

## ANGUS COUNCIL

MINUTE of MEETING of the **COMMUNITIES COMMITTEE** held remotely on Tuesday 22 February 2022 at 2.00 pm.

**Present:** Councillors MARK SALMOND, TOMMY STEWART, KENNY BRAES, DAVID CHEAPE, LYNNE DEVINE, BILL DUFF, BRENDA DURNO, CRAIG FOTHERINGHAM, DAVID LUMGAIR, BETH WHITESIDE, IAN McLAREN, RICHARD MOORE, RONNIE PROCTOR MBE, LOIS SPEED and DEREK WANN.

Councillor SALMOND, Convener, in the Chair.

### 1. APOLOGIES/SUBSTITUTES

Apologies for absence were intimated on behalf of Councillors Mark McDonald and Ron Sturrock, with Councillors Beth Whiteside and Derek Wann substituting respectively.

### 2. REQUEST FOR DEPUTATION

The Convener intimated that a deputation request had been received from Mr Neill Coull, objector in relation to the Applications for Roads Construction Consent (Item 5).

The Committee agreed to hear the deputation immediately prior to consideration of Item 5.

### 3. DECLARATIONS OF INTEREST

The Committee agreed to note that no declarations of interest were made.

### 4. MINUTE OF PREVIOUS MEETING

The minute of meeting of this Committee of 23 November 2021 was submitted and approved as a correct record and signed by the Convener.

Prior to hearing the deputation, Mr Alistair Todd, property consultant for the applicant addressed the Committee on the applications for Road Construction Consent for Meadowbank Gardens, and Meadowbank View, Wellbank.

#### DEPUTATION

Mr Neill Coull addressed the meeting on behalf of some residents regarding their concerns relating to applications for Roads Construction Consent to extend the existing public roads at Meadowbank Gardens and Meadowbank View, Wellbank.

Photographs submitted by Mr Coull were previously circulated to members. He advised that vehicular access points were currently in use to the fields in question and had been used for a number of years. He expressed concern at large agricultural vehicles accessing the roads as it would impact on the safety, health and mental health of the residents and would reduce turning points and lead to noise nuisance and air pollution. He therefore urged the Committee to refuse the applications.

Following a number of questions from members, Mr Coull was thanked for the deputation.

Mr Todd and Mr Harper summed up on behalf of the applicant and advised that the roads consent would be for light agricultural vehicles only to land which was pasture. This would make for more efficient management instead of using adjoining fields.

### 5. APPLICATIONS FOR ROADS CONSTRUCTION CONSENT

There was submitted Report No 46/22 by the Director of Infrastructure providing details on two related applications for Construction Consent to extend the existing public roads at Meadowbank Gardens and Meadowbank View, Wellbank.

The Report indicated that the two applications for Road Construction Consent as detailed in Appendices 1, 2, 3 and 4 of the Report, sought to extend the existing roads at Meadowbank

Gardens and Meadowbank View to provide vehicular accesses into the adjacent field for agricultural purposes. This was to be achieved by erecting a new field gate on the boundary interface of the extended road and the adjacent fields.

It was reported that technically the verge crossing to create new access at Meadowbank Gardens into the adjacent agricultural field for farming purposes and a verge crossing to create a new access at Meadowbank View into the adjacent agricultural field for farming purposes met the technical standards required for a vehicular access.

The Committee considered the representations as detailed in Appendices 7, 8, 9, 10 and 11 of the Report. The Service Leader – Roads and Transport introduced the Report and members asked him a number of questions in relation to the technical standards.

The possibility of a site visit was then discussed and after hearing from the Director of Infrastructure and receiving legal advice it was agreed to proceed to determine the applications.

Councillor Salmond, seconded by Councillor Stewart, moved that the Committee agrees to approve the recommendations as detailed in the Report and grant consent to the Construction Consent at Meadowbank Gardens and Meadowbank View, Wellbank as it met the required technical standards, subject to conditions.

COUNCILLOR WHITESIDE, SECONDED BY COUNCILLOR BRAES, MOVED AS AN AMENDMENT, THAT THE COMMITTEE REFUSES TO GRANT THE ROAD CONSTRUCTION CONSENT FOR MEADOWBANK GARDENS AND MEADOWBANK VIEW, WELLBANK.

On a vote being taken, the members voted: -

For the motion: -

Councillors Salmond, Stewart, Lumgair, McLaren, Moore, and Wann (6).

For the amendment: -

Braes, Cheape, Devine, Duff, Durno, Fotheringham, Whiteside, Proctor and Speed (9).

The amendment was declared carried and the two applications for Road Construction Consent were refused.

The grounds for refusal were stipulated as follows: -

Following consideration of the written representations included in the Report, the deposition, the application and submissions in favour of the application and noting that there were alternative accesses to the fields in question it was agreed that the proposals would result in a significant and adverse impact on the amenity of the area and on the amenity of residents.

## **6. PAVEMENT PARKING PROHIBITION – ROADS ASSESSMENT CRITERIA**

There was submitted Report No 47/22 by the Director of Infrastructure which related to the progress to date on the criteria used in the road assessments relating to the Parking Prohibitions part of the Transport (Scotland) Act 2019.

The Report intimated that a desk top study was being carried out on all of the streets in each Angus town, village or hamlet that had footways, using street view imaging to assess any problem streets where vehicles habitually park on footways or block access for pedestrians. Local knowledge from Roads & Transportation staff was also being used in collating a list of streets that required further investigation and site walkovers to allow for a more detailed assessment to determine whether or not the full pavement parking prohibition should be introduced, or an exemption could be applied. Roads & Transportation staff would seek the input of local elected members as the road assessments continue.

The Committee welcomed the Report and agreed: -

- (i) to note the progress of road assessments relating to the Parking Prohibitions part of the Transport (Scotland) Act 2019, which would allow consideration of exceptions to pavement parking prohibition and double parking prohibition;
- (ii) to approve the criteria to be used in the road assessments relating to the Parking Prohibitions part of the Transport (Scotland) Act 2019; and
- (iii) to note that a further report would come to Committee in due course on the resulting road assessments relating to the Parking Prohibitions part of the Transport (Scotland) Act 2019 to consider and approve any roads where exceptions to pavement parking prohibition and double parking prohibition would apply.

## **7. ROAD SAFETY FRAMEWORK TO 2030 UPDATE**

With reference to Article 7 of the minute of meeting of this Committee of 23 February 2021, there was submitted Report No 48/22 by the Director of Infrastructure which provided an update on the work of the Road Safety Member/Officer Working Group and sought confirmation of the work of the Road Safety Member/Officer Working Group across its current remit.

The revised MOWG action plan for 2022/23, as discussed at the meeting of the MOWG on 22 December 2021, was attached as Appendix 1 to the Report. It was noted that the action plan recorded the full range of activities that had been and were being delivered through the work of the MOWG, which were listed in paragraph 4.3 of the Report.

The Committee agreed: -

- (i) to note the revised Road Safety Member/Officer Working Group action plan for 2022/23; and
- (ii) to approve the continuation of the work of the Road Safety Member/Officer Working Group across its current remit, as detailed in the Report.

## **8. SCHOOLS EXCLUSION ZONES AT FERRYDEN PRIMARY SCHOOL, MONTROSE; LANGLANDS PRIMARY SCHOOL, FORFAR AND MUIRFIELD PRIMARY SCHOOL, MONTROSE.**

With reference to Article 8 of the minute of meeting of this Committee of 23 February 2021, there was submitted Report No 49/22 by the Director of Infrastructure which related to the progress to date and the making of permanent Traffic Regulation Orders in respect of School Exclusion Zones at three Primary Schools in Angus and the recommendation to implement School Exclusion Zones at a further five primary schools in the Angus Area.

The Report advised that in order to evaluate the scheme, a number of “before” and “after” surveys have been carried out, to provide a baseline of data against which the scheme is evaluated. The before and after markers included:

- Air pollution samples taken at the school gates
- Road Traffic Accidents
- Traffic Flows
- Active Travel uptake
- Public Perception, i.e. support for the proposals or otherwise.

Air pollution samples were also taken at the school gates and the results of the before and after air quality samples were detailed in Appendix 4 to Report.

It was also noted that traffic flows before and after were recorded either side of the start date and as expected, a marked reduction in traffic flow on the streets affected had been recorded as detailed in Appendix 5 to the Report.

Councillor Moore expressed his concerns regarding Letham Primary school being proposed as an experimental School Exclusion Zone due to various unadopted roads adjacent to the school. The Service Leader – Roads and Transport advised that residents would be given permits which would enable them to gain access to these roads during the prohibited times.

The Committee agreed: -

- (i) to note the progress made in respect of School Exclusion Zones at Ferryden Primary School, Montrose; Langlands Primary School, Forfar; and Muirfield Primary School, Arbroath, as detailed in the report;
- (ii) to approve the making of a permanent Traffic Regulation Order in respect of the School Exclusion Zone at Ferryden Primary School, Montrose;
- (iii) to approve the making of a permanent Traffic Regulation Order in respect of the School Exclusion Zone at Langlands Primary School, Forfar;
- (iv) to approve the making of a permanent Traffic Regulation Order in respect of the School Exclusion Zone at Muirfield Primary School, Arbroath;
- (v) to note the changes made to the use of Experimental Traffic Regulation Orders; and
- (vi) to approve the implementation of Experimental Traffic Regulation Orders for School Exclusion Zones at Andover Primary School, Brechin; South Esk Primary School, Montrose; Letham Primary School; Liff Primary School; and Carlogie Primary School, Carnoustie sites in 2022/23.

*In accordance with the provisions of Standing Order 16 (11) (ii) Councillor Moore requested that his dissent be recorded in relation to the foregoing decision.*

## **9. SKIDDING RESISTANCE PLAN**

There was submitted Report No 50/22 by the Director of Infrastructure which detailed a recommended skidding resistance plan for Angus Council and sought Committee approval for its adoption. A copy of the skidding resistance plan prepared for the Council by the consultants, Pavement Testing Services Ltd was detailed as Appendix 1 to the Report.

The Committee agreed to approve the draft skidding resistance plan, as detailed in Appendix 1 to the Report.

## **10. FLOOD RISK MANAGEMENT (SCOTLAND) ACT 2009 – UPDATE**

There was submitted Report No 51/22 by the Director of Infrastructure which provided an update on the requirements of the Flood Risk Management (Scotland) Act 2009, including the development of Cycle 2 2022-2028 Flood Risk Management Plans for the Tay Estuary and Montrose Basin area and the Tay area.

The Report indicated that under the Act, SEPA were required to consult publicly on the draft Flood Risk Management Strategies. The draft Strategies identified and described the actions required to manage flood risk and the draft Plans identified timings, funding and responsibilities for the actions to be implemented over the second six-year flood risk management cycle from June 2022, which had now been deferred by Ministerial Direction to December 2022.

It was reported that SEPA had undertaken a consultation on the Flood Risk Management Strategies in two stages for the characterisation, objective and measures stages. The consultation, published in December 2020, contained background details of Objective Target Areas (OTA) only. The second stage of consultation, which was due by the end of June 2021 but delayed to the end of October 2021 due to the SEPA cyber-attack provided details of the objectives and actions.

The results of the consultation for the Tay Estuary and Montrose Basin Local Flood Risk Management Plan and Tay Local Flood Risk Management Plan were summarised in Appendices 1 and 2 attached to the Report.

The Service Leader, Roads and Transport advised members that future updates would be provided to the committee on the development of Final Report on the Local Flood Risk Management Plans for 2016-2022 and the Local Flood Risk Management Plans for 2022-28 in advance of December 2022 publication deadlines.

The Committee agreed:-

- (i) to note the progress of the draft Local Flood Risk Management Plans for Tay Estuary and Montrose Basin and Tay area, which set out the delivery of the actions in the period 2022-2028, as detailed in the Report;
- (ii) to note the results of the consultation on potential actions for the Local Flood Risk Management Plan for the Tay Estuary and Montrose Basin Local Plan District and the Tay Local Plan District by the end of October 2021;
- (iii) to note the publication of the Flood Risk Management Strategies for Tay Estuary and Montrose Basin and Tay by SEPA and the obligations contained for the delivery of the actions in the period 2022-2028;
- (iv) to note the changes made by Ministerial Direction to the deadline date for publishing the Final Reports on the current Local Flood Risk Management Plans for the period 2016-2022;
- (v) to note the changes made by Ministerial Direction to the deadline date for publishing the Local Flood Risk Management Plans for the period 2022-2028;
- (vi) to note the funding arrangements and distribution from Scottish Government capital funding allocations for flood risk management schemes and works were subject to ongoing review by a sub-group directed by COSLA Leaders, as detailed in the Report;
- (vii) to approve the further development of the Local Flood Risk Management Plans to deliver the actions in the period 2022-2028, subject to confirmation of funding arrangements and distribution from Scottish Government capital funding allocations and council revenue and capital budget setting over the period 2022-2028;
- (viii) to note that a report seeking approval to publish the Final Reports on the current Tay Estuary and Montrose Basin Local Flood Risk Management Plans for the period 2016-2022 would be required in advance of the December 2022 deadline; and
- (ix) to note that a report seeking approval to finalise the actions in the period 2022-2028 and to publish the Tay Estuary and Montrose Basin Local Flood Risk Management Plans would be required in advance of the December 2022 deadline.

#### **11. FORMER ST THOMAS PRIMARY SCHOOL, SEATON ROAD, ARBROATH**

With reference to Article 12 of the minute of meeting of the Policy and Resources Committee of 1 February 2022, there was submitted Report No 26/22 by the Director of Infrastructure seeking approval to declare the former St Thomas Primary School at Seaton Road, Arbroath surplus to requirements, and its appropriation to the Housing Revenue Account for the delivery of affordable housing.

Having heard members welcome the proposal for affordable housing, the Committee agreed, for its interests to approve the appropriation of the site from the General Fund to the Housing Revenue Account for the delivery of affordable housing.

#### **12. SITE OF OLD FORFAR ACADEMY, TAYLOR STREET, FORFAR**

With reference to Article 13 of the minute of meeting of the Policy and Resources Committee of 1 February 2022, there was submitted Report No 27/22 by the Director of Infrastructure seeking approval to appropriate the site of the old Forfar Academy at Taylor Street, Forfar to the Housing Revenue Account (HRA) for the delivery of affordable housing.

Having heard members welcome the proposal for affordable housing which would include social housing and shared equity, the Committee agreed to approve the appropriation of this site from the General Fund to the Housing Revenue Account (HRA) for the delivery of affordable housing.

**13. DELIVERING LOCAL BIODIVERSITY ACTION IN ANGUS VIA THE EDINBURGH BIODIVERSITY DECLARATION & NATURE RESTORATION FUND**

There was submitted Report No 52/22 by the Director of Vibrant Communities and Sustainable advising the Committee that Local Authorities were encouraged by the Scottish Government to fulfil their biodiversity duty in many ways through policy and strategy development and via project delivery. This included the delivery of projects that restore wildlife and habitats on land and sea, addressing the twin crises of biodiversity loss and climate change.

The Report advised that to enable meaningful action during the UN Decade of Ecosystem Restoration, the Scottish Government had outlined its preferred delivery mechanism – the Edinburgh Process and had launched a multi-year competitive funding stream – the Nature Restoration Fund. A category was aimed specifically at local authorities, The Edinburgh Process Fund.

It was noted that together, both would provide opportunities for local authorities to play an important role in delivering Scotland's post-2020 Global Biodiversity Framework and targets. NatureScot had recently called on all Scottish Local Authorities to become signatories in the run up to COP15 in April 2022.

The Committee agreed: -

- (i) to delegate authority to the Chief Executive to sign the Edinburgh Declaration on biodiversity as detailed in Appendix 1 to the Report and note the commitments within the declaration as part of future Council activity; and
- (ii) to note the launch of the Edinburgh Process Fund, a semi-competitive fund for Local Authorities and their partners engaged in delivering local nature networks and other biodiversity projects locally. The fund would open in 2022.

**14. EXCLUSION OF PUBLIC AND PRESS**

The Committee resolved, in terms of Standing Order 28(2), that the public and press be excluded from the meeting during consideration of the following items so as to avoid the possible disclosure of information which was exempt in terms of Part 1 of Schedule 7A to the Local Government (Scotland) Act 1973, paragraphs 8 & 9.

**15. FOOD WASTE DISPOSAL CONTRACT – PROCUREMENT AUTHORITY APPROVAL**

There was submitted Report No 53/22 by the Director of Vibrant Communities and Sustainable Growth regarding the Council's current contract for treatment and disposal of food waste which ended on 31 March 2022. The report brought forward proposals for awarding a new contract that would ensure that there continued to be a suitable outlet for food waste disposal.

The Committee agreed to authorise the Director of Vibrant Communities and Sustainable Growth to procure food waste disposal on the basis set out in the report.

**16. PROCESSING OF CO-MINGLED RECYCLING – PROCUREMENT AUTHORITY APPROVAL REQUEST**

There was submitted Report No 54/22 by the Director of Vibrant Communities and Sustainable Growth regarding the Council's current contract for the processing of co-mingled recycling which ended on 30 June 2022. The report brought forward a proposal for procuring a new contract that would ensure there continued to be a suitable outlet for co-mingled recycling collected from households and commercial waste customers.

The Committee agreed to authorise the Director of Vibrant Communities and Sustainable Growth to procure the supply of services for the processing of co-mingled recycling on the basis set out in the report.