



Council Executive

West Lothian Civic Centre
Howden South Road
LIVINGSTON
EH54 6FF

4 February 2021

A meeting of the **Council Executive** of West Lothian Council will be held within the **MS Teams Virtual Meeting Room on Tuesday 9 February 2021 at 10:00am.**

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, declarations of interest in any urgent business and consideration of reports for information.

The Chair will invite members to identify any such reports they wish to have fully considered, which failing they will be taken as read and their recommendations approved.

4. Confirm Draft Minutes of Meeting of Council Executive held on Tuesday 19 January 2021 (herewith)

Public Items for Decision

5. Learning Estate Investment Programme Update - Joint Report by Depute Chief Executive and Head of Finance and Property Services (herewith)
6. 2020/21 General Fund Revenue Budget - Month 9 Monitoring Report - Report by Head of Finance and Property Services (herewith)

DATA LABEL: Public

7. 2020/21 General Services Capital Budget - Month 9 Monitoring Report - Report by Head of Finance and Property Services (herewith)
8. Scottish Draft Budget 2021 and Local Government Finance Settlement 2021/22 - Report by Head of Finance and Property Services (herewith)
9. CIPFA Financial Management Code - Report by Head of Finance and Property Services (herewith)
10. The Vennel Update - Report by Head of Finance and Property Services (herewith)
11. Update - Local Bus Contracts and Community Transport Provision - Report by Head of Operational Services (herewith)
12. Planning Guidance on the Historic Environment & Planning Guidance for the Management and After Use of Soils on Development Sites - Report by Head of Planning, Economic Development and Regeneration (herewith)
13. National Planning Framework 4 Position Statement - Report by Head of Planning, Economic Development and Regeneration (herewith)
14. West Lothian Statutory Return to Scottish Government on Public Body Reporting on Biodiversity Duty: 2018 - 2020 - Report by Head of Planning, Economic Development and Regeneration (herewith)

Public Items for Information

15. 2020/21 Housing Capital Report - Month 9 Monitoring Report - Report by Depute Chief Executive (herewith)
16. 2020/21 Housing Revenue Account - Month 9 Monitoring Report - Report by Head of Finance and Property Services (herewith)
17. Consultation on Cycle 2 of the Forth Estuary Flood Risk Management Strategy and Plan - Update on West Lothian Council's Actions - Report by Head of Operational Services (herewith)
18. Action taken in terms of Standing Order 31 (urgent business)
 - (a) COVID-19 - Stand Down of Face to Face Aspects of Unpaid Work Order Scheme - Report by Head of Social Policy (herewith)
 - (b) Free School Meal Provision - 1 to 12 February 2021 - Report by Depute Chief Executive (herewith)

NOTE **For further information please contact Anastasia Dragona on tel. no. 01506 281601 or email anastasia.dragona@westlothian.gov.uk**

DATA LABEL: Public

CODE OF CONDUCT AND DECLARATIONS OF INTEREST

This form is to help members. It is not a substitute for declaring interests at the meeting.

Members should look at every item and consider if they have an interest. If members have an interest they must consider if they have to declare it. If members declare an interest they must consider if they have to withdraw.

NAME	MEETING	DATE

AGENDA ITEM NO.	FINANCIAL (F) OR NON- FINANCIAL INTEREST (NF)	DETAIL ON THE REASON FOR YOUR DECLARATION (e.g. I am Chairperson of the Association)	REMAIN OR WITHDRAW

The objective test is whether a member of the public, with knowledge of the relevant facts, would reasonably regard the interest as so significant that it is likely to prejudice your discussion or decision making in your role as a councillor.

Other key terminology appears on the reverse.

If you require assistance, please ask as early as possible. Contact Julie Whitelaw, Monitoring Officer, 01506 281626, julie.whitelaw@westlothian.gov.uk, James Millar, Governance Manager, 01506 281695, james.millar@westlothian.gov.uk, Carol Johnston, Chief Solicitor, 01506 281626, carol.johnston@westlothian.gov.uk, Committee Services Team, 01506 281604, 01506 281621 committee.services@westlothian.gov.uk

SUMMARY OF KEY TERMINOLOGY FROM REVISED CODE

The objective test

“...whether a member of the public, with knowledge of the relevant facts, would reasonably regard the interest as so significant that it is likely to prejudice your discussion or decision making in your role as a councillor”

The General Exclusions

- As a council tax payer or rate payer or in relation to the council's public services which are offered to the public generally, as a recipient or non-recipient of those services
- In relation to setting the council tax.
- In relation to matters affecting councillors' remuneration, allowances, expenses, support services and pension.
- As a council house tenant, unless the matter is solely or mainly about your own tenancy, or you are in arrears of rent.

Particular Dispensations

- As a member of an outside body, either appointed by the council or later approved by the council
- Specific dispensation granted by Standards Commission
- Applies to positions on certain other public bodies (IJB, SEStran, City Region Deal)
- Allows participation, usually requires declaration but not always
- Does not apply to quasi-judicial or regulatory business

The Specific Exclusions

- As a member of an outside body, either appointed by the council or later approved by the council
- The position must be registered by you
- Not all outside bodies are covered and you should take advice if you are in any doubt.
- Allows participation, always requires declaration
- Does not apply to quasi-judicial or regulatory business

Categories of “other persons” for financial and non-financial interests of other people

- Spouse, a civil partner or a cohabitee
- Close relative, close friend or close associate
- Employer or a partner in a firm
- A body (or subsidiary or parent of a body) in which you are a remunerated member or director
- Someone from whom you have received a registrable gift or registrable hospitality
- Someone from whom you have received registrable election expenses

MINUTE of MEETING of the COUNCIL EXECUTIVE held within MS TEAMS VIRTUAL MEETING ROOM, on 19 JANUARY 2021.

Present – Councillors Lawrence Fitzpatrick (Chair), Kirsteen Sullivan, Frank Anderson, Harry Cartmill, Tom Conn, Damian Doran-Timson, Peter Heggie, Chris Horne, Charles Kennedy, Andrew McGuire (substituting for David Dodds), Cathy Muldoon, George Paul and Moira Shemilt (substituting for Janet Campbell)

Apologies – Councillors Janet Campbell and David Dodds

1. DECLARATIONS OF INTEREST

Agenda Item 14 (Third Sector Community Funding Update) - Councillor Harry Cartmill declared an interest in that as he was involved in a number of trusts referenced in the report he would not participate in the item of business;

Agenda Item 6 (CEC Reform of Transport Arm's Length Organisations) - Councillor Cathy Muldoon declared an interest in that she was a council appointed member to SESTran for which a specific exclusion from the Standards Commission applied but she was also a council appointed member of Lothian Buses Regional Sub Committee so would not participate in the item of business;

Agenda Item 14 (Third Sector Community Funding Update) - Councillor Frank Anderson declared a non-financial interest as Chair of the Craigshill Good Neighbourhood Network but would participate in the item of business;

Agenda Item 8 (SHIP 2021-26) - Councillor Andrew McGuire declared a financial interest in that he was employed by Canmore Housing Association so would not participate in the item of business;

Agenda Item 6 (CEC Reform of Transport Arm's Length Organisations) - Councillor Chris Horne declared an interest in that he was a council appointed member to SESTran for which a specific exclusion from the Standards Commission applied so would participate in the item of business; and

Agenda Item 14 (Third Sector Community Funding Update) - Councillor Chris Horne declared an interest in that as he was involved in a number of trusts referenced in the report he would not participate in the item of business.

2. ORDER OF BUSINESS

Council Executive noted that agenda items 15 to 19 were for information only. Councillor Frank Anderson advised that he wished officers to present the report at Agenda Item 16 (Procurement Report) and 18 (EU Exit and Trade Cooperation Agreement). Therefore, committee agreed that in accordance with Standing Order 5(3) that all other items were to be

taken as read and their recommendations approved without any further consideration.

3. MINUTE

The Council Executive approved the minute of its meeting held on 15 December 2020.

In relation to matters arising the Council Executive agreed that in relation to Minute Item 15 (pages 966 & 967) the developments set out in the Local Development Plan Action Programme would be submitted to local area committee meetings.

4. SCOTTISH PARLIAMENTARY ELECTION PREPARATIONS

The Council Executive considered a report (copies of which had been circulated) by the Chief Executive highlighting the work being progressed to deliver the Scottish elections, scheduled to be held in May 2021, safely, effectively and transparently.

It was recommended that the Council Executive: -

1. Note the arrangements being made
2. Agree to use the polling scheme in Appendix 1
3. Agree that the Chief Executive have delegated authority to make any required changes (e.g. as a result of the loss of a polling place) in consultation with the Leader of the Council, Leaders of the other Political Groups, and local elected members.

Decision

To approve the terms of the report

5. CEC REFORM OF TRANSPORT ARM'S LENGTH ORGANISATIONS - UPDATE

Councillor Cathy Muldoon having declared an interest took no part in the following item of business.

The Council Executive considered a report (copies of which had been circulated) by the Head of Operational Services providing an update on the City of Edinburgh Council's (CEC) Reform of Transport Arm's Length Organisations (ALEOs) and to seek agreement that a number of key concerns were expressed in any future engagement with CEC.

Council Executive was asked to: -

1. Note that CEC were progressing the review after considering the consultation response at Transport and Environment Committee on the

12 November 2020

2. Note that engagement with the minority shareholders in Lothian Buses was planned but has yet to commence
3. Support officers' views that any revised governance arrangements should address the following concerns;
 - i. *Any future company model (that arises as an outcome from the reform process) should operate on a commercial basis at arm's length from CEC as majority shareholder.*
 - ii. *Future transport operations and services must continue to address region wide requirements.*
 - iii. *Transition to new arrangements should seek to minimise IR, HR, legal and regulatory issues with no disruption to services.*
 - iv. *There should be minority shareholder representation in any new governance arrangements.*
 - v. *In transitioning to any new arrangements, the outcome model should build on the scale, expertise, HQ strengths and regional provision afforded by Lothian.*

Decision

To approve the terms of the report

6. WEST LOTHIAN COUNCIL OPEN MARKET ACQUISITION SCHEME REVIEW

The Council Executive considered a report (copies of which had been circulated) by the Head of Housing, Customer and Building Services advising of the outcome of the Open Market Acquisition Scheme.

It was recommended that Council Executive:

1. Approves the proposed changes to the policy which are intended to increase flexibility in the number and size of houses bought back by the council to meet housing demand;
2. Notes the council will adopt a 'value for money' approach based on an assessment of the combined cost of buying and bringing the house up to lettable standard, without exceeding market value as established by the properties home report valuation plus £8,500; and
3. Notes the council will consider purchasing larger properties, greater than 1 or 2 bedrooms to meet the current demand for this house type and to relieve pressure from the Homelessness service by increasing our larger house type stock

Decision

To approve the terms of the report

7. WEST LOTHIAN STRATEGIC HOUSING INVESTMENT PLAN 2021-2026

Councillor Andrew McGuire having made a declaration of interest took no part in the following item of business.

The Council Executive considered a report (copies of which had been circulated) by the Head of Housing, Customer and Building Services reporting on the main points of the West Lothian Council's Strategic Housing Investment Plan (SHIP) 2021 - 2026.

It was recommended that Council Executive:

1. Approves the Strategic Housing Investment Plan (SHIP) attached as Appendix 1;
2. Notes that over a 10-year period from 2012 to 2022, the aim was to deliver 3,000 affordable homes with the majority being council houses. The established Homes for West Lothian Partnership with Registered Social Landlords in the area will assist with the delivery of this scale of housing;
3. Notes that the level of grant funding for affordable housing delivery for the period 2020-2022 had increased from previous years and that this would facilitate new affordable housing by a variety of providers;
4. Notes the infrastructure projects identified for future consideration by Scottish Government for grant and loan funding and;
5. Approves submission of the SHIP to the More Homes Division of the Scottish Government.

Decision

To approve the terms of the report

8. 0.326 HECTARES (0.806 ACRES) AT BURNHOUSE INDUSTRIAL ESTATE, WHITBURN - PROPOSED SALE TO GROUND EQUIPMENT HIRE LIMITED

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Property Services providing Council Executive with additional information relating to the proposed sale of 0.326 hectares (0.806 acres) of land at Burnhouse Industrial Estate, Whitburn to Ground Equipment Hire Limited for £82,000 as requested by the Executive at its meeting on 15 December 2020.

It was recommended that Council Executive: -

1. Notes the additional information provided by officers relating to the proposed sale of 0.326 hectares (0.806 acres) of land at Burnhouse Industrial Estate, Whitburn to Ground Equipment Hire Limited.
2. Agrees that, if appropriate, officers will present a further report to a future meeting of the Council Executive once a Ground Equipment Hire Limited planning application has been determined.

Decision

To approve the terms of the report

9. HEALTH AND SAFETY POLICY AND CORPORATE PROCEDURES - PERSONAL PROTECTIVE EQUIPMENT/CONSTRUCTION (DESIGN AND MANAGEMENT)

The Council Executive considered a report (copies of which had been circulated) by the Head of Corporate Services presenting a revised council wide Health and Safety Policy for approval and draft Corporate Procedures for Personal Protective Equipment and Construction (Design and Management) for noting.

It was recommended that Council Executive: -

1. Approve the revised council wide Health and Safety Policy and
2. Note the terms of the draft Corporate Procedures for Personal Protective Equipment and Construction (Design and Management) in the Appendix to the report.

Decision

To approve the terms of the report

10. PROCUREMENT APPROVAL REPORT

The Council Executive considered a report (copies of which had been circulated) by the Head of Corporate Services seeking approval to enter into contracts where committee authorisation was required by Standing Orders.

It was recommended that the Council Executive approves

1. A direct award to Bridgeall for a contract with a start date of 26 January 2021 for a period of 3 year to 25 January 2024 to the value of £15000; and
2. A direct award to Cyrenians for a contract with a start date of 1 July

2021 for a period of 1 year to 30 June 2022 to the value of £268,884.

Decision

To approve the terms of the report.

11. REVISED COUNCILLORS' CODE OF CONDUCT - CONSULTATION RESPONSE

The Council Executive considered a report (copies of which had been circulated) by the Governance Manager seeking consideration and approval of a proposed response to the Scottish Government consultation on a revision to the Councillors' Code of Conduct.

Council Executive was asked to agree the response to the Scottish Government consultation on a revision to the Councillors' Code of Conduct, a copy of which was attached to the report at Appendix 1.

Decision

To approve the terms of the report and the proposed consultation response.

12. SUPPLEMENTARY GUIDANCE - DEVELOPER CONTRIBUTIONS TOWARDS CEMETERY PROVISION, SUPPLEMENTARY GUIDANCE: PLANNING & EDUCATION AND PLANNING GUIDANCE: THE VENNEL, LINLITHGOW

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 draft supplementary Guidance on Developer Contributions Towards Cemetery Provision and to seek approval of the guidance; to seek approval of Supplementary Guidance Planning and Education; and to note the position with regard to Planning Guidance on The Vennel, Linlithgow.

Supplementary Guidance and Planning Guidance were required to support the West Lothian Local Development Plan.

It was recommended that Council Executive

1. Approves the responses to the comments which were received on the draft Supplementary Guidance on Developer Contributions Towards Cemetery provision during public consultation (Appendix 1);
2. Approves the content of the revised Supplementary Guidance 'Developer Contributions Towards Cemetery Provision' (Appendix 2);
3. Approves the responses to the comments which were received on

the draft Supplementary Guidance on Planning and Education during public consultation (Appendix 3);

4. Approves the content of the revised Supplementary Guidance 'Planning and Education' (Appendix 4);
5. Approves the 'Screening Reports' for Supplementary Guidance 'Developer Contributions Towards Cemetery Provision' (Appendix 5) and 'Planning and Education' (Appendix 6) which are to be submitted to the SEA Gateway and the Consultation Authorities and which set out the council's justification that the guidance is exempted from additional Strategic Environmental Assessment because it will not in itself have any significant environmental effects and there are no additional environmental effects not previously considered in the SEA for the LDP;
6. Delegates authority to the Head of Planning, Economic Development and Regeneration to timeously issue a 'Screening Determination' for the Supplementary Guidance 'Developer Contributions Towards Cemetery Provision' and 'Planning and Education' in the event that the SEA Gateway and the Consultation Authorities confirm their agreement that the guidance will not in themselves have any significant environmental effects, and where the SEA Gateway and the Consultation Authorities agree that a SEA is required, to report matters to a future meeting of the Council Executive; and
7. Notes that following consideration by Council Executive the Supplementary Guidance on Developer Contributions Towards Cemetery Provision and Planning and Education will require to be submitted to the Scottish Government for approval as statutory supplementary guidance in support of the West Lothian Local Development Plan;
8. Notes the comments received from the Strategic Environmental Assessment (SEA) Consultation Authorities on the Screening Report for Planning Guidance for The Vennel, Linlithgow and the overall view that the guidance would have no significant environmental effects and there are no additional environmental effects not previously considered in the SEA for the LDP (Appendix 7); and
9. Notes that Planning Guidance for The Vennel, Linlithgow was formally adopted on 27 November 2020 and that the Head of Planning, Economic Development and Regeneration has subsequently issued a "Screening Determination" in relation to Planning Guidance which concluded that a separate SEA was not required and which confirmed that no separate SEA would be prepared to accompany the Planning Guidance for The Vennel, Linlithgow (Appendix 8).

Decision

To approve the terms of the report

13. THIRD SECTOR COMMUNITY FUNDING UPDATE - REPORT BY HEAD OF PLANNING, ECONOMIC DEVELOPMENT AND REGENERATION (HEREWITH)

Councillor Harry Cartmill and Councillor Chris Horne having declared an interest took no part in the following item of business.

Prior to consideration of the report the Head of Planning, Economic Development and Regeneration apologised to committee for an incorrect figure in Recommendation 2, which should have been £168,724.40 and which had been replicated in section D2 and again at the bottom of Appendix 2.

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration advising of recommendations from the panel on the applications received for the Third Sector Community Support Fund 2021/22 and to consider the proposed allocation of the remaining balance from the 2020/21 Modernisation and Improvement Fund.

It was recommended that the Council Executive: -

1. Notes the recommendations from the panel on allocation of funding from applications received to the £400,000 Third Sector Community Support Fund 2021/22; and
2. Approves the allocation of £168,724.60 from the Modernisation and Improvement Fund to provide additional grant support to the sector;

Motion

To approve the terms of the report.

- Moved by the Chair and seconded by Councillor Kirsteen Sullivan

Amendment

West Lothian SNP Group are dismayed to see, once again, that our Third Sector organisations have had to go through a bidding process (at short notice and during their efforts to tackle the issues of the Pandemic) which has resulted in many of them not getting the amount they had bid for, despite this Council needing this sector to help the Council achieve many of their Outcome targets. Furthermore, the SNP Group condemns the actions of Labour councillors who have opposed the many attempts to increase the funding available to support our 3rd sector. Instead of meaningless platitudes from Labour councillors about the great work which these organisations have performed during this pandemic and continue to deliver to the most vulnerable in our communities, they need

to support them financially.

West Lothian SNP Group also abhors the fact that from the £400K which these organisations had to bid into, this Council will claw back approx. £150K leaving only £250K available to 'address key issues arising out of the effects Covid-19 were having on our communities'. This in effect means that over 37% of the awarded funding is not being utilised to tackle, nor deliver, anything to our communities affected by this pandemic.

West Lothian Council SNP Group calls on Council Executive to agree the 2 recommendations in the report but goes further to show that we support our organisations in this unprecedented time and give them some financial stability going into the possibility of continuing uncertain times by,

- Not charge any rent from 3rd sector organisations in 21/22, allowing them to concentrate their finances on assisting our communities recover from this pandemic
 - Allocate the 21/22 Modernisation and Improvement Fund, £150000, to partially cover the shortfall in the amounts awarded to the groups listed in Appendix 1 and 2
 - Allocate the balance of the 20/21 Modernisation and Improvement Fund, £7686, towards the outstanding shortfall in funding awarded to the groups listed in App1/2
 - Officers to investigate and source funding, £3131, which would ensure that all groups listed in both Appendix 1 and 2 receive the total amounts for the proposed projects to 'address key issues arising out of the effects Covid-19 were having on our communities'
- Moved by Councillor Frank Anderson and seconded by Councillor Moira Shemilt

The Governance Manager then advised Council Executive that in relation to bullet point 1 of the amendment the Council, at its meeting on 24 November 2020, had agreed that officer's produce a report on the impact of not charging rent for those properties rented by the third sector contained in the council's TNRP. That report was being progressed and would be reported to the Partnership and Resources Policy Development and Scrutiny Panel in February.

Councillor Anderson agreed to the removal of bullet point 1 from his amendment.

A roll call vote was taken. The result was as follows: -

Motion

Tom Conn
Damian Doran-Timson
Lawrence Fitzpatrick
Peter Heggie

Amendment

Frank Anderson
Moira Shemilt

Charles Kennedy
Andrew McGuire
Cathy Muldoon
George Paul
Kirsteen Sullivan

Decision

Following a vote, the motion was successful by 9 votes to 2, with 2 members absent and it was agreed accordingly.

14. DIRECTIONS FROM WEST LOTHIAN INTEGRATION JOINT BOARD -
NEW DIRECTIONS AND PROGRESS ON COMPLIANCE

The Council Executive considered a report (copies of which had been circulated) by the Director (Health and Social Care Partnership) advising of new Directions issued to the council by West Lothian Integration Joint Board; and to inform the Executive of the progress made in complying with the existing Directions issued to the council by West Lothian Integration Joint Board (IJB).

The Council Executive was asked: -

1. To note the new Directions issued to the council by the IJB
2. To note the council's legal duty to comply with the Directions
3. To note the progress made to date in complying with the Directions

Decision

To note the content of the report

15. PROCUREMENT REPORT - 1 APRIL 2020 TO 30 SEPTEMBER 2020

The Council Executive considered a report (copies of which had been circulated) by the Head of Corporate Services presenting the Procurement Report for the period 1st April 2020 to 30th September 2020 attached at Appendix 1.

It was recommended that the Council Executive notes the terms of the report

Decision

To note the content of the report

16. SCOTTISH PUBLIC SERVICES OMBUDSMAN ANNUAL REPORT 2019-2020

The Council Executive considered a report (copies of which had been circulated) by the Chief Executive updating members on the Scottish

Public Services Ombudsman's annual report 2019-2020.

It was recommended Council Executive: -

1. Note the Scottish Public Services Ombudsman's (SPSO) annual report 2019-2020; and
2. Note the learning from SPSO complaints which is appended to this report for information.

Decision

To note the content of the report

17. EU EXIT AND TRADE COOPERATION AGREEMENT

The Council Executive considered a report which provided an update on the latest position in relation to the trade and cooperation agreement between the UK and EU that was announced on 24 December 2020.

It was recommended that the Council Executive: -

1. Notes the update on the EU-UK Trade and Cooperation Agreement (TCA);
2. Notes that officers will consider the implications of the TCA, as part of the risk monitoring undertaken by the Brexit Working Group.

Decision

To note the content of the report

18. ACTION TAKEN IN TERMS OF STANDING ORDER 31 (URGENT BUSINESS)

The Council Executive noted the action taken in terms of Standing Order 31 (urgent business) to provide approval for the following: -

- a) For a revision to the service delivery plans for the provision of free school meals to children eligible for the 8-day period from 6 to 15 January 2021 as recommended by the Depute Chief Executive in his report dated 22 December 2020; and
- b) For a revision to the service delivery plans for the provision of free school meals to children eligible for the 10-day period from 8 to 29 January 2021 as recommended by the Depute Chief Executive in his report dated 7 January 2021.

19. PRIVATE SESSION

The Council Executive resolved under Section 50(A) of the Local Government (Scotland) Act 1973 that the public be excluded from the meeting during consideration of the following item of business on the grounds that they involved the likely disclosure of exempt information as defined in paragraph 2 and 3 of Schedule 1A of the Act.

20. CORONAVIRUS (SCOTLAND) (NO.2) ACT 2020 - POWERS TO INTERVENE IN CARE PROVISION - QUARTERLY UPDATE

The Council Executive considered report (copies of which had been circulated) by the Head of Social Policy providing an update on the work of the Care Home Clinical and Care Professional Oversight Group and to provide an update on the implementation of powers to intervene in care provisions, as set out by the Coronavirus (Scotland) (No.2) Act 2020

It is recommended that the Council Executive:

1. Notes the work of the Care Home Clinical and Care Professional Oversight Group for West Lothian.
2. Notes that officers continue to work in partnership with all care providers providing support and seeking assurance regarding care quality
3. Notes that it has not been necessary for powers associated with the Coronavirus (Scotland) (no.2) Act 2020 to be implemented in West Lothian.
4. Agrees that a report should continue to be made quarterly to Council Executive on the work of the Care Homes Clinical and Care Professional Oversight Group and implementation of any of the new powers.

Decision

To approve the terms of the report

DATA LABEL: PUBLIC



COUNCIL EXECUTIVE

LEARNING ESTATE INVESTMENT PROGRAMME UPDATE

JOINT REPORT BY HEAD OF EDUCATION (LEARNING, POLICY AND RESOURCES) AND HEAD OF FINANCE AND PROPERTY SERVICES

A. PURPOSE OF REPORT

The purpose of this report is to update Council Executive on the outcomes of the council's submission for proposed projects for inclusion in Phase Two of the Learning Estate Investment Programme funding programme, and to outline feasibility work on the identified priority (schools for the future) projects which were not successful in the bid and to provide an update on the progress of developing the new Learning Estate Strategy (LES) and Learning Estate Management Plan (LEMP).

B. RECOMMENDATION

It is recommended that Council Executive:

1. Notes the confirmed inclusion of East Calder Primary School as part of Phase Two of the Learning Estate Investment Programme with Deans, Eastertoun and St Joseph's Primary Schools not being included;
2. Approves the undertaking of further feasibility assessments and appraisals for alternative investment proposals at Deans, Eastertoun, and St Joseph's Primary Schools, and the associated budgets, as set out in this report;
3. Notes that updates will be provided, on the outcome of the feasibility assessments and appraisals at Deans, Eastertoun and St Josephs;
4. Notes the initial assessment outcomes for Riverside and Letham Primary Schools which were previously identified as emerging priority projects and agrees to progress with detailed options appraisals and business case development for their replacement; and
5. Notes the progress, proposed timescales and governance arrangements for the Learning Estate Strategy (LES) and Learning Estates Management Plan (LEMP).

C. SUMMARY OF IMPLICATIONS

I Council Values	Focusing on our customers' needs; being honest, open and accountable; making best use of our resources.
II Policy and Legal (including Strategic Environmental Assessment, Equality	Integrated Impact Assessments have been undertaken for each of the investment projects and these are included within Appendix 4 for information.

Issues, Health or Risk Assessment)

III	Implications for Scheme of Delegations to Officers	None.
IV	Impact on performance and performance Indicators	Investment would deliver improved condition, suitability, accessibility and sustainability at the relevant schools. Modern fit for purpose learning environments enable pupils to achieve their full potential and support the effective delivery of learning.
V	Relevance to Single Outcome Agreement	Outcomes positively supported include: Our children have the best start in life and are ready to succeed; we are better educated and have access to increased and better quality learning and employment opportunities; people most at risk are protected and supported to achieve improved life chances; we make the most efficient and effective use of resources by minimising our impact on the built and natural environment.
VI	Resources - (Financial, Staffing and Property)	Within the General Services Capital Programme 2020/21 to 2027/28 budgets totalling £14.36m is allocated for phase 2 Learning Estate Investment Projects.
VII	Consideration at PDSP	None.
VIII	Other consultations	Consultation is undertaken with stakeholders when developing and delivering school projects, including Statutory Education Consultations as required.

D TERMS OF REPORT

D1 Background

West Lothian Council is recognised as having one of the best performing learning estates in Scotland with all schools in satisfactory or better condition. To sustain the level of performance, significant resources will need to be deployed and the council continues to prioritise investment in the learning estate as a key priority. In addition to its own resources, the council has previously been successful in securing funding under the Scotland's Schools for the Future Programme which supported the delivery of a new Uphall Station and Pumpherston Primary School; the award winning new West Calder High School and a hall extension and modernisation of Toronto Primary, Livingston. These projects required varying levels of match funding by the council.

As part of the General Services Capital Programme 2018/19 to 2027/28 approved in February 2018 and, in advance of any Scottish Government announcement of a new Schools for the Future investment programme, potential projects were identified based on condition, suitability, sufficiency, sustainability, accessibility, whole life costs and wider regeneration benefits, with initial match funding budgets agreed. These included Deans Primary, Livingston (£3.5m); Eastertoun Primary, Armadale (£4m), East Calder Primary (£3.5m) and Beatlie Additional Support Needs (ASN) School, Livingston (£4m). The budget requirements were based on the previous programme requirements, funding awards and the estimated costs of the projects.

The council was successful in securing inclusion of a new Beatlie ASN School as one of the initial eleven pilot projects within phase one of the Learning Estate Investment Programme (LEIP), which has replaced the Schools for the Future Programme. Officers are progressing the project and design development, funding model evaluation, site investigations and cost appraisals are ongoing. Progress on the project will be reported upon separately as key milestones are achieved and consideration by Council Executive is required.

Following discussions with the Scottish Futures Trust in early 2020, the council was advised that a further phase (phase two) of funding would be available with funding submission proposals and confirmation of acceptance expected towards the end of 2020. Further feasibility and project appraisals were undertaken on the four remaining projects (Deans, Eastertoun, East Calder and St Josephs, Whitburn).

D2 Learning Estate Investment Programme

Council Executive on 6 October 2020 approved the submission of four previously identified priority projects for inclusion as part of Phase two of the LEIP (namely Deans, Eastertoun, East Calder and St Joseph's, Whitburn Primary Schools).

On 13 October 2020 council officers prepared and submitted the approved priority projects for consideration by the Scottish Government for inclusion in Phase Two of the LEIP .

In December 2020 it was announced by Scottish Government that East Calder was accepted, to be supported, as one of 25 projects under the £800 million Phase Two of the programme. A full list of the supported projects in Scotland is included in appendix 1. Deans, Eastertoun and St Joseph's were not included as part of the programme.

The funding award is revenue based and linked to performance measures which reflect the priorities of the programme. These not only include usual conditions such as ensuring operational availability by December 2025 and meeting metrics on construction costs but also provision of digital infrastructure, delivering economic benefits and meeting energy efficiency targets. Officers are confident that criteria can be met and that the full revenue funding award over 30 years can be achieved.

D3 Priority Projects

As replacement schools for Deans, Eastertoun and St Joseph's, Whitburn have not been supported by the Scottish Government, it is proposed that comprehensive feasibility and option appraisals will commence during 2021 to develop a programme of planned improvements to the existing schools.

All schools are currently in satisfactory condition, however elements that have been identified as poor, or likely to become poor in the near future will require attention. The investment would seek to align with the council's objectives of all schools being in satisfactory or better condition, suitability and accessibility. It is intended to incorporate revised budgets in the General Services capital programme to be reported in February 2021, reflecting a proposed programme of planned improvements.

D3.1 Deans Primary School

The progressing of a refurbishment for Deans primary school will support the wider regeneration of Deans South and act as a catalyst for community building potential. Works include planned improvements to extend asset life and also elevational treatments to compliment the design aesthetics of new housing proposed to be developed opposite the school as part of the wider regeneration of the area. It is proposed that a new more prominent access and entrance will be created including potential opportunities for a new entrance to the school site from Deans South. It is proposed that a revised budget £2 million is established to support the project.

D3.2 Eastertoun Primary School

The entrance to the school is via a private road (Manse Avenue) which is narrow and makes access difficult for larger vehicles. (deliveries, emergency or construction traffic etc). In the absence of funding for a new school on an alternative site, it is proposed that feasibility and appraisal work is undertaken to sustain and improve the condition, suitability and the accessibility of the school. Works proposed will include improving learning environments for pupils with, where possible, the introduction of collaborative learning plazas and break out areas, enhanced use of digital technology (interactive learning screens / smart boards) and improvements to lighting and ventilation.

Appraisal work on improving access will evaluate a range of options and will be reported upon when completed. It is proposed that a revised budget of £1.5 million is established to support the project.

In addition, to the proposed investment outlined, works are being undertaken to renovate the existing school kitchen as part of the Schools Summer Programme in 2021 at a cost of approximately £330,000.

The securing of funding from developer contributions is unlikely to be significant (if any) for the foreseeable future given there is currently sufficient school roll capacity for primary education across the Armadale area. Should this change then funding will be focused on increasing capacity and ancillary improvements and will complement the investment proposed.

D3.3 St Joseph's Whitburn

The planned maintenance and improvement requirements of St Joseph's to sustain condition and improve the asset life of the school identifies key areas for investment including the external fabric, toilets and heating. Proposals for investment would include these, together with roof and external envelop upgrade (insulated) ,to improve energy efficiency. A proposed revised budget £1.5 million is estimated to undertake the works.

D4 Emerging Potential Investment - Riverside and Letham

As reported previously, following completion of programmed surveys issues were identified with the long-term condition of parts of the roof at Riverside Primary School. Whilst currently safe as a consequence of revised technical guidance relating to the type of roof present (Siporex - a type of light flat reinforced autoclaved aerated concrete roofs extensively used from the 1950's to the 1980's), it was considered prudent to undertake additional reinforcement works and to undertake monthly monitoring.

As part of further investigations on the capacity of the school and recognising the affected areas it has been possible to progress demolition works of part of the affected area and this will be carried out during summer 2021.

Following these surveys and reflecting on the wider construction quality sustaining Riverside in a satisfactory condition and retaining existing suitability is possible over the short term within current maintenance and planned improvement programmes. However, significant longer term investment will be required.

A separate assessment of Letham Primary School has also been undertaken. Whilst this is also satisfactory in terms of condition, it will similarly require significant investment over the medium term to sustain and improve its asset life and the quality of teaching environment it provides.

Both Riverside and Letham have been identified as requiring significant investment over the next three to five years or there is a risk of them becoming rated as poor. Initial feasibility work has commenced and identified that, given the level of investment required for both schools over the short, medium and longer term, that replacement may be more economical and enable the provision of modern learning environments.

A detailed options appraisal and strategic business case is now proposed to be developed for both Riverside and Letham Primary Schools, with the outcomes to be reported separately to Council Executive for consideration.

D5 Learning Estate Strategy and Learning Estate Management Plan

Officers are currently progressing the development of the Learning Estate Strategy (LES) 2021/22 to 2032/33 which will outline the council's long-term vision and approach to ensuring safe, well maintained and suitable school environments that are innovative and adaptive to support the modern curriculum and improving attainment. It was considered prudent to await the outcome of the Scottish Governments announcement of the second phase of the Learning Estate Investment Programme given the potential impact on several schools and the level of investment identified. It is therefore now proposed to report the LES to Education PDSP on 2 March 2021 and then to Education Executive.

The LES provides the strategic framework and structure for the Learning Estate Management Plan (LEMP) 2021/22 to 2027/28 which sets out in more detail a programme of actions to deliver the strategies aims and objectives. These will include the approaches to be adopted to sustain and improve performance measures such as statutory compliance, condition, suitability, sustainability, sufficiency and accessibility and will outline key investment programmes including, where appropriate, specific projects relating to individual schools.

It is proposed that the LEMP will be reported to Education PDSP on 2 March 2021 and then Council Executive. Annual updates on the LEMP will be provided to Education PDSP.

D6 Further Updates

It is proposed that regular updates on the progress of the Learning Estate Investment projects identified within the report will be provided to Council Executive as part of reporting on the delivery of the General Services Capital Programme 2021/22 to 2027/28. Separate reports will be provided where there are material matters or determination by Council Executive is required on specific project matters such as key milestones and seeking approvals as necessary.

E. CONCLUSION

The council is committed to investing in our learning estate to improve performance and to enhance teaching environments for our pupils and staff. The inclusion of East Calder Primary School in the Learning Estate Investment Programme, highlights this commitment to the education estate. The Scottish Government decision does mean that replacement of the the other schools identified for investment will not be supported. It is unlikely that a further phase of funding will be announced for some time and therefore it is appropriate for the council to progress with alternative investment proposals for these schools.

Resources to sustain and improve the performance and asset life of the schools which will not be replaced have been estimated and are outlined in the report. These are significant and represent viable alternative investment propositions to meet performance requirements. It is proposed these budgets are included in the capital programme to be reported to Council in February 2021. Detailed feasibility and appraisals will be progressed for these and initial phases of physical works will commence in 2022. Regular updates will be provided as these are progressed.

Riverside and Letham Primary Schools have been identified as emerging priorities for investment due to elements within their construction having limited life and their overall long-term investment needs. It is proposed that detailed appraisals and business case development will be progressed on their replacement.

The new Learning Estate Strategy 2021/22 to 2032/33 and Learning Estate Management Plan 2021/22 to 2027/28 will outline the councils aims and objectives for its learning estate and the actions that will be undertaken to sustain and where possible improve performance. These will be reported upon separately.

As noted in the report, regular updates will be provided as projects progress and where consideration by Council Executive is necessary.

F. BACKGROUND REFERENCES

Learning Estate Investment Programme Update - Council Executive 6 October 2020

Appendices/Attachments:

Appendix 1 - Proposed Site Plan and General Arrangement drawings

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James Cameron, Head of Education (Learning, Policy and Resources)

Donald Forrest, Head of Finance and Property Services

Date of meeting: 9 February 2021

Appendix 1 Phase Two Learning Estate Investment Programme – Nationally Supported Projects

1. Angus Council - Monifieth High School
2. City of Edinburgh Council - Liberton High School
3. City of Edinburgh Council - Wester Hailes Education Centre
4. Dumfries and Galloway Council - Dumfries High School
5. Dundee City Council – Proposed new campus to replace Braeview Academy and Craigie High School.
6. East Ayrshire Council - Doon Valley Community Campus
7. East Ayrshire Council - St Sophia's Primary School
8. Fife Council - Inverkeithing High School
9. Glasgow City Council - Gaelic Primary School
10. Glasgow City Council - New City Centre Primary School
11. Highland Council - Broadford Primary School
12. Highland Council - Nairn Academy
13. Midlothian Council - Penicuik High School
14. Midlothian Council - Mayfield Primary School Campus
15. Moray Council - Findrassie Primary School
16. North Ayrshire Council - Montgomerie Park Primary School
17. Perth and Kinross Council - Perth High School
18. Perth and Kinross Council - Primary School(North Perth)
19. Renfrewshire Council - Paisley Grammar Community Campus
20. Scottish Borders Council - Galashiels Academy
21. Scottish Borders Council - Peebles High School
22. South Lanarkshire Council - Newton Farm Primary School extension
23. Stirling Council - Callander Primary School
24. West Dunbartonshire Council - Faifley Campus
25. West Lothian Council - East Calder Primary School

DATA LABEL: PUBLIC



COUNCIL EXECUTIVE

2020/21 GENERAL FUND REVENUE BUDGET - MONTH 9 MONITORING REPORT

REPORT BY HEAD OF FINANCE AND PROPERTY SERVICES

A. PURPOSE OF REPORT

This report provides Council Executive with an update on the outcome of the General Fund revenue budget monitoring exercise at month 9, including an update on recurring budget pressures and delivery of approved budget savings for the period 2020/21 to 2022/23.

B. RECOMMENDATION

It is recommended that Council Executive:

1. Notes that the outcome of the month 9 monitoring exercise is a breakeven position, after accounting for all currently confirmed funding from Scottish Government;
2. Agrees that £994,000, from the General Fund Balance, which was previously earmarked for managing the projected 2020/21 overspend should be considered as part of the revenue budget report for 2021/22 and 2022/23;
3. Notes the recurring pressures of £1.294 million, and the agreed actions being progressed to mitigate these pressures;
4. Notes the good progress in delivery of approved budget savings for 2020/21 to 2022/23;
5. Agrees to approve payment of £457,000 to West Lothian Leisure (WLL) for the proportion of additional government grant funding the council has received that relates to WLL lost income;
6. Agrees the proposed allocation of the flexible fund for welfare and social support of £506,000 as set out in section D.2.15 of the report and in Appendix 4;
7. Agrees that Heads of Service take all management action necessary to ensure, wherever possible, that 2020/21 expenditure is managed within budgeted resources;
8. Agrees that officers should continue to engage with Scottish Government and COSLA around further government funding for the council so that additional costs which will be incurred in relation to Covid-19 are fully funded.

C. SUMMARY OF IMPLICATIONS

I	Council Values	Focusing on customers' needs, being honest, open and accountable, making best use of 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	No implications at this stage.
IV	Impact on performance and performance Indicators	Ongoing funding restraint is likely to have implications for performance.

V	Relevance to Single Outcome Agreement	None.
VI	Resources - (Financial, Staffing and Property)	The forecast position for 2020/21 is breakeven based on the month 9 monitoring exercise. Recurring pressures are estimated to be £1.294 million.
VII	Consideration at PDSP	Financial Performance is reported biannually to PDSP's.
VIII	Other consultations	Depute Chief Executives, Heads of Service, Service Managers and Transformational Change Team.

D. TERMS OF REPORT

D.1 Background

West Lothian Council approved a revenue budget for 2020/21 to 2022/23 in February 2020, with total savings for the three-year period being £31.767 million. The budget also included new time limited investment of £7.834 million and one-off projects funded from one off resources.

Updates on the potential impact of Covid-19 on the council's financial position have been reported to Council Executive as part of the 2020/21 General Fund revenue budget monitoring exercise, with the latest month 6 update being provided on 17 November 2020.

Council Executive agreed on 18 August 2020 to ear-mark £994,000 from the General Fund revenue balance, which was the amount over and above the agreed minimum amount of £2 million, to assist in mitigating the projected overspend in the current year 2020/21. It was also agreed that officers should continue to engage with Scottish Government and COSLA around further government funding for the council to fund the significant additional costs being incurred by the council. As a breakeven position is now forecast for 2020/21, the £994,000 from the General Fund revenue balance will no longer be required to offset the 2020/21 financial implications of the current pandemic. Since August 2020, there has been a material change in the council's finances as Scottish Government funding has been clarified. It is therefore proposed that this sum is considered in February 2021 as part of the revenue budget report for 2021/22 and 2022/23.

In line with the agreed budgetary control framework and procedures, the monitoring of the council's full revenue budget and approved budget savings is undertaken on a quarterly basis and reported to Council Executive. A risk-based monitoring exercise is carried out on both the revenue budget and approved budget savings out-with the quarterly monitoring exercises. This strategic approach ensures that risks and areas for management action are identified as early as possible. This report provides an update on the full budget monitoring exercise of service budgets and monitoring of approved savings for the three years 2020/21 to 2022/23 undertaken at period 9.

Following the implementation of the latest Scottish Government restriction measures to manage the pandemic, which includes the return to online learning for schools, the period 9 revenue budget monitoring exercise has been prepared on the assumption that the current lockdown will be largely in place until 31 March 2021. Budget assumptions will be reviewed over the remainder of the financial year when preparing the forecasts for period 10 and period 11 in February and March 2021. The next update to Council Executive will be the draft outturn report which will be reported in June 2021.

The Scottish Budget was announced on 28 January 2021 which confirmed grant redeterminations for 2020/21 and this is covered in a separate report to the meeting.

D.2 2020/21 Budget

D.2.1 2020/21 Summary Position

Based on the outcome of the monitoring exercise at month 9, a breakeven position is anticipated in 2020/21 after taking account of the additional Scottish Government funding confirmed for Covid-19.

Recurring pressures remain in Operational Services, Housing, Customer and Building Services and Social Policy. While there has been one-off budget provided, it is anticipated that this will not fully mitigate the pressures in 2020/21.

As outlined in the following table, significant pressures are currently forecast in individual services, mainly resulting from the financial impact of the current pandemic and these will be closely monitored over the remainder of the financial year. There are a number of areas where forecast underspends are helping to offset overspends elsewhere and it is important that underspends in such areas are preserved to minimise the projected overspend position. The following table summarises the forecast position following the budget monitoring exercise at month 9.

Service	Revenue Budget 2020/21 £'000	Forecast 2020/21 £'000	Projected Variance 2020/21 £'000
Education	182,785	185,539	2,754
Planning, Economic Development and Regeneration	4,665	4,915	250
Operational Services	56,023	59,544	3,521
Housing, Customer and Building Services	8,437	8,771	334
Corporate Services	10,695	10,725	30
Social Policy – IJB	76,114	76,114	0
Social Policy – Non IJB	35,067	35,228	161
Chief Executive, Finance and Property	27,829	28,289	460
Joint Valuation Board	1,283	1,283	0
Service Expenditure – Total	402,898	410,408	7,510
Non-Service Expenditure	77,339	77,130	(209)
Council Tax Income	(87,761)	(86,748)	1,013
TOTAL NET EXPENDITURE	392,476	400,790	8,314
Share of £155 million Barnett Consequentials			(5,228)
Share of £49 million Barnett Consequentials			(1,653)
Grant funding from lost income scheme			(1,433)
NET PROJECTED OUTTURN POSITION IN 2020/21			0

D.2.2 Summary update on 2020/21 recurring pressures

At month 9, there are recurring pressures of £1.294 million. As a result of one-off resources provided in 2020/21, these pressure areas are forecast to overspend by £915,000 in the current financial year. The recurring pressures have increased in Homelessness as a result of the ongoing demand for temporary accommodation.

Overtime in Recycling & Waste Services has reduced on a recurring basis, with lower sickness absence levels allowing overtime to be managed. Recurring budget pressures within transportation have been reintroduced. These were removed from the recurring pressures early in 2020/21 following implementation of mitigating action. However, the pressures have

re-emerged following review of the risk areas. Recurring budget pressures within ASN and medical school transport have been reintroduced. Work is ongoing between Operational Services and Education to seek mitigations for these pressures.

Further action is being taken to address the direct causes of the recurring pressure in relation to the cost of absence cover in Older People Care Homes and recruitment is underway to fill vacant posts.

A summary of progress against actions is contained within Appendix 1.

D.2.3 Summary update on New Time Limited Investment 2020/21 to 2022/23

The approved budget for 2020/21 to 2022/23 includes new time limited investment of £7.834 million funded from one off resources. An update on delivery of these projects is provided in Appendix 2. Reasonable progress is being made to deliver these initiatives, some of which will require further committee approval including the transport fund, roads and footpath accessibility improvement schemes, the relocation of recycling centres and utilisation of the climate emergency fund.

D.2.4 Education

The revenue budget for Education is forecast to overspend by £2.754 million at period 9, mainly as a result of additional expenditure being incurred in relation to the financial implications of the current pandemic. The main movements since the previously reported position include a saving of approximately £100,000 on campus travel as pupils undertake lessons virtually instead of travelling between schools and further staffing savings in Adult Learning as a result of early delivery of 2020/21 approved budget reduction measure of £121,000.

Additional payments of around £450,000 have been made to partner providers and other childcare providers for provision of care to children of key workers whilst schools were closed earlier this year including over the school holiday periods. Payments of approximately £400,000 were made to supply teachers in line with the SNCT agreement to pay average working hours during the lockdown period.

There is a pressure within Early Learning & Childcare as a result of more parents than expected opting to take up places within the private provider setting in 2020/21. Staffing establishments have been revised to take account of this change but there remains an estimated overspend of around £170,000 in the current year.

When schools reopened in August 2020, the Scottish Government confirmed it would provide £80 million over the next two years, announced in two tranches of £50 million and £30 million, to help support the return to school and help children recover any lost ground. This funding is being used to recruit additional teachers and support staff to tackle the impact of coronavirus in schools and ensure that children get the support they need. West Lothian Council will receive a total share of £3.110 million to provide support during academic year 2020/21 with funding being paid over two financial years.

The council also received additional revenue funding of £124,000 and capital funding of £721,000 to increase levels of digital inclusion, providing laptops for disadvantaged children and young people to enable them to study online.

A further additional £50 million in total was also announced by the Scottish Government to aid logistical challenges in reopening schools. To date, £20 million of this funding has been allocated with the council receiving £708,000. The allocation of the remaining £30 million is still subject to confirmation. The value reflects that logistical challenges including facilities management, cleaning and transport costs will be substantial for councils.

On 13 January 2021, the Deputy First Minister provided an update on schools and the current remote learning arrangements which have been in place since the pupils returned in January 2021. Schools and nurseries remain open for the most vulnerable children and for children of key workers. He confirmed the Scottish Government will provide temporary financial support of up to £3.8 million to day care of children providers who are open during the current restrictions to manage cost pressures and £1 million funding is being made available to childminders who have been impacted by the pandemic. In addition, the Scottish Government will provide an additional £45 million to allow local authorities to deploy more support to their schools and families.

Within Culture and Sports, Burgh Halls in Linlithgow is forecast to overspend by £191,000 as a result of lost income, partially offset by reduced staff and catering costs whilst the facility remains closed. Instrumental music tuition fees will be significantly lower than budgeted levels as a result of lessons being impacted whilst pupils have not been in school and a reduction in pupil numbers. Charging for Instrumental music tuition has been suspended during the period of school closures in 2020/21 and this will continue for the duration of the current school term. This has partially been offset by reduced staffing costs, resulting in an estimated pressure of around £187,000.

In addition, schools let income is currently forecast to under recover by around £139,000 this financial year. Schools have submitted their third budget forecasts of the year which indicate that the DSM carry forward balance is currently forecast to be in line with the current level of £950,000 by 31 March 2021. Spending plans will be updated to meet the move to remote learning from January 2021.

A reprofiling of £801,000 of the West Lothian Leisure (WLL) management fee in 2020/21 was agreed under SO31 arrangements to maintain cashflow whilst facilities were closed during 2020/2 and in addition, an additional payment of £500,000 was approved by Council Executive in October 2020. Council Executive also agreed that the Head of Finance and Property Services issue a letter of comfort to WLL which confirms that the Council will continue to undertake cash flow management with WLL, to allow WLL to meet its everyday cash liabilities in respect of the financial year 2020/21 subject to WLL approving a balanced budget each year, to reasonably progressing their three year plan, providing required financial information to the council, and to take all reasonable action to identify mitigating action to balance their budget without further funding from the council. These requirements continue to be met by WLL though similarly to other trusts, additional time limited support is required where Covid-19 restrictions are in place.

Taking account of the latest position, it is proposed that £457,000 received by the council from the Scottish Government in relation to loss of WLL income, is paid to WLL in the current financial year. WLL continue to closely monitor their financial position and implement mitigating action, within the current parameters, to minimise the impact of the financial pressures arising as a result of the current pandemic. The Scottish Budget announced on 28 January 2021 confirmed further funding for lost income in 2020/21 and some of this grant funding will relate to WLL. This funding will be confirmed by the Scottish Government in due course.

D.2.5 Planning, Economic Development and Regeneration

An overspend of £250,000 is forecast mainly due to the implications of the Covid-19 pandemic and an under recovery of income within Planning. There has been both supply and demand side implications for the building market. On the supply side, builders are likely to focus on developments that are either ongoing or already have planning permission. The demand for housing may be impacted by changes in consumer confidence and the availability of mortgages as a result of Covid-19 relates issues. Given this, building warrant income is expected to be lower than budget, with the overall shortfall estimated at £250,000.

D.2.6 Operational Services

An overspend of £3.521 million is forecast for Operational Services largely due to additional

costs and reduced income streams arising from the current Covid-19 pandemic. The overspend has increased mainly due to net additional cost pressures associated with the latest Covid-19 lockdown and increased levels of winter maintenance.

Net additional costs pressures within Facilities Management are forecast to be around £1.712 million. Additional cleaning costs are expected to be £1.1 million, of which £900,000 relates to staffing changes to implement Covid-19 enhancements to the school cleaning regime. It is anticipated that this pressure will be fully funded from the logistical challenges funding of £50 million, but at this stage, the Scottish Government has only confirmed the council's share of the first tranche of £20 million. The council's share of this funding is £708,000 which has been included in the forecast. The second tranche of funding of £30 million will be based on evidenced need and a return has been submitted to Scottish Government.

The impact of school closures resulting in reduced provision of school meals during both the initial and the current lockdowns, reduced take up of school meals when schools were opened after the initial lockdown and no Civic Centre café/sandwich run provision is forecast to generate a net pressure in catering of £1.196 million.

Pressures within Recycling & Waste Services total £1.692 million. Tonnage levels have increased this year for landfill, brown bin and blue bin waste generating additional costs of £1.331 million. It is assumed that increased levels of tonnage will remain throughout 2020/21 due to changing behaviour relating from Covid-19. The forecast also assumes the sorting of kerbside bulky waste at CRC sites will not take place during the current lockdown period. Staff costs are forecast to be £133,000 over budget and vehicle repair costs £98,000 under budget, both largely due to the impact of Covid-19. The revised implementation date for generic working and changes to shift patterns beyond the end of 2020/21 will result in a non-recurring pressure of £236,000.

Public Transport is forecast to be in line with budget in 2020/21. This results from reduced costs incurred on concessionary rail and local buses of £505,000 being offset mainly by £254,000 of lost income from local buses and additional net schools transport costs of £175,000. Although overall costs are expected to be within budgeted resources for Public Transport in 2020/21, this is as a result of savings made during the first Covid-19 shut down offsetting recurring overspends within Mainstream Schools, ASN and Medical Transport. Recurring pressures for these areas have been added to Appendix 1. The forecast assumes that there will be no further savings generated from the current lockdown period.

An overspend of £259,000 is forecast for Roads & Transportation Services mainly as a result of a forecast £500,000 overspend in winter maintenance costs partially offset by net savings of £241,000 elsewhere in the service area. Winter maintenance activity has increased generally due to the recent prolonged period of concurrent snow and ice events and the forecasts assume that we will have further periods of snow and ice events before the end of 2020/21. In addition to the general increases in activity, winter maintenance activity has increased specifically in the areas of grit bin replenishment, the creation of strategic stock piles, pathway clearance and secondary road clearance. This has required the redeployment of council staff as well as the use of external contractors. Partially offsetting the increased winter maintenance spend is the net impact of variable costs underspends of £228,000 due to workload restrictions caused by the current Covid-19 pandemic, a £94,000 underspend in street lighting utility costs and a £128,000 reduction in Public Utilities income.

Underspends of £135,000 and £102,000 are forecast in Nets, Land & Countryside and Fleet Management respectively, mainly due to net savings during lock down and forecast staffing underspends. An overspend of £95,000 is forecast in Inprint due to net reduced demand for its services.

D.2.7 Housing, Customer and Building Services

An overall overspend of £334,000 is forecast across the service area, due to a combination of existing pressures in Homelessness and reduced income streams in Customer & Community

Services as a consequence of Covid-19. Homelessness is forecast to overspend by £621,000 as a result of the ongoing demand for temporary accommodation. On average 91 clients per night were accommodated in B&B for the period from April to December 2020. This number has been steadily rising and, as of 3 January 2021, there were 110 clients in B&B. One-off budget of £550,000 is mitigating the pressure in B&B spend but pressures elsewhere in the budget i.e. repairs, furniture and void rent loss, are main factors in the overspend. Homelessness transport costs reduced at the beginning of 2020/21 as a result of school closures and an underspend is anticipated.

There is £311,000 (RRTP) funding in 2020/21 for the multiyear Rapid Rehousing Transition Plan to reduce the numbers of people presenting as homelessness, as well as rehousing people who are homeless quicker and reducing the length of stay in temporary accommodation and Bed & Breakfast accommodation. In December 2020 a further £195,000 winter support fund was confirmed for 2020/21 to help those on low incomes, children and people at risk of homelessness or social isolation cope with winter weather and the current economic situation.

The council's approved Housing Capital programme includes provision for additional housing stock through the new build projects, 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 Services Capital Programme includes funding for a new homeless unit which is anticipated to alleviate some of the pressure. The project is currently at tender stage and is due to start construction on site in May 2021. The unit is on schedule to be delivered in May 2022.

Further actions will be required to reduce expenditure on a recurring basis and fully mitigate the budget pressure, including increasing the number of lets in the private sector, increasing the number of available properties via registered social landlords, and the ongoing review of the allocations policy.

Customer & Community Services is forecast to underspend by £47,000. Registration activity income, already under pressure due to falling birth and marriage rates, has been significantly impacted by Covid-19 and leisure facilities such as the swimming pool and 3G pitch at Fauldhouse were closed during lockdown. Staff savings and reduced spend on supplies & services due to the restrictions on activity fully offset the income pressures.

Elsewhere in Housing, Customer & Building Services underspends are forecast in the Community Safety Unit and Customer Service Centre due to staffing vacancies and turnover.

D.2.8 Corporate Services

An overspend position of £30,000 is forecast for the service. Continuing service pressures within medical fees, procurement rebates and under-recovery of income are expected to be partially mitigated by staff turnover and vacancies, and also by anticipated savings in areas such as printing due to the Covid-19 shutdown.

D.2.9 Social Policy

The forecast for IJB delegated functions is a breakeven position, and the forecast position for non-IJB social care functions is an overspend of £161,000.

Additional costs relating to Covid-19 included in the IJB Mobilisation Plan for social care are being closely monitored and are reported to the Scottish Government on a regular basis. Out with these pandemic related pressures, the costs for IJB social care functions are being managed within the core budget. To date the Scottish Government has provided £4.519 million of funding to meet additional Covid costs and are committed to fully funding all additional pandemic costs incurred against IJB functions. On this basis, a breakeven position is forecast for the IJB social care functions.

The key pressure areas in IJB functions, include older people care homes where additional

costs are being incurred to cover for staff absence and support care homes to remain sustainable during this challenging period. There are also pressures in care homes for Mental Health clients, and in care at home provision for Adults with Learning Disabilities where there have been a number of high cost placements in recent months.

For Non-IJB areas, there is a forecast overspend due to in-year pressure in external residential schools which is partly impacted by the Covid-19 crisis and an unavoidable delay in progressing elements of the redesign project. This is offset by early delivery of staffing savings relating to the redesign of services for Looked After Children.

D.2.10 Chief Executive, Finance and Property Services

The revenue budget for Chief Executive, Finance and Property Services is currently forecast to overspend by £460,000. There is an anticipated under recovery of property rental of £423,000 due to the impact of Covid-19, and the inability to apply a rental increase this year. However, due to many facilities being closed to the public, some of this under recovery is offset with an underspend of £134,000 in relation to Automated Public Conveniences rental contributions and a further £121,000 under spend with regards to premises running costs. In addition, various community centres are now under a management committee which has seen the councils Non-Domestic Rates budget underspend by £241,000.

The anti-poverty service is also forecasting an overspend of £629,000 that relates to increased demand for clothing grants and Revenues are forecasting a net overspend of £150,000 due to a decrease in the recovery of Housing Benefit overpayments. In addition, there is a pressure of £273,000 from non-productive time for Building Services staff during the lockdown period in relation to the general fund programme of property works.

It is anticipated that there will be an underspend in reactive repairs of £86,000 and utility costs of £266,000 in the current financial year, although this is likely to be lower than originally anticipated due to costs incurred to keep buildings at an appropriate temperature, particularly schools, while complying with the requirement to have windows open for increased ventilation. Staffing savings across the service of £132,000 also contribute to the net overspend position of £460,000.

D.2.11 Joint Valuation Board

A break-even position is forecast.

D.2.12 Non-Service Expenditure

Non-service expenditure is forecast to underspend by £209,000. The Council Tax Reduction Scheme (CTRS) is currently forecast to overspend by £226,000 after accounting for additional funding of £760,000. As a result of Covid-19 there is a large increase in CTRS caseload in 2020/21 and a resulting significant increase in expenditure. There has been an increase of 763 CTRS cases as at end December 2020 compared to the end of December 2019.

It is anticipated that, as the furlough scheme is phased out and employers have to pay a higher proportion of staff wages, there will be further increases in CTRS claims and awards as a result of an increase in redundancies. The projected overspend from CTRS is partially being offset by a decrease in eligible housing benefit overpayments and a forecast underspend on the pensions budget.

D.2.13 Council Tax Income

Council Tax income is currently forecast to under recover by £1.013 million. As a result of Covid-19, there has been a reduction in council tax collection rates. Council tax collection, including previous years, has reduced by 1.68% in December 2020 compared to December 2019.

It is expected we will continue to see a steady reduction in collection rates over the year as more jobs are lost and unemployment increases. An estimate of the full year impact of 1.7% reduction in council tax collection is included in the outturn position and this will continue to be monitored closely going forward.

House building has also been impacted as a result of Covid-19, with sites being closed for the first three months of 2020/21. The budget assumes that 900 new houses will be built in 2020/21, however the projection has been revised to 500 house completions. The financial impact on the 2020/21 budget is not as material as initially expected, due to there being over 600 houses completed between September 2019 and March 2020. These houses were not included in the 2020/21 budget as the budget is set each year on the August band D report.

D.2.14 Modernisation Fund

Currently there are spend commitments of £545,000 against the Modernisation Fund for Early Retirement and Voluntary Severance costs and £367,000 for Digital and Service Transformation. The Modernisation Fund is earmarked to meet future Early Retirement and Voluntary Severance costs and to fund investment going forward, particularly the enhanced use of digital technologies, and is a key element in ensuring the council's medium-term financial plan is sustainable.

D.2.15 Additional Support Being Provided

The council continues to provide a number of support packages to communities and businesses across West Lothian to help alleviate the impact of the pandemic, particularly for those most vulnerable. The council has received various elements of funding from Scottish Government to help deliver support packages and manage the financial consequences of Covid-19.

In West Lothian, resources of over £27 million has been available to support individuals, families and communities and council and social care service delivery over the course of the pandemic. This has included funding from the Scottish Government, both for specific ringfenced policy areas and more general funding for local government. All confirmed funding streams have been included in the figures contained within this report and further details of each source are detailed in Appendix 3. In addition, to this, Scottish Government has pledged further funding for free school meals to cover the cost of meals over the current period of online learning for schools and over the Easter break to help vulnerable people during the pandemic.

As part of the new funding from level 4 classification the council has received confirmation of additional flexible grant funding from the Scottish Government for welfare and social support of £506,000. To ensure that these resources are utilised to the maximum effect to respond to local need from people and communities as a direct result of Level 4 restrictions and guidance, the following allocation is proposed.

<u>Voluntary Organisations</u>	£'000
Support to the third sector for one-off funding of a proportion of core costs	285
<u>Social Care</u>	
Support for unpaid carers and young carers	25
Support for personal care at home for children with a disability	50
Funding to support for the Food Train	22
Additional capacity for care leavers to move to supported accommodation	30
Interactive light projectors / tables	57
Electronic Equipment in care settings	16
Funding to support OPAL (Older People Active Lives)	16
Community Hub development	5
Total	506

Further details on the proposals are provided in Appendix 4.

D.2.16 Summarised Budget Position for 2020/21

The outcome of the month 9 monitoring exercise is a projected breakeven position, after offsetting the council's share of confirmed funding streams. This is mainly arising as a result of additional expenditure and lower than anticipated income levels resulting from the current Covid-19 pandemic.

D.3 Actions to Manage and Mitigate Anticipated Budget Pressures

With further risks and uncertainties which are highlighted in this report, there is the potential especially in 2021/22 for significant cost pressures as the council continues to deliver services in line with government recommendations and guidelines. Officers have continued to work with professional bodies, including SOLACE and the CIPFA Directors of Finance, and with COSLA to contribute to regular exercises to estimate projected costs for 2020/21 as part of national cost collection.

A separate ongoing exercise is being undertaken by West Lothian Health and Social Care partnership to identify the additional social care costs delegated to them, using Local Mobilisation Plans. Costs and confirmed funding relevant to council revenue budgets have been included within the figures contained within this report. This process has demonstrated to the Scottish Government the need for additional funding for local government to meet the unavoidable additional financial pressures on councils as a result of the pandemic.

The Scottish Government has advised COSLA of potential financial flexibilities that may be available to help councils address the remaining funding pressures resulting from the impact of Covid-19 and further detailed guidance on these is expected shortly. These flexibilities include the use of capital receipts received in 2020/21 and 2021/22, credit arrangements and Loans Fund holiday repayments. Further work is underway between the Scottish Government and COSLA to provide more detail on how these flexibilities will work and, at this stage, there are outstanding issues to be resolved, especially in relation to PPP contracts. Significant work will then need to be undertaken by council officers to explore these options fully to determine the financial impact of each, and consider how they might assist with the 2021/22 and 2022/23 budgets.

D.4 Delivery of Approved 2020/21 to 2022/23 Budget Savings

D.4.1 Summary update on outcome monitoring of approved savings 2020/21 to 2022/23

In line with the council's agreed budgetary control framework and procedures, a review of the delivery of budget reductions for the period 2020/21 to 2022/23 was completed by Heads of Service and has demonstrated that good progress is being made. For the three year period to 2022/23, 51% of reductions are categorised as green which indicates that the saving is achieved or achievable.

The remaining 49% 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 Committee 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. Specifically for 2020/21, 96% of savings are categorised as achieved or achievable, demonstrating that good progress is being made in the delivery of approved savings.

D.5 Future budget issues and risks

There remains significant risks and uncertainties associated with the financial assumptions in the council's budget. In addition to the current increase in costs, there is a risk that further significant costs will continue to be incurred during financial year 2020/21.

As council services continue to be delivered in accordance with Scottish Government guidance, there will be a substantial increase in the cost of service delivery. Areas where further costs are being incurred include reopening of schools, social care provision, homelessness and waste tonnage charges. This will need to be closely monitored to ensure costs are fully identified.

The council, in liaising with COSLA, will continue to lobby the Scottish Government to provide additional resources to the council to ensure that the financial implications of Covid-19 are fully funded.

In relation to medium term financial planning, whilst acknowledging that the planning assumptions are subject to uncertainty due to the planning time horizon, some of the general risks and uncertainties include annual confirmation of local authority funding from the Scottish Government, the level of pay awards, particularly given payroll costs are the councils largest expense, policy changes by the government without adequate funding, demographic demands and inflationary pressures. Over the remaining two years of the revenue budget, a number of savings require further development or approval by elected members. It is therefore essential that these savings are progressed to implementation and where recurring pressures remain, mitigating actions are taken to ensure existing pressures are managed on a recurring basis. Recurring pressures of £1.294 million are having an impact on the council being able to manage spend.

E. CONCLUSION

The outcome of the monitoring exercise at month 9 is a forecast breakeven position. Good progress is being made in the delivery of approved budget reductions with 96% of savings in 2020/21 categorised as green. For future years, a number of savings still require further development or approval by elected members and these should be progressed to implementation in line with agreed plans.

F. BACKGROUND REFERENCES

Update on UK Spending Review and Scottish Government and Council Covid-19 Funding - Report by Head of Finance and Property Services to Council Executive on 15 December 2020

2020/21 General Fund Revenue Budget – Month 6 Monitoring Report – Report by Head of Finance and Property Services to Council Executive on 17 November 2020

2020/21 General Fund Revenue Budget – Month 5 Monitoring Report – Report by Head of Finance and Property Services to Council Executive on 6 October 2020

2020/21 General Fund Revenue Budget – Month 3 Monitoring Report – Report by Head of Finance and Property Services to Council Executive on 18 August 2020

Draft 2019/20 General Fund Revenue Outturn - Report by Head of Finance and Property Services to Council Executive on 23 June 2020

Re-opening Of Schools and Early Learning and Childcare – Report by Depute Chief Executive to Council Executive on 23 June 2020

Covid-19 Update on the Estimated Financial Impact on the Council - Report by Head of Finance and Property Services to Council Executive on 26 May 2020

Revenue Budget 2019/20 - 2022/23 - Report by Head of Finance and Property Services to West Lothian Council on 28 February 2020

Appendices/Attachments:

Appendix 1 Update on Existing Recurring Pressures

Appendix 2 Update on New Time Limited Investment 2020/21 to 2022/23

Appendix 3 Funding Streams Received by the council

Appendix 4 Update on Additional Flexible Grant Funding

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Donald Forrest
Head of Finance & Property Services
9 February 2021

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Appendix 1 – Update on Existing Recurring Budget Pressures

2020/21 Forecast Variance at Month 9	Recurring Pressure at Month 9	Update on agree actions in relation to the pressure
£'000	£'000	
1. Housing, Customer and Building Services – Homelessness		
183	733	<p>Income from charging for bed and breakfast accommodation has been agreed and monitoring continues. The Rapid Rehousing Transition Plan sets out a plan to reduce the number of homelessness people requiring accommodation. As this is a multi-year plan, additional budget of £550,000 has been provided in 2020/21. Agreement has been reached with the four main RSL partners on targets for percentage of social lets to homeless and is being monitored. The Rapid Rehousing Transition Plan funding allocation for 2020/21 of £311,000. Priority areas have been identified and agreed with the recruitment process underway. A further £195,000 has been allocated in 2020/21 as part of the winter support fund to support the increased pace of work around local rapid rehousing transition plans as recovery from the pandemic continues.</p> <p>Average homeless numbers per night are 91 for the year to 3 January 2021. On that date there were 110 clients in bed and breakfast. Due to the impact of Covid-19 there was an increase in the number of homeless presentations throughout quarter 2 and this continued into quarter 3. This will also be affected by the impact on the availability of suitable temporary and permanent accommodation meaning that the demand of emergency accommodation is likely to increase, thus putting more pressure on the budget.</p>
2. Housing, Customer and Building Services – Homelessness Transport		
(38)	12	<p>For 2020/21, further one off resource of £50,000 has been included in the approved revenue budget. The recurring pressure has reduced as a result of a process review and reduction in long term cases. Alternative methods of transport at lower costs are provided, where suitable. Policy changes are not required at this stage and mitigation of the budget pressure will be achieved through delivery of actions from the RRTP.</p> <p>The impact of Covid-19 will be monitored as an increase in homeless presentations could result in more children being placed in dispersed temporary accommodation and therefore requiring transport to school for a period.</p>

2020/21 Forecast Variance at Month 9	Recurring Pressure at Month 9	Update on agree actions in relation to the pressure
£'000	£'000	
3. Operational Services – Recycling & Waste Services Overtime		
185	49	Council Executive agreed revised service standards and it is anticipated that the pressure will be fully mitigated once the new standards are implemented. Overtime is currently forecast to overspend by £185,000 and it is assumed that increased costs as a result of Covid-19 will continue for the remainder of the financial year. On a recurring basis, the pressure is £49,000. The removal of seasonal staff and the recruitment of additional permanent staff to provide cover throughout the year for leave has helped to deliver the savings required from 1 April onwards. Further consideration is being given to working patterns and collection arrangements over the Easter and Christmas period to ensure that there are no significant additional costs on an annual basis.
4. Operational Services – Public Transport ASN/Medical Transport		
175	90	ASN transport is now forecast to be overspent by £105,000 in 2020/21 and a recurring overspend of £300,000 will arise if the current daily rate of expenditure were to continue on an ongoing basis. A meeting took place between Public Transport and Education in January 2021 which identified actions to mitigate this recurring pressure from part way through 2021/22, although an overspend of £200,000 is still expected to occur in 2021/22. Medical transport is now forecast to be overspent by £70,000 in 2020/21 and a recurring overspend of £90,000 will arise if the current daily rate of expenditure were to continue on an ongoing basis. A meeting took place between Public Transport and Education in January 2021 which identified that this pressure has arisen due to a change in the criteria for determining who is eligible for Medical Transport. Work is ongoing to seek ways to mitigate this pressure.
5. Social Policy – Older People Care Homes – Absence Cover		
410	410	Data gathering work has been undertaken to inform future actions and a working group is examining the expenditure on the covering vacancies and sickness absence, A recruitment drive has commenced with a view to filling vacant posts. Modelling work is being undertaken to look at diverting agency spend to core staffing establishment with a view to reducing expenditure in this area.

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Appendix 2 – Update on New Time Limited Investment 2020/12 to 2022/23

Operational Services								
Project	2020/21 £'000	2021/22 £'000	2022/23 £'000	Total £'000	Description of Investment	Action required to implement	Timescale for Implementation	Governance (Officer/ Admin Group/ PDSP/ Committee)
Recurring Allocations								
Removal of O3c – Additional service efficiencies in Operational Services	0	0	742	742	Removal of saving	None	Complete	Officer Level
Removal of O4b - Reducing building cleaning levels	145	248	248	641	Removal of saving	None	Complete	Officer Level
Additional grounds maintenance staff for cemeteries	30	30	30	90	Additional grounds maintenance staff for cemeteries	Staff recruitment has taken place.	Complete	Officer Level
Reinstating reactive cutting on pitches	31	31	31	93	Reinstating reactive cutting on pitches	Staff recruitment has taken place	Complete	Officer Level
Reinstate opening hours at all 5 CRC sites	320	320	320	960	Reinstate opening hours at all 5 CRC sites	CRC sites are operating at extended hours	Complete	Officer Level
Containers at recycling centres for reusable items	5	5	5	15	Introduction of containers for reusable items – ongoing cost of service provision	Containers will be put in once collection of these items commences post Covid-19	March 2021	Officer Level
Total Recurring Allocations	531	634	1,376	2,541				

Operational Services								
Project	2020/21 £'000	2021/22 £'000	2022/23 £'000	Total £'000	Description of Investment	Action required to implement	Timescale for Implementation	Governance (Officer/ Admin Group/ PDSP/ Committee)
Time Limited Allocations								
Mainstream school transport	190	190	190	570	Continuation of non-policy mainstream school transport routes for three years	Extensions to current contracts have taken place	Complete	Officer Level
Transport Fund	0	300	300	600	Proposal is to use the fund to support the outcome of a local bus network review and redesign	Review underway. Outcome of review will require Committee approval, including the use of one-off resource to enhance service provision	Initial review intended to be complete by late spring 2021. Use of one-off funding intended to commence thereafter	Development & Transportation PDSP and Council Executive
New vehicles and equipment for street cleaning	220	0	0	220	Investment in street sweepers, vehicles and equipment to enhance service provision within Street Cleaning	Electric street sweepers (Gluttons) have been purchased and implemented. Demonstrations of mechanical sweepers, vehicles and equipment are complete and all are being purchased	March 2021	Officer Level

Operational Services								
Project	2020/21 £'000	2021/22 £'000	2022/23 £'000	Total £'000	Description of Investment	Action required to implement	Timescale for Implementation	Governance (Officer/ Admin Group/ PDSP/ Committee)
Roads and footpath accessibility improvement schemes	30	10	0	40	Roads and footpath accessibility improvement schemes	Progressing as per Council policy with a list of known projects being assessed in consultation with the disability forum, who advise on need.	April 2021	Environment PDSP and Council Executive
Improving signage at all CRC sites and patching at Linlithgow and Broxburn sites	50	0	0	50	Improved signage across the CRC sites and patching of the tarmac areas	Installation work commenced. It will be completed once sites are able to fully reopened which will be once sufficient lockdown restrictions have been lifted.	Once sufficient lockdown restrictions have been lifted to allow sites to fully reopen.	Officer Level
Containers at recycling centres for reusable items	10	0	0	10	Containers for reusable items – one off purchase	Containers will be put in once collections of these items commences	March 2021	Officer Level
Feasibility study for potential replacement for CRC sites at Linlithgow and Broxburn	20	0	0	20	Review of existing site provision and relocation	Initial site selection discussions commenced to allow full feasibility study to be undertaken	March 2021	Officer Level

Operational Services								
Project	2020/21 £'000	2021/22 £'000	2022/23 £'000	Total £'000	Description of Investment	Action required to implement	Timescale for Implementation	Governance (Officer/ Admin Group/ PDSP/ Committee)
Relocation of recycling centres	0	500	500	1,000	Review of existing site provision and relocation	Full feasibility study to be reported to elected members for consideration. Decisions taken following the feasibility will inform the scope and timescale for projects.	Feasibility study – March 2021. New sites - 2022/23	PDSP and Council Executive
Total Time Limited Allocations	520	1,000	990	2,510				
Total New Investment for 2020/21 to 2022/23	1,051	1,634	2,366	5,051				

Social Policy								
Project	2020/21 £'000	2021/22 £'000	2022/23 £'000	Total £'000	Description of Investment	Action required to implement	Timescale for Implementation	Governance (Officer/ Admin Group/ PDSP/ Committee)
Recurring Allocations								
WiFi in council run care homes and day care centres	28	33	30	91	Introduction of Wi-Fi within current four council care homes and three day care centres	Prioritise sites and undertake preparatory work with IT Services and Construction Services including site surveys to determine access points and capacity and design site configuration to meet clients' needs. IT Services to procure kit, configure, install and test solution prior to implementation.	Officers in Social Policy will agree timescales for roll out. Ability to enter the Care Home environment during the current pandemic is being kept under review.	Officer Level
Enhanced independent living support	18	18	18	54	Introduction of technology to enable enhanced remote support to previously looked after young people who are living independently through a Housing First model. Currently ten young people but this will increase to fifteen over time.	Social Policy are working with the Rock Trust to identify which devices will work best to support previously looked after children to optimise support through remote contact with providers.	March 2021	Officer Level

Social Policy								
Project	2020/21 £'000	2021/22 £'000	2022/23 £'000	Total £'000	Description of Investment	Action required to implement	Timescale for Implementation	Governance (Officer/ Admin Group/ PDSP/ Committee)
Total Recurring Allocations	46	51	48	145				
Total Time Limited Allocations	0	0	0	0				
Total New Investment for 2020/21 to 2022/23	46	51	48	145				

Education								
Project	2020/21 £'000	2021/22 £'000	2022/23 £'000	Total £'000	Description of Investment	Action required to implement	Timescale for Implementation	Governance (Officer/ Admin Group/ PDSP/ Committee)
Recurring Allocations								
Removal of E9c - One pence increase in school milk cartons	12	12	21	45	Removal of approved savings measure. No increase to school milk charges in 2020/21 to 2022/23	Schools advised to retain school milk price at 2019/20 level	Complete	Officer Level
School holiday lunch and activity club programme	0	60	150	210	Provide School holiday lunch and activity club programme on a recurring basis	A programme to be delivered on a permanent basis. This will take account of developments in relation to provision of payments for free school meals over holiday periods.	Ongoing	Officer Level
Total Recurring Allocations	12	72	171	255				
Total Time Limited Allocations	0	0	0	0				
Total New Investment for 2020/21 to 2022/23	12	72	171	255				

Finance & Property Services								
Project	2020/21 £'000	2021/22 £'000	2022/23 £'000	Total £'000	Description of Investment	Action required to implement	Timescale for Implementation	Governance (Officer/ Admin Group/ PDSP/ Committee)
Total Recurring Allocations	0	0	0	0				
Time Limited Allocations								
Miners memorial plaque	10	0	0	10	Installation of Blackridge memorial plaque	Work is at design stage and it is anticipated it will be produced and installed by autumn 2021	Officers are liaising with elected members on all aspects of the plaque, with the intention of it being installed by autumn 2021	Officer Level with full involvement of relevant members re installation and unveiling
Total Time Limited Allocations	10	0	0	10				
Total New Investment for 2020/21 to 2022/23	10	0	0	10				

Housing, Customer & Building Services								
Project	2020/21 £'000	2021/22 £'000	2022/23 £'000	Total £'000	Description of Investment	Action required to implement	Timescale for Implementation	Governance (Officer/ Admin Group/ PDSP/ Committee)
Total Recurring Allocations	0	0	0	0				
Time Limited Allocations								
Self -service kiosks in libraries replacement	64	0	0	64	Purchase of 16 new self-service kiosks	Procure & install the new kiosks – virtual demonstrations have been provided and specification is to be provided to procurement for tender.	Quarter 4 of 2020/21	Officer Level
Staffing resource to increase use of private sector leases	38	19	0	57	Recruit additional Accommodation Officer to increase the provision of temporary accommodation through the private rented sector.	Fixed term post has been recruited to.	Complete	Officer Level
Total Time Limited Allocations	102	19	0	121				
Total New Investment for 2020/21 to 2022/23	102	19	0	121				

Planning, Economic Development & Regeneration								
Project	2020/21 £'000	2021/22 £'000	2022/23 £'000	Total £'000	Description of Investment	Action required to implement	Timescale for Implementation	Governance (Officer/ Admin Group/ PDSP/ Committee)
Total Recurring Allocations	0	0	0	0				
Time Limited Allocations								
Jobs Task Force	400	300	300	1,000	Create a fund which will provide support to the Jobs Task Force to support businesses growth and provide support to those individuals recently made redundant or in danger of being made redundant	Arrangements in place. Fund will provide continuity of provision through partnership working with PACE & Jobs Task Force, providing immediate support to individuals facing a redundancy situation and support back into employment.	Working in partnership with businesses who are looking to expand within the engineering and life sciences sector. Ongoing partnership working to support those businesses after furlough.	Jobs Task Force
Voluntary organisations modernisation and improvement fund	150	150	150	450	Create a fund which would provide support the Voluntary Organisations to become more sustainable through modernisation and leadership training.	Report has been approved by Council Executive on 19 January 2021 to allocated £160,000 of funding. Work underway with the sector to look at the continued support.	Work underway with the sector for 2021/22 and 2022/23 projects.	Council Executive

Planning, Economic Development & Regeneration								
Project	2020/21 £'000	2021/22 £'000	2022/23 £'000	Total £'000	Description of Investment	Action required to implement	Timescale for Implementation	Governance (Officer/ Admin Group/ PDSP/ Committee)
Climate Emergency Fund	802	0	0	802	To support and implement the findings of the Cross Party Climate Emergency Working Group which has considered a range of subjects including transport, energy use in council buildings and options for participation from young people in consideration of the climate emergency	Prepare a revised Climate Change Strategy and associational action plans including the Carbon Management Action Plan. Those plans will provide a framework for the actions necessary to achieve net carbon zero for the council and West Lothian.	The date for achieving net carbon zero in Scotland is 2045. Proposed timescales and a process to take this forward will be reported to Environment PDSP in February 2021.	Environment PDSP / Council Executive
Total Time Limited Allocations	1,352	450	450	2,252				
Total New Investment for 2020/21 to 2022/23	1,352	450	450	2,252				
Overall Total New Investment for 2020/21 to 2022/23	2,573	2,226	3,035	7,834				

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Appendix 3 – Confirmed Funding for Covid-19 Pandemic Response

Scottish Government Funding	Value £'000	Description of Use of Funds
Funding Directly to Support Local Government		
Hardship Fund	1,687	Additional programmes and initiatives to support the community during the pandemic.
£155 million Barnett Consequentials	5,228	Being used to help fund overall council spending, including the projected overspend in 2020/21.
£49 million Barnett Consequentials	1,653	Being used to help fund overall council spending, including the projected overspend in 2020/21.
Lost Income Scheme	1,890	Compensation for lost income for the council of £1.433 million and WLL of £0.457 million.
Funding to Support Individuals, Families & Communities		
Scottish Welfare Fund Top Up	712	Fully allocated to Scottish Welfare Fund budget to provide crisis care and community care grants.
Food Fund	1,045	Providing food support to vulnerable families and individuals. Includes support delivered directly by the council and through third sector partners such as food banks. Also includes the £10 per week per child payment made to families in receipt of free school meals.
Additional Food Funding for Vulnerable Groups	444	Support for individuals at risk to access food and other essentials over the remainder of 2020/21.
Free School Meals (July 2020 to August 2020)	505	Applied to summer holiday free school meal costs.
Free School Meals over winter school holidays (October 2020 to February 2021)	279	Allocated for free school meals provision including direct payments.
Free School Meals (January 2021)	291	Direct payments to families.
Discretionary Housing Payments (DHP)	679	This earmarked funding is being used for the purposes of funding additional costs.
Additional £5 million DHP	146	This earmarked funding is being used for the purposes of funding additional costs.

Scottish Government Funding	Value £'000	Description of Use of Funds
Flexible Fund to Support Individuals at Financial Risk	639	Funding will provide a winter school clothing grant to eligible families, a clothing and equipment fund for schools and fuel poverty support.
Welfare and Social Support Flexible Funding	506	Officer proposals included in this report for approval.
Welfare and Social Support Flexible Funding	608	Payment to low income families of £100 per eligible child to families in receipt of Free School Meals, part of the First Minister's Winter Plan for Social Protection.
Winter Plan for Social Protection	668	To address issues around residential care for children and young people as a result of covid-19 addressing extra social work demand posed by childrens' hearings recovery plans and support services. Will also be used to address staffing issues in residential childrens' homes.
Additional Funding for Rapid Rehousing Transition Plans	195	Part of the winter support fund to support the increased pace of work around local rapid rehousing transition plans.
Funding for Education Recovery		
£80 million School Staff Funding – Teachers	1,943	Additional funding allocated to schools to provide additional teaching resources in the primary and secondary sector during academic year 2020/21 to support the return to school and help children recover any lost ground.
£80 million School Staff Funding – Non Teaching Staff	130	Additional funding allocated to schools to provide additional support staff in primary and secondary sector during academic year 2020/21 to support the return to school and help children recover any lost ground.
£20 million School Logistics	708	Applied to additional schools cleaning costs within Facilities Management in Operational Services.
Capital School Transport	45	Funding will be used to provide operators with the opportunity to be reimbursed for costs associated with Covid-19 to safely maximise capacity on school transport and to provide reassurance to pupils, parents, carers ad school transport staff. Allocation process has been agreed and operators will be advised on the maximum amount they can claim.
Digital Inclusion – Devices and Connectivity	845	Funding was used as soon as possible to ensure that children and young people were not further disadvantaged by digital exclusion should they require access to digital resources in order to engage fully with the school curriculum from August. Funding was used to purchase notebooks, Wi-Fi routers and data packages.
Funding for Economic Recovery		

Scottish Government Funding	Value £'000	Description of Use of Funds
Capital Town Centre Fund	658	Projects have been agreed and applicants notified. Funds have to be fully committed by March 2021 and projects complete by August 2021.
Spaces for People Initiative	602	Nine packages of measures have been identified to help with social distancing.
Test and Protect Funding, Public Health and Supporting People		
Registration Services Extra Hours	20	Registration Services moved to seven day provision, including public holidays, from 6 April to 28 June. Funding fully utilised to cover cost of additional provision.
Support for Environmental Health	71	Is being used to cover additional council environmental health costs in 2020/21 and 2021/22. Four packages are complete with all remaining packages scheduled to be complete by December 2020.
Test and Protect Funds: Support for People	20	Will be used to assist with £500 self isolation payments to those who cannot work as they have been contacted by test and protect and asked to self isolate.
Test and Protect Funds: Outbound Calling	76	Will be used to assist with £500 self isolation payments to those who cannot work as they have been contacted by test and protect and asked to self isolate.
Administration Funding for £500 Self Isolation Grants	29	Is being used to support in mitigating the costs associated with distributing grants.
Council Tax Reduction Scheme		
Funding for Council Tax Reduction Scheme (CTRS)	760	Funding to assist councils in meeting the increased costs of the CTRS in 2020/21. This funding does not cover the full overspend in CTRS that is currently being projected for 2020/21.
Health and social care funding including funding for local mobilisation plans		
Mental Health and Emotional Wellbeing Services	383	Children and Families Strategic Planning Group, who is responsible for integrated children's service planning, are using this funding to expand current service provision to meet identified needs. Will be used to meet increased referrals relating to the mental health and wellbeing of children and young people as a result of Covid-19.
Funding to West Lothian Health and Social Care Partnership	4,519	Funding has been used to cover additional costs incurred in social care services for adults and the elderly over the period. This includes sustainability payments to local care homes (staffing, PPE, voids), increased capacity in care homes to support intermediate care and hospital discharges,

Scottish Government Funding	Value £'000	Description of Use of Funds
		a higher hourly rate and payment for additional PPE costs for care at home providers, lost income from client contributions and resident recoveries and other miscellaneous costs such as IT and additional transport.
Social Care Living Wage Uplift	214	Funding to pay for the additional costs of living wage uplift for care providers in 2020/21.

Scottish Government Funding	Value £'000	Description of Use of Funds
Business and Self Employed Support Facilitated by Local Government		
Self Employed Hardship Fund	303	Initial payment to individuals who started their business in the 2019/20 tax year and who are suffering financial hardship due to Covid-19. To date 150 payments have been made.
Business Closure Fund	590	Grant for hospitality and other businesses required to close by new and extended restrictions between 9 October and 2 November.
Business Hardship Fund	110	Grant for hospitality and other businesses required to close by new and extended restrictions between 9 October and 2 November.
Business Contingency Fund – Soft Play and Nightclubs	230	Grants to support soft play centres and nightclubs impacted by the Covid-19 restrictions.
Furlough Support Fund	310	Grants to support businesses mandated to close or modify operations by the additional restrictions for the period between 9 October to 31 October 2020.
Small Business Grant	27,432	One off funding in 2020/21 to support businesses. The scheme was available to businesses with a particular rateable value or where they operated in a particular sector.
Transitional Support Fund for Childcare Providers	310	Grants paid to Early Learning and Childcare providers to help them in their recovery following lockdown.
Discretionary Fund for Businesses	1,056	Funding for businesses experiencing financial challenges as a result of restrictions, with specific consideration of those who have been without financial support since October.
Strategic Framework Business Fund	980	Funding for eligible businesses to cover the period of any closures or restrictions with the earliest claim date being 2 November 2020.
Young Persons Guarantee - No One Left Behind	1,540	Delivery of employment support for Young Persons Guarantee and for Partnership Action for Continuing Employment (PACE).
Taxi and Private Hire Driver Support Fund	1,298	Funding to eligible and licensed private hire and taxi drivers.
Local Authority Admin Funding for Business Support	313	Funding for local authorities to support in mitigating the costs associated with distributing Business Support funding.

Appendix 4 – Proposals for Additional Flexible Grant Funding for Welfare and Social Support

Proposal	Amount £'000	Description
<u>Voluntary Organisations</u>		
Support to the third sector for one-off funding of a proportion of core costs	285	To allow an element of the funded organisation's operational costs to be met on a one-off basis to reflect the significant challenges that organisations have had in responding to the Covid-19 pandemic. The additional support for core costs should allow organisations to place a greater proportion of their existing resources on project delivery.
<u>Social Care</u>		
Support for unpaid carers and young carers	25	The Scottish Government has announced investment for carers in recognition of the challenges faced during Covid-19 and the fund will be administered through local carer centres. Carers of West Lothian has advised that their allocation is £25,000 and the proposal is for this fund to be match funded by West Lothian Council.
Support for personal care at home for children with a disability	50	Children with a disability would normally have their personal care needs supported at school or with help from other family members, and this has been disrupted during Covid-19. Ten families have been identified who are not in a position to be able to provide personal care 24 hours a day and who would benefit from additional support.
Funding to support for the Food Train	22	Additional payment to meet the increased demand in maintaining an essential shopping service for the older people of West Lothian during the pandemic.
Additional capacity for care leavers to move to supported accommodation	30	Funding to accelerate the plan for young people to move from residential care into their own tenancies.
Interactive light projectors / tables	57	Purchase of interactive light tables to enable sensory stimulation and help to replace some of what has been lost from stimulating activity programmes during Covid-19 ways of working. For WLC care homes and day centres the light projectors would be purchased outright. For the external older people day care centres the funding will support a rental scheme to March 2021 to assist with activity programmes until the day centres return to normal activities.
Electronic Equipment in care settings	16	Allocation of £1,000 to each council run care facility to purchase electronic equipment or consoles to provide the opportunity for service users to 'be online'. Will also aid digital skills and online safety awareness.
Funding to support OPAL (Older People Active Lives)	16	Additional payment to support the continued increase in befriending being provided to the more isolated older people in communities during the Covid-19 period.
Community Hub development	5	Development of the local hub model has been delayed during Covid-19. Funding will provide additional development support to this important initiative for future access to advice and support in communities.
Total	506	



COUNCIL EXECUTIVE

2020/21 GENERAL SERVICES CAPITAL BUDGET – MONTH 9 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 Services capital programme following the completion of the month 9 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 delivery of the overall programme;

C. SUMMARY OF IMPLICATIONS

I. Council Values	Focusing on customers' needs, being honest, open and accountable, making best use of our resources, working in partnership.
II. Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	The council's General Services capital programme is managed within the stringent requirements set out in the Prudential Code.
III. Implications for Scheme of Delegations to Officers	None.
IV. Impact on performance and performance indicators	Effective capital implementation is vital to service performance.
V. Relevance to Single Outcome Agreement	None.
VI. Resources (Financial, Staffing and Property)	Capital expenditure of £50.658 million is projected in 2020/21.
VII. Consideration at PDSP	None.
VIII. Other consultations	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 the Council Executive with an update on the 2020/21 General Services capital programme based on the results of a comprehensive monitoring exercise. The approved 2020/21 capital budget is £47.389 million, which assumes £4 million of overprogramming.

D.2 Summary of Month 9 Financial Information

The summarised committed and projected asset expenditure at month 9 is shown in the table below:

Asset Type	2020/21 Approved Budget £'000	Committed Expenditure at Month 9 £'000	2020/21 Projected Outturn £'000	2020/21 Projected Variance £'000
Property	34,509	32,354	39,427	4,918
Roads	8,822	5,271	7,895	(927)
Open Space	2,791	1,097	2,414	(377)
ICT	5,267	3,473	4,922	(345)
	51,389	42,195	54,658	3,269
Remaining Overprogramming	(4,000)	N/A	(4,000)	0
TOTAL	47,389	42,195	50,658	3,269

Good progress is being made on a number of projects with the committed expenditure as a percentage of projected outturn at 83%. In overall terms, the monitoring exercise indicates projected outturn is £50.658 million, assuming there is slippage of £4 million between now and the year end. This represents accelerated spend of £3.269 million compared to budget. If the programme progresses with no further slippage, the outturn will be £54.658 million and the additional accelerated spend will be funded by accelerated use of agreed capital resources.

Covid-19 has presented many challenges throughout this past year. Despite this, many of the works originally planned within the programme for 2020/21 have been successfully delivered within the agreed timescales, whilst ensuring all measures are taken to comply with the various restrictions and safety of the employees.

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 2020/21 is £39.427 million with £32.355 million of expenditure committed to date, equating to 82% of the projected outturn. This represents a net accelerated spend of £4.918 million with a number of projects progressing quicker than initially predicted

School Planned Improvements

In spite of the pandemic, a substantial number of the projects scheduled within the planned

improvements have been successfully delivered within this year with minimal delay. Some larger projects, namely those associated with the roof replacement programme, have been reprogrammed for 2021/22. Works on going in relation to Linlithgow Academy - science labs upgrade are making progress and are forecasting a potential accelerated spend of £275,000

Operational Property Planned Improvements

To date the commitment is 54% of the projected outturn of £844,000 for this category.

School General Projects

Accelerated spend of £1.164 million is forecast for School general projects for 2020/21. Phase 2 of the Learning Estate and Investment Programme was announced in December 2020 by the Scottish Government and the replacement of East Calder Calder primary school was one of 25 projects across Scotland to qualify for support as part of the programme. A separate report to Council Executive provides more details on the proposals for the school projects.

The nursery at St Marys PS, Bathgate is estimating an overspend of £101,000. Works were rescheduled due to the lockdown and are now complete, but supplementary drainage works were required.

School Projects (Developer Funding)

Works at the new Sinclair Academy and new Winchburgh Academy together with a new Holy Family Primary School continues to make good progress. At month 9 the net accelerated spend for these projects is £5.9 million with the chance that, should the development continue to proceed at the same rate, the accelerated sum may increase.

Roads and Other Related Assets

Projected out-turn expenditure in 2020/21 is £7.895 million, resulting in net forecast slippage of £927,000. In terms of actual spending, £5.272 million of expenditure has been incurred at period 9, representing 67% of the 2020/21 projected outturn.

Roads and Footways

78% of the projected outturn is committed to date under the Roads and footways projects for 2020/21. Whilst Covid-19 has presented many challenges throughout the year, significant progress has been made, with many of the projects being effectively delivered with minimal adverse impact. Works are now concluded on the A801 Roundabout M8 J4 and, as the final valuation submitted by the contractor is less than initially predicted, there is a saving of £43,000.

Considerable progress has been made regarding the Cycling, Walking and Safer streets projects which are now forecasting accelerated spend of £176,000. The nine projects planned for 2020/21 have been making steady progress and are on track for completion by the end of the financial year. As a direct result of this achievement, phase two is currently underway and design has commenced on a further four footpath projects which include A779 Starlaw Road, B7015 Mid Calder, Balmuir Road, Bathgate and Whitburn Road, Bathgate.

Flood Prevention

Contractors are on site and work is underway at Limefield Weir. It was anticipated that works at Mid Calder Weir would start in March 2021 however through consultation, the planning process as well as Covid-19, this has now been deferred. The tender process is now in motion and whilst every effort is being taken to minimise any further delays, it is unlikely this will be through in 2020/21. As a result of this, there is slippage of £94,000 estimated. Progress on the Bathgate Watercourse Restoration project has been slower than anticipated. Communication with funders has been restricted as many offices have closed periodically through the various lockdowns, this has impacted the ability for applications to be processed. Due to these issues, there is £82,000 of slippage projected for this project.

Road Lighting

Committed expenditure is 50% of the forecast spend for 2020/21. Further to the savings recognised in prior months, an additional net saving of £220,000 has been achieved within this category. The initial scope of works required at Chapleton Area, Polbeth included renewal of underground cabling. On investigation, it was determined that this was no longer necessary in order to progress and complete the project, as a result a saving of £116,000 was realised. Cost of works at Talisman Rise/Templar Rise, Dedridge have also come in significantly lower than originally forecast leading to a saving of £104,000. The site is scheduled for completion by the end of the year.

Structures and Transportation

Works are now complete at Bathgate Branch Railway Bridge and a saving of £92,000 has been achieved. Initial estimations on the cost of works required included significant steelwork repairs, however the extent of steelwork repairs was less than estimated, giving rise to the saving.

Recent weather has meant that progress continues to be slower than hoped at the Guildiehaugh Railway bridge, Bathgate. Further slippage of £346,000 in 2020/21 is forecast at month 9, however it is still anticipated that phase two will commence in Spring 2021.

Town Centre Funding

Officers are confident that all expenditure on the Town Centre Fund will be incurred or legally committed by the Scottish Government deadline of 31 March 2021. The formal review process with the Scottish Government began in Autumn 2020 with individual projects/groups as well as internal services. The review process has allowed for better project progression and provided the ability to offer support where required in order to secure the delivery of the projects to the expected deadlines. A full assessment of the status on the various projects will take place at the end January.

Open Space

The monitoring exercise indicates that projected outturn expenditure in 2020/21 is £2.414 million with £1.098 million expenditure incurred to date. This represents 45% of the 2020/21 projected outturn and a net slippage of £377,000 has been forecast at month 9.

Children's play areas are estimating projected spend of £331,000 from the month 9 forecasts, with committed expenditure of £236,000 to date. There has been slippage of £40,000 identified in relation to the Kirkhill toddler play area. The council has received a number of objections regarding the proposed site which has meant that works cannot yet proceed. Officers are actively responding to these objections and a further consultation is planned to take place this year in order to progress the project. An update will be provided once this has been carried out.

Public Art Programme

Many of these projects have been impacted as a direct impact of Covid-19, resulting in slippage of £121,000 at month 9. Despite this however, every effort is being made to progress these projects under the current circumstances. New project partnership plans are being developed utilising the Biogeometry approach in relation to Whitburn Partnership Centre and, in addition to this, there are also selected maintenance plans being considered for older artworks. Within Winchburgh residency, a number of projects are being progressed through plans for recruitment and further development of the project briefs with community representatives.

Marchwood Crescent Park, Bathgate

Due to the recent weather, there have been a number of drainage issues detected at this site which will require to be addressed before this project can be initiated. The impact of this weather has meant that any available resources have been directed towards higher priority jobs, as a consequence of this, the project could be delayed giving rise to slippage of

£20,000.

Sutherland Way Ball Court

Initial estimates received from contractors regarding these works are greater than anticipated. As a consequence of this, the project will be retendered. It is unclear whether the increase is a direct result of the impact that Covid-19 has had on the industry surrounding supply and demand or whether this is a one off. Nonetheless, slippage of £35,000 has been highlighted at month 9 for this project.

ICT

Projected outturn expenditure in 2020/21 is £4.922 million resulting in a net slippage of £345,000. £3.473 million of expenditure has been incurred at period 9, representing 71% of the 2020/21 projected outturn.

The Self-service kiosks, Social Care Administration (SWIFT) Replacement and the mobile telephone replacement are forecasting a net slippage of £625,000 forecast at month 9. Regarding the Self-service kiosks, there is a project brief due to be presented in February and, as a result, the commencement of this project is likely to be in 2021/22.

Social Care Administration (SWIFT) Replacement has been impacted by delays in Scotland Excel finalising a framework, to which they have advised will be ready by February 2021.

A further review on the progress of Itrent, the new HR and Payroll system has established that, in order to meet the requirements, a further £100,000 will be needed. It had been previously advised that accelerated spend of £160,000 would be utilised from the 2023/24 allocated budget to manage the additional cost for 2020/21. Taking this in account, the total sum of accelerated funds necessary to allow completion of this project will be £260,000.

There are on-going discussions in relation to Covid-19 and the need for home schooling, an appropriate investment is taking place to support this.

D.4 Risks

The month 9 forecast represents all current information held on the projects being undertaken in 2020/21. There are a number of risks which can be summarised as follows:

Discussions at the month 9 monitoring have identified an issue that is starting to arise, that some contractors are now reluctant to accept work out with their own local authority due to restrictions. This could place significant pressure on the project timescales, as well as adding the potential of a financial risk as the pool of tenders may be limited. In addition to contractors, a number of suppliers have also chosen to place their staff on furlough, which creates further difficulty in having the relevant supplies available to be able to tender and carry out the required works. Officers are continuing to review this situation.

Property Assets

The new contractor at the Whitburn Partnership project has presented a revised programme which is now advising a completion date of early 2022. In addition to the gap on construction prior to the recommencement of this project, there is also an added risk of overspend attributed from Covid-19 and winter remobilisation. The project will continue to be closely monitored.

Roads and Other Related Assets

As a result of the latest situation concerning the pandemic, some contractors are unwilling to accept works out with their own local authority area. This has limited the number of contractors, whose resources are already becoming stretched, being available to carry out works planned for completion by 31 March 2021.

Open Space Assets

At month 6 works at East Calder 3G Pitch were highlighted as a potential risk. This continues to be the position at month 9 and it is probable that this project will overlap the end of this financial year and the start of next.

ICT

There is a general risk of deliverability within agreed timescales throughout the ICT programme. IT Services continue to monitor progress to ensure that vital business systems are delivered in accordance with agreed timescales.

Other than those that have been previously identified, there are no further projects which pose a potential risk within ICT

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 2020/21 capital programme is funded from a variety of sources comprising:

Funding Source	£'000
Capital Grants	15,845
Other Grants and Contributions (Developer Contributions & Capital Fund)	25,743
Borrowing	1,842
Capital Receipts	7,498
Total Resources	50,658

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 nine months of financial year 2020/21, developer contribution income of £5.659 million was received. Further details are set out in appendix 2. The balance in the developer contributions accounts at the end of month nine is £35.242 million, however the approved ten year capital investment programme includes developer funded projects totalling £116.984 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. These factors are summarised as follows:

Risk Management and Uncertainty

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

Long Term Affordability, Prudence and Sustainability

In overall terms, I would assess that the current capital programme remains affordable. Resource assumptions are achievable, although there are various risks that require careful management including the ability to deliver an ambitious asset disposal programme, constrained Scottish Government grant funding, delays in receipt of contributions creating cash flow implications and movements in interest rates. The treasury forecasts are at the absolute maximum levels of affordability, with additional revenue resources potentially required in the latter years of the programme to ensure ongoing affordability. Officers continue to refine treasury planning assumptions to help ensure that the programme remains affordable and sustainable over the longer term.

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 9 monitoring process, the 2020/21 outturn forecast is £50.658 million. Good progress is being made on delivery of the programme and, at the end of month 9, committed expenditure to date accounts for 83% 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 also been identified and will continue to be managed by asset lead officers and monitored by the Council Executive.

F. BACKGROUND REFERENCES

General Services Capital Investment Strategy 2020/21 to 2027/28 Update – Report by Head of Finance and Property Services to Council Executive 23 June 2020

Appendices/Attachments:

Appendix 1 – General Services Capital Period 9 Monitoring

Appendix 2 – Developer Contributions Period 9 Monitoring

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Donald Forrest

Head of Finance and Property Services

9 February 2021

APPENDIX 1**2020/21 GENERAL SERVICES CAPITAL BUDGET - PERIOD 9****PROPERTY ASSETS****Planned Improvements and Statutory Compliance**

	Annual Budget 2020/21 £'000	Total known commitment to year end £'000	P9 forecast 2020/21 £'000	P9 variance 2020/21 £'000	Variance Analysis	Project Status
Nursery Schools	40	8	40	0	On Budget	On Schedule
Primary Schools	452	396	438	(14)	Saving	On Schedule
Our Lady of Lourdes PS, Blackburn - electrical upgrade & ceilings	200	5	10	(190)	Slippage	Behind Schedule
Secondary Schools	317	602	652	335	Accelerated	On Schedule
Special Schools	7	3	7	0	On Budget	On Schedule
Roof Replacement & Repair - Inveralmond High School, Livingston	200	10	10	(190)	Slippage	Behind Schedule
Roof Replacement & Repair - St Kentigern's Academy, Blackburn	150	59	20	(130)	Slippage	Behind Schedule
Roof Replacement & Repair - St Ninian's PS, Livingston	420	4	10	(410)	Slippage	Behind Schedule
School General Planned Improvements	599	346	472	(127)	Slippage	Behind Schedule
Other School Estate Wide Planned Improvements	859	346	649	(210)	Slippage	Behind Schedule
Social Policy	275	140	226	(49)	Slippage	Behind Schedule
Partnership Centres	638	314	618	(20)	Slippage	Behind Schedule
Tenanted Non Residential Properties	219	154	149	(70)	Slippage	Behind Schedule
General Statutory Compliance & Miscellaneous	3,450	1,854	3,231	(219)	Slippage	Behind Schedule
Total Planned Improvements	7,826	4,241	6,532	(1,294)		

Property Projects**Schools General Projects**

ASN Strategy - New Cedarbank School, Livingston	1,000	400	400	(600)	Slippage	Behind Schedule
ASN Strategy - Ogilvie Campus, Livingston	750	1,044	2,100	1,350	Accelerated	On Schedule
ELC - Blackridge PS	1,596	1,596	1,596	0	On Budget	On Schedule
ELC - Parkhead PS, West Calder - extension	600	432	600	0	On Budget	On Schedule
ELC - St Marys PS, Bathgate - new build	819	920	920	101	Overspend	On Schedule
Other School Projects	3,095	2,535	3,408	313	Overspend/Accelerated	On Schedule
	7,860	6,927	9,024	1,164		

Schools Projects - Developer Funded

New Secondary in Winchburgh	3,000	6,000	6,000	3,000	Accelerated	On Schedule
New Denominational Secondary in Winchburgh	2,000	5,000	5,000	3,000	Accelerated	On Schedule
New Non-Denominational PS (Single Stream/Pre-School) - Calderwood	6,000	7,000	7,000	1,000	Accelerated	On Schedule
Holy Family PS, Winchburgh - new school	1,800	1,000	1,000	(800)	Slippage	Behind Schedule
Various Projects	277	77	112	(165)	Slippage	Behind Schedule
	13,077	19,077	19,112	6,035		

Operational Buildings

Ability Centre - Partnership Centre Livingston	644	661	1,000	356	Overspend/Accelerated	On Schedule
Complex Care Housing Development	350	158	150	(200)	Slippage	Behind Schedule
Single Person Homeless Accommodation & Assessment Centre	350	110	350	0	On Budget	On Schedule
Emergency Planning & Business Continuity	420	0	420	0	On Budget	On Schedule
Whitburn Partnership Centre	1,390	500	500	(890)	Slippage	Behind Schedule
Other Operational Buildings	1,127	503	899	(228)	Slippage	Behind Schedule
	4,281	1,932	3,319	(962)		

Miscellaneous Projects

	1,465	177	1,440	(25)		
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Total Property Projects

	26,683	28,113	32,895	6,212		
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TOTAL PROPERTY ASSETS

	34,509	32,354	39,427	4,918		
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APPENDIX 1**2020/21 GENERAL SERVICES CAPITAL BUDGET - PERIOD 9****ROADS AND RELATED ASSETS****Roads and Footways**

	Annual Budget 2020/21 £'000	Total known commitment to year end £'000	P9 forecast 2020/21 £'000	P9 variance 2020/21 £'000	Variance Analysis	Project Status
A Class Roads	79	45	45	(34)	Saving	On Schedule
B Class Roads	150	86	113	(37)	Saving	On Schedule
C Class Roads	95	23	95	0	On Budget	On Schedule
U Class Roads	580	498	608	28	Accelerated	On Schedule
Non Adopted Roads & Footways	57	5	20	(37)	Slippage	Behind Schedule
Adopted Footways	99	38	39	(60)	Slippage	Behind Schedule
Cycling, Walking & Safer Streets/Active & Sustainable Travel	801	839	977	176	Accelerated	On Schedule
Spaces for People	602	572	602	0	On Budget	On Schedule
Community Recycling Centres Refresh	100	6	100	0	On Budget	On Schedule
Disabled Parking Act Implementation	41	45	50	9	Accelerated	On Schedule
General Roads Projects	235	9	133	(102)	Slippage	Behind Schedule
	2,839	2,166	2,782	(57)		

Flood Prevention and Drainage

Almond Barriers	620	349	526	(94)	Slippage	Behind Schedule
Bathgate Watercourse Restoration	112	17	30	(82)	Slippage	Behind Schedule
Broxburn Flood Prevention Scheme	165	69	165	0	On Budget	On Schedule
Riverlife Heritage Lottery Fund	100	246	246	146	Accelerated	On Schedule
Risk Management Non Domestic Premises Review	44	18	26	(18)	Slippage	On Schedule
	1,041	699	993	(48)		

Road Lighting

	2,630	1,133	2,254	(376)	Saving	On Schedule
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Structures

Adopted & Non Adopted Bridges - Backlog & Lifecycle Investment	1,735	1,016	1,258	(477)	Slippage	Behind Schedule
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Town Centres and Villages Improvement Fund

	577	257	608	31	Accelerated	On Schedule
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TOTAL ROADS ASSET

	8,822	5,271	7,895	(927)		
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Open Space Assets

Public Art Programme	161	1	40	(121)	Slippage	Behind Schedule
Management and Regeneration of Woodlands	278	177	278	0	On Budget	On Schedule
Other Open Space and Sports Facility Projects	877	312	927	50	Accelerated	On Schedule
Open Space and Sports Facility Planned Improvements	403	229	389	(14)	Overspend	On Schedule
Children's Play Areas	369	236	331	(38)	Slippage	Behind Schedule
East Calder 3G Pitch	569	17	269	(300)	Slippage	Behind Schedule
Other Synthetic Turf Pitches	36	16	36	0	On Budget	On Schedule
Cemeteries	89	109	135	46	Overspend	On Schedule
Land Decontamination	9	0	9	0	On Budget	On Schedule
TOTAL OPEN SPACE ASSET	2,791	1,097	2,414	(377)		

ICT Assets

Corporate and Modernisation	3,640	2,502	3,295	(345)	Slippage	Behind Schedule
School Specific Spend	1,627	971	1,627	0	On Budget	On Schedule
TOTAL ICT ASSET	5,267	3,473	4,922	(345)		

TOTAL	51,389	42,195	54,658	3,269		
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Overprogramming	(4,000)	0	(4,000)	0		
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TOTAL - ALL ASSETS	47,389	42,195	50,658	3,269		
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APPENDIX 2 - 2020/21 DEVELOPER CONTRIBUTIONS - MONTH 9 MONITORING

A breakdown of contributions by policy is set out below.

Policy	Opening Balance 01/04/20	Income 2020/21	Draw downs 2020/21	Balance at 31/12/2020	Approved GS Capital Project Budget to be funded by Developer Contributions	Details of Committed Funds
	£	£	£	£		
Affordable Housing	676	32,819		33,495		Resource for council house building
Armada Academy	116	2,064		2,180		Committed to the General Services Capital programme
Denominational Secondary School Infrastructure	5,475,194	459,636		5,934,830	24,811,000	Will be used to extend/build provision for denominational secondary sector
Travel Co-ordinator	47,665			47,665		Will be used to fund travel co-ordinator post
Winchburgh Primary School	6,927			6,927	10,000	Will be used to fund extension and nursery at Winchburgh Primary school
A801 Dualling	111,930			111,930		Committed to dualling of A801
Cemetery Provision	97,007	6,868		103,875		Committed to fund costs of extending cemeteries in West Lothian to support development
Public Art	387,140	16,225		403,365	651,000	Committed to provision of public art
St Nicholas PS, Broxburn	2,033	10,312		12,345		Will be used to fund extension to St. Nicholas Primary School.
St Paul's PS, East Calder	1,419,292	1,109,575		2,528,867	5,206,000	Will be used to fund extension to St. Paul's Primary School
Denominational Primary Winchburgh	2,571			2,571	9,352,000	Will be used to build provision for denominational primary school in Winchburgh
Play Areas	770,020	206,426		976,446	108,000	Committed to providing/improving play areas at the sites for which contribution was received
St Mary's PS, Polbeth	236,727	2,428		239,155	4,080,000	Will be used to fund extension of St Mary's Primary School
Pumpherstons & Uphall PS	290,884			290,884	5,550,000	Will be used to fund the extension of Pumpherstons & Uphall Primary School
A71 Developer Contributions	60,726	4,355		65,081		Committed to A71 Works
Parkhead PS Extension	585,120	3,106		588,226	787,000	Will be used to fund the extension of Parkhead Primary School
Linlithgow Academy	226,839			226,839		Fund for extension of Linlithgow Academy
Bathgate Academy	535,182			535,182		Will be used to fund Bathgate Academy extension
Whitburn Academy	597,222			597,222	750,000	Will be used to fund Whitburn Academy extension
Kirknewton PS	40,236			40,236		Will be used to fund extension of Kirknewton
A71 Wilkie Bypass	125,304			125,304		Committed to A71 Works
Almondell & Calderwood Country Park	150,035			150,035	30,000	Committed to improving Almondell & Calderwood Country Park
Armada Library Replacement	3,282			3,282		Armada Library
East Calder Park	1,042,827	76,977		1,119,804	336,000	Committed to improving East Calder Park
East Calder Public Car Park	122,805			122,805		Committed to improving East Calder Public Car Park
Armada Station Park & Ride	7,316			7,316		Armada Station Park & Ride
Public Transport	569,837	30,363		600,200		Will be used to fund Public Transportation works.
St Paul's Primary School Footpath	33,854			33,854		St Paul's Primary School Footpath
East Calder Primary School	3,342,155	3,500,000		6,842,155	250,000	Will be used to fund increased capacity at East Calder Primary School
Town & Village Centre Policy	524,700			524,700		Town & Village Centre Policy.
Park & Ride, West Calder	78,441			78,441		West Calder Park and Ride
A71 Bus Priority Measures	16,048			16,048		Committed to A71 Bus Priority works
St Anthony's Primary School Armada	230	1,782		2,012	3,643,000	Will be used to fund the second phase of the extension at St Anthony's Primary School
Armada Primary School	473	5,617		6,090		Armada Primary School
Wester Inch, Bathgate	420,444			420,444	55,000	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	188,751	10,000		198,751		Will be used to fund off site works
Non-denominational Primary, Bathgate	3,329	864		4,193		Will be used to fund education infrastructure in Bathgate
Livingston Town Centre Variable Messaging System	92,976			92,976		Will be used to upgrade the Livingston Town Centre Variable Messaging System
Calders Non Denominational Secondary School	9,024,982	7,760		9,032,742		Calders Non Denominational Secondary School
Winchburgh Secondary	1,308,295	171,402		1,479,697	20,636,000	Will be used towards funding a new secondary school in Winchburgh
Murrayfield PS	324,992			324,992		Contributions to be used towards infrastructure costs for Redhouse Non-denominational Primary School
Our Lady of Lourdes	21,681			21,681		Contributions to be used towards infrastructure costs for Redhouse Denominational Primary School
Greendykes Junction, Broxburn	36,469			36,469		Contributions to be used towards works at Greendykes Junction, Broxburn.
Non-denominational Primary, Broxburn	30,808			30,808	7,500,000	Contributions to be used towards infrastructure costs for Broxburn Non-denominational Primary School
Calderwood Non Denominational Primary School	168,050			168,050	13,809,000	Will be used towards funding a new primary school in East Calder
Mill Roundabout, Elsburn	93,655			93,655		Will be used to fund improvements at the roundabout
Open Space Cont S69	339,983			339,983	40,000	Will be used to fund Open Space projects in various sites
Livingston Village PS S75	565,432			565,432	700,000	Will be used to fund an extension to Livingston Village Primary School
Kirknewton Park & Ride	52,681			52,681		Kirknewton Park & Ride
TOTAL	29,583,342	5,658,579	0	35,241,921		

DATA LABEL: PUBLIC



COUNCIL EXECUTIVE

SCOTTISH DRAFT BUDGET 2021 AND LOCAL GOVERNMENT FINANCE SETTLEMENT 2021/22

REPORT BY HEAD OF FINANCE AND PROPERTY SERVICES

A. PURPOSE OF REPORT

To provide the Council Executive with an update in relation to the Scottish Draft Budget presented to the Scottish Parliament on 28 January 2021, and the local government finance settlement for 2021/22, as published in Finance Circular 1/2021 dated 1 February 2021.

B. RECOMMENDATION

It is recommended that Council Executive:

1. Notes the issue of the Scottish Draft Budget 2021/22, which includes Scottish Government departmental spending plans for 2021/22;
2. Notes the outcome of the local government finance settlement in respect of revenue and capital funding for 2021/22;
3. Notes that the anticipated revenue grant funding for West Lothian contained in the settlement, including assumed recurring items yet to be distributed, is £354.334 million;
4. Notes the general capital grant of £12.640 million is £4.712 million less than budgeted, with £802,000 ring fenced capital funding for Cycling, Walking and Safer Streets in 2020/21;
5. Notes that COSLA has described the revenue grant funding package set out by the Scottish Government as falling short of the fair funding required for Local Government to meet unavoidable cost pressures and that, as a result, significant budget savings will be required in 2021/22;
6. Notes the net reduction in core revenue funding to the council since 2014/15 and the significant savings that have been required since 2007/08;
7. Agrees that the Head of Finance and Property Services updates the 2021/22 revenue budget report taking account of the outcome of the finance settlement and latest circumstances and updated the capital programme taking account of latest funding position and circumstances;
8. Agrees that the Head of Finance and Property Services should keep the position regarding Scottish Government funding under review and report to elected members on any developments.

C. SUMMARY OF IMPLICATIONS

I	Council Values	Being honest, open and accountable, working in partnership and making best use of resources.
II	Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	The council must approve a balanced revenue budget before 11 March each year to comply with statutory obligations. However, the budget is required to be approved by the end of February to facilitate the council tax billing process.
III	Implications for Scheme of Delegations to Officers	None.
IV	Impact on performance and performance Indicators	The funding settlement from the Scottish Government has a major impact on the level of resources available to the council and, as a result, on performance.

V	Relevance to Single Outcome Agreement	The council's budgets provide resources necessary to help deliver the Single Outcome Agreement.
VI	Resources - (Financial, Staffing and Property)	Scottish Government funding is not sufficient to meet increasing costs and demand for services. An assessment of the local government finance settlement for 2021/22 is being made and officers are considering the implications for the council's budget.
VII	Consideration at PDSP	Quarterly horizon scan reports are provided to the Partnership and Resources PDSP outlining economic forecasts and potential impacts on public sector funding.
VIII	Other consultations	This update is part of the ongoing briefing and consultation with elected members on financial issues.

D. TERMS OF REPORT

D.1 Background

The Cabinet Secretary for Finance, in a statement to the Scottish Parliament on 28 January 2021, announced the Scottish Draft Budget for 2021/22. The Minister also wrote to the COSLA President, copying Council Leaders, on 28 January 2021 to confirm details of the local government finance settlement. The Scottish Government published Local Government Finance Circular 1/2021 on 1 February 2021 to be read in conjunction with the Minister's letter of 28 January. The allocations form the basis of the annual consultation between the Scottish Government and COSLA, ahead of the Local Government Finance (Scotland) Order 2021 being presented to the Scottish Parliament in 2021. In order to pass the 2021/22 Scottish Budget, the Scottish Government will require support within the Scottish Parliament. The draft Scottish Budget will be considered by the Scottish Parliament at readings of the Bill on 25 February, 8 March and 9 March 2021.

On 13 February 2018, West Lothian Council agreed a long-term financial plan for five years and detailed revenue budgets for the three years 2018/19 to 2020/21. This enabled the council to comply with best practice guidance that public bodies should focus on their medium to long term sustainability, through having a strategy covering a minimum of five years, supported by detailed plans covering a minimum of three years. The financial plan was subsequently updated by Council on 19 February 2019 and 28 February 2020 and it was noted that a budget gap remained for 2021/22 to 2022/23. It was agreed that officers should consider options to address the gap, including potential budget savings and use of council tax flexibility, whilst minimising any adverse impact on service delivery. The 2019/20 annual audit report from EY, the council's external auditors, commented favourably on the process followed and the decisions made by the council.

D.2 Scottish Economy

The Scottish Fiscal Commission (SFC) contributes to the Scottish Budget process by providing independent and official forecasts for the economy and labour market, devolved tax revenues and devolved social security spending. As income tax has been devolved to Scotland, economic forecasts have an impact on income tax estimates. The Scottish Budget is based on forecasts and, as information on actual revenues and spending becomes available, the Scottish Government's funding is altered in response.

The Covid-19 pandemic has brought devastating consequences for the economy and in line with the UK as a whole, economic activity in Scotland contracted by almost a quarter in March and April 2020, during the first national lockdown. Following the end of the lockdown, there were six consecutive months of growth but the pace of recovery has slowed due to underlying demand in the economy remaining subdued. The short-term economic outlook has also worsened following the discovery of the faster spreading Covid-19 variant which led to further restrictions being imposed towards the end of 2020 to limit the spread of the virus.

The SFC forecasts, published alongside the draft Scottish Budget, show a challenging outlook for the Scottish Economy. The protective measures introduced at the end of 2020 and the start of 2021 to suppress the spread of the new variant of Covid-19 are expected to reverse some of the gains seen in the slight recovery last summer. GDP is forecast to fall by 5.2% in the first quarter of 2021. With the roll-out of vaccines, and the gradual easing of restrictions ensuing from this, the economy is expected to return to growth in 2021/22. However, the SFC still expect some longer-term damage to the economy with GDP not expected to return to pre-pandemic levels until the beginning of 2024.

Table 1: Scottish GDP Forecasts

	2019	2020	2021	2022	2023	2024	2025
Scottish Forecast GDP (February 2020)	0.9%	1.0%	1.1%	1.2%	1.2%	1.2%	
Scottish Forecast GDP (January 2021)	0.8%	(10.7%)	1.8%	7.5%	1.6%	1.6%	1.7%

Despite the falls in economic activity, the labour market to date has been protected from the full impact of the pandemic, with changes in the headline unemployment rate in Scotland and the UK as a whole being relatively small which is primarily due to the UK Government's furlough scheme. This demonstrates the importance of providing ongoing support to continue to alleviate the impact on households until the vaccination programme and a reduction in Covid-19 cases enables the economy to wholly reopen.

SFC forecasts assume that the Coronavirus Job Retention Scheme will end in April 2021 with no replacement, with the resulting forecast for unemployment to reach 7.6% in the second quarter of 2021.

The SFC's income tax forecast for 2021/22 has fallen by £634 million compared to their previous forecasts which is primarily because of the expected falls in employment levels after the furlough scheme comes to an end. The previous forecasts were published in February 2020 and, at that time, it was not clear how much of a profound effect Covid-19 was going to have on the Scottish economy and indeed economies around the world. A comparison of the Scottish income tax forecast between February 2020 and January 2021 is provided in the table below:

Table 2: Scottish Income Tax Forecasts

	2019 £'m	2020 £'m	2021 £'m	2022 £'m	2023 £'m	2024 £'m	2025 £'m
Income Tax Forecast (February 2020)	11,378	11,677	12,365	12,897	13,447	14,059	14,722
Income Tax Forecast (January 2021)	11,556	11,838	11,850	12,263	12,907	13,481	14,080
Change since previous forecast	178	161	(516)	(634)	(540)	(587)	(642)

The SFC believe that the outlook for Scottish GDP and UK GDP are broadly similar. The latest SFC forecasts take into consideration the tighter restrictions in place in Scotland which will impact on forecast economic outlook. In contrast, the latest forecasts from the Office for Budget Responsibility (OBR) were published in November 2020 and assumed that the UK would continue to remain under restrictions broadly equivalent to English tier 3. This timing difference results in the SFC forecast meeting the conditions for a "Scotland-Specific Economic Shock" in 2021/22, which occurs when Scottish GDP growth is forecast to be significantly weaker than the UK.

The fiscal framework provides additional borrowing and Scotland Reserve powers for Scotland in the event of a Scotland-specific economic shock. The borrowing limit for forecast error increases from £300 million to £600 million for the next three financial years. In addition, the annual drawdown limits from the Scotland Reserve are removed for the same period. While the removal of the annual drawdown limits allows the Scottish Government to use any funds in the reserve, the maximum limit of the reserve is £700 million and this is not an insignificant constraint in comparison to the scale of change seen in the budget this year. In the event that future forecasts or outturn data no longer trigger a shock in 2021/22, which the SFC acknowledges could be the case, the relaxation of limits will not be revoked.

In 2021/22 the Scottish Government is using the reserve and is planning to borrow £319 million, to balance the Budget during a challenging year with the SFC assessing this as reasonable. The borrowing is largely to manage the negative income tax reconciliation from 2018/19. The SFC

recognise that the on-going uncertainty means that plans have the potential to change significantly and have recommended that the 2021/22 budget position continues to be reviewed and monitored over the course of the financial year.

D.3 Total Spending in Scotland

In overall terms, Scotland's total proposed spending plans, as set out in the Draft Budget 2021/22, amount to £54,012 million; this is a cash increase of £4,551 million compared to 2020/21. The allocations per portfolio are set out in the table below:

Table 3: Total Scottish Budget by Portfolio

Portfolio	2020/21 Budget £'m	2021/22 Draft Budget £'m	Movement £'m
Health and Sport	15,343.9	17,036.3	1,692.4
Communities and Local Government	12,264.3	12,541.1	276.8
Finance	5,612.9	6,140.6	527.7
Education & Skills	3,570.5	4,207.7	637.2
Justice	2,849.5	3,027.7	178.2
Transport, Infrastructure and Connectivity	3,490.7	3,973.3	482.6
Environment, Climate Change and Land Reform	461.8	506.6	44.8
Rural Economy and Tourism	839.6	1,170.5	330.9
Economy, Fair Work and Culture	949.1	1,035.7	86.6
Social Security and Older People	3,788.2	4,000.0	211.8
Constitution, Europe and External Affairs	40.6	80.3	39.7
Crown Office and Procurator Fiscal Service	133.8	156.7	22.9
Scottish Parliament and Audit Scotland	116.1	135.6	19.5
Total	49,461.0	54,012.1	4,551.1

The total proposed spending plans include both revenue resource and capital spending plans with health and sport receiving the biggest increase in funding of £1.692 billion, an 11 per cent increase. Local government represents the second largest element of the overall Scottish Budget, however the increase in funding of £276.8 million for local government represents an increase of 2.3 per cent in comparison.

D.4 Devolved Taxation

Scottish Government spending plans are underpinned by revenue raising tax powers devolved by the Scotland Act 2016. In 2021/22, tax revenues raised in Scotland will fund around £15.6 billion of Scottish Government expenditure.

The SFC, which is an independent statutory body, is responsible for producing revenue forecasts for fully devolved taxes and non-savings non-dividend (NSND) income tax. All forecast revenues underpinning the Scottish Budget are produced by the SFC.

Scottish Income Tax

The Scotland Act 2016 confers on the Scottish Parliament the power to set all income tax rates and the threshold of bands (above the Personal Allowance) that apply to the NSND income from Scottish taxpayers. The Scottish Government will receive all the revenue raised from NSND income tax in Scotland as a consequence of rates and bands set by the Scottish Parliament.

As part of the 2018/19 Scottish Budget significant changes to Scottish income tax were announced, along with the introduction of two new bands and a change to some rates. The thresholds of the proposed Scottish Income Tax bands for 2021/22 are as follows:

Table 4: Scottish Income Tax Rates 2021/22

Scottish Income Tax Rates	Scottish Bands
Scottish Starter Rate 19%	Over £12,570 to £14,667
Scottish Basic Rate 20%	Over £14,667 to £25,296
Scottish Intermediate Rate 21%	Over £25,296 to £43,662
Scottish Higher Rate 41%	Over £43,662 to £150,000
Scottish Additional Rate 46%	Over £150,000

The additional rate threshold will remain frozen in cash terms at over £150,000. All other thresholds have increased in line with inflation. The SFC forecast that the Scottish Income Tax will generate receipts of £12.263 billion in 2021/22.

Land and Buildings Transaction Tax (LBTT)

The temporary change to the residential LBTT nil rate band introduced in July 2020 to provide support to Scotland's housing market during the Covid-19 pandemic will, as intended, come to an end on 31 March 2021. From 1 April 2021 onwards, the ceiling of the nil rate band for residential LBTT will return to £145,000. The Scottish Government is proposing that the Additional Dwelling Supplement (ADS) is maintained at 4% and 2%, for non-residential leases. This will apply to transactions where the net present value (NPV) of rental income over the period of the lease is above £2 million.

Scottish Landfill Tax

The Scottish Government is proposing that the standard rate of Scottish Landfill Tax (SLfT) increases to £96.70 per tonne and the lower rate to £3.10 per tonne in 2021/22 to ensure consistency with planned Landfill Tax charges in the rest of the UK.

As set out in section D.3, Scottish Government spending plans are underpinned by revenue raising tax powers devolved by the Scotland Act 2016. If the Scottish forecasts for tax receipts prove to be optimistic and result in reconciliation adjustments, there would be a negative impact on the overall resources available within future Scottish Budgets due to the reconciliations between the actual revenue collected and the Block Grant Adjustment.

D.5 Public Sector Pay Policy

The public sector pay policy applies to staff under the Scottish Governments' remit, so does not include local government. The public sector pay policy for 2021/22 was announced alongside the draft Scottish Budget 2021/22. It includes a 3% rise for those earning up to £25,000 with a cap of £750 and a 1% rise for those earning over £25,000 with the maximum pay uplift for those earning over £25,000 being £800.

D.6 Welfare Changes

The Scotland Act 2016 devolved various areas of social security to Scotland – mainly related to carers and disability benefits. The Social Security (Scotland) Act 2018 received Royal Assent on 1 June 2018, with Scottish social security benefits now being delivered. The Scottish Government has been implementing the devolved powers on a phased basis and new social security powers over Attendance Allowance, Disability Allowance, Industrial Injuries Disablement Allowance, Personal Independence Payments and Severe Disablement Allowance commenced in 2020/21.

Social security powers transferred to Scotland need to be managed within HM Treasury budget control limits and this has introduced increased volatility into the Scottish Budget. Any increase in demand against what has been forecast by the SFC needs to be managed through a combination of drawing down funding from the Scotland reserve, utilising resource borrowing powers or in-year adjustments to other budgets.

The Scottish Government has announced a budget of £3.590 billion for social security assistance. Spending on three disability payments Personal Independence Payments, Disability Living Allowance and Attendance Allowance dominates the social security portfolio and accounts for 75% of spending.

Child Disability Payment

This disability benefit will provide support by assisting with some of the additional costs that children and young people with long-term health conditions or disabilities, and their families, are likely to face. This benefit will open for applications from summer 2021 as part of a pilot, with the full roll-out of the scheme scheduled from Autumn 2021, with spending of £231 million expected.

Scottish Child Payment

The Scottish Child Payment is a payment of £10 per week to low income families with children under the age of six. It opened for applications on 9 November 2020 with the first payments starting to be

made from February 2021. Investment of £68 million is expected in 2021/22, and subject to the Department for Work and Pensions supplying the relevant data, it is anticipated that the scheme will be expanded for delivery to children up to the age of sixteen by the end of 2022 with up to 252,000 households eligible.

As part of the Scottish Budget 2021/22 announcement, the government confirmed that at least £53 million is available for the provision of universal free school meals to all Primary 1 and Primary 3 children in school. Social security Scotland are also expected to pay out £31 million across Best Start Grants which comprise three distinct payments to help families through pregnancy, early years and school and Best Start Foods which provides payments for healthy food.

The draft Scottish Budget confirmed that funding for the Scottish Welfare Fund and funding to fully mitigate Bedroom Tax losses in 2021/22 will be provided as follows:

- Funding of £71 million to councils to fully mitigate the effects of bedroom tax losses in 2021/22;
- £82 million in funding will be provided for Discretionary Housing Payments;
- Scottish Welfare Fund funding is £35.5 million, the same level as in 2020/21.

D.7 Local Government Funding

In 2021/22, the total managed expenditure available within the local government portfolio is £11.108 billion. This figure includes general revenue and capital grant funding, specific revenue and capital grants, as well as an estimate of non-domestic rate income. There are a number of other funding allocations linked to individual policy initiatives held within other spending portfolios and, taking account of this, the total 2021/22 local government funding settlement is £11.620 billion. The formula share of the revenue grant, non-domestic rate income and capital grant for each council is set out in Finance Circular 1/2021, published on 1 February 2021. The total funding for local government as detailed in the circular based on the Scottish Draft Budget is set out below:

Table 5: Scottish Government Funding to Local Government (Cash Terms)

	2020/21 Budget £'m	2021/22 Draft Budget £'m	Movement £'m
Revenue Funding			
General Revenue Grant	8,099.44	7,596.31	(503.13)
Non-Domestic Rates Income (NDRI)	1,868.03	2,631.00	762.97
Specific Grants	709.75	776.08	66.33
Total Revenue Funding	10,677.22	11,003.39	326.17
Capital Funding	778.14	617.04	(161.10)
Total Government Funding to Local Government	11,455.36	11,620.43	165.07

The provisional total funding allocations form the basis for the annual consultation between the Scottish Government and COSLA ahead of the Local Government Finance (Scotland) Order 2021 being presented to the Scottish Parliament in February 2021.

The allocations to individual local authorities contained in the finance circular have been arrived at using the standard needs-based distribution methodology and updated indicators. There have been a number of questions on the settlement and local government officers, along with COSLA, are liaising with Scottish Government officials to fully verify the assumptions and figures contained in the settlement. Any redistribution to address agreed discrepancies found in the finance circular will be undertaken within the total settlement allocations set out and not through the provision of any additional resources by the Scottish Government. The allocations are therefore only provisional at this stage, and will be subject to any correction agreed as part of the consultation process.

The overall revenue provided by the Scottish Government to local government in 2021/22 will increase in cash terms by £326.17 million. However, there is again a significant decrease to the capital funding available to local government in 2021/22 resulting in an overall funding reduction of £161.10 million. Much of the increase in revenue funding is attributed to the addition of ring-fenced funding which is earmarked for the delivery of Scottish Government priorities, such as the expansion of early learning and childcare, Discretionary Housing Payment, free personal care and compensation for Councils' implementing a freeze on council tax which is equivalent to a 3% increase. Total revenue funding is increasing by £326.17 million but after accounting for ringfenced funding the actual movement in core revenue funding is an increase of £84.2 million, as set out in the table below:

Table 6: Increase in Core Revenue Funding from FC1/2021 After Deduction of Ringfenced Funding

	£'000
Cash Increase in Total Revenue Funding for Local Government	326,173
<u>Less: Funding for National Priorities</u>	
Early Learning and Childcare	(58,656)
Health and Social Care	(34,000)
Carers Act	(28,500)
Free Personal and Nursing Care	(10,100)
Additional Discretionary Housing Payment	(11,256)
Environmental Health Officers	(1,700)
Inter-Island Ferries	(7,739)
Compensation for Council Tax Freeze	(90,000)
Cash Increase in Total Revenue Funding for Local Government in 2021/22	84,222

Providing some context to the cash movement, local government has seen its percentage share of the overall Scottish Budget falling year on year. In 2007/08, local government received 28.62% of the total budget and by 2021/22, local government's share of the total budget was 23% of the Resource and Capital spend combined.

D.8 Package of Measures and Associated Commitments

The letter from the Finance Secretary on 28 January 2021 outlined that individual local authorities will, in return for this settlement, be expected to deliver certain specific commitments.

The package of measures offered to councils is as follows:

- £59 million in the final tranche of funding for the expansion in Early Learning and Childcare (ELC) entitlement to 1,140 hours.
- £90 million in compensation to councils who choose to freeze council tax levels (equivalent to a 3% increase in council tax)
- The ongoing £88 million to support both maintaining the pupil teacher ratio at a national level and ensuring that places are provided for all probationers who require one under the teacher induction scheme.
- Continued provision in support of Teachers Pay (£156 million) and Pensions (£97 million)
- An additional £7.7 million in support for Inter-Island ferries
- A further £72.6 million to be transferred from the health portfolio to Local authorities in-year for investment in health and social care and mental health services that are delegated to Integration Authorities under the Public Bodies (Joint Working) (Scotland) Act 2014. The additional £72.6 million for local government comprises a contribution to continued delivery of the real Living

Wage (£34 million), uprating of free personal and nursing care payments (£10.1 million) and implementation of the Carers Act in line with the Financial Memorandum of the Carers Bill (£28.5 million).

- An allocation of £5.3 million for Barclay implementation costs
- £10 million additional capital funding for Flood Risk schemes.

As noted, the overall finance settlement for local government in 2021/22 in the circular is £11,620.4 billion. Although the settlement includes funding for discretionary housing payments of £35.4 million nationally, the council will receive confirmation of its share of this funding during 2021/22 and the council's grant funding will be updated accordingly.

As part of the budget statement to parliament on 28 January 2021, the Cabinet Secretary for Finance announced that there would be an allocation of £259 million funding for Local Government in Scotland for Covid costs for 2021/22. Details of how this will be distributed were not included in Finance Circular 1/2021 published on 1 February with the Scottish Government confirming that this information will be included in the Local Government Finance (Scotland) Order 2021 and the accompanying Local Government Finance Circular once they have been agreed with COSLA.

D.9 2021/22 Local Government Finance Settlement for England

On 17 December 2020, the 2021/22 Provisional Local Government Finance Settlement for English local authorities was published. This confirmed that the core spending power for local authorities in England will increase by £2.2 billion, from £49.0 billion in 2020/21 to £51.2 billion in 2021/22. This is a cash increase of 4.5%. The distribution of the revenue support grant will be the same as that used in 2020/21 with increases applied in line with the change in the Consumer Price Index (CPI).

Councils will be able to access an additional £1 billion for social care which includes a £300 million increase in the Social Care Grant. This grant will not be ring-fenced, with local authorities being able to determine how much of it should be spent on adult social care and how much should be spent on children's social care. Local authorities with adult social care responsibilities will also be able to raise council tax by an additional 3% to help support the most vulnerable.

The Local Government Association published their response to the provisional local government settlement for 2021/22 on 14 January and have noted that more than 85% of the potential core funding increase for next year is dependent on councils increasing council tax by up to 5%. If council tax income is disregarded, the increase in core spending power is 1.5%. At individual council level, 79 shire districts will have a 0% increase in core spending power. Without taking council tax income into account, four London Boroughs, 18 unitary authorities and 139 shire districts would see year on year reductions.

D.10 2021/22 Local Government Finance Settlement for Wales

On 22 December 2020, the 2021/22 Provisional Local Government Finance Settlement for Welsh unitary authorities was published. This confirmed that the core revenue funding for 2021/22 for local government in Wales will increase by 3.8% on a like-for-like basis compared to the current year. In 2021/22, local authorities will receive £4.65 billion from the Welsh Government in core revenue funding and non-domestic rates to spend on delivering key services. The increase in the baseline settlement of £176 million reflects a larger increase in the Revenue Support Grant to compensate for the fall in Non-Domestic Rates collection as a result of the Covid-19 pandemic.

A funding floor has not been provided for 2021/22 due to the increased settlement for 2020/21 and the proposed allocations for 2021/22. Funding allocations for each unitary authority in the settlement, range from increases of 2.0% to 5.6% on the 2020/21 settlements. Funding to support local government's response to the COVID-19 pandemic will be considered separately and does not form part of the settlement.

No additional funding will be provided from the UK Government through the Barnett formula to provide for public sector pay awards, with the exception of the NHS and those on the lowest wages. As a result, any pay awards agreed by Welsh local authorities and the resulting implications need to be accommodated within their own respective budgets.

General capital funding for 2021/22 is to continue to be set at £198 million, which includes £20 million for the continuation of the public highways' refurbishment grant, including support for active travel; £54 million of historic baselined general capital grant and the continuation of an additional £35 million of general capital grant, announced as part of the 2019/20 and 2020/21 budgets.

On 17 December 2020, the Local Government COVID Support Package for 2021/22 was published which is worth an estimated £3 billion for next year, taking the total support for local government in England responding to COVID-19 to around £10 billion. The new package comprises £1.55 billion of unringfenced grant to manage the immediate and long-term impacts of the pandemic. Funding is expected to be focussed on a similar set of priority pressures as set out for 2020/21 funding; adult social care, children's services, public health services, household waste services, shielding the clinically extremely vulnerable, homelessness and rough sleeping, domestic abuse, managing excess deaths, support for re-opening the country, and in addition, extra costs associated with the local elections in May 2021. Funding will be distributed using the COVID-19 Relative Needs Formula which is designed to reflect the underlying drivers of expenditure, being population and deprivation and the varying costs of delivering services across the country. Payments to local authorities are expected to be made in April 2021.

There will be £670 million of new unringfenced funding that will be provided to local authorities in recognition of the increased costs of providing local council tax support and other help to economically vulnerable households following the pandemic. Funding will be allocated on the basis of each authority's share of the England level working-age local council tax support caseload using data from the first two quarters of 2020/21, adjusted to reflect the average bill per dwelling in the area. Payments are expected to be made in April 2021.

The Sales, Fees and Charges income support scheme (SFC Scheme) has been extended for three months to June 2021 which focuses on compensating councils for irrecoverable and unavoidable losses from sales, fees and charges income generated in the delivery of services. The budgeted income for 2020/21 for each council will be used as the baseline from which to assess losses.

A new guarantee scheme to compensate local authorities with 75% of 2020/21 irrecoverable local tax losses is to be launched, worth an estimated £800 million.

D11 High Level Implications for West Lothian Council

The draft 2021/22 Scottish Government funding for West Lothian Council is £354.334 million, which is £12.068 million greater than the equivalent figure in 2020/21.

It is important to note that within the provisional West Lothian allocation there is £3.911 million of funding which relates to new additional expenditure commitments for 2021/22 and £2.699 million which is conditional on a council tax freeze. Taking account of this, the council's 2021/22 core funding from the Scottish Government for existing service delivery has increased by £5.458 million compared to 2020/21. In summary, the movement in funding for West Lothian Council is as follows:

Table 7: Movement in Scottish Government Recurring Grant Funding for West Lothian Council

		£'000
2020/21 Scottish Government Recurring Grant Funding		342,266
2021/22 Scottish Government Recurring Grant Funding		354,334
Gross Increase in Recurring Grant Funding		12,068
Less Ringfenced Grants for Scottish Government Commitments:		
• Early Years Expansion	(1,691)	
• Health and Social Care and Carers Act	(1,970)	
• Other movements in specific grants	(250)	(3,911)
Compensation for Council Tax Freeze		(2,699)
Net Increase in 2021/22 Core Recurring Grant Funding		5,458

Figures for provisional capital grant funding indicate that the council will receive general capital grant funding of £12.640 million, which is £4.712 million less than budgeted. This decrease in capital grant funding continues the trend of the reduction in general capital grant from the Scottish Government, with the capital grant received in 2020/21 being nearly £4 million less compared with that received in 2019/20. In addition to the general capital grant there is £802,000 ring fenced capital funding for Cycling, Walking and Safer Streets.

Further information on the medium-term financial implications will be available from the Scottish Fiscal Commission. Levels of growth and productivity in the Scottish economy will have a significant bearing on medium term funding of the Scottish budget going forward, including for local government. Changing economic circumstances, including the Covid-19 pandemic, further contributes to the uncertainty around future funding.

The increased use of ringfenced and earmarked funding for Scottish Government initiatives and priorities, means that total resources available to support existing local service delivery remain constrained. Table 8 illustrates the movement in core funding received by the council over the period since 2014/15. The movement for 2021/22 is an increase of £5.4 million, however the net position is a cash cut in core funding of £10.6 million.

Table 8: Analysis of Movement in Core Scottish Government Grant Funding – 2014/15 to 2021/22

Year	Gross Movement £'000	Ringfenced Funding £'000	Net Movement in Core Funding £'000
2014/15	4,134	4,307	(173)
2015/16	5,960	6,465	(505)
2016/17	(4,580)	2,084	(6,664)
2017/18	(799)	5,052	(5,851)
2018/19	7,715	5,331	2,384
2019/20	7,755	9,462	(1,707)
2020/21	6,404	9,923	(3,519)
2021/22	12,068	6,610	5,458
Total	38,657	49,234	(10,577)

Following the announcement of the draft local government finance settlement, officers are reviewing the budget model to incorporate the updated funding for 2021/22. In addition, officers are continuing to review budget model assumptions to reflect changes in circumstances. Taking account of confirmation of the 2021/22 local government finance settlement, and the latest budget model assumptions, the Head of Finance and Property Services will present an updated 2021/22 budget, two-year revenue financial plan and updated seven-year capital investment programme to Council for approval later in February 2021.

The Scottish Parliament will consider the draft Scottish Budget at readings scheduled for 25 February, 8 March and 9 March 2021, where there is the potential for the draft Scottish Budget to be amended. COSLA have acknowledged that parts of the budget will support the work of Local Government but the overall allocation adds a modest sum into the core financial settlement. COSLA emphasised that Local Government core funding has been eroded for years and this settlement falls short of the fair funding Local Government requires, and the funding requested in the “Respect our communities: protect our funding” briefing document. COSLA have stressed that communities across Scotland would face unavoidable and damaging consequences if Local Government did not receive a fair funding settlement, with the Covid-19 pandemic, on top of existing pressures placing an unprecedented strain on the finances of Scottish councils this year. COSLA will continue to campaign for an increase to the local government finance settlement during the budget bill readings scheduled for late February and early March 2021.

E. CONCLUSION

The Scottish Government published the draft 2021/22 Scottish Budget on 28 January 2021 and the Cabinet Secretary for Finance wrote to the COSLA President on the same day. The provisional local government finance settlement for 2021/22 was announced on 28 January 2021. The total local

government settlement is £11.620 billion with core revenue grant funding for 2021/22 being increased by £84.2 million.

For West Lothian, the comparable increase in core funding compared to 2020/21 is £5.458 million. The revenue funding package proposed by the government as noted by COSLA falls short of the fair funding required by Local Government to meet cost pressures and increasing demands and significant savings will continue to be required in 2021/22 and future years. In addition, the council's core general capital grant has been reduced by £4.712 million.

The Head of Finance and Property Services is assessing the outcome of the detailed local government finance settlement, taking account of further confirmation required and the further funding streams to be clarified. Based on a review of the figures and forecasts contained in the local government finance settlement and associated documents, the Head of Finance and Property Services will update the revenue and capital budgets for 2021/22 for reporting to Council in February 2021.

F. BACKGROUND REFERENCES

Revenue Budget 2020/21 - 2022/23 - Report by Head of Finance and Property Services to West Lothian Council on 28 February 2020

Scottish Budget 2021/22 published by Scottish Government on 28 January 2021

Local Government Finance Circular 1/2021 published by Scottish Government on 1 February 2021

Appendices/Attachments:

None

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Donald Forrest
Head of Finance and Property Services
9 February 2021

DATA LABEL: PUBLIC



COUNCIL EXECUTIVE

CIPFA FINANCIAL MANAGEMENT CODE

REPORT BY HEAD OF FINANCE AND PROPERTY SERVICES

A. PURPOSE OF REPORT

To provide Council Executive with a summary of the Chartered Institute of Public Finance and Accountancy (CIPFA) Financial Management Code (FM Code), and to outline proposed officer responses which demonstrate compliance with the financial management standards set out in the code, as well as a suggested action plan to ensure full compliance with the code by 2021/22.

B. RECOMMENDATION

It is recommended that Council Executive:

1. Notes the CIPFA Financial Management Code;
2. Agrees that the council will comply with the code by financial year 2021/22;
3. Notes the financial management standards and key messages included in the code;
4. Notes the officer responses to demonstrate how existing processes in the council meet the standards of the code;
5. Approves the action plan to ensure full compliance with the code by 2021/22.

C. SUMMARY OF IMPLICATIONS

- | | |
|---|---|
| I Council Values | Being honest, open and accountable, making the best use of resources, working in partnership. |
| II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment) | <p>The council has a statutory duty to ensure good governance and adhere to standards of good financial management to demonstrate financial sustainability.</p> <p>Section 12 of the Local Government in Scotland Act 2003 states that the council must observe proper accounting practices that are signed-off by auditors. The practices to be observed are:</p> <ol style="list-style-type: none">a) those which the local authority is required to observe by virtue of any enactmentb) those which have been specified in guidance issued for the purposes of this section and that section by the Scottish Ministersc) those which, whether by reference to any generally recognised, published code or otherwise, are regarded as proper accounting practices to be observed in the preparation and publication of accounts of local authorities |
| III Implications for Scheme of Delegations to Officers | The Scheme of Delegation will be updated to include responsibility for ensuring compliance with the code. The Financial Regulations will also be reviewed and updated to ensure compliance with the code. |

IV	Impact on performance and performance Indicators	The recommendations within this report will help the council to consider how sound overall financial management is maintained within the context of a constrained financial outlook for local government.
V	Relevance to Single Outcome Agreement	The CIPFA Financial Management code is intended to assist councils in ensuring good financial management and governance is undertaken to make certain that local service provision is sustainable and to achieve local single outcome agreements.
VI	Resources - (Financial, Staffing and Property)	Scottish Government grant funding is not sufficient to meet the increasing costs and demand for services.
VII	Consideration at PDSP	This report was presented to the Partnership and Resources Policy Development and Scrutiny Panel on 4 December 2020, and furthermore to the Governance and Risk and Audit Committees on 25 January 2021. There were no comments on the report at these meetings.
VIII	Other consultations	Governance Manager.

D. TERMS OF REPORT

D.1 Introduction

The CIPFA Financial Management Code is designed to support good practice in financial management and assist in demonstrating the local authority's financial sustainability. Compliance with the FM Code is the collective responsibility of elected members, the chief finance officer (CFO) and the leadership team. In West Lothian, the CFO and Section 95 Officer is the Head of Finance and Property Services. The leadership team at officer level is the Corporate Management Team. There is also a leadership role for council committees.

The FM Code builds on established CIPFA Prudential and Treasury Management Codes and is based on a series of principles supported by specific standards which are considered necessary to:

- Financially manage short, medium and long-term finances
- Manage financial resilience to meet unforeseen service demands
- Manage un-forecast shocks in financial arrangements and circumstances

The FM Code should not be considered in isolation and accompanying tools and standards should form part of the evidence to demonstrate sound decision making and financial governance.

Guidance notes were published in May 2020 to assist authorities in their efforts to comply with the FM Code, by providing suggestions and ideas as to how the code can be implemented in practice and how to demonstrate that compliance has been achieved. The guidance notes are not intended to be prescriptive, but authorities are encouraged to use the notes in a way that best reflects their structure, type, function and size.

The council has a statutory duty to meet the requirements set out in Section 12 of Local Government in Scotland Act 2003, whereby the council must comply with proper accounting practices that are confirmed by the external auditors to have been observed and complied with. The CIPFA FM Code would be regarded as a published code with regard to proper accounting practices and, as such, compliance with the code should be demonstrated.

D.2 The CIPFA Statement of Principles of Good Financial Management

The FM Code is a principles-based approach and does not prescribe financial management processes that should be adopted. The code requires that local authorities demonstrate how their processes comply with the principles of good financial management. Good financial management should be proportionate to the risks faced by the local authority's financial sustainability given the pressures of reducing financial resources and rising demands for services.

The principles of good financial management have been developed to focus on an approach which will assist in determining whether, in applying the standards of financial management, a local authority is financially sustainable. The principles are as follows:

- Organisational Leadership – demonstrating clear strategic direction based on a vision where financial management is embedded into organisational culture.
- Accountability – medium term financial planning that drives the annual budget process and is supported by effective risk management, quality supporting data and whole life costs.
- Transparency – financial management is undertaken with transparency, using consistent, meaningful and understandable data, reported frequently with evidence of officer action and elected member decision making.
- Standards – adherence to professional standards is promoted by the leadership team and is evidenced.
- Assurance – sources of assurance are recognised as an effective tool for financial management, including political scrutiny and the results of internal and external audit and inspection.
- Sustainability – long term sustainability of services is at the centre of all financial management processes and is evidenced by prudent use of public resources.

D.3 The Application and Structure of the FM Code

It is CIPFA's intention that the FM Code will have the same scope as the CIPFA Prudential Code for Capital Finance in Local Authorities (2017), promoting the financial sustainability of the local authority capital expenditure and associated borrowing. Although the FM Code does not have legislative backing, it applies to all local authorities, which in Scotland are defined in legislation in the Local Government in Scotland Act 2003 and to larger bodies such as integration joint boards.

In addition to the alignment with the CIPFA Prudential Code, the FM Code also has links to the CIPFA Treasury Management in the Public Sector Code of Practice (2017) and the annual Code of Practice on Local Authority Accounting. The FM Code is also supported by the statutory requirement for local authorities to have sound financial management. CIPFA is working towards providing statutory backing to the FM Code and does not see where the absence of statutory backing would provide reason for non-compliance with the FM Code.

CIPFA considers that compliance with the FM Code will help local authorities to demonstrate that they are meeting legislative requirements as well as professional codes of practice and guidance.

D.3.1 FM Code Application Date

Local authorities are required to apply the requirements of the FM Code with effect from 1 April 2020. CIPFA considered the ambition of the code in line with the resource challenges facing local authorities and advised that the implementation date of April 2020 would enable authorities to have a shadow year to work towards full implementation, with 2021/22 being the first full year of compliance for the code.

D.3.2 The Structure of the FM Code

To allow local authorities to test their adherence with the principles of financial management the FM Code translates the principles into financial management standards, with the standards having different practical applications.

The CIPFA financial management standards are presented and explained in seven sections of the FM Code. Sections 1 and 2 address important contextual factors, for example responsibilities of the CFO and leadership team and the authority's governance and financial management style. Sections 3 to 7 address the requirements of the financial management cycle:

- The need for a long-term approach to evaluate financial sustainability
- Development of a high-quality long-term financial strategy
- Stakeholder engagement and business cases
- Performance monitoring arrangements
- How high-quality financial reporting supports the financial management cycle

The financial management standards are to be guided by proportionality and it is the intention that local authorities demonstrate a rigorous approach to the assessment and mitigation of risk with financial management expertise being deployed effectively.

D.4 The CIPFA Financial Management Standards

The FM Code seeks to promote good financial management of standard local authority activities, as well as promoting good financial management of exceptional or unfamiliar activities, recognising that getting the routine business right is crucial for good financial management.

D.4.1 Section 1 – The Responsibilities of the Chief Finance Officer and Leadership Team

Financial Management Standard A – The leadership team is able to demonstrate that the services provided by the authority provide value for money

It is for the leadership team to ensure that the local authority's governance arrangements and financial management style promotes financial sustainability. An important element of collective decision-making is to understand risks and the statutory responsibilities.

As well as the Corporate Management Team, leadership also includes elected members, portfolio holders with delegated powers and other key committees.

The local authority has statutory responsibility for maintaining a system of internal control including the management of risk, effective internal audit, preparing annual accounts, as well as the CFO providing timely, relevant and reliable financial advice.

It is recognised that governance and management arrangements across the various bodies to which the FM code applies, may vary, but the responsibilities of the leadership team to achieve value for money from the authority's resources will not.

Consideration of the key elements of value for money; economy, efficiency, effectiveness and equity should be an integral feature in decisions taken by the leadership team in the delivery of services and allocation of resources. The guidance notes stress the importance of striking a balance between all four elements.

The guidance notes look at how authorities can promote value for money, through strong governance, robust management of finance and risks, the review of service delivery arrangements, monitoring of service performance and ensuring that services are accessible to all who can benefit from them. Consideration should also be given to how the authority can demonstrate that its services including those delivered by outsourcing or other methods, represent value for money, through internal oversight and scrutiny, external assessment of performance and proactive communication with stakeholders.

Financial Management Standard B – The authority complies with the CIPFA Statement on the Role of the Chief Financial Officer (CFO) in Local Government

The requirements of legislation and professional standards should be fulfilled by the CFO in the performance of their duties. The five principles that define the core activities and behaviours of local authority CFOs and the organisational arrangements needed to support them are:

- The CFO is a key member of the leadership team
- The CFO must be actively involved in and influence all material business decisions to ensure immediate and longer-term implications, opportunities and risks are fully considered and align with the authority's overall financial strategy
- The CFO must lead the promotion and delivery of good financial management
- The CFO must lead and direct a fit for purpose finance function
- The CFO must be professionally qualified and suitably experienced

D.4.2 Section 2 – Governance and Financial Management Style

Financial Management Standard C – The leadership team demonstrates in its actions and behaviours responsibility for governance and internal control

Proper governance and financial management arrangements are in place, including a scheme of delegation ensuring that frontline responsibility for internal and financial control starts with those who have management roles. Those responsible for the delivery of services are also held responsible for the financial management and associated expenditure and income.

The head of paid service (namely the Chief Executive) is responsible for suitable recruitment and organisation of local authority staff. The monitoring officer has the specific duty to ensure the council, its officers and elected members maintain the highest standards of conduct. Good governance is evidenced by actions and behaviours as well as formal documentation and processes. A successful leadership team has a culture of constructive challenge built on rigorous examination of goals, underlying assumptions and implementation plans.

The code has emphasised the importance of the 'Nolan principles' for the leadership teams of local authorities for demonstrating responsibility for governance and internal control. To demonstrate this, consideration should be given to the effectiveness of arrangements in place including:

- Establishing a clear framework for governance and internal control across the authority, including for those entities with which the authority works in partnership
- Establishing clear arrangements for assurance, internal audit and accountability
- Adoption of high standards of governance and internal control in its own activities
- Creating, maintaining and nurturing a culture in which governance and internal control are embedded into the way in which the authority works.

Financial Management Standard D – The authority applies the CIPFA/SOLACE Delivering Good Governance in Local Government: Framework 2016

The council should encourage sustainable delivery and improved accountability by establishing a benchmark for good governance. The CIPFA/SOLACE Delivering Good Governance in Local Government: Framework supports the development and maintenance of codes of governance and accountability for appropriate conduct of business.

An assessment should be undertaken of the governance structures of authorities against the principles contained in the framework by:

- Reviewing existing governance arrangements
- Developing and maintaining an up-to-date local code of governance, including arrangements for ensuring the ongoing effectiveness of this local code

- Reporting publicly on an annual basis its compliance with the authority's local code of governance and how the authority has monitored the effectiveness of its governance arrangements, together with future plans for improvement.

Reporting on compliance, effectiveness and improvement can be usually be undertaken within the authority's annual governance statements, which must be published alongside financial statements.

Financial Management Standard E – The financial management style of the authority supports financial sustainability

CIPFA believes that the strength of financial management within an organisation can be assessed by a hierarchy of three financial management styles:

- Delivering accountability (economy)
- Supporting performance (efficiency)
- Enabling transformation (effectiveness)

The CIPFA Financial Management Model uses these styles to describe the different standards of financial management in local authorities. They represent a hierarchy in which enabling transformation is only achieved by a financial management style that supports performance and in turn, delivers accountability. When these foundations are established, authorities need to move up through the hierarchy of financial management styles in response to increasing risk.

Organisations should have an effective framework of financial accountability that is clearly understood and applied throughout, from the political leaders, elected members, officers and service managers.

Finance teams and the organisations they support should be actively committed to continuous improvement focused on efficient and effective delivery and organisational performance. They should have input into strategic and operational plans incorporating proactive risk management, clear strategic directions and focus-based outcomes.

Managers should possess sufficient financial literacy to deliver services cost-effectively and to be held accountable for doing so. Individuals with governance and financial management responsibilities have suitable delegated powers and appropriate skills and training to fulfil these responsibilities.

Authorities are free to determine their own financial style and how this style supports the achievement of financial sustainability. CIPFA suggests that a "peer review" is the best method of assessing an authority's financial management style, but this is not a mandatory requirement for compliance with the FM code.

D.4.3 Section 3 – Medium to Long-term Financial Management

CIPFA does not believe that the time horizon of local authority financial planning is determined by the time horizon of government grant settlements and, that to be able to demonstrate financial sustainability, a longer-term perspective is essential. The greater the uncertainty over central government policy then the greater the need to demonstrate long-term financial resilience given the risks attached to core funding.

It is the responsibility of the leadership of the authority, including elected members, senior management and the chief finance officer to have a long-term view acknowledging financial pressures. Authorities with a high level of capital investment and associated external borrowing should adopt a corresponding long-term approach.

Financial Management Standard F – The authority has carried out a credible and transparent financial resilience assessment

Authorities must critically evaluate their financial resilience. Existing strategies may be financially sustainable, but they must still have been tested and demonstrated in a financial resilience assessment. The authority must test the sensitivity of its financial sustainability with plausible scenarios and key drivers for costs, service demands and resources. Requiring analysis of future demand and consideration of alternative options for matching demand to resources, focussing on key longer-term revenues and expenses and addressing key risks to which the authority will be exposed.

Financial Management Standard G – The authority understands its prospects for financial sustainability in the longer term and has reported this clearly to members

The authority will need to demonstrate a robust understanding of the risks to its financial sustainability and how the risks identified have informed a strategic plan and long-term strategy. There needs to be an over-arching strategic vision of how it intends to deliver outputs and outcomes, which should include a statement setting out both the vision and the underlying strategy.

Local authorities should utilise techniques such as scenario planning to understand the impact of the strategic, operational and financial challenges on its financial sustainability. Prospects for long-term financial sustainability, associated risks and the impact of these on short and medium-term decision making should be reported to the leadership team.

CIPFA is not prescriptive about the time period of the long-term financial strategy. However, CIPFA would promote ambition and the need for a financial strategy that matches the requirement for a strategic approach to service planning. The underlying key cost drivers, especially those linked to the age profile of a community can be foreseen in broad terms for at least a decade or more ahead.

Financial Management Standard H – The authority complies with the CIPFA Prudential Code for Capital Finance in Local Authorities

One of the requirements of the Prudential Code is a capital strategy, which is seen as a fundamental component of good financial management. Better management of assets and liabilities to support service delivery and capital strategy.

Authorities should set prudential indicators in line with the Prudential Code and should have suitable mechanisms in place for monitoring performance against those indicators.

Financial Management Standard I – The authority has a rolling multi-year medium-term financial plan consistent with sustainable service plans

CIPFA does not anticipate that a long-term financial strategy would provide sufficient details to shape the annual budget setting process. Therefore, local authorities will need to translate their long-term financial strategies into a medium-term financial plan (MTFP) that is consistent with and integrated into relevant service plans and its capital strategy. The plan should be prepared on the basis of a robust assessment of relevant drivers of costs and demand and tested for resilience against realistic potential variations of those costs and demand drivers.

Performance against the MTFP will enable success and/or failures to be considered in the annual budget setting process. CIPFA states that a symptom of financial stress is the emergence of unanticipated overspends in recent years from the MTFP. The MTFP needs to be rolled forward annually to ensure that it reflects the latest detailed information, and by undertaking this approach to medium-term financial planning the annual budget is aligned to longer-term goals.

Authorities should have a suitable asset management plan in place that seeks to ensure that its property, plant and equipment including infrastructure assets contribute effectively to the delivery of services and to the achievement of the authority's strategic aims.

D.4.4 Section 4 - The Annual Budget

Financial Management Standard J – The authority complies with its statutory obligations in respect of the budget setting process

The annual budget report is a key document for the authority and the preparation process needs to be undertaken with detailed consideration at a time when the need to make difficult decisions may threaten its integrity. Authorities need to be aware of the statutory obligations in respect of the budget-setting process and require to have set a balanced budget for the current year. Local authorities are directed to have regard to the level of reserves with considering their budget requirements and are recognised as an intrinsic part of financial planning and budget setting.

Financial Management Standard K – The budget report includes a statement by the chief finance officer on the robustness of the estimates and a statement on the adequacy of the proposed financial reserves

This report should accurately identify and consider the most significant estimates used to prepare the budget, the potential for these estimates being incorrect and the subsequent impact should this be the case.

CIPFA highlights that a well-managed authority, with a prudent approach to budgeting, should be able to operate with a level of general reserves appropriate to the risks to which it is exposed to ensure financial sustainability for the foreseeable future.

The budget report should set out the level of reserves, whether they are sufficient to ensure ongoing financial sustainability and actions required to address any shortfalls.

D.4.5 Section 5 – Stakeholder Engagement and Business Cases

CIPFA set out the role of the leadership team in reviewing priorities to enable resources to be redirected from areas of lesser priority. How services are delivered should be challenged with decisions made with a clear understanding of the statutory requirements and wider legal implications of any decisions.

Financial Management Standard L – The authority has engaged, where appropriate, with key stakeholders in developing its long-term financial strategy, medium-term financial plan and annual budget

The FM Code sets out that stakeholder consultation helps to encourage community involvement in the design of services and their ongoing delivery, especially when an authority adopts an enabling approach to service delivery with active involvement of the third sector and could be beneficial in facilitating future service expenditure reductions.

Authorities should seek to engage with key stakeholders in the development process of the long-term financial strategy, medium-term financial plan and annual budget, determine how effective this engagement has been and identify actions that could be taken to improve stakeholder engagement.

Financial Management Standard M – The authority uses an appropriate documented option appraisal methodology to demonstrate the value for money of its decisions

Financial sustainability is dependent upon difficult and often complex decisions being made. The authority's decisions must be informed by clear business cases based on appropriate option appraisal techniques. The chief finance officer is responsible for ensuring that all material decisions are supported by an appropriate option appraisal.

Authorities should have a documented option appraisal methodology that is consistent with the guidance set out in IFAC/PAIB publication Project and Investment Appraisal for Sustainable Value Creation: Principles in Project and Investment Appraisal, and should offer guidance to officers as to when an option appraisal should be undertaken. The approach should include appropriate

techniques for the qualitative and quantitative assessment of options, and suitable mechanisms to address risk and uncertainty. Results of option appraisals should be reported in a clear, robust and informative way that gives clear recommendations and outlines risks associated with preferred options.

D.4.6 Section 6 – Monitoring Financial Performance

For an authority to be financially sustainable it must have timely information of its financial and operational performance. Early information about emerging risks to financial sustainability will allow the authority to make a carefully considered and effective response.

Financial Management Standard N – The leadership team takes action using reports enabling it to identify and correct emerging risks to its budget strategy and financial sustainability

The FM Code notes the importance of translating policy decisions into actions to prevent unplanned overspends and/or preventing the non-delivery of savings. Non-financial performance measures, for example back-logs, can be used as another indication that resources do not match service user expectations. These trends should be used to inform the decisions taken on the medium-term and long-term financial planning.

The code also requires authorities to more closely monitor the material elements of the balance sheet as this can give an early indication of a departure from financial plans.

Local authorities should provide leadership teams with an appropriate suite of reports in a timely manner and suitable format to allow identification and corrective action to be taken to emerging risks to budget strategy and financial sustainability. These reports should cover both forward and backward-looking information in respect of financial and operational performance. Leadership teams should be happy with the quality of the reports received and confident that these can be used effectively.

Mechanisms should also be in place to report the performance of the authority's significant delivery partnerships, such as contract monitoring data.

Financial Management Standard O – The leadership team monitors the elements of its balance sheet that pose a significant risk to its financial sustainability

Contingencies and commitments should be monitored to identify any items where balance sheet provision may have been realised. Key drivers of provisions should be monitored to identify whether an actual or constructive obligation has arisen.

Local authorities should identify the elements of the balance sheet most critical to financial sustainability. Suitable mechanisms should be in place to monitor risks associated with these critical areas and mitigating actions should be taken in response to the identification of risks. The monitoring of balance sheet risks should be integrated into the management accounts reporting process. Unplanned use of reserves should be reported to the leadership team in a timely manner.

D.4.7 Section 7 – External Financial Reporting

The statutory accounts provide a secure base for financial management and are an integral part of demonstrating how public money has been used. They support accountability and good financial management.

Financial Management Standard P – The chief finance officer has personal responsibility for ensuring that the statutory accounts produced by the local authority complies with the reporting requirements of the Code of Practice on Local Authority Accounting

Financial statements provide the accountability link between planned performance, resources and outcomes, financial and others, which are achieved.

The CFO should be aware of their responsibilities in terms of the preparation of the annual financial statements and these responsibilities should be included in the CFO's role description, personal objectives and other relevant performance management mechanisms. Financial statements should be prepared on time and in accordance with the requirements of the Code of Practice on Local Authority Accounting in the United Kingdom.

Financial Management Standard Q – The presentation of the final outturn figures and variations from budget allows the leadership team to make strategic financial decisions

A monitoring process should explain how material variances from initial and revised budgets to the outturn report in the financial statements have arisen and been managed. The success of these arrangements will be demonstrated by the ability of the leadership team to make decisions from them.

The leadership team of the local authority should be provided with a suitable suite of reports on the financial outturn of the authority and any significant variations from budget. Reports should focus on information that is of interest and relevance to the leadership team and information should be effectively presented. Leadership teams should be able to base strategic financial decisions on these reports.

D.5 Implications for West Lothian Council

On 13 February 2018, Council agreed a long-term financial plan for five years and detailed revenue budgets for the three years 2018/19 to 2020/21. The financial plan was updated for the period 2019/20 to 2022/23 and agreed by Council on 19 February 2019, and updated again for the period 2020/21 to 2022/23 and agreed by Council on 28 February 2020. The 2019/20 annual audit reports from the council's external auditors recognise the council's good practice in future financial planning.

The council's approach is consistent with the recommendations of the Accounts Commission, Audit Scotland and the Chartered Institute of Public Finance and Accountancy (CIPFA) who emphasise the need for public bodies to focus on their medium to long term financial sustainability. They have advised that public bodies should develop strategies that are based on defined priorities, providing a clear road map for service delivery. Constrained financial resources are not a short-term problem therefore a strategic approach is essential to meet the medium to long term challenges arising from the fundamental structural changes to public sector funding.

The code sets out a range of statements which the council must comply with and Appendix 2 details the existing processes, procedures and documentation currently used which do comply. A number of action points, including reviewing the council's Financial Regulations and Scheme of Delegation, are proposed to ensure full compliance with the code by financial year 2021/22.

E. CONCLUSION

The CIPFA Financial Management Code has been introduced due to the exceptional financial circumstances faced by councils. The code sets out the standards of financial management and is intended to support good practice in financial management and assist in demonstrating the local authority's financial sustainability. Compliance with the FM Code is the collective responsibility of elected members, the chief finance officer (CFO) and the leadership team. The code is designed to be flexible to the nature, needs and circumstances of individual authorities. The guidance notes are not intended to be prescriptive and it is up to each authority to determine the extent to which it complies, which should be in a way that is appropriate and proportional for an authority of its size, responsibilities and circumstances.

A review of the existing processes and procedures has been undertaken to determine the current compliance with the standards set out in the code. Action points have been identified which will better meet the standards of the code by 2020/21 and will ensure the council is well placed to deliver agreed priorities and financial sustainability within constrained financial resources.

F. BACKGROUND REFERENCES

CIPFA Prudential Code for Capital Finance in Local Authorities (2017)

CIPFA Treasury Management in the Public Sector Code of Practice (2017)

The annual Code of Practice on Local Authority Accounting

CIPFA Statement on the Role of the Chief Financial Officer in Local Government CIPFA/SOLACE

Delivering Good Governance in Local Government: Framework

CIPFA Financial Management Code Guidance Notes (copy of guidance notes can be obtained from the Financial Management Unit)

Appendices/Attachments:

Appendix 1 – CIPFA Financial Management Code

Appendix 2 – Evidence of current compliance and suggested action plan

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Donald Forrest
Head of Finance and Property Services
9 February 2021

financial management code



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Executive summary

The tightening fiscal landscape has placed the finances of local authorities under intense pressure. Where finance in local government works well there is often a common understanding and ownership of issues supported by good financial management.

While organisations have done much to transform services, shape delivery and streamline costs, for these approaches to be successful it is crucial to have good financial management embedded as part of the organisation. Good financial management is an essential element of good governance and longer-term service planning, which are critical in ensuring that local service provision is sustainable.

The Financial Management Code (FM Code) is designed to support good practice in financial management and to assist local authorities in demonstrating their financial sustainability. For the first time the FM Code sets out the standards of financial management for local authorities.

Local government finance in the UK is governed by primary legislation, regulation and professional standards as supported by statutory provision. The general financial management of a local authority, however, has not until now been supported by a professional code. The FM Code has been introduced because the exceptional financial circumstances faced by local authorities have revealed concerns about fundamental weaknesses in financial management, particularly in relation to organisations that may be unable to maintain services in the future. There is much good practice across the sector, but the failures of a small number threatens stakeholders' confidence in local government as a whole. Most importantly, the financial failure of just one local authority is one too many because it brings with it a risk to the services on which local people rely.

This publication has several components. The first is an introduction explaining how the FM Code applies a principles-based approach and how it relates to other statutory and good practice guidance on the subject. This is a good starting point for those new to the FM Code.

This introduction is followed by the CIPFA Statement of Principles of Good Financial Management. These six principles have been developed by CIPFA in collaboration with senior leaders and practitioners who work within or have a stake in good local authority financial management. These principles are the benchmarks against which all financial management should be judged. CIPFA's view is that all financial management practices should comply with these principles.

To enable authorities to test their conformity with the CIPFA Statement of Principles of Good Financial Management, the FM Code translates these principles into financial management standards. These financial management standards will have different practical applications according to the different circumstances of each authority and their use should therefore reflect this. The principle of proportionality is embedded within this code and reflects a non-prescriptive approach.

The purpose of the FM Code itself is to establish the principles in a format that matches the financial management cycle and supports governance in local authorities. A series of financial management standards set out the professional standards needed if a local authority is to meet the minimal standards of financial management acceptable to meet fiduciary duties to taxpayers, customers and lenders. Since these are minimum standards, CIPFA's judgement is that compliance with them is obligatory if a local authority is to meet its statutory responsibility for sound financial administration. Beyond that, CIPFA members must comply with it as one of their professional obligations.

While the statutory local authority budget setting process continues to be on an annual basis, a longer-term perspective is essential if local authorities are to demonstrate their financial sustainability. Short-termism runs counter to both sound financial management and sound governance.

Reflecting on the importance of longer term financial planning, one of the objectives of the FM Code is to support organisations to demonstrate that they have the leadership, capacity and knowledge to be able to plan effectively. This must be balanced against retaining the integrity of the annual budget preparation process when the need to make difficult decisions may threaten its integrity.

CIPFA recognises that local authorities may need additional practical guidance on some aspects of the FM Code. Such 'hands on' guidance will be produced by CIPFA to meet practitioner demand.

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Introduction

The Financial Management Code (FM Code) is designed to support good practice in financial management and to assist local authorities in demonstrating their financial sustainability. The FM Code therefore for the first time sets the standards of financial management for local authorities.

One of the strengths of UK local government is its diversity, with authorities having a different organisational culture – even those of the same size and type. It is this that allows a close relationship between local authorities and the communities that they serve. Its style of financial management should reflect, for example, its reliance on local tax income or scope to utilise additional grant or generate trading income. This code is therefore not prescriptive.

The FM Code is based on a series of principles supported by specific standards which are considered necessary to provide the strong foundation to:

- financially manage the short, medium and long-term finances of a local authority
- manage financial resilience to meet unforeseen demands on services
- manage unexpected shocks in their financial circumstances.

The FM Code is consistent with other established CIPFA codes and statements in being based on principles rather than prescription. This code incorporates their existing requirements on local government so as to provide a comprehensive picture of financial management in the authority.

Each local authority (and those bodies designated to apply the FM Code) must demonstrate that the requirements of the code are being satisfied. Demonstrating this compliance with the FM Code is a collective responsibility of elected members, the chief finance officer (CFO) and their professional colleagues in the leadership team. It is for all the senior management team to work with elected members in ensuring compliance with the FM Code and so demonstrate the standard of financial management to be expected of a local authority. In doing this the statutory role of the section 151 officer will not just be recognised but also supported to achieve the combination of leadership roles essential for good financial management.

While CIPFA has provided leadership, the development of the FM Code reflects a recognition that self-regulation by the sector must be the preferred response to the financial management failures that have the potential to damage the reputation of the sector as a whole. The FM Code has sought therefore to rely on the local exercise of professional judgement backed by appropriate reporting. To ensure that self-regulation is successful, compliance with the FM Code cannot rest with the CFO acting alone.

Significantly, the FM Code builds on established CIPFA Prudential and Treasury Management Codes which require local authorities to demonstrate the long-term financial sustainability of their capital expenditure, associated borrowing and investments. The introduction of the Prudential Framework based on the CIPFA codes enabled local authorities to make their own capital finance decisions on matters that had hitherto been subject to central government

control. The FM Code should not be considered in isolation and accompanying tools, including the use of objective quantitative measures of financial resilience, should form part of the suite of evidence to demonstrate sound decision making.

The CIPFA Statement of Principles of Good Financial Management

The FM Code applies a principle-based approach. It does not prescribe the financial management processes that local authorities should adopt. Instead, this code requires that a local authority demonstrates that its processes satisfy the principles of good financial management for an authority of its size, responsibilities and circumstances. Good financial management is proportionate to the risks to the authority's financial sustainability posed by the twin pressures of scarce resources and the rising demands on services. The FM Code identifies these risks to financial sustainability and introduces an overarching framework of assurance which builds on existing best practice but for the first time sets explicit standards of financial management. These are minimum standards, which for many in the sector are self-evident. Recent experience in some local authorities suggests, however, that they are by no means universally achieved.

The underlying principles that inform the FM Code have been developed in consultation with senior practitioners from local authorities and associated stakeholders. The principles have been designed to focus on an approach that will assist in determining whether, in applying standards of financial management, a local authority is financially sustainable.

- Organisational **leadership** – demonstrating a clear strategic direction based on a vision in which financial management is embedded into organisational culture.
- **Accountability** – based on medium-term financial planning that drives the annual budget process supported by effective risk management, quality supporting data and whole life costs.
- Financial management is undertaken with **transparency** at its core using consistent, meaningful and understandable data, reported frequently with evidence of periodic officer action and elected member decision making.
- Adherence to professional **standards** is promoted by the leadership team and is evidenced.
- Sources of **assurance** are recognised as an effective tool mainstreamed into financial management, including political scrutiny and the results of external audit, internal audit and inspection.
- The long-term **sustainability** of local services is at the heart of all financial management processes and is evidenced by prudent use of public resources.

The FM Code has been developed and tested in partnership with a range of different types of local authorities. However, given the diversity of UK local government, it is not possible (or desirable) for the FM Code to anticipate all eventualities. If any doubt arises as to whether

or how the FM Code should be applied, then reference should be made to these Principles of Good Financial Management to establish whether the proposed financial management practice is acceptable. A financial management practice that conflicts with one or more of these principles will not be acceptable if not explicitly ruled out by the financial management standards contained in the FM Code.

The applicability and structure of the Financial Management Code

CIPFA's intention is that the Financial Management Code (FM Code) will have the same scope as the *Prudential Code for Capital Finance in Local Authorities* (CIPFA, 2017), which promotes the financial sustainability of local authority capital expenditure and associated borrowing. So, although the FM Code does not have legislative backing, it applies to all local authorities, including police, fire, combined and other authorities, which:

- in England and Wales are defined in legislation for the purposes of Part 1 of the Local Government Act 2003
- in Scotland are defined in legislation for the purposes of Part 7 of the Local Government in Scotland Act 2003, or to the larger bodies (such as integration joint boards) to which Section 10 of this Act applies
- in Northern Ireland are defined in legislation for the purposes of Part 1 of the Local Government Finance Act (Northern Ireland) 2011.

While the FM Code applies to all local authorities, it recognises that some have different structures and legislative frameworks. Where compliance with this code is not possible, adherence to the principles is still considered appropriate.

In addition to its alignment with the *Prudential Code for Capital Finance in Local Authorities* (CIPFA, 2017), the FM Code also has links to the *Treasury Management in the Public Sector Code of Practice and Cross Sectoral Guidance Note* (CIPFA, 2017) and the annual *Code of Practice on Local Authority Accounting in the United Kingdom*. In this way the FM Code supports authorities by re-iterating in one place the key elements of these statutory requirements.

Although it may be expressed differently across the different jurisdictions of the UK, the FM Code is also further supported by statutory requirement, or all local authorities to have sound financial management.

Section 151 of the Local Government Act 1972 requires that every local authority in England and Wales should "... make arrangements for the proper administration of their financial affairs and shall secure that one of their officers has responsibility for the administration of those affairs."

Section 95 of the Local Government (Scotland) Act 1973 substantially repeats these words for Scottish authorities.

In Northern Ireland, Section 54 of the Local Government Act (Northern Ireland) 1972 requires that "a council shall make safe and efficient arrangements for the receipt of money paid to it

and the issue of money payable by it and those arrangements shall be carried out under the supervision of such officer of the council as the council designates as its chief finance officer.”

CIPFA’s judgement is that compliance with the FM Code will assist local authorities to demonstrate that they are meeting these important legislative requirements.

In addition to the requirements of primary legislation and associated CIPFA Codes, an authority’s prudent and proper financial management is informed by a framework of professional codes of practice and guidance, including:

- the CIPFA *Statements of Professional Practice (SOPP) (including ethics)*
- the CIPFA *Statement of the Role of the Chief Financial Officer*
- the CIPFA *Statement on the Role of the Chief Financial Officer in Local Government*
- the CIPFA *Statement on the Role of the Chief Finance Officer of the Police and Crime Commissioner and the Chief Finance Officer of the Chief Constable.*

CIPFA considers the application of the FM Code to be a professional responsibility of all its members, regardless of their role in the financial management process. More specifically, the FM Code clarifies CIPFA’s understanding of how CFOs should satisfy their statutory responsibility for good financial administration. The responsibilities of the CFO are both statutory and professional. Notwithstanding these specific expectations of CIPFA members, the primary purpose of the FM Code is to establish how the CFO – regardless of whether or not they are a CIPFA member – should demonstrate that they are meeting their statutory responsibility for sound financial administration.

The code has clear links to a number of value for money characteristics such as sound governance at a strategic, financial and operational level, sound management of resources and use of review and options appraisal. Where an overriding duty of value for money exists, this serves to give indirect statutory support to important elements of this code.

The manner in which compliance with the FM Code is demonstrated will be proportionate to the circumstances of each local authority. Importantly, however, contextualising the FM Code cannot be done according only to the size of the authority but also according to the complexity and risks in its financial arrangements and service delivery arrangements.

CIPFA considers application of the FM Code to be a collective responsibility of each authority’s organisational leadership team.

CIPFA believes that this FM Code merits the type of statutory backing given to some other CIPFA codes and furthermore there is support for this approach within local government and its stakeholders. Equally, however, CIPFA recognises that such backing demands enabling primary legislation that at present has not been identified. CIPFA will continue to work with the jurisdictions of the different parts of the UK to provide statutory backing to the FM Code. At present it is difficult to envisage circumstances in which the absence of statutory backing for the FM Code would provide a reason for non-compliance.

APPLICATION DATE

Local authorities are required to apply the requirements of the FM Code with effect from 1 April 2020. This means that the 2020/21 budget process provides an opportunity for assessment of elements of the FM Code before April 2020 and to provide a platform for good financial management to be demonstrable throughout 2020/21. Local authorities will need to ensure that their governance and financial management style are fit in advance for this purpose. CIPFA has also considered the ambition within this code, the timescale and of course the wider resource challenges facing local authorities. Consequently CIPFA considers that the implementation date of April 2020 should indicate the commencement of a shadow year and that by 31 March 2021, local authorities should be able to demonstrate that they are working towards full implementation of the code. The first full year of compliance with the FM Code will therefore be 2021/22. Earlier adoption is of course encouraged.

It is the duty of each local authority to adhere to the principles of financial management. To enable authorities to test their conformity with the CIPFA Principles of Good Financial Management, the FM Code translates these principles into financial management standards. These financial management standards will have different practical applications according to the different circumstances of each authority.

The structure of the FM Code

The CIPFA financial management standards are presented and explained in Sections 1 to 7 of the FM Code.

Sections 1 and 2 address important contextual factors which need to be addressed in the first instance if sound financial management is to be possible. The first deals with the responsibilities of the CFO and leadership team, the second with the authority's governance and financial management style. From a professional perspective, these factors are the most challenging to codify as they largely concern 'soft skills' and behaviours. Nonetheless, it will be seen that even for these factors, there are recognised standards of best practice that authorities must adopt if their organisational culture is to be favourable for sound financial management. A 'tick box' compliance with these standards alone, however, will not be sufficient if they do not promote the behaviours necessary for good financial management.

The remaining Sections 3 to 7 address the requirements of the financial management cycle, with Section 3 stating the need for a long-term approach to the evaluation of financial sustainability. To make well informed decisions all these elements of the cycle need to be fit for purpose. The development of a high-quality long-term financial strategy will not itself promote financial sustainability if, for example, the authority's annual budget setting process (Section 4), stakeholder engagement and business cases (Section 5) and performance monitoring arrangements (Section 6) are inadequate. The cycle is completed by Section 7, which shows how high-quality financial reporting supports the financial management cycle by ensuring that it rests on sound financial information.

CIPFA's expectation is that authorities will have to comply with all the financial management standards if they are to demonstrate compliance with the FM Code. It is again most important that practitioners recognise that, while compliance with the CIPFA financial management standards is obligatory, the FM Code is not prescriptive about how this is achieved.

In the accompanying guidance notes CIPFA sets out practices that local authorities can adopt to ensure compliance with the FM Code. These practices are not prescribed by the FM Code, but rather offered as a starting point for local authorities needing to raise their approach to financial management to the minimum standard set out in the FM Code. CIPFA may issue support and clarify application of the FM Code. Authorities can develop their own good practice and are encouraged to do so.

As high-level statements, the overarching CIPFA financial management standards apply to the police service. CIPFA recognises, however, that this type of organisation has in some respects different practices from other local authorities. In addition, the creation of bespoke combined authorities means that some flexibility is required in the application of the FM Code for their circumstances. This may be achieved by applying some standards to each of the component bodies and others directly to the combined authority itself. In all cases, when an authority has unique governance arrangements the CIPFA Principles of Financial Management should be used to resolve any doubt about the application of articular financial management standards.

Financial management standards are to be guided by proportionality. It is appropriate for different financial management approaches to apply to high-value/high-risk items that alone may determine the financial sustainability of the organisation as distinct from low-value/low-risk items. In satisfying the demands of the financial management standards it may be appropriate to apply different standard practices according to the scale and risks of each category of income or expenditure. The intention is that authorities demonstrate a rigorous approach to the assessment and mitigation of risk so that financial management expertise is deployed effectively given the circumstances faced by the authority.

Nonetheless, in acknowledging the need for proportionality in applying some aspects of the FM Code, an authority still needs to recognise that when aggregated, a failure to manage individual low-value/low-risk items may still threaten financial sustainability. The FM Code seeks to promote the good financial management of the standard, typical or familiar local authority activities just as much as it promotes the good financial management of the unusual, exceptional and unfamiliar. Essentially, the FM Code recognises that getting the routine business right is crucial for good financial management.

The CIPFA financial management standards

Summary table of CIPFA financial management standards

FM standard reference	CIPFA financial management standards
Section 1: The responsibilities of the chief finance officer and leadership team	
A	The leadership team is able to demonstrate that the services provided by the authority provide value for money.
B	The authority complies with the CIPFA <i>Statement on the Role of the Chief Finance Officer in Local Government</i> .
Section 2: Governance and financial management style	
C	The leadership team demonstrates in its actions and behaviours responsibility for governance and internal control.
D	The authority applies the CIPFA/SOLACE <i>Delivering Good Governance in Local Government: Framework</i> (2016).
E	The financial management style of the authority supports financial sustainability.
Section 3: Long to medium-term financial management	
F	The authority has carried out a credible and transparent financial resilience assessment.
G	The authority understands its prospects for financial sustainability in the longer term and has reported this clearly to members.
H	The authority complies with the CIPFA <i>Prudential Code for Capital Finance in Local Authorities</i> .
I	The authority has a rolling multi-year medium-term financial plan consistent with sustainable service plans.
Section 4: The annual budget	
J	The authority complies with its statutory obligations in respect of the budget setting process.
K	The budget report includes a statement by the chief finance officer on the robustness of the estimates and a statement on the adequacy of the proposed financial reserves.
Section 5: Stakeholder engagement and business plans	
L	The authority has engaged where appropriate with key stakeholders in developing its long-term financial strategy, medium-term financial plan and annual budget.
M	The authority uses an appropriate documented option appraisal methodology to demonstrate the value for money of its decisions.
Section 6: Monitoring financial performance	
N	The leadership team takes action using reports enabling it to identify and correct emerging risks to its budget strategy and financial sustainability.
O	The leadership team monitors the elements of its balance sheet that pose a significant risk to its financial sustainability.
Section 7: External financial reporting	
P	The chief finance officer has personal and statutory responsibility for ensuring that the statement of accounts produced by the local authority complies with the reporting requirements of the <i>Code of Practice on Local Authority Accounting in the United Kingdom</i> .
Q	The presentation of the final outturn figures and variations from budget allows the leadership team to make strategic financial decisions.

FINANCIAL MANAGEMENT CODE



SECTION 1

The responsibilities of the chief finance officer and leadership team

Local authorities in the UK use different democratic models. While the committee and the cabinet system are the most common there are also a number of direct elected mayors in England. Regardless of the model, responsibility for corporate financial sustainability rests with those responsible for making executive decisions with the support of their professional advisors. Elected members need to work effectively with officers and other stakeholders to make difficult decisions and to identify and deliver savings when required.

While the legislative context differs across the different jurisdictions of the UK, all local authorities must deliver value for money. This is an overarching requirement that informs the application of the other financial management standards in the FM Code.

Financial Management Standard A

The leadership team is able to demonstrate that the services provided by the authority provide value for money.

The role of the leadership team

The delivery of value for money will ultimately be dependent on decisions made by elected members. It is for the leadership team to ensure that the authority's governance arrangements and style of financial management promote financial sustainability. It is the elected members who are held to account by local people when a local authority fails, but an important element of collective decision making is to understand the risks and appreciate the different statutory responsibilities of those involved. Good financial management is the responsibility of the whole leadership including the relevant elected members. It is the responsibility of the senior officers within the management team to enact this.

The FM Code follows the practice of the CIPFA *Statement of the Role of the Chief Financial Officer in Local Government* in referring to this collective group of elected member and officers with this collective financial responsibility as the leadership team. In local authorities, therefore, the concept of the 'leadership team' will include executive committees, elected mayors, portfolio holders with delegated powers and other key committees of the authority and senior officers.

In the police service this leadership is provided by police and crime commissioners and chief constables, which operate jointly according to the policing protocol, which requires the maintenance of an efficient force.

The role of the chief finance officer

The statutory of the role of the chief finance officer (CFO) is a distinctive feature of local government in the UK (except in Northern Ireland). This role cannot be performed in isolation and requires the support of the other members of the leadership team.

The leadership team must recognise that while statutory responsibility for the financial management of the authority rests with the CFO, the CFO is reliant on the actions of the leadership team, both collectively and individually as elected members and senior officers. A situation in which the CFO is forced to act in isolation is characteristic of authorities in which financial management has failed and financial sustainability is threatened.

Equally, the CFO must ensure that they fulfil their personal legal and professional responsibilities in the public interest and in recognition of the other statutory service responsibilities of the authority. In the leadership team the CFO must provide timely, relevant and reliable financial advice, in accordance with the law and professional standards.

It is important to appreciate that while the section 151 or similar legislative provisions require the authority to appoint a suitably qualified officer responsible for the proper administration of its affairs, responsibility for proper financial administration still rests ultimately with elected members. The local authority itself has a statutory responsibility for maintaining a system of internal control including the management of risk, an effective internal audit and preparing annual accounts.

CIPFA has issued its *Statement on the Role of the Chief Financial Officer in Local Government*. This statement sets out CIPFA's understanding of the role to support both the CFO and local authorities.

Financial Management Standard B

The authority complies with the CIPFA *Statement on the Role of the Chief Financial Officer in Local Government*.

For the purposes of the FM Code, the CIPFA *Statement on the Role of the Chief Finance Officer of the Police and Crime Commissioner* and the *Chief Finance Officer of the Chief Constable* (2012) should be substituted for references to the CIPFA *Statement on the Role of the Chief Financial Officer in Local Government*.

CIPFA's *Statement on the Role of the Chief Financial Officer in Local Government* describes the roles and responsibilities of the CFO. It sets out how the requirements of legislation and professional standards should be fulfilled by the CFO as they carry out their duties. The statement is designed to assist those carrying out the role to meet its specific responsibilities while at the same time reiterating CIPFA's *Statement of Professional Practice* with which all CIPFA members are required to comply. The statement also requires that if different organisational arrangements are adopted the reasons should be explained publicly in the authority's annual governance statement, together with how they deliver the same impact.

SECTION 2

Governance and financial management style

Without good governance a local authority cannot make the changes necessary for it to remain financially sustainable. As such, financial sustainability must be underpinned by the robust stewardship and accountability to be expected of public bodies. Good governance gains the trust of taxpayers and other funders by giving them confidence that money is being properly spent. Good governance ensures better informed and longer-term decision making and therefore is essential for good financial management.

Good governance

Responsibility for good governance also rests with the leadership team. The team must ensure that there are proper arrangements in place for governance and financial management, including a proper scheme of delegation that ensures that frontline responsibility for internal and financial control starts with those who have management roles. This delegation ensures that those responsible for the delivery of services are also explicitly held responsible for the financial management of the associated expenditure and income. Nonetheless, it is for the leadership team to demonstrate that the authority always meets exacting standards of probity, accountability and demonstrable efficiency in the use of public resources.

The CFO is not the only officer with specific statutory responsibilities for good governance. The head of paid service (in practice the chief executive) is responsible for the proper recruitment and organisation of a local authority's staff. The monitoring officer has the specific duty to ensure that the council, its officers and its elected members maintain the highest standards of conduct in all they do (the legal basis of the head of paid service's role is found in Section 4 of the Local Government and Housing Act 1989 and that of the monitoring officer in Section 5 of the same act).

All parts of the governance structure of an organisation play an important role, but the audit committee is a key component, providing independent assurance over governance, risk and internal control arrangements. It provides a focus on financial management, financial reporting, audit and assurance that supports the leadership team and those with governance responsibilities.

Good governance is evidenced by actions and behaviours as well as formal documentation and processes. The tone and action at the top are critical in this respect, and rest with the leadership team – both senior officers and elected members, as well as the CFO. A successful leadership team has a culture of constructive challenge that excludes an optimism bias in favour of a realism bias and is built on a rigorous examination of goals, underlying assumptions and implementation plans.

The Committee on Standards in Public Life has set out *Seven Principles of Public Life* which it believes should apply to all in the public services (often referred to as the Nolan Principles). The last of the Nolan Principles – that holders of public office should promote and support these principles by leadership and example – is especially relevant to the leadership team.

Financial Management Standard C

The leadership team demonstrates in its actions and behaviours responsibility for governance and internal control.

By international standards, local government in the UK is distinguished by high standards of governance. Citizens expect financial accountability, press and parliamentary scrutiny, integrity and the absence of corruption. These expectations are largely met, but local authorities should guard against complacency.

The CIPFA/IFAC *International Framework: Good Governance in the Public Sector* (Annex A to this FM Code) is intended to encourage sustainable service delivery and improved accountability by establishing a benchmark for aspects of good governance in the sector. The application of this international framework in the context of UK local government is reinforced by specific regulatory requirements and sector specific guidance. The CIPFA/SOLACE *Delivering Good Governance in Local Government: Framework* (2016 edition) supports local authorities in developing and maintaining their own codes of governance and to discharge their accountability for the proper conduct of business.

Financial Management Standard D

The authority applies the CIPFA/SOLACE *Delivering Good Governance in Local Government: Framework* (2016).

This CIPFA/SOLACE framework recommends that the review of the effectiveness of the system of internal control that local authorities in England, Wales, Scotland and Northern Ireland are required to undertake by their respective accounts and audit regulations should be reported in an annual governance statement.

Financial management style

The financial management challenges faced by many local authorities are unprecedented in recent history and show no signs of easing. This is significant because it means that different styles of financial management are necessary. Financial sustainability will not be achieved by continuing with the behaviours of the past since these do not meet the demands of the present – or the future, which may be even more challenging. To remain financially sustainable authorities need to develop their financial management capabilities.

Financial Management Standard E

The financial management style of the authority supports financial sustainability.

CIPFA believes that the strength of financial management within an organisation can be assessed by a hierarchy of three ‘financial management (FM) styles’:

- delivering accountability
- supporting performance
- enabling transformation.

These different styles are used in the CIPFA Financial Management Model to describe the different standards of financial management which may be found in local authorities. They represent a hierarchy in which enabling transformation is only achieved by a financial management style that supports performance and which in turn delivers accountability. Once these basic foundations have been soundly established, authorities need to move up through a hierarchy of financial management styles in response to increasing risk. This is especially important as risks have increased for many local authorities; on the one hand reduced expenditure leaves less margin for error while on the other hand, in seeking to generate new income, local authorities take on unfamiliar risks.

This hierarchy of financial management styles loosely maps onto the now deeply embedded recognition of the necessity for economy, efficiency and effectiveness to achieve value for money. In delivering accountability the finance team ensures that their authorities spend less and so achieve economy. In supporting performance, the finance team works with the authority to spend well by maximising the output from goods or services and so achieves efficiency. Finally, in enabling transformation the finance team supports the effective use of public money.

CIPFA recognises that while the highest standards of financial management should be the expectation, in practice some local authorities are at different stages of development. In these circumstances, compliance with the FM Code may initially be achieved by credible proposals to raise financial standards beyond the basic delivery of accountability.

The first two sections of this code have addressed the pre-conditions that must be satisfied for sound financial management. The following sections turn to the practical operation of the successive stages of the financial management cycle.

SECTION 3

Medium to long-term financial management

While the statutory local authority budget setting process continues to be on an annual basis (see Section 4) a longer-term perspective is essential if local authorities are to demonstrate their financial sustainability. Short-termism runs counter to both sound financial management and sound governance.

CIPFA does not believe however that the time horizon of local authority financial planning is determined by the time horizon of the financial support from central government. The greater the uncertainty about future central government policy then the greater the need to demonstrate the long-term financial resilience of the authority given the risks attached to its core funding.

An authority must ensure that while the formal publication of the medium-term financial plan (MTFP) may only reflect government settlements, it is the responsibility of the leadership of the organisation, including elected members, senior management and the section 151, to have a long-term financial view acknowledging financial pressures.

Authorities with a high level of capital investment and associated external borrowing should adopt a correspondingly long-term approach. The Prudential Code requires that a local authority capital strategy sets out the long-term context in which capital expenditure and investment decisions are made. For example all authorities with PFI, service contracts and other similar contractual arrangements will need to demonstrate their ability to finance these arrangements over the whole period of the contracts. Housing Revenue Account (HRA) business plans in England and Wales are already based on a 30-year time horizon.

Financial resilience and long-term financial strategy

If an authority has not tested and demonstrated its long-term financial resilience then its financial sustainability remains an open question. Authorities must critically evaluate their financial resilience. It is possible that the existing strategy is financially sustainable, but this must still have been tested and demonstrated in a financial resilience assessment.

In this financial resilience assessment the authority must test the sensitivity of its financial sustainability given alternative plausible scenarios for the key drivers of costs, service demands and resources. It will require an analysis of future demand for key services and consideration of alternative options for matching demand to resources. Testing will focus on the key longer-term revenues and expenses and the key risks to which the authority will be exposed.

With an awareness that risks will vary, consideration should be given to tools such as the [Financial Resilience Index](#) that may help organisations identify these pressure points. Without such stress testing an authority cannot be regarded as financially sustainable and will be deemed to have failed that test.

Financial Management Standard F

The authority has carried out a credible and transparent financial resilience assessment.

Having carried out the finance resilience assessment, the authority will need to demonstrate how the risks identified have informed a long-term financial strategy. A local authority needs an over-arching strategic vision of how it intends to deliver outputs and achieve outcomes for which it is responsible. This should include a statement that sets out both the vision and the underlying strategy, together with the mix of interventions that the organisation will adopt in delivering services to achieve the intended outcomes. In many cases a basis for this will already exist in a corporate plan.

A key part of the strategy should be a visioning exercise to understand the potential shape of services in the future. It will need to be sufficiently comprehensive to offer a convincing demonstration that the authority has identified a way of achieving financial sustainability. At the same time it needs to provide a relatively fixed point of reference which is subject to periodic review and to revision and fundamental change only when it is no longer fit for purpose.

Financial Management Standard G

The authority understands its prospects for financial sustainability in the longer term and has reported this clearly to members.

CIPFA is not at present being prescriptive about the time period of this long-term financial strategy. Different authorities will face different levels of political and financial stability which may have become embedded in different management cultures. However, CIPFA would promote ambition and stress the need for a financial strategy that matches the requirement for a strategic approach to service planning. The underlying key demand cost drivers, especially those linked to the age profile of the community, can be foreseen at least in broad terms for a decade and more ahead.

The Prudential Code for Capital Finance in Local Authorities

The statutory requirements of the Prudential Code underpins elements of the long and medium-term financial management considered in this section of the FM Code. While the minimum requirement is for three-year rolling capital and investment plans, *The Prudential Code for Capital Finance in Local Authorities* (2017 edition) stresses that a longer-term approach is necessary to ensure that capital strategy and asset management plans are sustainable.

Financial Management Standard H

The authority complies with the CIPFA *Prudential Code for Capital Finance in Local Authorities*.

One of the requirements of the Prudential Code is a capital strategy. This capital strategy is a fundamental component of good financial management. It should set out how the organisation is currently managing its assets and more importantly its future plans linked to available resources. Balance sheet management in local authorities is about the better management of assets and liabilities to support service delivery and capital strategy. A long-term vision is needed for the configuration of service delivery and investment properties because timely asset disposals and/or investments will be dependent on complex interdependencies.

A long-term vision should also be reflected in any commercial investment activity undertaken by the organisation. Guided by the Prudential Code and relevant guidance on borrowing for acquisitions of commercial properties, a local authority should not put public money and services at risk.

Practical medium-term financial planning

CIPFA does not anticipate that a long-term financial strategy would provide sufficient detail to shape the annual budget setting process. Local authorities will need to translate their long-term financial strategies into a medium-term financial plan (MTFP) for budget setting.

The MTFP is the mechanism or framework by which the annual budget process relates directly to the long-term strategy establishing the financial sustainability of the authority. While not prescriptive about time frame, the MTFP should support financially sustainable decision making.

Importantly, performance against the plan will enable recent success and/or failures in delivering financial objectives to be taken into account in the annual budget process. A symptom of financial stress is the emergence of unanticipated overspends in recent years from the MTFP. While the long-term strategy needs to be a stable point of reference, the MTFP needs to be rolled forward annually to ensure that it reflects the latest detailed information. By taking this approach to medium-term financial planning the annual budget is aligned to longer-term goals.

The MTFP should enable the leadership team to have confidence in its long-term strategy for its financial sustainability. Importantly, financial and operational plans must be demonstratively aligned to the strategy at all levels. Without clear service plans it is impossible to place the forecast within the context of currently agreed policies and their implications for future demand and resources.

Financial Management Standard I

The authority has a rolling multi-year medium-term financial plan consistent with sustainable service plans.

SECTION 4

The annual budget

One of the objectives of this FM Code is to end the practice by which the annual budget process has often become the focal point if not the limit of local authority financial planning. However the annual budget preparation process needs to be protected at a time when the need to make difficult decisions may threaten its integrity.

Local authorities need to ensure that they are familiar with the legislative requirements of the budget setting process. In times of routine business compliance this is relatively straightforward, but in times of financial stress there may be pressures for delay or obfuscation in budget setting. These difficulties can be acute when council tax setting is reliant on decisions by independent precepting bodies. In these circumstances it is likely that the CFO will need to work closely with the chief executive, monitoring officer and the leadership team to ensure statutory processes and a timetable necessary to set a legal budget are understood. The monitoring officer is the custodian of the constitution, which acts as a safeguard to prevent councillors and officers from getting into legal difficulties in the exercise of their role and uphold and ensure fairness in decision making.

Financial Management Standard J

The authority complies with its statutory obligations in respect of the budget setting process.

The annual report setting out the proposed budget for the coming year is a key document for the authority. It will also demonstrate compliance with CIPFA's Prudential Code (Financial Management Standard H). The best budget plans are those owned and articulated by the whole leadership team and senior managers, not simply the CFO.

Reserves are acknowledged in statute. Local authorities are directed to have regard to the level of reserves when considering their budget requirement. Consequently, reserves are a recognised and intrinsic part of financial planning and budget setting. The assessment of 'adequate' and 'necessary' levels of reserves is a matter for local authorities to determine. It is the responsibility (with statutory backing in England and Wales) of the CFO to advise the local authority on the appropriate level of reserves and the robustness of the estimates.

Financial Management Standard K

The budget report includes a statement by the chief finance officer on the robustness of the estimates and a statement on the adequacy of the proposed financial reserves.

The budget report should include details of the earmarked reserves held, and explain the purpose of each reserve, together with the estimated opening balances for the year, details of planned additions/withdrawals and the estimated closing balances.

A well-managed authority, with a prudent approach to budgeting, should be able to operate with a level of general reserves appropriate for the risks (both internal and external) to which it is exposed. Compliance with the FM Code will give important reassurance that the authority's financial management processes and procedures are able to manage those risks. These should be maintained at a level appropriate for the profile of the authority's cash flow and the prospect of having to meet unexpected events from within its own resources. Even where, as part of their wider role, auditors have to report on an authority's financial position, it is not their responsibility to prescribe the optimum or minimum level of reserves for individual authorities or authorities in general.

The successful execution of the annual budget will depend on both the good governance and internal controls already codified in Section 2 as well as financial monitoring addressed in Section 6.

SECTION 5

Stakeholder engagement and business cases

Financial sustainability requires citizens to understand that resources are not limitless and that decisions have to be made about both the relative priority of different services and the balance between service provision and taxation levels. The leadership team collectively has an important role in reviewing priorities to enable resources to be redirected from areas of lesser priority; it is not possible to rely principally on pro rata cuts to generate the savings necessary for financial sustainability in an era of austerity.

The leadership team needs to challenge not only how services are delivered, but also what is delivered. These decisions must be made with a clear understanding of the statutory requirements and of wider legal implications of any decisions.

Stakeholder engagement

Stakeholder consultation can help to set priorities and reduce the possibility of legal or political challenge late in the change process. Stakeholder consultation helps to encourage community involvement not just in the design of services but in their ongoing delivery. This is especially the case when a local authority adopts an enabling approach to public service delivery which, along with the active involvement of the third sector, may facilitate future reductions in service costs.

Financial Management Standard L

The authority has engaged where appropriate with key stakeholders in developing its long-term financial strategy, medium-term financial plan and annual budget.

Business cases

Financial sustainability will be dependent upon difficult and often complex decisions being made. The authority's decisions must be informed by clear business cases based on the application of appropriation option appraisal techniques. Professional accountants can be expected to comply with the IFAC/PAIB Project and Investment Appraisal for Sustainable Value Creation reproduced in Annex B to this FM Code.

Financial Management Standard M

The authority uses an appropriate documented option appraisal methodology to demonstrate the value for money of its decisions.

It is the responsibility of the CFO to ensure that all material decisions are supported by an option appraisal which in its rigour and sophistication is appropriate for the decision being made. It is likely that the authority's documented option appraisal methodology will include a relatively simplistic approach for decisions of low value and/or low risk.

SECTION 6

Performance monitoring

To remain financially sustainable an authority must have timely information on its financial and operational performance so that policy objectives are delivered within budget. Early information about emerging risks to its financial sustainability will allow it to make a carefully considered and therefore effective response.

Financial Management Standard N

The leadership team takes action using reports enabling it to identify and correct emerging risks to its budget strategy and financial sustainability.

Significant unplanned overspends and/or carrying forward undelivered savings into the following year might be a sign that an authority is not translating its policy decisions into actions. It also creates the conditions for further financial pressures and possible service reductions in subsequent years. However, the warning signs could also be in other non-financial performance measures, such as backlogs and other indications that current resources are not matching the expectations of service users. These trends should inform the decisions taken on the medium and long-term financial planning addressed by Section 3 of this code.

It is a requirement of this code that authorities should more closely monitor the material elements of their balance sheet that may give indications of a departure from financial plans. This is especially important for local authorities with significant commercial asset portfolios. Legislation requires local authorities to maintain adequate accounting records of their assets and liabilities. Regulations also require that the appropriate (chief finance) officer certifies or confirms that the statements of accounts provide a true and fair view of the financial position (ie the amounts in the balance sheet) of the authority at 31 March in the year of account.

Financial Management Standard O

The leadership team monitors the elements of its balance sheet which pose a significant risk to its financial sustainability.

Contingencies and commitments are monitored to identify any items where a balance sheet provision may have crystallised. Key drivers of provisions (eg asset decommissioning decisions, legal claims, reorganisation activities) should be monitored to identify whether an actual or constructive obligation has arisen. Finally, cash flow is managed through application of *Treasury Management in the Public Services: Code of Practice and Cross-Sectoral Guidance Notes* (CIPFA, 2017).

SECTION 7

External financial reporting

Taxpayers and citizens have a legitimate stake in understanding how public money has been used in providing the functions and services of the authority. The audited statements of account, which present the authority's financial position and financial performance, play an integral part in demonstrating this to them. The statutory accounts provide a secure base for financial management. They support accountability and thus good financial management by allowing the users of the financial statements and other stakeholders to do the following:

- Discover how much is spent in a year on services and whether this has increased or decreased from previous years.
- Consider the indebtedness of an organisation and how that might impact on future taxpayers.
- Recognise the value and therefore usefulness of the assets that the organisations hold.
- Assess what the future commitments and liabilities are, for example, for pensions or leases, and again how these are likely to impact on future generations and taxpayers.

CIPFA's *Statement on the Role of the Chief Finance Officer in Local Government* sets out the chief finance officer's statutory responsibilities for producing the accounts and maintaining the financial records for those accounts. The CIPFA Statement requires that the statements of account are published on a timely basis to communicate the authority's activities and achievements, its financial position and performance. It also requires certification of the accounts by the chief finance officer. The confirmation that the accounts present a 'true and fair' view is one of the fundamental roles of the statutory chief finance officer. Across the UK the *Code of Practice on Local Authority Accounting in the United Kingdom* produced by the CIPFA/LASAAC Local Authority Code Board establishes proper (accounting) practices under which that 'true and fair' view will need to be confirmed/certified.

Financial Management Standard P

The chief finance officer has personal and statutory responsibility for ensuring that the statement of accounts produced by the local authority complies with the reporting requirements of the *Code of Practice on Local Authority Accounting in the United Kingdom*.

The statutory and professional frameworks for the production and publication of the accounts underpin their importance and demonstrate that they have a key part to play in accountability to taxpayers and other stakeholders in showing how public money is used. Financial reporting therefore should not take place in a vacuum. The financial statements provide the accountability link between planned performance, resources used and the outcomes – financial and more – that are achieved. The authority, its management and the CFO both in its financial statements and the narrative reports that accompany them must

provide the user with the links between the consumption of resources and the value that has been created.

It is key to ensure that the authority and its leadership understand how effectively its resources have been utilised during the year, including a process which explains how material variances from initial and revised budgets to the outturn reported in the financial statements have arisen and been managed. The success of these arrangements will be demonstrated by the ability of the leadership team to make decisions from them. In some circumstances this will lead to a reappraisal of the achievability of the long-term financial strategy and the financial resilience of the authority (see Section 3).

Financial Management Standard Q

The presentation of the final outturn figures and variations from budget allows the leadership team to make strategic financial decisions.

Annex A

IFAC/CIPFA GUIDANCE ON IMPLEMENTING THE PRINCIPLES FOR GOOD GOVERNANCE IN THE PUBLIC SECTOR (EXTRACT)

Principles for good governance in the public sector

Governance comprises the arrangements put in place to ensure that the intended outcomes for stakeholders are defined and achieved.

The fundamental function of good governance in the public sector is to ensure that entities achieve their intended outcomes while acting in the public interest at all times.

Acting in the public interest requires:

- A. Behaving with integrity, demonstrating strong commitment to ethical values, and respecting the rule of law.
- B. Ensuring openness and comprehensive stakeholder engagement.

In addition to the overarching requirements for acting in the public interest in principles A and B, achieving good governance in the public sector also requires effective arrangements for:

- C. Defining outcomes in terms of sustainable economic, social, and environmental benefits.
- D. Determining the interventions necessary to optimise the achievement of the intended outcomes.
- E. Developing the entity's capacity, including the capability of its leadership and the individuals within it.
- F. Managing risks and performance through robust internal control and strong public financial management.
- G. Implementing good practices in transparency, reporting, and audit to deliver effective accountability.

Annex B

IFAC/PAIB PROJECT AND INVESTMENT APPRAISAL FOR SUSTAINABLE VALUE CREATION

Extract from [IFAC website](#).

Principles in project and investment appraisal

The key principles underlying widely accepted good practice are:

- A. When appraising multi-period investments, where expected benefits and costs and related cash inflows and outflows arise over time, the time value of money should be taken into account in the respective period.
- B. The time value of money should be represented by the opportunity cost of capital.
- C. The discount rate used to calculate the NPV [net present value] in a DCF [discounted cash flow] analysis, should properly reflect the systematic risk of cash flows attributable to the project being appraised, and not the systematic risk of the organisation undertaking the project.
- D. A good decision relies on an understanding of the business and should be considered and interpreted in relation to an organisation's strategy and its economic, social, environmental, and competitive position as well as market dynamics.
- E. Project cash flows should be estimated incrementally, so that a DCF analysis should only consider expected cash flows that could change if the proposed investment is implemented. The value of an investment depends on all the additional and relevant changes to potential cash inflows and outflows that follow from accepting an investment.
- F. All assumptions used in undertaking DCF analysis, and in evaluating proposed investment projects, should be supported by reasoned judgment, particularly where factors are difficult to predict and estimate. Using techniques such as sensitivity analysis to identify key variables and risks helps to reflect worst, most likely and best case scenarios, and therefore can support a reasoned judgment.
- G. A post-completion review or audit of an investment decision should include an assessment of the decision making process and the results, benefits, and outcomes of the decision.
- H. Capital and revenue reports need to be closely linked so there is an understanding of how each capital scheme is financed, and in particular which require revenue contributions.

Borrowing costs need to be spelt out. Low interest rates are not in themselves a compelling reason to borrow. Capital budgets should be clear about how individual schemes are financed and which ones add pressure to revenue.

Glossary

Accounting standards	Rules set by the International Accounting Standards Boards that set out how transactions are to be shown in an organisation's accounts.
Annual statement of accounts	<p>The statement of accounts presents the authority's transactions on an annual basis as of 31 March of the relevant year of account. The complete set of financial statements in the annual accounts for local authorities comprises:</p> <ul style="list-style-type: none"> ■ comprehensive income and expenditure statement for the period ■ movement in reserves statement for the period ■ balance sheet as at the end of the period ■ cash flow statement for the period, and ■ notes, comprising significant accounting policies and other explanatory information.
Asset management plan	Asset management plans align the asset portfolio with the needs of the organisation.
Audit committee	A special committee of the council that reviews the financial management and accounts of the council.
Balance sheet	A financial statement presenting a summary of the authority's financial position as of 31 March each year. In its top half it contains the assets and liabilities held or accrued. As local authorities do not have equity shares, the bottom half is comprised of reserves that show the location of the authority's net worth between its usable and unusable reserves.
Capital budget	The money a council plans to spend on investing in new buildings, infrastructure and other equipment.
Capital financing charges	The amount a council has to pay to support its borrowing to pay for the purchase of major assets.
Capital receipt	The money a council receives for selling assets that can only be used to repay debt or for new capital expenditure.
Chief financial officer	The most senior finance person in a council responsible for ensuring the proper financial management of the council.
CIPFA FM Model	The CIPFA FM Model is the tool that helps public service organisations apply their financial resources to achieve their goals.
Code of Practice on Local Authority Accounting in the United Kingdom	A code produced by the CIPFA/LASAAC Local Authority Code Board. It specifies the principles and practices of accounting required to give a 'true and fair' view of the financial position, financial performance and cash flows of a local authority, including the group accounts where a local authority has material interests in subsidiaries, associates or joint ventures. The Local Authority Accounting Code is established as a proper practice by the four relevant administrations across the UK.
Earmarked reserve	Money set aside for future use on a specific area of expenditure. It remains a part of the general reserves of the authority.

FINANCIAL MANAGEMENT CODE

Financial management	Financial management encompasses all the activities within an organisation that are concerned with the use of resources and that have a financial impact. CIPFA has defined financial management for public bodies as “the system by which the financial aspects of a public body’s business are directed and controlled to support the delivery of the organisation’s goals”.
General fund balance (also council fund or police fund)	The general fund is the statutory fund into which all the receipts of an authority are required to be paid and out of which all liabilities of the authority are to be met, except to the extent that statutory rules might provide otherwise. The general fund balance therefore summarises the resources that the authority is statutorily empowered to spend on its services or on capital investment (or the deficit of resources that the council is required to recover) at the end of the financial year.
Governance	The framework by which a council can gain assurance that it is setting and achieving its objectives and ensuring value for money in the proper way.
Housing Revenue Account (HRA)	An account used to record the income and expenditure related to council housing.
IFAC (International Federation of Accountants)	IFAC is the global organisation for the accountancy profession dedicated to serving the public interest by strengthening the profession and contributing to the development of strong international economies. CIPFA is a member.
Internal audit	An internal review of the organisation’s systems to give assurance that they are appropriate and being complied with.
Leadership team	Executive committees, elected mayors, portfolio holders with delegated powers and other key committees of the authority. In the police service this leadership is provided by police and crime commissioners and chief constables.
Non-domestic rates	A tax paid by local businesses to their council.
Public Sector Internal Audit Standards	These standards, which are based on the mandatory elements of the Institute of Internal Auditors (IIA) International Professional Practices Framework (IPPF), are intended to promote further improvement in the professionalism, quality, consistency and effectiveness of internal audit across the public sector.
Provision	A provision is a present liability whose timing or amount of settlement is uncertain. For example, it may be a charge for liabilities that are known to exist, but have to be estimated.
Prudential Code	A code produced by CIPFA that councils are required to follow when deciding upon their programme for capital expenditure.
Revenue budget	The amount that a council spends on its day-to-day running of services through the financial year.
Ringfencing	A term for the earmarking of money (eg a grant or fund) for one particular purpose, so as to restrict its use to that purpose.
Society of Local Authority Chief Executives (SOLACE)	SOLACE’s purpose is to develop the highest standards of leadership in local government and the wider public sector.
Treasury management	<p>CIPFA has adopted the following as its definition of treasury management activities:</p> <ul style="list-style-type: none"> ■ the management of the organisation’s borrowing, investments and cash flows ■ its banking ■ money market and capital market transactions ■ the effective control of the risks associated with those activities ■ the pursuit of optimum performance consistent with those risks.

Treasury Management Code	A professional and statutory code produced by CIPFA that councils are required to follow in managing their treasury management activity.
Treasury management strategy	An annual document approved by full council that sets out how a council will manage its cash and borrowings.

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APPENDIX 2 – CIPFA FINANCIAL MANAGEMENT CODE EVIDENCE OF CURRENT COMPLIANCE AND PROPOSED ACTION PLAN

The CIPFA Financial Management Code is intended to support good practice in financial management and assist in demonstrating the local authority's financial sustainability. The code sets out the standards of financial management for local authorities. The table below provides an assessment of how West Lothian Council currently complies with the Code and sets out proposed actions to ensure compliance with the code by 2021/22.

Section 1 – The responsibilities of the chief finance officer and leadership team

Financial Management Standard	Evidence of Compliance	Actions and Timescale
<u>Financial Management Standard A</u> – The leadership team is able to demonstrate that the services provided by the authority provide value for money.	The leadership team of the council utilise a number of frameworks and documents to ensure that the council provides value for money. These include: <ul style="list-style-type: none"> • Ensuring compliance with the council's Best Value Framework • The delivery of the Capital Strategy • Undertaking priority based budget analysis • The delivery of the Asset Management Strategy • Quarterly financial monitoring and risk based monitoring providing necessary and required scrutiny and feedback. • Twice yearly financial performance reporting to PDSPs. • Integrated Impact Assessments are carried out to ensure services are accessible to all who can benefit from them 	Continue with the existing systems of internal control and the management of risk. The Financial Regulations will be reviewed to ensure that they fully reflect the requirements of the Code, and the amended regulations reported to Council Executive for approval.

Financial Management Standard	Evidence of Compliance	Actions and Timescale
<p>Financial Management Standard B – The authority complies with the CIPFA Statement on the Role of the Chief Financial Officer in Local Government.</p>	<p>The role description of the Head of Finance and Property Services, who is the Chief Financial Officer for West Lothian Council, complies with the principles set out in the CIPFA statement; this is evidenced by the role, responsibilities and status of activities undertaken by the Head of Service.</p> <p>Principle 1 – Is a key member of the Leadership Team (at West Lothian this is Executive Management Team and Corporate Management Team)</p> <p>Principle 2 – Takes lead role in the council’s financial strategy (the Head of Finance and Property Services reports to EMT, CMT and council committees on all financial strategy matters)</p> <p>Principle 3 – Leads and promotes good financial management (the Head of Finance and Property Services encourages and emphasises sound financial management via a variety of means)</p> <p>Principle 4 – Leads and directs the finance function of the council which is fit for purpose (the Head of Finance and Property Services manages the finance function)</p> <p>Principle 5 – Is professionally qualified with suitable experience (the Section 95 Officer is required to be a qualified accountant, with significant relevant experience)</p> <p>The Scheme of Delegation also sets out the section 95 officer role and responsibilities, however it does not refer to the CIPFA statement.</p>	<p>Update appendix 3 of the Scheme of Delegation, including the section 95 officer role and responsibilities, to demonstrate compliance with the CIPFA statement in February 2021, following consideration of the Code by Council Executive.</p>

Section 2 – Governance and financial management style

Financial Management Standard	Evidence of Compliance	Actions and Timescale
<u>Financial Management Standard C</u> – The leadership team demonstrates in its actions and behaviours responsibility for governance and internal control.	<p>The governance structure of the council demonstrates the actions and internal controls in place. This includes the council's Financial Regulations, Standing Orders, the Council's Code of Corporate Governance and the Scheme of Delegation.</p> <p>The Scheme of Delegation states that the Head of Paid Service (the Chief Executive) is responsible for ensuring that proper arrangements are in place for the appointment and organisation of the authority's staff.</p> <p>The Scheme of Delegation states that the monitoring officer is responsible for providing appropriate advice to elected members and council officers regarding the promotion of high standards of conduct, and ensuring that suitable training is given regarding compliance with the codes of conduct for councillors and officers.</p>	The relevant governance documents are reviewed at least once each administrative term.
<u>Financial Management Standard D</u> – The authority applies the CIPFA/SOLACE Delivering Good Governance in Local Government: Framework 2016.	The council has a Code of Corporate Governance and a compliance process which is aligned to the CIPFA/SOLACE Delivering Good Governance in Local Government: Framework 2016. The Code of Corporate Governance is reported annually to Council Executive and the Audit Committee along with bi-annual updates to the Risk and Governance Committee on any governance issues identified in the annual governance statement.	None. The council fully applies the CIPFA/SOLACE Delivering Good Governance in Local Government Framework 2016.
<u>Financial Management Standard E</u> – The financial management style of the authority supports financial sustainability.	<p>The financial management style of the council has been recognised by external auditors Ernst and Young as being good practice. This includes the reporting and documentation of the following:</p> <ul style="list-style-type: none"> • Priority based approach to medium-term financial strategy • Detailed three year budgets • Treasury Management Plan • Capital Strategy • Ten year capital programme • Asset Management Strategy • Budget Monitoring Framework and Procedures 	Continue with current prudent approach which supports financial sustainability.

Section 3 – Medium to long-term financial management

Financial Management Standard	Evidence of Compliance	Actions and Timescale
<u>Financial Management Standard F</u> – The authority has carried out a credible and transparent financial resilience assessment.	<p>The council presents an annual Treasury Management Plan as well as reporting on prudential indicators to demonstrate financial resilience.</p> <p>A Horizon Scan is also reported quarterly to PDSP reporting on various factors that could have influence over the financial resources and policy decisions of the council, the horizon scan interprets the impact of information from a local, national and global level. This information is used to assess the impact on budget assumptions.</p>	Building on existing activities, it is proposed that from 2021/22, the budget report will include a section that demonstrates financial resilience and sustainability. This will be included in the revenue report going to council in February 2021.
<u>Financial Management Standard G</u> – The authority understands its prospects for financial sustainability in the longer term and has reported this clearly to members.	The council's Corporate Plan and Corporate Strategies set out the vision for the delivery of the councils priorities, the Corporate Plan and associated strategies have gone through the necessary scrutiny and approval processes.	The councils Corporate Plan is currently for the period 2018/19 to 2022/23. Although the code is not prescriptive it suggests that a longer strategy and strategic vision should be developed that has at a ten year outlook. Therefore, a high level ten year financial strategy will be developed for 2023/24 to 2032/33 setting out a high level strategy and a range of assumptions on the high level expenditure, grant and council tax based on forecast demographic growth and economic assumptions. This will be reported in early 2023, as part of the planning process for the next Administration term.
<u>Financial Management Standard H</u> – The authority complies with the CIPFA Prudential Code for Capital Finance in Local Authorities.	<p>The council's Capital Strategy 2019/20 – 2027/28 was approved by Council in March 2019.</p> <p>The council sets prudential indicators as part of the annual budget setting process and the annual Treasury Management plan and</p>	A Capital Strategy update will be undertaken for the current financial year and reported to the Council by the end of March 2021.

Financial Management Standard	Evidence of Compliance	Actions and Timescale
	reports on the progress of these indicators as part of the Treasury Management interim and annual performance reports to full council.	None. The council complies fully with the Prudential Code.
<u>Financial Management Standard I</u> – The authority has a rolling multi-year medium term financial plan consistent with sustainable service plans.	<p>The council has a medium-term financial plan for the period 2018/19 to 2022/23 with budgets updated annually to ensure they reflect the latest circumstances and most up-to-date information.</p> <p>Annual service management plans are prepared that are consistent with the medium-term financial strategy and align with the council's Corporate Plan.</p> <p>The Council's Asset Management Strategy was approved in February 2018 alongside the ten-year general services capital investment strategy.</p> <p>As per Financial Management standard H, the council's Capital Strategy 2019/20 to 2027/28 was approved by Council in March 2019.</p> <p>Quarterly horizon scan reports are undertaken to ensure delivery of the financial plan is sustainable.</p>	The financial plan is currently approved for a five year period, 2018/19 to 2022/23. A new financial plan will be prepared for the next five year administrative term 2023/24 to 2027/28. In addition, a high level ten year financial strategy will be produced and updated on an annual basis. A Capital Strategy update will be undertaken by the end of March 2021.

Section 4 - The annual budget

Financial Management Standard	Evidence of Compliance	Actions and Timescale
<u>Financial Management Standard J</u> – The authority complies with its statutory obligations in respect of the budget setting process.	The council's annual budget report complies with statutory requirements as a balanced budget was set prior to 11 March 2020, as well as fulfilling Council Tax setting requirements and providing a statement of the General Fund Balance and other reserves. For 2020/21 the uncommitted General Fund Balance was maintained at £2 million which was assessed as appropriate as a result of the agreed medium-term financial strategy which is underpinned by clear financial planning arrangement, sound financial management and a substantial number of other ear marked reserves. This	Continue to met statutory obligations by approving the annual budget and council tax within statutory timescales.

Financial Management Standard	Evidence of Compliance	Actions and Timescale
	approach means that the low level of reserves should not impact on flexibility around budget decisions.	
<u>Financial Management Standard K</u> – The budget report includes a statement by the chief finance officer on the robustness of the estimates and a statement on the adequacy of the proposed financial reserves.	<p>The budget report provides information on the robustness of estimates and assumptions for the annual budget and future financial planning. Officers continue to closely monitor the economic position, funding announcements and budget assumptions to identify any potential impact to the budget model, with updates provided to the P&R PDSP on financial planning assumptions in the quarterly horizon scan report.</p> <p>As noted for Financial Management Standard J, the budget report contains a statement on the appropriate level of financial reserves to be held within the section on the General Fund Balance and Reserves.</p>	Currently there is a statement on the financial reserves; however there is no specific statement from the chief finance officer within the report setting out the robustness of estimates and assumptions. Therefore, the annual budget report to Council will be updated to include a statement from the chief finance officer on the reliability and robustness of estimates in the budget in February 2021.

Section 5 – Stakeholder engagement and business cases

Financial Management Standard	Evidence of Compliance	Actions and Timescale
<u>Financial Management Standard L</u> – The authority has engaged where appropriate with key stakeholders in developing its long-term financial strategy, medium-term financial plan and annual budget.	<p>The council has a pro-active history of consultation and engagement with communities and stakeholders, evidenced by the latest budget consultation undertaken in 2017. The consultation sought stakeholder opinions on priorities for the five years to 2022/23. The consultation received 7,026 responses, with over 45,000 comments from all respondents.</p> <p>West Lothian's Community Choices is a process which is currently being undertaken that will further enhance community involvement in the design of services and allocation of specific budgets. Budget areas were approved by Council Executive in November 2019 and totalled £4.039 million across general fund revenue, general fund capital and HRA capital.</p>	The council will continue to engage on financial plans and on specific elements of the financial plan. In particular, there will be engagement on new plans for 2023/24 onwards

Financial Management Standard	Evidence of Compliance	Actions and Timescale
<p><u>Financial Management Standard M –</u> The authority uses an appropriate documented option appraisal methodology to demonstrate the value for money of its decisions.</p>	<p>The utilisation of business cases is an essential element of capital planning. This approach has been used successfully since 2007. The format of strategic outline business cases (SOBCs) has been revised over the years to reflect recommendations from the Audit, Risk and Counter fraud unit on best practice. SOBCs are developed for the initial stages of investment prioritisation. A number of potential options are set out with a recommendation of which option should be progressed.</p> <p>SOBCs are required for all capital investment, including existing projects, asset maintenance, prudential investment and potential new projects.</p> <p>The agreed approach to asset management and capital investment is:</p> <ul style="list-style-type: none"> • Estimation of total resources • Preparation of SOBCs • Consideration of all potential investment • Scoring of SOBCs based on non-financial considerations, service delivery, corporate priorities and financial assessment. • Use information to determine a capital programme for approval by elected members. <p>The council has a well organised and documented priority based budget approach which is undertaken as part of the established integrated approach to corporate and financial planning and part of the process includes the option appraisal of potential savings measures.</p>	<p>The council will continue to utilise priority based budgeting and strategic outline business cases to prioritise resources and demonstrate value for money.</p>

Section 6 – Monitoring Financial Performance

Financial Management Standard	Evidence of Compliance	Actions and Timescale
<p><u>Financial Management Standard N</u> – The leadership team takes action using reports enabling it to identify and correct emerging risks to its budget strategy and financial sustainability.</p>	<p>The council has Financial Regulations and approved Budget Monitoring Framework and Procedures which includes the monitoring and reporting of budgets and the identification of risks which allows for mitigating actions being undertaken.</p> <p>This is completed in conjunction with reports being presented on the outcome of UK and Scottish Government budget announcements and economic forecasts as well as Horizon Scan reports.</p>	<p>There are regular reports to the CMT and Council Executive on the progress on the current year budget and any changes to budget assumptions for future years. These will be reviewed to identify any potential improvements.</p>
<p><u>Financial Management Standard O</u> – The leadership team monitors the elements of its balance sheet that pose a significant risk to its financial sustainability.</p>	<p>The Council adopts a risk-based monthly approach to monitoring with full budget monitoring exercises carried out at months four, six and nine. Elements of the balance sheet posing a risk to financial sustainability, are identified through the budget monitoring process along with mitigating actions and reported to CMT and Council Executive as part of that process.</p> <p>The Governance and Risk Committee receive regular reports on high risks areas and risks relating to the delivery of the financial plan.</p>	<p>In addition to regular monitoring, a statement on risks to elements of the balance sheet will be included in the covering report to the council's final accounts for 2020/21 which will be reported in June 2021. This was not required for the 2019/20 accounts.</p>

Section 7 – External financial reporting

Financial Management Standard	Evidence of Compliance	Actions and Timescale
<p><u>Financial Management Standard P</u> – The chief finance officer has personal and statutory responsibility for ensuring that the statement of accounts produced by the local authority complies with the reporting requirements of the Code of Practice on Local Authority Accounting in the United Kingdom.</p>	<p>The Scheme of Delegation includes the role and responsibility of the chief finance officer for ensuring that the council complies with Code of Practice on Local Authority Accounting.</p> <p>The outturn and final accounts are reported to Council Executive, with the final accounts being audited and signed off by an external auditor with the statement of accounts meeting all statutory requirements. The unaudited accounts, prior to review by external auditors, are reported to the Audit Committee and following sign-off from the external auditors the accounts are presented to full Council.</p>	<p>This responsibility is clearly set out in the council's governance arrangements. Accounts will continue to be produced in accordance with the Code of Practice.</p>
<p><u>Financial Management Standard Q</u> – The presentation of the final outturn figures and variations from budget allow the leadership team to make strategic financial decisions.</p>	<p>The final outturn reports for General Fund Revenue, General Services Capital and Housing Revenue and Capital are presented to Council Executive annually, with the latest reports being approved in June 2020 for financial year 2019/20. These reports provide information on performance against budget and identify reasons for any variances as well as recommended actions to be undertaken.</p> <p>Financial performance reports which report on the final outturn are reported to the relevant PDSP's following the year end.</p>	<p>There is a robust process in place for reporting final outturn figures to Council Executive and PDSPs, and this provides elected members with the opportunity to make strategic financial decisions.</p>

DATA LABEL: PUBLIC



COUNCIL EXECUTIVE

THE VENNEL, LINLITHGOW (PROPOSED DEVELOPMENT) - UPDATE

REPORT BY HEAD OF OF FINANCE AND PROPERTY SERVICES

A. PURPOSE OF REPORT

The purpose of this report is to update Council Executive on proposals for development at the Vennel, Linlithgow .

B. RECOMMENDATION

It is recommended that Council Executive:

1. Notes that the Planning Guidance approved by Council Executive 6 October 2020 and formally adopted on 27 November 2020 establishes a framework for all future development proposals associated with the Vennel, Linlithgow to be considered;
2. Approves the proposed development framework, the outline key stages and proposed timescales together with governance arrangements;
3. Approves the proposed approach to stakeholder engagement recognising the various interests involved;
4. Notes the intention to seek expressions of interest from appropriate development partners with a closing date of 31 March 2021; and
5. Notes the significance and complex nature of the area to be developed and therefore the timescales and resources initially estimated to progress and deliver viable development proposals.

C. SUMMARY OF IMPLICATIONS

I	Council Values	Being honest, open and accountable; making best use of our resources.
II	Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	<p>An Integrated Impact Relevance Assessment will require to be undertaken as part of any development proposals to be considered.</p> <p>Screening for a Strategic Environmental Assessment (SEA) concluded that a SEA was not required.</p> <p>Proposed development may require Environmental Impact Assessment depending upon nature and extent of proposals.</p>

Proposed development and associated delivery framework and management arrangements may require amended to existing or new policies.

III	Implications for Scheme of Delegations to Officers	None.
IV	Impact on performance and performance Indicators	Improved condition, suitability, accessibility and sustainability of public realm and council owned property assets will be achieved.
V	Relevance to Single Outcome Agreement	We make the most efficient and effective use of resources by minimising our impact on the built and natural environment.
VI	Resources - (Financial, Staffing and Property)	The delivery of the proposed development will require the council to contribute financial, property and staff resources to effectively and efficiently deliver any proposed development. Initial resource requirements are outlined within the report. These consist of one FTE staffing resource for the period up to June 2022 and enabling investment of £100,000 for the initial appointment of professional and technical advisors.
VII	Consideration at PDSP	Proposed development framework, governance, stakeholder engagement and commercial requirements will be reported upon to the Partnership and Resources PDSP at key stages as development progresses and to Council Executive for determination as necessary.
VIII	Other consultations	<p>Planning, Economic Development and Regeneration Services, and Operational Services will be consulted as part of development framework and prospectus development.</p> <p>Wider stakeholder, statutory and commercial consultations and engagement will take place as part of progressing any development proposals.</p> <p>The local elected members for the ward have been provided with a copy of this report for their information.</p>

D1 TERMS OF REPORT

D2 INTRODUCTION

West Lothian Council wishes to take forward the redevelopment of the Vennel, Linlithgow. The area under consideration is outlined on the plan within Appendix 1.

This report sets out the background to the proposed development, a proposed approach to establish a development framework and prospectus that will be exposed

to the market seeking a development partner, outline timescales and development milestones, proposed governance arrangements and estimated resource requirements.

D3 BACKGROUND

The opening of the new Linlithgow Partnership Centre (Tam Dalyell House) at the former County Buildings, High Street, Linlithgow and the move of partnership services to this building has resulted in a number of properties in and around The Vennel, Linlithgow becoming surplus to requirements. In addition, there has been a long community desire to consider the wider redevelopment of the area and in particular the mixed used Anderson, Kinnemouth and Paul Building (1960's building) to the west of the cross and the areas around it. A plan of the area to be considered is included within Appendix 1. This highlights the two main areas, namely the Vennel (plot 1) and the upper level Car Park and Garages (plot 2).

To consider the potential redevelopment of the area, the council undertook an extensive public consultation exercise to establish formal planning guidance that will be used to determine planning requirements for any future proposals. A formal Participation Request was received from Linlithgow and Linlithgow Bridge Community Council (LLBCC) which sought further engagement by the community council in progressing the draft planning guidance. This was approved by officers in accordance with agreed council procedures and culminated in the LLBCC undertaking extensive community engagement and surveys which were brought to the attention of the Development and Transport PDSP 4 September 2020 together with the officer response to them as part of the consultation on the guidance.

The guidance details potential uses for the site and sets out a number of matters which would have to be addressed in any future redevelopment. The planning guidance was formally approved by Council Executive 6 October 2020 and formally adopted on 27 November 2020.

Council Executive 6 October 2020 considered and approved in summary the following motion:

- To initiate a marketing exercise as part of a "Development Opportunity - mixed residential and commercial" project inviting potential partners to submit offers and details with a closing date of 31st March 2021. Officers to submit a report thereafter to the Partnership and Resources PDSP.
- To investigate with local community, voluntary and business groups the appetite for the development of a community/resource hub within the former library building. The aim to develop an innovation centre with flexible space for those home working/working from home providing hot desking with meeting space where under social distancing guidelines meetings where necessary couldn't be conducted within residential premises. Use by community groups as a drop in centre and focal point for joint working. If successful a community innovation centre to be included in any new build final proposal for the redevelopment of The Vennel area.

D3.1 MATERIAL CHANGE OF CIRCUMSTANCES

Council Executive on 6 October 2020 instructed the marketing of the development opportunity on the basis of the planning guidance with a closing date of 31 March 2021. The guidance was not formally adopted until 27 November 2020 following confirmation that the guidance could be adopted and no Strategic Environmental Assessment was required by Scottish Government. During the intervening period there has been a

reintroduction of restrictions associated with the Coronavirus pandemic and, as a consequence, non-essential travel for officers to the site and activities such as basic site investigations have not been able to be undertaken. The appointment of professional and technical advisers has also not been possible as a large proportion of the companies who would be approached to tender to support the progressing of the development continue to furlough staff and are unable to satisfy the councils requirements within the timescales approved.

In considering the appointment of professional and technical advisors, it has also become evident that the economic challenges of the pandemic and, in particular, those affecting the commercial property development market will make the progressing of a limited scale, mixed use development on a constrained site with planning requirements challenging to make financially viable.

Taking account of the changes in circumstances recognised in the foregoing, the following approach and timescales are proposed for progressing the development.

D3.2 EXPRESSIONS OF INTERESTS

Recognising the change of circumstances and the limitations of the planning guidance to support a tender / commercial offer process, it is proposed to establish a development framework. In advance of this, however, and to support the establishment of a development framework, generate market interest and determine viability of the progressing any proposed development, it is considered prudent to seek initial expressions of interest for development partners. It is therefore proposed that an initial marketing exercise requesting expressions of interest will be sought for the potential "Development Opportunity - mixed residential and commercial".

This initial marketing exercise would be the means of taking forward the decision of Council Executive approved on 6 October 2020 with the outcome reported to a future Partnership and Resources PDSP. It should be noted that the initial expressions of interest will not confirm development partner status on any responders or exclude any other suitable development partners that come forward as part of the formal marketing phase. Those that respond will be provided with updates on the process. Responses will also enable the determination of market interest.

D4 PLANNING GUIDANCE

The planning guidance sets out a range of requirements, and potential uses including the possibility of different scale of development, the status of site in the conservation area, its constrained nature, potential multiple legal interests (if considering a development of the entire area) and commercial considerations which require to be determined separately.

The guidance supports recreating a frontage to the High Street and potential uses include residential, retail and / or uses such as hotels and restaurants, business uses such as office or other service uses including facilities for health care. Whilst this assists in providing a general framework for uses, it is not intended to establish use proportions or consider the commercial and deliverability aspects of any development.

In order for the council to fully evaluate any development proposals in detail and to determine the full extent of the site, confirm the weighting of uses and the type of conveyance it wants to take forward it is proposed that a development framework and prospectus are developed to provide clarity when exposing the proposed development to the market. This approach will ensure there is transparency on what is expected of developers, development partners and enable the inclusion of stakeholders views.

D5 DEVELOPMENT FRAMEWORK

Successful public sector led town centre developments require at their outset the establishment of a range of key parameters that not only reflect planning and design matters but also reflect technical (i.e. utilities infrastructure and site constraints etc), legal (ownership, preservation orders and access rights etc) and financial requirements. These later elements are established through engagement with stakeholders (such as owners, occupiers, statutory bodies, businesses and the community). When identified, determined, resolved and agreed at early stages of the development process, a collaborative approach can be established making delivery more efficient and successful.

It is therefore proposed that a Development Framework building upon the Planning Guidance is established for the area. The key sections of the development framework to be investigated, considered and agreed upon include the following:

1. Development Area – The Planning Guidance outlines the main element of the site (both plots 1 and 2 shown in Appendix 1) but also advises that further areas may be considered and that the guidance may apply. In order to ensure that all potential development partner submissions are evaluated on the same basis it is essential that the exact scope and extent of the site is included in any commercial prospectus (i.e. is the current car park to developed).
2. Ownership / Land Issues – Whilst the council is the primary land owner, it is appropriate to have engagement with owners, adjacent owners, occupiers and tenants who may be affected or have conveyed rights (i.e. access).
3. Technical Information – Information on technical aspects of the site to be collated. This will include to location and nature of services and utilities located in and around the site. In addition, dialogue on the potential scope of the development with the utilities providers will be undertaken to establish any requirements for upgrading and to determine capacities. Undertaking desk top site investigations and potentially full site investigations depending upon initial results will greatly benefit commercial certainty of any development agreement.
4. Development Weighting – Whilst the planning guidance outlines a range of potential uses providing greater clarity in terms of specific uses and the weighting of potential provision will enable development partner proposals to be compared and evaluated with greater consistency. This would be determined through market testing, partner and community engagement.
5. Design Development – whilst development partners will be expected to produce designs in accordance with the planning guidance it is essential that key considerations such as massing of buildings, access and orientation and public realm works are illustrated in outline. This will ensure at an early stage that design expectations form part of commercial agreements.
6. Commercial – the preparation of financial appraisals and valuations will be undertaken to reflect the outline use weighting and enable full appraisal of the different conveyance options available to the council and potential development partners. These will also provide transparency on market value and best value requirements.
7. Partnership / Community Collaboration – The proposed engagement process will enable the determination of any partner organisation or community operational property requirement that can be accommodated within any proposed development. The process will also enable the participation of the

community in the development of the framework. In particular, in light of its involvement through its participation request, officers will contact the community council to investigate ways in which it can be engaged.

8. Evaluation Criteria – The establishment of evaluation criteria to reflect the proposed development stakeholders requirements.

Whilst information and considerations outlined will be either readily available or are matters where agreement will be hopefully be relatively straight-forward, it is essential at the early stages of the development process to review and clarify these to ensure inaccuracies, information gaps or misunderstandings on matters agreed do not occur.

D6 DEVELOPMENT / COMMERCIAL PROSPECTUS

As with most forms of property marketing, there is a requirement that information relating to the development area and the stakeholders requirements is provided for prospective interested parties to consider. It is therefore proposed that a development / commercial prospectus is prepared containing key information on the development. This will incorporate in summary some of the development framework requirements. This will enable potential development partners to initially consider if they are interested in submitting proposals.

The commercial prospectus will also outline the evaluation criteria and incorporate specific requirements that prospective interested parties must meet or confirm compliance with as part of their submissions.

It is proposed that the site will be marketed using traditional means such as on-line (council, community, specialist property web-sites and social media), press adverts in property sections of national news papers (if appropriate) and specialist property press. Through professional advisors the prospectus will be e-mailed to as wide a range of potentially suitable property developers as possible. It is likely that due to the prominent location within the town centre of Linlithgow that significant interest will be generated by its very nature.

A large proportion of the development framework information will be widely available and will be provided to interested parties where it does not prejudice the council or stakeholders commercial interests.

D7 ENGAGEMENT

As part of the development of the planning guidance significant community and statutory consultations were undertaken. These concentrated on the built environment / urban realm aspects of any future development. Whilst it is not proposed to revisit the consultation there is an intention to undertake engagement on the establishment of the Development Framework with the community and stakeholders. This will focus on the content of the development and any community uses proposed.

Stakeholders with ownership or legal rights will be engaged in the first instance together with those having statutory powers to establish basic parameters for any proposed future development. As indicated already, in light of its involvement through its participation request, officers will contact the community council to investigate ways in which it can be involved.

The engagement will take the form of public meetings, on-line survey and direct engagement with representative groups (i.e. community council) and stakeholders. It is envisaged that where Coronavirus pandemic restrictions apply that meetings would be undertaken on-line.

D8 KEY DEVELOPMENT STAGES

It is proposed to progress on the basis of the following key stages and activities:

D8.1 Pre-Development Stage

1. Stakeholder Awareness and Initial Engagement - Subject to approval of this report, the intention would be to advise known stakeholders of the process proposed.
2. Expressions of Interest – Seek initial expressions of interest development opportunity and the process proposed.
3. Professional and Technical Appointments – Appointment of professional and technical advisors to support the establishment of the development framework.
4. Initial Appraisals – Professional and Technical advisors will undertake surveys, valuations, market analysis and site intelligence gathering etc.

D8.2 Development Framework Stage

5. Pre-development report – This would involve the reporting of the findings from the pre-development stage to elected members and outline any recommended further pre-development actions.
6. Engagement – Undertaking engagement with stakeholders and community partners on the findings of the pre-development phase and setting out the proposed Development Framework.
7. Development Framework – The production, approval and establishment of the Development Framework.
8. Evaluation Criteria – The development and establishment of the evaluation criteria against which proposed development partners proposals and submissions will be evaluated against.

D8.3 Commercial / Marketing Stage

9. Commercial Prospectus – Finalisation of the financial considerations (to reflect the Development Framework) and production of the commercial prospectus.
10. Marketing – Exposure of the Commercial Prospectus to the property development market and subject to interest establishment of a closing date
11. Submission Evaluation – Submissions made by prospective development partners will be evaluated against the established criteria.

D8.4 Development Partnership

12. Approval / Appointment – Based on the outcome of the evaluation recommendations for approval to appoint development partner will be made.
13. Agreements and Diligence – Following approval the necessary agreements and diligence will be undertaken

D8.5 Development Delivery

14. Development – Development partner will present the detailed proposals and apply for necessary statutory consents, confirm delivery timescales, accommodation works and other delivery considerations.

D9 TIMESCALES

Whilst it is difficult to establish detailed timescales in the current circumstances for all the key stages an initial evaluation has suggested the following:

Stage / Phase	Indicative Timescale
Pre-Development	Feb 2021 to June 2021
Development Framework	July 2021 to October 2021
Commercial / Marketing	Nov 2021 to Feb 2022
Development Partnership	March 2022 to May 2022
Development Delivery	Commence June 2022

D10 RESOURCES

It is recognised that the fiscal limitations on the council mean that a partner will be required to deliver the necessary investment to enable any proposed development to progress. The council is however, committed to enabling the development and therefore through its available resources will seek to support its effective and efficient delivery. The council is the primary property owner and therefore will seek to support the development through its ownership recognising that it has legal requirements in terms of any disposal, lease or joint venture arrangements which must ensure compliance with best value principles.

There are a range of professional staff available to support the development but a dedicated staff resource with the necessary built environment and development skills will be required to project manage the development through the various stages. There are currently no approved financial resources to support the progression of the project and therefore it is proposed that an initial enabling investment of £100,000 is incorporated into the General Services Capital Programme 2021/22 to 2027/28. This investment will enable the appointment of initial professional and technical advisors and to cover fees associated with initial site investigations.

An update on resource deployment and requirements will be provided a part of the Development Framework and where appropriate as part of regular budget monitoring reports.

D12 FORMER LIBRARY AND RETAIL UNIT UPDATE

Officers have engaged with a number of third sector groups on their interest in the former library. The various interests are being coordinated to develop collaborative proposals that are compatible with the Council Executive decision 6 October 2020 for a community/resource. An update on progress will be provided as proposals progress.

There are three retail units located at the Vennel (no's 28, 29 and 30). Two are occupied by One Linlithgow and Linlithgow Youth Project both of whom may require to be relocated as part of development proposals. It is not proposed to serve notice until details of the proposed development and timescales are confirmed.

The remaining retail unit (no 30) has been marketed and given proposals to redevelopment interests will no longer be progressed other than for uses of a temporary nature.

D13 CONCLUSION

The proposed redevelopment of the Vennel, Linlithgow represents an exciting and significant opportunity for the redevelopment of surplus property owned by the council and also enhance the urban realm of Linlithgow Town Centre.

The community and wider stakeholder interest in the area was recognised as part of the planning guidance consultation and approval process which involved a Participation Request from the Community Council. As part of the development of a framework it is proposed that community engagement continues.

The report sets out the process and key stages including outline timescales proposed to physically deliver a development and recognises that there are a significant range of considerations and elements required to successfully realise this. Resources will be committed by the council recognising the importance of the development and regular updates on progress will be provided at key stages as the project progresses.

F. BACKGROUND REFERENCES

Appendices/Attachments:

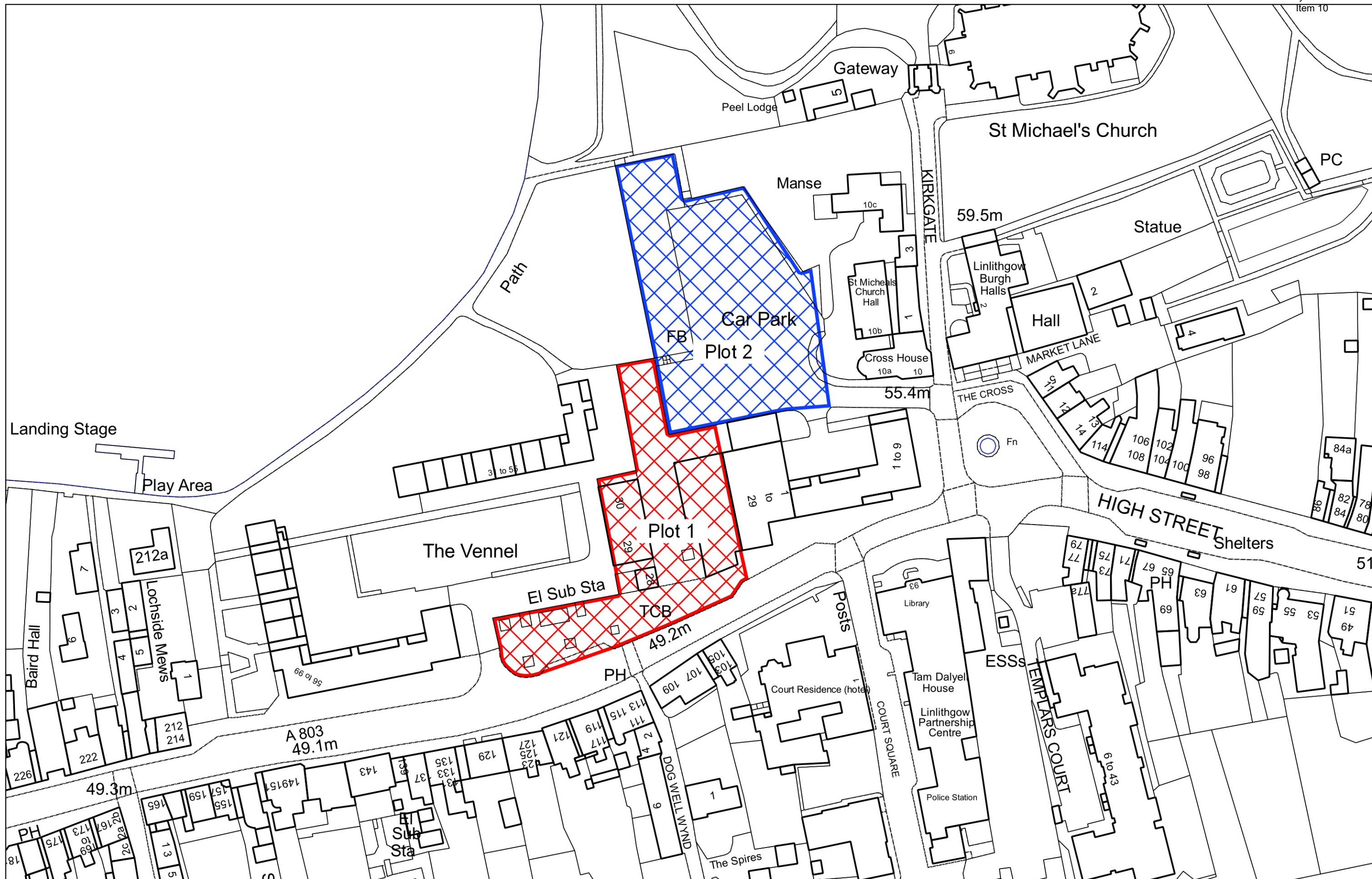
Appendix 1 – The Vennel, Linlithgow – Location Plan


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Donald Forrest, Head of Finance and Property Service

Date of meeting: 9 February 2021



 <p>West Lothian Council</p>	<p>Appendix 1 - The Vennel, Linlithgow – Proposed Development Plots</p> <p>Property Management and Development, West Lothian Civic Centre, Livingston, EH54 6FF</p>	<p>1:1000</p>	<p>A3</p>	<p>N ↑</p>
	<p>22/1/2021</p>	<p>Reproduced from the Ordnance Survey mapping with the permission of Her Majesty's Stationery Office. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. ©Crown copyright. All rights reserved. Licence 100037194 2021</p>		

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COUNCIL EXECUTIVE

UPDATE – LOCAL BUS CONTRACTS AND COMMUNITY TRANSPORT PROVISION

REPORT BY HEAD OF OPERATIONAL SERVICES

A. PURPOSE OF REPORT

The purpose of this report is to update Council Executive on the further impact of COVID 19 on the timescales for implementation of the Total Transport Review (TTR) outcomes and to inform the next steps required.

B. RECOMMENDATION

It is recommended the Panel;

1. Note the further impact of COVID 19 on the local bus network and the implementation of the TTR outcomes;
2. Instruct officers to progress the extension of local bus contracts;
3. Instruct officers to progress with community transport related TTR outcomes separate from the revised contract review period and commence a community bus pilot.

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; working in partnership
II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	<p>The council has a policy of supporting public transport services where resources permit. The Transport (Scotland) Act 1985 states that it is the duty of the council, in exercising their power, to conduct themselves as not to inhibit competition in the commercial market.</p> <p>The council's procedures on dealing with petitions require that petitions are considered by Council Executive.</p>
III Implications for Scheme of Delegations to Officers	None
IV Impact on performance and performance Indicators	The council has a target PI for Public Transport of having 90% of residents with access to an hourly or better daytime service Monday to Saturday. It is possible that

changes in the commercial and subsidised network could impact this PI.

V	Relevance to Single Outcome Agreement	The local bus network contributes to a number of outcomes by connecting communities with services and employment.
VI	Resources - (Financial, Staffing and Property)	The approved Public Transport budget for 2020/21 is £9.72 million
VII	Consideration at PDSP	The report was considered at Development and Transport PDSP on 2 February 2021.
VIII	Other consultations	Financial Management Unit, Procurement Services and Legal Services.

D. TERMS OF REPORT

D.1 Background

At its meeting of 23 June 2020, Council Executive considered a report on the impacts of COVID 19 on local bus contracts and the Total Transport Review. It was agreed that both the redesign and retender of the subsidised local bus network and the implementation of the outcomes of the TTR would be delayed by 6 months in order to allow for sufficient recovery of the commercial local bus market. The agreed revised contract review period is contained within Appendix 1.

Given the uncertainty of both the pandemic and the recovery of the local bus network, it was also agreed that a further 6 months extension would be available should it be required.

D.2 Further Impact of COVID 19 on Local Bus Network

As previously reported, the local bus network has been severely impacted by the Covid 19 pandemic. Although demand for public transport has increased slightly in comparison to the initial March 2020 lockdown, Transport Scotland is reporting that current demand levels are still reduced from 2019 levels by up to 80% impacting the commercial viability of bus services in West Lothian.

Local bus operators are currently supported by the Scottish Government's COVID 19 Support Grant which covers the gap between operational costs and the anticipated loss of fare-paying passenger revenue that bus operators experience due to physical distancing and reduced carrying capacity. This funding has permitted operators to operate services at approximately 90% mileage coverage on pre COVID 19 levels in order to ensure sufficient public transport links for essential journeys and key worker services.

The grant was extended on 7 August 2020 and 14 October 2020 with funding made available until 17 January 2021. Given the further advancement of the virus and heightened restrictions across Scotland, the Scottish Government further extended the funding on 15 December 2020 until 31 March 2021. However, the recent lockdown measures have placed further uncertainty on the recovery of the commercial local bus network.

D.3 Further Impact of COVID 19 on Contract Review Period and TTR Outcomes

As the local bus network has been further impacted by COVID 19 and the viability of the commercial market is unknown, it further demonstrates that it is likely the commercial market may reduce post COVID 19 and council subsidy would potentially be required to cover existing connections. This increases the risk that the council would be unable to deliver a revised strategy based on new principals and that the commercial market would not be stable enough to sustain new long-term contracts.

It is therefore recommended that the contract review period is further revised by utilising the remaining 6-month extension to existing contracts in order to continue to assess the full impact of the pandemic and, in particular, understand the Scottish Government funding position post 31 March 2021. An example of a revised contract review period is contained within Appendix 2.

As there is an interdependency between the tender of new contracts and the TTR, an extension of the current contracts would further postpone implementation of some of the review outcomes. However, it is recommended that the outcomes related to the commencement of community transport solutions are separated from the review to become a stand-alone project and taken forward to explore community transport solutions which may be required to aid the recovery of the public transport network and ensure vital connections are available.

It would be anticipated that a report would be taken through committee in the new financial year outlining the potential community transport solutions which can be implemented within the current network utilising the £300,000 funding available in financial year 2021/22 previously agreed by Council Executive in February 2020.

D.4 Community Bus Pilot

As part of the above recommendation, consideration has been given to the potential for a Community Bus Pilot in early 2021 to inform recommendations to Council Executive on potential Community Transport Solutions.

D.4.1 Available Resources

Discussions have been ongoing with HcL, who operate the council's Dial-A-Ride and Dial-A-Bus services. At the moment, Dial-A-Ride is operating as it is one on one transport however Dial-A-Bus is suspended due to the pandemic. This means HcL has vehicles and drivers spare that we could temporarily redirect to another service until such times as West Lothian moves far enough down the tiers that Dial-A-Bus can be reinstated.

As part of the TTR outcomes relating to community transport, there was a commitment to support HcL in obtaining the necessary licences to accept concessionary card holders on Dial-A-Bus services. Officers have been progressing this with HcL and, once completed, HcL can operate a fare taking service using their spare resources. This could potentially be used as a pilot for a community bus operation.

D.4.2 Additional Considerations

The commencement of the pilot is dependent on a number of factors whilst we move through the roadmap in the recovery from the Covid restrictions, including the following:

- Successful HCL application for Section 22 Permit granted by the Office of the Traffic Commissioner (OTC).
- Successful and timely purchase of Electronic Ticket Machines (ETMs) by HCL. Should these not be in place before the service is registered with the OTC, then fares cannot be charged. This would mean a decision would be required as to whether to delay the service start until these are in place, or provided.
- Application to and Confirmation from Transport Scotland of acceptance of HCL onto Concessionary Reimbursement Scheme.
- No objection from commercial operators in the operating area will determine whether HCL can request short notice registration of the new service from the OTC; otherwise the full 42 days notice period will have to be observed.

D.4.3 Recommended Operating Area

In order to obtain the maximum feedback possible from the pilot scheme, it is preferred that the operating area for a community bus pilot should meet the following criteria:

- Where the bus service will be connecting to amenities within the specific community within a reasonable mileage range;
- Where the bus service will connect to multiple community services including healthcare, food shopping, medicines and personal care;
- Where the routing of the bus can cover a wider residential area that is not currently serviced by traditional bus services;
- Where the bus service will connect to wider public transport services; and
- Where passenger engagement has already taken place.

Officers have reviewed the potential operating areas within West Lothian and it is recommended that Broxburn and Uphall should initially be utilised as a pilot area for a community bus scheme. The outcome of the pilot will be used to inform further recommendations on the implementation of additional community transport schemes using the TTR outcomes.

D.4.4 Pilot Objective and Performance Monitoring

In order to measure the success of the pilot the following objectives and performance monitoring will be implemented throughout the project:

- Improve independence and accessibility for key target groups within the pilot area;
- Review the need for ongoing town service local bus provision;
- Support local businesses within the pilot area;
- Support the development of local third sector community transport providers.

Public engagement has identified a feeling of isolation due to mobility issues and lack of public transport options for this target group. It is intended that the pilot would promote independence amongst this group and ultimately improve mental health by providing more accessible links back into the community. Users of the service would be surveyed on their views to measure the success of the pilot.

Publicity and promotion of the service will be key feature in ensuring we reach the target group, and it is intended that the pilot service will be promoted locally via the council website and social media outlets, as well as via local press and community groups. How users found out about the service can also be built in to the survey to gauge which media had the biggest impact on service usage.

The pilot will test the public appetite for the provision of town service in Broxburn. This will be monitored through the recording and review of passenger numbers and fares collected during the pilot to assess performance indicators such as average subsidy per passenger and average passengers per journey.

The pilot would ideally support local business and services by providing direct links from residential areas to 'main street', where this is currently not possible within the current bus network. This is especially significant under the current restrictions that are in place as a result of the COVID 19 pandemic, as this service will provide a means of accessing essential amenities for those who would benefit from this support. The Passenger Transport Service will liaise with the Broxburn & Uphall Traders Association to identify performance monitoring and engagement measures which would demonstrate the impact of the pilot on local businesses.

It is hoped the pilot will support HCL in their development as an operator, where council officers will guide and support this third sector organisation through registration process with the Office of the Traffic Commissioner with a view to increasing sustainable community transport solutions for people within West Lothian.

D5 Consideration at PDSP

This report was considered at the Development and Transport PDSP and there were no additional comments made by the panel.

E. CONCLUSION

Local bus services have been further impacted by the COVID 19 pandemic. The recovery of the market is unclear and it is highly unlikely that the commercial network will be reinstated without change. The current uncertainty and instability of the network further impacts the timeline for reviewing the passenger transport strategy and subsidised contracts.

The interdependency between the tender of new contracts and the TTR means that the extension of the current contracts would further postpone implementation of some of the review however the community transport related outcomes can be progressed as a stand-alone project. A report will be presented to Council Executive in Spring 2021 on the outcome of the community bus pilot with further recommendations on community transport solutions within West Lothian.

F. BACKGROUND REFERENCES

None

Appendices/Attachments:

Appendix 1 - Initial Revised Contract Review Timeline

Appendix 2 - Recommended Revised Contract Review Timeline

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Jim Jack

Head of Operational Services

9 February 2021

Appendix 1 – Initial Revised Contract Review Timeline

Task	Revised Date
Prepare Revised Strategy	July - October 2020
Strategy Paper - D&T PDSP	November 2020
Strategy Paper - Council Executive	December 2020
Passenger Engagement	January - February 2021
Contract Redesign based on new strategy	January – March 2021
Contract Options Paper - D&T PDSP	May 2021
Contract Options Paper/ Tender Approval - Council Executive	May 2021
Contracts out to tender (Timescales dependent On Framework)	May 2021
Tender Close	June 2021
Tender Evaluation Deadline - including Passenger forecasts, cost per passenger estimates	June/July 2021
Ranking of Contracted Services	July 2021
Forecasts of budget implications of tender results	July 2021
Contract Award Paper - Council Executive Meeting	September 2021
Contract Award Letters to Operator	September 2021
Registration with Traffic Commissioner	September 2021
Contract Start Date	October 2021

Appendix 2 – Recommended Revised Contract Review Timeline

Task	Revised Date
Passenger Engagement	February – May 2021
Contract Redesign based on Passenger Engagement	May – November 2021
Revised Strategy Paper - D&T PDSP	August 2021
Revised Strategy Paper – Council Executive	September 2021
Contract Options Paper - D&T PDSP	November 2021
Contract Options Paper/ Tender Approval - Council Executive	November 2021
Contracts out to tender (Timescales dependent On Framework)	November 2021
Tender Close	December 2021
Tender Evaluation Deadline - including Passenger forecasts, cost per passenger estimates	December 2021/ January 2022
Ranking of Contracted Services	January 2022
Forecasts of budget implications of tender results	January 2022
Contract Award Paper - Council Executive Meeting	March 2022
Contract Award Letters to Operator	March 2022
Registration with Traffic Commissioner	March 2022
Contract Start Date	April 2022

DATA LABEL: PUBLIC



COUNCIL EXECUTIVE

PLANNING GUIDANCE ON THE HISTORIC ENVIRONMENT

PLANNING GUIDANCE FOR THE MANAGEMENT AND AFTER USE OF SOILS ON DEVELOPMENT SITES

REPORT BY HEAD OF PLANNING, ECONOMIC DEVELOPMENT & REGENERATION

A. PURPOSE OF REPORT

The purpose of this report is to advise the Council Executive on the outcome of consultation on draft Planning Guidance related to West Lothian's historic environment and on draft Planning Guidance related to the management and after-use of soils on development sites and to seek approval of the guidance.

B. RECOMMENDATION

It is recommended that the Council Executive:

1. approves the responses to the comments received during consultation on the draft Planning Guidance on the Historic Environment (Appendix 1);
2. approves the content of the revised Planning Guidance on the Historic Environment (Appendix 2);
3. approves the responses to the comments received during consultation on the draft Planning Guidance for the Management and After-use of Soils on Development Sites (Appendix 3);
4. approves the content of the revised Planning Guidance on the Management and After-use of Soils on Development Sites (Appendix 4);
5. approves the 'Screening Reports' for Planning Guidance on the Historic Environment (Appendix 5) and Planning Guidance on the Management and After-use of Soils on Development Sites (Appendix 6) which are to be submitted to SEA Gateway and the Consultation Authorities and which set out the council's justification that the guidance is exempted from additional Strategic Environmental Assessment because they will not in themselves have any significant environmental effects and there are no additional environmental effects not previously considered in the SEA for the LDP; and
6. delegates authority to the Head of Planning, Economic Development and Regeneration to issue a 'Screening Determination' in the event that SEA Gateway and the Consultation Authorities confirm their agreement that the guidance will not in itself have any significant environmental effects, and, where the SEA Gateway and the consultation authorities agree that a SEA is required, to report matters to a future meeting of the Council Executive.

C. SUMMARY OF IMPLICATIONS

I	Council Values	Focusing on our customers' needs; being honest, open and accountable; making best use of our resources; and working in partnership.
II	Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	<p>The West Lothian Local Development Plan (LDP) is a material consideration in the determination of planning applications. The Planning Guidance has been prepared in support of the LDP. There are ten policies in the LDP that relate to the historic environment. These are policies HER 23 – 33.</p> <p>Policy ENV 5 of the LDP requires Soil Sustainability Plans to be submitted alongside planning applications for development on greenfield sites over 1ha in size.</p> <p>Both of the proposed planning guidance are unlikely to have significant environmental effects and it is not anticipated that there will be a requirement to make them the subject of separate Strategic Environmental Assessment (SEA).</p> <p>There are no equality, health or risk assessment issues associated with the guidance.</p>
III	Implications for Scheme of Delegations to Officers	None.
IV	Impact on performance and performance Indicators	None.
V	Relevance to Single Outcome Agreement	Outcome 8 - We make the most efficient and effective use of resources by minimising our impact on the built and natural environment.
VI	Resources - (Financial, Staffing and Property)	None, though Officers will continue to look at options for securing external financial support for project delivery related to the historic environment.
VII	Consideration at PDSP	Draft Planning Guidance on the Historic Environment and draft Planning Guidance on the Management and After-use of Soils on Development Sites were considered by the Development & Transport PDSP on 4 September 2020 to undergo public consultation.
VIII	Other consultations	NETs & Land Services (Greenspace & Flood Risk Management Team), NatureScot (former Scottish Natural Heritage - Soil Scientist). No consultations on the planning guidance relating to the Historic Environment.

D. TERMS OF REPORT

D1 Background

The West Lothian Local Development Plan (LDP) adopted in 2018 sets out in Appendix 4 a number of proposed 'statutory' Supplementary Guidance (SG) and 'non-statutory' Planning Guidance (PG). Guidance is produced to support the policies in the West Lothian Local Development Plan and to give assistance to developers and other interested parties when considering development proposals.

Planning Guidance provides detail on a range of other subject areas not covered by Supplementary Guidance. It does not have as much weight as statutory Supplementary Guidance and it does not require to be approved by Scottish Ministers. It should nevertheless be followed, except where material circumstances justify an exception.

D2 Planning Guidance on the Historic Environment

Responsibility for the historic environment is shared between the council, national agencies, heritage and amenity bodies, property owners, users and visitors. Successful built heritage conservation relies on each party playing its part against an understanding of the heritage resource, the availability of relevant information relating to it, sound guidance and the implementation of effective planning policies.

The LDP indicates that Planning Guidance on the Historic Environment will:

- provide further details of the planning policy approach for Conservation Areas, Listed Buildings, Areas of Built Heritage and Townscape Value, Archaeology and Scheduled Monuments;
- set out additional details on specific topics: for example, the industrial heritage of West Lothian (including protection of shale miners rows and shale bings); proposed new designations, Historic Gardens and Designed Landscapes, landscapes of merit;
- promote best practice for conservation of the historic environment;
- outline requirements for submission with planning applications; and
- provide mapping, GIS-links and shape files as appropriate and practicable.

The proposed Planning Guidance is set out in Appendix 2. What the council will expect developers and others to consider when preparing and submitting planning applications for development related to West Lothian's historic environment are highlighted in boxes, in bold text, at the end of each section throughout the Planning Guidance. The Guidance provides further information on the following:

- Planning Policy;
- Conservation Areas;
- Listed Buildings;
- Scheduled Monuments;
- Archaeology;
- Areas of Built Heritage and Townscape Value;
- Public Realm Design Guidance;
- Historic Gardens & Designed Landscapes;
- Article 4 Directions;
- Site-specific historic environment issues:
 - Linlithgow Palace & Peel - Royal Park;
 - Linlithgow High Street Rigs;

- Former Bangour Village Hospital, Dechmont;
- Hopetoun Estate and Abercorn Village;
- Historic Battlefields: Battle of Linlithgow Bridge (1526).
- Buildings at Risk in West Lothian;
- West Lothian "Local List";
- Historic Kirk Yards;
- West Lothian's unique Shale Bings;

D3 Public Consultation

Public consultation was carried out over a 6 week period from September to early November 2020. This involved publication of the guidance on the council's website and issuing it for comment to all community councils and other interested national and local heritage bodies, as well as other stakeholder groups.

Extensive and detailed comments were received from Historic Environment Scotland and these have been incorporated into the proposed Planning Guidance. Support was also received from NatureScot (former Scottish Natural Heritage), as well as The Almond Valley Heritage Centre and Torphichen and Livingston Village Community Councils and Linlithgow Civic Trust. The council's response to all comments received is set out in Appendix 1. These have given rise to some proposed amendments to the planning guidance which are set out as track changes for ease of reference (Appendix 2). This includes enhanced reference to Historic Environment Scotland's Historic Environment Policy (HEPs) and updated references to guidance; information on listed building consent and the process of "listing" buildings and enhanced reference to the Union Canal, that is a scheduled monument.

D4 Planning Guidance for the Management and After Use of Soils on Development Sites

Soil is a finite resource. Some of the most significant impacts on it occur as a result of construction activity, yet it appears that there is a general lack of awareness and understanding of soil issues within the construction industry. Mapping of the natural drainage status of the soils in West Lothian shows that the majority of the southern half of the district and some areas to the west, have poor or very poor natural drainage characteristics. During development, misuse of soil often results in even poorer drainage capacity of the soil that is returned to a site after construction activity.

The "West Lothian Soil Sustainability Report" was originally published in 2004 following research by Scottish Agricultural College (SAC) and funded by Scottish Natural Heritage (SNH - now 'Nature Scot'), after arising out of the West Lothian Local Biodiversity Action Plan.

The report structure is under review by NatureScot (NS) soil scientist specialists and subject to NS grant funding, SAC have indicated they can update it. However, its broad indications remain valid in that the majority of soils in West Lothian have a soil texture ranging from clay to sandy clay loam. This high clay content often results in the worst drainage conditions, albeit there are examples of particularly good soils, yielding very high crop returns, in east West Lothian around Wilkieston. However, Climate Change is exacerbating drainage issues across West Lothian.

Preserving the structure of soil is of particular importance in assisting with its drainage. Soils with the most susceptible structural stability problems include silty clay loams and sandy clay loams as occur in West Lothian. Deterioration of soil structure can occur if soil is badly managed on development sites.

Given these circumstances it is prudent to have a soil management procedure in place before the commencement of specific developments on site, which would be implemented during and after construction. The proposed planning guidance (Appendix 4), sets out requirements of developers in that regard. It has been drafted with the input of Nature Scot soil scientist and expands on the policy requirements set out in the LDP.

Policy ENV 5 of the West Lothian Local Development Plan (2018), sets out requirements for the submission of Soil Sustainability Plans by developers:

“On all greenfield development sites over 1 ha, an assessment of soils will be required in relation to their sustainable re-use for landscape, habitat creation and open space provision and for their capacity to absorb water. These Soil Sustainability Plans, to be submitted with relevant planning applications will include soil identification for after-use purposes, top-soil handling, soil management during construction, site restoration, open space drainage and post-development monitoring.

The terms of policy EMG 6 will also require to be met”

The aim of the Planning Guidance is to:

- help conserve prime quality soils, as an irreplaceable natural resource where greenfield sites are being developed;
- minimise problems, like flooding, for development sites and adjacent land uses, where soil has been poorly managed during the course of construction; and
- prepare sites more effectively for landscaping and open space use.

The guidance sets out the circumstances where applicants will be required to submit a Soil Sustainability Plan (SSP) alongside planning applications.

Soil Sustainability Plans / planning conditions will need to consider the following:

- soil analysis and assessment of the development site;
- risk assessment before moving soil;
- soil archaeology assessment;
- soil identification for after-use purposes, including the opportunity to retain on site as much existing top-soil as is practical;
- top-soil handling proposals, including avoidance of compaction and movement of soils when ground conditions are inappropriate;
- storage proposals for soil, including profiling and height of soil dumps;
- site restoration proposals;
- open space drainage proposals, correction of mineral and nutrient deficiencies and soil erosion mitigation measures; and
- monitoring of soil post-development.

Examples of appropriate planning conditions are set out in the proposed Planning Guidance which also incorporates as an Annex a ‘*Best Practice Specification for Handling of Soil*’, alongside a checklist of the “*Do’s and Don’ts of soil management*” directed towards Site Agents.

D5 Consultation

The draft Planning Guidance was the subject of consultation with the development industry, community councils, SRUC Oatridge College and the Soils Association for a 6 week period from mid-September to early November 2020.

Three sets of comments were received. These are set out in Appendix 3 together with a proposed response. NatureScot welcomed the lead taken by the council in preparing the guidance for sites in West Lothian and were pleased that they were able to provide some support and advice during its drafting. While they had no specific additional comments to make on the draft guidance, NatureScot hopes that it will form the basis for good practice by other planning authorities in Scotland.

SEPA provided over 40 detailed comments and the Institute of Environmental Management and Assessment (IEMA) also provided a similar number of detailed comments from members of IEMA 'Land and Soils Working Group', (which is part of the IEMA Impact Assessment Network).

It is proposed that the Planning Guidance, following consideration by the Council Executive, should be adopted as council policy. Thereafter, the Annexes containing "*Best Practice Specification for Handling of Soil*" and a checklist of the "*Do's and Don'ts of soil management*" would be released with future relevant planning permissions to applicants and developers.

The Planning Guidance would also be provided, via NatureScot, to other Scottish local planning authorities if they wished to adapt and adopt the West Lothian model for improving soil handling, and its related benefits, on construction sites.

D6 Concluding Procedures for Planning Guidance

In the event that Council Executive approves the Planning Guidance Historic Environment and Planning Guidance on the Management and After-use of Soils on Development Sites the guidance firstly requires to be submitted to the SEA Gateway and the 'Consultation Authorities' (SEPA, NatureScot and Historic Environment Scotland) in order to test the council's assertion that they are exempted from any additional Strategic Environmental Assessment (SEA) because they will not in themselves have any significant environmental effects.

The council is required to set out its justification in a 'Screening Report', provided as Appendices 5 (Historic Environment) and 6 (Planning Guidance for the Management and After Use of Soils on Development Sites), and Council Executive are invited to approve these documents for submission to the SEA Gateway.

If, as anticipated, the SEA Gateway and the Consultation Authorities confirm their agreement that the guidance will not in itself have any significant environmental effects, it is requested that the Head of Planning, Economic Development and Regeneration is given delegated authority to issue a 'Screening Determination' which formalises the position that no additional Strategic Environmental Assessment is to be prepared in relation to the guidance. This will be reported for information to a subsequent meeting of the Council Executive at the earliest opportunity.

E. CONCLUSION

The LDP states that the historic environment is an important part of West Lothian's cultural heritage; it helps to enhance the local distinctiveness of the area and contributes towards the achievement of sustainable economic growth by playing a key role in supporting the growth of the area's tourism and leisure industry. Planning Guidance on the Historic Environment will assist developers and others to consider various built heritage issues when preparing and submitting planning applications for development related to West Lothian's historic environment.

Soil is fundamental to the functioning of many environmental assets and its management is an important part of sustainable development. In response to

continuing concerns about waterlogging and poor landscaping in development sites and to update the previous specific 'development control' guidance set out in the original West Lothian Soil Sustainability Report (2004), a related Planning Guidance on Soil Management has been prepared to assist the development industry.

F. BACKGROUND REFERENCES

The Historic Environment Policy for Scotland (April 2019) prepared by Historic Environment Scotland:

<https://www.historicenvironment.scot/advice-and-support/planning-and-guidance/historic-environment-policy-for-scotland-heps/>

West Lothian Local Development Plan (2018) (Pages 53 – 59 / Paras 198 – 219):

https://www.westlothian.gov.uk/media/38765/West-Lothian-Local-Development-Plan-Adopted-2018/pdf/West_Lothian_Local_Development_Plan_-_Adopted_final_Web_Version_Amended_-_2020-01-08.pdf?m=637140907284930000

West Lothian Council Soil Sustainability Report (2004).

West Lothian Council – “A Development Control Policy for the management and after use of soils on development sites” (May 2006).

Appendices / Attachments: six

Appendix 1: Consultation responses received on draft Planning Guidance and proposed response

Appendix 2: Tracked changed version of Planning Guidance on the Historic Environment

Appendix 3: Consultation responses received on draft Planning Guidance on the Management and After-use of Soils on Development Sites

Appendix 4: Track changed version of Planning Guidance on Soil Management & After-use of Soils on Development Sites

Appendix 5: SEA Screening Report on Planning Guidance on the Historic Environment

Appendix 6: SEA Screening Report on Planning Guidance on the Management and After-use of Soils on Development Sites

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Craig McCorriston

Head of Planning, Economic Development & Regeneration

9 February 2021

DATA LABEL: Public

Appendix 1: Summary of Consultation responses with Proposed Response

Consultee	Consultation comment	Council response
Almond Valley Heritage Trust	Wished to share this invitation to comment on the draft Planning guidance through our "West Lothian Heritage" facebook page.	Acknowledged – although no additional comments arrived via this route.
Torphichen Community Council	<p>Given the historic nature of the village the committee recommends that Torphichen be included in the list of locations on Page 19 re ENV 27.</p> <p>The list of listed buildings elsewhere in the report does not include some local residences which we understood to be listed and the report may require revision.</p>	<p>LDP Policy ENV 27 relates to 'Areas of Built Heritage & Townscape Value', a West Lothian specific designation. However, as Torphichen is already designated a Conservation Area, it is not necessary to also consider it an Area of Built Heritage & Townscape Value which is a tier below conservation areas.</p> <p>The community council was asked to clarify which "local residences" referred; information has been checked with Historic Environment Scotland; no amendments are required to the Planning Guidance.</p>
NatureScot (formerly Scottish Natural Heritage)	<p>The majority of the content of the Planning Guidance is not of immediate relevance to our remit. We note that the guidance on shale bings includes recognition of their role in setting and landscape character of the area and welcome the proposed joint preparation of a management plan for the green corridor between Winchburgh and East Broxburn.</p> <p>To reflect our rebranding, references to Scottish Natural Heritage (SNH) should be changed to NatureScot when the draft guidance is being finalised.</p>	<p>Acknowledged. The "proposed joint preparation of a management plan for the green corridor between Winchburgh and East Broxburn" is a requirement of the Local Development Plan and is required from the East Broxburn CDA developer, alongside the Winchburgh CDA developer.</p> <p>Noted. References to former 'Scottish Natural Heritage' have been replaced by 'Nature Scot'.</p>

Consultee	Consultation comment	Council response
<p>Livingston Village Community Council</p>	<p>We welcome this especially since our Community Council area embraces one of the noted conservation areas namely Livingston Village. We consider it excellent in that it lists all the various elements of a variety of kinds that constitute Historic Environment in West Lothian</p> <p>We note that this pulls together in a single document the miscellany of approvals that may be required for a development varying from planning permission to more specific consents depending on the type of historic quality.</p> <p>Previously we submitted representations on a couple of environmental planning guidances. The first, in October 2019, was on Shop Fronts and Advertising in conservation areas. This may not yet be approved. However, it should be mentioned within the context of this new PG.</p> <p>Our second representation was on the Built Heritage and Townscape Values – Miners Rows. This is mentioned near the top of page 9 as still awaiting approval some 12 months on from consultation. In our submission we asked a few questions and made some suggestions. We never got any feedback on these.</p>	<p>Acknowledged.</p> <p>Acknowledged.</p> <p>Agreed. The Planning Guidance on ‘Shopfronts and Advertisements in Conservation Area’ was approved in May 2020. Reference and web link to this has been inserted into the Planning Guidance.</p> <p>The Planning Guidance related to the ‘Shale Miners Rows’ was adopted by the council in October 2020.</p>
<p>Linlithgow Civic Trust</p>	<p>Linlithgow Civic Trust (the Trust) welcomes this Planning Guidance on the historic environment. The planning system has a key role to play in the protection of Linlithgow's outstanding heritage and in ensuring that new development is of a standard and quality that befits the town's unique historic status.</p> <p>We make the following observations with specific reference to Linlithgow, and the Trust's remit to encourage the</p>	<p>Acknowledged.</p>

Consultee	Consultation comment	Council response
	<p>conservation of the town's historic buildings and environment.</p> <p>1. As a general comment, the Trust hopes that the Guidance will support its efforts to bring about an improvement in the built environment of the Linlithgow Palace and High Street outstanding conservation area. The Trust continues to be concerned about the deteriorating condition of key sites in what is the main gateway to the 'jewel in the crown' which is Linlithgow Palace. This neglect cannot be allowed to continue. The town's rich history, which is reflected in its built heritage is a magnet for tourism and makes a major contribution to the economic vibrancy and well being of the town centre.</p> <p>2.The paragraph headed 'West Lothian Conservation Areas' on page 6, notes that '<i>(the council) should also prepare and publish proposals for protection and enhancement of the area such as the introduction of special controls, improvements, initiatives and guidance on repairs and alterations.</i>' The Trust is concerned that the significance of Linlithgow's built heritage and the need for its protection is not as widely appreciated as it could be, and welcomes initiatives and guidance which aids further understanding of the importance of the High Street in particular, and its many listed buildings. This should include the important role of the planning system with its various controls.</p> <p>3. In furthering its aims, the Trust acknowledges the role that the public realm design guidance plays in enhancing the built heritage which in turn encourages investment in the town</p>	<p>The council is aware and appreciative of the support Linlithgow Civic Trust brings to the interest and protection of the town's built heritage which is indeed an economic support to Linlithgow's prosperity. The council will continue to work with the private owners of some of the key vacant sites on the approach to The Cross at the former bus station and also the former Victoria Halls site.</p> <p>A planning brief has recently been approved for the adjacent Vennel site to stimulate re-development and involved the community and interested organisations.</p> <p>The Planning Guidance on 'Shopfronts and Advertisements in Conservation Areas' was approved in May 2020 and covers 7 conservation areas including Linlithgow. Linlithgow Civic Trust took the initiative to produce a short leaflet based on the approved guidance and specifically related to shopfronts and advertisements and after agreement with WLC Planning Services for direct deliver to all the retail premises along Linlithgow High Street with the printing supported by the Town Management Group.</p> <p>A review of all West Lothian's five traditional towns Public Realm Design Guidance (PRDG). Including Linlithgow was undertaken</p>

Consultee	Consultation comment	Council response
	<p>centre. The Guidance notes that <i>'Development proposals must accord with the relevant urban design framework, premises improvement design guidance and public realm design guidance where applicable.'</i> (Page 10). It is important that the public realm design guidance is disseminated as widely as possible along with other initiatives to protect and enhance the historic environment. The Trust would be pleased to see a finalised 'adopted' version of the design guidance for Linlithgow (reviewed and updated in 2019), and in this respect, it should be noted that the web link, referred to on page 10 is missing.</p> <p>4. The Trust supports the planning objectives for Linlithgow Palace and Peel - Royal Park, and Linlithgow High Street Rigs as outlined on pages 12 and 13, and trusts that they will always be brought to bear in the consideration of planning matters.</p> <p>5. The Trust is concerned that the significance of the Battle of Linlithgow Bridge, listed in the Inventory of Historic Battlefields should be as widely recognised as possible, and that the provisions of Local Development Plan policy ENV 31, as outlined on page 15, be implemented as stringently as possible. The site has already been adversely affected by a number of developments, and it is vital that any further development proposals should respect and where possible enhance the landscape and significance of the site.</p> <p>In conclusion, the Trust would like to emphasise the importance of all of the planning policies related to the historic environment as listed in Appendix 1, and trusts that</p>	<p>in 2020 and presented to the Council's Development & Transport Policy Development & Scrutiny Panel in December 2020. The PDSP recommended that the PRDGs undergo public consultation in Spring 2021. The Linlithgow public realm design guidance was prepared by architectural consultants, based in the High Street, in 2013 and approved by the Council in 2017. Consequently, it is not considered to generally be out-of-date and still relevant and hence does not require a review at this time.</p> <p>Acknowledged. The planning policies related to Linlithgow Palace and Peel derive from national guidance on the consultation zone for all planning applications within that zone to have regard to the Palace & the Peel.</p> <p>A separate Planning Guidance note on Linlithgow Bridge Battlefield is in preparation. Housing allocation at Kettilstoun Quarry (Site H-LL13) was imposed by the DPEA following the Local Development Plan Examination process. The grant of planning permission for the Linlithgow CDT cycle track at Kettlistoun West had an accompanying planning condition relating to an archaeological watching brief on the site.</p> <p>Agreed. The Local Development Plan policies listed are used to consider relevant planning applications in Linlithgow and elsewhere across West Lothian.</p>

Consultee	Consultation comment	Council response
	the council will continue to strive to ensure their rigorous implementation.	
Historic Environment Scotland	<p>Thank you for giving Historic Environment Scotland the opportunity to comment on the draft planning guidance for the historic environment (the PG). We welcome the preparation of this document to provide detailed guidance and advice to support the relevant policies of the Local Development Plan. We have some comments to offer on the content of the document:</p> <p>Introduction</p> <ul style="list-style-type: none"> • Given that you have noted that the Bings are scheduled monuments, you may wish to consider noting that both Cairnpapple and Linlithgow are also scheduled monuments. We would suggest that all of these are referred to as ‘scheduled monuments of national importance’. <p>Planning policy</p> <ul style="list-style-type: none"> • We welcome the inclusion of the Historic Environment Policy for Scotland (2019) as a key policy document. The policies within HEPS should be taken into account whenever a decision will affect the historic environment, and it would be helpful if this could be emphasised within the PG. • You should remove reference to the following documents as they are either superseded or out of date: <ul style="list-style-type: none"> o Historic Environment Scotland Policy Statement (June 2016); o Historic Environment Circular 1 Historic Environment Scotland (2016); o Historic Environment Scotland “Managing Change in the Historic Environment” guidance notes 	<p>Acknowledged.</p> <p>Agreed. Text amended accordingly, paragraph 2.1 refers.</p> <p>Agreed. Text amended accordingly, paragraph 3.3 refers.</p> <p>Agreed. Text amended accordingly and with out of date/superseded references removed and reference to more up-to-date HES Circulars inserted – paragraph 3.3 refers.</p>

Consultee	Consultation comment	Council response
	<ul style="list-style-type: none"> • We recommend you include reference to the following documents: <ul style="list-style-type: none"> o Historic Environment Scotland Circular (2019) https://www.historicenvironment.scot/archives-and-research/publications/publication/?publicationId=a768f3cb-eb44-4473-be7b-aa2500e4892b o Updated Managing Change guidance notes https://www.historicenvironment.scot/archives-and-research/publications/?publication_type=37 <p>West Lothian Conservation Areas</p> <ul style="list-style-type: none"> • We would encourage the preparation of Conservation Area Character Appraisals for existing conservation areas to assist with their future management. We note the LDP policy says these will be produced but so far there has been no action. We would suggest a timetable is put forward. Their preparation would be an opportunity to give more detail to the areas and assist in their conservation and development. We would be happy to provide comments on any draft appraisals. <p>Listed Buildings in West Lothian</p> <ul style="list-style-type: none"> • We suggest the following alternative wording for the first paragraph of this section: <p><i>“Listed Buildings in West Lothian - Historic buildings are an important and very visible component of West Lothian’s built heritage. They contribute to the identity of places and provide a cultural, educational, social, and economic resource. The best examples of these buildings are added to a nationally compiled list. ‘Listing’ is the process that</i></p>	<p>Disagree. Four Conservation Area Appraisals (CAA) have been carried out to date, reported to the Council’s Development & Transport Policy Development & Scrutiny Panel (PDSP), then underwent public consultation and reported to the Council Executive for approval. These include: Broxburn, 2015; Mid Calder, 2017; and Uphall, 2018. Kirknewton CAA while taken through PDSP in December 2019 and was due for public consultation in Spring 2020, was stalled due to Co-vid shutdown. Work has begun on Livingston Village CAA.</p> <p>Agreed and wording incorporated into finalised text of the Planning Guidance, paragraph 5.1 refers.</p>

Consultee	Consultation comment	Council response
	<p><i>identifies, designates and provides statutory protection for buildings of special architectural or historic interest as set out in the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. Once a building is found to be of special architectural or historic interest, it is then classified under one of three categories according to its relative importance, either A, B or C as outstanding, major or representative examples of a particular period, style or building type."</i></p> <ul style="list-style-type: none"> • We suggest the following alternative wording for the fifth paragraph of this section: <p><i>"The bulk of the statutory list is based on survey work first carried out in the 1950's and 1960's, although there have been reviews from time to time. HES occasionally remove buildings from the list after review and consultation. There may remain buildings in West Lothian which are worthy of listing, but are not yet recognised through inclusion on the statutory list. If a site or place is not designated, it does not necessarily mean that it does not merit designation. Many sites or places have not been assessed, recently or otherwise, and this should be taken into account. HES welcomes requests for designation reviews from planning authorities and interested parties before development proposals are advanced. Requests for listing reviews can be made to HES using their application form."</i></p> <p>https://www.historicenvironment.scot/advice-and-support/listing-scheduling-and-designations/listed-buildings/propose-a-building-for-listing/</p> <ul style="list-style-type: none"> • Listed buildings are also searchable on Historic Environment Scotland's portal. http://portal.historicenvironment.scot 	<p>Agreed and wording incorporated into finalised text of the Planning Guidance, paragraph 5.5 refers.</p>

Consultee	Consultation comment	Council response
	<p>Listed Building Consent</p> <ul style="list-style-type: none"> • Conservation Area Consent (CAC) is only required for buildings that are not listed. In view of this we recommend that the reference to CAC should be included under West Lothian Conservation Areas, not under Listed Building Consent. <p>West Lothian's Scheduled Monuments</p> <ul style="list-style-type: none"> • We welcome the reference to the need for consent for works to scheduled monuments. It may be helpful to specifically refer to Scheduled Monument Consent and include the relevant link: https://www.historicenvironment.scot/advice-and-support/applying-for-consents/scheduled-monument-consent/ • We suggest the following alternative wording for the first paragraph of this section: <i>"Historic Environment Scotland compiles and maintains a schedule (a list) of monuments of national importance under the terms of the Ancient Monuments and Archaeological Areas Act, 1979. There are 46 archaeological sites and ancient monuments in West Lothian that are designated as Scheduled Monuments (see Appendix 4).</i> <i>If a site or place is not designated, it does not necessarily mean that it does not merit designation. Many sites or places have not been assessed, recently or otherwise, and this should be taken into account. HES welcomes requests for designation reviews from planning authorities and interested parties before development proposals are advanced.</i> 	<p>Acknowledged and wording and web link incorporated into finalised text of the Planning Guidance, paragraphs 4.6 and 4.7 refer.</p> <p>Agreed and reference incorporated into finalised text of the Planning Guidance, paragraphs 6.1 and 6.2 refer.</p> <p>Agreed and link inserted into the finalised text of the Planning Guidance, paragraph 6.1 refers.</p> <p>Agreed and wording incorporated into the finalised text of the Planning Guidance, paragraph 6.2 refers.</p>

Consultee	Consultation comment	Council response
	<p><i>Requests for scheduling reviews can be made to HES using their application form.”</i></p> <p>https://www.historicenvironment.scot/advice-and-support/listing-scheduling-and-designations/listed-buildings/propose-a-building-for-listing/</p> <p>West Lothian Historic Gardens and Designed Landscapes</p> <ul style="list-style-type: none"> • The inventory of gardens and designed landscapes is compiled and maintained by Historic Environment Scotland. Nature Scot (formerly Scottish Natural Heritage) no longer has a role in the designation of inventory sites although we do liaise as required. Local authorities must consult Historic Environment Scotland on development proposals that they consider will affect an Inventory garden or designed landscape. • HES welcomes requests for inventory designation reviews from planning authorities and interested parties before development proposals are advanced using their application form. https://www.historicenvironment.scot/advice-and-support/listing-scheduling-and-designations/listed-buildings/propose-a-building-for-listing/ • It would be beneficial to include reference to HES's Managing Changes Guidance Note for GDLs: https://www.historicenvironment.scot/archives-and-research/publications/publication/?publicationid=83214207-c4e7-4f80-af87-a678009820b9 <p>Other site-specific historic environment issues</p> <ul style="list-style-type: none"> • We welcome the policy intention made in relation to Linlithgow Palace and Peel and the recognition that the potential impact of development proposals located beyond 	<p>Acknowledged that the former Scottish Natural Heritage now NatureScot are no longer involved in designation of gardens and designed landscapes inventory sites. Planning Guidance has been updated to reflect this.</p> <p>Acknowledged and included in the revised Planning Guidance, paragraph 10.10 refers.</p> <p>Agreed and web link incorporated into finalised text of the Planning Guidance.</p> <p>Acknowledged, but as the West Lothian Local Development Plan was adopted in September 2018, it is not possible to amend the policy wording or text pre-amble. This will be borne in</p>

Consultee	Consultation comment	Council response
	<p>800m of the Royal Park will be considered. Although we are broadly content with the wording of Policy ENV 25 - Linlithgow Palace and Peel and High Street Riggs, you may wish to consider amending the commentary provided in this section that the site is a scheduled monument, and that potential impacts from development proposals on views from Linlithgow, as well as towards it, should be assessed as this would be more consistent with the advice in the Managing Change in the Historic Environment: Setting Guidance (2016).</p> <ul style="list-style-type: none"> • Linlithgow High Street Riggs: We would only expect a consultation if a planning application affected our statutory historic environment interests. • Hopetoun Estate and Abercorn Village: We would only expect a consultation if a planning application also affected our statutory historic environment interests. Consultation would be required on any CAC application, if Abercorn is designated a Conservation Area. • As well as including the link to the Inventory description for the Battle of Linlithgow Bridge (BTL 25), you may wish to consider including a link to our 'Managing Change in the Historic Environment: Historic Battlefields Guidance' (2016) as this should be used when considering the impact of proposed development on sites appearing in the Inventory: https://www.historicenvironment.scot/archives-and-research/publications/publication/?publicationid=b7a05b45-f2a9-4c71-8450-a60b0094c62e • In addition, in our view the commentary provided in this section could be amended to convey more clearly the aim of protecting, conserving and, where appropriate, enhancing 	<p>mind with the forthcoming preparation of LDP2.</p> <p>Acknowledged.</p> <p>Acknowledged. It is still the council's intention to promote Abercorn as a Conservation Area.</p> <p>Agreed and additional link inserted into the finalised text of the Planning Guidance, paragraph 12.23 refers, paragraph 14.4 refers.</p> <p>Agreed and wording amended into the finalised text of the Planning Guidance paragraph 14.4 refers.</p>

Consultee	Consultation comment	Council response
	<p>the key landscape characteristics and special qualities' of the Inventory historic battlefield (as per Section 149 of SPP), while also explaining that HES do not need to be consulted on householder developments (as per Appendix 1 of the Historic Environment Scotland Circular (2019)).</p> <p>West Lothian 'Local List'</p> <ul style="list-style-type: none"> • We would welcome more information about West Lothian Council's Local List and suggest further discussion around your plans for this. We would also encourage you to reference the new Local Place Plans and how communities can become involved in deciding on sites and places of local significance. Along with the many other priorities that Local Place Plans will address, we believe that community bodies are in a great position to include local heritage in these. Our '<i>Designations Policy and Selection</i>' Guidance references Local designations and other forms of recognition (p. 8) and our current consultation '<i>Talking About Heritage</i>' is seeking to encourage more engagement with local heritage https://consultations.historicenvironment.scot/heritage/your-heritage/ <p>Historic Kirk Yards</p> <ul style="list-style-type: none"> • We welcome the intention to conserve, repair and maintain historic kirkyards. Given that some of these are scheduled monuments, it would be helpful to highlight that Scheduled Monument Consent is required in advance from HES for most works as this should prevent any unauthorised works (i.e. works being undertaken without our prior written consent) occurring. <p>West Lothian's unique Shale Bings</p> <ul style="list-style-type: none"> • We also welcome the intention to recognise and protect West Lothian's unique Shale Bings, including the proposed 	<p>Acknowledged. A draft West Lothian 'Local List' has been prepared by officers. Once it is reported to a Development & Transport Policy Development & Scrutiny Panel for consideration, it would be shared with property owners and HES. References to "Local Place Plans" has been included in the finalised Planning Guidance text however reference to HES consultation is not, as it is time limited.</p> <p>Agreed. Reference to the need for Scheduled Monument Consent has been inserted in to the finalised Planning Guidance text, paragraph 15.3 refers.</p> <p>Agreed and text amended accordingly as suggested to confirm that Scheduled</p>

Consultee	Consultation comment	Council response
	<p>management plan for this area. Although the commentary includes the recognition that Scheduled Monument Consent will be required, please note that this is now administered by HES and not from Scottish Ministers, so the text should be amended accordingly to reflect this change.</p> <p>Other comments</p> <ul style="list-style-type: none"> • In reference to West Lothian Council's Policy ENV 27 Areas of Built Heritage and Townscape Value, we recommend that when this policy is reviewed as part of the next LDP iteration, areas of more recent date such as the Livingston New Town development should be considered as part of the area's townscape value with many places of integrated designed hard and natural landscape (town art), planned neighbourhoods (Craigshill, Howden, Dedridge, etc.) • We note that the Union Canal is briefly mentioned in the draft document and is given protection under Policy ENV 33 - Scheduled Monuments. Given its importance alongside other key historic sites which make a vital contribution to the West Lothian area, you may wish to consider highlighting it further. 	<p>Monument Consent is now administered by HES, paragraph 15.3 refers. Reference will also be included on the uniqueness of the associated bing habitat for plants following a study by Dr Barbara Harvie in 2004 .</p> <p>Acknowledged. This proposal in relation to the former new town that is now almost 60 years old, will be considered during the preparation of LDP 2.</p> <p>Acknowledged. Further reference to the Union Canal is provided with a short, separate section within the Finalised Planning Guidance as part of section on "Other site-specific historic environment issues", paragraphs 12.4 – 12.5 refer.</p>

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Planning Services
Development Planning & Environment



Appendix Two

PLANNING GUIDANCE (PG) Historic Environment

This version produced for Council Executive
9 February 2021

'TRACK CHANGED VERSION'

Amended to highlight revisions proposed by consultees

Deletions are shown as strike through text and additions/amendments are shown as underlined text

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one

Introduction

1.1 The West Lothian Local Development Plan (LDP) adopted in 2018 sets out in Appendix 4 a number of proposed 'statutory' Supplementary Guidance and 'non-statutory' Planning Guidance. Guidance is produced to support the policies in the West Lothian Local Development Plan and to give assistance to developers and other interested parties when considering development proposals.

1.2 Planning Guidance provides detail on a range of subject areas not covered by Supplementary Guidance. It does not have as much weight as Supplementary Guidance and it does not require to be approved by Scottish Ministers. It should, nevertheless, be followed except where material circumstances justify an exception.

1.3 Responsibility for the historic environment is shared between the council, national agencies, heritage and amenity bodies, property owners, users and visitors. Successful built heritage conservation relies on each party playing its part against an understanding of the heritage resource, the availability of relevant information relating to it, sound guidance and the implementation of effective planning policies.

1.4 The LDP indicates that Planning Guidance on the Historic Environment will:

- provide further details of policy approach for Conservation Areas, Listed Buildings, Areas of Built Heritage and Townscape Value, Archaeology and Scheduled Monuments;
- set out additional details on specific topics: for example, the industrial heritage of West Lothian (including protection of shale miners rows and shale bings); proposed new designations, Historic Gardens and Designed Landscapes, landscapes of merit;
- promote best practice for conservation of the historic environment; and
- outline requirements for submission with planning applications.

1.5 What the council will expect developers and others to consider when preparing and submitting planning applications for development related to West Lothian's historic environment are highlighted in boxes in bold text throughout this Planning Guidance.

two

Background to West Lothian's Historic Environment

Prehistoric

2.1 West Lothian sits astride the suspected main central Scotland routes between Edinburgh and the west coast and also between Edinburgh and Stirling, making it a significant place in the past. Its most important prehistoric site is the scheduled Neolithic chambered tomb at Cairnpapple in the Bathgate Hills - a site of national significance. From here, one of the highest points in the county, there are views across central Scotland to the Highlands, south towards the Pentlands, and from the River Forth to the River Clyde.

Medieval Period

2.2 In the medieval period a defensive fort was built on the edge of Linlithgow Loch, in order to control and administer the surrounding lands. In the 15th century this was rebuilt as the magnificent royal Linlithgow Palace, though it was damaged by fire in 1746 and is now roofless, but a scheduled monument of national importance.

Early Industries

2.3 Early industries in the county were small-scale - silver mining below Cairnpapple, the water-powered cotton mill at Blackburn and other mills along the River Almond & Avon, Linlithgow's paper mills and the shallow coal pits around Bathgate and Whitburn. Later industry was less kind to the landscape: from the 1840s and 50s, extensive deep mining - first ironstone near Fauldhouse and Whitburn, then coal and shale - as well as foundries, steelworks, brickworks and railways changed the face of the county, interrupted the water courses, degraded much of the farmland and covered the landscape with bings. Many of the bings, once seen as a blight, have been removed. However, some of the remaining bings have been designated as scheduled monuments in recognition of their historical and environmental value.

Heavy Industries

2.4 The heavy industries brought prosperity for the few, employment for the many. The population of the industrial areas grew rapidly and new villages sprang into being to house the mining workforce. The speed of growth resulted in a much increased need for housing. Miners' rows were initially built as quickly and cheaply as possible to meet this need but this left a legacy of poor housing. However, subsequent investments and improvements in these unusual properties mean that the few remaining miners rows are generally good quality reminders of the historical past.

2.5 James Young and Robert Bell and others pioneered the world's commercial oil industry in West Lothian. Workers came to the new jobs in the mines and the oil works. Though American petroleum was discovered some ten years after the start of West Lothian's shale industry, the local engineers continually refined their processes to keep Scottish shale oil competitive.

First World War

2.6 By the outbreak of the First World War in 1914, West Lothian was a thriving industrial powerhouse strategically located in the Central Belt between Edinburgh and Glasgow; with many thousands employed in shale, coal, and the other heavy industries; supplying the oil which powered the Royal Navy; but one of the worst housed counties in the whole of Scotland. Over the next fifty years the building of thousands of council houses resulted in local families having access to much improved standards of housing.

three

Planning Policy

3.1 The LDP states that the historic environment is an important part of West Lothian's cultural heritage; it helps to enhance the local distinctiveness of the area; and contributes towards the achievement of sustainable economic growth by playing a key role in supporting the growth of the area's tourism and leisure industry.

3.2 Scottish Planning Policy (SPP) 2014, although under review in 2020/21 as part of the requirements of the Planning (Scotland) Act 2019, identifies the historic environment as including ancient monuments, archaeological sites and landscape, historic buildings, townscapes, parks, gardens and designed landscapes and other features of both a statutory and non-statutory designation. SPP 2014 observes that planning authorities can help safeguard historic assets through the land use planning system and intimates that development plans should provide the necessary framework for the protection, conservation and enhancement of all elements of the historic environment.

3.3 The Historic Environment Policy for Scotland (April 2019) prepared by Historic Environment Scotland is also an important policy document. The policies within HEPS should be taken into account whenever a decision will affect the historic environment.

<https://www.historicenvironment.scot/advice-and-support/planning-and-guidance/historic-environment-policy-for-scotland-heps/>

3.4 The main pieces of legislation are:

- Historic Environment Scotland Act (2014);
- The Historic Environment Amendment Act (2011);
- Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997;
- The Town & Country Planning (Scotland) Act 1997; and
- Ancient Monuments and Archaeological Areas Act 1979.

3.5 The principal elements of related policy and guidance on the historic environment comprise:

- ~~Historic Environment Scotland Policy Statement (June 2016);~~
- ~~Historic Environment Circular 1 Historic Environment Scotland (2016);~~
- ~~Historic Environment Scotland "Managing Change in the Historic Environment" guidance notes (2016)~~
- Historic Environment Scotland Circular (2019)
<https://www.historicenvironment.scot/archives-and-research/publications/publication/?publicationId=a768f3cb-eb44-4473-be7b-aa2500e4892b>
- HES Managing Change in the Historic Environment guidance notes
https://www.historicenvironment.scot/archives-and-research/publications/?publication_type=37

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- Scottish Planning Policy (SPP) Para 135-151 “Valuing the Historic Environment” (2014);
- The Historic Environment Strategy for Scotland “Our Place in time” (2014);
- Planning Advice Note 2/2011 – “Planning & Archaeology” (2011);
- Planning Advice Note 71- Conservation Area Management (2004);

Relevant LDP planning policies related to the historic environment entail (and they are set out in full in Appendix 1):

- Policy ENV 23 - Conservation Areas (Designations);
- Policy ENV 24 - Conservation Areas (Demolitions);
- Policy ENV 25 - Linlithgow Palace and Peel and High Street Riggs;
- Policy ENV 26 - Hopetoun Estate and Abercorn Village;
- Policy ENV 27 - Areas of Built Heritage and Townscape Value;
- Policy ENV 28 - Listed Buildings;
- Policy ENV 29 - Unoccupied and Threatened Listed Buildings;
- Policy ENV 30 - Historic Gardens and Designed Landscapes;
- Policy ENV 31 - Historic Battlefields: Battle of Linlithgow Bridge (1526);
- Policy ENV 32 - Archaeology; and
- Policy ENV 33 - Scheduled Monuments.

four

West Lothian Conservation Areas and listed building consent

4.1 A conservation area is an area of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance. On designating a conservation area, the council, is obliged to have special regard for the character of the area in considering development. It should also prepare and publish proposals for protection and enhancement of the area such as the introduction of special controls, improvements, initiatives and guidance on repairs and alterations.

4.2 All buildings in a conservation area are protected from demolition and designation automatically protects trees.

4.3 There are nine conservation areas in West Lothian:

- Bangour Village Hospital;
- Broxburn;
- Kirknewton;
- Linlithgow Palace and High Street;
- Linlithgow – Upper Linlithgow and Union Canal;
- Livingston Village;
- Mid Calder;
- Torphichen; and
- Uphall.

Further details are available on the council's website.

<https://www.westlothian.gov.uk/conservation-areas>

4.4 The conservation area boundaries are shown in Appendix 2.

4.5 Conservation areas are areas which are worthy of protection or enhancement because they have a special architectural or historic character. As such, special planning regulations apply for development in conservation areas. Some types of development which may normally be considered permitted development require planning permission or conservation area consent.

If unsure what is “permitted development”, check with the council’s Development Management Team

<https://www.westlothian.gov.uk/article/33052/Householder-planning-application-guidance>

4.6 Listed Building Consent is required for alterations or extensions to listed buildings, even where such alterations may be regarded as very minor. In some cases, it is necessary to get consent for alterations to the interior of a listed building or for structures that adjoin it. The need to seek consent does not mean that alterations / extensions are not acceptable, but is a reflection of the higher design standards expected with respect to listed buildings (see LDP Policy ENV 23).

4.7 Listed Building Consent is also required to demolish a listed building. (see LDP Policy ENV 24). Conservation Area Consent is also required if the building is within a conservation area.

[https://www.westlothian.gov.uk/media/2601/Listed-buildings-in-West-Lothian/pdf/throughout WL sorted by item no 2015 update.pdf?m=635702360028400000](https://www.westlothian.gov.uk/media/2601/Listed-buildings-in-West-Lothian/pdf/throughout_WL_sorted_by_item_no_2015_update.pdf?m=635702360028400000)

five

Listed Buildings in West Lothian

5.1 Historic buildings are an important and very visible component of West Lothian's built heritage. They contribute to the identity of places and provide a cultural, educational, social, and economic resource. The best examples of these buildings are ~~afforded statutory protection through their identification on a nationally compiled list, in a process known as 'listing'. Buildings can be listed as 'A', for their international importance; 'B', for regional importance or 'C' for local importance~~ added to a nationally compiled list. 'Listing' is the process that identifies, designates and provides statutory protection for buildings of special architectural or historic interest as set out in the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. Once a building is found to be of special architectural or historic interest, it is then classified under one of three categories according to its relative importance, either A, B or C as outstanding, major or representative examples of a particular period, style or building type.

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5.2 The listing process is undertaken by Historic Environment Scotland (HES).
<https://www.historicenvironment.scot/advice-and-support/listing-scheduling-and-designations/listed-buildings/>

5.3 There are approximately 450 listed buildings in West Lothian (see Appendix 3). Details of these are also available on the council's website.

<https://www.westlothian.gov.uk/article/33134/Listed-buildings>

https://www.westlothian.gov.uk/media/2601/Listed-buildings-in-West-Lothian/pdf/throughout_WL_sorted_by_item_no_2015_update.pdf?m=635702360028400000

5.4 Listed buildings range in scale and status from garden ornaments, bridges and good examples of agricultural steadings, through to nationally important structures such as Linlithgow Palace, Hopetoun House and other large houses set within their own grounds.

5.5 The bulk of the statutory list is based on survey work carried out in the 1950's and 1960's, although there have been reviews from time to time. ~~West Lothian is now largely up to date in terms of listings and there are unlikely to be any further comprehensive reviews for the foreseeable future.~~ HES occasionally remove buildings from the list after review and consultation. There may remain buildings in West Lothian which are worthy of listing, but are not yet recognised through inclusion on the statutory list. If a site or place is not designated, it does not necessarily mean that it does not merit designation. Many sites or places have not been assessed, recently or otherwise, and this should be taken into account. HES welcomes requests for designation reviews from planning authorities and interested parties before development proposals are advanced. Requests for listing reviews can be made to HES using their application form. <https://www.historicenvironment.scot/advice-and-support/listing-scheduling-and-designations/listed-buildings/propose-a-building-for-listing/>

5.6 Listed buildings are also searchable on Historic Environment Scotland's portal.
<http://portal.historicenvironment.scot>

5.7 The maintenance and efficient use of a listed building is the responsibility of its owner, although the council has an important role in encouraging responsible action. The council is also a principal guardian of heritage assets in West Lothian which range from important public listed buildings through to individual monuments and sculptures.

5.8 The council recognises that the use of planning controls is not meant to stifle change to listed buildings and that development proposals can enhance a listed building or its setting, bring into use a building that otherwise would remain vacant, or secure a building's future. However, it is important that any development does not adversely affect the character and setting of the building and that it is implemented in a manner based on best practice in conservation.

Listed Building Consent

~~Listed Building Consent is required for alterations or extensions to listed buildings, even where such alterations may be regarded as very minor. In some cases it is necessary to get consent for alterations to the interior of a listed building or for structures that adjoin it. The need to seek consent does not mean that alterations / extensions are not acceptable, but is a reflection of the higher design standards expected with respect to listed buildings (see LDP Policy ENV 23).~~

~~Listed Building Consent is also required to demolish a listed building, (see LDP Policy ENV 24). Conservation Area Consent is also required if the building is within a conservation area.~~

~~<https://www.westlothian.gov.uk/media/2601/Listed-buildings-in-West-Lothian/pdf/throughout-WL-sorted-by-item-no-2015-update.pdf?m=635702360028400009>~~

six

West Lothian's Scheduled Monuments

6.1 Historic Environment Scotland compiles and maintains a schedule (a list) of monuments of national importance under the terms of the Ancient Monuments and Archaeological Areas Act, 1979. There are 46 archaeological sites and ancient monuments in West Lothian that are designated as Scheduled Monuments (see Appendix 4).

6.2 If a site or place is not designated, it does not necessarily mean that it does not merit designation. Many sites or places have not been assessed, recently or otherwise, and this should be taken into account. HES welcomes requests for designation reviews from planning authorities and interested parties before development proposals are advanced. Requests for scheduling reviews can be made to HES using their application form.

<https://www.historicenvironment.scot/advice-and-support/listing-scheduling-and-designations/listed-buildings/propose-a-building-for-listing/>

Scottish Ministers are required to maintain a schedule of monuments of national importance under the terms of the Ancient Monuments and Archaeological Areas Act, 1979. There are 52 archaeological sites and ancient monuments in West Lothian that are designated as Scheduled Monuments (see Appendix 4).

6.3 These archaeological sites and ancient monuments are part of the national and local history of the area and they range from the prehistoric site at Cairnpapple in the Bathgate Hills and sites of Roman origin, through to the modern industrial relics of "The Five Sisters" near West Calder and Faucheldean and Greendykes (part) shale bings and the Union Canal (see LDP Policy ENV 33)

<https://www.historicenvironment.scot/advice-and-support/listing-scheduling-and-designations/scheduled-monuments/>

<https://www.westlothian.gov.uk/article/33135/Scheduled-monuments>

6.4 The full list of Scheduled Monuments in West Lothian can be found on the council's website:

[https://www.westlothian.gov.uk/media/2602/Scheduled-monuments-in-West-Lothian/pdf/WLScheduledMonuments2014\(revision1\).pdf?m=635337819198630000](https://www.westlothian.gov.uk/media/2602/Scheduled-monuments-in-West-Lothian/pdf/WLScheduledMonuments2014(revision1).pdf?m=635337819198630000)

Prior written consent of Scottish Ministers is required for most works to scheduled monuments including repairs.

6.5 Planning proposals for works affecting a scheduled monument require careful handling if the character and intrinsic value of the site, and its setting, is to be retained. In some cases, such as hilltop monuments, the council will consider bringing some classes of permitted development; particularly those associated with telecommunications, energy generation, agriculture or forestry, under planning control through Article 4 Directions (see Section below).

seven

Archaeology in West Lothian

7.1 West Lothian contains a significant number of known sites and monuments of archaeological interest. There will be other sites and areas of archaeological interest which have not yet been recognised as it is the nature of archaeology that it is often buried beneath the surface and therefore invisible until disturbed.

7.2 The council uses the West of Scotland Archaeological Service ([WoSAS](#)) in assessing development proposals that might have an archaeological issue. They review the weekly list of all planning applications in West Lothian and advise the council on those that may be of archaeological interest and undertake assessment work arising from information that they hold on the Historic Environment Record (HER) database for West Lothian.

7.3 The purpose of the record is to assist the council in assessing the impact of development proposals on archaeological sites, whether currently known or not, their settings and their zones of influence. These include the core of the historic settlements of Linlithgow Burgh, Mid Calder and Torphichen, former industrial landscapes, early field patterns and evidence of pre-improvement farming.

7.4 Developers are advised to check their proposals at an early stage against the record held by WoSAS on behalf of the council, to establish whether a proposed development will impact on a known or potential site of archaeological significance. New archaeological information is continually being added to the Historic Environment Record.

Archaeological remains should be preserved in situ wherever possible. However, where preservation of archaeological remains is not feasible, professional excavation and recording will be required to be arranged and funded by developers.

These will be required though planning conditions placed on any relevant planning permission.

eight

Areas of Built Heritage and Townscape Value

8.1 West Lothian has a legacy of buildings reflecting its industrial past. These include the shale miners' rows as well as a range of original sandstone buildings. A small number of built-up areas associated with mining industries still retain much of their original character

8.2 These were formerly known as "Areas of Special Control" in the previous West Lothian Local Plan (2009) and cover the following areas (see Appendix 5 for their boundaries):

- Abercorn village;
- Bathgate town centre;
- Bellsquarry village;
- Beresford Rise, Dedridge, Livingston;
- East Calder Main Street;
- Ecclesmachan village centre;
- Oakbank cottages, West Calder;
- Roman Camp cottages;
- South Village, Pumpherston;
- West Calder village centre; and
- Winchburgh Rows.

8.3 The architecture of central Bathgate, despite the loss of some buildings and redevelopment, still has many handsome buildings and spaces which reinforce the status of the town as a district centre.

8.4 Both West Calder and East Calder retain many of their original sandstone buildings, while village centres at Ecclesmachan and Bellsquarry in Livingston, are all of historic and visual interest and worthy of protection.

8.5 While not considered to have the special architectural or historic merit as West Lothian's nine Conservation Areas, these Areas of Built Heritage and Townscape Value can be considered as second tier, local heritage areas that still have merit for their built heritage and townscape value.

8.6 Planning Guidance relating to "*Areas of Built Heritage and Townscape Value – the Shale Miners Rows*", is being updated to assist residents proposing to alter these properties. It was consulted upon in late 2019 and is being progressed towards approval.

nine

West Public Realm Design Guidance

9.1 In addition, the council has prepared a range of public realm design guidance, urban design frameworks and premises improvement design guidance for the traditional towns of:

- Armadale;
- Bathgate;
- Broxburn & Uphall;
- Linlithgow and
- Whitburn.

9.2 These centres provide a valuable urban context and warrant recognition in the control of development. The design guidance has been prepared to assist in promoting and facilitating urban regeneration and investment in town centres, whilst maintaining the built heritage within these centres.

Development proposals must accord with the relevant urban design framework, premises improvement design guidance and public realm design guidance where applicable.

9.3 However, four of the guidance documents were originally prepared in 2009, with Linlithgow undergoing consideration in 2013. All five public realm frameworks were reviewed in 2019 and updated and considered by the Council's policy Development & Scrutiny Panel in December 2020 for release in 2021 to undergo public consultation. Further details of each revised public realm design guides can be found on the Council's website:

(NB: Insert web link – when available post consultation / committee approval in 2021)

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ten West Lothian Historic Gardens and Designed Landscapes

10.1 The Inventory of Gardens and Designed Landscapes is, maintained and updated by Historic Environment Scotland (HES), with advice from NatureScot (i.e. former Scottish Natural Heritage (SNH) where appropriate, identifies nationally important sites, but they do not anticipate including additional sites in West Lothian.

10.2 Within the Inventory are sites which have been assessed against a number of criteria which include historic, architectural horticultural, scenic and /or nature conservation value.

10.3 There are four Historic Gardens and Designed Landscapes within West Lothian:

- the policies of Hopetoun House;
- the House of the Binns;
- Harburn House, near West Calder and
- Hatton House (part), near Wilkieston.

10.4 There are also two designed landscapes at Hatton House (part) and Newliston, to the north east of Broxburn, which are both within the administrative area covered by the City of Edinburgh Council, but adjoin West Lothian and therefore might be affected by planning proposals in the LDP area. There is an additional designed landscape around Bonnington House comprising Jupiter Artland to the east of East Calder, but it is wholly within City of Edinburgh Council area.

10.5 West Lothian also contains designed landscapes of merit which are not included in the inventory. Details are available on Historic Environment Scotland website.

<https://www.historicenvironment.scot/advice-and-support/listing-scheduling-and-designations/gardens-and-designed-landscapes/>

10.6 The historic gardens and designed landscapes of West Lothian are important features which should be recognised and respected (see LDP Policy ENV 30). Local authorities must consult Historic Environment Scotland on development proposals that they consider will affect an Inventory garden or designed landscape.

10.7 In general, the designated landscapes in West Lothian are well maintained, although there are a number of built structures in poor repair which detract from their landscape character and value. There are also pressures for change, such as works associated with estate buildings which have been sold. The unique value of designed landscapes can also be adversely affected by inappropriate forestry and agricultural activities such as planting and management regimes, the formation of new access tracks, earth moving, tree felling and other permitted development.

10.8 Inclusion in the Inventory of Gardens and Designed Landscapes does not always provide protection from such pressures and, therefore, other protection including conservation area status and the introduction of Article 4 Directions may be considered where necessary.

West Lothian Council will encourage the sympathetic restoration and management of historic gardens and designed landscapes and encourage management plans to be prepared.

West Lothian Council is required to consult HES ~~and SNH~~ in respect of development which may affect a garden or landscape in the Inventory, and is expected to protect the interests of such sites in the consideration of development proposals.

10.9 HES welcomes requests for inventory designation reviews from planning authorities and interested parties before development proposals are advanced using their application form.
<https://www.historicenvironment.scot/advice-and-support/listing-scheduling-and-designations/listed-buildings/propose-a-building-for-listing/>

10.10 HES have prepared a 'Managing Changes' Guidance Note for Gardens & Designed Landscapes:

<https://www.historicenvironment.scot/archives-and-research/publications/publication/?publicationid=83214207-c4e7-4f80-af87-a678009820b9>

Field Code Changed

eleven

Article 4 Directions

11.1 Article 4 Directions are additional controls which may be applied to proposed changes within conservation areas or other areas deemed suitable by the council so long as they have undergone public consultation and thereafter approved by Scottish Ministers.

11.2 Development in these areas which would otherwise be considered permitted development, or development which does not require a planning application, on the enactment of an Article 4 direction, requires planning permission, or conservation area consent.

11.3 West Lothian has Article 4 Directions in place for: Broxburn / Kirknewton / Upper Linlithgow/ Linlithgow Palace and High Street / Torphichen / and Uphall.

11.4 Only certain classes of development are covered.

twelve

Other Site-specific historic environment issues

Linlithgow Palace and Peel – Royal Park

12.1 Originally a hunting lodge, near Linlithgow Loch, Linlithgow Palace was a favoured residence of the Stewart kings and queens from James I (1406-37) onward. Building work commissioned by James I, III, IV, V and VI can be seen. The great hall and chapel are particularly fine. James V (1512) and Mary Queen of Scots (1542) were both born in the palace.

12.2 The Peel was named for the hilltop timber castle that the invading English king, Edward I, built in 1302 during his campaign in Scotland – “pele” is the French word for a palisade. That castle has long since disappeared beneath the Palace.

12.3 Under the terms of The Town and Country Planning (General Development Procedure) (Scotland) Amendment Order 1997, the council is required to consult the Scottish Ministers in the case of development of land which is situated within 800 metres of the Royal Palace and its Park, the Peel, in Linlithgow, or which might affect their amenity.

12.4 LDP Policy ENV 25 states, “*There is a presumption against development which would have an adverse effect on the amenity, outlook, character or setting of the Palace and Peel at Linlithgow. Developments within 800m of the Palace and Peel will be assessed for their potential effects*”.

The Council will consult Historic Environment Scotland (HES) as owners and guardians of the Palace and Peel for their views on any planning applications within this boundary (see Appendix 6 for the consultation zone this area covers).

In addition, the council will consider applications that may be outwith the 800m zone, but which could have a potential impact on, for example, skyline views of Linlithgow Palace and Peel.

The council will also consult with West of Scotland Archaeological Service (WoSAS) who provide a review service for the council on all archaeological matters. Planning conditions relating to watching briefs or excavation and recording may be placed on relevant planning permissions.

Linlithgow High Street Rigs

12.5 As a consequence of its unique historical importance and as a good example of a medieval burgh layout, the protection of central Linlithgow warrants special consideration. In the 1980's and 90's the rigs to the north-east of the High Street were considered for parking and housing development.

12.6 A study of development potential, carried out in 1991 and 1992, led to a planning policy of preventing development in the area, other than small-scale developments that respected

the existing rig pattern and where access would not be a problem. Some of the land running south from the High Street to Union Road has been developed for individual house plots in accordance with planning policy, though not all such development has met stringent standards and most opportunities have now been exhausted.

12.7 Further development in the High Street Rigs area will be restricted to those few sites already with planning permission, or which can accommodate appropriate small-scale development without loss of original rig walls or character.

12.8 LDP Policy ENV 25 also states, *“Development will not be permitted in the rigs off Linlithgow High Street. Exceptions may be made for developments which are small scale and are ordinarily incidental to the enjoyment or use of the principal property. In all cases, these must respect the existing rig pattern, boundary walls and character of the area.”*

The council will consult with HES and WoSAS for their views on any relevant planning applications in the historic medieval rigs on either side of Linlithgow High Street

Former Bangour Village Hospital, Dechmont

12.9 At the start of the twentieth century the problem of mental illness in Edinburgh had become acute and the need for a new psychiatric hospital was pressing. Situated 14 miles from Edinburgh in hilly woodlands, Bangour, near Broxburn, was the ideal place for such a hospital. The hospital was designed by Edinburgh architect Hippolyte Blanc, to be modelled on the Alt-Scherbitz asylum near Leipzig in Germany, but the first buildings were constructed hurriedly and were very basic temporary structures.

12.10 The first patients from the Royal Edinburgh Asylum were transferred to Bangour in 1904, and the hospital was officially opened on 3 October 1906.

12.11 In 1915 Bangour Village Hospital was taken over by the War Office as a military hospital. Its patients were transferred to asylums around the country. By 1918 the hospital had reached a record capacity of 3,000 patients, crammed into wards, huts and specially-erected marquees. After the war, in commemoration of the vital role played by the hospital, Bangour Village Church was erected and opened in 1929.

12.12 Bangour re-opened as a psychiatric hospital in 1922. However, in 1939 the hospital again became the Edinburgh War Hospital, with an additional annexe laid out to the north west, which became Bangour General Hospital.

12.13 In the 1950's Bangour Village Hospital began to take patients from West Lothian as well as Edinburgh, finally ceasing to take Edinburgh patients in 1974. After various Health Board reorganisations, it finally closed in 2004.

12.14 While there is no specific additional planning policy in the LDP, it is allocated for re-development for housing (site H-DE 1). The site was designated as a conservation area in 1998, after an initial group listing of numerous buildings on the site in 1993 and the Listings were re-appraised in 2012 (see section above and Buildings at Risk Register).

Hopetoun Estate and Abercorn Village

12.15 Abercorn Village is situated near Hopetoun House, west of South Queensferry. While the parish of Abercorn is mentioned by the Venerable Bede as early as 696 AD, the church adjacent to the estate village, is partly 12th Century Norman, although it is mostly post-Reformation and was refurbished in 1893.

12.16 A small museum in the Kirk yard, owned by the council, preserves the remains of an 8th century stone cross and other associated local stonework and memorials. There is nearby the ruins of Abercorn Castle, which may be on the site of a former iron-age fort, overlooking the Firth of Forth. The construction of Hopetoun House, just to the east of the village, began in 1699.

12.17 The area of Abercorn village and Hopetoun Estate, principally around the category A listed Hopetoun House, is of sufficient special architectural and historic interest to consider conservation area status.

The council will undertake an appraisal of the Abercorn Village and surrounding area and also consult with interested parties.

12.18 This is set out in LDP Policy ENV 26. An appraisal of Abercorn Village with a view to designation of the area as a conservation area is to be carried out. This will include consultation with Hopetoun Estate, residents, Historic Environment Scotland and other interested parties.

The council will consult Historic Environment Scotland for their views on any planning applications in, or around, any subsequent conservation area at Abercorn.

The council will also consult with West of Scotland Archaeological Service. Planning conditions relating to watching briefs or excavation and recording may be placed on relevant planning permissions.

Historic Battlefields: Battle of Linlithgow Bridge (1526)

12.19 The Battle of Linlithgow Bridge was fought on 4th September 1526 between the Earls of Angus and Lennox, the latter attempting to remove the young King James V from the power of the Douglas's. Lennox, with his army arrived at Linlithgow Bridge, to find it so well guarded by artillery that he was forced to ford a difficult part of the River Avon, upstream near Manuel Priory. The Battle was fought between there and the Bridge, the Lennox party being totally defeated.

12.20 Historic battlefields provide an insight into the past and play an important part in our sense of identity. They can tell us about the course of battles which have taken place and can contain important archaeological remains and artefacts. They can also provide potential for attracting tourists as well as providing a recreational resource.

12.21 The battlefield site at Linlithgow Bridge (1526) situated on the west side of Linlithgow that ranged around the Kettlistoun area, is included in the Inventory of Historic Battlefields prepared by Historic Environment Scotland.

<https://www.historicenvironment.scot/advice-and-support/listing-scheduling-and-designations/battlefields/>

12.22 Sites included in the Inventory are of national importance through links to key events or individuals; for physical remains or archaeological potential; and contribution to the landscape (see LDP Policy ENV 31)

12.23 HES have also prepared 'Managing Change in the Historic Environment: Historic Battlefields Guidance' (2016) that should be used when considering the impact of proposed development on sites appearing in the Inventory:
<https://www.historicenvironment.scot/archives-and-research/publications/publication/?publicationid=b7a05b45-f2a9-4c71-8450-a60b0094c62e>

While there is a presumption against development within a site listed in the Inventory of Historic Battlefields where it would have a significant adverse effect upon the archaeology, character, appearance, setting or the key landscape features of the battlefield, minor developments, such as household extensions, in this part of Linlithgow Bridge, will in most cases be exempt. **HES do not need to be consulted on householder developments (as per Appendix 1 of the Historic Environment Scotland Circular (2019)).**

Union Canal

12.24 The Union Canal runs from Falkirk to Edinburgh and was opened in 1822 and initially constructed to bring minerals, such as coal, to the capital. However, after the opening of the Edinburgh – Glasgow railway in 1842, it fell into a slow commercial decline and eventually closed to commercial traffic in 1933, before formally closing in 1965.

12.25 However, it is now much more than just a heritage asset. In addition to being a scheduled monument which incorporates associated listed structures, it continues to function as a navigable waterway, principally for recreational boating. It is also a key component of strategic access as a core path and the emerging green network across the Central Scotland Green Network. It has long been a popular and well used walking and cycling route and is the focus of recreational / tourism activity and investment, particularly since it's re-birth as part of the Millennium Link Project.

In relation to the Union Canal, LDP Policy ENV 12 will support conservation, recreational and economic proposals associated with the Union Canal, especially at Linlithgow, Broxburn and Winchburgh. Development will not be permitted that impedes the unrestricted continuity of navigation of the canal (and associated tow path) at any point over its length through West Lothian.

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Buildings at Risk in West Lothian

13.1 A “Buildings at Risk” register is maintained by Historic Environment Scotland (HES). In Scotland, the Buildings at Risk Register has been in operation since 1990 in response to a concern at the growing number of listed buildings and buildings in Conservation Areas that were vacant and had fallen into a state of disrepair.

13.2 A building at risk may be:

- long-term vacant;
- neglected and/or poorly maintained;
- structurally unsound;
- damaged by fire;
- unsecured and open to the elements; and
- threatened with demolition.

13.3 The register provides information and details of properties of architectural or historic merit, listed buildings and buildings in Conservation Areas that are vacant and have fallen into a state of disrepair.

13.4 Details of such properties in West Lothian can be found at:
<http://www.buildingsatrisk.org.uk/>

fourteen

West Lothian “local list”

14.1 Many buildings are of local importance, architecturally or historically, but for the purposes of statutory listed building designation they do not fully meet the criteria under the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

14.2 The council will compile a “Local List” of buildings which are important to the fabric of West Lothian and will publish guidance on the Local List. Buildings and structures which feature on the Local List will not be subject to any additional statutory planning controls, but when a proposal is submitted for the extension, alteration or change of use of a building or structure which features on the Local List, its local architectural or historical interest will be taken into account in the determination of planning applications.

14.3 It is intended that the recognition of locally important buildings and structures through their inclusion on the Local List will encourage owners to sympathetically manage their properties in the long-term to ensure that they continue to contribute positively to the character of West Lothian.

14.4 New ‘Local Place Plans’ arising from the Planning Act 2019 allow communities to become involved in deciding on sites and places of local significance. Along with the many other priorities that Local Place Plans will address, HES believe that community bodies are in a good position to consider local heritage in these plans.

fifteen

Historic Kirk Yards

15.1 There are several historic kirk yards spread across West Lothian. These are situated at: Abercorn, Ecclesmachan, Uphall, Kirknewton, East Calder, Whitburn, Mid Calder, West Calder, Torphichen, Kirkton (Bathgate), Livingston, Linlithgow and Bathgate. Some include scheduled monuments such as at Torphichen with the Refuge Stone and Kirknewton with two mausoleums.

15.2 There is a need to establish appropriate conservation, repair and maintenance regimes for monuments, boundary walls and ruined kirks and take steps to protect the most important monuments and to also provide interpretative material. This initiative is already under way with the Council Operational Services Cemetery staff, but in many cases will need to secure external grant funds.

15.3 As some historic kirkyards contain scheduled monuments, Scheduled Monument Consent is required in advance from HES for most works as this should prevent any unauthorised works (i.e. works being undertaken without our prior written consent) occurring.

sixteen

West Lothian's unique shale bings

16.1 West Lothian has a unique legacy of oil shale bings. The regular contours and imposing height of the few remaining intact oil shale bings mean they can be viewed as local landmarks to be preserved. As they have matured and settled into their surroundings, they are ceasing to be derelict land and are becoming anthropogenic landforms in their own right.

16.2 Faucheldean Bing (also a locally important wildlife site [as well as for plants following a study by Dr Barbara Harvie in 2004](#)), north of Broxburn, the Five Sisters near West Calder and most of Greendykes Bing between Broxburn and Winchburgh are scheduled monuments and will require to be preserved as reminders of the West Lothian's mining past.

16.3 Any alterations to these bings would require Scheduled Monument Consent from ~~the Scottish Ministers~~ [Historic Environment Scotland](#).

16.4 The scheduled bings at Greendykes and Faucheldean are in close proximity to the expanding communities at Winchburgh and East Broxburn through their designation as Core Development Areas (CDA) within the adopted Local Development Plan.

Joint preparation (with Winchburgh CDA developers), of a management plan, for the scheduled Greendykes and Faucheldean Bings and for the "green corridor" between Winchburgh and East Broxburn and funds to allow implementation of the plan, is required for the bings and their immediate surroundings and must address their long term stability and condition, safety and related public access issues.

The CDA Developers will also be required to identify proposals to enhance the appearance and setting of the bings and to maintain and enhance their biodiversity of the bings.

16.5 Consultation with Historic Environment Scotland and the local communities will be required.

Appendices

- 1) Planning Policies extracted from the West Lothian Local Development Plan (2018).
- 2) West Lothian Conservation Area boundaries <https://www.westlothian.gov.uk/conservation-areas>
- 3) Table of Listed Buildings in West Lothian https://www.westlothian.gov.uk/media/2601/Listed-buildings-in-West-Lothian/pdf/throughout_WL_sorted_by_item_no_2015_update.pdf?m=635702360028400000

with links to Historic Environment Scotland web site with booklet that explains what listing means for owners and how HES assess buildings for listing:

<https://www.historicenvironment.scot/archives-and-research/publications/publication/?publicationId=34c90cb9-5ff3-45c3-8bc3-a58400fcbc44>

- 4) Table of Scheduled Monuments in West Lothian.
<https://www.westlothian.gov.uk/media/2602/Scheduled-monuments-in-West-Lothian/pdf/WLScheduledMonuments2014revision1.pdf?m=635337819198630000>

- 5) West Lothian Areas of Built Heritage and Townscape Value boundaries.
(NB: Due to File Size, to be inserted in ~~Consultation~~ Finalised Version)

- 6) Historic Environment Scotland (HES) consultation zone for planning applications within 800m of Linlithgow Palace and Peel. (NB: Due to File Size, to be inserted in ~~Consultation~~ Finalised version)

- 7) Planning Guidance on Shopfronts & Advertisements in Conservation Areas (2020):
https://www.westlothian.gov.uk/media/42987/PG-Planning-Guidance-Shopfronts-and-Advertisements-in-Conservation-Areas-Adopted-May-2020-/pdf/PG_-_Shopfronts_and_Advertisements_in_Conservation_Areas_-_Adopted_-_Pdf_Version_with_maps.pdf?m=637262510692930000

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Appendix One

Planning Policies related to the historic environment extracted from the West Lothian Local Development Plan (2018).

Policy ENV 23 - Conservation Areas (Designations)

The status of designated conservation areas will be publicised and upheld. Further designations will be promoted in other areas of special architectural or historic interest where it is considered desirable to preserve or enhance their character and appearance. Character appraisals will be undertaken and may be supported by development briefs, design guides, controls and proposals to preserve and enhance their special architectural character.

Initiatives for preservation and enhancement will include the consideration of appropriate partnership funding schemes, as resources allow. The council will work with communities on the formulation and promotion of community led enhancement schemes where appropriate to the character of the area.

Policy ENV 24 - Conservation Areas (Demolitions)

Within Conservation Areas, new development will not be permitted which would have any adverse effect on their character and appearance. Proposals must have regard to the desirability of preserving or enhancing the character and appearance of the Conservation Area and will require appropriate high standards of design, materials, siting and implementation. When assessing applications for the demolition of unlisted buildings in Conservation Areas, the council will give careful consideration to the merits of the building and its contribution to the character and appearance of the Conservation Area.

In circumstances where the building is of no architectural or historic value, makes no material contribution to the Conservation Area, and where its early removal would not detract from the character and appearance of the Conservation Area, demolition would not ordinarily be resisted. However, where a building is considered to be of value, either in itself or as part of a group, there will be a presumption in favour of its retention, restoration for the current or another appropriate use. In these circumstances, demolition to facilitate new development will only be permitted where it can be shown that one or more of the following criteria can be satisfied:

- a. the condition of the existing building is such that its repair and re-use is not economically viable. Supporting evidence, including a full economic appraisal, evidence that grant aid is not able to meet any funding deficit and evidence of marketing for a period of five years must be submitted to the council as planning authority; or*
- b. demolition and replacement will result in significant economic benefit for the community and the conservation area will be enhanced as a result of the development; or*
- c. there is no alternative location for the development; or*
- d. it can be demonstrated that the proposals allow for the immediate future use of the site which enhances the character or appearance of the Conservation Area.*

Where planning permission and conservation area consent is granted, appropriate conditions will be applied to ensure that demolition does not take place in advance of the letting of a

contract for the construction of a replacement building or alternative means of treating the cleared site having been agreed.

Policy ENV 25 - Linlithgow Palace and Peel and High Street Riggs

There is a presumption against development which would have an adverse effect on the amenity, outlook, character or setting of the Palace and Peel at Linlithgow. Developments within 800m of the Palace and Peel will be assessed for their potential effects.

Development will not be permitted in the rigs off Linlithgow High Street. Exceptions may be made for developments which are small scale and are ordinarily incidental to the enjoyment or use of the principal property. In all cases, these must respect the existing rig pattern, boundary walls and character of the area.

Policy ENV 26 - Hopetoun Estate and Abercorn Village

The council will undertake an appraisal on the potential designation of a conservation area to cover the listed buildings and landscape associated within the vicinity of Hopetoun House, including Abercorn village on the Abercorn / Hopetoun Estate.

Consultation with affected stakeholders, heritage and amenity bodies will be undertaken.

Policy ENV 27 - Areas of Built Heritage and Townscape Value

When determining applications for planning permission special consideration will be given to maintaining the architectural character and historic significance of the following areas of built heritage and townscape value (and as identified on the proposals map).

- Abercorn village
- Bathgate town centre
- Bellsquarry village
- Beresford Rise, Dedridge, Livingston
- East Calder Main Street
- Ecclesmachan village centre
- Oakbank cottages, West Calder
- Roman Camp cottages
- South Village, Pumpherston
- West Calder village centre
- Winchburgh Rows

Proposals must accord with the relevant urban design framework, premises improvement design guidance and public realm design guidance where pertinent.

Proposals relative to the former miners' rows (at Beresford Rise, Dedridge, Livingston, Oakbank Cottages, West Calder, Roman Camp Cottages; South Village, Pumpherston and Winchburgh Rows) must accord with the terms of Planning Guidance Areas of Special Control – the Shale Miners Rows.

Over the course of the Local Development Plan the council will review the Areas of Special Control with a view to determining whether their status should be enhanced to conservation areas. The opportunity will also be taken to update planning guidance on shale miners rows.

Policy ENV 28 - Listed Buildings

The council will protect listed buildings and will have particular regard for their special architectural, historic features and, where appropriate, archaeological interest in considering proposals for their alteration, extension or change of use. There is a presumption in favour of the retention and sympathetic restoration, correct maintenance and sensitive management of listed buildings to enable them to remain in active use, and any proposed alterations or adaptations to help sustain or enhance a building's beneficial use should not adversely affect its special interest.

Demolition of a listed building will only be permitted where it can be shown that at least one of the following criteria can be satisfied:

- a. the building is no longer of special interest; or*
- b. the building is incapable of repair; or*
- c. demolition is essential to delivering significant economic benefit for the community; or*
- d. the repair of the building is not economically viable and it has been marketed at a price reflecting its location and condition to potential restoring purchasers. Supporting evidence, including a full economic appraisal, evidence that grant aid is not able to meet any funding deficit and evidence of marketing for a period of five years must be submitted to the council as planning authority.*

In considering proposals for development within the vicinity of listed buildings, the council will have particular regard to the setting of listed buildings. The layout, design, materials, scale, siting and use of any development which will affect a listed building or its setting should be appropriate to the buildings character, appearance and setting.

The preservation of buildings of architectural or historic interest will be promoted through partnership working with interested parties and the use of powers including Compulsory Purchase Orders, Repair Notices, Building Preservation Notices or other statutory procedures.

Enabling development, where essential to secure a viable long term future for a listed building at risk, may be considered favourably where the character or setting of the building is not adversely affected; where there are sound conservation or design reasons for the new development (such as the reinstatement of a missing wing or courtyard building); where the works are economically justified to ensure the survival of the building; and, on balance, where the benefits clearly outweigh any dis-benefits to the historic asset or its setting.

In determining applications for planning permission and listed building consent relating to a listed building, the council will specify and require the fullest supporting information. Prior to the implementation of an approved alteration, recording shall be required in accordance with a schedule to be issued.

Owners of major heritage assets will be encouraged to prepare and adopt management or conservation plans based on current best practice for their long-term guardianship. Additional controls (such as Article 4 Directions removing permitted development rights) will be introduced to protect the setting of listed buildings where such buildings are under threat from development.

Policy ENV 29 - Unoccupied and Threatened Listed Buildings

Proposals for the adaptation and use of unoccupied or threatened listed buildings will be considered sympathetically where the council is satisfied that the proposals involve the best viable use of the building and where the future of the building's special architectural or historic interest and setting can be assured.

Policy ENV 30 - Historic Gardens and Designed Landscapes

The council will encourage the sympathetic restoration and management of historic gardens and designed landscapes and encourage the promotion of management plans.

There is a presumption against development which would adversely affect the character or setting of sites recorded in the Inventory of Gardens and Designed Landscapes in Scotland.

Where the special historical character and setting of any historic garden or designed landscape is under threat, the area will be designated a conservation area and additional planning controls introduced as appropriate. This will apply to both Inventory and non-inventory sites.

Developments which are adjacent to Inventory sites will be assessed carefully as to their potential impact on the site and will have to make a positive contribution to the setting.

Policy ENV 31 - Historic Battlefields: Battle of Linlithgow Bridge (1526);

Proposals for the sensitive management and interpretation of battlefield sites such as Linlithgow Bridge will be supported in principle.

There is a presumption against development within a site listed in the Inventory of Historic Battlefields where it would have a significant adverse effect upon the archaeology, character, appearance, setting or the key landscape features of the battlefield.

Where it can be demonstrated that the overall integrity of the battlefield will not be compromised and there will be no adverse impact on the archaeology, character, appearance, setting or the key landscape features of the battlefield, proposals and developments affecting battlefield sites will require an appropriate level of mitigation, and measures (to be agreed with the Planning Authority). The siting, scale and design of any new development, or extensions to existing buildings, must preserve, conserve or enhance the key characteristics of the battlefield. These may include landscape characteristics, key viewpoints that assist in the understanding of the battle and historic assets (particularly archaeological deposits found in-situ). However, minor developments such as household extensions will in most cases be exempt.

Policy ENV 32 - Archaeology

Development will not be permitted where it would have a significant adverse effect on an identified regionally or locally important archaeological or historic site or its setting unless it can be demonstrated that:

- a. the proposal has been sited and designed to minimise damage to items or sites of archaeological and historic interest; and*
- b. there is no alternative location for the proposal.*

Archaeological remains should be preserved in situ wherever possible. Where this is not possible, archaeological investigation and recording will be required and must be to the highest professional standards. These investigations will be carried out at the developer's expense, before and/or during the implementation of the development to include archaeological excavation, recording, analysis and publication of findings.

Policy ENV 33 - Scheduled Monuments

There is a presumption against development which could have an adverse impact on a scheduled monument, or the integrity of its setting. Where appropriate, the council will introduce special controls such as Article 4 Directions removing 'permitted development' rights to protect scheduled monuments and their settings from unsympathetic development.

Where Scheduled Monument Consent has been granted for works in connection with a planning permission, conditions will be applied to ensure that development is sympathetic to the monument and its setting. Developers may be required to make appropriate and satisfactory provision for archaeological and/or standing building investigation and recording, assessment, analysis, publication and archiving in advance of development. Detailed requirements will be determined on a case by case basis and clearly specified.

Contacts

The following are organisations involved in the historic environment that may be useful to owners or developers when considering and preparing related planning applications:

West Lothian Council – Planning Services

Any general development management enquiries by e-mail to:
customer.service@westlothian.gov.uk

If you wish to submit information in respect of a specific application this can be done through the planning portal or e-mailed, with the planning reference number, to:
planning@westlothian.gov.uk

Civic Centre, Howden Road South, Almondvale, Livingston. EH54 6FF. 01506 - 280000

Historic Environment Scotland (HES) <https://www.historicenvironment.scot/>

Scottish Civic Trust (SCT) <https://www.scottishcivictrust.org.uk/>

Architecture & Design Scotland (ADS) <https://www.ads.org.uk/>

West of Scotland Archaeology Service (WoSAS) – provide service level agreement archaeological services for West Lothian Council. <http://www.wosas.net/about.html>

West Lothian Council Local History Library -
<https://www.westlothian.gov.uk/article/44856/Local-History-Library>

West Lothian Council Archives & Records Centre -
<https://www.westlothian.gov.uk/archives>

West Lothian Museums -

- Almond Valley Heritage Centre.
- Bennie Museum.
- Hopetoun House.
- Linlithgow Canal Centre; and
- Linlithgow Museum (formerly Annet House & now in Linlithgow Partnership Centre).

There are also Community Museums in: Armadale, Blackridge, Broxburn and Whitburn.
<https://www.westlothian.gov.uk/article/44854/Museums>

West Lothian History and Amenity Society (WLH&AS) <https://www.facebook.com/WLHAS/>

(PG) Historic Environment

Approved by West Lothian Council Executive **DATE TO BE INSERTED**
Subsequently adopted as Planning Guidance (PG) **DATE TO BE INSERTED**

West Lothian Council, Development Planning & Environment, Civic Centre, Howden South Road, Livingston, EH54 6FF
Tel: 01596 28 00 00 Email: dpgeneral@westlothian.gov.uk



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Appendix 3:

West Lothian Council: Planning Guidance Note on Soils - responses to consultation (September - October 2020)

Consultee respondent / location of comment	Comment	WLC Response
NatureScot – Scotland’s Nature Agency (formerly Scottish Natural Heritage)		
General	<p>We welcome the lead you have taken in preparing this guidance for sites in your area and are pleased that we were able to provide some support and advice during its drafting.</p> <p>We have no comment to make on the draft guidance and hope that it will form the basis for good practice by other planning authorities in Scotland.</p>	<p>Acknowledged. NatureScot soil scientist input was most helpful in commenting and correcting initial draft document.</p> <p>Once considered and adopted by West Lothian Council Executive, then the Planning Guidance would be made available to Nature Scot for forwarding to other similar Scottish local authorities for their use and tailoring to their area.</p>
Scottish Environment Protection Agency (SEPA)		
Introduction	“Soil Management & After Use of Soils on Development Sites - We think this would read better if it started with some sort of introduction about why soil is important, what soils do and why it's important to avoid soil degradation, so that people understand what they are trying to achieve - why its important to consider soil management and after use on site - to protect the resource and the functions / benefits it provides	Agreed. Additional text inserted in the Introduction section.
Para 3	“High clay content” - this also makes soils difficult to handle / manage - so care needs to be taken when handling and storing them	Acknowledged. Reference to this issue inserted in the text.

Data Label: Public

Consultee respondent / location of comment	Comment	WLC Response
Section 3	“Soil Sustainability Plans” - We recommend that you consider highlighting any particularly valuable areas of soil that should be protected from construction activity	The reference to ‘Soil Sustainability Plans’ in this section relates to adopted Local Development Plan policy and it is not possible to amend the policy text or preamble at this stage, but reference inserted in Section 5 and also as a requirement within a Soil Sustainability Plan.
Section 5 -	Soil Sustainability Plans” - Should there be something added here about how the soil sustainability plan fits with the later mentioned soil resource plan / waste management plan etc? We would have thought the soil resource survey should be part of the sustainability plan? In fact, does the first bullet point describe the resource survey? if so, it would be helpful to call it that so that it's understood through the document.	Disagree as do not want to introduce confusion with reference to other plans. Page 8 reference to other related construction plans clarified.
Section 5	It seems that the points listed below are all for material/soil from the site itself, it doesn't seem to take soil export and import into account (later in the document this is mentioned) - this is an issue you may want to consider further.	The intention of the Guidance Note relates to the “Management of Soils on Development Sites”. Soil export and import are more issues for SEPA control.
Section 5	Assessment and analysis of soil types across the whole development site? Is this effectively a soil resource survey? if so, it would perhaps be best to state this.	Agreed and text amended.
Section 5	Should it also include soil compaction mitigation measures?	These are addressed in Annexes A & B.

Data Label: Public

Consultee respondent / location of comment	Comment	WLC Response
Section 5	We consider there is a need to provide more guidance to a number of points listed here to ensure consistent, relevant & sufficient information is provided	Various clarification inserted into text.
Section 5	<p>SSP - Should it highlight areas where development should be avoided?</p> <p>Should it show the areas where the soils will be reused? Should it be founded on the principles of ... conserve prime quality soils; try to avoid disturbing them in the first place; develop around them if possible; then if they have to be disturbed, make sure they are stored appropriately then reused where at all possible on site and if it's not possible to reuse them on site, try and reuse them off site at as high a value as possible (as stated in SEPA's Housing Sector Plan); therefore trying to reuse the material at its highest value - based on circular economy principles.</p>	<p>This clarification has been added to the text to highlight any particularly valuable areas of soil that should be protected from construction activity.</p> <p>These aspects are considered throughout the Planning Guidance and the two Annexes.</p>
Section 5.1	Scottish Soil classification - May be beneficial to include a link to where this is explained?	Agreed. Web link inserted.
Section 5.2	"Access Paths" - Is this the same as location of haul tracks that are referred to later in the document? Perhaps amend this such that the same terminology be used here for consistency?	Yes. Text amended to refer to haul tracks for consistency.
Section 5.4	"Location of stockpiles" - We are not sure what this means - is it how big they are? their size / volume?	Yes. Text amended to clarify.
Section 5.5	"Shortcomings" - We do not think this is worded well - should it be shortfall? and subsequent need for the import or creation of topsoil.	Agreed and text amended.

Data Label: Public

Consultee respondent / location of comment	Comment	WLC Response
Section 5.6	Should this be monitoring the success of the reinstatement? and it is important that envisaged limits / ranges / targets are identified	Agreed and text amended.
Section 6 Implementation	Many of the comments made above could be addressed as part of this additional technical advice	Noted and various changes carried out through the technical Notes in Annexes A & B.
Section 7 condition 1	<i>“the developer shall ensure that all debris is removed from site and intensive methods of soil cultivation and de-compaction”</i> - To what depth?	SEPA to confirm what depth is appropriate but there is an issue of monitoring.
Section 7 – condition 2	<i>“The removal of soils from greenfield sites shall be carried out in dry weather”</i> - It is more important that the soil is above its plastic limit than the weather of the day work is carried out - after a prolonged time of rain it might take considerable time for the soil to dry enough to be handled. Dry weather per se is not enough.	Acknowledged. Text amended to clarify that It is important that the soil is above its plastic limit on the day work is carried out.
Section 7 – condition 3	“Soil Dumps” - Soils to be exported from the site might also need storage on site before an outlet is found. Storage on donor site - transport - storage on receiving site should be avoided to reduce double/triple handling. Where ever possible storage should only occur on one site to reduce multiple handling, given that each handling will deteriorate soil quality (that is especially crucial for topsoil)	Acknowledged and additional line of text added to Condition 3.
Annex A	Is it worth stating why its important / what it does? and why its a good idea not to damage it? This will depend on if this is to be a stand alone document.	Annex A was originally conceived and written as a standalone handout. Text clarifies “Note to be issued with planning permissions for relevant sites”.
Introduction / para 4	Perhaps re word this to refer to 'soil degradation (which can lead to flooding and waterlogging)' and;	Agreed. Title altered to reflect comment.

Data Label: Public

Consultee respondent / location of comment	Comment	WLC Response
	It is not just handling - its also how the site is managed and how traffic is directed around it - so maybe better to re word this to read 'soil management and handling'?	
Para 5	We think this section needs to be clarified - should it be applicable to brownfield land where it is not designated as contaminated land?	Text does refer to 'brownfield land'.
Para 7	Perhaps this section could be re worded 'Construction activity can have a direct impact on the soil resource as well as affect the functions that the soils provide'?	Agreed. Section reworded.
Para 7	These are examples not a definitive list so we suggest this section be amended to say 'for example' in the text; then maybe reword? include something about compaction potentially causing run off and erosion (silt transfer?), sealing links to flooding - also loss of filtering function ... increased run off, links to water pollution etc.	Agreed, though compaction already referred to in bullet point 3 additional point included.
Para 7 / 1 st bullet point	Maybe add protection of water quality (loss of filtering function, increased run off means higher risk of water quality degradation)	Agreed – additional point included in text.
Para 7 / 5 th bullet point	Is this not just an example of contaminating soil? (not to be confused with contaminated land). It may be better to refer to 'degrading soil quality by mixing it'?	Agreed – additional text included.
Para 8	Reducing soil organic carbon content, soil compactionresulting in increased run off - increased risk of erosion, increased risk of waterlogging, increase risk of flooding.	Agreed – two additional bullet points included.

Data Label: Public

Consultee respondent / location of comment	Comment	WLC Response
Para 8 – 1 st bullet point	We would advise that it is highlighted here that long-term storage & wrong handling also reduces soil quality (especially of top soil).	Agreed – text amended as suggested.
“Soil Management During Construction” section	It might be useful to add something about using appropriate machinery to avoid unnecessary compaction.	This issue is already covered with bullet point 2. i.e.; “use tracked equipment where possible to reduce compaction”.
“Stockpile Movement” – 1 st bullet point	It should be stressed that this needs to be kept to a minimum, especially for topsoil.	Agreed - text amended as suggested.
“Stockpile height” -	Should be max 4m for topsoil.	Acknowledged - text included in the revised Planning Guidance.
“Subsoil stripping method”	Does this need a bullet point referring to the archaeological watching brief?	Need already covered in Top Soils section above.
“Subsoil stripping method” – 1 st bullet point	This phrasing is misleading - it could be read that first topsoil is removed from the whole area of subsoil removal before subsoil extraction. However, this cannot be intended given it will result in trafficking on the subsoil and result in compaction. There needs a reference to the stripping method, or the next bullet point coming first, with the addition of topsoil removed first and separately.	Agreed order of bullet points reversed and additional text added to clarify.
Soil stockpiling	it should be mentioned that topsoil stockpiles should be avoided if possible, restricted to less than 6 months if possible and stockpiles should not be higher than 4m. (Weight of stockpile will destroy topsoil structure, lack of oxygen will kill soil life etc.)	Agreed – text amended on stockpiles duration and height.
Soil placement	If this is soil replacement - putting it back - does it need any explanation? and “ <i>Only when the strip has been</i> ”	Yes, this relates to restoring soil on construction sites. Sentence moved to end of paragraph.

Data Label: Public

Consultee respondent / location of comment	Comment	WLC Response
	<i>started is the next one started</i> ” - It might be better to move this sentence to the end of the paragraph.	
Loose -tipping method spreading (topsoil and subsoil spreading)	We think this works better when it's included in the same box as the above - like in the DEFRA guidance. It's not actually that clear how the diagrams relate to the text. We find it a bit confusing (appreciating the original DEFRA guidance is the same).	This can be overcome by better desk-top publishing after Planning Guidance approved.
Top soil thickness	<i>“Topsoil placement thickness will depend on the anticipated rooting depth”</i> - We consider this to be misleading - given that the rooting depth of trees is higher than what is required for the topsoil. Rephrasing to 'topsoil placement thickness will depend on the envisaged habitat to be created'.	Agreed – text re-phrased.
Ditto	We advise that you replace 'does not have to be' with 'should not' - it should be made clear that it should not be made up entirely of topsoil.	Agreed – text amended.
Top soil cultivation	<i>“Top soil that has been stored in a stockpile is often compacted and anaerobic”</i> - and thus has lost its ability to function as a topsoil.	Agreed – comment included in revised text.
Adverse weather -	<i>“Work must be suspended and not re-started until the ground has had at least a full dry day or agreed moisture criteria (such as a direr that the plastic limit)”</i> - that should be the preferred option, especially for heavy soils.	Agreed – text amended to clarify this issue.
Annex B Guidance Note to Site Agents & contractors - Para 5	<i>“Where conditions for it to be designated as contaminated land under Part 2A of the Environmental Protection Act 1990..... are present ”</i> - is this	Agreed - text amended to clarify (and also inserted in Annex A).

Data Label: Public

Consultee respondent / location of comment	Comment	WLC Response
	correct? should it be where the conditions are NOT present?	
Key Messages / 1 st bullet	Whilst we do understand where the caveat is coming from, but time constraints will most likely always prevail, thus we would highly recommend the removal of this phrase.	Disagree. It is important to set out the context of the 'Key Messages'.
"Soil Plan"	Is this the same as the soil sustainability plan? or is it a different plan? (and the 3 later uses of the term).	Acknowledged. IEMA made the same point below and text now clarified to refer to 'Soil Sustainability Plan' (SSP) throughout documents.
"Understand your soils"	" Get the right surveys to assess the quality of your soils..... "- it might be better to use the term 'soil properties' here.	Agreed - term amended.
Reuse/ reinstate soils to support sustainable landscape	Could add text relating to the circular economy? Focus on not wasting a natural resource by reducing the amount of waste soil generated. Suggested wording along the lines of " <i>try and avoid creating soil waste; try and re-use soils on site for their highest value use. If it's not possible to reuse soils try and match them with another project close by</i> " - so focus on the sustainability angle which will have the added advantage of reducing costs and to create the best chance for restoration to be a success?	Agreed – suggested text included in Annex B: 'Key messages' albeit 'try' replaced with "strive" to emphasise importance of stopping soil waste and to reuse soil on site.
"General principles for mineral soils"	The concept of mineral soils has not been explained before in the document. Should this be explained somewhere to clarify what is being referred to - to explain what it is? Organic soil and peat was mentioned at the beginning - we would suggest the document is amended to add mineral soil, organic soil and peat to the glossary.	Agree – although organic soil and peat were mentioned in the main Planning Guidance document, all three terms added to Glossary.

Data Label: Public

Consultee respondent / location of comment	Comment	WLC Response
"Materials management plan"	This is the first reference to such a plan in the document - could it be explained?	This type of plan is explained at the start of Annex A "Good Best practice specification for soil handling & management of soil on Development Sites", that is intended as a note to be issued with planning permissions for relevant sites.
"Haul routes"	These are referred to as access tracks earlier in the text - it would be better to keep a consistent terminology?	Agreed - amended through text.
"Runoff / leaching"	SEPA would include erosion of material here too - runoff, leaching or erosion of materials into water courses.	Acknowledged.
List of "Don'ts"	It should include when soil is below plastic limit.	Agreed.
Further Information	It might be useful to add the British Standards for topsoil (BS3882-2015) and subsoil (BS8601).	Agreed and inserted.
Glossary	It may be beneficial to include the following: "ripper / ripping"? "Runoff" - the flow of water over the ground surface (because people also use it a lot when they actually mean erosion of particles into water - so they think it's soil runoff rather than water runoff? could possibly add: "soil erosion; soil function; soil resource; topsoil (manufactured).	Acknowledged - some terms added but not all so as not to prolong Glossary and 5 different specific soil terms already covered.
"Soil compaction" definition	This is not correct - soil compaction occurs when soil particles are pressed together, reducing pore space between them - restricting the passage of roots, water and gases.	Acknowledged – definition amended.

Data Label: Public

Consultee respondent / location of comment	Comment	WLC Response
"Top soil (natural)"	SEPA would question the accuracy of this - and whether it is correct / reasonable to include peaty soils given that the topsoil in a peaty soil might still be only a 150mm and not the whole peat layer? and would remove the reference to cultivated agricultural sites or peaty soils.	Definition amended.
Institute of Environmental Management and Assessment (IEMA) - comments from members of IEMA 'Land & Soils Working Group', (which is part of the IEMA Impact Assessment Network).		
Contents / Introduction page	If you are leading with " <i>Soil Sustainability Plan</i> " (SSP) terminology, suggest that you use these all three words (or the abbreviation SSPs) throughout the whole of the document i.e. don't refer to "Soil Plans", for example, as this might lead to confusion, particularly amongst non-technical operatives.	Agreed that " <i>Soil Sustainability Plan</i> " reference will be used throughout the document as this occurs in West Lothian LDP Policy ENV Policy ENV5 Soil Sustainability Plans. This will also help avoid confusion.
Ditto	Julie Holloway (soils lead for Natural England) states that NE advocates the use of conditions to improve the management of soils during construction as reflected in the document "Planning Practice Guidance for the Natural Environment". Please see comment below.	Acknowledged. Draft Planning conditions are contained within the Planning Guidance and have previously been used by WLC Development Management and attached to appropriate planning permissions.
Title - "Best practice specification for handling of soil on Development Sites" title	<p>In relation to reference to title of Annex A: "Best" practice, "Good" practice is good enough, particularly since few sites currently achieve a "good" standard of restoration. Therefore, good practice is a challenge and valid target.</p> <p>It cannot be helped if others refer to "best" practice (i.e. Policy EMG 6, and 'Best practice specification for handling of soil on Development Sites (2020)) and you have already used "good practice" throughout this document.</p>	Acknowledged and agreed that reference to " <i>good practice</i> " in the context of soils on development sites is more appropriate.

Data Label: Public

Consultee respondent / location of comment	Comment	WLC Response
	Also, best practice can be unnecessarily expensive. This can cause resentment amongst developers and their agents.	
Ditto	Kay Adams (member of IEMA Working Group) suggests that more context could be provided on the importance of soils from regulatory, legislative, and policy perspectives.	Agreed - additional text added.
Ditto	<p>Julie Holloway (soils lead for Natural England) has welcomed West Lothian Council's treatment of soil issues in their document. She states that NE advocates the use of conditions to improve the management of soils during construction and this is reflected in the document "<i>Planning Practice Guidance for the Natural Environment</i>". She also takes the view that this treatment of soil issues needs to be better explained, reinforced and embedded through the wider local plan process, as West Lothian Council is doing.</p> <p>She points out that Cardiff Council has a similarly detailed approach to soil management through their Green Infrastructure supplementary planning guidance and some associated (draft) soils guidance, and that there may be English examples.</p> <p>If relevant to WLC, she also takes the view that the need for the management of urban soils is being increasingly recognised, and refers to another initiative by The Sustainable Soils Alliance at https://sustainablesoils.org/new-page-4</p>	<p>Acknowledged – planning conditions related to soil are used by WLC Development Management and attached to relevant planning permissions.</p> <p>The West Lothian Local Development Plan (adopted September 2018) contains policy ENV5 which requires Soil Sustainability Plans to be produced for relevant sites.</p> <p>Acknowledged and useful two documents arising from England and an initiative related to sustainable soils.</p>

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Consultee respondent / location of comment	Comment	WLC Response
Section 2 - Purpose and Aim of the Planning Guidance - suggest new 1 st bullet point	<ul style="list-style-type: none"> • <i>“to ensure that on restoration site landforms are not too steep, and provide appropriate drainage for the placement of soils suitable for a range of land uses, including landscaping, habitat creation and open spaces;”</i> <p>This text is for the use of soils on-site for “soft” land uses. Do you want to introduce early on the idea of what you want to do with soils permanently displaced by “hard” development that often takes up a large proportion of a development sites?</p>	Agreed – a useful clarification and inserted into text.
Section 3. The West Lothian Local Development Plan	Kay Adams IEMA considers the inclusion of a soil conservation policy in the Development Plan to be a strong move in the right direction. As does Julie Holloway (soils lead for Natural England – see above).	Acknowledged.
Section 4. Planning Guidance	Do you need to say something here about developments that require EIA? If so, you might need to make the point that Construction Environmental Management Plans (CEMPs) are generally used as vehicles for mitigation covering soil management / handling. CEMPs also tend to incorporate Materials Management Plans (MMPs), and Site Waste Management Plans (SWMPs), which have implications for earth moving operations.	EIA is covered by other regulations. Given the scale of this Planning Guidance and its target audience it is not considered suitable to add references to additional requirements for additional plans that could lead to confusion and some duplication.
Section 5. Soil Sustainability Plans and Planning Conditions	You will need to specify the source of this approved methodology. Would this be available from the Hutton Institute?	Yes, the Hutton Institute could provide “approved standards of sampling and analysis of Scottish soils”.
Soil Sustainability Plan requirements – point 1	‘WRB standard’ - Do you need to say what this is?	Yes, ‘WRB’ is ‘The <i>World Reference Base</i> ’, the international standard for soil classification system

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Consultee respondent / location of comment	Comment	WLC Response
		endorsed by the International Union of Soil Sciences and reference clarified in text.
Soil Sustainability Plan requirements – point 5: Schedule of material volumes	Kay Adams suggests more emphasis on a “tracker” to monitor movements of soils and to link this with intended after uses on a development site (i.e. more formal quantified auditing of soil volumes)	While noteworthy, this is beyond the current resources of the council, but will be discussed with Nature Scotland and SEPA perhaps for implementation on extensive greenfield sites such as West Lothians CDAs.
Point 8 - identification of person responsible for supervising soil management .	The lack of such supervision is often the cause of problems in the implementation of soil conservation.	Fully agree. There needs to be more training/awareness raised in the industry. NatureScot and SEPA to be approached on how this could be rolled out for companies operating in east central Scotland.
Annex 1 – “Best Practice specification “	Do you mean ‘Best practice specification for handling of soil on Development Sites (2020)’? To avoid the word “best” you could say: “The advice in this document has been developed.... etc”	Agreed and amended to read “ <i>The advice in this document has been developed by West Lothian Council to assist anyone involved in the construction sector..... “</i>
“Alternative soil stripping methods”	IEMA view is that developers and their contractors will make assertions to this effect, but yet to see evidence that alternatives to excavators and dumper trucks can be shown to give the same degree of protection to soil resources.	Insertion of wording “Alternative stripping methods that can be shown to afford the same degree of soil protection are acceptable, <u>subject to provision of satisfactory evidence.</u> ” agreed.
Topsoil thickness	Suggestion for insertion of a table related to ‘Soil Profiles for Landscape Planting’ that was determined by HS2 Ltd following consultations with practitioners.	Agreed.
“Specific consideration for the handling and storage of peat”	You can refer here to SEPA guidance (“Restoration Techniques Using Peat Spoil from Construction Works”. 2011).	Web link Inserted.

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Consultee respondent / location of comment	Comment	WLC Response
Annex B: Key messages	This section does not work very well. It seems to have selected some actions from Annex 'A' in a fragmented way and repeats the "Key Messages" Subheading. As it stands, I think it will confuse developers and site contractors, and I think it can be simplified.	Disagree - this Annex was explicitly meant for site agents rather than office based backroom staff and hence is shorter than the overall planning guidance Note and the Good practise set out in Annex A.
"Soils Stockpiling"	Reference to " <i>Don't Stockpile soils when wet or 'plastic'</i> " - is this necessary, because the stockpiles are created at the same time as the top soils and subsoils are stripped, under the drier conditions set out above. Also, once the stockpiles are created, they should not be moved.	No change to the Planning Guidance is proposed as this covers all eventualities and reinforces issues about sensitive nature of soil stockpiles.
"Soil aftercare" – in penultimate section	"Soil health" is a new concept and for the benefit of developers and contractors I think you should set out a simple definition of what you mean by this.	Agreed . A definition is included in revised text i.e. <i>“as the continued capacity of soil to function as a vital living ecosystem that sustains plants, animals, and humans”</i> .

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APPENDIX 4

**PLANNING GUIDANCE ON MANAGEMENT & AFTER USE OF
SOILS ON DEVELOPMENT SITES**

THIS VERSION PRODUCED FOR THE COUNCIL EXECUTIVE ON 9 February 2021

Additional text shown as underlined text
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Soil Management & After Use of Soils on Development Sites

1. Introduction

1.1 Soil is an essential natural capital asset that provides important ecosystem services; e.g. as a growing medium for food, timber and other crops, as a store for carbon and water, as a reservoir of biodiversity and as a buffer against pollution. It is important to consider soil management and after use on site to protect the resource and the functions / benefits soil provides.

1.2 Complaints are often received by the council about flooded or waterlogged gardens or failed landscaping on development sites, which can be the result of creating poorly drained landforms, poor soil treatment, reinstatement and planting procedures.

1.3 The "West Lothian Soil Sustainability Report", originally published in 2004, and under review, indicates that the majority of soils in West Lothian have a soil texture ranging from clay to sandy clay loam. This high clay content often results in the worst drainage conditions and this also makes these soils difficult to handle / manage, so care needs to be taken when handling and storing them.

1.4 In line with good practice for sustainable use of soil, as set out in the local development plan, there is a need for good soil management procedure to be in place before the commencement of specific developments on site, which should be implemented during, as well as after, construction.

2. Purpose and Aim of the Planning Guidance

2.1 The purpose and aim of the Planning Guidance is to:

- to ensure that on restoration site landforms are not too steep, and provide appropriate drainage for the placement of soils suitable for a range of land uses, including landscaping, habitat creation and open spaces;
- conserve prime quality soils, as an irreplaceable natural resource where greenfield sites are being developed;
- minimise problems, like flooding, for development sites and adjacent land uses, where soil has been poorly managed during the course of construction; and
- ~~to ensure that sites are prepared more effectively for future landscaping and open space use.~~

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3. The West Lothian Local Development Plan

3.1 The West Lothian Local Development Plan includes policy ENV 5 which relates to soil sustainability plans (SSPs) and provides the context for this Planning Guidance.

Policy ENV 5 – Soil Sustainability Plans

"On all greenfield development sites over 1 ha, an assessment of soils will be required in relation to their sustainable re-use for landscape, habitat creation and open space provision and for their capacity to absorb water. These Soil Sustainability Plans, to be submitted with relevant planning applications

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will include soil identification for after-use purposes, top-soil handling, soil management during construction, site restoration, open space drainage and post-development monitoring.

The terms of policy EMG 6 will also require to be met.

3.2 In response to concerns about flooding and poor landscaping and to ensure ~~bestgood~~ -practice in soil management this Planning Guidance has been prepared and will be applied when determining planning applications.

4. Planning Guidance

4.1 When proposing development applicants will be required to meet the following requirements:

Large sites

4.2 On large greenfield sites, over 1.0 ha, applications for planning permission in full or for matters specified in conditions (MSC) shall be accompanied by a Soil Sustainability Plan (SSP).

4.3 If an application is for planning permission in principle, a planning condition will be imposed requiring a Soil Sustainability Plan as part of the matters specified in conditions [to ensure soil conservation for beneficial uses](#). Subsequent smaller phases of development, which result from a larger overall site, will also be subject to these requirements.

Small sites / Brownfield sites:

4.4 On smaller sites, and large brownfield sites, where consultation with the council's Flood Risk Management Team has highlighted specific flooding, drainage issues, or particular reinstatement needs for landscaping and after-use proposals, planning conditions will be imposed which ensure soil conservation ~~and~~ minimise the risk of compaction [and include remedial measures for contamination](#).

4.5 Alternatively, consultation may raise the requirement for the submission of a full Soil Sustainability Plan either prior to the grant of planning permission, or before work starts on site. ~~This would be on sites which are long standing greenfield sites or about sites with known soil quality. The SSP would be based on site specific detailed soil surveys.~~

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5. Soil Sustainability Plans and Planning Conditions

5.1 When preparing a Soil Sustainability Plan (SSP) the following factors will require to be considered and reflected in any planning conditions imposed on any planning consent:

- soil [survey and](#) analysis, and assessment of the whole development site soil types prior to development. [i.e: a soil resource survey](#) (This will need to follow approved standards of sampling and analysis of Scottish soils);
- risk assessment before moving soil;
- soil archaeology assessment, including location of archaeological evidence, historical landforms and landscape elements (if appropriate and subject to comment from West of Scotland Archaeological

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Services (WoSAS) who inform the council on these issues);

- ~~highlighting any particularly valuable areas of soil that should be protected from construction activity;~~
- good practices for handling, storing and reusing soils (as outlined in Annex A of this Planning Guidance);
- site restoration proposals, including assessment of suitability of available soils ~~properties~~ for type of landscape planting and habitat creation ~~ing~~
- the identification and reinstatement of any land drainage present;
- ~~and planting proposed;~~
- open space ~~drainage~~ proposals;
- correction of topsoil mineral and nutrient deficiencies;
- soil erosion mitigation measures;
- aftercare period; and
- monitoring of soil post-development.

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5.2 Consequently, a Soil Sustainability Plan (SPP) should include the following:

1. soil maps (following Scottish Soil Classification or 'World Reference Base standard' - the international standard for soil classification system - at a scale appropriate for sites management), including:
 - variation in depth of topsoil / subsoil, and
 - any features of interest identified in the archaeological and risk assessment surveys.

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<https://soils.environment.gov.scot/maps/soil-maps/national-soil-map-of-scotland/>

2. map of proposed areas to be stripped and left in-situ; including scheduled of ~~access paths haul tracks~~ for construction operations, as well as a map highlighting any particularly valuable areas of soil that should be protected from construction activity.
3. detail on specific equipment and methods for stripping, stockpiling, re-spreading and ameliorating ~~the soils~~ compaction.
4. map showing temporary haulage routes and ~~of~~ location of soil stockpiles labelled with their and content (e.g. Topsoil type A, subsoil type B), general size and volume; including expected timing, ~~scale of creation~~, management and removal of material.
5. schedules of volumes for each material; including identification of any short ~~fall comings~~ and need for importation of ~~topsoils~~, or creation of topsoils, and any proposals for the off-site use of soils.
6. proposals for monitoring suitability of reinstated materials in line with site restoration proposals (depth of topsoil, soil analysis) and it is important that envisaged limits / ranges / targets are identified.
7. expected after-use for each soil whether topsoil to be used on site, or ~~used~~ used off-site, or subsoil to be retained for landscape or habitat areas, or used as structural fill, or for topsoil manufacture.
8. identification of person responsible for supervising soil management.
- ~~8.9.~~ Measures for monitoring and compliance.

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6. Implementation

6.1 The council is committed to ensuring the conservation and sustainable use of soil, as a valuable natural resource across West Lothian. Therefore, where planning conditions are imposed on planning permissions, or specific working practices are recommended in approved Soil Sustainability Plans, non-compliance will result in the council serving breach of condition or stop notices.

6.2 In addition to imposing conditions, Annex A and Annex B to this Planning Guidance will be issued alongside any planning ~~consents~~ permissions in the same way that a landscape specification is currently enclosed giving more technical advice and will include details such as appropriate weather and times of year for handling soil; acceptable heights of soil dumps; recommended methods for controlling weeds on soil dumps and optimum depths of top-soil depending on the eventual end use.

7. Examples of Standard Planning Conditions related to Soil Management

Condition 1: During Construction / compaction - landscaping

During construction, the developer shall employ ~~good~~ best practice techniques, as outlined in the Planning Guidance Note on Soil Sustainability for Site Agents & Contractors (2020), to minimise the risk of compacting sub-soil and damaging the structure of top-soil to be used in proposed garden and open space areas.

When it is not possible to avoid the compaction of ~~sub~~ soil, such as in the immediate environs of a proposed structure, the developer shall ensure that all debris is removed from site and intensive methods of soil cultivation and de-compaction are employed prior to the spreading of top-soil.

Condition 2: Soil Removal / Stripping top & sub-soil

The ~~stripping~~ removal of soils from greenfield sites shall be carried out in dry weather, and the stripping of top-soil and sub-soil shall be carried out as separate operations. It is also important that the soil is above its plastic limit on the day work is carried out.

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Condition 3: Soil Dumps

Soil which is to be re-used on the site shall be stored in soil dumps as outlined in the "Planning Guidance Note on Soil Sustainability for Site Agents & Contractors" (2020) and ~~Best~~ Good practice specification for handling of soil on Development Sites (2020).

The **location, profile and height** of these dumps shall be agreed in writing with the Development Management Manager prior to the start of soil stripping. Top-soil shall be first removed from areas on which sub-soil is to be stored, and top-soil and sub-soil shall be carefully stored in separate dumps. Where ever possible storage should only occur on one site to reduce multiple handling, given that each handling will deteriorate soil quality (that is especially crucial for topsoil).

8. Review

8.1 Better and tighter control over not only soil conditions, but others such as landscaping, will through a Start Notice require the purification of conditions before any work can start on site.

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8.2 This Planning Guidance will be subject to review when considered necessary, in order to take into account the introduction of new secondary planning legislation or regulations arising from the Planning (Scotland) Act 2019 and any future improvements in working practices for soil management.

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Annex A

Good ~~Best~~ practice specification for soil handling & management of soil on Development Sites
(NB: Note to be issued with planning permissions for relevant sites)

Introduction

1. Soil is a fundamental but finite resource. Some of the most significant impacts on soil result from construction activity, yet it appears that there is a general lack of awareness and understanding of soil within the construction industry.
2. As defined in the Environmental Impact Assessment process, applicants can ~~reduce~~ minimise the direct effects of a project on the existing use of the proposed site, or proposed uses near the site, by the application of good design principles, including the layout of the project and the protection of soils during construction.
3. ~~This Best Practice Specification. The advice in this document~~ has been developed by West Lothian Council to assist anyone involved in the construction sector to better protect the soil resources with which they work. By following this specification this will not only assist in helping to protect and enhance the soil resources on site, but may also achieve cost savings.
4. The aim is to reduce incidence of flooding and waterlogging in development and failed landscaping due to unsuitable soil handling during construction.
5. General principles of good soil practices during construction drawing from existing information (DEFRA 2009) are set out and apply to 'greenfield land' and some 'brownfield land' where the conditions for it to be designated as contaminated land (significant harm or significant possibility of such harm) under Part 2A of the Environmental Protection Act 1990, are not present. Specific consideration related to the handling and management of contaminated soils are not covered in this Planning Guidance and are the subject of separate policy guidance relating to contaminated land.
6. The principles do not apply to organic soil (i.e.: top soil with peat layer more than between 30-50cm depth), where specific consideration for the handling and storage of peat will be required. For development on peat soil refer to SEPA guidance. Where such development is unavoidable, handling and reuse of peat soil will require specific consideration to reduce loss of carbon.
7. Construction activity can have adverse direct impacts on the soil resource as well as affect the functions that the soils provide and its functions (i.e. for example: soil supports biodiversity, stores water, sequesters carbon, mitigates flood impact and pollution), in a number of ways by:
 - covering soil with impermeable materials, effectively sealing it results in loss of soil and soil functionality(drainage, flood mitigation)
 - protecting water quality, as loss of filtering function, increases run-off and higher risk of water quality degradation;
 - contaminating soil as a result of accidental spillage, or the use of chemicals;
 - over-compacting soil through the use of heavy machinery, or the storage of construction materials;
 - compaction potentially causing run-off and erosion, as well as silt transfer;

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- reducing soil quality, for example by mixing topsoil with subsoil; and
- ~~degrading soil quality~~ ~~wasting soil~~ by mixing it with construction waste or contaminated materials, which then have to be treated before re-use, or even disposed of at landfill as a last resort.

Long-term storage and wrong handling also reduces soil quality (especially of top soil). Construction activity can also have longer term impacts on the quality and function of reinstated soils and landscape by:

- reducing soil quality, (for example by mixing topsoil with subsoil reduces top soil quality); ~~and~~
- introducing unsuitable material in soils (Non-native invasive species, unsuitable soil type for reinstated habitats and species).
- reducing soil organic carbon content; and
- creating soil compaction resulting in increased risk of: run-off, erosion, waterlogging and flooding.

Key Messages

Pre-construction planning / Planning Application stage

- ~~Whether~~ Regardless of an Environmental Impact Assessment ~~being is~~ required for certain sites that meet the EIA regulations, or not; developers should have a soil resource survey carried out on site by a suitably qualified and experienced soil scientist or practitioner (e.g. a member of CIEEM or the Institute of Professional Soil Scientists – <https://soils.org.uk/>), at the earliest convenience and prior to any earthworks operations. It can be combined with other surveys such as a geotechnical or geo-environmental survey, provided the relevant expertise is applied.
- Incorporate the results of the soil resource survey into the site working strategy (e.g. for Environmental Impact Assessment sites there could be a Material Management Plan(MMP) and Site Waste Management Plan (SWMP) -within a Construction Environmental Management Plans (CEMP), Site Waste Management Plan), ensuring liaison between the soil resource survey and other ground investigations.
- Ensure that you are informed of and follow waste regulations as necessary.
- For all greenfield site >1ha, prepare a Soil Sustainability Plan ~~(SSP)~~ as referred to in Policy ENV 5 of the West Lothian Local Development Plan (2018). This will include the areas and type of topsoil and subsoil to be stripped, haul routes, the methods to be used and location, type & management of each stockpile.
- For small sites (<1ha) and brownfield sites, requirement for a Soil Sustainability Plan ~~(SSP)~~ may rise from consultation with the council where specific flooding, drainage issues, or particular reinstatement needs for landscaping and other after-use proposals arise.

Soil management during construction

- Record any substantial change to the Soil Sustainability Plan ~~(SSP)~~. For multi-phase development with included stages of re-instatement and stockpile movement, keep a record of all soil movements and type of material handled.
- When stripping, stockpiling or placing soil, do so in the driest condition possible and use tracked ~~equipment~~ equipment where possible to reduce compaction.
- Confine traffic movement to designated routes.
- Keep soil storage periods as short as possible.
- Clearly define stockpiles of different soil materials and ensure that slope and height of stockpiles is appropriate for material stored.

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- [Provide fencing to stop animals \(e.g. badgers\) from colonising stockpiles.](#)

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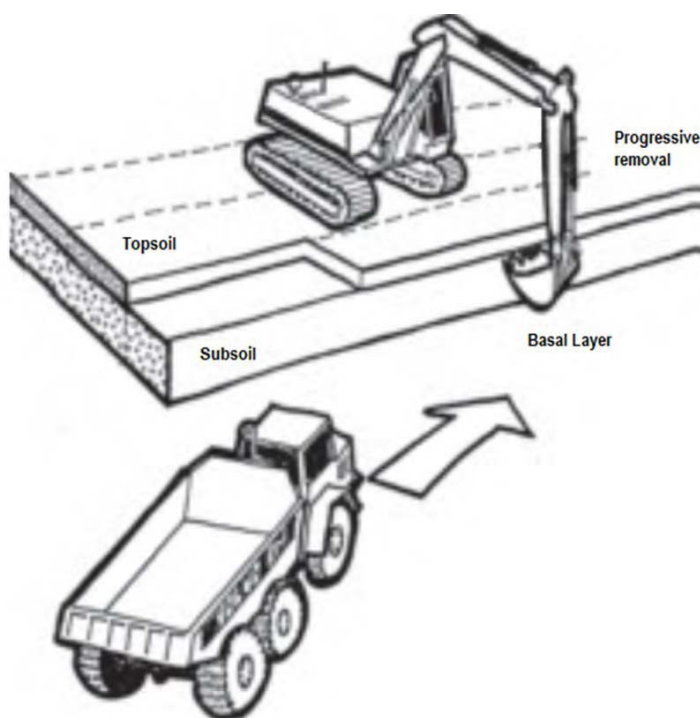
Landscape, habitat, [open space](#) or garden creation

- Ensure that for all reinstated soil, the entire soil profile (top soil / subsoil) is stable and in a condition to promote sufficient aeration, drainage, fertility and root growth.
- Safeguard and utilise on-site soil resources where possible. If importing soils use a reputable supplier, establish the source of the soil and ensure it is suitable for the intended use.

Practical advice - Soil management during construction / On-site soil management

Topsoil Stripping Method

- Remove surface vegetation by blading off, by scarification and raking, or kill off by application of a suitable non-residual herbicide applied not less than two weeks before stripping commences.
- The method illustrated below is the best practice method for minimising damage to topsoil. It shows the transport vehicle running on the basal layer under subsoil as subsoil is also to be stripped. If only topsoil is to be stripped, the vehicle would run on the subsoil layer. (NB: If site is on slope other consideration might apply).



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- Within each soil unit sStripping should be undertaken by the excavator standing on the surface of the topsoil, digging the topsoil to its maximum depth and loading into site or off-site transport vehicles, using an excavator bucket without teeth.
- Alternative stripping methods that can be shown to afford the same degree of soil protection are acceptable, subject to provision of satisfactory evidence.
- As a standard practice, an archaeological watching brief may be needed during topsoil and subsoil stripping, depending on West of Scotland Archaeological Services comments.

Subsoil Stripping Method

~~Topsoil should first be stripped from all areas from which subsoil is to be removed for reuse.~~

- Within each soil unit the soil layers above the base / formation layer are removed in sequential strips that can be up to 6m wide (the reach of a 360° excavator).
- Topsoil should be removed first and separately first be stripped from all areas from which subsoil is to be removed for reuse.
- Using an excavator bucket with teeth is preferable to using one without. Where there is a cover of topsoil, that layer is removed first before stripping subsoil to the specified depth. The soil transport vehicle runs on the layer beneath the subsoil.
- Weathered basal layer (e.g. geological parent material) below the subsoil has limited value for landscaping and soil reinstatement and should be kept separated from stockpiles intended for such uses.

Soil stockpiling

- Soil should be stored in an area of the site where it can be left undisturbed and will not interfere with site operations- but soil movement needs to be kept to a minimum, especially for topsoil.
- Ground to be used for storing the topsoil should be cleared of vegetation and any waste arising from the development (e.g. building rubble and fill materials).
- Topsoil should first be stripped from any land to be used for storing subsoil.

(See details of methods below on Dry 'non-plastic' soils & Wet 'plastic' soils)

Method 1 – Dry 'non-plastic' soils

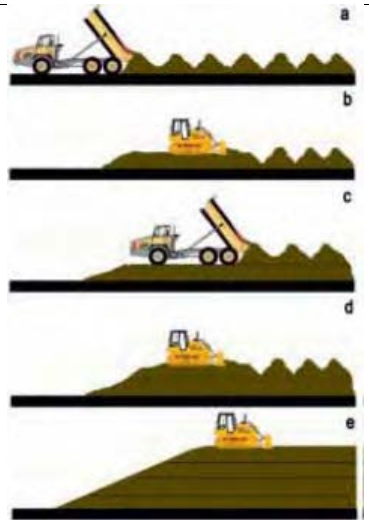
a) The soil is loose-tipped in heaps from a dump truck, starting at the furthest point in the storage area and working back toward the access point.	
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b) When the entire storage area has been filled with heaps, a tracked machine (excavator or dozer) levels them and firms the surface in order for a second layer of heaps to be tipped.

c & d) This sequence is repeated until the stockpile reaches its planned height.

e) To help shed rainwater and prevent ponding and infiltration a tracked machine compacts and re-grades the sides and top of the stockpile (to form a smooth gradient).



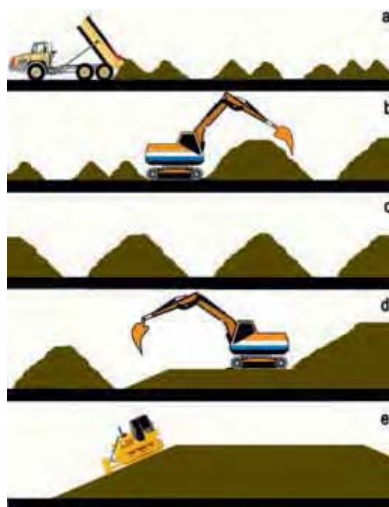
Method 2 – Wet 'plastic' soils

a) The soil is tipped in a line of heaps to form a 'windrow', starting at the furthest point in the storage area and working back toward the access point.

b & c) Any additional windrows are spaced sufficiently apart to allow tracked plant to gain access between them so that the soil can be heaped up to a maximum height of 2m. To avoid compaction, no machinery, even tracked plant, traverses the windrow.

d) Once the soil has dried out and is non-plastic in consistency (this usually requires several weeks of dry and windy or warm weather), the windrows are combined to form larger stockpiles, using a tracked excavator.

e) The surface of the stockpile is then regraded and compacted by a tracked machine (dozer / excavator) to reduce rainwater ingress.



Stockpile location and stability

- Stockpiles should not be positioned within the root or crown spread of trees, or adjacent to ditches, watercourses or existing or future excavations.

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- Stockpile height should be maximum of 4m high for topsoil (as weight of stockpile will destroy topsoil structure and lack of oxygen will kill soil life).

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- Soil will have a natural angle of repose of up to 40° depending on texture and moisture content but, if stable stockpiles are to be formed, slope angles will normally be less.
- For stockpiles that are to be grass seeded and maintained, a maximum side slope of 1 in 2 (25°) is appropriate.

Stockpile protection and maintenance

- Once the stockpile has been completed the area should be cordoned off with secure fencing to prevent any disturbance or contamination by other construction activities.
- If the soil is to be stockpiled for more than six months (but ideally less than 6 months if at all possible), the surface of the stockpiles should be seeded with an appropriate grass / clover mix to minimise soil erosion and to help reduce run-off and infestation by nuisance weeds that might spread seed onto adjacent land.
- Management of weeds that do appear should be undertaken during the summer months, either by spraying to kill them or by mowing or strimming to prevent their seeds being shed.

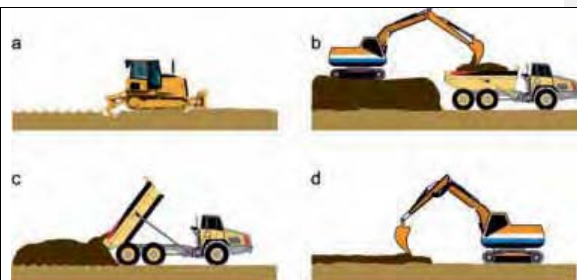
Soil placement

This method entails working to a strip system (the width of the strip determined by the reach of the excavator), and replacing soil sequentially across the soiling area. The receiving ground, whether a basal layer or compacted subsoil is first loosened with a wing-tine ripper.

A hydraulic excavator, fitted with a toothed-bucket to avoid excessive smearing, should be used to load the soil materials from the source area or stockpile into a dump truck which then loose-tips discharges them onto the receiving surface.

An excavator stands next to the newly dropped soil and spreads this to the required thickness. If there is to be more than one soil layer (i.e. if both topsoil and subsoil are being replaced) then the whole length of the strip is restored with subsoil before the process is repeated with topsoil.

The topsoil is lifted onto the subsoil without the excavator travelling on the newly placed subsoil. Only when the strip has been completed is the next



(Loose-tipping method - topsoil spreading only)

- loosening the subsoil of the receiving ground
- loading of topsoil from stockpile
- back-tipping topsoil onto loosened subsoil
- levelling topsoil

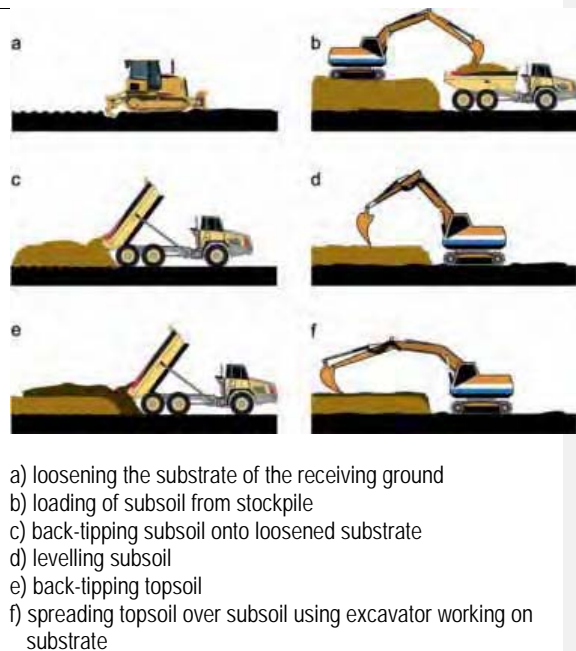
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~~one started.~~ If soil is cloddy in structure, the excavator bucket can be used to break up the clods. Large stones can be removed during the operation. Only when the strip has been completed is the next one started.

The loose-tipping method (topsoil and subsoil spreading)

Modified versions of the loose-tipping method, for use when both subsoil and topsoil are to be placed, include spreading the subsoil as described above, but then spreading the topsoil layer out using a low ground pressure dozer.

Providing that soil conditions are suitably dry and dozer movements are minimised, this can gently consolidate the placed soil without causing over-compaction.



Relief of compaction

On most construction sites, the receiving layer will have been compacted by vehicles, foot trafficking or the storage of building materials. Therefore, prior to spreading soil:

- the substrate should be properly de-compacted to break up any panning to reduce flood risk and to promote deeper root growth.
- a small (1-5 tonne) to medium sized (13 tonne) tracked excavator, fitted with a single rigid tine is effective in restricted areas, such as in planting beds and road verges.
- in more open areas, a tractor-drawn sub-soiler is capable of loosening soil that is not too heavily or deeply compacted. In some instances, compressed air injection can be used to de-compact the soil profile.

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Deep compaction can only be effectively relieved using heavy duty ripper equipment, such as the single rigid tine device. For loosening to be most effective, it should be carried out when the soil is sufficiently dry to the full depth of working, otherwise the tine merely cuts and smears the sub-soil rather than lifting, fracturing and loosening it. A toothed excavator bucket is not an appropriate tool for ripping soil.

Topsoil thickness

Topsoil placement thickness will depend on the ~~envisaged habitat to be created anticipated rooting depth of the plants to be established~~ and the quality of the underlying subsoil. Trees and shrubs require a much greater routing depth than grasses, through this ~~does not have to should not~~ be made up entirely of topsoil.

Topsoil at least 150mm deep is desirable for lawns and mown amenity grass and can beneficially be placed more deeply (up to 400mm thick) for trees and shrubs.

The table below provides general guidance on the minimum soil depths over placed excavated materials for different habitats/planting, as applied by landscape planting practitioners. This should be reviewed and modified as necessary by contractors/designers to suit specific locations and other design criteria and should also depend on the availability of soil resources and the requirements for agriculture and ecology.

Soil Profiles for Landscape Planting

<u>Habitat/Planting Type</u>	<u>Minimum Topsoil Depth (mm)</u>	<u>Minimum Subsoil Depth (mm)</u>
<u>Woodland</u>	<u>300</u>	<u>700</u>
<u>Hedgerow</u>	<u>300</u>	<u>300</u>
<u>Grassland</u>	<u>150</u>	<u>150</u>
<u>Heathland</u>	<u>150</u>	<u>150</u>

Trees and shrubs require a greater rooting depth than grasses and heathers, and hence a deeper soil profile. The soil profile should be made up with a combination of topsoil and subsoil above placed excavated materials. The excavated materials will generally lie at depths greater than 1.2m, and should not, therefore, require ripping.

However, topsoil does not normally perform well below a depth of 400mm from the surface, where there is an increase in self-compaction and where the biochemical oxygen demand (BOD) often exceeds the rate of aeration. This often results in the development of anaerobic conditions that are detrimental to plant root functions. Subsoil, which has a lower BOD, should, therefore, always be used to create rooting depths in excess of 400mm.

Topsoil cultivation

After re-spreading topsoil, any large, compacted lumps should be broken down by appropriate cultivation to produce a fine tilth suitable for planting (<50mm maximum aggregate size), turfing and seeding (<10mm maximum aggregate size).

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Topsoil that has been stored in a stockpile is often compacted and anaerobic and thus has lost its ability to function as a topsoil. It should therefore be cultivated to its full depth using appropriate tillage equipment to de-compact and fully re-aerate. Only when the topsoil has been fully re-aerated will it be satisfactory for planting turfing or seeding. More than one cultivation may be required to re-aerate the entire thickness of topsoil. Undesirable material (e.g. stones, fill materials and vegetation larger than 50mm in any dimension) brought to the surface during cultivation should be removed by picking or raking.

Adverse weather

If sustained heavy rainfall (e.g. >10mm in 24 hours) occurs during soil handling operations, work must be suspended and not restarted until the ground has had at least a full dry day or agreed moisture criteria (such as 'drier than the plastic limit') can be met. This is the preferred option, especially for heavy soils in West Lothian. Lighter soil can generally be moved at a higher moisture content without damage than a heavy soil.

The earlier or later in the year that soil is moved, the greater the risk of causing damage or having work suspended by adverse weather, although the period when soil can be safely handled is longer in the drier eastern parts of the UK than in the west. Where the soil handling technique is such that trafficking over the soil is minimal (e.g. the 'loose tipping method' described above), the period for soil stripping may be extended.

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Annex B

WLC Planning Services – Guidance Note to Site Agents & contractors on Soil Management

1. Scotland's soil is a valuable natural asset and in line with Zero Waste targets proper steps should be taken in development to avoid excessive soil / spoilt wastes on sites and promote sustainable reuse and reinstatement of the material on sites.
2. Damage and loss of soils during development is major threat to our national soil resources. This Guidance Note has been developed to assist anyone involved in the construction sector to better protect the soil resources with which they work.
3. Complaints are often received by the council about flooded or waterlogged gardens or failed landscaping on development sites, mainly due to poor soil treatment and planting and [this](#) can be reduced by ensuring suitable soil handling during construction.
4. By following this Guidance Note, you will not only be able to help protect and enhance the soil resources on site and reduce future problems but also potentially achieve cost savings for your business, [by avoiding the need for subsequent remedial work.-](#)
5. This Guidance Note applies to 'greenfield land' and some 'brownfield land' where the conditions for it to be designated as contaminated land under Part 2A of Environmental Protection Act 1990 (significant harm or significant possibility of significant harm), are not present.

(NB: Annex B does not apply to organic soil - (soil with peat layer more than 50cm depth) - where specific consideration for the handling and storage of peat will be required. [\(See SEPA guidance "Restoration Techniques Using Peat Spoil from Construction Works"- 2011.\)](#)

Key Messages

- ~~Work with soils in driest conditions possible / Don't when wet - if at all possible~~
- ~~Follow the [SSPSoil Plan](#) approved as part of the planning permission.~~
- [Good Best practices for the sustainable use of soil in developments is to are:](#)

- [Carry out soil surveys to understand your soils properties](#)
- ~~Get the right surveys to assess the quality of your soils and volumes affected.~~

- Plan ahead for proper handling of soil on sites during constructions

~~Consider value of the [Soil Plan SSP](#) to:~~

- ~~Ensure that soil resource is not wasted through inappropriate stripping, handling and storage procedures.~~
- ~~Reduce risk of pollution to water course.~~
- ~~Avoid mixing topsoil and subsoil to maintain its good quality and fertility.~~
- Reuse / reinstate soils to support sustainable landscape
- ~~Reduce waste disposal cost by re-using on site soils.~~
- ~~Ensure that soil imported on to the site is fit for purpose.~~

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- Strive to avoid creating soil waste and re-use soils on site for their highest value use. If it's not possible to re-use soils, seek to match them with another project close-by to save costs.
- Implement the general principles of the Soil Sustainability Plan (SSP), as set out below.

General principles – for mineral soils (Pre-construction planning):

Do	Don't
<ul style="list-style-type: none"> ✓ Undertake detailed soil resource survey before any earthmoving operations start. ✓ Ensure that the survey is carried out by suitably qualified and experienced soil scientist or practitioner. ✓ Ensure co-ordination between the soil resource survey and other ground investigations as each might have information useful to the other. ✓ Incorporate the results into the Materials Management Plan or the Site Waste Management Plan. 	<ul style="list-style-type: none"> ✗ Rely on a geotechnical survey or contamination survey for detailed information on topsoil or subsoil resources.

Soil management during construction: Using the site's Soil Plan ~~SSP~~ implement as follows

Do	Don't
<ul style="list-style-type: none"> ✓ Clearly define soil types, areas of soil to be stripped, haul routes and stockpile locations on your <u>SSP</u> Soil Resource Plan. 	<ul style="list-style-type: none"> ✗ Create haphazard stockpiles of soil on site – ensure that material is stable with no risk to nearby receptors (i.e. runoff, leaching into water courses.)
<p>Topsoil stripping</p> <ul style="list-style-type: none"> ✓ <u>Remove vegetation and any waste materials</u> ✓ <u>Strip soils in strips using excavators and dump trucks</u> ✓ Follow <u>SSP</u> Soil Plan to account for variation in depth of topsoil <u>stripping</u> across sites. ✓ <u>Work with soils in driest conditions possible / Don't work when wet - if at all possible</u> ✓ Use tracked equipment wherever possible to reduce compaction. ✓ Confine movement of trucks or dumpers to designated temporary haul routes. 	<ul style="list-style-type: none"> ✗ Mix vegetation into topsoil to be stored. ✗ Strip soils during or after heavy rainfall or when there are pools <u>of</u> water on the surface. ✗ Remove topsoil from below the spread of trees to be retained.

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Subsoil Stripping

Do	Don't
✓ Work with soils in driest conditions possible / Don't work when wet - if at all possible	✗ Strip soils during, or after heavy rainfall, or when there are pools of water on the surface.
Strip soils in strips using excavators and dump trucks	✗ Mix subsoils of different quality & composition.
✓ Follow SSP to account for variation in depth of subsoil stripping across site	
✓ Use tracked equipment wherever possible to reduce compaction.	
✓ Confine movement of trucks or dumpers to designated temporary haul routes.	

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Soils Stockpiling

Do	Don't
✓ Remove vegetation and waste materials from storage areas before forming stockpiles.	✗ Stockpile soils when wet, or 'plastic'.
✓ Manage the site so that soil storage periods are kept as short as possible.	✗ Create stockpiles over 4m in height .
✓ Use excavators and dump trucks	✗ Stockpile soils of different quality and composition together, especially topsoil and subsoil.
✓ Use tracked equipment wherever possible to reduce compaction.	✗ Stockpile subsoil or waste materials With, or on top of topsoil.
✓ Protect stockpiles from erosion by seeding or covering them.	✗ Locate stockpiles close to retained trees, drains, watercourses or ditches.
✓ Use clear signage to identify the content of stockpiles.	✗ Steepen stockpile sides beyond a slope of 1 in 1.75 (30°) in order to reduce the risk of erosion.
	✗ Allow vehicles to run over stockpiles except during their construction.

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Landscape, habitat or garden creation

Do	Don't
Soil placement	
✓ Work with soils in driest conditions possible / Don't work when wet - if at all possible	✗ Place or cultivate soils during or after heavy rainfall or when soils are plastic.
Use excavators and dump trucks	✗ Take construction machinery over topsoil or subsoil that has been placed.
✓ Use tracked equipment wherever possible to reduce compaction.	✗ Place topsoil too deeply – 'more' is not necessarily 'better'.
✓ De-compact subsoil before placing topsoil	✗ Plant into anaerobic, waterlogged topsoil
✓ Fully re-aerate anaerobic topsoil before planting, turfing or seeding.	
✓ Ensure that the physical condition of	

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the entire soil profile (topsoil and subsoil) will promote sufficient aeration, drainage and root growth.	
Sourcing and importing topsoil <ul style="list-style-type: none"> ✓ Fully investigate on-site resources before considering a source of topsoil from outside the site – (Be aware of Non-native invasive species contamination). ✓ Use a reputable supplier. ✓ Establish the source of the topsoil whether it is natural or manufactured. ✓ Ensure, through appropriate analysis, that the topsoil imported is suitable for the intended planting(s). ✓ Consider producing your own topsoil 	<ul style="list-style-type: none"> ✗ Accept non-documented or unverified loads of topsoil <u>and subsoil</u>. ✗ Use a standard specification for all plantings as different species and land uses have different topsoil requirements. ✗ Accept topsoil that is too cloddy or wet or that contains visible evidence of plastics, concrete, etc.
Topsoil manufacture <ul style="list-style-type: none"> ✓ Determine if there is a shortfall of site topsoil at an early stage in the project. ✓ Determine whether topsoil manufacture is feasible by considering the quality of surplus subsoil, programme, space and landscape requirements. ✓ Ensure that all soils and soil ameliorants are used in accordance with current Waste Regulations 	<ul style="list-style-type: none"> ✗ Wait until there is a stockpile of surplus subsoil before considering topsoil manufacture.
Soil aftercare <ul style="list-style-type: none"> ✓ Ensure that soil health (i.e. <u>the continued capacity of soil to function as a vital living ecosystem that sustains plants, animals, and humans</u>) as well as plant health is closely monitored during the aftercare period. ✓ Correct deficiencies as soon as they are detected. 	<ul style="list-style-type: none"> ✗ Rely on aftercare as an alternative to good soil management – careful soil handling, storage and placement will save on aftercare costs and result in long term benefits to the development ✗ Assume that soils will function adequately immediately after planting
Uses for surplus topsoil <ul style="list-style-type: none"> ✓ Calculate soil surpluses at an early stage in the project. ✓ Make use of contractor contacts and local authority knowledge to seek sustainable off-site uses. ✓ Ensure that all on-site and off-site uses are in accordance with Waste Regulations. 	<ul style="list-style-type: none"> ✗ Bury topsoil deeply on site unless no sustainable off-site uses and there is no risk to significant harm to humans and the wider environment

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Further Information

More details on the sustainable use of soils on construction sites are available at:
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/716510/pb13298-code-of-practice-090910.pdf

British Standards for topsoil are BS3882-2015 and for subsoil: BS8601

Site Monitoring

West Lothian Council will continue to check development sites after planning permission is granted and will monitor implementation of relevant planning conditions placed on the development, including soil management.

Enforcement

Where appropriate, Enforcement action will be taken where good soil protection practices are not observed and if not addressed, could eventually result in Stop Notices being issued where there is non-compliance with planning conditions.

Glossary

Key Words

Definitions / terminology

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Anaerobic	Oxygen-deficient
Basal Layer	Un-weathered parent material beneath subsoil. Layer upon which subsoil may be re-spread
Biochemical Oxygen Demand	The quantity of oxygen required by aerobic micro-organisms for the complete (aerobic) decomposition of a material
<u>Mineral Soil</u>	<u>A soil derived from minerals or rocks and containing little humus or organic matter.</u>
Non-plastic soil	A soil that does not exhibit plasticity at any moisture content, such as sand or gravel
<u>Organic Soil</u>	<u>Soil that is naturally rich in organic matter (typically containing at least 20% organic matter by weight in a layer more than one metre in thickness).</u>
<u>Peat</u>	<u>A dark brown substance like soil that was formed by plants dying and becoming buried.</u>
Plastic soil	A soil that, within a certain moisture content range, is capable of being moulded or deformed without rupture
Plastic limit	moisture content above which a 'plastic' soil starts to exhibit 'plastic' behaviour.
<u>Ripping</u>	<u>refers to the loosening of soil, rock or frozen ground by drawing a forked or pronged implement through it.</u>
<u>Runoff</u>	<u>The flow of water over the ground surface</u>
Soil compaction	<u>occurs when soil particles are pressed together, reducing pore space between them - restricting the passage of roots, water and gases. Over-compaction of subsoil or topsoil so that fine pores and the spaces between soil structure aggregates become closed and are unable to allow the passage of roots, water and air</u>
Soil quality	The capacity of soil to function within ecosystem boundaries to sustain biological productivity, maintain environmental quality, promote plant & animal health
Soil sealing	Covering of the soil surface with an impermeable material
Soil structure	The aggregation of soil particles into larger units with spaces between that allow flow of air and water and root penetration
Soil texture	A descriptive classification reflecting the proportions of mineral fractions (sand, silt and clay sized particles)
Subsoil	Weathered soil layer extending between the natural topsoil and the little weathered basal layer (e.g. geological parent material) below, or similar material within a landscaping project on to which topsoil can

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	be spread. Subsoil usually has a lower organic matter and plant nutrient content than topsoil
Top soil (natural)	Upper layer of a soil profile, usually darker in colour and more fertile than the layer below (subsoil), and which is a product of natural biological and environmental processes. In Scotland, the thickness of natural topsoil will vary from only a few centimetres in some sites to up to 500mm in deeply cultivated agricultural sites or peaty soils

(PG) Soil Management & After Use of Soils on Development Sites

Approved by West Lothian Council Executive
Subsequently adopted as Planning Guidance (PG)

DATE TO BE INSERTED IN DUE COURSE
DATE TO BE INSERTED IN DUE COURSE

West Lothian Council, Development Management, Civic Centre, Howden South Road, Livingston, EH54 6FF
Tel: 01506 28 00 00 Email: planning@westlothian.gov.uk



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APPENDIX 5



SCREENING REPORT

PLANNING GUIDANCE – ON THE HISTORIC ENVIRONMENT

Data Label: Public

STEP 1 – DETAILS OF THE PLAN

Responsible Authority:

West Lothian Council.

Title of the plan:

Planning Guidance on the Historic Environment.

What prompted the plan:

(e.g. a legislative, regulatory or administrative provision)

The West Lothian Local Development Plan gives an undertaking to produce guidance in relation to a variety of planning policy topics including the protection of the natural environment from inappropriate development.

The guidance sets out detailed criteria to assist the preparation and assessment of planning applications across the plan area and specifically supports policies:

- ENV 23 - Conservation Areas (Designations);
- ENV 24 - Conservation Areas (Demolitions);
- ENV 25 - Linlithgow Palace, Peel & High Street Rigs;
- ENV 26 - Hopetoun Estate and Abercorn Village;
- ENV 27 - Areas of Built Heritage and Townscape Value;
- ENV 28 - Listed Buildings;
- ENV 29 - Unoccupied and Threatened Listed Buildings;
- ENV 30 - Historic Gardens and Designed Landscapes;
- ENV 31 - Historic Battlefields: Battle of Linlithgow Bridge;
- ENV 32 - Archaeology; and
- ENV 33 - Scheduled Monuments.

of the adopted LDP.

There is no current Supplementary Planning Guidance (SPG) related to the historic environment in West Lothian. As a consequence there is recognition of the need to ensure that the council's planning guidance arising from the local development plan adopted in 2018 is up to date and reflective of the most current LDP policies and best practice.

Plan subject:

(e.g. transport)

Town and Country Planning

Screening is required by the Environmental Assessment (Scotland) Act 2005.

Based on Boxes 3 and 4, our view is that:

☐

An SEA is required, as the environmental effects are likely to be significant: Please indicate below what Section of the 2005 Act this plan falls within

☐

Section 5(3)

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Section 5(4)

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Contact details:	<input checked="" type="checkbox"/> An SEA is <u>NOT</u> required, as the environmental effects are unlikely to be significant: Please indicate below what Section of the 2005 Act this plan falls within
	<input checked="" type="checkbox"/> Section 5(3) <input type="checkbox"/> Section 5(4)
	Chris Alcorn, Principal Planning Officer, West Lothian Council Civic Centre Howden South Road, Livingston, EH54 6FF. 01506 - 282428 / chris.alcorn@westlothian.gov.uk
Date:	5 January 2021

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STEP 2 – CONTEXT AND DESCRIPTION OF THE PLAN

Context of the Plan:

The West Lothian Local Development Plan (LDP) was adopted on 4 September 2018.

A Strategic Environmental Assessment - Environmental Report was published in August 2014, which set out the likely significant environmental effects of implementing the strategy for the development contained within the LDP and is the primary means by which development sites are allocated. Each site allocated for development within the LDP has been subject to an individual site assessment.

The principal Report of Examination was issued on 11 December 2017 (augmented with an additional Report of Examination dealing with a single site issue issued on 8 January 2018).

The West Lothian Council Executive committee on 22 March 2018, resolved to accept all of the modifications recommended in the Report of Examination, and agreed to adopt the Local Development Plan (as modified). This was notified to Scottish Ministers on 5 April 2018. At the same time, the council made a determination under Section 8(1) of the Environmental Assessment (Scotland) Act 2005 that the modifications proposed by the DPEA to the West Lothian Local Development Plan were unlikely, overall, to have any major significant negative environmental effects and that a further SEA was not required.

Planning Guidance – Planning Guidance on the Historic Environment is required to support the understanding and delivery of ten policies e.g. ENV 23 – ENV 33 in the adopted West Lothian Local Development Plan (2018).

The PG will expand on the principles of these policies and will provide detailed guidance to help achieve the outcomes expected from related historic development proposals across West Lothian.

While the proposed Planning Guidance provides some location specific guidance, it supports consistent interpretation and application of policies related to the historic environment through the development management process.

The guidance identifies good practice in-line with the related policies and other similar guidance provided by Historic Environment Scotland.

Description of the Plan:

The proposed Planning Guidance expands on the principles set out in the policies outlined in the section above and provides detailed guidance to help achieve the outcomes expected from planning applications related to historic environment proposals across West Lothian.

The planning guidance is intended for use by anyone considering this sort of development within West Lothian including:

- Applicants who are proposing alterations and changes to a range of historic properties and landscapes;
- Agents working for their clients on such proposals;

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	<ul style="list-style-type: none"> • Development Management Officers assessing planning proposals, as well as Historic Environment Scotland officers; • Elected Members representing constituents and making decisions on related planning applications; and • Members of the public with an interest in these types of historic environment development proposals within their local community. <p>The Planning Guidance will be reviewed at least every 5 years in line with the statutory review of the West Lothian Local Development Plan (or as required by emerging legislation).</p>
<p>What are the key components of the plan?</p>	<p>The Planning Guidance will provide further guidance to support the application of the various historic environment policies detailed in the section above, under Context.</p>
<p>Have any of the components of the plan been considered in previous SEA work?</p>	<p>Yes. The document is produced to support a number of policies in the West Lothian Local Development Plan which was adopted on 4 September 2018. An Environmental Assessment has previously been undertaken in respect of policies and related proposed land allocations in the West Lothian LDP.</p> <p>The Environmental Assessment undertaken in respect of these policies concluded that they would have no significant environmental implications. Any impacts of the policies were considered to be largely positive e.g.; in that they promoted good practice for securing sustainable development related to the historic environment.</p> <p>In order to ensure compliance with the Environmental Assessment (Scotland) Act 2005, a Screening Opinion for this Planning Guidance is required.</p>
<p>In terms of your response to Boxes 7 and 8 above, set out those components of the plan that are likely to require screening:</p>	<p>The proposed Planning Guidance will expand on the principles set out in the aforementioned policies and provide detailed guidance to help achieve the outcomes expected from historic environment development proposals in locations across West Lothian.</p> <p>The guidance will support consistent interpretation and application of policy through the development management process. The guidance will at the same time encourage good practice in-line with policies and other similar guidance arising from Historic Environment Scotland.</p> <p>The potential environmental effects of any proposed development considered under the terms of the policies can however only be fully assessed at the planning application stage when the specific site and development details are known.</p>

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**STEP 3 – IDENTIFYING INTERACTIONS OF THE PLAN WITH THE ENVIRONMENT AND
CONSIDERING THE LIKELY SIGNIFICANCE OF ANY INTERACTIONS**

Plan Components	Environmental Topic Areas										Explanation of Potential Environmental Effects	Explanation of Significance
	Biodiversity, flora and fauna	Population and human health	Soil	Water	Air	Climatic factors	Material assets	Cultural heritage	Landscape	Inter-relationship issues		
Planning Guidance – on the Historic Environment		✓				✓	✓	✓	✓	✓	<p>The PG brings together all of the elements that help contribute towards minimising environmental impact and achieving sustainable development in the historic environment.</p> <p>It provides a clear set of guidance and standards to explain what the council will expect from such new developments and identifies what information is required as part of a planning application.</p> <p>It also provides contact details for various Council Services and other organisations with an interest in the historic environment.</p>	<p>The SEA for the LDP considered any potential effects.</p> <p>The Planning Guidance on the Historic Environment is not considered to have any additional significant negative environmental effects.</p>

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											<p>The PG shares the strategic objectives of the LDP which include promoting development where its environmental impact can be ameliorated and having regard to climate change by minimising the carbon footprint of development and supporting mitigation and adaption measures.</p> <p>Any impact on the Environmental Topic Areas will be positive and beneficial.</p>	
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STEP 4 – STATEMENT OF THE FINDINGS OF THE SCREENING REPORT

Summary of interactions with the environment and statement of the findings of the Screening:

(Including an outline of the likely significance of any interactions, positive or negative, and explanation of conclusion of the screening exercise.)

The council has prepared this Planning Guidance to proactively inform and encourage developers to adopt a more considered approach when preparing proposals for the historic environment.

The guidance has been conceived to help positively influence the nature of the historic environment and to mitigate any adverse effects on both the individual site and the surrounding environment. It relates to development across West Lothian

Developers are encouraged to identify and address in particular the consequences of their proposals to alter, adapt or change the historic environment and to adopt 'best practice'.

With careful thought and sensitive execution, proposals related to the historic environment can be made to be in much better harmony with their neighbours and the wider natural environment.

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In common with other planning guidance prepared by West Lothian Council, it has been subject to internal and external consultation, in this case with council service providers Historic Environment Scotland and community councils, planning consultants and developers as well as local interested organisations and regard has been had to the responses and feedback which has been received and present to elected members to consider.

In conclusion, the Planning Guidance on the historic Environment will result in no, or minimal, environmental effects and therefore it is concluded a SEA is **NOT** required.

The guidance sets out detailed criteria to assist the development and assessment of proposals for development across the plan area and specifically supports historic environment policies: ENV 23 – ENV 33 of the adopted LDP which collectively seek to prevent and minimize visually and environmentally intrusive development and to reduce energy use and carbon emissions related to the historic built and natural environment.

When completed send to: SEA.gateway@scot.gov or to the SEA Gateway, Scottish Government, Area 2H (South), Victoria Quay, Edinburgh, EH6 6QQ.

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APPENDIX 6



SCREENING REPORT

PLANNING GUIDANCE –

ON

**MANAGEMENT & AFTER USE OF SOILS ON
DEVELOPMENT SITES**

Data Label: Public

STEP 1 – DETAILS OF THE PLAN

Responsible Authority:

West Lothian Council.

Title of the plan:

Planning Guidance on the Management & After Use of Soils on Development Sites.

What prompted the plan:

(e.g. a legislative, regulatory or administrative provision)

The West Lothian Local Development Plan (LDP), adopted in 2018, gives an undertaking to produce guidance in relation to a variety of planning policy topics including the protection of the natural environment from inappropriate development.

The guidance sets out detailed criteria to assist the preparation and assessment of planning applications across the plan area and specifically supports policies ENV 5: Soil Sustainability Plans and ENV 6: Peatlands & carbon rich soils of the adopted LDP.

There is no current Supplementary Guidance (SG) or Planning Guidance (PG) related to soils in West Lothian. As a consequence there is recognition of the need to ensure that the council's planning guidance arising from the local development plan is up to date and reflective of the most current LDP policies and best practice.

Plan subject:

(e.g. transport)

Town and Country Planning

Screening is required by the Environmental Assessment (Scotland) Act 2005.

Based on Boxes 3 and 4, our view is that:

☐

An SEA is required, as the environmental effects are likely to be significant: Please indicate below what Section of the 2005 Act this plan falls within

☐

Section 5(3)

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Section 5(4)

☒

An SEA is NOT required, as the environmental effects are unlikely to be significant: Please indicate below what Section of the 2005 Act this plan falls within

☒

Section 5(3)

☐

Section 5(4)

Data Label: Public

Contact details:

Chris Alcorn,
Principal Planning Officer,
West Lothian Council Civic Centre
Howden South Road,
Livingston, EH54 6FF.

01506 - 282428 / chris.alcorn@westlothian.gov.uk

Date:

8 January 2021

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STEP 2 – CONTEXT AND DESCRIPTION OF THE PLAN

Context of the Plan:

The West Lothian Local Development Plan (LDP) was adopted on 4 September 2018.

A Strategic Environmental Assessment - Environmental Report was published in August 2014, which set out the likely significant environmental effects of implementing the strategy for the development contained within the LDP and is the primary means by which development sites are allocated. Each site allocated for development within the LDP has been subject to an individual site assessment.

The principal Report of Examination was issued on 11 December 2017 (augmented with an additional Report of Examination dealing with a single site issue issued on 8 January 2018).

The West Lothian Council Executive on 22 March 2018, resolved to accept all of the modifications recommended in the Report of Examination, and agreed to adopt the Local Development Plan (as modified). This was notified to Scottish Ministers on 5 April 2018. At the same time, the council made a determination under Section 8(1) of the Environmental Assessment (Scotland) Act 2005 that the modifications proposed by the DPEA to the West Lothian Local Development Plan were unlikely, overall, to have any major significant negative environmental effects and that a further SEA was not required.

Planning Guidance – Planning Guidance on Soils is required to support the understanding and delivery of two policies set out in the adopted LDP - policies ENV 5 and ENV 6.

The Planning Guidance will expand on the principles of these policies and will provide detailed guidance to help achieve the outcomes expected from development proposals particularly on greenfield sites across West Lothian.

The proposed Planning Guidance provides specific guidance and supports consistent interpretation and application of policies related to the natural environment through the development management process.

The guidance identifies good practice in-line with the related policies and other similar guidance provided by SEPA and Naturescot, as well as DEFRA in England.

Description of the Plan:

The proposed Planning Guidance expands on the principles set out in the policies outlined in the section above and provides detailed guidance to help achieve the outcomes expected from planning applications related to greenfield developments across West Lothian.

The planning guidance is principally intended for use by developers and their site agents and contractors involved in this sort of standard greenfield development within West Lothian including:

- Applicants who are proposing to develop on greenfield sites over 0.1 ha;
- Agents working for their clients on such proposals;

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	<ul style="list-style-type: none"> • Development Management Officers assessing planning proposals, as well as SEPA and Nature Scot officers; • Elected Members representing constituents and making decisions on related planning applications; and • Members of the public with an interest in natural environment development proposals affecting their local community. <p>The Planning Guidance will be reviewed at least every 5 years in line with the statutory review of the West Lothian Local Development Plan (or as required by emerging legislation).</p>
What are the key components of the plan?	<p>The Planning Guidance will provide further guidance to support the application of the various natural environment policies detailed in the section above, under 'Context' – Page 4.</p>
Have any of the components of the plan been considered in previous SEA work?	<p>Yes. The document is produced to support a number of policies in the West Lothian Local Development Plan which was adopted on 4 September 2018. An Environmental Assessment has previously been undertaken in respect of policies and related proposed land allocations in the West Lothian LDP.</p> <p>The Environmental Assessment undertaken in respect of these policies concluded that they would have no significant environmental implications. Any impacts of the policies were considered to be largely positive i.e. in that they promoted good practice for securing sustainable development related to the development on greenfield sites.</p> <p>In order to ensure compliance with the Environmental Assessment (Scotland) Act 2005, a Screening Opinion for this Planning Guidance is required.</p>
In terms of your response to Boxes 7 and 8 above, set out those components of the plan that are likely to require screening:	<p>The proposed Planning Guidance will expand on the principles set out in the aforementioned policies and provide detailed guidance to help achieve the outcomes expected from development proposals on greenfield sites in locations across West Lothian.</p> <p>The guidance will support consistent interpretation and application of policy through the development management process. The guidance will at the same time encourage good practice in-line with policies and other similar guidance arising from SEPA and Naturescot.</p> <p>The potential environmental effects of any proposed development considered under the terms of the policies can however only be fully assessed at the planning application stage when the context and issues relating to a specific site and development details are known.</p>

Data Label: Public

**STEP 3 – IDENTIFYING INTERACTIONS OF THE PLAN WITH THE ENVIRONMENT AND
CONSIDERING THE LIKELY SIGNIFICANCE OF ANY INTERACTIONS**

Plan Components	Environmental Topic Areas										Explanation of Potential Environmental Effects	Explanation of Significance
	Biodiversity, flora and fauna	Population and human health	Soil	Water	Air	Climatic factors	Material assets	Cultural heritage	Landscape	Inter-relationship issues		
Planning Guidance – on the Management & After Use of Soils on Development Sites.	✓	✓	✓	✓	✓	✓	✓		✓	✓	<p>The PG brings together all of the elements that help contribute towards minimising environmental impact on soils and achieving sustainable development.</p> <p>It provides a clear set of guidance and standards to explain what the council will expect from such new greenfield developments and identifies what information in a Soils Sustainability Plan is required as part of a planning application.</p> <p>It also provides contact details for various other organisations with an interest in this aspects of the natural environment.</p>	<p>The SEA for the LDP considered any potential effects.</p> <p>The Planning Guidance on the Management & after use of soils on Development Sites is not considered to have any additional significant negative environmental effects.</p>

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											<p>The PG shares the strategic objectives of the LDP which include promoting development where its environmental impact can be ameliorated and having regard to climate change by minimising the carbon footprint of development and supporting mitigation and adaption measures.</p> <p>Any impact on the Environmental Topic Areas, listed adjacent, will be positive and beneficial.</p>	
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STEP 4 – STATEMENT OF THE FINDINGS OF THE SCREENING REPORT

Summary of interactions with the environment and statement of the findings of the Screening:
(Including an outline of the likely significance of any interactions, positive or negative, and explanation of conclusion of the screening exercise.)

The council has prepared this Planning Guidance to proactively inform and encourage developers, their site agents and contractors to adopt a more considered approach to the management and use of soils on development sites when preparing proposals for greenfield development.

The guidance has been conceived to help positively influence the natural environment and to try and mitigate any adverse effects on both the individual site and the surrounding environment and its after use and the flourishing of landscaped area or gardens. It relates to development across West Lothian.

Developers are encouraged to identify and address in particular the consequences of their proposals on the soils within their development site and to adopt 'good practice'. These are set out in two Annexes, Annexe A: *"Good practice specification for soil handling & management of soil on Development Sites"* (that are to be issued with planning permissions for relevant sites) and Annexe B: *"Guidance Note to Site Agents & contractors on Soil Management"*, alongside the more detailed Planning Guidance Note.

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With careful thought and sensitive execution, development and its aftermath, can be carried out in much better harmony with their neighbours and the wider built and natural environment and the prime resource of soil can be protected and enhanced.

In common with other planning guidance prepared by West Lothian Council, the guidance has been subject to internal and external consultation, in this case with council service providers, SEPA, Naturescot (Soil scientist) and community councils, planning consultants and developers as well as local interested organisations and regard has been had to the responses and feedback which has been received and presented to elected members to consider via the Council Executive.

In conclusion, the Planning Guidance on the Management & After Use of Soils on Development Sites will result in minimal environmental effects and indeed should great positive benefits and therefore it is concluded a Strategic Environment Assessment is **NOT** required.

The guidance sets out detailed criteria and advice to assist the preparation and assessment of proposals for development across the plan area and specifically supports natural environment policies ENV 5 and ENV 6 of the adopted LDP which collectively seek to prevent and reduce environmentally intrusive development and seek better use of soils before, during, and after development and to reduce energy use and carbon emissions related to sustainable development.

When completed send to: SEA.gateway@scot.gov or to the SEA Gateway, Scottish Government, Area 2H (South), Victoria Quay, Edinburgh, EH6 6QQ.

DATA LABEL: PUBLIC



COUNCIL EXECUTIVE

NATIONAL PLANNING FRAMEWORK 4 POSITION STATEMENT

REPORT BY HEAD OF PLANNING, ECONOMIC DEVELOPMENT & REGENERATION

A. PURPOSE OF REPORT

The purpose of this report is to advise the Council Executive of publication by Scottish Government of a Position Statement on National Planning Framework 4 (NPF4) for informal consultation and to set out the council's response to that consultation.

B. RECOMMENDATION

It is recommended that the Council Executive:

1. notes the terms of the report; and
2. agrees the response as set out in Appendix Two for submission to Scottish Government as the council's response to the consultation.

C. SUMMARY OF IMPLICATIONS

I Council Values	Focusing on our customers' needs; being honest, open and accountable; making best use of our resources; working in partnership.
II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	<p>There are no policy implications arising at this time. Once approved following parliamentary process NPF4 will form a part of the statutory development plan for West Lothian and will be a material consideration in the determination of planning applications.</p> <p>There are no equality, health or risk assessment issues.</p>
III Implications for scheme of delegation	None.
IV Impact on performance and performance indicators	None.
V Relevance to Single Outcome Agreement	<p>Outcome 3 - Our economy is diverse and dynamic, and West Lothian is an attractive place for doing business.</p> <p>Outcome 4 - We live in resilient, cohesive and safe communities.</p>

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.

VI Resources - (Financial, Staffing and Property)

There are no resource implications anticipated at this time. Resource implications will be more readily identifiable upon publication of the draft NPF4 and its submission to Scottish Parliament for scrutiny.

VII Consultations at PDSP

A report on the NPF4 Position Statement was considered by the Development & Transport PDSP on 2 February 2021. The panel agreed the terms of the report whilst also agreeing that the response should comment on rural development in West Lothian and the need to protect ancient woodland. Comments have been incorporated in to the proposed response set out at Appendix 1

VIII Other consultations

None.

D. TERMS OF REPORT

D1 Background

The Planning (Scotland) Act 2019 is now being implemented. One of the key requirements set out in the Act is the preparation of National Planning Framework 4 (NPF4), a timetable for which has been announced by Scottish Government. In the fullness of time, NPF4 will require parliamentary approval and form part of the statutory development plan informing day to day planning decisions. The fourth National Planning Framework (NPF4) will show what Scotland, as a place, could and should look like in 2050. The current National Planning Framework (NPF3) and Scottish Planning Policy is to remain in place until NPF4 is adopted by Ministers.

It is anticipated that NPF4 will provide fuller regional coverage than the current NPF3 and align with the outcomes in the National Performance Framework; respond to the shift to inclusive growth; improve health and well-being for the people of Scotland, improve equalities and eliminate discrimination; provide a spatial planning response to the Global climate emergency; provide a renewed focus on rural development including rural repopulation; and give a stronger steer on housing delivery and diversification including the setting of targets on land for housing. NPF4 will also for the first time incorporate Scottish Planning Policy (SPP) and will take on an enhanced status as part of the statutory development plan.

D2 NPF4 Position Statement

The NPF4 Position Statement sets out the Scottish Government's current thinking on NPF4 following consideration of evidence received from stakeholders through the NPF4 Call for Ideas.

Scottish Government advise that the Position Statement aims to inform further discussions as work progresses towards a consultation draft NPF4 in Autumn 2021. Comments are invited by 19 February 2021. Further consultation on NPF4 is to follow in Autumn 2021. The Position Statement is attached as Appendix One.

Scottish Government expect that NPF4 will focus on achieving four key outcomes - net zero emissions, resilient communities, a wellbeing economy and better greener places. To achieve this the Position Statement lists 12 key opportunities to achieve net-zero emissions by 2045:

1. support for development that reduces the need to travel in line with the concept of 20 minute neighbourhoods and guiding change in a way that also helps to transform existing places.
2. introducing a stronger preference for reusing existing buildings before new development proceeds.
3. shifting future development away from greenfield land and actively enabling the redevelopment of vacant and derelict land.
4. strengthening support for development in town centres and restricting out-of-town retail and leisure to help a transition away from car-dependent developments towards those that enable walking, cycling, wheeling and public transport accessibility.
5. stimulating new models of low carbon living in rural areas as well as towns and cities, by facilitating further investment in digital infrastructure, building in more space for people to work remotely and creating community hubs.
6. expecting low and zero carbon design and energy efficiency, for example by actively encouraging much wider use of sustainable and recycled materials in new developments.
7. strengthening policies to secure low carbon heating solutions.
8. supporting renewable energy developments, including the re-powering and extension of existing wind farms, new and replacement grid infrastructure, carbon capture and storage and hydrogen networks.
9. harnessing the potential for rural development to act as a lever to facilitate woodland creation and expansion.
10. expanding green infrastructure, biodiversity and natural spaces to make our places greener, healthier and more resilient to the impacts of climate change.
11. restricting peat extraction and development on peatland, and facilitating restoration through permitted development rights.
12. removing the need for planning permission for active travel and electric vehicle charging points to ensure that we can roll-out new infrastructure widely and quickly.

In line with ongoing planning reform, the Scottish Government propose to do more to ensure its national spatial strategy and policies will be delivered. Alignment with the Infrastructure Investment Plan, and the Scottish Government's response to the recommendations of the Infrastructure Commission for Scotland are identified as being key to achieving this.

In the Position Statement Scotland the Scottish Government sets out how it proposes to address the 4 key themes and potential policy changes. A summary of the proposed approach is set out below:

A Plan for Net-Zero Emissions

- prioritising the types and locations of development that will help meet emission reduction targets.
- building on the Climate Change Plan and taking forward advice provided by the UK Climate Change Committee.
- future places will be planned in a way that reduces the need to travel and builds in natural solutions.
- buildings will be more energy efficient and designed to be sustainable.
- actively facilitate decarbonised heating and electricity generation and distribution.

A Plan for Resilient Communities

- focus on people and the quality of areas where we live.
- introduce, for the first time, an infrastructure-first approach to neighbourhood planning, including natural networks and sustainable travel, to ensure fair access to the services needed to help make communities a great place to live.
- apply concepts such as 20 minute neighbourhoods across cities, towns, and rural areas so that the places where we live and work are more resilient and sustainable.
- NPF4 will align with the Scottish Government vision for housing in 2040 and set out a long term view of the homes required to meet our future needs, focussing on the location, quality and type of homes needed for people of all ages, reflecting long term population and household trends.
- underpin this with policies which support the Scottish Government's six public health priorities, promote inclusion and equality, and help places adapt to the long term impacts of climate change.

A Plan for a Wellbeing Economy

- create healthier, fairer and more prosperous places and ensure future development contributes to a green, sustainable, and inclusive economic recovery.
- support development in the parts of Scotland where quality jobs and investment are most needed. Policies will refocus on community wealth building and sustainability.
- identify and support development that works with our assets, key sites and opportunities for strategic investment.
- support development that helps to maintain and strengthen strategic transport and digital connectivity.
- take a flexible and enabling approach to future business and employment uses.

A Plan for Better, Greener Places

- support development that reflects the character and identity of our distinctive places and neighbourhoods, safeguards and restores our natural assets, and tackles geographic disadvantages including areas needing regeneration and promoting the re-use of vacant and derelict land and buildings.
- build on the review of the Town Centres Action Plan, the Land Use Strategy and the Place Principle to ensure that our approach to development focuses more on place.
- include stronger and updated policies on design and place-making.
- policies on city and town centres and on the re-use of historic buildings will be broadened to better reflect a wider range of potential uses in anticipation of continuing change.
- future-proof Scotland's natural and historic assets and coasts and work to restore the health and resilience of Scotland's ecosystems, so that our natural capital can further support our economy and our wellbeing.
- significantly enhance policies on vacant and derelict land to encourage innovation and redevelopment and promote a brownfield-first approach to development.
- policies on rural development will positively encourage development that helps to repopulate and sustain rural areas and stimulate rural economic growth and sustainability.

Healthy, sustainable places and the opportunity to create conditions required to support economic growth, whilst at the same time contributing to the climate change agenda and protection of the environment, are key matters which NPF4 proposes to consider and address. Following research commissioned by Scottish Government, it is recognised that NPF4 has a role to play in setting out a policy position which would require development proposals to assess the impact on air quality and set out any requirements for mitigation needed. This, as with other national policies would remove the need for Local Planning Authorities to develop their own individual policies; however, the report does emphasise that there may be local factors that require a more tailored approach within local authority planning documents.

Candidate proposals for national developments are being assessed for inclusion in NPF4. The list of national developments that Ministers will propose to designate in NPF4 is to be set out in the draft which will be laid before the Scottish Parliament in autumn 2021.

In terms of delivery of the development strategy to be set out in NPF4, the proposed approach to be applied is "infrastructure first". The strategy is to be accompanied by a delivery programme that will form the basis of continuing collaboration to ensure it is effectively implemented. Recommendations from the Infrastructure Commission for Scotland are to be taken on board.

The review of existing developer contributions mechanisms, such as planning obligations, is to inform future policy approach. This includes not only NPF4, but also potential updates to Circular 3/2012 and implementation of the infrastructure levy, powers for which are contained in the Planning (Scotland) Act 2019.

D3 Proposed Consultation Response

The consultation sets out a series of five questions as prompts. The proposed response to these is set out in Appendix Two.

In previous responses to Scottish Government on NPF4 the council has advised that it is imperative that Scottish Government adopt a joined-up approach and ensure the alignment of strategies which will impact on a future spatial strategy for Scotland. This includes alignment of spatial strategy, transport projects review and infrastructure. It is heartening to note that this has been taken on board and that Climate Change will also be the overarching priority for the spatial strategy. NPF4 will seek to ensure that planning plays a positive role in facilitating a green recovery and will be key to addressing climate change.

Plans for an 'infrastructure first' approach and more joined up thinking around how priority transport infrastructure is embedded into the appraisal and assessment of development proposals; this is to be welcomed. However, it is imperative that this is supported by sufficient investment in both the provision of new infrastructure and the upgrading of existing assets if desired outcomes are to be achieved.

Although the Position Statement sets out an approach to housing land in that there will be a shift away from the calculation of the five-year effective housing land supply, there is little reference to how NPF4 will set out housing land targets to allow for these to be reflected in local development plans. The focus is on quality of design and promoting a more inclusive society. Without a clear direction on housing land requirement local authorities will continue to find themselves defending the development plan at appeal.

E. CONCLUSION

The NPF4 Position Statement is to be welcomed. If the current direction of travel as set out in the Position Statement is to be achieved this should in the fullness of time allow for a more sustainable future which addresses climate change and provides for a more inclusive society. Further detail will be set out in the draft NPF4 when it is laid before the Scottish Parliament in Autumn 2021.

F. BACKGROUND REFERENCES

[National Planning Framework 4 – Regional Collaboration](#) - Report to Council Executive 3 December 2019

[National Planning Framework 4 \(NPF4\) – Informal Consultation by Scottish Government and Ratification of Edinburgh and South East Scotland City Deal Response to NPF4](#) - Report to Council Executive 24 March 2020

Appendices / Attachments – Two

- 1) National Planning Framework Position Statement
- 2) Proposed Response to consultation

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Craig McCorriston
Head of Planning, Economic Development & Regeneration

9 February 2021



Planning for Scotland in 2050
National Planning Framework 4








Scotland's Fourth National Planning Framework Position Statement

November 2020



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Ministerial Foreword



Kevin Stewart MSP
Minister for Local Government,
Housing and Planning

The quality of our places really matters.

Scotland has many strengths and assets that we have depended on throughout the global pandemic. We have an exceptional environment with great buildings and a strong sense of character and identity. Many of us live in places that can provide the facilities we need within a short walk from our homes. However, that experience hasn't been shared by everyone. By not always considering the needs of all people, irrespective of their age, gender, geography, disability or socio-economic status, it has become clear that decisions about our places that were made in the past have locked in future problems. Inequality persists – within our society, and between the places where we live. Too often, places don't do enough to support our health and wellbeing and we still have more to do to build the homes that people need. COVID-19 has shown us that people can feel more isolated where there are too few accessible local amenities or nearby green spaces for play or physical activity.

Our [Programme for Government](#), recognises the important role that our National Planning Framework, along with local development plans and local place plans, can have in redesigning our communities to best respond to the pandemic. Emerging regional spatial strategies also have a great deal to contribute to the future of long-term planning in Scotland.

National Planning Framework 4 will set out a new plan for Scotland in 2050. The strategy will have to make some big decisions about our future development. Our ambitious targets for addressing climate change demand a fresh approach and significant investment in infrastructure, as well as a new understanding of how zero carbon living might work. We need to anticipate and plan for our changing population to focus more on improved health and wellbeing and a better natural environment for everyone in Scotland. It is clear that good quality homes must be delivered in the right places, alongside the services and facilities that communities need. It is essential that planning supports our green economic recovery in the short term, as well as enabling strategic investment in the long term. And all of this must be achieved through a highly performing planning system that improves our places: our cities; towns; villages; rural; and island areas.

The preparation of National Planning Framework 4 is a significant task that cannot be achieved by government alone. Our approach has been open and collaborative from the start, and I am very grateful to all those who have taken the time to share their thinking on a new spatial plan and policy changes. This Position Statement brings together the thoughts and ideas we have heard so far with wider Scottish Government commitments to begin to set a new course for planning in Scotland.

Our future places

Our places will look and feel different in the future. A significant shift is required to achieve net-zero emissions by 2045.

We cannot afford to compromise on climate change. If we are to meet our targets, some significant choices will have to be made. We will make these choices next year as we move towards a draft National Planning Framework 4 for public consultation and Parliamentary scrutiny, but it is already clear that significant effort will be required. We will have to rebalance the planning system so that climate change is a guiding principle for all plans and decisions. We will need to focus our efforts on actively encouraging all developments that help to reduce emissions. This is not about restricting development. Our aim is to help stimulate the green economy by facilitating innovation, greener design and place-based solutions.

Key opportunities to achieve this, as set out in this Position Statement, include:

1. Building 20 minute neighbourhoods. We can plan our homes together with everyday local infrastructure including schools, community centres, local shops and healthcare to significantly reduce the need to travel. This is not just about new buildings – we want to guide change in a way that also helps to transform our existing places.
2. Introducing a stronger preference for reusing existing buildings before new development proceeds.
3. Shifting future development away from greenfield land including by actively enabling the redevelopment of vacant and derelict land.
4. Strengthening our support for development in town centres and restricting out-of-town retail and leisure to help us transition away from car-dependent developments towards those that enable walking, cycling, wheeling and public transport accessibility.
5. Stimulating new models of low carbon living in our rural areas as well as our towns and cities, by facilitating further investment in digital infrastructure, building in more space for people to work remotely and creating community hubs.

6. Expecting low and zero carbon design and energy efficiency, for example by actively encouraging much wider use of sustainable and recycled materials in new developments.
7. Significantly strengthening our policies to secure low carbon heating solutions.
8. Supporting renewable energy developments, including the re-powering and extension of existing wind farms, new and replacement grid infrastructure, carbon capture and storage and hydrogen networks.
9. Harnessing the potential for rural development to act as a lever to facilitate woodland creation and expansion.
10. Expanding green infrastructure, biodiversity and natural spaces to make our places greener, healthier and more resilient to the impacts of climate change.
11. Restricting peat extraction and development on peatland, and facilitating restoration through permitted development rights.
12. Removing the need for planning permission for active travel and electric vehicle charging points to ensure that we can roll-out new infrastructure widely and quickly.

A Plan for Scotland in 2050

We are preparing a new spatial plan for Scotland that will look ahead to 2050 to set out where future development can bring benefits for people, the economy and environment. The fourth National Planning Framework (NPF4) will show what Scotland, as a place, could and should look like in 2050. It will include national planning policies, providing a clear and coherent plan for our future development. And it will have the status of development plan, informing day to day planning decisions.

NPF4 will embed the UN Sustainable Development Goals¹ and Scotland's national outcomes². The Place Principle³ will be a key driver for ensuring that planning focuses on our places, and is supported by a much wider range of interests to ensure that proposals and policies are delivered on the ground.

No decisions have been made yet. At this stage we have taken stock of what we have learned so far about the priorities for NPF4, and set them out in this Position Statement. Much of our thinking is informed by views and ideas we received from our initial engagement in early 2020. Over the year ahead we will continue to work collaboratively with a wide range of stakeholders to further develop these proposals. We expect to lay the draft NPF4 in the Scottish Parliament in autumn 2021, and will consult publicly on our fuller proposals at that stage. NPF4 will be presented digitally as part of a new spatial data platform.

This Position Statement sets out our current thinking to inform further discussions on the content of a draft revised framework for consultation. It aims to support those discussions and is not, in itself, a document setting out policy. Statements in this Position Statement as to what the content of a revised National Planning Framework will contain should be read in that context. The final content of NPF4 will only be established following consultation and consideration, and approval, of the draft revised framework by the Scottish Parliament.

The current National Planning Framework (NPF3) and Scottish Planning Policy remain in place until NPF4 is adopted by Ministers.

Outcomes for 2050

The long-term strategy will be driven by the overarching goal of addressing climate change. We must play our full part in tackling the global climate emergency by reducing greenhouse gas emissions in line with our legal targets. Many places are already vulnerable to the impacts of climate change and we must build future resilience by making better choices. This can also improve our places.

We currently expect that NPF4 will focus on achieving four key outcomes:



In line with ongoing planning reform, we will also do more to ensure our national spatial strategy and policies will be delivered. Alignment with the Infrastructure Investment Plan, and our response to the recommendations of the Infrastructure Commission for Scotland, will be key to achieving this.

To open up wider conversations to further inform the future draft NPF4, this statement considers each of these outcomes in turn. Each section reflects views we have heard so far, emerging spatial priorities, and potential policy changes.

A Plan for Net-Zero Emissions



We will prioritise the types and locations of development that will help meet our emission reduction targets.



We will build on the Climate Change Plan and take forward advice provided by the UK Climate Change Committee. The recommendations of the Just Transition Commission will also inform our actions⁴.



Our future places will be planned in a way that reduces the need to travel and builds in natural solutions.



Our buildings will be more energy efficient and will be designed to be sustainable.



We will actively facilitate decarbonised heating and electricity generation and distribution.

You told us...

- We need a swift and decisive response to the global climate emergency at all levels – national, regional, local and community.
- The time is right to give greater weight to climate change as a crucial factor influencing decision making on our future land use.
- We should be addressing long term climate change in a way that benefits communities and the economy more widely.
- Views vary on the most effective solutions. Some suggest a targets-based approach at either a national or a regional level. Others propose increasing the requirements for new developments, and want to make it easier to put in place new infrastructure that would help to reduce emissions.
- Heat, energy efficiency, housing, green infrastructure, onshore and marine renewables have all been highlighted as development priorities for planning to address.
- Policies should reflect the importance of growing the green economy, including renewable energy and the circular economy, to help meet our climate change targets and secure good quality jobs and investment.
- Challenges around this include balancing the need for new infrastructure with minimising impacts on communities and the environment. We will also need flexibility to ensure our policies keep pace with future technological change.
- It is essential that we plan our future land use together with our transport network to actively reduce the need to travel and promote low carbon transport options.
- Land can generate, and reduce, emissions. It will be important to align with wider land use management to tackle issues including woodland creation, peatland restoration, natural flood management, bioenergy and improving biodiversity.
- NPF4 is an opportunity to consider long term change at a national scale, as well as focusing in on geographic 'hot spots' of development and infrastructure that could be prioritised and supported as part of a national effort to reduce emissions.



Our new spatial strategy will:

Prioritise emissions reduction

Climate change will be the overarching priority for our spatial strategy. To achieve a net-zero Scotland by 2045 and meet the interim emissions reduction targets of 75% by 2030 and 90% by 2040, an urgent and radical shift in our spatial plan and policies is required. Scotland's updated Climate Change Plan will be published later this year, setting a course for achieving the targets in the Climate Change (Emissions Reductions Targets) (Scotland) Act 2019. NPF4 will take forward proposals and policies to support it.

No single development or planning policy can achieve this. The strategy as a whole will be designed to minimise emissions from new development. We will work alongside the development of Scotland's next Land Use Strategy to guide long-term land use change in a way that helps to reverse patterns of behaviour that are already contributing to emissions. We will do this in a way that achieves economic, health and other environmental benefits through a just transition.

To help inform this, we will bring together and reflect emerging regional spatial strategies and their proposals for strategic development that helps to reduce emissions and aligns with emerging thinking on wider regional land use. The transition from energy intensive to zero carbon economies is a key challenge that is being actively considered across national and regional scales. It is increasingly recognised that the impacts of climate change may be best tackled at a strategic scale – i.e. managing flooding through upland management, and capturing carbon through tree planting and strategic peatland restoration. These are some ways in which regional spatial strategies are reflecting these opportunities. Early work shows that there are opportunities for planning to support a transition to a lower carbon economy in areas that include the Firth of Forth, the North East and island communities.

Integrate land use and transport

The location of development determines the intensity of emissions that it will generate throughout its lifetime. Our strategy will promote future patterns of development that embed the National Transport Strategy 2 (NTS2) Sustainable Travel Hierarchy⁵ in decision making. We will seek to promote high quality walking, wheeling and cycling environments, public transport and shared transport options in preference to single occupancy private car use. This will help us to meet our climate change targets and transition towards healthier, more local, zero carbon living and working. Clear choices will need to be made to direct development to locations which reduce the need to travel and are already well served by sustainable transport options.

Our approach will ensure transport options that focus on reducing inequalities and the need to travel unsustainably are prioritised. We also need to maintain and safely operate existing transport infrastructure and services, and ensure our transport networks can adapt to the impacts of climate change. Only after that should investment involving targeted infrastructure improvements be considered. Ultra-low emission vehicles (ULEV), including electric vehicles will have a role to play, particularly with regard to shared transport, and so we will also plan for electric vehicle infrastructure.

Facilitate design solutions and innovation

We will ensure planning policies support the very significant reductions in emissions from buildings that we need to see. This is not just about new development – our existing buildings and places will need retro-fit solutions and we will make use of the embedded carbon across the built environment. Planning can facilitate low carbon methods of construction, which create a whole building approach to emissions including construction and decommissioning. We will support developments that make use of low energy and emission materials as well as natural and micro-climate features which reduce the resource demand of the development. We will align our strategy with Building Standards to create a consistent approach, and actively encourage buildings that go beyond current standards where there is appetite to do so. We will also enable and encourage deployment of renewable and zero emissions heating, including by facilitating development of the networks they require.

Promote nature-based solutions

The climate and nature crises are intrinsically linked. It is estimated that around a third of the global mitigation effort needed to deliver the goals of the Paris Climate Agreement could be achieved through nature-based solutions.

Scotland's natural environment plays a vital role in removing carbon from the atmosphere and securing it in natural habitats on land and in our seas. Promoting nature-based solutions to climate change, including tree planting and peatland protection and restoration, and tackling emissions related to soil disturbance and agricultural land use, will be essential to reduce emissions from our land and increase carbon sequestration. They can also help to sustain and grow rural communities and improve the quality of our built environment. Our spatial strategy will explore how we can promote nature-based solutions to climate change, which also protect and restore biodiversity and deliver wider benefits.

Deliver infrastructure to reduce emissions

We expect that NPF4 will confirm our view that the Global Climate Emergency should be a material consideration in considering applications for appropriately located renewable energy developments. We have made good progress in transitioning from reliance on fossil fuels to renewable electricity generation in a way which is compatible with our environmental objectives. Scotland is a net exporter of electricity and in the past decade renewable electricity output has grown markedly. However, significant further investment will be needed to support new technologies for carbon capture and storage; hydrogen; sustainable and active travel; electricity grid capacity (including subsea links to the islands); and decarbonisation of heating, our transport networks and vehicle fleets⁶.

As a priority, our strategy will need to facilitate the roll-out of renewable electricity and renewable and zero emissions heat technologies. We will need to switch to low and zero carbon fuel sources, and support the delivery of associated infrastructure, such as grid networks and gas pipelines. We will ensure that NPF4 helps to deliver on our wider energy strategies including the Scottish Energy Strategy⁷ (including any updates), our Energy Efficient Scotland route map⁸, the forthcoming Heat in Buildings Strategy, our vision to 2030 for Scotland's electricity and gas network and the Infrastructure Investment Plan⁹.

We will consider whether proposed national developments can help us to deliver on this vision. The full list of proposals we have received is available to view at www.transformingplanning.scot and include, for example: carbon capture and storage infrastructure; on and offshore renewable energy generation and networks; clean hydrogen production and distribution; energy innovation zones; heat networks; and walking, wheeling and cycling infrastructure.

Potential policy changes

We are currently considering the following priority policy changes to support a spatial strategy for net-zero emissions:

- Strengthening support for retaining and reusing existing buildings to maximise the use of the embodied energy of our building stock. We will consider how carbon assessments can ensure that the carbon stored in buildings is accounted for in decision making.
- Making it more difficult for new developments that generate significant emissions, across the lifecycle of a development as a whole, to gain planning permission.
- Supporting the use of materials with low embodied emissions, that can act as an emissions store and where the materials can be re-used with minimal re-processing at end of life of the building to avoid release of the embodied emissions.
- Embedding of the National Transport Strategy 2 Sustainable Travel and Investment Hierarchies into the appraisal and assessment of development proposals as well as the proposals themselves. This will also be achieved through an infrastructure-first approach to future development.
- Actively planning future development in a way that helps us to achieve zero carbon living that minimises the need to travel by unsustainable modes, for example by helping to create 20 minute neighbourhoods where achievable.
- Facilitating development that is highly energy efficient and which meets greenhouse gas emissions standards, including making provision for zero carbon energy generation.
- Setting out a consistent policy for meeting Section 3F of the Town and Country Planning (Scotland) Act 1997 in relation to emissions policies.
- Clarifying where net-zero building approaches may allow development to proceed by offsetting emissions.
- Promoting nature-based solutions to climate change, including woodland creation and peatland protection and restoration.
- Integrating development with natural infrastructure, including blue-green networks, to deliver multiple benefits including carbon sequestration, community resilience and health improvement.
- Strengthening our support for re-powering and expanding existing wind farms.
- Updating the current spatial framework for onshore wind to continue to protect National Parks and National Scenic Areas, whilst allowing development outwith these areas where they are demonstrated to be acceptable on the basis of site specific assessments.
- Introducing new policies that address a wider range of energy generation technologies for example for electrical and thermal storage, and hydrogen.
- Setting out a more practical and outcome-focused approach to accelerating a transition to renewable and zero emissions heating in buildings, including by linking with wider policies for green and blue infrastructure and vacant and derelict land and properties.
- In line with the Bank's primary mission, the Scottish National Investment Bank has the opportunity to use its investments to be part of the drive towards a just transition to net zero emissions.

A Plan for Resilient Communities



We will focus on people and the quality of areas where we live.



We will apply concepts such as 20 minute neighbourhoods across our cities, towns, and rural areas so that the places where we live and work are more resilient and sustainable.



NPF4 will align with our vision for housing in 2040 and set out a long term view of the homes required to meet our future needs. We will focus on the location, quality and type of homes needed for people of all ages, reflecting long term population and household trends.



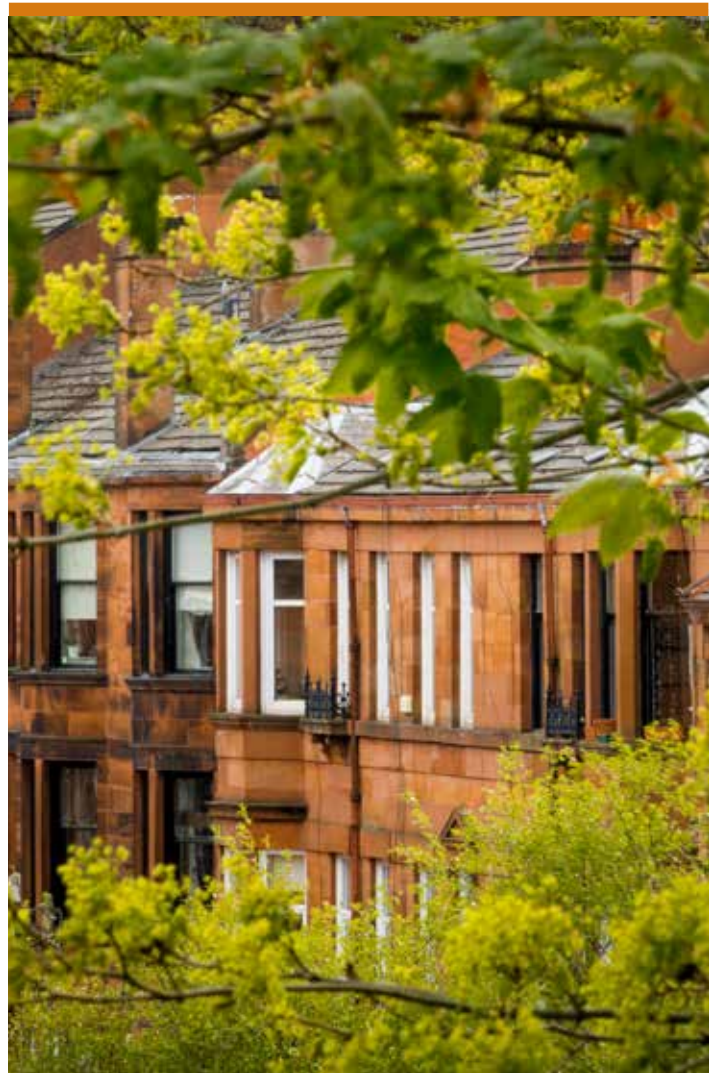
We will introduce, for the first time, an infrastructure-first approach to neighbourhood planning, including natural networks and sustainable travel, to ensure that we have fair access to the services we need to help make our communities a great place to live.



We will underpin this with policies which support our six public health priorities¹⁰, promote inclusion and equality, and help our places adapt to the long term impacts of climate change.

You told us...

- We need to do more to ensure that a much wider range of people get involved in planning, promoting collaborative approaches over conflict.
- Planning needs to be proactive and make clear decisions about future development and investment priorities that are in the long term public interest.
- Places, particularly the places where we live, can make a big difference to our health and wellbeing. The experience of COVID-19 has underlined this.
- Improving health should be a key priority. Quality of place and sense of belonging are essential for our wellbeing and central to our aim of tackling longstanding health inequalities. Access to healthy food, physical activity, active travel, plus issues such as air quality, pollution, noise, decontamination and stabilisation of former mine workings are all priorities for planning.
- The quality of our homes really matters, and the way we plan for housing needs to change. There are many different ideas about the best approach but wide agreement that we should focus more on quality and the types of homes we will need in the future, rather than only on numbers of units.
- Our policies should reflect our diverse housing and accommodation needs, including the housing needs of older people, disabled people, students, Gypsy/Travellers and those living in rural communities. A wider range of new and innovative delivery solutions should also be supported.
- We need to consider, and address, the impacts of new development on local infrastructure including schools, healthcare, transport, green space and other community facilities. Places should be planned on the basis of an infrastructure-first approach so that everyone, irrespective of age, disability, gender, ethnicity or socio-economic status has ready access to essential services and facilities.
- Blue-green infrastructure should be an integral part of place-making and our policies on this can be strengthened. Good quality open spaces and green networks play a crucial role in supporting our quality of life and should be an integral part of place-making.
- Natural flood risk management, flood prevention and green infrastructure are key opportunities to manage our environment whilst achieving wider benefits for people, place and environment.
- Everyday travel, including walking and cycling and access to low carbon transport options contributes to the livability of our places and neighbourhoods, and there is support for stronger alignment of future development with existing and planned local transport infrastructure capacity.



Our new spatial strategy will:

Apply the concept of 20 minute neighbourhoods

Our spatial strategy and policies will reflect the needs and aspirations of people living throughout Scotland by building quality places that work for everyone. 20 minute neighbourhoods have the potential to reduce emissions and improve our health and wellbeing. We will explore how a new emphasis on living locally could work in different parts of Scotland, from remote rural communities to our towns and cities, taking into account the needs of everyone in society so that equality is built in from the start.

The 20 minute neighbourhood concept doesn't exist in isolation but scales up to include larger geographies and networked areas providing access and opportunities for the wide range of facilities and services that communities require. The ability to access goods and services through high quality walkable and accessible environments is increasingly recognised as providing strategic competitive advantage to attract and retain people and investment.

This vision will be supported by new and improved planning policies that bring together services and homes, giving life to the Place Principle and supporting public health and wellbeing and reducing inequality.

Strengthen community resilience

A focus on neighbourhoods and local living will help our places to adapt to the impacts of climate change. Our climate is getting warmer and wetter, and more frequent extreme weather events will affect people and places. In summer, more intense rainfall could increase surface water flooding. In winter, more frequent rainfall could bring increased flooding from rivers. Sea level rise could affect the viability of some coastal communities through flooding and erosion. Scotland's Climate Change Adaptation Programme¹¹ promotes a joined-up approach to place-making that reflects local diversity.

Some places will be more vulnerable to the impacts of climate change than others: flood risk may be particularly acute in parts of our cities, whilst the livability and accessibility of our smaller towns could be significantly affected by flooding events in the future. By future-proofing the design of our streets and buildings and investing in natural infrastructure, including creating and restoring habitats upstream in catchments, we can substantially reduce our communities' exposure to flooding and the risks from changing temperatures. This also has the potential to provide equality, health, economic and wellbeing benefits for communities.

Promote inclusion and equality and eliminate discrimination

The Scottish Government is committed to promoting equality, tackling discrimination and fostering good relations between people in all of our communities. We want to ensure that every person and every community in our country is able to achieve their full potential. The changes we are making to the planning system aim to strengthen public trust and encourage engagement in decisions about the future of our places. The Planning (Scotland) Act 2019 introduces local place plans. Linked to the NPF and local development plans they will provide the opportunity for communities to influence the development of their neighbourhoods in a way which builds on community empowerment across Scotland. These and wider changes also underline the importance of engaging with a wider range of people to develop our places, including children and young people.

We will consider how our future policies can learn from the experience of COVID-19 including by responding to the Social Renewal Advisory Board's recommendations and learning from their work to capture our shared experience of delivering equality and social justice.

The spatial strategy will be supported by new policies to encourage more people to get involved in planning, to improve equality and eliminate discrimination. The 2016 National Standards for Community Engagement, together with the Place Standard Tool¹², provide a framework for involving people in planning their places. The Place Principle also recognises the need for a more joined-up and collaborative approach to decisions so that the combined impacts on places are understood and actively managed. We will look at how this can support techniques which encompass collaborative approaches to community engagement.

NPF4 is required to explain how our spatial strategy will contribute to improving equality and eliminating discrimination. People living in the most deprived areas and neighbourhoods are more exposed to environmental conditions and other factors that negatively affect health and access to opportunities – including those relating to transport, access to green space, pollution effects, housing quality, fuel poverty, community participation, and social isolation. Our future places and spaces need to be considered through the lens of gender, ethnicity, age and disability to ensure they are inclusive.

Many different planning policies have potential to directly and indirectly contribute to this, including those which aim to meet housing need, policies promoting community facilities and green space, and those relating to accessibility and design of the public realm. The development of the strategy is being supported by a range of impact assessments which will provide evidence on the impacts of policies on different people in society, and help to inform an approach which is fair for everyone.

Improve our health and wellbeing

NPF4 will be redesigned to support the population's health and wellbeing and address longstanding health inequalities. We know that planning and place can compound problems such as poor diet and obesity, noise or air pollution, or it can be part of a solution. We will

help to deliver a wide range of policies and strategies, including Scotland's six Public Health Priorities¹³, the Active Scotland Delivery Plan¹⁴ and associated commitments to increasing active travel; the new air quality strategy which will replace the current Cleaner Air for Scotland strategy in 2021; Scotland's Diet and Healthy Weight Delivery Plan¹⁵; Scotland's alcohol and drug harm prevention and reduction strategies; Scotland's Mental Health Strategy¹⁶; Scotland's Social Isolation Strategy¹⁷, and the National Health and Social Care Delivery Plan¹⁸. The Place Standard also underlines the importance of better health outcomes from joined-up, targeted action in our places.

Tackling health inequalities, as well as supporting the everyday healthcare needs of communities, require a long term plan. The quality of places has impacts on our health and wellbeing, from early years to later life. Planning can do more to directly support positive health outcomes and improve childhood experiences. More people living in Scotland in the future will be older, and we will also need to factor this in to ensure NPF4 properly anticipates our future needs.

Our approach will look at how the built environment can help prevent the need for healthcare spend in the first place, and increase our healthy life expectancy, by improving public health. Inclusive and accessible design, access to infrastructure, including healthy travel choices, and other measures to improve health should no longer be regarded as optional or a discretionary benefit, but a firm requirement for development to address. We will look to promote high quality design and development in sustainably accessible locations that attract investment, create opportunities and alleviate fuel and transport poverty. Natural (blue and green) infrastructure helps build community resilience, and in turn supports our health and wellbeing. Access to quality green space also has direct benefits for both mental and physical health and can help to tackle the impacts of inequalities.

Actively plan and support the delivery of good quality homes

Our homes make an essential contribution to our health and quality of life and we recognise that good housing is the cornerstone of strong communities. Our future homes will be at the heart of a spatial strategy that puts people first. We expect that our spatial strategy will focus on delivering a wider range of homes to meet the needs of our changing population, in the right places. Our Housing to 2040 route map will be a plan for a well-functioning housing system to deliver good quality, energy efficient, zero carbon housing and housing-related services. The vision will set out how, by 2040, we want our homes to be accessible, affordable, well-designed and energy-efficient with the right homes in the right places to support both urban and rural communities. As a first step, we have already committed to review the current housing adaptations system and make recommendations on how best to improve and streamline the system and maximise the impact of investment. This will help to make best use of existing and planned housing stock to provide homes for as many people as possible and enable people to stay in their homes for longer. We will explore how planning can support this, including through an emphasis on type, accessibility, affordable living, quality, choice and energy efficient homes.

Our strategy will do more to guide housing to sustainable locations in a way which still allows for a local approach to be taken to address local issues and opportunities. We will encourage development planning to help shape this in different parts of Scotland.

To significantly simplify the system as a whole, we will set out the land required in each local authority area to support local development plans over the life of the plan, informed by national analysis with local input. This will ensure a nationally agreed approach to housing land is used as a starting point for local development plans, and is aligned with local housing strategies and wider strategic investment priorities.

Our spatial strategy will also consider the long term changes that we can expect, including: sustainable rural living, prioritising sustainable and accessible locations; prioritising new homes on brownfield land where appropriate; redevelopment of existing buildings; city and town centre regeneration; and more people working remotely or more locally in the future. Policies will work with these challenges and assets to create great places to live now and in the future. Energy efficiency, in both new homes and the existing stock, is a key objective that will help address fuel poverty and contribute to meeting our climate change targets.

We want to see design at the heart of any new housing development. Details that may seem insignificant in isolation – such as – orientation; colours; shapes; heights; materials and access to public and play spaces – collectively create better development that supports our wellbeing. Our aim is to plan and facilitate the delivery of new places that anyone would be proud to call home.

To build the right types of homes that we want and the amount that we need, we need everyone to work together. Planning can do more to enable development, but it cannot do this on its own. We are considering how our policies can actively support delivery and provide certainty to house builders and communities by providing good, shovel ready land that can be developed in the short term whilst also maintaining a steady pipeline of land that will come forward in the future. We are looking at how we can incentivise house builders to build on sites that have already been deemed suitable for housing by providing a mechanism for more land to be released from the longer term supply, once building begins on sites that already have planning permission. In line with the recommendations of the Infrastructure Commission for Scotland, an infrastructure-first approach will play an essential role in ensuring allocated sites are a viable proposition to be built out in line with the plan's delivery programme.

Gypsy/Travellers require a positive planning approach so that not just their future, but their current accommodation needs are met. Guidance has previously been published on this, and we have taken steps to raise this with planning authorities. NPF4 is a real opportunity to expand on our current planning policy to support Gypsy/Travellers in their human rights to travel and in their aspirations to invest in their own homes, taking into account research on the distribution of existing sites across Scotland^{19 20}, as well as the provisions of the Planning (Scotland) Act 2019.

Promote an infrastructure-first approach to community development

It is crucial that the services and facilities we use on a day to day basis are fairly, easily and affordably accessed. A wide range of facilities are required to support our wellbeing including health services, transport, accommodation and support for an ageing population, education, energy networks, water and drainage, digital, community centres, places of worship, cemeteries and crematoria, libraries, retail including local healthier food outlets, markets, pubs, restaurants and cafes, banks, community growing space, green space, play and sports facilities and public toilets. During the passage of the Planning (Scotland) Act 2019, the Scottish Parliament emphasised the importance of planning these services, infrastructure and facilities for communities across Scotland. 20 minute neighbourhoods are a great opportunity to embed where appropriate, an infrastructure-first approach to our future places.

NPF4 will help to prioritise the infrastructure investment needed for people to live better, and more locally, in the future. By taking an infrastructure-first approach to planning future development, we will be able to reduce the need to travel and minimise spend on additional transport infrastructure construction, contributing to an overall reduction in emissions from the transport sector. We will link with infrastructure

plans to encourage place-based investment in local infrastructure to work alongside planned future housing developments. We will reflect and embed travel and investment hierarchies as set out in the Infrastructure Investment Plan and National Transport Strategy 2 within the appraisal and assessment of potential development options to inform the spatial strategy from the outset.

We will also explore the types of community services that will be required in the future, such as hubs for remote working and shared facilities, co-location and future-proofing. Natural (blue and green) infrastructure will be an integral part of a strategy for people, rather than an afterthought, helping to achieve multiple benefits for nature, communities and businesses.

The detailed consideration of infrastructure and service provision and implications are central to the preparation of spatial strategies and future land use decisions. Development plans can help to ensure the right infrastructure and services are in place at the right time to serve the needs of communities. We expect that the new requirement for an evidence report, examined through a 'gatecheck' early in the plan preparation process, will help to achieve this.

As part of the ongoing planning reform programme, we are carrying out a review of existing developer contributions mechanisms such as planning obligations. This was one of the recommendations made last year by the Scottish Land Commission in their advice to Scottish Ministers on land value uplift capture. The review will evaluate the effectiveness of planning obligations as a means of securing timely contributions to – and delivery of – the infrastructure and affordable housing that are necessary to create high quality places. This will help to inform NPF4's approach to infrastructure funding and delivery. We will also align with our Capital Investment Plan in terms of the role of private capital in developing sites of strategic importance to Scotland.

Enhance and expand natural infrastructure

Our strategy will enhance and promote open and green spaces and green networks as an integral part of successful place-making. By bringing together green and blue infrastructure, we will modernise our existing policies to ensure that our natural networks are nurtured and expanded to support our health and wellbeing, and contribute to our climate and biodiversity goals. We are aiming to strengthen our policy so that blue and green infrastructure are not an added benefit but an integrated requirement for future planning and development. For example, there is scope for new policies for planning green spaces and play. We also expect that much can be learned from innovation in green infrastructure planning as demonstrated by the Glasgow and Clyde Valley Green Network Partnership and Central Scotland Green Network.

Blue and green infrastructure will be an essential part of our approach to building our long term resilience to climate change and can also contribute to reducing emissions and carbon sequestration. In particular, opportunities for natural infrastructure to address the long term risk of flooding, water and drainage issues, temperature management and everyday livability of places will inform our approach to planning and enhancing our spaces and places. As part of this, consideration will also be given to the integration of ecological networks to protect and restore biodiversity and ensure that habitats and species can adapt to a changing climate.

Achieve more sustainable travel

We will refocus our existing transport policies to specifically draw out how land use planning can build in sustainable travel choices. Scotland's second National Transport Strategy²¹ set out a vision for a sustainable, inclusive, safe and accessible transport system, helping to deliver a healthier, fairer and more prosperous Scotland for communities, businesses and visitors. NPF4 is being prepared alongside the second Strategic Transport Projects Review and we expect, in time, that future Regional Spatial Strategies will align with Regional Transport Strategies. The Active Scotland Delivery Plan; the 2030 Vision for Active Travel; and the Active Travel Framework²² also provide an important policy framework for NPF4 to align with.

By guiding development to the right locations, we can reduce the need to travel unsustainably. To achieve stronger local communities and reduce emissions that are harmful to the environment and our health, and in line with the NTS2 sustainable travel hierarchy, there will need to continue to be a sustained and significant shift away from use of the private car towards walking, wheeling, cycling, public transport, taxis and shared transport. This will need to be embedded in the land use decision making process and will require policies that can be directly and consistently applied, to avoid compromising on our climate change and health objectives.

We will consider whether proposed national developments can help us to deliver on this vision. The full list of proposals we have received is available to view at www.transformingplanning.scot and includes, for example: regeneration projects; large mixed use developments; settlement expansions; housing proposals; rural development projects; community-led development; social infrastructure; flood protection; natural infrastructure; and active travel networks. We will also consider whether this would help to deliver proposals that emerge from the Strategic Transport Projects Review 2.

Potential policy changes

We are currently considering the following priority policy changes to support a spatial strategy for resilient communities:

- Promoting innovative place-based solutions to reflect a new approach to localism, including 20 minute neighbourhoods, an infrastructure-first approach and a move towards more mixed land uses to improve local areas. A stronger focus on place-based actions will also help us to adapt to long-term climate change.
- Introducing an overarching principal policy that puts the needs of people and their health and wellbeing at the heart of the planning system; encouraging people to engage with decisions about their communities, providing for a more joined-up, collaborative, and participative approach, achieving better outcomes for everyone by enabling communities to shape their own places.
- Minimising and mitigating environmental hazards and pollution, and embedding an evidence-based approach to the avoidance and alleviation of health impacts from new development. We will also include new policies to improve air quality alongside reducing climate change emissions.
- Ensuring that the full range of policies and proposals included in NPF4 will work together to support a fairer, more inclusive and equalities-based approach to planning in the future.
- Promoting places which create the conditions for healthier, more sustainable living, including by addressing the links between planning, transport, place, food and drink and other lifestyle choices, and the retail environment.
- Refocusing our policies on housing on quality and place, and linking with wider housing investment so that the needs of everyone, including older people and disabled people, can be met. We expect to strengthen requirements for affordable housing provision and include policies that help to diversify delivery and reflect the future needs and aspirations of communities.
- Replacing the current focus on maintaining a 5 year supply of effective housing land with a longer term perspective so that future plans can promote immediate deliverability and viability, but also proactively steer development to appropriate locations in line with the plan's spatial strategy, informed by an infrastructure-first approach. We could seek to monitor the pace of land take-up through completions and to trigger the release of additional land, in line with the development plan, when the need for additional capacity is clearly demonstrated. Housing Land Audits will help us understand programming and we are considering how they can be clearer and more consistent.
- Proactively bringing forward good opportunities for quality homes in places that would benefit from them, including town centres, remote rural and island communities, vacant and derelict land and adaptation and re-use of disused properties. An infrastructure-first approach should be an integral part of site selection to assist with development viability and minimise the need for the construction of new infrastructure and its associated costs to the public and private sectors.

- Promoting self and custom build/self-provided housing, co-housing and other innovative approaches to delivery, also linking with the potential for Masterplan Consent Areas. This will link with the new requirement to prepare and maintain a list of people interested in self-build introduced by the Planning (Scotland) Act 2019. We will also support purpose-built build to rent homes in contributing to meeting need and demand.
- Providing a consistent national planning policy that proactively addresses the comprehensive evidence on the needs of the Gypsy/Traveller population. This could include criteria against which ad-hoc proposals for public or private permanent sites or temporary transit sites can be assessed. We will also address the specific accommodation needs of Scottish Showpeople.
- Setting out clearer requirements for infrastructure to support developments and more proactively considering how it will be delivered. We will explore the level of service provision that can reasonably be expected by communities where development takes place, particularly for health and education. New policies will provide a framework for taking into account the impacts of proposed new development on infrastructure, including by prioritising areas where there is existing capacity. This will be supported by a clearer and more consistent framework for developer contributions.
- Ensuring well-designed, high quality provision and long term maintenance of natural infrastructure in new development, recognising its contribution to goals for climate change mitigation and adaptation, biodiversity and health and wellbeing, including clean air, place-making and community resilience.
- Promoting multifunctional blue and green networks, accessible to all, supporting active travel, recreation and habitat connections for nature. Our policies will also focus on the quality, functionality, usability, accessibility, inclusiveness, and future maintenance of green space. We will plan for allotments and community growing spaces given their benefits for health and wellbeing, community and quality of life.
- We will introduce a new policy to address play and playability, covering both informal and formal play and considering spatial opportunities for play as part of wider place planning.
- Promoting natural flood risk management and strengthening our policies on the water environment and drainage infrastructure to address the future impacts of climate change to build the resilience of our communities.
- Reducing the need to travel unsustainably by embedding the Sustainable Travel and Investment Hierarchies into decisions about locations for change. This should guide development to places which can currently be sustainably accessed, or have the ability to become so, with minimal cost to the public and private sectors arising from the need to subsidise public transport or invest in new infrastructure resulting from the need to rely on the private car. We will consider the accessibility and needs of different groups – for example of children and young people in accessing schools and opportunities for play.
- Restricting development in flood risk areas that generate the need for additional flood risk management measures and which put pressure on drainage systems.
- Align with our Capital Investment Plan in terms of the role of private capital in developing sites of strategic importance to Scotland.

A Plan for a Wellbeing Economy



We will create healthier, fairer and more prosperous places and ensure future development contributes to a green, sustainable, and inclusive economic recovery.



We will support development in the parts of Scotland where quality jobs and investment are most needed. Policies will refocus on community wealth building and sustainability.



We will identify and support development that works with our assets, key sites and opportunities for strategic investment.



We will support development that helps to maintain and strengthen strategic transport and digital connectivity.



We will take a flexible and enabling approach to future business and employment uses.

You told us...

- Planning must do all it can to support our green recovery and long-term economic priorities.
- The future needs of businesses and investors cannot be fully predicted, and so our proposals and policies must be flexible.
- Planning can proactively enable the future development of Scotland's food and drink sector, a key contributor to our economy as a whole. People want planning to say more about the value of productive land and to help the aquaculture industry to fulfil its potential in a sustainable way.
- There is a need for a managed approach to tourism, which helps to realise the significant potential for the sector whilst managing its impacts on quality of life, including in both urban and rural communities.
- The benefits of the historic environment, culture, the arts and the creative industries for our collective identity and economy should be recognised. Culture and creativity can also be a catalyst for regeneration and town centre vibrancy and strengthen our sense of place.
- Planning should enable energy from waste infrastructure, with a growing need arising from the forthcoming ban on landfilling of biodegradable municipal waste. Views vary on how the impacts should be managed, from policies to address specific impacts to a moratorium on new incinerators.
- Our approach to minerals should reflect wider government commitments on climate change and continue to protect communities from inappropriate development.
- Strategic transport connections will be essential, and there will be a need for infrastructure investment to support the transition to low carbon freight as well as lifeline links to our islands and remote communities.
- Improving digital connectivity continues to be essential. This is of critical importance to our rural areas, given its role in sustaining existing and future businesses and employment and supporting the wider objectives of rural repopulation and climate change mitigation. The latter stages of the early engagement were also an opportunity to reflect on the lessons learned from COVID-19, including home working, online learning, telehealth and online retail and leisure activities.



Our new spatial strategy will:

Support a sustainable and green economic recovery

Collaborative spatial planning at a national, regional and local scale, will help us to recover from the impacts of COVID-19 through a sustainable, green economic recovery, as recognised in the 2020 report by the Advisory Group on Economic Recovery. We have an opportunity to actively promote strategically important locations for future investment and business growth as part of a coherent vision for sustainable, inclusive growth.

Our policies on planning for business development will recognise the fundamental role Scotland's natural capital plays in supporting our economy and will aim to achieve sustainable, inclusive growth by protecting and investing in our natural assets and supporting the health and wellbeing of our communities. This will support Scotland's ambitions to build a wellbeing economy. Planning can enable sustainable, inclusive growth by attracting investment, sustaining future employment, restoring natural capital and seizing the new economic opportunities created by our transition to a net-zero, circular economy. Our natural assets can play a key role in securing our path to net-zero by 2045 and achieving the long-term vision of our Environment Strategy²³.

Our strategy will be informed by emerging regional scale spatial and economic strategies which will align with city and regional growth deals and the work of Regional Economic Partnerships. For example, early thinking in Argyll and Bute indicates the significant potential for place-based approaches that unlock the potential for jobs that make use of the area's natural resources, such as aquaculture. Orkney's emerging spatial strategy sets out a strong vision for development that capitalises on the area's exceptional natural energy resources and marine connections, underpinned by an emphasis on innovation and research. Moray is exploring how its natural assets can help to build a place-based approach to future development and

investment in key sectors, such as the whisky and outdoor recreation industries. Community wealth building is also being explored at a regional scale, for example in an emerging regional spatial strategy for North, East and South Ayrshire which links with the area's growth deal and economic strategy and promotes place-based investment. Sustainable tourism is emerging as a key theme for regional spatial strategies to consider, including for the National Parks. Enabling business growth, alongside visitor management and low carbon accessibility are shared themes that can inform a national spatial strategy that will guide us to 2050.

Reduce inequality and improve health and wellbeing

A shift from economic growth towards a wellbeing economy provides us with an opportunity to consider how development and investment can help us to address longstanding health and wellbeing inequalities.

Sustainable and inclusive growth will depend on a planned approach to ensure that development happens in locations that provide the greatest benefits for society as a whole. Economic performance and access to employment vary across Scotland and spatial planning has the potential to close the gap between the highest and lowest performing areas by intervening to create opportunities which are accessible to everyone. The spatial strategy will need to consider where we want to target future investment, and the land and premises required to support the sectors that we expect to grow in the future.

We will continue to actively enable investment in sustainable locations across Scotland – both urban and rural – including key investment sites and strategic opportunities for Scotland to attract international investment. Our approach will aim to strengthen the economy of our diverse cities and towns, and enable development that supports a vibrant rural economy. In the past, industrial and business areas have tended to be located at a distance from residential areas. As our economy continues to evolve, there may

be scope for greater integration of work and living as inter-related land uses. The climate change agenda may benefit from a strategy that broadens choice and flexibility, for example through the provision of community hubs and flexible workspaces. These types of initiatives could complement other strategies such as revitalising our town and community centres and helping to create footfall that supports local traders.

This strategic approach to future investment and infrastructure will be brought together with our other aims of localism and quality of place to provide a coherent spatial vision for Scotland as a whole. We may need to make choices to ensure that all areas play to their strengths with complementary, rather than competing proposals. Digital infrastructure, remote working and our current re-evaluation of the future working environment are expected to feature in a new approach to planning the distribution of our future jobs.

Provide certainty and flexibility to encourage investment

Planning can stimulate investment and growth by providing certainty. At the same time, recent months have shown that our planning policies must be flexible enough to respond to rapid and significant economic and social change. Whilst many of our existing policies on business and employment remain relevant, we can improve on them so that they reflect our aspirations for a wellbeing economy.

We will consider how this can be supported by local development planning which is underpinned by a stronger evidence base at the local level for local land use decisions. We will review the role of business land audits and consider the extent to which they link with local economic strategies. We will also explore whether the resilience of investment sites would benefit from fuller risk assessments to help business adapt to the impacts of climate change.

Grow our food and drink sector

Planning can support our internationally renowned food and drink sector by protecting our natural assets that underpin production and facilitating the development of production and processing facilities.

This includes fishing and aquaculture, farming, food and beverage manufacturing. It is significant for employment in the islands and accounts for a high proportion of employment across rural Scotland. Our current policies recognise the importance of high quality agricultural land but there is scope to more fully reflect the importance of land as a finite resource that delivers many benefits for society. Wider policies will inform our approach. For example, the Land Use Strategy sets out that where land is highly suitable for a primary use this should be recognised in decision making so that multiple benefits can be secured. Links with our rural policies, flood management, water catchment management and carbon storage will also be important.

We will look to enable the sustainable growth of the finfish and shellfish sectors, including by guiding new development to coastal locations that reflect industry needs and take into account wider marine planning. Scottish aquaculture and its wider supply chain is of particular significance for some of our most remote rural communities. Farmed salmon has one of the lowest carbon footprints by production of health protein foods. The industry's growth strategy for 2030 aims to double the economic contribution of the sector to £3.6 billion and double the sector's jobs to 18,000. The Scottish Government continues to work with the Aquaculture Industry Leadership Group to achieve this.

Support sustainable tourism development

Our strategy and supporting policies will include a renewed focus on enabling sustainable development that helps to strengthen and grow our tourism sector.

Tourism plays a major role in our economy – in 2018, spending by overnight tourists and day visitors in Scotland was around £10.4 billion. This generated around £12 billion of economic activity in the wider Scottish economy and contributed around £7 billion to Scottish GDP. The Sector also employed 218,000 people accounting for 1 in 12 jobs in Scotland.

The sector has been significantly impacted by the pandemic. The Scottish Tourism Emergency Recovery Group, and now the Tourism Recovery Taskforce has provided a partnership-driven response. The Taskforce report focuses on recovery, investment and stimulating demand. Whilst overall levels of employment in Scottish tourism are highest in Edinburgh and Glasgow, as a proportion of all jobs tourism is of particular significance in rural areas such as Argyll and Bute and Highland. Tourism will have to continue to adapt to further influences including climate change and its impact on travel, and the economic challenges ahead. NPF4 will reflect the priorities set out in our Tourism Strategy.

Our many great places and exceptional natural environment, landscapes and wildlife are assets that the sector depends on, and so a sustainable, planned approach to future development will help to ensure the long term future of the industry. Destinations such as island and rural locations often have a 'carrying capacity' that is placed under threat by the influx of large tourism numbers. Consequent impacts on the environment and communities have to be managed, through visitor management facilities, investment in appropriate infrastructure or by striking the right balance between tourism accommodation and maintaining an adequate housing supply to support and retain the existing population. Temporary accommodation for the sector's workforce in rural areas is often a challenge that can be addressed by positive planning policies.

Stimulate culture and the creative industries

We will recognise the importance of creativity, culture and the arts to our collective identity and future places. Culture defines our diverse places and many of our buildings reflect our architectural, social and economic history that contributes to part of our sense of wellbeing, heritage and economy. Regeneration and development has used culture and creativity to inspire new futures, from Dundee Waterfront where the V&A has helped to transform the city centre, to Paisley where creativity has been used to stimulate a new future for the area. Despite this, culture has not featured prominently in our suite of national planning policies to date and there is significant scope to improve on this in NPF4.

Scotland's Culture Strategy²⁴ sets out a vision for strengthening and transforming culture, and using it to empower communities as well as individual lives. The strategy aims to ensure that culture is embedded into all policies, so that its transformative potential can be fully realised. It outlines the significance of the creative industries as our second fastest growing sector that accounts for 3.3% of employment in Scotland and is made up of numerous small businesses.

Transition to a circular economy

We will update our policies on zero waste to reflect the new opportunities arising from a shift towards a circular economy. Planning can support development which reflects the waste hierarchy, prioritising the reduction and re-use of materials, and facilitate the delivery of new infrastructure required to achieve this. Our policy on this was updated in 2016²⁵ and the Climate Change Plan and emissions reduction targets are relevant, together with the more detailed policies including the forthcoming ban on landfilling of biodegradable municipal waste. At a European level, the European Commission also launched a Circular Economy Action Plan²⁶ in March 2020, which aims to mainstream and support action in this area, including in relation to buildings and construction.

Minimising construction waste and promoting the sustainable use of the existing built environment has an important role to play as part of this. Infrastructure to support the circular economy, including for collecting, sorting, processing and re-manufacturing materials, that can help reduce the demand on primary sources of materials, will also need to be considered. This might take the form of increasing capacity at existing sites or the provision of new sites and there will be choices to be made on opportunities for example for co-location of facilities.

Promote sustainable resource management

Our spatial strategy and supporting policies will continue to set out proposals and policies that safeguard workable mineral resources whilst ensuring demand for primary materials, where required, can be met in a safe and acceptable way, including continuing to safeguard air quality. The substantial decline in the demand for coal for energy production, suggests there is also an opportunity to review our policy approach for this sector.

Peatland also has a critical role to play as a nature-based solution in supporting our climate change targets as well as providing many other long term benefits, and so our strategy and policies will help support both the phasing out of the use of horticultural peat and our investment in the restoration of peatlands. We will also consider how we can restrict further development on peatland given its role in carbon sequestration.

We have already committed to including our policy position²⁷ on unconventional oil and gas in our draft NPF4. This is currently contained in a Statement of 3 October 2019 and sets out that the Scottish Government does not support the development of unconventional oil and gas in Scotland. This means development connected to the onshore exploration, appraisal or production of coal bed methane or shale oil or shale gas using unconventional oil and gas extraction techniques, including hydraulic fracturing and dewatering for coal bed methane.

Secure strategic transport connectivity

Our spatial strategy will work with, and plan for, our future strategic transport network. Connectivity, physical and virtual, is essential for inclusive growth. National Planning Framework 3 identifies key connections including airports, high speed rail, long distance walking and cycling routes and some freight facilities as national developments. The National Transport Strategy and Scotland's Economic Strategy recognise the importance of strategic transport connections, links and gateways. Brexit will heighten the importance of connectivity with external markets in the future.

Our new strategy will inform, and be informed by, the second Strategic Transport Projects Review, identifying key transport hubs and intermodal nodes that support connections within Scotland and with the wider world. We recognise the importance of long-term strategic road, rail, air and sea networks and will consider their role in relation to health and quality of life for their neighbouring communities.

There are plans to decarbonise Scotland's passenger railways by 2035, scheduled flights within Scotland by 2040 and an ambition to phase out the need for new petrol and diesel cars and vans by 2032, with public bodies taking the lead to phase these out from 2025. We will also ensure that rural and island communities can travel sustainably to access the services they need where those are not provided locally.

The new technologies which are emerging to make vehicles less dependent on fossil fuels will contribute to achieving the net-zero target. However, that will not be enough. We will not plan infrastructure to cater for forecast unconstrained increases in traffic volumes. Instead, we will manage demand and reduce the need to travel by unsustainable modes. Not taking steps to effectively manage demand for car use is no longer an option and our approach will focus on encouraging people not to make unnecessary journeys. Some of our existing infrastructure will need to be adapted for anticipated climate change that may make their location more vulnerable to erosion, flooding, land instability or heat for example.

Freight also has strategic transport needs and it may be that larger settlements, towns and cities require to identify land where distribution centres can be located to enable long distance goods vehicles to be unloaded ahead of onward distribution by smaller and alternatively fuelled vehicles and cargo bikes. Consideration of the location of additional dedicated rest stops or services areas will also be needed.

Connectivity is emerging as a shared priority, and a challenge to be addressed across the range of spatial scales; from local, through regional to national – this is evident in the emerging regional spatial strategies. Whilst the importance of transport links is recognised, we will need to consider how strategies can take forward an infrastructure-first approach which minimises the need to travel. We will use existing infrastructure capacity to direct where growth can happen in a way that is consistent with the travel and infrastructure investment hierarchies.

Improve digital connectivity

We will reflect future plans for investment in digital infrastructure and consider implications for our long-term spatial development. Our spatial strategy will continue to support the roll-out of digital infrastructure across Scotland. This will play a key role in maintaining and growing our communities in both urban and rural Scotland, and has potential to form the foundations of a new emphasis on localism.

Scotland's Digital Strategy²⁸ aims to stimulate innovation and investment in digital technologies and industries across Scotland. Connectivity has a central role to play in unlocking the potential of our places and the economy and in opening up more remote parts of Scotland for investment and community expansion. We have already created permitted development rights for digital infrastructure and recently consulted on proposals to expand these further. These proposed changes need to be delivered in a way that minimises the negative impacts on the natural and built environment and safeguards air safety. Physical distancing arising from COVID-19 has also demonstrated that the planning service is well-placed to drive forward digital engagement in planning and decision making, creating opportunities for a wider range of people to get involved in more strongly influencing the design of their places.

We will consider whether proposed national developments can help us to deliver on this vision. The full list of proposals we have received is available to view at www.transformingplanning.scot and includes, for example: business and industrial developments; strategic investment areas; energy parks; advanced manufacturing; spaceports; aquaculture hubs; food production projects; tourism projects and infrastructure; strategic transport interventions; and digital networks.

Potential policy changes

We are currently considering the following priority policy changes to support a spatial strategy for a wellbeing economy:

- Promoting a place-based approach to investment across all development plans, in line with the Infrastructure Investment Plan, priorities of the Scottish National Investment Bank, and the recommendations of the Advisory Group on Economic Recovery.
- Explicitly supporting development that can demonstrate its contribution to a wellbeing economy and fair work. This could include, for example, the introduction of new requirements from investment to secure social and environmental value and the delivery of our Public Health priorities.
- Creating certainty for investors whilst providing flexibility to allow the planning system to respond more effectively to market opportunities.
- Facilitating new ways of working such as remote working, homeworking and community hubs, in line with our emphasis on localism and to help reduce demand for motorised travel.
- Ensuring that we reflect the vision, objectives and framework of Scotland's upcoming third Land Use Strategy. We will consider how spatial planning at regional and local scales can protect and enhance the multiple benefits that can be gained from our land including food production and access to local markets.
- Reflecting any development and infrastructure needs arising from changes to wider markets, linking with our proposals for strategic freight connectivity.
- Continuing to grow Scottish aquaculture in a way which balances production with environmental quality. This could include criteria for assessing aquaculture proposals that can be consistently applied and which are sufficiently flexible to respond to changes in practice.
- Revisiting the interface between terrestrial and marine planning to ensure our policy properly reflects more recent developments in marine planning and associated research and evidence.
- Encouraging the expansion of tourism and associated infrastructure in an inclusive and sustainable way to ensure local communities have a share in tourism benefits, and safeguard environmental and community assets. We will explore how relevant tourism management considerations can be built into decisions on future development – for example by supporting developments that redistribute tourist uses and alleviate pressure on the capacity of sensitive areas. We will also build on investment through the Rural Tourism Infrastructure Fund.
- Providing greater flexibility for housing development that provides accommodation for rural businesses.
- Tackling the impact of short term lets in pressured areas by providing a framework for decision making on planning applications.
- Actively enabling development that supports expansion of the creative sector.

- Reflecting the importance of cultural facilities in different types of places, such as city and town centres and more rural communities and to stimulate more creative approaches to place-making and regeneration, for example in temporary uses of vacant spaces or in animating public spaces.
- Protecting existing cultural assets from inappropriate development including through the Agent of Change principle.
- Promoting the broader circular economy agenda and considering how it can improve our approach to place-making more broadly, including by making best use of existing buildings, and by prioritising waste prevention through innovation in design and construction. We will also look to ensure that, where feasible, existing materials are salvaged and reused or recycled.
- Encourage new buildings to connect to existing heat networks where located in a Heat Network Zone, wherever feasible; and encouraging applications for energy from waste facilities to provide a connection to a heat network, taking into account the practical considerations involved.
- Enabling the development of future zero carbon infrastructure in a way that supports wider spatial objectives, including mixed use and sustainable connectivity. This could include larger scale facilities as well as small scale interventions to support communities and households to make the transition to a circular economy.
- Updating our policies on fossil fuel extraction to reflect our climate change objectives and wider energy policy. Policies will mitigate certain environmental and health effects of minerals developments. We will also reflect wider policies on unconventional oil and gas and fossil fuels and confirm that we do not support applications for planning permission for new commercial peat extraction for horticultural purposes.
- Supporting heat network opportunities that can safely utilise former deep mining areas.
- Reviewing our approach to calculating and maintaining a suitable landbank for aggregates that reflects the 10 year development planning timescale.
- Decarbonising our transport system in relation to car and light commercial vehicles, Scotland's passenger railways and scheduled flights within Scotland.
- Setting out the key considerations to be taken into account when considering proposals for strategic low carbon transport infrastructure and ensuring that local development plans factor in strategic transport connectivity as part of their spatial strategy.
- Supporting the roll-out of digital infrastructure across Scotland in a way which allows planning authorities to manage its impact. We will encourage the redevelopment of existing infrastructure, including retrofitting and shared use of facilities.
- Introducing stronger requirements for new housing and business developments to build in connectivity and connecting the planning of future development with existing and future digital infrastructure capacity.
- Providing a framework to manage the impacts of development on digital networks.
- A new values-led approach to Inward Investment that will focus our efforts to build a technologically enabled, net zero economy with the principles of fair work and sustainable, inclusive growth at its heart.

A Plan for Better, Greener Places



We will support development that reflects the character and identity of our distinctive places and neighbourhoods, safeguards and restores our natural assets, and tackles geographic disadvantages including areas needing regeneration and promoting the re-use of vacant and derelict land and buildings.



We will build on the review of the Town Centres Action Plan, the Land Use Strategy and the Place Principle to ensure that our approach to development focuses more on place.



We will future-proof our natural and historic assets and coasts and work to restore the health and resilience of Scotland's ecosystems, so that our natural capital can further support our economy and our wellbeing.



We will include stronger and updated policies on design and place-making.



We will significantly enhance our policies on vacant and derelict land to encourage innovation and redevelopment and promote a brownfield-first approach to development.



Our policies on city and town centres and on the re-use of historic buildings will be broadened to better reflect a wider range of potential uses in anticipation of continuing change.



Our policies on rural development will positively encourage development that helps to repopulate and sustain rural areas and stimulate rural economic growth and sustainability.

You told us...

- Good design should be required rather than optional. We should consider issues including density, building heights, diverse user needs and built form fully, whilst also allowing flexibility in response to the distinctive character of our places.
- Many of our existing policies on the natural environment are fit for purpose. Building on this, we need to go further in securing positive effects for biodiversity from development, helping to address the global challenge of biodiversity loss in line with the new statutory outcome for NPF4.
- There is support for a national nature/ecological network, and some people suggested that we review our policies on ancient woodlands, Ramsar Sites, and wild land. Other priorities raised include national parks and regional parks, soils, and woodland creation and protection.
- People value our historic buildings, places and landscapes and recognise their importance to our sense of place, common history and future wellbeing. Their interest extends beyond designated sites and buildings to include locally important assets such as traditional housing stock and local landmark buildings.
- The pace of change for town centres is accelerating, and we need planning to work with others to secure a strong future for them, including by moving beyond a focus on retail, to promote a wider range of uses. The engagement feedback also highlighted the different roles of town centres across the country, from rural towns to city regions.
- Our strategy should set out a new agenda for rural development, with flexible policies which reflect the diversity of Scotland. Active intervention is needed to tackle depopulation and the particular challenges for our most remote areas, along with careful consideration being given to further development in pressured and more accessible areas. By linking development with infrastructure investment, we will be able to unlock development across rural Scotland and ensure its long term economic and social sustainability.
- We can strengthen our approach to vacant and derelict land, given the development challenges and potential benefits for climate change and quality of life. Ideas include use of this land for renewable energy, green infrastructure/naturalisation, community growing or city farms, employment and investment and housing. There is support for stronger prioritisation of brownfield development over the release of greenfield land. Development viability and the use of delivery mechanisms to unlock brownfield land and redevelop buildings at risk are also key considerations.
- The spatial strategy and policies will need to consider the long term impacts of climate change on our coasts, and provide a framework for protecting coastal communities and assets. Key issues include flood risk management and coastal protection and the interface between planning on land and at sea is important.



Our new spatial strategy will:

Focus on place-based outcomes

The Place Principle²⁹ means that all action and investment should be place-based to secure multiple benefits. Our spatial strategy will focus on the qualities and character of our places. We want to ensure that all parts of Scotland play to their strengths to support our wider objectives of community resilience, inclusive growth and environmental sustainability. Our strategy will support existing successful places and reflect on those that have not served us well, by considering how Scotland's cities, towns, rural areas, coasts and islands work together to form a uniquely rich and diverse country where everyone benefits from our wealth of natural assets. We will also focus on opportunities for regeneration to ensure our most disadvantaged and fragile communities are prioritised for development and investment.

Climate change action needs to work with our places so that we can effectively focus on climate vulnerable communities and tailor action for a just transition that improves our neighbourhoods. We need to build the resilience of our infrastructure and lifeline links through adapting to the challenges around our changing climate, as well as our unique natural, coastal and historic environment assets. Protecting, restoring and enhancing our natural and cultural heritage should form the foundations of a place-based approach to our future development.

Regional spatial strategies are considering ways in which our land and natural assets can form the basis of a green recovery. The two national parks are exploring their contribution to the quality of life of people living across Scotland, and identifying priorities including affordable housing as key to unlocking their potential. Urban futures will also contribute to this. Emerging priorities from the Glasgow conurbation focus on unlocking the potential of land along the Clyde, across local authority boundaries, to attract investment, strengthen communities and improve the quality of our places. Addressing vacant and derelict land is a common theme across the emerging regional spatial strategies.

Achieve higher quality design

We will promote the planning and development of healthier, inclusive, sustainable and well-designed places across Scotland. Good quality development will stand the test of time and provide much wider benefits for people's health, wellbeing, the economy and environment. The public realm, including the design, layout and accessibility of our streets and spaces, has an essential role in creating better places. We will build on the six qualities of successful places to maintain a cross-cutting policy on design and place-making. We will ensure that more specific sectoral or place-based policies incorporate design considerations that reflect the diverse needs and aspirations of people.

Many existing plans and strategies reflect the importance of design and place-making including Creating Places and the Place Standard.

Re-imagine city and town centres

We will look at how our policies can help our city and town centres to respond to current and future challenges so that they can adapt and be vibrant, creative, enterprising and accessible places to live, work and visit.

Scotland's city and town centres were already facing significant challenges prior to the global pandemic. Our living and working patterns in recent months have raised further fundamental questions about their future and wider objectives including climate change and how community empowerment will influence how our town centres will evolve in the future. A new emphasis on localism raises opportunities for town centres that will require a planning policy response, building on our existing approach, to diversify and balance the use of land and buildings, provide services and activities for people of all ages, and stimulate new investment especially in the maintenance and re-use of existing buildings and infrastructure as part of a circular economy.

We will reflect on the Town Centre Action Plan, continue to embed the Town Centre First Principle in decision making and respond to the outcome of the ongoing review of the plan to ensure our policies help to create more vibrant, healthier inclusive and greener town centres. Greater consideration will be given to the provision of more good quality homes in town centres, with access to shops and facilities, which can bring life back into town centres and create good places to live including by making sustainable and efficient use of the existing building stock.

City and town centres have the potential to contribute a great deal to our response to climate change, and to meeting the future needs of our diverse population. By making better and more creative use of our settlement centres, we can significantly reduce the need to travel unsustainably whilst maintaining and enhancing the character and identity of our towns and cities to create vibrant places that meet our future needs. Although the approaches will vary to reflect local circumstances, we will highlight shared opportunities to reinvent town centres and strengthen our networks of settlements.

Re-use vacant and derelict land and empty buildings

There is a clear case for acting now to prioritise the use of vacant and derelict land and properties. This has the potential to deliver significant benefits including sustainable, inclusive growth and reduced emissions as an integral part of our future sustainable and circular economy.

Scotland has too much vacant and derelict land – this is rightly regarded as unacceptable and an issue of national concern that needs to be urgently addressed. The consequences come at too high a price, directly impacting on health and blighting economic, social and environmental recovery. Vacant and derelict land introduces a level of redundancy that our society

can ill afford. Whether it is large scale long-term dereliction, or small scale short-term vacancy, we need to set out a stronger policy framework that will give confidence to communities and public and private sectors that vacant and derelict land represents an opportunity to stimulate a positive future whilst building on the legacy of the past.

Our national planning policies can complement wider work on vacant and derelict land. The Vacant and Derelict Land Taskforce has identified longstanding vacant and derelict sites which the planning system could play a role in bringing back into use and this is a key priority highlighted by the Scottish Land Commission which proposes this as a national priority for NPF to address, and the Vacant and Derelict Land Fund seeks to provide funding solutions to the issues.

We must change the perception of vacant and derelict land from being a liability to becoming an asset. We could do much to inspire innovation and imagination in considering how we can achieve this. The strategy can set out spatial priorities and opportunities that help to guide future investment.

The relationship between town centres and suburbs and the role of the green belt will also benefit from a long term spatial perspective that reflects our net-zero and environmental ambitions. We will develop a vision for the future use of vacant and derelict land so that regional strategies and local development plans can work collectively to unlock the potential of land within our existing settlements to provide multiple benefits. Supporting this, stronger policies to limit greenfield development and recognise the potential for green belts to form a part of multifunctional green networks could help to achieve positive effects for biodiversity whilst also helping to realise the health and climate benefits of growth within existing urban areas.

Actively promote working and living in rural Scotland and the islands

The issues arising from COVID-19 and future impacts of Brexit mean that the time is right for a fundamental rethink on how we can support a positive future for rural Scotland. Development planning in Scotland is now required by the Planning (Scotland) Act 2019 to contribute to increasing the population of rural Scotland, particularly in depopulated areas. Last year we commissioned research³⁰ to explore how future planning policy can support strong and vibrant rural communities and economies in the coming years, and identified scope for significant policy changes in NPF4. Our National Islands Plan³¹ identifies how we can improve outcomes for our island communities and our approach will be informed by an island communities impact assessment.

We are currently exploring significant changes to our policies on rural and island development, to support prosperous and sustainable communities and businesses whilst protecting our unique natural assets. Our rural areas and islands are one of our greatest assets and our strategy will reflect our ambition to build low carbon rural communities where the quality of life is exceptional. We will identify opportunities to build the long term sustainability of our more fragile areas by highlighting infrastructure requirements and facilitating development that strengthens their future. While it is right that rural and island areas are developed in a different way to our urban centres, people still need to be able to access goods, services, healthcare, education, work and recreation in a fair, affordable and low carbon way for health and wellbeing. Access to low carbon heat options and water supplies are of critical importance for households that are not connected to wider networks. Local authorities have been working together to explore what low carbon rural living will look like in the future and this will inform a new national spatial strategy with supporting policies.

NPF4 will need to align with a wide range of policies relating to rural development including our National Islands Plan, Forestry Strategy, the Rural Economy Action Plan and the Land Rights and Responsibilities Statement. There are particular opportunities to link planning more closely to the Land Use Strategy and Regional Land Use Partnerships, to achieve an approach to future development at national, regional and local scales, that more fully supports, and is supported by, wider land use management.

Rural repopulation is a key theme for emerging regional spatial strategies including for the South of Scotland, Argyll and Bute, Western Isles, Orkney and Highland, where authorities are exploring how the areas' high quality of life and environment, growth of local economic development together with a growth in remote working can unlock new futures for rural communities and businesses. Emerging strategies are also exploring how the challenge of an ageing population can be addressed through long term planning.

Protect and restore Scotland's natural environment

Our spatial strategy will strengthen our approach to protecting and restoring the health and quality of Scotland's natural environment. We will ensure that our approach to planning supports Scotland's role in responding to the twin global crises of biodiversity loss and climate change, including by strengthening policies designed to protect and restore Scotland's biodiversity and natural assets and to improve their long term resilience to the impacts of our changing climate.

Our national planning policies include measures to protect Scotland's unique natural environment, reflecting the hierarchy of natural heritage designations, from international networks to locally important landscapes and nature conservation sites. Building on this, we will strengthen policies to protect and restore

biodiversity and natural assets. For example, the Planning (Scotland) Act 2019 requires NPF4 to set out how development will contribute to securing positive effects for biodiversity and we are keen to build on existing good practice in Scotland and elsewhere. It also requires planning authorities to prepare Forestry and Woodland Strategies for their areas as a way of guiding future woodland creation and supporting the sustainable management of existing woodlands to increase the social, environmental and economic benefits they can deliver. We will look to align NPF4 with the vision and outcomes of Scotland's new Environment Strategy and the principles set out in the Land Use Strategy as well as considering the issues for the natural environment arising from the Climate Change Plan and Adaptation Strategy.

Our approach will recognise the fundamental role that a healthy and resilient natural environment plays in supporting Scotland's economy and the health and wellbeing of our communities. It will help to ensure that our natural assets are managed in a sustainable, regenerative way so they can continue to provide the benefits Scotland's people and businesses rely on.

Protect and enhance our historic buildings and places

'Our Place in Time – the Historic Environment Strategy for Scotland'³² sets out a vision for how we will care for, understand and promote access to our historic environment. It recognises the important contribution that historic sites and buildings make to communities across Scotland; promoting a sense of belonging and identity, encouraging civic participation and supporting local economies. Our policies for the historic environment will aim to respond to the outcomes and objectives of the Strategy.

Like our natural environment, our historic buildings and townscapes are key assets that contribute to our sense of belonging, economy and quality of life. Planning should provide

the framework in which change in the historic environment can be managed sensitively to preserve the special characteristics of our buildings and places, while also ensuring that we capitalise on the opportunities they offer. In doing so, we will acknowledge that the historic environment is itself an asset that can help us to deliver our wider policy ambitions for example, for mitigating climate change, improving health and providing housing.

Since NPF3 was adopted, Historic Environment Scotland (HES) has been established as our lead public body for the historic environment. In 2019, HES published Historic Environment Policy for Scotland (HEPS). We will consider our policies for the historic environment in relation to HEPS to ensure a consistent framework for decision making.

Adapt our coastline to the impacts of climate change

We will consider how the future development of our coastal areas and communities can be achieved in a way that helps them adapt to long term challenges. Terrestrial and marine planning come together in our coastal areas, and NPF4 will align with Scotland's National Marine Plan as well as sectoral plans for offshore wind and aquaculture, emerging regional marine plans, plans for our ports and harbours and the Blue Economy Action Plan. The Scottish Crown Estate Act 2019 will also provide opportunities for coastal communities to benefit from their own assets, opening up new opportunities for strengthening their future.

We will consider whether proposed national developments can help us to deliver on this vision. The full list of proposals we have received is available to view at www.transformingplanning.scot and includes, for example: area-based environmental transformation projects; green and nature networks; town centres; regeneration projects; rural developments; and redevelopment of vacant and derelict land.

Potential policy changes

We are currently considering the following priority policy changes to support a spatial strategy for better, greener places:

- Embedding the Place Principle throughout NPF4.
- Promoting the value of good design in creating great places. We will continue to reflect the 6 principles of successful places and consider the extent to which they can be developed further to reflect wider priorities, such as climate change, biodiversity and public health, including the health benefits from clean air and access to nature and quality green space. We will also consider scope to provide a framework for bringing forward Masterplan Consent Areas within this context.
- Embedding the use of the Place Standard Tool to reflect the importance of public involvement in a collaborative approach to place-making and the links between place, environment, health and wellbeing.
- Refreshing 'Designing Streets' to bring it up to date, clarify specific issues such as inclusive and sustainable design, and strengthen its applications, particularly in the context of 20 minute neighbourhoods.
- Broadening the mix of uses in town centres in the future. As part of this, we will look at how our policies can help to deliver the Town Centre First Principle and associated work on regeneration as a key contributor to achieving a new emphasis on localism and sustainability. We will promote new opportunities to increase town centre living, for example by stimulating the re-use of empty properties and gap sites and actively promoting homes for people of all ages, with greater recognition of the contribution these can make to housing requirements whilst following the agent of change principle. We will also look at how our policies can respond to current and future expected changes to the retail sector and harness the energy of the cultural heritage, historic environment and arts economy, including the evening/night time economy, to support town centre regeneration.
- Reconsidering the evidence, monitoring and appraisal required to inform spatial strategies in development plans, such as town centre health audits and strategies, transport and emissions modelling of land use options.
- Aligning the strategy with the Land Use Strategy and identifying opportunities to align emerging Regional Spatial Strategies with future Regional Land Use Partnership Frameworks.
- Prioritising the use of vacant and derelict land ahead of greenfield land through a 'brownfield first' approach. As part of this, we will consider the various definitions of vacant and derelict land, buildings at risk and their respective implications for planning policies.
- Strongly incentivising the imaginative and sustainable re-use of vacant and derelict land and buildings by highlighting the wide range of potential temporary and permanent uses it could support and providing a positive policy framework for achieving long term positive outcomes.

- Promoting a plan-led approach to re-use and remediation of sites, linking with wider delivery tools such as design briefs and local place plans. We will consider the evidence required to inform spatial strategies as part of this.
- Actively encouraging sustainable, innovative and low carbon development and re-use of existing buildings or vacant and derelict land.
- Tackling the challenges of viability arising for some types of development on vacant sites, by considering how plans can be supported by a wide range of delivery mechanisms. We will look at, for example, how we can promote proactive land assembly to enable the re-use of land and disused buildings.
- Updating our green belt policy to provide greater clarity on acceptable uses whilst also recognising its role as part of multifunctional natural infrastructure.
- Proactively rebuilding the resilience of rural communities and economies by enabling well designed, sustainable development. This will include policies to strongly support rural investment and diversification and enable the development of essential infrastructure for rural areas including affordable housing. As part of this we will take into account the specific circumstances of island communities.
- Strengthening the links between development proposals and wider sustainable land use objectives, contributing to the outcomes of Scotland's Environment Strategy. This includes reframing policy to reflect the fundamental role of our natural environment and biodiversity in providing essential natural services and benefits for our economy, health and wellbeing, and climate resilience. We will explore opportunities to ensure that our approach to using and managing natural assets is sustainable and regenerative, restoring and enhancing our stocks of natural capital.
- Strengthening the consideration given to the likely effects of development on carbon dioxide (CO₂) emissions where peat and other carbon rich soils are present.
- Securing positive effects for biodiversity from new developments. We are developing ambitious new proposals which deliver positive outcomes for biodiversity from development without the need for overly complex metrics, and will consider how they can support wider approaches to natural infrastructure.
- Strengthening policy on woodland protection and creation in association with development, aligned with new provisions on forestry and woodland strategies.
- Clarifying our policies on locally important built and natural assets where required.
- Given the new requirements in the Planning (Scotland) Act 2019 to support the repopulation of rural Scotland, we will consider whether our policies on wild land need to change, while ensuring effective safeguards for our natural environment and landscapes.
- Maintaining, strengthening and clarifying our policies for the historic environment to ensure planning policies align with the vision set out in our Historic Environment Strategy and the operational policy framework in HES's Historic Environment Policy for Scotland.
- Enabling the continuing use, or re-use where appropriate of historic buildings given their importance in making sustainable use of embedded carbon as part of a circular economy.
- Considering whether Heritage Impact Assessments should be mandatory for all listed building and conservation area applications.
- Supporting development and infrastructure needed to realise the potential of the blue economy and coastal communities, including opportunities to enhance natural infrastructure. We will also factor in long term coastal vulnerability and resilience in order to future-proof development decisions.
- As part of delivery against the missions set for it, the Scottish National Investment Bank can support improving places and regeneration in order to reduce inequality, and improve opportunities and outcomes for people and communities through its investment activity.

Delivery

An infrastructure-first approach to development will guide how we deliver our strategy.

The Place Principle will help us to work together to deliver change that leads to better outcomes for our places. In line with the wider aims of planning reform, we will seek to strengthen public sector confidence in enabling development, and provide a clearer context for leveraging investment by the private sector.

Our strategy will be accompanied by a delivery programme that will form the basis of continuing collaboration to ensure it is effectively implemented.

We are currently working to strengthen links between development planning and future infrastructure investment. NPF4 is being prepared alongside a public consultation on our Draft Infrastructure Investment Plan for 2021/22 to 2025/26³³ and the second Strategic Transport Projects Review. As they evolve, our spatial strategy will ensure that a broader view of 'place' is built into these plans and that the priorities they identify for investment will inform where future development can take place. Our spatial strategy will build on our existing assets

and services, making best use of available capacity, ahead of requiring investment in new infrastructure. This aligns with the sustainable travel and investment hierarchies set out in our National Transport Strategy, and is an integral part of the proposed common investment hierarchy included in the Draft Infrastructure Investment Plan.

The Infrastructure Commission for Scotland³⁴ has made recommendations about NPF4 in relation to infrastructure. This includes putting in place an infrastructure-first approach to development planning, involving infrastructure providers, developers and other public bodies to ensure an integrated and coherent outcome-based approach to land use planning, and recognising the importance of implementation being supported at all scales. This approach is supported by responses to the early engagement, as many people have told us that they want to see a more strategic and joined-up approach to infrastructure investment to ensure delivery responds to our geographic strengths and challenges.

We are exploring the following opportunities for a collective approach to delivery, across the different scales of planning, to help achieve this:

- We will work with the national Infrastructure Delivery Group, involving the full range of public and private infrastructure delivery organisations, to consider the draft NPF4 as it emerges and identify how it can be supported by a delivery programme that relates to development planning at all scales. This type of improved collaboration with infrastructure providers will also play a key role in helping us to embed an infrastructure-first approach to planning and development within the context of the new system.
- We will continue to support planning authorities as they develop their early thinking on regional spatial strategies. We expect to broaden the conversation on this emerging thinking in the coming months and have published an update on progress alongside this Position Statement. Indicative strategies will continue to inform our national priorities. In turn, NPF4 can support the delivery of regional priorities by identifying significant place-based opportunities for infrastructure planning to reflect and respond to. Alignment with city and growth deals at this scale will also be critical to ensure that land use planning at a regional and national scale supports delivery of agreed priorities.
- We will also articulate how we expect an infrastructure-first approach to be embedded in the spatial strategies of local development plans. This includes ensuring that our plans are informed by evidence as recommended by the Infrastructure Commission for Scotland, focusing on need, demand, opportunities and geography. Part of this is the appropriate appraisal to determine the infrastructure requirements of potential spatial strategies at the start of the plan process, including who will fund and deliver it. This will ensure land use decisions are informed by these requirements rather than being developed after the land use decisions have been made. In the past this has led to sub-optimal infrastructure solutions that are not capable of being funded or delivered.
- Local place plans were also introduced by the Planning (Scotland) Act 2019, enabling communities to prepare plans for their own places. Community scale planning has an important role to play in the new system and we will consider its role in helping to deliver outcomes as we develop regulations and guidance alongside NPF4.
- We are carrying out a review of existing developer contributions mechanisms, such as planning obligations, which will inform our future policy approach. This includes not only NPF4, but also potential updates to Circular 3/2012 and implementation of the infrastructure levy, powers for which are contained in the Planning (Scotland) Act 2019. Subject to the findings of the review, we will explore how we can provide greater certainty, consistency and clarity around the scope and use of developer contributions, including to identify, fund and deliver infrastructure up-front. It will be important that any new approach is grounded in an understanding of development economics and delivery. For this reason we will consider the need for greater detail on the role of viability assessments in shaping both development plans and decision-making.

- Land assembly and compulsory purchase in our future planning system will also be considered. In particular, we will explore how future national planning policies could help to promote a more proactive and collaborative approach, and how such an approach can support planning and place-making objectives.
- Masterplan Consent Areas (MCA) will be a useful, proactive delivery tool to promote and incentivise investment in development, including new housing, and to support the delivery of local development plan strategies and particular local priorities. They will allow planning authorities to plan and enable delivery of quality development in their places; front-loading engagement, consideration of design, re-use of existing buildings, infrastructure and local assets at an earlier stage in the planning process and so placing authorities in a position of leading and enabling the planning of high quality places. Developed with community consultation, MCA schemes can be used to provide consent for specified types of development, subject to conditions in a particular area. They will be able to grant up-front consents for planned development, so adding certainty and removing much of the risk for potential investors, and supporting planned development and investment.

Next steps

This position statement sets out our current thinking, drawing on the ideas and evidence we received from a broad range of people and organisations through our early engagement programme. We very much see this statement and any conversations that follow as an additional opportunity in the process, between our earlier Call for Ideas and the formal consultation with parliamentary process to come next year, to advance thinking towards the draft NPF4. Whilst we have intended that the Position Statement provides an idea of the direction of travel, there is still a lot of work to be done as we continue to shape and refine our thinking before we set out a full draft NPF4 for further consultation and scrutiny.

Sharing your thoughts with us

We would welcome any thoughts on this position statement. We appreciate that stakeholders may not have much capacity to do so in the current climate, particularly if they have already shared ideas with us, and may prefer to reserve further input for the fuller consultation draft in autumn 2021. There will be no need to restate points made through the Call for Ideas process – we continue to use that evidence source as we take forward our policy development. We will continue to update our Programme for Engagement as work progresses towards a draft NPF4, ensuring opportunities for all to be involved.

If you would like to comment now, we have set out these questions which will help to sense check the position statement.

- 1. Do you agree with our current thinking on planning for net-zero emissions?**
- 2. Do you agree with our current thinking on planning for resilient communities?**
- 3. Do you agree with our current thinking on planning for a wellbeing economy?**
- 4. Do you agree with our current thinking on planning for better, greener places?**
- 5. Do you have further suggestions on how we can deliver our strategy?**
- 6. Do you have any comments on the Integrated Impact Assessment Update Report, published alongside this position statement?**
- 7. Do you have any other comments on the content of the Position Statement?**

Should you wish to comment, please can you do so by 19 February 2021 through the Scottish Government's consultation hub at <https://consult.gov.scot/planning-architecture/national-planning-framework-position-statement> or via email to scotplan@gov.scot

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APPENDIX 2

NATIONAL PLANNING FRAMEWORK 4 (NPF4) – POSITION STATEMENT – PROPOSED RESPONSE

QUESTION	PPROPOSED RESPONSE
Do you agree with our current thinking on planning for net-zero emissions?	Yes; they will lead to more sustainable forms of development, protect scarce resources and assist in meeting the challenges ahead in tackling climate change. Retro-fitting is however a significant issue that must be addressed at the earliest opportunity. Closer integration between Planning and the Building Standards regulations to achieve more energy efficiency in buildings and an emphasis on quality design is welcomed.
Do you agree with our current thinking on planning for resilient communities?	Yes; the current pandemic has brought into sharp focus the need for more localised access to facilities and amenities as a means to promote physical and mental health as well as making more efficient use of infrastructure and resources and the promotion of digital technology. Development within rural areas does , however, need to be carefully considered; the proximity of local authorities such as West Lothian to major population centres within the central belt can place extra pressure and demand on our rural areas for development. If rural development is to be promoted this should be as a means to address population decline and be well-served with technology to provide for remote working.
Do you agree with our current thinking on planning for a wellbeing economy?	Yes; see comments above. Healthy, sustainable places and the opportunity to create conditions required to support economic growth, whilst at the same time contributing to the climate change agenda and protection of the environment, are key matters. A robust regulatory framework is required to allow local decisions to be upheld. This could include no right of appeal against decisions made by the local planning authority where the development plan is up to date.
Do you agree with our current thinking on planning for better, greener places?	Yes; enhancement of the use of Place Principle should promote a greater understanding of community needs and aspirations at a local level. The re-use of derelict and vacant land and buildings should in time assist in the protection of

	<p>green space and a shift from greenfield development and potential urban sprawl. Irrespective of any land supply arguments, developers should be required to demonstrate that there are no brownfield options for the delivery of the development proposal.</p> <p>Consideration should be given to allowing powers for local planning authorities to require effective maintenance of green spaces particularly landscaping and tree belts on housing sites where maintenance is vested to a factor. Many of these areas are now in need of effective management with the factor failing to do so.</p>
Do you have further suggestions on how we can deliver our strategy?	<p>Yes; it is imperative that NPF4 sets out very clearly the housing land requirements for local development plans and the basis of their calculation in order to avoid repeated arguments at appeal and in order to emphasise the plan led system rather than planning by appeal. Delivery of housing should be clearly linked to the 'infrastructure first' approach and it should be clear that development cannot proceed until the necessary infrastructure is fully committed.</p>
Do you have any comments on the Integrated Impact Assessment Update Report, published alongside this position statement?	<p>No comments.</p>
Do you have any other comments on the content of the Position Statement?	<p>The key outcomes should include reference to ancient woodlands and recognition of that measures are required to protect what is a highly valued resource within communities.</p> <p>The council would direct the Scottish Government to its response to earlier consultation on the NPF4 Position Statement and the Housing Technical Discussion Paper as approved by the Council Executive on 24 March 2020 – see link https://coins.westlothian.gov.uk/coins/viewDoc.asp?c=e%97%9Dh%94n%7D%89</p>

DATA LABEL: PUBLIC



COUNCIL EXECUTIVE

WEST LOTHIAN STATUTORY RETURN TO SCOTTISH GOVERNMENT ON PUBLIC BODY REPORTING ON BIODIVERSITY DUTY: 2018 - 2020

REPORT BY HEAD OF PLANNING, ECONOMIC DEVELOPMENT AND REGENERATION

A. PURPOSE OF REPORT

The purpose of the report is to seek Council Executive agreement on the council's report on West Lothian Council's Biodiversity Duty for the three year period between 2018 – 2020 and to agree its submission to the Scottish Government.

B. RECOMMENDATION

It is recommended that the Council Executive:

1. notes the contents of the general review of West Lothian's commitment to biodiversity (as detailed in Appendix 1);
2. agrees to forward the report to the Scottish Government as evidence that the council, as a public body, has met its reporting duty on biodiversity over the 3 year period (2018 to 2020); and
3. agrees to publicise the report on the council's website as advised by the Scottish Government.

C. SUMMARY OF IMPLICATIONS

I Council Values	Focusing on our customers' needs; being honest, open and accountable; making best use of our resources; and working in partnership.
II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	<p>The Nature Conservation (Scotland) Act (2004) requires all public bodies in Scotland to further the conservation of biodiversity when carrying out their responsibilities.</p> <p>The Wildlife and Natural Environment (Scotland) Act (2011) requires public bodies in Scotland to provide a publicly available report, every three years, on the actions which they have taken to meet this biodiversity duty.</p> <p>The Climate Change (Scotland) Act 2009 - places a duty on all public bodies to reduce greenhouse gas emissions, adapt to the effects of climate change by ensuring resilience to</p>

future climate conditions and act in a way considered most sustainable.

Policies ENV1 – ENV5 of the West Lothian Local Development Plan support biodiversity, nature conservation and enhancement.

Actions will be screened as they are progressed to determine the need for environment, equality, health or risk assessments. There are no SEA issues.

III	Implications for Scheme of Delegations to Officers	None.
IV	Impact on performance and performance Indicators	None.
V	Relevance to Single Outcome Agreement	SOA: 4 We live in resilient, cohesive and safe communities. SOA: 8 We have the most efficient and effective use of resources by minimising our impact on the built and natural environment.
VI	Resources - (Financial, Staffing and Property)	The Wildlife Information Centre (TWIC) Service Level Agreement with Planning Services is met from within existing revenue budgets.
VII	Consideration at PDSP	The Environment PDSP considered this matter on 2 February 2021. [Comments to be added following PDSP].
VIII	Other consultations	NETs & Land Services, Countryside Services (Parks and Woodland), Flood Risk Management Unit.

D. TERMS OF REPORT

D1 Introduction

Under the Nature Conservation (Scotland) Act (2004), all public bodies in Scotland are required to further the conservation of biodiversity when carrying out their duties. The Wildlife and Natural Environment (Scotland) Act (2011) requires public bodies in Scotland to provide a publicly available report, every three years, on the actions which they have taken to meet this biodiversity duty.

While the first West Lothian report covered the period 2011 - 2014 and the second covered 2015 - 2017, this third report relates to 2018 - 2020. The initial Scottish Biodiversity Strategy from 2004 was updated in June 2013 with the '*2020 Challenge for Scotland's Biodiversity*'. It reflected international commitments and the European Union's '*Biodiversity Strategy for 2020*'.

Recently in December 2020, the Scottish Government has published the '*Scottish Biodiversity Strategy post-2020: statement of intent*' which sets the direction for a new biodiversity strategy which will respond to the increased urgency for action to tackle the twin challenges of biodiversity loss and climate change and committing to increasing protected areas for nature to at least 30% of terrestrial Scotland by 2030. It also commits, via the forthcoming National Planning Framework 4, to develop proposals which will deliver positive effects for biodiversity through development.

The third West Lothian Biodiversity Duty Report (see Appendix 1) sets out actions taken by the council for the period 2018 - 2020. The Appendix demonstrates the great variety and range of biodiversity related work being carried out in West Lothian.

D2 New layout of Biodiversity Duty report to Scottish Government

The Scottish Government, advised by NatureScot (formerly Scottish Natural Heritage) have for this round of biodiversity reporting produced a new template to create some uniformity among the various returns. The council falls under Template 1 for public bodies and the sections cover:

- a) Actions to protect biodiversity and connect people with nature;
- b) 'Mainstreaming' – examples of how biodiversity has been incorporated into corporate policy, plans and projects;
- c) Nature-Based Solutions, Climate Change and Biodiversity;
- d) Public Engagement and Workforce Development; and
- e) Research and Monitoring.

The main West Lothian biodiversity activities under these headings are set out below.

D3 Section 2: Actions to protect biodiversity and connect people with nature

There are numerous biodiversity projects that have occurred in West Lothian over the last three years. Several examples include:

- Working in partnership with Buglife on West Lothian 'B-Lines' to increase the amount of wildflower meadow and over the 2-year project, creating 14 meadows, over 8 urban parks and 1 cemetery.
- Livingston Blue / Green Network (BGN) masterplan prepared and two related 'Woods in and Around Towns' (WIAT) management plans were drafted, costed and submitted to Scottish Forestry.
- The WLC Ranger Service have engaged with over 2,740 school pupils between 2018 and 2020 in outdoor environmental education activities and 1,760 volunteers.
- 6 meadows planted in country parks, 8 rural road verges surveyed and Operational Services cutting regime amended for pollinating wildflowers.

D4 Section 3: Mainstreaming

- The WLC Ranger Service run a 'Forest Schools' programme which not only helps connect pupils with their local environment, but also helps to mainstream environmental outdoor learning in West Lothian schools.
- Work with the former Central Scotland Green Network Trust (CSGNT) – now Green Action Trust (GAT) – on a range of related open space capital projects e.g.; at Balbardie Park, Bathgate and Sommers Park, Mid Calder.

- Adoption of the West Lothian Local Development Plan in September 2018 with numerous environmental planning policies and supporting Planning Guidance related to 'Development Management & Wildlife' and 'Soils on Development Sites'.
- Adoption of an 'Ecosystems approach to land management' by NETs, Land and Countryside Services.

D5 Section 4: Nature-Based Solutions, Climate Change and Biodiversity

- Multi-partner projects facilitating the passage of fish at physical barriers across the River Almond in the Kirkton, Craigshill and Howden areas of Livingston enhancing the biodiversity of the river and the species.
- Continuation of developing a multiple-benefits project to restore the Bathgate Water and Boghead Burns in Bathgate.
- Projects to maintain and enhance two peatland areas in West Lothian at Easter Inch Moss and Black Moss, Armadale and to continue with regular monitoring and volunteer sessions, including scrub and sapling removal and peat dam creation. This has included working with other organisations including NatureScot, Oatridge College, Lothian Conservation Volunteers, The Conservation Volunteers and Butterfly Conservation 'Bog Squad'.

D6 Section 5: Public Engagement and Workforce Development –

- The WLC Ranger Service run a number of environmental based events through the year and have engaged with over 3,590 people between 2018 - 20.
- Four annual environmental fairs, 'Wild Wednesdays', organised by the Ranger Service, ran across West Lothian during the summer holidays, bringing many organisations together to engage with local families in their local area. This involves partnership working with other organisations such as RSPB, Buglife, Forth Rivers Trust and The Dogs Trust.
- Parks & Woodland run a Volunteer Ranger Service programme giving the opportunity for college students and other interested individuals to get a more in-depth view of what it is like to be a Countryside Ranger, whilst gaining valuable practical experience.

D7 Section 6: Research and Monitoring -

- The council has continued to support work by Historic Environment Scotland (HES) and the Centre for Ecology & Hydrology (CEH) to sample water issuing into Linlithgow Loch from surrounding land, the results of which will lead to publication of a 'Nutrient Apportionment Study' in 2021. The Loch Habitat Management Plan was reviewed and updated in 2020.
- The Ranger Service carries out a number of annual surveys throughout the 3 country parks, as well as other public landholdings. These include grassland surveys, fen vegetation surveys at Calderwood; bat box occupancy checks, various badger sett surveys and other ad-hoc surveys such as peat depth, hornet and otter surveys.
- WLC continues to have a 3 year Service Level Agreement with The Wildlife Information Service (TWIC) who review the Development Management Weekly List of planning applications for protected species and related issues as well as input from NETs & Land Services and the Parks & Woodland Team and the Rangers Services on biodiversity issues.

E. CONCLUSION

The Biodiversity Duty report sets out in detail the actions, activities and outcomes with respect to the council's statutory duty to further the conservation of biodiversity. It sets out a range of positive interventions to both protect and enhance the varied biodiversity of West Lothian over the 2018 - 20 period that, despite challenges to council's capital and revenue budgets, as well as staff resources, are anticipated to be continued.

F. BACKGROUND REFERENCES

West Lothian Local Development Plan (2018)

Scottish Government - Scottish Biodiversity Strategy post-2020: statement of intent:
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Ecosystem Approach to land management, as adopted by NETs, Land and Countryside Services – January 2019
<https://coins.westlothian.gov.uk/coins/viewDoc.asp?c=e%97%9Dg%96i%7E%8E>

Appendices/Attachments: One – Third West Lothian report on the Scottish Biodiversity Duty (2018-20)

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Craig McCorriston
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9 February 2021

Data Label: Public

Appendix 1

West Lothian Council: Biodiversity Duty Report (2018 – 2020) - return to Scottish Government

(Level 1 template)

Section 2: Actions to protect biodiversity and connect people with nature (by WLC Service)	West Lothian Council Examples
NETs, Land & Countryside Team	<ul style="list-style-type: none"> • 'West Lothian B-Lines', a partnership project with Buglife secured £40,600 from the National Lottery Heritage Fund for creating wildflower meadows throughout West Lothian from 2019 to 2021. £13k match funding was contributed by WLC. To date, this has enabled: the creation of 14 meadows over 8 urban parks and 1 cemetery; the production of a handout on meadow creation and management for WLC Grounds Maintenance and Cemeteries staff; 1 wildflower meadow interpretation board; 10 pollinator ID/education workshops; 4 information events; 6 meadow creation events and 10 flora / fauna meadow surveys. The project is due to end in May 2021. • The West Lothian Food Growing Strategy has been drafted and is due to be ratified by the Council in 2021. A key element of this strategy is to increase biodiversity on council land through community growing initiatives. • Livingston North Blue / Green Network (BGN) – a public consultation was undertaken in 2018 and the masterplan finalised. The masterplan is being used to schedule projects as funding becomes available for woodland management and water quality works, with planned links to NHS Lothian's "Greenspace and Health Strategic Framework" and Community Regeneration aims. • Dedridge Ecology and Environment Project (DEEP) in Livingston was wound-up after over 10-years of sustained community involvement improving the environment of the Dedridge Burn corridor in 2017, but their legacy continues.

	<ul style="list-style-type: none"> • The Conservation Trust's (TCV) 'School Green Gym' has been working in several communities, enabling schools to get out and learn in greenspaces in West Lothian, including the production of activity cards to help teachers to use the outdoors for teaching in their own lesson time.
Parks & Woodland	<ul style="list-style-type: none"> • As part of the Livingston BGN project above, two 'Woods in and Around Towns' (WIAT) management plans were drafted and costed. These have been submitted to Scottish Forestry and once some amendments have been made, await final approval. Then further grant applications towards implementing woodland and access management works will be made (this is currently capped at £100k per landowner, rather than based on the benefits provided as used to be the case). • A start has been made on preparing a UK Forestry Standard compliant Long-term Forest Plan (LFP) for all of WLC's owned woods across the whole of Livingston, in parallel with a similar plan for Woodland Trust Scotland's owned woods in and around the town. • Felling, thinning and replanting continue in line with the LFP for Beecraigs including the development of 'Continuous Cover Forestry' in some areas. Forest management has continued to be certificated under the UK Woodland Assurance Scheme. • A WIAT woodland and access management plan was approved for Almondell by Scottish Forestry and works are underway. • The Agri-environment scheme on the Beecraigs Animal Attraction has continued with hedge maintenance and seasonal grazing of the wildflower seeded field adjacent to the new Hillhouse car park. This has a path along one side and so the Highland cattle grazing this area can be viewed by the public. • Environmental education programmes and activities have been undertaken to engage people of all ages on topics such as: natural history, climate change, local wildlife & habitats and the environment around them. The WLC Ranger Service have engaged with over 2,740 pupils between 2018 and 2020 in outdoor environmental education activities. • A number of WLC Parks & Woodland sites are now being managed as wildflower meadows: <ul style="list-style-type: none"> ○ Balvormie Meadow, Beecraigs which continues to be grazed; ○ along with areas on the Beecraigs Caravan Site;

	<ul style="list-style-type: none"> ○ Almondell Meadow and Butterfly Bank; ○ Polkemmet Meadow, ○ Little Boghead, Bathgate grassland and ○ Skolie Burn, Addiewell SSSI. <p>As a result, Parks & Woodland staff are already starting to see an increase in flowering species and decrease in less desirable rank species. Management is either through conservation grazing, or cut and lift methods.</p> <ul style="list-style-type: none"> • Successful grant applications have been made to the former Scottish Natural Heritage (now Nature Scot) Peatland Restoration Programme and works were carried out via contractors and volunteers on Easter Inch Moss by Blackburn (c£75k) and Black Moss (c£30k) on the west side of Armadale. • The Ranger Service manage a number of conservation-based projects with the help of volunteers including Friends of Parks groups, corporate volunteers or other external groups such as Butterfly Conservation, Buglife, Forth River Trust, Lothian Conservation Volunteers (LCV) and The Conservation Volunteers (TCV). <p>Activities over the period between 2018-20 have included:</p> <ul style="list-style-type: none"> ○ Pond management at Almondell wildlife pond, Calderwood Great Crested Newt ponds, Little Boghead Nature Park, Bathgate and Polkemmet wildlife pond; ○ Fen management at Calderwood, including bracken whipping; ○ Invasive species control at Little Boghead and Polkemmet Country Park; ○ Grassland scything at Almondell & Calderwood; ○ Woodland management including maintenance of orchard areas and tree planting at Almondell, Little Boghead, Beecraigs, Polkemmet and Almond Park, Livingston; ○ Rhododendron control at Almondell and Polkemmet; ○ Scrub clearance at Easter Inch Moss, Blackburn; ○ Meadow creation at Beecraigs Country Park; ○ The Ranger Service have worked with over 1,760 volunteers during 2018-2020. These volunteers have committed over 5,500 work hours during this period; and ○ Grassland management at Skolie Burn SSSI, Addiewell.
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	<ul style="list-style-type: none"> The Ranger Service have also worked with other organisations to help with the protection and enhancement of wildlife within West Lothian, including actively being involved in the Mud Snails Project in 2018/19 and also the 'B lines' project with Buglife Scotland.
Planning Services	<ul style="list-style-type: none"> Moves to secure a specialist consultant to jointly review and update the out-of-date WL' Local Biodiversity Action Plan' (2009) and undertake a Natural Capital audit of all WLC landholdings and form a small internal steering group of various Services involved to advance the project. Organised 8 rural verges, previously protected for wild flowers, survey in Autumn 2019 by Scottish Wildlife Trust (SWT) and WLC Operational Services amended their cutting regime to accord with revenue budget reductions. SWT been asked to 'signpost' these rural verges via volunteers. Harperigg Reservoir Local Nature Reserve - Local Management Group meets bi-annually and chaired by WLC Planning Services and administered by City of Edinburgh Council Pentland Hills Regional Park staff and looks at various actions, including work on the adjacent wildlife refuge and biodiversity related work in and around the reservoir, among other work. Continuing support for the Easter Inch Moss & Seafield Law Local Nature Reserve Management Group, albeit the group wound-up in November 2019 due to lack of local interest. Parks & Woodland continue with works in and around the Moss to accord with the related Habitat Management Plan (2011 – 2021) that has been revised.
Section 3: Mainstreaming (by WLC Service)	West Lothian Council Examples
NETs, Land & Countryside Team Services	<ul style="list-style-type: none"> West Lothian Open Space Strategy (2015) reviewed as the 'Open Space Plan' and adopted in December 2020. The WLC Open Space Capital programme continues to improve access to greenspaces across West Lothian as well as improving biodiversity, such as planting trees in parks, shelterbelt thinning, meadow creation, relaxed grass cutting, bulb planting and rain garden creation. An "Adopting an Ecosystems Approach to Land Management" report was prepared by NETs & Land Services and presented to the council's Environment Panel in January 2019 to raise awareness of

	<p>members about the principles behind their new approach to land management. This recognises previously overlooked, multiple benefits of the natural environment. Adopting an 'ecosystems approach' in West Lothian, offers a flexible, sustainable way forward which enables the council to fulfil statutory duties of enhancing biodiversity, building resilience to climate change and involving communities.</p> <ul style="list-style-type: none"> • Open Space Audits have been adapted to include categories on biodiversity and ecosystem services. The audits assess and score the quality of parks and open spaces, which subsequently inform capital investment.
Parks & Woodland	<ul style="list-style-type: none"> • Ranger Service run 'Forest Schools' programmes which not only help connect pupils with their local environment, but also help to mainstream environmental outdoor learning in West Lothian schools by enabling and empowering staff to make environmental education a regular part of their pupils learning. • Work with the former Central Scotland Green Network Trust (CSGNT) – now Green Action Trust (GAT) – on a range of related open space improvement capital projects e.g.; at Balbardie Park Bathgate, Sommers Park, Mid Calder.
Planning Services	<ul style="list-style-type: none"> • Adoption of the West Lothian Local Development Plan in September 2018 with numerous environmental planning policies (see Section 5, below, for details). • Preparation, consultation and adoption of revised Planning Guidance on 'Planning for Nature - Development Management and Wildlife' (April 2020). • Interim review of West Lothian Geodiversity Action Plan 2017-22 at mid-point in September 2020. Information on all 51 West Lothian Geodiversity Sites were placed on the council's planning web site. • Preparation and consultation of Planning Guidance on 'Management of Soils on Development Sites' (2020) for consideration for adoption as planning policy in 2021. • Contribution to the review of the Pentland Hills Regional Park 10 year Strategic Management Plan (2019-29).

	<ul style="list-style-type: none"> Chair the annual West Lothian Local Biodiversity Sites (LBS) Steering Group, administered via The Wildlife Information Centre (TWIC) under a Service Level Agreement with the council, that involves Scottish Wildlife Trust and local volunteer experts in a range of species along with representation from WLC Parks & Woodland, that fund the required ecological surveys, to allow consideration of potential LBS across West Lothian.
Section 4: Nature-Based Solutions, Climate Change & Biodiversity (by WLC Service)	West Lothian Council Examples
Roads & Transportation Services	<ul style="list-style-type: none"> Multi-partner projects facilitating the passage of fish at physical barriers across the River Almond in the Kirkton, Craigshill and Howden areas of Livingston enhancing the biodiversity of the river and the species that depend on it. Work is also in preparation for replacement of the Harwood Water falls in Polbeth with a fish passage as part of the wider River Almond scheme. Partnership work has continued to develop a multiple-benefits project to restore the Bathgate Water and Boghead Burns in Bathgate, enhance green space and connect people with nature in one of Scotland's most deprived communities. In a partnership with Scottish Water and SEPA, the Council has been working on the Surface Water Action Plan to help improve the quality of surface run-off from its premises at Whitehill Industrial Estate, Bathgate reducing the impact of pollution on the Bog Burn in Bathgate. Work has continued to provide advice to Planning Services (Development Management as well as Development Planning & Environment) on issues of flood risk, sustainable drainage, pollution prevention and the water environment to help ensure that development delivers benefits and that the risk it presents to the built and natural environment is mitigated.
NETs & Land Services	<ul style="list-style-type: none"> Open Space Officers assess relevant planning applications and advise Planning Services on Open Space related issues.

	<ul style="list-style-type: none"> • NETs have generally reviewed their operations to see if they can become more biodiversity friendly e.g.; in relation to use of herbicides (See also Section 3 above on NETs “Adopting an Ecosystems Approach to Land Management”). • A ‘West Lothian Open Spaces Asset Management Plan’ was prepared and considered by the Council’s Environment PDSP in January 2019 that sets out the council’s approach for the management of open space assets effectively and efficiently for a 10 year period to 2027/28.
Parks & Woodland	<ul style="list-style-type: none"> • Projects to maintain and enhance two peatland areas in West Lothian, Easter Inch Moss between Blackburn and Seafield and Black Moss at Armadale, continue with regular monitoring and volunteer sessions, including scrub and sapling removal and peat dam creation. This has included working with other organisations including NatureScot, Oatridge College, Lothian Conservation Volunteers , The Conservation Volunteers and Butterfly Conservation ‘Bog Squad’. These sites are particularly important in terms of CO² sequestration. • A programme of management work is regularly carried out by staff and volunteers at Calderwood SSSI between Mid Calder and Livingston which is recognised for its woodland and fen areas and associated flora and fauna and Skolie Burn SSSI in Addiewell, which is recognised for its rich neutral grassland and geology. • The Ranger Service have carried out a number of projects with Forth River Trust, including a series of Willow Spilling sessions at Almondell & Calderwood Country Park and Polkemmet Country Park to help reduce river breaches and erosion on the banks of the River Almond which flows through both these Parks and has suffered damage due to flash flooding, historic bank modification and erosion from people and dogs accessing the river. • WLC Ranger Service scrutinises relevant planning applications from the Weekly List and submits consultation responses on biodiversity impacts / mitigation works to Planning Services.
Planning Services	<ul style="list-style-type: none"> • West Lothian “<i>Adaptation Action Plan</i>” following internal workshops with 10 Service areas in 2017, was drafted in 2018 & updated 2019. • Linlithgow Loch Management Plan reviewed and reported to committee (in April 2018 and again in September 2019) and 18 months survey of loch water samples were carried over 2018/19 to allow

	a Nutrient Apportionment Survey Report to be produced (due in Summer 2021) with recommendations for the long term treatment of the Loch to reduce the annual algal blooms.
Section 5: Public Engagement and Workforce Development (by WLC Service)	West Lothian Council Examples
NETs & Land Services	<ul style="list-style-type: none"> Numerous community groups are supported across West Lothian by the WLC NETs & Countryside Section. Internal workforce training has taken place with Operational Services - NETs operatives in relation to wildflower meadow management and a 'Toolbox Talk' leaflet produced for staff that has been shared with NatureScot as they were impressed by the resource.
Parks & Woodland	<ul style="list-style-type: none"> A number of environmental based events organised by the Rangers ran throughout the year engaged with over 3,590 people between 2018 and 2020. Four annual environmental fairs '<i>Wild Wednesdays</i>' were held across West Lothian during the summer holidays, bringing many organisations together to engage with local families in their local area. This involves partnership working with other organisations such as RSPB, Buglife, Forth Rivers Trust and The Dogs Trust. The Parks & Woodland team and the Ranger Service offer regular placements to those wanting to find out more about working in the environmental sector and have worked alongside pupils for over 226 work hours. The Ranger Service run a Volunteer Ranger Service programme giving the opportunity for college students and other interested individuals to get a more in-depth view of what it is like to be a Countryside Ranger, whilst gaining valuable practical experience. Parks & Woodland volunteers and the Ranger Service attended 'Meadow workshops', wildlife monitoring training, invasive species workshop and Biosecurity Training to develop knowledge and understanding in both staff and our volunteers.

Planning Services	<ul style="list-style-type: none"> • Adoption of “<i>West Lothian Local Development Plan</i>” in September 2018 that contains various planning policies related to biodiversity: <ul style="list-style-type: none"> - Policy ENV 4: Loss of prime agricultural land; - Policy ENV 5: Soil Sustainability Plans; - Policy ENV 6: Peatlands and carbon rich soils; - Policy ENV 8: Green network; - Policy ENV 9: Woodland Forestry and hedgerows; - Policy ENV10: Protection of urban woodland; - Policy ENV11: Protection of the water environment / coastline and riparian corridors; - Policy ENV14: Pentland Hills regional park – further protections; - Policy ENV15: Community Growing and allotments; - Policy ENV16: Temporary greening of Development sites; - Policy ENV17: Protection of international nature conservation sites; - Policy ENV18: Protection of National Nature conservation sites; - Policy ENV19: Protection of Local Biodiversity and Local geodiversity sites; - Policy ENV20: Species protection and enhancement; and - Policy ENV21: Protection of formal and informal open space. • Planning Guidance on “<i>Planning for Nature - Development Management and Wildlife</i>” was reviewed, updated, underwent public consultation and approved in Spring 2020. • Planning Guidance Note on “<i>Management of Soils on Development Sites</i>” was produced in Autumn 2020 with input from NatureScot Soil Scientist and underwent consultation. It is the intention to adopt the guidance in Spring 2021 and to issue it with all relevant greenfield planning permissions to developers and site agents on how they undertake site soil stripping and form and treat their soil dumps. It is suitable for adaptation by other Scottish local planning authorities. • Planning Guidance on “Green Networks” (including Local Biodiversity Sites & Geodiversity sites) under review in 2020/21 as part of the Local Biodiversity Action Plan update and Natural Capital audit of WLC landholdings.
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Section 6: Research and Monitoring (by WLC Service)	West Lothian Council Examples
Roads & Transportation Services	<ul style="list-style-type: none"> WLC have continued to support work by Historic Environment Scotland (HES) and the Centre for Ecology & Hydrology (CEH) to sample water issuing into Linlithgow Loch from surrounding land the results of which will lead to publication of a 'Nutrient Apportionment Study' in 2021. The purpose of the study is to prioritise investment to reduce the impact of nutrient on water quality in the loch.
Parks & Woodland	<ul style="list-style-type: none"> The Ranger Service carries out a number of annual surveys including: <ul style="list-style-type: none"> NVC and grassland surveys at Balvormie Meadow (Beecraigs), Polkemmet Meadow, Little Boghead Meadow (Bathgate) and as of 2020, Skolie Burn SSSI, Addiewell; Greater Butterfly Orchid Survey on the Beecraigs meadow; Fen vegetation surveys at Calderwood and waterway surveys at Almondell; Bat box occupancy checks at all three Country Parks (NB: if they have had signs of birds nesting, then the entrance is altered to reduce the size. The occupancy is recorded whether bat, bird or wasp and they are cleaned out ready for the next year); Hibernacula surveys at Beecraigs with the Lothians Bat Group; Badger sett surveys at Beecraigs, Almondell, Calderwood, Ravenscraig, Almond Park, Witchcraig and Seafield Law; and Ad-hoc surveys such as peat depth survey, hornet survey and otter surveys have also been carried out in recent years. Data collected shared via i-record which feeds into various National and local record data including those maintained by UKCEH, TWIC and BNB organisations.
Planning Services	<ul style="list-style-type: none"> WLC continue to have a 3 year Service Level Agreement with The Wildlife Information Service (TWIC) who review the Development Management Weekly List of planning applications for protected species and related issues: <p>(See table overleaf)</p>

	Year	TWIC screened planning applications	Potential biodiversity constraint identified	Potential biodiversity constraint identified
	2017/18	610	232	38.0%
	2018/19	909	333	36.6%
	2019/20	1163	482	41.4%

- TWIC administer and provide review data on potential Local Biodiversity Sites (pLBS) across West Lothian as part of the Local Development Plan (LDP) process. The group of volunteer local natural heritage and species experts, including Scottish Wildlife Trust and WLC Parks & Woodland (who fund the surveys), meet annually. Candidate LBS, that pass the assessment, are for inclusion in future LDP 2 due 2023 / 24 within the next 3 year biodiversity reporting round.

DATA LABEL: PUBLIC



COUNCIL EXECUTIVE

2020/21 HOUSING CAPITAL REPORT – MONTH 9 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 9 monitoring exercise.

B. RECOMMENDATION

It is recommended that Council Executive notes the outcome of the month 9 monitoring exercise and the projected outturn for 2020/21.

C. SUMMARY OF IMPLICATIONS

I. Council Values	Focusing on customers' needs, being honest, open and accountable, making best use of our resources, working in partnership.
II. Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	The council's Housing Capital Programme is managed within the stringent requirements set out in the Prudential Code.
III. Implications for Scheme of Delegations to Officers	None.
IV. Impact on performance and performance Indicators	None.
V. Relevance to Single Outcome Agreement	"Outcome 10 – We live in well designed, sustainable places where we are able to access the services we need."
VI. Resources - (Financial, Staffing and Property)	Council Executive approved a revised three year capital programme of £107.615 million for 2020/21 to 2022/23 on 23 June 2020. The 2020/21 revised budget is £29.241 million.
VII. Consideration at PDSP	Not applicable.

VIII. Other consultations

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 three year programme for Housing capital investment in February 2020. An updated 2020/21 Housing capital investment programme of £29.241 million was approved by Council Executive on 23 June 2020, taking account of the 2019/20 outturn, the most recent assumptions available regarding the potential effect of the Covid-19 situation on the programme for 2020/21 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 9 Financial Information

The summarised position for actual and projected expenditure is shown below. The table shows actual investment of £13.644 million in the housing stock to 31 December 2020. The forecast expenditure for the year is £23.270 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.

Table 1	2020/21 Revised Budget £'000	Actual Expenditure at Month 9 £'000	2020/21 Projected Outturn £'000	2020/21 Projected Variance £'000
New Housing Supply	11,800	6,111	9,669	(2,131)
Major Refurbishment	2,669	1,212	2,045	(624)
Major Elemental Upgrades	3,239	1,189	3,047	(192)
Planned Programmes	2,742	1,376	2,056	(686)
Environmental Upgrading	468	83	301	(167)
Compliance Works	7,855	3,558	5,771	(2,084)
Miscellaneous	468	115	381	(87)
Total	29,241	13,644	23,270	(5,971)

New Housing Supply

Significant resources continue to be invested in the creation and acquisition of new homes, with budgeted resources of £11.800 million in 2020/21. New housing supply includes increasing the existing council housing stock through new builds, open market acquisitions and mortgage to rent properties.

The Covid-19 shutdown period has had a major impact on new build provision for 2020/21, with planned construction works being halted for approximately three months. However, works have now recommenced at the sites that were operational before the shutdown, and progress is now being made, with projected spend for 2020/21 of £9.669 million. Work has now fully concluded at the site in Brucefield in Livingston, with 17 completions in September 2020 and the remaining 16 houses completed and handed over in November 2020. At Standhill in Bathgate, work is now progressing ahead of schedule, resulting in accelerated spend, with a number of completed properties expected to be handed over during 2020/21. The final property at Wester Inch was handed over in June 2020, completing the project at this site.

As at 31 December 2020, 12 houses have been acquired through the Open Market Acquisitions scheme, with a further 17 acquisitions currently in progress. This represents an acceleration to the number of acquisitions planned this year, and is in addition to the 191 open market acquisitions that have been added to the housing stock in previous years since the scheme was introduced.

The new build programme was reviewed and updated in June 2020, in light of current restrictions in place at the time, estimates of when these restrictions were likely to be eased and the likely impact that these changes would have on the various types of projects required to be carried out as part of the housing capital investment programme. For projects that had not yet started before the Covid-19 lockdown was announced, the impact is proving to be considerably greater than anticipated when the budget was updated in June.

The sites at Deans South and Eagle Brae are expected to start later than was anticipated when the budget was updated in June, due to delays in the tender process as a result of the Covid-19 situation. Although contracts have now been awarded for both sites, there have been delays in contractors being able to start works on site due to issues with availability of materials resulting from the pandemic. As a result, slippage of approximately £1.6 million is now anticipated in the budgeted spend for these projects in 2020/21, an increase of £500,000 from the position anticipated at month 6.

Similarly, the project to acquire 20 additional new build units directly from the developer at Eliburn in Livingston is also now forecast to be further delayed than anticipated at month 6. This is due to the developers returning from furlough later than originally anticipated and a change to the Development Agreement which includes staged payments on completion of whole units as opposed to interim monthly valuations. The work on site is progressing well with eight units due for handover in March 2021, however the financial impact of the revised payment profile has resulted in forecast slippage of £1.6 million in the budgeted spend for the year, an increase of £1 million from the position anticipated at month 6.

Whilst it is anticipated that a number of areas within the new supply budget are now expected to be more adversely affected by the coronavirus pandemic than was anticipated when this budget was updated in June 2020, officers will continue to review all available options for delivery of the programme and will actively seek every opportunity to minimise delays in the delivery of the plan.

Future year budgets are continually being reviewed to determine if any projects can be accelerated, and substantial progress has been made in delivering some of the Open Market Acquisitions originally planned for 2021/22, however contractor and supplier availability continues to be impacted by the pandemic which makes it difficult to accelerate certain types of work.

Major Refurbishments

Major refurbishment works include planned works on streets, beyond traditional roof and render renewal works. Expenditure of £2.045 million is expected on these projects during 2020/21.

The project at Bathville in Armadale is now projecting slippage of £907,000 due to further delays in the tender process and the ability to progress demolition works in advance of other planned works at the site, an increase of £279,000 on the position reported at month 6. However, the project programmed for 2020/21 at the Lochs scheme in Whitburn has been reviewed, with additional properties originally planned for next financial year now able to be progressed in the current year instead, resulting in accelerated spend for 2020/21 of £283,000.

Major Elemental Upgrades

Planned expenditure of £3.047 million is expected on major elemental upgrades in 2020/21.

Projects largely include roof and roughcasting work undertaken, or managed, by Building Services. Most of the elemental upgrade programme is still expected to be delivered substantially to budget, with the exception of the project at Strathlogie in Westfield, which has been delayed in starting due to Covid-19 related issues with the contractor, resulting in forecast slippage of £191,000.

Planned Programmes

Planned programmes maintain the safety of houses and components, with expenditure of £2.056 million expected across the programme during 2020/21. 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: 80 kitchens and bathrooms, external painting and internal decoration to a combined total of 1,811 properties, rhone cleaning and upgrading to 1,717 properties and various common stair upgrades such as painting and new security entrance doors in 22 blocks.

The ongoing pandemic and resulting working restrictions are having a material effect on the planned programmes for 2020/21. The move to Level 4 restrictions from November 2020 has greatly reduced the amount of work that can be completed in this area, as most of the works are internal but not essential, and are therefore against current guidance.

Work on common stair upgrades has been accelerated, as this is external, as has work on kitchens and bathrooms in void properties, as these works don't involve access to occupied houses. However, the remainder of the planned programme projects are now expected to slip due to restricted access to properties, per current Scottish Government legislation, and also due to drop in demand from tenants, due to requirements to self-isolate and reluctance to permit access.

At the moment, it assumed that the current restrictions will remain in place until the end of the financial year however, if they are relaxed before then, every effort will be made to progress with these works as soon as is practicable and reduce slippage where possible.

Environmental / External Upgrading

Forecast expenditure of £301,000 is anticipated on environmental programmes and external upgrading in 2020/21. These works encompass a range of environmental, street improvement and drainage projects, planned in conjunction with tenants and other council services.

Works have restarted and are progressing well at various sites throughout West Lothian, however there is now expected to be some slippage in the projects to improve bin stores and to carry out tenant street improvement projects due to delays in procurement and consultation on the projects as a result of the pandemic.

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 (EESH) regulations. These works include central heating upgrades, enhanced investment in external wall insulation and PV panels. The 2020/21 programme consists of 347 central heating replacements, periodic testing of 1,746 houses and the installation of hard wired smoke detectors in 6,300 properties.

As noted above for the planned programme projects, the Level 4 restrictions have also had a material effect on the amount of compliance works that have been undertaken since November 2020, and that can be planned for the remainder of the financial year. While essential emergency works are continuing, there is now likely to be substantial slippage in the central heating, energy efficiency and external wall insulation planned projects, due to the severely reduced access to properties in line with current Scottish Government legislation.

At the moment, it is assumed that the current restrictions will remain in place until the end of the financial year however, if they are relaxed before then, every effort will be made to progress with these works as soon as is practicable and reduce slippage where possible.

Despite the central heating programme having a short window of operations of only 14 weeks, from when works were able to resume after the lockdown in the spring of 2020 until the introduction of the Scottish Government restrictions to move to Level 4, there has been significant progress made. There have been over 195 central heating upgrades in customers properties, which is equivalent to 56% of the overall programme. Where customers encounter central heating boiler failures, emergency upgrades continue to be arranged within strictly controlled, risk assessed conditions.

Similarly, the periodic inspection programme has been severely affected by the numbers of properties that council operatives have been unable to access. So far this year, there have been 1,517 appointments made of which operatives were unable to gain access to 340 properties, meaning that 1,177 inspections have been successfully carried out to date. This is equivalent to 67% of the overall planned programme for 2020/21. Despite the disruptions, the expectation is that the programme will be met.

Likewise, the performance on the Smoke Detector programme continues to be positive in similar challenging circumstances. To date, there have been over 3,500 smoke and fire detection systems upgraded. This is equivalent to 56% of the planned programme for 2020/21. Initially the programme was subject to a high no access rate of 25% on the appointments made. This has reduced somewhat as a result of council communication and social media channels advising customers of the legislative requirement to have their systems upgraded. Although the programme is currently behind on its original plan, the overall programme will be met in line with the recent changes made by the Scottish Government to recommend an extended completion date to February 2022.

Start dates for remedial works at Orlit properties and at The Vennel in Linlithgow are now also expected to be delayed, due to Covid-19 related issues with appointment of consultants and legal approvals.

Miscellaneous

Works are ongoing in various miscellaneous projects throughout West Lothian, which includes feasibility studies, the home safety service, the home security for older people and provision for works required as a result of new unsuitable accommodation legislation introduced by the Scottish Government, with anticipated spend of £381,000 in 2020/21.

D.3 Capital Resources

The table below shows the capital resources available to fund the housing capital programme in 2020/21. 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.

Table 2	2020/21 Revised Budget £'000	2020/21 Income to Month 9 £'000	2020/21 Projected Outturn £'000	2020/21 Projected Variance £'000
CFCR	10,379	7,340	9,786	(593)
Borrowing	15,312	7,204	9,605	(5,707)
Government Grants	3,120	1,815	3,120	0
Developer Contributions	250	0	250	0
Council Tax (Second Homes)	80	145	145	65
Capital Receipts	100	300	364	264
Total Income	29,241	16,804	23,270	(5,971)

CFCR

At this stage, the contribution of Capital from Current Revenue (CFCR) is anticipated to be £9.786 million. As set out in the 2020/21 Housing Revenue Account – Month 9 Monitoring Report, guidance provided by Audit Scotland has stipulated that non-productive costs resulting from capital funded staff are required to be charged to the HRA, rather than to the capital programme. This additional cost pressure in the revenue account has resulted in a lower than budgeted CFCR for 2020/21.

Although the lower than budgeted CFCR will be offset by the forecast slippage in 2020/21, the CFCR forms part of the overall funding package for the three year capital programme for 2020/21 to 2022/23 and therefore the overall forecast reduction in the CFCR will need to be replaced to ensure that the three year programme remains fully funded. It is proposed that the loss of CFCR income is replaced in the first instance by surplus forecast income from council tax from second homes and from capital receipts. The balance will be funded through project savings in the three year programme, with any savings generated within the programme earmarked to fund the loss in CFCR.

It should be noted the final CFCR 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 as Treasury forecasts are updated.

Borrowing

The programme approved in June 2020 outlined anticipated borrowing requirements of £15.312 million. At this stage it is anticipated that £9.605 million of borrowing will be required to meet projected expenditure levels, taking into account the forecast slippage in the programme and the forecast decrease in CFCR noted above.

E. CONCLUSION

Progress is being made in the 2020/21 Housing capital programme, following an initial period of shutdown within the construction sector as a result of the Covid-19 pandemic, and continuing restrictions on working practices since the move to Level 4 in November 2020.

Within the new housing supply projects, work is ongoing on a number of sites, although there are expected to be further delays to some projects as a result of the ongoing current situation. Open Market Acquisitions have been progressing well, however, and it is now anticipated that a total of 29 properties can be acquired in the current financial year, rather than the 16 originally planned.

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. Although works have now recommenced on works to achieve energy efficiency standards, there is a risk that full compliance may not be achievable due to the time lost during the lockdown period and continuing restrictions. Much of the focus of this work in 2020/21 continues to be on work undertaken, where possible and within the terms of the Best Value framework, by Building Services.

As set out in the updated budget report to Council Executive in June 2020, although the capital programme has been reviewed and updated based on current guidance and assumptions, there remains a material risk that circumstances may change.

There also remains a substantial risk around the affordability of the current approved programme. Although identified savings from within the programme were used in the update to offset assumed increased costs as a result of the pandemic, the full impact of any increased costs is not likely to be known until restrictions are eased further. There may be further increased costs due to construction inflation, there may be further increased costs and delays due to lack of availability of materials, and there may be issues around availability of contractors as some companies may not survive the current crisis.

Given the ongoing uncertainty around the Covid-19 situation, officers will continue to review the programme and will continue to report on the impact to Council Executive as part of the established budget monitoring exercise. Officers will also endeavour to pursue all options for delivery of the programme and to minimise any further delays where possible. 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
9 February 2021

DATA LABEL: PUBLIC

**West Lothian Council
Housing Capital Programme Month 9 Monitoring
Council Executive**

APPENDIX 1

EXPENDITURE	Annual Budget 2020/21 £'000	Actual to Date 2020/21 £'000	Projected Outturn 2020/21 £'000	Projected Variance 2020/21 £'000	Variance Analysis
NEW HOUSING SUPPLY					
New Build	10,225	4,765	6,619	(3,606)	Slippage
Open Market Acquisition Scheme	1,425	1,346	3,000	1,575	Accelerated Spend
Mortgage to Rent	150	0	50	(100)	Saving
NEW SUPPLY TOTAL	11,800	6,111	9,669	(2,131)	
REFURBISHMENT AND INVESTMENT					
Major Refurbishment					
Bathville Flats, Armadale	1,628	409	721	(907)	Slippage
Harrison Houses - Loch Scheme, Whitburn	1,041	803	1,324	283	Accelerated Spend
	2,669	1,212	2,045	(624)	
Major Elemental Upgrades					
57 - 117 Lower Bathville	0	1	1	1	Overspend
Anderson Avenue, Armadale	497	172	545	48	Overspend
Auldhill Crescent, Bridgend	15	0	0	(15)	Saving
Badallan Place, Fauldhouse	287	20	287	0	On Budget
Balbodie Av & Cres, Rosemary & Slate Roofs, Bathgate	72	48	72	0	On Budget
Bedlormie	113	96	96	(17)	Saving
Church Place, Fauldhouse	0	1	1	1	Overspend
Cuthill, Stoneyburn	1	0	0	(1)	Saving
Dedridge Area, Livingston	1,680	598	1,680	0	On Budget
Drummond Place, Blackridge	289	173	249	(40)	Slippage
Empire St, Baillie St, Bog Rd, Park View, Dean St, Whitburn	1	0	1	0	On Budget
Glebe Rd, Union Rd & Dr, Armadale Rd, Jubilee Rd, Whitburn	10	5	5	(5)	Saving
Lanrigg Area, Fauldhouse - Ogilvy Crescent & Scott Place	38	72	65	27	Overspend
Race Road & Glasgow Road, Bathgate	5	0	5	0	On Budget
Strathlogie, Westfield	231	2	40	(191)	Slippage
	3,239	1,189	3,047	(192)	
Planned Programmes					
Assisted Decoration and Internal Upgrade Scheme	150	5	8	(142)	Slippage
Common Access Door Upgrades	231	64	141	(90)	Slippage
Common Stair Upgrades	105	189	236	131	Accelerated Spend
Fencing	105	14	83	(22)	Saving
Kitchens and Bathrooms	315	251	330	15	Accelerated Spend
Painting	210	125	140	(70)	Saving
Planned Reactive/ HIO Investment	1,061	581	890	(171)	Slippage
Rainwater Goods Testing and Upgrading	232	136	200	(32)	Saving
Windows & Doors Refurbishment / Renewal	333	12	28	(305)	Slippage
	2,742	1,376	2,056	(686)	
Environmental / External Upgrading					
Aerial Upgrades	30	18	30	0	On budget
Almondell, Broxburn	10	16	16	6	Overspend
Bin Store Improvements	78	0	5	(73)	Slippage
Play Areas	50	0	50	0	On budget
Programmed Drainage	100	17	100	0	On budget
Tenant Environmental Projects	200	32	100	(100)	Slippage
	468	83	301	(167)	
Compliance Works					
Aids and Adaptations - Building Services	507	214	357	(150)	Saving
Aids and Adaptations - Occupational Therapists	250	87	150	(100)	Saving
Asbestos Management	690	631	738	48	Overspend
Central Heating	1,496	566	820	(676)	Slippage
Energy Efficiency/PV Panels	600	321	346	(254)	Slippage
Stock Condition Surveys/Energy Performance Certificates	200	34	100	(100)	Slippage
External Wall Insulation	1,498	332	1,135	(363)	Slippage
Firewalls	13	3	5	(8)	Saving
Smoke and heat detector upgrades	1,487	1,000	1,450	(37)	Slippage
Legionella Upgrades	19	0	0	(19)	Saving
Periodic testing and Electric Upgrades	618	357	618	0	On Budget
Orlit Remedial Upgrades	252	0	40	(212)	Slippage
The Vennel Remedial Works	197	5	5	(192)	Slippage
Renewal of walls and footpaths	28	7	7	(21)	Saving
	7,855	3,558	5,771	(2,084)	
Miscellaneous					
Deans South, Livingston	120	11	50	(70)	Saving
Feasibility Surveys	18	4	9	(9)	Saving
Home Safety Service	170	0	170	0	On Budget
Home Security for Senior People	13	3	5	(8)	Saving
IT	50	44	50	0	On Budget
Unsuitable Accommodation Works	97	53	97	0	On Budget
	468	115	381	(87)	
REFURBISHMENT & INVESTMENT TOTAL	17,441	7,533	13,601	(3,840)	
TOTAL HOUSING CAPITAL INVESTMENT PROGRAMME	29,241	13,644	23,270	(5,971)	

On Budget	3,160	1,155	3,160	0
Slippage	20,156	8,302	12,697	(7,459)
Accelerated Spend	2,886	2,588	4,890	2,004
Saving	1,804	704	1,157	(647)
Overspend	1,235	894	1,366	131
	29,241	13,644	23,270	(5,971)

DATA LABEL: PUBLIC



COUNCIL EXECUTIVE

2020/21 HOUSING REVENUE ACCOUNT – MONTH 9 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 9 monitoring exercise.

B. RECOMMENDATION

It is recommended that Council Executive notes the outcome of the month 9 monitoring exercise and the projected outturn.

C. SUMMARY OF IMPLICATIONS

I. Council Values	Focusing on customers' needs, being honest, open and accountable, making best use of 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	None.
VI. Resources - (Financial, Staffing and Property)	A breakeven position is predicted at this stage.
VII. Consideration at PDSP	Not applicable.
VIII. Other consultations	Head of Finance & Property Services.

D. TERMS OF REPORT

D.1 Introduction

The council approved a £54.450 million Housing Revenue Account (HRA) budget on 18 February 2020. This report provides information on the financial position in relation to the HRA as at 31 December 2020 and provides a projection to the year end.

D.2 Summary of Month 9 Financial Information

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

	2020/21 Budget £'000	Committed Expenditure to 31 Dec £'000	2020/21 Projected Outturn £'000	2020/21 Projected Variance £'000
Employee Costs	5,283	4,535	4,600	(683)
Premises Costs	17,898	6,819	15,040	(2,858)
Transport Costs	142	75	115	(27)
Supplies & Services	3,296	1,612	3,096	(200)
Third Party Payments	118	111	118	0
Transfer Payments	2,095	4,250	6,197	4,102
Support Services	2,552	1,914	2,552	0
Capital Financing	12,687	9,515	12,687	0
CFCR	10,379	7,340	9,786	(593)
Total Expenditure	54,450	36,171	54,191	(259)
Income	(54,450)	(41,306)	(54,191)	259
Net Expenditure	0	(5,135)	0	0

Employee Costs

Employee costs are forecast to underspend by £683,000, mainly as a result of vacant posts and staff turnover. The 2020/21 budget included provision for the establishment of a customer engagement team but, due to Covid-19, this has been delayed.

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. Whilst progressing the recruitment to these vacant posts there has been no impact on overall service delivery.

Premises Costs

Based on current information, premises costs are anticipated to underspend by £2.858 million. This is primarily a consequence of the Covid-19 pandemic situation and the limited repairs and maintenance work that could be progressed in the first four months of 2020/21 due to Scottish Government restrictions during the initial lockdown period, with only essential repairs and gas servicing works being undertaken. As restrictions eased, repairs and maintenance schedules resumed and expenditure started to increase. However further restrictions introduced in November and December 2020 have again impacted the type of work that can be undertaken, in accordance with updated Scottish Government legislation, so there is a risk that this underspend may increase over the remainder of the year.

Expenditure on repairs remains a key risk area as 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 2020/21.

Supplies & Services

Supplies and Services are forecast to underspend by £200,000 due to a combination of savings across a number of budget headings, including legal fees and printing costs. This is, in part, a consequence of restricted activity due to Covid-19.

Transfer Payments

Transfer payments comprise void losses, irrecoverable rents and bad debt provision for rents. They also include additional costs incurred as a consequence of Covid-19, with the forecast overspend of £4.102 million principally due to the impact on the HRA from the Covid-19 lockdown period. This includes Covid related costs such as additional signage and personal protective equipment for staff in both Housing Services and in Building Services, as well as the cost of non-productive time for staff in Building Services primarily responsible for delivering the housing repairs and maintenance and capital programmes.

During the lockdown period in Spring/Summer 2020, a high proportion of Building Services staff were unable to carry out their usual roles and duties due to the restrictions put in place by the Scottish Government. As staff were still being paid during this period, as per council policy, then this resulted in costs being incurred for non-productive time.

For staff usually engaged in revenue works, this is the main factor in the forecast underspend outlined above against premises costs, with a corresponding overspend in non-productive costs which has been recognised against transfer payments. For staff usually employed to carry out works related to the housing capital programme, then guidance provided by Audit Scotland has stipulated that these non-productive costs are also required to be charged to the HRA, rather than to the capital programme.

The forecast overspend within this area therefore includes the cost of non-productive time for Building Services staff who would normally have been working on projects within the approved capital programme, as well as staff who would have been working on HRA repairs and maintenance works.

Capital Financing & CFCR

The CFCR is the amount of income raised through the housing revenue account that is not spent directly on revenue costs, but is earmarked to fund capital works, mainly consisting of refurbishment and upgrade programmes to maintain and improve the housing stock. The mix between borrowing and 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.

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 levels of housing rent. At this stage, the forecast CFCR contribution is £9.786 million.

In September 2020, the Scottish Government made a high level announcement that it would allow some flexibility over loans fund repayments to assist local authorities in dealing with the financial impact of Covid-19. Changes to loans fund regulations will be reviewed and implications for the HRA considered once the updated regulations are available.

Income

Income budgets for 2020/21 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.

Based on the 2019/20 rental income outturn, and factoring in stock changes during 2020/21, chargeable income is forecast to be £259,000 under budget. This is in part due to Covid-19 restrictions delaying additions to the housing stock via new build completions and open market acquisitions.

The change to the benefits system means that those tenants who are entitled to housing benefit now receive the housing cost element of their entitlement directly as part of their lump sum Universal Credit payment rather than this being paid directly to the council, which has resulted in uncertainty in relation to rent payments. It is possible to partly mitigate this through tenants applying for Managed Payments or Scottish Flexibilities, however the council has no control over these as ongoing financial arrangements and the tenant can cancel the arrangements at any time.

The change to the system has also meant that the council is no longer involved in benefit claim processing for tenants claiming Universal Credit, meaning that there is no knowledge of new claims until tenants begin to accumulate arrears. Staff had previously assisted with the claim process, and ensured that the housing cost elements of the claim were correct, verified and evidenced. This change has had the effect of delaying early advice and support for tenants struggling to manage their finances, with the service continuing to reshape processes to enable these interventions as early as possible where arrears occur.

Both of these factors directly caused by the implementation of Universal Credit have impacted on rent collection rates and the level of current tenant arrears.

During September 2020 a change was made moving Universal Credit Managed Payments from monthly payment files to daily files. This should improve debt management as customers would be paid at the end of their review period rather than being grouped into the four weekly payment schedule meaning more timely payments for customer accounts.

The value of current tenant arrears at 3 January was £3.301 million (5,281 cases), with the equivalent position in 2019/20 of £3.539 million. Arrears and their impact on the financial position of the HRA will continue to be closely monitored.

The committed income noted above at month 9 includes house rent, garage rent, insurance recoveries, factoring income and other general recoverable charges, and is an assessment of the total income due to 31 December 2020. The £43.062 million in rental income collected in cash to 3 January 2021 is £3.472 million higher than the £39.590 million of rental income collected in cash at the same stage in 2019/20, and equates to a cash collection rate of 98%.

E. CONCLUSION

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

Appendices/Attachments: None

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Graeme Struthers
Depute Chief Executive
9 February 2021

DATA LABEL: PUBLIC



COUNCIL EXECUTIVE

CONSULTATION ON CYCLE 2 OF THE FORTH ESTUARY FLOOD RISK MANAGEMENT STRATEGY AND PLAN – UPDATE ON WEST LOTHIAN COUNCIL’S ACTIONS

REPORT BY HEAD OF OPERATIONAL SERVICES

A. PURPOSE OF REPORT

The purpose of this report is to advise the Members of the proposed Flood Risk Management Actions for the Council, for Cycle 2 of the Flood Risk Management (Scotland) Act 2009, and to inform the Members of the delayed launch of the full public consultation on the Draft 2021-2027 Forth Estuary Flood Risk Management Strategy and the Draft 2022-2028 Forth Estuary Flood Risk Management Plan.

B. RECOMMENDATION

It is recommended that the Members note the draft prioritised actions for the council, and the revised public consultation dates for the Cycle 2 Forth Estuary Flood Strategy and Plan.

C. SUMMARY OF IMPLICATIONS

I	Council Values	Focusing on our customers' needs; being honest, open and accountable; making best use of our resources; working in partnership.
II	Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	<p>Policy – Draft 2021-2027 Forth Estuary Flood Risk Management Strategy and Draft 2022-2028 Forth Estuary Flood Risk Management Plan.</p> <p>Legal - The Flood Risk Management (Scotland) Act 2009.</p> <p>SEA – A Draft SEA for the Flood Risk Management Strategy and a Habitats Regulations Appraisal will be included with Phase 2 of the public consultation.</p> <p>Equality Issues – A Social Score is included in the evaluation of Prioritised Actions.</p> <p>H&S – Not applicable.</p> <p>Risk Assessment – Not applicable.</p>

III	Implications for Scheme of Delegations to Officers	None.
IV	Impact on performance and performance Indicators	None.
V	Relevance to Single Outcome Agreement	SOA 4. We live in resilient, cohesive and safe communities; SOA 5. People most at risk are protected and supported to achieve improved life chances; SOA 6. Older people are able to live independently in the community with an improved quality of life; SOA 7. We live longer, healthier lives and have reduced inequalities; and SOA 8. We make the most efficient and effective use of resources by minimising our impact on the built and natural environment.
VI	Resources - (Financial, Staffing and Property)	<p>Financial: Scottish Government funding of Cycle 2 local authority flood risk management is based on these agreed actions and their prioritisation in the 2022-2028 Local Flood Risk Management Plans.</p> <p>Staffing: Existing resources.</p> <p>Property/Assets: If funded, some of these agreed actions will create future flood protection assets.</p>
VII	Consideration at PDSP	This report was considered at the Environment PDSP on the 2 February 2021.
VIII	Other consultations	This report is to advise the Members of the public consultation arrangements for the Draft 2021-2027 Forth Estuary Flood Risk Management Strategy, and the Draft 2022-2028 Forth Estuary Local Flood Risk Management Plan.

D. TERMS OF REPORT

Background

- D1** As advised in November 2020, this report is to update the Members on the public consultations for both the draft Cycle 2 Forth Estuary Local Plan District Flood Risk Management Strategy (the 'Strategy') and the draft Cycle 2 Forth Estuary Local Plan District Local Flood Risk Management Plan (the 'Plan').

Cycle 2 – Consultation Phase 1 (launched 21 December 2020)

- D2** Phase 1 of the draft Forth Estuary Cycle 2 Strategy public consultation was launched on 21 December 2020. The published information includes a Forth Estuary Local Plan District (LPD) summary, Potentially Vulnerable Area (PVA) summaries, and a list of agreed Objective Target Areas (OTA's).

- D3** The Scottish Environment Protection Agency (SEPA) led development of the Forth Estuary Draft Strategy in collaboration with Responsible Authorities, i.e. Scottish Water and 11 local authorities in the Forth Estuary LPD. Additionally, SEPA engaged with other national stakeholders such as: Forestry & Land Scotland, Scottish Forestry, Scottish Natural Heritage, Transport Scotland, Network Rail, utilities (including Scottish Power, Scottish & Southern Energy, Scottish Gas Networks, British Telecoms) and airport authorities. The National Flood Management Group (NFMAG) is also engaged in the development process. West Lothian Council is working with the Forth Estuary Lead Local Authority (Falkirk Council) to ensure that relevant groups are advised of the publication of the Cycle 2 Draft Plan consultation, i.e. Community Councils and Tenants & Residents Groups.

Cycle 2 – Consultation Phase 2 (Delayed from March to Summer 2021)

- D4** Phase 2 of the public consultation was due to be launched in March 2021 but this programme has now been delayed due to the recent cyber-attack on SEPA and increased Covid lockdown early 2021. Phase 1 consultation information is still available online. Phase 2 Draft Strategy information will include the OTA Datasheets, a Draft Strategic Environmental Assessment (SEA) Report and a Draft Habitats Regulations Appraisal. Draft Plan information will include the prioritised flood risk management actions for Cycle 2 (see Appendix 1) and the Local Authority wide actions (see Appendix 2). All consultation questions will apply to Phase 2 only.

- D5** Unless already allocated funding by the council, the proposed actions are reliant on approval of funding from the Scottish Government (see Appendix 3) and available council staff resources. Scottish Government funding for Cycle 2 Actions is expected to be announced in October 2021. If funded, some of the proposed actions would create new flood protection assets for the council in the next cycle. The total cost of Average Annual Damages (AAD) for the Council's OTA's has been calculated at £4.3m per year (see Appendix 1).

- D6** The proposed actions have been assessed for their impact on the more vulnerable members of the community using a social score; a value from 1 to 10 (least to most vulnerable), which is determined using the percentage of the community at flood risk, and the Social Flood Vulnerability Index.

- D7** The Phase 1 Forth Estuary Strategy and Plan consultation can be accessed at: <https://consultation.sepa.org.uk/> using the Citizen Space online citizens' engagement platform. Once launched Phase 2 of the consultation is expected to remain open for

3 months. This consultation period will be promoted with a marketing campaign to encourage feedback, this will include a press release, public notice, press advertising, digital advertising and social media strategies.

- D8** If required, printed copies of the Draft Cycle 2 Forth Estuary Flood Risk Management Strategy & Plan and the Cycle 2 Consultation Questions can be requested from SEPA after the launch of Phase 2, by email (FloodActConsultation@sepa.org.uk) or telephone (03000 99 66 99).

Recent Local Flooding & Climate Change

- D9** The importance of the Council's Flood Risk Management (FRM) actions and subsequent funding allocation was highlighted recently when an intense localised rain storm caused internal damage to almost 30 properties in and around Broxburn in August 2020.
- D10** Rainfall events are forecast to become both more frequent and potentially more severe, with wetter winters, more intense rainfall and rising sea levels. The climate change data used for the 2018 National Flood Risk Assessment (NFRA), which informs the Cycle 2 Strategies and Plans, are based on the UK Climate Projections 2009 (UKCP09). During 2021, SEPA will be working on updating the Surface Water flood hazard maps with the latest 2018 UK Climate Projections (UKCP18). The outcome of this work will inform future flood hazard mapping, Surface Water Management Planning and the next NFRA in 2024; but UKCP18 will not inform the Final Cycle 2 Forth Estuary Strategy, which is due to be published by SEPA in December 2021, or Falkirk Council's publication of the Final Cycle 2 Plan due in June 2022. The current delay to the main consultation period may impact these publication dates.
- D11** Additionally, council officers recently participated in SEPA's One Planet Prosperity: Flood Services Strategy Consultation (see Appendix 4). Feedback was sought on the SEPA data which officers use, how it is used and its functionality. Final publication of this document is due Summer 2021.

2020 Flood Map Update

- D12** SEPA's most recent Flood Map update was published in November 2020. For the first time this includes 'Future Flood Maps' which are based on projected increases in peak river flows and mean sea levels (currently based on a high-emissions climate scenario from UKCP09 data). These maps have been launched on SEPA's new Beta Version 2.0 Flood Map, and SEPA invites feedback on these revised maps from all users: <https://map.sepa.org.uk/floodmaps>

E. CONCLUSION

This report is to advise the Members of the Council's proposed Flood Risk Management actions and the consultation arrangements for the Flood Risk Management (Scotland) Act 2009 Cycle 2 Flood Strategies and Plans.

- Phase 1 of the public consultation for the 2021-2027 Draft Forth Estuary Flood Risk Management Strategy was launched on the 21 December 2020.

- Phase 2 of the public consultation for the 2021-2027 Draft Forth Estuary Flood Risk Management Strategy was due to be launched in March 2021, alongside the launch of the public consultation for the 2022-2028 Draft Forth Estuary Local Flood Risk Management Plan. The main consultation period has been delayed due to the recent cyber-attack on SEPA and increased Covid lockdown early 2021.

Once launched the Phase 2 consultation period is expected to remain open for 3 months, and all feedback is welcomed. The Draft prioritised actions for Cycle 2 (2022-2028) for each of the council's Objective Target Areas are detailed in Appendix 1.

Unless already allocated funding by the council, the proposed actions are reliant on the approval of funding from the Scottish Government, and available council staff resources. The funding allocation for Cycle 2 is expected to be announced in October 2021.

F. BACKGROUND REFERENCES

- Flood Risk Management Strategy for the Forth Estuary Local Plan District, Published by SEPA, December 2015
- Local Flood Risk Management Plan for the Forth Estuary Local Plan District, Published by City of Edinburgh Council, June 2016
- National Flood Risk Assessment, Report by the Head of Operational Services to the Council Executive, 26 June 2018
- Forth Estuary Local Plan District – Flood Risk Management Interim Report, Report by the Head of Operational Services to the Council Executive, 26 February 2019
- Consultation on Cycle 2 of the Forth Estuary Flood Risk Management Strategy and Plan, Report by the Head of Operational Services to the Council Executive, 17 November 2020
- Consultation on Cycle 2 of the Forth Estuary Flood Risk Management Strategy and Plan – Update on West Lothian Council's Actions, Report by the Head of Operational Services to the Environment Policy Development and Scrutiny Panel, 2 February 2021.

Appendices/Attachments:

Appendix 1 – Cycle 2 DRAFT Prioritised Actions Table for West Lothian Council

Appendix 2 – Cycle 2 DRAFT Local Authority Wide Actions for West Lothian Council

Appendix 3 - Scottish Government Letter re Implementation Plan Funding, December 2020

Appendix 4 – One Planet Prosperity Draft Flood Strategy – West Lothian Council's Consultation Response, dated 26 Nov 2020

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Jim Jack, Head of Operational Services

Date of meeting: 9 February 2021

APPENDIX 1 – Cycle 2 DRAFT Prioritised Actions for West Lothian Council

OTA Information		OTA Prioritisation		FRM Strategy Information					FRM Plan Information	
OTA ID	OTA	AAD	Social score	Proposed action	Flood Source	Lead Responsible Authority	FRM Cycle	Generic description	Local detail	Coordination
295	Livingston and Mid Calder	£2,595,543	4	Flood scheme or works design	Pluvial	Scottish Water	Ongoing	The selected preferred approach for managing flood risk is to be designed following the completion of the flood study, including consideration of the long-term impacts of climate change. These can include small scale works or works to improve catchment management. This should guide adaptive planning to allow for the impacts of climate change to be monitored, understood and managed.	The recommended works should progress to the design and implementation stages, as appropriate. The impact of climate change on the proposed solution should be considered and if appropriate, an Adaptation Plan developed.	West Lothian Council
295	Livingston and Mid Calder	£2,595,543	4	Surface water management plan	Pluvial	West Lothian Council	Cycle 3	Areas at risk of heavy or prolonged rainfall causing flooding due to water ponding on man-made surfaces or overwhelming the drainage system have been identified. Next steps in managing such water ponding or over-whelmed drainage systems have been identified and should be implemented. The Plan is to be reviewed and updated as needed.	West Lothian Council published a high level Surface Water Management plan in 2015. The Plan identifies a ‘road-map’ for the management of surface water flood risk and the need for further detailed studies. The Plan should be kept under review and updated as new information becomes available.	Scottish Water
246	Linlithgow	£651,916	2	Flood study	Fluvial	West Lothian Council	Cycle 1	An understanding of flood risk and associated issues in the area is to be developed, which may include surveys and modelling and should consider the impacts of climate change on flood risk.	Planned flood study for Bell’s burn should be completed. The study should include flood modelling and should flood risk be confirmed, scoping of flood protection options.	
246	Linlithgow	£651,916	2	Flood study (existing flood defences)	Fluvial	West Lothian Council	Cycle 2	The performance and condition of the existing flood defences are to be evaluated, including consideration of the likely impacts of climate change. This should guide adaptive planning to allow for the impacts of climate change to be monitored, understood and managed.	A study is recommended to investigate the performance and long-term management of the existing Flood Protection Scheme along the Mains Burn. The study may require survey of flood defences, data collection and flood modelling. The study should include a comprehensive assessment of the potential impacts of climate change and aim to develop a long-term plan to managing the flood defences (Adaptation Plan).	
246	Linlithgow	£651,916	2	Data collection	Fluvial	West Lothian Council	Ongoing	Equipment that measures rainfall, river levels, erosion, ground levels or wave height is to be installed and maintained to improve our understanding of flood risk. This can be done over short term or to measure longer term impacts.	West Lothian Council should continue current efforts in data collection and monitoring to improve the confidence in flood sources, mechanisms and risk relating to river flooding from the River Avon. The new data should be used to update the existing flood risk assessment as deemed necessary.	
246	Linlithgow	£651,916	2	Surface water management plan	Pluvial	West Lothian Council	Cycle 2	Areas at risk of heavy or prolonged rainfall causing flooding due to water ponding on man-made surfaces or overwhelming the drainage system have been identified. Next steps in managing such water ponding or over-whelmed drainage systems have been identified and should be implemented. The Plan is to be reviewed and updated as needed.	West Lothian Council published a high level Surface Water Management plan in 2015. The Plan identifies a ‘road-map’ for the management of surface water flood risk and the need for further detailed studies. The Plan should be kept under review and updated as new information becomes available.	Scottish Water
246	Linlithgow	£651,916	2	Integrated catchment study	Fluvial+ Pluvial	Scottish Water	TBC	Interactions between flood water in rivers, surface water drainage and sewer systems are to be considered, and ways to reduce the risk of this causing flooding in the future are to be identified.	The integrated catchment study should be completed to supplement current understanding of flood risk in Linlithgow and to support proposed actions to manage surface water flood risk.	West Lothian Council
246	Linlithgow	£651,916	2	Flood defence maintenance	Fluvial	West Lothian Council	Ongoing	The existing flood defences are to be maintained by the asset owner to ensure they are in good condition.	Local authority should continue to maintain the existing Linlithgow Flood Protection Scheme on the Mains Burn.	

APPENDIX 1 – Cycle 2 DRAFT Prioritised Actions for West Lothian Council

OTA Information		OTA Prioritisation		FRM Strategy Information					FRM Plan Information	
OTA ID	OTA	AAD	Social score	Proposed action	Flood Source	Lead Responsible Authority	FRM Cycle	Generic description	Local detail	Coordination
196	Bathgate	£374,764	4	Flood study	Fluvial+ Pluvial	West Lothian Council	Cycle 1	An understanding of flood risk and associated issues in the area is to be developed, which may include surveys and modelling and should consider the impacts of climate change on flood risk.	A flood study for Bathgate is due to be carried out in 2020-21. It is worth noting that the Boghead Burn/Bog Burn/Couston Water Burn is failing to meet WFD objectives. Water Environment Fund project (Bathgate Water Restoration) is underway in the area which could bring flooding benefits. The local community will be advised of any resulting Works.	WEF (Bathgate Water restoration)
196	Bathgate	£374,764	4	Surface water management plan	Pluvial	West Lothian Council	Cycle 3	Areas at risk of heavy or prolonged rainfall causing flooding due to water ponding on man-made surfaces or overwhelming the drainage system have been identified. Next steps in managing such water ponding or over-whelmed drainage systems have been identified and should be implemented. The Plan is to be reviewed and updated as needed.	West Lothian Council published a high level Surface Water Management plan in 2015. The Plan identifies a ‘road-map’ for the management of surface water flood risk and the need for further detailed studies. The Plan should be kept under review and updated as new information becomes available.	Scottish Water
* 196	Bathgate	£374,764	4	Integrated catchment study	Fluvial+ Pluvial	Scottish Water	TBC	Interactions between flood water in rivers, surface water drainage and sewer systems are to be considered, and ways to reduce the risk of this causing flooding in the future are to be identified.	The integrated catchment study should be completed to supplement current understanding of flood risk in Linlithgow and to support proposed actions to manage surface water flood risk.	West Lothian Council
196	Bathgate	£374,764	4	Sewer flood risk assessment	Fluvial+ Pluvial	Scottish Water	TBC	The volume of water that would overwhelm the sewer system and cause flooding from man-holes or inside our homes is to be assessed, to help prioritise areas for further work.		
206	Broxburn	£304,974	4	Flood scheme or works design	Fluvial+ Pluvial	West Lothian Council	Cycle 1	The selected preferred approach for managing flood risk is to be designed following the completion of the flood study, including consideration of the long-term impacts of climate change. These can include small scale works or works to improve catchment management. This should guide adaptive planning to allow for the impacts of climate change to be monitored, understood and managed.	Detailed design for future phases of the flood protection scheme in Broxburn commenced in 2019 with local authority funding. Proposed works include Liggat Syke Flood Relief Culvert and Basin, property level protection scheme for New Holygate and Parkwood Gardens and West Burnside Flood Embankment. Stakeholder and public consultations are due to be carried out in these areas in 2021.	SEPA, Scottish Water, Scottish Canals
206	Broxburn	£304,974	4	Flood scheme or works	Pluvial	Scottish Water	Ongoing	The flood scheme/works is to be built following agreement of the design, costs and timescales.	The legacy SUDS project is to continue in partnership between the local authority and Scottish Water.	West Lothian Council
206	Broxburn	£304,974	4	Flood scheme or works implementation	Fluvial+ Pluvial	West Lothian Council	Cycle 2	The flood scheme/works is to be built following agreement of the design, costs and timescales.	The future phases of Broxburn flood protection scheme should continue to the construction phase subject to securing funding. The future phases include the Liggat Syke Flood Relief Culvert & Basin, PLP scheme costs for New Holygate & Parkwood Gardens and West Burnside Flood Embankment.	SEPA, Scottish Water, Scottish Canals
206	Broxburn	£304,974	4	Flood study (existing flood defences)	Fluvial	West Lothian Council	Cycle 2	The performance and condition of the existing flood defences are to be evaluated, including consideration of the likely impacts of climate change. This should guide adaptive planning to allow for the impacts of climate change to be monitored, understood and managed.	A study is recommended to investigate the long-term performance and management of the existing Flood Protection Scheme in Broxburn. The study may require survey of flood defences, data collection and flood modelling. The study should include a comprehensive assessment of the potential impacts of climate change and aim to develop a long-term plan to managing the flood defences (Adaptation Plan). The local community will be advised of any resulting works.	

APPENDIX 1 – Cycle 2 DRAFT Prioritised Actions for West Lothian Council

OTA Information		OTA Prioritisation		FRM Strategy Information					FRM Plan Information	
OTA ID	OTA	AAD	Social score	Proposed action	Flood Source	Lead Responsible Authority	FRM Cycle	Generic description	Local detail	Coordination
206	Broxburn	£304,974	4	Surface water management plan	Pluvial	West Lothian Council	Cycle 3	Areas at risk of heavy or prolonged rainfall causing flooding due to water ponding on man-made surfaces or overwhelming the drainage system have been identified. Next steps in managing such water ponding or over-whelmed drainage systems have been identified and should be implemented. The Plan is to be reviewed and updated as needed.	West Lothian Council published a high level Surface Water Management Plan in 2015. The Plan identifies a 'road-map' for the management of surface water flood risk and the need for further detailed studies. The Plan should be kept under review and updated as new information becomes available.	Scottish Water
206	Broxburn	£304,974	4	Flood defence maintenance	Fluvial	West Lothian Council	Ongoing	The existing flood defences are to be maintained by the asset owner to ensure they are in good condition.	Maintenance to the existing Broxburn flood protection scheme completed in 2008 should continue.	
206	Broxburn	£304,974	4	Sewer flood risk assessment	Fluvial+ Pluvial	Scottish Water	TBC	The volume of water that would overwhelm the sewer system and cause flooding from man-holes or inside our homes is to be assessed, to help prioritise areas for further work.		
325	Whitburn	£151,358	4	Data collection	Fluvial	West Lothian Council	Ongoing	Equipment that measures rainfall, river levels, erosion, ground levels or wave height is to be installed and maintained to improve our understanding of flood risk. This can be done over short term or to measure longer term impacts.	West Lothian Council should continue current efforts in data collection and monitoring to improve the confidence in flood sources, mechanisms and risk relating to river flooding from the White Burn. The new data should be used to update the existing flood risk assessment as deemed necessary.	
325	Whitburn	£151,358	4	Surface water management plan	Pluvial	West Lothian Council	Cycle 2	Areas at risk of heavy or prolonged rainfall causing flooding due to water ponding on man-made surfaces or overwhelming the drainage system are to be identified. These priority areas will provide a baseline for the identification of next steps in managing water ponding or over-whelmed drainage systems. This should guide adaptive planning to allow for the impacts of climate change to be monitored, understood and managed.	A surface water management plan should be developed for Whitburn to improve understanding of surface water flood risk. Current and long-term flood risk should be considered including how climate change may impact flood risk in the area.	Scottish Water
191	Armada	£74,024	4	Surface water management plan	Pluvial	West Lothian Council	Cycle 2	Areas at risk of heavy or prolonged rainfall causing flooding due to water ponding on man-made surfaces or overwhelming the drainage system are to be identified. These priority areas will provide a baseline for the identification of next steps in managing water ponding or over-whelmed drainage systems. This should guide adaptive planning to allow for the impacts of climate change to be monitored, understood and managed.	A surface water management plan should be developed for Armadale to improve understanding of surface water flood risk. Current and long-term flood risk should be considered including how climate change may impact flood risk in the area. The local community will be advised of any resulting Works.	Scottish Water
197	Blackburn	£53,084	4	Surface water management plan	Pluvial	West Lothian Council	Cycle 2	Areas at risk of heavy or prolonged rainfall causing flooding due to water ponding on man-made surfaces or overwhelming the drainage system are to be identified. These priority areas will provide a baseline for the identification of next steps in managing water ponding or over-whelmed drainage systems. This should guide adaptive planning to allow for the impacts of climate change to be monitored, understood and managed.	A surface water management plan should be developed for Blackburn to improve understanding of surface water flood risk. Current and long-term flood risk should be considered including how climate change may impact flood risk in the area.	Scottish Water

APPENDIX 1 – Cycle 2 DRAFT Prioritised Actions for West Lothian Council

OTA Information		OTA Prioritisation		FRM Strategy Information					FRM Plan Information	
OTA ID	OTA	AAD	Social score	Proposed action	Flood Source	Lead Responsible Authority	FRM Cycle	Generic description	Local detail	Coordination
229	Fauldhouse	£31,096	4	Surface water management plan	Pluvial	West Lothian Council	Cycle 2	Areas at risk of heavy or prolonged rainfall causing flooding due to water ponding on man-made surfaces or overwhelming the drainage system are to be identified. These priority areas will provide a baseline for the identification of next steps in managing water ponding or over-whelmed drainage systems. This should guide adaptive planning to allow for the impacts of climate change to be monitored, understood and managed.	A surface water management plan should be developed for Fauldhouse to improve understanding of surface water flood risk. Current and long-term flood risk should be considered including how climate change may impact flood risk in the area.	Scottish Water
323	West Calder	£31,054	1	Surface water management plan	Pluvial	West Lothian Council	Cycle 2	Areas at risk of heavy or prolonged rainfall causing flooding due to water ponding on man-made surfaces or overwhelming the drainage system are to be identified. These priority areas will provide a baseline for the identification of next steps in managing water ponding or over-whelmed drainage systems. This should guide adaptive planning to allow for the impacts of climate change to be monitored, understood and managed.	A surface water management plan should be developed for West Calder to improve understanding of surface water flood risk. Current and long-term flood risk should be considered including how climate change may impact flood risk in the area.	Scottish Water
282	Blackridge	£2,775	5	Flood scheme or works implementation	Pluvial	West Lothian Council	Cycle 3	The flood scheme/works is to be built following agreement of the design, costs and timescales.	The recommendations of the flood study should be taken forward to reduce surface water flood risk in Blackridge. These include surface water works and consideration of natural flood management opportunities.	
282	Blackridge	£2,775	5	Flood study	Fluvial	West Lothian Council	Cycle 3+	An understanding of flood risk and associated issues in the area is to be developed, which may include surveys and modelling and should consider the impacts of climate change on flood risk.	The flood protection study for the Barbauchlaw Burn was completed in 2019. The study should be updated once more hydrological information is available to confirm the understanding of flood risk.	
282	Blackridge	£2,775	5	Data collection	Fluvial	West Lothian Council	Ongoing	Equipment that measures rainfall, river levels, erosion, ground levels or wave height is to be installed and maintained to improve our understanding of flood risk. This can be done over short term or to measure longer term impacts.	West Lothian Council should continue current efforts in data collection and monitoring to improve the confidence in flood sources, mechanisms and risk relating to river flooding from the Barbauchlaw Burn. The new data should be used to update the existing flood risk assessment as deemed necessary.	
282	Blackridge	£2,775	5	Surface water management plan	Pluvial	West Lothian Council	Cycle 3+	Areas at risk of heavy or prolonged rainfall causing flooding due to water ponding on man-made surfaces or overwhelming the drainage system are to be identified. These priority areas will provide a baseline for the identification of next steps in managing water ponding or over-whelmed drainage systems. This should guide adaptive planning to allow for the impacts of climate change to be monitored, understood and managed.	A surface water management plan should be developed for Blackridge to improve understanding of surface water flood risk. Current and long-term flood risk should be considered including how climate change may impact flood risk in the area.	Scottish Water
TOTAL AAD		£4,270,588								

* Upon confirmation from Scottish Water the Integrated Catchment Studies Actions are to be removed; the 2019 Catchment Flood Assessments for Linlithgow & Bathgate both concluded with low damages and no specific WLC actions.

National action	Generic description (FRM Strategy)	Local description (LFRM Plan)
Inspection and maintenance	Local authorities are to continue to inspect, clear and maintain watercourses in line with their legal obligations.	West Lothian Council carries out prioritised watercourse inspections within their area, as well as undertaking clearance and repair work. Road gullies are also inspected and maintained to reduce flood risk.
Self help	Everyone is responsible for protecting themselves and their property from flooding. Self help measures are to continue to be promoted by the responsible authorities, including purchase of property flood resilience measures, signing up for Floodline, the Flood Re insurance scheme and preparing a flood kit.	All landowners have the responsibility to inspect and maintain their flood risk management assets. In the event of severe issues West Lothian Council will work with other responsible authorities to support residents, businesses and local resilient communities groups as required. West Lothian Council continues to promote property flood resilience measures, Floodline, and the FloodRe insurance scheme.
Emergency plan	The plan to coordinate responses to emergency incidents between organisations, including local authorities, the emergency services and SEPA, is to be maintained and executed as required.	West Lothian Council has a Severe Weather Plan and Major Incident Plans which are regularly reviewed and updated (where necessary) after flood events. The Plans provide local resilience partnerships with the information required to respond to flooding incidents. An emergency response to flooding may also include Scottish water and voluntary groups.
Land use planning	Planning authority should ensure that their development plan and planning decision-making supports delivery of sustainable flood management.	West Lothian Council's Flooding and Drainage Supplementary Planning Guidance was updated to support the adoption of their 2018 Local Development Plan. Its purpose is to assist developers and their agents by providing context and an overview of issues that the council has to have regard to when producing and implementing a land use development plan, highlighting the matters that will need to be considered and the information that will need to be brought forward by developers when submitting a planning application to ensure that new development are not at risk of flooding, that the risk of flooding is not increased elsewhere and that the water environment is protected and, where necessary, restored to a more natural, resilient condition.
Flood forecasting	The Scottish Flood Forecasting Service is to be kept operational by SEPA and the Met Office to provide flood alerts nationally.	SEPA's 'Edinburgh & Lothians Flood Warning Area' covers the West Lothian Council area. The Scottish Flood Forecasting Service advises SEPA's Floodline service where Residents can be notified when flooding is likely in their area, see www.floodlinescotland.org.uk
Awareness raising	SEPA, local authorities and others to help communities understand their flood risk and the actions they can take to reduce their risk of flooding.	The Scottish Flood Forum, SEPA and West Lothian Council continue to raise awareness of flooding, providing advice and guidance on flood matters.



E: Gerry.Smith@gov.scot

Local Authority Flooding Contacts

8 December 2020

Dear Colleague

Flood Risk Management (Scotland) Act 2009

As you know, we are beginning to reach some of the significant deadlines in implementation of the Flood Risk Management (Scotland) Act 2009. In particular, SEPA is required to publish the draft Flood Risk Management Strategies by 22 December 2020, and local authorities now have until 31 March 2021 to publish a draft of the local flood risk management plan.

I understand that concerns have been raised about listing potential actions in the draft implementation plan, particularly in the light of future funding uncertainties. The principle of producing flood risk management plans is supposed to ensure a long-term, informed planning process that sets out the direction of travel for a 6 year period. Including “potential actions” in the implementation plan does not commit a local authority to implementation if, for any reason, that proves to be unworkable – one such reason could be that funding could not be secured. However, it does allow the public to see that local authorities recognise that there are flooding issues that require addressing in specific areas. This is likely to be an important assurance to the public during the consultation exercise.

The adoption of consistent principles, approaches and methods at each stage of the flood risk management planning process is essential to ensure a nationally comparable approach, which will inform management and investment decisions.

Finally, I should like to thank everyone involved in getting the flood risk management planning process to this stage during a very difficult year. I hope all those involved in flood risk management have a well deserved break over Christmas, and that the weather is kind to us.

Yours sincerely

Gerry Smith
Head of Flood Risk Management Team



Response ID ANON-USYV-F99Y-8

Submitted to **One Planet Prosperity: Our Flooding Services Strategy**
Submitted on **2020-11-26 20:00:48**

Introduction**1 What is your name?**

Name:

Shona Collins

2 What is your email address?

Email:

shona.collins@westlothian.gov.uk

3 What is your organisation?

Organisation:

West Lothian Council

Planning for the future

4 Our Government has declared a climate emergency and there is already clear evidence of climate change impacts on flooding in Scotland. Do you agree that our Flood Maps, National Flood Risk Assessment and Flood Risk Management Strategies should consider the impact of a high emissions climate scenario?

Yes

Please explain the reason for your answer:

Climate change projections, like all modelling, contains uncertainties.

We have to make cautious decisions based on the worst case (high emissions) scenario in order to be best prepared to live safely and healthy in our future climate.

Our Vision

5 Climate Change is expected to increase flooding significantly in the future. It is important that people and communities remain safe and able to adapt to new conditions. With this in mind, to what extent do you agree with our vision: Scotland's people and places are resilient to flooding?

Agree

6 What actions can you or your organisation take to support us deliver our vision?

Actions:

Front line flood risk management through

- Maintenance and Inspection of watercourses, FRM assets, road gullies
- local coordination of emergency response during a flood event
- Supporting householders in the aftermath of a flood event

Improving national quality of FRM evidence through targeted local studies within areas identified at risk.

Delivery of new FRM assets to reduce flood risk

Development Management input through the councils Local Development Plan process, and assessment of planning applications.

Communicating awareness of flood risk in our community, in relation to the local weather, infrastructure and historic flooding issues.

Communicating Flood Risk

7 Our flood maps are important tools for communicating flood risk. What areas of improvement would increase your confidence and capability in using the maps for decision-making? Please rank options 1-6 - 1 = high priority 6 = low priority.

Areas of improvement flood maps - Ease of access (how you find it online):

2

Areas of improvement flood maps - Usability (how easy is it to use):

3

Areas of improvement flood maps - Ease of understanding (how clear its purpose is):

4

Areas of improvement flood maps - Accuracy and resolution:

1

Areas of improvement flood maps - Accessibility for people with disabilities or impairments:

6

Areas of improvement flood maps - Self-service one-stop shop for flood risk data:

5

Building Resilient Communities

8 We aim to support the development of great places to live and work that are adapted to a future with increased flood risk. How can we help communities, especially the most disadvantaged become more resilient e.g. provide information for Home Reports, improved flood warnings, engaging with communities?

How can we help communities become more resilient?:

All of the above examples.

Community engagement in schools, using creative artists.

Improve understanding of the flooding impact of dumping rubbish (especially household furniture) in nearby watercourses, this predominantly occurs in disadvantaged communities.

Establish a National PLP/PFR Scheme where householders/housing associations can access the latest information on appropriate products, approved suppliers and maintenance advice. Products, Installation & Maintenance costs could be appropriately subsidised depending on the local Index of Multiple Deprivation.

Improving Our Flood Warning Service

9 Our Flood Warning Development Framework (2017-2021) sets out our current commitments to develop our flood forecasting and warning service. Going beyond 2021, what should be our priorities to improve our service for people and communities in Scotland? Please rank options 1-4. 1 = high priority 4 = low priority

Priorities to improve service for people and communities - Expand our coverage of local (community level) flood warnings:

2

Priorities to improve service for people and communities - Improve the accuracy and extend the lead time of our existing service:

3

Priorities to improve service for people and communities - Provide more information digitally and all in one place (for example observed rainfall, observed water levels and forecast water levels):

4

Priorities to improve service for people and communities - Engage more with local communities to explain our service and support the development of local resilience groups:

1

Other:

DATA LABEL: PUBLIC



COUNCIL EXECUTIVE

COVID-19 - STAND DOWN OF FACE TO FACE ASPECTS OF UNPAID WORK ORDER SCHEME

REPORT BY HEAD OF SOCIAL POLICY

A. PURPOSE OF REPORT

The purpose of this report is to inform the Council Executive of the requirement to temporarily stand down face to face elements of the Unpaid Work Order Scheme operated by the Criminal and Youth Justice Service.

B. RECOMMENDATION

The Council Executive is asked to agree to the suspension of the face to face elements of the Unpaid Work Order Scheme.

C. SUMMARY OF IMPLICATIONS

I	Council Values	Focusing on our customers' needs; Being honest, open and accountable; Working in partnership.
II	Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	Criminal Justice and Licensing (Scotland) Act 2010.
III	Implications for Scheme of Delegations to Officers	None
IV	Impact on performance and performance Indicators	There is a suite of indicators that relate to the Criminal and Youth Justice WLAM area.
V	Relevance to Single Outcome Agreement	People most at risk are protected and supported to achieve improved life chances. We live in cohesive, resilient and safe communities.
VI	Resources - (Financial, Staffing and Property)	None

VII Consideration at PDSP Not submitted

VIII Other consultations None

D. TERMS OF REPORT

D.1 Background

Unpaid Work is one of two main conditions of a Community Payback Order. These are orders made by the court to enable those who have committed offences to make amends for their offending. The other main condition is a supervision requirement which allows an individual to work on the causes of offending such as attitudes and substance misuse.

On 19 March 2020, the Unpaid Work Order scheme in West Lothian was stood down as part of the initial measures put in place across Scotland in advance of the national lockdown enacted on 23 March in response to the COVID-19 Pandemic. That was reported as an action taken under delegated emergency powers in response to the COVID 19 pandemic.

The scheme remained closed until August 2020 when it was re-opened with significantly limited capacity following a request on a national level by Scottish Government and having undertaken appropriate risk assessments.

On 4 January 2021, Scottish Government announced mainland Scotland was to enter level 4 restrictions and protection commencing 5 January 2021.

As a part of the continuing focus on reducing social contacts, the First Minister announced on 11 January 2021 that summary criminal court cases would cease during the current level of Covid-19 restrictions.

There has been ongoing dialogue between Social Work Scotland (SWS), Scottish Government Justice Division and Community Justice Scotland over Justice Social Work Services.

It is acknowledged that the reduction in court business would have an impact on the operation of unpaid work. A number of local authorities have taken the decision to pause the Unpaid Work order scheme to reduce likelihood of transmission of infection. Most participants have to use public transport to attend the scheme, some struggle to maintain compliance with social distancing rules. The risk of potential infection from such mobility is considered high along side the amount of interface with members of the public and staff.

Scottish government have stated *'in light of the urgent actions now being taken to prevent the further spread of COVID-19, we anticipate that local areas may take the difficult decision to temporarily suspend face to face unpaid work programmes. While any such decisions are best made at a local level, our view is that a temporary suspension would likely be justified at this time to protect staff, service users, and the wider community.'*

In Order to better protect West Lothian Communities, it is recommended that West Lothian temporarily suspends the unpaid work order scheme, allowing only non-face to face activity, such as on-line education and training.

E. CONCLUSION

This report outlines the position in relation to unpaid work and makes recommendations that help minimise risks to staff and the wider communities of West Lothian.

F. BACKGROUND REFERENCES

None

Appendices: None

Contact Person: Tim Ward, Senior Manager Justice and Looked After Children
tim.ward@westlothian.gov.uk

Jo MacPherson, Head of Social Policy

Date: 13 January 2021

DATA LABEL: PUBLIC



COUNCIL EXECUTIVE

FREE SCHOOL MEAL PROVISION – 1 TO 12 FEBRUARY 2021

REPORT BY DEPUTE CHIEF EXECUTIVE

A. PURPOSE OF REPORT

To seek Council Executive approval for service delivery plans for the provision of free school meals to children eligible for the 10-day period from 1 to 12 February 2021, and to increase the previously agreed holiday payment of £10 per eligible child during the February Half Term Holiday 2021 to £15 per eligible child for the period from 15 to 19 February 2021 (inclusive of the February Half Term Holiday).

B. RECOMMENDATIONS

The Council Executive is asked to note and approve:

1. A further £30 payment to the families of P4 – S6 children and young people eligible for free school meals, and P1 - P3 pupils in receipt of school clothing grant for the 10-day period from 1 to 12 February 2021.
2. That the previously agreed holiday payment of £10 per eligible child during the February Half Term Holiday 2021 is increased to £15 per eligible child for the period from 15 to 19 February 2021 (inclusive of the February Half Term Holiday).

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; working in partnership
II	Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	Continued provision for children entitled to free school meals. Educational Continuity Directions and related statutory guidance; non-statutory Scottish Government guidance.
III	Implications for Scheme of Delegations to Officers	None
IV	Impact on performance and performance Indicators	None

V	Relevance to Single Outcome Agreement	Our children have the best start in life and are ready to succeed.
VI	Resources - (Financial, Staffing and Property)	COSLA are involved in discussions with the Scottish Government around additional government funding to pay for free school meal payments for the period 1 to 12 February 2021. It is anticipated that the cost of £220,500 will be met from additional funding from Scottish Government for free school meal payments.
VII	Consideration at PDSP	None
VIII	Other consultations	Head of Finance and Property Services, Financial Management Unit, Education Services; Operational Services, Anti-Poverty Service

D. TERMS OF REPORT

D.1 Background

The provision of free school meals to all eligible children and young people has been a key policy objective of the council during the period of school closures. This support has been continued during subsequent school holiday periods, in recognition of the ongoing detriment to low income families caused by the coronavirus pandemic.

D.2 Council Executive Approvals

A decision was made through Standing Order 31 on 10 September 2020, reported to Council Executive on 6 October 2020, to provide all children entitled to free school meals with a take away packed lunch or hot meal and a take away breakfast cereal bar/cereal during the remaining school holidays (excluding public holidays) within the current financial year 2020/21.

It was agreed that the free meals would be provided at seven secondary schools and 34 primary schools, with an additional five primary schools continuing to distribute packed lunches only, and that delivery arrangements continue for Additional Support Needs (ASN) for Education during the remaining school holidays (excluding public holidays).

It was also agreed to use of £254,000 of resources to fund the cost of the service during the current financial year 2020/21.

On 17 November 2020 Council Executive approved direct payments to families of P4 – S6 children and young people eligible for free school meals; and P1-P3 pupils in receipt of school clothing grant covering:

- A payment of £15 per week per eligible child (a total of £30 per eligible child) during the Christmas Holiday 2020-21;
- A payment of £10 per eligible child during the February Half Term Holiday 2021; and
- A payment of £15 per week per eligible child (a total of £30 per eligible child) during the Easter Holiday 2021.

As part of the proposed implementation of this proposal, all parents/carers have been encouraged and supported to check their eligibility and claim Free School meals and/or Clothing Grant where appropriate. The total cost in 2020/21 would be £252,000.

On 23 December 2020 a report was approved under Standing Order 31 (reported to Council Executive on 19 January 2021) to extend free school meal provision during the longer Christmas holiday period to 15 January 2021. Based on 6,300 eligible pupils the total cost of this additional payment would be £151,200.

On 8 January 2021 a report was approved under Standing Order 31 (reported to Council Executive on 19 January 2021) to extend free school meal provision from 5 January to 29 January 2021 following the Scottish Government decision to restrict school access only to in-person learning for children of key workers and vulnerable children, with remote learning for all other children and young people. Based on 6,300 eligible pupils the total cost of this additional payment would be £189,000.

D.3 Scottish Government Guidance

On the 19 January 2021 the First Minister announced that schools across Scotland will continue to use remote learning until at least the middle of February except in the case of vulnerable children and those of key workers.

West Lothian schools break for the February Half Term Holiday on Friday 12 February 2021 and resume on Thursday 18 February 2021. At this stage Education Services are assuming that the earliest date for any change to the current arrangements in schools will be following the return from the half term holiday.

D.4 Revised Service Delivery

In order to maximise support offered to children and young people in low income families, and to avoid problems of access for children and young people over the 10-day period from 1 to 12 February 2021, a further payment to the parent or carer of each eligible child is proposed.

The revised proposal would be for the parent or carer of each eligible child to receive a further payment of £30 per child to cover the 10-day period. For pupils in P1 to P3, the payment will be made to those eligible for and claiming Clothing Grant.

It is also proposed that the previously agreed holiday payment of £10 per eligible child during the February Half Term Holiday 2021 is increased to £15 per eligible child for the 5-day period from 15 to 19 February 2021 (inclusive of the February Half Term Holiday).

Based on 6,300 eligible pupils the total cost of this additional payment would be £220,500 (£189,000 for the 10-day period and £31,500 for the additional £5 per eligible pupil for the 5-day period) and would be accommodated within existing council budgets. This additional sum that is not currently budgeted for. COSLA and the Scottish Government are discussing additional government funding for this extra provision and it is anticipated that the costs will be met from this additional funding from Scottish Government for free school meal payments.

In the meantime, it is proposed that £220,500 is allocated from additional flexible funding that was notified to the council in mid-December. If and when additional government is confirmed for school meal provision, the flexible funding will be available for other purposes.

E. CONCLUSION

The provision of free school meals to all eligible children and young people has been a key policy objective of the council during the period of school closures, and subsequent holiday periods. The revised proposal will further extend the support offered to children and young people in low income families, and avoid problems of access for children and young people.

F. BACKGROUND REFERENCES

- Council Executive – Free School Meals Holiday Provision - 6 October 2020.
- Council Executive – Free School Meal Provision – School Holidays (2020/21 Academic Year) – 17 November 2020
- Guidance: school re-opening arrangements for January 2021 - <https://www.gov.scot/publication/school-re-opening-arrangements-for-january-2021/>
- Council Executive - Free School Meal Provision – 5 to 15 January 2021 (by SO31 on 23 December 2020)
- Council Executive - Free School Meal Provision – 18 to 29 January 2021 (by SO31 on 8 January 2021)

Appendices – None

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