



Clackmannanshire Council

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

Clackmannanshire Council

Thursday 16 December 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.

08 December 2010

A MEETING of the CLACKMANNANSHIRE COUNCIL will be held within the Council Chamber, Greenfield, Alloa, on THURSDAY 16 DECEMBER 2010 at 9.30 am.

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

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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



MINUTE OF MEETING of the CLACKMANNANSHIRE COUNCIL held within the Council Chamber, Greenfield, Alloa, on THURSDAY 4 NOVEMBER 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 Craig Holden
Councillor George Matchett, QPM
Councillor Walter McAdam, MBE (from 9.50 am)
Councillor Bobby McGill
Councillor Harry McLaren
Councillor Reverend Sam Ovens
Councillor Janis Paterson
Councillor Gary Womersley
Father Michael Milton (Religious Representative)

IN ATTENDANCE

Angela Leitch, Chief Executive
Nikki Bridle, Director of Finance and Corporate services
Garry Dallas, Director of Services to Communities
Stephen Crawford, Head of Facilities Management
John Gillespie, Head of Community and Regulatory Services
Elaine McPherson, Head of Strategy and Customer Services
David Thomson, Legal Services Manager (Clerk to the Council)
Ian Doctor, Environmental Health and Consumer Services Manager
Julie Hamilton, Strategy and Support Manager, Services to Communities

CC.47 APOLOGIES

Apologies for absence were received from Councillor Irene Hamilton and Councillor Tina Murphy.

CC.48 DECLARATIONS OF INTEREST

None

CC.49 MINUTE OF MEETING HELD ON THURSDAY 23 SEPTEMBER 2010

The minute of the meeting held on Thursday 23 September 2010 was submitted for approval by Council.

The minute of the meeting held on Thursday 23 September 2010 was agreed as a correct record and signed by the Provost.

CC.50 BUDGET STRATEGY UPDATE

A report which updated the Council on the implementation of the Budget Strategy which was agreed in August 2010, was submitted by the Director of Finance and Corporate Services.

At its meeting on 12 August 2010, the Council agreed a budget strategy, including an engagement process to inform the development of savings options. The paper updated members on progress in implementing the budget strategy and advised of the next phases of activity to the Council setting its 2011-12 budget early next year.

Motion

That Council notes the information set out in the report.

Moved by Councillor Reverend Sam Ovens. Seconded by Councillor Kenneth Earle.

Decision

The Council agreed unanimously to note:

- (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 member on the results of the public engagement is to be held on 5 November 2010.
- (e) that a report will come forward to the Council meeting of 16 December 2010 setting out in more detail some preliminary savings options.

- ***Councillor Walter McAdam joined the meeting during debate on the following item (9.50 am)***

CC.51 ROADS AND TRANSPORTATION STRATEGY

A report which sought Council approval for new and updated policy documents was submitted by the Head of Community and Regulatory Services.

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 delivery national, regional and local strategies that integrate with each other". The Local Transport Strategy 2010-2014 fulfils this function and builds on the previous Local Transport Strategy which covered the period 2006-2009.

Motion

That Council approves the Local Transport Strategy 2010-2014 including its supporting documents.

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

Decision

The Council agreed to approve the Local Transport Strategy 2010-2014 including its supporting documents:

- the Road Safety Plan 2010-2014
- the Road Traffic Reduction Report 2010-2014
- the Transport and the Environment Report 2010-2014
- the Road Asset Management Plan 2010-2011

Action

Director of Services to Communities

CC.52 TREATMENT OF CONTAMINATED LAND IN ALVA

A report which fulfilled the requirements of a motion agreed by Council on 23 September 2010 that a report be submitted on the progress made on the treatment of contaminated land associated with the former Alva Gas Works, Alva, and should detail any outstanding issues and options to resolve them, was submitted by the Head of Community and Regulatory Services.

The report confirmed that the current use of the site as garden ground is unlawful as planning consent has not been granted and suggested that conditional planning consent is the most appropriate way to deal with the regulation of this use. A separate report was submitted to the Planning Committee of 28 October 2010 on enforcement action under the Planning Acts.

Motion

That Council notes the options detailed in the report and notes that (a) the contract works undertaken by the Council have been satisfactorily completed and that (b) enforcement action has been taken to seek to regularise the breach of planning control.

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

Amendment I

Add (c) That a further report is brought to Council outlining the outcome of any enforcement and Planning Appeal with detailed proposals on how the Council will ensure the treatment of remaining contaminated land associated with the former Alva Gas Works site is resolved as soon as possible and that public safety is assured.

Moved by Councillor Donald Balsillie. Seconded by Councillor Janis Paterson.

Voting

The vote on Amendment I was as follows:

For Amendment I - 7 votes
Against Amendment I - 9 votes
Amendment I was defeated by 9 votes to 7.

Amendment II

This Council agrees to undertake the remediation of the contaminated land associated with the former Alva Gas Works as part of a voluntary remediation scheme and that the full costs of this exercise are met by Clackmannanshire Council.

Moved by Councillor Craig Holden. Seconded by Councillor Donald Balsillie.

On the advice of the Clerk, the Provost ruled that in terms of Standing Order 25.7 the amendment was not competent on the ground that the purported amendment described as a "Motion to Council" did not relate to the motion and was truly a substantive motion of which due notice had not been given in terms of Standing Order 31. Accordingly, the Council did not vote on Amendment II.

In terms of Standing Order 27.1, Councillor Janet Cadenhead moved that the matter is put to the vote.

Seconded by Councillor George Matchett, QPM.

On a division, the motion to move to the vote was carried by 9 votes to 7.

Voting on the Motion

Councillor McGill asked for a roll call vote. The Council agreed that a vote be taken by calling the roll and at this stage there were 16 Members present who were eligible to vote. On the roll being called the Members present voted as follows:

For the Motion (9)

Provost Derek Stewart
Councillor George Matchett, QPM
Councillor Reverend Sam Ovens
Councillor Bobby McGill
Councillor Janet Cadenhead
Councillor Kenneth Earle
Councillor Harry McLaren
Councillor Eddie Carrick
Councillor Alastair Campbell

Against the Motion (3)

Councillor John Biggam
Councillor Craig Holden
Councillor Walter McAdam, MBE

Abstain (4)

Councillor Janis Paterson
Councillor Donald Balsillie
Councillor Mark English, and
Councillor Gary Womersley

Decision

The motion was carried by 9 votes to 3 with 4 abstentions,

Accordingly, the Council agreed to note the options detailed in the 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.

CC.53 PROPOSED SALE OF GROUND TO REAR OF GLENTANA MILL, WEST STIRLING STREET, ALVA

A report which sought approval to sell an area of ground extending to 0.66 acres located to the rear of the former Glentana Mill, Alva, to Tilly Confectionary Ltd, was submitted by the Head of Facilities Management.

Tilly Confectionary 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.

Motion

That Council agrees the recommendations set out in the report.

Moved by Councillor Eddie Carrick. Seconded by Councillor Bobby McGill.

Amendment

Add (c) That an equal area of land to that of the common good land to be sold by the Council is returned to Johnstone Park, Alva, from Council owned land comprising part of the former and soon to be vacant Alva Academy school site adjacent to the eastern boundary of Johnstone Park, Alva.

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

Decision

The Council agreed unanimously to support the motion as amended.

Accordingly, the council agreed:

- (a) To 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.
- (c) That an equal area of land to that of the common good land to be sold by the Council is returned to Johnstone Park, Alva, from Council owned land comprising part of the former and soon to be vacant Alva Academy School site adjacent to the eastern boundary of Johnstone Park, Alva.

Action

Director of Services to Communities

C.54 FORESTMILL SECTION 75 AGREEMENT

A report which sought 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 (PPP) for a new village at Forestmill, as agreed at the Planning Committee of 29 October 2009 (Ref 06/00283/OUT) was submitted by the Head of Community and Regulatory Services.

Before planning permission in principle (PPP) can be issued, 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.

Motion

That Council approves the terms of the Section 75 Agreement which has been provided to elected members.

Moved by Councillor Eddie Carrick. Seconded by Councillor Bobby McGill.

Decision

The Council agreed unanimously to approve the terms of the Section 75 Agreement which had been provided to members.

Action

Director of Services to Communities

ENDS 11.50 am



MINUTE OF SPECIAL MEETING of the CLACKMANNANSHIRE COUNCIL held within the Council Chamber, Greenfield, Alloa, on THURSDAY 2 DECEMBER 2010 at 9.30 am.

PRESENT

Provost Derek Stewart (Chair)
Councillor Donald Balsillie
Councillor John Biggam
Councillor Janet Cadenhead
Councillor Alastair Campbell
Councillor Kenneth Earle
Councillor Mark English
Councillor Irene Hamilton
Councillor Craig Holden
Councillor George Matchett, QPM
Councillor Walter McAdam, MBE
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
Nikki Bridle, Director of Finance and Corporate Services
Deirdre Cilliers, Head of Social Policy
Stephen Crawford, Head of Facilities Management
Lesley Robertson, Interim Head of Education
David Thomson, Clerk to the Council

CC.55 APOLOGIES

Apologies for absence were received from Councillor Eddie Carrick.

CC.56 DECLARATION OF INTERESTS

None

CC.57 JOINT DELIVERY OF EDUCATION AND SOCIAL SERVICES

A report which sought Council approval to make arrangements to enable the Council to discharge its functions as education authority and social work authority jointly with Stirling Council and to agree the appointment of a Joint Head of Education and a Joint Head of Social Services and Chief Social Work Officer accountable to both Councils, was submitted by the Chief Executive.

In June 2006 and June 2008, Clackmannanshire and Stirling Councils agreed to consider the potential for joint working, based on the premise that the two Councils would retain political independence while the management of services could be integrated.

Motion

That Council approves the recommendations set out in the report.

Moved by Councillor Reverend Sam Ovens. Seconded by Councillor Gary Womersley.

Voting

Councillor Reverend Ovens asked for a roll call vote.

The Council agreed that a vote be taken by calling the roll and at this stage there were 17 members present who were eligible to vote.

The vote on the motion was as follows:

For the motion (16)

Provost Derek Stewart
Councillor George Matchett
Councillor Reverend Sam Ovens
Councillor Bobby McGill
Councillor Janet Cadenhead
Councillor Kenneth Earle
Councillor Harry McLaren
Councillor Alastair Campbell
Councillor John Biggam
Councillor Walter McAdam
Councillor Tina Murphy
Councillor Irene Hamilton
Councillor Janis Paterson
Councillor Donald Balsillie
Councillor Mark English
Councillor Gary Womersley

Abstain (1)

Councillor Craig Holden

The motion was carried by 16 votes with one abstention.

Decision

The Council agreed:

- (1) To discharge its functions as Education Authority and Social Work Authority jointly with Stirling Council in terms of Section 56(5) of the Local Government (Scotland) Act 1973 and that, for this purpose, a Joint Head of Education and a Joint Head of Social Services and Chief Social Work Officer accountable to both Councils, be appointed as set out in the report.
- (2) That the key principles set out in the Statement of Principles appended to the report guide implementation and govern joint management of these functions.
- (3) That it be remitted to the Chief Executive, in consultation with the Steering Group, to take all decisions in relation to (1) (above) and all actions necessary on behalf of the Council to implement this decision as quickly as possible, but no later than the beginning of the financial year 2011/12.

- (4) That a Steering Group comprising the two Council Leaders, two Depute Leaders and the two main Opposition Leaders be established to oversee implementation of this decision. The Steering Group to report regularly to the two Councils on progress.

Action

Chief Executive

ENDS 10.45 am

Report to Council

Date of Meeting: 16 December 2010

**Subject: Investment Strategy 2010/11 - 2012/13 and adoption of New
Treasury Management Code of Practice**

Report by: Accountancy Manager

1.0 Purpose

- 1.1. The purpose of this report is to present the Council's Investment Strategy for 2010/11 to 2012/13.

2.0 Recommendations

- 2.1. It is recommended that Council

2.1.1. Agree to formally adopt CIPFA's new Prudential Code which will be implemented as required in 2010/11 and for the 2011/12 budget setting process.

2.1.2. Agree to formally adopt CIPFA's 2009 Treasury Management in the Public Services - Code of Practice and Cross Sectoral Guidance Notes as the basis for Treasury Management by Clackmannanshire Council

2.1.3. Approve the Investment Strategy for 2010/11 to 2012/13 attached as Appendix A in compliance with the Local Government Investments (Scotland) Regulations 2010.

3.0 Considerations

3.1. Background

- 3.2. Local authority investments are governed by the Local Government (Scotland) Act 1973 and Local Government in Scotland Act 2003. Section 40 of the 2003 Act allows Local Authorities to invest funds in accordance with regulations approved by ministers. Under these powers, the Local Government Investment (Scotland) Regulations 2010 were introduced. These came into effect on 1 April 2010.

- 3.3. In addition to the introduction of the Local Government in Scotland Act 2003, CIPFA has issued the following Codes relating to treasury management and capital borrowing. Both Codes have been and continue to be fully adopted by the Council, as follows:-

- 3.3.1. Treasury Management in Public Service; Code of Practice and Cross Sectoral Guidance Notes 2009 ("the Code")
- 3.3.2. The Prudential Code of Capital Finance in Local Authorities 2009 ("The Prudential Code")
- 3.4. The 2010 regulations refers to the 2009 revised versions of the Code and the Prudential Code and makes the requirements of both Codes mandatory for Local Authorities, rather than good practice, as was the case prior to April 2010.
- 3.5. The new Prudential Code does not introduce any significant new requirements on the Council but does make some changes to the classification of some of the Prudential Indicators the Council needs to set and monitor. These will be adopted and reported within the annual Prudential Indicators report that is presented to Council along with the Budget report.
- 3.6. The CIPFA Code of Practice on Treasury Management has recently been revised and updated. The new Code has been introduced partly in response to some of the issues arising from the Icelandic banking crisis in 2008, and although much of it is not new it does set some very demanding principles which the Council needs to comply with.
- 3.7. The revised Code identifies the following 3 Key Principles in respect of Treasury Management in public services:
1. Public service organisations should put in place formal and comprehensive objectives, policies and practices, strategies and reporting arrangements for the effective management and control of their treasury management activities.
 2. Their policies and practices should make clear that the effective management and control of risk are prime objectives of their treasury management activities and that responsibility for these lies clearly with their organisations. Their appetite for risk should form part of their annual strategy and should ensure that priority is given to security and liquidity when investing funds
 3. They should acknowledge that the pursuit of value for money in treasury management, and the use of suitable performance measures, are valid and important tools for responsible organisations to employ in support of their business and service objectives; and that within the context of effective risk management, their treasury management policies and practices should reflect this.
- 3.8. CIPFA recommends that all public service organisations adopt, as part of their standing orders, financial regulations, or other formal policy documents appropriate to their circumstances the following four clauses
1. The Council will create and maintain, as the cornerstones for effective treasury management:
 - a treasury management policy statement, stating the policies, objectives and approach to risk management of its treasury management activities

- suitable treasury management practices (TMPs), setting out the manner in which the organisation will seek to achieve those policies and objectives, and prescribing how it will manage and control those activities.
2. The full Council will receive reports on its treasury management policies, practices and activities, as a minimum, an annual strategy and plan in advance of the year, a mid-year review and an annual report after its close, in the form prescribed in its TMPs
 3. The Council delegates responsibility for the implementation and regular monitoring of its treasury management policies and practices to the Scrutiny Committee, and for the execution and administration of treasury management decisions to the Director of Finance and Corporate Services who will act in accordance with the organisation's policy statement and TMPs.
 4. The Council nominates the Scrutiny Committee to be responsible for ensuring effective scrutiny of the treasury management strategy and policies.

3.9. Investment Strategy and Reporting

3.10. The Investment Strategy is attached as Appendix A.

4.0 Sustainability Implications

4.1. There are no sustainability implications.

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. *None*

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)

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 A - Investment Strategy

Appendix B - Permitted Investments

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

Treasury Management in Public Service; Code of Practice and Cross Sectoral Guidance Notes 2009

The Prudential Code of Capital Finance in Local Authorities 2009

Author(s)

NAME	DESIGNATION	TEL NO / EXTENSION
Martin Dunsmore	Accountancy Manager	2041

Approved by

NAME	DESIGNATION	SIGNATURE
Nikki Bridle	Director of Finance and Corporate Services	
Angela Leitch	Chief Executive	

Investment Strategy

1.1 Treasury Management Policy Statement

- 1.2 The Council defines its treasury management activities as the management of its investments and cash flows, its banking, money market and capital market transactions: the effective control of the risks associated with those activities: and the pursuit of optimum performance consistent with those risks. The Investment Strategy forms part of the framework surrounding the treasury management activities.
- 1.3 The Council regards the successful identification, monitoring and control of risk to be the prime criteria by which the effectiveness of its investment and treasury management activities will be measured. Accordingly, the analysis and reporting of investment and treasury management activities will focus on their risk implications for the organisation.
- 1.4 The Council acknowledges that effective investment and treasury management will provide support towards the achievement of its business and service objectives. It is therefore committed to the principles of achieving value for money in treasury management, and to employing suitable comprehensive performance measurement techniques, within the context of effective risk management.

2.1 Strategy

- 2.2 This strategy reflects the requirements of Local Government Investment (Scotland) Regulations 2010, CIPFA Treasury Management in Public Service; Code of Practice and CIPFA Prudential Code of Capital Finance in Local Authorities 2009
- 2.2 The objectives of the Investment Strategy are to
- 2.2.1 Safeguard the principal of its investments while maximising the return on those investments,
 - 2.2.2 Ensure adequate liquidity for meeting its capital and revenue commitments
 - 2.2.3 Support the Borrowing Strategy to balance the maximisation of certainty on borrowing repayments while minimising the cost of borrowing.
- 2.3 In fulfilling these objectives, the Council will
- 2.3.1 Adopt a risk aware approach where the investment risks are assessed and managed.
 - 2.3.2 Manage funds in house with the support of the Treasury Management Advisor, Sector

- 2.3.3 Only invest with Permitted Investments, as defined in Appendix B,
- 2.3.4 For periods of investments less than 12 months, investments will be made with reference to core balances and cashflow requirements
- 2.3.5 For period of investment in excess of 12 months , any investment will be managed after careful assessment of creditworthiness and review of interest rate projections. The maximum value would not exceed £10m or a period over two years.
- 2.3.6 Not borrow in advance of need purely to profit from the return on investment. Any decision to borrow in advance of need (ie in a earlier financial than the capital funding is required) will be thoroughly assessed.
- 2.3.7 Consider opportunities for restructuring of Council debt where the potential to save exceeds breakage costs or future interest charges.

3.1 Investment Portfolio Position

3.1 The Council's investment portfolio position at 31 March 2010 was

	Principal 31.3.2010
Fixed Rate Funding:	
- Public Works Loan Board	£ 99.703m
- European Investment Bank	£ 0.158m
- Market	£ <u>13.500m</u> £113.361m
Variable Rate Funding:	
- Market	£ 10.000m
Total External Debt	£123.361m
Investments:	
- Internally managed	£10.194m
Total Net External Borrowing	£113.167m

- 3.2 The Council's long term borrowing of £123m is relatively high in relation to its tax revenue stream of £115m (ie Government grant funding together with Council tax income) compared to other councils. This reflects the substantial investment in infrastructure in the County in recent years including supporting the new Secondary Schools.
- 3.3 The strategy adopted within the current 5 year capital programme is to minimise new borrowing to levels at or below the sums budgeted for repayment of debt, thereby reducing overall external borrowing and bringing the Council debt levels closer to the national average.

3.4 As a result of the current government spending review, and the reductions in support for capital by 17.9% and revenue support by 2.6% there will be a requirement for a further review of the capital programme in respect of coming years to focus on reducing new borrowing to even lower levels.

3.5 Opportunities for investment arise naturally through Treasury Management activity and in particular the management of cash flows which can result in peaks and troughs in the amount of cash required during the year. The Council can also choose to have its various funds and reserves backed by cash held. Accordingly at any given point in time the Council is likely to have sizeable sums of cash available and in a best value context it is incumbent upon the Council to generate a return on such surplus cash by investing it wisely. It will noted that as at March 2010, these cash balances amounted to £10.2m. Income generated on the use of surplus cash contributes to keeping the net expenditure of the Council lower than it otherwise would be.

3.6 The Council's investment priorities are:

1. The security of capital
2. The liquidity of its investments

3.4 The Council will therefore aim to achieve the optimum return on its investments taking account of levels of security and liquidity. Striking an appropriate balance between risk and return is a matter of judgement for the Director of Finance and Corporate Services. However, the borrowing of monies purely to invest or on-lend and make a return is unlawful and thus the Council will not engage in such activity. The permitted investments that the Council can undertake are detailed in the scope of investment strategy that follows.

4.1 Scope of Investment Strategy

4.2 The scope of the Investment Strategy covers all investment undertaken by the Council, including but not limited to :-

- 2.1.1 Short and medium term liquid cash deposits with banks and buildings societies;
- 2.1.2 Investment in shares with companies, institutions and joint venture or related companies
- 2.1.3 Investment in non liquid fixed assets, for investment or resale

4.3 Under the 2010 Regulations, the Council is required to set out the types of investment that they will permit in the financial year, together with the limits for those investment. These are known as permitted investments.

4.4 The main permitted investments that the Council anticipates investing in will be immediate or short term deposit accounts with approved Banks or Buildings Societies. The Council currently receives favourable rates with one approved lender on instant access.

4.5 The full list if products and institutions that that the Council is permitted to invest is included in Appendix B.

5.1 Treasury Management Advisory Service

5.2 The Council uses Sector Treasury Services as its external treasury management advisers. Sector were appointed as advisor in September 2009 under formal tender arrangements and the contract is in place until March 2012. Sector are required to comply with this Strategy and have been consulted.

3. PERMITTED INVESTMENTS

3.1 This Council approves the following forms of investment instrument for use as permitted investments as set out in table 1.

3.2 Unlimited Investments

3.2.1 **Debt Management Agency Deposit Facility.** This is considered to be the lowest risk form of investment available to local authorities as it is operated by the Debt Management Office which is part of H.M. Treasury i.e. the UK Government's AAA rating stands behind the DMADF. It is also a deposit account and avoids the complications of buying and holding Government issued treasury bills or gilts.

3.2.2 **High credit worthiness banks and building societies.** See paragraph 9.2 for an explanation of this authority's definition of high credit worthiness. While an unlimited amount of the investment portfolio may be put into banks and building societies with high credit worthiness, the authority will ensure diversification of its portfolio ensuring that no more than £30m of the total portfolio can be placed with any one institution or group.

3.3 DEPOSITS

3.3.1 The following forms of investments are actually more accurately called deposits as cash is deposited in an account until an agreed maturity date or is held at call.

3.3.2 **Debt Management Agency Deposit Facility.** This offers the lowest risk form of investment available to local authorities as it is effectively an investment placed with the Government. It is also easy to use as it is a deposit account and avoids the complications of buying and holding Government issued treasury bills or gilts. As it is low risk it also earns low rates of interest. However, it is very useful for authorities whose overriding priority is the avoidance of risk at a time when many authorities are disappointed at the failure in 2008 of credit ratings to protect investors from the Icelandic bank failures and are both cautious about other forms of investing and are prepared to bear the loss of income to the treasury management budget compared to earnings levels in previous years. The longest term deposit that can be made with the DMADF is 6 months

3.3.3 **Term deposits with high credit worthiness banks and building societies.** See paragraph 9.2 for an explanation of this authority's definition of high credit worthiness. This is the most widely used form of investing used by local authorities. It offers a much higher rate of return than the DMADF (dependent on term) and now that measures have been put in place to avoid over reliance on credit ratings, the authority feels much more confident that the residual risks around using such banks and building societies are at a low, reasonable and acceptable level. The authority will ensure diversification of its portfolio of investment returns by locking in high rates ahead of an expected fall in the level of interest rates. At other times, longer term rates can offer good value when the markets incorrectly assess the speed and timing of interest rate increases. This form of investing therefore, offers a lot of flexibility and higher earnings than the DMADF. Where it is restricted is that once a longer term investment is made, that cash is locked in until the maturity date.

3.3.4 **Call accounts with high credit worthiness banks and building societies.**
The objectives are as for 1b. but there is instant access to recalling cash deposited. This generally means accepting a lower rate of interest than that which could be earned from the same institution by making a term deposit. However, there are a number of call accounts which at the time of writing, offer rates 2 – 3 times more than term deposits with the DMADF. Some use of call accounts is highly desirable to ensure that the authority has ready access to cash when needed to pay bills.

3.4 **DEPOSITS WITH COUNTERPARTIES CURRENTLY IN RECEIPT OF GOVERNMENT SUPPORT / OWNERSHIP**

3.4.1 These banks offer another dimension of creditworthiness in terms of Government backing through either direct (partial or full) ownership or the banking support package. The view of this authority is that such backing makes these banks attractive to place institutions with whom to place deposits, and that will remain our view if the UK sovereign rating were to be downgraded in the coming year.

3.4.2 **Term deposits with high credit worthiness banks which are fully or semi nationalised.** As for 1b. but Government ownership partial or full implies that the Government stands behind this bank and will be deeply committed to providing whatever support that may be required to ensure the continuity of that bank. This authority considers this indicates a low and acceptable level of residual risk.

3.4.3 **Term deposits with high credit worthiness banks and building societies which are specified as being eligible for support by the UK Government.** As for 2a. but Government stated support implies that the Government stands behind eligible banks and building societies and will be deeply committed to providing whatever support that may be required to ensure the continuity of such institutions. This authority feels this indicates a low and acceptable level of residual risk.

3.5 **COLLECTIVE INVESTMENT SCHEMES STRUCTURED AS OPEN ENDED INVESTMENT COMPANIES (OEICS)**

3.5.1 **Government liquidity funds.** These are very similar to money market funds (see below) but only invest in government debt issuance with highly rated governments. They offer a lower rate of return than MMFs but slightly higher than the returns from the DMADF.

3.5.2 **Money Market Funds (MMFs).** By definition, MMFs are AAA rated and are widely diversified, using many forms of money market securities including types which this authority does not currently have the expertise or risk appetite to hold directly. However, due to the high level of expertise of the fund managers and the huge amounts of money invested in MMFs, and the fact that the weighted average maturity (WAM) cannot exceed 60 days, MMFs offer a combination of high security, instant access to funds, high diversification and good rates of return compared to equivalent instant access facilities. They are particularly advantageous in falling interest rate environments as their 60 day WAM means they have locked in investments earning higher rates of interest than are currently available in the market. MMFs also help an authority to diversify its own portfolio as e.g. a £2m investment placed directly with HSBC is a 100% risk exposure to HSBC whereas £2m invested in a MMF may end up with say £10,000 being invested with HSBC through the MMF. For authorities particularly concerned with risk exposure to bank, MMFs offer an effective way of

minimising risk exposure while still getting much better rates of return than available through the DMADF. They also offer a constant Net Asset Value (NAV) i.e. the principal sum invested has high security.

3.6 OTHER INVESTMENT PRODUCTS

3.6.1 The following is a list of other investment products which are available but which at this time have not been included in the list of permitted investments, however if these become attractive a report will be submitted to Council seeking approval to make use of the appropriate investment

1. Enhanced cash funds
2. Gilt Funds
3. Bond Funds
4. Treasury Bills
5. UK Government Gilts
6. Bond issuance issued by a financial institution which is explicitly guaranteed by the UK Government (refers solely to GEFCO - Guaranteed Export Finance Corporation)
7. Sovereign bond issues (other than the UK govt)
8. Bonds issued by multilateral development banks
9. Certificates of deposit issued by banks and building societies covered by UK Government (explicit) guarantee
10. Certificates of deposit issued by banks and building societies covered by the UK government banking support package (implicit guarantee)
11. Certificates of deposit issued by banks and building societies NOT covered by UK Government support package (implicit guarantee)
12. Commercial paper issuance covered by a specific UK Government (explicit) guarantee and issued by banks covered by the UK bank support package
13. Commercial paper issuance by UK banks covered by UK Government (implicit) guarantee
14. Commercial paper other
15. Corporate Bonds issuance covered by UK Government (implicit) guarantee and issued by banks covered by the UK bank support package
16. Corporate Bonds other
17. Other debt issuance by UK banks covered by UK Government (explicit) guarantee
18. Property Funds

4. OTHER INVESTMENT PRODUCTS COMMON GOOD

4.1 The Council does not hold any investments in relation to Common Good and as such, no types of investments are defined. If this changes, a revised list of Permitted Investments for Common Good will be presented to Council.

Report to Council

Date: 16 December 2010

Subject: Annual Treasury Report

Report by: Accountancy Manager

1.0 Purpose

- 1.1. The purpose of this report is to detail the Treasury Management activities for the Council for 2009/10.

2.0 Recommendations

- 2.1. It is recommended that the Council note and review this Annual Report on 2009/10 Treasury Management activities for Clackmannanshire Council.

3.0 Considerations

3.1. Background

- 3.2. The need to prepare a Treasury Management Annual Report is a requirement of the revised Treasury Management in the Public Services Code of Practice published by the Chartered Institute of Public Finance and Accountancy.
- 3.3. Financial year 2009/10 saw a continuation of the economic downturn and historically low interest rates. This required proactive management of exposure to keep the loans fund interest rate low and to protect the Council's investments.
- 3.4. The Annual Report covers:
- The Council's borrowing and investment positions for 2009/10
 - performance measurement
 - borrowing strategy for 2009/10
 - borrowing outturn for 2009/10

- investment strategy for 2009/10
- investment outturn for 2009/10
- compliance with treasury limits
- debt rescheduling

4.0 Borrowing and Investment Positions as at 31st March 2010

4.1. The Council funds its capital programme principally from loans borrowed from external bodies. This is mainly from Government sources (The Public Works Loan Board) which tends to offer better interest rates, but sometimes we source loans directly from financial institutions through the market when their interest rates are more attractive. The Council's actual external debt position is shown in the following table:

	Principal 31.3.2010	Principal 31.3.2009
Fixed Rate Funding:		
- Public Works Loan Board	£ 99.703m	£ 95.704m
- European Investment Bank	£ 0.158m	£ 0.202m
- Market	<u>£ 13.500m</u> £113.361m	<u>£ 10.000m</u> £105.906m
Variable Rate Funding:		
- Market	£ 10.000m	£ 13.500m
Total External Debt	£123.361m	£119.406m
Investments:		
- Internally managed	£10.194m	£ 18.012m
Total Net External Borrowing	£113.167m	£ 101.394m

4.2 The Council's net external borrowing position is driven by the demands of its approved capital programme, and the total estimated borrowings of the Council are outlined in the annual Prudential Indicators report. At the Special Council budget meeting in February 2010 the Prudential Indicators report highlighted that the net borrowing position at March 2010 was estimated to be £113.391m. It will be noted from the above table that the actual net borrowing position as at March 2010 is £113.167m and therefore consistent with our forecast.

- 4.3 Due to the economic downturn, interest rates both for borrowing and investing have dropped considerably over the past year. New loans could be borrowed at interest rates ranging from 2.47% to 4.85% depending on timing and life of loan borrowed. As a result, the average interest rate of our total external debt is now 4.0% compared to 5.1% the previous year, an improvement of 1.1%. Conversely, investment funds are only averaging 2.12% compared to 5.4% in 2008/09.
- 4.4 Loans fund charges to revenue, including the sums allocated towards repayments of principal borrowings are determined by the internally calculated 'pooled' interest rate. The loans fund interest rate in 2009/10 is detailed as follows:

	Budget (%)	Actual (%)
2009/10	5.32	5.05

5.0 Performance Measurement

- 5.1. The loans pool interest rate for Clackmannanshire Council in 2009/10 was 5.05% as noted above. The loans fund comparative rates for 2009/10 for all other Scottish Authorities have yet to be published. The 2008/09 loans pool rate for Clackmannanshire Council was 5.79% compared to an average of 5.37% for Scottish Local Authorities. Although we remain higher than the national average, compared to the previous two years, there has been a trend of moving closer to the average position, and we would hope that this continues for 2009/10.
- 5.2. It should be noted that the Councils is assisted by the Council's Treasury Management Advisers - Sector treasury Services in undertaking Treasury Management activities

6.0 Borrowing Strategy for 2009/10

- 6.1. The Council's treasury strategy for 2009/2010 reflected the anticipated very low interests rates of approximately 0.5% throughout the year. The key elements of the strategy were :-
- 1 key emphasis on mitigating risk by giving focus to security and liquidity. This has resulted in the use of the investment portfolio being used for the Council's capital programme rather than borrowing.
 - 2 cash balances held on an instant access basis rather than time deposits due to this option offering the most favourable rates of return.

- 3 Examination of the potential for making premature debt repayments in order to reduce investment balances more quickly. A debt restructuring which was in place in 2008/09 was concluded at the start of the year, however the subsequent levels of premiums that would have been incurred and the increase in risk exposure to significantly higher interest rates for new borrowing than current new borrowing rates and / or debt currently held, made further restructuring of the portfolio unattractive.
- 4 The borrowing strategy adopted for 2009/10 was to draw some shorter term borrowing during the year at lower interest rates which assisted in lowering debt servicing costs in the short-term whilst at the same time providing a degree of budget certainty for debt management budgets.

7.0 Borrowing Outturn for 2009/10

- 7.1. The table below details the interest rates and terms at which actual PWLB loans were borrowed during the year.

Date Taken	Amount	Term	Rate (%)
19/05/2009	£5m	5 years	2.65
30/06/2009	£5m	9 years	3.57

The highest and lowest PWLB interest rates available during the financial year 2009/10 for the periods 5,10, 25 and 50 years are detailed in the following table:

Period	Interest Rate Low Point (%)	Interest Rate High Point (%)
5 years	2.47	3.29
10 years	3.30	4.42
25 years	4.07	4.83
50 years	4.18	4.85

This demonstrates that our borrowings undertaken during the year were drawn down at opportune times that secured interest rates close to the low points available.

8.0 Investment Strategy for 2009/10

- 8.1. The Council's investment strategy requires management of investments in-house and placement of investments with the institutions listed in the Council's lending list. The Council's investment strategy for 2009/10 also required placement of investments for a range of periods from overnight to 364 days dependent on the Council's cash flows, its interest rate view and the interest rates on offer.
- 8.2. As noted earlier, the strategy was to reduce external debt levels by running down investment balances in order to further reduce exposure to counterparty risk and provide savings in capital financing costs.

9.0 Investment Outturn for 2009/10

- 9.1. At the start of 2009/10 investment rates were relatively high, however the Bank of England's approach to addressing the economic downturn through its quantitative easing operations resulted in investment rates falling markedly half way through the year.
- 9.2. Sums available for investment represent the revenue balances and funds of the Council together with any working balances. As noted at paragraph 4.1 above, the balance available for investment dropped from £18.012m to £10.194m as at March 2010 in line with both the borrowing and investment strategies. Although the average interest earned on these investment fell considerably in 2009/10 to 2.12%, this still compares very favourably with a benchmark market 3 month LIBID rate of 0.73%

10.0 Compliance with Treasury Limits

- 10.1. During the financial year the Council operated within the treasury limits set out in the Treasury Strategy Statement.
- 10.2. Additionally, the Prudential Code requires the Council to set an authorised limit for gross external debt together with an operational limit that should only be exceeded for relatively short periods reflecting the timings of cash flows and debt management. These limits were approved by the Council at the Special Budget meeting in March 2009 as £139m and £128m respectively. These limits were not exceeded during the course of 2009/10.

11.0 Debt Rescheduling

- 11.1. Opportunities for debt rescheduling arise when it is advantageous to repay higher interest loans early and replace them with lower interest loans with minimum penalty for early repayment, thus reducing the Council's ongoing debt charges. The Council had already put in place a debt rescheduling exercise at the tail end of the previous financial year that saw us moving £25.2m of longer-term debt to cheaper short-term debt. This gave the Council an initial cash injection of £8,400 in discount and an interest saving of £2.06m over the next 7 years as per the table below.

Year on Year Interest Saving

Year	Annual Interest Saving from Restructuring
2009/2010	406,080
2010/2011	406,080
2011/2012	406,080
2012/2013	325,280
2013/2014	256,080
2014/2015	174,580
2015/2016	88,180
Total	2,062,260

12.0 Sustainability Implications

12.1. None

13.0 Resource Implications

13.1. *Financial Details*

13.2. 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

13.3. Finance have been consulted and have agreed the financial implications as set out in the report.

Yes

13.4. *Staffing*

14.0 Exempt Reports

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

15.0 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)

Treasury Management Policy Statement and Practices

16.0 Equalities Impact

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

Yes No

17.0 Legality

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

18.0 Appendices

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

None

19.0 Background Papers

19.1 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

Treasury Policy Statement referred to in Para 3.1

Author(s)

NAME	DESIGNATION	TEL NO / EXTENSION
Martin Dunsmore	Accountancy Manager	2041

Approved by

NAME	DESIGNATION	SIGNATURE
Nikki Bridle	Director of Finance and Corporate Services	
Angela Leitch	Chief Executive	

Report to: Clackmannanshire Council

Date: 16 December, 2010

Subject: Scottish Joint Council and Scottish Joint Negotiating Committee - Craft Operatives: Pay Negotiations/Award 2010; Allowances, Part-Time Registrars and Assistant Registrars; Stand-By, Call-Out & Disturbance Payments (officers other than Social Workers)

Report by: Director of Finance & Corporate Services

1.0 Purpose

- 1.1 The purpose of this report is to advise Council of the outcome of national pay negotiations which have taken place at the *Scottish Joint Council for Local Government Employees (SJC)* and the *Scottish Joint Negotiating Committee - Craft Operatives (SJNC)* and to note the pay award for 2010/11 and to approve a pay freeze in 2011/12 and 2012/13.

2.0 Recommendation

- 2.1 It is recommended that Council:
- a) note the awarded pay rise of 0.65% for 2010/2011 (backdated to 1 April, 2010) to relevant groups of employees;
 - b) freezes pay in both 2011/12 and 2012/13 for those same groups of employees.

3.0 Background

- 3.1 An offer of a 3 year pay settlement from 2010-2013 was made by the employers' side earlier in the year as follows:
- 2010-11: 1%
 - 2011-12: 0%
 - 2012-13: 0.5%
- 3.2 Employees subject to the offer included all Council staff with the exception of teachers and Chief Officers.
- 3.3 This offer was rejected by the trade unions (UNISON, GMB and UNITE) which were seeking a 3% pay rise in 2010-11 or an increase of £600 (whichever was greater) and a minimum wage of £7.00.

- 3.4 Subsequent to negotiations breaking down, in late August, the employers "imposed" a settlement of a 0.65% increase in 2010-11, with no increase in either of 2011-12 or 2012-13. The rationale for a reduced award was affordability given the reduction in the block allocation to Scottish local government from the UK government and other anticipated reductions in resources.
- 3.5 Following on from the above decision, CoSLA has also recommended the same award from 2010/11-2012/13 in respect of:
- allowances for part-time and assistant registrars
 - Stand-By, Call-Out & Disturbance Payments for officers other than Social Workers

4.0 Considerations

- 4.1 The Council as an employer is a signatory to the national agreements of the SJC and the SJNC. As such, the terms of these are incorporated into the contracts of individual Council employees. When a collective agreement is reached in any of the Scottish Negotiating bodies, local authorities automatically implement that agreement.
- 4.2 The situation currently, however, is that there has been no agreement between the parties to the negotiating bodies (i.e. employers as represented by CoSLA and employees as represented by various trade unions).
- 4.3 CoSLA have indicated strongly that Scottish Councils should implement the 0.65% pay award by October of this year. This agreed employers' offer of 0.65% backdated to 1 April 2010 will cost this Council £303k.
- 4.4 The Council has the financial resources within the existing budget to accommodate the Employer's agreed 0.65% award. Accordingly the pay award has been implemented and the increase together with backdated monies from 1 April 2011 will be paid to staff in their December salary.
- 4.5 Given the reduction in the block allocation to Scottish Local Government from Central Government however, together with the increasing demands on the Council's budget, it is recommended that this Council also make the decision to freeze pay in the financial years 2011/12 and 2012/13 as agreed by CoSLA to avoid any further upward pressure on the budget for the next two years.

5.0 Conclusions

- 5.1 The national negotiating machinery for pay awards has failed to reach mutual agreement on a pay settlement. The Employers collectively agreed to an increase of 0.65% for the year 2010/11 and a subsequent pay freeze for the following two years. This Council has the financial resources to fund the agreed 0.65%. Accordingly the pay award has been implemented enabling staff to get the benefit of the small increases and backdated monies in their pay prior to Christmas.
- 5.2 In the absence of mutual agreement through the national negotiating machinery the Council is requested to take a view on the level of any award for the period 2011/12 and 2012/13.

6.0 Sustainability Implications

NA

7.0 Resource Implications

Financial Details - set out in the report at paragraph 4.3

Staffing - there are no implications for the establishment as a direct result of 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

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

1- CoSLA letter



2 - CoSLA Personnel Services Circular, Industrial Relations 5/10

3 - CoSLA Personnel Services Circular, Industrial Relations 6/10

Author(s)

NAME	DESIGNATION	SIGNATURE
Elaine McPherson	Head of Strategy & Customer Services	

Approved by

NAME	DESIGNATION	SIGNATURE
Elaine McPherson	Head of Strategy & Customer Services	
Nikki Bridle	Director of Finance & Corporate Services	

Report to Council

Date of Meeting: 16 December 2010

Subject: The 2010 Spending Review and Budget up-date

Report by: Director of Finance and Corporate Services

1.0 Purpose

- 1.1. The purpose of this report is to update Council on the implications of the Scottish Government Spending Review 2010 and approve the proposed funding package contained therein. The report also provides an update on the Council's draft budget position for 2011/12 and indicative funding gap.

2.0 Recommendations

It is recommended that the Council:

- 2.1. agrees to accept the package of measures and commitments outlined in letter of 17th November to Leaders of all Scottish local authorities;
- 2.2. agrees the current planning assumptions relating to the Council's draft 2011/12 budget;
- 2.3. endorses the Council's application under the Scottish Government's General Consent to Borrow Scheme.

3.0 Background

- 3.1. The terms of the agreement between the Scottish Government and COSLA are attached as Appendix 1 to this report. Local Government has maintained its share of the Scottish Budget at 34.5%. The actual settlement for local government is a reduction in revenue funding to Councils of 2.6% in cash terms and a reduction in capital funding of 17.9%.
- 3.2. In cash terms, this reduction in revenue grant would amount to £2.529m in Clackmannanshire, resulting in General Fund Revenue income of approximately £94.735m in 2011/12. The Council's actual funding will be confirmed in early December. This could result in a different allocation should the Scottish Government make any changes to distribution methodologies and/ or proportions.
- 3.3. The Scottish Government also proposes that the reduction in capital support will be implemented through a reduction in supported borrowing, rather than

capital grant. This measure aims to reduce the impact of reductions in cash grant and maintain existing levels of capital investment. The Government has proposed to maintain loan charge support at existing levels so councils should not see a reduction in revenue support following this change.

3.4. In making this offer, the Scottish Government has indicated that the Council needs to formally agree to deliver the following commitments:

- To remain committed to the delivery of the current Single Outcome Agreements, the 3 jointly agreed social strategies and the Curriculum for Excellence.
- To a council tax freeze for 2011-12.
- To police officers being maintained at 17,234 throughout 2011-12.
- To maintain the pupil-teacher ratio in P1-P3,
- To protect the number of teacher posts as far as possible in order to secure:
 - places for all probationers who require a place under the induction scheme in August 2011;
 - Sufficient teaching posts available for all probationers who achieve Standard for Full Registration in summer 2011 (i.e. successfully complete their probation); and
 - A reduction in the total number of unemployed teachers.
- To an independently chaired review of all aspects of the McCrone Agreement, to report by June 2011 with the clear intention that its recommendations should be available for implementation before August 2012.
- To continue to deliver the shared Scottish Government/COSLA commitments on Free Personal Care, for which payments will be uprated in 2011-12.
- To continue to work with the Scottish Government towards implementation of the Carers and Young Carers Strategy at local level, including the maintenance of an extra 10,000 weeks respite provision.

3.5 The above commitments are generalised in many ways, and further clarity is being sought on the specific impact of each of them, including the potential financial impact. What will be important is that they are protected from cuts in the current budget savings deliberations. At this stage it has been necessary to make assumptions about the levels of funding required to deliver the requested commitments.

3.6 The Government has proposed a financial penalty on Councils which do not agree to the full package. In effect our grant will be cut by 6.4% (average cut for all other public services) rather than the 2.6% reduction contained in the offer. This would equate to a further loss of grant of c£3.696m which would have to be found from further equivalent savings or alternatively raised from Council Tax, which would equate to a 17% increase in tax.

4.0 General Services Draft Budget 2011/12

4.1 In February 2010 the Council's General Services Revenue Budget summarised the following medium term financial position:

	2010/11 £000	2011/12 £000	2012/13 £000
Net expenditure	119,179	119,943	122,389
Funding	119,179	116,379	113,578
Gap	0	3,565	8,811

4.2 Over the past month accountants have been working on the detailed base budget position for 2011/12. This takes account of all known current commitments including the estimated Government Grant funding referred to above. On the basis of this recent work the Budget Strategy assumptions approved by Council in August 2010 remain reasonable.

4.3 Overall the current funding gap is estimated to be approximately £7 million i.e a slight reduction on the planned £7.5 million savings target previously reported. This funding gap is summarised as follows:

	£million
2.6% cash reduction	2.5
Inflation	0.8
Demand led pressures	3.7
TOTAL	7.0

4.4 The demand led pressures comprise projections for the funding required to meet ongoing demographic pressures including increased demand for social care services and more children staying on at school. It also necessarily considers the potential resources needed to meet the commitments set out in paragraph 3.4 earlier in this report as well as the impact of the increase in the salary pay bill as a consequence of the implementation of new arrangements under Single Status.

4.5 The work to implement the Council's Budget Strategy is ongoing and this includes the identification of savings options which will be presented to the Council as part of the budget setting process. Officers are aiming to identify options in excess of the £7million funding gap identified above to provide the potential for some choice for elected members and to offset the level of anticipated reductions in revenue funding in future years. Officers also continue to focus effort through increased challenge and budgetary control to achieve a favourable outturn for the 2010/11 budget. This would also have the potential to make a contribution to meeting the funding gap of £7million for 2011/2012.

4.6 To provide an element of financial flexibility to councils during this period of financial pressure, Scottish Government has made available a general borrowing consent scheme in 2010/11. The scheme is intended to help councils manage costs which have arisen as a consequence of factors beyond the local authorities control such as voluntary severance. Clackmannanshire Council has made an application under this scheme in case further financial flexibility is required. The outcome of this application is not yet available but should approval be gained, any application of the scheme would be subject to the approval of the full Council.

5.0. Conclusion

- 5.1 The outcome of the spending review has not produced any major surprises, in that the likely reduction in grant to this Council remains broadly in line with forecasts a year ago. What is challenging is that the Government has only produced a one year settlement. This makes it problematic for Councils to properly plan for expected further reductions in funding in future years.
- 5.3 The approved budget strategy outlined a target level of savings required of £7.5 in 2011/12. On the basis of current assumptions this has been slightly reduced to approximately 7 million.
- 5.4 It is considered to be prudent that the Council continues to plan to identify a range of savings options in excess of £7million to ensure that the 2011/12 budget is deliverable and /or in anticipation of the likely reductions in future year's funding levels.

6.0 Appendices

- 6.1 Settlement letter 2011/12



7.0 Background Papers

- 7.1 Clackmannanshire Council Financial Strategy
- 7.2 Clackmannanshire Council Budget Strategy
- 7.3 Clackmannanshire Council Indicative General Services Revenue Budget 2010-13

Author(s)

NAME	DESIGNATION	TEL NO / EXTENSION
Martin Dunsmore	Accountancy Manager	2041

Approved by

NAME	DESIGNATION	SIGNATURE
Nikki Bridle	Director Of Finance and Corporate Services	
Angela Leitch	Chief Executive	

Appendix 1: Settlement Letter 2011/12

Cabinet Secretary for Finance and Sustainable Growth

John Swinney MSP

T: 0845 774 1741

E: scottish.ministers@scotland.gsi.gov.uk



President, COSLA

Councillor Pat Watters CBE

T: 0131 474 9200



To: The Leaders of all Scottish local authorities

17 November 2010

Dear Council Leader

THE 2010 SPENDING REVIEW

This letter contains the terms of the agreement, for recommendation to individual councils, reached between the Scottish Government and COSLA's Leadership on the 2010 spending review.

The agreement is represented by a package of measures. The package has been agreed against the background of the tightest financial circumstances for a generation. Given those circumstances, both sides believe that it is the best that can be achieved.

Focus on outcomes

The agreement is firmly anchored in the ongoing relationship between the Scottish Government and COSLA, based upon mutual respect and partnership. Both sides reaffirm their commitment to that relationship and are clear about the benefits which have flowed from it.

No part of the public sector has escaped without the need to prioritise or to secure efficiencies, given the significant reduction in the overall available

resource. We agree that a focus on outcomes, when money is so tight, is the only way to protect what matters to the people of Scotland.

Funding for local government in 2011-12

Overall, the Scottish Government's total budget in 2011-12 is £33.5 billion, excluding £100 million that is being carried forward from 2010-11 to mitigate the significant reductions in the capital budget. The cash reduction in the Scottish Government's Departmental Expenditure Limit compared to 2010-11 is £1.3 billion (or 4.5%). In assessing what share of this funding should go to local government, the Scottish Government has taken account of the unique position held by local government in the governance of Scotland and the major contribution local government makes to all of the Government's strategic objectives and the successful delivery of national outcomes.

The package of measures negotiated with COSLA's Leadership and now being put to councils would mean a drop of 2.6% in cash terms in the revenue funding provided to local authorities compared to 2010-11. That compares to an average cut in revenue budgets for all other (non-protected) public services of 6.4%. The reduction in capital funding represents a drop of 17.9% in the capital provided to local government by the Scottish Government compared to 2010-11. By comparison, the overall reduction in the Scottish Government's total capital budget over the same period will be 23.9%.

The Scottish Government has made clear to the COSLA Leadership that for councils to access the full amount of the financial package, the Government will require each local authority to agree formally to the full list of commitments contained within the package. COSLA's Leadership has noted this.

The Scottish Government's position is that it will not be possible for authorities to select elements of the package, including elements of the funding on offer. The Scottish Government is therefore asking each local authority Leader to write to the Scottish Government, by 21 December 2010, to indicate whether or not you agree to the full package on these terms. If you do not, the revenue funding available to your council would be reduced, not by 2.6%, but by 6.4% (which, across the whole of local government, would be worth £426 million in 2011-12).

In each of the past 3 years, the Scottish Government has held back £70 million from the Local Government Finance Order put to Parliament in early February (representing the amount to be made available to councils which freeze their council tax). Parliamentary approval to pay out the remaining amount is then sought in March, once all councils have set their budgets and their council tax rates for the year ahead.

The arrangements now proposed by the Scottish Government for 2011-12 will be similar, except that the amount held back will be greater – at £426 million

(including the £70 million associated with the council tax freeze). Once councils have set their budgets and it is clear they have made provision in their budgets to deliver the full package, including the council tax freeze, approval will be sought from Parliament in March 2011 to make available the remaining amount.

For the purposes of this letter, the Scottish Government has assumed that all authorities will endorse the package and receive the full amount of funding associated with it. How that level of funding support (including the amount to be held back) will be distributed to authorities will be the subject of consultation with COSLA under the usual arrangements for discussing distribution and set out in a Scottish Government Circular in early December. This will assist councils in deciding whether to take up the terms of the offer now put to them.

The package

The package of measures agreed is founded on the relationship established between the Scottish Government and COSLA in 2007. The new elements of the package are:

- The total amount of funding to be made available in 2011-12.
- Specific commitments to be delivered from within the funding envelope provided which replace the specific commitments set out in the 2007 Concordat document.

The level of funding

The funding which the Scottish Government will provide to local government in 2011-12 will total £11.548 billion. This total includes the Government's estimate of non domestic rate income over the period. Within this total, revenue funding will amount to £10.856 billion and capital funding will amount to £0.692 billion.

The £11.548 billion represents 34.5% of the Scottish Government's total budget for 2011-12. This maintains local government's share of the Scottish Budget between 2010-11 and 2011-12 (at the point of agreement between the Scottish Government and COSLA's Leadership on the funding package). The capital settlement also maintains local government's share of the Scottish Government's capital budget at the level it was in 2009-10, as agreed last year between the Scottish Government and COSLA, (excluding the carry forward referred to above).

There is some further funding that will also go to local government which is in addition to the figures above. This includes, for example, funding that is provided through European grants which are channelled through the Scottish

Government; funding provided in respect of the new school building programme announced in stages during 2009; and funding for a health and social care change fund, the details of which are contained below.

Specified set of commitments

To secure the funding package, individual councils will agree:

- To remain committed to the delivery of the current Single Outcome Agreements, the 3 jointly agreed social strategies and the Curriculum for Excellence.
- To a council tax freeze for 2011-12.
- To police officers being maintained at 17,234 throughout 2011-12.
- To maintain the pupil-teacher ratio in P1-P3, the crucial early years of primary school.
- To protect the number of teacher posts as far as possible in order to secure:
 - places for all probationers who require a place under the induction scheme in August 2011;
 - Sufficient teaching posts available for all probationers who achieve Standard for Full Registration in summer 2011 (i.e. successfully complete their probation); and
 - A reduction in the total number of unemployed teachers.
- To an independently chaired review of all aspects of the McCrone Agreement, to report by June 2011 with the clear intention that its recommendations should be available for implementation before August 2012.
- To continue to deliver the shared Scottish Government/COSLA commitments on Free Personal Care, for which payments will be uprated in 2011-12.
- To continue to work with the Scottish Government towards implementation of the Carers and Young Carers Strategy at local level, including the maintenance of an extra 10,000 weeks respite provision.

In return for delivery of these commitments, the Scottish Government:

- Will ensure that the funding to be provided to police forces within the funding settlement will be subject to a loss of resources no greater than that affecting the remainder of the local government family.
- Has included an additional £15 million within the total of £11.548 billion to cover the education costs associated with protecting, as far as possible, the number of teacher posts.
- Has agreed to consider changes through the Scottish Negotiating Committee for Teachers negotiations (or other changes that achieve the same value), on which decisions would be sought by end January 2011 and which would deliver:
 - A pay freeze in 2011/12 and 2012/13 for all employees (teachers and all associated professionals);
 - An increase in contact time for probationers to 0.9 FTE;
 - Agreement that all supply teachers are paid on Point 1 of the Main Grade Scale and only for hours worked;
 - Removal of salary conservation;
 - Agreement that the Teacher leave year is moved to 40 days per annum for the calculation of family leave entitlements; and
 - Freeze entry into the Chartered Teacher Scheme.
- In recognition of the wider pressures on the health and social care system, has allocated £70 million for a new change fund in 2011-12. The fund, which will be held by NHS Boards and so be additional to the local government settlement amount of £11.548 billion, is intended to enable the redesign of services that support shifting the balance of care towards primary and community care. The spending of these resources will be overseen by a partnership governance arrangement on the basis of plans to be agreed locally between NHS Boards, local government and the third/independent sectors. The detailed governance arrangements and guidance for these plans is currently being developed in partnership.

Conclusion

In very challenging circumstances, this proposed settlement for 2011-12 and the package of measures negotiated between the Scottish Government and COSLA's Leadership is the best outcome that can be achieved. It is now for individual councils to determine whether they wish to take up these terms.

Yours faithfully

John Swinney MSP
For the Scottish Government

Councillor Pat Watters
For COSLA

Report to Council

Date of Meeting: 16th December 2010

Subject: Clackmannanshire Local Plan 1st Alteration (Housing Land) - Finalised Plan - Representations Received

Report by: Director of Services to Communities

1.0 Purpose

- 1.1 This report summarises the representations received following the publication of the Local Plan 1st Alteration Finalised Plan, and the proposed Council responses. Where agreement has not been reached, comments made are considered to be formal objections to the Finalised Plan and the Plan must be submitted to the Scottish Ministers for examination. Further details of this process are given in the 'Considerations' section below.
- 1.2 The Local Plan 1st Alteration Finalised Plan was approved on 5th November 2009, with consultation between 2nd December 2009 - 29th January 2010. It was prepared to ensure that adequate housing sites were identified to meet the initial housing requirement of the Structure Plan 3rd Alteration (Approved June 2009) up to 2017. Many of these sites were already identified in the adopted Local Plan, some had been granted planning permission since the Local Plan had been adopted and some additional sites were also identified where they were considered suitable for housing development.
- 1.3 This Local Plan 1st Alteration is only concerned with the allocation of housing land. Other policies and issues which are still relevant to housing, for example affordability, quality, standards, open space, etc. will continue to be addressed by existing Local Plan Policies until such time as the new Local Development Plan is approved. The Alteration includes 'Development Guidelines' in the Schedule of Sites.

2.0 Recommendations

- 2.1. It is recommended that the Council
- (a) Agrees the responses to the representations in Appendix 1 and associated changes to the Alteration text.
 - (b) Notes that the outstanding representations will be submitted to the Scottish Ministers for examination.

3.0 Considerations

- 3.1 During the consultation period, nine evening drop in sessions were held in Dollar, Muckhart, Alva, Tillicoultry, Menstrie, Tullibody, Sauchie, Clackmannan and Alloa, as well as one to one meetings with members of the public who had requested to speak to an officer. The numbers attending these sessions was not as high as at the previous stages of the Plan, although this would be partly due to the fact that there were very few new sites and issues raised in the Alteration and the fact that many of those who had participated in the earlier stages were satisfied with the content of the Finalised Plan.
- 3.2 There were 31 responses received during the consultation period from 19 individuals, 5 consultants/companies, 3 national bodies/groups and 4 community/local interest groups. Two of these related to more than one aspect of the Plan and there were therefore 36 points raised in relation to the Plan.

Section of Plan	Representation Status		
	Objection	Representation	Support
General		2	
New Sites		3	
RES1a	2	2	
H22 - Sauchie West, Sauchie		1	
H44 - Helensfield, Clackmannan	5		
H45 - Forestmill		1	1
H46 - Menstrie Mains (Site 7), Menstrie		1	
H50 - Middletonkerse, Menstrie	4	9	2
H59 - Dollar Road, Tillicoultry		1	
H64 - Kellyburn, Dollar		1	
H907 - Glentana/Dalmore Centre, Alva		1	
	11	22	3

- 3.3 These points are summarised in the table below and are grouped where they refer to the same sites or issues in Appendix 1. Appendix 1 is written in the format of 'Schedule 4's' as required by the new planning system. The Schedule 4's along with the original representations will be submitted to the Directorate of Planning and Environmental Appeals for their consideration.

Summary of Representations Received

Contributor	No.	Type	Policy	Summary
Menstrie Community Council	1	Objection	Site H50 - Middletonkerse, Menstrie	Various Issues: Flooding/Traffic/Access/Lack of facilities for more residents e.g. shopping, community facilities, play facilities, sports provision, education.
The Coal Authority	2	Representation	General references to coal extraction and sterilisation of reserves Council wide.	Prior extraction at Sauchie West/Forestmill and in general. Impact of new development on 500m separation distance. Request additional wording on ground condition investigations to identify any mining legacy issues.
Bett Homes	3	Support	Site H50- Middletonkerse, Menstrie	Requests alterations to the Development Guidelines for Site H50 in the Schedule of Sites.
Historic Scotland	4	Representation	General reference to their previous suggested wording alterations	Confirmation that they are happy that wording changes suggested at the Consultative stage have been included in the Finalised Plan.
SNH	5	Representation	Policy RES1a - Tourism related Golf Course Enabling Development, Site H22 - Sauchie West, Sauchie Site H45 - Forestmill	Request additional wording to Policy RES1a and the Development Guidelines for Site H22 - Sauchie West and Site H45 - Forestmill. To include the requirement for Landscape and Visual Assessments at Sauchie West and further biodiversity studies at Forestmill.
Alan Campbell	6	Representation	Site H50- Middletonkerse, Menstrie	Various Issues: Traffic/Flooding/Wildlife concerns. Wishes to see more detailed plans.
Mr & Mrs Dick	7	Representation	Site H50- Middletonkerse, Menstrie	Various Issues: Flooding/Wildlife/Trees/Views.
Deveron Homes c/o HFM	8	Representation	Proposed New Site south of Coalsnaughton	Promoting the allocation of a site south of Coalsnaughton for residential development.

Dollar Civic Trust	9	Objection	Policy RES1a - Tourism related Golf Course Enabling Development	Object to the enabling policy in relation to Dollar Golf Club. Should it remain in the plan, more detail should be required.
Tillicoultry Community Council	10	Representation	Site H59 - Dollar Road, Tillicoultry	Question how the designation of Site H59, Dollar Road came about, particularly changes to the urban limit and Green Belt.
Hermiston Securities	11	Support	Site H45 - Forestmill	Support Forestmill development but question alterations to housing figures.
Perry Hutchins	12	Representation	Proposed New Site east of The Glen, Coalsnaughton	Promoting site to the east of The Glen, Coalsnaughton.
Louise Cannon	13	Objection	Site H50 - Middletonkerse, Menstrie	Various Issues: Flooding/Wildlife/Traffic concerns.
Graham Nicol	14	Representation	Site H907 - Glentana/Dalmore Centre, West Stirling Street, Alva	Requests wording change to Development Guidelines.
John and Penelope Lee	15	Representation	Site H50 - Middletonkerse, Menstrie	Concern over flooding if this area is developed.
Ristol Ltd.	16	Representation	Proposed New Site, Site H64 - Kellyburn, Dollar, Site H46 - Menstrie Mains, Menstrie (Site 7), Policy RES1a - Tourism related Golf Course Enabling Development	Promote a site east of Dollar should further land release be required in the Plan period, or consideration of the site through the LDP if further land is not required. Support H64 but should emphasise that the number of houses proposed should be clearly identified as an estimate. Merits of the site at Aitkenhead should be given due consideration as well as Forestmill. Support RES1a.
Ross Muirhead	17	Support	Site H50 - Middletonkerse, Menstrie	As landowner, supports the designation of site H50.

Sarah & Roger Ridley	18	Objection	Site H50 - Middletonkerse, Menstrie	Question the need for more development on greenfield sites. If large family homes are to be built, is there a demonstrable need for this type of housing? Flooding and tree preservation concerns. Erosion of green space between Menstrie and Tullibody.
Moirra Coulter	19	Representation	Site H50 - Middletonkerse, Menstrie	Flooding and tree preservation concerns. No matching increase proposed for other facilities such as schools, shopping facilities, transport/public transport and health care facilities.
Tom Mack	20	Representation	Site H50 - Middletonkerse, Menstrie	Over development of Menstrie, flooding and traffic concerns. Lack of facilities available to the population of Menstrie is not being addressed.
Lynzie E Mack	21	Representation	Site H50 - Middletonkerse, Menstrie	Over development of Menstrie, road congestion, flooding and lack of facilities in the village.
Kenneth & Kathleen MacDonald	22	Objection	Site H50 - Middletonkerse, Menstrie	Flooding issues and concern over flooding closing the Tullibody road recently. Traffic concerns. Developers poor 'track record' in fulfilling obligations raises concerns over roads and educational improvements required. Lack of 'social infrastructure' in the village. Possible layout implications for current housing adjacent to the site.
Jim Anderson	23	Objection	Site H44 - Helensfield, Clackmannan	Visual amenity concerns. Lack of information on affordable/low cost/special needs units.
Barry Wickham	24	Objection	Site H44 - Helensfield, Clackmannan	Objects to the fields being built on and requests more details.

Bobby Anderson & 10 signatories	25	Objection	Site H44 - Helensfield, Clackmannan	Requesting further information on the Plan in 'simpler' terms and whether a planning consultant could be engaged at a later stage, following their representation. Seeking clarification on how the site came to be identified. Concerns over previous mine workings potentially impacting the site, and amenity issues regarding the proximity to the rail line. Scale of development in relation to Helensfield and loss of views from the bypass. Impact on wildlife. Coalescence of Helensfield and Clackmannan.
Mr & Mrs James McQuillan	26	Objection	Site H44 - Helensfield, Clackmannan	Object to the proposed roundabout access to the site, particularly in relation to the proximity to their house, and the location of a large housing development adjacent to Helensfield. Consider there are more suitable locations within existing town boundaries, although do not give any examples.
John Gourlay	27	Representation	Site H50 - Middletonkerse, Menstrie	Development should not be approved until all of the residents in Menstrie Mains have been consulted. Queries why less than 25% of the units proposed are for affordable housing. Should be aware of current problems in previous phases of the development and not let them happen again, particularly in relation to SuDS pond design, drainage, open space provision and maintenance and community facilities.
Derek Hughes	28	Representation	Site H50 - Middletonkerse, Menstrie	Construction traffic should access the site only from the Tullibody road (C101). Traffic calming should be continued from the Menstrie Mains site through Middletonkerse. Any construction compound should be located in the Middletonkerse site, i.e. entirely within the boundaries of site H50 to protect the landscaped amenity areas within the developed parts of the Menstrie Mains estate.

John Caldwell	29	Representation	Site H50 - Middletonkerse, Menstrie	Flooding concerns, including impact on drainage and sewage. Access improvements to the C101 would be welcomed but it should be guaranteed that the work would be carried out. Improvements to education provision should be established. The developer questions the existence of a TPO (there are 4 areas covered by a TPO) and does not take any notice of trees on the field boundary.
Maureen Wheater	30	Objection	Site H44 - Helensfield, Clackmannan	Concerned over devaluation of property, loss of views, noise nuisance, overshadowing, overlooking issues. Loss of 'countryside' area and green belt. There would also be adverse impacts on wildlife, drainage problems and road traffic issues.
Muckhart Community Council	31	Objection	Policy RES1a - Tourism related Golf Course Enabling Development	Wish to see the section on "Enabling Development and Tourism" removed from the Alteration. If this is not accepted by the Council then there are objections to the wording of the section and Policy RES1a in particular.

- 3.3 As there are still matters of dispute which have not been resolved, the Plan must be submitted to the Scottish Ministers for examination. Ministers will appoint a person to carry out the examination and the arrangements for the examination will be made by the Directorate for Planning and Environmental Appeals.
- 3.4 Under the new planning system the examination will be led by the Reporter and neither the objector nor the Council have a right to be heard at a public local inquiry. Written submissions should usually be sufficient, however it will be for the Reporter to decide whether it will be necessary to hold a hearing to explore the information further, and who to invite to participate in the hearing. Only exceptionally will an inquiry session be necessary to test the information through cross-examination. The Council must summarise the unresolved representations by topic on a standard 'Schedule 4' form. When grouped together there are 9 separate issues to be considered by the Reporter. The Reporter will submit a report of the examination to the Council, containing his or her conclusions and recommendations on each issue and any modifications to the Plan which are recommended by the Reporter will generally be binding on the Council. The Schedule 4 forms are included at Appendix 1.
- 3.5 The majority of responses received (20 of the 31) relate to 2 previously 'white land' sites (land within current settlement boundaries but not previously allocated for housing) at Menstrie and Clackmannan. As they were 'white land', they were favoured for development rather than greenfield sites outwith the settlement boundaries. The sites previously had perceived constraints to their development, which have now been resolved, and they were therefore included in the Finalised Plan as the best additional site allocations, having already been identified as 'white land', to compensate for known and anticipated later starts on other sites. Both of the sites are being actively promoted for development.
- 3.6 Given that the change in status from 'white land' to allocated sites was not made until the Finalised Plan, it is perhaps not surprising that these sites have been the subject of most of the representations. Many of the representations received accepted that the sites were likely to be developed and were seeking clarification and reassurance that issues such as flooding, traffic management and access, densities and the protection of wildlife would be fully considered and highlighted through the Plan.
- 3.7 In resolving issues raised it has been necessary to reword parts of the Plan.

4.0 Sustainability Implications

- 4.1 It is the intention that the Local Plan Alteration's policies and proposals will be firmly based on the principles of sustainable development, and will provide an important contribution to delivering the Council's objectives on sustainability and climate change, as set out in the Clackmannanshire Sustainability & Climate Change Strategy. The likely significant environmental effects of the Alteration have been assessed through the statutory strategic environmental assessment process and an environmental report has been prepared setting out these likely effects.

5.0 Resource Implications

- 5.1 The funding of the Alteration will be met from existing budgets.
- 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 There are no additional staffing requirements associated with this work.

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 | <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 type="checkbox"/> |

(2) Council Policies (Please detail)

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 - Schedule 4's for submission to the Directorate for Planning and Environmental Appeals.

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



Full representations from objectors

Environmental Report

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	
Garry Dallas	Director of Services to Communities	

Appendix 1

Schedule 4's for submission to the Directorate for Planning and Environmental Appeals

Issue 1	Site H50 - Middletonkerse, Menstrie	
Development plan reference:	H50	Reporter:
Body or person(s) submitting a representation raising the issue (including reference number):		
1 Menstrie Community Council 3 Bett Homes 6 Alan Campbell 7 Mr & Mrs Dick 13 Lousie Cannon 15 John & Penelope Lee 17 Ross Muirhead 18 Sarah & Roger Ridley 19 Moira Coulter 20 Tom Mack 21 Lynzie E Mack 22 Kenneth & Kathleen MacDonald 27 John Gourlay 28 Derek Hughes 29 John Caldwell		
Provision of the development plan to which the issue relates:	Site H50 - Middletonkerse, Menstrie	
Planning Authority's summary of the representation(s):		
<u>Flooding</u> (Reference of body or person(s) commenting on this matter: 1, 6,7,13,15,18,19,20,21,22,29) A number of concerns are raised as the site has a history of flooding. This could also be problematic for drainage/sewerage and the proposed access road.		
<u>Roads and Access</u> (Reference of body or person(s) commenting on this matter: 1,3,6,13,19,20,21,22,27,28,29) The developer seeks amendment to the text to clarify the roads and access requirements. It would not be reasonable to expect the development to fund works in isolation where other developments contribute to the requirement for them. Around 250 additional vehicles would aggravate existing congestion on the road network. Need for clarity about the access arrangements. People will use the Middleton estate as a shortcut with resultant road safety implications. Traffic calming and enhanced public transport access would also be required. Need assurance that the necessary works will be carried out given past experience. Need provision to avoid construction traffic using Hazel Avenue.		

Social infrastructure

(Reference of body or person(s) commenting on this matter: 1,19,20,21,22)

The village does not have adequate facilities to cope with over 600 additional residents. The proposal does not make any provision for enhanced local facilities such as a primary school, local shopping etc. Clarity should be given regarding any expected improvements to education provision. Further classrooms would be required at Menstrie primary school.

Environment/amenity

(Reference of body or person(s) commenting on this matter: 6,7,13,18,21)

Concern about loss of trees protected by a TPO. Loss of green space between Menstrie and Tullibody merging the two towns. Further expansion will destroy the character of the village. West Myreton has already destroyed the village character.

The site is of wildlife value with buzzards, bats and owls.

The privacy and amenity of adjoining properties should be protected by setting back the development and careful location of play parks. Landscape and amenity areas on the Menstrie Mains estate should be protected by locating the working compound away from the site boundaries.

The owners of the site state that it is suitable to form a natural extension to Menstrie Mains and the settlement of Menstrie.

Site Capacity

(Reference of body or person(s) commenting on this matter: 3,18)

The density suggests large family homes which are not required if the size of households is decreasing.

Affordable housing

(Reference of body or person(s) commenting on this matter: 3, 27)

Accept the need for affordable housing but a footnote to the schedule should clarify a degree of flexibility. Wording suggested below (in the modifications box).

Why does the Finalised Plan show less than 25% of the housing as Affordable Housing?

Other

(Reference of body or person(s) commenting on this matter: 1,3,6,7,13,17,20,22,28)

In the Schedule of Sites, the site status is missing from the text, this should read (A) for additional site. The text on open space provision should be amended as detailed below to remove reference to off site provision.

The proposed housing is in the wrong place, there is potential for further development next to the new houses in the Menstrie Mains estate which were built recently.

Modifications sought by those submitting representations:

Removal of the site from the housing allocations in the Local Plan Alteration.

Further detail in relation to flooding, roads and access and protection of trees and wildlife.

The Development Guidelines text should be amended to secure necessary improvements as follows.

“Subject to Development Brief and Design Statement. Developer to create main access from either Menstrie Mains or from the C101. A link from Menstrie Mains to C101 should be considered as part of delivering the site. Improvements to C101, including the hump back bridge and the C101/A91 junction, must be considered as part of a transport assessment and provided as required. It is not expected that this site should have to fund highway works in isolation where other proposed developments are likely to also contribute to the requirement for them. If required, it is considered that the railway line can be crossed at grade.”

It is requested that the following footnote be added to the text in the ‘Afford’ column of the Schedule.

Footnote – “This figure is indicative only and the actual number of affordable homes will be considered in the context of Government guidance in SPP3 and PAN74 and in light of Policy RES4 in the Local Plan. All forms of affordable housing as included in PAN 74 (at paragraph 11) and SPP 3 (at paragraph 91) will be considered appropriate for the site. A commuted payment may be accepted if circumstances suggest this.”

The Development Guidelines Text should be amended as follows.

“Developer to provide for...formal and informal open space provision on site only.”

Summary of responses (including reasons) by Planning Authority:

Site History

The site was shown as being within the Settlement Boundary in the Local Plan (Adopted August 1994) and identified as part of a 'Long Term Growth Area' in the Clackmannanshire Local Plan 2nd Alteration (Housing Land Supply), October 1996.

Appeal

- Outline Planning Application (00/00129/OUT) by Bett Homes for Residential Development, associated infrastructure and Community Facilities - Submitted 20/04/2000.
- Site area encompassed 24 hectares but did not include site H50. A masterplan was submitted that showed 6 housing sites, and area of public open space/amenity/recreation, a site for a shop and for community and potential business use, all to the west of the rail line.
- Refused by the Council on 27 September 2000 for 5 reasons, including the fact that the land east of the rail line was excluded from the site and that therefore the preferred link road between the A91 and C101 could not be delivered.
- An appeal was lodged against this decision, and a public enquiry held between 25 and 27 June 2001.
- Planning Permission granted on appeal - 4 March 2002, following the conclusion of a S75 Agreement.

Following the appeal decision, the Adopted Clackmannanshire Local Plan, December 2004 indicated the site as being within the settlement boundary, but not allocated for development within the timescale of the local plan. It is therefore "white land".

Flooding

(Reference of body or person(s) commenting on this matter: 1, 6,7,13,15,18,19,20,21,22,29)

The Development Guidelines for the site require the submission of a detailed Flood Risk Assessment which will help to determine which parts of the site will and will not be developable and consider water management requirements. These detailed assessments will be undertaken either as part of the Development Brief/Design Statement process or as an integral part of any application for planning permission. **It is therefore considered that the Plan makes provision to address this issue and no changes are proposed to the Alteration.**

Roads and Access

(Reference of body or person(s) commenting on this matter: 1,3,6,13,19,20,21,22,28,29)

A Transport Assessment will be required and infrastructure improvements, including the road network, will be a major consideration when assessing any planning application for this site.

Improvements required will be clearly laid out in either the conditions attached to any planning permission or through a legal Section 75 agreement. These will also include details of the timescales for the completion of any works required in relation to the construction of houses on the site. These detailed assessments will be undertaken either as part of the Development Brief/Design Statement process or as an integral part of any application for planning permission.

The site must be accessed from the C101 and must link into Menstrie Mains, including the construction of the road and cyclepath/footways on the west side of the disused railway to complete the link between the A91 via Menstrie Mains to C101. The disused railway should be crossed at grade and all necessary traffic management measures should be installed to accommodate a future cycle/pedestrian route on the line of the disused railway.

Contributions will be sought towards the improvement of the hump back bridge on the C101 and construction of a new road/footway and cycle route at grade level over the disused railway over the C101. Precise details will be determined through the Development Management process. As the road through the proposed site will link the C101 (Tullibody road) through the Menstrie Mains estate to the A91, it is hoped that a bus route will be routed along the new road and that footpath links can be provided with the Middleton estate to allow easier access to public transport.

Road safety improvements to the C101 (Tullibody road) will also be required.

Access arrangements for construction traffic will form part of the conditions of any planning permission for the site and safety considerations will be a major part in

determining the access routes and hours. Any upgrades required prior to the commencement of construction on site will also be conditioned.

Details such as traffic calming measures will be considered in detail through a Development Brief, or a detailed planning application. It is likely that these will reflect the previous phases at Menstrie Mains.

It is considered that the Plan makes provision to address these issues and no changes are proposed to the Alteration.

Social infrastructure

(Reference of body or person(s) commenting on this matter: 1,3,19,20,21,22)

Developer contributions have enabled the extension of the Primary School and the Dumyat Centre, and open space provision for the benefit of the local community. The latest information from Education Services is that a further extension to the school would be the most appropriate way to accommodate any increased pupil numbers from the proposed development.

The Development Guidelines require developer contributions to address any primary education needs arising as a result of the development, formal and informal open space provision and funds for public art. As the Alteration only addresses housing, it identifies what is needed, i.e. improvements required as a result of the development of this phase of the site.

It is therefore considered that, within the remit of the Alteration, provision is made to address this issue. Further detailed consideration can be given to all aspects of social infrastructure through the Local Development Plan Main Issues Report. No changes are proposed to the Alteration.

Education Services will continue to be consulted on the suitability of the school to accommodate any additional pupil numbers from this development and developer contributions will be sought for changes to the school to accommodate these pupils if necessary. This is highlighted in the Development Guidelines for the site.

No changes are proposed to the Alteration.

Environment/Amenity

(Reference of body or person(s) commenting on this matter: 6,7,13,18,21)

The TPO covers the two groups of trees in the east field, and the two lines of trees on the east and west boundaries of the east field. TPO policies will therefore apply to these areas. Depending on their condition, they should be retained and incorporated into any development layout.

TPO reference to remain in the Development Guidelines. No changes are proposed to the Alteration.

Site Capacity

(Reference of body or person(s) commenting on this matter: 3,18)

While the number of units identified in the Schedule of Sites is indicative, it is considered that constraints on the site such as areas prone to flooding and the requirement for the provision of open space make it unlikely that the site capacity would exceed around 200 units. It is envisaged that the developable area of the site will be developed at medium density, however the whole site is included in the Alteration to allow for design solutions to be developed without the potential

constraints of the smaller site size. A previous submission by Gladedale indicated that the site capacity would be between 150-200 units. It is considered that this is a reasonable number and that the Local Plan figure of approximately 175 is representative of the site capacity.

No changes are proposed to the Alteration.

Affordable Housing

(Reference of body or person(s) commenting on this matter: 3)

The number of affordable units identified in the Schedule of Sites have either been agreed through a planning consent, planning brief, RSL programme or are set at 25% of the site total in accordance with Policy RES5 'Affordable and Particular Needs Housing'. As the Alteration only considered housing sites and not the affordable housing policy this 25% figure must remain, although Policy RES5 does state that the 25% figure "may be moved up or down depending on specific local need and circumstances.". As the capacity of the site is listed as approximately 175, a 25% figure would be 43 units. The Plan will be changed to reflect this figure to ensure that provision is in line with Policy RES5.

Affordable housing figure to be changed to 43 units. This could be revisited when an application is submitted to check if the local need has changed.

Other

(Reference of body or person(s) commenting on this matter: 1,3,6,7,13,17,20,22,28)

The fields adjacent to the recently built housing lie outwith the settlement boundary in the countryside and it is not considered that these areas represent more suitable sites than the site already identified within the settlement boundary at Middletonkerse.

Any further plan changes commended by the Planning Authority:

Affordable housing figure to be changed to 43 units. This could be revisited when an application is submitted to check if the local need has changed.

'A' to be inserted in the relevant column of the Schedule of Sites.

Propose to delete the reference to "Including of site provision." in the Development Guidelines, but not add "...on site only.". Issue to be resolved at the time of any planning application or the preparation of a Masterplan/Brief.

Issue 2	Site H44 - Helensfield, Clackmannan	
Development plan reference:	H44	Reporter:
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>23 Jim Anderson 24 Barry Wickham 25 Bobby Anderson & 10 signatories 26 Mr & Mrs James McQuillan 30 Maureen Wheater</p>		
Provision of the development plan to which the issue relates:	Site H44 - Helensfield, Clackmannan	
Planning Authority's summary of the representation(s):		
<p><u>Landscape Impact and Visual Amenity</u> (Reference of body or person(s) commenting on this matter: 23,24,25,26,30)</p> <p>The existing site enhances the attractiveness of the area, and it's natural layout, contours, landscape and visual amenity should not be impacted in any way by the proposed development.</p> <p>The development will be in a Green Belt area, Helensfield will be joined up to Clackmannan and the Green Belt context would be lost. Helensfield should remain detached from the town to preserve its current identity. There are more suitable locations to locate a large housing development within existing town boundaries.</p> <p>Neighbouring properties will be devalued and the attractive views from existing housing will be lost. The new build will create adverse and unacceptable overlooking and loss of amenity.</p> <p>Would like to request a more detailed brief before site application is submitted for the site.</p> <p><u>Social Infrastructure/Affordable and Special Needs Housing</u> (Reference of body or person(s) commenting on this matter: 23)</p> <p>There are other factors which will have to be considered with regards to the social and welfare and proposed population of the development. It should also be pointed out, that there is little information contained within the Development Guidelines from the developer, in relation to the end use of Affordable/Low Cost/Special Needs units.</p> <p><u>Ground Conditions</u> (Reference of body or person(s) commenting on this matter: 25)</p> <p>There are underground mining problems that would need to be overcome to enable any development there.</p>		

Roads, Access and Infrastructure Issues

(Reference of body or person(s) commenting on this matter: 26,30)

Object to the prospect of a new roundabout on the A907 since it would detrimentally effect on the market value and amenity of Linsdale, Helensfield, and it would be safer to implement an alternative design solution for an access. Vehicular access from Cherryton Drive would be a more positive option. Access to the A907 will be problematic.

The increase in car ownership in the vicinity will have adverse affects, particularly from increased noise pollution.

There will be major drainage problems associated with any development here.

Site Capacity

(Reference of body or person(s) commenting on this matter: 30)

The extent of development is significant and will enlarge the existing village by 700%. This is unacceptable.

It is proposed to build around 220 new homes on the land at Helensfield.

Others

(Reference of body or person(s) commenting on this matter: 23,25,30)

Concern that the residents are not experienced in dealing with the planning system and seek clarification that they can still retain legal services i.e. a planning consultant after the submission of their representations and any meetings with the council and that the deadline for comments of 12th February 2010 does not preclude this.

The residents are not clear on the planning context of how the site can be allocated in the proposed Finalised Alteration i.e. how can it appear now at this stage?

Suggested that perhaps due to the close proximity to the newly re-opened railway, any buildings on site would be adversely affected by trains e.g. vibrations, noise.

Modifications sought by those submitting representations:

Deletion of the site from the Finalised Plan.

Request more details about the way the site will be developed.

Summary of responses (including reasons) by Planning Authority:

Landscape Impact and Visual Amenity

(Reference of body or person(s) commenting on this matter: 23,24,25,26,30)

The land at Helensfield is mainly arable and lies within the existing urban boundary as defined in the adopted Local Plan. It is therefore an integral part of the existing urban area. The site is not designated as Green Belt and there are no planning restrictions requiring this land to remain in its current state.

No specific mention is made of any more suitable locations which are referred to.

The Schedule of Sites and the related Development Guidelines in the 1st Alteration make it clear that particular attention and steps are required to secure conservation of valuable habitat and landscape features at Helensfield/Clackmannan. They indicate the key considerations for any form of development at the site e.g. the developer to secure enhanced landscape and habitat values for adjacent riparian features and woodland, and careful attention to urban design is required amongst other requirements.

The perceived devaluation of property and protection of views are not material planning considerations. The currently adopted Local Plan contains policies to protect established residential amenity from any unacceptable and adverse impacts (Policies RES7 to RES12).

No changes are proposed to the Alteration.

Social Infrastructure/Affordable and Special Needs Housing

(Reference of body or person(s) commenting on this matter: 23)

It is unclear exactly what is meant by "the social and welfare and proposed population of the development". The Development Guidelines are not comprehensive, but do try to include as much information as possible. Further information would be forthcoming from a developer prior to any application being submitted as there is now a duty for them to consult while preparing their plans, rather than after the plans have been submitted. The Council has a Policy requiring affordable homes which will be applied to this development if appropriate.

No changes are proposed to the Alteration.

Ground Conditions

(Reference of body or person(s) commenting on this matter: 25)

The whole area south of the Ochil Fault line requires consultation with the Coal Authority to prove that the ground is developable and appropriate technical investigation and advice on ground stability and other risks should be sought prior to the submission of any planning application.

No changes are proposed to the Alteration.

Roads, Access and Infrastructure Issues

(Reference of body or person(s) commenting on this matter: 26,30)

The market value of any property is not a material planning consideration as to whether any site ought to be allocated, although amenity issues are taken into account when considering development proposals (please see the last point under 'Landscape Impact and Visual Amenity', above).

The roundabout design to the A907 will comply with the Development Roads Guidelines and Specifications of the Council and related safety considerations.

The Cherryton Drive option is not favoured, mainly since the footbridge over the River Black Devon can provide for only pedestrian and other light travel.

It is accepted that there will be increased traffic in the Helensfield area. The scale of this development, however, is not considered to be an unacceptable generator

of pollution and the development will be required to provide for active travel options which can keep car travel to a minimum e.g. walking and cycling to Clackmannan and Alloa and with links to the nearby national cycle route and the local path network.

Consultation with Scottish Water does not indicate that development of this land is not feasible. The water and drainage infrastructure required for any development here will be required to meet the quality standards prescribed by the relevant authorities.

No changes are proposed to the Alteration.

Site Capacity

(Reference of body or person(s) commenting on this matter: 30)

The extent of development is more related to meeting the strategic housing need for the area, as given in the Structure Plan, and specifically whether it can provide a quality place to live and can fit well into the existing landscape. It is considered that housing on this land can serve such purposes well and it has therefore been allocated.

Whilst the Local Plan seeks to allocate around a gross area of 6.57 hectares of land as a development site the net site area for building will likely be significantly less than that. In any event the site is to be developed at a low density, which is around 12 homes per hectare. This equates to around 55 new homes in total as stated in the Schedule of Sites.

No changes are proposed to the Alteration.

Others

(Reference of body or person(s) commenting on this matter: 23,25,30)

As you were advised in the letter from the Council (15th June 2010), this does not prejudice your ability for a fair hearing on any relevant planning considerations. All relevant planning matters can be dealt with through your written representations and such representations must be clearly documented by this Service and reasonable justification provided for any recommended outcome. You were advised to contact us if you had any further questions at any stage of the process and advised that another useful resource was Planning Aid for Scotland, a unique and independent charity which helps people understand, engage and benefit from the planning system.

You were also advised that, having made your comments, you were welcome to give more detail on them, although no new issues should be brought up. Initial representations are usually sufficient unless there are points which need clarified. We further commented that it was unusual for members of the public to engage professional services, although if you wished to approach a planning consultant, that was your choice. You were further advised that your representations would be considered by a Reporter, who are experienced in considering representations from members of the public and the absence of 'professional' input would in no way prejudice their decision.

In order to identify sufficient land to meet the projected housing needs it was necessary to identify 2 additional sites. This was because the previously anticipated start dates and development rates at some other sites was not a early

and not as high as previously predicted. There was therefore a shortfall which necessitated the identification of additional suitable sites. The purpose of having an early draft of any Local Plan or Alteration is to enable amendments to be secured fairly and openly. Circumstances may change between the production of the Draft and the Finalised Plan, as was the case here, therefore amendments may be required.

The railway re-opening project considered all issues of this kind and a further opportunity to do so will arise at the formal planning submission stages for this site.

Any further plan changes commended by the Planning Authority:

No.

Issue 3	Site H45 - Forestmill	
Development plan reference:	H45	Reporter:
Body or person(s) submitting a representation raising the issue (including reference number):		
5 Scottish Natural Heritage 11 Hermiston Securities		
Provision of the development plan to which the issue relates:	H45 - Forestmill	
Planning Authority's summary of the representation(s):		
<p><u>Forestmill (Site H45)</u> (Reference of body or person(s) commenting on this matter: 5,11)</p> <p>SNH support the requirement to include the mitigation and enhancement measures as cited in the ER in the development guidelines section. They also refer to their detailed comments made in relation to this application and their natural heritage recommendations that should be incorporated into the development guidelines (ref. SNH's letter of 7 September 2006). These include River corridor surveys and in relation to Parklands Muir LWS adjacent, timing of works and specific landscape/visual recommendations.</p> <p>Hermiston Securities Limited fully support the identification of land within their ownership at Forestmill for housing within the Local Plan First Alteration – Finalised Draft (Site H45). Notwithstanding this, in terms of the number of houses expected to be delivered at Forestmill during the period of the Local Plan Alteration (i.e. up to 2017), the Finalised Draft Alteration articulates a figure of 320no. Conversely, the Consultation Draft Alteration previously suggested that 480no units would be provided within the same timeframe.</p> <p>The Finalised Draft Alteration does not appear to give any explanation for this significant reduction. Given that the indicative phasing strategy approved as part of the planning permission suggests that, allowing for enabling infrastructure works, up to 500no. houses could be developed within the first 6no. years, this revised figure needs to be clarified.</p>		
Modifications sought by those submitting representations:		
<p>Second last bullet point to be revised to read: Optimising the potential to achieve all of the above whilst minimising the environmental impact of the development and its impact on the landscape of Clackmannanshire. This will require that the mitigation and enhancement measures mentioned in the Environmental Report are firstly assessed in detail e.g. protected species and habitat surveys and River Corridor Surveys are done as relevant and required, and any development protects and enhances the natural heritage in the area for future generations by avoiding unacceptable impacts. Any removal of trees/scrub should be undertaken outwith the bird-breeding season.</p>		
Summary of responses (including reasons) by Planning Authority:		

Site History

The Council has agreed that it is minded to grant an outline application (06/00283/OUT) for the development of a village, comprising houses, school, business units, shops, hotel, golf course, leisure and community facilities with associated roads, footpaths, other infrastructure, open space and landscaping, subject to the conclusion of a Section 75 Agreement.

Forestmill (Site H45)

(Reference of body or person(s) commenting on this matter: 5)

The second Environmental Statement prepared by Hermiston's agents and submitted to the Reporter in October 2008 advises that a River Corridor Survey was carried out on the Black Devon from May to July 2008. Later reference to otters, which appears to be the main area of concern, indicates that there were also surveys carried out in February and May 2006.

The Environmental Statement indicates that the mitigation measures for the river corridor will comprise a buffer zone, and there will be further survey work required for where the bridge crosses the river. In the conditions to be attached to the planning permission there is no specific call for additional survey work beyond that described above. Accordingly, as a River Corridor survey has been undertaken, with further survey work to be undertaken with reference to the area around the bridge, it is proposed to add the wording suggested to the text.

The housing figure was changed following information given to the Council that the start date for developing the site would be likely to be delayed from 2012 to 2014. It was therefore considered that the figure of 320 units was more realistic. There will be scope to revise any phasing in the Local Development Plan.

No changes are proposed to the Alteration.

Any further plan changes commended by the Planning Authority:

No.

Issue 4	Policy RES1a	
Development plan reference:	Policy RES1a	Reporter:
Body or person(s) submitting a representation raising the issue (including reference number):		
5 Scottish Natural Heritage 9 Dollar Civic Trust 31 Muckhart Community Council		
Provision of the development plan to which the issue relates:	Policy RES1a	
Planning Authority's summary of the representation(s):		
<p><u>Policy RES1a - General</u> (Reference of body or person(s) commenting on this matter: 5,9,31)</p> <p>Support the landscape and visual assessment in this policy and consider this is applicable for all three sites. We note your response that once more detailed information on site boundaries is established, there will be more detailed consideration of impacts on the Black Burn Wood and Meadows SSSI. We welcome this and recommend the final bullet point in the policy is revised to include an ecological survey for species and habitats by a suitably qualified professional, with specific assessment of potential impacts on SSSIs adjacent to the Dollar and Muckhart golf courses if applicable.</p> <p><u>Policy RES1a - Dollar Golf Club</u></p> <p><u>Site History</u> Dollar golf club have submitted 2 planning applications which have still to be determined: 10/00226/FULL - Erection Of Golf Club House With Associated Alterations To Car Park. 10/00227/FULL - Alterations (Including Partial Demolition), Stairwell Extension And Change Of Use Of Golf Club House To Form 5 No. Flats.</p> <p>To refer to linking enabling development to Dollar Golf Club is to open the way for speculative development over the length of the golf course.</p> <p>Concerns with regard to “other planning considerations”, which it is our view should be addressed before adoption of The Plan. This site is particularly sensitive in terms of its position at the top of “the most important street in Dollar” (Robin Kent, Dollar Conservation Area Appraisal of 2002) and at the junction between the Conservation Area within which the building lies and the Area of Great Landscape Value to the north.</p> <p>It seems surprising that a number of units or indeed an assessment of planning considerations could be arrived at without professional appraisals of the potential impact on both the Conservation Area and the AGLV; a point on which Dollar Civic Trust would seek reassurance.</p>		

The site is also extremely tight with a small car park and narrow access between the building and the burn. The building, although unlisted, is not without merit.

It seems possible that some limited development, such as extension and conversion of the club house building is an option which should also be considered. It is a concern that a developer partner may wish to demolish the golf club and, whilst this is not an attractive option in terms of preserving built heritage and sustainability principles, any new build should be required to enhance not just the viability of the golf club, but also the heritage character of the area. It would be difficult to ensure that new build would be of equal quality of build.

It would be preferable to consider any proposals for site development through the planning process rather than as part of enabling policy. It is the view of Dollar Civic trust that enabling development is not the best way forward with this site as it is too loose and open to leverage due to economic factors.

Should the reference to Dollar Golf Club remain within the Plan under enabling policy, it should be tied clearly to a boundary which is identical to the current ownership boundary of the Dollar Golf Club and, that Historic Scotland, Scottish Natural Heritage and AHSS should be consulted and involved in the definition of a development brief, before a developer partner is involved. There should be no harm to the character of the Conservation Area or the AGLV, rather there should be clear, open and transparent identified opportunities for enhancement.

Policy RES1a - Muckhart Golf Club

Object to the use of the enabling development policy to favour the financial gains of a private golf club without any clear indication as to what community gain might accrue from any such development. Whilst the aim of increasing the visitor numbers is to be supported, we would challenge the view that any such increase in the numbers playing golf at Muckhart and other golf clubs amounts to the kind of community gain that should accrue from enabling development. Furthermore that gain is not described or quantified in any detail in the Alteration, nor is there any description of acceptable thresholds for visitor numbers below which there would be no significant community gain. Therefore we would wish to see the section on Enabling Development and Tourism removed from the Alteration.

If the above objection is not upheld, then the following objections would still remain. However before detailing those additional objections, we wish to put on record that we welcome the improvements to policy RES1a contained in the Finalised Plan. They indicate that the Council has recognised many of the concerns that we expressed in our comments on the Consultative Draft of the Alteration.

The wording of 'Enabling Development and Tourism', and RES1a in particular, is far too open-ended. As it stands we have no idea as to how many houses might be built on the golf course or where they might be built. This open-ended approach involves asking the Muckhart community to accept an Alteration which could result in far more houses being built on the golf course than would be deemed acceptable. It could lead to speculative development being pushed through the planning system which results in the largest ever single growth of housing in the Muckhart area.

We cannot see why the enabling development policy as it relates to golf courses needs to detail three golf courses which happen to have approached the Council.

Enabling development is an existing policy which is being refined to attract more golf visitors to Clackmannanshire. Notwithstanding our primary objection to the use of the enabling development policy to benefit private golf clubs, we would argue that if RES1a has been drawn up on the back of a golf tourism policy then surely that policy should apply to all golf courses in Clackmannanshire, not just Muckhart, Dollar and Braehead.

We do not believe that the housing proposed for Muckhart Golf Club should relate to one type of housing only i.e. 'low density' housing. Muckhart requires a balanced range of housing, not just the 'expensive' or 'executive' housing that would result from the golf course proposal. Furthermore we as a community are trying to address the housing issue in Muckhart through the new Development Planning system but it is particularly difficult to deal with those issues when the extent of housing development on the golf course which might result from the Alteration is unknown. The overlap of these two planning processes is unacceptable. We therefore object to housing on the golf course being dealt with through the Alteration, separate from and parallel to the housing issues that will be addressed through the new Development Plan.

If policy RES1a does remain in the Alteration then its wording requires further editing, with appropriate consultation. For example, the words 'where required' should be removed from the section on the landscape and visual impact assessments. Housing on golf courses, (and Muckhart is no exception), always has a landscape impact and therefore a landscape and visual impact assessment should always be made, not just where required.

Modifications sought by those submitting representations:

Final bullet point to be revised to read:

- Consideration of amenity and environment, including ecological surveys for species and habitats, and measures to address any issues. Potential impacts on the SSSIs adjacent to Dollar and Muckhart golf courses should be specifically assessed.

Summary of responses (including reasons) by Planning Authority:

Policy RES1a

(Reference of body or person(s) commenting on this matter: 5,9,31)

It is considered that the principle of enabling development has been covered in great depth in paragraphs 3.18a to 3.22a and in Policy RES1a. This recognises that there will be uncertainties at the outset of such projects and aims to put in place conditions and criteria which must be met before enabling development will be considered. It is considered that these conditions address your concerns in relation to any proposals, e.g. your contention that it is unclear as to what community benefits might accrue from a development at Dollar Golf Club would be picked up in more detail under the very first bullet point of Policy RES1a.

Quantifying any potential benefits is likely to be an inexact science, however it is considered likely that, if facilities are improved, both member and visitor numbers may well increase. A better standard of product usually results in improved patronage, all other factors being equal. The Council is therefore keen to support such proposals in principle and, through Policy RES1a will address any potential issues which may arise as such proposals are progressed.

No changes are proposed to the Alteration.

Policy RES1a - Dollar Golf Club

It is not clear where the quoted "other planning considerations" referred to can be found in the Finalised Alteration document, however Policy RES1a does list the criteria and issues which will be taken into consideration when considering proposals submitted under the enabling development category.

No changes are proposed to the Alteration.

The Alteration does not give any indication of a number of units, it does state that any enabling development should be the minimum amount required. There are therefore a number of variables and these would be addressed under the criteria of Policy RES1a. These would include landscape and visual appraisals of any potential development, with particular regard paid to Conservation Areas, AGLVs and the surrounding area.

No changes are proposed to the Alteration.

When advice is sought on a potential development or a proposal is submitted for comment, Roads and Transportation will comment on the traffic and access issues.

No changes are proposed to the Alteration.

Comments on support for limited development are noted.

No changes are proposed to the Alteration.

In order to attract "developer partner finance" it would be necessary to have some form of development. As this would only be allowed if it directly benefited the Golf Club it would seem appropriate to describe it as enabling development in order that the criteria highlighted in Policy RES1a can be adhered to. Should any more detailed proposals emerge they will be consulted on and, if agreed may be included in the Local Development Plan in future. At this time however there is insufficient information available to allow any more detail to be included in the Alteration.

No changes are proposed to the Alteration.

At this stage no boundary has been identified, although constraints mentioned previously such as AGLV and settlement boundary will be consideration in defining a site. Again it may be the case that as options are progressed a site boundary can be defined through the Local Development Plan. A danger in identifying a site at this stage is that it may be larger than necessary and therefore encourage over development, which is not the aim of Policy RES1a.

No changes are proposed to the Alteration.

Policy RES1a identifies that the minimum amount of enabling development is all that will be considered and that this should be demonstrated by the submission of a Business Plan. Therefore, while the output may not be as defined as e.g. allocated housing sites, it will always be at the minimum level required to enable the project to proceed.

No changes are proposed to the Alteration.

The Development Plan process is intended to identify areas where development may take place over the period of the Plan. In doing this, the Council tries to gather as much information as possible and to consult with the public based on that information. In the case of smaller developments, proposed extensions, etc. it will

normally be sufficient to include a general policy in the Local Plan, giving the option of considering the policies of the Structure Plan and National Guidance in order to ensure everything which needs to be considered in determining an application has been.

Where the Council is aware that there is an interest in development, as is the case with the 3 golf courses mentioned, we would try to get as much information as possible to include in the Local Plan Alteration. If this information is not to hand, or is in insufficient detail, in order to avoid including what could be seen as misleading information, minimal information will be included in the Plan, however the plan will make explicit what further information will be required if a development is being pursued.

Therefore only the clubs who have expressed an interest in investigating enabling development have been included in Policy RES1a in order to avoid complicating the Plan by including areas where there may be no intention of development taking place.

No changes are proposed to the Alteration.

Policy RES1a - Muckhart Golf Club

One of the fundamental aims of this type of enabling development is to achieve the capital required through the minimum development necessary. In the case of housing in the Muckhart area, this is likely to be best achieved through low volume, low density, high value units. If a housing mix was considered this would likely result in a far higher number of units being required, which could increase the amount of land required, increase traffic issues and infrastructure provision issues as well as visual and landscape issues.

No changes are proposed to the Alteration.

It is considered that Policy RES1a identifies all of the points which any submission for enabling development would be required to address. The level at which these are to be considered will be determined by the Council in order that they have sufficient information to enable them to make a decision/recommendation on any proposals submitted. However it is agreed that the wording "where required" should be removed.

"where required" to be removed from Policy RES1a of the Alteration.

Any further plan changes commended by the Planning Authority:

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Issue 5	Site H22 - Sauchie West, Sauchie	
Development plan reference:	H22	Reporter:
Body or person(s) submitting a representation raising the issue (including reference number):		
5 Scottish Natural Heritage		
Provision of the development plan to which the issue relates:	Site H22 - Sauchie West, Sauchie	
Planning Authority's summary of the representation(s):		
We note that the Sauchie West (H22) allocation now totals 52.81 ha - an increase from 19.80 ha in the Consultative Draft Plan. We support the development guidelines for this site but also recommend a landscape and visual assessment for this development as detailed in the ER for large scale development.		
Modifications sought by those submitting representations:		
Request that reference is made to the need for a landscape and visual assessment in the Development Guidelines for the site.		
Summary of responses (including reasons) by Planning Authority:		
<p><u>Site History</u> 09/00266/PAN - Residential Development of Land</p> <p>10/00153/PPP - Residential Development of Land received 11th June 2010, no decision.</p> <p>Noted. The increase in size is due to the fact that the whole site has now been identified, not just phase 1 as previously. Development guidelines will be amended to include reference to the need for a landscape and visual assessment as part of the Masterplan exercise.</p>		
Any further plan changes commended by the Planning Authority:		
Development guidelines to be amended to include reference to the need for a landscape and visual assessment as part of the Masterplan exercise		

Issue 6	Site H59 - Dollar Road, Tillicoultry	
Development plan reference:	H59	Reporter:
Body or person(s) submitting a representation raising the issue (including reference number):		
10 Tillicoultry Community Council		
Provision of the development plan to which the issue relates:	Site H59 - Dollar Road, Tillicoultry	
Planning Authority's summary of the representation(s):		
Object to the continued zoning of Site H59, Dollar Road, Tillicoultry		
Modifications sought by those submitting representations:		
Removal of site H59, Dollar Road, Tillicoultry from the Plan.		
Summary of responses (including reasons) by Planning Authority:		
<p><u>Site History</u></p> <p>The inclusion of this site as a housing site was upheld at the Public Local Inquiry into the Clackmannanshire Local Plan which commenced on 17th June 2003. The Plan sought to allocate the land at Dollar Road for housing, reference H97. Tillicoultry Community Council objected by written submissions.</p> <p>The Reporter's recommendation (paragraph 17.46) was that "There should be no change to the proposed Plan on account of these objections", and therefore housing site H97 was therefore included in the adopted Local Plan, although it was re-numbered as site H96.</p> <p>As your recent submission was seeking clarification and further information on the history and zoning of site H59, and did not specifically object to any part of the Finalised Plan it has been recorded as a representation.</p> <p>Only where objections/representations remain outstanding will the Plan be submitted to the Scottish Ministers for examination. Ministers will appoint a person to carry out the examination and the arrangements for the examination will be made by the Directorate for Planning and Environmental Appeals. They will only consider unresolved objections and representations which were submitted during the consultation on the Finalised Plan. It is considered that, in providing you with the information requested in your submission, your representation has been dealt with however it will still be forwarded to the Scottish Ministers for their consideration.</p>		
Any further plan changes commended by the Planning Authority:		
None.		

Issue 7 Alva	Site H907 - Glentana/Dalmore Centre, West Stirling Street,	
Development plan reference:	H907	Reporter:
Body or person(s) submitting a representation raising the issue (including reference number):		
4 Historic Scotland 14 Graham Nicol		
Provision of the development plan to which the issue relates:	Site H907 - Glentana/Dalmore Centre, West Stirling Street, Alva	
Planning Authority's summary of the representation(s):		
<p><u>Site History</u> 10/00143/FULL - Land To The Rear Of Glentana Mill West Stirling Street Alva Clackmannanshire - Erection of Confectionary Factory (Class 5) With Associated Offices, Cafeteria and Shop Application. Approved 2nd September 2010.</p> <p>Request the language in Table 3.3 relating to site H907 be changed as "including" is too ambiguous a term and could potentially lead to a future administration electing to ignore the brief entirely whereas "consisting of" is a far stronger term and quite clearly sets out the expectation of how this site should be developed.</p> <p>Historic Scotland has received a formal request to consider the former Dalmore Centre building for listing.</p>		
Modifications sought by those submitting representations:		
<p>Request the language in Table 3.3 relating to site H907 be changed from:</p> <p>Existing/Previous Use: Retail/Tourist Information/Car Park/Community Use Potential for a mixed use development including housing accommodation designed specifically for the elderly, retaining sufficient public parking and a potential new tourism development opportunity. Subject to Development Brief.</p> <p>To:</p> <p>Existing/Previous Use: Retail/Tourist Information/Car Park/Community Use Potential for a mixed use development consisting of housing accommodation designed specifically for the elderly, retaining sufficient public parking combined with a potential new tourism development opportunity. Subject to Development Brief.</p>		
Summary of responses (including reasons) by Planning Authority:		
<p>It is considered that the request to change the wording is acceptable and would give clearer guidance on the potential future development of the site. It is proposed to change the wording in Table 3.3 to that suggested above.</p> <p>The Dalmore Centre was listed C(S) on 24th July 2010. The Council are now looking at future uses for the building with an option appraisal being carried out.</p>		

Note to the Reporter: The Council will update the Reporter at the time of the examination on the current situation regarding the Dalmore Centre. The site is identified in the Finalised Plan as having potential for mixed use development including housing.

Any further plan changes commended by the Planning Authority:

Situation regarding the Dalmore Centre to be updated to reflect Listed status, with the Reporter being provided with up to date wording at the start of the examination.

Issue 8	New site promoted at The Glen, Coalsnaughton		
Development plan reference:	Residential Development - Schedule of Sites for Local Plan Alteration	Reporter:	
Body or person(s) submitting a representation raising the issue (including reference number):			
12 Perry Hutchins/Solitsa Properties			
Provision of the development plan to which the issue relates:	Housing Schedule of Sites		
Planning Authority's summary of the representation(s):			
Promoting a site east of The Glen, Coalsnaughton for a residential development of general and affordable housing.			
Modifications sought by those submitting representations:			
Inclusion of the site to the west of The Glen, Coalsnaughton as a residential development site.			
Summary of responses (including reasons) by Planning Authority:			
<p>The Alteration already allocates sites in Coalsnaughton within the urban limit with a combined capacity of around 300 units.</p> <p>The recent slowing of the completion rate of new housing and the number of sites available in the Development Plan means that there is not currently a housing land shortage.</p> <p>The Main Issues Report of the Local Development Plan, which will be consulted on in early 2011 will consider the housing land requirement to the longer term, i.e. beyond the 2017 horizon of the Local Plan Alteration, and this would be when sites to the longer term would be considered.</p> <p>No changes are proposed to the Alteration.</p>			
Any further plan changes commended by the Planning Authority:			
None.			

Issue 9	The Coal Authority	
Development plan reference:	General references to coal extraction and sterilisation of reserves	Reporter:
Body or person(s) submitting a representation raising the issue (including reference number):		
2 The Coal Authority		
Provision of the development plan to which the issue relates:	General references to coal extraction and sterilisation of reserves	
Planning Authority's summary of the representation(s):		
<p><u>General Sterilisation of Surface Coal Reserves</u></p> <p>The vast majority of proposed sites for residential development are located on surface coal resources, which will be cumulatively sterilised if they are built on. There is no reason why prior extraction of surface coal cannot take place to avoid permanent sterilisation.</p> <p>SPP16 identifies that deposits of coal capable of being extracted should not be sterilised unnecessarily, and further indicates that, where practicable, it is desirable to secure extraction prior to new permanent development above workable coal reserves. The Local Plan First Alteration provides the opportunity to set out a phased approach to the development, to facilitate both the proposed housing development and extraction of the surface coal resource.</p> <p>The Local Plan First Alteration is not being consistent in its approach to strategic housing development sites. The presence of coal is recognised at site H22 as part of the Development Guidelines, yet not acknowledged at all in the Development Guidelines for site H45, development of which would result in a far greater sterilisation of coal resource than site H22.</p> <p><u>Site H22 – Sauchie West</u></p> <p>The Coal Authority welcomes the reference to the need to consider coal reserves that are present within this large 52ha site as part of development proposals. However, we consider that this reference would be clearer if it were to also note the need to consider prior extraction to avoid sterilisation of the resource. It would appear from the Schedule of Sites that residential development of this site is phased beyond the period to 2017, which would allow a reasonable lead-in time for prior extraction to take place.</p> <p><u>Site H45 – Forestmill</u></p> <p>The potential sterilisation of surface coal resources at Forestmill does not appear to have been a significant consideration in the planning application decision making process, and prior extraction of those resources does not feature as a condition. We are disappointed that the Local Plan First Alteration continues to ignore the significant impact that this proposed housing development would have in terms of permanently sterilising the surface coal resources that are present within the site, and wider area.</p> <p>The Coal Authority accepts that, due to the presence of surface coal resources</p>		

across most of the Clackmannanshire area, it is highly unlikely that an appropriate strategic housing land allocation could be made in the Local Plan First Alteration outside of the surface coal resource area. However, where housing land allocations are proposed that would result in the permanent sterilisation of surface coal resources full consideration should be given to the extraction of the coal prior to development. The proposed housing development would radically redraw the settlement boundary for Forestmill, which in turn could potentially sterilise large parts of this known surface coal resource through the potential imposition of the 500m separation distance from settlements.

The Council stated that the proposal would make a significant contribution to the housing land supply, and delaying development to facilitate coal extraction would not be desirable as it could reduce the contribution this site makes in the plan period to 2017, resulting in the need for further housing allocations in the Eastern Clackmannanshire area. We would contend that the Council could not evidence such an assertion, and that a phased programme of extraction should feature in the Development Guidelines for site H45. We note from Section 7 of the Masterplan, which accompanied the planning application that an indicative phasing plan has been prepared for the site. This assumed a construction period of 12 years, broken down into an enabling works package of 2 years followed by 5 phases, each representing a construction period of 2 years. The Council should therefore consider how the scheme of remediation/reclamation for the Meadowhill site and ground modelling proposed as part of the Masterplan can be phased to incorporate extraction of surface coal resources in the portion of the Aitkenhead area that will otherwise become sterilised, in order not to delay the housing development whilst still achieving extraction of some of the surface coal resource.

Schedule of Sites – Development Guidelines - Zone of Influence

All of the proposed new residential development set out in the Schedule of Sites are located within the potential zone of influence arising from past coal mining activity, such that the impact of mining legacy in terms of the risks presented may need to be investigated to ensure safety and stability of new housing.

Modifications sought by those submitting representations:

We would therefore recommend the following text be added to paragraph 3.9a:
“...for new housing development outwith the settlement boundaries shown. In addition, there is surface coal resource throughout Clackmannanshire, upon which this housing development is proposed. Where practicable, as required by SPP16 developers should give consideration to prior extraction of the coal resource, to avoid it being sterilised.”

Site H22 - Sauchie West

We suggests the following amendment to the Development Guidelines with respect to Site H22:

“...with road alignment of B908. Coal reserves need to be considered for prior extraction to avoid sterilisation and relative to Policy EN21.”

Schedule of Sites – Development Guidelines - Zone of Influence

The Coal Authority would therefore recommend including the following text either within the Development Guidelines for each site individually, or as an overarching requirement for an assessment of mining information, to be added to paragraph 3.9a:

"There are potential issues relating to ground conditions in the area as a consequence of former mining activity in the locality. Appropriate technical investigation and advice on ground stability and other risks should be sought prior to submission of any planning application."

Summary of responses (including reasons) by Planning Authority:

General Sterilisation of Surface Coal Reserves

SPP16 has now been replaced by the Scottish Planning Policy (SPP), and paragraph 241 of the SPP contains a similar statement to that in paragraph 3.9a of SPP16, stating that "where practicable it is desirable to secure extraction prior to permanent development above workable coal reserves.". Paragraph 244 of the SPP will also be relevant as it identifies areas where surface coal extraction is unlikely to be environmentally acceptable.

Prior extraction of opencast coal is addressed in Local Plan policy EN22 "Opencast Coal and Related Minerals" which supports in principle the prior removal of affected reserves. This policy will remain in place as it does not form part of the Alteration.

It is therefore considered that national and current Development Plan policies already address these issues and it is not considered appropriate for this housing alteration to go into further detail. When the Local Development Plan is being prepared there will be the opportunity to comment on minerals issues.

Site H45 - Forestmill

Policy EN24 of the Clackmannanshire Local Plan generally seeks to protect mineral resources, the exception being where this would prevent residential development which contributes to the strategic housing land requirement and no other sites to meet the requirement are available elsewhere. In order to accord with the Structure Plan Alteration Strategy, this site has been identified as the most appropriate to meet this allocation in Eastern Clackmannanshire. As this site will make a significant contribution to the housing land supply, it is considered that delaying development to facilitate coal extraction would not be desirable as it may result in the need to identify another large land release in the Eastern Clackmannanshire area.

The potential sterilisation of surface coal resources was also considered as part of application 06/00283/OUT. Although the Inquiry into the application did not proceed the Council's statement of case stated that:

"The composite ES includes geological evidence which allows the Council to conclude that, in accordance with national policy guidance, the proposed village will not sterilise economically recoverable shallow coal deposits within or outwith the application site that are not already constrained by the existing village."

It is therefore considered that there is no need for this issue to be revisited through the Plan and no changes are proposed to the Alteration.

Schedule of Sites – Development Guidelines - Zone of Influence

Although no specific mention is made of ground stability issues in the Development Plan, the Council are aware of the history in the area and detailed ground condition surveys will be required as part of the planning application submission process where appropriate.

It is therefore considered that this issue will be addressed through the

Planning Application process and no changes are proposed to the Alteration.

Any further plan changes commended by the Planning Authority:

Site H22 - Sauchie West

We suggests the following amendment to the Development Guidelines with respect to Site H22:

“...with road alignment of B908. Coal reserves need to be considered for prior extraction to avoid sterilisation and relative to Policy EN21.”

Issue 10	Historic Scotland	
Development plan reference:	H64 - Kellyburn, H6 - The Shore	Reporter:
Body or person(s) submitting a representation raising the issue (including reference number):		
4 Historic Scotland		
Provision of the development plan to which the issue relates:	H64 - Kellyburn, H6 - The Shore	
Planning Authority's summary of the representation(s):		
<p>In our previous comments, we made specific reference to two housing allocations (H64: Kellyburn and H6: The Shore), in the Local Plan Alteration.</p> <p>In relation to allocation H64 'Kellyburn', having reviewed the Finalised Plan, we are content that appropriate safeguards can be put in place at the project level, to ensure there is no accidental damage to the scheduled monument during the course of the development. In relation to allocation H6 'The Shore', we welcome the inclusion of the reference to Alloa Conservation Area, within the Development Guidelines.</p>		
Modifications sought by those submitting representations:		
None.		
Summary of responses (including reasons) by Planning Authority:		
Noted.		
Any further plan changes commended by the Planning Authority:		
No.		

Report to Clackmannanshire Council

Date of Meeting: 16th December 2010

Subject: Clackmannanshire Local Development Plan Main Issues Report and Open Space Framework

Report by: Head of Community & Regulatory Services

1.0 Purpose

- 1.1. This report is to update Members on progress towards the preparation of the Clackmannanshire Local Development Plan and to seek approval to consult on the Main Issues Report discussed below.
- 1.2. The Planning etc. (Scotland) Act 2006 represented the most significant modernisation of the planning system in 60 years. In terms of the Development Plan, the main implication for Clackmannanshire was the replacement of the previous Structure and Local Plans with a single tier Local Development Plan. The Act also reiterated the importance of the Development Plan at the heart of decision making and consideration of planning applications.
- 1.3. A 'Development Plan Scheme (Issue 2)' was published in May 2010 to explain the procedures, documents and timescales involved in producing the new Local Development Plan.
- 1.4. The publication and consultation on the Main Issues Report (MIR) is the first major step in this process and the first stage of public involvement in the preparation of the Local Development Plan. This initial Issues stage is the part of the process where the public will have the greatest opportunity to be involved and influence the preparation and content of the Development Plan.
- 1.5. An Open Space Framework has been prepared in conjunction with the MIR. It discusses and seeks opinions on key topics relating to open space in Clackmannanshire including woodland, biodiversity and the ongoing maintenance of Council-owned open space. Its approval will enable joint consultation with the LDP Main Issues Report.

2.0 Recommendations

2.1. It is recommended that the Council

- (a) Approve the Clackmannanshire Local Development Plan Main Issues Report (MIR) to enable public consultation to be carried out between January and March 2011.
- (b) Approve the Environmental Report, Monitoring Statement and Open Space Framework.

All of which have been provided separately to Members.

3.0 Considerations

- 3.1. The MIR focuses on key issues that have changed from the last Plan and includes general proposals as to where development should and should not occur. Where relevant it contains one or more reasonable alternative sets of proposals, with a preferred option being identified. The Key Issues and preferred options are attached as Appendix 1.
- 3.2. A number of issues are raised throughout the MIR relating to both policy and subject areas and in relation to the towns, villages and geographical areas of Clackmannanshire. It is essentially those issues which we are seeking comment on , although issues raised which were not included in the MIR will also be considered.
- 3.3. The MIR has been prepared following consultation within the Council and with over 70 selected stakeholders including national bodies and organisations, Community Councils and adjacent authorities. Many of the relevant comments received during the preparation of the Local Plan 1st Alteration (Housing Land) in 2009 have also been able to be incorporated in the MIR.
- 3.4. The MIR suggests that the vision of the Local Development Plan should focus on 6 main elements:
 - **Providing the right conditions to attract people and businesses, and to enable continued economic regeneration.**
 - **Delivering safer and more cohesive and inclusive communities.**
 - **Improving health and reducing health inequalities**
 - **Protecting and enhancing the environment for all**
 - **Addressing climate change**
 - **Creating successful and sustainable places**
- 3.5. Planning for growth is supported by the most recent population projections for Scotland which identify Clackmannanshire as having the third highest projected population growth in Scotland to 2033 (+24%). Sustainability is a fundamental concern of the planning system and the 2006 Act specifically states that in preparing Development Plans planning authorities "must exercise the function with the objective of contributing to sustainable development.". Placemaking is also high on the Scottish Government's priorities with the publication of Policy Statements on 'Designing Places' and 'Designing Streets' pointing the way for policy formation and plan direction.

- 3.6 The Main Issues Report has been prepared with input from the research results of the Housing Need and Demand Assessment, detailing Clackmannanshire's housing requirements over the next ten years. This provides the evidence base for housing supply targets in the Strategic Housing Investment Plan (SHIP), for strategic policy setting in the Local Housing Strategy (LHS) and land release and planning policy within the Development Plan process. A summary of the Housing Needs and Demand Assessment has been made available to Members as a Background Paper.
- 3.7 Due to annually increasing housing waiting lists, a reduction in the annual available supply of affordable housing, increases in population and the trend for smaller households, the need for affordable housing has been increasing substantially year on year since 2006. Over the next 10 years, the HNDA has estimated the need for affordable housing in Clackmannanshire at around 4,770 units and market housing at around 950.
- 3.8 The MIR has attempted to identify the majority of issues affecting Clackmannanshire. It has particularly focussed on those issues which are new and have not been previously addressed through Development Plans, or which require reassessment. The process will allow any other issues not included in the MIR to be raised as issues for consideration during the next stage of the process, preparation of the Proposed Local Development Plan.
- 3.9 The future of Clackmannanshire's open space is a key consideration for the Local Development Plan. An assessment of open space in Clackmannanshire is already under way and the forthcoming MIR engagement process provides an important opportunity to gather stakeholder views on how we should protect and enhance the quality and provision of our open space in the future. A separate consultation document focusing on open space issues, the Clackmannanshire Open Space Framework, has been produced and will be consulted upon alongside the MIR. The Framework discusses and seeks opinions on key topics relating to open space in Clackmannanshire including woodland, biodiversity and the ongoing maintenance of Council-owned open space. It also looks at the open space provision by settlement. The responses from this consultation will help inform the development of MIR policies, particularly in relation to natural environment, open space, leisure and tourism; and also provide valuable input to the development of a comprehensive Open Space Strategy for Clackmannanshire. It is envisaged that this Strategy will be adopted alongside the final Local Development Plan.
- 3.10 Consultation on the MIR will be carried out from January to March 2011. It will be circulated to selected organisations and groups and to those who request copies. It will also be available on Clacksweb for viewing and comment. Consultation will commence with a pre-consultation publicity event at the end on December to raise awareness and promote the consultation. This will be followed in January by 3 launch events in Alloa, Alva and Dollar. These will take the form of interpretive sessions with officers on hand to explain the Main Issues Report content and process and answer any questions. Following these events drop-in sessions will be held in each of the main settlements. These events will be promoted through the Council website, flyers, posters and through community groups such as Community Councils. Opportunities to engage with some of the less well represented groups such as young people are also being explored. There will also be a series of workshops for invited

stakeholders on topic specific issues. The consultation will end with a closing event at Kilncraigs on 10 March 2011.

4.0 Sustainability Implications

It is the intention that the Local Development Plan's policies and proposals will be firmly based on the principles of sustainable development, and will provide an important contribution to delivering the Council's objectives on sustainability and climate change, as set out in the Clackmannanshire Sustainability & Climate Change Strategy. Sustainable development principles have been incorporated into the Main Issues Report Vision and all Issues have been assessed for their contribution to achieving the Vision, in terms of achieving our objectives for economic, environmental and social sustainability. The likely significant environmental effects of each of the policy options contained in the MIR have been assessed through the statutory strategic environmental assessment process and an environmental report has been prepared setting out these likely effects. However, the MIR is not prescriptive and is intended rather to explore issues and enable discussion and awareness of its content. More detail on sustainability implications will therefore become available at the Proposed Plan stage and will be reported at that time.

5.0 Resource Implications

- 5.1. The funding of the MIR and associated consultation will be met from existing budgets.
- 5.2. The Housing Need and Demand Assessment, prepared as a substantial background paper to the MIR has been undertaken using experienced council staff resources. The Council has negated the use of external consultants, highlighting financial efficiency and effective use of existing resources.
- 5.3. 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
- 5.4. Finance have been consulted and have agreed the financial implications as set out in the report. Yes
- 5.5. There are no additional staffing requirements associated with this work.

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)

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 Key Issues and Preferred Options Matrix

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 etc. (Scotland) Act 2006

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	
Garry Dallas	Director of Services to Communities	

Appendix 1

The **Main Issues** comprise:

- **How can we reduce our greenhouse gas emissions and adapt to the consequences of climate change?**
- **How can we encourage and promote sustainable economic growth?**
- **Housing and services (final title to be added)**
- **How can we best deliver infrastructure and improve connectivity?**
- **How can we conserve and enhance the natural environment?**
- **How can we conserve and enhance the built environment?**

The key aims underlying the preferred **Vision** are:

- **Address climate change** *by ensuring that new development contributes to progressive reduction of greenhouse gas emissions and by planning to adapt to the inevitable consequences of climate change*
- **Provide for appropriate economic growth** *of a scale and type that can effectively contribute to the quality of life for people in Clackmannanshire*
- **Meet the need for new housing and supporting facilities** *by delivering an appropriate range of housing (including affordable housing) and services which conform to high standards of energy-efficiency and design to support existing needs and our population growth strategy*
- **Promote improved infrastructure and connectivity** *to support economic regeneration, attract investment into Clackmannanshire and enable improved access to employment*
- **Conserve and enhance the natural environment** *through recognition of the value and importance of biodiversity, designated landscape, greenspace, air, water and soil quality*
- **Conserve and create high quality built environments** *through conservation and enhancement of our built heritage and achieving a high standard of placemaking*

VISION

Preferred Vision

The Local Development Plan will strive to contribute to appropriate economic growth, improved quality of life and an enhanced environment in Clackmannanshire by 2030, by:

- **Providing the right conditions to attract people and businesses, and to enable continued economic regeneration.**
- **Delivering safer and more cohesive and inclusive communities.**
- **Improving health and reducing health inequalities.**
- **Protecting and enhancing the environment for all.**
- **Addressing climate change.**
- **Creating successful and sustainable places.**

SPATIAL STRATEGY

SPATIAL STRATEGY - Option 1a - Preferred Option - Aspire to meet the latest GRO growth figures

While housebuilding slowed dramatically, along with the national trend, it is starting to pick up again and this option would allow the Council to pursue a growth strategy to take advantage of Clackmannanshire's locational and market advantages.

This growth would assist in promoting economic regeneration and address the projected age imbalance of a more elderly population.

HOW CAN WE REDUCE OUR GREENHOUSE GAS EMISSIONS AND ADAPT TO THE CONSEQUENCES OF CLIMATE CHANGE?

Key Issues

- Mitigate greenhouse gas emissions from new development, transport and other sources
- Enable adaptation to the inevitable consequences of climate change

LOW CARBON DEVELOPMENT - Option 2a - Preferred Option

The Local Development Plan will include a policy requiring that all new buildings are designed to avoid a specified and rising proportion of the projected greenhouse gas emissions from their use through the installation and operation of low and zero carbon technologies. This policy will be coordinated with the building standards and will set the percentage of carbon reduction to be achieved using low and zero carbon technologies which will be in addition to the building standard requirements. The overall intention will be to support a move towards all domestic and non-domestic development to achieve zero or very low carbon standards by 2016/17. The expected role of low and zero carbon generating technologies in meeting the targets will be specified in the standards. This will be supported by supplementary planning guidance setting out advice on good practice for complying with the standards. This option will enable the Local Development Plan to fully meet the requirements of Section 72 of the Climate Change (Scotland) Act 2009 and its associated Delivery Plan and ensure that reasonable steps are taken to significantly reduce carbon emissions from new development.

DECENTRALISED ENERGY - Option 3a - Preferred Option

Decentralised energy generation will be supported wherever appropriate, particularly where based on renewable technologies or biomass which can contribute to low carbon development objectives. The Local Development Plan will identify particular allocated sites or groups of sites where the scope for decentralised energy generation will be assessed. This assessment will be the responsibility of the developer and the scope for inclusion of existing development around the sites or groups of sites in a decentralised energy scheme will be required where appropriate.

DECARBONISED ENERGY GENERATION - Option 4a - Preferred Option

In light of the increased interest in commercial and micro renewable generation it is proposed to include a policy in the Local Development Plan, supported by detailed supplementary planning guidance, setting out criteria to guide such development. Policy support will be given to renewable development wherever appropriate to support Government renewable energy targets but developments will be restricted in the most sensitive environments, including conservation areas and areas of great landscape value. Spatial guidance will identify areas of search and constrained areas for wind energy development and will also set out a policy on cumulative effects where new development proposals in close proximity to existing or proposed development may result in unacceptable landscape or visual impacts.

SUSTAINABLE FLOOD MANAGEMENT - Option 5a - Preferred Option

Policies will be included in the Local Development Plan to address the need for sustainable flood management and reduce flood risk. The policies will:

- Seek to protect and enhance biodiversity and habitat interests wherever practical
- Designate land to be safeguarded for future flood risk alleviation projects and naturalised water management project e.g. wetland creation
- Control development on that have been shown to be at risk of flooding

- If planning permission is granted on sites identified as at risk of flooding, ensure that adequate mitigation measures have been put in place
- Support the implementation of naturalised flood management projects and sustainable urban drainage schemes by encouraging developers to either incorporate such schemes into their own proposals or provide financial contributions through Section 75 agreements to established schemes such as the Inner Forth Project
- Minimise the risks of pluvial (rainwater) flooding by requiring developers to demonstrate how the design of their development has been developed to slow the rate at which water is flowing into the surface water drainage system e.g. through the use of green roofs and rainwater harvesting, and ensure that implementing them is made a condition of the planning consent
- Minimise the risks of pluvial (rainwater) flooding by requiring developers to include sustainable urban drainage schemes as an integral part of applications for new development
- Identify opportunities for woodland planting and river and wetland restoration where this would assist sustainable flood management

HOW CAN WE ENCOURAGE AND PROMOTE SUSTAINABLE ECONOMIC GROWTH?

Key Issues

- Support the Clackmannanshire Alliance's Economic Development Framework "Building Clackmannanshire".
- Retain/increase employment opportunities.
- Promote existing business and industrial areas.
- Encourage re-use of appropriate vacant buildings and land for business uses.
- Encourage and promote "Green Business".
- Encourage community benefits for local people in association with new developments, such as training opportunities and employment.
- Encourage town centre regeneration throughout the Council area.
- Support appropriate rural development and tourism opportunities.

BUSINESS AND INDUSTRIAL LAND SUPPLY - Option 6a - Preferred Option

Retain existing employment land supply and make provision for limited growth. There is an increasing opportunity to retain jobs and income in the Council area and reduce commuting volumes. Emphasis would be on identifying development for a modest amount of additional business land whilst also making the existing supply of business land more attractive and marketable; by favouring the provision of smaller business sites in existing communities; potentially through the inclusion of low-impact business land in new mixed use developments.

BUSINESS PARKS AND INDUSTRIAL ESTATES - Option 7a - Preferred Option

The preference will be for business parks and industrial estates to provide a location for manufacturing, storage & distribution and service industries, rather than leisure, educational or retail. However, in exceptional cases where no alternative suitable site exists locally, diversification of use in business parks will be considered.

Low-impact business uses, along with retail, leisure and service uses will generally be encouraged to co-locate with housing areas wherever appropriate to reduce the pressure for change of use in areas allocated for business (see Housing and Services chapter).

RE-USE OF VACANT BUILDINGS AND LAND FOR BUSINESS USES - Option 8a - Preferred Option

A general policy will be developed which encourages the re-use of derelict and redundant buildings and land, and suitable small sites, for low impact industrial, business and service uses which can co-exist with housing and other adjacent uses without harmful effect. This will improve flexibility in

realising new economic opportunities, increasing employment and promoting a more sustainable mix of land uses. The potential for more working from home or for home based businesses will generally be supported subject to amenity considerations.

GREEN BUSINESS - Option 9a - Preferred Option

A Policy will be developed to promote and encourage opportunities for Green Businesses in Clackmannanshire. Businesses involved in the development and production of green technologies will be targeted during consultation on the MIR to establish the criteria which such businesses consider when looking for business sites with a view to incorporating the findings into the LDP.

EMPLOYMENT PROVISION - Option 10a - Preferred Option

A Policy will be developed which will seek community benefits from new developments over a certain size to provide employment opportunities for the local workforce.

RETAIL AREAS AND HIERARCHY - Option 11a - Preferred Option

Through the LDP the Council will investigate Comparison Retail Opportunities in Clackmannanshire and allocate any suitable sites for comparison retail use. Any analysis of potential sites will include consideration of the sustainability implications of development, including convenient access by a range of modes of transport.

TOWN CENTRE REGENERATION - Option 12a - Preferred Option

The lessons learned, and methods used, in the Imagine Alloa project should be rolled out to other centres in Clackmannanshire in a phased manner. They should also continue to be used in Alloa, with investment and development decisions made based on their continued integration with and contribution to the aims of the project. A Policy will be developed to promote and encourage this.

RURAL DEVELOPMENT - Option 13a - Preferred Option

The Council will continue to take a generally restrictive approach to new development in the rural area. Certain business uses will require a rural location and others, while they could be situated in or adjacent to towns and villages may be better located in the countryside. Renovation and re-use of buildings which could make a positive impact on the rural environment, such as farm steadings, may be considered favourably, subject to certain criteria. Development of residential buildings associated with rural business uses will require to be considered carefully, fully justified, and may require to be subject to planning or legal conditions tying such buildings to the proposed or existing business. Suitable opportunities for homeworking in the rural area will be considered favourably.

Proposals for stand alone residential development in the rural area will be considered under the Housing and Services chapter.

TOURISM - Option 14a - Preferred Option

The LDP will be supportive of tourism development in Clackmannanshire. Proposals in the rural area should not adversely affect the character of the countryside and should accord with other LDP Policies. There may be opportunities for proposals in the rural area to contribute to the aims of the Central Scotland Green Network. The LDP will develop a criteria based policy to address such proposals.

HOW CAN WE DELIVER APPROPRIATE HOUSING AND ASSOCIATED SERVICES?

Key Issues

- Amount/Type of Housing
- Affordable Housing
- Addressing the housing needs of Gypsies and Travellers
- Farm Steadings/Housing in the Rural Area

- Community facility provision - Education
Community Facilities

POPULATION AND HOUSING - Option 15a - Preferred Option

Plan to accommodate in full the strategic housing requirement projected in the Monitoring Statement and identify sites through the Local Development Plan to allow for this. The Council to continue to plan for the projected level of growth, while recognising that this may be over a longer time period than previously forecast because of the economic issues of the past few years.

POPULATION AND HOUSING - Option 16a - Preferred Option

The LDP could best respond to the challenges and needs of an ageing population by encouraging in-migration and promoting more sustainable communities with mixed tenure, size and types of homes in locations.

AFFORDABLE HOUSING - Option 17a - Preferred Option

Develop a policy for affordable housing that applies to every housing development. This could be in the form of housing units on-site or off-site, land or commuted sums. Commuted sums may relate to smaller sized developments of less than 20 units and may also be sought from larger commercial developments on the grounds that their employees may require such accommodation.

OTHER HOUSING REQUIREMENTS - Option 18a - Preferred Option

A policy will be developed which will address housing development in the countryside. This may take the form of a hierarchy of preferred developments, starting with rehabilitation and redevelopment of existing buildings, through adding buildings to existing groups or concentrations of buildings, down to consideration of proposals for individual houses. Houses required in association with appropriate rural activities are likely to be considered favourably provided there is a demonstrated need.

COMMUNITY FACILITIES/SOCIAL INFRASTRUCTURE - Option 19a - Preferred Option

The Council will monitor the provision of Community Facilities/Social Infrastructure in terms of both capacity and quality. Where relevant the Council will require developer contributions to address specific deficiencies and will encourage the provision of such facilities as part of mixed use developments.

DEVELOPER CONTRIBUTIONS - Option 20a - Preferred Option

A Policy to be developed on Developer Contributions clarifying the types and size of development for which developer contributions are required, the anticipated level of contribution and any exemptions. In particular to explain how the Council would approach developer contributions in the case of windfall developments.

HOW CAN WE BEST DELIVER INFRASTRUCTURE AND IMPROVE CONNECTIVITY?

Key Issues

- Encouraging and providing for sustainable transport.
- Promotion of best practice in drainage systems and water quality.
- Embrace and provide for advances in technology both at home and in the workplace.

SUSTAINABLE TRANSPORT - Option 21a - Preferred Option

The LDP will encourage people to travel shorter distances more sustainably for commuting, local trips and leisure by:

- identifying and promoting more off-road routes where pedestrians and cyclists are segregated from cars and giving them more priority over motor vehicles.
- improving the design of new developments and re-designing existing areas where possible to reflect the human scale and the recommendations in "Designing Streets".

- identifying and promoting more direct routes for pedestrians cyclists where possible.
 - promoting safer routes e.g. cycle lanes, overlooked routes, well lit routes, CCTV.
- Promoting secure and convenient bicycle parking protected from the weather.

IMPROVING PUBLIC TRANSPORT AND INTEGRATION WITH NEW DEVELOPMENTS - Option 22a - Preferred Option

The LDP will encourage more people to make use of the public transport network by ensuring new development is located close to, or is capable of being served by a bus route where one does not already exist and promoting safe access to public transport nodes and safe waiting facilities.

RAIL NETWORK- Option 23a - Preferred Option

The LDP will encourage more people to make use of the rail transport network by considering the need for additional park and ride facilities in Clackmannanshire and where these would best be located, e.g. West of Alloa, Clackmannan, Cambus?

The LDP will consider opportunities to promote/encourage more movement of freight by rail.

TELECOMMUNICATIONS INFRASTRUCTURE AND INTEGRATING NEW TECHNOLOGY INTO DEVELOPMENT - Option 24a - Preferred Option

The LDP will incorporate policies which will encourage the consideration of technology infrastructure when designing new developments in order to avoid potentially costly and visually unsatisfactory alterations in the future. The LDP will support greater sharing of facilities and camouflaging of equipment.

HOW CAN WE CONSERVE AND ENHANCE THE NATURAL ENVIRONMENT?

Key Issues

- Supporting and contributing to the delivery of the goals of the Central Scotland Green Network
- Protecting and valuing all landscapes in Clackmannanshire, not just those which are officially designated for their landscape character
- Reviewing acceptable land uses in green belt and ensuring the coverage of green belt is fit for purpose
- Protecting existing ecosystems and identifying areas where ecosystems can be improved or extended
- Meeting the requirements of Scotland's Zero Waste Strategy
- Enabling people to contribute to mitigating climate change and respond to likely future increases in fuel costs by growing more food locally on allotments or community gardens
- Ensuring that all Clackmannanshire residents have good access to green space, the countryside and active travel routes.

LANDSCAPE - Option 25a - Preferred Option

A policy will be developed that recognises the importance of the 'landscape-scale' approach and, in particular, supports the goals of the Central Scotland Green Network and, if appropriate, other "landscape-scale" projects such as the RSPB's 'Futurescapes' programme. The policy will explicitly require that developers acknowledge sites and attributes that contribute to CSGN and wider "landscape-scale" aspirations and, where possible, design new developments in ways that contribute to these goals.

LANDSCAPE - Option 26a - Preferred Option

The Local Development Plan will apply a robust landscape policy, recognising that we need to understand the effect of new development on the wider landscape. Policies will:

- Include criteria for assessing the landscape context of sites within rural areas or which may have a significant effect on the wider landscape
- Require a landscape character assessment for major developments or developments which

may have a significant effect on the wider landscape

- address potential impacts on the setting of settlements and landscape character through LDP policies, development guidelines and the locational strategy
- encourage developers through pre-application discussions to consider how their development fits into the wider landscape, including in terms of scale, height and materials
- ensure that the landscaping of new developments complements their surroundings while also contributing to maintaining and enhancing habitat networks
- protect views into and out of areas that are recognised for their landscape value

prevent inappropriate development in or adjacent to areas protected for their landscape value.

GREEN BELT - Option 27a - Preferred Option

Review the function of green belt against the purpose described in Scottish Planning Policy then assess existing areas designated as green belt to ensure that it is suitable for delivering this purpose. Review green belt designation based on the outcome of this assessment, altering coverage if appropriate and considering the scope for extending existing and designating new areas of green belt.

ECOSYSTEMS AND HABITAT NETWORKS - Option 28a - Preferred Option

In order to contribute to delivering our Biodiversity Duty, the LDP policy will:

- protect sites that are designated for their ecological value
- require an Appropriate Assessment for sites that can impact on the Firth of Forth
- ensure that sites allocated for development within close proximity to designated sites or sites of unknown ecological value are accompanied by an environmental report identifying any negative impacts they will have and actions the developer will take to mitigate these impacts
- ensure that satisfactory and mutually agreed mitigation of any environmental impacts is made a condition of any planning permission granted, and that where adequate mitigation onsite is not possible, biodiversity enhancement is delivered elsewhere
- use the data in the Integrated Habitat Network to identify sites where developer contributions could be directed to have the greatest benefit for habitat improvement and negotiate developer contributions to support habitat network restoration and recreation
- ensure that biodiversity enhancement is addressed through the master-planning process and is integrated within all development applications as part of any landscaping proposals

ensure that new development contributes to delivering the actions and targets identified in the Clackmannanshire Biodiversity Action Plan.

WASTE - Option 29a - Preferred Option

The Council will identify possible locations for waste management facilities in the Local Development Plan. In considering proposals for facilities of a size that would serve an area wider than Clackmannanshire, the local benefits that could accrue from waste reuse and production of heat and power will be considered.

ALLOTMENTS AND LOCAL FOOD PRODUCTION - Option 30a - Preferred Option

Establish whether there is an unmet demand for allotment or community growing spaces in Clackmannanshire and if it is identified that there is, allocate sites in the Local Development Plan for future allotment provision.

ACCESSING THE NATURAL ENVIRONMENT - Option 31a - Preferred Option

Based on an assessment of the extent to which Clackmannanshire meets the CSGN 300m standard and other relevant information we will develop a Clackmannanshire Standard for green space provision and develop policy to support the delivery of new provision in areas where gaps are identified, for example, through open space in new development, the allocation or safeguarding of sites for future natural green space development and the use of developer contributions to provide funding for improvements or extensions to existing areas of natural green space. There will be a requirement for new development to provide new residents with access to adequate and appropriate

natural green space.

MAINTENANCE OF OPEN SPACE IN NEW DEVELOPMENT - Option 32a - Preferred Option

The Council develop a policy to facilitate and encourage the Council adoption and maintenance of public open space in new developments, in much the same way as the roads and footpaths are adopted and maintained by the Council.

HOW CAN WE CONSERVE AND ENHANCE THE BUILT ENVIRONMENT?

Key Issues

- Promote sustainable conservation and enhancement.
- Continuing the programmed appraisal of Conservation Areas.
- Support the appropriate redevelopment of brownfield sites.
- Improving the quality of design.

Listed Buildings, Conservation Areas, Archaeological and Historic Sites and Designed Landscapes and Historic Gardens - Option 33a - Preferred Option

Changes can occur to the character and appearance of conservation areas over time. All conservation areas in Clackmannanshire will be appraised during the lifespan of the Local Development Plan to ensure that their boundaries are still relevant and the designations are still appropriate. These appraisals will identify the key elements which contribute to the special historic and architectural character of the area and will guide decision making, the identification of opportunities and the preparation of enhancement proposals where appropriate. Conservation Area Appraisals will be undertaken, commencing with Muckhart Conservation Area which will be published as an example of how the Appraisals will be undertaken and presented.

Brownfield and Contaminated Land - Option 34a - Preferred Option

The LDP will generally encourage the restoration of brownfield and contaminated sites and will identify the main sites where restoration will be sought. Restrictive planning policies, e.g. Green Belt, may be relaxed in limited instances where it is considered there would be a net benefit by allowing the remediation of a contaminated site, although these should be identified through the LDP. Proposals to restore such sites will be required to meet a number of criteria and will only be considered favourably where there is a demonstrated necessity to restore the site or positive outcome as a result of restoration.

Design, Layout and Amenity Standards in New Development - Option 35a - Preferred Option

The LDP will identify the circumstances under which Design Statements will be required, e.g. for development in conservation areas, developments over a certain floor area or involving a certain number of housing units. Where such sites are included in the LDP, the Development Guidelines will highlight the need for a Design Statement.

Design, Layout and Amenity Standards in New Development - Option 36a - Preferred Option

Where appropriate and consistent with the character of the built environment, a higher density of development will be encouraged on sites or parts of sites which are located adjacent to frequent public transport service and within short walking distance of shopping and other facilities. Sites furthest from public transport and facilities will be more suitable for lower density development. Target densities for each site will be identified in Development Guidelines for each site in the LDP.

Infill and Backland Development - Option 37a - Preferred Option

The LDP will include a Policy supporting infill and backland development only where the proposals are in accordance with the other policies of the LDP and where:

- the development would not adversely affect the character and amenity of the surrounding area.
- the development would not prejudice the proposed use of neighbouring sites, or affect the

accessibility of other potential development sites.

- The development would not result in the loss of locally important woodland, open or community space.

If, having drafted policy on infill and backland sites, it is considered that Supplementary Planning Guidance on the subject would be beneficial, this will be added to Appendix 1.

Support the Clackmannanshire Alliance's Economic Development Framework "Building Clackmannanshire"
Retain/increase employment opportunities
Promote existing business and industrial areas
Encourage re-use of appropriate vacant buildings and land for business uses
Encourage and promote "Green Business"
Encourage community benefits for local people in association with new developments, such as training opportunities and employment
Encourage town centre regeneration throughout the Council area
Support appropriate rural development and tourism opportunities
HOUSING AND SERVICES
Amount/Type of Housing
Affordable Housing
Addressing the housing needs of Gypsies and Travellers
Farm Steadings/Housing in the Rural Area
Community facility provision - Education
Community facility provision - Community Facilities
INFRASTRUCTURE AND CONNECTIVITY
Encouraging and providing for sustainable transport
Promotion of best practice in drainage systems and water quality
Embrace and provide for advances in technology both at home and in the workplace
NATURAL ENVIRONMENT
BUILT ENVIRONMENT
Promote sustainable conservation and enhancement
Continuing the programmed appraisal of Conservation Areas
Support the appropriate redevelopment of brownfield sites
Improving the quality of design

Report to Council

Date of Meeting: 16 December 2010

Subject: Strategic Housing Investment Plan and Lead RSL Developer

Report by: Head of Community & Regulatory Services

1.0 Purpose

- 1.1. This report presents the annual Strategic Housing Investment Plan (SHIP) which has been submitted to the Scottish Government in draft subject to Council approval. This details the publicly funded affordable housing priorities for investment in Clackmannanshire over the next five years.
- 1.2. The report also details the Scottish Government's proposals to reform the affordable housing investment system by introducing a 'lead developer' to each council area. The Registered Social Landlord (RSL) selected jointly by the Council and Scottish Government will develop the new RSL housing built using Housing Association Grant (HAG) allocated by the Government.

2.0 Recommendations

- 2.1. It is recommended that the Council:-
- (a) approve the final SHIP 2011/16 to be submitted to the Scottish Government, a full copy of which has been made available to Members in Group Rooms.
 - (b) approve the selection of Ochil View Housing Association as the Council's Preferred RSL partner to deliver Affordable Housing Investment Programme expenditure in Clackmannanshire, as outlined in the report.
 - (c) instruct officers to prepare a framework agreement with Ochilview which, among other things, will require
 - (1) the establishment of an operational Common Housing Register by end November 2011 and
 - (2) any enhanced contribution to tackling Homelessness by the lead developer.

3.0 Considerations

- 3.1. The main purpose of the SHIP is to show how identified needs and priorities in relation to affordable housing will be tackled. The emphasis will be on how projects will be delivered within the resources available and within development constraints. The SHIP is primarily a submission for Housing Association Grant (HAG) through the Government's Affordable Housing Investment Programme (AHIP), although it requires acknowledgement of other potential funding sources, such as the Council's own new build programme.
- 3.2. The SHIP aims to ensure that funding is targeted to support the priorities in the Local Housing Strategy (LHS) and sets out how affordable housing can be delivered realistically within the level of funding available. Based on recent trends, the anticipated programme for the next five years is around £14million, allowing around 200 units to be built or refurbished. Revised guidance on preparing SHIPs was issued by Scottish Government in August 2009 and the 2011/16 SHIP reflects the revision.
- 3.3. The SHIP uses data from the detailed Housing Needs and Demand Assessment (HNDA), carried out in-house. This provides the evidence base for housing supply targets in the LHS and land release within the development plan process. Over the next 5 years, the HNDA has estimated the need for affordable housing in Clackmannanshire at around 2,363 units. At an average of around 472 per year, this is well over the publicly funded affordable housing programme of approximately 50 per year. This ever increasing deficit will be a priority issue to be addressed in the forthcoming Local Housing Strategy and Local Development Plan. Further detail on the HNDA is contained in the Main Issues Report paper reported separately on the agenda.
- 3.4. The Clackmannanshire Housing Investment Partnership (CHIP), a multi agency group which has overall responsibility for the SHIP, involves key stakeholders including several Council Services, local RSLs and the Scottish Government. The group approves the SHIP before submission to Scottish Government and the Council, ensuring that revised guidance and policy changes are taken into account and considers linkage with other plans.
- 3.5. In addition to this, the Planning and Development Group, and its sub group looking specifically at potential development sites, consider sites identified through the Local Development Plan process and through arising development opportunities. Sites are assessed as part of the SHIP against a priority framework, looking at criteria such as deliverability and value for money. Feedback from Scottish Government suggested we develop this good practice further by incorporating a more sophisticated scoring system, and this has been developed for the 2011/16 SHIP.
- 3.6. The allocation of Housing Association Grant (HAG) funding from the Scottish Government for 2010/11 amounts to £3.082m, which will attract an additional £1.4m in private finance. The allocation for 2011/12 has yet to be announced, but it is anticipated that there will be a reduction in funding. In consultation with the Housing Investment division, we are estimating an annual HAG allocation of £2.8m. As well as new provision, the AHIP includes

around £160,000 each year for disabled adaptations to existing RSL properties.

- 3.7. The scale of housing need in the area is significant and, with limited resources available to tackle these needs, priority developments for HAG will be social rented housing.
- 3.8. The proposed programme for future years is contained in the SHIP. The development at Hallpark Annexe is due to start on site September 2011 and consists of 25 homeless temporary accommodation units and a reception centre. For the first time the programme includes the Council's new build programme of 24 units, approved by Council at its meeting on 23 September 2010.
- 3.9. The SHIP programme for the next five years is heavily influenced by the available land supply as set out in the most recent Housing Land Audit. We aim to achieve a spread of developments over the Council's area, taking into account the distribution of the population and also the Council's regeneration areas. The HNDA looks at an indicative distribution of affordable housing across the Council's 3 housing market sub areas, pointing to a requirement of almost two thirds in the Alloa sub market area (covering Alloa, Sauchie, Tullibody, Fishcross and Clackmannan). The proposed programme reflects this, with around 70% of development programmed for this area.
- 3.10. The proposed programme is, particularly for the latter years of the 5 year programme, subject to the usual permissions and negotiations, such as Planning Approval.
- 3.11. The shadow programme, which Scottish Government has indicated is a key strength, is also contained within the SHIP. It enables projects to be brought forward to address slippage in the main programme and was successfully used last year when the development at Greygoran, Sauchie was brought in to cover delays with Hallpark Annex. This provided spend for the year and unit output, which prevented Clackmannanshire losing HAG funding.

4.0 Preferred Development Partner

- 4.1. The Scottish Government last year consulted widely on Affordable Housing Investment Reform proposals, which outlined plans for the introduction of 'Lead Developers' and a more regionally orientated and more strategic sector, which works more closely with local authorities and ensures that maximum value is obtained from the public expenditure available for affordable housing.
- 4.2. The intention is for the Scottish Government, RSLs and local authorities to work together to identify what works well for their area. We have been asked by the Scottish Government, therefore, to select a preferred RSL partner(s) to deliver AHIP expenditure in the Clackmannanshire Council area. The Government has designed a framework brief which is to be used to select a Development Partner to deliver the AHIP programme for the three year period 2011/12 to 2013/14.
- 4.3. The framework allows for the selection of the preferred RSL developer to be carried out on a competitive or negotiated basis. The decision will be

considered jointly by the local authority and the Scottish Government, against the principles and criteria provided by the Government. The preferred RSL developer will undertake to comply with a programme agreement, jointly agreed between the Council and the Government's Housing Investment division. This will include agreed Key Performance Indicators which will be used to annually monitor the performance of preferred partners against the agreed aims and objectives. A full review will take place before the end of year 3 and, since the agreement is simply a statement of principle and not intended to be of a contractual nature, either party can terminate the arrangement with 6 months notice.

- 4.4. Ochil View Housing Association has been the Council's principal developing RSL to date, constructing around 40 units per year using HAG. Responding to the Scottish Government's desire for greater efficiency Ochil View has, since April 2010, entered into a housing partnership with 2 other locally-based housing associations in the Stirling area. The Strath For (Gaelic for 'Forth Valley') Housing Alliance is made up of Ochil View, Forth and Rural Stirling Housing Associations. By combining their skills, experience and resources they hope to deliver an increased number of houses and enhanced value for money.
- 4.5. Strath For Housing Alliance has set out its plans in a Statement of Intent, which includes exploring the benefits of a joint approach to development. Although each association is still currently retaining an independent development function, they are sharing staff resources and streamlining the approach to development policy and practice, continuing to work towards a preferred developer arrangement.
- 4.6. The amount of HAG available annually is limited and for Clackmannanshire this has meant that we have only ever had enough HAG for a relatively small programme. The Council has developed a strong partnership with Ochil View as its developing Association and has discussed a proposal with Stirling Council and the Government's Housing Investment division to agree support for the Strath For Alliance. Given the level of funding available for development Stirling Council have indicated that Forth and Rural Stirling Housing Associations will continue to deliver the HAG programme in Stirling, either as independent developers or combined through Strath For.
- 4.7. It is proposed that a framework is established, the principal purpose of which is to govern the efficient delivery of the development and investment process and enforce our strategic priorities. We will require, for example, an operational Common Housing Register within 12 months and an enhanced contribution to tackling homelessness.
- 4.8. Although Ochil View will be the preferred developer for Clackmannanshire, final ownership of properties may lie with another association. It is anticipated that the two principal RSLs in the area, Ochil View and Paragon, will be the recipients of units delivered.

5.0 Sustainability Implications

- 5.1. Strategic Environmental Assessment screening has been carried out as part of this report. New housing developments will be built to the necessary high standards.

6.0 Resource Implications

- 6.1. The SHIP programme and associated financial information is included in appendix 1 to this report.
- 6.2. The Council's financial contribution to the Council new build programme is fully set out in the report approved by Council on 23 September 2010.
- 6.3. 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 ✓
- 6.4. Finance have been consulted and have agreed the financial implications as set out in the report. Yes ✓
- 6.5. There are no staffing implications.

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 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 checked="" type="checkbox"/> |
| Vulnerable people and families are supported | <input checked="" type="checkbox"/> |
| Substance misuse and its effects are reduced | <input type="checkbox"/> |
| Health is improving and health inequalities are reducing | <input checked="" 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)

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

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

Appendix 1, SHIP Programme 2011/16

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

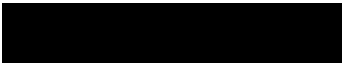

Strategic Housing Investment Plan 2011/16

Housing Needs and Demands Assessment 2010

Author(s)

NAME	DESIGNATION	TEL NO / EXTENSION
Kenny Hutton	Service Manager	X2472

Approved by

NAME	DESIGNATION	SIGNATURE
John Gillespie	Head of Community & Regulatory Services	
Garry Dallas	Director of Services to Communities	

Strategic Housing Investment Plan - Main Programme 2011/16

DRAFT MAIN PROGRAMME	Unit types	Housing Market Area	Site ownership	Total Cost £m	HAG/AHIP £m
2011/12					
RSL Adaptations	Annual RSL stage 3 adaptation budget ¹ .				0.160
Hallpark Annex, Sauchie	25 specialist	Alloa	FV College	3.095	1.872
Todds Yard (phase 2), Sauchie	14 general needs	Alloa		1.578	0.998
Newmills phase 3 (Council new build)*, Tullibody	16 general needs	Alloa	Council	1.713	0.400
Dalmore centre (Council new build)*, Alva	8 specialist/general	Hillfoots	Council	0.998	0.200
2012/13					
RSL Adaptations	Annual RSL stage 3 adaptation budget ¹ .				0.160
ELM Grove, Alloa	21 19 general needs 2 specialist	Alloa	Ochil View HA	2.372	1.512
Sauchie Scout Hall, Sauchie	5 specialist	Alloa	Council	0.365	0.365
2013/14					
RSL Adaptations	Annual RSL stage 3 adaptation budget ¹ .				0.160
Holton Court, Sauchie	3 specialist		Key	0.287	0.225
Elm Grove (phase 2), Alloa	44 22 general needs 22 LCHO	Alloa	Ochil View HA	3.303	1.763
2014/15					
RSL Adaptations	Annual RSL stage 3 adaptation budget ¹ .				0.160
Coalsnaughton North	25 22 general needs 3 specialist	Hillfoots	Private Developer	1.875	1.875
Alloa North West (planning gain)	40 20 general/specialist 20 LCHO	Alloa	Multiple Owners	3.882	2.211
2015/16					
RSL Adaptations	Annual RSL stage 3 adaptation budget ¹ .				0.160
Forestmill	39 general needs	Alloa/Dollar	Private Developer		2.800
TOTAL	240 190 general 50 specialist			23.068	15.021

¹ All RSL adaptations over £100 can be claimed through this budget.

Strategic Housing Investment Plan - Shadow Programme 2011/16

SHADOW PROGRAMME	Unit Description	Housing Market Area	Site Ownership	Total £m
Bedford Court, Alloa	-2 specialist	Alloa	Ark HA	1.16
Tullibody Working Men's Club	12 general	Alloa	Private Developer	1.44
Carsebridge Row, Sauchie	22 general	Alloa	Multiple Ownership	2.68
South Earlsfield, Alloa	25 mid market rent or LCHO	Alloa	Private Developer	3.0
Earn Court, Bowmar, Alloa	18 general or LCHO	Alloa	Council	2.16
Hilton Road, Alloa	29 general or LCHO	Alloa	Private Developer	3.405
The Shore, Alloa	20 general or LCHO	Alloa	Multiple Ownership	2.5
Helensfield, Clackmannan	Further details to follow	Alloa	Private Developer	
TOTAL				16.345

LCHO Low Cost Home Ownership

Housing Market Areas as per defined in the Housing Needs and Demand Assessment:

Alloa HMA - Alloa, Sauchie, Tullibody, Fishcross, Clackmannan, Kennet Village and Forestmill.

Hillfoots HMA - Menstrie, Alva, Tillicoultry, Coalsnaughton and Devonside.

Dollar HMA - Dollar and Muckhart.

Report to Council

Date: 16 December 2010

**Subject: The closure of Tower Nursery School and its re establishment
as the nursery class of Park Primary School.**

Report by: Interim Head of Education

1.0 Purpose

- 1.1 This report seeks approval to conduct a formal public consultation on two elements of a proposal by Education Services:
- (i) to establish Tower Nursery School as the nursery class of Park Primary School.
- and
- (ii) to close Tower Nursery School as a stand alone establishment

2.0 Recommendations

- 2.1 It is recommended that Council approves a formal public consultation on both aspects of the proposal which contains two options. The second option emerged during informal consultation earlier this year.
- 2.2 It is recommended that a report is brought back to Council no later than June 2011.

3.0 Considerations

- 3.1 The closure of any school requires that a formal consultation process be carried out in line with the Schools (Consultation) (Scotland) Act 2010.
- 3.2 At its meeting of 27 September 2007, Council approved the recommendations of the independent commission set up to review of the provision of education 3-12. One of the recommendations of the commission was to move to provide early years' education within the campus of primary schools wherever possible.

- 3.3 Council has already approved one closure of a nursery school and its re-establishment as a nursery class in a primary school. The closure of Clackmannan Nursery School and its merger with Clackmannan Primary School was approved by Council in June 2009. Inspections conducted by both HMIE and the Care Commission following the management of both establishments during the interim arrangements, as well as since formal closure of the school, report that the quality of early years' education provided in Clackmannan has been sustained and built upon.
- 3.4 At its meeting in December 2009, Council considered a report on Primary School Provision in Alloa West, and approved a recommendation that officers examine any other possibilities within the Council area for improving the organisation and delivery of teaching and learning through shared leadership of service components.
- 3.5 When it was established, Tower Nursery School provided nursery education for most of the town of Alloa. Over time, nursery classes have been established in the other schools in the town that serve the Alloa catchment area. Tower Nursery currently provides education services to 3-5 year old children who are mainly resident in the catchment area of Park Primary School. The nursery school is located on the same campus as the primary school and the two establishments are a short walk away from each other. Nursery pupils who have extended day places currently use the Park dining room for lunch.
- 3.6 Since the retiral of its headteacher in June 2009, Tower Nursery school has been led by an acting headteacher supported by a team of Early Years Workers. There has been no reduction in the quality of service delivery. Tower Nursery was recently inspected by HMIE and a good report followed.
- 3.7 The post of headteacher at Park Primary School has been filled by an acting headteacher for more than 2 years.
- 3.8 The current vacancies in both establishments allow for a merger under the leadership of a new headteacher of Park Primary School.
- 3.9 The services available to parents and pupils will suffer no detriment as a result of the proposed closure and revised management arrangements, as these will continue to be delivered as the nursery class of Park Primary School. The staffing ratios in the nursery class will continue at the same level as is currently provided.
- 3.10 The new management arrangements will support improved transition for pupils moving from nursery to primary education. The work of both establishments should be enhanced in supporting continuity of learning. This is especially important in the implementation of Curriculum for Excellence which states that learning at the 'early stage' covers the age range 3-6 years. A single management arrangement is wholly consistent with the principles of

the Early Years Framework, published recently by the Scottish Government and CoSLA. Whilst helping to deliver the GIRFEC agenda, the proposed change in arrangements would be consistent with the Council's Single Outcome Agreement and its Corporate Priorities.

3.11 The changes in management arrangements are expected to generate a saving of around £40 000 per annum as the result of the deletion of the head teacher's post in a full financial year.

3.12 There are 2 options for the consultation of Park Primary School and Tower Nursery School -these are:

Option 1

The complete integration of Park Primary School and Tower Nursery School with the relocation of the Nursery School in the primary school building. This would necessitate the relocation of the Primary School Support Service and adaptation of the building to accommodate the youngest pupils.

Option 2

A second option, suggested by parents and the community during the informal consultation is to merge the management of the school and the nursery class but to retain the purpose built accommodation. Some minor adaptations of the boundary fence between the two establishments should be investigated to make linking the two buildings easier and to allow pupils from both establishments to have easier access to facilities.

3.13 The preferred option of the Council is option 2.

4.0 Sustainability Implications

There are no sustainability implications arising from this report.

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 Staffing

5.3.1 There are no staffing implications in relation to the arrangements which exist currently for the management of nursery provision in Tower Nursery or in Park Primary School. The merger of the nursery school and the primary school, if approved, will allow the deletion of the post of Headteacher, Tower Nursery School.

6.0 Exempt Reports

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 tick)

- | | |
|--|-------------------------------------|
| The area has a positive image and attracts people and businesses | <input 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 checked="" 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 type="checkbox"/> |
| The Council is effective, efficient and recognised for excellence | <input type="checkbox"/> |

(2) Council Policies (Please detail)

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 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: Proposal Document and Consultation Timeline

Appendix 2: Consultation questionnaire

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


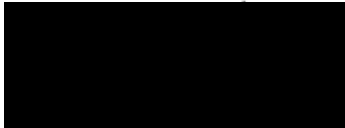
which the report is considered)

Yes (please list the documents below) No

Author(s)

NAME	DESIGNATION	TEL NO / EXTENSION
Lesley Robertson	Interim Head of Education	2515

Approved by

NAME	DESIGNATION	SIGNATURE
Lesley Robertson	Interim Head of Education	
Angela Leitch	Chief Executive	

APPENDIX 1



Clackmannanshire Council
www.clacksweb.org.uk

Services to People: Education Service

PROPOSAL DOCUMENT: December 2010

Review of Education Provision

The following schools are affected by this proposal document

PARK PRIMARY SCHOOL

TOWER NURSERY SCHOOL

This document has been issued by Clackmannanshire Council for proposal in terms of the Schools (Consultation) (Scotland) Act 2010.

Any Ordnance Survey map data included within this document is provided by Clackmannanshire Council under licence from Ordnance Survey in order to fulfil its public function in relation to this public proposal. Persons viewing this mapping should contact Ordnance Survey Copyright for advice where they wish to licence Ordnance Survey mapping data for their own use.

Proposal for the merger of Park and Tower Nursery Schools on one campus.

Summary Proposal

It is proposed that:

education provision at Park Primary School and Tower Nursery School should be merged and managed by the head teacher of Park Primary School. Tower Nursery School should be renamed "Park Primary School Nursery Class".

Distribution

A copy of this document is available on the Clackmannanshire Council web-site

www.clacksweb.org.uk

A copy of the document will be provided for:

The Parent Council of each school
The parents of pupils on the roll of each school
Parents of children expected to attend the affected schools within 2 years of the date of publication of this proposal document
The pupils at the affected schools
The staff of the affected schools
Trade Union representatives of the staff at the affected schools
Alloa Central Community Council
Alloa West Community Council
Relevant users of the affected schools
The constituency MSP
Chief Superintendent Alloa Police
Chief Executive NHS Forth Valley
Area Commander Alloa Fire Station
Hmie

A copy of this document is available from Council Headquarters, Greenfield Alloa
Alloa Library Drysdale St Alloa
Park Primary School
Tower Nursery School

This document is available in alternative formats or translated form for readers whose first language is not English. Please apply to the Education Service, Lime Tree House, Alloa, by telephone 01259 452437 or by email consultation @clacks.gov.uk

This is a proposal document

Proposal

That subject to the outcome of this proposal exercise:

education provision at Park Primary School and Tower Nursery School should be merged and managed by the head teacher of Park Primary School. Tower Nursery School should be renamed "Park Primary School Nursery Class".

1. Introduction

- 1.1 Clackmannanshire Council aims to provide the possible educational experience for all pupils.
- 1.2 Aspirations for education are contained within the Single Outcome Agreement and the Council's Priorities contained within the Corporate Plan. Key priorities for education are:

- Our communities are more cohesive and inclusive
- Our people are better skilled and ready for learning and employment
- Vulnerable people and families are supported
- Health is improving and health inequalities are reducing
- The council is effective, efficient and recognised for excellence

The vision for education is contained within the document Learning to Succeed in Clackmannanshire in the 21st century. The skills and knowledge that young people will require in the future are consistent with the Council's aspirations to enable all learners to become:

- Successful learners
- Confident individuals
- Responsible citizens
- Effective contributors

2. Reason for the proposal

- 2.1 At its meeting of 27 September 2007, Council approved the recommendations of the independent commission set up to review of the provision of education 3-12. One of the recommendations of the commission was to move to provide early years' education within the campus of primary schools wherever possible.
- 2.2 When it was established, Tower Nursery School provided nursery education for most of the town of Alloa. Over time, nursery classes have been established in the other schools in the town that serve the Alloa catchment area. Tower Nursery currently provides education services to 3-5 year old children who are mainly resident in the

catchment area of Park Primary School. The nursery school is located on the same campus as the primary school and the two establishments are a short walk away from each other. Nursery pupils who have extended day places currently use the Park dining room for lunch.

- 2.3 As part of the Government's School Estate Strategy, Clackmannanshire Council, in common with all Scottish local authorities, is required to assess the condition and suitability of its schools and report these 'core facts' to the Scottish Government. It is required to produce a School Estate Management Plan (SEMP) also.
- 2.4 The major aims of the Council's Schools Estate Management Plan for the period to 2015 are to:
- bring the condition of all schools in the 3-12 estate to condition B or better and to maintain it
 - address issues of sufficiency as they arise
 - increase the number of 3-12 campus arrangements
 - improve the suitability of external learning, teaching and social spaces
 - improve dining facilities in those schools with the smallest dining space
- 2.5 Park Primary school roll is currently pupils.
- 2.6 Tower Nursery School has capacity for 60 pupils in 2 sessions. This is normally referred to as a 60:60 establishment. It has 10 full day places available for pupils who need them.
- 2.7 Since the retiral of its headteacher in June 2009, Tower Nursery school has been led by an acting headteacher supported by a team of Early Years Workers. There has been no reduction in the quality of service delivery
- 2.8 The post of headteacher at Park Primary School has been filled by an acting headteacher for more than 2 years
- 2.9 The conclusion is that the time is right to move to the delivery of education 3-12 as detailed by independent review. This would be consistent with changes expected of curriculum delivery through the requirement to implement the Curriculum for Excellence from August 2010. Full detail of the independent review of education 3-12 is provided in the background papers which will be available on clacksweb - specific link will be available in due course.
- 2.10 The decision of the member - officer working group convened to take forward the recommendations of the independent review of education 3-12 in Clackmannanshire was to consult on the proposal to merge the schools within Park Primary School under the leadership of the headteacher of the school. As this post is vacant, parents of the current Nursery School would have an opportunity to be represented in the appointment process.
- 2.11 In September 2010, the Council conducted a series of budget engagement events which sought views on how to address the issues that would emerge from the public

spending review of November 2010. A wide range of suggestions was received. However, a number of respondents saw advantages in reducing the number of stand alone nursery schools.

3.0 The Options for Consultation

3.1 Option 1 To move Tower Nursery School into the building of Park Primary School.

This would require the removal of PSSS which would need to find new accommodation. Part of the school would need to be refurbished to accommodate the nursery. Outdoor play areas would need be developed and secure access with provision for a reception/foyer and cloakroom areas would be required. Some external work would be needed to ensure safe outdoor learning experiences and adequate storage for outdoor play equipment. Refurbishment costs are estimated at £200,000.

3.2 Option 2 Retain the nursery school in its current building and operate it as the nursery class of the school

3.3 Merge the management of the two establishments under the leadership of the head teacher of Park Primary School but retain the current Tower Nursery Building and rename it Park Nursery Class.

3.4 This has the advantage of retaining all of the features already in the building which means it is suitable for educating young children and is already consistent with the requirements of the Care Commission in terms of facilities and regulations.

3.5 It means that the Council has to continue to maintain the properties but it is least disruptive to the education of all pupils who use the buildings. It means that already established outdoor play and learning areas can continue to be used. In order to maximise the educational benefits of this proposal, some adaptation of perimeter fencing is required to enclose, as far as is possible, the nursery class within the school grounds. Some adaptations to the perimeter fence to make a secure entrance from the oath to the school and to the door to the rear of the nursery would be required. The cost of this is in the region of £3 500.

3.6 Option 2 is the preferred option.

4.0 Educational benefits

4.1 The pupils at Tower Nursery School would benefit from realignment to a nursery class attached to Park Primary School. The implementation of this proposal would offer the following educational advantages

(1) management support

The nursery class will be managed by the primary headteacher with a member of the senior management team having day to day responsibility for the running of the nursery class. The primary school management team, with a wide experience in school self-evaluation and curriculum development will be well placed to have a positive impact on nursery improvements. Areas identified for continuous

improvement in the nursery class will be fully integrated and supported by the whole school improvement plan. This should lead to a more coherent learning experience for pupils at the early stage of curriculum for Excellence and beyond.

(2) Early intervention

The primary school will be able to collaborate with the nursery class in identifying children's needs at the earliest possible stage. They will be able to work with the child from the age of 3 which will help identify the range of support they might need as they develop. Transition planning should be improved as a result of better tailored and more coherent support packages which can be put in place to help each child reach their full potential.

(3) Enhanced staff development opportunities

Staff would benefit from working together and learning with a wide range of teaching and non-teaching colleagues. Nursery staff will be able to visit P1 on a regular basis. This provides a CPD opportunity for staff to look at how children learn in P1. The school will also be able to make use of the expertise of the nursery staff in building on and further developing a play based early years' environment. Shared staff development opportunities are enhanced. Nursery staff will be able to join school working groups and attend stage meetings.

(4) Improved transition

The proposal will significantly enhance transition arrangements for pupils who will attend Park Primary. During their time in the nursery class the children will be involved in the wider life of the school. They will be able to attend fun events, use the gym hall and attend school assemblies. All these activities will lessen the impact on transition to school. If they wish, nursery parents will be able to join the parent council and other parent's activities which will enable them to get to know the establishment before formal schooling begins. High levels of parental involvement are recognised as important to the learning success of children. If parents become actively involved at the nursery stages, the habit is more likely continue for the rest of their child's schooling

(5) Enhanced learning experience

This proposal supports continuity in children's learning at the early level of curriculum for excellence. The nursery staff and school staff will be able to work closely together to provide the children with a high quality experience over the 3 years. They will be able to share resources and carry out joint topic work. This will ensure that the children are receiving an appropriate broad and balanced curriculum. When children move to P1 they will be building more confidently on what they already know.

5.0 Likely Effect on the Local Community

The effect is likely to be minimal. Apart from a change in the role of the most senior manager responsible for the nursery, the community should experience no difference as a result of this option.

6.0 Consequence of Preferred Option

There will be a saving in staffing costs. This will not diminish the quality of the service provided to children and families.

7.0 Financial Implications

The financial implications of this proposal are for option 1 £200,000 and for option 2 £3,500.

8.0 Other Considerations

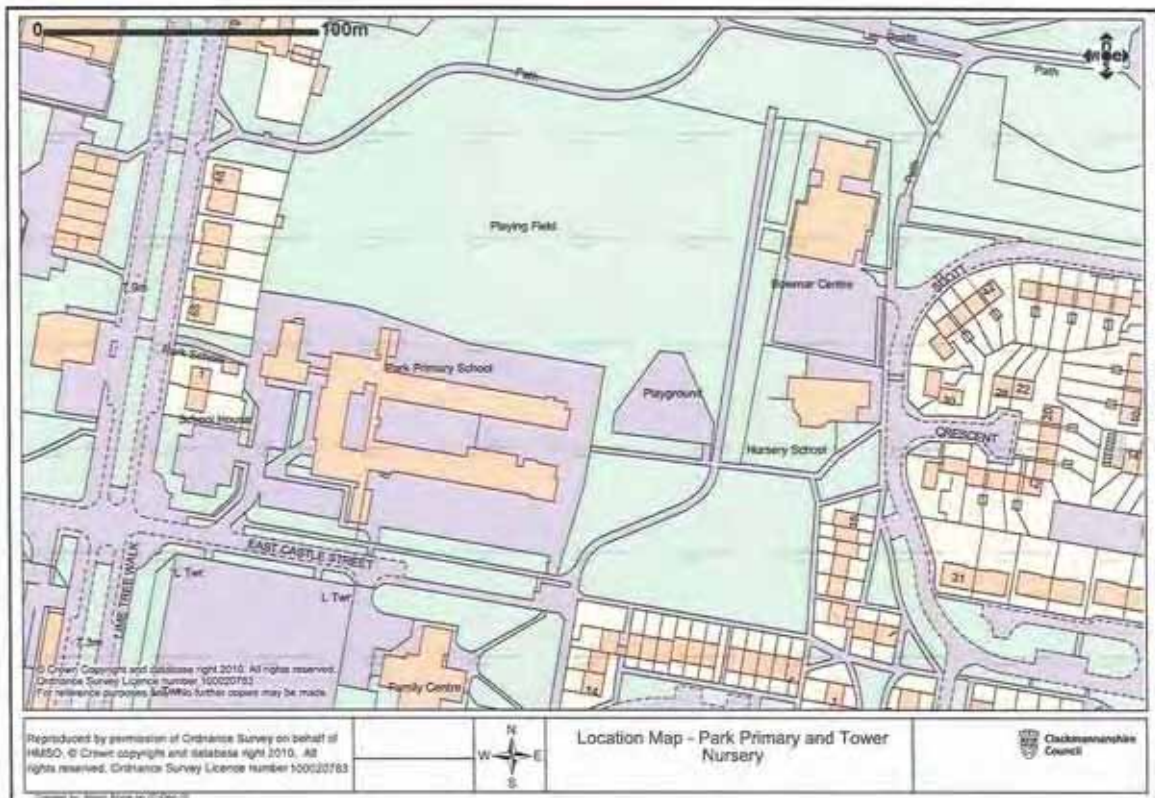
8.1 Feasibility

There is a finite sum of money with which to work. Costs of borrowing over an extended period (30 - 50 years) have to be examined in each of the options where borrowing would be required. It is essential that the best balance between providing the best possible accommodation and resources to ensure that teaching and learning reflect the principles necessary to implement a Curriculum for Excellence.

In the case of Tower Nursery, the purpose built unit provides the best option at times of financial constraint. As well as regard being given to the accommodation requirements of merged service provision, consideration was given to whether there were travel time or safety issues that would preclude the proposed changes taking place.

The distance between the two schools is 50m from the rear of the primary school to the perimeter fence of the nursery.

Impact of the proposal



8.2 Safety

There would be no safety issues as a result of this change.

8.3 Service Users

8.4 The proposal will result in pupils in the nursery having access to facilities in the school when appropriate. Some children already using the school dining facilities for lunch. From time to time, it might be appropriate for P1 children to make use of the play facilities in the nursery.

8.5 Staff

8.6 The proposal would mean that a headteacher post would become redundant. Currently, both headteacher posts are filled by acting appointments. Any surplus staff would be redeployed wherever possible. All staff transfers would be completed in accordance with the Council procedures relevant to the posts. There would be no impact on staff travel arrangements. Staffing of the school will be in accordance with Council staffing standards and the regulations of relevant bodies such as the Care Commission for staffing in the nursery. The staffing allocation for support assistants may vary because these posts are allocated to schools on a needs led basis and are managed by the Access to Educational Resources Group. In order to facilitate the management of the nursery, it is proposed to improve the perimeter fence to include a locked gate on the west side of the building and also to convert a door at this side of the building to provide secure access for staff.

- 8.7 Trade Unions and Professional Associations
Representatives of all staff will be included as part of the consultation exercise.
- 8.8 Other pupils in the authority
All pupils will benefit from an education service that is efficient and makes best use of available resources which can be focussed on front-line delivery.
- 8.9 Other users of the buildings
Current levels of community use do not indicate that either building fulfils a particular need in the community. The proximity of Alloa Academy means that all community use can be provided for in that establishment.
- 8.10 Financial impact
The costs of altering the door and fence are estimated at £3 500.
- 8.11 Environmental impact
There would be no change to the current impact.
- 8.12 Equal opportunities
As part of the consultation, the Council will consult with a wide range of stakeholders including staff, parents, pupils, trade unions, elected members and members of the community. Comments about equality will be addressed. The target groups are:
- disability
 - gender
 - sexual orientation
 - belief
 - age
 - black and ethnic minorities
- 8.13 Under the Disability Discrimination Act, (DDA) education providers must not treat disabled pupils less favourably and should take reasonable steps to avoid putting disabled pupils at a substantial disadvantage. This is the reasonable adjustments duty. The Council is committed to providing a fully accessible service to all pupils.
- 8.14 Subject to a more detailed Equalities Impact Assessment, the Council considers that there will be no negative impact on any of the target groups. If, in a subsequent EIA issues are identified then these will be addressed by the Council.

Consultation arrangements for this proposal document

The full consultation timeline is attached at the end of this document

1. Consideration by the Council's 3-12 Working Group, by Council at its December 2009 meeting and at a special Council meeting held on **9 July 2010**.
2. Proposal Document issued to consultees and published on clacksweb
A copy will also be issued free of charge to the consultees listed on the previous page
3. An advertisement will be placed in relevant local newspapers. The proposal process may be announced on Central FM
4. Length of consultation
An advertisement will be placed in local newspapers on 6th of January 2011. The consultation will run thereafter until close of business on 24th February. This covers a period of 31 school days.
5. A public meeting will be held on 10th February further details are included on the next page
6. Involvement of HMIE
When the proposal document is published, a copy will be sent to HMIE. HMIE will also receive a copy of any relevant written representations that are received by the Council from any person during the consultation period. HMIE will receive a copy of oral representation made at the public meeting and, as available (and so far as is otherwise practicable), a copy of any other relevant documentation. HMIE will then prepare a report on the educational aspects of the proposal not later than 3 weeks after the Council has sent them all representations and documents mentioned above. The 3 week period of HMIE work will not begin until after the consultation period has ended. In preparing their report HMIE may enter the affected schools and make such reasonable enquiries of such people they consider appropriate and may make such reasonable enquiries of such other people as they consider appropriate.
7. Preparation of consultation report
The Council will review the proposal having regard to the HMIE report, written representation that it has received and oral representations made to it by any person at the public meeting. It will then prepare a consultation report. This report will be published in electronic and printed formats and will be advertised in local newspapers. It will be available on clacks web and from Council headquarters, Alloa library and the affected schools, free of charge. Anyone who made written representation during the consultation period will be informed about the report. The report will include a record of the total number of written representations, a summary of the written representations, a summary of the oral representations made at the public meeting, the Authority's response to the HMIE report, a copy of the HMIE report, and any other relevant information, including alleged inaccuracies and how those have been handled. The report will also contain the proposal in light of the HMIE report and representations (both written and oral) that it received. The consultation report will be published and available for further consideration for a period of 3 weeks.

8. Decision

This report together with any other relevant documentation will be considered by the Council which will come to a decision.

Scottish Ministers' Call-in. The Council is required to notify the Scottish Ministers of the council decision and provide them with a copy of the proposal document and the consultation report within 6 days of the decision being made. The Scottish Ministers have a 6 week period from the date of that final decision to decide whether they will call in the proposal. Within the first 3 weeks of that 6 week period, the Scottish Ministers will take account of all relevant representations made to them by any person. Until the outcome of the 6 week call in process has been notified to the Council, they will not proceed to implement the proposal approved at step 8 above. If the Scottish Ministers call in the proposal, they may refuse to consent to the proposal or grant their consent to the proposal subject to conditions or unconditionally. Until the outcome of the call in has been notified to the Council, it is unable to proceed to implement the proposal.

Note on corrections – If any inaccuracy or omission is discovered in this proposal document, either by the Council or any other person, the Council will determine whether relevant information has been omitted or whether there has been an inaccuracy. It will then take appropriate action which may include the issue of a correction or the reissuing of the proposal paper or the revision of the timescale for the consultation period if appropriate. In that event, relevant consultees and HMIe will be advised.

Public Meeting

A public meeting will be held to attend the discuss the proposals. Anyone wishing attend the public meeting is invited to do so, The meeting, which will be convened by Clackmannanshire Council in consultation with the parent councils of Park Primary School and Tower Nursery School will be addressed by the Chief Executive of Clackmannanshire Council or any other senior officer of the Council.

The meeting will provide an opportunity to:

- hear more about the proposals
- ask questions about the proposals
- have your views recorded so that they can be taken into account as part of the proposal process

The meeting will be held on **the 25th of February in the Alloa Academy**

A note will be taken at the meeting of questions and views. This note will be published on the Council website and a copy will be made available on request.

Responding to the proposal

Interested parties are invited to respond to the proposal by making written or electronic submissions to the Interim Head of Education, Clackmannanshire Council, Lime Tree House Alloa FK10 1EX. Email: servicestopeople@clacks.gov.uk

A form is provided at appendix 1 for the convenience of those wishing to respond. Its use is not compulsory. However, those wishing to respond are invited to state their relationship with the school – for example, pupil, parent, carer, grandparent, teacher in school, member of the community, etc. Responses from the parent councils, staff and pupil council are especially welcome.

Those sending a response whether by letter or electronically should be aware that their response will be open to public scrutiny and may be supplied to anyone making a reasonable request to see it. If they do not wish their response to be made publicly available, they should clearly write on the document 'I wish my response to be considered as confidential with access restricted to elected members and officials of Clackmannanshire Council'. Otherwise it will be assumed that the person making the response agrees to it being made publicly available.

Responses should be made to the proposal no later than close of business on Wednesday the 24th of February 2011

It is recommended that the Head of Education prepares a report on the results of the proposal process for consideration at a future meeting of the Council.

Conclusion

The Council has difficult decisions to make in the course of the next financial year and beyond. It is difficult to justify spending resources on property that could draw funding away from spending which would be of direct benefit to pupils.

The Council is of the view that the measures proposed in this document will improve the educational provision for a significant number of pupils in Alloa and in the wider Council area. In this way, the reputation for educational provision can be maintained and improved.

December 2010
Lesley Robertson
Interim Head of Education.

NB Consultation report must contain

- The number of written representations received.
- Summary of representations made at public meeting
- Summary of all written and oral representations made and the authority's response to these
- The authority response to the HMIE report
- The full text of the HMIE report
- A statement of how the authority reviewed the proposal in the light of the representations and the HMIE report
- Details of any omissions or inaccuracies and actions taken to correct these
- Explanation of how people can make representations to Ministers
- The report must be available in electronic and paper format at Greenfield on the website and at both schools as a minimum
- All persons who make written representations must be informed of the publication of the consultation report

Proposed timeline for consultation

Dates	Action
17th December	Confirm with HMIE consultation timescale Issue proposal to HMIE
12th January	Proposal published
18th January	Pupils at both schools given notice paper and guide to 'the act' leaflet
18th January	Consultation period begins
Repeated weekly from 18th January	Formal notification of public meeting 25th February 6.30pm in Alloa Academy
26th February	Minute of public meeting on website
1st March	Joint meeting of Schools' Parent Councils 1st March Alloa Academy
2nd March	Minute of joint meeting on website
3rd March	End of Consultation meeting
7th March	Responses to all written submissions made
14th March	Collate pupil consultation
14th March	Prepare all papers to submit to HMIE
10th March	HMIE report produced
28th March	Consultation report ready advertise publication of consultation report Inform all respondents who wrote of publication report
28th March	Finance and Legal approval 28/03/10
21st April	Council Meeting
27th April	Notify Ministers of decision to merge if approved
5th May	End of time for further consultation
19th May	Ministerial call in period



APPENDIX 2

Consultation Park Primary School & Tower Nursery School

Name: _____

Address: _____

Interest (please circle)

Parent/Carer

Pupil

Member of Staff

Prospective Parent

Member of Public

My preferred option: (please tick)

Option 1

Option 2

Any other comments: _____

Please return to: Consultation Park /Tower c/o Lime Tree House, Castle Street,
Alloa FK10 1EX, by 3 March 2011

