

The Herald

Old land law may thwart nightclub in the Botanics

Trusts established by Robert the Bruce and confusion over issues of land ownership could thwart plans for a bar and nightclub within Glasgow's Botanic Gardens.

Glasgow City Council now believes parts of the plot designated for the controversial scheme fall within "common good land", while other subterranean sections may not be the authority's to give away.

Senior figures within the authority have told The Herald that even if the developer does not throw in the towel, resolution of the issues could delay it by at least two years.

A threat of legal action by campaigners against the project could hold that timescale up further still.

The council has now also confirmed in writing to leisure chain G1 Group, the firm behind the proposals, that a 99-year lease is no longer an option and that profit-sharing must be on the table. The letter was due to arrive with G1's head Stefan King yesterday.

The latest developments follow a campaign of some internal Labour pressure from MPs and MSPs on the ruling council administration to bin the project. Kelvin MSP Pauline McNeill has cajoled party colleague George Ryan, head of development and regeneration at the council, claiming the 99-year lease is "entirely inappropriate" and "makes no financial sense", as well as raising the complex issue of common good land and ownership of the air space in the underground rail tracks.

Last night Mr Ryan, who has already issued a "take it or leave it" ultimatum to Mr King over the lease, said that after closer examination council officials informed him they now believed some of the plot was, indeed, common good land.

He said: "Officials informed us late last week of the latest developments. The air space under ground isn't ours to give away and parts of the development would fall foul of common good law. If it's all looking too messy and costly there's still the option for G1 to walk away."

Ann McKechnie, whose Glasgow North Westminster constituency includes the Botanic Gardens, said: "This is an opportunity for a major re-think. I've no doubt there's support for an appropriate visitor facility and if the council was to reconsider the proposal in line with residents' views it could get a lot of support.

"But the current proposal is ill-judged."

Introduced by Robert The Bruce, common good law established tracts of land and funds to be held in trust by authorities for the good of the people. Save Our Botanics campaigners have argued from day one that they believed a 19th-century act of parliament ensured that the Botanic Gardens, while looked after by city authorities, should be retained entirely as a botanic garden.

Although local authorities across Scotland generally have a single common good pot, Glasgow's is notoriously complex and fragmented and it may well have taken several months to establish the exact status of the particular area within the Botanics.

12:01am Tuesday 20th November 2007

By GERRY BRAIDEN

[Back](#)