

WEST DUNBARTONSHIRE COUNCIL

Report by the Executive Director of Educational Services

Council: 21 December 2011

Subject: Letting of external Sports Facilities at St Peter the Apostle High School

1. Purpose

- 1.1** The purpose of this report is to update members on the situation regarding the letting of the external sports facilities at St Peter the Apostle High School and the measures taken to reduce noise disruption to residents of the adjoining Morar housing estate.
- 1.2** The report also asks members to decide on future arrangements for the letting of these facilities.

2. Background

2.1 Planning approval having been granted for the construction of St Peter the Apostle High School together with its external sports facilities on 8th August 2007, BAM Construction commenced construction of the school in January 2008. During the construction period, the following liaison took place between BAM and the residents of the Morar Estate, situated to the south side of the area in which the school's playing fields were to be sited:

- as part of the 'Considerate Contractors Scheme' (CCS) BAM produced Information Leaflets which were mail dropped to all residents informing them of construction activity on the site;
- BAM arranged window cleaning to residents' properties during particularly dry/dusty weather periods and affixed dust screening to the site boundary fences;
- Following complaints to BAM from local residents, the Schools' Estate Unit consulted with the Planning Department to re-configure the permanent site boundary fence and proposed access to the high school, which residents had stated impacted negatively on their properties; the gate was removed completely, and the fence was re-configured to be as close to their properties as physically possible, removing their perceived risk of a 'rat run' developing;
- BAM Construction has a log book detailing residents complaints; BAM Construction received a very good report from the CCS.

2.2 BAM Construction signed off the following Planning Conditions.

Condition 14. Notwithstanding the approved plans, details of the number, siting and design of the proposed floodlights for the synthetic grass pitches shall be submitted to and approved by the Planning Authority prior to the commencement of development on site. The floodlights shall be switched off and shall not be in use after 10:00 pm daily.

Condition 22. Notwithstanding the submitted plans, details of the treatment of the boundary of the site adjacent to the A82 and the residential properties in Morar Avenue, Place and Court shall be submitted to and approved by the Planning Authority prior to the commencement of development on site. These details shall include landscaped bunding along the A82 and landscaping to the rear of the residential properties in Morar Avenue, Place and Court. These details shall be implemented within a timescale to be agreed by the Planning Authority.

- 2.3** WDC officially took possession of St Peter the Apostle High School on 17th August 2009. Initially, the only external sports facility which was available for use was an all-weather hockey pitch. However, in the course of the following year, a 3G football pitch, an all-weather 6-lane running track and a grass football pitch were also completed, giving St Peter the Apostle High School among the best sporting facilities in Scotland.
- 2.4** The school at handover had only the all weather hockey pitch to use for curricular activities. Residents complained that during football lessons the football was constantly entering their gardens. The Schools' Estate Unit took advice and increased the height of the ballstop fencing to SportsScotland's preferred height for football. The Council's Planning officers were involved and residents had a time-frame for consultation. Throughout this process no football was allowed on this pitch either by the school or by community lets.
- 2.5** Complaints from residents in 4 households in the Morar estate about alleged anti-social conduct by groups involved in community lets were investigated by Schools Estates/BAM FM and warnings/terminations of lets from Educational Resources to lessees were implemented. Residents also complained about the noise of footballs repeatedly hitting the ballstop fence. A map indicating the location of the complainants' houses is provided as Appendix 1.
- 2.6** These measures were also implemented after the 3G football pitch, the grass pitch and the running track were 'handed-over' to the Authority. Complaints from the residents increased regarding educational school usage, community group usage and un-authorized usage out with hours. Schools Estate/BAM FM reacted to resolve every incident; negotiating with the school management to prevent pupils accessing the pitch outwith curricular lessons, and issuing warning letters to groups deemed to be contravening the terms and conditions of lets. BAM FM also employed additional security patrols outwith normal hours.
- 2.7** WDC Environmental Health officers had been contacted by residents and they agreed to carry out a Noise Impact Survey of the site.
- 2.8** The above procedures did not satisfy the residents, and the Provost convened a meeting on the 7th March 2011 involving: the residents; Schools Estate Unit; BAM PPP; Environmental Health; Strathclyde Police; and the Provost, who chaired the meeting.

- 2.9** Since the meeting on 7th March, the Council has striven to respond to residents' complaints and has set in place a series of measures to mitigate disruption. Along with BAM FM and school management the Council has introduced the following measures.
- The school's fire and evacuation strategy has been completely re-designed. This has involved work between the school management, WDC Health & Safety Officers, Strathclyde Fire and Schools' Estate Team. This has displaced the fire muster points, which are still in use until 6.00pm within the pitches, allowing for the janitors to lock the gates from 3.30pm, when the facilities are not being used within the curriculum. The gate to the 'park and ride' facility remains open until approximately 5.00pm to allow pupils involved in after school support activities to exit the campus. BAM FM is responsible for unauthorised access at this time.
 - The school management has repeatedly reminded pupils that there is no access to the pitches after school for playing before they make their way home.
 - Signage has been commissioned and erected asking lessees to have consideration for adjoining neighbours and their properties.
 - The fence contractor has been asked to investigate noise mitigation solutions, to minimise the noise from the ballstop fence.
 - The substitute benching has been removed from the 3G pitch, to alleviate reported anti-social behaviour. This is to the detriment of the school users.
 - The lighting contractor has been instructed to review and report on residents' concerns regarding 'light pollution' affecting their property.
 - Environmental Health instigated a Noise Impact Survey on the community lets within the pitches.
 - Following a site visit, the then Chief Executive made the decision to temporarily suspend the community lets to the 3G football pitch and hockey pitch.
 - BAM FM facilitated a contact telephone number for residents witnessing un-authorized access to the pitches.
 - BAM FM fixed security signage to the perimeter boundary fencing.
- 2.10** All external boundary fences went through the statutory planning process, and comply with regulations. The site has satisfied Strathclyde Police's Secure by Design recommendations. The level of security measures employed on this campus exceeds that of most other similar properties within and outwith this authority.
- 2.11** Access to the running track and grass pitch is through a dedicated gate positioned on the pathway running parallel with the A82. Clydesdale Harriers and other users of the running track and grass pitch do not require access via the 3G pitch to enter the track facility.
- 2.12** A follow-up meeting on the 18th April 2011 took place involving the residents, Schools Estate Unit, BAM PPP, Environmental Health Dept. Strathclyde Police, The Chief Executive, the Executive Director of Educational Services, the Head Teacher of the school and the Provost. The following issues were discussed.
- The report from Environmental Health deemed the noise impact on the residents to be disruptive.

- The Chief Executive confirmed his decision to immediately terminate all community lets of the 3G football pitch and hockey pitch as a temporary measure while further mitigation measures were investigated. The school would continue to use the pitches for curricular activities and for school football teams after school and on Saturday mornings. The running track would still be made available to the community, as would the grass football pitch, once it became available, as these facilities are sited further from the Morar estate.
- BAM Construction would carry out noise mitigation measures to the fence post with the aim of reducing noise disturbance. Shields would be fitted to the pitch floodlighting to restrict perceived light pollution into residents' gardens.

2.13 Since the external lets were suspended, complaints from the local residents have significantly reduced in number and frequency, although they have continued to complain about some activities during the working day, including school sports events and fun days and the WDC Active Schools/Sports Development summer activities programme. All complaints have been investigated and, where appropriate, action has been taken by the school, by the Council or by BAM to address any issues.

2.14 During this period, the following additional mitigation measures have been implemented:

- BAM FM has applied anti-climb paint to the pitch fence stanchions to deter unauthorised access;
- BAM Construction has fitted "blinkers" to the boundary floodlights to reduce perceived light pollution;
- the Council has commissioned Greenspace to plant additional trees along the boundary to give additional visual screening to the residents;
- BAM Construction installed baffles on a section of the ballstop fence as a trial to see if the noise impact of balls hitting the fence could be reduced. However, following an independent noise impact survey, BAM was advised by the acoustician who carried out the survey that the reduction was minimal; it was therefore decided not to proceed to install similar devices on the rest of the fence.

2.15 Since the lets were suspended, the Council has received numerous complaints from a range of sports clubs and individuals about the fact that the school's high class facilities are not available for public use. The volume of complaints has recently increased and several elected members have been approached about this issue. A list of the groups which used the external facilities before lets were suspended is given as Appendix 2.

2.16 At the Council meeting on 26 October 2011, Council agreed that a full report on the issue should be tabled for the consideration of Council.

2.17 Since the report of the above decision was reported in the local press, residents of the 4 households referred to in paragraph 2.5 have again contacted officers and elected members and have made it clear that only a permanent cessation of lets will satisfy them. Similarly, during this time, further

corporate complaints have been received from potential users of the facilities complaining about the ongoing suspension of community lets.

3. Main Issues

- 3.1** St Peter the Apostle High School has some of the best external sports facilities of any school in Scotland.
- 3.2** In the Outline and Detailed Business cases for the WDC schools' PPP project, there was a clear aspiration expressed that community use of the schools' facilities would be maximised. SportScotland, a statutory consultee in the PPP process, also expressed the expectation that the sports facilities, both internal and external, would be made available for use by community groups.
- 3.3** There is a clear demand from a range of community groups for use of the facilities at St Peter the Apostle High School. The facilities at Clydebank High School and Vale of Leven Academy are already extremely well used and the capacity does not exist at these schools to accommodate the groups which used to use the St Peter's pitches.
- 3.4** The provision of high quality sporting facilities is one method of addressing health and obesity issues in the West of Scotland. Such facilities also provide a suitable venue for diversionary activities for young people who might otherwise be likely to be involved in anti-social behaviour.
- 3.5** The residents of the 4 households in the Morar estate which are closest to the pitches have made it clear in the strongest possible terms that they do not wish to see the lets reinstated and that only a permanent cessation of community lets will satisfy them.
- 3.6** The Council has considered erecting an acoustic barrier to shield the Morar residents from any noise generated by groups using the pitches. However, this would entail a major engineering project at very significant cost (several hundred thousand pounds) to the Council. It would also block entirely the view which the Morar residents currently have of the hills beyond the A82 and any suggestion that such a structure be erected would therefore almost certainly draw objections from the residents. However, notwithstanding these issues, such a fence is currently being modelled as a long term solution by an independent acoustic consultant. It is hoped that the results of this modelling will be known before the Council meeting on 21 December. Any such fence would require planning permission and the impact of such a fence on the amenity of neighbouring properties would be considered as part of the planning process.
- 3.7** Having taken into account all of the relevant factors, the Council is therefore faced with four options for the future letting of the hockey pitch and 3G football pitch at St Peter the Apostle High School as detailed below.

Option 1: continuation of the current suspension of external lets

This option would satisfy the residents of the 4 households in the Morar estate who have complained about the lets. However, it would also mean that the

potential for maximising community use of the facilities would not be realised. It would also mean that groups who wish to use the facilities would not be able to do so and would almost certainly continue to complain to the Council.

Option 2: reinstatement of all lets from 6.00 pm – 10.00 pm on all evenings and community lets during the day on Saturdays and Sundays for all groups

This option would satisfy all lessees, would maximise community lets of the facilities and would match the letting arrangements at Clydebank High School and Vale of Leven Academy. However, the residents of the 4 households in the Morar Estate would undoubtedly continue to submit complaints.

Option 3: reinstatement of external lets from 6.00 pm – 8.00 pm for supervised groups under the age of 18 for a trial period of 6 months from January 2012, with clear instructions about the requirement for the lessees to minimise noise and clear procedures for taking sanctions against groups which fail to comply with this requirement

This option would satisfy some of the potential lessees and would allow some community use of the facilities. It would also allow external, independent noise consultants, to assess the noise disruption to the Morar residents. Some of the previous noise monitoring has taken place after 8.00 pm when the background noise levels are lower. The ending of lets at 8.00 pm would mean that the noise impact assessment would now be measured against higher background noise levels.

It is the difference between “normal” background noise levels and the actual noise levels when the pitches are in use which determines whether the use of the pitches constitutes a nuisance. Older users have also previously proved noisier and more difficult to control. The restriction of use to supervised groups under the age of 18 should reduce noise levels and the possibility of anti-social behaviour. It would also be made clear to such groups that failure to observe the terms of the let would lead to the cancellation of the lets. A 6-month trial period would allow several noise impact assessments to be carried out in different weather conditions. It should be noted, however, that the residents have made it clear that they do not wish to see any reinstatement of external lets.

Option 4: Reinstatement of all external lets from 6.00 pm to 8.00 pm Monday to Friday, 9.00 am – 5.00 pm on Saturdays and 1.30 pm – 5.30 pm on Sundays for a trial period of 6 months from January 2012, with clear instructions about the requirement for the lessees to minimise noise and clear procedures for taking sanctions against groups which fail to comply with this requirement.

Many of the comments on Option 3 would also apply to option 4. However, this option would satisfy most lessees and would increase community use of the facilities and income for the Council. It would also match the arrangements currently being proposed by Planning officers for the community use of external sports facilities at the new Dumbarton Academy, which are also located close to residential properties. However, the extended hours and

absence of age restrictions would also increase the likelihood and probable frequency of complaints by residents.

4. People Implications

- 4.1 There are no implications for the employment of personnel, although there are workload implications for Environmental Health Officers and for the Schools Estate Unit if options 2, 3 or 4 are chosen.

5. Financial Implications

- 5.1 The cost of additional tree planting referred to in paragraph 2.15 is £900.
- 5.2 The forecast loss of income to the Council of the cessation of community lets is estimated at approximately £12,000 per annum based on current letting charges, although this sum could be increased if a decision was taken to increase charges. The adoption of Option 3, should it become a permanent arrangement, would allow a recovery up to £3000 per annum in letting fees. Option 4 would allow a recovery of up to £8000 per annum.

6. Risk Analysis

- 6.1 If Option 1 is adopted, there is a reputational risk to the Council that it is failing to utilise its sports facilities fully. There is also a risk that groups who wish to use the facilities will continue to complain and may challenge the Council's decision.
- 6.2 If Option 2 or Option 4 is adopted, there is a risk of challenge to this decision from some of the residents of the Morar Estate.
- 6.3 If Option 3 is adopted, some adult groups may challenge the Council's decision. The Morar residents are also unlikely to accept even a temporary reinstatement of lets. However, Option 3 is time-limited and would allow an independent assessment of noise levels and a further consideration by Council at a later date of longer term plans for the sports facilities at the school.

7. Equalities Impact Assessment (EIA)

- 7.1 Options 1, 2 and 4 have no impact on equalities. While the inclusion of an age limit for user groups in Option 3 could be seen to discriminate on grounds of age, there are objective reasons for imposing such a restriction. Experience has shown that younger groups tend to be less noisy and less prone to anti-social behaviour; the fact that these younger groups are always supervised by an adult also makes them easier to control.

8. Strategic Assessment

- 8.1 The Council has identified four main strategic priorities for 2011/2012, namely Social & Economic Regeneration, Financial Strategy, Asset Management Strategy; and Fit for Purpose Services.

8.2 Reinstatement of some or all of the lets would increase the use of the sports facilities and would help to maximise the use of the Council's assets.

9. Conclusions and Recommendations

9.1 The decision of the Council's former Chief Executive to suspend community lets of the sports pitches at St Peter the Apostle High School has satisfied the residents of the Morar estate who had previously complained about the noise of balls hitting the fence close to the perimeter of their properties and about anti-social behaviour by some of the groups using the sports facilities.

9.2 However, this decision has also resulted in complaints from community groups who would like to use the top class sports facilities at the school.

9.3 It is estimated that the continued suspension of community lets will potentially cost the Council approximately £12,000 per annum in lost income. The adoption of Option 3, should it become a permanent arrangement, would allow for the recovery of up to £3000 per annum in letting fees.

9.4 The current situation means that the Council is currently failing to maximise the use of its assets.

9.5 **Given the conflicting views of the Morar residents and the community groups, it is recommended that Option 3 as outlined in paragraph 3.7 be adopted, namely that:**

- a) **community lets of the hockey and 3G football pitches at St Peter the Apostle High School will be reinstated for a trial period of 6 months from January 2012;**
- b) **lets will only be offered to supervised groups of users under the age of 18;**
- c) **the pitches will only be let between the hours of 6.00 pm and 8.00 pm;**
- d) **it will be made clear to all groups using the facilities that any proven anti-social behaviour will result in the cancellation of the let;**
- e) **during the trial period, independent external noise consultants, will monitor the noise impact on the residents of the Morar estate; and**
- f) **a further report will be brought to a future meeting of Council giving details of the outcome of the 6 month trial and making recommendations for the future letting arrangements of the facilities.**

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Appendices: Appendix 1: Location Map

Appendix 2: Community Lets of external sports facilities at St Peter the Apostle High School 2010/11

Background Papers: None

Wards Affected: Ward 5
(Note: although St Peter the Apostle High School is located in Ward 5, lessees could come from any ward.)

Appendix 1: Location Map



Appendix 2: Community Lets of external sports facilities at St Peter the Apostle High School 2010/11

a) Sessional (ie weekly) Let Use at St Peter the Apostle High School 2010/2011

Drumchapel Amateurs (had x 2 lets) *
Parkhall FC
Blair Thistle
Clydebank FC
Clydebank BC (had 2 lets)
Broomhill Hockey (had 2 lets)*
Clydebank College
Duntocher Boy's Club
Kilpatrick 16's (had 2 lets)
Drumry United
Goldenhill Boy's Club
Yoker Amateurs FC*
UCS
Kilpatrick FC (had 3 Lets)
Atlantis AFC
Kilbowie Thistle
WDC Sports Development (had 2 lets)

b) Occasional Let Use at St Peter the Apostle High School 2010/2011

Drumchapel Amateur Girls
Clydebank College
Kilpatrick 2000's
Clydebank United
Clydebank BC
UCS
Atlantis AFC
Millbank
Haldane
Parkhall Athletics
Antonine AFC
Corinthians AFC *
Goldenhill BC
Clydebank Phoenix
PFD FC
Blairdardie United
Drumchapel United *
Kilpatrick 14's
Drumchapel Girls
Clydebank Taxis

* The 5 lessees marked with an asterisk are the only ones where the named lessee's address is outwith West Dunbartonshire, although at least 3 of these groups contain significant numbers of West Dunbartonshire residents