

12. 0.15HA AT CALDERWOOD, EAST CALDER – PROPOSED SALE TO STIRLING DEVELOPMENTS LIMITED

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Estates seeking approval for the sale of 0.15 hectares at Calderwood, East Calder.

The report advised that the West Lothian Local Plan 2009 allocated Calderwood in East Calder as a major new mixed use development site. The area formed part of the wider Livingston and Almond Valley Core Development Area (CDA) and its development was key to delivering the stated objectives of that CDA.

The Head of Finance advised that Stirling Developments Limited (SDL) were the lead developers at Calderwood and the council was minded to grant consent for their proposed development, subject to completion of a Section 75 Planning Obligations Agreement to secure delivery of infrastructure. Stirling Developments Limited's overall Calderwood development would deliver:-

- Approximately 2,300 new homes
- A mixture of retail commercial and industrial space
- A new community secondary school
- Two new primary schools
- Upgraded and improved local road networks.
- A new park and ride facility
- New cemetery facilities

In compliance with the reserved matters set out in the planning permission, Phase 1 of the development was scheduled to begin on site in the summer of 2013, and would see approximately 275 new homes built at Calderwood over the next four years.

The report went on to explain that approved access into Phase 1 was via an old farm road that SDL planned to upgrade. SDL would control the solum of that road, but in order to widen it they would need to acquire council owned land either side of their current ownership. The land they wished to acquire from the council extended to approximately 0.15 hectares in total.

Cost based negotiations took place between the parties and an agreement in principle was reached to sell this land to SDL on the following terms:-

1. The subjects would comprise the 0.15 hectares (or thereby) as shown on plan attached to the report.

2. The sale price would be £117,000 exclusive of VAT.
3. Payment of the purchase price would be structured as follows:-
  - a. Payment 1: £29,250 payable at date of entry.
  - b. Payment 2: £29,250 payable at the earlier of either (i) the date of occupation or the twenty-fifth house within the development; or (ii) the date of the first anniversary of the date of entry.
  - c. Payment 3: £29,250 payable at the earlier of either (i) the date of occupation of the fiftieth house within the development; or (ii) the date of the second anniversary of the date of entry.
  - d. Payment 4: £29,250 payable at the earlier of either (i) the date of occupation of the seventy-fifth house within the development; or (ii) the date of the third anniversary of the date of entry.
4. The date of entry would be on conclusion of legal formalities.
5. The purchaser would satisfy himself as to the suitability of the subjects for the intended purpose.
6. Each party would meet their own legal costs in the transaction.

In conclusion the report advised that given the capital receipt which the council would receive from the sale of the land it was considered to be in the council's interest to conclude a sale to Stirling Developments Limited for the sum of £117,000.

The report recommended that the Council Executive approve the sale of 0.15 hectares at Calderwood, East Calder for the sum of £117,000 to Stirling Developments Limited.

#### Decision

To approve the terms of the report.