

**Please find attached the Public Minutes in respect of  
Item 6 on the agenda for the above meeting**

6.	<p><b>Committee Minutes</b> (Pages 1 - 104)</p> <p>Consider Minutes of the following Committees:-</p> <ul style="list-style-type: none"> <li>(a) Planning &amp; Building Standards 7 August 2017</li> <li>(b) Executive 15 August 2017</li> <li>(c) Hawick Common Good Fund 15 August 2017</li> <li>(d) Teviot &amp; Liddesdale Locality 15 August 2017</li> <li>(e) Civic Government Licensing 18 August 2017</li> <li>(f) Local Review Body 21 August 2017</li> <li>(g) Police, Fire &amp; Rescue and Safer Comms. 25 August 2017</li> <li>(h) Audit &amp; Scrutiny (Special) 28 August 2017</li> <li>(i) Selkirk Common Good Fund 29 August 2017</li> <li>(j) Peebles Common Good Fund 30 August 2017</li> <li>(k) Tweeddale Locality 30 August 2017</li> <li>(l) Planning &amp; Building Standards 4 September 2017</li> <li>(m) Executive 5 September 2017</li> <li>(n) Duns Common Good Fund 7 September 2017</li> <li>(o) Jedburgh Common Good Fund 13 September 2017</li> <li>(p) Kelso Common Good Fund 13 September 2017</li> <li>(q) Galashiels Common Good Fund 14 September 2017</li> <li>(r) Eildon Locality 14 September 2017</li> </ul>	5 mins
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(a)	Planning & Building Standards	7 August 2017
(b)	Executive	15 August 2017
(c)	Hawick Common Good Fund	15 August 2017
(d)	Teviot & Liddesdale Locality	15 August 2017
(e)	Civic Government Licensing	18 August 2017
(f)	Local Review Body	21 August 2017
(g)	Police, Fire & Rescue and Safer Comms.	25 August 2017
(h)	Audit & Scrutiny (Special)	28 August 2017
(i)	Selkirk Common Good Fund	29 August 2017
(j)	Peebles Common Good Fund	30 August 2017
(k)	Tweeddale Locality	30 August 2017
(l)	Planning & Building Standards	4 September 2017
(m)	Executive	5 September 2017
(n)	Duns Common Good Fund	7 September 2017
(o)	Jedburgh Common Good Fund	13 September 2017
(p)	Kelso Common Good Fund	13 September 2017
(q)	Galashiels Common Good Fund	14 September 2017
(r)	Eildon Locality	14 September 2017

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# SCOTTISH BORDERS COUNCIL PLANNING AND BUILDING STANDARDS COMMITTEE

MINUTE of Meeting of the PLANNING AND BUILDING STANDARDS COMMITTEE held in Council Chamber, Council Headquarters, Newtown St Boswells TD6 0SA on Monday, 7 August 2017 at 10.00 am

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Present:- Councillors T. Miers (Chairman), A. Anderson, J. A. Fullarton, S. Hamilton, H. Laing, S. Mountford, E. Small.  
Apologies:- Councillor S. Aitchison, C. Ramage,  
In Attendance:- Depute Chief Planning Officer, Lead Officer (Development Management and Enforcement) Lead Roads Planning Officer, Solicitor (Emma Moir), Democratic Services Team Leader, Democratic Services Officer (F. Henderson).

## 1.0 **MINUTE**

1.1 There had been circulated copies of the Minute of the Meeting held on 26 June 2017.

### **DECISION**

**APPROVED for signature by the Chairman.**

## 2.0 **APPLICATIONS**

2.1 There had been circulated copies of reports by the Service Director Regulatory Services on applications for planning permission requiring consideration by the Committee.

### **DECISION**

**DEALT with the applications as detailed in Appendix I to this Minute.**

### **DECLARATIONS OF INTEREST**

Councillor Small declared an interest in Application 17/00087/FUL in terms of Section 5 of the Councillors Code of Conduct and left the Chamber during the discussion.

## 3.0 **PLACE, PEOPLE AND PLANNING – POSITION STATEMENT**

3.1 There had been circulated copies of a report by the Service Director Regulatory Services which sought approval of the response prepared by the Chief Planning Officer on behalf of Scottish Borders Council in respect of the key changes proposed to the planning system in Scotland set out in the Scottish Government's Position Statement. The report explained that on 29 June 2017 Scottish Government published a Position Statement setting out the measures Scottish Ministers were likely to take forward through the forthcoming Planning Bill, secondary legislation and other, non-statutory approaches. The statement was produced after taking account of the submissions made to the consultation document "Places People and Planning - A consultation on the future of the Scottish Planning System" published in January 2017. The proposals sought to refocus the planning system on delivering outcomes, facilitating economic development and placemaking, whilst enhancing community engagement and reducing and simplifying processes and procedures. The changes set out in the statement focused on technical matters and future legislative amendments, but also formed part of a wider programme of reform and behavioural change in planning. The report sought approval for the reply to the current consultation and responses to the consultation required to be submitted by 11 August 2017.

## **DECISION**

**APPROVED** the consultation response set out in Appendix A to the report as the Scottish Borders Council's formal response to the Scottish Government consultation "Places, People and Planning Position statement".

- 4.0 **APPEALS AND REVIEWS** 4.1 There had been circulated copies of a briefing note by the Chief Planning Officer on Appeals to the Scottish Ministers and Local Reviews.

## **DECISION**

### **NOTED:-**

**(a) Planning Appeals received in respect of:-**

- (i) Wind farm development comprising of 8 no turbines 100m height to tip and associated works, infrastructure, compounds, buildings and meteorological mast on Land North of Howpark Farmhouse, Grantshouse – 16/00980/FUL;**
- (ii) Residential development comprising 38 dwelling units with associated access, landscaping and open space at Poultry Farm, Marchmont Road, Greenlaw – 16/01360/PPP**

**(b) the Appeal decision in respect of part change of use of dwellinghouse and garden ground to wedding venue and erection of marquees Hartree House, Kilbucho – 16/00865/FUL**

**(c) enforcements in respect of:-**

- (i) Erection of fence at 1 Borthwick View, Roberton, Hawick – 16/00105/UNDEV;**
- (ii) Boundary fence and summerhouse erected in front garden of 1 Borthwick View, Roberton - 16/00105/UNDEV; and**
- (iii) Boundary fence and summerhouse erected in front garden of 1 Borthwick View, Roberton - 16/00146/UNDEV**

**(d) there remained one appeal outstanding in respect of Land North West of Whitmuir Hall, Selkirk**

**(e) Review requests had been received in respect of:-**

- (i) Erection of dwellinghouse with attached garage on Land North East of The Old Church, Lamberton – 16/00947/FUL;**
- (ii) Replacement windows and installation of chimney flue at 5 High Street, Innerleithen – 17/00257/FUL;**
- (iii) Erection of dwelling house with attached garage and workshop on Land North West of Alderbank, Macbiehill, West Linton – 17/00530/FUL;**

**(f) the decision of the Appointed Officer had been upheld by the Local Review Body in respect of:-**

- (i) Erection of dog day care building, perimeter fence and associated works (retrospective) on Land South West of Milkieston Toll House, Eddleston – 16/00872/FUL;**

- (ii) **Erection of agricultural storage building with welfare accommodation Land West of Former William Cree Memorial Church Kirkburn, Cardrona, Peebles – 17/00027/FUL;**
  - (iii) **Erection of agricultural storage shed with welfare accommodation Land West of Former William Cree Memorial Church Kirkburn, Cardrona, Peebles – 17/00028/FUL;**
  - (iv) **Erection of agricultural storage shed with welfare accommodation Land West of Former William Cree Memorial Church Kirkburn, Cardrona, Peebles – 17/00090/FUL**
  - (v) **Erection of agricultural storage shed with welfare accommodation Land West of Former William Cree Memorial Church Kirkburn, Cardrona, Peebles – 17/00092/FUL;**
  - (vi) **Erection of agricultural storage shed with welfare accommodation Land West of Former William Cree Memorial Church Kirkburn, Cardrona, Peebles – 17/00093/FUL; and**
  - (vii) **Erection of agricultural storage shed with welfare accommodation Land West of Former William Cree Memorial Church Kirkburn, Cardrona, Peebles – 17/00094/FUL.**
- (g) **the decision of the Appointed Officer had been overturned by the Local Review Body in respect of:-**
- (i) **Erection of detached garage with first floor studio, alterations and extension to dwellinghouse at Danderhall cottages, St Boswells, Melrose – 17/00011/FUL; and**
  - (ii) **Erection of two dwelling houses in garden ground of Woodlands, Brommlee Mains, West Linton – 17/00044/PPP**
- (h) **the decision of the Appointed Officer had been varied (revised conditions and informatives) by the Local Review Body in respect of Erection of dwelling house and detached garage (approval of matters specified in all conditions pursuant to planning permission 15/00301/PPP) ON LAND North East of Dundas Cottage, Ettrick, Selkirk – 16/01467/AMC**
- (i) **there remained three reviews outstanding in respect of:-**
- **Land North West of Dunrig Spylaw farm, Lamancha, West Linton**
  - **Land South of Balmerino, Ashkirk**
  - **Redundant Steading North West of Pots Close Cottage, Kelso**
- (j) **there remained four S36 Public Local Inquiries outstanding in respect of the following:-**
- **(Whitelaw Brae Wind Farm), Land South East of Glenbreck House, Tweedsmuir**
  - **Fallago Rig 1, Longformacus**
  - **Fallago Rig 2, Longformacus**
  - **Birneyknowe Wind Farm, Land North, South, East and West of Birneyknowe Cottage, Hawick**

*The meeting concluded at 12.15 p.m.*



## APPENDIX I

### APPLICATIONS FOR PLANNING PERMISSION

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
17/00087/FUL	Erection of Class 6 storage and distribution buildings, associated Class 5 use and erection of ancillary dwellinghouse and associated landscaping works	Land North East of 3 The Creamery Dolphinton

Decision:- Refused for the following reasons:-

1. The proposed business premises for a mixed Class 5 and Class 6 business operation does not comply in principle with adopted Local Development Plan Policies PMD4, HD2 or ED7 in that the applicant has not demonstrated any overriding economic and/or operational need for it to be located in this particular countryside location and therefore the proposed development would represent unjustified, sporadic and prominent development in the open countryside.
2. The proposed dwellinghouse would not meet any direct operational requirement of an agricultural, horticultural, forestry or other enterprise which is itself appropriate to the countryside, and therefore does not comply in principle with adopted Local Development Plan Policies PMD4 and HD2.
3. The proposed development would result in the unjustified and permanent loss of carbon-rich soils, contrary to Policy ED10 of the adopted Local Development Plan.

#### VOTE

*Councillor Laing, seconded by Councillor Fullarton moved that the application be refused as per the Officer recommendation.*

*Councillor Anderson, seconded by Councillor Hamilton moved as an amendment that the application be approved.*

*On a show of hands Members voted as follows:-*

*Motion - 3 votes*

*Amendment 3 votes*

*As there was an equality of votes, the Chairman exercised his casting vote in favour of the motion which was accordingly carried.*

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
17/00492/MIN	Extension of consented life of quarry By deepening area consented by previous minerals consent 09/00897/MIN	Quarry Soutra Mains Farm Blackshiels Soutra Oxton

Decision: approved subject, firstly, to a legal agreement to secure the provision of a bond to finance the restoration of the site, and secondly, subject to the following planning conditions:

- 1 A site notice or sign shall be displayed in a prominent place at or in the vicinity of the site until the completion of the development, which shall be readily visible to the public, and printed on durable material. The Notice shall take the following form as per **Informative Note 1**, below:  
Development at (Note 1)

Notice is hereby given that planning permission has been granted, subject to conditions (Note 2) to (Note 3) on (Note 4) by Scottish Borders Council.

The development comprises (Note 5)

Further information regarding the planning permission, including the conditions, if any, on which it has been granted can be obtained, at all reasonable hours at Scottish Borders Council Headquarters, Newtown St. Boswells, Melrose.

Telephone (01835) 825060, or by visiting

<http://eplanning.scotborders.gov.uk/publicaccess>, using the application reference (Note 6).

Reason: To ensure compliance with Section 27C of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

- 2 The development shall be carried out in accordance with the approved scheme of working detailed in the phasing plans accompanying the application. In any event, the maximum floor depth of the quarry shall not be below 282 metres AOD. Furthermore, the extent of quarry workings along the southern edge of the extraction area shall accord with the description of Drawing 7098/303 22.10.09 approved under Minerals Planning Consent 17/00492/MIN notwithstanding the extent shown on any other approved drawing.  
Reason: To ensure the development of the site is carried out in the manner considered by the Minerals Planning Authority.
- 3 This quarry shall be permitted to operate for a maximum period of 28 years beginning from the date of this consent. Within 28 years and six months of the date of issue of this consent, or within 6 months of the cessation of quarry workings within the site, whichever occurs soonest, all buildings, structures and plant shall be removed from the site.  
Reason: To minimise the environmental effects of the proposed development in a manner consistent with its operational capacity.
- 4 All works, including temporary buildings, plant, machinery and stockpiles, shall be contained within the approved extraction area of the quarry unless these are being specifically used during soil or overburden stripping, or during bunding formation or planting works.  
Reason: To minimise the visual impact of the development.
- 5 Unless otherwise agreed in writing by the Planning Authority in advance, no floodlighting or perimeter fencing shall be installed, erected or used on site other than the floodlighting and the perimeter fencing that has been approved under Planning Conditions Nos 6 and 7 of Minerals Planning Consent 09/00897/MIN.  
Reason: In the interests of safeguarding the visual amenity of the area and to minimise the potential disturbance to bats and badgers.
- 6 Notwithstanding the details submitted in support of the minerals planning application, no extractions shall take place below 318m AOD at the site, until a detailed proposed restoration scheme for the entire site (including after-care and management and a timetable for the implementation and completion of the works) has first been submitted for the written approval of the Minerals Planning Authority. This same scheme shall include the proposed final restoration contours, levels and gradients, the proposed means of landscaping and planting, proposed wildlife habitat creation and a proposed implementation programme and maintenance schedule.  
Where the scheme proposes the infilling of any part of the void with a water body, both (a) a flood risk assessment and (b) a scheme to secure the oxygenation of the water, shall also be submitted for the approval of the Minerals Planning Authority at the same time as the submission of the site restoration proposals.

Furthermore, and unless the requirements of Condition 9 attached to Minerals Planning Consent 09/00897/MIN have first been addressed to the Minerals Planning Authority's satisfaction (as evidenced by the Authority's written approval), the proposed restoration scheme shall also include proposals for the full restoration of the Police Firing Range site. Following the Minerals Planning Authority's approval, the restoration scheme and any approved scheme to secure the oxygenation of the water within the water body, shall all thereafter be implemented in accordance with the approved details.

Reason: To ensure the restoration of the site in the interests of landscape and visual amenity and to minimise the long-term effect of the development on the landscape and visual amenity of the site and surrounding area.

- 7 Notwithstanding the details submitted in support of the minerals planning application:
- (a) the mitigation planting described by the scheme of details (identifying species, number, location of all planting, and ground cover, and maintenance) approved by the Minerals Planning Authority under Planning Condition No 12 attached to Minerals Planning Consent 09/00897/MIN; and
- (b) the bunding scheme described by the scheme of details approved by the Minerals Planning Authority under Planning Condition No 11 attached to Minerals Planning Consent 09/00897/MIN,
- shall all be provided and maintained in accordance with these same details throughout the period of operation of the minerals development hereby approved. Any subsequent change or changes to the approved landscaping and/or bunding details shall first have been agreed in writing by the Planning Authority prior to the implementation of this change/these changes on the ground. (Please see **Informative Note 3** for related information).
- Reason: To minimise the visual impact of the development.
- 8 Noise levels at the nearest noise sensitive properties shall not exceed 55dB LAeq 1 Hr. Further, a programme of noise monitoring shall be maintained throughout the operational period of the minerals development hereby approved in accordance with the Noise Monitoring Scheme approved under Planning Condition No 19 attached to Minerals Planning Consent 09/00897/MIN.
- Reason: To safeguard the amenity of nearby property occupiers.
- 9 Ground vibration as a result of blasting operations shall not exceed a peak particle velocity of [6 mm -1] [10 mm -1] in 95% of all blasts measured over any period of 6 months and no individual blast shall exceed a peak particle velocity of [12 mm -1] as measured at vibration sensitive buildings, including Scheduled Monuments. Levels shall not exceed those recommended in the Environmental Statement (supplied in support of Minerals Planning Application 09/00897/MIN) for gas and electricity utilities. Furthermore, a programme of vibration monitoring shall be maintained throughout the operational period of the minerals development hereby approved in accordance with the Vibration Monitoring Scheme approved under Planning Condition No 21 attached to Minerals Planning Consent 09/00897/MIN.
- Reason: To protect sensitive buildings and utilities from the effects of blasting.
- 10 The hours of operation for all working, with the exception of measures required in an emergency situation, servicing, maintenance and testing of plant, shall be limited to the hours of 07:00 hours to 19:00 hours on Mondays to Fridays and 07:00 hours to 15:30 hours on Saturdays, unless with the prior agreement of the Planning Authority.
- Reason: To safeguard the amenity of nearby property occupiers and the rural amenity of the area
- 11 The dust control measures identified in Table 18.8 (pages 186 to 187) of the Environmental Statement (supplied in support of Minerals Planning Application

09/00897/MIN), shall be operated throughout the operation of the minerals development hereby consented. Furthermore, all loads of aggregates being dispatched from the quarry shall be sheeted prior to the vehicles' departure from the site.

Reason: To safeguard the amenity of nearby property occupiers and the rural amenity of the area.

- 12 Vehicle wheel cleaning facilities shall be maintained on site and operated throughout the period of operation of the quarry.  
Reason: To ensure material from the site is not deposited on the Trunk Road Network and local road network to the detriment of road safety.
- 13 Notwithstanding the details submitted in support of the minerals planning application, no excavations below 318m AOD shall take place within the site at all, until an updated Site Management Plan has first been submitted to and approved in writing by the Planning Authority, in consultation with SEPA, which: (a) identifies measures to protect the water environment from potential contamination; and (b) describes a scheme for monitoring changes within the water table.  
Thereafter, the site operations and ground water monitoring shall all be carried out in accordance with the approved updated Site Management Plan for the duration of the operation of the minerals development hereby consented.  
Reason: To ensure that there would be no unacceptable impacts upon the water environment, including with respect to the regulation of run-off and prevention of contamination.
- 14 Notwithstanding the details submitted in support of the minerals planning application, and notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (or any subsequent provisions amending or re-enacting that Order), no structure or other works for the storage, movement or management of ground water from the extraction area, shall be sited or established on site without the written prior approval of the Minerals Planning Authority. (Please see **Informative Note 4** for further information).  
Reason: To retain effective control of the minerals development hereby approved and to ensure that there would be no unacceptable impacts upon the appearance of the site or upon the water environment, including with respect to the regulation of run-off and contamination.
- 15 The Transport Management Plan (3rd March 2010 2010/7098) approved under Minerals Planning Consent 09/00897/MIN shall be operated at all times during the period of operation of the minerals development hereby consented.  
Reason: To ensure vehicles entering and leaving the site are discouraged from entering from or leaving in a westerly direction in the interests of road safety and the amenity of other properties alongside the public road.
- 16 No extractions shall take place below 318m AOD at the site, until: a scheme of details which describes measures for the monitoring of all potential impacts of the operation of the minerals development hereby consented upon the quantity and quality of the private water supply at Woodcote Park (including impacts upon ground water and impacts from surface water run-off), has first been submitted to, and approved in writing by the Planning Authority. This scheme shall include provision for remediation works to be carried out by the Operator in the event that the aforementioned private water supply is impacted. Following approval, the development and scheme shall all be implemented and operated in accordance with the approved details.  
Reason: To ensure that the minerals development hereby consented has no unacceptable impacts upon the private water supply of any neighbouring dwellings.

- 17 No extractions shall take place below 318m AOD at the site, until:  
a scheme of details which describes the monitoring of all hard rock extraction from the quarry (regardless of the depth from which it is extracted) and all reserves remaining therein (and including provision for annual reporting of the same to the Minerals Planning Authority), has first been submitted to, and approved in writing by, the Minerals Planning Authority. Thereafter all hard rock extraction (regardless of the depth from which it is extracted) shall be monitored in accordance with the approved scheme for the duration of the operation of the minerals development hereby consented.  
Reason: To retain effective control over the minerals development hereby consented and in the interests of monitoring compliance with the aggregates landbank requirements of SPP (Paragraph 238).

Informatives:

It should be noted that:

**INFORMATIVE NOTE 1:**

The Notes above should be completed for Condition 1 as follows:

Note 1: Insert address or describe the location of the development

Note 2: Delete "subject to conditions" if the planning permission is not subject to any conditions

Note 3: Insert the name and address of the developer

Note 4: Insert the date on which planning permission was granted (normally the date of this Notice)

Note 5: Insert the description of the development.

Note 6: Insert the application reference number.

**INFORMATIVE NOTE 2:**

The Operator is reminded that, under the Wildlife and Countryside Act 1981, (as amended), it is an offence to prevent access to, remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.

Grassland, trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Grassland, trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

**INFORMATIVE NOTE 3:**

Planning Condition No 7 attached to this minerals planning consent requires that the landscaping and bunding approved under Minerals Planning Consent 09/00897/MIN Conditions Nos 11 and 12, should be provided and maintained in accordance with the details that were approved under the aforementioned conditions. However, please note that the Council's Landscape Section has significant concerns that the landscaping that has been carried out to date has been inadequate, and is being inadequately maintained, relative to what was approved under Minerals Planning Consent 09/00897/MIN Conditions Nos 11 and 12.

For the avoidance of doubt, it is the Applicant's responsibility to ensure that the approved bunding and landscaping works are now implemented in full accordance with the requirements of Minerals Planning Consent 09/00897/MIN Conditions Nos 11 and 12, so

that it can now meet the full requirements of Planning Condition No 7 attached to this minerals planning consent.

In the interests of achieving full compliance, the Applicant is asked in consultation with the Council's Landscape Section, to identify clearly what landscaping works have and have not taken place, and what remediation is now necessary to allow the originally approved works to be delivered in accordance with the requirements of the planning conditions imposed upon Minerals Planning Consent 09/00897/MIN. With respect to the observed oversights and failures, please see the Landscape Section's consultation response which sets out a general description of what has been observed to have failed or been inadequately implemented and maintained.

#### **INFORMATIVE NOTE 4:**

Although the details submitted in support of the minerals planning application noted the potential future need for the storage on site, of ground water derived from the dewatering of the extraction area, no details were provided of this, while the absolute need for such a facility has not been established. The Minerals Planning Authority accepts the principle that this need may require to be met in time, however there is a lack of information about what is proposed, and any and all impacts upon the minerals development, including aspects regulated by other planning conditions. Accordingly, and in the interests of ensuring that the storage of extracted ground water on site would not compromise the operation of any of the other planning conditions, Planning Condition No 14 has been imposed upon this minerals planning consent to require that any such proposal should be referred to the Minerals Planning Authority in advance, for its prior approval. However, and until precise details are presented for its review, the Minerals Planning Authority reserves the right to seek a new planning application should the proposals be liable to conflict with the operation that is approved under this consent and/or any of its planning conditions.

<b><u>Reference</u></b>	<b><u>Nature of Development</u></b>	<b><u>Location</u></b>
17/00612/PPP	Erection of dwellinghouse	Land South East of 11 Burnbank Holding, Foulden

Decision: Approved subject to a legal agreement and the following conditions and informatives:

1 No development shall commence until the details of the layout, siting, design and external appearance of the building(s), the means of access thereto and the landscaping of the site have been submitted to and approved in writing by the Planning Authority.

Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

2 No development shall commence until all matters specified in conditions have, where required, been submitted to and approved in writing by the Planning Authority. Thereafter the development shall only take place except in strict accordance with the details so approved.

Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

3 Application for approval of matters specified in the conditions set out in this decision shall be made to the Planning Authority before whichever is the latest of the following:

(a) the expiration of three years from the date of this permission, or

(b) the expiration of six months from the date on which an earlier application for approval of matters specified in the conditions set out in this decision notice was refused or dismissed following an appeal.

Only one application may be submitted under paragraph (b) of this condition, where such an application is made later than three years after the date of this consent.

Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

4 Parking and turning for a minimum of two vehicles, excluding any garages, must be provided and retained in perpetuity within the curtilage of the property. These spaces must be provided prior to the occupation of the dwellinghouse hereby approved.

Reason: To ensure adequate on-site parking is provided within the plot.

5 The first application for Approval of Matters Specified as Conditions shall include a scheme of details for site access. The details shall include the design of the new site access on to the public road which should be by way of a service layby to diagram DC-3. Thereafter the development shall be carried out in strict accordance with the agreed details and the site access shall be completed before occupation of the dwellinghouse.

Reason: To facilitate safe access to the site and ensure that the public road network can safely cater for the development.

6 The dwellinghouse is to be no more than one-and-a-half storeys in height and detailed drawings submitted as part of any Approval of Matters Specified as Conditions shall be supported by a design statement, reflecting the circumstances of the site and wider building group, including in relation to the adjacent listed buildings.

Reason: To ensure a satisfactory form of development in keeping with the adjacent built form, and in particular the listed buildings.

7 No development shall commence until precise details of the means of water supply and of both surface water and foul water drainage have been submitted to and approved in writing by the Planning Authority. Thereafter, no development shall take place except in strict accordance with the approved details.

Reason: To ensure that the site is adequately serviced.

8 Before any part of the development hereby approved is commenced, the trees adjacent to the site shall be protected by a protective barrier to a standard and format compliant with BS 5837 2012, placed at a minimum radius of one metre beyond the crown spread of each tree adjacent to the site, and the fencing shall be removed only when the development has been completed. During the period of construction of the development:

(a) No excavations, site works, trenches or channels shall be cut, or pipes or services laid in such a way as to cause damage or injury to the trees by interference with their root structure;

(b) No fires shall be lit within the spread of the branches of the trees;

(c) No materials or equipment shall be stored within the spread of the branches of the trees;

(d) Any accidental damage to the trees shall be cleared back to undamaged wood and be treated with a preservative if appropriate; and

(e) Ground levels within the spread of the branches of the trees shall not be raised or lowered in relation to the existing ground level, or trenches excavated except in accordance with details shown on the approved plans.

Reason: In the interests of preserving the health and vitality of existing trees adjacent to the development site, the loss of which would have an adverse effect on privacy of the neighbouring property.

#### Informative

1 The applicant should satisfy themselves prior to any removal of the existing metal shed that they are compliant with European legislation regarding the protection of bats and birds and that any demolition is in accordance with these requirements.

2 It is recommended that the internal partition wall where asbestos is identified as potentially present is appropriately surveyed, and if found to be asbestos containing, removed and handled following current good practice and by suitability qualified individuals to prevent the potential release of asbestos. It is recommended HSE are consulted in regard to the specific requirements for such surveying, removal, and handling. It is recommended that SEPA are consulted in regard to the storage etc. of suspected asbestos containing materials after removal. Should the applicant wish to discuss this further their enquiry should be directed to Environmental Health.

**NOTE**

Mr Virtue, Architect on behalf of Mr Struthers spoke in favour of the application.

<b><u>Reference</u></b>	<b><u>Nature of Development</u></b>	<b><u>Location</u></b>
17/00628/FUL	Formation of off-street parking area	61 Branxholme Road Hawick

Decision: Approved subject to the following conditions:

1. The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans and specifications approved by the Planning Authority.  
Reason: To ensure that the development is carried out in accordance with the approved details.
  
2. Samples of the render for the retaining walls, the coping stone and of the block pavements to be submitted to and approved in writing by the Planning Authority before the development commences. The wall and surface of the parking bay then to be completed in accordance with the approved sample.  
Reason: To safeguard the visual amenities of the area.
  
3. The parking area must be completed as shown on Drawing Number L(2)101 Revision D prior to it becoming operational.  
Reason: To ensure that a car can park within the parking bay and not overhang or obstruct the public footpath, in the interests of road safety.

**Informatives**

All works associated with the footway crossing must be carried out by a contractor first approved by the Council.

<b><u>Reference</u></b>	<b><u>Nature of Development</u></b>	<b><u>Location</u></b>
17/00681/MOD75	Modification of planning application pursuant to planning permission 08/01414/FUL and 16/00514/MOD75	Hope Cottage Wester Deans Lamancha

Decision: Approved the discharge of the section 75 agreement.



# SCOTTISH BORDERS COUNCIL EXECUTIVE COMMITTEE

MINUTE of Meeting of the EXECUTIVE  
COMMITTEE held in the Council Chamber,  
Council Headquarters, Newtown St Boswells,  
TD6 0SA on Tuesday, 15 August, 2017 at  
10.00 am

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Present:- Councillors S. Haslam (Chairman), S. Aitchison (Vice-Chairman), G. Edgar,  
C. Hamilton, W. McAteer, T. Miers, S. Mountford, G. Turnbull and  
T. Weatherston

Apologies:- Councillors E. Jardine and M. Rowley

Also Present:- Councillors S. Bell, J. Fullarton, D. Paterson and H. Scott.

In Attendance:- Chief Executive, Executive Director (R. Dickson), Service Director Assets &  
Infrastructure, Chief Financial Officer, Clerk to the Council, Democratic  
Services Officer (F. Walling).

## 1. **MINUTE**

The Minute of meeting of the Executive Committee of 20 June 2017 had been circulated.

### **DECISION**

**APPROVED for signature by the Chairman.**

## 2. **ROAD SAFETY - ANNUAL POSITION STATEMENT**

2.1 There had been circulated copies of a report by the Chief Officer Roads giving an update on reported road casualties in 2016 and on progress towards meeting the Scottish Government casualty reduction targets. The report explained that in June 2009 the Scottish Government set revised targets for accident reduction across a number of key headings. The base taken for this was the 2004 – 08 annual average and the target reduction was by the year 2020 with interim targets set for 2015. The five areas identified as national reduction targets were:- the number of people killed in road accidents; the number of people seriously injured in road accidents; the number of children under 16 killed in road accidents; the number of children seriously injured in road accidents; and the slight injury accident rate. The national position was generally positive based on the official 2015 figures, with reductions continuing to be shown across all the accident reduction areas identified and all but the second category outlined currently exceeding the interim 2015 reduction targets. Provisional 2016 figures, however, indicated some worrying increases in key categories. At a local Scottish Borders level, 2016 was a disappointing year with a rise on previous years in the overall number of fatal and serious injuries as well as in the number of serious injuries to children. Consolidation of the figures for the last few years however suggests that the long-term trend of road-accident casualty reduction in the Scottish Borders area continues.

2.2 The Network Manager, Mr Brian Young, gave further information about progress against individual targets and answered Members' questions. With regard to causations and contributory factors he advised that the amount of information received from Police Scotland depended on the reporting level at each particular accident. It should be noted also that only injury accidents were recorded and notified by the police. The Chief Executive advised Members that she met with the Police regularly to discuss the deployment of police resources across the Scottish Borders, including planned interventions. It would be possible to get some statistics at a local level and she offered to bring a report back to the Executive Committee in the autumn on police activity, education, campaigns and crack downs. With regard to road engineering factors, in the

majority of cases accidents were not shown to be linked to road surface or conditions but the Council's Accident Investigation and Prevention (AIP) team's 'Moving Cursor' programme identified crash cluster sites and investigated any common trends and patterns. Where appropriate, proposals for remedial measures would be prepared for the team's consideration. It was recognised that the general downward trend in the number of accidents locally and nationally could be due to a host of factors. However Scottish Borders Council would continue to take forward educational and other initiatives with a view to changing road user behaviour and attitudes. With regard to ongoing work in schools, a representative from Children and Young People's Services sat on the multi-partnership Scottish Borders Road Safety Working Group, the overarching body looking at road safety and vehicle accident prevention in the area.

**DECISION  
AGREED:-**

- (a) to note the position with respect to injury accidents in 2016 and the progress that was being made in relation to meeting the Scottish Government targets for road casualty reduction;**
- (b) to endorse the proposals for accident prevention going forward as follows:-**
  - (i) to continue to concentrate Accident Investigation and Prevention resources on locations identified through the moving cursor programme;**
  - (ii) to submit, as justified, proposals for more substantial schemes for inclusion in future Capital Programmes;**
  - (iii) that broader elements such as education, encouragement and communications, would continue to be addressed through the Scottish Borders Road Safety Working Group; in particular maintaining close liaison with Police Scotland in terms of appropriate enforcement as necessary; and**
- (c) to note that the Chief Executive would bring a report to the Executive Committee in the autumn on police activity in the Scottish Borders.**

**3. UNION CHAIN BRIDGE - REQUEST TO INCREASE FINANCIAL CONTRIBUTION**

3.1 With reference to paragraph 6 of the Minute of 7 March 2017, there had been circulated copies of a report by the Service Director Assets and Infrastructure seeking approval to increase the funding for the Union Chain Bridge Project to £1M to support the application to Heritage Lottery Fund and match the commitment from Northumberland County Council. The Project Management Team Leader, Mr Ewan Doyle, explained that, since the update to the Executive Committee in March 2017, that stated the Heritage Lottery Fund application date of June 2017, there had been several developments on the project that had affected its progress and budget estimate, ultimately causing a delay in the application to Heritage Lottery from Northumberland County Council, as lead agents, until December 2017. There had been proactive consultation with Historic England over the past twelve months, which was required to support the Heritage Lottery Fund application. Unfortunately Historic England required a higher level of restoration to the original features than originally envisaged and there was also increased scope to the engineering works required. This had contributed to an estimated increase from the aspiration of circa £5M project to £7.8M, and ultimately creating a £900k funding gap. Northumberland County Council had approved a report to their Cabinet Committee to re-affirm their commitment to the project and increase their financial contribution over the next 3 years from £550k to £755k with an overall project contribution estimated at £1M. A matched contribution of £1M was also consequently expected from Scottish Borders Council. A table within the report outlined Northumberland County Council's revised proposed

funding structure for the project. Representatives from the Heritage Lottery Fund indicated that there was still strong support for the project but that if the bid was submitted with the request for increase in funding the project would be considered at a national, rather than local, level and have to compete with other national projects.

- 3.2 In discussing the report Members were in support of the project to restore the bridge, recognising its historical significance and importance as a crossing point and link between two communities and tourist locations. It was recognised that if the Heritage Lottery Fund application was unsuccessful the authorities would be left with a declining asset which may require an increased contribution from both authorities for its repair or replacement, or a reduction in the bridge's capacity to carry vehicular traffic. Concern was expressed at the request for additional funding for the project and the proposal to allocate this from the Roads and Bridges capital block in future years, for which there would be many other competing demands. The delay in the application to Heritage Lottery Fund had allowed a much more technical investigation on the condition of the bridge, with only 25% of the estimated increase in cost due to heritage aspects. The Chief Financial Officer noted the risks relating to large funding packages which were reliant on multiple funding partners and explained that the £450k was being vired within the 2019/20 and 2020/21 Roads and Bridges capital block, meaning the current spend on Roads and Bridges was unaffected. There would be the opportunity for Members to revisit the quantum of the Roads and Bridges allocation when future years' budgets were being developed, subject to the overall resources available to the Council. Members supported the recommendations but indicated that they would be unlikely to support any further increase in contribution from Scottish Borders Council should this be requested in the future.

#### **DECISION**

##### **AGREED:-**

- (a) **to increase the financial commitment to the Union Chain Bridge Project by £450k, in line with the current agreement with Northumberland County Council; and**
- (b) **to approve the virements of £190k in 2019/20 and £260k in 2020/21 from Roads and Bridges capital block to the Union Chain Bridge.**

#### **4. PRIVATE BUSINESS**

##### **DECISION**

**AGREED under Section 50A(4) of the Local Government (Scotland) Act 1973 to exclude the public from the meeting during consideration of the business detailed in the Appendix to this minute on the grounds that it involved the likely disclosure of exempt information as defined in the relevant paragraphs of part 1 of schedule 7A to the Act.**

#### **SUMMARY OF PRIVATE BUSINESS**

##### **5. MINUTE**

The private section of the Minute of 20 June 2017 was approved.

##### **6. MINUTE OF SOCIAL WORK COMPLAINTS REVIEW COMMITTEE**

The Minute of the meeting held on 10 April 2017 was approved.

*The meeting concluded at 10.55 am*

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# SCOTTISH BORDERS COUNCIL HAWICK COMMON GOOD FUND SUB-COMMITTEE

MINUTES of Meeting of the HAWICK  
COMMON GOOD FUND SUB-COMMITTEE  
held in Lesser Hall, Town Hall, Hawick on  
Tuesday, 15 August 2017 at 4.00 pm

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Present:- Councillors: G Turnbull (Chairman), W McAteer, S Marshall, D Paterson, C Ramage, N Richards, Mrs A Knight (Burnfoot CC), Mr J Little (Hawick CC).

In Attendance:- Managing Solicitor (R Kirk), Senior Finance Officer (J Yallop), Estates Surveyors (N Curtis and A Graham), Democratic Services Officer (J Turnbull)

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## 1. **MINUTE**

There had been circulated copies of the Minute of the meeting held on 20 June 2017

### **DECISION**

**AGREED to approve the Minute of the Meeting held on 20 June 2017.**

## 2. **FINANCIAL ASSISTANCE**

2.1 There had been circulated copies of an application from Hawick Reivers Association requesting financial assistance of £3,000 towards the overall costs of Hawick Reivers Festival. The application highlighted that there was a significant amount of volunteer time involved in organising the Festival. Moreover, the Festival was highly valued by the local community and encouraged involvement by all ages, with the majority of attractions free to the public. Members noted that Hawick Common Good Fund had provided a total of £20,350 towards the Festival, £9,500 in the last five years and £2,500 last year. This year's Festival's estimated cost was £15k, therefore the application requested 20% funding by the Common Good. However, it was also noted that without support it would be difficult to continue to stage the Festival.

2.2 Following discussion Councillor Marshall, seconded by Councillor McAteer, moved that a grant of £3,000 be awarded to Hawick Reivers Association.

2.3 Councillor Paterson moved as an amendment, that a grant of £2,000 be awarded with the proviso that if the Festival made a loss the Association could request an additional grant of up to £1,000. There was no seconder for the amendment and the motion was accordingly carried.

### **DECISION**

**AGREED to award a grant of £3,000.00 to Hawick Reivers Association towards the overall costs of Hawick Reivers Festival.**

## 3. **BURGH WOODLOT**

With reference to paragraph 4 of the Minute of 20 June 2017, the Estates Surveyor, Mr Curtis, updated Members on progress and advised that a report would be presented to the November meeting of the Common Good.

### **DECISION**

**AGREED that a report on the Burgh Woodlot would be presented to the next meeting on of the Sub-Committee.**

4. **MONITORING REPORT FOR NINE MONTHS TO 30 JUNE 2017**

With reference to paragraph 8 of the Minute of 20 June 2017, there had been circulated a report by the Chief Financial Officer providing details of the income and expenditure for the Hawick Common Good Fund for three months to 30 June 2017, a full year projected out-turn for 2017/18 and projected balance sheet values as at 31 March 2018. Appendix 1, to the report, provided the projected income and expenditure position and showed a projected surplus of £26,008 for the year. Appendix 2, to the report, provided a projected balance sheet value as at 31 March 2018 and showed a projected decrease in the reserves of £13,584. Appendix 3, to the report, provided a breakdown of the property portfolio showing projected rental income for 2017/18 and actual property expenditure to 30 June 2017. Appendix 4, to the report, showed the value of the Newton Fund to 30 June 2017. The Senior Finance Officer, Mr Yallop, advised that KPMG had carried out an assessment of the Newton Fund and had indicated that there were more attractive options available within the market which could provide improved performance within the previously approved Investment Strategy. As the Newton Fund investment affected all Common Good Funds, a report would be presented to Council seeking approval to undertake a procurement exercise.

**DECISION**

- (a) **AGREED the projected income and expenditure for 2017/18 in Appendix 1, to the report, as the revised budget for 2017/18;**
- (b) **NOTED:**
  - (i) **The projected balance sheet value as at 31 March 2018 in Appendix 2 to the report;**
  - (ii) **The summary of the property portfolio in Appendix 3 to the report; and**
  - (iii) **The current position of investment in the Newton Fund in Appendix 4 to the report.**

5. **JAMES WILSON STATUE**

With reference to paragraph 9.3 of the Minute of 20 June 2017, the Estates Surveyor, Mr Curtis, advised that Members had agreed to situate the James Wilson statue on the triangular section of paving, outside Border Brides, Tower Knowe. The Property Officer, Mr Scott, had discussed the location with Border Brides, who were fully supportive of the proposal. The concrete base would be installed on or before 23 August, the statue being scheduled for delivery on 24 August. It was suggested that Members should welcome the statue on its arrival, with a formal Unveiling Ceremony held on 15 or 16 September, when personnel from the Economist would be in attendance. There were still family connections to James Wilson in Hawick and they would also be invited to attend the unveiling ceremony.

**DECISION**

**AGREED:**

- (a) **That Members welcome the James Wilson statute on its arrival in Hawick; and**
- (b) **That an official Unveiling Ceremony be arranged.**

6. **HORNSHOLE**

With reference to paragraph 9.1 of the Minute of 20 June 2017, the Managing Solicitor, Mr Kirk, advised that the draft Disposition had been sent to the title holder's solicitor on 24 July and was awaiting response. Mr Kirk confirmed that he was not aware that there

would be any restrictions placed on the transfer of the land. Following discussion it was agreed that the transfer of the land be concluded within 14 days. Mr Kirk was requested to advise the title holder's solicitor that if the transfer was not concluded within that period, the transfer would not proceed and the title holder would remain responsible for future maintenance of the land and any legal costs incurred in relation to the Transfer.

#### **DECISION**

**AGREED to request the Transfer of land at Hornshole within 14 days.**

#### **7. COMMON HAUGH CAR PARK**

The Sub-Committee discussed maintenance of the Common Haugh, free car parking and the Council's recently introduced Charging Policy for public conveniences. Members were reminded that under the terms of a Memorandum of Understanding, Scottish Borders Council (SBC) would be responsible for maintenance of the Common Haugh car park, to similar standards applied across SBC's entire adopted road network. If the Sub-Committee required works carried out to a higher standard, then they would be able to fund the additional or enhanced works from Hawick Common Good Fund. Regarding Common Haugh public conveniences, it was noted that their provision was not a statutory function. The Sub-Committee also debated the Common Good taking back ownership of the public conveniences and asked for officers to advise on feasibility. It was agreed to await the outcome of the six month review on the Charging Policy before discussing the matter further.

#### **DECISION**

**AGREED:**

- (i) To await the outcome of the six month review on the Council's Charging Policy; and**
- (ii) To request officers advise Members of the feasibility of Hawick Common Good taking back ownership the Common Haugh including the public conveniences located at the Common Haugh.**

#### **8. PROPERTY UPDATE**

##### **8.1 St Leonard's Farm**

With reference to paragraph 16, of the Private Minute of 20 June, Mr Curtis, advised that following the site meeting, repair works to the premises were being carried out.

##### **8.2 Williestruther Reservoir**

With reference to paragraph 8 of the Minute of 17 May 2016, it was noted that the annual inspection had not yet been carried out, the former inspection engineer now having retired. A new engineer had been appointed and would carry out the inspection at the same cost.

##### **8.3 Perambulation of Hawick Common – 14 October 2017**

With reference to paragraph 9.4 of the Minute of 15 August, styles were still to be installed and a fencing contractor had been appointed to carry out the works.

##### **8.4 Condition Survey**

With reference to paragraph 3 of the Minute of 16 August 2016, Mr Curtis advised that condition surveys would commence the following week on all common good properties and buildings. Once completed a five year program of works with estimated costs would be prepared for approval.

#### **DECISION**

**NOTED the reports.**

9. **PRIVATE BUSINESS**  
**AGREED** under Section 50A(4) of the Local Government (Scotland) Act 1973 to exclude the public from the meeting during consideration of the business detailed in the Appendix to the Minute on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 6 of Part 1 of Schedule 7A of the Act.

#### **SUMMARY OF PRIVATE BUSINESS**

10. **PRIVATE MINUTE**  
Members approved the Private Minute of 20 June 2017.
11. **HAWICK GOLF CLUB**  
The Sub-Committee requested that Hawick Golf Club attend the next meeting of the Common Good.
12. **SERVITUDE OVER LAND AT COMMERCIAL ROAD, HAWICK**  
The Sub-Committee considered a report by Service Director Assets & Infrastructure and made recommendations.
13. **PROPERTY UPDATE**  
The Sub-Committee noted verbal updates and made appropriate recommendations.

*The meeting concluded at 5.20 pm.*



# SCOTTISH BORDERS COUNCIL TEVIOT AND LIDDESDALE AREA LOCALITY COMMITTEE

MINUTES of Meeting of the TEVIOT AND  
LIDDESDALE AREA LOCALITY  
COMMITTEE held in LESSER HALL, TOWN  
HALL, HAWICK on Tuesday, 15 August 2017  
at 6.30 pm

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Present:- Councillors: S Marshall (Chairman), W McAteer, D Paterson, C Ramage, N Richards, G Turnbull.  
Community Councillors: Mrs B Elborn (Newcastleton), Mr C Griffiths (Hobkirk), Mrs A Knight (Burnfoot), Mr C Knox (Hawick), Mr W Roberts (Denholm), Mr I Robson (Upper Teviotdale & Borthwick Water).

Apologies Mr R Bell (Scottish Fire & Rescue Service), Mr I Turnbull (Hawick CC)

In Attendance:- Neighbourhood Area Manager (Mr F Dunlop), Inspector Carol Wood (Police Scotland), Democratic Services Officer (J Turnbull).

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## 1. ORDER OF BUSINESS

The Chairman varied the order of business as shown on the agenda and the Minute reflects the order in which the items were considered at the meeting

## 2. MINUTE

There had been circulated copies of the Minute of the meeting held on 20 June 2017.

## DECISION

**AGREED to approve the Minute of the Meeting held on 20 June 2017.**

## 3. MATTERS ARISING FROM THE MINUTE

3.1 With reference to paragraph 10.1 of the Minute of 20 June 2017, the Chairman advised that a report to Council in September would detail the application process for the Localities Bid Fund. It was hoped that the first tranche of funding would be dispersed in November.

3.2 With reference to paragraph 6.7(b) it was noted that Crimestoppers had agreed to attend a future meeting, although a suitable date and time needed to be agreed.

3.3 With reference to paragraph 9.6(b)(ii), the Neighbourhood Area Manager was awaiting further details to progress the works at Ettleton Cemetery. He suggested that a site visit would be appropriate and would arrange with Newcastleton Community Council.

## DECISION

**NOTED.**

## 4. SCOTTISH BORDERS HEALTH AND SOCIAL CARE PARTNERSHIP

4.1 The Chairman welcomed Mrs Elaine Torrance, Chief Social Work Officer, to the meeting, who was in attendance to give a presentation on the Scottish Borders Health and Social Care Partnership. Mrs Torrance began the presentation by referring to the consultation on Locality Plans for Health and Social Care Services. There were five Locality Plans, including one for Teviot and Liddesdale. The Locality Plans detailed key priorities with an

action plan for each of the five areas. The consultation on the Plans was ongoing until 14 September and she encouraged participation.

- 4.2 Mrs Torrance then discussed the progress made with the Health and Social Care Partnership since the last briefing to the Forum. Membership of the Integration Joint Board had changed slightly and there were now four NHS representatives and five Scottish Borders Councillors on the Board, including the Council Leader. The priorities identified for the Teviot and Liddesdale area were: to increase the range of care and support options to enable people to remain in their own homes; improve the availability and accessibility of services; increase the availability of locally based rehabilitation services; increase the range of housing options and develop robust preventative services and early intervention for long term conditions. The Annual Performance report 2016/17 had been published in July 2017 and outlined the Partnership's performance against the nine local strategic objectives. The report set out the Partnership's achievements, priorities and the development of a joint workforce. Mrs Torrance advised that there were challenges around home care provision with the need to attract younger people into the social care profession. There was also a need to ensure technology was utilised in order that different models of support could be provided.
- 4.3 Mrs Torrance then drew attention to three principle initiatives. The first of which was the Matching Unit which was operational in Hawick, Peebles, Galashiels and Kelso. This Unit enabled the coordination of social care centrally. On the first day of operation the Unit had enabled a reduction on the waiting list in Tweeddale from 12 to 3. It was now planned to roll out the model and to include hospital discharges. The second initiative was the 'What Matters' Hub. There were three Hubs located in Hawick, Ettrick & Yarrow and Galashiels. The Hubs' aims were to improve access to services, reduce the need for formal care services, improve customer satisfaction and increase staff morale. The Hubs made health and social care more visible in local communities and had proved successful. A full evaluation on the Hubs would be carried out in September with plans to roll out the Hubs Borders wide. There were also plans for a series of roadshows to advertise the Hubs. The final initiative was the Transitional Care Facility, currently provided within Waverley Care Home in Galashiels. This facility provided multi-disciplinary care for people leaving hospital who would have remained in hospital or been discharged too early with a risk of further hospital admission. The facility had been successful with 80% of people able to return to their homes within a six week period. Mrs Torrance concluded by advising that there were still challenges ahead but she hoped the presentation had given information on what was happening locally. The presentation slides and summary of the Action Plan were circulated at the meeting and any questions could be referred to [integration@scotborders.gov.uk](mailto:integration@scotborders.gov.uk)
- 4.4 As part of the discussion and questions following the presentation, reference was made to the significant challenges of caring for people with dementia. Mrs Torrance advised that the Partnership were looking at developing more specialist support through a team of care staff who could provide guidance and support and keep the person at home as long as possible. The Partnership were also considering extra care housing for people with dementia. This would enable people to stay in their own homes and have access to 24 hour support. With reference to Crumhaugh House, Mrs Torrance advised that NHS Borders had asked the Council to inspect the premises to ascertain if there was scope for its utilisation. The Chairman thanked Mrs Torrance for her informative presentation.

## **DECISION**

**NOTED the presentation.**

## **5. URGENT ITEM**

Under Section 50B(4)(b) of the Local Government (Scotland) Act 1973, the Chairman was of the opinion that the item dealt with in the following paragraph should be considered at the meeting as a matter of urgency, in view of the need to keep Members informed.

6. **FLY TIPPING AT BURNFOOT AND MANSFIELD ROAD HAWICK**

The Chairman welcomed Mr Douglas Scott, Senior Policy Advisor, who was in attendance to discuss the recent incidence of fly tipping at Burnfoot and Mansfield Road. Mr Scott advised that officers would visit the affected sites on Thursday to try to identify the offenders and obtain evidence which might assist in legal proceedings. Staff would also be in attendance to clear the area. With reference to the travelling community which had recently vacated the sites, he advised that the Council engaged with the travelling community locating on unauthorised sites and encouraged them to move on in the context of tolerance and the Council's responsibilities in relation to Equalities legislation. This approach was considered to be a best practice approach, nationally. He explained that there was one designated authorised site for travellers in the Scottish Borders at Innerleithen. However, the travellers might not wish to locate to a designated site. Mr Scott advised that the Council had not received any complaints until recently but when they had, acted robustly to resolve the matter. Inspector Carol Wood, Police Scotland, added that the police engaged with the travelling community and had processes to adhere to when managing sites. The level of proof was referred to and Inspector Wood advised that Police Scotland had received appropriate guidance. The Chairman thanked Mr Scott for his attendance and briefing the Committee.

**DECISION**

**NOTED the report.**

7. **POLICE SCOTLAND**

- 7.1 There had been circulated a report from Inspector Carol Wood, Police Scotland, updating the Teviot and Liddesdale Area Locality Committee on performance activities and issues in the area during June and July. The Ward Plan priorities for Teviot and Liddesdale were highlighted as Drug Dealing and Misuse, Road Safety, Violent Crime and Antisocial Behaviour. In summary, with regard to the Drug Dealing and Misuse priority, Inspector Wood advised that during the period there had been 10 drug related arrests, the majority relating to the possession of Class B drugs (cannabis and amphetamines). There had also been an arrest for the possession of amphetamines, cocaine and ecstasy.
- 7.2 In terms of the Road Safety priority, Community Officers continued to give attention to areas when they received complaints of speeding or inconsiderate driving. In certain circumstances, motor vehicles could be seized by police where there was evidence that the vehicle was being driven carelessly or off road. Vehicles continued to receive parking tickets and drivers were warned for parking longer than they should. Inspector Wood advised that following an incident in Havelock Bank a male had been charged with careless driving, no insurance and road traffic offences. Similarly in Hassendean a male had been charged with no insurance and other road traffic offences. Also in July, following the report of an abandoned vehicle in Newcastleton, a male had been charged with a drink driving offence. Following accidents on Branxholme Road a male had also been charged with numerous road traffic offences.
- 7.3 In respect of the Violent Crime priority, the police continued to work in close partnership with licensed premises to tackle issues of drunkenness and disorderly behaviour to reduce incidents. Police patrols were focused on areas where violent crime had been reported. During the period under consideration, there had been one reported serious assault and one reported assault to severe injury; both investigations were ongoing. Also during the period, following a report of an assault in a take-away outlet in the Howegate, a 44 year old male had been reported to the Procurator Fiscal. In addition, there was an assault by a 27 year old male when being presented to Hawick Custody Centre. This assault had also been reported.
- 7.4 With regard to the Antisocial Behaviour priority, two 13 year old male youths had been reported for throwing stones at vehicles in Fraser Avenue. A report for Culpable and Reckless Behaviour had been submitted to the Youth Justice system. There had also

been a number of teenage male youths arrested on Common Riding Friday and Saturday whilst heavily under the influence of alcohol.

- 7.5 Inspector Wood went on to advise that there had been a number of thefts to business premises in the area. These were being investigated by the Criminal Investigation Department. Over the period there had also been several shoplifting thefts reported by retailers and the reported use of forged currency. A male had since been arrested for tendering forged twenty-pound notes in the town.
- 7.6 The Chairman thanked Inspector Wood for the comprehensive report. The Committee commended the police for the number of drug related arrests and their response to commercial thefts which had been supportive. In answer to a question by a member of the public, Inspector Wood advised that there was not the resource to continually monitor CCTV, if a crime was reported then CCTV footage was analysed. Members discussed the location of an additional CCTV on the Common Haugh and there was a discussion on using pay and display car parking funds to pay for the equipment.

#### **DECISION**

**NOTED the report.**

#### **8. NEIGHBOURHOOD SMALL SCHEMES AND QUALITY OF LIFE**

With reference to paragraph 5 of the Minute of 20 June 2017, there had been circulated a report by Service Director Neighbourhood Services seeking approval for the following new Neighbourhood Small Schemes from the Locality Committee: mark parking area at Silverbuthall Road, Hawick; mark four parking areas at Chay Blyth Place, Hawick; mark parking area at Fraser Avenue, Hawick. The following Quality of Life Schemes had also been requested for approval: supply and install noticeboards at Bonchester Bridge; paint handrail between McLagan Drive and Burnfoot Road, Hawick; provide financial contribution to Hawick Welcome Initiative.

#### **DECISION**

**(a) AGREED the following new Neighbourhood Small Schemes for implementation:-**

<b>(i)</b>	<b>Mark parking area at Silverbuthall Road, Hawick</b>	<b>£325</b>
<b>(ii)</b>	<b>Mark four parking areas at Chay Blyth Place, Hawick</b>	<b>£552</b>
<b>(iii)</b>	<b>Mark parking area at Fraser Avenue, Hawick</b>	<b>£368</b>

**(b) AGREED the following new Quality of Life Schemes for implementation:**

<b>(i)</b>	<b>Supply and install notice boards in Bonchester Bridge</b>	<b>£1,052</b>
<b>(ii)</b>	<b>Paint handrail between McLagan Drive and Burnfoot Road</b>	<b>£313</b>
<b>(iii)</b>	<b>Contribution to Hawick Welcome Initiative</b>	<b>£1,500</b>

**(c) NOTED:-**

- (i) the updates on previously approved Neighbourhood Small Schemes in 2017/18 as detailed in Appendix A to the report; and**
- (ii) the updates on previously approved Quality of Life Schemes in 2017/18 as detailed in Appendix B to the report.**

#### **9. SCOTTISH FIRE & RESCUE SERVICE**

There had been circulated a report from Station Manager Russell Bell, Hawick Fire Station, presenting service delivery activity in the Teviot and Liddesdale Area for the month of July 2017. In summary, the report detailed that during the period of the report there had been one accidental house fire, one woodland/grass fire, one effect entry special service occurrence and 10 various unwanted fire signals. The report also highlighted that the specialist high volume pump had been redeployed to Dundee to allow

training to take place. The report also detailed ongoing activity within the area including: Drivewise - a driving instruction initiative for secondary pupils which allowed pupils to drive cars in a controlled and safe environment under close instruction; and, Road Safety Awareness Training – classroom based consequence lectures demonstrating a road traffic collision scene and detailing the Fire Services' responsibilities, actions and techniques. The report also advised that the Summer season 2017 thematic plan was current during the period and the Fire Service were required to report their success level against a range of indicators to reduce the number of deliberate primary and secondary fires.

#### **DECISION**

**NOTED the report.**

#### **10. OPEN QUESTIONS**

A member of the public asked if the Committee could investigate the feasibility of installing a roundabout at Commercial Road at the Albert Road junction. Members agreed to arrange a site visit and Councillor Ramage, as representative on the A7 Action Group, would raise at their next meeting.

#### **DECISION**

**AGREED to investigate the feasibility of a roundabout at Commercial Road at the Albert Road junction.**

#### **11. COMMUNITY COUNCIL SPOTLIGHT**

- 11.1 Mr Roberts, Denholm Community Council, advised that the last community council meeting had been on 19 July. During the interim, they had held a by-election for four vacancies. Two valid nominations had been received, therefore no ballot was required. Once the withdrawal period had passed appointment letters would be issued. With regard to the Hawick Flood Prevention Scheme, Mr Roberts stated that Denholm Mill residents had met with Council officers, the meeting had been informative and the residents had been reassured. The Community Council had received the first tranche of funding from the Langhope Rig Community Fund which had been used for the production of a printed community newsletter. Mr Roberts went on to express concern that the Cross Keys Hotel in the village, had received a 200% increase in their commercial rates. It was hoped that the appeal process would result in this rate being reduced. To conclude his report Mr Roberts advised that on 27 August, Denholm would host the Steve Hislop Memorial Run. This year the proceeds from the event would be donated to Motor Neurones Disease Scotland.
- 11.2 Mrs Knight, Burnfoot Community Council, advised that Burnfoot Carnival on 8 July had been a success and had raised £4k. Mrs Knight further advised that the Border Bus windows had been broken and she hoped the police would follow up. Mrs Knight also raised concerns as to the play area at Sleepy Valley. Mr Dunlop explained that the problem to the paving slabs had been caused by tree roots; a small area had now been repaired. However, it would be the autumn/winter season before the works could be completed and barrier fencing removed.
- 11.3 Mrs Elborn, Newcastleton Community Council, advised that they were presently holding elections to the community council, there were 12 vacancies. With reference to paragraph 9.3 of the minute of 20 June, she advised that there had still been no contact with the community council regarding the closure of the mobile dental service. Mrs Elborn further advised that the community council and the development trust had attended the Transport Feasibility meeting and requested that freight transportation should be considered as part of the railway extension. Mrs Elborn reiterated the concerns raised at the last meeting regarding the need to change the planning policy for forestry planting to ensure that planting did not affect flood management and line of site for broadband connectivity. Mrs Elborn then referred to the introduction of a 30p charge to use public conveniences. The community found this unacceptable, people were refusing to pay and

it was affecting tourism. The Newcastleton Business Forum has suggested, as an alternative, that toilet facilities should remain free but that a £1 charge could be levied for the use of the shower facility. Members discussed the issue and noted the concerns, the Chairman advised that public conveniences were not a statutory requirement and that the charging policy would be reviewed after six months. Mrs Elborn concluded her report by advising that Newcastleton Holm Agricultural Show would be on held on 26 August, there would also be an Elliot clan gathering on 23 August and a performance by Scotia on 25 August.

- 11.4 With reference to paragraph 9.2 of the minute of 20 June, Mr Griffiths advised that five community councils had joined forces to set up the Birneyknowe Action Group to raise money to ensure representation through the appeal process. As well as raising funds, they had received advise from a landscape officer who had identified an Iron Age site within the area of the proposed development. The Ministry of Defence had objected to the Pineburn windfarm development on the basis that the turbines would endanger pilots; they were now considering their response to the Birneyknowe development. With regard to burial plots at Hobkirk Churchyard, the Council had investigated and payment for burial plots would be introduced. Discussion was still ongoing as to the use of the former Hobkirk Primary school building. Finally, the Scarecrow Festival and village party would be held on 26 August.
- 11.5 Mr Robson, Upper Teviot and Borthwick Water Community Council, advised that their last meeting had been in July. The Community Council had still two vacancies but there was little interest. At the last meeting the community council had been advised that rural crime in the area had virtually ceased. However, robberies on farms had started again. The Community Council had also submitted a request for funding for road repairs from the Timber Transport Fund. They had met with the Council's Roads Manager who had outlined the road repairs for the area. Unfortunately, there were sections of road which required repairs which had not been included which would be a disappointment to the community. To conclude his report Mr Robson advised than their Annual Show would be held on 2 September.
- 11.6 Mr Knox, Hawick Community Council, advised that the Community Council had welcomed a new member who was looking forward to his role. He further advised that arrangements for the Christmas Parade on 2 December had commenced. Mr Knox highlighted that the community council had earmarked £5k from the new community benefit program. Application forms were available in the library and contact centre. Closing date for applications was 30 September and grants of up to £500 were available.

**DECISION**

**NOTED the reports.**

12. **DATE OF NEXT TEVIOT AND LIDDESDALE AREA LOCALITY COMMITTEE**  
The next meeting of the Teviot and Liddesdale Area Locality Committee would be held on Tuesday, 19 September 2017 at 6.30 pm in the Lesser Hall, Town Hall, Hawick.

**DECISION**

**NOTED.**

***The meeting concluded at 8.10 pm.***

**SCOTTISH BORDERS COUNCIL**  
**CIVIC GOVERNMENT LICENSING COMMITTEE**

MINUTE of Meeting of the CIVIC  
GOVERNMENT LICENSING COMMITTEE  
held in COMMITTEE ROOMS 2 AND 3,  
COUNCIL HEADQUARTERS, NEWTOWN  
ST BOSWELLS on Friday, 18 August 2017  
at 10.30 a.m.

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Present:- Councillors J. Greenwell (Chairman), J. Brown, D. Paterson, N. Richards, S. Scott, E. Thornton-Nicol, G. Turnbull, T. Weatherston.  
Apologies:- Councillors R. Tatler.  
In Attendance:- Managing Solicitor – Property and Licensing, Licensing Team Leader, Licensing Standards and Enforcement Officer (Mr M. Wynne), Democratic Services Officer (F Henderson), Inspector T Hodges, and PC Clayton Lackenby- Police Scotland.

1.0 **MINUTE**

1.1 The Minute of the Meeting of 21 July 2017.

**DECISION**

**APPROVED and signed by the Chairman.**

2.0 **LICENCES ISSUED UNDER DELEGATED POWERS**

2.1 Miscellaneous Licences issued under delegated powers between 12 July 2017 and 4 August 2017.

**DECISION**

**NOTED the lists.**

3.0 **PRIVATE BUSINESS**

**DECISION**

**AGREED under Section 50A(4) of the Local Government (Scotland) Act 1973 to exclude the public from the meeting during consideration of the business detailed in the Appendix to this Minute on the grounds that they involved the likely disclosure of exempt information as defined in paragraph 12 of part 1 of Schedule 7A to the Act.**

**SUMMARY OF PRIVATE BUSINESS**

4.0 **GRANT OF TAXI DRIVER LICENCE – MARK HOGG**

4.1 The Committee considered an application for the Grant of a Taxi Driver Licence submitted by Mark Hogg and agreed to grant.

5.0 **MINUTE**

5.1 The Private section of the Minute of 21 July 2017 was approved.

*The meeting concluded at 10.40 a.m.*

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# Public Document Pack

## SCOTTISH BORDERS COUNCIL LOCAL REVIEW BODY

MINUTE of Meeting of the LOCAL REVIEW  
BODY held in the Council Chamber, Council  
Headquarters, Newtown St Boswells, TD6  
0SA on Monday, 21 August 2017 at  
10.00 am

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- Present:- Councillors T. Miers (Chairman), S. Aitchison, A. Anderson, S. Hamilton,  
H. Laing, C. Ramage and E. Small
- Apologies:- Councillors J. A. Fullarton and S. Mountford
- In Attendance:- Chief Planning Officer, Lead Planning Officer, Chief Legal Officer, Solicitor  
(E. Moir), Democratic Services Team Leader, Democratic Services Officer  
(F. Walling).

### **MEMBER**

Councillor Ramage had not been present at the site visit and previous meeting in respect of the undernoted application and was therefore unable to participate in the further consideration. Councillor Ramage withdrew from the Chamber for this part of the meeting.

### **1. CONTINUATION: REVIEW OF 16/01174/PPP**

With reference to paragraph 5 of the Minute of 19 June 2017 and paragraph 2 of the meeting of 17 July 2017, Members continued consideration of the request from GS Chapman Vehicle Body Repairs, per Ericht Planning & Property Consultants, Gifford House, Bonnington Road, Peebles, to review the decision to refuse the planning application in respect of the erection of a vehicle body repair workshop and associated parking on land north west of Dunrig, Spylaw Farm, Lamancha, West Linton. In response to the request by the Local Review Body for additional information, there had been circulated a statement and associated documents, provided by the applicant, and a response from the appointed planning officer. The papers which accompanied the request for review had also been re-circulated. Members agreed that the site visit and additional information provided had been helpful in their consideration of the application. They recognised the strong economic case for supporting the business and that efforts had been made by the applicant to identify alternative sites. There followed a lengthy debate which focused on the suitability of the proposed site for this development.

### VOTE

*Councillor Aitchison, seconded by Councillor Miers, moved that the decision to refuse the application be upheld.*

*Councillor Hamilton, seconded by Councillor Anderson, moved as an amendment that the decision to refuse the application be reversed and the application approved.*

*On a show of hands Members voted as follows:-*

*Motion - 1 vote  
Amendment - 4 votes*

*The amendment was accordingly carried.*

**DECISION**

**DECIDED that:-**

- (a) the review could be determined without further procedure on the basis of the papers submitted, the unaccompanied site visit and additional information provided by the applicants;
- (b) the development was consistent with the development plan and there were no other material considerations that would justify departure from the Development Plan; and
- (c) the decision of the appointed planning officer to refuse the application be reversed and the application for planning permission be granted, subject to conditions, for the reasons given in Appendix I to this Minute.

**2. REVIEW OF REFUSAL OF 17/00118/FUL**

There had been circulated copies of the request from Roxburghe Estates, per Ferguson Planning, 54 Island Street, Galashiels, to review the decision to refuse the planning application in respect of change of use of redundant steading and alterations to form dwellinghouse with associated parking and infrastructure works North West of Pots Close Cottage, Kelso. Included in the supporting papers were the Notice of Review (including the Decision Notice and Officer's Report); consultations; and a list of relevant policies. Members considered the appearance and proportion of new-build in the proposed development. They debated at length whether the proposal was an acceptable conversion of an existing building or was in effect a new-build dwellinghouse.

**DECISION**

**AGREED that:-**

- (a) the request for a review had been competently made in terms of Section 43A of the Town and Country Planning (Scotland) Act 1997;
- (b) the review could be considered without the need for any further procedure on the basis of the papers submitted;
- (c) the proposal would be contrary to the Development Plan and that there were no other material considerations that would justify departure from the Development Plan; and
- (d) the officer's decision to refuse the application be upheld for the reasons detailed in Appendix II to this Minute.

**3. REVIEW OF REFUSAL OF 17/00005/PPP**

There had been circulated copies of the request from Ms Gillian Mackay, Woodlands, The Woll, Ashkirk, to review the decision to refuse the planning application in respect of the erection of a dwellinghouse on land South of Balmerino, Ashkirk. Presented in the supporting papers were the Notice of Review; Decision Notice; Officer's Report; consultations; objections; additional representation; and a list of relevant policies. Members noted that the application site lay outside the development boundary for the village of Ashkirk. Their discussion therefore focused on whether there were any exceptional grounds for allowing the development.

**DECISION**

**AGREED that:-**

- (a) the request for a review had been competently made in terms of Section 43A of the Town and Country Planning (Scotland) Act 1997;

- (b) **the review could be considered without the need for any further procedure on the basis of the papers submitted;**
- (c) **the proposal would be contrary to the Development Plan and that there were no other material considerations that would justify departure from the Development Plan; and**
- (d) **the officer's decision to refuse the application be upheld for the reasons detailed in Appendix III to this Minute.**

**4. REVIEW OF REFUSAL OF 17/00530/FUL**

There had been circulated copies of the request from Mr and Mrs D. Gold, per Kanak Bose Ltd, Ogcastle, Roman Road, Carnwarth, to review the decision to refuse the planning application in respect of erection of a dwellinghouse with attached garage and workshop on land North West of Alderbank, Macbiehill, West Linton. Included in the supporting papers were the Notice of Review (including the Decision Notice and Officer's Report); papers referred to in the report; consultations; and a list of relevant policies. Having agreed that there was a building group at Macbiehill, Members' initial discussion focused on whether the site for the proposed development was a suitable addition to the group. Their attention then moved to consider the relationship of the proposed dwellinghouse with the adjoining property "Alderbank".

**DECISION**

**AGREED that:-**

- (a) **the request for a review had been competently made in terms of Section 43A of the Town and Country Planning (Scotland) Act 1997;**
- (b) **the review could be considered without the need for any further procedure on the basis of the papers submitted;**
- (c) **the proposal would be contrary to the Development Plan and that there were no other material considerations that would justify departure from the Development Plan; and**
- (d) **the officer's decision to refuse the application be varied and the application refused for the reasons detailed in Appendix IV to this Minute.**

**5. REVIEW OF REFUSAL OF 17/00257/FUL**

There had been circulated copies of the request from Mr David and Mrs Jane Gordon, per David Jane Architects, 5 High Street, Innerleithen, to review the decision to refuse the planning application in respect of erection of replacement windows and installation of chimney flue at 5 High Street, Innerleithen. Included in the supporting papers were the Notice of Review; Decision Notice; Officer's Report; papers referred to in the report; consultations; and a list of relevant policies. The Chief Planning Officer advised that planning consent had been given for the replacement windows in an earlier application. The appeal therefore related just to the installation of the chimney flue. After initial discussion of the application Members referred to the complexity of the technical information provided and decided that they would like further explanation about how the ABCAT flue gas filter reduced flue emissions and the reasons for the objections to the flue by the Environmental Health Officer. It was therefore agreed to undertake further procedure in the form of a hearing and that this should also include consideration of: the nuisance issues associated with the flue and implications of the increase in length of the flue as well as the technical issues associated with the ABCAT gas filter.

**DECISION**

**AGREED that:-**

- (a) the request for a review had been competently made in terms of Section 43A of the Town and Country Planning (Scotland) Act 1997;**
- (b) the review could not be considered without further procedure in the form of a hearing session; and**
- (c) that the applicant, Environmental Health Officer and Planning Officer be invited to attend a hearing to provide information on: the technical elements regarding the use of a chimney flue, specifically in relation to the proposed use of an ABCAT flue gas filter; nuisance issues associated with the proposed chimney flue; and the implications of the increase in length of the flue.**

*The meeting concluded at 12.35 pm*



**APPENDIX I**

**SCOTTISH BORDERS COUNCIL  
LOCAL REVIEW BODY DECISION NOTICE**

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**APPEAL UNDER SECTION 43A (8) OF THE TOWN AND COUNTRY PLANNING  
(SCOTLAND) ACT 1997**

**THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND  
LOCAL REVIEW PROCEDURE) (SCOTLAND) REGULATIONS 2013**

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**Local Review Reference:** 17/00015/RREF

**Planning Application Reference:** 16/01174/PPP

**Development Proposal:** Erection of vehicle body repair workshop and associated parking

**Location:** Land North West of Dunrig, Spylaw Farm, Lamancha, West Linton

**Applicant:** GS Chapman Vehicle Body Repairs

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**DECISION**

The Local Review Body (LRB) reverses the decision of the appointed officer and grants planning permission for the reasons set out in this decision notice and subject to the conditions set out below.

**DEVELOPMENT PROPOSAL**

The application for planning permission in principle relates to the erection of a vehicle body repair workshop and associated parking on land north west of Dunrig, Spylaw Farm Lamancha, West Linton. The application drawings consisted of the following drawings:

<b>Plan Type</b>	<b>Plan Reference No.</b>
Location Plan	OS extract
<u>Indicative Plans</u>	
Sketch Plans & Elevations of New Workshop	2016/13/102
Site Plan	2016/13/101A

**PRELIMINARY MATTERS**

The Local Review Body considered the review, which had been competently made, under section 43A (8) of the Town & Country Planning (Scotland) Act 1997 at its initial meeting on 19<sup>th</sup> June 2017.

After examining the review documentation at that meeting, which included: a) Notice of Review (including the Decision Notice); b) officer's report; c) papers referred to in report; d) Consultations and e) List of policies, the LRB concluded that it did not have sufficient information to determine the review and that further procedure in the form of a site visit was necessary. The site visit was held on the 3<sup>rd</sup> July and the case was then reported back to the Review Body at its next meeting on 17<sup>th</sup> July 2017. Following further debate it was determined that additional information was required in the form of written submissions in respect of the following matters:

1. What consideration had been given to siting the proposed development within or near to the currently existing farm building group.
2. Whether a legal agreement tying the new business to the land holding was achievable.

Submissions in respect to these matters were received from the applicant and the appointed officer and these were presented to the Local Review Body at its meeting on 21<sup>st</sup> August 2017. On receipt of this information, the Review Body proceeded to determine the case.

The Review Body noted that there was new information submitted with the review papers in respect of letters from two neighbouring landowners, Mr J Dyke and Mr A Laird and an email from the Community Council, that were not before the appointed officer when the decision was issued. Members decided that this evidence did not meet the tests set out in Section 43B of the Town & Country Planning (Scotland) Act 1997 and they proceeded to determine the case without reference to this information.

## **REASONING**

The determining issues in this Review were:

- (1) whether the proposal would be in keeping with the Development Plan, and
- (2) whether there were any material considerations which would justify departure from the Development Plan.

The Development Plan comprises: SESplan Strategic Development Plan 2013 and the Scottish Borders Local Development Plan 2016. The LRB considered that the most relevant of the listed policies were:

- Local Development Plan policies: HD3, PMD1, PMD2, ED7, EP13, EP16, IS7 & IS9

The Review Body debated the application at some length and acknowledged that this was a particularly challenging case. Members appreciated the additional information provided to them through further procedure and that this had been of great assistance to their deliberations on this case.

In considering the suitability of the site for this business use, Members discussed the terms of Policy ED7 in detail. The policy requires that there be an economic and/or operational need for the particular countryside location, and that it can be proven that the development could not be reasonably accommodated within the Development Boundary of a settlement.

The Review Body noted that the “body repair” business was currently operating from a building leased from the owners of Sunnyside Farm and that this arrangement was due to expire in April 2018. They also noted that the existing facilities were not suitable for the current use and that as Sunnyside Farm had just been sold, the continuation of such a lease arrangement was in doubt.

Members noted that this was an established business serving a client base within the West Linton area. The Review Body was satisfied a strong economic case had been made for supporting the business. They also accepted that operationally a location within the northern part of the Borders was necessary to enable the business to continue operating effectively and potentially expand. The fact that the business currently operated from a rural location in this area was an important factor, which had to be taken into account.

The Review Body acknowledged the efforts made by the applicant to secure alternative sites for the business in Peebles and West Linton and with landowners in the West Linton area but that no such sites were available. They debated, at length, whether the current site was suitable for the proposed use and whether there were alternative locations for the building within the applicant’s landholding. They accepted the problems in re-siting the proposed building closer to the southern part of the site and that the existing buildings next to Dunrig were not capable or available for this use. Ultimately, the LRB was satisfied that this was an appropriate site for the business.

In terms of Policy ED7 they were content that there was both an operational and economic need for the business to be in this location and that it could not be reasonably located within the Development Boundary of a settlement. In coming to their conclusion in these matters, the LRB gave great weight to the views and support of the Economic Development Section for the development.

In terms of the developmental criteria within Policy ED7, the Local Review Body was satisfied that the building could be developed in a way that respected the character and amenity of the area. They did not accept that the building would be unduly visible or strident in the landscape. The indicative plans submitted with the application illustrated a building similar in form to a modest agricultural building in the landscape. Members accepted that conditions regarding material and landscaping, with a substantial planted buffer along the eastern boundary, could be imposed that would allow a suitable development to be achieved. The restriction of external storage, along with a restriction on the proposed use, would also help retain the rural character of the locality. In addition, they were satisfied that there would be no impact on neighbouring properties.

The Review Body was content that additional matters relating to access, parking, turning facilities, water supply and drainage could be covered by suitably worded conditions.

## **CONCLUSION**

After considering all relevant information, the Local Review Body concluded that the development was consistent with the Development Plan and that there were no other material considerations that would justify departure from the Development Plan. Consequently, the application was approved.

## **DIRECTIONS**

1. Application for approval of matters specified in the conditions set out in this decision shall be made to the Planning Authority before whichever is the latest of the following:
  - (a) the expiration of three years from the date of this permission, or
  - (b) the expiration of six months from the date on which an earlier application for approval of matters specified in the conditions set out in this decision notice was refused or dismissed following an appeal.Only one application may be submitted under paragraph (b) of this condition, where such an application is made later than three years after the date of this consent.

Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
2. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the matters specified in the conditions set out in this decision.

Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

## **CONDITIONS**

1. No development shall commence until the details of the layout, siting, design and external appearance of the building(s), the means of access thereto and the landscaping of the site have been submitted to and approved in writing by the Planning Authority.

Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
2. No development shall commence until all matters specified in conditions have, where required, been submitted to and approved in writing by the Planning Authority. Thereafter the development shall only take place except in strict accordance with the details so approved.

Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
3. No development shall be commenced until precise details of the materials to be used in the construction of the external walls and roofs of the building have been submitted to and approved in writing by the Local Planning Authority, and thereafter no development shall take place except in strict accordance with those details.

Reason: The materials require further consideration to ensure a satisfactory form of development, which contributes appropriately to its setting.
4. The means of surface water and foul drainage to be submitted to and approved in writing by the Planning Authority before the development is commenced. The development then to be implemented in accordance with the approved details.

Reason: To ensure that the site is adequately serviced.



5. No development is to commence until a report, by a suitably qualified person, has been submitted to and approved in writing by the Planning Authority, demonstrating the provision of an adequate water supply to the development in terms of quality, quantity and the impacts of this proposed supply on surrounding supplies or properties. The provisions of the approved report shall be implemented prior to the occupation of the building(s)/dwellinghouse(s) hereby approved.

Reason: To ensure that the development is adequately serviced with water without a detrimental effect on the water supplies of surrounding properties.

6. No development shall take place except in strict accordance with a scheme of hard and soft landscaping works, which has first been submitted to and approved in writing by the planning authority. Details of the scheme shall include (as appropriate):

- i. existing and finished ground levels in relation to a fixed datum preferably ordnance
- ii. measures to protect existing trees and hedgerows along the northern and western boundaries of the site during the construction phase and to ensure their retention thereafter and, in the case of damage, restored
- iii. details of a substantial shelter belt to be planted to the eastern boundary of the site
- iv. location and design, including materials, of walls, fences and gates
- v. soft and hard landscaping works
- vi. existing and proposed services such as cables, pipelines, sub-stations
- vii. other artefacts and structures such as street furniture, play equipment
- viii. A programme for the implementation and completion of the scheme of landscape works and subsequent maintenance thereof.

Reason: To ensure the satisfactory form, layout and assimilation of the development into the landscape and to ensure a degree of separation between the new dwelling house and the property known as Highland Brae.

7. Prior to the commencement of the operation of the business, hereby approved, details of the new access to the site and the parking and turning, within the application site shall be submitted to and approved by the Planning Authority. The parking and turning area should be retained for this use thereafter.

Reason: In the interests of road safety to ensure the satisfactory access, off road parking and turning for vehicles is provided at the site.

8. The premises shall be used for a body repair workshop only and for no other purpose (including any other purpose in Class 5 of the Schedule to The Town and Country Planning (Use Classes) (Scotland) Order 1997, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order).

Reason: To ensure that the use remains compatible within the site.

9. No open storage of material or equipment associated with the body repair business shall take place within the curtilage of the site without the prior written permission of the Local Planning Authority.

Reason: To safeguard the visual appearance of the area.

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**Notice Under Section 21 of the Town & Country Planning (Schemes of Delegation and Local Review procedure) (Scotland) Regulations 2008.**

1. If the applicant is aggrieved by the decision of the planning authority to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.
2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part V of the Town and Country Planning (Scotland) Act 1997.

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**Signed...**Councillor T. Miers  
Chairman of the Local Review Body

**Date.....**5 September 2017



**APPENDIX II**

**SCOTTISH BORDERS COUNCIL  
LOCAL REVIEW BODY DECISION NOTICE**

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**APPEAL UNDER SECTION 43A (8) OF THE TOWN AND COUNTRY PLANNING  
(SCOTLAND) ACT 1997**

**THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND  
LOCAL REVIEW PROCEDURE) (SCOTLAND) REGULATIONS 2013**

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**Local Review Reference:** 17/00024/RREF

**Planning Application Reference:** 17/00118/FUL

**Development Proposal:** Change of use of redundant steading and alterations to form dwellinghouse with associated parking and infrastructure works

**Location:** Redundant steading, North West of Pots Close Cottages, Kelso

**Applicant:** Roxburghe Estates

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**DECISION**

The Local Review Body (LRB) upholds the decision of the appointed officer and refuses planning permission for the reasons set out in this decision notice and on the following grounds:

- 1 The proposal is contrary to Policy HD2 of the Local Development Plan 2016 and the advice of Supplementary Planning Guidance - New Housing in the Borders Countryside (December 2008), in that:
  - i. the proposal does not appropriately constitute a conversion in that it is not physically capable of conversion;
  - ii. the building is not worthy of conversion in terms of its architectural or historic merit;
  - iii.) the site lies outwith any recognised settlement or building group and the need for a new dwellinghouse on this site has not been adequately substantiated.
  
- 2 The proposal is contrary to PMD2 of the Local Development Plan 2016 and the advice contained within Supplementary Planning Guidance - New Housing in the Borders Countryside (December 2008) and Supplementary Planning Guidance - Placemaking and Design (January 2010), in that the resulting building would not be in keeping with the design and character of the existing building.

- 3 The proposal is contrary to policies EP2 and EP3 of the Local Development Plan 2016 in that the potential impact on local biodiversity and protected species is unknown as surveys of the surrounding buildings and trees have not been carried out, informed by a Preliminary Roost Assessment.

## **DEVELOPMENT PROPOSAL**

The application relates to the change of use and alterations of a redundant steading building north-west of Pots Close Cottages, Kelso. The application drawings consisted of the following drawings:

<b>Plan Type</b>	<b>Plan Reference No.</b>
Location Plan	1175 PO3 A
Block Plan	1175 PO1 B
Planning Layout	1175 PO2 A

## **PRELIMINARY MATTERS**

The Local Review Body considered the review, which had been competently made, under section 43A (8) of the Town & Country Planning (Scotland) Act 1997 at its meeting on 21<sup>st</sup> August 2017.

After examining the review documentation at that meeting, which included: a) Notice of Review, including the Decision Notice and Officer's Report; b) Consultations; and c) List of policies, the LRB concluded that it had sufficient information to determine the review and proceeded to consider the case.

## **REASONING**

The determining issues in this Review were:

- (1) whether the proposal would be in keeping with the Development Plan, and
- (2) whether there were any material considerations which would justify departure from the Development Plan.

The Development Plan comprises: SESplan Strategic Development Plan 2013 and the Scottish Borders Local Development Plan 2016. The LRB considered that the relevant listed policies were:

- Local Development Plan Policies: PMD1, PMD2, HD2, HD3, EP2, EP3, EP8, EP12, EP13, IS2, IS7, IS9 and IS13

Other Material Considerations

- Scottish Planning Policy
- SBC Supplementary Planning Guidance on New Housing in the Borders Countryside 2008
- SBC Supplementary Planning Guidance on Placemaking & Design 2010
- SBC Supplementary Planning Guidance on Development Contributions 2011
- SBC Supplementary Planning Guidance on Privacy and Sunlight 2006
- SBC Supplementary Planning Guidance on Trees and Development 2008
- SBC Supplementary Planning Guidance on Landscape and Development 2008

The Review Body noted that the application was for a conversion but that only the side walls and front returns were being used as walls for the new building itself and that there would be problems with trees had the northern wall also been proposed as a wall of the actual building. The proposal was to use the existing brick walls of the building and add new internal walls together with new walls to link each outer section together. They understood that the retained walls would be clad on the outside with stonework and a new roof erected, a section of existing wall and returns being kept to the north as a courtyard enclosure.

In considering the evidence of the presentation slides and the indicative drawings for the building they concluded that the proportion of new-build addition was greater than that being kept and that on balance, the proposal did not properly constitute an acceptable conversion but had to be considered as a new-build dwellinghouse. As the site was not part of a building group and the need for a new dwellinghouse had not been adequately substantiated it was not in compliance with Local Development Policy HD2

The Review Body noted that the building offered limited visual appeal and that, whilst an argument could be made around architectural or historic merit, the submitted drawings and information did not convince them that the proposals would retain any merit sufficiently. The Review Body formed the view that the external concealment of the existing brick and the proposed pattern and style of windows and doors were inappropriate interventions.

Members indicated that it may be possible to design a scheme with a more appropriate architectural and historical treatment, including external brick retention. Any changed and improved scheme of external treatment would need to be weighed against the concerns over the proportion of the original building that was evident in any conversion.

The Review Body noted the comments of the Ecology Officer on biodiversity and acknowledged that the applicant would have been prepared to carry out the relevant surveys. They accepted that a Preliminary Roost Assessment would need to be carried out pre-determination and could not be reserved as a condition. They also noted that other matters could have been addressed by condition, including the watching brief required to safeguard archaeological interest at the site.

## **CONCLUSION**

After considering all relevant information, the Local Review Body concluded that the development was contrary to the Development Plan and that there were no other material considerations that would justify departure from the Development Plan. Consequently, the application was refused.

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### **Notice Under Section 21 of the Town & Country Planning (Schemes of Delegation and Local Review procedure) (Scotland) Regulations 2008.**

1. If the applicant is aggrieved by the decision of the planning authority to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may question the validity of that decision by making an application

to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.

2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part V of the Town and Country Planning (Scotland) Act 1997.
- 

**Signed....**Councillor T. Miers  
Chairman of the Local Review Body

**Date.....**29 August 2017



**APPENDIX III**

**SCOTTISH BORDERS COUNCIL  
LOCAL REVIEW BODY DECISION NOTICE**

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**APPEAL UNDER SECTION 43A (8) OF THE TOWN AND COUNTRY PLANNING  
(SCOTLAND) ACT 1997**

**THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND  
LOCAL REVIEW PROCEDURE) (SCOTLAND) REGULATIONS 2013**

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**Local Review Reference:** 17/00023/RREF

**Planning Application Reference:** 17/00005/PPP

**Development Proposal:** Erection of dwellinghouse

**Location:** Land south of Balmerino, Ashkirk

**Applicant:** Ms Gillian MacKay

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**DECISION**

The Local Review Body (LRB) upholds the decision of the appointed officer and refuses planning permission for the reasons set out in this decision notice and on the following grounds:

- 1 The proposed development would be contrary to Policy PMD4 of the Scottish Borders Local Development Plan 2016, in that the proposed development would be located outwith the Ashkirk Development Boundary, and insufficient reason and justification for an exceptional approval has been advanced. Other material considerations do not justify a departure from the Development Plan in this case.

**DEVELOPMENT PROPOSAL**

The application relates to the erection of a dwellinghouse on land south of Balmerino, Ashkirk. The application drawings consisted of the following drawings:

<b>Plan Type</b>	<b>Plan Reference No.</b>
Location Plan	161520/LOC
Site Plan	161520/PL/01

## **PRELIMINARY MATTERS**

The Local Review Body considered the review, which had been competently made, under section 43A (8) of the Town & Country Planning (Scotland) Act 1997 at its meeting on 21<sup>st</sup> August 2017.

After examining the review documentation at that meeting, which included: a) Notice of Review; b) Decision Notice c) Officer's Report; d) Consultations; e) Objections; f) Additional representation and g) List of Policies, the LRB concluded that it had sufficient information to determine the review and proceeded to consider the case.

## **REASONING**

The determining issues in this Review were:

- (1) whether the proposal would be in keeping with the Development Plan, and
- (2) whether there were any material considerations which would justify departure from the Development Plan.

The Development Plan comprises: SESplan Strategic Development Plan 2013 and the Scottish Borders Local Development Plan 2016. The LRB considered that the relevant listed policies were:

- Local Development Plan policies: PMD1, PMD2, PMD4, HD2, HD3, EP3, EP10, EP13, IS2, IS3, IS7 and IS9.

### **Other Material Considerations**

- Scottish Planning Policy
- SBC Supplementary Planning Guidance on New Housing in the Borders Countryside 2008
- SBC Supplementary Planning Guidance on Placemaking & Design 2010
- SBC Supplementary Planning Guidance on Development Contributions 2011
- SBC Supplementary Planning Guidance on Privacy and Sunlight 2006
- SBC Supplementary Planning Guidance on Trees and Development 2008
- SBC Supplementary Planning Guidance on Landscape and Development 2008
- SBC Supplementary Planning Guidance on Waste Management 2015

The Review Body noted that the proposal was submitted for Planning Permission in Principle to erect a dwellinghouse on ground within the ownership of "Woodlands", adjoining houses known as "Balmerino" and "The Floss" in Ashkirk. It was noted that an indicative design and siting of house had been provided in support of the application, showing a one-and-a-half storey house in a relatively central position within the site.

The Review Body determined that the most relevant Local Development Plan Policy was PMD4 which controlled settlement expansion to within the defined Development Boundary. Members noted that the application site lay immediately outwith Ashkirk settlement boundary as defined in the Local Development Plan and that the application was contrary to the key provision of this policy.

The Review Body then considered whether there were exceptional grounds for allowing the development. Members had some sympathy with the applicant's



assertions regarding the development meeting local needs and rounding off of boundaries, but critically were not satisfied that the application met any of the four qualifying criteria under Policy PMD4, which would have allowed an exceptional approval and expansion outwith the settlement boundary. The Review Body concluded that there were already opportunities within Ashkirk for new housing inside the settlement boundary, the proposal was not for an affordable unit, there was no economic justification and no community benefits that would outweigh the need to maintain the settlement boundary in this instance. As none of these qualifying criteria were met, the Review Body considered that the secondary criteria could not be applied nor given any weight in the decision.

In reaching their decision, the Review Body also noted that other issues relating to the proposals appeared unresolved, especially the improvement of the access and the need to connect to drainage to the satisfaction of SEPA.

## **CONCLUSION**

After considering all relevant information, the Local Review Body concluded that the development was contrary to the Development Plan and that there were no other material considerations that would justify departure from the Development Plan. Consequently, the application was refused.

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### **Notice Under Section 21 of the Town & Country Planning (Schemes of Delegation and Local Review procedure) (Scotland) Regulations 2008.**

1. If the applicant is aggrieved by the decision of the planning authority to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.
2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part V of the Town and Country Planning (Scotland) Act 1997.

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**Signed...**Councillor T. Miers  
Chairman of the Local Review Body

**Date.....**29 August 2017

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**APPENDIX IV**

**SCOTTISH BORDERS COUNCIL  
LOCAL REVIEW BODY DECISION NOTICE**

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**APPEAL UNDER SECTION 43A (8) OF THE TOWN AND COUNTRY PLANNING  
(SCOTLAND) ACT 1997**

**THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND  
LOCAL REVIEW PROCEDURE) (SCOTLAND) REGULATIONS 2013**

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**Local Review Reference:** 17/00027/RREF

**Planning Application Reference:** 17/00530/FUL

**Development Proposal:** Erection of dwellinghouse with attached garage and workshop

**Location:** Land North West of Alderbank, Macbiehill, West Linton

**Applicant:** Mr & Mrs D Gold

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**DECISION**

The Local Review Body (LRB) varies the decision of the appointed officer and refuses planning permission for the reasons set out in this decision notice and on the following ground:

1. The proposals do not comply with Local Development Plan Policy HD3 and the Supplementary Planning Guidance on Privacy and Sunlight in that the proximity and change in levels in relation to "Alderbank" would result in significant adverse effects on the residential amenity enjoyed by that property, creating an overbearing impression.

**DEVELOPMENT PROPOSAL**

The full application relates to the erection of dwellinghouse with attached garage and workshop at land north west of Alderbank, Macbiehill, West Linton. The application drawings consisted of the following drawings:

<b>Plan Type</b>	<b>Plan Reference No.</b>
Site Plan	Document 1
Location Plan	Document 2
General	Document 3
General	OGS 173 30

## **PRELIMINARY MATTERS**

The Local Review Body considered the review, which had been competently made, under section 43A (8) of the Town & Country Planning (Scotland) Act 1997 at its meeting on 21<sup>st</sup> August 2017.

After examining the review documentation at that meeting, which included: a) Notice of Review (including the Decision Notice and Officer's Report); b) Papers referred to in Report; c) Consultations; and d) List of policies, the LRB concluded that it had sufficient information to determine the review and proceeded to consider the case. In coming to this decision Members considered the applicants' request for further procedure in the form of a site visit and one or more hearing sessions.

## **REASONING**

The determining issues in this Review were:

- (1) whether the proposal would be in keeping with the Development Plan, and
- (2) whether there were any material considerations which would justify departure from the Development Plan.

The Development Plan comprises: SESplan Strategic Development Plan 2013 and the Scottish Borders Local Development Plan 2016. The LRB considered that the most relevant of the listed policies were:

- Local Development Plan policies: PMD1, PMD2, HD2, HD3, EP13, IS2 & IS7

### Other Material Considerations

- SBC Supplementary Planning Guidance on New Housing in the Borders Countryside 2008
- SBC Supplementary Planning Guidance on Placemaking & Design 2010
- SBC Supplementary Planning Guidance on Development Contributions 2011

The Local Review Body was satisfied there was a building group at Macbiehill, as defined in Local Plan Policy HD2 and in the approved Supplementary Planning Guidance on New Housing in the Borders Countryside.

The Review Body then turned its attention to whether the site was a suitable addition to the group. They considered the site to be well related to the pattern of development at Macbiehill and that it was contained by the existing landscape setting of the building group. Members noted that there was a difference in level between the site and the adjoining property "Alderbank" which had been accentuated through the creation of the development platform for that property. They also noted that there had been some tree planting along the south eastern boundary of the site between it and Alderbank. In their view this did not constitute a substantial boundary or edge to the building group. Consequently, it was concluded that the site in question was within the development envelope of the building group.

In terms of the number of residential units proposed, this was within the limits set by Policy HD2 of 2 or 30% within a Local Plan period.

The Review Body was content with the design and appearance of the new house but felt that its relationship to Alderbank was unacceptable and harmful. In their view the new house would have an overbearing and dominating impact on the existing property due to its proximity and elevation. The proposal was therefore contrary to Policy HD3 and the second ground for the appointed officer's decision was upheld.

## **CONCLUSION**

After considering all relevant information, the Local Review Body concluded that the development was contrary to the Development Plan and that there were no other material considerations that would justify departure from the Development Plan. Consequently, the application was refused.

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### **Notice Under Section 21 of the Town & Country Planning (Schemes of Delegation and Local Review procedure) (Scotland) Regulations 2008.**

1. If the applicant is aggrieved by the decision of the planning authority to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.
2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part V of the Town and Country Planning (Scotland) Act 1997.

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**Signed....**Councillor T. Miers  
Chairman of the Local Review Body

**Date...**30 August 2017

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**SCOTTISH BORDERS COUNCIL**  
**POLICE, FIRE & RESCUE AND SAFER COMMUNITIES BOARD**

MINUTE of MEETING of the POLICE, FIRE & RESCUE  
AND SAFER COMMUNITIES BOARD held in Council  
Headquarters, Newtown St. Boswells on Friday 25  
August 2017 at 9.30 a.m.

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Present: Councillors W. McAteer (Chairman), H. Scott, E. Small, G. Turnbull, Mrs M. Simpson - Voluntary Sector, Ms J. Mulloy - SBHA  
Apologies: Councillors D. Moffat, Mr. D. Davidson - NHS Borders, Mr H. Waltl.  
Absent: Councillor E. Robson.  
In Attendance: Chief Superintendent I. Marshall, Chief Inspector A. McLean, Police Scotland, David Farries, LSO, Scottish Fire & Rescue Service, Group Manager A. Girrity, Scottish Fire & Rescue Service, Group Manager S. Gourlay, Scottish Fire & Rescue Service, Mr D. Scott, Senior Policy Adviser, SBC, Mr G. Jones, SBC Safer Communities and Community Justice Manager, F. Henderson, Democratic Services Officer, SBC.

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**1.0 CHAIRMAN'S REMARKS**

- 1.1 The Chairman welcomed everyone to the meeting and expressed his thanks to the previous Chairman, Councillor Moffat and Committee for their initiatives and excellent collaborative working and hoped that the Committee would continue this good work.

**DECISION  
NOTED.**

**2.0 MINUTE**

- 2.1 There had been circulated copies of the Minute of the meeting held on 10 February 2017.

**DECISION  
APPROVED the Minute.**

**3.0 MATTERS ARISING**

- 3.1 Senior Policy Adviser reported that all matters from the previous meeting had been taken forward and were complete.

**DECISION  
NOTED.**

**4.0 UPDATE ON THE ROLE OF THE COMMITTEE**

- 4.1 Senior Policy Adviser gave an overview of the remit of the committee and he stressed its advisory role for the Council.

**DECISION  
NOTED.**

## 5.0 PROGRESS REPORTS/UPDATES ON SERVICE MATTERS

### 5.1 Police Scotland

Chief Superintendent Marshall thanked the Chairman for his remarks. He then went on to give an overview of the National and Divisional Police Scotland staff structure and how it linked to the local police structure. He mentioned that the police staff resources available locally could be provided to the Committee on a confidential basis as part of a private briefing. The Chief Superintendent indicated that this would be his last meeting as he was moving to the post of President of the Association of Chief Superintendents. He referred to the ongoing work on the National 2026 policing project – a 10 year strategy to achieve a sustainable operating model within the forecasted budget envelope. This strategy would result in a programme of transformation projects. He indicated that Assistant Chief Constable John Hawkins was leading on a transformation project on a 'local approach to local policing' which would recognise that policing in rural areas such as the Scottish Borders was different from the Central Belt of Scotland and that this project would look at resourcing challenges. Work was also ongoing to develop a new performance framework which would focus on outcomes rather than processes. On current police issues he highlighted the importance of counter-terrorism and the importance of the Prevent initiative; the concerns about the drug 'Fentanyl' and how rapid people can get addicted to it and the resultant impact particularly in premature deaths; the significant increased incidence of local anti-social behaviour incidents particularly by young people and the need for a partnership approach to this issue with a focus on early intervention and prevention; the slight increases in housebreaking and theft of motor vehicles which are crimes the police take very seriously and these are now often linked; the success of local drugs raids linked to serious organised crime with Operation Jigsaw seeing certain individuals targeted on a day of action earlier in the week; and the local initiatives being based to improve driver safety of young and old drivers.

- 5.2 In discussion the issue of the local distribution of drugs was highlighted and it was indicated that Police Scotland builds up intelligence of this issue linked to organised crime groups and to assist this process it was important that anyone with any information on drugs matters should report this to the police. Also given the geographical location of the Borders a lot of cross border work was carried out by the police. In relation to the local availability of police resources it was indicated a different resourcing model was being applied by Police Scotland than the previous regional structure which meant that specialist resources were now based nationally and could be applied across Scotland as the need arose such as the search helicopter. On local police resources the transformation project on local policing previously mentioned could make a positive difference. It was indicated that there would be merit in raising concerns about local police staffing nationally as this might strengthen the case for the deployment of more staff resources to local policing. Following discussion on the anti-social behaviour Graham Jones agreed to organise a local conference to discuss this issue. It was also agreed that a member of the Scottish Police Authority should be invited to attend meetings of the Committee.
- 5.3 Chief Inspector A. McLean presented the Police Progress report covering the period January 2017 to July 2017 which had been circulated. The report detailed the figures for the six Priority areas to date and compared them to the figures for the same period in 2016/17.
- 5.4 Priority 1 – Protecting People, the performance was on target as a result of close scrutiny by supervisors and daily tasking and coordinating process. In terms of the increase of the number of Adult at Risk Referrals made to partner agencies, the first quarter of 2017/18 was showing a 20.6% decrease on 2016/17 figures. All officers were now fully conversant with the iVPD system which had made submission of referrals



much easier. A re-assessment of the criteria for referrals meant that referrals were now only submitted when required, so the number had levelled out and was showing a decline.

- 5.5 Priority 2 – Reducing Violence, Disorder and Antisocial Behaviour, showed a 3% decrease in Common Assaults reported in the first quarter of 2017/18 when compared to 2016/17. This equated to 6 fewer victims. There was an ongoing focused approach to address violence disorder and antisocial behaviour throughout J Division monitored on a weekly basis through Gold Performance structure and a robust plan for Friday and Saturday evenings. In terms of antisocial behaviour incidents, there had been a 28.1% increase (347 more incidents) in the first quarter of 2017/18 when compared to the same time period in 2016/17. Whilst the percentage increase appeared high a large number of these calls were a very low anti-social behaviour level. Significant improvements to Police call handling and the 101 system had undoubtedly increased public confidence in contacting the Police. There had been a rise in alcohol related youth ASB at larger scale events such as common ridings and rugby 7s. There had been a decrease in the number of recorded victims of Hate Crime in the first quarter of 2017/18 compared to the same time period in 2016/17. Race related hate crime continued to be the most frequent type of hate crime recorded and there had been 4 reported racial crimes and 3 reported racial incidents, however there were no repeat victims.
- 5.6 Priority 3 - Tackling substance misuse. During the period 1 April – 30 June 2017, Officers in the Scottish Borders had conducted a total of 87 stop and searches of which 47 proved positive (54%). There was an increase of 102% in the number of visits to licensed premises, which equated to 99 more visits. Figures were significantly higher than last year; more licensed premises were being visited as a form of early intervention to try to deter patrons from becoming involved in violent crime and ASB.
- 5.7 Priority 4 - Making our Roads Safer, there had been a 46.4% decrease (13 fewer casualties) in the first quarter of 2017/18 when compared to 2016/17. The number of people killed was 2, which was 5 fewer fatalities than for the first quarter last year. The number of serious injuries had also decreased compared to last year in the same period; however accidents involving motorcyclists make up a significant proportion of the casualties (11).
- 5.8 Priority 5 - Tackling serious and organised crime. Cash seizures were slightly higher than the value seized in the first quarter of 2016/17. There had been a small decrease in the number of detections for drug supply in the first quarter of 2017/18 when compared to the same time period in 2016/17.
- 5.9 Priority 6 -Tackling Acquisitive Crime. There had been an increase of 36.7% in the number of housebreaking to dwellings in the first quarter of 2017/18, with 18 more victims reported. This tied into the 78.6% increase in theft of motor vehicles which equated to 11 more victims of this type of crime. A high volume of housebreaking involved the theft of keys to steal high performance cars. In terms of overall crime i.e., Crime Groups 1-5 there had been a 5.6% decrease in detection rates in 2016/17 compared to the same period last year and it was indicated that this detection rate for the Scottish Borders was still higher than the divisional detection rate. In relation to the number of complaints made against the police in the Scottish Borders for the year to date 2017/18 were much lower than Division as a whole and amounted to 23 in total.
- 5.10 During discussions regarding the statistics provided, Chief Superintendent Marshall reassured Members that Police Scotland in the Scottish Borders were highly performing compared with the rest of Scotland. In regard to the behaviour of drivers, Chief Superintendent Marshall advised that the analysis of data indicated that most of the time accidents could be attributed to driver inattention and/or not driving according to

conditions; accidents were very seldom due to mechanical errors. Therefore it was important to educate and encourage people to drive better and the drivewise initiative for 17-25 yrs and over 65yrs had proved beneficial with 150 -160 participants signing up for the course. The free advanced driver test reduced the cost of insurance and helped make participants more careful drivers.

- 5.11 In referring to the refreshment of the Local Police plan, Chief Superintendent Marshall indicated that the draft local Police plan had been circulated to members of the Committee and he would be grateful for any comments by the consultation closing date which was on Friday 15 September 2017. The final draft Plan would be considered by full Scottish Borders Council for approval. In terms of the draft Local Police Plan for the Scottish Borders, there appeared to be a lack of analysis of crime and anti-social behaviour trends etc. and there was a need for a follow through of this analysis into the justification of the police priorities. There was also a need for information that clearly sets out the links between national and local police priorities. He indicated that he himself wanted to see changes in the Plan and that the written comments made by Douglas Scott would be given due consideration. In relation to linkages between the local Police Plan and Fire and Rescue Plans he advised that discussions would take place with the SFRS.

**DECISION:-**

**NOTED:-**

- (a) **the report;**
- (b) **that Graham Jones, Safer Communities and Community Justice Manager organise a local conference on Anti-Social Behaviour matters;**
- (c) **that a member of the Scottish Police Authority be invited to attend meetings of the Committee; and**
- (d) **The final draft local Police Plan to be submitted to a meeting of the Council following consideration by Police Scotland of the comments made in the consultation process.**

**6.0 PROGRESS REPORTS/UPDATES ON SERVICE MATTERS**

**6.1 Fire and Rescue Service**

LSO David Farries referred to the strength of local partnership working between the SFRS, Police Scotland and the Council which had resulted in a lot good preventative and early intervention work with local communities. He referred to the success of the local work of the SFRS in non-traditional areas such as the call outs for cardiac arrests and the use of home visits to help identify the need for wider help for vulnerable people. He commented on challenges within the SFRS budget and the resulting structural changes being made to the service. He referred to the single common duty system which came into force in April 2017 for the whole of Scotland. He indicated that communities in the Scottish Borders would see no change, and the new duty system would allow staff to work closely together on a more regular basis. Members noted the importance of accepting invitations to attend events organised by the SFRS and Police Scotland

- 6.2 There had been circulated copies of the SFRS Performance Report covering the period 1 April to 30 June 2017. The main issue in the report was about deliberate fires and the problems appeared to be particularly focused on Galashiels and District. In summarising the report, Group Manager A. Girrity advised that with regard to Priority 1: Reduction of Dwelling Fires, the SFRS had attended 18 dwelling fires in comparison to 22 for the same Year to

Date (YTD) reporting period last year, this represented a 22% decrease. Two of these fires had been started deliberately.

- 6.3 Priority 2: Reduction in Fire Fatalities and Casualties, the report noted that there had been 6 fire related casualties in this YTD reporting period; this was an identical figure for the same period last year. Further analysis showed that two casualties went to hospital for precautionary checks suffering from slight smoke inhalation or burns. Four casualties received first aid at the scene and did not require any further treatment. There were no Fire fatalities during the reporting period.
- 6.4 Priority 3: There had been 67 deliberate fires in this YTD reporting period, an increase of 35 in comparison to the same reporting period last year. A breakdown of these figures showed that 91% of deliberate fires during the YTD period involved grass, woodland or refuse. Half of these incidents occurred within the Galashiels & District Ward. Previous experience indicated that there was a direct correlation between the increase of deliberate fire setting, drier weather and longer daylight hours.
- 6.5 Priority 4: Reduction in Road Traffic Collisions (RTCs) indicated that the SFRS attended 20 RTCs, 11 less than the same reporting period last year; a slight decrease in the previous quarter comparison. There had been 13 RTC related casualties in this YTD period including one fatality. During the YTD period, the SFRS used Hydraulic Rescue Equipment on 8 occasions to extricate casualties. Information was also presented relating to special service casualties.
- 6.6 Priority 5 related to the Reduction of Unwanted Fire Alarm Signals and it was noted that there had been 213 Unwanted Fire Alarm Signals during this quarter, representing an increase of 21 incidents compared to the same reporting period last year.
- 6.7 Group Manager S Gourlay highlighted the SFRS's performance on fire safety audits, and home safety visits and spoke about the range of partnership working. In discussion the issue of deliberate fires were raised and it considered that this might be discussed at the proposed conference on Anti-Social Behaviour detailed above. It was agreed to see whether a member of the Scottish Fire and Rescue Board could be invited to attend the Committee as well as a representative of the local Scottish Ambulance Service.

## **DECISION**

- (a) **NOTED the report .**
- (b) **AGREED to invite a member of the Scottish Fire and Rescue Board, and a representative of the local Scottish Ambulance Service to attend future meetings of the Committee.**

## **ADJOURNMENT**

The meeting adjourned at 11.40 a.m. and reconvened at 11.50 a.m.

## **7.0 SAFER COMMUNITIES AND KEY ACTIVITIES**

- 7.1 There had been circulated copies of the Safer Communities Performance Report covering the period 1 April 2017 to 30 June 2017. There had been a major effort in the Scottish Borders over the last 5 years to tackle domestic abuse. The reported incidents of domestic abuse to the Police were still increasing which was to be expected because of the Council project and it was heartening that the number of repeat referrals to the Domestic Abuse Advisory Service was decreasing. Funding for the domestic abuse service had been secured until 2020 and it would be crucial for the future of the service to secure funding in

order for it to survive past 2020. Mr Graham Jones, Safer Communities and Community Justice Manager, highlighted the key points in the report.

- 7.2 Strategic Policy 1 – While the number of domestic abuse incidents reported to the Police had increased the number of repeat referrals to the Domestic Abuse Advocacy Support (DAAS) Service had been on the downward trend suggesting that clients were receiving the support they required on the first occasion they accessed the service. While the overall referral number to DAAS had fallen the number of first time users of the service had been fairly consistent over its lifetime. There had been an increase in referrals to DAAS in part due to the introduction of a direct referral mechanism from the Vulnerable Persons Database (VPD). Existing clients who are subject to a further domestic abuse incident reported to the Police were referred to the service again so that contact can be made immediately with the client and additional support and advice provided. DAAS had maintained their target of responding to referrals by the police within 24 hours on 90% of occasions and within 48 hours 100% of the time for referrals from other agencies. The reason for police referrals being at 90% was a consequence of referrals being received over the weekend. The number of police referrals was twice that of other agencies or individuals referring into the service. Over 50% of those people referred to the service complete a risk assessment and safety plan. The aim was to increase referrals but the trend for the last 3 years had been downward.
- 7.3 Strategic Policy 2: The demand for the Best Bar None scheme by licensees had been high with applications up on last year to a total of 33. Applications closed in September 2017. Licensed premises apply and are assessed against set criteria and if the required standard was achieved an award was made, bronze, silver or gold and premises can re-apply to be assessed again to receive a higher award. Safety Advice in relation to finding a used needle and/or syringe had been re-issued through the media.
- 7.4 Strategic Policy 3: There had been a 24.9% increase in the number of group 1 – 5 victims recorded in the year to date when compared to the same time period in 2016/17, this equated to 186 additional victims. There had been an increase of 730 reported Anti-Social Behaviour incidents compared to the same time period in 2016//17. There had been an increase in the number of youth related Anti-Social Behaviour incidents in the year 2017/18 when compared to the same time period in 2016/17; 441 persons were being monitored for anti-social behaviour in the year to date which was 28 less when compared to the same time period in 2016/17.
- 7.5 Strategic Policy 4: In relation to reducing the level and impact of poor driver behaviour through effective working, it was noted that there had been a decrease of 5 road users killed on our roads in the year to date when compared to the same time period in 2016/17; and a decrease of 8 road user seriously injured in the year to date when compared to the same time period in 2016/17. There had been no children seriously injured or killed. One young driver had been killed in the year to date, which was a decrease compared with the same time period in 2016/17. Two older drivers had been killed or seriously injured in the year to date; this was a decrease on the same time period in 2016/17. Finally 11 motorcyclists had been killed or seriously injured in the year to date; this was an increase on the same time period in 2016/17.
- 7.6 Strategic Policy 5: In relation to reducing the level and impact of accidents in the home through effective partnership working, for the time period 1 April 2017 only there had been an increase of 4 accidents in the under 5's recorded, when compared to the same time period in 2016. For the time period to 1 April 2017 there had been fewer recorded falls in the over 75s compared to the same time period in 2016. There had been a significant increase in the number of actioned Fire Service adult and child protection referrals received from Safer Communities.

**DECISION  
NOTED.**

**8.0 DATES OF FUTURE MEETINGS**

8.1 Future meetings of the Board were scheduled to take place at 9.30am in the Council Chamber, Council Headquarters, Newtown St Boswells on:-

Friday, 10 November 2017

Friday, 9 February 2018

Friday, 18 May 2018

**DECISION  
NOTED.**

*The meeting concluded at 12.45 p.m.*

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# SCOTTISH BORDERS COUNCIL AUDIT AND SCRUTINY COMMITTEE

MINUTE of Meeting of the Special AUDIT AND SCRUTINY COMMITTEE held in Council Chamber, Council Headquarters, Newtown St Boswells on Monday, 28 August 2017 at 10.00 am

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Present:- Councillors S Bell (Chairman), H Anderson, J A Fullarton, S Hamilton, N Richards, H Scott and E Thornton-Nicol.

Apologies:- Councillor K Chapman, R Tatler.

Also Present:- Councillors S Aitchison, G Edgar, C Hamilton, D Haslam, D Paterson, C Ramage.

In Attendance:- Chief Financial Officer, Chief Legal Officer, Service Director Assets & Infrastructure, Project Manager Team Leader (E Doyle), Network Manager (B Young), Principal Solicitor (H Macleod), Lead Officer – Built Heritage & Design (M Douglas), Clerk to the Council, Democratic Services Officer (J Turnbull)

## 1. **DECISION CALLED IN: UNION CHAIN BRIDGE**

1.1 With reference to paragraph 3 of the Executive Minute of 15 August 2017, there had been circulated copies of a Call-In of a decision taken by the Executive Committee, relating to a request to increase the financial contribution to the Union Chain Bridge project. The decision of the Executive Committee was:

### *AGREED:-*

- (a) *to increase the financial commitment to the Union Chain Bridge Project by £450k, in line with the current agreement with Northumberland County Council; and*
- (b) *to approve the virements of £190k in 2019/20 and £260k in 2020/21 from Roads and Bridges capital block to the Union Chain Bridge.*

1.2 Also circulated was an extract from the Minute of the Executive Committee of 15 August 2017; the report on the Union Chain Bridge considered by the Executive Committee on 15 August 2017; the report on the Union Chain Bridge considered by the Executive Committee on 7 March 2017; and a presentation to the Friends of the Union Chain Bridge by Professor Roland Paxton on 25 June 2014 (background information on the history of the bridge).

1.3 The call-in had been made by Councillor Paterson, supported by Councillors: A Anderson, H Anderson, S Bell, H Scott and E Thornton-Nicol, and was as follows:

- (a) *The report and the discussion at the meeting did not make it clear if the expenditure was on the Bridge in order to maintain it as a strategic road asset or as a historic asset. Was this a vital bridge for the Borders public, or was it for tourists?*
- (b) *The report wasn't clear on the costs and the benefits of alternative courses of action. It was not clear if the approved increased expenditure was the best Value for Money at this time.*
- (c) *The extra £450k was identified as coming out of the future block funding for roads and bridges. There were no answers in the report or the discussion to the question of the priority for funding for this Bridge in comparison to other commitments. The Borders public needed to know why we spend money on this*

*Bridge and not fix pot holes or upgrade some roads that are little more than a cattle track.*

- 1.4 The Chairman, Councillor Bell, welcomed officers and Members to the meeting, described the procedure to be used during the meeting and invited Councillor Paterson to give his reasons for the call-in. Councillor Paterson explained that it had been brought to his attention that not many people used the bridge and it was a concern that money was being allocated to the project which could have a wider benefit if allocated elsewhere; there could have been more questioning of officers at the Executive Committee; and a proper explanation of the project was required. In response to questions from Scrutiny Members, Councillor Paterson advised that he had not been satisfied with the level of questioning of the project by Members and the officers' responses; the Executive Members had been unanimous in their decision although some Members had expressed concern at the cost; and he was also concerned about what would happen to the project if the Heritage Lottery Fund application was unsuccessful.
- 1.5 The Chairman then invited officers to summarise their report. The Project Team Leader, Mr Doyle, advised that the report to the Executive Committee on 15 August was to seek approval to increase the funding for the Union Chain Bridge project to £1m to support the application to the Heritage Lottery Fund (HLF) and match the commitment from Northumberland County Council (NCC). He clarified that since the report to the Council's Executive Committee in March 2017, there had been several developments to the project that had affected its progress and budget estimate. Historic England's support was required to support the HLF application for £5m and they now required a higher level of restoration than originally envisaged. This had created an increase from circa £5m to £7.8m. Furthermore, NCC had made changes to their staffing and the completion of the application to HLF for April 2017 had not been achieved. Also, with a new Administration at NCC, the project team needed to refresh the authorisation to continue with the project; NCC had now committed to an increased financial commitment of £1m. Mr Doyle highlighted that there were grants expected from Historic Environment Scotland - £500k, Historic England - £200k and Friends of Union Chain Bridge £100k. Scottish Borders Council (SBC) had currently committed £550k to the project, to match fund the previous commitment from NCC. To match the potential commitment from NCC the current budget would have to be increased by £450k.

## **2. Strategic Road Asset or Historical Asset**

- 2.1 In response to questions regarding whether the bridge was a strategic road asset or historical asset, Mr Doyle advised that in terms of the whole of the Scottish Borders the bridge had a low strategic priority with 200 vehicles, 100 pedestrians and perhaps 5 or 6 cyclists using the bridge per day. However, in terms of the local community it served, the bridge had a high strategic priority. Additional engineering inspection since March had led to the increase in cost of the project from £5.6m to £7.8m as significant elements of the bridge were not in as good condition as had been expected. In the main, this was a heritage project. Mr Doyle highlighted that the project was high in terms of value for money with the potential leverage that could be gained from other funding partners, with the Council investing £1m for a £7.8m project. With regard to certainty that NCC could deliver the bid in time, Mr Doyle explained that NCC now had governance arrangements in place with appropriate roles and responsibilities. He and Councillor Edgar, Executive Member for Roads and Infrastructure, had attended the interview for Northern Heritage Trust who would take forward the bid. The Chief Officer of this Trust had experience and knowledge of bids to this scale. In terms of the historical aspects of the project, a workshop scheduled for 8 September would consider opportunities. Mr Douglas, Lead Officer Built Heritage & Design, added that the bridge had a substantial historical significance being the oldest suspension bridge in the world still carrying vehicular traffic. The project could also link to a wider River Tweed initiative. Both Historic Scotland and Historic England were very supportive of the project. Historic England's preference was for the renovation of the existing hangers, which could add a potential £400k to the project. However, it may be possible to replace the hangers with more modern materials



as some of the hangers were not original and had already been replaced previously. It was the wrought iron chains that were significant and further analysis was needed on them, which Historic England had acknowledged.

- 2.2 The Chairman advised that in terms of alternative routes for the local community there would be an additional 13 mile round trip on the English side and an 8 mile round trip on the Scottish side. He further advised that NCC had stated in their report that it was not a strategic road asset and asked if the bridge was closed to vehicular traffic would this make it any less historic. Mr Young, Network Manager, responded that the bridge was important for the local community and local businesses, such as the Honey Farm, but it was not a strategic roads asset overall for the Council. Mr Douglas added that it would be unfortunate if the bridge closed to vehicular traffic as it had been used continually for 200 years and that would be a diminution in its historic significance. Mr Joyce added that in terms of a tourist attraction, its unique selling point was that it was the oldest surviving suspension bridge open to vehicular traffic, but this was not currently being promoted.

### **3. Alternative Course of Action – Costs and Benefits.**

In response to a question regarding the cost of maintaining the bridge for pedestrian and cyclists use only, Mr Doyle advised that in the short term, repair works would be in the region of tens of thousands. However, the anchors and decking, two critical elements of the structure, would require replacement in 5 – 10 years with a cost of £1.6m and £1.4m respectively. To replace the bridge entirely could cost over £10m. The benefit of this project was the leverage that could be drawn in from other funders. With regard to the safety of the bridge for vehicular traffic, Mr Doyle advised that NCC's structural inspection had deemed the bridge still safe for vehicles. With regard to the risk that the project cost could increase further, Mr Doyle advised that if the HLF application was unsuccessful, the likely option would be for a managed decline of the bridge which would continue to deteriorate and would no longer have the capacity for vehicular traffic. Replacement of the anchors would give another 120 years of life, but it was a wrought iron bridge which brought its own inherent issues. Mr Joyce stated that in his experience dealing with historic structures, during the construction process there might be a requirement to change the scope of the works if issues arose. In mitigation, there was a robust business case and an understanding of issues prior to undertaking the work. In answer to a question regarding the timescale for the bid, Mr Doyle advised that it was a two stage HLF bid application process, if stage one was successful – which would be known by April 2018 - there was 44 weeks for the development of stage two application, with works scheduled to start in 2019 should the bid be successful. There was some funding available currently in the budget for bridge maintenance.

### **4. Priority for Funding the Bridge**

- 4.1 Mr Joyce advised that as there were no other commitments on other bridges in 2019/20 and 2020/21, the Union Chain Bridge project would not be displacing other projects. There was a need to balance spend, whether capital or revenue, in financially constrained times, but in this case, £1m would unlock £6.8m of investment from other parties to safeguard the road/heritage asset. Mr Doyle confirmed that further work would be needed to realise the potential of the bridge, with the HLF bid focussing on the bridge's historic, educational and economic legacy. There would also be the opportunity to promote the asset and encourage an increase in visitor numbers which would improve the Borders economy. In terms of SBC having appropriate funding in place for a crisis, should an inspection of the bridge reveal major issues, Mr Joyce clarified that there was flexibility and projects could be re-profiled, with the option of using the funds available for emergency or unplanned works. The Chief Financial Officer, Mr Robertson, confirmed that with regard to remedial works to the bridge at Lowood, funding had already been allocated within the budget. The capital budget had £17.918m allocated for roads/bridges over the next 5 years, and £66.7m over the next 10 years.

- 4.2 In response to a question regarding the risk of not maintaining the bridge, Ms MacLeod, Principal Solicitor, advised that enforcement notices from Historic England and Historic

Environment Scotland, typically seven days, could be served on the Council to ensure the preservation of the historical asset. Any works would be carried out and both authorities, NCC and SBC, would be then be charged for this. Mr Joyce highlighted that the bridge had already been identified by English Heritage as an 'at risk' structure. If the bid was to fail, English Heritage could quickly intercede. Requesting an additional contribution from English Heritage was not feasible, as the increased cost was for replacement of the anchors. English Heritage had also less money available proportionally as it had more assets at risk. Other avenues of funding could also be explored as the greater the amount of the bid to HLF, the less likely it would succeed.

- 4.3 With regard to the risks and mitigations detailed in paragraph 6.2 of the 7 March report to the Executive Committee, the Chief Financial Officer, Mr Robertson advised that Members may wish to add that the Council's contribution was dependent on all other funding partners being in place. With regard to risk management of the project, Mr Joyce confirmed that there was a full Risk Register for each capital project. This was an operational document, with only the significant risks summarised in the report for Members' consideration. Mr Robertson confirmed that the risk register held by the Council for major risks had around £500k which was the contribution to the Bellwin Scheme for major disasters should the unexpected happen – the Union Chain Bridge would not be covered by this.
- 4.4 The Chairman then invited Councillor G Edgar, Executive Member for Road & Infrastructure, to address the Committee. Councillor Edgar advised that the Union Chain Bridge was designed by Captain Samuel Brown and build in 1820. The bridge was the oldest single span suspension bridge still carrying vehicular traffic in the world. It was classified a Grade 1 structure in England and Category A in Scotland. The bridge was an important part of the infrastructure forming a vital connection over the River Tweed. The bridge was popular with visitors to the Honey Farm and Paxton House, and for the members of the local community it was a strategic link. A great deal of disturbance would be caused if the bridge was deemed not suitable for vehicular traffic. There was historic, educational and economic potential of the bridge. If the bid for financial assistance was unsuccessful then the £5m repair costs would need to be met by SBC and NCC if the project was to go ahead on the same basis. If the bid was unsuccessful, Councillor Edgar confirmed that a decision would then need to be made based on the information available at that time, including any other sources of funding. Mr Doyle advised that the reports to the Executive Committee had identified an asset in decline requiring significant capital investment but with the ability to leverage in £6.8m for £1m of investment by the Council. The bridge was listed as a category A structure which was the highest category and was of national importance.
- 4.5 The Chairman thanked officers and Members for their attendance and valuable contribution.

*Note: Councillor H Scott left the meeting during the following discussion.*

- 4.6 During the discussion that followed, Members considered the answers they had been given to their questions. They highlighted that greater transparency was required with access to and understanding of risk management processes; the historic aspect of the bridge not yet being developed as a tourist attraction; the need to discuss some aspects in private session where there were concerns, but this had to be tempered with the requirements of Schedule 7A of the Local Government (Scotland) Act 1973; the greater impact that any closure would have on the people living to the north of the bridge; the historic/cultural significance of the bridge; and the bridge's use as a crossing point of the Tweed if any of the main bridges were closed for maintenance or other reasons.

**DECISION**

**(a) AGREED:**

- (i) to welcome and reinforce the increased focus on the cultural/heritage aspect of the Bridge and to see that as the priority for funding while still recognising it as a roads asset; and**
- (ii) to recognise that while Officers did not have fully worked out alternatives at this stage, there was more information available which would allow alternative schemes to be worked out should that prove necessary.**

**# (a) AGREED to RECOMMEND to the Executive Committee:**

- (i) with regard to its decision on 15 August 2017 to increase the financial commitment to the Union Chain Bridge Project by £450k, the following wording be added 'subject to the other sources of funding being available';**
- (ii) that a report be provided to the Executive Committee in April 2018 with the outcome of the HLF application, with options and timescales for the project with an enhanced focus on historical objectives, and should the bid fail, the report would contain fully costed alternatives, recognising the historical focus for the Bridge and its use as a road asset if possible;**
- (iii) to instruct the Service Director Assets & Infrastructure to write to Northumberland County Council confirming the governance arrangements for the project and that in future joint reports be prepared for both Councils for future decision making;**
- (iv) that Members be given access to risk registers for capital projects, as appropriate; and**
- (v) that Officers should be encouraged to seek other sources of funding for the Union Chain Bridge project.**

*The meeting concluded at 12.20 pm*

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# SCOTTISH BORDERS COUNCIL SELKIRK COMMON GOOD FUND SUB COMMITTEE

MINUTE of Meeting of the SELKIRK  
COMMON GOOD FUND SUB COMMITTEE  
held in Committee Room 2, Council  
Headquarters, Newtown St Boswells, TD6  
0SA on Tuesday, 29 August 2017 at 3.00 pm

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Present:- Councillors G. Edgar (Chairman) and E. Thornton-Nicol

Apologies:- Community Councillor T. Combe

In Attendance:- Solicitor (J. Webster), Senior Finance Officer (J Yallop), Estates Strategy  
Surveyor (N. Curtis), Democratic Services Officer (F Walling).

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## 1. **MINUTE**

There had been circulated copies of the Minute of 21 June 2017.

### **DECISION**

**APPROVED the Minute for signature by the Chairman.**

## 2. **FINANCIAL MONITORING REPORT TO 30 JUNE 2017**

There had been circulated copies of a report by the Chief Financial Officer providing the details of income and expenditure for the Selkirk Common Good Fund for the year to 30 June 2017, full year projected out-turn for 2017/18 and projected balance sheet values as at 31 March 2018. Senior Finance Officer, John Yallop, highlighted the main points of the report and appendices. Appendix 1 to the report provided a projected income and expenditure position which showed a projected surplus of £36,943 for the year. Appendix 2 to the report provided a projected Balance Sheet value to 31 March 2018. This showed a projected decrease in the reserves of £31,015. The variance to the previously reported depreciation charge was due to the Green Hut building being fully depreciated at 31 March 2017, thereby reducing the annual depreciation charge by £8,400. The net book value of £4,800 relating to the Green Hut represented the value of the land on which the building sat. A breakdown of the property portfolio showing projected rental income for 2017/18 and actual property expenditure to 31 March 2017 was detailed in Appendix 3 to the report. Appendix 4 showed the value of the Newton Fund to 30 June 2017. The Newton Real Return Fund (Newton Fund) delivered a positive return of 1.2% in the quarter to 20 June 2017, in line with its benchmark of 1.1%. This was the Fund's second consecutive return in excess of benchmark since the previously reported under-performance in the second half of 2016. However, with reference to paragraph 3 of the Minute of 21 June 2017, KPMG had conducted an evaluation of the Newton Fund, in terms of its continued suitability for Common Good and Trust Fund investments and had indicated there may be more attractive options available within the market which could provide improved performance. A further report would be produced and presented to full Council to seek approval to undertake a procurement exercise in line with the previously approved Scottish Borders Council Common Good and Trusts Investment Strategy. In the light of this information Members agreed to defer the decision to transfer a further amount of cash into the investment fund until after the report to Council.

### **DECISION**

(a) **NOTED:-**

- (i) the projected Balance Sheet value to 31 March 2018 in Appendix 2;
  - (ii) the summary of the property portfolio in Appendix 3;
  - (iii) the current position of the investment in the Newton Fund in Appendix 4; and
- (b) **AGREED:-**
- (i) the projected income and expenditure for 2017/18 in Appendix 1 to the report as the revised budget for 2017/18; and
  - (ii) to defer the decision to transfer a further amount into the investment fund until after consideration by full Council of the report seeking approval to undertake a procurement exercise for a fund manager.

### 3. **PROPERTY**

In a verbal update, the Estates Strategy Surveyor, Mr Norrie Curtis, advised that a lease had been assigned to a new tenant at the Court House Coffee Shop in Selkirk. With reference to paragraph 4 of the Minute of 21 June 2017 and the agreement to contribute up to £10,000 if requested towards the replacement of pillars at the Victoria Hall, Mr Curtis advised that £10,000 had been set aside from the Selkirk Conservation Area Regeneration Scheme (CARS) towards the cost of the work. This was available until the end of March 2018. A request had been made to CMT to engage a Conservation Architect to develop the tender information and oversee the repairs. An update would be provided at the next meeting.

#### **DECISION NOTED:-**

- (a) the update; and
- (b) that a further update on the replacement of the pillars at the Victoria Hall be received at the next meeting in order for the contribution from Selkirk Common Good towards the work to be authorised.

### 4. **APPLICATIONS FOR FINANCIAL ASSISTANCE**

#### 4.1 **Selkirk Football Club**

With reference to paragraph 5 of the Minute of 21 June 2017, Members continued consideration of the application from Selkirk Football Club for a contribution of £5,000 towards the installation of floodlights at Yarrow Park. In response to a request for further information, some details had been provided about the provision of facilities for the Junior teams although further clarification was required about the rent paid to the Senior Club by the Junior Football Club.

#### **DECISION AGREED:-**

- (a) to grant £5,000 to Selkirk Football Club towards the installation of floodlights at Yarrow Park subject to:-
  - (i) all other sources of funding being received to allow the flood lighting project to progress: and
  - (ii) clarification of itemisation within the Club's income and expenditure accounts for 2015 and 2016.

- (b) to delegate authorisation of payment of the grant, after the above conditions had been met, to the Chief Financial Officer in consultation with the Chairman.**

#### **4.2 Bannerfield Buskers (Riddell Fiddles)**

There had been circulated copies of an application from Bannerfield Buskers, under the umbrella of Riddell Fiddles, for a grant of £1000 to fund ten sessions in preparation to perform locally and form musical links within the local community. It was explained that Bannerfield Buskers had run a successful pilot project which allowed young people of primary age to access free instruments and learn traditional music in a secure extracurricular setting. The group had reached a stage where they would like to operate more within the community. This would include weekend busking, visits to Riverside Care Home and involvement in local initiatives such as the 'Black Bob' project. The Riddell Fiddles fundraising umbrella would support the project and raise money through ceilidhs and busking. The Senior Finance Officer drew attention to an absence of information in the accounts of the closing bank balance for the year. Members supported the application subject to clarification of balance sheet reserves.

#### **DECISION**

##### **AGREED:-**

- (a) to grant £1000 to Bannerfield Buskers, under the umbrella of Riddell Fiddles subject to clarification regarding the balance sheet reserve held by Riddell Fiddles; and**
- (b) to delegate authorisation of payment of the grant, after clarification of balance sheet reserves, to the Chief Financial Officer in consultation with the Chairman.**

#### **5. URGENT BUSINESS**

Under Section 50B(4)(b) of the Local Government (Scotland) Act 1973, the Chairman was of the opinion that the item dealt with in the following paragraph should be considered at the meeting as a matter of urgency, in view of the need to make an early decision.

#### **ENQUIRY ABOUT GRANT FUNDING**

The Chairman raised a query he had received as to whether it would be appropriate for a grant application to be made to the Common Good Fund for a contribution towards the provision of a disabled toilet in a Church Hall in Selkirk. The intention would be to open up the availability of the toilets to the public in this central location. The Senior Finance Officer and Solicitor advised that this would be appropriate and Members agreed to consider the application on its merits when submitted.

#### **DECISION**

##### **NOTED**

*The meeting concluded at 3.40 pm*

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**SCOTTISH BORDERS COUNCIL  
PEEBLES COMMON GOOD FUND SUB-COMMITTEE**

MINUTE of MEETING of the PEEBLES  
COMMON GOOD FUND SUB-COMMITTEE  
held in the Peebles Community Centre,  
Walkershaugh, Peebles on 30 August 2017 at  
5.00 p.m.

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Present:- Councillors R. Tatler (Chairman), H. Anderson, S. Bell, K. Chapman, S. Haslam, E. Small

In Attendance:- Community Councillor G. Mackie (substitute for CC Hayworth)  
Solicitor (C. Kubala), Capital and Investments Manager, Estates  
Surveyor (A. Graham), Democratic Services Team Leader

Members of the Public:- 4.

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1. **MINUTE**

The Minute of the Meeting of Peebles Common Good Fund Sub-Committee held on 14 June 2017 had been circulated.

**DECISION  
APPROVED.**

2. **MONITORING REPORT FOR 3 MONTHS TO 30 JUNE 2017**

There had been circulated copies of a report by the Chief Financial Officer providing details of the income and expenditure for the Peebles Common Good Fund for the three months to 30 June 2017 and full year projected out-turn for 2017/18 and projected balance sheet values as at 31 March 2018. Appendix 1 to the report provided a projected Income and Expenditure position which currently showed a projected deficit of £313 for the year. Appendix 2 to the report contained a projected Balance Sheet to 31 March 2017 and projected a decrease in the reserves of £37,754. Appendix 3 to the report detailed the breakdown of the property portfolio showing projected rental income for 2017/18 and actual property expenditure to 30 June 2017. Appendix 4 to the report showed the value of the Newton Fund to 30 June 2017. The Capital and Investments Manager advised that following an evaluation by KPMG on the performance of the Newton Fund a report would be submitted to Council seeking approval to undertake a procurement exercise to appoint new investment managers. In response to a question she advised that there would be no penalties involved in changing the investment manager but there would be costs relating to the procurement exercise.

**DECISION  
AGREED:-**

- (a) **the projected Income and Expenditure for 2017/18, as detailed in Appendix 1 to the report as the revised budget for 2017/18;**
- (b) **to note the projected Balance Sheet value as at 31 March 2018, as detailed in Appendix 2 to the report;**
- (c) **to note the summary of the property portfolio, as detailed in Appendix 3 to the report; and**

- (d) to note the current position of the investment in the Newton Fund, as detailed in Appendix 4 to the report.

### **APPLICATIONS FOR FINANCIAL ASSISTANCE**

3. **Peeblesshire Archaeological Society**

There had been circulated copies of a request for funding in the sum of £823 towards the cost of funding a new laptop, software, digital projector and screen for use at lecture meetings and other events. Members considered the application and agreed that it be approved.

#### **DECISION**

**AGREED that a grant of £823 be given to Peeblesshire Archaeological Society.**

4. **Peebles Scout Group**

With reference to paragraph 7(b) of the Minute of 25 May 2016, there had been circulated copies of a request for funding in the sum of between £8,000 and £12,000 to cover the cost of fire resistant cladding which had been omitted from the original quotation for the building works. Members considered the application and expressed the view that this was surely a contractual issue with the builders who they felt should not have provided a quotation for a building which did not meet building warrant requirements. It was noted that the total cost of the cladding works was £25,415.75 but it was unclear if this formed part of the original estimated cost of £193,348. Members agreed that in the first instance the application should be refused and that the Scout Group should take this matter up with their building contractor. However, if further information became available this would be considered.

#### **DECISION**

**AGREED that the application be refused.**

5. **Inchorus**

There had been circulated copies of a request for funding in the sum of £2,000 towards the cost of making two professional music videos. Two representatives of Inchorus were present at the meeting and the Sub-Committee Members questioned them on the purpose of the videos. Members discussed the application and agreed that if the videos did not have a wider purpose than to promote the choir that funding should not be given. However, if the group could demonstrate that the videos would have a wider community benefit then funding could be given.

#### **DECISION**

**AGREED to defer consideration of the application to allow Inchorus to provide additional information on the wider benefits of the videos.**

### **DECLARATION OF INTEREST**

Councillor Anderson declared an interest in the following item of business in terms of Section 5 of the Councillors Code of Conduct and left the room during the discussion.

6. **Peebles Community Trust**

There had been circulated copies of a request for funding in the sum of £3,600 to cover the first 6 months rental of an office and work space for the Trust. Mr Crick Carlton, Trust Co-ordinator was present at the meeting and explained the need for the funding. Members discussed the request and noted that an application for funding had been made to the Community Choices Fund but the outcome was not yet known. Concern was expressed regarding how the Trust would fund the rental after the first 6 months. Councillor Chapman, seconded by Councillor Bell, moved that the application be refused at present as insufficient detail and evidence had been provided. Councillor Haslam, seconded by Councillor Tatler, moved as an amendment that the application be approved subject to the success of the application to the Community Choices Fund.

#### **VOTE**

*On a show of hands Members voted as follows:-*

*Motion* - 2 votes  
*Amendment* - 3 votes  
*The Amendment was accordingly carried.*

**DECISION**

**DECIDED to approve funding in the sum of £3,600 subject to evidence being provided in respect of the success of the funding application to the Community Choices Fund.**

7. **OLD CORN EXCHANGE, PEEBLES**

**AGREED that this matter be considered under private business.**

8. **DATE AND LOCATION OF FUTURE MEETINGS**

Members discussed moving the meetings of the Common Good Fund Sub-Committee to a different date than those of the Locality Committee.

**DECISION**

**AGREED that the dates of the Common Good Fund Committee be changed so that they no longer coincided with meetings of the Locality Committee.**

9. **URGENT BUSINESS**

Under Section 50B(4)(b) of the Local Government (Scotland) Act 1973, the Chairman was of the opinion that the items dealt with in the following paragraphs should be considered at the meeting as a matter of urgency, in view of the need to keep Members informed and to make an early decision.

10. **CALLANTS' CLUB TREE PLANTING**

With reference too paragraph 3 of the Minute of the Minute of 1 March 2017, the Chairman advised Members that he had been contacted by Mr John Falla of the Callant's Club regarding issues around the future maintenance of the trees to be planted. Ms Kubala advised that she had been in touch with the Callant's Club and the Council's Landscape Architect and, if the correct tree types were chosen, the maintenance regime should not be onerous.

**DECISION**

**AGREED that the Chairman, Councillor Bell and appropriate officers meet with the Callant's Club to agree a way forward.**

11 **VICTORIA PARK GROUP**

The Chairman advised that Mr Mile Pearson wished to attend the next meeting of the Sub-Committee regarding Victoria Park which was part owned by Scottish Borders Council.

**DECISION**

**AGREED that Mr Pearson be invited to the next meeting and that he be asked to bring forward a specific proposal..**

12. **PRIVATE BUSINESS**

**DECISION**

**AGREED under Section 50A(4) of the Local Government (Scotland) Act 1973 to exclude the public from the meeting during consideration of the business detailed in the Appendix to this Minute on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 9 of Part I of Schedule 7A to the Act.**

**SUMMARY OF PRIVATE BUSINESS**

13. **Minute**

The Private Section of the Minute of the Meeting of Peebles Common Good Fund Sub-Committee held on 14 June 2017 was approved.

**Declaration of Interest**

Councillor Haslam declared an interest in the following item of business in terms of section 5 of the Councillors Code of Conduct and left the room.

**Old Corn Exchange, Peebles**

14. The Estates Surveyor briefed Members on the current position regarding the lease of the Old Corn Exchange, Peebles.

*The meeting concluded at 6.15 p.m.*

**SCOTTISH BORDERS COUNCIL**  
**TWEEDDALE LOCALITY COMMITTEE**

MINUTE of the MEETING of the  
TWEEDDALE LOCALITY COMMITTEE held  
in Council Offices, Rosetta Road, Peebles on  
30 August 2017 at 7.00 p.m.

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Present:- Councillors R. Tatler (Chairman), H. Anderson, S. Bell, K. Chapman, S. Haslam,  
E. Small, Community Councillors M. Douglas, C. Lewin, G. Mackie, K. Peebles,  
G. Tulloch.

Apologies:- Community Councillor L. Hayworth, R. Howard.

In Attendance:- Neighbourhood Area Manager (Tweeddale), Inspector T. Hodges, Police  
Scotland, Democratic Services Team Leader.

Members of the Public:- 14

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**1. OPEN FORUM**

The Chairman invited those present to raise any matter which was not included on the agenda. The items raised and answers given were as follows:-

- Community Councillor Lewin asked if it would be possible to form a Sub-Committee to look at the A701 road similar to the previous sub-committee which had dealt with the A72. It was noted that the remit of the Committee was to change and this would be included as part of that consideration. In the meantime the Clerk would circulate for information the remit of the A72 Sub-Committee.
- Mr Ross Lowe asked if there was an overall road safety plan which included parking, pedestrians, rights of way etc. and he tabled some pictures of issues he had identified. Councillor Haslam advised that Councillors had just met with Officers to discuss this subject and a number of matters would be considered including the use of yellow lines at the junctions he had identified.
- Community Councillor Peebles asked that road safety in other areas also receive equal attention. She commented on the expansion of Eddleston and the need for a safe crossing on the A703. Councillor Chapman commented on a recent meeting and that processes to get a safer crossing for Eddleston were underway.

**DECISION**

**NOTED the issues raised and the actions being taken.**

**2. MINUTE**

There had been circulated copies of the Minute of the Meeting held on 14 June 2017.

**DECISION**

**NOTED for signature by the Chairman.**

**3. LOCAL DEVELOPMENT PLAN – PUBLIC EVENTS AND WORKSHOPS**

Mr Charles Johnston, Lead Officer Plans and Research was present at the meeting and gave a briefing on the forthcoming events and workshops which would be held relating to the preparation of the new Local Development Plan. The timeline for the plan commenced with the publication of the main issues report in Spring 2018 and ended with adoption in Spring 2021. A series of public events around the Borders were going to be held with the event in Peebles being held on 28 September in the Burgh Hall. The day would comprise a drop-in session in the afternoon and a workshop in the evening. There would also be an extensive publicity campaign to try and reach as many people as possible. Mr. Johnston encouraged people to participate in these events. He was also happy to meet groups to talk about

specific areas. It was noted that there was draft legislation under consideration to simplify the planning process following the recent planning review but until this came into force the existing arrangements would continue.

**DECISION  
NOTED.**

**4. SCOTTISH BORDERS HEALTH & SOCIAL CARE PARTNERSHIP**

Mrs Elaine Torrance, Chief Social Work Officer and Mr Stewart Barrie, Locality Co-Ordinator were in attendance at the meeting and gave a presentation on the Scottish Borders Health and Social Care Partnership. Each of the five Locality areas had a working group which had prepared locality plans which outlined the key priorities and action plan developed for each locality. These plans were now being consulted on and a paper containing a summary of the Tweeddale Action Plan priorities was tabled at the meeting. The main priorities were to increase and improve the range of care and support options, the availability and accessibility of services, the availability of locally based rehabilitation and the range of housing options. Mrs Torrance advised that to date only 4 responses had been received from the Tweeddale Area and encouraged those present to submit comments by the closing date of 16 September. Mrs Torrance answered questions including the need for an alternative model of support for mental health, the use of technology to supplement some home care visits and advised that work on the provision of supported housing and assessment of care home needs was ongoing. She also commented on the Government Primary Care Transformation Programme which encouraged the use of other health care professionals to cover services which did not need to be carried out by a Doctor that in turn would allow them to focus on their core function and reduce appointment waiting times. In response to a comment on the fact that some terms were not properly explained in the document, Mr Barrie advised that a Glossary of Terms had been requested.

**DECISION  
NOTED the presentation.**

**5. NEIGHBOURHOOD SMALL SCHEMES AND QUALITY OF LIFE**

There had been circulated copies of a report by the Service Director Assets and Infrastructure seeking approval for proposed new schemes to be funded from the Quality of Life and Small Schemes budgets. The report listed the schemes which had been requested and recommended that they be approved. The report also sought delegated authority for the Service Director to approve future proposals subject to consultation with local Members. One of the proposed schemes was a contribution of £8,000 to improve the football pitch at Whitestone Park and members of the football club who were present at the meeting explained that these improvements were essential to meet East of Scotland Football League minimum requirements. Councillor Haslam, seconded by Councillor Small, moved that the football club be granted the full £10,000 to carry out the improvements. This was unanimously approved subject to the Club also using any funds raised to supplement these improvements. Councillor Bell proposed that as the Committee was to meet more frequently in the future and to allow the input from Community Council members that the recommendation to give delegated authority be not approved. It was agreed that the Chairman discuss the best way to facilitate future decision making with the Service Director.

**DECISION  
AGREED:-**

**(a) to approve the following new Neighbourhood Small Schemes for implementation:-**

- (i) Renovate the surface adjacent to the A72 from Innerleithen to Caerlee Corner £9,365; and**

(ii) **Replace/install 31 Street Name plates/ Speed awareness/sports facilities signs throughout Tweeddale £1,650**

(b) **to approve the following Quality of Life Schemes for Implementation:-**

(i) **Supply and install anti slip strips along the boardwalk at Alexandra Park, Walkerburn £3,654; and**

(ii) **Contribute to improvements to the football pitch and surrounds at Whitestone Park, Peebles £10,000.**

(c) **that the Chairman discuss with the Service Director Assets and Infrastructure how future decision making might be facilitated.**

## 6. **POLICE SCOTLAND**

Inspector Tony Hodges was present at the meeting and provided an update on police activity in the area. He commented on the recent tragic murder in Peebles and the fatal accident in Tweedsmuir which highlighted the benefits of national specialist resources. These events also had an impact on local resources with officers only now returning to their core duties. There had been an increase in anti-social behaviour and vandalism in Peebles. Increased patrols and engagement with schools were among the range of actions being taken in response to this. He highlighted the need for any unacceptable behaviour to be reported at the time so that this could be properly dealt with. In response to criminals travelling from the Edinburgh and Lothian areas nightshift activity had been increased and businesses were being encouraged not to keep cash in their premises overnight and to display notices to this effect on their doors. Inspector Hodges also reported on a very positive meeting held in West Linton the previous evening with a view to setting up a new Neighbourhood Watch. Crime prevention, Special Constable recruitment and the newly formed Police Scotland Youth Volunteers had all been discussed and he encouraged other Community Councils to consider this sort of activity. A local company, Veloeye, had been set up to discourage bicycle theft in the area with the use of a mobile phone app. It was noted that while Sgt Duncan Marker had returned to duty, PC Niki Craig was absent following injury during a violent arrest so it might not be possible to have an officer in attendance at all Community Council meetings. Members paid tribute to the work of Police Officers over the recent weeks.

### **DECISION**

**NOTED the report.**

## 7. **SCOTTISH FIRE & RESCUE SERVICE**

In the absence of Station Manager Stephen Mitchell a report on recent activity had been circulated.

### **DECISION**

**NOTED the report.**

## 8. **UPDATE ON LOCALITIES COMMITTEE AND PARTICIPATIVE BUDGETING**

The Chairman advised that there were to be further changes to the future operation of the Committee which would become the Tweeddale Area Partnership. The Partnership would be charged with drawing together all the various plans for the area and agreeing what the local priorities should be. A wide level of community engagement was required and it was intended that meetings would be held in different locations across the Tweeddale Area. With regard to participative budgeting, any organisation or individual could submit bids for how the money should be spend and the public would vote to determine which bids would be successful. Detailed plans for this were currently being drawn up and the final proposals would be considered by the Council at their meeting on 28 September 2017. The Chairman answered questions regarding how the public would vote, types of bids which would be considered and the preparing of locality plans. It was noted that voting would be carried out

by a combination of methods including telephone and on-line, bids would need to accord with local priorities and initially each of the 5 areas would feed into a Borders wide plan.

**DECISION**  
**NOTED the position.**

*The meeting concluded at 9.00 p.m.*



# SCOTTISH BORDERS COUNCIL PLANNING AND BUILDING STANDARDS COMMITTEE

MINUTE of Meeting of the PLANNING AND BUILDING STANDARDS COMMITTEE held in Council Chamber, Council Headquarters, Newtown St Boswells TD6 0SA on Monday, 4 September 2017 at 10.05 am

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Present:- Councillors T. Miers (Chairman), S. Aitchison, J. A. Fullarton, S. Hamilton, H. Laing, C. Ramage, E. Small.  
Apologies:- Councillors A. Anderson, S. Mountford.  
In Attendance:- Depute Chief Planning Officer, Lead Officer (Development Management and Enforcement) Senior Roads Planning Officer, Solicitor (Emma Moir), Democratic Services Team Leader, Democratic Services Officer (F. Henderson).

## 1.0 **MINUTE**

1.1 There had been circulated copies of the Minute of the Meeting held on 7 August 2017.

### **DECISION**

**APPROVED for signature by the Chairman.**

## 2.0 **APPLICATIONS**

2.1 There had been circulated copies of reports by the Service Director Regulatory Services on applications for planning permission requiring consideration by the Committee.

### **DECISION**

**DEALT with the applications as detailed in Appendix I to this Minute.**

3.0 **APPEALS AND REVIEWS** 3.1 There had been circulated copies of a briefing note by the Chief Planning Officer on Appeals to the Scottish Ministers and Local Reviews.

### **DECISION**

**NOTED:-**

(a) the Appeal decision in respect of the Erection of 19 holiday lodges and proposed access and land treatment on Land North West of Whitmuir Hall, Selkirk – 14/00848/PPP.

(b) there remained two appeals outstanding in respect of:-

- Land North of Howpark Farmhouse, Grantshouse
- Poultry Farm, Marchmont Road, Greenlaw

(c) Review requests had been received in respect of:-

- (i) Erection of dwellinghouse and retaining wall (part retrospective) on Land West of Craigerne Coachhouse, Edderston Road, Peebles – 17/00323/FUL;
- (ii) Alterations to existing bellmouth and formation of new access on Land North West of Kirkburn Parish Church, Cardrona – 17/00384/FUL;

- (iii) **Formation of hardstanding, steps, retaining wall and new foot path on Land North West of Kirkburn Parish Church, Cardrona – 17/00647/FUL;**
  - (iv) **Erection of agricultural building and formation of new access track on Land South of 3 Kirkburn Cottages, Cardrona, Peebles – 17/00806/FUL**
- (d) **the decision of the Appointed Officer had been upheld by the Local Review Body in respect of:-**
- (i) **Erection of dwellinghouse on Land South of Balmerino, Ashkirk – 17/00005/PPP;**
  - (ii) **Change of use of redundant steading and alterations to form dwellinghouse with associated parking and infrastructure works at redundant Steading North West of Pots Close Cottage, Kelso – 17/00118/FUL;**
- (e) **the decision of the Appointed Officer had been overturned by the Local Review Body in respect of the Erection of vehicle body repair workshop and associated parking on Land North West of Dunrig, Spylaw Farm, Lamancha, West Linton -**
- (f) **the decision of the Appointed Officer had been varied (Terms of Refusal varied) by the Local Review Body in respect of Erection of dwellinghouse with attached garage and workshop on Land North West of Alderbank, Macbiehill, West Linton – 17/00530/FUL**
- (g) **there remained two reviews outstanding in respect of:-**
- **Land North East of the Old Church, Lamberton**
  - **5 High Street, Innerleithen**
- (h) **there remained four S36 Public Local Inquiries outstanding in respect of the following:-**
- **(Whitelaw Brae Wind Farm), Land South East of Glenbreck House, Tweedsmuir**
  - **Fallago Rig 1, Longformacus**
  - **Fallago Rig 2, Longformacus**
  - **Birneyknowe Wind Farm, Land North, South, East and West of Birneyknowe Cottage, Hawick**

*The meeting concluded at 11.50 a.m.*

## APPENDIX I

### APPLICATIONS FOR PLANNING PERMISSION

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
16/01377/FUL	Erection of poultry building	Land South West of Easter Happrew Farmhouse Peebles

Decision:- Continued to next available meeting to allow a site visit to be held.

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
17/00765/FUL	Change of Use from Class 1 (Retail) to Class 2 (Financial, Professional and Other Services)	Units 9 and 10, 6 -8 Douglas Bridge Galashiels

Decision: Refused, contrary to the Officer's recommendations for the following reason:-

The change of use from Class 1 (Shop) to Class 2 (Financial, Professional and Other Services) would be contrary to Policies ED3 and ED4 of the Scottish Borders Local Development Plan 2016 in that the use of the premises by a Job Centre would result in the loss of prime retail floor space in a prominent location within the Core Activity Area, which forms part of a principal shopping street and key approach to the town centre.

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
17/00921/FUL	Extension to dwellinghouse	12 Merse View Paxton

Decision: Approved subject to the following conditions and informatives:

1. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(Scotland) Order 1992 (or any subsequent provisions amending or re-enacting that Order), no additional window or other opening shall be made in the extension hereby approved unless an application for planning permission in that behalf is first submitted to and approved in writing by the Planning Authority.  
Reason: To safeguard the privacy and amenity of the occupiers of adjacent properties.
2. The external materials to be used on the extension shall match in all respects those of the existing building, and no other materials shall be used unless the prior written consent of the Planning Authority is given for any variation thereto.  
Reason: To ensure a satisfactory form of development, which contributes appropriately to its setting.
3. The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans and specifications approved by the Planning Authority.  
Reason: To ensure that the development is carried out in accordance with the approved details.

Informative:

1. Flues can give rise to smoke and odour complaints which may be actionable under Environmental Health legislation regardless of whether or not a flue has planning permission or is the subject of a Building Warrant. Neither Planning Consent nor Building Warrant approval would indemnify the owner in respect of any potential Nuisance action.

2. The applicant/developer is reminded of their responsibility to avoid unnecessary nuisance on the residential amenity of neighbouring dwellings during the construction period. The applicant/developer is also advised not to store building materials and/or equipment associated with the development in the public car park or on the public road.

**NOTE**

Mrs E Sangster, neighbour to the proposed site spoke against the application on behalf of all the objectors.

<b><u>Reference</u></b>	<b><u>Nature of Development</u></b>	<b><u>Location</u></b>
17/00669/FUL	Part change of Use from Class 2 (Office) to Class 9 (Residential)	3-5 Exchange Street Jedburgh

Decision: Approved subject to the following conditions:

1. The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans and specifications approved by the Planning Authority.  
Reason: To ensure that the development is carried out in accordance with the approved details.
2. No development shall commence until detailed mitigation measures designed to reduce the potential impact of flooding on the building shall first be submitted to and approved in writing by the Planning Authority and thereafter, no development shall take place except in strict accordance with the scheme. The approved measures then to be implemented as part of the development and maintained thereafter following occupation of the dwellinghouse.  
Reason: To lessen the impact of potential flooding at the site.
3. No development shall take place except in strict accordance with a detailed flood evacuation plan for the building which shall first be submitted to and approved in writing by the planning authority and thereafter no development shall take place except in strict accordance with the approved plan. The flood evacuation plan shall be maintained in perpetuity thereafter unless otherwise agreed in writing by the planning authority.  
Reason: To lessen the impact of potential flooding at the site.

**Informatives**

1. As the application site is located within the Jedburgh Conservation Area and listed Category A, external alterations to the building are likely to require the benefit of planning permission, whereas internal and external alterations are likely to require the benefit of both listed building consent and planning permission.
2. The Council's Flood Protection Officer advises that, as access and egress to the development may also be affected by flood waters, the owner occupier should receive flood warnings from SEPA. The applicant should sign up to FLOODLINE at [www.sepa.org.uk](http://www.sepa.org.uk) or by telephone on 0845 988 1188. It is also recommended that the applicant adopts water resilient materials and construction methods as appropriate in the development as advised in PAN 69.

**NOTE**

Mr Abderrazak Lataoui, Applicant spoke in support of the application.

# SCOTTISH BORDERS COUNCIL EXECUTIVE COMMITTEE

MINUTE of Meeting of the EXECUTIVE  
COMMITTEE held in the Council Chamber,  
Council Headquarters, Newtown St Boswells,  
TD6 0SA on Tuesday, 5 September, 2017 at  
10.00 am

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Present:- Councillors S. Haslam (Chairman), S. Aitchison (Vice-Chairman), G. Edgar,  
C. Hamilton, E. Jardine, W. McAteer, T. Miers, M. Rowley, G. Turnbull and  
T. Weatherston

Apologies:- Councillors S. Mountford

In Attendance:- Chief Executive, Executive Director (P. Barr), Executive Director (R. Dickson),  
Chief Financial Officer, Service Director Assets & Infrastructure, Service  
Director Regulatory Services, Democratic Services Team Leader, Democratic  
Services Officer (F. Walling).

1. **ORDER OF BUSINESS**

The Chairman varied the order of business as shown on the agenda and the Minute reflects the order in which the items were considered at the meeting.

2. **DECLARATIONS OF INTEREST**

Councillor Weatherston declared an interest in item 16 of the agenda in terms of Section 5 of the Councillors Code of Conduct and left the Chamber during the discussion.

3. **MINUTE**

The Minute of meeting of the Executive Committee of 15 August 2017 had been circulated.

**DECISION**

**APPROVED** for signature by the Chairman.

4. **MINUTE OF TRADING OPERATIONS SUB COMMITTEE**

The Minute of the Trading Operations Sub Committee held on 14 August 2017 had been circulated.

**DECISION**

**NOTED** the Minute.

5. **AUDIT AND SCRUTINY MINUTE RECOMMENDATION**

With reference to paragraph 3 of the Executive Committee Minute of 15 August 2017, there had been circulated copies of the Audit and Scrutiny Minute of 28 August 2017. This special meeting had been arranged in response to a call-in of the decision taken by the Executive Committee, relating to a request to increase the financial contribution to the Union Chain Bridge project. Councillor Bell, Chairman of the Audit and Scrutiny Committee, summarised the discussion and findings of the Committee. He thanked the officers who had provided background detail to the project and the additional information requested. There were three main questions raised, namely whether the expenditure on the bridge was to maintain it as a strategic road asset or a historical asset; whether the approved increased expenditure was the best value for money; and whether expenditure on the bridge was a priority in comparison to other commitments within the future block

funding for roads and bridges. At the conclusion of their discussion Members were advised that the reports to the Executive Committee had identified an asset in decline requiring significant capital investment but with the ability to leverage in £6.8m for £1m of investment by the Council. After detailed discussion and consideration of the issues, Members had agreed:-

- (i) *to welcome and reinforce the increased focus on the cultural/heritage aspect of the Bridge and to see that as the priority for funding while still recognising it as a roads asset; and*
- (ii) *to recognise that while officers did not have fully worked out alternatives at this stage, there was more information available which would allow alternative schemes to be worked out should that prove necessary.*

It was agreed to recommend to the Executive Committee:

- (i) *with regard to its decision on 15 August 2017 to increase the financial commitment to the Union Chain Bridge Project by £450k, the following wording be added 'subject to the other sources of funding being available';*
- (ii) *that a report be provided to the Executive Committee in April 2018 with the outcome of the HLF application, with options and timescales for the project with an enhanced focus on historical objectives, and should the bid fail, the report would contain fully costed alternatives, recognising the historical focus for the Bridge and its use as a road asset if possible;*
- (iii) *to instruct the Service Director Assets & Infrastructure to write to Northumberland County Council confirming the governance arrangements for the project and that in future joint reports be prepared for both Councils for future decision making;*
- (iv) *that Members be given access to risk registers for capital projects, as appropriate; and*
- (v) *that Officers should be encouraged to seek other sources of funding for the Union Chain Bridge project.*

In the discussion that followed the Audit and Scrutiny Committee were congratulated for investigating the matter in a thorough manner and there was agreement to approve the recommendations in full.

## **DECISION**

**AGREED to approve the recommendations of the Audit and Scrutiny Committee as detailed above.**

### **6. QUARTERLY CORPORATE PERFORMANCE REPORT (QUARTER 1, 2017/18)**

There had been circulated copies of a report by the Chief Executive presenting a summary of SBC quarterly performance information with details contained within Appendix 1 to the report. Mrs Sarah Watters, Policy, Performance and Planning Manager, gave a presentation to Members highlighting changes made to SBC performance indicators, key successes within the period and challenges relating to the performance measures. She explained how further detail behind each performance indicator could be found within Appendix 1. A section of the covering report and Appendices 2 and 3 presented high level summaries of performance during 2016/17 for LiveBorders and case studies to demonstrate the work ongoing. Reporting performance in February and August/September of each year to the Executive Committee had been agreed within the Performance Management Framework when sport and cultural services had been transferred. Director of Business Services, Ms Linda Ross, was in attendance to provide

further information if requested. Mrs Watters confirmed that all information contained within the report and Appendices was also available on the Council's website. Members discussed the report and received answers to their questions. With regard to the decline in number of invoices paid by SBC within 30 days, following the introduction of Business World, Members were advised that an initial negative effect on performance was to be expected due to teething problems but that this should be followed by an increase in efficiency. With respect to the challenge around the increase in incidents of domestic abuse reported it was recognised that this could not be directly influenced by the Council but that the Council could work with partners in a positive way around community safety and to reduce antisocial behaviour. It was agreed to have an item on community safety for discussion at the next performance-themed meeting of the Executive Committee.

#### **DECISION**

##### **AGREED:-**

- (a) to note changes to performance indicators outlined in Section 4 of the report;**
- (b) to acknowledge and note the performance summarised in Section 5 of the report and detailed within Appendices 1 and 2 and the action being taken within services to improve or maintain performance; and**
- (c) that an item on partnership working in respect of community safety be added to the next performance- themed meeting of the Executive Committee.**

#### **7. MONITORING OF GENERAL FUND REVENUE BUDGET 2017/18**

There had been circulated copies of a report by the Chief Financial Officer providing budgetary control statements for the Council's General Fund based on actual expenditure and income to 30 June 2017 and explanations of the major variances between projected outturn expenditure/income and the current approved budget. The report explained that the Corporate Management Team had reviewed the impact delays in system functionality may have on the delivery of Digital Transformation savings in 2017/18 and had taken a prudent approach of identifying alternative savings for up to £1m of savings in the current year. A table within the report detailed how budget pressures identified at the end of the first quarter were being addressed through reallocation of existing budgets. Appendix 3 to the report showed that, as at 30 June 2017 53% (£6.515m) of the savings had been delivered within the current year. The remaining 47% (£5.821m) were profiled to be delivered during the remainder of 2017/18. Emphasis during 2017/18 needed to be placed on delivering as many savings as possible permanently as per the Financial Plan especially considering the scale of savings required during 2017/18 (£12.336m). Full details of pressures, risks and challenges were detailed in Appendix 1 to the report. In response to a question about the expectation of delivering the £1m savings relating to Digital Transformation the Chief Executive advised that the project was on track and that she was confident that the savings identified would be delivered in full and be exceeded over time.

#### **DECISION**

##### **AGREED to:-**

- (a) note the corporate monitoring position projected at 30 June 2017, the underlying cost drivers and the identified areas of financial risk as reflected in Appendix 1 to the report;**
- (b) approve the virements attached as Appendix 2 to the report; and**
- (c) note the progress made in achieving Financial Plan savings in Appendix 3 to the report.**

#### **8. BALANCES AT 31 MARCH 2018**

There had been circulated copies of a report by the Chief Financial Officer providing an analysis of the Council's balances as at 31 March 2017 and advising of the projected balances at 31 March 2018. The report explained that the unaudited Council's General Fund useable reserve (non-earmarked) balance was £5.842m at 31 March 2017. This reflected an increase of £0.204m from the draft revenue outturn projected position of £5.638m presented to Members on 20 June 2017 prior to the production of the unaudited accounts. The increase was as a result of the 2016/17 revenue underspend (£0.128m) along with some minor technical adjustments (£0.076m). The projected General Fund useable reserve was projected at £5.638m at 31 March 2018 in line with the Council's Financial Risk Register. The Council's allocated reserve balance was £5.899m at 31 March 2017. The projected balance in the allocated reserve at 31<sup>st</sup> March 2018 was £1.997m. The report gave the detail behind this movement which included £1.506m released to support the 2017/18 Financial Plan which had previously been agreed by Members and £2.6m to support IT transformation also agreed by Members. The total of all useable balances, excluding developer contributions, at 31 March 2018 was projected to be £17.071m, compared to £19.705m at 31 March 2017. The projected balance on the Capital Fund of £4.408m would be affected by any further capital receipts, developer contributions, interest credited and any expenditure authorised to be financed from the Fund during the remainder of the financial year. Further detail of the balances and movements within the Council's funds were included within the report and Appendices.

#### **DECISION**

##### **NOTED:-**

- (a) **the unaudited 2016/17 revenue balances at 31 March 2017;**
- (b) **the projected revenue balances as at 31 March 2018 as per Appendices 1 & 2; and**
- (c) **the projected balance in the Capital Fund as per Appendix 3.**

#### **9. MONITORING OF THE CAPITAL FINANCIAL PLAN 2017/18**

There had been circulated copies of a report by the Chief Financial Officer providing an update on the progress of the 2017/18 Capital Financial Plan and seeking approval for projected outturns, associated virements and the reallocation of funds. The monitoring tables in Appendix 1 to the report showed actual expenditure to 30 June 2017. The tables identified a projected net variance of £1.333m against the approved budget, due to additional external funding secured for a number of projects, including £0.593m additional funding from the Timber Transport Scheme and £0.689m from Scottish Government for the expansion in Early Learning and Childcare hours. Appendix 2 to the report contained a list of block allocations approved for this year and the approved and proposed projects to be allocated from them within the 2017/18 Capital Plan.

#### **DECISION**

##### **(a) AGREED:-**

- (i) **the projected outturns in Appendix 1 to the report as the revised capital budget; and**
- (ii) **to approve the virements as detailed in Appendix 3 to the report.**

##### **(b) NOTED:-**

- (i) **the budget virements previously approved by the Chief Financial Officer and Service Director Assets & Infrastructure under delegated authority detailed in Appendix 2 to the report;**
- (ii) **the block allocations detailed in Appendix 2 to the report; and**
- (iii) **the whole project costs detailed in Appendix 4 to the report.**



10. **URGENT BUSINESS**

Under Section 50B(4)(b) of the Local Government (Scotland) Act 1973, the Chairman was of the opinion that the item dealt with in the following paragraph should be considered at the meeting as a matter of urgency, in view of the need to keep Members informed.

**TOUR OF BRITAIN**

On behalf of Elected Members the Chairman expressed her thanks to Economic Development officer Katherine Pearson and her team for their work towards making Stage One of the Tour of Britain and the Tour O' The Borders a great success. She commented on the thousands of spectators enjoying the spectacle in Kelso town centre and the views projected onto big screens of the cycle race passing through the Borders' countryside.

11. **LOCAL HOUSING STRATEGY 2017-2022**

There had been circulated copies of a report by the Service Director Regulatory Services seeking approval of the Local Housing Strategy (LHS) 2017-2022 due to be submitted to the Scottish Government in September 2017. The LHS and accompanying action plan were attached as Appendices. The report explained that The Housing (Scotland) Act 2001 placed a statutory requirement on local authorities to develop a Local Housing Strategy, supported by an assessment of housing need and demand for a five year period. The strategy brought together the local authority's responses to the whole housing system including; requirements for market and affordable housing; preventing and alleviation of homelessness; meeting housing support needs; addressing housing conditions across tenures including fuel poverty and links with Climate Change. The LHS was the key planning document, providing a framework of action, investment and partnership-working to deliver the local priorities. The Group Manager, Housing Strategy and Services, highlighted the agreed vision, strategic priorities and main issues identified and gave Members clarification where requested. She advised that an update on delivery of the strategy against the plan was provided for Members on an annual basis in addition to a five-yearly update report. In response to a question about the Council being proactively involved in the identification and development of land for housing Members were advised that the key was to demonstrate best value whether this was by working with partners or by using Council-owned sites more effectively. With regard to the issue of fuel poverty it was recognised that this was exacerbated by the fact that there was no gas supply to many rural areas. The Group Manager assured Members that it was part of the strategy to try to increase the number of communities to which gas was supplied.

**DECISION**

**(a) AGREED:-**

**(i) to the submission of the LHS and the action plan to the Scottish Government in September 2017; and**

**(ii) to implementation of the LHS where there were no additional financial resource implications.**

**(b) NOTED that officers would bring back proposals relating to those actions identified as potentially having resource implications.**

12. **STRATEGIC HOUSING INVESTMENT PLAN PROGRESS FOR 2016-2017**

There had been circulated copies of a report by the Service Director Regulatory Services advising Members of the affordable housing annual completions and progress made in the delivery of the Strategic Housing Investment Plan (SHIP) projects for the period 2016-2017. Current Scottish Government Guidance required that each Council submit a SHIP every 2 years. Owing to the currently enhanced size of the National Programme this would revert to an annual submission from October 2017. The Council's current SHIP 2017-2022 was agreed by Council and submitted in November 2016 and received very positive feedback from Scottish Government Officials. Members were advised that for the

financial period 2016-2017, 127 new affordable houses were delivered against envisaged projects set out in the current SHIP. This exceeded the Council's Local Housing Strategy 2012-2017 (LHS) annual target of 103 new affordable homes and over the 5 year LHS period, brought the total number of new affordable homes, delivered in the Borders to 594 which on average was 119 units per annum.

**DECISION**

**AGREED to endorse the progress made in the delivery of affordable housing projects in 2016 – 2017.**

13. **PRIVATE BUSINESS**

**DECISION**

**AGREED under Section 50A(4) of the Local Government (Scotland) Act 1973 to exclude the public from the meeting during consideration of the business detailed in the Appendix to this minute on the grounds that it involved the likely disclosure of exempt information as defined in the relevant paragraphs of part 1 of schedule 7A to the Act.**

**SUMMARY OF PRIVATE BUSINESS**

14. **MINUTE OF TRADING OPERATIONS SUB COMMITTEE**

The Private Minute of the Trading Operations Sub Committee held on 14 August 2017 was noted.

15. **41-43 HIGH STREET INNERLEITHEN. PROPOSED DISPOSAL TO EILDON HOUSING ASSOCIATION**

A report by the Service Director Regulatory Services was approved.

16. **WILTON LODGE PARK PROJECT - HAWICK CAFE AND BRIDGE DELIVERY**

Members considered and approved a report by the Service Director Assets and Infrastructure giving an update on the Wilton Lodge Park Project.

17. **MINUTE OF SOCIAL WORK COMPLAINTS REVIEW COMMITTEE**

The Minute of the meeting held on 19 July 2017 was approved.

*The meeting concluded at 11.45 am*

# SCOTTISH BORDERS COUNCIL DUNS COMMON GOOD FUND SUB-COMMITTEE

MINUTES of Meeting of the DUNS  
COMMON GOOD FUND SUB-COMMITTEE  
held in Council Chamber, Newtown Street,  
Duns on Thursday, 7 September 2017 at  
5.30 pm

Present:- Councillors J. Greenwell and D. Moffat  
Community Councillor A. Mitchell.  
Apologies:- Councillors M. Rowley  
In Attendance:- Principal Solicitor (H MacLeod), Capital and Investments  
Manager (K Robb), Democratic Services Officer (P Bolson).  
Members of the Public:- 1

## 1. **APPOINTMENT OF CHAIRMAN AND VICE-CHAIRMAN.**

As Councillor Rowley was unable to attend the meeting, the Sub-Committee unanimously agreed that the appointment of Chairman be held over until the next meeting. The Sub-Committee further agreed that this meeting be chaired by Councillor Greenwell.

### **DECISION AGREED.**

## 2. **WELCOME AND INTRODUCTIONS.**

The Chairman welcomed everyone to the meeting and introductions were made.

## 3. **MINUTE.**

There had been circulated copies of the Minute of the Duns Common Good Fund Sub-Committee of 2 June 2016.

### **DECISION AGREED to note the Minute.**

## 4. **FINANCIAL MONITORING FOR 12 MONTHS TO 31 MARCH 2017.**

4.1 There had been circulated copies of a report by the Chief Financial Officer which provided details of the income and expenditure for the Duns Common Good Fund for 2016/2017 including balance sheet values at 31 March 2017 and the proposed budget for 2017/18. Appendix 1 provided the details of the actual income and expenditure for 2016/17, showing a surplus of £779 in 2016/17 with a projected deficit of £578 for 2017/18. Appendix 2 gave the balance sheet value as at 31 March 2017 and this showed a decrease in the Reserves of £1,721, details of which were included in the report. A summary of the property portfolio showing property expenditure to 31 March 2017 was provided in Appendix 3. Ms Robb explained that following the transfer of 10 South Street, Duns to the Queen's and Lord Treasurer's Remembrancer (QLTR) in September 2016, a total of £1,695 had been refunded to the Council for legal, advertising and surveyor costs. This had been offset by utilities costs of £398 associated with the property. Appendix 3 reflected that the property had been transferred for nil consideration to the QLTR and Members noted that it had now been removed from the Council's Asset Register. The closing balance at 31 March 2017 as detailed in Appendix 2 was £18,081 and following discussion, it was agreed that the maximum amount available now be invested in the Newton Fund.

4.2 Ms Robb advised Members that a report was being presented to Council laying out the options for the future management of the Trust Funds and that a decision was awaited from the Office of the Scottish Charity Regulator (OSCR) regarding deregistration of

Common Goods Funds generally. In response to a question about the trusts/bequests currently within the area, Ms Robb confirmed that work had been ongoing for some time across the Council in relation to grouping these trusts under themes, eg Community, Welfare and Education, whilst maintaining the original ethos and intended locality for each. An update report would be presented in due course.

#### **DECISION**

**(a) NOTED the:-**

- (i) actual income and expenditure position for 2016/17 as detailed in Appendix 1;**
- (ii) final balance sheet value to 31 March 2017 as detailed in Appendix 2; and**
- (iii) summary of the property portfolio as detailed in Appendix 3.**

**(b) AGREED:-**

- (i) the proposed budget for 2017/18 as shown in Appendix 1; and**
- (ii) that the maximum amount available from the Balance Sheet now be invested in the Newton Fund.**

**5. 10 SOUTH STREET, DUNS**

Members received a verbal update on the current situation regarding the disposal of 10 South Street, Duns. Ms MacLeod advised that the QLTR finalised the sale of 10 South Street, Duns on 5 September 2016 and as was reflected in paragraph 3.1 above, all costs due to the Council had now been reimbursed by the QLTR.

#### **DECISION**

**NOTED the update.**

***The meeting concluded at 5.55 pm***

**SCOTTISH BORDERS COUNCIL**  
**JEDBURGH COMMON GOOD SUB-COMMITTEE**

MINUTE of MEETING of the  
JEDBURGH COMMON GOOD FUND  
SUB-COMMITTEE held in the Board  
Room, Jedburgh Grammar School,  
Jedburgh on 13 September 2017 at 4.30  
p.m.

Present:- Councillors S. Hamilton, S. Scott.  
Apologies:- Councillor J. Brown, Community Councillor H. Wight  
In Attendance:- Capital and Investments Manager, Solicitor  
(Karen Scrymgeour), Democratic Services Officer (F. Henderson).  
Members of the Public:- 0

1.0 **CHAIRMAN**

1.1 Due to the absence of Councillor Brown, Councillor Hamilton chaired the meeting.

**DECISION**

**AGREED that Councillor Hamilton chair the meeting in the absence of Councillor Brown.**

2.0 **MINUTE**

2.1 There had been circulated copies of Minutes of the Jedburgh Common Good Fund Sub-Committee held on 21 June 2017 and 17 August 2017.

**DECISION**

**NOTED the Minutes.**

3.0 **MONITORING REPORT FOR 3 MONTHS 30 JUNE 2017**

3.1 There had been circulated copies of a report by the Chief Financial Officer which provided details of the income and expenditure for the Jedburgh Common Good Fund for the year 2017/18 together with balance sheet values as at 30 June 2017 and full year projected out-turn for 2017/18 and projected balance sheet values as at 31 March 2018. Appendix 1 provided the projected income and expenditure for 2017/18. This showed a projected deficit of £3,366 for the year. Appendix 2 provided projected Balance Sheet value at 31 March 2018 and showed a projected decrease in the reserves of £14,966. Appendix 3 provided a breakdown of the property portfolio showing projected depreciation charges and actual property expenditure to 30 June 2017. Appendix 4 detailed the value of the Newton Fund to 30 June 2017. The Capital and Investments Manager advised that KPMG Investment Managers had been instructed to review the Newton Fund to ensure that they were meeting objectives and the indications were that there are more attractive options available within the market which would provide an improved performance. While the Performance Strategy was right, the investment managers may require to be changed. The Fund continues to be monitored very closely and a report would be presented to full Council to seek approval to undertake a procurement exercise in line with the previously approved Scottish Borders Council Common Good and Trusts Investment Strategy.

**DECISION**

**(a) NOTED:-**

**(i) the projected balance sheet value as at 31 March 2018 in Appendix 2;**

(ii) the summary of the property portfolio in Appendix 3 to the report;

(iii) the current position of the investment in the Newton Fund contained In Appendix 4 to the report; and

(b) **AGREED** the projected income and expenditure for 2017/18 in Appendix 1;

#### 4.0 **APPLICATION FOR FINANCIAL ASSISTANCE**

##### 4.1 **Jethart Callant's Festival**

There had been circulated copies of an application for Financial Assistance from the Jethart Callant's Festival for the grant of £5,000 towards the costs of the 2018. The application, which was submitted on an annual basis, advised that the festival covered a 3 week period of horse rideouts, ceremonial events and public entertainment for all ages – dances, family days, swimming gala, bike run etc. It was acknowledged that the Festival brought the townspeople together and generated considerable income for the town trades while attracting visitors to the town. Following considerable discussion around fundraising for the event, it was agreed to grant the Jethart Callant's Festival £5,000. However it was to be stipulated in the letter to the Jethart Callant's Festival Committee that a similar amount would unlikely be granted in subsequent years and that the Jethart Callant's Festival Committee should look to other sources for financial assistance.

#### **DECISION**

**AGREED to award a grant of £5,000 to the Jethart Callant's Festival for 2018.**

##### 4.2 **Jedburgh Pipe Band**

4.3

There had been circulated copies of an application for Financial Assistance from the Jedburgh Pipe Band for the grant of a donation towards the replacement of their minibus. The application explained that the Jedburgh Pipe Band played for Jedburgh Festival and other local community events throughout the year. The Pipe Band was highly respected and represented the Town of Jedburgh and the Borders at many varied bookings i.e. Edinburgh Castle, D-Day commemorations, France and Italy/Scotland Rugby Internationals. The application went on to explain that the Pipe Band had a minibus which was in a poor state of repair and that they were seeking to obtain a replacement vehicle, in order to continue with the engagements without the additional expense and inconvenience of hiring buses. The estimated cost of replacing the vehicle was £10,000. Fundraising of £2,213.92 had been secured and £3,701.48 had been paid from the SBC Jedburgh Minibus Fund, giving a total of £5,915.40. There remained £4,084.60 outstanding. The Sub-Committee commented on the fact that there was no evidence of the group applying to any other funding sources, as the Common Good should be viewed as a last resort. The Sub-Committee were of the opinion that the minibus should be available for Community Use rather than solely for the Pipe Band and requested that the Community Group works together in terms of procuring and maintaining the minibus.

#### **DECISION**

**AGREED:-**

(a) to award a grant of £4,000 to the Jedburgh Pipe Band towards the purchase of a replacement minibus; and

(b) that the minibus be available for Community Use within Jedburgh rather than solely for the Pipe Band and requested that Community Group works together in terms of procuring and maintaining the minibus.



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**SCOTTISH BORDERS COUNCIL**  
**KELSO COMMON GOOD FUND SUB-COMMITTEE**

MINUTE of MEETING of the KELSO COMMON  
GOOD FUND SUB-COMMITTEE held in The Board  
Room, Jedburgh Grammar School, Jedburgh on  
Wednesday, 13 September 2017 at 5.30 p.m.

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Present:- Councillors T. Weatherston (Chairman), S. Mountford, E. Robson and  
Community Councillor D. Weatherston.  
In Attendance:- Capital and Investments Manager (Kirsty Robb), Solicitor (Karen Scrymgeour),  
Democratic Services and Elections Officer (F. Henderson).  
Members of the Public:- 0.

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**1.0 MINUTE**

- 1.1 There had been circulated copies of the Minute of the Kelso Common Good Fund Sub-Committee held on 21 June 2017.

**DECISION**

**AGREED to note the Minutes for signature by the Chairman.**

**2.0 PINNACLE WOODLANDS**

- 2.1 With reference to paragraph 3 of the Minute of 21 June 2017, there had been circulated copies of the title, a copy extract of the Kelso Town Council Park and Cemetery Committee Minute of 20 June 1974, and a copy of a flowchart which detailed the process for Disposal, appropriation and alienation of Common Good property. Councillor Weatherston explained that Kelso Common Good appeared to have inherited the piece of ground delineated in red on the plan and the Common Good was maintaining the woodland from the Common Good Budget. The Solicitor explained that a triangle piece of ground at Pinnaclehill escarpment had been gifted to the Town Council by Mr Breusdtedt to facilitate an entrance being constructed into the woodland. M & J Ballantyne had offered the Town Council an area including the Bronze Age burial ground on condition that the Town Council erected a ranch-type fence along the boundary of the property to be disposed. The Minute went on to advise that *'As this proposal was rather different from the arrangements made at the escarpment, it could not be expected that the whole of the land be handed over free of charge, and suggested that if the money could not be found from the Park Department Estimates, that this might be an opportunity to invest some of the Common Good in what would undoubtedly be an beneficial acquisition'*. The Solicitor advised that there was a presumption in favour of land belonging to the Common Good if it was bought in the name of the Burgh. In this case the land was purchased in the name of the Provost, Magistrates and Councillors for the Burgh of Kelso prior to May 1975. Further, as there was nothing contained in the title which indicated that the purchase of the ground was for a statutory purpose, it was determined that Pinnaclehill Woodland belonged to the Kelso Common Good. As the land was considered to form part of the Kelso Common Good it was classed as inalienable and in terms of disposal, the Common Good would need to apply to the court to determine if the land could be disposed of.

**DECISION**

**NOTED that as the area in question was considered to belong to the Kelso Common Good, it would be responsible for its future maintenance.**

**3.0 MONITORING REPORT FOR 3 MONTHS TO 30 JUNE 2017**

- 3.1 There had been circulated copies of a report by the Chief Financial Officer which provided the income and expenditure for the Kelso Common Good for the three months to 30 June 2017 and full year projected out-turn for 2017/18 and projected balance sheet values as at 31 March 2018. Appendix I provided the projected income and expenditure position for 2017/18 which showed a

surplus of £847. Appendix 2 provided the balance sheet value to 31 March 2018 and showed a decrease in reserves of £41,653. Appendix 3 provided a breakdown of the property portfolio showing projected depreciation charges and actual property expenditure to 30 June 2017. Appendix 4 showed the value of the Newton Fund to 30 June 2017. The Capital and Investments Manager advised that KPMG Investment Managers had been instructed to review the Newton Fund to ensure that they were meeting objectives and the indications were that there are more attractive options available within the market which would provide an improved performance. While the Performance Strategy was right, the investment managers may require to be changed. The Fund continues to be monitored very closely and a report would be presented to full Council to seek approval to undertake a procurement exercise in line with the previously approved Scottish Borders Council Common Good and Trusts Investment Strategy.

## **DECISION**

- (a) AGREED the projected income and expenditure for 2017/18 as shown in Appendix 1 to the report.**
- (b) NOTED:-**
  - (i) The projected balance sheet value as at 31 March 2018 in Appendix 2 of the report;**
  - (ii) the summary of the property portfolio in Appendix 3 of the report;**
  - (iii) the current position of the investment in the Newton Fund contained in Appendix 4 of the report.**

*The meeting closed at 5.40 p.m.*

# SCOTTISH BORDERS COUNCIL GALASHIELS COMMON GOOD FUND SUB COMMITTEE

MINUTE of Meeting of the GALASHIELS  
COMMON GOOD FUND SUB COMMITTEE  
held in the Transport Interchange, Galashiels  
on Thursday, 14 September 2017 at 5.30 pm

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Present:- Councillors S. Aitchison, A. Anderson and H. Scott

Apologies:- Councillors E. Jardine and R Kenney

In Attendance:- Managing Solicitor - People and Court (C. Donald), Capital and Investments Manager (Kirsty Robb), Estates Surveyor (A. Phipps), Ecology Officer (A. Tharme), Democratic Services Officer (F. Walling).

Public - 1

1. **MINUTE.**  
There had been circulated copies of the Minute of 22 June 2017.

**DECISION**  
**APPROVED the Minute for signing by the Chairman.**

2. **TREE PLANTING NEXT TO GALASHIELS GOLF CLUB, LADHOPE**  
With reference to paragraph 4 of the Minute of 22 June, 2017, there had been circulated copies of a report by the Service Director Assets and Infrastructure seeking to obtain consent for a grant application to be made on behalf of the Common Good Fund for the planting of trees at Ladhope. The Estates Surveyor, Annabel Phipps, provided the background to the proposal and Hugh Chalmers, of the Tweed Forum was in attendance to provide further information. Public consultation on the scheme was carried out by way of a drop-in session and meeting on 25 October 2016. Mr Chalmers explained that he had worked on the planting design with the Ecology Officer, Andy Tharme. The final design was agreed after consultation and was attached as Appendix 1 to the report. Mr Tharme explained that the proposal helped to meet the Council's target in terms of woodland replacement under the Penmanshiel Compensatory Replanting Scheme. The scheme covered the cost of establishing the new woodland along with the associated works. It was forecasted that the funding would be available for maintenance of the trees for the first 10 years after planting and this would be monitored by SAC Consulting. The Common Good Fund would then be responsible for the cost of any routine maintenance. The forecasted figures showed a surplus, which could be reserved for the future maintenance of the trees. In response to questions, Mr Chalmers advised that use would be made of deer fencing around the planted areas as opposed to tree tubes. A meeting would be held with Cycling Scotland to discuss the layout of cycle tracks through the woodland. He confirmed that the Golf Club would continue to be kept informed of the proposals.

**DECISION**  
**APPROVED the planting of trees, as shown in the plan attached to the report, with Tweed Forum and SAC Consulting acting as agent, the Council's Penmanshiel Compensatory Grant Scheme as funder and Scottish Woodlands as the contractor.**

### 3. **FINANCIAL MONITORING REPORT FOR 3 MONTHS TO 30 JUNE 2017**

- 3.1 There had been circulated copies of a report by the Chief Financial Officer providing details of the income and expenditure for the three months to 30 June 2017, a full year projected out-turn for 2017/18 and projected balance sheet values as at 31 March 2018. The Capital and Investments Manager, Kirsty Robb, highlighted the main points of the report and appendices. Appendix 1 to the report provided a projected income and expenditure position, showing a projected surplus of £2,630 for the year. There were currently no requests for financial assistance from the Galashiels Common Good Fund and the approved budget of £500 remained to be disbursed. The projected Balance Sheet as at 31 March 2018, shown in Appendix 2 to the report, indicated a projected decrease in the reserves of £33,562 due to the depreciation charge. This was not a cash transaction and was off-set by a corresponding contribution from the revaluation reserve at the end of the financial year. The breakdown of the property portfolio detailing the values of the individual properties and projected depreciation charges for 2017/18 was shown in Appendix 3.
- 3.2 The current position of the investment in the Newton Real Return Fund (Newton Fund) was shown in Appendix 4 to the report. The fund delivered a positive return of 1.2% in the quarter to 20 June 2017, in line with its benchmark of 1.1%. This was the Fund's second consecutive return in excess of benchmark since the previously reported under-performance in the second half of 2016. However, as reported at the end of 2016/17, KPMG were commissioned to evaluate the Newton Fund in terms of its continued suitability for Common Good and Trust Fund investments. KPMG had conducted this assessment and had indicated there were more attractive options available within the market which would provide improved performance. A further report would be produced and presented to full Council to seek approval to undertake a procurement exercise in line with the previously approved Scottish Borders Council Common Good and Trusts Investment Strategy.

#### **DECISION**

- (a) **AGREED the projected income and expenditure for 2017/18 in Appendix 1 to the report as the revised budget for 2017/18.**
- (b) **NOTED within the appendices to the report:-**
- (i) **the projected balance sheet value as at 31 March 2018 in Appendix 2;**
  - (ii) **the summary of the property portfolio in Appendix 3; and**
  - (iii) **the current position of the investment in the Newton Fund in Appendix 4;**

*The meeting concluded at 5.45 pm*

# SCOTTISH BORDERS COUNCIL EILDON LOCALITY COMMITTEE

MINUTE of Meeting of the EILDON  
LOCALITY COMMITTEE held in the  
Transport Interchange, Galashiels on  
Thursday, 14 September 2017 at 6.30 pm

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Present:- Councillors G. Edgar (Chairman), S. Aitchison (from para 2), A. Anderson, K. Drum, T. Miers, D. Parker (from para 2), H.Scott, E. Thornton-Nicol.  
Community Council representatives:- D and R Purvis (Tweedbank), J Mackenzie (Stow), R French (Newtown and Eildon), F. Connelly (Heriot).

Apologies:- Councillor E. Jardine

In Attendance:- Inspector A. Hodges (Police Scotland), Neighbourhood Area Manager (C. Blackie), Democratic Services Officer (F. Walling),

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## 1. **MINUTE**

There had been circulated copies of the Minute of 22 June 2017.

### **DECISION**

**APPROVED the Minute for signing by the Chairman.**

### **MEMBERS**

Councillors Aitchison and Parker joined the meeting during the partner updates below.

## 2. **PARTNER UPDATES**

### 2.1 **Police Scotland**

Inspector Tony Hodges was in attendance to present his report and answer questions. He confirmed that, as agreed at the last meeting, he had contacted Elected Members prior to the meeting to gauge the issues they wished him to cover. The majority of matters had been dealt with directly but he wished to raise several issues at the meeting which had a bearing on the whole of the Eildon Locality. With regard to this year's Festivals/Common Ridings and Sevens in the Eildon Locality, Inspector Hodges reported that these had passed without significant incident. Working in partnership with Event Organisers and partner agencies, through the SBC Safety Advisory Group (SAG) process, had helped to ensure that these events were safer for participants, spectators, motorists and residents. In relation to next year's events Police Scotland would like to see a real focus on the traditions which made these events the envy of other areas in an effort to avoid alcohol being the main driver for many. In an effort to tackle the issue of youth drinking and related Anti-Social Behaviour, which has become more prevalent in certain communities recently, Inspector Hodges had met with partner agencies and agreed to run a local campaign towards the festive season in relation to parental supply of alcohol to teenagers. This would be pulled together under the stewardship of the Council's Safer Communities Team. A similar campaign in Lanarkshire had seen a dramatic reduction in alcohol-related youth issues. Inspector Hodges went on to talk about Unauthorised Travellers Encampments which were a regular cause for concern across the Eildon Locality. The onus for these encampments lay with the landowner but Police Scotland would provide support and respond to reports of criminal behaviour. Often residents were reluctant to come forward to make reports but, as seen recently in Selkirk, they could refer the matter to Elected Members who in turn could report to the police. The Local Community Policing Teams were more than willing to assist with any crime prevention projects communities may wish to consider. Inspector Hodges concluded his report by raising again the issue of drug supply. Police Scotland were currently running a

Proactive Enforcement Operation – ‘Operation Spray’ throughout the Scottish Borders which targeted those who supplied controlled drugs. This work relied on information from the community and Inspector Hodges encouraged Members to advise residents to report any activity either via 101 or confidentially to Crimestoppers on 0800 555 111. In response to a question from Stow Community Council representative, Jack Mackenzie, Inspector Hodges advised that there had been no reports of underage drinking at the Stow Sports event in the Summer. However as this was growing in size it would be added to the list of events and police would engage with the organisers for the 2018 event. In relation to an issue raised by Newtown and Eildon Community Council representative Roger French about reports of drugs and cantankerous dogs in the neighbourhood, Councillor Thornton-Nicol advised that this matter was being dealt with by the police. The Chairman thanked Inspector Hodges for his report.

## 2.2 **Scottish Fire and Rescue Service**

In the absence of a representative from the Scottish Fire and Rescue Service (SFRS) the Chairman referred to the written report submitted by Station Manager, Stephen Mitchell, which had been circulated. The update listed incidents attended between June and August and referred to the ongoing prevention and protection activity as described in the last report to the Locality Committee. Other activity included a partnership approach with LIVE Borders when crews from Galashiels and Innerleithen were involved in a successful multi pump exercise at Galashiels Swimming Pool to test operational preparedness and to educate and inform good practice with partners. Fire safety audits provided a targeted examination of business premises and their relevant documents to ascertain how the premises were being managed regarding fire safety. Unwanted fire signals were being addressed by phased intervention actions which identified premises which were producing ‘false alarms’, provided guidance on how to reduce a reoccurrence and could also evoke legislation if occurrences failed to reduce in number. SFRS were currently reviewing the numerous activities undertaken by Operational Staff which contributed to the main areas of the seasonal thematic action plan for Summer 2017. The service would continue to work closely with partners in the Scottish Borders Council Safer Communities Team as well as local partnerships to promote preventative work as well as inter agency solutions.

### **DECISION**

**NOTED the updates.**

## 3. **REQUEST FOR THE MAKING OF STOPPING-UP ORDER FOR PART OF PUBLIC ROAD AT ROSE COURT, GALASHIELS (DG88/2)**

There had been circulated copies of a report by the Service Director Assets and Infrastructure regarding a Stopping-Up Order for part of the DG88/2 public road at Rose Court, Galashiels. Senior Roads Planning Officer, Alan Scott, explained that parts of the road and footway known as Rose Court, Galashiels (DG88/2) would become superfluous when the redevelopment recently approved by the Council, subject to conclusion of legal agreement, was completed due to being incorporated within the proposal. The section of road concerned was detailed in an appendix to the report. The solum of roads included within the order would transfer to the ownership of the developer and the area incorporated within the new development. All new roads within the development must be constructed to the relevant standard approved via the planning application and would remain private upon their completion. Any new road or footway constructed during the development which was to become publicly maintained must be to an acceptable standard to the Council. The proposed Stopping-Up Order for the roads in question would be advertised following consultation with Ward Members.

### **DECISION**

**AGREED to the making of the Stopping-Up Order for that section of the DG88/2 public road at Rose Court, Galashiels and to delegate approval to confirm the Order to the Council’s Chief Legal Officer subject to there being no substantive objections.**

4. **VARIOUS STREETS STOW - TRAFFIC REGULATION ORDER**

There had been circulated copies of a report by the Chief Officer, Roads regarding the proposed amendment of the Traffic Regulation Order for Stow as well as related footway improvements. Road Safety Technician, Samantha Elliot, was in attendance to present the report. She explained that the Council had been working with Stow community to improve facilities for pedestrians, in particular children on the route to and from school. The improvements included widening existing narrow footways on Station Road and constructing a safer area at the bell-mouth of the junction of Mill Road with the A7. It would only be possible to introduce these improvements by amending the existing Traffic Regulation Order to include additional no-waiting (no parking) in the form of double yellow lines in the area. The footway improvements and amendments were shown in Appendix A to the report. New no-waiting restrictions would be required on a section of Station Road as well as the Mill Road/A7 bell-mouth. In addition to the footway improvements described above, a request had also been received for no-waiting restrictions in the vicinity of Craigend Road. This proposal was shown in Appendix B to the report. Local residents and businesses that would be affected by the introduction of the proposed build-outs had been letter-dropped and no comments had been received by the Council to date. Statutory consultation on the proposals would begin at the earliest opportunity. The local Elected Members and representative from Stow Community Council welcomed the amendments proposed within the report.

**DECISION**

**AGREED to approve the amendments to The Scottish Borders Council (Various Streets, Stow) (Traffic Regulation) Order 2009 assuming no adverse comments or objections were received.**

5. **NEIGHBOURHOOD SMALL SCHEMES**

There had been circulated copies of a report by the Service Director Assets and Infrastructure seeking approval for two proposed new Neighbourhood Small Schemes and giving an update on spend and projects to date in the Eildon Locality. Neighbourhood Area Manager, Craig Blackie, gave further details of the schemes put forward for consideration. The first was to replace the existing boundary timber fence on Ormiston Terrace, Melrose with a timber fence, 60 metres in length at a cost of £1,950. This request was received by an Elected Member and resident. The other request, received from the local community, was for a new timber bench at Lilliesleaf at a cost of £200. Members noted that £14,130 had been allocated to date on projects in the Eildon Area as detailed in Appendix A to the report.

**DECISION**

(a) **APPROVED the following new Neighbourhood Small Schemes for implementation:-**

- |      |  |               |
|------|--|---------------|
| (i)  | <b>Replace the boundary timber fencing (60m) at Ormiston Terrace, Melrose;</b> | <b>£1,950</b> |
| (ii) | <b>Provide a new timber bench at Lilliesleaf</b>                               | <b>£200</b>   |

(b) **NOTED the position to date on spend and projects in the Eildon Area for Neighbourhood Services Small Schemes, as detailed in the Appendix to the report.**

**PRESENTATIONS**

Copies of the slides accompanying the following presentations had been circulated with the agenda and were available on the Council's website with the agenda papers.

6. **Dealing With Winter**

Mr Blackie gave a presentation on the provision of a Winter Service by Neighbourhood Operations. He explained that the Council produced a Winter Service Plan, which described what steps would be taken to maintain the local road network free from ice and snow as far as the Council considered 'reasonable', as required under the Roads (Scotland) Act 1984. The Service was provided over the entire 2,947 km road network, with a total of 1,090 km (37% of the network) being designated as primary salting routes – 28 primary routes in total. The Service was also provided over the entire footway network with currently 20 designated primary footway routes in the main towns and villages. In addition there were 1052 salt bins distributed in towns, villages and rural areas. There were seven operational depots across the Council with three Climatic Domains for decision making. Decisions on appropriate treatment were made by the seven operational managers depending on the Met Office weather forecasts received. If warranted, depots carried out pre-treatment in the early evening, 'call-out' as required overnight and checks in the morning. The presentation went on to give details of equipment held by the Council to provide the Winter Service and resource systems used to determine when and where treatment was required. Eight separate salt storage facilities were maintained with a total capacity of 19,000 tonnes. Mr Blackie compared the number of planned actions over each of the past three winters, referring to the fact that there was no such thing as an 'average' winter to assist planning and budgeting. In response to questions Mr Blackie explained that manpower for the Winter Service was internal and involved roads personnel and park staff within Neighbourhood Services. With regard to the order of treatment of the road network, the 28 primary salting routes treated as a priority were listed on the Council's website. If adverse conditions continued after 9 am the secondary routes would be treated followed by the tertiary routes. However there was no guarantee when the latter would be treated as conditions may require resources to return to the primary routes.

7. **Health and Social Care Integration**

Strategic Planning and Development Manager, Jane Robertson, was in attendance to give a presentation on the Scottish Borders Health and Social Care Partnership. Also present was Stuart Barrie, Locality Co-ordinator for Tweeddale and Teviot. Mrs Robertson explained the background to Health and Social Care Integration and that legislation required partnerships to produce Locality Plans. In the Scottish Borders these were co-produced by five Locality Working Groups, chaired by Locality Co-ordinators, with membership of the groups including representatives from the community, the 3rd sector and officers. Key priorities and an action plan were developed for each locality and there had been public consultation on the Locality Plans over the past three months. The Plans were available to view on the Council's website and the consultation period would end on 16 September 2017. Mrs Robertson referred to the specific Eildon priorities within the Eildon Plan which were listed in the presentation. She went on to highlight projects being carried out under the Health and Social Care Transformation Programme, for example: the Matching Unit, operational in Hawick, Peebles, Galashiels and Kelso reduced the care at home waiting list in Tweeddale from 12 to 3 on the first day of operation. Another project, linked to community-led support, was the 'What Matters' Hubs, up and running in Hawick, Ettrick and Yarrow, and Galashiels. These aimed to improve access to services, reduce the need for formal care services, improve customer satisfaction and improve staff morale and motivation. A Transitional Care Facility was currently provided at Waverley Care Home in Galashiels with plans to roll out the project to other areas and extend to those living at home. This aimed to enable people to return to their own homes following hospital admission and to prevent further hospital admissions in the future. In response to a question, Mrs Robertson confirmed that, with regard to the aim to reduce multiple visits to the Borders General Hospital, the focus was not on visits associated with long-term conditions but to use early intervention to reduce multiple unscheduled visits. It was recognised that effective communication to the public and service-users about any change in ways to access services was a big challenge. Mrs Robertson confirmed that, as part of the communications plan, the Locality Plans and Posters had been distributed to all GP surgeries. She concluded by highlighting the email address



[integration@scotborders.gov.uk](mailto:integration@scotborders.gov.uk) for responses to the consultation and for further information.

**8. Local Development Plan Main Issues Report**

Charles Johnston, Lead Officer Plans and Research, was in attendance to draw attention to public events and workshops being held as part of the preparation of the Local Development Plan Main Issues Report (MIR). Mr Johnston referred to the 5 year cycle to produce a Local Development Plan and confirmed that the Council was commencing work on a new Local Development Plan. The first component part of the new plan was the MIR and the process would begin with public engagement to discuss and identify any issues interested parties would wish to see included in the MIR. Issues may include: housing allocation (new sites/removal of longstanding allocations); regenerating town centres; employment land provision; protection of greenspace; promotion of placemaking and design; wind farms; and changes to planning policies. The MIR was due to be prepared by Spring 2018 and be subject to consultation through Summer 2018 with the final adopted Local Development Plan being published in Spring 2021. Mr Johnston highlighted the dates of public events/workshops being held in the Eildon area to discuss the MIR over the next few weeks. Afternoon drop-in sessions (2pm – 5pm) would be informal to discuss general issues and provide leaflets/questionnaires. Evening sessions (6pm – 8 pm) would take the form of a workshop with participation and discussion of issues in more detail. In Galashiels on 27 September there would be an afternoon event in the Tesco foyer and a workshop in the evening at the Transport Interchange. In Selkirk on 10 October there would be an afternoon drop-in event at 1 Tower Street and an evening workshop at Community Connections, Back Row. A workshop would also be held on 12 October from 2pm – 4pm at Council HQ in Newtown St Boswells. Community Councils had already received letters about the MIR with details of the public engagement process.

**DECISION**

**NOTED the presentations.**

**9. OPEN QUESTIONS**

There were no open questions.

**DECISION**

**NOTED.**

**10. COMMUNITY COUNCIL SPOTLIGHT**

In response to a question from Mr French about the Locality Bid Fund, Councillor Aitchison advised that a report on amendments to the Scheme of Administration and the details of the Locality Bid Fund would be considered at the Council meeting on 28 September 2017. Until that time nothing had been confirmed in respect of Area Partnerships and the Locality Bid Fund. Hopefully, with the opportunity for greater participation from the community there should be more public interest in the area meetings in future.

**DECISION**

**NOTED.**

**11. DATE OF NEXT MEETING**

The next scheduled meeting would be on Thursday 7 December 2017, however the Chairman advised that a meeting may be arranged at an earlier date to take forward the Locality Bid Fund process in the Eildon area following the Council meeting referred to above.

**DECISION**

**NOTED.**

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