

A meeting of the Environment & Regeneration Committee will be held on Thursday 3 March 2022 at 3pm.

Members may attend the meeting in person or via remote online access. Webex joining details will be sent to Members and Officers prior to the meeting. Members are requested to notify Committee Services by 12 noon on Wednesday 2 March 2022 how they intend to access the meeting.

In the event of connectivity issues, Members are asked to use the *join by phone* number in the Webex invitation and as noted above.

Please note that this meeting will be live-streamed via YouTube with the exception of any business which is treated as exempt in terms of the Local Government (Scotland) Act 1973 as amended.

Further information relating to the recording and live-streaming of meetings can be found at the end of this notice.

IAIN STRACHAN
Head of Legal & Democratic Services

BUSINESS

****Copy to follow**

1.	Apologies, Substitutions and Declarations of Interest	Page
PERFORMANCE MANAGEMENT		
2.	Environment and Regeneration 2021/22 Revenue & Capital Budget – Period 9 (31 December 2021) Report by Interim Director, Finance & Corporate Governance and Interim Director, Environment & Regeneration	p
3.	Environment & Regeneration Capital Programme Progress Report by Interim Director, Environment & Regeneration	p
NEW BUSINESS		
4.	General Update Report by Interim Director, Environment & Regeneration	p
5.	Roads & Transportation – Proposed RAMP/Capital Programme for 2022/23 Report by Interim Director, Environment & Regeneration	p
6.	Residual Waste Procurement Strategy Report by Head of Roads & Environmental Shared Services	p

7.	Consultation on Draft National Planning Framework 4 (NPF4) Report by Interim Director, Environment & Regeneration		p
8.	Consultation on Local Development Planning – Regulations and Guidance Report by Interim Director, Environment & Regeneration		p
9. **	Fraser of Allander Institute Report on Depopulation in Inverclyde, Argyll & Bute and West Dunbartonshire Report by Interim Director, Environment & Regeneration		p
10.	Pavement Parking Prohibition – Consultation on Pre-Implementation Directions and Regulations Report by Interim Director, Environment & Regeneration		p
11.	Public Convenience Update Report by Interim Director, Environment & Regeneration		p
12.	Spaces for People Update – Cycle Lane Monitoring Results Report by Interim Director, Environment & Regeneration		p
13.	Path Agreement between Inverclyde Council and Peel Land & Property (Greenock Harbours) Limited for the Construction of the NCN75 Shared Path through East India and Victoria Harbour Report by Interim Director, Environment & Regeneration		p
14.	Property Assets Management Report – Public Report Report by Interim Director, Environment & Regeneration		p
<p>The documentation relative to the following items has been treated as exempt information in terms of the Local Government (Scotland) Act 1973 as amended, the nature of the exempt information being that set out in the paragraphs of Part I of Schedule 7(A) of the Act whose numbers are set out opposite the heading to each item.</p>			
NEW BUSINESS			
15.	Property Assets Management Report – Private Report Report by Interim Director, Environment & Regeneration making recommendations in respect of a number of property assets	Paras 6 & 9	p
16.	Award of Contracts for Employability Services Report by Interim Director, Environment & Regeneration seeking Members' approval for the award of contracts for Employability Services	Paras 6 & 8	p
17. **	Clune Park Update Report by Interim Director, Environment & Regeneration providing an update with respect to the Clune Park Estate	Paras 6 & 9	p
18.	Commercial and Industrial Portfolio Information – Scheme of Delegation Register Report by Interim Director, Environment & Regeneration providing an update on the management of Inverclyde Council's commercial and industrial portfolio	Paras 2, 6 & 9	p

The reports are available publicly on the Council's website and the minute of the meeting will be submitted to the next standing meeting of the Inverclyde Council. The agenda for the meeting of the Inverclyde Council will be available publicly on the Council's website.

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Enquiries to – **Colin MacDonald** – Tel 01475 712113

Report To:	Environment & Regeneration Committee	Date:	3 March 2022
Report By:	Interim Director, Finance & Corporate Governance and Interim Director, Environment & Regeneration	Report No:	FIN/14/22/AP/MT
Contact Officer:	Julie Ann Wilson	Contact No:	01475 712236
Subject:	Environment and Regeneration 2021/22 Revenue & Capital Budget – Period 9 (31 December 2021)		

1.0 PURPOSE

- 1.1 The purpose of this report is to report the Committee's 2021/22 Revenue Budget and Capital Budget position at period 9 to 31 December 2021.

2.0 SUMMARY

- 2.1 The revised 2021/22 revenue budget for Environment and Regeneration is £21,852,000 which excludes Earmarked Reserves.
- 2.2 The latest projection, excluding Earmarked Reserves, is an overspend of £116,000 (0.53%), an increase of £43,000 (0.20%) from last period. Committee should note that there are no Covid-19 costs included in this projection as these are now funded by the Covid Reserve Fund.
- 2.3 The main material variances projected at Period 9 are as follows:
- i. Additional Turnover savings achieved across the Committee totalling £112,000.
 - ii. Underspend on Office Accommodation utilities of £90,000, £39,000 of which is due to one-off credits relating to prior years.
 - iii. Underspend on Office Accommodation rates of £122,000, £92,000 of which is due to one-off credits relating to prior years.
 - iv. An under recovery in Cremations and Burial Grounds income of £148,000, which is higher than the under recovery pre COVID 19.
 - v. Within the waste contracts, an overspend of £42,000 on green waste, mainly due to increased tonnages offset by an overrecovery of Tipping Charges of £42,000.
 - vi. An under recovery of Planning Income of £165,000, this is a recurring underrecovery and a budget pressure request is being progressed through the 2022/23 budget process to partially address this. It should be noted this is in addition to a further underrecovery of £135,000 due to the Covid pandemic and funded from Covid Reserves.
 - vii. A net under-recovery of Roads Operations Unit Income of £107,000

- 2.4 The Environment & Regeneration capital budget is £44.447m. The budget for 2021/22 is £12.619m, with spend to date of £5.912m equating to 59.47% of projected spend. The current projection is £44.447m which means total projected spend is on budget. The Committee is projecting to spend £9.940m in 2021/22 with net slippage of £2.679m (21.23%) being reported, up 6.80% from the last monitoring period. Appendices 5-7 detail the capital programme. A detailed progress update is reported elsewhere on the agenda.
- 2.5 City Deal capital projects are not included in the above Committee figures, the City Deal budget is £24.320m. The current projection for 2021/22 is £4.177m with slippage of £6.273m (60.0%) as a result of delays in the Ocean Terminal and Inverkip. Appendix 8 details the City Deal programme.
- 2.6 Operational Earmarked Reserves for 2021/22 total £4,158,000 of which £840,000 is projected to be spent in the current financial year. As detailed in Appendix 4 expenditure of £253,000 (30.12% of projected spend or 55.48% of phased budget) has been incurred to Period 9.

3.0 RECOMMENDATIONS

- 3.1 It is recommended that the Committee notes the current projected overspend for 2021/22 of £116,000 as at 31 December 2021.
- 3.2 It is recommended that the Committee note that the Interim Director and Heads of Service continue to review areas where non-essential spend can be reduced in order to bring the Committee back on budget.
- 3.3 It is recommended that the Committee notes the current position of the 2021/24 Capital Programme and City Deal. The financial progress on the specific projects is detailed in Appendices 5-8 with physical progress reported elsewhere on the Agenda.

Alan Puckrin
Interim Director,
Finance & Corporate Governance

Stuart Jamieson
Interim Director,
Environment & Regeneration

4.0 BACKGROUND

- 4.1 The purpose of this report is to advise Committee of the current position of the 2021/22 Committee budget and to highlight the main issues contributing to the projected overspend in 2021/22.
- 4.2 The revised 2021/22 budget for Environment and Regeneration, excluding earmarked reserves, is £21,852,000. This is an increase of £205,000 from the approved budget, prior to transfers to earmarked reserves. Appendix 1 gives details of this budget movement.

5.0 2021/22 CURRENT POSITION

- 5.1 The current projection for 2021/22 is an overspend of £116,000 (0.53%) which is an increase in overspend of £43,000 (0.20%) since the Period 7 report.

5.2 Regeneration & Planning - £152,000 overspend

The current projected out-turn for Regeneration & Planning is an overspend of £152,000, a reduction in overspend of £48,000 since period 7.

The main issues relating to the current projected overspend for Regeneration & Planning are detailed below and in Appendix 3:

(a) Employee Costs

There is a projected overspend of £7,000 in employee costs due to the turnover savings target not being achieved. Last financial year this Service had a number of vacancies which contributed to the overachievement of the turnover savings target, however these have now been filled. There is additional income of £33,000 for a post funded by RI to offset this overspend.

(b) Property Costs

There is a projected overspend of £20,000 mainly due to increased Insurance costs of £15,000.

(c) Administration Costs

There is a projected overspend of £12,000 in Planning due to ongoing costs associated with reviewing the Local Development Plan (LDP).

(d) Payments to Other Bodies

There is a projected underspend of £188,000 mainly due to reduced recharges to Riverside Inverclyde of £23,000, and £173,000 in respect of ESF payments offset by a reduction in Income.

(e) Income

There is a projected underrecovery in income of £301,000, mainly due to:

- i. £165,000 shortfall in Planning Income. This is a recurring underrecovery and a budget pressure request is being progressed through the 2022/23 budget process to partially address this. It should be noted this is in addition to a further estimated underrecovery of £135,000 due to the Covid pandemic and funded from Covid Reserves.

- ii. £173,000 reduction in ESF grant Income for January to March 2021 previously accrued which will not now be received, this is offset by a corresponding reduction in Payments to Other Bodies.
- iii. £33,000 additional Income from Riverside Inverclyde which partially offsets the increase in Employee costs.

5.3 **Property Services - £88,000 underspend**

The current projected out-turn for Property Services is an underspend of £88,000, a decrease of £67,000 in the underspend of £155,000 since period 7.

The main issues contributing to the current projected overspend for Property Services are detailed below and in Appendix 3:

(a) **Employee Costs**

There is a projected underspend of £157,000 in employee costs, due to the following:

- i. A projected underspend in Technical Services of £131,000. This underspend is due to a number of vacant posts where agency staff are now being used to cover until the major capital works are complete and the establishment will be reduced, see 6.3 (c) below.
- ii. Excluding this underspend the Service is reporting net Turnover savings achieved of £26,000.

(b) **Property Costs**

There is a projected underspend in Property Costs of £85,000. This is mainly due to underspends in Office Accommodation utilities totalling £72,000, of which £39,000 relates to one-off credits received for previous years and Office Accommodation Rates £122,00 of which £92,000 relates to previous years. These are partly offset by a projected overspend of £100,000 in Central Repairs due to enhanced/additional ventilation servicing as a result of reviewing pre-COVID practice and in light of industry guidance around COVID-19, and the impact of current market forces on the price of materials and labour costs affecting both the in-house delivered works and that of external contractors.

(c) **Supplies & Services**

There is a projected overspend of £95,000 mainly due to additional sub-contractors and direct materials costs of £80,000 within Building Services which is offset by additional Income.

(d) **Administration Costs**

There is a projected overspend of £116,000 within Administration Costs. This is mainly due to an overspend of £115,000 within Technical Services agency staff costs, which is offset by turnover savings per 5.3(a) above.

(e) **Income**

There is an over recovery of Income of £67,000 mainly due to an increase in Building Services Income of £80,000 offset by additional sub-contractors and direct materials costs.

5.4 **Environmental & Roads - £275,000 overspend**

The current projected out-turn for Environmental & Roads is an overspend of £275,000, an

increase in overspend of £91,000 since period 7.

The main issues contributing to the current projected overspend for Environmental & Roads are detailed below and in Appendix 3:

(a) Employee Costs

There is a projected underspend of £78,000 in employee costs, due to the following:

- i. Overspend within Roads Client of £61,000 including expenditure on an additional post of £30,000, which is offset by additional fee income.
- ii. Turnover savings within Roads Operations of £42,000 and Environmental Services of £37,000 which are partly offset by additional agency costs.
- iii. Additional Turnover savings achieved and reduced overtime across the Service of £60,000.

(b) Property Costs

There is a projected underspend of £11,000 in Property Costs mainly due to an underspend in Rates, £19,000 and Hire of Skips, £30,000 and other minor underspends partially offset by an overspend of £37,000 on Parking electricity for electric charging points. This is partially offset by additional income of £12,000 for electric vehicle charging.

(c) Supplies & Services

There is a projected overspend in Supplies & Services of £315,000, made up as follows:

- i. Rechargeable expenditure within Roads Client of £178,000, which is offset by additional income.
- ii. There is a projected overspend in Vehicle Maintenance materials and subcontractors of £73,000, which is offset by additional recharge income.
- iii. An overspend of £61,000 on the Purchase of Bins.

(d) Transportation & Plant

Transportation & Plant is projected to underspend by £3,000, mainly due to an overspend on non-routine maintenance across the client services.

(e) Administration Costs

There is a projected overspend of £97,000 in Administration costs mainly due to a projected overspend on Roads Operations agency costs of £69,000 and Civic Amenities agency costs of £27,000 offset by reduced employee costs.

(f) Payments to Other Bodies

Payments to Other Bodies is projected to underspend by £3,000 mainly as a result of increased Green Waste payments of £46,000 partially offset by a decrease in Food Waste payments of £31,000 and an underspend in Vehicle Maintenance on non-contract waste disposal of £15,000.

(g) Income

There is a projected over recovery in income of £68,000. The main variances are as follows:

- viii. An over recovery of Roads Client capital recharge income of £30,000 which is offset by additional employee costs.

- ix. An over recovery in Roads Client rechargeable income, in line with increased costs per 5.4(c)(i) above, of £178,000.
- x. Additional Roads Client Fees & Charges of £41,000.
- xi. An under recovery in Roads Operations recharge income of £154,000. The level of income generated by Roads Operations Unit remains a concern. This will continue to be monitored closely, and be included in future reports to the Committee. In the longer term reductions in the Capital Programme will have an impact on the income of both the Client and the Operations Unit, any net cost of the impact of this will be addressed as part of the budget process.
- xii. An under recovery of Crematorium income of £99,000. This is higher than the under recovery pre COVID 19, Officers continue to monitor income levels.
- xiii. An under recovery of Burial Grounds Income of £51,000.
- xiv. Projected over recoveries across various waste lines (scrap metal, tipping charges and clothing bank income) totalling £45,000 partially offset by a projected under recovery of green waste permit income of £22,000.
- xv. An over recovery in Vehicle Maintenance non routine maintenance income of £73,000. This is offset by additional materials and sub-contractor costs, per 5.4(c)(iii) above.

5.5 **Public Protection & Recovery - £88,000 underspend**

The current projected out-turn for Public Protection & Recovery is an underspend of £18,000, a reduction in spend of £70,000 since period 7.

The main issues contributing to the current projected overspend for Public Protection & Recovery are detailed below and in Appendix 3:

(a) Employee Costs

There is a projected underspend of £15,000 in employee costs mainly due to turnover from vacant posts. This is offset by costs associated with retaining a Head of Service to coordinate the Council's response to, and recovery from, the pandemic. There is an underspend under the Corporate Director budget which offsets this.

(b) Income

There is a projected over recovery in income of £63,000, mainly due to a projected £20,000 over recovery in HEEPs income, and an over recovery in various minor income lines of £43,000.

5.6 **Corporate Director - £135,000 underspend**

The Corporate Director budget is currently projecting to out-turn £135,000 under budget. This underspend is offset by spend, mainly within Public Protection & Recovery in line with the Council's interim management arrangements, agreed at full Council on 29th October 2020.

6.0 **2021/24 CURRENT CAPITAL POSITION**

- 6.1 The Environment & Regeneration capital budget is £44.447m which is an increase from previous periods mainly due to confirmation of £2.1m Spaces For People funding for West Blackhall St. The budget for 2021/22 is £12.619m, with spend to date of £5.912m equating to 59.47% of projected spend. The current projection over 2021/24 is £44.447m which means total projected spend is on budget.

- 6.2 The Committee is projecting to spend £9.940m in 2021/22 with net slippage of £2.679m (21.67%) being reported. This is an increase in slippage of £0.858m (6.80%) from the base position and is mainly due to advancement within the Cemetery Development (£0.125m), Vehicle Replacement Programme (£0.175m), SPT projects (£0.111m) and Minor Works/Statutory Duties (£0.272m), offset by slippage in Spaces for People (£0.310m), Flooding Strategy (£0.226m), Cremator Development (£0.252m), Play Area Strategy (£0.300), T&VC Other (£0.316m), T&VC Babylon Demolition (£0.180m), Place Based Funding (£0.600), Ivy House Replacement (£0.304m), Waterfront Leisure Centre Lifecycle Works (£0.195m) and Boglestone Community Centre Roof (£0.220m). Appendices 5-7 detail the capital programme.
- 6.3 City Deal projects are not included in the above Committee figures, the City Deal budget is £24.320m. The current projection for 2021/22 is £4.177m with slippage of £6.273m (60.0%) as a result of delays in the Ocean Terminal and Inverkip. Appendix 8 shows the financial position of the City Deal programme.

7.0 EARMARKED RESERVES

- 7.1 Appendix 4 gives an update on the operational Earmarked Reserves, i.e. excluding strategic funding models such as RI funding, AMP and Vehicle Replacement Programme. Spend to date on these operational Earmarked Reserves is 55.48% of phased budget (30.12% of projected spend). Officers will continue to endeavour to ensure that projected spend is achieved.

8.0 VIREMENTS

- 8.1 There are no virement requests in this report.

9.0 IMPLICATIONS

9.1 Finance

All finance implications are discussed in detail within the report above.

Financial Implications:

One off Costs

Cost Centre	Budget Heading	Budget Years	Proposed Spend this Report £000	Virement From	Other Comments
N/A					

Annually Recurring Costs/ (Savings)

Cost Centre	Budget Heading	With Effect from	Annual Net Impact £000	Virement From (if Applicable)	Other Comments
N/A					

9.2 Legal

There are no specific legal implications arising from this report.

9.3 Human Resources

There are no specific human resources implications arising from this report.

9.4 Equalities

(a) Has an Equality Impact Assessment been carried out?

	YES (see attached appendix)
X	NO – This report does not introduce a new policy, function or strategy or recommend a substantive change to an existing policy, function or strategy. Therefore, no Equality Impact Assessment is required

(b) Fairer Scotland Duty

If this report affects or proposes any major strategic decision:-

Has there been active consideration of how this report's recommendations reduce inequalities of outcome?

	YES – A written statement showing how this report's recommendations reduce inequalities of outcome caused by socio-economic disadvantage has been completed.
X	NO

(c) Data Protection

Has a Data Protection Impact Assessment been carried out?

	YES – This report involves data processing which may result in a high risk to the rights and freedoms of individuals.
X	NO

9.5 Repopulation

There are no repopulation issues within this report.

10.0 CONSULTATIONS

10.1 The report has been jointly prepared by the Interim e Director Environment & Regeneration and the Interim Director of Finance & Corporate Governance.

11.0 LIST OF BACKGROUND PAPERS

11.1 There are no background papers relating to this report.

Environment & Regeneration Budget Movement - 2021/22**PERIOD 9: 1st April 2021 - 31st December 2021**

Service	Approved Budget		Movements			Revised Budget
	2021/22 £000	Inflation £000	Virement £000	Supplementary Budgets £000	Transferred to EMR £000	2021/22 £000
Regeneration & Planning	3,506				(372)	3,134
Property Services	2,003		74			2,077
Roads & Environmental	13,314	175	(44)			13,445
Public Protection & Recovery	3,043					3,043
Corporate Director	152					152
Totals	22,018	175	30	0	(372)	21,852

Movement Details

£000

External ResourcesInflation

Dry Mixed Recyclate Contract - Inflation

175

175Virements

Restructure within ER&R directorate - virement

39

Facilities Management - virement

1

Post transferred to CSC

(10)

30Supplementary Budgets0205

ENVIRONMENT AND REGENERATION COMMITTEEREVENUE BUDGET MONITORING REPORTSUBJECTIVE ANALYSISPERIOD 9: 1st April 2021 - 31st December 2021

Subjective Heading	Approved Budget 2021/22 £000	Revised Budget 2021/22 £000	Projected Out-turn 2021/22 £000	Projected Over/(Under) Spend	Percentage Variance %
Employee Costs	16,359	16,388	15,999	(389)	-2.37%
Property Costs	3,763	3,764	3,688	(76)	-2.02%
Supplies & Services	4,198	4,206	4,624	418	9.94%
Transport & Plant Costs	2,333	2,333	2,358	25	1.07%
Administration Costs	503	503	728	225	44.74%
Payments to Other Bodies	9,325	9,493	9,320	(173)	-1.82%
Other Expenditure	377	377	360	(17)	-4.51%
Income	(14,839)	(14,839)	(14,736)	103	-0.69%
TOTAL NET EXPENDITURE	22,018	22,224	22,340	116	0.52%
Transfer to Earmarked Reserves *	0	(372)	(372)	0	0.00%
TOTAL NET EXPENDITURE EXCLUDING EARMARKED RESERVES	22,018	21,852	21,968	116	0.53%

ENVIRONMENT AND REGENERATION COMMITTEEREVENUE BUDGET MONITORING REPORTOBJECTIVE ANALYSISPERIOD 9: 1st April 2021 - 31st December 2021

Objective Heading	Approved Budget 2021/22 £000	Revised Budget 2021/22 £000	Projected Out-turn 2021/22 £000	Projected Over/(Under) Spend	Percentage Variance %
Regeneration & Planning	3,506	3,506	3,658	152	4.34%
Property Services	2,003	2,077	1,989	(88)	-4.24%
Roads & Environmental	13,314	13,445	13,720	275	2.05%
Public Protection & Recovery	3,043	3,043	2,955	(88)	-2.89%
Corporate Director	152	152	17	(135)	-88.81%
TOTAL NET EXPENDITURE	22,018	22,224	22,340	116	0.52%
Transfer to Earmarked Reserves *	0	(372)	(372)	0	0.00%
TOTAL NET EXPENDITURE EXCLUDING EARMARKED RESERVES	22,018	21,852	21,968	116	0.53%

* Per Appendix 3: New funding transferred to earmarked reserves during 2021/22

Earmarked Reserves	Approved Reserves 2021/22 £000	Revised Reserves 2021/22 £000	2021/22 Budget £000	Projected Spend 2021/22 £000	Projected Carry Forward £000
Earmarked Reserves	(4,045)	(4,158)	5,082	(840)	(3,318)
CFCR	4,045	4,158	456	840	3,318
TOTAL	0	0	5,538	0	0

ENVIRONMENT AND REGENERATION COMMITTEEREVENUE BUDGET MONITORING REPORTMATERIAL VARIANCESPERIOD 9: 1st April 2021 - 31st December 2021

<u>Out Turn</u> <u>2020/21</u> <u>£000</u>	<u>Budget</u> <u>Heading</u>	<u>Subjective Head</u>	<u>Budget</u> <u>2021/22</u> <u>£000</u>	<u>Proportion</u> <u>of Budget</u> <u>£000</u>	<u>Actual to</u> <u>31-Dec-21</u> <u>£000</u>	<u>Projection</u> <u>2021/22</u> <u>£000</u>	<u>(Under)/Over</u> <u>Budget</u> <u>£000</u>	<u>Percentage</u> <u>Variance</u> <u>%</u>
	REGENERATION & PLANNING							
33	Riverside Inverclyde	Employee Costs	0	0	23	33	33	
							33	
0	ESF Expenditure	PTOB	0	0	0	(173)	(173)	
0	Riverside Inverclyde	PTOB	23	17	0	0	(23)	
							(196)	
(33)	Riverside Inverclyde	Income	0	0	(23)	(33)	(33)	
(438)	Planning Income	Income	(735)	(551)	(295)	(570)	165	(22.45)%
0	ESF Funding	Income	0	0	0	173	173	
							305	
	PROPERTY SERVICES							
770	Technical Services	Employee Costs	893	616	524	762	(131)	(14.67)%
933	Building Services	Employee Costs	959	662	621	923	(36)	(3.75)%
							(167)	
34	Office Accommodation - Water	Property Costs	66	66	20	37	(29)	(43.94)%
210	Office Accommodation - Electricity	Property Costs	227	170	68	169	(58)	(25.55)%
407	Office Accommodation - Rates	Property Costs	415	415	293	293	(122)	(29.40)%
1,183	Central Repairs	Property Costs	1,190	891	978	1,290	100	8.40%
							(109)	
393	Building Services	Supplies and Services	220	165	269	270	50	22.73%
234	Building Services	Supplies and Services	164	123	151	194	30	18.29%
							80	
149	Technical Services	Administration	0	0	83	115	115	
							115	
(811)	Building Services	Income	(603)	(452)	(241)	(653)	(50)	8.29%
(22)	Building Services	Income	(145)	(109)	(6)	(175)	(30)	20.69%
							(80)	

ENVIRONMENT AND REGENERATION COMMITTEEREVENUE BUDGET MONITORING REPORTMATERIAL VARIANCESPERIOD 9: 1st April 2021 - 31st December 2021

<u>Out Turn</u> <u>2020/21</u> <u>£000</u>	<u>Budget</u> <u>Heading</u>	<u>Subjective Head</u>	<u>Budget</u> <u>2021/22</u> <u>£000</u>	<u>Proportion</u> <u>of Budget</u> <u>£000</u>	<u>Actual to</u> <u>31-Dec-21</u> <u>£000</u>	<u>Projection</u> <u>2021/22</u> <u>£000</u>	<u>(Under)/Over</u> <u>Budget</u> <u>£000</u>	<u>Percentage</u> <u>Variance</u> <u>%</u>
	ROADS & ENVIRONMENTAL							
22	Roads Client	Employee Costs	0	0	24	56	56	
734	Roads Operations Unit	Employee Costs	763	527	475	721	(42)	(5.50)%
5,480	Environmental - Front Line	Employee Costs	5,626	3,950	3,883	5,495	(131)	(2.33)%
1,267	Environmental - Management	Employee Costs	1,280			1,314	34	2.66%
							(83)	
27	Roads Parking	Property Costs	9	6	27	47	38	422.22%
47	Grounds Maintenance - Hire of skips	Property Costs	74	49	24	44	(30)	(40.54)%
							8	
73	Roads Client - Design Rechargeable	Supplies & Services	0	0	159	159	159	#DIV/0!
85	Roads Operations Unit - Subcontractors	Supplies & Services	227	148	243	266	39	17.18%
469	Roads Operations Unit - Materials	Supplies & Services	1,034	627	817	966	(68)	(6.58)%
199	Vehicles - Materials	Supplies & Services	185	139	155	220	35	18.92%
120	Vehicles - Subcontractors	Supplies & Services	96	72	79	134	38	39.58%
65	Waste Strategy - purchase of Bins	Supplies & Services	43	32	104	104	61	141.86%
							264	
323	Client Services - Non Routine Vehicle Maintenance	Transport & Plant Costs	240	140	121	267	27	11.25%
286	Roads Operations - External Hires	Transport & Plant Costs	286	186	214	263	(23)	(8.04)%
69	Roads Operations - Non Routine	Transport & Plant Costs	23	18	47	48	25	108.70%
							29	
25	Roads Operations Unit - Agency Costs	Administration	0	0	22	69	69	
35	Transfer Station - Agency Costs	Administration	0	0	26	27	27	
							96	
123	Waste Strategy - Green Waste	PTOB	80	70	110	126	46	57.50%
44	Food Waste Disposal	PTOB	60	42	21	29	(31)	(51.67)%
							15	

ENVIRONMENT AND REGENERATION COMMITTEE**REVENUE BUDGET MONITORING REPORT****MATERIAL VARIANCES****PERIOD 9: 1st April 2021 - 31st December 2021**

<u>Out Turn</u> <u>2020/21</u> <u>£000</u>	<u>Budget</u> <u>Heading</u>	<u>Subjective Head</u>	<u>Budget</u> <u>2021/22</u> <u>£000</u>	<u>Proportion</u> <u>of Budget</u> <u>£000</u>	<u>Actual to</u> <u>31-Dec-21</u> <u>£000</u>	<u>Projection</u> <u>2021/22</u> <u>£000</u>	<u>(Under)/Over</u> <u>Budget</u> <u>£000</u>	<u>Percentage</u> <u>Variance</u> <u>%</u>
(70)	Design Rechargeable - Recoveries	Income	0	0	(68)	(159)	(159)	#DIV/0!
(30)	Roads Client - Income from Capital	Income	0	0	0	(30)	(30)	#DIV/0!
(231)	Roads Client - Sales Fees and Charges	Income	(227)	(177)	(203)	(268)	(41)	18.06%
(2,256)	Roads Operations Unit - Schedule of Rates	Income	(2,256)	(1,347)	(1,109)	(2,072)	184	(8.16)%
(26)	Roads Operations Unit - NCI	Income	(26)	(16)	(23)	(56)	(30)	115.38%
(256)	Burials - Interment Income	Income	(254)	(185)	(148)	(229)	25	(9.84)%
(706)	Crematorium - Income	Income	(740)	(495)	(383)	(622)	118	(15.95)%
(269)	Vehicles - Non Routine Maintenance Income	Income	(140)	(105)	(159)	(175)	(35)	25.00%
(89)	Vehicles - Non Routine Labour Income	Income	(133)	(100)	(61)	(171)	(38)	28.57%
(32)	Income Recoveries (Scrap Metal / Batteries)	Income	(31)	(23)	(47)	(63)	(32)	103.23%
(304)	Recharges - Tipping Charges	Income	(292)	(219)	(224)	(323)	(31)	10.62%
(321)	Green Waste Permits	Income	(370)	(370)	(348)	(348)	22	(5.95)%
							(47)	
	PUBLIC PROTECTION & RECOVERY							
(105)	Public Protection HEEPS	Income	(20)	(15)	(20)	(40)	(20)	100.00%
							(20)	
	CORPORATE DIRECTOR							
140	Corporate Director	Employee Costs	146	100	0	0	(146)	(100.00)%
							(146)	
Total Material Variances							97	

EARMARKED RESERVES POSITION STATEMENT

Appendix 4

COMMITTEE: Environment & Regeneration

Project	Total Funding	Phased Budget To Period 9	Actual To Period 9	Projected Spend	Amount to be Earmarked for 2022/23 & Beyond	Lead Officer Update
	2021/22 £000	2021/22 £000	2021/22 £000	2021/22 £000	£000	
Renewal of Clune Park Area	2,434	60	80	180	2,254	To progress the regeneration of Clune Park to a conclusion. £1m approved at September 21 P&R Committee added to capital.
Youth Employment	353	83	64	83	270	Continuing the graduate and Modern Apprentice programmes with places both within and outwith the Council. Recruitment ongoing. Phasing to be amended for posts continuing/starting in 22/23.
Repopulating/Promoting Inverclyde/ Group Action Plan	265	70	25	265	0	Action plan currently under review to establish if there is scope for further write back.
Employability Initiatives	649	100	19	100	549	Contracts to local organisations and individuals for employability. £300k for general employability and £300k Business development start up grants to support local companies. £300k agreed to fund Jobs Recovery Plan. Commitments under review.
Town and Village Centre Environmental Improvements	16	16	16	16	0	Complete
Repaint and carry out essential repairs to the Comet	41	0	0	20	21	Further feasibility studies being informed through Comet Working Group.
Climate Change	300	50	33	100	200	Council properties, private properties (potentially insulation grants), policy development around sustainable transport. Approved at P&R Oct 21.
Resilience & Insurance Claims - Black Start Equipment	23	23	0	23	0	Report to CMT needed as costs have increased.
Roadside Trees	54	54	16	30	24	Site works delayed due to supplier and inventory issues for tree survey. Also due to nesting season from March 2022 we may not achieve full spend on site works by the end of financial year and works will carry over until late Summer 2022.
Roads Assessments due to parking prohibitions contained in the Transport Scotland Act 2019.	23	0	0	23	0	Undertake Roads Assessments for new Transport Act.
Total Category C to E	4,158	456	253	840	3,318	

COMMITTEE: ENVIRONMENT & REGENERATION

Project Name	1	2	3	4	5	6	7	8
	Est Total Cost	Actual to 31/3/21	Approved Budget 2021/22	Revised Est 2021/22	Actual to 31/12/21	Est 2022/23	Est 2023/24	Future Years
	£000	£000	£000	£000	£000	£000	£000	£000
Roads & Environmental Services								
Roads								
<u>Core Programme</u>								
Cycling, Walking & Safer Streets	743		406	406	204	337	0	0
SPT	900		789	900	838	0	0	0
Spaces for People	168		478	168	84	0	0	0
Flooding Strategy - Future Schemes	1,426	250	326	100	51	300	776	0
Kirn Drive Passing Places	200	8	15	15	0	0	20	157
Drumshantie Road Carpark	80	-	80	80	0	0	0	0
Former St Ninians School Site	75	-	75	30	0	45	0	0
Feasibility Studies	90	-	90	45	0	45	0	0
Complete on Site	8	-	8	8	0	0	0	0
Roads - Core Total	3,690	258	2,267	1,752	1,177	727	796	157
<u>Roads Asset Management Plan</u>								
Carriageways	5,542		1,562	1,672	1,106	1,540	2,330	0
Footways	814		314	254	85	310	250	0
Structures	594		94	94	74	250	250	0
Lighting	1,065		415	115	62	300	650	0
Other Assets	483		183	183	68	150	150	0
Staff Costs	1,100		360	394	378	336	370	0
Roads Asset Management Plan Total	9,598	0	2,928	2,712	1,773	2,886	4,000	0
Roads Total	13,288	258	5,195	4,464	2,950	3,613	4,796	157
Environmental Services								
Cemetery Development	1,600	218	480	605	266	645	132	0
Cremator Replacement	1,650	111	496	244	45	1,000	295	0
Zero Waste Fund	184		64	64	19	60	60	0
Vehicles Replacement Programme	1,751		105	280	273	336	1,135	0
Dog Park	20	-	20	20	0	0	0	0
Murdieston/Thom Dam Area	25	-	25	25	19	0	0	0
Overton Play Park surrounds	40	-	40	40	11	0	0	0
Play Area Strategy	406		376	76	32	330	0	0
Play Areas complete on Site	10	-	10	10	8	0	0	0
Barr's Brae Steps	40	-	40	40	0	0	0	0
Nature Restoration Fund	88		88	88	0			
Park, Cemeteries & Open Spaces AMP	659		118	100	100	129	430	0
Environmental Services	6,473	329	1,862	1,592	773	2,500	2,052	0
ROADS & ENVIRONMENT TOTAL	19,761	587	7,057	6,056	3,723	6,113	6,848	157

COMMITTEE: ENVIRONMENT & REGENERATION

Project Name	1	2	3	4	5	6	7	8
	<u>Est Total Cost</u>	<u>Actual to 31/3/21</u>	<u>Approved Budget 2021/22</u>	<u>Revised Est 2021/22</u>	<u>Actual to 31/12/21</u>	<u>Est 2022/23</u>	<u>Est 2023/24</u>	<u>Future Years</u>
	<u>£000</u>	<u>£000</u>	<u>£000</u>	<u>£000</u>	<u>£000</u>	<u>£000</u>	<u>£000</u>	<u>£000</u>
<u>Regeneration and Planning</u>								
<u>Core Regeneration:</u>								
Port Glasgow Town Centre Regeneration	1,960	1,418	39	39	14	503	0	0
Central Gourock	150	130	20	20	0	0	0	0
T&VC - West Blackhall Street	3,712	125	2	2	0	485	3,100	0
T&VC - Lyle Fountain	130	14	116	82	54	0	34	0
T&VC - Jamaica Street Car Park	250	149	101	11	5	90	0	0
T&VC - Babylon Purchase & Demolition	680	280	400	220	8	55	125	0
T&VC - Other	835	279	372	56	0	300	200	0
Place Based Funding	675	675	675	75	0	600	0	0
Core Regeneration Total	8,392	2,395	1,725	505	81	2,033	3,459	0
<u>Public Protection:</u>								
Scheme of Assistance	2,496		708	800	659	700	996	0
Clune Park Regeneration	2,000	639	27	120	7	241	1,000	0
Public Space CCTV	201	186	15	15	0	0	0	0
Public Protection Total	4,697	825	750	935	666	941	1,996	0
Regeneration Services Total	13,089	3,220	2,475	1,440	747	2,974	5,455	0

COMMITTEE: ENVIRONMENT & REGENERATION

Project Name	1	2	3	4	5	6	7	8
	Est Total Cost	Actual to 31/3/21	Approved Budget 2021/22	Revised Est 2021/22	Actual to 31/12/21	Est 2022/23	Est 2023/24	Future Years
	£000	£000	£000	£000	£000	£000	£000	£000
Property Assets								
<u>Core Property Assets</u>								
General Provision	4,077	-	129		0	1,327	2,750	0
Additional Covid pressure allowance - General	129	-	0	0	0	29	100	0
Feasibility Studies	270	162	18	8	0	25	75	0
Greenock Municipal Buildings - Window Replacement	300	268	32	15	3	17	0	0
Greenock Municipal Buildings - Clyde Square Re-roofing	1,265	318	897	897	660	0	50	0
Greenock Municipal Buildings - Air Handling	100	8	87	15	0	77	0	0
Greenock Cemetery _ Ivy House Replacement	500	131	354	50	5	280	39	0
Waterfront Leisure Centre Lifecycle Works	1,278	1,018	210	15	7	225	20	0
Boglestone Community Centre Roof	570	30	520	300	19	220	20	0
Various Garages/Stores Replacement	120		0	28	0	82	10	
Caladh House Remedial Works	70		0	65	14	5		
Sea Walls/Retaining Walls	100	-	15	30	10	60	10	0
Customhouse Square - Risk/DDA Works	300	13	247	212	113	10	65	0
Watt Institute - Risk/DDA Works	100	5	90	12	12	78	5	0
<u>Minor Works</u>								
Farms	30		9	5	0	20	5	0
Minor Demolitions	40		18	40	37	0	0	0
Inverclyde Leisure Properties	200		14	150	100	50	0	0
General Works	200		19	175	165	25	0	0
Design & Pre-Contract	31		31	20	18	11	0	0
Reservoirs	85		59	65	64	20	0	0
<u>Statutory Duty Works</u>								
Electrical	50		21	50	6	0	0	0
Lightning Protection	10		9	5	0	5	0	0
Lifts	10		0	10	3	0	0	0
Water	45		20	45	35	0	0	0
Gas	11		1	5	0	6	0	0
Asbestos	80		55	20	10	60	0	0
Fire Risk	62		37	60	51	2	0	0
DDA/Equality	185		95	10	7	100	75	0
Capital Works on Former Tied Houses	600	227	0	7	7	9	150	207
Complete on Site Allocation	197		63	93	93	0	104	0
Core Property Assets Total	11,015	2,180	3,050	2,407	1,439	2,743	3,478	207
<u>Asset Management Plan:</u>								
Depot Demolitions - Balance	105	-	0	0	0	5	100	0
Kirn Drive Civic Amenity Site / Craigmuschat Recycling Facility	360	123	37	37	3	125	75	0
AMP Complete on site	84		0	0	0	0	84	0
Additional Covid pressure allowance - AMP	33	-	0	0	0	0	33	0
Asset Management Plan Total	582	123	37	37	3	130	292	0
Property Assets Total	11,597	2,303	3,087	2,444	1,442	2,873	3,770	207

COMMITTEE: ENVIRONMENT & REGENERATION

<u>Project Name</u>	1	2	3	4	5	6	7	8
	<u>Est Total Cost</u>	<u>Actual to 31/3/21</u>	<u>Approved Budget 2021/22</u>	<u>Revised Est 2021/22</u>	<u>Actual to 31/12/2021</u>	<u>Est 2022/23</u>	<u>Est 2023/24</u>	<u>Future</u>
	<u>£000</u>	<u>£000</u>	<u>£000</u>	<u>£000</u>	<u>£000</u>	<u>£000</u>	<u>£000</u>	<u>£000</u>
<u>City Deal</u>								
Greenock Ocean Terminal - Total	11,643	4,764	6,073	3,750	2,067	3,083	46	
Inverkip	3,250	18	2,000	50	0	182	3,000	
Inchgreen	9,427	54	2,377	377	8	5,498	3,498	
<u>City Deal Total</u>	24,320	4,836	10,450	4,177	2,075	8,763	6,544	0

Report To:	Environment & Regeneration Committee	Date:	3 March 2022
Report By:	Interim Director, Environment & Regeneration	Report No:	ENV017/22/SJ
Contact Officer:	Stuart Jamieson	Contact No:	01475 712764
Subject:	Environment & Regeneration Capital Programme Progress		

1.0 PURPOSE

- 1.1 The purpose of the report is to update the Committee in respect of the status of the projects within the 2021/24 Environment & Regeneration Capital Programme.

2.0 SUMMARY

- 2.1 This report advises the Committee in respect of the progress of the projects within the Environment & Regeneration Capital Programme incorporating Roads and Environmental Services, Regeneration and Planning, Property and City Deal.

3.0 RECOMMENDATIONS

- 3.1 That the Committee notes the current position of the 2021/24 Capital Programme and the progress on the specific projects.

Stuart Jamieson
Interim Director,
Environment & Regeneration

4.0 BACKGROUND

- 4.1 This report shows the current position of the approved Environment & Regeneration Capital programme reflecting the allocation of resources approved by Inverclyde Council on 18th March 2021. This effectively continued the previously approved 2020/23 Capital Programme to 2021/24. In addition to the core annual allocations funding was approved to continue the RAMP and for the Open Spaces AMP for the period.

5.0 ROADS AND ENVIRONMENTAL SERVICES

Core Programme

- 5.1 **Cycling, Walking & Safer Streets:** Additional cycling projects through East India Harbour Greenock and at Mirren's Shore Port Glasgow are currently at design stage.
- 5.2 **SPT:** The William Street pedestrian crossing is complete with the removal of the existing crossing at Cross Shore Street also complete. The West Blackhall Street town centre project is progressing to final design and procurement stage. The installation of the signalised junction at Grey Place and West Blackhall Street has now commenced. Works to link the traffic signals on the A770 is complete which includes the new MOVA technology system. Upgrade works to existing signalised pedestrian crossings to comply with the Disability Discrimination Act are ongoing.
- 5.3 **Spaces for People:** Further monitoring of traffic flows, pedestrian's and cycle usage is ongoing on the Battery Park to Greenock Town Centre cycle lanes. An all members briefing was carried out on the 22nd February 2022.
- 5.4 **Flood Risk Management (Central Greenock):** Works to clear debris from the Eastern Line of Falls is ongoing.
- 5.5 **Flood Risk Management (Flood Risk Management Plan):** The Glen Mosston, Kilmacolm design works are complete. SEPA have approved the licence application and discussions are ongoing with land owners regarding the project. The Gotter Water project design is complete. All these projects have been paused at present by the Scottish Government until funding arrangements are agreed.
- 5.6 **Drumshantie Road Car Park:** Main construction is now complete. The car park is now able to be used.
- 5.7 **Former St Ninian's School Site:** The site has been assessed to determine the vegetation cutback and capping layer required to remediate the site for development. It is proposed to carry out site clearance this financial year and to complete the soil capping layer in Summer 22. This will remediate the site allowing rewilding and biodiversity activity.

Roads Asset Management Plan

- 5.8 **Carriageways:** 17 of the 20 carriageway resurfacing schemes are now complete which includes 2 additional schemes. 19 of 24 large patching schemes are also complete which includes 4 additional schemes. Remaining schemes programmed to be completed by end of March 2022.
- 5.9 **Footways:** 5 of the 18 footway resurfacing schemes are complete with 3 schemes programmed to be completed by the end of March 2022 the remainder will be deferred until next financial year. 2 of the 6 large footway patching schemes are also complete with the remainder deferred until next financial year.
- 5.10 **Structures:** Principal Inspections of Bridges and Structures and safety improvement works are ongoing.
- 5.11 **Street Lighting:** Street lighting project design is going through final stages with procurement of units and installation to follow.

Environmental Services

- 5.12 **Cemetery Development:** Works commenced on the Knocknairshill Cemetery Extension project on Monday 8 November 2021 with completion programmed for July 2022. The Contractor is currently progressing the drainage installations and foundations.
- 5.13 **Cremator Replacement:** The application for Listed Building consent has been submitted and the design is progressing towards a Building Warrant application. Pre-contract works will be undertaken to upgrade the incoming electrical supply.
- 5.14 **Vehicle Replacement Programme:** Budget for 2021/22 is £105k. It is anticipated that the full amount will be delivered in this financial year.
- 5.15 **Play Areas:** A report identifying 6 priority play areas has been approved by committee. Tenders have been evaluated and the successful tendered notified. Installation has been delayed with the successful bidder confirming the start date for projects in May 2022.
- 5.16 **Nature Restoration Fund:** The Council has been awarded funding of £88k from the Scottish Government for rewilding and biodiversity projects. Improvements to paths and access to sensitive restoration have been assessed. The path improvements have been identified and materials procured to allow works to commence. Weather conditions have made an earlier start problematic. Naturalised seeding and planting to commence in Spring 2022.
- 5.17 **Parks, Cemeteries and Open Spaces Asset Management Programme:** The Service are part funding the Multi-Use Games Area upgrade in Birkmyre Park, Kilmacolm. Tenders have been returned and evaluated with a formal acceptance imminent. Expenditure will be maximised in the current financial year subject to availability of materials. The estimated cost of the project is £80K with £53k funding from the Parks, Cemeteries and Open Spaces AMP allocation.

6.0 REGENERATION AND PLANNING

Core Regeneration

- 6.1 **Town & Village Centres - West Blackhall Street:** Funding has been awarded for the project from Sustrans. Tender documents are close to completion and it is anticipated procurement will commence before the end of the financial year.
- 6.2 **Town & Village Centres - Lyle Fountain:** The final lighting and water supply works are in progress with completion anticipated by the end of February.
- 6.3 **Town & Village Centres - Jamaica Street Car Park:** Scottish Water have now given approval of the drainage design proposals. Construction works have been procured and are due to commence on site mid-March.
- 6.4 **Town & Village Centres - Former Babylon Building Demolition:** Scottish Water disconnection works have been completed with the traffic management scheme now authorised. The Contractor commenced works on site on 31st January to complete by mid-May.
- 6.5 **Town and Village Centres / Place Based Funding:** At the October Committee Officers identified that both the Babylon demolition costs and the Carbon Zero project at KGVI in Port Glasgow were priority projects for the Town and Village Centre Funding. Allocations of £400,000 and £200,000 were made against these projects respectively. It is therefore proposed to allocate the 2021-2022 funds as follows:-
- Kilmacolm Village Centre Phase 1 St James Footpath improvements £75,000
 - Port Glasgow Princes Street Canopy Improvements £31,000
 - Port Glasgow Lamonts mural lighting £6,500
 - Port Glasgow Comet Interpretation Boards £10,000
 - Greenock Town Centre Signage £80,000
 - Gourock Park Lighting pilot £74,000

Inverkip £25,000
Town and Village Centre pavement cleaning £57,000

7.0 PROPERTY

Core Property Assets

7.1 Greenock Municipal Buildings

Window Replacement: The windows within the courtyard / air well at the Fire Museum will be included in the next phase of proposed window replacement. As previously reported, the scope of the works is being expanded to make best use of the necessary temporary access scaffolding that will be required to facilitate the works. A small area of slated roof which has not formed part of the roofing projects to date and works to address historical water penetration issue related to the interface with the Dalrymple Tower will also be incorporated. Listed Building Consent has been approved with tender documents in progress.

Clyde Square Elevation Re-roofing: Works are now complete with the dismantling of the final scaffold within the carriageway nearing completion.

Grand Corridor Offices Ventilation: The works involve the provision of a permanent air handling unit (AHU) serving internal offices with limited natural ventilation. Listed building consent and Building Warrant have now been granted. Tender drawings and specifications are complete with tender issue imminent.

Greenock Town Hall: The January report provided background on the scoping of the project to address the last significant roofing project within the campus i.e. the Town Hall element. The project continues to be developed with surveys in progress to inform the process. A cost estimate will be prepared at the appropriate stage to inform the allocation required from the 2022/23 Core Property budget.

7.2 **Greenock Cemetery Complex (Ivy House):** Listed Building Consent and Building Warrant have been granted. The contract has been awarded with a pre-Start meeting arranged. Works to commence as soon as possible thereafter.

7.3 **Waterfront Leisure Complex Lifecycle Works:** Tender documents were initially published and returned on 12 January 2022 resulting in a single tender return that was unable to be progressed. Tenders have now been re-issued with a return date of 28 February.

7.4 **Boglestone Community Centre - Re-Roofing:** The Contractor has been appointed and works commenced on site on 10 January 2022 with a completion programmed for April 2022.

7.5 **Sea Walls/Retaining Walls:** Provision of £100K was made in the 2020/21 budget to address the progression of surveys and mapping of Council assets in order to establish condition and any current/future capital project works required. Following the approval provided at the January Committee, officers are progressing the specialist survey works to assess the condition of the sea defences at the Greenock waterfront between the Ocean Terminal location and the Beacon Arts Centre. Work is also on-going through Legal Services and Landownership Scotland in respect of legal searches and clarification of title / ownership of the waterfront from Newark to Kelburn Park in Port Glasgow. The scope and location of surveys will continue to be assessed by Officers.

7.6 **Risk/DDA Works:** Provision of £0.400m was made available in the 2020/21 budget to address areas of risk and future claims against the Council including priority equality works.

Customhouse Square: Available funding is being prioritised to address improvements to the existing cobbled roads surrounding Customhouse Square. Phase 1 works were completed in December 21. Tenders for Phase 2 have been returned and a tender report is in progress.

Watt Institute Lift: The project involves provision of a lift within the Watt Institute gallery space to address the lack of an accessible route to the upper exhibition floor. The design has been

progressed to Stage 2 with a cost report now completed. The estimated cost of the project is £175k and the Committee is requested to note the allocation of £75k from the Core Property DDA/Equality allocation to allow the project to be progressed.

- 7.7 **Grounds Service Accommodation:** The project involves proposals to address the poor condition of four small garage/storage buildings across Inverclyde (Gourock Cemetery / Port Glasgow Cemetery / Birkmyre Park Kilmacolm / Parklea). Overall project being prioritised based on available resources with Stage 2 report and costs being progressed for all locations.
- 7.8 **Caladh House Building, John Street, Gourock:** Works to address issues with the en-suite showers throughout the property are progressing. It should be noted that the programme has been disrupted due to a number of COVID cases within the facility.

Minor Works – General

- 7.9 **Inverclyde Leisure – Birkmyre Gym AHU:** The project involves the replacement/relocation of the existing life expired air handling unit. Listed Building Consent was submitted and subsequently withdrawn following concerns over the location of the proposed unit from a local community group raised as part of the planning process. The design team are revisiting the design to present a more acceptable solution.
- 7.10 **Inverclyde Leisure – Wemyss Bay Community Centre:** An allocation of £100K for general upgrade works was made in the 2019/20 budget with progress on works and expenditure reported through the Education & Communities Committee. That allocation has now been fully expended with a final element of work required involving ventilation / daylighting improvements through installation of high level windows within the main hall space. A formal contract acceptance has been issued with site start programmed for mid-February.
- 7.11 **Inverclyde Leisure – Grieve Road Community Centre:** An allocation of £200K for partial refurbishment / general upgrade works was made in the 2019/20 budget with progress on works and expenditure reported through the Education & Communities Committee. As previously reported, the remaining funds within that allocation are insufficient to progress the final element of work required which involved minor internal alterations and ventilation / daylighting improvements through installation of high level windows within the main hall space. A formal contract acceptance is imminent following resolution of the necessary statutory approvals.

Statutory Duty Works

- 7.12 **DDA/Equality - Greenock Town Hall Stage Lift:** Listed Building Consent and Building Warrant approved. Tenders have been returned and assessed with a formal contract acceptance imminent subject to approval to close the Vaccination Centre for a four week period. The manufacture and delivery period of 16 weeks requires an installation in two stages in June and July when the Vaccination Centre has a low demand and can potentially be relocated to Port Glasgow Town Hall for the period. Other bookings for the Town Hall have been taken into consideration.
- 7.13 **DDA/Equality – Port Glasgow Town Hall Lift Replacement:** The project involves the replacement of the existing lift which is nearing end of serviceable life and with components / parts no longer readily available. The works involve structural alterations to address current building standards and larger lift size. Detail design is in progress and a stage 1 building warrant to be submitted. The tender for the supply and installation of the lift only will be issued shortly to allow a supplier to be in place to provide technical information for the second stage building warrant. Manufacture can commence while the building warrant progresses. It is anticipated that the Town Hall will be closed for a period over September and October 22 for the installation and the Vaccine Centre will be relocated to the Greenock Town Hall. This will enable the Port Glasgow Town Hall to have full disabled access to the Vaccination Centre prior to the winter and onset of anticipated rise in vaccinations.

Asset Management Plan – Depots

7.14 **Kirn Drive Depot:** The August Committee approved the progression of proposals to address improvements to the existing Kirn Drive Civic Amenity facility. The existing Civic Amenity facility was closed at the end of January 2022 with the facility temporarily relocated to Craigmuschat Quarry. The existing services within Kirn Drive are in the process of being terminated throughout February in liaison with the service providers with demolition of the building scheduled to commence in early March. Planning Consent for the improved Kirn Drive facility has been granted and a Building Warrant application has been submitted. Production drawings are in progress for preparation of tender documents. Subject to progression and conclusion of the tender process, it is anticipated that a contract for the improvement works will be awarded to allow commencement after the completion of the demolition contract in mid-May.

8.0 CITY DEAL

8.1 **Greenock Ocean Terminal:** The works commenced on site on 17th May with original contract completion date of 10th May 2022. As previously reported, the contractor encountered difficult ground conditions and obstructions in the ground which has impacted on progress. The works are now progressing with foundations, gas membrane work, structural / secondary steel frame, underbuilding and floor slabs complete. Works are also progressing on alterations within the existing car park and on the drainage connections for the new building. Curtain walling works are on-going and circa 50% complete with internal blockwork in progress. The contractor is currently reporting anticipated full completion late August / early September and will attempt to partially recover time throughout the remaining stages of the project subject to the on-going industry challenges of materials and labour availability being experienced across the sector.

8.2 **Inverkip:** Negotiations underway into Council progressing Main Street/A78 improvements directly. Budget has been rephrased with £0.100m estimated to be spent in 2021/22, a further £1.900m in 2022/23 and £1.250m in 2023/24. The Planning application in Principle was approved by the January Planning Board.

8.3 **Inchgreen:** Final Business Case submitted to the City Deal PMO following Committee Approval at the January Committee

9.0 IMPLICATIONS

9.1 Finance

Financial Implications:

One off Costs

Cost Centre	Budget Heading	Budget Years	Proposed Spend this Report	Virement From	Other Comments
N/A					

Annually Recurring Costs/ (Savings)

Cost Centre	Budget Heading	With Effect from	Annual Net Impact	Virement From (If Applicable)	Other Comments
N/A					

9.2 Legal

None.

9.3 Human Resources

None.

9.4 Equalities

Equalities

(a) Has an Equality Impact Assessment been carried out?

X

YES

NO – This report does not introduce a new policy, function or strategy or recommend a substantive change to an existing policy, function or strategy. Therefore, no Equality Impact Assessment is required

(b) Fairer Scotland Duty

If this report affects or proposes any major strategic decision:-

Has there been active consideration of how this report's recommendations reduce inequalities of outcome?

X

YES – A written statement showing how this report's recommendations reduce inequalities of outcome caused by socio-economic disadvantage has been completed.

NO

(c) Data Protection

Has a Data Protection Impact Assessment been carried out?

X

YES – This report involves data processing which may result in a high risk to the rights and freedoms of individuals.

NO

9.5 Repopulation

None.

10.0 CONSULTATIONS

10.1 None.

11.0 BACKGROUND PAPERS

11.1 None.

Report To:	Environment & Regeneration Committee	Date:	3 March 2022
Report By:	Interim Director, Environment & Regeneration	Report No:	22/03/05/SJ
Contact Officer:	Stuart Jamieson	Contact No:	01475 712402
Subject:	General Update		

1.0 PURPOSE

- 1.1 The purpose of this report is to provide the Committee with an update on a number of projects.

2.0 SUMMARY

- 2.1 Since the impact of COVID-19, Committee has been advised of a number of points via an expedited business report or update
- 2.2 Section 4 provides Members with a general update on a number of general progress updates.

3.0 RECOMMENDATION

- 3.1 The Committee are asked to:
- a) Note the recommencement of parking charging within off street car parks on 1 April 2022, including the new car parks covered under the new TPO's;
 - b) Note the update in respect of the speed surveys undertaken in Albert Road, Ashton Road and Cloch Road, Gourock;
 - c) Note the continued participation in the Greenports bidding process;
 - d) Note the current position in respect of the Falls of Clyde; and
 - e) Note that a further report will be prepared in respect of the Council's participation in the Edinburgh process.

Stuart Jamieson
Interim Director, Environment & Regeneration

4.0 UPDATE

Recommencement of Pay and Display Charging in Off Street Car Parks

- 4.1 Members will recall that as part of the Recovery Action Plans approved at Policy and Resources Committee on 25 May 2021. It was agreed to extend Pay and Display charging suspension in town centre car parks until the end of March 2022. In addition the meeting of the Environment and Regeneration Committee on 04 May 2021 approved that the parking charging suspension was extended.
- 4.2 In March 2020 the Council commenced consultation on a Traffic Regulation Order ('TRO') promoting the introduction of car park charges in Fore Street and Shore Street car parks in Port Glasgow and Kempock Street car park in Gourock. This TRO also brought Electric Vehicle Charging Points in line with other vehicles parking in car parks i.e. the time limits and parking charges apply to EVCP car parking spaces. This consultation was paused due to the pandemic as the public did not have access to view the TRO. The TRO consultation was fully undertaken in October 2020 and the TRO was made in January 2022 with an effective date of 1 April 2022.
- 4.3 As the COVID-19 restrictions are relaxed and the message from the Scottish Government is for employers to encourage hybrid working, it is likely that more people will commute to the town and village centres. It is therefore proposed to reintroduce parking charges on 1 April 2022. This will encourage turnover within the town centre car parks and support access to town centre businesses and amenities.

Speed Survey Update - Albert Road, Ashton Road and Cloch Road, Gourock

- 4.4 Members will recall that the Environment and Regeneration Committee held on 13 January 2022 Officers were requested to provide an update on the speed surveys undertaken on Albert Road, Ashton Road and Cloch Road, Gourock and advise on potential measures that could be undertaken.
- 4.5 Speed surveys were carried out during October and November 2021 and the location of the surveys and the results are contained in the table below:

Location	85 %ile speed
Albert Road – West of Gourock Pool	30.2mph
Albert Road – East of Hillside Road	33.7mph
Ashton Road – West of Victoria Road	32.0mph
Cloch Road – East of Cloch Brae	35.0mph
Cloch Road – McInroy's Point	33.6mph
Cloch Road – West of Levan Point	35.7mph
Cloch Road – old Gantock Hotel Site	38.8mph

- 4.6 The three roads have speed limits of 30mph and it has been noted that there are locations with an 85%ile speed in excess of the speed limit. Police Scotland are responsible for monitoring and enforcement of vehicle speed.
- 4.7 On A and B class roads vertical and horizontal features are not appropriate. The Service are assessing whether at key locations signs, road markings and vehicle actuated speed signs to encourage road users to reduce their speed could be installed. If appropriate a Report will be remitted to Committee to consider proposals.
- 4.8 The Service have raised these locations with the Safety Camera Partnership Team (Police Scotland) for consideration for siting of future safety cameras. Safety cameras are sited to reduce accident likelihood and the Partnership assess locations on the following criteria:

Collision history;
Speed Surveys;
Stakeholder Engagement; and
Enforcement Strategy.

Locations have been identified for installation of either permanent or mobile cameras this calendar year. These are Dubbs Roads, Port Glasgow and Regent Street, Greenock for permanent cameras and a mobile camera will operate on the Clune Brae, Port Glasgow.

Albert Road, Ashton Road and Cloch Road have not been identified for the siting of safety cameras.

Greenports/ Freeports

- 4.9 Officers presented a report to the December 2020 Committee entitled Freeport Consultation and Draft Consultation response. Since then discussions have taken place between the UK and Scottish Governments on the deployment of Freeports/Greenports in Scotland. In February both Governments announced their intention to support the establishment of two Greenports in Scotland.
- 4.10 Whilst Committee approved participation in a potential tri-modal, four port bid within this process, clarification remains outstanding in respect of labour market and tax issues. It is expected that a prospectus will be issued sometime in March. It is proposed that Officers continue to participate in the process up to the potential submission of a Greenport bid with an appropriate report prepared prior to submission.

Falls of Clyde

- 4.11 Following a request from Members Officers re-engaged in December of 2021 with the principle involved with the restoration of the Falls of Clyde regarding a potential relocation from Hawaii to Greenock.
- 4.12 The meeting was fruitful however two issues were raised in respect of discussions with the Planning Service regarding the finish of the proposed buildings in and around Victoria Harbour and the production of an up to date business plan. Unfortunately resolution has not been forthcoming with either matter.

The Edinburgh Process

- 4.13 In December 2021 the Minister for Environment and Land Reform along with the Minister for Green Skills, Circular Economy and Biodiversity wrote to local authorities seeking their support for the Edinburgh Process. The Edinburgh Process aims to ensure a 'whole of government' approach is adopted globally, and the Edinburgh Declaration is a call to action – setting out the commitment of the subnational constituency in delivering for nature over the next decade, and calling upon Parties to step up their recognition of all levels of government in order to deliver the transformational change needed to halt and reverse biodiversity loss, developing a post-2020 framework for global biodiversity and new global targets to be agreed at the Conference of Parties meeting (COP15) in Kunming, China. Detail can be found at

<https://www.gov.scot/publications/edinburgh-declaration-on-post-2020-biodiversity-framework/>

Officers will evaluate the implications of this request and prepare a report to a future committee.

5.0 IMPLICATIONS

Finance

5.1

One off Costs

Cost Centre	Budget Heading	Budget Years	Proposed Spend this Report £000	Virement From	Other Comments
		2021-22			

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Annually Recurring Costs/ (Savings)

Cost Centre	Budget Heading	With Effect from	Annual Net Impact £000	Virement From (If Applicable)	Other Comments
N/A					

5.2 Legal

None.

5.3 Human Resources

None.

5.4 Equalities

Equalities

Has an Equality Impact Assessment been carried out?

X

YES

NO – This report does not introduce a new policy, function or strategy or recommend a substantive change to an existing policy, function or strategy. Therefore, no Equality Impact Assessment is required

Fairer Scotland Duty

If this report affects or proposes any major strategic decision:-

Has there been active consideration of how this report’s recommendations reduce inequalities of outcome?

X

YES – A written statement showing how this report’s recommendations reduce inequalities of outcome caused by socio-economic disadvantage has been completed.

NO

Data Protection

Has a Data Protection Impact Assessment been carried out?

X

YES – This report involves data processing which may result in a high risk to the rights and freedoms of individuals.

NO

5.5 Repopulation

N/A

6.0 CONSULTATIONS

6.1 None.

7.0 LIST OF BACKGROUND PAPERS

7.1 None.

Report To: Environment & Regeneration Committee **Date:** 3 March 2022

Report By: Interim Director, Environment & Regeneration **Report No:** ERC/RT/GMcF/18.631

Contact Officer: Steven Walker **Contact No:** 01475 714828

Subject: Roads & Transportation – Proposed RAMP/Capital Programme for 2022/23

1.0 PURPOSE

- 1.1 The purpose of this report is to seek Committee approval in relation to a proposed programme of projects to be undertaken in 2022/23 using RAMP/Capital Funding and a grant offer of funding by the Scottish Government for Cycling, Walking and Safer Routes Projects.

2.0 SUMMARY

- 2.1 This is the final year of the approved 5 year Roads Asset Management Strategy for 2018/23. This report is to advise the Committee of the proposed RAMP/Capital expenditure and core projects for 2022/23 (excluding CWSR Grant Funding) amounting to a value of £2,886m.
- 2.2 The 2022/23 Cycling, Walking and Safer Routes (CWSR) projects for Roads & Transportation are valued at £340k. At least 36% (and preferably above 50%) of the grant funding shall be considered for the purposes of undertaking a programme of works for the promotion of cycling. Payment of the funding will be by grant made in arrears on the basis of evidenced expenditure.

3.0 RECOMMENDATIONS

- 3.1 That the Committee approve the list detailed below for the 2022/23 RAMP/Capital and CWSR grant aided roads related projects.
- 3.2 That the Committee grant delegated authority to the Head of Service – Roads & Transportation to achieve full spend of the RAMP/Capital budget through the substitution of projects from a reserve list when necessary.

Gail MacFarlane
Head of Service – Roads & Environmental Services

4.0 BACKGROUND

- 4.1 This is the final year of the approved 5 year Roads Asset Management Strategy for 2018/23. This report is to advise the Committee of the proposed RAMP/Capital expenditure and core projects for 2022/23 (excluding CWSR Grant Funding) amounting to a value of £2,886m.
- 4.2 The 2022/23 Cycling, Walking and Safer Routes (CWSR) projects for Roads & Transportation are valued at £340k. At least 36% (and preferably above 50%) of the grant funding shall be considered for the purposes of undertaking a programme of works for the promotion of cycling. Payment of the funding will be by grant made in arrears on the basis of evidenced expenditure.

5.0 PROPOSALS – 2021/22 PROGRAMME

- 5.1 The proposed projects, where appropriate, apply only to carriageways, footways, lighting and bridges etc. on public roads for which Roads & Transportation has specific responsibilities in terms of the Roads (Scotland) Act 1984.
- 5.2 The costs of the projects as specified have been compiled on the basis of assessed unit costs and not on priced bill of quantities which will be prepared when the programme has been approved. Should the cost of any individual project exceed the preliminary estimate, appropriate variances will be applied to the remaining programme.
- 5.3 Delivery of the 2022/23 programme will depend on a number of factors including changing priorities due to ongoing changes within the condition of the network, weather, market prices and the work programmes of public utility companies who also require access to the road network. In view of this, it is proposed that delegated authority be given to the Head of Service – Roads & Transportation to achieve full spend of the capital budget through the substitution of projects from a reserve list when necessary. Reserve carriageway, footway and structures projects are in the relevant section of this report.
- 5.4 A CWSR budget has been established by the Scottish Ministers, with a view to giving greater prominence to cycling, walking and safer streets, to assist Local Authorities to achieve the aims of their Local Transport Strategy.
- 5.5 The programme of expenditure for the £3,226m funding is as detailed in the table below.

<i>Outline Programme</i>	<i>2022/23 (£000s)</i>
<i>RAMP</i>	
Carriageways (refer 6.0)	1,600
Footways (refer 7.0)	250
Structures (refer 8.0)	250
Lighting (refer 9.0)	300
Other Assets (refer 10.0)	150
Fees & Staffing	336
<i>Roads Core Funding</i>	
Cycling Walking & Safer Streets (refer 11.0)	340
Total	3,226

6.0 RAMP CARRIAGEWAY PROGRAMME

6.1 The priority investment programme for carriageways has been determined through analysis of available information comprising: road hierarchy, results from the Scottish Road Maintenance Condition Survey (SRMCS), local route knowledge with regard to defective lengths of carriageway, evidence of defects, number of complaints, accidents statistics, liability claims, and public, Councillor, and other requests. Particular emphasis is given to the road hierarchy, SRMCS and local route knowledge of Council Officers. Future determination is based on the Roads Asset Management Policy. Schemes are listed alphabetically by town.

i. Named Carriageway Resurfacing/ Reconstruction Schemes Previously Approved & Works Deferred to 2022/23 (£140k).

<i>Road</i>	<i>Class</i>	<i>Town</i>	<i>Extent</i>
A770 Brougham Street	A	Greenock	Grey Place to 20m east of the Overbridge
Old Largs Road	C	Greenock	Darndaff to Scottish Water Access Road
Tobago Street	U	Greenock	Sir Michael Street to King Street

ii. Named Carriageway Resurfacing/ Reconstruction Schemes New for 2022/23 (£1,010k).

<i>Road</i>	<i>Class</i>	<i>Town</i>	<i>Extent</i>
Broomberry Drive	U	Gourock	School to Barrhill Road
Carnoustie Avenue	U	Gourock	Gleneagles Drive to No. 49
Moorfoot Drive	U	Gourock	Kirn Drive to Firth Crescent
Ardgowan Street	U	Greenock	Robertson Street to Forsyth Street
Carwood Street	U	Greenock	Ratho Street to No. 60
Drumfrochar Road	U	Greenock	Lynedoch Street to Food Hub
Eldon Street	A	Greenock	No. 64 to No. 97
Neil Street	U	Greenock	Munro Street to Fergus Road
Ratho Street	C	Greenock	Oakfield Terrace to Belville Street
Sir Michael Street	U	Greenock	Full Length
South Street	U	Greenock	Newton Street to Fox Street
A761 Bridge of Weir Road	A	Kilmacolm	Rowantreehill to Houston Road
Quarry Drive	U	Kilmacolm	Full Length
Craigbet Road	C	Quarriers	Craigends Road to Bridge
Ardgowan Road	U	Wemyss Bay	Lomond Road to End

iii. Carriageway Large & Structural Patching - Various Locations (£300k).

<i>Road</i>	<i>Class</i>	<i>Town</i>	<i>Extent</i>
A770 Cloch Road	A	Gourock	At Lighthouse
A770 Shore Street	A	Gourock	St Johns Road to King Street
Drumshantie Road	U	Gourock	Drumshantie Terrace to Hall
Tower Drive	U	Gourock	Fletcher Ave to Ivy Crescent
Auchmead Road	U	Greenock	Patching
Blairmore Road	U	Greenock	Junction with B788

Clarence Street	U	Greenock	Hood Street to Patrick Street
Crawfurd Street	U	Greenock	Clarence St to Garage
Cumberland Road	U	Greenock	Patching
Manor Crescent	U	Greenock	Caledonia Crescent to Burnside Road
Sinclair Street	U	Greenock	Bridge to A8
Thom Street	U	Greenock	Columba St to Old Inverkip Rd
Weymouth Crescent	U	Greenock	Full Length
Main Street	U	Inverkip	Cameron Place to Station Road
Boglestone Roundabout to Southfield Avenue Link	U	Port Glasgow	Full Length
Parkhill Avenue	C	Port Glasgow	Heggies Avenue to No. 11 (Half Carriageway)

vi. Carriageway (and Footway/Footpath) Works – Participatory Budgeting Process (£150k)

v. Named Carriageway Resurfacing/ Reconstruction Schemes (Reserve).

<i>Road</i>	<i>Class</i>	<i>Town</i>	<i>Extent</i>
Balloch Road	U	Greenock	Fintry Road to Renton Road
Branchton Road	U	Greenock	Selected sections
Burnside Road	U	Greenock	Full Length
Drumfrochar Road	B	Greenock	Cornhaddock Road to Peat Road
Forfar Road	U	Greenock	Selected Sections
Newark Street	U	Greenock	Octavia Terrace to West Junction with Wood Street
Belmont Road	U	Kilmacolm	Selected sections
Glasgow Road	U	Port Glasgow	Kelburn Terrace to Heggies Avenue
Inellan Road	U	Wemyss Bay	Full Length
Toward Road	U	Wemyss Bay	Full Length

7.0 RAMP FOOTWAY PROGRAMME

7.1 The priority investment programme for footways/footpaths has been determined through analysis of available information comprising: route classification (amenity, use), local route knowledge with regard to defective lengths of footway/footpath, evidence of defects, number of complaints, accidents statistics, liability claims, and public, Councillor, and other requests. Particular emphasis is given to the route classification, and local route knowledge of Council Technical staff. Future determination is based on the Roads Asset Management Policy. Schemes are listed alphabetically by town.

i. Named Footway/Footpath Resurfacing/ Reconstruction Schemes Previously Approved & Works Deferred to 2022/23 (£140k).

<i>Road</i>	<i>Class</i>	<i>Town</i>	<i>Extent (Both Sides of Road Unless Otherwise Noted)</i>
Dunrobin Drive	U	Gourock	Full length (Both Sides)
Tower Drive	U	Gourock	Fronting No 58 to No 70 (at the Shops)
Glen Street	U	Greenock	Fox Street to Johnston Street (Both Sides)

Merlin Avenue	U	Greenock	Finch to Mallard (South Side)
Regent Street	C	Greenock	Lynedoch Street to Roxburgh Street (South Side)
Sinclair Street	U	Greenock	A8 to Rail Bridge
Wren Road	U	Greenock	Mavis Road to Shops (East Side)
Gryffe Road	U	Kilmacolm	Houston Road to Bridge of Weir Road (Both Sides, Selected Sections)
Lochwinnoch Road	B	Kilmacolm	Knockbuckle Road to Castlehill Road (North Side)
Park Road	U	Kilmacolm	Knockbuckle Road to Castlehill Road (Both Sides)
Alderbrae Road	U	Port Glasgow	Alderwood Crescent to No 24 (North Side)

ii. Named Footway/ Footpath Resurfacing/ Reconstruction Schemes New for 2022/23 (£80k).

<i>Road</i>	<i>Class</i>	<i>Town</i>	<i>Extent</i>
Carnoustie Avenue	U	Gourock	Gleneagles Drive to No 49 (Both Sides)
Newark Street	C	Greenock	Fort Matilda Station to Drums Terrace (South Side)
West Glen Road	U	Kilmacolm	High Street to Barrs Brae (Both Sides)

iii. Footway/Footpath Large Patching at Various Locations (£30k).

iv. Named Footway/ Footpath Resurfacing/ Reconstruction Schemes (Reserve).

<i>Road</i>	<i>Class</i>	<i>Town</i>	<i>Extent</i>
Ashton Road	A	Gourock	Riverside
Shore Street	A	Gourock	Church Street to John Street (Shop side)
Bank Street	U	Greenock	Roxburgh Street to Hay Street (East Side)
Eldon Street	C	Greenock	Esplanade to Wood Street (South Side), and Esplanade to North Street (North Side)
Kelly Street	U	Greenock	Both sides Houston Street to Union Street
Kilmacolm Road	B	Greenock	New Development to Leven Road (North Side)
Newton Street	U	Greenock	Campbell St to Forsyth Street (South Side)
Rankin Street	U	Greenock	Full Length (North Side)
Renton Road	U	Greenock	Leven Road to Balfour Road (Both Sides)
Robertson Street	U	Greenock	Newton Street to Finnart Street (Both Sides)
Rose Street	U	Greenock	Full Length (North Side)
Lochwinnoch Road	B	Kilmacolm	Belmont Road to B788 Auchenfoil Road (West Side)
Nursery Grove	U	Kilmacolm	Full Length (Both Sides)
Clune Brae	A	Port Glasgow	Selected lengths
Court Road	U	Port Glasgow	Bay Street to End (North Side)
Cumbrae Avenue	U	Port Glasgow	Full length (Both Sides)
Lomond Road	U	Wemyss Bay	Selected Sections

8.0 RAMP LIGHTING PROGRAMME

8.1 The delivery of the RAMP street lighting programme continues on from the works carried out in previous years, and concerns column replacement on a priority basis. The proposed priority investment is noted in the table below.

i. Column Replacement (£300k).

<i>Road</i>	<i>Class</i>	<i>Town</i>	<i>Project Extent</i>
Column Replacement	All	All	Works to replace life expired columns, including replacement of ad-hoc damaged columns via Lighting Maintenance Contract

9.0 RAMP STRUCTURES PROGRAMME

9.1 The proposed programme of works for structures addresses the requirement to replace and/or replenish specific structural elements which in general have become dilapidated due to their age or which have been rendered unfit for purpose due to changes in legislation. The proposed priority investment is noted in the table below. Schemes are listed alphabetically by town.

i. Structures Schemes (£250k).

<i>Road/ Bridge</i>	<i>Class</i>	<i>Town</i>	<i>Project Extent</i>
Lochwinnoch Road Footbridge	B	Kilmacolm	Resurface deck of footbridge, and replace the bridge bearings.
Lochwinnoch Road Rail	U	Kilmacolm	Replacing damaged stone work and pointing bridge.
Minor Retaining Wall Repairs	-	Various	Inspect, design and construction
Minor Bridge Repairs	-	Various	Inspect, design and construction

ii. Structures Schemes (Reserve).

<i>Road/ Bridge</i>	<i>Class</i>	<i>Town</i>	<i>Project Extent</i>
Lynedoch Street	U	Greenock	Design, construction and replacement of the culvert on the Eastern Line of Falls
Glenmill Bridge	U	Kilmacolm	Widen existing bridge

10.0 RAMP OTHER ASSETS PROGRAMME

10.1 The proposed programme of works for other assets which includes drainage, signs & road markings, vehicle barriers, addresses the requirement to replace and/or replenish specific asset elements which in general have become dilapidated due to their age or which have been rendered unfit for purpose due to changes in legislation. Traffic Measures allows for traffic improvements such as traffic calming measures. The proposed priority investment is noted in the table below. Schemes are listed alphabetically by town.

i. Other Asset Schemes (£150k).

<i>Road/ Asset</i>	<i>Class</i>	<i>Town</i>	<i>Project Extent</i>
Kilmacolm Car Park	-	Kilmacolm	Design of Car Park
Drainage	All	Various	Various improvements
Minor Safety Measures	All	Various	Various improvements
Signs & Road Markings	All	Various	Various improvements
Traffic Calming Priority List	All	Various	Traffic Calming Measures

Vehicle Restraint Systems & Other Barriers	All	Various	Various improvements
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11.0 ROADS CORE FUNDING – CYCLING, WALKING & SAFER ROUTES

11.1 The proposed programme of works for the Cycling, Walking and Safer Routes (CWSR) meets the requirements of the government funding allocation and is prioritised to expand the off-road cycling asset within Inverclyde, improve the walking journey to school and enhance pedestrian safety on the local road network in keeping with national guidance. The proposed priority investment is noted in the table below. Schemes are listed alphabetically by town.

i. CWSR Schemes (£340k).

<i>Road</i>	<i>Class</i>	<i>Town</i>	<i>Project Extent</i>
West Blackhall Street		Greenock	Street scape and cycle infrastructure
N75 Cycle Track	-	Greenock	Sinclair Street to A8
N75 Cycle Track	-	Greenock	Waterfront to Cartsburn Roundabout
N75 Cycle Track	-	Port Glasgow	Mirren Shore Improvements
Dropped Kerbs	All	Various	Improvements to Pedestrian Accessibility
School Working Group Requests	All	Various	Minor Safety Measures Around Schools

ii. CWSR Schemes (reserve).

<i>Road</i>	<i>Class</i>	<i>Town</i>	<i>Project Extent</i>
N75 Cycle Track		Gourock	Improvements from Gourock Station to Battery Park
N75 Cycle Track		Greenock	Cartsburn Roundabout to James Watt Dock
N75 Cycle Track		Port Glasgow	Kingston Dock to Port Glasgow
N75 Cycle Track		Various	Improvements to route from Lady Octavia to Kilmacolm

12.0 IMPLICATIONS

Finance

12.1 One-off costs:

Cost Centre	Budget Heading	Budget Years	Proposed spend this report (£000s)	Virement from	Other comments
Capital	RAMP	2022/23	2,886		CWSR Scottish Government Grant
Capital	Roads Core	2022/23	340		
			3,226 Total		

12.2 Annually recurring costs:

Cost Centre	Budget Heading	Budget Years	Proposed spend this	Virement from	Other comments
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			report (£000s)		
N/A					

Legal

12.3 There are no legal implications arising from this report.

Human Resources

12.4 There are no specific HR implications arising from this report.

Equalities

12.5 Equalities

(a) Has an Equality Impact Assessment been carried out?

	YES
X	NO – This report does not introduce a new policy, function or strategy or recommend a substantive change to an existing policy, function or strategy. Therefore, no Equality Impact Assessment is required

(b) Fairer Scotland Duty

If this report affects or proposes any major strategic decision:-

Has there been active consideration of how this report's recommendations reduce inequalities of outcome?

	YES – A written statement showing how this report's recommendations reduce inequalities of outcome caused by socio-economic disadvantage has been completed.
X	NO

(c) Data Protection

Has a Data Protection Impact Assessment been carried out?

	YES – This report involves data processing which may result in a high risk to the rights and freedoms of individuals.
X	NO

12.6 **Repopulation**

The quality of the roads network is an influencing factor in the perception which people have of the area and therefore it is important that the Council optimises its limited spend on roads maintenance and as such the work generated by this report will have a positive benefit to the Council's Repopulation Strategy.

13.0 CONSULTATIONS

13.1 The Chief Financial Officer, Head of Legal & Property Services, and the Corporate Procurement Manager have been consulted on the contents of this report.

14.0 BACKGROUND PAPERS

14.1 None.

Report To:	Environment & Regeneration Committee	Date:	3 March 2022
Report By:	Head of Roads & Environmental Shared Services	Report No:	ENV020/22/KL
Contact Officer:	Kenny Lang	Contact No:	01475 715906
Subject:	Residual Waste Procurement Strategy		

1.0 Purpose

- 1.1 The purpose of this report is to advise Committee of the Councils long term waste procurement requirements to meet the landfill ban which comes into effect in 2025, to market test to determine the best value procurement strategy for the Council, and based on that market testing develop tender documentation.

2.0 Summary

- 2.1 The Council currently have a residual waste contract with Barr Environmental Ltd which expires on the 31 December 2024 with the option of a further 12 month extension to 31 December 2025.
- 2.2 The Contract is for the disposal of waste through landfill which will be banned in Scotland from December 2025. It is likely that this policy change could have a significant impact on waste costs for the Council
- 2.3 A procurement exercise was undertaken with West Dunbartonshire and Argyll and Bute Councils in 2018/19 to procure long term residual waste, the outcome of the tender was deemed unaffordable at the time largely due to the lack of waste transfer infrastructure at West Dunbartonshire and Argyll and Bute Councils.
- 2.4 Zero Waste Scotland are now providing support to the Councils along with East and South Ayrshire to consider our procurement options and identify routes to market and carry out analysis to optimise the procurement outcome.
- 2.5 To meet the landfill ban it is highly likely that our residual waste management will rely on some form of energy from waste and will utilise large purpose built facilities. Inverclyde Council generate approximately 27k tonnes per annum.

3.0 Recommendations

- 3.1 It is recommended that Officers engage in the development of the joint residual waste procurement exercise and carry out market testing of potential suppliers able to meet the Landfill Ban.
- 3.2 It is recommended that Officers assess the market testing feedback to determine the best value procurement strategy for the Council, and a further report will be presented to Committee in the Autumn.

Gail Macfarlane
Head of Roads & Environmental Shared Services

4.0 Background

- 4.1 The Landfill Ban comes into effect in December 2025. The purpose of this ban is to:
- reduce waste landfilled by directing residual waste to alternative treatment;
 - extract remaining resource value from the residual waste stream;
 - reduce greenhouse gas emissions from landfilling biodegradable waste.
- 4.2 The ban largely is predicated on the biodegradable element of municipal waste which is estimated to contribute 4% to Scotland CO2 emissions.
- 4.3 The ban had initially been set to come into force in January 2021 but was delayed due to the lack of processing and treatment infrastructure available.
- 4.4 Inverclyde Council undertook a procurement exercise led by West Dunbartonshire and which included Argyll and Bute Councils in 2018/19. The aim was to procure long term residual waste treatment contracts to meet the ban. While there was a large degree of interest from waste management companies, only one bid was received.
- 4.5 The price submitted was deemed to be unaffordable. The lack of competition at the time was attributed to the lack of waste transfer infrastructure at West Dunbartonshire and Argyll and Bute Councils this effectively limited the location of potential future facilities.
- 4.6 A further comment from contractors was that the contract duration was deemed too short to pay back the significant capital outlay of treatment facilities with a lifespan in excess of 20 years.
- 4.7 It is likely that this policy change could have a significant impact on waste costs for the Council
- 4.8 West Dunbartonshire Council has commenced feasibility studies to develop a business case to develop and deliver a waste transfer facility site and this may be used by Argyll and Bute thus opening up the market for haulage. If this facility is unlikely to be on stream or is significantly delayed West Dunbartonshire Council may wish to consider its procurement options.

5.0 Future Residual Waste Contract

- 5.1 Officers are currently working with West Dunbartonshire and Argyll and Bute Councils on developing a long term residual waste treatment contract to meet the challenges of the Biodegradable Municipal Waste Ban in 2025. This work is supported by Zero Waste Scotland who have engaged consultants to look at the various options and undertake market analysis to support Councils developing procurement strategies.
- 5.2 It is anticipated that the Councils future residual contract will most likely include a large element of thermal treatment and conversion of waste to energy and will replace the residual waste landfill contract. The current contract terminates in December 2024 with an option to extend to December 2025 by which time the ban will come into effect.
- 5.3 It is proposed that Inverclyde Council continue to engage with West Dunbartonshire and Argyll and Bute Councils to develop the tender document and carry out market testing with potential suppliers to determine whether a joint procurement or single council procurement will deliver best value for Inverclyde Council.
- 5.4 In advance of the tender being finalised for issue the assessment of the market testing feedback will be completed.
- 5.5 Subject to a further report being approved by Committee it is anticipated that the tender will be issued in Autumn 2022 for the long term waste procurement option and that

approval will be sought from the Committee on the recommended procurement route ahead.

6.0 Financial Implications

6.1 There are no financial implications arising from this report.

Financial Implications:

One off Costs

Cost Centre	Budget Heading	Budget Years	Proposed Spend this Report	Virement From	Other Comments

Annually Recurring Costs/ (Savings)

Cost Centre	Budget Heading	With Effect from	Annual Net Impact	Virement From (If Applicable)	Other Comments

6.2 Legal

The information contained within the report do not impact on the Councils Legal services.

6.3 Human Resources

There are no direct repopulation implications arising from this report.

6.4 Equalities

Equalities

(a) Has an Equality Impact Assessment been carried out?

YES	
X	NO – This report does not introduce a new policy, function or strategy or recommend a substantive change to an existing policy, function or strategy. Therefore, no Equality Impact Assessment is required

(b) Fairer Scotland Duty

If this report affects or proposes any major strategic decision:-

Has there been active consideration of how this report's recommendations reduce inequalities of outcome?

YES	YES – A written statement showing how this report's recommendations reduce inequalities of outcome caused by socio-economic disadvantage has been completed.
X	NO

(c) Data Protection

Has a Data Protection Impact Assessment been carried out?

X

YES – This report involves data processing which may result in a high risk to the rights and freedoms of individuals.

NO

6.5 Repopulation

None.

7.0 CONSULTATIONS

7.1 None.

8.0 BACKGROUND PAPERS

8.1 None.

Report To:	Environment & Regeneration Committee	Date:	3 March 2022
Report By:	Interim Director, Environment & Regeneration	Report No:	ENV018/22/AH
Contact Officer:	Ash Hamilton	Contact No:	01475 712463
Subject:	Consultation on Draft National Planning Framework 4 (NPF4)		

1.0 PURPOSE

- 1.1 The purpose of this report is to inform the Committee of the Scottish Government consultation on the Draft National Planning Framework 4 (NPF4) and to seek approval of the proposed response.

2.0 SUMMARY

- 2.1 Scotland's fourth National Planning Framework (NPF4) will, when adopted, set out the Scottish Governments priorities and policies for the planning system up to 2045 and how the approach to planning and development will help to achieve a net zero, sustainable Scotland.
- 2.2 NPF4 differs from previous NPFs as it will, for the first time, incorporate Scottish Planning Policy and the NPF into a single document, and form a part of the statutory Development Plan, which is the basis for determining planning decisions.
- 2.3 NPF4 provides a national spatial strategy, identifies national developments, sets out national planning policies and highlights regional spatial priorities.
- 2.4 The Scottish Government is undertaking a consultation on the Draft NPF4, which has a submission deadline of 31 March 2022.
- 2.5 A proposed consultation response is set out in Appendix 1. While the response is generally supportive, there are concerns about the spatial expression of regional priorities, with Inverclyde included within a large Central Urban Transformation area that covers the Edinburgh and Glasgow city regions, the Ayrshires and the Tay cities. There are also significant concerns over the clarity and robustness of the supporting policy framework, which will be key to delivery.

3.0 RECOMMENDATIONS

- 3.1 It is recommended that the Committee notes the National Planning Framework 4 consultation and approves the proposed response set out in Appendix 1.

Stuart W. Jamieson
Interim Director,
Environment & Regeneration

4.0 BACKGROUND

- 4.1 National planning strategy and policy is currently set out in the National Planning Framework 3 and Scottish Planning Policy, which have been in place since 2014.
- 4.2 In order to update national policy, particularly in light of the Climate Emergency, work to produce the Draft NPF4 started in 2020. Preparation of the Draft has been informed by two stages of consultations – a Call for Ideas and a Position Statement. A Call for Ideas exercise was undertaken from January - April 2020, primarily to gather views on the four key questions listed below.
- How can planning best support our quality of life, health and wellbeing in the future?
 - What does planning need to do to enable development and investment in our economy so that it benefits everyone?
 - What policies are needed to improve, protect and strengthen the special character of our places?
 - What infrastructure do we need to build to realise our long-term aspirations?
- 4.3 A Position Statement setting out the Scottish Government's current thinking on the issues that would need to be addressed in NPF4 was published for consultation in November 2020.
- 4.4 Having considered responses to the above consultations, the Scottish Government formulated the Draft NPF4 and laid it in Scottish Parliament on 10 November 2021, launching a consultation at the same time, which runs until 31 March 2022.
- 4.5 The Scottish Government aims for the Scottish Parliament to pass the finalised NPF4 in summer 2022. At that stage, NPF4 will, alongside Local Development Plans, form part of the statutory Development Plan for the first time.

5.0 Draft National Planning Framework 4 (NPF4)

- 5.1 The Draft NPF consists of 4 parts, which are summarised below:

Part 1 – A National Spatial Strategy for Scotland 2045

- 5.2 The National Spatial Strategy for Scotland to 2045 is based around four themes; Sustainable Places, Liveable Places, Productive Places and Distinctive Places.
- 5.3 It also sets out the following six overarching spatial principles to guide where development should be located.
- (a) Compact growth - limit urban expansion where brownfield, vacant and derelict land and buildings can be used more efficiently and by increasing the density of settlements we will reduce the need to travel unsustainably and strengthen local living.
 - (b) Local living - create networks of 20 minute neighbourhoods to support local liveability, reduce the need to travel unsustainably, promote and facilitate walking and cycling, improve access to services, decentralise energy networks and build local circular economies. Virtual connectivity and active travel links will also be important.
 - (c) Balanced development - create opportunities for communities in areas of decline, and manage development more sustainably in areas of high demand. In particular, enable more people to live and remain in rural and island areas, and to actively transform areas of past decline
 - (d) Conserving and recycling assets - protect and enhance the assets of each of our places with a focus on making productive use of existing buildings, places, infrastructure and services, locking in embedded carbon and minimising waste, and supporting Scotland's transition to a circular economy. This includes nationally significant sites for investment

which are well served by existing infrastructure and sustainable travel modes.

- (e) Urban and rural synergy - improve green infrastructure to bring nature into our towns and cities, connecting people with nature, building resilience and helping our biodiversity to recover and flourish.
- (f) Just transition - rapid transformation required cross all sectors of our economy and society with a need to reduce emissions and respond to a changing climate

5.4 Five 'action areas' are identified, with Inverclyde located within the Central Urban Transformation area, which broadly covers central Scotland from the Glasgow City Region and the Ayrshires in the west to Edinburgh City Region in the east, including the Tay Cities, the Forth Valley and Loch Lomond and the Trossachs National Park.

5.5 The following nine priority actions are identified for the Central Urban Transformation area:

- Pioneer low-carbon, resilient urban living;
- Reinvent and future-proof city centres
- Accelerate urban greening;
- Rediscover urban coasts and waterfronts;
- Reuse land and buildings;
- Invest in net zero housing solutions;
- Grow a wellbeing economy;
- Reimagine development on the urban fringe; and
- Improve urban accessibility.

Part 2 – National Developments

5.6 This part identifies 18 National Developments, which will help to support the delivery of the spatial strategy.

5.7 In addition to a number of Scotland wide National Developments such as the National Walking, Cycling and Wheeling Network, Digital Fibre Network, Strategic Renewable Electricity Generation and Transmission Infrastructure, Inverclyde is supported by a number of other National Developments targeted at the Glasgow City Region. These are:

- Central Scotland Green Network;
- Urban Mass/Rapid Transit systems - 'Glasgow Metro';
- Urban Sustainable Green/Blue Networks - MGSDP;
- High Speed Rail; and,
- Clyde Mission – the river Clyde as an engine for economic success

Part 3 –National Planning Policy Handbook

5.8 The National Planning Policy Handbook consists of 35 policies, which provide a policy framework for the development and use of land. These are to be applied in the preparation of local development plans; local place plans; masterplans and briefs; and for determining planning applications.

5.9 There are six Universal policies (i.e. Sustainable Places) which should apply to all planning decisions, briefly summarised as:

- Policy 1: Plan-led approach to sustainable development - All local development plans should manage the use and development of land in the long term public interest.
- Policy 2: Climate emergency - When considering all development proposals significant weight should be given to the Global Climate Emergency.
- Policy 3: Nature crisis - Development plans should facilitate biodiversity enhancement and nature recovery

- **Policy 4:** Human rights and equality - Planning should respect, protect and fulfil human rights, seek to eliminate discrimination and promote equality. Planning authorities, applicants, key agencies and communities have a responsibility to consult and engage others collaboratively, meaningfully and proportionately.
- **Policy 5:** Community Wealth Building - Development plans should address community wealth building priorities by reflecting a people-centred approach to local economic development. Spatial strategies should support community wealth building; address economic disadvantage and inequality; and provide added social value. Proposals for development within the categories of national developments and major developments should contribute to community wealth building objectives.
- **Policy 6:** Design, quality and place - Development proposals should be designed to a high quality so that the scale and nature of the development contributes positively to the character and sense of place of the area in which they are to be located. Development proposals should incorporate the key principles of Designing Streets, Creating Places, New Design in Historic Settings and any design guidance adopted by planning authorities and statutory consultees.

5.10 The other 29 policies are grouped into three thematic categories, Liveable Places, Productive Places and Distinctive Places. These are listed in Table 1 below.

Table 1

Liveable Places	Productive Places	Distinctive Places
<u>20 Minute Neighbourhoods</u> Policy 7 - Local living	Policy 16 - Land and premises for business and employment	<u>City, Town, Commercial and Local Centres</u> Policy 24 - Centres Policy 25 - Retail Policy 26 - Town Centre First Assessment Policy 27 - Town Centre Living
Policy 8 - Infrastructure First	Policy 17 - Sustainable tourism	Policy 28 - Historic assets and places
Policy 9 - Quality Homes	Policy 18 - Culture and creativity	<u>Urban Edges and the Green Belt</u> Policy 29 - Urban edges
Policy 10 - Sustainable Transport	Policy 19 - Green energy	Policy 30 - Vacant and derelict land
Policy 11 - Heating and Cooling	Policy 20 - Zero waste	Policy 31 Rural places
Policy 12 - Blue and green infrastructure, play and sport	Policy 21 - Aquaculture	Policy 32 - Natural places
Policy 13 - Sustainable flood risk and water management	Policy 22 - Minerals	<u>Peat and Carbon Rich Soils</u> Policy 33 - Soils
Policy 14 - Lifelong health, wellbeing	Policy 23 - Digital infrastructure	Policy 34 - Trees, woodland and forestry
Policy 15 - Safety		

Part 4 – Delivering Our Spatial Strategy

5.11 This part outlines how the Scottish Government will deliver the spatial strategy. This will be developed into a standalone, live delivery programme once NPF4 has been approved and adopted.

Part 5 – Annexes

- 5.12 The Annexes provides information on how statutory outcomes are being met, sets out the Minimum All-Tenure Housing Land Requirement (MATHLR) for each planning authority, along with a Glossary of terms.
- 5.13 With regard to MATHLR, it should be noted that as part of the development of the Draft NPF4 all local authorities were asked to supply a 10 year Minimum All-Tenure Housing Land Requirement (MATHLR). For the Glasgow City Region this process was undertaken by the Glasgow City Region Housing Market Partnership (HMP). The figure of 1500 for Inverclyde, as submitted by the HMP, is reflected in the Draft NPF4.

Reference to Inverclyde

- 5.14 Inverclyde is directly referenced three times in the Draft NPF4. Firstly, in the Central Urban Transformation area, it is noted that “performance is higher in the cities of Edinburgh and Glasgow and lower in surrounding areas including Inverclyde, Ayrshire, along parts of the Clyde Coast and Lanarkshire”. Secondly, within the National Developments section it is stated that the Clyde Mission (a National Development) is “focused on the River Clyde and the riverside from South Lanarkshire in the east to Inverclyde and Argyll and Bute in the west and focusing on an area up to around 500 metres from the river edge”. Thirdly, within Annex B – Housing numbers, Inverclyde is noted as having a proposed Minimum All-Tenure Housing Land Requirement (MATHLR) target of 1,500.
- 5.15 In the Central Urban Transformation area, there are two references to Greenock Ocean Terminal. Firstly, it is noted that there are “opportunities for enhanced cruise facilities for the Forth as well as the Clyde where Greenock Ocean Terminal, supported by the Glasgow City Region Deal, can act as a key gateway”. Secondly, this section states that “The Clyde Mission will stimulate investment in sites along the Clyde to build a wellbeing economy and achieve a step-change in the quality of the environment for communities. Key sites extend from Greenock Ocean Terminal to Queens Quay, Tradeston, the Broomielaw and Glasgow City Centre, to Clyde Gateway”.

6.0 Proposed Consultation response

- 6.1 The proposed consultation response is set out in Appendix 1 and summarised below.

7.0 National Spatial Strategy

Thematic Areas

- 7.1 In general, the four themes of Sustainable Places, Liveable Places, Productive Places and Distinctive Places have many laudable aspirations and are welcomed and supported. However, there are concerns about a number of aspects, including the following:
- Some of the aspirations have not been carried forward, or fully reflected, in the supporting policy framework, which provides the basis for decision making.
 - The supporting policy framework is not clear, precise and robust enough to enable planning authorities to require the fundamental changes required to deliver the spatial strategy.
 - The strategy does not recognise and address the inherent tensions between some of the aspirations, such as economic growth and zero carbon/nature recovery. It is vital that NPF4 provides clear direction on how such tensions should be balanced and ultimately determined if a consistent approach is to be taken across all local authorities.
 - The interconnected and reinforcing nature of all four strategy themes should be more fully recognised in the document. This would highlight the holistic and interacting approach needed to achieve delivery.
- 7.2 Specific comments on the individual themes are provided below:

7.3 *Sustainable Places - Our future net zero places will be more resilient to the impacts of climate change and support recovery of our natural environment.*

- Policy direction is needed on how certain aspects of rural development, e.g. car reliance, lower service provision and levels of brownfield land, are to be balanced with sustainability.
- More emphasis should be placed on re-using brownfield land and existing infrastructure
- It is recommended that the term 'biodiversity net gain' is used as development can have positive and negative effects and it is the net effect which should be the focus of planning assessment

7.4 *Liveable Places - Our future places, homes and neighbourhoods will be better, healthier and more vibrant places to live.*

- 20 minute neighbourhoods is a positive aim, but will be very challenging to implement within urban settlements which are experiencing a decline in local facilities/service provision. This approach is also likely to require significant redevelopment of vacant and derelict sites. Delivery will require a wider, multi-faceted approach, with private, public and third sector organisations working together in a place based approach. NPF4 should recognise the roles and responsibilities of wider stakeholders and be clear on what planning can and cannot do.
- It is not clear how 20 minute neighbourhoods would be achieved in rural areas with dispersed patterns of development. Direction is needed on how this concept is to be defined, e.g. broad principles, and applied in a rural context.
- References to the impacts of COVID-19 are welcomed, but these need to be expanded on, in terms of how this impacts on the liveability of spaces and what changes will be needed. e.g. work from home spaces, dwelling sizes etc.

7.5 *Productive Places - Our future places will attract new investment, build business confidence, stimulate entrepreneurship and facilitate future ways of working – improving economic, social and environmental wellbeing.*

- While the terms 'well-being economy', 'fair work' and 'good green jobs' are referenced in this approach and associated policies, we note that they are not defined in the glossary. It would be helpful if clear definitions were provided so that all stakeholders understand what is being asked of them.

7.6 *Distinctive places. Our future places will be distinctive, safe and pleasant, easy to move around, welcoming, nature-positive and resource efficient.*

- We welcome the continuing strong support for design led development, placemaking and the re-use of vacant and derelict land.

Spatial Principles

7.7 While these are supported, it is noted that:

- More clarity is needed on the status of the spatial principles, especially how they may be considered in the development management and development planning process and how they can be read across the other sections of the Framework.
- Terms such as "a Just Transition" and "Balanced Development" should be more clearly defined and direction provided on how planning can contribute to these.

Spatial Action Areas

7.8 While the principle of identifying Spatial Action Areas is supported, clarity and direction is needed on the following:

- How the actions for each area are to be incorporated into the assessment of planning

applications

- How Regional Spatial Strategies and Local Development Plans are to reflect these actions in their strategies and policies

7.9 With regard to the Central Urban Transformation area, it is noted that:

- The scale of this area and the disparity within it, particularly across the central belt from west to east coast, cannot be effectively addressed by a single action area. It may also lead to some areas between Edinburgh and Glasgow being marginalized. It would be clearer, more focused and practical if the Regional Spatial Strategies (RSS) were used as the spatial expression. This would also allow a more direct link between the Draft NFP4 and the Glasgow City Region draft RSS.
- There is agreement with many of the challenges identified.
- There is broad agreement with the statement that “we have made progress in restoring and reusing areas which were historically a focus for heavy industry and mining, and which left a legacy of disused sites and areas blighted by dereliction”, but vacant and derelict land should be explicitly acknowledged as an ongoing and significant challenge.
- The challenge of low productivity in the Glasgow City Region, including economic inactivity due to ill health and residents with low skills, should be referenced. Enhancing productivity is one of the three Grand Challenges in the Glasgow City Region Economic Strategy (2021) and particularly relevant to Inverclyde.
- Tourism should be included as this is a key growth sector in Inverclyde and of significant importance to other local authority areas in the Glasgow City Region.
- Reference should be made to the role and opportunities linked to ports, docks and harbours along the Clyde.
- Action 1 - Pioneer low carbon, resilient urban living. Particularly welcome the focus on reducing inequality and improving health and well-being through the provision of affordable and warmer homes that are connected to services, and better access to natural spaces. However, there is a lack of direction, clarity and coherence on how this action is to be achieved.
- Action 2 – Reinvent and future proof city centres. This does not reflect the fact that towns, particularly larger towns, face some of the same issues as cities, a point acknowledged in the challenges section of the document. This action should be widened out to larger towns as not all areas within this geographic region, including Inverclyde, have cities but do have larger towns.
- Action 3 – Accelerate Urban Greening. As a partner in the Glasgow and Clyde Valley Green Network Partnership and the Clyde Climate Forest project, this action is fully supported.
- Action 4 – Rediscover urban coasts and waterfronts. Support this action and believe it will, through the Clyde Mission project, contribute to the continued regeneration of the Inverclyde waterfront, particularly in relation to the re-use of vacant and derelict land. Welcome reference to the opportunities for enhanced cruise facilities on the Clyde and for Greenock Ocean Terminal to act as a key gateway.
- Action 5 – Reuse land and buildings. Support this action and particularly welcome the redevelopment of vacant and derelict land in the Glasgow City Region being a key priority.
- Action 6 - Invest in net zero housing solutions. Support this action and welcome reference to the role and work of the Glasgow city region in recognising the challenges for future adaptation and identifying sustainable solutions to sea level rise, urban overheating, and water management.

National Developments

7.10 It is noted that the national developments covering the Inverclyde local authority area, listed below, are supported.

- Central Scotland Green Network
- National Walking, Cycling and Wheeling network
- Urban Mass/Rapid Transit Networks
- Urban Sustainable, Blue and Green Drainage Solutions
- Circular Economy Materials Management Facilities
- Digital Fibre Network
- Strategic Renewable Electricity Generation and Transmission Infrastructure
- High Speed rail
- Clyde Mission

7.11 **National Planning Policy**

7.12 Comments are provided under the Sustainable Places (i.e. Universal Policies), Liveable Places, Productive Places and Distinctive Places themes.

Sustainable Policies (i.e. Universal Policies)

7.13 Support 'addressing climate change' and 'nature recovery' being the primary guiding principles for all our plans and planning decisions, but note that there is an obvious tension between these principles (and associated policies) and the aspiration for growth, as all development is likely to have an impact on climate and most will have an impact on nature. It is requested NPF4 acknowledge and address this tension in a nuanced way that considers the ongoing need for development, economy and homes.

7.14 Support Policy 1: Plan-led Approach to Sustainable Development

7.15 It is unclear why Policy 4 Human Rights and Equality requires to be a policy in NPF4, as currently worded, as it is covered elsewhere in statute. The development management process allows for all notified parties to presently engage in the planning process and a professional officer's assessment already addresses many areas this policy appears to be intended to cover. In addition, the policy, as currently worded, could leave many planning decisions open to challenge.

7.16 While the concept of Community Wealth Building is fully supported, it is not clear how Policy 5 Community Wealth Building could be realistically applied within the parameters of a statutory land use process. The concept needs to be more clearly defined.

7.17 Policy 6: Design, Quality and Place is strongly supported and reflects a similar approach in the Inverclyde Local Development Plan

Liveable Places

7.18 These policies are welcomed and broadly supported, but there needs to be more clarity and direction on how to define and apply 20 minute neighbourhoods, particularly in rural areas. Direction is also needed on what types of infrastructure the Infrastructure First approach applies to and how planning authorities are to cost infrastructure requirements during the preparation of the LDP.

7.19 Policy 9: Quality Homes, is broadly supported but note that the policy is lacking in the 'quality' aspect, with criteria (a) (b) and (c) focused solely on 'provision'. Request that there is a stronger and more explicit statement prioritising brownfield sites over greenfield sites.

7.20 The approach to Sustainable Transport is broadly supported, but it is noted that the policy seems oriented towards road transport, making no reference to alternative modes of travel such as rail. Request more clarity on how development will contribute to and connect with the active travel network.

- 7.21 The approach to Green Energy and Heat and Cooling is supported. With regard to the former, it is noted that the policy could be more ambitious. On the latter, there are concerns about the general lack of reference to Building Standards and the lack of direction on who has responsibility for designating heat network zones. More clarity and direction is needed on a number of issues relating to delivery.
- 7.22 The approach to Blue and Green Infrastructure is supported, Play and Sport. This reflects the Council's LDP policies on open spaces, outdoor space facilities and on delivering green infrastructure, going further to specify on play provision and blue infrastructure. While the policy provides strong and comprehensive coverage, the criterion (d) may make practical application more difficult, as it proposes a catch-all approach to a number of different designations. We suggest this either focusses on the statutory requirements for the designations listed, or uses terms that are more easily related to these designations.
- 7.23 The approach to sustainable flood risk and water management is also supported.
- 7.24 The emphasis placed on Health and Wellbeing through Policies 14 and 15 is welcomed and strongly supported, but it is noted that these would be more appropriately located in the universal policies section, under Sustainable Places. They should also be linked to policies on infrastructure first, housing and green infrastructure, local living and active travel.
- 7.25 The approach to business, tourism and employment is supported, but clarity is needed on how certain aspects of these policies would be applied in practice.
- 7.26 The approach to Culture and Creativity is broadly supported, particularly the principle of supporting public art and the provision of workspaces for the creative arts, including those make temporary use of vacant spaces and property. Further clarity and direction is needed on how this is to be delivered in practice.
- 7.27 The approach to Zero Waste and Digital Infrastructure is supported, but clarity is needed on a number of points relating to delivery.
- 7.28 Policies 24 – 27: Distinctive Places are supported. The positive approaches taken in Policy 24: Centres and Policy 27: Town Centre Living are particularly welcomed. Clarity and direction is needed on a number of issues relating to Policy 26: Town Centre First Assessment, and Policy 25: Retail.
- 7.29 The approaches taken to the Historic Environment, Urban Edges and the Green Belt are supported, but clarity and direction on a number of issues is requested.
- 7.30 Policy 30: Vacant and Derelict Land is welcomed and strongly supported. This will contribute to the aspiration for increased density of cities, towns and villages, and will enable more greenfield land to be protected and underused land to be developed in urban areas. However, there is concern that part of the policy provides unqualified support for the reuse of brownfield sites and could lead to inappropriate uses or development in unsustainable locations. More focus could be placed on low impact uses such as habitat restoration.
- 7.31 The approach to protection and restoration of natural spaces, including peat and carbon rich soils is supported. While these provide strong and comprehensive policy coverage, further clarity and guidance is needed on a number of issues.
- 7.32 With specific regard to Policy 34: Trees, Woodland and Forestry, there should be a greater emphasis placed on trees and landscaping within urban settings as these provide multiple benefits, including urban character, amenity, shade, biodiversity and water management etc. For example, we note that there is no mention of support for the protection of Tree Preservation Orders or trees within conservation areas, which account for a large amount of woodland, forestry and individual trees within built-up areas.
- 7.33 There are also a number of general concerns about the policy framework, which are likely to impact delivery if not addressed. These are set out below:

- The inclusion of LDP policies within development management focused sections is not helpful. It is requested that these are set out in separate sections.
- It is noted that clarity on a number of issues relating to LDPs is provided in the Draft Guidance on Local Development Planning. It would be very helpful if this guidance was referenced in NPF4, as appropriate.
- Many of the policies are not sufficiently clear, precise and robust enough to enable planning authorities, particularly at the development management stage, to deliver the significant level of change envisaged.
- Some policies refer to broad concepts or criteria, such as human rights, community wealth building and 'sense of joy'. While these are undoubtedly well intentioned, it is not clear how they would be fully assessed within the context of a planning application. To enable robust planning assessments and decisions to be made, it is vital that policies are clearly defined and there is sufficient direction on how assessments are to be carried out.
- With many of the policies being quite lengthy, Development Management planners are likely to find them impractical to use. This may also lead to unnecessarily overly lengthy reports.
- There are several instances where laudable aims are stated, but the ultimate arbiter of what is acceptable is not identified. For example, Policy 10 f) states that "while new junctions on trunk roads are not normally acceptable, the case for a new junction will be considered where significant prosperity or regeneration benefits can be demonstrated". In instances like this, policies need to clearly state that it will be for the Planning Authority to decide, otherwise it leaves decisions open to challenge more than they need to be.
- Clear direction is needed on the role and responsibilities of relevant stakeholders.
- More needs to be done to capture cross boundary and cumulative impact issues
- There are some sector-specific policies (tourism) but not others (farming, forestry).
- Supporting documents/legislation should be referenced
- There is a general need for further guidance.

7.34 Overall, it is suggested that a panel of experienced development management practitioners in local government be convened to review the policies and examine any changes made before the next stage of the process. The Heads of Planning Development Management Sub-Group is a ready-made forum to do this and their expertise should be used.

8.0 Delivering Our Spatial Strategy

8.1 It is noted that many planning authorities, including Inverclyde, are likely to require additional resources to deliver NPF4, particularly as many of the policy requirements set out in the document will need specialist skill sets and expertise. Even with additional upskilling of planners, there is likely to be a strong need for external expertise for a range of assessments, which could incur significant costs.

9.0 Annexe B – Housing Numbers

9.1 The Council's Housing and Planning officers worked in collaboration with Clydeplan to provide the updated Minimum All-Tenure Housing Land Requirement submission to the Scottish Government. Our preferred MATHLR figure of 1500 is informed by the 1903 completions (on sites with capacity of 4 or more houses) between April 2010 and March 2020; and reflects one of the priorities of the Inverclyde Outcome Improvement Plan - reversing population decline.

10.0 NEXT STEPS

- 10.1 If approved, the proposed consultation response set out in Appendix 1 will be submitted to the Scottish Government for consideration.

11.0 IMPLICATIONS

Finance

- 11.1 While there are no direct financial implications arising from this report, the requirements set out in the Draft NPF4 are likely to have significant long term resource implications, as additional skills sets and expertise will be required to implement a number of requirements. While NPF4 indicates that the Scottish Government will bring forward regulations to revise planning fees to move towards a full cost recovery system, it remains unclear as to whether this will fully cover the resources required to implement NPF4 and the new development planning functions.

Financial Implications:

One off Costs

Cost Centre	Budget Heading	Budget Years	Proposed Spend this Report	Virement From	Other Comments

Annually Recurring Costs/(Savings)

Cost Centre	Budget Heading	With Effect from	Annual Net Impact	Virement From (If Applicable)	Other Comments

Legal

- 11.2 Whilst the draft NPF4 carries very little weight as a material consideration for decision making, the final NPF4 will form part of the Development Plan and its policies will be used for the determination of planning applications and provision of pre-application advice.

Human Resources

- 11.3 There are no personnel implications associated with this report.

Equalities

11.4 Equalities

- (a) Has an Equality Impact Assessment been carried out?

	YES – this will be published along with the Proposed Plan and updated through the Plan process.
X	NO – This report does not introduce a new policy, function or strategy or recommend a substantive change to an existing policy, function or strategy. Therefore, no Equality Impact Assessment is required

- (b) Fairer Scotland Duty

If this report affects or proposes any major strategic decision:-

Has there been active consideration of how this report's recommendations reduce inequalities of outcome?

	YES – A written statement showing how this report's recommendations reduce inequalities of outcome caused by socio-economic disadvantage will be completed.
X	NO

(c) Data Protection

Has a Data Protection Impact Assessment been carried out?

	YES – This report involves data processing which may result in a high risk to the rights and freedoms of individuals.
X	NO

Repopulation

11.5 There are no direct implications arising from this report.

12.0 CONSULTATIONS

12.1 Roads and Transportation, and Housing Strategy have been consulted.

13.0 LIST OF BACKGROUND PAPERS

13.1 Draft of Scotland 2045: Our Fourth National Planning Framework: consultation - <https://www.gov.scot/publications/scotland-2045-fourth-national-planning-framework-draft/>

Appendix 1 – Proposed consultation response.

Appendix 1

Proposed response to Draft National Planning Framework 4 (NPF4)

Part 1 – A National Spatial Strategy for Scotland 2045

Sustainable places. Our future net zero places will be more resilient to the impacts of climate change and support recovery of our natural environment.

Q1. Do you agree that this approach will deliver our future net zero places which will be more resilient to the impacts of climate change and support recovery of our natural environment?

Delivery will depend on a number of factors, not just planning. However, we welcome and support this approach, which we believe will contribute to delivery. It is vital that we address the overarching climate and nature crises and deliver green growth, in particular following through on COP26.

As with all the strategy elements, a lot will depend on the supporting policy framework set out in Part 3, as this will direct the content of Local Development Plans and provide the main basis for determining planning applications. We have provided detailed comment on all policies in Part 3 of our response.

We would request that the interconnected and reinforcing nature of all four strategy themes should be more fully recognised in the document. This would highlight the holistic and interacting approach needed to address the issues.

As a local authority with both urban and rural areas, we would welcome policy direction on how certain aspects of rural development, e.g. car reliance, lower service provision and levels of brownfield land, are to be balanced with sustainability.

The benefits of re-using brownfield land and existing infrastructure should be referenced. Re-using what we already have promotes energy efficiency and is a key component of the Circular Economy and Sustainable Living. Buildings contribute to emissions throughout their whole lives: when we build, maintain, use and demolish them. Maintaining existing buildings is greener than building new and will be crucial for Scotland's net-zero targets.

While we note the use of 'positive effects for biodiversity', we would recommend that the term 'biodiversity net gain' is used as development can have positive and negative effects and it is the net effect which should be the focus of planning assessment. Clarity is needed on what is meant by 'nature-positive'.

Liveable places. Our future places, homes and neighbourhoods will be better, healthier and more vibrant places to live.

Q2. Do you agree that this approach will deliver our future places, homes and neighbourhoods which will be better, healthier and more vibrant places to live?

Delivery will depend on a number of factors, not just planning. However, we welcome and support this approach, which we believe will contribute to delivery.

While the 20 Minute Neighbourhoods is a positive aim, it will be very challenging to implement within urban settlements which are experiencing a decline in local facilities/service provision. This approach is also likely to require significant redevelopment of vacant and derelict sites. While planning can provide a supportive policy framework and allocate land to facilitate this, it cannot control where services locate e.g. dentists or doctors, or what sites actually get developed. In light of this, delivery will require a wider, multi-faceted approach, with private, public and third sector organisations working together in a place based approach. We believe NPF4 should recognise the roles and responsibilities of wider stakeholders and be clear on what planning can and cannot do.

While the Draft applies the 20 Minute Neighbourhood concept to all areas, it is not clear how it would be achieved in rural areas with dispersed patterns of development. Direction is needed on how this

concept is to be defined, e.g. broad principles, and applied in a rural context.

References to the impacts of COVID-19 are welcomed, but these need to be expanded on, in terms of how this impacts on the liveability of spaces and what changes will be needed. e.g. work from home spaces, dwelling sizes etc.

Delivering liveable places requires a deep understanding of local context and we feel that the draft should be more explicit in stating that Local Development Plans will be the key to delivery. Clarity is needed on how 'high quality' and 'great places' are to be defined.

In general, we would note that addressing the significant inequalities in health that our communities experience will take generations and, in some instances, a major societal shift that is outwith the remit of planning. More clarity and direction is needed on how the draft will achieve or influence these real-life issues, which will require the shifting of resources to support vulnerable communities through this evolution to a nature and social based economy.

Productive places. Our future places will attract new investment, build business confidence, stimulate entrepreneurship and facilitate future ways of working – improving economic, social and environmental wellbeing.

Q3. Do you agree that this approach will deliver our future places which will attract new investment, build business confidence, stimulate entrepreneurship and facilitate future ways of working – improving economic, social and environmental wellbeing?

Delivery will depend on a number of factors, not just planning. However, we welcome and support this approach, which we believe will contribute to delivery.

While the terms 'well-being economy', 'fair work' and 'good green jobs' are referenced in this approach and associated policies, we note that they are not defined in the glossary. It would be helpful if clear definitions were provided so that all stakeholders understand what is being asked of them.

Distinctive places. Our future places will be distinctive, safe and pleasant, easy to move around, welcoming, nature-positive and resource efficient.

Q4. Do you agree that this approach will deliver our future places which will be distinctive, safe and pleasant, easy to move around, welcoming, nature-positive and resource efficient?

Delivery will depend on a number of factors, not just planning. However, we welcome and support this approach, which we believe will contribute to delivery. We particularly welcome the continuing strong support for design led development, placemaking and the re-use of vacant and derelict land.

Q5. Do you agree that the spatial strategy will deliver future places that overall are sustainable, liveable, productive and distinctive?

Delivery will depend on a number of factors, not just planning. However, we welcome and support the spatial strategy, which has many laudable aspirations. However, we have concerns about deliverability for the following reasons:

- Some of the aspirations in the strategy have not been carried forward, or fully reflected, in the supporting policy framework, which provides the basis for decision making.*
- The policy framework is not clear, precise and robust enough to enable planning authorities to require the fundamental changes necessary to deliver the spatial strategy.*

The strategy and policy framework do not recognise and address the inherent tensions between some of the aspirations, such as economic growth and zero carbon/nature recovery. It is vital that NPF4 provides clear direction on how such tensions should be balanced and ultimately determined if a consistent approach is to be taken across all local authorities.

Spatial principles.

Q6. Do you agree that these spatial principles will enable the right choices to be made about where development should be located?

We welcome and support the 6 spatial principles.

In general, more clarity is needed on the status of this section, especially how it may be considered in the development management and development planning process and how it can be read across the other sections of the Framework. For example, spatial principle (a) on compact growth does not significantly feature in part 3 and is not mentioned at all under policy 30 on Vacant and Derelict land and empty buildings. Other spatial principles such as the 'balanced development' principle, although we imagine is implicit throughout the Framework, has not been explicitly included anywhere else in the document and could form an important policy basis for development management decisions.

We would request that the terms "a Just Transition" and "Balanced Development" are more clearly defined and direction is provided on how planning can contribute to these.

As the spatial principles will require to be balanced on many occasions, direction is needed on the decision-making weight which should be given to each principle.

We have commented on the individual components below:

Compact Growth

We welcome and support the focus on brownfield and VDL redevelopment, building re-use, and the safeguarding of land for key services and resources. These are key issues for Inverclyde. Consistency of decision making by all stakeholders, not just local authorities but also the Scottish Ministers via the DPEA will be crucial to achieving this aim.

Local Living

While we strongly support this principle, we have concerns about deliverability - see comments on 20 minute neighbourhoods in the Liveable Places section above. The supporting policies are also not robust or clear enough. More guidance is required.

Balanced Development

While we support this principle, more detail is needed on the type of balanced approach envisaged and how planning can deliver this in practice. We would also request that it be made clear that it has to be the right development in the right place and not a free for all or development anywhere at any cost.

Conserving and recycling assets

We welcome the intention to focus on productive use of existing buildings, places, infrastructure and services.

Just Transition

We support the just transition principle which seeks to provide opportunities for local people to shape their places and transition to net zero. However, this needs to be translated across to policy and implementation. It is not clear how planning is supposed to achieve this.

Spatial Strategy Action Areas.

Q7. Do you agree that these spatial strategy action areas provide a strong basis to take forward regional priority actions?

We welcome and support the principle of designating Action Areas, but have concerns about how the actions will be delivered in practice, particularly given that the draft includes a 'national' policy framework. Clarity and direction is needed on the following:

- *How the actions for each area are to be incorporated into the assessment of planning applications?*
- *How Regional Spatial Strategies and Local Development Plans are to reflect these actions in their strategies and policies?*

We feel that the titling of each grouping - Innovation, Transformation, Transition, Revitalisation and Sustainability – is artificial and in reality, some of these terms apply to multiple actions areas and perhaps all of Scotland.

With specific regard to the Central Urban Transformation Area, which Inverclyde lies within, we believe that the scale of this area and the disparity within it, particularly across the central belt from west to east coast, cannot be effectively addressed by a single action area. It may also lead to some areas between Edinburgh and Glasgow being marginalized. It would be clearer, more focused and practical if the Regional Spatial Strategies (RSS) were used as the spatial expression. This would also allow a more direct link between the Draft NFP4 and the Glasgow City Region draft RSS.

Central Urban Transformation.

Q14. Do you agree with this summary of challenges and opportunities for this action area?

We agree with many of the challenges identified, with those listed below being particularly challenging for Inverclyde:

- *relatively high concentrations of poor health, economic disadvantage and population decline in parts of the Glasgow city region*
- *difficult to encourage the market to deliver new homes towards the west of the central belt where unemployment is also higher*
- *lower economic performance in Glasgow and surrounding areas, including Inverclyde.*
- *The growing risk of future flooding on key settlements and economic assets located on the Clyde.*

While we broadly agree with the statement that “we have made progress in restoring and reusing areas which were historically a focus for heavy industry and mining, and which left a legacy of disused sites and areas blighted by dereliction”, vacant and derelict land should be explicitly acknowledged as an ongoing and significant challenge. This is certainly the case in Inverclyde.

Although this section does identify lower economic performance as a broad challenge, we would suggest that the challenge of low productivity in the Glasgow City Region, including economic inactivity due to ill health and residents with low skills, should be referenced. Enhancing productivity is one of the three Grand Challenges in the Glasgow City Region Economic Strategy (2021) and particularly relevant to Inverclyde.

In general, we feel that the Central Urban Transformation area is very urban focused and does not fully recognise and reflect the significant rural area in the Glasgow City Region, including within Inverclyde, and the specific land use challenges and opportunities this presents.

The urban focus of this area could also restrict the effectiveness and broader implementation of the Glasgow and Clyde Valley Green Network as there is now a greater recognition of the importance of the rural area in supporting the delivery of strategic networks and the fundamental links between the urban and rural areas in terms addressing the Climate Emergency and Ecological crisis.

We believe that the Glasgow City Region's economic characteristics and its geography needs to be strengthened in the text given the national importance of the economy and the locations where multiple policy benefits can be delivered.

We agree with the opportunities identified and would request that tourism be included as this is a key growth sector in Inverclyde and of significant importance to other local authority areas in the Glasgow City Region.

Central Urban Transformation Area

Q15. What are your views on these strategic actions for this action area?

We support this action and particularly welcome the focus on reducing inequality and improving health and well-being through the provision of affordable and warmer homes that are connected to services, and better access to natural spaces.

In general, however, there is a lack of direction, clarity and coherence on how this action is to be achieved.

While the shift to active travel and accessibility is to be welcomed, clarity is needed on this how this is to be prioritised and delivered. We would note that this approach has been in planning policy for several years and yet car dominated developments are still being built. Accordingly, we suggest that a fundamental re-think is required to move away from this.

Action 2 – Reinvent and future proof city centres

While we support this action, it does not reflect the fact that towns, particularly larger towns, face some of the same issues as cities, a point acknowledged in the challenges section of the document. We believe this action should be widened out to larger towns as not all areas within this geographic region, including Inverclyde, have cities but do have larger towns. Otherwise, there will be a disproportionate approach to cities and larger towns, which is at odds with the spatial principles.

Action 3 – Accelerate Urban Greening

As a partner in the Glasgow and Clyde Valley Green Network Partnership and the Clyde Climate Forest project, we fully supports this action.

Action 4 – Rediscover urban coasts and waterfronts

We support this action and believe it will, through the Clyde Mission project, contribute to the continued regeneration of the Inverclyde waterfront, particularly in relation to the re-use of vacant and derelict land. While we welcome reference to the opportunities for enhanced cruise facilities on the Clyde and for Greenock Ocean Terminal to act as a key gateway, we would note that the Ocean Terminal already serves this purpose in the west of Scotland and is set to significantly increase its capacity with a recently installed dedicated berthing key quay and a new visitor terminal/centre in development. Inverclyde has a proud tradition of ship building throughout its coastline. While many have now sadly disappeared or are vacant and derelict, we are working to re-use docks, harbours and jetties etc. in order to make a difference to our tourism offer and economic situation. In light of this, we are of the view that this section should contain a reference to the waterfront of Inverclyde and the ports and harbours contained within them.

Action 5 – Reuse land and buildings

We support this action and particularly welcome the redevelopment of vacant and derelict land in the Glasgow City Region being a key priority. We agree that redevelopment should include, but not be limited to, housing development. This action is written in such a way that only vacant and derelict land is within city regions and therefore it could be assumed that this part only relates to cities. Other areas, such as Inverclyde also have proportionally large amounts of vacant and derelict land within them and this section should be re-written to acknowledge that. It is not clear how the Council is meant to de-risk sites or where the funding is coming from to achieve this. We believe the draft NPF 4 should not put the onus on Council's to de-risk sites as this is a multi-agency responsibility and will require substantial external funding to achieve.

Action 6 - Invest in net zero housing solutions

We support this action and welcome reference to the role and work of the Glasgow city region in recognising the challenges for future adaptation and identifying sustainable solutions to sea level rise, urban overheating, and water management.

Action 7 – Grow a wellbeing economy

The Council supports this action. We particularly welcome the aspiration to build a wellbeing economy, where opportunities for investment and development are designed to maximise economic, social and environmental wellbeing, and the emphasis given to targeting economic development in areas of significant economic development. We believe this will provide a supportive context for tackling high levels of multiple deprivation found in the area, particularly Inverclyde.

We support the inclusion of The Clyde Mission as a means of stimulating investment in strategic sites along the Clyde, including Greenock Ocean Terminal.

Action 8 – Reimagine development on the urban fringe

Consideration should be given to referring to the Clyde Muirshiel Regional Park, which straddles Inverclyde and Renfrewshire and is an important biodiversity asset.

Action 9 – Improve urban accessibility

While we support this action, there is no information on how the rail network in Inverclyde could also be strengthened in relation to high speed rail, which would offer a reduction in journey times and therefore expanding the attraction of Inverclyde for a range of purposes and investment.

Part 2 – National Developments

Q.19 Do you think that any of the classes of development described in the statements of need should be changed or additional classes added in order to deliver the national development described?

Inverclyde Council fully supports the national developments which cover the local authority area, namely:

- *Central Scotland Green Network*
- *National Walking, Cycling and Wheeling network*
- *Urban Mass/Rapid Transit Networks*
- *Urban Sustainable, Blue and Green Drainage Solutions*
- *Circular Economy Materials Management Facilities*
- *Digital Fibre Network*
- *Strategic Renewable Electricity Generation and Transmission Infrastructure*
- *High Speed rail*
- *Clyde Mission*

While we generally agree with the classes of development described, in the Strategic Renewable Electricity Generation and Transmission Infrastructure, the classes of development section is misleading as a) and b) would be determined under Electricity Act not the Town and Country Planning Act.

Q.20. Is the level of information in the statements of need enough for communities, applicants and planning authorities to clearly decide when a proposal should be handled as a national development?

Only on the basis that they are to be regarded as a very succinct summary.

Part 3 – National Planning Policy

General Considerations

Before addressing specific policies, we would like to make a number of general points about the policy framework which we believe need to be addressed if it is to be effective in practice.

The inclusion of LDP policies within development management focused sections is not helpful. We would request these are set out in separate sections.

It is noted that clarity on the link between NPF4 and LDPs is provided in the Draft Guidance on Local Development Plan. It would be very helpful if this guidance was referenced in the NPF4, as appropriate.

Many of the policies are not sufficiently clear, precise and robust enough to enable planning authorities, particularly at the development management stage, to deliver the significant level of change envisaged. For example, words like “should” and “could”, which are used throughout the policy section document, are imprecise and provide scope for legal challenges on whether ‘should’ actually constitutes a policy requirement. In light of this, we suggest words like “should” be replaced with ‘require’; ‘shall’; or ‘must’.

Some policies refer to broad concepts or criteria, such as human rights, community wealth building and ‘sense of joy’. While these are undoubtedly well intentioned, it is not clear how they would be fully assessed within the context of a planning application. To enable robust, defensible, planning assessments and decisions to be made, it is vital that policies are clearly defined and there is sufficient direction on how assessments are to be carried out. The policies should be explicitly clear on what developers are being asked to provide and demonstrate, and how authorities will assess the information submitted in a way that can be consistently applied.

With many of the policies being quite lengthy, Development Management planners are likely to find them impractical to use. This may also lead to unnecessarily overly lengthy reports - all policies have to be addressed - which will decrease the efficiency of the planning system leading to either increased delays in decision making or a poorer quality of reports as assessments are abbreviated, thereby leaving more decisions open to challenge. The policies should be more succinct and perhaps presently proposed individual policies could be subdivided into separate policies. As presently proposed, not all elements of individual policies would necessarily be relevant to a proposal. The more unwieldy the policy, the greater chance of misunderstandings or misinterpretations. It would almost certainly lead to more challenges on decisions either through the Court of Session or through hearings and public inquiries leading to an overall inefficient and bureaucratic system slowing down economic investment. In light of this, it is suggested that much of what is shown as “policy” in the draft may more properly be reproduced as narrative in the lead up to the policy. All of this may also lead to public disengagement and disillusionment in the planning system.

There are several instances where laudable aims are stated, but the ultimate arbiter of what is acceptable is not identified. For example, Policy 10 f) states that “while new junctions on trunk

roads are not normally acceptable, the case for a new junction will be considered where significant prosperity or regeneration benefits can be demonstrated". In instances like this, policies need to clearly state that it will be for the Planning Authority to decide, otherwise it leaves decisions open to challenge more than they need to be.

Clear direction is needed on the role and responsibilities of relevant stakeholders. Who is responsible?

More needs to be done to capture cross boundary and cumulative impact issues

There are some sector-specific policies (tourism) but not others (farming, forestry).

Supporting documents/legislation should be referenced

Overall, it is suggested that a panel of experienced development management practitioners in local government be convened to review the policies and examine any changes made before the next stage of the process. This is particularly crucial as the subsequent Local Development Plans will have to adhere to the broader policies of the National Planning Framework. The clarity and integrity of policies contained within the NPF is therefore absolutely crucial. The Heads of Planning Development Management Sub-Group is a ready-made forum to do this and their expertise should be used.

Sustainable Places. We want our places to help us tackle the climate and nature crises and ensure Scotland adapts to thrive within the planet's sustainable limits.

Q22. Do you agree that addressing climate change and nature recovery should be the primary guiding principles for all our plans and planning decisions?

We welcome the focus on addressing climate change and nature recovery and agree that these should be the primary guiding principles for our plans and planning decisions. This is entirely appropriate and timely after COP26.

We would highlight the obvious tension between these principles and the aspiration for growth, as all development is likely to have an impact on climate and most will have an impact on nature. For example, if the guiding principle is climate change and nature recovery, then it would be difficult for any greenfield release to be justified. How can these principles be squared with, for example, the high MATHLRs for some areas in the document? This tension should be acknowledged and addressed in a nuanced way that considers the ongoing need for development, economy and homes.

We would request that these principles are supported by guidance to planning authorities, in terms of Local Development Plan preparation and how the Scottish Ministers wish these to be addressed in development management decisions. Would they just be taken to be a factor that is an underlying consideration in the policies set out in Part 3 of this document?

Policy 1: Plan-led approach to sustainable development

Q23: Do you agree with this policy approach?

While we support a plan led approach to sustainable development, it is not clear that this requires to be a policy in NPF4 because it generally duplicates a requirement that is already set out in statute and would appear to be more of an underlying and guiding principle than a policy. As such, it could simply be referenced in the supporting text.

Policy 2: Climate emergency

Q24: Do you agree that this policy will ensure the planning system takes account of the need to address the climate emergency?

We welcome reference to the Global Climate Emergency, broadly support this approach and agree that the policy will ensure that planning take account of need to address the climate emergency, but we have concerns about how the policy is to be delivered in practice.

We believe this policy should be more concise, with criteria (a) – (d) more appropriately set out as separate policies.

Comments are provided on specific criteria below:

(a)and (b) - These criteria apply to all development, even minor development, such as garden rooms, extensions, and hot food take-aways. It is difficult to see how minor developments are to be assessed against this policy.

We would suggest that these criteria include a listing of the specific planning-related factors to be taken into consideration. To not identify specific factors would open decisions to challenges on a potentially very wide range of factors, which could severely compromise the efficiency of the planning system and increase the likelihood of challenge to decisions.

(c) This criteria makes no reference to Building Standards, which is primarily responsible for assessing emissions from buildings, thus duplicating controls. It is not clear why planning is being asked to assess the emissions of buildings when this is already being undertaken elsewhere.

Clarity is needed on what is meant by 'significant emissions'? As carbon emissions are measurable, we believe standards for different types and scales of development should be provided to support the assessment of this criterion if it is to be brought within the Planning remit. While we appreciate this may not be an easy task, it would be more efficient and equitable if this was done centrally rather than 32 planning authorities defining 'significant emissions'.

Clarity is needed on what tool is to be used to assess this emissions consistently, by both Planning Authorities and applicants.

This criteria requires planning officials to be the arbiters of evidence submitted on the emissions of development proposals. Whilst we consider the aims of this criterion to be laudable, consideration needs to be given to the practicality of how planning staff are going to assess and verify the information submitted. Many planning authorities, including Inverclyde, do not have the required skill set and expertise to assess this information. While some planning authorities may seek external support with this task, the costs associated with such an approach will make it prohibitive for many, including Inverclyde. We would request further information and detail on how the additional skills and resource are to be delivered and funded. A possible solution could be to set up an independent accreditation scheme, with developers submitting their proposal to a body skilled in assessing development emissions, who would then verify that a proposal has or has not met the required standard. This accreditation would then be submitted to the planning authority.

(d) As a Universal policy, the importance of climate resilience and adaptation planning should be stronger and provide more detail on how this is to be achieved in practice.

In general, we would note that while planning has an important role to play in tackling the climate emergency, it is not the sole or indeed principal player.

Policy 3: Nature crisis

Q25: Do you agree that this policy will ensure that the planning system takes account of the need to address the nature crisis?

We welcome reference to the nature crises and fully support the introduction of a new national policy, in principle. We agree that the policy will ensure that the planning system takes account of the need to address the nature crisis, subject to some amendments.

While we are generally happy with the policy content, we would again note that the policy is overly long and would benefit from being divided into separate policies. We have commented on specific criteria below:

(a) It would be helpful if the policy provided more direction on how LDP's are to deliver the creation of new, or the restoration of degraded, habitats and increase populations of protected species. While this criteria is repeated in the Draft Guidance on Local Development Planning, no further direction is provided, which seems like a missed opportunity. It is important to note that while some planning authorities may have the in-house expertise to inform and support delivery, this is not the case in some authorities, such as Inverclyde.

(b) We note the publication and consultation on NatureScot's Developing with Nature Guidance. While this is specifically aimed at supporting delivery of criterion (e), we believe it will also be generally helpful in delivering against this criterion.

It would be helpful if clarity is provided on whether the policy is restricted to development sites or also allows off site works and contributions.

(c) It is not clear that this criterion is needed in light of criterion (b). If adverse impacts are unacceptable planning permission should be refused.

(d) This is unfeasibly long to be a policy. It should be narrative with a more succinct following policy outcome. Clarity and direction is needed on how to measure and assess when a proposal will demonstrate that it will conserve and enhance biodiversity so that they are in a demonstrably better state than without intervention.

(e) We would question the use of "only be supported" as there may be circumstances where such measures may not be appropriate. The wording here does not allow for professional judgement.

Reference to NatureScot's Developing with Nature Guidance would be helpful. In general, external links to related guidance, plans and strategies needs to be more explicit and the use of diagrams to connect these strategies would be helpful. This is vital as not all users of this document, including planners, will be familiar with the array of supporting material.

Policy 4: Human rights and equality

Q26: Do you agree that this policy effectively addresses the need for planning to respect, protect and fulfil human rights, seek to eliminate discrimination and promote equality?

While we respect and support human rights and equality, it is unclear why this requires to be a policy in NPF4, as currently worded, as it is covered elsewhere in statute. The development management process allows for all notified parties to presently engage in the planning process and a professional officer's assessment already addresses many areas this policy appears to be intended to cover. In addition, the policy, as currently worded, could leave many planning decisions open to challenge.

If this policy is to be carried forward into NPF4, it will require to be subject to further clarification and guidance if it is to be relevant to planning processes.

Policy 5: Community wealth building

Q27: Do you agree that planning policy should support community wealth building, and does this policy deliver this?

We fully support the concept of community wealth building, but it is difficult to directly reconcile it with the planning process. For example, Policy 5b refers to all national and major applications contributing to community wealth building, but it is not clear how this could be achieved within the parameters of a statutory land use process.

In general, we would request further clarity and direction on how Community Wealth Building is to be defined and implemented in a planning context.

Policy 6: Design, quality and place

Q28: Do you agree that this policy will enable the planning system to promote design, quality and place?

We support this policy, which reflects a similar policy in our Local Development Plan. We agree that it will enable the planning system to promote design, quality and place.

Criterion (b) ties planning authorities to the design guidance of statutory consultees. As some of these may be non-governmental bodies, the Scottish Government may have little influence over the content of certain guidance.

We would request that some of the wording in the Six Qualities of Successful Places is amended to be less ambiguous. For example, how would 'a sense of joy' and 'feeling positive about being playful' be assessed at the planning application stage?

It would be helpful if the policy included reference to design tools, as set out in paragraph 57 Scottish Planning Policy.

Consideration should be given to the Place Standard Tool being a requirement for major pre-application consultations. This would support a people centred approach.

Policy 7: Local living

Q29: Do you agree that this policy sufficiently addresses the need to support local living?

We welcome and support this policy which, through the creation of resource efficient communities where people can live, work and relax within '20 Minute Neighbourhoods', has the potential to play a key role in meeting climate change targets and making urban areas much more sustainable. However, we have concerns about how it will be delivered in practice.

More clarity and direction is needed on how the "20 Minute Neighbourhood" concept is defined and applied within a planning context. This is particularly the case in relation to rural areas, given that this is an urban focused concept.

There also needs to be a stronger approach to encouraging the retrofitting of existing neighbourhoods and providing an opportunity to bring in community views and demonstrate how Local Place Plans can fit in to the planning system.

Policy 8: Infrastructure First

Q30: Do you agree that this policy ensures that we make best use of existing infrastructure and take an infrastructure first approach to planning?

Inverclyde Council welcomes and supports the inclusion of the Infrastructure First principle as a policy, but we have concerns about how it will be delivered in practice.

To enable delivery, we believe that 'Infrastructure First' needs to be further defined, i.e. does it cover all of digital/roads/water/community/energy/green? Further clarity is also required on the types of infrastructure that should be prioritised.

We have commented on specific criteria below:

(a) While we agree that LDP's and delivery programmes should be based on an infrastructure first approach, this needs to be supported by improved collaboration, co-ordination and data sharing between relevant statutory bodies.

Further direction is needed on how planning authorities are to cost infrastructure requirements at this stage.

We would note that there remains significant uncertainty about how large projects will be funded when costs are beyond the scope of Councils and developers. Is there a risk of development sites being blighted as they wait for Scottish Government funding for the required infrastructure where it isn't identified in LDP delivery programmes.

As the evidence base will be an evolving set of information, there is a danger that LDP's and delivery programmes could quickly become out of date. More clarity on the level of detail required would be helpful.

(c) There should be a caveat to 'should be supported' as this runs the risk of blanket acceptability which could result in piecemeal development of divided or phased sites, which could make sites only partially viable.

More generally, we believe the policy should do more to reflect the balance between the provision of new infrastructure and the need to make best use of capacity in existing infrastructure.

While we support the linkages to other national infrastructure strategies e.g., the Infrastructure Investment Plan and the National Transport Strategy 2, there needs to be better and more focussed integration at a national level. This is a critical area where the lack of a Capital and Revenue Delivery Plan is detrimental.

Policy 9: Quality homes

Q31: Do you agree that this policy meets the aims of supporting the delivery of high quality, sustainable homes that meet the needs of people throughout their lives?

Inverclyde Council is generally supportive of this policy. We particularly welcome the concept of Quality Homes, the move to a more flexible and locally based approach to the new Minimum All Tenure Housing Land Requirement (MATHLR), reference to an equalities led approach and consideration of specialist provision homes in addressing the needs of the population and improving affordability and choice.

However, there remains a disparity in guidance where the LHS is required to state a cross tenure target for delivery of wheelchair accessible housing and the LDP is not. It is important to remember that the LDP is the key document to encourage and reinforce inclusive design principles. As such Inverclyde have included a new policy in our revised Proposed LDP

requiring market housing on sites of more than 20 units to provide 5% wheelchair accessible homes.

We welcome the caveat to the stipulation that “Proposals for market homes should generally only be supported where a contribution to the provision of affordable homes on a site is at least 25% of the total number of homes”. NPF4 proposes that “Local authorities can also determine in local development plans the locations or circumstances where a lower contribution may be appropriate.” This will allow discussion to continue in Inverclyde on the validity of our current Affordable Housing Policy prior to consulting on our revised Proposed LDP.

In general, the policy is lacking in the ‘quality’ aspect, with criteria (a) (b) and (c) focused solely on ‘provision’.

(b) ‘Pipeline’ should be replaced with ‘supply’. Short, medium and long-term needs to be defined.

(c) While this does refer to ‘sustainable locations’, we would like to see a stronger and more explicit statement prioritising brownfield sites over greenfield.

(d) We are supportive of this.

(e) This criteria either needs to be a requirement or needs to be removed from the policy. It seems unnecessary to request statements for allocated housing sites in this regard. It is not clear what the statement of community benefit would be assessed against to determine acceptability. It would be more useful to encompass f) in this if it is a requirement.

(f) The majority of this criterion is a list of suggestions which would be a more appropriate fit in a narrative introduction to the policy. We do not consider this suitable as policy.

(i) Notwithstanding the exceptions criteria, this is likely to stop windfall sites in acceptable locations. We would note that windfall sites become the ‘pipeline’ of the future.

Policy 10: Sustainable transport

Q32: Do you agree that this policy will reduce the need to travel unsustainably, decarbonise our transport system and promote active travel choices?

We welcome and support the requirement for developments that generate a significant increase in the number of person trips to improve accessibility and safety. We also welcome the presumption against developments which increase reliance on the private car and references to 20-Minute Neighbourhoods in this section. We do, however, have some concerns about the extent to which this policy will, in practice, reduce the need to travel unsustainably, decarbonise our transport system and promote active travel choices.

In general, while the policy seems to be oriented towards road transport, making no reference to alternative modes of travel such as rail, there appears to some inconsistency in how sustainable transport is defined.

A focus on designing streets and cycle by design should be included to prioritise and encourage the lowest polluting forms of travel.

It would also be beneficial to include the transport hierarchy diagram alongside the policy to highlight the focus of this policy.

(a) This is key to reducing carbon emissions and should be reflected in Policies 7, 8 & 9.

(b) We would note that the DPTAG guidance is considerably out-of-date, having been published in 2011 with references made within it to the NPF2. To reflect the changed policy context focused on decarbonisations and to improve how the transport appraisal process can contribute to the preparation of the next generation of LDPs, it would be helpful if the DPTAG was reviewed and updated in due course.

We would also note that DPTAG is an expensive process, especially for small authorities such as Inverclyde, which has limited resources to employ consultants. A greater degree of flexibility may be more appropriate.

(c) & (d) These are considered under Roads guidelines. Clarity is required on how 'significant increase in the number of person trips' is defined?

(e) & (f) These should be assessed by Transport Scotland. We would suggest that these are not needed as planning policy. We suggest reference is made to the transport network, rather than just the Strategic network.

(g) The sentence "proposals should put people and place before unsustainable travel where appropriate, and respond to characteristics of the location of the proposal" - is clumsy and doesn't relate to the rest of this criterion

(h) – (m) We welcome these positive elements of the Policy, but believe they should come first to highlight their importance and make for more positive reading. (h) would be strengthened with the inclusion of 'and' between bullet points to emphasis that developments should comply with all the set-out criterion.

We would request more clarity on how development will contribute to and connect with the active travel network.

Policy 11: Heat and cooling

Q33: Do you agree that this policy will help us achieve zero emissions from heating and cooling our buildings and adapt to changing temperatures?

We agree that this policy will help achieve zero emissions from heating and cooling our buildings and adapt to changing temperatures. We welcome and support the policies alignment with Local Heat and Energy Efficiency Strategies, the requirement for proposals to be designed to connect with existing or future heat networks and where there is no effective solution available, an alternative low or zero emissions heating system be provided. We also welcome the role of Heat Networks Partnerships (HNPs) in co-ordinating support and delivery across the built environment professions.

We would, however, again highlight the resource intensive nature of implementing this policy, particularly given the limited resources, skills and knowledge within the planning and wider public sector on energy related planning matters, especially in terms of assessing district heating feasibility proposals. This is likely to result in the costly use of external consultants.

We also have concerns about the general lack of reference to Building Standards and the lack of direction on who has responsibility for designating heat network zones.

(c) Consideration should be given to requiring development to be designed to be connected to a heat network in future, whether one is "planned" or not, unless there is absolutely no chance of a future network development, e.g. smaller scale, remote developments.

(d), (g) & (i) – These criteria would be more appropriately delivered through Building Standards

(g) - This conflicts with existing permitted development regulations on biomass burners for dwellings

Policy 12: Blue and green infrastructure, play and sport

Q34: Do you agree that this policy will help to make our places greener, healthier, and more resilient to climate change by supporting and enhancing blue and green infrastructure and providing good quality local opportunities for play and sport?

We agree. Inverclyde Council welcomes and strongly supports the emphasis placed on blue and green infrastructure and the outdoor spaces for play. This reflects the Council's policies on open spaces and outdoor spaces facilities and on delivering green infrastructure, going further to specify on play provision and blue infrastructure. We view these as key strands in the protection of natural resources and investment in new facilities which will provide opportunities for improving health and wellbeing.

The policy seems to primarily focus on green infrastructure and gives no context as to what would be considered as blue infrastructure. Further clarity in this regard would be useful.

The provision and quality of green and blue infrastructure differs greatly across areas. To enable a consistent approach to be applied, it would be helpful if the policy identified standards and set out a clear approach to assessing requirements and ensuring/monitoring delivery on the ground. Consideration should be given to an independent accreditation scheme, with developers submitting their proposal to a body skilled in assessing provision, who would then verify that a proposal has or has not met the required standard. This accreditation would then be submitted to the planning authority.

Given the cross cutting nature of this policy, it should be cross referenced to other relevant policies in the document. Relevant regulations and guidance should also be referenced.

It would be helpful if the elements of the policy were grouped together by subject.

(a) It may be helpful to refer to size and type of greenspace

(g) This could, potentially, be tied in with Policies 8 & 9 on densely packed sites or for flatted development

Policy 13: Sustainable flood risk and water management

Q35: Do you agree that this policy will help to ensure places are resilient to future flood risk and make efficient and sustainable use of water resources?

We agree. Inverclyde Council welcomes and supports this updated policy on flooding and water management. The management and control measures for mitigating future flooding episodes is critical for Inverclyde, with its waterfront location, and addressing the wider Climate Emergency issues.

It would be helpful if the policy referenced relevant SEPA guidance and measuring tools.

Policy 14 Health and Wellbeing

Policy 15 Safety

Q36: Do you agree that this policy will ensure places support health, wellbeing and safety, and strengthen the resilience of communities?

While we strongly support these policy topics, which are important for creating sustainable places, we believe they would be more appropriately located in the universal policies section, under Sustainable Places.

Health and wellbeing should be linked back to policies on infrastructure first, housing and green infrastructure, local living and active travel.

In general, the role of Planning Authorities in delivery these policies needs further clarity as it may well require further upskilling of staff and new areas of expertise to be developed.

Policy 14

(a) While the ambition to tackle inequality is welcomed and strongly supported, clarity and direction is needed on the expectations, duties and responsibilities to be placed on planning authorities. Areas with inequalities are often unlikely to be areas with development land or interest.

(c) It would be helpful if reference was made to air quality assessments. We note that noise impact assessment is mentioned in criterion (d)

Policy 15

We would request that this policy is strengthened, with the opening sentence amended to state that proposals “must take into account the potential impacts”.

We note the approach to proposals involving hazardous substances follows existing practices.

Policy 16: Land and premises for business and employment

Q37: Do you agree that this policy ensures places support new and expanded businesses and investment, stimulate entrepreneurship and promote alternative ways of working in order to achieve a green recovery and build a wellbeing economy?

We broadly agree. We welcome the focus on a green recovery and a wellbeing economy. In practice, the policy does not appear to be significantly different to existing national policy and we believe there is scope for a more ambitious approach to be taken.

We welcome the inclusion of a brief framework for addressing home-working, live-work units and microbusinesses, and the content relating to site restoration.

(a) Terms such as ‘greener’, ‘fairer’ and ‘inclusive wellbeing economy’ need to be defined, with direction and guidance provided on how these are to be supported by LDP’s.

(b) Clarity is needed on how net economic benefit is to be measured and assessed at the development management stage. “Should be taken into account” is not strong enough and could be subject to challenge.

(c) While this is a positive step forward, live/work units should be a policy on its own and not grouped with working from home.

(e) Clarity is needed on what “appropriate instances” are. Are some permissions to be time limited?

It is not clear how this criterion captures cross boundary and cumulative impact issues.

There is a risk that this criterion will undermine site allocations in the LDP.

(g) It is not clear how “health and wellbeing, including inequalities” would be assessed in practice. Who would a planning authority consult on this?

Policy 17: Sustainable tourism

Q38: Do you agree that this policy will help to inspire people to visit Scotland, and support sustainable tourism which benefits local people and is consistent with our net zero and nature commitments?

Broadly agree. Tourism is key growth sector in Inverclyde and we support the emphasis on sustainable tourism.

The introduction of the short-term lets policy is likely to have significant resourcing challenges, especially in enforcement and monitoring terms.

(c) Clarity and direction is required on what is considered ‘adverse affects’ and how these would be measured and monitored. It is also not clear what would be considered a “satisfactory measure” to alleviate effects.

(d) This criterion is not area specific and therefore brings in considerations such as accessibility by sustainable transport.

(d) This is very negative. Clarity is needed on how the second point would be assessed in practice.

(f) Clarity is needed on how the requirement for alternative tourist facilities would be measured and assessed.

Policy 18: Culture and creativity

Q39: Do you agree that this policy supports our places to reflect and facilitate enjoyment of, and investment in, our collective culture and creativity?

Broadly agree. We welcome and support this policy, particularly the principle of supporting public art and the provision of workspaces for the creative arts, including those make temporary use of vacant spaces and property. We do, however, have some concerns about deliverability.

In general, we believe museums, and leisure in the broadest sense, should be covered.

(a) Direction is needed on the role which LDPs have in recognising and supporting opportunities for jobs and investment in the sector and how this is to be achieved.

(b) It is very difficult to recognise a need for public art or when there is enough public art. It is not an essential component such as infrastructure. Should a decision be based on public art provision? In what case? This criterion seems quite restrictive. More clarity and guidance is needed.

(c) Further guidance/policy on this criterion would be welcomed as well as incorporation within the use classes order to make this easier. It would be helpful to have a locational test for this in terms of site allocation, along with criteria for development management to assess applications.

(d) We support the agent of change principle to protect arts venues where development is proposed in the vicinity.

Would the onus to provide this information be put on the applicant? How would the loss or damage to assets or objects of significant cultural value be defined, measured and assessed? Phrases such as “as evidenced by consultation” are too vague. The use of the word “should” here is not strong enough and would be open to challenge.

Policy 19: Green energy

Q40: Do you agree that this policy will ensure our places support continued expansion of low-carbon and net zero energy technologies as a key contributor to net zero emissions by 2045?

Broadly agree. Inverclyde Council supports the role of green energy in reducing carbon emissions.

In general, we do not view the policy as ambitious enough. We also note that the policy does not provide green energy development targets.

While the recognition of other energy sources is welcomed, the policy is still very focused on wind, particularly at large scale. There is no mention of hydrogen, peat, forestry or farming.

There is a conflict of wording between paragraphs a) and f), which state that developments should be supported (no qualification), and paragraphs b) –e) which then qualify where they would be acceptable. We would suggest that they should all say supported in principle.

(a) Direction is needed on how LDP’s are to ensure that “the area’s full potential for energy from renewable sources” is achieved. Does “area” refer to the LA area? This appears to be more of a narrative introduction to a policy, than a policy criteria. This will require resources, including staff skills sets that some planning authorities, such as Inverclyde, do not have.

(b) Clarity is needed on how “low carbon fuels” are defined, along with further guidance and criteria assessment.

(e) We would request that assessment criteria is provided

(h) Clarification is needed on who will assess the decarbonisation strategy. We would note that planners don’t have the skill set for this. Training or out-sourced consultation would be required.

(i) Further guidance needed on what this means in practice

(j) The detail provided here is welcomed.

(k) While the detail provided here is welcomed, it is not clear why this level of detail is not reflected in some other policies. We suggest links should be made to related policies within NPF4.

We note that there are other policies in the Framework which appear to be set against this approach and, as such, we would like to see better integration of relevant policies.

Policy 20: Zero waste

Q41: Do you agree that this policy will help our places to be more resource efficient, and to be supported by services and facilities that help to achieve a circular economy?

Broadly agree. While we welcome and support this policy, we have some concerns about the deliverability, in general, clarity is needed on the roles and responsibilities of planning, applicants and other relevant agencies/bodies.

(a) While we support the requirement for LDPs to identify appropriate locations for new waste infrastructure, we would note that this will require resources to research and identify these requirements. This is another area where cross-sector and cross-agency working will be crucial and there is a key co-ordination and leadership role for the Scottish Government to assist Councils.

(b) Clarity is needed on how the minimisation of waste is to be measured and assessed.

(c) Clarity is needed on what information is available/will be provided to allow matters, such as the volume of materials in building components that can be re-used, to be considered in the assessment of applications. This may be difficult to implement in practice.

(d) Terms such as “maximise” waste reduction at source and “minimise” the cross-contamination of materials and “appropriate” are too broad. What are the measures and how are they to be empirically measured?

(e) Clarity and direction is needed on assessing offset emissions, “adequate” buffer zones, and “financial mechanisms”. It is not clear how these will be achieved in practice.

(f) Further guidance/criteria/policy is required to implement this in practice. Will other services and policies be linked to this at a regional/local level?

(g) We would question whether a zero waste policy should support landfill sites at all.

(h) It is not clear that Planning has a role in monitoring this.

(i) It would be helpful to include a requirement for Waste Management Plans. Would other services such as building standards be involved in implementing this? Other relevant policies/documents/legislation should be referenced.

(j) It is not clear why the requirement for community benefit only applies to energy from waste proposals.

Policy 21: Aquaculture

Q42: Do you agree that this policy will support investment in aquaculture and minimise its potential impacts on the environment?

Broadly agree.

(a) Reference should be made to role of national/regional marine plans in guiding the location of aquaculture development and informing Local Development Plans

Clarity is required on what development can be permitted in the other areas. Every other type?

(c) There may be merit in aquaculture proposals being supported where they comply with the National Marine Plan and the Regional Marine Plan, without assessment against planning policy. This is an area of specialism which not many authorities have.

(d) The criteria mostly relate to siting and design. Assessment of impacts on local communities and natural heritage etc. should be included.

Policy 22: Minerals

Q43: Do you agree that this policy will support the sustainable management of resources and minimise the impacts of extraction of minerals on communities and the environment?

Broadly agree. That the extraction of fossil fuels is generally not supported, except in exceptional circumstances, welcomed.

Overall, it is noted that this is an area of specialty which not a lot of authorities have expertise in. To place this policy and planning's role in context, it would be helpful to include references to other relevant legislation and policies.

Policy 23: Digital infrastructure

Q44: Do you agree that this policy ensures all of our places will be digitally connected?

Ensuring all of our places will be digitally connected will depend on a number of factors, not just planning. However, we support this policy and believe that it will 'contribute' to enhanced digital connectivity. Digital infrastructure is essential to take forward other policies such as 20 Minute Neighbourhoods and to bring connectivity and economic benefits to outlying areas.

We would suggest reference is made to the quality of connection and the Digital Planning Strategy for Scotland.

(b) Clarity is needed on what constitutes "appropriate, universal and futureproofed" digital infrastructure. It is also not clear how planning is to assess this in practice. We would suggest this is the role of service providers.

(c) This should be an overarching policy in NPF4, rather than within LDPs. This criterion appears to support development proposals without consideration of adverse impacts, such as on amenity or landscapes.

(d) We would note that in many cases, this would be covered by permitted development.

(e) Clarity is needed on what appropriate mitigation measures would be.

Policies 24 to 27: Distinctive places

Q45: Do you agree that these policies will ensure Scotland's places will support low carbon urban living?

Ensuring Scotland's places will support low carbon urban living will depend on a number of factors, not just planning. However, we support this suite of policies and believe that they will 'contribute' to the above.

In general, we note there is no mention of the importance of preserving, enhancing and creating new green space and green infrastructure (including trees) within city, town, commercial and local centres. We believe this should be referenced as greening makes a significant contribution to healthier urban living.

Policy 24

We welcome this positive policy, which takes into account recent changes to our town centres and provides positive solutions to encouraging growth of town and local centres

Policy 25

(c) This will be difficult to achieve as there are currently no immediate means to provide blanket controls to limit certain uses described, such as betting offices and moneylending premises, which are not sui generis. This is likely to result in challenges over applying this part of the policy – the clustering of non-retail uses in disadvantaged areas.

It is not clear that the clarification ‘particularly in disadvantaged areas’ is necessary. We are of the view that it should apply equally across communities. If this phrase is meant to imply areas where there are already many examples of this type of development, where they are causing issues. then it should say so instead of using ‘disadvantaged areas’ as short hand as not all will fall into this category.

(d) Clarity is needed on what scales of development are acceptable

Policy 26

(a) This seems to conflict with the Policies on local living. We would suggest that a town and local centre first assessment would be more appropriate. A number of the uses listed would be better suited in local centres where people can access facilities. Alternatively, this should be amended to only include uses which should be directed to town centres and not local centres.

(a) This should be covered in Policy 7

Policy 27

We generally welcome this positive policy, which should reduce vacancies in town centres and encourage more sustainable living.

This policy would assist the achievement of the objectives of the 20 Minute Neighbourhoods. Is there scope to require a proportion of town centre housing to be available for those who have mobility issues and can't easily make use of the sustainable transport options to get access to facilities?

(c) This could create amenity clashes between established ground floor and upper floor uses. The Planning system does not allow for the retrofit, for example, of extraction equipment to ground floor uses such as cafes or hot food take aways where such equipment does not already exist.

Reference should be made to creation of amenity, e.g. through the provision of greenspace etc.

Policy 28: Historic assets and places

Q46: Do you agree that this policy will protect and enhance our historic environment, and support the reuse of redundant or neglected historic buildings?

Broadly agree.

We would suggest that this policy would be more appropriately spilt up into a number of separate policies.

(h) Clarity is needed on what constitutes ‘exceptional circumstances’

(o) Clarity is needed on what is to be considered a non-designated historic environment asset. This could apply to anything fixed in the built or natural environment and would arguably conflict with any development proposal

(p) Is there already a requirement for this under other legislation? If not, this raises concerns over how this could be monitored to ensure discoveries are reported

In addition to reporting archaeological discoveries made in the course of developments to the planning authority, we would suggest that this should also be the case for potential archaeological findings discovered elsewhere.

Policy 29: Urban edges and the green belt

Q47: Do you agree that this policy will increase the density of our settlements, restore nature and promote local living by limiting urban expansion and using the land around our towns and cities wisely?

Broadly agree.

As the use of green belt policy is often misunderstood as a planning tool by the general public, clear identification of areas of value such as blue/green networks, biodiversity rich areas, local nature sites, connectivity etc. would offer a clearer tool to direct where development should be located.

The policy fails to mention biodiversity improvements, which would restore and improve habitats. We believe this is a missed opportunity and the policy should look to achieve biodiversity net gain in areas on the outskirts of settlements.

a) This criterion should be tied in with Policy 9. We are concerned that this would result in challenges to proposals in the green belt and which sites are considered most accessible and what locations are pressured rural or peri-urban areas. This may also make it more difficult to carry green belt forward in future plans.

(b) There is need to tighten up on 'or' and 'and' at the end of listed types of development otherwise all the items listed would have to be satisfied by the development. E.g.:

Development should not be supported unless for:

*Recreation, outdoor sport, leisure **and** tourism uses.....*

*Recreation, outdoor sport, leisure **or** tourism uses.....*

Policy 30: Vacant and derelict land

Q48: Do you agree that this policy will help to proactively enable the reuse of vacant and derelict land and buildings?

Agree. We welcome and support this policy. It will contribute to the aspiration for increased density of cities, towns and villages, and will enable more greenfield land to be protected and underused land to be developed.

(b) We are concerned that this provides unqualified support for the reuse of brownfield sites and could lead to inappropriate uses or development in unsustainable locations. More focus could be placed on low impact uses such as habitat restoration.

(a) Sustainability should be considered as a factor rather than simply stating that demolition should be least preferred.

(e) This appears to contradict policy 29(b)

Policy 31: Rural places

Q49: Do you agree that this policy will ensure that rural places can be vibrant and sustainable?

We would note that there is a tension between the resettlement of previously habited areas compromising overall sustainable place making.

Policy 32: Natural places

Q50: Do you agree that this policy will protect and restore natural places?

The protection and restoration of natural places will depend on a number of factors, not just planning.

While the policy provides strong and comprehensive coverage, the criterion (d) may make practical application more difficult, as it proposes a catch-all approach to a number of different designations. We suggest this either focusses on the statutory requirements for the designations listed, or uses terms that are more easily related to these designations.

There is no guidance beyond the initial statement on restoring natural places. We would request that further guidance is provided.

There is a need to align the designations covered by the policies on natural places and those on green energy as they do not appear to match up at present.

(a) (d) The relevant legislation should be explicitly referenced.

(f) This needs to be strengthened. We would suggest that “should take into account” is replaced with “must take into account”.

(g) We are not convinced that this can work in practice as any development of a protected site will have significant adverse effects on the integrity of the site and would subsequently conflict with point b) of the policy.

Policy 33: Peat and carbon rich soils

Q51: Do you agree that this policy protects carbon rich soils and supports the preservation and restoration of peatlands?

Agree.

We believe the policy is comprehensive and strong, but would request a definition of carbon rich soils.

The policy raises questions over how valued soils are to be identified. Should nationally important soils be identified in NPF4? This also has resource implications as this is another specialist planning area which requires expertise and skill sets which are currently not available within some planning authorities, including Inverclyde.

(d) Clarity is needed on what would be considered an industry of national importance to Scotland.

Policy 34: Trees, woodland and forestry

Q52: Do you agree that this policy will expand woodland cover and protect existing woodland?

The expansion of woodland cover will depend on a number of factors, not just planning. However, we agree that the policy will contribute to expansion and protect existing woodland.

The policy complements the overall policy direction for increased protection and promotion of biodiversity interests and habitats and nature in general.

We believe there should be a greater emphasis placed on trees and landscaping within urban settings as these provide multiple benefits, including urban character, amenity, shade, biodiversity and water management etc. For example, we note that there is no mention of support for the protection of Tree Preservation Orders or trees within conservation areas, which account for a large amount of woodland, forestry and individual trees within built-up areas.

We feel that there is an opportunity to split this policy into two, with the first policy covering the protection and principle of development within woodland, with a second policy to cover the site-specific mitigation, with reference to British Standard 5837.

While the policy mentions expanding woodland cover, it would be helpful if specific targets were identified and guidance provided on how this should be achieved/encouraged.

Given the emphasis on enhancing biodiversity, it would be helpful if direction was provided on whether native or non-native species are to be provided.

(b) This should reference TPOs

(c) It would be helpful to clarify what is meant by additional public benefits that would justify removal and what its relationship is to the Scottish Government's Control of Woodland Removal Policy. Potential examples might be tree removal to enhance functional peatland, but other examples would be useful.

Part 4 – Delivering our Spatial Strategy

Broadly agree.

Aligning Resources

The alignment of resources is key. NPF4 needs to set out a clear Capital and Revenue Investment Programme, the monitoring processes involved and what additional resources are to be invested in planning services, particularly as many of the policy requirements set out in the document will require additional specialist skill sets and expertise. We would note that even with additional upskilling of planners, there is likely to be a strong need for external expertise for a range of assessments set out in the Draft, which will also require funding. Any capital investment must be aligned with the associated revenue expenditure, particularly at a time when local authority budgets are challenging, with diminishing investment in planning resources.

We would note that timescales and timing issues are key elements in a successful delivery programme as well as clarity on the respective roles and funding streams available from central government, multi-agency, private sector, and partnership arrangements.

It is important that NPF4 aligns with the Programme for Government and relevant legislative frameworks.

We are concerned that Part 4 – Delivering the Spatial Strategy is the shortest section in the Draft NPF4 and its omission at this stage in the process is serious and even if budgets are not finalised an estimate of costs and funding would have been helpful.

Infrastructure First

While we strongly support the "Infrastructure First" approach, discussions on this issue and the related work on the possibility of introducing an "Infrastructure Levy" in the Planning Act, or

similar, have not yet been completed and this lack of clarity on funding is critical. We remain concerned that this has been an outstanding aspect of Government policy for many years, and yet delivery of infrastructure is often the key challenge to delivering development, particularly in areas of lower land values. Critical questions still remain such as where is the incentive? How will this be imposed? Who pays? Who delivers? Very often the quantum of infrastructure funding required can only be provided by the Scottish Government and the funding criteria for this needs to be set out. This is clearly a matter which requires a real partnership approach and particularly with the private sector who need certainty in advance of what is required from them and when. Many different local solutions have been applied to this question and it is essential that all the best practice and experiences from both public and private sectors are brought together when this matter is finalised by Scottish Government.

Delivery of National Developments

This will require significant collaboration between all the key partners within local and central government, key agencies, investors and developers. The precise delivery mechanisms need to be set out in the next Draft NPF4.

We are concerned that the Delivery Programme for National Developments appears to be a bit of an afterthought at this stage in the process.

We support delivery of the National Developments covering the Inverclyde area in a planned and coordinated way, providing there is an agreed set of roles for the different stakeholders, funding and timing is put in place and there are clear monitoring and updating procedures put in place for the Scottish Government to implement.

Development Plan Policy and Regional Spatial Strategies

This section does not provide the clarity needed on the role of Regional Spatial Strategies, in terms of their relationship to the delivery of the NPF aims and Local Development Plans, we do not believe this is provided in this section.

With regard to Local Place Plans, it will be a challenge to encourage as many different members of the community as possible to get involved in producing a Local Place Plan.

Monitoring

We believe that monitoring is an essential part of the NPF process and one which must be led and undertaken by the Scottish Government as the coordinating authority. Whilst planning authorities will engage, their resources will be focused on Local Development Plan monitoring processes. In light of this, we would request the reference made in Draft NPF4 to “local monitoring” is clarified.

Part 5 – Annexes

Annexe A: Outcomes Statement

Q56: Do you agree that the development measures identified will contribute to each of the outcomes identified in Section 3A(3)(c) of the Town and Country Planning (Scotland) Act 1997?

Inverclyde Council generally agrees that the development measures identified will contribute to each of the outcomes identified in Section 3A(3)(c) of the Town and Country Planning (Scotland) Act 1997.

Annexe B: Housing Numbers

Q57: Do you agree with the Minimum All-Tenure Housing Land Requirement (MATHLR) numbers identified above?

Our Housing and Planning officers worked in collaboration with Clydeplan to provide the updated Minimum All-Tenure Housing Land Requirement submission to the Scottish Government. Our preferred MATHLR figure of 1500 is informed by the 1903 completions (on sites with capacity of 4 or more houses) between April 2010 and March 2020; and reflects one of the priorities of the Inverclyde Outcome Improvement Plan - reversing population decline.

Report To:	Environment & Regeneration Committee	Date:	3 March 2022
Report By:	Interim Director, Environment & Regeneration	Report No:	ENV019/22/AH
Contact Officer:	Ash Hamilton	Contact No:	01475 712463
Subject:	Consultation on Local Development Planning – Regulations and Guidance		

1.0 PURPOSE

- 1.1 The purpose of this report is to inform the Committee of the Scottish Government consultation on Local Development Planning - Regulations and Guidance, and to seek approval of the Council's proposed response.

2.0 SUMMARY

- 2.1 Local Development Plans (LDPs) set out how our local places will change into the future, including where development should and should not happen. They form part of the statutory Development Plan and will, alongside the Draft National Planning Framework 4, be the main basis for assessing and determining planning applications.
- 2.2 Significant changes to development planning were made by the Planning (Scotland) 2019 Act in order to support a plan-led planning system. To guide the implementation of these changes, the Scottish Government has prepared Proposals for Development Planning Regulations and Draft Guidance on Local Development Planning, which are currently subject to consultation, with a submission deadline of 31 March 2022. The consultation documents are available through the weblink provided under Background Papers.
- 2.3 The proposed Regulations cover a wide range of local development planning issues, including the form, content and process for preparing Local Development Plans; Play Sufficiency Assessments, Development Planning Schemes, Delivery Programmes and Transitional provisions.
- 2.4 The Draft Guidance sets out the overall aims and expectations for the new style LDPs and the process for achieving these. It also provides detailed thematic guidance on how LDPs are expected to implement the Draft National Planning Framework 4 (NPF4) policies for the development and use of land.
- 2.5 The proposed consultation response, which is set out in Appendix 1, is generally in agreement with the proposed Regulations and supportive of the Draft Guidance, subject to points of clarification and constructive comment, particularly in relation to the Guidance.

3.0 RECOMMENDATIONS

- 3.1 It is recommended that the Committee notes the Local Development Planning - Regulations and Guidance consultation and approves the proposed response set out in Appendix 1.

Stuart W. Jamieson
Interim Director,
Environment & Regeneration

4.0 BACKGROUND

- 4.1 Local Development Plans (LDPs) set out how our local places will change into the future, including where development should and should not happen. It is a legal requirement for planning authorities to prepare LDPs, which form part of the statutory Development Plan and will, alongside the Draft National Planning Framework 4, be the main basis for all decisions on planning applications.
- 4.2 While primary legislation provides the framework for LDPs and includes detail on many of the procedures to be followed in preparing plans, it also gives the Scottish Ministers powers to prepare secondary legislation (i.e. regulations) concerning a range of matters. These regulations provide additional detail on how the changes made through primary legislation are to be achieved. Current regulations relating to development planning include:
- The Town and Country Planning (Development Planning) (Scotland) Regulations 2008.
 - The Planning etc. (Scotland) Act 2006 (Development Planning) (Saving, Transitional and Consequential Provisions) Order 2008.
 - The Town and Country Planning (Grounds for declining to follow recommendations) (Scotland) Regulations 2009.
- 4.3 The proposed Regulations on Development Planning provide additional detail to support implementation of the significant changes to development planning made by the Planning (Scotland) 2019 Act, which sought to further support a plan-led planning system. They have been prepared on the basis that the regulations should be kept to the minimum necessary, with much of the detail provided in guidance. It was considered that this approach would provide for maximum flexibility and resilience, allowing experience from implementing the new system to be incorporated into updated guidance as it emerges.
- 4.4 The Draft Guidance on Local Development Planning, which has been published for consultation alongside the proposed Regulations, is intended to assist planning authorities in preparing the new style LDPs, rather than to create additional requirements. Authorities are expected to consider how the guidance can be applied in a proportionate and place-based way and to use their discretion in identifying the components of the advice which are relevant to their plan preparation.

5.0 Proposals for Development Planning Regulations

- 5.1 The proposed Regulations address a wide range of local development planning matters, including the form, content, preparation and monitoring of LDPs; Play Sufficiency Assessments, Development Plan Schemes, Delivery Programmes and Transitional Provisions. While the proposed Regulations carry forward many of the existing regulations, a number of changes, which apply to specific elements and stages of local development planning, have been made. In general, the key changes are:
- Remove references to Strategic Development Plans and add references to Spatial Strategies
 - Replace references to English planning documents
 - Remove references to the Monitoring Statement and add references to Evidence Report
 - Remove references to Action Programme and SDPA's and add references to Delivery Programme
 - Requirement for the Development Plan Scheme to specify the date (the proposed month) for the adoption / constitution of the LDP and to identify any changes to the timetable of plan preparation from that given in the previous Development Plan Scheme.
 - Amend transitional provisions to ensure provisions of the 2008 Development Planning Regulations continue to have effect for LDPs and supplementary guidance that proceed to adoption under the provisions and procedures introduced by the 2006 Act.

6.0 Draft Guidance on Local Development Planning

- 6.1 Section 1 of the Draft Guidance sets out the overall aims and expectations for new style plans. The

aims are for LDPs to:

- Contribute to sustainable development and the achievement of the National Performance Framework National Outcomes.
- Plans for the future – i.e. looking 20 years ahead
- Delivery focused
- Place based
- People centred

6.2 Section 2 sets out the process for achieving the new style plans, including the legislative requirements, how these are to be met and responsibilities of stakeholders. For example, it provides guidance on the 5 key stages of plan preparation, i.e. Evidence Report, Gate Check, Proposed Plan, Examination, Adoption and Delivery. The attached background paper, 'New Local Development Plan Preparation Process', provides further detail on each of these stages. This section also addresses additional statutory duties to prepare a Development Plan Scheme and a Delivery Programme, and to invite communities to prepare Local Place Plans.

6.3 Section 3 provides detailed thematic guidance on how new style plans are expected to implement the draft National Planning Framework 4 (NPF4) policies for the development and use of land. The four themes are Sustainable Places, Liveable Places, Productive Places and Distinctive Places.

7.0 Proposed Consultation Response

7.1 The proposed consultation response is set out in Appendix 1, with a brief summary of the key points below.

Proposals for Development Planning Regulations

7.2 The proposals are generally welcomed and supported. With regard to evidence gathering at the start of the plan preparation process, it is considered that the views of the Travelling Show people community and ethnic/religious groups should be included.

Draft Guidance on Local Development Planning

7.3 The Draft Guidance is generally welcomed and supported. In relation to community engagement, improved methods of engaging more communities is required, particularly at the early stages of plan preparation where people views will have most effect.

7.4 With regard to the Proposed Plan, there are concerns that the level of detail the Guidance provides on thematic policy areas (i.e. Sustainable Places, Liveable Places, Productive Places and Distinctive Places) is less comprehensive than current Scottish Planning Policy. Policies for assessing planning applications need to be sufficiently detailed and robust.

7.5 Under the Liveable Places theme, clarification is sought on how the concept of 20 Minute Neighbourhoods is to be defined and applied in practice.

8.0 NEXT STEPS

8.1 If approved, the proposed consultation response in the Appendix will be submitted to the Scottish Government for consideration.

9.0 IMPLICATIONS

9.1 Finance

There are no direct financial implications arising from this report.

Financial Implications:

One off Costs

Cost Centre	Budget Heading	Budget Years	Proposed Spend this Report	Virement From	Other Comments

Annually Recurring Costs/(Savings)

Cost Centre	Budget Heading	With Effect from	Annual Net Impact	Virement From (If Applicable)	Other Comments

9.2 Legal

While the Proposals for Development Planning Regulations will have implications for the preparation of Local Development Plans in the future, Democratic and Legal Services have been consulted and have not raised any significant concerns.

9.3 Human Resources

There are no personnel implications associated with this report.

9.4 Equalities

Equalities

- (a) Has an Equality Impact Assessment been carried out?

	YES – this will be published along with the Proposed Plan and updated through the Plan process.
X	NO – This report does not introduce a new policy, function or strategy or recommend a substantive change to an existing policy, function or strategy. Therefore, no Equality Impact Assessment is required

- (b) Fairer Scotland Duty

If this report affects or proposes any major strategic decision:-

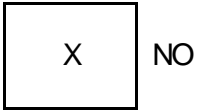
Has there been active consideration of how this report’s recommendations reduce inequalities of outcome?

	YES – A written statement showing how this report’s recommendations reduce inequalities of outcome caused by socio-economic disadvantage will be completed.
X	NO

- (c) Data Protection

Has a Data Protection Impact Assessment been carried out?

	YES – This report involves data processing which may result in a high risk to the rights and freedoms of individuals.
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9.5 Repopulation

There are no direct implications arising from this report.

10.0 CONSULTATIONS

10.1 Democratic and Legal Services were consulted.

11.0 LIST OF BACKGROUND PAPERS

11.1 New Local Development Plan Preparation Process

Scottish Government: Local Development Planning – Regulations and Guidance consultation - <https://consult.gov.scot/planning-architecture/local-development-planning/>

Appendix 1 – Proposed consultation response.

APPENDIX 1

Scottish Government: Local Development Planning – Regulations and Guidance: Consultation

Inverclyde Council – Proposed Consultation Response

Part A - Introduction

Q1. Do you agree with the principle that regulations be kept to the minimum necessary and that more detail be provided in guidance and kept updated?

Agree

Part B – Proposals for Development Planning Regulations

Q4. Do you agree with the proposals for regulations relating to the form and content of LDPs?

Agree no further additions required relating to the LDP content.

Agree the schedule of land ownership remains unchanged.

Agree the specification of the Proposals Map and the planning authority having authority to specify further mapped content, as appropriate

Q5. Do you agree with the proposals for regulations relating to the preparation and monitoring of LDPs?

Agree with the amendments to consolidate the requirements in the replacement regulations.

Q6. Do you have views on additional information and considerations to have regard to when preparing and monitoring LDPs?

Information and consideration should be extended to include reference to the mitigation of adverse effects arising from climate change.

Q7. Do you agree with the proposals for regulations relating to the Evidence Report?

The views of the Travelling Showpeople community should be included as they are in the Guidance document and the views of ethnic/religious groups could also be sought.

No other groups to be added to the list.

Prescription of the minimum data required in the Evidence Report could lead to the minimum content being produced in a document which is to be the basis for the production of the LDP. It would be better to let planning authorities produce i.e. and if there are any issues, these can be picked up at the Gate-checking stage.

Agree that guidance would be best means of outlining the content for an Evidence Report Consultation with the Gypsy and Traveller community would benefit the information base for the preparation of the LDP.

Q8. Do you agree with the proposals for regulations relating to the preparation and publication of the LDP?

Agree to the means of publishing the LDP. The public notice in the local newspaper is probably still effective for some groups and it can also be seen on the newspapers website for digital users.

Accept the 2019 Act strengthening the requirement obtaining the views of the public on the content of the Participation Statement but it is unclear how this will be carried out. Proposed guidance would be welcomed.

Accept unchanged arrangements for the notification of the Proposed Plan.

Q9. Do you agree with the proposals for regulations relating to the examination of the LDP?

Agree with the necessary amendments to update document names.

Agree with continuing to publish the plan submitted for examination in the same manner as for previous plans.

Agree the means by which the recommended modifications statement should be published.

Q10. Are there matters you wish to highlight relating to amendment of the LDP which may have bearing on the proposals for regulations being consulted on in this document?

Await the Regulations and Guidance on provisions for the amendment of LDPs once the new development planning system is in place.

Q11. Do you agree with the proposals for regulations relating to Development Plan Schemes?

Agree with the inclusion of an expected time for the adoption of the LDP changes to the origin timetable for the plan preparation and explanations for any timetable changes. This will add to the timetable for the preparation of the plan already in the DPS.

Q12. Do you agree with the proposals for regulations relating to Delivery Programmes?

Accept the name change from Action Programmes to Delivery Programmes.

Q13. Do you agree with the proposals for regulations relating to the meaning of 'key agency'?

Accept the changes to update the names of organisations.

Q14. Do you agree with the proposals for regulations relating to transitional provisions?

Noted that a planning authority must have published its Proposed LDP before June 2022 to be allowed to proceed to adoption under the existing provisions and procedures in the 1997 Act (introduced by the 2006 Act)

Part C – Draft Guidance on Local Development Planning

(Numbers refer to the paragraphs in the Guidance document)

Section 1 – Aims

Q15. Do you agree with the general guidance on Local Development Plans?

8 The Local Development Plan will be informed by Local Place Plans

This is positive as it encourages greater collaboration with the community and provides a means of getting knowledge only available to people who live and work in the community which can inform the LDP. However, if a Local Place Plan is in preparation, but hasn't been submitted to the planning authority, would the Evidence Report have to wait until the LPP was completed, given the emphasis on a place-based, people focused LDP, or could the planning authority set a cut off time after which the Evidence Report would be submitted without the LPP content?

20. Identifying and understanding the differing needs and aspirations of all people in society will be key to the delivery of an effective LDP as part of a place based approach that also supports health and well-being.

24. Innovative approaches to engagement, for example community-led design or the Place Standard Tool should be used to stimulate early engagement and inform the Evidence Report. Further detail on effective community engagement will be included in separate guidance.

Whilst some communities are keen to get involved in the planning process, others are far more difficult to engage. The introduction of Local Place Plans may assist in this but improved methods of getting more of the communities engaged is required, particularly at the early stage where contributions will inform Evidence Report upon which the Local Development Plan will be based. The forthcoming Scottish Government guidance on Community Engagement will be welcomed to assist in this.

Section 2 - Process

Evidence Report

Q19. Do you agree with the guidance on the Evidence Report?

100. The Evidence Report must set out the following:

- A summary of the action taken by the planning authority to meet the accommodation needs of Gypsy/Travellers in the authority's area, and an analysis of the extent to which that action has helped to meet those needs (section 16B(3)(c)),

This will require investigation as the current Local Development Plan does not include any details. Base data on the number of Gypsies /Travellers visiting the authority would also be of use to determine demand.

The Evidence Report must include a statement on how the planning authority has sought particular stakeholders' views, and how these views are taken into account in the report. These groups are:

- the public at large;
- disabled people;
- Gypsies and Travellers;
- children and young people; and
- Community Councils

While these groups may have been consulted previously as part of the general consultation, people with disabilities, Gypsies and Travellers and children and young people have not been singled out. Greater efforts to obtain the views of these groups will benefit the information base on which the LDP will be prepared and provide better people-focused outcomes.

120. The preparation and content of the Evidence Report should be proportionate.

123. The Evidence Report should include proportionate information about the lived experience of those who live and work in a place, to be considered together with technical data.

Proportionate needs to be clarified. Is this proportionate to the population of the LDP area, the geographical area, and the number of issues within the area or proportionate to the other categories of information in the report?

Proposed Plan

Q21. Do you agree with the guidance on the Proposed Plan?

140. New style plans are expected to be place-based: there should be greater emphasis on maps, site briefs and masterplans, with minimal policy wording. The reader should be able to find what is relevant to a particular place in one area of the plan. It is envisaged that the policies and proposals within the LDP are to be focused on places and locations. Thematic policies are contained in National Planning Framework, which has the status of the Development Plan in decision making.

The guidance states that the policies and proposals within the LDP are to be focused on places and locations. How are these two defined and differentiated?

It will have to be made obvious in both the LDP and the NPF4 that the two documents have to be used together to access all of the policies. While this may be apparent to planners, it is unlikely to be clear to others not familiar with using such documents.

As indicated in the consultation on the draft NPF4, there are some concerns about the detail provided in the thematic policies compared to those currently available in the Scottish Planning

Policy which it is proposed to absorb into the draft NPF4. Policies need to be detailed and robust for use when determining applications.

145. The Proposed Plan, the Evidence Report that supports it, and the draft Delivery Programme must be published by the planning authority at the same time.

The publication of the Evidence Report and Delivery Programme along with the Proposed Plan for consultation will provide the public with more background information to understand how the planning authority has come to the decision on the Proposed Plan content. And how it will be taken forward to implementation. It isn't clear, however, that representations and subsequent modifications can only be made on the Proposed Plan document. In particular, representations on the Evidence Report which has already been approved by the appointed person for the Scottish Ministers, could result in a reset back to the Evidence Report preparation.

Section 3 - Thematic Guidance

Evidence Report

Q25. Do you agree with the proposed guidance on the Evidence Report in relation to the section on Sustainable Places (paragraphs 240 – 247)?

Figure 6

Gathering the information will be important for the baseline of the LDP and it will be an advantage for planning authorities to shape the information to their own area. However, this will be a large amount of information to be collected even if not all the items in the table have to be included. Throughout the guidance there are references to the need for audits and assessments to be undertaken to accumulate the base data. Some of the information will already be held but it will have to be rechecked and updated. The LDP progress table in Annex C doesn't give timescales for each stage as it does in Circular 6/2013 which gave 8 months for evidence gathering and MIR. What timescale is envisaged for the Evidence Report preparation?

Sustainable Places

246. The plan should be informed by up-to-date audits, strategies and action plans, including the Local Biodiversity Action Plan where applicable, and take into account statutory Open Space Strategies and Forestry & Woodland Strategies

If vital information such as from a Biodiversity Action Plan cannot be provided if, for example it is very out of date, how is it envisaged the planning authority will deal with the gap in the Evidence Report information base? Will it be required to produce any such documents before the Evidence Report information gathering can continue? What will happen if this is not possible due to lack of finance or staff, for example?

Liveable Places

250. 20 minute neighbourhoods. The Evidence Report should be informed as far as possible and proportionately by baseline information on local liveability about how well neighbourhoods function.

How will the neighbourhoods be defined? Will it be by known areas within settlements or taken with a 20 minute circumference from a community location like a school or community centre or will it be based on how the people living there view their neighbourhood. It will be necessary to know this before it will be possible to assess how it functions.

253. The Evidence Report provides an opportunity to front load infrastructure considerations in the preparation of LDPs

254. The Evidence Report should be informed by an audit of baseline infrastructure information and data including:

- National, regional and local infrastructure investment plans and strategies relating to an area for both the public and private sectors

336. There are clear benefits to achieving a consistent and robust approach to infrastructure planning and to providing clarity on infrastructure requirements and deliverability within LDPs. In particular, it can help avoid situations where a lack of infrastructure capacity or issues with infrastructure delivery result in planned development being undeliverable. In addition, it can help avoid disproportionate infrastructure costs falling to a single party

Whilst taking an infrastructure first approach can help avoid situations where a lack of infrastructure capacity or issues with its delivery result in planned delivery being undeliverable, there is also a danger of resting too much importance on the infrastructure through front loading and that if it falls through it will then blight the development associated with it.

Figure 10:

Would there be an opportunity to include a ferry within the diagram to represent that transport sector?

264. The Evidence Report should be informed by the views of the Gypsy / Traveller and Travelling Showpeople community and other information on their housing needs identified in the HNSA and the Local Housing Strategy. Their views should be actively sought, and it may also be helpful to engage with neighbouring authorities.

It is stated here that the views of the Travelling Showpeople should be actively sought. While this group is mentioned in this guidance, it is not included in the groups targeted for consultation in the Regulations for Development Planning.

Productive Places

Q26. Do you agree with the proposed guidance on the Evidence Report in relation to the section on Productive Places (paragraphs 284 – 296?)

The Evidence Report should include analysis of employment need, local poverty, disadvantage and inequality, to highlight where future business and industry development would provide most benefit.

This is a welcome change of focus to the people and communities' needs which could lead to a prioritisation of areas.

295. Planning authorities should also ensure they engage with other relevant departments, such as economic development and where appropriate Mobile Network Operator (MNO)s and Wireless Infrastructure Providers (WIPs) to provide details of programmed investment in digital within the area.

How would it be intended to present this information? Might there be an issue about commercial confidentiality and companies being concerned about competitors obtaining information on future strategies?

Distinctive Places

Q27. Do you agree with the proposed guidance on the Evidence Report in relation to the section on Distinctive Places (paragraphs 297 – 310?)

305. A review of any local designations including consideration of their function and continuing relevance, should be carried out as part of the Evidence Report, to inform plan-preparation.

What if there is no means of carrying out such a review because of a lack of suitable qualified staff and no funding available to buy it in? Will this, or similar problems with other required data, affect the assessment of the Evidence Report by the appointed person? Could this result in it being returned due to insufficient information?

Proposed Planning

Q28. Do you agree with the proposed guidance on the Proposed Plan in relation to the section on Sustainable Places (paragraphs 317 – 328)?

313. Draft regulation 6(1) requires an LDP to contain a map or maps, (“the Proposals Map”), describing the policies and proposals set out in the LDP, so far as practicable, to illustrate such policies or proposals spatially. The emphasis of the presentation of the Proposed Plan should be on maps, allocations, masterplans and site briefs. It should contain such other diagrams, illustrations and descriptive matter as the planning authority thinks appropriate for the purpose of explaining or illustrating the proposals in the plan. The reader should be able to find what is relevant to a particular place in one area of the plan.

There is a danger that this could become a very complicated and crowded Proposals Map if it is to get so much information in on a plan and make it understandable, even with the exception for minimal thematic policy wording. Has a current LDP been used to see how its contents and associated documents such as Supplementary Guidance would fit into this format of Proposals Map? There is no indication where all the information currently held in Supplementary Guidance will be made available.

319. The plan’s Spatial Strategy should respond to strategic land use tensions, recognising the need for significant difficult decisions being made. The response to these tensions should take account of Scotland’s commitment to tackling the twin climate and nature crises and the fundamental role of Scotland’s natural and historic environment in supporting our economy, health, wellbeing and resilience to climate change.

The reference to natural and historic environment supporting economy, health and wellbeing gives the impression that they are in a subordinate position. If it came to making some of these difficult decisions would this mean that they would be regarded as dispensable, to a greater or lesser extent, for the greater good?

Part D - Interim Impact Assessments

Q2(i). Do you have any views on the content of the interim assessments?

We agree with the content of the assessments.

Q2(ii). Do you have or can you direct us to any information that would assist in finalising these assessments?

No

Q3. Do you have any views on the Fairer Scotland Duty and Strategic Environmental Assessment screening documents?

We are agree with the content of the screening documents.

Report To:	Environment & Regeneration Committee	Date: 3 March 2022
Report By:	Interim Director, Environment & Regeneration	Report No: ERC/RT/GMcF/18.623
Contact Officer:	Gail MacFarlane	Contact No: 01475 714800
Subject:	Pavement Parking Prohibitions - Consultation on Pre-Implementation Directions and Regulations	

1.0 PURPOSE

- 1.1 The purposes of this report are to advise the Committee of the consultation on Pre-Implementation Directions and Regulations associated with the Pavement Parking Prohibitions and to seek approval for the proposed response to this consultation.

2.0 SUMMARY

- 2.1 The Transport (Scotland) Act 2019 prohibits pavement parking, double parking and parking at dropped kerbs, and gives local authorities the relevant powers to enforce these new prohibitions. However, prior to local authorities using these powers, it is necessary for secondary legislation to be made. At present the enforcement powers remain with Police Scotland.
- 2.2 In preparation for the transfer of powers, Transport Scotland has issued a consultation entitled "Scotland's Pavement Parking Prohibitions - Consultation on Pre-Implementation Directions and Regulations for Local Authorities". The consultation document is provided in Appendix A of this report. Appendix A
- 2.3 Roads and Legal and Democratic Services have considered this consultation document and prepared a draft response. Appendix B presents the Council's proposed response to this consultation which is due for submission no later than 11 March 2022. Appendix B

3.0 RECOMMENDATIONS

- 3.1 That the Committee approve the proposed consultation response. Appendix B

Gail MacFarlane
Head of Service – Roads & Transportation

4.0 BACKGROUND

4.1 The Transport (Scotland) Act 2019 received Royal Assent in October 2019. It deals with a number of transport matters including:

- Bus Services
- Parking
- Low emission zones
- Road Works
- Smart Ticketing
- Regional Transport Partnerships
- Scottish Canals Board
- Workplace Parking Licensing.

4.2 Part 6 of the Act deals with parking and prohibits pavement parking, double parking and parking at dropped kerbs; it also gives local authorities the relevant powers to enforce these new provisions. However, prior to local authorities using these powers it is necessary for secondary legislation to be made. At present the enforcement powers remain with Police Scotland.

4.3 In preparation for the transfer of these powers, Transport Scotland has issued a consultation entitled "Scotland's Pavement Parking Prohibitions - Consultation on Pre-Implementation Directions and Regulations for Local Authorities". The consultation document is provided in Appendix A of this report. Appendix A

4.4 Roads and Legal and Democratic Services have considered this consultation document and prepared a draft response. Appendix B presents the Council's proposed response to this consultation which is due for submission no later than 11 March 2022. Appendix B

5.0 IMPLICATIONS

Finance

5.1 There will be a cost for introducing exemptions to the pavement parking element of the Act.

The cost of this is not yet known as a detailed assessment is required of parking throughout Inverclyde. The detailed assessment cannot be undertaken until the secondary legislation is published.

One off Costs

Cost Centre	Budget Heading	Budget Years	Proposed Spend this Report £000	Virement From	Other Comments
TBC	TBC	TBC	TBC		Consultation materials including letters, lamppost notices and press notices
TBC	TBC	TBC	TBC		Signs & road markings in areas exempt from the ban

Annually Recurring Costs/ (Savings)

Cost Centre	Budget Heading	With Effect from	Annual Net Impact £000	Virement From (If Applicable)	Other Comments
TBC	TBC	TBC	TBC		Maintenance of signs & road markings in areas exempt from the ban

Legal

5.2 There will be a requirement to prepare, consult on and make Exemption Orders for those locations at which the Council consider they are required following the completion of road assessments with a view to identifying any potential exemptions in line with a set of defined characteristics.

Human Resources

5.3 There are no HR implications arising from this report.

Equalities

5.4 (a) There are equalities implications in this report.

	YES
X	NO – The ban on pavement parking and associated Exemption Orders apply to all road users

(b) **Fairer Scotland Duty**

If this report affects or proposes any major strategic decision:-

Has there been active consideration of how this report's recommendations reduce inequalities of outcome?

	YES
X	NO – This report's recommendations have no impact on inequalities of outcome caused by socio-economic disadvantage has been completed.

(c) **Data Protection**

Has a Data Protection Impact Assessment been carried out?

	YES
X	NO – This report does not involve data processing.

6.0 CONSULTATIONS

7.1 The Head of Legal and Democratic Services and the Chief Financial Officer have been consulted on this report.

7.0 LIST OF BACKGROUND PAPERS

8.1 None.

Appendix A - Consultation Document



**TRANSPORT
SCOTLAND**
CÒMHDHAIL ALBA

Scotland's Pavement Parking Prohibitions

Consultation on Pre- Implementation Directions and Regulations for Local Authorities

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MINISTERIAL FOREWORD FROM THE MINISTER FOR TRANSPORT, GRAEME DAY MSP



The Scottish Government has been working to improve parking legislation in Scotland in order to tackle the impact of inconsiderate and obstructive parking and ensure that our roads and pavements are accessible for all.

As part of this work, The Transport(Scotland) Act 2019 bans pavement parking, double parking and parking at dropped kerbs, and gives local authorities the relevant powers to

enforce these new provisions. The Act also gives local authorities the power to exempt footways from the pavement parking prohibition in certain circumstances and in accordance with Ministerial directions.

To support these provisions we are developing a suite of secondary legislation necessary to bring new legislation into force. These give local authorities the tools they need to be able to tackle the issues of inconsiderate and obstructive parking which, alongside a planned Government lead media campaign, will highlight the problems that inconsiderate parking creates in our everyday lives.

Consultation is a key part of this work, allowing us to ensure that the Regulations that underpin these provisions are developed with consistency, transparency and scrutiny embedded within the process.

We would strongly encourage everyone with an interest in the parking prohibitions to respond to this consultation and provide views on our proposals.

Responding to this consultation

About this consultation

Consultation is an essential part of the policy making process. It gives us the opportunity to seek your opinions. This consultation details issues under consideration and asks you questions about what we are proposing.

Responses will be analysed and used as part of the policy making process, along with a range of other available information and evidence. Responses to this consultation will help to inform the secondary legislation required to bring the parking provisions contained within the Transport (Scotland) Act 2019 into force.

How to respond

To encourage wide participation, the Scottish Government has created a number of ways for you to engage with this consultation. You can respond online, by email or by post.

Details on how you can do this are highlighted in the following table.

(Note - The consultation will also be available in alternative formats on request, including Large Print, Braille and Easy Read.)

Table of response methods

<p>Online</p>	<p>You can use the response form on the Scottish Government’s consultation hub, Citizen Space at:</p> <p>Please complete the Respondent Information Form. (Annex A).</p>	<p>You can save and return to your response at any time while the consultation is open. Please ensure that your response is submitted before the consultation closes at midnight on 11 March 2022.</p> <p>You will automatically be emailed a copy of your response after you submit it. If you choose this method, you will be directed to complete the Respondent Information Form, which lets us know how you wish your response to be handled and whether you are</p>
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		happy for it to be made public.
Email	<p>Send us your response in an email to:</p> <p>roadpolicy@transport.gov.scot</p> <p>Please include a completed Respondent Information Form (Annex A).</p>	
Post	<p>Send your response to:</p> <p>Pre-Implementation Directions and Regulations Consultation Road Policy Team Transport Scotland 4th Floor Buchanan House 58 Port Dundas Road Glasgow G4 0HF</p> <p>Please include a completed Respondent Information Form (Annex A).</p>	

Deadline

The deadline for responses is 11 March 2022.

Need assistance?

If you need support in answering this consultation or have a query about the consultation process you can send your query to: roadpolicy@transport.gov.scot.

or in writing to :

Pre-Implementation Directions and Regulations Consultation Road
Policy Team
Transport Scotland 4th Floor Buchanan House 58
Port Dundas Road
Glasgow G4
0HF

Next Steps

After the consultation has closed we will analyse all of the responses received and use your feedback to help develop the secondary legislation that will underpin the pavement parking prohibitions. After the consultation period closes we will publish responses at <https://consult.gov.scot>, where we have been given permission to do so.

The responses to the consultation and analysis will be published in due course.

Setting the scene

Introduction

The Scottish Government recognises the detrimental impact that obstructive and irresponsible parking can have on vulnerable groups, as well as emergency vehicles and other road users in general. In accordance with the powers devolved by section 40 of the Scotland Act 2016, the Scottish Ministers are now able to legislate on parking matters.

Since 2017, the Scottish Government has engaged with numerous stakeholders on the development of parking prohibitions, with the '*Improving Parking in Scotland*' consultation being published in 2017 (https://consult.gov.scot/road-policy/improving-parking-in-scotland/user_uploads/695337_v8_20170605.pdf). Feedback obtained from this consultation is available at the following link:

<https://www.transport.gov.scot/media/42239/improving-parking-in-scotland-may-2018.pdf>.

The Transport (Scotland) Act 2019 ('the Act') introduces new national provisions, prohibiting pavement parking, double parking and parking at dropped kerbs. The Transport (Scotland) Act 2019 can be viewed at the following link:

<https://www.legislation.gov.uk/asp/2019/17/contents/enacted>.

A suite of secondary legislation is required for the pavement parking prohibition to work in practice and give local authorities the power to implement and enforce the prohibitions. Prior to the pavement parking provisions coming into force under the Act, local authorities will be required to assess their footways for the purposes of determining which, if any, may be appropriate to be exempt from the pavement parking prohibition. Local authorities will be required to consider their obligations under the Equality Act 2010 throughout this determination process and prior to an Exemption Order being proposed. Ministerial Directions and Pre-Implementation Guidance will be published to assist local authorities in undertaking this determination process.

Purpose of this consultation

This is one of a number of consultations that will be required to address specific areas of the Act in order to obtain vital feedback on how Regulations should be shaped. This consultation focuses on the work that needs to be undertaken in advance of the pavement parking prohibition being brought into force. This consultation will consider matters including the type of streets and pavements that can have an exemption from the national pavement parking prohibition and the procedures that must be followed to allow for such an exemption.

The purpose of this consultation is to set out the proposed arrangements and options relating to the exemption orders process which will be formalised in Regulations and supplemented through accompanying Guidance.

The consultation paper will also invite views from stakeholders and interested parties on proposals for the procedures that local authorities will be obliged to follow if they wish to exempt an area of the footway from the national pavement parking prohibition.

In seeking views on the proposal to introduce Ministerial Directions and Local Authority Exemption Order Regulations, the background for each is laid out under separate headings.

The first part of the consultation, under the heading Ministerial Directions, seeks views on the Directions that will be issued to local authorities, directing them to assess any footway that may be considered for an exemption.

The second part of the consultation, under the heading Local Authority Exemption Order Regulations, seeks views on the content and processing model to be contained in the Regulations.

We hope that members of the public respond to this consultation where possible. We appreciate that some of the consultation questions are technical in nature (or apply to duties applicable to local authorities) but their application to potential street exemptions could have a direct impact on numerous individuals. As such, we would encourage everyone to respond to any or all of those areas where you feel you have a contribution to make.

Ministerial Directions

Introduction

The Scottish Government is seeking views on the Ministerial Directions that will be issued to all Scottish local authorities with regards to actions that must be taken in advance of the pavement parking prohibition being enforced. These Directions will enable local authorities to exercise their functions and determine which footways, if any, are appropriate to be exempt from the pavement parking prohibition.

The proposed Directions will set out the mandatory aspects of the parking prohibitions regime that must be carried out by local authorities.

The purpose of the Directions is to specify the assessments that are required to be carried out in connection with making exemption orders, and also the road characteristics that will be required to be identified prior to making an exemption order.

The Directions can be amended at any stage by the Scottish Ministers if required.

Further Directions in regards to the types of uniforms to be worn by parking attendants and information required to be published by local authorities as part of the exemption order process will be set out at a later date.

Road Assessment Considerations

Section 67(1) and (2) of the Act provide that the Scottish Ministers may direct local authorities to undertake specific assessments when exercising their functions in connection with the making of exemption orders:

67 Ministerial Directions

(1) The Scottish Ministers may direct local authorities in connection with the exercise of their functions under this Part.

(2) A direction under subsection (1) may, in particular—

(a) specify assessments to be carried out in connection with the making of exemption orders...

The Directions will include the requirement to conduct road assessments with a view to identifying any potential exemptions in line with a set of defined characteristics. Local authorities are not compelled to conduct assessments of all roads but rather of any they are considering for an exemption.

Road Characteristics

Section 51 of the Act states that a local authority may make an Exemption Order providing that the pavement parking prohibition does not apply to a particular footway within the local authority's area which is specified in the order. Section 51 will be brought into force through commencement regulations in 2022.

Section 51(2) states that:

(2) A footway may not be specified in an exemption order unless it, or the carriageway with which it is associated, has the characteristics specified by the Scottish Ministers in a direction under section 67(1).

Directions by the Scottish Ministers will therefore specify the characteristics that a footway, or the carriageway with which it is associated, must have to allow a local authority to decide which footways may be appropriate to exempt from the national pavement parking prohibition.

To be considered for an exemption order, a footway, or the carriageway with which it is associated, must have the following characteristics.

Either;

- (a) the footway is of sufficient width to enable 1.5 metres (down to an absolute minimum of 1.2 metres over a short distance to take account of street furniture) to be available for the passage of non-vehicular traffic (including pedestrians, wheelchair users and mobility scooters) when a vehicle is parked on the footway,

Or:

- (b) the carriageway associated with a footway is of sufficient restricted width or access that it would be rendered unpassable by emergency vehicles when one or more vehicles are parked on the carriageway, but would be possible to access if vehicles were permitted to park on the footway.

Point (a) would allow a local authority to consider an exemption order for an area of the footway where there is deemed to be sufficient space to maintain non-vehicular traffic flow whilst still allowing space for vehicles to park safely on the footway. Point

(b) would allow a local authority to exempt an area of footway from the prohibition to allow safe passage of emergency vehicles on a carriageway.

Question 1: Do you agree or disagree with the proposed road characteristics that would allow local authorities to consider an exemption order from the pavement parking prohibition? Please be as specific as possible in your reasoning.

Local Authority Exemption Order Regulations

Introduction

Section 52 of the Transport (Scotland) Act 2019 allows for the Scottish Ministers to make provisions in connection with the making, amendment and revocation of exemption orders. These provisions are to be formally set out in the secondary legislation we are now considering. Section 52 states:

52 Exemption orders: form and procedure

(1) The Scottish Ministers may by regulations make provision in connection with the making, amendment and revocation of exemption orders.

(2) Regulations under subsection (1) may, in particular, make provision about—

- (a) the form of an exemption order (or an order amending or revoking an exemption order),*
- (b) the procedure to be followed in connection with the making, amendment or revocation of an exemption order,*
- (c) publication of a proposal for the making, amendment or revocation of an exemption order (a “proposal”),*
- (d) persons who must be consulted about a proposal and the manner and timing of that consultation,*
- (e) the process for making objections to a proposal,*
- (f) the process for considering any such objections, including the holding of inquiries and the appointment of a person to hold an inquiry,*
- (g) modification of a proposal (whether in consequence of an objection or otherwise),*
- (h) notice to be given or published of the making, amendment or revocation of an exemption order and the effect of the exemption order (or its amendment or revocation).*

The Regulations referred to in section 52(2) will set out the defined set of procedures a local authority must follow if they wish to exempt a footway from the national pavement parking prohibition.

The pavement parking prohibition is a national ban on pavement parking which has already been legislated for and therefore any exemptions to this prohibition must be carefully developed and considered within that context.

The existing Traffic Regulation Order (TRO) procedures, which determine how local authorities should make, amend or revoke a TRO, are helpful to consider in this context for the purposes of comparison. The TRO procedures may be transferable in the context of Exemption Orders, however there have historically been issues raised by local authorities regarding some aspects of this system, including advertising costs and the two separate consultation periods that are required.

Additionally and for comparison purposes, there has been a general ban on parking on the pavement in London since 1974, consideration of which may be relevant in the context of the Exemption Order process. Exemptions from the pavement parking ban in London do not require the use of TROs, instead a more informal process is followed whereby a resolution of the Council is required, together with a consultation process (generally more informal than that required during the TRO process), in which a series of exemptions in a particular street or streets are proposed and residents' views sought. The limitation of this approach is that there is no central set of regulations that a London Borough must follow, this can lead to vastly different approaches being taken and a lack of consistency in terms of when pavement parking is permitted and prohibited.

Current Powers

TROs may be made by local authorities in respect of a road for the purposes of avoiding danger to persons or other traffic using the road or for preventing the likelihood of any such danger arising, for facilitating the passage on the road of any class of traffic (including pedestrians), for preventing the use of the road by vehicular traffic of a kind which is unsuitable having regard to the existing character of the road or adjoining property, among other related purposes.

Local authorities have existing powers under parts 1 and 2 of the Road Traffic Regulation Act 1984, which enables them to introduce TROs, the process for which is set out in The Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999 ('the 1999 Regulations'). These existing Regulations do not cover exempting areas of the footway from the pavement parking prohibitions and, as such the ways in which such powers may be exercised by local authorities require to be laid out in a new exemption orders process.

For the purposes of comparison, and as the TRO process may be a helpful point of reference when considering how to develop the process for considering and making pavement parking exemption orders, the following bullet points outline the standard process followed by local authorities when making a TRO (this process can take between 12 and 18 months to complete).

The following bullet points represent the steps normally taken by a local authority when introducing a TRO, including requirements stipulated in the 1999 Regulations:

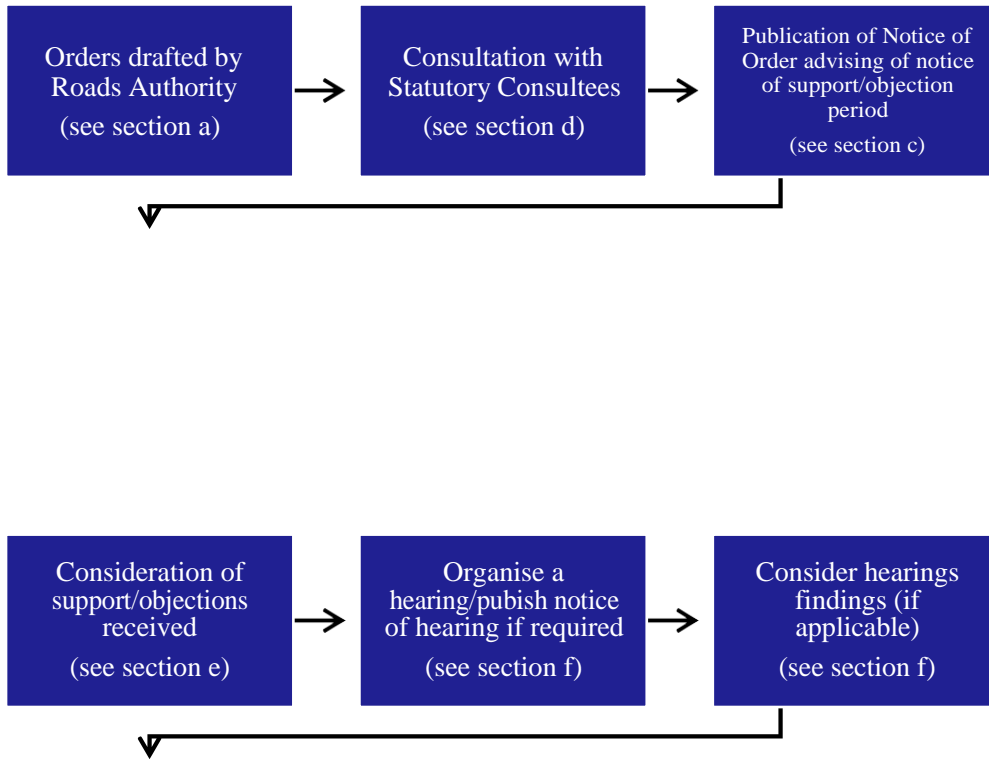
- Feasibility and priority assessment undertaken by the local authority's roads department,
- Proposed scheme design considered,
- Preparation undertaken internally by the local authority's roads department in advance of following the statutory processes set out in the 1999 Regulations,
- Consultation with appropriate statutory consultees, including those listed in regulation 4 of the 1999 Regulations,
- Consideration of all comments received from statutory consultees and, if necessary, amendments made to the proposal,

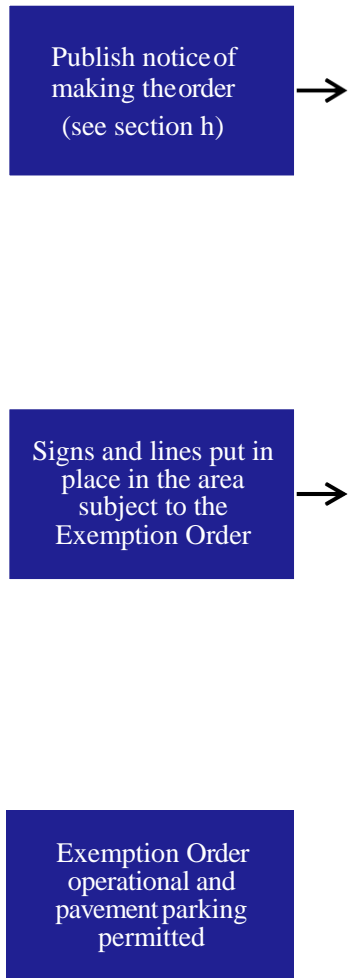
- Publication of proposals for the purposes of public consultation, in accordance regulation 5 (the objection period, in which any person may object to the marking of the order, is a period of not less than 21 days between the date on which a notice is published under regulation 5 and the date specified in that notice as the date by which any objection must be made),
- Consideration of any objections made during the objections period, and efforts made by the local authority's roads department to resolve these,
- Where an objection made by a person in accordance with regulation 7 is not withdrawn, the local authority will then arrange for a hearing to take place when the provisions of regulation 8 of the 1999 Regulations apply,
- Notice of the hearing is issued by the local authority in accordance with regulation 9,
- Consideration is given by the local authority to all objections made in accordance with regulation 7 that are not withdrawn, or, where a hearing has taken place, the report and recommendation made by the reporter,
- The local authority may make modifications to the order if necessary and where appropriate in accordance with regulation 13,
- Consent may be sought from the Secretary of State, when required and in accordance with regulation 11,
- Making of the TRO by the local authority in accordance with regulations 15 and 16,
- Notice of making the order is given by the local authority in accordance with regulation 17,
- Implementation of the TRO is undertaken by the local authority, making physical changes on site as required.

Exemption Order: Proposed provisions under section 52(2)(a) to (h) of the Act

To date the Scottish Ministers have provided a requested £2.4 million in funding to local authorities to support their assessment of streets for the purposes of considering which, if any, they may wish to exempt from the national pavement parking prohibition.

Once a need has been established the local authority will be required to follow a procedure as laid down in secondary legislation before pavement parking is permitted. Our proposals are set out in the flow chart below and are further detailed under the following headings a-h:





(a) Form of an exemption order

For comparison purposes, local authorities can use TROs to apply local restrictions, which are enforceable when the appropriate road signs or markings are displayed. The restrictions contained in such an order can be applied for various reasons and could cover particular hotspots or larger areas. They can have effect at all times or during specific periods, and certain classes of traffic may be exempt from the TRO. The effect of the TRO is dependent on the wording of the TRO being promoted by the local authority.

It is proposed that the Exemption Order should follow a similar format to the way in which TROs are drafted, presented and published. An example of a TRO is shown below and can also be found on the Tell Me Scotland website at: <https://www.tellmesotland.gov.uk/notices/moray/traffic/00000244851>.

MORAY COUNCIL

ROAD TRAFFIC REGULATION ACT 1984, AS AMENDED

MORAY COUNCIL (BLANTYRE PLACE, BRACO PLACE, FORTEATH STREET AND HAWTHORN ROAD, ELGIN – PROHIBITION OF WAITING) ORDER 2021

Moray Council in exercise of its powers conferred upon it by the Road Traffic Regulation Act, 1984, as amended and all other enabling powers, and after consultation with the Chief Constable in accordance with Part III of Schedule 9 to the 1984 Act, hereby makes the following order:-

GENERAL

1. This order may be cited as " Moray Council (Blantyre Place, Braco Place, Forteath Street and Hawthorn Road, Elgin - Prohibition of Waiting) Order 2021 and will come into operation on (*date to be inserted*).
2. The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

PROHIBITION OF WAITING

3. Save as provided for in Article 4 & 5 of this Order, no person, except upon the direction of or with the permission of a Police Constable in uniform, cause or permit any vehicle to wait in any of the lengths of road as listed in the Schedule to this Order, during the prohibited hours.

EXEMPTION FROM WAITING RESTRICTIONS

4. Nothing in Article 3 of this Order shall prevent any person from causing or permitting a vehicle to wait in any of the length of road referred to in that Article for so long as may be necessary to;

- a) enable a person to board or alight from their vehicle;
- b) enable goods to be loaded or unloaded from the vehicle;
- c) enable the vehicle if it cannot be conveniently used for such purpose

on any other road to be used in connection with any building operation or demolition, removal of any obstruction to traffic, the maintenance, improvement or reconstruction of any of the said length of road or parts thereof of the laying, erection, alteration or repair of any sewer or any main, pipe or apparatus for the supply of gas, water or electricity or of any telegraphic lines as defined in the Telegraphic Act 1878; or

- d) enable (on any one occasion) a maximum of three vehicles owned by a funeral undertaker or owner of funeral vehicles, to be used for a purpose connected with a funeral but only on occasion when the vehicle or vehicles could not be used conveniently be used for such purpose on any other road; or

e) enable (on any one occasion) a maximum of two vehicles to be used for a purpose connected with a wedding, but only on occasion when the vehicle or vehicles could not be used conveniently for such purpose on any other road.

5. Nothing in Article 3 of this order shall prevent any disabled person's vehicle, which is not causing an obstruction and which displays in a relevant position, a disabled person's badge issued by a local authority in exercise of its powers under Section 21(1) of the Chronically Sick and Disabled Persons Act 1970 from waiting for a period not exceeding three hours, subject to the conditions that the period of exempted waiting does not begin less than one hour after a previous period of exempting waiting by the same vehicle on the same road, on the same day, all in line with local Authorities (Traffic Orders) exemptions for Disabled Person (Scotland) Regulations 2002.

GENERAL

Upon the coming into effect of this Order any orders made or having effect as if made under the Road Traffic Regulation Act, 1984 and existing at the time when this Order comes into operation which impose a restriction or prohibition of waiting on any of the lengths of road specified in the Schedule to this Order, in so far as that enactment so refers are hereby revoked. In particular this Order will revoke The Grampian Regional Council (Various Streets, Elgin) (Prohibition of Waiting) Order 1982 in so far as it relates to Hawthorn Road and The Moray Council (Waiting Restrictions, Elgin) Order 2001 in so far as it relates to Forteach Street in Schedule 1 and Blantyre Place in Schedule 5 and replaces them with the provisions contained in the Schedule to this Order.

Given under the Seal of Moray Council on *(date to be inserted)*

Legal Services Manager

MORAY COUNCIL

ROAD TRAFFIC REGULATION ACT 1984, AS AMENDED

MORAY COUNCIL

**(BLANTYRE PLACE, BRACO PLACE, FORTEATH STREET AND HAWTHORN ROAD, ELGIN –
PROHIBITION OF WAITING) ORDER 2021**

SCHEDULE

“NO WAITING AT ANY TIME”

<u>Location</u>	<u>Description</u>
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<p>Braco Place, Elgin (South west side)</p>	<p>From its junction with Hawthorn Road in a north-westerly direction for a distance of 10 metres or thereby.</p>
<p>Braco Place, Elgin (North east side)</p>	<p>From its junction with Hawthorn Road in a north-westerly direction for a distance of 12 metres or thereby.</p>
<p>Forteach Street, Elgin (Both sides)</p>	<p>From its junction with Hawthorn Road in a north-westerly direction for a distance of 10 metres or thereby.</p>
<p>Forteach Street, Elgin (Both sides)</p>	<p>From its junction with Pluscarden Road in a south-easterly direction for a distance of 10 metres or thereby.</p>
<p>Hawthorn Road, Elgin (North west side)</p>	<p>From its intersection with the projected south-western kerblines of Braco Place in a south-westerly direction for a distance of 13 metres or thereby.</p>
<p>Hawthorn Road, Elgin (North west side)</p>	<p>From its intersection with the projected north-eastern kerblines of Braco Place in a north-easterly direction for a distance of 10 metres or thereby.</p>
<p>Hawthorn Road, Elgin (North west side)</p>	<p>From its intersection with the projected south-western kerblines of Forteach Street in a south-westerly direction for a distance of 10 metres or thereby.</p>
<p>Hawthorn Road, Elgin (North west side)</p>	<p>From its intersection with the projected north-eastern kerblines of Forteach Street in a north-easterly direction for a distance of 10 metres or thereby.</p>

<u>Location</u>	<u>Description</u>
Hawthorn Road, Elgin (North west side)	From its junction with South Street in a south-westerly direction for a distance of 19 metres or thereby.
Hawthorn Road, Elgin (South east side)	From its junction with South Street in a south-westerly direction for a distance of 22 metres or thereby.
Blantyre Place, Elgin (Both sides)	From its junction with North Street (A 941) in a westerly direction for a distance of 34 metres or thereby.
Orders to be Revoked	<p>The Grampian Regional Council (Various Streets, Elgin)(Prohibition of Waiting) Order 1982 in so far as it relates to Hawthorn Road.</p> <p>The Moray Council (Waiting Restrictions, Elgin) Order 2001 in so far as it relates to Forteach Street in Schedule 1 and Blantyre Place in Schedule 5.</p>

_____ Legal
 Services Manager

Question 2: Do you agree or disagree that the form of a Pavement Parking Exemption Order should follow a similar format to the TRO example shown above?

Question 3: Are there any additional points that you think would be appropriate to include within a Pavement Parking Exemption Order?

Question 4: Are there any alternative formats that would be better suited to this type of Exemption Order?

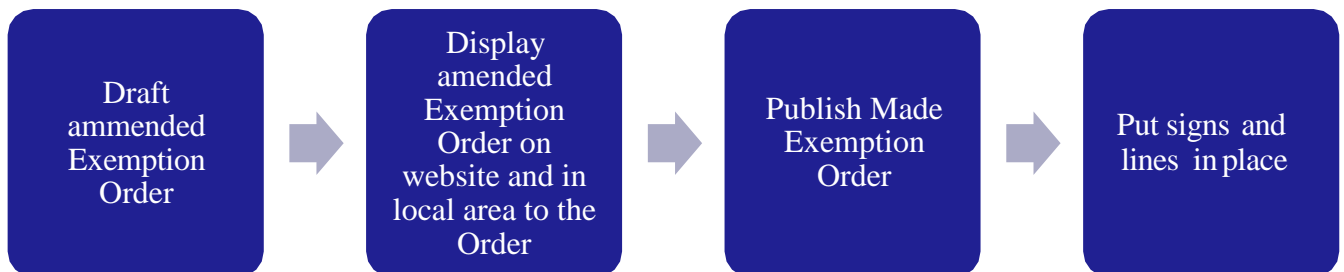
Once an Order has been drafted by a local authority it is proposed that the procedure to make, amend or revoke an Order will be similar in nature to the existing TRO procedures.

Below is a shortened sequence of events for each of the differing scenarios which are more fully explained in each of the sections below:



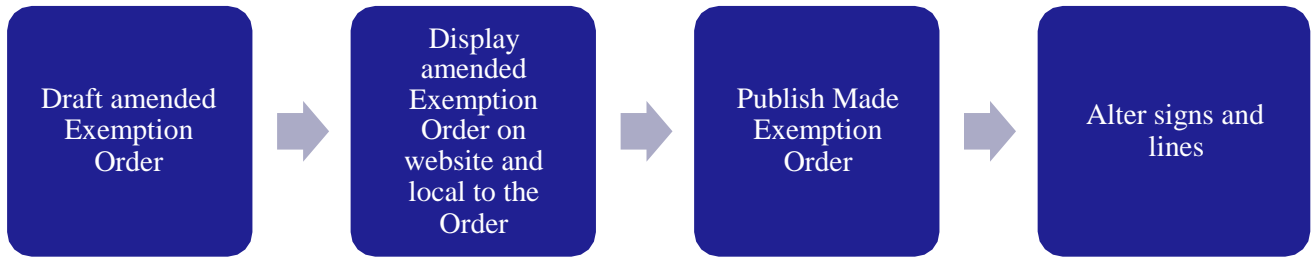
Making an Exemption Order:

Modifying a proposed Exemption Order to exempt less pavement:



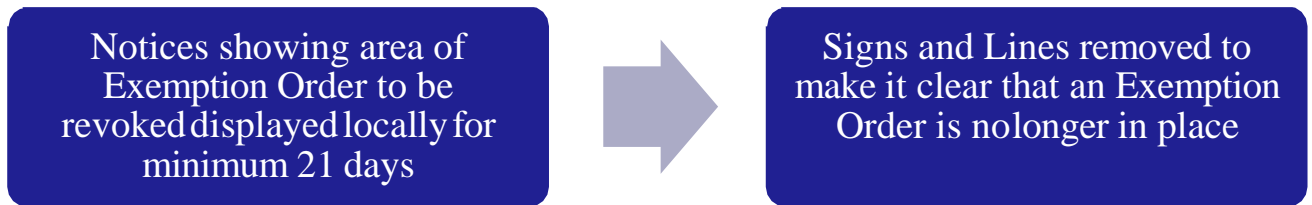
It is proposed that a local authority can only alter a proposed Exemption Order to lessen the amount of footway area which is subject to the exemption. If they wish to increase the area they would be required to undertake the process of making a new Exemption Order.

Amending an existing Exemption Order to exempt less pavement:



It is proposed that a local authority can only alter an existing Exemption Order to lessen the amount of footway area which is subject to the exemption. If they wish to increase the area they would have to undertake the process of making a new Exemption Order.

Revoking an existing Exemption Order:



(c) Publication of a proposal

It is proposed that before the making of a Pavement Parking Exemption Order, local authorities must publish Notice of the Order on their website for a one week period prior to and during the minimum 21 day consultation response period (beginning on the date on which a notice is published and ending on the date specified in that notice as the date by which any objection/notice of support to the order must be made, or such longer period as the authority may specify beginning with the date on which the authority has complied with its obligation to publish details of the proposal to make the order). The proposed Exemption Order would also be required to be made available for viewing at a local authority office as is standard practice with TROs. It would also be good practice for local authorities to publicise the Notice on their social media platforms.

It is also essential that members of the public are able to view other pavement parking exemptions which may already exist in their area. As such we would propose that an archive of Exemption Orders, including maps illustrating their location, should be maintained by local authorities and made available to view on the local authorities' website. Information relating to this online archive should be included within the Notice of the Order to ensure members of the public are fully informed of the proposal and the context in which it is being proposed.

Additionally, a copy of the Notice of the Order must be placed in appropriate locations, for example, on lampposts in the vicinity (see question 10 for further details) of the proposed exemption, for one week before and during the consultation response period.

Given the costs to local authorities and our enhanced proposals for who should be informed by leaflet within the local area (shown under section d) we do not think that it is appropriate for the Notice of Pavement Parking Exemption Orders to be advertised in the printed press. Although this is a requirement under existing TRO regulations no such requirement is placed on London's Boroughs where a ban on pavement parking has been active for over 40 years.

Question 5: Do you agree or disagree that local authorities should have to publish details of their proposals on their website for a period of no less than a week before, and during the consultation response period?

Question 6: Do you agree or disagree that local authorities should keep an archive of all previous and existing notices on their website?

Question 7: Do you agree or disagree that local authorities should display the Notice of Order on appropriate locations such as lampposts in the vicinity of a proposed exemption?

Question 8: Do you agree or disagree with the proposal that there should be no requirement to advertise Notices of Pavement Parking Exemption Orders in the printed press?

(d) Persons who must be consulted

The proposals would be similar to those followed under existing TRO regulations but without a need to run two separate objections periods. It would be our intention to allow for one consultation response period to cover all statutory consultees and members of the public.

We would envisage the list of consultees for a Pavement Parking Prohibition Notice to be similar to those who must be contacted for a new TRO. The current list of consultees below can be found in at regulation 4 within [The Local Authorities' Traffic Orders \(Procedure\) \(Scotland\) Regulations 1999](#).

- The Chief Officer of Police Scotland;
- The Chief Officer of the appropriate NHS Trust and/or the Fire authority (where it appears that the Order is likely to affect the passage on any road or place of an ambulance or fire fighting vehicle);
- Other local authorities (where the order relates to, or appears to the authority to be likely to affect traffic on, a road for which another authority is the local traffic authority);
- The appropriate Crown authority (where the order relates to, or appears to the authority to be likely to affect traffic on a Crown road – a road, other than a public road, to which the public have access by permission granted by the appropriate Crown authority, or otherwise granted by or on behalf of the Crown);

- The Concessionaire (where the order relates to, or appears to the authority to be likely to affect traffic on a road subject to a toll order);
- The operator of the service and the appropriate Passenger Transport Authority
 - an authority responsible for setting out transport policy and public transport expenditure plans in their regions (where the order relates to, or appears to the authority to be likely to affect traffic on a road on which public passenger transport services are provided);

In addition to this, and in light of the proposals not to require Notice of Pavement Parking Exemptions Orders to be advertised in the printed press, we also propose that any residence or business premises within a set distance of an area the footway or associated carriageway which the local authority wishes to exempt should also receive a notice through their door advising of the proposals.

Having discussed this with a number of local authorities and the Society of Chief Officers of Transportation in Scotland (SCOTS) through our parking stakeholder group, it is our proposal that any residence or business within 50 metres of any part of a proposed Pavement Parking Exemption Order should receive notice of the proposal through their door at least 7 days before the consultation response period begins. That notice should detail the area which is proposed to be exempt and details of how objections/notices of support can be made. We realise that the number of properties affected would vary from case to case and that 50 metres may not encompass all the relevant parties that a local authority may wish to inform. This would therefore be a minimum distance stipulated in the regulations, however local authorities may wish to use their discretion and consider contacting other relevant stakeholders, residences or businesses, for example schools, places of worship, shops, offices etc. within 100 metres of their proposals.

In the diagram shown below we have marked out an example of the number of properties based on an area with blocks of two semi-detached houses. In this example, a 20m vicinity would result in contact with 6 properties immediately bordering the proposed parking exemption. A 50m vicinity would result in contact with around 25 properties and a 100m vicinity around 84 properties would be contacted and given notice of the proposed parking exemption. In the example below there is a school that falls out with the contact vicinity but if, for example, the pavement to be exempt was part of a core path network allowing for pupil access to that school, then the local authority may wish to consider contacting the school to highlight the proposals. This would be a discretionary obligation and it would be up to each local authority to decide whether to consult out-with the distances detailed above.



Question 9: Do you agree or disagree with the proposal that the same list of consultees for TROs should be applied to the Exemption Orders process, including Police Scotland and the other parties set out above?

Question 10: Do you agree or disagree with the proposal that residencies and businesses, and any other stakeholders present within a set distance of a proposed exemption should have a notice placed through their door or posted to them?

If so, what would you think that minimum set distance should be?

- 100 metres?
- 50 metres?
- 20 metres?
- Something else?

Question 11: Do you agree or disagree that local authorities should be able to contact other possible stakeholders they may wish to inform who live out with an established contact vicinity?

Question 12: Are there any other parties who you consider should be formally consulted on a proposed Exemption Order?

(e) Process for making objections / notices of support

We must ensure that the regulations provide scope for both statutory consultees and members of the public to object/support a proposed exemption order. A statutory

consultation period would be advertised detailing where and how both notices of support and/or objections can be registered with the local authorities.

Separately, members of the public will be made aware of the proposed order through publication of the proposal (as outlined in paragraph (c) above). Publication of the proposed order will detail how members of the public may make objections or register support for the proposal.

It is our proposal that the statutory consultation response period, in which both objections and notices of support may be made, will be a minimum of 21 days (in line with TRO timescales). During this period, a local authority must accept written notices of support and/or objections from interested parties and/or statutory consultees and keep a record of those received. The receipt of the notices should also be acknowledged.

Question 13: Do you agree or disagree that there should be a required period of time to allow for written notices of support and/or objection to be made (a consultation response period)?

Question 14: Do you agree or disagree that this period should be for a minimum of 21 days? If no, would you suggest an alternative length of time?

(f) Considering objections and holding of inquiries

This consultation has previously discussed how local authorities are familiar with the TRO process and the same can be said with regards to the handling of objections received as a result of that process. As such it is envisaged that the handling of notices of support and objection will be very similar to the process already in place for TROs.

It is proposed that the regulations will lay out a minimum standard that local authorities will have to follow, but also give them the options to go above and beyond those if they so choose, within the context of considering objections and holding hearings.

No Objections

If no objections to a Notice of Pavement Parking Exemption Order are received, we would propose that an appropriate official of the local authority acting under delegated authority or equivalent would be able to make the Order.

Objections Received

Where objections are received, it is proposed that these should be assessed by the relevant local authority officials, together with any notices of support that may have been submitted, and a report should thereafter be issued to a local authority committee to make an informed decision on whether the Order should be made. It would be for the local authority to decide, depending on the nature of the objections, whether that committee should be a Constituent Committee or a Full Council

Committee. We would also propose that Objectors should be informed of where and when the Committee is taking place and asked if they wish to attend and/or make representations to the Committee.

Referral to a Public Local Inquiry or Hearing or the ability for Scottish Ministers to “call in”

There may be instances where an objector may wish to appeal against a Council Committee’s decision, or where a Council may in the first instance be unable to reach a decision (for example, if the matter controversial in nature or of wider significance etc.). In such scenarios, an objector or a Council may refer the matter to Scottish Government’s Planning and Environmental Appeals Division (DPEA) who can arrange a Public Local Inquiry or a Hearing.

Scottish Ministers themselves may wish to “call in” a proposal, however we would only ever envisage this being used where a matter of genuine national interest, such as one that could undermine the spirit of the Act and specifically the provisions relating to the pavement parking prohibition.

The proposed process above for considering objections and holding of inquiries is high level and further discussions would be required with relevant parties, should the results of this consultation show a desire for this.

Question 15: Do you agree or disagree that the consideration of notices of support and objections should be handled in a similar way to the existing TRO process?

Question 16: Do you agree or disagree that if no objections are received to an Order then it should be processed by the local authority’s roads department, without the need to be approved by a committee?

Question 17: Do you agree or disagree that if there are objections and notices of support then these should be reported to a local authority committee to make a decision, similar to current TRO’s?

Question 18: Do you agree or disagree that objectors should be notified as to when the matter will be put in front of committee and given the opportunity to make representations?

Question 19: Do you agree or disagree that if a local authority cannot make a decision via committee then they could have the opportunity to refer a case to the DPEA to arrange a Public Local Inquiry or a Hearing?

Question 20: Do you agree or disagree that Scottish Ministers should have the ability to “call in” a case should a matter of genuine national interest be at stake?

(g) Modification of a proposal

During the course of consultation and following receipt of any objections and a possible hearing on this matter, there may be a need for local authorities to modify their proposals for an exemption order.

We would propose that if a local authority were looking to reduce the area of a proposed Pavement Parking Exemption Order wholly within the area of the original draft Order, then they should be able to do so given that the area of the Order is being reduced. Given that the result of this modification is a lessening of the area of footway they plan to exempt from the pavement parking prohibition, we would not envisage that local authorities would have to undertake a further consultation on this but would have to display the amended order on their website and in the vicinity of the proposed exemption, noting that what is proposed is a modification from the original Notice of Pavement Parking Exemption Order.

Should a local authority wish to increase the area of footway they plan to exempt, this would fall out with the area originally advertised and should therefore be the subject of a new Pavement Parking Exemption Order. As a new order would be required, the local authority would be obliged to undertake the order making process from the beginning, including consulting with the public and key stakeholders and consideration of any objections that may be received.

Question 21: Do you agree or disagree that local authorities should be able to modify their proposals only where the modified Order covers less pavement than the area of exemption in the original order?

Question 22: Do you agree or disagree that local authorities should not have to consult on such a modification?

Question 23: Do you agree or disagree that local authorities should not have to advertise the modification except the requirement to place the modified Order on their website?

(h) Notices to be given when making, amending or revoking an order

Again there is a well-established process for the making, amending and revoking of a TRO Order and we do not envisage the process for Pavement Parking Exemption Orders should differ vastly from this.

Making

We would propose that once a decision has been made to make a Pavement Parking Exemption Order a number of steps similar to those required in The Local Authorities' Traffic (Procedure) (Scotland) Regulations 1999 should be taken by local authorities. However, in line with the proposed advertising regime to be followed for the Notice of the Order, we would also propose that this would be placed on the local authorities website rather than being advertised in the printed press. Local authorities could still advertise in the printed press if they desire to do so.

We would therefore propose that a local authority should, within 14 days of making an Order:

1. Give written notice of the making of the Order to Police Scotland;
2. Write to all objectors who had not withdrawn their objections to notify them of the authorities' reasons for making the order;
3. Publish the Order on their website and, if they consider it necessary, in the printed press;
4. Also post a notice of the made Order to the same list of premises they posted the Notice of Pavement Parking Prohibition Order to originally.

Amending

As per the proposed procedure to be followed when modifying a proposed Order, we would only envisage that a local authority would amend an Order if it was to result in a reduced area of footway being exempt within the same footprint of the original Order. If the local authority wish to increase the area of the exemption, this should be treated as a new Order and the procedures followed accordingly.

Revoking

Given that the revocation of an Order would have the effect of removing the exemption to the National pavement parking prohibition, we would propose that notices of the revocation should be placed within the vicinity (see question 10 for further detail) of the exempted area for a period of 21 days before the signage and linage was to be removed. This would be vital to ensuring that people who used this area were aware that the ability to park on the pavement was being removed. It is proposed that the revoking of an order would not be open to objections as it would be reverting that area of pavement back to the national ban.

Question 24: Do you agree or disagree with the proposals in relation to notices to be given when making an Order?

Question 25: Do you agree or disagree with the proposals in relation to notices to be given when amending an Order?

Question 26: Do you agree or disagree with the proposals in relation to notices to be given when revoking an Order?

Consultation Questions

Number	Consultation Question
1	Do you agree or disagree with the proposed road characteristics that would allow local authorities to consider an exemption order from the pavement parking prohibition? Please be as specific as possible in your reasoning.
2	Do you agree or disagree that the form of a Pavement Parking Exemption Order should follow a similar format to the TRO example shown above?
3	Are there any additional points you feel should be shown in a Pavement Parking Exemption Order?
4	Are there any alternative formats you feel would be better suited to this type of Exemption Order?
5	Do you agree or disagree that local authorities should have to publish details of their proposals on their website for a period of no less than a week before, and during the consultation response period?
6	Do you agree or disagree that local authorities should keep an archive of all previous and existing notices on their website?
7	Do you agree or disagree that local authorities should display the Notice of Order on appropriate locations such as lampposts in the vicinity of a proposed exemption?
8	Do you agree or disagree with the proposal that there should be no requirement to advertise Notices of Pavement Parking Exemption Orders in the printed press?
9	Do you agree or disagree with the proposal that the same list of consultees for TROs should be applied to the Exemption Orders process, including Police Scotland and the other parties set out above?
10	<p>Do you agree or disagree with the proposal that residencies and businesses, and any other stakeholders present within a set distance of a proposed exemption should have a notice placed through their door or posted to them?</p> <p>If so, what would you think that minimum set distance should be?</p> <ul style="list-style-type: none"> • 100 metres?

	<ul style="list-style-type: none"> • 50 metres? • 20 metres? • Something else?
11	Do you agree or disagree that local authorities should be able to contact other possible stakeholders they may wish to inform who live out with an established contact vicinity?
12	Are there any other parties who you consider should be formally consulted on a proposed Exemption Order?
13	Do you agree or disagree that there should be a required period of time to allow for written notices of support and/or objection to be made (a consultation response period)?
14	Do you agree or disagree that this period should be for a minimum of 21 days? If no, would you suggest an alternative length of time?
15	Do you agree or disagree that the consideration of notices of support and objections should be handled in a similar way to the existing TRO process?
16	Do you agree or disagree that if no objections are received to an Order then it should be processed by the local authority's roads department without the need to be approved by a committee?
17	Do you agree or disagree that if there are objections and notices of support then these should be reported to a local authority committee to make a decision, similar to current TRO's?
18	Do you agree or disagree that objectors should be notified as to when the matter will be put in front of committee and given the opportunity to make representations?
19	Do you agree or disagree that if a local authority cannot make a decision via committee then they could have the opportunity to refer a case to the DPEA to arrange a Public Local Inquiry or a Hearing?
20	Do you agree or disagree that Scottish Ministers should have the opportunity to "call in" a case should a matter of genuine national interest be at stake?
21	Do you agree or disagree that local authorities should be able to modify their proposals only where the modified Order

	covers less pavement than the area of exemption in the original order?
22	Do you agree or disagree that local authorities should not have to consult on such a modification?
23	Do you agree or disagree that local authorities should not have to advertise the modification except the requirement to place the modified Order on their website?
24	Do you agree or disagree with the proposals in relation to notices to be given when making an Order?
25	Do you agree or disagree with the proposals in relation to notices to be given when amending an Order?
26	Do you agree or disagree with the proposals in relation to notices to be given when revoking an Order?

Annex A – Consultation Responses

Respondent Information Form

Please note this form must be completed and returned with your response. Are you responding as an individual or on behalf of an organisation?

Individual

Organisation

Your full name or the organisation's name

Phone Number Address

Postcode

Email

The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

Publish response with name

Publish response without name (Please note this does not apply to organisations)

Do not publish response

We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss.



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Appendix B - Consultation Questions & IC Response

Number	Consultation Question
1	Do you agree or disagree with the proposed road characteristics that would allow local authorities to consider an exemption order from the pavement parking prohibition? Please be as specific as possible in your reasoning.
IC Response	<p>We do not believe characteristic (b) is well worded. If we are going to use these to justify EOs then this wording must be clear for all.</p> <p>There will be situations where there is insufficient road width or pavement width. There will need to be exceptional circumstances taken into account. An example is shown below where emergency access can be provided however pedestrians are unable to use the pavement.</p> 
2	Do you agree or disagree that the form of a Pavement Parking Exemption Order should follow a similar format to the TRO example shown above?
IC Response	Agree
3	Are there any additional points you feel should be shown in a Pavement Parking Exemption Order?
IC Response	Will there be guidance on what the EO wording and maps should look like.
4	Are there any alternative formats you feel would be better suited to this type of Exemption Order?
IC Response	Would it be possible for EOs to be map based rather than relying on worded descriptions? Possibly by including pavement width to be retained detailed on the map.

5	Do you agree or disagree that local authorities should have to publish details of their proposals on their website for a period of no less than a week before, and during the consultation response period?
IC Response	Agree.
6	Do you agree or disagree that local authorities should keep an archive of all previous and existing notices on their website?
IC Response	Agree but it will be a burden to keep up to date.
7	Do you agree or disagree that local authorities should display the Notice of Order on appropriate locations such as lampposts in the vicinity of a proposed exemption?
IC Response	Agree.
8	Do you agree or disagree with the proposal that there should be no requirement to advertise Notices of Pavement Parking Exemption Orders in the printed press?
IC Response	Disagree as its inconsistent with the TRO process. Also we know there is good circulation of our local paper. Although if we letter drop and use social media its likely to be more effective albeit resource intensive.
9	Do you agree or disagree with the proposal that the same list of consultees for TROs should be applied to the Exemption Orders process, including Police Scotland and the other parties set out above?
IC Response	Agree
10	Do you agree or disagree with the proposal that residencies and businesses, and any other stakeholders present within a set distance of a proposed exemption should have a notice placed through their door or posted to them? If so, what would you think that minimum set distance should be? <ul style="list-style-type: none"> • 100 metres? • 50 metres? • 20 metres? • Something else?
IC Response	Disagree as its inconsistent with the TRO process. Its also very onerous on our resources. If necessary, the minimum letter drop would be on frontagers on the road in question only.
11	Do you agree or disagree that local authorities should be able to contact other possible stakeholders they may wish to inform who live out with an established contact vicinity?
IC Response	Disagree.
12	Are there any other parties who you consider should be formally consulted on a proposed Exemption Order?
IC Response	Community Council, Residents Groups of which we are aware, Disability Groups of which we are aware.

13	Do you agree or disagree that there should be a required period of time to allow for written notices of support and/or objections to be made (a consultation response period)?
IC Response	Agree.
14	Do you agree or disagree that this period should be for a minimum of 21 days? If no, would you suggest an alternative length of time?
IC Response	Agree.
15	Do you agree or disagree that the consideration of notices of support and objections should be handled in a similar way to the existing TRO process?
IC Response	Agree.
16	Do you agree or disagree that if no objections are received to an Order then it should be processed by the local authority's roads department without the need to be approved by a committee?
IC Response	Agree although not necessarily the roads department.
17	Do you agree or disagree that if there are objections and notices of support then these should be reported to a local authority committee to make a decision, similar to current TRO's?
IC Response	Agree for objections only to be reported to committee.
18	Do you agree or disagree that objectors should be notified as to when the matter will be put in front of committee and given the opportunity to make representations?
IC Response	Agree.
19	Do you agree or disagree that if a local authority cannot make a decision via committee then they could have the opportunity to refer a case to the DPEA to arrange a Public Local Inquiry or a Hearing?
IC Response	We disagree with the notion that a LA will not make a decision via Committee and would thereafter refer the case to the DPEA. If a Committee is convened then a decision must be made at that Committee and the Regulations should so require.
20	Do you agree or disagree that Scottish Ministers should have the opportunity to "call in" a case should a matter of genuine national interest be at stake?
IC Response	Agree.
21	Do you agree or disagree that local authorities should be able to modify their proposals only where the modified Order covers less pavement than the area of exemption in the original order?
IC Response	Agree.
22	Do you agree or disagree that local authorities should not have to consult on such a modification?
IC Response	Agree.

23	Do you agree or disagree that local authorities should not have to advertise the modification except the requirement to place the modified Order on their website?
IC Response	Agree.
24	Do you agree or disagree with the proposals in relation to notices to be given when making an Order?
IC Response	Agree with points 1-3. Disagree with point 4 as its inconsistent with the TRO process. Its also very onerous on our resources.
25	Do you agree or disagree with the proposals in relation to notices to be given when amending an Order?
IC Response	Disagree. We believe people should have the ability to object or support proposals to amend a made Order in the same way as a TRO.
26	Do you agree or disagree with the proposals in relation to notices to be given when revoking an Order?
IC Response	Agree.

Report To:	Environment & Regeneration Committee	Date:	3 March 2022
Report By:	Interim Director, Environment & Regeneration	Report No:	ENV0014/22/MM
Contact Officer:	Martin McNab	Contact No:	01475 714246
Subject:	Public Convenience Update		

1.0 PURPOSE

- 1.1 To update members on proposed summer opening hours for public conveniences and to confirm funding for the cleaning of the extended estate.

2.0 SUMMARY

- 2.1 The January 2022 meeting of the Environment & Regeneration Committee received an update on public convenience provision at Battery Park, Lunderston Bay and Greenock Cut and the costs of maintaining that provision. An update was to be brought back to the March 2022 meeting updating on how this was to be funded. It is proposed that the costs of maintaining provision are contained within the directorate budget.
- 2.2 The committee also agreed to the continuation of 6pm closure at the Fore Street, Hunters Place and Kilblain Street toilets subject to a report being brought back on the feasibility of extending these hours between April and September.
- 2.3 Following further discussion on the nature of the anti-social behaviour incidents experienced at Fore Street and historically at Hunters Place and Kilblain Street it is proposed that the opening hours at these three town centre facilities are extended to between 8 pm between April and September.

3.0 RECOMMENDATIONS

- 3.1 It is recommended that the Committee:
- Notes the intention to fund the increased costs of public convenience provision from within the directorate budget; and
 - Approves the extended opening hours of the Fore Street, Hunters Place and Kilblain Street toilets to 8 pm between April and September.

Martin McNab
Interim Head of Covid Recovery & Public Protection

4.0 BACKGROUND

- 4.1 Early recovery planning for the Covid pandemic highlighted issues around the opening of the public toilets at the Greenock Cut Centre and Lunderston Bay. Both sites were extremely busy in the summer of 2020 and yet there was no capacity to reopen the toilets and put in place enhanced cleaning. Increased opening hours and cleaning at the two sites was brought in by the Covid Recovery Plans and financed in 2020 by the Covid Contingency and in 2021 by the Covid Recovery Fund. Provision at this level for 2022 and beyond was to be subject to a review of overall public convenience provision in Inverclyde.
- 4.2 In the course of 2021 further cleaning was implemented at the Inverclyde Leisure toilets at Battery Park Pavilion. This was necessary to facilitate additional opening when the pitches are not in use and amounts to C£2.5K per annum.
- 4.3 Incidents of vandalism in 2018 in the town centre toilets in both Greenock and Port Glasgow have led to these being closed at 6 pm. It is now proposed that this is extended to 8 pm between April and September.

5.0 IMPLICATIONS

5.1 Finance

Financial Implications:

The additional costs of continuing provision at the current level going forward are estimated at £11.5K per annum. It is proposed that these costs are contained within the directorate budget.

One off Costs:

Cost Centre	Budget Heading	With Effect from	Annual Net Impact £000	Virement From (If Applicable)	Other Comments
N/A					

Annually Recurring Costs/(Savings):

Cost Centre	Budget Heading	Budget Years	Proposed Spend this Report £000	Virement From	Other Comments
FM	Public Conveniences	2022-	£11.5K		To be contained in directorate budget

Legal

- 5.2 There are no legal implications.

Human Resources

- 5.3 None

5.4 Equalities

- (a) Has an Equality Impact Assessment been carried out?

Yes See attached appendix

No This report does not introduce a new policy, function or strategy or recommend a change to an existing policy, function or strategy. Therefore, no Equality Impact Assessment is required.

(b) Fairer Scotland Duty

If this report affects or proposes any major strategic decision:-

Has there been active consideration of how this report's recommendations reduce inequalities of outcome?

YES – A written statement showing how this report's recommendations reduce inequalities of outcome caused by socio-economic disadvantage has been completed.

NO

(c) Data Protection

Has a Data Protection Impact Assessment been carried out?

YES – This report involves data processing which may result in a high risk to the rights and freedoms of individuals.

NO

Repopulation

5.5 N/A

6.0 CONSULTATIONS

6.1 N/A

7.0 Background Papers

7.1 Recovery Action Plans Policy & Resources Committee 25 May 2021 **PR/08/21/MM**

Review of Public Convenience Provision and Opening Hours 13 Jan 2022

ENV0010/22/MM

Report To:	Environment & Regeneration Committee	Date: 3 March 2022
Report By:	Interim Director, Environment & Regeneration	Report No: ERC/RT/GMcF/18.632
Contact Officer:	Gail MacFarlane	Contact No: 01475 714800
Subject:	Spaces for People Update – Cycle Lane Monitoring Results	

1.0 PURPOSE

- 1.1 To advise Committee of the outcome of the monitoring carried out on the cycle lane usage and traffic movement from Battery Park to Laird Street.

2.0 SUMMARY

- 2.1 On 28 April 2020, the Cabinet Secretary for Transport, Infrastructure and Connectivity, Michael Matheson MSP, announced a £10m funding package for temporary walking and cycling measures which would be administered by Sustrans. The Council made a bid to the 'Spaces for People' fund and were notified that we were successful in securing the full amount.
- 2.2 The funding package was for temporary infrastructure projects with a view to making them permanent to support and make it safer for people to walk, cycle or wheel for essential trips during the Covid-19 pandemic.
- 2.3 The projects were to be delivered quickly and provide a visible improvement that has an immediate benefit and assists with physical distancing. At the Environment and Regeneration Committee on 29 October 2020 it was agreed that a number of projects to assist social distancing could be implemented and the cycle route from Battery Park to Laird Street, Greenock was part of that. The cycle route has been segregated after consultation to create a safer space for all road users including, motorists, cyclists, wheelers, and pedestrians. It also supports and assists with social distancing, promotes active travel, sustainable transport and reduces reliance on single occupancy car use in line with the Scottish Government's National Transport Strategy.
- 2.4 The Scottish Government fully funded new infrastructure programmes for pop-up walking and cycling routes or temporary improvements to existing routes. This is supported by a package of guidance and support from Transport Scotland and Sustrans Scotland for improvements such as widened pavements and cycle lanes.
- 2.5 This cycle route has been designed to current design practices and will help achieve the Scottish Government's vision to reduce car travel by 20% by 2030 by creating a safe and family friendly dedicated cycle route from the Battery Park to Greenock. The cycle lane supports the delivery of Net Zero aspirations and carbon reduction.
- 2.6 Construction works on the cycle route started in February 2021 and were completed in June 2021. On completion of the works minor amendments and improvements were incorporated following monitoring and feedback.
- 2.7 The cycle count figures between Battery Park and Greenock Town Centre are projected to show an average of 21,992 cyclists will travel along the route annually in both

directions, equating to 10,996 if they are all returning. Historical data on cycle usage along the route shows that on the Eldon Street section in July 2014 there were 89 cyclists a day; compare this to the average results in July 2021 and this shows a 131.5% increase. At Brougham Street the number of cyclists recorded in July 2014 was 78; compare this to recorded figures in 2021 and there is a 68.9% increase.

- 2.8 Monitoring of the impact on the traffic flowing along Brougham Street before and after the installation has been evaluated and the results show that during the week the number of times the queue length reached Campbell Street has been reduced by 66% and there is a 33% reduction at the weekend. Also comparing 2019 to 2021 shows that during the week there is an 8% increase of traffic travelling through the junction of Brougham and Patrick Street during the week and an 18.5% increase at the weekend. These figures show that the installation of the cycle route has not had a negative impact on traffic flow.
- 2.9 There will be a media campaign “be courteous Inverclyde” to promote the benefits of respecting other road users and sharing the footway space. Another campaign will promote the use of the route and also highlight the changes to the highway code.

3.0 RECOMMENDATIONS

3.1 It is recommended that the Committee:-

a) notes the amendments made to the cycle lane following completion detailed in 4.10 to reflect feedback received and site observation;

b) notes that traffic surveys have been undertaken and the surveys show less delay to vehicular traffic than in 2019;

c) notes that the cycle route usage data shows an anticipated usage in excess of 10,000 cyclists per year;

d) agrees that monitoring should continue for a further six months to determine usage of the cycle lane during the Summer season. The additional usage data will be brought before this Committee in September 2022 for consideration;

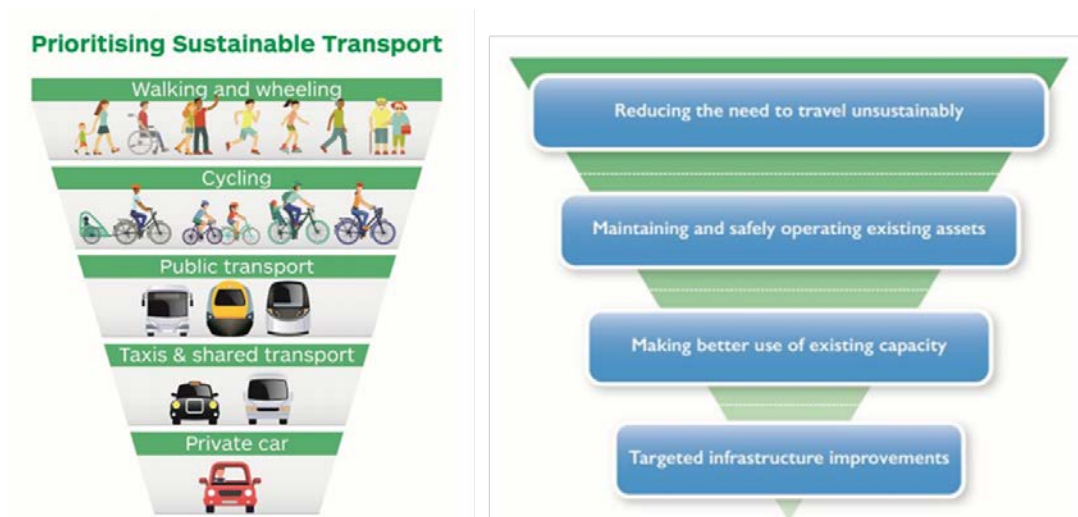
e) agrees that any review of the section between Grey Place and Laird Street is paused until the completion of the construction works at West Blackhall Street and;

f) notes that further minor amendments may be deployed to improve the cycle lanes deployment.

Gail MacFarlane
Head of Service – Roads & Environmental Services

4.0 BACKGROUND

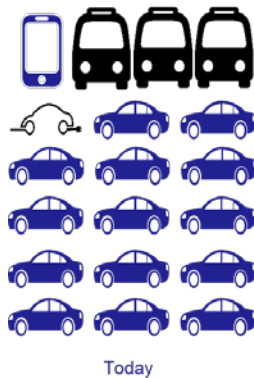
- 4.1 On 28 April 2020, the Cabinet Secretary for Transport, Infrastructure and Connectivity, Michael Matheson MSP, announced a £10m funding package for temporary walking and cycling measures which would be administered by Sustrans. The Council made two bids totalling £0.585m to the 'Spaces for People' fund and were notified that we were successful in securing the full amount.
- 4.2 The funding package was for temporary infrastructure projects with a view to making them permanent to support and make it safer for people to walk, cycle or wheel for essential trips during the Covid-19 pandemic.
- 4.3 The projects were to be delivered quickly and provide a visible improvement that has an immediate benefit and assists with physical distancing. At the Environment and Regeneration Committee on 29 October 2020 it was agreed that a number of projects to assist social distancing should be implemented and the cycle route from Battery Park to Laird Street, both Greenock was part of that.
- 4.4 The project brief was to create additional space along the existing shared footway/ cycleway from Battery Park to the Esplanade, by extending the space from 3m wide to 4m and to improve access to Greenock town centre during the pandemic when some did not feel safe travelling on public transport. The route was to clearly define the areas for cycling, walking and wheeling and be safe for use by an unaccompanied 12 year old. The route was to promote health, wellbeing and exercise and assist users who are anxious about public transport and do not have access to private cars.
- 4.5 The route has been designed in accordance with current design standards and changes the priority of some junctions to give cyclists priority over vehicles. The route accords with National Priorities to reduce car travel by 20% by 2030 and the new roads hierarchy shown below with priority starting with walking and wheeling, then cycling, public transport, taxis and shared transport and finally private car.



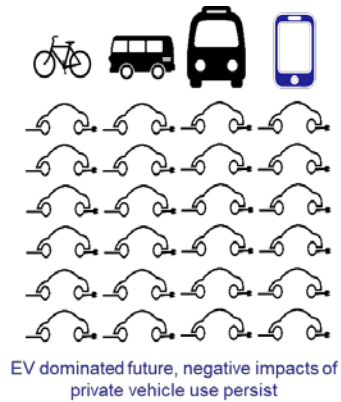
- 4.6 The Scottish Government directive is to promote behaviour change to shift towards active travel, increased use of public transport, and switch to more sustainable modes of transport and discourage car use. Some of the initiatives will be:-
 - Low emission zones
 - Car parking levy
 - Car disincentives
 - Fuel duty
 - Cost of motoring
 - Car sharing.

- 4.7 The focus over the next decade will be to reduce car travel. 56% of journeys are less than 5 miles and another 40% are less than 35 miles, therefore in total 96% of all journeys are less than 35 miles. If active travel was commonplace then the journeys under 5 miles would reduce the carbon emissions.

UNSUSTAINABLE



SUB-OPTIMAL



OPTIMAL?



- 4.8 The cycle route is the first section of dedicated cycle path in Inverclyde and it is part of a vision to create a dedicated safe cycle route from Gourock to Port Glasgow. This route will be off road and safe for families as well as commuters. The route will also be used as a tourist attraction. Travel to Inverclyde by train or bus, start at Gourock and cycle on a relatively flat, family friendly route to Port Glasgow and depart on the train or bus again. Along the route there will be many areas of interest and places to stop;

- Gourock Town Centre
- Battery Park – football, rugby, gym, skate park, play park
- Large buoy, on the esplanade
- Telescope, on the esplanade
- Container Terminal
- Greenock Town Centre
- Historical fire station
- Ginger the horse
- Greenock Historic Quarter
- Greenock Ocean Terminal
- Waterfront
- Beacon Arts Centre
- James Watt Dock – Crane
- Inch Green Dry Dock
- Port Glasgow Lighthouse
- Coronation Park – play park
- Sculpture, Coronation Park
- Port Glasgow Town Centre

- 4.9 The cycle route construction works started in February 2021 and were completed in June 2021. The project consisted of sections that were permanent and some that were temporary with a view that following monitoring and approval may become permanent.

- Battery Park to Esplanade - Temporary
- Esplanade – Permanent
- Campbell Street - Permanent
- Brougham Street - Temporary
- Grey Place - Temporary
- Dalrymple Street - Temporary

- Laird Street – Permanent.

4.10 On completion of the cycle route and following feedback and monitoring, further amendments were incorporated to further improve the movement of pedestrians, cyclists and vehicles. The improvements included;

- Installation of a dedicated right turn lane at Patrick Street
- Replacement of the bus shelter at the Battery Park to further increase the available space
- Removal of the pedestrian barriers from Container Way.
- Adjustment of the traffic light timings at Patrick Street.

4.11 Feedback received from elected members and the general public centred on the number of cyclists using the route and also the delay to the traffic on Brougham Street at the Patrick Street lights. Cycle and vehicle counts were undertaken over a 4 week period in July and again for another 4 week period at the end of September. The table below summarises the cycle count from July and September. The cycling figures below are higher during the summer but then with poor weather, as we moved into autumn, they show a decline. This is normal and to be expected. Across the country more people cycle in the summer compared to the autumn.

Week Starting	Eldon Street		Esplanade		Brougham Street		Dalrymple Street	
	Average Number Cyclists	Average Number Cyclists	Average Number Cyclists	Average Number Cyclists	Average Number Cyclists	Average Number Cyclists	Average Number Cyclists	Average Number Cyclists
	Day	Week	Day	Week	Day	Week	Day	Week
05-Jul-21	170	1190	173	1211	117	819	63	441
12-Jul-21	203	1421	208	1456	130	910	No results	
19-Jul-21	245	1715	242	1694	156	1092	68	476
26-Jul-21	180	1260	181	1267	124	868	63	441
13-Sep-21	104	728	58	406	73	511	32	224
20-Sep-21	69	483	48	336	59	413	33	231
27-Sep-21	51	357	32	224	41	287	26	182
04-Oct-21	51	357	31	217	43	301	24	168
8 wk average	134	939	122	851	93	650	44	309
Monthly Total		3,756		3,404		2,600		1,236
Annual total for an 8 month usage		30,048		27,232		20,800		9,888

Two way cumulative figures

4.12 The cycle figures between Battery Park and Greenock Town Centre on average annually are projected to show that 21,992 cyclists will travel along the route in both directions, equating to 10,996 if they are all returning. Historical data on cycle usage along the route

shows that on the Eldon Street section in July 2014 there were 89 cyclists a day; compare this to the average results in July 2021 and this shows a 131.5% increase. At Brougham Street the number of cyclists recorded in July 2014 was 78; compare this to recorded figures in 2021 and there is a 68.9% increase. The recorded data does show that some cyclists are still not using the route and it is proposed that a media campaign will be developed to promote and encourage cyclists to use the dedicated lane.

4.13 A traffic survey was under taken in October 2019 on Brougham Street at the junction with Patrick Street. In 2019 the results showed that the queue length was back to Campbell Street 15 times during the am peak. The traffic survey results from July and September 2021 showed that the traffic queued back once during the am peak and 4 times during the pm peak. This results in a 66% daily reduction of queues during the week. Comparing a Tuesday in 2019 to a Tuesday in 2021 there were no queues recorded in 2021. Traffic movements have changed during the pandemic and the figures from 2021 show that at the weekend the queue length was back to Campbell Street 5 times am and 5 times pm, however this is still a 33% reduction from the figures in 2019.

Blocking from	Blocking to	Occurrences	
		Am peak	Pm peak
Site 3 – Brougham Street / Patrick Street / Grey Place Junction Oct 2019	Site – 4 Brougham Street / Campbell Street	15	0 (Tues)

Blocking from	Blocking to	Occurrences	
		Am peak	Pm peak
Site 3 – Brougham Street / Patrick Street / Grey Place Junction. July/Sept 2022	Site – 4 Brougham Street / Campbell Street	1 (0) 5	4 (Frid) (0) (Tues) 5 (Sat)

4.14 Comparing the volume of traffic traveling through the junction from 2019 to 2021. During the peak hour on a weekday there are an additional 64 vehicles travelling through the junction, equating to an 8% increase in traffic. The peak hour at the weekend shows an additional 144 vehicles travel through the junction which is an 18.5% increase since 2019. Again this shows the difference in traffic movement after the pandemic when more vehicles are travelling out with the normal peak hours and at the weekend.

- Vehicle Survey Information at Patrick and Brougham Street
- Number of vehicles in the peak hour towards Greenock

2019	2021	2021	
139	180	182	↑
623	640	726	→
9	15	7	↓
	Weekday	Weekend	

- An additional 64 & 144 vehicles per hour compared to 2019
- 8% and 18.5% increase in traffic

4.15 The traffic and cycle survey results in paragraphs 4.11 to 4.15 highlight that the installation of the cycle lane has not had a negative impact on the traffic flow and that there is a

potential usage of over 10,000 cyclists a year.

- 4.16 How and when to use the route and how to enter and leave the route is explained in the highway code along with who has priority at junctions;

Rule 61; Cycle Routes and Other Facilities. *Cycle lanes are marked by a white line (which may be broken) along the carriageway (see Rule 140). Use facilities such as cycle lanes and tracks, advanced stop lines and toucan crossings (see Rules 62 and 73) where they make your journey safer and easier. This will depend on your experience and skills and the situation at the time. While such facilities are provided for reasons of safety, cyclists may exercise their judgement and are not obliged to use them.*

Rule 62; Cycle Tracks. *These are routes for cyclists that are physically protected or located away from motor traffic, other than where they cross side roads (see Rule 206). Cycle tracks may run alongside footpaths or pavements and be separated by a feature such as a change of material, a verge, a kerb or a white line. You MUST keep to the side intended for cyclists as the pedestrian side remains a pavement or footpath.*

Some cycle tracks shared with pedestrians will not be separated by such a feature. On such shared use routes, you should always take care when passing pedestrians, especially children, older adults or disabled people, and allow them plenty of room. Always be prepared to slow down and stop if necessary (see Rule H2).

Rule 63; Sharing space with pedestrians, horse riders and horse drawn vehicles. *When riding in places where sharing with pedestrians, horse riders or horse drawn vehicles is permitted, take care when passing pedestrians and horse riders, especially children, older adults or disabled people. Slow down when necessary and let them know you are there; for example, by ringing your bell (it is recommended that a bell is fitted to your bike), or by calling out politely.*

Remember that pedestrians may be deaf, blind or partially sighted and that this may not be obvious.

Do not pass pedestrians, horse riders or horse drawn vehicles closely or at high speed, particularly from behind. You should not pass a horse on their left. Remember that horses can be startled if passed without warning. Always be prepared to slow down and stop when necessary.

Rule 170

Take extra care at junctions. You should

- *watch out for cyclists, motorcyclists, and pedestrians including powered wheelchairs/mobility scooter users and pedestrians as they are not always easy to see. Be aware that they may not have seen or heard you if you are approaching from behind.*
- *give way to pedestrians crossing or waiting to cross a road into which or from which you are turning. If they have started to cross they have priority, so give way (see Rule H3).*
- *remain behind cyclists, horse riders, horse drawn vehicles and motorcyclists at junctions even if they are waiting to turn and are positioned close to the kerb.*

- 4.17 The bus stops have been located in the running lane to reduce the bus delay as the buses have issues exiting back into the running lane. This will help to promote sustainable travel. The delay to the overall traffic will be minimal.

- 4.18 The route has been designed to have a minimal impact on parking as it has been placed on roads where there was already a parking restriction in place; only 6 spaces have been lost over the length of route and these are on Laird Street.

4.19 Since the introduction of the cycle lane there have been a number of minor revisions carried out as identified in Para 4.10. Monitoring of road users behaviour has indicated that further minor amendments may be required to help support sharing infrastructure, however it is not recommended reviewing the section of road from Gray Place to Laird Street until the West Blackhall Street junction has bedded in.

5.0 IMPLICATIONS

Finance

5.1 There are no financial implication in this report.

One off Costs

Cost Centre	Budget Heading	Budget Years	Proposed Spend this Report £000	Virement From	Other Comments

Legal

5.2 There are no legal implication arising from this report

Human Resources

5.4 There are no HR implications arising from this report.

5.5 Equalities

(a) There are no equalities implications in this report.

<input type="checkbox"/>	YES
<input checked="" type="checkbox"/>	NO – This report does not introduce a new policy, function or strategy or recommend a substantive change to an existing policy, function or strategy. Therefore, no Equality Impact Assessment is required.

(b) Fairer Scotland Duty

If this report affects or proposes any major strategic decision:-

Has there been active consideration of how this report's recommendations reduce inequalities of outcome?

<input type="checkbox"/>	YES – A written statement showing how this report's recommendations reduce inequalities of outcome caused by socio-economic disadvantage has been completed.
<input checked="" type="checkbox"/>	NO

(c) Data Protection

Has a Data Protection Impact Assessment been carried out?

X

YES – This report involves data processing which may result in a high risk to the rights and freedoms of individuals.

NO

Repopulation

5.6 There are no repopulation implications arising from this report.

6.0 CONSULTATIONS

6.1 The Head of Legal and Democratic Services and the Chief Financial Officer have been consulted on this report.

7.0 LIST OF BACKGROUND PAPERS

7.1 None.

Report To: Environmental and Regeneration Committee **Date:** 3 March 2022

Report By: Interim Director, Environment & Regeneration **Report No:** ERC/RT/GMcF/18.633

Contact Officer: Stuart Jamieson **Contact No:** 01475 714800

Subject: Path Agreement between Inverclyde Council and Peel Land & Property (Greenock Harbours) Limited for the Construction of the NCN75 Shared Path through East India and Victoria Harbour.

1.0 PURPOSE

- 1.1 The purpose of this report is to seek approval to enter into a Path Agreement with the landowner Peel Land & Property (Greenock Harbours) Limited to enable the NCN75 Shared Path to be completed between the Beacon Arts Centre and the existing access to EE contact centre located to the east on the A8, Rue End Street on the route shown at Appendix 1.

2.0 SUMMARY

- 2.1 The Council has been awarded a grant of £150,000 by Cycling, Walking and Safer Roads (CWSR) to complete this phase of the NCN75 cycle route from the Beacon Arts Centre and the existing access to EE contact centre located to the east on the A8, Rue End Street.
- 2.2 There is no previous legal agreement for this section of Shared Path.
- 2.3 This phase of the route passes through East India and Victoria Harbours which are owned by Peel Land & Property (Greenock Harbours) Limited and requires a Path Agreement between the Council and the landowner, under Section 21 of the Land Reform (Scotland) Act 2003, for the creation and maintenance of the path within land in respect of which access rights are exercisable.

3.0 RECOMMENDATIONS

- 3.1 That the committee delegates authority to the Head of Roads & Environmental Shared Services to enter into a Path Agreement with Peel Land & Property (Greenock Harbours) Limited on the terms set out in the body of the report and such other terms as are recommended by the Head of Legal and Democratic Services and the Interim Director Finance and Corporate Governance.

Gail MacFarlane
Head of Roads & Environmental Shared Services

4.0 BACKGROUND

4.1 The Shared Path from the Beacon Arts Centre and the existing access to EE contact centre located to the east on the A8, Rue End Street is the first phase of the NCN75 Cycle Route which is proposed to link Greenock with Port Glasgow.

4.2 This section of the Shared Path passes through 2 'parcels of land' which are owned or leased by Peel Land & Property (Greenock Harbours) Limited and are earmarked for future development. Consequently the Shared Path at these locations may be subject to change i.e. re-route depending on the type of development. The agreement will take cognisance of this which Peel Land & Property (Greenock Harbours) Limited agrees to in principle.

4.3 The path agreement will cover the following points (in summary)

- The agreement will be a Path Agreement under Section 21 of the Land Reform (Scotland) Act 2003 for the creation and maintenance of a path within land in respect of which access rights in terms of the Act are exercisable.
- The Council shall for the purposes of the creation and maintenance of the path in terms of this Agreement, have a non-exclusive right of access to the path
- The Council, or other person authorised by it, shall manage and maintain the works for the duration of the Agreement. Access for such management and maintenance work shall be taken under the terms and conditions of Section 26 of the Act.
- The Council shall be allowed to promote and encourage public use of the route. The Council will encourage, by reasonable means, users of the route to behave responsibly in keeping with the Scottish Outdoor Access Code.
- Officers envisage the duration of the agreement to be between 15-25 years based on a previous Path Agreement of a similar nature.
- The proposed route of the Path to be covered by the Path Agreement is shown on the plan at Appendix 1.

5.0 IMPLICATIONS

5.1 Finance

5.2 The construction of the path is Grant Funded by CWSR.

There is a maintenance liability for the path to keep it tidy and repair any defects.

Financial Implications:

One off Costs

Cost Centre	Budget Heading	Budget Years	Proposed Spend this Report £000	Virement From	Other Comments
N/A	CWSR		1		

Annually Recurring Costs/ (Savings)

Cost Centre	Budget Heading	With Effect from	Annual Net Impact £000	Virement From (If Applicable)	Other Comments
		June 2022	0.5		Inspections will be carried out as part of the standard cycle route inspection regime

5.3 Legal

Legal and Democratic Services have been consulted on this report. The draft Path Agreement has yet to be agreed between Inverclyde Council and Peel Land and Property (Greenock Harbours) Ltd.

5.4 Human Resources

There are no HR implications arising from this report.

5.5 Equalities

(a) There are equalities implications in this report.

YES - This report introduces an amendment to a policy, function or strategy or recommend a substantive change to an existing policy, function or strategy. Therefore, a Equality Impact Assessment is required.

NO

(b) **Fairer Scotland Duty**

If this report affects or proposes any major strategic decision:-

Has there been active consideration of how this report's recommendations reduce inequalities of outcome

YES

NO - This report's recommendations have no impact on inequalities of outcome caused socio-economic disadvantage has been completed.

(c)

Data Protection

YES

NO - This report does not involve data processing

5.6 Repopulation

There are no repopulation implications arising from this report.

6.0 CONSULTATIONS

6.1 The Chief Financial Officer, The Interim Head of Legal Services, and the Corporate Procurement Manager have been consulted on the contents of this report.

7.0 LIST OF BACKGROUND PAPERS

7.1 Appendix 1: Plan of the proposed Shared Path

Report To:	Environment & Regeneration Committee	Date:	3 March 2022
Report By:	Interim Director, Environment & Regeneration	Report No:	ENV015/22/AG
Contact Officer:	Audrey Galloway	Contact No:	01475 712102
Subject:	Property Assets Management – Public Report		

1.0 PURPOSE

- 1.1 The purpose of this report is to advise Committee of the outcome of a public consultation recently carried out at Park Farm, Arran Avenue Port Glasgow, in order to obtain and consider the views of the community in relation to a request from the owner of the shop and post office, located directly to the front of the site in question, who wishes to extend his premises into land owned by the Council and currently classed as open space.

2.0 SUMMARY

2.1 Public Consultation – Land to the rear of Park Farm Post Office

The Council owns the land to the rear of the Park Farm Post Office, Arran Avenue, Port Glasgow (shown on the plan at **Appendix 1**) the site is undeveloped and classed as open space. The owner of the adjacent shop has requested that the Council sell him this land in order that he might extend his current shop premises.

The shop owner currently has two large portacabins, one to the front and one to the rear of his shop and should Committee be agreeable to selling the land then the owner would remove the portacabins as soon as the extension to his shop is completed. Prior to any decision, a public consultation required to be carried out and this report seeks to update Committee on that consultation.

There is a separate report on the agenda for this meeting in the private and exempt section that brings detail of the proposed sale before the Committee, dependent on the outcome of their consideration of the open space consultation in terms of this report.

3.0 RECOMMENDATION

It is recommended that the Committee:-

Notes the outcome of the open space consultation for land to the rear of Park Farm Post Office, Arran Avenue Port Glasgow, in relation to a proposed sale of this land and having regard to those representations, decides either:

- (a) To instruct the Interim Head of Property Services to withdraw from negotiations for the proposed sale; or
- (b) To further consider the terms of the proposed sale detailed in the separate report that is before the Committee for later consideration.

Stuart Jamieson
Interim Director, Environment & Regeneration

4.0 BACKGROUND

Park Farm Post Office – Open Space Consultation

- 4.1 Last year, agents acting for the owner of the Park Farm Post Office contacted council officers to ask if their client could acquire a small parcel of land to the rear of their shop in order to extend their premises. The land is shown outlined on the plan at **Appendix 1**.
- 4.2 The land in question is currently maintained by the Council's environmental service and they have confirmed that they would have no objections to relinquishing this land if authority to sell was granted, provided access to the remainder of the open space is retained.
- 4.3 As the site is classed as open space, it is necessary in terms of Section 27 (2A) of the Town and Country Planning (Scotland) Act 1959 for a public consultation to be carried out seeking the views of the local community on the proposed sale, and for the Committee to consider and have regard to those views in deciding whether or not to proceed further with this proposal. The Committee granted authority to officers to progress such a consultation at its meeting of 28th October 2021.
- 4.4 Officers have completed the necessary consultation which closed on 28th January 2022. This was advertised on the Council website and by notices posted at the site. Other than requests for some additional information by two residents, which information officers provided, there were no representations received.
- 4.5 As this site constitutes open space, public consultation on a proposed disposal is required in terms of Section 27 of the Town and Country Planning (Scotland) Act 1959. Further, the Committee must consider any objections received as a result of that consultation before reaching a decision on any disposal. The Committee granted authority to officers to progress such a consultation at its meeting of 28th October 2021.

5.0 IMPLICATIONS

5.1 Finance

Financial Implications:

One off Costs

Cost Centre	Budget Heading	Budget Years	Proposed Spend this Report	Virement From	Other Comments
N/A					

Annually Recurring Costs/ (Savings)

Cost Centre	Budget Heading	With Effect from	Annual Net Impact	Virement From (If Applicable)	Other Comments
N/A					

5.2 Legal

As the proposals in the report involve a sale of use of land consisting of open space, it was necessary for a consultation in terms of Section 27 the Town and Country Planning (Scotland) Act 1959 to be undertaken, and for the Committee to have regard to the outcome of any such consultation prior to reaching a decision on whether or not to proceed.

5.3 Human Resources

N/A

5.4 Equalities

Equalities

(a) Has an Equality Impact Assessment been carried out?

	YES
X	NO – This report does not introduce a new policy, function or strategy or recommend a substantive change to an existing policy, function or strategy. Therefore, no Equality Impact Assessment is required

(b) Fairer Scotland Duty

If this report affects or proposes any major strategic decision:-

Has there been active consideration of how this report's recommendations reduce inequalities of outcome?

	YES – A written statement showing how this report's recommendations reduce inequalities of outcome caused by socio-economic disadvantage has been completed.
X	NO

(c) Data Protection

Has a Data Protection Impact Assessment been carried out?

	YES – This report involves data processing which may result in a high risk to the rights and freedoms of individuals.
X	NO

5.5 Repopulation

N/A

6.0 CONSULTATIONS

6.1 The Head of Legal & Democratic Services has been consulted on the contents of this report.
The Chief Financial Officer has been consulted on the contents of this report.
The Head of Regeneration & Planning has been consulted on this report.

7.0 BACKGROUND PAPERS

7.1 None



SCALE: 1:750		DRAWN BY:		DATE: 07/12/2021	
Originating Group:				Drawing No. Arran Avenue, PG Land at rear of PO	