

[REDACTED]

From: [REDACTED]
Sent: 31 August 2015 11:18
To: [REDACTED]
Subject: FW: NSSE Enquiry - Clune Park

[REDACTED]

From: [REDACTED]
Sent: 25 June 2015 13:39
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: NSSE Enquiry - Clune Park

Many Thanks for your help.

Regards

[REDACTED]

From: [REDACTED]
Sent: 24 June 2015 10:09
To: [REDACTED]
Cc: [REDACTED]
Subject: NSSE Enquiry - Clune Park

[REDACTED]

I have now had an opportunity to discuss the Clune Park NSSE query with [REDACTED]. I have attached a guidance note which allows the owners in regeneration areas who have purchased a shared equity home **the option to transfer their house to their children** as well as their spouse. While children cannot be added to the shared equity documentation from the outset as they are not owners of the homes being demolished, the option provided in this guidance note should hopefully be a good solution for everyone. Please note that the guidance note predates the 20 year security rule changes and the schedule would need to be revised by [REDACTED] at Harper Macleod prior to being used.

<http://www.gov.scot/Resource/Doc/1125/0086347.pdf>

[REDACTED]

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Dh'fhaodadh gum bi teachdaireachd sam bith bho Riaghaltas na h-Alba air a chlàradh neo air a sgrùdadh airson dearbhadh gu bheil an siostam ag obair gu h-èifeachdach neo airson adhbhar laghail eile. Dh'fhaodadh nach eil beachdan anns a' phost-d seo co-ionann ri beachdan Riaghaltas na h-Alba.

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[REDACTED]

Subject:

FW: Follow up from Kevin Stewart MSP, Minister for Local Government and Housing

From: [REDACTED] **On Behalf Of** MinisterLGH@gov.scot

Sent: 06 December 2016 15:55

To: Audrey.Sinclair.cllr@highland.gov.uk; cldr.a.m.allan@aberdeenshire.gov.uk; cldr.judy.hamilton@fife.gov.uk; ohn.alexander@dundeeecity.gov.uk; Terry Loughran

Cc: MinisterLGH@gov.scot; CabSecCSSE@gov.scot

Subject: Follow up from Kevin Stewart MSP, Minister for Local Government and Housing

Good afternoon

Mr Stewart asked me to forward the note below to you all following last week's dinner:

'Thank you all so much for making it through to Edinburgh last Wednesday, Angela and I really valued the open and honest discussion, and appreciate your commitment to delivering much needed housing in your local authority areas. As you know we see this as a shared challenge.

I thought it might be useful to recap on some of the key points:

- We discussed the basic framework for the affordable housing programme including benchmark subsidy and the importance of 5 year Resource Planning Assumptions. I want to be clear that we are not going to unpick this framework, but work with it as it is flexible enough to reflect local need.*
- The value in creative solutions that help find ways of getting more houses on the ground, and a shared commitment to local authorities learning from each other.*
- Accessing land and the importance of using the powers available to us to make this happen. CPOs are being used well by some local authorities. I have asked my officials to look further into the question of CPOs and public sector owned land.*
- Terry raised concerns about Clune Park area in Inverclyde where unscrupulous landlords were proving hard to deal with- I would ask Terry to communicate the detail to my officials so that we can offer advice that might be helpful.*
- The value of good procurement, and encouraging modern methods of construction and stimulating growth of local businesses and skills development opportunities for young people.*
- We also had a broad discussion beyond housing about the devolved welfare powers and the opportunities and challenges that we have in making these work for Scotland.*

I can be contacted at this email address. If there is information you want to send to my officials directly, those at the meeting were [REDACTED] (Deputy Director for More Homes) and [REDACTED] Head of Housing Markets).

KS'

Kind regards

[REDACTED]

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Subject:

FW: Clune Park Area meeting 10h00 - 11h30 20 February, Fleming C Atlantic Quay

From: Stephen McCabe [mailto:Stephen.McCabe@inverclyde.gov.uk]

Sent: 19 January 2017 22:05

To: Cabinet Secretary for Communities, Social Security and Equalities

Subject: Clune Park Area

Importance: High

Hi Angela,

Further to your tweet, we really need the Government's support, including ideally some financial support, to try and resolve this long running saga.

Clune Park is Inverclyde's 'Govanhill'. My officials have been in dialogue for many years with your officials and there have been discussions with previous Ministers, including Alex Neil.

The area, which comprises of 430 privately owned flats, is now almost empty. It needs to come down as soon as possible but a number of private landlords are frustrating our strategy in the hope of receiving significant compensation for their properties, which are in our view worthless.

Anything you can do to assist would be greatly appreciated;.

Regards

Stephen

Councillor Stephen McCabe
Leader of the Council
Leader
Inverclyde Council Labour Group

Ward 1 - Inverclyde East
Inverclyde Council
Municipal Buildings
Greenock PA15 1LX
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***** << File: Clune Park - background and decision making process.docx >> << File: Clune Park Meeting - agenda (2) (3).docx >> << Message: RE: Clune Park Area possible meeting with Cabinet Secretary CSSE and Minister for Local Government and Housing >>

Cabinet Secretary for Communities, Social Security and
Equalities
Angela Constance MSP



Scottish Government
Riaghaltas na h-Alba
gov.scot

T: 0300 244 4000
E: scottish.ministers@gov.scot

Councillor Stephen McCabe
Leader of the Council,
Leader, Inverclyde Council Labour Group

Ward 1 - Inverclyde East
Inverclyde Council
Municipal Buildings
Greenock PA15 1LX
Tel: (01475) 712727

10 February 2017

Dear Cllr McCabe,

Thank you for your e-mail of 19 January about the Clune Park area in which you requested the assistance of the Scottish Government in resolving issues with private landlords in this area. I understand that Cllr Terry Loughran has also recently raised this issue with my colleague Kevin Stewart MSP, the Minister for Local Government and Housing, and that one of my officials then subsequently met with counterparts from Inverclyde Council shortly before Christmas to get some of the background to the current situation.

I appreciate your concern as an elected member for the area to seek a solution to what I understand has been a long running problem with the condition of housing and the poor commitment to maintenance and repair by property owners. There are in principle a number of options including the use of statutory powers available to local authorities as the local Strategic Housing Authority and Local Planning Authority to deal with situations of this nature. These include the use of Demolition orders, Compulsory Purchase, Work Notices, Housing Renewal Areas and also potential actions against relevant Landlords themselves for example through third party reporting to the First-tier tribunal Housing and Property Chamber. It would seem crucial however in these circumstances that any actions are taken forward in line with a co-ordinated strategy that includes the Council's aims for the future use of the area.

A further detailed meeting has been arranged for 20 February 2017 between our officials. I am keen that this meeting provides the opportunity to discuss the full range of potential approaches that could be taken to meet Inverclyde Council's long term aims for the Clune Park area. It will therefore be very helpful if your officials attending the meeting can provide a summary of the Council's thinking on that point at the meeting and are able to speak for the relevant interested services within the council. Scottish Government officials will look to agree a proposed agenda with counterparts in the council in advance of the meeting.

The Minister for Local Government and Housing has indicated that he would be happy to meet with elected members from Inverclyde after the meeting of officials on 20 February once he has been able to consider the outcome of the meeting and any actions from it.

I hope that is helpful and I look forward to hearing the outcome of the planned meeting between our officials.

Kenneth Stewart
Angela

ANGELA CONSTANCE

Docherty S (Sarah)

From: [REDACTED]
Sent: 17 February 2017 15:46
To: [REDACTED] Housing 2 Admin
Cc: [REDACTED]
Subject: RE: Clune Park Area meeting: 10h00 - 11h30 20 February, Atlantic Quay

[REDACTED]
Thanks for letting me know. [REDACTED] - could you please let security at Atlantic Quay know that [REDACTED] and [REDACTED] will attend instead of [REDACTED]

Thanks very much

[REDACTED]
[REDACTED]
Sustainable Housing,
Better Homes Division, Housing and Social Justice Directorate, The Scottish Government.
[REDACTED] www.gov.scot/Topics/Built-Environment/Housing

From: [REDACTED] stuart.jamieson@inverclyde.gov.uk
Sent: 17 February 2017 15:34
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Clune Park Area meeting: 10h00 - 11h30 20 February, Atlantic Quay

[REDACTED]
Unfortunately I am now not in a position to attend your meeting however I have arranged for [REDACTED] and [REDACTED] to attend in my place.

Regards
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
Head of Service
Regeneration and Planning
Inverclyde Council
Municipal Buildings
Greenock
PA15 1LY

Tele: [REDACTED]
e-mail: [REDACTED]

Inverclyde Council - Best Government Services Employer in the UK 2016 – Bloomberg Business Best Employer Awards 2016

From: [REDACTED]
Sent: 17 February 2017 13:14
To: [REDACTED]

Cc: [REDACTED]

Subject: Clune Park Area meeting: 10h00 - 11h30 20 February, Atlantic Quay

All

thank you for agreeing to attend the above meeting.

Attached is an agenda for the meeting agreed with colleagues in Inverclyde.

Also attached is a background paper prepared by Inverclyde colleagues. Apologies for late notice but in the interests of progress at the meeting I will assume that attendees will have had a chance to at least skim through this in advance of the discussions rather than go over the specifics at the meeting.

The meeting will be an opportunity to consider the potential options for addressing this issue but it is likely that further discussion with this group or other partners will be commissioned to develop any formal actions.

Could colleagues attending from outside Scottish Government please report the reception at Atlantic Quay to be taken up to the meeting room. Directions for Atlantic Quay are [here](#)

Thanks very much and happy to discuss further if helpful before we meet.

Regards

[REDACTED]

[REDACTED]

Sustainable Housing,
Better Homes Division. Housing and Social Justice Directorate. The Scottish Government.

[REDACTED] www.gov.scot/Topics/Built-Environment/Housing

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BACKGROUND PAPER PREPARED BY INVERCLYDE COUNCIL

BACKGROUND

Clune Park Estate has appalling housing conditions and the Council's actions are focused to address the housing problems affecting this estate.

In 2005, the Council commissioned a House Condition Survey (HCS) which identified considerable below tolerable standard housing in the Clune Park Estate. Thereafter the Council commissioned ODS Consulting to carry out a Housing Options Study for Clune Park Estate which involved a desktop study of existing evidence, a social survey of residents, a physical study of the properties and a stakeholder consultation.

The report, published in 2006, concluded that Clune Park Estate had been in decline for the previous 15 years and was exhibiting a range of social problems including: an increasing concentration of vulnerable households; dramatically falling house prices; half of the properties being empty or abandoned; and rife criminality. The study reported that all the properties failed the Scottish Housing Quality Standard and the repairing standard for private rented properties and that the most significant problems lay with the common fabric of the buildings.

Following consideration of the ODS report, the Council approved, in partnership with the Scottish Government, to demolish the existing housing and to build new housing for the established community. Unfortunately, an application for funding through the "Affordable Housing Investment Programme" was rejected by the Scottish Government on the grounds of excessive cost.

In response to the rejection by the Scottish Government for funding the Council and its partners pursued a range of strategies aimed at mitigating the effect of the worst aspects of the issues affecting the Clune Park Estate, particularly in addressing crime and anti-social behaviour, whilst continuing to develop a policy which would address the much larger regeneration aims for the area.

In 2011 the Council commissioned a comprehensive house condition survey (HCS) of Clune Park Estate (as part of an Inverclyde wide HCS) from David Adamson and Partners in order to inform its future strategy for dealing with the multiplicity of issues there. With reference to the physical condition of the properties, this report concluded that: all of the dwellings in the area failed the Scottish Housing Quality Standard; 94.4% failed the tolerable standard; and, the vacancy rate was estimated at 58% (250 dwellings of 430). Private rental properties had increased over the previous 5 years and the estimated cost of bringing the properties up to the tolerable standard alone was £6.8 million.

In the light of this report, and the other information available to the Council, a strategy for the regeneration of the Clune Park Estate, through demolition of the existing properties and provision of alternative housing for the settled community, was agreed at the Safer Communities Committee of May 2011. The Council agreed further survey work to confirm the findings of the house condition survey in respect of levels of tolerable standard compliance and repair standards. The Committee further agreed that the area be identified as the top priority for action within the Council's Local Housing Strategy and Strategic Housing Investment Programme, both of which are required by statute and are submitted to the Scottish Government for approval. The Council has a statutory duty under the Housing (Scotland) Act 2006 to set out in its Local Housing Strategy a specific strategy for ensuring compliance with the duty to close, demolish or improve houses which do not meet the tolerable standard. The Council must submit both the local housing strategy and the strategic housing investment plan to the Scottish Government for review and approval.

To achieve the demolition of the estate, it was agreed that all below tolerable standard

houses would be subject to Closing or Demolition Orders and that any remaining above tolerable standard houses would be acquired by negotiation, providing the Council with either ownership or statutory control over the properties. Provision of suitable alternative housing was agreed through the Strategic Housing Investment Programme directing investment to new developments in Port Glasgow.

By early 2014, council officers had completed internal surveys for all properties in Clune Park Estate which resulted in 132 flats being subject to Closing or Demolition Orders. With reference to the provisions of the Housing (Scotland) Act 2006 in respect of Housing Renewal Areas (HRA) and their potential application in the Clune Park area, officers carried out further surveys of the estate to determine the level of serious and other disrepair in the properties. Following initial walk through surveys, officers raised concerns about the extent of cracking, both fresh and previously repaired cracks, which had re-opened, which was evident throughout the estate. In particular, concerns were raised about the repeated cracking at all gable ends. In terms of the statutory guidance, the pattern and extent of cracking indicated potential instability in the structural elements of the building.

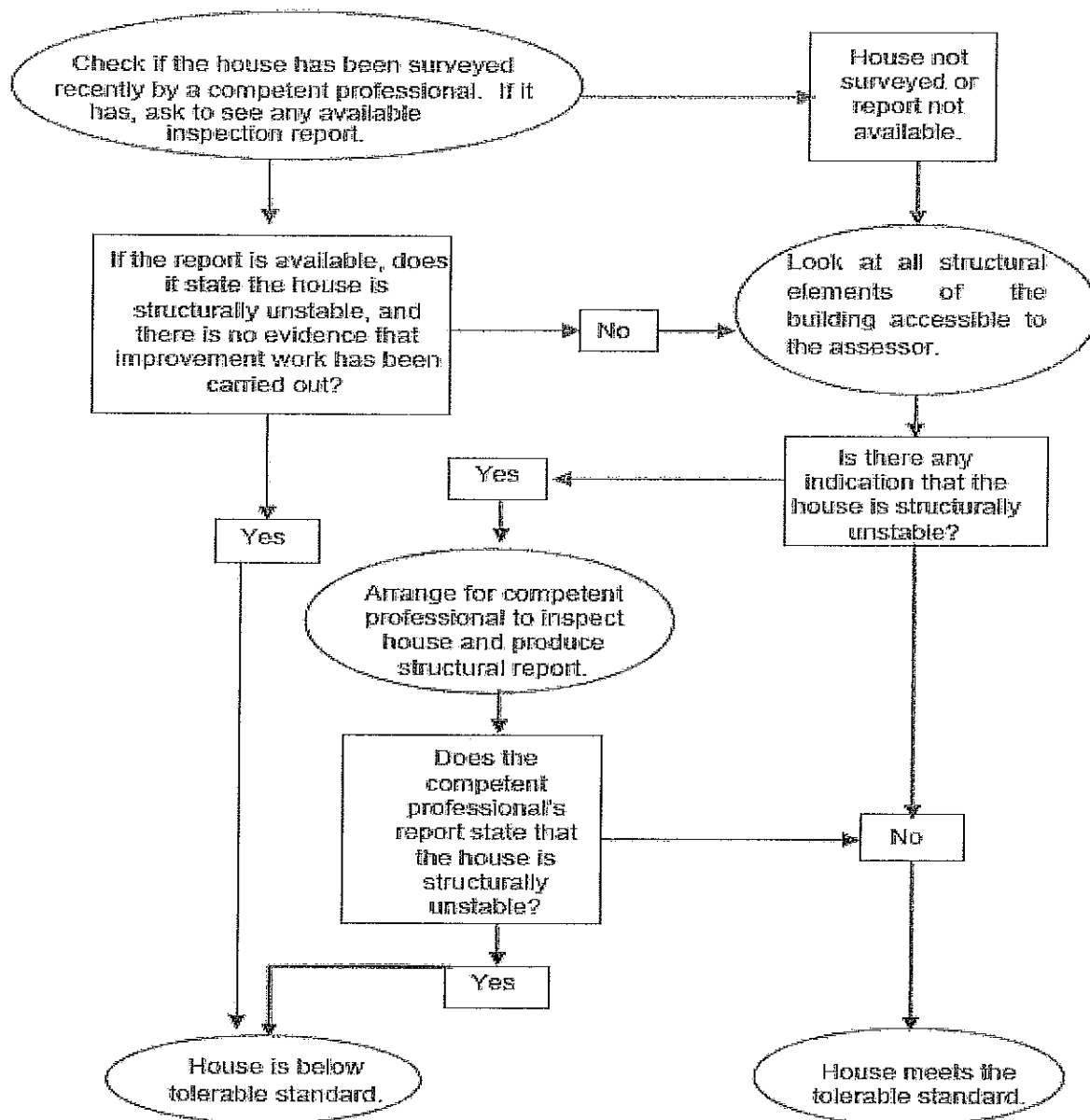
The Council decided on its actions following detailed discussion and appraisal of the reports submitted to Committee and all of its decisions were taken unanimously on the basis of this information and the objective of remedying the unacceptable housing conditions.

STATUTORY GUIDANCE

In terms of the guidance for Housing Renewal Areas, which requires that all below tolerable standard properties are identified and dealt with through closing or demolition orders before proposing further action through the HRA process, and also the statutory guidance relating to identification of structural stability under the tolerable standard, ATK Structural Engineers were commissioned by the Council to survey the properties and report back on their structural stability, with reference to the statutory guidance.

Whilst the statutory guidance requires the commissioning of a report from a 'competent professional' the Council considered it important that a qualified structural engineer be commissioned, particularly given the unusual roof structure in these properties.

The following diagram describes the procedure that was undertaken by the Council and is from Volume 4 of "Implementing the Housing (Scotland) Act 2006: Advisory and Statutory guidance for Local Authorities."



In accordance with the statutory guidance, ATK examined the accessible structural elements of 28 properties in the estate and concluded that all of the roof structures in these properties exhibited corrosion expansion and were spreading, resulting in displacement of the wall heads and diagonal cracking on the gables of the buildings. All the buildings surveyed exhibited these defects to a greater or lesser degree. It was reported that corrosion swelling, by its nature, is progressive and that, whilst difficult to provide exact timescales, there was evidence that the movement in the buildings was continuing and would continue until failure occurred. The report also highlighted that spalling concrete and damaged brick work would become a significant hazard in the short to medium term.

A further report was then commissioned for the remaining properties, which confirmed the same conditions throughout the estate.

In considering ATK's report, particular reference was made to Volume 4 of 'Implementing the Housing (Scotland) Act 2006: Advisory and Statutory Guidance for Local Authorities', in particular the paragraphs defining 'structurally stable' in the context of the tolerable standard,

the paragraphs outlining the assessment process to be followed and the tables providing examples of defects in specific structural elements. The guidance on structural stability is statutory guidance to which the Council must have regard.

ATK's survey confirmed that: the properties exhibited recent or fresh cracking; the roof structures were spreading throughout the estate and exhibited evidence of corrosion swelling; there was evidence of distortion of the wall profile; the external roof surface was deflecting, resulting in ponding of rainwater throughout the estate and provided evidence of deterioration of the load bearing capacity of the roof structure itself; and, with reference to paragraph 4.7 of the Guidance, there was a risk of partial or total collapse of the roof structure or associated masonry.

Given the progressive nature of the structural defect in the roof, additional examinations to monitor the problem were instructed by the Council, including a structural examination of the concrete roof and a verticality survey to determine the current extent of displacement at the wall heads of properties within the estate.

The structural examination of the roof, commissioned by the Council from Stanger Testing Services Ltd, confirmed the complete carbonation of the concrete roof slabs which resulted in a significantly increased risk of corrosion of the embedded steel reinforcement beams when the beams were exposed to moisture. Where the reinforcing steel was exposed for examination, Stanger also reported significant surface corrosion to the steel joists, confirming exposure to moisture, and that the 6mm steel bars running at right angles to the steel joists were found to be completely corroded and were able to be crumbled by hand, again demonstrating exposure to moisture.

Paragraph 4.5 of the statutory guidance recommends consultation with building standards colleagues in the event that a building which fails this element of the tolerable standard is defective or dangerous and that action under Sections 28 or 29 of the Building (Scotland) Act 2003 was appropriate. In view of the qualified timescales stated in ATK's report of 5-10 years before the elements became unsafe, it was considered that this was not appropriate, however building standards colleagues were informed as conditions in the estate deteriorated, particularly in relation to spalling concrete and masonry.

The verticality survey commissioned by the Council from Phoenix Surveys (Scotland) Ltd. confirmed significant distortion of the wall profile in the sixteen properties surveyed consistent with the description of relevant defects indicating potential structural instability noted in the table at paragraph 4.21 in the statutory guidance i.e., 'any distortion of the wall profile deviating from the straight and vertical'.

In coming to the decision to recommend service of Demolition Orders to the Committee, Officers had regard to: the Council's plan for regeneration of the Clune Park Estate as agreed in 2011; the condition of the estate overall; the diversity of ownership and high levels of abandoned and empty properties, which at the time was estimated at 310, or 73% of the total; the likely improvement costs of the properties; the Council's stated priorities in terms of the Housing Strategy and Strategic Housing Investment Programme; and the Council's statutory duty to address tolerable standards.

TOLERABLE STANDARD

The Housing (Scotland) Act 1987 states at section 85(1): "It shall be the duty of every local authority to secure that all houses in their district which do not meet the tolerable standard are closed, demolished or brought up to the tolerable standard within such period as is reasonable in all the circumstances."

This general duty is critical to both understanding why the decision was made to serve Demolition Orders originally and why the Council is proceeding on the basis it is now.

The "tolerable standard" which is referred to in section 85 is defined by section 86(1) of the 1987 Act:

"86. Definition of house meeting tolerable standard.

" ... a house meets the tolerable standard for the purposes of this Act if the house—

(a) is structurally stable;

(b) is substantially free from rising or penetrating damp;

(c) has satisfactory provision for natural and artificial lighting, for ventilation and for heating;

(ca) has satisfactory thermal insulation;

(d) has an adequate piped supply of wholesome water available within the house;

(e) has a sink provided with a satisfactory supply of both hot and cold water within the house;

(f) has a water closet or waterless closet available for the exclusive use of the occupants of the house and suitably located within the house;

(fa) has a fixed bath or shower and a wash-hand basin, each provided with a satisfactory supply of both hot and cold water and suitably located within the house;

(g) has an effective system for the drainage and disposal of foul and surface water;

(ga) in the case of a house having a supply of electricity, complies with the relevant requirements in relation to the electrical installation for the purposes of that supply;

"the electrical installation" is the electrical wiring and associated components and fittings, but excludes equipment and appliances;

"the relevant requirements" are that the electrical installation is adequate and safe to use;

(h) has satisfactory facilities for the cooking of food within the house;

(i) has satisfactory access to all external doors and outbuildings;

and any reference to a house not meeting the tolerable standard or being brought up to the tolerable standard shall be construed accordingly."

The requirements set out in sections 86(1)(a) to (i) are not cumulative. If the property fails to meet one or more of these requirements it will fall below the tolerable standard.

To quote paragraph 3.10 of the Advisory Guidance;

'The tolerable standard is a basic 'condemnatory' standard. In other words, a house that falls below the standard is not acceptable as living accommodation.

Given the information held by officers relative to the very poor condition of all properties in the estate; the tenancy levels of the estate; the crime statistics relative to the estate; the value of the properties within the estate; and, the structural engineering report, the decision was taken by the Council that the only sensible or reasonable approach to the estate was to demolish it. The cost of repairing the properties to the tolerable standard far outweighed any value the properties had. It is fair to conclude that years of neglect and lack of maintenance of the properties and the high number of empty or abandoned properties also indicated a lack of willingness on the part of proprietors to initiate or carry out necessary works.

COUNCIL DECISIONS

Reports were considered by the Education & Communities Committee on 11 March 2014 and 6 May 2014. The reports sought Committee approval for the service of Demolition Orders in terms of the Housing (Scotland) Act 1987.

The Committee unanimously agreed that the Council make Demolition Orders in terms of Section 115 of the Housing (Scotland) Act 1987; that delegated authority be granted to the Corporate Director Education, Communities & Organisational Development, in consultation with the Head of Legal & Democratic Services and the Head of Finance, to agree a compensation plan for eligible owner-occupiers and tenants; that a short term working group be set up with relevant Council services and external partners to address the re-housing needs of the owner-occupiers and tenants; and that the Committee note the option of the use of compulsory purchase powers in respect of the acquisition of all 45 tenements in the area. It was also agreed at that time that a report on this issue and also proposing an amended Regeneration Plan be submitted to the Committee as soon as is practicable.

Accordingly, Demolition Orders were served on every property in the estate during the period 24 – 26 June 2014.

PRE-PROOF

The parties' experts were diametrically opposed in their position as to structural instability. The Appellants were of the view that many of the cracks exhibited on the buildings were caused by "thermal expansion" – a normal and non-structural movement exhibited by all buildings when they are exposed to different temperatures and different degrees of direct sunlight. The Appellants were further of the view that many of the cracks were old or at least were not "fresh cracks" as referred to in the statutory guidance.

The Council's expert was of the firm view that the instances of diagonal cracking were entirely attributable to corrosion expansion of the steel beams within the roof slab, and that thermal expansion creates straight cracks, not diagonal cracks. The Council's expert was also unconvinced that thermal cracking could cause the degree of cracking being witnessed. It was his view that the measure of cracking being seen would likely require temperature changes in excess of 50 degrees Celsius. He pointed out that Port Glasgow would not suffer from varying degrees in temperature of that magnitude. He further pointed out that the diagonal cracking was evident on the one storey buildings at the end of some of the gable walls. Those roof structures are never within direct sunlight as they are shaded by the taller buildings onto which they are joined, and accordingly the theory of thermal expansion could not be responsible.

The experts met on two occasions to undertake a joint inspection of the properties that would be the focus of the test cases. Both sets of experts remained convinced of their respective positions. A schedule was drawn up, referred to as a Scott Schedule. This effectively detailed the cracks that both parties agreed were evident within each property together with an explanation as to what had caused the cracks.

The second key stage for pre-proof assessment of the Council's technical evidence took place on 11 December 2015.

Senior Counsel on both sides argued before Sheriff Hamilton as to the burden of proof and the Sheriff decided that it fell on the Appellants. This decision is important not only on the basis that it would be for Appellants to show the property did not fail the tolerable standard and ought not to be demolished, but that in moving forward this legal burden would rest with those who disagreed with the local authority's position.

At that same time, however, the Sheriff raised a matter that he said concerned him relative to

the Council's consultant structural engineer's position. The Sheriff said that within the report the Council's consultant structural engineer advised that the properties would be safe for 5-10 years. The Sheriff asked whether these cases should accordingly not be brought before the Court in 5-10 years' time. The Council's QC advised the Sheriff that "tolerable standard" and "dangerous buildings" were entirely different statutory processes. A dangerous building was different from a building that was not structurally stable in terms of the "tolerable standard". The Sheriff read paragraphs 4.1, 4.2, and 4.7 from the statutory guidance produced below:

4.1. A house meets the tolerable standard if it is structurally stable.

4.2. This element of the tolerable standard requires every house to be structurally stable. Instability in the structure of a house is an obvious threat to the occupants' safety.

4.7. Structurally stable: The structural elements of a house should exhibit no signs of recent or fresh movement, evidence of which may indicate to the assessor that the house may be at risk from either partial or total collapse. The main structural elements of a house are:

- roof structures and other roof features;
- chimneys;
- load-bearing walls including external walls;
- lintels, sills and mullions, and wall ties;
- floors and stairs;
- load-bearing beams and columns; and
- foundations.

The Sheriff said that he found it difficult to reconcile the guidance at paragraph 4.2 and what was written in Mr Turnbull's report relative to the properties being "safe for 5-10 years". The Council's QC reiterated that the Council's consultant structural engineer was referring to the issues that are dealt with in the Buildings (Scotland) Act 2003 relative to "dangerous buildings" but it was the Council's consultant structural engineer's absolute position that the properties were below the tolerable standard in terms of the Housing (Scotland) Act 1987. The Sheriff continued the hearing until 18 December 2015 for the Council's consultant structural engineer to provide direct instructions to the Council that this is what he meant, and that he remained steadfast in his position as to structural stability.

The Council's solicitors met with the Council's consultant structural engineer to review with him the Sheriff's statements and to determine his professional position. The Council's consultant structural engineer advised that he was indeed referring to the position whereby a building can be deemed "safe" but structurally unstable. He pointed to the fact that what he was referring to was starting to manifest itself by spalling concrete onto the ground below some properties. He confirmed that he was of the view the properties were structurally unstable as corrosion swelling of the steel beams cannot be reversed, and indeed could only be stopped by immediate intervention and work done to the roof to ensure no moisture could enter the roof slab. In short Mr Turnbull confirmed that the buildings were structurally unstable as a result of corrosion expansion, but they would likely remain safe (or not become dangerous) for a period of 5-10 years.

Legal issues that arose during the Proof

The guidance, as it stands, relates to single properties with A-shaped timber frame roofs. The guidance does not easily transfer across to tenement buildings with flat concrete roofs. Nonetheless, it is the only guidance available to the courts.

The issues of "safety", "danger" and "structural stability" became intertwined, when the issues of "safety" and "danger" should in fact be dealt with under the separate Buildings (Scotland) Act 2003.

[REDACTED]

From: [REDACTED]
Sent: 21 April 2017 11:01
To: [REDACTED]
Subject: FW: Clune APrk - Masterplan Meeting
Attachments: Clune Park Masterplan 2006.pdf; ClunePark - Wider Area 2017.pdf; ClunePark Map 2017.pdf; Port Glasgow Infrastructure.pdf; Agenda - 21st April 17.docx

Thanks Sarah

AM

From: [REDACTED]
Sent: 20 April 2017 12:53
To: [REDACTED]
Cc: [REDACTED]
Subject: Clune APrk - Masterplan Meeting

Dear all,

In advance of tomorrow afternoon's meeting, please find attached an agenda, area maps and some documents from the 2006 ODS Report which may be of interest in our Masterplan discussions.

Kind regards,

[REDACTED]
Safer & Inclusive Communities
Inverclyde Council
40 West Stewart Street
GREENOCK
PA15 1YA

Phone (office) - [REDACTED]

e-mail - [REDACTED]

Inverclyde Council website -- www.inverclyde.gov.uk
Inverclyde on Twitter -- twitter.com/inverclyde

Inverclyde Council - Best Government Services Employer in the UK 2016 – Bloomberg Business Best Employer Awards 2016

Nurturing Inverclyde, Getting it Right for Every Child, Citizen and Community

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Council

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Agenda

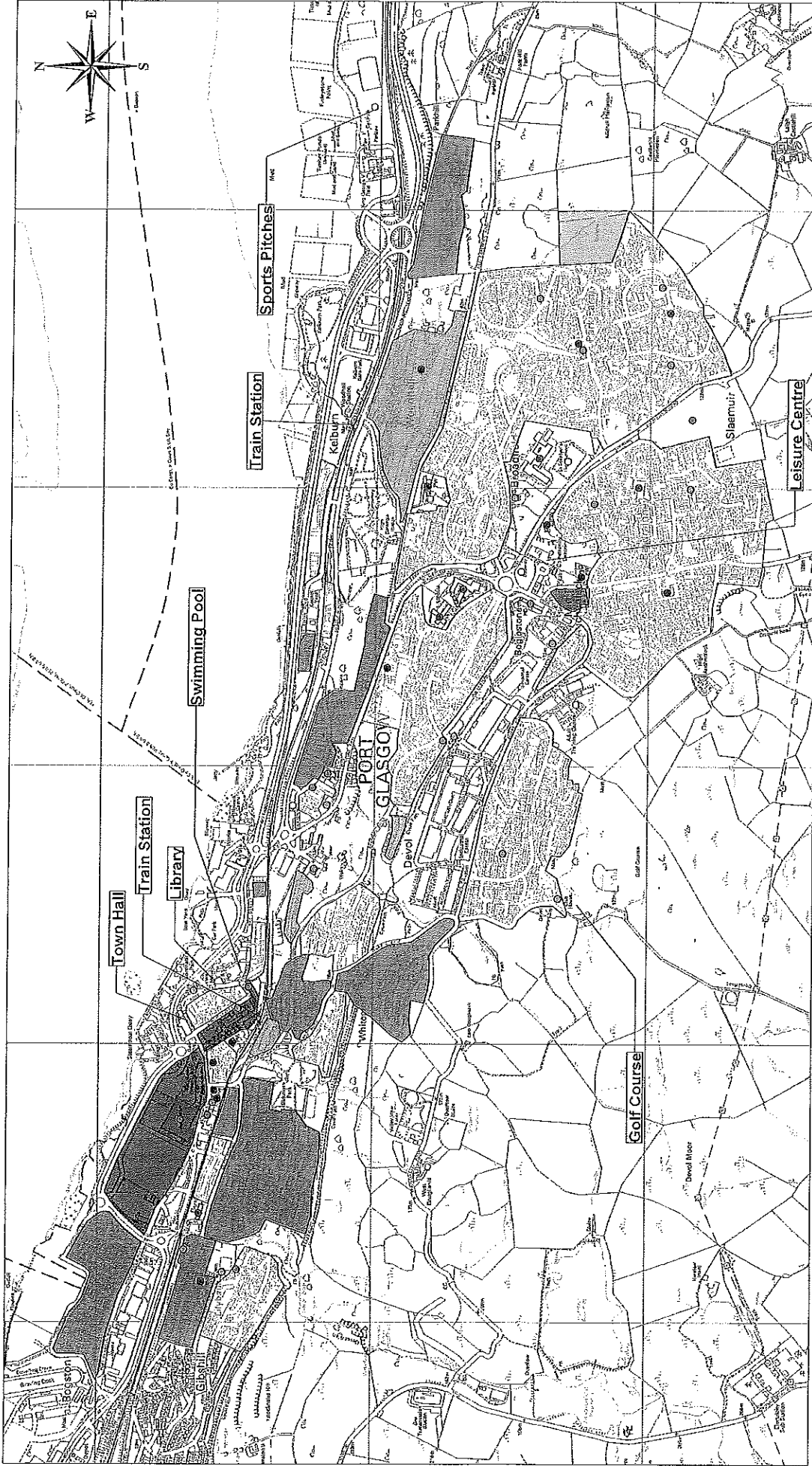
Clune Park Masterplan Meeting

21st April 2017

1400hrs – Conference Room, 40 West Stewart Street,
Greenock

1. Welcome & Introductions
2. Regeneration Strategy Update
 - a. Task Group Model
 - b. Acquisitions
 - c. Closing & Demolition Orders
 - d. Surveys
3. Masterplanning
 - a. Background
 - b. Area
 - c. Timescales
 - d. Funding
 - e. Procurement
 - f. CPO
 - g. Strategy
4. Next Steps
 - a. Roles & Responsibilities
 - b. Meeting schedule
5. AOCB
6. Date of Next Meeting.

Port Glasgow



Individual by Category

- Demolition
- Mainly Commercial
- Mainly Private
- Mixed Tenure (Social Rent & Ex RTB)
- Private New Build
- Sheltered Housing
- School
- Shop(s)
- Sports Surface
- Church / Church Hall
- Social Club
- Community/Resource Centre / Community Hall

Inverclyde Council Safer & Inclusive Communities

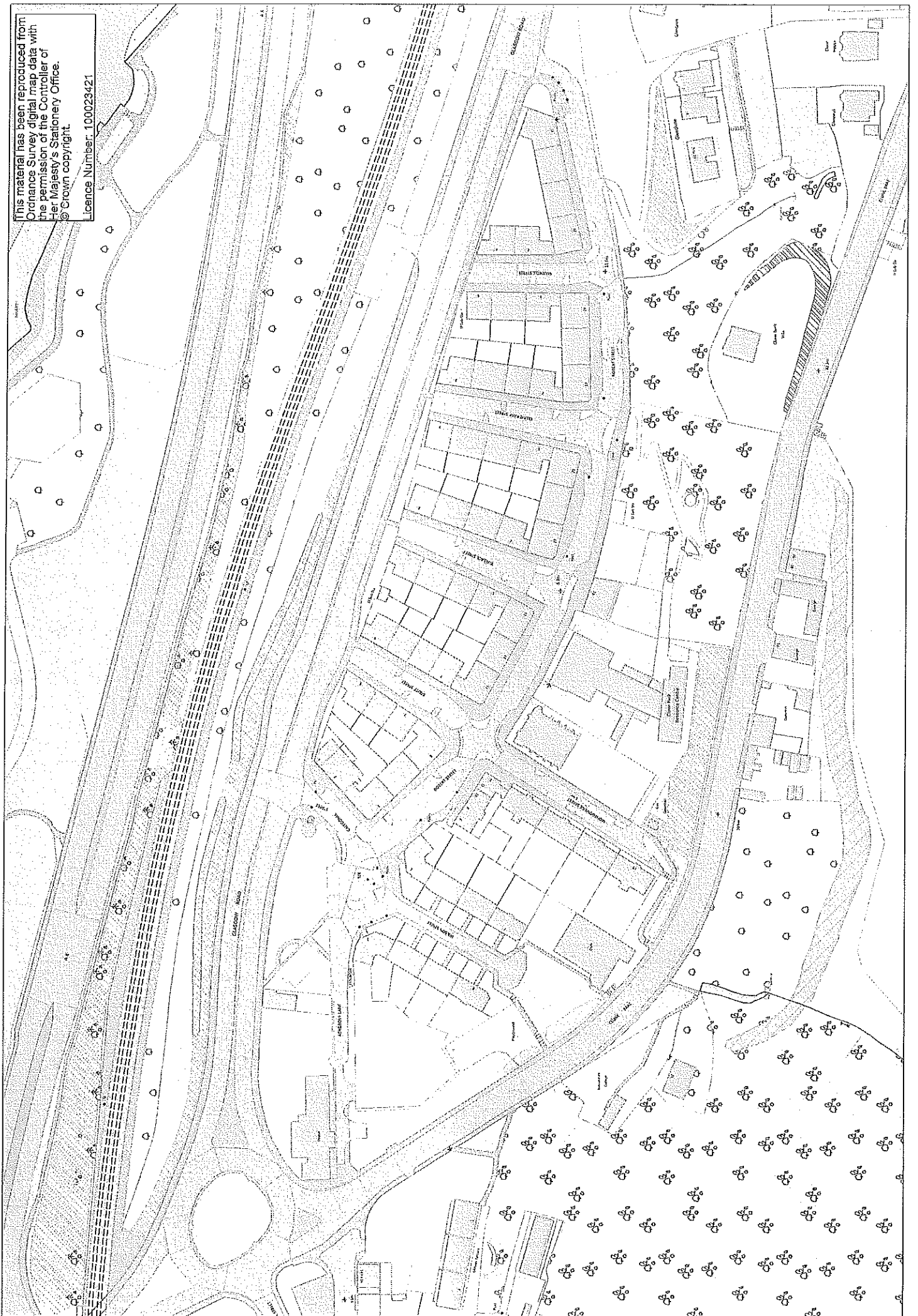
Education & Communities
Corporate Director: Albert Henderson
105 Dalrymple Street
Greenock
PA15 1HU
albert.henderson@inverclyde.gov.uk



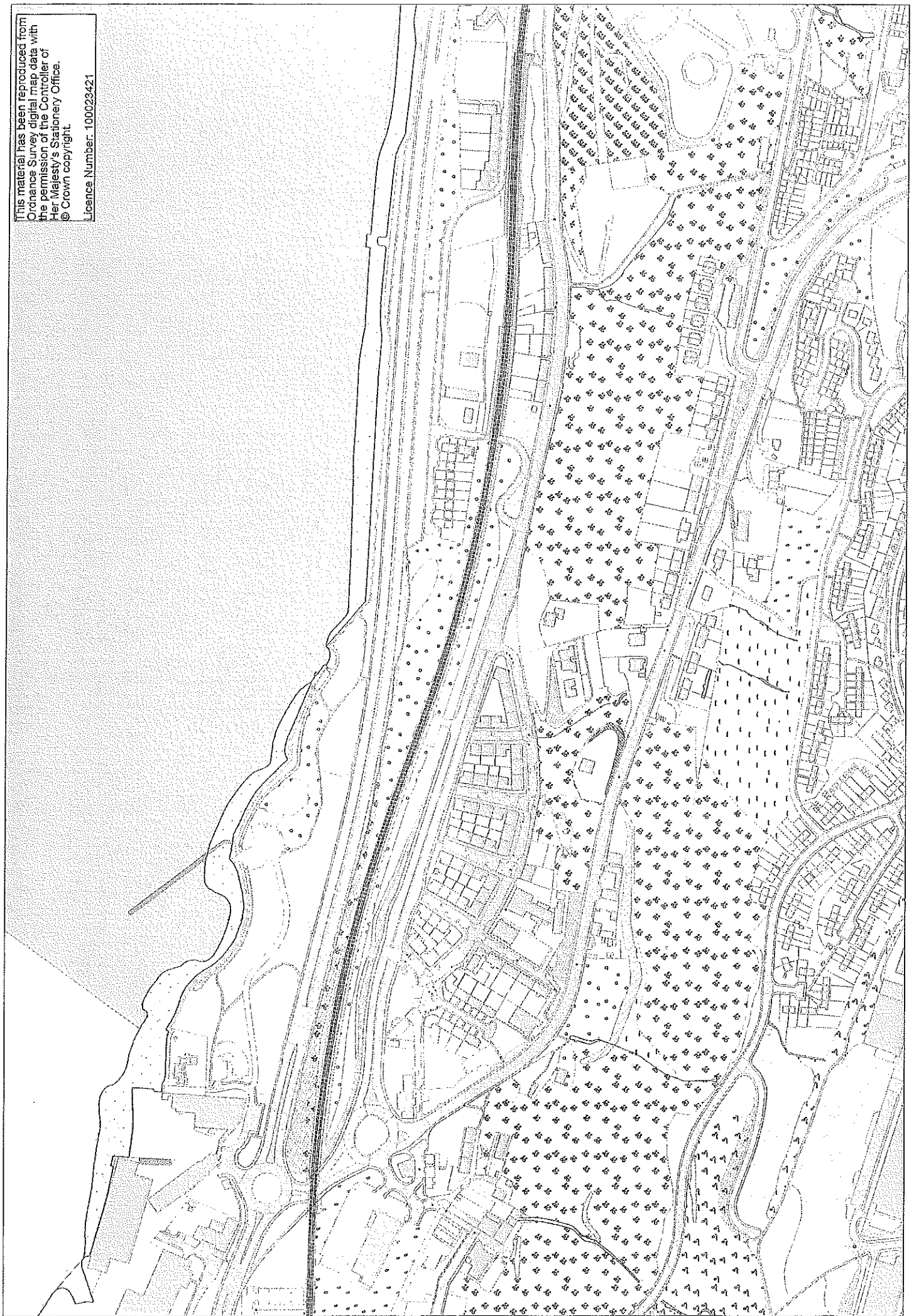
Plan Creator: Ross Scullion
Date: 29/05/2013
Scale: 1:20000

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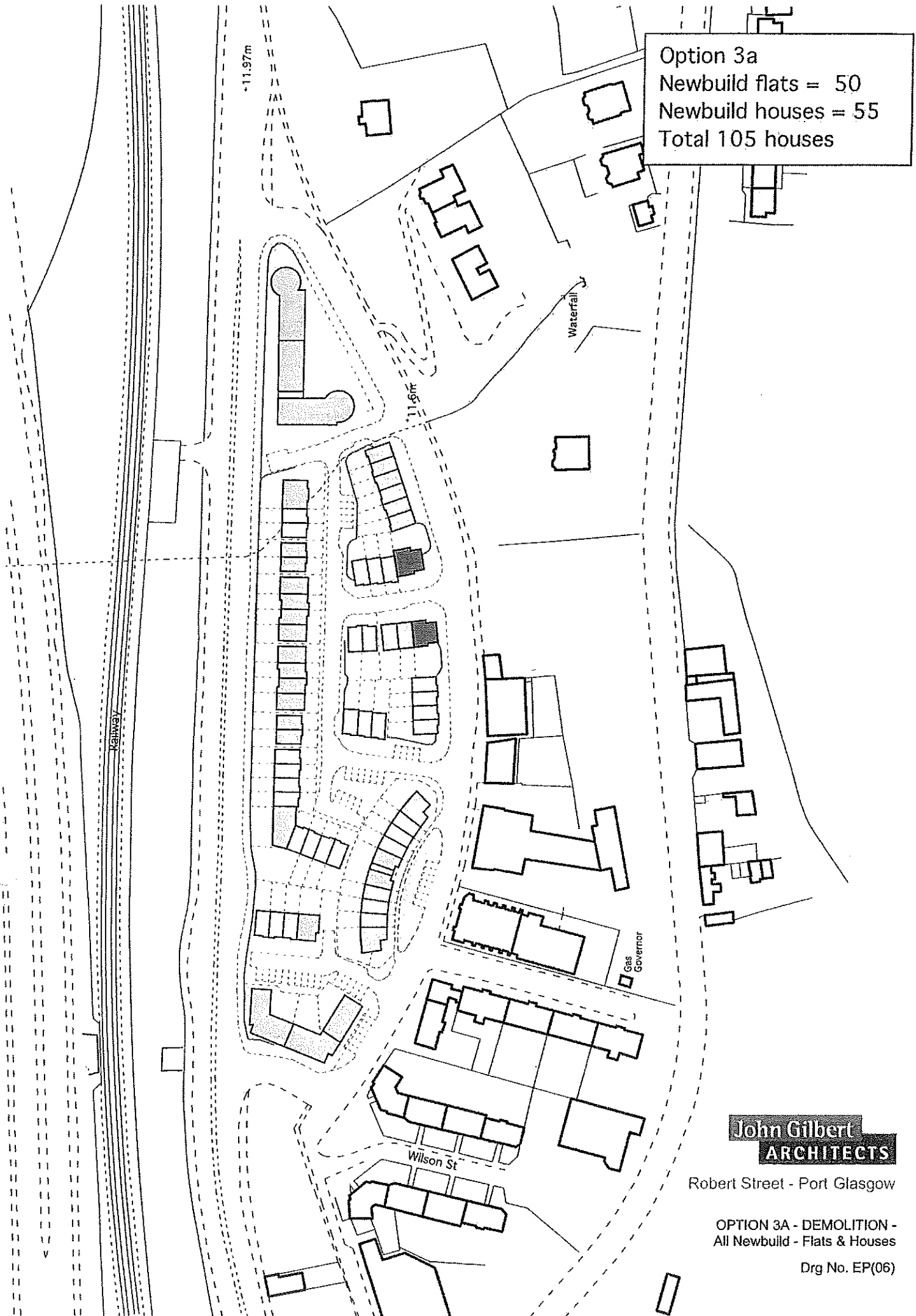


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TAKEN FROM 2006 ODS REPORT

Option 3a
Newbuild flats = 50
Newbuild houses = 55
Total 105 houses

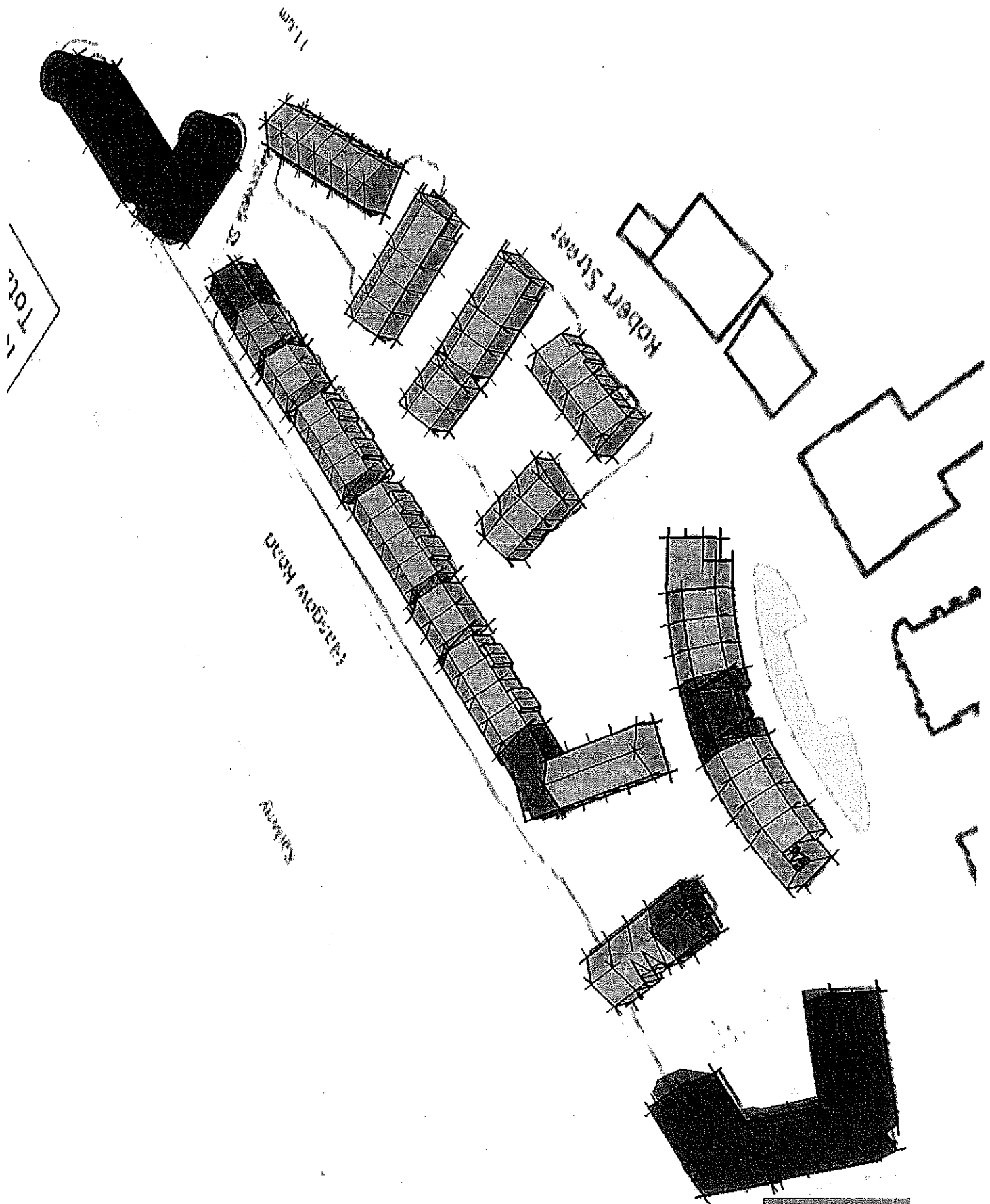


John Gilbert
ARCHITECTS

Robert Street - Port Glasgow

OPTION 3A - DEMOLITION -
All Newbuild - Flats & Houses

Drg No. EP(06)



John Gilbert
ARCHITECTS

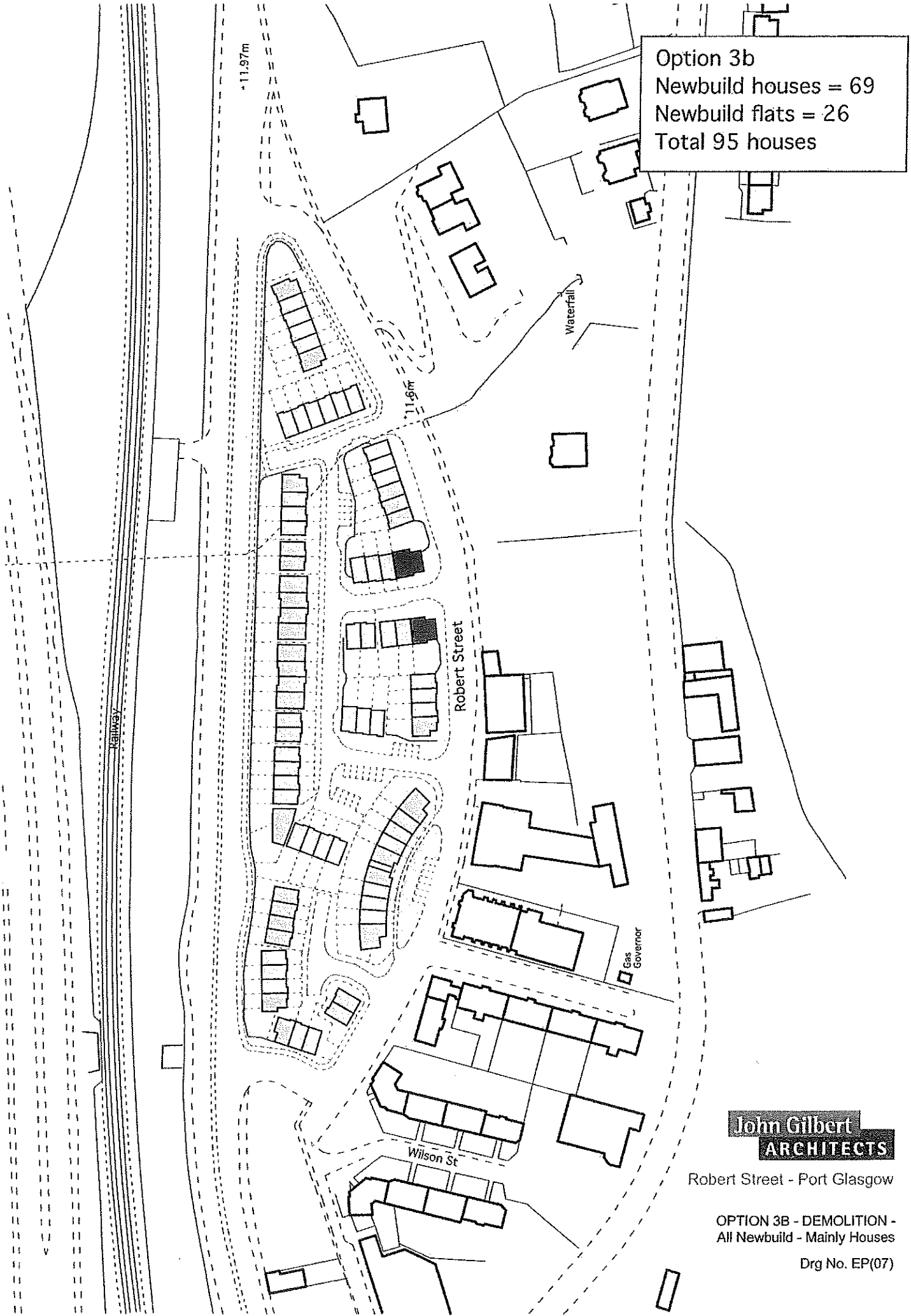
Robert Street, Port Glasgow

OPTION 3A - DEMOLITION -
All Newbuild - Flats & Houses

Drg No. PE(06)

TAKEN FROM 2006 ODS REPORT

Option 3b
Newbuild houses = 69
Newbuild flats = 26
Total 95 houses



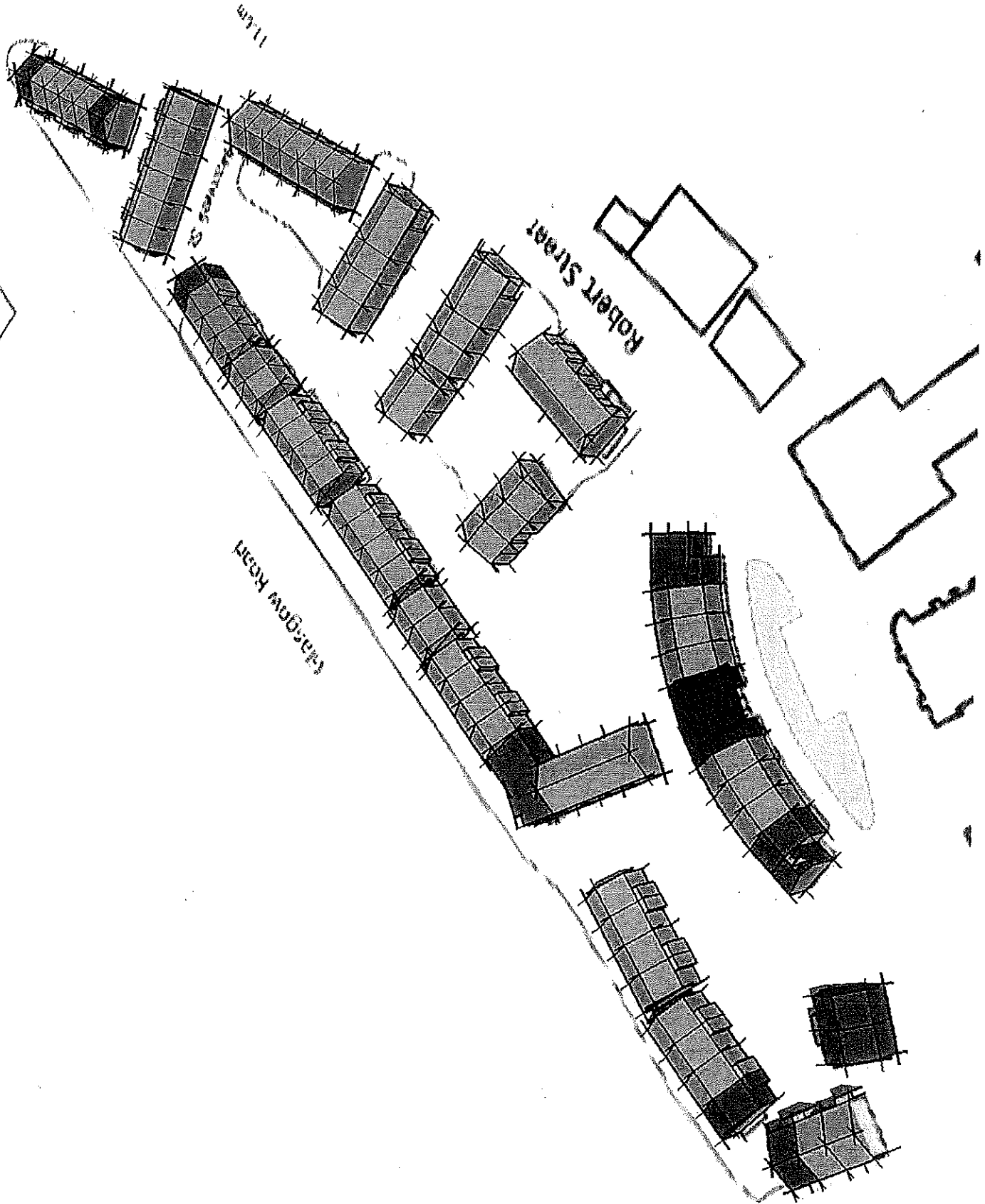
John Gilbert
ARCHITECTS

Robert Street - Port Glasgow

OPTION 3B - DEMOLITION -
All Newbuild - Mainly Houses

Drg No. EP(07)

No. TOTAL



John Gilbert
ARCHITECTS

Robert Street, Port Glasgow

OPTION 3B - DEMOLITION -
All Newbuild - Mainly Houses

Drg No. PE(07)