

FALKIRK COUNCIL

Subject: REFERRAL FROM ECONOMIC STRATEGY AND DEVELOPMENT COMMITTEE 1 DECEMBER 2009
Meeting: POLICY AND RESOURCES COMMITTEE
Date: 12 JANUARY 2010
Author: DIRECTOR OF DEVELOPMENT SERVICES

1. INTRODUCTION

- 1.1 The following Report was submitted to the Economic Strategy and Development Committee at its meeting on 1 December 2009. The purpose of this Report is to refer recommendations made by the Economic Strategy and Development Committee to Policy and Resources Committee for consideration.

2. RSNH MASTERPLAN AND MANAGEMENT FRAMEWORK

- 2.1 Committee considered the Report by the Director of Development Services on progress with the development of the RSNH Masterplan and Management Framework.
- 2.2 Committee was invited to agree a recommendation to:-
- (1) refer the RSNH Masterplan and Management Framework to Policy and Resources Committee for approval.
- 2.3 Councillor Martin, seconded by Councillor Lemetti, moved that the recommendation contained within the report be approved.
- 2.4 By way of an amendment, Councillor Coleman, seconded by Councillor Carleschi moved that approval of the Masterplan be given but subject to agreement that a) the Woodland Park be transferred to the Council's Parks portfolio and not to the Forestry Commission for future maintenance and development, and b) that suitable future use be found for the walled garden area rather than housing, to preserve its historic integrity.

On a division, 3 Members voted for the Motion and 7 Members for the Amendment.

- 2.5 Accordingly, Committee **AGREED** to refer to the Policy and Resources Committee the RSNH Masterplan & Management Framework for approval and agreement that the Woodland Park be transferred to the Council's Parks portfolio, and suitable future use be found for the walled garden area rather than housing to preserve its historical integrity.

3 FURTHER CONSIDERATIONS

- 3.1 NHS Forth Valley has considered which agency might best manage the woodland and this has culminated in its well advanced negotiations with the Forestry Commission. The Woodland Park essentially comprises a mature woodland environment, akin to Callendar Community Woods in Falkirk (already in the stewardship of the Forestry Commission)

and there would be no scope to meet the need for active sports pitch provision for community recreation.

- 3.2 In addition to the above, legal advice suggests it is unlikely the Council could compel NHS Forth Valley to enter into a management agreement with it. The core planning purpose, as expressed in the Masterplan, of bringing the woodland up to a good condition and maintaining it as an accessible public resource, can be met by NHS Forth Valley in other ways, such as the involvement of the Forestry Commission. In such circumstances it is not open to the Council to unreasonably withhold or delay approval of the Masterplan, as stated in the Section 75 agreement between the Council and Scottish Ministers. If Members should so wish, discussions could now be held with NHS Forth Valley to explore the Council taking on the role of maintaining the area.
- 3.3 However, as noted above, the Council could not compel NHS Forth Valley to enter into an agreement. In addition, delay would be encountered which is likely to frustrate any agreement with the Forestry Commission and, critically, any delay beyond February 2010 would endanger a stream of funding which the Forestry Commission and its agents could access in the short term. There would not be another opportunity to bid for such funds for a further year, and there would be no guarantee of success at that time. It is important to note that the opening of the first phase of the hospital is in May 2010 and agreement on the Woodland Park management arrangements and a start to work on the ground is highly desirable before that date. From the outset the Forestry Commission would intend to undertake community engagement and employ rangers to maintain and monitor the use of the woodlands as a national demonstration project in partnership with NHS Forth Valley.
- 3.4 In so far as the Economic Strategy and Development Committee's decision implies the Council acquiring the land, it should be noted that the woodland represents a property asset for NHS Forth Valley and that the appropriate open market value would have to be paid. It is understood that NHS Forth Valley have taken advice from the District Valuer, and the cost of acquisition would be more than just a nominal sum. The Council has made no budgetary provision for this eventuality.
- 3.5 NHS Forth Valley has also now further stressed the importance of retaining housing development at the walled garden. This enabling development is critical to the generation of funding to carry out the re-instatement of the adjacent Listed Category B Larbert House. The Masterplan proposes that this be centred on the walled garden in a courtyard form, to minimise the visual impact on the wider landscape and maintain the integrity of the existing built structures on site. To locate this housing element outwith the walled garden, it is considered, may encourage sporadic development forms which would not relate well in the surrounding landscape. Such development would potentially be contrary to the Council's own Development Plan policies EQ19 (Countryside Environmental Quality) and SC3 (Housing in the Countryside) in the emerging Council wide Local Plan.

4. RECOMMENDATION

- 4.1 **The Policy and Resources Committee is invited to give consideration to the recommendation outlined at Paragraph 2.5 above (being the original recommendation as amended by Economic Strategy and Development Committee on 1 December 2009) having regard to the terms of Paragraphs 3.1, 3.2 and 3.3 above.**

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For Director of Development Services
Date: 6th January 2010

Contact Officer: Alan Rodger, ext 4710

LIST OF BACKGROUND PAPERS
NIL