

MINUTE of MEETING of the ENVIRONMENT POLICY DEVELOPMENT AND SCRUTINY PANEL of WEST LOTHIAN COUNCIL held within COUNCIL CHAMBERS, WEST LOTHIAN CIVIC CENTRE, on 3 OCTOBER 2017.

Present – Councillors Tom Conn (Chair), Cathy Muldoon, Alison Adamson, Diane Calder, Chris Horne, Dave King, George Paul

Apologies – Linda Lochie, Voluntary Sector Gateway

1. DECLARATIONS OF INTEREST

There were no declarations of interest made.

2. MINUTE

The panel confirmed the Minute of its meeting held on 7 September 2017 as a correct record. The Minute was thereafter signed by the Chair.

3. SCOTLAND'S CLIMATE CHANGE DECLARATION - ANNUAL REPORT 2016/17

The panel considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration, providing information on West Lothian's annual Scottish Climate Change Declaration for 2016/17. Appendix 1 to the report contained full details of West Lothian's annual Scottish Climate Change Declaration for 2016/17.

The report advised that the council had been voluntarily reporting on Climate Change since becoming a signatory to Scotland's Climate Change Declaration in 2007. Since 2016/17 reporting had become mandatory in compliance with the Public Bodies Duties of the Climate Change (Scotland) Act 2009.

The Head of Planning, Economic Development and Regeneration explained that the declaration was split into two sections. There was a required section which must be completed and a recommended section which was optional.

The first part of the required section provided key information about the organisation and the report year covered. Part two included information on how the council provided effective governance, leadership and management of climate change. There was particular emphasis on the role of senior staff and elected members in climate change initiatives and groups, and in promoting awareness and action on climate change.

The report went on to provide a summary of the Declaration for West Lothian.

The report recommended that the panel:-

1. Note the contents of the Declaration at Appendix 1; and

2. Consider and comment on the annual report prior to its submission to the Council Executive for approval and, subject to that approval, onward submission to Sustainable Scotland Network and the Scottish Government.

#### Decision

1. Noted the contents of the report; and
2. Agreed that the report and its recommendations be forwarded to the next appropriate meeting of the Council Executive for approval.

#### 4. THE FEED ENFORCEMENT (SCOTLAND) REGULATIONS 2018 CONSULTATION

The panel considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration, providing the draft response to the Food Standards Scotland (FSS) consultation on the proposed Feed Enforcement (Scotland) Regulations 2018. Appendix 1 to the report contained the proposed response.

The report advised that during the period 2009 – 2014, the auditors of the European Union and Food and Veterinary Office (FVO) and the Food Standards Agency (FSA) identified a number of issues relating to how feed official controls were organised and delivered by local authority trading standards in Scotland.

The Food Standards Agency (FSA) undertook a full review of how feed controls were delivered in the UK in 2012 and implementation of the outcomes took place from 2013 in England, Wales and Northern Ireland. Scotland delayed the progress of a new delivery model in order to establish Food Standards Scotland (FSS).

In September 2015, the Food Standards Scotland Board agreed as a result of concerns raised, the model of delivery of official controls in Scotland should change. It recommended a model of greater accountability and control and dedicated resource should be implemented to address concerns. In January 2016 the Food Standards Scotland Board agreed that its executive should develop a centralised model of delivery for implementation. With time required to secure support and make the necessary legal amendments implementation was now planned for early 2019/19.

The Head of Planning, Economic Development and Regeneration explained that within West Lothian feed controls were currently delivered by the council's trading standards service and it was estimated this typically accounted for less than 0.3fte across a range of administrative, management and frontline functions.

The Food and Veterinary Office recommended that individual officers delivering feed controls should spend at least 0.5fte on this function to maintain professional competencies. It was understood the proposed

regional delivery model would see West Lothian placed within a group of authorities served by Scottish Borders council which had been identified as having the necessary expertise to act lead authority. However no formal agreement had been reached at this time.

The report went on to advise that West Lothian's share of the £325,000 funding currently allocated to local authorities for feed control was £8,000 and the consultation proposed that there would be a consequential reduction in the overall financial settlement from the Scottish Government and transferred to Food Standards Scotland for subsequent redistribution to the lead authorities.

The report recommended that the panel note and consider the proposed response to the consultation by Food Standards Scotland in relation to the Feed Enforcement (Scotland) Regulations 20178 which was intended to be submitted to Council Executive for approve and submission.

#### Decision

1. To note the contents of the report; and
2. Agreed that the report and its recommendations be forwarded to the next appropriate meeting of the Council for approval.

#### 5. LOCAL AIR QUALITY IN WEST LOTHIAN 2016

The panel considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration inviting comments on the ongoing and future actions associated with air quality monitoring and to advise that the annual statutory Annual Progress Report had been submitted and accepted by the Scottish Government.

The report advised that the direct impact on health of poor air quality continued to retain a high profile. Air quality related ill health and premature deaths was now recognised as fact. Repeated publication of research made the health implications increasingly clear and well understood.

At both UK and Scottish level, it was accepted that action was necessary to tackle poor air quality, which was also viewed as an equality matter. The statutory Joint Health Protection Plan indicated that cancers, cardiovascular and respiratory issues featured as the top three most common causes of death in Lothian and that all three of these causes were impacted by air quality.

The Head of Planning, Economic Development and Regeneration explained that the Air Quality (Scotland) Regulations 2000, as amended set down standards and objectives to be achieved by specified dates for eight priority pollutants. Previous reports identified that only Nitrogen dioxide (NO<sub>2</sub>) and particulate matter (PM<sub>10</sub> and PM<sub>2.5</sub>) need to be monitored therefore reporting was limited to these pollutants.

The annual 2017 Annual Progress Report was the second to follow the

revised technical and policy guidance and covered the calendar year 2016. It included reporting on progress with Air Quality Management areas and was submitted on time to the Scottish Government.

The report went on to advise that air quality in West Lothian was monitored by deploying three real-time analysers and a selection of suitably located passive diffusion tubes which absorb pollutants onto a coating and then analysed in a laboratory. The deployment of passive tubes was generally used to ascertain whether installation of a real-time analyser was required to supplement real-time monitoring.

It was reported that the Broxburn Air Quality Action Plan was complete and was presented to the Broxburn, Uphall and Winchburgh Local Area Committee on 15 June 2017 prior to wider consultation. It was then presented to the Environment PDSP on 7 September 2017 and the Council Executive on 19 September 2017 to approve the final stage of public consultation.

It was also reported that measures identified as potential activities to improve air quality in Linlithgow and Newton had been screened and prioritised. Draft Air Quality Action Plans for Linlithgow and Newton were developed and internal scrutiny before being presented to the PDSP and Council Executive requesting consent for public consultation. Funding for ongoing support of this activity by Ricardo Energy and Environment had been secured from the Scottish Government. The ANPR based travel survey for Linlithgow reported that additional analysis was required to make it fully useful to inform future decision making. This was included as a measure in the emerging draft AQAP for Linlithgow.

The report also advised that real time vehicle emissions testing project commenced on the A8 at Maybury on 20 March 2017 and deployment on the A89 Broxburn commenced on 27 March 2017.

The project outcomes report was received in draft for review and would be reported to a future meeting of the Environment PDSP. In addition the dataset was shared with Transport Scotland and academics working for the Department for Transport.

In conclusion the report advised that Air Quality management continued to be an increasing national and local priority. The implications for health were becoming clearer and could not be ignored.

In West Lothian air quality was generally good but Broxburn, Linlithgow and Newton all had Air Quality Management areas due to past exceedances, or likely exceedances of the permitted pollutant levels.

The report recommended that the panel note that the Annual Progress report submitted in relation to air quality monitoring in West Lothian had received satisfactory feedback from both the Scottish Environment Protection Agency and the Scottish Government and had been approved for publication.

### Decision

To note the contents of the report.

6. WEST LOTHIAN ACTIVE TRAVEL - QUIET ROADS PROJECT

The panel considered a report (copies of which had been circulated) by the Head of Operational Services advising of the public consultation work undertaken in November 2016 on the concept of quiet roads in West Lothian and the recommended steps to progress the project

The report advised that since 2002, a number of local authorities in Scotland had pursued the quiet road concept. Established in guidance from the UK Department for Transport and the Scottish Government, quiet roads were typically rural roads, where walking, cycling and horse riding was encouraged through speed limit reduction, signage and other measures.

Based on experience elsewhere and technical guidance, rural roads eligible for quiet road status should have relatively low traffic volumes and average speed. Clackmannanshire Council used a threshold of 800 vehicles per day and speed limit implemented in line with 85<sup>th</sup> percentile measurements or where perceived speeds were below 30mph.

The report went on to advise that using the Sustrans Community Links funding, data was gathered on road traffic on an initial set of selected routes across West Lothian which were perceived to meet the criteria.

A public consultation exercise was then carried out and a report on the findings was attached as appendix one to the report.

The Head of Operational Services explained that following the results of the consultation it was considered that there was sufficient support to take forward a pilot scheme based on the initial potential quiet roads suggested by the council at the consultation stage. Appendix two provided a network analysis of the suggested council routes and those identified by the public during the consultation process.

The network analysis using detailed speed information supported the introduction a number of routes as detailed on plans attached to the report.

The report further advised that there was a formal statutory consultation process to be undertaken in the event that the proposals to implement lower speed limits on some rural roads move forward. Initial discussions with Police Scotland confirmed broad support for the initiative subject to detailed proposals being agreed.

Quiet roads were a significantly lower cost intervention to improve conditions for walking, cycling and horse riding compared to the development of off-road paths which required land-take, and footways. Costs from Clackmannanshire suggested they could be delivered at around £1,000 per km.

The next step was to consider that a pilot scheme based on the suitable routes identified should be taken forward for implementation. The available budget would not enable the delivery of all the routes and therefore it was considered that the pilot scheme should be self-contained and be capable of being developed into a connected network over time.

In conclusion quiet roads had been proven to work well in other rural parts of Scotland and it could be a cost effective way of securing safer routes for active travel and recreational use that would help with creating healthy lifestyles and the reduction in carbon emissions.

The report recommended that the panel note and consider the following recommendations which were intended to be submitted to Council Executive for approval:

1. Note the content of the report and the progress made to date on exploring the feasibility of establishing quiet roads in certain parts of West Lothian to promote walking and cycling for everyday journeys and active access to the outdoors;
2. Note the high levels of public support for the concept of quiet roads and individual routes;
3. Approve the routes shown on the map in appendix 3 as locations identified as suitable for inclusion on a quiet roads network; and
4. Note that following detailed designs a further report for a pilot project for the approved routes would be presented to Council Executive to commence the statutory procedures for speed limit changes.

#### Decision

1. To note the contents of the report; and
2. Agreed that the report and its recommendations be forwarded to the next appropriate Council Executive for approval.

#### 7. REPORT ON THE SEPA CONSULTATION - NEW COMPLIANCE ASSESSMENT SCHEME

The panel considered a report (copies of which had been circulated) by the Head of Operational Services providing information in relation to the probable impact of the changes likely to result from the SEPA consultation on the Revised Compliance Assessment Scheme 2018. Appendix 1 to the report contained the council response to the consultation.

The report advised that the consultation built on the details of the planned changes outlined in the 2015 Compliance Assessment Scheme (CAS) consultation and formed the basis of the CAS methodology that SEPA would use to make decisions about compliance.

SEPA's aim was to build on the best points of the current scheme to make CAS simpler, fairer, more useful and relevant for those they regulate. It would be linked to the charging scheme so that those with poor levels of compliance made a contribution to the increased costs to SEPA, which other charge payers end up supporting.

The report went on to advise that the new Compliance Assessment Scheme was considered to represent a major shift change that would improve operator environmental compliance in Scotland through time.

The new CAS was one product of the Better Environmental Regulation (BER) work aimed at supporting the Regulatory Reform (Scotland) Act 2014 implementation. It was seen as key to the successful implementation of SEPA's regulatory strategy by further developing the link between operator permit conditions and environmental compliance.

From 2019, SEPA proposed to introduce a compliance multiplication factor to permit charges under the Environment Regulation (Scotland) Charging Scheme.

In conclusion the report advised that the consultation was considered to represent an important part of an on-going improvement to the regulatory framework within Scotland. It was proposed that the council broadly support the consultation and provide feedback via the consultation questions.

The report recommended that the panel:

1. Note the contents of the report and the response to the consultation; and
2. Commends to the Council Executive that it approves the report allowing the response to be passed to SEPA.

#### Decision

3. To note the contents of the report; and
4. Agreed that the report and its recommendations be forwarded to the next appropriate Council Executive for approval.

#### 8. REPORT ON SEPA CONSULTATION - ENVIRONMENTAL REGULATION (SCOTLAND) CHARGING SCHEME

The panel considered a report (copies of which had been circulated) by the Head of Operational Services providing information on the probable changes likely to result from the SEPA consultation on Environment Regulation (Scotland) Charging Scheme 2016 and the proposed consultation response details of which was contained in appendix 1.

The report advised that the consultation presented the details of the planned changes outlined in the 2015 Charging Scheme consultation to

further develop the Environmental Regulation (Scotland) Charging Scheme 2016 which came into force on 1 April 2016.

The report went on to advise that SEPA changed its licence charging methodology significantly on 1 April 2016 and this consultation formed part of on-going of this annual charging mechanism. West Lothian had six CRCs spread across the area in Broxburn, Blackburn, Deans, Linlithgow, Oakbank and Whitburn. Each site was licensed by SEPA and incurred an annual charge in the form of a waste management licence.

SEPA provided an indication of the impact the changes would have on the council's annual charging costs under the current and proposed scheme over the next three years and this was detailed on table 1 within the report.

The Head of Operational Services explained that it was evident that there was an initial increase in annual licence costs for 2018/19 of around £1,000 and that this difference gradually increased heading towards 2020/21, however the annual cost under both schemes would decrease over time as a result of SEPA's proposal to lower the threshold at which the Environmental Charge component applied.

The report went on to advise that it was felt there was some ambiguity in the SEPA consultation document around one of their consultation questions, however this matter was discussed with the SEPA charging team and clarification was provided.

The Environmental Charging (Scotland) Scheme was one product of the Better Environmental Regulation (BER) work aimed at supporting the Regulatory Reform (Scotland) Act 2014 implementation. It was seen as key to successful implementation of SEPA's regulatory strategy by recovering more of its costs from those who were not compliant and thereby increasing the incentives for compliance.

In conclusion the consultation was considered to represent an important part of an on-going improvement to the regulatory framework within Scotland.

The report recommended that the panel:

1. Note the contents of the report and the response to the consultation; and
2. Commends to the Council Executive that it approve the report allowing the response to be passed to SEPA.

### Decision

1. Note the contents of the report: and
2. Agreed that the report and its recommendations be forwarded to the next appropriate meeting of the Council Executive for approval.



9. PETITION - SPEEDING CONCERNS OF THE RESIDENTS IN BANKTON PARK EAST AND BANKTON PARK WEST, LIVINGSTON

The panel considered a report (copies of which had been circulated) by the Head of Operational Services providing information in relation to a petition submitted by residents of Bankton Park East and Bankton Park West, to the Council Executive on 29 August 2017 and which was remitted to the Environment PDSP.

The report advised that concerns had been raised by residents with regard to speeding vehicles within Bankton Park East and Bankton Park West. An officer subsequently inspected the estate on two occasions to assess the situation and to try and ascertain if there was a speeding issue. The results of these inspections did not witness any concerns regarding speeding vehicles.

The present road geometry shown in appendix 1, comprised of bends and gradients with numerous on street parking and private driveway accesses, common with an estate of this design and age.

Following the site visits officers highlighted the concerns raised by the residents to Police Scotland who carried out patrols and concluded that they did not have any concerns regarding speeding vehicles or general road safety within the estate.

The Head of Operational Services explained that the council receive many requests for traffic calming but had a limited casualty reduction budget that must be prioritised. The annual Accident Investigation and Prevention (AIP) programme aimed to identify locations where engineering measures were likely to have the greatest impact on casualty reduction.

Bankton Park East and Bankton Park West had never been identified as a site for concern through the AIP programme and a review of the injury accident database for the latest 5 year period showed that there had been no injury accidents in this area. On this basis there was no justification for the introduction of traffic calming in the Bankton Park East and Bankton Park West estate at this time but it would continue to be monitored through the annual AIP programme.

The report recommended that the panel note and consider the following recommendation which was intended to be submitted to the Council Executive for approval:-

It was recommended that the Council Executive approve that Bankton Park East and Bankton Park West continue to be monitored through the annual Accident Investigation and Prevention programme.

Councillor Calder commented that given that there were 100 residents concerned about speeding in the area and the issue was about accident prevention she could not agree the recommendations of the report as she was of the opinion an accident had to happen before action would be taken.

Decision

1. To note Councillor Calder's comments;
2. To note the contents of the report; and
3. Agreed that the report and its recommendations be forwarded to the next appropriate meeting of the Council Executive for approval.

10. WORKPLAN

The Panel considered a list of items that would form the basis of the Panel's work over the coming months.

Decision

To note the contents of the workplan