



Clackmannanshire Council

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Greenfield, Alloa, Scotland, FK10 2AD (Tel.01259-450000)

Clackmannanshire Council

Thursday 4 November 2010 at 9.30 am

Venue: Council Chamber, Greenfield, Alloa, FK10 2AD

Date	Time
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Clackmannanshire Council

There are 32 Unitary Councils in Scotland. Clackmannanshire Council is the smallest mainland Council. Eighteen Councillors are elected to represent the views of the residents and businesses in Clackmannanshire. The Council has approved Standing Orders that detail the way the Council operates. Decisions are approved at the 6 weekly meetings of the full Council and at Committee Meetings.

The Council is responsible for approving a staffing structure for the proper discharge of its functions, approving new policies or changes in policy, community planning and corporate governance including standards of conduct. Co-option of religious representatives in respect of Education policy decisions is also a Council responsibility.

The Council has further responsibility for the approval of budgets for capital and revenue expenditure, it also has power to make, alter or cancel any scheme made under statute and to make, alter or cancel any orders, rules, regulations or bye-laws and to make compulsory purchase orders. The Council also determines the level of Council Tax and approves recommendations relating to strategic economic development.

Members of the public are welcome to attend our Council and Committee meetings to see how decisions are made.

Details of all of our Council and Committee dates and agenda items are published on our website at www.clacksweb.org.uk

If you require further information about Council or Committee meetings, please contact Finance and Corporate Services by e-mail at customerservice@clacks.gov.uk or by telephone on 01259 452106 or 452004.

27 October 2010

A MEETING of the CLACKMANNANSHIRE COUNCIL will be held within the Council Chamber, Greenfield, Alloa, on THURSDAY 4 NOVEMBER 2010 at 9.30 am.

**ELAINE McPHERSON
Head of Strategy and Customer Services**

B U S I N E S S

	Page No.
1. Apologies	- -
2. Declaration of Interests Elected Members are reminded of their obligation to declare any financial or non-financial interest which they may have in any item on this agenda in accordance with the Councillors' Code of Conduct. A Declaration of Interest form should be completed and passed to the Committee Officer.	- -
3. Confirm Minute of Meeting held on Thursday 23 September 2010 (Copy herewith)	01

FINANCE AND CORPORATE SERVICES

4. Budget Strategy Update - report by the Director of Finance and Corporate Services (Copy herewith)	13
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SERVICES TO COMMUNITIES

5. Roads and Transportation Strategy - report by the Head of Community and Regulatory Services (Copy herewith)	17
6. Treatment of Contaminated Land in Alva - report by the Head of Community and Regulatory Services (Copy herewith)	25
7. Proposed Sale of Ground to Rear of Glentana Mill, West Stirling Street, Alva - report by the Head of Facilities Management (Copy herewith)	37
8. Forestmill Section 75 Agreement - report by the Head of Community and Regulatory Services (Copy herewith)	47

Clackmannanshire Council – Councillors and Wards

Councillors

Wards

Councillor	Eddie Carrick	1	Clackmannanshire West	LAB
Councillor	George Matchett	1	Clackmannanshire West	LAB
Councillor	Tina Murphy	1	Clackmannanshire West	SNP
Councillor	Janis Paterson	1	Clackmannanshire West	SNP
Councillor	Donald Balsillie	2	Clackmannanshire North	SNP
Councillor	John S Biggam	2	Clackmannanshire North	SLD
Councillor	Walter McAdam	2	Clackmannanshire North	SNP
Councillor	Robert McGill	2	Clackmannanshire North	LAB
Councillor	Sam Ovens	3	Clackmannanshire Central	LAB
Provost	Derek Stewart	3	Clackmannanshire Central	LAB
Councillor	Gary Womersley	3	Clackmannanshire Central	SNP
Councillor	Janet Cadenhead	4	Clackmannanshire South	LAB
Councillor	Kenneth Earle	4	Clackmannanshire South	LAB
Councillor	Mark English	4	Clackmannanshire South	SNP
Councillor	Craig Holden	4	Clackmannanshire South	IND
Councillor	Alastair Campbell	5	Clackmannanshire East	CON
Councillor	Irene Hamilton	5	Clackmannanshire East	SNP
Councillor	Harry McLaren	5	Clackmannanshire East	LAB

Religious Representatives

Vacancy

Father Michael Milton

Roman Catholic Church



**Clackmannanshire
Council**

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**THIS PAPER RELATES TO
ITEM 3
ON THE AGENDA**

MINUTE OF MEETING of the CLACKMANNANSHIRE COUNCIL held within the Council Chamber, Greenfield, ALLOA, FK10 2AD, on THURSDAY 23 SEPTEMBER 2010 at 9.30 am.

PRESENT

Provost Derek Stewart (Chair)
Councillor Donald Balsillie
Councillor John Biggam
Councillor Janet Cadenhead
Councillor Alastair Campbell
Councillor Eddie Carrick
Councillor Kenneth Earle
Councillor Mark English
Councillor Irene Hamilton
Councillor Craig Holden
Councillor George Matchett, QPM
Councillor Walter McAdam, MBE (From Item 5)
Councillor Bobby McGill
Councillor Harry McLaren
Councillor Tina Murphy
Councillor Reverend Sam Ovens
Councillor Janis Paterson
Councillor Gary Womersley

IN ATTENDANCE

Angela Leitch, Chief Executive
Deirdre Cilliers, Head of Social Policy
Stephen Crawford, Head of Facilities Management
Garry Dallas, Director of Services to Communities
Martin Dunsmore, Accounting and Budgeting Manager
John Gillespie, Head of Community and Regulatory Services
Susan Mackay, Finance Manager
Elaine McPherson, Head of Strategy and Customer Services
David Thomson, Legal Services Manager (Clerk to the Council)
Grace Scanlin, Grant Thornton (Item 7)

Before the start of business, the Provost advised elected members that the "Kirkin' of the Council" will be held on Sunday 24th October 2010 at St Bernadette's Church in Tullibody at 2.00 pm. The Provost reminded Members to respond to the invitations as soon as possible.

CC.31 APOLOGIES

None.

CC.32 DECLARATIONS OF INTEREST

None.

CC.33 MINUTES OF MEETING HELD ON 12 AUGUST 2010

A minute of the meeting held on 12 August 2010 was submitted for approval by the Council.

The minute of the meeting held on 12 August 2010 was agreed as a correct record and signed by the Provost.

CC.34 APPOINTMENT OF COUNCIL LEADER

The purpose of the report was to invite the Council to appoint a new Leader following the resignation of Councillor Janet Cadenhead and, in the event that the appointment leaves a vacancy for a Portfolio Holder, to consider appointing an elected member to any consequent vacancy.

Motion

To appoint Councillor Rev. Sam Ovens as the Leader of Clackmannanshire Council.

Moved by Councillor Eddie Carrick. Seconded by Councillor Harry McLaren.

Voting

The voting on the motion was as follows:

For the motion	- 9 votes
Against the motion	- 0 votes
Not voting	- 8 abstentions

Decision

On a division of 9 votes to 0 with 8 abstentions, the Council agreed to appoint Councillor Rev. Sam Ovens as the Leader of Clackmannanshire Council

Action

Head of Strategy and Customer Services

Councillor Janet Cadenhead, former Leader of the Council, asked for her appreciation to be recorded for the support provided by Councillor Bobby McGill and the Members' Services Team, particularly Eileen McKinsley.

The Members agreed to proceed to appoint an elected member to the post of Portfolio Holder for Regeneration.

Motion

To appoint Councillor Janet Cadenhead as the Portfolio Holder for Regeneration.

Moved by Councillor Bobby McGill. Seconded by Councillor Harry McLaren.

Voting

The voting on the motion was as follows:

For the motion	- 9 votes
Against the motion	- 0 votes
Not voting	- 8 abstentions

Decision

On a division of 9 votes to 0 with 8 abstentions, the Council agreed to appoint Councillor Janet Cadenhead as the Portfolio Holder for Regeneration.

Action

Head of Strategy and Customer Services

CC.35 BUDGET STRATEGY - INVEST TO SAVE FUND

The report invited Council to agree the principles and criteria for the operation of the Invest to Save Fund, the establishment of which was approved on 12 August 2010.

Councillor McAdam joined the meeting during questions to this item.

Motion

That the Council agrees the principles and criteria of the Invest to Save Fund as set out in the report.

Moved by Councillor Bobby McGill. Seconded by Councillor Kenny Earle.

Amendment

Delete paragraph 6.1 and replace with "All proposals, with directors' recommendations are referred to full Council for decision."

Moved by Councillor Donald Balsillie. Seconded by Councillor Gary Womersley.

Voting

The voting on the amendment was as follows:

Councillor Craig Holden asked for a roll call vote on this matter. The Council agreed that a vote be taken by calling the roll and at this stage there were 18 members present who were eligible to vote.

For the Amendment (8):

Councillor Craig Holden
Councillor Mark English
Councillor Walter McAdam MBE
Councillor Janis Paterson
Councillor Gary Womersley
Councillor Irene Hamilton
Councillor Donald Balsillie
Councillor Tina Murphy

Against the Amendment (10):

Provost Derek Stewart
Councillor George Matchett QPM
Councillor Rev. Sam Ovens
Councillor Harry McLaren
Councillor Kenny Earle
Councillor Bobby McGill
Councillor Janet Cadenhead
Councillor Eddie Carrick
Councillor Alastair Campbell
Councillor John Biggam

The amendment was defeated by 10 votes to 8.

The voting on the motion was as follows:

For the motion	- 10 votes
Against the motion	- 8 votes
Not voting	- 0 abstentions

Decision

On a division on 10 votes to 8, the Council agreed the principles and criteria of the Invest to Save Fund as set out in the report.

Action

Director of Finance and Corporate Services

CC.36 COMMUNITY HEALTH PARTNERSHIPS - REVISED ARRANGEMENTS

The report invited the Council to nominate two elected members to represent the organisation on the Partnership Board which has recently been established by NHS Forth Valley.

Councillor Craig Holden declared a financial interest in this item as an employee of NHS Forth Valley and decided not to participate in discussion and voting. Councillor Holden withdrew from the Chamber until discussion of the item of business was concluded.

Motion

That Council notes the changes to the arrangements for Community Health Partnerships (CHPs), including the establishment by NHS Forth Valley of a Partnership Board.

That the Council appoints Councillor Rev. Sam Ovens, Leader of the Council and Councillor Janet Cadenhead, Portfolio Holder for Regeneration as the Council's representatives on the Partnership Board.

Moved by Councillor Bobby McGill. Seconded by Councillor George Matchett.

Decision

The Council agreed unanimously to note the changes to the arrangements for Community Health Partnerships (CHPs), including the establishment by NHS Forth Valley of a Partnership Board and appointed Councillor Rev. Sam Ovens, Leader of the Council and Councillor Janet Cadenhead, Portfolio Holder for Regeneration as the Council's representatives on the Partnership Board.

Action

Head of Strategy and Customer Services

Councillor Craig Holden re-joined the meeting prior to the next item of business.

CC.37 EXTERNAL AUDIT REPORT ON STATEMENT OF ACCOUNTS 2009/10 AND AUDITED STATEMENT OF ACCOUNTS 2009/10

The report brought to the Council the report by our external auditors Grant Thornton on the audit of the Council's accounts for 2009/10 which had been included as Appendix 1 - "Key Issues Memorandum". Following the conclusion of the audit, the Statement of Accounts for the year ended 31st March 2010, set out in Appendix 2 to the report, were included for approval.

Motion

That the Council notes the content of the external audit report; and

That the Council approve the audited Accounts for 2009/10.

Moved by Councillor Rev. Sam Ovens. Seconded by Councillor Harry McLaren.

Decision

The Council agreed unanimously to note the content of the external audit report; and to approve the audited Accounts for 2009/10.

Action

Director of Finance and Corporate Services

CC.38 GLENOCHIL PRISON VISITING COMMITTEE

The purpose of the report was to seek Council approval of a nomination to fill a vacancy on the Glenochil Prison Visiting Committee.

Motion

To note the contents of the report and approve the nomination of Mrs Pauline Brewerton to serve on Glenochil Prison Visiting Committee.

Moved by Councillor Kenny Earle. Seconded by Councillor John Biggam.

Decision

The Council agreed unanimously to note the contents of the report and approved the nomination of Mrs Pauline Brewerton to serve on Glenochil Prison Visiting Committee.

Action

Head of Strategy and Customer Services

CC.39 CORNTON VALE PRISON VISITING COMMITTEE

The purpose of the report was to seek Council approval of a nomination to fill a vacancy on the Cornton Vale Prison Visiting Committee.

Motion

To note the contents of the report and approve the nomination of Mr Henry Mennie to serve on Cornton Vale Prison Visiting Committee.

Moved by Councillor John Biggam. Seconded by Councillor Kenny Earle.

Decision

The Council agreed unanimously to note the contents of the report and approved the nomination of Mr Henry Mennie to serve on Cornton Vale Prison Visiting Committee.

Action

Head of Strategy and Customer Services

CC.40 PROPOSED NEW COUNCIL HOUSING AT ALVA AND TULLIBODY

The report provided the Council with an indication of the scale, cost and scope of the proposed new build and associated works and sought approval by the Council for the project.

Motion

To approve:

- a. building of new Council housing at the lock up site 80-98 Newmills, Tullibody;
- b. construction of new housing at the Dalmore Centre, Alva;
- c. the refurbishment of property in Tullibody which will be carried out as part of the overall project; and
- d. the transfer of the Dalmore Centre site to the Housing Account at nil cost in part lieu of a commuted sum relating to the requirement for affordable housing on the former Alva school site.

Moved by Councillor Rev. Sam Ovens. Seconded by Councillor Eddie Carrick.

Amendment

Amend after "Dalmore Centre, Alva" paragraph 2.1 b) add "subject to consultation with Alva Community Council on proposal as well as community use and management similar to that of the Devonvale Hall, Tillicoultry."

Moved by Councillor Donald Balsillie. Seconded by Councillor Walter McAdam MBE.

Voting

The voting on the amendment was as follows:

Councillor Donald Balsillie asked for a roll call vote on this matter. The Council agreed that a vote be taken by calling the roll and at this stage there were 18 members present who were eligible to vote.

For the Amendment (9):

Councillor Craig Holden
Councillor John Biggam
Councillor Mark English
Councillor Walter McAdam MBE
Councillor Janis Paterson
Councillor Gary Womersley
Councillor Irene Hamilton
Councillor Donald Balsillie
Councillor Tina Murphy

Against the Amendment (9):

Provost Derek Stewart
Councillor George Matchett QPM
Councillor Rev. Sam Ovens
Councillor Harry McLaren
Councillor Kenny Earle
Councillor Bobby McGill
Councillor Janet Cadenhead
Councillor Eddie Carrick
Councillor Alastair Campbell

The voting on the amendment was 9 votes for the amendment and 9 votes against. On the casting vote of the Provost, the amendment was defeated.

The voting on the motion was as follows:

For the motion	- 13 votes
Against the motion	- 4 votes
Not voting	- 1 abstention

Decision

On a division on 13 votes to 4 with 1 abstention, the Council agreed to approve:

- a. building of new Council housing at the lock up site 80-98 Newmills, Tullibody;
- b. construction of new housing at the Dalmore Centre, Alva;
- c. the refurbishment of property in Tullibody which will be carried out as part of the overall project; and
- d. the transfer of the Dalmore Centre site to the Housing Account at nil cost in part lieu of a commuted sum relating to the requirement for affordable housing on the former Alva school site.

Action

Head of Community and Regulatory Services

CC.41 PROPERTY ASSET MANAGEMENT PLAN 2010 TO 2015

The report introduced a 2010 to 2015 Property Asset Management Plan to replace the existing 2005 to 2010 Plan.

Motion

To approve the Property Asset Management Plan 2010 to 2015.

Moved by Councillor Eddie Carrick. Seconded by Councillor Gary Womersley.

Voting

The voting on the motion was as follows:

For the motion	- 16 votes
Against the motion	- 1 votes
Not voting	- 1 abstention

Decision

On a division of 16 votes to 1 with 1 abstention, the Council agreed to approve the Property Asset Management Plan 2010 to 2015.

Action

Head of Facilities Management

CC.42 ALLOA TOWN CENTRE REGENERATION: SPEIRS CENTRE

The report presented progress on the Speirs Centre Redevelopment Project and sought approval to progress with detailed design and tender stage. In addition, the Council was presented with the exit strategy for the vacated buildings for approval.

Motion

That the Council agree to:

1. approve the design brief as set out in paragraph 3.3 of the report;
2. declare 8-14 Bank Street and 19 Mar Street, Alloa surplus to requirements and the sale and marketing of the premises; and
3. declare the existing Drysdale Street library surplus to requirements, and, subject to planning consent, approve an off-market sale to a local firm of NHS dental practitioners at a valuation to be determined in consultation with the District Valuer.

Moved by Councillor Eddie Carrick. Seconded by Councillor Kenny Earle.

Councillor Mark English moved that the Council defer consideration of the report until the conclusion of the major public consultation on the Council's budget and subject to the provision of more information on the dental practice; leisure groups currently using the facilities; and a risk assessment of how the project is funded.

Seconded by Councillor Gary Womersley.

Voting

The voting on the motion to defer was as follows:

For the motion to defer	- 9 votes
Against the motion to defer	- 9 votes
Not voting	- 0 abstentions

The voting on the motion to defer was 9 votes for deferral and 9 votes against. On the casting vote of the Provost, the motion to defer was defeated.

The voting on the motion was as follows:

For the motion	- 9 votes
Against the motion	- 6 votes
Not voting	- 3 abstentions

Decision

On a division of 9 votes to 6 with 3 abstentions, the Council agreed to:

1. approve the design brief as set out in paragraph 3.3 of the report;
2. declare 8-14 Bank Street and 19 Mar Street, Alloa surplus to requirements and the sale and marketing of the premises; and
3. declare the existing Drysdale Street library surplus to requirements, and, subject to planning consent, approve an off-market sale to a local firm of NHS dental practitioners at a valuation to be determined in consultation with the District Valuer.

Action

Head of Facilities Management

CC.43 CLACKMANNANSHIRE SUSTAINABILITY AND CLIMATE CHANGE STRATEGY

The report presented the Clackmannanshire Sustainability and Climate Change Strategy for approval. The Strategy explains the importance of embedding economic, environmental and social sustainability in to the work of both the Council and the community it serves. It presents a set of clear objectives which will guide the Council towards continuous improvement in the sphere of sustainable development and a set of actions which will enable these objectives to be met.

Motion

That the Council approves the Sustainability and Climate Change Strategy and its associated Action Plan.

Moved by Councillor Eddie Carrick. Seconded by Councillor Donald Balsillie.

Decision

The Council agreed unanimously to approve the Sustainability and Climate Change Strategy and its associated Action Plan.

Action

Head of Community and Regulatory Services

CC.44 NOTICE OF MOTION IN TERMS OF STANDING ORDER 31 - "LAND ASSOCIATED WITH THE FORMER ALVA GAS WORKS"

A Notice of Motion in terms of Standing Order 31 was submitted by Councillor Donald Balsillie, Councillor Walter McAdam MBE, Councillor John Biggam, Councillor Gary Womersley, Councillor Mark English, Councillor Irene Hamilton, Councillor Tina Murphy and Councillor Craig Holden.

Motion

The Motion to Council read as follows:

"Officers are asked to prepare a report for the next full Council meeting, on the progress made on the treatment of contaminated land associated with the former Alva Gas Works, Alva.

The report should detail any outstanding issues and options to resolve them."

The Provost stated that the motion is accepted by Council. The Provost stated that a report will be brought to the next meeting of Council and that a report on the planning issues will be brought to next meeting of the Planning Committee.

The Council noted the position.

Action

Head of Strategy and Customer Services

EXEMPT INFORMATION

On a division of 10 votes to 8, the Council resolved in terms of Section 50(A) of the Local Government (Scotland) Act, 1973, that the press and public be excluded from the meeting during consideration of the following item of business on the grounds that it involved the likely disclosure of exempt information as detailed in Schedule 7A, Part 1, Paragraphs 6,8,9 and 10.

CC.45 COUNCIL OFFICE RATIONALISATION

The report presented a project to rationalise and integrate the Council's three main corporate offices and functions into one building within Alloa Town Centre by 2012.

Motion

To agree the recommendations as set out in the report.

Moved by Councillor Eddie Carrick. Seconded by Councillor Kenny Earle.

Voting

The voting on the motion was as follows:

Councillor Craig Holden asked for a roll call vote on this matter. The Council agreed that a vote be taken by calling the roll and at this stage there were 18 members present who were eligible to vote.

For the Motion (9):

Provost Derek Stewart
Councillor George Matchett QPM
Councillor Rev. Sam Ovens
Councillor Harry McLaren
Councillor Kenny Earle
Councillor Bobby McGill
Councillor Janet Cadenhead
Councillor Eddie Carrick
Councillor Alastair Campbell

Against the Motion (8):

Councillor Craig Holden
Councillor Mark English
Councillor Walter McAdam MBE
Councillor Janis Paterson
Councillor Gary Womersley
Councillor Irene Hamilton
Councillor Donald Balsillie
Councillor Tina Murphy

Not Voting (1)

Councillor John Biggam

Decision

On a division on 9 votes to 8 with 1 abstention, the Council agreed to the recommendations as set out in the report.

EXEMPT INFORMATION

The voting on the resolution was 9 votes for exclusion of the press and public and 9 votes against. On the casting vote of the Provost, the Council resolved in terms of Section 50(A) of the Local Government (Scotland) Act, 1973, that the press and public be excluded from the meeting during consideration of the following item of business on the grounds that it involved the likely disclosure of exempt information as detailed in Schedule 7A, Part 1, Paragraph 1

CC.46 MONITORING OFFICER BRIEFING REPORT

The monitoring officer's report was submitted and noted.

ENDS 3.25 pm

Report to: Clackmannanshire Council

Date: 4 November, 2010

Subject: Budget Strategy Update

Report by: Director of Finance & Corporate Services

1.0 Purpose

1.1 The purpose of this report is to update the Council on the implementation of the Budget Strategy which was agreed in August, 2010.

2.0 Recommendation

2.1 It is recommended that Council notes:

a) the outcome of the UK Comprehensive Spending Review as it relates to the Scottish block grant and Scottish local government;

b) the public engagement events which have taken place and some themes arising from these;

c) that senior officers are progressing a number of workstreams in relation to a range of proposals for savings and efficiencies;

d) that a fuller briefing for elected members on the results of the public engagement is to be held on 5 November, 2010;

e) that a report will come forward to the December Council meeting setting out in more detail some preliminary savings options.

3.0 Background

3.1 At its meeting on 12 August, the Council agreed a budget strategy, including an engagement process to inform the development of savings options.

3.2 Since then, significant work has been carried out engaging members of the public, community groups and staff in discussions about the financial environment the Council faces. Also since that time, the UK government has announced the details of its Comprehensive Spending Review.

3.3 This paper updates members on progress in implementing the budget strategy and advises of the next phases of activity to the Council setting its 2011-12 budget early next year.

4.0 Considerations

UK Comprehensive Spending Review

- 4.1 The paper to Council in August set out a range of assumptions to inform and guide the Council in its budget deliberations. Among these was:

"... budget planning is undertaken on the basis of a 12% reduction in the level of funding, phased over the three year period plus an allowance for further expenditure growth, shifts in inflation and/ or demographic change. This results in a recommended corporate savings requirement of £18 million between 2011 and 2014."

- 4.2 Since the report to Council, the outcome of the UK Comprehensive Spending Review has been announced. This puts forward savings of £81 billion UK-wide, including a reduction of £900M in the allocation to the Scottish Government in 2011-12. Based on independent analysis of the review figures by the Improvement Service and the Centre for Public Policy for Regions, the Scottish block revenue expenditure is projected to record a real reduction of between 6.8% and 8.1% over the period to 2014/15, with capital spending seeing a real reduction of up to 38%.
- 4.3 At the moment, the Council's existing budget strategy assumptions set out in paragraph 4.1 remain sound. The assumption of 12% was based on an overall funding gap of which the reduction in Scottish Government funding is just one strand. Other strands which are factored in include possible movements in inflation rates over the review period and potential growth in demand for some council services as a consequence of other decisions of the Comprehensive Spending Review (e.g. the potential knock-on effects for local government services of changes in welfare spending).
- 4.4 The overall impact on local government funding in Scotland will become clearer when the Scottish Government announces its figures on 17th/18th November. Additional issues which will impact on local government will be how other areas of the public sector (such as health) are treated.

Community Engagement

- 4.5 A significant public engagement exercise has been undertaken in the last two months. Elements of that included:
- a widely available questionnaire for the general public seeking views on a range of priorities and suggestions for potential savings
 - surveys of community councils and other community groups, with Council officers, in addition, attending a number of meetings with individual groups to hear views in greater detail
 - presentations and discussions at a number of partnership forums (such as the Clackmannanshire Alliance, the Community Health Partnership Sub-Committee, the Public Partnership Forum, Youth Council, Business Improvement District boards)
 - a series of drop-in days in various supermarkets

- events for staff across all main Council offices, including secondary schools.

4.6 Over 1000 individual suggestions for savings and efficiencies have been made (around 800 questionnaires were returned). Some of the main themes which were raised include:

- more effective management of assets, particularly properties
- exploring pricing policies for services
- reviewing employment conditions
- improved targeting of certain services
- changes in service standards
- reductions in external funding to other organisations (across all sectors)
- alternative models of service provision
- joint working and shared services
- general efficiency measures (improved energy efficiency, more effective use of technology).

4.7 Various proposals are now being scrutinised by senior officers via a number of working groups. This scrutiny includes financial analysis of the proposals and, where appropriate, detailed option appraisal. The groups are chaired by chief officers and a Project Board of all chief officers is co-ordinating the overall process.

4.8 Fuller information on the various proposals put forward will be discussed with elected members at a briefing to be held on 5 November; further to this, a report will be submitted to the December meeting of the Council which will set out some preliminary savings options.

5.0 Conclusions

5.1 A significant amount of effort is going into taking forward the budget strategy; this will continue in the coming months, and the foreseeable future, to ensure the Council is most effectively positioned to deliver its priorities and core functions.

6.0 Sustainability Implications

NA

7.0 Resource Implications

Financial Details - none directly from this report

Staffing - none directly from this report

8.0 Declarations

8.1 The recommendations contained within this report support or implement our Corporate Priorities and Council Policies.

(1) Our Priorities 2008 - 2011

The Council is effective, efficient and recognised for excellence



(2) **Council Policies** (Please detail) N/A

Budget Strategy (August, 2010)

9.0 Equalities Impact

9.1 N/A

10.0 Legality

10.1 It has been confirmed that in adopting the recommendations contained in this report, the Council is acting within its legal powers. Yes

11.0 Appendices

None

12.0 Background Papers

Council Budget Strategy, August 2010

Author(s)

NAME	DESIGNATION	SIGNATURE
Elaine McPherson	Head of Strategy & Customer Services	(Signed: E McPherson)

Approved by

NAME	DESIGNATION	SIGNATURE
Nikki Bridle	Director of Finance & Corporate Services	(Signed: N Bridle)

Report to Council

Date: 4 November 2010

Subject: Roads & Transportation Strategy

Report by: Head of Community & Regulatory Services

1.0 Purpose

1.1. The purpose of this report is to seek Council approval for new and updated policy documents including

- Local Transport Strategy 2010 - 2014
- Transport & the Environment Report 2010 - 2014
- Road Safety Plan 2010 - 2014
- Road Traffic Reduction Report 2010 - 2014
- Road Asset Management Plan 2010

2.0 Recommendations

2.1. The Council is recommended to approve the Local Transport Strategy 2010 - 2014 including its supporting documents:-

- (i) the Road Safety Plan 2010 - 2014
- (ii) the Road Traffic Reduction Report 2010 - 2014
- (iii) the Transport and The Environment Report 2010 - 2014
- (iv) the Road Asset Management Plan 2010 - 2011

3.0 Background

3.1. The Scottish Government's National Transport Strategy (NTS) states that local authorities will be key partners in delivering the strategic outcomes of the NTS "by working together to deliver national, regional and local strategies that integrate with each other".

3.2. The Local Transport Strategy 2010 - 2014 (LTS) fulfils this function and builds on the previous local transport strategy which covered the period 2006 - 2009. The LTS looks to how the transport network will develop and be maintained over the next four years and beyond. It will underpin local roads and

transportation and land use planning decisions and considers national and regional transport strategies. The LTS incorporates the Road Safety Plan, the Road Traffic Reduction Report and the Transport and the Environment Report. The other key supporting document is the Roads Asset Management Plan (RAMP) which is the main driver in the future maintenance and management of the overall road network.

- 3.3. The LTS has been subject to Scottish Transport Appraisal Guidance (STAG) and Strategic Environmental Assessment (SEA). The Strategy has been offered for consultation to the public and interested organisations through a variety of median.
- 3.4. National targets for 2010 for road casualty reductions were set by the Scottish Executive in 2000 in 'Tomorrow's roads – safer for everyone'. This was revised by the Scottish Government's 'Scotland's Road Safety Framework to 2020' which sets out challenging casualty reduction targets from 2010 to 2020. Whilst our Road Safety Plan has been developed for the period 2010 - 2014, it demonstrates how Clackmannanshire is currently contributing towards the current 2010 national targets and sets out how we will contribute to the 2020 targets.
- 3.5. The Road Traffic Reduction Report sets out traffic growth trends and targets for traffic reduction within Clackmannanshire.
- 3.6. The Transport and the Environment Report sets out the environmental baseline and environmental aims incorporated in the LTS.
- 3.7. The Council's first Road Asset Management Plan 2010 has been produced using a framework common across all Scottish Councils and is the starting point aimed at providing a platform for the ongoing development of formal asset management practices within roads & transportation. The baseline for road condition has been assessed by the Scottish Road Maintenance Condition Survey (SRMCS).

4.0 Considerations

- 4.1. In October 2006 Clackmannanshire Council approved its Local Transport Strategy 2006 - 2009 including the Road Safety Plan, Road Traffic Reduction Report and Transport and the Environment Report, which set out the approach the Council would take to improve transport and associated infrastructure in the local area. These documents are key delivery plans and strategies of the Council's Corporate Plan.
- 4.2. Although there is no statutory obligation to produce a local transport strategy, the Scottish Government's 'National Transport Strategy' strongly encourages the production of local transport strategies for each Council's area. Further, the Council has a statutory responsibility under the Road Traffic Reduction Act 1997 to prepare and update the Road Traffic Reduction Report. Implementing the Local Transport Strategy 2010 – 2014 will allow us to meet the requirements of the Act and support national and regional transport and road safety strategies, policies and objectives.

- 4.3. During the period of the last LTS, Clackmannanshire experienced a period of localised economic growth preceding the current national downturn. As we move forward into the next four year period we must continue to support and develop the Council's roads and transportation infrastructure within the resources that will be available to the Council. The latest LTS builds on our successes and in particular on the impacts of the key projects delivered during 2006 - 2009 such as the Stirling-Alloa-Kincardine Railway, Clackmannanshire Bridge, improvements to the national and local cycle network and major road improvements.
- 4.4. It is vital that our roads and transportation network is in a position to support the economy. We are looking to continue to develop the transport network in such a way as to facilitate the free movement of people and goods by a choice of modes that are safe, accessible and well integrated. By developing our transport infrastructure and provision efficiently and in a sustainable manner we can create an accessible and inclusive transport network that supports an attractive, vibrant community encouraging economic prosperity whilst improving health and protecting the environment.
- 4.5. The main actions in the LTS are aligned with the Council's Corporate Priority Outcomes. Over the five year period of this LTS the Council will aim to;
- carry out a programme of critical carriageway improvement works
 - continue its programme of street lighting improvements
 - provide footway and pedestrian focussed improvements to provide full access to local services and to accord with the Disability Discrimination Act 2005 and the upcoming Equality Act (2011)
 - implement road safety projects such as, re-alignment of the A91 bends east of Tillicoultry and 20 mph limits on residential streets
 - continue the expansion of the local cycle network including the completion of the National Cycle Route (Dunfermline - Alloa - Stirling) and improvement of the Devonway and Hillfoots routes
 - strive to manage the integration of Forth Valley College and other large commercial and residential developments into our existing communities and travel network
- 4.6. The road network is one of the most valuable community assets under local authority control. It is vital to the economic well being of the nation and contributes significantly to the Scottish and UK economy. There is growing concern nationally that these vital and valuable assets are not receiving the funding required to maintain them to a standard fit for purpose.
- 4.7. The Scottish Road Maintenance Condition Survey has collected data on the condition of Scotland's roads since 2002. The survey data allows a Council by Council Road Condition Indicator (RCI) to be calculated. The data is collected as part of a Scotland wide contract arranged by the Society of Chief Officers of Transportation in Scotland (SCOTS) covering all 32 Councils. The survey is machine based, eliminating subjective assessment, and is subject to stringent independent audit and quality assurance checks.

- 4.8. The measurements from the surveys are translated to indicate sections of road that are either:
- Red (in need of structural maintenance),
 - Amber (needing investigation for possible treatment), or
 - Green (generally satisfactory although isolated defects may still exist).
- 4.9. The Statutory Performance Indicator for the condition of roads is the percentage of the network in the Red and Amber categories. An increase in the figure indicates deterioration and a decrease indicates improvement. While the survey data is collected on an annual basis, the RCI is derived using the survey data collected over the two previous years to minimise any potential variation between surveys.
- 4.10. The results of the 2008 - 2010 surveys are as follows:-

Overall Network (All classification of roads)

	RCI
National Average	36.1%
Clackmannanshire	37.8%
Change since 2007-09	+0.9%

Council RCIs vary from 25.6% to 55.3%.

Clackmannanshire's overall RCI is slightly above (worse) than the national average and has shown a deterioration in condition between 2007-09 and 2008-10 of 0.9%.

A Class Roads

Clackmannanshire's A Class roads are in significantly better condition than the national average but almost a quarter (23.9%) are considered in need of maintenance or further investigation. They have deteriorated by 1.1% since 2007-09.

B Class Roads

B Class roads are in slightly better condition than the national average but around a third (32.5%) are in need of maintenance or further investigation. They have deteriorated by 1.7% since the 2007 - 09 survey.

C Class Roads

Clackmannanshire's C Class roads equate to the same condition as the national average though they have shown a marked improvement (3.6%) since the last survey.

Unclassified Roads

Clackmannanshire's Unclassified roads are in significantly worse condition than the national average and have shown a deterioration of 1.5% since the last survey.

- 4.11. The output from the survey indicates that road condition in Clackmannanshire is deteriorating on all classes of road except for C Class. The better condition of the A & B class roads reflects the strategy of allocating the majority of the available funding to the more heavily trafficked strategic roads.
- 4.12. It should be noted that the SRMCS 2008 - 2010 was completed prior to the 2009 - 10 winter and so does not take account of the significant damage caused to roads by the prolonged severe weather.
- 4.13. A model to analyse the survey data was developed jointly by the survey contractor and a team of engineers representing the Scottish local authorities.
- 4.14. The measurements from the survey were used in the model to determine nationally and for each Council :-
- the value of the backlog in road maintenance,
 - the budget needed to maintain roads in their present condition,
 - the outcome of different budget allocations.
- 4.15. The budget required to eliminate the structural maintenance backlog in Clackmannanshire is in excess of £14.25 million albeit 60% of the network consists of unclassified roads (housing estate and minor rural roads) and these are considered a lower priority than A, B & C class roads.
- 4.16. The report highlights that the annual structural maintenance budget required to simply maintain all of Clackmannanshire's roads in their present condition is £1.6million. The current allocation is £0.9million and this expenditure is targeted at A,B & C class roads which account for 40% of the network and which are considered a priority.
- 4.17. Continuation of current investment levels in the structural maintenance of roads will see the Council's roads continue to deteriorate and the RCI for Clackmannanshire will exceed 50% within 8 years (currently 37.8%).
- 4.18. Priorities for investment on roads infrastructure will be:-
- Roads
- Treating defects which carry a risk to life & limb.
 - Surfacing of the busiest strategic roads highlighted by SRMCS.
- Footways
- Treating defects which carry a risk to pedestrians.
 - Upgrading concrete slabbed footways to blacktop.
 - Resurfacing the most heavily used footways.
- Bridges
- Ensuring bridges on the strategic road network are capable of carrying the necessary vehicle loading.
- Street Lighting
- Replacement of older columns on safety grounds.
 - Improvement in lighting levels to current standards.

- 4.19. Consultation on the LTS commenced by engaging the public and interest groups at an early stage. This included a public opinion questionnaire, public engagement and key stakeholder events. The outcomes of these consultation exercises have guided the development of the strategy.
- 4.20. In the absence of the strategy it will be difficult for Clackmannanshire Council to secure funding from the Scottish Government or other external organisations. If these funding streams are lost we would have to resort to a 'maintain at minimum standards' course of action. The Council will require to make efforts to procure additional funding from other sources to pursue some of the more ambitious or long-term aspirations together with reviewing established transport related subsidies to address more immediate priorities.
- 4.21. The Clackmannanshire Council Local Transport Strategy, Road Safety Plan, Road Traffic Reduction Report and Transport and the Environment Report 2010 – 2014 and the Road Asset Management Plan 2010 are available to view in the group rooms for Members.

5.0 Sustainability Implications

- 5.1. Transport is the second largest source of emissions, contributing 17% of the total. Transport should be one of the Council's priorities in its drive to reduce the impact on the local and national environment. The Local Transport Strategy sets out aims, policies, objectives and actions aimed at reducing the need to travel and promoting alternative and sustainable travel.

6.0 Resource Implications

6.1. *Financial Details*

- 6.2. The full financial implications of the recommendations are set out in the report. This includes a reference to full life cycle costs where appropriate. Yes

6.3. *Staffing*

- 6.4. Roads and Transportation can monitor and update the Local Transport Strategy from within its present staff levels.

7.0 Exempt Reports

- 7.1. Is this report exempt? Yes (please detail the reasons for exemption below) No

8.0 Declarations

The recommendations contained within this report support or implement our Corporate Priorities and Council Policies.

(1) **Our Priorities 2008 - 2011** (Please tick)

- The area has a positive image and attracts people and businesses
- Our communities are more cohesive and inclusive
- People are better skilled, trained and ready for learning and employment
- Our communities are safer
- Vulnerable people and families are supported
- Substance misuse and its effects are reduced
- Health is improving and health inequalities are reducing
- The environment is protected and enhanced for all
- The Council is effective, efficient and recognised for excellence

(2) **Council Policies** (Please detail)

Corporate Plan 2008 - 2011

The area has a positive image and attracts people and businesses
Key Action - Implement the Local Transport Strategy

Our communities are safer
- Improve road safety
Key Action - Implement the Local Transport Strategy

The environment is protected for all
- Reduce car use and increase the proportion of journey undertaken by public or active travel
Key Action - Implement the Local Transport Strategy

9.0 Equalities Impact

9.1 Have you undertaken the required equalities impact assessment to ensure that no groups are adversely affected by the recommendations?

Yes No

10.0 Legality

10.1 In adopting the recommendations contained in this report, the Council is acting within its legal powers. Yes

11.0 Appendices

11.1 Please list any appendices attached to this report.

none

12.0 Background Papers

12.1 Have you used other documents to compile your report? (All documents must be kept available by the author for public inspection for four years from the date of meeting at which the report is considered)

Yes (please list the documents below) No

Author(s)

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Approved by

NAME	DESIGNATION	SIGNATURE
John Gillespie	Head of Community and Regulatory Services	(Signed: J Gillespie)
Garry Dallas	Director of Services to Communities	(Signed: G Dallas)

Report to Council

Date of Meeting: 04 November 2010

Subject: Treatment of Contaminated Land in Alva

Report by: Head of Community & Regulatory Services

1.0 Purpose

- 1.1. This report fulfils the requirements of the Motion agreed at the Council Meeting of 23 September 2010 that a report be submitted on the progress made on the treatment of Contaminated Land associated with the former Alva Gas Work, Alva, and that the report should detail any outstanding issues and options to resolve them. A separate report has been submitted to the Planning Committee of 28 October 2010 on Enforcement action under the Planning Acts.
- 1.2. This report confirms that:
- 1.2.1. The current use of the site as garden ground is unlawful as planning consent has not been granted. Conditional planning consent is the most appropriate way to deal with the regulation of this use.
- 1.2.2. A Section 33A Notice was served on the owners of the site, requiring them to submit a planning application to resolve the breach of planning control. No planning application has been submitted within the specified time and a letter has been received from the owners' new solicitors advising that on the basis of advice given to them the owners are of the clear view that garden use is an established use for the land they acquired and that on that basis they do not need to submit an application for planning permission. This is contrary to advice given at the time of their purchase since their initial offer stated "This offer is subject and conditional upon our clients (Mr and Mrs Stitt) applying for and being granted a change of use consent to allow the plot of ground to be used as garden ground. Our clients undertake to lodge the appropriate planning application within 14 days of the conclusion of missives to follow hereon." Officers have seen correspondence in 2001 between Mr and Mrs Stitt and their original solicitors making clear reference to the planning status of the ground and the need for planning permission for change of use.
- 1.2.3. As there is no prospect of a planning application being submitted in the light of the letter from the current solicitors, an Enforcement Notice dated 15 October 2010 was served upon the owners of the land.

- 1.2.4. The owners of the land are the appropriate persons to bear the responsibility for regularising the specific use to which they have put the land. The Council does not have any statutory responsibility to undertake any physical works to address the unacceptable aspects of that particular use by the owners.
- 1.2.5. Council funding to carry out any treatment of this particular site by way of removal of contaminated sub-soils would not be in the public interest. The land requires that type of treatment only if its use continues to be for vegetable growing and soft landscaping. The owners' use of the land as a soft landscaped garden has itself caused the significant risk of harm to occur. Cessation of the use or a hard landscaped surface would negate the requirement for the costly and non-viable solution involving complete removal of the affected sub-soils. The contamination within the affected sub-soils is **not mobile and is bound with the sub-soils**. This was verified from the later detailed reports by the Council's consultants, the initial conclusions about possible migration being precautionary and on a worst case scenario basis. Accordingly the potential risk can be dealt with appropriately with the contamination in situ.
- 1.2.6. The Council decision of 12 March 2009 that "remediation of the additional area of land be subject to the Council obtaining a Standard Security over the property sufficient to cover the full cost of the remediation and **if this cannot be negotiated the Council will not be involved in remediation**" was duly intimated to the owners who declined to grant a Standard Security over their property for the full cost of such works. The Council's clear and definite decision that unless the condition was met the Council would not be involved in remediation did not leave it open to pursue some other option for a voluntary scheme in which the Council would be involved financially.
- 1.2.7. The works to the Woodburn Way properties (including the approved garden ground at 5 Woodburn Way) undertaken voluntarily by the Council in 2009 have been satisfactorily completed and the maintenance period has now expired. Accordingly there are no outstanding issues in respect of the works carried out by the Council.

2.0 Recommendations

- 2.1. It is recommended that members note the options detailed in this report and that (a) the contract works undertaken by the Council have been satisfactorily completed and (b) enforcement action has been taken to seek to regularise the breach of planning control.

3.0 Considerations

- 3.1 This report will deal with the various issues in turn. There have been an exceptionally high level of Freedom of Information, Councillor, MP and MSP enquiries into all aspects of this case and it is appropriate in this Report to clarify various misunderstandings and misconceptions which have arisen largely caused by the manner in which the owners have chosen to pursue this matter. Complaints and issues raised range from the identity of the person who signed for the original recorded delivery and envelopes being received in a wet condition to historical remediation of adjacent land.

3.2 Issue 1 - The current unlawful use of the land:

The unauthorised site (as shown on Appendix 2) was acquired at auction in October 2001 by the owners and occupiers of No. 5 Woodburn Way for £11,500. It was vacant land that was formerly part of a gas works site. It was not garden ground and, as such, a planning application for change of use from disused vacant ground forming part of a former gas works site to domestic garden ground was required. **The current owners of the land are aware of this requirement. Indeed, their original offer for the ground, dated 30th January 2001, was conditional upon them obtaining planning permission for change of use to garden ground.**

The owners have since used this part of the former gas works site as part of an extended garden for their home at No. 5 Woodburn Way. Planning permission has not been sought and therefore their current use is not lawful. That said, permission for garden use would be likely to be approved provided the owners do not form a link to the contaminated sub-soils and thereby create a significant health risk. Such a link can be avoided whilst still allowing the ground to be used as an extended part of their garden provided a satisfactory hard landscaped surface is maintained. The owners, however, have not only used the ground unlawfully but have also used it in such a manner that actively creates a link to the contaminated sub-soils and consequently poses a significant health risk to the householders. For the avoidance of doubt, this problem can be readily addressed by the owners seeking consent and forming a hard landscape surface. This need not involve the substantial expense (approximately £75,000 - £80,000) of complete removal of the affected soils and their replacement with new material for the sole and unnecessary purpose of achieving a soft landscape surface. There are many approved gardens throughout Clackmannanshire which are wholly or at least partially maintained with a hard landscape surface.

3.3 Issue 2 - Council issue of a Section 33A Notice:

The Planning etc. (Scotland) Act 2006 introduced a new section (S33A) in force from August 2009 giving the Planning Authority power to require the owner of land, where development had been unlawfully carried out, to make a retrospective application for planning permission for the development. The principal purpose of Section 33A is to enable the Planning Authority to deal with an unauthorised development **where it would be minded to approve the application**, particularly where that application would be subject to conditions. There is no right of appeal against a Section 33A Notice.

The owners were served with the S33A Notice (dated 09 September 2010) by recorded delivery. To assist them, the application form was substantially completed, and exceptionally, the normal planning application fee was waived. They were given 28 days for submission of the planning application for change of use from disused vacant ground forming part of a former gas works site to private garden ground. Immediately following service of the S33A Notice the Planning Service received a complaint on the owners' behalf about Enforcement Action appearing on the publicly available Planning Register. Service of a Section 33A Notice is a first stage of formal enforcement action and the Council is legally obliged to publish the Notice in the Planning Register.

3.4 Issue 3 - Enforcement Action:

As no planning application has been received within the specified period, the only course of action available for the Council to seek to regulate the breach of planning control was to pursue further enforcement action. The Enforcement Notice must also be published in the Planning Register. This course of action accords with the Council's agreed Enforcement Strategy and is delegated to officers. Accordingly, an Enforcement Notice dated 15th October 2010 was served upon the owners, requiring that the unauthorised use of the site as garden ground shall cease either permanently or until an approved scheme to eliminate the potential risk of harm has been implemented to the satisfaction of the Council.

3.5 Issue 4: Contamination and how it should be dealt with

The ultimate responsibility for dealing with the problem rests with the owners of the affected land. Whilst the Council has a duty to ensure that the matter is appropriately dealt with, the Council is under no obligation to carry out any works or meet the cost of any works.

When the Council suggested to BG Transco that they were liable for the pollution caused by previous gas operators (for whose actions BG Transco were legally responsible) BG claimed to escape liability on two statutory grounds, (firstly) that when they sold the ground responsibility passed to the purchasers (the current owners) because **BG made relevant information available to interested parties when the site was marketed**, and (secondly) that **the land was vacant and disused** and BG did not expose any person to risk because they did not bring anyone onto the land nor did they disturb the affected sub-soils by digging them up and planting them thus potentially linking the persons using the garden or its produce with the contamination.

The sellers having published the existence of the reports, the owners could reasonably have known about the contamination if they had:-

- (a) obtained a copy of the planning consent¹ that in part related to the sale of the land and was highlighted in the sale particulars, and/or
- (b) if they obtained copies of the Desktop Environmental Study and Physical Site investigation reports mentioned in the Sales Particulars to be available to the successful bidders.

(The owners did have a copy of these Sales Particulars).

¹In November 1998, British Gas plc had obtained outline planning permission for the erection of one house on land to the rear of 101 East Stirling Street (C/98/240), which included the land to which this application relates. This consent was allowed to expire, having been replaced by a subsequent application for a single house on an amended site which did not include any of the land that is the subject of this report.

Although there is no need for full remediation of the subject site and the Council has no legal obligation to carry out or pay for any works necessary to address any contamination problem, the report to Council of 12th March 2009 considered whether this additional site acquired by the owners of 5 Woodburn Way should be included as part of the voluntary scheme by the Council to

deal with the gardens of residential properties at Woodburn Way/Henry Street (including the original garden of 5 Woodburn Way). The Council agreed that the additional area of land at 5 Woodburn Way, Alva would be included in the voluntary scheme only if the owners agreed to grant to the Council a Standard Security over the property sufficient to cover the full cost of works attributable to the additional site, and that if that could not be negotiated, then the Council would not be involved in remediation of that additional site. The owners offered a £5,000 Standard Security secured over only the additional ground and as such the terms of the Council decision were not satisfied. That fell far short of the Council's pre-condition and thus in accordance with the minuted decision the additional ground was not included in the voluntary scheme, which was completed some time ago and the maintenance period has expired. Accordingly there are no outstanding issues relating to the voluntary scheme.

The current cost to remediate the site is estimated to be at least £75-80,000. Albeit unnecessary, had the same works been undertaken on the additional ground at the time the voluntary scheme with carried out, the cost would have been £60-70,000, far in excess of the £5,000 security offered by the owners.

Furthermore, in the intervening period the Council's accounting rules have been clarified to the effect that Council capital funding can no longer be used to fund private property and in this case the cost of remediation to such property. The Council does not, therefore, have a budget for such work.

The other option available to the Council is to serve a formal Remediation Notice under the Environmental Protection Act 1990 as amended. Such a Notice would not be suited to a situation involving a relatively small piece of ground in private ownership where there is no overarching public benefit to balance even the preliminary cost to the Council (£18,500 for a Detailed Quantitative Risk Assessment (DQRA) to be undertaken prior to commencing the statutory process compared to a value of £5000 assessed by the owners' surveyors for the ground after treatment). Any works carried out in response to the Notice would benefit only the owners and their family.

The land only requires remediation involving costly removal and replacement of soils if the owners continue to use it as a soft landscaped garden. Cessation of that use or appropriate hard landscaping would negate any requirement for a solution similar to that already carried out under the voluntary scheme. **No-one would reasonably and sensibly contemplate expending some £75,000-£80,000 on an action which is not needed, simply to achieve something of a value of £5,000.**

The owners have been advised of the environmental health concerns arising from continued use of the garden purposefully as soft landscaping, planting and vegetable growing.

3.6 Issue 5: - Remediation of the Woodburn Way properties (including the original garden of 5 Woodburn Way)

In June 2008, the Council agreed to pursue a voluntary scheme whereby it would arrange for affected parts of the approved gardens of residential properties (at Woodburn Way/Henry Street) that had been constructed on or near the site of the former Alva Gasworks to be appropriately treated at the

Council's cost. The developer had long since gone into liquidation and no longer existed and the current owners of the houses, even if they were original purchasers from the developer, could not possibly have known that the dedicated garden ground was contaminated when they bought the houses. As such, these circumstances were entirely different from those which arise in this case where the owners could reasonably have known about the contamination, the ground is not dedicated to the associated house, planning consent was not secured and full remediation is neither necessary, economically viable, or affordable. The total cost to the Council, including prior site investigation costs was around £400,000, with 5 Woodburn Way (authorised garden area) costing around £50,000.

4.0 Summary of Options

- 4.1 To take no further action is not a feasible option as the Council has a statutory duty to pursue such action as is necessary to reduce the potential risk of significant harm to an acceptable level.
- 4.2 It appears that the owners consider that there remains an option whereby the Council will carry out voluntary remediation of the unauthorised extended garden in the same manner as it did in respect of the gardens already remediated. When the owners declined to provide the security required by the Council decision of 12 March 2009, the second part of the decision took effect and the Council "will not be involved in remediation". The voluntary remediation contract duly proceeded excluding the extended ground and was completed. Moreover this report has already demonstrated that regardless of the Council decision, such an option is not economically viable, not necessary, and not in the public interest.
- 4.3 Accordingly the Council has subsequently required to consider its statutory position, it being clear from the volume of enquiries, questions, and representations made by and on behalf of the owners which have been devoted exclusively to challenging the decision already taken by the Council, either directly or indirectly, that a viable voluntary scheme for remediation was not attainable.
- 4.4 The Council could proceed with formal Remediation action under Environmental Protection legislation but investigations and further discussions with the technical consultants have confirmed that a Detailed Quantitative Risk Assessment (DQRA) would be required at a cost greatly in excess of the value of the ground as opposed to the Generic Quantitative Risk Assessment sufficient for the purposes of the voluntary scheme. The necessary scientific assessment will require different and additional data to be evaluated because the Council would now be dealing only with the extended ground but this would be come within the DQRA. This report has already set out that the formal statutory process is not well suited to a small piece of ground in private ownership. It should also be noted that the formal statutory process would also involve formal notices to be published in the Contaminated Land Register and one of the aspects which commended the voluntary scheme was that it did not result in formal notices being published and thus removed the possibility for the owners of the property being blighted. Whilst another and more financially feasible option remains available pursuit of formal Remediation action is not considered a currently viable option.

- 4.5 The other statutory option available to the Council as Planning Authority is to seek to regulate the breach of planning control which had occurred. In this regard Officers have already followed this option under delegated powers by serving the S33A Notice inviting the owners to submit a planning application and the follow-up Enforcement Notice.

This option represents the most cost effective and flexible approach to the resolution of the problem. The Council is not obliged to embark upon a further costly ground investigation exercise and if the issue can be dealt with within the confines of appropriate planning conditions the Council can pursue with the owners a resolution of the contamination issue in a manner which need not involve financially non-viable costs of the magnitude of a scheme requiring removal of contaminated soils and their replacement with fresh soils.

The adoption of this option was considered necessary and appropriate not only in the wider public interest but also to limit the continued risk to the Council in failing to pursue formal action in terms of its various statutory duties.

5.0 **Sustainability Implications**

None

6.0 **Resource Implications**

6.1 *Financial Details*

- 6.1.1 The full financial implications of the recommendations are set out in the report. This includes a reference to full life cycle costs where appropriate. Yes

- 6.1.2 Finance have been consulted and have agreed the financial implications as set out in the report. Yes

6.2 *Staffing*

There are no resource implications for the Council from the recommendations of this report, beyond the time of staff at an appropriate level within the authority in undertaking normal regulatory work. To date, however, an extraordinarily high volume of staff time has been deployed in dealing with the many and repetitive Freedom Of Information and other enquiries generated by this issue and it is hoped that this report adequately and comprehensively addresses this issue.

7.0 **Exempt Reports**

- 7.1 Is this report exempt? Yes (please detail the reasons for exemption below) No

8.0 Declarations

The recommendations contained within this report support or implement our Corporate Priorities and Council Policies.

(1) **Our Priorities 2008 - 2011** (Please double click on the check box)

- | | |
|--|-------------------------------------|
| The area has a positive image and attracts people and businesses | <input type="checkbox"/> |
| Our communities are more cohesive and inclusive | <input type="checkbox"/> |
| People are better skilled, trained and ready for learning and employment | <input type="checkbox"/> |
| Our communities are safer | <input checked="" type="checkbox"/> |
| Vulnerable people and families are supported | <input type="checkbox"/> |
| Substance misuse and its effects are reduced | <input type="checkbox"/> |
| Health is improving and health inequalities are reducing | <input type="checkbox"/> |
| The environment is protected and enhanced for all | <input checked="" type="checkbox"/> |
| The Council is effective, efficient and recognised for excellence | <input type="checkbox"/> |

(2) **Council Policies** (Please detail)

Council's Enforcement Strategy

9.0 Equalities Impact

- 9.1 Have you undertaken the required equalities impact assessment to ensure that no groups are adversely affected by the recommendations? Yes No

10.0 Legality

- 10.1 It has been confirmed that in adopting the recommendations contained in this report, the Council is acting within its legal powers. Yes

11.0 Appendices

1 Site Plan

12.0 Background Papers

- 12.1 Have you used other documents to compile your report? (All documents must be kept available by the author for public inspection for four years from the date of meeting at which the report is considered)

Yes (please list the documents below) No

Council Report 12th March 2009 entitled Remediation of Contaminated Land

Report to Planning Committee of 28 October 2010

Planning etc. (Scotland) Act 2006

Council's Enforcement Strategy

Environmental Protection Act 1990 as amended

Planning Consent C/98/240

Section 33A Notice

Enforcement Notice

Copy correspondence between the Owners and their solicitors in 2001

Author(s)

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Approved by

NAME	DESIGNATION	SIGNATURE
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Garry Dallas	Director of Services to Communities	(Signed: G Dallas)

288500

119 to

Clackmannanshire Council

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101 to

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Scott Court

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WOODBURN WAY

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Clackmannanshire Council

Clackmannanshire Council

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Clackmannanshire Council

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Clackmannanshire Council

HENRY STREET

54 to 88

288500



Date:
18-Oct-2010

Unauthorised Use Of Garden Ground To Rear Of 5 Woodburn Way, Alva. FK12 5LB

Ward: Clackmannanshire North

OS Grid Ref: NS 884 969

0 10 20 30 40 Meters

Scale: 1:500

 Clackmannanshire Council

www.clacksweb.org.uk

Services to Communities
Kilnraigs
Greenside Street
Alva
FK10 1EB

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CLACKMANNANSHIRE COUNCIL

Report to Council

Date of Meeting: 4 November 2010

Subject: Proposed Sale of Ground to rear of Glentana Mill, West Stirling Street, Alva.

Report by : Head of Facilities Management

1.0 Purpose

- 1.1. The purpose of this report is to seek approval to sell an area of ground extending to 0.66 acres located to the rear of the former Glentana Mill, Alva to Tilly Confectionery Ltd.
- 1.2. Tilly Confectionery Ltd which trades under the brand name "Mrs Tillys" of Tillicoultry wish to develop a new production plant, cafe and visitor centre in Alva. Their preferred location is the large landscaped public car parking area owned by the Council and located to the rear of the former Glentana Mill, Alva.
- 1.3. The relocation of this existing Clackmannanshire business to new larger premises with a cafe is aimed at developing the capacity and profile of the business which will in turn attract visitors to Alva and benefit the wider tourism and business community.
- 1.4. Planning consent in respect of the proposed development was granted on 2nd September 2010 in compliance with the Local Plan policy J25 (Glentana) identifying the location as appropriate for class 4/5 business use.

2.0 Recommendations

- 2.1. It is recommended that the Council :
 - (a) approve the sale of the ground extending to approximately 0.66 acres to Tilly Confectionery Ltd for the purposes of developing a new production unit and visitor centre.
 - (b) that the sale price of the subjects will be determined in liaison with the District Valuer.

3.0 Considerations

- 3.1. Tilly Confectionery Ltd has been operating from Barnpark Business Estate in Tillicoultry since 1998 and is a family run concern employing traditional methods to create quality confectionery products.
- 3.2. It has established itself as a leading brand and supplies a number of major retailers including Tesco, ASDA, Co-op, EAT and Somerfield. These retailers set extremely exacting standards by their suppliers and the present Barnpark location is considered to be unsuitable for confectionery manufacture.
- 3.3. The company is seeking a new site to develop and expand the business to meet the needs of their major customers and boost its profile.
- 3.4. Tilly Confectionery Ltd wishes to retain its connection with Clackmannanshire and develop in such a way as to participate in the economic regeneration of the area. It is planning a development combining an expanded manufacturing unit with a visitor facility and cafe. The aim is to create a visitor experience where, following a demonstration of the manufacturing process, the product can be purchased and enjoyed in the cafe/shop.
- 3.5. The local owners and management of Tilly Confectionery Ltd believe that the best option is one which can be achieved at the Glentana location, having considered various site options including Alva Industrial Estate and locations outside Clackmannanshire

Project Description

- 3.6. Proposals have been developed for a 14,700 sqft production facility with offices incorporating a visitor centre and cafe / shop with shared public car parking at Glentana.
- 3.7. A detailed planning application (reference 10/00143/FULL) was submitted on 4th June 2010 and approved by Clackmannanshire Planning Committee of 2nd September 2010. The design concept is included in Appendix 2.
- 3.8. Project funding will be secured from the company's own resources with additional support in the form of Regional Selective Assistance provided by Scottish Enterprise.

Site Details

- 3.9. The site extends to approx 0.66 acres and is situated to the North of the former Mill Trail Visitor Centre comprising public car parking and landscaped areas as described in Appendix 1. It also incorporates the former boating shed, now disused.
- 3.10. Ownership and control of the site, of which part is historic "Common Good" land, rests with Clackmannanshire Council. It is considered that the benefits arising from investment and job creation justify the sale.

4.0 Sustainability Implications

- 4.1. The project will sustain 12 existing FTE jobs and is predicted to create a further 11 FTE jobs in the first 12 months of operation.
- 4.2. The sale will generate a capital receipt on behalf of the Council and further reduce Council maintenance costs presently incurred in landscape and building maintenance.

5.0 Resource Implications

5.1. Financial Details

- 5.2. The full financial implications of the recommendations are set out in the report. This includes a reference to full life cycle costs where appropriate. Yes

- 5.3. Finance have been consulted and have agreed the financial implications as set out in the report. Yes

5.4. Staffing

- 5.5. The sale and development of the site will require input and monitoring from the FM Estates Surveyor and Legal Services Solicitor.

6.0 Exempt Reports

- 6.1. Is this report exempt? Yes (please detail the reasons for exemption below) No

7.0 Declarations

The recommendations contained within this report support or implement our Corporate Priorities and Council Policies.

(1) Our Priorities 2008 - 2011 (Please double click on the check box)

- The area has a positive image and attracts people and businesses
- Our communities are more cohesive and inclusive
- People are better skilled, trained and ready for learning and employment
- Our communities are safer
- Vulnerable people and families are supported
- Substance misuse and its effects are reduced
- Health is improving and health inequalities are reducing
- The environment is protected and enhanced for all
- The Council is effective, efficient and recognised for excellence

(2) Council Policies (Please detail)

The Council's economic development framework as expressed in "Building Clackmannanshire" sets out its policies in respect of the economic benefits arising from investment in the local business base.

The Council further seeks to increase the range and numbers of jobs created through fuelling entrepreneurship and development of existing manufacturing sectors.

8.0 Equalities Impact

8.1 Have you undertaken the required equalities impact assessment to ensure that no groups are adversely affected by the recommendations?

Yes No

9.0 Legality

9.1 It has been confirmed that in adopting the recommendations contained in this report, the Council is acting within its legal powers. Yes

10.0 Appendices

10.1 Please list any appendices attached to this report. If there are no appendices, please state "none".

Appendix 1 : Site Plan

Appendix 2 : Design Concept

11.0 Background Papers

11.1 Have you used other documents to compile your report? (All documents must be kept available by the author for public inspection for four years from the date of meeting at which the report is considered)

Yes (please list the documents below) No

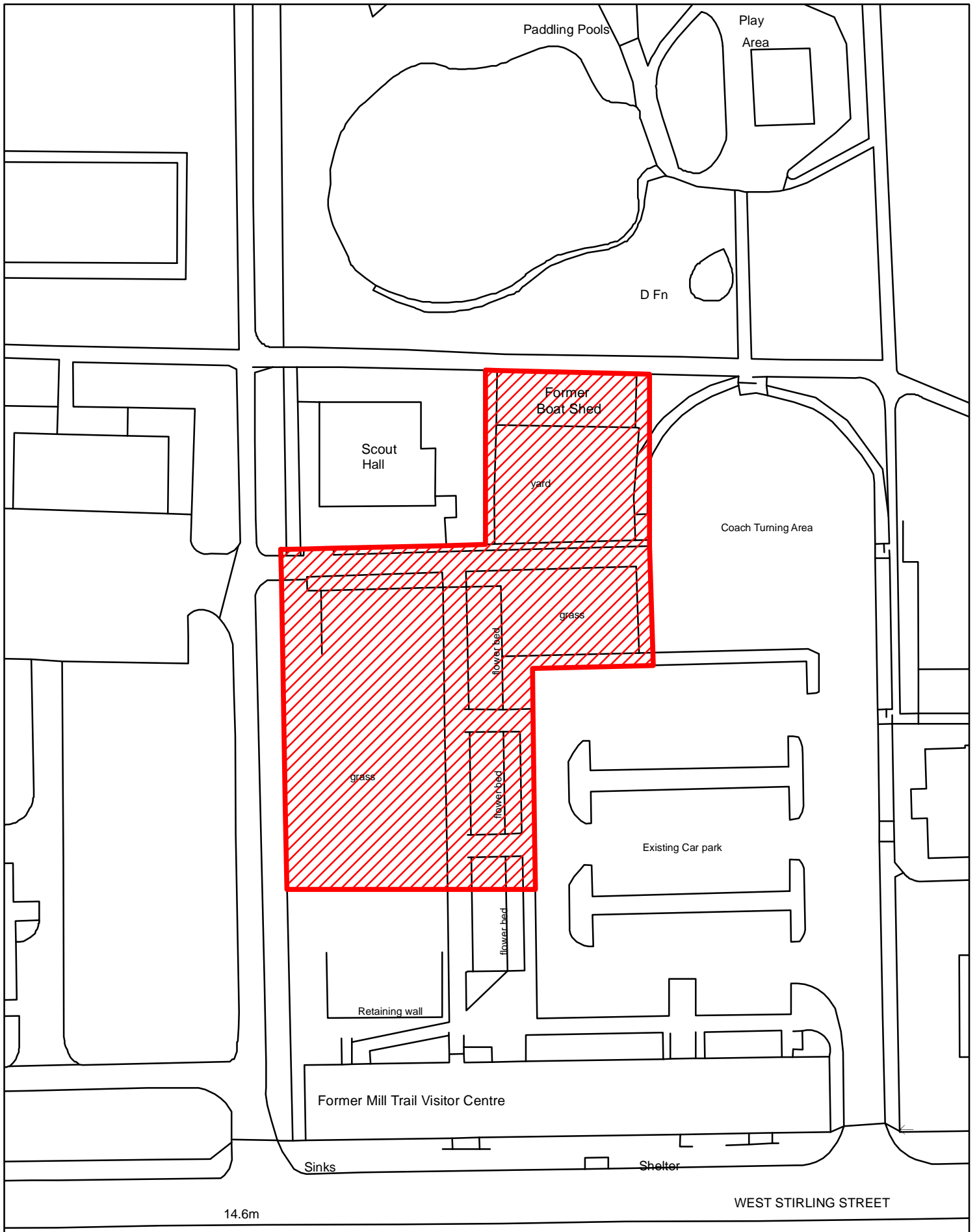
Planning Application reference 10/00143/FULL of 4th June 2010 and subsequent approval as documented in Planning Committee minutes of 2nd September 2010.

Author(s)

NAME	DESIGNATION	TEL NO / EXTENSION
George Adamson	Team Leader, Estates	2647

Approved by

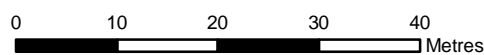
NAME	DESIGNATION	SIGNATURE
Stephen Crawford	Head of Facilities Management	(Signed: S Crawford)
Gary Dallas	Director Services to Communities	(Signed: G Dallas)



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Appendix 1 - Tilly Confectionery Ltd (Site Plan)

Scale 1:750



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Report to Council

Date: 4th November 2010

Subject: Forestmill Section 75 Agreement

Report by: Head of Community & Regulatory Service

1.0 Purpose

- 1.1. The purpose of this report is to seek approval of the terms of an agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 between the Council, Hermiston Securities and others in connection with the planning permission in principle (P.P.P) for a new village at Forestmill, as agreed at the Planning Committee of 29th October, 2009 (Ref: 06/00283/OUT). The conclusion of the agreement will enable the Council to grant PPP in accordance with the approved masterplan.

2.0 Recommendations

- 2.1. It is recommended that the Council approve the terms of the Section 75 Agreement, which has been provided to Members.

3.0 Considerations

- 3.1. Members will be aware that at its meeting on 29th October, 2009, the Planning Committee agreed that planning permission in principle (PPP) should be granted for the development of a new village at Forestmill subject to conditions.
- 3.2. Before PPP could be issued, however, it was resolved that the Council should enter into an agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 to secure certain matters which otherwise could not be properly secured through the use of planning conditions.
- 3.3. It was further resolved that the terms of the agreement negotiated between the Council and the Developer would be reported back to a meeting of the full Council for approval.
- 3.4. This decision was made in the context of:
- (i) the Council's overall strategic and policy support for the development of a new settlement in this location, as set out in the approved Structure

Plan, the adopted Local Plan and the approved Finalised 1st Alteration to the Local Plan; and

- (ii) the decision to grant outline planning permission for the application, as originally submitted, on 26th April 2007.
- (iii) the subsequent decision of Scottish Ministers on 10th June 2009 to withdraw an earlier call-in Direction and thereby abandon the planned Public Local Inquiry.

4.0 THE TERMS OF THE AGREEMENT

4.1 The full terms of the proposed Agreement have been provided to Members. In summary, the Agreement seeks to achieve the following key objectives

- (i) The restoration of the Meadowhill former opencast coal site.

The Agreement ensures that no development shall take place until a restoration bond (or similar financial investment) secures the full cost of restoration in accordance with the approved Restoration Plan, or the cost of implementation is placed on deposit for any parts of restoration that remain outstanding. Development is then controlled so that any development beyond 250 houses is not permitted until the Restoration Plan is commenced and any development beyond 750 houses is not permitted until the Restoration Plan is complete. This provision has been agreed with the developer.

- (ii) The provision of education, community and regeneration facilities to serve the new village.

The Agreement obliges the developer to construct a primary school (or provide the necessary funds to the Council) in accordance with the Phasing Plan. Plans and specifications for a generic two stream primary school are annexed to and form part of the Agreement. This amends the provisions in the draft agreement which was the subject of initial negotiation with the developer. Provision of plans and specifications limits Council risk to additional school provision costs as a result of the development, unless the Council agrees to amend the terms of the Agreement at any future time. Community facilities are to be provided in accordance with the Phasing Plan and Masterplan within the primary school and/or the primary school site unless otherwise agreed by the Council. This provision has been agreed with the developer.

- (iii) The provision of affordable housing.

The Agreement requires 275 (i.e. 22% of the 1250 homes) to be affordable housing units. This may include off-site provision. If any future approvals increase the number of units beyond 1250, then 22% of any additional units will require to be affordable housing units.

The provision of affordable housing will require to be in accordance with the Phasing Plan and Masterplan. This provision has been agreed with the developer.

(iv) The management and maintenance of open space, landscaped areas and woodland.

This has been an area of particular concern for the Council, given the practical difficulties that have arisen in other long term planned developments such as Muirside in Tullibody and West Myretoun/Menstrie Mains in Menstrie. The use of factors/multiple factors has led to community concern and approaches to the Council to intervene to achieve resolution. This issue was discussed at a members seminar on 30th June 2010 and the Council adoption of all communal open space, landscaped areas and woodland was proposed as the best option to secure effective long term maintenance of such areas. The developer had initially wanted to retain flexibility on the appointment of factors. More recently, the principle of Council adoption of all non-private areas has been agreed with the developer. The method of ensuring funding for the Council to maintain such areas has not yet to be agreed. However, as this is considered to be a fundamental issue for the longer term success of the development and its community, it is recommended that the Agreement makes provision for the Council adoption of all the communal/non private open space, landscaped areas and woodland, subject to an index linked 10 year commuted sum in accordance with the 'Clackmannanshire Standard' for open space (at March 2011) which is annexed to and forms part of the Agreement.

(v) The provision of an hotel, leisure club and golf course.

The Agreement requires the developers to use all reasonable endeavours to secure that the hotel, leisure, recreation and sports facilities and the golf course are developed in accordance with the Phasing Plan and Masterplan. There can be no planning control to ensure that this occurs. However, the developer intends for these facilities to be provided, and therefore accepts this provision in the Agreement.

- 4.3 As part of the negotiations on the terms of the agreement, it was agreed that certain matters could be better dealt with through the use of appropriately worded conditions attached to the planning permission in principle. Provision was made for changes to be made to the Planning Committee decision. The amended set of proposed conditions are attached to this report for information at Appendix 1.

5.0 Sustainability Implications

- 5.1 As previously reported in respect of the planning application Ref: 06/00283/OUT.

6.0 Resource Implications

6.1 Financial Details

There are financial implications that arise from the conclusion of the Section

75 Agreement, the issuing of the planning permission and the subsequent implementation of the development. These relate to, for example, significant increased Council Tax and Business Rate revenue and increased employment on the one hand and on the other, increased liabilities in relation to the new education requirements (beyond the Agreement's aim for the school itself to be fully funded) and waste management and adoption of roads and footpaths, for example. However, achieving population growth in the County is a major economic development and regeneration priority, and the service consequences of this need to be factored in to future service budgets alongside the increased income.

6.2 The full financial implications of the recommendations are not reasonably quantifiable at this stage of the development process.

Yes

6.3 Staffing

The Forestmill proposal will be the single largest development ever to take place in Clackmannanshire. Facilitating this development will result in the diversion of staff from across the Council from other duties and functions over the next 10-20 years. To facilitate this a project management Steering Group has been formed. In addition, several Working Groups have been formed to take forward detailed work on the project. There are no proposals to take on additional staff to handle this project work.

7.0 Exempt Reports

7.1 Is this report exempt? Yes (please detail the reasons for exemption below) No

8.0 Declarations

The recommendations contained within this report support or implement our Corporate Priorities and Council Policies.

(1) **Our Priorities 2008 - 2011** (Please tick)

The area has a positive image and attracts people and businesses	<input checked="" type="checkbox"/>
Our communities are more cohesive and inclusive	<input checked="" type="checkbox"/>
People are better skilled, trained and ready for learning and employment	<input type="checkbox"/>
Our communities are safer	<input type="checkbox"/>
Vulnerable people and families are supported	<input type="checkbox"/>
Substance misuse and its effects are reduced	<input type="checkbox"/>
Health is improving and health inequalities are reducing	<input type="checkbox"/>
The environment is protected and enhanced for all	<input checked="" type="checkbox"/>
The Council is effective, efficient and recognised for excellence	<input checked="" type="checkbox"/>

(2) Council Policies (Please detail)

Relevant policies of the Clackmannanshire Development Plan

9.0 Equalities Impact

9.1 Have you undertaken the required equalities impact assessment to ensure that no groups are adversely affected by the recommendations?

Yes No ✓

10.0 Legality

10.1 In adopting the recommendations contained in this report, the Council is acting within its legal powers. Yes

11.0 Appendices

11.1 Please list any appendices attached to this report. If there are no appendices, please state "none".

Appendix 1 - Conditions of the Planning Permission in Principle

12.0 Background Papers

12.1 Have you used other documents to compile your report? (All documents must be kept available by the author for public inspection for four years from the date of meeting at which the report is considered)

Yes (please list the documents below) No

Author(s)

NAME	DESIGNATION	TEL NO / EXTENSION
Julie Hamilton	Development Services Manager	2657

Approved by

NAME	DESIGNATION	SIGNATURE
John Gillespie	Head of Community & Regulatory Services	(Signed: J Gillespie)
Garry Dallas	Director of Services to Communities	(signed: G Dallas)

APPENDIX 1

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

OUTLINE PLANNING APPLICATION FOR A NEW VILLAGE, SOUTH AND EAST OF FORESTMILL (REF: 06/00283/OUT)

PROPOSED CONDITIONS OF OUTLINE PLANNING PERMISSION

1. (a) Before any works start within each respective phase of development, the written approval of Clackmannanshire Council (the Council) as Planning Authority shall be obtained for the details of the siting, design and external appearance of all buildings, the means of access and landscaping, including future maintenance (Matters Specified in Conditions (MSC)).

(b) Particulars of the MSC referred to in item (a) above shall be submitted for consideration by the Planning Authority, and no work shall begin until written approval has been given.

(c) Application for approval of all MSC shall be made to the Council as Planning Authority within three years of the date of this permission.

(d) The development hereby permitted shall begin within 5 years from the date of this permission, or within 2 years from the date of approval by the Planning Authority of the last of the MSC to be approved.
2. Further to Condition 1, first and subsequent applications for the approval of MSC, if required by the Council, shall be accompanied by:-
 - (a) A detailed Flood Risk Assessment of the proposed development, undertaken in accordance with SEPA Policy 41 and associated Technical Flood Risk Guidance. This shall be undertaken on the basis of a 1 in 200 year return period event plus 20% allowance for Climate Change. This assessment work will have specific regard to the safeguarding of the existing floodplain, the conveyance of water through and from the site into the Black Devon river system, protection of existing properties from increased flood risk and a clear definition of freeboard allowance in relation to the proposed works.
 - (b) A Drainage Impact Assessment prepared in accordance with the advice contained in "Drainage Assessment - A Guide for Scotland" and proposals prepared in accordance with "Sustainable Urban Drainage Systems - Design Manual for Scotland and Northern Ireland". These will include connections to existing infrastructure and upgrading thereof, the provision of on-site filtration and attenuation facilities, design for biodiversity, incorporating a series of ponds, swales and appropriate planting, timescales for implementation and arrangements for future maintenance.

(c) A full tree survey of all trees within and adjacent to the site, recording the species, position, height, crown spread and condition of all trees, to be carried out by a qualified arboriculturalist.

(d) A Phase 2 Intrusive Investigation to assess the nature, extent and type of contaminated material within the site, the assessment to be carried out in accordance with BS 10175 and CLR 11; and a remediation scheme to ensure that the site is fit for its proposed use in accordance with the foregoing standard, to include:-

(i) Methodology and timescales for remediation works.

(ii) Remediation targets.

(iii) Measures to be employed to deal with unexpected or not primarily identified contaminated material during development.

(iv) Measures to deal with contamination within and off site.

(v) Details of post remediation validation scheme.

(vi) Details of any monitoring or progressive decontamination on site.

(vii) Post remediation conceptual model.

(e) A Site Waste Management Plan for the development, construction and post development phases of the proposed village, produced with reference to the Council's Supplementary Advice Note - Managing Waste in Housing and Commercial Developments. The plan shall detail measures for waste minimisation, separation, re-use and recycling, identifying storage and collection requirements/facilities Including centralised facilities and composting.

(f) An archaeological field evaluation report supported by a programme for the recording and preservation of any features or artefacts of interest discovered as a consequence of this work, including measures planned to safeguard and/ or retain such features as an integral part of the village development.

(g) A scheme for protecting the proposed houses within developable areas from noise from nearby road traffic to be prepared in accordance with the guidance in PAN 56, Planning and Noise.

The development shall thereafter proceed in accordance with the requirements of any approval of MSC issued by the Council unless subsequently otherwise agreed in writing by the Council, as Planning Authority.

3. The application or applications for the approval of MSC described in Condition 1 above shall be shown on or include:-

(a) A Site Layout Plan at a minimum scale of 1:500 showing the position of all buildings, public utility and energy infrastructure, roads,

footpaths, parking areas, public and private spaces, walls, fences, children's play facilities, landscaping and public art.

(b) Plans and elevations of all buildings, showing the dimensions and type and colour of external materials.

(c) Details of existing and finished ground levels and finished floor levels, in relation to a fixed datum (preferably Ordnance Survey) and including levels immediately adjacent to the site.

(d) A Construction Method Plan or plans that contain the arrangements to minimise the environmental and road safety impact of construction activity and all vehicle movements on the adjacent public road network, during the construction phase or phases of the development. The plan will include community liaison arrangements.

4. Further to Condition 1, the first application for approval of MSC shall include the following proposals:-

(a) A scheme of structure planting with an advanced planting programme as described in Section 6, Masterplan of the New Sustainable Settlement Strategy: Forestmill, Alloa and dated October 2008, to be designed in relation to the relevant sections of the Local Biodiversity Action Plan. The scheme shall comprise:-

(i) Existing woodland and other trees and hedgerows to be retained.

(ii) The type, number and location of proposed native trees and shrubs.

(iii) An assessment of the biodiversity, habitat value and implications of the scheme along with detailed proposals for Biodiversity Enhancement.

(iv) A revised plan showing the removal of the proposed Parklands House in the south eastern corner of the site and identification of an acceptable buffer along the SSSI boundary.

(v) Timescales for phased implementation.

(vi) Arrangements for future maintenance.

(b) A specification and plan(s) of strategic roads and footpaths, including:-

(i) Roundabout and other road junctions on the A977 and Fearn Road.

(ii) The access road from the A977 to the village centre, generally as shown in blue on Figure 11, Strategic Connections - Local Context of the New Sustainable Settlement Strategy: Forestmill, Alloa and dated October 2008, including public transport access, lay-bys and turning

facilities to the commercial and village centres.

(iii) Traffic management measures along Fearn Road, from its junction with the A977 to the eastern site boundary and along Brucefield Lane and Aberdona Road.

(iv) Plans and a specification of work for all off road footpaths and cycleways.

(v) Pedestrian crossing facilities at Castlebridge Business Park and elsewhere along the A977, including connections to the National Cycle Route on the east side of the A977 and Gartmorn Dam Country Park.

(c) A Phasing Plan, identifying in plan and written form the varying components of the village development, including ground preparation and remediation, all buildings and land uses, structures, roads and footpaths, landscaping and public utility works, describing the timescales or other criteria/events for the commencement and completion of the respective phases of work. This will generally adhere to the indicative phasing plan in Section 7, Project Phasing, of the New Sustainable Settlement Strategy: Forestmill, Alloa and dated October 2008.

(d) A strategy for the provision of public art as an integral part of the village development.

(e) A detailed and approved programme of works to repair, enhance and interpret the Category B Listed Forest Mill Weir and associated historic lade within the development site.

(f) Details of the engineering works required for the relaying of the gas pipeline specifically in relation to the ecological and landscape impacts.

5. Further to Conditions 1 and 3 above, the development hereby approved shall be implemented generally in accordance with figure 10, "Concept Master plan with Meadowhill Quarry Restored" of the New Sustainable Settlement Strategy: Forestmill, Alloa and dated October 2008.

6. Further to Conditions 1 and 3, the Scheme of Landscaping within each developable area as identified in Figure 20, Developable Area and Density Analysis of the New Sustainable Settlement Strategy: Forestmill, Alloa and dated October 2008. shall include:-

(i) Existing trees and hedges to be retained.

(ii) The type, number and location of proposed native trees and shrubs.

(iii) The scope to create central integrated areas of landscaped public open space within each housing sector (village greens).

(iv) Timescales for implementation.

- (v) Arrangements for future maintenance.
7. All roads and footpaths within the village shall be constructed in accordance with the Council's Development Roads Guidelines and Specification and related Government guidance on road and footpath design.
 8. Before any works start on each respective phase of development, protective fencing, if required by the Council, shall have been erected around all trees to be retained as part of the development, in accordance with BS 5837(2005). The fencing shall be inspected by a representative of the Council, and shall remain in place for the duration of the construction work within each respective phase.
 9. No construction work shall take place and no construction vehicles or equipment shall operated outwith the hours of 0800-1800 hours Monday to Friday, 0800-1300 hours on Saturday, and at no time on Sundays or local Bank Holidays, unless otherwise agreed in writing by the Council.

Reasons

1. In order to comply with the Town and Country Planning (Scotland) Act 1997.
2. This additional information is required to that provided with the Environmental Statement, but can only be provided in conjunction with detailed proposals.
3. This permission has been granted in outline only. No detailed proposals have been approved beyond those shown indicatively on the master plan.
4. This permission has been granted in outline only. No detailed proposals have been approved beyond those shown indicatively on the master plan.
5. In order to ensure that the Reserved Matters comply with the development that has been approved as part of this planning permission.
6. This permission has been granted in outline only. No detailed proposals have been approved beyond those shown indicatively on the master plan.
7. In the interests of road and pedestrian safety.
8. In order to ensure that trees are properly protected during the construction phase of the development.

9. In order to safeguard the amenity of nearby residents during the construction phase of the development.