

ANGUS COUNCIL

COMMUNITIES COMMITTEE – 20 JANUARY 2015

REVIEW OF PARKS MANAGED UNDER A THIRD PARTY LEASE

REPORT BY STRATEGIC DIRECTOR – COMMUNITIES

ABSTRACT

The report outlines the results of the review of play areas, parks and open spaces managed under a third party lease.

1. RECOMMENDATIONS

It is recommended that the Committee

- (i) notes the report;
- (ii) authorises the Strategic Director - Communities to agree extensions to existing leases as required;
- (iii) authorises the Strategic Director - Communities to enter into negotiations with local community groups to discuss the future management of parks and play areas; and
- (iv) authorises the Strategic Director - Communities to terminate existing leases as identified.

2. ALIGNMENT TO THE ANGUS COMMUNITY PLAN/SINGLE OUTCOME AGREEMENT/CORPORATE PLAN

This report contributes to the following local outcomes contained within the Angus Community Plan and Single Outcome Agreement 2013-2016:

- Angus is a good place to live in, work and visit
- Individuals are involved in their communities
- Our communities are safe, secure and vibrant
- Our natural and built environment is protected and enjoyed

3. BACKGROUND

Reference is made to Report 10/13 of this Committee which informed on the outcome of the public consultations undertaken on the review of children's play areas provision within Angus carried out in November and December 2012.

During the consultation it became apparent that some of the play parks are under a number of different management and ownership arrangements. This report aims to inform on the play areas and other parks facilities currently leased from third parties and their lease details.

4. CURRENT POSITION

Communities, Parks and Burial Grounds currently manages a number of parks and open spaces throughout Angus, aiming to offer a wide variety of play, sports and leisure opportunities to all communities.

To enable the provision of these facilities in rural areas, where often land in council ownership is limited, ground is being leased from a third party, for which an agreed annual rent is being paid through existing revenue budgets from the Parks and Burial Grounds section.

Several of these facilities are going back to 1977, when the planning department of Angus District Council undertook a survey of the levels and type of countryside access at the time. The study investigated the patterns of usage and numbers of visitors in the Angus Glens and seaside locations, where often demand for visitor amenities was high but few facilities available. The aim was to identify the areas where most people wanted to visit and provide the facilities needed so problems like parking on public roads could be prevented.

The findings of this study resulted in a rolling programme of improvement projects in the late 1970s and early 1980s, which were funded by the District Council and the Countryside Commission for Scotland. These projects were predominantly providing car parking and picnic facilities at various sites in the Angus Glens and at the seaside. In some locations play areas were added at a later date.

The following describes the play areas and other recreation facilities that are due to historic developments either leased or partially managed or insured by Angus Council and identifies possible alternatives and savings.

4.1 Newbigging Park

Newbigging Park historically has been leased by the Newbigging Sports Field Association from Commercial Union and their Tenant Farmer. The play equipment was installed by Angus District Council and subsequently upgraded in 2009/10 by Angus Council, who have continued to maintain the football pitch and playground.

The Newbigging Sports Field Association disbanded and as authorised in Report 530/99 the Council entered into a lease with the Tenant Farmer Robert Watson & Sons – Downieken Farm, Newbigging directly. A plan of the park is available for viewing under **Appendix 1**.

The current lease started on 1 October 1999 for 19 years and 364 days, with an expiry date of 30 September 2019. The annual rent for the 0.83 ha ground is £400 and the lease states that the area is to be used as a public recreational ground only. Currently the park contains a football pitch and a play area with two sets of swings, a multi-unit with slides, a roundabout and two springers. The annual maintenance cost for the play area is £946 and the grounds maintenance cost for the playing pitches and all other areas is £1,654.

Due to the variety of leisure activities on offer in the park combined with a lack of other open space facilities in the vicinity it is recommended to retain the park under its current lease.

4.2 Tarfside Car Park and Play Area

The two areas in Tarfside village have been leased to Angus Council by Dalhousie Estates with the latest lease agreement from 15 November 1999. The lease covers the western area which serves as a car park and the eastern games field was developed as a play area.

The 1977 Countryside Access study identified Tarfside as a suitable location for a car park and public toilet provision to serve predominately visitors to Glen Esk.

The play park was developed by the Brechin, Edzell and Area Community Partnership at a later date and Angus Council agreed in Report No 249/97 to take on the long term maintenance of the play area as the project was deemed to provide both a community and a tourist facility in Glenesk. Two sets of swings, a balancing multi-unit, a slide, scramble net and two springers were subsequently installed in the play area, and a boundary fence erected.

The lease with an annual rent of £20 will expire on 15 November 2019. A plan of the two areas covering a total of 0.16 ha can be viewed under **Appendix 2**.

The maintenance of both areas is being undertaken by the Glenesk Road Man, which is a joint project by Dalhousie Estate and Angus Council's Roads Maintenance and Parks Maintenance sections. To save on extensive travelling costs accessing the various facilities along the entire length of Glen Esk a member of staff of Dalhousie Estate has taken over all maintenance for roads and car parks, the play area inspection and maintenance and burial ground maintenance in Glen Esk. The total annual cost to the Council is in the region of £16,000, which is shared by the two sections. An estimated sum for the play area maintenance would amount to £817 and for grounds maintenance to £644 annually.

The Tarfside Play Area and Car Park are both well used facilities and it is recommended to retain the lease for these areas in its current form.

4.3 Kirkton of Glenisla Car Park, Picnic Area and Play Area

The Picnic Area at Kirkton of Glenisla sits on a 1.41 ha large part of the Glebe of the Parish of Glenisla. It was leased from The Church of Scotland General Trustees from 15 May 1975 with a 21 year lease term. A new agreement was signed on 28 May 1996 for a further 21 years, which will expire in May 2017. The annual rent charge is £300, which is equivalent to a cost of £212.13 per hectare

Today the Glenisla site (see **Appendix 3**) consists of a public car park, public toilets, a picnic and kickabout area, a play park and an informal grass area with walkway along the river Isla. The Glenisla Village Hall Trust has been granted access to the Village Hall by the Council over the adjacent car park area through a missive of let. The Church itself has recently been sold to a consortium of local land owners.

The play area, which has been funded by the local community, is currently being maintained by Angus Council for an annual cost of £710. A formal agreement for adoption of the play area by the Council could not be established but it is assumed that the Parks and Recreation Division accepted the annual maintenance for the play area under their revenue budget. The play area consists of two sets of swings, a tractor climber and slide unit, a roundabout, a springer and two sanddiggers.

The grounds maintenance cost for the remainder of the leased area is £2,529, which allows for grass cutting, hard area maintenance in the car park and path network, tree and furniture maintenance and litter picking.

After an initial approach by the Estates Section of the Council, the owners of the ground have indicated that they do not wish to give up the lease before term, however, they would consider transferring the lease to the community if a group could be formed that were prepared to take this over. On that basis officers have entered into negotiations with the Glenisla community to take over the lease and the management of all facilities at the site. If these negotiations are unsuccessful, then the lease will not be renewed at its conclusion in 2017. As Glenisla Churchyard is still an active burial ground any discussions would need to ensure that future access and parking for the churchyard will be retained while further negotiations are held.

4.4 Glamis Village Play Area

The play area east of Dundee Road in Glamis (see **Appendix 4**) was leased from 15 May 1989 by Angus District Council from Strathmore Estates (Holding) Ltd with a current annual rent of £100. The lease states that the ground shall be used solely as a children's playground for the use of the general public, which currently contains two sets of swings and a seesaw. The lease term was 15 years and expired on 14 May 2004. Currently the lease is under tacit relocation on a year to year basis.

In committee report 601/13 it had been agreed that the Glamis Village Park would receive no further investment as the Strathmore Terrace Play Area will provide alternative equipped play facilities in Glamis. It is therefore recommended to terminate the lease agreement with immediate effect. The Estates Section is currently in discussion with the land owner to ascertain the condition in which they wish to have the site returned. If it was required to reinstate the area to its former state the cost of removing the play equipment and grass seeding the site would amount to £4,190. If, however, the owner is content for the play equipment to remain, then this would be inspected and monitored, and removed when it was no longer in a serviceable condition.

4.5 Edzell Muir Park

Records show that Muir Park at the north end of Edzell was leased from Dalhousie Estates Trustees to Angus District Council from 11 February 1964. The current lease was entered into on 1 May 1995 for five years for £0.01 annual rent. The lease has since expired on 30 April 2000 and is currently running under tacit relocation on a year to year basis for the same sum. The lease stated that the 5.3 ha area was to be used as a public open space for the people of and visitors to the village of Edzell for recreational and amenity purposes.

The park contains a car park, public toilets, picnic and barbecue area, football pitch, a BMX track, trim trail and a recently upgraded play area with aerial runway, two sets of swings, four kinds of roundabouts, a multi-unit, slide, a rope pyramid climber and two springers. A plan of the park is available for viewing under **Appendix 5**. The annual maintenance for the play area amounts to £1,311, and for all other facilities in the park to £12,041. The removal of carpet bedding as part of the 2014/15 budget savings will achieve an annual saving in the region of £1,000.

Due to the very wide variety of leisure and amenity facilities and the importance of the park to locals and the visitors of Angus the recommendation is that Edzell Muir Park continues to be leased and maintained by the Council.

4.6 Hillside Park

The park at Hillside is leased by Angus Council since 1952 from the Trustees of the late Mrs. P Fairbairn for recreation purposes such as football, cricket, tennis bowling, golf putting and as a children's playground. The current lease agreement was entered into on 28 May 2003 for 20 years, with an expiry date of 27 May 2023. Annual rent for the lease of land is £575.

The park covering 2.4 ha as shown under **Appendix 6** includes a car park, a full size football pitch, a bowling green, tennis courts, and a play park with a multi-unit for climbing and sliding and two sets of swings. The play area is maintained for a sum of £1,068, the maintenance for all other areas is £15,466, which will reduce following the transfer of bowling green maintenance to the club as per report no 683/13.

A 454sqm section of the park is occupied by a Scout Hut, which is subleased by the Council to the local Scouts group. To allow the group to access improvement grants for the Scout Hut it has recently been proposed that this area be deducted from the Council lease with the landlord entering into a direct lease with the Scout Group.

In Committee Report 683/13 a review of the Montrose Bowling Greens identified the need to reduce the costs for maintaining the various greens and the three Montrose Clubs have proposed to amalgamate into a single club based at Hillside. It was agreed to support Hillside Bowling Club with a contribution in kind by undertaking the green maintenance for an initial period of two years.

The tennis courts are currently closed due to extensive damage to the boundary fencing. A group of interested members of the community is currently forming a committee with the aim of investigating external funding opportunities for improvement works on the tennis courts. The group is interested in installing an all weather surface and to develop the ground into a wider sports facility, which would in future be maintained and managed by the group rather than the Council. As this proposal is still at an early stage it is recommended that Council officers will assist the group in their efforts for a sports development but failing this to materialise, to remove the tennis courts and grass seed the area in the future.

For all remaining leisure facilities it is recommended to retain the park under its current lease.

4.7 Wellbank Play Area

Wellbank Hall and the adjoining football pitch and play area are owned by the Wellbank Amenities Association, which is a charitable organisation run by the local community. The play area contains two sets of swings and a slide, which are all installed and maintained by the group. A plan of the 1.04 ha park is available for viewing under **Appendix 7**.

As it is often difficult for a community group to undertake and organise the necessary inspection of play equipment, the offer was made in the past to benefit from the Council's setup with insurance companies rather than have to make their individual arrangements. The Wellbank group have taken up this offer and the play equipment is inspected by the Council's insurer. Any public liability insurance on the park and the equipment would still have to be organised by the community group.

In addition to this regular weekly and quarterly inspections are carried out by Parks staff in line with safety inspections on Council owned play areas, at no cost to the Wellbank Amenities Association, although the duty of care and responsibility for Health and Safety matters in the park lie with the Association. The inspection and maintenance costs for the play

area are £526 annually, and costs for the insurer's inspection are absorbed as part of the wider Council charge. Due to a historical obligation inherited from Dundee District Council the playing fields are also maintained by Angus Council for a yearly cost of £1,371.

It is recommended that the internal and insurers' inspections of play equipment are continued to be carried out on behalf of the Wellbank community but that discussions are held with the Wellbank Amenities Association to adopt the costs of the grounds maintenance of the park.

4.8 Tannadice Play Area

The Tannadice play area is also owned and managed by the local community. Like in Wellbank the residents in Tannadice took up the offer of inspection of the play equipment by the Council's insurer and by Council staff, which amounts to £253 annually. The grounds maintenance is undertaken by the community. A plan of the park is available for viewing under **Appendix 8**.

In line with Wellbank Park it is recommended that the Council maintains the play inspections both by the insurer and Council staff.

4.9 Milton of Clova Picnic Site – Cullow Market Stance

As Glen Clova is probably the most accessible of the Angus Glens it experiences high numbers of day visitors and walkers from the Angus and Dundee area. The access study in 1977 identified a need at Cullow Market Stance for a car park and picnic site and subsequently the 0.23 ha ground has been leased from Airlie Estate Trust V. The most recent lease was entered into on 1 December 2004 with an annual rent charge of £75 and the lease expired on 30 November 2014. Consistent with the lease the area is used as a picnic area and car park; a location plan is available for viewing under **Appendix 9**. The annual maintenance for the area is £633.

As the Picnic Site and Car Park encourages people to experience their natural environment and promotes health and wellbeing it is recommended to renew the lease from November 2014 but with a shorter lease period of 5 years.

4.10 Milton of Clova Picnic Site – Gella Bridge Area

As with the Cullow Market Stance the three sites at Gella Bridge in Glen Clova have been leased from Airlie Estate Trust V, Cortachy Castle for an annual rent of £175, (see **Appendix 10**). These locations were also in the access report identified to be attractive for visitors and are very well used due to their proximity to the River South Esk.

The lease has been renewed on 1 December 2004 and expired on 30 November 2014. The three sites of 0.53 ha, 0.30 ha and 0.17 ha have been developed into car parks and picnic areas and the combined annual maintenance charge is £864.

A renewal of the lease for these popular picnic areas is recommended but on the basis of a shorter 5 year lease period.

4.11 Easthaven Car Park and Picnic Area

The ground between the Dundee to Arbroath railway line and the foreshore at Easthaven has been leased from Easthaven Land Consortium Ltd from 1974 onwards with the latest 21 year lease starting on 1 January 2004. The lease for the 1.08 ha site carries an annual rent charge of £1,100 and will expire on 31 December 2025.

Historically the site was suffering from extensive erosion of the dune system due to visitor car parking on the foreshore. To protect the wider seafront area the area was leased to the council to create a formal car park with public toilets and picnic facilities. Additionally an area was identified for the storage of boats and sites for winches. **Appendix 11** illustrates the area concerned.

In 2002 wider improvement works to the car park and access road surface were identified and approved (Report 1211/02 refers) together with associated landscaping. The annual maintenance for the area excluding public toilets amounts to £2,268.

The East Haven 800 projects celebrating Easthaven's Octocentenary in 2014 have shown a strong community spirit in the village. It is recommended that negotiations are entered into with the active community group with the aim of the community taking over the lease and management of the car park, boat storage and picnic area.

4.12 Lunan Bay Car Park and Picnic Area

Identified through the access study a 0.99 ha area at Lunan Bay has been leased by Angus Council from Lunan Farms to provide car parking and picnic facilities at the popular beauty spot. The 21 year lease from 22 January 2006 has an annual rent cost of £400 and the lease will expire on 21 January 2027. Car borne visitor traffic to Lunan Bay increased significantly during the late 1970s / early 1980s which, due to the lack of formal car parking, caused major disruption to the land management operations. In response to this, Angus District Council provided the car park in the mid 1980s.

The annual maintenance costs for the leased car park area are £801. The maintenance of the access road to the car park, although not part of the leased area, is also the responsibility of Angus Council as the tenant with the exception of one section opposite the Farm Steadings.

The car park has been recently upgraded with a new car parking layout, new signage, picnic tables and improvements to the boardwalk to facilitate access to the beach. A location plan is available for viewing under **Appendix 12**.

The Lunan Bay facility provides a safe access for the public to enjoy their natural environment and at the same time helps to protect our natural resources. It is recommended to retain the picnic area and car park under its current lease.

4.13 Reekie Linn Car Park and Picnic Area

To facilitate visitor numbers at Reekie Linn, Angus District Council constructed a car park and picnic site adjacent to the River Isla in 1987 to provide access to the river and the Reekie Linn waterfall (see **Appendix 13**).

The 0.06 ha site is leased by the executors of Georgette Kinloch-Smythe for an annual rent of £450. The lease term is 30 years and will expire on 30 June 2015. The annual maintenance costs amount to £800.

The picnic site has been recognized as an important element in the Council's provision of countryside recreational facilities and in 2004 the area was upgraded by improving the car parking and boundary fencing, providing new information and directional signage and creating disabled access to the picnic site (Report 1209/04 refers). As part of the development new signage was installed at the edge of the picnic area to warn visitors of the potential hazards approaching the beauty spot but it should be noted that the footpath leading to the falls is not managed by Angus Council.

Due to its high value as a countryside asset it is recommended to retain the lease for this area in its current form.

4.14 Invermark Car Park and Picnic Area

As an outcome to the countryside access study the 0.21 ha site at the end of the Glen Esk road has been leased from Dalhousie Estates to provide a car park and picnic facility near Loch Lee. The 21 year lease from 22 April 1988 has an annual rent cost of £60. The lease has expired on 21 April 2009 and is currently running under tacit relocation on a year to year basis. A plan of the site can be viewed under **Appendix 14**.

Similar to the leased areas at Tarfside the maintenance for this car park and associated furniture like picnic benches is undertaken through the Glenesk Road Man project and the overall cost for all Glen Esk maintenance of £16,000 is shared by the Roads and Parks Maintenance sections.

This is a very popular visitor facility and it is recommended to retain the lease in its current form.

4.15 Glamis Village Open Space

A 0.13 ha area of ground at the corner of Dundee Road and Main Street in Glamis (see **Appendix 15**) has been leased to Angus District Council by Strathmore Estates (Holding) Ltd. This open space was part of a Village Enhancement Scheme in the 1980s jointly funded by Tayside Regional Council and SET, which also redeveloped the village square and created the car park south of Main Street. It is believed that the project was created based on the wish of the local community for the erection of a bus shelter and as Angus Council does not own any land suitable in this location the lease was entered into as an alternative.

The lease document states that the piece of ground is to be used solely as amenity ground for the use of the general public, with the intention of providing a bus shelter for the village and at the same time installing a seating area with a sundial and associated ornamental planting.

Angus Council's Parks and Recreation department agreed to cover the annual maintenance costs from their revenue funding. These currently amount to £1092.

The current lease agreement was entered into on 28 November 1993 with an annual cost of £20. As the lease term is for 20 years it expired on 27 November 2013 and Strathmore Estates have been informed that the Council do not intend to renew the lease. The Estates Section is currently in discussion with the land owner to ascertain the condition in which they wish to have the site returned.

4.16 Kirriemuir Tennis Courts

The tennis courts at Glebe Road in Kirriemuir (see **Appendix 16**) are leased from the Church of Scotland General Trustees for a rent of £200 annually. The lease for the 0.16 ha ground started on 28 May 1994 and expired on 27 November 2014.

The tennis courts are in turn leased out by Angus Council to the Kirriemuir Lawn Tennis Club from 28 November 2004, expiring on 27 November 2014. The Tennis Club also pays a rent of £200 annually and is responsible for maintenance and repairs of the building. The annual maintenance costs of the tennis courts are £6,454 and this cost is currently borne by Leisure Services.

The Council is in negotiations with the Church of Scotland and Kirriemuir Lawn Tennis Club on the future lease and maintenance arrangement. The Club is considering entering into a direct lease with the Church of Scotland General Trustees.

It is recommended that both the lease arrangement and the maintenance arrangements are to be reviewed in discussions with the land owner and Kirriemuir Lawn Tennis Club, with a view to minimising ongoing costs borne by Angus Council.

5. FINANCIAL IMPLICATIONS

In case of the decision not to renew an existing lease for one or several of the parks or to instigate an early termination of the lease, then small annual savings over the rent sums mentioned for each area would be achieved plus the annual maintenance costs.

However there might be financial implications in terms of reinstatement of the ground, which would need to be determined in each individual case.

6. CONCLUSION

The report gives an overview of the parks, play areas and other open spaces currently maintained by Angus Council and leased from Third Parties.

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NOTE: No background papers, as detailed by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) were relied on to a material extent in preparing the above report.

Appendix 1:	Newbigging Park
Appendix 2:	Tarfside Car Park and Play Area
Appendix 3:	Kirkton of Glenisla Car Park, Picnic Area and Play Area
Appendix 4:	Glamis Village Play Area
Appendix 5:	Edzell Muir Park
Appendix 6:	Hillside Park
Appendix 7:	Wellbank Play area
Appendix 8:	Tannadice Play Area
Appendix 9:	Milton of Clova Picnic Site – Cullow Market Stance
Appendix 10:	Milton of Clova Picnic Site – Gella Bridge Area
Appendix 11:	Easthaven Picnic Area
Appendix 12:	Lunan Bay Car Park and Picnic Area
Appendix 13:	Reekie Linn Car Park and Picnic Area
Appendix 14:	Invermark Car Park and Picnic Area
Appendix 15:	Glamis Village Open Space
Appendix 16:	Kirriemuir Tennis Courts