

DATA LABEL: PUBLIC



BATHGATE LOCAL AREA COMMITTEE

SERVICE UPDATE – NETS, LAND & COUNTRYSIDE

REPORT BY HEAD OF OPERATIONAL SERVICES

A. PURPOSE OF REPORT

To advise members of the recent activity of the NET's, Land & Countryside Services teams for the period 1 October 2022 – 31 December 2022.

B. RECOMMENDATION

The Local Area Committee is asked to:

1. Note the work carried out by the service within the local area.
2. Advise of any areas that require further information or investigation.

C. SUMMARY OF IMPLICATIONS

I Council Values	Focusing on our customers' needs; making best use of our resources; working in partnership
II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	None
III Implications for Scheme of Delegations to Officers	None
IV Impact on performance and performance Indicators	None
V Relevance to Single Outcome Agreement	Relates to items 9 - We live our lives free from crime, disorder and danger & 12 – We value and enjoy our built environment and protect it and enhance it for future generations
VI Resources - (Financial, Staffing and Property)	In line with available revenue and capital budgets
VII Consideration at PDSP	None
VIII Other consultations	None

D1 Terms of Report

The report covers the activity for the period 1 October 2022 – 31 December 2022.

D2 Grounds Maintenance Routine Works

Grass cutting of open spaces was completed in Mid-October, with all grass areas that required a one-off cut being completed.

The weed spraying programme also finished in October.

Our winter works programme of open space hedge cutting and shrub bed maintenance started in early November and will carry on until early April.

Grounds Maintenance and Cleansing Services will provide a number of staff to cover the Winter Maintenance gritting programme.

Enquiries are being dealt with on a daily basis.

Grounds Maintenance Enquiries

In total 22 ground maintenance related enquiries were received and dealt with during this reporting period.

	2022	2021
Bench or Seat Enquiries	0	1
Complaint Grounds Maintenance	2	0
Enforcement Officer Enquiries	2	1
Fencing Enquiries	2	0
Grass Area Damaged	0	1
Grass Cutting Enquiries	1	1
Grass Highway Verges	1	0
Ground Ownership Enquiries	1	1
Grounds Property Vandalised	4	3
Hedge Cutting Enquiries	2	5
Public Park Enquiries	1	1
Shrub Bed Enquiries	2	1
Shrub Bed Overhanging Path	4	2
Weeds General Enquiries	0	3
Total	22	20

Garden Maintenance Routine Works

The Garden Maintenance Scheme grass cutting was completed along with the Garden Maintenance hedge cutting by the end of October.

Garden Maintenance Enquiries

In total there were four garden maintenance enquiries received and dealt during this reporting period.

	2022	2021
Complaint Garden Maintenance	0	2
Garden Maintenance Change Of Address	0	1
Garden Maintenance General Enquiries	0	4

Garden Maintenance Grass Not Cut	2	2
Garden Maintenance Hedge Cutting	2	4
Total	4	13

D4 Cleaner Communities Routine Works

Staff continue to carry out routine works of emptying street litter/ dog waste bins, litter picking and sweeping of footpaths and road channels while dealing with enquiries as they arise.

Officers continue to work with volunteer's litter picking within the Ward and have assisted with arranging the uplift of bags and debris that they have collected.

The NETs team continue to deal with fly tipping enquiries and removing fly tipping from Council ground.

Street Cleansing staff resources at this time of year are directed towards leaf clearance throughout West Lothian. Leaves are lifted from footpaths and roadways using mechanical sweepers and target known areas of concern and react to enquiries that come in from the public within available resources.

Over the coming winter period when required Street Cleansing staff will assist Roads with winter maintenance. During these periods the Street Cleansing Service will be reduced.

Cleaner Communities Enquiries

In total 108 cleaner communities enquiries were received and dealt with during this reporting period.

	2022	2021
Dead Animals	6	5
Dog Bin New Request for Bin	1	1
Dog Bin Overflowing	0	2
Dog Fouled Grass Open Space	2	3
Dog Fouling on Paths Roads	10	16
Dog No Fouling Sign Request	0	1
Fly Posting	3	0
Fly Tipping Dumping	51	34
Glass on Paths or Open Spaces	2	0
Graffiti Non Offensive	1	0
Graffiti Racist or Offensive	0	1
Litter Bin New Request For Bin	2	0
Litter Bin Overflowing	0	1
Litter General Enquiries	1	1
Litter Paths Roads Verges	11	8
Needles/Syringes Abandoned	1	0
Street Sweeping Enquiries	5	8
Trolleys Abandoned/Dumped	1	2
Trolleys Dumped in Livingston	0	1
Vehicles Abandoned	11	13
Total	108	97

Fly Tipping Enquiries (January-December)

	2022	2021	2020	2019	2018
Illegal Fly Tipping/Dumping	179	166	201	161	149

Environmental Community Action

The Education, Engagement and Enforcement Officers continue to deal with enquiries relating to fly tipping, littering, dog fouling, abandoned vehicles and general enquiries. There were 51 enquiries in relation to fly tipping for the period compared to 34 for the same period in 2021.

In dealing with abandoned vehicles, Officers have gained compliance from vehicle owners with said vehicles getting removed from public highways or getting taxed in most cases. Where appropriate, requests have been sent to WLC contractors for removal. However, there are instances where vehicle owners are not compliant and result to moving their vehicles between streets. When presented with such tactics, officers have resulted to contacting the DVLA and VOSA for support.

Officers have also had to educate members of the public that their vehicles with a SORN marker needs to be off public roads or kept on private land where they have the landowner's permission or inside a garage. This is a scenario that has occurred quite frequently of late.

Throughout West Lothian, officers continue to engage with volunteering groups, attend regeneration group meetings and render the necessary assistance needed to encourage the exercise they currently perform.

There were no (0) Fixed Penalty Notices issued in Ward 8 for the period 1 October 2022 – 31 December 2022. For the same period in 2021, there were no (0) Fixed Penalty Notices issued within the Ward.

Costs for fly tipping for the period 1 October 2022 – 31 December 2022

Please note the table below for 2022 covers the period of strike action when any Fly tipping would have been taken direct to the contractor's site instead of the Councils transfer station, and is not included in the figures below.

Wards	Number of Fly Tipping Enquiries	% of enquiries relating to Ward	Total Tonnage all wards	Cost of disposal including costs for NETs team/vehicles	Contractor removal of Fly Tipping	Removal of Asbestos
1	14	3.08	71.44	£1,451.71		
2	53	11.67	71.44	£5,495.75		
3	49	10.79	71.44	£5,080.98		
4	115	25.33	71.44	£11,924.98		
5	90	19.82	71.44	£9,332.41		
6	24	5.29	71.44	£2,488.64		
7	37	8.15	71.44	£3,836.66		
8	51	11.23	71.44	£5,288.36		
9	21	4.63	71.44	£2,177.56		
TOTAL	454			£47,077.05		

Costs for fly tipping for the period 1 October 2021 – 31 December 2021

Wards	Number of Fly Tipping Enquiries	% of enquiries relating to Ward	Total Tonnage all wards	Cost of disposal including costs for NETs team/vehicles	Contractor removal of Fly Tipping	Removal of Asbestos
1	15	3.13	63.64	£1,313.26		
2	65	13.57	63.64	£5,690.80		
3	77	16.08	63.64	£6,741.41		
4	71	14.82	63.64	£6,216.11		
5	126	26.30	63.64	£11,031.41		
6	37	7.72	63.64	£3,329.38		
7	36	7.52	63.64	£3,151.83		
8	34	7.10	63.64	£2,976.73		
9	18	3.76	63.64	£1,575.92		
TOTAL	479			£42,026.85		

Fly-tipping at the Linkston Way site in Bathgate

Our Educational and Engagement Team has been working over the last six - seven months on creating a dialogue with the land owner/developer of the vacant plot on Linkston Way in relation to fly-tipping.

Ryden Properties is the principal developer and responsible for arranging the day-to-day contact over the site on behalf of their client. Ryden will not confirm who the client is but from a land search obtained by WLC from the Scottish Land Register 'CEDAR (MAPLE OAK) LTD' is listed as the current land owner.

Various site visits have taken place and evidence of fly-tipping logged in Confirm enquiries, though no identifying evidence has ever been recovered.

The team previously deployed a remote 'motion triggered camera', but this was found to be ineffective as most instances occurred after dark and the camera became 'blinded' by vehicle lights. Issues surrounding the use of this type of camera were also problematic due to GDPR and the secure storage of any footage as the 'SD Card' could not be encrypted.

After engaging with Ryden, it became clear that no factor had been appointed by the land owner or site developer and it 'may' have been the assumption that West Lothian Council would actively maintain removing litter and fly-tipping.

Ryden approached the Council to assist in locating a contractor to clear the site on behalf of their client's behalf. The team assisted them in providing a list of factors and suitable contractors to undertake a site clean-up.

To our knowledge, a contractor has been appointed and the date for work to take place is to occur before the beginning of March.

At this point, we also advised Ryden about putting in place mitigation measures to stop the re-occurrence of fly-tipping once a site clean-up has taken place.

Reports to WLC of Fly-tipping over the past 12 months February 2022 - February 2023

- 10 logged via Confirm
- 6 direct emails to Cleaner Communities
- 3 from member services on behalf of elected members

Legal powers available to West Lothian Council in relation to fly-tipping

Most of the legal powers available to local authorities to tackle the issue of fly-tipping are set out in the Environmental Protection Act 1990 (Act).

The Act creates various offences in relation to the mishandling of controlled waste, in summary making it:-

- an offence to deposit controlled waste, without a licence
- an offence to treat, keep or dispose of controlled waste except in accordance with a waste management licence
- an offence to keep or manage controlled waste in a manner likely to cause pollution of the environment or harm to human health

The Act gives local authorities power to issue fixed penalty notices to individuals who have acted contrary to its provisions.

Local authorities have an obligation to ensure publicly accessible land, for which *they* are responsible, is kept clear of litter and refuse, and to keep roads clean, but in respect of land it does not own, has some powers under the Act to require the occupier, or owner, to remove unlawfully deposited waste within a specific timeframe.

In exercising such powers, authorities can serve notices on the occupier of land requiring them to remove waste which has been unlawfully deposited there, or to take specified steps, within a period of not less than 21 days. The authority can also specify steps that the occupier must take, within the same timeframe, to eliminate/reduce the consequences of the unauthorised waste disposal. Where an occupier fails to comply with a notice, the authority can remove the waste itself, and recover its expenses in doing so from the occupier.

The occupier can appeal to the Sheriff Court. The Court can quash the notice in the event that it is not satisfied of its requirements.

If an authority requires information in order to discharge its functions in relation to any of its powers, then, the Act, give power to serve any person with a notice requiring them to provide that information.

There is also power under the Town and Country Planning (Scotland) Act 1997 allowing an authority to given notice requiring maintenance of land to be undertaken.

There are provisions under other legislation which may be used in particular circumstances beyond those in the Act, however, they are not necessarily relevant to instances of fly tipping, and so are not covered here. They relate to removal and seizing of vehicles, and pest control which may be applicable depending upon the circumstances at fly tipping locations.

As it stands we are in conversation with the landowner and trust he will carry out their commitments.

If a future event was to occur and where the full powers of the law were an option we would need to speak to Legal Services for advice and take into account resources and cost implications.

D5 Parks and Woodland

Parks and Woodland Enquiries

In total there were 19 Tree and Woodland related enquiries were received during this reporting period.

	2022	2021
Tree Advice or Consultations	2	2
Tree Ash Dieback Disease	1	0
Tree Blocking Light	1	1
Tree Branches Overhanging	5	3
Tree Dangerous or Unsafe	2	0
Tree Enquiries General	6	8
Tree Leaves Causing Problems	2	5
Total	19	19

	2022	2021
Access Rights Way Core Paths	1	0
Country Park General Enquiries	1	0
Country Park Forestry or Woods	0	1
Total	2	1

Tree and Woodland Management

Ash Dieback Disease

Areas in and around Bathgate have been selected for Ash dieback felling, mainly on the A roads heading in to Bathgate A800, A89, A7066. These have been identified as having a significant number of ash trees affected by Ash Dieback Disease within the verge owned or maintained by the council. A plan is in place for these to be felled within the next few months. This will require traffic management in order to undertake the work in a safe manner and will cause some disruption to the road network.

Tree Inventory and Safety Inspections

These continue to be rolled out across the council owned / managed land. All areas have been zoned according to usage or other factors.

Ravencraig Wood

Work to remove old redundant fences and tree shelters has continued at Ravencraig with two members of staff on casual contracts assisted by the Community Payback Team.

Ranger Service Update

No. Rights of Way / Core Path / Patrols carried out (hours)	8
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The Assistant Ranger contracts, funded by NatureScot, ended on 31 October. The Ranger Service thank them for their work to raise awareness of the Scottish Outdoor Access Code and their help to deliver the 2022 activities programme. A breakdown of their achievements from July-October across West Lothian is shown below.

Total Patrols – 660km
 Total events – 45
 Total schools visited – 39
 Total school lessons – 79
 Total members of public engaged with – 4000+

They visited 18 schools in October, including St.Columbas, Windyknowe and Simpsons Primary Schools, where they delivered a total of nine Scottish Outdoor Access Code (SOAC) themed lessons.

The Assistant Rangers carried out multiple patrols of Ravenraig in October, where they litter picked and removed several bags of rubbish, and ‘turned over’ many fire sites.

The monthly Volunteer Ranger Service (VRS) sessions will resume in March 2023. The Ranger Service will be working in partnership with five ‘Friends of’ groups in 2023 (including the Friends of Little Boghead Nature Park), who will help to look after their local sites. Volunteering opportunities will be advertised on the West Lothian Council Facebook page in early 2023.

The Ranger team are trialling the use of Eventbrite as a booking system for volunteer sessions. The sessions can be found at <https://wlcragerservice.eventbrite.com>

The Ranger Service are due to submit updated information on the three Country Parks and volunteering opportunities in January, for the Spring edition of the West Lothian Bulletin. These updates will include completed and ongoing projects within the Parks.

The Ranger Service continue to assist different organisations wishing to run events within the Country Parks and wider West Lothian.

Little Boghead Nature Park

The Ranger Service led two volunteer sessions at Little Boghead Nature Park in October in partnership with the Friends of Little Boghead group and the Volunteer Ranger Service. Volunteers helped to hand scythe the meadow area, cut back turf to widen the paths and litter pick the site.

The Ranger Service have planned in four Ranger-led volunteering sessions for the Nature Park in 2023, with tasks including removing pond debris, vegetation management, widening paths and building hibernacula for amphibians and reptiles for over-winter. These sessions will be open to members of the public to join and will be listed on the Eventbrite page for WLC Ranger Service, listed above.

Access

The Rangers continue to review all West Lothian planning applications for access implications, and submit comments to Planning Services.

The Access Ranger post has been filled, and the Ranger team are in the process of talking through existing access issues and the format for submitting planning comments with the Access Ranger, to move enquiries forward and process new ones. There was one new enquiry received during this time, concerning damaged signage at Little Boghead Nature Park. The signs were picked up by the Ranger team and found to have rotting legs. These will be repaired and reinstalled this year. Any access enquiries should continue to be reported through the 'Report it > Core Paths & Rights of Way' section on the Council's website.

Ecology and Biodiversity

Ecology and Biodiversity Officers participated in further co design workshops on "Nature Networks" and "30x30" led by NatureScot. Nature networks and 30 x 30 are two key mechanisms being put forward to meet Scottish Biodiversity Strategy objectives. These workshops were to steer and inform how Scotland should be taking forward protection of important habitats and species and how to best secure positive effects for biodiversity in line with the Scottish Biodiversity Strategy (draft published in December 2022 with further consultation expected Spring 2023). We plan to use this to help inform the forthcoming West Lothian LBAP (Local Biodiversity Action Plan).

Planning – Officers continue to provide input to planning applications, to ensure that legislation for the protection of wildlife, and policies and processes to safeguard the environment are followed. This ranges from written responses, to meetings with Planning Officers and developers to discuss particular concerns (for example with regard to protected species). This type of proactive working with developers and the Planning team should encourage better results for local environments and wildlife in future applications.

Officers have been involved in assisting the Flood team in site surveys and ecological advice for planned works to prevent flooding within Bathgate Cemetery. There are multiple constraints that need to be considered as part of the design.

WLC Climate Emergency Fund projects

- Local Biodiversity Action Plan (LBAP) – the consultants are writing up reports on their mapping work, which will be used to inform the overall LBAP. Ecology and Biodiversity officers have begun contacting other potential stakeholders in West Lothian.
- Tree-Time West Lothian was successfully launched with a large golden weeping willow planted in the grounds of Almondvale Park near West Lothian Council Civic Centre, Livingston on 30 November. Tree Time is an initiative to help increase tree planting in West Lothian by offering a way of commemorating a loved one's life, marking a child's birth, celebrating a special anniversary or just to show how much a person cares about trees and/or West Lothian as a place. A number of larger tree tags explaining the scheme and advertising the importance of trees to climate change and biodiversity have been placed throughout West Lothian and postcards have been left in strategic locations too. The scheme will be reviewed in a year's time but will function relatively independently through our partner Edinburgh and Lothians Greenspace Trust (ELGT) with input where required from West Lothian Council staff.
- Wee forest Scheme – Boghall – Officers have been working with our partners Edinburgh and Lothians Greenspace Trust (ELGT) to finalise plans for the installation of West Lothian's fourth wee forest as part of the climate emergency funding. The trees have been ordered and the intention is for ELGT to deliver the scheme mid-March working with local schools (to be confirmed).

D6 Open Space and Cemeteries

Windyknowe Park, Bathgate – The first phase of works is scheduled to start on 27 February. This includes new entrances, paths and seat installation. Quotes are waited for removing the existing goals and installing new multi-goals. The goals will incorporate a basketball hoop in order to maintain the size of the existing playing area (rather than reduce this area to accommodate a separate basketball hoop).

Balbardie Park, Bathgate – Work is on site to improve the path network in the north-west corner of the park. Completion is expected before the end of February.

Open Space Enquiries

There were three Open Space enquiries for this reporting period.

	2022	2021
Childrens Play Enquiries	2	2
Glass or Litter In Play Areas	1	0
Safety Issues In Play Areas	0	1
Total	3	3

Cemeteries Routine Works

Routine grass cutting and weed control tasks have been completed. Seasonal maintenance works and lair reinstatement and burial duties are ongoing across the cemetery estates.

Cemeteries Enquires

There were 97 Cemeteries enquiries for this reporting period.

	2022	2021
Cemeteries General Enquiries	20	10
Cemetery Property Vandalised	1	0
Family History Searches	1	0
Lair Enquiries	4	10
Lair Sunken or Uneven	2	1
Memorial/ Headstone Works	21	35
New Interment Booking	37	30
Purchase of Interment Lair	10	17
War Memorial Enquiries	1	1
Total	97	104

E CONCLUSION

Officers continue to deal with enquiries relating to fly tipping, littering, dog fouling, abandoned vehicles and general enquiries.

The Open Space Capital Programme is progressing as scheduled.

F. BACKGROUND REFERENCES

Open Space Strategy

Capital Programme

Appendices/Attachments: None

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