

**ASSET TRANSFER UNDER THE COMMUNITY EMPOWERMENT ACT  
DUMFRIES AND GALLOWAY COUNCIL DECISION NOTICE - APPROVAL**

Rose Murdoch

Kirkconnel & Kelloholm Development Trust

Kirkconnel & Kelloholm Development Trust Office

Hillview

Kelloholm

DG4 6ST

**23 November 2020**

This Decision Notice relates to the Community Asset Transfer Request made by the Kirkconnel & Kelloholm Development Trust (KKDT), 7<sup>th</sup> October 2020, in relation to land at Niviston Road, Kelloholm.

The Council's Finance, Procurement and Transformation Committee considered the request at its meeting on 17 November 2020 and agreed the following:

**Minutes:**

**Decision**

**NOTED**

12.1 the Kirkconnel and Kelloholm Development Trust (KKDT) Business Plan at Appendix 2 to the report for the proposed Community Asset Transfer of land at Niviston Road, Kelloholm as detailed in Appendix 1 to the report;

12.2 the recommendation of Nithsdale Area Committee in relation to the transfer request;

12.3 **AGREED** to the Community Asset Transfer for the land detailed in Appendix 1 of the report for the sum of £1.00 to the Kirkconnel and Kelloholm Development Trust subject to the inclusion of a clawback clause to protect the Council should the group decide to sell the land for profit as well as a further clause that should the Kirkconnel and Kelloholm Development Trust fail to secure the required funding to undertake the

project within the next 7 years that the land would revert back to the Council.

### **Clawback Clause**

The land subject to the Asset Transfer Request has been sold for the nominal fee of £1. Should the KKDT sell the asset for profit, any profit over and above the original £1 will be payable to Dumfries and Galloway Council.

### **Next Steps**

You or your legal representative needs to write to The Council's Property, Estates and Programmes making your formal offer for the property for the agreed amount. This offer must be made no later than 22<sup>nd</sup> May 2021 but can be made earlier if your group is in a position to do so.

The offer must be directed to:

**Alastair Johnson**

Service Leader Estates Management

Property, Estates & Programmes

Cargen Tower,

Garroch Business Park,

Garroch Loaning,

Dumfries,

DG2 8PN

Tel: 01387 273828

<mailto:Alastair.Johnson@dumgal.gov.uk>

The Council will then write to you about next steps in the legal transfer of the property.

### **Right to review**

If you consider that the terms and conditions attached differ to a significant extent from those specified in your request, you may apply to the Council to review this decision.

Any application for review must be made in writing and within 20 working days from the date of this letter to:

Community Development and Empowerment Manager,  
Communities Directorate  
Dumfries and Galloway Council,  
Municipal Chambers,  
Buccleuch Street,  
Dumfries,  
DG1 2AD.

Guidance on making an application for review is available on the Council's  
Community Asset Transfer website:

<http://www.dumgal.gov.uk/article/16441/Community-asset-transfer>

Yours sincerely



Colin Freeman

Project Manager – Asset Transfer & Leases,  
Dumfries and Galloway Council