

South Ayrshire Council

**Report by Head of Property and Risk
to Leadership Panel
of 14 March 2017**

Subject: Purchase of Land at Coylton Smithy

1. Purpose

- 1.1 The purpose of this report is to seek Leadership Panel approval to purchase an area extending to approximately 1,365 sq m (0.34 acres) of land adjacent to the A70 trunk road for the construction of a cycle lane.

2. Recommendation

2.1 It is recommended that the Panel:

- 2.1.1 approves the purchase of 1,365 m² (0.34 acres) of land as shown on the plan in Appendix 1 adjacent to the A70 from Mr James Thomson and Mrs Alison Ward for the sum of Twenty Thousand Pound (£20,000) on terms and conditions outlined below; and**
- 2.1.2 grants delegated authority to the Executive Director – Resources, Governance and Organisation to conclude the purchase on these and such other reasonable terms and conditions as appropriate.**

3. Background

- 3.1 In 2012/13 South Ayrshire Council commissioned Transport Planning & Engineering (TP&E) to undertake a study/ design process in relation to the provision of a cycling and active travel link along the A70 between Ayr and the village of Coylton. The project was deemed too large to deliver in a single financial year, and was therefore sub-divided into 4 distinct construction phases, with the intention being to deliver the initial phase of construction during 2012/13 with the remaining phases delivered over the next 3 financial years. To date, phases 1-3 of the scheme have been delivered as a result of grant award monies secured from Sustrans; Cycling, Walking, Safer Streets (CWSS); and Strathclyde Partnership for Transport (SPT).

- 3.2 The current proposal relates to the construction of phase 4 of this project, which will complete the link between Ayr and Coylton as per the original plan. The benefits of this infrastructure are to provide a safe, direct and convenient route for undertaking sustainable trips by walking and cycling along the A70, offering a viable alternative to the private car, and of course the associated health and wellbeing benefits associated with increased active travel. Full funding for this

scheme has been secured from SPT, Sustrans and CWSS. Ayrshire Roads Alliance (ARA) is now delivering the cycle lane under the shared service arrangements with the Council.

- 3.3 The Council's Property service was requested by ARA to negotiate the purchase of land along the A70 from Mr James Thomson and Mrs Alison Ward for the work on the cycle lane along the A70. After negotiations with both the landowner and their appointed agent, Davidson & Robertson Rural, terms were agreed by both parties.

4. Proposals

- 4.1 The following Heads of Terms have been agreed with the seller:

4.1.1 the Council is to purchase approximately 383 metres length of land in a 3 metre strip running alongside the A70, which includes both agricultural land and garden ground, on which this section of the cycle lane will be constructed. The agricultural land equates to approximately 1,149 m² while the garden ground extends to approximately 216 m². In addition, as part of the agreement with the sellers, ARA will take temporary occupation of land at Sundrum Smithy to carry out the accommodation works detailed below, which form a condition of the purchase.

4.1.2 The purchase price of £20,000 for the land (excluding VAT but inclusive of professional and legal fees) is payable prior to taking entry to the property. Target for completion of the purchase is the end of June 2017.

4.1.3 It is expected the works will take approximately 3 months to complete.

- 4.2 The accommodation works to be undertaken by ARA– and which form part of the agreement with the sellers- are as follows:

- **Fencing** - The erection of a stock proof fence running parallel to the existing field fence. The fencing contractor will be selected through ARA's framework.
- **Field Gateways** - Two existing gateways are to be relocated and one new field gateway created.
- **Livestock Pens** - A livestock handling pen will be erected.
- **Hedging** - A new hedge is to be planted along the new field fence line.
- **Water Troughs** - Any water troughs and associated stop cocks (tobies) situated within the existing fence line are to be relocated into the remaining fields.
- **Garden Wall** - A heavy duty retaining wall is to be built. ARA will be responsible for the on-going maintenance and repair of this wall in perpetuity.
- **House/ Garden Entrance Way** - The vehicular access to the property entrance way is to be maintained at all times for the school bus.

- **Drainage** - A new curtain drain running parallel with the cycleway which ties in with the landowners' existing field drains and which ties in to the main drainage system will be laid.

5. Legal and Procurement Implications

- 5.1 The recommendations in this report are consistent with legal requirements. Legal Services will be required to draft all formal documentation.
- 5.2 There are no procurement implications arising from this report that have not already been taken into account by ARA which will tender any works where required to do so.

6. Financial Implications

- 6.1 Funding for the works (including the accommodation works) and the land purchase is from Sustrans, CWSS and SPT.

7. Human Resources Implications

- 7.1 Not applicable.

8. Risk

8.1 ***Risk Implications of Adopting the Recommendations***

- 8.1.1 The Council acquires the land then ARA does not complete the cycle lane because further funding claims to Sustrans, CWSS and SPT are unsuccessful for undertaking the works.

8.2 ***Risk Implications of Rejecting the Recommendations***

- 8.2.1 If the land is not purchased the development of the cycle lane will not be possible and grant funds will not be available.

9. Equalities

- 9.1 The proposals in this report have been assessed through the Equality Impact Assessment Scoping process. There are no significant potential positive or negative equality impacts of agreeing the recommendations and therefore an Equalities Impact Assessment is not required. A copy of the Equalities Scoping Assessment is attached as Appendix 2.

10. Sustainable Development Implications

- 10.1 ***Considering Strategic Environmental Assessment (SEA)*** - This report does not propose or seek approval for a plan, policy, programme or strategy or document otherwise described which could be considered to constitute a plan, programme, policy or strategy.

11. Options Appraisal

11.1 An options appraisal has not been carried out in relation to the subject matter of this report.

12. Link to Council Plan

12.1 The matters referred to in this report contribute to the Council strategic objective of 'Working in partnership to maximise the potential of our environment' and within that to the outcome 'We improve the condition of our built environment and our open spaces'.

13. Results of Consultation

13.1 In line with agreed engagement protocols, ARA have engaged with the Portfolio Holder, the Elected Ward Members and the Annbank and Coylton Community Council on the proposals for Phase 4 of the project. Written support has been obtained from representatives of all engaged parties. This latest engagement work is additional to the original consultation that was carried out in relation to the overall project prior to commencement of Phase 1.

13.2 Consultation has taken place with Councillor Robin Reid, Portfolio Holder for Resources and Performance, and the contents of this report reflect any feedback provided.

14. Next Steps for Decision Tracking Purposes

14.1 If the recommendations above are approved by Members, the Head of Property and Risk will ensure that all necessary steps are taken to ensure full implementation of the decision within the following timescales, with the completion status reported to the Leadership Panel in the 'Council and Leadership Panel Decision Log' at each of its meetings until such time as the decision is fully implemented:

<i>Implementation</i>	<i>Due date</i>	<i>Managed by</i>
Purchase to be concluded	30 June 2017	Head of Property and Risk

Background Papers **None**

Person to Contact **Donald Gillies, Head of Property and Risk**
County Buildings, Wellington Square, Ayr, KA7 1DR
Phone 01292 612839
E-mail donald.gillies@south-ayrshire.gov.uk

Tom Burns, Asset Manager
Newton House, Green Street Lane, Ayr, KA8 8BH
Phone 01292 612 845
E-mail: tom.burns@south-ayrshire.gov.uk

Date: 7 March 2017

