

AGENDA ITEM 1

FALKIRK COUNCIL

Subject: **COUNCIL POSITIONS**
Meeting: **FALKIRK COUNCIL**
Date: **28 JANUARY 2010**
Author: **ACTING DIRECTOR OF LAW AND ADMINISTRATION**

1. PURPOSE OF REPORT

1.1 The purpose of this Report is to:

- advise Council of the resignation of Councillor Gow as Leader of the Council and from membership of the Policy and Resources Committee, the Appointments Committee and of the Audit Committee.
- to invite Council to designate a successor leader and to appoint a convener to the vacant committee positions.
- to note that such appointments may have a consequential impact on other committee positions and to invite Council to make appointments where vacant positions arise.

2. LEADER

2.1 Council's Standing Orders provide that the leader of the Council is the "leader of the group or groups which form the administration". In order that the postholder can be appropriately remunerated, however, and in accordance with the terms of the Local Governance (Scotland) Act 2004 (Remuneration) Regulations 2007, Council is invited formally to designate the holder of the leader's position.

3. COUNCIL APPOINTMENTS

3.1 In accordance with the resignations from committees noted in paragraph 1.1, vacancies arise for a Convener of the Policy and Resources Committee, the Appointments Committee and the Audit Committee. Dependent upon who is appointed to these positions, further vacancies on those committees may also arise.

3.2 The appointment of a successor convener to Policy and Resources Committee may also have a consequential impact on scrutiny committee memberships, given the provision in Standing Orders which prohibits a member of Policy and Resources from sitting also on any of the scrutiny committees. Notice is accordingly given that there may be a need for Council to receive resignations and to make additional appointments at this meeting.

4. RECOMMENDATIONS

4.1 Council is invited to:-

- (1) Designate a member as Leader of the Council;**
- (2) Appoint a Convener of the Policy and Resources Committee and, if a vacancy still remains in the membership thereof, to fill said vacancy;**
- (3) Appoint a Convener of the Appointments Committee and, if a vacancy still remains in the membership thereof, to fill said vacancy;**
- (4) Appoint a Convener of the Audit Committee and, if a vacancy still remains in the membership thereof, to fill said vacancy; and**
- (5) Deal with such resignations from other positions as may be intimated and to make appointments to any vacancies that arise.**

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Acting Director of Law and Administration

Date: 21 January 2010

Contact Officer: Brian Pirie, Tel: 01324 506110

DRAFT
AGENDA ITEM 2(i)

FALKIRK COUNCIL

EXTRACT of MINUTE of MEETING of the POLICY AND RESOURCES COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on TUESDAY 12 JANUARY 2010 at 10.30 a.m.

PR95. REFERRAL FROM ECONOMIC STRATEGY AND DEVELOPMENT COMMITTEE – 1 DECEMBER 2009

With reference to Minute of Meeting of the Economic Strategy and Development Committee held on 1 December 2009 (Paragraph ESD29 refers), there was submitted Report (circulated) dated 6 January 2010 by the Director of Development Services enclosing a Report “RSNH Masterplan and Management Framework” considered by said Committee and referred to Policy and Resources Committee for approval.

Councillor Fry, seconded by Councillor Nimmo, moved the recommendation in the Report, namely that Committee approves the RSNH Masterplan and Management Framework.

By way of an amendment, Councillor Alexander, seconded by Councillor Kenna moved that, in addition, Committee “agrees 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.”

On a division, 3 Members for the Motion and 4 Members voted for the Amendment.

Accordingly, **AGREED:-**

- (1) to approve the RSNH Masterplan and Management Framework; and
- (2) 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.

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

AGENDA ITEM 2(ii)
APPENDIX 1

FALKIRK COUNCIL

Subject: **RSNH RESIDUAL ESTATE, LARBERT
MASTERPLAN AND MANAGEMENT FRAMEWORK**
Meeting: **ECONOMIC STRATEGY & DEVELOPMENT COMMITTEE**
Date: **1ST DECEMBER 2009**
Author: **DIRECTOR OF DEVELOPMENT SERVICES**

1. INTRODUCTION

- 1.1 In December 2004, the Council approved a Development Framework for the Former RSNH Site, Larbert. The Development Framework was prepared in response to the choice of the RSNH site as the location for the new Forth Valley Acute Hospital (FVAH). It sought not only to provide guidance for the new hospital, but also to outline requirements for the future use, management and maintenance of the wider estate including safeguarding and promoting new uses for the Category B listed Larbert House, stables and walled garden.
- 1.2 The Development Framework required the preparation of a masterplan for the site, which would provide further detail on how the site would be developed, and a management framework which would outline management proposals for the estate, and identify mechanisms and responsibilities for implementation and long-term maintenance.
- 1.3 In March 2007, detailed planning permission was granted for the FVAH, and the construction of the hospital is now well advanced, with the first phase due to open in May 2010. The associated Section 75 Agreement reinforced the Development Framework by requiring NHS Forth Valley to submit a masterplan and management framework for the residual RSNH estate to the Council for approval, and thereafter to implement it. No development within the residual estate is permitted in advance of the Council's approval of the masterplan.
- 1.4 NHS Forth Valley have now formally submitted the RSNH Masterplan and Management Framework (hereafter referred to as the Masterplan) to the Council for approval, following an extensive period of discussion on its scope and content with Council officers. This report summarises the document and seeks authority for its referral to Policy & Resources Committee for formal approval. The Masterplan is appended to the report.

2. EXTENT OF MASTERPLAN

- 2.1 The residual estate covered by the masterplan is defined in the Section 75 Agreement, and is identified on page 1 of the document. It consists of the RSNH Estate, excluding the hospital site and the agricultural fields to the east, south and north. The main components of the area are :
- the western woodland;
 - Larbert House, stables, walled garden and the core parkland;
 - the loch; and
 - residual areas of largely brownfield land immediately to the south of Old Denny Road.

3. APPRAISAL AND ISSUES

- 3.1 The Masterplan contains an appraisal of the estate and the management issues facing it.
- 3.2 The estate comprises the 19th century designed landscape associated with Larbert House. This includes amenity parkland, extensive policy woodland and the loch. The landscape, particularly the woodland, has been much modified over the intervening years. Whilst the trees and woodland are significant landscape and biodiversity features, their condition is generally poor due to lack of management over a number of years. Their amenity and habitat value is limited due to colonisation by invasive species such as rhododendron giving rise to limited natural regeneration and species diversity. The loch is an integral part of the designed landscape and is of high local habitat value but is also in need of management intervention.
- 3.3 The estate is identified as a regional level open space in the Council's draft Open Space Strategy, providing access to an extensive area of natural/semi-natural greenspace for residents in Larbert. The network of paths within the estate is used extensively for informal recreation. Although identified as being a of 'good' quality, the Open Space Strategy indicates that the area is not achieving its potential and requires improvement. Recreational demand is likely to increase with the opening of the hospital due to potential use by staff and visitors.
- 3.4 The Category B listed buildings within the residual estate comprise Larbert House, the stable block and the walled garden. Larbert House was damaged by fire in December 2006, losing its roof, floors and internal walls. The stable block and walled garden are also in a state of disrepair.
- 3.5 Land immediately to the south of Old Denny Road divides into two areas. The area to the west is currently occupied by the hospital contractor's compound. When vacated it will be available for development. The area to the east, which was identified in the Development Framework as part of a potential Chapel Burn flood prevention scheme, will now exclusively be used for flood protection for the hospital.

4. MASTERPLAN PROPOSALS

4.1 The key objectives of the RSNH Development Framework for the residual estate were:

- To secure the conservation, enhancement and management of the estate's natural heritage, whilst providing a valuable recreational asset for the local community. The creation of a country park or community woodland, as an integral part of the wider Falkirk Greenspace Initiative, was envisaged.
- To secure the cultural heritage of the site, including the restoration and reuse of the listed buildings. Acknowledging the viability issues associated with such restoration, two areas of enabling development were identified adjacent to the stable block and the walled garden.
- To capitalise on additional business potential arising from the site's exceptional environment and location. Development sites were identified adjacent to the core hospital site with potential for business development.
- To secure a flood attenuation solution within the site to address downstream flooding problems associated with the Chapel Burn.

4.2 The following sections indicate how the Masterplan has sought to meet these objectives.

Estate Management

4.3 In line with the Development Framework, the Masterplan proposes the development of a Woodland Park, covering the core parkland, woodland and loch areas. These would be managed for biodiversity, amenity and informal recreation. The core parkland around Larbert House would be restored through restocking and rhododendron clearance. The majority of the woodland areas would be managed to progressively convert these to semi-natural deciduous woodland by controlling invasive species, removing conifers and non-native species, and appropriate restocking. The loch would be restored, with wet woodland and damp meadow around its margins.

4.4 A path network would be provided with upgraded all-weather paths based around the existing estate driveways, complemented by a network of paths within the woodland areas.

4.5 The scope of the works shown in the Masterplan are indicative at this stage. It is anticipated that more detailed management proposals would be brought forward, following appropriate consultation, once it is clear which agency will be taking the project forward.

Listed Buildings and Associated Development Sites

- 4.6 The Masterplan proposes the restoration and conversion of Larbert House and the stable block for residential use. Residential use is proposed within the development sites identified in the Development Framework adjacent to the stable block and to the west of the walled garden. Some development, arranged around a landscaped open space, is also proposed within the walled garden itself. Together this would form a compact residential development accessed from the south. A design brief and indicative layout are included in the Masterplan to provide guidance to prospective developers on the design principles to be followed and the quality of development required.

Ancillary Business Opportunities

- 4.7 The scale of the hospital development footprint has meant that much of the land which the Development Framework envisaged as being available for ancillary business development has had to be incorporated into the hospital site. The area currently occupied by the contractor's compound (identified as site 2b in the Masterplan) is the only residual area capable of accommodating additional business development. The Masterplan indicates that this will be retained by NHS Forth Valley for future hospital related development.

Flood Attenuation Area

- 4.8 The Development Framework safeguarded an area of land to the north of the hospital for the provision of a flood prevention scheme for the Chapel Burn (identified as site 2a in the Masterplan). However, the Masterplan reflects the more recent view that this area will provide flood storage for the hospital alone and that additional flood attenuation capacity associated with the wider Chapel Burn scheme would be provided to the north of Old Denny Road.

5. DELIVERY MECHANISMS

Estate Management

- 5.1 Implementation of the Woodland Park will require substantial capital and revenue resources, and an appropriate vehicle to deliver the proposals to an agreed timescale and to manage the area in the long-term.
- 5.2 The Masterplan considers various delivery models including: direct delivery by NHS Forth Valley; a Trust such as Central Scotland Forest Trust, which would be well placed to access grant funding; or the Council, which might be prepared to adopt the areas on payment of appropriate sums to cover future capital and revenue costs. However, recent discussions have taken place with the Forestry Commission who have expressed an interest in managing the estate, on the basis that the project would fit well with the Woodlands In and Around Towns (WIAT) programme, and with the policy objectives as stated in the Scottish Forestry Strategy. They are well equipped as an organisation to take it on. This is currently the preferred option. Discussions between the various parties on the terms of any such arrangement are ongoing.

Listed Buildings and Development Sites

5.3 The restoration and conversion of the listed buildings and the associated enabling development would be undertaken by a private developer. NHS Forth Valley carried out a development appraisal which suggested that the development would be viable, although this assessment was undertaken prior to the current economic downturn. NHSFV intend to market the sites as a package in the near future.

6. OTHER ISSUES

Matters Raised by Former Environment & Heritage Committee

6.1 In April 2008, a progress report on the implementation of the Development Framework was considered by the former Environment & Heritage Committee. The report gave an indication of the options which were being considered in preparing the Masterplan. The Committee raised two issues which officers were specifically instructed to raise with NHS Forth Valley. These were:

- Consideration of an urban park as part of the proposals for the residual estate; and
- Consideration of the inclusion of an affordable housing element within the Larbert House development.

6.2 In relation to the urban park issue, NHS Forth Valley have indicated that they are unable to support the provision of such a facility as it would involve land that the Board had committed to sell to the tenant farmer. An urban park would comprise playing pitches, play facilities, changing facilities and parking which would require land within the eastern and southern pastures. These areas are no longer part of the residual estate, and so the inclusion of a larger, more intensive recreational facility would not be an option unless the land was re-acquired from the farmer. For this reason also, the replacement pitch which is required by the Section 75 Agreement (to compensate for the loss of a pitch through the hospital development) will not be provided within the residual estate. Instead, NHS Forth Valley will contribute £100,000 to the provision or upgrading of pitches elsewhere.

6.3 In relation to the affordable housing issue, NHS Forth Valley consider that the costs associated with the restoration of Larbert House are such that an affordable housing element is unlikely to be financially viable, particularly in the current economic climate.

6.4 At a separate meeting in June 2008, the Environment & Heritage Committee raised the further issue of the potential for allotments within the RSNH estate. Allotments have not been included specifically as a proposal within the Masterplan, although NHS Forth Valley have indicated a willingness to consider the issue further.

7. CONCLUSION

- 7.1 The RSNH residual estate is an important but neglected community asset, which has the potential to complement and provide an attractive setting for the new Forth Valley Acute Hospital. In line with the RSNH Development Framework, the RSNH Masterplan sets out proposals for the creation of a Woodland Park, and the conversion and reuse of Larbert House and associated buildings in conjunction with enabling development.
- 7.2 The Masterplan sets out options for the delivery of the Woodland Park, and concludes that the Forestry Commission is the preferred option, subject to further discussions and agreement between the relevant parties. The listed buildings and development sites would be delivered by a private developer, and will shortly be marketed by NHS Forth Valley.

8. IMPLICATIONS

- 8.1 Policy. The RSNH Masterplan has been prepared to fulfil the requirements of the RSNH Development Framework, which was approved by the Council in December 2004.
- 8.2 Legal. The RSNH Masterplan has also been prepared to fulfil the requirement of Clauses 6.1.1 – 6.1.3 of the Section 75 Agreement associated with the planning permission for the Forth Valley Acute Hospital
- 8.3 Financial. The Council has no obligation to contribute financially to the future management and maintenance of the RSNH residual estate, although there may be opportunities, as a partner, to contribute from existing budgets.
- 8.4 Personnel. None.

9. RECOMMENDATION

- 9.1 **That Committee refers the RSNH Masterplan & Management Framework to the Policy & Resources Committee for approval.**

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Director of Development Services

Date: 9 November 2009

Contact Officer: Alistair Shaw (Development Plan Co-ordinator), ext 4739

LIST OF BACKGROUND PAPERS

1. Development Framework for the Former RSNH site, Larbert. December 2004.

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504739 and ask for Alistair Shaw