

## **EAST AYRSHIRE COUNCIL**

### **DEVELOPMENT SERVICES COMMITTEE - 23 OCTOBER 2001**

#### **PROPOSED DISPOSAL OF LAND TO THE REAR OF 57C MAIN STREET, AUCHINLECK AND ACQUISITION OF LAND AT CRATHIE ROAD, KILMARNOCK**

##### **Report by Director of Development Services**

## **1 PURPOSE OF REPORT**

- 1.1** To invite Committee to declare surplus to requirements land at the rear of 57C Main Street, Auchinleck for disposal to Vycon Products Limited and to approve the acquisition of land at Crathie Road, Kilmarnock from Custom Multimedia Packaging Limited.

## **2 BACKGROUND**

- 2.1** Vycon Products Limited, who are located at 57C Main Street, Auchinleck, have expressed an interest in acquiring an area of land within Council ownership which is situated at the rear of their premises.
- 2.2** The land which the company wishes to acquire extends to approximately 29 square metres and is identified on the plan annexed. The company proposes to use this land for car parking.
- 2.3** Custom Multimedia Packaging Limited, formerly known as Vycon Plastics Limited, who are located at Units 1 and 2 Western Road, Kilmarnock, have granted permission to allow the Council to enter upon land owned by this company at the rear of Crathie Road, Kilmarnock, for the purpose of widening an existing public footpath and creating a cycle path.
- 2.4** The land occupied by the Council extends to approximately 25 square metres and is identified on the plan annexed.
- 2.5** The cycle path forms part of the National Cycle Route 73, Irvine – Kilmarnock, and is part of the Kilmarnock Urban Section connecting Western Road to Balmoral Road.
- 2.6** Custom Multimedia Packaging Limited have written to the Council requesting that the Council enter into an Excambion Agreement whereby ownership of the land at Crathie Road, Kilmarnock will be transferred to the Council in exchange for the Council disposing of the land at the rear of 57C Main Street, Auchinleck to their associate company, Vycon Products Limited.

### **3 PRESENT POSITION**

- 3.1 The land owned by the Council at the rear of 57C Main Street, Auchinleck, is currently a grassed open area located on the periphery of the Barony Road Industrial Estate and the disposal of this land would have no affect on the remainder of the estate. The land is held under the Development Services portfolio and accordingly any decision to declare the land surplus to requirements lies with this Committee.
- 3.2 The acquisition/excambion involving the land at Crathie Road, Kilmarnock will enable the Council to take title to the land which now forms part of the cycle route at no cost to the Council. The land acquired would be held under the Development Services portfolio.
- 3.3 Vycon Products Limited and Custom Multimedia Packaging Limited are associated companies owned by the same holding company.
- 3.4 The Managing Director of Vycon Products Limited has expressed an interest in entering into an Excambion Agreement.

### **4 FINANCIAL IMPLICATIONS**

- 4.1 The proposed Excambion Agreement will involve no net cost to the Council.
- 4.2 Legal costs and outlays will be met within operational budgets.

### **5 LEGAL IMPLICATIONS**

- 5.1 As the Council is in occupation of the land now used as a cycle path at Crathie Road, it is essential for the Council to complete title to this area or, alternatively, formalise their occupation.

### **6 POLICY IMPLICATIONS**

- 6.1 It is normal policy to advertise buildings/land for sale on the open market unless there are special reasons to do otherwise. In this instance, it is considered that given that the Council requires to rectify the title position with regard to the cycle path at Crathie Road and that only the owner of 57C Main Street would have an interest in acquiring the land at the rear of his property, that there are special reasons to deal directly with the applicants.

### **7 CONCLUSIONS**

- 7.1 The proposed Excambion Agreement will enable the Council to take title to the land associated with the new cycle route in exchange for an open area of land at the rear of Main Street, Auchinleck.

## **8 RECOMMENDATION**

- 8.1** That the Committee agrees (i) to declare an area of land at the rear of 57C Main Street, Auchinleck surplus to requirements for disposal to Vycon Products Limited and approves the acquisition of land at the rear of Crathie Road, Kilmarnock from Custom Multimedia Packaging Limited, and (ii) authorises the Director of Development Services to enter into negotiations with Vycon Products Limited and Custom Multimedia Packaging Limited regarding the disposal/acquisition of land at the locations identified in (i) above in accordance with his delegated powers.

**Stephen Chorley**  
**Director of Development Services**

SC/SMcV/MB  
8 October 2001

## **BACKGROUND PAPERS**

**Nil**

For further information on this Report, please contact Sam McVie, Property Unit, Telephone: 01563 576099.

**Implementation Officer: Sam McVie**

**AGENDA**