engaged



Agenda



- Apologies
- Helensburgh Waterfront
 - A very quick history: 1838 to 2026
- Review of consultation outcome
- Common Good
- Concerns on the Council Officer Report
- Next steps
- Q&A

Waterfront Site



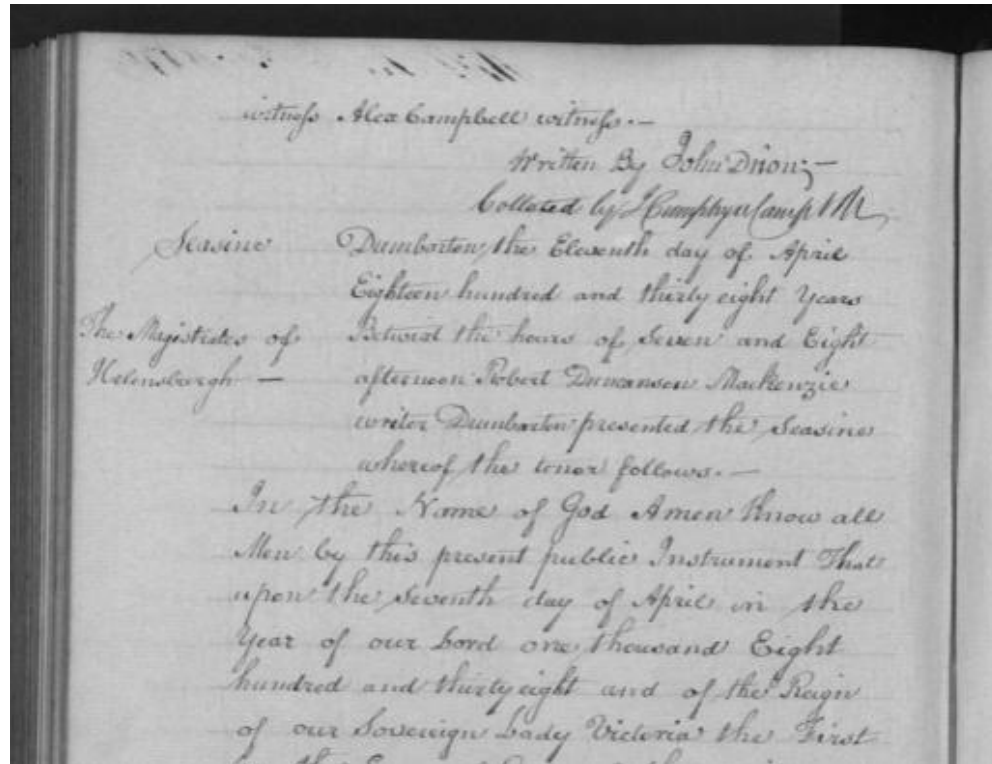
The site under consideration for disposal: 1.38 acres of Common Good land

Helensburgh Waterfront

Quick recap: 1838 to 2026

A site repeatedly protected from inappropriate development

Waterfront is Common Good: 1838 Sasine



...the said Sir James Colquhoun... disposed to and in favor of the said ...present councillors of the said Burgh of Barony of Helensburgh... **without the power of Alienation** In the first place All and whole that piece of ground part of the Lands and Barony of Milligs lying upon the south side of the turnpike road...

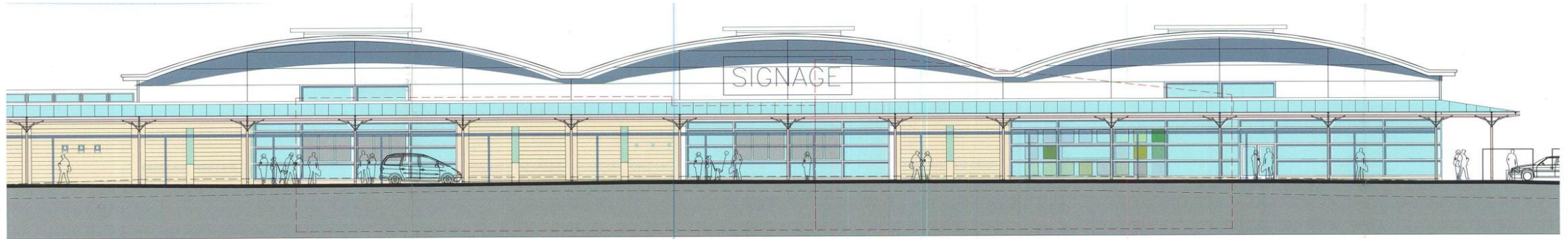
1993: Co-operative application - rejected

1993

- 2700sqm supermarket with car parking
- Infill to seaward of Tower Place
- Refused by West Dunbartonshire Council
 - “The proposal would be visually detrimental to the seafront at Helensburgh in that it would represent a development of the town centre out into the Firth of Clyde, thereby reducing the open aspect of the town from Clyde Street”
- Refused on Appeal by the Scottish Reporter due to visual impact
 - “...the impact on visual amenity and the loss of residential amenity would result in demonstrable harm to interests of acknowledged importance”

2000: Safeway application - rejected

2000



- Demolition of the 1970s swimming pool
- 4600sqm supermarket on the pierhead
- New pool/sports hall where the Scout Hall was beside the HLCC site
- Car parking on infill outside Tower Place
- **Approved** by Argyll and Bute Council
- Refused when called-in by the Scottish Reporter due to scale
 - “I find that the scale, proportions, form, design and materials of the proposed supermarket building are not in accord with aspects of SSP95 policy”

2000: Safeway application (continued)

- The Co-operative objected to this supermarket proposal the pierhead site, saying:
 - “In short there is no requirement for a supermarket of the size proposed in Helensburgh, and even if there was, the pierhead is not a suitable site.”
 - “There is no justification for a store the size proposed as in qualitative terms the store would increase the level of large floorspace convenient retailing to the detriment of other shopping floorspace in Helensburgh and the vitality and viability of the town centre as a whole.”
 - “The pierhead proposals conflict with other important policy objectives in terms of impact on tourism and realising tourism potential, loss of environmental quality, coastal quality, and effect on local amenity.”
 - “At present shoppers using the pierhead car park have to cross West Clyde Street to access the town centre. If the proposals are implemented, then shoppers would be able to park and shop on the same side of the road, thereby reducing the incentive to visit other outlets in the town centre. That disincentive would be compounded by the net reduction in town centre parking provision.”

2000

2004 “Yellow Book” report



- Commissioned by A&BC from Willie Miller Architects
- Commented on the Reporter’s rejection of the 2000 plan:

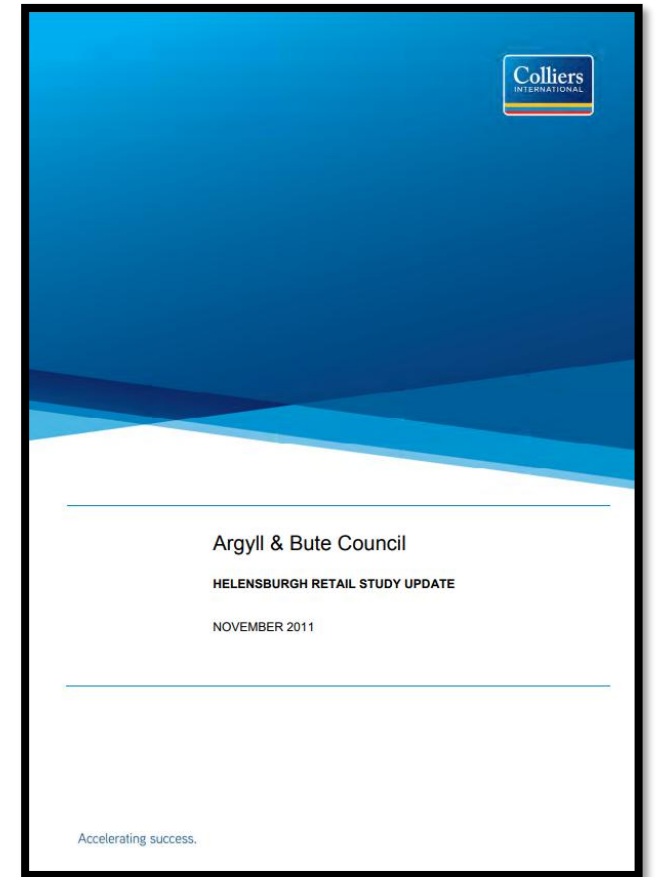
2004

*“Against this backdrop it is perhaps not surprising that the development of a **superstore** on this site appeared to some an attractive option. In fact, there could be no more eloquent testimony to the collapse of confidence and poverty of aspirations. The rejection of these proposals by a Scottish Executive Reporter should be seen as a **turning point** in the fortunes of the town centre. It saved Helensburgh from a blow from which it would have been hard to recover, and created an opportunity to recover a distinctive **sense of place**.”*

2007: Colliers retail study

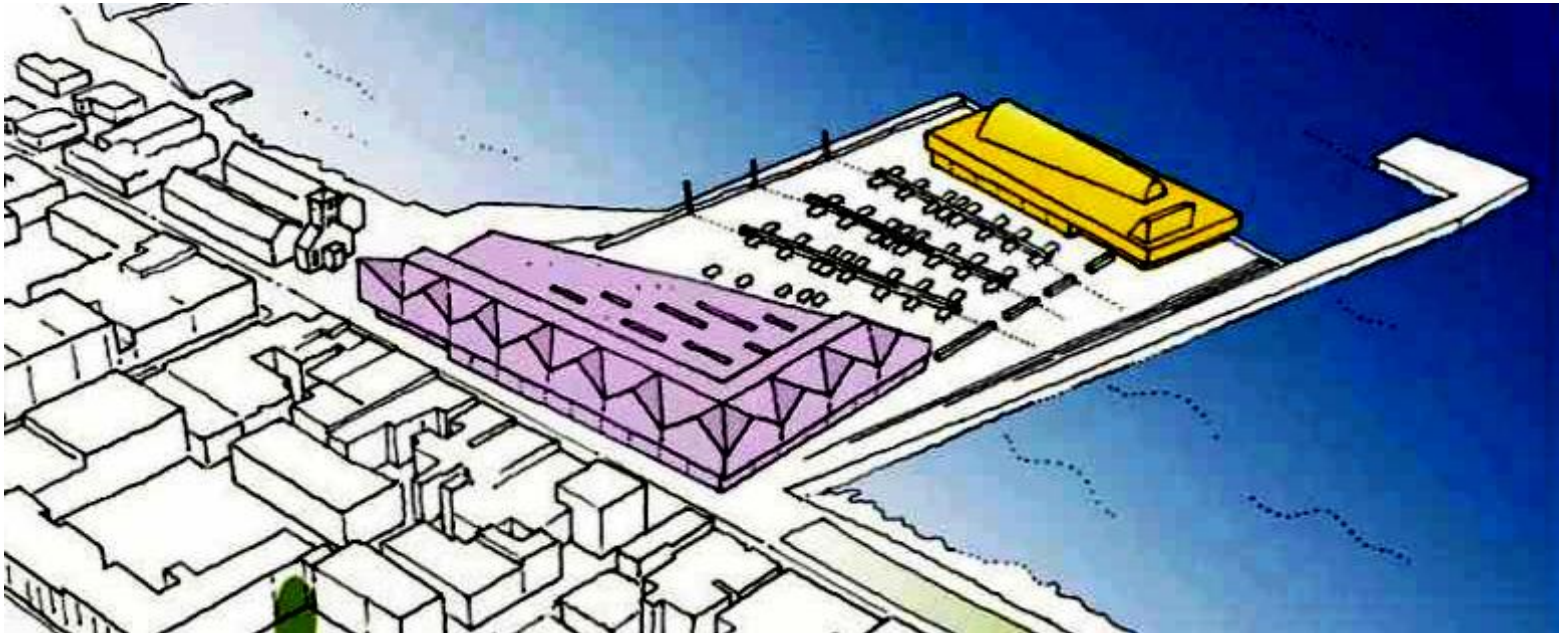
- A&BC commissioned Colliers to review Helensburgh retail provision
- Telephone survey undertaken in May 2007
 - Long before:
 - The dominance of internet shopping
 - Co-ops in Cardross and Rosneath
 - Asda, B&M, Halfords and Lidl in Dumbarton
 - Aldi in Alexandria
 - Tesco, Next and M&S in Port Glasgow
 - One question asked whether people shopped at Somerfields in Dumbarton

2007



2011: Site attracts interest; Draft masterplan

- Sainsburys, Asda and Waitrose expressed interest in the pierhead
- A&BC consulted widely on a draft masterplan with a supermarket:



2011

- 1200 people responded and **55% rejected** this masterplan

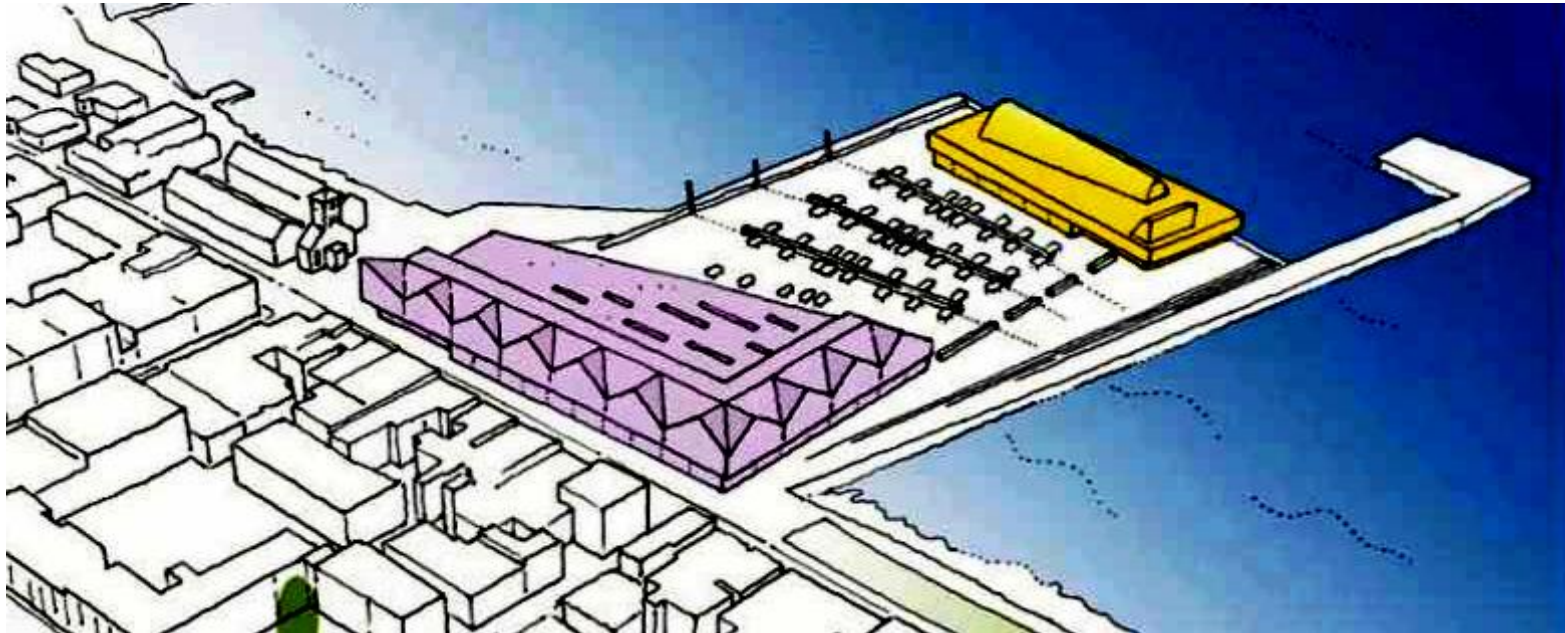
2012: Revised masterplan; Waitrose approved

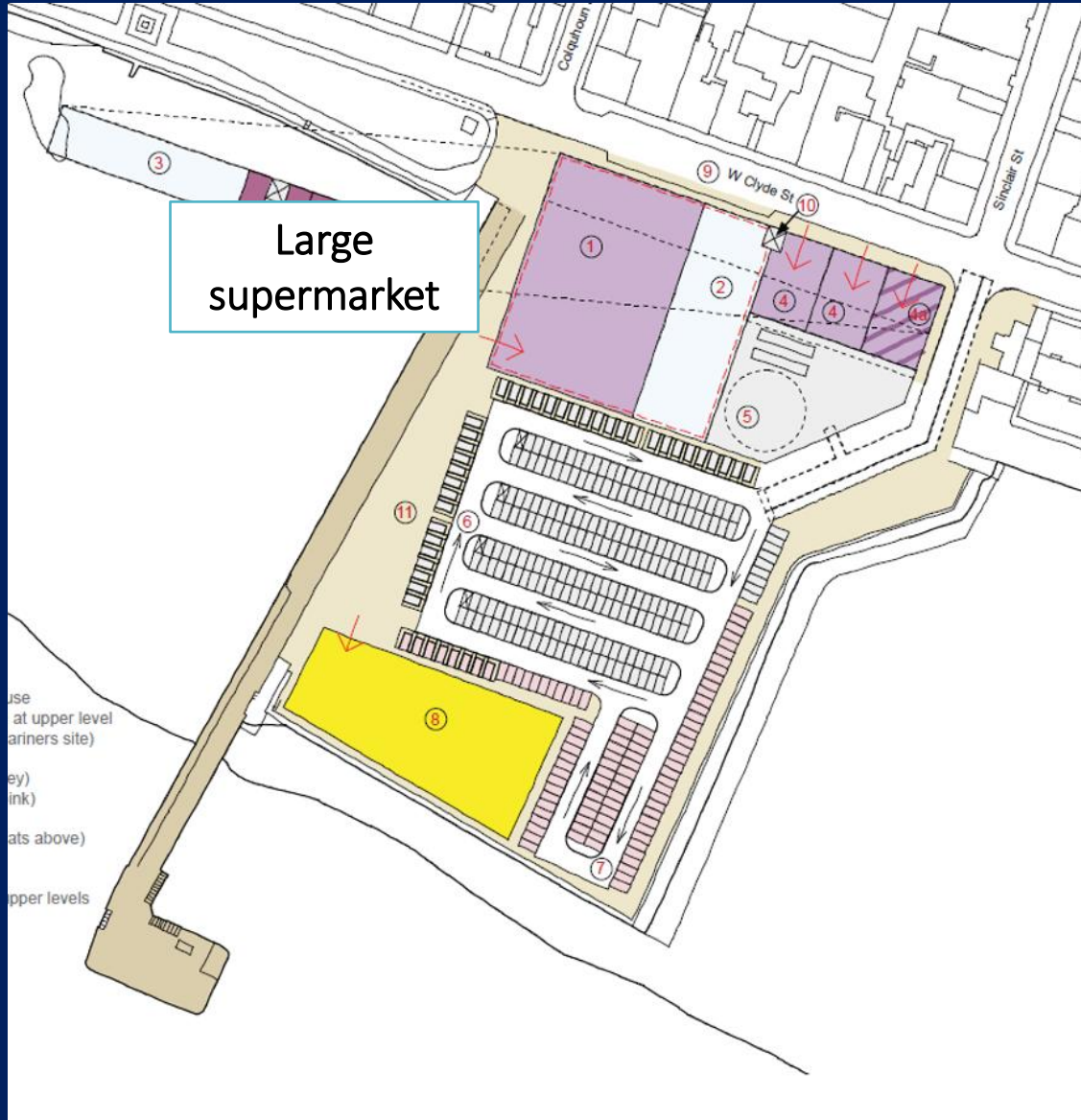
- A&BC revised their masterplan to remove the supermarket
 - *“with regard to the Pierhead this substantially reduced the scale and massing of the proposed retail units with the proposal for a larger scale supermarket being deleted from the Master Plan”*
 - 4 medium-size retail units instead
 - The largest being 1,140sqm
- Before this was consulted on, Waitrose at Colgrain was approved
 - A&BC recommended approval only because the pierhead was **not** an acceptable site
 - “the Pierhead site [can be] discounted as a suitable site for a retail food store of the size proposed”

2012 Masterplan approved

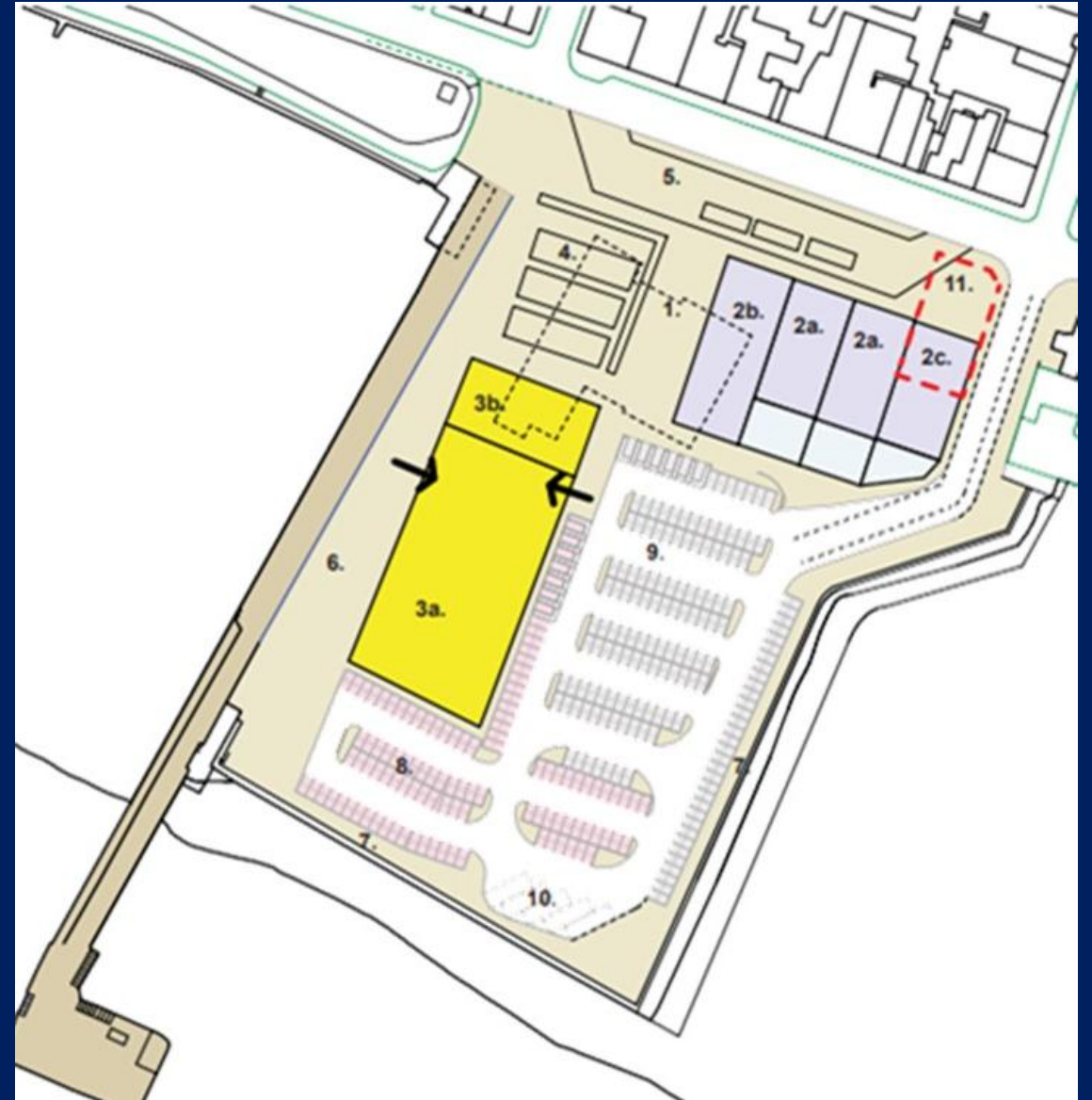
- The new Masterplan was put out for consultation in September 2012
- Just 29 responses were received over 4 weeks
 - **“the general sentiment of submitted forms has been positive”**
 - **“That said, a number of people remain against the idea of any new retail units on the Pierhead”**
 - No quantification of responses
- HCC “expressed concern that the consultation was insufficient to adequately understand local people’s views”

Recall the 2011 draft masterplan with a supermarket:





2011 Draft (rejected) Masterplan



2012 Approved Masterplan

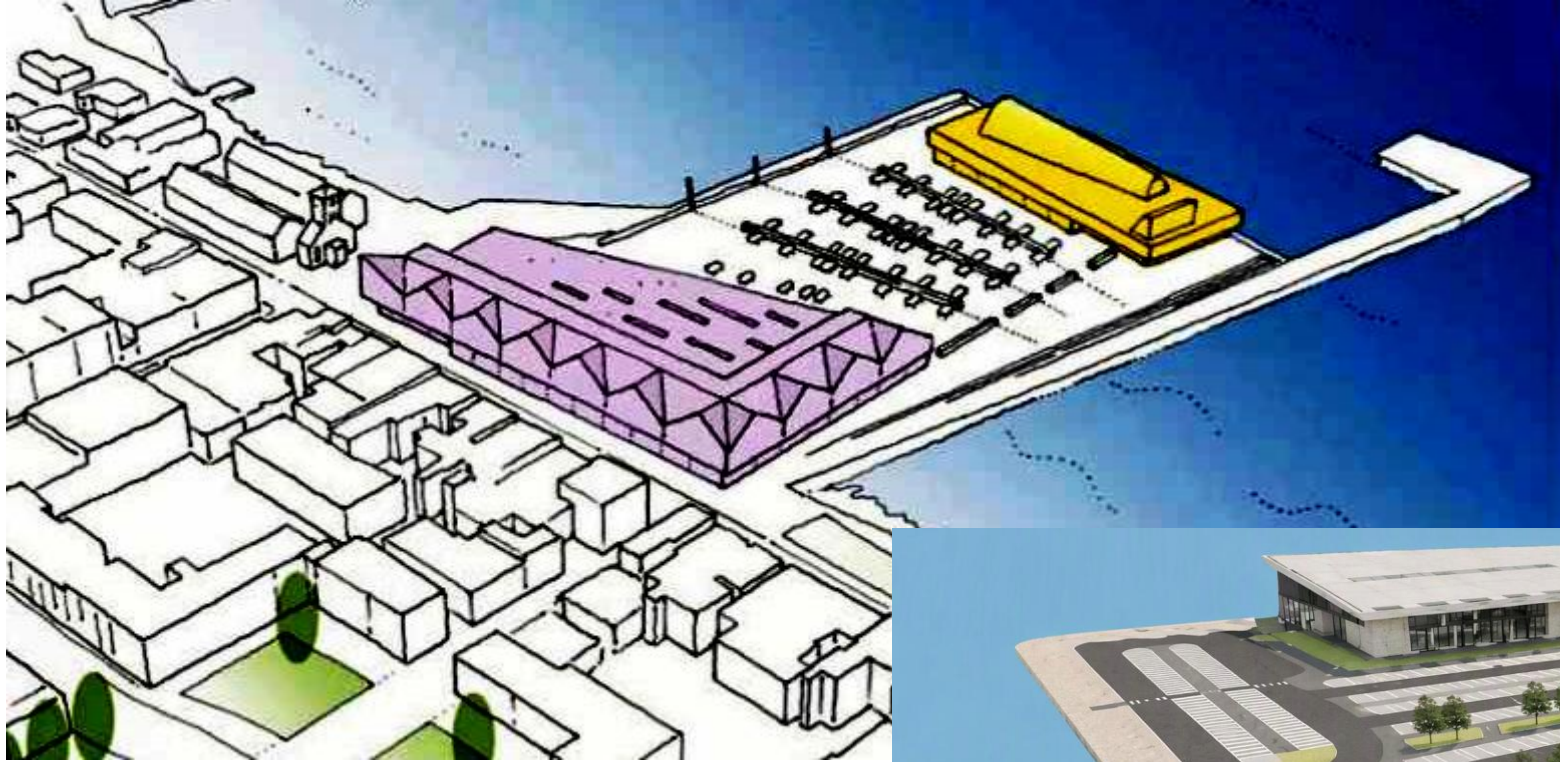
2017-2022: Leisure Centre planning & build



2017-2022

2023-4: Waterfront site bid process

- 2023
 - May: A&BC requested Expressions of Interest
 - June: Public consultation over 1 week – 83 people consulted
 - September: A&BC shortlisted 7 bids
 - December: HCC, and others, provided bids
 - HCC community-centric bid – skatepark, leisure space & bouldering/water play area
- 2024
 - January: Colliers retail study “updated” but using 2007 data
 - March: 2 bids shortlisted
 - August: P&R Committee authorizes officers to arrange Heads of Terms with Forrest Developments Ltd for a supermarket development
 - October: HCC raises Judicial Review about the process



A&BC 2024 Marketing

Rejected 2011 Masterplan



2025-6: Waterfront site bid process

- 2025
 - November: Lord Ericht's judgement dismisses HCC petition, treating it as a commercial transaction. Explicitly:
 - "It is not a situation where the exercise of the right to dispose of the land would deprive persons of an existing right or benefit, such as the disposal of land held for an educational purpose (*Barnet London Borough Council*), or **the disposal of common good land** (*Grahame v (Magistrates of Kirkcaldy* [1882] 9 R (HL) 91). It is a commercial transaction with which the council as seller is concerned in essentially the same way as a commercial body who is the seller of land"
- 2026
 - June: P&R Committee is advised that the land **is Common Good**
 - 6-week Section 104 consultation; 3,430 responses
 - **15th October:** P&R Committee to consider Officer Report recommendation to dispose of the Common Good land

Why does this history matter?

- The site has been a target for supermarket acquisition for years
 - Co-operative, Safeway, Waitrose/Asda/Sainsburys, Co-operative
- The Approved Masterplan does not include a supermarket on this site
- The 2024 Helensburgh Retail Study still relies on 2007 survey data
- The community has repeatedly repelled these attempts due to:
 - The visual impact
 - The commercial impact on our existing retailers
 - It is Common Good land
 - It should be community land for the benefit of the community

Review of consultation outcome

The Helensburgh waterfront consultation

Two simple questions

- 1. Were we consulted?**
- 2. Were we listened to?**

QUESTION 1

Were we consulted?

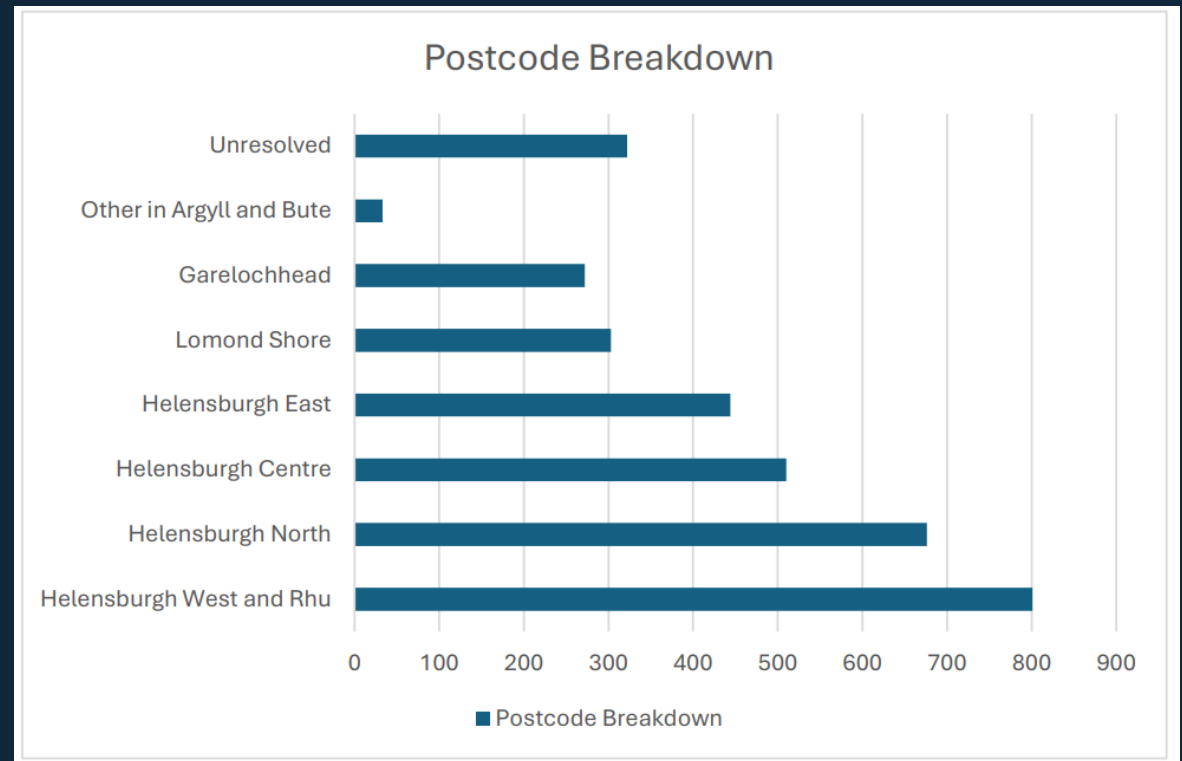
Yes.

3,430

of us answered.

THE COUNCIL AGREES

“A significant level of community engagement.”



THE COUNCIL'S OWN COUNT

94.8%

opposed the sale.

That's about 3,250 people.

94.8% as published in the Council Officer report for the Policy & Resources meeting.

LET'S LOOK CLOSER

What did we say?

9 in 10

No supermarket.

7 in 10

**Don't sell it. It's
Common Good
land.**

3 in 4

**Keep it for the
community.**

1 in 3

**Make it a place
people come to.**

HCC's analysis. How many people chose to raise each point, across all 3,430 responses. Most raised more than one.

QUESTION 2

Were we listened to?

THEME 1 OF 4

“No supermarket.”

9 in 10

of us said this

THE REPORT SAYS

Our worries are just “speculation”.

And a retail study has already dealt with them.

LISTENED TO? **No.** Our worries were called guesses, and answered with a study done before we were asked.

THEME 1 · THE RETAIL STUDY

So what does the Colliers retail study actually say?

What it is	A 2024 report for the Council: can the town support more shops?
What it found	Room for one more supermarket if footfall increases.
What's planned	Moving the Co-op. Not one more.
The site	1.38 acres. Aldi and Lidl want 1.5 or more.
Its shopping data	From a survey done in 2007.

But nobody told us:

Which shop?

How big is the shop?

What happens to the old Co-op?

What does the town actually get, after costs?

“Views are invited at this stage on the proposal generally. Views on detailed designs when they are confirmed would be invited at a later stage.”

Argyll and Bute Council, launching the consultation, June 2026

A&BC asked for general views. Then called them speculation.

THEME 2 OF 4

“Don't sell it. It's Common Good land.”

7 in 10

of us said this

THE REPORT SAYS

It's not protected from sale.

It doesn't provide evidence for this.

The money can go towards the leisure centre.

LISTENED TO? No. They've decided it can be sold, without showing why. Only where the money goes is still open.

If it is sold, it stops being Common Good land.

All that's left is the money.

Scottish Government guidance: sale proceeds “become a common good income fund”.

The report: a “contribution” to a leisure centre that's already built.

THEME 3 OF 4

“Keep it for the community.”

3 in 4

of us said this. 1 in 3 said: green space, skatepark, play, events.

THE REPORT SAYS

Yes, there's “significant support” for open space.

But it's sticking with what was decided in 2023.

LISTENED TO? **No.** They agree lots of us want it. Then they stick with the old decision.

THEME 4 OF 4

“Make it a place people come to.”

1 in 3

of us talked about the views, visitors and the pier

THE REPORT SAYS

The views: not mentioned.

Visitors and tourism: not mentioned.

The pier can work without this site.

LISTENED TO? **No answer.**

Most of this isn't mentioned at all.

THE PATTERN

Every objection gets a “however”.

The result

Responses “largely oppose” the sale. “**However**, the proposal still represents a viable and deliverable final phase.”

Shops

Residents “speculate”. “**Notwithstanding** this...”

Green space

“Significant support”. But the earlier assessment “**remains relevant**”.

Retail capacity

Concerns “**have been addressed**” in a study written before we were asked.

2023

“No clear consensus.”

2026

94.8% opposed.

The deal

Same buyer. Same price.

Advice

Unchanged.

And the process itself?

The buyer was chosen before the land was recognised as Common Good.

Six weeks to respond, when the guidance says eight.

The site still isn't on the Common Good register.

So, were we listened to?

No.

A&BC called it a significant response.
They agreed almost all of us said no.
But the recommendation remains to sell.

Helensburgh Common Good

Protecting Our Burgh's Assets

What is Common Good?

Historic burgh property held for community benefit

Historic ownership

Land, buildings, civic gifts
and funds of the former burgh

Community benefit

Administration for the benefit
of the burgh's inhabitants

Why the Waterfront is Common Good

Sasine titles

The 1838 Sasine records acquisition by Helensburgh Town Council.

Burgh minute books

The minutes record ownership of the quay in 1836.

Council recognition

Argyll & Bute Council recognises the site as Common Good.

The Law Protecting Common Good

1491

Common Good Act

Historic legal protection
for Common Good

1973 & 1994

Local Government (Scotland) Acts

Rules on disposal
and court approval

2015

Community Empowerment Act

Register, consultation
and Ministerial guidance

Council's Legal Duties

Register

Establish a public record of assets

Fund

Maintain a ring-fenced fund

Consultation

Consult residents and consider their views

“There are no current proposals to establish a common good fund.”

Council statement, 31 July 2026

Court approval for disposal where required

Helensburgh's Common Good Assets

Preliminary list of assets

Waterfront, parks and recreation grounds

Waterfront and Pier
Kidston Park
James Street Gardens
East King Street Park
Kirkmichael Recreation Ground
Skating Pond
Promenade
Railway Goods Yard car park
Helensburgh Lawn Tennis Club

Public buildings and civic gifts

Victoria Halls
Library
Municipal Buildings
War Memorial
Civic regalia and artworks
Anderson Trust Collection
Reservoirs
Old Parish Church
Victoria Infirmary
Centenary Cross
Henry Bell Monument
Comet Flywheel and Henry Bell's Anvil
Bust of JLB

What Has Already Been Lost

Municipal Buildings sold

No visible Common Good accounting

Victoria Halls and Library may be considered under threat

A register and fund will make asset decisions easier to scrutinise.

What Must Happen Now

01 Register

Publish a complete public record of Common Good assets.

02 Fund

Create a ring-fenced Common Good fund.

03 Transparency

Publish all income and expenditure.

04 Community voice

Follow statutory guidance and engage openly with residents.

Issues with P&R officer report

The Helensburgh waterfront consultation

Issues raised by HCC about the Officer Report

1. Misrepresentation of consultation outcome
2. Common Good status mischaracterised
3. Predetermination concerns
4. Misrepresentation of the JR outcome
5. No Analysis of Duty
6. Misleading Financial Assertions
7. Financial implications re historic CG revenue
8. Children's Rights and Wellbeing
9. Misrepresentation of Retail Impact
10. Masterplan presented as binding & consistent

1. Misrepresentation of consultation outcome

94.8% does not
equal “largely
oppose”

No analysis of
the reasons for
opposition

2. Common Good status mischaracterised

- **“It is considered that the site does not require the consent of the Court...it being considered to now have the character of CG, but of the **alienable** type.”**
- Report contains:
 - No title analysis
 - No legal opinion
 - No timeline of historical usage

3. Predetermination concerns

- Disposal and the proposed development is assumed to be appropriate
- Report uses phrases such as:
 - “final phase” of the Masterplan
 - The proposal will “support the town centre”

4. Misrepresentation of the JR outcome

- **“The Court of session found in the Council’s favour...confirming that the Council had robust processes”**
- But the JR did not consider:
 - Common Good status
 - Section 104 consultation duties
 - Fiduciary obligations
 - Disposal tests under the Common Good Act
- Lord Erich’s judgement explicitly stated that the land was not Common Good, and that this was a material factor in his decision that it was a commercial transaction

5. No Analysis of Fiduciary Duty

- Existing case law says the Council must act “**in the best interests of the inhabitants of the former Burgh**”
- The report:
 - Focuses almost entirely on the financial benefit of selling the land
 - No analysis of how selling the land aligns with those interests
 - How ignoring 94.8% satisfies fiduciary obligations

6. Misleading Financial Assertions

- **“Potential capital receipt of up to £1.3M...subject to deduction of abnormal costs”** with no quantification
- **“The Council has historically proceeded on the basis that a capital receipt would be received as a ‘contribution’ to the cost of the new Leisure Centre...”**
- But
 - “Historical” practice is not a lawful justification
 - Either:
 - The leisure centre is a Council asset. CG capital cannot be used to subsidise statutory services or Council capital projects
 - If it is used, then the leisure centre is partly CG. In which case revenue partially - > CG fund
 - or
 - It is a CG asset because it is built on CG land. In which case revenue -> CG fund

7. Financial implications re historic CG revenue

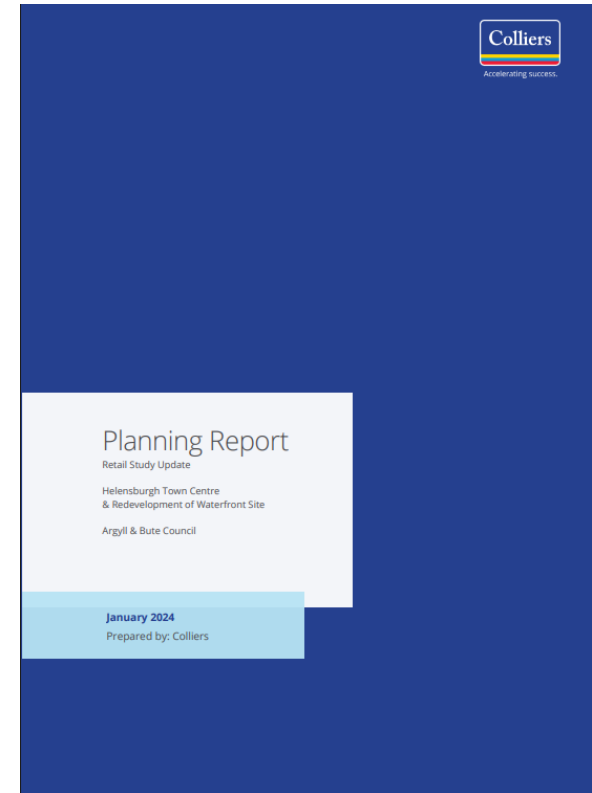
- Parking and event hire on the waterfront are CG revenue
- Community Empowerment Act 2015 must be applied
- But the report has no mention of:
 - How much historic revenue
 - Financial implications for Council budgets
 - Disposal would require:
 - Creation of a CG capital account
 - Transfer of historic revenue
 - Publication of accounts

8. Children's Rights and Wellbeing

- **“The previous community engagement process included the views of local schools and officers have also engaged with the skatepark group to achieve the best outcome.”**
- But
 - Engagement must involve children directly
 - Skatepark group's position not accurately represented:
 - They consistently wanted a larger site
 - The supermarket footprint prevents that
 - Their preferences have not been included.
 - Cove Park's film-making programme this summer demonstrated young participants' objection to a supermarket
 - No consideration of the impact of not providing additional leisure space

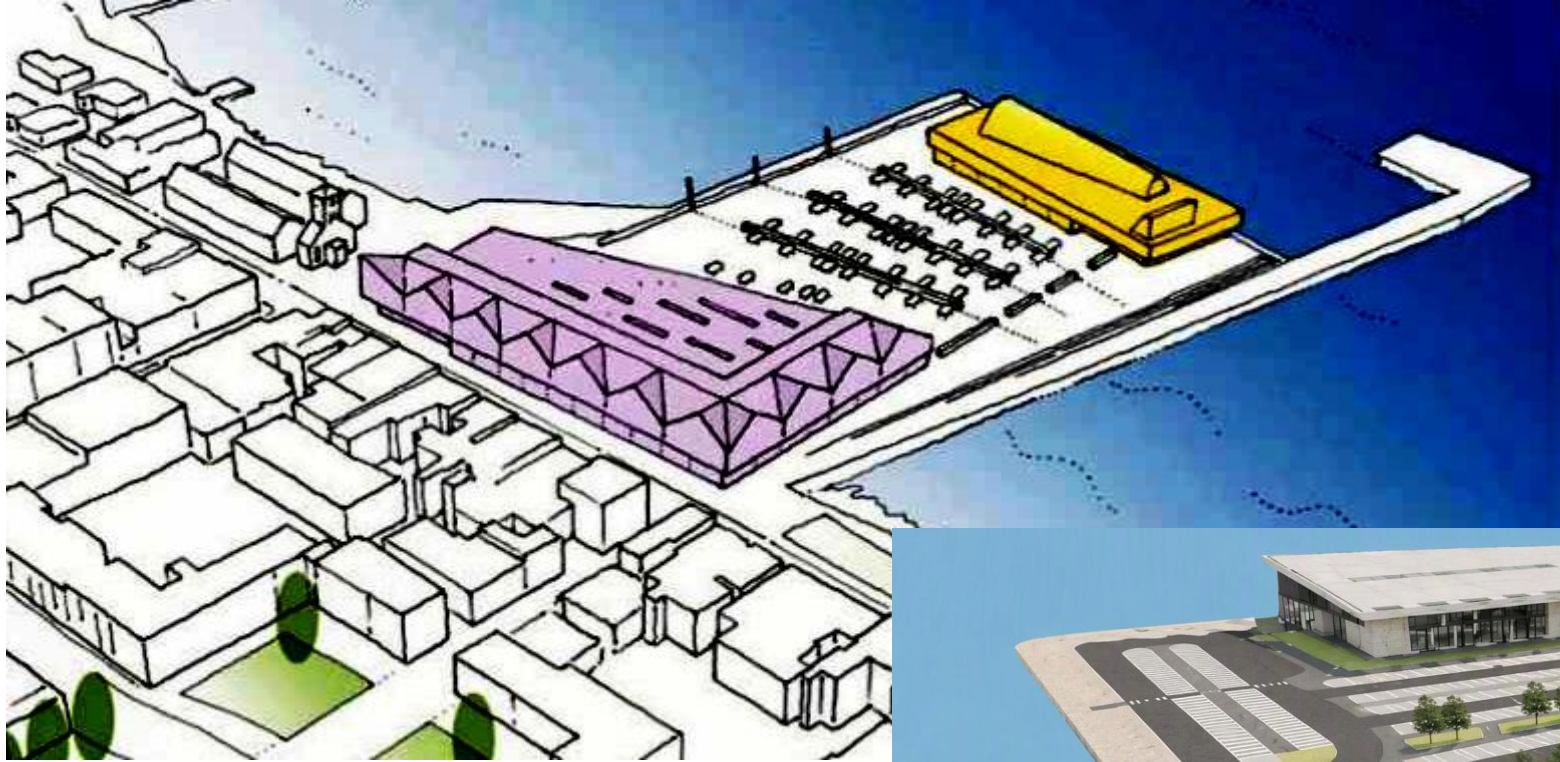
9. Misrepresentation of Retail Impact

- Colliers retail study (2024)
 - Relied on out of date (2007) data
 - Significantly underestimated existing floorspace
- Our analysis showed that the town was already *over-capacity*
- Colliers own (2012) analysis, regarding Waitrose, concluded:
 - **“There is insufficient convenience goods expenditure capacity in Helensburgh to support two new main food stores in the town”**
- Report asserts that it will “support the town centre”
 - No evidence provided for this



10. Masterplan presented as binding & consistent

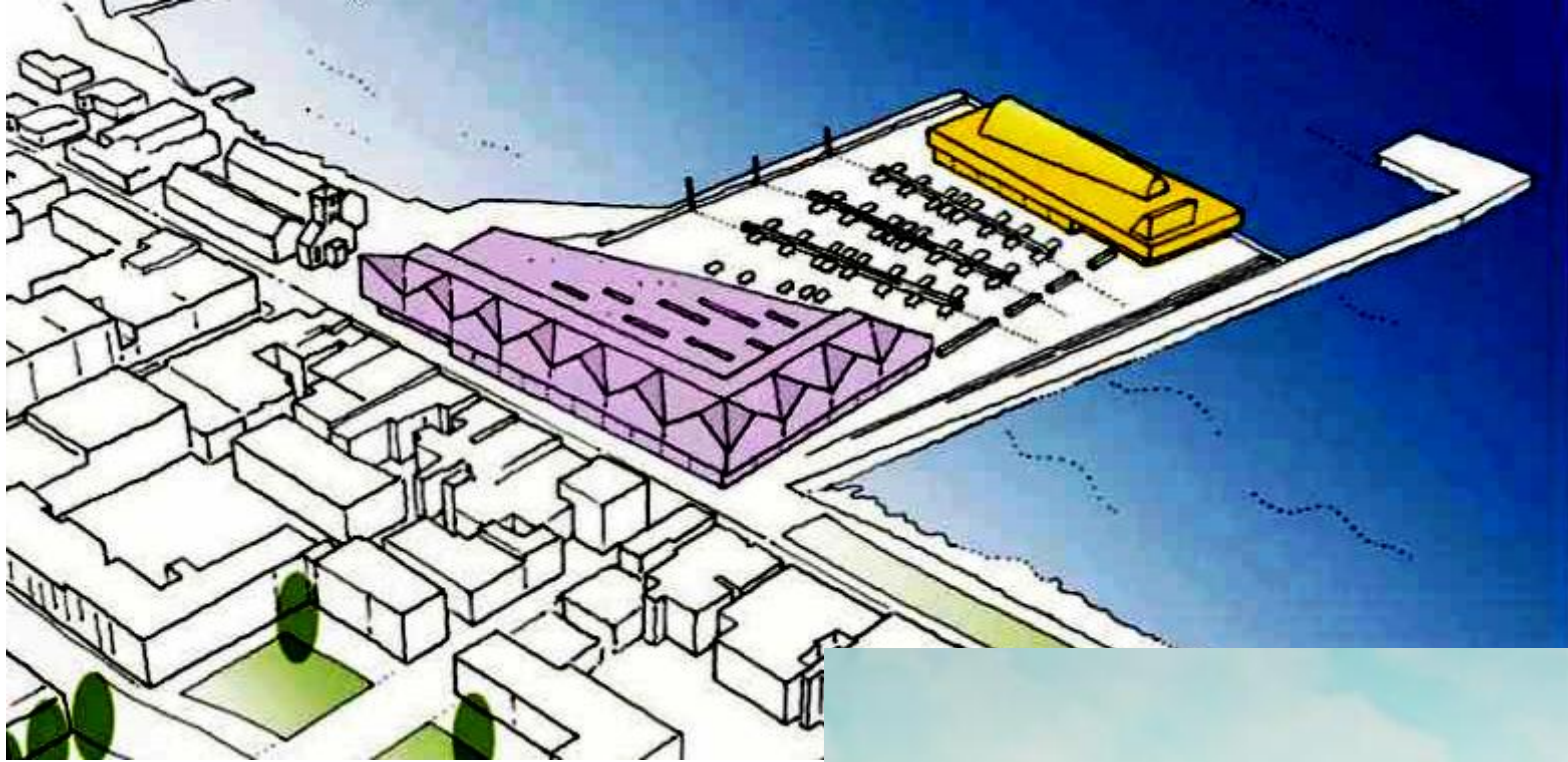
- But the 2012 Masterplan **removed** the supermarket
- **“The proposed mixed-use development was developed following extensive community consultation and supported by Helensburgh Community Council at that time.”**
- Wrong.
 - Only 29 people responded to the 2012 Masterplan consultation
 - HCC supported the leisure centre, public realm and waterfront improvements
 - Not a supermarket
- Common Good duties supersede all policy documents



A&BC 2024 Marketing

Rejected 2011 Masterplan





Proposed supermarket

Rejected 2011 Masterplan



Next steps

The Helensburgh waterfront consultation

What can you do?

1. Raise a Complaint with Argyll and Bute Council
 - https://argyllandbute.custhelp.com/app/LAP_Forms/LAP_Complaints
 - Using the category “Development and Infrastructure Services”
2. Attend the Policy & Resources meeting on Thursday
<https://www.argyll-bute.gov.uk/moderngov/ieListDocuments.aspx?CId=544&MId=17072>
3. Email your Councillor



Q&A

