

Agenda



West Dunbartonshire Council

Date: Wednesday, 24 April 2024

Time: 16:00

Format: Hybrid meeting

Contact: Carol-Ann Burns, Senior Democratic Services Officer
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Dear Member

Please attend a meeting of **West Dunbartonshire Council** as detailed above.

Members will have the option to attend the meeting remotely or in person at the Civic Space, 16 Church Street, Dumbarton.

The business is shown on the attached agenda.

Yours faithfully

PETER HESSETT

Chief Executive

Distribution:-

Provost Douglas McAllister
Councillor James Bollan
Councillor Ian Dickson
Councillor Diane Docherty
Councillor Gurpreet Singh Johal
Councillor Daniel Lennie
Councillor David McBride
Councillor Jonathan McColl
Councillor James McElhill
Councillor Michelle McGinty
Councillor June McKay

Councillor John Millar
Councillor Karen Murray Conaghan
Councillor Lawrence O'Neill
Councillor Lauren Oxley
Councillor Chris Pollock
Councillor Martin Rooney
Councillor Gordon Scanlan
Councillor Hazel Sorrell
Councillor Clare Steel
Councillor Sophie Traynor

Chief Executive
Chief Officers

Date of issue: 11 April 2024

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WEST DUNBARTONSHIRE COUNCIL

WEDNESDAY, 24 APRIL 2024

AGENDA

1 STATEMENT BY CHAIR – AUDIO STREAMING

2 APOLOGIES

3 DECLARATIONS OF INTEREST

Members are invited to declare if they have an interest in any of the items of business on the agenda and the reasons for such declarations.

4 RECORDING OF VOTES

The Council is asked to agree that all votes taken during the meeting will be done by roll call vote to ensure an accurate record.

5 MINUTE OF PREVIOUS MEETING

7 – 36

Submit, for approval as correct record, the Minutes of Meeting of West Dunbartonshire Council held on 27 March 2024.

6 OPEN FORUM

The Council is asked to note that no open forum questions have been submitted by members of the public.

7 ERECTION AND OPERATION OF A MIXED-USE TOURISM AND LEISURE DEVELOPMENT LAND AT PIER ROAD, BEN LOMOND WAY AND OLD LUSS ROAD KNOWN AS WEST RIVERSIDE AND WOODBANK HOUSE (LOMOND BANKS), BALLOCH (2022/0157/PPP) 37 – 53

Submit report by the Planning, Building Standards and Environmental Health Manager seeking approval of the Council's response to a consultation received from the Loch Lomond and the Trossachs National Park Planning Authority regarding a planning application for tourism led development at West Riverside and Woodbank House, Balloch.

- 8 DC23/211/PPP: PROPOSED CONSTRUCTION OF MARINE To Follow
TECHNOLOGY PARK COMPRISING INDUSTRIAL UNITS FOR
MARINE ENGINEERING, FABRICATION, RESEARCH AND
DEVELOPMENT, AND ASSOCIATED USES; ALONG WITH SITE ACCESS
AND ASSOCIATED INFRASTRUCTURE; (IN PRINCIPLE) AT SITE OF
FORMER CARLESS OIL TERMINAL, ERSKINE FERRY ROAD, OLD
KILPATRICK**

Submit report by the Planning, Building Standards and Environmental Health Manager seeking determination of planning application DC23/211/PPP for the proposed construction of a Marine Technology Park at site of former Carless Oil Terminal, Erskine Ferry Road, Old Kilpatrick.

- 9 EDUCATIONAL SERVICES COMMITTEE TIMETABLE 55 – 58**

Submit report by the Chief Officer – Resources advising on the proposed timetable for reporting Budgetary Control Reports (BCR) to the Educational Services Committee and seeking approval of a change to the schedule of the Committee to align it better to the BCR timetable in order to make the information reported more up to date.

10 NOTICE OF MOTION

- (a) Motion by Councillor Lauren Oxley – Additional Support Needs Learn to Swim Programme**

Council notes its commitment to the Getting It Right For Every Child (GIRFEC) approach, which aims to ensure that all children and young people across West Dunbartonshire are supported to thrive.

This includes ensuring that the services and activities provided by the Council and its partners, including West Dunbartonshire Leisure Trust, are accessible and inclusive of children and young people with additional support needs (ASN).

Therefore, it is disappointing that since 2020, there has been no swimming lesson provision for children and young people with additional needs, despite the budget for the Learn to Swim programme increasing every year, and there being an interest and demand for these lessons.

As a result, families in West Dunbartonshire have been forced to travel to neighbouring local authorities for lessons, making it more costly and time consuming. It also leaves families who may experience transport or financial barriers with no options.

Council recognises the need to do better and requests West Dunbartonshire Leisure Trust to restart the ASN Learn to Swim programme using funds from the swimming development budget, which covers all swimming lessons, giving all of our children and young people the opportunity to develop this important and lifelong skill.

WEST DUNBARTONSHIRE COUNCIL

At a Hybrid Meeting of West Dunbartonshire Council held in the Civic Space, 16 Church Street, Dumbarton on Wednesday, 27 March 2024 at 4.05 p.m.

Present: Provost Douglas McAllister and Councillors Jim Bollan, Ian Dickson, Gurpreet Singh Johal, Daniel Lennie, David McBride, Jonathan McColl, Michelle McGinty, June McKay, John Millar, Karen Murray Conaghan, Lawrence O'Neill, Lauren Oxley, Chris Pollock, Martin Rooney, Gordon Scanlan, Hazel Sorrell, Clare Steel and Sophie Traynor.

Attending: Peter Hissett, Chief Executive; Michael McDougall, Manager of Legal (Legal Officer); Laurence Slavin, Chief Officer – Resources, and Section 95 Officer; Peter Barry, Chief Officer – Housing and Employability; Amanda Graham, Chief Officer – Citizen, Culture and Facilities; Gail Macfarlane, Chief Officer – Roads and Neighbourhood; Laura Mason, Chief Officer – Education; Beth Culshaw, Chief Officer – Health & Social Care Partnership; Victoria Rogers – Chief Officer, People and Technology; Michelle Lynn, Assets Co-ordinator; Gillian McNamara, Economic Development Manager; Pamela Clifford, Planning, Building Standards and Environmental Health Manager; Carol Alderson, Finance Manager; George Hawthorn, Manager of Democratic and Registration Services; and Carol-Ann Burns, Senior Democratic Services Officer.

Apologies: Apologies for absence were intimated on behalf of Councillors Diane Docherty and James McElhill.

Provost Douglas McAllister in the Chair

STATEMENT BY CHAIR

Provost McAllister advised that the meeting was being audio streamed and broadcast live to the internet and would be available for playback.

DECLARATIONS OF INTEREST

It was noted that there were no declarations of interest in any of the items of business on the agenda.

RECORDING OF VOTES

The Council agreed that all votes taken during the meeting would be done by roll call vote to ensure an accurate record.

URGENT ITEM OF BUSINESS EMERGENCY MOTION BY COUNCILLOR DAVID MCBRIDE – HEALTH & SOCIAL CARE PARTNERSHIP

The Provost advised that he had accepted a request from Councillor McBride for an emergency motion concerning the challenging financial situation faced by all Health & Social Care Partnerships. The Provost advised that this item would be considered immediately.

Councillor McBride moved:-

This Council recognises the challenging financial situation faced by all Health & Social Care Partnerships across Scotland and notes that the West Dunbartonshire Health & Social Care Partnership (HSCP) will set its revenue budget on Thursday 28th March with both Health savings and Social Care savings required in order to set a balanced budget.

Council also notes that since 2019, the Scottish Government settlement for Social Care has been flat cash with no inflationary uplift applied, which means a real terms cut in funding. For the first time in the history of the HSCP, the Scottish Government has applied a flat cash settlement to the Health element which means no inflationary uplift. This is a double hit for the HSCP and the services used by our most vulnerable.

The Chief Officer of the HSCP and her staff have gone to extraordinary lengths to minimise the impact and level of savings. In February this year, the starting point in the HSCP budget gap for Health was £2.639m and £7.035m for Social Care. Therefore additional measures need to be taken to ensure a balanced budget can be set for 2024/25.

Social Care Services provided by community organisations like Ben View will continue to be funded to ensure eligible social care clients receive the services they need including Day Care /Lunch Service and Bathing Service.

If there is any shortfall for other non-care related groups within Ben View, they are encouraged to apply to the Cost of Living Working Group for funding to help them manage any reductions in funding.

In addition we encourage the Ben View manager to submit an application for recurring revenue support to the Dumbarton Common Good Fund to help with their ongoing running costs; and ask that Council Officers engage with any affected groups and signpost them to the new funds established in the March Budget.

Councillor Dickson asked if Councillor McBride would accept the following addendum to the motion:-

Add "Council recommends" before "Social Care Services provided by community organisations like Ben View will continue to be funded to ensure eligible social care clients receive the services they need including DayCare/Lunch Service and Bathing Service".

Councillor McBride confirmed his acceptance of the addendum.

Councillor Bollan, was advised by the Manager of Legal Services that proposed amendment was not competent, and therefore could not be considered by Council.

As an amendment, Councillor Murray Conaghan moved:-

That this motion be brought back to Council at the next meeting which is a few short weeks away and at that point we can obviously have a view of the decision which has been taken at HSCP. We can also be furnished with information from the Cost of Living Working Group, given the sum taken out of that during the budget process and fully appraised of the situation with the Dumbarton Common Good Fund.

Councillor McColl seconded the amendment and Councillor Singh Johal seconded the motion, as amended by adding the addendum.

Note: Councillor O'Neill left the meeting at this point due to technical difficulties.

Having heard the Manager of Legal Services in clarification of certain matters, a roll call vote was taken.

Seven Members voted for the amendment, namely Councillors Dickson, Docherty, McColl, Murray Conaghan, Pollock, Scanlan and Traynor and 10 Members voted for the motion, namely Provost McAllister and Councillors Singh Johal, Lennie, McBride, McGinty, McKay, Millar, Rooney, Sorrell and Steel. Councillor Bollan abstained from voting. The motion, with addendum, was accordingly declared carried.

REQUEST FOR DEPUTATION – EQUAL PAY CLAIMS

The Provost advised that a late request had been received to hear a deputation from Kirsten Muat in relation to the item 'Motion by Councillor Bollan – Equal Pay Claims'. The Council agreed to suspend Standing Order 18 (b) in order to allow the deputation to be heard.

The Provost invited Ms Muat forward to join the meeting and she was heard in relation to her concerns regarding equal pay claims. The Provost thanked Ms Muat for her contribution and invited her to remain in the meeting for its duration if she so wished. Ms Muat then returned to the public gallery.

VARIATION IN ORDER OF BUSINESS

Having heard Provost McAllister, the Council agreed to vary the order of business as hereinafter minuted.

NOTICE OF MOTION

(a) Motion by Councillor Jim Bollan – Equal Pay Claims

The Manager of Legal Services advised:-

Alan Douglas, Chief Officer – Regulatory and Regeneration and Monitoring Officer, has asked that I express his concerns to the meeting regarding the Motion. Whilst the Motion is not *de facto* illegal in the sense of creating a criminal or civil offence two elements of the Motion are so problematic that he has indicated that if it were passed unamended, he would be obliged in terms of Section 5(2) of the Local Government and Housing Act 1989 to prepare a Monitoring Officer Report to a future meeting and in the interim the implementation of the committee decision would be put on Hold.

Mr Douglas has written to both Administration and Opposition Groups and also to the Provost, Cllr Bollan and Cllr Docherty setting out his concerns in detail. These relate to the invitation to Councillors to accept that there is in fact inequality without that fact having been established and also the proposed application of the facts and circumstances of the “Fife Case” (as referenced in the Motion) to West Dunbartonshire without the applicability being tested. Further, as appeal is being considered in the Fife case, he is keen to point out it should not be considered settled law.

In all the circumstances, Mr Douglas believes that passing the motion in its present unamended condition would be contrary to the Council’s overriding duty in terms of Section 1 of Local Government in Scotland Act 2003 - the [Local authorities' duty to secure best value](#).

As a further consideration, it is a requirement of the Standing Orders that the mover states the source of any funds required to implement any such decision and in order to comply with this requirement Cllr Bollan should advise the source of funds required to address the proposed levelling up.

After discussion and having heard the Chief Officer – People & Technology and relevant officers in further explanation, Councillor Bollan moved:-

Council recognises the steps taken by West Dunbartonshire Council in the past to settle equal pay claims, but that pay discrimination remains an ongoing issue in local authorities across Scotland; believes that all Scottish local authorities must learn the lessons of the past and that it is incumbent on all Councillors – especially Council Leaders – to demonstrate and exercise political leadership in ending pay discrimination and securing equal pay for equal value work.

Council believes that West Dunbartonshire Council and West Dunbartonshire Leisure Trust have an equal pay issue due to a disparity in the levels of pay received by those in male-dominated roles i.e. craft roles, compared to those in female-dominated roles; notes that these roles are carried out by workers – predominantly women – in the heart of communities on the frontline of our public services; and notes the invitation from GMB Scotland to the council's workforce to lodge equal pay claims.

Council notes that West Dunbartonshire Council has carried out a job evaluation for certain female-dominated roles, but believes the job evaluation scheme may have increased the value of those roles in contradiction to the precedent set by the Employment Tribunal against Fife Council¹.

Council believes that equal value work must result in equal pay and equal terms and condition; that roles currently being underpaid must be brought up with no detriment to those currently in receipt of higher pay; and notes the consultative ballot carried out by GMB Scotland which demonstrated 100% support for industrial action by craft workers if pay inequality is not addressed by bringing everyone up.

Council resolves to set an example for other local authorities in delivering equal pay by working with trade unions to negotiate compensation for lost wages for those workers who have been the victim of pay discrimination, and carrying out a fair job evaluation which takes full account of the Employment Tribunal ruling against Fife Council.

<https://www.gov.uk/employment-tribunal-decisions/mrs-y-allan-and-others-v-fife-council-4102824-slash-2016-and-others>

The Provost advised that, in accordance with advice given by the Manager of Legal Services, Councillor Bollan would require to state the source of any funds for settlement of equal pay claims. Councillor Bollan confirmed that these would be taken from reserves.

Councillor McColl declared an interest in relation to this Item, namely that his mother works within the Home Care Service and advised he would withdraw from consideration of this item and not take part in any debate. Accordingly, Councillor McColl left the meeting at this point.

Councillor Rooney made a transparency statement in relation to this item, and advised that as there was no direct connection to this matter. Thereafter moved the following amendment:-

This Council notes that although the motion has been deemed to be legally competent, if it was accepted, it would present a legal impediment for the Council.

Council notes that the first element of the motion is not recognised by the Council and is not evidenced by our most recent equal pay audit (reported to JCF in December 2023).

Additionally, Council notes that the matter of 'equal value' has not been raised with the Council.

All roles have been subject to job evaluation, many to re-evaluation as the roles change materially and permanently, using an agreed process that includes our trade union (and other) colleagues as trained analysts.

The motion also asks the Council to accept that we have done something wrong when there is no prior evidence. The wording includes an acceptance of default which is unfounded.

The main focus of the amendment is to get all parties around the table without preconditions to discuss how any issues can be identified and resolutions found.

The discussions should also look to investigate and resolve all suggested equality issues including the suggested issue with the quasi-craft group.

Given the above, the Council calls on the trades unions to initiate discussions, with the Chief Officer of People & technology and her team, without pre-judging the application of the Fife Case or indeed the assumptions in the motion which asserts that there is a *"disparity in the levels of pay received by those in male-dominated roles"*

In addition, Council calls on the Joint Trades Unions to actively engage with all care at home staff with a view to correcting the misinformation relating to the outcome of their recent job evaluation.

Note: Background information to this amendment is shown in Appendix 1 to these Minutes.

Note: Councillor O'Neill re-joined the meeting at this point.

The Manager of Legal Services advised that Councillors Singh Johal and Sorrell wished to make transparency statements to which they did along with Councillors Lennie and McBride. The aforementioned Councillors remained in the meeting room.

As a second amendment, Councillor Murray Conaghan, moved:-

Council recognises the fundamental right to equal pay for work of equal value. Council further recognises that the road to achieving this and righting the wrongs of mostly gender based pay discrimination, has been far from straight forward and has at times caused further inequality in early attempts to address it.

This Council recognises that although many Councils will have similar approaches and have adopted similar job evaluation schemes, each case where inequality is found to exist must be looked at on its own merits and with

evidence based data. If this were not the case, we might stray into creating unintended negative consequences.

To this end, this Council directs the Chief Officer for People and Technology, other senior officers and our Joint Trade Unions to get round the table to look at cases where inequality may be ongoing, with a view to addressing these issues as speedily as possible and reaching a fair resolution for our valued workers.

A report on the actions taken and the progress made should be brought to June Council at the latest.

Councillor Dickson seconded Councillor Bollan's motion, Councillor Scanlan seconded Councillor Murray Conaghan's second amendment and Councillor McGinty seconded Councillor Rooney's first amendment.

On a roll call vote being taken between the first amendment (Councillor Rooney) and the second amendment (Councillor Murray Conaghan), 7 Members voted for the second amendment, namely Councillors Bollan, Dickson, Murray Conaghan, Oxley, Pollock, Scanlan and Traynor and 11 Members voted for the first amendment, namely Provost McAllister and Councillors Singh Johal, Lennie, McBride, McGinty, McKay, Millar, O'Neill, Rooney, Sorrell and Steel. The first amendment from Councillor Rooney was accordingly declared carried.

On a further roll call vote being taken between the amendment (Councillor Rooney) and the motion (Councillor Bollan), 11 Members voted for the amendment, namely Provost McAllister and Councillors Singh Johal, Lennie, McBride, McGinty, McKay, Millar, O'Neill, Rooney, Sorrell and Steel, and 7 Members voted for the motion, namely Councillors Bollan, Dickson, Murray Conaghan, Oxley, Pollock, Scanlan and Traynor. The amendment was accordingly declared carried.

Note: Councillor McColl rejoined the meeting at this point.

MINUTES OF PREVIOUS MEETINGS

The Minutes of Meetings of West Dunbartonshire Council held on 20 December 2023 (Ordinary) and 6 March 2024 (Budget) were submitted and approved as correct records, subject to the following amendments being made to the Minutes of the Budget meeting;

- In relation to the item under the heading 'General Services Budget Setting 2024/25 and 2025/26 to 2028/29 Budget Estimates', replace the word 'request' with 'requests' in the sentence, 'The Provost declined the requests'.
- In relation to the item under the heading 'Deputation – Joint Trades Union', include transparency statement declared from Councillor McColl.

ADJOURNMENT

The Provost adjourned the meeting at this point due to technical difficulties with the hybrid meeting system. After having heard the Manager of Democratic and Registration Services in further explanation the Council agreed to note that the meeting would need to continue with those present in the Civic Space.

The meeting resumed at 6.05 p.m. with all Members listed in the sederunt present, with the exception of Councillor O'Neill who had been attending via Zoom.

CLYDEBANK: LONG-TERM PLAN FOR TOWN FUNDS

The Chief Officer – Regeneration and Regulatory advised that at the meeting of the Infrastructure, Regeneration and Economic Development Committee held on the 7 February 2024, Committee had considered a report entitled 'Clydebank: Long - Term Plan for Towns Fund' and agreed:-

- (v) to invite the meeting of Council on 27th March 2024 to nominate two elected members to the Clydebank Town Board;

Councillor McBride moved that Councillors O'Neill and Steel be nominated to serve on the Town Board.

As an amendment, Councillor Murray Conaghan moved that one Labour member and Councillor Oxley be nominated.

Councillor McColl then seconded the amendment and Councillor Sorrell seconded the motion.

On a roll call vote being taken, 8 Members voted for the amendment, namely Councillors Bollan, Dickson, McColl, Murray Conaghan, Oxley, Pollock, Scanlan and Traynor and 10 Members voted for the motion, namely Provost McAllister and Councillors Singh Johal, Lennie, McBride, McGinty, McKay, Millar, Rooney, Sorrell and Steel. The motion was accordingly declared carried.

MINUTES MEETING OF AUDIT COMMITTEE

The Minutes of Meeting of the Audit Committee held on 13 December 2023 were submitted and all decisions contained therein were approved.

OPEN FORUM

The Council noted that no open forum questions had been submitted by members of the public.

DC23/149/FUL: ERECTION OF 128 RESIDENTIAL HOMES, ASSOCIATED ROADS, INFRASTRUCTURE AND OPEN SPACE ON EXISTING BROWNFIELD SITE, RESIDENTIAL DEVELOPMENT SITE, ABBOTSFORD ROAD, CLYDEBANK BY MILLER HOMES.

A report was submitted by the Chief Officer – Regeneration and Regulatory seeking planning permission approval, subject to the conditions set out in the report.

After discussion and having heard the Planning, Building Standards and Environmental Health Manager in further explanation and in answer to Members' questions, Councillor Singh Johal, moved:-

That Council approves planning permission subject to the conditions set out in Section 9 of Appendix 1 to the report and the additional condition detailed in Section 4.5 of this report (as detailed in full in Appendix 2 to these Minutes).

As an amendment, Councillor Murray Conaghan moved:-

We reject this item on the grounds that the parking is insufficient, and we go back and meet with the developer to discuss how we might increase the parking at this area. I would say it seems to go against some of the ambitions that we do have and looking at pavement parking for those with a view to helping those mobility issues and to be able to safely walk and get about places in a manner that doesn't rely on private car and our intention here may lead us to disadvantage people in this way. I move at this point we reject it.

Councillor Traynor then seconded the amendment and Councillor Steel seconded the motion.

Councillor Dickson asked if Councillor Singh Johal would accept the following addendum to his motion:-

We grant with one additional condition, that in a year we have a survey of the parking as we have done in our social housing, and as the caveat we can add additional parking later.

Councillor Singh Johal advised this addendum had been considered and rejected by the Planning Committee and declined to accept the addendum.

As a second amendment, Councillor Bolla moved:-

This is a key town centre site owned by the Council, we have got a responsibility I believe at any opportunity that we get to try get more socially rented houses built anywhere we can and if we own the land it gives us a bit of leverage, my amendment is we continue the matter and open discussion with Miller homes to try and achieve 10% of these properties, should be built for social rent.

Councillor McColl seconded the second amendment.

Councillor Dickson asked if Councillor Bollan would accept the following addendum to his motion:-

We grant with one additional condition, that in a year we have a survey of the parking as we have done in our social housing, and as the caveat we can add additional parking later.

Councillor Bollan confirmed his acceptance of the addendum.
The Planning, Building Standards and the Environmental Health Manager was heard in answers to Members' questions.

On a roll call vote being taken between the first amendment (Councillor Murray Conaghan) and the second amendment (Councillor Bollan), with addendum, 3 Members voted for the first amendment, namely Councillors Dickson, Murray Conaghan and Traynor and 5 Members voted for the second amendment with addendum, namely Councillors Bollan, McColl, Oxley, Pollock and Scanlan. Provost McAllister, Councillors Singh Johal, Lennie, McBride, McGinty, McKay, Millar, Rooney, Sorrell and Steel abstained from voting.
The second amendment from Councillor Bollan, with addendum, was accordingly declared carried.

On a further roll call vote being taken between the amendment (Councillor Bollan), with addendum, and the motion (Councillor Singh Johal), 7 Members voted for the amendment, namely Councillors Bollan, Dickson, McColl, Murray Conaghan, Oxley, Scanlan and Traynor and 11 Members voted for the motion, namely Provost McAllister and Councillors Singh Johal, Lennie, McBride, McGinty, McKay, Millar, Pollock, Rooney, Sorrell and Steel. The motion from Councillor Singh Johal was accordingly declared carried.

GLASGOW CITY REGION CITY DEAL – UPDATE

A report was submitted by the Chief Officer – Regulatory and Regeneration advising of the progress with the implementation of the Exxon Infrastructure Project, and providing an update on the Glasgow City Region City Deal Programme.

After discussion and having heard the Economic Development Manager in further explanation and in answer to Members' questions, the Council agreed:-

- (1) to note the progress of the Glasgow City Region programme; and
- (2) to note the update on the Exxon Infrastructure Project.

TREASURY MANAGEMENT STRATEGY AND ANNUAL INVESTMENT STRATEGY

A report was submitted by the Chief Officer – Resources seeking approval of the proposed Treasury Management Strategy Statement and Annual Investment Strategy.

After discussion and having heard the Finance Manager in further explanation and in answer to Members' questions, Councillor Lennie moved:-

That Council agrees:-

- (1) to approve the proposed Treasury Management Strategy Statement and Annual Investment Strategy and the indicators contained within;
- (2) to approve the continued use of the asset life method (using either annuity or equal instalment) for the repayment of loan fund advances with the exception of spend to save schemes where the funding/income profile method could be used;
- (3) to approve the ability to continue to use countries with a sovereign rating of AA or above; and
- (4) to note the report would be referred to Audit Committee for further scrutiny.

As an amendment, Councillor Dickson moved:-

Council agrees the recommendations at 2.1 of the report and adds the recommendation that the short-term debt profile be capped at 30%. Council recognises that transitioning from current short-term levels to longer-term will take some time and invites the S95 officer to manage the timeline of this change. This should be reported on at the next review of the Treasury management strategy.

Council also seeks to strike off lender option borrower option (LOBO's) as an approved source of long or short term borrowing from our borrowing and debt strategy.

Following discussion, Councillor Lennie indicated that he would be willing to accept the wording of Councillor Dickson's amendment as an addendum to his motion. Councillor Dickson agreed and the motion with addendum was agreed by the Council.

GENERAL SERVICES BUDGETARY CONTROL REPORT TO 31 JANUARY 2024 (PERIOD 10)

A report was submitted by the Chief Officer – Resources providing an update on the General Services revenue budget and the approved capital programme to 31 January 2024.

After discussion and having heard officers in further explanation and in answer to Members' questions, the Council agreed:-

- (1) to note a current projected annual adverse variance on the revenue account of £0.433m (0.2% of total budget); and

- (2) to note that projected expenditure on the capital account was lower than the 2023/24 budget by £59.397m (64.42% of budget), made up of £59.786m (64.84% of budget) of project re-profiling, and an in-year overspend of £0.388m (0.42% of budget).

HOUSING REVENUE ACCOUNT (HRA) BUDGETARY CONTROL REPORT TO 31 JANUARY 2024 (PERIOD 10)

A report was submitted by the Chief Officer – Resources providing an update on the financial performance to 31 January 2024 (Period 10) for the HRA revenue budget and the HRA capital budget.

After discussion and having heard the Chief Officer – Resources in further explanation and in answer to Members' questions, the Council agreed:-

- (1) to note the HRA revenue account was forecasting an adverse variance of £3.863m which would be offset by removing the £1.729m budgeted contribution from revenue to capital (CFCR) and using £2.134m of the HRA reserves;
- (2) to note that the use of HRA reserves to address the projected adverse variance would lead to a closing HRA reserves balance of £0.500m which was below the prudential target;
- (3) to note that work would continue to identify efficiencies across all areas of the housing budget to allow HRA reserves to be replenished and maintained in line with the prudential target, while ensuring that services were still delivered and that there was not a corresponding reduction in service provision; and
- (4) to note the HRA capital budget was forecasting an in-year underspend of £69.166m which comprises £4.912m for projects that would be re-profiled into 2024/25 and projects with a net underspend of £64.253m this year, as detailed in Appendix 4 to the report.

REPRESENTATION ON OUTSIDE BODIES

A report was submitted by the Chief Officer – Regeneration and Regulatory requesting that consideration be given to making a nomination to the Blindcraft Trust.

Councillor McKay moved that Councillor O'Neill be nominated to represent the Council on the Blindcraft Trust. The Council agreed the nomination.

CLYDEPLAN AND REGIONAL SPATIAL STRATEGY GOVERNANCE ARRANGEMENTS

A report was submitted by the Planning, Building Standards and Environmental Health Manager seeking permission to formally withdraw from the Clydeplan Joint

Committee and agree to transfer the responsibility for the development of a Regional Spatial Strategy to the Glasgow City Region Cabinet.

After discussion and having heard the Planning, Building Standards and Environmental Health Manager in further explanation and in answer to Members' questions, the Council agreed:-

- (1) to note the recommendation of the Clydeplan Joint Committee to transfer responsibility for the development of a Regional Spatial Strategy to the Glasgow City Region Cabinet;
- (2) to note Glasgow City Region Cabinet's approval of the establishment of a new Regional Spatial Planning Sub-Committee to oversee the development of a Regional Spatial Strategy;
- (3) to note that approval of participation in any future Regional Spatial Strategy would be a future decision for West Dunbartonshire Council;
- (4) to formally withdraw from the Clydeplan Joint Committee and transfer requisition funding to Glasgow City Council as lead authority for the Glasgow City Region;
- (5) to the participation in the Regional Spatial Planning Sub-Committee;
- (6) to confirm elected members, Councillor Lawrence O'Neill and Councillor Gurpreet Singh Johal, and their respective successors as Convenor and Vice Convenor of the Council's Planning Committee, as representatives on the new Regional Spatial Planning Sub-Committee; and
- (7) to request an update be brought to Planning Committee on progress of the Regional Spatial Strategy within 12 months of the date of this report.

NOTICE OF MOTIONS

(a) Motion by Councillor Jim Bolland – Equal Pay Claims

It was noted that consideration had been given to this item of business earlier in the meeting.

(b) Motion by Councillor Jonathan McColl – Transfer / Lease of Community Facilities

Councillor McColl, seconded by Councillor Traynor, moved:-

Council notes that despite the best efforts of officers, timing and resource issues have made the process for transferring/leasing Council facilities as a result of budget decisions difficult. This has led to concerns being raised by Councillors in recent Committee meetings.

To assist Elected Members to better understand the differences in process and consider how we could enable officers to better meet the needs of our communities, Council asks that a report be brought to a future Council or IRED Committee for the purpose of:

- Outlining the current process being followed for leasing/community asset transfer of Council owned facilities.
- Proposing changes to the process to facilitate proper discussions with current users of facilities prior to bringing reports to committee for agreement.
- Proposing any further changes that can make the process more transparent and ensure officers are able to provide Councillors with all the information we require to make informed decisions, including proposed rent levels and any non-standard conditions of the lease/transfer.

It may be useful to have an Elected Members' seminar on this topic in advance of a report being brought to committee.

As an amendment, Councillor McBride, seconded by Councillor McGinty, moved:-

Council notes that the process for transfer and lease of community facilities has not changed since Councillor McColl was Leader of the Council.

The process is fairly straightforward and is in line with West Dunbartonshire Council's Community Asset Transfer Procedures and Policy which was approved at the Infrastructure, Regeneration and Economic Development Committee on 15 March 2017.

A note of interest is received which will indicate a preference of

- Leasing Process
- Disposal
- Community Ownership

This is then assessed and confirmation to proceed to full application or not depending on a strategic requirement for the site or property. Consultation is then carried out with service areas within the Council and service users of site or property if applicable.

Where properties are assessed as surplus to service delivery requirements these do not follow this process as the strategic requirement has already been carried out as part of the disposal decision.

Council agrees that the asset disposal, asset leases and Community Ownership process is included in training for Elected Members.

Following the seminar(s) the Asset Manager in consultation with the Chief Officer will review the processes and make any appropriate changes.

On a roll call vote being taken, 10 Members voted for the amendment, namely Provost McAllister and Councillors Singh Johal, Lennie, McBride, McGinty, McKay, Millar, Rooney, Sorrell and Steel, and 8 Members voted for the motion, namely Councillors Bollan, Dickson, McColl, Murray Conaghan, Oxley, Pollock, Scanlan and Traynor. The amendment was accordingly declared carried.

(c) Motion by Councillor Jim Bollan – Unison Charter

Councillor Bollan moved:-

Council agrees to adopt, support and implement the Unison Charter as follows:

“To qualify for the UNISON Violence At Work Charter mark, employers must meet the following standards:

1. The employer has a written violence and aggression at work policy, which is* available to all staff. The policy should also cover lone working.
2. Responsibility for implementing these policies lies with a senior manager.
3. Measures are taken to reduce staff working in isolated buildings, offices or other work areas to a minimum.
4. Staff are encouraged to report all violent incidents and they are told how to do this.
5. The employer collects and monitors data on violent incidents on a regular and ongoing basis.
6. Where they are in place, union safety reps are able to access this data and are consulted on solutions to issues relating to violence in the workplace.
7. Thorough risk assessments are conducted for staff placed in vulnerable situations.
8. The employer has support pathways in place for staff who are victims of violence at work, so that they know where to turn for advice and support.
9. Training to ensure staff are aware of the appropriate way to deal with threatening situations.

10. Where appropriate, independent counselling services are available to staff who are the victims of violence at work”

As an amendment, Councillor Lennie, seconded by Councillor McGinty, moved:-

Council notes that the “End Violence at Work Charter” launched by UNISON across various sectors including third sector, voluntary sector, community, and local government.

The first stage of the process is for the local branch to submit proposals to the employer and thereafter to start discussions. This has not yet happened with the local UNISON Convenor confirming to the Chief Officer People and Technology that they were still working on this. Meantime, WDLT has agreed a joint awareness campaign with all SJC signatory unions.

In terms of signing up to the charter, as with other commitments made to our union colleagues, it would be preferable that this was a joint approach with ALL unions rather than just one. Looking at each standard in turn:

1. “The employer has a written violence and aggression at work policy, which is available to all staff. The policy should also cover lone working.” **The Council already has a number of policies and processes in place for this:**

- **An ‘Accident and Violence at Work’ document which also links to other policies that cover different forms of violence and/or abuse, such as:**
- **Safety Management Standards: Code 01 – Investigating, Recording and Reporting of Incidents.**
- **Safety Management Standards: Code 13 - Violence at Work;**
- **Supporting Employee Wellbeing Policy;**
- **Dealing with aggression and Threatening situations in Educational establishments;**
- **Home Carers’ Handbook;**
- **Domestic Violence and Abuse Policy;**
- **Respect at Work Policy;**
- **Gender based Violence Policy.**

2. “Responsibility for implementing these policies lies with a senior manager”. **This is already in place and responsibility for implementing, applying and supporting these lies with all managers and expectations extend to employees.**

3. “Measures are taken to reduce staff working in isolated buildings, offices or other work areas to a minimum”. Measures are taken to reduce staff working in isolated buildings, offices or other work areas to a minimum, are already in place.

4. "Staff are encouraged to report all violent incidents and they are told how to do this. **Staff are encouraged to report all violent incidents and they are told how to do this so this is already in place.**

5. "The employer collects and monitors data on violent incidents on a regular and ongoing basis". **The employer collects and monitors data on violent incidents on a regular and ongoing basis so this is already in place.**

6. "Where they are in place, union safety reps are able to access this data and are consulted on solutions to issues relating to violence in the workplace". **Where they are in place, union safety reps are able to access this data and are consulted on solutions to issues relating to violence in the workplace, therefore they are already in place.**

7. "Thorough risk assessments are conducted for staff placed in vulnerable situations". **Thorough risk assessments are conducted for staff placed in vulnerable situations. This is already in place, and they are reported to H&S Committees.**

8. "The employer has support pathways in place for staff who are victims of violence at work, so that they know where to turn for advice and support". **The employer has support pathways in place for staff who are victims of violence at work, so that they know where to turn for advice and support. These arrangements are already in place, reported to H&S Committees and TU safety reps attend.**

9. "Training to ensure staff are aware of the appropriate way to deal with threatening situations". **Training to ensure staff are aware of the appropriate way to deal with threatening situations. This is already in place and the range of supportive policies is referred to at serial 1.**

10. "Where appropriate, independent counselling services are available to staff who are the victims of violence at work". **Council offers routes to counselling which may also require reversion to GP.**

While it seems that the charter would be relatively straightforward to sign up to, the actual local UNISON proposals are not yet known. Additionally, it is important that we seek the views of the other recognised trades unions, so that they can be understood and considered for inclusion.

Given the above, the Council agrees that appropriate officers engage with West Dunbartonshire UNISON Branch to understand their proposals, assess any gaps, and identify any potential costs that may arise from adoption of the charter.

Councillor Murray Conaghan then seconded Councillor Bollan's motion.

On a roll call vote being taken, 10 Members voted for the amendment, namely Provost McAllister and Councillors Singh Johal, Lennie, McBride, McGinty, McKay, Millar, Rooney, Sorrell and Steel, and 8 Members voted for the motion, namely Councillors Bollan, Dickson, McColl, Murray Conaghan, Oxley, Pollock, Scanlan and Traynor. The amendment was accordingly declared carried.

(d) Motion by Councillor Michelle McGinty – Immediate Resignation of Convicted Criminal Councillor Craig Edward

Having heard Provost McAllister, Council noted that consideration was no longer required to be given this motion.

(e) Motion by Councillor Karen Murray Conaghan – Equalities Act

It was noted that the suspension of Standing Order 20 (d) would be required in order to consider the undernoted motion, using the procedure provided in Standing Order 28. The Council agreed to suspend the Standing Order.

Councillor Murray Conaghan then moved:-

Council notes its responsibilities under the Equality Act, to make reasonable adjustments to facilitate the participation of disabled people in the democratic processes of Council.

In the case of Council meetings, the interpretation of this duty falls to the Provost. To ensure that there is no misinterpretation, Council agrees that Standing Orders will be updated by the Monitoring Officer to include a provision as follows:

That the Provost be required to call a minimum of a 15-minute recess where,

1. A motion to set the General Services budget in full or part is moved and,
2. Any Elected Member has requested such a recess.

As an amendment, Councillor Rooney moved:-

Council notes that the Standing Orders are largely the same that were in force under the previous SNP Administration.

The Standing Orders were agreed at the Council meeting on 22nd October 2022.

Following the Council meeting on 6th March, Provost McAllister had raised the issue of making changes to Standing Orders with the Chief Officer Regulatory & Regeneration along the similar lines to those in the motion.

Given the above the Council agrees to the following changes to Standing Orders:

Standing Order 17

Renumber current Standing Order "17(d)" as "17(e)" and insert a new 17(d):

"Without prejudice to the Provost's rights in terms of Standing Order 17(a) where a motion to set the General Services annual Estimates of Capital and Revenue Expenditure in full or part is moved, which shall include circumstances narrated in Standing Order 19(b)(i) and an elected member has requested an adjournment of the meeting during consideration of the item on which the motion is moved, the Provost will be required to call an adjournment of no less than 15 minutes. It will be for the Provost to determine the actual length of such adjournment."

Councillor Rooney asked if Councillor Murray Conaghan would accept the following addendum to the motion:-

Given the above the Council agrees to the following changes to Standing Orders:

Standing Order 17

Renumber current Standing Order "17(d)" as "17(e)" and insert a new 17(d):

"Without prejudice to the Provost's rights in terms of Standing Order 17(a) where a motion to set the General Services annual Estimates of Capital and Revenue Expenditure in full or part is moved, which shall include circumstances narrated in Standing Order 19(b)(i) and an elected member has requested an adjournment of the meeting during consideration of the item on which the motion is moved, the Provost will be required to call an adjournment of no less than 15 minutes. It will be for the Provost to determine the actual length of such adjournment."

Councillor Murray Conaghan confirmed her acceptance of the addendum.

The Council agreed the motion with addendum.

The meeting closed at 8.25 p.m.

BACKGROUND INFORMATION

The Council has been attempting to engage the local Convenors, to further its' equalities obligations since 2017 specifically looking at terms and conditions. All have consistently refused to engage with the employer on the basis that they saw no potential inequalities.

The Council undertook another equalities review of the terms and conditions in 2022, reporting the findings to Council in December of that year. This report included the difference in public holiday offering to those employed in quasi-craft roles pre-2015.

In January 2023, six meetings were scheduled to begin discussions with the Convenors with various regional officials in attendance. After the third meeting, which was two months into discussions, the Convenors unilaterally withdrew from the process citing lack of time for this topic and reiterating their disagreement that there were any inequalities. Further attempts by Council officers to engage were unsuccessful.

In June 2023, six months after the report to Council and approximately a year since discussions on the audit had begun, a Joint Trade Union (JTU) legal response was received. This document unequivocally refuted the existence of inequalities albeit was somewhat lacking in any legal argument(s).

On 11 July 2023, GMB specifically requested a copy of the terms and conditions of the quasi-craft group, which they negotiated and agreed. These were duly provided on 13 July 2023.

On 18 July 2023 at the regular scheduled Convenor meeting, there was a further discussion about the equalities audit and a repeated request from all Conveners for a response on each point. At this meeting, the JTU legal opinion and Council response were discussed. The Council response was issued to all parties on 19 July. Later on that day, GMB withdrew as a signatory to this opinion confirming that their own legal advice would now be sought. Unite later confirmed that they had not taken their own legal advice and so could not say whether they remained in agreement with that submitted as JTU opinion.

One year on from the 2022 Council report, the employer wrote once again to the unions requesting a formal response on the issues raised, most recently at the meeting of 18 July 2023. Finally, in December 2023, GMB and UNITE confirmed that their legal advice did in fact acknowledge the public holiday inequality (the retention of which was negotiated by the same unions), and GMB indicated a desire to 'level up' or equal pay claims would be lodged.

The employer's response explained that the total number of recipients of the 12 Public Holidays was 199 (97% male). The GMB suggestion would result in 5666 employees having 4 days deducted from their annual leave, would create unfunded additional cost to maintain service delivery where this was necessary, and at a time when the Council has an estimated funding gap of £20million for 24/25, increasing year on year. This was unaffordable and disproportionate and, crucially, would be an unwelcome change to those employees who appreciate the flexibility that is provided

by the annual leave / public holiday arrangements currently enjoyed by the majority of the workforce.

GMB's approach, and limited ballot, entirely disregards most workers, focusing entirely on the male craft group who benefit from the additional public holidays, and given the lack of engagement with the Council despite its readiness to discuss such inequalities, it also omits to consider the service needs of the communities we serve, many of which must continue during holiday periods.

In respect of the care at home job evaluation, consideration and/or application of another employer's assessments/scores or outputs, is not permitted in this agreed scheme. The agreed national and local job evaluation appeals processes both explicitly state:

- **National:** *"Appeals on the grounds of comparability with other jobs (either within the individual Council, other Councils or nationally), or appeals seeking to restore previous grading or pay differentials will be inadmissible."*
- **WDC:** *"Appeals on the grounds of comparability with other jobs (either within the individual Council, other Councils or nationally) or appeals seeking to restore previous grading or pay differentials will be inadmissible."*

In terms of the motion's suggestion that "full account of the Employment Tribunal ruling against Fife Council" should be taken (that is Allan and others vs Fife Council), the Tribunal's own note at paragraph 9 of the aforementioned judgment (link above) confirms that they are *"not trained job analysts"*. Furthermore, precedent has not been set by this judgment being as it is subject to application to appeal and, that particular aspect, cannot be caught by legal precedent.

In light of this, the motion insisting that the Council should consider the evaluation outcome of another local authority employer (or indeed untrained analysts) in respect of the care worker role which the union knows is not permitted and is in conflict with the local and national job evaluation schemes and guidance, agreed by the Scottish Joint Council (SJC) unions, is misdirected.

The Council has an agreed process for job evaluation and this process was initiated when Care at Home workers submitted their request for re-evaluation of their role.

Care at Home workers have recently completed the process of job re-evaluation and as a result both their grade and rate of pay increased from Grade3 to Grade4 and backdated pay was made in February as planned.

In line with our policy and the national scheme, the request was considered by the Job Evaluation Panel which includes our trade union colleagues at the evaluation and consistency checking stages. As a result of identified changes to the role since the previous evaluation, particularly an increase in the level of responsibility, the overall scoring for the position was increased. This resulted in an increase in grade and corresponding pay.

The appeal, submitted in connection with the above evaluation outcome, failed to meet the criteria as set out in the agreed [Job Evaluation Policy & Procedure](#) (see

section 6, in particular 6.1 and 6.8) and did not provide sufficient evidence relevant to the factor(s) being appealed. Again, all three SJC unions are signatories to both national and local policies/guidance, just recently re-affirming their agreement to the SJC JES v3 amended.

The Council have written again to GMB specifically to return to the table to discuss their concerns, with a view to resolution and without industrial dispute.

Excerpt of Email from the Monitoring Officer:

I write with regard to the motion “Equal Pay Claims” which appears on the agenda of next week’s Council calling on the Council to accept that the Council and the Leisure Trust have an equal pay issue with regard to alleged disparity between roles performed predominantly by male staff and roles performed predominantly by female staff. I would ask that you bring the terms of this email to the notice of your group. I have written to both Groups and to Councillors Bollan and Docherty in these terms. I have also written separately to the Provost.

The motion, which is similar to correspondence the Council has very recently received from the GMB union, effectively calls on the Council to accept there is wrongdoing and to settle on a “levelling up” basis (i.e. with no detriment to those currently in receipt of higher pay) with individuals allegedly suffering gender based pay inequality.

While the Motion required to be admitted onto the agenda as it was not *de facto* illegal, it does present a challenge to me in that I believe that an admission of culpability (as is implied from the suggestion that the Fife Case be applied) without establishing facts, or indeed properly considering the applicable law, would be contrary to the a number of legal duties regarding protecting the public pound, not least of all is the overriding duty in terms of Section 1 of Local Government in Scotland Act 2003 - the [Local authorities' duty to secure best value](#). It also does not state the cost of the proposal nor the source of any funds required to meet cost. In part this may be because the sum is unquantifiable and therefore represents a high degree of risk to the Council.

As I will not be at the meeting on 27th I will request the Legal Officer to enquire these details from the mover of the motion in order that it complies with Standing Order requirements for such a statement.

I think it important to point out that my aim is not to prevent the Council from engaging with any party wishing to discuss potential inequality. We are obliged to address such inequalities where they are shown to exist, however the proposed “lift and shift” approach of taking the rationale of a case in another authority and assuming it applies to our own circumstances, does not, I believe, comply with the requirements of the duty within Section 1 of Local Government in Scotland Act 2003. I should add the Council involved in the case quoted (Fife Council) are likely to appeal as they believe there are good grounds to do so in terms of the Tribunal’s determination. This motion may therefore tie us to a course of action which is contrary to the final outcome of the case on appeal.

It is also fundamentally a risk to the Council to accept without evidence, the statement that there is *de facto* inequality on the basis alleged. Whether or not this is subsequently shown not to be the case, an admission by elected members that there was, in circumstances like this, would be unduly persuasive to any tribunal and it would be difficult for the Council to present a fair statement of its understanding of the facts and law following such an admission.

For the reasons above I would advise that if the motion were to pass, I would be obliged as Monitoring Officer, to prepare a report to Council in terms of Section 5(2) of the Local Government and Housing Act 1989 into a possible breach of law or maladministration given the duty to protect public funds. As you are doubtless aware, this so called Monitoring Officer report is an extremely serious step, is one which is rare in local government and particularly within West Dunbartonshire.

In the interim, no steps could be taken to further implement the motion and the report would be brought back to a future meeting of the Council.

Given the seriousness of the situation I would be happy to discuss the matter on either Monday or Tuesday to allow you to discuss with your group and revert to me with your thoughts.

Yours sincerely

Alan
Alan Douglas
Chief Officer: Regulatory and Regeneration

DC23/149/FUL: Erection of 128 residential homes, associated roads, infrastructure and open space on existing brownfield site, (former Playdrome site) Residential Development Site, Abbotsford Road, Clydebank by Miller Homes.

1. Prior to the commencement of development on site, exact details, specifications and samples of all proposed external materials to be used within the development site shall be submitted to and approved in writing by the Planning Authority. For the avoidance of doubt, all facing bricks to be used shall be good quality clay bricks. Thereafter, unless otherwise first agreed in writing with the Planning Authority, the development shall be completed in strict accordance with the approved material details and palette.
2. Further to Condition 1 above, prior to the approved brickwork associated with any house being constructed on site, a sample panel of the brickwork shall be constructed on site in order for it and the associated mortar to be reviewed, inspected and approved in writing by the Planning Authority. Thereafter, unless otherwise first agreed in writing with the Planning Authority, the development shall be completed in strict accordance with the approved brick details.
3. Prior to the commencement of development on site, full details of the timescale/phasing for the build-out of the development shall be submitted to and approved in writing by the Planning Authority. Works shall then proceed as approved unless an alternative timescale is first agreed in writing by the Planning Authority.
4. Prior to the commencement of development on site, full details of all hard surfaces shall be submitted for the further written approval of the Planning Authority. The development shall thereafter be proceed in accordance with the approved details.
5. Prior to commencement of development on site, a 'Play Equipment Strategy' for the site shall be submitted to and approved in writing by the Planning Authority. This shall include (but not be limited to) the following:
 - Details and specifications of forms of play equipment and structures to be provided within the site.
 - Provide full details regarding the maintenance arrangements for all play equipment and associated features within the site.
 - Provide timescales for implementation of the play equipment.

Thereafter, the approved play equipment strategy and all associated features and specifications shall be installed within the development in accordance with the strategy unless otherwise first agreed in writing by the Planning Authority

and maintained in accordance with the approved details for the lifetime of the development.

6. Notwithstanding the approved plans, all recommendations within the Ecological Constraints Survey dated 23th August 2022 shall be followed. This shall include all required further survey work identified as being required for otters. Further survey work undertaken shall be submitted to and approved in writing by the Planning Authority prior to the commencement of development on site and implemented as approved.
7. Notwithstanding the approved plans and condition 6 above, and prior to the commencement of development on site, the recommendations in paragraph 4.2.12 of the Ecological Constraints Survey dated 23th August 2022, in respect of reestablishing the ecological baseline shall be followed and the approach to this submitted to and approved in writing by the Planning Authority.
8. Notwithstanding the approved plans and condition 6 above, and prior to the commencement of development on site, a further submission which demonstrates an understanding on how the proposal enhances biodiversity beyond the current baseline including any adjustments to the approved landscaping proposals together with the implementation details on site shall be submitted to and approved in writing by the Planning Authority. All measures shall then be implemented as approved.
9. Prior to commencement of development on site, a full planting schedule shall be submitted for the further written approval of the Planning Authority. Thereafter, the approved hard and soft landscaping and all associated approved planting details shall be implemented within a timescale to be agreed with the Planning Authority prior to the commencement of works on site.
10. Any trees, shrubs or areas of grass which die, are removed, damaged or become diseased within five years of completion of the landscaping shall be replaced within the following year with others of a similar size and species.
11. Prior to commencement of development on site, a site management scheme for construction traffic, shall be submitted to, and approved in writing by the Planning Authority and thereafter shall be implemented in accordance with the approved scheme. For the avoidance of doubt, construction access shall only be taken via Abbotsford Road and at no time will any vehicular access be taken to or from Argyll Road, unless otherwise agreed in writing with the Planning Authority.
12. That prior to each house hereby permitted being occupied, all new roads and footways leading to it shall be surfaced to a sealed base course.
13. That within 4 weeks of the last of the houses hereby permitted being completed, all roads and footways within the application site shall be completed to a final wearing course.

14. Prior to the occupation of any house, the on-street parking provision associated to that house shall be completed and be available for use by residents of the associated house. The on-street parking provision shall then remain unobstructed and available for use by residents of the associated house at all times thereafter.
15. The additional parking provided on Abbotsford Road, as identified on drawing ARC/SITE001 Rev Q – Site Layout shall be constructed and made available for use prior to the removal of the existing parking area.
16. That prior to the commencement of development on site, full details of the proposed drainage regime inclusive of calculations and overland flow details shall be submitted to and approved in writing by the Planning Authority. The drainage regime shall then be implemented and maintained thereafter. For the avoidance of doubt, the drainage regime shall be implemented commensurately with the construction of the houses it serves.
17. That all surface water shall be intercepted within the site both during construction and on completion of the development and full details of measures to ensure that surface water run-off is contained within the site shall be submitted to and approved in writing by the Planning Authority prior to the commencement of development on site. The measures shall be implemented and maintained as approved.
18. The approved car charging points/units/ducting and associated infrastructure shall be installed in accordance with the approved details in a timescale agreed by the Planning Authority and maintained at all times thereafter.
19. Prior to the occupation of the first house within the site, the developer shall install the necessary infrastructure to enable the full development and all associated properties to be connected to the existing fibre optic network, where available in West Dunbartonshire, and in accordance with the relevant telecommunications provider's standards.
20. Prior to the commencement of development on site, details of any street furniture inclusive of grit bins and telecommunications cabinets as well as lighting and bins adjacent to the canal, shall be submitted to and approved in writing by the Planning Authority and within a timescale agreed with the Planning Authority.
21. The Residential Travel Plan as approved as part of this application shall be provided on occupation of each dwelling to new residents.
22. No development (other than investigative works) shall commence on site until such time as a revised report on the nature and extent of any contamination of the site has been submitted to and approved in writing by the Planning Authority. The report shall be prepared by a suitably qualified person and shall include the following:
 - a) A detailed site investigation identifying the extent, scale and nature of contamination on the site (irrespective of whether this contamination originates

on the site).

b) An assessment of the potential risks (where applicable) to:

- human health
- property (existing and proposed), including buildings, crops, livestock, pets, woodland and service lines and pipes
- groundwater and surface waters
- ecological systems
- archaeological sites and ancient monuments

b) An appraisal of remedial options, including a detailed remediation strategy based on the preferred option.

23. No development (other than works) shall commence on site until such time as a detailed remediation scheme for the site has been submitted to and approved in writing by the Planning Authority. The scheme shall be prepared by a suitably qualified person and shall detail the measures necessary to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property, and the natural and historical environment. The scheme shall include details of all works to be undertaken, the remediation objectives and criteria, a timetable of works and/or details of the phasing of works relative to the rest of the development, and site management procedures. The scheme shall ensure that upon completion of the remediation works the site will not qualify as contaminated land under Environmental Protection Act 1990 Part IIA in relation to the intended use of the land after remediation.
24. The approved remediation scheme shall be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Planning Authority. The Planning Authority shall be notified in writing of the intended commencement of remediation works not less than 14 days before these works commence on site. Upon completion of the remediation works and prior to the site being occupied, a verification report which demonstrates the effectiveness of the completed remediation works shall be submitted to and approved in writing by the Planning Authority.
25. The presence of any previously unencountered contamination that becomes evident during the development of the site shall be reported to the Planning Authority in writing within one week, and work on the site shall cease. At this stage, if requested by the Planning Authority, an appropriate investigation and risk assessment shall be undertaken and a remediation scheme shall be submitted to and approved by the Planning Authority prior to the recommencement of site works. The approved details shall be implemented as approved.
26. If the remediation plan requires it then a monitoring and maintenance scheme (including the monitoring of the long-term effectiveness of the proposed remediation) shall be submitted to and approved by the Planning Authority. Any

actions/measures ongoing shall be implemented within an agreed timescale with the Planning Authority. Following completion of the actions/measures identified in the approved remediation scheme a further report which demonstrates the effectiveness of the monitoring and maintenance measures shall be submitted to and approved by the Planning Authority.

27. If there is a requirement to either re-use site won material or to import material then the assessment criteria and sampling frequency that would adequately demonstrate its suitability for use shall be submitted to and approved by the Planning Authority prior to any material being re-used or imported. In addition to this and in accordance with BS3882:2015 and BS8601:2013, material to be used in the top 300mm shall also be free from metals, plastic, wood, glass, tarmac, paper and odours.

On completion of the works and at a time and/or phasing agreed by the Planning Authority, the developer shall submit a validation report containing details of the source of the material and associated test results to demonstrate its suitability for use.

28. Prior to commencement of development on site, an updated noise assessment shall be submitted to, and approved in writing by the Planning Authority, to determine the impact of noise on the proposed development. The noise impact assessment and any recommendations in respect of mitigation measures shall be implemented as agreed prior to the development being brought into use and where appropriate shall be retained in accordance with approved details. The noise assessment shall include an assessment of aircraft noise taking into account the structure of the roof design as a possible pathway for noise transmission.
29. Prior to occupation of any house, the applicant shall have a third party independent verifier submit a verification report which shall provide verification of the installed noise mitigation measures demonstrating that the projections as detailed within the approved noise impact assessment are reliable and meet with the relevant conditions.
30. Prior to the commencement of development on site, a noise control method statement for the construction period shall be submitted to and approved in writing by the Planning Authority. This statement shall identify likely sources of noise (including specific noisy operations and items of plant/machinery), the anticipated duration of any particularly noisy phases of the construction works, and details of the proposed means of limiting the impact of these noise-sensitive properties. The construction works shall thereafter be carried out in accordance with the approved method statement unless otherwise approved in writing by the Planning Authority.
31. During the period of construction, all works and ancillary operations which are audible at the site boundary (or at such other place(s) as may first be agreed in writing with the Planning Authority), shall be carried out between the following hours unless otherwise first agreed in writing by the Planning Authority:

- Mondays to Fridays: 0800 – 1800
- Saturdays: 0800 – 1300
- Sundays and public holidays: No Working

32. No commercial vehicle making deliveries to or collecting material from the development during construction shall enter or leave the site before 0800 or after 1800, unless otherwise first agreed in writing by the Planning Authority.
33. No piling works shall be carried out until a method statement has been submitted to and approved in writing by the Planning Authority. This statement shall include an assessment of the impact of the piling on surrounding properties, taking into account the guidance contained in BS 6472: 1984 'Evaluation of Human Response to Vibration in Buildings'. It shall detail any procedures which are proposed to minimise the impact of noise and vibration on the occupants of surrounding properties. This statement shall be prepared by a suitably qualified person, and the piling works shall thereafter be carried out in accordance with the approved method statement.
34. Prior to the commencement of development on site a scheme for the control and mitigation of dust shall be submitted to and approved in writing by the Planning Authority. The scheme shall identify likely sources of dust arising from the development or its construction, and shall identify measures to prevent or limit the occurrence and impact of such dust. The approved scheme shall thereafter be implemented fully prior to any of the identified dust generating activities commencing on site and shall be maintained thereafter, unless otherwise first agreed by the Planning Authority.
35. Prior to the commencement of development on site, an air quality impact assessment shall be submitted to and approved by the Planning Authority. The report should use a method based on the principles set out in the Environmental Protection UK document Development Control: Planning for Air Quality (2010 Update), Scottish Government publication "Local Air Quality Management Technical Guidance LAQM.TG (09)", and "Delivering Cleaner Air for Scotland - Guidance from Environmental Protection Scotland and the Royal Town Planning Institute Scotland, January 2017". The recommendations of the assessment shall be implemented prior to the development commencing on site or within a timescale agreed by the Planning Authority.
36. Prior to the commencement of development on site, details (including specific luminaire and lamp type; beam control; wattage; the use of reflectors; baffles; louvers; cowling; lux contours/distribution diagrams and columns types/colours) of the lights /floodlights have been submitted to and approved in writing by the Planning Authority. The floodlights shall then be implemented in accordance with the approved details and shall be maintained in this condition. Any subsequent changes to their position or specification shall be subject to the prior written approval of the Planning Authority.

The applicant should also take cognisance of the nearby commercial premises and

any associated floodlights. The potential for obtrusive light affecting the properties must be assessed and appropriate mitigation measures put in place to negate any nuisance from any lights on the commercial premises.

37. Prior to the commencement of development on site, details for the storage and the collection of waste arising from the development shall be submitted to and approved in writing by the Planning Authority. The agreed details shall be in place prior the occupation of the first house within the site and thereafter maintained for the lifetime of the development.
38. That at all times, during the construction of the development, vehicular and pedestrian access shall remain available via Abbotsford Road, or any other equivalent access road, to all existing properties which were, at the time of granting planning permission, accessed via Abbotsford Road.

WEST DUNBARTONSHIRE COUNCIL

Report by Planning, Building Standards and Environmental Health Manager

Council: 24th April 2024

Subject: **Erection and operation of a mixed-use tourism and leisure development Land at Pier Road, Ben Lomond Way and Old Luss Road Known as West Riverside and Woodbank House (Lomond Banks) Balloch (2022/0157/PPP)**

1. Purpose

- 1.1** To agree the Council's response to a consultation received from the Loch Lomond and the Trossachs National Park Planning Authority regarding a planning application for tourism led development at West Riverside and Woodbank House Balloch.

2. Recommendations

- 2.1** It is recommended that the Council agrees Appendix 2 as this Council's formal response to the above application.

3. Background

- 3.1** The Loch Lomond and the Trossachs National Park Authority received a planning application for the erection and operation of a mixed use tourism and leisure development at Land at Pier Road, Ben Lomond Way and Old Luss Road Known as West Riverside and Woodbank House (Lomond Banks) Balloch in May 2022. West Dunbartonshire Council have been consulted as a statutory consultee as neighbouring Planning Authority to the proposed development site.
- 3.2** The vision is to create a £40million world-class accommodation led tourism destination that integrates itself with the current community of Balloch, bringing with it, much needed investment and job creation to the village. Appendix 1 provides details of the application site, which is within Loch Lomond and the Trossachs National Park, in relation to the neighbouring West Dunbartonshire Planning Authority administrative boundary.
- 3.3** Flamingo Land is a family owned Scottish Company who moved from Scotland to Yorkshire and established in the 1970's which has grown to be one of the UK's leading leisure resorts and zoo parks, attracting around 1.5 million visitors per year. Lomond Banks is a major step away from Flamingo Land's traditional portfolio of these parks, with plans to develop family accommodation, a craft brewery, leisure centre and swimming pool, restaurants, events area, pathways and landscaping but no theme park rides.

- 3.4** A previous application for tourism led recreational, residential, food and drink development on land at West Riverside and Woodbank House Balloch (2018/0133/PPP) was withdrawn by the applicants on 17th September 2019. The Council's response in June 2019, whilst recognising the significant contribution to the tourist and visitor economy of Balloch, considered that any development must be suitable for the sites in question with overdevelopment a significant risk and the true impact not being properly considered. The Council objected to the development on the grounds of capacity of the current road infrastructure, biodiversity, economic risk to local businesses and local area, no affordable housing and the quality of the development.
- 3.5** An elected member briefing meeting was held on 24th November 2021 to provide West Dunbartonshire Council Elected Members with further information about the most recent application and give Members an opportunity to highlight any issues which they consider the application ought to address as a consultee to the development proposal. At the meeting, issues were raised about the nature and the impact of the development on the local area in terms of economic benefits, traffic, parking facilities, and access.

4. Main Issues

- 4.1** The site is located to the north of Balloch and comprises a total area of c.56 acres. It contains two zones known respectively as West Riverside and Woodbank House. Old Luss Road intersects the two.
- 4.2** The application is made in principle and seeks to establish the acceptability of the potential new uses of the site only and does not include details of buildings and infrastructure, which would be determined at a later detailed stage.

The application includes the following details:

Pierhead

- Up to 60 bedroom apart-hotel
- Leisure/pool/water park/spa
- Monorail terminal
- Staff service and welfare accommodation
- Visitor reception area and hub building
- Restaurants/café/retail areas

Riverside

- Forest Lodges
- Picnic and BBQ areas
- Playgrounds
- Monorail

Woodbank

- Up to 104 self-catering woodland lodges

- Woodbank House retained and converted to up to 21 self-catering holiday apartments
- Retention/restoration of the listed Woodbank House and attendant outbuildings

Station Square

- Refurbished Tourist information building
- Up to 32 bed space budget hotel
- Craft Brewery including pub
- Visitor Reception area and hub building
- External activity areas including event/performance areas, children's play areas, picnic and barbeque areas.
- Monorail linking Station Square to Leisure Pool

Drumkinnon Woods

- No built development in ancient woodland area
- Paths and trails
- Woodland management – maintain and conserve trees
- Access to be taken from the surrounding road network including Ben Lomond Way and Pier Road
- Associated parking, landscaping and infrastructure development works

4.3 The current proposal has been amended following feedback from the public to the 2018 proposals whereby a viewing tower has been removed, a 12 metre wide landscape buffer around Drumkinnon Gate Estate created, with no development in Drumkinnon Wood. Access to all key destinations and routes will be maintained during the construction phase and the quality of some routes will be enhanced, removal of the proposed gated access to Pier Road and the potential future connection between Balloch Road and the new parking proposed on Pier Road.

4.4 Appendix 2 includes the Council's recommended response to the consultation. The proposed response welcomes the investment in the local area which has the potential to make a major contribution to the viability of the visitor economy in Balloch by expanding the range of facilities both for visitors and local residents. New opportunities for employment would be created for Balloch and the wider Vale of Leven area. The planned works and the additional facilities to Station Square, of restaurants, cafes, a brewery and outside performing space will provide a focal point for Balloch which will reach out to the residents of Balloch and the wider area. Accommodation includes a hotel, apart/hotel, forest and woodland lodges together with facilities such as leisure pool/water park, restaurants and monorail with a max height 3.5 metres rising to 5.5 metres. The proposed monorail is a particular attraction of the development and it will enhance connectivity from Balloch village to heart of the development – Lomond Shores and Pierhead. The proposed improvements to the riverside walkway, the national cycle and path networks and increased connectivity between Lomond Shores and Balloch are important additions which will also bring benefits to the wider community and provide an attractive tourism destination. This all fits with the aspirations and

objectives of National Planning Framework 4 and creating a sustainable recreational destination.

- 4.5** The construction of the proposed development detailed above is expected to require a total capital expenditure of £40 million. This will give rise to employment and associated expenditure in the economy (direct, indirect and induced). Construction of this development is expected to extend across a 6-year programme of works. Construction will be delivered in phases, with the first phase expected to be complete and operational by the end of 2025. It is estimated that the proposed construction will support a total 366 gross temporary construction jobs over the 6-year construction programme. It is likely that 182 of these jobs will be from within the area. The construction period will also lead to the creation of training and apprenticeship opportunities leading to the development of local skills which in turn will benefit the local economy. The proposed development will lead to significant employment in the accommodation and food & beverage services industries. It is estimated that a total of 80 full time staff and 120 part-time or seasonal staff would be required annually to support the operation of the development. It is likely that the local economy will receive an additional £534,372 of net operational GVA annually, while a further £401,109 operational GVA will be contributed across Scotland annually. The proposal will help to establish Balloch as a tourist destination and help to unlock other redevelopment potential such as Balloch Castle and other tourist attractions in the area.
- 4.6** A Unilateral Voluntary Undertaking (UVU) known as the “Lomond Promise” was submitted to Loch Lomond & The Trossachs National Park Planning authority. It is available on the Lomond Banks website www.lomondbanks.com. The Lomond Promise is a legal document that binds the applicant to vows made to the community at pre-application stage and includes providing sustainable transport. There is significant potential for the proposed development to further benefit the local economy. Through the above UVU the applicant has committed to work in partnership with local businesses and the Community Councils and support collaborative marketing campaigns to promote the Local Communities and their businesses. Once the Development or any phase becomes operational, the developer shall promote those local businesses and services located within the Local Communities, by including details of those local businesses and services in “welcome packs” prepared for guests using the proposed holiday accommodation and on the development website.
- 4.7** The “Lomond Promise” also provides a commitment to sustainable transport measures such as a Green Travel Plan, Summer Traffic Surveys when the development is operational, electric hopper bus, electric buggies, a cycle scheme for employees and the provision of signage and facilities for walkers and cyclists together with the potential for integrated bus/rail tickets. Key walking and cycling routes such as NCN Route 7, the John Muir Way and West Loch Lomond Cycle way will be enhanced and widened to bring benefits to the users of the recreational facility and the wider community. Parking provision should provide additional parking for the development and supplement existing parking already in the local area and help to avoid on-

street parking. There is a recognition that while parking demand must be catered for, overprovision is equally unacceptable to encourage the uptake of sustainable transport modes. A Parking and Signage Strategy is proposed and sets out how parking across the site will be managed to minimise the impact on adjacent streets and residential areas and this is welcomed.

- 4.8** The proposal however has the potential for traffic impacts on the adjacent roads - A82, A811, Balloch Road, Old Luss Road, Pier Road and Ben Lomond Way. It is widely known that the summer season, good weather weekends and local events can increase traffic significantly on the A82, A811 and the local roads, all to the detriment of the local area. Traffic Survey data has been gathered on 3 occasions to support this development - August 2017, November 2021 and August 2023 and following a review of the survey data mitigation measures have been developed to support the development proposals. The applicant has entered into an agreement under Section 48 of Roads (Scotland) Act 1984 to make a financial contribution towards Transport Scotland's plans to improve the Stonymollan Roundabout. Transport Scotland had already identified some improvement projects for the roundabout and the improvements and finance agreed will cover the signalisation of the Stonymollan Roundabout and realignment of the roundabout. This agreement between the applicant and Transport Scotland has been agreed separate from the planning process, however the Council is very supportive of these agreed mitigation measures to the Stonymollan roundabout and would recommend that the agreement is implemented.
- 4.9** Following a review of 2023 survey data where the 2023 data is higher in the PM peak, but lower in the AM and Saturday compared to the 2017 traffic flows. The Council's Roads Service commissioned consultants to model the Ballochloan Roundabout applying survey data captured to better understand the operational performance of the junction with the inclusion of the additional development. High level consideration of the Lomond Shores model noted that there was unequal lane usage and a number of traffic flows showed that on a number of approaches unequal lane usage present. This would result in an overestimation of capacity. Therefore, the Council's Roads Service have recommended that mitigation measures are required to the Ballochloan Roundabout which will include widening of the A811 West approach to allow for a left slip lane. This will mitigate against the issue and add further capacity at this junction in times of high usage.
- 4.10** Therefore it is recommended that the required works to Ballochloan Roundabout is undertaken and is conditioned to any grant of planning permission. If these works are not conditioned the Council would object to the development.
- 4.11** Other matters discussed in the response include biodiversity enhancements, an assessment of the impact on existing centres of Balloch, Alexandria and Dumbarton as well as an assessment of the proposed development compatible with the surrounding area in terms of nature and scale of the development and the impacts of visitors. The proposals will need to demonstrate that they have properly considered the impact of the

development on the adjacent residential property within West Dunbartonshire Planning Authority boundary and must ensure that there is adequate control of noise and disturbance during the construction phase and subsequently when the development is operational and also address any impacts on landscape and visual amenity.

- 4.12** It is understood that the Loch Lomond & The Trossachs National Park Planning Authority will be carrying out a further notification of the additional information regarding traffic, flooding and ecology in the next few weeks. It is not envisaged that the additional information will result in a change to this response. However, the Council will reserve its right to add to this agreed response if there is further information that it would want to comment further.

5. People Implications

- 5.1** None.

6. Financial and Procurement Implications

- 6.1** There are no financial or procurement implications in terms of this report.

7. Risk Analysis

- 7.1** No risks have been identified relating to the Council's services, property or reputation.

8. Equalities Impact Assessment (EIA)

- 8.1** Not required as the report does not relate to a policy or service of the Council.

9. Environmental Sustainability

- 9.1** Matters relating to environmental sustainability have been fully considered via the planning application assessment.

10. Consultation

- 10.1** Consultation was undertaken as part of planning processes associated with the planning application. No further consultation was required.

11.1 Strategic Assessment

- 11.1** The proposed development complies with the strategic priorities of the Council in particular:

- Our Communities Resilient and Thriving
- Our Environment a Greener Future
- Our Economy Strong and Flourishing

Pamela Clifford
Planning, Building Standards and Environmental Health Manager
Date: 24th April 2024

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**Appendix 1: Location
Plan**

Appendix 2: Council's Response

Wards affected: Ward 1 (Lomond)



Appendix 2 : West Dunbartonshire Council Response to Loch Lomond and Trossachs National Park Authority

Planning application: Erection and operation of a mixed-use tourism and leisure development Land at Pier Road, Ben Lomond Way and Old Luss Road Known as West Riverside and Woodbank House (Lomond Banks) Balloch

West Dunbartonshire Council has no objections to the above planning application as a neighbouring Planning Authority subject to the recommended works to the Ballochloan Roundabout being conditioned and undertaken. If these works are not conditioned the Council would object to the development. Further, West Dunbartonshire Council offers the comments in the following paragraphs. The Council reserve the right to add to this response due to new and additional information as a result of further notification.

Context

West Dunbartonshire Council is not the planning authority for the National Park area and therefore not the planning authority for the Lomond Banks development. However, the proposed development is within the West Dunbartonshire Council area and will impact on many matters that the Council does have a responsibility for as well as being of significant interest to communities, businesses, and organisations within the West Dunbartonshire Council area.

The adopted Loch Lomond & the Trossachs National Park Local Development Plan (LLTNP)2017- 2021, and National Planning Framework (NPF) 4 forms the statutory development plan.

The LLTNP sets out a vision and spatial strategy for the National Park area focused a place to Live, Invest, Visit and Experience. The Local Development Plan's Strategy which identifies Balloch as a Strategic Tourism Opportunity, recognising its potential for enhancing its role as a premium visitor destination and gateway to the National Park. West Riverside and Woodbank House are allocated for visitor experience uses and the Old Station is allocated for mixed use of visitor experience and transport. West Riverside, Woodbank and Station Square make up the proposed Lomond Banks development area. The Local Development Plan promotes specific sites where tourism development can be accommodated to meet tourism market demands while conserving and enhancing the natural environment. LIVE in Balloch outlines a strategy for future development based upon the 2016 Balloch Charrette which focused on initiatives located with the proposed site.

The assessment of the proposals including cross-boundary issues within West Dunbartonshire Council Planning Authority Area, should be assessed against the policies within the Loch Lomond & the Trossachs National Park Local Development Plan 2017-2021.

The Council has identified the following matters of relevance and make reference to these with regard to the policies set out in NPF4:

Climate mitigation and adaption

In line with Policy 2 of NPF4 the proposed development should be sited and designed to minimise lifecycle greenhouse gas emissions and to adapt to current and future risks from climate change. This would help West Dunbartonshire meet its ambitions for reaching Net Zero set out in its Climate Change Strategy and associated Action Plan. There are good opportunities for innovative projects on the site in relation to Net Zero in conjunction with the National Park Authority.

Biodiversity and natural places

Policy 3(a) of NPF4 requires development proposals to contribute to the enhancement of biodiversity and integrate nature-based solutions, where possible. Policy 3(b) requires major development to demonstrate that the proposal will conserve, restore and enhance biodiversity, including nature networks so they are in a demonstrably better state than without intervention. Policy 4 protects sites designated for nature conservation and protected species and Policy 6 Forestry, woodland and trees aims to protect and expand forests, woodland and trees.

The Council's Biodiversity Officer offers the following comments which should be taken into account when assessing the proposals against these policies:

The woodland loss of both ancient woodland and native/nearly native woodland remains at a high level. There is no evidence of compensatory planting plan proposal but this would be required. The retention of the Long Established Plantation Origin (LEPO) woodland would provide a much more mature and biodiverse habitat than the new planting proposal to the north of the existing plantation. Whilst in time, new native woodland would provide a biodiversity benefit; this will take many decades or longer to provide the same quality of habitat that is being proposed for removal to accommodate the dwellings in the Woodbank house field. If the number of dwellings in this location were reduced or reconfigured then potentially more of the LEPO woodland could be saved. There is also the additional factor of the impact of wildlife on all of the woodland plots as they become more populated with people that the additional disturbance and noise could reduce the biodiversity of these areas regardless.

The loss of the succession woodland at the pier head to accommodate the building is extensive. This is also a very well used visitor area as are both the beaches in front of the proposed hotel area.

In the EIAR v3 Non technical summary there is clarification of no further works in Drumkinnon woods which is welcomed.

In the EIAR v3 Non technical summary 5.2.7 – proposes a Landscape and biodiversity management plan for the ancient woodland area. It is requested a visualisation of this area in terms of tree loss and retention.

In the EIAR v3 Non technical summary, there is a proposal for the management of INNS which is welcomed as well as the removal of other non native species such as Harebell.

In the EIAR v3 Non technical summary, 5.2.13 provides impacts on red squirrel and as indicated previously there should be engagement around a grey squirrel management strategy prior to any construction phase should this development proceed.

In the EIAR v3 Non technical summary, 5.2.16 refers to bird box installation. These will need to be maintained and a record of the responsible person for this should be mentioned.

It is welcomed that the development no longer impacts on Drumkinnon Wood.

Zero waste

West Dunbartonshire Council may have responsibility for collecting waste from the proposed development. The Council therefore requests that the proposal is assessed against Policy 12 of NPF4 with regard to:

- the reduction, reuse and recycling of materials (criteria a)
- the provision of information relating to how much waste the proposals is expected to generate and how it will be managed (criteria c)

If approved, the Council would request that a condition(s) should be applied requiring the above information to be submitted, and that this information is shared with the Council for comment.

Sustainable transport

The Council notes that the site is potentially accessible via a range of transport, including walking, wheeling and public transport. In line with Policy 13, the Council expects the development to be designed and to include infrastructure and facilities, to encourage the use of sustainable transport to reach the site. An important connection is the proposed route through the site connecting Balloch as a whole with the development at Lomond Shores to encourage public access and reduce the use of the car, bringing more opportunities for the residents of Balloch and the surrounding area. The proposed monorail between Station Square and Pierhead enhances the connectivity between Balloch and Lomond Shores. This will assist in supporting an evening/winter economy together with the proposed tourism and commercial developments in the area. We are pleased that there are improvements proposed to the riverside walkway and its accessibility. We understand that discussions are underway with Scotrail to improve the rail service at Balloch to encourage users of the facilities to use more sustainable transport modes. Bike hire, available at Station Square will encourage more movements by bike and will be a welcome addition to the facilities proposed at this location.

Key walking and cycling routes such as NCN Route 7, the John Muir Way and West Loch Lomond Cycle Way will be enhanced and widened to Sustrans standards. The enhancements to these shared walking and cycle routes will also bring benefits to the wider community and this is a welcome addition.

The “Lomond Promise” was submitted to LLTNPA and it binds the applicant to vows made to the community at pre-application stage, and included providing sustainable transport measures such as:

- Green Travel Plan.
- Summer Traffic Survey to be carried out once operational.
- Provision of an electric hopper bus to serve the development.
- Investigate integrated bus/rail tickets options.
- Cyclescheme initiative for employees.
- Provision of electric buggies for customers within the site.
- Provision of signage and facilities for walkers and cyclists.

It is understood that this came in response to issues raised by the community throughout the planning application process and it is aimed to reassure the local community that the applicant is committed to having a positive long-term impact on the area by being an active and responsible participant of the Balloch community. This commitment to the community and the measures to support sustainable modes of transport is welcomed by West Dunbartonshire Council.

Other measures being proposed such as the Travel Noticeboards could provide links to existing information on pedestrian facilities in the wider Balloch area including the Core Paths as well as distances and associated walking journey times. Provision of adequate warning signs throughout the development site alerting drivers to the main pedestrian routes through the site and discounted or free travel for employees on the proposed monorail, would assist with completing the last leg by foot.

Bus services currently operate on Ben Lomond Way within the main Loch Lomond Shores site as well as a more frequent level of service on Balloch and Drymen Road.

The proposed monorail is a particular attraction of the development and it will enhance connectivity from Balloch village main to the heart of the development (adjacent to Loch Lomond Shores retail crescent and Pierhead). Discounted or free travel for employees on the proposed monorail, would assist with encouraging access to the wider public transport services and would be of benefit to employees who are residents of West Dunbartonshire area.

To maximise uptake of public transport by employees, residents and visitors the site the development will be supported by the introduction of the provision of Travel Noticeboards within staff areas/ facilities showing the locations of local bus stops (& stance) and rail/ monorail station locations, including indicative walking and cycling journey times together with bus and rail and monorail timetable information and Local public transport operator contact details.

All these proposals are welcomed to reduce the impact on the development on the local community and the area whilst providing greater access to existing and new facilities.

Liveable places

Consideration should be given to the impact of the proposed development on the amenity of the surrounding area in line with Policy 14, having particular regard to the amenity of existing residential areas in proximity to the proposed development site in terms of noise, dust, smell, traffic, parking and other general amenity issues.

Local living

The Council notes the significant amount of holiday accommodation being proposed within the development, as well as staff and day visitors, and notes the mutual benefits that would be achieved for users and employees of the development, and existing facilities and businesses by the provision of good connections between the development site and Balloch and the wider area West Dunbartonshire area. The enhancement and promotion of the use of sustainable transport modes will help to reduce impact on the local area but also facilitate greater access for the wider community.

Infrastructure first

In line with Policy 18, the impacts of the development on infrastructure should be mitigated:

Traffic impact

Whilst the applicant is promoting and enhancing more sustainable transport modes of transport, it is acknowledged the development is a significant travel generating use, and a transport assessment and travel plan accompanies the proposals. This is acceptable to the Council's Roads and Transportation Service subject to certain conditions.

The proposal has the potential for traffic impacts on the adjacent roads - A82, A811, Balloch Road, Old Luss Road, Pier Road and Ben Lomond Way. The potential effects on these road networks and any impact on the wider area in terms of capacity, congestion and delay are considered in the submitted Transport Assessment. The Transport Assessment has been independently assessed by consultants for the Council's Roads Service and is based on 2017 Traffic Survey information together with the traffic movement at peak times and the network capacity with the additional trips from the development.

It is widely known that the summer season, good weather weekends and local events can increase traffic significantly on the A82, A811 and the local roads, all to the detriment of the local area. Survey data was gathered in August 2017 (W/C Thursday 10th August 2017 to Wednesday 16th August 2017 inclusive) during the summer holiday period. This was to provide traffic data for a sensitivity assessment,

should it be required at key pinch points on the network subject to a neutral month assessment. Normally mitigation would not be provided for a summer season assessment given the industry standard premise that is generally not appropriate to design and build for a non-neutral assessment scenario. However following discussion with the Council's Roads Service additional surveys were undertaken by the applicant's agent on two junctions in November 2021 to check the validity of the extensive 2017 surveys. The assessment of the two surveys found that the 2017 survey flows were higher than the 2021 flows in both the morning and evening peak period. The report at that time showed both junctions worked with adequate reserve capacity with no material traffic impact from the proposed development on the operation of the existing Stoneymollan Roundabout Junction and Ballochloan Roundabout. There were some occasional spikes mainly due to queuing from the adjacent MacDonalds food outlet and seasonal traffic. The report indicates that this issue will not be exacerbated by the proposed development at Lomond Banks.

It is understood that the applicants have agreed to make a financial contribution to Transport Scotland through Section 48 Agreement of the Road Act towards Transport Scotland's plans to improve the Stoneymollan Roundabout. The improvement and finance agreed will cover new signalisation at the Stoneymollan roundabout and realignment of the Roundabout. This together with other planned alterations work undertaken by Transport Scotland on Stoneymollan Roundabout will help manage the flow of traffic more efficiently in the area.

This agreement between the applicant and Transport Scotland is separate from the Planning Process however West Dunbartonshire Council support the mitigation measures to be undertaken to the Stoneymollan Roundabout.

Following extensive discussions between the applicant's agent and the Council's Roads Service, our Road service requested a further summer traffic assessment to provide confirmation of the previous conclusions from the Summer Assessment of 2017. Additional traffic surveys were carried out in August 2023. The Council's Road Service then carried out a further review of the traffic data which shows that the 2023 data is higher in the PM peak, but lower in the AM and Saturday compared to the 2017 traffic flows. The model has been calibrated correctly in relation to geometries and input traffic flow scenarios. A review of the traffic flows showed that on a number of approaches unequal lane usage was present. This would result in an over estimation of capacity.

As a result, the Council's Roads Service commissioned consultants to model the Ballochloan Roundabout applying survey data captured to better understand the operational performance of the junction with the inclusion of the additional development. High level consideration of the Lomond Shores model noted that there was unequal lane usage and a number of traffic flows showed that on a number of approaches unequal lane usage present. This would result in an overestimation of capacity. A review of geometry of the approaches noted some minor changes to the geometry inputs from the model submitted as part of the Transport Assessment. Therefore, the model shows capacity issues on A811 W approach in the PM peak in 2023 Base Scenario. A review of the roundabout suggests a widening of A811 W approach to allow a left slip lane will mitigate against the issue and add further capacity in times of high usage.

Therefore, the Council recommends that the above works to Ballochloan Roundabout is undertaken and is conditioned to any grant of planning permission.

Parking provision

The parking provision should provide additional parking for the development and will supplement existing parking already provided in the local area and help to avoid on street parking. There is a recognition that while parking demand must be catered for, overprovision is equally unacceptable in the overarching effort to encourage uptake of sustainable travel modes over private car. Parking provision has been calculated on individual uses proposed. Exact parking quantum will be appropriately considered in line with West Dunbartonshire Council's parking standards for the hotel, water leisure and lodges at the detailed application stage. A Parking and Signage Strategy sets out how parking across the site will be managed to ensure guests of Lomond Banks will park appropriately and not have a detrimental impact on adjacent streets and residential areas.

Heat and cooling

The Council has recently approved a draft Local Heat and Energy Efficiency Strategy which identifies a Heat Network Strategic Zone in Alexandria. In line with Policy 19, consideration should be given to the opportunity of the proposed development site benefitting from or contributing to a sustainable heat network. There would be good opportunities to take forward innovative projects in terms of heat and energy.

Blue and green infrastructure

In line with Policy 20, the Council expects the development to avoid fragmentation and net loss of existing blue and green infrastructure across the site. In particular, the development should seek to enhance and not lead to a reduction in the provision of public access to and across the site, and to the river where appropriate. Existing public access routes and connections should be retained and enhanced where possible.

Play, recreation and sport

The Council notes the inclusion of play and sport facilities in the proposal and the potential support offered for this through Policy 21. The proposed development should ensure there is no net loss of publicly accessible formal and informal play opportunities and the new facilities are available to the wider Balloch and Vale of Leven area.

Flood risk and water management

When assessing the proposals against Policy 22, the Council requires that any assessment of flood risk and proposals for managing flood risk and water management have regard to possible impact on locations outwith the development site. Policy 22 promotes a precautionary approach to flooding by avoiding

development in flood risk areas. The Majority of Zone B –Riverside and part of Zone A –Station Square is in the flood risk area and SEPA have ask these are modified to remove development from the flood risk area.

SEPA are presently objecting to the development under policy 22 of NPF4 and it will be for the National Park Planning Authority to resolve this objection and to ensure that the proposal can meet the criteria in terms of Policy 22 of NPF4 and that any agreed measures do not have an adverse impact on the adjacent area.

Health and safety

In line with Policy 23, the Council notes that the proposed development includes facilities that will offer the opportunity for health improvement e.g. health facilities, paths etc.

The impact of construction and operational noise on local residential areas should be assessed and mitigated.

Community wealth building

In line with Policy 25, the Council expects the development to contribute to community wealth building through the provision of community and economic benefits. These may include, but not be limited to, the creation of jobs for local people, the use of local supply chains, and the provision of access and facilities on the site that will benefit the health and wellbeing of local people. The “Lomond Promise” involves the applicant committing to work in partnership with local businesses and the Community Councils and support collaborative marketing campaigns to promote Local Communities and their business. There is significant potential for the development to benefit the local economy.

City, town, local and commercial centres

The Council notes that some of the uses proposed are referenced in Policy 27 as uses that would generate significant footfall and could be located within town, local or commercial centres. The Council requests that the impact of these uses on existing centres such as Balloch, Alexandria and Dumbarton be assessed as part of the development and any adverse impacts mitigated.

Retail

The Council notes that the proposed development includes retail facilities with limited information available on the scale and nature of these. Assessment against Policy 28 of NPF4 will therefore be required, and the Council requests that this assessment has regard to impact on existing retail businesses and premises in Balloch centre and Alexandria town centre, with conditions applied restricting the scale and nature of retail operations to ensure no significant adverse impact on these centres.

Tourism

The Council notes that the proposed development site is zoned for tourism uses in the relevant local plan, and that there is therefore support in principle for tourism development on the site offered by Policy 30.

The economic benefits of the proposal with regard to new jobs created within the development, and increased local expenditure from visitors to the site are recognised which would benefit local businesses and traders and specifically would assist the ongoing viability of Lomond Shores. The proposal would help to establish Balloch as a gateway to Loch Lomond and increase its attractiveness as a tourist destination. The new development is likely to stimulate further improvements in Balloch e.g. Station Square, Duncan Mill Slipway improvements or active travel links linking to the National Cycle Network. Increased number of visitors staying in the area could help unlock redevelopment potential of Balloch Castle and help other local attractions e.g. Maid of the Loch.

The development proposals would be positive in terms of increase in local employment opportunities and increase in tourism numbers to the local area which could also benefit local businesses and traders, and specifically would assist the ongoing viability of Lomond Shores through the “Lomond Promise” which is detailed above.

The Council considers the key consideration of the assessment of this proposal is set out in criteria b) ii. of Policy 30, which is ensuring that the proposed development is compatible with the surrounding area in terms of the nature and scale of the development and the impacts of increased visitors.

Culture and creativity

In line with Policy 31, opportunities for public art should be explored as part of the assessment of the application which will benefit the development proposal but the wider area.

WEST DUNBARTONSHIRE COUNCIL**Report by Chief Officer - Resources****Council: 24 April 2024**

Subject: Educational Services Committee Timetable**1. PURPOSE**

- 1.1 The purpose of this paper is to advise Council on the proposed timetable for reporting Budgetary Control Reports (BCR) to the Educational Services Committee (the Committee) and seek approval of a change to the schedule of the Committee to align it better to the BCR timetable in order to make the information reported more up to date.

2. RECOMMENDATIONS

- 2.1 It is recommended Council agrees to revising the schedule of the Educational Services Committee from September 2024 as set out in Exhibit 2 of this report.

3. BACKGROUND

- 3.1 The Council's Finance team is operating with reduced resources as a consequence of saving options agreed to help the Council deliver a balanced budget. This required a review of workloads and processes to ensure essential work is carried out. One of the changes agreed with the Council's senior management team was to reduce the number of BCRs being prepared on an annual basis whilst ensuring there was no reduction in the number of BCRs presented to Council and Service Committees.

4. MAIN ISSUES

- 4.1 Prior to the review of reporting arrangements the finance team were preparing nine BCRs per year. All nine were reported to the Council's Performance Management Review Group (PMRG) which is a meeting of senior management. Four of the nine were reported to full Council and three were reported to Service Committees.
- 4.2 The review of the BCR timetable focused on aligning the PMRG reports with those reported to Council / Service Committees to find a balance between providing information at a pertinent time, treating all committees equally and seeking the most efficient use of resources.
- 4.3 The output of this review recommended the production of the following BCRs:
- Period 3 (period ending 30 June)
 - Period 5 (period ending 31 August)
 - Period 7 (period ending 31 October)

- Period 10 (period ending 31st January)

This means a total of four BCRs will be reported each year with all four presented to PMRG, Council and Service Committees. This is summarised in Exhibit 1 for the meeting dates in 2024/25.

Exhibit 1 – Timetable for BCRs

	BCR P3	BCR P5	BCR P7	BCR P10
PMRG	01/09/2024	29/10/2024	17/12/2024	25/03/2025
Council	28/08/2024	30/10/2024	18/12/2024	26/03/2025
Corporate Services	14/08/2024	06/11/2024	05/02/2025	21/05/2025
Education	18/09/2024	04/12/2024	19/03/2025	11/06/2025
IREC	14/08/2024	06/11/2024	05/02/2025	21/05/2025
Housing & Communities	21/08/2024	20/11/2024	26/02/2025	07/05/2025

- 4.4 Exhibit 1 illustrates that the reduction in the number of BCRs being prepared will mean that the BCR for the Educational Services Committee is further out of date by the time of the Committee than any other Service Committee. For example Period 5 (period ending 31 August) would not be presented to the Educational Services Committee until December). This could be resolved through the production of an additional BCR however this would create an inconsistency across service committees and have an additional impact on resources.
- 4.5 This issue cannot be fully resolved, but can be reduced, if the Educational Services Committee dates were rescheduled to be more aligned to other Service Committee dates.
- 4.6 There are also a small number of Educational Services Committees which are scheduled for 2pm starts rather than 10am. The Convener has requested these change to 10am as a 2pm start time will be problematic for attendees who need to pick up children after school.
- 4.7 The current Educational Services Committee dates and proposed changes are set out in Exhibit 2. It is recommended that any changes are implemented from the September 2024 Educational Services Committee onwards.

Exhibit 2: Educational Services Committee dates and proposed changes

	Educational Services Committee – proposed dates						
BCR	P3	P5	P7	P10	P3	P5	P7
Current Date / Time	18/09/24 10:00	04/12/24 10:00	19/03/25 14:00	11/06/25 10:00	17/09/25 10:00	10/12/25 10:00	18/03/26 10:00
Proposed Date /	18/09/24 10:00	27/11/24	19/03/25	28/05/25	17/09/25 10:00	26/11/25	18/03/26 10:00

Time	(Note 1)	10:00	10:00	10:00	(Note 1)	10:00	(Note 2)
Summary	No Change	Week Earlier	Change in Time	Fortnight Earlier	No Change	Fortnight Earlier	No Change

	Educational Services Committee – proposed dates				
BCR	P10	P3	P5	P7	
Current Date / Time	10/06/26 10:00	16/09/26 10:00	09/12/26 10:00	17/03/27 14:00	
Proposed Date / Time	06/05/26 10:00	16/09/26 10:00 (Note 1)	09/12/26 10:00 (Note 2)	10/03/27 10:00	
Summary	Month Earlier	No Change	No Change	Week Earlier & Time Change	

Note 1 – No proposal to change September meetings to avoid papers being issued during the school holidays.

Note 2 – It was not possible to find alternative dates for these committees which could be accommodated.

5. PEOPLE IMPLICATIONS

- 5.1 Maintaining the existing timetable will either mean education budgetary reports are considerably out of date or will require the creation of additional budgetary control reports which will impact on Finance officers.

6. FINANCIAL AND PROCUREMENT IMPLICATIONS

- 6.1 The change to the scheduled timetable will mean the budgetary reports reported to the Educational Services Committee are more up to date.
- 6.2 There are no procurement implications arising from this report.

7. RISK ANALYSIS

- 7.1 None

8. Environmental Sustainability

- 8.1 None

9. EQUALITIES IMPACT ASSESSMENT (EIA)

- 9.1 None.

10. CONSULTATION

- 10.1 The proposed changes to the schedule has been discussed with the Education Convener, Chief Officer Education and Chief Officer Regulatory and Regeneration.

11. STRATEGIC ASSESSMENT

- 11.1 Timely budgetary control and sound financial practice are cornerstones of good governance and support Council and officers to pursue the strategic priorities of the Council's Strategic Plan.

Laurence Slavin
Chief Officer - Resources
Date: 8 April 2024

Person to Contact:	Laurence Slavin, Chief Officer – Resources E-mail: laurence.slavin@west-dunbarton.gov.uk
Appendices:	None
Background Papers:	None
Wards Affected:	All