



<b>EMERGENCY MEETING OF</b>	Broom, Kirkhill, & Mearns Kirk, Community Council	
<b>HELD ON</b>	Monday 9 <sup>th</sup> August @ 7.30pm by Zoom call	
<b>WELCOME AND INTRODUCTION</b>	The Chairperson welcomed everyone to the meeting	
	<p>In attendance:</p> <p>William Maxwell (Chairperson), Janet Olverman (Secretary), Jane Royston (Treasurer) Margaret Hinchliffe, Anne Lithgow, Doug Pitt, Bev Brown, Ron Gimby, Steve Rutherford</p> <p>Also in attendance:</p> <p>Tommy Taylor (TT), spokesperson for Save Crookfur Park</p> <p>Catriona Caves (CC), Patrick Caves, Alan Roy, John McGuire, Susan Galbraith, Karen Bruce, Richard Loudon, David Jesner, Allan Nisbet</p>	
<b>APOLOGIES</b>	Apologies were received from: Susan Brodie, Kirsten Oswald MP, Cllr Caroline Bamforth	
<b>ITEM DISCUSSED</b>		<b>Action Points</b>
<p><b>Introduction: the Proposal and Cabinet Minute 4th March 2021 (William Maxwell)</b></p>	<p><b>Overview</b></p> <p>The Chairperson provided an overview of the proposal by St. Cadoc's Youth Club.</p> <p>The Minute of the ERC Cabinet meeting 4<sup>th</sup> March 2021 stated that St Cadoc's Youth Club had approached ERC seeking to lease a piece of land at Crookfur Park. The report explained that the proposal from the club was to firstly, take responsibility for operating and maintaining the two grass pitches at Crookfur Park, thereafter the club would develop the pitches at its own expense, subject to planning permission.</p> <p>A diagram was displayed of the proposed area to be covered in pitches and fenced. Public access will be prohibited.</p> <p>The Chairperson displayed an article from the Barrhead News on 4<sup>th</sup> April 2021, which stated "St. Cadoc's Youth Club want to convert playing fields in Crookfur into two all-weather pitches, with floodlighting for their 750 players. The proposals also include a car park, pavilion and changing rooms."</p> <p><b>Parklands Reaction</b></p> <p>The Chairperson enquired if anyone knew about Parkland's reaction to this proposal.</p> <p>Bev Brown commented that Parklands is very against this proposal and there is a possibility it may contravene their lease. The owner is aghast; they have built up a good</p>	



wedding business, and use this park for photos and outdoor fitness classes.

What should be debated is not just the actual use, these will be AstroTurf pitches, to which the public will have no access. What is at stake is the principle – “Does ERC have the right to dispose of one of our public parks?”

### **Comments about St. Cadoc’s YC Proposal**

Tommy Taylor (TT) commented that St Cadoc’s Youth Club are based in Glasgow they are not a local youth club.

St Cadoc’s Youth Club submitted a plan in March 2020. A copy of this very detailed plan has been obtained via FOI. Tommy Taylor offered to send a copy to the Chairperson.

He stressed that the public do not want ERC to dispose of a public park as witnessed by the number signing a petition the “Save Crookfur Park” group have organised.

The Chairperson informed the meeting, quoting from an edition of the Barrhead News (5<sup>th</sup> May 2021), that Mr. Cahill Director of Environment (DoE) at ERC said “It wouldn’t be our intention to exclude members of the public from the entire area just to allow the football to continue.”

Council leader Tony Buchanan added there were “aspects that need to be looked into”, “That’s what the consultation will do” “It’s about providing additional capacity across the area.”

It would appear there was supposed to be a consultation but the BKMCC have not heard anything. The call for a consultation is legally required to be advertised in local newspapers for two weeks before the consultation is called. See (*Disposal of Land by Local authorities (Scotland) Regulations 2010*)

TT advised that Mr. Cahill originally said he would put adverts in the press and any objections would be put before the cabinet to consider. However, following the public campaign against this proposal, ERC has amended their position and decided they would have to run a consultation, but there was not enough money in the current budget, they are now looking to run a consultation in September.

Catriona Caves (CC) advised that when the decision was discussed by the councillors, Full Council Meeting 28<sup>th</sup> April 2021, they did not have all the information in front of them and CC is concerned that ERC did not follow correct process. The BKMCC is persuaded of the validity of CC’s opinion.

The Chairperson advised that St. Cadoc’s YC has said it will ‘self-fund’ two all-weather pitches, as well as multi-use sports courts for basketball and tennis, which will be

TT to send copy of St Cadoc’s proposal to BKMCC



	<p>'available for the community to use free of charge'.</p> <p>TT advised that ERC had been in discussion with St. Cadoc's YC via Andy Corrie, for the last 18 months but the content of these discussions has not been made public.</p> <p>The Chairperson displayed the St. Cadoc's netball and football training times and venues. The timings extend until either 9pm or 10pm most weekday evenings.</p> <p>TT advised that St. Cadoc's YC pay approximately £83K a year to rent facilities from ERC.</p> <p>St. Cadoc's senior team, which currently play in Cardonald, have joined the West of Scotland league and they desire to use this ground as their home ground. The West of Scotland League have given a timescale to comply with their criteria. St Cadoc's would need to provide fencing, changing areas and a spectator stand (SFA requirements – not included in the St Cadoc's YC proposal as such).</p>	
<p><b>ATTITUDE OF THE COMMITTEE OF THE BK&amp;MCC</b></p>	<p>The Chairperson advised the required criteria for setting up a petition.</p> <p>There are a number of Material Planning Grounds to which objection may be warranted:</p> <ul style="list-style-type: none"> <li>• Contrary to the Development Plan</li> <li>• Appearance (Design, materials, scale etc)</li> <li>• Traffic, parking and access problems</li> <li>• Residential amenity (noise, overshadowing, overlooking, developing too much garden space)</li> <li>• Effect on Listed Buildings and Conservation areas</li> </ul> <p>CC advised that the Town and Country Planning (Scotland) Act 1959 requires the Council to advertise the proposal, to which the public can object. ERC may have to return to a cabinet meeting for approval to conduct a public consultation. She offered to provide the BKMCC with the information she has so far although she has not received a response from ERC about her concerns.</p> <p>The Chairperson advised that BKMCC have experienced difficulty obtaining information from the Council this year. They are being very slow at responding to any local concerns or queries.</p> <p>Ron Gimby suggested that before we submit a complaint we need to establish the facts. He reminded the meeting that the proposal is not a planning application, the content of which could vary from the proposal. It is reasonable to ask ERC if they have followed all the processes and itemise the various pieces of legislation we have discussed. We, as a Community Council, should be representing the views of the local community.</p>	<p>Catriona to send BKMCC relevant information</p>



	<p>Doug Pitt raised the question about how we establish our right as a Community Council to comment on a proposal lying out-with our area.</p> <p>It is felt that many members of the public in our area are users of the park and have a right to object. It is important that BKMCC represents the views of the community and not just individuals.</p> <p>Margaret Hinchliffe suggested that if ERC do not answer our letters, we should invite them to attend an open meeting.</p> <p>Jane Royston reminded the meeting we did invite a council leader to speak to us about the Broom park proposal but he declined.</p> <p>Doug Pitt commented that we need to ask the Council procedural questions to ascertain whether they have complied with statutory requirements.</p> <p><b>Resolution</b></p> <p><b>“The BKMCC supports the Objection to the development of Crookfur Park”</b></p> <p>The Chairperson will draft a letter incorporating comments and information raised at this meeting and forward to the BKMCC for comment before submitting to ERC.</p>	<p>Will to draft letter to ERC</p>
<p><b>INSIGHT PROVIDED BY OUR LOCAL COUNCILLORS</b></p>	<p>The Chairperson advised that both Cllr. Barbara Grant and Cllr. Jim swift, raised questions about public access and how football pitches benefit other members of society, but unfortunately neither are in attendance at this meeting.</p>	
<p><b>HOW DO WE RAISE PUBLIC AWARENESS</b></p>	<p>Tommy Taylor (TT), the spokesperson for ‘Save Crookfur Park’ asked that any assistance the BKMCC can provided in this area will be welcome.</p> <p>Suggestions for raising public awareness:</p> <ul style="list-style-type: none"> <li>• Write an article for the Barrhead news.</li> <li>• Write article for the Community Magazine.</li> <li>• Encourage residents to write letters and sign the petition</li> <li>• Ask Jackson Carlaw MSP for assistance</li> <li>• Share via social media</li> <li>• Ask local shops to hand out leaflets</li> <li>• Set up petitions</li> <li>• Hold Public awareness meetings</li> <li>• Enlist the assistance of Parklands to promote the petition</li> </ul>	



	<p>The meeting was advised that Parklands' lawyers have said that if the proposal goes ahead it would breach their lease and they would be able to take ERC to court, but they can only take this action once the proposal is approved by ERC Cabinet and the Full Council. Parkland's lawyers suggest that they would probably only be offered compensation.</p> <p>The BKMCC agreed that we should strongly recommend ERC hold a public consultation.</p> <p>Comment was made that there has been quite a lot of greenbelt land development recently however, it should be noted that there is huge difference between greenbelt land and public green space, of which Crookfur park is part.</p> <p>ERC should seek an alternative site for this development, maybe around M77 J5?</p> <p>The Chairperson expressed concern that it is very difficult to question ERC because Council meetings are still closed to the public. A number of decisions have been taken over the last year without any public consultation.</p> <p>Doug Pitt suggested we write to Cllr Bamforth and ask her to ask ERC if the council have followed the correct procedures.</p> <p>CC said that if a number of constituents complain about lack of response from an elected councillor the standards commission can investigate, or we can ask our MSP or MP to intervene on our behalf.</p>	
<p><b>WHAT ACTIONS SHOULD WE TAKE?</b></p>	<p><b>Petition to Save Crookfur Park</b></p> <p>A petition to Save Crookfur Park has already been set up.</p> <p>The Chairperson advised that as of today 2,263 people have signed a petition against the development and 2,491 have signed in favour of the development.</p> <p>It was suggested that a great many of these people do not reside in East Renfrewshire.</p> <p>TT advised that when St. Cadoc's YC put out their petition in favour of this proposal, they issued appeals to every football club in the West of Scotland and asked them to vote in favour. The number of 2491 cannot be deemed to reside in East Renfrewshire due to the cited addresses of the said respondents. The St. Cadoc's YC petition was similarly worded to the Save Crookfur Park petition and it is suggested that some people accidentally signed the wrong petition because they looked very similar.</p> <p>TT made a check of the St. Cadoc's YC petition and the majority lived out with Newton Mearns and East Renfrewshire. It is possible to check these on the actual online petition because in a formal petition it is a legal</p>	<p>Will to check St Cadoc's petition for accuracy</p>



	<p>requirement that signatories must provide their home address.</p> <p>The Chairperson offered to check these for accuracy.</p> <p>TT advised that many other local people are against this development although there is no documentary evidence that can be cited.</p> <p>Save Crookfur Park have asked Jackson Carlaw's office to assist, and a member of his staff is going to have a look at the way the St. Cadoc's YC petition has been administered, especially in respect of many signatories living out-with East Renfrewshire.</p> <p>It was noted that a petition will only serve as one objection to a planning application.</p> <p>There are a number of grounds for objection:</p> <ul style="list-style-type: none"><li>• Contrary to the Development Plan</li><li>• Appearance (design, materials, scale etc)</li><li>• Traffic, parking and access problems</li><li>• Residential amenity (noise, overshadowing, overlooking, developing too much garden space)</li><li>• Effect on Listed Buildings and Conservation Areas</li></ul> <p>The current meeting was advised if this park is Common Good Land this would be an issue for objection. ERC ignored this fact when they wanted to rebuild Barrhead High. The cost of Court Proceedings cost an extra £5m of public money. Cowan Park was found to be Common Good Land.</p> <p>The Crookfur Park proposal contravenes ERC's own playing pitch strategy (2018) which is to protect grass pitches. It also contravenes ERC's own Local Development Plan to protect Green Space and Biodiversity.</p> <p>It was noted that Huntly park has just been gifted to Fields in Trust, meaning it is protected.</p>	
	<p><b>ERC's position</b></p> <p>The Chairperson advised that Mr Cahill, Director of the Environment, announced at the cabinet meeting of 4th March 2021 that he was seeking permission to undertake negotiations in order to 'dispose of CrookFur Park' on a 25 year lease at £1 per year.</p> <p>He intended to 'advertise' the proposal for a two-week period and collect 'objections'. These will be brought to ERC cabinet in order to see if objections may be resolved.</p> <p>The legislation states that any long term lease is classified as 'disposal ' of the land, and Mr Cahill informed the cabinet of this (captured on council TV).</p>	



	<p>He has now instructed his staff to alter the proposal and undertake a 'consultation' and to negotiate a lease with the people that wish to occupy the land.</p> <p>In the papers submitted to Cabinet by St. Cadoc's YC, the latter will take over maintenance and administration of the two, extant grass pitches. In the longer term, St Cadoc's YC will campaign to install two artificial pitches, floodlighting, a car park, changing facilities and toilet facilities.</p> <p>The pitches would be limited by metal fencing and only members of the club would be able to gain access to the artificial pitches. The pitches would be operational from 9am through to 10pm Monday through to Sunday.</p> <p>Mr Cahill, DoE, has made it totally clear he has instructed his staff that they are continuing, at the moment, to negotiate a lease with St. Cadoc's YC. This instruction is minuted in the Full Council meeting April 28<sup>th</sup> 2021.</p>	
	<p><b>Common Good Land Legislation</b> The Chairperson has investigated the Common Good land legislation.</p> <p>The list of councils holding Common Good Land shows that ERC has none.</p> <p>TT advised that they have information that Crookfur Park is Common Good Land. If land was gifted to a borough or Council, prior to 1974, it can be classed as Common Good Land. If this is the case, ERC must take this proposal to a Civil court to obtain permission to dispose of the land and this may cost in the region of £500k.</p> <p>Another example of this type of situation occurred when ERC wanted to build a new High School in Barrhead on Cowan Park. This went to court and it was proven that Cowan Park was Common Good Land.</p> <p>CC said that although ERC say they don't have any Common Good Land, it does not mean they don't, because Cowan Park was found to be Common Good Land but still doesn't appear in the register.</p> <p>The Chairperson advised that many councils are still to complete audits of their assets, and may include ERC.</p> <p>TT advised he is in possession of material that shows ERC have a register of Common Good Land but nothing in the Eastwood side and offered to forward a copy to the Chairperson.</p>	<p>TT to forward ERC common good land register to</p>



**Disposal of Land by Local authorities (Scotland) Regulations 2010**

The Chairperson commented that it is a legal requirement that local authorities sell land for the best consideration that can reasonably be obtained. Although there may be circumstances where local authorities consider it appropriate to dispose of land for less than the best price.

However, the guidance states that "in determining the best consideration that can reasonably be obtained **the Local Authority must obtain a valuation report from a suitably qualified valuer**".

TT stated that he has information that this land has not yet been valued and they have no plans to value it.

If this is the case ERC are not following the pathway described in the 2010 legislation which states they are obliged to value it prior to disposal.

It was noted that ERC are not selling this land, they are only planning to lease it. However the proposed period of the lease is 25 years which, as stated in paragraph 16 of the papers for ERC Cabinet of 4<sup>th</sup> March 2021 quote:

"The area subject to the proposed lease is however considered to be open space and in terms of the Town and Country Planning (Scotland) Act 1959 any proposed disposal of the land **(which such a long term lease would constitute)** requires to be publicly advertised in a local paper for a period of at least two weeks. Any objections received to the proposal must be considered before a final decision is made on the proposal."

CC said that all relevant information had not been put in front of councillors either in Cabinet 4<sup>th</sup> April 2021 or Full Council 28<sup>th</sup> April 2021. It is suggested that this makes it difficult for them to form a decision in full cognisance.

CC agreed to email the Chairperson some information to assist with drafting the BKMCC letter.

Catriona to email BKMCC information to assist with drafting letter

	<p><b>Disposal of Land by Local authorities (Scotland) Regulations 2010</b></p> <p>The Chairperson commented that it is a legal requirement that local authorities sell land for the best consideration that can reasonably be obtained. Although there may be circumstances where local authorities consider it appropriate to dispose of land for less than the best price.</p> <p>However, the guidance states that "in determining the best consideration that can reasonably be obtained <b>the Local Authority must obtain a valuation report from a suitably qualified valuer</b>".</p> <p>TT stated that he has information that this land has not yet been valued and they have no plans to value it.</p> <p>If this is the case ERC are not following the pathway described in the 2010 legislation which states they are obliged to value it prior to disposal.</p> <p>It was noted that ERC are not selling this land, they are only planning to lease it. However the proposed period of the lease is 25 years which, as stated in paragraph 16 of the papers for ERC Cabinet of 4<sup>th</sup> March 2021 quote:</p> <p>"The area subject to the proposed lease is however considered to be open space and in terms of the Town and Country Planning (Scotland) Act 1959 any proposed disposal of the land <b>(which such a long term lease would constitute)</b> requires to be publicly advertised in a local paper for a period of at least two weeks. Any objections received to the proposal must be considered before a final decision is made on the proposal."</p> <p>CC said that all relevant information had not been put in front of councillors either in Cabinet 4<sup>th</sup> April 2021 or Full Council 28<sup>th</sup> April 2021. It is suggested that this makes it difficult for them to form a decision in full cognisance.</p> <p>CC agreed to email the Chairperson some information to assist with drafting the BKMCC letter.</p>	<p>BKMCC</p> <p>Catriona to email BKMCC information to assist with drafting letter</p>
<p><b>DATE OF NEXT MEETING</b></p>	<p>Monday 20 September 2021 at 7pm – venue TBA</p>	
	<p>The Chairperson thanked everyone for their attendance and drew the meeting to a close.</p>	