

KIDSTON PARK

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**1. SUMMARY**

- 1.1** The play area improvements at the Kidston Park site were completed and the facility handed over to the Council in July 2012.
- 1.2** A Section 75 legal agreement with regard to a housing development on an Open Space Protection Area required the Developer to lodge £50,000 (the "Development Fund") with the Council in mitigation. The developer has the option with the Council's consent to erect a bandstand and provide for its maintenance at Kidston Park to the satisfaction of the Council. If these conditions are satisfied then the Developer can request payment in full of the sums held in the Development Fund. If agreement cannot be reached on the provision of a bandstand or if the bandstand is not delivered to the satisfaction of the Council, then the Council shall be entitled to retain the Development Fund in full and utilise it for the provision, maintenance and improvement of play equipment now and in the future at Kidston Park.
- 1.3** The Council has the right to refuse or grant consent for the erection, repair or renewal of any structures on land in its ownership.
- 1.4** This report is to advise members with regard to the progress made in resolving matters following the Area Committee of December 2012.

**2. RECOMMENDATION**

- 2.1 That the Area Committee notes the current position.

**3.0 BACKGROUND**

- 3.1** A Section 75 legal agreement with regard to a housing development on an Open Space Protection Area required the Developer to lodge £50,000 (the "Development Fund") with the Council in mitigation with respect to Kidston Park. The developer has submitted initial plans for the bandstand and an outline of proposed maintenance provision.
- 3.2** A paper with regard to Kidston Park was considered by the Helensburgh & Lomond Area Committee on 11 December 2012. The Area Committee decided to :
1. To note the preferred approach that the Director of Development and Infrastructure be given delegated authority ,in consultation with Councillors

Aileen Morton, James Robb and Gary Mulvaney to seek to reach agreement with the developer on implementing the elements detailed in section 4.2.1-5 of the report

2. Agreed to continue consideration of this matter to the February meeting of the Helensburgh and Lomond Area Committee.

#### **4.0 UPDATE**

- 4.1 The Executive Director for Development & Infrastructure has confirmed an initial meeting date with the developer on 12 February 2013. In advance of this, it is planned to hold a consultative meeting with Cllrs Morton, Robb and Mulvaney on completion of the February Area Committee, as per 3.2.1.
- 4.2 The outcome of the meeting with the developer will be communicated to the nominated Councillors and thereafter a further report will be brought forward.

#### **5. IMPLICATIONS**

POLICY:	None
FINANCIAL:	As per December 2012 Area Ctte paper
PERSONNEL:	None
EQUAL OPPORTUNITY:	None
LEGAL:	None
CUSTOMER SERVICE:	As per December 2012 Area Ctte paper
RISK:	As per December 2012 Area Ctte paper

For further information please contact Jim Smith, Head of Roads & Amenity Services

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4 February 2012