



## ***Council Executive***

West Lothian Civic Centre  
Howden South Road  
LIVINGSTON  
EH54 6FF

8 November 2018

A meeting of the **Council Executive** of West Lothian Council will be held within the **Council Chambers, West Lothian Civic Centre** on **Tuesday 13 November 2018** at **11:00am**.

For Chief Executive

### **BUSINESS**

#### **Public Session**

1. Apologies for Absence
2. Declarations of Interest - Members should declare any financial and non-financial interests they have in the items of business for consideration at the meeting, identifying the relevant agenda item and the nature of their interest
3. Order of Business, including notice of urgent business and declarations of interest in any urgent business
4. Confirm Minutes of Meeting of Council Executive held on Tuesday 23 October 2018 (herewith)

#### **Public Items for Decision**

5. Community Council Special Project Grants - Report by Head of Corporate Services (herewith)
6. Affordable Housing Supplementary Guidance (2018) - Report by Head of Housing, Customer and Building Services (herewith)
7. APSE Performance Networks Seminar 2018 - Report by Head of Housing, Customer and Building Services (herewith)
8. 2018/19 Housing Revenue Account - Month 6 Monitoring Report - Report by Depute Chief Executive (herewith)

9. 2018/19 Housing Capital Report - Month 6 Monitoring Report - Report by Depute Chief Executive (herewith)
10. 2018/19 General Fund Revenue Budget - Month 6 Monitoring Report - Report by Head of Finance and Property Services (herewith)
11. 2018/19 General Services Capital Budget - Month 6 Monitoring Report - Report by Head of Finance and Property Services (herewith)
12. Autumn Budget 2018 - Report by Head of Finance and Property Services (herewith)
13. Confirmation of Stopping-Up Order: Existing Right of Way, J4M8 Distribution Park, Bathgate - Report by Head of Planning, Economic Development & Regeneration (herewith)
14. Scotland's Climate Change Declaration - Annual Report 2021/18 - Report by Head of Planning, Economic Development & Regeneration (herewith)
15. Consultation on Reducing Health Harms of Foods High in Fat, Sugar or Salt - Report by Head of Planning, Economic Development & Regeneration (herewith)
16. Scottish Awards for Quality in Planning - Report by Head of Planning, Economic Development & Regeneration (herewith)
17. Pentland Hills Regional Park Strategic Management Plan 2017-2027 - Report by Head of Planning, Economic Development & Regeneration (herewith)
18. Licensing of Mobile Home Sites with Permanent Residents - Report by Head of Planning, Economic Development & Regeneration (herewith)
19. Consultation on Historic Environment Scotland's "Draft Historic Environment Policy" - Report by Head of Planning, Economic Development & Regeneration (herewith)
20. Consultation on Licensing of Dog, Cat and Rabbit Breeding Activities in Scotland - Report by Head of Planning, Economic Development & Regeneration (herewith)
21. Supplementary Guidance on Air Quality - Report by Head of Planning, Economic Development & Regeneration (herewith)
22. Scottish Government Draft Statutory Guidance on Funeral Cost Consultation - Report by Head of Operational Services (herewith)
23. Roads and Transportation Services Transforming Your Council Proposals 2018/19 - 2022/23 Update - Report by Head of Operational Services (herewith)

- 24. Roads Safety Inspection Manual - 2018 Review - Report by Head of Operational Services (herewith)
- 25. Road Asset Management Policy and Plan 2018-2023 - Report by Head of Operational Services (herewith)
- 26. Riverlife: Almond and Avon Programme - Report by Head of Operational Services (herewith)
- 27. Conversion of Part-Time 20MPH Speed Limits to Full-Time 20MPH Speed Limits in West Lothian - Report by Head of Operational Services (herewith)
- 28. NETS, Land and Countryside Services Transforming Your Council Proposals 2018/19 - 2023/24 Update - Report by Head of Operational Services (herewith)

**Public Items for Information**

- 29. Early Retiral and Voluntary Severance - 1 April to 30 September 2018 - Report by Head of Corporate Services (herewith)

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NOTE      **For further information please contact Val Johnston, Tel No.01506 281604 or email [val.johnston@westlothian.gov.uk](mailto:val.johnston@westlothian.gov.uk)**



MINUTE of MEETING of the COUNCIL EXECUTIVE of WEST LOTHIAN COUNCIL held within COUNCIL CHAMBERS, WEST LOTHIAN CIVIC CENTRE, on 23 OCTOBER 2018.

Present – Councillors Lawrence Fitzpatrick (Chair), Frank Anderson, Harry Cartmill, David Dodds, Peter Heggie, Chris Horne, Charles Kennedy, George Paul, Damian Timson, Dave King substituted for Tom Conn, Andrew McGuire, substituted for Kirsteen Sullivan, Dom McGuire substituted for Cathy Muldoon, David Tait substituted for Peter Johnston

Apologies – Councillor Kirsteen Sullivan, Tom Conn, Peter Johnston, Cathy Muldoon

## 1. DECLARATIONS OF INTEREST

Agenda Item 12 – Planning, Economic Development and Regeneration (PED&R) Revenue Grants Budget 2019/20 - Councillor Lawrence Fitzpatrick declared an interest in Agenda Item 12 in that he was a council appointee to Dedridge Good Neighbour Network.

Agenda Item 12 – Planning, Economic Development and Regeneration (PED&R) Revenue Grants Budget 2019/20 - Councillor Andrew McGuire declared an interest in Agenda Item 12 in that he was a council appointee to West Lothian Citizens Advice Bureau.

Agenda Item 12 – Planning, Economic Development and Regeneration (PED&R) Revenue Grants Budget 2019/20 - Councillor Dom McGuire declared an interest in Agenda Item 12 in that he was a council appointee to Firefly Arts and Almond Valley Heritage Trust.

Agenda Item 12 – Planning, Economic Development and Regeneration (PED&R) Revenue Grants Budget 2019/20 - Councillor Harry Cartmill declared an interest in Agenda Item 12 in that he was a Trustee of the Bennie Museum and a council appointee to West Lothian/Grapevine Twinning Association.

Agenda Item 12 – Planning, Economic Development and Regeneration (PED&R) Revenue Grants Budget 2019/20 - Councillor Dave King declared an interest in Agenda Item 12 in that he was a council appointee to West Lothian/Grapevine Twinning Association.

Agenda Item 12 – Planning, Economic Development and Regeneration (PED&R) Revenue Grants Budget 2019/20 - Councillor Charles Kennedy declared an interest in Agenda Item 12 in that he was a council appointee to West Lothian/Grapevine Twinning Association.

Agenda Item 12 – Planning, Economic Development and Regeneration (PED&R) Revenue Grants Budget 2019/20 - Councillor Chris Horne declared an interest in that he was a council appointee to West Lothian/Grapevine Twinning Association.

Agenda Item 12 – Planning, Economic Development and Regeneration (PED&R) Revenue Grants Budget 2019/20 - Councillor Peter Heggie declared an interest in Agenda Item 12 in that he was a Council Appointee to the West Lothian Youth Action Project.

All members who declared an interest confirmed they would leave the meeting during consideration of this item of business.

2. ORDER OF BUSINESS

The Chair ruled in terms of Standing Order 11 that the order of business be changed to consider Agenda Item 12 after the last item of business.

The Chair also advised that the remaining members who would be present to consider Agenda Item 12 would be required to appoint a Chair.

3. MINUTE

The Council Executive confirmed the Minute of its meeting held on 9 October 2018 as a correct record. The Minute was thereafter signed by the Chair.

4. COUNCILLORS' LOCAL DISBURSEMENT FUND

The Council Executive considered a report (copies of which had been circulated) by the Head of Corporate Services advising of the expenditure from the Councillors' Local Disbursement Fund for the period 1 April to 30 September 2018.

The Head of Corporate Services explained that the guidelines for the operation of the Fund included a requirement for a summary report of expenditure from the Fund to be submitted to the Council Executive every six months.

Expenditure for the period 1 April to 30 September 2018 was attached to the report at Appendix 1.

The report continued to advise that the budget for the Fund for 2018-19 was £95,393.10 with each member allocated a share amounting to £2,890.70. Members received regular information about sums they had allocated and balances remaining. Members were also reminded of the guidelines for the operation of the scheme including that applications were required to be of benefit to the community rather than an individual.

It was recommended that Council Executive note the expenditure from the Councillors' Local Disbursement Fund for the period 1 April to 30 September 2018.

Decision

To note the terms of the report

5. COMMUNITY COUNCIL SPECIAL PROJECT GRANTS

The Council Executive considered a report (copies of which had been circulated) by the Head of Corporate Services inviting consideration of two applications for special project grants received from Ladywell Community Council and Kirknewton Community Council as detailed in the Appendix to the report.

A special project grant scheme operated for community councils in West Lothian to allow them to carry out projects in their areas. Community Councils could apply for a maximum of £750 special project funding in each financial year. There was no minimum grant. The total budget for the current financial year 2018-19 was £3,000 with applications being dealt with on a first come first served basis.

One valid application had been approved so far in financial year 2018-19, which meant that there was a remaining balance of £2550. The amounts requested in the two valid applications totalled £1450 and if granted would leave a balance of £1100.

Council Executive was requested to determine the valid applications received from Ladywell and Kirknewton Community Councils as detailed in the appendix attached to the report.

Decision

To approve the terms of the report.

6. WORKING SAFELY AT HEIGHT GUIDANCE

The Council Executive considered a report (copies of which had been circulated) by the Head of Corporate Services presenting the new Working Safety at Height Guidance.

The council had a responsibility for ensuring the health, safety and welfare of all its employees whilst at work and any other person who may be affected by its acts or omissions. As part of the ongoing commitment in the implementation of council-wide health and safety policy, the guidance document advised on compliance with the Working at Height Regulations 2005 and would to assist services in fulfilling responsibilities and duties outlined in the regulations.

The new Working Safely at Height Guidance, which was provided as an appendix to the report, set out the responsibilities for implementation, detailed procedures that must be considered for working at height and gave links to other relevant guidance documentation that should be taken into consideration when devising working at height procedures. The description of working at height was also provided in the report.

It was recommended that Council Executive :-

1. Approve the content of the Working Safely at Height Guidance as set out in the Appendix to the report;
2. Agree that the revised guidance document be implemented with immediate effect; and
3. Agree that the Head of Corporate Services, in consultation with the Health and Safety Manager, may make minor administrative changes to the document comprised in the appendix that may arise from legislative and procedural changes without reference to committee.

#### Decision

To approve the terms of the report

#### 7. PROCUREMENT ARRANGEMENTS - DIRECT AWARD TO SEQUENTIAL SYSTEMS

The Council Executive considered a report (copies of which had been circulated) by the Head of Corporate Services seeking approval to make a direct award to Sequential Systems for the provision of a Pupil Learning Journal (Didbook).

The Head of Corporate Services explained that Sequential Systems provided an online resource, Didbook, where pupils could record and showcase the best of what that had achieved in and outside of school. This tool had been used successfully by all West Lothian secondary schools and a number of primary schools on an individual basis over the past five years.

The secondary schools using Didbook initially procured the online service after extensive research and trials with each school having procured the system independently of the others. With each school spending less than £3000, quotations or Quick Quote was used. The number of schools using the software had now created a cumulative spend of £25,395 in 2017-18. This cumulative spend required review in accordance with the council's Standing Orders for the Regulation of Contracts and the Public Contracts (Scotland) Regulations 2015.

The report continued by advising that as the system was complex the council did not have the resources or skills to develop a similar system in house. Budget implications were also summarised in the report.

It was recommended that the Council Executive approves a direct award to Sequential Systems for a Pupil Learning Journal (Didbook) for a period of 3 years with a total value not exceeding £70,000.

#### Decision

To approve the terms of the report.

8. PROCUREMENT ARRANGEMENTS - IMPLEMENTATION OF SUSTRANS I BIKE PROJECT

The Council Executive considered a report (copies of which had been circulated) by the Head of Corporate Services seeking approval for an award of funding in support of the Sustrans I Bike project for 2018-19.

The report recalled that the Smarter Choices Smarter Places (SCSP) was fully funded by a Scottish Government Grant (Transport Scotland) and that the grant was awarded annually. The use of an I Bike Officer from Sustrans, who worked with Education and Community Health Development to increase cycling and walking activity, had been previously identified in the Smarter Choices Smarter Places report to Council Executive in June 2017. The council was now seeking to build on work already developed for a second year.

The funding would support one officer for a period of 12 months whose aim would be to develop a sustainable model for ongoing encouragement of active travel at schools. The funding would enable direct engagement of the I Bike officer with a number of primary and secondary schools within an area to encourage, promote and develop active travel initiatives.

The effectiveness of the resource was assessed annually through the grant process and an assessment of the 2017 project had demonstrated that more pupils were travelling actively, with a 2.4% increase in pupils travelling to school by an active mode; a 9.5% increase in pupils sometimes cycling to school; and a 2% decrease in pupils traveling to school by car.

Sustainability and budget implications were summarised in the report.

It was recommended that Council Executive approves the proposed direct award to Sustrans of £59,217 for the implementation of the I Bike Project for 2018-19 noting that the total aggregated spend to date would amount to £118,000.

Decision

To approve the terms of the report

9. WEST LOTHIAN COUNCIL PARTICIPATION REQUEST REVIEW

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration presenting the findings of the review of the West Lothian Council participation request process.

Participation requests were introduced in April 2017 under Part 3 of the Community Empowerment (Scotland) Act 2015 and provided a

mechanism for community bodies to put forward ideas for how services could be changed to improve the outcome for communities. Requests could be made to a number of public service authorities, including West Lothian Council, and each was required to have their own process in place for dealing with requests.

The council's process for managing participation requests was approved by the Council Executive in March 2017 with members agreeing at that time that the process should be reviewed upon completion of the first participation request to ensure it was fit for purpose.

Bathgate Community Council had submitted the first participation request in February 2018 around increased awareness of the council's roads policies and where the community could influence and improve existing policies through local involvement. A Participation Request Panel made up of council officers had assessed their request and agreed that the information required to make a decision had not been provided and the request was therefore not valid. With support from officers, the group shaped the information into a valid request which was subsequently approved by the panel in June 2018. An outcome improvement process had been agreed and published on the council's website and a full report would be published once the process was complete.

As the first participation request had now been received, the participation request process had been reviewed. The report recalled the current process before setting out the findings of the review and listed the minor recommendations suggested to improve the process. The feedback from officers and the community council was provided in the report.

The report concluded with information on a briefing by the Scottish Community Development Centre on learning from their work around participation requests which contained 7 key findings that were in line with the findings of the council's review. Their briefing highlighted that legislation and guidance might need some strengthening that could lead to participation requests having the potential to form an important piece of the puzzle in making bottom-up co-production happen in Scotland.

It was recommended that Council Executive :-

1. Notes the review of the West Lothian Council participation request process; and
2. Approves the recommendations to improve the process and further raise awareness of the process within communities and council services.

### Decision

To approve the terms of the report

## 10. SUPPLEMENTARY GUIDANCE: NEW DEVELOPMENT IN THE COUNTRYSIDE

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration advising of the outcome of consultation on statutory Supplementary Guidance (SG) on New Development in the Countryside which had been prepared in support of the West Lothian Local Development Plan. The Council Executive was being asked to approve the guidance.

The report recalled that the current suite of Supplementary Planning Guidance (SPG) was prepared to support the adopted West Lothian Local Plan. In general these had served the council well but there was now a requirement to review, update and where necessary replace them.

With regard to the subject of “New Development in the Countryside” the opportunity had been taken to update the guidance to frame it as statutory supplementary guidance to support the newly updated West Lothian Local Development Plan (WLLDP).

The protection and enhancement of the built, natural and historic qualities of the countryside were important considerations and these attributes were to be maintained and enhanced wherever possible. There was a range of policies in the West Lothian Local Development Plan which protected these valued environments and it was the case that proposals would continue to be resisted if they were likely to give rise to adverse environmental impacts which could not be mitigated.

The WLLDP did nevertheless identify the circumstances where an exception could be made to an otherwise general policy of restraint in relation to development in the countryside. These were primarily where development could help support the rural economy and where there was evidenced and justifiable locational need.

One of the key differences between the new SG, a copy of which was attached to the report at Appendix 2, and the previous SPG was that it now explicitly referenced and embraced development other than just housing whereas it was previously only implied.

The current SPG had been in place for more than 10 years, but despite this, it remained robust and could generally be regarded as having done a good job in supporting the council when taking decisions on planning applications for development in the countryside. As a consequence there had been no need to fundamentally or significantly change the substance of the guidance and the new SG was considered a “refresh”, with the opportunity having been taken to remove and replace references to superseded legislation, websites and publications and to correct any errors or omissions.

A public consultation exercise on the proposed SG was carried out over a six week period commencing in January 2018. The representations made were, for the most part, broadly positive and constructive and officers were recommending that many of the suggestions were accepted and incorporated as revisions to the text. For ease of reference these were

contained in Appendix 1 attached to the report.

In conclusion subject to Council Executive approval the SG would be submitted to Scottish Ministers who then had 28 days in which to scrutinise it. Their focus would be on ensuring that the principles of good public involvement and proper connect to the guidelines had been achieved. Prior to any decision by Scottish Ministers the SG would continue to be operated as non-statutory guidance thus affording a degree of materiality when determining planning applications in the intervening period.

It was recommended that Council Executive :-

1. Notes the representations received in response to the consultation exercise and endorses the responses made to the representations (Appendix 1);
2. Approves the content of the guidance (as revised) as statutory supplementary guidance (SG) (Appendix 2);
3. Agrees to the guidance being notified to the Scottish Government for scrutiny; and
4. Authorises the Head of Planning, Economic Development and Regeneration, in consultation with the Executive Councillor for Development and Transport, to agree and conclude a “screening determination” as to whether a SEA was required, having taken into account views offered by the consultation authorities.

### Decision

To approve the terms of the report

## 11. CALL FOR EVIDENCE ON THE FUEL POVERTY BILL

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Property Services advising that the Scottish Parliament were seeking views on the Fuel Poverty (Target, Definition and Strategy) (Scotland) Bill and to seek approval for a response to be submitted on behalf of West Lothian Council.

The Fuel Poverty (Target, Definition and Strategy) (Scotland) Bill was introduced into the Scottish Parliament by the Scottish Government on 26 June 2018. The Bill set a target relating to the eradication of fuel poverty; a definition of fuel poverty; required the production of a fuel poverty strategy; and created a duty for the Scottish Government to report on fuel poverty.

The Scottish Government had set an ambitious target that by 2040, no more than 5% of households in Scotland would be in fuel poverty. The Scottish Government recognised that this target was challenging and could only be achieved by considering all four drivers of fuel poverty, these being; energy efficiency; income; energy costs; and how energy

was used in the home.

The call for evidence commenced on 17 September 2018 and would conclude on 9 November 2018. The questions had been distributed amongst Community Planning Partners and council officers who were involved in the provision of energy advice. Thereafter responses had been gathered and collated. The Call for Evidence asked five specific questions which were about the statutory target to reduce fuel poverty, the revised definition of fuel poverty and the draft fuel poverty strategy.

The council's proposed response was set out in Appendix 1 to the report.

It was recommended that the Council Executive :-

1. Note the contents of the report and the accompanying proposed response to the questions as part of the Call for Evidence on the Fuel Poverty Bill as attached to the report at Appendix 1; and
2. Approves the proposed response to be submitted to the Scottish Parliament on behalf of West Lothian Council.

#### Motion

To approve the terms of the report.

- Moved by the Chair and seconded by Councillor Dave King

#### Amendment

To add a paragraph to the response as follows:

To ask the Scottish Government to review the legislation to allow Local Authorities to change and transfer the energy supplier for all council tenants.

- Moved by Councillor Frank Anderson and seconded by Councillor David Tait.

A roll call vote was taken which resulted as follows:-

#### Motion

Harry Cartmill

David Dodds

Lawrence Fitzpatrick

Peter Heggie

Chris Horne

Charles Kennedy

Dave King

#### Amendment

Frank Anderson

David Tait

Andrew McGuire

Dom McGuire

George Paul

Damian Timson

Decision

Following a roll call vote the motion was successful by 11 votes to 2 and it was agreed accordingly.

12. PLANNING, ECONOMIC DEVELOPMENT AND REGENERATION  
(PED&R) REVENUE GRANTS BUDGET - 2019/20

The members who had declared an interest in respect of this item of business left the meeting. Two other members also left. The meeting was inquorate.

There were no other items of business to be dealt with and the meeting closed.

MINUTE of MEETING of the COUNCIL EXECUTIVE held within COUNCIL CHAMBERS, WEST LOTHIAN CIVIC CENTRE, on 29 OCTOBER 2018

Present – Councillors Kirsteen Sullivan (Chair), David Dodds, John McGinty, George Paul, Damian Timson

Apologies – Councillors Harry Cartmill, Tom Conn, Lawrence Fitzpatrick, Peter Heggie, Chris Horne, Charles Kennedy, Cathy Muldoon

Following consultation the Chair agreed that the outstanding item of business from the inquorate meeting on 23 October 2018 be considered on 29 October 2018.

1. DECLARATIONS OF INTEREST

There were no declarations of interest made.

2. ORDER OF BUSINESS

The Chair advised that there was one item of business to be dealt with following the meeting of 23 October 2018.

3. PLANNING, ECONOMIC DEVELOPMENT AND REGENERATION  
REVENUE GRANTS BUDGET 2019-2020

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration providing proposals for PED&R revenue grants budget reductions as agreed by the Council on 13 February 2018 and the proposed arrangements for allocating 2019-2020 grant funding.

The report recalled that the Council made payments on an annual basis, either by way of grants or commissioned on a contractual basis, to community groups and third sector organisations. In recent years the annual value of such payments has totalled more than £20 million.

On 13 February 2018, as part of the Transforming Your Council - Revenue Budget Strategy, the Council agreed measures which would reduce the level of grant funding made available to community groups and third sector organisations by £481,000 in 2019-20. It was further agreed that a proposed approach to delivering the savings be presented to the Voluntary Organisations Policy Development and Scrutiny Panel and Council Executive.

Members were advised that £431,000 of the saving aligned to PED&R services and £50,000 to Finance and Property Services. These budget reductions had since been combined to ensure a consistency of approach for all organisations currently in receipt of historically recurring funding – i.e. to avoid targeted reductions being made prior to all such organisations being provided with the same opportunity to make a case for funding in 2019-20. Details of the proposed approach to achieving the agreed budget reduction of £481,000 for financial year 2019-20 were outlined within the report.

There were twenty-seven groups and organisations currently being funded on an annually recurring basis from the PED&R revenue grants budget; these were listed at Appendix 1 to the report. It was proposed that for financial year 2019-20 each of these groups and organisations would be invited to apply for funding which would be disbursed from the budget of £944,000 which was the funding available for groups/organisations currently funded from the budget on a recurring basis.

The report confirmed that the process for scoring applications and determining funding allocations would build on that used for the Third Sector Ambition Fund. Applications, however, would only be open to those organisations listed in Appendix 1 of the report and would require to be made within one of the following funding tiers:-

- Tier 1        Applications for between £5,000 and £19,000
- Tier 2        Application for between £20,000 and £49,999
- Tier 3        Applications for more than £50,000

Further information on the process of the application process and notes for applicants was attached to the report at Appendix 2.

The report concluded that the proposed changes to allocating revenue grant funding to community groups and third sector organisations and the disbursement of small grants via Community Choices would be challenging as there was a requirement to develop and deliver them in parallel with the Council's agreed revenue budget strategy.

However the proposals provided an opportunity to implement more robust, transparent and equitable allocation processes, and build on the Council's established approaches to engaging communities by allowing them further influence over the allocation of the revenue grants budget. They would also provide an opportunity to ensure that funding allocations were clearly aligned to agreed priorities and outcomes, and that the specific gaps to be addressed were well understood so they could be effectively targeted.

The Head of Planning, Economic Development and Regeneration explained that he had made an amendment to the wording within the report in relation to tier one, in that it would now read as follows:-

- "Applications up to £19,999".

It was recommended that the Council Executive :-

1. Notes the requirement to reduce the PED&R revenue grants budget by £481,000 in 2019-20 as agreed by the council on 13 February 2018;
2. Agrees that the budget reductions be delivered through the

approach proposed in Section D4 of the report;

3. Agrees that in 2019-20 the PED&R revenue grants budget of £1.253 million be allocated in accordance with the breakdown proposed in Section D3 of the report;
4. Agrees the process proposed in Section D5 of the report through which those organisations listed in Appendix 1 to the report could apply for 2019-20 revenue grant funding;
5. Agrees that £75,000 of 2019-20 small grant funding be allocated through Community Choices and that this approach be developed and delivered in conjunction with appropriate service areas, partners and key stakeholders in line with acknowledged best practice;
6. Agrees that an evaluation of the use of the Community Choices to allocate 2019-20 small grant funding be undertaken in order to assess the viability of its application to other parts of the PED&R revenue grants budget from 2020-21 onwards; and
7. Agrees that the determination of funding allocations from the PED&R revenue grants budget continues to be a matter delegated to the Head of Planning, Economic Development and Regeneration.

### Decision

To approve the terms of the report taking account of the amendment to the wording of tier one.





**COUNCIL EXECUTIVE**

**COMMUNITY COUNCIL SPECIAL PROJECT GRANTS**

**REPORT BY HEAD OF CORPORATE SERVICES**

**A. PURPOSE OF REPORT**

To invite the Council Executive to consider the application for special project grant received from Dechmont Community Council.

**B. RECOMMENDATION**

That the Council Executive determines the valid application received from Dechmont Community Council as detailed in the appendix.

**C. SUMMARY OF IMPLICATIONS**

<b>I Council Values</b>	Focusing on our customers' needs; making best use of our resources; and working in partnership
<b>II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	Section 22 of the Local Government (Scotland) Act 1994 and the Special Project Grant Guidelines
<b>III Implications for Scheme of Delegations to Officers</b>	None.
<b>IV Impact on performance and performance Indicators</b>	None.
<b>V Relevance to Single Outcome Agreement</b>	None.
<b>VI Resources - (Financial, Staffing and Property)</b>	£3000 in the special project grant budget for financial year 2018/19.
<b>VII Consideration at PDSP</b>	None.
<b>VIII Other consultations</b>	None.

## **D. TERMS OF REPORT**

The special project grant scheme currently operates for community councils in West Lothian to allow them to carry out projects in their areas. Community councils can apply for a maximum of £750 special project grant in each financial year. There is no minimum grant. The total budget for the financial year 2018/19 is £3000. Applications are dealt with on a first come first served basis. Community councils who retain more than £75 of their annual grant from the previous financial year are expected to contribute 10% towards the project.

Three valid applications have been considered so far in financial year 2018/19. A new application has been received from Dechmont Community Council as detailed in Appendix 1. The balance remaining in the budget for the current financial year is £1100. The amount requested by Dechmont Community Council is £750.

If the application is granted, there will be £350 remaining in the special project grant scheme budget available for distribution.

## **E. CONCLUSION**

The special project grant scheme allows community councils to carry out projects which they consider to be of benefit to their area. It is recommended that the Council Executive determines the application received from Dechmont Community Council.

## **F. BACKGROUND REFERENCES**

Minute of Meeting of the Partnership & Resources PDSP held on 18<sup>th</sup> February 2011.

Minute of Meeting of the Council Executive held on 22<sup>nd</sup> March 2011.

Appendices/Attachments: One

Contact Person: Lorraine McGrorty, Committee Officer, 01506 281609

Julie Whitelaw

Head of Corporate Services

13<sup>th</sup> November 2018

**Application 1**

<b>Community Council</b>	<b>Project</b>	<b>Cost</b>	<b>Total Grant Requested</b>
Dechmont Community Council	Towards the costs of printing and producing a community council newsletter	£750	£750

**Comments**

1. The Community Council wishes to produce a newsletter to increase awareness of the community council and encourage wider community participation. It will be used to increase awareness of projects the community council has completed and provide information about upcoming projects.
2. It will introduce the members of the community council to residents. The newsletter will also ensure that the community is kept fully informed about the large development planned at Bangour Village Hospital and seek to ensure that the views of local people are heard and taken into account.
3. The project is acceptable and meets the criteria for assistance.

**Recommendation**

That the Council Executive considers and determines the application received from Dechmont Community Council.





## **COUNCIL EXECUTIVE**

### **AFFORDABLE HOUSING SUPPLEMENTARY GUIDANCE (2018)**

### **REPORT BY HEAD OF HOUSING, CUSTOMER AND BUILDING SERVICES**

#### **A. PURPOSE OF REPORT**

The purpose of this report is to seek Council Executive approval for a minor change to the new supplementary guidance on Affordable Housing which was approved by the Council Executive on 9<sup>th</sup> October 2018.

#### **B. RECOMMENDATION**

It is recommended that Council Executive:

1. Agree the minor change to Paragraph 4.5 to ensure that all flatted development will fall within the terms of the Supplementary Guidance; and
2. Agrees that the Affordable Housing Supplementary Guidance (2018) as amended should be submitted to Scottish Ministers for approval as part of the statutory development plan.

#### **C. SUMMARY OF IMPLICATIONS**

##### **I Council Values**

- Focusing on our customers' needs;
- Being honest, open and accountable;
- Providing equality of opportunity;
- Making best use of our resources; and
- Working in partnership.

##### **II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)**

Policy HOU 5 of the West Lothian Local Development Plan, now adopted, requires developer contributions towards the provision of affordable housing. The West Lothian Local Housing Strategy (LHS) 2017-2022 was approved by the Council Executive in October 2017. The LHS specifies an action to revise the Affordable Housing Supplementary Guidance to ensure that it is in accordance with policy in the West Lothian Local Development Plan.

Section 75 Obligations under the *Town and Country Planning (Scotland) Act 1997* and Section 69 agreements under the *Local Government (Scotland) Act 1973*, are

	established and valuable mechanisms for securing planning obligations.
	A SEA screening report has been prepared. Equalities Impact Assessment has been carried out.
<b>III Implications for Scheme of Delegation to Officers</b>	None.
<b>IV Impact on performance indicators</b>	None.
<b>V Relevance to Single Outcome Agreement</b>	<p>Our economy is diverse and dynamic and West Lothian is an attractive place to do business.</p> <p>We live in resilient, cohesive and safe communities.</p> <p>We make the most efficient use of our resources by minimising our impacts on the built and natural environment.</p>
<b>VI Resources - (Financial, Staffing and Property)</b>	Residential developers are required to make payments in accordance with statutory guidance where contributions in the form of land are not suitable. The approved Strategic Housing Investment Plan 2018-2024 assumes that commuted sum income of £200,000 per annum will be received.
<b>VII Consideration at PDSP</b>	Draft Affordable Housing Supplementary Guidance was first considered by the Services for the Community PDSP in November 2016. Revised guidance was considered by Services for the Community PDSP in September 2018.
<b>VIII Other consultations</b>	<ul style="list-style-type: none"> <li>• Internal - Corporate Procurement Unit, Finance and Property Services; Legal Services; Planning.</li> <li>• External – Homes for Scotland, housebuilders/agents, RSL's, landowners,</li> </ul>

## **D. TERMS OF REPORT**

### **D.1 Background**

On 9<sup>th</sup> October 2018 the Council Executive approved Supplementary Guidance on Affordable Housing 2018. Prior to the Guidance being submitted to Scottish Government there is a need for a minor amendment to be considered by Council Executive.

### **D.2 Affordable Housing Supplementary Guidance 2018**

The Council Executive on 9<sup>th</sup> October 2018 accepted the need to revise the Council's Supplementary Guidance on Affordable Housing in light of Reporter's Findings from Scottish Government and consultation with Developers on a range of options which could meet the requirements of the affordable housing policy.

Following approval of the Guidance last month but prior to submission to Scottish Government it was noted that Paragraph 4.5 states that the terms of the Supplementary guidance would apply only to residential development falling within Class 9 of the Use Classes (Scotland) Order 1997. Class 9 "houses" does not include flatted development which are "Sui Generis" and out-with any of the Use Classes.

Paragraph 4.5 as it stands is in contradiction of Paragraph 4.6 of the Supplementary Guidance which states that all new planning applications for residential development registered following approval of this supplementary guidance by Council Executive will be required to meet the requirements of this guidance.

Paragraph 4.5 is also in contradiction of the West Lothian Local Development Plan policy on Affordable Housing (Hou 5) which applies to all new market housing developments.

In order that Paragraph 4.5 is consistent with the West Lothian Local Development Plan and with Paragraph 4.6 of the Supplementary Guidance the following change is recommended to Paragraph 4.5:

Delete "The terms of this supplementary guidance apply to all residential developments falling within Class 9 of the Use Classes (Scotland) Order 1997."

Replace with "The terms of this supplementary guidance apply to all flatted residential development and all residential development falling within Class 9 of the Use Classes (Scotland) Order 1997.

The amended Affordable Housing Supplementary Guidance 2018 is attached in Appendix 1.

## **E. CONCLUSION**

There has been a minor drafting error and the reference to Class 9 of the Use Classes (Scotland) Order 1997 should be extended to include flatted development which is "Sui Generis" and not within a Use Class.

It is recommended that Council Executive approve the proposed amendment to Paragraph 4.5 of the Affordable Housing Supplementary Guidance 2018 and agree that Appendix 1 should be submitted to Scottish Ministers for approval as Supplementary Guidance forming part of the development plan.

## **F. BACKGROUND REFERENCES**

Report to Council Executive – Affordable Housing Supplementary Guidance (2018) - 9<sup>th</sup> October 2018

Report to Council Executive - Local Housing Strategy 2017-2022 – 24 October 2017

Appendices/Attachments: One

1. Proposed Affordable Housing Supplementary Guidance (2018)

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**13<sup>th</sup> November 2018**



West Lothian  
Council

## **Affordable Housing Supplementary Guidance**

DRAFT

November 2018

## **AFFORDABLE HOUSING SUPPLEMENTARY GUIDANCE**

### **1.0 Introduction and Purpose of Guidance**

#### **Purpose of Guidance**

- 1.1 To achieve appropriate levels of affordable housing in the plan area for those households which cannot afford a market solution to meet their housing needs, developers of market housing will be required to make affordable housing contributions as set out in Policy HOU 4 of the West Lothian Local Development Plan (LDP), unless a specific exemption applies.
- 1.2 The purpose of this document is to assist developers fulfil their planning obligations in respect of the provision of affordable housing via the Planning system by providing detailed guidance on the operation of Policy HOU 4 and fulfil the council's aspirations to meet needs for affordable housing of all tenure types identified in Scottish Planning Policy (2014).

#### **The Need for an Affordable Housing Policy**

- 1.3 Policy HOU 5 of the Strategic Development Plan for South East Scotland (SDP) identifies a benchmark figure of 25% affordable housing i.e. 25% of the total number of housing units per housing site should be provided as affordable. However, the SDP recognises that each local authority area has its own characteristics and variations in need and therefore allows for each to set out an appropriate approach to provision, compliant with Scottish Planning Policy 2014 (SPP 2014) and taking into account council house waiting lists and Housing Need and Demand Assessment (HNDA) evidence.
- 1.4 Decent, affordable housing is amongst the most basic of human requirements. Historically, local authorities were the principle providers of housing to those households excluded from the private housing market through inability to compete. West Lothian Council and other Registered Social Landlords (RSLs) build and manage affordable rented housing.
- 1.5 Scottish Government policy and guidance suggests that the planning system should make a contribution to addressing shortages of affordable housing by securing contributions from the private house building industry.

#### **Context**

- 1.6 A Housing Need and Demand Assessment (HNDA 1) was produced in 2009 to provide empirical evidence on the scale of housing need in the Edinburgh City Region and was used to inform the first South East Scotland Strategic Development Plan (SDP 1) and the subsequent Local Development Plans of each of the six SESplan authorities.
- 1.7 Although a new Housing Need and Demand Assessment has been produced (HNDA 2) and incorporates more up to date population growth data no weight has been attached to it in preparation of this guidance. This is on account of this supplementary guidance having to be consistent with the current SDP 1 (which is based on HNDA 1).

- 1.8 The West Lothian Housing Strategy 2012 – 2017 (LHS) outlined the policy context and requirements for affordable housing in West Lothian. The LHS set out the Council's strategic direction and priorities for housing across all tenures. A replacement LHS for 2017 -2022 has been approved by the Council.
- 1.9 The HNDA 1 showed a serious shortfall of affordable housing across most areas of West Lothian. This situation is expected to continue until at least 2032.
- 1.10 Since 2007, West Lothian Council has completed two programmes which delivered 800 new build council houses and is currently progressing its 1000 houses programme which commenced in 2013. A new programme of 250 new build council houses is currently being planned. Registered Social Landlords (RSLs) have had more modest programmes, due mainly to restricted funding and have averaged 65 units per year in West Lothian since 2011/2012. There will be a substantial increase in the level of funding over the next 3 years and RSL's will play a major role in the provision of new affordable homes.
- 1.11 The combined new build output of the Council and other RSLs is well short of meeting unmet housing need in West Lothian, and this may continue to be the case throughout most of the LDP Plan period (2014-2024). To address this unmet housing need the council requires the assistance of private developers of market housing. The mechanism for obtaining such assistance is the planning system, unless specific exemptions apply.
- 1.12 Affordable housing contributions will normally be secured via Planning Obligations.
- 1.13 Section 2 of this document sets the national and local policy context for the provision of affordable housing. Section 3 provides evidence and information on the housing need that this supplementary guidance (SG) seeks to address and Section 4 provides detailed guidance on the operation of West Lothian Council's Affordable Housing Policy. Section 5 sets out how valuations of affordable housing land and commuted sums will be calculated. Section 6 provides basic guidance on process. Section 7 notes how the guidance affects the existing Core Development Areas and section 8 notes when the guidance will next be reviewed.

## 2.0 Policy Context

2.1 At the time of writing, the relevant policy and guidance includes:

- **Planning Advice Note 2/2010 Affordable Housing and Housing Land Audits**, which provides advice and information on how the planning system can support the Scottish Government's commitment to increase the supply of affordable housing.
- **Planning Circular 3/2012**, which sets out the circumstances in which planning obligations (commonly known as Section 75 Agreements) can be used and how they can be concluded efficiently.
- **West Lothian Local Housing Strategies 2012-2017 and 2017-2022** (LHS 2012-2017 and LHS 2017-2022), which sets out the council's assessment of key trends, local pressures and challenges in housing across West Lothian across all tenures.

The LHS sets out the council's preferred policy outcomes, and actions which will help the council and partners to work towards these outcomes.

- **Valuation of Land for Affordable Housing Scotland (RICS GN/100, 2013)**, which informs the approach to be taken in the valuation of sites for which there is a requirement to provide affordable housing (either through an Affordable Housing Policy or Section 75 Planning obligation).
- **Residential Design Guide (2017) Supplementary Guidance**, which sets out recommended design parameters for residential developments in West Lothian.
- **Scottish Planning Policy 2014 (SPP 2014)**, which sets out national planning policies reflecting Scottish Ministers' priorities for operation of the planning system and for the development and use of land.

- 2.2 Where new guidance is issued by the Scottish Government and other relevant parties in future the Affordable Housing Supplementary Guidance will be updated to reflect this.

#### **West Lothian Council Local Development Plan**

- 2.3 Policy HOU4 of the West Lothian Local Development Plan sets out the council's policy priorities in respect of affordable housing contributions that will be required from private developers. HOU 4 also notes that the availability of affordable housing continues to be a major issue for West Lothian and will become more problematic over the Plan period 2014-2024.
- 2.4 The Policy categorises the nine council wards into three priority areas, based on the level of housing need, as identified in the LHS. Priority 1 areas have the highest level of need, and priority 3 the lowest level of need. Details of the requirements for affordable housing are set out in tables 4a and 4b below.
- 2.5 All affordable housing will be required to conform to the design guidance in the LDP and in the *Supplementary Guidance: Residential Design Guide (2017)* and any future updates to that Guidance.
- 2.6 New policy documents may be produced between updates to the affordable housing guidance. Developers should note that it is their responsibility to check for such documents, and ensure that any proposals are compliant with them.

### **3.0 Housing Need in West Lothian**

- 3.1 Policy Hou 4 of the LDP was informed by the HNDA 1 based LHS 2012-2017 and notes housing need varies between the nine local council wards in West Lothian. Based on this data the LHS 2012 -2017 and its successor 2017 -2022 set priorities for affordable housing on an area by area basis (Table 1 as contained in Policy Hou 4). Account was also taken of the relative demand for affordable housing in the Priority 3 area and the need to stimulate private housing activity in order to assist regeneration plans.

**Table 1 – Area Priorities for Affordable Housing Investment**

<b>Priority 1 -</b>	Broxburn, Uphall and Winchburgh, East Livingston & East Calder, Linlithgow, Livingston North, Livingston South.
<b>Priority 2 -</b>	Armadale & Blackridge, Bathgate, Whitburn & Blackburn.
<b>Priority 3 -</b>	Fauldhouse & Breich Valley.

**Source: West Lothian Local Housing Strategy, 2012-2017**

3.2 In compliance with PAN 2/2010 (Paragraph 12) the Council's LHS included housing supply targets covering all tenures and was based on the findings of HNDA 1. Although there is a broad range of tenures applicable to Affordable Housing (see Section 4.12) PAN 2/2010 makes it clear that it is for the Council, using the policies and proposals of the LHS, to determine the need for different types and sizes of affordable housing. The Affordable Housing Supply Targets by Tenure are contained within Table 6 of the LHS 2012/17. There is evidence to support a target range of 60% -100% of all new affordable housing needing to be for social rent. In order to deliver social housing the Council will remain flexible in terms of this target range. Developers may wish to offer the options of other forms of tenure. Each proposal will be considered on merit but due account must be taken of the HNDA studies which show the financial position of those in housing need.

3.3 New information on housing need that may become available during the period covered by the Local Development Plan may be incorporated into any future revisions of this supplementary guidance.

3.4 At the time of writing 8,806 applicants are on the common housing register.

#### **4.0 Detailed Guidance on the Operation of the Affordable Housing Policy**

##### **Status of the guidance**

4.1 This guidance, once approved by Scottish Ministers, will form supplementary guidance to the West Lothian Local Development Plan (LDP). Planning applications for developments that do not comply with the guidance may not be supported.

##### **Alignment with national policy and guidance**

4.2 This supplementary guidance is aligned with national policy and guidance in terms of:

- The definition of affordable housing
- Acceptable affordable housing tenures
- Housing design
- Methodology for calculation of commuted sums and valuation of land

##### **Definition of Affordable Housing**

4.3 The council accepts the broad definition of affordable housing set out in SPP 2014 as being *"housing of a reasonable quality that is affordable to people on modest incomes."*

- 4.4 For below market home ownership options the Council defines 'affordable housing' as (no higher than): Lower Quartile House Price, 2.8x income multiplier, 80% loan to value ratio with an assumed deposit of 20%.

**How the affordable housing contribution will be calculated**

- 4.5 The terms of this supplementary guidance apply to all flatted residential development and all residential development falling within Class 9 of the Use Classes (Scotland) Order 1997. The affordable housing contribution required will be calculated as a percentage of the total number of units on each site. The total housing units on a site is comprised of the total of market housing units and affordable housing units of any tenure. For the avoidance of doubt where the conversion of existing buildings involves a change of use and/or an extensive amount of work (structural changes, extensions, major internal or external works, roof replacement etc) to make it suitable for housing then each individual unit will be counted towards the total number of units on the site. If there is no change of use or the works are minor in nature (rewiring, new finishes etc) then the units will be deemed to be existing dwellings and exempt from the policy.

**Application of the Affordable Housing Policy and Supplementary Guidance**

- 4.6 All new planning applications for residential development registered following approval of this supplementary guidance by Council Executive will be required to meet the requirements of this guidance. If planning permission for a site has lapsed, any new planning application will be required to meet the requirements of this supplementary guidance.
- 4.7 In circumstances where a site already has the benefit of planning permission and the developer wishes to increase the number of residential units on the site by more than four units, the new application will be assessed against the requirements of the West Lothian Local Development Plan and this supplementary guidance.

**5.0 Thresholds and percentage requirements**

- 5.1 The percentages of the total number of housing units on sites in the three priority areas identified in the LHS and CDAs are set out in tables 4a and 4b.
- 5.2 No contribution will be sought on sites where the total site capacity or increase in numbers in a revised application is for 1-4 residential units. **For the avoidance of doubt it will not be acceptable for developers to split up sites into two or more smaller sites to avoid the transfer of land or circumvent the thresholds set out in this guidance.**
- 5.3 In the LHS priority 1 area, sites with 24 units or less will be expected to contribute a commuted sum. For sites with 25 or more units, on site serviced land will be required unless there is a sound case to agree to any of the alternatives set out in paragraph 5.7 or 5.8 of this guidance. In the LHS priority 2 areas, sites with 39 units or less will be expected to contribute a commuted sum. For sites with 40 units or more, on site serviced land will be required unless there is a sound case to agree to any of the alternatives set out in paragraph 5.7 or 5.8 of this guidance. In the Fauldhouse and Breich Valley ward (LHS priority 3 area), sites with less than 59 units or less will be expected to contribute a commuted sum. For sites with 60 units or more, on site serviced land will be required unless there is a sound case to agree to any of the alternatives set out in paragraph 5.7 or 5.8 of this guidance.

5.4 **Table 4a – Percentages of Affordable Housing Required and Commuted Sum Thresholds:  
New Sites**

Council Ward	LHS Priority Area	Affordable Housing Requirement (%)	Commuted Sums Threshold (No. of Units)	Minimum % of affordable housing that should be social rent
Broxburn, Uphall and Winchburgh	1	25%	<25	60%
East Livingston and East Calder	1	25%	<25	60%
Livingston South	1	25%	<25	60%
Livingston North	1	25%	<25	60%
Linlithgow	1	25%	<25	60%
Bathgate	2	15%	<40	60%
Armadale and Blackridge	2	15%	<40	60%
Whitburn and Blackburn	2	15%	<40	60%
Fauldhouse and Breich Valley	3	10%	<60	100%

5.5 **Table 4b – Percentages of Affordable Housing Required and Commuted Sum Thresholds:  
Existing Core Development Areas**

Core Development Areas				
Council Ward	LHS Priority Area	Affordable Housing Required (%)	Commuted Sums Threshold	Minimum % of Affordable Housing that should be social rent
Armadale and Blackridge	2	25%	See Note*	60%
Livingston South and Fauldhouse	2 + 3	25%	See Note*	60%
Winchburgh and East Livingston	1	25%	See Note*	60%

\*Note - in exceptional circumstances, commuted sums may be negotiated as part of the affordable housing obligations in CDAs.

**Tenures which will be considered as affordable housing**

5.6 The council will accept the following tenures as affordable housing:

- Social rented housing
- Shared ownership
- Shared Equity (subsidised) – equity stake retained by RSL or Scottish Government
- Low Cost Housing for Sale
- Mid-Market Rent

**Social rented housing** - Housing provided at an affordable rent and owned and managed by the council or another RSL. There is HNDA evidence to suggest that the majority, at least 60 % of Affordable Housing Need in West Lothian, should be targeted at an increase in social rented housing.

**Shared ownership** – the owner purchases a pro indiviso share of the dwelling and pays an occupancy payment to an RSL .

**Shared equity – subsidised** - The owner purchases a majority share of the dwelling (typically 60%). The remaining stake (typically 40%) is purchased by the Scottish Government or an RSL. The owner pays no rent for the equity stake, owns the property outright and is responsible for ongoing maintenance. Should the property be sold in future the proceeds would be split between the owner and the public sector equity holder in proportion to the original equity shares.

**Low cost housing for sale** - A dwelling sold at a below market price, affordable, level. This may be subsidised, or unsubsidised. Low cost housing for sale may be built at higher densities, or be smaller sized properties than average, but must conform to *Supplementary Guidance: Residential Design Guide (2017)* and any subsequent updates. Low cost home ownership properties will normally require to be maintained as affordable in perpetuity (unless there are particular circumstances which warrant a limited time period) by attaching conditions to the Land Certificate for the property that will restrict future sale prices.

**Mid-Market Rent (MMR)** - Housing let at rents which are higher than social rents, but lower than full market rents for the equivalent property. Usually MMR properties will be developed or managed by RSLs. Where joint ventures between developers and RSLs are being considered, the council's Housing Strategy & Development section will require to approve these arrangements in advance.

#### **The hierarchy of affordable housing land transfers**

- 5.7 Where land is to be transferred, the order of preference for affordable housing contributions will be:
1. On-site serviced land, transferred to the council or a nominated RSL. For the West Lothian Local Development Plan period (and subject to the thresholds set out in tables 4a and 4b) this form of contribution will be the default position and variations will only be considered in exceptional circumstances.
  2. Off-site serviced land within the same settlement, transferred to the Council or a nominated RSL.
  3. Off-site serviced land elsewhere in West Lothian, transferred to the council or a nominated RSL.
- 5.8 Contributions in the form of completed units to the council or RSL's will be considered provided there is clear evidence that this would assist in meeting housing need, and where this would be compliant with public procurement regulations.

- 5.9 The precise form of affordable housing to be provided on any particular site will be decided by the council in discussion with the developer and taking account of the potential demand for specific housing types or tenures based on the appropriate housing need and demand evidence.
- 5.10 The council, as planning authority, will have final decision as to the form of affordable housing on any site and will exercise this right reasonably.

#### **Commuted Sums**

- 5.11 In exceptional circumstances and for sites where there are sound reasons for not transferring part of the land, for example poor access to public transport / community facilities, and there is no suitable alternative land to transfer, a financial contribution to the council (a commuted sum) will be acceptable.
- 5.12 Where it can be demonstrated that the lack of public subsidy is resulting in the council or RSLs being unable to commence the development of affordable housing, within a period of three years from the date the private housing commences, the council may accept a commuted sum rather than the transfer of land to the council or an RSL.

#### **Return of affordable housing contributions to developers in exceptional circumstances**

- 5.13 Where the affordable housing contribution is in the form of land and no material operation has taken place within five years of the date of the transfer of the land to the council or RSL, then upon request the land will normally be returned to the developer on terms set out in the legal agreement provided a commuted sum calculated in accordance with paragraphs 6.2, 6.3 and 6.4 of this Supplementary Guidance is paid by the developer to the council, unless an alternative timescale for a material operation to be carried out is agreed between the parties, all parties acting reasonably.
- 5.14 Where the affordable housing contribution is in the form of a commuted sum if the commuted sum has not been spent within 5 years of the payment date then the commuted sum will normally be returned to the developer unless an alternative timescale for spending the money is agreed between the parties.

#### **Notes on serviced land in all locations**

- 5.15 All land transferred should be:
- Clearly defined on a plan at a scale note less than 1:500;
  - Fully serviced to the site boundary (such services shall include, but are not limited to; BT, foul and surface water drainage, gas, electricity and mains water supply);
  - Benefit from an appropriate planning permission;
  - Be free of development constraints such as contamination, bisecting services or any other physical or infrastructure issue that would prevent development or restrict the number of units or built form achievable on the site;
  - Be suitably flat formed or level to original ground level;
  - The developer will (at the developer's cost) provide the council or our nominated third party with a detailed site investigation report and topographical survey and those documents shall be formally assigned to the council or our nominated third party as part of the land transfer.

- The land must be free of any financial burdens relating to implementation of the planning permission including all servicing costs and financial contributions towards infrastructure.
- The land must be free of any environmental constraints, particularly any statutory designations such as TPO's which would restrict the design or number of units to be built.

5.18 Where the percentage requirement for affordable housing on any site results in a fraction, in the case of land this will be rounded to the nearest whole number—e.g. 5.25 units would result in a contribution of land suitable for 5 units; 5.75 would result in a contribution of land suitable for 6 units; and 5.5 would also result in a contribution of land suitable for 6 units.

#### **Design Requirements for Affordable Housing and site areas required**

5.19 Where the affordable housing contribution is in the form of land, the area required for the provision of affordable housing must be capable of accommodating a specified housing mix of minimum standard house types to be provided by the Council, or by an RSL approved by the Council, at the initial stages of discussion.

Developers must provide a layout plan which clearly demonstrates that the affordable housing mix can be comfortably accommodated on the affordable housing land whilst conforming to the council's requirements on plot sizes. The council would then formally confirm if the area proposed is acceptable.

In line with PAN2/2010 the council requires that affordable housing should be indistinguishable from the general mix of other houses on a site in terms of style and layout, use of materials, architectural quality and detail.

#### **Section 75 and Section 69 Agreements**

5.20 All affordable housing contributions will be secured by legal agreement between the council and the applicant/landowner (usually under Section 75 of the Town and Country Planning (Scotland) Act 1997 (as amended)) which will require to be concluded prior to the issuing of planning consent.

A Planning Obligation Agreement could be an agreement under S75 of the Town and Country Planning (Scotland) Act 1997 (S75 Agreement) or an agreement under S69 of the Local government (Scotland) Act 1973 (S69 Agreement).

A S69 Agreement is a simple contract between the developer, the landowner and the council which would set out that all developer obligations will need to be implemented prior to planning being granted.

Accordingly S.69 agreements are not suitable for transactions where the developer wishes to stage payments over a period of time. However these agreements may be the preferred form where the affordable housing contribution is in the form of a commuted sum, and the developer wishes to pay the entire amount in advance of, or simultaneously with, planning consent being issued.

A S75 Agreement will be registered in the Registers of Scotland and will be a burden on the title to the land. This means that the S75 Agreement will run with the land. Details relating to transfer of land and payment of developer contributions will be negotiated on a case by case basis.

These legal agreements will typically specify:

- The mechanism and timescale for the delivery of the affordable houses as agreed between the developer and the council or nominated RSL;
- A plan showing the area to be transferred for the affordable housing contribution;
- The agreed housing mix and affordable housing tenure on any particular site;
- Conditions to be included in missives to ensure housing remains affordable in perpetuity;
- A restriction which prevents more than an agreed number of private/market units to be constructed and/or occupied before the affordable housing land is transferred to the council or nominated RSL.

The necessary legal agreements will be prepared at the developer's expense.

## **6.0 Guidance on Valuation of Affordable Housing Contributions**

### **6.1 Valuation of Land**

6.2 Valuations for land will be calculated in line with national guidance and best practice. e.g. Planning Advice Note 2/2010 Affordable Housing and Housing Land Audits and best practice RICS Guidance Note 100/2013 Valuation of land for affordable housing Scotland

6.3 Land shall be transferred either at a value relating to its end use for affordable housing or by agreement between the developer and the council or an RSL nominated by the council, at a lower value. The value shall be independently determined by the District Valuer or alternatively by an independent RICS Registered Valuer appointed by the council. The Valuation shall reflect the location, the type of affordable housing and any other factor which will influence the value (PAN 2/2010, paragraph 19).

6.4 The council requires that affordable housing contributions in the form of land will be valued with regard to RICS Guidance Note 100/2013 Valuation of land for affordable housing Scotland and any replacement or updated version thereof as may be issued from time to time.

Such a value should take account of the availability of funding for the affordable housing.

6.5 A residual valuation of land for affordable housing will not be negative, but may be Nil (RICS, 2013, paragraph 9.3).

6.6 The requirement for a proportion of a site to be set aside for affordable housing or provision of a commuted sum will affect the economics of a proposed development. Developers should therefore take the requirement for affordable housing into account when negotiating land values with site owners. It is recognised that contributions to affordable housing requirements is one of a number of financial obligations which will be placed on the private sector in bringing forward development. In most cases, the scale of development will also require additional education provision. These requirements are 'non-negotiable' in that development cannot take place without them. The council has previously indicated its intention to require all of the developer contributions from developers to be paid and there is an expectation that land values will be negotiated accordingly.

- 6.7 On sites where the affordable housing requirement will result in an unacceptably low residual valuation as a result of unforeseen issues, whether on site or externally, developers **may** in exceptional circumstances be permitted to make an affordable housing contribution at a lower rate or the requirement for affordable housing may be removed completely.
- 6.8 Where such an exemption is being sought, the developer would be required to demonstrate to the council that the information regarding the issue that threatens viability only came to light after purchase, explain why due diligence was not successful in identifying the issue(s) and demonstrate via a full open book process that the low return claimed is not a result of an unrealistic purchase price for the land after taking into account the application of the affordable housing guidance and any other site specific requirements.
- 6.9 Open book disclosure of the financial appraisal for the development should include projected sales income, development costs, land value, overheads and profit. The council will normally hold such information in the strictest confidence and for the sole purpose of assessing the claimed exemption to the affordable housing guidance.
- 6.10 Where there is disagreement as to the economic viability of a proposed development, the matter may be referred to an independent expert appointed by the council at the developer's expense. In these circumstances, any financial information will be treated on a confidential basis.

#### **Valuation of Commuted Sums**

- 6.11 Valuations for commuted sums will be calculated in line with national guidance, e.g. *Planning Advice Note 2/2010 Affordable Housing and Housing Land Audits* and best practice RICS Guidance Note 100/2013 *Valuation of land for affordable housing Scotland*.
- 6.12 In line with PAN 2/2010, paragraph 22, the valuation of the commuted sum will be determined independently by the District Valuer (DV) or alternatively by an independent RICS Registered Valuer appointed by the council. Wherever possible the relevant parties should agree to appoint and instruct a valuer, failing agreement on which the valuer should be appointed by the Chairman of the RICS in Scotland.
- 6.13 The value of the commuted sum shall be equivalent to the affordable housing value of the land required to provide the percentage of serviced affordable housing land required for that site.
- 6.14 All valuation fees will be shared equally between the council and the applicant. The council will instruct the valuation and the applicant will be informed of the likely valuation fee and their share of costs.
- 6.15 Where the percentage of affordable housing required on a site results in a fraction of units, the valuer will value the fraction in the commuted sum valuation.

## **7.0 Process**

- 7.1 Planning applications are likely to progress most smoothly where developers establish the delivery mechanism for the affordable element at an early stage and establish tenure requirements at the outset.
- 7.2 Whilst the information in this guidance should be a useful starting point, applicants should engage with the council's Planning and Housing services at the earliest possible stage on aspects of potential site development including number of affordable housing units, tenure, type and design of housing and the method of delivery.
- 7.3 The Planning Service will consult with colleagues in the council's Housing Service in order to determine the most appropriate form of affordable housing contribution in the location, the housing mix that is required to meet housing need in the locality, the size of standard house types to be built and hence the area of land that will be required.
- 7.4 This information will be communicated to the applicant for consideration and agreement. Joint meetings may be arranged to discuss and seek agreement on the type of affordable housing contribution, timescales and how all eventualities will be dealt with.
- 7.5 When a jointly agreed position is reached the council's Legal Services will be instructed to draw up the draft legal agreement, for consideration and agreement.
- 7.6 The legal agreement must be signed by all interested parties and recorded/registered with the Keeper of the Registers of Scotland in advance of the issue of planning consent.

## **8.0 Existing Core Development Areas**

- 8.1 The existing Core Development Areas (CDAs) at Armadale, East Broxburn/Uphall/Winchburgh and Livingston and the Almond Valley are identified in the LDP for mixed use development including housing. Existing arrangements in terms of affordable housing contributions including percentage contributions, as set out in previous supplementary guidance, and thresholds for sites located in these areas will continue.
- 8.2 In addition to the 15% land contribution for sites within CDAs, the council will continue to require 10% of house completions within the CDA to be affordable in terms of the definition given in SPP 2014 and PAN 2/2010.

Provision of low cost home ownership options within the CDAs should improve the overall housing choice available in West Lothian, particularly to those on lower incomes. The additional requirement should ensure the provision of mixed communities with a range of house types and tenures. Section 75 agreements will seek to ensure that affordable houses contributing to the additional 10% requirement remain affordable in perpetuity unless there are particular circumstances which warrant a limited time period.

- 8.3 It is recognised that contributions to affordable housing requirements is one of a number of financial obligations which will be placed on the private sector in bringing forward development in the CDAs. In most cases, the scale of development will require additional

education provision, improvements to road and transport infrastructure together with a range of community and environmental improvements. Many of these requirements are 'non-negotiable' in that development cannot take place without them. The council has previously indicated its intention to require all of the above developer contributions from developers and there is an expectation that land values will be negotiated accordingly.

## **9.0 Monitoring and Review**

- 9.1 The operation of this supplementary guidance will be monitored on an ongoing basis and where necessary amended as appropriate.
- 9.2 The guidance will be formally reviewed every five years to align with the Local Development Plan timescale.

**November 2018**



## **COUNCIL EXECUTIVE**

### **APSE PERFORMANCE NETWORKS SEMINAR 2018**

### **REPORT BY HEAD OF HOUSING, CUSTOMER AND BUILDING SERVICES**

#### **A. PURPOSE OF REPORT**

The purpose of the report is to seek approval from the Council Executive for the attendance of appropriate elected members attendance at the APSE Performance Networks Seminar 2018 incorporating the APSE Network Awards which this year is being held in Blackpool on the 6/7 December 2018.

#### **B. RECOMMENDATION**

It is recommended that Council Executive:

1. Approves the attendance of the Executive Councillor for Services for the Community and Executive Councillor for Services to the Environment at the APSE Performance Networks Seminar 2018, with appropriate officer support from Operational and Housing Customer & Building Services.

#### **C. SUMMARY OF IMPLICATIONS**

<b>I</b>	<b>Council Values</b>	Focusing on our customers' needs; being honest, open and accountable; providing equality of opportunities; developing employees; working in partnership
<b>II</b>	<b>Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	None.
<b>III</b>	<b>Implications for Scheme of Delegations to Officers</b>	None.
<b>IV</b>	<b>Impact on performance and performance Indicators</b>	None.
<b>V</b>	<b>Relevance to Single Outcome Agreement</b>	None.
<b>VI</b>	<b>Resources - (Financial, Staffing and Property)</b>	The cost for individual attendance at the seminar for APSE members is £225 + VAT.
<b>VII</b>	<b>Consideration at PDSP</b>	None.

**D. TERMS OF REPORT**

**D1 Background**

The Council are members of APSE and the Executive Councillor for Services for the Community is also the Chair of the APSE Scotland Housing and Building Advisory Group.

The APSE Performance Networks Seminar 2018 is an essential part of the performance networks timetable and is an excellent shared learning opportunity. The seminar will include the 2017/18 data collection results as well as issues affecting service performance. The workshop sessions will feature a range of topics including what the data is telling us about managing reduced budgets, generating income, how to use performance data effectively, best practice case studies and problem solving surgeries. There will be an opportunity in each workshop to discuss issues of local concern and develop solutions with colleagues through problem solving surgeries.

The evening Performance Network Awards is a prestigious high-profile occasion where both the best performing authorities and the most improved are awarded for their achievements. There are dedicated awards for each service area and finalists are selected based on those authorities who have participated in performance networks.

This year's APSE Performance Networks Seminar 2018 is being held in Blackpool on 6/7 December 2018, a copy of the programme is attached as Appendix 1.

**E. Conclusion**

It is proposed that the Council Executive approve the attendance of the Executive Councillor for Services for the Community and the Executive Councillor for Services to the Environment attendance at the APSE Performance Networks Seminar 2018 to be held in Blackpool on 6/7 December 2018.

**F. Background References**

Appendices/Attachments: Seminar Programme

Contact Person: Alistair Shaw - 01506 281754

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Alistair Shaw

Head of Housing, Customer and Building Services

13 November 2018



# performance networks seminar 2018

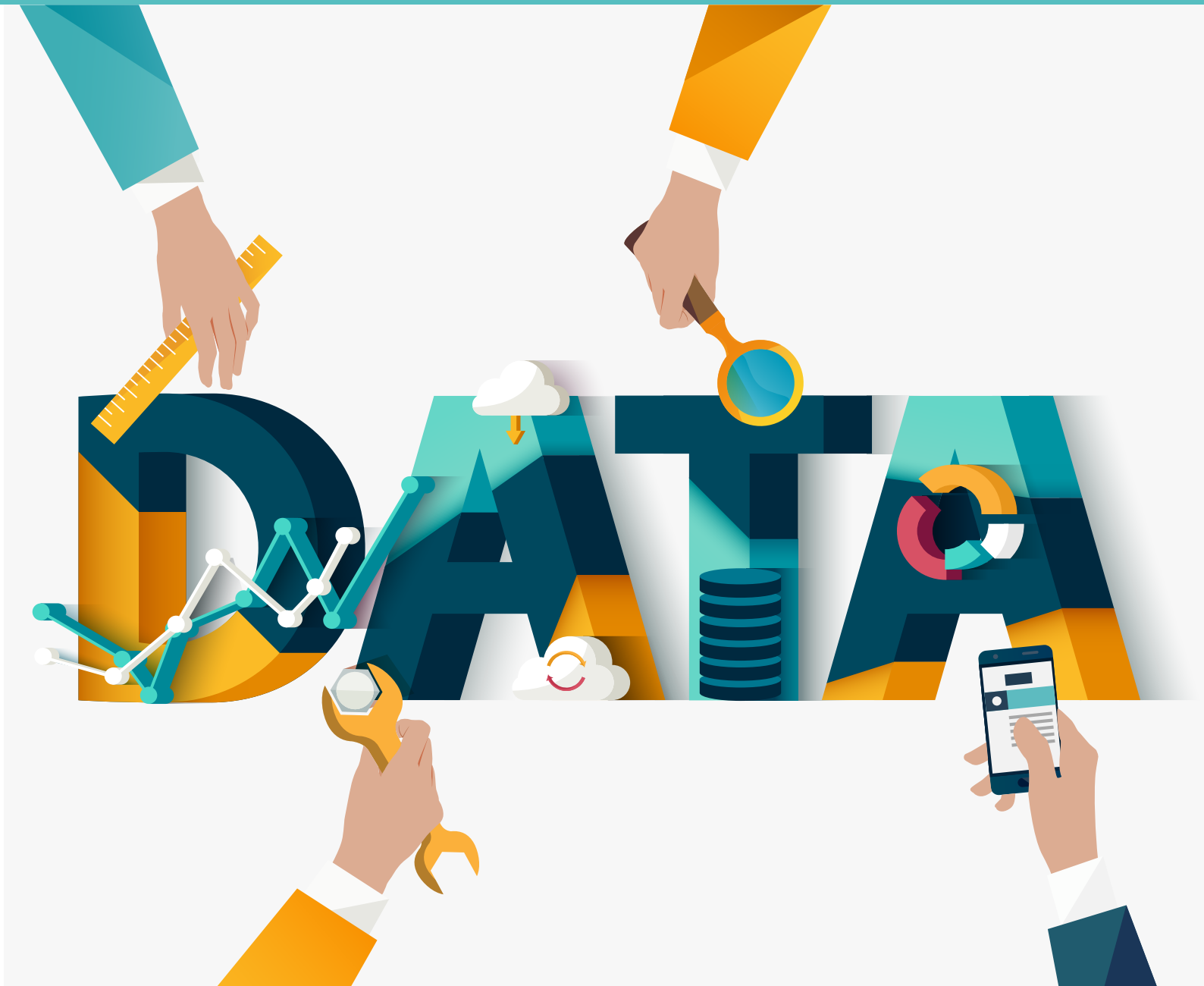
6 and 7 December

Blackpool Hotel, Conference Centre and Spa, Blackpool

(formerly The Hilton Hotel)

## Measuring the reality

Helping you perform in the face of adversity



# Thursday 6 December

09:30 Delegate registration

## 10:30 Session 1: **Performance and opinions**

**Chair: Councillor John Kerr-Brown, APSE National Chair**

### **Using performance intelligence at a local level**

- Public and social value of front-line services
- Evidence-based choices: the use of intelligence to make decisions
- Value for money, service demand and innovative working

**Adrian Phillips, Interim Chief Executive, Preston City Council**

### **Seeing the whole picture: how are front line services performing?**

- Using data for the wider public services debate
- Is there a cost to austerity?
- Impact on quality and customer satisfaction

**Debbie Johns, Head of Performance Networks, APSE**

### **Latest opinion polls on local government**

- Are the public noticing the impact of austerity?
- What do they think of front line services?
- What are their priorities?

**Paul Smith, Director for Government & Public Sector, Survation**

12:00 Tea and coffee break

## 12:15 **Thematic Forums**

### **Forum 1: Financial sustainability, liveability and environmental services**

- Corporate transformation and continuous improvement programme
- Financial challenges and solutions
- Service redesign and managing demand

**Craig Hatton, Executive Director of Place, North Ayrshire Council and Andy Mudd, Head of APSE Solutions**

### **Forum 2: Commercialism and performance**

- Lancaster: a case study on income generation
- Income for social outcomes
- Measuring success through performance

**Mark Davies, Chief Officer, Lancaster City Council and Councillor Brendan Hughes, Cabinet member for Community Safety and Clean and Green, Lancaster City Council and Mo Baines, Head of Communication and Co-ordination, APSE**

### **Forum 3: Managing your facilities**

- Competing in the wider market place
- Managing demand
- Challenges ahead

**Phil Brennan, Head of APSE energy**

### **Forum 4: Transforming performance management: A case study**

- Developing a new performance management system for the new council
- Cultural change
- Successes and challenges

**Siobhan Fisher, Head of Corporate Planning & Performance, Mid & East Antrim Borough Council and Jan Kennedy, Head of APSE Training**

### **Forum 5: Involving volunteers in improving service delivery**

- Engaging the public in street scene inspections
- A pilot in LAMS: how did it go?
- Use of the App to gain feedback

**Phil Pritchard, Contracts Manager, Telford and Wrekin Council and Paul O'Brien, APSE Chief Executive**

### **Forum 6: Developments in performance networks**

- Benchmarking corporate services: a UK-wide pilot
- Measuring Universal Infant Free School Meals: a joint project with LACA
- Advances in the web portal and new database

**Karen Armstrong, Policy & Performance Manager, Flintshire County Council, Maria Kelly, APSE Associate and Debbie Johns, Head of Performance Networks, APSE**

13:00 Lunch

14:00 **Workshops**

### **Workshop A: Building cleaning**

- Moving to robotic cleaning
- Flexible working for cleaning staff
- Improving the building cleaning service
- Developing a friends and family service

**Facilitators: Gerry Donachie, South Lanarkshire Council; Phil Dixon and Stephanie Warne, South Tyneside Council; Kirsty Thomas, Caerphilly Council and John Bedwell, APSE Associate**

### **Workshop B: Building maintenance (housing and non-housing)**

- Risk assessments/ fire issues post Grenfell
- Building maintenance service App development
- Impact of Brexit on the construction industry
- Apprenticeships in building maintenance

**Facilitators: Ross Grieve, Fife Council, John Hallam, Durham County Council, Phil Brennan, Head of APSE Energy and Colin McInnes, APSE Associate**

### **Workshop C: Catering (including education and commercial)**

- The impact of Universal Infant Free School Meals
- Brexit and the impact on food prices and sourcing products
- Catering for special diets
- Apprenticeships in catering

**Facilitators: Jenny Roberts, Stoke-on-Trent City Council, Helen Ross and Louise McErlain, Manchester City Council, Tim Blowers, Derbyshire County Council and Vickie Hacking, Principal Advisor, APSE**

### **Workshop D: Cemetery and crematorium services**

- End to End service delivery, is it a realistic option for local authorities?
- Maintaining a safe and respectful cemetery in the face of increasing customer demands
- Is income generation acceptable when dealing with vulnerable families?
- LAMS: the development of the project and the App

**Facilitators: Ian Jones, APSE Associate, Peter Linsell, APSE Associate and Jan Kennedy, Head of APSE Training**

### Workshop E: Corporate services

- Results from the pilot
- Scope of services covered and relevant measures
- Revisions to the model for next year
- Topics and future direction

**Facilitators: Karen Armstrong, Flintshire County Council and Maria Kelly, APSE Associate**

### Workshop F: Environmental health and Trading standards

- Illegal tobacco and alcohol – how big is the problem and what can be done to solve it?
- Food Hygiene ratings, have they really made a difference?
- Introducing a mobile App for inspections, complaints and information gathering

**Facilitators: Frank Feechan, Dundee City Council and Louise Melville, Principal Advisor, APSE**

### Workshop G: Markets

- Benchmarking indoor and outdoor markets
- Performance indicators and relative performance
- Revisions to the model for next year
- Topics and future direction

**Facilitators: Graham Wilson, NABMA, Andy Mudd, Head of APSE Solutions**

### Workshop H: Parks

- The Findings of the Parks Action Group Report on Knowledge and Skills requirements for the 21st Century Parks Manager
- Justifying and measuring the value of our Parks and Greenspaces.
- The balance between income generation and retaining free public access.
- LAMS: the development of the project and the App

**Facilitators: Phil Bates, Stafford Borough Council; Peter Barton Price, Conwy County Borough Council; Ian Jones, APSE Associate; Wayne Priestley, Principal Advisor and Paul O'Brien, APSE Chief Executive**

### Workshop I: Refuse collection

- Changing face of waste management and how to transform services
- Co-mingled collections vs Source separation – service costs or material income – the long-term view.
- Deposit return scheme
- Developing a communications strategy to reduce contamination and increase recycling

**Facilitators: Andrew Kendall, Eastleigh Borough Council; Dela Moreland, Kettering Borough Council; Kristy**

**Spindler, South Gloucestershire Council; Peter Kirkbride, APSE Associate and Mo Baines, Head of Communication and Co-ordination, APSE**

### Workshop J: Roads/highways, winter maintenance and street lighting

- Measuring public satisfaction
- Maintenance hierarchies and strategies and the new Code of Practice
- Innovation in pothole repairs
- What's next for street lighting?

**Facilitators: Dot Reid, Falkirk Council, Andrew Martin, formerly Dorset County Council and Lorna Box, Principal Advisor, APSE**

### Workshop K: Sports and leisure

- Maximising the benefit of the leisure spend
- Measuring success for different stakeholders
- Staying abreast and benefiting for the next leisure trend
- Developing a versatile leisure facility with wider uses

**Facilitators: Stuart Davidson and Mark Moore, Telford and Wrekin Council, and Sue Finnigan, APSE Associate**

### Workshop L: Street cleansing

- How the digitisation of the Land Audit Management System has improved national street cleansing benchmarking.
- Litter picking on the Trunk Roads
- 'Don't drop litter' – keeping the message fresh and in-tune with today's generation.
- Update on National Litter Strategies

**Facilitators: Andrew Woodend, Defra; Jamie Fry, Zero Waste Scotland, Ian Jones, APSE Associate and Dave Henrys, APSE Associate**

### Workshop M: Transport

- Derogations for alternatively fuelled vehicles
- Grey fleet reduction and safer driving
- Maintaining an efficient flow through the maintenance facility
- Ensuring the workforce training remains up to date with changing technologies

**Facilitators: Carl Gillyon, East Riding of Yorkshire Council; Brendan McNamara, Wakefield Council and Rob Bailey, Principal Advisor, APSE**

17.15 Seminar close

## Evening Programme

The prestigious performance networks awards are a high profile occasion where both the best performing authorities and the most improved are awarded for their achievements. There are dedicated awards for each service area and finalists are selected based on those authorities who have participated in performance networks.

19:00 **Pre-dinner drinks**  
19:30 **Performance networks dinner**  
21:30 **Performance networks awards**

*APSE is proud to once again be supporting Parkinson's UK as our event charity this year and hopes to add to the many thousands raised at our awards in recent years for this vital charity.*

## Friday 7 December

**Chair: Paul O'Brien, Chief Executive, APSE**

### 10:00 A future beyond austerity?

- Economic outlook for local government
- Impact on neighbourhood services
- Implications of Brexit

**Dr Peter Kenway, Director, New Policy Institute**

### 10:30 Panel discussion:

**Life beyond austerity for front line services**

Panel members:

**Anita Brown, Service Manager, Stockton-on-Tees Council**

**Liz Webster, Head of Environment and Housing, North Lincolnshire Council**

**Kenny Gillespie, Head of Housing Services, Falkirk Council**

**Andrew Martin, formerly Service Director, Dorset Highways Operations, Dorset County Council**

**Paul Wright, Open Space Services – Divisional Manager, Halton Borough Council**

## Contact details

Contact name	Authority
Address	
Postcode	
Email	Telephone

Please detail any special dietary or access requirements for the delegates listed below (including vegetarian/vegan)

### Delegate Packages Exclusive of VAT

#### What's included?

*The delegate fee covers attendance on both days, delegate documentation, lunches, light refreshments, dinner and attendance at the performance networks award ceremony. Accommodation for Thursday 6 December is also included.*

Performance networks corporate/service members: **£225**  
 Other performance networks member delegates: **£275**  
 Non performance networks member delegates: **£379**  
 Private/non Local Government delegates: **£510**

### Accommodation Bookings allocated on 'first come' basis

Accommodation for the night of Thursday 6 December is included in the delegate fee.

Please note that all hotel bookings at this event must be reserved via APSE as the hotel will not accept any direct bookings.

**Delegates wishing to book accommodation on any night other than 6 December must contact the hotel directly to do this. All accommodation at the conference venue is allocated on a first come first served basis**

### Payment details

- ☐ Please find enclosed cheque made payable to APSE
- ☐ Please invoice me  
 (if required please include purchase order number)

VAT registration number 519 286 915

**For group bookings of 5 or more delegates attending the whole seminar, a 10% discount will be deducted from your invoice**

## Delegate details

Please circle

Delegate name	Position	Email	Forum choice 1-6	Workshop choice A-M	Accommodation required
					<b>Y / N</b>
					<b>Y / N</b>
					<b>Y / N</b>
					<b>Y / N</b>

- ☐ **Please confirm that you are happy for APSE to retain your details so that we can send you information relevant to your area of interest. Your data will be used for sign in sheets, delegate lists and hotel lists (where relevant). If you are making a booking on behalf of other delegates please confirm that you have their permission to be included on our database. Our GDPR policy is available on our website: [www.apse.org.uk](http://www.apse.org.uk).**

CANCELLATION & REFUND POLICY: Reservation is a contract. Substitution of delegates is acceptable any time in writing by post, email to [vstarmar@apse.org.uk](mailto:vstarmar@apse.org.uk) or fax to 0161 772 1811. Cancellations must be made in writing at least 10 working days before the event, and will incur a 20% administration fee. No refunds can be given for cancellations received less than 10 working days before the event or for non-attendance. In the unlikely event of cancellation by the organisers, liability will be restricted to the refund of fees paid. The organisers reserve the right to make changes to the programme, speakers or venue should this become necessary.

Register for the seminar:

**1**

**Online form:**  
[www.apse.org.uk](http://www.apse.org.uk)

**2**

**Email this form to:**  
[vstarmar@apse.org.uk](mailto:vstarmar@apse.org.uk)



**COUNCIL EXECUTIVE**

**2018/19 HOUSING REVENUE ACCOUNT – MONTH 6 MONITORING REPORT**

**REPORT BY DEPUTE CHIEF EXECUTIVE**

**A. PURPOSE OF REPORT**

To provide the Council Executive with a report on financial performance following the month 6 monitoring exercise.

**B. RECOMMENDATION**

It is recommended that Council Executive notes the outcome of the month 6 monitoring exercise and the projected outturn.

**C. SUMMARY OF IMPLICATIONS**

<b>I. Council Values</b>	Focusing on customers' needs, being honest, open and accountable, making best use of resources, working in partnership.
<b>II. Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	None.
<b>III. Implications for Scheme of Delegations to Officers</b>	None.
<b>IV. Impact on performance and performance Indicators</b>	None.
<b>V. Relevance to Single Outcome Agreement</b>	None.
<b>VI. Resources - (Financial, Staffing and Property)</b>	A breakeven position is predicted at this stage.
<b>VII. Consideration at PDSP</b>	Not applicable.
<b>VIII. Other consultations</b>	Head of Finance & Property Services.

## D. TERMS OF REPORT

### D.1 Introduction

The council approved a £49.123 million Housing Revenue Account (HRA) budget on 13 February 2018. This report provides information on the financial position in relation to the HRA as at 30 September 2018 and provides a projection to the year end.

### D.2 Summary of Month 6 Financial Information

The table below summarises the position for the main expenditure headings and provides a projected outturn:

	<b>2018/19 Budget £'000</b>	<b>Committed Expenditure to 30 Sept £'000</b>	<b>2018/19 Projected Outturn £'000</b>	<b>2018/19 Projected Variance £'000</b>
Employee Costs	4,660	4,173	4,336	(324)
Premises Costs	15,645	7,618	15,567	(78)
Transport Costs	154	115	130	(24)
Supplies & Services	3,410	2,937	3,230	(180)
Third Party Payments	62	2,369	100	38
Transfer Payments	978	489	1,513	535
Support Services	2,552	850	2,552	0
Capital Financing	14,845	7,422	14,067	(778)
CFCR	6,817	3,409	6,817	0
<b>Total Expenditure</b>	<b>49,123</b>	<b>29,382</b>	<b>48,312</b>	<b>(811)</b>
Income	(49,123)	(29,002)	(48,312)	811
<b>Net Expenditure</b>	<b>0</b>	<b>380</b>	<b>0</b>	<b>0</b>

#### Employee Costs

Employee costs are forecast to underspend by £324,000, mainly as a result of secondments, vacant posts and staff turnover. There are a number of staff within the HRA currently on secondment and backfill arrangements have been determined based on operational and business need, which has resulted in some short term savings within the area. There have also been a number of vacancies due to staff turnover, which have resulted in one off savings during the recruitment period to fill these posts.

#### Premises Costs

Based on current information, premises costs are anticipated to underspend by £78,000. Expenditure on repairs is a key risk area; it is demand led and reactive to customer requirements, and any adverse weather can also materially impact on expenditure. This volatility will require the budget to be closely monitored during the remainder of 2018/19.

#### Supplies & Services

Supplies and Services are forecast to underspend by £180,000 due to a combination of net savings and overspends across a number of budget headings. The main areas of underspend are in IT costs and consultancy costs.

#### Third Party Payments

The projected overspend of £38,000 in third party payments reflects increased servicing and repair costs for property aids and adaptations.

### Transfer Payments

Transfer payments comprise void losses, irrecoverable rents and bad debt provision for rents. The forecast overspend of £535,000 is principally due to an anticipated increase in bad debt provision due to higher levels of rent arrears. Increased void losses will in part be a consequence of new build house completions and the secondary lets generated.

### Capital Financing & CFCR

The mix between borrowing and Capital Funded from Current Revenue (CFCR) is largely dependent on the required level of borrowing and associated capital financing charges as well as the level of CFCR affordable to the HRA. Loan charge forecasts have been updated to reflect the 2017/18 capital outturn and 2018/19 budget reported to Council Executive on 26 June 2018. A saving of £778,000 is anticipated.

The level of CFCR is also subject to confirmation dependant on other movements within the HRA revenue account, principally in relation to expenditure on reactive repairs and collection levels for housing rent. At this stage, it is proposed that the CFCR contribution be retained at £6.817 million and this will be reviewed at month 9.

### Income

Income budgets for 2018/19 relate to the estimated level of rent and other miscellaneous charges due to the HRA. Forecast income has been projected based on the latest information relating to housing stock, taking account of new build completions.

The level of rental income received to date is 95% of the rental income budget at month 6. Based on the 2017/18 rental income outturn, and factoring in stock changes during 2018/19, achievable income is forecast to be £811,000 under budget.

The value of current tenant arrears at end September 2018 was £2.395 million (5,998 cases), with the equivalent position at September 2017 of £1.812 million (5,382 cases). Arrears and their impact on the financial position of the HRA will continue to be closely monitored.

## **E. CONCLUSION**

A breakeven position is forecast on the basis of the information available.

Appendices/Attachments: None

Contact Person: [stephen.ross@westlothian.gov.uk](mailto:stephen.ross@westlothian.gov.uk) – Tel No: 01506 281311

**Graeme Struthers**  
**Depute Chief Executive**  
**13 November 2018**





**COUNCIL EXECUTIVE**

**2018/19 HOUSING CAPITAL REPORT – MONTH 6 MONITORING REPORT**

**REPORT BY DEPUTE CHIEF EXECUTIVE**

**A. PURPOSE OF REPORT**

To provide the Council Executive with a report on the financial position in relation to the Housing Capital Programme following the completion of the month 6 monitoring exercise.

**B. RECOMMENDATION**

It is recommended that Council Executive note the outcome of the month 6 Housing capital monitoring exercise and the projected outturn for 2018/19.

**C. SUMMARY OF IMPLICATIONS**

<b>I. Council Values</b>	Focusing on customers' needs, being honest, open and accountable, making best use of our resources, working in partnership.
<b>II. Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	The council's Housing Capital Programme is managed within the stringent requirements set out in the Prudential Code.
<b>III. Implications for Scheme of Delegations to Officers</b>	None.
<b>IV. Impact on performance and performance Indicators</b>	None.
<b>V. Relevance to Single Outcome Agreement</b>	"Outcome 10 – We live in well designed, sustainable places where we are able to access the services we need."
<b>VI. Resources - (Financial, Staffing and Property)</b>	Council Executive approved a revised five year capital programme of £157.499 million for 2018/19 to 2022/23 on 26 June 2018. The 2018/19 revised budget is £42.018 million.
<b>VII. Consideration at PDSP</b>	Not applicable.
<b>VIII. Other consultations</b>	Consultation has taken place with Housing Customer and Building Services, tenants and Finance & Property Services.

## D. TERMS OF REPORT

### D.1 Introduction

The council approved a five year programme for Housing capital investment in February 2018. An updated 2018/19 Housing capital investment programme of £42.018 million was approved by Council Executive on 26 June 2018, taking account of the 2017/18 outturn and updated phasing profiles. This report contains detail of expenditure to date in the Housing capital programme and provides a projected outturn for the financial year.

### D.2 Summary of Month 6 Financial Information

The summarised position for actual and projected expenditure is shown below. The table shows actual investment of £17.166 million in the housing stock to 30 September 2018. The forecast expenditure for the year is £41.512 million. The investment programme comprises the creation of new build social housing and refurbishment of existing stock, which includes large scale housing projects, energy efficiency works and planned programmes, much of which is undertaken by Building Services.

<b>Table 1</b>	<b>2018/19 Revised Budget £'000</b>	<b>Actual Expenditure at Month 6 £'000</b>	<b>2018/19 Projected Outturn £'000</b>	<b>2018/19 Projected Variance £'000</b>
New Housing Supply	22,207	11,605	22,789	582
Major Refurbishment	2,812	231	2,071	(741)
Major Elemental Upgrades	3,935	1,236	3,895	(40)
Planned Programmes	2,793	1,057	2,453	(340)
Environmental Upgrading	981	97	979	(2)
Compliance Works	8,705	2,704	8,757	52
Miscellaneous	585	236	568	(17)
<b>Total</b>	<b>42,018</b>	<b>17,166</b>	<b>41,512</b>	<b>(506)</b>

#### New Housing Supply

Significant resources continue to be invested in the creation and acquisition of new homes, with budgeted resources of £22.207 million in 2018/19. New housing supply includes increasing the existing council housing stock through new builds, open market acquisitions and mortgage to rent properties. Good progress is being made, with the majority of new build projects on site and progressing, and projected spend for 2018/19 is £22.789 million.

To date in 2018/19, 178 new build council houses have been completed. The council has also acquired 29 houses through the Open Market Acquisitions scheme.

Development is underway at Kirkhill (Broxburn), Lammermuir (Livingston), Mayfield (Armada), Drumshoreland (Pumpherstons), Deans South (Livingston), Almondell (East Calder), Almondvale Stadium (Livingston), Bathville (Armada) and Wester Inch (Bathgate).

At the largest site in the programme, Kirkhill, over 100 houses have now been handed over and it is anticipated that the development will be completed by summer 2019. The developments at Lammermuir, Mayfield and Almondell are all expected to be complete with the remaining houses handed over from the developers by the end of the calendar year. Development has commenced at Almondvale Stadium, with the first handovers expected in 2019. Drainage re-design and the need for road closures to implement works has resulted in delay.

On 9 October 2018, Council Executive agreed to remove Nelson Park, Armadale, from the programme and to replace the units with 26 Open Market Acquisitions. It was agreed that all 26 Open Market Acquisitions would be in the Armadale and Blackridge ward and that £2.6 million of the new build budget previously allocated to Nelson Park was to be allocated to Open Market Acquisitions to purchase 26 former council houses. It is anticipated that 13 of the approved Open Market Acquisitions can be progressed during 2018/19, therefore it is proposed to accelerate £1.3 million from the 2019/20 new build budget.

Alternative options are now being considered for delivery of a proportion of the future new supply target of 250 housing units. This includes the option of purchasing completed units from developers at two of the identified sites. As a result, the spend profile of the project will need to be updated accordingly, to reflect the fact that payment for these units will be incurred at the end of the project rather than throughout the project as the units are being constructed. Slippage of £750,000 is now anticipated for 2018/19 in the 250 unit new supply budget, mainly as a result of this reprofiling, however this slippage will be offset by the accelerated spend forecast in Open Market Acquisitions.

Feasibility studies have been carried out on two surplus, non-domestic housing assets to identify whether it is financially and technically viable to convert them into residential accommodation. Costs for the works required are expected to be £160,000, with Scottish Government grant funding confirmed at £30,000 for each property, as these conversions will increase new housing supply. Most of the cost is likely to be incurred in 2019/20, and it is proposed that the remaining £100,000 required to complete the works is either preserved from any 2018/19 underspends or allocated from the 2019/20 planned reactive budget.

### **Major Refurbishments**

Major refurbishment works include planned works on streets, beyond traditional roof and render renewal works. Expenditure of £2.071 million is expected on these projects during 2018/19.

As noted at Month 4, the major refurbishment element of the Bathville project is expected to slip by £440,000 in 2018/19 due to ongoing legal issues over title deed changes. Every effort is still being made to try to resolve these issues as soon as possible to minimise the projected level of slippage.

### **Major Elemental Upgrades**

Planned expenditure of £3.895 million is expected on major elemental upgrades in 2018/19. Projects largely include roof and roughcasting work undertaken, or managed, by Building Services.

Works to properties in the Lanrigg area of Fauldhouse are progressing well and are expected to complete on schedule. Major works in the Glebe Road and Jubilee Road area of Whitburn are progressing ahead of schedule, with accelerated spend anticipated in the project to maximise the available resources. The installation of roof and render upgrades is ongoing in Strathlogie.

### **Planned Programmes**

Planned programmes maintain the safety of houses and components, with expenditure of £2.453 million expected across the programme during 2018/19. This includes new kitchens and bathrooms, window and door refurbishments and renewals, stair upgrades, fencing programmes and high value repairs. The programme consists of

approximately: 90 kitchens and bathrooms, external painting and internal decoration to a combined total of 1,100 properties, rhone cleaning and upgrading to 1,967 properties and various common stair upgrades such as painting and new security entrance doors in 20 blocks.

### **Environmental / External Upgrading**

Forecast expenditure of £979,000 is anticipated on environmental programmes and external upgrading in 2018/19. These works encompass a range of environmental, street improvement and drainage projects, planned in conjunction with tenants and other council services, and works are progressing well at various sites throughout West Lothian.

### **Compliance Works**

Compliance works to housing stock include asbestos management works, legionella upgrades, periodic testing and electrical upgrades and a number of energy efficiency projects aimed at meeting the requirements of Scotland's Energy Efficiency Standard for Social Housing (ESSH) regulations by the end of December 2020. These works include central heating upgrades, enhanced investment in external wall insulation and PV panels. The programme consists of approximately: 883 central heating replacements, periodic testing of 1,765 houses and the installation of hard wired smoke detectors in 1,644 properties. Works to upgrade the remaining BISF houses in Blackburn are anticipated to be completed during 2018/19, and the programmed works for 2018/19 to upgrade the firewalls in homes in Winchburgh have already been completed.

As an integral part of the council's Energy Efficiency Standard for Social Housing Programme (ESSH), an air source heat pump project is to be undertaken in Breich and Ballencreiff Toll to improve energy efficiency. PV Panel installations will continue in Westfield, where £50,000 will be spent on installation of solar PV panels in conjunction with programmed roof and render repair works.

A review of spend at month 6 has indicated that there is likely to be an overspend on asbestos works, due to increased levels of voids during the year and additional asbestos works required as a result of the new smoke detection programme, however the projected overspend can be accommodated with the overall compliance budget.

### **Miscellaneous**

Works are ongoing in various miscellaneous projects throughout West Lothian, which includes feasibility studies, the home safety service and home security for older people, with anticipated spend of £568,000 in 2018/19.

## **D.3 Capital Resources**

The table below shows the capital resources available to fund the housing capital programme in 2018/19. It should be noted that the investment programme is largely funded through a mix of borrowing and Capital Funded from Current Revenue (CFCR), with additional funding sources from council house sales, government grants and council tax on second homes. The mix between CFCR and Borrowing is largely dependent on the required level of borrowing and associated capital financing charges as well as the level of CFCR affordable to the Housing Revenue Account, and is subject to confirmation at the end of the financial year.

<b>Table 2</b>	<b>2018/19 Revised Budget £'000</b>	<b>2018/19 Income to Month 6 £'000</b>	<b>2018/19 Projected Outturn £'000</b>	<b>2018/19 Projected Variance £'000</b>
CFCR	6,817	3,408	6,817	0
Borrowing	33,010	12,957	32,533	(477)
Government Grants	1,401	630	1,401	0
Developer Contributions	420	0	420	0
Council Tax (Second Homes)	200	158	158	(42)
Capital Receipts	170	13	183	13
<b>Total Income</b>	<b>42,018</b>	<b>17,166</b>	<b>41,512</b>	<b>(506)</b>

## **Borrowing**

The programme approved in June 2018 outlined anticipated borrowing requirements of £33.010 million. At this stage it is anticipated that £32.533 million of borrowing will be required to meet projected expenditure levels.

## **CFCR**

At this stage, the contribution of Capital from Current Revenue (CFCR) is anticipated to be £6.817 million. It should be noted the final contribution can be subject to capital borrowing requirements and related costs, as well as affordability within the Housing Revenue Account, subject to pressures such as rent arrears and reactive repair costs, and the anticipated CFCR contribution will be reviewed when Treasury forecasts are updated.

## **E. CONCLUSION**

Progress is being made in the 2018/19 Housing capital programme. Within the new housing supply projects, there have been a number of completions and construction work is progressing well on a number of sites.

Significant investment is also being made in the housing stock to both improve the overall standard of the stock, meet energy efficiency standards and to increase the number of available houses for West Lothian residents. Much of the focus of this work in 2018/19 continues to be on work undertaken, where possible and within the terms of the Best Value framework, by Building Services.

All project budgets will continue to be closely monitored and the position managed by appropriate lead officers.

Appendices/Attachments: One

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**Graeme Struthers**  
**Depute Chief Executive**  
**13 November 2018**



**West Lothian Council**  
**Housing Capital Programme Month 6 Monitoring**  
**Council Executive**

## APPENDIX 1

## EXPENDITURE

**NEW HOUSING SUPPLY**

	Annual Budget 2018/19	Actual to Date 2018/19	Projected Outturn 2018/19	Projected Variance 2018/19
New Build (250 units)	1,000	20	250	(750)
Open Market Acquisition Scheme	3,585	2,285	4,885	1,300
Mortgage to Rent	150	0	150	0
<b>1,000 Houses New Build:</b>				
Lot 1	4,600	2,441	4,695	95
Lot 2	2,744	1,178	2,699	(45)
Lot 3	374	204	632	258
Lot 4	5,245	3,536	5,566	321
Lot 5	2,984	1,591	3,091	107
<b>Other New Build:</b>				
Armadale, Bathville Cross New Build	200	1	0	(200)
Armadale, Station Road, (Bathville Cross Phase 5)	490	4	50	(440)
Broxburn Old School New Build Council Housing Programme	0	44	45	45
Gildyhaugh Bathgate New Build	0	1	1	1
Fees 1,000 houses	835	300	725	(110)
<b>NEW SUPPLY TOTAL</b>	<b>22,207</b>	<b>11,605</b>	<b>22,789</b>	<b>582</b>

**REFURBISHMENT AND INVESTMENT****Major Refurbishment**

Bathville Flats, Armadale	2,091	123	1,651	(440)
Bedlormie	0	0	280	280
Harrison Houses - Loch Scheme, Whitburn	721	108	140	(581)
	<b>2,812</b>	<b>231</b>	<b>2,071</b>	<b>(741)</b>

**Major Elemental Upgrades**

57 - 117 Lower Bathville	750	52	625	(125)
Aitken Orr Drive, Broxburn	44	31	35	(9)
Auldhill Crescent, Bridgend	360	0	250	(110)
Balbardie Av & Cres, Rosemary & Slate Roofs, Bathgate	402	77	402	0
Cuthill, Stoneyburn	114	86	88	(26)
Empire St Baillie St Bog Rd etc. Whitburn	192	2	192	0
Glebe Rd, Union Rd & Dr, Armadale Rd, Jubilee Rd, Whitburn	800	528	1,030	230
Langrigg Area, Fauldhouse - Ogilvy Crescent & Scott Place	750	126	750	0
Strathlogie, Westfield	523	334	523	0
	<b>3,935</b>	<b>1,236</b>	<b>3,895</b>	<b>(40)</b>

**Planned Programmes**

Assisted Decoration and Internal Upgrade Scheme	388	153	374	(14)
Common Access Door Upgrades	150	2	150	0
Common Stair Upgrades	100	3	100	0
Fencing	200	48	100	(100)
Kitchens and Bathrooms	523	316	495	(28)
Painting	300	88	180	(120)
Planned Reactive/ HIO Investment	452	280	474	22
Rainwater Goods Testing and Upgrading	300	53	200	(100)
Windows & Doors Refurbishment / Renewal	380	114	380	0
	<b>2,793</b>	<b>1,057</b>	<b>2,453</b>	<b>(340)</b>

**Environmental / External Upgrading**

Aerial Upgrades	50	2	50	0
Almondell, Broxburn	266	8	316	50
Bin Store Improvements	119	20	119	0
Play Areas	42	0	41	(1)
Programmed Drainage	148	53	147	(1)
Street Improvements - Area Improvements	91	0	41	(50)
Tenant Environmental Projects	265	14	265	0
	<b>981</b>	<b>97</b>	<b>979</b>	<b>(2)</b>

**Compliance Works**

Aids and Adaptations- Building Services	350	200	404	54
Aids and Adaptations- Occupational Therapists	350	63	296	(54)
Asbestos Management	425	456	700	275
BISF Ladeside, Blackburn	320	301	422	102
Central Heating	3,250	911	2,900	(350)
Energy Efficiency/PV Panels	732	54	732	0
Energy Performance Certificates	140	0	140	0
External Wall Insulation	1,758	25	1,758	0
Firewalls	50	39	75	25
Hard wired smoke detectors	500	277	500	0
Legionella Upgrades	30	2	30	0
Periodic testing and Electric Upgrades	700	345	700	0
Renewal of walls and footpaths	100	31	100	0
	<b>8,705</b>	<b>2,704</b>	<b>8,757</b>	<b>52</b>

**Miscellaneous**

Deans South, Livingston	243	45	243	0
Feasibility Surveys	70	17	70	0
Home Safety Service	170	174	170	0
Home Security for Senior People	45	0	15	(30)
IT	57	0	70	13
	<b>585</b>	<b>236</b>	<b>568</b>	<b>(17)</b>

**REFURBISHMENT & INVESTMENT TOTAL**

<b>19,811</b>	<b>5,561</b>	<b>18,723</b>	<b>(1,088)</b>
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**TOTAL HOUSING CAPITAL INVESTMENT PROGRAMME**

<b>42,018</b>	<b>17,166</b>	<b>41,512</b>	<b>(506)</b>
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## **COUNCIL EXECUTIVE**

### **2018/19 GENERAL FUND REVENUE BUDGET – MONTH 6 MONITORING REPORT**

#### **REPORT BY HEAD OF FINANCE AND PROPERTY SERVICES**

##### **A. PURPOSE OF REPORT**

To provide the Council Executive with a report on the financial position in relation to the General Fund Revenue Budget, following completion of the month 6 monitoring exercise.

##### **B. RECOMMENDATION**

It is recommended that Council Executive:

1. Notes that the outcome of the month 6 monitoring exercise is a forecast overspend of £1.352 million for 2018/19, which is partly offset by £1.052 million early delivery of budget reductions within Social Policy to give a net 2018/19 variance of £300,000, a decrease of £32,000 from the position reported to Council Executive at month 4;
2. Notes the movements in the forecasts at service level, in particular, an increase in the projected overspend for Operational Services of £1.098 million, £598,000 of which is as a result of an increase in projected expenditure for ASN transport, offset by an increased underspend within Social Policy of £956,000 relating to care provision from providers;
3. Notes the increased level of recurring pressures of £3.894 million and the update from Heads of Service on progress against agreed actions to mitigate these pressures;
4. Notes the potential additional pressure estimated from pay award negotiations is included within the forecast for the current year and the requirement to meet these costs for future years through recurring staffing savings in each service;
5. Notes that officers are progressing a detailed review of the budget model in advance of the annual budget setting process for 2019/20 to take account of changes in circumstances and updated forecasts;
6. Notes the progress in delivering approved savings for 2018/19 to 2020/21;
7. Agrees that Heads of Service take all necessary actions to control spend, ensure that wherever possible expenditure is managed within 2018/19 budgeted resources, take all possible opportunities to deliver agreed savings as early as possible, and agree and deliver mitigating actions so that recurring cost pressures are addressed in advance of 2019/20.

##### **C. SUMMARY OF IMPLICATIONS**

<b>I</b>	<b>Council Values</b>	Focusing on customers' needs, being honest, open and accountable, making best use of resources, working in partnership.
<b>II</b>	<b>Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	Local Government (Scotland) Act 1973, Section 95; Local Government in Scotland Act 2003, section 1-14.

<b>III</b>	<b>Implications for Scheme of Delegations to Officers</b>	Effective budget management is an essential element of service performance. Additional financial reporting provides elected members with information to allow for proper scrutiny of performance of services.
<b>IV</b>	<b>Impact on performance and performance indicators</b>	The revenue and capital budgets provides resources necessary to help deliver the Single Outcome Agreement. Effective prioritisation of resources is essential to achieving key outcomes.
<b>V</b>	<b>Relevance to Single Outcome Agreement</b>	None.
<b>VI</b>	<b>Resources – (Financial, Staffing and Property)</b>	The outcome of the monitoring exercise is a forecast overspend of £1.352 million for 2018/19, partially offset by accelerated delivery of approved budget reductions in Social Policy of £1.052 million, giving a net overspend position of £300,000.
<b>VII</b>	<b>Consideration at PDSP</b>	The month 6 monitoring exercise is being considered by PDSPs during November and December through Financial Performance reports
<b>VIII</b>	<b>Other Consultations</b>	Depute Chief Executives and Heads of Service.

## **D. TERMS OF REPORT**

### **D.1 Introduction**

This report sets out the overall financial performance of the General Fund Revenue Budget for the period to 30 September 2018 and provides a year-end financial forecast which takes account of relevant issues identified in individual service budgetary control returns. The report also considers the position regarding the delivery of approved budget reduction measures.

The risk based budget monitoring process is undertaken in line with the council's budgetary control framework and procedures and helps contribute to spend being managed within available budget resources and approved savings being fully delivered.

As part of this monitoring exercise an additional pressure has been assumed in relation to ongoing pay award negotiations. Indications are that any additional pay award for non-teachers will not be funded by the Scottish Government. It is proposed that any such cost pressure is met by additional staffing savings across services.

### **D.2 Month 6 Summary Financial Information for 2018/19**

The table below summarises the position in relation to service expenditure and provides a forecast outturn. The outcome of the month 6 monitoring exercise is a forecast overspend of £1.352 million, which is partly offset by £1.052 million early delivery of budget reductions within Social Policy to give a net 2018/19 variance of £300,000.

Service	2018/19 Budget £'000	Commitment at Month 6 £'000	Forecast Outturn £'000	Projected Variance Over / (Under) £'000
<b>Education, Planning, Econ Dev &amp; Regen</b>				
Education	156,592	139,200	156,400	(192)
Planning, Econ Development & Regeneration	6,837	5,831	6,837	0
<b>Education, Planning, Econ Dev &amp; Regen - Total</b>	<b>163,429</b>	<b>145,031</b>	<b>163,237</b>	<b>(192)</b>
<b>Corporate, Operational and Housing</b>				
Operational Services	56,308	45,081	59,114	2,806
Housing, Customer and Building Services	7,459	8,487	8,939	1,480
Corporate Services	10,999	10,998	10,855	(144)
<b>Corporate, Operational and Housing - Total</b>	<b>74,766</b>	<b>64,566</b>	<b>78,908</b>	<b>4,142</b>
<b>Social Policy</b>				
IJB – Adult and Elderly Services	71,886	30,020	71,426	(460)
Non IJB – Children's Services	34,127	17,975	33,739	(388)
<b>Social Policy - Total</b>	<b>106,013</b>	<b>47,995</b>	<b>105,165</b>	<b>(848)</b>
<b>Chief Executive, Finance and Property</b>	<b>24,204</b>	<b>24,935</b>	<b>23,895</b>	<b>(309)</b>
<b>Joint Valuation Board</b>	<b>1,128</b>	<b>569</b>	<b>1,128</b>	<b>0</b>
<b>Service Expenditure - Total</b>	<b>369,540</b>	<b>283,096</b>	<b>372,333</b>	<b>2,793</b>
Non-Service Expenditure	36,673	2,274	35,232	(1,441)
<b>TOTAL EXPENDITURE</b>	<b>406,213</b>	<b>285,370</b>	<b>407,565</b>	<b>1,352</b>
Early achievement of Social Policy budget reduction measures			(1,052)	(1,052)
<b>Net Position 2018/19</b>	<b>406,213</b>	<b>285,370</b>	<b>406,513</b>	<b>300</b>

### D.3 Update on Recurring Pressures

A number of recurring pressures have previously been reported to Council Executive. The last update to Council Executive on the 11 September was the outcome of the monitoring exercise for month 4. At that meeting, a number of actions were agreed, which were to be progressed by Heads of Service and an update on the status of actions is provided in Appendix 1. As previously agreed, quarterly monitoring reports to Council Executive will continue to have significant focus on the extent of recurring pressures, how these are being managed, and action required to address the pressures.

Since month 4, the value of recurring pressures has increased from £3.005 million to £3.894 million, mainly as a result of increasing expenditure on ASN Transport. An initial analysis has identified that this is as a result of an increase in the cost per journey for routes following a recent re-tendering exercise and the annual variation in contracts for the new academic year. In addition, the number of routes compared to the number of pupils is also increasing. At this stage, further urgent work is being carried out by officers to further ascertain the reasons for the increase and mitigating measures that can be taken.

The other recurring pressures largely have mitigating actions agreed that will be implemented during 2018/19 ahead of 2019/20, including consideration of provision of additional budget for homelessness and recycling gate fees, to cover unavoidable cost pressures.

It is important to note that in the majority of cases, the recurring pressures are currently offset by one-off underspends as a result of staffing vacancies or early delivery of approved budget reductions. It is essential that the council implements mitigating action to ensure that these areas are brought into line with agreed budgets on a recurring basis prior to 2019/20. If action is not taken during this financial year, additional budget provision will be required for these areas in 2019/20 which will require further budget savings to be identified from elsewhere in the council. Further, as has happened between month 4 and month 6, there is a risk that these recurring pressures will increase during the year, thus, increasing the likelihood of facing a more significant

overspend position. There is no recurring funding available for this, so any increase and pressure remaining after action taken will necessitate additional savings being agreed within council services.

#### **D.4 Summary of Main Issues in Service Expenditure Budgets**

##### **D.4.1 Education & Planning, Economic Development & Community Regeneration**

###### Education

The forecast underspend in the revenue budget for Education has reduced from £272,000 in month 4 to £192,000. This relates to an anticipated net under recovery in income generation at Burgh Halls of £80,000.

An overspend in Instrumental Music Service of £110,000 is forecast due to reduced take-up. The new arrangements continue to be rolled out and pupil numbers may increase once the four week trial pilot is provided to potential new students during the last quarter for 2018. A review of this provision will be undertaken in December 2018 as requested by the Education Executive when the new delivery model was approved in April 2018.

The annual school census was undertaken in September 2018 and secondary school budgets are being updated to reflect actual rolls and updated DSM forecasts from schools will be received prior to commencement of the October school break. It is anticipated that the Pupil Equity funding of £5.161 million will be fully spent by schools, in line with the conditions of grant.

West Lothian Leisure (WLL) is currently reporting a small underspend in 2018/19, which assumes WLL will receive additional one off support from the council of £1.2 million. Membership income is slightly higher than budgeted during the first half of the financial year and this will continue to be closely monitored over the coming months. WLL provided an update on their work on their three year plan for 2019/20 to 2021/22 at the end of October 2018, and council officers will report to the WLL Advisory Committee on 29 November and Council Executive on 4 December 2018 on progress by WLL on their plan.

###### Planning, Economic Development & Regeneration

A break-even position is forecast for the year. The ongoing reduction in the value of planning applications continues and a £60,000 shortfall is anticipated, however, prior year planning income will be utilised to offset the pressure. The service anticipates that higher value planning applications will start to increase at the beginning of 2019, for example with developments in the Winchburgh area. Building warrant income has improved this year and it is anticipated that it will meet the income target.

A review is currently being undertaken in relation to grant income within Economic Development to determine resources available to the service in the coming years.

##### **D.4.2 Social Policy**

Social Policy overall is forecast to underspend by £1.9 million in the current year which includes the early delivery of future year budget reductions of £1.052 million and one-off underspends of £600,000 related to care at home and £300,000 related in Children's Services care.

The gross position for IJB services is a forecast underspend of £962,000. As previously reported £502,000 of this underspend is due to early delivery of approved savings. The remaining net balance of £460,000 is related to underspends in the delivery of Care at Home for Adults and Older People. This is due to lack of care at home capacity provided by external providers and has resulted in increased waiting lists for the delivery of care. Urgent action is currently being taken to improve this situation which includes recruiting additional in house staff to provide care and working with external care providers on options to increase capacity. There are a number of underlying pressures in areas such as Day Care transport, external Day Care provision and

reduced income in several areas such as Home Safety Service, but these are offset by underspends in staffing.

The gross position for non-IJB services is a forecast underspend of £938,000. As previously reported £550,000 of this underspend is due to early delivery of approved savings. The remaining £388,000 is related to underspends in Children's Services including residential schools and foster/kinship care. This is partly due to a change in payments for kinship care and also a reduction in numbers of children in foster care. This remains a volatile area where costs can change quickly if new placements are made. This remains a key risk area and placement numbers will continue to be monitored throughout the year.

### **D.4.3 Corporate, Operational and Housing Services**

#### Corporate Services

An underspend of £144,000 is forecast, mainly as a result of vacancies throughout the service. Occupational Health spend remain a risk area is forecast to overspend against budget. These costs will be monitored closely for the remainder of the year. The procurement and implementation of the replacement HR / Payroll system is currently being assessed by the service to quantify the financial impact. In addition, close monitoring of IT costs will be required, including the application of recharges to capital and other service areas in relation to approved IT projects.

#### Operational Services

The service is forecast to overspend by £2.806 million, an increase of £1.098 million from the previous position reported to Council Executive, mainly as a result of an increase in ASN expenditure. Overall, Public Transport is forecast to overspend by £1.055 million, of which £848,000 relates to ASN transport and £404,000 mainstream school transport. There are one-off underspends within local bus provision and concessionary travel offsetting the pressure. On a year on year basis, ASN expenditure has increased by around 12% and the number of routes has increased by 8%. Initial work has been carried out to ascertain the reasons behind the increase in costs. Recent retendering and variation of contracts that was undertaken prior to the start of the new academic year is a contributing factor. Further work is being carried out to clearly ascertain the reasons for the increase in ASN transport costs. This work will include an analysis of the number of pupils and routes and the cost of contracts per month and year on year mitigating actions to reduce expenditure on an ongoing basis. In addition, existing pressures in Mainstream Transport remain, and Council Executive agreed that officers should review provision to identify opportunities to reduce costs.

There is no change to the position in relation to mixed recycling gate fees which are forecast to overspend by £640,000 as a result of the Chinese Government's economic policy on accepting foreign waste for processing which has had an impact on global waste gate fees. Council Executive agreed that additional provision may have to be provided in the 2019/20 budget. Further close liaison will take place with the Scottish Government on this issue, including wider changes to waste collection and disposal on a national basis and the impact of any recycling bring back scheme may impact the council's current and proposed collection methods.

Pressures of £320,000 remain on Waste overtime costs and shift allowance payments within Facilities Management. Changes to service standards within Waste which are to be approved by Council Executive in November 2018 should mitigate the overtime pressure from April 2019 whilst further work is required to mitigate the pressure on shift allowances.

#### Housing, Customer & Building Services (General Fund Revenue)

An overspend of £1.480 million is forecast across the service area, primarily in Homelessness as a result of the demand for Bed and Breakfast (B&B) accommodation and Homelessness Transport. The average number of clients per night accommodated in B&B from April to September 2018 was 113, compared to 26 in April 2017, 53 in January 2018 and 80 in March 2018. Income from charging as agreed by Council Executive on 26 June 2018 has been taken

into account in calculating the recurring pressure, however, there is a risk that income is not generated. The average number accommodated in B&B per night has stabilised since the introduction of charging, approved by Council Executive on 26 June and implemented from 2 July 2018. There remains a risk that if demand increases further, this could result in additional costs of around £160,000 on an annual basis for every ten clients.

The council's approved Housing Capital programme includes provision for additional housing stock through the 1,000 houses new build project, open market acquisitions and the mortgage to rent scheme, all of which are intended to mitigate some of the pressures on the homelessness budget as more housing stock becomes available to be let. In addition, the general fund capital programme includes funding for new homeless provision which is anticipated to alleviate some of the pressure. Following recent Scottish Government guidance, officers are considering how to best use the capital resource available. However, further actions will also be required to reduce expenditure on a recurring basis and fully mitigate the budget pressure, including changes in the allocations policy and homelessness transport policy and increasing the number of private sector lets and increasing the number of available properties via registered social landlords. This will be considered in conjunction with the requirement for West Lothian Council, in common with all local authorities, to prepare a five year Rapid Rehousing Transition Plan (RRTP) to reduce Homelessness. The first iteration of a five year RRTP is to be submitted, for comment, to the Scottish Government by 31 December 2018. The plans are to be put in action by April 2019.

The £1.689 million forecast overspend for Homelessness is partly offset by underspends in the Community Safety Unit and Customer Service Centre. In terms of the recurring pressure as a result of staffing costs, this area is forecast to break-even in the current year. As noted in Appendix One, the service is continuing to develop a plan to ensure that this area breaks-even on a recurring basis.

#### **D.4.4 Chief Executive, Finance & Property Services**

The revenue budget for Chief Executive, Finance and Property Services is currently forecast to underspend by £309,000. There are pressures on energy costs with an increase in utility unit rates which is currently sitting at an 8% increase on last year's rates which compares to a budgeted rate of 5%. This pressure is being offset by the early delivery of savings for 2019/20 across the service. Work will continue between FMU and the Energy Manager to identify how this pressure will be met on a recurring basis.

Property maintenance spend continues to be a risk and revenue works are only being carried out on an emergency or essential maintenance basis across the property portfolio to ensure delivery of approved savings are met.

The Scottish Government is consulting on the implementation of the proposals in the Barclay Review on non-domestic rates. An update on the outcome of this consultation will be provided in due course.

#### **D.4.5 Staffing Performance Factor**

A staff performance factor saving of £2.334 million is included in the 2018/19 budget and is an annual savings target to be met within service budgets each year. Based on the position at month 6, the majority of service areas are forecasting that the staff performance factor saving will be achieved through staffing underspends although this will be closely monitored for the remainder of the financial year. Within Housing, Customer and Building Services and Operational Services, the monitoring exercise has highlighted pressures within staffing costs and further action as noted elsewhere within this report.

#### **D.4.6 Joint Valuation Board**

A break-even position is forecast.

## **D.5 Non-Service Expenditure**

The Council Tax Reduction Scheme is currently forecast to underspend by £1.441 million. There are a variety of factors which are impacting on the uptake levels and a focus group is investigating these. One of the actions which is being taken forward is to contact those who may be entitled to qualify for the scheme. The impact of Universal Credit may see further changes in this area. Further work is being carried out by FMU and Revenues Unit to ascertain the recurring position for the scheme and any implications for any external funding.

## **D.6 Funding in 2018/19**

The council's revenue grant is forecast to be on budget. Any additional grant funding for 2018/19 announced during the year will be reported in future monitoring reports. Council tax income is forecast to breakeven for the year.

Revenue grant funding and council tax income is supplemented by non-recurring funding of some activities such as employability, some local bus services and fixed term staff, and it is important that service spend commitments attached to this funding take account of the duration of funding available.

It should also be noted that given the additional pressure arising from the pay award it is assumed that all in year severance costs will now be met from the Modernisation Fund. At this point the total cost to be met from this fund amounts to £1.463 million.

## **D.7 Approved Budget Reduction Measures**

West Lothian Council approved a five year revenue budget strategy from 2018/19 to 2022/23 including savings measures for the three years 2018/19 to 2020/21. The total level of savings approved for the five year period is £60.102 million with £41.281 million of those savings required in the first three years. The significant level of approved savings, in addition to savings achieved in previous years and the impact of constrained funding, is resulting in an increased risk of overspends across council services and the ability to deliver approved budget reductions.

In line with the council's agreed budgetary control framework and procedures, a review of the delivery of budget reductions for the period 2018/19 to 2020/21 was completed by Heads of Service and has demonstrated that satisfactory progress is being made. Based on the exercise carried out, for the three year period to 2020/21, £19.391 million (47%) of reductions are categorised as green which indicates that Heads of Service consider that the saving is achieved or achievable. The remaining £21.890 million (53%) of reductions are categorised as amber meaning that an achievable plan is still to be agreed or existing/emerging issues require additional actions to be undertaken. In some cases, further elected member approval is required to progress these reductions. No reductions are considered unachievable, however, a number of projects will require further development where policy changes are required and will be considered by Policy Development and Scrutiny Panels and Council Executive.

## **D.8 Summarised Budget Position for 2018/19**

The outcome of the month 6 monitoring indicates that an overspend of £1.352 million is forecast, which is partly offset by £1.052 million early delivery of budget reductions within Social Policy. Recurring overspends within Operational Services and Housing, Customer and Building Services are offset by one-off underspends within other service and non-service areas, in particular where future years savings have been delivered area or there staffing vacancies.

Whilst there are agreed actions for the majority of the recurring pressures, further work is required to progress these prior to 2019/20. The out-turn assumes that the pressures remain in 2018/19 until there are clear trends in a reduction in expenditure. Any reductions in pressure during 2018/19 will have a favourable impact on the out-turn position for the year.

The out-turn position reflects the very challenging financial position the council is now facing after

many years of funding constraints and requirements to make significant savings with demand for services continuing to grow. There are considerable risks and uncertainties around various aspects of council spending, including the level of future pay awards, the costs of demand led services especially in social care, the level of inflationary increases in budget and the recycling market. There are also major risks connected to the future level of UK and Scottish Government funding and of policy changes that impact on local government in Scotland. As a result, there is a considerable risk that the forecast indicated within this report could increase further during the financial year.

An update on progress on work on reviewing the five year budget model will be provided to the Partnership and Resources PDSP in December 2018. The review will include an assessment of the implications of the recurring pressures on Homelessness and recycling gate fees which are noted in this report.

## **E. CONCLUSION**

A net overspend of £300,000 is forecast for 2018/19 after taking account of significant early achievement of savings within Social Policy and a one-off underspend as a result of a lack of care at home capacity from external providers. Recurring overspends within Operational Services and Housing, Customer and Building Services are the main cause of the forecast overspend reported at month 6. In particular, an increase in ASN expenditure since month 4 is a contributing factor and this will require further officer action to identify options to reduce expenditure going forward.

Satisfactory progress is being made in the delivery of approved budget reductions. At this stage, a number of projects require elected member approval and these decisions will be sought in the coming months. Subject to agreement, it is envisaged that a number of projects will be classified as 'green/achievable' later in the calendar year.

## **F. BACKGROUND REFERENCES**

Revenue Budget Strategy 2018-19 to 2022-23 - Report by Head of Finance and Property Services to Council Executive on 6 February 2018

Revenue Budget 2018/19 - 2022/23 - Report by Head of Finance and Property Services to West Lothian Council on 13 February 2018

2018/19 General Fund Revenue Budget – Month 6 Monitoring Report – Report by Head of Finance and Property Services to Council Executive on 11 September 2018

Appendices/Attachments: Update on Recurring Pressures

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**Donald Forrest**

**Head of Finance and Property Services**

Date: 13 November 2018

**DATA LABEL: PUBLIC****Appendix 1 - Update on Recurring Pressures**

<b>Service Area</b>	<b>Description</b>	<b>Recurring Pressure £'000 at month 4</b>	<b>Recurring Pressure £'000 at month 6</b>	<b>Action agreed at Council Executive 11 September 2018</b>	<b>Update from Heads of Service on agreed actions at month 6</b>
Housing, Customer and Building Services	Staffing Costs	243	243	Officers are developing a revised staffing structure, to be implemented by March 2019.	To address the recurring pressure a restructure involving the reduction in management FTE by moving from four neighbourhoods to three is planned. To date, there has been increased use of self-access by user groups. The service is continuing to develop a plan to ensure that this area breaks-even on a recurring basis.
Housing, Customer and Building Services	Homelessness	903	903	Income from charging for bed and breakfast accommodation has been agreed and monitoring continues. A range of other policy and operational measures are being considered to help address pressures in this area. May require additional provision to be made in the 2019/20 budget.	Further changes required on allocations policy and implementation of measures including new housing stock, open market acquisitions, increasing private sector lets, increasing properties within registered social landlord stock and completion of homelessness accommodation within the capital programme. Measures will be progressed taking cognisance of the five Year Rapid Rehousing Transition Plan to reduce homelessness, currently being prepared and to be submitted to the Scottish Government by 31 December 2018. The Final RRTP draft will be reported to Council Executive on 18 December 2018. PMAB has agreed some additional budget provision is likely to be required.
Housing, Customer and Building Services	Homelessness Transport	225	450	Officers are considering an amended policy for pupil transport. Any changes would require Council Executive approval.	Officers are proposing to revise existing policies with a report to be submitted to Education Executive. There is a risk that there is further demand for this type of transport and it is essential that pupil numbers and routes are monitored closely by the service.

<b>Service Area</b>	<b>Description</b>	<b>Recurring Pressure £'000 at month 4</b>	<b>Recurring Pressure £'000 at month 6</b>	<b>Action agreed at Council Executive 11 September 2018</b>	<b>Update from Heads of Service on agreed actions at month 6</b>
Operational Services	Additional Support Needs Transport	290	909	Pressure due to individual timetabling and requests for individual transport. Officers are developing a service level agreement between Operational Services and Education, to be agreed and implemented by October 2018.	Since last reporting to Council Executive, the pressure on ASN transport has increased substantially. On a year on year basis, costs have increased by around 12% and the number of routes has increased by 8%. Officers are currently reviewing any changes that can be made to current contracts to identify any cost savings measures. A revised service level agreement and changes to policies will need further development.
Operational Services	Mainstream School Transport	384	404	Officers are currently reviewing provision to identify opportunities to reduce costs. Any changes will have to be implemented by Easter 2019 to reduce the cost pressure for 2019/20.	Work to implement agreed actions progressing prior to implementation in early 2019/20.
Operational Services	Facilities Management Shift Allowances	140	150	A review of Facilities Management shift working is required to match actual work patterns and customer demand.	Linked to changes in terms and conditions which will be progressed in 2020/21. One off alternatives to be identified for 2019/20
Operational Services	Waste Management Overtime	180	195	Approved budget reductions for Waste Management and revised service standards are due to be considered by Council Executive later in 2018 for implementation 2019/20. These changes will address the pressure.	Revised service standards require decision by Council Executive for implementation in April 2019 which should reduce the level of overtime working in the service.

Service Area	Description	Recurring Pressure £'000 at month 4	Recurring Pressure £'000 at month 6	Action agreed at Council Executive 11 September 2018	Update from Heads of Service on agreed actions at month 6
Operational Services	Recycling Gate Fees	640	640	Pressure as a result of global recycling markets. Continue to monitor the recycling market and liaise with Scottish Government. May require additional provision to be made in the 2019/20 budget.	May require budget provision will be provided for in 2019/10. Service standards and consideration of national household waste charter will be considered by PDSPs and Council Executive in November 2018. Thereafter, close liaison will be required with Scottish Government and Zero Waste Scotland on proposals for twin stream recycling and the assessment of the implication of any bring back scheme that may be introduced.
<b>TOTAL</b>		<b>3,005</b>	<b>3,894</b>		





## **COUNCIL EXECUTIVE**

### **2018/19 GENERAL SERVICES CAPITAL BUDGET – MONTH 6 MONITORING REPORT**

#### **REPORT BY HEAD OF FINANCE AND PROPERTY SERVICES**

##### **A. PURPOSE OF REPORT**

To provide Council Executive with a report on the financial position in relation to the General Services Capital Programme following the completion of the month 6 monitoring exercise.

##### **B. RECOMMENDATIONS**

It is recommended that Council Executive:

1. Notes the outcome of the month 6 monitoring exercise and the projected outturn;
2. Agrees that Asset Lead Officers and the Head of Finance and Property Services keep under review factors that impact on delivery of the approved capital programme;
3. Notes the progress on the key capital projects;

##### **C. SUMMARY OF IMPLICATIONS**

<b>I. Council Values</b>	Focusing on customers' needs, being honest, open and accountable, making best use of our resources, working in partnership.
<b>II. Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	The council's General Services capital programme is managed within the stringent requirements set out in the Prudential Code.
<b>III. Implications for Scheme of Delegations to Officers</b>	None.
<b>IV. Impact on performance and performance indicators</b>	Effective capital implementation is vital to service performance.
<b>V. Relevance to Single Outcome Agreement</b>	None.
<b>VI. Resources (Financial, Staffing and Property)</b>	Capital expenditure of £29.733 million is projected in 2018/19.
<b>VII. Consideration at PDSP</b>	None.
<b>VIII. Other consultations</b>	The capital monitoring exercise has involved consultation with Depute Chief Executives, Heads of Service, asset lead officers and capital project managers.

## D. TERMS OF REPORT

### D.1 Background

The report provides Council Executive with an update on the 2018/19 General Services Capital Programme based on the results of a comprehensive monitoring exercise. The approved 2018/19 capital budget is £29.733 million, which assumes £4 million of overprogramming.

### D.2 Summary of Month 6 Financial Information

The summarised committed and projected asset expenditure at month 6 is shown in the table below:

<b>Asset Type</b>	<b>2018/19 Approved Budget £'000</b>	<b>Committed Expenditure at Month 6 £'000</b>	<b>2018/19 Projected Outturn £'000</b>	<b>2018/19 Projected Variance £'000</b>
Property	13,189	7,636	11,908	(1,281)
Roads	10,500	4,491	10,343	(157)
Open Space	3,198	1,598	3,236	38
ICT	6,846	1,539	6,449	(397)
	33,733	15,264	31,936	(1,797)
Remaining Overprogramming	(4,000)	N/A	(2,203)	1,797
<b>TOTAL</b>	<b>29,733</b>	<b>15,264</b>	<b>29,733</b>	<b>0</b>

In general, good progress is being made throughout the programme with the committed expenditure as a percentage of projected outturn at 51%. In overall terms, the monitoring exercise indicates projected outturn is on budget at £29.733 million. Further over-programming of £2.203 million is still assumed. However, if the programme progresses with no further slippage, the balance in resources will be funded by accelerated use of the capital fund, which can be accommodated within overall agreed capital resources and treasury management forecasts.

### D.3 Summary of Forecasts and Pressures

A forecast is provided below for each asset type, including details of material movements and pressures that have been identified:

#### Property

In overall terms the monitoring exercise indicates that projected outturn expenditure in 2018/19 is £11.908 million with £7.636 million of expenditure committed to date, representing 64% of the projected outturn. Based on the progress across property capital projects, there is forecast slippage of £1.281 million for the financial year.

#### School Planned Improvements

As in previous years the council has carried out a programme of significant planned improvements across a number of schools. These include roof works at Howden St Andrews and Mid Calder Primary Schools, heating improvements at Addiewell Nursery, electrical improvements at Our Lady of Lourdes Blackburn and replacement pupil toilets at St Anthony's Armadale. Science classrooms at Linlithgow Academy have also been refurbished. Render and paint works were undertaken across the school estate, together with kitchen equipment replacements and improvement works. New door entry systems were also installed across a number of schools.

### School Projects

Significant progress has been made on the initial development of a wide range of school investment projects, following approval of the new ten year capital programme in February 2018. This includes Schools for the Future and Early Learning and Childcare Investment programmes.

ASN Strategy projects at Burnhouse, Cederbank, Pinewood and Beatlie are collectively reporting slippage of £65,000. These projects are progressing but will not achieve outturn this year due to the time required for initial design and site appraisals, following the completion and finalisation of briefs. A working group has been established to focus project management and governance and to progress individual projects.

### Operational Buildings Projects

Redevelopment of the community centre in Armadale was completed to create the new Partnership Centre, with the Library, CIS, Community Regeneration and Housing all located within the one facility. Construction of the new Kirknewton Pavilion has commenced and is programmed for completion by March 2019. Works to improve the roof at the Lanthorn Community Centre, together with external render and cladding works, have been completed.

Proposals to relocate Carmondean Connected within the Ability Centre to create a new partnership centre in Livingston North are progressing well. Design development has involved engagement with groups, users and staff to establish a proposed new internal layout which will see the integration of Library, Customer Information Services and Ability Centre support and advocacy facilities within the building. In addition, general purpose accommodation, public access PCs and a new café layout will be created.

Further asbestos surveys are being undertaken at the new Whitburn Partnership Centre to ensure all necessary asbestos removal work is included within the scope of the contract. The procurement exercise has been rescheduled as a result of this; however, the completion date for the Partnership Centre will not be materially affected with the facility still due to open in summer 2020.

### Roads and Other Related Assets

Projected outturn expenditure in 2018/19 is £10.343 million, resulting in net slippage of £157,000. In terms of actual spending, £4.491 million of expenditure has been incurred at period 6, representing 43% of the 2018/19 projected outturn.

### Roads and Footways

Slippage of £206,000 is forecast in Roads and Footways at month 6. There are two projects which account for the majority of this slippage - Pumpherston Car Park upgrade, which is detailed in the risk section of this report, and the A779 Starlaw Roundabout, Carnegie Road.

The A779 Starlaw East Roundabout, Carnegie Road project is forecasting slippage of £85,000 for 2018/19. This project will require closure of the motorway slip roads at junction 4 to allow the necessary works to be carried out. Negotiations will be required with Tesco and Transport Scotland regarding these proposed road closures. It is proposed that the works be rephased and completed during the 2019 summer school break, when traffic volume will be lower, reducing the level of disruption.

Commitment to date is currently 39% of the forecast outturn. Within this category A Class, C Class roads and Non Adopted roads and Footways have committed spend of 10%, 17% and 6% of projected outturn respectively. This is below the anticipated level of actual spend at this stage of the year and the asset lead officer and project managers are taking actions to ensure that the forecast outturn will be achieved.

### Road Lighting

The LED Streetlighting programme is progressing well with 6,121 lanterns procured. The contract was awarded in May and installation commenced in early July. Almost 2,700 lanterns have been installed to date, with the remainder programmed to be installed by the end of March 2019.

### Town Centres and Villages Improvement

Commitment to date in the Town Centres and Villages Improvement category is 58% of the forecast outturn which is in the region of what would be expected at this stage in the financial year. However, net slippage of £230,000 has been forecast collectively for these projects. There is slippage of £145,000 relating to the Villages Improvement fund.

### Open Space

The monitoring exercise indicates that projected outturn expenditure in 2018/19 is £3.236 million with £1.598 million of expenditure incurred to date. This represents 49% of the 2018/19 projected outturn and a net accelerated position of £38,000 has been forecast at month 6.

### Waste Containers

A projected overspend of £44,000 has been identified for the Waste Containers project for 2018/19 which will be managed within the overall Open Space capital programme by accelerating budget from future years. Further measures to contain the level of expenditure on waste containers are being considered by the project manager.

### Linlithgow Synthetic Turf Pitch

Following an assessment of asset condition it was established that the replacement of the pitch surface can be re-phased to the summer of 2019 without impacting on the usage of the Linlithgow synthetic pitch. The re-phasing of this project will allow the project to be tendered as part of a combined procurement package for synthetic turf pitches; including replacement pitches at St Margaret's Academy and James Young High School, and the construction of new pitches at East Calder Park and Watson Park in Armadale. Past experience has shown that significant savings can be achieved by combining the replacement and construction of synthetic pitches as work packages rather than procuring as discreet projects. It is anticipated that this approach will deliver savings for all these projects including the synthetic pitch replacement project in Linlithgow.

### ICT

Projected outturn expenditure in 2018/19 is £6.449 million, resulting in net slippage of £397,000. In terms of actual spending to date, £1.539 million of expenditure has been incurred at period 6, representing 24% of the 2018/19 projected outturn. This is lower than anticipated for this point in the financial year. Education projects currently have a low level of expenditure but historically, these projects tend to incur expenditure in the latter part of the year. It is anticipated that the full budgets will be utilised in 2018/19 but careful monitoring and ongoing effort will be required to ensure that the forecast outturn can be delivered.

## **D.4 Risks**

The month 6 forecast represents all current information held on the projects being undertaken in 2018/19. There are a number of risks which can be summarised as follows:

### Property Assets

In addition to the risks highlighted at month 4, the Ogilvie School ASN Strategy project is forecasting potential cost pressures due to a number of emerging issues. These include; a potential change to the scope as a result of accommodation requirements including offsite parking for staff, ground conditions and other construction cost pressures. The project board

is currently considering the cost pressures and will undertake value engineering wherever possible to reduce costs.

#### Roads and Other Related Assets

Slippage of £82,000 has been identified for the car park upgrade in Pumpherston this financial year. A drainage investigation has been carried out which has revealed a combined sewer which runs across the site. This sewer has collapsed and the repairs to this are the responsibility of Scottish Water. The project will not be able to proceed until these repair works are complete. Additionally, Scottish Water will not permit a connection into a combined sewer so alternative drainage options will have to be explored and the project revalued to determine whether it can progress within the approved budget. Officers will present further updates when the position has been clarified.

#### Open Space Assets

The improvement project at Standhill Local Park in Bathgate requires the procurement of an area of land which is currently being progressed by Property Management and Development. There is a risk that the purchase of the land will not be concluded in sufficient time to allow the project to be completed during 2018/19.

#### ICT

The Technology Enabled Care Programme – Internal Infrastructure project has been identified as a risk at month 6. A review is presently being undertaken which is considering options for receiving centres. This review is not expected to be completed in time for capital expenditure to be incurred in 2018/19.

The CRM Integration project has been highlighted as a risk at periods 4 and 6. The ICT Programme Board will review the progress of the project at the meeting of the board in November 2018.

### **D.5 Resources**

Resources are closely monitored over the financial year to ensure projected spend is matched by available capital resources and that funding represents the best value for money option available. The 2018/19 capital programme is funded from a variety of sources comprising:

<b>Funding Source</b>	<b>£'000</b>
General Capital Grant	20,757
Other Grants and Contributions (Developer Contributions & Capital Fund)	4,164
Capital Receipts	4,812
<b>Total Resources</b>	<b>29,733</b>

In overall terms, officers have assessed that the resource projections are achievable, although there are various risks that require ongoing monitoring.

### **D.6 Developer Contributions Update**

During the first six months of financial year 2018/19, developer contribution income of £2.784 million was received. Further details are set out in appendix 2. The balance in the developer contributions accounts at the end of month six is £17.021 million, however the approved ten year capital investment programme includes developer funded projects totalling over £118.531 million.

### **D.7 Other Strategic Issues**

The Prudential Code requires the council to take into account a number of factors when agreeing capital spending plans and these are set out below:

**Risk Management and Uncertainty**

The budget monitoring process focuses attention on risks to the performance of the capital programme.

**Affordability, Prudence and Sustainability**

In overall terms, I would assess that the capital plan remains affordable, subject to identified risks being managed. Capital receipts have been amended to reflect challenging market conditions and will be kept under close review.

**Stewardship of Assets**

The council's strategic approach to capital planning, involves integration with asset management planning. Progress against each area of the Corporate Asset Management Plan is reported annually to elected members.

**Value for Money and Best Value**

All aspects of the programme are geared towards securing Best Value and are undertaken in accordance with the council's Best Value Framework.

**E. CONCLUSION**

Following the month 6 monitoring process, the 2018/19 outturn forecast is £29.733 million. Overall, good progress is being made on delivery of the programme and, at the end of month 6, committed expenditure to date accounts for 51% of the projected forecast spend for the year. A number of key risks in relation to the delivery of the General Services capital programme have been identified and will continue to be managed by asset lead officers and monitored by the CMT.

**F. BACKGROUND REFERENCES**

General Services Ten Year Capital Investment 2018/19 to 2027/28 Update – Report by Head of Finance and Property Services to Council Executive 26 June 2018

Appendices/Attachments:      Appendix 1 - General Services Capital Period 6 Monitoring  
Appendix 2 – Developer Contributions Update

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**Donald Forrest**  
**Head of Finance and Property Services**  
**13 November 2018**

**APPENDIX 1****2018/19 GENERAL SERVICES CAPITAL BUDGET - PERIOD 6**

	Annual Budget 2018/19 £'000	Total known commitment to year end £'000	P12 forecast 2018/19 £'000	P12 variance 2018/19 £'000	Variance Analysis	Project Status
<b>PROPERTY ASSETS</b>						
<b><u>Planned Improvements and Statutory Compliance</u></b>						
Nursery Schools	18	2	27	9	Overspend	On Schedule
Primary Schools	295	622	321	26	Overspend	On Schedule
Secondary Schools	377	311	357	(20)	Slippage/ Accelerated	On Schedule
Special Schools	20	5	20	0	On Budget	On Schedule
St Ninian's Primary School Livingston - Roof Replacement	150	34	55	(95)	Slippage	Behind Schedule
Toronto Primary School - Roof Replacement	150	0	5	(145)	Slippage	Behind Schedule
Stoneyburn Primary School - School Toilet Improvements	170	0	170	0	On Budget	On Schedule
Other School Estate Wide Planned Improvements	1,016	342	1,022	6	Overspend	On Schedule
Arts Venues	100	42	100	0	On Budget	On Schedule
Social Policy	370	60	265	(105)	Slippage/ Overspend	Behind Schedule
Community Centres and Halls	70	31	70	0	On Budget	On Schedule
Country Parks	5	2	5	0	On Budget	On Schedule
Partnership Centres	80	6	80	0	On Budget	On Schedule
Miscellaneous	32	232	33	1	Overspend	On Schedule
Tenanted Non Residential Properties	198	315	198	0	On Budget	On Schedule
General Statutory Compliance	2,545	1,286	2,663	118	Overspend/ Accelerated	On Schedule
<b>Total Planned Improvements</b>	<b>5,596</b>	<b>3,289</b>	<b>5,391</b>	<b>(205)</b>		
<b><u>Property Projects</u></b>						
<b><u>Schools General Projects</u></b>						
ASN Strategy - Ogilvie School	100	82	100	0	On Budget	On Schedule
Free School Meals - Peel Primary School	130	(3)	130	0	On Budget	On Schedule
Installation of LED Lighting	100	51	70	(30)	Slippage	On Schedule
Boghall Primary School - Nursery Extension	98	0	98	0	On Budget	On Schedule
School Boiler Replacement Programme	114	207	200	86	Accelerated	On Schedule
Renewables (School Estate)	94	4	94	0	On Budget	On Schedule
Torphichen Primary School - Extension and Improvements	90	221	90	0	On Budget	On Schedule
West Calder High School	1,425	1,063	1,425	0	On Budget	On Schedule
Other School Projects	700	313	448	(252)	Slippage/ Accelerated	Behind Schedule
	2,851	1,938	2,655	(196)		
<b><u>Schools Projects - Developer Funded</u></b>						
New Secondary in Winchburgh	500	200	100	(400)	Slippage	On Schedule
New Denominational Secondary in Winchburgh	300	200	100	(200)	Slippage	On Schedule
Southdale Primary School - fit out 2 classes	155	136	155	0	On Budget	On Schedule
Winchburgh/ Holy Family PS P4	360	289	360	0	On Budget	On Schedule
Various Projects	408	316	377	(31)	Slippage	On Schedule
	1,723	1,141	1,092	(631)		
<b><u>Operational Buildings</u></b>						
Armadale Partnership Centre	336	360	336	0	On Budget	On Schedule
Criminal Justice Relocation	250	150	250	0	On Budget	On Schedule
Kirknewton Changing Pavillion	311	377	350	39	Accelerated	Ahead Schedule
Maintenance for West Lothian Council Buildings operated by West Lothian Leisure	200	0	200	0	On Budget	On Schedule
Whitburn Partnership Centre	322	117	150	(172)	Slippage	Behind Schedule
Other Operational Buildings	438	135	296	(142)	Slippage/ Overspend	Behind Schedule
	1,857	1,139	1,582	(275)		
Office and Depot Modernisation Projects	250	0	250	0	On Budget	On Schedule
Energy Savings and Spend to Save	223	64	223	0	On Budget	On Schedule
Miscellaneous Projects	689	65	715	26	Overspend	On Schedule
<b>Total Property Projects</b>	<b>7,593</b>	<b>4,347</b>	<b>6,517</b>	<b>(1,076)</b>		
<b>TOTAL PROPERTY ASSETS</b>	<b>13,189</b>	<b>7,636</b>	<b>11,908</b>	<b>(1,281)</b>		

**APPENDIX 1****2018/19 GENERAL SERVICES CAPITAL BUDGET - PERIOD 6****ROADS AND RELATED ASSETS****Roads and Footways**

	Annual Budget 2018/19 £'000	Total known commitment to year end £'000	P12 forecast 2018/19 £'000	P12 variance 2018/19 £'000	Variance Analysis	Project Status
A Class Roads	179	12	117	(62)	Slippage	Behind Schedule
B Class Roads	477	135	457	(20)	Saving	On Schedule
C Class Roads	438	59	350	(88)	Slippage/ Saving	On Schedule
U Class Roads	1,168	601	1,231	63	Overspend	On Schedule
Non Adopted Roads & Footways	155	9	155	0	On Budget	On Schedule
Adopted Footways	202	118	150	(52)	Saving	On Schedule
General Roads Projects	301	123	254	(47)	Slippage/ Overspend	Behind Schedule
	<b>2,920</b>	<b>1,056</b>	<b>2,714</b>	<b>(206)</b>		

**Flood Prevention and Drainage**

Almond Barriers	458	69	458	0	On Budget	On Schedule
Bathgate Watercourse Restoration	100	6	100	0	On Budget	On Schedule
Broxburn Flood Prevention Scheme	100	9	100	0	On Budget	On Schedule
Other Flood Prevention and Drainage Schemes	105	161	223	118	Accelerated/ Overspend	On Schedule
	<b>763</b>	<b>244</b>	<b>881</b>	<b>118</b>		

**Road Lighting**

	<b>2,972</b>	<b>1,193</b>	<b>2,968</b>	<b>(4)</b>	Accelerated/ Saving	On Schedule
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**Structures and Transportation****Road Safety**

Cycling, Walking and Safer Streets/ Active and Sustainable Travel	390	386	671	281	On Budget	On Schedule
Road Casualty Reduction Schemes	339	213	339	0	On Budget	On Schedule
	<b>729</b>	<b>599</b>	<b>1,010</b>	<b>281</b>		

**Traffic Management**

Bus Passenger Infrastructure	24	1	24	0	On Budget	On Schedule
Disabled Parking Act Implementation	20	10	20	0	On Budget	On Schedule
Cappers Bridge Footpath	33	39	39	6	Overspend	On Schedule
Other	16	128	28	12	Accelerated/ Overspend	On Schedule
	<b>93</b>	<b>178</b>	<b>111</b>	<b>18</b>		

**Structures**

Adopted and Non Adopted Bridges - Backlog and Lifecycle Investment	<b>1,747</b>	<b>618</b>	<b>1,613</b>	<b>(134)</b>	Saving/ Accelerated	On Schedule
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**Total Structures and Transportation**

	<b>2,569</b>	<b>1,395</b>	<b>2,734</b>	<b>165</b>		
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**Town Centres and Villages Improvement Fund**

	<b>1,276</b>	<b>603</b>	<b>1,046</b>	<b>(230)</b>	Slippage	Behind Schedule
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**TOTAL ROADS ASSET**

	<b>10,500</b>	<b>4,491</b>	<b>10,343</b>	<b>(157)</b>		
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**Open Space Assets**

Kettilstoun Mains, Linlithgow	307	0	307	0	On Budget	Behind Schedule
Other Open Space and Sports Facility Projects	1,190	819	1,384	194	Accelerated/ Overspend	On Schedule
Standhill Local Park, Bathgate	15	15	15	0	On Budget	Behind Schedule
Other Open Space and Sports Facility Planned Improvements	812	427	718	(94)	Slippage	On Schedule
Open Space Parks Drainage	0	10	0	0	On Budget	On Schedule
Children's Play Areas	272	259	272	0	On Budget	On Schedule
Synthetic Turf Pitches	212	42	212	0	On Budget	On Schedule
Cemeteries	263	21	263	0	On Budget	On Schedule
Land Decontamination	127	5	65	(62)	Slippage	Behind Schedule
<b>TOTAL OPEN SPACE ASSET</b>	<b>3,198</b>	<b>1,598</b>	<b>3,236</b>	<b>38</b>		

**ICT Assets**

Corporate and Modernisation	5,597	1,317	5,179	(418)	Slippage	On Schedule
School Specific Spend	1,249	222	1,270	21	Overspend	On Schedule
<b>TOTAL ICT ASSET</b>	<b>6,846</b>	<b>1,539</b>	<b>6,449</b>	<b>(397)</b>		

<b>TOTAL</b>	<b>33,733</b>	<b>15,264</b>	<b>31,936</b>	<b>(1,797)</b>		
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<b>Overprogramming</b>	<b>(4,000)</b>	<b>0</b>	<b>(2,203)</b>	<b>1,797</b>		
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<b>TOTAL - ALL ASSETS</b>	<b>29,733</b>	<b>15,264</b>	<b>29,733</b>	<b>0</b>		
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**APPENDIX 2 - 2018/19 DEVELOPER CONTRIBUTIONS - MONTH 6 MONITORING**

A breakdown of contributions by policy is set out below.

Policy	Opening Balance 01/04/18	Income 2018/19	Draw downs 2018/19	Balance at 30/09/18	Details of Committed Funds
£	£	£	£		
Affordable Housing	236,786	180,586		417,372	Resource for council house building
Armada Academy	7,431	17,102		24,533	Committed to the General Services Capital programme
Denominational Secondary School Infrastructure	823,995	625,292		1,449,287	Will be used to extend/build provision for denominational secondary sector
Travel Co-ordinator	46,763	0		46,763	Will be used to fund travel co-ordinator post
A801 Dualling	105,651	0		105,651	Committed to dualling of A801
Cemetery Provision	94,413	18,097		112,510	Committed to fund costs of extending cemeteries in West Lothian to support development
Public Art	319,019	45,980		365,000	Committed to provision of public art
St Nicholas PS, Broxburn	6,490	170,783		177,273	Will be used to fund extension to St. Nicholas Primary School.
St Paul's PS, East Calder	718,034	0		718,034	Will be used to fund extension to St. Paul's Primary School
Denominational Primary Winchburgh	597,091	4,600		601,690	Will be used to build provision for denominational primary school in Winchburgh
Play Areas	637,124	0		637,124	Committed to providing/improving play areas at the sites for which contribution was received
St Mary's PS, Polbeth	168,916	818		169,734	Will be used to fund extension of St Mary's Primary School
Pumpherston & Uphall PS	291,806	0		291,806	Will be used to fund the extension of Pumpherston & Uphall Primary School
A71 Developer Contributions	59,161	417		59,578	Committed to A71 Works
Parkhead PS Extension	526,796	389		527,184	Will be used to fund the extension of Parkhead Primary School
Linlithgow Academy	192,804	14,132		206,936	Fund for extension of Linlithgow Academy
Bathgate Academy	512,155	6,562		518,717	Will be used to fund Bathgate Academy extension
Whitburn Academy	440,975	145,223		586,198	Will be used to fund Whitburn Academy extension
Kirknewton PS	39,475	0		39,475	Will be used to fund extension of Kirknewton
A71 Wilkieston Bypass	121,868	1,067		122,935	Committed to A71 Works
Almondell & Calderwood Country Park	33,925	372		34,297	Committed to improving Almondell & Calderwood Country Park
East Calder Park	159,047	112,372		271,419	Committed to improving East Calder Park
East Calder Public Car Park	6,785	74		6,860	Committed to improving East Calder Public Car Park
Public Transport	281,893	37,467		319,360	Will be used to fund Public Transportation works.
St Paul's Primary School Footpath	33,213	0		33,213	St Paul's Primary School Footpath
East Calder Primary School	1,229,882	-765,000		464,882	East Calder Primary School. £1.015 million for Calderwood non-denominational primary school applied in March 2018, this was reallocated in May 2018, with £250,000 developer contributions received for East Calder Primary during this period.
Town & Village Centre Policy	299,572	105,614		405,186	Town & Village Centre Policy.
Park & Ride, West Calder	76,956	0		76,956	West Calder Park and Ride
A71 Bus Priority Measures	15,225	522		15,747	Committed to A71 Bus Priority works
St Anthony's Primary School Armadale	0	31,842		31,842	Will be used to fund the second phase of the extension at St Anthony's Primary School
Armadale Primary School	0	10,372		10,372	Armadale Primary School
Wester Inch, Bathgate	639,454	0		639,454	Comprises contributions for education, play areas & transportation. Is being used to extend Simpson Primary School, develop play areas, support bus route
Off site environmental works, West Mains	121,425	20,000		141,425	Will be used to fund off site works
Non-denominational Primary, Bathgate	2,189	1,080		3,269	Will be used to fund education infrastructure in Bathgate
Livingston Town Centre Variable Messaging System	91,217	0		91,217	Will be used to upgrade the Livingston Town Centre Variable Messaging System
Calders Non Denominational Secondary School	3,007,592	500,200		3,507,792	Calders Non Denominational Secondary School
Winchburgh Secondary	1,313,287	318,804		1,632,091	Will be used towards funding a new secondary school in Winchburgh
Murrayfield PS	318,841	0		318,841	Contributions to be used towards infrastructure costs for Redhouse Non-denominational Primary School
Our Lady of Lourdes	21,271	0		21,271	Contributions to be used towards infrastructure costs for Redhouse Denominational Primary School
Greendykes Junction, Broxburn	39,706	0		39,706	Contributions to be used towards works at Greendykes Junction, Broxburn.
Non-denominational Primary, Broxburn	30,225	0		30,225	Contributions to be used towards infrastructure costs for Broxburn Non-denominational Primary School
Calderwood Non Denominational Primary School	0	1,015,000		1,015,000	Will be used towards funding a new primary school in East Calder
Mill Roundabout, Eliburn	91,883	0		91,883	Will be used to fund improvements at the roundabout
Open Space Cont S69	425,344	164,360		589,703	Will be used to fund Open Space projects in various sites
Kirknewton Park & Ride	51,684	0		51,684	Kirknewton Park & Ride
<b>TOTAL</b>	<b>14,237,369</b>	<b>2,784,127</b>	<b>0</b>	<b>17,021,495</b>	





## **COUNCIL EXECUTIVE**

### **AUTUMN BUDGET 2018**

#### **REPORT BY HEAD OF FINANCE AND PROPERTY SERVICES**

##### **A. PURPOSE OF REPORT**

To provide the Council Executive with an update in relation to the announcements contained in the Chancellor of the Exchequer's Autumn Budget 2018.

##### **B. RECOMMENDATION**

It is recommended that Council Executive:

1. Notes the latest economic position outlined in the Autumn Budget 2018;
2. Notes the revised UK public spending figures for revenue and capital;
3. Notes the other key announcements, including those relating to Universal Credit;
4. Notes that, as a result of spending announcements in the Autumn Budget, the Scottish Government will receive an additional £950 million by 2020/21;
5. Agrees that the Head of Finance and Property Services should report to the Council Executive on 15 January 2019 on the outcome of the Scottish Budget and local government finance settlement which are due to be announced in mid-December 2018;
6. Agrees that the Head of Finance and Property Services should ensure that the information contained with the Autumn Budget, Scottish Budget and local government finance settlement is taken into account when updating the council's financial plans for 2019/20 to 2022/23.

##### **C. SUMMARY OF IMPLICATIONS**

<b>I</b>	<b>Council Values</b>	Being honest, open and accountable, making the best use of our resources.
<b>II</b>	<b>Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	The council is required to approve a balanced revenue budget for each financial year. Audit Scotland, Accounts Commission and Chartered Institute of Public Finance and Accountancy (CIPFA) best practice guidance recommends financial plans are prepared for at least five years in duration, and detailed budgets are prepared for at least three years.
<b>III</b>	<b>Implications for Scheme of Delegations to Officers</b>	None.
<b>IV</b>	<b>Impact on performance and performance Indicators</b>	Ongoing restraint in relation to government funding inevitably has implications for the council's budget and performance.

<b>V</b>	<b>Relevance to Single Outcome Agreement</b>	Government funding provides the resources necessary to help deliver the Single Outcome Agreement, Corporate Plan priorities and council activities. Effective prioritisation of resources is essential to achieving key outcomes.
<b>VI</b>	<b>Resources - (Financial, Staffing and Property)</b>	<p>Spending decisions made by the UK Government impact on the Scottish Government's budget through the Barnett formula. This in turn has implications for available resources for the council through the local government finance settlement received from the Scottish Government.</p> <p>The economic and fiscal position, although improved from recent budget statements, continues to emphasise the importance of proactive financial planning based on priorities and outcomes.</p>
<b>VII</b>	<b>Consideration at PDSP</b>	Quarterly horizon scan reports on the latest economic indicators and announcement, and the council's estimated revenue budget position, are considered by the Partnership and Resources PDSP.
<b>VIII</b>	<b>Other consultations</b>	This report is part of the ongoing process of briefing elected members on issues relating to future year funding and the council's approved five year financial strategy to 2022/23.

## **D. TERMS OF REPORT**

### **D.1 Introduction**

The Chancellor of Exchequer delivered his Autumn Budget 2018 to the House of Commons on 29 October 2018. The Autumn Budget 2018 is the last budget announcement before the UK leaves the European Union in March 2019, however the Chancellor did state that the 2019 Spring Statement could be upgraded to a full budget if required. It also includes an assessment and forecast from the Office for Budget Responsibility (OBR) on borrowing, growth and employment.

### **D.2 Overall Economic Position**

The Chancellor's Autumn Budget 2018 included the OBR's updated projections for the economy, growth and government borrowing.

In summary, the key economic announcements were as follows:

- Current and future UK tax revenues are expected to be higher than previously forecast.
- In line with the Spring Statement, the UK economy is expected to continue to grow for every year of the forecast, however GDP growth continues to be low.
- Public borrowing in 2018 is lower than forecast in the 2018 Spring Statement.
- Inflation is forecast to be above target in 2018 but to then quickly return to the 2% target.
- The OBR also anticipates that the labour market will slowly grow over the period increasing the forecast employment rates.

The in-year performance of the economy is less than previously forecast with GDP growth being revised down from 1.5% to 1.3%. The OBR confirmed that this is a temporary deviation as a result of the poor weather in quarter one. The OBR also set out their view that the referendum vote to leave the EU appears to have weakened the economy. The fall in the pound has squeezed real household incomes and consumption, while providing only a modest boost to net trade. The OBR also believes that uncertainty regarding Brexit appears to have also dampened business investment.

The OBR has stressed the uncertainty regarding the outlook for the economy and the level of receipts and spending, due to potential economic and political risks. The continuing Brexit negotiations, including the limited information about the policy settings and international trading arrangements thereafter, create additional uncertainty. This uncertainty means there is a potential for the forecasts to change considerably. Based on this increased risk, the Chancellor has maintained some fiscal headroom (i.e. the difference between what can be borrowed and what is planned to be borrowed) to help should there be a shock to the economy through a no-deal Brexit.

The revised projections compared to the Spring Statement 2018 are as follows:

<b>Spring Statement 2018</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>
Growth (GDP)	1.5%	1.3%	1.3%	1.4%
Public Sector Net Borrowing	£37bn	£34bn	£29bn	£26bn
Government Debt (% GDP)	85.5%	85.1%	82.1%	78.3%

<b>Autumn Budget 2018</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
Growth (GDP)	1.3%	1.6%	1.4%	1.4%	1.4%
Public Sector Net Borrowing	£25bn	£32bn	£27bn	£24bn	£24bn
Government Debt (% GDP)	83.7%	82.8%	79.7%	75.7%	75.0%

When published, the Charter for Budget Responsibility, had three fiscal rules:

- Public finances should be returned to balance as early as possible in the next UK Parliament, and that borrowing should be below 2% of GDP by the end of this Parliament in 2020/21.
- Public sector net debt as a share of GDP should be falling in 2020/21.
- Maintain welfare spending within a cap set by the UK Government.

The Chancellor re-emphasised that the government remains committed to clearing the deficit by 2025. The OBR has assessed that on current policy, the government has a 65% chance of achieving the fiscal mandate in 2020/21. As monitored by the OBR, welfare spending continues to be maintained within the set cap.

### **D.3 Public Services and Public Spending**

Current and future UK tax revenues are expected to be higher than previously forecast. The Chancellor has used this additional money to enhance public spending. It is mainly resource (i.e. revenue) funding, with the majority being used to contribute to the delivery of the NHS additional funding commitment announced in June 2018. As the additional tax revenues have been largely allocated, there is little change to the overall forecast fiscal position.

Based on the announcements in the Budget, resource spending has improved with it now rising rather than falling post 2018/19. This overall increase will improve departmental resource budgets. The following tables set out the changes to UK public spending for 2018/19 to 2021/22 compared to the Autumn Budget 2017.

<b>Revenue Expenditure – Cash Figures</b>	<b>2018/19 £'bn</b>	<b>2019/20 £'bn</b>	<b>2020/21 £'bn</b>	<b>2021/22 £'bn</b>
Public Sector Current Expenditure – Autumn Budget 2017	730.2	740.1	752.4	772.9
Public Sector Current Expenditure – Autumn Budget 2018	731.5	751.9	773.6	798.1
Difference	1.3	11.8	21.2	25.2

<b>Capital Expenditure – Cash Figures</b>	<b>2018/19 £'bn</b>	<b>2019/20 £'bn</b>	<b>2020/21 £'bn</b>	<b>2021/22 £'bn</b>
Public Sector Current Expenditure – Autumn Budget 2017	79.1	86.6	97.6	98.8
Public Sector Current Expenditure – Autumn Budget 2018	81.3	89.7	93.5	95.2
Difference	2.2	3.1	-4.1	-3.6

As noted in the Spring Statement 2018, the UK Government will provide detailed spending plans for 2020 and beyond in a spending review scheduled for 2019. For the next spending review, the Chancellor made a commitment of annual average growth of 1.2% in departmental spending budgets, however based on the NHS commitment, the majority of that increase will be directed to health. It is expected that this increase will feed through to the Scottish block grant, however given the commitment to health at a UK and Scottish level, it is unlikely that non protected areas will see real terms increases in budget.

#### **D.4 Other Key Announcements**

##### **Personal Tax**

The Budget confirmed that the personal allowance threshold and the higher rate income tax threshold will change in April 2019, to £12,500 and £50,000 respectively. The change to the personal allowance will apply in Scotland. Under the Fiscal Framework this will not have a direct impact on the Scottish budget with an offsetting adjustment being made to the block grant. However as Scotland has a higher proportion of lower earning taxpayers, there is the potential that the increase in the personal allowance may have a larger impact on Scottish income tax receipts.

The Scottish Government set Scottish tax thresholds and rates, therefore the higher rate threshold will not apply to Scotland. The Scottish Government will announce the Scottish Rate of Income Tax and associated thresholds as part of the Scottish Budget in December 2018.

##### **National Living Wage**

The National Living Wage, set by the UK Government, will increase from £7.83 to £8.21 from April 2019. There will also be the following increases to the National Minimum Wage from April 2019:

- increasing the rate for 21 to 24 year olds from £7.38 to £7.70 per hour
- increasing the rate for 18 to 20 year olds from £5.90 to £6.15 per hour
- increasing the rate for 16 to 17 year olds from £4.20 to £4.35 per hour
- increasing the rate for apprentices by from £3.70 to £3.90 per hour

West Lothian Council's living wage is based on the Living Wage Foundation rate. A new living wage rate of £9 was announced on 5 November 2018.

### **Pensions**

The Budget confirms a reduction in the discount rate for calculating employer contributions in unfunded public sector pension schemes. This will result in additional pension costs to employers. As outlined in the five year health settlement in England in June 2018, the Treasury has made provision for NHS pension cost increases, however all other departments and devolved administrations will need to meet the additional costs in full. This change will impact on the cost of the teachers' pension scheme to the council. At this stage the Scottish Government has not confirmed that they will provide additional funding to offset this cost. If no funding is received, this will result in a significant additional cost to the council.

### **Fuel Duty**

For the ninth consecutive year the Budget 2018 has announced that fuel duty will remain frozen at 57.95 pence per litre.

### **Universal Credit**

Additional resources were made available to facilitate changes to work allowances tapers, in addition to extra funding to help claimants transfer to the new benefit. Other announcements in relation to Universal Credit included:

- Universal Credit Work Allowance - the amount that households with children, and people with disabilities can earn before their award begins to be withdrawn, will be increased by £1,000 from April 2019. This will mean that more working households will qualify for some level of Universal Credit, with the award increasing for those already in receipt of Universal Credit.
- Housing Benefit claimants will receive an additional payment during their transition, giving them additional money until their first Universal Credit payment is received. This will cover the income related elements of Jobseeker's Allowance, Employment and Support Allowance and Income Support. It will be equivalent to two weeks benefit and will be effective from July 2020.
- From October 2019, the maximum rate at which deductions can be made will be reduced from 40% to 30% of the standard allowance. Also, from October 2021 the government will increase the period over which advances will be recovered to 16 months. Claimants will receive more Universal Credit on a monthly basis, however the recovery of overpayments will be slower.
- The Universal Credit implementation schedule has been updated and extended to 2023 with larger scale migration delayed until November 2020.
- The transfer of rent support from housing benefit to pension credit will be delayed by three years to ensure that the transfer aligns with the full implementation of Universal Credit. This means pensioners will continue to receive housing benefit until at least December 2026.

## **D.5 Main Implications for Scotland**

Scotland will receive an additional £950 million in Barnett Consequentials over the three year period 2018 to 2021 as a result of the spending decisions included within the Budget. The majority of this increase, £550 million, relates to health with much of the remainder arising from increases in local government spend in England. The phasing of the additional revenue and capital departmental expenditure limits (DEL) arising from the announced Barnett Consequentials over the three year period is summarised as follows:

	2018/19 £'m	2019/20 £'m	2020/21 £'m	Total £'m
Resource DEL	123.0	719.5	0.0	842.5
Capital DEL	91.1	4.3	21.8	117.2
<b>Total DEL(Barnett)</b>	<b>214.1</b>	<b>723.8</b>	<b>21.8</b>	<b>959.7</b>

The Scottish Government's resource block grant from Westminster will increase marginally in real terms in 2019/20 compared to 2018/19. Block grant funding of £30.5 billion in 2019/20 is £552 million higher than 2018/19. This is an increase in funding from the last UK fiscal announcement, with the Scottish Parliament Information Centre (SPICe) noting that resource spending is now expected to grow after inflation by 0.7% in 2019/20. Capital spending is also expected to grow by 10.4% in real terms in 2019/20. The Treasury cash allocations to Scotland as provided by SPICe are as follows:

	2018/19 £'m	2019/20 £'m	% Change
Resource	26,983	27,662	2.5%
Capital	3,520	3,956	12.4%
<b>Total</b>	<b>30,503</b>	<b>31,618</b>	<b>3.7%</b>

The Scottish Government is required to determine the distribution of departmental spending figures, including the additional funding received through Barnett Consequentials. The Cabinet Secretary for Finance, Economy and Fair Work and the Health Secretary have publicly announced that the funding arising from the NHS commitment, will be directed to health in Scotland. Although this commitment has been made, and it is anticipated that health will be interpreted to incorporate all aspects of health and social care, no further information has been provided regarding how the additional funding will be allocated in the upcoming Scottish Budget.

Following the transfer of income tax responsibilities to Scotland, the block funding provided by the UK Government only represents a proportion of the total resources available to the Scottish Government. The total money available will not be known until the Cabinet Secretary for Finance, Economy and Fair Work publishes the budget on 12 December. In particular, although the Chancellor announced changes to higher rate tax thresholds, the Scottish Government will have to decide whether to replicate this in Scotland.

The Scottish Budget will be announced on 12 December 2018. A report will be presented to the Council Executive on 15 January 2019 detailing the Scottish Government's allocation of the total Scottish block.

## **D.6 Implications for West Lothian Council**

Following the announcement of the Scottish Budget on the 12 December 2018, the local government finance settlement is expected to be announced on either the 17 or 18 December 2018. The local government finance settlement will provide grant funding allocations for individual local authorities. The settlement will be for 2019/20 only, therefore there will continue to be significant uncertainty regarding future budget allocations.

Although UK tax revenues are expected to be considerably higher, and the Scottish Government has received an additional £950 million in Barnett Consequentials, it is unlikely that the assumptions made around future grant settlements for the council will significantly improve. This is reinforced by the Chancellor's statement that due to the NHS commitment, unprotected departments are likely to receive flat settlements in the next spending review.

In line with other local authorities, and as outlined in the council's approved five year financial plan to 2022/23, West Lothian Council continues to face substantial budget challenges. The council has an approved financial plan but there remains a high level of uncertainty regarding the council's financial position. In addition to Brexit potentially impacting on economic growth, and therefore public sector funding, there are a number of specific risks related to the assumptions in the five year budget model. In particular, developments such as increased pay award offers, recurring service budget pressures, increase in teachers' pension costs and greater than anticipated increases in energy costs could all have a substantial negative impact on the council's financial position. Should these risks transpire, with no corresponding increase in government grant funding, it is likely that additional budget saving measures, over and above the current forecast gap of £5.227 million, may be required over the five years.

Officers continue to review budget model assumptions in line with developments and announcements. The budget model will be reviewed to incorporate any potential changes arising from the Autumn Budget 2018, the Scottish Budget and the local government finance settlement. A report will be presented to the Council Executive on 15 January 2019 on the outcome of the Scottish Budget and local government finance settlement, outlining the implications for the council's financial strategy.

## **E. CONCLUSION**

The Chancellor's Autumn Statement 2018 provides an update on the UK's fiscal outlook, providing information on the UK's economic position, public services expenditure and economic forecasts as provided by the OBR.

The tax receipts forecasts are better than previously anticipated, however there is no material improvement in growth forecasts and the impact of uncertain economic factors, such as Brexit, means that it remains a challenging position for the UK economy and public sector spending. In addition expenditure pressures, such as those arising from an ageing demographic, means that it is likely that either public sector expenditure will continue to be constrained or tax income will have to be increased.

Changes to public expenditure plans in England will be passed onto the Scottish Budget through the Barnett Formula. Although additional funding of £950 million up to 2020/21 is the result of a number of spending decisions in England, it is for the Scottish Government to decide on the allocation of the total Scottish block budget to their priorities. At this stage no further information is available to determine how this additional funding will be allocated. Based on the Scottish Government's commitments regarding health, and recent statements by Cabinet Ministers, it is likely that the majority of this increase will be provided to support health services with some benefit anticipated for social care. A report will be presented to the Council Executive in January 2019 to outline the budget allocations to portfolios, as provided in the Scottish Budget and individual allocations to authorities, as confirmed in the local government finance settlement.

The continued uncertain economic outlook, and its effect on public sector expenditure, emphasises the importance of the council having an approved five year financial strategy. The strategic and integrated approach to corporate and financial planning helps the council to ensure that outcomes are achieved and balanced budgets are delivered within the context of uncertain, constrained public sector funding.

## **F. BACKGROUND REFERENCES**

Autumn Budget 2018 – Published on HM Treasury website

Office for Budget Responsibility Economic and Fiscal Outlook October 2018 –  
Published on OBR website

Spring Statement 2018 – Report by Head of Finance and Property Services to  
Council Executive on 17 April 2018

Appendices/Attachments: None.

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**Donald Forrest**  
**Head of Finance and Property Services**  
13 November 2018



## **COUNCIL EXECUTIVE**

### **CONFIRMATION OF STOPPING-UP ORDER: EXISTING RIGHT OF WAY, J4M8 DISTRIBUTION PARK, BATHGATE**

### **REPORT BY HEAD OF PLANNING, ECONOMIC DEVELOPMENT & REGENERATION**

#### **A. PURPOSE OF REPORT**

The purpose of this report is to conclude the statutory procedures to stop up a designated but disused right of way within the J4M8 Distribution Park in Bathgate. The procedure is required to permit development to take place in accordance with approved planning permissions granted to extend the Aldi Distribution Centre.

#### **B. RECOMMENDATION**

It is recommended that Council Executive approves the conclusion of the statutory procedures in order to confirm the order (The West Lothian Council (J4M8, Footpath, Bathgate) Stopping Up Order 2018).

#### **C. SUMMARY OF IMPLICATIONS**

<b>I</b>	<b>Council Values</b>	Focusing on our customers' needs; being honest, open and accountable; making best use of our resources; working in partnership
<b>II</b>	<b>Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	Policy – none  Legal – Promotion of the stopping-up order under section 208 of the Town and Country Planning (Scotland) Act 1997.
<b>III</b>	<b>Implications for Scheme of Delegations to Officers</b>	None
<b>IV</b>	<b>Impact on performance and performance Indicators</b>	None
<b>V</b>	<b>Relevance to Single Outcome Agreement</b>	The introduction of the stopping-up order will support Outcome no. 3 – Our economy is diverse and dynamic, and West Lothian is an attractive place for doing business
<b>VI</b>	<b>Resources - (Financial, Staffing and Property)</b>	Promotion of the stopping-up order and associated works will be funded by the developer.

<b>VII</b>	<b>Consideration at PDSP</b>	The matter has not been considered at a PDSP.
<b>VIII</b>	<b>Other consultations</b>	Ward members have been consulted.  Statutory consultation was as required by the procedures to stop up a right of way.

#### **D. TERMS OF REPORT**

The Council Executive at its meeting of 17 April 2018 approved the initiation of the statutory procedures to stop up a right of way at the J4M8 Distribution Park in Bathgate.

The original right of way runs in a north to south direction between Site 3 and Site 4 of the J4M8 distribution park (Appendix A). An alternative path has been built to maintain a public right of way (Appendix D), therefore there is no path that exists on the designated right of way with the land being overgrown and largely inaccessible.

The re-aligned right of way, which formed part of the planning permission in principle (ref: 0881/P/07) for the erection of storage and distribution (class 6) and office and light industrial (class 4) units, with ancillary retail (class1) and hotel (class7) floorspace and associated car parking, access and landscaping has been constructed to an adoptable standard and is in use (see Appendix B).

Aldi Stores Limited have recently obtained permission (ref: 0082/MS/18) to extend their regional distribution centre on Site 4 to the west into the adjacent Site 3, which includes the former path, and therefore requests that the original right of way is removed (see Appendix C).

On 31 August 2018 an order was made under section 208 of Town and Country Planning (Scotland) Act 1997 ('Act') authorising the stopping up of the right of way.

Statutory notification and publication took place in September with the site notices posted at either end of the right of way on the 6 September 2018. A notice was also placed in the West Lothian Courier on the 6 September and in the Edinburgh Gazette on the 7 September 2018.

No representations or objections were received, therefore the council can confirm the order under Act.

As the alternative route has been constructed to an adoptable standard and is in use, and there is no formed path over the original right of way, there are no physical works required to enact the stopping up order.

#### **E. CONCLUSION**

Stopping up of the right of way is required to permit development to take place in accordance with approved planning permissions. Alternative provision to maintain a public right of way has already been made and the proposed stopping up should not raise any access issues.

#### **F. BACKGROUND REFERENCES**

Planning Approvals (Ref: [0881/P/07](#) and [0082/MS/18](#))

Appendices:

- A. Plan – Designated Right of Way (Scotways)
- B. J4M8 Masterplan – Approved Access Strategy (0881/P/07)
- C. Site Plan – Approved (0082/MS/18)
- D. Existing (alternative) route

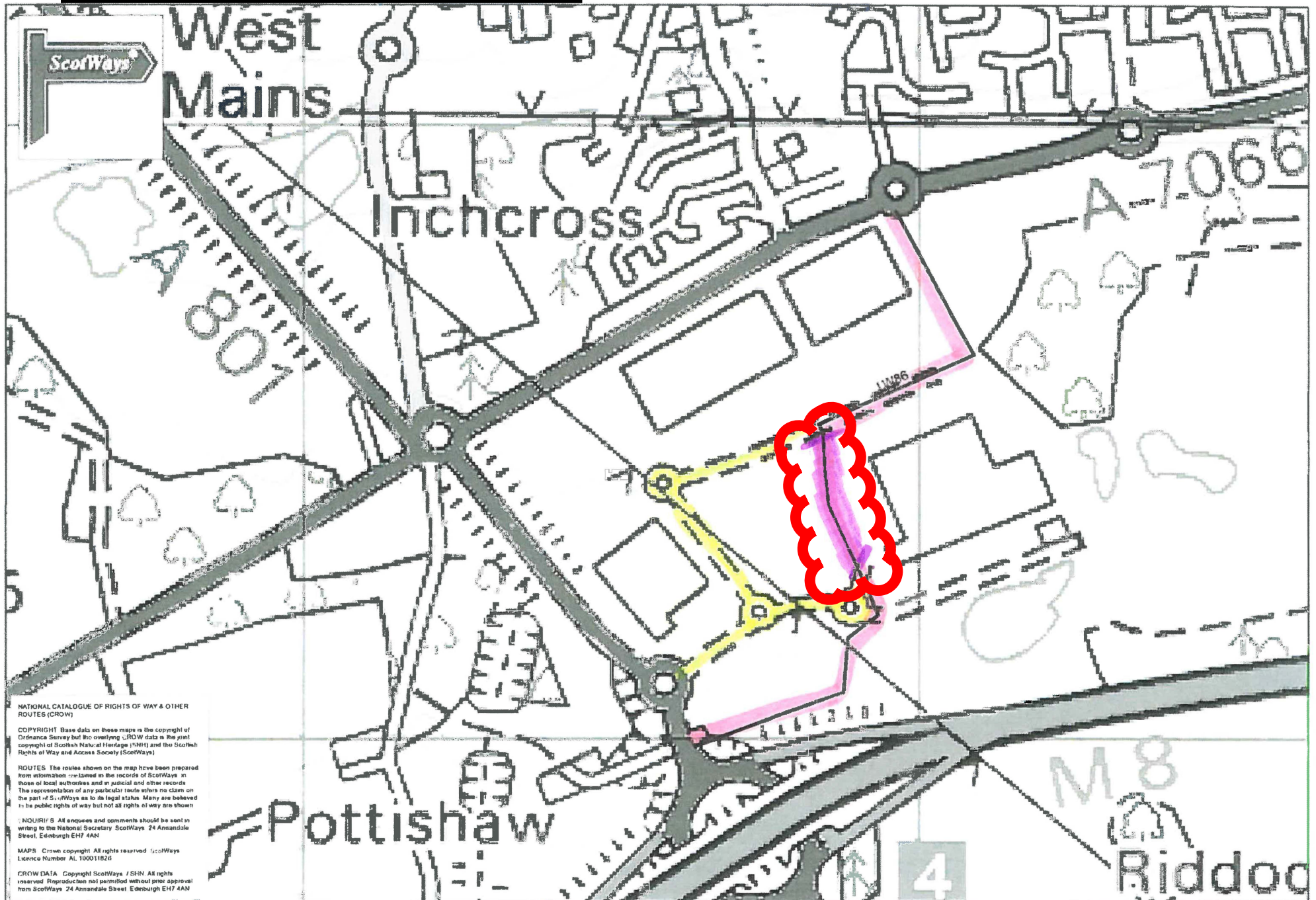
Contact Person: Mahlon Fautua, Planning Officer Tel: 01506 282426, E-mail: [mahlon.fautua@westlothian.gov.uk](mailto:mahlon.fautua@westlothian.gov.uk)

**Craig McCorriston**  
**Head of Planning, Economic Development & Regeneration.**

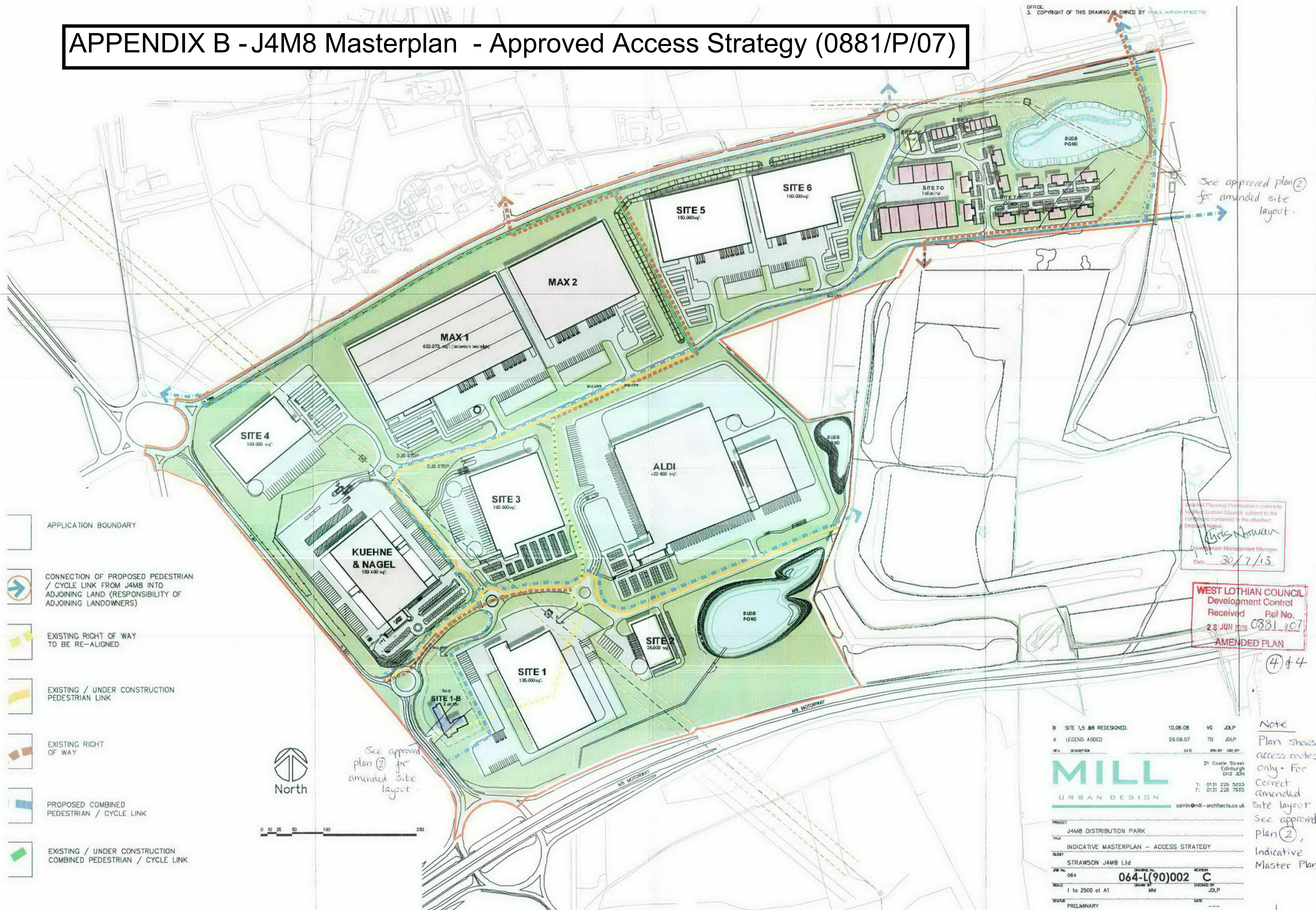
13 November 2018



# APPENDIX A - Designated Right of Way (Scotways)



# APPENDIX B - J4M8 Masterplan - Approved Access Strategy (0881/P/07)



B	SITE 1,5 & 6 REDESIGNED.	10.06.08	VC	JOLP
A	LEGEND ADDED	29.08.07	TB	JOLP
REV.	DESCRIPTION	DATE	DRAWN BY	CHECKED BY

**MILL**  
URBAN DESIGN  
admin@mll-architects.co.uk

PROJECT: J4M8 DISTRIBUTION PARK  
TITLE: INDICATIVE MASTERPLAN - ACCESS STRATEGY  
CLIENT: STRAWSON J4M8 Ltd

DRAWING NO: 064-L(90)002  
SCALE: 1 to 2500 at A1  
STATUS: PRELIMINARY

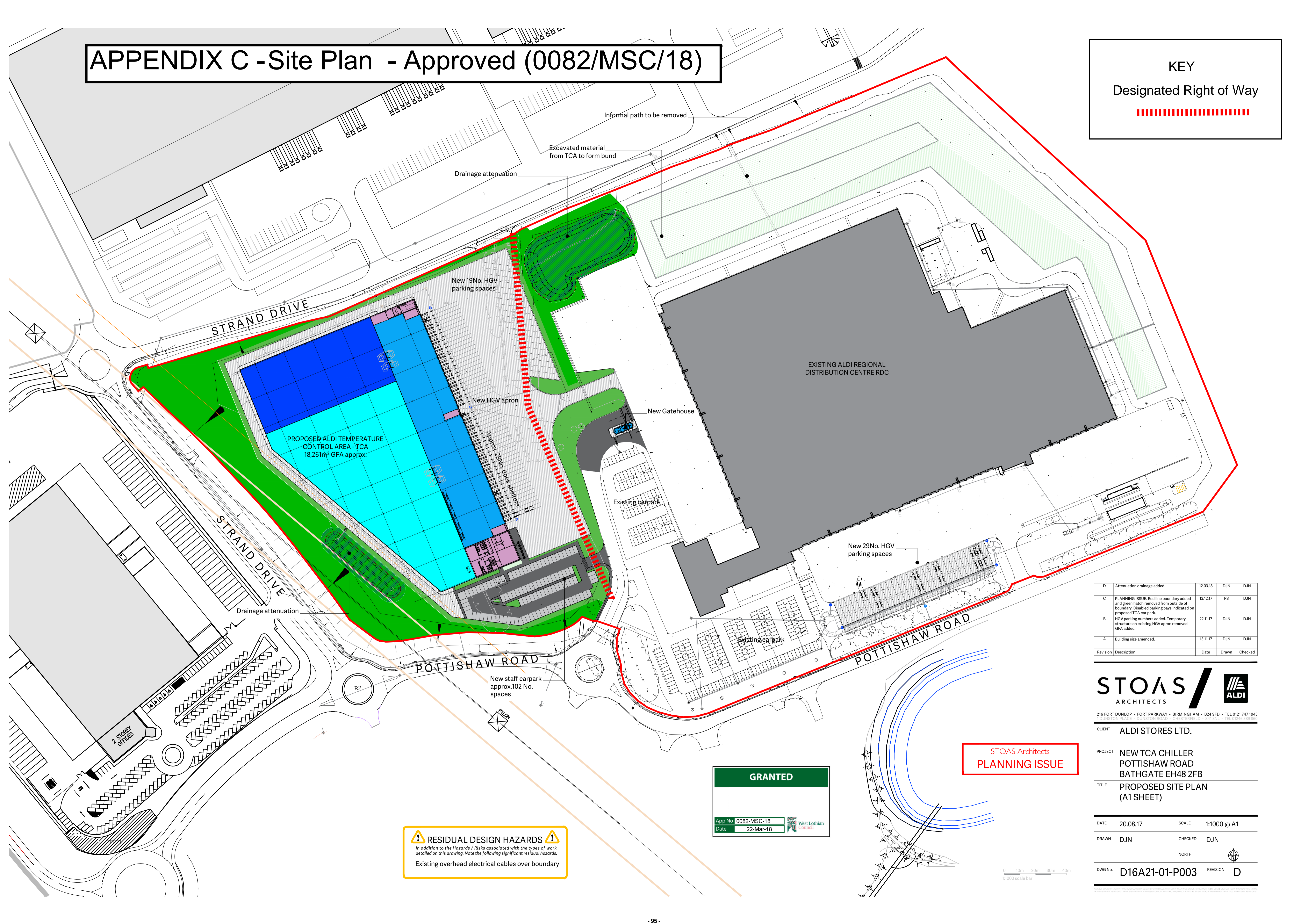
DATE: 06/08/08  
DRAWN BY: MM  
CHECKED BY: JOLP

**Note**  
Plan shows access routes only. For correct amended site layout see approved plan ②, Indicative Master Plan

APPENDIX C -Site Plan - Approved (0082/MSC/18)

KEY

Designated Right of Way



D	Attenuation drainage added.	12.03.18	DJN	DJN
C	PLANNING ISSUE. Red line boundary added and green hatch removed from outside of boundary. Disabled parking bays indicated on proposed TCA car park.	13.12.17	PS	DJN
B	HGV parking numbers added. Temporary structure on existing HGV apron removed. GFA added.	22.11.17	DJN	DJN
A	Building size amended.	13.11.17	DJN	DJN
Revision	Description	Date	Drawn	Checked

STOAS ARCHITECTS

216 FORT DUNLOP - FORT PARKWAY - BIRMINGHAM - B24 9FD - TEL 0121 747 1943  
10 HUNTING PLACE - BUNSTOCK ROAD - GERRYSHALE - L24 9AB - TEL 01494 899 880

CLIENT	ALDI STORES LTD.			
PROJECT	NEW TCA CHILLER POTTISHAW ROAD BATHGATE EH48 2FB			
TITLE	PROPOSED SITE PLAN (A1 SHEET)			
DATE	20.08.17	SCALE	1:1000 @ A1	
DRAWN	DJN	CHECKED	DJN	
		NORTH		
DWG No.	D16A21-01-P003	REVISION	D	

RESIDUAL DESIGN HAZARDS

In addition to the Hazards / Risks associated with the types of work detailed on this drawing. Note the following significant residual hazards.

Existing overhead electrical cables over boundary

GRANTED

App No 0082-MSC-18  
Date 22-Mar-18

# APPENDIX D -Existing (alternative) route

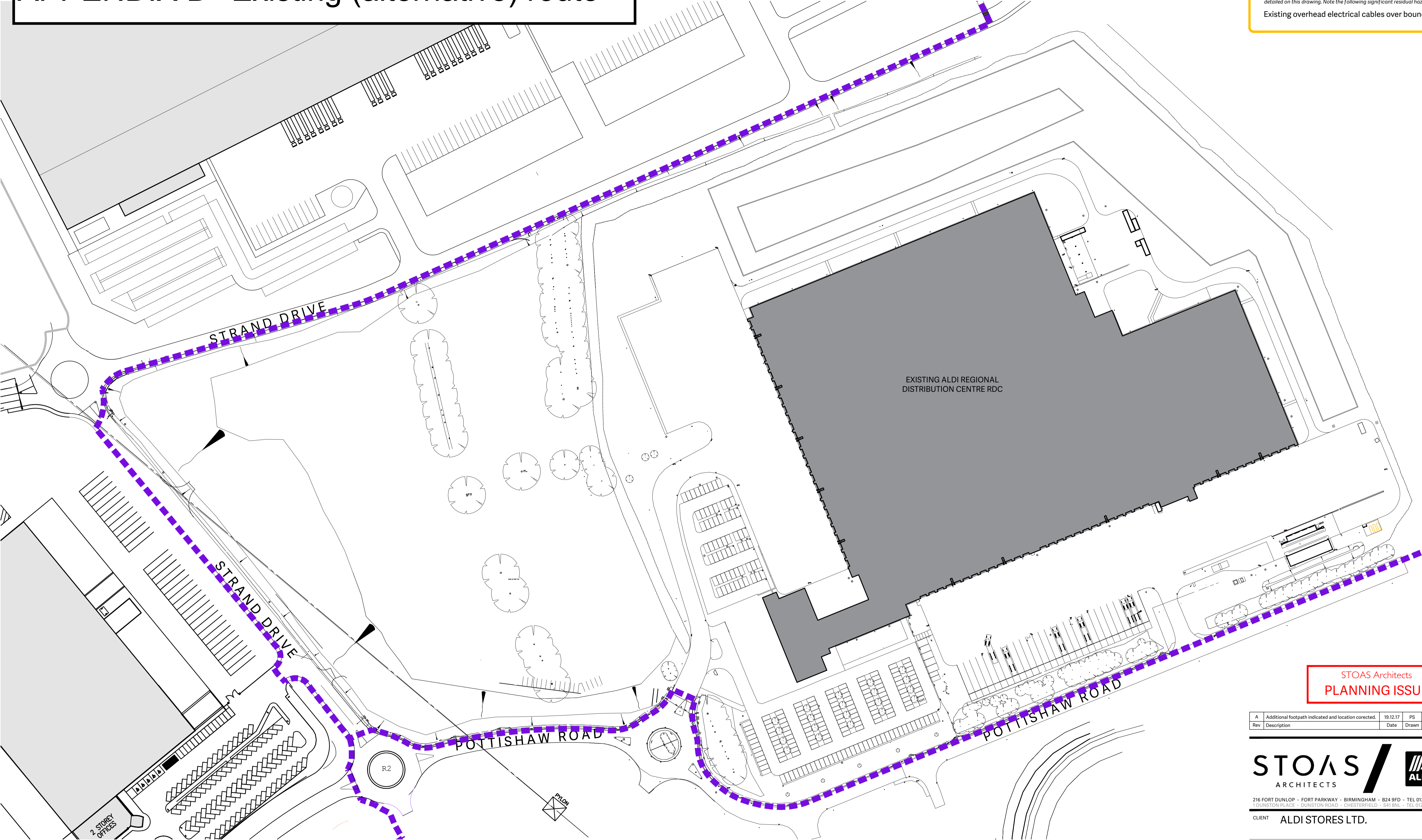
⚠

RESIDUAL DESIGN HAZARDS

⚠

*In addition to the Hazards / Risks associated with the types of work detailed on this drawing, Note the following significant residual hazards.*

Existing overhead electrical cables over boundary



----- RELOCATED RIGHT OF WAY

STOAS Architects  
PLANNING ISSUE

A	Additional footpath indicated and location corrected.	19.12.17	PS	JW
Rev	Description	Date	Drawn	Checked

STOAS

ARCHITECTS

216 FORT DUNLOP - FORT PARKWAY - BIRMINGHAM - B24 9FD - TEL 0121 747 1943  
1 DUNSTON PLACE - DUNSTON ROAD - CHESTERFIELD - S41 8NL - TEL 01246 389 800

CLIENT ALDI STORES LTD.

PROJECT NEW TCA CHILLER  
POTTISHAW ROAD  
BATHGATE EH48 2FB

TITLE PROPOSED SITE PLAN  
FOOTPATH RELOCATION

DATE	11.12.17	SCALE	1:1000 @ A1
DRAWN	RM	CHECKED	PS
NORTH			
DWG No.	D16A21-01-P013	REVISION	A

0 10m 20m 30m 40m  
1:1000 scale bar



**COUNCIL EXECUTIVE**

**SCOTLAND'S CLIMATE CHANGE DECLARATION – ANNUAL REPORT 2017/18**

**REPORT BY HEAD OF PLANNING, ECONOMIC DEVELOPMENT & REGENERATION**

**A. PURPOSE OF REPORT**

The purpose of this report is to inform the Council Executive of West Lothian's annual Climate Change Declaration Report for 2017/18 and seek approval for its submission to the Sustainable Scotland Network and the Scottish Government

**B. RECOMMENDATION**

It is recommended that Council Executive:

1. agrees the contents of the Declaration at Appendix 1; and
2. approves its submission to Sustainable Scotland Network and the Scottish Government for publication.

**C. SUMMARY OF IMPLICATIONS**

<b>I</b>	<b>Council Values</b>	Focusing on our customers' needs; being honest, open and accountable; making best use of our resources
<b>II</b>	<b>Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	<p>The council is legally bound to comply with duties for public sector bodies within the Climate Change (Scotland) Act 2009. The duties require that the council must, in exercising its functions, act:</p> <p>(a) in the way best calculated to contribute to the delivery of the targets set in or under Part 1 of the Act;</p> <p>(b) in the way best calculated to help deliver any programme laid before the Scottish Parliament under section 53;</p> <p>(c) in a way that it considers is most sustainable.</p> <p>The response does not raise any equality issues. SEA not required</p>
<b>III</b>	<b>Implications for Scheme of Delegations to Officers</b>	None.

<b>IV</b>	<b>Impact on performance and performance Indicators</b>	There are a number of performance indicators related to the council's carbon emissions and related factors.
<b>V</b>	<b>Relevance to Local Outcomes Improvement Plan</b>	Outcome 7 - We live longer, healthier lives and have reduced health inequalities, and; Outcome 8 - We make the most efficient and effective use of resources by minimising our impact on the built and natural environment.
<b>VI</b>	<b>Resources - (Financial, Staffing and Property)</b>	None
<b>VII</b>	<b>Consideration at PDSP</b>	The report was considered at Environment PDSP on 30 October 2018.
<b>VIII</b>	<b>Other consultations</b>	Climate Change and Sustainability Working Group members. Relevant Operational Services staff.

## **D. TERMS OF REPORT**

### **D.1 Background**

The council has a number of obligations under the Public Bodies Duties of the Climate Change (Scotland) Act 2009 (the Act) and has been reporting on Climate Change since becoming a signatory to Scotland's Climate Change Declaration in 2007. Reporting has been mandatory since the 2015/16 reporting year and must be submitted to the Sustainable Scotland Network (SSN) by 30 November each year.

### **D.2 Summary of the Declaration for West Lothian Council**

The Declaration is split into two sections. There is a "Required" section which must be completed and a "Recommended" section which is optional.

The first part of the required section provides key information about the organisation and the reporting year covered.

Part two includes information on how the council provides effective governance, leadership and management of climate change. There is a 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.

Part three addresses the council's corporate greenhouse gas emissions including targets, performance and actions to reduce emissions. The footprint includes buildings (electricity, gas and other fuels), waste to landfill, recycled waste, waste electrical and electronic equipment recycling (WEEE), composted food waste, composted green waste, fleet diesel, fleet petrol, own use mileage, water consumption and external lighting. The council's target to reduce emissions by 20% by 2020/21 (to 47,959 tonnes) is set out in the Climate Change Strategy (CCS) and Carbon Management Plan (CMP) which were approved in November 2015. Both documents are currently under review to ensure that the targets are still relevant and identify areas where any further reductions can be found.

The footprint for 2017/18 has been calculated to be 50,831 tCO<sub>2</sub>e, a significant decrease of 6000 tonnes (10.5%) on the 2016/17 footprint of 56,831 and 10,230 tonnes (16.75%) reduction from our baseline year of 2013/14. The most substantial

contributors to reductions in the reporting year are a significant drop in waste sent to landfill and emissions related to electricity use, with fleet fuel consumption and reductions in mileage also contributing. Gas usage increased considerably over the course of the year relative to 2016/17 due to the prolonged cold winter spell. Table 1 below compares some of the key figures from 2017/18 with those from 2014/15 which was the first year of reporting on the new standardised template. It shows significant reductions across a range of contributing areas and highlights the progress being made to deliver our services in a more sustainable, low-carbon way.

<b>Source</b>	<b>2014/15</b>	<b>2017/18</b>	<b>Reduction</b>
Electricity (kWh)	52,099,822	48,790,246	<b>3,309,576 kWh</b>
Gas (kWh)	71,447,350	68,675,712	<b>2,771,638 kWh</b>
Municipal Waste to Landfill (tonnes)	38,009	20,807	<b>17,202 tonnes</b>
Commercial Waste to Landfill (tonnes)	15,501	11,434	<b>4067 tonnes</b>
Diesel (litres)	1,793,726	1,712,773	<b>80,953 litres</b>
Petrol (litres)	45,731	37,449	<b>8,282 litres</b>
Own vehicle use (km)	1,164,840	797,700	<b>367,140 km</b>

Table 1 – Reductions in emissions contributors

Some of the key projects that have delivered carbon savings in the reporting year are the continued replacement of conventional street and building lighting with low energy LED equivalents and further enhancements to waste management leading to increased recycling.

Section four relates to the council's approaches to dealing with the already changing climate in Scotland. This includes assessing risks, physical works such as flood prevention and the development of local and national action plans.

Sustainable procurement is covered in section five, with information on how the council's policies and activities contribute to compliance with the climate change duties.

The final section of the required reporting area is for the council to outline how the reporting document and the information contained within it has been validated, and a declaration to confirm that it is correct. The annual return has been audited internally, with consumption data for gas & electricity being audited as part of our annual Carbon Reduction Commitment process and waste data by SEPA.

The "Recommended" section of the report outlines the council's wider impact, including partnership working, awareness raising campaigns and behavioural change programmes. We have also included a wide range of activities related to biodiversity and local food production.

## **E. CONCLUSION**

The council's Climate Change Declaration Report for 2017/18 demonstrates significant progress in the council's efforts to reduce our impact on the environment and to adapt to future climatic changes. The Declaration, if approved, will be submitted to the Sustainable Scotland Network and the Scottish Government for publication.

## **F. BACKGROUND REFERENCES**

Climate Change (Scotland) Act 2009

<http://www.gov.scot/Topics/Environment/climatechange/scotlands-action/climatechangeact>

Climate Change Act – Public Bodies Duties

<http://www.gov.scot/Topics/Environment/climatechange/howyoucanhelp/publicbodies/publicsector>

Climate Change Reporting Information

<https://sustainableScotlandNetwork.org/resources>

Scottish Government's Sustainability Reporting Guidance

[www.scotland.gov.uk/Publications/2013/07/4721](http://www.scotland.gov.uk/Publications/2013/07/4721)

Sustainable Procurement and the Flexible Framework

<https://www.gov.scot/Topics/Government/Procurement/policy/corporate-responsibility/Sustainability>

Biodiversity Duty

<https://www.nature.scot/scotlands-biodiversity/biodiversity-duty>

Scottish Climate Change Adaptation Programme *Climate Ready Scotland*

[www.scotland.gov.uk/Publications/2014/05/4669](http://www.scotland.gov.uk/Publications/2014/05/4669)

Public Bodies Climate Change Duties: Putting Them Into Practice

Guidance Required By Part 4 Of The Climate Change (Scotland) Act 2009

[www.scotland.gov.uk/publications/2011/02/04093254/0](http://www.scotland.gov.uk/publications/2011/02/04093254/0)

Appendices/Attachments: One

Appendix 1 – Climate Change Report 2017/18

Contact Person: Peter Rogers, Energy & Climate Change Manager, 01506 281107, [peter.rogers@westlothian.gov.uk](mailto:peter.rogers@westlothian.gov.uk)

**Craig McCorriston**

**Head of Planning, Economic Development and Regeneration**

**13 November 2018**

TABLE OF CONTENTS

Required

PART 1: PROFILE OF REPORTING BODY

PART 2: GOVERNANCE, MANAGEMENT AND STRATEGY

PART 3: EMISSIONS, TARGETS AND PROJECTS

PART 4: ADAPTATION

PART 5: PROCUREMENT

PART 6: VALIDATION AND DECLARATION

Recommended Reporting: Reporting on Wider Influence

RECOMMENDED – WIDER INFLUENCE

OTHER NOTABLE REPORTABLE ACTIVITY

PART 1: PROFILE OF REPORTING BODY

1(a) Name of reporting body
West Lothian Council

1(b) Type of body
Local Government

1(c) Highest number of full-time equivalent staff in the body during the report year
6816

1(d) Metrics used by the body			
Specify the metrics that the body uses to assess its performance in relation to climate change and sustainability.			
Metric	Unit	Value	Comments
Population size served	population	181310	<a href="https://www.nrscotland.gov.uk/statistics-and-data/statistics/statistics-by-theme/population/population-estimates/mid-year-population-estimates/mid-2017/list-of-figures">https://www.nrscotland.gov.uk/statistics-and-data/statistics/statistics-by-theme/population/population-estimates/mid-year-population-estimates/mid-2017/list-of-figures</a>

1(e) Overall budget of the body	
Specify approximate £/annum for the report year.	
Budget	Budget Comments
481291000	Total revenue budget taken from annual accounts.

1(f) Report year	
Specify the report year.	
Report Year	Report Year Comments
Financial (April to March)	

1(g) Context
Provide a summary of the body's nature and functions that are relevant to climate change reporting.
As a local authority in an area with an expanding population of over 180,000, West Lothian Council provides services such as Education, Social Services, Planning, Housing, Economic Development, Highways, Street Lighting and Cleansing. It also works closely with other public bodies such as police, fire and health through its Community Planning Partnership. There are, however, four main areas where the nature and functions of the organisation make a significant contribution to greenhouse gas emissions and are therefore relevant. These are: the operation of over 250 buildings including offices, partnership centres, schools, sheltered housing and depots; street lighting and other road furniture (signage etc); operation of the council's fleet of vehicles, and; waste collection and disposal throughout the area. In addition, the council's Planning function shapes future policy to ensure that mitigation and adaptation to the impacts of climate change are considered in the Local Development Plan and associated planning guidance.

PART 2: GOVERNANCE, MANAGEMENT AND STRATEGY

<b>2(a) How is climate change governed in the body?</b>
<p>Provide a summary of the roles performed by the body's governance bodies and members in relation to climate change. If any of the body's activities in relation to climate change sit outside its own governance arrangements (in relation to, for example, land use, adaptation, transport, business travel, waste, information and communication technology, procurement or behaviour change), identify these activities and the governance arrangements.</p> <p>Climate change and sustainability is embedded within the governance structure of West Lothian Council as outlined in the simplified diagram attached. Council Executive has overall responsibility for ensuring the council's compliance with the Climate Change (Scotland) Act 2009 and is responsible for the approval of all climate change strategies, policies, action plans and monitoring reports.</p> <p>The Environment Policy Development and Scrutiny Panel (PDSP) is comprised of elected members who develop new policies for the council and review existing policies to identify where changes are required. The panel does not make decisions, but it makes recommendations to the Council Executive. The Environment PDSP has responsibility for consideration of the Climate Change Strategy and associated Action Plans and climate change reports, including the annual Climate Change Duties report and regularly reviews Performance Indicators relating to climate change.</p> <p>The Community Planning Partnership (CPP) Steering Group has responsibility for monitoring performance against the Environment outcome of the Local Outcomes Improvement Plan 2013-2023 (LOIP) including targets for climate change and sustainability. The chair of the Climate Change and Sustainability Working Group (CCSWG) reports quarterly to the Steering Group. The minutes of the CCSWG/ Environment Forum are submitted to the Steering Group for scrutiny and minutes from the Steering Group circulated to CCSWG members.</p>
<b>2(b) How is climate change action managed and embedded by the body?</b>
<p>Provide a summary of how decision-making in relation to climate change action by the body is managed and how responsibility is allocated to the body's senior staff, departmental heads etc. If any such decision-making sits outside the body's own governance arrangements (in relation to, for example, land use, adaptation, transport, business travel, waste, information and communication technology, procurement or behaviour change), identify how this is managed and how responsibility is allocated outside the body</p> <p>The council's principal corporate decision making body is its Executive Committee which is chaired by the Leader of the council. The attached table summarises the council's internal management structures relating to climate change. The Head of Planning, Economic Development &amp; Regeneration has direct responsibility for climate change, is the council's nominated Sustainable Procurement Champion and chairs the CCSWG.</p> <p>In support of the Head of Planning, Economic Development &amp; Regeneration's role, each Head of Service is a lead officer for climate change with responsibility for climate change actions and targets within their service area. Heads of Service may delegate their responsibility to a direct report to ensure that day to day management responsibilities are clear and that delegated decision making is undertaken at the appropriate level.</p> <p>All activities relating to climate change are set out in the council's Climate Change Strategy and associated Action Plans, and are coordinated by the Energy &amp; Climate Change Manager through the CCSWG. Lead officers for specific actions provide quarterly progress reports through the council's performance management system (Pentana).</p> <p>The Emergency Planning Service is located in the Chief Executive Office. The service is responsible for ensuring that the council has emergency response arrangements in place to enable it to respond effectively in times of crisis. The impact of climate change has also been identified in the council's Corporate Risk Register and progress against actions to address climate risk is monitored by senior management through the appropriate service management team.</p> <p>Climate Change is also embedded throughout the organisation in a number of ways:</p> <ul style="list-style-type: none"><li>- Corporate Induction includes a section on energy and climate change awareness;</li><li>- When new projects or plans are being developed, the Strategic Outline Business Case includes a section on Sustainability which must be considered and completed in all cases;</li><li>- The council's Corporate Procurement Strategy sets out the vision to "achieve superior procurement performance through advanced sustainable procurement practices for the benefit of the council and its stakeholders" and a number of Performance Indicators have been developed which are regularly monitored and reported on.</li><li>- One of our key LOIP outcomes is that "We make the most efficient and effective use of resources by minimising our impact on the built and natural environment".</li></ul>

**2(c) Does the body have specific climate change mitigation and adaptation objectives in its corporate plan or similar document?**

Provide a brief summary of objectives if they exist.

Objective	Doc Name	Doc Link
The council aims to develop a strong, inclusive and sustainable West Lothian. We want to build communities and services that are well designed and protect the built and natural environment for current residents and future generations.	Corporate Plan 2018-2023 (P.33)	<a href="https://www.westlothian.gov.uk/media/19574/West-Lothian-Council-Corporate-Plan-2018---2023/pdf/West_Lothian_Council_Corporate_Plan_2018-2023.pdf">https://www.westlothian.gov.uk/media/19574/West-Lothian-Council-Corporate-Plan-2018---2023/pdf/West_Lothian_Council_Corporate_Plan_2018-2023.pdf</a>
Improving waste recycling rates across West Lothian by implementing the Scottish Government's Zero Waste Strategy.	Corporate Plan 2018-2023 (P.34)	<a href="https://www.westlothian.gov.uk/media/19574/West-Lothian-Council-Corporate-Plan-2018---2023/pdf/West_Lothian_Council_Corporate_Plan_2018-2023.pdf">https://www.westlothian.gov.uk/media/19574/West-Lothian-Council-Corporate-Plan-2018---2023/pdf/West_Lothian_Council_Corporate_Plan_2018-2023.pdf</a>
Protecting the environment through a range of regulatory and enforcement activities that will protect the health, wellbeing and safety of local people.	Corporate Plan 2018-2023 (P.34)	<a href="https://www.westlothian.gov.uk/media/19574/West-Lothian-Council-Corporate-Plan-2018---2023/pdf/West_Lothian_Council_Corporate_Plan_2018-2023.pdf">https://www.westlothian.gov.uk/media/19574/West-Lothian-Council-Corporate-Plan-2018---2023/pdf/West_Lothian_Council_Corporate_Plan_2018-2023.pdf</a>
Engaging with the community and commercial operators to deliver a cost effective public transport network and active travel options.	Corporate Plan 2018-2023 (P.34)	<a href="https://www.westlothian.gov.uk/media/19574/West-Lothian-Council-Corporate-Plan-2018---2023/pdf/West_Lothian_Council_Corporate_Plan_2018-2023.pdf">https://www.westlothian.gov.uk/media/19574/West-Lothian-Council-Corporate-Plan-2018---2023/pdf/West_Lothian_Council_Corporate_Plan_2018-2023.pdf</a>
Continue to maintain and protect the local environment for residents, visitors and future generations by maintaining public spaces, gardens and provision of country parks and encouraging community to play a more active role in looking after their local environment.	Corporate Plan 2018-2023 (P.34)	<a href="https://www.westlothian.gov.uk/media/19574/West-Lothian-Council-Corporate-Plan-2018---2023/pdf/West_Lothian_Council_Corporate_Plan_2018-2023.pdf">https://www.westlothian.gov.uk/media/19574/West-Lothian-Council-Corporate-Plan-2018---2023/pdf/West_Lothian_Council_Corporate_Plan_2018-2023.pdf</a>
The council is committed to working with its partners on mitigating and adapting to climate change and promoting sustainable development. This will be achieved through a range of activities relating to:- -Waste - minimising the amount of waste that is sent to landfill and increasing recycling; -Transport - promoting sustainable and active modes of transport and increasing access to sustainable transport; -Sustainable use of resources - reducing energy use through the introduction of renewable technology and energy efficiency measures in buildings and encouraging behavioural change to reduce energy consumption; and, -Measures to adapt to both current and future changes in the climate.	Local Outcomes Improvement Plan 2013-2023 (P.48)	<a href="https://www.westlothian.gov.uk/media/17003/West-Lothian-Local-Outcomes-Improvement-Plan-2013-2023/pdf/West_Lothian_Local_Outcomes_Improvement_Plan_2013-2023.pdf">https://www.westlothian.gov.uk/media/17003/West-Lothian-Local-Outcomes-Improvement-Plan-2013-2023/pdf/West_Lothian_Local_Outcomes_Improvement_Plan_2013-2023.pdf</a>

Further action is identified in the council's Climate Change Strategy for West Lothian.		
The council's assets will be managed to ensure that their useful operational life meets expected life expectancy, as well as minimising the potential adverse impact on the environment. Sustainability should make sure that council assets are available to support ongoing service delivery in the long term.	Corporate Asset Management Strategy (Outcome 6) 2013-2018 (P.13)	<a href="https://www.westlothian.gov.uk/media/4216/Corporate-Asset-Management-Strategy-2013-2018/pdf/corporateassetmanagementstrategy2013-2018.pdf">https://www.westlothian.gov.uk/media/4216/Corporate-Asset-Management-Strategy-2013-2018/pdf/corporateassetmanagementstrategy2013-2018.pdf</a>

**2(d) Does the body have a climate change plan or strategy?**

If yes, provide the name of any such document and details of where a copy of the document may be obtained or accessed.

West Lothian Council approved its Climate Change Strategy 2015-2020 and Carbon Management Plan in November 2015. These can be found at: [www.westlothian.gov.uk/article/2211/Climate-change---what-are-we-doing](http://www.westlothian.gov.uk/article/2211/Climate-change---what-are-we-doing)

**2(e) Does the body have any plans or strategies covering the following areas that include climate change?**

Provide the name of any such document and the timeframe covered.

Topic area	Name of document	Link	Time period covered	Comments
Adaptation	Climate Change Strategy	<a href="https://www.westlothian.gov.uk/media/10479/West-Lothian-Council-Climate-Change-Strategy-2015-2020/pdf/West_Lothian_Council_Climate_Change_Strategy_2015-2020.pdf">https://www.westlothian.gov.uk/media/10479/West-Lothian-Council-Climate-Change-Strategy-2015-2020/pdf/West_Lothian_Council_Climate_Change_Strategy_2015-2020.pdf</a>	2015-2020	Adaptation Action Plan will be published in Q3 2018.
Business travel	Green Transport Policy and Green Transport Procedure Note	<a href="https://intranet.westlothian.gov.uk/article/13346/Green-Transport">https://intranet.westlothian.gov.uk/article/13346/Green-Transport</a>	2017-2023	The policy and procedure notes were developed to assist employees meet the objectives of an internal transport review project and set out employee responsibilities and the procedures that should be followed in relation to how they approach business travel.
Staff Travel	Green Transport Policy and Green Transport Procedure Note Active Travel Plan	<a href="https://intranet.westlothian.gov.uk/article/13346/Green-Transport">https://intranet.westlothian.gov.uk/article/13346/Green-Transport</a> <a href="https://www.westlothian.gov.uk/activetravel">https://www.westlothian.gov.uk/activetravel</a>	2017-2023 2016-2021	
Energy efficiency	Carbon Management Plan	<a href="https://www.westlothian.gov.uk/media/10480/West-Lothian-Council-Carbon-Management-Plan-2015-2020/pdf/Carbon_Management_Plan_2015-2020.pdf">https://www.westlothian.gov.uk/media/10480/West-Lothian-Council-Carbon-Management-Plan-2015-2020/pdf/Carbon_Management_Plan_2015-2020.pdf</a>	2015-2020	

## Public Sector Climate Change Duties 2017 Summary Report: West Lothian Council

Fleet transport	Operational Services Management Plan	<a href="https://www.westlothian.gov.uk/media/21293/2018-19-Management-Plan---Operational-Services/pdf/2018-19_Management_Plan_-_Operational_Services.pdf">https://www.westlothian.gov.uk/media/21293/2018-19-Management-Plan---Operational-Services/pdf/2018-19_Management_Plan_-_Operational_Services.pdf</a>	2018-2019	
Information and communication technology				
Renewable energy	Carbon Management Plan	<a href="https://www.westlothian.gov.uk/media/10480/West-Lothian-Council-Carbon-Management-Plan-2015-20/pdf/Carbon_Management_Plan_2015-2020.pdf">https://www.westlothian.gov.uk/media/10480/West-Lothian-Council-Carbon-Management-Plan-2015-20/pdf/Carbon_Management_Plan_2015-2020.pdf</a>	2015-2020	
Sustainable/renewable heat	Carbon Management Plan	<a href="https://www.westlothian.gov.uk/media/10480/West-Lothian-Council-Carbon-Management-Plan-2015-20/pdf/Carbon_Management_Plan_2015-2020.pdf">https://www.westlothian.gov.uk/media/10480/West-Lothian-Council-Carbon-Management-Plan-2015-20/pdf/Carbon_Management_Plan_2015-2020.pdf</a>	2015-2020	
Waste management	Operational Services Management Plan	<a href="https://www.westlothian.gov.uk/media/21293/2018-19-Management-Plan---Operational-Services/pdf/2018-19_Management_Plan_-_Operational_Services.pdf">https://www.westlothian.gov.uk/media/21293/2018-19-Management-Plan---Operational-Services/pdf/2018-19_Management_Plan_-_Operational_Services.pdf</a>	2018-2019	
Water and sewerage	Carbon Management Plan	<a href="https://www.westlothian.gov.uk/media/10480/West-Lothian-Council-Carbon-Management-Plan-2015-20/pdf/Carbon_Management_Plan_2015-2020.pdf">https://www.westlothian.gov.uk/media/10480/West-Lothian-Council-Carbon-Management-Plan-2015-20/pdf/Carbon_Management_Plan_2015-2020.pdf</a>	2015-2020	
Land Use	West Lothian Local Development Plan	<a href="https://www.westlothian.gov.uk/LDP">https://www.westlothian.gov.uk/LDP</a>	2014-2024	The council's Local Development Plan sets out in its aims that it will "Help achieve climate change objectives by minimising the area's carbon footprint through promoting development in sustainable locations and supporting mitigation and adaptation measures."
Other (state topic area covered in comments)				

### 2(f) What are the body's top 5 priorities for climate change governance, management and strategy for the year ahead?

Provide a brief summary of the body's areas and activities of focus for the year ahead.

- Publish the council's Adaptation Action Plan in collaboration with SNIFFER. The plan will outline actions across a number of priority outcomes.
- Consider development of an Energy Strategy for West Lothian Council and the wider community.
- Publish Heating Guidance for council buildings.
- Complete review of Carbon Management Plan and consider revised emissions targets based on findings
- Publish Local Climate Impacts Profile (LCLIP)

<b>2(g) Has the body used the Climate Change Assessment Tool(a) or equivalent tool to self-assess its capability / performance?</b>
If yes, please provide details of the key findings and resultant action taken.
The Climate Change & Sustainability Working Group carried out a comprehensive review using the CCAT tool in December 2017. The results of this process have identified a number of areas for improvement including climate change adaptation and sustainable procurement.

<b>2(h) Supporting information and best practice</b>
Provide any other relevant supporting information and any examples of best practice by the body in relation to governance, management and strategy.

PART 3: EMISSIONS, TARGETS AND PROJECTS

3a Emissions from start of the year which the body uses as a baseline (for its carbon footprint) to the end of the report year							
Complete the following table using the greenhouse gas emissions total for the body calculated on the same basis as for its annual carbon footprint /management reporting or, where applicable, its sustainability reporting. Include greenhouse gas emissions from the body's estate and operations (a) (measured and reported in accordance with Scopes 1 & 2 and, to the extent applicable, selected Scope 3 of the Greenhouse Gas Protocol (b)). If data is not available for any year from the start of the year which is used as a baseline to the end of the report year, provide an explanation in the comments column. (a) No information is required on the effect of the body on emissions which are not from its estate and operations.							
Reference Year	Year	Scope1	Scope2	Scope3	Total	Units	Comments
Baseline carbon footprint	2013/14				61061	tCO2e	
Year 1 carbon footprint	2014/15	17954	28003	15162	61119	tCO2e	
Year 2 carbon footprint	2015/16	13264	24883	22979	61126	tCO2e	
Year 3 carbon footprint	2016/17	16352	20494	19985	56831	tCO2e	
Year 4 carbon footprint	2017/18	17290	17153	16388	50831	tCO2e	

3b Breakdown of emission sources									
Complete the following table with the breakdown of emission sources from the body's most recent carbon footprint (greenhouse gas inventory); this should correspond to the last entry in the table in 3(a) above. Use the 'Comments' column to explain what is included within each category of emission source entered in the first column. If, for any such category of emission source, it is not possible to provide a simple emission factor(a) leave the field for the emission factor blank and provide the total emissions for that category of emission source in the 'Emissions' column.									
Total	Comments – reason for difference between Q3a & 3b.	Emission source	Scope	Consumption data	Units	Emission factor	Units	Emissions (tCO2e)	Comments
50831.2		Grid Electricity (generation)	Scope 2	48790246	kWh	0.35156	kg CO2e/kWh	17152.7	
		Grid Electricity (transmission & distribution losses)	Scope 3	48790246	kWh	0.03287	kg CO2e/kWh	1603.7	
		Natural Gas	Scope 1	68675712	kWh	0.18416	kg CO2e/kWh	12647.6	Increased gas consumption due to prolonged cold spell added approx 1000 tonnes
		Biomass (Wood Chips)	Scope 1	3090000	kWh	0.0127	kg CO2e/kWh	39.2	Metered heat - actual consumption used

Biomass (Wood Pellets)	Scope 1	5306220	kWh	0.0127	kg CO2e/kWh	67.4	Metered heat - actual consumption used
Water - Supply	Scope 3	384797	m3	0.344	kg CO2e/m3	132.4	
Water - Treatment	Scope 3	349896	m3	0.708	kg CO2e/m3	247.7	
Refuse Municipal to Landfill	Scope 3	20807	tonnes	588.906	kg CO2e/tonne	12253.4	All waste data is for 2017 calendar year
Refuse Commercial & Industrial to Landfill	Scope 3	11434	tonnes	100.072	kg CO2e/tonne	1144.2	
Organic Food & Drink Composting	Scope 3	4838	tonnes	6	kg CO2e/tonne	29.0	
Organic Garden Waste Composting	Scope 3	12519	tonnes	6	kg CO2e/tonne	75.1	
Paper & Board (Mixed) Recycling	Scope 3	11912	tonnes	21.76	kg CO2e/tonne	259.2	
WEEE (Mixed) Recycling	Scope 3	1381	tonnes	21.76	kg CO2e/tonne	30.1	
Glass Recycling	Scope 3	2603	tonnes	21.76	kg CO2e/tonne	56.6	
Plastics (Average) Recycling	Scope 3	4691	tonnes	21.76	kg CO2e/tonne	102.1	
Metal Cans (Mixed) & Metal Scrap Recycling	Scope 3	5185	tonnes	21.76	kg CO2e/tonne	112.8	
Refuse Municipal /Commercial /Industrial to Combustion	Scope 3	7916	tonnes	21.76	kg CO2e/tonne	172.3	
Construction (Average) Recycling	Scope 3	19829	tonnes	1.37	kg CO2e/tonne	27.2	
Diesel (average biofuel blend)	Scope 1	1712773	litres	2.600	kg CO2e/litre	4453.5	Fleet vehicles
Petrol (average biofuel blend)	Scope 1	37449	litres	2.198	kg CO2e/litre	82.3	Fleet vehicles

		Car - diesel (average - unknown engine size)	Scope 3	797700 km	0.17887 kg CO2e/km	142.7	Own use business mileage
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3c Generation, consumption and export of renewable energy					
Provide a summary of the body's annual renewable generation (if any), and whether it is used or exported by the body.					
	Renewable Electricity		Renewable Heat		
Technology	Total consumed by the organisation (kWh)	Total exported (kWh)	Total consumed by the organisation (kWh)	Total exported (kWh)	Comments
Solar PV	217944	24217			Assumed 90% consumption of on-site generated electricity.
Biomass			8396220	0	Actual metered data for amount of biomass heat consumed by WLC in the reporting period.

3d Targets										
List all of the body's targets of relevance to its climate change duties. Where applicable, overall carbon targets and any separate land use, energy efficiency, waste, water, information and communication technology, transport, travel and heat targets should be included.										
Name of Target	Type of Target	Target	Units	Boundary/scope of Target	Progress against target	Year used as baseline	Baseline figure	Units of baseline	Target completion year	Comments
Reduction in emissions from the council's activities and services (from non-domestic buildings, transport, external lighting, waste and water.	absolute	48849	tCO2e reduction	All emissions	50831	2013/14	61061	tCO2e	2020/21	
Carbon emissions from energy used in buildings (annual)	absolute	26590	tCO2e reduction	Energy use in buildings	24672	2013/14	30808	tCO2e	2018/19	
Electricity Cosumption (kWh/m2)	absolute	67	kWh/m2 reduction	Energy use in buildings	70	2013/14	71.6	Other (specify in comment)	2020/21	Baseline Unit kWh/m2
Gas Consumption (kWh/m2)	absolute	155	kWh/m2 reduction	Energy use in buildings	161	2013/14	190	Other (specify in comment)	2020/21	Baseline Unit kWh/m2
Tonnes of CO2 emissions per capita for the West Lothian district	absolute		tCO2e reduction	All emissions	5.8	2011/12	7.3	tCO2e	2023/24	Target to be below national average (currently 5.4%)
Energy generated as a result of installation of renewables and low carbon	absolute	14400	Other (specify in comments)	Energy use in buildings	8751	2013/14	354	MWh	2023/24	Target to increase amount of heat - measured in MWh

technology. MWh of heat produced										
Energy generated as a result of the installation of renewables and low carbon technology. kWh of electricity produced	absolute	390000	Other (specify in comments)	Energy use in buildings	242170	2013/14	21221	kWh	2023/24	Target to increase amount of electricity generated from low carbon and renewable sources - measured in kWh
Percentage of household waste recycled.	percentage	50	% increase	Waste	61.3	2011/12	42.5	Other (specify in comments)	2017/18	Increased from 48.5% in 2016
Percentage of West Lothian Council housing stock compliant with Energy Efficiency Standard for Social Housing	percentage	100	Other (specify in comments)	Energy use in buildings	66.6	2015/16	42.4	Other (specify in comments)	2020/21	Target is for 100% of properties to be compliant by 2020

3e Estimated total annual carbon savings from all projects implemented by the body in the report year				
Total		Emissions Source	Total estimated annual carbon savings (tCO2e)	Comments
8470.00	Electricity		400	LED Lighting replacement schemes - street lighting and buildings.
	Natural gas		60	Boiler replacements (estimated impact as prolonged cold weather increased consumption overall)
	Other heating fuels		0	
	Waste		7910	Decreased waste to landfill and increased recycling across a number of waste streams. Roll out of 140l bins
	Water and sewerage		0	
	Business Travel		15	Reduced mileage in personal vehicles - Driving at Work/Green Transport Policies
	Fleet transport		80	Reduction in fleet mileage and related fuel consumption
	Other (specify in comments)		5	Increased solar PV output

3f Detail the top 10 carbon reduction projects to be carried out by the body in the report year											
Provide details of the 10 projects which are estimated to achieve the highest carbon savings during report year.											
Project name	Funding source	First full year of CO2e savings	Are these savings figures estimated or actual?	Capital cost (£)	Operational cost (£/annum)	Project lifetime (years)	Primary fuel/emission source saved	Estimated carbon savings per year (tCO2e/annum)	Estimated costs savings (£/annum)	Behaviour Change	Comments
LED Street Lighting	Capital	2018/19	Estimated	712000	0	15	Grid Electricity	255	65000		
LED Lighting (School	Capital	2018/19	Estimated	120000	0	15	Grid Electricity	35	15000		
Boiler Replacement	Capital	2018/19	Estimated	135000	0	20	Natural Gas	50	11000		
Increased recycling and reuse. Reduction in waste to landfill		2018/19	Estimated				Refuse Municipal to Landfill	800			

3g Estimated decrease or increase in the body's emissions attributed to factors (not reported elsewhere in this form) in the report year					
If the emissions increased or decreased due to any such factor in the report year, provide an estimate of the amount and direction.					
Total		Emissions source	Total estimated annual emissions (tCO2e)	Increase or decrease in emissions	Comments
1860.00		Estate changes	200	Increase	Planned site closures not taking place as anticipated
		Service provision			
		Staff numbers			
		Other (specify in comments)	1660	Increase	1660 tonnes increase related to changes in emissions factors for electricity (reduction) and waste (increase)

3h Anticipated annual carbon savings from all projects implemented by the body in the year ahead			
Total	Source	Saving	Comments
1420.00	Electricity	1000	LED Streetlighting and NDEE project works
	Natural gas	350	NDEE Project works and boiler replacements

	Other heating fuels		
	Waste		
	Water and sewerage	20	Review of meter and supply sizes. Water efficiencies.
	Business Travel		
	Fleet transport	50	Further reduction in fleet mileage
	Other (specify in comments)		

<b>3i Estimated decrease or increase in the body's emissions attributed to factors (not reported elsewhere in this form) in the year ahead</b>				
If the emissions are likely to increase or decrease due to any such factor in the year ahead, provide an estimate of the amount and direction.				
<b>Total</b>	<b>Emissions source</b>	<b>Total estimated annual emissions (tCO2e)</b>	<b>Increase or decrease in emissions</b>	<b>Comments</b>
-2350.00	Estate changes	150	Decrease	Reduction in size of estate and replacement of inefficient older buildings with modern equivalent.
	Service provision			
	Staff numbers			
	Other (specify in comments)	2200	Decrease	Reduced emissions factors for grid electricity generation.

<b>3j Total carbon reduction project savings since the start of the year which the body uses as a baseline for its carbon footprint</b>	
If the body has data available, estimate the total emissions savings made from projects since the start of that year ("the baseline year").	
<b>Total</b>	<b>Comments</b>
6966	Estimated figure, taken as the sum of savings identified from 2015/16 and 16/17 as savings from 17/18 yet to be realised.

<b>3k Supporting information and best practice</b>
Provide any other relevant supporting information and any examples of best practice by the body in relation to its emissions, targets and projects.

PART 4: ADAPTATION

4(a) Has the body assessed current and future climate-related risks?
<p>If yes, provide a reference or link to any such risk assessment(s).</p> <p>The council completed a Local Climate Impact Profile (LCLIP) in early 2015 as part of a process to assess our exposure to weather events. The LCLIP looked at historical events and the potential for future disruption to local communities and is currently being refreshed to take into account more recent events. The council continues to deliver its obligations under the Forth Estuary Local Flood Risk Management Plan, a six-year plan of action. This is largely focussed on the collection of data and commissioning of studies.</p> <p>In addition to the above, the council has worked with SNIFFER in the development of an Adaptation Action Plan which is due to be published in 2018.</p>

4(b) What arrangements does the body have in place to manage climate-related risks?
<p>Provide details of any climate change adaptation strategies, action plans and risk management procedures, and any climate change adaptation policies which apply across the body.</p> <p>The council's Climate Change Strategy sets out key objectives with regards to managing adaptation, including the development of a number of strategies and action plans. The Climate Change &amp; Sustainability Working Group (CCSWG) monitors and reports progress of adaptation activities. Reports on adaptation related work are reviewed by Environment and Development and Transport Policy Development &amp; Scrutiny Panels as appropriate. The council's Corporate Risk Register includes a risk that the council does not meet its obligations with regards to Climate Change. This is regularly monitored and updated and is reported to the appropriate service management team.</p> <p>One of the key priorities is to develop an Adaptation Action Plan and work began on this with SNIFFER in 2017/18, with publication due in 2018. A specific Adaptation Sub-group to the CCSWG has been set up and one of their tasks is to take this forward. A Severe Weather Plan is already in place which sets out the council's response to weather events and the way these are managed.</p> <p>Progress delivering actions under the Surface Water Action Plan also continues. The Integrated Catchment Studies, a joint action with Scottish Water are progressing well.</p> <p>As set out in the Tree and Woodland Safety and Management Action Plan, the Council's trees within areas where they may cause a hazard to the public will be pro-actively inspected on a cyclical basis. There is ongoing monitoring of tree diseases such as Chalara (Ash Dieback) and Phytophthora Ramorum on Larch.</p>

4(c) What action has the body taken to adapt to climate change?
<p>Include details of work to increase awareness of the need to adapt to climate change and build the capacity of staff and stakeholders to assess risk and implement action.</p> <p>-The council has continued to invest in improvements to headwalls and trash screens to improve safe operation of the screen to reduce flood risk. There has been continued investment in the network of level sensors to improve the response before, during, and in the aftermath of flood events.</p> <p>-We have worked with internal and external partners at a number of levels to help improve the council's response to flood events, increasing organisational and community resilience to flood events.</p> <p>-We have continued to assess open watercourses and to survey culverted watercourses, including previously uncharted systems and have committed this information on the asset management database.</p> <p>-Data arising from last year's survey of headwalls and trash screens has been included on the asset management database and is being used to inform improved inspection and maintenance.</p> <p>-Significant investment has been made to preserve and restore structural integrity and flow characteristics of failing culverted watercourses through a programme of internal patching and lining.</p> <p>-The survey and conditional assessment of river revetments has been commissioned and the data has since been included on the asset management database.</p> <p>-Additional funding has enabled work on the Brox Burn flood prevention scheme to resume in the context of more up to date modelling and report on property-level protection.</p> <p>-Work evaluating opportunities and master planning improvements to green infrastructure and the associated network of watercourses in Livingston North has been completed. It is intended to bring together a package of largely external funding to take forward detailed design and implementation of improvements, which have</p>

been subject to public consultation.

-Improved drainage – we have reduced the risk of flooding to residential properties in Norwood Avenue, Whitburn and have improved drainage to associated public open space through the construction of an extensive land drainage scheme.

-We have improved access to use of public open space by reducing the accumulation of surface water at King George V Park, Whitburn, Glenview Park, Stoneyburn and Bridgend Park, Bridgend.

-We are working with partners and external funders delivering physical improvements to the water environment under the RiverLife: Almond & Avon programme. Key projects under the programme include the Almond Barriers project, improving the opportunity for migrating fish species to navigate physical barriers across the river allowing them to take advantage of quality upstream habitat. A second project aims to improve water quality and the physical condition of the Bog Burn in Bathgate, which is currently in a poor condition.

4(d) Where applicable, what progress has the body made in delivering the policies and proposals referenced N1, N2, N3, B1, B2, B3, S1, S2 and S3 in the Scottish Climate Change Adaptation Programme(a) ("the Programme")?					
If the body is listed in the Programme as a body responsible for the delivery of one or more policies and proposals under the objectives N1, N2, N3, B1,B2, B3, S1, S2 and S3, provide details of the progress made by the body in delivering each policy or proposal in the report year. If it is not responsible for delivering any policy or proposal under a particular objective enter "N/A" in the 'Delivery progress made' column for that objective.					
(a) This refers to the programme for adaptation to climate change laid before the Scottish Parliament under section 53(2) of the Climate Change (Scotland) Act 2009 (asp 12) which currently has effect. The most recent one is entitled "Climate Ready Scotland: Scottish Climate Change Adaptation Programme" dated May 2014.					
Objective	Objective reference	Theme	Policy / Proposal reference	Delivery progress made	Comments
Understand the effects of climate change and their impacts on the natural environment.	N1	Natural Environment	N1-10	Data has been provided to the council by SEPA and used in the development of action plans.	
Support a healthy and diverse natural environment with capacity to adapt.	N2	Natural Environment	N2-2	Supports CSGN and Lothian & Fife Green Network Partnership. New supplementary guidance part of Local Development Plan (LDP). This includes protection of Local Biodiversity Sites as well as Local Geodiversity Sites. Park audits have been revised to include scoring criteria on adaptability, the different ecosystem services and green networks. Open Space capital programme continues to deliver projects to protect and enhance green spaces and blue/green networks.	

			N2-11	Planning guidance as part of Local Development Plan. Involvement in CSGN Habitat Network Workstream West Lothian Council Forestry and Woodland Strategy Action Plan	
			N2-17	Part of Forth River Basin management area.	
			N2-18	Local Flood Risk Management Plan approved June 2016	
Sustain and enhance the benefits, goods and services that the natural environment provides.	N3	Natural Environment	N3-7	Management Plan for Trees and Woodland on West Lothian Council Owned Land published in 2017.	
Understand the effects of climate change and their impacts on buildings and infrastructure networks.	B1	Buildings and infrastructure networks	B1-13	Local Flood Risk Management Plan approved June 2016	
Provide the knowledge, skills and tools to manage climate change impacts on buildings and infrastructure.	B2	Buildings and infrastructure networks		N/A	

Increase the resilience of buildings and infrastructure networks to sustain and enhance the benefits and services provided.	B3	Buildings and infrastructure networks	B3-2	Relevant PAN's incorporated into Supplementary Planning Guidance as part of adopted LDP	
			B3-3	West Lothian Local Development Plan policy NRG-1 - Climate Change & Sustainability	
			B3-6	Continued involvement in the HEEPS/ABS scheme, mainly focused on External Wall Insulation and hard to treat properties. Part of SEEP phase 1 pilots.	
			B3-7	Work to ensure compliance with EESSH standards by 2020 is continuing.	
			B3-8	SHQS requirements achieved	
Understand the effects of climate change and their impacts on people, homes and communities.	S1	Society		N/A	
Increase the awareness of the impacts of climate change to enable people to adapt to future extreme weather events.	S2	Society		N/A	

Support our health services and emergency responders to enable them to respond effectively to the increased pressures associated with a changing climate.	S3	Society		N/A	
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**4(e) What arrangements does the body have in place to review current and future climate risks?**

Provide details of arrangements to review current and future climate risks, for example, what timescales are in place to review the climate change risk assessments referred to in Question 4(a) and adaptation strategies, action plans, procedures and policies in Question 4(b).

The Adaptation sub-Group of the CCSWG is developing the Adaptation Action Plan which will set out detailed actions including consideration of whether further assessment of climate risks is required. This will be published in 2018.

The council is legally obliged to reduce overall flood risk and there are systems in place to ensure a systematic approach is taken to review current and future risks from flooding and have plans in place which will deliver mitigation and increase resilience.

**4(f) What arrangements does the body have in place to monitor and evaluate the impact of the adaptation actions?**

Please provide details of monitoring and evaluation criteria and adaptation indicators used to assess the effectiveness of actions detailed under Question 4(c) and Question 4(d).

Where investment has been made in physical works, the council will monitor the performance of the measures in response to weather conditions to ensure that it remains effective - enhanced by the remote monitoring improvements outlined in 4c. In the event that frailties or failures are identified, it will then be reviewed and the need for further work identified.

Greater incidents of tree pests and diseases including Ash Dieback (Chalara) are already affecting West Lothian and this is being informally monitored on WLC land.

4(g) What are the body’s top 5 priorities for the year ahead in relation to climate change adaptation?
<p>Provide a summary of the areas and activities of focus for the year ahead.</p> <p>In addition gaining approval of our Adaptation Action Plan we will:</p> <ul style="list-style-type: none"><li>- Publish the revised Local Climate Impacts Profile</li><li>- Continue to work with Scottish Water on Integrated Catchment Management studies for Bathgate and Linlithgow;</li><li>- Continue to work with Scottish Water with a view to ensuring that ‘legacy’ sustainable drainage systems located in Potentially Vulnerable Area (PVA) 10/27 are brought into public ownership;</li><li>- progress flood protection studies for Whitburn, Linlithgow, Blackridge and Bathgate;</li><li>- monitor the operational response to flood events and will continue to work with neighbouring authorities towards an effective mutual assistance model;</li><li>- develop our knowledge of water-related assets by collating information about river revetments on the larger watercourses in West Lothian using the information to inform investment decisions;</li></ul>
4(h) Supporting information and best practice
<p>Provide any other relevant supporting information and any examples of best practice by the body in relation to adaptation.</p> <p>We have developed a new forward programme of measures in liaison with Housing Services to reduce the number of council owned homes at risk of flooding, lessening potential damages and disruption to tenants' lives. The programme has been prioritised taking into account the most vulnerable in our communities.</p>

PART 5: PROCUREMENT

5(a) How have procurement policies contributed to compliance with climate change duties?
<p>Provide information relating to how the procurement policies of the body have contributed to its compliance with climate changes duties.</p> <p>The Council's Corporate Procurement Strategy 2013-2018 refers extensively to "Sustainable Procurement. The Council's Procurement Strategy, beyond 2015, is now subject to statutory guidance in line with the Procurement Reform (Scotland) Act 2015. The main activities that are undertaken to achieve this priority outcome are:</p> <ul style="list-style-type: none"><li>- Considering sustainable procurement for spend equating to £50,000 and above</li><li>- Implementing an appropriate training and awareness programme</li><li>- Achieving Level 4 within the Scottish Government's Sustainability Framework Assessment</li><li>- Promoting the payment of the Living Wage</li></ul> <p>In addition, the Council has developed a Community Benefits in Procurement Procedure to guide procurement activity. This has been in place and used in contracting activity since June 2013 and applies to all contract spend above the value of £50,000.</p> <p>More specific sustainability policies include Sustainable Building Standards for Council Controlled Buildings, Sustainable Timber and Sustainable Printing policies. Working with service areas, part of the strategy highlights sustainable working:</p> <ul style="list-style-type: none"><li>- Operational Services - delivering transport and contracts that support and sustain economic and population growth help in minimising traffic congestion and environmental deterioration.</li><li>- Waste management contract provision helps West Lothian to improve its waste recycling rates as prescribed in the Scottish Government's Zero Waste Strategy.</li><li>- Corporate - through the provision of contracts for low carbon and renewable energy solutions to support the delivery of council services which have a reduced environmental impact and help to meet the challenging targets for reduced energy consumption and carbon emissions.</li></ul> <p>These overarching strategies and policies reinforce the Council's commitment to climate change and provide practical guidance at all stages of the tender process, including identification of need, specification development, selection and award and contract management phases in order to reduce their carbon footprint and greenhouse gas emissions.</p>

5(b) How has procurement activity contributed to compliance with climate change duties?
<p>Provide information relating to how procurement activity by the body has contributed to its compliance with climate changes duties.</p> <p>As Strategic procurement is long term planning to ensure timely supply of goods, services and works that are critical to the ability to meet core business objectives, strategic procurement covers the whole procurement cycle and considers analysis of expenditure, looking across services and partnerships to identify synergies and opportunities for improving economy, efficiency and effectiveness. Prior to commencing any procurement exercise the Officer responsible must, in accordance with Corporate Procurement Procedures, complete a contract strategy to appraise the procurement in a manner commensurate with its complexity and value. Information contained in the strategy template includes:</p> <ul style="list-style-type: none"><li>- Contract objective;</li><li>- Funding arrangements;</li><li>- Current contract status;</li><li>- Historical spend information;</li><li>- Market analysis;</li><li>- Collaboration considerations;</li><li>- Sustainability considerations;</li><li>- Option Appraisal for Procurement procedure to be followed;</li><li>- Proposed contract benefits;</li><li>- Recommendation of procurement route.</li></ul> <p>Sustainability is included in the risk segmentation which is used to identify the level of Contract and Supplier Management required for each contract.</p> <p>Examples of procurement activities carried out that contribute to the three areas stated within the climate change duties are included in 5a above.</p>

5(c) Supporting information and best practice
<p>Provide any other relevant supporting information and any examples of best practice by the body in relation to procurement.</p> <p>The council has a specific performance indicator which monitors the number of contract strategies incorporating sustainable procurement elements. CPU041_9b.1a is an indicator to review the number of contract strategies incorporating sustainable procurement elements. The target for this indicator is 100% and this has been consistently achieved since the target was introduced.</p>

PART 6: VALIDATION AND DECLARATION

**6(a) Internal validation process**

Briefly describe the body's internal validation process, if any, of the data or information contained within this report.

The Energy & Climate Change Manager is responsible for coordinating and compiling the report. Access to the portal is restricted to appropriate officers. Supporting data is held within the council electronic records management system.

An internal audit has been carried out on mandatory sections of the report, with the objective of conducting a high level review of the content of the Climate Change Report, and to obtain evidence to support key emissions, targets and project data reported within the Declaration.

Energy consumption data has been validated internally as part of our annual Carbon Reduction Commitment audit process. Waste figures are audited annually by SEPA.

Head of Service for Planning, Economic Development & Regeneration reviews and agrees the report following completion of audit.

**6(b) Peer validation process**

Briefly describe the body's peer validation process, if any, of the data or information contained within this report.

N/A

**6(c) External validation process**

Briefly describe the body's external validation process, if any, of the data or information contained within this report.

N/A

**6(d) No validation process**

If any information provided in this report has not been validated, identify the information in question and explain why it has not been validated.

N/A

**6e - Declaration**

I confirm that the information in this report is accurate and provides a fair representation of the body's performance in relation to climate change.

Name	Role in the body	Date
Craig McCorrison	Head of Service for Planning, Economic Development & Regeneration	

RECOMMENDED – WIDER INFLUENCE

Q1 Historic Emissions (Local Authorities only)

Please indicate emission amounts and unit of measurement (e.g. tCO2e) and years. Please provide information on the following components using data from the links provided below. Please use (1) as the default unless targets and actions relate to (2).  
(1) UK local and regional CO2 emissions: **subset dataset** (emissions within the scope of influence of local authorities):  
(2) UK local and regional CO2 emissions: **full dataset**:

Select the default target dataset

Full

Table 1a - Subset													
Sector	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	Units	Comments
Total Emissions	1242.92	1220.62	1220.62	1092.87	1191.95	1068.91	1132.60	1083.75	935.59	892.13	878.7	ktCO2	
Industry and Commercial	568.02	540.89	542.90	467.54	542.22	471.11	513.12	473.06	382.65	347.18	342.7	ktCO2	
Domestic	430.95	428.61	433.14	386.69	412.24	364.55	391.35	385.30	322.61	312.76	297.9	ktCO2	
Transport total	243.94	251.12	244.58	238.64	237.49	233.24	228.14	225.38	230.33	232.20	238.1	ktCO2	
Per Capita	7.44	7.20	7.12	6.32	6.85	6.10	6.43	6.15	5.28	5.00	4.9	tCO2	
Waste												tCO2e	
LULUCF Net Emissions												ktCO2	
Other (specify in 'Comments')													

Table 1b - Full													
Sector	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	Units	Comments
Total Emissions	1462.36	1441.79	1431.92	1296.74	1393.41	1265.80	1329.14	1277.97	1120.04	1083.64	1043.3	ktCO2	
Industry and Commercial	576.47	550.22	550.88	475.57	549.85	479.12	520.08	481.76	385.52	349.62	345.7	ktCO2	
Domestic	430.95	428.61	433.14	386.69	412.24	364.55	391.35	385.30	322.61	312.76	297.9	ktCO2	
Transport total	412.63	422.05	410.43	398.94	396.58	388.77	384.18	382.43	385.83	395.58	400.7	ktCO2	
Per Capita	8.75	8.51	8.36	7.49	8.00	7.22	7.55	7.25	6.32	6.07	5.8	tCO2	
Waste												tCO2e	
LULUCF Net Emissions	42.31	40.90	37.47	35.54	34.74	33.36	33.54	28.47	26.09	25.69		ktCO2	
Other (specify in 'Comments')													

Q2a – Targets									
Please detail your wider influence targets									
Sector	Description	Type of Target (units)	Baseline value	Start year	Target saving	Target / End Year	Saving in latest year measured	Latest Year Measured	Comments
	Tonnes of CO2 emissions per capita for the West Lothian District (% reduction)	Per capita (TCO2/per)	8	2010	2	2020	1.93	2016	

Q2b) Does the Organisation have an overall mission statement, strategies, plans or policies outlining ambition to influence emissions beyond your corporate boundaries? If so, please detail this in the box below.

The council's vision for tackling climate change, set out within our Climate Change Strategy, is:- "A resource efficient, low carbon council working in partnership with and supporting the West Lothian community to mitigate the worst effects of climate change and create a resilient and more sustainable future."

Outcome 2 of the Climate Change Strategy is "A Resource Wide West Lothian". The council's aim is to continue to monitor emissions across West Lothian, and work with partners and local communities to implement a range of measures which promote the efficient use of energy and water and waste minimisation.

Q3) Policies and Actions to Reduce Emissions														
Sector	Start year for policy / action imple - mentation	Year that the policy / action will be fully imple - mented	Annual CO2 saving once fully imple - mented (tCO2)	Latest Year measured	Saving in latest year measured (tCO2)	Status	Metric / indicators for monitoring progress	Delivery Role	During project / policy design and implementation, has ISM or an equivalent behaviour change tool been used?	Please give further details of this behaviour change activity	Value of Investment (£)	Ongoing Costs (£/ year)	Primary Funding Source for Implementation of Policy / Action	Comments
Transport	2017	2022				In Implementation	Number of schools with a school travel plan in place. Number of cycle friendly schools. Aiming for 100% uptake in Bikeability Levels 1 and 2 at primary school level.	Enabling	Yes-ISM	West Lothian Active Travel Plan 2016-21 contains an action to promote adoption of school travel plans by all schools in West Lothian. Related actions to encourage schools (primary and secondary) to become Cycle Friendly Schools - baseline 0 early 2015, 6 in early 2016. Increase number of children receiving Bikeability Level 2 training.			Only staff time required to develop travel plans - actions within them may require budget which is sourced as and when possible (e.g.Sustrans and council funding for new cycle or scooter parking). NHS and West Lothian Council funding of council Health Improvement Team; Transport Scotland funding of Smarter Choices Smarter Places programme; Cycling Scotland funding for cycle friendly community and school work.	
Transport	2016	2022					Qualitative - progress recorded on an annual basis	Direct	Yes-ISM	Modal shift - Private Vehicle to Active Travel (Cycling/Walking). Actions include: Provide cycle training to adults; providing bike lending libraries within communities to overcome barrier of no access to a bike; improve information on sustainable travel; build community capacity on community mapping to increase awareness of smarter travel opportunities.			NHS and West Lothian Council funding of council Health Improvement Team; Transport Scotland funding of Smarter Choices Smarter Places programme; Cycling Scotland funding for cycle friendly community and school work.	Engagement using ISM approach recorded in Active Travel Plan at <a href="http://www.westlothian.gov.uk/activetravel">www.westlothian.gov.uk/activetravel</a> .
Transport	2016	2021				In Implementation	Delivery of strategic and local walking and cycling infrastructure as per prioritisation framework within	Direct	Yes-ISM	Delivery of Active Travel Plan for West Lothian, 2016-21 - approved and adopted by West			Cycling Walking Safer Streets grant allocation from Transport Scotland to West	ISM work with a high school group of pupils and teachers was carried out in the development of

							Active travel Plan			Lothian Council Executive in April 2016. Planning guidance associated with the council's Proposed Local Development Plan <a href="http://www.westlothian.gov.uk/proposedplan">http://www.westlothian.gov.uk/proposedplan</a> ; other funding as and when it becomes available e.g. linked to open space, green networks.			Lothian Council; Transport Scotland's Community Links programme;	the West Lothian Active Travel Plan and linked to a broader project on behaviour change (Green Impact).
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Please provide any detail on data sources or limitations relating to the information provided in Table 3

Q4) Partnership Working, Communication and Capacity Building. Please detail your Climate Change Partnership, Communication or Capacity Building Initiatives below.									
Key Action Type	Description	Action	Organisation's project role	Lead Organisation (if not reporting organisation)	Private Partners	Public Partners	3rd Sector Partners	Outputs	Comments
Partnership Working	Food For Life Scotland presented to the CPP Board on the work that they do to ensure good food is the easy choice for everyone. 'Good food' is food that is good for your health, for the environment and for the economy. The purpose of the presentation was to ask partners to consider whether they could adopt Food for Life Served Here standards in their catering for staff and service users and to think about how the CPP could work with Food for Life Scotland to increase the amount of local food purchased by the public sector to support local economic development. A CPP session is now to be held in 2018 (facilitated by West Lothian Council) to help work towards all partners becoming Food For life Served Here certified, with a specific view to increasing the amount of food sourced from West Lothian.	Awareness Raising	Supporting	Food For Life Scotland		The 18 public sector partners of the CPP (including NHS Lothian, Police, Fire, DWP, council)	Voluntary Sector Gateway West lothian	Increased awareness of the benefits of locally produced, fresh food across the partnership.  Discussion/consideration around how partners can adopt FFLS standards to deliver social, economic and environmental benefits and increase the amount of local food purchased by the public sector. This will be taken forward through CPP engagement events in 2018.	
Communications	Earth Hour	Partnership working of climate change or sustainability	Lead			CPP Partners		All CPP Partners were informed of Earth Hour and encouraged to participate.	CPP team continue to help promote Earth Hour with partners
Partnership Working	Development of Partnership Centres	Partnership working of climate change or sustainability	Participant			Various partners		Reduced emissions through property rationalisation, modernisation and the use of shared buildings.	

## OTHER NOTABLE REPORTABLE ACTIVITY

Q5) Please detail key actions relating to Food and Drink, Biodiversity, Water, Procurement and Resource Use in the table below.				
Key Action Type	Key Action Description	Organisation's Project Role	Impacts	Comments
Biodiversity	Ranger Service ran clean ups and habitat management sessions at Little Boghead Nature Park	Lead	Maintenance/improvement of species diversity	Funding from land trust
Biodiversity	Environmental education - Ranger Service engaged with 2150 pupils, 1760 participants from community organisations, worked with work placements who carried out over 120 hours of management work and volunteers carried out 1750 hours of conservation and access projects in 2017/18	Lead	Improved knowledge and understanding of our local habitats, the pressures they are under and ways we can help them adapt and ultimately become more resilient and sustainable.	
Biodiversity	Ranger Service continues to manage Easter Inch Moss (LNR) to improve the peatland bog and moss areas, to try to start reversing the degraded areas and increase carbon capture longterm. Includes collation of species data from annual volunteer surveys for site monitoring. Water levels are also monitored through dataloggers to monitor success of rewetting of areas.	Lead	Maintenance/improvement of species diversity/improve longterm carbon capture abilities of moss	Supported by SNH
Biodiversity	Ranger Service continues to manage Blackmoss Nature Park to improve the peatland bog and moss areas, to try to start reversing the degraded areas and increase carbon capture longterm. Water levels are also monitored through dataloggers to monitor success of rewetting of areas.	Participant	Maintenance/improvement of species diversity/improve longterm carbon capture abilities of moss	Partnership with SNH and Butterfly Conservation 'Bog Squad'
Biodiversity	Ranger Service have co-ordinated path drainage and upgrade works on high profile access paths within Beecraigs Country Park to address wetter conditions and erosion issues.	Lead	Improve access, reduce soil erosion, increased resilience	Ranger Service lead with Volunteer Rangers support.
Biodiversity	Supplementary wildflower planting and management at Little Boghead Nature Park	Lead	Maintenance/improvement of species diversity.	Supported by Friends of Little Boghead. Grant funding from Tesco Bags of Help
Biodiversity	Continued management of meadows at Almondell & Calderwood Country Park, Beecraigs Country Park and Polkemmet Country Park including annual monitoring	Lead	Maintenance/improvement of species diversity.	
Biodiversity	Parks & Woodland continue to maintain and improve fen and pond habitats at Calderwood (SSSI)	Lead	Maintenance/improvement of species diversity.	Supported by Friends of Almondell & Calderwood, in agreement with SNH. Small equipment grant from SNH
Biodiversity	Parks & Woodland Team planted approximately 200m new hedge on the Animal Attraction and new Visitor Centre at Beecraigs Country Park.	Lead	Improved habitat	Grant funding from SRDP
Resource Use	Management of woods at Beecraigs Country Park under continuous cover regime where this is possible. 40ha of woodland selectively thinned.	Lead	Increases resilience to severe weather incidents. Increases habitat diversity and maintains woodland flora particularly in the areas of Long Established Woodland of Plantation Origin.	
Biodiversity	Replanting of woods with a more diverse range of species including native broadleaves matched to the site.	Lead	Allows woodland to adapt to climate change and have greater resilience to tree pests and diseases. Increase in types of woodland habitat. Choice of species guided by Forest Research's Ecological Site Classification including its modelling for climate change.	
Resource Use	11,000 tonnes of UK Woodland Assurance Scheme certified sawlogs and small roundwood produced as a result of woodland management at Beecraigs.	Lead	Sustainable timber sawn for fencing and building products and small roundwood for the manufacture of chipboard and MDF - all low energy and recyclable.	Work undertaken and timber marketed by Scottish Woodlands Ltd

Water	£20k from CSGN Development Fund used to produce Livingston North Blue Green Network feasibility study / action plan	Lead	Planned long term maintenance and improvement of water quality and management, quality and diversity of woodland and open space.	
Water	New planting at Almond Park ponds	Lead	Improved filtration of run-off water from nearby housing before release into River Almond. Also enhanced biodiversity.	
Biodiversity	3 new wildflower meadows created in urban parks (Balbardie, Eliburn, Almondvale)	Lead	Improvement of species and habitat diversity.	
Water	Drainage swales created in Sutherland Way and Fells Rigg urban parks	Lead	Improvement of sustainable urban drainage and enhanced biodiversity	
Water	SUDS basins created in Lanthorn Park	Participant	Sustainable urban drainage solution to ponding in the park and enhanced biodiversity	
Water	Glebe Park (Uphall) and Marchwood Crescent (Bathgate) path upgrades and tree planting to address erosion by water	Lead	Sustainable water management to enhance recreational use of land and reduce soil erosion	
Food & Drink	Fruit trees planted in Lanthorn Park	Participant	Enhanced biodiversity and provision of fresh produce	
Food & Drink	Inventory of all public food growing sites (Community gardens and allotments) in West Lothian, in preparation for Food Growing Strategy	Lead	Planning long term provision and enhancement of food growing opportunities	Grant funding from SRDP. Central Scotland Green Network Trust (CSGNT) partner.

Q6) Please use the text box below to detail further climate change related activity that is not noted elsewhere within this reporting template





**COUNCIL EXECUTIVE**

**CONSULTATION ON REDUCING HEALTH HARMS OF FOODS HIGH IN FAT, SUGAR OR SALT**

**REPORT BY HEAD OF PLANNING, ECONOMIC DEVELOPMENT & REGENERATION**

**A. PURPOSE OF REPORT**

The purpose of this report is to make the Council Executive aware of the Scottish Government consultation on reducing health harms of foods high in fat, sugar or salt and request approval for the proposed response contained in Appendix 1 of this report.

**B. RECOMMENDATION**

It is recommended that the Council Executive:

1. notes the content of the report and proposed response contained in Appendix 1; and,
2. approves the proposed response contained in Appendix 1 of this report.

**C. SUMMARY OF IMPLICATIONS**

<b>I</b>	<b>Council Values</b>	Focusing on our customers' needs; being honest, open and accountable; providing equality of opportunities; developing employees; making best use of our resources; working in partnership
<b>II</b>	<b>Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	The consultation paper proposes the introduction of regulatory controls in relation to the marketing and promotion of specific food types. It is being suggested as an additional regulatory role for local authorities. Staff within the environmental health team already carry out food safety official controls in food establishments, and would be most likely to take responsibility for new regulatory controls.
<b>III</b>	<b>Implications for Scheme of Delegations to Officers</b>	None.
<b>IV</b>	<b>Impact on performance and performance Indicators</b>	None at this stage. Future implementation of matters contained within the consultation may have an impact on service delivery depending on the level of priority given to this matter and

the resources required for delivery.

<b>V</b>	<b>Relevance to Single Outcome Agreement</b>	We live longer, healthier lives and have reduced health inequalities.
<b>VI</b>	<b>Resources - (Financial, Staffing and Property)</b>	There are no additional financial resources suggested within the consultation paper. Any new regulatory controls could not be met within existing staff resource without there being a detriment to other food safety and public health functions within the service.
<b>VII</b>	<b>Consideration at PDSP</b>	A report on the consultation was presented to the Environment PDSP on 30 October 2018. The panel were advised the proposed response would be reported to Council Executive with a recommendation for approval. This was supported by the panel.
<b>VIII</b>	<b>Other consultations</b>	None.

## **D. TERMS OF REPORT**

### **D1 Background**

On the 2 October 2018 the Scottish Government issued a consultation paper on reducing health harms of foods high in fat, sugar or salt. The proposals are being considered as part of the national strategy in Scotland for tackling the public health consequences of poor diet and obesity.

The consultation paper is setting out possible options for tackling the promotion and marketing of the type of foods we need to eat less of. These discretionary foods make up a significant part of the Scottish diet. The proposals are considering targeting the following discretionary categories of food:

- confectionery
- sweet biscuits
- crisps
- savoury snacks
- cakes
- pastries
- puddings
- soft drinks with added sugar.

The restrictions are intended to apply to any out of home food purchases and the establishments where such foods are sold. There are some exemptions for business to business sales, and for charity events. The nature of sale and promotion of these foods is intended to be controlled to help manage the persuasive promotion by retailers and impulse purchasing by consumers.

The consultation paper is suggesting that such controls will require to be properly regulated through legislation rather than voluntary arrangements, and that local authorities, through environmental health officers, are best placed to enforce any legal requirements.

A link to the consultation paper on the Scottish Government website is provided in Section F of this report.

## **D2 Consultation Response**

The proposed response to the consultation is found in Appendix 1 of this report.

The consultation questions are embedded into the different sections of consultation paper text and there is a significant amount of information within each section to consider. It has not been replicated within this report due to the volume of information. However a link is provided within Section F of this report to allow responses to be reviewed in context of the appropriate section of the consultation paper.

The main considerations of the consultation response at this stage relate to the future regulation, enforcement and demands this will place on West Lothian Council environmental health staff. The rights and wrongs of the food categories and public health consequences are appropriate for other specialists and professionals to respond to. The most important aspect of the proposals will actually be determined by how well constructed and appropriate the future legislation is and whether it will be able to be followed and enforced, if necessary.

Whilst the public health consequences of poor diet are clear, and evidently something which needs to be addressed, it is important to respond in context of an environmental health service which is not able to fully meet the food safety obligations already placed on it. This is clearly outlined in the annual food service plan and report which is approved by Council Executive. There needs to be careful consideration of where the measures being proposed would fall into the public health priorities which have to be adopted within the environmental health service.

Current priorities and regulatory obligations are focused on acute public health impacts of food safety, foodborne infections, food allergies etc. where consumers have no choice or control in terms of foods they purchase. The proposals in the consultation paper are about addressing a more chronic long term public health issue where the consumer does have a choice, to a reasonable extent, over the type of foods they purchase and consume.

## **E. CONCLUSION**

The consequences of poor diet on personal health and the national resources and finances required to address these issues are significant. The need for change is supported. However, if regulation is part of the approaches to improvement then it needs to be properly considered. The proposals in the consultation paper are well intentioned, but will not be implemented without adequate resource, clarity, and practicality.

## **F. BACKGROUND REFERENCES**

[Reducing Health Harms of Foods High in Fat, Sugar or Salt – Consultation Paper](#)

Report to the Environment Policy Development and Scrutiny Panel – Consultation on reducing health harms of foods high in fat, sugar or salt, 30 October 2018.

Appendices/Attachments: One

Appendix 1. Draft response to consultation on reducing health harms of food high in fat, sugar or salt.

Contact Person: Craig Smith, Environmental Health Manager, 01506 282385,  
[craig.smith@westlothian.gov.uk](mailto:craig.smith@westlothian.gov.uk)

**Craig McCorriston,**  
**Head of Planning, Economic Development and Regeneration**

13 November 2018

## Appendix 1

### Consultation Response

#### Question 1

To what degree do you agree or disagree that mandatory measures should be introduced to restrict the promotion and marketing of foods high in fat, sugar or salt to reduce health harms associated with their excessive consumption?

Strongly agree

Agree ✓

Neither agree or disagree

Disagree

Strongly disagree

Please explain your answer.

West Lothian Council would agree with the introduction of mandatory measures to help reduce the excessive consumption of these types of food. There are clearly a number of reasons suggested for why people are drawn to such levels of consumption, and the fact that personal choice to reduce their intake is not being influenced by health promotion messages alone. The persuasive nature of product placement, offers, advertising etc. is accepted to some degree, but it is also important to recognise that there is also a significant element of personal choice in purchasing and consuming these types of food. However, there are concerns regarding the practicality and clarity of regulations trying to help address this issue. These are stated within response to other questions.

#### Question 2

Should this policy only target discretionary foods? [confectionery, sweet biscuits, crisps, savoury snacks, cakes, pastries, puddings and soft drinks with added sugar]

Yes

No – there are additional categories that should also be targeted, please specify

\_\_\_\_\_

No – fewer categories should be targeted, please specify what should not be targeted

\_\_\_\_\_

No – no foods should be targeted

Other – please specify \_\_\_\_\_

Don't know ✓

Please explain your answer.

The response to this matter is don't know as the main concern regarding the proposals is the practicality of complying with and enforcing any regulatory controls which might be introduced around any of the food types listed. The rationale for these food types and their

contribution to poor health is clearly an area for other professionals to consider. It is however appropriate to comment that the larger the list the more there will be to consider controlling and regulating within the operation of a food business. This will have significant implications for business operators and for officers authorised and tasked with enforcing these requirements.

### Question 3

Should this policy treat ice-cream and dairy desserts as discretionary foods?

Yes

No

Don't know ✓

Please explain your answer.

The rationale for these food types and their contribution to poor health is clearly an area for other professionals to consider. However, as with response to Q2, the practicality of their inclusion in regulatory controls is the main concern.

### Question 4

Please comment on our approach to defining categories and exclusions of particular foods/products from those definitions (paragraphs 9-11)?

It would appear that these matters have been considered appropriately in context by those who are knowledgeable in such matters. It is however appropriate to comment in general terms that anything put in place will need to be very clearly defined / specified to ensure businesses and regulators have no ambiguity and can apply consistently.

### Question 5

In relation to the foods being targeted, should this policy seek to

Yes   No   Don't Know

**Restrict** multi-buys

**Restrict** sales of unlimited amounts for a fixed charge

**Not restrict** temporary price reductions

**Not restrict** multi-packs?

Other – please specify \_\_\_\_\_

Please explain your answers.

The response to all elements above would be don't know. The justification for inclusion and consequences for public health are best responded to by other professionals within the field of diet and nutrition. The main consequences of concern are how such groupings translate into legislation which is practical, and enforceable, if necessary.

### Question 6

Please comment on the approach we are proposing to take to restricting forms of promotion and marketing outlined in section 5.

The breadth of food business establishment types, size, nature and scale captured by the proposals, the number of discretionary food groups, and also the different promotional restrictions being proposed is creating a significant degree of complexity. If the “simple” outline proposals within the consultation paper are complex then it is difficult to envisage how any legislative framework or guidance could provide any appropriate level of clarity to be enforceable.

### Question 7

Should the restrictions apply to any place where targeted foods are sold to the public, except where they are not sold in the course of business (e.g. charity bake sales)?

Yes ✓

No

Don't know

Please explain your answer.

To ensure fairness and consistency then the response has to be yes to this question. However, there may be information on consumer spending which indicates certain food business types are most likely location for persuasive marketing and promotion alongside the opportunity to buy large quantities of these food types at the lowest prices. If that is the case then perhaps consideration should be given to an implementation timeline for different business types.

### Question 8

Please comment on whether, and if so to what extent, restrictions should be applied online.

Please explain your answer.

If online can be accommodated then it is reasonable to expect similar controls to be put in place. There is however a difficulty in monitoring and regulating these businesses, particularly if they don't operate within Scotland but sell to Scottish consumers.

### Question 9

Should restrictions to displaying targeted foods at end of aisle, checkouts etc., not apply where there is no reasonable alternative to displaying them elsewhere?

Yes ✓

No

Don't know

Please explain your answer.

This requires a common sense and objective definition of “reasonable alternative” to ensure fair and transparent application of exemptions.

### Question 10

Should food marked as discounted because it is close to expiry be exempt from

Yes      No      Don't Know

Positioning restrictions (end of aisle, checkouts etc.)

✓

'Promotion of value' restrictions?

✓

Please explain your answer.

This needs to be very carefully considered in terms of defining "close to expiry", as in most businesses there will be a constant presence of foods on display if not. The desire to manage food waste is recognised, however perhaps better business practices to stock and control should be the best means for managing that concern. There is nothing to stop businesses promoting price difference for short code stock in the usual location of sale.

### Question 11

Please list any other exemptions we should consider.

Please explain your answer.

No comments on this question.

### Question 12

Please comment on our proposals for enforcement and implementation outlined in section 8.

Environmental health officers and food safety officers have a day to day involvement in food establishments. It is clear that, in terms of enforcement officers, they are best placed to address any regulatory controls without increasing the regulatory burden on businesses of another enforcement body. However, resources within local authority environmental health services are already insufficient to fully meet food safety official controls. It is also not clear where these new proposals would align against current public health and food safety priorities which environmental health staff have to address. Any time impact of considering the proposed regulatory controls would be detrimental to work aimed at controlling more acute and serious impacts on public health e.g. food borne infections, food allergies, etc. Consideration should therefore be given to the current situation before progressing with the proposals in the consultation paper.

### Question 13

Please comment on the proposed flexible approach outlined in section 9.

It is appropriate for any legislative controls to remain flexible and be closely monitored regarding relevance and effectiveness.

### Question 14

If you sell, distribute or manufacture discretionary foods, please comment on how

the restrictions in this consultation paper would impact you.

Please explain your answer.

No comments. Not applicable.
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### **Question 15**

What support do sellers, distributors and manufacturers need to implement the restrictions effectively?

Please explain your answer.

The most important thing that businesses need is clear and practical obligations which can be put in place. They need to be justifiable. If the decision is made to go ahead then there needs to be adequate support and advice provided to businesses to help them comply.
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### **Question 16**

How would the proposed restrictions impact on the people of Scotland with respect to age, disability, gender reassignment, pregnancy and maternity, ethnicity, religion or belief, sex, sexual orientation or socioeconomic disadvantage?

Please consider both potentially positive and negative impacts, supported by evidence, and, if applicable, advise on any mitigating actions we should take.

No specific comments to make to this question. Other professionals will be better placed to provide evidence on this matter.
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### **Question 17**

Please outline any other comments you wish to make.

The intentions of the proposals are understood and the aim of improving public health is supported. It is however already clear from the consultation paper that the proposals are likely to be very complex and this will make compliance and regulation very challenging (if at all possible). From a local authority enforcement perspective there would require to be significant amounts of officer time required for familiarisation and interpretation of the legislation and associated guidance. This is essential to ensure fair and consistent application of the requirements. It is difficult at the present time to justify allocating staff resource to this matter when more acute food safety and public health matters are not being addressed. These tend to control aspects of food and public health where consumers and the public have no, or very little, choice over the issues which are detrimental to their health and well-being.
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**COUNCIL EXECUTIVE**

**SCOTTISH AWARDS FOR QUALITY IN PLANNING**

**REPORT BY HEAD OF PLANNING ECONOMIC DEVELOPMENT & REGENERATION**

**A. PURPOSE OF REPORT**

The purpose of the report is to seek approval from the Council Executive for the appropriate elected member attendance at the Scottish Awards For Quality In Planning in Edinburgh on the evening of 21 November 2018.

**B. RECOMMENDATION**

It is recommended that Council Executive:

1. Agrees appropriate elected the attendance at the Scottish Quality in Planning Awards in Edinburgh on the evening of 21 November 2018.

**C. SUMMARY OF IMPLICATIONS**

<b>I</b>	<b>Council Values</b>	Focusing on our customers' needs; being honest, open and accountable; providing equality of opportunities; developing employees; working in partnership
<b>II</b>	<b>Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	None.
<b>III</b>	<b>Implications for Scheme of Delegations to Officers</b>	None.
<b>IV</b>	<b>Impact on performance and performance Indicators</b>	None.
<b>V</b>	<b>Relevance to Single Outcome Agreement</b>	None.
<b>VI</b>	<b>Resources - (Financial, Staffing and Property)</b>	There is no cost, or than travel, for attending the awards.
<b>VII</b>	<b>Consideration at PDSP</b>	None.
<b>VIII</b>	<b>Other consultations</b>	None.

## **D. TERMS OF REPORT**

### **D1 Background**

The Council Enforcement Service has been shortlisted for a Scottish Quality in Planning Award. The awards ceremony is scheduled to take place on the evening of 21 November in Edinburgh.

The council approach to enforcement has been nominated under the process category of the awards. The submission, called *Effective Enforcement*, describes recent procedural changes carried out to make the council's enforcement activities more efficient and effective.

The organisers of the awards have extended an invitation to an elected member from each of the shortlisted authorities to attend the ceremony. The subject of the nominated project would fall within the remit of the Executive Councillor for Development and Transport.

## **E. CONCLUSION**

It is proposed that the Council Executive approve attendance of an elected member at the Scottish Awards For Quality In Planning ceremony in Edinburgh on 21 November 2018.

## **F. BACKGROUND REFERENCES**

Details of the awards can be found at: <https://blogs.gov.scot/planning-architecture/2018/07/19/scottish-awards-for-quality-in-planning-2018-2/>

Appendices/Attachments: None

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**Craig McCorriston**  
**Head of Planning, Economic Development & Regeneration**

13 November 2018



## **COUNCIL EXECUTIVE**

### **PENTLAND HILLS REGIONAL PARK STRATEGIC MANAGEMENT PLAN 2017 - 2027**

### **REPORT BY HEAD OF PLANNING, ECONOMIC DEVELOPMENT & REGENERATION**

#### **A. PURPOSE OF REPORT**

The purpose of this report is to update elected members about the proposed revision to the Strategic Management Plan for the Pentland Hills Regional Park (PHRP) and the council's proposed response to this.

#### **B. RECOMMENDATION**

It is recommended that the panel notes and considers the following recommendations which are intended to be submitted to Council Executive for approval:

1. notes the report and the content of Appendix 1 which outlines some key questions for the revision of the PHRP Strategic Management Plan;
2. notes and agrees the proposed West Lothian Council response to the proposed revision to the PHRP Strategic Management Plan; and
3. agrees to forward the council's response to the PHRP managing authority, the City of Edinburgh Council.

#### **C. SUMMARY OF IMPLICATIONS**

<b>I Council Values</b>	<ul style="list-style-type: none"><li>• focusing on our customers' needs;</li><li>• being honest, open and accountable;</li><li>• making best use of our resources; and</li><li>• working in partnership.</li></ul>
<b>II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	<p>The West Lothian Local Development Plan (WLLDP) was adopted in September 2018. Policies ENV 13 &amp; 14 support and protect the Pentland Hills Regional Park</p> <p>There are no SEA, Equality, Health or Risk Assessment issues.</p>
<b>III Implications for scheme of delegation</b>	None.
<b>IV Impact on performance and performance indicators</b>	None.
<b>V Relevance to Single Outcome Agreement</b>	Outcome 8 - We make the most efficient and effective use of resources by minimising our impact on the built and natural environment.

<b>VI Resources - (Financial, Staffing and Property)</b>	The council contributes c£17k per annum to the operation of the Regional Park.
<b>VII Consideration at PDSP</b>	Reported to Environment PDSP on 30 October 2018 and indicated potential car park charging, although not to be pursued at West Lothian's two small rural car parks, should be kept to minimum and any funds clearly directed for Regional Park use only.
<b>VIII Other consultations</b>	None.

## **D. TERMS OF REPORT**

### **D1 Background**

West Lothian Council co-operates with the City of Edinburgh Council and Midlothian Council in the management of the Pentland Hills Regional Park (PHRP). The area of the park in West Lothian is only around 10% of the designated park area.

The PHRP Ranger Services is managed by the lead authority, the City of Edinburgh Council (CEC). The regional park was established in 1986 and was initially managed by the former Lothian Regional Council with structural funding from the former Countryside Commission for Scotland. Since then the park has adapted to local government re-organisation in 1996 and significant changes in external funding, including the withdrawal of Scottish Natural Heritage (SNH) funding in 2006/7.

Over 600,000 people are estimated to use the regional park annually. The proposal by Christine Grahame MSP in 2014/15 to extend the regional park further across the whole southern hill range in West Lothian, South Lanarkshire and Scottish Borders was abandoned in early 2016 after failing to gain support from the Scottish Government and all five local authorities involved due to potential additional costs for staffing and revenue.

### **D2 Revision of the Strategic Management Plan (SMP)**

The current Strategic Management Plan which covers the operation of the PHRP runs from 2007 to 2017. It is now due for updating and renewal. Initially CEC approached the constituent authorities for some funding to employ consultants to undertake the review. However, due to other budget commitments WLC was unable to provide any funding. No funding was available from Midlothian Council.

As Scottish Natural Heritage had funded consultants to undertake a series of workshops related to the ecosystems services produced by the Regional Park in 2016/17, it was felt the findings of this work would be a good basis for the new Strategic Management Plan that should be progressed by officers.

The original aims of the Regional Park were set out in the designation order when it was established in 1986. These were:

- *To retain the essential character of the hills as a place for the peaceful enjoyment of the countryside;*
  - *Caring for the hills so that the landscape and the habitat is protected and enhanced;*
  - *Within this caring framework to encourage responsible public enjoyment of the hills;*
- and*

- *Co-ordination of these aims so that they co-exist with farming and other land uses within the Pentland Hills Regional Park.*

These aims were reflected in the previous Strategic Management Plan, but the current PHRP Manager has proposed a series of questions of the last Consultative Forum in early Summer to help inform the new Strategic Management Plan (See Appendix 1).

Two key aspects related to whether there are any new issues that should be considered and whether there should be a priority set for income generation to support increased use of the PHRP and its required maintenance e.g. car parking, footpaths.

It would be worth introducing to the revised Strategic Management Plan the future effect of climate change on the landscape and wildlife of the Regional Park as well as rural businesses within the Park. Due to changes and reductions in local authority budgets, all avenues of revenue generation should now be considered such as charging for rural car parks associated with the Pentland Hills, with the explicit caveat that any revenue raised should be “ring-fenced” and used for maintenance purposes within the Regional Park and that this message is communicated to the general public about any such forthcoming proposals.

### **Other Regional Park related issues to West Lothian**

Two large woodland creation schemes have been submitted to the Forestry Commission Scotland for grant aid. Both straddle the A70 at West Cairns Plantation and on the boundary of the Park at Whitelea. These should be supported as they contribute to the Central Scotland Green Network concept.

A new timber footbridge has been constructed across the Water of Leith on the boundary between West Lothian and the City of Edinburgh Council areas at Leithhead. The bridge is on a right of way and was originally replaced around 25 years ago, but was showing signs of deterioration. Publicity is to be organised around investment in this feature.

The council continues to explore with Education Services and Countryside Services the ability to increase the number of school groups that can experience the Pentland Hills. Friends of the Pentlands are in contact with Beattie School, Craigshill as part of their “Access for All” programme.

## **E. CONCLUSION**

West Lothian Council continues to support the Pentland Hills Regional Park. The Park offers rural access opportunities to West Lothian residents and beyond. To continue to operate the Regional Park the Strategic Management Plan needs revised. This will allow for external grants to be sought for various projects across the Park.

## **F. BACKGROUND REFERENCES**

PHRP Strategic Management Plan (2007-2017)

[http://www.pentlandhills.org/downloads/file/46/pentland\\_hills\\_regional\\_park\\_plan\\_2007\\_-\\_2017](http://www.pentlandhills.org/downloads/file/46/pentland_hills_regional_park_plan_2007_-_2017)

Appendices / Attachments - one

Appendix One: PHRP Strategic Management Plan (2017-2027): questions and responses

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**Craig McCorriston**

**Head of Planning, Economic Development & Regeneration**

**13 November 2018**



## Appendix 1

### Pentland Hills Regional Park Plan - Revision Questions

#### ***Q1: Are you happy with the existing vision of the Pentland Hills Regional Park (PHRP) Strategic Management Plan (2007-17)?***

A: The existing vision states:

*“To guide and assist all stakeholders in the sustainable management of the Pentland Hills Regional Park’s changing environment in a way which supports communities living and working within the Pentland Hills Regional Park, promotes responsible access for all, develops public understanding of the mixed land use resource and conserves and enhances the Pentland Hills Regional Park’s landscape, cultural and natural heritage features”.*

West Lothian Council (WLC) is content that the vision still embodies the original aims of the Pentland Hills Regional Park set out in the Designation Order when it was established in 1986.

- To retain the essential character of the hills as a place for the peaceful enjoyment of the countryside;*
- Caring for the hills so that the landscape and the habitat is protected and enhanced;*
- Within this caring framework to encourage responsible public enjoyment of the hills; and*
- Co-ordination of these aims so that they co-exist with farming and other land uses within the Pentland Hills Regional Park.*

#### ***Q2: Should the vision mention the financial stability of the Regional Park?***

A: WLC believes that due to the changes in financial budgets, priorities and Administrations that for a ten year plan it is not necessary to explicitly refer to financial matters in the vision statement as it could quickly become out of date.

#### ***Q3: Should there be a priority set for income generation to support increased use of PHRP and its required maintenance e.g. car parking, footpaths; be included in the new plan.***

A: Yes, due to changes and reductions in internal local authority budgets all avenues of revenue generation should now be considered such as charging for rural car parks associated with the Pentland Hills, with the explicit caveat that any revenue raised should be “ring-fenced” and used for maintenance purposes within the Regional Park and that this message is communicated to the general public about any such forthcoming proposals.

#### ***Q4: Should there be a priority set around engagement with volunteers and community groups highlighting people based element of the park’s management?***

A: Volunteer groups such as “Friends of the Pentlands” and the Volunteer Ranger Service, administered by the City of Edinburgh Council Natural Heritage Service, have been invaluable in the successful operation of the Regional Park over the last 30 years. They should remain a priority, alongside the continued operation of the bi-annual Regional Park Consultative Forum where elected

members and officers involved in the park seek to engage with community councils, other interested parties and organisations, as well as farmers and landowners.

***Q5: Are there any other priorities or direction points you feel should be included in the new Park Plan?***

A: Yes, it would be worth introducing the future effect of Climate Change on the landscape and wildlife of the Regional Park as well as rural businesses within the Park.



## **COUNCIL EXECUTIVE**

### **LICENSING OF MOBILE HOME SITES WITH PERMANENT RESIDENTS**

#### **REPORT BY HEAD OF PLANNING, ECONOMIC DEVELOPMENT & REGENERATION**

##### **A. PURPOSE OF REPORT**

The purpose of the report is to make the Council Executive aware of changes in licensing requirements for mobile home sites with permanent residents and the need for the council to approve the arrangements for licensing sites and enforcement of new legislative powers regarding these sites.

##### **B. RECOMMENDATION**

It is recommended that the Council Executive:

1. notes the contents of the report;
2. approves the licensing procedures detailed in Appendix 1 of the report; and
3. approves the scheme of charges for licence fees detailed in Appendix 2 of the report.

##### **C. SUMMARY OF IMPLICATIONS**

<b>I</b>	<b>Council Values</b>	Focusing on our customers' needs; being honest, open and accountable; making best use of our resources; working in partnership
<b>II</b>	<b>Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	<p>The Caravan Site and Control of Development Act 1960 (as amended by Part 5 of the Housing (Scotland) Act 2014).</p> <p>The Licensing of Relevant Permanent Sites (Scotland) Regulations 2016.</p> <p>Environmental Health &amp; Trading Standards enforcement policy.</p>
<b>III</b>	<b>Implications for Scheme of Delegations to Officers</b>	The scheme of delegation already addresses the enforcement and licensing roles within the environmental health service. There are no changes proposed.
<b>IV</b>	<b>Impact on performance and performance Indicators</b>	None.
<b>V</b>	<b>Relevance to Single Outcome Agreement</b>	We live in resilient, cohesive and safe communities.

We live longer, healthier lives and have reduced health inequalities.

**VI Resources - (Financial, Staffing and Property)**

There is no funding provided for implementation of this legislation. The direction is for local authorities to charge fees to cover the costs of administering the licence process. Proposed licence fees are detailed in Appendix 2 of this report. Local authorities can also recover costs of additional enforcement action which may be required at other times. Staffing requirements will be met from within existing resources and will be allocated in line with other public health priorities.

**VII Consideration at PDSP**

A report was presented to the Environment PDSP on 30 October 2018. The panel were advised that a recommendation would be made to the Council Executive to approve the licensing procedures and scheme of charges proposed in Appendix 1 and 2 respectively. This was supported by the panel.

**VIII Other consultations**

None.

**D. TERMS OF REPORT**

**D1 Background**

Following statutory amendments to the Caravan Site and Control of Development Act 1960 (the Act) a new system for licensing and controlling permanent residential sites has been introduced. The key elements of the new system are:

- local authorities will have a range of powers, and appropriate discretion in deciding how to use them, in relation to the granting, management, and revocation of licences.
- licences will now require to be renewed every 5 years.
- the site licence holder (and anyone directly managing a site) must be a fit and proper person.
- an effective process for site owners and applicants to appeal any decisions by a local authority.

Any site which currently holds a licence in terms of the Act has until 1 May 2019 to apply for and obtain a new site licence otherwise the site will no longer be licensed.

This is a significant change in the scheme of licensing for permanent residential sites required by the Act. Previously there were no requirements for licence renewal and once a licence was granted there were limited powers to address any failure to comply with conditions on a site licence, except through reporting matters for prosecution. These new provisions will offer local authorities more options for ensuring any breaches of site conditions are resolved more effectively in future.

Whilst this is a positive change for helping to ensure the safety and welfare of residents on licensed sites, it increases the resource and administrative burden upon local authorities. The Act allows local authorities to recover the costs of licensing sites through a scheme of fees. This however does not cover any additional work required to monitor sites, respond to concerns or enforce non-compliance issues during the lifetime of a licence. Those would be pursued separately if necessary.

Further details of how the licence process, the schedule of fees and enforcement powers contained within the Act will be applied are outlined below, and within the appendices to this report.

At this time there is one site licenced for permanent residential mobile homes (and requires a new licence under the amended legislation), five sites have planning permission and require to be licensed for the first time, and it is anticipated that a further two will be considered through planning applications and future site licence applications in the near future.

## **D2      Licence application and renewal process**

A key change in the legislation is that sites will have to have apply for renewal of the site licence every 5 years. Previously site licences were held without any need to re-new and could be transferred to a new holder without any level of check or scrutiny.

The process for considering new applications for site licence and renewal of existing site licences will follow the principles set out in the Act, and accompanying guidance issued by Scottish Government. Appendix 1 of this report provides more detail of this process. A link is provided to the Scottish Government guidance in Section F of this report.

The consideration and determination of licence applications and renewals will have an impact on local authority resources. It is significantly more involved than considerations were required to be previously. However, it provides for a greater level of scrutiny and consideration of those who will hold a licence and manage the sites. This is hopefully a positive addition to the legislation in providing better protection to the residents on site. The Act allows local authorities to charge fees for licence applications and renewals. This is dealt with in section D3 of this report.

The determination of any application or renewal will be made by competent environmental health officers working within this service. This is a continuation of the arrangements already contained within the Council's Scheme of Delegation. Determinations will remain objective and will consider information and evidence from other appropriate enforcement bodies and interested parties. Applicants have the legal right to representation and appeal for any determinations to refuse to grant or renew a licence.

## **D3      Fees**

Under the changes to the Act local authorities are able to charge a fee for handling new licence applications and renewals. The fees should be reflective of what the local authority considers are reasonable costs in determining new licence and renewal applications. It is anticipated that renewal costs should not be the same as new licence application costs.

The fee is only intended to cover the costs of determination of applications. It does not cover the cost of any enforcement action required at any other time. These costs can be recovered by other means if necessary.

The basis on which a local authority has calculated the fees it charges should be made available on request, and the authority should be open and transparent about the factors they have taken into account and how they have calculated the fees charged. The details of the proposed fees to be charged in West Lothian are found in Appendix 2. These will also be made available to the public on the council's website if agreed by Council Executive.

It is recognised that the licence fees proposed for sites within West Lothian are higher than the estimate provided as an example in the Scottish Government guidance. The proposals in Appendix 2 of this report are felt to be a more accurate reflection of the work and impact on the local authority from determination of licence applications and renewals.

Although the changes in legislation are generally welcomed in terms of providing better public protection, it is important to acknowledge that the additional burden on local authorities is not directly financed by Scottish Government, and licence fees are intended to ensure appropriate costs are covered. The costs should therefore be appropriately met by those who are operating these sites as a business. Costs should not be absorbed or subsidised by local authorities.

It is however useful to recognise that if the fees are considered in terms of costs per mobile residential unit per year, it equates to £11.54 for new applications and £9.55 for renewals.

If approved the fees will be introduced immediately and subsequently included within the council's schedule of charges which is approved annually by the Council Executive. Annual increases in fees will be in line with those approved by Council Executive.

#### **D4 Enforcement**

A range of new enforcement powers have been introduced to the Act. These will be incorporated into the Environmental Health & Trading Standards Enforcement Policy (enforcement policy). It is important to state that the use of these powers will always be in context to the significance and severity of any breaches of legislation or site licence conditions. The hierarchy of approach within Scottish Government guidance and the enforcement policy is generally from informal to formal.

Where informal approaches are not successful, or where issues require more serious and urgent attention there are now a number of formal options available to officers. These are as follows:

- Improvement notices.
- Penalty notices.
- Revoking a licence.
- Appointment of interim management.
- Emergency action on site.
- Report to Procurator Fiscal for prosecution.

Local authorities will also have the power to recover the costs of enforcement sanctions and actions in certain situations. Further information regarding these enforcement powers are outlined Appendix 3 of this report.

## **E. CONCLUSION**

The changes which have been made to regulate and licence mobile home sites are welcomed in terms of providing greater options for protecting the safety and welfare of residents on these sites. It is however essential that this additional financial and resource demand on the local authority is paid for, and therefore the proposals in this report and accompanying appendices are felt to be appropriate.

## **F. BACKGROUND REFERENCES**

[Guidance to Local Authorities on the Licensing System for Mobile Homes Sites With Permanent Residents](#), Scottish Government, April 2017

Report to the Environment Policy Development and Scrutiny Panel – Licensing of Mobile Home Sites with Permanent Residents, 30 October 2018.

Appendices/Attachments: Three

Appendix 1 – Procedure for new licence applications and renewals.

Appendix 2 – Schedule of fees

Appendix 3 – Enforcement

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**Craig McCorriston**  
**Head of Planning, Economic Development and Regeneration**

13 November 2018

## **Appendix 1**

**Licencing System for Mobile Home Sites with Permanent Residents  
Caravan Sites and Control of Development Act 1960 (as amended by Part 1A of the  
Housing (Scotland) Act 2014).  
The Licensing of Relevant Permanent Sites (Scotland) Regulations 2016.**

### **Site Licence Application Procedure**

The procedures for site licence applications are provided in the following figures:

Figure 1 Procedure for handling a first site licence application.

Figure 2 Procedure for handling a site licence renewal application.

Figure 3 Procedure for handling a site licence transfer application.

In addition some further information is provided below:

The decision on a site licence application has two main stages, firstly establishing that the site has planning permission for use as a residential caravan site and secondly, applying the 'fit and proper person test' to the licence holder and those involved in managing the site.

Upon application for a site licence, the local authority is required to make a decision within a 3 month period from the date all the prescribed information is submitted together with the appropriate fee. A licence cannot be issued unless the site has planning permission. (Prescribed information is that information determined by Section 32B of the Caravan Sites and Control of Development Act 1960 "the Act", and the Licensing of Relevant Permanent Sites (Scotland) Regulations 2016, "the Regulations". Fees only apply to new application and renewal application. There is no fee for transfer of licence applications).

Where the local authority requires additional information, which is not prescribed information, the time limits of 3 months is not extended. In the event the local authority fails to make a decision within the 3 month period the site licence will be deemed to have been granted. (Non-prescribed information is that information determined by Section 32B (3) of "the Act". Although it does not impact the time period for determination, it must be provided if requested, and it may have an impact on the outcome of the licence determination).

Upon reaching a decision the local authority must inform the applicant as soon as practicably possible. In the event that consideration is being given to refuse a licence the local authority must give notice to the applicant. The applicant has 28 days to make formal representations which must be fully considered prior to making a final decision on the licence.

The application procedure involves inspection of the site by officers to ensure that the site occupier is complying with existing licence conditions and/or proposed licence conditions.

Licence conditions will be applied to a site licence having regard to the relevant and current Scottish Government's Model Standards and any other conditions which the local authority consider necessary and desirable without placing disproportionate requirements on site owners.

## **Fit and Proper Person Test**

On receiving an application for a mobile home site licence, West Lothian Council must decide if the licence holder and any other relevant person involved in management of the site are a "Fit and Proper Person". Not meeting the requirements of the test may result in a licence being refused.

In applying the fit and proper person test account must be taken of any evidence as detailed by "the Act" which includes the following general headings;

- Been convicted of a relevant offence
- Practised unlawful discrimination
- Contravened the law in relation to caravans, housing, landlord and tenant law.
- Committed a breach of an agreement under the Mobile Homes Scotland Act 1983 as amended.
- Contraventions under legislation relating to water, gas and electricity legislation
- Engaged in antisocial behaviour
- Breached caravan site licence conditions
- Any other relevant material which the local authority is aware of as a result on any other function carried out by the local authority.

West Lothian Council may under certain circumstance in applying the test require a criminal conviction certificate.

West Lothian Council may also under certain circumstances share information with other local authorities where it may be of relevance to the fit and proper person test decision by that authority for the purposes of caravan site licencing. The law allows this information to be shared even if there is a duty of confidentiality owed to the person the information is about.

## **Determination of licence application**

In accordance with Council's scheme of delegation the determination of licence applications will be made by Environmental Health Officers within the Environmental Health & Trading Standards team.

It will be appropriate as part of the determination of a licence application to seek the views of other enforcement agencies and affected parties. Any information which is received must be considered in regard to the obligations to establish that the site licence holder, and site manager meet the fit and proper person requirements.

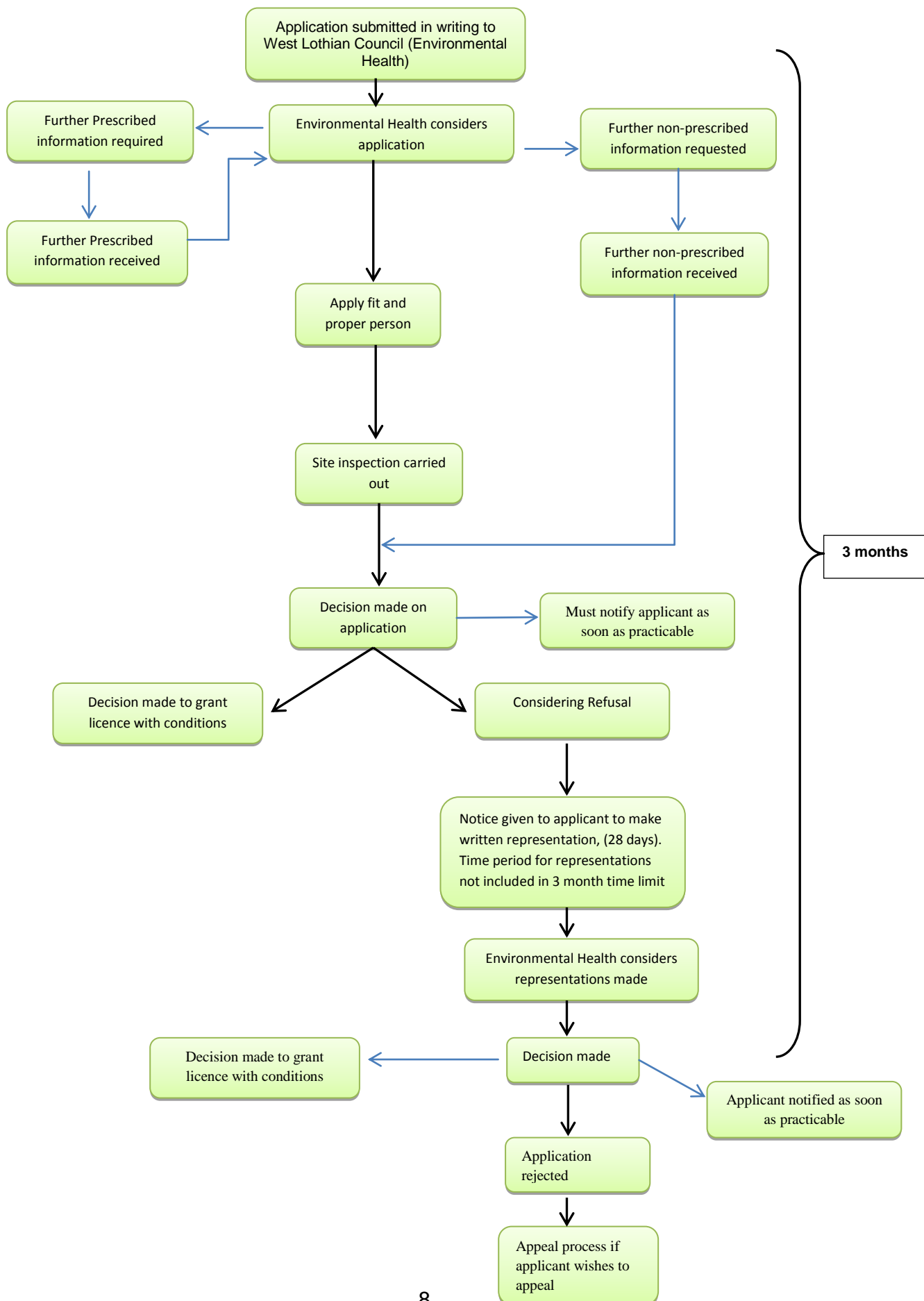
## **Representations by applicant**

If the local authority notifies the applicant that it is considering refusing the application for licence the applicant has the right to make representation to the local authority. The representation should be made to the Environmental Health & Trading Standards Manager.

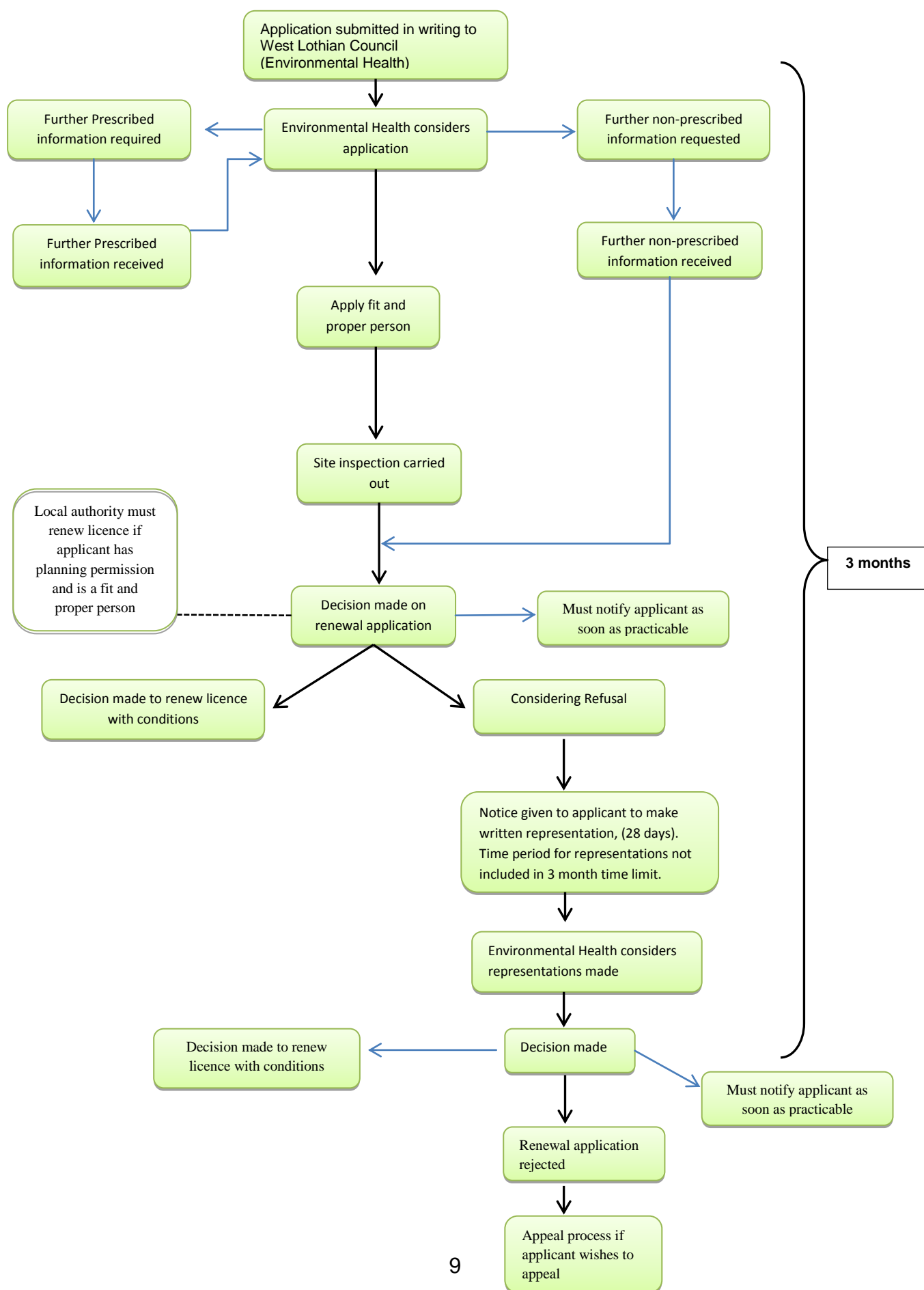
## **Appeal against refused application**

The applicant can appeal to the Sheriff Court if a final decision is made to refuse the application for granting or renewal of a site licence.

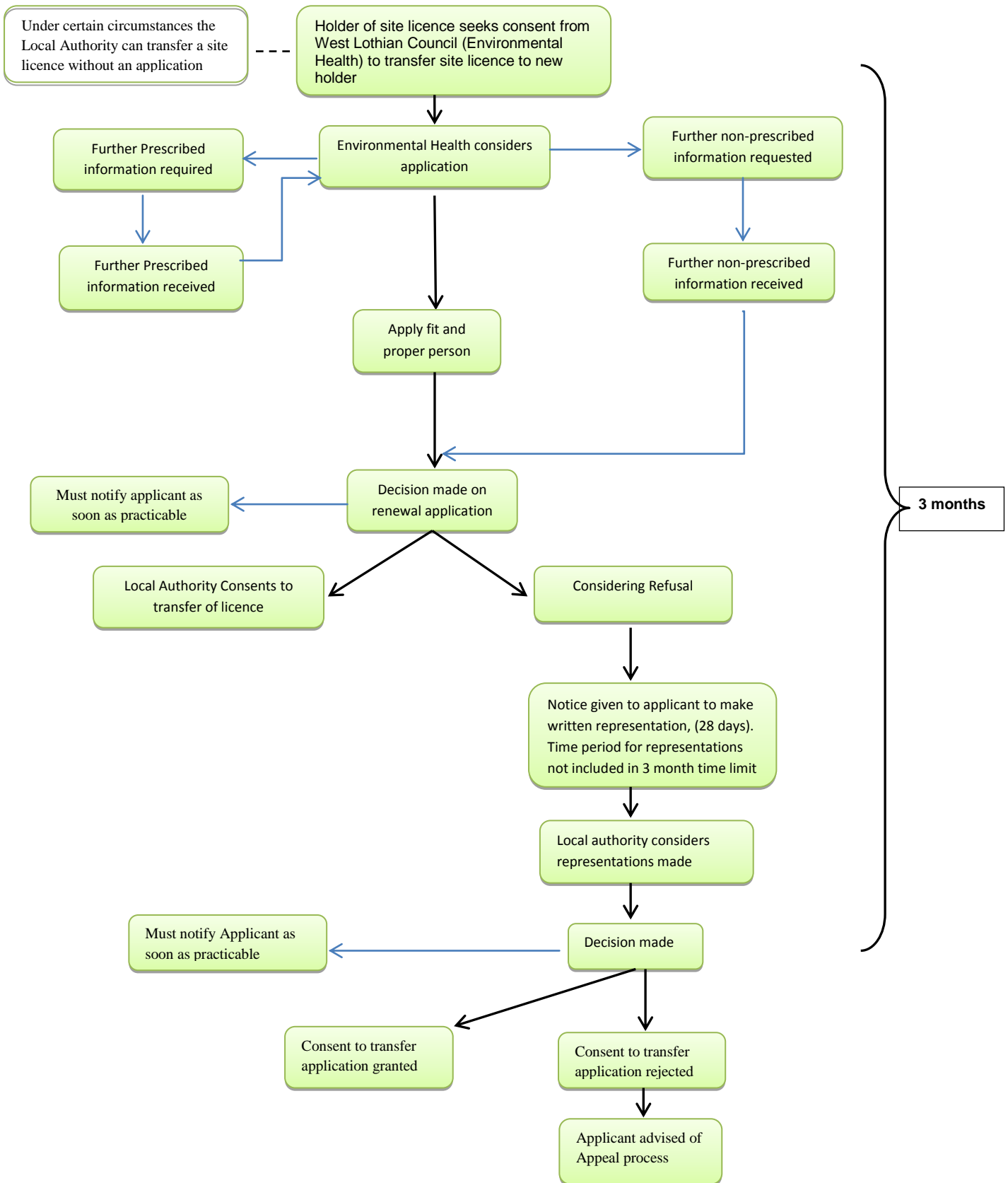
**Figure 1 PROCEDURE FOR HANDLING A FIRST SITE LICENCE APPLICATION**



**Figure 2 PROCEDURE FOR HANDLING A SITE LICENCE RENEWAL APPLICATION**



**Figure 3 PROCEDURE FOR HANDLING A SITE LICENCE TRANSFER APPLICATION**



## Appendix 2

### Mobile Home (Permanent) Site Licence Fee – Schedule of Charges. (Including Explanation of Fee Calculations).

**Summary** (detailed workings in table 1 and 2 below)

Number of Residential Units Applied For	Cost of full (first) application	Cost of renewal application
1-10	£577	£477
11-20	£1154	£955
21-40	£2308	£1910
41-70	£4039	£3342
71-100+	£5770	£4775

The above schedule of fees is based on process estimates for new application in table 1 and renewal application in table 2. These use the basis of a site of up to 40 mobile units. The total cost per mobile unit from this calculation is then used as basis for determining a fee for other categories. This is calculated by dividing the total costs by the maximum number of mobile units, divided by 5 years.

For full (new applications) this is  $£2308 \div 40$  (mobile units)  $\div 5$  (years licence period) = £11.54

For all other full (new applications) the figure of £11.54 is multiplied by the maximum number of mobile units multiplied by 5 years (licence period) to give the licence fee for that category.

The same calculation principle is applied for renewal applications, with the total figure in table 2 being used as the calculation basis. This gives a price of £9.55 per mobile unit. For the other categories this is multiplied by the maximum number of mobile units multiplied by 5 years.

The cost per hour is full staff recovery costs for appropriately qualified and competent environmental health officer. It is not a salary cost.

The calculations were provided for illustrative purposes based on costings determined in 2018/2019. For subsequent financial years there will be an appropriate inflationary increase in fees which are determined by Council standing orders.

**Table 1. (Full application)**

Task	Indicative Time (FTE hours)	Cost per hour	Cost	Total Cost
Application administration – receipt, checking and logging etc. Including requests for further information. Payment processing. <i>(Receipt of application. Logging on APP. Checking completion of application with appropriate information. Processing application fee. Correspondence confirming receipt of application / requesting further information / or rejecting insufficient applications.)</i>	7	£27	£0	£189
Checking and consultation with other bodies, including planning, and other council	14	£27	£0	£378

services, e.g. waste, housing, fire as required. Consideration and verification of responses, including further discussion with applicant. Obtaining expert advice (legal or technical). <i>(Checks with planning regarding planning approval and permissions. Also may require assistance with experts in site safety issues (electrical, gas, water etc.))</i>				
Fit and proper person checks. <i>(Consideration of fit and proper person criteria for applicants. Checks with Police regarding applicant. Checks with other local authorities regarding other licensed sites operated by applicant. Consideration of representations of interested parties regarding any issues which may influence assessment of fit and proper persons (this include site residents). Instruction to applicant to provide criminal record checks for any matters of concern or ambiguity. Disclosure etc. if required.)</i>	14	£27	£0  <i>There may be specific costs but will be absorbed.</i>	£378
Site inspection, assessment and reporting (approx. 40 van site) <i>(Site inspection carried out by 2 qualified officers for the purpose of corroboration. Costing for one inspection completed over 2 days (initial and verification parts of inspection). Recording and reporting outcomes of inspection, and subsequent correspondence resulting. Travel costs.)</i>	28 (inspection) 7 (reporting)	£27	£40  Travel costs.	£985
Determination of application <i>(Drafting licence approval and conditions; refusal of licence application; processing of appeals and representations; legal advice and support.)</i>	14	£27	£0	£378
Total				£2308

**Table 2: (Renewal Application)**

Task	Indicative Time (FTE hours)	Cost per hour	Cost	Total Cost
Application administration – receipt, checking and logging etc. Including requests for further information. Payment processing. <i>(Receipt of application. Logging on APP. Checking completion of application with appropriate information. Processing application fee. Correspondence confirming receipt of application / requesting further information / or rejecting insufficient applications.)</i>	7	£27	£0	£189
Checking and consultation with other bodies, including planning, and other council	14	£27	£0	£378

services, e.g. waste, housing, fire as required. Consideration and verification of responses, including further discussion with applicant. Obtaining expert advice (legal or technical). <i>(Checks with planning regarding planning approval, permissions, amendments, breaches. Also may require assistance with experts in site safety issues (electrical, gas, water etc.))</i>				
Fit and proper person checks. <i>(Consideration of fit and proper person criteria for applicants. Checks with Police regarding applicant. Checks with other local authorities regarding other licensed sites operated by applicant. Consideration of representations of interested parties regarding any issues which may influence assessment of fit and proper persons (this include site residents). Instruction to applicant to provide criminal record checks for any matters of concern or ambiguity. Disclosure etc. if required.)</i>	14	£27	£0  <i>There may be specific costs but will be absorbed.</i>	£378
Site inspection, assessment and reporting (approx. 40 van site) <i>(Site inspection carried out by 2 qualified officers for the purpose of corroboration. Costing for one inspection completed over 1 day (initial and verification parts of inspection). Site renewal will hopefully require less onsite time at point of application due to access to other information through course of licence period. Recording and reporting outcomes of inspection, and subsequent correspondence resulting. Travel costs.)</i>	14 (inspection) 7 (reporting)	£27	£20  <i>Travel costs.</i>	£587
Determination of application <i>(Drafting licence approval and conditions; refusal of licence application; processing of appeals and representations; legal advice and support.)</i>	14	£27	£0	£378
Total				£1910

## **Appendix 3**

### **Enforcement**

#### **Caravan Site and Control of Development Act 1960 (“the Act”)**

The update and amendments to the Act introduce a range of new enforcement provisions. These are summarised below. Further details are found in the “Guidance to Local Authorities on the Licensing System for Mobile Homes Sites with Permanent Residents” issued by Scottish Government.

It is anticipated that any issues can be pursued informally through discussion and correspondence with site operators. If these fail to be resolved, or if there are serious deficiencies requiring more prompt action then formal powers will be used.

#### **Improvement Notices**

If it appears to the local authority that a site licence holder is failing, or has failed, to comply with a site licence condition then an Improvement Notice can be served. The notice will state the licence condition which is not being met, require the licence holder to take steps to comply, and establish a time period for compliance to be achieved.

The site licence holder will have a right of appeal against any notice served.

If the notice is not complied with by the specified date then a criminal offence has been committed and a report can be submitted to the Procurator Fiscal for prosecution. If convicted the site licence holder can be fined up to £10,000.

The local authority also has powers to carry out any works not done by the site licence holder, and also has the power to issue Penalty Notices (see below).

Costs of any enforcement work and works done by local authority to ensure compliance can be recovered from the site licence holder.

#### **Penalty Notices**

If a site licence holder fails to comply with the requirements of an Improvement Notice, then the local authority have the power to serve a penalty notice. It can also be served on site which is operating without a licence.

The effect of such a notice is to reduce the income that can come from the site, by preventing the site licence holder collecting payments from residents for the following:

- any amount due for the right to station a caravan on the site;
- any amount due for the rent of a caravan on the site;
- any amount due for the use of common areas on the site, and their maintenance;
- any commission due if a resident sells their mobile home on the site.

Residents will be required to pay any amount due for utilities (gas, electricity, and water) provided to them during the period of the Penalty Notice.

The site licence holder will have a right of appeal against any notice served.

#### **Revoking a Licence**

This option is available to local authorities if there are serious concerns regarding the fit, and proper person status of the licence holder or management of the site.

The factors to be considered would include:

- any enforcement action taken;
- the seriousness of any breaches of licence conditions;
- the site licence holder, or site manager's, behaviour on a site, including any reports of threatening or intimidating behaviour to residents, local authority officers, or others; and
- persistent failures to address the site licence conditions breaches, or to co-operate with local authority officers investigating such breaches.

The site licence holder will have a right of appeal against any notice served.

### **Interim Management**

Revoking a licence could potentially leave a site without anyone to manage it. This could be detrimental to residents, therefore the Act gives powers to the local authority to take steps to have an interim manager appointed. This would be an appointment for a short to medium term while the future management of the site was established.

The appointment of an interim manager must be made by a Sheriff on application from a local authority.

### **Emergency action on a site**

The Act gives powers to the local authority to carry out works urgently on a site, whether licensed or not. This can be done when it appears to the authority that:

- the licence holder is failing, or has failed, to comply with a site licence condition and as a result of that failure there is "an imminent risk of serious harm to the health and safety of any person who is or may be on the land".

The site licence holder will have a right of appeal against any notice served for emergency action.





## **COUNCIL EXECUTIVE**

### **CONSULTATION ON HISTORIC ENVIRONMENT SCOTLAND'S "DRAFT HISTORIC ENVIRONMENT POLICY"**

#### **REPORT BY HEAD OF PLANNING, ECONOMIC DEVELOPMENT & REGENERATION**

##### **A. PURPOSE OF REPORT**

The purpose of this report is to advise the Council Executive on consultation on Historic Environment Scotland's (HES) "*Draft Historic Environment Policy*" and the council's proposed response.

##### **B. RECOMMENDATION**

It is recommended that the Council Executive:

1. notes the content of the draft Historic Environment Policy; and
2. agrees to forward this report to Historic Environment Scotland as the council's response to the consultation.

##### **C. SUMMARY OF IMPLICATIONS**

<b>I Council Values</b>	Focusing on our customers' needs; being honest, open and accountable; developing employees; making best use of our resources; working in partnership.
<b>II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	Accords with adopted West Lothian Local Development Plan (LDP) policies ENV 23 – ENV 33.  A SEA and Equality Assessment of the draft policy were prepared by HES.
<b>III Implications for scheme of delegation</b>	None.
<b>IV Impact on performance and performance indicators</b>	None.
<b>V Relevance to Single Outcome Agreement</b>	Outcome 8 - We make the most efficient and effective use of resources by minimising our impact on the built and natural environment.

<b>VI Resources - (Financial, Staffing and Property)</b>	None.
<b>VII Consideration at PDSP</b>	It has not been possible to report to the Development & Transport PDSP in advance of reporting to the Council Executive. The closing date for submission of comments on the consultation is 3 December 2018.
<b>VIII Other consultations</b>	None.

## **D. TERMS OF REPORT**

### **D1 Background and formulation of draft policy**

The historic environment is our surroundings as they have been shaped, used and valued by people in the past, and continue to be today. It is wide-ranging – including the natural as well as the built environment.

In 2016, Historic Environment Scotland (HES) committed to a review and replacement of the Historic Environment Scotland Policy Statement (HESPS). This was an interim document which was put in place when HES was initially formed by combining Historic Scotland, with the non-departmental public body, the Royal Commission on Ancient & Historical Monuments (RCAHMs).

HES's draft Historic Environment Policy (HEP) is designed to support and enable good decision-making and sets out six proposed policies. Good decision-making takes into account all aspects of the historic environment and the different ways in which people value it. A copy of the consultation document can be found at <https://www.historicenvironment.scot/media/5107/draft-historic-environment-policy.pdf>

*HES state that the “HEP sets out a series of principles and policies for the recognition, care, management and sustainable use of the historic environment. The Policy promotes a way of understanding the value of the historic environment which is inclusive and recognises different views.*

*It encourages consistent, integrated management and decision-making to support positive outcomes for the people of Scotland, and it supports everyone's participation in decisions that affect the historic environment”.*

The HEP also takes into account principles in international charters and conventions on cultural heritage and landscape.

The HEP has been developed using current research as well as established views about how the historic environment should be cared for. It also draws upon previous policy documents and related policy areas that affect, or are affected by, the historic environment. The draft HEP has also been informed by the HES project “*What's Your Heritage?*” where the people of Scotland were asked what the historic environment meant to them and how it should be looked after.

## **D2 Status of the Historic Environment Policy**

The HEP is relevant to a wide range of decision-making at national and local levels – for example, plans and policies that deal with funding decisions, estate management, agriculture or energy. In addition, HEP is a statement directing decision-making that affects the historic environment. Although non-statutory, it should be taken into account in the planning system whenever a decision will affect the historic environment.

The Scottish Government sets out national policies for addressing land use matters and decisions. HEP sits alongside these policies, and should be used with them. Scottish Planning Policy (SPP) refers to HEP as a key document for decision-makers.

Whilst HEP will be a short, strategic document, it will be underpinned by policy guidance. It provides a useful colour info-graphic on “*What challenges and opportunities does HEP respond to?*” which are numerous (Appendix 1 refers).

## **D3 Draft HEP Principles and policies**

The following core principles set out HES’s view of how the historic environment should be managed. These are:

- “*Understanding and recognition*” (Policy HEP 1);
- “*Managing change*” (Policies HEP 2, 3 & 4); and
- “*Working together*” (Policies HEP 5 & 6).

The policies set out how to apply these principles and they are explored in more detail in the consultation paper.

HES state that “*decision makers should understand and monitor decisions affecting the historic environment to learn from experience and to improve future decisions. Historic Environment Scotland will monitor this policy in collaboration with other interested parties over a ten-year period until 2029*”.

## **D4 West Lothian Council response to consultation on the draft HEP**

The consultation does not pose specific questions on the content of the draft policy statement, however, West Lothian Council welcomes the opportunity to comment and the update of the interim Historic Environment Scotland Policy Statement (2016). As suggested by the policy statement, the council has an up-to-date Local Development Plan in place that protects the historic environment. In addition, the council has already embarked on reviews of its 9 conservation areas (e.g. Broxburn and Mid Calder, with Uphall and Kirknewton well underway), as well as a survey of all the second tier country houses and their surrounding policy woodlands. A booklet detailing all the Scheduled Monuments in West Lothian has also been prepared and will be published, subject to securing external grants.

In addition, the council has sponsored a number of recent conservation improvement projects such as the Cross Well, Linlithgow and the Jubilee Well, Torphichen. However, there remain almost 50 buildings on the “*Buildings at Risk Register*” in West Lothian, although a large proportion of them occur within the former Bangour Village Hospital Estate. The council is also currently assessing the repairs necessary to the A-listed Hatton Gateway at Wilkieston and will seek external grants to restore it.

Despite the pro-active approach the council has taken to date towards the historic environment, concern remains that the council cannot achieve major change in the historic environment as it no longer has the capacity to provide public grants to private property to achieve the improvements and maintenance in historic buildings and their related environment that is expected by central government and HES policy.

The council would expect to see HES support for forthcoming applications to their Conservation Areas Renewal Scheme (CARS), especially in areas of some deprivation e.g. the Broxburn Conservation Area. An approach has been made to HES on this and a response is awaited.

Given the above it is considered that it is incumbent on HES to provide sufficient grant funds to support either the council, or its communities and related historic trusts and civic organisations, to undertake local historic environment improvement schemes.

## **E. CONCLUSION**

Historic Environment Scotland has produced a draft update of their interim Historic Environment Policy and the council welcomes this timely update. However, HES grant funding support to council and community efforts to improve their local historic environment is required in order to assist in maintaining and protecting West Lothian's historic environment.

## **F. BACKGROUND REFERENCES**

Scottish Planning Policy 2014

Historic Environment Scotland's (HES) "Draft Historic Environment Policy (Sept 2018)  
<https://www.historicenvironment.scot/media/5107/draft-historic-environment-policy.pdf>

Appendices / Attachments – Two

Appendix 1: Colour info-graphic on the "*What challenges and opportunities does HEP respond to*"?  
<https://www.historicenvironment.scot/media/5102/hep-infographic.pdf>

Appendix 2: Historic Environment Scotland's "Draft Historic Environment Policy" consultation paper (September 2018)

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**Craig McCorriston**  
**Head of Planning, Economic Development and Regeneration**

**13 November 2018**

# HISTORIC ENVIRONMENT POLICY

To understand, manage and care for the historic environment, we have to be consistent. We also have to be sufficiently flexible and adaptable to deal with wide-ranging and ongoing changes to our society and environment.

Our approach to this will be led by an agreed set of principles. Our aim should always be to achieve the best possible outcome for the historic environment, and to get the most out of any benefits it can give us.

## CREATING AND MAINTAINING PLACES

The places where we live, work and play are central to our wellbeing. The historic environment needs to be central to decisions about how we create, maintain and enhance our places. Ensuring places are sustainable, viable, vibrant and attractive is an ongoing challenge, and is central to the successful management of their character.

## LAND MANAGEMENT

Agricultural and land use practices and policies have an impact on our historic environment. They change constantly, so we must make sure that systems and principles for the management of the historic environment can accommodate and address these changes.

## CLIMATE CHANGE

Our approach to decision-making affecting the historic environment must recognise and respond to ongoing climate change and support reductions in carbon emissions and waste.

## SOCIETAL CHANGE

Our population is ageing and shifting. It is better connected than ever before. Our communities are growing and our lifestyles are changing. All of these things should influence how we manage the historic environment. We need to make sure that we are recognising and anticipating these trends, and that our systems proactively respond to them.

## INTANGIBLE HERITAGE

Established ways of managing the historic environment are based around physical, tangible things. These might be buildings, monuments, sites, places, areas or landscapes. Intangible heritage includes things that do not have a physical presence – things like stories, skills, or traditions. We need to improve our understanding of this intangible heritage. We need to celebrate and recognise it properly so that it can inform our understanding of the past and the decisions we take.

## A HOLISTIC APPROACH TO THE ENVIRONMENT

Today's rural and urban landscapes are the result of human interaction with the environment. A holistic approach recognises that every part of a landscape has relationships with every other part. We have to look at each part of a landscape with reference to the whole, and recognise that natural and cultural benefits and outcomes are often interdependent.

## ECONOMIC CHANGE

A strong economy supports effective management of the historic environment. The historic environment also contributes to inclusive and sustainable economic growth. We should always aim to maximise this, and make sure that people are aware of it. We need to be sure that our systems are flexible enough to handle changes in the economy.

## COMMUNITY PARTICIPATION AND EMPOWERMENT

The more people engage with and participate in decision-making affecting the historic environment, the more sound the decisions we make will be. Decisions about the historic environment don't just have an impact on the conservation of the historic environment – they also have an impact on people. Decision-makers need to weigh up potentially conflicting needs in an open and transparent way, so that everyone can understand how the decision was made.

## REGULATORY CHANGE

When regulations change, it can alter how decisions are made. This might include changes to planning law or environmental assessment law. When changes like this happen, we will need to take them into account. To make this possible, our processes have to be flexible, responsive and led by an agreed set of principles.

## SKILLS AND CAPACITY

Good management relies on decision-makers having access to the right skills and expertise to make informed decisions. We need to make sure that there is time and support for decision-makers to do their jobs effectively.

## SUSTAINABLE TOURISM

Tourism brings huge benefits to the wider economy and specifically provides financial resources for looking after many historic sites and buildings. High visitor numbers can also affect the sites themselves, and create challenges for managing them. We need to make sure that we effectively balance these effects to secure long-term benefits.

## FUNDING

Not all elements of the historic environment can make enough money to cover the costs of maintaining them. The future of some sites will rely on external funding. There are difficult choices to be made about where to spend the available money, and not all sites and projects will receive funding. We have to be able to prioritise and think creatively about approaches to funding.

## DIVERSITY AND EQUALITY

Our historic environment should be accessible and provide a source of inspiration, enjoyment and learning for everyone. It should reflect the whole of our society. We need to think and talk about the past in a way that includes everyone, and that celebrates and recognises the diversity of our heritage.

## ROLES AND RESPONSIBILITIES

Taking care of the historic environment is a shared responsibility. Sometimes the interests of different groups and individuals overlap, and this can cause confusion and tension about roles and responsibilities. We need to make sure that everyone understands how and why key decisions that affect the historic environment are made.

# CHALLENGES AND OPPORTUNITIES



A white line graphic starts at the top center, slopes down to the right, then turns and slopes down to the left, ending in a slight curve.

# HISTORIC ENVIRONMENT SCOTLAND

## HISTORIC ENVIRONMENT POLICY

Draft for consultation  
10 September 2018



HISTORIC  
ENVIRONMENT  
SCOTLAND

ÀRAINNEACHD  
EACHDRAIDHEIL  
ALBA

# **DRAFT Historic Environment Policy (HEP)**

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How has HEP been developed?

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What challenges and opportunities does HEP respond to?

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- Managing change

- Working together

Delivery and monitoring

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# Historic Environment Policy (HEP)

## Introduction

The historic environment is our surroundings as they have been shaped, used and valued by people in the past, and continue to be today. It is central to our everyday lives and our sense of place, identity and wellbeing.

It is wide-ranging – including the natural as well as the built environment – and it can be valued for both its tangible and intangible aspects.

The principles and policies that make up Historic Environment Policy (HEP) help us care collectively for this precious resource as we work towards a shared vision:

‘Scotland’s historic environment is understood and valued, cared for and protected, enjoyed and enhanced. It is at the heart of a flourishing and sustainable Scotland and will be passed on with pride to benefit future generations’. (*Our Place in Time*)

## What is HEP for?

HEP is designed to support and enable good decision-making. Good decision-making takes into account all aspects of the historic environment and the different ways in which people value it. Good decision-making is open to challenge, and recognises that a wide range of factors can affect the historic environment in a variety of ways. Changes might support its long-term survival, impact on its current management or even give us new information to improve our understanding of it.

HEP sets out a series of principles and policies for the recognition, care, management and sustainable use of the historic environment. The Policy promotes a way of understanding the value of the historic environment which is inclusive and recognises different views. It encourages consistent, integrated management and decision-making to support positive outcomes for the people of Scotland, and it supports everyone’s participation in decisions that affect the historic environment.

By doing these things, HEP helps to deliver the vision and aims of *Our Place in Time*. It also takes into account principles in international charters and conventions on cultural heritage and landscape.

## How has HEP been developed?

HEP is for everyone who cares about decisions that affect the historic environment. This includes the people who make the decisions, as well as the people affected by or interested in them.

The policy has been developed using current research as well as established views about how the historic environment should be cared for. It also draws upon previous policy documents and related policy areas that affect or are affected by the historic environment.

HEP has also been informed by the *What's Your Heritage?* project led by Historic Environment Scotland (HES). During this project, HES asked the people of Scotland what the historic environment means to them and how it should be looked after. HES then spoke to people working in the historic environment sector and other interested parties about what they believed should be included in the policy.

The resulting policy brings together all of these elements.

## What is HEP's status?

HEP is relevant to a wide range of decision-making at national and local levels – for example, plans and policies that deal with funding decisions, estate management, agriculture or energy.

HEP is a statement directing decision-making that affects the historic environment. It should be taken into account in the planning system whenever a decision will affect the historic environment. It is non-statutory, which means that it is not based on law or statute. HEP is supported by detailed guidance (see 'Sources of further information and guidance').

The Scottish Government sets out national policies for addressing land use matters and decisions. HEP sits alongside these policies, and should be used with them. Scottish Planning Policy (SPP) refers to HEP as a key document for decision-makers.

# What challenges and opportunities does HEP respond to?

## HISTORIC ENVIRONMENT POLICY

To understand, manage and care for the historic environment, we have to be consistent. We also have to be sufficiently flexible and adaptable to deal with wide-ranging and ongoing changes to our society and environment.

Our approach to this will be led by an agreed set of principles. Our aim should always be to achieve the best possible outcome for the historic environment, and to get the most out of any benefits it can give us.



HISTORIC ENVIRONMENT SCOTLAND  
ÀRAINNEACHD EACHDRAIDHEIL ALBA

Find out more at [www.historicenvironment.scot/draft-historic-environment-policy](http://www.historicenvironment.scot/draft-historic-environment-policy)

### CREATING AND MAINTAINING PLACES

The places where we live, work and play are central to our wellbeing. The historic environment needs to be central to decisions about how we create, maintain and enhance our places. Ensuring places are sustainable, viable, vibrant and attractive is an ongoing challenge, and is central to the successful management of their character.

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Today's rural and urban landscapes are the result of human interaction with the environment. A holistic approach recognises that every part of a landscape has relationships with every other part. We have to look at each part of a landscape with reference to the whole, and recognise that natural and cultural benefits and outcomes are often interdependent.

### ECONOMIC CHANGE

A strong economy supports effective management of the historic environment. The historic environment also contributes to inclusive and sustainable economic growth. We should always aim to maximise this, and make sure that people are aware of it. We need to be sure that our systems are flexible enough to handle changes in the economy.

### COMMUNITY PARTICIPATION AND EMPOWERMENT

The more people engage with and participate in decision-making affecting the historic environment, the more sound the decisions we make will be. Decisions about the historic environment don't just have an impact on the conservation of the historic environment - they also have an impact on people. Decision-makers need to weigh up potentially conflicting needs in an open and transparent way, so that everyone can understand how the decision was made.

### REGULATORY CHANGE

When regulations change, it can alter how decisions are made. This might include changes to planning law or environmental assessment law. When changes like this happen, we will need to take them into account. To make this possible, our processes have to be flexible, responsive and led by an agreed set of principles.

### SKILLS AND CAPACITY

Good management relies on decision-makers having access to the right skills and expertise to make informed decisions. We need to make sure that there is time and support for decision-makers to do their jobs effectively.

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Tourism brings huge benefits to the wider economy and specifically provides financial resources for looking after many historic sites and buildings. High visitor numbers can also affect the sites themselves, and create challenges for managing them. We need to make sure that we effectively balance these effects to secure long-term benefits.

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### ROLES AND RESPONSIBILITIES

Taking care of the historic environment is a shared responsibility. Sometimes the interests of different groups and individuals overlap, and this can cause confusion and tension about roles and responsibilities. We need to make sure that everyone understands how and why key decisions that affect the historic environment are made.

### FUNDING

Not all elements of the historic environment can make enough money to cover the costs of maintaining them. The future of some sites will rely on external funding. There are difficult choices to be made about where to spend the available money, and not all sites and projects will receive funding. We have to be able to prioritise and think creatively about approaches to funding.

## CHALLENGES AND OPPORTUNITIES

# Principles and policies

The following core principles set out our understanding of how the historic environment should be managed. The policies then set out how to apply these principles.

## Understanding and recognition

### ***Core principles***

- A wide range of values can contribute to cultural significance.
- Knowledge and information about the historic environment is critical to the understanding of our past, present and future. A place must be understood in order for its significance to be identified.
- The historic environment evolves over time, and so does our understanding and appreciation of it.
- We are all responsible for enhancing our knowledge and making it widely accessible.

### ***How these principles are applied***

Decisions affecting the historic environment should be based on careful consideration of cultural significance. This helps to ensure that our historic environment can be appreciated today and passed on with confidence for the future.

The character, diversity and distinctiveness of our historic environment have evolved over time. It is fundamental to our sense of belonging; it provides tangible links with the past, helps to define who we are, and shapes our lives today.

Places are valued in different ways by different individuals or groups of people. Understanding this helps us to understand the cultural significance of places for past, present and future generations. Recognising why places are culturally significant is important, and helps to fulfil a range of social, environmental and economic needs. Sometimes the value of a place becomes apparent only through the process of change.

A place must first be understood in order to identify its cultural significance. This involves thinking about its physical and material elements as well as other intangible elements, which may not have a physical presence. This includes thinking about how much of it has survived, or how much of it has changed through time as well as its wider context, and setting. We also have to think about what it might mean to other people – its associations, or any special meanings.

Access to as much information and knowledge as possible is essential to understanding cultural significance and this knowledge must be shared. An inclusive approach takes account of different ways of looking at things and valuing them, and different interpretations of our past and heritage.

As a society, we recognise value in many different ways. Some are formal: records in archives, pieces in museum collections or even legal protection for some of our most valued historic places. Many more are part of our everyday lives: local knowledge, cultural practices, the language we use and the stories we tell.

Cultural significance should be considered in order to manage change through national and local planning policies as well as other land use management systems. If a place has cultural significance or has the potential for important new discoveries, decision makers need to consider this when making decisions. In the planning system, this is called a ‘material consideration’.

### ***Policy on understanding and recognition***

#### **HEP1**

Decision-makers should adopt a holistic approach to the historic environment, incorporating an inclusive understanding of its breadth and cultural significance.

# Managing change

## ***Core principles***

- Change has to happen for places to thrive.
- Good decisions take a long-term view.
- Good decisions are transparent, robust, consistent and proportionate.
- Caring for our historic environment benefits everyone, now and in the future.
- To manage the future of the historic environment in a sustainable way, its significance, and the significance of elements within it have to be understood.
- Good decisions make sure that nothing is lost without considering its value first and exploring options for avoiding its loss.
- Good decisions retain the cultural significance of the historic environment.

## ***How these principles are applied***

Our historic environment enhances our quality of life and is a hugely valuable social, cultural, economic and environmental resource. Much of it is finite and can't be replaced. Good management can maintain the quality of this resource, making sure that nothing is lost without considering its value and exploring options for avoiding its loss.

When decisions are made that affect places of cultural significance, the focus should be on avoiding or minimising adverse impacts. Wherever possible, special characteristics and qualities should be protected, conserved or enhanced. Lots of actions can contribute to this, including:

- conservation
- effective maintenance
- restoration and conversion
- good land management
- sensitive use of materials
- building techniques and high quality new design
- thoughtful approaches to new development

These principles apply to the whole of the historic environment. In some cases, sites are identified through legal designations, such as listing buildings. These can bring more formal obligations.

Understanding the development of our environment through time helps to inform management decisions. It offers a longer-term perspective on issues affecting the historic environment – for example, the effect of past climate change and land management practices. The historic environment has to be managed in a sustainable way so that present and future generations can understand, appreciate and benefit from it.

Before decisions are taken, their impacts must be understood. If there is no way of being confident of what the impact will be, the action may have to be avoided so as not to risk causing damage. This is often referred to as the precautionary principle.

Sometimes the best actions for the historic environment will not be the best actions for other interests. There will be occasions where conflicting needs have to be balanced. Potential conflicts should be identified and reduced as much as possible.

When decision makers are considering proposed changes or decisions affecting the historic environment, this general approach should be used:

#### *Understand the context*

- Identify and understand the reasons for the change
- Understand and analyse the historic environment context, asset or place
- Use this understanding to identify cultural significance

#### *Understand the likely impact of proposed actions or decisions*

- Assess and predict the likely level of the impact of proposals on the historic environment context, asset or place

#### *Making decisions*

- Avoid harmful impacts where possible
- Minimise any impacts that cannot be avoided

- Consider less harmful alternatives, if they can deliver the same objectives
- Make impacts clear so that they can inform decision-making
- Identify opportunities for mitigation throughout, and as early as possible
- Keep interventions to a minimum
- Identify opportunities for furthering our knowledge and understanding where possible

### *Monitoring*

- Put monitoring measures in place to make sure that any mitigation has been implemented, and that measures are also in place to identify any unforeseen or unintended consequences
- Monitor the outcome of the decision to provide a sound knowledge base for future policy and decision-making

### *Policies on managing change*

#### **HEP2**

Decision-makers should ensure that the benefits, understanding and enjoyment of the historic environment are secured for the long term.

#### **HEP3**

Strategic plans and policies and the allocation of resources should protect and promote the historic environment.

Where detrimental impacts on the historic environment arising from plans and programmes are identified and unavoidable, steps should be taken to demonstrate that other options have been explored and mitigation measures put in place.

## HEP4

When considering changes to specific assets and their context, significant harm should be avoided. Opportunities for enhancement should be sought where appropriate. Where detrimental impacts on the historic environment are unavoidable, these should be minimised and mitigation measures put in place.

## Working together

### ***Core principles***

- Everyone has a stake in the historic environment and how it is looked after.
- Effective management is a collective effort.
- Effective management should be undertaken in balance with the surrounding environment.
- The best management involves empowering and involving communities.
- Early dialogue and close collaboration lead to better outcomes.

### ***How these principles are applied***

Changes to our society, climate and economy create significant challenges for the historic environment. Resources need to be managed sustainably to weigh up competing demands. The different types of value placed on the historic environment by communities and individuals should also be recognised.

Effective management of the historic environment is a shared endeavour involving individuals and organisations who own, use, manage or care about heritage. People should be empowered to use their heritage to develop their communities and places in a sustainable way. We all need to work collaboratively to respond to the challenges and opportunities we are facing, and to ensure fairness for all.

Change is how the environment evolves. There is a need to better understand and integrate the ways that different people and groups attach value to the historic environment. Doing this will help make clear, informed decisions about changes in the historic environment. It will help to decide on the types, sizes and locations of change that will benefit the public most.

When making decisions about the historic environment, different interests and the consequences of decisions for a range of people need to be taken into account. It should be recognised that tensions and conflicts can arise. Rather than focusing on competing

views, interrelationships and areas of common ground should be identified, to encourage dialogue and collaboration.

Decision-making processes should be open, transparent and easy to understand.

Decisions should recognise community values and acknowledge the consequences for people, and for their ability to develop their communities and places.

***Policies on working together***

**HEP5**

Everyone should have the opportunity to enjoy our historic environment, to contribute to our shared knowledge and to participate in decision-making.

**HEP6**

People should be empowered to benefit from the historic environment for the purpose of the sustainable development of their communities and places.

## Delivery and monitoring

Good decision-making balances current circumstances with long-term aspirations. This is central to the sustainable management of the historic environment, and it is our collective responsibility to ensure that we all are striking that balance.

Decision makers should understand and monitor decisions affecting the historic environment to learn from experience and to improve future decisions. Historic Environment Scotland will monitor this policy in collaboration with other interested parties over a ten-year period until 2029.

# Glossary

## **asset (also ‘historic asset’ or ‘heritage asset’)**

An asset is a building, monument, site, place, area or landscape identified as having cultural significance.

## **community**

A community is a group of people connected by location or by a common interest.

### *community of place*

A community of place, or place-based community, is a group of people connected because of where they live, work, visit or otherwise spend a large amount of time. It can also refer to a group of people related to a particular geographic location.

### *communities of practice and interest*

Communities of practice are groups of people who share a concern or a passion for something they do, such as members of a club, professional bodies, associations and institutes. A community of interest is a group of people who identify with or share a similar interest or experience – for instance, young people leaving care, vulnerable adults, the local business community, those with protected characteristics such as disabled people, or people from black and minority ethnic communities.

## **cultural heritage**

Cultural heritage is an expression of the ways of living developed by a community and passed on from generation to generation, including customs, practices, places, objects, artistic expressions and values. (ICOMOS 2002)

## **cultural significance**

Cultural significance means aesthetic, historic, scientific, social or spiritual value for past, present or future generations. Cultural significance can be embodied in a place itself, its fabric, setting, use, associations, meanings, records, related places and related objects.

## **decision-makers**

A decision-maker for the historic environment is anyone who has a role or interest in making decisions that might affect it. Decision-makers in this context could refer to individuals, public and private sector organisations, communities, local authorities or developers.

## **decision-making**

In HEP, decision-making often refers to planning decisions, but it can include other types of decision too. These might be decisions about land use, funding or long-term strategies.

## **historic environment**

The physical evidence for human activity that connects people with place, linked with the associations we can see, feel and understand'. (*Our Place in Time, the Historic Environment Strategy for Scotland*)

## **impact**

The effect of changes on the historic environment is often referred to as the impact. This can be positive or negative. There can be an impact on the physical elements of a place as well as on the setting of a place, changing its surroundings so that our understanding and appreciation is altered.

## **mitigation**

Mitigation refers to the elimination or reduction of risks, and of unwanted impact on the historic environment.

## **place**

Place can refer to the environment in which we live; the people that inhabit these spaces; and the quality of life that comes from the interaction of people and their surroundings. Architecture, public space and landscape are central to this. (*Creating Places: A Policy Statement on Architecture and Place for Scotland*)

## **planning system**

The planning system is a key tool for managing change in the historic environment.

Planning decisions are guided by Scottish Government documents such as the National Planning Framework (NPF) and the Scottish Planning Policy (SPP).

Within the planning system, the Historic Environment Policy, the Scottish Planning Policy, UK Marine Policy Statement and HES's guidance are the documents to which local authorities, public bodies and all others involved in decisions affecting the historic environment are directed.

## **principles**

The principles in this document are the fundamental values that underpin desirable and positive outcomes for the historic environment. These principles are the basis for the policies outlined here; the policies describe how the principles should be implemented.

## **sustainable development**

Development that meets the needs of the present without compromising the ability of future generations to meet their own needs. (*World Commission on Environment and Development*)

## **value**

Values are a range of beliefs, whether aesthetic, historic, scientific, social or spiritual, that contribute to the concept of cultural significance.

## Sources of further information and guidance

[This section will contain a list of relevant policy guidance and information sources]

[insert]



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**COUNCIL EXECUTIVE**

**CONSULTATION ON LICENSING OF DOG, CAT AND RABBIT BREEDING ACTIVITIES  
IN SCOTLAND**

**REPORT BY HEAD OF PLANNING, ECONOMIC DEVELOPMENT & REGENERATION**

**A. PURPOSE OF REPORT**

The purpose of this report is to advise the Council Executive of the Scottish Government consultation on licensing of dog, cat and rabbit breeding activities in Scotland and seek approval for the proposed response in Appendix 1 of this report.

**B. RECOMMENDATION**

It is recommended that the Council Executive:

1. notes the contents of this report and the proposed consultation response in Appendix 1; and,
2. approves the proposed consultation response contained in Appendix 1 of this report.

**C. SUMMARY OF IMPLICATIONS**

<b>I</b>	<b>Council Values</b>	Focusing on our customers' needs; being honest, open and accountable; developing employees; making best use of our resources; working in partnership
<b>II</b>	<b>Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	Animal Health and Welfare (Scotland) Act 2006.  The report does not raise any SEA or equality issues. The proposals will address aspects of animal health.
<b>III</b>	<b>Implications for Scheme of Delegations to Officers</b>	The scheme of delegation already addresses the enforcement and licensing roles within the environmental health service. There are no changes proposed.
<b>IV</b>	<b>Impact on performance and performance Indicators</b>	None
<b>V</b>	<b>Relevance to Single Outcome Agreement</b>	Our economy is diverse and dynamic, and West Lothian is an attractive place for doing business

<b>VI</b>	<b>Resources - (Financial, Staffing and Property)</b>	There are potential financial and staff resource implications, which are outlined in the report. No funding is attached to the proposals. Local authorities would have ability to recover costs through licence fees. This would not cover other enforcement or service related costs from the additional regulatory requirements being proposed.
<b>VII</b>	<b>Consideration at PDSP</b>	A report on the consultation was presented to the Environment PDSP on 30 October 2018. The panel were advised the consultation response would be reported to Council Executive with a recommendation for approval. This was supported by the panel.
<b>VIII</b>	<b>Other consultations</b>	None.

## **D. TERMS OF REPORT**

### **D1 Background**

Under the Breeding of Dogs Acts 1973 & 1991 and the Breeding and Sale of Dogs (Welfare) Act 1999, Local Authorities currently licence premises where the breeding of dogs for sale is undertaken. A person will be presumed to be undertaking the business of breeding dogs for sale if, during any twelve month period, five or more litters of puppies are born

The dealing of young dogs and cats is regulated by the Licensing of Animal Dealers (Young Cats and Young Dogs) (Scotland) Regulations 2009. Under the regulations an individual who sells or acquires a cat or dog at less than 84 days old, with a view to sell requires an animal dealing licence.

Dog breeding licences are currently granted following compliance with a set of standards, specific to the type of activity in question. The current legislation:

- Allows local authorities to inspect the premises;
- Makes it an offence to operate without a licence where a licence is required;
- Sets out a number of disqualifications that are relevant to the local authority when assessing licence applications (such as a conviction for animal cruelty);
- Allows local authorities to recover the costs for inspection, processing, and enforcement expenditure through a licence fee.

The legislation also allows an appeals process to the Sheriff Court in case of refusal or imposition of onerous conditions.

There are currently three licensed dog breeders in West Lothian. There are separate standards for those operating within a domestic establishment, and those operating within kennels or similar establishment. Details of licence conditions, current licence fees and other guidance are available from the [dog breeding](#) page of the council website.

The breeding of cats, and the breeding and dealing of young rabbits, is currently unregulated

Exact figures for the annual market for dogs, cats and rabbits are difficult to obtain, however it is estimated that around 100 licensed dog breeders currently operate within Scotland, with the market for puppies in Scotland ranging between 70,000 and 190,000 per year. It is suggested that there may be a large number of unlicensed dog breeders who fall under the threshold of five or more litters in a 12-month period.

Whilst most breeding establishments are run by individuals with the best interests of the animals at heart, there is some concern that the welfare of breeding animals as well as their young can suffer if:

- More animals are kept than the premises have room for.
- Premises are unsanitary, unsafe and/or unsuitable for the animal in question.
- Females are bred too frequently.
- Offspring are separated from the mother at too young an age.

### **D3 Consultation Proposals**

The Scottish Government launched its consultation on the proposals on 7 September, with closing date of 30 November 2018

The main features of the new licensing system proposed are:

- A lower threshold number of breeding animals determining whether licensing is to be applied.
- Licensing the breeding of cats and rabbits as pets.
- Introducing additional licence conditions and guidance.
- Introducing a fit and proper person test.
- Licences should be flexible and may be awarded, on a risk-based assessment, for a period of up to three years.
- An exemption from inspection requirements for businesses assured by a UKAS accredited body.
- Licences to be issued at any point in the year for a fixed term but can be suspended or revoked at any time.
- Discourage the breeding of dogs, cats and rabbits with a predisposition for genetic conditions which lead to health problems in later life.

A web link to the consultation is provided in Section F of this report.

### **D4 Consultation Response**

The proposed response to the consultation is found at Appendix 1 of this report. It is important that a response is made at this stage even though specific details of changes are not available to consider. The general principles being proposed are looking to extend the regulatory control for animal breeding and there will be implications for local authority resources in addressing any future change.

## **E. CONCLUSION**

To ensure animal welfare standards, the Scottish Government wishes to bring in a more modern system to licence the breeding of the most popular pet species.

The principle of bringing such operations under appropriate, proportionate regulation is generally accepted. However, there is insufficient information with regard to the potential number of licensable breeders. The exemption of affiliated breeders and the involvement of third party accreditation is also a concern and this is reflected in the proposed response.

The main concern however is the lack of information regarding the number of breeders operating in West Lothian, or indeed Scotland as a whole who would be covered by any changes in legislation. It is therefore impossible to quantify the task and although fees could pay for the licensing process itself, those fees will not cover the work required to deal with an influx of enquiries from breeders and/or the general public.

## **F. BACKGROUND REFERENCES**

[Licensing of Dog, Cat and Rabbit Breeding Activities in Scotland Consultation](#)

Report to the Environment Policy Development and Scrutiny Panel – Consultation on licensing of dog, cat and rabbit breeding activities in Scotland, 30 October 2018.

Appendices/Attachments: one

Appendix 1. Proposed West Lothian Council response to the Consultation on Licensing of Dog, Cat and Rabbit Breeding Activities in Scotland

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**Craig McCorriston,**  
**Head of Planning, Economic Development and Regeneration**

13 November 2018

## **Appendix1: Draft response to the Consultation on Licensing of Dog, Cat and Rabbit Breeding Activities in Scotland**

### Consultation questions

1. The Scottish Government proposes that dog, cat and rabbit breeding activities should be regulated. Do you agree?

Yes ☒ No ☐ Don't know ☐

Comments – West Lothian Council already licences dog breeders under the existing regime. However, we would highlight that extending this to other animals and increasing the number of breeders included will increase workload demand on local authorities. Whilst proposals are considering accreditation schemes to minimise this, there will still be a significant amount of work potentially from enforcement and responding to complaints, concerns and enquiries from operators, members of the public and various interest groups (there are already a significant number of freedom of information enquiries regarding animal welfare and licensing issues received by local authorities from such groups). This has to be balanced against the service and workload priorities of public health and safety. Whilst animal welfare is important to many – perhaps the consequences of these extra demands on local authorities should be considered as part of how any future regulation is implemented and who is best placed to deliver.

2. Do you agree with the proposal to set the licensing threshold for dog, cat and rabbit breeders at three or more litters a year?

Yes ☒ No ☐ Don't know ☐

Comments – the current threshold appears to be too high and allows significant numbers of puppies to be bred without the breeder requiring a licence.

3. Do you have any comments on the thresholds that should apply? Should these be different for the separate species?

Comments – The proposal of three or more litters a year seems a reasonable number however a veterinary opinion on the potential health effects may determine if the proposals are appropriate in this regard.

4. Do you agree with the proposal that a breeding dog, cat or rabbit must not give birth to more than six litters in their lifetime?

Yes ☒ No ☐ Don't know ☐

Comments – This is the current conditions applied to licenced breeders within this authority. Consideration needs to be given to making this species dependant as 6 litters in the lifetime of a cat, or rabbit, may be more detrimental to the health of the animal. Veterinary opinion may be more appropriate in this regard.

5. Do you agree with the proposal that as a condition of licensing, premises should only be allowed a maximum of 20 breeding dogs or cats within one calendar year?

Yes ☒ No ☐ Don't know ☐

Comments – This requirement would need to be carefully defined as breeders may, in addition to breeding animals, have on their premises at any time animals that are able to breed. We do not want a situation that results in the disposal of otherwise healthy animals in order to meet a legal definition.

6. Do you agree that individuals with unspent convictions for animal welfare offences or other criminal convictions (e.g. fraud) should not be allowed to hold a licence for breeding activities?

Yes ☒ No ☐ Don't know ☐

Comments – Careful consideration would need to be given as to which “other criminal convictions” might preclude an individual from holding a licence. Unspent convictions for animal welfare convictions should result in an automatic ban from holding a licence.

7. Are there other considerations, apart from criminal convictions, that should be part of a ‘fit and proper person’ test for those running dog, cat or rabbit breeding activities?

Comments – the ‘fit and proper person’ test should include the applicants relevant experience and qualifications with regard to the breeding and welfare of the animals to which the application relates. Where formally assessed qualifications are not held, a specified assessment method should be available to licensing authorities. An appropriate animal first aid qualification should be required for all applicants.

Independent accreditation of breeders by an industry body, UKAS backed or otherwise, should not form an appropriate part of the ‘fit and proper person’ test. However, if any consideration was being given to this there needs to be a very clear standard of accreditation and compliance demonstrated to ensure transparency and consistency to allow local authorities to administer the licensing process with

confidence. In general involvement by other agencies is more likely to lead to complications, and not provide any reduction of resource or time to the local authority in such matters.

8. The Scottish Government proposes that reasonable costs of inspections should be charged to recover costs to inspectors approved by Scottish Ministers or local authorities. Do you agree with that proposal?

Yes ☒ No ☐ Don't know ☐

Comments – Local Authorities must also be able to recover the costs of veterinary and other appropriate specialists fees. There should be no financial detriment to local authorities in regulating for profit businesses.

9. Should licence fees be set by the authorised inspectors, local authorities or by the Scottish Government? Do you have any comments on what cost is reasonable and what should be included in this? (For example, this might include recovery of administrative costs, or payment for the inspector's time etc).

Authorised inspectors ☐ local authorities ☒ Scottish Government ☐  
Don't know ☐

Comments – It should be for the local authority to set licence fees. A single set fee across Scotland may not reflect the actual costs incurred by a single Local Authority.

10. The Scottish Government considers that licences lasting from one to three years may be issued on the basis of a welfare risk assessment. Do you agree?

Yes ☒ No ☐ Don't know ☐

Comments – Variable length licencing would have financial implications for Local Authorities as income will vary from year to year but staff employment costs are fixed each year. The fee structure for such a licensing scheme would need to be considered, with the saving for good performers coming from the absence of veterinary inspectors costs during the extended period.

If this proposal were brought in it would require clear assessment criteria. It should also stipulate that no new licence can be granted for more than one year.

Independent accreditation of breeders by an industry body, UKAS backed or otherwise, should not form any part in considering a licence application. However, if any consideration was being given to this there needs to be a very clear standard of accreditation and compliance demonstrated to ensure transparency and consistency to allow local authorities to administer the licensing process with confidence. In general involvement by other agencies is more likely to lead to complications, and

not provide any reduction of resource or time to the local authority in such matters.

11. Do you think that a national list of licensed premises and activities should be kept?

Yes ☒ No ☐ Don't know ☐

Comments – Such a list should be made available online only and should be managed centrally through the Scottish Government.

12. Do you have any comments on who should be able to access information from the list, and if a charge should be made for information?

Yes ☒ No ☐ Don't know ☐

Comments – Access to basic information should be free and allow a person to make reasonable enquiries to ensure that a breeder is on the list. Consideration should be given to allowing prospective purchasers of pets to make enquiries direct to the breeder via an online form or e mail.

13. The Scottish Government believes that enforcement agencies should be able to suspend, vary or revoke licenses or issue improvement notices for minor irregularities. Do you agree with this proposal?

Yes ☒ No ☐ Don't know ☐

Comments – a tiered system of proportionate interventions, ranging from informal action, enforcement notices, licence suspensions, etc. through to reporting to the Procurator Fiscal is already a tried and tested approach to gaining legal compliance.

The involvement of any independent accreditation scheme as suggested in the proposals for consultation would hinder this process.

14. The Scottish Government proposes that new legislation will require compliance with any relevant Scottish Government guidance as one of the licence conditions. Do you agree that this should be a condition of licensing? If you are aware of any other relevant standards please comment.

Yes ☒ No ☐ Don't know ☐

Comments – compliance with existing guidance is already a licence requirement in West Lothian.

The involvement of any independent accreditation scheme, as suggested in the proposals for consultation, would potentially contradict the proposed guidance. However, if any consideration was being given to this there needs to be a very clear standard of accreditation and compliance demonstrated to ensure transparency and consistency to allow local authorities to administer the licensing process with confidence. In general involvement by other agencies is more likely to lead to complications, and not provide any reduction of resource or time to the local authority in such matters.

15. Do you agree that appropriate fixed penalties should be available for minor non-compliance with the licensing legislation? (These are not currently available for animal welfare offences but may be introduced in future.)

Yes ☒ No ☐ Don't know ☐

Comments – Fixed penalties will work if they are high enough to discourage non-compliance. A robust system for dealing with unpaid fines is also required. Civil recovery has proven expensive and unsuccessful. Failure to pay a fixed penalty should automatically be a criminal offence which can be reported to the Procurator Fiscal.

16. Do you agree that the Scottish Government should discourage the breeding of dogs, cats and rabbits with a predisposition for specific genetic conditions, which lead to health problems in later life?

Yes ☒ No ☐ Don't know ☐

Comments - whilst we agree with this proposal the detail is out with our scope of expertise. This is a matter probably best addressed by the veterinary profession.

17. Do you agree that as a condition of licensing, any breeding practices which are likely to cause the offspring suffering in later life should be prohibited?

Yes ☒ No ☐ Don't know ☐

Comments - whilst we agree with this proposal the detail is out with our scope of expertise. This is a matter probably best addressed by the veterinary profession.

18. Do you have any comment on any other appropriate measures the Scottish Government could take to discourage harmful breeding practices?

Yes ☐ No ☒ Don't know ☐

Comments - whilst we agree with this proposal the detail is out with our scope of expertise. This is a matter probably best addressed by the veterinary profession.



## **COUNCIL EXECUTIVE**

### **SUPPLEMENTARY GUIDANCE ON AIR QUALITY**

#### **REPORT BY HEAD OF PLANNING, ECONOMIC DEVELOPMENT & REGENERATION**

##### **A. PURPOSE OF REPORT**

The purpose of this report is to advise the Council Executive of the outcome of a consultation on Supplementary Guidance (SG) on Air Quality that has been produced in support of the West Lothian Local Development Plan (LDP) and to seek approval of the guidance.

##### **B. RECOMMENDATION**

It is recommended that the Council Executive:

1. approves the content of the revised draft guidance as statutory supplementary guidance (SG);
2. agrees to it being notified to the Scottish Government for endorsement; and
3. delegates the Head of Planning, Economic Development & Regeneration, to agree and conclude a 'screening determination' as to whether a SEA is required, having taken into account of the views offered by the Consultation Authorities.

##### **C. SUMMARY OF IMPLICATIONS**

<b>I Council Values</b>	Focusing on our customers' needs; being honest, open and accountable, making best use of our resources and working in partnership.
<b>II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	<p>Air Quality SG will support the development management and development plan processes.</p> <p>Air quality objectives for local authorities in Scotland originate from plans and guidelines defined from a hierarchy of other governing bodies, the highest of these being the European Commission (EC).</p> <p>Council obligations in working to meet air quality objectives are laid out in the Environment Act 1995 which sets out a system called Local Air Quality Management (LAQM). The LAQM regime requires local authorities to review and assess the air qualities within their geographical areas. Where the air quality objectives are not</p>

met (or unlikely to be met) then an Air Quality Management Area (AQMA) must be designated. Following the declaration of an AQMA an Air Quality Action Plan must be produced which sets out measures to improve air quality in that area.

The supplementary guidance also accords with Policies EMG4 and DES1 of the West Lothian Local Development Plan.

Preparation of the SG contributes towards measures set out in the approved Broxburn Air Quality Action Plan and the draft AQAPs for Linlithgow and Newton.

The report does not raise any strategic environmental assessment, equality or health risk issues.

SEA - an overarching Environmental Report for the West Lothian Local Development Plan (LDP) has already been prepared. While Historic Environment Scotland, SEPA and SNH will require to be formally consulted (via SEA gateway) to establish whether this SG requires a bespoke SEA, this is considered to be unnecessary as the SG is unlikely to have significant environmental effects.

<b>III</b>	<b>Implications for scheme of delegation</b>	None.
<b>IV</b>	<b>Impact on performance and performance indicators</b>	None.
<b>V</b>	<b>Relevance to Single Outcome Agreement</b>	Outcome 7 - We live longer, healthier lives and have reduced health inequalities;  Outcome 8 We make the most efficient and effective use of resources by minimising our impact on the built and natural environment.
<b>VI</b>	<b>Resources - (Financial, Staffing and Property)</b>	No specific financial implications for the council are identified.
<b>VII</b>	<b>Consideration at PDSP</b>	A report on SG on Air Quality was considered by the Development and Transport PDSP on 3 April 2017. The panel was supportive of the terms of the guidance and was agreeable to it being made the subject of public consultation and then forwarded to the Council Executive for consideration.
<b>VIII</b>	<b>Other consultations</b>	Environmental Health.

## **D. TERMS OF REPORT**

## **D1 Background**

Statutory supplementary guidance provides further detail on how the policy or strategy requirements of the Local Development Plan can be met, and unlike 'non statutory' guidance, once adopted, it forms part of the development plan, having equal weight and status in terms of decision making.

The Air Quality SG provides further information and detail in respect of Policy EMG 4 (Air Quality) of the LDP which requires developers, where appropriate, to provide information on the impact of their proposals on air quality. Where a development is likely to affect air quality, developers should identify and provide details of potential mitigation measures and, where appropriate, make provision for developer contributions or planning obligations to mitigate the development's individual or cumulative impacts upon air quality. The policy also makes provision for the rejection of proposals which have been assessed to have an unacceptable impact on air quality.

West Lothian Council has a responsibility to ensure that health based air quality standards are achieved to protect the health of our citizens. The council also has a responsibility through the planning system to ensure no new pollution hotspots are created or introduce new human exposure where there could be existing poor air quality.

Air quality across West Lothian is generally very good in that pollutant concentrations are within the health based air quality objectives at most locations. The SG will apply across the whole of West Lothian and will assist in addressing any future air quality issues which may arise. At locations where regular exceedances of the Scottish air quality objectives are known to occur and human exposure is present, the council is required to declare an Air Quality Management Area (AQMA). To date, three AQMA have been declared in West Lothian. These are located in Broxburn, Linlithgow and Newton. Road traffic emissions are the main source of pollution in Broxburn and Linlithgow. In Newton domestic combustion contributes a significant proportion of particulate emissions. The SG does not prejudice these AQMAs and may assist in leading to improvements in air quality within them.

## **D2 Supplementary Guidance on Air Quality**

The proposed SG is attached as Appendix 1. It provides developers and their consultants with guidance on how the council will consider air quality within the planning process and explains the circumstances when an air quality impact assessment is likely to be required; what should be included in an air quality impact assessment; and mitigation of air quality impacts. The SG contains two appendices providing technical guidance for conducting air quality impact assessments and, an air quality impact assessment evaluation checklist.

The SG was published by the council for consultation on 30 May 2017 with a closing date of 14 July 2017. All community councils in West Lothian were consulted together with statutory consultees, house builders active in West Lothian and planning consultants. The guidance was also published on the council's website. A total of five representations were received and these are summarised in Appendix 2 together with the proposed council responses. Although consultation took place some time ago the SG could not be finalised in advance of the LDP being adopted.

Most of the comments were of a positive nature with SEPA commenting that the guidance was of a very high standard. An issue was raised on the proposed mitigation requirements in connection with electric vehicle charging, suggesting that they were too onerous and may become obsolete in the future. Consideration has been given to this and the requirements for electric vehicle charging have been subsequently revised having been informed by 'Planning for Air Quality' a document published by Environmental Protection UK/Institute of Air Quality Management in January 2017. Environmental Protection UK is a national charity that provides policy analysis and information on air quality; the Institute of Air Quality Management is a professional body for Air Quality professionals.

The consultation draft of the SG stipulated a requirement for developments of 10 residential units or more or with a site area of 0.5Ha and proposed that *'Where on-site parking is provided for residential dwellings, one EV charging point for each parking space should be made. The provision of at least 1 Electric Vehicle (EV) "rapid charge" point per 10 residential dwellings and/or 1000m2 of commercial floor space'*.

The proposed revised SG maintains the same threshold (developments of 10 residential units or more or with a site area of 0.5Ha) but it now differentiates between on-street and off-street parking spaces.

For off-street parking the requirement has been amended to one active ready to use electric vehicle charging point for every residential dwelling, as opposed to every car parking space.

For on-street parking one active ready to use 'rapid' electric vehicle charging point is to be provided for every 20 on street parking spaces (excluding communal spaces) in a development as opposed to every ten dwellings. In addition, every on street parking bay (non-communal) shall be 'cable enabled'. This is known as 'passive provision' and requires the necessary underlying infrastructure (e.g. capacity in the connection to the local electricity distribution network and electricity distribution board, as well as cabling to parking spaces) to enable simple installation and activation of a charge point at a future date.

In the event that this guidance is approved a minor revision will also require to be made to the [Residential Development Guide](#) in order to align and ensure consistency of electrical vehicle charging provision in new residential developments.

The requirements for electric vehicle charging which are set out in this SG are recognised as pioneering and ambitious, but in a rapidly developing technological environment it is important that the council is alert and reactive and anticipates and plans for change.

The SG reflects recent announcements by the UK and Scottish Governments to phase out new petrol and diesel cars and vans by 2040 and 2032 respectively in order to address air quality and public health concerns and also in response to major vehicle manufacturers confirming plans to move away from the production of solely petrol/diesel driven vehicles.

It is therefore important that new development currently going through the planning process anticipates these changes. The SG is intended to future-proof development by enabling car owners to make greener choices in terms of EV ownership and usage, therefore mitigating air pollution caused by petrol and diesel fuelled vehicles.

If approved by the Council Executive, the SG will be submitted to Scottish Ministers who will then have 28 days in which to scrutinise it. The Scottish Ministers scrutiny will focus on ensuring that the principles of good public involvement and proper connection to the guidance have been achieved.

This process also allows for a 'screening determination' to be made regarding the council's assertion that this SG does not require to be the subject of a separate SEA (strategic environmental assessment). It is proposed that this is delegated to the Head of Planning, Economic Development & Regeneration, in consultation with the Executive Councillor for Development and Transportation, to agree and conclude as considered appropriate and after having taken into account of the views offered by the Consultation Authorities (SEPA, Scottish Natural Heritage and Historic Environment Scotland).

Prior to a decision by Scottish Ministers the SG will continue to be operated as non-statutory guidance (PG) thus affording it a degree of materiality when determining planning applications in the intervening period.

## **E. CONCLUSION**

Consultation on this SG has been carried out and some amendments are proposed in response to the comments received where this has been deemed appropriate and justifiable.

The SG will contribute towards creating sustainable development and provide the context and specific requirements with regard to air quality that developers and their agents will be required to address when submitting planning applications and will assist in the Development Management process.

The requirement for EV charging infrastructure will ensure the developments we are planning now are suitable and relevant for the future shift in changing vehicle types.

## **F. BACKGROUND REFERENCES**

West Lothian Local Development Plan  
<https://www.westlothian.gov.uk/article/33299/Adoption>

Appendices / Attachments - Two

Appendix 1: Supplementary Guidance – Air Quality

Appendix 2: Summary of Consultation Representations with Council's Responses

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**Craig McCorriston,**  
**Head of Planning, Economic Development & Regeneration**

**13 November 2018**





# Air Quality

# 2018

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## 1 INTRODUCTION

1. West Lothian Council has a responsibility to ensure that health based air quality standards are achieved across West Lothian to protect the health of our citizens. The West Lothian Local Development Plan and this associated supplementary guidance document describe how air quality will be considered when determining planning applications.

2. Key objectives of the guide are:
- The local policy context.
  - Our current understanding of air quality within West Lothian.
  - How air quality will be considered within the planning process by West Lothian Council.
  - Clear guidelines on when information relating to air quality will be required with a planning application i.e. an air quality impact assessment.
  - Our requirements for the methods that should be used when carrying out air quality impact assessments for development management purposes.
  - Guidance on what type of mitigation measures may be required to reduce or offset air quality impacts.

## 2 POLICY CONTEXT

### West Lothian Local Development Plan

3. The LDP acknowledges that there are known locations where air quality is a concern and that there is a statutory process to be followed to develop and agree prioritised measures to improve air quality.
4. Policy EMG 4 of the LDP states how air quality will be considered within the planning process. Policies DES1 and HOU4 of the LDP also include requirements regarding air quality.

#### POLICY EMG 4 Air Quality

Where appropriate, developers will be required to provide additional information on the impact of their proposed development on air quality. Where a development is likely to affect air quality, developers should identify and provide details of potential mitigation measures and, where appropriate, should make provision for developer contributions or planning obligations to mitigate the development's individual or cumulative impacts upon air quality.

Development promoting behaviour change programmes in Linlithgow and Broxburn/Uphall to facilitate modal shift of shorter journeys to walking and cycling is supported in principle.

Development will not be supported where it is not possible to mitigate the adverse effects of that development on air quality effectively or where development proposals cause unacceptable air quality or dust impacts, or would result in sensitive uses, which give rise to air pollution concerns, being located within or close to uses with potential to generate such pollution.

Where appropriate, planning conditions will be imposed which require air quality monitoring apparatus to be installed.

#### Extract from POLICY DES1 Design Principles

When assessing development proposals, the developer will be required to ensure that:

- the proposal includes appropriate integrated and accessible infrastructure, open space, green infrastructure and landscaping;
- sustainability issues are addressed through energy efficient design, layout, site orientation and building practices;
- there are no significant adverse effects on air quality (particularly in and around Air Quality Management Areas), or on water or soil quality and, as appropriate, mitigation to minimise any adverse effects is provided.

## International, National and Local Policies

5. Activities relating to the monitoring and management of air quality in the UK are primarily driven by European (EU) legislation. The 2008 ambient air quality directive (2008/50/EC) sets legally binding limits for concentrations in ambient (outdoor) air of major air pollutants that are known to have a significant impact on human health including particulate matter (PM10 and PM2.5) and nitrogen dioxide (NO<sub>2</sub>). The 2008 directive replaced most of the earlier EU air quality legislation and was made law in Scotland through the Air Quality Standards (Scotland) Regulations 2010.

6. Alongside the EU limit values the World Health Organisation (WHO) has published guidelines for air pollutants. The WHO guidelines are designed to support the formulation of air quality policies to reduce the health impact of air pollution. The WHO guidelines are lower than the current limit values for a number of pollutants, specifically PM10 and PM2.5 which are associated with the greatest health impacts.

7. The UK has an Air Quality Strategy (UK AQS) which was developed by Government in 1997 and has subsequently been revised in 2003 and 2007. This sets out the national policy approach to air quality across the UK. The strategy states that the UK Government's and devolved administrations' primary objective is to ensure that all citizens should have access to outdoor air without significant risk to their health, where this is economically and technically feasible. The NAQS sets out a series of air quality objectives which Local Authorities must work towards achieving.

8. Local Authority obligations in this regard are laid out in the Environment Act 1995 which set out a system called Local Air Quality Management (LAQM). It should be noted that although the objectives are policy targets (the council are not legally obliged to achieve them) all of the UK objectives are at least as stringent as the European Limit Values for the various pollutants. The Limit Values carry legal standing and have been written into UK law through the various Air Quality Standards Regulations. It is worth noting that Scottish Government has adopted a PM10 annual mean objective that is lower than the UK or EU standard. The Scottish PM10 standard is written into regulation and therefore carries equivalent weight to the Limit Value based standards.

9. Part IV of the Environment Act 1995 requires local authorities to regularly review and assess air quality in their areas against seven of the nine objectives in the Air Quality Strategy. If review and assessment indicates that any objective is unlikely to be met by the required date, the local authority concerned must declare an Air Quality Management Area (AQMA) and draw up an Action Plan. The plan should include measures to improve air quality so that the air quality objectives may be achieved in the future.

## Cleaner Air for Scotland

10. The Clean Air for Scotland strategy which sets out the Scottish Government's proposals for delivering further improvements to air quality was published in November 2015. Cleaner Air for Scotland draws together Scottish Government policies which impact upon air quality into a single framework and sets out a series of actions for delivering further improvements to air quality. It summarises the key actions that CAFS aims to deliver across six main objectives, of transport, health, legislation & policy, place-making, communication and climate change, with a common thread of sustainability running through these.

11. CAFS also introduces the proposed National Modelling Framework (NMF) and the National Low Emission Framework (NLEF) both of which are pending preparation.

## Air Quality – Why does it matter

### *Protection of human health*

12. The primary driver for protecting and improving air quality is human health. Poor air quality is associated with both short and long-term adverse effects on human health. Exposure can lead to irritation of the respiratory system and exacerbation of existing health conditions (including heart disease and respiratory illnesses) in vulnerable individuals.

13. In Scotland it has been estimated that the mortality burden of long term exposure to ultra-fine particulate matter (PM<sub>2.5</sub>) in 2010 was equivalent to nearly 2094 premature deaths in those aged 25 or older; with associated life years lost estimated at 22,474. The number of premature deaths is much higher in the large urban conurbations than in rural areas of Scotland as higher density of emission sources in urban areas mean greater exposure of the population.

## *Other impacts*

14. Air pollution can also adversely impact upon sensitive eco-systems and the built environment; and also has an impact on climate change, as some air pollutants such as ground level ozone and ultrafine particulates of black carbon behave like greenhouse gases and contribute to global warming. Air quality and climate change can therefore be addressed using integrated policies and measures.

### *Economic benefits of clean air*

15. The effect of air pollution has monetary costs associated with the other impacts described above. The main economic impact is associated with health i.e. cutting lives short, increasing medical costs, and reducing productivity through working days lost across the economy. Overall it has been estimated that the economic cost of air pollution in the UK is between £9 billion and £19 billion; reducing the impact of air pollution will therefore lead to significant economic benefit. The planning system can help with this.

### 3 AIR QUALITY IN WEST LoTHIAN

#### Our responsibilities

##### *Local Air Quality Management*

16. West Lothian Council has a statutory responsibility to review and assess air quality within the local authority area under the Local Air Quality Management (LAQM) regime. This is done by identifying potential sources of air pollution and measuring pollutant concentrations at locations where there may be a risk of poor air quality occurring.

17. Two of the main pollutants of concern, nitrogen dioxide (NO<sub>2</sub>) and fine particulate matter (PM<sub>10</sub>) are measured by the council at various locations throughout West Lothian. The council prepares LAQM Reports annually to document recent measurements and trends; these are available to download from the dedicated [air pollution pages](#) on our website.

18. The council has a responsibility through the planning system to ensure no new pollution hotspots are created or introduce new human exposure where there could be existing poor air quality. The council is also determined to avoid development leading to a gradual worsening in air quality due to the cumulative impact of numerous small developments. To protect the health of our residents, it's therefore very important that air quality is considered appropriately through the planning process.

##### *National climate change and sustainability objectives*

19. There are significant synergies between reducing greenhouse gas emissions and reducing emissions of other atmospheric pollutants. Both sets of emissions largely arise from the same combustion processes – vehicle engines, power generation, homes and industry.

20. Scottish climate change proposals and policies state that improving air quality is an additional benefit associated with decarbonising transport and energy production. The Scottish Government has also committed to half of all fossil-fuelled vehicles being phased-out of urban environments across Scotland by 2030 and almost complete decarbonisation of the road transport sector by 2050. [A road map for the widespread adoption of plug-in and plug-in hybrid vehicles](#) was published by Transport Scotland in 2014.

21. The council therefore also aims to ensure that developments are designed to be sustainable. The planning system has an important role in ensuring that both carbon emissions and air quality impacts are reasonably mitigated.



## Is there currently an air quality problem anywhere in West Lothian?

22. Air quality across West Lothian is generally very good in that pollutant concentrations are within the health based air quality objectives at most locations. There are however some localised hotspots that have been identified where pollutant concentrations are in excess of the national air quality objectives and there may be a risk to human health. These are mainly locations where there are busy roads and junctions with significant road traffic emissions, coupled with residents living nearby.

23. At locations where regular exceedances of the Scottish air quality objectives are known to occur and human exposure is present, the council is required to declare an Air Quality Management Area (AQMA). To date, three AQMAs have been declared in West Lothian. These are located in Broxburn, Linlithgow and Newton. Road traffic emissions are the main source of pollution in Broxburn and Linlithgow. In Newton domestic combustion contributes a significant proportion of particulate emissions. A map showing the locations of the existing AQMAs are presented in Figure 1 to Figure 3.

24. Developers should consult with the council's Development Management team to establish if your proposed development is in or near to an AQMA. Any development that influences traffic flows through an AQMA will be considered as near to an AQMA.

Figure 1: Broxburn AQMA

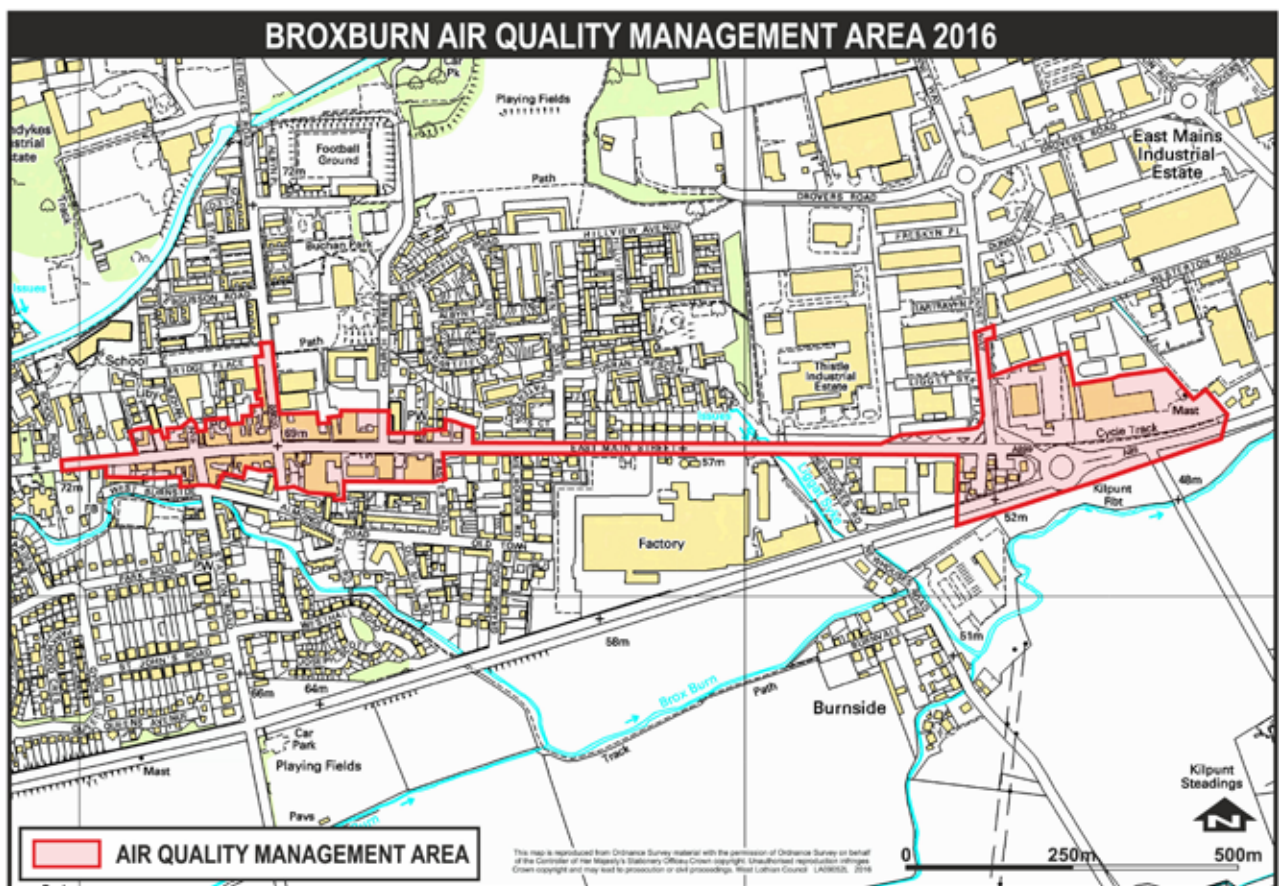


Figure 2: Linlithgow AQMA

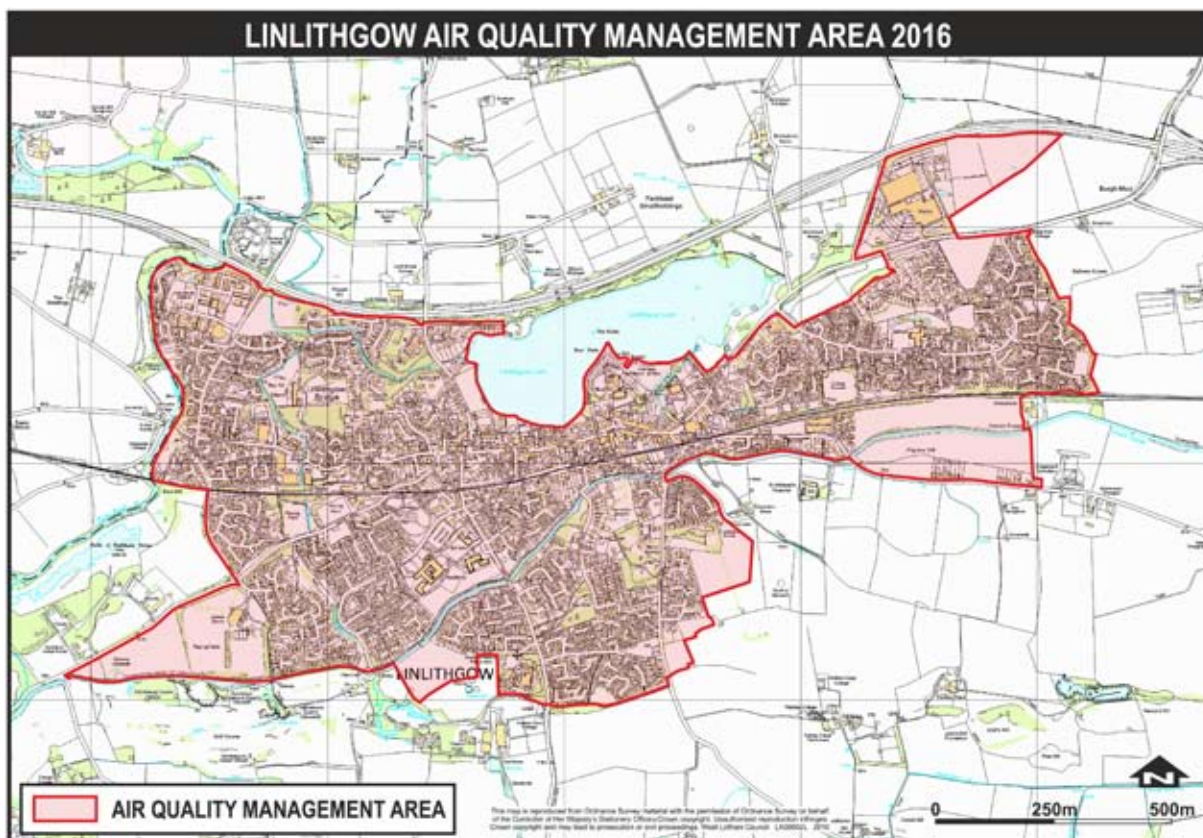
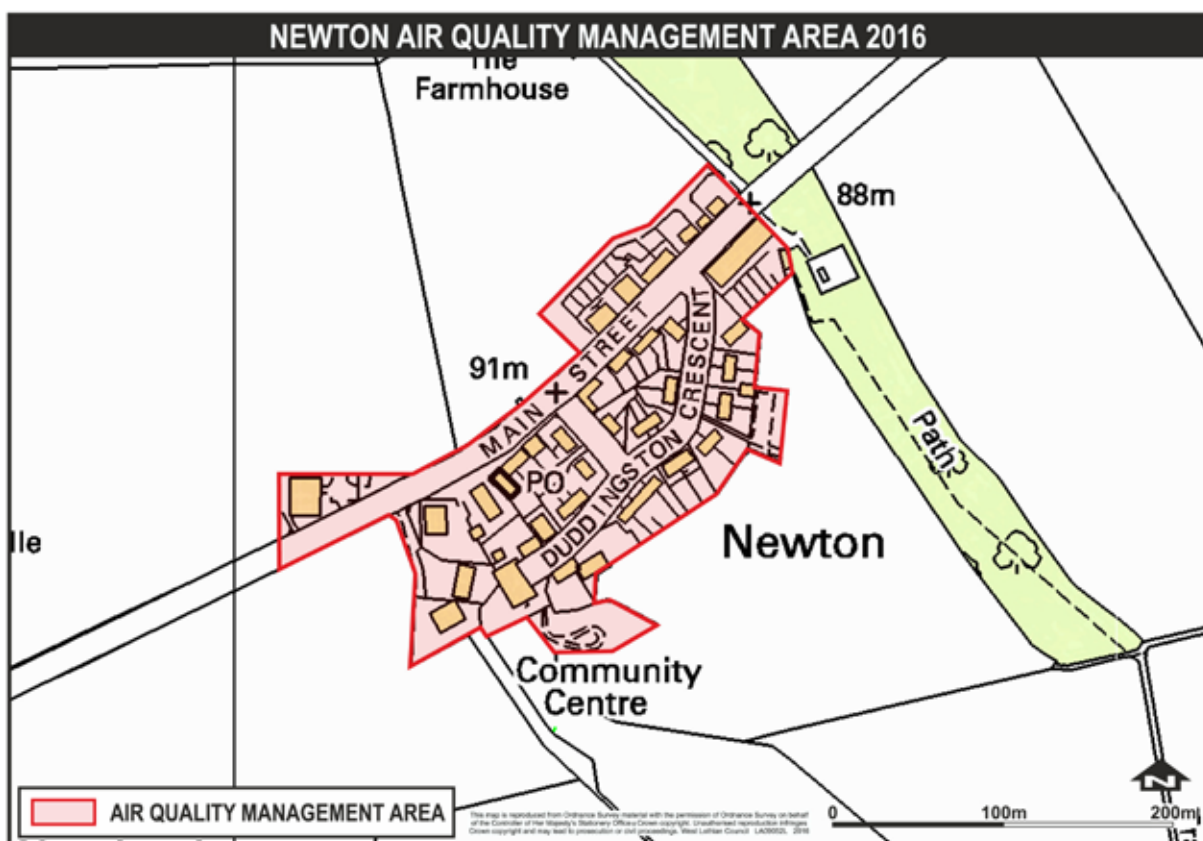


Figure 3: Newton AQMA



## 4 HOW AIR QUALITY WILL BE CONSIDERED FOR PLANNING APPLICATIONS IN WEST LOTHIAN

25. When considering planning applications, the council needs to establish the proposed development will not lead to unacceptably poor air quality or contribute to cumulative negative air quality impacts. The council's approach presumes that some type of mitigation of air quality impacts will be required for all but only the smallest isolated developments. A diagram listing the basic steps of how air quality will be considered is presented in Figure 4.

26. The council would encourage developers to engage in pre-application discussions with the Development Planning service in order to identify whether any supporting environmental data will require to be submitted with a planning application. Dependent on the location and scale of the proposed development the council should be able to advise if additional information is required, for example, the results of an air quality impact assessment.

27. The types of new or changed sources of air pollution that may require impact assessment and appropriate mitigation to be included in the scheme design are:

■ **Road traffic emissions:** Currently the main source of localised air pollution in Scotland's urban areas is road traffic. The majority of AQMAs have been declared due to road traffic emissions. The screening threshold at which additional road traffic will trigger the requirement for an air quality impact assessment (page 13, paragraphs 28 - 32).

■ **Industrial and commercial point sources:** All point source combustion emissions may require an impact assessment. Proposals for large commercial or industrial installations that have the potential to emit pollution may be regulated under the Pollution Prevention & Control (PPC) regime and will normally require an air quality assessment as part of the permit application. To avoid duplication of effort the same air quality assessment could be used to help determine the impact of the development in terms of air quality for a planning application.

■ **Commercial biomass combustion:** The combustion of biomass has the potential to impact on local air quality. While the council recognise that there are national policy commitments to promote the use of renewable heat and power through biomass combustion; we also have to protect air quality and public health. A screening air quality assessment will be conducted by the council's Environmental Health officers for biomass installations with a thermal rating of greater than 50kW. This screening may identify a requirement for more detailed dispersion modelling assessment which will be required to be undertaken by the applicant. Further information on the biomass screening assessment (page 25, paragraphs 87 - 89).

■ **Construction Phase impacts:** Localised impacts on air quality and dust soiling may occur during demolition and construction activities. A construction phase air quality/dust impact assessment may be required based on the size and location of the development and its proximity to nearby sensitive receptors. Developers should consult with the council's Environmental Health service to establish if this is required. Further information on screening criteria for construction phase impact assessments is provided in Section A1.3 (page 22).

**Figure 4: Steps explaining how air quality will be considered within the planning process**

### 1. Pre application discussions

Pre applications discussions should be conducted with the council's Development Management team regarding the type of environmental assessment that may be required.

### 2. Simple screening of development to establish if an air quality assessment is required

The council's Environmental Health team will consider:

- Is there a risk of introducing new human exposure into an area with poor air quality e.g. in an existing AQMA or close to a busy road?
- Is the proposed development:
  - more than 10 residential units,
  - greater than 1,000m<sup>2</sup> floor space for other uses; and
  - has more than 10 parking spaces or has a centralised production e.g. biomass or CHP plant?

If yes is the answer to either of these questions, does the development trigger any of the criteria for when a detailed AQ assessment is required as listed in Section 4.

### 3. What to do if an air quality impact assessment is required

- Applicant to consult the council's Environmental Health team and agree the scope and method for the Air Quality Assessment  
Applicant (or applicant's consultant) to conduct air quality impact assessment, identifying impacts and propose appropriate mitigation using latest best practice guidance
- The council's Environmental Health Officer (EHO) will then evaluate if air quality impact assessment and proposed mitigation measures are satisfactory; and make recommendations on mitigation where relevant
- Should additional information be required regarding the air quality impact assessment and proposed mitigation, applicant is required to provide this information until considered satisfactory by the council's EHO.

### 4. Assuming planning consent is granted on all other grounds, air quality related conditions are included based on either:

- Best practice design principles i.e. the minimum level of mitigation the council requires for a development where no air quality impact assessment is required
- Mitigation appropriate to the scale and impact of the development as determined in the Air Quality impact assessment

## When is an air quality impact assessment likely to be required?



28. The three main ways a development may potentially impact on air quality are as follows:

1. Introducing new human exposure at a location within an existing AQMA or close to a busy road or junction. If a residential or commercial development is proposed in an area of existing poor air quality i.e. it could expose future occupiers to unacceptable health risks associated with high pollutant concentrations) e.g. at a location within an existing AQMA or close to a busy road or junction.
2. The development may itself cause a deterioration in local air quality e.g. from increased traffic flows and hence vehicle emissions; or point source flue emissions from heating or energy production plant.
3. If the demolition/construction phase will have an impact on the local environment e.g. through fugitive dust and/or exhaust emissions from machinery and vehicles.

29. Developers should always check with the council's Environmental Health service if an air quality assessment is required before submitting a planning application. It is reasonable to expect that an assessment will be required where there is the risk of an air quality impact on human health. For the majority of developments, there will be an emphasis on incorporating best practice design principles with the aim of reducing both road transport and other emissions.

## Development categories

30. The level of detail required to assess the potential impact of a development on air quality, and the level of mitigation required, should be proportional to the scale of the proposed development. To provide clear guidance for developer's regarding when an air quality impact assessment is likely to be required the council has prepared a development category matrix as presented in Table 1. For major developments the category matrix uses the criteria suggested in the latest IAQM/EPUK guidance (reproduced in Box 1, page 16).

31. When considering which development category is relevant, it should be emphasised that the concept of introducing new human exposure into an area with existing poor air quality is fundamental; and supersedes development type based on size.

32. For the largest developments an Environmental Impact Assessment (EIA) could be required under the EIA Regulations. In that case, a detailed study of the effects of a development on air quality would be necessary unless it has been screened out at the scoping stage of the EIA.



## What should be included in an air quality impact assessment

33. An air quality impact assessment report should demonstrate that current best practice methods have been used to assess the potential impact of a proposed development on local air quality. More detailed information on reporting requirements is included in Appendix A.

34. The main points that should be covered in the air quality impact assessment reports are:

- **Relevant details of the proposed development:** providing information such as location, type of development and site layout with supporting maps or drawings.
- **The basis for determining significance of effects arising from the impacts** i.e. the assessment criteria.

- **Details of sensitive receptor locations:** **this** is likely to be where there may be relevant human exposure.

- **Baseline air quality:** Quantify the existing and future baseline air quality without the proposed development in place. When assessing emission from road traffic, details regarding model verification should also be included.

- **Impact assessment:** Numerical predictions of pollutant concentrations at receptors should be compared with and without development scenarios for the opening year of the proposed development.

- **Construction phase impacts:** Unless screened out, construction phase impacts should be assessed using the latest IAQM guidance and appropriate mitigation measures recommended.

- **Mitigation measures:** Where a significant impact is identified then the measures to be employed to avoid, reduce and, where appropriate, offset the air quality impact should be set out. Even where the effect is judged to be insignificant, good design and good practice measures as outlined in Section 5 (page 17) should be employed as a minimum.

35. For information, the council has provided an example checklist in Appendix B which will be used by its Environmental Health to evaluate the content of air quality impact assessments submitted.

**Table 1: Development categories, impact assessment and mitigation requirements summary**

Development Category	Insignificant	Minor	Medium	Major
Threshold	Below minor development thresholds	<p>If any of the following apply:</p> <ul style="list-style-type: none"> <li>• 10 or more residential units or a site area of more than 0.5ha</li> <li>• More than 1,000 m<sup>2</sup> of floor space for all other uses or a site area greater than 1ha</li> <li>• Coupled with either of the following:</li> <li>• The development has more than 10 parking spaces.</li> <li>• The development will have a centralised energy facility or other centralised combustion process</li> </ul>	<p>Meets the current threshold requiring a Transport Assessment or Travel Plan as specified in the latest relevant <a href="#">Scottish transport assessment guidance</a></p> <p>Please note for Travel Plans criteria, these are only guidelines and that a full TA can be asked for if the council considers that the traffic impact of a proposed development merits such an investigation.</p>	Medium developments, or developments that may influence traffic or other emissions close to or within an AQMA; which also trigger any of the criteria specified in the latest IAQM/EPUK best practice air quality development control guidance (See Box 1)
Assessment Required	None (other than to assess new exposure in a location with a known risk of poor air quality)	<p>For road traffic emissions - None (other than to assess new exposure in a location with a known risk of poor air quality)</p> <p>For centralised energy or combustion process e.g. biomass boilers - Screening assessment followed by detailed modelling if considered necessary by our Environmental Health service.</p>	<p>For road traffic emissions - None (other than to assess new exposure in a location with a known risk of poor air quality)</p> <p>For centralised energy or combustion process e.g. biomass boilers - Screening assessment followed by detailed modelling if considered necessary by our Environmental Health service.</p>	<p>For Road traffic emissions - Air quality impact assessment required to quantify the change in local pollutant concentrations.</p> <p>Should also include a quantification of the net change in NO<sub>2</sub> and PM<sub>10</sub> emissions.</p> <p>As per minor and medium for centralised energy or combustion processes e.g. biomass.</p>
Mitigation (Section 5, page 17)	IAQM/EPUK Good practice design principles recommended (page 17, paras 38-44)	IAQM/EPUK Good practice design principles required	IAQM/EPUK Good practice design principles required	<p>IAQM/EPUK Good practice design principles required</p> <p>Will require offsetting of significant net increase in emissions through financial compensation by developer to fund additional mitigation measures (page 19, paras 46-47)</p>
Construction phase assessment/mitigation	Applicable to all development categories where not screened out - a demolition/construction phase impact risk assessment is required. Appropriate mitigation should be included in the construction management plan as recommended in the latest IAQM guidance i.e. based on the outcome of the risk assessment.			

**Box 1: Major Development Category – Indicative criteria for requiring an air quality assessment**

<i>The development will:</i>	<i>Indicative criteria to proceed to an Air Quality Assessment</i>
1. Cause a significant change in Light Duty Vehicle (LDV) traffic flows on local roads with relevant receptors (LDV = cars and small vans < 3.5t gross vehicle weight)	A change of LDV flows of: - more than 100 A ADT within or adjacent to an AQMA - more than 500 A ADT elsewhere
2. Cause a significant change in Heavy Duty Vehicle (HDV) traffic flows on local roads with relevant receptors (HDV = goods vehicles +buses > 3.5t gross vehicle weight)	A change of HDV flows of: - more than 25 A ADT within or adjacent to an AQMA - more than 100 A ADT elsewhere
3. Realign roads i.e. changing the proximity of receptors to traffic flows	Where the change is 5cm or more and the road is within an AQMA
4. Introduce a new junction or remove an existing junction to relevant receptors	Applies to junctions that cause traffic to significantly change vehicle accelerate / decelerate e.g. traffic lights or roundabouts
5. Introduce or change bus station	Where bus flows will change by: - more than 25 A ADT within or adjacent to an AQMA - more than 100 A ADT elsewhere
6. Have an underground car park with extraction system	The ventilation extract for the car park will be within 20m of a relevant receptor Coupled with the car park having more than 100 movements per day (total in and out)
7. Have one or more substantial combustion processes	Where the combustion unit is: - any centralised plant using bio fuel - any combustion plant with single or combined thermal input >300 kWh - a standby emergency generator associated with a centralised energy centre (if likely to be tested / used >18 hours a year)
8. Have a combustion process of any size	Where the pollutants are exhausted from a vent or stack in a location and at a height that may give rise to impacts at receptors through insufficient dispersion. This criterion is intended to address those situations where a new development may be close to other buildings that could be residential and/or which could be adversely affect the plume's dispersion by of their size and/or height.

IAQM/EPUK (2017) Land-Use Planning & Development Control: Planning for Air Quality; January 2017

## 5 MITIGATION OF AIR QUALITY IMPACTS

### Mitigating construction phase impacts

36. Appropriate mitigation measures for demolition and construction phase impacts should be assessed and recommended using the latest IAQM guidance. With correct implementation of site-specific mitigation measures the environmental effect should not be significant in most cases. These measures should be implemented and monitored via a site specific dust management plan at the construction site.

### Mitigation of development

37. Air quality impact assessments for individual developments often conclude that the development will have a very small/negligible impact on air quality, and therefore little mitigation is required as no significant impact is occurring.

38. Multiple small developments, despite having a small or negligible impact will however contribute to a cumulative impact or “creeping baseline”. The council is keen to avoid this creeping baseline, particularly at locations close to any existing air quality management areas (AQMA) in West Lothian where additional traffic is likely to lead to increased pollutant concentrations where the council has been focussing resources and measures on improving air quality.

39. The council is also keen to influence the take up of low emission technologies for both transport and energy production as these are the technologies of the future. As well as improving air quality, these low emission technologies will help Scotland reduce greenhouse gas emissions and achieve our climate change obligations.

40. To achieve this, we require that good practice design measures are implemented for all developments categorised as minor, medium or major (please refer to Table 1 for development category thresholds).

41. It is good practice to reduce emissions and exposure and to incorporate this into all except very small developments at the outset, and at a scale commensurate with the emissions.

42. The design of each development should take into account West Lothian Council’s Active Travel Plan and related Local Active Travel Network Plans (LATNPs) for settlements containing AQMAs. Furthermore, consideration should also be given to West Lothian Health Impact Assessment planning guidance.

43. The principles of good design and operational phases are in Box 2.

#### Box 2: Principles of Good Design

##### Design phase

- New developments should not contravene the council’s Air Quality Action Plan, or render any of the measures unworkable;
- Wherever possible, new developments should not create a new “street canyon”, or a building configuration that inhibits effective pollution dispersion;
- Delivering sustainable development should be the key theme of any application;
- New development should be designed to minimise public exposure to pollution sources, e.g. by locating habitable rooms away from busy roads, or directing combustion generated pollutants through well sited vents or chimney stacks.

## Operational phase

- Where off-street parking is provided for residential dwellings, one active ready to use electric vehicle charging point (7kW with a Type 2 connector) shall be provided per residential unit and located either in a garage or in close proximity to a dedicated car parking place within the driveway of the property and connected to the domestic electricity supply via a dedicated circuit.
- Where on-street parking is provided for residential dwellings, one active ready to use 'rapid' electric vehicle charging point (50kW with a CCS or CHAdeMO connector) shall be provided for every 20 non communal on street parking spaces in a development\*. Dedicated charging bays shall be physically identified for use by electric vehicles. In addition, each on street non communal parking bay shall be 'cable enabled' to include the installation of necessary groundworks/conduits/passive wiring and an electricity supply in order to facilitate the installation and operation of a charging point by occupants when the demand presents.

\* For the purposes of this calculation the number of parking spaces contributing to the figure of 20 excludes the communal element of the council's car parking standards. E.g. a development of 20 x 2 bedroom flats requires 150% parking provision (or 30 spaces) but only 100% (or 20 spaces) would count towards the rapid charger threshold.

- The provision of at least one active ready to use 'rapid' electric vehicle charging point (50kW with a CCS or CHAdeMO connector) shall be provided point per 1000m<sup>2</sup> of commercial floor space depending on the intended use of the car park spaces.
- Where development generates significant additional traffic, provision of a detailed travel plan (with provision to measure its implementation and effect) which sets out measures to encourage sustainable means of transport (public, cycling and walking) via subsidised or free-ticketing, improved links to bus stops, improved infrastructure and layouts to improve accessibility and safety.
- All gas-fired boilers to meet a minimum standard of <40 mg NO<sub>x</sub>/kWh.
- All gas-fired CHP plant to meet a minimum emissions standard of:
  - Spark ignition engine: 250 mg NO<sub>x</sub>/Nm<sup>3</sup>;
  - Compression ignition engine: 400 mg NO<sub>x</sub>/Nm<sup>3</sup>;
  - Gas turbine: 50 mg NO<sub>x</sub>/Nm<sup>3</sup>.
- A presumption should be to use natural gas-fired installations in densely populated urban areas
- Where biomass is proposed within an urban area it is to meet minimum emissions standards of:
  - Solid biomass boiler: 275 mg NO<sub>x</sub>/Nm<sup>3</sup> and 25 mg PM/Nm<sup>3</sup> (please note: meeting this emission standard does not override our requirement to conduct a biomass screening assessment (Section A.1.6, page 25)

(These suggested emission benchmarks represent readily achievable emission concentrations by using relatively common technologies. If necessary they can be bettered by using more advanced control technology and at additional cost over and above the 'typical' installation).

## Sustainable Transportation for commercial developments

44. For medium and large category commercial developments, additional sustainable transport measures may be required and which should relate to managing and minimising vehicle emissions. These measures are presented in Box 3.

### Box 3: Sustainable transport mitigations measures for medium and large developments with commercial use

- Designation of parking spaces for low emission vehicles
- Differential parking charges depending on vehicle emissions
- All commercial vehicles should comply with either current or previous European Emission Standards from site opening, to be progressively updated for the lifetime of the development
- Fleet operations should provide a strategy for considering and reducing emissions.
- Use of ultra-low emission vehicles.
- Production of travel plans to support sustainable travel to work by staff and by visitors / customers.
- Facilities provided to support walking and cycling to work for staff and visitors such as secure, covered cycle parking and showering and changing facilities

45. Design should take into account West Lothian Council's Active Travel Plan and related Local Active Travel Network Plans (LATNPs) for settlements containing AQMAs. Furthermore, consideration should also be given to West Lothian Health Impact Assessment planning guidance.

## Offsetting emissions

46. For major category developments that trigger specific criteria (as listed in Box 1). The council requires that the net change in emissions attributable to the proposed development is quantified and included in the air quality impact assessment report.

47. In addition to implementation of the good practice design principles; the council may specify a requirement for measures to offset emissions from the proposed development; this may be required if the impact of the development on air quality in the surrounding area is considered as unacceptable without additional off-site mitigation. Any planning obligations to include offsetting will be proportional to the nature and scale of development proposed and the level of concern about air quality at the locations affected.

## 6 FURTHER INFORMATION

48. This guidance aims to provide developers and their consultants with guidance regarding how West Lothian Council will consider air quality within the planning process. The council's Environmental Health service provides Development Management with specialist advice on air quality; to discuss technical matters associated with your development please contact Environmental Health at:

- Environmental Health: <https://www.westlothian.gov.uk/article/2216/Air-Pollution>

*The Air Quality SG has been written with the intention of it being statutory guidance once the LDP is adopted and the process to achieve this will be initiated at that time. In the interim, given that the guidance has been approved by the Council Executive, it will be operated as non-statutory which affords it a degree of materiality when determining planning applications.*

## APPENDICES

**Appendix A:** Technical Guidance for conducting air quality impact assessments

**Appendix B:** Air quality impact assessment evaluation checklist

### APPENDIX A:

#### TECHNICAL GUIDANCE FOR CONDUCTING AIR QUALITY IMPACT ASSESSMENTS

49. The aim of any air quality impact assessment is to either quantify existing air quality in an area to estimate exposure at proposed residential properties; and/or to estimate the effect on local air quality arising from increased emissions attributable to the proposed development.

50. Air quality impact assessments are technical exercises and difficulties can sometimes arise if there is no agreement on the methodology used. To avoid this, and to help minimise delays in the processing of planning applications, the council has outlined its preferred approaches that developers and their consultants should adhere to. This is based on a combination of the latest best practice guidance adopted across Scotland and the council's first hand knowledge of air pollution issues within West Lothian.

51. Developers or their consultants must consult the council's Environmental Health service on the proposed scope of the air quality impact assessment. This should ensure that the proposed method is considered appropriate prior to submission of the assessment report and should help avoid re-submission of further information being required. Failure to consult with Environmental Health may lead to delays in processing your application.

52. To assist developers with considering the scope of an air quality impact assessment, the council has provided a checklist which lists all of the elements that could be relevant; this will be used when evaluating the air quality impact assessment report. The checklist is presented in Appendix B.

#### A1.1 Other recommended sources of guidance

##### *Local Air Quality Management Technical Guidance LAQM.TG(16)*

53. The methods developed to support the Local Air Quality Management (LAQM process) in the UK are described in the [LAQM.TG \(16\) technical guidance](#). The council requires developers to use methods that are closely aligned with the TG (16) guidance (or the latest updated equivalent LAQM technical guidance) when undertaking air quality impact assessments. Of particular relevance to developers conducting air quality assessments are the sections in TG (16) on making emissions estimates, dispersion modelling including model verification and quantifying model uncertainty; and ambient monitoring.

54. When applying the methods in LAQM.TG (16) there is room for some variation in approaches to modelling; we set out our preferred approaches in this guidance document.

## *Environmental Protection UK and Institute of Air Quality Management (IAQM): Planning for Air Quality*

55. In recent years, the Environmental Protection UK (EPUK) Planning for Air Quality guidance has been widely accepted by Environmental Health practitioners, developers and their consultants as best practice guidance when considering air quality in relation to development. This guidance aims to ensure that air quality is properly accounted for in the development management process.

56. Currently, the latest version of the [Planning for Air Quality guidance](#), which was prepared collaboratively by the Institute of Air Quality Management (IAQM) and EPUK, was published in January 2017. Previous versions of the guidance were published in 2004, 2006, 2010 and 2015.

57. Developers should use the latest version of the EPUK/IAQM guidance when preparing air quality impact assessments, using the updated impact descriptors specified in Table 6.3 of the guidance (page 37, paragraphs 183-187). The council's requirements regarding mitigation of air quality are also based on those recommended in the current IAQM/EPUK guidance (Section 5, page 17).

### *IAQM Guidance on the assessment of dust from demolition and construction*

58. The latest (2014) publication of the [IAQM construction dust impact assessment guidance](#) has an emphasis on identifying the risk of air quality and dust soiling impacts from demolition and construction sites. The method identifies mitigation measures appropriate to the risk of impacts occurring at nearby sensitive receptors. With correct implementation of site-specific mitigation measures the environmental effect will not be significant in most cases.

## **A1.2 Pollutant monitoring**

59. In some circumstances, the council may require that ambient monitoring is undertaken to underpin air quality assessments. This may be required for verification of dispersion modelling results for road traffic emission assessments (page 34, paragraphs 157 - 160); or to quantify baseline pollutant concentrations in a location where there is a risk that other localised sources of emissions may mean that baseline concentrations are higher than the mapped background concentration. The recommended minimum period for a monitoring campaign to quantify annual average pollutant concentrations is three months, preferably six months. The results from short term monitoring periods should be adjusted to represent an annual mean concentration using the methods recommended in the [LAQM.TG \(16\) technical guidance](#).

60. To avoid delays, the council recommends that developers consult with its Environmental Health service early in the application process to determine if this will be required. A decision on the requirement for additional monitoring by the developer will be based on current council monitoring data availability and its relevance to the development site. The council undertakes monitoring at many locations, and it may be that existing monitoring can be used in an air quality assessment, but this should not be assumed. The council reserves the right to refuse acceptance of air quality assessment methods that do not include proper consideration of the requirement to conduct monitoring in advance.

### A1.3 Construction Phase risk/impact assessment

61. Air quality impacts that may arise during demolition and construction activities are:

- Dust deposition, resulting in the soiling of surfaces;
- Visible dust plumes, which are evidence of dust emissions;
- Elevated PM10 concentrations, as a result of dust generating activities on site; and
- An increase in concentrations of airborne particles and NO<sub>2</sub> due to exhaust emissions from diesel powered vehicles and equipment used on site (non-road mobile machinery) and vehicles accessing the site

62. The requirement for a demolition/construction phase impact risk assessment will be based on risk of the impacts listed above occurring, using a simple screening test which considers proximity of the site to nearby residential properties or other sensitive receptors (the screening criteria are presented in Box 4).

63. Developers should consult with the council's Environmental Health service to confirm the outcome of the simple screening test. When a construction phase risk assessment is required we recommend using the method described in the latest IAQM best practice guidance on assessing the risk of air quality and dust soiling impacts.

64. The construction phase assessment should recommend appropriate mitigation measures based on the sensitivity of the surrounding area; and the risk of the proposed demolition and construction activities leading to dust emissions. These measures should then be implemented and monitored via a site specific dust management plan at the construction site.

#### Box 4: Screening Criteria for construction phase risk/impact assessment

A demolition/construction phase risk/impact assessment will normally be required where there is:

- a 'human receptor' within:
  - 350 m of the boundary of the site; or
  - 50 m of the route(s) used by construction vehicles on the public highway, up to 500 m from the site entrance(s).
- an 'ecological receptor' within:
  - 50 m of the boundary of the site; or
  - 50 m of the route(s) used by construction vehicle on the public highway, up to 500 m from the site entrance(s).

## A1.4 Operational phase air quality assessments

65. There is no single method for conducting an air quality impact assessment of the operational phase of a proposed development robustly; the chosen method should be appropriate to the size and nature of the development.

66. For some developments screening models may be acceptable; in other cases, more detailed dispersion modelling will be required. Any air quality assessment undertaken must demonstrate how a development would affect pollution concentrations in relation to the health based statutory air quality standards and objectives applicable in Scotland. Impact descriptors should correspond with those recommended in the latest EPUK/IAQM Planning for Air Quality Guidance.

67. Developers or their consultants must consult with the council's Environmental Health service on their proposed approach prior to conducting the air quality impact assessment. This should ensure that the proposed method and approach is considered appropriate prior to submission of the assessment report and should help avoid re-submission of further information being required. This technical guidance aims to reduce the scope for inconsistency within these assessments.

68. [Section A.1.6](#) (page 25) of this guidance provides information on different types of screening assessments.

69. [Section A.1.7](#) (page 26) of this guidance provides detailed information regarding air quality assessments where atmospheric dispersion models are used.

### *Overview of typical approach to air quality impact assessment*

70. The basis of an impact assessment should be to compare the air quality following completion of the development with that expected at that time without the development (the future 'baseline'). Comparison with existing conditions (current baseline) will also be required. There are three basic steps in an assessment:

1. Assess the existing air quality in the study area (existing baseline);
2. Predict the future air quality without the development in place (future baseline which may or may not include the contribution of other nearby committed developments);
3. Predict the future air quality with the development in place (with development) i.e. future baseline + other committed/consented developments + proposed development

71. The predicted impacts of the development are then described using a consistent approach as detailed in the latest EPUK/IAQM best practice guidance.

### *Other committed developments*

72. The impact of other consented or committed developments should be included when calculating future baseline air quality. This is particularly applicable at development sites which are part of a wider strategic land allocation.

73. Transport assessments for proposed developments, particularly in areas allocated for wider development, typically include the impact of traffic attributable to other committed developments. Where available, projected future traffic flows attributable to other committed developments should be included in calculations when modelling the future baseline air quality and future 'with development' scenario.

74. Where information on other committed developments is not immediately available in a Transport assessment, consultation with the council's Planning Services and Environmental Health service will identify if any other committed developments should be included in the future baseline calculations.

75. Committed development may also apply to point source emissions such as biomass combustion or CHP plant; consultation with the council's Planning Services and Environmental Health service will identify if any other energy plant point sources are planned within the area of interest.

### *Pollutants to be considered*

76. Typically, when assessing the operational phase of the most common types of development NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> should be assessed. This includes developments that will influence or be influenced by road traffic, and combustion sources including biomass boilers.

77. For industrial or waste management processes, other pollutants may need to be assessed. Developers or their consultants must check with the council's Pollution Control team to determine which pollutants should be included in the assessment e.g. sulphur dioxide (SO<sub>2</sub>), carbon monoxide (CO) and poly aromatic hydrocarbons (PAH).

## **A1.5 Treatment of background concentrations**

78. Background pollutant concentrations can be accessed from either nearby representative background monitoring sites; or more commonly from national background mapping provided by the Scottish Government.

79. West Lothian Council does currently operate a small number of urban background NO<sub>2</sub> diffusion tube monitoring sites. Developers or their consultants can initially look at the council's latest LAQM review and assessment report to identify if there is nearby representative background monitoring; and then consult with our Pollution Control team to agree if the site location and data quality is considered suitably representative of background NO<sub>2</sub> concentrations for an air quality impact assessment.

80. Where relevant measured background data is not available for a given location the council recommends using the national background mapping in the assessment. Background maps are provided by Scottish Government that estimate concentrations of air pollutants at 1 km<sup>2</sup> resolution for the whole of Scotland. Background maps are also produced by Defra covering the entire United Kingdom, these may be updated prior to the Scotland specific maps.

81. Mapped background concentrations are the outputs of a national scale pollution model and are therefore an area where the evidence base is periodically updated. The council expects the method of deriving background concentrations to be agreed in advance of use in modelling.

82. The council also recommends being familiar with the [background maps users guide](#) (current version referenced). These datasets are also useful in that the relative contribution from various source sectors to the total background are provided. Care should be taken when using the background maps to avoid double counting of specific source sectors e.g. local A-class roads.

83. The impact assessment report should clearly provide the co-ordinates of the grid square used. Treatment of background concentrations should be agreed with the council prior to completion of any assessment.

84. It is important that the background mapped values are not used to characterise existing air quality at resolution higher than 1km<sup>2</sup> near important sources (i.e. existing concentrations arising as a result of the background contribution plus traffic or other emissions sources) as they are not intended for this purpose. For instance, the background mapped value is not appropriate to use as a baseline at roadside locations unless the roads in question are included as sources in the dispersion modelling.

85. It will be noted that evidence has emerged recently regarding real world NO<sub>x</sub> emissions from diesel vehicles and how these differ from the projected vehicle emission factors and traffic emissions data used to derive the Defra and Devolved administrations pollutant background maps. The council is currently adopting a precautionary approach when considering future projections of NO<sub>x</sub> emissions from road traffic. The council require future year background concentrations to be the same as in the year used for model verification i.e. the latest year when pollution measurements are available, so no reduction in background concentrations should be assumed. Page 32, paragraphs 144 -146 gives more information. This is applicable to both NO<sub>x</sub> and particulate concentrations at this time until further evidence is available. Please consult with the council's Pollution Control team if you are proposing an alternative approach.

### A.1.6 Screening Assessments

86. Screening assessments are conducted using basic models with limited input parameters, they are primarily designed to quickly determine if a development can be 'screened' out as having no significant impact or if a more detailed assessment is required.

#### *Screening point source industrial and biomass emissions*

87. The "Planning tool" sheet of the "biomass unit conversion screening tool" spreadsheet is a screening model currently available for estimating maximum annual mean ground level concentrations from both industrial and biomass point source emissions. It is currently available to download from the [IAQM website](#).

88. A biomass screening assessment will be conducted by officers from the council's Pollution Control team as part of the application process for this type of combustion plant. The screening assessment may identify a requirement for the applicant to conduct a more detailed dispersion modelling assessment.

89. Some proprietary simplified dispersion screening models are also available e.g. ADMS-Screen and Lakes Screen view. The USEPA also provides a free screening model AERSCREEN which produces estimates of "worst-case" 1-hour concentrations for a single source. Screening models usually do not require hourly meteorological data so can save time and money when conducting an initial assessment of a point source emission. These screening models can be used to indicate if further more detailed dispersion modelling is required. Please consult with the council's Environmental Health service during pre-application discussions if you are considering use of a screening model for an air quality impact assessment.

#### *Screening the impact of road traffic emissions – DMRB*

90. The Design Manual for Roads and Bridges (DMRB) screening method is widely accepted in the UK for simplified air quality impact assessment of road traffic emissions. Being a screening method, it does however have its limitations and may not be suitable for all circumstances. The latest version of the DMRB was released in 2007; the vehicle emission factors are therefore fairly outdated. An updated version of the model is in preparation and the council expects that this version is used when it is available.

91. Modelling carried out with a screening model of any kind should still include model verification using local NO<sub>2</sub> measurements (Converted to Road NO<sub>x</sub> see page 34, paragraphs 159 - 169) and where available PM<sub>10</sub> measurements. If a developer wishes to use a screening model they should justify this approach in writing to seek agreement with the council, providing information regarding the screening model's suitability for assessing the potential impact of the proposed development.

## A1.7 Detailed dispersion modelling

92. In comparison to screening models, local scale atmospheric dispersion modelling utilises more detailed meteorological data, emissions data and site specific topographical parameters.

93. The council considers that the use of a dispersion model is appropriate in almost all cases for developments classified as major (see development categories in Table 1), or those developments proposed in areas where air quality is approaching or exceeding the relevant air quality standards or objectives.

94. There are various dispersion models that can be used for air quality assessments; the council requires that the chosen model is agreed with its Pollution Control team in advance of conducting the assessment. Generally speaking, the model must be appropriate for the application and should be able to account for the conditions in and around the study area.

### *Model input data and reporting requirements*

95. The air quality impact assessment report submitted should provide a full and transparent account of the modelling undertaken. It should also include details of all assumptions made and the input data used.

96. The council will be guided by the principle that all reports should include the necessary information such that, if required, it could re-run the model itself or pass to a third party expert for technical review given the input data/input files provided. The council requires that model input and output files are prepared in such a way as to facilitate provision to it in addition to the impact assessment report. The council reserves the right to re-run the modelling using provided input files, developers and their consultants should bear this in mind when preparing their modelling studies.

### *Modelling of point source emissions*

97. Whilst the suggestions below are provided as a guide applicants, the council nevertheless requires all methods to be agreed in advance and in writing. In cases where this is not done the council reserves the right to refuse to consider the assessment.

98. It is recognised that model verification is not normally possible for non-road sources; when modelling point source or flue emissions you should account for potential model or emissions data error by using conservative/worst case model assumptions.

### *Model choice*

99. The most widely used detailed local scale dispersion models appropriate to point source emissions are ADMS and AERMOD. When modelling the impact of stack emissions, the council expects that the model will be able to account for issues such as building downwash, variable surface roughness and terrain, particularly where a model domain is quite large.

### *Input data and emission calculations*

100. Since the predicted impact at a given location is proportional to the emission rate modelled from any given source; it is important that the emissions data used are based on the best available information about the emission source and have been calculated correctly. The council will not condone an applicant choosing the lowest emission rate or factor for their source from those available and it reserves the right to require re-modelling under such circumstances.
101. For point source assessments the developer should outline the source of the emissions data used. This could be derived from plant manufacturer data, or from measurements at other similar plant.
102. If no such data is available, the developer may have to use emissions factors from the National Atmospheric Emissions Inventory (NAEI) or other libraries of emissions factors (such as the EMEP/EEA air pollutant emission inventory guidebook or the USEPA AP-42 datasets).
103. Whichever data source is used; the impact assessment report must clearly reference the data source/s, and the reason for choosing the emissions dataset used. If possible, the developer should discuss the uncertainties in the emission factor, for example the USEPA AP-42 dataset includes a “rating” which indicates the quality of the emission factor.
104. Plant manufacturers often present emissions data at “standard” or “normalised” conditions, that is for a given temperature, oxygen percentage and moisture content (e.g. in mg/Nm<sup>3</sup>). It is therefore essential to correct to actual conditions at the point of release (e.g. in mg/m<sup>3</sup>) and provide all calculations in the submitted report. The council requires that all emissions and stack gas correction calculations are presented in submitted reports so that it may check their accuracy (this will mainly involve calculations that make that stated corrections for moisture, O<sub>2</sub> and temperature).
105. If using manufacturer’s technical specifications to derive pollutant emission rates, pollutant concentrations and flue gas volume flow rates at both standard and actual conditions should be included in the impact assessment report. A copy of the technical specification information should be appended to the impact assessment report.
106. In the absence of manufacturer’s plant specific data in the UK the [“Emissions” tab of the “biomass unit conversion screening tool”](#) spreadsheet can be used to estimate emissions. However, it is suggested that this is only appropriate in cases where the applicant demonstrates that emissions data is not available from preferred sources (this should hardly ever occur for modern plant which will probably have emissions testing certification available from type approvals). If this tool is used, the outputs of the spreadsheet should be included in the impact assessment report.

## *NO<sub>x</sub>/NO<sub>2</sub> chemistry for point source emissions*

107. Guidance issued by the [Environment Agency for England and Wales](#) provides a conservative phased screening approach to assessing worst-case NO<sub>2</sub> emissions- this guidance is also widely accepted in Scotland. As a first phase of the screening approach, 50% of NO<sub>x</sub> emitted is considered to be NO<sub>2</sub> for the calculation of short-term NO<sub>2</sub> concentrations and 100% of NO<sub>x</sub> emitted is considered to be NO<sub>2</sub> for the calculation of long-term NO<sub>2</sub> concentrations. If predicted concentrations are below the objective levels, then no further assessment is required. If the predicted concentrations are above the objective level, then the guidance recommends that 35% and 70% can be used for assessing the short and long term objectives respectively. Additional guidance is provided for circumstances where predicted concentrations at receptors are above the objective level using the 35% and 70% approach.

108. As a worst-case approach, the council recommends that this method is used when assessing NO<sub>2</sub> concentrations influenced by point source emissions. Any deviation from this method should be discussed with the Pollution Control team.

## *Meteorological data*

109. For detailed dispersion modelling of point source emissions, the council requires at least 5 years of hourly sequential meteorological data be used. The model should be run separately for each year and the worst case year dataset should be identified and used to calculate the impact of the proposed flue emissions. A sensitivity analysis of inter-year variability in meteorological conditions should be provided in the report.

110. The choice of meteorological station should be included when consulting with the council's Pollution Control team on the scope of the air quality impact assessment. A description of the meteorological data used should be included in the impact assessment report; the data must meet accepted quality standards as described in the TG(16) guidance. Applicants should provide metrics describing missing data in their meteorological inputs and how these were addressed in the work. The council recommends that where data filling is necessary applicants use the methods outlined by the USEPA (usually this involves interpolating over small gaps of a few hours, and using substitution from another site where necessary). Meteorological data vendors can provide this information readily or applicants can derive this themselves when they source their own met data. It is worth noting that cloud cover data can be sporadic in Scotland and the common dispersion models do not make calculations for hours where it is missing so care should be taken to account for missing cloud data properly.

111. Other meteorological model input parameters that should be included in the impact assessment report are the surface roughness at both the dispersion site and meteorological measurement site; and minimum Monin-Obukhov length used.

### *Buildings and stack dimensions*

112. The ADMS and AERMOD dispersion models both contain an option to model algorithms that account for building downwash effects. Nearby buildings (within five stack heights from the stack; and with a height of more than one third of the stack height) can affect the dispersion of emissions from a stack. The main effect can be to increase concentrations in the immediate vicinity of the building, while reducing concentrations further away.

113. The physical characteristics of any stack or stacks and the site buildings should be provided. This should include as a minimum the chosen stack height (or range of heights), stack width, building co-ordinates and dimensions. A map should be included in the impact assessment report that shows the location of the stack and nearby buildings.

114. Flue or stack height should be at least 3m above the ground and any adjacent area to which there is general access and opening windows or ventilation air inlets within a distance of five flue heights. Flue or stack height should also be at least 3m above any opening windows or vents within a distance of five flue heights.

### *Treatment of terrain and topography*

115. The requirement for terrain effects to be modelled should be determined on a case by case basis. Generally speaking, if the model domain does not include gradients of more than 10% then inclusion of terrain effects is not recommended. For large point sources, it is more likely that terrain will have to be included due to the typically longer range impacts that can cover areas with different terrain characteristics.

### *Rain cap correction*

116. Emissions from flues with rain caps have little or no initial vertical velocity. Plume rise calculations in most dispersion models (including ADMS and AERMOD) take into account both rise due to vertical momentum of the plume as it leaves the stack and the thermally derived buoyancy of the plume.

117. Using the standard model set-up when modelling emissions from a flue fitted with a rain cap may result in over-prediction of plume rise, and resulting under-prediction of ground-level concentrations.

118. One approach to alleviating this problem is to modify the source input parameters to minimize the effects of momentum while leaving the buoyant plume rise calculations unchanged. The U.S. EPA outlines such an approach in its Model Clearinghouse Memo 93-II-09(20) which has now been adopted in various other international guidance documents on dispersion modelling.

119. This approach is to reduce the stack gas exit velocity to 0.001 m.s<sup>-1</sup>, and calculate an equivalent diameter so that the buoyant plume rise is properly calculated. To do this, the stack diameter is specified to the model such that the volume flow rate of the gas remains correct.

120. In the case of vertical flues with rain caps, there will be frequent occurrences of stack tip downwash; however, the effect of the stack tip downwash (reduction of the plume height by an amount up to three times the stack diameter) may be underestimated in the model. This can be corrected, somewhat conservatively, by turning off the stack tip downwash calculations in the model and lowering the specification of the stack height by three times the actual stack diameter (the maximum effect of stack tip downwash).

121. It should be noted however that when modelling emissions from flues with rain caps, very low exit velocities can cause issues with the model operation. As a result the guidance recommends using an exit velocity of 0.1 m.s<sup>-1</sup>. This exit velocity still effectively eliminates momentum flux and can produce parameters that will not impede model execution.

### *Time-varying emissions*

122. For industrial or biomass flue emissions a precautionary/worst-case approach is recommended i.e. that emissions are modelled at the same rate 24 hours per day, seven days a week, all year.
123. If an assessment carried out in this way predicts exceedances of either the annual mean or respective short-term mean air quality objectives (with an important contribution from the new source) a more flexible time varying approach may be appropriate.
124. For installations with an operating profile that can be modelled discretely (i.e. emissions switching on and off at certain times) applicants should be aware that the council may seek to establish a planning conditions that limits operation to hours whose impacts are evidenced in the modelling. In such instances we would suggest preparing a model with accurate operating conditions with reasonable safety factors included to provide for some flexibility- e.g. modelling additional hours around the known plant operating cycle.
125. Any assumptions with respect to time varying emissions should be clearly stated within the impact assessment report.

### *Model output area/domain (Point source emissions dispersion modelling)*

126. The model domain should include the area likely to be affected by the proposed emission source and should cover locations where human exposure is present.
127. Model results should initially be presented as detailed contour plots of predicted pollutant concentrations. Ideally the receptor grid spacing (modelled concentration at which will be interpolated to produce pollutant contour plots) should not be more than five metres to ensure reasonable spatial resolution which helps reduce uncertainty when interpreting pollutant contours.
128. Following production of pollutant contours which will identify the location where the highest ground level impact will occur; more accurate model predictions should be modelled at worst case discrete receptor locations. Examination of the detailed contour plots will identify the worst case locations where residential properties or other sensitive receptors may be present e.g. schools, hospitals or nursing homes. Model receptors should be placed at the façade of buildings closest to the emission source. The use of accurate mapping e.g. OS Mastermap which shows accurate building footprints, or geo-referenced aerial photography can help with this.
129. Comparison of the modelled concentrations with and without the proposed development at worst case receptor locations will allow a maximum magnitude of change to be calculated and impact descriptors derived. (Further information on impact descriptors is presented in page 37, paragraphs 183 - 189).
130. In some cases, where the population density is sparse, it may be most appropriate for the assessment to only predict concentrations at a number of carefully selected receptors rather than include pollutant contours as well. All receptor locations should be presented on an appropriately scaled Ordnance Survey map.
131. In the case of buildings, developers may need to consider the vertical as well as the horizontal dispersion of pollutants in terms of model outputs. Developers should consider the surrounding environment of the development. Any high level point sources, such as chimney stacks or ventilation outlets should be identified to ensure that the proposed development does not encroach upon the plume dispersion.
132. Please consult with the council's Pollution Control team regarding receptor locations in advance of conducting an air quality impact assessment.

## *Modelling of road traffic emissions*

133. Whilst the suggestions below are provided to guide applicants, the council requires all methods to be agreed in writing in advance. In cases where this is not done it reserves the right to refuse to accept the assessment in the first instance.

### *Model choice*

134. Typical examples of atmospheric dispersion models used for road traffic emissions in the UK are ADMS-Roads and ADMS-Urban, and less commonly the USEPA Caline group of models (available commercially in the Breeze Roads package or in freely available command line driven applications). Depending on local circumstances, when modelling road traffic emissions, the council may require that the chosen model can account for the presence of street canyons and queuing traffic.

135. Details of the model and version number used should be included in the assessment report.

136. The council requires that all dispersion models of road traffic emissions are verified using appropriate local roadside pollutant measurements (which may have to be taken by the applicant). Further information on model verification is presented on page 34, paragraphs 157 - 160.

### *Transport assessment data*

137. For larger developments it is common to prepare a transport assessment (TA). Where a TA has been prepared, modelled or predicted development traffic flows in the TA should generally be used as the basis for the calculation of 'with development' emissions.

138. Important note: The TA will require approval by West Lothian Council. Should the TA not be approved, there is a risk that an air quality assessment that has already been undertaken may become obsolete if the traffic proposals change significantly.

139. For smaller developments where a Traffic Assessment is not required and the air quality assessment is concerned with assessing exposure only (i.e. introducing future occupiers into a location with poor air quality); the data source for baseline traffic flows and fleet split; and the method used to calculate baseline traffic growth should be included in the assessment report.

140. Any assumptions used to calculate average annual daily traffic AADT from peak hour traffic count information should be included in the air quality impact assessment report.

### *Emissions data – Road Traffic*

141. All road traffic data used to calculate vehicle emissions rates should be included in the air quality impact assessment report along with a reference to the data source. Any assumptions made regarding speed and treatment of slowing traffic at junctions should be clearly outlined as these are primary determinants of traffic emissions in an urban setting.

142. Emission rates should be derived for the roads in question using an emissions model appropriate for use in the UK. Our current preferred method is to calculate emissions using the latest version of the [Emissions Factors Toolkit](#) (EFT). Some dispersion models contain built in emissions factors; care should be taken to ensure the emission factors used are up to date. The EFT spreadsheet is often updated months in advance of proprietary dispersion models.

143. If other emission data is needed for specific situations, for example to represent queuing or cold starts, the methods outlined in LAQM.TG(16) should be used. Applicants should be able to provide any emissions calculations on request and the council may request copies of the EFT used in the assessment or model input files if internal emission factors are used.

### *Future year road traffic emission projections*

144. A body of evidence has emerged recently regarding real world NO<sub>x</sub> emissions from diesel vehicles; and how these differ from the projected vehicle emission factors and traffic emissions data used to derive the Defra and Devolved administrations pollutant background maps.

145. The [LAQM.TG\(16\) guidance](#) also recommends that where existing forecasting of vehicle emission rates information is used for decision making or Review and Assessment and Action Planning work, local authorities may wish to take account of the emerging findings on the performance of different vehicle types, the performance of Euro standards overall, and the expected effect on forecast background concentrations.

146. Based on the emerging evidence, the council is currently adopting a precautionary approach when considering future projections of NO<sub>x</sub> emissions from road traffic. The council requires future year traffic emissions to be calculated using the same year emission factors as used for model verification i.e. the latest year when pollution measurements are available. This also applies to future year background concentrations in that no reduction in background concentrations should be assumed. This conservative approach is already used in many air quality impact assessments and should provide worst case impact descriptors when assessing any proposed development. This is applicable to both NO<sub>x</sub> and PM<sub>10</sub> concentrations at this time. Please consult with the council's Pollution Control team if you are proposing an alternative approach. *Please note:* The council does not require this worst case approach to be used when calculating a net change in emissions for offsetting purposes (see Table 1, page 15).

### *Time-varying emissions*

147. Traffic flows and speeds, and hence emissions, vary throughout the day. If appropriate, emissions from vehicles should vary within the model, by time of day and by day of week. Where possible, time-varying traffic movements should be based on diurnal flow profiles measured using local automatic traffic count data. Where no local diurnal traffic flow profile has been measured, the use of published [national statistics](#) on traffic distribution can be used e.g. the [TRA03 Road traffic statistics tables](#), produced by the Department for Transport.

148. The additional emissions that arise during traffic congestion should always be properly addressed in the assessment; it is suggested using a time varying emissions file in a road source dispersion model.

### *Treatment of terrain and topography*

149. An important consideration when modelling road sources is the potential presence of street canyons which can greatly reduce the rate of dispersion of vehicle emissions. The council therefore recommends that any roads dispersion model used has the capability to model street canyons. In instances where an alternative road dispersion model cannot model street canyons explicitly, there may be methods available to cope with this. For example, when verifying the model, it could be appropriate to use different adjustment factors for locations inside canyons than those lying outside of canyons. How street topography has been modelled should be fully described in the assessment report.

150. Care should be taken when modelling canyons using ADMS Roads or ADMS Urban. Due to the way that the canyon model works, placing a receptor out-with the canyon will mean that the modelled concentration is much lower than when the receptor is placed within the canyon. This is a common issue with setting up ADMS Roads which often becomes apparent when verifying model results.

### *Road gradients*

151. Hills with gradients may slow traffic significantly. As vehicles start to climb the hill, the power demand from the engine will increase, hence vehicle emissions will increase. However, for vehicles going downhill, the opposite occurs and emissions decrease.

152. A method to derive the change in vehicles emissions attributable to a vehicle ascending or descending a hill is described in the TG(16) technical guidance document TG(16) (page 30, paragraphs 126 - 132). The guidance recommends that for passenger cars and light diesel vehicles (LDVs) normal speed related emission factors should be used, taking into account that the average speed on the hill section may differ to that on the flatter sections.

153. For heavy diesel vehicles (HDVs) there are larger and more significant changes in emissions when ascending and descending a hill. Equations have been derived to calculate how gradients change emission rates; the equations are based on relationships developed from fitting speed related emission factors in the EMEP Corinair Emissions guidebook for gradients of +2%, +4% and +6%.

### *Meteorological data*

154. For traffic based air quality assessments, the council requires that the most recent year of hourly sequential meteorological data available will be used; and that it should match the most recent year of air quality measurement data and traffic data used in the assessment; i.e. all datasets should describe the same period. A single year of met data is appropriate for traffic based assessments. A description of the meteorological dataset used should be included in the impact assessment report; the data must meet accepted quality standards as described in the TG(16) guidance.

155. As when modelling point source emissions, the other meteorological model input parameters that should be included in the impact assessment report are the surface roughness at both the dispersion site and meteorological measurement site; and minimum Monin-Obukhov length used. It is unlikely that the meteorological and dispersion sites will share the same values for parameters like surface roughness length and Monin-Obukhov length and failure to represent this can substantially affect model outputs. Therefore, applicants should carefully apply relevant parameterisations to account for this.

156. The choice of meteorological station should be included when consulting with the council's Pollution Control team on the scope and method of assessment.

### *Model Verification (Road traffic dispersion modelling)*

157. Dispersion modelling results are subject to uncertainty. The LAQM.TG(16) guidance explains that predicted results from a dispersion model may differ from measured concentrations for a large number of reasons:

- Estimates of background concentrations;
- Meteorological data uncertainties;
- Uncertainties in source activity data such as traffic flows, stack emissions and emissions factors;
- Model input parameters such as roughness length, minimum Monin-Obukhov; and overall model limitations; and
- Uncertainties associated with monitoring data, including locations.

158. Model verification is the process by which these uncertainties are investigated and where possible minimised by refining the model inputs. The differences between modelled and monitored results are likely to be a combination of all of these aspects.

159. For road traffic emission assessments, the council requires that the model results are verified using appropriate local road side NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> air quality measurements. Model verification should closely follow the methods described in LAQM.TG(16) and information on model verification should be included in the air quality impact assessment report.

160. The council recommends that the proposed approach to model verification and the monitoring data that will be used is discussed with the council's Pollution Control team prior to conducting the air quality impact assessment. This should outline the monitoring sites that will be used (if any) and also whether any additional monitoring will be carried out (with locations) that will be used for verification purposes.

#### ***Pollutant monitoring used to verify the model results***

161. In locations where roadside PM<sub>10</sub> or PM<sub>2.5</sub> measurements are not available, it is possible to verify the model results using roadside NO<sub>2</sub> measurements. Please consult with the council's Pollution Control team regarding which measurements sites should be used for model verification and if using NO<sub>2</sub> measurements alone will be acceptable.

162. In locations where no roadside NO<sub>2</sub> or PM<sub>10</sub> measurements are available, it may be appropriate to model and verify road traffic emissions at a suitable nearby proxy monitoring location. The aim being to demonstrate that the dispersion model has adequately predicted pollution concentrations in a similar urban environment, preferably within a short distance of the locality where the development is proposed.

163. In locations where there is no suitable roadside NO<sub>2</sub> monitoring or suitable nearby proxy site; the council may require measurements to be conducted as part of the air quality impact assessment. This will particularly relevant at locations where there is a risk of introducing new human exposure at a location where there is a risk of poor air quality e.g. proposed residential properties next to a busy road where there are no nearby measurements. More information on our preferred approach to monitoring: page 21, paragraphs 59 - 60.

***Important note: Please verify road dispersion models using modelled vs measured Road NO<sub>x</sub> (not NO<sub>2</sub>)***

164. When modelling NO<sub>2</sub> for road traffic air quality impact assessments, our preference is that the model should be verified based on the predicted NO<sub>x</sub> contribution from the traffic versus the measured road NO<sub>x</sub>. The model should not be verified by comparing modelled vs measured NO<sub>2</sub> concentrations.

165. This corresponds with the approach recommended in the LAQM.TG(16) guidance and in our opinion represents current best practice; the council has presented an extract from the guidance in Box 5 which explains why this represents a more robust approach than comparing modelled with measured NO<sub>2</sub> concentrations.

166. This approach means that the dispersion model should calculate annual mean NO<sub>x</sub> concentrations rather than annual mean NO<sub>2</sub> concentration. NO<sub>x</sub> to NO<sub>2</sub> chemistry should therefore be calculated externally to the dispersion model using the latest version of the [Defra NO<sub>x</sub> to NO<sub>2</sub> calculator spreadsheet](#). Measured road NO<sub>x</sub> can also be estimated using the Defra NO<sub>x</sub>:NO<sub>2</sub> calculator, whereby a representative NO<sub>x</sub> background is subtracted from the measured value.

#### Box 5: Importance of an Approach to Verifying Modelled NO<sub>2</sub> Concentrations from Road Traffic

There are two important reasons why initial verification of the model output should be based on the source contribution to NO<sub>x</sub>, rather than the total NO<sub>x</sub> concentration (i.e. source plus background NO<sub>x</sub>) or the NO<sub>2</sub> concentration alone:

- The contribution of source NO<sub>x</sub> to total NO<sub>x</sub> (including the background NO<sub>x</sub>) is often small. If the source and background NO<sub>x</sub> values are added together, the effect will be to 'smooth' the performance of the model, and any adjustment of the model output based on the verification study will be weighted towards the background assumptions.
- The annual mean NO<sub>2</sub> to NO<sub>x</sub> relationship is relatively flat in the principal region of interest (i.e. around the 40 µg.m<sup>-3</sup> objective). Relatively large changes in NO<sub>x</sub> around this region may result in only small changes in predicted NO<sub>2</sub> levels. Again, the effect is to 'smooth' the model performance.'

167. When reporting results, any model adjustment required to improve agreement with local measurements should be documented in the air quality impact assessment report. Reporting of model verification should also include a scatter plot showing the spread of modelled vs measured Road NO<sub>x</sub>; and a scatter plot showing modelled vs measured Total NO<sub>2</sub> following model adjustment and conversion of Road NO<sub>x</sub> to NO<sub>2</sub> annual mean values. This will provide us with an indication of the overall model performance and any clear outliers that may indicate poor model performance at a specific location.

168. Model verification and adjustment should not be carried out without first investigating errors and uncertainties in the model set up. In cases where large Road NO<sub>x</sub> adjustment factors are required, say greater than two, commentary on the steps taken to investigate potential reasons for the under prediction should be included in the impact assessment report.

LAQM.TG(16) recommends the following check when refining model set-up.

- Checks on traffic data
- Checks on road widths;
- Checks on distance between sources and monitoring as represented in the model – i.e.
- Consideration of speed estimates on roads in particular at junctions where speed limits are unlikely to be appropriate;
- Consideration of source type, such as roads and street canyons;
- Checks on estimates of background concentrations; and
- Checks on the monitoring data.

**Important note: Please include a quantification of model uncertainty/error in the impact assessment report**

169. The impact assessment report should contain an estimation of model uncertainty where it has been possible to verify the model against several local measurements. Estimation of model error is more difficult for PM10 assessments due to the usual scarcity of measurements, therefore the council recommends using NO<sub>2</sub> measurements from multiple sites to characterise model error in most cases.

170. Where sufficient local NO<sub>2</sub> measurements are available, the air quality impact assessment report should characterise the uncertainty in the model using the methods outlined in LAQM.TG(16).

171. The Root Mean Square Error (RMSE) of the model is reasonably straightforward to calculate and gives a good indication of the likely variation in model predictions. An RMSE within 10% of the air quality objective should be demonstrated; for annual mean NO<sub>2</sub> concentrations, this is an RMSE of less than 4 µg.m<sup>-3</sup>. The council expects that RMSE will be calculated for all modelling studies submitted to us, with full justification of alternative error metrics used should this not be possible.

172. As advised in LAQM.TG(16), in addition to quantifying model uncertainty, it is stressed that it is important to check that a model is performing well where measured concentrations are greatest, or where they may be close to the relevant air quality objective.

173. For example, a model may over-predict at locations in a study area where the lowest concentrations have been measured, but under-predict at locations where higher concentrations were measured; the model has an average error of less than 10% of the air quality objective so does appear to be performing well. This demonstrates that the average performance of a model is not necessarily a good description of how representative the results are at all locations. Reporting of model verification in support of planning applications should therefore demonstrate that the model is performing well at the locations where the highest concentrations have been measured.

174. The characterisation of error is an important inclusion in any modelling study. The council reserve the right to refuse acceptance of modelling results that do not have an associated discussion of error or sufficient justification for not including it.

### *Model output area/domain (Road traffic dispersion modelling)*

175. The model domain for a roads type air quality impact assessment the model domain should cover locations where human exposure is or may be present, and traffic flows are likely to be changed by the development.

176. To provide an accurate comparison of modelled pollutant concentrations for the development scenarios tested; pollutant concentrations should be modelled at discrete receptor locations. Comparison of the modelled concentrations with and without the proposed development at worst case receptor locations will allow a maximum magnitude of change to be calculated and impact descriptors derived. Further information on impact descriptors: page 37, paragraphs 183 - 189.

177. Model receptors should be located at the façade of buildings closest to the roads being modelled. The use of accurate mapping e.g. OS Mastermap which shows accurate building footprints, or geo-referenced aerial photography can help with this. Lower accuracy mapping such as the Ordnance Survey OS Opendata mapping does not always provide accurate building footprints. To enable accurate receptor placement in the absence of accurate mapping or geo-referenced aerial photography; building façade distances from the road centreline can be measured using freely available spatially referenced aerial photography e.g. Google Earth.

178. In addition to accurate model predictions at a selection of worst case receptor locations, future year model results can be presented as detailed contour plots of predicted pollutant concentrations. Displaying the results using contour plots can be useful when assessing the likelihood of introducing new human exposure into a location where there may be poor air quality, in that it will provide a good indication of the spatial variation in predicted pollution concentrations and any potential locations where exceedances of the air quality objectives may be occurring.

179. Ideally, the receptor grid spacing (modelled concentrations which will be interpolated to produce pollutant contour plots) should not be more than 5 metres to ensure reasonable spatial resolution; this will help reduce uncertainty when interpreting pollutant contours. The source oriented grid option should be used in ADMS Road or ADMS Urban to maximise the density of receptor points close to the roadside.

## A.1.8 Describing the air quality impacts and assessing significance

### *Introduction of new human exposure*

180. For air quality impacts arising from existing sources of pollution on new occupants at a proposed development; the air quality impacts should be determined by comparing the modelled future 'with development' scenario pollutant concentrations with the relevant air quality objectives. If the objective will be exceeded at locations where there will be relevant exposure, or if there is at risk of this occurring; the impact is likely to be considered as being significant and appropriate mitigation/design measures will be required to reduce exposure for future occupants.

### *Impact of the development*

181. It is important that an air quality assessment evaluates air quality in terms of predicted changes in pollution concentrations where there is relevant public exposure. The council will assess the significance of air quality impacts using the same method as that described in the latest publication of the [IAQM/EPUK Planning for Air Quality guidance](#). Air quality impact assessment reports are therefore required to include a description of impacts using this method. The impact descriptors outlined in this guidance are therefore consistent with other areas of the UK and are applicable to all types and scales of development.

**182. The impact of a proposed development should be assessed in this way at a selection of 'receptors' where the worst case concentrations and largest magnitude of change in pollutant concentrations have been modelled. The current IAQM/EPUK impact descriptors and method for deriving them are presented in Figure 5.**

183. The first step is to describe the impact in terms of its magnitude which compares the impact with the change in annual mean concentration as a percentage of the pollutant objective being considered. The next step is to consider this change in the context of the new total concentration as a percentage of the respective air quality objective.

184. Impacts can also be described as either 'Adverse' where an increase in pollutant contours is predicted; or 'Beneficial' e.g. 'moderate beneficial' if a development leads to a reduction in pollutant concentrations e.g. if an alternative traffic route was proposed as part of the development. This approach is commonly used in environmental statements for EIA.

185. The council also requires that when assessing the air quality impact of proposed residential developments and an adverse air quality impact is predicted; a figure for the number of houses/units which triggers each impact descriptor should be included in the impact assessment report. For example, if a 'medium adverse' impact is predicted for a proposed residential development of 200 houses; the impact assessment report should also include the number of residential units that would lead a 'slight adverse' impact. Please contact the council's Environmental Health service for further clarification of this if required.

## Assessing the significance of air quality impacts

186. An assessment of significance of the predicted impacts should be included in the air quality impact assessment report.

187. The council will also make a judgement on the significance of the impact predicted, which will be informed by the guidance on assessing significance contained in the latest EPUK/IAQM planning for air quality guidance. Any development that may lead to additional air pollution problems, could be significant. The council's Environmental Health service will make a judgement based on the outcome of the air quality impact assessment, the receiving environment, and their professional judgement. This will then inform recommendations to the council's Planning Service.

188. If a proposed development is located in an area of poor air quality and concentrations in excess of the respective air quality objectives are likely at the building façade, the air quality impact will be judged as significant and the council will require mitigation measures (in addition to our minimum requirement for good practice design principles (Section 5, page 17) to be included in the scheme design to ensure there is acceptable air quality for new occupants.

189. If a proposed development cannot be mitigated against and is in excess of the respective air quality objectives due to the proposed development, the development may not be supported by the council's Environmental Health service.

**Figure 5: IAQM/EPUK Guidance – Air Quality Impact Descriptors**

Long term average Concentration at receptor in assessment year	% Changes in concentration relative to Air Quality Level (AQAL)			
	1	1 - 5	6 - 10	>10
<b>75% or less AQAL</b>	Negligible	Negligible	Slight	Moderate
<b>76 - 94% of AQAL</b>	Negligible	Slight	Moderate	Moderate
<b>95 - 102% of AQAL</b>	Slight	Moderate	Moderate	Substantial
<b>103 - 109% of AQAL</b>	Moderate	Moderate	Substantial	Substantial
<b>110% or more of AQAL</b>	Moderate	Substantial	Substantial	Substantial

### Explanation

1. AQAL = Air Quality Assessment Level, which may be an air quality objective, EU limit or target value, or an Environmental Agency 'Environmental Assessment Level (EAL)'
2. The table is intended to be used by rounding the change in percentage pollutant concentration to whole numbers, which then makes it clear which call the impact falls within. The user is encouraged to treat the numbers with recognition of their likely accuracy and not assume a false level of precision. Changes of 0%, i.e. less than 0.5% will be described as Negligible.
3. The table is only designed to be used with annual mean concentrations.
4. Descriptors for individual receptors only; the overall significance is determined using professional judgement. For example, a 'moderate' adverse impact at one receptor may not mean that the overall impact has a significant effect. Other factors need to be considered.
5. When defining the concentration as a percentage of the AQAL, use the 'without scheme' concentration where there is a decrease in pollutant concentration and 'with scheme' concentration for an increase
6. The total concentration categories reflect the degree of potential harm by to the AQAL value. At exposure less than 75% of this value, i.e. well below, the degree of harm is likely to be small. As the exposure approaches and exceeds the AQAL, the degree of harm increases. This change naturally becomes more important when the result is an exposure that is approximately equal to, or greater than the AQAL.
7. It is unwise to ascribe too much accuracy to incremental changes or background concentrations, and this is especially important when total concentrations are close to the AQAL. For a given year in the future, it is impossible to define the new total concentrations without recognising the inherent uncertainty, which is why there is a category that has a range around the AQAL, rather than being exactly equal to it.

## A.1.9 Air quality impact assessment report requirements

190. The report structure should follow accepted best practice. Please refer to the latest IAQM/EPUK guidance. For information, the council has also provided a checklist in Appendix B which will be used by our Pollution Control team to evaluate the content of air quality impact assessments submitted.

191. The report prepared detailing the results of the air quality impact assessment should contain the following information:

1. **Relevant details of the proposed development:** The report should describe the development in general terms, providing information such as location, type of development and site layout with supporting maps or drawings. Sources of the relevant source specific pollutants should be described and if appropriate changes in traffic flows should be outlined including projections to future baseline which may include other nearby committed developments.
2. **The Policy context for the assessment:** Summary of environmental and planning policy instruments relevant to the assessment.
3. **Air quality standards and objectives:** The latest relevant Scottish air quality objectives, standards or EU limit values should be outlined for the pollutants being considered.
4. **The basis for determining significance of effects arising from the impacts:** Impact descriptors (such as those presented in this guidance) should be used to ascribe a level of significance to the results of the air quality assessment. These descriptors should be outlined in the report.
5. **Assessment method (traffic):** A detailed explanation of the assessment method should be provided. This should include a thorough explanation of all monitoring and modelling methods, data and assumptions. The items below should be included in the discussion of the methodology with justification for choices made where appropriate. Of particular importance are issues such as:
  - a. Description of the source and quality of any traffic data used in the assessment. Where the results of a Transport Assessment are being used, reference to approval of the TA by the council should be provided in the report
  - b. Characterisation of emission rates must be explained in detail with a description of the emission factors/tools used e.g. EFT version 7.0
  - c. Treatment of meteorology- describe the meteorological data in terms of the year(s), station location, data quality (missing or calm hours), distance from assessment site. Comment should be provided on the location and topography of the met data site to ensure it is representative of the assessment site.
  - d. Treatment of background concentrations. The choice of background data used should be explained and justified. In some circumstances e.g. when receptors are close to another pollutant source, it is not appropriate to use a background value and simply add a development contribution to estimate total concentrations. The difference between “background” air quality and “existing” air quality at the assessment site should be explained.
  - e. Assessment year(s). It is likely that the baseline year will be the most recent year with monitoring, meteorological, traffic or emissions data sets covering the same period. The future year of assessment should be based on the scheme opening year and should include traffic attributable to other committed developments.
  - f. Other methodological issues such as conversion method for NO<sub>x</sub> to NO<sub>2</sub>, treatment of street canyons, adjustment of monitoring data from short-term to annual mean concentrations, treatment of congestion, receptors at height, other sources in the area

6. **Assessment methodology (point sources):** the council's requirements for the level of detail required when describing the method are similar to road traffic based assessment. However, for point sources issues of particular importance are:
- a. **Description of the plant** - Information should be provided on the type of installation, power rating, fuel type and source, and number of fuel delivery vehicles servicing the site.
  - b. **Characterisation of emission rates** - A full description of the source of the emissions estimates must be provided. It is particularly important to outline if the data is based on measurements, manufacturer's data or emission factors. If manufacturers or other data is used to characterise stack emissions, extracts from test reports or library data should be reproduced in an appendix to the report. The report should also outline the corrections applied to the emissions data. For example, if manufacturers' data is expressed at standard temperature, oxygen and moisture content, but the emissions will be modelled at release conditions.
  - c. **Stack and building parameters** - All physical parameters pertaining to the stack (height, width, and location) should be provided in a table. Physical parameters of the emissions should also be provided (e.g. efflux velocity and or flow rate/mass flux). Buildings should be outlined and it should be clear whether the effects of building downwash or flue rain cap corrections have been included in the modelling.
  - d. **Treatment of meteorology** - Describe the meteorological data in terms of the year(s), station location, data quality (missing or calm hours), distance from assessment site. Comment should be provided on the location and topography of the met data site to ensure it is representative of the assessment site.
  - e. **Treatment of background concentrations** - The choice of background data used should be explained and justified. In some circumstances e.g. when receptors are close to another pollutant source it will not be appropriate to use a background value and simply add a development contribution to estimate total concentrations. The difference between "background" air quality and "existing" air quality at the assessment site should be explained.
  - f. **Assessment year(s)** - It is likely that the baseline year will be the most recent year with monitoring, meteorological, traffic or emissions data sets covering the same period. The future year of assessment should be based on the scheme opening year.
  - g. **Other methodological issues** such as conversion method for NO<sub>x</sub> to NO<sub>2</sub>, adjustment of monitoring data, receptors at height, other sources in the area.
7. **Model verification:** This is required for all traffic based assessments but not normally appropriate for point sources. A full and transparent description of the verification procedure must be provided with graphs or tables showing the results of any regression analyses carried out and the derivation of any adjustment factors. Methods outlined in LAQM.TG(16) should be followed and referenced. Model error should be calculated and included.
8. **Receptor locations:** A list and map showing all receptor locations should be provided outlining their location (OS co-ordinates), height and type.
9. **Characterisation of baseline air quality:** It is important to place the development impact in the context of the receiving environment. The report should detail any monitoring data used and explain the methods used to capture the data.

10. **Impact assessment:** The results of any modelling done should be placed in the context of the objectives being considered. For advanced models it is usual to provide dispersion contour plots showing spatial variation in pollutant concentrations. If these are provided, the symbology used in the maps should be clear and important features should be annotated to enable easy interpretation of the data. Numerical predictions at receptors should always be produced as these are more accurate than inferring concentrations at these locations from a contour plot. The report should clearly compare with and without development scenarios for the opening year.
11. **Impact descriptors:** Impacts should be described and the significance assessed using the latest IAQM/EPUK planning for air quality guidance. A figure for the number of houses/units which triggers each impact descriptor should be included in the impact assessment report (page 37 - 41, paragraphs 183 - 191).
12. **Construction phase impacts:** Impacts from this phase will mainly arise from emissions of fugitive dust/particulates. There is also potential for plant and vehicles to emit NO<sub>x</sub> and PM<sub>10</sub> during construction. Unless screened out (as described in page 22, paragraphs 61 - 64) Construction phase impacts should be assessed and appropriate mitigation measures recommended using the latest IAQM guidance.
13. **Mitigation measures:** Where an impact is identified then the measures to be employed to avoid, reduce and, where appropriate, offset the air quality impact should be set out. Even where the effect is judged to be insignificant, good design and good practice measures as outlined in Section 5 (page 17) should be employed as a minimum.
14. **Summary:** A concise summary of the results of the assessment should be provided. This should outline construction phase impacts, operational phase impacts, comparison with objectives, maximum impact descriptors, and mitigation measures. Whether the development will compromise or render inoperative the measures within one of our Air Quality Action Plan, where the development affects an AQMA; any apparent conflicts with planning policy.

## APPENDIX B

### AIR QUALITY IMPACT ASSESSMENT EVALUATION CHECKLIST

Criteria		Y/N?	Comments
Modelling Procedures			
Has an appropriate model been used			
Has the model been appropriately verified?			
Are the modelling scenarios and projections appropriate?			
Have suitable on and off site receptors been selected, including those which are worst case?			
Adequacy of input data	Is the traffic or point source data adequate?		
	Meteorological data?		
	Background concentrations?		
	NO <sub>x</sub> /NO <sub>2</sub> relationship?		
	Other relevant input data?		
Adequacy of baseline information?	Monitoring locations described?		
	Relevant exposure considered?		
Adequacy of QA/QC information?	Bias adjustment of NO <sub>2</sub> tubes?		
	Other QA/QC information? (including laboratory records)		
Are appropriate pollutants and/or objectives considered?			
Have correct units been used?			
Do the predicted concentrations and changes in concentrations seem reasonable?			
Have the changes in concentrations been adequately described?			
Are the impacts assessed in relation to appropriate air quality objectives and EU limit values?			
Has the significance of the impacts been described?			
Has consideration been given to impacts on neighbouring local authorities?			
Are the potential impacts described appropriately?	Pollutants sources?		
	Expected changes to traffic volumes, composition, speed etc?		
Have construction phase impacts, including duration, activities to be carried out and properties likely to be affected been adequately described?			
Have the necessary mitigation measures been described?			
Has consideration been given to the likely impacts of the development on the implementation of the AQAP (where one is in place)?			





DRAFT SUPPLEMENTARY GUIDANCE – AIR QUALITY

RESPONDENT	COMMENT	COUNCIL RESPONSE
Historic Environment Scotland	No comments to offer	Noted
Scottish Water	No specific comments to make	Noted
Livingston Village Community Council	<p>It is heartening to note that West Lothian generally has good air quality and long may that continue. However it is disappointing to see Linlithgow, Broxburn and Newton highlighted as having poor quality.</p> <p>The biggest singular culprit here seems to be road traffic so road improvements ought to be considered for the worst spots where at times there is standing traffic – by some means can we keep the traffic moving more. The modern vehicles equipped with automatic engine stop facilities when the car is at rest will help but not all cars have this. The general anti diesel lobby is gathering momentum but results will be a long time coming.</p> <p>We acknowledge that the Air Quality Guidance document is primarily aimed at the planning aspects of new developments and in general we fully support all the many constituent parts and pleased to note that the emerging LDP does cover aspects of policy and design principles for good and compliant air quality.</p> <p>The measuring, testing, logging of results and monitoring are very adequately covered technically as are many factors for the development planning stages.</p> <p>Not so well covered are mitigation and remedial actions for places where air quality needs improvement. It is probably out with a</p>	<p>Noted.</p> <p>Noted.</p> <p>Noted.</p> <p>Noted.</p> <p>Policy EMG 4 Air Quality of the West Lothian Local Development Plan reads</p>

	<p>supplementary planning guide's remit but other parts of WLC should be encouraged to learn and apply remedial actions to reduce the pollution hot spots where at all practicable.</p>	<p><i>'Where appropriate, developers will be required to provide additional information on the impact of their proposed development on air quality. Where a development is likely to affect air quality, developers should identify and provide details of potential mitigation measures and, where appropriate, should make provision for developer contributions or planning obligations to mitigate the development's individual or cumulative impacts upon air quality.'</i></p> <p><i>Development promoting behaviour change programmes in Linlithgow and Broxburn / Uphall to facilitate modal shift of shorter journeys to walking and cycling is supported in principle.</i></p> <p><i>Development will not be supported where it is not possible to mitigate the adverse effects of that development on air quality effectively or where development proposals cause unacceptable air quality or dust impacts, or would result in sensitive uses, which give rise to air pollution concerns, being located within or close to uses with potential to generate such pollution.</i></p> <p><i>Where appropriate, planning conditions will be imposed which require air quality monitoring apparatus to be installed'.</i></p> <p>Paragraph 35 of the Scottish Government Circular 6/2013 (Development Planning) reads  <i>'Supplementary Guidance should be limited to providing further information or detail in respect</i></p>
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	<p>We submit the above as comments and trust they will get some consideration from the relevant officials dealing with this consultation.</p> <p>In summary we as LVCC support the Air Quality Supplementary Planning Guidance Document.</p>	<p><i>of policies or proposals set out in the LDP'.</i></p> <p>It is not therefore considered appropriate to list in the Supplementary Guidance WLC's mitigation and remedial actions for places where air quality needs improvement. If WLC submit a planning application, as a developer, policy EMG 4 will apply.</p> <p>All comments received have been considered and responded to by the council.</p> <p>Noted.</p>
SEPA	<p>We welcome the development of guidance in relation to air quality for development proposals within West Lothian. This will not only assist the Council in delivering the aims of Local Development Plan policy EMG 4 Air Quality but will also assist the delivery of the Council's obligations as usefully set out within the policy context section of the Guidance.</p> <p>We are of the opinion that the guidance is of a very high standard and as a result our comments below are limited. We believe that the SG in its current format should assist the Council in tackling, in a land use context, air quality issues affecting West Lothian.</p> <p>As you will be aware, we were supportive of the wording of Policy EMG 4 Air Quality in our response to the Local Development Plan consultation, stating:</p> <p><i>We <b>support</b> the inclusion of this policy which states that</i></p>	<p>Noted.</p> <p>Noted.</p> <p>Noted.</p>

	<p><i>development will not be supported where it is not possible to mitigate against the adverse effects of development on air quality effectively. We also note and support that development proposals which cause unacceptable air quality or dust impacts, or would result in sensitive uses being located within or close to uses with the potential to generate such pollution will not be supported.</i></p> <p><i>We <b>support</b> the recognition within this policy of the air quality issues within Linlithgow and Broxburn/Uphall and the promotion of behavioural changes to facilitate a shift to shorter journeys and walking/cycling.</i></p> <p>In general we consider that the SG will build on this framework and as such we welcome it. In particular we welcome that the SG enhances and expands upon the LDP policy coverage to ensure that any proposed development which could have a detrimental impact on air quality, through exacerbation of existing air quality issues or introduction of new sources of pollution, provides appropriate mitigation measures which are agreed with the local authority.</p> <p>We believe that the document as drafted outlines the main air quality issues facing West Lothian and offers clear guidance to developers and applicants on their responsibilities and requirements. We welcome and support the inclusion of the assessment checklist in Appendix A and the Assessment evaluation criteria in Appendix B and believe that these may be particularly useful as they show what an air quality assessment should contain.</p>	<p>Noted.</p> <p>Noted.</p> <p>Noted.</p>
Andrew Bennie, on behalf of Ashdale Land and Property Company Limited.	It is noted that on the second page of the document, a 'confidentiality, copyright and reproduction' clause is included, the effect of which would prevent the reproduction in whole or in part of the document without the prior written permission of the	Noted. There is no copyright issue and the wording will be deleted.

	<p>author.</p> <p>Given the purpose of this Supplementary Guidance, it is likely that parts thereof will legitimately require to be reproduced in support of future planning applications submissions and to this end, the 'prior written permission' requirement noted above is considered to be wholly unreasonable.</p> <p>Accordingly, it is submitted that this text must, of necessity, be deleted from the final version of the Supplementary Guidance.</p> <p>The draft guidance advises that the Council is keen to influence the take up of low emission technologies for both transport and energy production and to this end indicates that the Council will require that good practice design measures are implemented for all development categorised as minor, medium or major (as detailed in Table 1 of the draft guidance), with the "Principles of Good Design" that should be followed in this regard being set out within Box 2 of the draft guidance.</p> <p>Whilst full support is given to the Council's overall objectives in this regard, concern is raised as regards both the reasonableness and practicality of some of the "measures" detailed within Box 2. Under the heading "Operational Phase", it is advised that where on-site parking is provided for residential dwellings, one EV charging point should be provided for each parking space, with it being a further requirement that one "rapid charge" EV charging point should be provided per 10 residential dwelling.</p> <p>As the vast majority of new housing constructed within the Council area will be provided with two dedicated off-street parking spaces,</p>	<p>The requirements set out in the SG follows advice from a 'Planning for Air Quality' document published in January 2017 by Environmental Protection UK / Institute of Air Quality Management. Environmental Protection UK is a national charity that provides policy analysis and information on air quality. The Institute of Air Quality Management is a professional body for Air Quality professionals.</p> <p>Consideration has been given to the responder's response and the requirements have been subsequently revised.</p> <p>The revised requirements differentiate between on-street and off-street parking spaces. For off-street, the requirement is one active ready to use electric vehicle charging point for every residential dwelling, as opposed every car parking space.</p>
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	<p>the effect of the draft guidance would be the requirement for each house to be provided with two EV charging this amounting to a 200% provision per house.</p> <p>Whilst in most circumstances this requirement may not present any insurmountable practical difficulties, this level of provision is considered to be excessive given the present and anticipated future level of usage of electric powered vehicles.</p> <p>Given the inherent range constraints associated with electric powered vehicles, albeit noting that the range capabilities of such vehicles are improving, the automotive industry is already moving towards other forms of sustainable power sources, with the current focus being on the development of clean hybrid powered vehicles. Such vehicles are not dependent upon the use of EV charging points and do not suffer from the same range constraints that relate to electric powered vehicles.</p> <p>Based upon the above, it is considered that the EV provision requirement set out within the draft guidance cannot be reasonably justified and could, if rigidly enforced by the Council lead to the provision of supporting infrastructure which, within a relatively short space of time, could become obsolete, which in its self, would be wholly unsustainable.</p> <p>These considerations apply also to the requirement for the 10% provision of “rapid charge” EV charging points, with it being further noted that the provision of such charging points raises additional practical issues associated with their future maintenance and who should be responsible for their safe use and upkeep.</p> <p>On a more general note, it should be noted that the requirement</p>	<p>For on-street one active ready to use ‘rapid’ electric vehicle charging point shall be provided for every 20 on street parking spaces in a development (as opposed for every ten dwellings).</p> <p>Furthermore every on street parking bay shall be ‘cable enabled’. This is known as ‘passive provision’ and requires the necessary underlying infrastructure (e.g. capacity in the connection to the local electricity distribution network and electricity distribution board, as well as cabling to parking spaces) to enable simple installation and activation of a charge point at a future date.</p> <p>While the council recognises that electric or hybrid electric/oil fuel powered vehicles currently only form a small proportion of the total number of vehicles on the road, there is a clear desire from Scottish Government to free towns and communities from the damaging emissions of petrol and diesel fuelled vehicles and to support the growth of electric vehicles. To support this strategy and in order to mitigate against air pollution caused by petrol and diesel fuelled vehicles associated with new developments it is important that new development being planned for now make the practical provision of recharging infrastructure.</p> <p>In September 2017, the Scottish government</p>
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	<p>to provide EV charging points for each dwelling house conflicts with the advice which is set out within the Council's "Residential Development Guide", the terms of which note clearly that "It is not however a requirement that developers install charging points at this time, although some may choose to do so. Rather developers should consider incorporating the internal ducting that would enable the later installation of such a facility by an electrician or qualified competent person with minimal disturbance to the fabric of the building."</p> <p>The advice set out within the Residential Development is considered to represent a far more balanced approach to the issue of the provision of EV charging points and it is submitted that the terms of Box 2 of the draft guidance should be amended to reflect this extant advice.</p>	<p>pledged to phase out new petrol and diesel cars and vans across Scotland by 2032, eight years ahead of a target previously announced by the UK Government.</p> <p>'Cleaner Air for Scotland', the Scottish Government's air quality strategy and 'Switched On Scotland: A Roadmap to Widespread Adoption of Plug-in Vehicles' both identify and actively promote the need for a significant increase in electric vehicle charging points.</p> <p>Volvo, Mini, Mercedes and Ford have all made recent announcements concerning new electric models or complete migration from fossil fuelled vehicles.</p> <p>The advice in the Residential Design Guide Supplementary Guidance (SG) has been revised to align with the revised advice given in the Air Quality SG.</p> <p>Every planning application received is judged on its own merits. The SG sets out that <i>'the council may specify a requirement for additional measures to offset emissions from the proposed development; this may be required if the impact of the development on air quality in the surrounding area is considered as unacceptable without off-site mitigation. Any planning obligations to include offsetting will be proportionate to the nature and scale of the development proposed and the level of concern about air quality at the</i></p>
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	<p>The potential requirement for “offsetting” in relation to residential developments is, as a matter of principle, considered to be wholly unreasonable and incompatible with the terms of Circular 3/2012, in terms of the application of the “tests” set out therein.</p> <p>The draft guidance provides no clarity on how the Council would make use of any monies gathered by them with it being unclear as to what measures the Council could undertake over and above those which could be taken forward by the respective developers in compliance with the terms of any planning conditions imposed on planning permissions granted for their developments.</p> <p>It is therefore respectfully submitted that this specific sub-section be deleted in its entirety from the draft guidance.</p>	<p><i>locations affected’.</i></p> <p>If mitigation measures are required, then this will depend on the scale and nature of the proposed development. An air quality assessment report that will accompany a planning application will help form an opinion as to what impact the proposed development makes on air quality and then a judgement can be made as to if mitigations measures can make the proposal acceptable in planning terms and if so, what they will be.</p> <p>Clarity of what measures the council will undertake is therefore a point to be addressed at a planning application stage and not outlined in SG.</p> <p>The principle of mitigating an impact complies with Circular 3/2012 and of course the five policy test will apply at the planning application stage also.</p>
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## **COUNCIL EXECUTIVE**

### **SCOTTISH GOVERNMENT DRAFT STATUTORY GUIDANCE ON FUNERAL COST CONSULTATION**

#### **REPORT BY HEAD OF OPERATIONAL SERVICES**

##### **A. PURPOSE OF REPORT**

The report seeks Council Executive approval for the council's response to the Scottish Government consultation on the Draft Statutory Guidance on Funeral Costs.

##### **B. RECOMMENDATION**

It is recommended that the Council Executive approves the council's response to the Scottish Government consultation on the Draft Guidance on Funeral Costs.

##### **C. SUMMARY OF IMPLICATIONS**

<b>I Council Values</b>	Being honest, open and accountable; providing equality of opportunities; making best use of our resources.
<b>II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	The Council is required to demonstrate Best Value through a structured framework for the management of its assets.
<b>III Implications for Scheme of Delegations to Officers</b>	Not applicable
<b>IV Impact on performance and performance Indicators</b>	None
<b>V Relevance to Single Outcome Agreement</b>	Outcome 12 – We value and enjoy our built and natural environment and protect it and enhance it for future generations.  Outcome 14 – We reduce the local and global environmental impact of our consumption and production.  Outcome 15 – Our public services are high quality, continually improving and efficient.
<b>VI Resources - (Financial,</b>	None

## **Staffing and Property)**

<b>VII Consideration at PDSP</b>	The report was considered at the Environment PDSP on 30 <sup>th</sup> October 2018.
<b>VIII Other consultations</b>	FMU, Advice Shop

## **D. TERMS OF REPORT**

### **D1 Background**

The Scottish Government are currently drafting new statutory guidance on funeral costs for all stakeholders (Appendix 1). As part of the development process the Scottish Government has issued a consultation document to all stakeholders (Appendix 2).

The consultation asks stakeholders to provide responses to a series of questions to capture the views and opinions of the stakeholders on the draft statutory guidance on funeral costs.

Whilst the setting of individual funeral charges is for local authorities and private businesses to determine, the Scottish Government aims at introducing this statutory guidance is to improve the availability and transparency of funeral charges information to help consumers understand, compare and choose the services that are right for them.

The guidance recognises that people buying a funeral are often distressed and need to make a purchase quickly; therefore they may not behave like a normal consumer. The guidance will complement other action the Scottish Government has already taken to help encourage people to talk about and plan their funeral.

### **D2 Statutory Guidance**

The Statutory Guidance, once approved, will provide:

Guidance for burial authorities  
Guidance for cremation authorities  
Guidance for funeral directors  
Additional guidance for local authorities

West Lothian Council will be specifically affected by the Guidance for Burial Authorities and the Additional Guidance for Local Authorities although it is not envisaged that this guidance will cause significant operational impact for the council as West Lothian Council already complies with the majority of the draft guidance.

### **D3 Potential Changes for West Lothian Council**

Much of the guidance relates to funeral cost and the displaying and communication of cost in order to assist customers in making an informed choice at a time when they are vulnerable due to bereavement. The sensitivity of dealing with customers at this time is already recognised across practices adopted by West Lothian Council.

However the areas of the draft statutory Guidance that may impact on the council and require changes to current working practices and/or procedures are:

Draft Guidance for Burial Authorities – The guidance lays out the method and expectations of the way in which information in relation to funeral costs are displayed and communicated. Following review there may be a requirement for minor

adjustments to practice in West Lothian.

Draft Additional Guidance for Local Authorities – This primarily centres around the frameworks of setting charges. From a strategic perspective, the guidance requires local authorities to take cognisance of local and national strategies for poverty reduction and obligations under poverty and equality legislation when setting charges and to publish financial information that relates to income and expenditure to allow the public to understand the costs associated with the provision of services from a local authority perspective. West Lothian Council currently complies with these obligations.

From an operational perspective there is an expectation that where the pre purchase of lairs is offered, that the local authority allows payment to be made in stages or by instalment, where this is requested. The council currently does not provide this facility and this will require consideration to assess the mechanism for introducing this and the consequences for the council.

#### **D4 Consultation**

The consultation asks 22 questions covering a range of operational and strategic issues across the 4 guidance documents. The cemeteries services has provided general comment across the guidance for crematoriums and funeral directors as well providing responses to questions that relate to the council as a burial authority and the additional guidance for local authorities.

Within the guidance for local authorities there are questions where a more expert view was required, therefore the council's Financial Management Unit (FMU) and the Advice Shop provided responses to questions 13 – 16 and 17 – 20 respectively as this was within their professional remit.

#### **E. CONCLUSION**

It is recommended that the Council Executive approves the council's response to the Scottish Government consultation on the Draft Guidance on Funeral Costs.

#### **F. BACKGROUND REFERENCES**

Nil

Appendices/Attachments:

Appendix 1 – Draft Statutory Guidance on Funeral Costs

Appendix 2 - Respondent Information Form

Contact Person: Andy Johnston, NETs, Land and Countryside Manager

Email: andy.johnston@westlothian.gov.uk Tel: 01506 284623

**Jim Jack, Head of Operational Services**

Date: 13 November 2018



## Draft Statutory Guidance on Funeral Costs

### RESPONDENT INFORMATION FORM

**Please Note** this form **must** be completed and returned with your response.

To find out how we handle your personal data, please see our privacy policy:  
<https://beta.gov.scot/privacy/>

Are you responding as an individual or an organisation?

- ☐ Individual  
☒ Organisation

Full name or organisation's name

West Lothian Council

Phone number

01506 284610

Address

Whitehill Service Centre, North Site,  
Whitehill Industrial Estate, 4 Inchmuir Road, Bathgate

Postcode

EH48 2EP

Email

David.cullen@westlothian.gov.uk

The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

- ☒ Publish response with name  
☐ Publish response only (without name)  
☐ Do not publish response

#### Information for organisations:

The option 'Publish response only (without name)' is available for individual respondents only. If this option is selected, the organisation name will still be published.

If you choose the option 'Do not publish response', your organisation name may still be listed as having responded to the consultation in, for example, the analysis report.

We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again

in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

☒ Yes

☐ No

## Questionnaire

**Question 1:** Do you think that the Scottish Government should publish a glossary of terms alongside the guidance on funeral costs?

Yes ☒ / No ☐ / Don't know ☐

**Question 2:** If you answered “yes”, please list any particular terms that you think this glossary should include, along with a rough definition of what you understand the term to mean.

**Lair Certificate** – The certificate that grants rights of burial over a lair.

**Cremation Lair** – A lair suitable for the burial of ashes only.

**Burial Lair** – A lair suitable for a combination of coffin and ashes burial. The number of coffin and ashes burials will vary dependant on ground conditions and will be advised by the relevant burial authority.

**Interment Fees** – Fees relating to the actual opening of the lair and the burial.

**Single Use Lair** – Lairs suitable for a single coffin only.

**Social Burial** – National assistance funeral organised and paid for by the burial authority

**Question 3:** Do you think that the guidance should include measures which encourage private cemeteries and crematoriums and funeral directors with a website to display their pricing information online?

Yes ☒ / No ☐ / Don't know ☐

**Question 4:** Please explain your answer.

As a local authority, the council already display their cemetery pricing / costs on the Council Website. Other related organisations should also do likewise.

**Question 5:** In order for crematoriums to display their prices in a consistent manner, the Scottish Government proposes that all crematoriums should base their standard cremation service charge on a common set of components.

These are:

- Cremation fee
- Mercury abatement fee (where applicable)
- Provision of container for ashes
- Cremation certificate
- Provision of chapel / service room
- Administration and processing of forms

Do you think that the standard cremation service definition proposed in the draft

guidance captures all of the necessary elements?

Yes ☐ / No ☒ / Don't know ☐

**Question 6:** If you answered “no”, please provide suggestions for items that you think should be added or removed.

Although the basics are covered it may be suitable to include the costs of interment / disposal or ashes. Many residents do not realise that they can inter ashes in a lair, in addition to the maximum permitted coffin burials. West Lothain also offer ashes only lairs.

**Question 7:** To help consumers make comparisons between funeral directors, we have proposed a standard definition for a simple funeral. This is set out in paragraph 9 of the draft guidance for funeral directors and also in paragraph 50 of this consultation document.

Do you think that the simple funeral service definition set out in the draft guidance captures all of the necessary elements?

Yes ☐ / No ☒ / Don't know ☐

**Question 8:** If you answered “no”, please provide suggestions for items that you think should be added or removed.

Paragraph 50 captures the elements required, but could be laid out in a more logical manner. The first bullet point “The funeral Director’s Services” should include as sub headings bullet points 2, 3, 5, 6 and 7 as these are what would be deemed “Funeral Director Services”. Listed separately should be:

- Provision of a coffin
- Provision of a Hearse to the crematorium or cemetery
- A service / Religious Representation if required
- Local Authority or Crematorium Charges

This would help make the actual cost more easily understood and may also align the layout and understanding to that of a social (National Assistance Funeral) interment undertaken by a local authority which would also include the above elements.

**Question 9:** Do you think that the guidance for funeral directors should include a measure suggesting that funeral directors should describe their processes for care of the deceased to help consumers understand costs associated with this?

Yes, with sensitivity

**Question 10:** Please explain your answer.

If it were described, it would help the bereaved make an informed choice.

**Question 11:** Do you think the guidance should include a provision encouraging burial and cremation authorities to make reasonable efforts to accommodate the wishes of a person that does not want to use a funeral director?

Yes

**Question 12:** Please explain your answer.

Whilst requests are rare, they do occur. The main point of concern is the presentation of the deceased in a hygienic manner.

**Question 13:** Paragraphs 3 and 4 of the draft guidance for local authorities suggest that local authorities should consult the public when developing charging proposals and explain the reasons for any proposed changes to charges.

Do you think these measures will help improve the transparency of, and public engagement with, the local authority charge setting process?

Yes ☒ / No ☐ / Don't know ☐

**Question 14:** Please explain your answer.

West Lothian Council already consults with local residents on the budget setting process, fully explaining the cost pressures and funding constraints that are faced by the council.

The most recent consultation on budget proposals, including charges and income was in Autumn 2017 with 'Transforming Your Council' in advance of setting the council's revenue budget for the years 2018/19 to 2022/23. It is vital that council's explain to stakeholders the basis of how budgets are set and the context in how decisions are taken and seek feedback for consideration by elected members ahead of setting and agreeing council budgets, including any charging for services.

**Question 15:** Paragraph 5 of the draft guidance for local authorities suggests that local authorities should publish information from their Local Financial Returns annually on their websites, showing income generated and expenditure incurred through the provision of burial and cremation services.

Do you think that this would help increase public understanding of the costs

associated with local authorities' provision of these services?

Yes ☒ / No ☐ / Don't know ☐

**Question 16:** Please explain your answer.

West Lothian Council, on an annual basis, provides the net cost of providing the cemeteries and burial service on the council's website, including gross expenditure and income raised. The most recent information provided for 2018/19 confirmed that the service operates on a subsidised basis prior to the application of central and capital costs.

West Lothian Council agrees that increasing the level of information on the income and expenditure surrounding all council services improves the transparency in the understanding the costs surrounding the delivery of services. To this end, this information is already published by the council on an annual basis.

Local Financial Return could also be published to provide further transparency, however, consideration could be given to including this within the Local Government Benchmarking Framework indicators.

**Question 17:** Do you think the guidance should encourage local authorities to link burial and cremation charge setting to broader strategies and duties aimed at reducing poverty?

Yes ☒ / No ☐ / Don't know ☐

**Question 18:** Please explain your answer.

West Lothian Council along with its community planning partners has committed to achieving the outcomes contained in its Anti-Poverty Strategy 2018-2023; outcome two is to reduce out-going costs and the 'poverty premium' on low income households. The strategy links in with national and local strategies on poverty reduction including the Child Poverty (Scotland) Act 2017.

**Question 19:** Do you think that local authorities should be encouraged to take actions to support individuals who are struggling with the costs of a funeral?

Yes ☒ / No ☐ / Don't know ☐

**Question 20:** Please explain your answer.

This can be an extremely difficult time for families both emotionally and financially. Local authorities could encourage partners including NHS, Funeral Directors, Advice Services and Cemeteries staff to work more closely together to offer a holistic service to better support the bereaved. For those registering a death, this is a key point with which to engage and to offer support, advice and links to other forms of help. Given the changed circumstances for the family, there are

opportunities to maximise income, help them to apply for benefits, consider applying for grants through charities, and to help them manage rent arrears and debt. There are opportunities to work with local organisations and groups to raise awareness and break the taboo of talking about death. This would help to open up conversations about preparing for death, where to get help, the costs of funerals and how to plan and pay for this.

**Question 21:** Please tell us about any potential impacts, either positive or negative, that you consider the proposals in this consultation may have on people who may be differently affected in relation to the protected characteristics.

None

**Question 22:** Please tell us about any potential business or regulatory impacts, either positive or negative, costs and burdens that you think may arise as a result of the proposals within this consultation.

None



# **Draft Statutory Guidance on Funeral Costs**

## **Consultation**

**August 2018**



**Scottish Government**  
Riaghaltas na h-Alba  
gov.scot

## Ministerial Foreword



The death of a loved one is a heart-breaking experience. Where it has not been possible to put aside money for the funeral in advance, worries about costs can add to the difficulties faced, potentially tipping people into poverty and making things even more difficult for those who are already facing hardship.

The Scottish Government is acting to tackle this issue. In August 2017, we published our Funeral Costs Plan which sets out a range of measures aimed at addressing funeral poverty.

We have already begun to make a difference in this area. We will invest over £3 million each year to widen eligibility for the Funeral Expense Assistance benefit that will replace the DWP Funeral Payment in Scotland by summer 2019. We will also uprate the flat rate part of this payment annually. Working with COSLA, we have committed to removing local authority child burial and cremation fees, recognising that the loss of a child is one of the most traumatic things any of us will ever face. Both these actions will provide improved support directly to people who have been bereaved.

This consultation asks for views on draft statutory guidance on funeral costs, which is Action 2 of the Funeral Costs Plan. While the setting of individual funeral charges is for local authorities and private businesses to determine, I want this guidance to help improve the availability and transparency of funeral charges information to help consumers understand, compare and choose the services that are right for them. This recognises that people buying a funeral are often distressed and need to make a purchase quickly, so they may not behave like a normal consumer. The guidance will complement other action the Scottish Government has already taken to help encourage people to talk about and plan their funeral, and we will continue our efforts in this area.

But the funeral market is complex. Crematoriums and cemeteries are operated by local authorities and by private providers. Most people arranging a funeral will use a funeral director, many of whom also sell funeral plans, which allow people to purchase most elements of their funeral and make funeral arrangements in advance of their death.

Given this complexity in the funeral market, we also want to work with the UK Government and Competition and Markets Authority (CMA) in relation to areas such as market regulation, consumer protection and regulation of pre-paid funeral plans.

The CMA launched a market study on 1 June this year, with the aim of assessing how competition works between crematoriums and between funeral directors. It will also look at transparency issues in the funeral market. I welcome the CMA's decision to conduct this market study, which covers many of the same issues that we are seeking to address through this draft guidance.

To develop the draft funeral costs guidance, the Scottish Government has worked with COSLA, local authorities and the funeral industry to try to identify areas of consensus; but also to explore areas where transparency and consumer choice might be improved through guidance.

This consultation is being launched at time of change for the funeral industry in Scotland. In my previous role as Minister for Public Health and Sport, I was responsible for the implementation of the Burial and Cremation (Scotland) Act 2016. I was impressed at the level of commitment that the funeral industry showed to working constructively with the Scottish Government over the implementation of the Act, sometimes in challenging circumstances.

As I take on my new role as Cabinet Secretary for Communities and Local Government, it has, therefore, come as no surprise to me to learn that the funeral industry, along with other stakeholders with an interest in funeral costs, have shown a similarly high degree of commitment to working with the Scottish Government to develop the draft guidance which we are now seeking your views on.

For the guidance to work in the way we want, it will need the support of the industry and other stakeholders. For that reason, I encourage all organisations and individuals with an interest to respond to this consultation on a draft of the guidance, to ensure that people will be able to embrace and implement the finalised guidance effectively, confident that it has been shaped using the best knowledge and information available.

Thank you for taking the time to give us your views.

A handwritten signature in black ink, appearing to read 'Aileen Campbell'.

**Aileen Campbell MSP,  
Cabinet Secretary for Communities and Local Government**

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## **Section 1: About the consultation**

### **What are we consulting about?**

1. This consultation seeks views on draft statutory guidance on funeral costs for local authorities, burial and cremation authorities and funeral directors. The draft guidance is set out at section 3 of this document. Section 4 of this document sets out questions about the draft guidance. Responses to the consultation will be used to inform the final version of the guidance.
2. The focus of the consultation is on costs associated with arranging a funeral. We are not seeking views on regulation of the funeral sector. This is because the Scottish Government appointed Scotland's first ever Inspector of Funeral Directors in April 2017. The Inspector will make recommendations to Ministers on how funeral directors' businesses should be regulated by the end of 2018, including whether a licensing regime should be introduced. We have involved the Inspector during development of this draft guidance to ensure that it is clear that provision of lower-cost options should not result in poorer standards of care of the deceased. An Inspector of Crematoria has been in place since 2015 and an Inspector of Burials will be appointed in due course.

### **Who do we want to hear from?**

3. We are keen to gather the views of local authorities, private burial or cremation authorities, funeral directors and any other groups or individuals with a working knowledge of, or interest in, burial and cremation or the funeral industry. We are also keen to hear from individuals and organisations with experience of tackling poverty or providing consumer advice.
4. To make this consultation as accessible as possible, we plan to undertake meetings with interested groups and individuals during the consultation period. This will help us to take into account concerns from specific groups, including islands and other remote communities, in the finalised guidance. If you are interested in being involved in this, please contact [funeralcostsguidanceconsultation@gov.scot](mailto:funeralcostsguidanceconsultation@gov.scot).

### **Who might be affected by the draft guidance?**

5. The draft guidance has been written for burial and cremation authorities and funeral directors, and has a section with additional guidance for local authorities. The overall aim of the draft guidance is to support transparency in the funeral market to help consumers understand, compare and choose the services that are right for them. This consultation asks for views about the potential impact of the draft guidance on the public, private or third sector at section 5, which also asks for views about potential impacts on people with protected characteristics under the Equality Act 2010.

### **What comments are requested and by when?**

6. We are inviting responses to this consultation paper by Thursday 8 November 2018. To submit your response online please visit:  
<https://consult.gov.scot/social-security/statutory-guidance-on-funeral-costs>
7. If you would prefer, you can email your response to  
[funeralcostsguidanceconsultation@gov.scot](mailto:funeralcostsguidanceconsultation@gov.scot) or send to:  
Funeral Costs Guidance Consultation  
Funeral Expense Assistance and Funeral Poverty Team  
Social Security Policy  
Victoria Quay  
Edinburgh  
EH6 6QQ

### **Comments and Concerns**

8. If you have any comments about how this consultation exercise has been conducted please send them to: [funeralcostsguidanceconsultation@gov.scot](mailto:funeralcostsguidanceconsultation@gov.scot)

Or

Funeral Expense Assistance and Funeral Poverty Team  
Social Security Policy  
Victoria Quay  
Edinburgh  
EH6 6QQ

## Section 2: Outline and purpose of the draft guidance

### Background

9. During the passage of the Burial and Cremation (Scotland) Act 2016 (the Act), issues were raised regarding the cost of funerals, charge setting by local authorities for burial and cremation, and transparency of pricing.
10. As a result, an amendment was made to the Act to introduce Section 98, which makes provision for Scottish Ministers to publish “guidance on the costs associated with making arrangements for a funeral”. Publication of statutory guidance on funeral costs is Action 2 of the Scottish Government’s [Funeral Costs Plan](#).
11. According to the [Cremation Society of Great Britain](#), more funerals in Scotland involve a cremation (68%) than a burial. Local authorities provide burial services in their local area, along with private cemetery providers. In addition, 12 local authorities in Scotland also run crematoriums. There are 16 non-local authority crematoriums currently operating in Scotland. One of these, at Glasgow Crematorium (formerly known as Maryhill), is a charity. The others are private businesses.
12. Cremation is generally less expensive than burial. In [The Cost of Saying Goodbye 2017](#), Citizens Advice Scotland (CAS) reported that the average charge for an adult cremation in 2017 was £738, compared with £1,428 for burial. Among crematoriums, prices ranged from £586 to £999 for an adult cremation.
13. People paying for a funeral usually do this through a funeral director, who will charge for their services and will usually collect fees on behalf of the cemetery or crematorium.
14. There are approximately 450 individual funeral director businesses in Scotland. This figure does not include the multiple branches of bigger businesses like Co-op Funeralcare or Dignity which are counted as one business. Funeral directors may be members of the National Association of Funeral Directors (NAFD) or the National Society of Allied and Independent Funeral Directors (SAIF). Some funeral directors are members of both trade organisations, while others are members of neither.
15. In April 2017 the Scottish Government appointed an Inspector of Funeral Directors. An Inspector of Crematoria has been in post since April 2015 and an Inspector of Burials will be appointed in due course. We are liaising with the current inspectors to understand any overlaps and impacts of our draft funeral costs guidance on their work.

## Scope and audience

16. Section 98 of the Act states that “the Scottish Ministers may publish guidance on the costs associated with making arrangements for a funeral”, and that “the guidance may in particular cover the desirability of such costs being affordable”. Before issuing such guidance, Scottish Ministers must consult burial authorities, cremation authorities, funeral directors and any other persons they consider appropriate. This public consultation forms part of our consultation work to fulfil the Section 98 requirement to consult, and we are also engaging with those with an interest in the draft guidance in other ways.
17. On 1 June 2018, the Competition and Markets Authority (CMA) announced that it would undertake [a market study of the UK funeral market](#). This study includes a number of issues that the Scottish Government has already been considering as part of our work to develop draft guidance on funeral costs. We welcome the CMA market study and if any initial findings from the CMA’s work are available later this year then these will be used to inform further development of our guidance.
18. Also on 1 June 2018, the UK Government launched [a call for evidence in relation to the regulation of the pre-paid funeral plan sector](#). The Scottish Government has urged the UK Government to take action to improve consumer protection in this area and so we welcome this announcement.
19. The draft guidance in this consultation sets out steps that burial authorities, cremation authorities and funeral directors can take to improve transparency and availability of funeral pricing information. These steps are designed to help consumers to understand the costs associated with making arrangements for a funeral and choose the right option for them.
20. While recognising that local authorities are responsible for setting their burial and cremation charges and will take into account local circumstances, the draft guidance also includes a section specifically for local authorities on charge setting and tackling funeral poverty.
21. To produce the draft guidance, the Scottish Government established three working groups to explore issues associated with funeral costs and to provide expert knowledge. These working groups included local authorities (as public burial and cremation authorities), the Convention of Scottish Local Authorities (COSLA), private crematoriums, the Institute of Cemetery and Crematorium Management (ICCM), the Federation of Burial and Cremation Authorities (FBCA), the National Association of Funeral Directors (NAFD) and the National Society of Allied and Independent Funeral Directors (SAIF).
22. We have visited individual funeral directors, burial authorities and cremation authorities to better understand cost drivers, business processes and the practical considerations of their work. In producing this draft guidance, we have also engaged with the Scottish Government’s Funeral Expense Assistance and Funeral Poverty Reference Group and the Scottish Working Group on Funeral Poverty.

## **Section 3: The draft guidance**

### **Background**

23. There are four short sections of draft guidance: for burial authorities, for cremation authorities, for funeral directors, and a section for local authorities in relation to charge setting. These are set out below.
24. In section 4 of this document, we have set out questions about a range of themes that the draft guidance is designed to address. The themes are as follows:
  - Use of language and terminology (page 18)
  - Display of pricing (pages 19 and 20)
  - Transparency of cremation charges (pages 21 and 22)
  - Definition of a simple funeral (pages 23 to 25)
  - Transparency of pricing at point of sale (pages 26 to 27)
  - Burial or cremation without using the services of a funeral director (page 28)
  - Understanding local authority charges (pages 29 to 33)
  - Local authority measures to reduce funeral poverty (page 34)
25. Questions about potential impacts of the draft guidance on individuals, the public, private and third sectors are set out on page 35.
26. The finalised guidance will be published as part of a larger document that will include additional context and information about the issues that the guidance addresses. We also propose that this larger published document will include a glossary of terms alongside the finalised guidance.

## **Draft guidance for burial authorities**

1. In order to help people understand the costs of arranging burial, burial authorities should use clear, easily understood language to describe the services being offered.
2. In order to support consumer choice, burial authorities should display all their prices clearly, in the following ways:
  - At the premises of the burial authority, displayed in a public and prominent place to be determined by the burial authority
  - Ensuring that anybody visiting the premises is able to take away a paper copy of this price list
  - Ensuring that members of the public can be sent a price list on request, either in paper form or by email
  - For burial authorities with a website, all pricing information should be available on the website and this pricing information should be clearly signposted
  - For burial authorities with a website, pricing information should be displayed in a format that will allow it to be downloaded by a member of the public, such as in pdf format
  - Local authorities are required under Section 20 of the Burial and Cremation (Scotland) Act 2016 to publish their fees in paper form and online. Local authorities should ensure that burial pricing information published online is displayed in the bereavement services (or equivalent) section of the local authority's website and that this pricing information is clearly signposted.
3. In order to support the public in understanding the cost of different components of a funeral, burial authorities should explain alongside their pricing information that any funeral director fees will be in addition to the costs payable to the burial authority, such as burial fees and lair purchase charges.
4. As some burial authorities charge different fees according to the day of the week, if it is a public holiday, or due to the time of day at which the burial service takes place, each burial authority should display clearly any variation in charging due to the day or time of the burial.
5. In determining services to be offered, burial authorities should keep in mind that it is desirable that a person can afford to pay for them, and ensure that where lower-cost options are available, these are clearly displayed in the burial authority's pricing information.
6. Where direct burial is offered as a lower-cost option, burial authorities should be clear in describing what this includes and what it does not include, so that people can consider if this option is suitable for them.
7. If someone wishes to bury the person who has died without using the services of a funeral director and a burial authority is able to support this request, burial authorities should make reasonable efforts to accommodate the person's wishes.

## **Draft guidance for cremation authorities**

1. In order to help people understand the costs of different components of the funeral, crematoriums should use clear, easily understood language to describe the services being offered.
2. In order to support consumer choice, crematoriums should display all their prices clearly, in the following ways:
  - At the crematorium, displayed in a public and prominent place to be determined by the crematorium
  - Ensuring that anybody visiting the premises is able to take away a paper copy of this price list
  - Ensuring that members of the public can be sent a price list on request, either in paper form or by email
  - For crematoriums with a website, all pricing information should be available on the website and this pricing information should be clearly signposted
  - For crematoriums with a website, pricing information should be displayed in a format that will allow it to be downloaded by a member of the public, such as in pdf format
  - Local authorities are required under Section 63 of the Burial and Cremation (Scotland) Act 2016 to publish their fees in paper form and online<sup>1</sup>. Local authorities should ensure that cremation pricing information published online is displayed in the bereavement services (or equivalent) section of the local authority's website and that this pricing information is clearly signposted.
3. In order to support the public in understanding the cost of different components of a funeral, crematoriums should explain alongside their pricing information that any funeral director fees will be in addition to the crematorium's published pricing.
4. In order to help consumers understand the services included in a standard cremation service and compare this fee across different providers, the charge displayed for a standard cremation service should comprise of the following components:
  - Cremation fee
  - Mercury abatement fee (where applicable)
  - Provision of container for ashes
  - Cremation certificate
  - Provision of chapel / service room
  - Administration and processing of forms
5. The price of additional components to the funeral service, such as provision of music, webcasting, dispersal of ashes or the purchase of a casket or urn, should be displayed separately from the standard cremation service fee, in order to

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<sup>1</sup> At the time of the launch of this consultation (August 2018), Section 63 of the [Burial and Cremation \(Scotland\) Act 2016](#) has not yet come into force. The guidance has been drafted in anticipation of Section 63 coming into force in future.

### **Draft guidance for cremation authorities (continued)**

support people in understanding which costs are optional and which costs are mandatory.

6. As different crematoriums offer different lengths of time slot for services, each crematorium should display the length of the time slot for their standard cremation service and the additional fees for extending this time slot.
7. As different crematoriums price differently according to the time of day that the service slot occupies, each crematorium should display clearly what time slots their standard cremation service is available within.
8. In determining services to be offered, crematoriums should keep in mind that it is desirable that a person can afford to pay for them, and ensure that where lower-cost options are available, these are clearly shown in the crematorium's pricing information.
9. Where direct cremation is offered as a lower-cost option, crematoriums should clearly describe what this includes and what it does not include, so that people can consider if this option is suitable for them.
10. If someone wishes to have a cremation without using the services of a funeral director and a crematorium is able to support this request, crematoriums should make reasonable efforts to accommodate the person's wishes.

### **Draft guidance for funeral directors**

1. In order to help consumers understand the costs of different components of the funeral, funeral directors should use clear, easily understood language to describe the services being offered.
2. Funeral directors should use common descriptors where possible to enable consumers to make pricing comparisons more easily between funeral directors.
3. In order to support consumer choice, funeral directors should display all their prices clearly, in the following ways:
  - At the funeral director premises, displayed in a public and prominent place
  - Ensuring that anybody visiting their premises is able to take away a paper copy of this price list
  - Ensuring that all clients are provided with a copy of this list to keep when visiting clients at home
  - Funeral directors with a website should make their pricing information available on their website and this pricing information should be clearly signposted.
4. When talking people through their options for a funeral, funeral directors should ensure that where appropriate, the full range of price options available is presented for each purchasing decision to ensure that people are able to consider costs throughout the process and can base their decisions on cost if they wish to do so.
5. Funeral directors should make sure they are clear about what services are being requested by the client and should provide every client with a clear written confirmation of funeral arrangements. This written confirmation should include an itemised estimate of all the charges to be incurred, based on the arrangements that have been agreed, and should explain clearly why each charge has been included.
6. To help clients understand the funeral costs, the written estimate should state clearly which costs are attributable to the funeral director and which costs will be paid to a third party by the funeral director on the client's behalf. The third party should be named wherever possible.
7. Funeral directors should provide clients with a detailed itemised final account that is comparable with the written estimate provided.
8. Funeral directors should clearly and sensitively describe their services for care of the deceased, to ensure that people have an accurate understanding of how the deceased will be cared for, and the costs associated with this care, while in the funeral director's care.

## **Draft guidance for funeral directors (continued)**

9. In determining services to be offered, funeral directors should keep in mind that it is desirable that a person can afford to pay for them. Where lower-cost options are offered these could include a clearly-priced simple funeral which includes the following components:
- The funeral director's services;
  - Attending to the necessary arrangements, such as completion of necessary certification, taking instructions and providing guidance on registration and legally-required procedures;
  - Provision of the necessary staff for care of the deceased and support for the bereaved;
  - Provision of an appropriate and robust lined coffin suitable for burial or cremation;
  - Transportation of the deceased person from the place of death during normal working hours (normally within ten miles but taking into account local circumstances);
  - Appropriate arrangements for the uplift of the deceased and care of the deceased person prior to the funeral, in appropriate facilities;
  - Viewing of the deceased person, by appointment;
  - Provision of a hearse or other appropriate vehicle direct to the nearest crematorium or cemetery at a date and time agreed with the funeral director and clearly described to the client;
  - The opportunity to hold a service at the cemetery or crematorium;
  - If burial is specified (where this is available locally) this may involve an additional charge.
10. The definition of a simple funeral set out above does not include the following services:
- Embalming;
  - Provision of a limousine; or
  - Any third party fees or disbursements payable on the client's behalf.
11. Funeral Directors should ensure that where they offer this simple funeral, their pricing information sets this out and also includes a clear description of any other lower-cost options they offer, such as direct cremation, to support consumer choice.
12. If a client chooses a simple funeral, a funeral director should still be able to recommend embalming, for an additional charge, if the funeral director offers this as part of their services and assesses that this may be necessary.
13. If a client chooses a simple funeral, a funeral director should still have discretion to recommend against viewing if the funeral director assesses that viewing may not be suitable.

**Draft guidance for funeral directors (continued)**

14. Funeral Directors should ensure that if a client chooses to modify or upgrade any particular aspect of a simple funeral, the increase in price should be proportionate to the request for additional services.
15. Where direct cremation or direct burial is offered as a lower-cost option, funeral directors should be clear in describing what this includes and what it does not include, so that people can consider if this option is suitable for them.

Note: In this draft guidance for funeral directors, the term 'simple funeral' refers to a funeral which includes the opportunity to have a commemorative service at the time of the cremation or burial. In this draft guidance, the term 'direct cremation' refers to a cremation that does not include any commemorative service element and is not attended by friends or relatives of the deceased person.

## **Draft additional guidance for Local Authorities**

1. When setting charges for burial and cremation, local authorities should, where possible, take account of local and national strategies for poverty reduction and obligations under poverty and equality legislation, such as the Child Poverty (Scotland) Act 2017 and, where appropriate, the new Fairer Scotland Duty as set out in Part 1 of the Equality Act 2010. In addition, local authorities will want to ensure that any decisions taken are in line with their statutory equality responsibilities.
2. Local authority strategies for poverty reduction should recognise that funeral costs contribute to poverty and should, where possible, include measures aimed at addressing funeral poverty.
3. To ensure greater transparency of the charge setting process, local authorities should consult the public when developing charging proposals. In this process of consultation, local authorities should consider a range of ways to engage with the public, such as public meetings, and provide the opportunity for members of the public to provide a written response. Ideally, consultation with people with direct experience of poverty and disadvantage would be a central part of any consultation programme.
4. Local authorities should explain the reasons for any proposed changes to charges in order to help the public understand the drivers behind the cost of these elements of a funeral.
5. To increase public understanding of the costs associated with local authorities' provision of burial and cremation services, local authorities should publish information annually on their websites showing income generated and expenditure incurred through the provision of these services. This information should be based on the local authority's data that is already submitted to the Scottish Government via the Local Financial Returns.
6. When setting charges for burial and cremation, local authorities should keep in mind that it is desirable that a bereaved person can afford to pay for them, and should have regard to the rate of inflation and consider whether above-inflation charge increases can be avoided.
7. Local authorities should consider putting in place measures to support and assist bereaved people who are unable to or struggling to meet the costs of arranging a funeral, such as providing advice to the public, or working with funeral directors to provide support to people who would struggle to pay for a funeral.
8. If pre-purchase of burial lairs is offered by a local authority, the local authority should consider allowing payments to be made in stages over a number of months or years, in order to make this cost more affordable and to reduce the possibility of financial shock to relatives of the deceased person at the point of bereavement.

**Draft additional guidance for Local Authorities (continued)**

9. Local authorities should work together, using existing mechanisms and forums where possible, to identify and share best practice in the setting and presentation of charges for burial and cremation.

## **Section 4: The consultation**

27. A number of common themes occur across the four sections of the draft guidance. We have therefore structured this section of the consultation document by theme, so that we can seek views on the draft guidance as a whole, rather than focusing in specifically on each section of draft guidance in turn.
28. The following sections of this consultation document examine each of these themes in turn. Questions on each theme are presented at the end of each section.

### **Theme 1 - Use of language and terminology**

29. We want clear and simple language to be used to describe funeral choices so that people understand their options, what they are purchasing and what the cost implications are. This is particularly important as people are likely to be distressed and need to make a decision on the funeral quickly.
30. Some of the language used by parts of the funeral industry to describe services has developed over generations, often to help put bereaved people at ease. There are also geographical variations in the terms used to describe some parts of a funeral director's services. This variation in language and terms could make it more difficult for people to understand what they are buying. We do not want to remove local traditions but we do want people to be able to understand processes and associated costs. We have set out measures in each section of the draft guidance to encourage clear use of language by funeral directors and burial and cremation authorities.
31. We also plan to produce a glossary of terms alongside the published guidance to help clarify some of the terms often used when funeral arrangements are being made. We want to work with members of the funeral industry and the public to develop this glossary prior to the guidance on funeral costs being published.

**Question 1: Do you think that the Scottish Government should publish a glossary of terms alongside the guidance on funeral costs? Y/N/DK**

**Question 2: If you answered "yes", please list any particular terms that you think this glossary should include, along with a rough definition of what you understand the term to mean.**

## Theme 2 - Display of pricing information

32. We want to make it as easy as possible for people to access information about funeral costs. To help achieve this, the draft guidance sets out a range of measures for burial and cremation authorities and funeral directors about the display, accessibility and transparency of pricing information. It also sets out measures to help increase awareness of affordable options by ensuring that where these options are available, they are clearly set out in pricing information.
33. There are many choices to be made to arrange a funeral. For example, whether to choose burial or cremation, what type of funeral service to have (if any), coffin type, and whether to arrange for viewing of the body. We are keen to ensure transparency and accessibility of pricing information informs this process to help promote consumer choice.
34. Under Section 20 of the Burial and Cremation Act 2016, local authorities are already required to publish their charging information for burials, both in paper form and on their website. They will also be required to publish this information for cremations once Section 63 of the Act is brought into force. We want to encourage local authorities to make information on burial and cremation charges as easily accessible as possible by displaying the information alongside other burial and cremation information on the local authority's website. Many local authorities already do this. However, in some cases, this charging information is found in a separate part of the website, for example, in documents that set out the full range of services the local authority makes charges for.
35. There is no equivalent legal requirement for funeral directors, private cemeteries and private crematoriums to publish their charging information, although many do make this information available online or by other means.
36. The two major UK trade bodies for funeral directors, the National Association of Funeral Directors (NAFD) and the National Society of Allied and Independent Funeral Directors (SAIF), have made a commitment [under Action 2 of the Funeral Costs Plan](#) in relation to transparency of pricing. We want to build on this commitment by extending this principle to burial and cremation authorities, so that information on costs and pricing is as widely available as possible.
37. During the process to develop the draft guidance on funeral costs, we have heard concerns among some funeral directors that emphasis on provision of online pricing might lead people to make purchasing decisions based on price alone, without necessarily understanding that levels of service may vary across funeral directors. There is also a concern that emphasis on online pricing will reduce a funeral director's opportunity to engage with a potential customer and help tailor their service provided to the individual's particular circumstances.

**Question 3: Do you think that the guidance should include measures which encourage private cemeteries and crematoriums and funeral directors with a website to display their pricing information online? Y/N/DK**

**Question 4: Please explain your answer.**

### **Theme 3 – Transparency of cremation charges**

38. The Scottish Government wants to help consumers understand the costs of cremation and to be able to compare these costs across different providers more easily.

#### **Standard cremation service**

39. At present, there is variation among crematoriums in what is included in their charges. For example, some will include a charge for music or provision of an organist in their overall charge, whereas others will charge separately for these.
40. We want crematoriums to display prices in a more consistent manner, making it easier for consumers to be able to compare like-for-like. To help achieve this, we have developed a definition of a standard cremation service in the draft guidance and have suggested that all crematoriums should base their standard cremation service charge on this. This definition has been created in consultation with representatives of public and private crematoriums.
41. The draft guidance sets out that a standard cremation service should comprise of the following components:
- Cremation fee
  - Mercury abatement fee (where applicable)<sup>2</sup>
  - Provision of container for ashes
  - Cremation certificate
  - Provision of chapel / service room
  - Administration and processing of forms
42. There is variation in how a crematorium is used for a funeral. In many cases, a full religious ceremony or ceremony led by a non-religious celebrant will take place at the crematorium. Sometimes, a service or commemoration may occur away from the crematorium, at a place of worship or other location chosen by the family, before or after which a brief committal ceremony takes place at the crematorium. By including a service room or chapel being made available for a service or commemorative event, we have sought to ensure that the draft guidance makes clear that the proposed definition of a standard cremation service is distinct from a direct cremation.

#### **Additional items**

43. Alongside this definition of a standard cremation service, the draft guidance recommends that charges made for additional items, such as provision of music, webcasting, dispersal of ashes or the purchase of a casket or urn, should be displayed separately, in order to help consumers to understand which costs are optional and which costs are mandatory. Similarly, the draft guidance recommends that service slot length, which can vary from

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<sup>2</sup> Further information on mercury abatement charges can be found at <http://www.cameoonline.org.uk/>

crematorium to crematorium, is clearly displayed, along with a clear description of the times of the day that the pricing applies to.

### **Direct cremation**

44. According to the Royal London National Funeral Cost Index Report 2016, approximately 5% of people chose to have a direct cremation, whereby the person who has died is taken directly to the crematorium and the ashes are then returned to their family, without any ceremony at the time the cremation takes place.
45. We understand from funeral directors and crematoriums that a decision to have a direct cremation is usually made because of consumer preference rather than being cost driven. However, direct cremations generally cost less than many other funeral options. Though uncommon, direct burials may also take place and are similar to a direct cremation, but the deceased person is taken to a cemetery and buried.
46. While the Scottish Government does not promote direct cremation and burial as solutions for funeral poverty, we do want to promote increased consumer choice and awareness of, and access to, lower-cost options.
47. Concerns have been raised during development of the draft guidance that people do not always understand what is and is not included in a direct cremation, and so are not fully informed when deciding if this option may be suitable for them. In light of these concerns, the draft guidance also includes measures for burial authorities, cremation authorities and funeral directors to help ensure that where direct cremation or direct burial is offered as a lower-cost option, people fully understand what this includes and what it does not include, so that they can consider if this option is suitable for them.

**Question 5: In order for crematoriums to display their prices in a consistent manner, the Scottish Government proposes that all crematoriums should base their standard cremation service charge on a common set of components.**

**These are:**

- **Cremation fee**
- **Mercury abatement fee (where applicable)**
- **Provision of container for ashes**
- **Cremation certificate**
- **Provision of chapel / service room**
- **Administration and processing of forms**

**Do you think that the standard cremation service definition proposed in the draft guidance captures all of the necessary elements? Y/N/DK**

**Question 6: If you answered “no”, please provide suggestions for items that you think should be added or removed.**

## Theme 4 – Definition of a simple funeral

48. We want to make it easier for consumers to make comparisons between funeral directors. According to Royal London<sup>3</sup>, only 6% of people got quotes from more than one funeral director, and even among people struggling with funeral costs, nine out of ten will use the first funeral director they contact.
49. Many funeral directors offer a simple funeral at present as a lower-cost option, and a number of funeral directors have reduced the price of this type of funeral in recent years. A simple funeral usually includes the opportunity to have a service at the point of cremation or burial. However, there is variation between different funeral directors as to what is included in a simple funeral.
50. To help consumers make comparisons between funeral directors, we have proposed a standard definition for a simple funeral, which has been developed with input from funeral directors, including the National Association of Funeral Directors (NAFD) and the National Society of Allied and Independent Funeral Directors (SAIF). Our proposed simple funeral is as follows:
- The funeral director's services;
  - Attending to the necessary arrangements, such as completion of necessary certification, taking instructions and providing guidance on registration and legally-required procedures;
  - Provision of the necessary staff for care of the deceased and support for the bereaved;
  - Provision of an appropriate and robust lined coffin suitable for burial or cremation;
  - Transportation of the deceased person from the place of death during normal working hours (normally within ten miles but taking into account local circumstances);
  - Appropriate arrangements for the uplift of the deceased and care of the deceased person prior to the funeral, in appropriate facilities;
  - Viewing of the deceased person, by appointment;
  - Provision of a hearse or other appropriate vehicle direct to the nearest crematorium or cemetery at a date and time agreed with the funeral director and clearly described to the client;
  - The opportunity to hold a service at the cemetery or crematorium;
  - If burial is specified (where this is available locally) this may involve an additional charge.
51. The definition of a simple funeral set out above does not include the following services:
- Embalming;
  - Provision of a limousine; or
  - Any third party fees or disbursements payable on the client's behalf.

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<sup>3</sup> [The Royal London National Funeral Cost Index 2017](#).

## Additional items

52. Items not included in a defined simple funeral package can sometimes be arranged for an additional fee. During the development of the draft guidance, it has been suggested to us that in some instances a simple funeral is offered at a lower price point but any changes or additions to this funeral package can increase the price of the funeral significantly. We think that it is important for consumers to be able to see the costs of amending a simple funeral so that they can understand the cost implications of any changes they wish to make. The draft guidance for funeral directors therefore suggests that where a person chooses to modify or upgrade any particular aspect of a simple funeral, the increase in price should be proportionate to the request for additional services.
53. Not all funeral directors offer a simple funeral and many funeral directors will work with families to tailor lower-cost options suitable for their budget. In recognition of this, the draft guidance does not state that funeral directors must offer a simple funeral as a defined product. Instead, it suggests that where lower-cost options are offered, these could include a simple funeral.
54. Embalming is not generally included as part of a simple funeral, and is not included in the definition that we have set out in the draft guidance. However, it has been suggested to us that if a client chooses a simple funeral, a funeral director should still be able to recommend embalming, at an additional charge, if the funeral director thinks that this is necessary due to factors such as the condition of the body, circumstances of death or timescale until the funeral. We have, therefore, included a provision in the draft guidance to address this concern, to ensure that any funeral director adopting the definition of the simple funeral set out in the draft guidance still has the ability to recommend this care option, for an additional charge, if the funeral director offers this as part of their services and assesses that this may be necessary.
55. Many bereaved people find that viewing of the person who has died is an important part of the grieving process. In light of this, we think that the definition of a simple funeral should include viewing. We are aware that while current practice varies, many funeral directors do not make any additional charge for this at present.
56. We know that in some circumstances, viewing is not recommended either by medical professionals or through assessment by the funeral director. While we have included viewing in the draft simple funeral definition in the draft guidance, we are clear that funeral directors should still have discretion to recommend against viewing if circumstances, such as the condition of the body or circumstances of death, mean that viewing may not be suitable. We have included a provision in the draft guidance to address this.

**Question 7: To help consumers make comparisons between funeral directors, we have proposed a standard definition for a simple funeral. This is set out in paragraph 9 of the draft guidance for funeral directors and also in paragraph 50 of this consultation document.**

**Do you think that the simple funeral service definition set out in the draft guidance captures all of the necessary elements? Y/N/DK**

**Question 8: If you answered “no”, please provide suggestions for items that you think should be added or removed.**

## **Theme 5 – Transparency of pricing at the point of sale**

### **Offering lower-cost options at the point of sale**

57. We want to ensure that the consumer is aware of their cost options when agreeing the funeral arrangements, is able to consider costs throughout the process, and can base their decisions on cost if they wish to do so.
58. People often wish to give the person who has died a good send-off and may feel embarrassed if they cannot afford more expensive options. They may feel unable to ask about lower-cost options or may find it difficult to admit that they will struggle to pay for the funeral. This could result in people taking on debt that they are unable to afford. Making explanation of lower-cost options a more consistent part of the discussion about the funeral arrangements could help people feel more comfortable asking about these options if money is tight.
59. We have heard from some funeral directors that bereaved people could be offended by being reminded frequently that there may be less expensive options available when purchasing a funeral. We also understand that many funeral directors work with clients wherever possible to ensure that they can afford the funeral they agree to purchase, and it is not in the interests of funeral directors to end up carrying bad debt from people who are unable to pay. In light of this, we want make sure that that a proportionate approach is taken in the guidance to making reference to the range of price options available.
60. Nevertheless, we do think that funeral directors highlighting the availability of lower-cost options could help to reduce the stigma or guilt that people arranging a funeral may feel about asking for lower-cost funeral options where they may have limited money available to pay for the funeral. The draft guidance therefore includes a measure suggesting that funeral directors should ensure that, where appropriate, the full range of price options available is presented for each purchasing decision.

### **Confirming costs in writing**

61. We want consumers to understand at the point of purchase what elements of the funeral they are agreeing to buy and why these elements are necessary. We also want consumers to understand who is being paid for each service that they purchase. For example, some charges paid to the funeral director are then paid out to other providers, such as the crematorium or cemetery. To help achieve this, the draft guidance sets out that funeral directors should provide written confirmation of costs, both in the form of a written estimate and in a detailed itemised final account.
62. The draft guidance sets out that written confirmation should include an itemised estimate of all the charges to be incurred, based on the arrangements that have been agreed, and that the written estimate should also state clearly which costs are attributable to the funeral director and which

costs will be paid to a third party by the funeral director on the client's behalf. The NAFD and SAIF codes of practice already set out that a written estimate should be provided so the draft guidance reinforces what most funeral directors are already doing.

### **Transparency about the costs of care of the deceased**

- 63. We want to ensure that people buying a funeral are aware of lower-cost options but we do not want provision of these options to suggest that appropriate standards of care for the deceased are less important.
- 64. Different funeral directors have different facilities and different models for care of the deceased. In developing this draft guidance, some funeral directors have told us they are concerned that a focus on making funerals more affordable could lead to some funeral directors investing less in facilities for care of the deceased, such as mortuary and refrigeration facilities, to reduce expenditure.
- 65. The Scottish Government is clear that appropriate standards of care are an integral part of the work carried out by a funeral director. In April 2017 we appointed an Inspector of Funeral Directors. A key part of the Inspector's work is to look at standards of care provided by funeral directors. The Inspector will make recommendations to Scottish Ministers in late 2018 on how the funeral director industry should be regulated in the future. We have involved the Inspector during development of this draft guidance to ensure that it is clear that provision of lower-cost options should not result in poorer standards of care for the deceased.
- 66. To help people understand how the deceased will be cared for, and the costs associated with this care, the draft guidance sets out that funeral directors should describe their processes for care of the deceased.

**Question 9: Do you think that the guidance for funeral directors should include a measure suggesting that funeral directors should describe their processes for care of the deceased to help consumers understand costs associated with this?**

**Question 10: Please explain your answer.**

## **Theme 6 - Burial or cremation without using the services of a funeral director**

67. The decision not to use a funeral director may reduce funeral costs but the Scottish Government is not suggesting that arranging a funeral without the use of a funeral director is a solution to funeral poverty. That said, we want to broaden consumer choice and help to ensure that there are no barriers to families arranging a funeral themselves, if this is what they want to do. The draft guidance therefore recommends that if someone wishes to arrange a cremation or burial without using the services of a funeral director, then burial and cremation authorities should make reasonable efforts to accommodate the person's wishes.
68. It is not a legal requirement that people use a funeral director to arrange a funeral. In practice, however, nearly all people do use a funeral director who will liaise with burial and cremation authorities over arrangements for the day of the funeral. The funeral director can also guide the person arranging the funeral through the processes involved, although others, such as celebrants, Ministers and advice providers may also be able to help with this.
69. Direct contact between a person arranging a funeral and a crematorium or cemetery is unusual. However, sometimes bereaved people will choose to arrange a funeral without using the services of a funeral director. We understand that some burial or cremation authorities will not accept applications for burials or cremations unless they are arranged through a funeral director, in part due to concerns about liability and insurance. There may also be staffing implications for burial and cremation authorities if a funeral director is not present.
70. There are practical challenges for a person to overcome in arranging a funeral without using a funeral director, such as preparing the deceased person for cremation or burial, dealing with the physical changes to the body after death, storage and transportation, purchasing a coffin, placing the deceased person into a coffin, and handling of the coffin at the crematorium or at the point of burial. These practical aspects of the processes between death and the burial or cremation taking place are normally taken care of by the funeral director.

**Question 11: Do you think the guidance should include a provision encouraging burial and cremation authorities to make reasonable efforts to accommodate the wishes of a person that does not want to use a funeral director?**

**Question 12: Please explain your answer.**

## Theme 7 – Understanding local authority charges

### Background

71. The Scottish Government sees local authorities as key partners in our work to tackle funeral poverty and make more affordable funeral options available.
72. Citizens Advice Scotland has published reports annually on burial and cremation fees since 2014. These reports have shown an increase in most local authority burial and cremation charges across Scotland, although increases have been greater in some local authority areas than others.
73. These annual reports have also shown a wide variation in local authority charges. In 2017, standard adult burial fees, including lair purchase, ranged from £705 to £2,340. Among local authority crematoriums, fees ranged from £586 to £870<sup>4</sup>.
74. Action 2 of the Funeral Costs Plan includes a [commitment by COSLA](#) about variation of charging. In developing the draft guidance, we have built on this commitment and worked with local authorities and COSLA to try to better understand the reasons for increases in charges and variability of charging for burial and cremation across Scotland. This work has resulted in draft guidance for local authorities in relation to four key areas of charge setting:
  - Transparency of the charge setting process
  - Desirability of ensuring that charges are affordable
  - Publication of information about income and expenditure
  - Sharing of best practice

### Transparency of charge setting

75. Local authorities set charges for burial and cremation, usually as part of their annual budget-setting process. Unlike other services local authorities may charge for, people may have limited other options for burial or cremation in their area.
76. Our discussions with local authorities have shown that different local authorities adopt different methods for calculating how burial or cremation charges should be set for the following financial year. For example, we understand that some local authorities will increase their charges as a set percentage across all services and that in these circumstances burial and cremation charges are not considered separately. We understand that some local authorities have used information in the annual reports published by Citizens Advice Scotland to guide any proposed charge increases.
77. ['Charging for Your Services: are you getting it right?'](#), an Accounts Commission publication, states that local authorities should improve their use of cost information (for all charges, not only those for burial and cremation),

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<sup>4</sup> [The Cost of Saying Goodbye 2017, Citizens Advice Scotland, 2017.](#)

including unit costs, as this is essential for local authorities to design charges and understand the extent to which they will recover costs. The document also indicates that:

- Charges for services may vary markedly between local authorities, reflecting local circumstances and policy priorities
- This may be appropriate but local authorities should be aware of any significant differences in their charges
- Local authorities should be transparent in how they set charges and be able to explain their charging decisions to the public

78. We want the funeral costs guidance to suggest ways to ensure that people feel involved and have an influence in the decisions made by their local authority about burial and cremation fees. This is addressed in the draft guidance in the following ways:

- To ensure greater transparency of the charge setting process, local authorities should consult the public when developing charging proposals. In this process of consultation, local authorities should consider a range of ways to engage with the public, such as public meetings, and provide the opportunity for members of the public to provide a written response. Ideally, consultation with people with direct experience of poverty and disadvantage would be a central part of any consultation programme.
- Local authorities should explain the reasons for any proposed changes to charges in order to help the public understand the drivers behind the cost of these elements of a funeral.

79. We understand that many local authorities already take these steps but we think taking a more consistent approach to this across councils would be helpful.

## **Affordability**

80. We want local authorities to take affordability into account when setting burial and cremation charges. While the Scottish Government recognises that local authorities are accountable to their electorate and are best placed to set their own charges, we do want the guidance for local authorities on charge setting to draw a link to this central theme of affordability within Section 98 of the Act.

81. We recognise that there are challenges around defining 'affordability'; what is affordable to one person is not necessarily affordable to another, depending to their level of income and savings. We recognise also that affordability can be an issue for the local authority providing the service, given its overall budget.

82. As set out in 'Charging for Your Services: are you getting it right?', local authorities have discretion to subsidise services, and where a service is subsidised, public money is used to make a contribution to part of the costs of providing the service. Products and services that are subject to above-inflation price increases are likely to become less affordable over time and so the draft

guidance suggests that local authorities should have regard to the rate of inflation and consider whether above-inflation charge increases can be avoided.

## **Publication of information about income and expenditure**

83. We want to improve the availability of information on income generated and costs incurred by local authorities in relation to cemeteries and crematoriums, including presenting this in a more consistent manner across local authorities, so that the public have a better understanding of these.
84. We think that this will help to increase the public's ability to understand cost drivers associated with local authority burial and cremation services, as well as the expenditure incurred by local authorities alongside any income generated, and see the proactive publication of this information by local authorities as a valuable first step to achieving this.
85. We understand from local authorities that staff costs, including travel costs, are usually the single largest expense for local authority burial services, followed by the costs of maintaining grounds, buildings, vehicles and equipment. Central administrative support recharges also contribute to expenditure figures.
86. The National Assistance Act 1948 puts a duty on local authorities to arrange the burial or cremation of a deceased person in instances where no funeral arrangements are being made, such as no next of kin being identified or no family members being able or willing to arrange a funeral<sup>5</sup>. Local authorities must provide for these funerals from within existing budgets.
87. Capital expenditure by local authorities on items like buildings refurbishment, replacing cremators or fitting mercury abatement equipment to existing cremators, and extending or establishing new cemeteries, can also be significant. Although this is often met from central capital budgets rather than from bereavement services departmental budgets, this expenditure further illustrates the range of cost drivers associated with local authority provision of burial and cremation services.
88. It has been suggested to us that local authorities use income generated through burial and cremation charges to help fund other local authority services. [A public consultation conducted by the Scottish Government in 2015 on a proposed Bill relating to burial and cremation and other matters in Scotland](#) asked whether local authorities should be required by law to charge funeral costs on a cost-recovery basis only. While 59% of respondents answered "yes", some local authority responses suggested that operating these services on a full cost recovery basis would lead to an increase in charges, not a reduction, as some local authorities subsidise these services.

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<sup>5</sup> Once Section 87 of the [Burial and Cremation \(Scotland\) Act 2016](#) comes into force, it will provide the legislative framework for local authority funerals.

89. Our more recent work with local authorities suggests that many local authorities do subsidise burial and cremation services at present. Information provided in Scottish Local Government Financial Statistics, which includes income and expenditure statistics for cemetery, cremation and mortuary services (excluding capital), also suggests that this is the case for many local authorities.
90. We acknowledge that the information in the Scottish Local Government Financial Statistics does not tell the full picture about local authorities' income and expenditure for burial and cremation services. The figures include mortuary services, which are not the focus of this draft guidance. In addition, the figures do not include capital expenditure or highlight future liabilities for local authorities, such as replacement of cremators or building refurbishment.
91. Nevertheless, as a valuable first step to helping the public's ability to understand costs associated with local authority burial and cremation services, we have included a measure in the draft guidance to suggest that local authorities should publish information annually on their websites showing income generated and expenditure incurred through the provision of these services, based on the local authority's data that is already submitted to the Scottish Government in the Local Financial Returns.

### **Sharing of best practice**

92. We would like local authorities to share good practice on the process to set burial and cremation charges and also to share ideas and examples of measures local authorities can take to help tackle funeral poverty.
93. 'Charging for Your Services: are you getting it right?' sets out that each local authority must set its charges in the context of its wider service objectives but that local authorities should also compare their charges with other providers and make use of national and other benchmarking approaches. The document is clear that this should not mean simply mirroring charges elsewhere, because local circumstances may vary, but that local authorities should be aware of any unexplained inconsistencies and be able to explain why their charging policy differs.
94. COSLA's commitment in the Funeral Costs Plan includes bringing local authorities together to discuss ways they can contribute to tackling funeral poverty. COSLA has been involved during the discussion to develop the draft guidance and also arranged an earlier meeting in June 2017 with a number of local authorities to discuss a range of matters related to funeral charges and funeral poverty.
95. At a national level, a number of organisations are involved in benchmarking in relation to a range of services provided by local authorities, including the Association of Public Sector Excellence (APSE), the Chartered Institute of Public Finance and Accountancy (CIPFA), COSLA, and the Improvement Service, who undertake benchmarking of performance on behalf of the Society of Local Authority Chief Executives and Senior Managers (SOLACE).

96. We have discussed APSE benchmarking of burial and cremation services during our discussions with local authorities. Within the burial and cremation sector, the Institute of Cemetery and Crematorium Management (ICCM) and the Federation of Burial and Cremation Authorities (FBCA) provide policy and best practice guidance to member burial and cremation authorities. The majority of local authorities are also represented at the Scottish Bereavement Benchmarking Group, which looks to share expertise and good practice. We also understand that publications like the Citizens Advice Scotland 'Cost of Saying Goodbye' reports have been used by some local authorities as a way to benchmark their burial and cremation charges.

**Question 13: Paragraphs 3 and 4 of the draft guidance for local authorities suggest that local authorities should consult the public when developing charging proposals and explain the reasons for any proposed changes to charges.**

**Do you think these measures will help improve the transparency of, and public engagement with, the local authority charge setting process? Y/N/DK**

**Question 14: Please explain your answer.**

**Question 15: Paragraph 5 of the draft guidance for local authorities suggests that local authorities should publish information from their Local Financial Returns annually on their websites, showing income generated and expenditure incurred through the provision of burial and cremation services.**

**Do you think that this would help increase public understanding of the costs associated with local authorities' provision of these services? Y/N/DK**

**Question 16: Please explain your answer.**

## **Theme 8 – Local authority measures to reduce funeral poverty**

97. The Scottish Government's [Funeral Costs Plan](#) sets out 10 actions that we are taking to tackle funeral poverty and is clear that we see local authorities as key partners in this work.
98. The draft guidance for local authorities therefore includes measures to link burial and cremation charge setting to broader strategies and duties aimed at reducing poverty and inequality, such as the Child Poverty (Scotland) Act 2017 and, where appropriate, the new Fairer Scotland Duty as set out in Part 1 of the Equality Act 2010.
99. Recognising that funeral costs contribute to poverty, the draft guidance also suggests that local authority strategies for poverty reduction should, where possible, include measures aimed at addressing funeral poverty. Alongside this, the Scottish Government wants to encourage actions from local authorities that will provide direct support for individuals and families struggling with the costs of a funeral.
100. Where it has not been possible to save or buy ahead for a funeral, many people struggle with the costs. In light of this, the draft guidance for local authorities suggests that local authorities should consider putting in place measures to support and assist bereaved people who are unable to or struggling to meet the costs of arranging a funeral.
101. While the draft guidance cites possible options, such as provision of advice to the public, or working with funeral directors to provide support to people who would struggle to pay for a funeral, we have consciously left this part of the draft guidance open in order to encourage local authorities to think innovatively about what options might be available to them within their powers.

**Question 17: Do you think the guidance should encourage local authorities to link burial and cremation charge setting to broader strategies and duties aimed at reducing poverty? Y/N/DK**

**Question 18: Please explain your answer.**

**Question 19: Do you think that local authorities should be encouraged to take actions to support individuals who are struggling with the costs of a funeral? Y/N/DK**

**Question 20: Please explain your answer.**

## **Section 5: Impact assessments**

102. Equality of opportunity is a founding principle of the Scottish Parliament and the Scottish Government is determined to tackle all forms of inequality. A wide range of measures to help do this are included in our Programme for Government and our legislative programme.
103. The Equality Act 2010 is aimed at eliminating discrimination against individuals who share one or more of the protected characteristics mentioned in the Act. The protected characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
104. Section 149 of the Equality Act 2010 places a legal duty (known as the Public Sector Equality Duty') on public authorities to have due regard to the need to: eliminate discrimination; advance equality of opportunity; and, foster good community relations in relation to the relevant protected characteristics with the exception of marriage and civil partnership.

**Question 21: Please tell us about any potential impacts, either positive or negative, that you consider the proposals in this consultation may have on people who may be differently affected in relation to the protected characteristics.**

105. Business and Regulatory Impact Assessments (BRIAs) help to assess the likely costs, benefits and risks of any proposed primary or secondary legislation, voluntary regulation, codes of practice, or guidance that may have an impact on the public, private or third sector. As the measures we have outlined on funeral costs are guidance, the Scottish Government's initial assessment is that these will not directly impose new regulatory burdens on the public, private or third sector.

**Question 22: Please tell us about any potential business or regulatory impacts, either positive or negative, costs and burdens that you think may arise as a result of the proposals within this consultation.**



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**COUNCIL EXECUTIVE**

**ROADS & TRANSPORTATION SERVICES TRANSFORMING YOUR COUNCIL PROPOSALS  
2018/19 - 2022/23 UPDATE**

**REPORT BY HEAD OF OPERATIONAL SERVICES**

**A. PURPOSE OF REPORT**

The purpose of this report is to seek approval to progress with the delivery of the activities and service changes which were identified as part of the Transforming Your Council agenda.

**B. RECOMMENDATION**

It is recommended that the Council Executive approve the changes to service delivery within the Roads & Transportation Service as outlined in the detail of the report. The changes will be phased to meet the overall budget 2018/19 - 2022/23.

**C. SUMMARY OF IMPLICATIONS**

<b>I</b>	<b>Council Values</b>	Focusing on our customers' needs; being honest, open and accountable; making best use of our resources; and working in partnership.
<b>II</b>	<b>Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	<p>All activities within Roads &amp; Transportation Service ensure that the council is complying with statutory requirements at Scottish, UK and EU level.</p> <p>The change in service standards ensure that the council aligns its operational and customer practices in the management of equality of service and minimise the risk to health and of the environment.</p>
<b>III</b>	<b>Implications for Scheme of Delegations to Officers</b>	None.
<b>IV</b>	<b>Impact on performance and performance Indicators</b>	Ongoing government funding constraints has implications for the council's budget and performance. The service will continue to meet its statutory requirements for service delivery however the reduced budget measures may result in a reduction in performance for statutory and key performance indicators. Wherever possible the service will adjust performance indicators to ensure that service delivery is focused to support council priorities.
<b>V</b>	<b>Relevance to Single Outcome Agreement</b>	The revenue budget provides resources necessary to help deliver the Single Outcome Agreement. Effective prioritisation of resources is essential to achieving key outcomes.

**VI Resources - (Financial, Staffing and Property)**

Scottish Government revenue grant funding is not sufficient to meet increasing costs and demand for services. Based on budget assumptions, the council faced a significant revenue budget gap of £65.3 million over the five year period.

Roads and Transportation budget reductions of £2.571 million for the period 2018/19 to 2022/23 were approved by Council on 13 February 2018. The corresponding staffing reduction is 41 FTE.

**Consideration at PDSP**

Feedback from the council's Transforming Your Council (TYC) consultation was discussed at a series of Policy Development and Scrutiny Panel (PDSP) meetings in December 2017.

The Partnership and Resources PDSP on 19 January 2018 considered an update on the approach to developing a revenue budget strategy which met the financial planning parameters previously agreed Council.

The Environment PDSP considered these proposals on 30 October 2018 and agreed the report with the exception of the proposal to remove Festive lighting and Christmas trees.

**Other consultations**

Following the PDSP meetings in December 2017 and January 2018 the Council Executive on 6 February 2018 received an update on the approach to developing the strategy along with further information on officers' prioritisation analysis of services and potential savings by service and West Lothian Assessment Model (WLAM) unit level.

The TYC consultation, which received 7,026 responses and over 45,000 comments, provided support for the council's priorities and many of the officer savings proposals.

Meetings on the five year revenue budget strategy and detailed revenue budgets for 2018/19 and 2020/21 have been held with trade unions.

The Financial Management Unit was consulted on the content of this report.

**D. TERMS OF REPORT**

**D.1 Context**

At its meeting of 13 February 2018, West Lothian Council approved a report on the 2018/19 to 2022/23 Revenue Budget. As part of the approval officers were remitted to report back to Environment PDSP and Council Executive on amended service standards.

**D.2 Key Service Delivery**

The service has reviewed service delivery mindful of the requirement to make substantial

savings. The activities outline in Appendix I outline the key activities that the service will provide moving forward and details pre and post TYC programme budgets and FTE's. The impact of budget reductions may lead to reduced performance, increased complaints, long term deterioration of the network which will have to be closely monitored.

### D.3 Funding Overview

Over the five year period 2018/19 to 2022/23 of Transforming Your Council Roads & Transportation is required to make a £2.571m revenue saving on a 2017/18 budget of £10.3m i.e. a reduction of 25%.

**The revenue saving profile to be achieved is as below:**

Year	2018/19 £'000	2019/20 £'000	2020/21 £'000	2021/22 £'000	2022/23 £'000	Total £'000
Revenue	452	1,750	267	102	0	2,571

Due to the scale of savings to be delivered the service has reviewed service provision and activities.

Capital funding is critical to ensuring the service's assets are maintained well. Comparing the previous 10 year capital programme to the future 10 year programme there is an 18.9% reduction in funding. Comparing the previous 5 years there is a reduction of 2.9%, however, this figure is somewhat masked due to the funding for LED lighting replacement and removing this shows a 18.1% reduction in regular asset maintenance.

Year	2018/19 £'000	2019/20 £'000	2020/21 £'000	2021/22 £'000	2022/23 £'000	Total £'000
Capital	7,882	9,980	7,764	7,067	6,126	38,819

A report "UK Construction Inflation 2010-2015 - An overview of construction inflation" produced by Norfolk County Council details that over the period there had been a 30.5% increase in civil engineering contract costs. Therefore, one third less work is being undertaken where budgets are sustained without growth. This puts some context on the situation facing the Council.

Roads and Transportation historically allocates costs on a usage basis to both revenue and capital which makes the process of identifying revenue savings more complex. For example on average for every one frontline FTE, 20% of their cost is allocated to capital works.

Currently, £1.7 million of allocations are budgeted to recover the cost of employees and vehicles carrying out capital work. A revised income target of around £1.4 million has been proposed and this will retain staffing, operatives and vehicles, albeit at a reduced level. Continued monitoring of resource allocation to capital work will be required to ensure the correct work mix between revenue and capital.

### D.4 Impact on Service and Assets

The significant reductions in both revenue and capital budgets will have consequential impacts on both service delivery and the condition of roads related assets. As less funding is available for planned maintenance, the fabric of the road network will deteriorate at an increased rate. This will lead to increased numbers of defects which will require unplanned reactive maintenance e.g. emergency pothole repairs. Other asset groups such as structures and street furniture will be similarly affected, although to a lesser extent.

In order to minimise the impacts on the roads asset, the reductions in funding and staffing resources will require a change in the way the service undertakes planned maintenance with a shift from resurfacing to much more cost effective surface dressing treatments.

Society of Chief Officers of Transportation Scotland (SCOTS) data on road condition has

been reviewed going back to 2007/09. During this period, at a national level, road condition has remained very stable. The national RCI has varied between 36.5 and 37.0 in that period. In the same period, there are several authorities which have clearly invested in roads and have seen a significant improvement in RCI. These include East Ayrshire, East Dunbartonshire, East Renfrewshire and Fife. Other authorities, including South Ayrshire, Renfrewshire, South Lanarkshire and Shetland have seen more recent improvements in RCI since around 2011/13.

Looking at West Lothian, our RCI initially improved significantly and peaked in 2012/14. This reflects the benefit we achieved from the major capital investment in the mid-late 2000s. Since 2012/14, our RCI has deteriorated by around 1% per annum on average. With the reductions in budget now being proposed, our models suggest deterioration will accelerate. If the national condition remains stable, as it has over the past 10 years, and our models are roughly correct, we will be below the national average in 5 years.

With regard to other asset groups, the budget reductions means that there will be no funding available for new signs, markings or other traffic management measures other than through the Road Safety Casualty Reduction programme. However, areas such as street lighting and traffic signs will see improvements through increased capital investment.

## **D.5 FTE Reductions and Savings**

During 2017/18, the FTE establishment within the service was 180.67. With reducing budgets the service requires to reduce staffing numbers. The opportunity was taken for 2018/19 to remove a total of 20 FTE vacancies. This equated to a staff saving of £504,000.

Following the Transforming Your Council staff briefings a number of requests for voluntary severance were received by the service. These have been carefully considered and the service has been able to approve business cases for the removal of 11 posts. It is anticipated that the service will be able to support further cases and it is hoped that this will remove the need for staff to be displaced.

In order to achieve savings for 2019/20 and conclude the staff resource change it is proposed that a further 21 FTE will be removed from the structure. The table below provides details of how it is proposed that the reduction of 21 FTE be achieved generating savings of £587,000, however it should be noted that the posts to be removed may be subject to change following staff and Trade Union consultation.

The details of the proposed FTE movement in 2018/19 & 2019/20 is shown below:

Post	2018/19 FTE Reduction	2019/20 FTE Reduction	Total FTE Reduction	Productive Hours
Electrician		2	2	3,322
Engineer	1		1	1,661
GIS Operator	2		2	3,322
Inspector	1		1	1,661
Policy Officer	1		1	1,661
Inspector		1	1	1,661
Road Operative	12	12	24	39,864
Engineer		1	1	1,661
Squad Leader		3	3	4,983
Technical Clerk	2	1	3	4,983
Technician	1	1	2	3,322
Total	20	21	41	68,101

The removal of 21 FTE in 2019/20 combined with the reduction of 20 FTE posts in 2018/19 has clearly reduced the capacity of the service and as a consequence service delivery has had to be revised.

The total reduction in staffing costs attributable to revenue is £1.278m which is 60% of the

total £2.571m budget saving. Of this £0.187m relates to shift allowances which are currently phased to be in. The table below shows the split between capital and revenue.

Cost Element	Gross £'000	Capital £'000	Revenue £'000
Shift Allowance	234	47	187
Staff Costs	1,250	159	1,091
Total	1,484	206	1,278

The budget proposals estimated a staff reduction of 57.1 FTE however the service has tried to minimise staff reductions by looking at other measures to achieve the savings which has reduced the number of staff being removed by 16.1 FTE to the total of 41 FTE. Appendix II details the full structure chart and movement in FTE's.

## D.6 Summary of Service Changes

The Transforming Your Council consultation and subsequent Council Executive report identified anticipated areas of change that would be required within the Roads & Transportation Service. These were detailed as:

“Reduction of front line works and service provision which would include Christmas lighting, out of hours service and statutory minimum service requirements.

Roads and Transportation review of:

- shift working
- restructure and re-profile of operatives
- contracting road marking, gulley cleaning & jet patching
- reduction in overtime working

## D.7 Festive Lighting

As part of the Transforming Your Council consultation last year Roads & Transportation included the proposal to remove festive lighting as part of its 2018/19 revenue budget savings.

Festive lighting is provided in 35 towns and villages within West Lothian. The service supplies and installs a total of 483 features, of which 58 are carried out on behalf of a third party e.g. Bathgate BID, Blackridge Community Council. There are seven areas which do not have any festive lighting.

The service also provides a total of 16 Christmas trees to towns and villages with a further four areas where natural trees are utilised (Whitburn, Uphall Station, Stoneyburn and Livingston Village) and three areas (Longridge, Winchburgh and Broxburn) supply their own trees. There are 19 areas which do not have Christmas trees.

In addition to the above, the service provides 18 Christmas trees to various churches within West Lothian. The reason why these were supplied is unclear but it appears to be a historical arrangement.

Appendix III provides further details of Christmas provision.

In 2017/18, spend of festive lighting was a specific proposal in the Transforming Your Council consultation. Out of 230 responses on the matter, 150 or 65% of those who replied supported / agreed to the removal.

The erection and removal of festive lighting and Christmas trees takes resources away from day-to-day maintenance activities during a period of the year when resources are most stretched due to increased demand for street lighting repairs and winter service.

Consideration has been given to leaving festive features in place all year round. This would

remove the erection and removal costs but would incur additional costs relating to inspections and weather damage. It would also mean having features on display out of season and this is likely to attract criticism.

Although this year's Christmas provision will remain unchanged, the service plans to stop the erection of festive lighting and Christmas trees with effect from Christmas 2019.

Although it is recognised that this will be disappointing for some it will deliver around £120,000 of ongoing revenue savings.

It has been suggested that the communities undertake these activities themselves and the service has prepared an advice note setting out the requirements. See Appendix IV.

The management of the authorisation process following applications from community groups will be resources by street lighting staff.

#### **D.8 Improved Utilisation of Gully Motor and Jetting Equipment**

The current arrangement only allows cyclic cleaning of the 32,000 gullies every 4 years and this is leading to increased localised flooding and the need for reactive maintenance. This is more expensive and requires specific visits and often use of specialist equipment to clear blockages.

The reason for this is due to resource being diverted to other works, particularly in the winter months and with reduced levels of FTE available this problem will only intensify. Therefore, the service is going to test the market, utilising our current vehicles and equipment, with the intention of improving cyclic gully cleaning and jetty efficiency. Tender documents have been prepared for market testing and will be undertaken as a framework.

It is anticipated that this change will generate a saving of £100,000 which comprises of labour, vehicle and disposal costs. A similar approach has been adopted by Stirling Council which has proven successful.

#### **D.9 Fleet, External Hires, Fuel & Servicing Review**

A full review of fleet utilisation has been undertaken to align requirements to future service delivery. The review has identified 11 vehicles which can be removed from the fleet as a result of staffing reductions. The reduction in fleet numbers equate to £222,589 which is inclusive of lease costs, repairs and fuel. Appendix V details vehicle groupings, numbers and associate savings values.

As a result of improved framework contracts for hired plant it is anticipated that a saving of £74,000 will be generated.

#### **D.10 Reduction in Supply and Services**

Within the efficiency plans, a reduction of £355,000 has been identified which will result in less repair works being carried out on our assets. This may result in a reduction in key performance indicators and an increase in customer complaints. A reduction of this scale will result in an estimated £1m of works not being undertaken when whole job costs are taken into account i.e. inclusive of labour and plant.

This proposal will be monitored as changes are introduced as this should be a last resort as it will further impact on the council's roads assets.

## **D.11 Review of Roads Out of Hour Service**

The Council's Road Safety Inspection Manual defines the time-scales for responding to reports of defects on the road network. In line with this manual the service can achieve the time-scales without the need, in the majority of instances, to respond out with normal working hours. Examples of typical defects reported out with normal working hours are potholes, blocked gullies, debris, spillages, dark lights and damage to street furniture.

In addition to road defects, the service also responds to reports of dead animals, sharps, and human body fluids. These types of calls are generally not life threatening and can be dealt within a reasonable timescale within normal working hours. Although in part a change to existing practice, the service would still comply with code of practice in relation to road defects but the response times will be slower than they are currently.

During 2017/18, 780 out of hours calls were received by the service. Around 60% of these fall within the non-life threatening category. Calls in future will be triaged to ensure only true out of hour emergencies are responded to.

There will be a need to inform key partners of this change, in particularly Police Scotland which is the source of many calls however, it is not anticipated that there will be any significant impact to them directly.

£50,000 is currently incurred by the service as a result of providing a 24/7 365 day a year service cover. This approach will generate a saving of £30,000.

## **D.12 Reduction in Overtime Working**

As of 2019/20 the overtime budget has been reduced by £196,000 to £300,000. The remaining £300,000 is predominately required to fund weather events and capital works.

This budget reduction is based on the service having fewer operatives and undertaking fewer activities on an overtime basis. This will in turn result in less flexibility and resilience.

## **D.13 Changes to Working Hours and Removal of Shift**

Currently operatives work a seasonal pattern whereby they work shorter hours in the winter (20 weeks) and longer hours in the summer (32 weeks). During these seasonal periods operatives work a two weekly rotating shift pattern, one week covering Mon-Fri and Sat morning and the next covers Mon-Thu. This full pattern averages a 36 hour week over the year.

Based on the proposed new service standards and work activities to be delivered in-house there are no benefits to the service working a shift pattern and/or seasonal hours. Indeed to continuation of the shift pattern puts additional pressures on resource management and planning.

In line with the shift allowances being consolidated with changes to terms and conditions the shift pattern cannot be removed until 2020/21. However, the service will remove the seasonal working arrangements and retain the 5 hour Saturday morning shift in the interim. This will increase the normal working hours available during the winter months when resources are most required.

The interim proposal will have the working day from 08:00 to 15:57 with a 30 minute lunch break and the Saturday shift will remain from 08:00 to 13:00 with no break. In the transition period payment will be made to employees for any accrued hours.

To align supervision to frontline operations this change will also require Roads Officers to work the revised working hours.

Although savings are not realised through the removal of seasonal hours it is anticipated that £234,000 will be achieved through the removal of shift working in 2020/21.

If shift allowance is not removed this saving would need to be made from a further reduction in FTE. To meet this shortfall 8 FTE would require to be removed. This would mean a further reduction to service standard and significantly impacts on the services ability to meet statutory requirements and deliver winter maintenance service.

#### **D.14 Review of winter maintenance standards - winter maintenance for footways and provision of grit bins**

Roads and Transportation operates winter service between 1 November and 31 March.

West Lothian has more than 1,300km of footways of which 235km are classed as primary gritting routes. In line with policy, primary footway routes are treated from 05:00hrs with secondary routes treated from 08:00hrs. During the three hour period an average of 120kms of primary footway treatment is undertaken which equates to 51% of the primary footway network. Typically, footways will be treated on around 12 occasions per annum although colder winters can see this rise to over 30 occasions. As primary routes commence out-with normal working hours it is necessary to provide this service on a standby basis for 22 weeks of the year. The service consists of 29 tractor operators in addition to 6 operatives making up a service crew to deliver fuel and to ensure tractor bins are filled with salt.

With a weekly standby rate of £85.31 it costs £61,000 per annum to ensure resources are available for these three hours.

In accordance with current terms and conditions the operatives providing this service are paid in double time between 05:00hrs and 08:00hrs. In a typical year where there are 12 occasions of treatment this costs £39,000. This combined with the annual standby costs brings the total cost per annum to approximately £105,000. Considering only 9.2% of the footway network is treated during this period it does not represent value for money. This change will also impact on early treatment of areas around Educational establishments, a service currently funded by Roads and Transportation Services.

Following a review of the primary carriageway routes the number of routes has been condensed from 16 routes to 14 with the coverage remaining the same. By maintaining the same ration of vehicles per primary route it is possible to reduce the number of fixed body gritters from 8 to 7. The annual cost of a fixed body gritter including operating costs is around £30,000.

These changes will result in an annual saving of approximately £135,000 for Roads and Transportation Services. There is also £166,000 of overtime incurred within NETs Land and Countryside for winter maintenance activities which will also be removed.

#### **D.15 Resilience - What other areas can be drafted in to cover - drivers etc.**

During the winter period it is anticipated that normal service can be maintained with the reduced staffing resource. However, the resilience of the service will be subject to strain due to factors such as driver's hours and sickness absence.

To assist during period of severe weather Roads & Transportation will be dependent on resource transfer from other service areas within Operational Services i.e. Waste and NETs and Land Services. At this time the Head of Operational Services will prioritise staff within the service appropriately and in conjunction with the Emergency Planning Team.

Roads & Transportation will maintain gritter operation during snow/icing events due to the specific skills required for operation of the gritter and the additional resource will be deployed, driving smaller vehicles, to hand spreading salt and undertake snow clearing.

## D.16 Summary of Savings and FTE Reductions

A summary of the savings and FTE reductions year on year is shown below:

Measure	Total Saving £'000	Revenue £'000	Capital £'000	18/19 £'000	19/20 £'000	20/21 £'000	21/22 £'000	Total	18/19 FTE	19/20 FTE
Shift Allowances	234	187	47	19	0	168	0	187		
Overtime Payments	245	196	49	0	196	0	0	196		
Festive Lighting	120	120	0	0	120	0	0	120		
Vehicles	223	223	0	0	223	0	0	223		
External Hires	74	74	0	0	74	0	0	74		
Supplies and Services	355	355	0	0	355	0	0	355		
Out of Hours Services	30	30	0	0	30	0	0	30		
Contractors	159	159	0	0	159	0	0	159		
Standby – Footways Winter	61	61	0	0	61	0	0	61		
Night Winter Resource	75	75	0	75	0	0	0	75		
Staff Resource	1,250	1,091	159	504	587	0	0	1,091	20	21
Total	2,826	2,571	255	598	1,805	168	0	2,571		
Approved Saving Phasing				452	1,750	267	102	2,571		

## D.17 Next Steps

Following Council Executive approval the next steps will be:

- Staff Consultations and Communication Period – November 2018 to February 2019
- Service Changes Implemented – April 2019

## E. CONCLUSION

Roads and Transportation Services have to deliver a challenging budget reduction of £2.571m which is a 25% reduction on the 2017/18 revenue budget.

Significant service adjustments are required to be made to service staffing and service standards to achieve the necessary budget savings.

The committee is advised to approve the changes to service delivery within Roads & Transportation as outlined in the detail of the report and the phasing of the savings.

## F. BACKGROUND REFERENCES

Transforming Your Council Consultation Reports

Revenue Budget 2018/19 to 2022/23 – Report by Head of Finance and Property Services to Council 13 February 2018

Report to Environment PDSP (30 October 2018)

Appendices/Attachments:

Appendix I - Service and activities (Service standards and Budget/FTE reductions)

Appendix II - Structure chart detailing FTE movement

Appendix III - Lighting Christmas Provision  
Appendix IV - Advice note for communication on festive lighting  
Appendix V - Fleet analysis, groups, numbers and savings

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**Jim Jack**  
**Head of Operational Services**  
**13 November 2018**

APPENDIX I - Service and Activities (Service Standards)			
Activity Name and Description		Key changes to service delivery model	Standards
<b>ROADS OPERATIONS</b>			
<b>Roads and Footway Maintenance</b>	To construct and repair road and footway related infrastructure e.g. drainage, kerbing, potholes, patching, surfacing, white lining, masonry repairs, cable tracking etc.	Both revenue and capital activities will continue to be delivered in-house. However, the emphasise of work will move towards reactive maintenance with reduced level of planned maintenance work (capital projects) as a result of reducing budgets.	
<b>Gully Cleaning</b>	To manage and undertake gully cleaning.	This activity will be market tested to allow the operation to be undertaken throughout the year particularly over the winter period when resources are regularly diverted to winter activities. Through using our specialist vehicles differently we anticipate that we can improve cyclic gully cleaning and jetting efficiency.	Target time for gully cleaning cycle - 32,000 every 2 years.
<b>Winter Maintenance</b>	To manage and deliver the winter maintenance service for public roads and footpaths.	Carriageway and footway priority routes will be maintained. Early morning footway treatment currently commencing at 0500hrs will commence at 0800hrs from 2019/20. This will also apply to the resources deployed to treat agreed areas within schools.	In line with current council policy with the revision of change to early morning footway treatments (including schools).
<b>STREET LIGHTING</b>	<b>Activities covered by street lighting team</b>		
<b>Lighting maintenance</b>	To manage and deliver the maintenance of street lighting.	To undertake reactive / planned repairs to ensure the correct operation of the equipment.	Emergencies - attend within 2 hours of notification. Target to repair dark light faults (faults above ground level) - 7 days. Target to repair underground faults (i.e. cable damages) - 56 days
<b>Energy Management</b>	To manage energy consumption in line with unmetered supply regulations.	No change.	Energy returns (connected load and burning hours) submitted to energy supplier monthly.
<b>Electrical Testing</b>	Undertake periodic electrical testing of assets.	Periodic electrical testing will continue to be undertaken in line with relevant code of practice.	Assets tested on a 6 year cycle.
<b>Night Inspections</b>	Undertake night inspections to ensure correct operation during the hours of darkness..	No change.	
<b>Signs and Bollards</b>	To maintain illuminated and non-illuminated signs/bollards and street nameplates.	No change.	Target to repair defects - 56 days
<b>Festive Lighting</b>	Erection, removal and maintenance of festive lighting equipment.	Festive lighting will no longer be undertaken by the service.	
<b>DESIGN ENGINEERING</b>	<b>Activities covered by projects design, structures and flood teams</b>		
<b>Projects Design &amp; Implementation</b>	To design and deliver capital projects.	Service will continue to deliver the design, procurement and supervision of capital projects in house.	
<b>Managements of Roads Related Structures</b>	Manage all roads related structures by: 1. Assessment of the condition of highway structures through completion of General/Principal Inspections in accordance with Best Practice. 2. Programme of planned maintenance of asset.	The management of roads related structures (bridges, culverts and retaining walls) will continue to be managed with an element of the revenue budget used to carry out minor works/repairs and major works being funded through the 10 year capital budget. General and Principal inspections will continue to be carried out in accordance with national standards.	General Inspections: Every 2 years Principal inspections: Every 6 years
<b>General Structural Advice on Roads Related Structures</b>	To provide structural advice to others in relation to roads related structures.	Structural advice will continue to be given on an ad-hoc basis.	Response period determined on a case by case basis to be agreed with customer.
<b>Structural Advice on Planning Applications and Road Construction Consents on Roads Related Structures</b>	Provide input to Planning Applications and Road Construction Consent process in relation to proposed roads related structures within proposed developments.	This input will continue to be provided.	
<b>Flood Risk &amp; Surface Water Management</b>	To reduce overall flood risk by contributing to the preparation of Local Flood Risk & Surface Water Management Plans and deliver the objectives set in the Plans.	The preparation of Flood Risk & Surface Water Management Plans will continue.	Local Flood Risk & Surface Water Management Plans every 6-years with programmed actions in each of the six years within the cycle.

Activity Name and Description		Key changes to service delivery model	Standards
<b>Inspection and Maintenance of Water Related and Maintenance of Headwalls and Trash Screens</b>	Monitor, inspect and maintain.	Will remain unchanged.	Inspect and maintain in line with flood risk and surface water management plans.
<b>Inspection and Maintenance of Reservoirs Owned by the Council</b>	Ensure the safety and structural integrity of reservoirs owned by the Council.	Will remain unchanged.	Inspect and maintain in line with national requirements.
<b>Respond to Flood Events</b>	Respond to flooding events and help deliver the council's obligations as a Category 1 responder.	Will remain unchanged.	
<b>NETWORK MANAGEMENT</b>	<b>Activities covered by Road maintenance, road safety &amp; traffic management and roadworks co-ordination</b>		
<b>Roads Network management</b>	Management of activities on the public road network including public utility co-ordination, reactive inspection and customer enquiries	Applications for dropped kerbs will be batched for more efficient workload planning Applications for temporary traffic orders will be batched for more efficient workload planning - minimum of 8 weeks notice will be required. Permit applications will continue to be processed although charges are expected to rise in line with national benchmarking. Reactive inspections will be batched for more efficient workload planning.	Minimum of 8 weeks notice for TTRO applications. Respond to dropped kerb applications within 4 weeks or receipt of application Reactive inspection of reported defects within 5 working days of report being received.
<b>Plant Information Requests (PIRs)</b>	Providing plans for underground services	Requests for PIRs from within Roads and Transportation will be returned within 12 working days. Requests from out with Roads and Transportation are no longer serviced.	Return plant information plans within 12 working days of request.
<b>Public Utility Inspection</b>	Undertaking inspections of public utility works and reinstatements	Sample inspections will be undertaken in accordance with the relevant Code of Practice.	Sample inspections will be undertaken in accordance with the relevant Code of Practice.
<b>Roads Safety Inspections and condition surveys</b>	Undertake routine safety inspections in line with the agreed inspection policy and procedures.	Safety Inspections will continue to be undertaken in-house in line with established hierarchies and frequencies. These will be prioritised over condition surveys. Footway visual condition surveys will continue to be undertaken on approximately 5 year cycle and will be prioritised over carriageway surveys. Carriageway visual condition surveys will be undertaken as resources allow.	Safety Inspection frequencies: In line with agreed safety inspections.
<b>Ad-hoc road maintenance inspections</b>	Ad-hoc inspections (reactive work from enquiries)	Enquiries will be batched whilst still allowing inspection within 5 working days as per established policy.	Reports of defects will be inspected within 5 working days.
<b>Road maintenance revenue planned design (patching and drainage works)</b>	Design and planning work for small scale patching and drainage investigations.	Reduced revenue budgets will result in less funding being available for this sort of work and therefore less demand for design. A system of prioritising workloads will ensure that the most important works continue to be designed and delivered within the resources available. Design will be undertaken in house utilising remaining Engineer and Technician posts.	
<b>Traffic signals design and maintenance</b>	To provide a specialist design service for traffic signals schemes, develop and deliver maintenance programmes.	Specialist design services will be procured externally as required. Retained service will focus on programme management and management of the traffic signal maintenance contract.	Make safe traffic signal emergency faults within 4 hours. Fix traffic signal non-emergency faults within 48 hours.
<b>Disabled Persons Parking Places</b>	To provide disabled persons' parking places for blue badge holders in line with statutory duties.	Upright signs and poles are no longer being provided for new applications - only road markings. Only one traffic regulation order per year will be promoted. Applications will take longer to process as they will be batched for more efficient work planning.	Mark bay within 8 weeks of successful application.

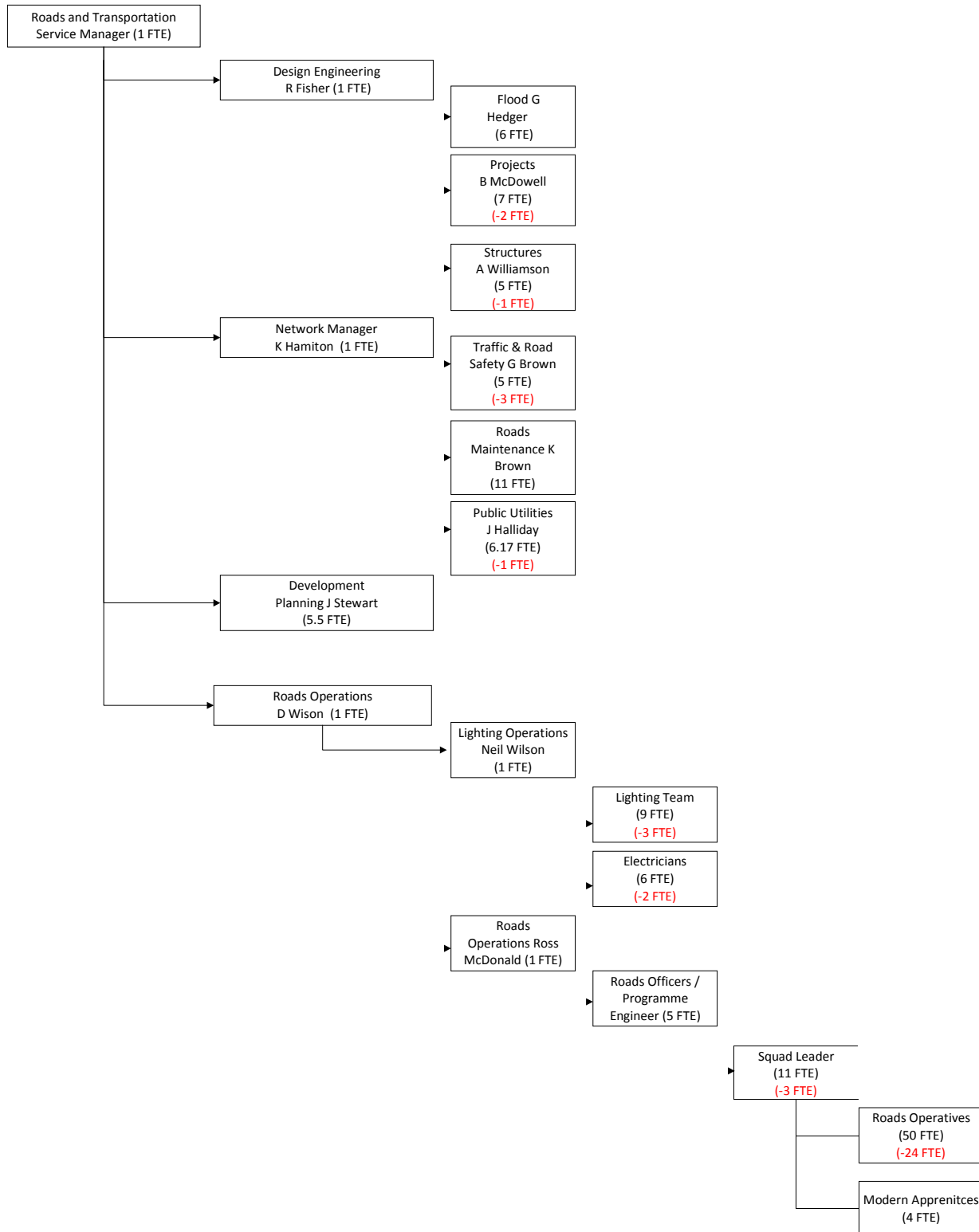
Activity Name and Description		Key changes to service delivery model	Standards
<b>Traffic management schemes and Traffic Orders</b>	To provide small scale safety, traffic management and parking schemes and traffic orders to respond to customer demand and effectively manage the use of the road network.	<p>The team will deliver the following activities:</p> <p>General enquiries on road safety, traffic management and parking issues, New signs, markings or other traffic management measures will only be provided through the annual casualty reduction programme.</p> <p>Access Protection marking applications in line with policy.</p> <p>Traffic Regulation Orders (Maximum 2 per year)</p> <p>Tourist Signposting Applications will be processed but applicants will be responsible for procuring of detailed design works.</p>	Respond to customer enquiries within 10 working days.
<b>Road Safety casualty reduction programme</b>	To provide engineering measures which contribute in a cost effective way to road casualty reduction.	Road safety casualty reduction programme will continue to be developed in-house within available resources. Programme will be based upon established road safety engineering principles utilising reported injury accident data.	Road Safety Casualty Reduction programme presented annually to Council Executive for approval.
<b>DEVELOPMENT MANAGEMENT &amp; TRANSPORTATION</b>	<b>Activities covered by Development Management and Transportation Planning team</b>		
<b>New Development</b>	Manage the council statutory function of issuing Road Construction Consents. Inspecting prospectively adoptable roads infrastructure during the construction process. Providing statutory advice on Transportation impacts.	Will remain unchanged.	<p>Draft RCC will be issued within 12 weeks of completed application.</p> <p>RCC will be issued within 4 weeks of completed application.</p> <p>Final Response to planning applications in 3 weeks.</p>
<b>Transportation Policy (including Active and Sustainable Travel)</b>	To promote and protect the council's interests nationally, regionally and locally on developing transportation issues and encourage active and sustainable travel through new projects and initiatives.	Will remain unchanged although work undertaken on active and sustainable travel development work will be on an ad-hoc basis depending on available resources.	

## APPENDIX II – Structure chart detailing FTE movement



### Roads and Transportation Service Service Structure as at 1<sup>st</sup> April 2019

FTE figures in brackets show reduction in FTE between 01/04/17 and 31/03/19



17/18 commenced with FTE of 180.67, 18/19 reduction 20 FTE, 19/20 reduction 21 FTE resulting in a new service FTE of 139.67. Total reduction between 17/18 & 19/20 is 41 FTE which is 23% reduction in staff resource.

Date Last Updated: 03/07/2018

DATA LABEL: Sensitive

**APPENDIX I - Service and Activities (Budget & FTE's)**

Activity Name and Description	Staff Resources (FTE) 17/18	Net Revenue Budget 2017/18 £	Reduction in FTE	FTE Reduction Value	Other Reduction Value	Reduction in Budget £	Reduction in Budget %	Staff Resources (FTE) 22/23	Net Revenue Budget 2022/23 £
Roads Operations	102.00	£4,229,693	27.00	£637,000	£1,096,475	£1,695,475	40%	75.00	£2,534,218
Street Lighting	21.00	£2,567,909	5.00	£157,000	£224,525	£381,525	15%	16.00	£2,186,384
Design and Engineering	22.00	£1,549,469	3.00	£121,000	£80,000	£201,000	13%	19.00	£1,348,469
Network Management	35.67	£1,955,775	6.00	£175,000	£80,000	£293,000	15%	29.67	£1,662,775
	<b>180.67</b>	<b>£10,302,846</b>	<b>41.00</b>	<b>£1,090,000</b>	<b>£1,481,000</b>	<b>£2,571,000</b>	<b>15%</b>	<b>139.67</b>	<b>£7,731,846</b>

\* note end net revenue budget excluded any growth applicable from 18/19

Locations	Number of features
Addiewell	16
Almondvale	31
Armadale	30
Bathgate	77
Bellsquarry	5
Blackburn	8
Blackridge	34
Boghall	10
Breich	6
Bridgecastle	0
Bridgend	6
Broxburn	20
Deans	10
Dechmont	0
East Calder	12
East Whitburn	6
Ecclesmachan	0
Fauldhouse	15
Greenrigg	8
Harburn	0
Kirknewton	6
Linlithgow	36
Linlithgow Bridge	5
Livingston Village	0
Longridge	1
Mid Calder	9
Newton	0
Philpstoun	8
Polbeth	7
Pumpherston	9
Roman Camps	6
Seafeld	7
Stoneyburn	12
Threemiletown	0
Torphichen	3
Uphall	7
Uphall Station	9
West Calder	14
Westfield	6
Whitburn	26
Wilkieston	5
Winchburgh	11
<b>Total towns</b>	<b>43</b>
<b>Towns with no features</b>	<b>8</b>
<b>Total number of features erected</b>	<b>481</b>

Town	Size	Description
Uphall Station	N/A	Existing Natural Tree
Armadale	30 ft	Norway Spruce
Bathgate	35 ft	Norway Spruce
Bellsquarry	25 ft	Norway Spruce
Breich	25 ft	Norway Spruce
Dechmont	25 ft	Norway Spruce
East Calder	25ft	Norway Spruce
Ecclesmachan	25 ft	Norway Spruce
Fauldhouse	25ft	Norway Spruce
Kirknewton	25 ft	Norway Spruce
Linlithgow	35 ft	Norway Spruce
Livingston Village	N/A	Existing Natural Tree
Longridge	N/A	Their Own Tree
Mid Calder	25 ft	Norway Spruce
Newton Village	25 ft	Norway Spruce
Pumpherston	25ft	Norway Spruce
Stoneyburn	N/A	Existing Natural Tree
Torphichen	25 ft	Norway Spruce
Uphall	25 ft	Norway Spruce
West Calder	25ft	Norway Spruce
Whitburn	N/A	Existing Natural Tree
Winchburgh	N/A	Their Own Tree
<b>Total</b>	<b>16</b>	<b>trees</b>

Churches	7ft trees	10ft trees	12ft trees	Total
Boghall Park Parish Church, Elizabeth Drive, Boghall	2	1		3
Brucefield Church, East Main Street, Whitburn		1		1
East Calder Parish Church, East Calder	1			1
High Church, Jarvey Street, Bathgate			1	1
Kirknewton Church, Kirknewton	1			1
St Columba Episcopal Church, Glasgow Road, Bathgate	1			1
St Johns Church, Mid Street, Bathgate	1	1		2
St Mary's Church, Livery Street, Bathgate			1	1
St Ninian's Church, Linlithgow		1	1	2
St Nicholas Church & Ecclesmachan Parish Church	2			2
Torphichen Church Hall, Torphichen	1	1		2
Livingston United Parish Church, Nether Dechmont Community Complex, at quadrangle in corner	1			1
	<b>10</b>	<b>5</b>	<b>3</b>	<b>18</b>

## **APPENDIX IV – Advice note for communities on festive lighting**

Before funding is sought or equipment purchased, the following requirements must be met. Evidence must be provided and approval granted by the Council's Roads Lighting section.

- Features proposed for columns must meet the following specification requirements:
  - a. Features to be constructed of LED's on aluminium frames
  - b. LED's should have light diffusion of greater than 90°
  - c. Features should be suitable for pole mounting using 20mm Bandit Tape
  - d. All cabling and power leads, plugs are to be included
  - e. The connector plug shall be a 3 pin, push fit, IP44 rated commando plug
  - f. Maximum wattage per feature should be 150W
  - g. Maximum weight per feature should be 10Kg
  - h. Maximum length of the feature should be 2.5m
  - i. Maximum width of the feature should be 1.2m
  - j. The feature should project a visual display of a Christmas theme
- Location plans be provided identifying the proposed columns the features will be installed onto. The following link provides access to the council's asset mapping system to assist. <http://gis.westlothian.gov.uk/wml/RoadsLayers/>
- Evidence that consultation has been carried out with the community regarding the proposals and there is sufficient community backing / support.
- Equipment should be inspected and tested annually (including structural integrity) by a suitably qualified electrician and the details provided to Roads Lighting. In addition, measures need to be put in place for the storage, installation / connection in line with current legislation, removal and ongoing maintenance of the features.
- Adequate public liability insurance must be in place to cover any incidents / claims relating to the features.

## APPENDIX V – Fleet analysis, groupings, numbers and savings

Category	Quantity (Current)	Quantity (Required)	Reduction (No.)	Reduction (%)	Reduction Saving			
					Annual Lease	Operating Costs (Servicing & Repairs)	Fuel	Total
Street Lighting Vehicles	7	5	2	29%	£15,365	£19,750	£1,452	£36,567
4 x 4 vehicles	3	2	1	33%	£3,046	£637	£1,909	£5,592
Fixed Body Gritters	8	7	1	13%	£10,510	£19,165	£1,489	£31,165
Multi-Purpose (Used all year <b>including</b> Winter Service)	22	18	4	18%	£65,396	£23,446	£14,184	£103,026
Multi-Purpose (Used all year <b>excluding</b> Winter Service)	8	5	3	38%	£16,382	£24,210	£5,646	£46,238
Specialist Vehicles	7	7	0	0%	£0	£0	£0	£0
	<b>55</b>	<b>44</b>	<b>11</b>	<b>20%</b>	<b>£110,699</b>	<b>£87,209</b>	<b>£24,681</b>	<b>£222,589</b>

Category	Description of usage / functions
Street Lighting Vehicles	To facilitate the maintenance of street lighting equipment at low and high level. Utilised for the erection and removal of bunting for events.
4 x 4 vehicles	Utilised all year round by supervisory staff, including out of hours service where extreme weather conditions can be experienced.
Fixed Body Gritters	Solely used for carriageway treatment during winter service
Multi-Purpose (Used all year <b>including</b> Winter Service)	Used for the delivery and disposal of materials, transport of plant, equipment and operatives for general roads maintenance activities such as drainage, kerbing, surfacing, masonry repairs, cable tracking works etc. Ploughs and spinners are fitted to these vehicles for carriageway treatment during winter.
Multi-Purpose (Used all year <b>excluding</b> Winter Service)	Used for the delivery and disposal of materials, transport of plant, equipment and operatives for general roads maintenance activities such as drainage, kerbing, surfacing, masonry repairs, cable tracking works etc.
Specialist Vehicles	Used for gully cleaning, drainage investigations, the transport of heavy plant, column / pole replacements and work associated with major re-surfacing.



## **COUNCIL EXECUTIVE**

### **ROADS SAFETY INSPECTION MANUAL – 2018 REVIEW**

#### **REPORT BY HEAD OF OPERATIONAL SERVICES**

##### **A. PURPOSE OF REPORT**

The purpose of this report is to update the Council Executive on the review of the roads safety inspection procedure and manual and to seek approval for the revised manual.

##### **B. RECOMMENDATION**

It is recommended that the Council Executive approves the revised Roads Safety Inspection Manual for implementation from 1 January 2019.

##### **C. SUMMARY OF IMPLICATIONS**

<b>I</b>	<b>Council Values</b>	Being honest, open and accountable and making best use of our resources
<b>II</b>	<b>Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	<p><b>Policy</b> – the development and implementation of the strategy will contribute to the council's asset management practice.</p> <p><b>Legal</b> – the strategy will contribute to the council's statutory duties to maintain roads.</p> <p><b>Risk Assessment</b> – the new Code of Practice requires authorities to adopt a risk based approach to highway infrastructure management.</p>
<b>III</b>	<b>Implications for Scheme of Delegations to Officers</b>	None
<b>IV</b>	<b>Impact on performance and performance Indicators</b>	None
<b>V</b>	<b>Relevance to Single Outcome Agreement</b>	<p>We live in resilient, cohesive and safe communities</p> <p>We make the most efficient and effective use of resources by minimising our impact on the built and natural environment.</p>
<b>VI</b>	<b>Resources - (Financial,</b>	The safety inspection activity is funded within

	<b>Staffing and Property)</b>	the Roads and Transportation Revenue Budget and the revised manual will have no direct financial implications.
<b>VII</b>	<b>Consideration at PDSP</b>	The revised manual was considered by the Environment PDSP on 30 October 2018.
<b>VIII</b>	<b>Other consultations</b>	Officers participated in the Society of Chief Officers in Transportation (SCOTS) focus group for the development of the model documents. Audit Risk and Counter Fraud and Financial Management have been consulted during the course of the review.

## **D. TERMS OF REPORT**

The Council, as Roads Authority has powers and duties to maintain public roads within its boundary. The establishment of a cost-effective regime of inspections provides the information for addressing the core objectives of road maintenance, provides data for the development of maintenance programmes and the roads asset management plan and helps the council to demonstrate compliance with its statutory duties.

On 8 December 2015, Council Executive approved the current Roads Safety Inspection Manual which sets out the council's approach to safety inspections on public roads. The manual came into operation on 1 January 2016. The intention is to review the manual every two years and a report was presented to this PDSP in December 2017 with an update on the review.

A new code of practice (CoP), "Well Managed Highway Infrastructure" was published in October 2016. The new CoP moves away from prescriptive guidance to requiring authorities to adopt a risk-based approach to asset management. This means that the CoP no longer contains specific advice with regards to inspection frequency or defect response times. Roads Authorities have until October 2018 to make their policies and procedure comply with the new CoP.

The review established that the council's current Roads Safety Inspection Manual already has elements of the risk-based approach embedded within it. However, it does not fully comply with the risk based approach as it still contains prescriptive intervention levels.

The Society of Chief Officers of Transportation in Scotland (SCOTS), through its Road Asset Management Project, has produced additional guidance for local authorities to adapt their inspection processes to the new CoP. The SCOTS work has produced a model inspection manual and this has formed the basis for a revised inspection manual for West Lothian Council. The revised inspection manual is provided in Appendix 1.

Key aspects of the revised manual have been risk assessed using the principles of the CoP. The risk assessments are provided in Appendix A to the revised manual.

The key changes to the revised inspection manual are listed below:

- The revised Risk Matrix is significantly different but has been tested in real world use with three authorities and through several peer group workshops and has been demonstrated to produce consistent results.

- The application of the revised risk matrix will make it very unlikely that a carriageway pothole is considered as a Priority 1 (24 hour response) defect. This is a significant change from our current position whereby most potholes over 40mm deep and 300mm across will demand a 24 hour response. However, officers consider that the new approach better reflects the actual risk to road users posed by the majority of these defects and it will be consistent with most other authorities' practice. Further information on this is provided in Appendix A of the manual.
- The response times have changed from the previous manual. Whilst the Priority 1 response time remains at 24 hours, the Priority 2 and Priority 3 response times have changed to 5 working days and 60 working days respectively. The adoption of 60 working days for the less hazardous defects will allow for more effective planning and increase our ability to permanently repair defects in a single visit. Further information on this is provided in Appendix A of the manual.
- Although not a change from the existing manual, inspection of lower-tier footways will continue to be on a reactive-only basis. Further information is provided in Appendix A of the manual.
- Again although not a change for the existing manual, cycle tracks and paths which are not on a carriageway will continue to be inspected as if they were footways. Further information is provided in Appendix A of the manual.

## **E. CONCLUSION**

A review of the Roads Safety Inspection Manual has been undertaken and a revised manual produced based upon the SCOTS model document. Key deviations from existing practice have been risk assessed in accordance with the principles of the Code of Practice.

## **F. BACKGROUND REFERENCES**

Well Managed Highway Infrastructure – A Code of Practice, UK Roads Liaison Group. Available at:

<http://www.ukroadsliasongroup.org/download.cfm/docid/4F93BA10-D3B0-4222-827A8C48401B26AC>

Roads Safety Inspection Manual, West Lothian Council, December 2015. Available at: <https://www.westlothian.gov.uk/media/3790/Roads-Safety-Inspection-Manual/pdf/ROADSSAFETYINSPECTIONMANUAL.pdf>

Appendices/Attachments: APPENDIX 1 – Roads Safety Inspection Manual 2018

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*Jim Jack, Head of Operational Services*

Date of meeting: 13 November 2018



**West Lothian Council**

# **Road Asset Safety Inspection Manual**

**Version: 1.0**

**Date: Oct 2018**

## Document Information

<b>Title</b>	Road Asset Safety Inspection Manual
<b>Author</b>	Kevin Hamilton, Roads Network Manager
<b>Description</b>	This document sets out West Lothian Council's policies and procedures for road safety inspection. It is based upon a template produced by the Society of Chief Officers of Transportation in Scotland (SCOTS).

## Document Control

Version	SCOTS Template Version	Date	Author	Changes from Previous Version
1.0	1.0	October 2018	KH	

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# Introduction

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This Road Safety Inspection Manual has been developed with the primary aim of providing operational guidance to those officers responsible for managing road asset safety inspections. This is in order to encourage a consistent approach by utilising a formalised system that recommends the frequency of inspections as well as the method of assessing, recording and responding to defects in the road asset.

This manual is based on the SCOTS Risk Based Approach (RBA) guidance and compiled using their Road Safety Inspection Strategy template.

'Well-Managed Highway Infrastructure: A Code of Practice'<sup>1</sup> has specific recommendations regarding inspections of all road elements. This document specifically relates to the procedure for carrying out road safety inspections. Recommendation 7 of the code of practice is that Road Authorities should adopt a Risk Based Approach to all aspects of road maintenance.

A Risk Based Approach is also recommended by the Institute of Highway Engineers in their guidance on managing risk and liability, 'Well Managed Highway Liability Risk'<sup>2</sup>.

The establishment of an effective regime of safety inspections is a crucial component of road maintenance in accordance with the Code of Practice, The Society of Chief Officers of Transportation in Scotland (SCOTS) seeks to encourage the benefits that will be gained by harmonising such procedures across Scotland. Recommendation 6 within the Code of Practice refers to Consistency with Other Authorities and is stated below:

"To ensure that users' reasonable expectations for consistency are taken into account, the approach of other local and strategic highway and transport authorities, especially those with integrated or adjoining networks, should be considered when developing highway infrastructure maintenance policies."

This Road Safety Inspection manual has been developed in partnership with the roads authorities associated through SCOTS to focus on safety inspections and categorisations, and is now being made available for all Scottish roads authorities to consider adopting for their network.

Officers across all Scottish Local Authorities recognise that Councils are currently faced with delivering services within an environment of increasing fiscal austerity and are aware of the benefits that can be achieved by adopting a common approach which follows the principles of 'Well-Managed Highway Infrastructure'.

Adoption of this manual will provide a consistent methodology for the management of the road network, while focusing on delivering a proactive programme of permanent repairs. It is intended that

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<sup>1</sup> 'Well-Managed Highway Infrastructure: A Code of Practice', UKRLG, October 2016

<sup>2</sup> 'Well Managed Highway Liability Risk', IHE, March 2017

its implementation will also allow performance to be monitored and reviewed, implementing any necessary improvements identified through its use.

## **STATEMENT OF POLICY**

West Lothian Council has a statutory duty to manage and maintain public roads within the district. The council is responsible for nearly 1,000km of carriageways and over 1,300 km of footpaths but has finite resources for managing and maintaining these. An effective road safety inspection procedure is needed to maximise the safety of road users within the constraints of resources available to the council.

The council aims to ensure that the safety inspection activity identifies and rectifies hazardous defects on public roads in a timely manner, in line with best practice where reasonable and within available resources.

## **ROLES AND RESPONSIBILITIES**

The Safety Inspection activity is carried out by the Road Maintenance team within the Network Management function of the Roads and Transportation Service. The strategic management of this function, including performance review and policy development, is the responsibility of the Roads Network Manager. Day-to-day operational management of the safety inspection activity is the responsibility of the Senior Engineer – Road Maintenance.

Safety Inspections are undertaken by Safety Inspection Officers within the Road Maintenance Team. Throughout this manual they are referred to as 'Inspectors'.

Repairs of defects are carried out by the council's Roads Operations team under the responsibility of the Roads Operations Manager. Specialist permanent repairs (for example repairs to vehicle restraint systems) are undertaken by third-party contractors. Rectification of defects in relation to overhanging vegetation or trees is undertaken by NETS, Land and Countryside Services.

## **SCOPE OF ROADS SAFETY INSPECTION ACTIVITY**

The council is responsible for managing and maintaining roads within West Lothian which are public roads, maintained on the council's List of Public Roads as required by Section 1 of the Roads (Scotland) Act 1984. The definition of a road includes footpaths, footways, cycleways and associated verges.

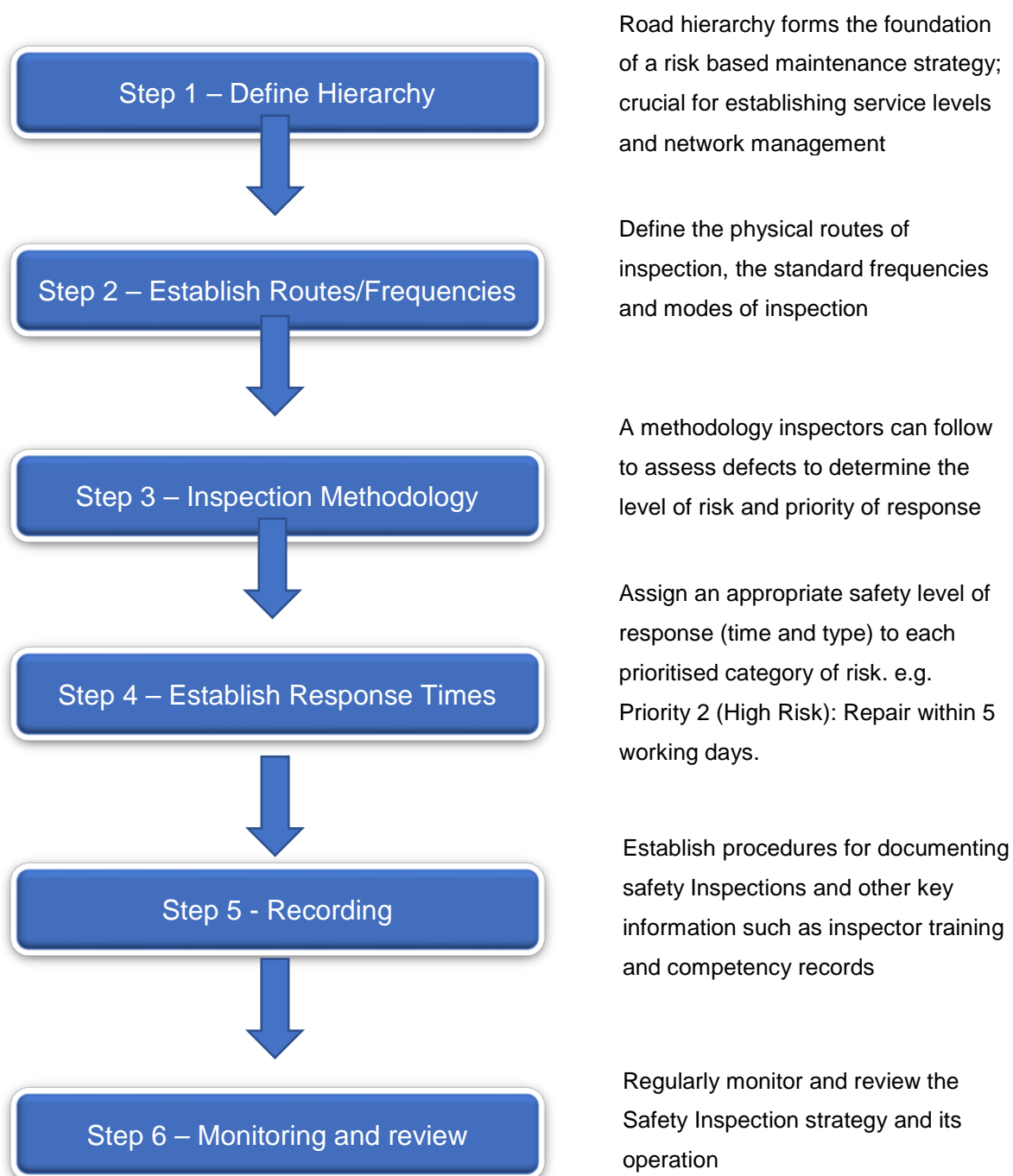
Roads Safety Inspection activity is limited to roads (including remote footpaths) which are on the list of public roads.

Roads Safety Inspection activity is not carried out on private roads, in car parks or any land under the control of the council which is not a public road.

## Overview

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The safety inspection strategy involves requires several key steps, explained in detail within this document. They are:



## Hierarchy

“Well-Managed Highways Infrastructure – Code of Practice” (WMHI CoP) indicates that a network hierarchy is the foundation of a risk based maintenance strategy; crucial for establishing service levels and network management.

The hierarchy definitions adopted are those provided in the SCOTS guidance which, in turn, were based upon the definitions in the Code of Practice. These are listed in Tables 1 to 3 below.

### Carriageways

Table 1 below provides descriptions for carriageway categories based on those in ‘Well-Managed Highway Infrastructure: A Code of Practice’.

**Table 1 Carriageway Hierarchy**

Category	Hierarchy	Description
1	Strategic Route	Routes for fast moving long distance traffic with little frontage access or pedestrian traffic. Speed limits generally in excess of 40mph with few junctions.  Parked vehicles are generally not encountered outwith urban areas.
2	Main Distributor	Routes between strategic routes and linking urban centres to the strategic network with limited frontage access. In urban areas speed limits are usually 40mph or less.
3	Secondary Distributor	In residential and other built up areas these roads have 20 or 30 mph speed limits and very high levels of pedestrian activity with some crossing facilities including zebra crossings. On- street parking is generally unrestricted except for safety reasons.  In rural areas these roads link the larger villages, bus routes and HGV generators to the Strategic and Main Distributor Network.
4	Link Road	In urban areas these are residential or industrial interconnecting roads with 20 or 30 mph speed limits, random pedestrian movements and uncontrolled parking.  In rural areas these roads link the smaller villages to the distributor roads. They are of varying width and not always capable of carrying two-way traffic.
5	Local Access Road	In rural areas these roads serve small settlements and provide access to individual properties and land. They are often only single lane width and unsuitable for HGVs.  In urban areas they are often residential loop roads or cul-de-sacs.

## Footways

Table 2 below is based on the recommendations of 'Well-Managed Highway Infrastructure: A Code of Practice' and should be used as a starting point when allocating a footway / footpath to a particular category.

The following should also be taken into consideration:

- pedestrian volume,
- designation as a traffic sensitive pedestrian route,
- current usage and proposed usage,
- contribution to the quality of public space and streetscene,
- age and distribution of the population, proximity of schools or other establishments attracting higher than normal numbers or specific groups of pedestrians,
- accidents and other risk assessments and
- character and traffic use of adjoining carriageway.

**Table 2 Footway Hierarchy**

Category	Category Name	Description
1	Prestige Walking Zones	Very busy areas of town centres with high public space and Streetscene contribution.
2	Primary Walking Routes	Busy urban shopping and business areas and main pedestrian routes, including links to significant public transport locations.
3	Secondary Walking Routes	Medium usage routes through local areas feeding into primary routes, local shopping centres etc.
4	Link Footways / Footpaths	Linking local access footways through urban areas and busy rural footways.
5	Local Access Footways / Footpaths	Footways associated with low usage, short estate roads to the main routes and cul-de-sacs.

## Cycle Routes

Cycle routes are categorised by location and a proposed hierarchy is shown in Table 3 below.

**Table 3 Cycle Route Hierarchy**

Category	Description
1	Cycle lane forming part of the carriageway, commonly a strip adjacent to the nearside kerb. Cycle gaps at road closure point (no entry to traffic, but allowing cycle access).
2	Cycle track - a designated route for cyclists not contiguous with the public footway or carriageway. Shared cycle/pedestrian paths, either segregated by a white line or other physical segregation, or un-segregated.
3	Cycle trails, leisure routes through open spaces, remote from carriageway or footway / path where on the list of public roads.

## **Road Network Assessment**

It is important that the road network categorisation reflects the needs, priorities and actual use of the network and infrastructure assets.

The carriageway and footway networks have been assessed by the Senior Engineer – Road Maintenance and categorised in accordance with the hierarchy definitions in the code of practice utilising local knowledge.

Further work is required to identify and categorise designated Cycle Routes. It is expected that this will be completed by the time of the next inspection strategy review.

## **Review of Road Network Categories**

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Road networks are dynamic, therefore network categories should be regularly reviewed, considering any changes in the network as it evolves, to ensure that assigned categories remain relevant.

### **Review Frequency**

The hierarchy will be reviewed every 3 years.

### **Continuity of safety and serviceability with neighbouring Highway Authorities**

The adoption of the WMHI code of practice hierarchy and common SCOTS safety inspection methodology should, while allowing for management of hierarchies with regard to local circumstances, enable a high degree of continuity of safety and serviceability across neighbouring authorities.

## Inspection Frequencies

The frequency of inspections adopted by West Lothian Council is as follows:

**Table 5 Frequency of Inspection – Carriageways**

Category	Hierarchy Description	Frequency
1	Strategic Route	Monthly
2	Main Distributor	Monthly
3	Secondary Distributor	Monthly
4	Link Road	Quarterly
5	Local Access Road	Annually

**Table 6 Frequency of Inspection – Footways & Footpaths**

Category	Category Name	Frequency
1	Prestige Walking Zones	Monthly
2	Primary Walking Routes	Monthly
3	Secondary Walking Routes	Quarterly
4	Link Footways / Footpaths	Reactive only
5	Local Access Footways / Footpaths	Reactive only

**Table 7 Frequency of Inspections – Cycle routes**

Category	Frequency
1	As carriageway
2	As footway
3	As footway

The frequencies above differ from the SCOTS guidance in relation to Category 4 and 5 footways and Category 2 and 3 Cycle Routes. The justification for this variance is set out in Appendix A.

## Safety Inspection Routes

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Inspection routes are determined and managed within the council's roads asset management software (CONFIRM).

Safety Inspections on carriageways and cycleways forming part of a carriageway are undertaken in a slow moving vehicle with two personnel, one driving and the other inspecting. Consideration must be given to the safety of the inspection personnel and other road users during the driven inspections.

The inspection covers all areas within the council's boundary along that road.

Inspections on footways and cycleways remote from carriageways are undertaken on foot.

## Inspection Tolerances

All road safety inspections will be carried out to the frequencies detailed in the following tables and should be completed within the tolerances shown in Table 4, as follows:

**Table 4            Inspection Tolerances**

Frequency of Inspection	Inspection Tolerances
Monthly	± 5 working days of the Due Date
Quarterly	± 10 working days of the Due Date
Six Monthly	± 15 working days of the Due Date
Annual	± 20 working days of the Due Date

### Definition of above terms

- **Frequency of Inspection - Monthly** indicates that twelve regular spaced inspections will be carried out per year.
- **Frequency of Inspection - Quarterly** indicates that four regular spaced inspections will be carried out per year.
- **Frequency of Inspection - Six Monthly** indicates that two regular spaced inspections will be carried out per year.
- **Frequency of Inspection - Annual** indicates that one regular spaced inspection will be carried out per year.
- **Due Date** is the programmed date of an inspection.

### Staff Contingency and Alterations to the Inspection Programme

- Due to the nature of the weather in Scotland it is probable that the road surface will be wet with some elements of standing or running water whilst an inspection is in progress. However if the quantity of water is excessive or across the full width of the carriageway then the inspection should be abandoned and an entry should be made to document the circumstances.
- If an inspection Due Date falls during an extended period of absence e.g. inspector holiday or illness, then the inspection should be allocated to another suitably experienced member of staff who has the capacity to undertake the inspection.
- If and for reasons beyond the control of the roads authority (e.g. substantial snow fall), any inspection cannot be carried out in compliance with Table 4 the roads authority will decide on the viability of a safety survey being undertaken, taking into account the availability of staff and the prevailing weather conditions.
- As soon as reasonably practicable following the above events a deferred programmed safety inspection should be carried out on the affected length of road.
  - Where a monthly inspection is more than 2 weeks late due then the programmed inspection will be missed and the cycle resumed at the next due inspection date.
  - Where substantial unavoidable delays are incurred to other inspection frequencies the manager may assess the impact and adjust the programme.
  - A record must be kept of change decisions and reasons for them.

# Inspection Methodology

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## Safety Inspections

Road Safety Inspections are designed to identify defects likely to cause a hazard or serious inconvenience to users of the network or the wider community. Such defects include those that require urgent attention as well as those where the locations and sizes are such that longer periods of response are appropriate.

### Planned Cyclic Safety Inspections

The Safety Inspection regime forms a key aspect of the road authority's strategy for managing liability and risk. Planned, cyclic safety inspections are carried out to identify defects which are hazardous (to any user of the road including drivers, pedestrians, equestrians and cyclists) so that an effective repair can be carried out within a predetermined response time.

The specified frequency of these inspections is dependent upon the **hierarchy category** of each section of road but may be varied after a documented risk assessment.

During safety inspections, observed defects that provide any foreseeable degree of risk to users will be recorded and processed for repair as appropriate following the methodology detailed in the 'Defect Risk Assessment' section of this document. The degree of deficiency in the road elements will be crucial in determining the nature and speed of response. Judgement will always need to take account of particular circumstances. For example, the degree of risk from a pothole depends upon not only its depth but also its surface area, location within the road network and usage of the road or footway.

The objectives of safety inspection activity are to:

- Minimise the risk of injury and disruption to road users as far as is reasonably practicable,
- Provide a regular, structured inspection of the public road network, within available resources,
- Deliver a consistent, reliable response to identified defects, within available resources,
- Maintain accurate and comprehensive records of inspections and response and
- Provide a clear, accurate and comprehensive response to claims.

### Items for Inspection

The following are examples of the types of defect which, when identified, should be assessed and an instruction for repair issued with an appropriate response time specified. The list identified below is not exhaustive.

#### Carriageways

- Surface defects
- Abrupt level differences in running surface
- Edge deterioration of the running surface
- Excessive standing water, water discharging onto and / or flowing across the road

- Blocked gullies and obstructed drainage channels or grips which could lead to ponding or flooding
- Debris and/or spillages likely to be a hazard
- Missing road studs
- Badly worn Stop, Give Way, double continuous white line or markings associated with TRO's
- Missing or significantly damaged covers

#### **Footways, Footpaths and Cycleways**

- Surface defects
- Excessive standing water and water discharging onto and or flowing across the foot/cycleway
- Dangerous rocking paving slabs
- Large cracks or gaps between paving slabs
- Missing or significantly damaged covers
- Debris and / or spillages likely to be a hazard
- Damaged kerbs

#### **Street Furniture**

- Damaged vehicle restraint systems, parapets, handrails or guardrails
- Damaged boundary fence where animals or children could gain access
- Damaged or missing signs, such as Give Way, Stop, Speed Limit

#### **Road Lighting**

- Damaged column, cabinet, control pillar, wall mounting
- Exposed, live electrical equipment

#### **Others**

- Overhead wires in dangerous condition
- Sight-lines obstructed by trees and other vegetation,
- Trees in a dangerous condition
- Earthslips where debris has encroached or is likely to encroach the road or causing the road to fall away
- Rocks or rock faces constituting a hazard to road users
- Damaged road structures

## Risk Management Process

Inspectors undertaking safety inspections or responding to reported incidents require to use judgement in determining likelihood and consequences of the observed or reported defects. This approach is consistent with 'Well-Managed Highway Infrastructure: A Code of Practice' recommendation that roads authorities adopt a system of defect risk assessment for determining the response categories to road defects. However, it represents a step change in the way that defects are assessed. Taking a risk based approach, as per the above code of practice, means that there are NO prescriptive investigation or intervention levels to apply. The rationale for removing these is that the same defect will represent a different level of risk in a different context. In the past this has led to inappropriate and often unnecessary, costly, temporary repairs. Instead, by using a risk based approach, councils can reduce such reactive interventions and target more of their scarce resources towards programmed work that in the longer term will lead to an overall improvement of road condition.

So while not providing any minimum or default standards, the code of practice does support the development of local levels of service in accordance with local needs, priorities and affordability.

### Establishing Context

Establishing context requires the inspector to utilise experience and knowledge during the inspections to assess the road characteristics, such as giving consideration to environment (speed limit, width, rural/urban, road hierarchy, visibility, bend, hill - incline/decline, road camber/crossfall, etc.), relevant road user types (pedestrians, cyclists, horse riders, cars, LGV's, HGV's, PSV's, etc.), traffic volumes, maintenance history, historical incidents/claims/complaints (e.g. experience/knowledge of similar hazards being a contributory factor to incidents/claims within the authority or a neighbouring authority), demographics and key local amenities (proximity to doctors surgery, hospitals, shopping areas, schools, etc.).

### Risk Assessment

Taking the context into consideration, Risk Assessment is a three step process:

#### 1. Hazard Identification

An inspection item for which the inspector identifies road asset defects which may pose a risk to road users i.e. lead to a negative consequence. The types of asset to be inspected and the potential associated hazards from defects are detailed in the Inspectors Operations Manual.

#### 2. Risk Analysis

All risks identified through this process must be evaluated in terms of their significance which means assessing the **likelihood** of encountering the hazard and the **most probable** (not worst possible) **consequence** should this occur.

The procedure is designed to mitigate 'worst scenario' thinking and ensure an objective assessment is carried out. It is important therefore that the analysis is carried out in this defined step sequence to determine the appropriate level of risk and corresponding priority response.

### **Risk Likelihood**

The risk likelihood is assessed with regard to how many users are likely to pass by or over the defect, consequently the network hierarchy and defect location are important considerations in the assessment.

The likelihood of encountering a hazard, within the established context, will be quantified on a scale of Remote to Almost Certain as follows:

**Table 8 Risk Likelihood**

<b>Likelihood / Probability</b>	<b>Likelihood Description</b>		
<b>Almost Certain</b>	Will undoubtedly happen	Over 90%	Daily
<b>Likely</b>	Will probably happen, but not a persistent issue	Up to 90%	Weekly
<b>Possible</b>	May happen occasionally	Up to 65%	Monthly
<b>Unlikely</b>	Not expected to happen, but it is possible	Up to 20%	Annually
<b>Remote</b>	Improbable	Less than 5%	100 years

## Risk Consequence

The risk consequence is assessed by considering the most probable (NOT worst possible) outcome (impact) should the risk occur and will be quantified on a scale of Negligible to Catastrophic as follows:

**Table 9 Consequence (Impact/Severity) Score**

<b>Consequence (Impact/Severity)</b>	<b>Description</b>			
	<b>Impact on Service Objectives</b>	<b>Financial Impact</b>	<b>Impact on people</b>	<b>Impact on Reputation</b>
<b>Catastrophic</b>	Unable to function, inability to fulfil obligations	Severe financial loss	Death	Highly damaging, sever loss of public confidence
<b>Major</b>	Significant impact on services provision	Major financial loss	Extensive injury, major permanent harm	Major adverse publicity, major loss of confidence
<b>Moderate</b>	Service objectives partially achievable	Significant financial loss	Medical treatment required, semi-permanent harm up to 1 year	Some adverse publicity, legal implications
<b>Minor</b>	Minor impact on service objectives	Moderate financial loss	First aid treatment, non-permanent harm up to 1 month	Some public embarrassment, no damage to reputation
<b>Negligible</b>	Minimal impact, no service disruption	Minimal financial loss	No obvious harm/injury	No interest to the press, internal only

### 3. Risk Evaluation

The risk factor for a particular risk is the product of the risk impact and risk. It is this factor that identifies the overall seriousness of the risk and consequently therefore the appropriateness of the speed of response to remedy the defect. Accordingly, the priority response time for dealing with a defect can be determined by correlation with the risk factor as shown in the risk matrix, table 10:

**Table 10 Risk Matrix**

Consequence	Negligible	Minor	Moderate	Major	Catastrophic
Likelihood					
Remote	NR	NR	NR	NR	P3
Unlikely	NR	NR	P4	P4	P3
Possible	NR	P4	P4	P3	P2
Likely	NR	P4	P3	P2	P1
Almost Certain	NR	P3	P2	P1	P1

### Risk Management Response

Having identified a particular risk, assessed the likelihood of it occurring and most probable consequence (impact/severity) and thus calculated the risk factor, the appropriate response is identified in the form of a risk management (response) matrix, Table 11.

**Table 11 Risk Management Matrix**

Risk Category	Priority Response
Critical Risk	Priority 1 response
High Risk	Priority 2 response
Medium Risk	Priority 3 response
Low Risk	Priority 4 response
Negligible Risk	No response

## **Intersections and Multiple Road Users Types**

The hazard context considers the location and the types of road users which could be impacted by the defect. Inspectors should consider the different impacts and consequences for each road user type (e.g. pedestrians, cyclists, vehicle drivers, etc.) and at intersections, consider the hierarchy of each route. Inspectors **must therefore assess the likelihood and consequence for each road user type and/or route hierarchy**. The priority of the response is based on the highest priority determined from the risk matrix (Table 10).

## **Utility Company Defects**

Section 140 of the New Roads & Street Works Act 1991 places a duty on undertakers (utilities) to maintain their apparatus to the reasonable satisfaction of the Roads Authority. However recent case law has shown that Roads Authorities have a joint liability with the undertakers.

If a defective utility apparatus or works cause a hazard, the inspector will record this and contact the council's Public Utilities (PU) team. The PU team will contact the appropriate utility company who will be given the opportunity to commence repairs or make safe the defect within the timescales and in accordance with the process set out in the "Code of Practice for Inspections", Scottish Roadworks Commissioner, November 2012.

In the case of Category 1 (dangerous) defects (as defined in the SRWC CoP as a 2 hour response ), the council's Inspector will make safe if practicable. If the utility company cannot be identified or cannot attend within the required timescales, the Inspector will arrange for work to be undertaken by the council. In the appropriate circumstances, the council will seek to recover reasonable costs of remedial work from public utilities.

## **Inspection Records**

All information obtained from safety inspections, together with the nature of response, including nil returns, shall be recorded consistently. The data obtained shall be able to be reviewed independently and in conjunction with other survey information. It shall be collected on electronic mobile devices (tablets or phones) and automatically transferred to the CONFIRM asset management system. Service requests, complaints, reports or information from users and other third parties shall also be recorded in the CONFIRM system, along with the nature of response, including nil returns. All inspection records shall include the date, time and the name of the person conducting the inspection. Any defects identified will be recorded on the CONFIRM system with photographs (if practicable) and again will include the date, time and name of person raising the defect.

## Priority Response Times

### Safety Levels

The Priority Response Times for each Defect Category are shown in Table 12 below.

**Table 12 SAFETY LEVELS - Defect Priority and Response Times**

Defect Priority	1	2	3	4	NR
Standard Response Time	24 Hours				
Islands or Remote Locations Response Times	n/a	5 Working Days	60 Working Days	Programmed work	No Action required

#### Priority 1: Make safe within 24 Hours

Priority 1 represents a critical risk to road users and should be corrected or made safe at the time of inspection, if reasonably practicable. In this context, making safe may constitute displaying warning signs and / or coning off to protect the public from the defect. Where reasonably practicable, safety defects of this Priority should not be left unattended until made safe or, a temporary or permanent repair has been carried out.

When a Priority 1 defect is identified within a larger group / area of defects, only that particular element shall be treated as a Priority 1 defect. The remaining defects shall be categorised accordingly.

#### Priority 2: Repair within 5 Working Days.

This allows a more proactive approach to be adopted for those defects that represent a high risk to road users or because there is a risk of short-term structural deterioration. Such defects may have safety implications, although of a lesser significance than Priority 1 defects, but are more likely to have serviceability or sustainability implications.

#### Priority 3: Action within 60 Working Days.

Defects that require attention although they represent a medium risk to road users. This allows defects of this nature to be included in medium term programmes of work.

#### Priority 4: Consider for Planned Works Programme

The defect is considered to be of low risk; no immediate response is required. Defects in Priority 4 are not classed as safety defects and are collected to assist the development and prioritisation of Planned Maintenance Works Programmes.

#### NR: NO Action Required

The defect is considered to be of negligible risk, no intervention is required and monitoring will continue as per the inspection regime

## **Meeting Target Response Times**

It may not be possible, particularly at certain times of year, to meet target response times, due to pressure on resources. This could, but not exclusively, be due to the high number of defects that can arise in a short period of time after periods of adverse weather, such as prolonged spells of heavy rain or snow, or freeze / thaw conditions. Prolonged periods of adverse weather may also prevent remedial measures being carried out.

The appropriate response time commences from the time that the defect was identified and categorised by an Inspector.

## **Performance Monitoring**

Monitoring of safety inspection performance is undertaken at two levels:

Weekly reports on the number of inspections are reviewed by the Senior Engineer – Road Maintenance and compared with the expected number of inspections to be undertaken in line with the programme.

Monthly reports on inspections undertaken, number undertaken on time, defects raised, jobs completed and times for job completion are produced and reviewed by the Roads and Transportation Management team on a monthly basis. A specific performance indicator for the percentage of priority 1 jobs completed within 24 hours is reported monthly. The performance information is used to identify issues and drive continual improvement within the service.

Each Roads Inspector shall have a sample of inspections re-inspected to ensure consistency and quality of the Safety Inspection regime is maintained. These re-inspections shall be carried out within 24 hours of the original inspection and will cover various sections of the hierarchy over the year. The results will be reviewed by the Senior Engineer – Road Maintenance and additional training if required will be identified.

# Inspector Competency

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For the purpose of this document, the term 'Inspector' is defined as 'a person who the road authority has assessed and certified as competent to identify and undertake a risk assessment of a road asset defect and if required, determine the risk treatment'. Therefore, within this document, 'inspector' is not utilised exclusively for a person who mainly completes the routine road asset safety inspections, but can include technicians, engineers or other staff within the authority who have been assessed by the authority to achieve the authority's required level of competency.

## Training

Road Authorities must ensure that all Road Asset Safety Inspectors are competent in carrying out safety defect inspections.

As a minimum, Inspectors within West Lothian Council will undergo the SCOTS Risk-based Approach to Safety Defect Inspections training and be required to achieve a pass grade on the course assessment to demonstrate competency in assessing risk. Training will be delivered by senior staff (Engineer/Senior Engineer) trained utilising the SCOTS training toolkit. The person delivering the training will be required to have been trained and assessed as competent, through SCOTS.

In addition, inspection staff whose day-to-day activities involve identifying defects and assessing risk will undergo additional training to the equivalent to the Scottish Credit and Qualifications Framework Level 6 National Highway Safety Inspectors Training and Certification Scheme, operated by the Institute of Highway Engineers where reasonably practicable. New inspectors joining the organisation without this level of training will be given in-house training provided by the safety inspection team (and assessed by the Engineer/Senior Engineer) to achieve consistency in the identification of safety defects and the prioritisation of defect repairs in accordance with the guidance set out in this policy.

## Training Plans

Courts accept that there may be circumstances where an inspector is new to the role and will have to build up their experience, training and competency. In such cases, or where an existing inspector does not meet the required standard, the Senior Engineer – Road Maintenance shall work with the inspector to develop, document and implement a Training Plan to assist them to meet the necessary level of competency.

The Training Plan is evidence that the road authority is supporting the inspector, assisting them to achieve the level of competency required and ensuring consistency across the authority's inspectors.

Review of inspector training plans will be conducted at regular intervals to ensure the plan is progressing as anticipated, to sign off key areas completed and to amend the plan, if required.

Records of the reviews and any actions shall be maintained and held against the inspector's "Training and Competency" record.

## Training and Competency Records

Inspector training and competency records will be maintained and reviewed annually for completeness and to identify when inspector re-assessment is due to ensure that they continue to meet the road authority's minimum competency requirements.

The Training and competency records are held in the council's records management system (currently Objective).

## Other Inspections

### Service Request Inspections – Externally Reported Defects

Road authorities receive reports of defects from a number of different sources, such as the Police, Emergency Services, general public, public utilities and other agencies; these Service Request reports are managed as follows:

Service requests or reports of defects will be inspected within 5 working days of receipt and any identified defects will be prioritised in the same way as for defects identified through programmed inspections.

### Road Condition Inspections (or Structural Condition Surveys)

Undertaken to consider the general condition of the individual roads and footways and the need for planned structural maintenance which can be programmed accordingly. Inspections for the carriageway asset are presently undertaken through the national Scottish Road Maintenance Condition Survey (SRMCS). Visual condition surveys of assets may also be undertaken with SCOTS guidance.

Visual condition surveys for carriageways will be undertaken as and when resources allow and the results recorded in the council's CONFIRM asset management system.

Visual condition surveys for footways will be programmed and undertaken with the aim of achieving full network coverage approximately every five years. However, this will be dependent on resources.

### Safety Inspection of Highway Trees

Any defective trees, hedges or shrubs or feature likely to cause an obvious danger by encroachment, visibility obstruction, damage, ill health or trip hazard is recorded and the appropriate action taken. Under Section 83, or 91, of the Roads (Scotland) Act 1984, West Lothian Council deals, by consultation with the owners and if required a Notice, with hedges, trees and shrubs growing on adjacent land which overhang the road.

West Lothian Council carries out additional tree inspections with qualified arboriculturalists.

All Safety Inspectors receive some basic arboricultural guidance but a qualified arboricultural advisor carries out an inspection when specialist knowledge is required. Their advice is also sought before any work is carried out on tree roots causing a problem to a footway surface. Qualified tree surgeons will be used when conducting tree maintenance work for West Lothian Council.

## APPENDIX A – ASSESSMENT OF RISK

This document provides an assessment of risk to West Lothian Council associated with key aspects of the revised Roads Safety Inspection Manual 2018 where it deviates from SCOTS guidance or previous council practice.

### FOOTWAY INSPECTIONS

#### Description of risk

The council procedures will not include scheduled inspections of footpaths defined as link or local access in the CoP and SCOTS guidance. There is a risk of increased claims experience due to the council's decision not to adopt a fully proactive system of inspection.

#### Assessment

SCOTS recommends scheduled inspections of footpaths defined as link or local access as shown in Table 1.

Footpath hierarchy	SCOTS recommendation	WLC Inspection Frequency
Town Centre	1 month	1 month
Primary	1 month	1 month
Secondary	3 months	3 months
Link	6 months	Reactive
Local access	1 Year	Reactive

**Table 1 – Footpath inspection frequency**

The recommendations recognise that the risk to road users is dependent on the footfall on different categories of footway. Therefore, the busiest footpaths are inspected most often.

West Lothian Council currently undertakes scheduled inspections in line with the SCOTS recommendations on Town Centre, Primary and Secondary footpaths. The designation of Primary and Secondary routes considers the location of facilities such as schools, community centres, health centres and care homes. The hierarchy routes are reviewed every two years. The council does not currently undertake scheduled inspections on Link or Local Access footpaths. These link and local access footpaths make up approximately 1000km of the council's footway network, representing

around 87% of the total footway network. However, they will be the footpaths with the least footfall and therefore, the least exposure to risk for pedestrians if a defect is present.

The total number of claims in relation to roads in the past 5 years (1 Jan 2012 – 31 Dec 2017) is shown in Table 2:

	<b>Claims 2012-2017 (6-years)</b>				
<b>Type Description</b>	<b>No. of Claims</b>	<b>% Share</b>	<b>Total Experience</b>	<b>Annual Average</b>	<b>% Share</b>
Pedestrian - Carriageway	50	9%	£212,223.49	£35,370.58	30%
Pedestrian - Edge/Kerb	17	3%	£48,814.00	£8,135.67	7%
Pedestrian - Footway	110	20%	£294,032.90	£49,005.48	41%
Vehicle - Carriageway	343	61%	£148,558.28	£24,759.71	21%
Vehicle - Edge/kerb	19	3%	£1,777.09	£296.18	0%
Vehicle - footway	4	1%	£2,798.50	£466.42	0%
Others	21	4%	£1,300.00	£216.67	0%
<b>Grand Total</b>	<b>564</b>	<b>100%</b>	<b>£709,504.26</b>	<b>£118,250.71</b>	<b>100%</b>

It can be seen that there were 110 claims in the six year period in relation to pedestrians on footway. That means that on average there were under 20 claims per annum amounting to an average cost of just over £49,000 per annum. This figure includes claims on all footways – including those which are currently inspected on a monthly or 3 monthly basis. It is worth noting that both number of footway claims and total experience has reduced since the last time the policy was reviewed in December 2015.

Current resources for safety inspection amount to 2.0FTEs and one vehicle. It is estimated that to provide the coverage of the entire footway network in line with the code of practice guidance would require an additional 2.0FTEs and one additional vehicle. This is estimated to cost an additional £77,000 per annum.

The undertaking of inspections on link and local access footways in line with the SCOTS recommendations would be expected to reduce the claims experience to some degree. However, many of the footway claims occur in areas where there is already a proactive inspection regime. Therefore, introducing a proactive regime on lower tier footways would be expected to result in a reduction in claims experience of considerably less than £49,000 per annum. It is clear that the cost of providing a full proactive inspection regime would be considerably greater than the estimated reduction in claims cost associated with providing the service.

### **Mitigating Factors**

Of the claims relating to slips and trips on footways, over 55% are in areas with slabs or similar pavements. These tend to be in town centres which are already covered by the regular inspection regime. Plans are already in place to remove slabs in some areas and replace with asphalt footways. It is anticipated that further areas may be replaced as maintenance costs of slabbed areas increase in coming years. This is likely to lead to a reduced level of claims in future years.

The council undertook a comprehensive footway condition survey in 2013/14, in line with the Society of Chief Officers of Transportation in Scotland (SCOTS) guidance. This exercise picked up only two safety defects which were then repaired and showed that just 1.6% of the footway network had major deterioration. The surveys also identified that only 8.5% of the footpath network had minor deterioration meaning that 89.9% of the network was in satisfactory condition.

All of the areas of footway which were identified as having major deterioration were included in a programme of improvements which was completed in 2017/18. This improvement in asset management practice appears to have led in part to a reduction in footway claims experience.

The footway network is therefore considered to be in a relatively good condition at present with the condition expected to improve further as areas suffering major deterioration are gradually rectified.

The footway condition survey programme re-commenced in 2017 with 13% of the network being covered in the first year. This is expected to increase in 2018 with a target of re-inspecting every footway within a rolling 5 year period. The introduction of a rolling programme of condition surveys will strengthen the council's case in successfully defending claims. Very few defects are identified through these condition surveys, again indicating that the footway network is in good condition.

Finally, the council responds to reports of defects within 5 working days. This goes some way to reduce the risk of danger to pedestrians and thereby the claims experience.

## **Conclusions**

The historic claims experience for slips and trips on footways amounts to an average of just over £49,000 per annum. This has reduced significantly since last reviewed in 2015. The cost of introducing scheduled inspections in line with the SCOTS guidance is estimated to be £77,000 and it is estimated that this would reduce the annual claims experience by less than £49,000.

Existing footpath condition is considered to be satisfactory and the ongoing programme of improvements will maintain this condition.

Footpath condition surveys are now being undertaken with approximately 13% of footways surveyed in the first year. This is expected to increase in 2018/19.

The evidence suggests that the cost of introducing inspections in line with the SCOTS guidance would not be justified by the expected reduction in claims experience at the present time but this position should be reviewed in line with future reviews of the inspection manual.

## APPLICATION OF REVISED RISK MATRIX

### Description of Risk

Application of the revised risk matrix will significantly reduce the number of Priority 1 (formerly CAT1) defects meaning that carriageway potholes are unlikely to be considered as Priority 1 defects. This will lead to far fewer carriageway potholes being repaired within 24 hours.

### Assessment

The council currently defines any carriageway pothole with dimensions exceeding 40mm deep and 300mm horizontally as a Category 1 (CAT1) defect requiring a 24 hour response to make safe.

However, the definition of a CAT1 defect is:

“Those that require prompt attention because they represent an immediate or imminent hazard or because there is a risk of short-term structural deterioration.”

The number of CAT1 defects (Carriageway and Footway) identified in each of the previous 3 years is listed below.

Year	No. of CAT 1 defects
2015/16	872
2016/17	531
2017/18	880

The average number of CAT1 defects identified was 761 per annum. That is significantly higher than the SCOTS average of 289 per annum. In the context of West Lothian's road condition being in the top quartile of all authorities in Scotland, this indicates that our approach to identifying CAT1 defects is significantly different from most other authorities with an apparent over-reporting of CAT1 defects.

In terms of the percentage of CAT1 defects which are repaired within 24 hours, this was 61% in 2017/18. This is lower than the SCOTS average of 67%.

Our data does not allow an accurate assessment of how many defects would be categorised as 'Priority 1' using the revised matrix. However, based on evidence from authorities which already use the revised matrix (Glasgow and Falkirk), it is anticipated that the number of Priority 1 defects will reduce by several hundred. This is likely to lead to a significant improvement in the percentage of Priority 1 defects repaired within 24 hours.

However, there will be an inevitable increase in priority 2 and priority 3 defects although the timescales for repairing these are longer at 5 working days and 60 working days respectively. These longer defect repair times mean that permanent planned repairs are more likely to be able to be undertaken.

### **Mitigating Factors**

The evidence suggests that current practice in identifying CAT1 defects in West Lothian is out of step with other Scottish local authorities. Current practice appears to over-report CAT1 defects leading to wasted effort in trying to repair defects quickly and temporarily when it may be possible to repair many of these defects permanently first time. This will represent a much better use of limited resources and better reflect the actual risk posed by the defects.

### **Conclusion**

The adoption of the revised risk matrix will bring our identification of priority 1 defects in line with most other Scottish local authorities. Defect prioritisation will be based much more on the risk posed by the defect rather than prescriptive intervention levels. This will be in line with the risk based approach enshrined in the Code of Practice.

# DEFECT RESPONSE TIMES

## Description of Risk

The defect response times for Priority 2 (formerly CAT2(H)) defects will decrease from 7 working days to 5 working days. There is a risk that this will not be achieved within current resources.

The defect response times for Priority 3 (formerly CAT2(M)) defects will increase from 28 days to 60 working days. This longer time to repair may lead to increased risk of claims.

## Assessment

Unfortunately, the data collected on repairing defects is generally based on calendar days. This makes full assessment against the targets difficult.

The average time to repair CAT2(H) defects in 2017/18 was 12 calendar days with 61% completed within the target 7 working days. The change to 5 working days presents a significant challenge however the expected reduction in CAT1 defects will allow some additional resource to be diverted to these slightly less hazardous defects.

The average time to repair CAT2(M) defects in 2017/18 was 41 calendar days with 57% completed within the target 28 working days. This existing target has proven very difficult to achieve as many defects require public utility information to be obtained which takes up to 12 days. This time is effectively lost at present. The change to 60 working days will be significantly easier to achieve and will allow much better planning of permanent works to take place. There is however an increased risk of additional claims if defects are left longer without repair. However, with the current average being 41 calendar days to repair, the risk is likely to be very small.

## Conclusion

Changing the defect response times will bring consistency with the SCOTS guidance and should allow greater compliance with the stated target response times. In particular, the change to 60 working days for the Priority 3 defects will allow better planning and give a greater chance of a first time repair being made within the stated target time.

# **CYCLE TRACK INSPECTIONS**

## **Description of Risk**

The council procedures will not include scheduled inspections of cycle routes separately from inspections of carriageways or footways. This differs from the CoP and the SCOTS guidance which recommends inspections either 6 monthly or annually. There is a risk of increased claims experience due to the council's decision not to adopt a fully proactive system of inspection.

## **Assessment**

Currently, we do not have a defined cycle route network within our asset inventory. There are significant challenges in identifying routes that have been properly designated as for cyclists as opposed to routes which are footpaths but used by cyclists. We currently undertake inspection as if cycle routes are either a carriageway (where the cycle lane is on a carriageway) or a footpath (where the cycle track is not on a carriageway). This means that if the footpath is designated as a primary or secondary walking route it will be inspected monthly or quarterly respectively. However many cycle routes will not be included in this regime and therefore will be subject to reactive inspection.

Claim data for the past 6 years indicates that the number of claims relating to cycle routes is very small. Only 3 claims specifically related to cycle routes representing just 0.5% of all claims. It is therefore considered that the current reactive regime is appropriate for the present time.

However, active travel is being promoted both nationally and locally and it is expected that cycling rates will increase in the coming years. Work will therefore be required to identify a designated cycle network within our asset management system and give further consideration to the inspection regime in due course. It is anticipated that progress will have been made on this by the time of the next review, due in 2020/21.

## **Conclusion**

The council's current roads asset management system does not contain an identified cycle route network. Cycle routes will therefore be inspected as per carriageways where the route is on a road and as per footways where it is not.





## **COUNCIL EXECUTIVE**

### **ROAD ASSET MANAGEMENT POLICY & PLAN 2018-2023**

#### **REPORT BY HEAD OF OPERATIONAL SERVICES**

#### **A. PURPOSE OF REPORT**

The purpose of this report is to seek the approval of the Council Executive for the updated Asset Management Policy and the revised Road Asset Management Plan for 2018-2023.

#### **B. RECOMMENDATION**

It is recommended that the Council Executive:

1. approves the proposed Asset Management Policy (Appendix 1); and
2. approves the proposed Road Asset Management Plan 2018-2023 (Appendix 2).

#### **C. SUMMARY OF IMPLICATIONS**

<b>I Council Values</b>	<ul style="list-style-type: none"><li>• Focusing on our customers' needs;</li><li>• Being honest, open and accountable;</li><li>• Making best use of our resources; and</li><li>• Working in partnership</li></ul>
<b>II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	The council is required to demonstrate Best Value and its performance is audited by the Accounts Commission. Management of performance in relation to key strategic objectives is necessary in order to demonstrate best value.
<b>III Implications for Scheme of Delegations to Officers</b>	None
<b>IV Impact on performance and performance Indicators</b>	None
<b>V Relevance to Single Outcome Agreement</b>	<ul style="list-style-type: none"><li>• Outcome 1 -We make West Lothian an attractive place for doing business in Scotland.</li><li>• Outcome 10 - We live in well-designed, sustainable places where we are able to</li></ul>

		access the services we need.
		<ul style="list-style-type: none"> <li>• Outcome 12 - We value and enjoy our built and natural environment and protect it and enhance it for future generations.</li> <li>• Outcome 15 - Our public services are high quality, continually improving, efficient.</li> </ul>
<b>VI</b>	<b>Resources - (Financial, Staffing and Property)</b>	Roads, Structures, Lighting & Water Related Infrastructure revenue budgets and the five year capital investment strategy will support the Roads Asset Management Plan.
<b>VII</b>	<b>Consideration at PDSP</b>	The report was considered by the Environment Policy Development and Scrutiny Panel on 30 October 2018.
<b>VIII</b>	<b>Other consultations</b>	None

## **D. TERMS OF REPORT**

### **Background**

In 2013, the council's Asset Management Policy and the Road Asset Management Plan (RAMP) were approved by the Council. Since then Roads and Transportation has continued to develop its asset management practices in conjunction with the Society of Chief Officers of Transportation in Scotland (SCOTS) Asset Management Project.

### **Road Asset Management Policy and Plan**

The Road Asset Management Policy and Plan have been reviewed and updated to reflect the revenue and capital budgets set following the council's Transforming Your Council consultation in 2017. We have also addressed changes to the Roads & Transportation service and action points suggested by an external audit completed by SCOTS.

## **E. CONCLUSION**

Roads and Transportation is committed to maintaining a safe and reliable road network for West Lothian road users. The Road Asset Management Policy and Plan set out set out how this will be achieved.

## **F. BACKGROUND REFERENCES**

- Road Asset Management & Performance Update – 2018, report to Environment Policy Development and Scrutiny Panel on 30 October 2018.

Appendices/Attachments:

Appendix 1 – Road Asset Management Policy 2018 – 2023

Appendix 2 – Road Asset Management Plan 2018 - 2023

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**Jim Jack**  
**Head of Operational Services**

Date of Meeting: 13 November 2018



Transforming Your Council

Road & Transportation

# ROAD ASSET MANAGEMENT POLICY



## Road Asset Management Policy

The road network in West Lothian is a significant and valuable council owned asset. There are:

- 1043km (648 miles) of carriageways, valued at £1,159M;
- 1390km of footways, valued at £132.7M;
- 578 bridges, valued at £304.5M;
- 46,147 lighting columns valued at £84.2M;
- 151 sets of traffic signals, valued at £8.7M; and
- Street Furniture valued at £8.7M.

Roads & Transportation also has responsibility for water related assets including: culverts, river training structures, reservoirs, SUDS, ponds and water courses.

These assets need to be maintained to a high standard, making the best use of the available funds. Our aim is to provide a high quality, safe, well-maintained and sustainable transport network that will help to generate and promote growth in business, leisure and everyday living within the community. This can only be done by implementing a robust asset management plan and this policy will outline the governing principals.

### Scope

This policy applies to the creation/construction, acquisition, operation, maintenance, rehabilitation and disposal of all Council Road Assets.

### Policy Objectives

This policy guides the management of the roads assets to ensure that:

- Assets continue to deliver a service to the community at an agreed level of service.
- There is clear direction for staff to make informed decisions.
- Legislative requirements are satisfied.
- Exposure to risk is limited to acceptable levels.
- Asset purchases or construction are only approved after whole of life costs and benefits are assessed.

### Definitions

- **Assets:** Any physical item that the Council maintains, acquires or constructs which gives benefit or service to the community.
- **Asset Register:** A record of asset information considered worthy of separate identification.
- **Asset Life:** Time from acquisition to disposal.
- **Asset Management:** Activities and practices through which the Council optimally manages its physical assets, and their associated performance, risks and expenditures over their lifecycle.

- **Asset Management Plan:** A plan that details financial and technical treatments over the life of the asset or class to allow the asset to maintain an agreed level of service.
- **Level of Service:** The desired measureable service standard set for an asset group/type. Each activity is to have its service performance measured against the set level.
- **Whole Life Costs:** Total cost of an asset over its entire life including capital expenditure, maintenance expenditure and disposal expenditure.
- **Capital Expenditure:** Any expenditure that is used to procure or construct: a new asset, upgrade the capability of an asset, make improvements to an asset, make additions to an asset or replace an asset
- **PAS 55:** The British Standards Institution's (BSI) Specification for the optimized management of physical assets.
- **Revenue/ Maintenance Expenditure:** Any expenditure that allows an asset to continue providing the agreed level of service until the end of life is reached.
- **RAMP:** Road Asset Management Plan
- **SCOTS:** Society of Chief Officers of Transportation in Scotland

## Policy Details

### 1. Asset Planning

- Roads & Transportation will adopt an asset management planning approach for the management of infrastructure assets including the application of whole of life cycle cost analysis as advocated in the SCOTS framework for road asset management planning and PAS 55-1:2008: Asset management. Specification for the optimized management of physical assets.
- Prior to acceptance, proposed capital works projects shall be subjected to technical and financial life cost evaluation and prioritised using predetermined criteria developed to satisfy the goals of the Corporate Plan and the Road Asset management plan.
- Wherever possible predictive modelling will be used to develop and implement preventative maintenance programs to ensure lowest net life cycle costs.

### 2. Community Expectations

- All Road infrastructure services will be regularly reviewed to ascertain the community level of service expectations / satisfaction.
- The council will regularly review its asset inventory to ensure it meets community requirements.

### 3. Risk Assessment and Management

- Roads & Transportation will maintain a program of regular inspections of assets to minimise risk to the community.
- Roads & Transportation will maintain and regularly review a Road Asset risk register. This will identify the risks associated with the council's road infrastructures and record the controls in place to manage them.

#### **4. Asset Accounting**

- Roads & Transportation Service will maintain asset registers to the level of detail required to meet the requirements of the CIPFA Transport Infrastructure Asset Code.
- Useful lives shall be determined and given to each asset group/type or component based on past experience and current benchmarked standards.
- Annual Depreciation costs will be calculated using a method set out in the transport asset valuation procedure and reported annually with gross replacement and depreciated replacement cost figures.

#### **5. Budget Allocation**

- The council's capital budget for roads including the funding for all asset purchase, maintenance, rehabilitation and replacement shall be guided by the Strategic Outline Business Cases (SOBCs).
- The allocation of revenue budgets will be reviewed annually taking into account the status of each asset and the level of service achieved in the preceding year(s).
- A rolling 3 year programme of proposed capital works will be maintained linked to the RAMP and long term financial plans.

#### **6. Road Asset Management Plan**

- Roads & Transportation will develop a five Year RAMP covering all the council's road assets including roads (carriageways), footways, street lights, structure, traffic signals, street furniture and water related assets.
- The RAMP shall define the management strategies to be adopted throughout the life cycle of the asset.
- The RAMP sets out for each asset group:
  - predicted future changes in demand;
  - levels of service required;
  - the investment required in the maintenance, renewal and replacement of assets required to meet the levels of service;
  - methods of performance monitoring and appraisal;
  - financial projections; and
  - the risks associated with the plan.

#### **7. Quality Manual**

- Roads & Transportation will develop and maintain a Quality Manual & Procedures which comply with the requirements of the EN ISO 9001:2015 standard.
- The Quality System will be regularly audited by internal and external auditors.
- The Quality Manual will define how and when we:
  - Inspect.
  - Categorise and prioritise reactive repairs.
  - Assess condition.
  - Identify and prioritise sites for resurfacing (or strengthening / replacement).
  - Prepare works programmes.
  - Procure and manage works.
  - Records and respond to customer contacts.

## **8. Reporting**

- Roads & Transportation will prepare an annual asset management report.
- Roads & Transportation will report performance annually.

## **9. Roles And Responsibilities**

- The Council is to:
  - act as custodians of community assets;
  - set corporate asset management policy with linkage to Council's Corporate Plan;
  - set agreed Levels of Service and Levels of Acceptable Risk for each asset class;
  - allocate budgets to achieve the levels set; and
  - ensure appropriate resources for Asset Management activities are made available.
- Chief Executive / Executive Management Team/ Capital Asset Management Board (CAMB) are to:
  - provide strategic direction and leadership;
  - ensure there is continuous improvement in asset management;
  - review existing policies and develop new policies related to asset management;
  - implement Corporate Asset Management Strategies with agreed resources;
  - monitor and review managers and staff in achieving the Asset Management Strategy; and
  - ensure accurate and reliable asset information is presented to Council.
- Managers and Staff are to
  - implement the asset management policy and plan with agreed resources;
  - develop and implement improvement plans for individual asset groups;
  - develop and implement maintenance and capital works programmes in accordance with Asset Management Plan and budgets;
  - deliver levels of service to agreed risk and cost standards;
  - present information to the Council, Chief Executive and Executive Management team in terms of life cycle risks and costs; and
  - Staff responsibilities for asset management activities are detailed within the Road Maintenance Manual

## **Associated Procedures and Related Policies**

Corporate Risk Management Policy  
Corporate Asset Management Policy  
Road Asset Maintenance Manual  
Financial Procedures

## **Review Date**

This policy will be reviewed every five years in line with the capital programme timetable.



Transforming Your Council

Road & Transportation

# ROAD ASSET MANAGEMENT PLAN 2018 - 2023



## Foreword

This plan sets out Roads & Transportation's plans for the management of the council's carriageways, footways, structures, street lighting, traffic signals, street furniture and water related assets for the next five years. It has been produced in accordance with national guidance from SCOTS (Society of Chief Officers of Transportation in Scotland) and recommended good practices.

It is widely recognised that the application of modern asset management practices can enable improved value for money. In these challenging times it is essential that we embrace these methods and strive to ensure that every penny spent is invested as wisely as possible. The plan reflects the revenue and capital budgets set following the council's Transforming Your Council consultation in 2017.

We have now fully implemented our mobile working platform, ConfirmConnect which is facilitating improved asset management practices and helping to identify efficiencies. The whole process from an enquiry arriving at the council to repairs being completed on site is now connected and paperless.

West Lothian has some of the best roads in Scotland and this has been due to the Council's commitment to funding roads maintenance. The winter of 2017/18 was particularly severe and this has resulted in increased potholes on our roads. This together with the ongoing budget saving is going to make it a challenge to maintain the high standards the road users of West Lothian have come to expect.

From 2018 we have extended our Quality Management System to cover the whole of the Roads & Transportation Service. Our Quality Manual & Procedures comply with the requirements of the EN ISO 9001:2015 standard and will be regularly audited by internal and external auditors. This together with our highly skilled and professional workforce demonstrates that we are committed to maintaining a safe and reliable road network for West Lothian road users.



**Graeme Malcolm**  
**Roads & Transportation Manager**

## Document Control

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<b>RAMP#3 Version Control</b>			
<b>Version</b>	<b>Author</b>	<b>Date</b>	<b>Description</b>
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<b>Approval</b>	Graeme Malcolm – Roads & Transportation Manager
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### Note:

The Roads and Transportation asset management plan (RAMP) has been developed in association with the SCOTS Asset Management Project. The plan has of a number of complementary documents, which are summarised in Appendix A and will be reviewed in accordance with the regime outlined in Appendix B.

# 1. Introduction

## Overview

The Road Asset Management Plan (RAMP) sets out our strategies for the maintenance of the Council's road assets. The road asset comprises carriageways, footways, structures, street lighting, traffic management and street furniture. In addition the plan covers water related infrastructure such as reservoirs and culverts.

Our Road Asset Management Policy <sup>(1)</sup> requires the RAMP to be produced together with a Road Maintenance Manual (RMM) <sup>(2)</sup>. In accordance with the Council's corporate asset management strategy Strategic Outline Business Cases (SOBCs) were produced setting out ongoing capital funding proposals. These were used to inform the Capital Plan for the next ten years of investment.

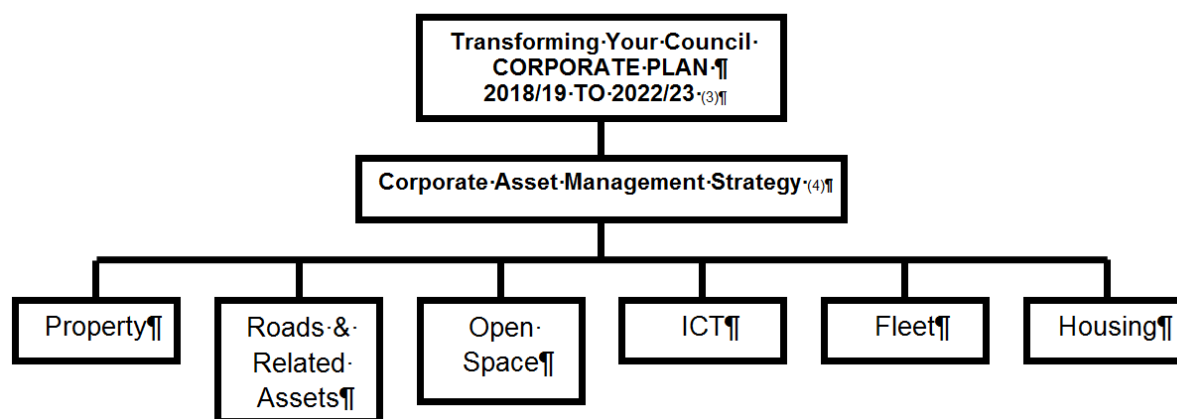
## Purpose

The purpose of the RAMP is to formalise strategies for investment in road assets; and define service standards.

The plan aims to improve how the road asset is managed. It will help to achieve better value for money and improve Roads & Transportation's service delivery.

## RAMP Relationship With Other Plans

The RAMP relates to other council plans as illustrated below:



The RAMP is informed directly by the SOBCs and the Road Maintenance Manual. The targets and strategies contained in the RAMP and the programme of works have been developed in-line with the council's capital budget agreed in February 2018.

## Quality Management System

From 2018 the Roads & Transportation Service has extended its Quality Management System to cover the whole of the service. The Quality Manual & Procedures comply with the requirements of the EN ISO 9001:2015 standard and will be regularly audited by internal and external auditors.

The boundaries, applicability and scope of the Quality Management System has been determined. It covers the provision of regulatory, consultancy, and contracting services in the following service areas:

- Design Engineering
  - Flood Risk Management
  - Projects
  - Structures
- Development Management & Transportation Planning
- Network
  - Public Utilities
  - Roads Maintenance
  - Road Safety and Traffic Management
- Roads Operations
  - Operations
  - Street Lighting

## 2. Road Assets

### Road Assets

West Lothian Council's road assets covered by this plan are:

- Carriageways 1043km (648 miles)
- Footways 1390km
- Structures 578 Bridges
- Street Lighting 46,147 Lighting Columns
- Traffic Management Systems 151 traffic signals and pedestrian crossings
- Street furniture (traffic signs (non-illuminated), safety fences, pedestrian barriers, street name plates, bins, bollards, bus shelters, grit bins, cattle grids, gates, trees / tree protection, seating, verge marker posts and weather stations
- Water related assets including: culverts, road drainage, river training structures, reservoirs, SUDS, ponds and water courses.

### Assets Not Covered

Some roads related assets are the responsibility of other council services and the following are not covered in this RAMP:

- Seats/verges/vegetation
- Open Spaces
- Public Rights of Way

### Inventory Data

This plan is based upon currently available inventory data for the road assets. For some street furniture assets inventory data is not currently held, however, an attempt has been made to incorporate these assets within this plan using local estimates and sample surveys.

A plan to improve asset data forms part of the council's Road Asset Data Management Plan <sup>(6)</sup>. As additional inventory data is collected it will be added to the Confirm database. A full inventory is vital for robust asset management <sup>(1A-1)</sup>.

The mobile working platform, ConfirmConnect is now live. This powerful tool will allow us to gather inventory data and develop visual condition inspections for all the road assets <sup>(1A-2)</sup>. In due course this condition data will drive the maintenance programme and ensure that funds are spent where there is most need.

### 3. Customer Expectations

#### Customer Consultation

#### National Highways & Transportation Customer Satisfaction Survey

Roads and Transportation use the National Highways & Transportation Customer Satisfaction Survey to collect public perspectives on the importance of, and satisfaction with, roads and transportation services in West Lothian. The survey deals with a wide range of themes including: accessibility, public transport, walking and cycling, congestions, road safety, and roads maintenance.

The postal survey is conducted by Ipsos MORI and supported by Measure 2 Improve, the Highways Maintenance Efficiency Programme (HMEP) and the University of Leeds Institute for Transport. Questionnaires were sent to 3300 households in each participating local authority area. In total, 112 authorities took part in this survey of which 5 were in Scotland. West Lothian Council have participated in the survey since 2016.

In 2016 West Lothian Council had a 22% response rate and in 2017 this was 21%. This is on trend with the national average of 21%. In West Lothian this amounted to 693 returns. The following tables outline the key positive areas within West Lothian Councils approach to roads and transportation and the target areas for improvement within this sector.

#### Local Results vs National Results 2017

The tables below show the results of the latest 2017 survey in comparison to the other 112 participating authorities. Also provided is West Lothian Councils ranking in Scotland wherein 5 authorities have taken part. This will put into context the position of West Lothian Council in the rankings as found by the National Highway and Transport Survey.

Theme	Local Score (WLC)	UK Average	UK Ranking	Scottish Ranking
<b>Overall</b>	60	54	2 <sup>nd</sup>	1 <sup>st</sup>
Accessibility	72	70	38 <sup>th</sup>	3 <sup>rd</sup>
Highway Maintenance	58	51	5 <sup>th</sup>	1 <sup>st</sup>
Public Transport	60	61	69 <sup>th</sup>	5 <sup>th</sup>
Road Safety	60	55	2 <sup>nd</sup>	1 <sup>st</sup>
Tackling Congestion	58	48	2 <sup>nd</sup>	1 <sup>st</sup>
Walking and Cycling	60	55	6 <sup>th</sup>	1 <sup>st</sup>

Based on the results of this survey, for overall customer satisfaction, West Lothian Council is the highest ranking local authority in Scotland and 2<sup>nd</sup> in the wider UK. Of particular note is that West Lothian Council ranked 2<sup>nd</sup> in the whole UK for customer

satisfaction under the Road Safety and Tackling congestion themes. This is a significant achievement and underlines the council's approach in these areas.

### Local Results 2016 and 2017 – Positive Outcomes

The table below shows the three areas in which West Lothian Council received the highest satisfaction rates in both 2016 and 2017. The survey results are summarised into Key Benchmark Indicators (KBI) and grouped by theme. Full KBI Analysis is available for each participating authority via the NHT survey website <https://nhtsurvey.econtrack.com/Default.aspx>. Each theme is scored out of 100.

Issue by Theme	2016 WLC**	2016 NA*	2017 WLC	2017 NA
Accessibility	75	71	72	70
Road Safety	60	57	60	55
Walking and Cycling	60	56	60	55

\*NA – National Average

\*\* WLC – West Lothian Council

What can be taken from these results is the consistency of West Lothian Councils performance in these key themes. Our constituents are satisfied with our approach to easy access for all people including those with disabilities and no car. Road safety has also been identified as a positive area for Roads and Transportation, in particular the commitment to local road safety and the road safety environment. Each year, it should be noted, that the council have achieved above the national average in all areas mentioned.

### Local Result 2016 and 2017 Areas for Improvement

The next table shows the three areas in which West Lothian score lowest in the survey with regards to satisfaction rates in 2016 and 2017. The subsequent information will discuss the areas in which WLC constituents feel dissatisfied with the most.

Issue by Theme	2016 WLC**	2016 NA*	2017 WLC	2017 NA
Public Transport	53	60	60	61
Highway Maintenance	57	52	58	51
Tackling Congestion	57	51	58	48

\*NA – National Average

\*\* WLC – West Lothian Council

From these results, it should be recognised that Highway Maintenance and Tackling Congestion are problem areas nationwide. Whilst the results for these themes were lower than for other themes, the council ranked 2nd in the UK for Tackling Congestion and 5th for Highway Maintenance. In addition, satisfaction scores for both themes improved in 2017 compared to 2016.

The key concerns raised for tackling congestion were restrictions on parking on busy roads, tackling illegal on street parking and routes taken by HGVs. With regards to

Highway Maintenance the key concerns raised related to the condition of highways, cold weather gritting and the efforts to reduce traffic.

## **Conclusion**

West Lothian Council has achieved an excellent result in this year's survey having ranked 2<sup>nd</sup> out of 112 authorities which participated UK- wide. Furthermore the council are ranked 1st in Scotland and the overall satisfaction of respondents was 6% above the national average. Our key positive outcomes were accessibility, road safety and walking and cycling whilst the areas for improvement which the survey identified were public transport, tackling congestion and highway maintenance. The survey information will be made available to residents, businesses and stakeholders via the council's website.

## **Customer Contacts (Enquiries/Complaints)**

Customer contacts for Roads and Transportation are recorded in the council's customer relationship management system (CRM) and come to the service via our asset management software Confirm. Records for the period 2017-18 show that:

- 6577 customer enquires were received and despite an increase 69% were still closed off in the identified response time.
- 107 Freedom of Information enquiries were received and 98% dealt with within the allowable time. A slight improvement.
- 375 Roads and Transportation Complaints (Stage 1) were received and 82% were resolved within 5 days.
- 20 Roads and Transportation Complaints (Stage 2) were received and 92.5% were resolved within 20 days.

## 4. Demands

### Asset Growth

With one of the fastest growing populations in Scotland the road network in West Lothian is constantly increasing in length. The population of West Lothian is forecast to grow by 6.6% between 2016 and 2026. The growth is strongest along the M8 corridor and in particular in Armadale, East Calder and Winchburgh. The Local Plan has identified land for up to 12,000 housing units and this growth will put significant extra pressure on the road network.

Roads built by developers, if they are constructed to the council's standards are adopted by the council. It is estimated that 7km of carriageway and 14km of footway will be constructed per annum. Along with this comes the associated lighting columns, drainage and on occasion new structures.

New assets create the need for maintenance, management and associated funding in future years as these additional assets age. The construction of road safety features (such as high friction surfaces and traffic calming) and road improvement works are ongoing and will increase the future maintenance and management needs. Generally these are small additions in the overall context of the road network, but still need to be budgeted for.

West Lothian Council is set to receive a £150 million funding package that could bring a huge economic boost to the area. The funding is part of the latest City Deal and comes from both the UK and Scottish Governments and from contributions from local councils and universities. There will be investment that will unlock up to 5,000 new homes in Winchburgh and create up to 800 new jobs. It will allow the council to fund infrastructure projects such as; new roads - including a new motorway junction from the M9

### Traffic Growth and Composition

Government statistics show that there has been continued traffic growth since 2012 to levels well above pre-recession levels ([http:// www.dft.gov.uk/traffic-counts/area.php?region=Scotland&la=West+Lothian](http://www.dft.gov.uk/traffic-counts/area.php?region=Scotland&la=West+Lothian) ). This growth will contribute to accelerated wear and tear of the roads and bridges. With increase traffic, increased levels of maintenance will be required.

### Environmental Conditions

Pressure is also being placed upon our road assets as a result of environmental conditions:

- Flooding: several areas within the district are prone to flooding. In 2012, there were several occasions that caused severe flooding difficulties which resulted in damage to property and the road network.
- Rainfall intensity: climate change is changing weather patterns resulting in more intense rainfall in localised areas.
- Harsh winters: this winter was particularly harsh and caused significant damage to road surfaces as a result of freeze/thaw action.

## 5. Service Standards

A major part of asset management is measuring performance to ensure constant improvement and for benchmarking against other councils. The SCOTS Asset Management Project has developed a set of 128 performance indicators and management statistics to assist with road asset management.

SCOTS have collected these indicators on an annual basis since 2012 and APSE are undertaking bench marking and reporting. Our results are grouped along with eight other semi urban authorities. The collection of this data goes some way to satisfying Audit Scotland, in terms of the requirements of "Maintaining Scotland's Roads: A Follow-Up Report" in that Councils should "make greater efforts to benchmark road maintenance activities with other councils ..... to drive out cost inefficiencies."

The RAMP is based upon delivering the service standards below. The standards reflect the funding levels in section 6 and are the standards that users (customers) can expect during the plan period. Details of how the specific measures shown below are calculated will be incorporated into the Road Maintenance Manual. Some of the main indicators are listed below along with the change we anticipate .

### Scots Performance Indicators

Asset Group	Measured By	Target Standard	
		2016/17	2022/23
Carriageways			
Safety	Percentage of Cat 1 defects made safe within response times.	71.82%*	⬆
	Percentage of safety inspections completed on time	80.59%	⬆
Condition	Percentage of the roads network to be considered for maintenance treatment	29.39%	⬇
	Percentage of “A” Class roads to be considered for maintenance treatment	21.61%	⬇
	Percentage of “B” Class roads to be considered for maintenance treatment	30.70%	⬇
	Percentage of “C” Class roads to be considered for maintenance treatment	45.06%	⬇
	Percentage of “U” Class roads to be considered for maintenance treatment	28.09%	⬇
	Percentage of carriageway length given a maintenance treatment	1.65%	⬇

<b>Footways</b>			
Safety	Percentage of Cat 1 defects made safe within response times.	No Data*	↑
	Percentage of safety inspections completed on time	78.31%	↔
Condition	Percentage of footway area to be considered for maintenance treatment	10.14%	↓
	% of footway area treated	0.5%*	↓

<b>Structures</b>			
Condition	Percentage of primary inspections carried out on time	98.28%	↔
	Percentage of general inspections carried out on time	87.90%	↑
	Bridge Stock Condition Indicator (BCI <sub>ave</sub> )	89.68	↔
	Bridge Stock Condition Index (BCI <sub>crit</sub> )	81.58	↔

<b>Street Lighting</b>			
Safety	Percentage of repairs within 7 days	59.6%	↑
Environment	Average annual electricity consumption per street light (kWhrs)	340.58	↑

↑ Targeted for improvement      ↔ Performance to be maintained  
 ↓ Anticipated decline in standard

## Performance Measurement

To ensure that performance is being recorded and available corporately, the Pentana Performance Management System is used. It generates performance information scorecards based on the relevant asset objectives. These scorecards show the best and worst expected result for the period and the current level of performance.

Most of the asset management performance data is updated annually, while other Roads and Transportation data is updated monthly or quarterly. Information will be available internally and will be reported quarterly to elected member with a performance report submitted to the Environment Policy Development and Scrutiny Panel.

## 6. Financial Summary

### Asset Valuation

As at June 2018 the road asset was valued as follows:

Asset Type	Gross Replacement Cost £'000	Depreciated Replacement Cost £'000	Annualised Depreciation Charge £'000
Carriageway	£1,145,076	£992,435	£14,187
Footway	£132,676	£93,328	£2,043
Structures	£307,822	£296,433	£1,829
Street Lighting	£87,150	£48,388	£2,059
Street Furniture	£8,743	£4,369	£429
Traffic Management Systems	£8,885	£3,845	£598
Land	£680,222		
<b>Total</b>	<b>£2,370,575</b>	<b>£1,438,799</b>	<b>£21,146</b>

These figures present a depreciated replacement cost valuation of West Lothian Council's road assets for 2017/2018. It complies with the CIPFA Transport Infrastructure Asset Code <sup>(7)</sup> and will be reported in accordance with HM Treasury requirements for whole of government accounts as updated in July 2018.

The valuation figures above illustrate the massive financial value of the road asset. In theory, the annualised depreciation represents the average investment required for planned maintenance (renewal of the asset) to maintain the asset in a safe and acceptable condition.

## Historical Expenditure

Historical expenditure invested in works on the Road asset is shown below:

Asset	Works	Historical Expenditure (£000)				
		13/14	14/15	15/16	16/17	17/18
Carriageways	Capital	2,521	2,477	2,384	2,431	4,004
	Revenue	1,627	1,445	1,156	1,448	1,261
Footways	Capital	1,076	815	635	760	760
	Revenue	365	354	518	285	313
Structures	Capital	2,773	1,439	1,208	1,060	1,545
	Revenue	303	311	251	306	300
Street Lighting	Energy Costs	1,970	1,964	2,182	2,118	2,030
	Capital	1,279	1,629	1,634	1,964	2,539
	Revenue	3,213	3,115	3,112	3,173	2,962
Traffic Signals	Energy/Comm's Costs	Included in Street Lighting Costs				
	Capital	107	99	98	119	79
	Revenue	175	200	125	133	128
Water Related Assets	Capital	924	353	279	313	967
	Revenue	375	489	377	363	426
Road Safety & Traffic Management	Capital	2,358	2,030	3,148	1,092	546
	Revenue	65	34	41	5	38
Town Centres and Villages	Capital	127	342	432	489	856
<b>Totals:</b>		<b>19,258</b>	<b>17,096</b>	<b>17,580</b>	<b>16,059</b>	<b>18,754</b>

The historical expenditure clearly demonstrates the council's commitment to maintaining the condition of the road assets.

The ten year span of the capital budget allows a level of flexibility to be built into the maintenance programme. This can be seen in the non-linear nature of the spend profile. The flexibility is important as it allows for emergency repairs, accounts for the size of repair schemes, changes to the overall programme identified during the inspection programme and unforeseen eventualities that might be encountered during works.

The funding for town centres and villages has been made available to Roads and Transportation for improvements to the built environment. Much of the spending will be on elements of the highway asset, but it is not possible to split the spending into the various asset types.

Road safety and traffic management is a vital function provided by Roads and Transportation. The expenditure above covers road safety improvements to our carriageway and footway network. Road safety schemes are covered by the council's Accident Investigation And Prevention (AIP) Casualty Reduction Programme.

## Capital Funding

The service standard targets shown in section 5 are based upon the following funding levels. The capital funding for the five years from 2018/19 to 2021/22 has been approved by the Council Executive. This decision was informed by the Strategic Outline Business Cases that were prepared by Roads and Transportation. In accordance with Financial Management Unit requirements the first three years has been allocated to named maintenance schemes.

The table below is extracted from the Roads and Related Assets – Capital Investments Strategy 2018/19 to 2027/28 and may be subject to change.

Asset	Works	Agreed Budgets (£k) (June 2018)				
		18/19	19/20	20/21	21/22	22/23
Carriageways	A Class Roads	179	494	301	705	395
	B Class Roads	477	249	235	184	185
	C Class Roads	438	257	333	374	273
	U Class Roads	1,168	1,079	1,389	856	822
	Non-Adopted	0	50	50	50	50
Footways	Capital	235	250	125	148	145
	Non-Adopted	40	40	40	40	40
Structures		1,747	4,097	1,368	1,008	1,008
Street Lighting		2,489	2,531	2,574	2,555	2,591
Traffic Signals	Junctions	180	180	180	180	180
	Pedestrian	100	100	100	100	100
Street Furniture	Bus Passenger Infrastructure	24	22	23	24	25
	Conversion of Part Time 20mph Signs to Full Time 20mph Zones	6	20	20	20	0
	Road Traffic Signs	90	90	90	90	90
Other	Road Casualty Reduction Schemes	339	200	200	200	200
	Disabled Persons Parking	25	25	25	25	25
	Cycling, Walking and Safer Streets	390	542	541	541	581
	Flood Prevention and Drainage	763	622	1,596	1,485	961
	Town Centre and Villages	1,276	141	141	141	125
<b>Totals:</b>		<b>10,500</b>	<b>11,522</b>	<b>9,361</b>	<b>8,721</b>	<b>7,791</b>

The Capital Investment Strategy for 2018/19 to 2027/28 was agreed in February 2018 and represents a reduction of about 40% over the previous years. The revenue budget is agreed every two years and it is anticipated that there will be a 30% reduction over the above period. Revenue allocation is made by the service manager and is generally based on the proportions of expenditure in previous years.

The actual spend during these five years will depend on the programme of works for each asset group. The programme will be generated in accordance with the strategies set out in Section 7. A three year rolling programme of named schemes has been developed based on the results of condition surveys ensuring funding always goes to the assets in most need.

In line with asset management best practice we intend to start monitoring the spend in terms of reactive and planned maintenance (IA-3). As our asset management planning develops, reactive maintenance should decline as planned maintenance is undertaken on the assets in the worst condition.

## Revenue Funding

The Roads and Transportation revenue budget is split between the various teams based on the pattern of historical spending. The table below is extracted from the Roads Services Costing 2018/19 summary provided by the Financial Management Unit.

Asset / Activity	Total Budget (£k)
Network Activities (all carriageways and footways)	4,058
PU Admin and Inspection	10
Flood Management	386
Winter Maintenance	2,126
Street Lighting	2,883
Structures	296
Road Safety	43

## 7. Asset Investment Strategies

The strategies in this section have been determined using predictions of future asset condition for periods of up to 20years. The predictions enable strategies to be created to look at the whole life cost of maintaining the asset. Investment strategies for the major asset types are summarised below. These strategies are designed to enable the service standards in section 5 to be delivered.

### Investment between Asset Types

In comparison to historical investment, future investment (2018/19 to 2027/28) is planned to be:

- Carriageways: level of investment has dropped,
- Footways: level of investment has dropped
- Structures: level of investment has dropped
- Street lighting: level of investment will be maintained
- Traffic signals: level of investment will be maintained
- Water Related Assets: level of investment will be maintained

### Carriageways

Our carriageways will be maintained in accordance with the Well-managed Highway Infrastructure - Code of Practice <sup>(8)</sup> and the Road Maintenance Manual.

Category	Description	Basis of Strategy
Planned Maintenance Preventative (Capital Funding)	A programme of preventative treatment to carriageways in the initial stages of deterioration.	<ul style="list-style-type: none"> <li>• From visual inspections and automated condition surveys a programme of works will be developed targeting the carriageways identified as most in need of major works.</li> <li>• Maintenance treatments such as surface dressing will be adopted to maximise the life of the carriageway assets.</li> <li>• To ensure cost effective implementation of the programme the works will be carried out both by the council workforce and private sector contractors</li> <li>• Works are tendered in accordance with the 'Standing Orders for the Regulation of Contracts' using The TRIPS Term Contract or equivalent.</li> </ul>
Planned Maintenance Corrective (Capital Funding)	A programme of resurfacing where a preventative treatment cannot be applied	<ul style="list-style-type: none"> <li>• For roads that have severe deterioration more significant repairs are required such as resurfacing or reconstruction.</li> <li>• The procurement strategy for these carriageways is as above.</li> </ul>
Routine and	Repair of	<ul style="list-style-type: none"> <li>• Minor carriageway defects are identified</li> </ul>

Reactive Repairs (Revenue Funding)	carriageway defects considered to be of high priority to current intervention standards and response times.	<p>during the ongoing inspection programmes.</p> <ul style="list-style-type: none"> <li>Defects are also identified due to customer enquiries and reports from elected members.</li> <li>If the repairs are considered to be of high priority the works will be carried out by the council workforce.</li> <li>Works will be carried out by the council workforce.</li> </ul>
Planned Maintenance Preventative & Corrective (Revenue Funding)	Minor planned maintenance schemes	<ul style="list-style-type: none"> <li>From the inspection process above a programme of minor preventative and corrective schemes will be developed.</li> <li>To ensure cost effective implementation of the programme the works will be carried out both by the council workforce and private sector contractors</li> <li>Works are tendered in accordance with the 'Standing Orders for the Regulation of Contracts' using The TRIPS Term Contract or equivalent.</li> </ul>

A skid resistance strategy has also been developed and has been approved by the Council Executive. This strategy will assist the council meet its statutory duties and will aid our prioritisation and decision making for A and B class routes.

## Footways

Our footways will be maintained in accordance with the Well-managed Highway Infrastructure - Code of Practice <sup>(8)</sup> and the Road Maintenance Manual.

Category	Description	Basis of Strategy
Planned Maintenance Preventative & Corrective (Capital Funding)	A programme of preventative treatment (in the initial stages of deterioration), resurfacing and renewal of footways.	<ul style="list-style-type: none"> <li>From inspection a programme of works will be developed targeting the footways identified as most in need of major works.</li> <li>To ensure cost effective implementation of the programme the works will be carried out both by the council workforce and private sector contractors</li> <li>Works are tendered in accordance with the 'Standing Orders for the Regulation of Contracts' using The TRIPS Term Contract or equivalent.</li> </ul>
Routine and Reactive	Repair of Footway defects considered	<ul style="list-style-type: none"> <li>Footway defects are identified during the ongoing inspection programmes.</li> </ul>

Repairs (Revenue Funding)	to be of high priority to current intervention standards and response times.	<ul style="list-style-type: none"> <li>Defects are also identified due to customer enquiries and reports from elected members.</li> <li>If the repairs are considered to be of high priority the works will be carried out by the council workforce.</li> </ul>
Planned Maintenance Preventative & Corrective (Revenue Funding)	Minor planned maintenance schemes	<ul style="list-style-type: none"> <li>From the inspection process above a programme of minor preventative and corrective schemes will be developed.</li> <li>To ensure cost effective implementation of the programme the works will be carried out both by the council workforce and private sector contractors</li> <li>Works are tendered in accordance with the 'Standing Orders for the Regulation of Contracts' using The TRIPS Term Contract or equivalent.</li> </ul>

## Structures

Our structures (road bridges, underpasses, footbridges, culverts, retaining walls and a cattle grid) will be maintained in accordance with the Well-managed Highway Infrastructure - Code of Practice <sup>(8)</sup> and the Road Maintenance Manual.

Category	Description	Basis of Strategy
Assessment & Strengthening Of Weak Bridges (Capital Funding)	Strengthening of bridges that have unacceptable weight restrictions	<ul style="list-style-type: none"> <li>All council owned bridges have been assessed in accordance with BD34/90, BD46/92 and BD50/92.</li> <li>Interim measures applied to sub-standard bridges in accordance with 'BD 79/13 – The Management of Sub-Standard Highway Structures,'</li> <li>Only Skolie Burn Bridge remains in the programme</li> </ul>
Planned Maintenance Preventative & Corrective (Capital Funding)	Major Refurbishment of structures that have deteriorated into a poor or very poor condition or require costly maintenance.	<ul style="list-style-type: none"> <li>All council owned bridges are regularly inspected and given a bridge condition indicator score (BCI). Defect information is also recorded.</li> <li>A repair programme is developed targeting the structures with the lowest BCI scores. Defect information is also reviewed to identify components that need replaced.</li> <li>Similar works are grouped to ensure cost effective procurement.</li> <li>Works are tendered in accordance with</li> </ul>

		the 'Standing Orders for the Regulation of Contracts' using Public Contracts Scotland.
Bridges General - Routine and Reactive Repair (Revenue Funding)	Urgent minor repairs to structures: <ul style="list-style-type: none"> <li>• Potholes</li> <li>• Accident Damage</li> <li>• Vandalism</li> </ul>	<ul style="list-style-type: none"> <li>• During bridge inspections defects are identified. If repairs are simple and considered to be a high priority, these are arranged immediately through Operational Services.</li> <li>• More complex repairs are tendered using a Quick Quote through PCS.</li> <li>•</li> </ul>
Planned Maintenance Activities (Revenue Funding)	Maintenance works including: <ul style="list-style-type: none"> <li>• Carriageway Patching and Joint Repairs</li> <li>• Fencing and Guardrails</li> <li>• Minor Masonry Repairs</li> <li>• Minor Concrete Repairs</li> <li>• Maintenance Painting</li> <li>• Scour Repairs</li> <li>• Graffiti cleaning</li> </ul>	<ul style="list-style-type: none"> <li>• Defect information is reviewed to identify bridge components at the end of their service life.</li> <li>• Sites are identified during bridge inspections.</li> <li>• Similar works are grouped to ensure cost effective procurement.</li> <li>• Works are tendered in accordance with the 'Standing Orders for the Regulation of Contracts' using Public Contracts Scotland.</li> </ul>

## Street Lighting

Our street lighting will be maintained in accordance with the Well-managed Highway Infrastructure - Code of Practice <sup>(8)</sup> and the Road Maintenance Manual.

Category	Description	Basis of Strategy
Backlog and Lifecycle Investment (Capital Funding)	Replacement of ageing equipment which has exceeded its life expectancy.	<ul style="list-style-type: none"> <li>• A replacement programme is developed based on age profile, condition of equipment and fault levels.</li> <li>• Works are tendered in accordance with the 'Standing Orders for the Regulation of Contracts' using The TRIPS Term Contract or equivalent.</li> </ul>
Planned Maintenance Activities (Revenue Funding)	<ul style="list-style-type: none"> <li>• Electrical Testing</li> <li>• Sign / Bollard Washing.</li> <li>• Lantern Replacements.</li> </ul>	<ul style="list-style-type: none"> <li>• To comply with requirements of 17<sup>th</sup> Edition I.E.E. Wiring Regulations.</li> <li>• In accordance with the UK Lighting Board Code of Practice.</li> <li>• Determined through fault level, age profile and energy efficiency.</li> </ul>

Reactive Maintenance	Repair of “non routine” defects such as dark lamps, cable faults and vandalism.	Defects are recorded via night inspections, reports from the Public, or identified during other operations. Response times are set dependent on nature of defect, with emergency works attended within a 2hr period. This work is carried out by our own operatives within “Roads Lighting”.

## Traffic Signals

Our traffic signals will be maintained in accordance with the Road Maintenance Manual.

Category	Description	Basis of Strategy
Routine and Reactive Repair	Repair of defect to current intervention standards and response times as per current maintenance contract	Design Manual for Roads and Bridges, TA84/06-Code of Practice for Traffic Control and Information Systems for all purpose roads
Refurbishment / replacement of signalised junctions	Refurbishment of junctions that have deteriorated or the equipment has become obsolete / unreliable	Based on a minimum service life of 15 years as stated in Highways Agency document TR2500a section 3.2-Specification for Traffic Signal Controller
Refurbishment / replacement of signalised crossings	Refurbishment of junctions that have deteriorated or the equipment has become obsolete / unreliable	Based on a minimum service life of 15 years as stated in Highways Agency document TR2500a section 3.2-Specification for Traffic Signal Controller

## Street Furniture

The collection of information on the street furniture asset is required to comply with the Code of Practice on Transport Infrastructure Assets: Guidance to Support Asset Management, Financial Management And Reporting <sup>(7)</sup>. The street furniture asset is made up of fourteen components, all associated with the road network and maintained by various council departments.

Our street furniture will be maintained in accordance with the Road Maintenance Manual.

Category	Description	Basis of Strategy
Routine and Reactive Repair	Street furniture assets replaced when they are damaged or at the end of their useful life.	<ul style="list-style-type: none"> <li>• Cyclic maintenance activities such as sign cleaning and bus shelter washing will be ongoing.</li> <li>• There are no formal inspections of street furniture, but works required will be identified during carriageway and footway inspections.</li> <li>• Replacement and repair works will generally be completed by the council's workforce or specialist contractors if required.</li> <li>• Works are tendered in accordance with the 'Standing Orders for the Regulation of Contracts' using The TRIPS Term Contract or equivalent.</li> </ul>
Planned Maintenance Preventative	N/A	N/A
Planned Maintenance Corrective	Replacing street furniture assets because of legislation change or council priorities	<ul style="list-style-type: none"> <li>• Where changes in legislation or the design codes come into force assets may need to be replaced.</li> <li>• Town centre development schemes may require signs and street furniture to be replaced.</li> </ul>

To better manage these assets the inventory information will be gathered into the Confirm Database (IA-1).

## Water Related Assets

Water-related infrastructure (open watercourses, flood prevention schemes, river revetments, flood storage devices, drains, culverts, headwalls and trash screens) will be inspected regularly in accord with the current inspection and maintenance regimes and cleaned and repaired as and when required. The council's duties under the Flood Risk Management (Scotland) Act 2009 extend to the maintenance of some privately owned assets as well as those owned and adopted by the council.

Category	Description	Basis of Strategy
Assessment of assets leading to planned capital investment	Open watercourse assessment, culverted watercourse assessment, flood prevention schemes, river	<ul style="list-style-type: none"> <li>• To meet the Council's legal obligations under the Flood Risk Management (Scotland) Act 2009.</li> <li>• The frequency of inspection is dictated by the history of flooding, the impact of flooding and condition.</li> <li>• Works arising from the inspection will be</li> </ul>

	revetments, culvert headwalls and screens and environmental mitigation schemes.	undertaken by the council's own Road Operations team, term contractors and framework consultants procured through Public Contracts Scotland.
Backlog and lifecycle capital investment	Refurbishment of assets that have deteriorated into a poor condition or require costly maintenance.	<ul style="list-style-type: none"> <li>Regular assessment of condition in terms of cleanliness and structural integrity.</li> <li>The assessment work is undertaken by specialist contractors procured through Public Contracts Scotland.</li> <li>Works arising from the inspection will be undertaken by term contractors and framework consultants procured through Public Contracts Scotland.</li> </ul>
Reservoir specific capital investment	Responding to guidance and demands detailed in the annual report of the ICE All Reservoirs Panel Supervising Engineer and the ten year report following inspection by the ICE All Reservoirs Panel Inspecting Engineer	<ul style="list-style-type: none"> <li>Large Raised Reservoirs are subject to statutory inspection by ICE All Reservoirs Panel Engineers. Supervising Engineers (Annually) and Inspecting Engineers every ten years.</li> <li>The Engineers findings from time-to-time dictate actions required in the interests of safety.</li> <li>An Asset Management Report prepared by external consultants to plan investment to avoid mostly non-safety related significant maintenance backlog and for reservoirs that do not fall within the ambit of the Reservoirs (Scotland) Act 2011.</li> </ul>
Water-related infrastructure General - Routine and Reactive Repair (Revenue Funding)	Urgent minor repairs to assets often following severe weather or to repair damage.	<ul style="list-style-type: none"> <li>During asset inspections, defects are identified. If repairs are simple and considered a high-priority, these are arranged immediately through relevant term contractors.</li> <li>More complex repairs are tendered using a Quick Quote through PCS.</li> </ul>
Planned Maintenance Activities (Revenue Funding)	Maintenance works including: <ul style="list-style-type: none"> <li>Culvert inspection &amp; clearance</li> <li>Removal of obstructions</li> <li>Minor repairs to revetments, masonry or concrete.</li> <li>Scour Repairs</li> </ul>	<ul style="list-style-type: none"> <li>CCTV reports are reviewed to identify components at the end of their service life as well as cleansing requirements</li> <li>Similar works are grouped to ensure cost-effective procurement.</li> <li>Works are undertaken by term contractors</li> <li>Larger projects may be tendered in accordance with the 'Standing Orders for the Regulation of Contracts' through Public Contracts Scotland.</li> </ul>

	<ul style="list-style-type: none"><li>• Clearance and Repairs to trash screens</li></ul>	
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## Quality Manual

Each of the asset groups above will have a range of dedicated process maps in the Quality Manual, which will provide full details of how these strategies will be implemented (IA-3).

## 8. Risks to the Plan

The risks that could prevent achievement of the standards specified in this plan (section 5) are:

Plan Assumption	Plan Risks	Action If Risk Occurs
The plan is based upon winters being normal	Adverse weather will create higher levels of defects and deterioration than have been allowed for.	Budgets and predictions will be revised and this plan updated if abnormally harsh winters occur.
Available budgets have been assumed as shown in section 6	External pressures mean that council reduce the funding available for roads	Target service standards will be revised to affordable levels. The budget for capital is set for five years. Therefore low risk during plan period.
Construction inflation will remain at level similar to the last 5 years.	Construction inflation will increase the cost of works (particularly oil costs as they affect the cost of road surfacing materials)	Target service standards will be revised to affordable levels.
Levels of defect and deteriorate are based on current data which is limited for some assets (e.g. footways)	Assets deteriorate more rapidly than predicted and the investment required to meet targets is insufficient. The footway inspections now ongoing are a case in point.	Split between planned and reactive maintenance budgets will be revised.
Resources are available to deliver the improvement actions	Pressures on resources mean that staff are not allocated to improvement actions	Target dates will be revised and reported.

Roads & Transportation also have an established set of business risks, which were comprehensively reviewed corporately in 2018. The risks are recorded in Pentana, along with the assessment of likelihood/probability, impact and actions being taken to mitigate the risk. These risks have been developed in accordance with the councils Risk Management Standards Guide <sup>(9)</sup>.

Reference	Business Risks
RTS001	Failure to deliver a winter service in accordance with council policy
RTS002	Death or injury due to ageing lighting column
RTS003	Death or injury due to electrocution by unsafe lighting column or traffic light
RTS004	Damage to underground services by council employees or contractors
RTS005	Failure to maintain roads and related infrastructure
RTS006	Flooding causing damage to roads, buildings and infrastructure

## 9. Improvement Plan

### Service Improvement Actions

Service improvement actions have been identified for all the asset groups and can be found in the Maintenance Manual. The main improvement actions are as follows:

Ref.	Action	Proposed Implementation Date & Duration	Estimated Cost of Implementation	Responsible Officer
IA-1	Ensure that full inventory data is collected for all assets and added to Confirm.	31 August 2021	Minor cost implication	All asset managers
IA-2	Implement inspection procedures for all asset groups using ConfirmConnect.	31 August 2022	Minor cost implication	All asset managers
IA-3	Develop the Quality Manual and procedures.	31 December 2019	Minor cost implication	All asset managers

### Progress Reporting

Reporting against the improvement action milestones will be undertaken by the Roads and Transportation Manager; a review of progress will be undertaken on a monthly basis along with the asset lead engineers, who will provide an estimate of the percentage completion towards each milestone.

A Road Asset Management & Performance Update will be submitted to the Environment Policy Development and Scrutiny Panel annually. Performance data is in Pentana and is reviewed and reported to the Performance Committee.

## 10. References

1. Road Asset Management Policy - SCOTS Asset Management Project 2013
2. Road Maintenance Manual - SCOTS Asset Management Project 2013
3. Transforming Your Council CORPORATE PLAN 2018/19 to 2022/23 - West Lothian Council 2018
4. Corporate Asset Management Strategy – West Lothian Council 2013/18
5. Roads And Transportation Services Quality Management System Manual & Procedures – West Lothian Council 2018
6. Road Asset Data Management Plan - SCOTS Asset Management Project 2013
7. Code of Practice On Transport Infrastructure Assets: Guidance To Support Asset Management, Financial Management And Reporting (Published by The Chartered Institute of Public Finance & Accountancy – 2010)
8. Well-managed Highway Infrastructure - Code of Practice (Published by TSO – October 2016)
9. Risk Management Standards Guide – West Lothian Council

## Appendix A      Asset Management Documentation

The documentation required to support asset management processes are:

### 1.      Asset Management Policy Statement

The asset management policy statement confirms the council's commitment to:

- applying asset management systems to manage road assets;
- publishing an Asset Management Plan; and
- reporting achievements and performance annually;

*Updating:* Reviewed annually and updated if required.

### 2.      Quality Manual

The Quality Manual will record the systems and methods used to manage the road assets. The manual should define how and when the authority:

- Inspect.
- Categorise and prioritise reactive repairs.
- Assess condition.
- Identify and prioritise sites for resurfacing (or strengthening / replacement).
- Prepare works programmes.
- Procure and manage works.
- Records and respond to customer contacts.

*Updating:* Reviewed annually and updated if required. It is not expect to require extensive change year to year.

### 3.      Asset Status and Options Report (ASOR)

Specific investment strategies should be compiled for the major asset groups of carriageways, footways, structures, street lighting, drainage and traffic signals. Each strategy should define how the target service standards are to be delivered. In particular they should address the types of works that are planned and state the approach to be taken for example if a "prevention is better than cure" approach has been adopted. In line with the Council's corporate asset management strategy the latter document has been replaced with Strategic Outline Business Cases (SOBCs).

Annual status reports will be prepared for the Environment Policy Development and Scrutiny Panel annually and performance data is reported to the Performance Committee.

#### **4. Road Asset Management Plan (RAMP)**

The RAMP will record the service standards that the council is aiming to deliver for each asset group. These standards should be based upon detailed predicted budget levels in the short term (5yrs) and general budget level predictions over the longer term (10yrs). The plan should identify any risks that may prevent the plan being realised. The plan should reflect local context in terms of traffic levels, customer preferences and the council's corporate strategies. The RAMP should be in a format suitable for public use.

#### **5. Annual Programme**

Detailed annual programmes will be prepared for each asset group. They will identify schemes, roads to be surfaced, bridges to be maintained, streets where lighting is to be changed etc.

*Updating:* Reviewed annually and updated so that there is a three year programme of named schemes.

## Appendix B Annual Updating Regime

SCOTS RAMP - Annual Programme												
The asset management planning documentation will be updated as shown below:												
Task	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
1 Data Assessment												
2 Road Asset Valuation												
3 Performance Indicator Return												
4 RAMP Review & Update												
5 Annual Status Reports and EnvPDSP Update												
6 Quality Manual Update												
7 Asset Inspection Records												
8 Works Programme												

# **Roads & Transportation Road Asset Management Plan 2018-2023**

**Graeme Malcolm**  
**Roads and Transportation Manager**

**September 2018**

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**COUNCIL EXECUTIVE**

**RIVERLIFE: ALMOND & AVON PROGRAMME**

**REPORT BY HEAD OF OPERATIONAL SERVICES**

**A. PURPOSE OF REPORT**

To update the Council Executive on the progress being made to deliver projects under the RiverLife: Almond & Avon programme.

**B. RECOMMENDATION**

The Council Executive is recommended to:

1. note the progress being made with those projects forming part of the RiverLife: Almond & Avon Programme; and
2. approve a proposal for officers to negotiate and enter into a collaboration agreement with the Forth Rivers Trust and further memoranda of understanding with the Trust and other partners.

**C. SUMMARY OF IMPLICATIONS**

**I Council Values**

Focusing on our customers' needs; being honest, open and accountable; providing equality of opportunities; developing employees; making best use of our resources; and working in partnership

**II Policy and Legal  
(including Strategic  
Environmental  
Assessment, Equality  
Issues, Health or Risk  
Assessment)**

**Policy:** The Scottish Biodiversity Strategy identifies the role of local authorities in meeting national species and habitat priorities.

**Legal:** The Water Environment & Water Services (Scotland) Act 2003 requires local authorities to carry out their statutory functions and duties in a way, which adheres to the principles of the European Water Framework Directive.

The Nature Conservation (Scotland) Act 2004 places a duty on officials and public bodies to further biodiversity.

Salmon & Freshwater Fisheries (Consolidation) (Scotland) Act 2003

<b>III</b>	<b>Implications for Scheme of Delegations to Officers</b>	None
<b>IV</b>	<b>Impact on performance and performance Indicators</b>	Across Scotland river quality has improved significantly over the last 25years and just under half of our rivers are now of good status. Ambitious targets have been set for rivers, with an objective for 87% to be at good or high - status by 2027. SOA1308-11 (% of water bodies achieving high or good-status).
<b>V</b>	<b>Relevance to Single Outcome Agreement</b>	SOA 2 We are better educated and have access to increased and better quality learning and employment opportunities; SOA 3.Our economy is diverse and dynamic, and West Lothian is an attractive place for doing business; SOA 4.We live in resilient, cohesive safe communities; SOA 8.We make the most efficient and effective use of resources by minimising our impact on the built and natural environment.
<b>VI</b>	<b>Resources - (Financial, Staffing and Property)</b>	<p><b>Financial:</b> The bulk of the funding for the RiverLife suite of projects derives from the Scottish Government's Water Environment Fund and Heritage Lottery Fund</p> <p><b>Staffing:</b> The Council is represented by officers on individual Project Groups and the RiverLife Project Board. HLF funding supports officers within the Council.</p> <p><b>Property:</b> The Council owns land associated with this project and has title to five out of the seven weirs on the River Almond.</p>
<b>VII</b>	<b>Consideration at PDSP</b>	This report was considered by the Environment Policy Development & Scrutiny Panel on 30 October 2018. The Panel noted the content of the report; and agreed that the report and its recommendations be forwarded to the next appropriate meeting of the Council Executive for approval.
<b>VIII</b>	<b>Other consultations</b>	SEPA & Forth Rivers Trust

## **D. TERMS OF REPORT**

### **1.0 Introduction – River Life: Almond & Avon**

- 1.2 RiverLife: Almond & Avon is an ambitious programme of work within the catchments of the Rivers Almond and Avon. The programme aims to deliver a range of improvements, help restore the natural heritage of our rivers, and engage with communities helping reconnect people with their local river.
- 1.1 Elected members have previously heard about the RiverLife programme as projects have been initiated and developed. Although a number of project and process-specific reports have previously been tabled, including some related to aspects of procurement, it has been some time since members have had the opportunity to learn of more of the progress being made and the reasons behind necessary changes of direction.
- 1.3 The programme was instigated by Forth Rivers Trust. Funders, however, have persuaded officers to lead these projects on the basis that the council has a legal responsibility to undertake this work and the Scottish Government is providing significant funding for its completion. Although the individual projects are complex and high-risk, measures are in place to resource, manage risk and minimise conflict. To comply with the requirements of funders, memoranda of understanding, collaboration agreements and extensions thereto will continue to be required.
- 1.4 The Heritage Lottery Fund (HLF) awarded the Forth Rivers Trust £1.658m (as match funding for the capital funding referred to above) in 2016 for a four-year programme of projects to help restore the Rivers Almond & Avon, deliver the aims of an Activity Plan, Audience, Engagement & Interpretation Plan, and Training Plan, engage volunteers, fill new posts (including Project Management support) and commission smaller physical improvement works. It is proposed to novate the agreement that the Trust currently has with Heritage Lottery Fund, removing references to the Trust and replacing with the Council. It is proposed that the balance of that award, currently estimated at £1.26m, will be expended by the Trust on West Lothian Council's behalf. This matter is the subject of a separate report being by the Head of Corporate Services and titled, Novation of Funding & Procurement Exemption.

### **2.0 Almond Barriers Project**

- 2.0.1 During the industrial revolution, mills were built along rivers to harness water energy. Unfortunately, the impoundment of water through the installation of weirs created barriers across our rivers, preventing migrating fish such as salmon and sea trout and other aquatic species from moving up and downstream to access breeding, nursery and feeding grounds. Although most mills have since disappeared many of the weirs remain and continues to negatively affect the quality of Scotland's rivers, including the Almond & Avon.

- 2.0.2 The free passage of migratory species is a key requirement of the EU Water Framework Directive, and an assessment indicator of the required 'good' ecological condition. Assessments suggest that many waters throughout the UK are at risk of failing to achieve this status as a result of barriers. The Almond, whilst having other pressures, is currently 'poor' directly due to these barriers. Assessment of impacts on the Almond started in 2010 in earnest. A commitment was made by the Scottish Government to resolve cumulative impacts on the river at a catchment-scale to meet the objectives of the Directive by ensuring that migrating species can move freely from the North Sea, via the Firth of Forth, upstream into tributaries in West Lothian. Other species that will benefit from a clear migration route would be brown trout, lamprey and eel, as well as larger predators such as dipper, kingfisher and otter, which rely on fish as an important source of food. Historically, salmon were able to ascend the river and the presence of such an iconic species encourages recreation and supporting businesses to grow and develop in the area.
- 2.0.3 Work to mitigate the effect of barriers on the River Almond is funded from the Water Environment Fund through direct grant from the Scottish Government to West Lothian and City of Edinburgh Councils to be expended under the capital programme.
- 2.0.4 The Forth Rivers Trust, via Heritage Lottery Funding, is supporting the capital expenditure in physical improvement to the river and its tributaries, engaging with communities, providing training and learning activities and supporting council officers to ensure that multiple-benefits are derived from the investment.
- 2.0.5 There are seven weirs on the River Almond on which impacts to fish passage are being addressed as part of the programme. It is critical for the success of the project that all barriers are addressed. The council owns or part-owns and holds licenses under the Water Environment (Controlled Activities)(Scotland) Regulations 2011 for five out of seven of the weirs referred to in this report. Work has proceeded in an agreed order so as to allow time for ongoing community liaison and development of appropriate designs.

## **2.1 Fair-a-Far Weir, Cramond (City of Edinburgh Council) (2017)**

- 2.1.1 This weir, owned by City of Edinburgh Council, was originally built in the 17th Century and is the first barrier on the main stem of the River Almond. Work commenced in August 2017 and was completed in February 2018. Poor weather and high-flows resulted in delays to the works and issues of re-instatement of the riverbed some of which remain outstanding. This project has been challenging on a number of levels. Notwithstanding, the work is of a high standard, is aesthetically pleasing and has been well received in the community.

## **2.2 Dowies Mill Weir, Cramond (City of Edinburgh Council) (2019)**

- 2.2.1 Within Cramond but above Fair-a--Far is Dowies Mill Weir, once part of four iron mills along this reach of the Almond supplying material for items such as nails and spades, which were exported across the world. The only remaining physical legacy of these is Dowies Mill Weir, which is in poor condition. Designs are available for the preferred option, which is removal, although further community engagement and agreement with City of Edinburgh Council is still required. It will be the second and only other weir where works are required to be undertaken by the City of Edinburgh Council.

### **2.3 Mid Calder Weir (West Lothian Council, plus three private owners) (2019)**

- 2.3.1 Although this weir already has a fish pass, it has proved inadequate. The pool effect that the weir has created immediately upstream is aesthetically pleasing and highly valued by those that own it and visitors to Almondell and Calderwood Country Park.
- 2.3.2 The proposal previously approved by the Council Executive is to construct a rock - ramp, a more natural approach to adaptation. Large boulders will be placed in front of the weir to create a series of pools, which will allow fish to make their way upstream to breeding grounds in the upper reaches of the river. This option will protect the island in front of the weir, which has become well-established woodland habitat, whilst maintaining clear passage.
- 2.3.3 The weir is part owned by the council and the owners of three properties on Powie's Path, Mid Calder. Detailed design has not yet been commissioned but full engagement with other owners of the structure will continue to be integral to the approach.

### **2.4 Rugby Club Weir, Livingston (West Lothian Council) (2018)**

- 2.4.1 Situated near Livingston Rugby Club, this weir is upstream from Mid Calder Weir, in the Craigshill area of Livingston. Originally built to supply water to the former West Mill, now Wallace Mill Gardens, to process corn from nearby farms. The weir currently has an inadequate box type fish pass.
- 2.4.2 There is currently a flood-relief bypass channel located on the west side of the river, and the proposal, therefore, is to re-engineer the bypass by widening and deepening it, allowing a regular flow, even during drier spells. This will allow fish to bypass the barrier more successfully. The engineering required to adapt this weir is relatively simple and works are not as complex or expensive as other structures.
- 2.4.3 Detailed design of this weir is complete and necessary consents in the course of being secured. At the time of writing, tenders are due to be issued.

### **2.5 Howden Bridge Weir (West Lothian Council ) (2018)**

- 2.5.1 Howden Bridge weir is situated in the centre of Livingston. The existing weir comprises a basic construction of concrete covering rock infill. The weir stands on the footprint of a structure, thought to have been built in the mid-19th century and which once supplied water to a nearby sawmill, now the site of a new housing development.
- 2.5.2 The proposal is to create a rock-ramp, which it is thought, will be the largest in the UK on completion. Large boulders will be placed on concrete in front of the existing weir to create pools and a shallower-incline for migrating fish to make their way over the weir. This weir is considered the uppermost point for salmon and sea trout migration on the Almond, so successful adaptation of this barrier will open-up considerably more spawning ground for these species, to the upper main stem, Breich Water, Killandean Burn and other minor tributaries.
- 2.5.4 Tenders have recently been accepted for the works, which returned substantially above estimate requiring additional funding to be made available by the Scottish Government. Work is expected to get underway shortly.

## **2.6 Kirkton Weir, Livingston (West Lothian Council) (2017)**

- 2.6.1 Construction of a baffled fish pass on Kirkton Weir has been successfully completed. A safe access platform and eel pass have still to be installed and the Forth Rivers Trust intends to provide interpretation, which will be of particular value to visitors to the Almond Valley Heritage Centre with whom the project group has collaborated.
- 2.6.2 A high-definition webcam has also been installed as part of the first UK and Republic of Ireland network of high-definition, real-time video-feeds which show river heights, rainfall data and weather. This also assists in monitoring any blockages to the fish pass.  
<https://www.farsondigitalwatercams.com/locations/livingston>
- 2.6.3 The Forth Rivers Trust later intends to install a fish counter into the baffled fish pass, which will be used to help measure the success of the project.

## **2.7 Limefield Weir, (Limefield Falls) Polbeth (West Lothian Council) (2019)**

- 2.7.1 In December 2015, Forth Rivers Trust commissioned a study to explore how migrating fish species could potentially get past the weir, which comprises Limefield Falls. Removal was deemed unviable due to the local heritage value of the structure, which is linked to explorer, David Livingstone and his sponsor, James 'Paraffin' Young. The disused lade on the left bank, looking downstream will be used to construct a by-pass channel which will also allow the movement of sediment downstream creating a greater area of habitat for fish and other species. The report describes how fish passage could be achieved and looks at the secondary objective of facilitating the natural movement of gravels and sediment.
- 2.7.2 Detailed design will commence shortly. There has already been dialogue between the Trust and Polbeth Community Council in August this year and its members are supportive of what is proposed. The community will continue to be engaged as the project develops and care will be taken to ensure that the structure, of which the community is so proud, is protected during the works and sensitively restored.
- 2.7.3 In 2012, a walkway and viewing platform adjacent to the Falls was constructed as part of a wider investment to celebrate the bicentenary of Livingstone's birth. The platform was made from recycled plastic but, unfortunately, was set alight and destroyed by vandals in June 2014.
- 2.7.4 There has always been support for replacement of the viewing platform, but changing priorities for Central Scotland Green Network Trust (CSGNT) and the absence of funding stalled delivery. The West Lothian Village Improvement Fund offered funding potential and £17,300 was secured in January this year towards a modest gabion-style seating and viewing area with metal barriers. Discussions of the benefits of undertaking both the fish pass and viewing platform at the same time were discussed between CSGNT and Forth Rivers Trust. The viewing platform is now proposed to be integrated into the fish pass, which will allow a higher-specification platform to be installed with integrated interpretation panels.
- 2.7.5 Match funding has been sought from West Lothian Development Trust for £25K towards the viewing platform. A decision on this is awaited at the time of writing. If successful, it would allow £35,427 to be made available for the replacement platform with £6,873 remaining for the footpath upgrade near the viaduct. Forth Rivers Trust is also able to use existing funding to support staff time for the project.

### **3.0 Bathgate Watercourse Restoration Project**

- 3.0.1 In tandem with capital improvements on the River Almond, an ambitious urban river restoration project is proposed for the Bathgate Water, a tributary of the River Avon.
- 3.0.2 The Bathgate Waters Restoration Project is funded from the Scottish Government's Water Environment Fund, indirectly through SEPA to West Lothian Council to be expended under the capital programme
- 3.0.3 This project aims to improve morphology and biodiversity to the Boghead Burn, Bog Burn and Bathgate Water, which flow through Bathgate. The watercourses together are categorised by SEPA as bad for morphology and are downgraded by a number of other pressures including, poor water quality and amenity issues.
- 3.0.4 Members may recall ambitious proposals for these watercourses to be re-meandered through open space in the centre of the town. However, having identified significant infrastructural constraints, including the need for contaminated land remediation, the project to be included in the programme was scaled-back focusing only on the lower reach between Whitburn Road and Glasgow Road.
- 3.0.5 In December last year, SEPA stalled the project, advising that it was unable to continue to fund it in its current form because it was not considered capable of delivering the necessary scale of benefit to the environment and local community which it considered possible. SEPA advised that it remained committed to helping develop a river restoration initiative in Bathgate and hoped that the pause would allow project partners to review the situation and develop a more-ambitious, integrated project.
- 3.0.6 It was agreed that the project should be re-scoped. Project partners collaborated in the preparation of visioning documents. Consultants have been appointed to review the data that has been gathered, identify key gaps and help fill those gaps before drafting a revised scope for detailed design. That work is currently underway.
- 3.0.7 Slowdown of the delivery of this project has meant that the Forth Rivers Trust has not been able to drawdown match funding which has had an impact on community liaison and development of other smaller projects and interactions related to this. There are additional benefits, both in terms of match funding available and resource if this project can still be delivered through the RiverLife programme.

### **4.0 Killandean Burn Blue / Green Project**

- 4.0.1 Entering the River Almond in Livingston, the Killandean Burn (or Yellow Burn) is one of the river's main tributaries in West Lothian and an important tributary for potential fish habitat. The burn runs through a substantial corridor of green space, popular with recreational users. It has a good network of paths, a variety of riparian and terrestrial habitats as well as park infrastructure such as picnic benches and bins.
- 4.0.2 The aim of this project is to improve the corridor of the Killandean Burn in Livingston by undertaking works to the river, riparian habitat, access and amenity for the surrounding community. By involving local people and working with volunteers, Forth Rivers Trust is engaging more people with the watercourse and the associated green space. Examples of volunteer activities that have been completed include the repair of paths and steps, maintaining or replacing picnic benches and seats and installing brash-bank protection within the watercourse.

- 4.0.3 The Killandean Burn becomes the Harwood Water upstream and this project ties into the Limefield Falls improvement works.

## **5.0 Invasive Non-Native Species Control Programme**

- 5.0.1 The Trust has been running a strategic catchment-based Invasive Non-Native Species (INNS) control programme (Forth Invasive Non Native Species Programme) since December 2012. The programme is focused on the sustainable control of invasive non-native plant species (INNS) by local trained volunteers. They use equipment and herbicide provided by the Trust to control species such as giant hogweed, Himalayan balsam, American skunk cabbage and Japanese knotweed.
- 5.0.2 Significant inroads have been made in the control of INNS on both the Almond and Avon. To continue this work, the Trust needs to be able to coordinate the strategy and support volunteers. This involves:
- Undertaking and coordinating surveys to monitor plant growth;
  - liaison with volunteer groups;
  - purchase, maintenance and distribution of materials and equipment;
  - updating of data;
  - attending events, raising awareness of the issue;
  - providing training for new recruits
  - undertaking habitat restoration where INNS have been removed; and
  - continued professional development, including attendance at and facilitation of best practice events.

## **E. CONCLUSION**

RiverLife: Almond & Avon is an ambitious programme of work which is helping to restore the natural heritage of our local rivers in liaison with local communities. Partnerships have been formed and significant funding made available by the Scottish Government and Heritage Lottery Fund. The programme was instigated and initially led by Forth Rivers Trust. Funders, however, have persuaded officers to lead these projects on the basis that the council has a legal responsibility to undertake this work and the Scottish Government is providing significant funding for its completion

The programme is midway through and has enabled delivery of important works, from which the people of West Lothian will benefit. The council is delivering on national strategic works funded externally which improve the environment and are aligned with legal and policy objectives.

The RiverLife Project provides an important context, as well as match funding to support capital work for which the council is funded directly. The Forth Rivers Trust is an important partner providing the supporting role for the programme as well as delivering on community engagement, training, volunteering and small works projects. The Trust is being impacted by changes in funding and delays in delivery. A small local charity is unable to cashflow the project without additional impacts on the programme. It has therefore been proposed to novate the agreement that the Trust currently has with Heritage Lottery Fund, removing references to the Trust and replacing them with the Council but allowing The Trust to meet the obligations of the HLF grant on behalf of the council and continue to support the project. The Heritage Lottery Fund is supportive of this change, not only to deliver the project successfully but also to further develop the partnership

between the council and the Trust, which will be formalised by a collaborative agreement and further memorandum of understanding.

## **F. BACKGROUND REFERENCES**

The Forth Invasive Non-Native Species Programme: Report by Head of Operational Services to the Environment Policy Development & Scrutiny Panel – 19 January 2012

Public Body Reporting on the Scottish Biodiversity Duty: 2011-2014 – Report by Head of Planning & Economic Development to the Council Executive – 16 December 2014

The Forth Invasive Non-Native Species Programme: Report by Head of Operational Services to the Council Executive – 07 February 2012

Restoration of the Bathgate Water: Report by Head of Operational Services to the Environment Policy Development & Scrutiny Panel – 12 February 2015

Restoration of the Bathgate Water: Report by Head of Operational Services to the Council Executive – 10 March 2015

Consultation on SEPA's Second River Catchment Management Plan for the Scotland River Basin District – Report by Head of Operational Services to the Environment Policy Development & Scrutiny Panel – 23 April 2015

SEPA consultation on developing the second river basin management plan for the Scotland River Basin District:

[http://www.sepa.org.uk/water/river\\_basin\\_planning/scotland.aspx](http://www.sepa.org.uk/water/river_basin_planning/scotland.aspx)

Barriers to Fish Migration - River Almond – Report by Head of Operational Services to the Environment Policy Development & Scrutiny Panel – 04 June 2015

Barriers to Fish Migration – River Almond – Report by Head of Operational Services to the Council Executive – 30 June 2015

RiverLife: Almond & Avon Programme - Report by Head of Operational Services to the Environment Policy Development & Scrutiny Panel – 13 September 2016.

RiverLife: Almond & Avon Programme – Report by Head of Operational Services to the Council Executive – 11 October 2016

RiverLife: Almond & Avon – Novation & Procurement Exemption – Report by Head of Corporate Services to the Council Executive – 23 October 2018

RiverLife: Almond & Avon Programme – Report by Head of Operational Services to the Environment Policy Development & Scrutiny Panel – 30 October 2018

Appendices/Attachments: None

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CMT Member: Jim Jack, Head of Operational Services

Date of meeting: 13 November 2018





## **COUNCIL EXECUTIVE**

### **CONVERSION OF PART-TIME 20MPH SPEED LIMITS TO FULL-TIME 20MPH SPEED LIMITS IN WEST LoTHIAN**

#### **REPORT BY HEAD OF OPERATIONAL SERVICES**

##### **A. PURPOSE OF REPORT**

The purpose of this report is to seek approval from the Council Executive to initiate the statutory procedures to remove all the part-time 20mph speed limits outside schools in West Lothian and replace them with full-time 20mph speed limits.

##### **B. RECOMMENDATION**

It is recommended that the Council Executive approves the initiation of the statutory procedures to:

1. Remove all the part-time 20mph speed limits outside schools in West Lothian and replace them with full-time 20mph speed limits as detailed in Appendix 1; and
2. Provide a full-time 20mph speed limit at Simpson Primary School as detailed in Appendix 2.

##### **C. SUMMARY OF IMPLICATIONS**

<b>I Council Values</b>	Focusing on our customers' needs; and Being honest, open and accountable.
<b>II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	<b>Policy:</b> None. <b>Legal:</b> The introduction of full-time 20mph speed limits will require the promotion of a traffic order in line with the Road Traffic Regulation Act 1984.
<b>III Implications for Scheme of Delegations to Officers</b>	None.
<b>IV Impact on performance and performance Indicators</b>	None.
<b>V Relevance to Single Outcome Agreement</b>	The introduction of full-time 20mph speed limits will support Outcome no. 4 – We live in resilient, cohesive and safe communities.
<b>VI Resources - (Financial,</b>	<b>Financial:</b> The cost of promoting and

<b>Staffing and Property)</b>	implementing the speed limits has approved capital funding. Lower future maintenance costs relating to the road signage will remain to be accommodated in future revenue budgets.
	<b>Staffing:</b> None.
	<b>Property:</b> None.
<b>VII Consideration at PDSP</b>	None.
<b>VIII Other consultations</b>	All affected ward members, headteachers and Police Scotland have been consulted. No adverse comments were received.

## **D. TERMS OF REPORT**

### **D1 Background**

In 2002 the Council made a traffic regulation order which approved the installation of part-time 20mph speed limits to be installed at primary and secondary schools in West Lothian. The electronic infrastructure for these part-time 20mph speed limits presently requires extensive and costly maintenance to maintain their operation. The majority of these signs and electronics are now reaching the end of their serviceable life and will require complete replacement within the next few years.

In order to reduce future maintenance cost implications whilst maintaining a safe environment around schools in West Lothian it is proposed to remove all part-time 20mph speed limits and replace them with full-time 20mph speed limits. This is the most cost effective way to retain 20mph limits at these locations whilst minimising ongoing maintenance costs.

At its meeting on 13 February 2018, the Council Executive approved a ten-year capital investment strategy. This included a total of £66,000 over the ten years to replace existing part-time 20mph speed limit signs with full-time 20mph speed limits.

The Scottish Government is committed to creating healthier, greener and safer places and believes that the introduction of 20 miles per hour restrictions can help to contribute to all these objectives. By reducing speed on our roads we can create streets where the space is shared more equally between different road users and create a safer environment, encouraging people to make active travel choices.

### **D2 Existing sites**

The schools which presently have part-time 20mph speed limits installed in West Lothian are shown in Appendix 1. Details of the existing traffic calming features and any schools that require additional measures are also shown in this table.

Most of the sites that will have full-time 20mph speed limits implemented presently have the appropriate traffic calming features installed. The sites detailed in Appendix 1 that do not have traffic calming presently installed will have measures installed which comply with current Scottish Government guidance.

The existing part-time 20mph speed limit at the old West Calder High School has been removed and the A71 will remain at the existing permanent speed limit of 40mph in this location. However, as part of the new West Calder High School construction, a new part-time 20mph speed limit has recently been installed on the A71 as part of this development.

The requirement for the part-time 20mph speed limit was a planning condition imposed prior to the decision to review all the part-time 20mph speed limits and was considered as a consistent approach to dealing with school speed limits on main A class roads. It also reflected the traffic management in place to support traffic management at the former West Calder High School at that time. Therefore, it is proposed that at the end of the serviceable life of the new part-time 20mph equipment, the part-time 20 mph speed limit at the new school is reviewed and an alternative scheme for a full-time 20mph speed limit on a 40 mph road is developed.

There is presently one primary school in West Lothian that does not have a 20mph speed limit. Simpson Primary School in Bathgate does not presently have an existing full-time 20mph speed limit and it is proposed to install a new full-time 20mph speed limit as part of these statutory procedures. The details of this are shown in Appendix 2.

There are presently three schools in West Lothian that have 30mph full time speed limits which are considered to be appropriate and will not be changed to lower speed limits. These schools are detailed in Appendix 3.

### **D3 Implementation**

As part of these statutory procedures, the existing redundant part-time 20mph traffic orders will be revoked and replaced with new full-time 20mph speed limit traffic regulation orders to cover all the new full-time 20mph speed limits.

The existing electronic signs will be removed and replaced with fixed signs to indicate the full-time 20 mph limits. The signs to be provided are illustrated in Appendix 4.

The introduction of full-time 20mph speed limits at these schools whilst maintaining slower vehicle speeds at all times, will also result in a less onerous maintenance requirement for the new full-time 20mph speed limit signage.

## **E. CONCLUSION**

The conversion of the existing part-time 20mph speed limits around schools to full-time 20mph speed limits will maintain road safety by reducing vehicle speeds around schools at all times maintaining a safe environment for all road users.

## **F. BACKGROUND REFERENCES**

None.

### **Appendices/Attachments:**

Appendix 1 - Existing schools with part-time 20mph to be converted to full-time 20mph speed limits.

Appendix 2 - Existing schools to have a new full-time 20mph speed limit installed.

Appendix 3 - Existing schools to remain with existing speed limit.

Appendix 4 – Proposed full time 20mph sign details

Contact Person: Gordon Brown, Senior Engineer - Road Safety and Traffic Management tel: 01506 282340, e-mail: [gordon.brown@westlothian.gov.uk](mailto:gordon.brown@westlothian.gov.uk)

Jim Jack, Head of Operational Services, Whitehill House, Whitestone Place, Bathgate, West Lothian. Date: 13 November 2018

## Appendix 1

### Existing schools with part-time 20mph to be converted to full-time 20mph speed limit

School	Existing traffic calming?	Type	Traffic calming measures proposed?
Balbardie Primary School	Yes	Road cushions and build outs	No
Big Bird Nursery in Whitburn	No	N/A	20mph road markings and repeater signage
Blackridge Primary School	Yes	Build outs and traffic islands	No
Dechmont Infant School	Yes	Road cushions and build outs	No
East Calder Primary School	Yes	Road cushions	No
Eastertoun Primary School	No	N/A	20mph road markings and repeater signage
Falla Hill Primary School	Yes	Road cushions	No
Bright Horizon Nursery	Yes	Road cushions, rumble strips and build outs	No
Kirknewton Primary School	Yes	Road cushions, cycle lanes and build outs	No
Livingston Village Primary School	Yes	Road cushions and build outs	No
Our Lady's Primary School	Yes	Flat top road humps and rumble strips	No
Stoneyburn Primary School	Yes	Flat top road humps and rumble strips	No
St Mary's Primary School, Bathgate	Yes	Flat top road humps	No
Springfield Primary School	Yes	Roads cushions	No
St Margarets Academy	Yes	Pedestrian refuge island	No
St Kentigerns Academy	Yes	Build outs	No
St Mary's Primary School,	Yes	Round top road	No

Polbeth		humps	
St Pauls Primary School	Yes	Road cushions and build outs	No
Toronto Primary School	Yes	Road cushions and rumble strips	No

## Appendix 2

### Existing schools to have full-time 20mph speed limit installed

School	Existing traffic calming?	Type	Existing 20mph speed limit?	Measures proposed?
Simpson Primary School	Yes	Flat top junction	No	20mph full-time speed limit proposed.

### Appendix 3

#### Existing schools to remain with existing speed limit

School	Existing traffic calming?	Type	Existing 20mph speed limit?	Measures proposed?
Carmondean Primary School	No	No	No	N/A as school offsett from road network.
Dedridge Primary School	Yes	Road cushions and traffic islands	No	N/A as school offsett from road network.
Armadale Academy	No	No	No	N/A as urban A Class road

# Appendix 4 – Proposed full time 20mph sign details

			
<b>DATA LABEL:</b> <b>20</b>		<b>WEST Lothian Council</b> <b>OPERATIONAL SERVICES</b>	
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<b>DRG. No.:</b> RSTM/F1200D1		<b>DRG. No.:</b> RSTM/F1200D1	





## **COUNCIL EXECUTIVE**

### **NETS, LAND AND COUNTRYSIDE SERVICES TRANSFORMING YOUR COUNCIL PROPOSALS 2018/19 – 2023/24 UPDATE**

#### **REPORT BY HEAD OF OPERATIONAL SERVICES**

#### **A. PURPOSE OF REPORT**

The purpose of this report is to seek Council Executive approval to progress with the delivery of the activities and service changes which were identified as part of the Transforming Your Council agenda.

#### **B. RECOMMENDATION**

It is recommended that the Council Executive:

Approves the changes to service delivery within the NETs, Land and Countryside Service as outlined in the detail of the report. The changes will be phased to meet the overall budget requirements 2018/19 – 2021/2022.

#### **C. SUMMARY OF IMPLICATIONS**

<b>I</b>	<b>Council Values</b>	Focusing on our customers' needs; being honest, open and accountable; making best use of our resources; and working in partnership.
<b>II</b>	<b>Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	All activities within NETs, Land and Countryside Service ensure that the council is complying with statutory requirements at Scottish, UK and EU level. The change in service standards ensure that the council aligns its operational and customer practices in the management of equality of service and minimise the risk to health and the environment.
<b>III</b>	<b>Implications for Scheme of Delegations to Officers</b>	None
<b>IV</b>	<b>Impact on performance and performance Indicators</b>	Ongoing government funding constraints has implications for the council's budget and performance. The service will continue to meet its statutory requirements for service delivery however the reduced budget measures may result in a reduction in performance for statutory and key performance indicators. Wherever possible the service will adjust performance indicators to ensure that service delivery is focused to support council priorities.
<b>V</b>	<b>Relevance to Single Outcome Agreement</b>	The revenue budget provides resources necessary to help deliver the Single Outcome Agreement. Effective prioritisation of resources is essential to achieving key outcomes.

<b>VI Resources - (Financial, Staffing and Property)</b>	<p>Scottish Government revenue grant funding is not sufficient to meet increasing costs and demand for services. Based on budget assumptions, the council faced a significant revenue budget gap of £65.3 million over the five year period.</p> <p>Nets, Land and Countryside budget reductions of £2.779 million for the period 2018/19 to 2020/21 were approved by Council on 13 February 2018. £2.535 million of these reductions relate to service standard changes and this paper outlines the measures required to deliver these reductions. The corresponding staffing reduction is 59.91 FTE.</p>
<b>VII Consideration at PDSP</b>	<p>Feedback from the council's Transforming Your Council (TYC) consultation was discussed at a series of Policy Development and Scrutiny Panel (PDSP) meetings in December 2017.</p> <p>The Partnership and Resources PDSP on 19 January 2018 considered an update on the approach to developing a revenue budget strategy which met the financial planning parameters previously agreed Council.</p> <p>The report was presented to Environment PDSP on 30th October 2018.</p>
<b>VIII Other Consultations</b>	<p>Following the PDSP meetings in December 2017 and January 2018 the Council Executive on 6 February 2018 received an update on the approach to developing the financial strategy along with further information on officers' prioritisation analysis of services and potential savings by service and West Lothian Assessment Model (WLAM) unit level.</p> <p>The TYC consultation, which received 7,026 responses and over 45,000 comments, provided support for the council's priorities and many of the officer savings proposals.</p> <p>Meetings on the five year revenue budget strategy and detailed revenue budgets for 2018/19 to 2020/21 have been held with trade unions.</p>

## **D. TERMS OF REPORT**

### **D.1 Introduction**

At its meeting of 13 February 2018, West Lothian Council approved a report on the 2018/19 to 2022/23 Revenue Budget. As part of the approval officers were remitted to report back to Environment PDSP and Council Executive on amended service standards.

### **D.2 Key Service Delivery**

Appendix 1 outlines the key activities that the service will provide moving forward and details the key changes to service standards and the proposed service standards for future service delivery. The impact of budget reductions may lead to reduced

performance, increased complaints, long term deterioration of assets which will have to be closely monitored.

### D.3 Funding Overview

Over the five year period 2018/19 to 2020/21 of *Transforming Your Council*, NETS, Land and Countryside require to make a £2.779m revenue saving which is a reduction of 27% based on 2017/18 revenue budget of £10.020m.

The revenue saving profile to be achieved is as below:

Year	2018/19 £'000	2019/20 £'000	2020/21 £'000	2021/22 £'000	2022/23 £'000	Total £'000
Revenue	808	1,735	236	0	0	2,779

During the next 10 year period 2017/18 to 2027/28 the services total capital budget will be £19,851m which is an average annual reduction of 49% in comparison with the average capital expenditure for the preceding five year period. Detail of forthcoming capital budget for the next 5 years is detailed below:

Year	2018/19 £'000	2019/20 £'000	2020/21 £'000	2021/22 £'000	2022/23 £'000	Total £'000
Capital	3,198	2,342	1,628	1,359	1,485	10,012

The current 10 year capital investment programme for Open Space Assets is aimed at retaining parks, play areas, cemeteries and sports facilities in a fit for purpose condition. This follows significant investment over the last decade to improve parks and sports facilities by adding features and facilities to make parks more accessible, attractive, with environmental benefits and quality features.

Whilst the current capital programme will maintain parks and sports facilities at a fit for purpose level, the maintenance of parks, play areas, cemeteries and sports facilities will be funded from revenue to retain condition and maximise lifecycle. Where there is a reduction in revenue maintenance, there is a corresponding degradation of a park, play area, cemetery or sports facility; therefore accelerating the requirement to revisit an asset and re- invest capital funding to maintain condition.

Due to the scale of the savings to be delivered the service has had to review all service provision, service standards and workforce plans across the service.

The service has worked closely with the 3<sup>rd</sup> sector on an informal basis for a number of years and the review of service provision will include a review of future 3<sup>rd</sup> sector support across the service.

### D.4 Staffing Reductions and Savings

During 2017/18, the FTE establishment within the service was 283.85. With reducing budgets the service requires to reduce staffing numbers. The opportunity was taken for 2018/19 to remove a total of 20.91 FTE through the removal of vacant posts from the service structure. This equated to a staff saving of £544,579.

In order to achieve savings for 2019/20 and conclude the staff resource change it is proposed that a further 39 FTE will be removed from the structure. The table below provides details of how it is proposed that the reduction of 39 FTE be achieved generating savings of £1,143,838; however it should be noted that the posts to be removed may be subject to change following staff and Trade Union consultation.

Post	2018/19 FTE Reduction	2018/19 Value	2019/20 FTE Reduction	2019/20 Value	Total FTE Reduction	Total Saving
Access Ranger	1	£27,995			1	£27,995
Country Park Operative	2	£55,991	4	£124,707	6	£180,698
Mechanic	1	£27,789			1	£27,789
Ground Maintenance Squad Leader	1	£32,566	1	£34,590	2	£67,156
Cemeteries Operative (Seasonal)	3.91	£81,898			3.91	£81,898
Enforcement Officer	2	£56,740	8	£253,044	10	£309,783
Play Area Coordinator	1	£43,420			1	£43,420
Grounds Maintenance Operative (D)	2	£48,385			2	£48,385
Grounds Maintenance Operative (E)			6	£189,783	6	£189,783
Street Cleansing Operative	7	£169,797			7	£169,797
Grounds Maintenance Supervisor			1	£47,134	1	£47,134
Grounds Maintenance Operative (Seasonal)			14	£301,569	14	£301,569
Cleaner Communities Supervisor			1	£48,063	1	£48,063
Cemeteries Operative			2	£63,260	2	£63,260
Play Inspector			1	£31,630	1	£31,630
Country Parks Manager			1	£50,058	1	£50,058
<b>Total</b>	<b>20.91</b>	<b>£544,579</b>	<b>39</b>	<b>£1,143,838</b>	<b>59.91</b>	<b>£1,688,417</b>

The values detailed above are gross employee costs but do not include the value of shift allowance currently paid to employees. This value will not be removed until 2020/21 when the Council progresses changes to contractual terms and conditions.

The proposed removal of 39 FTE combined with the reduction of 20.91 FTE posts in 2018/19 has clearly reduced the capacity of the service and as a consequence service delivery and the services organisational structure has had to be revised.

Organisational structure charts for the current service structure and the proposed service structure are attached as Appendix III to show FTE movement following the reductions in FTE in 2018/19 and 2019/20.

The total reduction in staffing costs is £1,688,417 which is 61% of the total £2,779,000 required. A breakdown of the reductions in FTE and staff costs against each service functional area is provided in Appendix IV.

## D5. Summary of Service Changes

The *Transforming Your Council* consultation and subsequent Council Executive report identified anticipated areas of change that would be required within the NETs, Land and Countryside service. These were detailed as NETs, Land and Countryside review of:

- environmental enforcement
- grounds maintenance service standards
- access enforcement
- play parks and inspections
- street cleansing
- vehicle reductions
- supplies and services
- shift working arrangements

## **D6. Environmental Enforcement**

The current establishment for environmental enforcement consists of 2 Senior Enforcement Officers, 10 Enforcement Officers and 2 Education and Engagement Officers. Whilst the education process has proven to be successful there has been limited success with enforcement reducing the amount of litter and dog fouling across West Lothian. The number of fixed penalty notices issued for littering and dog fouling offences has reduced significantly over the last 5 year period from 362 in 2013 to 45 in 2017 due to the public becoming more aware of the Enforcement Officers powers to issue penalties and fines. Members of the public now change their behaviour when Enforcement Officers are present in their locality making it difficult to catch offenders.

The new structure will contain 2 Senior Enforcement Officers and 2 Education and Engagement Officers, and will remove all 10 of the Enforcement Officers posts. The impact of removing the Enforcement Officers posts will reduce the council's ability to issue fixed penalty notices and there is a risk that this may lead to an increase in litter and dog fouling incidents. The removal of 10 Enforcement Officers will deliver a saving of £309,783.

The establishment of 10 Enforcement Officers included 2 vacant posts that were removed in 2018/19 and of the 8 remaining posts it is anticipated that 6 of the posts can be removed through Voluntary Severance with the remaining 2 staff requiring to be redeployed.

The role of the Senior Enforcement Officers will be to provide advice to staff and communities on legal issues, handle public complaints and undertake case work as an Enforcement Officer for abandoned vehicles and incidents of fly-tipping.

The Education and Engagement Officers will focus on the new legislative requirements set out in the amended Code of Practice for Litter and Refuse (CoPLAR) to increase prevention and promote behavioural change. The officers will continue to liaise with local schools and community groups to organise litter picks, work with Corporate Media to maximise opportunities for publicity and campaigning opportunities and to engage the local business community.

It is likely that the increases landfill charges for domestic and commercial waste along with the operational changes being implemented by Waste Services to Community Recycling Centres will lead to an increase in fly-tipping incidents across the council area. However, the reduction in Enforcement Officers will have no impact on preventing incidents from occurring and the Senior Enforcement Officers and Education/Engagement Officers will continue to issue fixed penalty notices for fly-tipping offences.

## **D7. Grounds Maintenance Service Standards**

The grounds maintenance service for open spaces, sports facilities, cemeteries and country parks includes cyclical activities such as grass cutting, weed spraying, shrub bed maintenance and hedge cutting. Historically all areas of open space etc. receive the same standard of service with the majority of tasks being undertaken during the summer months.

To achieve a consistent level of service, seasonal staff is recruited for 6 months each year during the spring/summer period to augment the permanent resource.

### Service Standards

The proposal is to review current service standards to deliver grounds maintenance on a priority/hierarchy basis focusing service delivery on town centres, residential areas and amenity areas in accordance with the hierarchy of the councils Open Space Strategy.

The proposed zoning approach outlined in Appendix II and the creation of service standards around the zones is aimed at maintaining existing service standards within town centres and local communities. Therefore, the current service standards of 12 grass cuts, 2 weed sprays and 1 amenity hedge cut would be maintained within all town centres, residential areas and amenity areas such as parks and sports pitches (Appendix II – Zones 1- 5).

The focus on maintaining current service standards within town centres and residential areas will ensure that the service standards for the maintenance of general open spaces is consistent with the services standards provided to open spaces being funded from the Housing Revenue Account.

The proposed changes to service standards is only to reduce grass cutting cycles within industrial estates; on classified roads verges between towns and residential areas; on rural road verges and rural footpath verges including the Livingston Greenways (Appendix V- Follyburn example)) that link residential areas within Livingston (Appendix II – Zones 6 - 8).

The grassed areas with Livingston Greenways total an area of approximately 400,000m<sup>2</sup> which is 7% of the total area of grass cut across West Lothian. Of the total area, approximately 200,000m<sup>2</sup> can be considered as active open space. It is proposed that the service standards for open space areas remain unchanged for maintenance. The reduction in grass cutting would only be to areas along footpath corridors.

Rough grass cuts within industrial estates would be reduced from 3 cuts per year to 1 cut; amenity grass cuts on classified road verges, rural road verges, footpaths and greenways footpath corridors would be reduced from 6 cuts per year to 1 cut with rough cuts being reduced from 3 cuts per year to 1 cut.

The reduction in grass cutting in zones 6 – 8 would allow resources to be reduced by 6 FTE to deliver a saving of £189,000.

The alternative option to deliver similar savings would be to reduce grass cutting cycles within residential areas and/or parks and open spaces to lessen the reduction to grass cutting in zones 6 – 8. However, this would mean different services standards to open spaces in residential areas being funded from the Housing Revenue Account; and would impact on the councils ability to keep parks and sports facilities fit for purpose.

For shrub bed maintenance, to minimise the impact on service delivery the service has proactively mulched all shrub bed areas over the last three winter periods to minimise future maintenance requirements. This involved hand weeding beds, applying herbicide weedkiller and mulching beds meaning shrub beds will only require to be pruned each year with mulching being topped up periodically when required. This also supports the councils position on the planned reduction of Glyphosate for weed control.

This has meant that the overall number of shrub beds can remain unchanged in all zones whilst the resource required to maintain shrub beds can be reduced by 14 FTE to deliver a saving of £301,000.

Appendix II provides proposed service standards and details service priorities and cyclical frequency for key activities within each zone including photographs to demonstrate the potential impact of the changes. Appendix III provides an activity schedule that details the proposed changes to services standards within each zone.

## Resources

Grounds Maintenance activities are currently delivered utilising 66 permanent operatives and 14 seasonal operatives who have contracts until 31<sup>st</sup> January 2019. The proposal is to remove 6 Band E operatives posts through voluntary severance and 14 seasonal operatives posts, leaving 60 permanent operatives to deliver the service.

The proposal would be to create larger cyclical teams for grass cutting, weed spraying and hedge trimming that can make more of an impact in communities. The introduction of larger teams will also result in vehicle savings (see D13).

It is proposed that rapid response teams (NETs) are re-introduced to allow a quicker response to public and Elected Member enquiries and will allow the wider teams to adhere to cyclical maintenance schedules.

The review of service standards included a workforce planning exercise and a review of the existing service structures within Grounds Maintenance, to review supervisory and business support requirements. Given the reduction of 20 operatives the review identified a reduction of 2 Supervisors and 2 Squad Leader posts. A vacant Squad Leader post was removed in 2018/19 to deliver a saving of £32,566. It is anticipated that the other posts can be removed through Voluntary Severance which will deliver a further saving of £129,787.

Presently Grounds Maintenance Operatives augment the provision of the winter maintenance service by providing staff for the footpath service and education service. Only permanent staff participates in the winter service, therefore there would be a reduction in available resource from 66 to 60 permanent operatives to augment Roads and Transportations winter service resources.

#### **D8. Cemeteries**

Cemeteries activities including burial services were delivered utilising 16 permanent staff and 6 seasonal staff. The 6 seasonal staff (3.91 FTE) were removed in 2018/19 to achieve savings of £81,898.

The focus of the remaining permanent staff will be on the provision of a burial service. To date there has been no reduction in permanent cemetery operative; however the reality is that the service has been operating for a period with 14 permanent staff and 2 vacant posts and this has had a negligible impact on burial services; although it does impact on cemetery maintenance. The proposal is to remove the 2 vacant posts in 2019/20 to achieve a saving of £63,260.

The removal of seasonal staff who were employed during the growing season, April to September, to provide support to the 14 permanent staff has resulted in additional pressure on staff to complete both maintenance and burial services.

Whilst the purposed reductions in FTE will generally have a negligible impact on burial services and cemetery maintenance; the burial service will continue to take priority and peaks in demand may impact on timescales for the undertaking of a burial by a day or two. The reduction in resources will result in an inability to maintain all cemeteries to the current high standards.

The reduction in grounds maintenance service standards within cemeteries will be focused on closed churchyards and dormant cemeteries that have minimal burials each year. Presently the service maintains 10 active cemeteries, 15 dormant cemeteries and 9 churchyards.

#### **D9. Country Parks**

The team focus solely on the operation of the council's 3 country parks and the facilities contained within them. The Country Parks Manager is responsible for the management and maintenance of the parks. The maintenance is currently provided by a Squad Leader and 10 Country Parks Operatives; however this establishment included 2 vacant posts that were removed in 2018/19 to deliver a saving of £55,991.

At present the teams have been used as more of a 'handyman' service for reactive works with the majority of the operatives times being deployed on capital projects such as

footpath improvements.

Whilst the current capital programme will continue to maintain the 3 parks the significant capital investment over the last 5 year period has meant that park infrastructure has been improved and is fit for purpose. The proposal is to remove a further 4 Country Parks Operatives posts through Voluntary Severance. This will leave an establishment of 4 Country Parks Operatives posts and a Squad Leader who will focus on core day to day maintenance and reactive works. The removal of 4 Country Parks operatives will deliver a further saving of £124,707.

The review of service standards included a workforce planning exercise and a review of the existing service structures within Country Parks, to review supervisory and business support requirements. Given the reduction in Country Parks Operatives and the removal of future capital projects it was identified that the Country Parks Manager post can be removed. The Squad Leader post would report directly to the Parks and Woodland Manager and the Ranger Services Manager and Open Space Officers would undertake the tasks of managing capital projects. The removal of the Country Parks Managers post would deliver a saving of £50,058.

#### **D10. Access Enforcement**

Access enforcement was previously undertaken by a dedicated Access Ranger that was employed on a fixed term basis. The post was vacant at the beginning of the financial year 2018/19 and was removed from the service structure to achieve 2018/19 savings.

The duties of the post have been integrated into Park Ranger posts. This has enabled the service to continue providing the service as a reduced service.

#### **D11. Play Parks and Inspections**

The play structure is currently delivered by a Senior Play Inspector and 4 Play Inspectors along with a Play Coordinator who is responsible for the management of the service as well as the management of any contractor undertaking capital works. It is proposed to remove the Play Coordinator post from the service structure along with one of the four Play Inspectors posts through Voluntary Severance.

The service currently completes a cyclical inspection of 365 play parks every 8 working days. The reduction from four to three Play Inspectors will increase the inspection cycle to 10 working days. Given the good condition of all play parks there is minimal risk to the council in increasing the inspection cycle. Inspection cycles will be redesigned and will consider risk based on the condition and usage of play parks. The Senior Play Inspector will still be able to react to ad-hoc service requests or any complaints received.

The Senior Play Inspector will also take responsibility for the coordination of the cyclic inspections of the play parks whilst the tasks of managing capital projects will transfer to the two Open Space Officers.

#### **D12. Street Cleansing**

Street Cleansing is currently delivered by 9 squads spread across each of the 9 electoral wards. Each squad contains a Senior Operative, a team of operatives and a compact sweeper. This establishment included 7 vacant posts that were removed in 2018/19 to deliver a saving of £169,000; a reduction in the staffing establishment from 75 to 68 FTE.

The introduction of larger squads has meant the reduction in FTE has had a minimal impact on service delivery in town centres and residential areas. The impact on service delivery is likely to be seen on rural verges and on the key approach roads into West Lothian and our ability to deal with vehicle litter. The approach roads and rural roads will continue to be cleansed by the 2 large mechanical sweepers.

The Scottish Government has introduced a new Code of Practice on Litter and Refuse (Scotland) 2018 (CoPLAR) in June to replace the 2006 CoPLAR.

The new CoPLAR institutionalises prevention in the statutory guidance and introduces a new statutory duty for local authorities “to keep roads clean from detritus and weed growth” under the Environmental Protection Act 1990 Section 89.

Previously the only statutory duty in the 2006 CoPLAR was “to keep land clear of litter and refuse”.

A new Statutory Performance Indicator will be introduced in late 2018 to monitor local authorities' performance in delivering the new duty of care.

The introduction of a new duty of care means that existing resources will be deployed to deliver both statutory duties which will reduce the council's resource for litter picking; this will likely reduce our current performance standards for litter picking. The introduction of the new duty of care has meant that the service cannot reduce resources any further without significantly impacting on the services ability to meet its statutory requirements.

### **D13. Vehicle Reductions**

A full review of fleet utilisation has been undertaken to align fleet requirements to future service delivery. The service currently deploys a total of 53 3,500kg pickups accross grounds maintenance, street cleansing, cemeteries and country parks. The review has identified 18 pickups that can be removed from the fleet as a result of the staff reductions, leaving 35 pickups for future service delivery. The reduction in fleet equates to a £113,074 saving. Fuel and servicing savings associated with these vehicles is a further £30,901 saving.

### **D14. Supplies and Services**

Within the efficiency plans, a reduction of £163,000 was removed from supplies and services to achieve the overall saving of £808,000 for 2018/19. This will mean less permanent reactive repair works being carried out on our assets. This is likely to increase customer complaints whilst potentially having a negative impact on service performance indicators.

### **D15. Reduction in Overtime Working**

As of 2019/20 the non-contractual overtime budget will be removed saving £166,000.

The budget reduction is based on the removal of overtime associated with winter maintenance. Presently Grounds Maintenance Operatives augment the provision of the winter maintenance service by providing staff for the footpath service and education service. The proposal from Roads and Transportation to remove the early 5:00am start for footpath mini tractors means staff will only be required to work normal hours when called upon negating the need for overtime payments.

A review of all local agreements within the service included a review of contractual overtime payments for Supervisory staff. It was agreed that supervisory staff were not required to work additional hours and that contractual overtime will be removed from October 2018. The removal of contractual overtime provides a saving of £22,000.

### **D16. Changes to Working Hours and Removal of Shift**

The service currently operates a range of shift patterns. The pattern which Grounds Maintenance currently operates rotates weeks of Mon-Thu working and Mon-Thu plus a Fri and Sat mornings. This pattern attracts a 7.5% shift allowance. The Friday and Saturday morning shifts are now less sustainable due to the reduction in staffing and does

not add any value to the service. Therefore it is proposed to cease this working arrangement but as it may involve dismissal and re-engagement of staff the decision has been made not to do this until all Council employment terms and conditions are reviewed and will be implemented in year 2020/21. The gross value of shift allowance in relation to grounds maintenance working is £356,000.

Street Cleaning also work a shift pattern but a move to a standard day and Mon-Fri working is not a solution for this service as a presence is required late afternoon / evening Mon-Fri and weekends. The service intends to explore options of recruiting staff to specific work patterns that will cover weekend working periods whilst also not attracting a shift allowance which would then enable the gross shift allowance of £169,000 for this area of the service to be removed.

If shift allowances are not removed to achieve the revenue savings, this would create a shortfall and this would need to be funded from a further reduction in FTE. To meet this shortfall a further 20 FTE at Band D would require to be removed. This would mean a further reduction in service standards across the service and would significantly impact on the services ability to meet statutory requirements.

## D17 Summary of Proposed Savings

Measure	2018/19 £'000	2019/20 £'000	2020/21 £'000	Total £'000	18/19 FTE	19/20 FTE	20/21 FTE	Total FTE
Shift Allowances			509	509				
Overtime - Winter Maintenance		166		166				
Contractual Overtime	22			22				
Flood Prevention	50			50				
Contractors	68			68				
Fleet Reduction		143		143				
Supplies and Services	45			45				
Loss of income Garden Maintenance	(22)	(188)		(210)				
Staff Resource	603	1,383		1,986	20.9	39.0		
<b>Total</b>	<b>766</b>	<b>1,504</b>	<b>509</b>	<b>2,779</b>	<b>20.9</b>	<b>39.0</b>	<b>0</b>	<b>59.9</b>
Garden Maintenance	£176			£176				
Seasonal Rangers	£68			£68				
Service Standards	£564	£1,735	£236	£2,535				
Approved Phasing	808	1,735	236	2,779				

## D18 Next Steps

Following Council Executive approval the next steps will be:

- Staff Consultations and Communication Period – November 2018 to February 2019
- Service changes implemented – April 2019

## E. CONCLUSION

NETS, Land and Countryside Services have to deliver a challenging budget reduction of £2.779m which is a 27% reduction in revenue funding based on the 2017/18 revenue budget.

Significant service adjustments are required to be made to service staffing and service standards to achieve the necessary budget savings.

The Council Executive is recommended to approve the changes to service delivery within NETs Land & Countryside as outlined in the detail of the report and the phasing of the savings.

## **F. BACKGROUND REFERENCES**

- Transforming Your Council Consultation Reports
- West Lothian Council – Revenue Budget Report 2018/19 to 2022/23 – 13 February 2018
- Report to Environment PDSP -30 October 2018

Appendices/Attachments:

- Appendix I     Service Standards and Activities
- Appendix II    Proposed Grounds Maintenance Service Standards
- Appendix III   Service Organisational Charts
- Appendix IV   Breakdown of Staffing Costs
- Appendix V    Livingston Greenways (Follyburn)

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**JIM JACK**  
**HEAD OF OPERATIONAL SERVICES**  
**13 NOVEMBER 2018**

APPENDIX I - Service Standards and Activities			
Activity Name and Description		Key changes to service delivery model	Standards
<b>ENVIRONMENTAL ENFORCEMENT</b>	<b>Activities covered by the Enforcement and Education/Engagement Team</b>		
<b>Littering</b>	Enforcement Officers provide patrols to support the prevention of littering offences and issue fixed penalty notices to offenders. Officers are required to attend appeals hearings, prepare fiscal reports and appear in court for the non-payment of fines when required. Education and Engagement Officers organise campaigns and events to promote prevention and behavioural change.	The removal of 10 Enforcement Officers posts will cease littering patrols. The remaining two Senior Enforcement Officers and Education/Engagement Officers will retain the ability to issue Fixed Penalty Notices when required. Officers will focus on the new legislative requirements set out in the amended Code of Practice for Litter and Refuge (CoPLAR) to increase prevention and promote behavioural change	The service will remain reactive and will provide a reduced enforcement service. The removal of Enforcement Officers will likely lead to a small increase in littering incidents as the deterrent of patrols is removed and the council's ability to issue fixed penalty notices is reduced.
<b>Dog Fouling</b>	Enforcement Officers provide patrols to support the prevention of dog fouling offences and issue fixed penalty notices to offenders. Officers are required to attend appeals hearings, prepare fiscal reports and appear in court for the non-payment of fines when required. Education and Engagement Officers organise campaigns and events to promote prevention and behavioural change.	The removal of 10 Enforcement Officers posts will cease littering patrols. The remaining two Senior Enforcement Officers and Education/Engagement Officers will retain the ability to issue Fixed Penalty Notices when required. Officers will focus on the new legislative requirements set out in the amended Code of Practice for Litter and Refuge (CoPLAR) to increase prevention and promote behavioural change	The service will remain reactive and will provide a reduced enforcement service. The removal of Enforcement Officers will likely lead to a small increase in littering incidents as the deterrent of patrols is removed and the council's ability to issue fixed penalty notices is reduced.
<b>Fly-Tipping</b>	Enforcement Officers investigate fly-tipping incidents and issue fixed penalty notices when offenders are identified. Education and Engagement Officers organise campaigns and events to promote prevention and behavioural change.	No changes to the delivery model other than the reduction in staff.	The service will continue to investigate fly-tipping incidents and issue fixed penalty notices where appropriate. There will be an increase in Education to promote prevention and behavioural change.
<b>Abandoned Vehicles</b>	Enforcement Officers issue removal notices and arrange for the removal of reported abandoned vehicles.	No changes to the delivery model other than the reduction in staff.	No change to service standards.
<b>Fly-Posting</b>	Enforcement Officers issues fixed penalty notices for littering for reported incidents of illegal fly-posting.	No changes to the delivery model other than the reduction in staff.	No change to service standards.
<b>Education Events</b>	Education and Engagement Officers organise and facilitate educational events within schools and local communities including supporting organised litter picking events. Officers also support volunteer groups working within their local communities.	No changes to the delivery model.	Service standards will remain unchanged. Officers will provide support to volunteer groups in establishing Litter Action Plans to formalise volunteer arrangements ensuring work plans are sustainable.
<b>Community Engagement</b>	Education and Engagement Officers organise and facilitate educational events within schools and local communities including supporting organised litter picking events. Officers also support volunteer groups working within their local communities.	No changes to the delivery model.	Service standards will remain unchanged. Officers will provide support to volunteer groups in establishing Litter Action Plans to formalise volunteer arrangements ensuring work plans are sustainable.
<b>Support to other Internal Services</b>	Enforcement Officers currently provide support to other internal services such as Public Transport and Licence Standards.	The support for other internal services will be removed.	Officers will cease checks of public transport operators and licence holders.
<b>GROUNDS MAINTENANCE</b>	<b>Activities covered by Grounds Maintenance teams</b>		

Activity Name and Description		Key changes to service delivery model	Standards
<b>Grass Cutting</b>	The Grounds Maintenance service provides a cyclical grass cutting services for all council owned grass areas including open spaces, sports facilities and amenity areas	Reduction in grass cutting within Industrial Estates, roadside verges on classified and rural roads between towns and communities and rural footpath areas including Livingston Greenways.	The proposed changes to service standards will only reduce grass cutting cycles within industrial estates; on classified roads verges between towns and residential areas; on rural road verges and rural footpath verges including the Livingston Greenways. Rough grass cuts within industrial estates would be reduced from 3 cuts per year to 1 cut; amenity grass cuts on classified road verges, rural road verges, footpaths and greenways would be reduced from 6 cuts per year to 1 cut with rough cuts being reduced from 3 cuts per year to 1 cut. Grassed areas within town centres, residential areas, sports facilities and areas of active open space including open space areas within Livingston Greenways will remain unchanged and receive 12 grass cuts per year.
<b>Weed Spraying</b>	The Grounds Maintenance service provides a cyclical weed spraying service within all town centres, residential areas, open spaces, sports facilities and amenity areas, including those in industrial estates and Livingston Greeways.	No change in provision.	The service will continue to provide two annual weed sprays.
<b>Hedge Cutting</b>	The Grounds Maintenance service provides a hedge cutting service for all council owned hedges.	No change in provision.	The service will continue to cut all hedges once per year.
<b>Shrub Bed Maintenance</b>	The Grounds Maintenance service prunes all council owned shrubbery and weed sprays shrub beds annually.	All shrub beds will be hand weeded and mulched to remove the requirement for weed spraying.	Shrubs will be pruned when required and shrub beds mulching will be topped up when required.
<b>NETs Reactive Works</b>	Neighbourhood Environmental Teams (NETs) will be re-introduced to deal with reactive enquiries.	Performance Indicators will be developed and implement for reactive enquiries.	Response times be 48 hours for reactive enquiries.
<b>Winter Service</b>	Presently Grounds Maintenance Operatives augment the provision of the winter maintenance service by providing staff for the footpath service and education service.	Reduction in available resources.	There would be a reduction in available resource from 66 to 60 permanent operatives to augment Roads and Transportations winter service resources.
<b>CEMETERIES</b>	<b>Activities covered by Cemeteries teams</b>		
<b>Burials</b>	The council has a statutory requirement as a "Burial Authority" to provide a burial service.	There may be an increase from 5 working days to 6-7 working days for the provision of a burial service during peak periods.	The service will continue to provide a burial service within 5 working days of receipt of a F14 Death Certification from Funeral Directors. However during peak periods that occur on a few occasions annually, the burial period may need to be extended to a period of 6-7 working days.
<b>Grounds Maintenance</b>	The council currently maintains all 32 cemeteries and Churchyards to the same high standard. All cemeteries currently receive 12 grass cuts per year.	Closed churchyards and dormant cemeteries with low usage and occasional burials will receive a reduction in service.	It is intended that during normal periods for burials, all cemeteries and churchyards will received routine grass cutting. However, during busier periods for burials grass cutting will be reduced in closed churchyards and dormant cemeteries with lower usage and visitor numbers.
<b>COUNTRY PARKS</b>	<b>Activities covered by Country Parks teams</b>		
<b>Grounds Maintenance</b>	Staff currently provide an enhanced grass cutting service in Beecraigs caravan park and around the visitor centres.	Enhanced service will cease.	Grounds Maintenance will provide the same service provided to other areas of open space across the council area.
<b>Infrastructure Improvements</b>	Staff currently deliver park improvement projects in-house that are funded through the Open Space Capital Programme.	Parks are now fit for purpose and only minimal capital improvements have been identified for the next 10 year period.	No capital improvement works. Reactive repairs only to keep infrastructure fit for purpose.
<b>Infrastructure Repairs</b>	Staff undertake planned maintenance of park infrastructure.	No planned maintenance. The remaining staff will focus on reactive repairs and defects using a risk based approach.	Reactive repairs for defects on a risk based approach.

Activity Name and Description		Key changes to service delivery model	Standards
<b>Farm</b>	The farm is managed as a visitor attraction within Beecraigs Country Park. The sale of deer and cattle each year generates an annual income to offset operating costs.	No change in provision.	No change in provision.
<b>Arborist Works</b>	The arborist team provide a frontline service to deliver the councils trees in compliance with the Tree Management and Safety Policy.	No change in provision.	Trees will continue to be managed on priority basis based on risk management.
<b>Tree Inspections</b>	The Tree Inspectors provide a tree inspection service based on a risk management approach in accordance with the priorities set out within the council's Tree Management and Safety Policy	No change in provision.	Trees will continue to be managed on priority basis based on risk management.
<b>ACCESS ENFORCEMENT</b>	<b>Activities covered by Access Ranger</b>		
<b>Access Enforcement</b>	The council has a statutory requirement to provide access enforcement for public "rights of way"	No change in provision.	Ranger Service will continue delivering the service previously provided by the Access Ranger post.
<b>PLAY PARKS AND INSPECTIONS</b>	<b>Activities covered by Play team</b>		
<b>Safety Inspections</b>	The play team provides an cyclical safety inspection of all play parks every 8 working days.	The inspection period will be increased from every 8 working days to every 10 working days	Increase the inspection cycle from 8 working days to 10 working days. The cycle will be redesigned based on usage and risk.
<b>Asset Repairs</b>	Inspection defects are repaired within 3 working days	No Change to service provision	Defects will be repaired within 3 working days.
<b>STREET CLEANSING</b>	<b>Activities covered by Street Cleansing teams</b>		
<b>Litter Picking</b>	Litter picking is carried out in compliance with Code of Practice for Litter and Refuse 2018 and the council's Litter Policy	No change in provision.	Standards will remain unchanged and comply with the Code of Practice for Litter and Refuse. The frequencies of services are set out in the councils Litter Policy.
<b>Litter Bins</b>	Litter bins are managed in compliance with Code of Practice for Litter and Refuse 2018.	No change in provision.	Standards will remain unchanged and comply with the Code of Practice for Litter and Refuse.
<b>Footpath Sweeping</b>	Sweeping is carried out in compliance with Code of Practice for Litter and Refuse 2018 and the council's Litter Policy	No change in provision.	Standards will remain unchanged and comply with the Code of Practice for Litter and Refuse.
<b>Mechanical Sweeping</b>	Sweeping is carried out in compliance with Code of Practice for Litter and Refuse 2018 and the council's Litter Policy	No change in provision.	Standards will remain unchanged and comply with the Code of Practice for Litter and Refuse.
<b>Detritus and Weed Growth</b>	The removal of weed growth and detritus is carried out in compliance with Code of Practice for Litter and Refuse 2018 and the council's Litter Policy	New statutory duty introduced from September 2018.	The standard will be delivered in compliance with the new Code of Practice for Litter and Refuse 2018.

## **Grounds Maintenance – Service Delivery 2018/19**

### **Background**

#### **The Environmental Protection Act 1990**

The Environmental Protection Act 1990 (The Act) imposes a duty on local authorities and certain other landowners and occupiers (the duty bodies) to keep specified land clear of litter and refuse so far is practicable. The Act also places a duty on local authorities or Scottish Ministers to keep public roads clean so far is practicable, including keeping roads and footpaths clean of detritus and from weed growth.

The Act does not place any duties on local authorities or land owners on the standards of grounds maintenance that should be achieved. Therefore it is at the discretion of local authorities to establish service standards for the maintenance of its open spaces, parks and woodlands.

The Code of Practice on Litter and Refuse issued under section 89 of The Environmental Protection Act 1990 defines standards of cleanliness which are achievable in different locations and under differing circumstances. It is concerned with how clean land is, and not grounds maintenance activities other than the removal of weed growth..

The Code of Practice is based on the following two principles:

- Areas which are habitually more heavily trafficked should have accumulations of litter, detritus and weed growth cleared away more quickly than less heavilytrafficked areas; and
- local authorities and other land owners should develop zones to create an environmental hierarchy to enable services to be delivered on a priority basis.

Therefore, the service has developed grounds maintenance zones for service delivery which is consistent with the approach taken for cleansing activities.

#### **Grounds Maintenance Zones**

Zoning is based on location and land use with land types being divided into broad categories or zones according to land use and volume of traffic. Within the broad range of zones it will be the local authority or other duty body to allocate geographical areas to a particular zone. Zones within West Lothian are as follows:

**Zone 1:** town centre

**Zone 2:** high density residential

**Zone 3:** low density residential

**Zone 4:** sports fields and facilities

**Zone 5:** open spaces and parks

**Zone 6:** industrial areas

**Zone 7:** classified road and verges not included in zones 1 - 3

**Zone 8:** rural roads and verges

## SERVICE STANDARDS

As previously indicated, the Environmental Protection Act 1990 does not stipulate the standard of grounds maintenance that Local Authorities are required to provide, and is more concerned with the cleanliness standard of the environment. However in order to provide a degree of operational planning, service standards for grounds maintenance activities have been designed around resource availability, zoning methodology and the Code of Practice on Litter and Refuge that defines standards for cleanliness and weed growth. The grounds maintenance standards that are maintained and are as follows:.

Zone / Category		Zone Summary / Remarks	Grass Cutting	Weed Spraying	Hedge Cutting
1	Town Centre	This would include areas of high footfall associated with educational establishment, particularly secondary and primary schools	12 x annually	2 x annually	1 x annually
2	Residential (high density)	Terraced, tenemental, flatted housing and educational establishments	12 x annually	2 x annually	1 x annually
3	Residential (low density)	Detached and semi-detached Housing and educational establishments	12 x annually	2 x annually	1 x annually
4	Sports fields and facilities	Football pitches, athletic fields etc. and all sports facilities managed by West Lothian Council	12 x annually	2 x annually	Ad Hoc
5	Open spaces and parks	Open spaces and parks not classified as common ground	12 x annually	2 x annually	Ad Hoc
6	Industrial areas	Areas of common ground within industrial estates	12 x annually	2 x annually	Ad Hoc
7	Classified roads and verges not included in zones 1 - 3	Classified Roads (A, B and C) linking towns and residential areas	1 x annually	Ad Hoc	Ad Hoc
8	Rural roads and verges including Livingston Greenways	These areas have specific health and safety requirements to ensure safe operation	1 x annually	Ad Hoc	Ad Hoc

The proposed changes to grass cutting service standards will impact on the following areas:

- Livingston Greenways
- Classified Road Verges
- Rural Road Verges
- Stankards Housing Estate, Uphall

The effects of these changes are described below.

## Grass Cutting Livingston Greenways

These areas are essentially classed as rural in all other West Lothian communities. They are currently maintained to the same standards as Zones 1 – 3 above, however will change to the same standard as Zones 7 and 8. A number of Greenway areas are maintained to the following standard.



The impact of these proposed changes will be as shown below.



### Classified Roads Verges

Some verges alongside classified roads are currently maintained to the same standards as Zones 1 – 3 above, however will change to match all other similar verges classified as Zones 7 and 8. Examples of this would be the verges along the A71 near Oakbank Roundabout, and verges along the A89 at Broxburn. These are maintained to the standard show below.

The following picture provides an indication of the impact on these areas.



The impact of these proposed changes will be as shown below.



## Rural Roads Verges

The verges on a number of rural roads are currently cut once per year, along their length. This will change to ensure sightlines are clear, with the remaining areas untouched.

The following picture provides an indication of the impact this will have on these areas.



The impact of these proposed changes will be as shown below.



### **Stankards Housing Estate, Uphall**

Grass areas in this estate currently have had the arisings collected for a number of years, where it was perceived that they had blocked drains and caused flooding. Since then there has been additional drainage installed in the estate and Flood Management colleagues have confirmed grass collection is no longer necessary. These areas will revert to the same service standards as those in Zones 2 and 3 above.

The following picture reflects the current service provision in this estate.



It is anticipated that this will change, in line with all other open spaces within housing estates, as shown below.



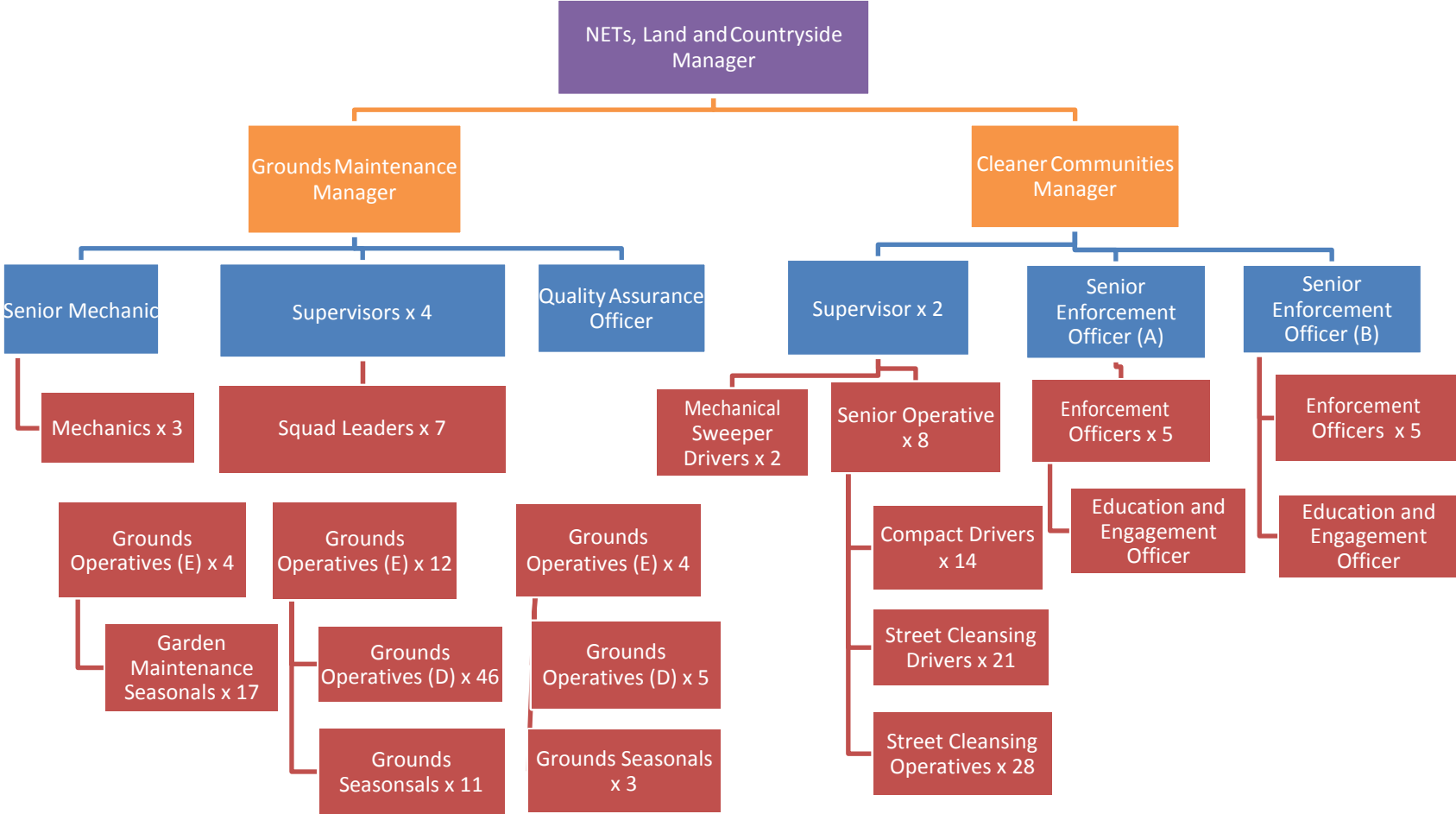
## NEIGHBOURHOOD ENVIROMENTAL TEAMS

The above service standards provide an operational cycle that ensures the general coverage of the authority area required to maintain grounds maintenance standards. However the service retains the operational capacity to react to ad hoc events that require a more speedy response to improve the standard of grounds maintenance to meet safety requirements. The balance of routine and adhoc works is influenced by many factors and may result in the need to reprioritise routine works on a needs basis.

Neighbourhood Environmental Teams (NETs) will be re-established in 2019 to react to both grounds maintenance and street cleansing related issues such as those outlined below, and performance indicators will be developed and implemented to monitor performance of the teams and their response times to incidents and returning streets and areas to the required standards.

The NETs teams will react to issues such as:

- Sharps and needle removal
- Removal of bodily fluids
- Dead animals
- Flytipping
- Dog fouling
- Broken glass
- Overgrown shrubs or bushes blocking footpaths and/or roads
- Overhanging branches blocking footpaths and/or roads
- Overgrown grass obstructing roadsightlines
- Graffiti



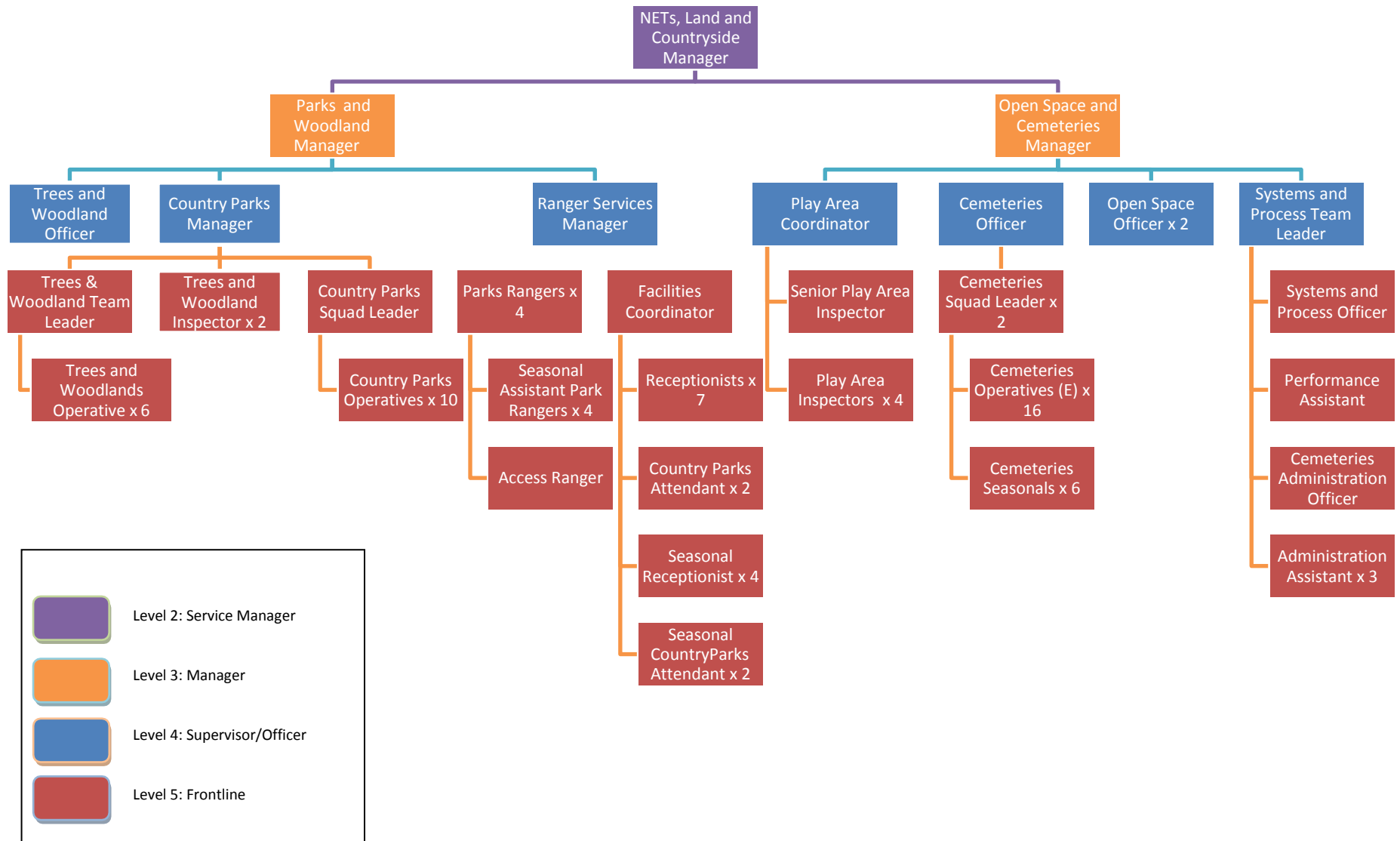
KEY

Level 2: Service Manager

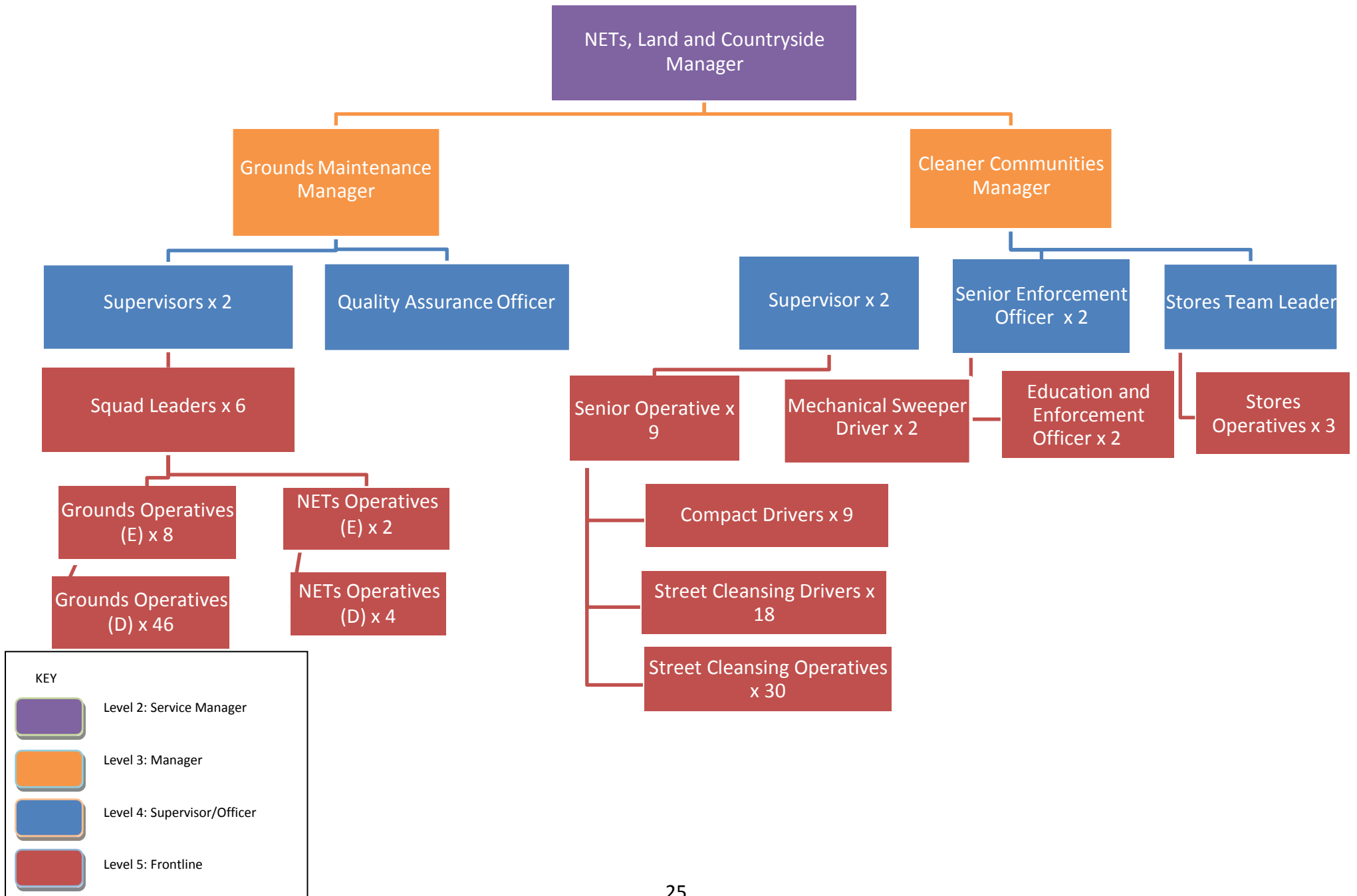
Level 3: Manager

Level 4: Supervisor/Officer

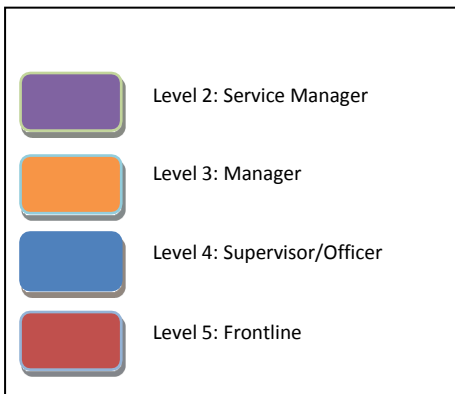
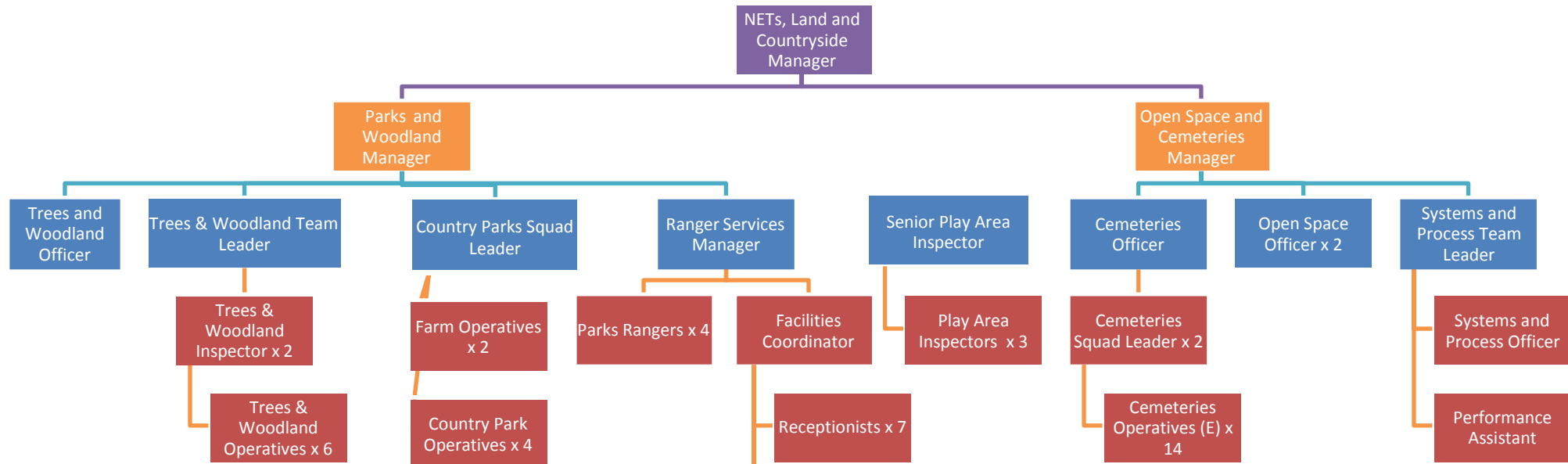
Level 5: Frontline



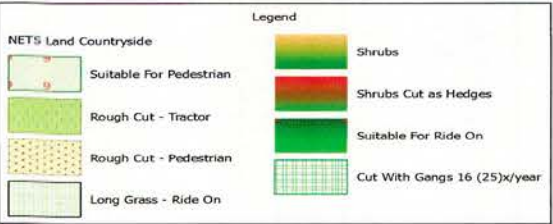
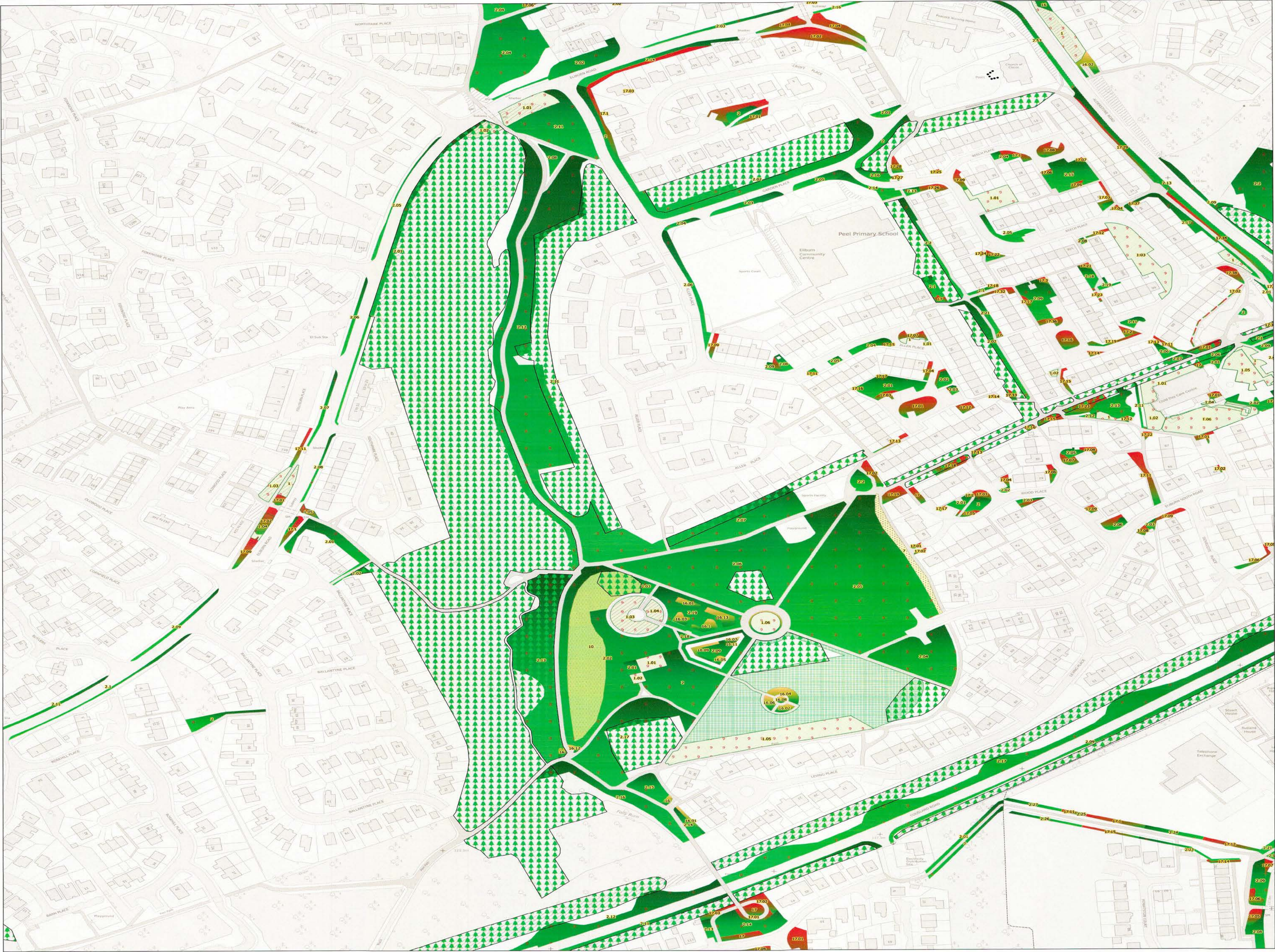
# NETs Land and Countryside - Revised (FULL) Grounds and Cleansing Structure



# Revised Parks and Woodlands and Open Space Structure



Post	FTE 18/19 - 01/04/18	Reduction FTE	Remaining FTE 19/20	% Redcution
Parks and Woodland	27.99	7.00	20.99	25%
Country Park Operative	7.56	6.00	1.56	79%
Country Parks Manager	1.00	-	1.00	0%
Countryside Attendant	0.37	-	0.37	0%
Facilities Coordinator	1.00	-	1.00	0%
NETS Operative (E)	6.00	-	6.00	0%
Parks & Woodland Squad Leader	1.00	-	1.00	0%
Ranger Services Manager	1.00	-	1.00	0%
Receptionsit	2.06	-	2.06	0%
Seasonal Ranger/Access Ranger	4.00	1.00	3.00	25%
Trees and Woodland Officer	3.00	-	3.00	0%
Trees and Woodland Team Leader	1.00	-	1.00	0%
Grounds Maintenance	95.99	29.91	66.08	31%
Apprentices	8.00	-	8.00	0%
GM Seasonal Staff	14.00	14.00	-	100%
GM Supervisor	4.00	1.00	3.00	25%
Grounds Squad Leader	7.00	2.00	5.00	29%
Mechanic	1.00	1.00	-	100%
NETS Operative (D)	47.00	5.91	41.09	13%
NETS Operative (E)	13.99	6.00	7.99	43%
Quality Assurance Officer	1.00	-	1.00	0%
Cleaner Communities	78.00	18.00	60.00	23%
Cleaner Communities Supervisor	2.00	1.00	1.00	50%
Cleaner Communities Senior Operative	9.00	-	9.00	0%
Enforcement Officer	10.00	10.00	-	100%
Senior Enforcement Officer	2.00	-	2.00	0%
Street Cleaning - Operatives	42.00	7.00	35.00	17%
Street Cleansing - Drivers	13.00	-	13.00	0%
Open Spaces and Cemteries	31.00	5.00	26.00	16%
Cemeteries Operatives	16.00	2.00	14.00	13%
Play Inspector	4.00	1.00	3.00	25%
Admin Assistant	1.00	-	1.00	0%
Open Space Officer	2.00	-	2.00	0%
Performance Assistant	1.00	-	1.00	0%
Senior Technical Officer	1.00	-	1.00	0%
Systems & Process Team Leader	1.00	-	1.00	0%
Cemeteries Squad Leader	2.00	-	2.00	0%
Cemeteries Office	1.00	-	1.00	0%
Country Parks Manager	1.00	1.00	-	100%
Play Area Co-Ord	1.00	1.00	-	100%
<b>Total</b>	<b>232.98</b>	<b>59.91</b>	<b>173.07</b>	<b>26%</b>







**COUNCIL EXECUTIVE**

**EARLY RETIRAL AND VOLUNTARY SEVERANCE – 1 APRIL TO 30 SEPTEMBER 2018**

**REPORT BY HEAD OF CORPORATE SERVICES**

**A. PURPOSE OF REPORT**

To advise the Council Executive of the number of employees who were granted early retiral / voluntary severance or flexible retiral from the council during the 6 month period from 1 April to 30 September 2018.

**B. RECOMMENDATION**

The Council Executive is asked to note the content of the report which has been prepared in accordance with the reporting requirements of the council's policy on Early Retiral and Voluntary Severance.

**C. SUMMARY OF IMPLICATIONS**

<b>I</b>	<b>Council Values</b>	Focusing on our customers' needs  Being honest, open and accountable  Making best use of our resources
<b>II</b>	<b>Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	The council's policy on Early Retiral and Voluntary Severance requires early retiral and voluntary severance cases to be reported to Council Executive on a regular basis.
<b>III</b>	<b>Implications for Scheme of Delegations to Officers</b>	None
<b>IV</b>	<b>Impact on performance and performance Indicators</b>	None
<b>V</b>	<b>Relevance to Single Outcome Agreement</b>	None
<b>VI</b>	<b>Resources - (Financial, Staffing and Property)</b>	Each early retiral / voluntary severance reported has been approved on the basis of a robust business case and has been approved in accordance with council policy.
<b>VII</b>	<b>Consideration at PDSP</b>	None

## **VIII Other consultations**

Consultation has taken place with the Head of Finance and Property Services and Lothian Pension Fund.

### **D. TERMS OF REPORT**

The council's policy on Early Retiral and Voluntary Severance requires that reports on the application of the policy are submitted regularly to Council Executive. This report records cases of early retiral / voluntary severance and flexible retirals approved during the period 1 April to 30 September 2018.

In accordance with the policy, all cases approved during this period were dependant on the establishment of a business case which ensured that costs of releasing the employee were recovered within the stipulated timescales. All 44 cases approved fell within a 3 year payback period with 36 cases being paid back within a year; 6 cases being paid back within 2 years and 2 cases being paid back within 3 years.

Details of these cases are provided in Appendix 1.

### **E. CONCLUSION**

All instances of early retiral / voluntary severance and flexible retirals recorded in Appendix 1 to the report have been approved in accordance with council policy.

The Council Executive is asked to note the content of the report which has been prepared in accordance with the reporting requirements of the Council's Policy on Early Retiral and Voluntary Severance.

### **F. BACKGROUND REFERENCES**

Policy on the Application of Early Retiral and Voluntary Severance.

Appendices/Attachments: Early Retiral / Voluntary Severance Summary 1 April to 30 September 2018

Contact Person: Lesley Donegan, HR Operations Manager  
Email: [lesley.donegan@westlothian.gov.uk](mailto:lesley.donegan@westlothian.gov.uk)  
Tel: 01506 281459

**Julie Whitelaw**

**Head of Corporate Services**

**Date: 13 November 2018**

**Early Retiral / Voluntary Severance Summary April 2018 to September 2018**

	Social Policy	Chief Executive, Finance & Property	Corporate Services	Education Services		Housing, Customer & Building Services	Operational Services	Planning & Economic Development	Total
				Non Teaching	Teaching				
<b>No of Employees</b>	7	3	2	12	-	1	19	-	44
<b>Category</b>									
Early Retiral	-	-	-	-	-	-	-	-	-
Flexible Retirement	2	-	-	5	-	-	1	-	8
Reduced Severance	-	-	-	-	-	-	-	-	-
Voluntary Severance	4	3	2	7	-	1	18	-	35
Employer's Discretion	1	-	-	-	-	-	-	-	1
<b>Total</b>	<b>7</b>	<b>3</b>	<b>2</b>	<b>12</b>	<b>-</b>	<b>1</b>	<b>19</b>	<b>-</b>	<b>44</b>
<b>Estimated Payback Period</b>									
Less than 1 year	7	1	2	9	-	-	17	-	36
1-2 years	-	1	-	2	-	1	2	-	6
2 -3 years	-	1	-	1	-	-	-	-	2
<b>Total</b>	<b>7</b>	<b>3</b>	<b>2</b>	<b>12</b>	<b>-</b>	<b>1</b>	<b>19</b>	<b>-</b>	<b>44</b>
<b>Added Years Granted</b>									
Nil (Enhanced Lump Sum)	-	-	-	-	-	-	-	-	-
1 year	-	-	-	-	-	-	-	-	-
2 years	-	-	-	-	-	-	-	-	-
3 years	-	-	-	-	-	-	-	-	-
4 years	-	-	-	-	-	-	-	-	-
<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>

**Cost Summary**

Service Area	Number of Employees	Net Salary Savings	Total Exit Costs
Social Policy	7	£ 148,588	£ 69,497
Chief Exec, Fin & Property	3	£ 102,949	£ 186,254
Corporate Services	2	£ 64,791	£ 44,421
Education Services Non Teaching	12	£ 230,997	£ 209,061
Education Services Teaching	-	£ -	£ -
Housing-Customer & Building Services	1	£ 48,608	£ 83,008
Operational Services	19	£ 530,560	£ 447,558
Planning & Economic Development	-	£ -	£ -
<b>Total</b>	<b>44</b>	<b>£ 1,126,493</b>	<b>£ 1,039,799</b>

Early Retiral/Voluntary Severance Summary April 2018 to September 2018

12-10-2018

DATA LABEL: Public

Summary





## **COUNCIL EXECUTIVE**

### **RIVERLIFE: NOVATION OF FUNDING & PROCUREMENT EXEMPTION**

#### **REPORT BY THE HEAD OF CORPORATE SERVICES AND HEAD OF OPERATIONAL SERVICES**

##### **A. PURPOSE OF REPORT**

To seek Council Executive approval for the novation of Heritage Lottery Funding for the RiverLifeAlmond and Avon project (the Riverlife project) to the Council and approval to make a direct award to Forth Rivers Trust to provide services under the Riverlife project as previously approved by the Heritage Lottery Fund.

##### **B. RECOMMENDATION**

It is recommended that the Council Executive:

1. Approves the novation of Heritage Lottery Funding of £1.26m from the Heritage Lottery Fund to the Council; and
2. Approves the proposed direct award to Forth Rivers Trust to provide services under the RiverLife Almond & Avon project as previously discussed with the Heritage Lottery Fund.

##### **C. SUMMARY OF IMPLICATIONS**

<b>I</b>	<b>Council Values</b>	Focusing on our customers' needs; being honest, open and accountable; developing employees; making best use of our resources; working in partnership
<b>II</b>	<b>Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	<p><b>Policy:</b> The Scottish Biodiversity Strategy identifies the role of local authorities in meeting national species and habitat priorities.</p> <p><b>Legal:</b> The Water Environment &amp; Water Services Act 2003 requires local authorities to carry out their statutory functions and duties in a way which adheres to the principles of the European Water Framework Directive.</p> <p>The Nature Conservation (Scotland) Act 2004 places a duty on officials and public bodies to further biodiversity.</p> <p>Salmon and Freshwater Fisheries (Consolidation) (Scotland) Act 2003, as amended</p>

<b>III</b>	<b>Implications for Scheme of Delegations to Officers</b>	None
<b>IV</b>	<b>Impact on performance and performance Indicators</b>	Will provide sustainability and certainty of funding for works undertaken by the Forth Rivers Trust.
<b>V</b>	<b>Relevance to Single Outcome Agreement</b>	SOA 4. We live in resilient, cohesive safe communities; SOA 8. We make the most efficient and effective use of resources by minimising our impact on the built and natural environment.
<b>VI</b>	<b>Resources - (Financial, Staffing and Property)</b>	<b>Financial:</b> It is proposed to novate the sum of £1.26m, being the balance of the Heritage Lottery Fund awarded to the Forth Rivers Trust (the Trust) to the Council to be expended by the Trust.
<b>VII</b>	<b>Consideration at PDSP</b>	None
<b>VIII</b>	<b>Other consultations</b>	SEPA & Forth Rivers Trust

## **D. TERMS OF REPORT**

### **D1. Background**

The Heritage Lottery Fund (HLF) awarded Forth Rivers Trust (the Trust) £1.658m in 2016 for a four-year programme of projects to help restore the rivers Almond and Avon, deliver the aims of an Activity Plan, Audience Engagement & Interpretation Plan, and Training Plan, engage volunteers, fill new posts and commission external work under the RiverLife project, which is being led by the council in partnership with the Trust and SEPA.

**D2.** Since the award was made to the Trust by HLF, significant changes have been made by the Scottish Government and SEPA, which have seen funding for the physical improvement of the freshwater environment from the Water Environment Fund being directed to local authorities, in the context of Memoranda of Understanding.

The result of the change in funding is that council officers are now effectively leading the projects, instead of the Trust, albeit with its resources continuing to support delivery. This has negatively affected the cash flow from HLF to the Trust, which receives its funding as a 'grant percentage'. Because project costs include non-cash contributions and/or volunteer time, HLF deemed that funding be made as a 'payment percentage' of 30% of project cash flow, which from time-to-time has been insufficient in the context of the resources that the Trust has agreed to provide and the actions to which it has committed.

It is therefore proposed that the remaining sum of £1.26m, held by HLF, be novated to the Council, in order that it can pay the Trust to deliver these activities whilst continuing to draw HLF funding in accordance with the agreement, improving the Trust's cash flow difficulties and protecting it from the effects of the day-to-day delays which can sometimes affect complex construction projects.

Provisional contact has been made by the Trust to HLF. HLF has indicated that it has no concerns with the principle of novating grant to West Lothian Council.

### **D3. Proposed direct award to Forth Rivers Trust**

Forth Rivers Trust is a not-for-profit, charitable organisation. It is expert in being able to identify improvement opportunities and bring together funding packages for the delivery of projects. It is appropriately resourced and remains committed to the RiverLife project. Project partners consider the Trust best placed to deliver on its commitments to HLF having conceived and initially led the RiverLife Project and having the most experience of it. The Trust also has the advantage of positive, long-standing relationships with fisheries regulator, the Forth District Salmon Fishery Board, and well-established networks within both the angling community and in localities where it is already delivering exceptional work under the RiverLife banner. It is able to operate within these networks with an ease not always possible for the council or commercial consultants. Indeed, no private company currently provides this type of service.

It is proposed that a direct award be made to Forth Rivers Trust to supply the council with those services under the Riverlife project as previously approved by Heritage Lottery Fund.

## **E. CONCLUSION**

In order to put the project on a more sustainable footing it is recommended that Council Executive approves the novation of Heritage Lottery Funding to the Council, and approves a direct award to Forth Rivers Trust to provide services under the RiverLife project as previously approved by the Heritage Lottery Fund.

## **F. BACKGROUND REFERENCES**

RiverLife: Almond & Avon Programme - Report by Head of Operational Services to the Environment Policy Development & Scrutiny Panel – 13 September 2016.

RiverLife: Almond & Avon Programme – Report by Head of Operational Services to the Council Executive – 11 October 2016

Procurement Arrangements: Framework Agreement for Construction Contractors in connection with the RiverLife: Almond & Avon Programme – Report by Head of Corporate Services to the Council Executive – 14 February 2017

Appendices/Attachments: None

Contact Persons:

Michael Duffy, Interim Procurement Manager, [michael.duffy@westlothian.gov.uk](mailto:michael.duffy@westlothian.gov.uk) 01506 283259

Graeme Hedger, Senior Professional Officer, [graeme.hedger@westlothian.gov.uk](mailto:graeme.hedger@westlothian.gov.uk) 01506 284533

**Julie Whitelaw, Head of Corporate Services & Jim Jack, Head of Operational Services**

Date of meeting: 13 November 2018