

Annex 7

THE KING'S PARK, STIRLING

Introduction

1. The purpose of this paper is to describe that part of the Crown Estate in Scotland known as the King's Park, Stirling, which is one of the ancient possessions of the Crown of Scotland and an area of great historical significance.

Background

2. The King's Park is Scotland's earliest recorded Royal Park, dating from the 12th century or before and amongst its early history is reported to have been laid out by Alexander the Third, Kings of Scots, as a hunting ground in 1257.
3. The King's Park with Stirling Castle as a backdrop, is now Scotland's last former Royal Park still owned by the Crown. The Park still covers over 300 acres of open agricultural and recreational land on the west side of Stirling and with the Castle, is part of a landscape of major national importance.
4. The Crown Estate Commission (CEC) became responsible for the management of the King's Park from 1956. The extent of the ancient possession of Crown land at that time was 335 acres (136 ha). In 1972, the CEC bought the Old Mills Farm near the Park, re-sold the house and buildings and added the 115 acres of land to the King's Park Farm to make it more viable¹.
5. There were no further significant changes in ownership until 1999. The small part of the ancient possession known as the King's Knot and managed by Historic Scotland, was conveyed by the CEC on behalf of the Crown to the Secretary of State for Scotland in 1999 and thus to Scottish Ministers as part of the wider transfers at that time².
6. The current size of the Crown Estate holding of King's Park is 453 acres (183 ha). This consists of four main components³:
 - 233 acres (94 hectares) classed as agricultural land and subject to two small grazing tenancies. This land is divided between land within the historic Park area on either side of the main road west out of Stirling (A811) and a separate area of land at Kildean from the Old Mills purchase.
 - Nearly 150 acres (61 hectares) leased to Stirling Golf Club as the King's Park Golf Course and including additional parts of the historic Park that do not form part of the actual course.
 - Approximately 70 acres (28 hectares) leased to Stirling Council. This consists of the 23 acres (9 ha) King's Park public park beside the Golf Course and the Gowane Hills land adjoining Stirling Castle and including the South Brae under the Castle.

¹ CEC Annual Report 1975

² see Annex 6

³ Information from CEC (November 2005)

- Three residential tenancies in the Homesteads area within the historic Park. The CEC recently disposed of the prominently located King's Farm house and buildings in the centre of the Park in a private sale.
- 7. The Gowane Hills area was not originally Crown land, but was acquired as the result of an exchange in the early 15th century with the town for land formerly within the Park. This change allowed the Crown to control the lines of sight from the Castle to the bridge over the Forth.¹ The former Park land acquired by the town at that time to the east of the current Golf Course, was developed in the 19th century.
- 8. The public park and golf course both date from Victorian times, when the new railway made it possible for businessmen to commute to Glasgow from Stirling and the King's Park area of Stirling was a fashionable place to settle.
- 9. The association between the King's Park and golf does, however, go much further back. It is reported that the Accounts of Scotland's Lord Treasurer recorded James IV, Kings of Scots, played golf at the King's Park in 1506², while local Kirk Session Records give more specific references from 1603 onwards.³
- 10. Until recent decades, the Golf Club had to put electric fences around the greens to keep grazing cattle off. However, the Club subsequently bought out the grazing let and has since carried out tree planting and amenity work across the course.
- 11. In November 1992, the Golf Club negotiated a fresh 30 year lease with the CEC to 2022. The CEC included three yearly rent reviews in the lease and the two initial reviews seem to have been readily agreed. However, in 2001, the CEC substantially increased the rent. The Club was forced to go to arbitration because they considered the amount excessive and the arbiter found in the Club's favour at around half the amount being sought by the CEC.

Current Issues

- 12. In 2006, the CEC started to negotiate with Stirling Golf Club to sell the Club the lands and buildings currently leased by the Club, including the parts of the King's Park within their lease but not forming part of the course.
- 13. The CEC set 28th November 2006 as the deadline for the conclusion of missives (i.e. agreement of the sale), with the Club to make an offer significantly above market valuation and keep the negotiations confidential.
- 14. Rumours had existed locally since the early summer about plans to sell the Golf Course, but it only became clear to Stirling Council and local community groups in October that negotiations were underway. The proposed sale then quickly developed as an issue.
- 15. While the Council and community interests understood why the Golf Club would want to buy the course, the Club is a private company. There was a clear view that the golf course should not be sold to a private company, but remain in public ownership to safeguard its future as a major part of the historic and important King's Park.
- 16. Confronted by an escalating issue over the sale, the CEC first suspended negotiations with the Golf Club and then, on 16th November, issued a joint statement with Stirling Council:-

¹ John Harrison, Paper 7th November 2006

² "500 Years of Golf in Stirling 1506-2006" (Stirling Council 2006)

³ John Harrison, Paper 7th November 2006

“Stirling Council and The Crown Estate had a very productive meeting on 15th November to discuss the concerns of the local community regarding the possible sale of the King’s Park Golf Course.

In the light of these concerns, The Crown Estate is happy to give the Council its assurances that time will be given for alternative proposals to be considered.

Stirling Council will now progress these alternatives in consultation with the local community, other interested parties and The Crown Estate.”

17. Stirling Council and local community interests have proposed that the Council should acquire all the Crown land forming part of the historic King’s Park (i.e. Golf Course, areas leased by Council and agricultural land). A public trust would then be established to secure the long term ownership of the King’s Park and ensure that it is managed for the common good of the people of Stirling in ways that also reflect its national importance to Scotland.
18. While the Council has confirmed that the CEC appear willing for the Council to acquire all the historic King’s Park, negotiations are on-going between the CEC and Council at the time of writing (December 2006).
19. Community interests have said that the Crown’s ownership of the King’s Park land should be transferred to the Council at no cost, as with the transfer of the Crown’s ownership of Stirling Castle and the King’s Knot within the King’s Park to Scottish Ministers in 1999¹. The ownership of Holyrood Park, covering 650 acres or around twice the area of the King’s Park, was also transferred at no cost then.
20. The proposal that the Crown should gift the lands (or at least the Gowane Hill and public park areas leased by the Council) to the people of Stirling is based on the national importance of the King’s Park and the ancient association between the Crown in Scotland and Stirling.
21. Originally, the CEC had seen the sale of the golf course as a straightforward commercial transaction. The CEC do not appear to have recognised the importance of the King’s Park as part of Scotland’s national heritage.
22. The King’s Park is clearly the only ancient possession of its kind forming part of the Crown Estate in Scotland, while the only land within the rest of the UK wide Estate that appears to be of equivalent national status is the Great Park at Windsor Castle. That Park’s significance is recognised in it being the one part of the Crown Estate which the CEC can not sell.²
23. The CEC is required in disposing of other land from the Crown Estate to obtain ‘*the best consideration in money or money’s worth*’, but this is subject to ‘*having regard to all the circumstances of the case*’ as well as other opportunities for flexibility under their legislation.³
24. One part of the context to the discussions between the CEC and Council over the historic King’s Park land, is that these parties have been negotiating the purchase of the Kildean land by the Council for several years. This substantial financial deal would allow the Council to develop the land to improve the economy and infrastructure of Stirling.
25. If Stirling Council acquire the King’s Park and Kildean areas from the Crown, the CEC will no longer be responsible for managing any land at Stirling.

¹ The properties were conveyed to the Secretary of State for Scotland – see Annex 6

² Crown Estate Act 1961, section 5

³ Crown Estate Act 1961, section 3