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# NORTH AYRSHIRE COUNCIL

14 December 2022

## North Ayrshire Council

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**Title:** Douglas Park: Proposals for Future Use of Tennis Court Area

**Purpose:** To advise Council of the current proposals relating to the Tennis Court area of Douglas Park, Largs, the outcome of recent public engagement, and to propose a recommendation to progress alienation of the area from Largs Common Good with the purpose of leasing the area to Largs Tennis Club.

**Recommendation:** It is recommended that Council:

- a) Considers the proposals regarding the future use of the Tennis Courts at Douglas Park, Largs;
- b) Notes the outcome of the public engagement regarding the proposed future use of the Tennis Courts at Douglas Park, Largs;
- c) Authorises officers to progress alienation of the area from the Largs Common Good with the purpose of agreeing a lease with Largs Tennis Club;
- d) Approves the establishment of a Council/Community Garden Project Group working group to identify a suitable site for allotments;
- e) Agrees to refer the business applicants (Largs Dog Park and the Pooch Pad) to the Council's Business Development team to progress commercial options; and
- f) Agrees that the Council's costs for the legal process in relation to the Common Good be met from the Council's existing Community Asset Transfer Start Up Fund.

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## 1. Executive Summary

- 1.1 Douglas Park is a much-loved civic park in central Largs. It is owned by Largs Common Good (LCG). Since Covid there has been an upsurge in interest in the park and a local desire to see it developed. This includes four competing requests for a lease of the Tennis Court area.
- 1.2 Each of the community groups is seeking a lease in order to improve the park or make changes to meet their needs. External funders seek assurance of security of tenure before approving grants. Leasing is complicated by the ownership by LCG, changes to which require Court approval.

- 1.3 A period of discussion to seek a compromise with the groups involved has taken place. Officers have now also carried out public engagement, including online and face-to-face drop-in events.
- 1.4 This paper summarises the proposals, the feedback from public engagement on these options and makes a recommendation that Largs Tennis Club's request for a lease be progressed, while offering support to the other applicants to progress their aspirations.

## **2. Background**

- 2.1 Douglas Park was originally created in 1906 when Mr C. J. C. Douglas gifted the land to Largs Town Council for a public park. It comprised of the formal Spring Gardens at Irvine Road and the hill section of Haylie Estate.
- 2.2 The Douglas Park title is held by Largs Common Good and has seen a growth in community activities in last two years. The aims of this paper are:
  - To review options for the development of the Tennis Court area, which would enable investment in and use of the park;
  - To share feedback on the options from the local community; and
  - To make recommendations for a proposed way forward.
- 2.3 The increased interest in and activity around Douglas Park has resulted in requests for long-term leases and community asset transfers. The reason for this is that external funders require community groups to have clear and secure tenure, so that any investment they make stays in the public domain.
- 2.4 There are seven Tennis Courts in Douglas Park (Appendix 1). These are currently not used and are in need of investment. The four competing requests for the use of this area are:
  - Largs Tennis Club – for reinstatement as a tennis facility;
  - Community Growing Project – for an allotment area of raised beds;
  - Largs Dog Park – for a dog exercise business facility; and
  - The Pooch Pad - a dog care business.
- 2.4 A series of meetings has taken place between local ward members and officers, with representatives of the community groups putting forward their case. PMI and Legal Services advise that Court approval will be needed for any leases of a long-term nature to be progressed, thus allowing the community groups to access external funding. No consensus has been reached. The local ward members have indicated that they will only consider leasing options to develop the community use of the park, and do not agree that a full community asset transfer of ownership of any part of the park is in the public interest.

## **Largs Common Good**

2.5 The Douglas Park title is held by Largs Common Good. The management and use of lands and buildings controlled by the Council, and the use or disposal of land and buildings declared surplus to the requirements of the Council, including Common Good and HRA land are always subject to:

- The principle of Best Value
- The terms of the Disposal of Land by Local Authorities (Scotland) Regulations 2010; and
- Any other relevant enactment.

It should be noted that the requests in question are for leases rather than transfers of ownership.

## **Proposals**

### 2.6 Proposal 1 - Community Growing Project

2.6.1 The stated aims of this project are to:

- Provide an outdoor focused community allotment, space for which is not available elsewhere in Largs;
- Regenerate a disused and derelict space;
- Help improve mental and physical wellbeing of the people of Largs whilst building new relationships and sense of place;
- Provide new Access to Food options enabling people to grow their own, healthier and nutritious produce; and
- Increase the attraction of Largs as a place to live and to visit.

2.6.2 The proposal is for the constituted group, with the support of the Organic Growers of Fairlie, to create a Community Allotment space in four of the currently unused courts, for use by the people of Largs and local area. The next step would be to work with Council Officers to secure funding and develop a business plan to support the community asset transfer lease agreement, should this be granted. Initially, the plan is to use half of the existing fenced area to create 10 raised beds. Once the first 10 are in place, and subject to further funding, this will increase to 50 beds, including beds along the fenceline for climbing plants. Beds will be split in two and allow up to 100 people to participate, assuming two people per bed. The beds are raised and will be spaced to allow wheelchair access. The other half of the court be used for a polytunnel, children's growing area, seating area, tool storage, water collection and compost bay.

2.6.3 With the growing spaces and community garden the Community Growing Project will have an active social inclusion policy. The local nursery would be offered a specific area for the children to have outdoor learning and development through hands on growing which develops coordination and motor skills as well as communication and understanding and providing some food for their snacks. The nursery teachers and parents will be invited to be actively involved in these activities. The Community

Growing Project has established school growing projects within the high school and the primary schools in Largs that are run by a committed local team, which is keen to get a bigger project running for the wider community. Demand is high for growing spaces; this has been established by the Organic Growers of Fairlie who have a waiting list of 26 people from Largs trying to get some growing space. Community allotments can also provide local access to surplus for local food larders, for example community partnership in West Kilbride has a link between allotments and the local food larder which supports people in need with some healthy options, especially important during the cost-of-living crisis, and this is a model which the group would like to replicate. Council officers have not received the business plan for review.

## 2.7 Proposal 2 - Largs Tennis Club

2.7.1 Largs Tennis Club is proposing to develop the seven courts at Douglas Park to a standard which provides the opportunity to play tennis all year round on all-weather, floodlit courts. This will include resurfacing the courts at Douglas Park, the provision of new fencing and floodlighting (subject to Planning Consent), posts and nets. A smart entry system will also be installed to enable season passes and public access to the courts.

2.7.2 This proposal will provide facilities which ensure the long-term viability of the tennis courts through a fully funded maintenance programme. This will guarantee the site's long-term sustainability by the Club setting aside finance to ensure ongoing maintenance and facility refurbishment after a ten-year period.

2.7.3 Largs Tennis Club (LTC) has been in existence for a number of years and since its inception members have developed links with the local community and schools through Community Holiday Coaching Courses and Community Coaching Programmes, which include:

- Mini Tennis Red 4 to 8 years - played on small courts with short rackets and sponge balls or felt balls enabling players to learn different shots and start to rally;
- Mini Tennis Orange & Green 9 to 11 years - courts are bigger and wider than the red stage allowing players to develop a range of techniques and tactics before moving on to the next level;
- Junior Tennis - 12 to 16 years - played on a full-sized court with yellow compression balls. Players learn to develop basic technique, how to build rallies and learn about match play; and
- Orange and Green Tennis - 9 to 11 years; Junior Tennis 12 to 16 years; Adult Beginner 17+ years; and Adult Improver 17+ years.

2.7.4 LTC also has links to Largs Academy, which involves coaching courses tailored towards the needs of various age groups. These courses will continue if the move to Douglas Park progresses.

2.7.5 The proposal is that the refurbishment of the Douglas Park Courts will provide a wide range of health opportunities to members of the local community who will have access to the refurbished Douglas Park Tennis Courts. These include:

- A full body workout;
- Improvements in stamina;
- Increased muscle toning;
- Weight loss; and
- Improved agility.

2.7.6 The Lawn Tennis Association (LTA) is supportive of this proposal and has provided North Ayrshire Council with a fully costed option to develop the courts. The LTA's proposed business model is supported by its Parks Renovation model. The business plan shows annual income of £18k from season passes; public pay and play (the proposed Lawn Tennis Fund includes 75% of time protected for public access on a 'pay to play' basis); and coaching, with annual expenditure of £14k, leaving an estimated annual excess (including contingency) of £4k to be used for community development. The Parks Tennis Programme includes annual maintenance of the courts. In addition, LTC has a 'sinking fund' of £30k which would be used to obtain additional match funding of £30k to fund floodlights. As part of the discussions, the LTA requested and gained approval for the Council to undertake a long-term commitment for maintenance for 10 years, with Largs Tennis Club as the responsible partner, should the request be granted by Council. Support for community development would be available from the Locality Team, should this proposal be approved.

## 2.8 Proposal 3 - Largs Dog Park

2.8.1 The third proposal seeks to offer something to Largs that people, the proposer suggests, will use on a daily and weekly basis all year round, through turning the disused Tennis Court area into a dog park business.

2.8.2 This proposal would use all seven of the tennis courts in Douglas Park, which, it is proposed, would provide a safe place for a dog park in Largs. It has large areas with high fencing which are already in place and the proposer suggests that re-purposing the area could be completed quickly.

2.8.3 The dog park would be a business which could bring a handful of jobs for people part time/full time. It could also offer work experience for school children or for people to volunteer.

2.8.4 The dog park would work through website booking or telephone booking, which would generate a time and a coded text or email once payment has been received. Entry would be protected by a gate, with a coded lock that would generate access every 30mins to 60mins.

- 2.8.5 A reception cabin (subject to Planning Consent) at the park would be staffed, providing on site booking, monitoring and an inside space for people to shelter while their dogs run free, with a place to rinse and wash, dry and provide water for dogs. There would be booking timings for large, medium and small groups, to allow dogs to play and bond.
- 2.8.6 Training classes may be put in place from experienced trainers, depending on demand.
- 2.8.7 The proposal is for year-round, 12 hours access per day and includes CCTV monitoring of the area.
- 2.8.8 This is a proposal from an individual for commercial purposes. The lease would not meet the criteria for community asset transfer leasing, as identified in the Community Empowerment (Scotland) Act 2015. Income from the commercial lease would go to the Largs Common Good Fund. Council officers have not received the business plan for review.
- 2.9 Proposal 4 - The Pooch Pod
- 2.9.1 This proposal is to lease a three court area of Douglas Park tennis courts for a dog day care business operating Monday - Friday, 8am - 5pm during school term time.
- 2.9.2 This proposal indicates that a client list has already been identified. This business aims to bring services, jobs and a health initiative to Largs.
- 2.9.3 The intention would be to construct a cabin/structure (subject to Planning Consent) to provide an indoor facility for the dogs in the day care service. The business-owner intends to create a 'home from home' feeling with a comfortable inside area for dogs to play or rest. There would be sofas, bean bags and classical music playing, which is proven to create a restful, calming feeling for the dogs. Rest time for each of the dogs will be encouraged between the hours of 12-2pm each day. The outside area of the business-would be paramount to creating a healthy, happy environment. The business owner stresses the dog waste will be picked up immediately and that dogs will get plenty of fresh air and exercise. There will be a 2-gate safety system in place to avoid any dogs escaping from the area. Each of the dogs in the day care would be suitably vetted.
- 2.9.4 This is not a kennels nor a boarding facility. The business owner's background is as a professional dog groomer, with experience of running successful businesses, including dog handling skills, understanding and knowledge of dogs, dogs' body language, canine anatomy and canine first aid certification. As the business establishes, there would be opportunities to employ staff with similar experience.
- 2.9.5 This proposal includes possible opportunities to provide other community-based initiatives such as volunteering for people suffering with mental health issues or partnering with the allotment project proposal's dementia groups and providing a dog-petting area with "therapets." The aim is to help reduce anxiety, ease loneliness, boost self-confidence, add structure to the dogs' day help them to meet new people.

2.9.6 This is a proposal from an individual for commercial purposes. The lease would not meet the criteria for community asset transfer leasing, as identified in the Community Empowerment (Scotland) Act 2015. Income from the commercial lease would go to the Largs Common Good Fund. Council officers have not received the business plan for review.

### **The Legal Process**

2.10 Legal Services advise that there are two stages involved when considering alternative use of Common Good land.

2.11 The first stage is disposal to a third party. If the use of the land is changed so that it is no longer available for the inhabitants as a whole to use this is likely to be a disposal (or appropriation, if the Council itself wishes to use the land for another purpose). The disposal may be a sale or a lease – either will have the practical effect of removing it from public use.

2.12 If there is a disposal, the second stage is to consider whether the land is inalienable. In general terms Common Good land is inalienable when the use of the land is dedicated to a public use. In most cases, common good land held by the Council will fall into this category, and officers take the view that Douglas Park would fall into the category of being inalienable. When common good land is inalienable, court authority to any disposal or appropriation is required.

2.13 The Council has investigated the practicalities of providing a lease to the tennis club. Unfortunately, it seems providing a lease will not be a quick or simple process given that the tennis court areas forms part of the Common Good.

2.14 As the two community organisations (The Community Growing Project and LTC) want to secure funding, they would also require security of tenure. A lease that would be acceptable to funders (potentially, between 10 and 25 years), regardless of the proposed lessee, is likely to amount to a disposal from the Common Good and require court authority to alienate the area from the Common Good.

2.15 Before the Council could grant a lease, officers would need to establish Trustees' support and a statutory consultation process would require to be completed, including publishing the details about the proposed lease and representations invited from Community Councils and community bodies. There are set timescales which must be allowed for responses to the consultation and the Council is required to consider and reply to any representations. The statutory consultation process would take a minimum of 16 weeks to complete.

2.16 Moreover, court authority to lease the land would almost certainly be required to be obtained before the lease could be granted, as the grant of the lease would be a disposal which would alienate the subjects let from the Common Good purposes. The court process would be commenced following the consultation process being successfully completed. Commencing the court process would not guarantee an outcome in which the Council would be authorised to lease the land; and the court may reject the petition, particularly if there are local objections. Separately, the club or

group would be required to meet the court fees along with the Council's Legal and Estates fees, and the court fees would be increased in the event the petition was opposed.

2.17 The Council could draft lease heads of terms in a relatively short timescale but would not be able to sign-off a lease until the common good issue is resolved.

2.18 The process of disposal from the Common Good, including obtaining court authority for alienation, can take a minimum of six months, and is likely to take longer in more complex scenarios such as this. The court application itself may take more than six months if there are objections, especially as the courts are still dealing with the backlog which has accumulated during the coronavirus restrictions. It would also require Council and public support.

2.19 **Proposals**

<i>Proposal</i>	<i>Summary</i>
<i>1. Community Growing Project</i>	Requires 4 courts. 10 raised beds, increasing to 50. Capacity for 100 growers. Longer term development of court includes polytunnel. Wheelchair access.
<i>2. Largs Tennis Club</i>	Requires 7 courts. Public pay to play 75% and 25% member-only. Longer term development of court includes floodlights. Youth coaching. Concessionary access. Fully funded development through Club funds and Lawn Tennis Association, using their business modelling to create a 'sinking fund'.
<i>3. Largs Dog Park</i>	Requires 7 courts. Dog exercise and training facility, Private business. Volunteering/employment opportunities. Pay to use. Longer term development includes reception cabin and CCTV. Commercial lease with income for Largs Common Good Fund.
<i>4. The Pooch Pad</i>	Requires 3 courts. Dog day-care facility. Private business. Volunteering/employment opportunities. Potential community partnership opportunities – pet therapy. Pay to use. Longer term development includes a shelter. Commercial lease with income for Largs Common Good Fund.

## **Public Engagement**

2.20 Public engagement opportunities were set up by North Ayrshire Council, publicised through partners, in the Largs and Millport News and on social media. Drop-in sessions were held on 21<sup>st</sup> and 28<sup>th</sup> November 2022. Opportunities were offered for the public to see the proposals and comment on their preference.

2.21 The purpose of the engagement was to gather the views of:

- Users and non-users of Douglas Park who reside in Largs;
- Those with an interest in the future of the park; and
- Partner organisations potentially impacted by any changes.

2.22 The public engagement was instigated as a means of clarifying the strength and breadth of public views. The strength of feeling expressed about the potential impact on the neighbouring residents and properties was also taken into account. The factors below have shaped the recommendations:

- Numbers of responses;
- The content of public feedback; and
- The need to consider the views of those residents most affected by the proposals for the Park.

2.23 In total 465 responses were received through the online portal, in paper form and via email. A number of strong views were expressed in the returns. There were also seven proposals for sharing the tennis court area, however it had been identified earlier in the process of exploring respective applications that sharing the area is unlikely to meet the needs of respective groups.

2.24 A selection of comments made by the public, both in favour of and against the proposals, is included below in Table 1.

<b>Table 1</b>
<i>Proposal 1 - Community Growing Project</i>
<ul style="list-style-type: none"><li>• ‘This is a much-needed resource for Largs Community as a whole and could (hold) benefit for more individuals and groups in Largs than any other proposal.’</li><li>• ‘This would be fabulous for young and old alike. Mental health and physical exercise would be bonuses to fresh food and a learning environment.’</li><li>• ‘The best proposed idea of all. No such facility exists in Largs and given the current global food situation it is imperative that as many people as possible are given the opportunity to grow within Largs.’</li><li>• ‘While I appreciate the benefits of having allotments, I think there are other areas in Largs where they could be located. For example, in Anderson Park.’</li><li>• ‘This is a good idea but it should not replace tennis courts, some other place should be found for it. I would also be worried about it looking untidy, messy, and possibly also attract pests and rats.’</li><li>• ‘There are other and more appropriate areas for growing. Raised beds on this foundation will mean all growing mediums will need to be imported.’</li></ul>

### *Proposal 2 - Largs Tennis Club*

- 'Excellent proposal, lots of merit, I can see a well thought out plan and the land would keep its sporting purpose.'
- 'This would provide an open-air facility for sport and exercise for all ages, in unlimited numbers. It would be restoring and upgrading an existing facility.'
- 'This sounds well researched and costed. It will involve more of the community than the other options and will include visitors/ tourists to area over the summer months. I think this is best option.'
  
- 'Already have great facilities in Inverclyde sports centre.'
- 'I have never seen anyone playing tennis on any of the courts. How did the courts become derelict in the first place? Lack of interest? Insufficient information? Additionally, the National Sports Centre provides tennis courts and club facilities. All of the other proposals have no other opportunities available.'
- 'Has been here for years & look at the state of it & lack of use as a result. Tennis courts in operation & well maintained up at Inverclyde with sufficient parking.'

### *Proposal 3 - Largs Dog Park*

- 'This proposal gets my 100% support. We have nothing like this in the town and it would make a massive difference to able to use this dog park with dogs that can't be off lead for some reason and be given a chance to still run off lead with the option of booking a private slot. Brilliant idea and well thought through with a wide range of uses for a huge amount of people with dogs of different needs and interests.'
- 'This is a much-needed facility for the town, a well thought out and comprehensive pitch.'
- 'I think having the dog park in Douglas Park would be an excellent idea.'
  
- 'As a dog owner I feel we have plenty of on and off lead areas to walk a dog in and around Largs so I don't think this is required.'
- 'Already a number of similar areas allocated for dogs available to the Largs Community but FREE. This is a private business making profits from the land belonging to the constituents of Largs.'
- 'I agree that a dog park will be beneficial to Largs. I also feel that Douglas Park has a community ethos and is no place for a business. Question the wisdom of this so close to a nursery. Wonder how local residents feel about it. Dogs going up the hill are very difficult to contain excited dogs noise wise.'

### *Proposal 4 - The Pooch Pod*

- 'Another good idea for this place as we need doggy day care.'
- 'A good idea, but how does closing at five help those in work, probably the group most needing such services? Also, despite the good intentions, I'm not sure letting other people in to interact with customers' dogs is a good idea.'
- 'I like this idea and think this facility would be welcomed.'
  
- 'Curious how a business can survive when selectively turning away dogs not small or medium. As a dog owner I am aware the size of the dog doesn't determine its temperament so having dogs kept outside a nursery doesn't consider children who are dog averse. Am very confused how a dog service operates term time and hence how it could hope to survive. I feel focus on size, neutered dogs ignores the importance of vaccinations, hygiene, waste disposal

and noise. These are the real issues around this type of business in a public space.'

- 'I disapprove of this option. Taking your dog to an enclosed area while you sit inside a cabin and watch them seems a strange way to exercise your dog. Most dog owners enjoy walking their dogs out in the open. There are many areas in Largs to walk your dog properly.'
- 'I understand the need for a daycare facility for dogs especially after the rise in dog ownership during Covid and the fact that people are now having to return to the workplace. But I do not think that this area should be used as a private business as it was given to the community by a benefactor.'

2.25 The first preference outcomes expressed in the online form, paper versions from face to-face engagement and emails sent directly to the Council provided the following results:

Largs Tennis Club	147
Community Garden	132
Dog Park	105
Dog Day Care	76
Spoilt papers*	5

\* Where the voter's preferences were unclear, or a blank return.

2.26 The views expressed included those of many of the Park's neighbouring households, who were significantly in favour of the Largs Tennis Council's proposal.

### **Recommendations**

2.27 Taking the above into account, and following extensive exploration of options with the individual groups and public engagement, the recommendations to Council are therefore as follows:

2.27.1 North Ayrshire Council should initiate lease discussions with Largs Tennis Club, as the first stage of alienation of Common Good land, taking into account the complex court and public consultation processes involved;

2.27.2 Council should remit officers to set up a formal North Ayrshire Council working group with the Community Growing Project with the following purposes:

- Review all the options for suitable Council-owned ground for a
- community growing initiative in the Largs area;
- Explore potential options with all public sector partners in the area;
- Explore potential options to purchase an appropriate site for the use
- of the Community Growing Project; and
- Report to Council on the recommendations of the working group.

2.27.3 Council should refer the Largs Dog Park and the Pooch Pod to appropriate Council and other business support should they wish to explore alternative commercial opportunities.

### **3. Proposals**

3.1 It is proposed that Council:

- a) Considers the proposals regarding the future use of the Tennis Courts at Douglas Park, Largs;
- b) Notes the outcome of the public engagement regarding the proposed future use of the Tennis Courts at Douglas Park, Largs;
- c) Authorises officers to progress alienation of the area from the Largs Common Good with the purpose of agreeing a lease with Largs Tennis Club;
- d) Approves the establishment of a Council/Community Garden Project Group working group to identify a suitable site for allotments;
- e) Agrees to refer the business applicants (Largs Dog Park and the Pooch Pad) to the Council's Business Development team to progress commercial options; and
- f) Agrees that the Council's costs for the legal process in relation to the Common Good be met from the Council's existing Community Asset Transfer Start Up Fund.

### **4. Implications/Socio-economic Duty**

#### **Financial**

4.1 Option 1 is likely to attract external funding. Option 2 has secured external funding considered to be in the region of £200 000. Options 3 and 4 would generate annual income for the Largs Common Good Fund. It is also recommended within this paper that the Council's costs for the legal process in relation to the Common Good be met from the Council's existing Community Asset Transfer Start Up Fund.

#### **Human Resources**

4.2 None.

#### **Legal**

4.3 Legal implications are identified in paragraphs 2.10-2.18.

#### **Equality/Socio-economic**

4.4 There will be considerable socio-economic benefits to be achieved should the asset be successfully transferred into community ownership. These are outlined under the individual proposals.

#### **Climate Change and Carbon**

4.5 There will be considerable environmental and sustainability benefits to be achieved should the asset be successfully transferred into a community growing initiative.

#### **Key Priorities**

4.6 The proposals contained within the report support the following North Ayrshire Council Plan priorities:

- Active and strong communities

- People enjoy good life-long health and wellbeing.

### **Community Wealth Building**

4.7 The proposal supports the following pillars of community wealth building:

- Advancing community enterprises; and
- Advancing local ownership of underused land and buildings.

### **5. Consultation**

5.1 In preparation for this report, extensive conversations were held with local ward members, community groups and Council officers. A public engagement was carried out in November 2022 and the outcomes are included at 2.20-2.24 in this report.

Audrey Sutton  
Executive Director (Communities & Education)

For further information please contact **Rhona Arthur, Head of Service (Connected Communities)**, on **(01294) 324415**.

### **Background Papers**

Appendix 1: Douglas Park Plan



Bowling Green

Douglas Park

**AREA 1**

**AREA 2**

CATHCART ROAD

Margaret's Law