

ANGUS COUNCIL

ANGUS COUNCIL – 5 September 2019

PROPOSAL TO DESIGNATE CENTENARY FIELDS COMMEMORATING WORLD WAR ONE

REPORT BY DIRECTOR OF COMMUNITIES

ABSTRACT

This report seeks Members approval to support and commit to a nationwide initiative led by Fields in Trust in conjunction with the British Legion and Poppy Scotland. The initiative is to provide legal protection to specific parks in commemoration of the sacrifice made by all those who lost their lives in World War one. The initiative is endorsed by Fields in Trust patron HM The Queen and their president HRH the Duke of Cambridge. The protected sites are to be designated Centenary Fields.

The report was first considered by communities committee on 12 August and deferred to allow for consultation with representative groups within the Letham community. This consultation has now taken place and the report re-submitted for approval.

1. RECOMMENDATION(S)

It is recommended that the Council:

- (i) Approve the following site to be included in the Fields in Trust Scotland Centenary Fields initiative.
 - Letham - Dempster Park as shown coloured red on the plan annexed to this report forming Appendix one
- (ii) Authorise the Director of Communities, following consultation with the Director of Legal and Democratic Services to enter into a minute of agreement with Fields in Trust (FiT) Scotland on the future protection of the site nominated provided the agreement does not conflict with the council's title obligations

2. ALIGNMENT TO THE ANGUS LOCAL OUTCOMES IMPROVEMENT PLAN / CORPORATE PLAN

This report contributes to the following local outcome contained within the Angus Community Learning and Development Plan:

PEOPLE

- Improved physical, mental and emotional health and wellbeing

PLACE

- Safe, secure, vibrant and sustainable communities
- An enhanced, protected and enjoyed natural and built environment

3. BACKGROUND

3.1 The following sites have protected status under earlier FiT schemes.

King George's Fields are public open spaces dedicated in to the memory of King George V (3 June 1865 – 20 January 1936). In Angus these sites are:-

- Ferryden - Ferryden Playing Field
- Auchterhouse – Auchterhouse Park

Reference is made to Report No's 371/11 and 609/13 where approval was given to participate in the Queen Elizabeth Fields challenge, a project to create a permanent and relevant legacy in celebration of three landmark events. The Queens Diamond Jubilee in 2012, the London Olympics in 2012 and Commonwealth Games in 2014. In Angus these sites are:-

- Monifieth – Riverview Park
- Montrose – Mid Links
- Kirriemuir – Kirriemuir Hill
- Forfar – Boyle Park/Langlands Park
- Carnoustie – House Grounds
- Brechin – Brechin Park
- Birkhill – Birkhill Park
- Arbroath – West Links

3.2 The following Scottish authorities have already committed to participate in the Centenary Fields scheme.

- Dundee
- East Dunbartonshire
- Falkirk
- Fife
- Highland
- North Lanarkshire
- Perth and Kinross

4. PROPOSALS

- 4.1 Following approval an application will be submitted to FiT Scotland for the site meeting the minimum criteria as a Centenary Field. The prime requirements are the site should be green space such as a park, recreation space or memorial garden containing a War Memorial.
- 4.2 The Council requires entering into a minute of agreement with FiT to dedicate the areas of ground on the attached map **Appendix (i)** to be dedicated as a Centenary Field in perpetuity. On completing the agreement Angus Council undertakes to use the site for recreational purposes only and not to sell, transfer, lease or otherwise dispose of it except with consent from FiT Scotland.
- 4.3 Ownership of the site will remain with Angus Council and FiT does not obtain any property rights.
- 4.4 The Council further commits to not erecting any buildings which could detrimentally affect the use of the site for recreational purposes but changing rooms, pavilions, kiosks and cafes will be permissible. Members should be aware this will restrict future use of the site for anything but recreation except with the consent of FiT.
- 4.5 The agreement does not permit future disposals including leases and any future applications from organisations or community groups would be subject to FiT approval. To address this any areas currently leased or with the potential to be leased in the future such as tennis courts or pavilions have been excluded from the area being nominated.

5. RISKS

A potential risk is that the whole or any part of the park could not be sold or developed in any way without FiT's consent. Members should note that the park comprises a substantial area of ground, being the area shown coloured red on the plan forming Appendix One. Although the agreement will stipulate that consent will not be unreasonably withheld, seeking FiT approval for even minor works may be complicated and time consuming. If FiT refuse to provide this, it is impossible to say what would be regarded as being unreasonably withholding consent and therefore, it may prove very difficult for the Council to establish this.

Members are also reminded that the protected status of the park will endure in perpetuity and therefore, the restrictions will continue to apply notwithstanding any change in circumstance. In addition, Members will note that the Community Empowerment (Sc) Act 2015 has come into force since other sites in Angus were given protected status and it is not known how Community Asset Transfers will be viewed by FiT. Certainly CATs cannot be progressed without FiT's consent.

6. FINANCIAL IMPLICATIONS

There are no additional financial implications arising from the recommendations in this report. The cost of maintaining the park is allowed for in existing revenue budgets. Approving the recommendations would however mean that the Council could not dispose of the park without the prior approval of FiT and this could restrict the Council's options e.g. to generate a capital receipt or reduce maintenance costs should circumstances change in the future.

7. CONSULTATION

Letham Community Council and Feu Trustees were consulted on the contents of this report and have raised no objections to the proposals.

The Chief Executive, Director of Finance and Director of Legal and Democratic Services have been consulted in the preparation of this report.

NOTE: The background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) which were relied on to any material extent in preparing the above report are:

- Report No. 371/11
- Report No. 609/13

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