

ANGUS COUNCIL

MINUTE of HYBRID MEETING of the **COMMUNITIES COMMITTEE** held in the Town and County Hall, Forfar on Tuesday 21 November 2023 at 2.00pm.

Present: Councillors MARK McDONALD, KENNY BRAES, DAVID CHEAPE, LINDA CLARK, SERENA COWDY, LYNNE DEVINE, BILL DUFF, GAVIN NICOL, CRAIG FOTHERINGHAM, IAN McLAREN, GEORGE MEECHAN, LOUISE NICOL, RONNIE PROCTOR MBE, JILL SCOTT and TOMMY STEWART.

Councillor McDONALD, Convener, in the Chair.

Prior to the commencement of the formal business, the Convener intimated that as members were aware, Report No 331/23 (Item 11) had not been issued to members in line with the required "3 clear days" before the meeting. However, he determined that in accordance with the provisions of Standing Order 11(1)(vii) the Report be considered at this meeting as a matter of urgency as the revocation of the closing Order required to be determined before the sale of the property could proceed.

1. APOLOGIES/SUBSTITUTES

Apologies for absence were intimated on behalf of Councillors David Fairweather and Lloyd Melville with Councillor Gavin Nicol substituting for Councillor Fairweather.

2. DECLARATIONS OF INTEREST AND STATEMENTS OF TRANSPARENCY

The Committee agreed to note that there were no declarations of interest or statements of transparency made.

3. MINUTES

(a) Previous Meeting

The minute of meeting of this Committee of 26 September 2023 was approved as a correct record and signed by the Convener.

(b) Arbroath Harbour Joint Consultative Committee

The minute of meeting of the Arbroath Harbour Joint Consultative Committee of 15 September 2023, a copy of which is appended hereto, was submitted and noted (**APPENDIX I**).

4. STRATEGIC HOUSING INVESTMENT PLAN 2024-25 - 2028-29

With reference to Article 5 of the minute of meeting of this Committee of 22 November 2022, there was submitted Report No 316/23 by the Director of Vibrant Communities and Sustainable Growth, informing members on the Strategic Housing Investment Plan (SHIP) for 2024/25 – 2028/29 and the proposals for the use of resources from the Affordable Housing Revenue Account (AHRA).

The Report indicated that the Council and its Registered Social Landlord (RSL) partners had delivered 47 new build affordable homes, alongside 19 open market acquisitions. The lower number of new builds and the higher number of open market acquisitions than in recent years was as a direct consequence of the factors outlined in the Strategic Context in last years and this year's SHIP.

The Service Leader – Housing advised that the Council and RSL partners continued to face a challenging operating environment due to the ongoing UK economic situation and supply chain issues which were having cost and time implications. However, despite these challenges 74% (£6.652m) had been spent of the Affordable Housing Supply Programme (AHSP) funding allocation of the total £9.043m.

The Committee agreed: -

- (i) to approve the content of the SHIP 2024/25 – 2028/29 as detailed in Appendix 1 to the Report; and
- (ii) to approve the ongoing development of the SHIP, and its associated programme plans and procedures, with the Council's partners during the lifetime of the Plan.

5. HOUSING CAPITAL MONITORING REPORT 2023/24

With reference to Article 4 of the minute of meeting of this Committee of 22 November 2022, there was submitted Report No 317/23 by the Director of Vibrant Communities and Sustainable Growth, relating to the Housing Revenue Account (HRA) capital performance to date in 2023/24, and setting out the actual Capital spend to 30 September 2023, together with outturns as projected to 31 March 2024 and any required updated Capital funding proposals.

The Report indicated that the HRA capital monitoring budget for 2023/24 was £11.663m as detailed in Appendix 1 to the Report. It was expected that there would be no changes allowed to this monitoring budget during the year, resulting in this being the budget against which HRA capital monitoring would be carried out for the remainder of the financial year.

It was noted that there had been a slight change to the presentation of the 2023/24 Capital Programme and the funding of the Programme. This was to reflect that £0.274m of the £0.500m Affordable Housing Reserve funding had been allocated directly to the Affordable Housing – Glenview Project as developer contributions. There was no actual change to the Capital Programme.

The Service Leader – Housing answered questions from Councillors Fotheringham, Clark, Scott, Duff and Nicol.

The Committee agreed: -

- (i) having reviewed and scrutinised the contents of Report 317/23, to note the Report, and, in particular, the projected year end positions on capital expenditure, and the indicative funding proposals to the programme;
- (ii) to note the projected outturn overspend position described in Paragraph 5.1 of the Report;
- (iii) to note that the projections were based on the actual spend position as at 30 September 2023 – i.e. prior to the impact of storm Babet;
- (iv) to note that Housing and Property Services were focussed on recovery from the impacts of storm Babet and in particular the needs of the tenants in that regard and that this necessary shift in focus would impact on progress of projects across the HRA capital programme in the current year; and
- (v) to note that an amended capital plan would form part of the papers to be presented to the special meeting of this committee in February 2024 at which future rent levels would be considered.

6. LOCAL LANDSCAPE AREAS IN ANGUS – CONSULTATION DRAFT

There was submitted Report No 318/23 by the Director of Vibrant Communities and Sustainable Growth seeking approval for consultation of the proposed designation of Local Landscape Areas in Angus and accompanying background study. The designation of Local Landscape Areas would protect and celebrate those landscapes within Angus which were special. The study which supported the designation provided detailed guidance on appropriate land management and development. Designated areas would be protected through policy within National Planning Framework 4. Following the consultation period and analysis and consideration of responses, the finalised study would be submitted to Council for approval and formal designation of Local Landscape Areas in Angus.

At this stage in the meeting, the Committee agreed to adjourn the meeting for 5 minutes to allow officers time to fix the issue with the live stream. The meeting resumed at 2.26pm.

The Service Leader, Planning & Sustainable Growth introduced the Report, and it was noted that the process of identifying Local Landscape Areas in Angus had been undertaken in-house and overseen by a steering group which included Angus Council officers and NatureScot. The process for undertaking the study was in accordance with guidance on the subject published by NatureScot which whilst not prescriptive, provided guidance on the process.

Following some questions, the Committee agreed: -

- (i) to approve the proposed designation of Local Landscape Areas in Angus;
- (ii) that the draft Local Landscape Areas study in Angus as detailed in Appendix 1 to the Report be consulted upon for a six-week period between November 2023 and January 2024; and
- (iii) to note that following public consultation and analysis and consideration of responses, a further report would be submitted to Council for formal approval and designation of Local Landscape Areas in Angus which would also detail the comments received and any changes made.

7. LOCAL NATURE CONSERVATION SITES IN ANGUS – INITIAL PHASE OF LOCAL BIODIVERSITY SITES

There was submitted Report No 319/23 by the Director of Vibrant Communities and Sustainable Growth seeking approval for the designation of an initial phase of 28 sites as Local Nature Conservation Sites within Angus to help to protect these important biodiversity sites from inappropriate development and to ensure sympathetic land management by landowners through partnership working.

The Report indicated that following assessment of this initial phase of sites, a total of 28 were considered suitable for designation as Local Nature Conservation Sites. These were listed and mapped in Appendices 1 and 2 to the Report. The sites covered a full range of habitats including species rich grasslands, native woodlands, heath, marsh, bogs, fens and coastal habitats. These habitats were often UK Priority Habitats and locally rare and commonly host both nationally and locally rare plant species. Survey and assessments were currently underway for a second phase of candidate sites and would be reported to committee in due course. Whilst carrying out the initial phase, it had become apparent that sites adjacent to the sites being surveyed had nature conservation value. These had formed the basis of the second phase of survey and assessment that was currently underway.

The Committee welcomed the Report and agreed: -

- (i) to approve the designation of the 28 sites listed in the report as Local Nature Conservation Sites;
- (ii) to note that further sites would be brought forward to committee for approval in due course; and
- (iii) to note that the sites designated would be considered material in the determination of planning applications.

8. STATUTORY BIODIVERSITY DUTY REPORT ON DELIVERY 2021-2023

There was submitted Report No 320/23 by the Director of Vibrant Communities and Sustainable Growth detailing the progress made by the Council from 1st January 2021 to 31st December 2023 in relation to the conservation of biodiversity when carrying out the statutory functions required by the Nature Conservation (Scotland) Act 2004 and the Wildlife and Natural Environment (Scotland) Act 2011.

Appendix 1 to the Report provided an updated Report on the last three years' progress as requested by the Scottish Government. In completing the report, information had been gathered from across Council Services relating to their contributions to the statutory biodiversity duties and the report summarised the main progress that had been made in fulfilling the statutory duties and demonstrated commitment to the biodiversity duty.

The Service Leader, Planning & Sustainable Growth introduced the Report and members thanked officers for their ongoing commitment.

The Committee agreed: -

- (i) to approve the contents of the report as detailed in Appendix 1 to the Report for submission to the Scottish Government; and
- (ii) to approve the publication of the report on the Council's website.

9. TAYSIDE LOCAL BIODIVERSITY ACTION PLAN 2016-26 PROGRESS REPORT

There was submitted Report No 321/23 by the Director of Vibrant Communities and Sustainable Growth highlighting the progress made on the delivery of the Tayside Local Biodiversity Action Plan 2016-26. It was noted that although this was a Tayside wide plan, this initial interim review focussed on Angus progress from 2016-2023 and appropriate cross boundary projects. The monitoring undertaken for the report illustrated that 75% of actions in the plan relevant to Angus, or 116 out of 155 actions, were in delivery or complete. The progress made would also be incorporated within the Tayside wide updates for the final 2026 monitoring report.

The full progress report to 2023 was contained within Appendix 1 to the Report and provided further detail and contained an overall update on themed section delivery and 12 in depth cases studies. It was important to note that 28 (or less than 5%) of the sub actions were attributable to Perth and Kinross solely. Additionally, there had been difficulty in receiving updates which may have impacted minimally on overall progress calculations in 2023.

The Service Leader, Planning & Sustainable Growth introduced the Report and Councillor Cowdy thanked officers for the considerable work undertaken and for the earlier briefing session which allowed members to ask more detailed questions.

The Committee agreed: -

- (i) to note the contents of the report and progress to date on delivering the Tayside Local Biodiversity Action Plan 2016-26;
- (ii) to note the challenges and opportunities identified in delivering the Tayside Local Biodiversity Action Plan 2016-26 for both the nature and climate crisis and next steps; and
- (iii) to approve the commencement of scoping works by the Planning and Sustainable Growth Service to investigate the development of a third edition of the Local Biodiversity Action Plan.

10. PAVEMENT PARKING PROHIBITION

With reference to Article 6 of the minute of meeting of this Committee of 22 February 2022, there was submitted Report No 322/23 by the Director of Infrastructure and Environment updating the Committee on the road assessments that had been undertaken relating to the Pavement Parking Prohibitions under the Transport (Scotland) Act 2019. The Committee were asked to consider and approve the roads where exceptions to pavement parking prohibition and double-parking prohibition would apply. The report also sought further approval for the preparation and making of an Exemption Order to exempt roads from the forthcoming national footway parking prohibition.

The Report indicated that an Exemption Order could only be considered where a minimum 1.5m width of unobstructed footway could be maintained, or the layout of the carriageway associated with the footway was such that the passage of an emergency vehicle would be impeded by the presence of a vehicle parked on the carriageway. Appendix 1 to the Report detailed the roads that had been assessed as meeting the exemption criteria and were proposed for inclusion in the Exemption Order.

In association with the proposed exemptions to the pavement parking prohibition it would be necessary to introduce waiting restrictions to ensure traffic safety was maintained at the exempted locations as detailed in the plans attached as Appendix 2 to the Report.

It was also noted that it would be necessary to reverse the one-way traffic arrangements in Henry Street, Kirriemuir in order to ensure free traffic flow and to maintain traffic safety. A plan of the proposed reversal of the one-way traffic arrangements were provided in Appendix 3 to the Report.

The Director of infrastructure and Environment introduced the Report and advised members that should they have any concerns regarding the exemption of some streets then they should contact him direct, and colleagues would follow this matter up. It was anticipated that it would be the next calendar year before measures were put in place.

Following discussion, the Committee agreed: -

- (i) to note the results of the assessment of the Pavement Parking Prohibitions part of the Act;
- (ii) to approve the preparation of an Exemption Order under Section 52 of the Transport (Scotland) Act 2019 to exempt the roads listed in Appendix 1 to the report from the forthcoming national footway parking prohibition and to thereafter publish the proposed Order in accordance with the Pavement Parking Prohibition (Exemption Orders Procedure) (Scotland) Regulations 2022;
- (iii) to approve the making of the Exemption Order in the event that no representations were received by the Council in response to the publication of the proposals, or if representations were received but were subsequently withdrawn;
- (iv) to approve the preparation of a Traffic Regulation Variation Order to affect changes to the waiting restrictions in the relevant decriminalised parking enforcement Traffic Regulation Order for Angus and to thereafter publish the proposed Order in accordance with The Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999;
- (v) to approve the making of a decriminalised parking enforcement Variation Order in the event that no representations were received by the Council in response to the publication of the proposals, or if representations were received but were subsequently withdrawn;
- (vi) to approve the preparation of a Variation Order to affect changes to one-way traffic arrangements in Southmuir, Kirriemuir in the relevant Traffic Management Order for Kirriemuir and to thereafter publish the proposed Order in accordance with The Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999; and
- (vii) to approve the making of a Traffic Management Variation Order for Kirriemuir in the event that no representations were received by the Council in response to the publication of the proposals, or if representations were received but were subsequently withdrawn.

11. REVOCATION ORDER

There was submitted Report No 331/23 by the Director of Vibrant Communities and Sustainable Growth seeking approval to revoke a Closing Order made by Angus District Council on 18 October 1977 in relation to the property at 74 High Street, Montrose which now met the Tolerable Standard following a satisfactory inspection of the property by an Environmental Health Officer on 10 November 2023.

The Committee agreed to approve the making of an Order revoking a Closing Order on the property at 74 High Street, Montrose made by Angus District Council on 18 October 1977.

VALEDICTORY – WALTER SCOTT

The Convener advised that Walter Scott, Service Leader, Roads and Transportation had recently retired from the Council and on behalf of the Committee, he paid tribute to his professionalism, expertise, support and leadership over the many years and wished him well in his retirement.