

# Public Document Pack

## Argyll and Bute Council

Comhairle Earra-Ghàidheal Agus Bhòid

Executive Director: Douglas Hendry



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23 November 2023

## NOTICE OF MEETING

A meeting of the **ENVIRONMENT, DEVELOPMENT AND INFRASTRUCTURE COMMITTEE** will be held **ON A HYBRID BASIS IN THE COUNCIL CHAMBER, KILMORY, LOCHGILPHEAD AND BY MICROSOFT TEAMS** on **THURSDAY, 30 NOVEMBER 2023** at **10:30 AM**, which you are requested to attend.

Douglas Hendry  
Executive Director

## BUSINESS

**1. APOLOGIES FOR ABSENCE**

**2. DECLARATIONS OF INTEREST (IF ANY)**

**3. MINUTES** (Pages 3 - 10)

Environment, Development and Infrastructure Committee held on 31 August 2023.

**4. LATEST UPDATE ON THE SETTLEMENT PROJECT SUPPORT OFFICER ACTIONS** (Pages 11 - 16)

Report by Executive Director with responsibility for Economic Growth

**5. ARGYLL AND BUTE HOUSING EMERGENCY**

(a) Progress Report (Pages 17 - 26)

Report by Executive Director with Responsibility for Development and Economic Growth

\* (b) Project Officer Resource (Pages 27 - 30)

Report by Executive Director with Responsibility for Development and Economic Growth

**6. HELENSBURGH WOODEN PIER - UPDATE** (Pages 31 - 36)

Report by Executive Director with responsibility for Development and Economic Growth

**7. WASTE UPDATE** (Pages 37 - 64)

- Report by Executive Director with responsibility for Road and Infrastructure Services
- 8. CEMETERY ASSET - ANNUAL REPORT - TO FOLLOW**  
Report by Executive Director with responsibility for Roads and Infrastructure Services
- 9. PLAY PARK FUNDING - UPDATE REPORT NO 3** (Pages 65 - 70)  
Report by Executive Director with responsibility for Roads and Infrastructure Services
- 10. OCTOBER 2023 WEATHER EVENT - UPDATE** (Pages 71 - 82)  
Report by Executive Director with responsibility for Roads and Infrastructure Services
- REPORTS FOR NOTING**
- 11. ENVIRONMENT, DEVELOPMENT AND INFRASTRUCTURE COMMITTEE WORK PLAN** (Pages 83 - 84)

Items marked with an “asterisk” are items, on the basis of information available at the time this Agenda is published, on which the Committee may not have delegated powers to act, and which may therefore require to be referred to the Council or another Committee, and that referral may depend on the decision reached at the meeting.

## **Environment, Development and Infrastructure Committee**

Councillor John Armour	Councillor Jan Brown
Councillor Garret Corner	Councillor Robin Currie (Chair)
Councillor Mark Irvine	Councillor Andrew Kain (Vice-Chair)
Councillor Jim Lynch	Councillor Tommy MacPherson
Councillor Ian MacQuire	Councillor Luna Martin
Councillor Ross Moreland	Councillor William Sinclair
Councillor Andrew Vennard	Councillor Peter Wallace
Councillor Gary Mulvaney	

Contact: Stuart McLean Tel: 01436 658717

**MINUTES of MEETING of ENVIRONMENT, DEVELOPMENT AND INFRASTRUCTURE  
COMMITTEE held ON A HYBRID BASIS IN THE COUNCIL CHAMBER, KILMORY,  
LOCHGILPHEAD AND BY MICROSOFT TEAMS  
on THURSDAY, 31 AUGUST 2023**

**Present:** Councillor Robin Currie (Chair)

Councillor John Armour	Councillor Ian MacQuire
Councillor Jan Brown	Councillor Luna Martin
Councillor Garret Corner	Councillor Ross Moreland
Councillor Mark Irvine	Councillor William Sinclair
Councillor Andrew Kain	Councillor Andrew Vennard
Councillor Jim Lynch	Councillor Peter Wallace
Councillor Tommy MacPherson	Councillor Gary Mulvaney

**Attending:** Kirsty Flanagan, Executive Director  
Fergus Murray, Head of Development and Economic Growth  
Jim Smith, Head of Roads and Infrastructure Services  
Stuart McLean, Committee Manager

**1. APOLOGIES FOR ABSENCE**

There were no apologies for absence.

**2. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**3. MINUTES**

The Minutes of the meeting of the Environment, Development and Infrastructure Committee held on 1 June 2023 were approved as a correct record.

**4. TRANSFORMATIONAL PROJECTS AND REGENERATION TEAM - LARGE SCALE PROJECT UPDATE REPORT**

The Committee gave consideration to a report providing an update on the progress of large-scale, externally funded project work of the Transformational Projects and Regeneration Team and highlighting key issues that may impact on the successful delivery of the projects.

**Decision**

The Environment, Development and Infrastructure Committee –

1. noted the current progress contained within the submitted report; and
2. agreed to recognise the contribution and to reflect on the role played by third sector groups, taking a local lead in respect of the Animation of Rothesay Castle, which was implemented in collaboration with Bute Island Improvement District and the pop-up

shop in the former Clydesdale Bank, and to note that this success had been driven by Bute Island Alliance Scottish Charitable Incorporated Organisation.

(Reference: Report by Executive Director with responsibility for Development and Economic Growth dated July 2023, submitted)

**5. LATEST UPDATE ON STAYCATION PROPOSALS**

The Committee gave consideration to a report offering a comprehensive update and overview of the activities carried out by the Council in relation to the Staycation Project.

**Decision**

The Environment, Development and Infrastructure Committee –

1. noted the update provided within the submitted report; and
2. noted that £83,324.64 remained in the Staycation fund and £5,412 in the marketing fund; and that officers would continue to work with partners to respond to challenges and opportunities that arise from visitor pressures.

(Reference: Report by Executive Director with responsibility for Development and Economic Growth dated 31 August 2023, submitted)

**6. LATEST UPDATE ON THE SETTLEMENT PROJECT SUPPORT OFFICER ACTIONS**

The Committee gave consideration to a report providing an update on the work of the Settlement Project Support Officer since 31 October 2022. The report detailed key findings from community engagement visits across the Repopulation Zones, initiatives introduced by the Settlement Project Support Officer to encourage active relocation, and the proposed actions for the Argyll and Bute Settlement Project going forward.

**Decision**

The Environment, development and Infrastructure Committee –

1. noted the content of the submitted report and the updates provided;
2. endorsed the work undertaken to date by the Settlement Project as outlined in Table 2 within the submitted report;
3. agreed the proposed Settlement actions going forward as outlined in Table 3 within the submitted report; and
4. noted that a further report regarding progress on actions would be reported to the next meeting of the Environment, Development and Infrastructure Committee.

(Reference: Report by Executive Director with responsibility for Development and Economic Growth dated August 2023, submitted)

## **7. NATIONAL ISLANDS PLAN REVIEW CONSULTATION**

The Islands (Scotland) Act 2018 requires that a consultation must take place as part of the review of the National Islands Plan which had been published in 2019. The National Islands Review Online Consultation had been announced by the Scottish Government on 1 August 2023. The Committee gave consideration to a report proposing that a formal response to the consultation from the Council be prepared and submitted by the closing date of 9 October 2023.

### **Decision**

The Environment, Development and Infrastructure Committee –

1. noted the National Islands Plan Review online consultation announced by the Scottish Government on 1 August 2023, with a closing date of 9 October 2023; and
2. given the timeline for the response, agreed that the formal response to the consultation from the Council be prepared and shared with Members of the Argyll Islands Sounding Board for their views and input, with the final response being delegated to the Executive Director with responsibility for Development and Economic Growth in consultation with the Leader, Depute Leader, Leader of the largest Opposition Group and the Policy Lead for Islands.

(Reference: Report by Executive Director with responsibility for Development and Economic Growth dated August 2023, submitted)

## **8. ARGYLL AND BUTE OFFICER RESPONSE TO THE SCOTTISH GOVERNMENT'S VISITOR LEVY (SCOTLAND) BILL CONSULTATION**

The Committee gave consideration to a report providing an officer response to the Scottish Government's Visitor Levy (Scotland) Bill consultation which had a closing date of 15 September 2023.

### **Decision**

The Environment, Development and Infrastructure Committee approved the officer response to the Scottish Government's Visitor Levy (Scotland) Bill consultation for submission by 15 September 2023.

(Reference: Report by Executive Director with responsibility for Development and Economic Growth dated August 2023, submitted)

## **\* 9. PROVISION OF FLORAL DISPLAYS**

The Committee gave consideration to a report confirming that a financial saving had been made following the decision by the Council in 2021 to a £10,000 savings package in relation to the nursery growing service. The report set out the challenges in delivering spring bedding, largely due to market changes which were not reasonably foreseeable at the time the savings package was developed. The report also set out a range of possible options for dealing with planting beds in future years, including community involvement.

### **Decision**

The Environment, Development and Infrastructure Committee agreed to pursue a blended model of options for the delivery of planting across Argyll and Bute as follows:

1. agreed to re-open the Arden Craig growing facility to serve the Isle of Bute with annual summer bedding plants noting that the estimated cost associated with this option was £13,500;
2. agreed to continue to purchase annual summer bedding plants for all other areas across Argyll and Bute, noting that this would deliver a recurring revenue saving of £6,000;
3. agreed to progress Option 6 as noted in the report to continue to engage with community groups across the Council area to take over maintenance of floral displays; and
4. agreed to recommend to the Council that as implementation of these measures are estimated to require additional revenue funding of £7,500 within 2023-24 this is funded from the unallocated General Fund and built into the budget outlook estimates for future years.

(Reference: Report by Executive Director with responsibility for Roads and Infrastructure Services dated August 2023, submitted; and Motion by Councillor Ross Moreland, seconded by Councillor Peter Wallace, tabled)

### **10. STREET LIGHTING COLUMN REPLACEMENT**

The Committee gave consideration to a report providing an update on the LED street lighting replacement programme which was nearing completion and capital improvement works to replace columns and cabling prioritised based on condition.

#### **Decision**

The Environment, Development and Infrastructure Committee noted the content of the submitted report.

(Reference: Report by Executive Director with responsibility for Roads and Infrastructure Services dated August 2023, submitted)

### **11. FOOTWAY RECONSTRUCTION PROGRAMME 2023/24**

The Committee gave consideration to a report providing detail of the proposed Footway Reconstruction Programme for 2023/24. A budget of £750,000 had been allocated as part of the 2023 budget process and the report advised of how this had been allocated across the four administrative areas based on the percentage of footways in each area.

#### **Decisions**

The Environment, Development and Infrastructure Committee –

1. endorsed the proposed programme of capital works for 2023/24; and

2. agreed that details of each Area Committee's programme would be forwarded on to individual Elected Members.

(Reference: Report by Executive Director with responsibility for Roads and Infrastructure Services dated July 2023, submitted)  
Councillor Tommy MacPherson left the meeting at this point.

## **12. PLAY PARK FUNDING - UPDATE REPORT NO.2**

The Committee gave consideration to a report providing a further update to the Play Park Report considered by the Committee in March 2023. The report highlighted the excellent responses to the play park adult and young people engagement in regards to the funding award of £938k awarded by Scottish Government for play park renewal to Argyll and Bute Council until 2025/26. The report proposed that following analysis of engagement feedback Area Committees would be provided with a summary, specifically what local communities had identified as their priorities for play park users.

### **Decision**

The Environment, Development and Infrastructure Committee –

1. noted the engagement numbers of 1054 adults and 408 young people responses and that the officer managing this project would review each one over the coming weeks;
2. agreed that once the consultation results had been fully reviewed, a report would go to each Area Committee to agree the priorities for each play park in their area and allocation of funding, within the area allocation (based on the number of play parks) would be allocated to individual play parks; and
3. agreed the amended timeline as set out in section 4.4 of the submitted report.

(Reference: Report by Executive Director with responsibility for Roads and Infrastructure Services dated August 2023, submitted)

## **13. UPDATE ON BUDGET INVESTMENTS**

The Council, at the Budget Meeting in February 2023, allocated funding for new vehicles to support service delivery across Roads and Infrastructure Services. The Committee gave consideration to a report providing an update on progress.

### **Decision**

The Environment, Development and Infrastructure Committee noted the updates provided within the submitted report.

(Reference: Report by Executive Director with responsibility for Roads and Infrastructure Services dated August 2023, submitted)

## **14. WASTE - PERSISTENT ORGANIC POLLUTANTS (POPS)**

The Committee gave consideration to a report providing an update on Persistent Organic Pollutants (POPs) and the worldwide concerns surrounding the release of POPs into the environment.

## **Decision**

The Environment, Development and Infrastructure Committee –

1. agreed to call upon the Scottish Government to introduce a grace period following the publication of its new guidance on handling POPs rather than requiring immediate implementation;
2. formally requested that the Scottish Government provides full funding for Argyll and Bute Council (whether directly or by seeking this from the UK Government) given the particular challenges and burdens that fall upon this authority given its remote, rural and island geography;
3. noted that the potential cost for Argyll and Bute Council could reach £0.5m in revenue and capital costs which, given the current pressured financial context, presents real affordability risks;
4. agreed that the Policy Lead for Climate Change and Environmental Services write to the Minister with responsibility for Circular Economy to convey the views of the Committee;
5. requested that a further report was brought to the November meeting of the Environment, Development and Infrastructure Committee to update on any legislation changes, associated costs and the Scottish Government's response to the Committee's formal request.

(Reference: Report by Executive Director with responsibility for Roads and Infrastructure Services dated August 2023, submitted; and Motion by Councillor Robin Currie, seconded by Councillor Gary Mulvaney, tabled)

## **15. WINTER SERVICE POLICY 2023/24**

The Committee gave consideration to a report presenting the Winter Service Policy 2023/24 which remained in a similar format and covered a similar network to the Policy approved by the Committee in previous years.

## **Decision**

The Environment, Development and Infrastructure Committee –

1. approved the 2023/24 Winter Service Policy Document at Appendix 1 to the submitted report;
2. approved the Salt Use Reduction and Preservation of Stocks Protocol at Appendix 2 to the submitted report;
3. noted Appendices 3 – 6 of the submitted report; and
4. noted that a review of the financial position was being carried out and this would be reported to the Policy and Resources Committee in October.



(Reference: Report by Executive Director with responsibility for Roads and Infrastructure Services dated August 2023, submitted)

## **16. REST AND BE THANKFUL UPDATE**

The Committee gave consideration to a report providing an update on the Scottish Government's recent announcement on the long term solution for the Rest and Be Thankful.

### **Decision**

The Environment, Development and Infrastructure Committee noted the content of the submitted report.

(Reference: Report by Executive Director with responsibility for Roads and Infrastructure Services dated June 2023, submitted)

## **17. WASTE PPP UPDATE**

In December 2022, the Committee agreed to pursue a derogation from the Scottish Government, from the implementation date of the Biodegradable Municipal Waste ban of 1 January 2026 to the end of the Council's Waste PPP contract in September 2026. The Committee gave consideration to a report providing an update on a meeting held with the Minister for Green Skills, Circular Economy and Biodiversity on 26 July 2023 and a subsequent meeting between Council officers and Scottish Government Officials.

### **Decision**

The Environment, Development and Infrastructure Committee –

1. noted the content of the submitted report;
2. noted the update from the Minister and Scottish Government Officials;
3. noted the advice to engage proactively with SEPA; and
4. requested that an update be provided to the next meeting of the Committee on discussions with SEPA and Zero Waste Scotland.

(Reference: Report by Executive Director with responsibility for Roads and Infrastructure Services dated August 2023, submitted)

## **18. COMMUNITY EMPOWERMENT (SCOTLAND) ACT 2015 - ALLOTMENTS WAITING LIST REGISTER**

A report providing an update on the actions that are being undertaken in response to duties placed on the Council under Part 9 of the Community Empowerment (Scotland) Act 2015 was before the Committee for noting.

### **Decision**

The Environment, Development and Infrastructure Committee noted the Allotments Waiting List Register update which reflected the duties placed on local authorities arising from Part 9– Allotments of the Community Empowerment (Scotland) Act 2015.

(Reference: Report by Executive Director with responsibility for Legal and Regulatory Support dated August 2023, submitted)

**19. ENVIRONMENT, DEVELOPMENT AND INFRASTRUCTURE COMMITTEE  
WORK PLAN**

The Environment, Development and Infrastructure Committee work plan was before the Committee for noting.

**Decision**

The Environment, Development and Infrastructure Committee noted the content of the work plan.

(Reference: Environment, Development and Infrastructure Committee work plan as at August 2023, submitted)

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ARGYLL AND BUTE COUNCIL

ENVIRONMENT, DEVELOPMENT AND  
INFRASTRUCTURE COMMITTEE

DEVELOPMENT AND ECONOMIC  
GROWTH

30 NOVEMBER 2023

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**LATEST UPDATE ON THE SETTLEMENT PROJECT SUPPORT OFFICER  
ACTIONS**

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**1.0 INTRODUCTION**

- 1.1 The purpose of this paper is to provide the Environment, Development and Infrastructure Committee with an update on the progress of the Settlement Project Support Officer actions that were approved by the Environment, Development and Infrastructure Committee on the 31<sup>st</sup> of August 2023.

**2.0 RECOMMENDATIONS**

- 2.1 Environment, Development and Infrastructure Committee members are asked to:

- Note and consider progress on actions agreed by Environment, Development and Infrastructure Committee on 31 August 2023.
- Note that a further update will be provided on the work of the Settlement Project Support Officer at the next Environment, Development and Infrastructure Committee.

**3.0 DETAIL**

- 3.1 The recent release of Scotland's Census 2022 (Rounded Population Estimates) has provided more up-to-date information on Argyll and Bute's demographic challenges. Between 2011 and 2022, the population of Argyll and Bute decreased by -2.4%. **(See Appendix 1).**
- 3.2 As well as a declining population, the 2022 census findings further highlighted an ageing population. When compared to all other Scottish council areas, Argyll and Bute has the largest proportion of the population aged 65 and over, 27.2%. **(See Appendix 1).**
- 3.3 With demographic trends across Argyll and Bute continuing to demonstrate an ageing and declining working-age population, there is a need to address these challenges through a multi-agency approach and support population retention and growth.
- 3.4 The Argyll and Bute Settlement Project Support Officer continues to work closely with the Settlement Officers in the Western Isles and Northwest Highland, as well as colleagues from Argyll and Bute Council, HIE, and the Scottish Government Islands Team. Working







in collaboration to recognise the place-based barriers to population retention and attraction and support measures to address population decline.








The Settlement Project Support Officer will be assisting housing colleagues to drive forward works on the Council's Housing Emergency. This will provide the Housing Emergency works with further resource to drive a more consistent and proactive approach to facilitating both private and affordable housing developments.

**Update on Settlement Actions Approved at Environment, Development and Infrastructure Committee 31<sup>st</sup> August 2023.**

3.5 **Table 1** provides an update on the progress of the Settlement Project Support Officer Actions as approved at Environment, Development and Infrastructure Committee on the 31<sup>st</sup> August 2023. The current status of each action is shown using a Red, Amber, and Green (RAG) indicator.

**Table 1.** Update of actions.

Focus Area	Action Approved	Progress to Date 30 <sup>th</sup> October 2023	Current Status
<b>Active Promotion of Argyll and Bute</b>	Continue to develop and expand settlement case studies for the abplace2b website and enhance marketing provisions where appropriate.	All initial settlement content has been prepared and will be uploaded to abplace2b and Invest in Argyll websites.	
		The settlement flyer has been updated with support from the Argyll and Bute Council's Graphic Designer and will be incorporated into web updates.	
		The welcome pack has been developed working alongside Settlement Officers in Uist/ NW Highland. The Argyll and Bute Council's Graphic Designer has provided assistance with layout.	
		To date, five case studies have been drafted, and subject to final edits may be included in abplace2b and Invest in Argyll websites.	
		The myjobscotland section specific to Argyll and Bute Council has been updated by the Communications Team to include improved links to abplace2b.	
		Further settlement updates are planned for myjobscotland, through collaborative working with Economic Growth, HR and the Comms/Web Teams.	

<b>Supporting Relocation</b>	Continue to respond to relocation queries.	To date, there have been eight relocation queries received. All queries have been responded to accordingly.	
	Set up a relocation network connecting new and existing residents.	Comprehensive relocation contact resources have been compiled for all Resettlement Zones.	
	Work with the new Housing Improvement Officer (Empty Homes) to support individuals relocating to recently refurbished properties.	A survey has been created to set up a relocation network, initially connecting people who have relocated to Argyll and Bute. Links to access the survey have been inserted on the flyer and welcome pack with the assistance of the Council's Comms/Web Teams.	
		Settlement support resources will be passed on to the Housing Improvement Officer in collaboration with the Council's Communications Team.	
<b>Housing</b>	Launch the 'Make Your Second Home Your First Home' campaign. Increased energy support and signposting across Argyll and Bute.	Initial discussions have taken place with the Argyll and Bute Housing Team. Economic Growth is working with colleagues in the Housing Team to refine the 'Make Your Second Home Your First Home' campaign.	
<b>Employment</b>	Consider current empty council-owned (non-residential) properties being used for remote working hubs or creative spaces (working with other council colleagues, as appropriate).	Reached out to council colleagues to try to determine if there are council-owned spaces that could be made available for remote working/ creative spaces.	
		A survey has been drafted for community groups and businesses that currently offer remote working/ creative spaces to advise on available premises. Collaboration will be required with other teams across the council to ensure that this data has not been captured previously. Survey fatigue also needs to be considered.	
	Engage with key employers across the Repopulation Zones to identify in detail the number and nature of	Monthly reports are being received from Argyll and Bute Council HR	

	recruitment issues they have encountered/ forecast	Team regarding withdrawn and declined job offers.	
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#### 4.0 CONCLUSION

- 4.1 Recent data published by the Scottish Census 2022 has provided further insight into the demographic challenges facing Argyll and Bute, specifically an ageing and declining population. Census findings show that between 2011 and 2022, Argyll and Bute's population has decreased by -2.4%. Moreover, compared to all other Scottish council areas, Argyll and Bute has the largest proportion of the population aged 65 and over (27.2%).
- 4.2 As previously noted, **Table 1** provides an update on the progress of the Settlement Project Support Officer actions. Work is ongoing to progress these actions and a further update report will be provided to committee as required.

#### 5.0 IMPLICATIONS

- 5.1 Policy                      The overarching vision of Argyll and Bute Council's current Economic Strategy, 2019-23 is that Argyll and Bute's economic success is based on a growing population.
- 5.2 Financial                    Using funding previously agreed for a staffing resource in the Restart, Recovery and Renew: Delivering our Recovery Strategy and Action Plan paper at the P&R Committee, December 2021. From June 2023, the Settlement Project Support Officer post has been extended for 18 months, joint funded by Argyll and Bute Council and the Scottish Government.
- 5.3 Legal                        All appropriate legal implications will be taken into consideration.
- 5.4 HR                            Funding from the Scottish Government has allowed the Settlement Project Support Officer post to be extended to the end of December 2024.
- 5.5 Fairer Scotland Duty      The Fairer Scotland Duty, Part 1 of the Equality Act 2010, came into force in April 2018. The duty places a legal responsibility on particular public bodies in Scotland, such as Argyll and Bute Council, to pay due regard to (actively consider) how they can reduce inequalities of outcome, caused by socio-economic disadvantage, when making strategic decisions and how this has been implemented.

5.5.1 Equalities	All activities will comply with all Equal Opportunities/Fairer Scotland Duty policies and obligations.
5.5.2 Socio-economic Duty	All project activities will comply with the council's socio-economic duty.
5.5.3 Islands	The activities of the Settlement Project Support Officer covers three islands; Tiree, Coll and Bute.
5.6 Climate Change	None.
5.7 Risk	None
5.8 Customer Service	None.

**Kirsty Flanagan, Executive Director responsible for Development and Economic Growth**

**November 2023**

**Policy Lead for Strategic Development:** Councillor Robin Currie

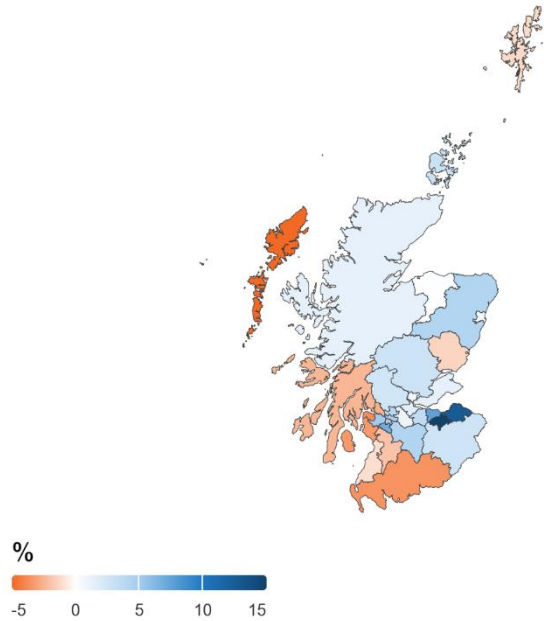
**For further information contact:**

Ishabel Bremner, Economic Growth Manager [ishabel.bremner@argyll-bute.gov.uk](mailto:ishabel.bremner@argyll-bute.gov.uk)

Milly Leggett, Settlement Project Support Officer [milly.leggett@argyll-bute.gov.uk](mailto:milly.leggett@argyll-bute.gov.uk)

## Appendix 1: Scotland's Census 2022- Rounded Population Estimates

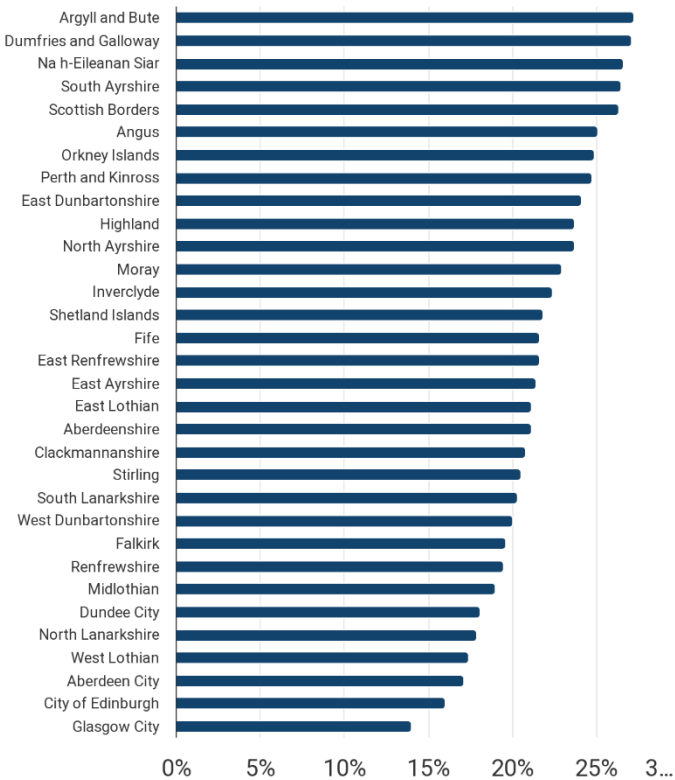
Population change, 2011 - 2022, council areas in Scotland



Population change, 2011 to 2022, council areas in Scotland.

Source: Scotland's Census 2022

The 65 and over age group as a proportion of the population, 2022, council areas in Scotland



The 65 and over age group as a proportion of the population, 2022, council areas in Scotland.

Source: Scotland's Census 2022



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**ARGYLL AND BUTE COUNCIL****ENVIRONMENT, DEVELOPMENT AND  
INFRASTRUCTURE COMMITTEE****DEVELOPMENT AND ECONOMIC  
GROWTH****30 NOVEMBER 2023**

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**ARGYLL AND BUTE HOUSING EMERGENCY – PROGRESS REPORT**

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**1.0 EXECUTIVE SUMMARY**

- 1.1 In June 2023 the Council's Environment, Development and Infrastructure (EDI) Committee declared a Housing Emergency due to a consistent reduction in supply of housing, a steady increase in demand for housing across all tenures and increasing levels of un-affordability.

The Committee approved the following:-

- The intention to update the Local Housing Strategy
- The intention to hold an Argyll and Bute housing summit together with relevant stakeholders in the Autumn of 2023
- Note the operational officers group will explore and develop a series of options that will be brought forward to Members for consideration as and when developed.

- 1.2 This report is to update EDI Committee on progress towards these intentions and generally tackling the Housing Emergency.

- 1.3 A wide range of activity has been progressing including arranging a Housing Summit for November, draft revisions to the Local Housing Strategy Update, actions of the Officer Housing group, focusing initially on exploring release of Council Assets suitable for housing, liaison with National House Builders, exploring facilitation of constrained sites, partnership working with RSLs, improving the evidence base to justify innovation and intervention, working to secure Rural Housing Body Status, refining HOMEArgyll letting policy, exploring changes in the land use planning system; developing worker housing, and re-evaluation of the ex- Council Stock buy-back scheme.

**RECOMMENDATION**

Members of the Environment, Development and Infrastructure Committee are asked to:-

- i. note and consider the activity and progress that is ongoing in pursuing the EDI Committee approved intentions and generally seeking to address the Housing Emergency.

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**ARGYLL AND BUTE COUNCIL**

**ENVIRONMENT, DEVELOPMENT AND  
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**DEVELOPMENT AND ECONOMIC  
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**ARGYLL AND BUTE HOUSING EMERGENCY – PROGRESS REPORT**

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**2.0 INTRODUCTION**

- 2.1 In June 2023 the Council's EDI Committee declared a Housing Emergency due to a consistent reduction in supply of housing, a steady increase in demand for housing across all tenures and increasing levels of un-affordability.
- 2.2 This Committee approved a range of actions and this report is to update the EDI Committee on progress towards these intentions and generally tackling the Housing Emergency.

**3.0 RECOMMENDATIONS**

Members of the Environment, Development and Infrastructure Committee are asked to:-

- i. note and consider the activity and progress that is ongoing in pursuing the EDI Committee approved intentions and generally seeking to address the Housing Emergency.

**4.0 DETAIL**

**A HOUSING EMERGENCY**

- 4.1 In June 2023 the Council's EDI Committee declared a Housing Emergency due to a consistent reduction in supply of housing, a steady increase in demand for housing across all tenures and increasing levels of un-affordability.

The Committee approved the following:-

- The intention to update the Local Housing Strategy
- The intention to hold an Argyll and Bute housing summit together with relevant stakeholders in the Autumn of 2023

- Note the operational officers group will explore and develop a series of options that will be brought forward to Members for consideration as and when developed.

4.2 This report is to update EDI Committee on progress towards these intentions and generally tackling the Housing Emergency.

#### **The intention to update the Local Housing Strategy**

4.3 There is a statutory requirement for the Council to produce a Local Housing Strategy(LHS). The current LHS covers the period 2022-2027. There is also a requirement to provide annual updates on the progress towards the targets set in the LHS. On September 19<sup>th</sup> 2023 the draft annual update was reported to the Strategic Housing Forum which is the Housing Market Partnership required to be in place to scrutinise the LHS process. The draft annual update highlights some of the new issues which have come to the fore; particularly the need to address issues in the private sector supply of speculative new build housing, and the need to consider the requirements for regulation of the existing private stock and its use, particularly second homes and holiday lets.

4.4 The final LHS update will be produced for February 2024 EDI Committee with a summary feedback from the housing summit. A more detailed report on outputs will follow later, and subsequently the intention will be to amend the LHS Action Programme with any identified actions coming from the Housing Summit or other work. This is likely to be May 2023.

#### **The intention to hold an Argyll and Bute housing summit together with relevant stakeholders in the Autumn of 2023**

4.5 The summit will take place on 27<sup>th</sup> November at the Scottish Association for Marine Science (SAMS) buildings at Dunbeg. The Council has appointed Arneil Johnston consultants to assist with the organisation and delivery of the event. Initial discussions have taken place with the consultants and 4 broad themes have been proposed:-

- Enabling the delivery of more market homes in Argyll and Bute
- Enabling the delivery of more affordable homes in Argyll and Bute
- Enabling the delivery of homes for Argyll and Bute's workforce
- Making the best use of existing homes in Argyll and Bute

4.6 Within the themes there will be a focus on topics such as tackling the homeless crisis, dealing with the skills shortage in the construction industry, encouraging the private sector to build housing in Argyll and Bute, effective procurement methods, tackling ineffective housing stock in the local authority area and the summit will also explore the construction methods available to deliver housing.

4.7 The following activities were planned in preparation for the event:-

- A questionnaire has been issued to the public to get their up to date views on the housing situation in Argyll and Bute;
- A questionnaire has been issued to businesses to gather up to date views on the housing situation in Argyll and Bute in relation to business sustainability and expansion; and
- Pre-summit themed Teams meetings have taken place with stakeholders within organisations who will be attending the event to ensure that the summit will have a clear focus on solutions to assist alleviate the current housing emergency.

4.8 Speakers are still being finalized but are likely to include Shelter, Homes for Scotland and or the House Builders Federation, Scottish Futures Trust & HIE.

**Note the operational officers group will explore and develop a series of options that will be brought forward to Members for consideration as and when developed.**

4.9 The Officers Group which has been set up within the Council to assist in tackling the housing emergency has been meeting on a regular basis throughout 2023. The early focus has been on Council owned assets and exploring how they could be used to assist in tackling the housing emergency. The group also has a remit to discuss Council interventions which could assist partners to deliver housing in the local authority area.

4.10 Key actions which have been undertaken or are in progress include:

- The lease of a Council owned 2 bedroom property in Fionnphort, Mull to the Mull and Iona Community Trust (MICT) for the purpose of creating worker accommodation. 2 workers now occupy the property – one worker employed by Historic Environment Scotland and one worker employed by National Trust Scotland;
- A Council owned flat in Tobermory has been brought back into use for the Education department;
- Ironsides Farrar have been appointed to undertake initial site investigations of Council owned sites at Balemartine, **Tiree**, Crossapol, **Tiree**, Arinagour, **Coll**, Killarow House, Bowmore, **Islay** and the Hermitage Primary School Annex, **Helensburgh** with a view to enabling housing delivery on these sites; and
- Exploring options for alternative use of office buildings surplus to requirements in **Oban**.

4.11 The Council are being supported by an Officer from HubNorth to develop business cases for some of these potential proposals. RSLs have expressed interest in the small island sites which are being investigated.

#### **National House Builder Liaison**

4.12 Meetings have been held with representatives of National House builders to discuss their strategic plans and what opportunities there are to unlock development and how the Council can assist.

### **Facilitating Existing Constrained Housing Sites**

- 4.13 Examining potential to tackle infrastructure impediments in Oban, Helensburgh and Cardross housing sites which could involve Council intervention through land acquisition and or delivery of infrastructure utilising the Housing Infrastructure Fund.

### **RSL Partnership Working To Deliver Housing Land**

- 4.14 The Council is working with RSLs to unlock new housing development sites and lever in funding. The Council has approved the potential use of CPO powers to assist deliver of site assembly at unsafe buildings on Clyde Street, Helensburgh and ACHA would potentially re-develop. Fyne Homes / the Council and HES are working to unlock Rothesay Academy site. West Highland are exploring potential delivery at Loch Awe. The Council is working with RSL partners on many other sites as explained in the Council's Strategic Housing Investment Plan.

### **Establishing Better Evidence For Decision Making:**

- 4.15 A Community Planning Survey is being carried out as part of the work to refresh the Local Outcome Improvement Plan. A survey of local residents has already identified that Housing is seen as the second priority behind improved transportation for our communities. An in depth sample follow up survey has been designed focusing on Islay as an example of an area with high demand and affordability issues. It will seek to identify further detailed understanding of the views of this group of people and particularly their views about potential actions and interventions the Council may consider.
- 4.16 Consultants are due to complete specialist legal, planning and chartered surveyor specialist advice regarding the application of occupancy controls through different legal mechanisms. This will support any potential choice to apply requirements for housing to be restricted to primary occupancy as opposed to holiday homes or short term letting, and or other obligations in terms of local key workers and or affordability.
- 4.17 Consultants are surveying our Island populations, and analysing the Island private housing market to establish a clear definition and identification of Market Failure. This will be a crucial piece of evidence which the Council will need to rely on if, in identifying potential future interventions in the housing market, it chooses to use the Council's Wellbeing Powers. This might be for example if the Council builds market housing for sale as is proposed by the Rural Growth Deal Housing Pilot.
- 4.18 Officers have worked in collaboration with other Local Authorities, Scottish Futures Trust and Brodies LLP to explore the potential options for Council interventions in the private housing market, the circumstances and mechanisms which may be appropriate, and the foundations which need to be put in place to minimise risk and comply with legislation.

### **Rural Housing Body Status**

- 4.19 The Council applied to Scottish Government for Rural Housing Body Status at the beginning of 2023. Scottish Government have carried out in partnership with the Council's Housing Service an impact assessment of the proposal. This involved surveying local stakeholders that might be affected.
- 4.20 Scottish Government has indicated the Council should be awarded Rural Housing Body status on 29<sup>th</sup> November 2023. Doing so gives the Council the ability to apply Rural Housing Burdens to properties it has constructed, purchased, or consented. This will be another potential important tool, particularly in ensuring the affordable homes remain affordable homes in perpetuity. Rural Housing Burdens can be used to introduce property burdens that will ensure property remains in use for its intended use. The intended use could be a range of affordability and or occupancy criteria. Officers will explore in more detail proposals for how these Burdens might be used in a way which best contributes to tackling the Housing Emergency and will report these to Council for approval.

### **Home Argyll Changes**

- 4.21 In September, Council approved changes to the HOMEArgyll common allocations policy. The changes were proposed in response to the Housing Emergency and in partnership with RSLs.
- 4.22 It is hoped the reduction in offers for 200 point housing applications will streamline and accelerate the process of finding permanent tenancies particularly for homeless applicants. The changes also allow for flexibility in the allocations policy where there are particular pressures identified and particularly this will allow the allocation of two bedroom properties to single person households in areas of high pressure including Lorn and Helensburgh.
- 4.23 The Council has also requested that the HOMEArgyll partners increase from 50 to 60%, the proportion of allocations to homeless applicants in times where the Council has been forced to use unsuitable temporary accommodation.

### **September PPSL Report**

- 4.24 A report was presented to September PPSL outlining the areas where the Land Use Planning Framework might be reviewed to contribute to tackling the Housing Emergency. ([SEPT PPSL DRAFT HOUSING ISSUES v0.2.pdf](#) ([argyll-bute.gov.uk](http://argyll-bute.gov.uk))). The report recommended the following actions:
- Officers explore the options for designation a short-term let control area/s for all, or parts of the planning authority's area and report back to PPSL;
  - Officers prepare a Technical Planning Note in support of NPF4 and LDP2, providing updated guidance on affordable housing delivery

including its retention in perpetuity and accommodating key workers for consideration by Members; and

- Officers prepare a draft Technical Note in support of NPF4 and LDP2, that will provide guidance on how we ensure housing is delivered to meet the local housing need as identified by the Housing Needs and Demand Analysis, including potential occupancy restrictions for consideration by Members.

### **Tobermory Worker Housing**

- 4.25 The Council has submitted a planning application for 12, 2 bedroom cottage flats on a site owned by the Council at Rockfield Road, Tobermory. The intention is to develop the road and infrastructure for this site utilising Rural and Islands Infrastructure funding as a first phase of development during the summer of 2024. The second phase, funded through the Rural Growth Deal, will be to develop the first block of four 2 bedroomed flats, which will be used as worker accommodation. The Council is working in partnership with MIGHT and it is the intention MIGHT will act as managers of the premises.

### **Buy Back Scheme Re-Evaluation**

- 4.26 Along with RSL Partners the Council have been operating a buy back scheme which facilitates the purchase of ex-social housing and its return to RSL use. This is funded by Scottish Government, however operation of the scheme has shown the grant levels do not match the average purchase prices experienced in much of Argyll and Bute for this type of property. Discussion with Scottish Government has resulted in an amendment to understanding of the funding regime such that no maximum ceiling purchase price will be applied. It will be open to RSLs to make a case to justify why any proposed purchase price is justified in terms of the realities of the local housing market prices, and the need and demand in that area. This has the potential to make this scheme significantly more popular and effective.

### **Resource**

- 4.27 Following the declaration of the Housing Emergency, the Housing Group has met, and officers continue to work at speed to explore and develop the potential interventions that have been requested. There is an emerging need for the Council to be more consistently proactive in its approach to facilitating housing sites both affordable and private and to develop innovative proposals in sufficient detail to enable their robust justification. The existing resources of the Services involved are not able to move these forward at the speed required by the Housing Emergency. It is suggested that the allocation of a Project Officer will assist in accelerating progress and this is addressed in another paper on the EDI agenda.

### **Settlement Project Support Officer**

- 4.28 The Council's Settlement Project Support Officer has been undertaking a range

of works following approval from the Environment, Development and Infrastructure Committee on 31 August 2023 and an update report has been prepared for the Environment, Development and Infrastructure Committee on 30 November 2023. Going forward, the Settlement Project Support Officer will be looking at a wider scope of work including issues relating to the Housing Emergency declared by the Council, and will be assisting the coordination of works with the Project Officer for housing. Future reports of a housing nature will include works of the Settlement Project Support Officer.

## **5.0 CONCLUSION**

5.1 Since the Council's declaration of a Housing Emergency, considerable activity has been focused on exploring new methods and solutions to tackle the housing shortages, and to bring renewed focus to delivering business as usual. A Housing Summit has been arranged. Research has been commissioned. Policy changes are being discussed and agreed. Housing site delivery and overcoming impediments to delivery is being prioritized. Many of these actions are preliminary actions and officers will report further progress once the Housing Summit has been hosted and further information and consultation has been collected.

## **6.0 IMPLICATIONS**

- 6.1 Policy – The ongoing activity is consistent with current Council priorities and the Local Housing Strategy vision and outcomes which are directly aligned with the overarching objectives of the Outcome Improvement Plan, in particular Outcome 2 – we have infrastructure that supports sustainable growth.
- 6.2 Financial – None directly arising from this report but future housing delivery actions will require additional funding at some stage from the council and our partners if delivery is to be accelerated.
- 6.3 Legal – None.
- 6.4 HR – None.
- 6.5 Equalities (Fairer Duty Scotland) – The activity outlined in the report is consistent with aims and objectives set out in the local housing strategy, which is subject to an EQIA.
- 6.5.1 Equalities – Protected Characteristics – There are targets set within the SHIP to deliver housing which meet the needs of specialist groups.
- 6.5.2 Social-Economic Characteristics – The delivery of affordable housing across Argyll and Bute facilitates socio-economic opportunities for all. The SHIP links with the Child Poverty Strategy.



- 6.5.3 Islands – The delivery of affordable housing across Argyll and Bute facilitates socio-economic opportunities for all. The SHIP links with the Child Poverty Strategy.
- 6.6 Risk – The Housing Needs and Demand Assessment process takes full account of housing need on the islands.
- 6.7 Climate Change – New housing in the right location helps reduce carbon outputs particularly when heating is provided using renewable energy and utilizing high standards of insulation which can also be applied to existing stock.
- 6.8 Customer Service – None.

**Kirsty Flanagan, Executive Director with Responsibility for Development and Economic Growth**

**Councillor Robin Currie, Policy Lead for Strategic Development**

October 2023

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**ARGYLL AND BUTE COUNCIL****ENVIRONMENT, DEVELOPMENT AND  
INFRASTRUCTURE COMMITTEE****DEVELOPMENT AND ECONOMIC  
GROWTH****30 NOVEMBER 2023**

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**HOUSING EMERGENCY – PROJECT OFFICER RESOURCE**

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**1.0 INTRODUCTION**

- 1.1 Following the declaration of the Housing Emergency, the Housing Group has met, and officers continue to work at speed to explore and develop the potential interventions that have been requested. There is an emerging need for the Council to be more consistently proactive in its approach to facilitating housing sites both affordable and private and to develop innovative proposals in sufficient detail to enable their robust justification. The existing resources of the Services involved are not able to move these forward at the speed required by the Housing Emergency. It is suggested that the allocation of a Project Officer will assist in accelerating progress.

**2.0 RECOMMENDATION**

Members of the Environment, Development and Infrastructure Committee are asked to:-

- i. agree and recommend to the Policy and Resources Committee that the Council recruit a Project Officer to assist in accelerating the work of the Housing Emergency with funding for this post to be drawn down from the Council's Priorities Investment Fund.

**3.0 DETAIL**

- 3.1 Following the declaration of a Housing Emergency, the Housing Group has met and officers continue to progress the work proposed in the Environment, Development and Infrastructure (EDI) Committee.
- 3.2 As a result of the Housing Emergency an increased focus is being applied to all matters which will assist accelerated delivery of improved housing options within Argyll and Bute, and this work is very broad ranging in scope. In addition, given the known difficulties in delivering the current housing land supply within the two main settlements of Oban and Helensburgh, it is likely to get more challenging.
- 3.3 There is a need for the Council to be more consistently proactive in its approach to facilitating housing sites, both affordable and private. The Council has

previously only undertaken such action sporadically, Dunbeg Kirk Road Improvement being an example. This proactive approach is necessary both because of the increasing costs and complexities of development, and the pressures the housing system is under. To do so consistently, at scale and at speed is beyond the existing staff resources of the services likely to be involved (Planning, Roads, Estates, Legal Services).

- 3.4 Immediate interventions are the proactive facilitation of existing potential housing sites through acquisition of land and provision of road improvements via potential Compulsory Purchase Order (CPO). Some housing sites exist which have already been extensively considered and explored and it is likely that the only feasible solution for each is through the CPO route.
- 3.5 The sites have planning support in principle for the delivery of housing and have been identified in various ways within our LDP and SHIP. The two sites in Oban also have notional allocations of HIF funding from Scottish Government to pay for the infrastructure improvements. Given the housing emergency, there is a fairly solid policy argument to justify pursuing a CPO route, albeit it will need to be twin tracked with ongoing discussion with the developers and landowners. However in order to pursue this it is first necessary to establish with more detailed design work that the proposed outline solutions are physically deliverable before the Council can be requested to make a firm decision to pursue a Compulsory Purchase Order (CPO) route, and to consider the legal process in order to establish that we have laid the necessary justification. This work can reasonably be initiated now but will require resources to pursue it.
- 3.6 It is requested that a Project Officer be appointed to concentrate on developing these matters in the first instance. The Project Officer would likely be, though not necessarily, a property professional (Surveyor / Planner / Engineer), preferable with experience of bringing forward development sites and or delivering CPOs or other land assembly exercise. If this is a temporary post it is suggested 3 years as a minimum will allow progress on some of the substantive issues. An LGE11/12 grade is considered appropriate, along with supporting budget for laptop/phone/travel, a budget of £200,000 would be required. In addition it is anticipated that there may be subsequent requests for research & capital costs as the various projects are developed, but at present there is insufficient detail to estimate these. This could be substantial depending on what works are prioritised and funding cannot be sourced elsewhere i.e. spend to save; RGD; Scottish Government and Strategic Housing Fund.
- 3.7 The continuing work of the Housing group will additionally generate numerous other work streams to support potential radical interventions in the short to medium term and the proposed Project Officer can be utilised to contribute to / lead some or all of these. Some options include:
  - Exploring a Council buy back and resale scheme of second homes or holiday lets which come to the market, adding a primary occupancy burden before re-sale, thus directly bringing properties back in to residential use. This could capitalize on the potential effect of short term licensing, the introduction of

planning control areas, and potential changes to the Council tax and NDR regimes.

- Facilitating private new build sites through purchase (and re-sale) or underwriting private units for sale, or delivering infrastructure: Craignure; Port Ellen, Bowmore Masterplan, and Dunbeg.
- Developing a Council civils contracting arm available to plug the gap in the local contractor market.
- Supporting specific research for Strategic Land Identification at scale near Oban & Helensburgh. PLDP2 commits us to deliver the OSDF and HSDF to identify land for growth for the next 20-40 years. Work has started in the planning policy team but will require support and funding to carry out specialist research (transport assessments, infrastructure and junction feasibilities, Flood Studies etc...). Collectively these studies will be looking to identify land for as much as 4000 units which would create the scale to justify strategic infrastructure investment (subject to separate project mandate submission).

#### **4.0 CONCLUSION**

- 4.1 Work is underway at pace by the Housing Group, as required by ELT and the declaration of a Housing Emergency. There is a need for a more consistent proactive approach to facilitating both private and affordable housing development and to continue to investigate and develop the innovative interventions that are expected, in adequate detail to robustly justify their recommendation. The existing resources of the Services involved are not able to move these forward at the speed required by the Housing Emergency, and it is suggested the allocation of a Project Officer will assist in accelerating progress funded from the Council's Priorities Investment Fund.

#### **5.0 IMPLICATIONS**

- 5.1 Policy – The ongoing activity is consistent with current Council priorities and the Local Housing Strategy vision and outcomes which are directly aligned with the overarching objectives of the Outcome Improvement Plan, in particular Outcome 2 – we have infrastructure that supports sustainable growth.
- 5.2 Financial – The post and supporting budget will cost £200,000 over a 3 year period with a recommendation that this is funded from the Council's Priorities Investment Fund.
- 5.3 Legal – None.
- 5.4 HR – Creation of a temporary post for a period of 3 years.
- 5.5 Equalities (Fairer Duty Scotland) – The activity outlined in the report is consistent with aims and objectives set out in the local housing strategy, which is subject to an EQIA.

- 5.5.1 Equalities – Protected Characteristics – There are targets set within the SHIP to deliver housing which meet the needs of specialist groups.
- 5.5.2 Social-Economic Characteristics – The delivery of affordable housing across Argyll and Bute facilitates socio-economic opportunities for all. The SHIP links with the Child Poverty Strategy.
- 5.5.3 Islands – The delivery of affordable housing across Argyll and Bute facilitates socio-economic opportunities for all. The SHIP links with the Child Poverty Strategy.
- 5.6 Risk – Takes longer to progress with interventions to deal with the Housing Emergency.
- 5.7 Climate Change – The Council is committed to working towards net zero.
- 5.8 Customer Service – None.

**Kirsty Flanagan, Executive Director with Responsibility for Development and Economic Growth**

**Councillor Robin Currie, Policy Lead for Strategic Development**

October 2023

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**ARGYLL AND BUTE COUNCIL****ENVIRONMENT, DEVELOPMENT AND  
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**HELENSBURGH WOODEN PIER - UPDATE**

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**1.0 INTRODUCTION**

- 1.1 This report provides the Environment, Development and Infrastructure Committee with an update following the decision to remove Helensburgh Wooden Pier from the project options within the Rural Growth Deal Tourism and Place Programme.

**2.0 RECOMMENDATIONS**

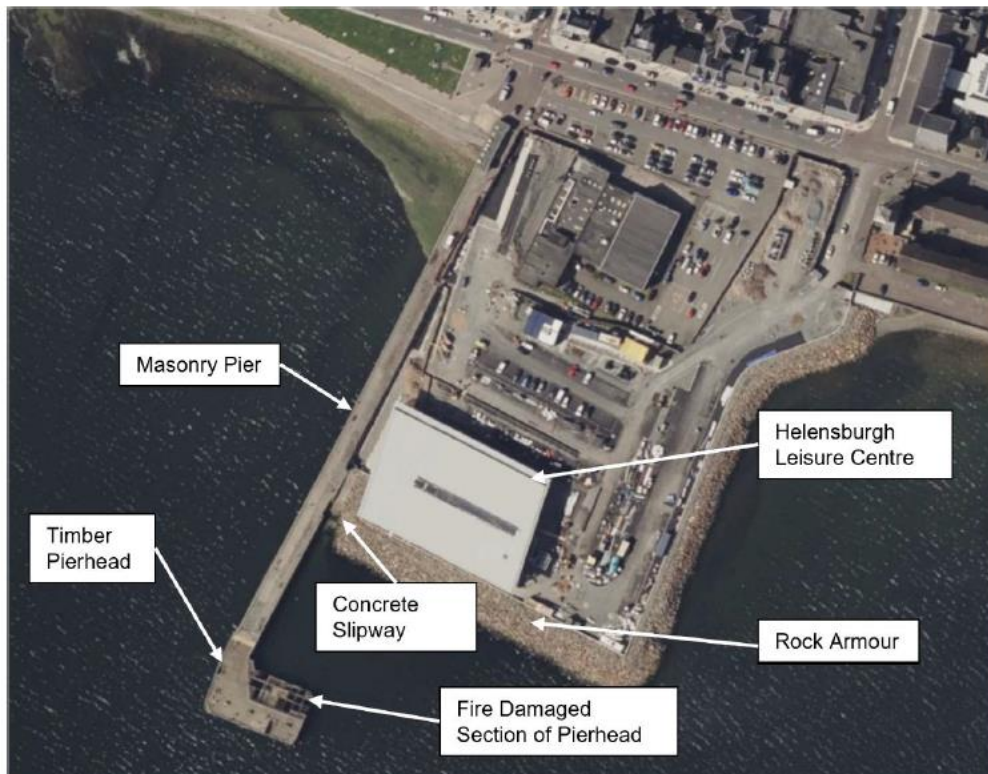
- 2.1 It is recommended that the Environment, Development and Infrastructure Committee:-
- a) Accept the Consultants findings, particularly that a berthing facility at Helensburgh Pier cannot be operated on a revenue neutral basis, particularly where long-term capital replacement costs are accounted for, and that officers will no longer devote resources to pursuing a Council funded berthing facility; and
  - b) Agrees that the Head of Development and Economic Growth engages with Helensburgh Community Council and any other appropriate community group(s) who may express a wish to pursue options, including a potential asset transfer of Helensburgh Wooden Pier.

**3.0 DETAIL**

- 3.1 Helensburgh Pier is a masonry structure with a timber extension, projecting 245m from the shoreline. It is a Grade C listed structure however, lack of operational use and vandalism has resulted to a deterioration of the condition of the pier and the berth at the pier head has also been subject to siltation. This culminated in the Council issuing a 'Notice to Mariners' in October 2018 advising that the pier is closed to all vessels.
- 3.2 Helensburgh waterfront has been a significant focus of regeneration activity in recent years, culminating in the opening of the new £25 million leisure centre and associated public realm improvements in September 2022. The leisure

centre development completed the long-running programme of regeneration of the esplanade, creating an attractive waterfront, which complements the wide range of independent, and chain retail and leisure facilities in the town.

- 3.3 **Figure 3.1** below, presents an overview of Helensburgh Pier and surrounding structures.



**Figure 3.1:** Helensburgh Pier Overview.

**STANTEC MARKET SCOPING STUDY**

- 3.4 The Council’s Rural Growth Deal Programme Management Office (RGD PMO) were asked to consider redevelopment of Helensburgh Wooden Pier as part of the emerging RGD “Tourism – Creating a World Class Visitor Destination” programme. In particular, the feasibility of constructing a commercial pontoon / berthing facility to replace the current Wooden Pier head.
- 3.5 Argyll & Bute Council (A&BC) commissioned Stantec UK Ltd and partners Mott MacDonald to undertake a market scoping study exploring the market for using Helensburgh Pier and the design and costs of different options for upgrading the structure. The study is attached in the following link [Helensburgh Pier - Market Scoping Study](#)
- 3.6 The purpose of Stantec’s scoping study was to identify whether there was a case for developing a more comprehensive business case for public sector investment in a commercial berthing facility at Helensburgh Pier, building on initial work by members of the local community. This included desk-based



research and 16 stakeholder interviews to determine the extent of the prospective market across key sectors.

3.7 The study considered the construction of a pontoon facility that would extend 100m in a south-south-west orientation (the same as the existing masonry pier) with a 41m access gangway in order to comply with the Equality Act (2010). A dredged channel would likely be required to allow vessels to navigate onto the pontoon berths at all states of the tide.

3.8 The following organisations took part in stakeholder interviews and research:-

- Argyll & Bute Council
- Destination Helensburgh
- European Cruise Services
- Firth of Clyde Boat Tours
- Glasgow City Boats
- Greenheart Wood Traders
- H.M Naval Base Clyde
- King’s Harbour Master
- Loch Lomond & the Trossachs National Park
- Northern Lighthouse Board
- Peel Ports Limited
- Transport Scotland
- Visit Scotland
- Waverley Excursions
- You & Sea

3.9 Stantec considered a number of key user groups and a summary of key points relating to each user group is below-

User Group	Key points:
<b>Ferry</b>	<ul style="list-style-type: none"> <li>• There is absence of demand for a ferry service to use the Pier which would give a regular source of revenue income to support the running costs of redeveloped facility</li> <li>• Transport Scotland have discounted the option of establishing a cross-Clyde ferry service as part of STPR2.</li> <li>• HMNB Clyde have ruled out the possibility of ferry transport for staff from HMNB Clyde to Helensburgh Town Centre.</li> </ul>
<b>Cruise</b>	<ul style="list-style-type: none"> <li>• Large cruise liners dock at Greenock and prefer to use coaches to transport passengers to attractions and towns. Tendering is not seen as an attractive option for cruise ships due to resources required.</li> <li>• Limited demand from smaller domestic cruise ships at “bookends” of season. Demand would be insufficient to cover operational costs.</li> </ul>
<b>Marine Leisure</b>	<ul style="list-style-type: none"> <li>• The Firth of Clyde is well served by commercial marinas, a number of which are in close location to Helensburgh. There is a significant risk that if a berthing facility were to be developed by Argyll and Bute Council, there would be a risk of market distortion and</li> </ul>

	potential non-compliance with Subsidy Control Regulations.
<b>Tours/Excursions</b>	<ul style="list-style-type: none"> <li>• There is limited demand from operators such as PS Waverley however due to not-for-profit status, they do not pay dues at Council ports.</li> <li>• The limited demand would be seasonal and would therefore not provide a regular revenue stream.</li> </ul>
<b>Operational Vessels</b>	<ul style="list-style-type: none"> <li>• This user group have well established facilities currently in place and would be unlikely to use a redeveloped facility with any regularity therefore could not be relied on to provide a revenue stream.</li> </ul>

#### 4.0 CAPITAL COSTS OF A NEW BERTHING FACILITY

4.1 Stantec and Mott MacDonald considered high-level costs associated with a number of development options at Helensburgh Pier, which are detailed in the Market Scoping Report. Stantec considered four high level options for redevelopment with costs ranging between £517,500 for a lighter touch scheme to £3m for a scheme which would bring the wooden pier back into operational use. Further details are set out in **Table 4.1** below:-

**Table 4.1 – Helensburgh Pier Cost Estimates**

Option	Estimated CAPEX	Estimated Capital Dredging Costs	Allowance for design and consents (15%)	Total
<b>Option 1:</b> Demolish timber pierhead and make good end of masonry pier	£750,000	-	£112,500	<b>£862,500</b>
<b>Option 2:</b> Remove damaged section of timber pier and make good remaining	£450,000	-	£67,500	<b>£517,500</b>
<b>Option 3:</b> Remove damaged section of timber pier and repair / upgrade timber pierhead for re-use	£950,000	£1,675,000	£393,750	<b>£3,018,750</b>
<b>Option 4:</b> Remove timber pierhead and construct new pontoon facility	£2,050,000	£250,000	£345,000	<b>£2,645,000</b>

4.2 Capital costs of a new berthing facility would be in excess of £2.6m and it is anticipated that a functional berth would accrue operational costs of circa £100k per annum to cover staff costs, insurances, inspections and overheads such as power, lighting and service charges. This figure does not include an allowance for capital replacement or uninsured accidental damage, for which it is recommended that 20% of income is set aside in a bond / contingency fund.

4.3 On the basis of the costs identified and the lack of a regular, year round user such as a ferry service, it is considered unlikely that **a berthing facility at Helensburgh**

**Pier could be operated on a revenue neutral basis, particularly where long-term capital replacement costs are accounted for.**

- 4.4 The Rural Growth Deal Programme Board made the decision in May 2023 to remove Helensburgh Pier from consideration for funding under the “Tourism – Creating a World Class Visitor Destination” Theme of the RGD and re-profile funding to other projects. It is considered unlikely that a berthing facility at Helensburgh would satisfy the requirements of a Treasury 5 business case and as such, it will not be possible for this project to be considered for RGD funding. RGD tourism funding will now focus on the Rothesay Pavilion and Kintyre Seaports projects. This decision was endorsed by the Councils Policy & Resources Committee in August 2023.

## **5.0 CONCLUSIONS**

- 5.1 The Environment, Development and Infrastructure Committee are asked to note that there remains an aspiration from a sub-group of Helensburgh Community Council to replace the current wooden pier with a berthing facility.
- 5.2 On the basis of the costs identified and the lack of a regular, year round user such as a ferry service, it is considered unlikely that a berthing facility at Helensburgh Pier could be operated on a revenue neutral basis, particularly where long-term capital replacement costs are accounted for. As such, at present, a viable business case cannot be made for a commercial berthing facility in Helensburgh.

## **6.0 IMPLICATIONS**

- 6.1 Policy – Helensburgh Wooden Pier was considered during the options appraisal process for the Rural Growth Deal.
- 6.2 Financial – It is unlikely that a berthing facility at Helensburgh Pier could be operated on a revenue neutral basis.
- 6.3 Legal – Subsidy control implications would require to be considered for a berthing facility at Helensburgh Pier.
- 6.4 HR – None at present.
- 6.5 Fairer Scotland Duty:
- 6.5.1 Equalities - protected characteristics – Equality Impact Assessments would be required as part of any future project proposals.
  - 6.5.2 Socio-economic Duty – This would require to be considered as part of future business cases.
  - 6.5.3 Islands – No impact.

- 6.6 Climate Change – Environmental impact assessments might be required for future redevelopment schemes at Helensburgh Pier, particularly where capital dredging is required.
- 6.7 Risk – Risk associated with further deterioration of Helensburgh wooden pier sits with the Council.
- 6.8 Customer Service – None at present.

**Kirsty Flanagan, Executive Director with responsibility for Development and Economic Growth**

**Policy Lead for Strategic Development: Councillor Robin Currie**

November 2023

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**ARGYLL AND BUTE COUNCIL****ENVIRONMENT, DEVELOPMENT AND  
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SERVICES****30 NOVEMBER 2023**

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**WASTE UPDATE**

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**1.0 INTRODUCTION**

- 1.1 This report provides an update on a number of waste related matters, which include meetings held with the Scottish Environment Protection Agency (SEPA) on 4 October 2023 and with Scottish Government (SG) Officials on 6 October 2023 regarding the Waste PPP contract.
- 1.2 Council officers have been planning for the introduction of the guidance relating to Persistent Organic Pollutants (POPs) which are found within Waste Upholstered Domestic Seating (WUDS). SEPA released their guidance relating to disposal of these items on 31 October 2023.
- 1.3 The Council has been successful in securing funding from the Recycling Improvement Fund to support improvements to recycling infrastructure on Council operated Civic Amenity/ Landfill sites.
- 1.4 Argyll and Bute Council's (ABC) Officers have engaged with Zero Waste Scotland (ZWS) which links directly to the Council's Waste Strategy and provides information on the Circular Economy Bill and high level implications to the authority, as well as the offer of officer support from Zero Waste Scotland to progress matters relating to the Biodegradable Municipal Waste Ban to Landfill, this is inclusive of an options appraisal and a composition analysis, detailed further in section 3.4.

**2.0 RECOMMENDATIONS**

- 2.1 It is recommended that Members of the Environment, Development and Infrastructure Committee:-
- i. Consider and note the update regarding meetings held with SEPA on the Waste PPP contract;
  - ii. Note that officers will conclude conversations which are ongoing regarding the derogation and will bring a further report to the next meeting of this Committee for a decision on the way forward for the Council;
  - iii. Consider the update regarding Persistent Organic Pollutants and note the date of implementation of compliance with SEPA mandatory guidance as 1 November 2023;

- iv. Note the bid to the Recycling Infrastructure Fund and officers' achievement in successfully securing funding for improvements;
- v. Note the officer support offered by Zero Waste Scotland; and
- vi. Consider the detail provided in this report regarding the Circular Economy Bill.

### **3.0 DETAIL**

#### **3.1 Waste PPP**

- 3.1.1 In December 2022, the Council's Environment, Development and Infrastructure Committee agreed to pursue a derogation from the Scottish Government, from the implementation date of the Biodegradable Municipal Waste Ban of 1 January 2026 to the end of the Council's Waste PPP contract in September 2026.
- 3.1.2 The Council has in place a 25 year Waste PPP contract which ends in September 2026. The Waste PPP contract covers Oban and Lorn, Mid Argyll and Kintyre, Bute and Cowal together with the inner islands.
- 3.1.3 The Scottish Government are due to introduce a Biodegradable Municipal Waste (BMW) landfill ban from the end of December 2025. The last 9 months of the PPP 25 year contract will not be compliant with the new regulation.
- 3.1.4 Argyll and Bute Council is the only Local Authority with a PPP contract, this leaves the authority in a unique situation whereby it is hampered by a 25 year contract which was supported by the Scottish Executive in 2001. To remove itself from the contract has significant financial implications for the authority.
- 3.1.5 A derogation would enable the PPP contract to continue with the Mechanical Biological Treatment (MBT) process until the contract comes to an end in September 2026, this being some 9 months after the BMW ban comes in to place. Note – the islands and Helensburgh and Lomond areas are intended to be BMW compliant from 1 January 2026. Should a derogation not be permitted, the Council are seeking funding for additional costs (circa £1.5M) which would be incurred by the Council in respect of varying the PPP contract from Scottish Government (SG).
- 3.1.6 Council officers met with SEPA Officials to discuss the subject of the derogation from the BMW landfill ban for a 9 month period until the Waste PPP subsists on 2 September 2026. Thereafter, Council officers engaged with SG based upon the SEPA discussion. The following points were discussed:
  - The Council Leader met with the Minister of Green Skills, Circular Economy and Biodiversity supported by the Scottish Government officials and council officers on 26 July 2023.
  - Following the meeting, the Minister confirmed that SG officials had explored opportunities to create a workaround to permit a derogation to be achieved without a change in law and advised Council officers that it would not be possible and that the authority should engage with SEPA;

- Council officers met with SEPA and advised the agency that the Scottish Government (SG) had informed Council officers that they were not in a position to fund the cost associated with not achieving a derogation (circa £1.5M) and the change would require a change in law which they wouldn't be supporting;
- The SEPA meeting was arranged on 4 October 2023 where a request was made to SEPA to allow a derogation until the contract end date in 2026;
- SEPA advised that SEPA's regulatory remit in relation to the BMW ban is clear, and that they were preparing to fully implement the ban in line with the legislation and within their enforcement policy, ultimately informing the Council that they must comply with the BMW ban;
- This information was fed back to SG officials who are going to arrange a follow up meeting with the Council Leader and SEPA senior officials based upon the Council Leaders letter requesting the derogation, no date is set for this meeting yet;
- A subsequent meeting between Council officers and SG officials was due to take place on 13 October 2023 however this is being rescheduled. The meeting will focus on Council officers requesting an update from SG regarding the meeting with the Council Leader and SEPA senior officials.
- On 14 November a strategic meeting took place including the Council Leader, Chief Executive, Executive Director and Head of Service and senior officials from SEPA. At the time of writing SEPA have not confirmed their position regarding the Council's request for a derogation.

3.1.7 Officers continue discussions relating to the derogation as previously discussed at the Environment, Development and Infrastructure Committee and will conclude those discussions with Government officers. Officers from the Council's Waste Service will bring a further update to the next meeting of this Committee to provide detail on engagement with SG, and to ensure the Council have a compliant solution going forward.

## 3.2 Persistent Organic Pollutants (POPs)

3.2.1 SEPA have now confirmed that POPs guidance takes effect from 1<sup>st</sup> November 2023. Council officers have been planning for the processing of POPs material to comply with legislative changes but also to support the three distinct waste models operated by the Council. The changes have seen investment in storage for the material at all Council locations and also changes will be implemented by the Council contractors for the Waste PPP and the H&L Waste model. Summarised below are some points in relation to POPs.

3.2.2 The UK has signed up to Worldwide Environmental Legislation (Stockholm Convention) which bans POPs (above a certain threshold) from landfill.

- The Environment Agency (EA) in England discovered that POPs is contained within fire retardant foam for domestic seating (made prior to 2019), exceeded the threshold for landfill disposal;
- The EA in 2022 wrote to all Councils in England stating that by the end of

2022 waste domestic seating (containing POPs) could no longer be landfilled and instead would have to go to an Energy from Waste (EFW) plant for incineration;

- In 2023, SEPA notified Councils that a similar landfill ban on Waste Upholstered Domestic Seating was likely to come into Scotland during 2023 with draft guidance issued to Councils;
- SEPA notified Councils mid-October that they expected formal guidance to be issued on 31 October 2023 but that they expect Councils and landfill operators to already be in compliance and that the formal guidance will not differ much from the draft;
- SEPA have also indicated that they will expect compliance of not landfilling the material on day 1 (i.e. 1 November 2023) of the formal guidance being issued and will also issue enforcement timescales for non-compliance;
- SEPA formal guidance was issued on 31 October 2023;
- Compliance will incur additional requirements on the Council and its waste disposal contractors which will result in additional costs to the Council. A report highlighting the issue was brought to the August EDI Committee which included a range of costing options;
- At the moment, the mid-range costs estimates of circa revenue £173k per annum and one-off capital costs of £110k, appear to be a reasonable estimate;
- One of the Councils waste disposal contractors is already asking that WUDS items are segregated ASAP to ensure SEPA compliance, this started from 1 November 2023.

3.2.3 Waste Upholstered Domestic Seating typical items containing POPs which have been historically disposed of in landfill and are likely to have to be transitioned to EFW include but are not limited to:-

- Sofas;
- Sofa beds;
- Armchairs;
- Kitchen and dining room chairs;
- Stools and foot stools;
- Home office chairs;
- Futons, bean bags, floor and sofa cushions; and
- Leather, synthetic leather, other fabric and foam.

3.2.4 SEPA wrote to the Council on 17 October 2023 to confirm that their intention was to publish their guidance on 31 October 2023 – a copy of this is attached at **Appendix 1**. SEPA also published information which clearly signposts the regulatory support available to enable operators who currently have a waste management authorisation to continue to store and treat WUDS (Waste Upholstered Domestic Seating) containing POPs whilst working towards full compliance with the requirements outlined in the guidance document.

3.2.5 SEPA's guidance makes it very clear that at the point at which an item of upholstered domestic seating becomes waste (WUDS), it is an offence for it (or any waste arising from its treatment) to be disposed of by landfilling, or in



any other way that is not one of the appropriate disposal routes.

- 3.2.6 Within SEPA's communication on 17 October 2023, SEPA confirmed that whilst it is necessary for Scottish Local Authorities to comply with the landfill ban without delay, SEPA will not take enforcement action in respect of any failure to do so before 31 January 2024.

### 3.3 Zero Waste Scotland (ZWS) – Recycling Improvement Fund

- 3.3.1 Council Officers engage with ZWS in relation to all recycling matters and submitted an application to the Recycling Improvement Fund (RIF) which is managed by ZWS with funding approvals given by Scottish Ministers. In summary, the application was for funding from the Recycling Improvement Fund to support improvements to recycling infrastructure at six Household Waste Recycling Centres (HWRC) on the islands and the Helensburgh and Lomond area. The improvements will increase the quality and quantity of recycle material captured by the Council and provide further re-use opportunities for items deposited at these sites.

- 3.3.2 On 12 October 2023, Zero Waste Scotland confirmed that the Council had been successful in securing funding through the Recycling Improvement Fund, The funding awarded is £891,945.12. A breakdown of the works being undertaken and the timescales of the work are noted within the table which is attached at **Appendix 2**.

### 3.4 Zero Waste Scotland (ZWS) Resource

- 3.4.1 Following discussions between the Council and ZWS, it has been agreed that ZWS will supply technical staff time to Argyll and Bute Council. This will be in the form of up to two days a week to support and the focus will be:

- The preparation for, and completion of recycling and waste management projects, including waste compositional analysis (waste composition analysis is a process of physically separating, weighing and categorising waste and can be used both to determine total amounts of food, loss and waste (FLW) and to categorise the different types of foods that have been discarded (fruits, vegetables, meat) or distinguish between food and inedible parts);
- Options appraisal on recycling – looking at how we better recycle, what options are open to the Council to improve recycling activities with the outcome being the production of a revised Waste Strategy;
- Preparation for the forthcoming ban on landfilling Biodegradable Municipal Waste (BMW);
- Energy from Waste works in liaison with West Dunbartonshire Council.

This support will be for a six month period and commence as soon as the Council have confirmed their agreement. It may be extended subject to agreement on both sides.

3.4.2 This resource is notwithstanding the offer of funding to conduct a waste composition analysis at Moleigh and to support a Council options appraisal once the requirements of the authority are determined. This will be funded by ZWS in this financial year. It should be noted that Moleigh is the only site where there is sufficient space to do this piece of work. ZWS will assist with data templates and other items.

### 3.5 Circular Economy Bill (CEB)

3.5.1 The Circular Economy Bill (CEB) was published on 14<sup>th</sup> June 2023 with its purpose being to move Scotland closer to more sustainable levels of consumption, which aligns with policies on climate change and biodiversity.

3.5.2 In June 2023, Parliament agreed a motion for consideration. The CEB is at Stage 1 of the Scottish Government process. On 28 June 2023, Parliament agreed a motion that consideration of the Circular Economy (Scotland) Bill at stage 1 be completed by 26 January 2024. [S6M-09754 | Scottish Parliament Website](#)

3.5.3 The CEB makes provision for circular economy policy and targets, littering, fly tipping and improving Councils' household waste recycling services. The latter is based in large parts on the Scottish Government previous consultations on a Scottish waste route map "Scotland's circular economy - route map to 2025 and beyond: consultation2". <https://www.gov.scot/publications/consultation-delivering-scotlands-circular-economy-route-map-2025-beyond/>

3.5.4 The Bill requires Scottish Ministers to introduce measures to help develop a circular economy, which includes:-

- Publishing a Circular Economy Strategy;
- Developing Circular Economy Targets;
- Reducing Waste;
- Increasing penalties for littering from vehicles;
- Making sure individual householders and businesses get rid of waste in the right way;
- Improving waste monitoring.

3.5.5 More important to Local Government are the provisions for recycling and enforcement. For household waste, giving local authorities a package of new responsibilities and powers:

- Establishing a new fixed penalty notice procedure and concurrent civil penalty regime for Councils to tackle recycling contamination;
- Requiring Councils to comply with a Code of Practice on recycling;
- Giving powers to Scottish Ministers to set recycling targets for local authorities;

- Deter littering from vehicles by establishing a new civil penalty regime that will make the keeper of a vehicle, rather than an individual, liable to pay a penalty charge in respect of a littering offence committed from that vehicle;
- Deter fly tipping by improving enforcement against fly-tipping and other waste crime through a power allowing the Scottish Environment Protection Agency (SEPA) and Local Authorities to seize vehicles involved in specified waste crime;
- Prevent fly tipping by requiring householders to transfer their waste to an authorised person.

3.5.6 COSLA supports the general policy intent of the CEB to move Scotland closer to a circular economy and sustainable levels of consumption. The Waste Managers Network feed directly into COSLA and the opinions are reflected in responses from COSLA to the SG. Points from the most recent COSLA report are noted below for information:-

- The CEB only sets the framework for the delivery of future waste policy which means that much of the detail, including the full financial implications of the new powers, will not be realised for some years. Household waste recycling in particular will depend on financial decisions made as part of the extended producer responsibility scheme and in future Scottish budgets;
- In general, the measures in the CEB will not be successful unless they are supported by significant new investment;
- Recognition to the co-design of the new Code of Practice and local waste targets with Local Government, this commitment will only be credible if it can be evidenced that there are sufficient resources available to deliver the changes which are necessary;
- This commitment to co-design also does not bind any future Scottish Government to work in this way with Local Government, this is a concern as much of the CEB will not be delivered until long after the next Scottish elections;
- The Bill grants powers to impose targets on Local Authorities without a clear commitment that the investment required to achieve these targets will be fully funded. COSLA believe this is especially problematic as the Scottish Government is also seeking power to impose a liability on a local authority to pay a penalty if a target imposed under the regulations is not achieved. COSLA do not believe that seeking this measure is consistent with the Verity House Agreement signed by the Scottish Government.

3.5.7 The view of officers is that there are a number of risks associated with the Circular Economy Bill in terms of waste management for the Council, the risks are noted below.

- The Council has to comply with a statutory Code of Practice for waste and recycling that results in additional revenue and capital costs;
- Statutory recycling targets are imposed in future which result in fines by the Scottish Government if the targets are not achieved;

- Councils are not resourced with the available staff to carry out the significant number of requirements in the Bill including enforcement staff in relation to the new powers granted to Councils for domestic waste.

#### **4.0 CONCLUSION**

- 4.1 In concluding this report, an update on various meetings held with the Minister, Scottish Government Officials and SEPA, relating to the Council's request for a time limited derogation for the Waste PPP area from 1 January 2026 - September 2026 for the BMW landfill ban which is due to be implemented from 1 January 2026. The Committee agreed, in December 2022, to pursue two options and officers continue to take these forward in tandem.
- 4.2 Officers will continue to monitor and review updates from SEPA regarding Persistent Organic Pollutants and report verbally when the formal guidance has been made available. This report highlights further, the cost implications which will be incurred by the authority.
- 4.3 This report informs the Committee of the commitment made by Zero Waste Scotland and also adds insight into the CEB and raises concerns identified by COSLA.

#### **5.0 IMPLICATIONS**

- 5.1 Policy – The Council's waste strategy will evolve in line with the changes in legislation relating to the BMW ban of waste to landfill. A derogation will be sought, failing a successful response the current Renewi contract will be varied to comply with legislative changes.

The Council's waste strategy will evolve in line with the changes in legislation relating to the Persistent Organic Pollutants.

- 5.2 Financial – Compliance with the 2025 Landfill ban will require financial resource from the Council. As the Scottish Government are initiating the change, Officers will pursue financial support from the Scottish Government for this change to provide a long-term financially sustainable solution. Through lobbying it is our intention to seek to recover any additional costs which have resulted from the changes to legislation, through Scottish Government. However, there remains a risk that funding is not forthcoming.

Implications are prevalent with regard to both revenue and capital expenditure. The best case scenario would see the Council have additional costs of £78,500. The Mid-Range scenario is £173,000 and the worst case costing range is £366,000 of additional revenue costs. The three costs ranges also have capital expenditure implications which are approx. £110,000 this would be a one off cost. Based upon the three scenarios the mid-range estimates seem most likely.

The Council have received funding from the Recycling Improvement Fund of £891,945.12 to support improvements to recycling infrastructure.

- 5.3 Legal – The existing PPP contract was not designed or written to accommodate the changes that the 2025 legislation will require. The contract allows variations to be made although the process is quite cumbersome. There will be legal implications, which will need to be resolved, relating to a contract variation regarding the derogation and/or changes in Renewi's contract.

Based upon the initial information provided by COSLA, the Council will be given additional powers for enforcement and to deter waste crime. Councils will have to comply with the Code of Practice on recycling. The introduction of the CEB applied targets to local authorities, liabilities and penalties are also notable.

- 5.4 HR – HR issues will be addressed prior to and during the process of contract handback. Having sufficient resource will factor into the project demands of waste management. TUPE will be relevant at the handback and during the process of progressing to handback should the Council operate the sites themselves.

HR issues may have relevance due to insufficient resource being available should the CEB changes be enforced upon the Council. Additional resources are being provided by ZWS, however this is only for two days per week, for a six month period.

- 5.5 Fairer Scotland Duty:

5.5.1 Equalities – None.

5.5.2 Socio-economic Duty – None.

5.5.3 Islands – There may be potential ferry capacity issues for bulking and transporting waste material from islands, this has been flagged to Transport Scotland.

- 5.6 Climate Change – Transitioning from Landfill to Energy from Waste would result in a reduction in the annual quantity of Greenhouse Gas Generated in Argyll and Bute. However, the additional road miles incurred taking waste to EFW markets will partly offset the carbon reductions achieved through not landfilling.

Incineration is the only way to dispose of POP's Waste material. Transitioning from Landfill to Energy from Waste would result in a reduction in the annual quantity of Greenhouse Gas Generated in Argyll and Bute. However, the additional road miles incurred taking POP's waste to EFW markets may partly offset the carbon reductions achieved through not landfilling.

- 5.7 Risk – there are financial risks associated with no derogation.

As in section 5.2 of this report, there are financial risks associated with POPs waste material.

There are potential financial risks associated with the CEB based on the information available. SG should be lobbied for financial support through COSLA.

5.8 Customer Service – None.

**Executive Director with responsibility for Road and Infrastructure Services,**  
Kirsty Flanagan

**Jim Smith, Head of Road and Infrastructure Services**

**Policy Lead for Climate Change and Environment Services,** Councillor Ross  
Moreland

November 2023

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**APPENDICES:**

Appendix 1 – SEPA Guidance on Persistent Organic Pollutants

Appendix 2 – Recycling Infrastructure Fund – breakdown of works and timescales



For the future of our environment

# Guidance on the management of Waste Upholstered Domestic Seating (WUDS) containing Persistent Organic Pollutants (POPs)

October 2023

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## 1.0 Background

A recent study<sup>1</sup> commissioned by the Environment Agency in England has highlighted the presence of Persistent Organic Pollutants (POPs) in upholstered domestic seating.

The study highlighted that the average concentration of Brominated Flame Retardants, and other POPs, found in items of upholstered domestic seating can be four times higher than the legal concentration limit – or threshold limit - of 1000 mg/kg.

This means that on becoming waste, these items of upholstered domestic seating (UDS), are covered by existing legislative requirements specific to wastes containing POPs.

This guidance will support waste holders in classifying and assessing their Waste Upholstered Domestic Seating (WUDS) and help ensure that it is managed in an appropriate manner.

## 2.0 Persistent Organic Pollutants – Legislative Framework

POPs are organic chemical substances which pose a risk to human health and the environment due to their persistence in the environment, bioaccumulation through the food chain and long-range environmental transport across a wide geographical range.

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<sup>1</sup> (WRc) [www.wrcplc.co.uk](http://www.wrcplc.co.uk)

Any wastes containing levels of POPs above threshold limits specified within the [Stockholm Convention](#) must be managed in such a way as to destroy or irreversibly destroy the POPs content.

The Stockholm convention and the EU POPs Regulation (EU 2019/1021) are implemented in the UK via the [UK Persistent Organic Pollutants Regulations 2007](#) and its [subsequent amendments](#) for which SEPA is the competent and enforcing authority in Scotland.

Producers and waste holders must comply with the following duties, any failure to do so would be deemed an offence under the regulations:

- Producers and holders of waste shall undertake all reasonable efforts to avoid, where feasible, contamination of other wastes with POPs waste (Reg. 7(1)).
- POPs waste shall be disposed of or recovered, without undue delay, in such a way as to ensure that the POP content is destroyed or irreversibly transformed so that the remaining waste and releases do not exhibit the characteristics of POPs (Reg. 7(2)).
- Disposal or recovery operations that may lead to recovery, recycling, reclamation or re-use on their own of POPs shall be prohibited. (Reg. 7(3)).

Following this guidance will enable to comply with these duties.

In addition to the POPs specific legislation, existing requirements, under other legislation, are still applicable, including those duties required under Section 34 of the Environmental Protection Act 1990 commonly referred to as the Duty of Care.

Under section 34, anyone who produces, keeps, imports or manages controlled waste must store waste properly so that it does not escape from their control, transfer waste only to an appropriate person, provide an accurate and full description of waste, and take reasonable measures to ensure that your waste does not cause pollution or harm to human health.



### 3.0 POPs in WUDS

Many items of upholstered domestic seating (UDS) can contain elevated levels of POPs such as:

- Decabromodiphenyl Ether (DecaBDE);
- Pentabromodiphenyl Ether (PentaBDE);
- Tetrabromodiphenyl Ether (TetraBDE);
- Hexabromocyclododecane (HBCD).

In addition, the following hazardous chemicals are likely to be present:

- Antimony Trioxide, a carcinogenic synergist often used with DecaBDE;
- Medium Chain Chlorinated Paraffins (MCCP), often used in synthetic leather to make it flexible;
- Other flame retardants, and hazardous components of PVC may also be present in some items.

Evidence<sup>2</sup> suggests that the average concentration for some of these POPs in items of UDS, can be four times the legal concentration limit of 1000mg/kg, therefore the items require destruction on becoming waste (WUDS).

### 4.0 What WUDS this guidance covers

For the purposes of this guidance WUDS is taken to mean waste:

- Sofas
- Sofa beds
- Armchairs

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<sup>2</sup> [Assessing pollutants in soft furnishing waste for the Environment Agency | WRc \(wrcgroup.com\)](#)

- 
- Kitchen and dining room chairs
  - Stools and foot stools
  - Home office chairs
  - Futons, bean bags and, floor and sofa cushions
  - Electrical recliner chairs<sup>3</sup>

This list includes any part made of or containing leather, synthetic leather, other fabric, or foam.

WUDS includes any item of seating of a household type from households or businesses.

Upholstered domestic seating from, for example, pubs, hotels, cafes and hospitals that is of a household type should be assumed to contain POPs.

This guidance does not cover the following items as these are unlikely to contain POPs:

- non-upholstered items, such as wooden chairs without a cushioned or textile back, seat, or arms;
- deckchairs;
- wastes from manufacturing new domestic seating that the manufacturer can demonstrate do not contain POPs.

## 5.0 You must not

You must not landfill items of WUDS, or wastes arising from their treatment, that may contain POPs.

This includes:

- segregated items of WUDS;

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<sup>3</sup> Electrical recliner chairs are considered outside of scope of the Waste Electrical and Electronic Equipment (WEEE) Regulations 2013 (as amended). Due to their potential to contain POPs they are required to be treated so that the POPs are destroyed. All foam and textiles must be classified as POPs waste and sent for destruction.

- 
- mixed waste containing items of WUDS;
  - shredded or broken up waste arising from the treatment of waste containing items of WUDS (including refuse-derived fuel (RDF) and solid recovered fuel (SRF));
  - trommel fines from processes treating waste containing items of WUDS, including the dust from air filtration systems.

If you operate a landfill site, your waste acceptance procedures should include appropriate checks to identify and exclude WUDS containing POPs. Any WUDS containing POPs which are accepted should be quarantined prior to being sent to an appropriate facility for destruction.

Incinerator operators need to put contingency plans in place to manage WUDS containing POPs for destruction. They cannot send this waste to landfill in the event of a planned or unplanned shutdown.

## 6.0 What you must do

If you collect, store or treat WUDS you need to have confidence that you are compliant with the law. You should:

- check if the WUDS, including stockpiles, contains POPs;
- classify your waste correctly;
- comply with the guidance on collection;
- comply with the guidance on storage;
- treat and dispose of WUDS appropriately.

These points are expanded in the following five sections of guidance.

### 6.1 Checking if WUDS contain POPs

For items of WUDS, there will be no Material Safety Data Sheet (MSDS) and the date of manufacture will be largely unknown. Therefore, you will need to rely on analytical methods such

as X-Ray Fluorescence (XRF) Scanners or laboratory analysis to assess the POPs content of your WUDS.

If you are unsure or unable to confirm the presence of POPs in the WUDS a precautionary approach must be adopted, and you should assume that the waste contains POPs and the relevant associated hazardous chemicals and manage the waste accordingly.

## **6.2 Classification of WUDS containing or assumed to contain POPs**

Under Section 34 of the Environmental Protection Act 1990 waste holders have a duty to describe their waste fully, to ensure that it is handled appropriately, therefore where the presence of POPs has been confirmed or should be assumed, the WUDS must be described as “20 03 07 – waste domestic seating containing POPs”, on the waste transfer note

This description should be accompanied with a list of all the POPs and other chemicals present (or likely to be present) in the waste. If compositional analysis is not available, you can refer to the POPs and other substances of concern detailed in the introduction section of this guidance when describing your waste.

Those receiving WUDS should have robust waste acceptance procedures in place to ensure that the items containing POPs are not accepted. When receiving WUDS classified as not containing POPs it is recommended, with a precautionary approach in mind, that you verify that classification, for example, laboratory reports, XRF readouts or a waste classification report. The lack of any evidence could suggest that the WUDS has been wrongly classified.

If a load of mixed waste that includes WUDS containing or assumed to contain POPs is taken to a site then provided the operator has a permit that allows them to accept mixed residual and bulky waste (20 03 01), or bulky waste (20 03 07) and there are no other issues, they can accept it.

Everyone dealing with the waste have a legal duty to comply with the POPS Regulations. We encourage operators to advise their suppliers of the requirement not to mix waste and direct them to the guidance.

If a carrier or producer is sending WUDS containing or assumed to contain POPs mixed with other waste but not classifying it as POPs waste, then their details should be passed to SEPA allowing us to follow up any potential non-compliance.

### **6.3 Collection of WUDS containing POPs (POPs WUDS)**

Producers and holders of waste are required to undertake all reasonable efforts to avoid, where feasible, contamination of non-POPs waste with POPs waste. Failure to do so is an offence.

By avoiding contamination of non-POPs waste, you will minimise the impact of handling, storing and disposing of any POPs waste and the associated costs.

Where mixing occurs, the whole load of 'mixed waste' should be considered as being POPs contaminated waste. If the POPs WUDS cannot be removed, the 'mixed waste' should be deemed a POPs waste and sent for destruction even if the mixing has diluted the POPs content to below the concentration limit.

Where separate collection is not feasible, POPs WUDS can be collected in the same vehicle as other waste items as long as they:

- Are not damaged,
- Are not mixed with other waste, and;
- Are segregated from other waste during transfer and when unloaded;

Please note that 'on board' segregation can be fixed or changeable however any measures implemented during transport should be done so with the aim of ensuring that the above criteria are met and must be appropriate for the waste type and the vehicle.

To prevent escape during transport, vehicles or containers used during the transportation of whole WUDS or shredded WUDs and/or fines should be appropriate for the waste type, be suitable for holding the waste, not overloaded and where appropriate covered.

As they rely on compaction, it is recommended that Refuse Collection Vehicles (RCVs) are not used for the collection of POPs WUDs and collection in vans, lorries and caged vehicles is preferable to RCVs because the WUDS are not compacted and damaged in these types of vehicles.

The use of vehicles other than RCVs also minimises the potential release of particulates which may contain POPs because WUDS are much easier to load and unload from vans, lorries and caged vehicles.

However, where WUDS are collected using an RCV it must:

- Not mix WUDS with any other wastes during the collection round;
- be able to contain any particulates and debris generated during the compaction within the body of the vehicle.

If you choose to compact POPs WUDS you must take reasonable steps to prevent, contain and collect any releases of POPs contaminated material or dust that the compaction produces.

If you choose to compact POPs WUDS it is recommended that the waste is compacted slowly to confine all materials within the container where compaction occurs and the surrounding area.

You must regularly check for particulates to make sure they are not released during compaction.

You can control particulate release by:

- misting and using sprays over the container;

- using suitably placed mobile dust suppression cannons;
- spraying the surface of the waste before compaction using a backpack sprayer.

Waste should be lightly misted not deluged to prevent the generation of POPs contaminated water that will be problematic and costly to dispose of.

When compacted WUDS are being deposited from an RCV operators should ensure:

- a dedicated bay within a building is allocated for the WUDS, and
- a dust suppression system is in place to contain and control any particulates created when the WUDS are ejected from the RCV and subsequently handled.

Where possible the RCV should be dedicated to the collection of WUDS only. However, if the RCV is used to collect other wastes as well as collecting WUDS then it should be cleaned before it is used to collect loads of non-POPs waste. This can be done for example by using a dedicated vacuum cleaner to remove foam, textiles and particulates from within the vehicle body.

Where compaction of WUDS is carried out using mobile plant within a building misting sprays and other particulate control measures should be in place to minimise particulate generation and prevent contamination of other wastes.

Any compacted WUDS, contaminated material or fines must be sent for destruction (see section on Treatment below).

#### **6.4 Storage of WUDS containing POPs (POPs WUDS)**

If authorised to accept household mixed residual and bulky waste (20 03 01) or bulky waste (20 03 07) then you can accept POPs WUDS however you must meet the following storage criteria.

Where possible POPs WUDS should be segregated and kept separate from other wastes.

You must sort and store POPs WUDS in a way that does not damage the WUDS so as to cause release of POPs or contaminate other waste.

Storage should be on an impermeable surface or in such a way to prevent any release to the environment.

Where the foam, cover, lining or wadding materials are exposed or released, cross contamination with non-POPs WUDS or any other items of waste is possible. Where such 'cross contamination' occurs, the 'mixed waste' should be considered as being a POPs contaminated waste and sent for destruction. For example, cross contamination could occur as a result of the storage of damaged POPs WUDS with Non-POPs WUDs.

## 6.5 Treatment of WUDS containing POPs (POPs WUDS)

### 6.5.1 Overall Treatment Objective

You must ensure that you manage POPs WUDS, and any other associated wastes, such as POPs contaminated wastes produced because of mis-segregation etc, in such a way that the POPs are destroyed or irreversibly transformed. You must destroy the POPs contaminated waste even if the mixing has diluted the POPs concentration below the relevant limits.

At the time of publication of this guidance, based on best available research and international guidance<sup>6</sup>, treatment for POPs WUDS is limited to destruction via municipal waste incinerator, hazardous waste incinerator or cement kiln.

Before transferring your waste to an operator for treatment or destruction you must ensure that the chosen method of treatment and/or disposal is appropriate for the POPs chemical(s) contained in the waste.

Please note that if the treatment does not destroy the POPs, any waste that results from the treatment, and which contains these POPs, is also POPs waste. You must destroy the POPs in this treated waste even if dilution has lowered the POPs concentration below the relevant limits.



### 6.5.2 Separating POPs from other materials

Separating materials containing POPs from other materials is regarded as a treatment operation. Foam and textiles containing POPs can be removed from other materials in items of WUDS where the separation activity is covered by a suitable waste management authorisation.

For manual processes, you should ensure that:

- all foam and textiles are completely removed, and you manage any part of the item of WUDS with foam and textile attached to it as a POPs waste;
- you prevent or contain any dust, or fragments of foam and textile released from the WUDS and you must manage the dust and fragments as POPs waste;
- you store separated material containing POPs inside a building, under cover, or in a sealed container;
- no POPs are released to the sewer or surface water.

For mechanical treatment processes, you should also follow the guidance in the treatment section, below.

### 6.5.3 Shredding of POPs WUDS

Operators have expressed an interest in shredding POPs WUDS before destruction by incineration. This requires an authorisation.

Shredded material that has been prepared so that it meets the specification required for destination incinerator or cement kiln may be coded 19 12 10 but must be clearly described as containing POPs from WUDS.

If shredding POPs WUDS you should meet the following criteria to mitigate fugitive emissions to air and to prevent particulates collecting in site drainage systems and being released into surface water, groundwater or the wider environment either directly or indirectly:

- shredding plant should be located on an impermeable surface inside a building or under cover;

- 
- Misting and spray systems must be used to control particulates, however these should be operated so that they do not create large amounts of contaminated water;
  - there should be no unabated point source or fugitive emissions of particulate from the plant or the building. Fugitive emissions of particulates should be controlled with one of the following:
    - local extraction to abatement;
    - full building extraction under negative pressure to abatement;
  - Shredding should be located away from drains. Drain mats and blockers could be used to prevent runoff entering drains should leaks etc occur;
  - Bag filters on abatement plant should be designed to release particulates below 5mg/m<sup>3</sup>. They should be fitted with continuous and alarmed pressure monitoring to make sure the filters are working correctly.

If storing shredded POPS WUDS it should be on an impermeable surface and either inside a building or under cover, or in sealed containers, or baled and securely wrapped.

If shredded WUDS are stored loose in open fronted bays under cover, particulate generation could be minimised by using a binder such as calcium magnesium acetate, minimising handling and if necessary, using windbreaks.

When open fronted bays are used for storage and there is a risk of particulates being generated during loading and depositing the shredded WUDS the impacts can be mitigated by using suitably placed mobile dust suppression cannons or lightly misting the surface of the waste.

The only time you can blend segregated POPS WUDS with other waste is prior to destruction at the point of treatment, for example, to make loading easier, control calorific value or optimise combustion. You should blend in such a way that uses the least amount of non-POPs waste necessary to avoid release of particulates containing POPS and contaminating more waste than necessary.

Where blending occurs operators should have contingency plans in place to ensure that any mixed waste containing POPS waste which is unable to be destroyed can be managed in

appropriate manner for example diverted elsewhere for destruction or stored on site until it can be destroyed.

Where the shredding of WUDS removes metal and produces a visually clean metal waste that is not contaminated with WUDS i.e., does not contain fragments of foam or textiles and other non-metal waste. it can be treated as metal waste and coded 19 12 02.

Where the metal fraction still contains fragments of foam or textiles from the WUDS and other non-metal waste it can be described 19 12 12 and stored in the manner set out below.

Note that the 19 12 12 code has been agreed for the metal from shredded WUDs only. It is based on the analysis information within the 2021 WRC report on POPs in waste domestic seating and may be subject to review, should further analysis or information emerge indicating the hazardous thresholds for MCCP or Antimony Trioxide or other hazardous substances are breached.

POPs may leach or wash out in particulates from this waste so it should be stored either:

- under weatherproof covering; or
- in covered skips or containers or,
- In skips/containers under weatherproof covering.

This waste must be characterised in accordance with WM3, coded either 19 12 11\* or 19 12 12 and described as containing POPs if it contains other non-metallic wastes including items of foam and fabric that may contain POPs. This waste stream can be sent for smelting at a suitably permitted site, or for further processing to remove the POPs fraction from the metal fraction.

Where metal is sent to an intermediate site to further process and segregate the metal from POPS waste the operator of that site should be made aware that:

- The load contains POPs;
- The load should be stored and handled it in a manner that prevents any releases to air, land, sewer or groundwater;

- The non-metal waste must be described as containing POPs and sent for RDF or incineration.

All fines and particulates produced when shredding or handling POPS WUDS must be sent for incineration.

Fines must be characterised in accordance with WM3, coded either 19 12 11\* or 19 12 12 and described as containing POPs from domestic seating.

Fines should be packaged to prevent particulate release and either stored in a building or under cover.

**This guidance applies only in Scotland. The terms of this guidance may be subject to periodical review and be changed or withdrawn in light of technological, regulatory or legislative changes, future government guidance or experience of its use. SEPA reserves its discretion to depart from the guidance outlined here and to take appropriate action to avoid any risk of pollution or harm to human health or the environment**

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## APPENDIX 2 – RECYCLING INFRASTRUCTURE FUND – BREAKDOWN OF WORKS AND TIMESCALES

Recycling Infrastructure Fund – breakdown of works and timescales

Item No.	Year and quarter of planned expenditure	Item Description	Funding Award (excl. VAT)
C1	Q2 / 2025/26	New Hard Standing (concrete area for containers and new bays)	£278,402.40
C2	Q2 / 2025/26	New Site Access Areas	£187,012.80
C3	Q4 / 2024/25	Directional recycling centre signs (one sign per site)	£892.80
C4	Q4 / 2024/25	Magnetic skip signs for each site (17 signs per site, 6 sites)	£4,111.20
C5	Q1 / 2025/26	New wood and garden waste bays at Gott Bay (Tiree), Glengorm (Mull) and Gartbreck (Islay) (6 bays altogether using Quikblocs)	£119,052.00
C6	Q1 / 2025/26	6 x WEEE 40ft Containers (1 per site, 6 sites)	£55,440.00
C7	Q1 / 2025/26	4 x New Reuse Containers at Bonaveh Isle of Colonsay, Cliad Isle of Coll, Gartbreck Isle of Islay, and Gott Bay Isle of Tiree.	£17,280.00
C8	Q1 / 2025/26	Improvements to existing Reuse Containers at Glengorm (Mull) and Blackhill (Helensburgh), including repaint, shelves and rails, and shelves and rails for new containers	£4,668.00
C9	Q2 / 2025/26	3 x Loading Ramps (one each at Gott Bay (Tiree), Glengorm (Mull) and Gartbreck (Islay))	£144,000.00
		<i>Sub-total</i>	£810,859.20
		Contingency at 10% to cover for increases in construction materials due to current market conditions	£81,085.92
<b>Total:</b>			<b>£891,945.12</b>

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ARGYLL AND BUTE COUNCIL

ENVIRONMENT, DEVELOPMENT AND  
INFRASTRUCTURE COMMITTEE

ROAD AND INFRASTRUCTURE  
SERVICES

30 NOVEMBER 2023

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## PLAY PARK FUNDING – UPDATE REPORT NO 3

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### 1.0 EXECUTIVE SUMMARY

- 1.1 At the December 2022 Environment, Development and Infrastructure Committee (EDI), a Play Park Funding report was noted by members with an agreement that officers would submit a further report outlining the suggested process and timelines proposing further engagement with other groups, including Youth Forums and relevant Community Councils. The original report can be found at the following link: [December 2022 EDI Play Park Funding Report](#)
- 1.2 Subsequent update reports were presented to the March 2023 and August EDI Committees as per the following links: [March 2023 EDI Play Park update Report.](#) [August 2023 EDI Play Park Update report 2](#)
- 1.3 In August 2022, the Scottish Government confirmed a full 5 year funding package to all Scottish Local Authorities from 2020/21 through to 2025/26. Argyll and Bute Council will receive a total of £938k for Play Park funding. All Scottish Councils have received funding through the Capital Allocation for Renewal of Play Parks Fund for investment in play park equipment.
- 1.4 The March 2023 EDI Committee gave consideration to a report outlining a suggested process and timelines for proposing further engagement with other groups, including Youth Forums and relevant Community Councils in relation to the Play Park Funding Award of £938k which had been awarded by the Scottish Government for the 28 play parks being renewed in Argyll and Bute in a programme running until 2025/26. The EDI Committee also agreed the proposed timeline.
- 1.5 The Scottish Government commitment was to ensure that all children have access to quality play in their own community and **the budget was specific in that the funding was for renewing existing play parks**. A definition/scope of investment was also issued as part of the grant offer and is as below:-
- *The agreed definition of an eligible play park is one which is local authority owned, managed or maintained sites, designated for play, which are free to access and open to all. Playparks in private ownership, those that require an entry fee or those only available to specific groups / with conditions for entry would be outwith scope. We would expect that playparks with equipment (swings, slides etc) aimed at children aged 0-*

14 would be included as would other facilities used by the same age group (e.g. pump tracks), but MUGAs (Multi Use Game Areas) or dedicated sports fields would be outwith scope.

- 1.6 Area Committee Business days with Elected members have already taken place and a further business day for each area took place over recent weeks where members agreed to funding and a priority list for each play park as listed below:

AREA	PLAY PARK	
		Allocation of funding based on estimated costs.
Helensburgh and Lomond Total budget £368,500	Hermitage	£30k
	Kirkmichael	£25k
	Red Guantlet	£20k
	Arrochar	£40k (High Priority Park)
	Bendarroch	£40k (High Priority Park)
	Howie	£40k
	Kidston	£20k
	Kilcreggan/Cove	£40k
	Rhu	£50k (Medium Priority Park)
	Tarbet	£20k
Cardross	£15k	
Bute and Cowal Total Budget £167,500	Meadows	£25k (Medium Priority Park)
	Port Bannatyne	£30k
	Sandbank	£30k (High Priority Park)
	Glen Morag	£40k (Medium Priority Park)
	Dunoon Skate Park	£25k
Mid Argyll, Kintyre and the Islands Total Budget £368,500		
	Ardishaig KGV	£33k (High Priority Park)
	Bayview	£25k
	Tarbert	Already has £80k for new play park and will be supplemented by £20k funding. (High Priority Park)

	Kinloch	£5k, however proposal to remove this park as Lochend in approx. 150metres away. This needs to be agreed locally first.
	Lochend	£33k (Medium Priority Park)
	Hillside	£33k
	Meadows	£50k
	Stewarton	£20k
	Jock's Boat	£50k
	Bengullion Road Skate Park	£10k
	Ramsay Hill, Port Ellen	£30k – in partnership with South Islay Development who are part funding the movement and refitting of the play park nearby.
Oban, Lorn and the Isles Total Budget £33,500		
	Tobermory	£33.5k

- 1.7 Whilst this has been agreed at Area Committee, Community Councils and Disability Forums will now be contacted to inform them of the proposed spend on equipment and groundworks to ensure maximum engagement locally.
- 1.8 The officer managing this project has already been in touch with the Tarbert Community Council who have advised that the initial plan to redevelop the play park was not what the local community wanted. As such a revised approach has been agreed to tender a new design incorporating the equipment requested by the local Tarbert Play Park Group as well as the community councils' suggestions. This will be progressed as a priority.
- 1.9 A partnership approach has been agreed with South Islay Development (SID) who are in the process of redeveloping the Ramsay Hall Area which will incorporate the play park. The supplementary funding of £30k will allow a better more improved play park and the SID are currently reviewing their initial plans and will come back in the new year with a suggested location plan of equipment and materials for agreement.
- 1.10 It is intended to tender for all play parks, however suitable priority can be agreed in line with the previously agreed priority parks when tenders are returned. The reason for this is that previously we have tried tendering for the first two years with

limited budgets with no success, and it is understood that a larger budget will encourage more tender bids.

- 1.11 Should there be further issues with no tender bids received officers are already looking at a mixed model of delivery in house or in partnership with local businesses. This must however be done in line with strict legislative restrictions on children’s play park equipment carried out by qualified individuals.
- 1.12 Officers suggest the following updated timeline is appropriate:-

ACTION	TIMESCALE
Engagement with Community Councils and Education Department	Commenced March-May 2023 Now complete.
Engagement with Disability Forums	Commencing – Winter 2023
Procurement process which may need to include a mixed model delivery of the equipment and fitting and depends on tender bids (which will last in the region of 8 – 12 weeks)	Expected to commence early 2024
Installations	Expected to commence Spring 2024 (dependent on procurement process as above)

## 2.0 RECOMMENDATIONS

- 2.1 It is recommended that the Environment, Development and Infrastructure Committee:-
  - Endorse the Area Committee priorities for each play park in their area and allocation of funding as per 1.6 above.
  - Note and consider the updates regarding the Tarbet Play park and the partnership approach to Port Ellen play park in Islay.
  - Note the updated timelines.

## 3.0 CONCLUSION

- 3.1 The Scottish Government has allocated a total of £938k for Play Park funding to Argyll and Bute Council for investment in play park equipment through to 2025/26 from the Capital Allocation for Renewal of Play Parks Fund. This report updates on the engagement process covering local Elected Members, community councils, education and disability forums.

#### **4.0 IMPLICATIONS**

- 4.1 Policy – In line with previous decision and will also pay regard to procurement policy.
- 4.2 Financial – Mainly funded from Scottish Government play park capital grant, supplemented by other small pots of funding.
- 4.3 Legal – None known.
- 4.4 HR – None known.
- 4.5 Fairer Scotland Duty: None known.
  - 4.5.1 Equalities - protected characteristics – Engagement will take place with appropriate groups, including the disability forum, to provide a positive impact on our young people.
  - 4.5.2 Socio-economic Duty – None known.
  - 4.5.3 Islands – Elements of renewal on all council owned play parks, which therefore will not adversely affect islands.
- 4.6 Climate Change – We will endeavour to minimise carbon footprint of this project.
- 4.7 Risk – Failure to deliver within the allotted Scottish Government timescales may result in losing the budget allocated.
- 4.8 Customer Service – The intention of this funding is to provide better facilities for our customers.

**Executive Director with responsibility for Road and Infrastructure Services,**  
Kirsty Flanagan

**Policy Lead for Climate Change and Environment Services, Councillor Ross Moreland**

November 2023

**For further information contact:**

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**ARGYLL AND BUTE COUNCIL****ENVIRONMENT, DEVELOPMENT AND  
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**OCTOBER 2023 WEATHER EVENT – UPDATE**

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**1.0 INTRODUCTION**

- 1.1 Following a period of wet weather which left ground conditions very wet and in many cases saturated, over a months' worth of rain fell over a 36 hour period starting Friday 6 October 2023 and running into Saturday 7 October 2023.
- 1.2 Conditions was so severe that by mid-morning on Saturday 7 October, Police Scotland had declared a major incident and a multiagency tactical response was assembled to ensure that the incident could be managed across the many agencies and communities involved.
- 1.3 Transport connections into and out of Argyll and Bute were severely compromised on Saturday 7 October and for a period of time, all of the trunk roads and many of the local roads were impassable. Numerous people became stranded due to flood waters, landslips and damaged structures. Mountain rescue were deployed along with the coastguard who arranged ground units and a helicopter to support the response to assist Police Scotland who were coordinating the responses in line with protocol for major incident response.
- 1.4 The Council response was significant with reception centres and catering put in place to accommodate individuals who were unable to get home, together with many staff from Roads and Infrastructure assisted by several contractors involved in responding to the chaos and disruption to public infrastructure caused by the event.

**2.0 RECOMMENDATIONS**

- 2.1 It is recommended that Members of the Environment, Development and Infrastructure Committee consider and note this report.

**3.0 DETAIL**

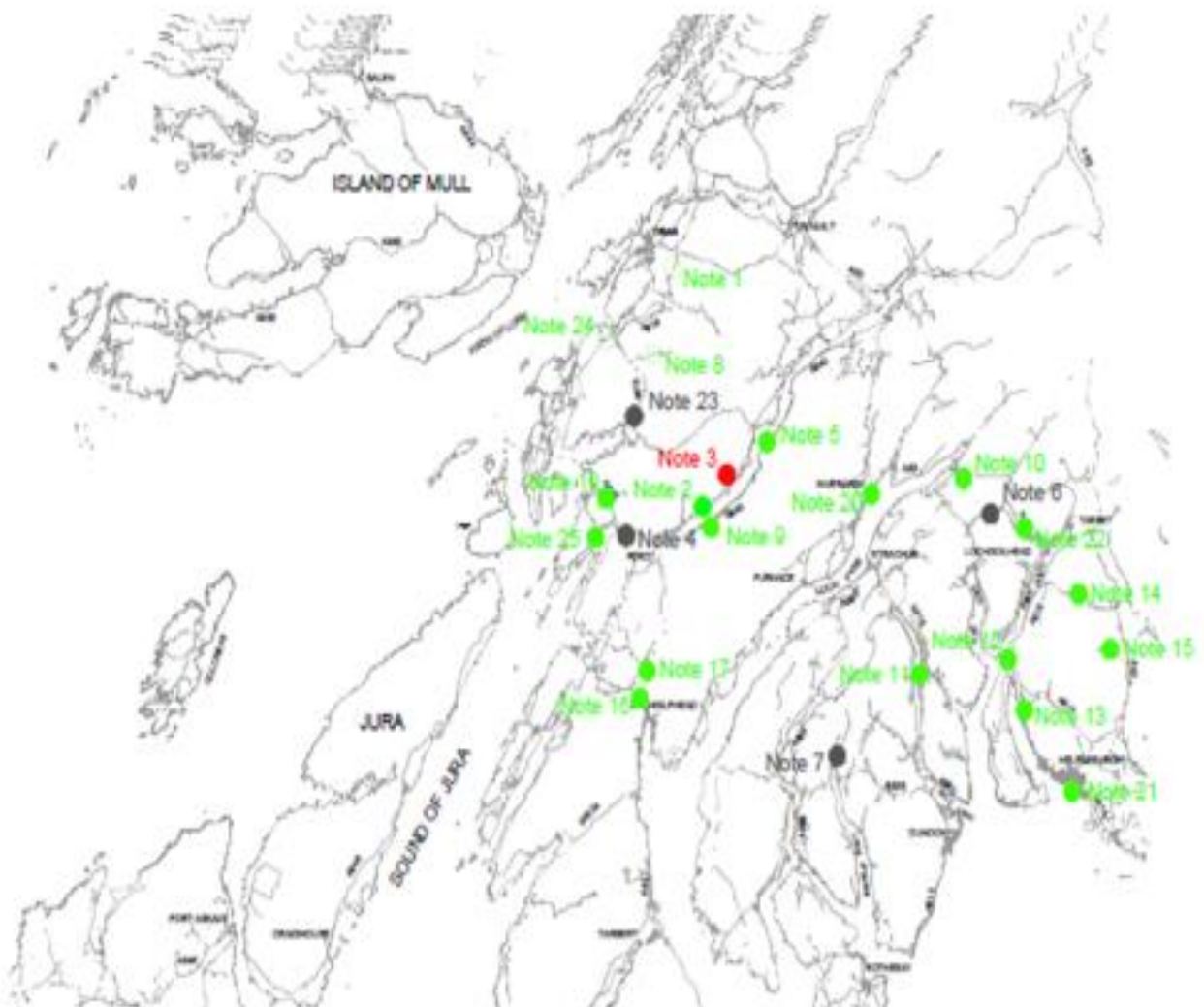
- 3.1 We are seeing an increasing number of weather events locally, nationally and internationally no doubt linked to climate change. In recent years in Argyll and Bute we have had several weather events including:

- West of Mull bridge wash out At the foot of Ben More July 2012;

- Clachan snow event March 2013 – significant snow fall blocked the road and the weight of frozen snow on power lines resulted in power lines breaking and several thousand households being without power;
- Beast from the east February 2018;
- Sea wall wash out Bute December 2021;
- Numerous flood events in locations such as Lochavullin Oban, East and West Clyde Street Helensburgh, Rothesay, Campbeltown (flood prevention works underway) Lochgilphead Front Green etc.

3.2 The map below shows each of the locations where there was disruption caused across Argyll and Bute’s road network on 7 October 2023. It is interesting to note that the weather band was very localised sweeping through the central part of Argyll and Bute, this is illustrated with the damage caused. Also, and perhaps quite unusual, is that the majority of damage caused took place inland rather than on the coast. This very local weather and damage is peculiar to this storm event. As Members will be all too familiar with, often Argyll and Bute, with over 3000 miles of coastline, regularly suffers coastal damage during storms, the recent example being the sea wall on Bute where around 100m was extensively damaged in December 2021.

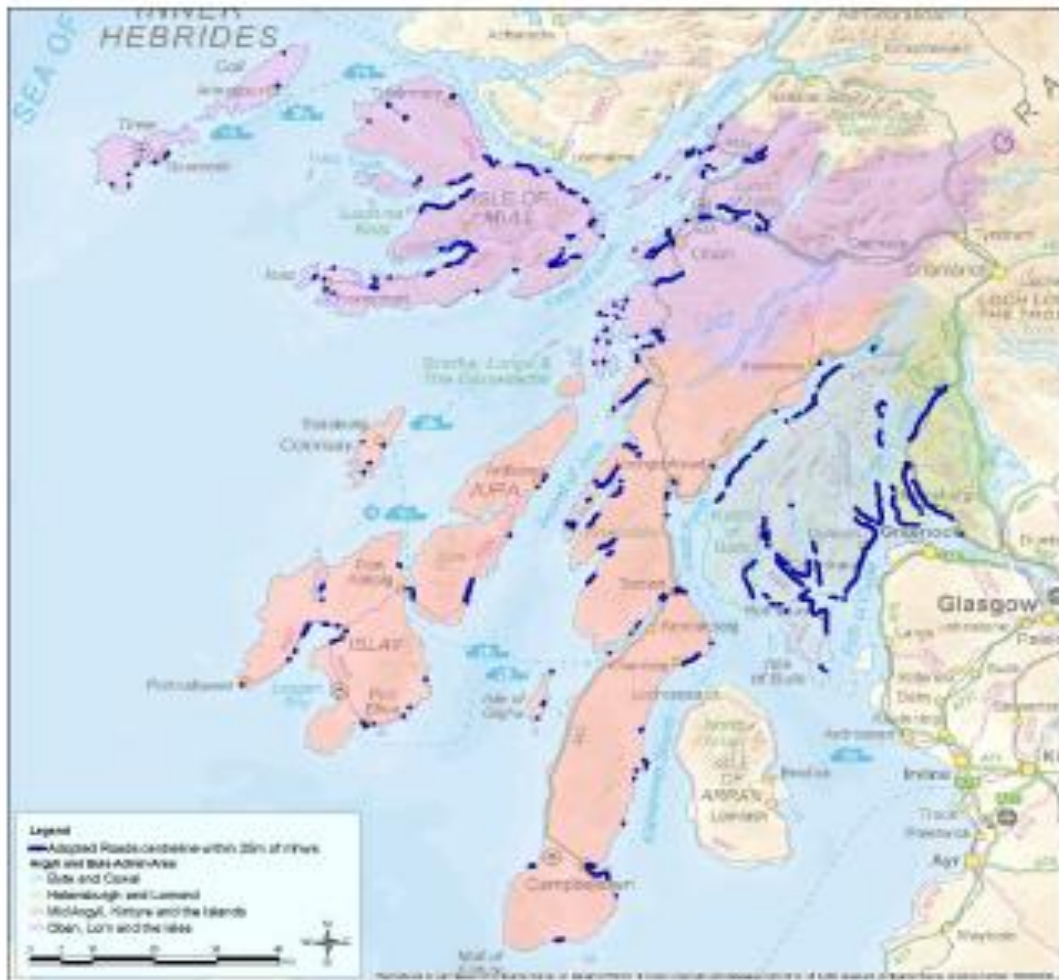
The map below shows each of the locations where there was disruption caused across Argyll and Bute’s road network on 7 October 2023





- 3.3 The second map below shows the 214km of the Council's road network which is within 25m of the sea and vulnerable to coastal damage.

Map of Argyll and Bute showing areas where the centre line of public roads is within 25m of Mean High Water Springs in plan view. Note that only roads where Argyll and Bute Council is Roads Authority (as at 4 September 2014) are shown.



- 3.4 Regular updates have been provided to Members and the public following the October rain event and on Monday 6 November a presentation was given to Members. This presentation can be viewed here: [ELECTED MEMBER SEMINARS 2023 | The Hub](#)
- 3.5 The works carried out by Roads and Infrastructure following the rain event were extensive with dozens of locations requiring attention from simple cleansing of a small drain to significant landslides and bridge replacements. Appendix 1 details some of the works undertaken/ongoing. This is not an exhaustive list, these are just examples of the many issues which Argyll and Bute were faced with.
- 3.6 Whilst the costs incurred from this weather event are ongoing, we expect to see a final cost exceeding £8M. Some of these costs will be eligible for funding through the Bellwin Scheme although many costs may well fall to the Council.

## **Next Steps**

- 3.7 Our initial focus is to complete the various works still outstanding and to continue to monitor slopes where debris flows may affect the road network. These works continue and regular updates will be provided on the Council's website and also through the RIS weekly briefings to Members.
- 3.8 Climate change is a significant challenge to the Council for a number of reasons but not least it is a challenge for the road and transport infrastructure. This report highlights some of the challenges faced recently and over the last decade or so. The road and wider transport system provides the economic backbone for our communities. We need to have infrastructure which is fit for purpose and sufficiently resilient to withstand the increasing weather challenges we are experiencing which are linked closely to climate change. The building of a bypass on the A816, strengthening bridges, and modifying roadside ditches are all adaptations being progressed to better accommodate some of the climate changes we are seeing. However, more will be needed to be done and whilst the works mentioned above will increase our infrastructure's resilience to future weather events, the network overall is fragile and unable to cope with significant weather events.
- 3.9 It will be necessary to see more infrastructure investment put in place to enable climate change adaptations to be made. The level of investment will be significant and the Council will need to consider how its funding can be assembled and what lobbying can be progressed with Scottish and UK Governments.

## **4.0 CONCLUSION**

- 4.1 This report summarises the rain event which caused significant travel disruption and damage during the weekend of 7 October. The report and appendix also summarises the extent of works that have been carried out to repair the damage and considers what our next steps should be as detailed in paragraph 3.9 above.

## **5.0 IMPLICATIONS**

- 5.1 Policy - policies in place for climate change, coastal protection etc where applicable these policies are being worked to.
- 5.2 Financial - new costs pressures have no identified funds to respond to the infrastructure damage. A Bellwin claim is being progressed for eligible costs and works not eligible for Bellwin will need to be funded.
- 5.3 Legal – various land agreements necessary for individual locations.
- 5.4 HR – none known.
- 5.5 Fairer Scotland Duty:
- 5.5.1 Equalities - protected characteristics – none known.
  - 5.5.2 Socio-economic Duty – none known.
  - 5.5.3 Islands – none known.

- 5.6 Climate Change – the impact of the storm is very closely linked to climate change and the October event has highlighted to need for further adaptation to be made to infrastructure to increase our resilience to future weather events. The level of investment to improve resilience is expected to be significant.
- 5.7 Risk – significant risk of similar future events impacting our infrastructure.
- 5.8 Customer Service – none known.

**Kirsty Flanagan, Executive Director with responsibility for Roads and Infrastructure**

**Policy Lead for Roads and Transport, Councillor Andrew Kain**

November 2023

**For further information contact:**

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## **APPENDICES**

Appendix 1 – October Weather Event Update

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**Ardfern Slip A816 – rock stabilisation and emergency by-pass scheduled to open mid-December, opening of main A816 still to be confirmed**

The emergency phase of this project is still very much underway. Thousands of tonnes of material which flowed from the hillside onto the road have been moved to a disused quarry in the ownership of Forest and Land Scotland. Full SEPA consents have been obtained for this landfill/quarry restoration work. Material continues to flow down the hillside, particularly in wet conditions and the clean-up continues. Parts of the hillside have been 'scaled' of loose rocks however, many rocks have yet to be moved and more rocks are emerging following rain which washes away the slurry covering some of the rocks and exposes more with soils and silt washing down the hillside changing its shape and presenting ever new challenges. To date the largest of the rocks has been measured at 220 + tonnes.

Once the debris flow material is sufficiently cleared a bund will be formed at the side of the existing road which is designed to hold back



future debris flow material. Modelling work will be undertaken to forecast future slope flow and the bund will be built accordingly.

The likelihood of future debris flow events is so high that we are also progressing with an alternative emergency route as per the plan below. This emergency route will be used when weather conditions are such that the original road is not safe. The land agreement for the road is in place and works are underway. Archaeological

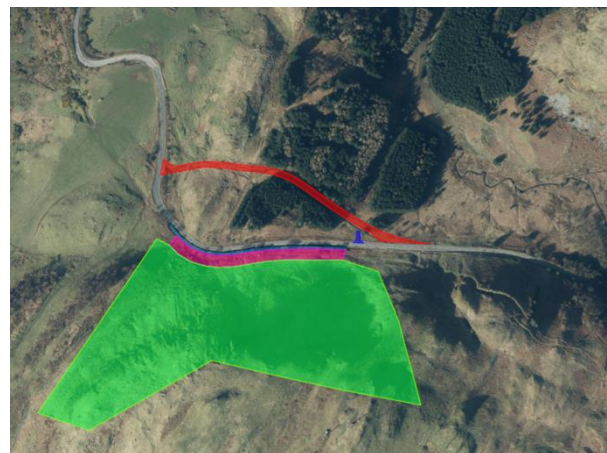
and ecology appraisals have already been carried out.

The land agreement for the emergency route has been completed and currently we are on target for the emergency route to be complete by 15 December with a caveat that extreme weather conditions may delay works on the ground. We anticipate the emergency route will be available before we are able to safely reopen the original road.

Medium to long term we will progress the emergency route to be upgraded to become a permanent route moving traffic away from the problematic hillside. A permanent road will take 2 – 5 years for the consents and permissions hence the reason for progressing with an emergency road which will have a smaller footprint and is buildable in weeks rather than years due to the emergency situation. It is expected that the emergency road will only be utilised when weather is such that there is a risk of further landslide. Similar to the process used by Transport Scotland and BEAR Scotland, we will have a risk matrix in place which uses factors such as saturation levels on the hillside, forecast rainfall with this also being supplemented by CCTV cameras which enable remote monitoring of the hillside. These safety measures will enable the original route on the A816 to be used as the normal route with the emergency road only being mobilised when there is a risk of landslide.

*Top image showing the extent of the landslip and debris flow from 7 October, middle image of typical rocks which been 'falling' from the hillside - these will be used in forming the bund to help to catch material from future flows and bottom image of a large rock being broken up using a hydraulic pecker attached to a large excavator.*

*The image to the right shows the extent of the Ardfern slip in green (at least 3 separate slip events took place) the purple shading is the ditch/pit which would catch any future flow, the blue line is a bund to keep the majority of any future flow in the ditch and the red is the proposed emergency road which takes traffic away from the slip affected area and provides a safe alternative route during future weather events.*

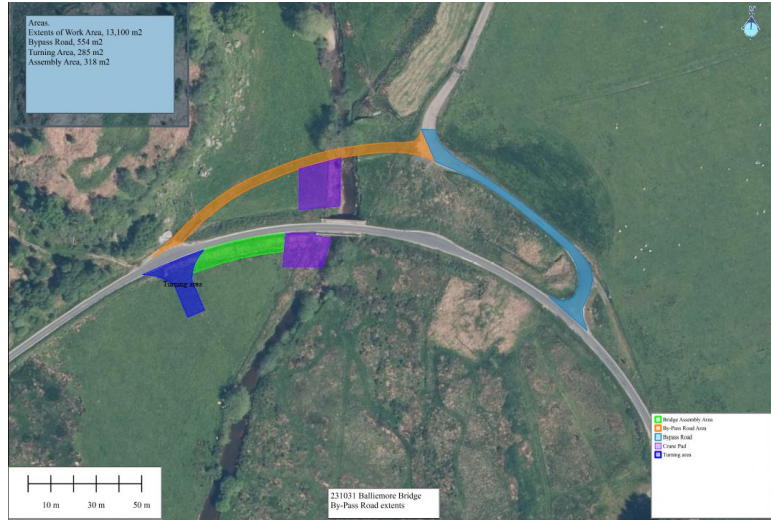


### **Loch Awe C30 – rock/soil nails and stabilisation**

The embankment supporting the road at the C30 washed away near Kilmaha. The slope is very steep and the material forming the embankment is not particularly strong. Initial stabilisation works have been carried out including some rock infill and soil nailing (large diameter bolts which are drilled and grouted into the ground). Geological engineering design works are ongoing alongside the physical works on site. The design works will finalise the design of slope remedial work for the washed out supporting embankment.

### Glen Lean – B836 – Temporary Bridge

A temporary bridge is on target to be built on the alignment of the old bridge by 24<sup>th</sup> November. This will allow the Glen Lean road to be reopened whilst the bridge damaged in the October rain event is demolished and a new bridge rebuilt. This target date is subject to reasonable weather conditions and no other issues coming to light on site.



The image above shows where the temporary bridge will go which is to the north of the storm damaged bridge.

### Lochgoilhead – B828 Slope stabilisation and bridge works



Emergency bridge works to deal with scour damage (water eroding the bridge abutment/foundation) have been completed and work is currently underway stabilising the embankment, which supports the road. There are a number of locations along the B828 where rock nailing and support beams are being installed.

Image above detailing diversion of river flow and over pumping to allow concrete to be laid to support the bridge structure with the concrete replacing masonry washed away with the force of the river.

Bottom left image shows reinforced concrete edge beam being constructed to support the carriageway.



### Scammadale – retaining structure and stabilisation

The damage to the Scammadale road embankment was due to exceptionally high river levels washing away the embankment. The repair to this embankment is complex and design works are nearing completion with site works commencing over the next couple of weeks. In the meantime we continue to liaise with the residents regarding vehicles over 3.5



tonnes accessing the glen. Work is due on site by the end of November.

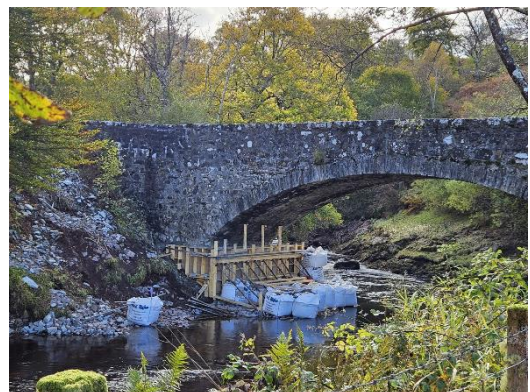


*Top image of barriers to keep traffic from the weak edge and right image showing the extent of the affected banking – note the road is at the top of the embankment and this shot was taken before the barriers shown on the right were installed.*

### Kilninver Bridge

Kilninver Bridge is downstream from the Scammadale embankment slip, on the River Euchar, which is fed from Loch Scammadale.

The bridge suffered significant abutment scour during the rain event. Extensive emergency works have been carried out and some rock armour protection work will be carried out in due course to the upstream side of the bridge. The initial works were carried out at pace in order to save the bridge from further scour damage to the bridge's abutment. Any further damage would have very likely resulted in the bridge being lost.





Initially a weight limit reduction was applied to the bridge. This has now been lifted and the bridge is open to 44 tonne vehicles. 44 tonne being heaviest vehicle allowed on UK roads unless an abnormal load exemption is issued.

*Top image showing the wooden formwork in place which supported the fibre reinforced concrete until it set. Bottom image on the right showing the formwork being erected. The carpenters in the shot help to give scale to the repair works.*



### **Kilmelford Bridge**

The initial emergency phase commenced on Thursday 19 October when a major defect was found on the bridge. The defect was so significant there was only one option – to demolish the bridge for public safety.

The initial plan was to demolish the old bridge and put in place a temporary ‘forest’ type corrugated steel pipe type bridge. However, we were very fortunate and found a number of concrete culvert/bridge sections in Highland which were the correct size and were available. This enabled a rapid construction phase which had the road open to 44 tonne vehicles in an impressive 2 weeks’ time period.



With the bridge and road now open to all traffic we have commenced work to carry out a hydrology study. This is a complex and technical piece of works which is required to design the training walls (the walls which direct the water flow into and out of the bridge structure), to satisfy SEPA in terms of retrospective consents and to ensure that the bridge will not have any adverse effect on the river. There is additional design work to carry out in terms of adding a segregated pedestrian route and finishing off the surfacing and parapet (edge of bridge) walls. So whilst the initial emergency phase of the bridge works is complete there remains much design, liaison with consenting bodies and physical works

*Top image showing the damage to the bridge and the bottom picture detailing the new concrete bridge sections prior to the reinforced concrete slab and surfacing being placed.*

### **Slope Stability – hillsides above the A815**

A contract has been put in place with a geological engineering expert for ongoing monitoring of the scars left on the A815. In addition to the monitoring the contacted works include advising on future flow mitigation measures – these at their most basic will be deeper ‘climate adapted’ drainage channels to intercept small flow events. *The image to the right shows*



*some of the scars on the hillside above the A815 which are being monitored.*

## Environment, Development and Infrastructure Committee Work Plan 2023/24

<b>This is an outline plan to facilitate forward planning of reports to the Environment, Development and Infrastructure Committee.</b>				
<b>Date</b>	<b>Title</b>	<b>Service/Officer</b>	<b>Date Due</b>	<b>Comments</b>
<b>30 November 2023</b>				
	Helensburgh Wooden Pier - Update	Development and Economic Growth		
	Argyll and Bute Housing Emergency – Progress Report	Development and Economic Growth		
	Argyll and Bute Housing Emergency – Project Officer Resource	Development and Economic Growth		
	Cemetery Asset – Annual Report	Road and Infrastructure Services		
	Play Parks Update	Road and Infrastructure Services		
	Waste Update	Road and Infrastructure Services		
	Latest Update on the Settlement Project Support Officer Actions	Development and Economic Growth		
	October 2023 Weather Event – Update	Road and Infrastructure Services		
<b>21 March 2024</b>				
	Roads Reconstruction Capital Programme	Road and Infrastructure Services		
	Waste Update	Road and Infrastructure Services		
	Annual Status and Options Report (ASOR) Annual Report	Roads and Infrastructure Services		
	Route Optimisation	Roads and Infrastructure Services		

## Environment, Development and Infrastructure Committee Work Plan 2023/24

	Update on the Settlement Project Support Officer Actions	Development and Economic Growth		
	Housing Emergency Update	Development and Economic Growth		
	Digital Update	Development and Economic Growth		
	Footpath Improvements	Roads and Infrastructure Services		
	Transformational Projects Regeneration Team Large Scale Projects Update	Development and Economic Growth		Six monthly update
20 June 2024				
	Roads Capital Programme Member Engagement	Roads and Infrastructure Services	7 May 2024	
	PC Door Installation Update	Roads and Infrastructure Services		
<b>Future Items</b>				
	Shared Prosperity Fund	Development and Economic Growth		
	EVC Update	Roads and Infrastructure Services		
	Roads Development Framework	Roads and Infrastructure Services		