

WEST DUNBARTONSHIRE COUNCIL

Report by Acting Director of Housing, Regeneration & Environmental Services (Housing & Regeneration Services)

Community Safety and Environmental Services Committee: 6 December 2006

**Subject: Proposed Exchange of Land, Grant of Servitude and Wayleave at
the Former Bonhill Quarry, Hillbank Street, Bonhill**

1. Purpose

- 1.1** To seek the Committee's approval to an exchange of land, grant of servitude and wayleave between West Dunbartonshire Council and Mrs Jane Carson, Mr Colin Beattie and Tulloch Limited who are owners of the former Bonhill Quarry, Bonhill.

2. Background

- 2.1** The original request for an exchange of land between the Council and the owners of the former Bonhill Quarry was submitted to the Community Safety and Environmental Services Committee on 20 November 2005.
- 2.2** Having considered the report from the Director of Development and Environmental Services dated 11 October 2005, the committee agreed:-
- (1) that the Director of Development and Environmental Services be authorised to conclude the transaction on the terms and conditions stated in paragraph 3.4 of the report; and
 - (2) that the Head of Legal and Administrative Services be authorised to conclude this transaction subject to such legal conditions as are considered appropriate.

3. Main Issues

- 3.1** Having reviewed their requirements for the development of the former Bonhill Quarry, the owners have requested that the Council grant a Wayleave for foul drainage and a Servitude for services in addition to the original exchange of land.
- 3.2** The revised proposal is that the two parcels of land shown A and B on the attached Ordnance Survey plan are exchanged for the Council owned site marked C on the same plan.

- 3.3** Additionally, the Council is requested to grant a Wayleave for a foul drainage pipe and a Servitude for services over the areas marked D and E respectively on the second Ordnance Survey plan attached.
- 3.4** By agreeing to this proposal the Council will receive an increased sum of £62,500 compared to the original figure of £50,000 previously agreed in November 2005.
- 3.5** Following negotiations with the proprietors of the former Bonhill Quarry, the following terms and conditions have been provisionally agreed:
- (a) an exchange of 3,237sq.m. or thereby of land owned by West Dunbartonshire Council for 662.6 and 391.7sq.m. or thereby of land owned by Mrs Jane Carson, Colin Beattie and Tulloch Limited at the former Bonhill Quarry, Bonhill;
 - (b) the grant of a Wayleave and Servitude in favour of the above owners over Council owned land in the vicinity of the former Bonhill Quarry, Bonhill;
 - (c) a payment of £62,500 will be made to the Council no later than 2 February 2007;
 - (d) the Estates administration fee of £500 plus VAT has been paid; and
 - (e) the purchasers shall pay the Council's legal fees, expenses, outlays and VAT together with any stamp duty and registration dues.

4. Personnel Issues

- 4.1** There are no personnel implications.

5. Financial Implications

- 5.1** The Council will receive a capital receipt of £62,500.

6. Conclusion

- 6.1** In exchange for unused derelict land and the grant of a Wayleave and Servitude, the Council will receive a substantial financial benefit as detailed under Paragraph 3.5.

7. Recommendation

- 7.1 That the Acting Director of HRES (Housing and Regeneration Services) be authorised to conclude the transaction on the terms and conditions stated in paragraph 3.5 of this report.**
- 7.2 That the Head of Legal and Administrative Services be authorised to conclude this transaction subject to such legal conditions as are considered appropriate.**

Irving Hodgson
Acting Director of Housing, Regeneration & Environmental Services
(Housing & Regeneration Services)
Date: 13 November 2006

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| Wards Affected: | Ward 22 |
| Appendix: | Two copy Ordnance Survey plans, one showing sites A, B and C and the other Wayleave (D) and Servitude (E) |
| Background Papers: | Report to Community Safety & Environmental Services on 2 November 2005 |
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