



Email – OPTS@kltr.gov.uk

<http://www.kltr.gov.uk>

Our ref:

Date: 24 January 2024

Mr David McLatchie

Chairman

Muirkirk Enterprise Group

(By email)

Dear Mr McLatchie

**FORMER FILLING STATION, SMALLBURN ROAD, MUIRKIRK - "THE PROPERTY"
CASE NUMBER: BV 805/21**

A Notice of the King's and Lord Treasurer's Remembrancer's (KLTR) decision under the Ownerless Property Transfer Scheme (OPTS) in relation to the Property is attached.

The KLTR has considered the application from Muirkirk Enterprise Group to acquire the Crown's interest in the Property and is satisfied that it meets the criteria set out in the Ownerless Property Transfer Scheme. The KLTR intends to progress the potential sale of the Property to Muirkirk Enterprise Group under the Ownerless Property Transfer Scheme.

The enclosed Notice sets out the reasons for the KLTR's decision. Your attention is specifically drawn to the notes contained in the Notice providing information about the effect of this decision and about your rights of appeal against the KLTR's decision.

A copy of this letter has been sent to East Ayrshire Council for their information.

The KLTR would be grateful if you could provide details of your solicitor in order for our legal team to liaise with them regarding the transfer.

Yours sincerely,

PAUL MCGUIGAN

On behalf of the KLTR

Notice by the Kings and Lord Treasurers Remembrancer

Ownerless Property Transfer Scheme

The King's and Lord Treasurer's Remembrancer ("KLTR") has considered the application by Muirkirk Enterprise Group ("MEG") to acquire the Crown's interest in the former filling station at Smallburn Road, Muirkirk (the "Property"). The KLTR has determined that he is satisfied that MEG's application meets the criteria set out in the Ownerless Property Transfer Scheme, and as such the KLTR is minded to progress the potential sale of the Property to MEG.

OPTS Criteria Demonstrated through MEG's business case

Public Interest

The factors considered in relation to public interest do demonstrate that it is strongly indicated that any proposed transfer of the Crown's interest in the Property to MEG would be in the public interest for the following reasons:-

- **What proportion of the local population are likely to benefit from this project?**

A public consultation via survey was undertaken by MEG taking the views of every household and local businesses in the village. This was a participatory event with 240 residents attending. The estimated population of Muirkirk (according to Wikipedia) is 1,386 (2019) which means approximately one-fifth of the residents of Muirkirk attended the MEG consultation. There were fewer attendees at the public consultation arranged by East Ayrshire Council, but 71% of those who turned out for the public consultation, voted in favour of the proposal.

- **How is the project likely to make a positive contribution to removing inequalities and addressing different needs within the community?**

The proposal is for a picnic stop which would benefit the whole community. There will be planters with flowers in place, and planting of trees and shrubs which will enhance the current property. All members of the local community (and indeed anyone passing through) will be able to stop for a break and enjoy the surrounding area. Additionally it is proposed that polytunnels will be erected to allow vegetables/ fruit to be grown which will be available to the community either free or for a nominal fee.

Community Interest and Support

The factors considered in relation community interest and support do demonstrate that it is strongly indicated that any proposed transfer of the Crown's interest to MEG would be in the public interest for the following reasons:-

- Has the applicant discussed plans with other local, regional or national organisations?

Discussions have taken place with East Ayrshire Council (EAC) and they have provided a letter of support for the project. A separate report has been received from EAC commenting on the OPTS criteria and whether MEG have met the criteria. It is a positive report and confirms that EAC agree that the OPTS criteria has been met.

- Is there demonstrable support for the project within the community? How has this been demonstrated?

Yes - public consultations conducted by both MEG and EAC.

- Does the project involve the formation of new local or regional collaborations, or the strengthening of existing collaborative networks?

The project involves the strengthening of existing collaboration between MEG and EAC who have worked on projects previously.

Sustainability & Environmental Impact

The factors considered in relation to sustainable development do demonstrate that it is strongly indicated that any proposed transfer of the Crown's interest in the Property to MEG would be in the public interest for the following reasons:-

- Initial investigations confirm that the Property may comprise contaminated land. The proposal is therefore relatively simple with minimal disturbance to the existing ground by the use of planters on-site. There are ongoing investigations to consider whether there are areas that may be suitable for wildflower planting. This involves public land owned by the council and within [MEG's](#) ownership.
- The second phase is a community garden including a poly tunnel and any vegetables or flowers grown will be available to the community for free or minimal cost. MEG has received interest from the public, the primary school and local fire service who have all indicated they wish to be involved in the projects.

Funding Marking Criteria

The factors considered in relation to sustainable development do demonstrate that it is strongly indicated that any proposed transfer of the Crown's interest in the Property to MEG would be in the public interest for the following reasons:-

Clear funding plan -

- Funds of £30,000 are available and currently held by EAC. In addition, MEG has been awarded a further £15,000 to form the community garden (poly tunnels etc).
- Future provision of bedding plants will be provided by MEG who for the last 10-15 years have planted 300-500 bedding plants annually. These are supplied to MEG by EAC and MEG have also funded plants from their own resources. Funding for the next 5 years will be provided either through MEG's own resources, EAC or grant funding.

NOTES

The KLTR has taken into account all of the information available to him at the time the decision was taken.

As a result of the KLTR's decision that a proposed transfer of the Crown's interest in the Property to MEG would satisfy the criteria set out in OPTS, MEG will have a maximum of 8 months within which to conclude the conveyance of the Crown's interest to them]. In the event that this timescale is not met, the KLTR reserves the right not to proceed with the proposed transfer and may consider other options.

Please also note the KLTR is not obliged to deal with or sell *bona vacantia* in any particular way, or at all. When *bona vacantia* is brought to the attention of the KLTR, he can choose to assert Crown rights over it but is not required to do so. For the avoidance of doubt, the KLTR reserves the option to change approach to *bona vacantia* that has been brought to his attention where it appears to him to be in the Crown's interest to do so.