

**REPORT TO: EDUCATIONAL SERVICES COMMITTEE ON 31 MAY 2006**

**SUBJECT: DEVELOPMENT OF FOOTBALL FACILITIES: REQUESTS BY CLUBS**

**BY: DIRECTOR OF EDUCATIONAL SERVICES**

**1. Reason for Report**

- 1.1 The purpose of this report is for Committee to consider proposals from local Football Clubs to undertake developments at Boroughbriggs, Deanshaugh and Pinefield Playing Fields within Elgin, the Coularbank Playing Fields at Lossiemouth and Fochabers Playing Fields.
- 1.2 This report is submitted to the Educational Services Committee in terms of Section E (13) of the Council's Administrative Scheme relating to dealing with the management of indoor and outdoor facilities operated by the Council for recreational, sporting, cultural and social activities.

**2. Background**

- 2.1 Separate requests have been received from Bishopmill United, Elgin City Football Club, Fochabers Football Club, Lossiemouth United and New Elgin Football Club to develop football facilities on Council pitches within Elgin, Fochabers and Lossiemouth.
- 2.2 All but one of these requests are associated with meeting the requirements of the Scottish Junior Football Association (SJFA).
- 2.3 The SJFA promotes non-professional adult football and for many years has sought to improve the standards of grounds (particularly in terms of safety) used by Clubs in its leagues. The standards required are listed in **Appendix 1** but in the main relate to enclosing the pitch and the provision of secure changing accommodation.
- 2.4 Few Clubs in Moray meet these requirements and over the years increasing pressure has been brought to bear to force through improvements. The final sanction is expulsion from the league and this is the threat potentially facing Bishopmill United, Fochabers Football Club, Lossiemouth United and New Elgin Football Club. All of these Clubs use Council grounds and consequently have no control over the facilities provided.
- 2.5 In addition, without security of tenure (by way of a lease or purchase), these Clubs are unable to attract external funding to assist with the cost of any improvements.

- 2.6 Most Clubs have investigated the possibilities for relocating but there is a shortage of affordable sites and, as a consequence, have focused their attention on seeking improvements at their current sites.
- 2.7 Similar requests have previously been considered by both this Council and its predecessor Moray District Council. In 1984 Moray District Council agreed to lease part of Merson Park to Buckie Rovers for the purpose of developing it as an enclosed pitch and this was finally concluded 10 years later.
- 2.8 On 22 August 1996 (Para 34 refers), the Technical and Leisure Services Committee rejected a proposal by Lossiemouth United to enclose a pitch adjacent to the existing pavilion at Coularbank Playing Fields on the grounds that this would severely restrict access to other users and would compromise maintenance arrangements.
- 2.9 In addition to the requests from Clubs relating to meeting SJFA requirements, a proposal has been received from Elgin City Football Club for the development of a synthetic turf pitch at Lesser Boroughbriggs.

### **3. The Proposals**

#### **3.1 Summary of Proposals**

##### **3.1.1 Bishopmill United: Deanshaugh, Elgin**

The proposal by Bishopmill United is for the development of an enclosed pitch, training area and associated changing pavilion at the Northern end of Deanshaugh Playing Fields. The Club have indicated that they would fund the project themselves and are seeking a lease for the area of development. A proposal was brought forward in February 2005 and submitted as a planning application. Since then, the proposal has been revised with a 1m high handrail retained around the pitch and 2m high security fencing around the site perimeter has been replaced with a line of trees to separate the pitch area from the remainder of Deanshaugh. In addition, the training pitches have been relocated within the site.

##### **3.1.2 Elgin City Football Club: Lesser Boroughbriggs, Elgin**

The proposal by Elgin City Football Club is to develop an enclosed full size synthetic turf pitch and training area on the site of Lesser Boroughbriggs adjacent to their ground. The enclosure would be with substantial "ball stop" chain link type fencing. The Club would fund the development themselves and are seeking to either purchase or lease the area of development.

##### **3.1.3 Fochabers Football Club: Fochabers Playing Fields**

The proposal by Fochabers Football Club is to enclose the pitch and pavilion and upgrade the existing pavilion to meet SJFA standards. The Club would require support from the Council to undertake the works and are not currently seeking to either purchase or lease the ground.

##### **3.1.4 Lossiemouth United: Coularbank Playing Fields, Lossiemouth**

The proposal by Lossiemouth United is to develop an enclosed pitch and pavilion at the Southern end of the Coularbank Playing Fields. The Club would fund the work themselves and are seeking to purchase or lease the area of ground.

### 3.1.5 New Elgin Football Club: Pinefield Playing Fields, Elgin

The proposal by New Elgin Football Club is for an enclosed pitch and pavilion at the Eastern side of the Pinefield Playing Fields. The Club are considering the feasibility of undertaking the work themselves and would seek to lease the ground from the Council.

### 3.1.6 Location plans and sketches, where provided, are included as **Appendix 2**.

3.2 Many of the elements of each of the Club's proposals are similar. For example, each is proposing the development of an enclosed pitch within a Council playing field. Consequently, there are many issues common to all the proposals and these are considered within paragraphs 3.3.1 to 3.3.5. The unique elements of each proposal are considered within paragraphs 3.4.1 to 3.4.5.

## 3.3 **Common Issues**

### 3.3.1 Common Good

All of the sites proposed for development are currently areas of community recreation ground and have been for many years. As a consequence, they are categorised by the Legal definition of being 'common good land'. This categorisation places restrictions on what the ground can be used for and requires application to the Sheriff Court/Court of Session and full public consultation before changes in use can be made. The Courts are only likely to approve a change in use where an equivalent amount of public benefit is retained. This process will be costly, time consuming and could place a wide range of conditions on any proposal should it be approved. The Council would also require to advertise the "disposal" of the sites under Section 27 of the Town and Country Planning (Scotland) Act 1959. This provision requires public advertisement of a sale of public open space by a local authority.

### 3.3.2 Planning

Proposals to enclose pitches and erect pavilions will require planning permission. Each proposal will require to be determined on its individual merits in accordance with the development plan unless material considerations indicate otherwise. Each of the four Clubs' proposals are located on environmental designations in the plan, which require the ground to be retained for example, for recreational use and open space, for amenity purposes or may permit development where the use is for public recreation and compatible with the environmental designation. There may also be a requirement for any new building to be of a high standard of design. Planning policy presumes against development which encroaches onto recreational and amenity areas and/or threatens to diminish the amenity value of the individual location. Without prejudice to further detailed consideration, each of the four Clubs' proposals will depart from the development plan and reasons to support any departure will be required. In addition, there are other planning related issues affecting each site and will require to be addressed such as access and parking, drainage, contaminated land and the impact of the proposals on the character, appearance and amenity of the surrounding locality.

At Boroughbriggs, the proposals affect environmental designations and may prejudice Council led proposals for the development of this area which are being promoted in the review of the Moray Development Plan. In particular, Environmental Services

Committee will consider on 24 May 2006 the commissioning of a Feasibility Study which will examine the potential for comprehensive redevelopment in Central Elgin.

### 3.3.3 Lease/Sale

All proposals would involve changes in the management and/or operation of the area of the playing fields. Most Clubs are looking for lease or purchase of the ground and all as a minimum would require preferential use of the site. Lease or purchase would provide Clubs with security of tenure which would enable them to apply for external funding to support developments. Sale, lease or preferential use of the site by any Club would have Legal implications as outlined in paragraph 3.3.1 as it would impact upon community use. Lease would ensure that the Council retains long term control of the pitches. If they were sold, the Council would lose control over their future use, particularly if the Clubs were to be wound up or sold their interests to a third party. Conditions would also need to be set on how the site would be managed in order to ensure that these sensitive community areas would be appropriately operated.

### 3.3.4 Competing Demand

Council playing fields are used for a variety of formal and informal activities and by large numbers of the Community. The dominant use is football and the demand on pitches is high and continues for the majority of the year. Outwith the main football season, playing fields are used for a wide range of purposes including other sports, informal recreation and shows. Careful consideration would have to be given to the potential impact on other users before an area could be enclosed and focused upon a single organisation.

### 3.3.5 Maintenance

In terms of impact, the ability to undertake proper maintenance of the parks is also important.

## 3.4 **Unique Issues**

### 3.4.1 Bishopmill United: Deanshaugh, Elgin

The proposal by Bishopmill United is currently being considered by the Council as planning authority. Apart from the revised plans, the proposal is complicated by the fact that Deanshaugh has been identified as an area of contaminated land. The Club has not addressed this issue in their application but have been made aware of the Council's investigations on this issue. Substantial amounts of soil will be brought in to cap the site and, once completed, this should increase the area suitable for football. The Council is proposing to carry out remedial works, due to take place between September 2006 and March 2007 and a formal application for planning consent for these works is expected to be submitted shortly. As these proposals may impact on the Club's current submission, including site layout, the latter will need to be reviewed further before any decision is taken on the Club's application, in planning terms.

The Club perceive the contaminated land works as potentially an ideal period during which to lay services (drains, power lines) associated with their proposal. This may not be possible if the required Planning and Legal process and procedures associated with the Club's application are not complete by that stage, and any such "advance" works would be undertaken entirely at the Club's own risk.

Deanshaugh is heavily used for football and any development would have to be carefully considered to ensure that it did not either preclude use by other groups, reduce the number of pitches or impede maintenance.

#### 3.4.2 Elgin City: Lesser Boroughbriggs, Elgin

The proposal by Elgin City is on ground affected by flood alleviation works. It would mean an area of ground (approx 100m x 120m) being raised within the flood plain. Discussions are currently ongoing with the Flood Alleviation Team to determine what impact this proposal may have and the developer has been advised that the pitch may be within an area that will not be protected by the scheme. With regard to contaminated land, this area is believed to be part of a historical refuse tip. Whilst a trial pit has identified no evidence of waste material at the site, waste was noted in a trial pit in a bund close to the site. A capping layer would therefore be necessary and it is likely that further contaminated land investigation would be required in support of any planning application.

As indicated in paragraph 3.3.2 consideration is currently being given to the feasibility of redevelopment of Central Elgin which will have implications for the land proposed by Elgin City.

#### 3.4.3 Fochabers Football Club: Fochabers Playing Fields

The site at Fochabers is severely limited and heavily used by the local community. Events undertaken on the playing fields include Speyfest and the Fochabers Gala which utilise the majority of the site. It would be impractical to enclose just the pitch and pavilion as this would effectively sterilise the remainder of the park. The solution would be to enclose the whole park. The ground is managed by Fochabers Playing Field Management Committee on behalf of the local community under an agreement made with Moray District Council in 1984. The Council has the power to change the terms of this agreement. The playing field is extensively used by the Primary School.

#### 3.4.4 Lossiemouth United: Coulardbank Playing Fields, Lossiemouth

Coulardbank Playing Fields comprise an area that is partly school managed and partly community recreation ground. The area identified for development by Lossiemouth United spans both elements but is in an area currently little used by either.

#### 3.4.5 New Elgin Football Club: Pinefield Playing Fields, Elgin

Pinefield Playing Fields are adjacent to the Industrial Estate and are traversed by a Right of Way. Apart from any casual or informal use made of the area by the public, there are currently few other users of this facility. New Elgin Football Club currently lease a pavilion from the Council. This site is at flood risk and the detailed proposals should take account of this. Elgin Flood Alleviation Scheme would reduce flood risk.

### 3.5 Additional Information

#### 3.5.1 As part of the major housing developments taking place at Elgin South, two football pitches and a pavilion will be provided as part of a developer contribution on site CF4 off Thornhill Road. On 16 March 2006, The Moray Council agreed, subject to a legal agreement, to accept the developer "gifting" to the Council the two pitches and the pavilion to be provided on CF4 and thereafter, the Council would undertake the

responsibility for the management and maintenance of these facilities in the interests of the wider community.

These pitches will be provided in order to address anticipated demand for formal sport and recreation as a consequence of new housing, however, if they were brought up to the standards required by the SJFA, they would offer potential as a home venue for local Football Clubs. For many Clubs, however, their historic roots may make such an offer unattractive. The Principal Planning Officer has previously advised that were the operation of these facilities focussed on the interests of individual Clubs, this would not be consistent with the Council's agreement (as noted above) and objectives of the Elgin South development where the facilities are intended to address the impacts of that housing development and serve the wider community, particularly in light of the noted shortage of recreational and open space in the New Elgin area.

### 3.6 Conclusions

- 3.6.1 For four Clubs in Moray their uncertain position regarding SJFA standards has continued for many years and requires clarification. For all these Clubs there is little alternative but to seek development on Council pitches as other locations either do not exist or would be prohibitively expensive.
- 3.6.2 In the four Club cases, there are Legal, Planning, Financial, Management and other issues to be considered and there is a likelihood that, in some cases, these may prove impossible to resolve. Nevertheless, it is felt that where there is a reasonable chance that a Club's proposals may be successful, that the Council should give in principle support to their use of the identified area of land. This in principle support must be qualified as detailed in paragraph 3.6.4 below but would at least provide an opportunity to progress proposals to a conclusion. In the absence of Council support the individual Clubs would require to seek alternative arrangements.
- 3.6.3 In the case of Elgin City Football Club there are many issues still to be addressed including Legal, Contaminated Land and Flood Alleviation. The principal concern, however, is the potential impact this proposal could have on wider strategic considerations being given to the redevelopment of Central Elgin. For this reason, it is proposed that Committee reject this proposal but request Officers to investigate with the Club other alternative locations.
- 3.6.4 The proposals in full are:
- i That the proposals by Bishopmill United, Lossiemouth United, Fochabers FC and New Elgin Football Club to develop land for the purpose of football at Deanshaugh, Coularbank Playing Fields, Fochabers Playing Fields and Pinefield Playing Fields respectively should be supported in principle. However, this support is conditional and without prejudice upon the outcome of Legal, Planning, Contaminated Land and Flood Alleviation investigations and is also dependant upon the Council being reassured as to the future management and operation of the areas.
  - ii. That proposals by Elgin City Football Club to develop the ground at Lesser Boroughbriggs be rejected but that Officers investigate with the Club other alternative locations for developing a synthetic turf pitch.

- iii. That in the event that all other issues can be satisfactorily concluded, that pitches are leased rather than sold.
- iv. That Officers investigate the benefits and feasibility of upgrading the two proposed additional pitches within South Elgin in order to meet SJFA Conditions.

#### **4. Financial, Staffing, Environmental and Sustainable Development Implications**

- 4.1 There are no financial, staffing, environmental or sustainable development implications arising directly from this report.

#### **5. Consultations**

- 5.1 In preparing this report, consultations have been undertaken with Ken Kennedy, Lands and Parks Officer; Alasdair McEachan, Solicitor; John Black, Head of Estates Services; David Gowans, Consultancy Manager; Nicola Paton, Environmental Health Officer (Contaminated Land); Deborah Brands, Principal Accountant; Brenda Gifford, Head Teacher, Lossiemouth High School; Angus Burnie, Principal Planning Officer. All Officers comments have been incorporated within the report.
- 5.2 External consultations have also been undertaken with the Clubs concerned who have provided information in respect of the report.

#### **6. Corporate Plan**

- 6.1 This report supports the Council's corporate priorities of developing leisure facilities and engaging with communities.

#### **7. Recommendations**

##### **7.1 It is recommended that Committee agrees**

- (i) to support in principle the proposals by Bishopmill United, Lossiemouth United, Fochabers FC and New Elgin Football Club to develop land for the purpose of football at Deanshaugh, Coularbank Playing Fields, Fochabers Playing Fields and Pinefield Playing Fields respectively, without prejudice upon the outcome of Legal, Planning, Contaminated Land and Flood Alleviation and any other relevant investigations at no cost to the Council and is also dependant upon the Council being reassured as to the future management and operation of the areas.**
- (ii) to advise the SJFA of the current position and of the commitment of The Moray Council to assist junior football clubs in Moray.**
- (iii) that proposals by Elgin City Football Club to develop the ground at Lesser Boroughbriggs be rejected but that Officers investigate with the Club other alternative locations for developing a synthetic turf pitch.**
- (iv) that in the event that all other issues can be satisfactorily concluded, that pitches are leased rather than sold.**

- (v) **that Officers investigate the benefits and feasibility of upgrading the two proposed additional pitches within South Elgin in order to meet SJFA Conditions.**

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Background Papers:

Ref:

DMD/JR/Reports/Ed Com/31 May 2006/Development of  
Football Facilities: Requests by Clubs