Community Empowerment (Scotland) Bill

Stage 1 Call for Evidence

Submission by Dollar Community Council
to the Local Government and Regeneration Committee concerning
Part 2 of the Bill

Contact details:
Local Government and Regeneration Committee

Submission Name: Dollar Community Council
Submission Number: 17

Executive Summary

Although Community Councils are statutory bodies, local authority officials have no duty to act upon their representation of community wishes within the planning process. Our evidence is based on the Dollar Community Council (DCC) attempt to influence the Local Development Plan (LDP) in Clackmannanshire (Clacks) during 2012-2014:

- In 2012, at the cost of £5,000, the DCC created a Community Plan that articulated the vision of the community detailing the wishes and preferences of its residents and business owners for its development until around 2040;
- In 2013, at a cost of over £35,000, the Community Council appointed an, Urban Design & Town Planning Consultancy to develop a Masterplan for the same period;
- The aim was to stimulate sustainable growth of an appropriate style and character to an historic town;
- In 2013 a Masterplan Steering Group was formed by DCC comprising landowners, residents and a representative from the local authority;
- Details of how the steering group operated are provided below.

When submitted to the Clacks Council it became clear that the officials felt no duty, obligation or professional need to consider changes to the LDP that would enable the aims set out in the Masterplan. DCC believe that whilst efforts made over 3 years to convey the wishes of residents have been ignored because the existing statutory process does not place a duty on local authorities to involve community partners.

It is therefore hoped that the Community Empowerment Bill will impose duties on local authority officials to respond to officially organised community processes as part of the envisaged ‘Community Planning Partnership’. The bill must also include an ombudsman to which Community Councils may turn when these duties are not properly performed because it is felt that, based on our evidence, the Committee should not underestimate the changes needed to counter the ‘top-down’ inclinations and culture of present-day planning departments.
Dollar as a community

Dollar is a town in Scotland’s smallest county, Clackmannanshire. It is one of the Hillfoots Villages, nestling below the Ochil Hills to the north and the River Devon to the south. Dollar is on the A91 road, which runs from Stirling to St Andrews, around 3 miles east of Tillicoultry. In 2010 the population was estimated at 2,970. The Historic Scotland Castle Campbell, a well-preserved, late medieval tower-house castle, overlooks the town centre. Dollar Academy, one of Scotland’s top independent schools, is integral to the old town.

It displays many of the characteristics of a vibrant society with its own Museum, 10 hobby groups including the Hillfoot Harmony choir, 11 sporting clubs all which have junior programmes, 5 organisations specifically supporting child and youth development such as scouting and guiding and 5 groups catering for neighbours and friends. Its primary school has a roll of over 200 pupils. There are 2 church congregations.

However Dollar is certainly not immune from many of the challenges facing similar sized settlements. One of the most common challenges relates to the gradual decline of independent retailers in small towns and how this process can be managed and potentially reversed. There is also a lack of business park type accommodation for local micro businesses.

DCC took the approach that an expansion of the town boundaries would mean positive outcomes providing housing development was managed in the interests of the community.

Community Planning 2012

A Community Plan provided the means in which the Dollar community came together to collectively decide on a range of initiatives that meet the growing needs of their town and how these can be appropriately co-ordinated and phased with and without an expansion. The main goal of the Dollar Community Plan was to identify short, medium and long term proposals designed to maximise not only the social and physical potential of the town, but also address the economic benefits needed.

The creation of the community plan took place during the period April to August 2012. Through a series of meetings, workshops and public consultation the plan realised its vision as:

‘Dollar will be an attractive and vibrant rural town, offering a safe and friendly environment in which to live, work and visit. Building upon its community spirit, strong historic and
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educational roots, Dollar must continue to evolve towards a sustainable and prosperous future'.

This headline vision was substantially supported by detailed ‘what and how’ plans. With regards to the size of Dollar, it was concluded that whilst some would prefer there to be no change in the town, the majority of residents felt that Dollar would benefit from some appropriate growth. The Community Plan emphasised that this must be carried out to a very high standard of planning and design, leading to the following potential benefits:

- Increased population to support and sustain local shops and services;
- Provision of new homes, including affordable units for local people ‘priced out’;
- New facilities including an improved primary school, park, cemetery and sports fields;
- Opportunities for employment via new office space and a sports campus.

A copy of the Community Plan was sent to the Chief Executive of Clackmannanshire Council on August 13th 2012 and to Derek Mackay MSP at the same time.

The 2013-2014 Masterplan Initiative

Context

The Masterplan became the means by which the community vision could be articulated on the ground. In late 2013 DCC were able to obtain draft copies of the LDP for the county and it was decided to commission a project to develop as Masterplan for the expansion of the town.

In considering a Masterplan approach DCC was aware of the provision made under Section 22 of the Planning etc. Scotland Act 2006 for the preparation of supplementary guidance in connection with a Local Development Plan. It understood that Supplementary Planning Guidance (SPG) can include documents such as Masterplans, Development Briefs and expressions of detailed policy which expand upon or supplement the policies and proposals in the current Adopted Local Plan.

DCC was also aware of PAN 83 covering the Masterplanning process from beginning to end, including understanding the need for Masterplanning, to preparing, creating, processing and implementing a Masterplan.

DCC was therefore confident that the commissioning of a Masterplan would fit into the statutory process of the Clackmannanshire LDP and this belief was strengthened by the involvement of a senior manager in the steering group stakeholders.
Stakeholders
Dollar Community Council
Harviestoun, Landowner & Partner
Dollarfield, Landowner & Partner
Dollar Academy, Landowner & Partner
Clackmannanshire Council

Professionals
The Paul Hogarth Company, Masterplanner
Etive Consulting, Engineer
Sam Shortt Consulting, Transport Consultant
Robin Kent Architecture, Conservation Architect
Guard, Archaeologist

Key Component
A key component within the Masterplan is the ambitions of Dollar Academy to develop a Community Sports Campus operated as a regional/ national centre of excellence with the duel benefit of modern facilities and, crucial to the needs of the town, employment opportunities. However to enable this major project the proposed LDP boundaries did require extension to the south of the town.
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Masterplan development and timetable

The Masterplan was developed during the 7 month period October 2013 and April 2014 involving seven monthly working group meetings chaired by the DCC chairman and attended by the stakeholder partners, professionals, Dollar community council members.

In February 2014 a two week public consultation was mounted to obtain feedback on the emerging document.

The consultation established 80% support for the principle of a community led Masterplan and over 80% support of the outcomes.

A commercial appraisal was commissioned late in the process. However this step simply highlighted how unfeasible it would be to implement the Masterplan when Clacks Council refused to contemplate financial involvement.
Involvement of Clackmannanshire Council

During meetings 30 October and 8 November 2013 Clacks Council was kept briefed of the Masterplan progress. However the reaction to a request that the new LDP green belt boundaries were revisited (to overcome good practice issues such as defensible edges and the concern of constraining development in relation to the economics of funding a new long term and permanent access off the A91) the planning department manager responded by saying that there was no time to promote a schedule 4 change in the LDP for the south boundary despite accepting a similar change to the east boundary, even though the LDP had still become public.

The advice that we could express our objections during the LDP public consultation period in early 2014, thereby relegating the Masterplan process to the status of a ‘public contribution’, is clear evidence that the authority officials had no intention of amending the draft LDP in relation to the south boundary, critical to the smooth passage of the Community Sports Campus.

Final Response from Clackmannanshire Council

Prior to Clacks Council putting their proposed LDP forward to the full body of elected members for adoption Dollar Community Council was again informed that this proposed LDP would not be altered by the inclusion of any boundary changes as set out in our Masterplan because that would mean going out to public consultation and hence delay.

After the members adopted the LDP Clacks Council informed Dollar Community Council that the submission to the Scottish Government would include the preparation and submission of Schedule 4 forms laying out their views and acceptance of these proposed boundary alterations as laid out in our Masterplan. We have had no confirmation that this was done or even that the LDP has been submitted to the Scottish Government.

Dollar Community Council conclusions and appeal for change

Dollar Community Council, as well as Dollar Civic Trust, has made many representations over the years to Clacks Council not only on planning proposals but on the general well-being and upkeep of the town.

It is our view that decisions taken by Clacks Council do not always reflect the views and wishes of the majority of Dollar Townsfolk.

We would ask the Scottish Government to take these observations into account and develop statutory orders to compel Local Authorities to heed the wishes of local communities within the parameters laid down in current and future planning regulations. The bill must also include an ombudsman to which Community Councils may turn when these duties are not properly performed because it is felt that, based on our evidence, the Committee should not underestimate the changes needed to counter the ‘top-down’ inclinations and culture of present-day planning departments.