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## **Economic Development and Infrastructure Services Committee**

**Tuesday, 08 February 2022**

**NOTICE IS HEREBY GIVEN** that a Meeting of the **Economic Development and Infrastructure Services Committee** is to be held at **Various Locations via Video-Conference**, on **Tuesday, 08 February 2022 at 09:30.**

### **BUSINESS**

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- 2 Declaration of Group Decisions and Members Interests \***
- 3 Minute of Meeting dated 7 December 2021** 5 - 12
- 4 Written Questions \*\***
- 5 School Streets Report - Pilot Project Evaluation** 13 - 34  
Report by Depute Chief Executive (Economy, Environment and Finance)
- 6 Charges for Electric Vehicle Charging** 35 - 40  
Report by Depute Chief Executive (Economy, Environment and Finance)
- 7 Public Sector Climate Change Reporting** 41 - 50  
Report by Depute Chief Executive (Economy, Environment and Finance)

- 8     Adaption Plan for Coastal Erosion - Kingston** 51 - 56  
Report by Depute Chief Executive (Economy, Environment and Finance)
- 9     Edinburgh Declaration and Biodiversity** 57 - 74  
Report by Depute Chief Executive (Economy, Environment and Finance)
- 10    Marine Safety and Operational Updates Q3 2021-2022** 75 - 84  
Report by Depute Chief Executive (Economy, Environment and Finance)
- 11    Question Time \*\*\***  
Consider any oral question on matters delegated to the Committee in terms of the Council's Scheme of Administration.

**Summary of Economic Development and Infrastructure Services  
Committee functions:**

Roads Authority; Lighting Authority, Reservoirs Act 1975, Public Passenger Transport; Flood Prevention; Twinning; Piers and Harbours and Coast Protection; Industrial and Commercial Development; Environmental Protection; Burial Grounds; Assistance to Industry or Commerce; Public Conveniences; Council Transportation; Catering & Cleaning; Land Reform (Scotland) Act 2003; Countryside Amenities; Tourism, monitoring funding from European Programmes, youth training and employment creation scheme and provide Architectural, Quantity Surveying, Maintenance and Allied Property Services.

**Moray Council Committee meetings are currently being held virtually due to Covid-19. If you wish to watch the webcast of the meeting please go to:**  
[http://www.moray.gov.uk/moray\\_standard/page\\_43661.html](http://www.moray.gov.uk/moray_standard/page_43661.html)  
**to watch the meeting live.**

\* **Declaration of Group Decisions and Members Interests** - The Chair of the meeting shall seek declarations from any individual or political group at the beginning of a meeting whether any prior decision has been reached on how the individual or members of the group will vote on any item(s) of business on the Agenda, and if so on which item(s). A prior decision shall be one that the individual or the group deems to be mandatory on the individual or the group members such that the individual or the group members will be subject to sanctions should they not vote in accordance with the prior decision. Any such prior decisions will be recorded in the Minute of the meeting.

\*\* **Written Questions** - Any Member can put one written question about any relevant and competent business within the specified remits not already on the agenda, to the Chair provided it is received by the Proper Officer or Committee Services by 12 noon two working days prior to the day of the meeting. A copy of any written answer provided by the Chair will be tabled at the start of the relevant section of the meeting. The Member who has put the question may, after the answer has been given, ask one supplementary question directly related to the subject matter, but no discussion will be allowed.

No supplementary question can be put or answered more than 10 minutes after the Council has started on the relevant item of business, except with the consent of the Chair. If a Member does not have the opportunity to put a supplementary question because no time remains, then he or she can submit it in writing to the Proper Officer who will arrange for a written answer to be provided within 7 working days.

\*\*\* **Question Time** - At each ordinary meeting of the Committee ten minutes will be allowed for Members questions when any Member of the Committee can put a question to the Chair on any business within the remit of that Section of the Committee. The Member who has put the question may, after the answer has been given, ask one supplementary question directly related to the subject matter, but no discussion will be allowed.

No supplementary question can be put or answered more than ten minutes after the Committee has started on the relevant item of business, except with the consent of the Chair. If a Member does not have the opportunity to put a supplementary question because no time remains, then he/she can submit it in writing to the proper officer who will arrange for a written answer to be provided within seven working days.

# **THE MORAY COUNCIL**

## **Economic Development and Infrastructure Services Committee**

### **SEDERUNT**

Councillor Graham Leadbitter (Chair)  
Councillor Theresa Coull (Depute Chair)

Councillor David Bremner (Member)  
Councillor John Cowe (Member)  
Councillor Gordon Cowie (Member)  
Councillor John Divers (Member)  
Councillor Tim Eagle (Member)  
Councillor Claire Feaver (Member)  
Councillor Marc Macrae (Member)  
Councillor Maria McLean (Member)  
Councillor Ray McLean (Member)  
Councillor Amy Taylor (Member)  
Councillor Sonya Warren (Member)  
Councillor Walter Wilson (Member)

Clerk Name:	Lissa Rowan
Clerk Telephone:	07765 741754
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**Minute of Meeting of the Economic Development and Infrastructure Services Committee**

**Tuesday, 7 December 2021**

**Various Locations via Video-Conference,**

**PRESENT**

Councillor David Bremner, Councillor Theresa Coull, Councillor John Cowe, Councillor John Divers, Councillor Tim Eagle, Councillor Claire Feaver, Councillor Graham Leadbitter, Councillor Marc Macrae, Councillor Ray McLean, Councillor Amy Taylor, Councillor Sonya Warren

**APOLOGIES**

Councillor Gordon Cowie, Councillor Maria McLean, Councillor Walter Wilson

**IN ATTENDANCE**

Also in attendance at the above meeting were the Depute Chief Executive (Economy, Environment and Finance), Head of Environment and Commercial Services, Head of Housing and Property, Head of Economic Growth and Development, Environmental Services Manager, Harbours Manager, Open Spaces Manager, Economic Growth and Regeneration Manager, Senior Officer, Economic Strategy and Development, Legal Services Manager and Tracey Sutherland, Committee Services Officer.

**1. Chair**

The meeting was chaired by Councillor Graham Leadbitter.

**2. Declaration of Group Decisions and Members Interests \***

In terms of Standing Order 20 and the Councillors' Code of Conduct, there were no declarations from Group Leaders or Spokespersons in regard to any prior decisions taken on how Members will vote on any item on the agenda or any declarations of Member's interests in respect of any item on the agenda.

**3. Minute of Meeting of 19 October 2021**

The minute of the meeting of the Economic Development and Infrastructure Services Committee dated 19 October 2021 was submitted and approved.

**4. Written Questions \*\***

The Committee noted that a written question had been submitted.

**QUESTION SUBMITTED BY COUNCILLOR COULL**

At the Economic Growth, Housing and Environmental Sustainability Committee on the 6 October 2020 the Committee were informed of the current state of repair of public space CCTV systems and the potential extra expenditure required to repair current faults.

It was recommended and agreed to undertake a trial of necessary works to reinstate live feeds, from outlying populations which will remove the need for the matrices.

It would be helpful and appreciated if Committee members could receive an update on how this is progressing, what are the next steps required and a timeline for CCTV systems to be working appropriately throughout Moray.

## **RESPONSE**

The approved trial had to be put on hold during Covid lock down due to movement restrictions and staff redeployment into Covid control enforcement. Ultimately this trial could not be completed due to several technological issues which proved to be insurmountable. The only option left available to reinstate live feeds would be to replace the entire system. This has an advantage in that with the ageing system maintenance of cameras will continue to be an issue even if the connectivity issues were resolved. This is currently being assessed to determine the most suitable system for Police Scotland and Council Services and establish costs. The cost of replacing the system would be a capital cost and providing costs are available will be reported as an option for inclusion in the capital plan for 2022/23 which will be reported to Council when the budget for 2022/23 is approved. Any additional revenue costs associated with running the system would be reported to the same meeting as a budget pressure.

## **5. Emergency Notice of Motion - Storm Arwen**

A Notice of Motion was submitted by Councillor Warren, seconded by Councillor Coull in the following terms:

### **Reason for Urgency**

The storm and the aftermath have just taken place and the normal timescales for submitting Notices of Motion could not be met.

### **Storm Arwen**

We are bringing this emergency Notice of motion to Committee as we are aware of the immense damage cause by Storm Arwen on Friday 26 November. Many homes were plunged into darkness as the electricity lines were brought down in the storm.

This had the consequential effect of stopping heating and interrupting the water supply to many in our community. Thankfully many people's services were restored by Saturday. However, there are folk in the community who had to endure these harsh conditions for 6 days. Some of these people were without any form of communication with the outside world as roads were also blocked due to fallen trees and other storm damage. Many of the resilience plans in place for

communities were also impacted as local halls and other community buildings were also without basic utilities

In the light of the recent catastrophic Storm Arwen, whilst we are very thankful to everyone that worked tirelessly to support those affected by storm damage, we are aware that there were vulnerable people not getting the assistance needed.

We recommend to Moray Council that they ask for a report which reviews the Council's response to the emergency, the Council's emergency procedures and community resilience plans to look at what lessons can be learned.

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In response the Head of Environmental and Commercial Services confirmed that the Local Resilience Partnership (LRP) will carry out a lessons learnt review which is normal practice and the Council would then carry out its own review following the LRP review.

He further added that the response to Storm Arwen was co-ordinated by the LRP when it became apparent that the event was of such an extraordinary scale.

A date for the review has not yet been confirmed.

Councillor Leadbitter urged that Councillors be included in the LRP review in terms of gathering their views on what happened as Councillors do become a point for constituent queries and he felt that Councillors could provide useful feedback.

In response, the Head of Environmental and Commercial Services said that he could not guarantee Councillor input as the initial review would be co-ordinated by the LRP and it is the LRP that sets the agenda. The LRP is chaired by Police Scotland. He further added that it could be requested but it could certainly be considered when the Council carried out their own review.

Following further consideration and as there was no one otherwise minded the Committee agreed to recommend to Moray Council that a report is requested on the Council's response to Storm Arwen.

## **6. Notice of Motion - Findochty Harbour**

A Notice of Motion was submitted by Councillor Eagle, seconded by Councillor R McLean in the following terms

### **Findochty Harbour**

It is great to see the new pontoons in Findochty finally in place with a huge difference being made to the harbour, however their remains outstanding issues which are taking a very long time to resolve and which is causing significant concern within the community.

These issues are –

There is a significant concern in regards the anchors installed which are apparently double fluked. Whilst local members have been informed these are correctly installed it does look dangerous with spikes rising out the water. Given the use of harbours by local people we seek urgent clarification from Officers that these are not a health and safety risk.

There has been significant discussion around the safe berthing for Fin keel and long keel vessels that has never been resolved. As yet the updated plan has not been provided. The committee seeks a confirmed date from Officers when this plan will be delivered, within a short timeframe.

The ramp to access the pontoons has caused some concerns within the community. Whilst most are delighted with the overall works the ramp is out of character with a small historic harbour like Findochty. This motion asks Committee to agree to Officers contacting local fabricators to see if minor works could be done to remove the top of the structure but yet maintain structural stability and to bring back to committee likely costs for this.

In response to point 1, the Harbours Manager confirmed that a diving team had been on site and the anchor has now been buried below the sea bed. He further confirmed that photographs would be taken of the work and circulated to members.

With regards to point 2, the Harbours Manager confirmed that communication had been sent out within the last week to the affected vessel owners and Harbour Advisory Committee Members which detailed the scope of the timeline over the next couple of months to ensure everyone is aware of the berthing arrangements.

The Harbours Manager confirmed that in respect of point 3, there is no feasible solution to change the ramp. The design is such that it is accessible for all to use, any change would require a total re-design.

Following the comments from the Harbours Manager, Councillor Eagle confirmed he was happy with the responses to points 1 and 2 and confirmed that in respect of point 3 he would like to change the wording to acknowledge that the Council has had discussions around the design of the ramp and at the current time there is no feasible option to change the design without changing the whole pontoon system.

As there was no one otherwise minded the Committee agreed to acknowledge that the Council have had discussions around the design of the ramp with the consultancy team and at the current time there is no feasible option to change the design without changing the whole pontoon system.

## **7. Capital and Revenue Budget Monitoring Quarter 2 period to 30 September 2021**

A report by the Depute Chief Executive (Economy, Environment and Finance) informed the Committee of the current position regarding Environmental and Commercial Services and Economic Growth and Development Services (Economic Development) Capital and Revenue Budgets.

Following consideration the Committee agreed to note the budget monitoring report for the period to 30 September 2021.

## **8. Performance Report - Economic Growth and Development Services – Period to September 2021**

A report by the Depute Chief Executive (Economy, Environment and Finance) informed the Committee of the performance of the service for the period to 30 September 2021.



Following consideration the Committee agreed to note performance in the areas of Service Planning, Service Performance and other related data to the end of September and the actions being taken to improve performance where required.

## **9. Economic Recovery Key Performance Indicators - Report**

A report by the Depute Chief Executive (Economy, Environment and Finance) informed the Committee of the pre and post pandemic baseline data for the Key Performance Indicators (KPIs) for the Economic Recovery Plan for Moray.

During consideration of the report, it was agreed that briefing papers would be drafted for Group Leaders on the following:

- a) Rates relief options in particular for vacant properties which cannot be filled;
- b) options to address the unfilled vacancies and recruitment challenges in the Council.

Following further consideration in which Officers responded to questions regarding Foundation Apprenticeships, the Council's Kickstart places and unemployment in Moray the Committee agreed to:

- i) note the position of the Moray economy in the current phase of recovery from the Covid pandemic;
- ii) agree to future reporting on the Key Performance Indicators on an annual basis;
- iii) a further report to be presented to the Corporate Committee to approve the proposed changes relating to the procurement process; and
- iv) an update report with broader economic indicator analysis to be presented to the meeting of this Committee in March subject to the SLAED data being available.

## **10. Performance Report - Environmental and Commercial Services - Period to September 2021**

A report by the Depute Chief Executive (Economy, Environment and Finance) informed the Committee of the performance of the service for the period to 30 November 2021.

Following consideration the Committee agreed to note performance in the areas of Service Planning, Service Performance and other related data to the end of September and the actions being taken to improve performance where required.

## **11. Draft Active Travel Strategy and Action Plan**

A report by the Depute Chief Executive (Economy, Environment and Finance) asked the Committee to consider and approve the draft Active Travel Strategy and Action Plan (2022 - 2027) for public consultation and for consultation responses to be reported back to a future meeting of this Committee, along with the final Strategy and Action Plan.

Following consideration the Committee agreed:

- i) to approve the draft Active Travel Strategy and Action Plan as set out in Appendix 1 for a 12 week public consultation period; and
- ii) that consultation responses are reported back to a future meeting of the Committee along with the final Active Travel Strategy and Action Plan for approval.

## **12. Events Charging and Management - Open Spaces**

A report by the Depute Chief Executive (Economy, Environment and Finance) invited the Committee to consider the opportunity to introduce charges for commercial and other specified events held in open spaces and to improve the application procedure and guidance provided to event organisers staging events in open spaces.

In terms of Standing Order 83 the Committee agreed to suspend Standing Order 75 to continue the meeting past 12.45pm.

Councillor Leadbitter moved that community/charity/not for profit events of any size with no entry fee and any community/charity/not for profit event with an entry fee up to 1,000 attendees should be exempt from charges.

Councillor Eagle confirmed that he was happy to second Councillor Leadbitter's motion but sought agreement from him to include Personal Trainers/Boot Camps in the exemption with a view to including it as a line in the Council charges to be reviewed annually as part of the Charges Report. Councillor Leadbitter said he was happy to include Personal Trainers/Boot Camps as per Councillor Eagle's proposal.

Councillor Cowe sought clarification on whether this Committee had the authority to set the charges as he was concerned that the decision was not being considered by all Councillors, in particular those from Forres and Elgin.

In response, the Depute Chief Executive (Economy, Environment and Finance) confirmed that the Committee did have the authority to set the charges however the Committee could agree the charges subject to the approval from Moray Council on 19 January 2022 when the charges report will be presented for approval.

As there was no one otherwise minded, the Committee agreed, subject to approval of the Charges Report being presented to Moray Council on 19 January 2022:

- i) the introduction of charges for specified events and activities in open spaces with effect from 1 April 2022 with the exception of the following where no charges will be levied:
  - any community/charity/not for profit event of any size with no entry fee;
  - any community/charity/not for profit event with an entry fee up to 1,000 attendees

- personal trainers/boot camp, however to be included in the annual charges report for review annually by Moray Council so these could be considered for charges in future years.
- ii) to approve the draft event guidance and event charging structure in Appendix 2 and the charging structure outlined in Table 1 of this report for inclusion in future charges report; and
  - iii) to note that Officers are in the process of improving the information on the Council website to enhance the customer experience and improve the customers' ability to self-serve.

### **13. Property Level Protection**

A report by the Depute Chief Executive (Economy, Environment and Finance) informed the Committee of the proposed scheme to provide Property Level Protection products at cost to people in Moray.

Following consideration the Committee agreed:

- i) the proposed scheme to purchase £5,000 of Property Level Protection Products for sale to the public and if demand is high, purchase a further £15,000 of products; and
- ii) make a recommendation to Council on 19 January 2022, as outlined in paragraph 3.6 of the report.

### **14. Question Time \*\*\***

Under reference to paragraph 14 of the minute of the meeting of 19 October 2021, Councillor Warren sought an update on how successful the Scotland Loves Local Gift Card Initiative has been.

In response the Economic Growth and Regeneration Manager confirmed that 170 businesses had registered and 96 are live on the website. She further added that there is still work ongoing to promote the scheme and some national chains are now available. A report will be presented to Committee in March with an update on the scheme.

Under reference to paragraph 3 of the minute of the meeting of 19 October 2021, Councillor Coull sought an update on Kinloss Barracks.

In response, Councillor Leadbitter confirmed that following the Moray Economic Partnership meeting, he had written to the Secretary of State for Defence.

A subsequent announcement by the Government confirmed that Kinloss Barracks is not under threat and there is a possibility of more investment in the barracks.

Councillor Feaver requested a briefing paper to ED&I and ECLS Committee on the ongoing problems with water ingress and flooding at Forres Academy with an update of the remedial actions put in place together with timings for this work.

In response, the Head of Housing and Property confirmed that remedial work had been undertaken and a review of the work carried out over the last several months is being carried out. He further added that there are a number of factors at play, in terms of maintenance that has previously been undertaken and as yet it is too early to give a precise answer on the causal factor. He further added that they are confident the roof works are adequate.

The Head of Housing and Property confirmed that he would be happy to answer any further questions Councillor Feaver may have but as yet it is too early to provide any further clarification on issues.

Councillor Macrae sought clarification on whether the Council had been offered the chance to tender for the works at neighbouring harbours as there is currently a Danish vessel operating in MacDuff.

In response, the Head of Environmental and Commercial Services confirmed he would check with colleagues to see if the Council had been given the opportunity to tender for the work but confirmed that currently the focus is on carrying out work in the Council's own harbours.

Councillor Feaver asked the Council Leader to write to the Scottish Government to seek confirmation on the dualling of the A96 and the timing for it.

The Council Leader confirmed he would write to the Scottish Government to seek an update on the dualling of the A96.

Councillor Warren sought an update on the depth of the harbour at Buckie as she was aware that it had changed and although notification of the change had been sent to mariners the notice was not on the Buckie Harbour Facebook Page or the almanac and she wanted confirmation that the change had been registered.

The Head of Environmental and Commercial Services said he would speak to Officers and confirm the position with Councillor Warren following the meeting.




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**REPORT TO: ECONOMIC DEVELOPMENT AND INFRASTRUCTURE  
SERVICES COMMITTEE ON 8 FEBRUARY 2022**

**SUBJECT: SCHOOL STREETS – PILOT PROJECT EVALUATION**

**BY: DEPUTE CHIEF EXECUTIVE (ECONOMY, ENVIRONMENT AND  
FINANCE)**

## **1. REASON FOR REPORT**

- 1.1 This report is to inform the Committee of the outcomes to date of the School Streets Pilot Projects at New Elgin and Seafeld Primary Schools in Elgin. The report provides an evaluation of the School Streets pilot project, encompassing vehicle volumes, pedestrian volumes, parent/guardian and resident perceptions and stakeholder representations received, including from Police Scotland
- 1.2 This report is submitted to Committee in terms of Section III (F) (17 and 20) of the Council's Scheme of Administration relating to traffic management functions, including the preparation and implementation of traffic management schemes, and the making of Orders for the regulation and management of traffic.

## **2. RECOMMENDATION**

### **2.1 Committee is asked to:-**

- (i) **note the outcomes of the evaluation of the two School Streets Pilot Projects at New Elgin and Seafeld Primary Schools;**
- (ii) **agree to commence the statutory process to make permanent the Experimental Traffic Regulation Orders for the two pilot projects;**
- (iii) **delegate authority to the Head of Environmental and Commercial Services in consultation with local ward members to consider and determine objections received as part of this statutory process;**
- (iv) **approve the inclusion of School Streets schemes as an option for reducing the number of vehicles outside schools and encouraging Active Travel; and**

- (v) **approve the criteria in para 4.20 for assessing future applications from schools for a School Streets scheme on the roads around their school.**

### **3. BACKGROUND**

- 3.1 A School Street scheme is when the roads around a school are temporarily closed to vehicles on each school day, during set times when pupils are being dropped off or picked up. Residents who live on the closed roads are permitted to continue to use their vehicles during the closures. Access for emergency services, including doctors, and utility companies is generally permitted.
- 3.2 On 5 November 2019, this Committee agreed to a trial of School Streets schemes at two locations in Moray, funded from the Cycling Walking & Safer Routes grant, delegating the authority to select the sites to the Head of Environmental and Commercial Services (para 8 of the minute refers). Schools were invited to apply and using the selection criteria set out in that report, out of the six schools which applied, two schools were selected, New Elgin and Seafield Primary Schools in Elgin.
- 3.3 The aim of the School Streets pilot projects is to reduce the amount of traffic on the streets outside/around the school entrances at the beginning and the end of the school day, and create more attractive conditions for pupils to walk or cycle to and from school. On the understanding that some parents/carers would continue to drop off/pick up pupils by private car, another objective was for this to occur across a more dispersed area, rather than directly outside the school entrances.
- 3.4 Initially officers were working towards the implementation of the School Streets pilot projects for April 2020. However, implementation was delayed due to the Covid-19 pandemic that saw the temporary closure of school buildings and changes to day-to-day operation at schools once pupils returned.
- 3.5 However, by February 2021 it was apparent that primary schools were going to re-open and move towards 'near normal' operations. Officers therefore worked towards the implementation of the two School Streets schemes in time for the return of pupils to the school buildings.
- 3.6 An Experimental Traffic Regulation Order (ETRO) was advertised and progressed for each school, to enable the legal restriction of motor vehicles on the relevant streets. Drivers are made aware of the restrictions at each location through the installation of large signs at all entry points to the school streets zone, which 'flash' during the operating periods. Police Scotland have the powers to enforce the School Streets restrictions.
- 3.7 As part of the ETRO, exemptions for specific vehicle types were included, for example emergency vehicles, doctors, utilities companies. Residents with vehicles registered at an address within the School Streets closure are also exempt from any restrictions as long as they apply for a permit through the Council. Forty-three permits have been issued to residents within the New

Elgin zone whilst thirty-three permits have been issued to residents within the Seafield pilot project area.

- 3.8 The ETRO for each school runs for a period of 18 months, which begins on the date that the ETRO was first advertised (5 March 2021). Therefore, the ETRO lapses on 5 September 2022, after which the School Streets schemes would no longer be backed by a statutory order and would be unenforceable, with the signs having to be removed and bringing the two existing schemes to an end.
- 3.9 The aim of the evaluation is to determine the success or otherwise achieved through the pilot projects, and to inform a decision on whether or not to progress a permanent Traffic Regulation Order (TRO) at each location. The TRO process usually takes about six months. Reporting to this committee leaves a period of six months available to pursue a permanent TRO should Committee agree. Delegating power to the Head of Service in consultation with local ward members to consider and determine any objections, would significantly increase the likelihood of being able to complete the statutory process to make the two schemes permanent prior to the expiry of the ETROs.

#### 4. **EVALUATION**

- 4.1 In order to evaluate the two School Street schemes, a number of surveys were undertaken, encompassing:
- Traffic Counts at each school site, 'before' and 'after' the implementation of the School Streets schemes, the results of which are contained within **Appendix 1**.
  - Perceptions: determined via questionnaires sent to residents around the two schools and to parents/carers of pupils at both schools once the School Streets schemes had been operational for nearly two school terms (copy of questionnaire including in **Appendix 2**).
  - School Travel Data: comparison of the Living Streets' interactive Travel Tracker data where pupils record their travel mode on an ad-hoc basis for the months of September 2019 (before) and September 2021 (after). The results of these surveys are contained in **Appendix 3**.
- 4.2 The traffic counts undertaken showed that there had generally been a decrease in traffic at the survey locations, with the exception of during the afternoon 'school pick up' period at New Elgin primary school. Reductions in traffic levels ranged between 27% and 43%. Whereas the increase in traffic levels observed at New Elgin was 15%. The survey location for New Elgin was just outside the School Streets closure. Therefore, this increase may in part be a result of parents/guardians parking as close as possible to the scheme.
- 4.3 As residents who live within the School Streets scheme are permitted to pass through during the closures, it was never anticipated that all traffic would be removed during the school drop off and pick up periods, only that there would be a reduction in through traffic and in the levels of parents/guardians parking outside/near the school entrances. Residents are issued with a permit, which is displayed on their windscreen. Updating the design of the permit to make it

more prominent could address some of the perceived non-compliance with the closures.

- 4.4 Average traffic speeds on Bezack Street at New Elgin Primary School have decreased by 13% and 12% during the hours, which include school 'drop off' and school 'pick up' times respectively. Whereas on Deanshaugh Terrace near Seafield Primary School the average vehicle speeds have slightly increased by 1% and 2% respectively.
- 4.5 Towards the end of last year, questionnaires were sent out to the parents/guardians of pupils at both schools via school newsletters to gather views on the two pilot schemes. Residents within the School Streets areas and on surrounding streets were also informed of the survey via correspondence to their home. 153 responses to the survey were received, 68 responses were associated with New Elgin Primary School, 83 responses related to Seafield Primary School and 2 responses did not provide either a school name or resident postcode.
- 4.6 Of the responses associated with New Elgin Primary School, 24 responses were from parents/guardians, 24 from residents living within the School Streets closure and 20 from residents living on the peripheries of the School Streets closure, including Milnefield Avenue and Anderson Drive.
- 4.7 The majority of responses associated with Seafield Primary School were from parents/guardians, 62, whereas only 16 responses were from residents living within the School Streets closure and 5 responses from residents living on the periphery of the pilot scheme.
- 4.8 The proportions of responses associated with both schools reflect the anecdotal feedback received by officers that there has been a high level of parent/guardian support at Seafield Primary School and more resident concerns about compliance and displaced parking at New Elgin Primary School.
- 4.9 The questionnaires enabled respondents to submit comments. The main themes to emerge through this feedback were:
  - Road restrictions are not obeyed unless the police are present (19 New Elgin; 31 Seafield);
  - The problem has moved elsewhere (6 New Elgin);
  - School Streets perceived as beneficial (2 New Elgin; 1 Seafield);
  - The signage is not clear (1 Seafield);
  - Traffic speeds have increased/are too high (2 Seafield);
  - School Streets is causing conflict between parents/carers (1 Seafield).
- 4.10 The two main issues were concerns relating to the restrictions not being obeyed unless they were enforced by the Police and, at New Elgin Primary School, parking at school drop off and pick up times moving onto adjacent streets. The following section explores the two key issues, through means of the data collected and feedback from Police Scotland.
- 4.11 Motorist compliance – Residents at both pilot projects have been in touch to highlight that there is non-compliance; the vast majority of this



correspondence has been with regard to New Elgin Primary School pilot project. Officers have visited both schools on a number of occasions, both before and after the implementation, and note that whilst there were still vehicles passing through the Seafield Primary School, the presence of teachers within the School Streets area during the closures influenced parent/guardian compliance.

- 4.12 At New Elgin Primary School, there have been reports of non-compliance in terms of parents/guardians ignoring the closures and continuing to park outside the school. There has been no additional presence of teachers during the closure to influence behaviours and the Head Teacher of the school has indicated that further support from the Police would assist in reducing the incidences of parent/guardian non-compliance.
- 4.13 Based on correspondence received throughout the pilot monitoring period, occasional requests for Police presence were made at both locations. Police Scotland issued 28 fines along with numerous warnings to motorists (not officially recorded) during October and November 2021. Whilst the Police are aware of the non-compliance at both schools, insufficient resources are cited as to why they cannot regularly be present in the vicinity of the schools. In relation to New Elgin Primary School pilot project, Police Scotland have suggested the use of Automatic Number Plate Recognition (ANPR) cameras to monitor compliance and support issue of fines to traffic entering the School Streets scheme during the closures.
- 4.14 Displaced parking - There has been some displacement of vehicle parking to the periphery of the pilot project area at New Elgin Primary School, as highlighted in the questionnaire responses. Officer observations noted that the majority of displaced vehicles are parking on Bezack Street to the south of the school (12 to 15 vehicles) with Milnefield Avenue and Well Brae Court also being used by (4 to 6 vehicles at both locations).
- 4.15 At Seafield Primary School, there is an existing car park to the south east of the school, which is being used by parents/guardians. Displaced parking is over a wider area around the school and at lower levels than at New Elgin. However, there is also an understanding that since the introduction of the pilot project, more pupils are walking/cycling to school so the overall level on on-street parking associated with the schools would be lower than before the implementation of the School Streets schemes. Observations of activity around the school and the comparison of the Travel Tracker survey data before and after the scheme, implementation, contained in **Appendix 3**, confirms that the proportion of travel by walking, cycling and scooting at both schools has increased.
- 4.16 A list of the locations where displacement parking is taking place around New Elgin Primary School is contained in **Appendix 4**. The routes from the areas of displacement parking are acceptable. However, the displaced parking on Bezack Street observed near the boundary of the New Elgin pilot project has been raised as a concern as vehicles are manoeuvring into and out of parking spaces on a route that is well utilised by pupils who are walking/cycling. No specific incidents have been reported.

- 4.17 However, a request has been made for speed reduction measures on this section of road. The results of a speed survey undertaken in November 2021 show that average vehicles speeds have reduced since the implementation of the pilot project, as set out in paragraph 4.4. It is therefore not proposed to pursue any speed reduction measures at this location.
- 4.18 Experience gained through the two pilot projects has identified the following key determining factors:
- School Streets which act as a through road are more challenging and resource intensive to enact and enforce;
  - There needs to be strong ongoing commitment from the school and the school community to encourage active travel and considerate parking behaviours; and
  - There needs to be appropriate locations for 'Park and Stride' to minimise any impact of indiscriminate parking on the streets surrounding a School Streets scheme.
- 4.19 It is recommended that School Streets are included as one of the measures, which could be used to reduce the number of vehicle movements on the public roads surrounding school entrances and encourage pupils to walk, cycle or scoot to school.
- 4.20 As a result of the pilot and associated feedback, it is recommended that the following criteria are used going forward to determine whether a school can be considered for School Streets. The selection criteria was previously approved by Committee in November 2019, and is confirmed as being appropriate through the pilot projects. The criteria are:
- The proven positive support from school staff, parents and school councils, with schools willing to commit to ensure that they will pro-actively promote the scheme to parents, regularly ascertain pupil travel data, and facilitate the gathering of views from the school community;
  - The current number of travel planning, walking, cycling and curriculum initiatives being undertaken which would support the scheme;
  - The practicalities of delivering the scheme, including the availability of diversion routes around the closure, the ability of surrounding streets to accommodate displaced traffic movements including appropriate areas for parking;
  - The school entrance not being on a bus route;
  - The availability of suitable 'Park and Stride' locations (i.e. alternative locations where parents can park away from the school and walk, e.g. non-residential parking areas), with surrounding streets being able to safely enable 'Park and Stride' movements via footways and crossing points;
  - High levels of car use to/from the school;
  - High levels of congestion at the school entrances;
  - The proposed School Streets have little by way of alternative trip attractors (i.e. care homes, doctors surgeries) that would necessitate increased vehicle exemption permits; and
  - The School Streets have sufficient space and visibility options for the positioning of signage (at entries and potentially internal repeater signage).

## **5. MEASURES OF SUCCESS**

- 5.1 Success, as identified in the previous report to this Committee referred to in the Background Papers, is measured by assessing:
- Reduction in vehicle movements within the School Streets zone;
  - Increase in levels of Active Travel at the school;
  - Perceptions of safety around the school; and
  - Any reported road safety incidents.
- 5.2 The pilot evaluation has identified for Seafield Primary School that there has been:
- A reduction in traffic passing the school during school drop off and pick up times.
  - Increase in walking and cycling to the school as evidenced by pedestrian surveys and Travel Tracker data.
  - Improved perceptions of safety around school.
  - An acceptable level of displaced parking due to the presence of a nearby off street parking areas at the edge of the School Streets area.
  - No reported accidents.
- 5.3 Whereas the pilot evaluation has identified for New Elgin Primary School that there has been:
- A reduction in traffic during school drop off times at the periphery of the School Streets area but an increase in traffic during school pick up times.
  - Increase in walking and cycling to the school as evidenced by pedestrian surveys and Travel Tracker data.
  - No reported accidents.

However, concerns have been raised about indiscriminate parking on the streets surrounding the School Streets area

- 5.4 Transportation are currently working with schools and Police Scotland in Buckie to promote considerate parking behaviours during school drop off and pick up times, thorough 'Park Smart' initiatives which aim to educate parents/guardians on safe parking. Undertaking a 'Park Smart' initiative at New Elgin Primary School could be considered should issues with indiscriminate parking on the streets surrounding the scheme continue.

## **6. NEXT STEPS**

- 6.1 Both schools and Police Scotland have confirmed that they are committed to proceeding with schemes and to making them permanent. Should the schemes become permanent non-compliance issues will continue to be monitored and if they continue, options for enforcement of the order using ANPR will be investigated. The design of the residents permit will be reviewed to make the permit more prominent to assist Police Scotland with their enforcement of the schemes.
- 6.2 Should item 2.1 ii) be approved by this committee, then officers would take the draft permanent Traffic Regulation Orders out to Statutory Consultation and

then Public Consultation, with a view to resolving any objections received and then advertising the “Has Made” orders prior to the end of August 2022.

## **7. SUMMARY OF IMPLICATIONS**

### **(a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))**

School Streets contribute to the Corporate and LOIP priorities relating to healthy and connected communities and a growing diverse and sustainable economy.

### **(b) Policy and Legal**

Enforcement of School Streets closures in Moray is undertaken by Police Scotland.

### **(c) Financial implications**

There is a minimal cost associated with the advertisement of the Traffic Regulation Orders to make the Experimental Traffic Regulation Order permanent and re-design and re-issue residents exemption permits.

Should ANPR be pursued at a later date there would be cost implications associated with the implementation and on-going operation of the equipment. The capital costs of the equipment could be met using the Cycling Walking and Safer Routes annual grant. However, there would be a need for revenue budget to be allocated for the operational costs and maintenance of the equipment.

### **(d) Risk Implications**

The advertisement of the Experimental Traffic Regulation Order (ETRO) on 5 March 2021 initiated a formal statutory process. An ETRO provides a flexible opportunity to a Local Authority to pilot new transport concepts for a set period, but the legal process governing ETROs does not allow the Traffic Order to continue beyond its expiry date. The maximum period for which the ETRO can be in force is 18 months. The ETROs for the two pilot schemes would therefore lapse on 5 September 2022.

There is therefore a risk relating to the need to formalise the existing ETROs into permanent Traffic Regulation Orders in the timescale available before the ETROs lapse. This could be mitigated if Committee delegates power to the Head of Service to consider and determine objections received as part of this statutory process, with only unresolved objections being brought back to this Committee. If Committee agrees to this, then the two schemes can continue seamlessly, without the School Streets restrictions having to cease until a permanent order comes into operation. Any lull in school streets restrictions would jeopardise the successes seen in terms of changes in perceptions and travel behaviours.

Other risks associated with the School Streets schemes are a lack of enforcement, non-compliance by motorists (including parents/guardians of pupils attending the schools) and a lack of long-term commitment from the school community. These risks continue to arise but are mitigated on

an on-going basis through ad-hoc on-street Police presence and through the Sustainable Travel Officer working with the schools.

**(e) Staffing Implications**

Staff time and resources will be required to make the Experimental Traffic Regulation Order permanent. Further staff time and resources would be required should further School Streets schemes be pursued in the future. This will be delivered by the existing team and balanced with other planned priorities.

**(f) Property**

There are no property implications arising from this report.

**(g) Equalities/Socio Economic Impact**

The School Streets pilot projects have brought enhancements to life, health, education and learning through reducing the number of vehicles with the School Streets zones for periods of 30 minutes at the start and end of the school day.

The opportunities for pupils to walk and cycle to school has the potential to reduce childhood obesity and provide pupils with opportunities to gain practical road safety skills and knowledge.

Blue badge holders are exempt from the order so can travel into and out of the zones during the closure period. Exemption permits are also available for all School Streets residents with a motor vehicle registered at their address.

**(h) Climate Change and Biodiversity Impacts**

School Streets schemes assist in addressing the Climate Emergency by reducing the amount of traffic around school entrances at school drop off and pick up times and support active travel by providing a safer environment around the school.

There are no biodiversity impacts associated with the School Streets schemes.

**(i) Consultations**

The Depute Chief Executive (Economy, Environment and Finance), Legal Services Manager, Principal Accountant (P Connor), Equalities Officer, and Committee Services Officer (L Rowan) have been consulted and their comments incorporated into this report.

## **8. CONCLUSIONS**

**8.1 School Streets schemes have the potential to enhance the health and environment for young people and to address road safety perceptions. However, the success of these schemes is reliant on the commitment of the school to the scheme and the ability of Police Scotland to undertake regular enforcement activities.**

**8.2 Overall, the School Street pilot projects have delivered reductions in vehicle activity around the school entrances. Although both schools**

**have experienced non-compliance by parents/guardians who have continued to enter the zone to drop off/pick up pupils.**

- 8.3 Compliance at Seafield Primary School during the closure periods has been more consistent with parents/guardians parking out with the School Streets area, as there are readily accessible off-street parking areas, whereas at New Elgin Primary School, on-street parking is the only option and concerns regarding indiscriminate parking have been raised.**

Author of Report: Diane Anderson, Senior Engineer Transportation

Background Papers: School Streets Committee Report 5 November 2019

Ref: SPMAN-524642768-647

## APPENDIX 1

## Traffic Surveys

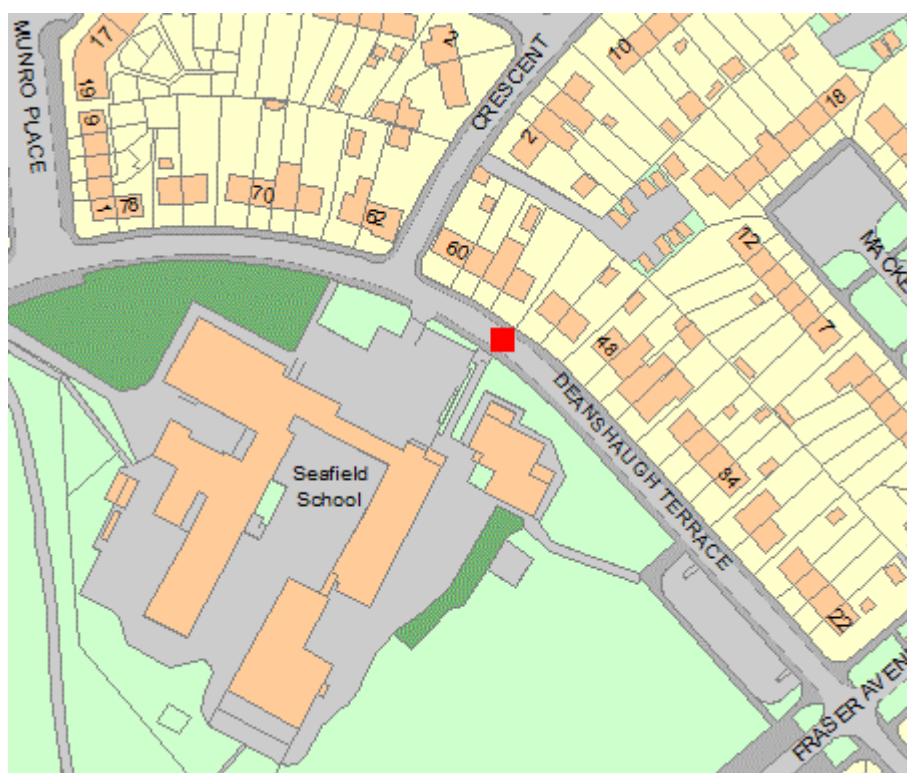
Traffic surveys, which measured the number and speed of vehicles, were undertaken on Bezack Street for the pilot scheme at New Elgin Primary School (see Figure 1) and on Deanshaugh Terrace for Seafield Primary School (see Figure 2). The surveys were undertaken 'before' the implementation of the School Streets scheme in February 2020 (before any impacts on travel behaviour resulting from Covid-19). Follow up traffic surveys at the same locations were undertaken in November 2021 'after' the pilot schemes had been in place for 8 months.

**Figure 1 – Location of Traffic and Speed Survey at New Elgin Primary School**



*(red square denotes location)*

**Figure 2 – Location of Traffic and Speed Survey at Seafield Primary School**



*(red square denotes location)*

The School Streets closure occurs between 0830 to 0900 and 1430 to 1500 at New Elgin. Whereas at Seafield the closures are between 0840 to 0910 and 1440 to 1510. The traffic count equipment used provides data in 15-minute segments. Therefore, the data presented in Table 1 below is for the periods 0815 to 0915 and 1415 to 1515 for both schools to provide an hour of data, which includes the periods that the School Streets schemes were operational.

**Table 1 – Changes in Traffic Volumes at School Streets Schemes**

Location of Traffic Survey	Time Period	No of Vehicles (School Days)		Change in No of Vehicles	Percentage Change
		'Before' School Streets	'After' School Streets		
Bezack Street (New Elgin)	0815 - 0915	151	116	-35	-23%
	1415 - 1515	104	123	+19	+15%
Deanshaugh Terrace (Seafield)	0815 - 0915	138	73	-65	-47%
	1415 - 1515	113	74	-39	-35%

The surveys at Deanshaugh Terrace show a significant reduction in traffic during the hour that the School Streets closures are operational, during the school pick up period traffic reduced by 35% (over a third) whereas during the hour when pupils are being dropped off at the school in the morning, traffic levels were nearly halved (47%).



However, the observations at New Elgin showed that whilst there was a decrease in traffic levels during the hour that pupils are dropped off in the morning. There was an increase in traffic observed during the hour that pupils are picked up (note the survey site is just out with the School Streets closure area). The results of the perception surveys and anecdotal observations at the New Elgin pilot scheme, confirm that there is a level of non-compliance at the scheme and that parents/guardians are parking as close as possible to the edge of the scheme to pick up pupils.

Traffic speed data was also collected as part of the surveys; these data are available in hourly segments. The average traffic speeds are therefore reported for the periods 0800 to 0900 and 1400 to 1500.

**Table 2 – Changes in Vehicle Speeds at School Street Schemes**

Location of Traffic Survey	Time Period	Ave Vehicle Speed (School Days)		Change in Vehicle Speed	Percentage Change
		'Before' School Streets	'After' School Streets		
Bezack Street (New Elgin)	0800 - 0900	23.1 mph	20.2 mph	-2.9 mph	-13%
	1400 - 1500	22.9 mph	20.2 mph	-2.7 mph	-12%
Deanshaugh Terrace (Seafield)	0800 - 0900	19.8 mph	20.1 mph	+0.3 mph	+1%
	1400 - 1500	20.6 mph	21.0 mph	+0.4 mph	+2%

Average traffic speeds at New Elgin Primary School decreased by 2.7 mph to 2.9 mph at the survey location on Bezack Street. Whereas average traffic speeds slightly increased on Deanshaugh Terrace outside Seafield Primary School. The reduction in average vehicle speeds at New Elgin Primary School is a positive consequence of the pilot scheme. It should be noted that the 20 mph temporary speed limits at both schools only apply for part of the hour surveyed, so it cannot be expected that the average speed for the whole hour would be below 20 mph.

Finally, the charity Living Streets, who provide the Council with support on Active Travel within schools also undertook traffic and pedestrian surveys at both schools. However the results of the 'after' traffic surveys were inconclusive as from the data supplied to Council officers it appears that only one direction of travel was counted and therefore comparison to the 'Before' traffic surveys could not readily be made.

The results of pedestrian surveys undertaken by Living Streets both 'before' and 'after' the School Streets pilot project on footpaths/footways approaching both schools were also shared with Council officers. For New Elgin, the remote footpath from Anderson Drive to the primary school was surveyed whilst at Seafield; Fraser Avenue at the junction with Deanshaugh Terrace was surveyed. The 'before' surveys were undertaken in February 2020, whereas the 'after' surveys were in June 2021.

**Table 3 – Changes in Pedestrian Movements near School Street Schemes**

Location of Traffic Survey	Time Period	Ave Number of Pedestrians (School Days)		Change in Number of Pedestrians	Percentage Change
		'Before' School Streets	'After' School Streets		
Remote Footpath from Anderson Drive (New Elgin)	0800 - 0900	38	74	+36	+49%
	1500 - 1600	41	78	+37	+47%
Fraser Avenue at junction with Deanshaugh Terrace (Seafield)	0800 - 0900	27	51	+24	+47%
	1500 - 1600	41	90	+49	+54%

The surveys recorded significant increases in pedestrian activity (ranging between increases of 47 to 54%) during the school drop off and pick up periods at both locations. However, the location of the pedestrian count at New Elgin picks up any parents/guardians and pupils who may be arriving by vehicle and parking on Anderson Drive and then walking to the school and during the summer months, levels of walking and cycling to school generally increase due to better weather. A further survey of pedestrian movements during February would provide a more robust comparison of the levels of pedestrian movements after the implementation of the pilot projects.

## APPENDIX 2

## School Streets Questionnaire



### Moray School Streets Scheme

Dear Resident,

Moray Council introduced a pilot School Streets scheme at New Elgin and Seafield primary schools on Monday 22nd March 2021 for an initial period of 9 months, and we are now looking for your feedback on how you think it has been working, your level of awareness and understanding of the project, and perceptions on compliance and safety.

As a resident of one of the school streets, or as a resident of a peripheral street, we would like to know your views by completing our short paper survey below and returning it in the included pre-paid envelope by Thursday 23<sup>rd</sup> December 2021. Alternatively you can scan the below QR code to access the survey directly online.

The survey will take around 5mins to complete. We appreciate your time and feedback in helping us to evaluate this trial scheme.



*'A School Street is a road outside a school with a temporary restriction on motorised traffic at school drop-off and pick-up times. The restriction applies to school traffic and through traffic. The result is a safer, healthier and pleasant environment for everyone.*

*School Street schemes offer a proactive solution for school communities to tackle air pollution, poor*

*health and road danger reduction. A School Street scheme will encourage a healthier lifestyle and active travel to school for families and lead to a better environment for everyone.'*



### **School Streets Perception after Survey**

**December 2021**

This questionnaire has been devised to find out:

The level of awareness and understanding of the School Streets project, and perceptions on compliance and safety.

Q1. Which school do(es) your child(ren) attend?

- New Elgin Primary
- Seafield Primary
- Not applicable (e.g. resident)

Q2. What is your home postcode?

Q3. What is your gender?

- Male
- Female
- Prefer not to say
- Other – please specify

Q4. What is your age?

- 16 - 24
- 25 - 34
- 35 – 44
- 45 – 54
- 55 – 64

- 65 – 74
- 75+

Q5. Do you consider yourself to have a disability?

- Yes
- No
- Prefer not to say

Q6. I am responding as a

- Resident within a School Streets area
- Parent/ Guardian
- Resident of a peripheral street
- Other

Q7. We usually travel to school by

- Walk
- Cycle
- Wheel/ Scoot
- Park and stride
- Bus
- Car
- Car share
- Other
- Not applicable - I am not a parent/guardian with a child that travels to school

Q8. How aware are you of the School Streets project at your local school?

- Very Aware
- Slightly Aware
- Not so Aware
- Not at all Aware

Q9. Have you changed the way you travel as a result of the School Streets project?

- Yes
- No change
- If yes please comment how your travel has changed

Q10. What benefits do you feel the School Streets project has helped to bring about?

- Improved the safety of children travelling to/from school
- Reduction in congestion around the school
- Reduction in traffic speeds

- Improved quality of life for residents and school community
- More children walk and cycle to school now
- None
- Unsure
- Other – please specify below

Q11. In general, I think vehicle drivers have complied with the prohibition.

- Strongly agree
- Agree
- Neither agree or disagree
- Disagree
- Strongly disagree

Please say why

Q12. My day to day life has been made more difficult as a result of the vehicle restrictions

- Strongly agree
- Agree
- Neither agree or disagree
- Disagree
- Strongly disagree

Please say why

Q13. The streets with vehicle restrictions feel safer during operating times

- Strongly agree
- Agree
- Neither agree or disagree
- Disagree
- Strongly disagree

Please say why

Q14. Please comment on how you think we can improve the scheme?

## Travel Tracker Data – Living Streets

‘Before’ School Streets Implementation - September 2019

School	Total pupils	Engagement	Active	Walk	Cycle	Scooter / Skate	Park and Stride	Driven	Bus	Taxi	Total Trips
New Elgin Primary School	556	47%	90%	61%	3%	4%	21%	7%	2%	1%	3395
Seafield Primary School	407	40%	85%	60%	4%	3%	17%	13%	0%	2%	2092

‘After’ School Streets Implementation - September 2021

School	Total pupils	Engagement	Active	Walk/ wheel	Cycle	Scooter / Skate	Park and Stride	Driven	Bus	Taxi	Total Trips
New Elgin Primary School	414	69%	96%	66%	5%	5%	20%	3%	0%	0%	6248
Seafield Primary School	408	51%	87%	63%	7%	5%	12%	12%	0%	1%	4543





## APPENDIX 4

## School Streets Displacement Parking

Observations of displacement parking around the two School Streets pilot projects areas were made during week commencing 1 November 2021.

### New Elgin Primary School

**Table 1 – Observed Displacement Parking at New Elgin Primary School**

Location	Morning 'drop off' period (no of vehicles)	Afternoon 'pick up' period (no of vehicles)
Milnefield Avenue	6	5
Anderson Drive	4	3
Bezack Street	12	15
Well Brae Court	4	6
Pond Park Place	2	1

With the exception of Bezack Street to the south of the School Streets area, the streets surrounding the School Streets closure were not overly congested with displaced school traffic. Displaced parking took place over a number of streets. However, it was observed that a significant number of parents/guardians are still parking outside the school gate to drop off, or turning into the school carpark from Bezack Street and dropping off or picking up pupils from there. Therefore, the displacement effects of the pilot project may be being fully realised at the time of survey.

### Seafield Primary School

**Table 2 – Observed Displacement Parking at Seafield Primary School**

Location	Morning 'drop off' period (no of vehicles)	Afternoon 'pick up' period (no of vehicles)
Munro Place	2	4
Brodie Drive	1	0
Anderson Crescent	4	5
Fulmar Road	2	3
Fraser Avenue	3	2
Deanshaugh Terrace (south)	3	2

Seafield Primary School benefits from the presence of off-street parking near the junction of Deanshaugh Terrace and Fraser Avenue, just outside the School Streets closure. This provision has assisted in reducing the amount of on-street parking by parents/guardians at school 'drop off' and

'pick up' times. Limited amounts of displaced parking was observed on Anderson Crescent and Fulmar Road. However, these locations were not overly congested with traffic associated with the school.

Observations of traffic movements at Seafield Primary School identified that whilst there were still some vehicles passing through the closure and some parents/guardians entering the closure during both school drop off and pick up times, the level of 'non-compliance' was lower than that at New Elgin Primary School.

This may in part be due to Seafield Primary School staff being visibly present during the closures. Teaching staff advised that compliance with the closures had been relatively good up until the October school holidays. However, the number of vehicles driving through the closures had gradually started to increase after the start of the new term.



**REPORT TO: ECONOMIC DEVELOPMENT AND INFRASTRUCTURE  
SERVICES COMMITTEE ON 8 FEBRUARY 2022**

**SUBJECT: CHARGES FOR ELECTRIC VEHICLE CHARGING**

**BY: DEPUTE CHIEF EXECUTIVE (ECONOMY, ENVIRONMENT AND  
FINANCE)**

## **1. REASON FOR REPORT**

- 1.1 To inform the Committee of proposals to vary the mechanism for payments for the use of public electric vehicle charge points.
- 1.2 This report is submitted to Committee in terms of Section II (F) (17) of the Council's Scheme of Administration relating to traffic management.

## **2. RECOMMENDATION**

### **2.1 It is recommended that Committee:**

- (i) notes that a wider Electric Vehicle Strategy focussing on further developing the public charging network and transitioning the council's fleet of vehicles to ultra-low emission vehicles will be brought to a future meeting; and
- (ii) approves the recommended changes to tariffs for charging vehicles at council operated charge points as specified in paragraphs 4.1 and 4.2.

## **3. BACKGROUND**

- 3.1 In September 2017, as part of the Scottish Government's Programme for Government, The First Minister announced that all petrol and diesel vehicles would be phased out in Scotland by 2032. The underlying vision of a significant reduction in greenhouse gas emissions will be accompanied by marked improvements in local air quality, noise pollution and public health. Electric Vehicles (EVs) are the main solution at his time, and are widely expected to continue to play an important role in achieving the 2032 target.
- 3.2 This runs in parallel with opportunities to reduce the total number of vehicles on the road through increased active travel, public transport and co-operative models of car ownership.

- 3.3** As at 30 September 2021 there are approximately 645,000 Ultra Low Emission Vehicles (ULEVs) in the UK, with 39,000 in Scotland – broadly a 50/50 split between battery electric vehicles and plug in hybrid vehicles. This figure is increasing, with the number of vehicles having doubled in the last 18 months.
- 3.4** Moray Council declared a Climate Change Emergency in June 2019 and have a target to become carbon neutral by 2030.
- 3.5** Following discussion at Economic Growth, Housing and Environmental Sustainability Committee on 8 June 2021 (para 8 of the minute refers) officers agreed to review charging tariffs and put forward a wider EV Strategy. The wider strategy is being progressed by external experts, with a view to present a draft strategy to this Committee in the first part of 2022.
- 3.6** At present, the provision of charging infrastructure is being led by the Public Sector. This allows for a fair and equitable network to be established, and confidence in mode shift encouraged. However, it is not solely the responsibility of local authorities to provide infrastructure for residents and visitors, but rather any organisation that encourages travel by personal vehicle should be making provision for electric vehicles, including, but not limited to, retail operations, leisure facilities, visitor attractions and employers. Aside from a small number of examples, Scotland benefits from having a single, national network with consistent access and governance protocols in the form of Charge Place Scotland (CPS).
- 3.7** Notwithstanding the forthcoming strategy which will focus on the future for infrastructure provision across the public network and the council's own fleet of vehicles it is proposed to consider amendments to the charging tariff for implementation in April 2022
- 3.8** Moray Council has 26 charge points which have been funded by the Scottish Government ChargePlace Scotland grant fund. From their first introduction in 2014, Council endorsed the use of a flat tariff to enable cost recovery. The current tariff is a flat fee of £3.80 per charge, regardless of the type of charger, or consumption.
- 3.9** Originally Moray Council was the only council to take payment for the use of public EV charging points. This situation has evolved, and now 12 other local authorities have introduced tariffs.

**3.10** The following table summarises the charges made by other local authorities in Scotland:

Council	Connection Fee	Consumption Fee	Other Charges
Aberdeen City	£0.38	£0.19 kWh	Pay for Parking as per car park charge
Aberdeenshire	-	£0.21 kWh	
Argyll & Bute	-	£0.25 kWh	Minimum fee £1.80. Penalties for overstay and misuse
CnES	-	£0.20 kWh	Minimum fee £1.00. Overstay charge
Dundee City	£0.38	£0.15 kWh	
East Lothian	-	£0.16 kWh Destination Charger £0.30 kWh Journey Charger	Minimum £1. Overstay charge
Falkirk	-	£0.25 kWh	Minimum £1. Overstay charge
Fife	£1.60	£0.15 kWh	Overstay charge
Midlothian	-	£0.16 kWh Destination Charger £0.30 kWh Journey Charger	Overstay charge
North Ayrshire	-	£0.19 kWh Destination Charger £0.30 kWh Journey Charger	Overstay charge
Orkney	-	£0.25 kWh £0.20 kWh	Minimum £1
Highland	-	£0.30 kWh £0.20 kWh	Minimum £1. Overstay charge

**3.11** As can be seen, the emphasis is now very much on tariffs being based directly on consumption, much as is the case with other fuel types. Some councils are differentiating between the fastest chargers – ‘journey’ chargers, and slower chargers ‘destination’ chargers, with a higher tariff for the journey chargers to discourage lengthy stays, to promote turnover for as many vehicles to use the site as possible. Given the dispersed geography of Moray’s settlements and therefore charge points, at this stage it is proposed that Moray Council offers a single tariff until there is a greater choice of charger type in each area of Moray.

**3.12** The cost to the council of providing the charge points consists principally of the standing charge from the electricity supplier and the cost of the electricity supplied. Maintenance of the charger is currently covered under the funding agreement from Transport Scotland, along with the provision of the charge point itself. This position may change in future years.

**3.13** The unit rate for the supply of electricity to the council is £0.15 per kWh. The standing charge for each charge point varies by site, but totals £607 per month. Maintenance is currently grant funded through the warranty programme, however, over time there is the potential for maintenance costs to be incurred.

**3.14** The average vehicle takes 13.5 kWh per charge on the council’s chargers, which equates to 28p per kWh using the £3.80 flat charge.

#### **4. PROPOSAL**

- 4.1** To maintain a parallel with the £3.80 flat charge, and to make allowance for standing charges and maintenance as well as consumption, it is suggested that a tariff of £0.28 per kWh is introduced (with no connection fee). The influence of a variable tariff on consumption can then be monitored, and revisions to the tariff proposed on the basis of lessons learned. This provides the closest to no net loss / no net gain as is currently possible, although it is possible that a variable charge may influence driver behaviour in terms of time connected to the charger. £0.28 per kWh is at the upper end of the range of tariffs across Scottish local authorities – the authorities that charge £0.30 per kWh only do so for rapid chargers, and have a much lower charge (£0.16) for slower chargers. To set a higher charge presents the risk of reducing actual use of the charge points, and therefore a) suppressing confidence in the EV network and b) reducing the total income.
- 4.2** It is also proposed that a minimum charge of £1 is introduced (this would be waived if the charge supply is interrupted). Overstay charges are useful, particularly on rapid chargers to encourage turnover if there is evidence that vehicles are parked for excessive periods, but at this point there is no evidence that this is currently an issue in Moray.
- 4.3** It should be noted that further recommendations on charge point etiquette (guidelines for use) and wider policy will form part of the EV Strategy.
- 4.4** It is recommended that the tariff is reviewed after a minimum of 12 months operation to allow for trend analysis.

#### **5. SUMMARY OF IMPLICATIONS**

- (a) **Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))**  
These proposals sit within the approach of the council in its Corporate Plan of looking after the world we live in, whilst supporting the priority of creating a sustainable council through a budget neutral revision to charges.
- (b) **Policy and Legal**  
TBC following consultation
- (c) **Financial implications**  
The proposed tariff is as close to budget neutral as can be calculated.
- (d) **Risk Implications**  
There are no specific risk implications arising from this report.
- (e) **Staffing Implications**  
There are no staffing implications arising from this report.
- (f) **Property**  
There are no property implications arising directly from this report.

(g) **Equalities/Socio Economic Impact**

TBC following consultation

(h) **Climate Change and Biodiversity Impacts**

The proposed changes to the tariff are designed to be more flexible and reflective of the consumption of a vehicle per charge, thereby encouraging use of the public charging network. This should support the move towards more widespread use of ULEVs.

(i) **Consultations**

The Depute Chief Executive (Economy, Environment and Finance), Legal Services Manager, Principal Accountant (P Connor), Equalities Officer, Principal Climate Change Officer, and Committee Services Officer (L Rowan) have been consulted and their comments incorporated into the report.

**6. CONCLUSION**

**6.1 Moray Council has had a flat tariff for the use of EV charge points since 2014. In order to better promote their use, and reflect the consumption of individual users, it is proposed to change the tariff to a variable tariff based on consumption of 28p per kWh.**

Author of Report: Nicola Moss, Transportation Manager

Background Papers:

Ref: SPMAN-524642768-528








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**REPORT TO: ECONOMIC DEVELOPMENT AND INFRASTRUCTURE  
SERVICES COMMITTEE ON 8 FEBRUARY 2022**

**SUBJECT: PUBLIC SECTOR CLIMATE CHANGE REPORTING**

**BY: DEPUTE CHIEF EXECUTIVE (ECONOMY, ENVIRONMENT AND  
FINANCE)**

## **1. REASON FOR REPORT**

- 1.1 To advise the Committee of the Council's Public Sector Report on Compliance with Climate Change Duties 2020-21 and updates to the reporting methodology and statutory requirements.
- 1.2 This report is submitted to Committee in terms of Section III (F) (33) of the Council's Scheme of Administration relating to providing, developing and monitoring the Council's Economic Development and Infrastructure Services.

## **2. RECOMMENDATION**

### **2.1 It is recommended that Committee:**

- (i) **notes the Council's Public Sector Report on Compliance with Climate Change Duties 2020/21;**
- (ii) **notes updates made to the Council's reporting methodology for 2020/21;**
- (iii) **notes the latest guidance from the Scottish Government on best practice and timescales to reflect updated statutory requirements set out in '*Public Sector Leadership on the Global Climate Emergency*'.**

## **3. BACKGROUND**

- 3.1 The Climate Change (Duties of Public Bodies: Reporting Requirements) (Scotland) Order 2015 requires public sector bodies to publish annual climate change reports. This is intended to demonstrate compliance with public sector bodies' climate change duties, to engage leaders and encourage action to be taken to reduce carbon emissions.

- 3.2 Moray Council has a duty under Section 44 of the Climate Change (Scotland) Act 2009 to contribute to reducing Scotland's greenhouse gas emissions, contribute to helping Scotland adapt to a changing climate, and to act in a way it considers most sustainable.
- 3.3 Moray Council submitted its first mandatory report on its compliance with climate change duties to the Scottish Government in November 2016, covering the period 2015/16, and has subsequently submitted annual reports each November.

#### **4. PERFORMANCE AND UPDATES**

- 4.1 A copy of the Council's Public Sector Report on Compliance with Climate Change Duties submitted to the Scottish Government in November 2021 has been uploaded to CMIS along with the agenda.

- 4.2 The reporting template covers the following mandatory topics:

- Profile of reporting body;
- Governance, management and strategy;
- Corporate emissions, targets and project data;
- Adaptation;
- Procurement; and
- Validation.

##### Profile

- 4.3 An initial overview of the Council's scale sets the context for the wider report. The highest number of full time equivalent (FTE) staff employed during the 2020-21 financial year was 3,577, an increase of 85 FTE since the previous report. This increase in FTE includes a large number of temporary positions associated with the Covid-19 pandemic.

##### Governance, management and strategy

- 4.4 Since the previous report, Moray Council's Climate Change Strategy and Action Plan has been approved and a new series of governance structures introduced. 3 full time officers have been employed on a permanent basis to support and progress the Climate Change Strategy.

##### Corporate emissions, targets and project data

- 4.5 In 2020/21, the Council's carbon emissions were 22,475 tonnes of carbon dioxide equivalent (tCO<sub>2</sub>e) – a decrease of 4,602 tCO<sub>2</sub>e (17.0%) compared to reporting year 2019/20. A summary of changes by emissions source between the reporting years is provided in **Appendix 1**.
- 4.6 The decrease in the Council's carbon emissions during 2020/21 occurred as a result of changes to waste management arrangements as well as other operational changes necessitated by the Covid-19 pandemic. The decrease occurred despite reporting year 2020/21 reporting on more emissions sources than in previous years (see para 4.10).
- 4.7 Increased recycling across several waste streams, and a reduction in waste to landfill has led to a decrease in the Council's carbon emissions. Across all

landfill waste emissions, a decrease in emissions occurred which represented a carbon saving of 3,618.2 tCO<sub>2</sub>e.

- 4.8 The following changes to the Council's operations due to the Covid-19 pandemic led to a decrease in carbon emissions:
- Lower consumption (and reduced carbon intensity) of grid electricity;
  - Lower consumption and treatment of water;
  - Lower consumption of fuels; and
  - Lower consumption of biomass and most heating fuels.

These changes represented a carbon saving of 1,969.5 tCO<sub>2</sub>e.

- 4.9 Emissions resulting from homeworking formed a new emissions source for the 2020/21 reporting year. This source represented carbon emissions of 1,073.1 tCO<sub>2</sub>e. This total is calculated using the Scottish Government's proxy homeworking emissions multiplier of 0.3 tCO<sub>2</sub>e per FTE.

- 4.10 The following emissions sources were not included in the previous reporting submission:
- Marine fuel oil;
  - Clinical waste – other (medical pads/nappies);
  - Clothing – closed loop recycling;
  - Battery electric vehicle – van;
  - Battery electric vehicle – car;
  - Hybrid car; and
  - Landfill gas.

These emissions sources were reported in the 2020/21 submission and represent carbon emissions of 110.9 tCO<sub>2</sub>e.

- 4.11 6 individual energy saving projects and initiatives were carried out in 2020/21:
- Introduction of electric vehicles;
  - LED lighting replacement;
  - Water main replacement;
  - Roof insulation;
  - Draught proofing; and
  - Miscellaneous insulation projects.

These changes represented an estimated carbon saving of 44 tCO<sub>2</sub>e.

#### Adaptation

- 4.12 The Moray Local Development Plan (MLDP) 2020 provides the policy framework for promoting climate change adaptation and sets out the statutory policies against which new development proposals are considered.
- 4.13 The MLDP includes specific policy requirements on:
- Coastal erosion;
  - Biodiversity enhancement;
  - Compensatory planting;
  - Active travel;
  - Food growing areas;
  - Use of brownfield sites;

- Promoting green and blue networks;
- Surface water management; and
- Avoiding areas at risk of flooding.

There is scope to further embed climate change into the Council's Quality Audit process for considering proposals against Policy PP1 Placemaking.

- 4.14 Draft National Planning Framework 4 (NPF4) has recently been published for consultation and will be reported to the Planning and Regulatory Services Committee meeting in March 2022. Draft NPF4 requires significant carbon reductions through the planning system.
- 4.15 Flood protection schemes are currently designed with a variable (location-based) percentage allowance for climate change, in line with current SEPA guidelines. The Council develops catchment based flood risk management plans, which identify flood risk and proposed mitigation factoring in climate change. These plans adopt an integrated catchment based approach to flood risk management including links to River Basin Management Plans.
- 4.16 The Council's top 5 climate change adaptation priorities for the 2021/22 were identified within the 2020/21 submission as:
- Developing the Moray Council Climate Change Strategy routemap to net zero by 2030, informed by consultancy studies on hydrogen, fleet and buildings;
  - Exploring methods of reducing carbon and achieving net zero in Moray Growth Deal projects;
  - Exploring methods of reducing carbon and achieving net zero in a Levelling Up Fund submission;
  - Approving our new active travel strategy; and
  - Wildflower planting and woodland management plans developed through the Nature Restoration Fund.

#### Procurement

- 4.17 The Council's annual procurement report now highlights the number of contracts with environmental/climate change conditions attached. This included 13 contracts in the reporting year, broken down by conditions as follows:
- 5 x energy;
  - 3 x greenhouse gases;
  - 4 x waste; and
  - 1 x sustainable construction.

This represents a decrease of 8 contracts since the previous reporting period. However, it should be noted that procurement was suspended for some time due to Covid-19 restrictions. Therefore, there was a broadly proportionate reduction in the number of competitive tenders for the year.

- 4.18 The Council has made several procurement-related updates to better consider climate change. It has:
- reviewed its standard (weighted) sustainability tender question. This has allowed evaluation of the contractor's approach to sustainability. The outcome is recorded as a procurement non-cash benefit. Outcomes can now be reported as a categorisation;

- reviewed and developed further the sustainable procurement section of the Annual Procurement Strategy. This ensures that goods and services are procured responsibly, and with due consideration to ethical, carbon and sustainability factors – including through the supply chain and sub-contractors; and
- further developed its Sustainable Procurement Guidance (and training module) and embedded this within the Council's tender process to reflect the priorities and actions of our Climate Change Strategy. This supports and informs departmental lead officers through the new process, and improves sustainability aspects and responses within the tendering process.

#### Validation

- 4.19 All of the data used within the submission was obtained from previous compliance reports and from sections within the Council which collect data as part of their operational functions. In some cases, data used within the submission has been the basis for papers accepted by Council committees.

## **5. FUTURE REPORTING**

### Statutory duties

- 5.1 The Council will continue to be required to publish annual climate change reports per the Climate Change (Duties of Public Bodies: Reporting Requirements) (Scotland) Order 2015.
- 5.2 The Climate Change (Duties of Public Bodies: Reporting Requirements) (Scotland) Amendment Order 2020 states that all future reporting (from reporting period 2021/22) must include:
- the Council's target date for achieving zero direct emissions of greenhouse gases, or such other targets that demonstrate how the Council is contributing to Scotland achieving its emissions reduction targets;
  - the Council's targets for reducing indirect emissions of greenhouse gases (where applicable);
  - details regarding how the Council will align its spending plans and use of resources to reducing emissions and delivering its emissions reduction targets;
  - details regarding how the Council will publish, or otherwise make available, its progress to achieving its emissions reductions targets; and
  - details of any contributions made by the Council to helping deliver Scotland's Climate Change Adaptation Programme.
- 5.3 Officers working across the Council therefore have a responsibility to provide all necessary information required for submission as part of the Council's annual climate change reporting.

### Guidance

- 5.4 The latest Scottish Government guidance, '*Public Sector Leadership on the Global Climate Emergency*', was published in October 2021 and is [available online](#).

## 6. **SUMMARY OF IMPLICATIONS**

### **(a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))**

This reporting demonstrates the Council's progress in contributing to Scotland's ambitious greenhouse gas emissions targets.

The Council's Corporate Plan 2019-2024 identifies the environment as a key principle in the delivery of the Council's priorities:

"Environment – look after the world we live in to protect it for our future"

and for Moray Council to be:

"A resource efficient, carbon neutral council that works with partners to mitigate the worst effects of Climate Change, to create a resilient, fair and more sustainable future for everyone within Moray".

### **(b) Policy and Legal**

The Climate Change (Duties of Public Bodies: Reporting Requirements) (Scotland) Order 2015 introduced mandatory reporting on climate change.

The Climate Change (Duties of Public Bodies: Reporting Requirements) (Scotland) Amendment Order 2020 places a requirement on public bodies to provide further details about their climate change actions.

### **(c) Financial implications**

There are no financial implications.

### **(d) Risk Implications**

There are no risk implications.

### **(e) Staffing Implications**

There are no staffing implications.

### **(f) Property**

There are no property implications.

### **(g) Equalities/Socio Economic Impact**

There are no equalities/socio economic impact implications.

**(h) Consultations**

Depute Chief Executive (Economy, Environment and Finance), the Head of Economic Growth and Development, the Corporate Management Team, Paul Connor (Principal Accountant), the Legal Services Manager, the Equal Opportunities Officer, and Tracey Sutherland, Committee Services Officer.

**5. CONCLUSION**

- 5.1 The submission of the Public Sector Report on Compliance with Climate Change Duties 2020-21 by the Council to the Scottish Government in November 2021 fulfilled its statutory reporting obligation.**
- 5.2 Changes to the reporting methodology for 2020/21 provided further detail on the Council's carbon emissions.**
- 5.3 Reporting on the Council's climate change duties will require greater detail in future reporting years to continue to meet its statutory obligation.**

Author of Report:	George Gunn, Climate Change Strategy Officer
Background Papers:	As referred to in this report.
Ref:	SPMAN-813460984-160





# Moray Council - Summary of Carbon Emissions by Source

# APPENDIX 1

The below emissions have been calculated using data from Moray Council and emissions factors supplied by the Scottish Government.

Emission source	Type	2019/20 emissions (tCO <sub>2</sub> e)	2020/21 emissions (tCO <sub>2</sub> e)	% Change	Change (tCO <sub>2</sub> e)
Refuse Municipal to Landfill	Scope 3	11,664.0	8,507.3	-27.1%	-3,156.7
Grid Electricity (generation)	Scope 2	3,628.2	2,649.0	-27.0%	-979.2
Diesel (average biofuel blend)	Scope 1	3,473.9	2,711.4	-21.9%	-762.5
Refuse Commercial & Industrial to Landfill	Scope 3	1,919.8	1,458.3	-24.0%	-461.5
Gas oil litre	Scope 1	541.1	246.3	-54.5%	-294.8
Grid Electricity (transmission & distribution losses)	Scope 3	308.0	227.8	-26.0%	-80.2
Water - Treatment	Scope 3	91.2	22.5	-75.3%	-68.7
Water - Supply	Scope 3	46.6	11.3	-75.8%	-35.3
Petrol (average biofuel blend)	Scope 1	28.5	9.8	-65.6%	-18.7
Natural Gas	Scope 1	4,331.9	4,315.4	-0.4%	-16.5
Organic Garden Waste Composting	Scope 3	26.6	11.2	-57.9%	-15.4
Plastics (Average) Recycling	Scope 3	18.8	4.5	-76.1%	-14.3
Metal Cans (Mixed) & Metal Scrap Recycling	Scope 3	22.6	12.5	-44.7%	-10.1
Biomass (Wood Chips)kWh	Scope 1	25.9	18.9	-27.0%	-7.0
WEEE (Mixed) Recycling	Scope 3	18.9	16.9	-10.5%	-2.0
Biomass (Wood Pellets) kWh	Scope 1	16.3	15.0	-8.3%	-1.3
Batteries Recycling	Scope 3	0.06	0.10	54.7%	0.04
Purchased Heat and Steam	Scope 2	9.7	11.8	21.9%	2.1
Organic Food & Drink Composting	Scope 3	84.3	96.8	14.8%	12.5
Gas oil kWh	Scope 1	736.3	750.1	1.9%	13.8
Mixed recycling	Scope 3	7.5	32.7	338.8%	25.2
Glass Recycling	Scope 3	31.7	68.4	116.0%	36.7
Paper & Board (Mixed) Recycling	Scope 3	46.0	93.3	103.0%	47.3
Homeworking emissions	Scope 3	Not reported	1073.1	n/a	1073.1
Marine Fuel Oil litres	Scope 1	Not reported	56.2	n/a	56.2
Clinical Waste - Other	Scope 3	Not reported	47.5	n/a	47.5
Clothing (Closed loop recycling)	Scope 3	Not reported	2.6	n/a	2.6
Van - Average (up to 3.5 tonnes) Battery Electric Vehicle miles	Scope 1	Not reported	2.3	n/a	2.3
Car - hybrid (average) miles	Scope 1	Not reported	0.9	n/a	0.9
Car - Battery Electric Vehicle (average) miles	Scope 1	Not reported	0.7	n/a	0.7
Landfill gas kWh	Scope 1	Not reported	0.7	n/a	0.7
<b>TOTALS:</b>		<b>27,078</b>	<b>22,475</b>	<b>-17.0%</b>	<b>-4,602</b>






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**REPORT TO: ECONOMIC, DEVELOPMENT AND INFRASTRUCTURE  
SERVICES COMMITTEE ON 8 FEBRUARY 2022**

**SUBJECT: ADAPTATION PLAN FOR COASTAL EROSION - KINGSTON**

**BY: DEPUTE CHIEF EXECUTIVE (ECONOMY, ENVIRONMENT AND  
FINANCE)**

**1. REASON FOR REPORT**

- 1.1 To inform the Committee of the change to the tidal lagoon at Kingston and the government funding available to develop a Coastal Change Adaptation Plan.
- 1.2 This report is submitted to Committee in terms of Section III (F) (19) of the Council's Scheme of Administration relating to the Flood Risk Management (Scotland) Act 2009.

**2. RECOMMENDATION**

- 2.1 **It is recommended that the Committee agree to progress the development of an adaptation plan for the Moray coastline, starting with Kingston as outlined in paragraph 3.10.**

**3. BACKGROUND**

- 3.1 Kingston on Spey is located on the west bank of the River Spey as it flows into the Moray Firth. The village of Kingston sits behind a small tidal lagoon. To the north of the lagoon is a shingle ridge that reduces the impact of wave energy before they reach the landward bank of the lagoon.
- 3.2 The community has previously raised concerns about the condition of the shingle bank and the potential for erosion on the landward bank. This has been investigated by officers and the findings of the investigations reported back to both the community and members as detailed below.
- 3.3 At a meeting of this Committee on 25 June 2013 it was agreed that officers continue and extend monitoring the migration of the shingle bank at Kingston and report back to this Committee reassessing risk if any significant changes occur at the lagoon in front of Kingston or if the trigger level of 25m is reached (para 12 of the minute refers).

- 3.4 It was agreed at a meeting of this Committee on 30 September 2014 that there is no economic case for progressing works to the landward side of the lagoon at Kingston and that monitoring should continue, as is consistent with a dynamic coastal river system (para 9 of the minute refers).
- 3.5 At a meeting of Policy and Resources Committee on Tuesday 20 January 2015 members agreed Moray Council's policy on erosion (para 6 of the minute refers). The policy on erosion is provided below.
- The Council may undertake erosion protection work where its assets are at risk. These assets may typically be buildings, bridges, roads and flood and coast defence infrastructure.
  - The Council may take action where the consequence of erosion would significantly increase flood risk, for example, where a sea defence or flood bank is at erosion risk placing property or other receptors listed in the Flood Risk Management (Scotland) Act 2009 at significant flood risk through breaching and/or wave overtopping.
  - Coastal erosion affecting a community would remain the subject of an option appraisal on a case-by-case basis, the business case supporting proposed works being considered by Committee and if approved, then being considered by the Asset Management Group using the gateway process; and
  - Except as provided above, and recognising that the primary responsibility lies upon landowners, in most cases the Council will not take action where river or coastal erosion, or landslips affect only private land including built assets thereon.
- 3.6 The shingle ridge has been monitored by the flood team since 2013 and in that time there has been some movement due to wave action but until recently this movement has not been considered significant. On the weekend of 29-31 October 2021 a significant storm event occurred, which pushed shingle from the ridge into the lagoon, over a length of approximately 75m. This action reduced the width of the lagoon by approximately 30m in some places. This event also caused minor erosion of the natural bank at the back of the lagoon, which has exposed bare earth.
- 3.7 Managing coastal erosion risk is a complex process due to the nature of the shingle bank and sediment movements. In this location, this is due to the high sediment load which is carried down the River Spey combined with the sediment drift along Spey Bay. This area of coastline is also a Site of Special Scientific Interest (SSSI) and a Special area of Conservation (SAC), which means there will be restrictions on the type of works that could be undertaken at the site.
- 3.8 The change in erosion at Kingston has not increased the risk to Council owned assets and does not significantly increase flood risk. As such, the circumstances at Kingston do not meet the criteria for undertaking works, as set out in the Council's erosion policy. It is therefore proposed that in the short term we continue to monitor the shingle bank and any further erosion that occurs on the landward side of the lagoon.

- 3.9 Scottish Government announced early in 2021 the coastal change adaptation budget of £12 million, which will be allocated to Local Authorities over a four year period, starting in 2022-23. When each authority will receive funding will depend on how urgent the need for action is. Scottish Government has made this funding available as it is considered essential that future actions are planned and address the uncertainty of climate change. Actions need to take account of the best scientific evidence and be planned taking an adaptive pathways approach. All options will be considered when developing this plan, including 'no action', modelling, works, emergency planning and flood resilience.
- 3.10 Moray Council has been advised that it will receive funding in 2022/23 and this will be £160,000. Funding will need to be used in the financial year it is received to develop a Coastal Change Adaptation Plan for the Moray coast line. It is proposed to start the Adaptation Plan at Kingston, as based on the findings from Dynamic Coast 2, this is the most active part of Moray's coastline. The funding would cover the work needed to develop and publish the Adaptation Plan. It is anticipated that additional capital funds will be made available after 2025 to implement actions identified in the Adaptation Plan.
- 3.11 An Adaptation Plan allows for the planning and preparation of coastal change management measures, which can adjust efficiently as the future climate change and science progresses and more information on risk becomes available. Such plans can be made up of a series of actions that might be taken at various points in time.
- 3.12 Coastal Change Adaptation Plan for Moray will be based on the pathway structure. "Pathway", in relation to adaptation, is an approach designed to schedule adaptation decision-making, identifying the decisions that need to be taken now and those that may be taken in future.
- 3.13 This approach supports strategic, flexible and structured decision-making. The pathways approach allows decision makers to plan for, prioritise and stagger investment in adaptation options. Trigger points and thresholds help to identify when to revisit decisions or actions.

#### **4. SUMMARY OF IMPLICATIONS**

**(a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))**

"Empowering and Connecting Communities".

**(b) Policy and Legal**

There are no policy or legal implication associated with the recommendations in this report.

**(c) Financial implications**

The production of the Adaptation Plan will be delivered in the allocated Coastal Adaptation Planning capital costs which will be received as part of the general capital grant.

**(d) Risk Implications**

If mitigation works are undertaken at Kingston before the Adaptation Plan is developed, there is a risk that more sustainable management solutions could be undermined.

It should be noted that by undertaking this process it will allow long term coastal risk to be sustainably managed.

**(e) Staffing Implications**

Development of the Adaptation Plan will be undertaken within existing flood team resources and is part of the 2022/28 Local Flood Risk Plan for Findhorn/Nairn and Speyside.

**(f) Property**

There are no property implications associated with the recommendations in this report.

**(g) Equalities/Socio Economic Impact**

There are no equalities / socio economic implications associated with the recommendations in this report.

**(h) Climate Change and Biodiversity Impacts**

The Adaptation Plan being developed will help support the council in managing the effects of climate change with particular reference to sea level rise and coastal erosion. The Adaptation Plan will help inform wider council policy going forward with regards to the effects of climate change.

The plans output may have an effect on biodiversity and where this could be an issue the adaptation plan will highlight the potential risk.

**(i) Consultations**

Depute Chief Executive (Economy Environment and Finance), Head of Environmental and Commercial Services, Head of Economic Growth and Development, Chief Financial Officer, Legal Services Manager and Lissa Rowan, Committee Services Officer have been consulted and their comments incorporated into the report.

**5. CONCLUSIONS**

**5.1 A significant change has occurred at the tidal lagoon in front of Kingston, including erosion of the landward bank.**

**5.2 Moray Council is likely to receive government funding within the next two years to develop an Adaptation Plan for the Moray coastline, starting at Kingston.**

**5.3 An Adaptation Plan will identify the long and short term actions required to manage this coastal area.**

Author of Report: Will Burnish (Senior Engineer FRM)

Background Papers:

Ref: SPMAN-524642768-516








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**REPORT TO: ECONOMIC DEVELOPMENT AND INFRASTRUCTURE  
SERVICES COMMITTEE ON 8 FEBRUARY 2022**

**SUBJECT: EDINBURGH DECLARATION AND BIODIVERSITY**

**BY: DEPUTE CHIEF EXECUTIVE (ECONOMY, ENVIRONMENT AND  
FINANCE)**

## **1. REASON FOR REPORT**

- 1.1 This report asks the Committee to agree to recommend to Moray Council to sign the Edinburgh Declaration and note potential future actions to assist in halting biodiversity decline.
- 1.2 This report is submitted to Committee in terms of Section III (F) (13) of the Council's Scheme of Administration relating to dealing with all matters relating to Environmental Protection.

## **2. RECOMMENDATION**

### **2.1 It is recommended that the Committee;**

- (i) **agree to recommend to Moray Council to sign the Edinburgh Declaration;**
- (ii) **note potential future local actions to help address biodiversity decline within section 4.3 of this report; and**
- (iii) **note further reports on the draft National Planning Framework 4 (NPF 4) consultation and Local Development Plan guidance will be reported to the Planning and Regulatory Services Committee on 1 March 2022. These reports will set out the national policy and evidence gathering requirements to address the nature crisis.**

## **3. BACKGROUND**

- 3.1 The Edinburgh Declaration as set out in **Appendix 1** is intended to set out the aspirations and commitments of the Scottish Government, Edinburgh Process Partners and the wider subnational constituency of the United Nations Convention on Biological Diversity, in delivering for nature over the coming decade.

- 3.2 The Declaration calls on national governments, as parties to the United Nations Convention on Biodiversity, to adopt an ambitious post-2020 global biodiversity framework, with bold actions to halt biodiversity loss. It also calls for greater prominence to be given to action at the local level and recognises the role of all levels of government and society in working more effectively together over the next decade. The participation of local authorities from across the world is being sought in signing the Edinburgh Declaration. 12 Scottish local authorities have already become signatories including Aberdeenshire Council, Glasgow City Council, Edinburgh City Council and Orkney Council. In a joint letter dated 15<sup>th</sup> December from Màiri McAllan MSP, Minister for Environment and Land Reform and Lorna Slater MSP, Minister for Green Skills, Circular Economy and Biodiversity the remaining local authorities have been invited to sign up to the Declaration. The letter is set out in **Appendix 2**.
- 3.3 The Council recognises its duty to protect and enhance biodiversity. The Nature Conservation (Scotland) Act 2004 places a duty on all public bodies in Scotland to further the conservation of biodiversity when carrying out their duties. This is known as the Biodiversity Duty. The range of work the Council does across all services in protecting and enhancing biodiversity is collated and reported to Planning and Regulatory Services Committee, prior to submission of a summary report to Scottish Government on a three-year cycle. The last 3-year report was reported on 10 November 2020 (para 9 of the Minute refers).
- 3.4 The Edinburgh Declaration contains a commitment, which is already delivered by Scottish local authorities under the Biodiversity Duty. Signatories agree in principle to:
- Build on previous efforts, recognising the value of nature.
  - Implement appropriate actions that build on global goals.
  - Mainstream these actions, integrating them into local planning, management, and governance.

#### **NATIONAL PLANNING FRAMEWORK 4 (NPF 4), THE NATURE CRISIS AND FUTURE ACTIONS TO ADDRESS BIODIVERSITY DECLINE**

- 4.1 In addition to the Council's biodiversity duty, draft NPF 4 commits planning authorities to address the nature crisis, setting out requirements for development to facilitate biodiversity enhancement and support nature recovery and restoration. The next Local Development Plan (LDP) must be supported by an Evidence Report informed by an understanding of the natural assets and existing nature networks in the plan area. In addition to this it must also be informed by up to date audits, strategies and action plans, including the Local Biodiversity Action Plan where applicable, and take into account statutory Open Space Strategies and Forestry and Woodland Strategies.
- 4.2 Taking into account the requirements set out above a series of actions could be implemented by the Council in support of the Edinburgh Declaration. These actions support biodiversity enhancement and could be financed from

the Scottish Government's Nature Restoration Fund, this would be subject to a further report seeking committee approval.

4.3 The following actions have been identified.

- Supporting local communities with their biodiversity aspirations.
- Preparing biodiversity action plans for Council owned sites and supporting schools with their biodiversity plans.
- Delivering on biodiversity enhancements and management proposals at Millbuies woodland and Wards wildlife site.
- Accessing biodiversity data to inform the Evidence Report required for the next LDP, using that data to create and enhance green networks.
- Accessing biodiversity data to inform ongoing development management casework to safeguard and enhance biodiversity.
- Exploring re-establishing local wildlife site networks and potentially identifying new sites and supporting their enhancement.
- Accessing biodiversity data and expertise to advise on mitigation and enhancement work for declining habitats and species, feeding that information into all the above actions.

4.4 It should be noted that further committee reports are being prepared in response to the draft NPF 4 consultation and Local Development Plan Guidance. These reports are being prepared for Planning and Regulatory Services Committee on 1 March 2022 and will provide further detail on the implications of further work on biodiversity.

#### **4. SUMMARY OF IMPLICATIONS**

**(a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))**

Protecting and enhancing biodiversity is important to building a better future for our children and young people in Moray, supporting their health and wellbeing and connecting them with nature.

**(b) Policy and Legal**

There are no legal implications associated with signing the Edinburgh Declaration. The Council already has a statutory biodiversity duty and draft NPF4 policy on the nature crisis will form part of the statutory LDP when adopted.

**(c) Financial implications**

The proposed future actions to carry out additional biodiversity mitigation and enhancement measures identified in para 4.3 above would be dependent upon ongoing funding from the Nature Restoration Fund. The Scottish Government has recently announced a multi-year package of funding over the next five years with further detail to follow.

**(d) Risk Implications**

There is no direct risk from signing and agreeing with the principles set out in the Declaration. There is however a reputational risk associated with inaction on reversing biodiversity decline.

**(e) Staffing Implications**

There are no staffing implications associated with signing the Declaration.

**(f) Property**

There are no property implications associated with signing the Declaration.

**(g) Equalities/Socio Economic Impact**

None at this stage.

**(h) Climate Change and Biodiversity Impacts**

Agreeing to the recommendations in this report will help the Council meet its climate change and biodiversity commitments. There are no climate emissions directly resulting from agreeing to sign the Declaration. However, advancing the principles of the Declaration will contribute to the enhancement of biodiversity in Moray and will support existing measures the Council is taking to tackle the nature and biodiversity crisis.

**(i) Consultations**

Consultation has taken place with the Depute Chief Executive (Economy, Environment and Finance), the Head of Economic Growth and Development, the Legal Services Manager, the Principal Climate Change Officer, the Equal Opportunities Officer and the Lissa Rowan, Committee Services Officer, their comments incorporated into the report.

**6. CONCLUSION**

**6.1 In signing the Edinburgh Declaration the Council agrees with calls to adopt an ambitious post-2020 global biodiversity framework, with bold actions to halt biodiversity decline. Furthermore, for greater prominence to be given to actions undertaken at a local level.**

**6.2 There are a number of potential actions the Council can undertake at a local level in keeping with the principles of the Edinburgh Declaration that will help efforts to halt biodiversity decline. Further reports on the implications of further action by the Council will be reported to Planning and Regulatory Services Committee on 1 March 2022.**

Author of Report: Emma Gordon, Planning Officer  
Background Papers:  
Ref: SPMAN-813460984-175





## EDINBURGH DECLARATION

### For subnational governments, cities and local authorities on the post-2020 global biodiversity framework

31 August 2020

#### Preamble

We, subnational governments, cities and local authorities - as participants and contributors to the *Edinburgh Process for Subnational and Local Governments on the development of the post-2020 global biodiversity framework*, and supported by the Secretariat and some Parties to the Convention on Biological Diversity - are **deeply concerned** about the significant implications that the loss of biodiversity and climate change has on our livelihood and communities. The impacts on our environment, infrastructure, economy, health and wellbeing, and our enjoyment of nature are already visible. Indeed, the COVID-19 global pandemic has reminded us how important it is to live in harmony with nature. Healthy biodiversity and the ecosystem services that it provides are key for human well-being and to build the resilience of our cities and regions, both during and after the pandemic, and it should be central to our recovery.

We **are concerned** that, as outlined in the fifth edition of the Global Biodiversity Outlook, none of the 20 Aichi Biodiversity Targets have been fully met; that action by CBD Parties alone is insufficient to put us on a path to the 2050 vision of 'living in harmony with nature' or to achieving the UN Sustainable Development Goals (SDGs); and that convergence across multilateral environment agreements (MEA's) is progressing at too slow a pace.

We **acknowledge** that the IPBES *Global Assessment Report on Biodiversity and Ecosystem Services* concludes that, despite insufficient action, it is not too late for the climate or for biodiversity, but that transformative action is needed at all levels.

We **recognise** the need for transformative change across terrestrial and marine ecosystems, and across urban development and all productive sectors to ensure enhanced food security, human health and sustainable livelihoods whilst avoiding, mitigating or minimising the negative impact on biodiversity. We also **recognise** the role that many indigenous peoples and local communities have in the management of their territories, through effective biodiversity mainstreaming across all sectors.

We **note** the need to develop effective policy, governance and financing solutions at all levels of government and to ensure vertical integration across national, subnational, city and local levels to effect transformative change. These should address both the direct and indirect drivers of biodiversity loss, and integrate all dimensions of sustainable development (environmental, economic, cultural and social).

We **also note** the vital role that indigenous peoples and local communities, women and youth, non-governmental organisations, and wider society, play in decision making and in taking action at

subnational, city and local levels, and that there should be a fully collaborative approach to ensure active participation of these groups.

We **highlight** the key role of the private sector, including the financial sector, and **encourage** them to catalyse the transformative change needed through full, active and responsible engagement, in support of biodiversity conservation, ecosystem restoration and sustainable use.

We **emphasise** the key role that subnational governments, cities and local authorities already play in protecting and enhancing biodiversity and in delivering actions across planning, implementation, and monitoring.

We **welcome** the endorsement of the *Plan of Action on Subnational Governments, Cities, and Other Local Authorities for Biodiversity (2011-2020)* under Decision X/22 and **recognise** the productive role that this has played in the last decade mobilising subnational, city and local authority actions towards implementing the goals of the Convention; and in fostering an increased recognition on the critical role of our constituency in the CBD.

We **celebrate** the commitments and statements already issued by subnational governments, cities and local authorities including recent declarations of intent<sup>12</sup>, and in particular the results achieved through the outputs of the 5<sup>th</sup> and 6th Global Biodiversity Summit of Cities and Subnational Governments – the *Quintana Roo Communique on Mainstreaming Local and Subnational Biodiversity* (2016) and the *Sharm El-Sheikh Communique for Local and Subnational Action for Nature and People* (2018).

We **acknowledge** the need to build upon the existing *Plan of Action* under Decision X/22, and the advocacy agenda of subnational governments, cities and local authorities over the past decade, and **collectively commit** to raising our ambition and action in the coming decade.

## **Development of the post-2020 global biodiversity framework**

We **welcome** the development of the post-2020 global biodiversity framework, in particular clear, action based, SMART (Specific, Measurable, Achievable, Relevant, Time-bound) targets and the inclusion of an integrated monitoring framework.

We **thank** the Co-Chairs of the Open-ended Working Group on the post-2020 global biodiversity framework for taking an inclusive and participatory approach in developing the framework; and **welcome** the ‘whole of government’ approach embodied in the framework, which captures the principle of governance across all levels of government, including at the level of subnational governments, cities and local authorities.

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<sup>1</sup> [Aburra Valley – Medellin Declaration of Metropolitan Areas to the post-2020 global biodiversity framework \(2019\)](#)

<sup>2</sup> [Carta de São Paulo - BIO2020 – Brazilian Perspectives for the Post-2020 Global Biodiversity Framework \(2020\)](#)



We continue to **support** the 2050 vision “*living in harmony with nature*” and stand ready with a raised ambition to make a contribution that will deliver a local to global impact, and meaningfully contribute to the long term goals.

We **share the ambition** of the 2030 Mission as was set out in the Zero Draft version of the post-2020 global biodiversity framework, ‘*To take urgent action across society to put biodiversity on a path to recovery for the benefit of the planet and people.*’ This ensures a clear pathway towards the 2050 Vision and corresponds with the ambition of subnational governments, cities and local authorities towards addressing the most pressing global challenges, including climate change, disaster risk reduction, health and poverty alleviation, as well as biodiversity.

### **Implementation of the post-2020 global biodiversity framework**

We **welcome** the inclusion of subnational governments, cities and local authorities, as key enablers for the implementation of the post-2020 global biodiversity framework. However, we **recognise** that our role extends beyond the provision of enabling conditions.

Subnational governments, cities and local authorities play key roles in conserving, restoring and reducing threats to biodiversity, in meeting people’s needs through sustainable use and equitable benefit-sharing, in developing the tools and solutions needed for implementing biodiversity protection actions, and in monitoring and reporting.

We **recognise** that our actions in implementing and mainstreaming biodiversity ensure that support mechanisms and enabling conditions are in place at subnational, city and local levels - and that a vertically integrated and cross-cutting governance approach would enhance these efforts.

We **highlight** the significant role that subnational governments, cities and local authorities play in resource mobilisation for implementation and mainstreaming of biodiversity actions. We **stress** the need for immediate and increased efforts to mobilise financial resources at all levels of government and from the private sector.

We are uniquely and most effectively positioned to deliver the outreach, awareness, and uptake of the framework across the whole of society, facilitating engagement with key stakeholders to implement the framework at subnational, city and local levels. Nevertheless, we **recognise** that more can be done to build upon already existing policies and frameworks to ensure the full participation of the whole of society in delivering the post-2020 global biodiversity framework.

### **COMMITMENT FOR THE POST-2020 GLOBAL BIODIVERSITY FRAMEWORK**

Subnational governments, cities and local authorities will continue to build upon our previous efforts, to deliver transformative actions by:

- Recognising the overall value of nature and integrating it into subnational, city and local planning, management and governance instruments;

- Implementing appropriate actions that deliver on the post-2020 global biodiversity framework goals and action targets;
- Aligning biodiversity strategies and actions, and our monitoring and reporting efforts with National Biodiversity Strategies and Action Plans (NBSAPs), within our subnational, city and local competencies;
- Increasing resource mobilisation for investment in biodiversity action at subnational, city and local levels, and providing incentives to ensure positive outcomes;
- Mainstreaming biodiversity across public, private and business sectors to achieve greater environmental, societal and economic resilience;
- Communicating, educating and raising public awareness with specific efforts to make knowledge available in several languages;
- Strengthening capacity building in order to implement nature-based solutions (NBS) and green and blue infrastructure, particularly through ecosystem based approaches and as a contribution to a green recovery from COVID-19;
- Providing opportunities for knowledge exchange across subnational, city and local levels, and between all sectors of society;
- Sharing best practices across subnational, city and local levels, to efficiently implement transformative actions;
- Delivering convergence with other intergovernmental agreements and processes, taking forward bold and innovative actions at the subnational, city and local level which result in mutually beneficial outcomes.

## CALL FOR ACTION

We subnational governments, cities and local authorities therefore **call upon** Parties to the Convention on Biological Diversity to;

- I. Take strong and bold actions to bring about transformative change, as outlined in the IPBES global assessment report, in order to halt biodiversity loss.
- II. Recognise the vital role of subnational governments, cities and local authorities, in delivering the 2050 vision of the post-2020 global biodiversity framework, and the 2030 mission as set out in the Zero Draft document; and to explicitly place that recognition throughout the framework text, including the monitoring framework for the goals and targets.
- III. Support the adoption at COP15, of a new dedicated Decision for the greater inclusion of subnational governments, cities and local authorities within the post-2020 global biodiversity framework; that builds upon and renews the *Plan of Action on Subnational Governments, Cities and Other Local Authorities for Biodiversity (2011-2020)* as endorsed under Decision X/22; and that significantly raises ambition for subnational, city and local implementation of the post-2020 global biodiversity framework throughout the next decade.
- IV. Establish a multi-stakeholder platform that ensures representation of subnational governments, cities and local authorities to support the implementation of the post-2020 global biodiversity framework.

We, subnational governments, cities and local authorities, ***stand ready*** to meet the challenge of delivering, alongside Parties, the post-2020 global biodiversity framework, to ensure investment, and play a stronger role in the implementation of the framework through a renewed and significantly stepped-up *Plan of Action for subnational governments, cities and local authorities* for the coming decade.

## EDINBURGH PROCESS PARTNERS

A handwritten signature in black ink, reading "R. Cunningham".

Ms Roseanna Cunningham, MSP  
Cabinet Secretary for Environment, Climate  
Change and Land Reform  
On behalf of the Scottish Government

A handwritten signature in black ink, reading "Lesley Griffiths".

Ms Lesley Griffiths AS/MS  
Gweinidog yr Amgylchedd, Ynni a Materion  
Gwledig  
Minister for Environment, Energy and Rural  
Affairs  
On behalf of Welsh Government



Llywodraeth Cymru  
Welsh Government

A handwritten signature in black ink, reading "Ashok Sridharan".

Mr Ashok Sridharan  
ICLEI President  
On behalf of ICLEI - Local Governments  
for Sustainability

A handwritten signature in black ink, reading "Cheryl Jones Fur".

Ms Cheryl Jones Fur  
Deputy Lord Mayor of Växjö, Sweden  
On behalf of ICLEI Europe

A handwritten signature in blue ink, reading "Elena Moreno".

Ms Elena Moreno  
Regions4 President  
Basque Deputy Minister for Environment  
On behalf of Regions4 Sustainable  
Development

A handwritten signature in blue ink, reading "Benoit Charette".

Mr Benoit Charette  
Ministre de l'Environnement et de la Lutte  
contre les changements climatiques  
On behalf of Gouvernement du Québec



A handwritten signature in black ink, reading "Hideaki Ohmura".

Mr Hideaki Ohmura

Governor of Aichi Prefecture

On behalf of the Group of Leading Subnational Governments toward the Aichi Biodiversity Targets (GoLS)



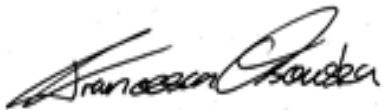
Under consideration

On Behalf of the European Committee of the Regions



**European Committee  
of the Regions**

**Supported by:**

A handwritten signature in black ink, reading "Francesca Osowska".

Ms Francesca Osowska

Chief Executive

On behalf of NatureScot

A handwritten signature in black ink, reading "Simon Milne".

Mr Simon Milne MBE

Regius Keeper

On Behalf of Royal Botanic Garden Edinburgh



**Royal  
Botanic Garden  
Edinburgh**

**Dated: 31 August 2020**

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## SIGNATORIES

### SUBNATIONAL, CITY AND LOCAL AUTHORITIES

Name	Position Organisation	Date Signed
<i>Example: Jo Blogs</i>	<i>Head of Environment and Nature Division Local Council</i>	<i>Xx/Month/2020</i>

### ADDITIONAL SUPPORTERS

Name	Position Organisation	Date Signed
<i>Example: Nat Ure</i>	<i>Director, Nature Company</i>	<i>Xx/Month/2020</i>





Minister for Environment and Land Reform  
Mairi McAllan MSP



Scottish Government  
Riaghaltas na h-Alba  
gov.scot

Minister for Green Skills, Circular Economy and  
Biodiversity  
Lorna Slater MSP

T: 0300 244 4000

15 December 2021

Good afternoon,

As you will be aware, the UN Convention on Biological Diversity (CBD) is currently developing a post-2020 framework for global biodiversity and new global targets to be agreed at the Conference of Parties meeting (COP15) in Kunming, China. The CBD and its parties are moving into the next decade with a stepped up ambition to deliver for nature, and there is increasing recognition of the important role that sub-state and local governments play in translating global targets into local actions for nature.

On behalf of the CBD, the Scottish Government has been leading the “Edinburgh Process” – global engagement and consultation for sub-state governments and local authorities – with the aim of securing the inclusion of all levels of government within the post-2020 global biodiversity framework.

The Edinburgh Process aims to ensure a ‘whole of government’ approach is adopted globally, and the Edinburgh Declaration is a call to action – setting out the commitment of the subnational constituency in delivering for nature over the next decade, and calling upon Parties to step up their recognition of all levels of government in order to deliver the transformational change needed to halt and reverse biodiversity loss.

We have reached a critical juncture for nature, with the hosting of COP26 in Glasgow, and COP15 in China in 2022. We recognise that more action is needed at all levels to halt the loss of biodiversity and Scotland is committed to taking bold action to restore and protect our natural environment through our own post-2020 Biodiversity strategy, to be published in October 2022. Local Authorities play an essential role in Scotland, delivering local action for biodiversity, integrating nature-based solutions into city and local planning, and delivering positive outcomes for biodiversity.

We strongly encourage your support of the commitments and calls to action set out in Edinburgh Declaration – <https://www.gov.scot/publications/edinburgh-declaration-on-post-2020-biodiversity-framework/>, joining COSLA, and 14 Scottish Local Authorities, and over 220 global sub-state governments, cities and local authorities to date, which have signed the declaration.

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See [www.lobbying.scot](http://www.lobbying.scot)



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We hope that you will join our efforts to demonstrate to the Convention the global will for a dedicated Decision and renewed *Plan of Action for subnational governments, city and local authorities*, to be adopted alongside the post-2020 global biodiversity framework at COP15.

We look forward to receiving your support of the Edinburgh Process, and in working together over the coming decade and beyond, to bend the curve of biodiversity loss, restore Scotland's natural environment and that communities across Scotland live in harmony with nature.



**Màiri McAllan**



**Lorna Slater**

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See [www.lobbying.scot](http://www.lobbying.scot)






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**REPORT TO: ECONOMIC DEVELOPMENT AND INFRASTRUCTURE  
SERVICES COMMITTEE ON 8 FEBRUARY 2022**

**SUBJECT: MARINE SAFETY AND OPERATIONAL UPDATES Q3 2021-2022**

**BY: DEPUTE CHIEF EXECUTIVE (ECONOMY, ENVIRONMENT AND  
FINANCE)**

**1. REASON FOR REPORT**

- 1.1 To inform the Committee with regard to matters of Marine Safety and compliance with the Port Marine Safety Code (PMSC) for the third quarter of 2021/22.
- 1.2 This report is submitted to Committee in terms of Section III (F) (25) of the Council's Scheme of Administration relating to exercising the functions of the Council as Harbour Authority.

**2. RECOMMENDATION**

- 2.1 **Committee is asked to consider and note the safety performance, fulfilling their function as Duty Holder under the Port Marine Safety Code.**

**3. BACKGROUND**

- 3.1 A report was submitted to the meeting of this Committee on the 20 March 2018, with the subject Port Marine Safety Code (PMSC).
- 3.2 Paragraph 6 of the minute of that meeting instructs officers to report quarterly to this Committee, as the Duty Holder, on matters of marine safety.

**4. COMMITMENT TO THE PMSC**

- 4.1 Moray Council, in its capacity as a Statutory Harbour Authority, is committed to undertaking and regulating marine operations to safeguard all its harbour areas, the users, the public and the environment.
- 4.2 The aim of the harbour team is to manage operations safely, efficiently, sustainably and as a benefit to all of the users and wider communities.

4.3 The team are committed to:

- a) Full compliance with all legal requirements in harbour operations while seeking to meet the changing needs of all harbour users.
- b) Ensuring that all personnel are well trained, engaged and committed to improving safety in all processes. Competent skilled personnel backed by an active safety culture are key to a positive safety record.
- c) Undertaking hazard identification and risk assessments when required and implementing improvement measures where necessary.

4.4 The team expect that all harbour users recognise the effect that they can have on the harbours operation and reputation and must work to our standards as a minimum. A Permit to Work system is in place to maintain control over hazardous work. The team will ensure that any contractors or others management systems fully support the same commitment to health, safety and environmental performance.

**5. SAFETY UPDATES BY HARBOUR**

**Buckie**

- 5.1 Several electrical issues identified and rectified making switch boxes safer and more secure.
- 5.2 North pier repairs carried out in October meaning the pier access is now open again. Since Storm Arwen, more large holes have been identified which will be filled with concrete until a full repair can be carried out.
- 5.3 Rope ladder building has continued during the last quarter and will continue further at appropriate times.
- 5.4 Coxswain and pilot training continues as appropriate situations arise. Two staff members will have pilotage training prioritised and maximise pilotage opportunities in darkness.
- 5.5 The new Ice Plant is at operational stage and all staff have been trained in its safety, operation, fault finding and basic troubleshooting.
- 5.6 Significant housekeeping has been carried out with several skips of waste taken away.
- 5.7 New communication procedure which is in use for entering and departing vessels is working well. This involves confirming the draft of the vessel and informing the vessel of the minimum depth in the entrance channel. More SMS updates will be made increasing the use of safety checklists as a result of full SMS reviewing which is intended for the middle of 2022.
- 5.8 Repairs have been carried out to the securing bolts on the pontoon.

- 5.9 Meetings have been held to discuss plans to resurface pier 1. The project was initially intended to be included in North pier works in October but investigations found the scope of work to be far greater than initially believed. Updates to the plans which now include full resurfacing of the pier to maximise cost effectiveness and minimise multiple disruptions for small repairs, will be communicated at upcoming harbour advisory committee meeting and in future reports to this committee.
- 5.10 Consultation is currently in place regarding navigation light changes. This closes on 14 January 2022. More detail can be found in section 9.2 of this report.

### **Burghead**

- 5.11 Lighting repairs have been carried out in several locations.
- 5.12 Weed control has continued throughout the quarter.
- 5.13 Significant housekeeping project has been carried out with a noticeable decline in the amount of unattended fishing gear left on the pier.
- 5.14 Rust removal and painting has been carried out at various locations around the harbour protecting assets from damage.
- 5.15 Consultation is currently in place regarding navigation light changes. This closes on the 14 January 2022. More detail can be found in section 9.2 of this report.

### **Hopeman**

- 5.16 Test ongoing at the moment trialling a new product which protects pontoon piles. The product is produced by Denso and is a cladding for the piles providing protection from mechanical damage as well as corrosion caused by water. It has been in place for a few months and to date appears to be working well. If the pile protection works well as it appears to be, the other pontoon piles will be given the same coatings and protection scheduled for summer 2023.

### **Findochty**

- 5.17 Pontoon installation is now complete with only small ongoing items left to be corrected. This includes work on two pontoon fingers with superficial damage to facings and safety ladder installation. Some vessels have started using the pontoons already and vessel owners who have indicated during recent correspondence of their intention to return to the pontoons before next financial year are liaising through harbourmaster to return to the pontoon. The remainder of this financial year will utilise a temporary berthing plan to minimise forces placed on the pontoons as there will be less vessels on them. The new financial year and season will utilise a berthing plan carefully designed by the harbours team and will be communicated to all users before March. The new pontoons will be much safer for harbour users with the walkways providing more stability coupled with increased stability of the pontoon sections and fingers.

- 5.18 An ongoing project is currently underway to provide more suitable berthing arrangements for 6 Fin keel and Long keel vessels resident in Findochty. Consultation is ongoing until 17 January 2022 with regular meetings and communication with affected vessel owners. After successful consultation the plan is to install fabricated cradles in to a number of berths within the pontoon system in order to safely berth long/ fin keel vessels.

### **Portknockie**

- 5.19 New car parking area has been established to the south west side of the harbour.
- 5.20 Work has been carried out on the pontoons securing fingers in place.
- 5.21 There has been a landslip on the south side of the rock 'Green Castle' due to heavy rains. The area is under close observation and has been safely cordoned off to prevent access. Communication with council consultancy team is ongoing and a decision has been made to safely secure the debris and area with concrete blocks. These will provide safe access for all harbour users.
- 5.22 It is understood that the land which has subsided is not owned by the council subject to official confirmation. After this confirmation is received affected landowners will be notified of the situation regarding liability of the land slip.

### **Cullen**

- 5.23 Project at bottom of slipway securing the supports for the road above has been completed.

## **6 INCIDENT STATISTICS**

### **Injuries:**

- 6.1 There was 1 incident of an eye injury occurring on board MV Selkie reported on 17<sup>th</sup> December, Injured party reported foreign body had irritated eye during recent routine washing down procedures. On investigation by Doctor and Optician Injured party was prescribed medication and was sent home for recovery. Relevant safety paperwork was completed and Injured party recovered completely after 4 days of rest and medication.

### **Incidents:**

- 6.2 There was 1 incident in Burghead on 7 October 2021 where it was found that a hydrocarbon (thick and black in appearance) had come into the harbour. A fisherman informed the harbourmaster at Burghead that he had smelled fuel/oil when approximately 2 miles offshore which leads to conclusion that this product had come from a passing ship rather than a harbour user. It was cleaned up utilising appropriate oil spill equipment and delivered to Briggs Marine for appropriate disposal. The relevant reporting was completed informing the coastguard of the incident.

### **Near Misses:**

- 6.3 None.

## **7 VESSEL MOVEMENTS**

- 7.1 In the third quarter of 2021/22 there have been 26 cargo movements (arrival and departure) at Buckie to date. This has included 15 acts of pilotage, 9 in and 6 out, with 1 of the operations being during the hours of darkness.
- 7.2 There have been 7 imports of Malt, 2 of salt and 2 of soya. There have also been 2 vessels who arrived light and were loaded with fabricated equipment for the oil industry.
- 7.3 The trawl fishing has remained inconsistent with lower than average squid landings. Vessels who have moved on to fishing prawns have fared well with a good quality and size of product. The creel fishing has had a good quarter but storm Arwen unfortunately caused a lot of damage to the sea bed and to creels.
- 7.4 Burghead has had a similar pattern to Buckie with regards to fishing levels. Many of the fishermen based in Burghead have reverted back to the prawn fishing earlier than usual.
- 7.5 Vessels continue arriving steadily at Buckie for maintenance work at Macduff Shipyards and includes fish farm vessels, small ferries and various fishing boats.

## **8. CONSERVANCY**

- 8.1 Dredging has continued over November and December dependent heavily on weather conditions. Unfortunately due to prolonged adverse weather and then a mechanical issue the process has slowed significantly over winter.
- 8.2 For the calendar year the total amount of spoil removed to designated spoil grounds is 13,670 Tonnes over 53 digging days. This includes the harbours of Burghead, Buckie, Findochty and Portknockie.
- 8.3 In Buckie plans will prioritise the channel entrance. The dredging plan includes provision to continue to dredge at Buckie regularly concentrating on bringing depth of water available to 2.5 m below chart datum in the channel by the middle of the calendar year, the current channel depth is 2.1M.
- 8.4 Burghead is as always a priority any time there is a suitable weather window during manned periods. The dredging plan utilises Selkie dredging in the area at the entrance to Burghead. The goal is to firstly clear a safe navigable channel in to Burghead harbour. This will ensure no vessel will be constrained by their drafts at low water. This will also allow the Selkie to moor in Burghead and achieve a more efficient dredging routine allowing progression to tackle the wider build-up of sand outlying the harbour entrance.
- 8.5 Due to extremely specific licence stipulations and the safety of the vessel crew and environment there are times that even though Selkie is fully

operational with crew, digging is unachievable due to weather and licence constraints. At these times the vessel crew continue to work carrying out planned maintenance and any minor repairs, audits and services that are necessary.

- 8.6 The priority areas for dredging remain Burghead (sand bank approaching harbour entrance) and Buckie (entrance channel). Other dredging requirements include:
- Hopeman: There are some new ideas on how we can maximise our efforts in Hopeman which will have to be further risk assessed, these will combine use of assets and requires careful thought and planning which, will take place over the coming months. It is intended to formalise plans for a project in Hopeman in the coming financial year
  - Cullen: removal of sand from the beach side of the basin as this is the only area Selkie can access. There is a small sand bank in the south side of the harbour which Selkie would not be able to access.
  - Portknockie: No major issues or conservancy plans at this time.
- 8.7 Feasibility studies have been completed and plans for the repair of Burghead beach groyne are being undertaken. This will further improve the defence of the channel entrance from sediment deposition. The current plan is to schedule the repairs to be completed in the next financial year subject to financial approval. Various approaches to repairing the groyne with indicative costings will be finalised at the end of January which will result in the production of a final fully costed plan for approval.

## **9. KEY PERFORMANCE INDICATORS**

### **Pilotage**

- 9.1 Pilotage is not compulsory at Buckie harbour, and therefore not all cargo movements require the services of a pilot. The number of pilotage acts carried out in the third quarter of 2021/22 was 15, in relation to 26 vessel movements in and out of the harbour. Due to recent staffing changes the pilotage training programme is being increased to include more parties providing increased resilience

### **Aids to Navigation**

- 9.2 As a Local Lighthouse Authority, Moray Council is required to report the availability of all its navigational lights to the Northern Lighthouse Board in March of each year. Currently the Port Closed light on the North Pier in Buckie is unavailable resulting in availability figures being decreased. This has been discussed with the Northern Lighthouse Board and they have noted it is not an urgent requirement as the light is not mandatory and there are other provisions to communicate any port closures.
- 9.3 Currently planning, consultation and communication is in progress surrounding the proposed upgrade of Navigational lights in Buckie and Burghead. The proposals would utilise renewable solar power and provide more efficient lighting which is not reliant on unsuitable power connections. As



a result the availability of lights reported to the Northern Lighthouse Board will improve significantly.

- 9.4 A source of funding has been applied to for the navigational light upgrade from the Scottish government's Marine fund Scotland within its Blue economies brief. The Navigational Lights will be upgraded before 31 March 2022 if successful.

## **10. GENERAL SAFETY BUSINESS**

### **PMSC Audit**

- 10.1 A full annual audit was carried out by Marex Marine within their capacity as designated person. The Audit was conducted at Buckie Harbour Office on 12 October 2021 and concluded that the Moray council harbours are compliant with the Port Marine Safety Code.
- 10.2 The Audit process noted some observations mainly clerical in nature as outlined below which are to be attended to and resolved:

Observation	Progression
Review Harbour Bye-laws with particular regard to continued relevancy	Liaison with legal service required to establish a time to review bye-laws during 2023.
Consider cyber security protocols	Addition of cyber security policy to be added to SMS during review cycle.
Risk assessment review required	Annual Risk assessment review to be carried out in February.
SMS updates, rewording suggestions	Review of SMS with aid from Quality Management Systems department planned April/May 2023.
Consideration of adding extra safety signs around harbour	In conjunction with ongoing water safety group meetings and workstream considerations for signs required to be discussed.
Increasing drills carried out with external institutions suggested	Plans to be made to include exercises with local fire brigade

### **Signage**

- 10.3 There has been a full audit identifying new signs required around the harbours including, 4 signs to restrict general access to the pontoons as well as general harbour operations signs designating visitor berths, operational speed restrictions in the harbours warnings and keep slipway clear signs. These will be erected on delivery within the next quarter.

### **Green Harbours**

- 10.4 There has been continuing work carried out in the background with the focus to push the harbour environments towards lowering carbon emissions and promoting overall environmentally sound practices within the harbours.

- 10.5 The works currently being planned to be reported in future meetings would lower the carbon footprint of the harbours and in turn would promote the use of green technologies in the environment.

### **Water Safety Group**

- 10.6 The next scheduled meeting of the Water Safety Group is on 1 February 2022. The meeting will focus on new water safety initiatives being implemented by Scottish Fire and Rescue Service and will also discuss ideas for safety signs that would improve water safety if implemented throughout Moray in proximity to accessible waterways.
- 10.7 To aid Water Safety Scotland, a list of current safety signs throughout Moray Council services is being collated to provide information of sign provision across the whole of Scotland.
- 10.8 The plan ultimately will be to ensure there is a coherent, adequate and consistent level of relevant signs across Moray and Scotland with the aim to further lower the number of incidents within accessible waterways.

## **11 OPERATIONAL UPDATES**

### **Marine Funding Opportunities**

- 11.1 There are currently a number of funding opportunities being explored. To date there is an application for £16,694.25 of funding accepted in principle awaiting official confirmation. This is for funding via the Marine Fund Scotland programme organised by the Scottish Government. This will be used to complete an upgrade of Navigational lights in Buckie and Burghead harbours if it is confirmed and constitutes 75% of the cost of the project.
- 11.2 If confirmed and after the completion of the Navigational light project this financial year if reopened as has been suggested, further funding will be sought from the Marine Fund Scotland programme for the financial year 2022/23 for relevant projects with a focus on delivering a reduction in carbon emissions and projects that benefit the local economy and supply chain.
- 11.3 The UK government has also announced through its UK Seafood Fund, 2 schemes of funding for infrastructure and training.
- 11.4 Early engagement within these schemes has been achieved and online seminars are being attended to gain all relevant information prior to the application process being opened in March.
- 11.5 During the meetings, information has also been sought explaining The UK Government Science and Innovation scheme which is scheduled to open a new round of funding in February.
- 11.6 Applications for carefully designed projects will be made to schemes in which objectives and requirements are met. Information on progression on proposed applications will be made in future committee reports.

### **Customs Control**

- 11.7 As a result of withdrawal from the European Union new customs control mechanisms are in place within the UK.
- 11.8 Relevant engagement with Border Force, National Frontiers Approval Unit and HMRC has led to gaining new Wharf approval and approval to operate Buckie harbour as a temporary storage facility.
- 11.9 Arrivals and departures to and from international ports will now be carefully controlled via customs control software and HMRC databases ensuring full compliance with the new UK protocols.

### **Ice Plant**

- 11.10 Prices for ice have been decided and communicated at Harbour Advisory committee meetings. The price is currently set at £60/Tonne and £2.50/ fish box (approx. 30kg). This is in line with other local suppliers of ice. The supply of ice and its operational parameters including price are open to adjustments and improvements in the future if deemed necessary by feedback from users.

## **12 FUTURE OBJECTIVES AND PLANS**

### **12.1 Objectives identified for remainder of 2022 and beyond include the following:**

- Detailed review of the Safety Management System (SMS) will be reviewed and a revised SMS will be presented to a future meeting of this committee which will include emergency response and preparedness review, full risk assessment and health and safety reviewing and updating.
- Further development of SMS support checklists to aid compliance with Safety management system
- Monitor consistent incident reporting, including potential incidents.
- Implement new KPIs.
- Undertake further reviews of Marine Policy and Harbour Bye-laws.
- Review training requirements
- Increase momentum of Pilot training and accreditation.

## **13. SUMMARY OF IMPLICATIONS**

### **(a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))**

Sustainable harbours maintained to operate safely and efficiently contribute to the economic development of Moray.

- (b) Policy and Legal**  
Non-compliance with the Code will have legal implications.
- (c) Financial implications**  
Non-compliance of the Code may have financial implications.
- (d) Risk Implications**  
Prosecution of the authority may result from the failure to comply with the Port Marine Safety Code.
- (e) Staffing Implications**  
No staffing implications arise from this report.
- (f) Property**  
There are no property implications arising from this report.
- (g) Equalities/Socio Economic Impact**  
There are no specific equalities matters, however, the Equalities Officer has been consulted and comments incorporated into this report.
- (h) Climate Change and Biodiversity Impacts**  
The following positive climate change impact has been identified:  
  
Reduction in operational carbon emissions as a result of utilising solar powered navigational lighting with less reliance on inefficient cabling and electrical connections.
- (i) Consultations**  
The Depute Chief Executive (Economy, Environment and Finance), Legal Services Manager, Principal Accountant, Committee Services Officer (L Rowan), and Equalities Officer have all been consulted and their comments incorporated into this report.

## **14. CONCLUSION**

- 14.1 The Council is currently deemed to be compliant with the PMSC, however, work to maintain a safe environment remains an ongoing matter in a dynamic environment. Diligent staffing and constant monitoring and risk assessing will be utilised to maintain compliance as demands evolve.**

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Background Papers:

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