

**Please find attached the Public Minute Supplement for
Item 6(a) on the agenda for the above meeting**

(a)	Committee Minutes	(Pages 1 - 110)
Consider Minutes of the following Committees:-		
(a)	Local Review Body	21 September 2015
(b)	Scrutiny	24 September 2015
(c)	Civic Government Licensing	25 September 2015
(d)	Audit & Risk	28 September 2015
(e)	Executive	29 September 2015
(f)	Lauder Common Good Fund	30 September 2015
(g)	William Hill Trust	30 September 2015
(h)	Petitions and Deputations	1 October 2015
(i)	Planning & Building Standards	5 October 2015
(j)	Audit & Risk External Members Appointment	13, 22 & 23 October 2015
(k)	Local Review Body	19 October 2015
(l)	Executive (Education Theme)	20 October 2015
(m)	Civic Government Licensing	23 October 2015
(n)	Scrutiny	29 October 2015
(o)	Planning & Building Standards	2 November 2015
(p)	Executive (Economic Dev Theme)	3 November 2015

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List of Public Minutes for Council on 12 November

(a)	Local Review Body	21 September 2015
(b)	Scrutiny	24 September 2015
(c)	Civic Government Licensing	25 September 2015
(d)	Audit & Risk	28 September 2015
(e)	Executive	29 September 2015
(f)	Lauder Common Good Fund	30 September 2015
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(p)	Executive (Economic Dev Theme)	3 November 2015

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SCOTTISH BORDERS COUNCIL
LOCAL REVIEW BODY

MINUTE of MEETING of the LOCAL
REVIEW BODY held in the Council
Headquarters, Newtown St. Boswells
on 21 September 2015 at 10.00 a.m.

Present:- Councillors J. Brown (Chairman), M. Ballantyne, J. Campbell,
J. Fullarton, I. Gillespie, S. Mountford, B. White.
Apologies:- Councillor D. Moffat, R. Smith.
In Attendance:- Lead Officer Plans and Research, Chief Legal Officer, Democratic
Services Team Leader, Democratic Services Officer (F. Walling).

DECLARATIONS OF INTEREST

1. In terms of Section 5 of the Councillors Code of Conduct, Councillor White declared an interest in Item 4 of the agenda (paragraph 2), Councillor Gillespie declared an interest in Items 4 and 5 (paragraphs 2 and 3) and Councillor Fullarton declared an interest in Item 5 (paragraph 3). The Councillors left the meeting during consideration of these respective reviews.

REVIEW OF APPLICATION 15/00511/FUL

2. There had been circulated copies of the request from Mr Peter Smillie, per Mac Brown, Mill Cottage, Annay Road, Melrose, to review the decision to refuse the retrospective planning application in respect of the erection of decking and balustrade at 12 Todburn Way, Clovenfords. Included in the supporting papers were the decision notice, Notice of Review, officer's report of handling, location plan, comment from Community Council, objections and a list of relevant policies. In considering the review, Members noted three actions the appellant had proposed in response to concerns expressed by the appointed officer. Two of these proposals were minor changes which, it was concluded, could be attached to conditions should consent be granted and if considered appropriate. In a lengthy debate about the degree of impact of the development in terms of the effect on amenity and privacy of neighbouring properties, Members noted that overlooking from the appellant's house was already an issue. It was also felt that the building of a deck, even within the scale of permitted development rights, would result in a degree of overlooking into neighbouring properties.

VOTE

Councillor Fullarton, seconded by Councillor Brown, moved that the decision to refuse the application be upheld.

Councillor Mountford, seconded by Councillor Ballantyne, moved as an amendment that the decision should be overturned and the application approved, subject to conditions requiring the adoption of the appellant's Option 1 and planting being carried out to soften the mass and visual appearance of the deck.

On a show of hands Members voted as follows:

Motion - 2 votes
Amendment - 3 votes

The amendment was accordingly carried.

DECISION

DECIDED 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 determined without further procedure on the basis of the papers submitted;**
- (c) subject to the amendments noted above, the development was consistent with the Development Plan and there were no other material considerations that would justify departure from the Development Plan; and**
- (d) the decision of the appointed officer to refuse the application be reversed and the application for planning permission be granted, subject to conditions, as detailed in Appendix I to this Minute.**

REVIEW OF APPLICATION 15/00179/FUL

3. There had been circulated copies of the request from Mr Alex Wilson per VG Energy, Thainstone Agricultural Centre, Inverurie, to review the decision to refuse the planning application in respect of the erection of a wind turbine 34.4m high to tip and associated infrastructure on land south west of Clackmae Farmhouse, Earlston. The supporting papers included the decision notice, Notice of Review, officer's report of handling, consultations, additional representation and a list of relevant policies. The Local Review Body considered new evidence that had been submitted with the Notice of Review. In terms of Section 43B of the Act, Members concluded that this material had not been properly raised and proceeded to determine the case without reference to this evidence. After due consideration Members concluded that although there would be a visual impact of the turbine, particularly from receptors in parts of Earlston, any adverse impact would be outweighed by the potential economic benefits of 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) in accordance with Section 43B of the Town and Country Planning (Scotland) Act 1997 the review be determined without reference to the new evidence submitted with the Notice of Review documentation;**
- (c) the review could be considered without the need for any further procedure on the basis of the papers submitted;**

- (d) **the development was consistent with the Development Plan and there were no other material considerations that would justify departure from the Development Plan; and**
- (e) **the decision of the appointed officer to refuse the application be reversed and the application for planning permission be granted, subject to conditions as detailed in Appendix II to this Minute.**

REVIEW OF APPLICATION 15/00403/FUL

4. There had been circulated copies of the request from Ms Paula Milanesi per Clarendon Planning and Development Ltd, 5A Castle Terrace, Edinburgh to review the decision to refuse the planning application in respect of the erection of a dwellinghouse on land south west of Pyatshaw Schoolhouse, Lauder. Included in the supporting papers were the decision notice, Notice of Review, officer's report, consultations, support comments and a list of relevant policies. From their initial discussion Members concluded that there was a building group in the vicinity of the site. Their attention then focused on the design of the proposed dwellinghouse, whether it was an appropriate addition to the building group and whether the removal of trees to accommodate the house and the proposed replanting was acceptable. They concluded that the innovative design was appropriate to the setting and that the proposed replacement planting of trees would balance those lost as a result of the planned 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 development was consistent with the Development Plan and there were no other material considerations that would justify departure from the Development Plan; and**
- (d) **the decision of the appointed officer to refuse the application be reversed and the application for planning permission be granted, subject to conditions, an informative and a legal agreement, for the reasons detailed in Appendix III to this Minute.**

REVIEW OF APPLICATION 15/00424/FUL

5. There had been circulated copies of the request from Messrs Morgan Partnership, per Cockburn's Consultants, 29 Ryehill Terrace, Edinburgh, to review the decision to refuse the planning application in respect of the erection of a dwellinghouse on land south of Riding Centre, Sunnyside Farm, Reston. The supporting papers included the decision notice, Notice of Review, officer's report, consultations, support comment and a list of relevant policies. Having firstly concluded that there was a building group at Sunnyside Farm, Members went on to consider whether the house would be an acceptable addition to the building group in the location proposed. After discussion the majority view of Members was that the proposed location was well related to the existing group and was a logical extension to the group. Given their conclusion Members did not need to consider the economic justification for the proposal.

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 development was consistent with the Development Plan and there were no other material considerations that would justify departure from the Development Plan; and**
- (d) the decision of the appointed officer to refuse the application be reversed and the application for planning permission be granted, subject to conditions, informative and a legal agreement, as detailed in Appendix IV to this Minute.**

The meeting concluded at 12.40 pm

APPENDIX I

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

**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**

Local Review Reference: 15/00017/RREF

Planning Application Reference: 15/00511/FUL

Development Proposal: Erection of decking and balustrade

Location: 12 Todburn Way, Clovenfords

Applicant: Mr P Smillie

DECISION

The Local Review Body reverses the decision of the appointed officer and grants planning permission subject to conditions as set out in the decision notice

DEVELOPMENT PROPOSAL

The retrospective application relates to the erection of decking and a balustrade to the rear of this detached property at 12 Todburn Way, Clovenfords. The application drawings consisted of the following drawings:

Plan Type	Plan Reference No.
Location Plan	SDC9
Block Plans / Site Plan	SDC10

PRELIMINARY MATTERS

The Local Review Body considered at its meeting on 21st September 2015, that the review had been competently made under section 43A (8) of the Town & Country Planning (Scotland) Act 1997.

After examining the review documentation at that meeting, which included: (a) Decision Notice; (b) Notice of Review; (c) Report of Handling; (d) Location plan; (e) Comment from Community Council; (f) Objections; (g) List of Policies, the Review

Body concluded that it had sufficient information to determine the review and proceeded to consider the case. In coming to this conclusion, the Review Body considered the request from the applicants for further procedure in the form of written representations, one or more hearing sessions and a site visit.

The Appellant had submitted, with the Review Papers, three suggested proposals of action he could take to improve the development in light of the concerns detailed in the Appointed Officer's Refusal Notice. Of these compromise proposals, 2 were proposing fairly minor changes and were not considered to amount to material changes in the proposed development. Therefore it was concluded that the LRB could consider these options and if it was considered appropriate, attach conditions to any consent to effect these changes. These options were, in essence (1) blocking up the balustrade and (2) the setting the deck back from the boundary to accord with the permitted development rights for the deck as interpreted by the appellant.

However, the third option, which involved erecting 1.8m high timber balustrade panels next to the existing balustrade was considered to amount to a proposal to substantially change the proposed development. As such the Local Review Body concluded it would not be appropriate to consider this option during the course of the review, concluding that should the applicant desire to effect such a change it would require to be pursued through a fresh application.

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 2013 and the consolidated Scottish Border's Local Plan 2011. The Review Body considered that the most relevant of the listed policies were:

- Local Plan Policies: G1 and H2

Other material key considerations the Local Review Body took into account related to:

Other Material Considerations

- Supplementary Planning Guidance – Householder Development 2006
- Supplementary Planning Guidance - Placemaking and Design 2010
- The Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2011
- Scottish Borders Proposed Local Development Plan 2013

Members of the Review Body noted the concerns raised by objectors regarding the overlooking impacts from the decking into neighbouring properties, windows and their respective gardens. It was noted that the applicant's house was located at a higher level than neighbouring properties and that overlooking was already an issue to a degree irrespective of the deck, and parts of the deck would not materially worsen the overlooking impacts. Members acknowledged that the appellant could erect a deck on his land without requiring planning consent. It was explained that under the

permitted development rights once any part of the deck exceeded 0.5m in height from the ground level planning consent would be required. Although the appellant suggested only 0.9m would be required to be removed from the deck in order for it to fall within the permitted development rights, the planning advisor suggested the set back would likely be considerably more onerous than that. Members felt that even building a deck within the permitted development rights would involve a degree of overlooking into neighbouring properties.

In considering the development, its impacts and the options (1) and (2) Members felt that the development did create a level of additional impact on the residential amenity and privacy of neighbouring properties,. They considered however that impact could be sufficiently mitigated by adopting option (1) and, in addition, requiring that planting be carried put in front of the deck in order to soften its mass and visual appearance.

CONCLUSION

After considering all relevant information, the Local Review Body concluded that development, with the amendments detailed above being achieved by condition, was consistent to the Development Plan and that there were no other material considerations that would justify departure from the Development Plan.

CONDITIONS

1. Amendments to the balustrade panels on top of the decking to be carried out to incorporate the formation of a cross hatched pattern with additional spars of 50mm centres and also spars on the inside of the panel to make a lattice effect pattern. Full details of this work to be submitted and approved in writing by the Planning Authority. This work to be implemented on site within 3 months of the decision date of the Local Review Body

Reason : To reduce privacy and amenity impacts of the decking on the residencies and their garden grounds to the north west

2. A landscape scheme to be submitted to the planning authority within 3 months from the decision date of the Local Review Body. The planting scheme to ensure coverage of the decking and to be submitted to and approved in writing by the planning authority, and shall include :

- i. location of all new plants
- ii. schedule of plants to comprise species, plant sizes and proposed numbers/density
- iii. programme for completion and subsequent maintenance.

Reason: To reduce privacy and amenity impacts of the decking on the residencies and their garden grounds to the north west

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 J Brown
Chairman of the Local Review Body

Date ...29 September 2015

APPENDIX II

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

**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**

Local Review Reference: 15/00018/RREF

Planning Application Reference: 15/00179/FUL

Development Proposal: Erection of wind turbine 34.4m high to tip and associated infrastructure

Location: Land to the south west of Clackmae Farmhouse, Earlston

Applicant: Mr A Wilson

DECISION

The Local Review Body reverses the decision of the appointed officer and grants planning permission subject to conditions as set out in the decision notice

DEVELOPMENT PROPOSAL

The application is for the erection of a wind turbine 34.4m high to blade tip and associated infrastructure. The application drawings consisted of the following drawings:

Plan Type	Plan Reference No.
Location Plan	06450/024/B
Location Plan	06450/015/B
Site Plan	06450/016B
Elevations	06450/017/A
General	06450/018/A

PRELIMINARY MATTERS

The Local Review Body considered at its meeting on 21st September 2015, that the review had been competently made under section 43A (8) of the Town & Country Planning (Scotland) Act 1997.

After examining the review documentation at that meeting, which included: (a) Decision Notice; (b) Notice of Review and supporting papers; (c) Report of Handling; (d) Consultations (e) Additional Representation (f) List of Policies, the Review Body concluded that it had sufficient information to determine the review and proceeded to consider the case. In coming to this conclusion, the Review Body considered the request from the applicants for further procedure in the form of a site visit.

The Notice of Review indicated that new evidence had been submitted to the Local Review Body that had not been before the appointed officer when the case was determined. This was in respect of Appendix RS1 : Earlston - Topography and Directory and Direction of Proposed Turbine and Appendix RS2 : Earlston – Primary Views and Turbine Visibility. The applicant had provided no explanation as to why this material could not have been submitted at an earlier stage, nor any evidence to suggest that the late submission was as a result of exceptional circumstances. Members therefore concluded in accordance with Section 43B of the Act, that this material was not properly raised and proceeded to determine the case without reference to it.

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 2013 and the consolidated Scottish Border's Local Plan 2011. The Review Body considered that the most relevant of the listed policies were:

- SESplan Policy 10
- Local Plan Policies: G1, BE1, BE2, BE3, BE4, NE1, NE4, EP1,EP2, H2, Inf2, Inf 4, Inf 6 and D4

Other material key considerations the Local Review Body took into account related to:

Other Material Considerations

- Supplementary Guidance on Wind Energy 2011
- Supplementary Planning Guidance on Landscape and Development 2008
- Supplementary Planning Guidance on Renewable Energy 2007
- Border Landscape Assessment ASH Consulting Group 1998
- Scottish Borders Proposed Local Development Plan 2013
- Scottish Planning Policy 2014
- National Planning Framework 2014

- Planning Advice Note 51: Planning, Environmental Protection and Regulation 2006
- Planning Advice Note 60: Planning for Natural Heritage 2008
- Planning Advice Note 73: Rural Diversification 2005
- Planning Advice Note 1/2011 Planning and Noise 2011

- Planning Advice Note 2/2011 Planning and Archaeology 2011
- Scottish Government On-line Renewables Advice: Onshore Wind Farms

The Review Body agreed with both the appointed officer and the applicant that the development complied with the majority of planning policy considerations relevant to such development proposals, and that it was only the degree of visual impact of the turbine from receptors within Earlston that was at dispute between the parties. Members therefore focussed the deliberations on this question

It was noted the applicant did not consider there were feasible alternative options for business purposes and that the proposal should be judged as submitted. The Review Body acknowledged that the turbine would be visible from receptors particularly in Earlston and in some parts of the town those were likely to be quite noticeable. This was particularly highlighted from Viewpoint 2 submitted as part of the application. This viewpoint was taken from the pitch at Earlston Rugby Club located within Mill Road. Here the impact of the turbine was heightened by the fact that it would breach the skyline. They considered this was likely to create an adverse impact.

However, as required by policy D4 any perceived adverse visual impacts should be weighed against any economic benefits of the turbine. It was agreed that the turbine would be beneficial to the operation of the working farm and this was enhanced by its location close to the dairy shed in close proximity to the turbine. The Local Review Body accepted the submissions made by the applicant as regards the benefits which would derive from the proposal. These included the direct benefit of reducing the financial burden of the farm associated with its power need and the reduction of the farm's carbon footprint, contributing to national energy policy. In addition the Local Review Body accepted the farm needed to seek to utilise green technology to satisfy the requirements imposed by its biggest customer (Tesco) to ensure it retained that business. Consequently, on balance, it was considered that the economic benefits of the turbine outweighed any negative impacts the turbine might have.

It was also noted that within the Report of Handling the planning officer stated that he did not consider the siting of the meter house next to the turbine to be appropriate and an alternative location could be considered, e.g. closer to the dairy shed. Members agreed that the location of the proposed meter house was acceptable as submitted and would not have any significant adverse impact on the area.

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.

DIRECTION

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006

CONDITIONS

1. The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans, specifications, requirements and obligations as set out in the Environmental Statement and associated documentation submitted as part of the application. Any variation thereto must be agreed in writing by the Planning Authority.

Reason: To ensure that the development is carried out in accordance with the approved details.

2. This permission shall be for a period of 25 years from the date of final commissioning. No later than 18 months prior to the end of the period of this planning permission, or by such later date as may be agreed by the Planning Authority, unless a further planning application is submitted and approved, the applicants shall submit a method statement for the decommissioning of the windfarm and the restoration of the application site for the approval of the Planning Authority. Decommissioning in accordance with the approved method statement shall be completed within 6 months of the end of the period of this planning permission or any alternative timescale agreed with the Planning Authority in writing and shall include the dismantling and removal from the site of all turbines, buildings and ancillary development.

Reason: To ensure an indicative scheme is submitted by the developer and approved by the Planning Authority for the decommissioning of the wind farm at the end of its 25 year proposed lifespan.

3. The proposed route for any abnormal loads on the road network must be approved by the planning authority in liaison with the trunk roads authority prior to the movement of any abnormal load. Any accommodation measures required including the removal of street furniture, junction widening, traffic management must similarly be approved.

Reason: To maintain safety for road traffic and the traffic moving to and from the development and to ensure that the transportation of abnormal loads will not have any detrimental effect on the road network

4. Any additional signing or temporary traffic control measures deemed necessary due to the size or length of loads being delivered must be undertaken by a recognised Quality Assured traffic management consultant, to be approved by the planning authority in liaison with the trunk road authority before delivery commences.

Reason : To minimise interference with the safety and free flow of the traffic on the road.

5. At wind speeds not exceeding 10m/s at rotor centre height, the wind turbine noise level at each noise sensitive property shall not exceed the levels stated in table 1 within the Informative

Reason: To protect the amenity of noise sensitive properties.

6. At the request of the Planning Authority, in the event of a complaint to Scottish Borders Council relating to noise emissions from the wind turbine, the wind turbine operator shall shut down the turbine not later than 24 hours after receipt of the request and at his own expense employ an independent consultant, approved by the

Planning Authority, to assess the level of noise emissions from the wind turbine (inclusive of existing background noise). The background noise level shall also be measured without the wind turbine operating. The noise of the turbine alone can then be calculated by logarithmic subtraction. If requested by the Planning Authority the assessment of noise emissions shall include an investigation of amplitude modulation in a manner agreed with the Authority.

Reason : To protect the amenity of noise sensitive properties.

7. Should the wind turbine sound pressure level exceed the level specified in table 1 within the informative the turbine shall cease operation until such time as it has been demonstrated to the Planning Authority that the sound pressure level, referred to in condition 5, can be achieved.

Reason : To protect the amenity of noise sensitive properties.

8. The turbine to be fitted with 25 candela omni-directional red lighting or infrared lighting with optimised flash pattern of 60no flashes per minute of 200ms to 500ms duration at the highest practicable point. The Ministry of Defence to be advised of the date construction starts and ends, the maximum height of construction equipment and the latitude and longitude of the turbine erected

Reason : In the interests of Ministry of Defence safeguarding

Informative

As stated in condition no 5 noise levels should not exceed the following :

Table 1

Location		Wind speed at rotor height in m/s averaged over 1 minute periods. Sound pressure levels in dB LA90, 10mins						
Property Name	Map ref	4	5	6	7	8	9	10
3-4 CLACKMAE FARM COTTAGES	356061, 639247	26	31	32	32	32	30	31
1-2 CLACKMAE FARM COTTAGES	356069, 639307	25	30	31	31	31	29	31
GLENBURNIE FARMHOUSE	356051, 638802	23	28	29	29	29	27	29
CLACKMAE FARMHOUSE	356187, 639377	22	27	28	28	28	26	28
WEST LODGE, CAROLSIDE	355998, 639714	20	26	27	27	26	24	26
NETHER CAIRNIE	355969, 639764	20	25	26	26	26	24	26
CAIRNEY	354977,	17	22	23	23	23	21	22

MOUNT	639704							
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Notice Under Section 21 of the Town & Country Planning (Schemes of Delegation and Local Review procedure) (Scotland) Regulations 2008.

3. 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.

4. 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 J Brown
Chairman of the Local Review Body

Date...29 September 2015

APPENDIX III

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

**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**

Local Review Reference: 15/00019/RREF

Planning Application Reference: 15/00403/FUL

Development Proposal: Erection of dwellinghouse

Location: Land south west of Pyatshaw Schoolhouse, Lauder

Applicant: Ms P Milanesi

DECISION

The Local Review Body reverses the decision of the appointed officer and gives notice that it intends to grant planning permission subject to conditions and conclusion of a legal agreement as set out in this notice.

DEVELOPMENT PROPOSAL

The application relates to the erection of a house on land south west of Pyatshaw Schoolhouse, Lauder. The application drawings consisted of the following drawings:

Plan Type	Plan Reference No.
Location Plan	
Roof Plan	103
Floor Plans	110
Floor Plans	111
Sections	200
Existing Layout	101
Site Plan	102
Sections	300
Elevations	301
Elevations	302

PRELIMINARY MATTERS

The Local Review Body considered at its meeting on 21st September 2015, that the review had been competently made under section 43A (8) of the Town & Country Planning (Scotland) Act 1997.

After examining the review documentation at that meeting, which included: (a) Decision Notice; (b) Notice of Review and supporting papers; (c) Report of Handling; (d) Consultations; (e) Support comments and (f) List of Policies, the Review Body concluded that it had sufficient information to determine the review and proceeded to consider the case. In coming to this conclusion, the Review Body considered the request from the applicants for further procedure in the form of a site visit.

As a point of clarity raised by the appellants it was noted the 2no comments had been received from the Council's landscape team. Although they were similar they had different conclusions. It was confirmed that the second response should take precedence. Although it identified some issues to be addressed, ultimately it did not formally object to the proposal.

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 2013 and the consolidated Scottish Border's Local Plan 2011. The Review Body considered that the most relevant of the listed policies were:

- Local Plan Policies: D2, G1, G4, G5, Inf4, Inf5, Inf6, H2, NE3, NE4, NE5

Other material key considerations the Local Review Body took into account related to:

Other Material Considerations

- Supplementary Planning Guidance on New Housing in the Borders Countryside 2008
- Supplementary Planning Guidance on Placemaking and Design 2010
- Supplementary Planning Guidance on Privacy and Sunlight Guide 2007
- Supplementary Planning Guidance on Landscape and Development 2008
- Supplementary Planning Guidance on Trees and Development 2007
- Supplementary Planning Guidance on Development Contributions 2011
- Supplementary Planning Guidance on Biodiversity 2005
- Scottish Borders Proposed Local Development Plan 2013
- Scottish Planning Policy 2014
- Planning Advice Note 72 – Housing in the Countryside 2005

Members viewed slides of the site, which showed its characteristics, the design of the proposed new house, the proposed building materials, the trees to be removed to

accommodate the house and the replacement planting proposed. In the first instance members agreed that within the terms of the Housing in the Countryside policy there was a building group in the vicinity of the site and that the erection of a further house would not breach the 30% rule regarding the possible extension of that group. The Review Body's deliberations thereafter focussed primarily on whether the design of the house was appropriate in this rural location and whether the removal of trees and the proposed replacement planting was acceptable.

Noting the design was a modern one, members complemented its innovative appearance and supported the use of timber cladding, white painted facing brick and a pitched zinc roof. It was considered the design and materials were in accordance with the Council's Placemaking and Design Guidance.

Members did not consider that the proposed loss of the trees would be harmful to the amenity of the area, in the circumstances of this application. Indeed they noted that if the woodland was properly managed some trees would likely be removed in any event. Moreover, they considered that the proposed replacement planting would balance those lost as a result of the house and parking footprint and that this was an acceptable approach for the development to take.

The plans suggested the retention of a silver birch tree within the site although the proximity of the parking area may damage its root systems leading to its removal. Whilst that was considered regrettable members accepted this possibility but determined that an informative should seek to gain its retention if at all possible. A replacement tree should be planted in the vicinity of the silver birch to compensate if it does require to be removed.

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.

DIRECTION

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006

CONDITIONS

1. Notwithstanding the description of the materials in the application, 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.

2. 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. existing landscaping features and vegetation to be retained and, in the case of damage, restored
- iii. location and design, including materials, of walls, fences and gates
- iv. soft and hard landscaping works
- v. existing and proposed services such as cables, pipelines, sub-stations
- vi. other artefacts and structures such as street furniture, play equipment
- vii. A programme for completion and subsequent maintenance.

Reason: To ensure the satisfactory form, layout and assimilation of the development.

3. Before any part of the development hereby permitted is commenced detailed drawings showing which trees are to be retained on the site shall be submitted to, and be approved in writing by the Local Planning Authority, and none of the trees so shown shall be felled, thinned, lopped, topped, lifted or disturbed without the prior written consent of the Local Planning Authority.

Reason: To enable the proper effective assimilation of the development into its wider surroundings, and to ensure that those existing trees representing an important visual feature are retained and maintained.

4. Before any part of the permitted development is commenced, the trees to be retained on the site shall be protected by fencing to BS35837:2012 specification, placed at a minimum radius of one metre beyond the crown spread of each tree, 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;
- (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 on the development site, the loss of which would have an adverse effect on the visual amenity of the area.

5. The construction detail of the access from the public road, over the verge, and into the site should be constructed with a bituminous surface(tar) preferably to the following standard (or similar) : 1no layer of 75mm thick (40mm size) bitumen blinded with grit to BS 4987 laid on 375mm of 75mm broken stone bottoming blinded with Type 1 sub-base. The work carried out within the road and verge to be carried out by an SBC approved contractor.

Reason : To ensure the access is satisfactorily constructed

6. Site clearance or disturbance of habitats which could be used by breeding birds, including hedgerows and trees, shall not be carried out during the breeding bird season (March-August) without the express written permission of the Planning Authority. Supplementary checking surveys and appropriate mitigation for breeding

birds will be required if tree felling and habitat clearance are to commence during the breeding bird season.

Reason : To safeguard sites of breeding birds

7. To protect the water body SEPA Pollution Prevention Guidelines PPG1, PPG5 (general guidance and works affecting watercourses), and PPG 6 (construction and demolition) to be adopted as appropriate. Prior to commencement of works a proportionate Construction Method Statement for Works is required.

Reason : In the interests of pollution prevention

8. The means of water supply, surface water and foul drainage to be submitted to and approved in writing by the Planning Authority before the development is commenced. The development shall then be implemented in accordance with the approved details.

Reason: To ensure that the site is adequately serviced.

INFORMATIVE

The Local Review Body expressed a preference to retain the silver birch tree on the western side of the site. It is accepted in order to accommodate the house and its parking this may not be possible, and if not possible an alternative tree should be planted.

Environmental Health stated that in relation to the provision of solid fuel heating these installations can cause smoke and odour complaints and any Building and Planning Consents for the installation do not indemnify you in respect of Nuisance action. In the event of nuisance action being taken there is no guarantee that remedial work will be granted building/planning permission. The location of the flue should take into account other properties that may be downwind. The discharge point for the flue should be located as high as possible to allow for maximum dispersion of the flue gasses. The flue should be terminated with a cap that encourages a high gas efflux velocity. The flue and appliance should be checked and serviced at regular intervals to ensure that they continue to operate efficiently and cleanly. The appliance should only burn fuel of a type and grade that is recommended by the manufacturer. If you live in a Smoke Control Area you must only use an Exempt Appliance <http://smokecontrol.defra.gov.uk/appliances.php?country=s> and the fuel that is Approved for use in it <http://smokecontrol.defra.gov.uk/fuels.php?country=s> . In wood burning stoves you should only burn dry, seasoned timber. Guidance is available on - [http://www.forestry.gov.uk/pdf/eng-woodfuel-woodasfuelguide.pdf/\\$FILE/eng-woodfuel-woodasfuelguide.pdf](http://www.forestry.gov.uk/pdf/eng-woodfuel-woodasfuelguide.pdf/$FILE/eng-woodfuel-woodasfuelguide.pdf). Treated timber, waste wood, manufactured timber and laminates etc. should not be used as fuel. Paper and kindling can be used for lighting, but purpose made firelighters can cause fewer odour problems. The appliance should only burn fuel of a type and grade that is recommended by the manufacturer.

The Council's Flood Risk and Coastal Management stated that as access and egress to the development may be affected by flood waters, it is recommended that, to receive flood warnings from SEPA, the applicant signs up to FLOODLINE at www.sepa.org.uk or by telephone on 0845 988 1188.

Legal Agreement

The Local Review Body required that a Section 75 Agreement, or other suitable legal agreement, be entered into regarding the payment of a financial contribution towards educational facilities.

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

5. 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.

6. 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 J Brown
Chairman of the Local Review Body

Date...4 October 2015

APPENDIX IV

SCOTTISH BORDERS COUNCIL LOCAL REVIEW BODY INTENTIONS NOTICE

**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**

Local Review Reference: 15/00020/RREF

Planning Application Reference: 15/00424/FUL

Development Proposal: Erection of house

Location: Land south of Riding Centre, Sunnyside Farm, Reston

Applicant: Mr A Morgan

DECISION

The Local Review Body reverses the decision of the appointed officer and gives notice that it intends to grant planning permission subject to conditions and the conclusion of a legal agreement as set out in the decision notice.

DEVELOPMENT PROPOSAL

The application relates to the erection of a house on land south of Riding Centre at Sunnyside Farm, Reston. The application drawings consisted of the following drawings:

Plan Type	Plan Reference No.
Site Plan	6022.SP
Site Plan	6022PL2
General	6022PL1

PRELIMINARY MATTERS

The Local Review Body considered at its meeting on 21st September 2015, that the review had been competently made under section 43A (8) of the Town & Country Planning (Scotland) Act 1997.

After examining the review documentation at that meeting, which included: (a) Decision Notice; (b) Notice of Review and supporting papers; (c) Report of Handling; (d) Consultations; (e) Support comment and (f) List of Policies, the Review Body concluded that it had sufficient information to determine the review and proceeded to consider the case.

Within the appellant's statement reference was made to agreement to submit and implement a landscape plan. Although this was not submitted to the appointed officer it was considered a natural consideration as part of any application submission and was not considered to be new material in terms of section 43B of the Act. The LRB agreed to give consideration to this request.

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 2013 and the consolidated Scottish Border's Local Plan 2011. The Review Body considered that the most relevant of the listed policies were:

- Local Plan Policies: G1, D2, G5, Inf4, Inf5, H2, NE3, NE4,

Other material key considerations the Local Review Body took into account related to:

Other Material Considerations

- Supplementary Planning Guidance on Placemaking and Design 2010
- Supplementary Planning Guidance on New Housing in the Borders Countryside 2008
- Supplementary Planning Guidance on Privacy and Sunlight Guide 2006
- Supplementary Planning Guidance on Landscape and Development 2008
- Supplementary Planning Guidance on Development Contributions 2011
- Supplementary Planning Guidance on Biodiversity 2005
- Planning Advice Note 72 – Housing in the Countryside
- Scottish Borders Proposed Local Development Plan 2013
- Scottish Planning Policy 2014

The Review Body viewed and noted the plans submitted, photographs of the proposed site and details of the proposal. Although a business case was submitted with the application in support of the proposed house, in the first instance members considered whether there was a building group at Sunnyside Farm. They noted the existence of a farmhouse, the applicant's property and 3no cottages owned by the farm. They considered such a group existed and that the possibility of development within that group could be allowed under the 30% expansion rule.

The members noted the views of the Appointed Officer and in particular the conclusion that the proposal to develop into an open field which extended outwith the natural boundaries of the group was not in compliance with the Housing in the Countryside policy. They turned their attention therefore to whether the house would be an acceptable addition to the group.

Members considered that the location of the house immediately next to the riding arena was on an area of land which had a sense of place and related well to the existing group. Ultimately they considered the proposed location and details of the design of the single storey house to be an acceptable addition to the group. Members therefore concluded that the siting of the development at the proposed location would in itself be in accordance with the Development Plan and the Housing in the Countryside policy. Given that conclusion there was no need to further consider the economic justification for the proposal, nor was there any need to consider whether any occupancy conditions, or any other planning obligation, would be necessary to make the proposal acceptable.

CONCLUSION

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

DIRECTION

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006

CONDITIONS

1. Notwithstanding the description of the materials in the application, 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.

2. The means of water supply, surface water and foul drainage to be submitted to and approved in writing by the Planning Authority before the development is commenced. The development shall then be implemented in accordance with the approved details.

Reason: To ensure that the site is adequately serviced.

3. 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. existing landscaping features, trees and vegetation to be retained and, in the case of damage, restored
- iii. location and design, including materials, of walls, fences and gates
- iv. soft and hard landscaping works
- v. existing and proposed services such as cables, pipelines, sub-stations
- vi. other artefacts and structures such as street furniture, play equipment
- vii. A programme for completion and subsequent maintenance.

Reason: To ensure the satisfactory form, layout and assimilation of the development.

4. Visibility to the left at the junction with the public road to be improved to provide a splay of 2.4m by 120m and maintained thereafter in perpetuity. This requires the removal of a short section of hedge, and minor alterations to the fence.

Reason : In the interests of road safety

5. Two parking spaces and turning to be provided within the curtilage of the site and retained in perpetuity thereafter.

Reason : To ensure adequate parking provision for vehicles

Informative

SEPA stated that in relation to waste water drainage they note the applicant intends to deal with foul drainage arising from the site by way of a septic tank discharging to a soakaway. Assuming the porosity is suitable, this is acceptable to SEPA and potentially consentable under the Water Environment (Controlled Activities) (Scotland) Regulations (also known as CAR). The applicant should contact our SEPA Local Regulatory Team at the number below in order to discuss the CAR registration process.

SEPA also stated that details of regulatory requirements and good practice advice for the applicant can be found on the Regulations section of our website.

Legal Agreement

The Local Review Body required that a Section 75 Agreement, or other suitable legal agreement, be entered into regarding the payment of a financial contribution towards educational facilities.

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

- 7. 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.
- 8. 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 J Brown
Chairman of the Local Review Body

Date ...4 October 2015

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SCOTTISH BORDERS COUNCIL
SCRUTINY COMMITTEE

MINUTE of Meeting of the SCRUTINY
COMMITTEE held in the COUNCIL
CHAMBER, COUNCIL HEADQUARTERS,
NEWTOWN ST BOSWELLS on Thursday,
24 September 2015 at 10.00 am.

Present:- Councillors G Logan (Chairman), W Archibald, I Gillespie, A J Nicol,
S Mountford, R Stewart, J Torrance.

Apologies: Councillor K Cockburn.

Also Present: Councillors S Aitchison, J Greenwell.

In Attendance:- Service Director Strategy & Policy, Service Director Children & Young People,
Chief Officer Education Services, Principal Psychologist (Mr R Barrow),
Headteacher Hawick High School (Mr K McClory), Headteacher, Drumlanrig
Primary School (Ms J Gordon), Headteacher - Clovenfords and Stow Primary
Schools (Ms A Findlay), Clerk to the Council, Democratic Services Officer (J
Turnbull).

1. MINUTE

- 1.1 There had been circulated copies of the Minute of 20 August 2015.

DECISION

NOTED for signature by the Chairman.

- 1.2 With reference to paragraph 2.7 of the Minute on Non Schooling and Home Schooling and the amount of maintenance allowance payable to parents who were home educating their child/children, the Service Director Children and Young People advised that this information would be provided to Members by the end of the week.

DECISION

NOTED.

2. ATTAINMENT LEVELS IN SCHOOLS IN DEPRIVED AREAS

- 2.1 With reference to paragraph 6(a)(iv) of the Minute of 26 March 2015, the Chairman welcomed Ms Donna Manson, Service Director Children and Young People. Mr Kevin McClory, Headteacher Hawick High School; Ms J Gordon, Headteacher, Drumlanrig Primary School and Ms A Findlay, Headteacher, Clovenfords and Stow Primary Schools were also present at the meeting to give a presentation on Attainment Levels in Schools in Deprived Areas. There had been circulated copies of the Joseph Rowntree Foundation Report – Closing the Attainment Gap in Scottish Education; Raising the Attainment for All Vision document and Closing the Gap leaflet.
- 2.2 Mr McClory began by stating that his presentation focused on Hawick High School, as this was located in the most deprived area in the Scottish Borders with 30% of pupils in SIMD 1 and 2. Mr McClory explained that the key reasons for rising child poverty included cuts to welfare benefits, low pay and lack of secure employment. However, teachers could make a difference in how poverty impacted on children and young people by taking action to remove barriers which pupils from low income families faced at school. Mr McClory referred to statistical information which showed Hawick High School in relation to other schools in the Scottish Borders. As Hawick High School was the only school named on the two slides, with the others anonymised, Members requested that these two slides be re-issued to them with the names of the schools on the graphs. The statistics showed that staying on rates had dramatically increased. Although the school provided opportunities, such as an inclusive curriculum, this demonstrated that pupils were concerned about future opportunities. Free meal entitlement (FME) had also increased by 13.9%. Mr McClory went on to advise that the school had carried out a Values Consultation with teachers, parents and pupils which had determined the key values for Hawick High

School to be Determination, Ambition, Respect and Effort. The school had also decided on a motto – ‘Dare to Dream, Dare to Succeed’; everything the school did was now based around this motto. Mr McClory continued that the school had used a risk matrix to profile pupils from their first year to their final year. This had enabled the school to monitor pupils and determine those at risk of being disengaged from the learning process.

- 2.3 Mr McClory advised that Deprivation Funding had been used to address barriers to learning caused by difficulties in accessing appropriate school resources (school stationery, equipment, clothing and supplementing school trips). The Funding also enabled the school to provide coaching and mentoring programmes for disadvantaged and underachieving pupils; supported children so that they became fully engaged in school and community life; delivered parental engagement programmes and delivered innovative learning experiences which raised educational attainment, promoted attendance and encouraged positive engagement. The school had also introduced systems to address the attainment gap with targeted support, assertive mentoring and supported study. Mr McClory continued by referring to statistical information which showed that in Hawick High School the number of ½ days lost due to temporary exclusion had reduced by more than 50% over the previous two years. There was also improvement in literacy, numeracy and an increase in positive destinations for pupils leaving school.
- 2.4 In answer to Members’ questions, Ms Manson advised that all Members were about to be invited into schools for an in depth analysis of the statistics pertaining to their local school(s). She would also circulate a more detailed breakdown of deprivation in each locality. Ms Michelle Strong, Chief Officer Education Services, was also in attendance at the meeting and explained that the criteria for placing children into dociles was based on a national set of criteria including postcode and rurality. Ms Strong further explained that developmental parental skills commenced prior to the child starting school through learning and childcare centres. Parents were also targeted at this time to build relationships that would continue throughout the child’s education. Ms Manson added that information from Health Visitors identified families that required targeted programmes and intensive support. The Home School Workers were important as they became the link between the school and the parent. Councillor Aitchison, Executive Member for Education, was in attendance and encouraged Members to attend and become involved in their local Parent Council meetings and to promote parental involvement, as well as becoming more involved in corporate parenting.
- 2.5 Ms A Findlay, Headteacher, then gave a presentation on attainment levels in Clovenfords and Stow Primary Schools. Ms Findlay began by stating that unlike Hawick, Clovenfords and Stow on paper would not appear to be in an area of deprivation. However, deprivation did still exist within the community, and they had equal barriers to overcome such as domestic violence, substance misuse within families. Ms Findlay explained that on raising attainment in numeracy with respect to Stow, the school had categorised children into three levels (RAG status) and staff had been concerned when this showed a quarter of children below national indicators. The school identified these children and, using a methodology approach, introduced targeted support. Initially they had targeted one child in the school, giving one to one support, for 15 minutes, three times a week and one session of 30 minutes. The school measured the child’s accuracy, speed and support and this gave detailed information on how they were progressing. The school had now witnessed a significant improvement in every single child participating in the programme. The children continued to be monitored in the classroom and teachers had commented that the children showed more resilience, confidence and were no longer anxious. The programme also increased parental involvement and built an approach of success and ethos within the school. Ms Manson added that the Scottish Government had introduced a Raising Attainment fund. In the Scottish Borders, two schools had been awarded funding and all headteachers could participate in the training. Ms J Gordon, Headteacher, advised that in Drumlanrig Primary School, their project on improving writing skills had started by targeting two children before increasing the numbers involved to a group. However, when the programme moved to the next stage - the whole class - they found that there were too many distractions and some pupils did not perform well. They now had targeted smaller groups and this had resulted in raising of skills, attainment and building confidence. Members were advised that there was a big effort in action learning, with the challenge to get the right ‘hook’ for the children to get them interested in learning and keeping that interest to extend their learning.

- 2.6 In answer to questions, Ms Finlay advised that Stow Primary School had received no additional resources, but this had been about a different approach and instead they had reorganised what they had. For example, the Additional Needs Auxiliary had gone into a classroom for one hour and tried to assist as many children as possible. The school then divided this into targeted support of 4 x 15 minute sessions for individual children and were seeing progress. Ms Gordon advised that Drumlanrig had received Deprivation Funding and this had been used to enable the school to support children and break down barriers. All the headteachers agreed that if additional resources were available this would be utilised to provide additional staffing.

DECISION

NOTED the presentation and that Members would shortly be invited to meetings on the attainment data for schools in their own Wards.

3. MAINSTREAM SCHOOLS AND CHILDREN WITH COMPLEX ADDITIONAL SUPPORT NEEDS.

- 3.1 With reference to paragraph 6(a)(ix) of the Minute of 26 March 2015, the Chairman welcomed Mr Roger Barrow, Principal Psychologist, to the meeting to give a presentation on Mainstream Schools and Children with Complex Additional Support Needs. There had been circulated the Education (Additional Support for Learning) (Scotland) Acts 2004 and 2009; Implementation of the Education (Additional Support for Learning) (Scotland) Act 2004 (as amended) and the Supporting Children's Learning Code of Practice. Mr Barrow also circulated a private paper at the meeting showing the number of pupils in each resource for additional support needs. Mr Barrow began his presentation by advising that the New Bill increased the emphasis in terms of the rights of children and young people. The complexities required to be addressed for Additional Support Needs (ASN) included children with motor or sensory impairments, learning disabilities, having emotional or social difficulties, living with parents who were abusing substances or had mental health problems. Mr Barrow advised that in the Scottish Borders 25% of children required ASN rather than the national average of 21%. Mr Barrow continued that the Scottish Borders was the fourth most rural local authority and had not a developed school infrastructure which characterised many larger city services. However, with a large number of small schools they had developed support which could be flexibly deployed for a wide range of needs over time. Mr Barrow emphasised that the main point was not the specific label attached to a child but the nature of the provision for that child. There was a wide range of services available to support the child including the Educational Psychology Service, Sensory Team, Spectrum support and the Complex Needs Transition Service which was specifically for older children to support their transition to college. Mr Barrow went on to discuss dyslexia which had increased through the years. One of the reasons for this was that the Scottish Government had introduced a definition of dyslexia which had a much broader base than previously. Mr Barrow summarised the main duties of the Additional Needs Multi-agency Team (ANMaT) which included policy and practice guidance and protocols. Mr Barrow concluded his presentation by advising that they were focusing on inclusion and the reintegration of children with ASN within education, the provision of two new positions, one senior lead officer for ASN and a lead officer for inclusion would assist with this project.
- 3.2 Ms Manson clarified that ASN had previously been located under Social Work services but was now being managed in the new structure in Education services. It was important to learn from strategies to ensure that they targeted the right level of support to the individual child. It was vital that every member of staff working with children with ASN had the necessary training and skills to do so. A framework of indicators was in place to measure school performance, one of the key areas being inclusion and working with families. In answer to Members' questions Ms Manson advised that there were discussions taking place about the future of Howdenburn School and whether that service could be provided within mainstream schools, which would mean less travel for some children. Feedback was required on what was working and how to co-ordinate this with the plans for Duns, Earlston and Langlee, and further discussions would take place with Headteachers, Members, parents, etc. Ms Manson shared the same vision as headteachers: a commitment for every child to be educated in their own local schools. In terms of moving forward with this aim they were engaging with councillors and sharing ideas on the best use of resources. She confirmed that there was a small number of pupils who had to go out of the area to have their needs met – this could be education or care needs or a mixture of both. Mr Barrow advised that there was a small Spectrum Support Team and they prepared training for teachers every year. There was also the opportunity for staff to visit the Autism Spectrum Resource for guidance. In terms of allocation of resources, Ms Manson explained that at the

moment resources were allocated for the year but this was being reviewed to involve Head Teachers more so that when a pupil no longer required support, the resource could be moved on to someone who did. There were enough resources in place to train teachers and it was hoped to now develop the system further with greater involvement from Head Teachers. The presumption was to welcome all children into their local schools, including those with ASN. Future consultations on services would be undertaken using the Council's Consultation Framework.

- 3.3 The Committee thanked all officers for attending and for the informative presentations. Members were impressed by the commitment of the education team to the children of the Scottish Borders.

DECISION

NOTED the presentation.

4. **SCRUTINY REVIEWS – UPDATE ON SUBJECTS INCLUDED IN THE FUTURE SCRUTINY REVIEW PROGRAMME**

With reference to paragraph 3 of the Minute of 20 August 2015, there had been circulated an updated list of subjects which the Scrutiny Committee had asked to review and which included the source of the request, the stage the process had reached and the date, identified, of the Scrutiny meeting at which the information would be presented. It was noted that the next Scrutiny Committee would review the Religious Observance Policy and Faith Schools. The Clerk to the Council advised that the Petitions and Deputations Committee would be considering a petition on the Great Tapestry of Scotland at its next meeting on 1 October 2015. It was agreed to present an update to the next Scrutiny Committee on the outcome of that Petitions and Deputations Committee meeting. Scrutiny Committee would then agree whether or how it would progress any further review as requested by Etrick and Yarrow Community Council.

DECISION

AGREED

- (a) **the proposed list of subject for review by Scrutiny Committee, as appended to the Minute and any further actions detailed against particular reviews;**
- (b) **to present an update to the next Scrutiny Committee on the outcome of the Petitions and Deputations Committee consideration of the petition on the Great Tapestry of Scotland and to consider whether or how to progress any further review by Scrutiny; and**
- (c) **to advise Etrick and Yarrow Community Council that an update would be presented to the next Scrutiny Committee.**

The meeting concluded at 12.55 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, 25 September
2015 at 10.45 a.m.

Present:- Councillors W. Archibald, J. Campbell, G. Edgar, B. Herd, G. Logan,
D. Paterson, T. Weatherston and B White.

Apologies:- Councillors J. Greenwell, R. Stewart, J. Torrance.

In Attendance:- Solicitor (R. Kirk), Licensing Team Leader, Democratic Services Officer (F
Henderson), P.C. P.Robertson, Inspector K. Bennett - Police Scotland.

1. **MINUTE**

The Minute of the Meeting of 21 August 2015 had been circulated.

DECISION

APPROVED and signed by the Chairman

2. **LICENCES ISSUED UNDER DELEGATED POWERS**

There had been circulated copies of lists detailing the Civic Government and
Miscellaneous Licences issued under delegated powers between 13 August 2015 and 16
September 2015.

DECISION

NOTED

3. **LICENSING OF TAXI, PRIVATE HIRE VEHICLES AND DRIVERS**

There had been circulated copies of an application submitted by Mr Stuart Ayre for the
renewal of a Taxi Driver Licence together with a letter of objection dated 12 August 2015
received from Police Scotland. Mr Ayre was present at the meeting.

3.1 Inspector Bennett confirmed the information provided in the Police objection that Mr Ayre
had submitted an application for the renewal of a Taxi Driver Licence to Scottish Borders
Council dated 7 August 2015. Mr Ayre had disclosed his previous convictions, but had
failed to declare his Procurator fine from 2015. There was no police record held for the
convictions relating to the two charges for drink driving and the speeding charge on 31
August 2011 related to Mr Ayre driving an HGV at 59mph when the speed limit for that
class of vehicle was 40 mph. It was further reported that Mr Ayre had constantly failed to
disclose his full convictions each year and in view of the recent fine for no insurance and
previous road traffic convictions there was a serious doubt as to his suitability of being a
taxi driver. The Police were therefore unable to support the grant of the licence on the
basis that the applicant was not a fit and proper person to be the holder of such a licence,
in terms of Schedule 1, paragraph 5(3)(a)(ii) of the Civic Government (Scotland) Act 1982.

3.2 On being invited to address the Committee, Mr Ayre advised that he had recently
separated from his wife resulting in correspondence regarding vehicle insurance not being
received by him and the car in question was in fact parked in the drive of his home
address. Mr Ayre had not realised that insurance was required for a vehicle which was
not on the road. Mr Ayre explained he had taken the car off the road but had failed to
complete the required SORN documentation and had not insured the vehicle. When

questioned about the most recent speeding fine Mr Ayre confirmed that he had been driving a van at 59mph near Chirnside when the speed limit for that class of vehicle was 40 mph and that all his speeding fines had occurred while driving a van and not a taxi. In response to a question, the Licensing Team Leader advised that Mr Ayre had been granted his Taxi Licence in 2013. Members expressed concern regarding the regular occurrence of road traffic related offences and Mr Ayre's repeated failure to declare his convictions as highlighted by Police Scotland. The Committee considered the options and whether a 6 month renewal period would be appropriate to allow his behaviour to be more closely monitored.

VOTE

Councillor Paterson, seconded by Councillor Herd, moved that the application be renewed for a limited period of 6 months.

Councillor Logan, seconded by Councillor White, moved as an amendment that the application be refused.

On a show of hands Members voted as follows:

Motion - 3 votes

Amendment - 5 votes

DECISION

AGREED that the application for renewal of a Taxi Driver Licence from Mr Ayre be refused.

4. With reference to Paragraphs 4 - 6 of the Minute of 20 March 2015, there had been circulated copies of an application submitted by Mr Peter Dun for the renewal of a Taxi Driver Licence following an initial 6 month grant. Mr Dun was present at the meeting and the Committee noted that no further incidents had come to the attention of the Police.

DECISION

AGREED that the application for renewal of a Taxi Driver Licence submitted by Mr P Dun be granted.

The meeting concluded at 11.15 a.m.

SCOTTISH BORDERS COUNCIL
AUDIT AND RISK COMMITTEE

MINUTE of MEETING of the AUDIT AND RISK
COMMITTEE held in the Council Chamber,
Council Headquarters, Newtown St. Boswells
on 28 September 2015 at 10.00 am.

Present: - Councillors M Ballantyne (Chairman), J Campbell, A Nicol, S Scott, B White;
Mr D Gwyther.

Apology:- Councillor W Archibald.

In Attendance:- Chief Financial Officer, Corporate Transformation and Services Director,
Senior Internal Auditor, Clerk to the Council, Democratic Services Officer (F.
Henderson); Mr H Harvie – KPMG, Mr M Swan - KPMG.

1. **WELCOME**

The Chairman welcomed to the meeting Mr Hugh Harvie and Matt Swan from KPMG. The Chairman further advised that the vacancy for an external member of the Audit and Risk Committee was currently being advertised and interviews would be held in the near future. Mr Gwyther had agreed to continue as one of the external members of the Audit and Risk Committee.

**DECISION
NOTED.**

2. **MINUTE**

2.1 There had been circulated copies of the Minute of 30 June 2015.

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

2.2 With reference to the decision at paragraph 1.3 of the Minute of 30 June 2015 regarding the informal briefing on Treasury Management/Capital for Elected Members, it was confirmed that this was now in the diary.

**DECISION
NOTED.**

2.3 With reference to the decision at paragraph 4.3(c) and (d) of the Minute of 30 June 2015 regarding the inclusion in the Corporate Counter Fraud Strategy of the timescales for the presentation of reports to the Audit and Risk Committee, and the recommendation of the revised Corporate Counter Fraud Policy and Strategy to Council, the Chief Financial Officer confirmed that these had been actioned.

**DECISION
NOTED.**

2.4 With reference to the decision at paragraph 5(b) of the Minute of 30 June 2015 regarding the publication of the Audit and Risk Committee Annual Report 204/15 on the Council's website, the Chief Financial Officer confirmed that this had been published.

**DECISION
NOTED.**

3. **SCOTTISH BORDERS COUNCIL ANNUAL AUDIT REPORT 2014/15**

There had been circulated copies of the draft Annual Audit report from the Council's External Auditors, KPMG. The report summarised the findings of KPMG in relation to the audit of Scottish Borders Council for the year ended 31 March 2015, highlighting the key issues and financial position. KPMG had issued an unqualified audit opinion on the 2014/15 financial statements. Mr Harvie of KPMG presented information on the strategic overview and use of resources; financial statements and accounting; corporate governance; and performance management arrangements. Members asked Mr Harvie about the Council's approach to reserves, which was risk rather than percentage based, and Mr Harvie judged that although this differed from the approach used by other Councils, he considered the Council's approach reasonable. The Chief Financial Officer confirmed that in terms of payments for the Borders Railway, the Council was liable to pay £8.5m over 30 years, which was anticipated to be funded from developer contributions. At the present time, £1m was due to be paid and this had been funded from developer contributions so there was no need to make provision within the Council's accounts, although this would be kept under review throughout the payment period. Mr Harvie spoke of the governance arrangements; the waste contract termination, and the External Auditors satisfaction that the Council had followed appropriate procedures in relation to its decision; and the action plan for the Council, which contained four Grade 3 (minor) observations. Members also received information on bank reconciliations and the Chief Financial Officer confirmed that the Council's Corporate Management Team had been discussed updating the staff survey.

DECISION

NOTED the draft Annual Report from the Council's External Auditors.

4. **SCOTTISH BORDERS COUNCIL FINAL REPORTS AND ACCOUNTS 2014/15**

4.1

With reference to paragraph 6 of the Minute of 30 June 2015, there had been circulated copies of a report by the Chief Financial Officer presenting the Committee with the audited Annual Reports and Financial Statements for 2014/15 for Scottish Borders Council, the Scottish Borders Council Common Good Funds, the Scottish Borders Council Charitable Trusts, and Bridge Homes LLP. The report on the Council's Annual Accounts explained that the Council's External Auditors, KPMG, had completed the audit of the Council's 2014/15 Annual Accounts and had provided an unqualified independent audit opinion. The report further explained that KPMG had identified four Grade 3 (minor) recommendations requiring action and these had been accepted by management and would be enacted within the agreed timescales. As required under the Local Authority Accounts (Scotland) Regulations 2014, the audited Annual Accounts for Scottish Borders Council, SBC Common Good Funds, the SBC Charitable Trusts and Bridge Homes LLP as contained in Appendices 1-4 of the report were presented to the Audit and Risk Committee prior to signature. The Chief Financial Officer advised that the regulations governing the presentation of annual accounts had changed significantly this year and a related change in the sign-off process for this year only to comply with the new statutory reporting deadline of 30 September, with the accounts being submitted to the Executive Committee for approval in the absence of a Council meeting within the required timescales. Members commended the improvements made to the presentation of the accounts.

4.2

Members asked about particular aspects of the accounts. With regard to the amount spent on roads maintenance it was confirmed that an additional £1m would be spent in 2015/16. The cost of utilities had increased due to a price increase per kwh and the inclusion of street lighting in the calculation of the Council's carbon tax liability for the first time. The switching off of the three biomass boilers in schools had increased energy usage but overall consumption was down by 2.5%. The cost of responding to FOI requests was not recorded but was thought to be fairly high. In terms of the total number of complaints received (excluding those classed as invalid), the Chief Financial Officer advised that the level of complaints was not out of line with other public bodies. The Council had a robust procedure in place and often managed to resolve complaints at Stage 1. The Corporate Management Team reviewed complaints closely including an analysis of 'lessons learned' to try to reduce any future complaints. The Chief Financial Officer referred to the Council's Annual

Accounts, highlighting the main points for 2014/15 and plans for 2015/16; the management commentary; financial position at 31 March 2015, with the delivery of targeted savings; capital financing requirement and reserves, along with Group accounts; and performance priorities. In response to a question, Members were advised that it would be difficult to make comparison with other organisations across Scotland as data was collected differently in each organisation so like for like comparison could not be made. There had been an increase in remuneration but the current senior management structure was an interim one and the Chief Executive was reviewing this. Outstanding PPP debt was reflected in the SBC balance sheet and with regard to finance for the proposed new Kelso High School, there was ongoing debate at national level on how the current impasse regarding ESA10 would be resolved. This potentially could impact on the Council's capital programme if funding was not structured through revenue. Any loans/grants paid to 3rd parties by the Council were included on the debtors balance. No analytical information on these was provided in the accounts but this could be brought separately to the Audit and Risk Committee. Members then discussed the worth of renegotiating existing loan terms under PPP and PFI, and the Chief Financial Officer advised that there was provision within these contracts to allow re-financing under certain circumstances. This was kept under review but at the moment there was no benefit to the Council in pursuing this option under the current interest rate environment.

DECISION

AGREED:

(a) to approve the following for signature by the appropriate individuals:-

- (i) the Scottish Borders Council's audited Annual Accounts for the year to 31 March 2015, as detailed in Appendix 1 to the report;**
- (ii) the Scottish Borders Council Common Good Funds' (Charity SC031538) audited Annual Accounts for the year to 31 March 2015, as detailed in Appendix 2 to the report;**
- (iii) the SBC Welfare Trust (Charity SC044765) audited Annual Accounts for the year to 31 March 2015, as detailed in Appendix 3(i) to the report;**
- (iv) the SBC Education Trust (Charity SC044762) audited Annual Accounts for the year to 31 March 2015, as detailed in Appendix 3(ii) to the report;**
- (v) the SBC Community Enhancement Trust (Charity SC044764) audited Annual Accounts for the year to 31 March 2015, as detailed in Appendix 3(iii) to the report;**
- (vi) the Thomas Howden Wildlife Trust (Charity SC015647) audited Annual Accounts for the year to 31 March 2015, as detailed in Appendix 3(iv) to the report;**
- (vii) the Ormiston Trust for Institute Fund (Charity SC019162) audited Annual Accounts for the year to 31 March 2015, as detailed in Appendix 3(v) to the report;**
- (viii) the Scottish Borders Council Charity Funds' (Charity SC043896) audited Annual Accounts for the year to 31 March 2015, as detailed in Appendix 3(vi) to the report; and**
- (ix) the Bridge Homes LLP audited Annual Accounts for the period 7 February 2014 to 31 March 2015, as detailed in Appendix 4 to the report.**

- (b) that the Chief Financial Officer provide a report to a future meeting of the Audit and Risk Committee with a high level analysis of the grants and loans given by the Council to 3rd Parties.

5. **SCOTTISH BORDERS COUNCIL PENSION FUND ANNUAL AUDIT REPORT 2014/15**

With reference to paragraph 7 of the Minute of 20 June 2015, there had been circulated copies of the draft Annual Audit Report by the Council's External Auditors, KPMG, for Scottish Borders Council Pension Fund for the year to 31 March 2015. Mr Matt Swan of KPMG presented the headlines from the report and advised that the audit of the Pension Fund was now complete and that an unqualified audit opinion on the 2014/15 financial statements had been given. KPMG reported that the Annual Report and Accounts had been prepared to a high standard and that there had been a relatively static position in relation to active contributing membership and a continuing rise in the number of pensioners. Total contributions had increased by £0.7m and benefits payable had increased by £1.3m during the year. The net return on investment had increased to £60.4m in 2015-15 (2013/14 £40.1m) primarily due to the positive change in market value of investments in line with the investment review performed by the Fund's investment consultants, Aon Hewitt, although it was noted that the stock market had fallen in recent weeks. Members confirmed that the Annual Audit report reflected what had been reported to the Audit and Risk Committee throughout the year.

DECISION

NOTED the Pension Fund Annual Audit Report 2014/15.

6. **SCOTTISH BORDERS COUNCIL PENSION FUND ANNUAL REPORT AND ACCOUNTS 2014/15**

With reference to paragraph 7 of the Minute of 30 June 2015, there had been circulated copies of a report by the Chief Financial Officer presenting to Members the Scottish Borders Council Pension Fund's audited Annual Accounts for 2014/15. The report explained that the Council's External Auditors, KPMG had completed the audit of the Council's 2014/15 Annual Accounts. The Annual Audit Report summarised KPMG's conclusions, including an unqualified independent audit opinion; the Accounts having been prepared in accordance with the relevant legislation, Codes of Practice and accounting requirements; and the provision of high quality working papers. Councillor White, Chairman of the Pension Fund Committee, advised that going forward it was hoped to make the report more user friendly and provide help for individuals to plan for their future pension. The Corporate Finance Manager confirmed that a full review of the investment strategy for the Fund was planned over the next 12 months, although there would need to be empirical evidence before making any changes and also to bear in mind the members of the Fund.

DECISION

APPROVED the audited Scottish Borders Council Pension Fund Annual Report and Accounts 2014/15 for signature by the Chair of the Pension Fund Committee and the Chief Financial Officer.

7. **ANNUAL TREASURY MANAGEMENT REPORT 2014/15**

7.1

With reference to paragraph 6 of the Minute of Scottish Borders Council of 20 November 2014, there had been circulated copies of a report by the Chief Financial Officer presenting the annual report of treasury management activities undertaken during 2014/15 financial year to the Audit and Risk Committee for review as part of their scrutiny role in relation to treasury management activities in the Council. The CIPFA Code of Practice on Treasury Management in the Public Services required an annual report on treasury management to be submitted to Council following the end of the financial year. Appendix 1 to the report comprised the annual treasury management report for 2014/15 and contained an analysis of performance against target set in relation to Prudential and Treasury Management Indicators. All of the performance comparisons reported upon were based on the revised indicators agreed as part of the mid-year report approved on 20 November 2014. The report advised that the Council's capital expenditure for 2014/15 was £31.4m which was £14.4m

less than estimated. The Corporate Finance Manager advised that the tables in the report had inadvertently not been updated and those in paragraph 1.3 of the Appendix were the correct ones, and they showed that the Council had not borrowed ahead of need. The Appendix highlighted activity in relation to the treasury management function during 2014/15, the Council's strategy with regard to interest rates and future expectations and how the capital expenditure incurred by the Council in 2014/15 was funded. In terms of the Capital Financing Requirement (CFR), Table 5 contained in the Appendix showed that the Council was not borrowing to support revenue expenditure and had under borrowed by £40.2m. The report explained that the expectation for interest rates within the strategy for 2014/15 anticipated low but rising Bank Rate (starting in quarter 1 of 2015), and gradual rises in medium and longer term fixed borrowing rates during 2014/15. Variable, or short-term rates, were expected to be the cheaper form of borrowing over the period. Continued uncertainty in the aftermath of the 2008 financial crisis promoted a cautious approach, whereby investments would continue to be dominated by low counterparty risk considerations, resulting in relatively low returns compared to borrowing rates. In this scenario, the treasury strategy was to postpone borrowing to avoid the cost of holding higher levels of investments and to reduce counterparty risk. The actual movement in gilt yields meant that Public Works and Loans Board rates saw little overall change during the first four months of the year but there was then a downward trend for the rest of the year with a partial reversal during February.

- 7.2 In response to questions the Corporate Finance Manager confirmed that the Council had some debt which did not mature until 2060, but these were hard to reschedule to a lower rate without penalty due to the terms of the original agreements. The Chief Financial Officer explained that the Council looked to manage the cost of borrowing to around 10% of revenue. Members discussed the Council's relationship with Scottish Enterprise and the South of Scotland Alliance, with a recent report to the Executive Committee in relation to Business Gateway for support for businesses. In terms of economic development, it was necessary to link to the national agenda to be in a position to maximise funding and inward investment.

DECISION

- (a) **NOTED that treasury management activity in the year 31 March 2015 was carried out in compliance with the approved Treasury Management Strategy and Policy.**
- (b) **AGREED that the Annual Treasury Management Report Year to 31 March 2015, as detailed in Appendix 1 to the report, be presented to Council.**

8. ACCOUNTS COMMISSION ANNUAL REPORT 2014/15

There had been circulated copies of the Accounts Commission Annual Report for 2014/15. The Senior Internal Auditor presented the report and explained the financial context, with 4 specific pieces of work covering procurement in Councils; Borrowing and Treasury Management; Self-Directed Support; and School education. The Annual Overview report published in March 2015 concluded that Councils had managed financial pressures well to date largely by cutting staff numbers, but this alone was not sustainable in the longer term. It was confirmed that all of the Accounts Commission reports were examined by officers and those requiring actions brought either to the attention of the Corporate Management Team and/or to the relevant Committee for consideration.

DECISION

NOTED the report.

9. CORPORATE RISK REGISTER

- 9.1 There were circulated at the meeting copies of the current Corporate Risk Register along with the Risk Identification Prompt List and Categories document. The Corporate Transformation and Services Director, Mr Dickson, explained how the Corporate Risk Register was used in the operational work of the Council, with officers considering the inherent risk and then the controls to be put in place to mitigate these, leading to a residual

risk remaining. There were 7 risks, with 3 in particular highlighted at the meeting. The only risk in red at present was the Technology category, which involved the ICT Review and reports to Council on the work which was being carried out with City of Edinburgh Council. This had been highlighted as a red risk as at the time (June 2015) there had been some uncertainty whether Edinburgh would be in a position to award their ICT contract. If this was to be scored again, the risk would be lower as additional resources had been brought in and Edinburgh had now awarded the contract to CGI. Officers were currently working on outline business cases for the provision of various ICT services for Scottish Borders Council and a report was planned to come to Council on 17 December 2015. It was hoped to have information from CGI within the next 3 weeks to allow the Members Working Group to meet initially and then it was planned for that Group to meet on an increasing basis up until the report to Council in December. Mr Dickson confirmed that while officers were in discussion with CGI, no commitment had been made and this would be the case until Council had made its decision in December. At the moment the Council was still in the due diligence phase. The prior information documents were on the procurement portal, but not an invitation to tender.

- 9.2 In relation to Reputational category risk to the Council for externally organised events, Mr Dickson referred to the tragic events of the Jim Clark Rally of the previous year and advised that the inherent risk scored 20. Although the Safety Advisory Group was reviewing events safety processes and procedures, the risks could not be removed entirely. The risk for the Council rested on the wider legal responsibility of set up and planning of an event in terms of general public safety (i.e. members of the public going about their daily lives), with spectators at events the responsibility of the event organisers. Handling of risk was about striking a balance and Mr Dickson mentioned the Tour of the Borders cycle race as a good example. It was acknowledged that Summer Festivals found it challenging to meet the risk management requirements. Mr Dickson highlighted the value of having clear roles and responsibilities within an event's management, and that the Council facilitated and supported events but did not carry the risk/liability, as that remained with the event organisers. All Events and Festivals were assessed by the Safety Advisory Group which enabled a clear understanding of what was required i.e. road closures.
- 9.3 In terms of the Environment category risk, Mr Dickson advised that this related to major incidents, adverse weather events, etc. The list of controls was large as it was necessary to have effective control across all Council Services to ensure the Council was prepared for major incidents, with a huge volume of work carried out on a day to day basis to ensure this happened. As the Council carried significant risks at any given time, this was closely monitored by the Council's Corporate Management Team on a regular basis. In terms of waste management, Mr Dickson advised that this was contained within the Place Department Risk Register, rather than the Corporate Risk Register. The Chief Financial Officer further confirmed that by the very nature of services provided by the Council, there were a number of risk issues, but as long as there were processes in place to manage each of these risks and identify them appropriately within the relevant Department, then this was appropriate. Members then discussed the way risk was identified within committee reports and were advised that should Members have any concerns about any of the content of a particular report, then they should approach the author and/or relevant Director directly before the report was considered at Committee. It was highlighted that communication was not mentioned as a control for the Life and Limb category and Mr Dickson advised that he saw accident reporting information on a monthly basis, with incidents reported to the Wellbeing and Safety Committee on a quarterly basis, which included summaries of the Wellbeing and Safety team's communications to Management Teams. Individual Health and Safety Advisers also worked with the Departmental Management Teams, with the Council having a good track record due to the effort taken to ensure training and rules were followed.

DECISION

NOTED the update.

INTERNAL AUDIT WORK 2015/16 TO AUGUST 2015

10. There had been circulated copies of a report by the Chief Officer Audit and Risk which provided the Audit and Risk Committee with details of the recent work carried out by Internal Audit and the recommended audit actions agreed by management to improve internal controls and governance arrangements; Internal Audit work in progress and the work of Scottish Local Authorities Chief Internal Auditors Group. The work Internal Audit had carried out in the period from 4 April to 28 August 2015 to deliver the Internal Audit Annual Plan 2015/16 was detailed in the report. During the reporting period 5 final internal audit reports had been issued. There was one recommendation made (0 Priority 1 High Risk, 0 Priority 2 Medium Risk, and 1 Priority 3 Low Risk) specific to one of the reports. Management had agreed to implement the recommendation to improve internal controls and governance arrangements. An executive summary of the final internal audit reports issued, including audit objective, findings, good practice, recommendations and the Chief Officer Audit and Risk's independent and objective opinion on the adequacy of the control environment and governance arrangements within each audit area, was detailed in Appendix 1 to the report. Further information on the work of Scottish Local Authorities Chief Internal Auditors Group (SLACIAG), the professional networking group for Heads of Internal Audit, was detailed in Appendix 2 to the report.

DECISION

- (a) **NOTED the final reports issued in the period from 4 April to 28 August 2015 to deliver the Internal Audit Annual Plan 2015/16.**
- (b) **AGREED that the Committee was satisfied with the recommended audit actions agreed by Management.**
- (c) **ACKNOWLEDGED the benefits to Scottish Borders Council Internal Audit function arising from its participation in the SLACIAG national forum for heads of internal audit.**

The meeting concluded at 1.20 p.m.

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SCOTTISH BORDERS COUNCIL
EXECUTIVE COMMITTEE

MINUTE of MEETING of the EXECUTIVE
COMMITTEE held in the Council Chamber,
Council Headquarters, Newtown St. Boswells
on Tuesday, 29 September 2015 at 10.00 a.m.

Present:- Councillors D. Parker (Chairman), S. Aitchison (from para.3), S. Bell, C. Bhatia,
J. Brown, M. Cook, V. Davidson, G. Edgar, J. Mitchell, D. Paterson, F. Renton, R.
Smith (for para.3 only).

Also Present:- Councillors G. Garvie, I. Gillespie, G. Logan, S. Mountford.

Apology:- Councillor Moffat.

In Attendance:- Chief Executive, Chief Financial Officer, Corporate Transformation and Services
Director, Clerk to the Council, Democratic Services Officer (K. Mason).

1. **MINUTE**

The Minute of meeting of the Executive Committee of 15 September 2015 had been circulated.

DECISION

APPROVED for signature by the Chairman.

2. **SUPPORT FOR THE BORDERS ECONOMY AND THE COUNCIL'S CORPORATE TRANSFORMATION PROGRAMME – PROPOSED ADDITIONAL INVESTMENT**

There had been circulated copies of a report by the Chief Executive seeking approval for additional investment to support the Scottish Borders economy and the Council's Corporate Transformation Programme. The report explained that an annual review of the Balance Sheet was undertaken during 2014/15 and identified further additional resources of £500k not included in the 2015/16 Financial Plan. The Executive Committee had agreed that proposals regarding the expenditure of these additional resources be considered at a future meeting. It was proposed that the additional funding should be used to meet key corporate priorities and ambitions set out in 'Ambitious for the Borders 2015'. The key themes that this additional investment was targeted at were firstly, inward investment, particularly across the wider Scottish Borders area; secondly, youth employment and employability; thirdly, continued support for the Council's Culture Strategy; and finally, Corporate Transformation action to deliver savings in relation to staff travel. Members welcomed the report and, in response to a question, the Chief Financial Officer advised that opportunities for matched funding were always investigated.

DECISION

AGREED:

- (a) **the allocation of resources as set out in the report; and**
- (b) **to monitor progress on these actions through the regular Revenue Budget monitoring, Corporate Transformation and Performance Management reports.**

3. **SYNTHETIC PITCH PROGRAMME – PEEBLES AND HAWICK 3G PROJECTS**

There had been circulated copies of a report by the Corporate Transformation and Services Director proposing that the 3G synthetic pitch proposed for Peebles be located at Victoria Park as detailed in Appendix B to the report, and that the budget be increased by the sum of £564,200 in accordance with project estimates; the budget for Hawick 3G synthetic pitch at Volunteer Park, as detailed in Appendix F to the report, be increased by £287,000 in accordance with project estimates; and both the Peebles and Hawick pitches were constructed during 2016. The report explained that, in respect of Peebles, studies

had been carried out on locations at the Gytes Leisure Centre, Victoria Park, Craigerne Lane, the High School and Haylodge Park. Public consultations had been carried out on locations at Peebles High School, Craigerne Lane and Victoria Park. The public consultations had indicated that Victoria Park was the most suitable location for a 3G pitch in Peebles. The location at the Gytes Leisure Centre was rejected owing to the risk posed by flooding and Scottish Environment Protection Agency's opposition to development on a functional floodplain. Haylodge Park was rejected because of the need to undo previous improvement works if a full size pitch was to be created. Craigerne Lane options were rejected because of the strength of local resident objections. In respect of Hawick, the location at the present rugby club pitch at Volunteer Park had been the settled position since project inception. It was noted that meetings would take place shortly relating to funding with Sport Scotland and stakeholder work was still to be carried out with Scottish Borders Leisure Trust and sporting clubs in both the Peebles and Hawick areas. The Chief Financial Officer confirmed that a decision regarding funding was not being sought at this meeting but it was necessary to embark on preparatory work at this juncture to enable the projects to be delivered timeously. Everything needed to be ready to go at the end of March/beginning of April 2016 to allow completion of the pitches by August, particularly in Hawick, so they could be available to be used for league football and rugby matches. Councillor Bell expressed concern about the increased cost of the Peebles project and the contribution from Sport Scotland, and proposed a further two recommendations, as follows: (e) to request that the Chief Executive continue to engage with Sport Scotland to seek to agree an equitable contribution from both parties to the costs of Peebles and Hawick 3G Pitches so that all such pitches in the Council's programme could be delivered without significant disadvantage to the Council's Capital budget; and (f) that Officers engage with the communities to see if they could access funding sources. Councillor Bell's recommendations were unanimously accepted. Members discussed the impact improved facilities could have on sports achievements, the funding for the projects and the potential impact on the capital programme.

**DECISION
AGREED:-**

- (a) that Victoria Park was the preferred location for a 3G synthetic pitch in Peebles;**
- (b) that Council consider the addition of £564,200 to the Peebles 3G Project Budget as part of the construction of the 2016/17 capital programme and noted that the increased cost might have an impact on the scope and timing of other capital projects and the revenue budget;**
- (c) that Council consider the addition of £287,000 to the Hawick 3G Project Budget as part of the construction of the 2016/17 capital programme and note that the increased cost may have an impact on the scope and timing of other capital projects and the revenue budget;**
- (d) the timelines for delivery within the report, and consequently agreed that:**
 - (i) planning applications could be submitted to allow construction of both projects during 2016;**
 - (ii) procurement of the necessary construction contracts should proceed with contract award awaiting confirmation of final budgets, again to allow project delivery in 2016;**
 - (iii) the necessary reports should be submitted to Hawick and Peebles Common Good Committees to agree the appropriate leases of ground for the new pitches;**

- (e) to request that the Chief Executive continue to engage with Sport Scotland to seek to agree an equitable contribution from both parties to the costs of Peebles and Hawick 3G Pitches so that all such pitches in the Council's programme could be delivered without significant disadvantage to the Council's Capital budget; and
- (f) that Officers engage with the communities to see if they could access funding sources.

MEMBERS

Councillor Smith joined the meeting for the above item of business, and left the meeting at the conclusion of the discussion.

Councillor Aitchison joined the meeting during the discussion of the above item of business.

4. DEFINING A SECONDARY SALTING ROUTE NETWORK FOR INTRODUCTION IN WINTER 2015/16

There had been circulated copies of a joint report by the Service Director Commercial Services and the Service Director Neighbourhood Services seeking approval to amend the Winter Service Plan 2015/16 by defining a Secondary Salting Route Network in urban communities and rural areas across the Scottish Borders. The report explained that in determining a definitive secondary network, Officers followed two distinct processes in respect to Rural and Urban areas. These were, for rural areas – identified network to meet defined criteria; and for urban areas – identified network through consultation with ward members and local communities. In identifying a secondary salting network in rural areas, officers had applied the following criteria to define a rural secondary salting network:- previously removed 6% primary salting network; any A and B class roads not covered under primary Treatment; remaining school transport routes; and remaining identified timer transport routes. This exercise had defined the section of road network which would be covered under rural secondary treatment and those were listed in Appendix B to the report and coloured black on the plan in Appendix C to the report. The Infrastructure Manager and the Asset Manager were in attendance and answered Members' questions on specific routes. Officers also confirmed that there would be a review of footpath/pavement works in the following year and Officers would report directly to Community Councils on the amendments to the Winter Service Plan 2015/16. Members welcomed the report.

DECISION

AGREED to amend the Winter Service Plan in 2015/16 by defining and including a secondary salting route network in urban communities and rural areas across the Scottish Borders.

5. SCOTTISH BORDERS COUNCIL FINAL REPORTS AND ACCOUNTS 2014/15

There had been circulated copies of a report by the Chief Financial Officer presenting the Council's annual Audited of Accounts for 2014/15, together with the associated Report from the Council's External Auditors, KPMG. The report advised that the Council's External Auditors, KPMG, had now completed the audit of the Council's 2014/15 Annual Accounts. The Annual Audit Report summarised KPMG's conclusions, including: an unqualified audit opinion; the Accounts had been prepared in accordance with relevant legislation, Codes of Practice and accounting requirements; and high quality working papers. The financial statements reflected a surplus on the provision of services of £0.2m compared to a deficit of £6.4m in 2013/14. At 31 March 2015 the Council had net assets of £18.3m, compared to net liabilities of £26.6m at 31 March 2014. The Council had useable reserves of £27.9m as at 31 March 2015, of which £19m related to general fund reserves. At £31.4m, capital expenditure in the year was £3.4m below budget and reflected £2.3m of project re-profiling. Major capital projects in 2014/15 included £8.9m on flood protection schemes and £3.8m on Galashiels Transport Interchange, in preparation for the Borders Railway. The revenue budget for 2015/16 was £254.6m and anticipated a breakeven position which required a planned draw down of £0.5m from the Council's reserves. The Council's five year financial strategy assumed that council tax rates would remain frozen throughout this period and that

service cost pressures would be met from service transformation projects and efficiency savings. Efficiency savings of £8.1m were delivered during 2014/15 in order to balance the cost of delivering services with available resources. The Council had set a 10 year capital plan. In 2015/16 the Council planned to spend £48.3m on a range of capital projects and a further £10.1m on business process transformation projects. KPMG identified four Grade 3 (minor) recommendations requiring action and these had been accepted by management and would be enacted within the agreed timescales. The audited Annual Accounts for Scottish Borders Council, SBC Common Good Funds, the SBC Charitable Trusts and Bridge Homes LLP as contained in Appendices 1 - 4 to the report were presented to the Executive Committee for approval prior to signature. The Chief Financial Officer provided answers to questions relating to reserves and it was noted that plans were in place for the recruitment of the Chief Financial Officer's post in Health and Social Care Integration. Members paid tribute to Officers and thanked all staff for all their hard work in relation to the Council's financial reports and accounts 2014/15.

DECISION

AGREED to approve the following for signature by the appropriate individuals:-

- (a) Scottish Borders Council's audited Annual Accounts for the year to 31 March 2015 as contained in Appendix 1 to the report;**
- (b) Scottish Borders Council Common Good Funds' (Charity SC031538) audited Annual Accounts for the year to 31 March 2015 as contained in Appendix 2 to the report;**
- (c) SBC Welfare Trust (Charity SC044765) audited Annual Accounts for the year to 31 March 2015 as contained in Appendix 3(i) to the report;**
- (d) SBC Education Trust (Charity SC044762) audited Annual Accounts for the year to 31 March 2015 as contained in Appendix 3(ii) to the report;**
- (e) SBC Community Enhancement Trust (Charity SC044764) audited Annual Accounts for the year to 31 March 2015 as contained in Appendix 3(iii) to the report;**
- (f) Thomas Howden Wildlife Trust (Charity SC015647) audited Annual Accounts for the year to 31 March 2015 as contained in Appendix 3(iv) to the report;**
- (g) Ormiston Trust for Institute Fund (Charity SC019162) audited Annual Accounts for the year to 31 March 2015 as contained in Appendix 3(v) to the report;**
- (h) Scottish Borders Council Charitable Trust (Charity SC043896) audited Annual Accounts for the year to 31 March 2015 as contained in Appendix 3(vi) to the report; and**
- (i) Bridge Homes LLP audited Annual Accounts for the period 7 February 2014 to 31 March 2015 as contained in Appendix 4 to the report.**

6. SCOTTISH BORDERS COUNCIL PENSION FUND ANNUAL REPORT AND ACCOUNTS 2014/15

There had been circulated copies of a report presenting the Scottish Borders Council Pension Fund's audited Annual Accounts for 2014/15 together with the associated report from the Council's External Auditors, KPMG. The report explained that the Council's External Auditors, KPMG, had now completed the audit of the Council's 2014/15 Annual Accounts. KPMG had prepared the Annual Audit Report and had provided an unqualified independent audit opinion. The Annual Audit Report summarised KPMG's conclusions, including: an unqualified audit opinion; the Accounts had been prepared in accordance with relevant legislation, Codes of Practice and accounting requirements; and High quality

working papers. The audited Annual Accounts for Scottish Borders Council Pension Fund as contained in Appendix 1 to the report were presented to the Executive Committee for approval prior to signature.

DECISION

AGREED to approve the audited Scottish Borders Pension Fund Annual Report and Accounts 2014/15 for signature by the Chair of the Pension Fund Committee and the Chief Financial Officer.

7. **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 Paragraphs 8 and 9 of Part I of Schedule 7A to the Act.

SUMMARY OF PRIVATE BUSINESS

8. **Synthetic Pitch Programme – Peebles and Hawick 3G Projects**

The Executive Committee noted a report detailing costings and cost comparisons relating to para 3 above.

The meeting concluded at 11.25 a.m.

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SCOTTISH BORDERS COUNCIL
LAUDER COMMON GOOD FUND SUB-COMMITTEE

MINUTES of Meeting of the LAUDER
COMMON GOOD FUND SUB-COMMITTEE
held in The Leader's Office, Council
Headquarters, Newtown St Boswells on
Wednesday, 30 September, 2015 at 2.00 pm

Present:- Councillors A Parker, J Torrance, I Gillespie,
Community Councillor A Smith

In Attendance:- Principal Solicitor (Commercial Group) (H MacLeod), Capital and
Investment Manager (K Robb), Estates Surveyor (J Morison),
Democratic Services Officer (J Turnbull).

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. It was noted that the proposed application from Lauderdale Cycling Club had been withdrawn.

**DECISION
NOTED.**

2. **MINUTE.**

There had been circulated copies of the Minute of 16 June 2015.

**DECISION
NOTED for signature by the Chairman.**

3. **MATTERS ARISING**

With reference to paragraph 4 of the Minute, Mr Morison advised that he had contacted Alba Trees in relation to the collection of seeds from the Millennium Wood on Lauder Common. He would contact them again and update Members accordingly

**DECISION
NOTED.**

4. **FINANCIAL MONITORING REPORT FOR THREE MONTHS UP TO 30 JUNE 2015**

There had been circulated copies of a report by the Chief Financial Officer detailing the income and expenditure for the Lauder Common Good Fund for the three months to 30 June 2015 including a full year projected out-turn for 2015/16 and projected balance sheet values to 31 March 2016. Appendix 1 to the report detailed the income and expenditure during 2015/16, Ms Robb highlighted that there was an amendment – the Full Year Projected Out-turn figure was £65,255. Mrs Robb explained that this showed a surplus of £46,024. Appendix 2 provided the projected balance sheet value to 31 March 2016 and this showed an increase in reserves of £34,531. Appendix 3 detailed the projected annual rental income by individual property and listed the actual income and expenditure. Appendix 4 showed the performance of the Newton Fund investment with an unrealised profit of £4,921. Mrs Robb advised that although there had been a performance reduction of 2.76%, due to the Newton Fund's remit, market fluctuations had impacted to a lesser extent than on other funds. The Fund Manager was managing the investment with an aim

to produce returns in line with the benchmark. Mrs Robb confirmed that the Newton Fund would be presenting to all Members at the Common Good and Trusts Briefing on 28 October 2015. Discussion followed and Members asked for clarification on a number of points. In respect of Lauder Town Hall, depreciation was calculated on a flat line basis, however, the figure would be verified. Mrs Robb continued that cash held by the Common Good Fund was projected to be £58,762 at the end of the financial year; following discussion, Members agreed to transfer £40,000 of this amount into the Newton Fund.

DECISION

(a) **NOTED** the report and detail in Appendices 2 to 4 to the report.

(b) **AGREED**

(i) **the proposed projected Income and Expenditure for 2015/16 in Appendix 1, to the report.**

(ii) **to request the Capital and Investment Manager transfer £40k from cash held by Lauder Common Good Fund to the Newton Fund.**

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 / make an early decision.

6. **APPLICATION FOR FINANCIAL ASSISTANCE**

Lauder Amateur Horticultural Society.

There was circulated, at the meeting, copies of an application for financial assistance from Lauder Amateur Horticulture Society in respect of hall hire, printing costs and replacement of equipment. The application was in the sum of £400 and Members unanimously agreed to grant the full amount.

DECISION

AGREED to award a grant of £400 to Lauder Amateur Horticultural Society in respect of hall hire, printing costs and replacement of equipment.

7. **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 contained in the following items on the grounds that they involved the likely disclosure of exempt information as defined in paragraph 9 of part 1 of Schedule 7A to the Act.

SUMMARY OF PRIVATE BUSINESS

8. **MINUTE**

The Sub-Committee noted the Private Minute of the meeting of 16 June 2015.

9. **RENT REVIEW - LAUDERHILL FARM, LAUDER**

The Sub-Committee considered a verbal update by the Estates Officer regarding the rent review for Lauderhill Farm, Lauder.

The meeting moved back into public to consider the following urgent items of business.

10. **URGENT ITEMS**

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 / make an early decision.

11. **LAUDER LIBRARY FUND**

It was requested that the Lauder Library Fund be reported to the Committee on an annual basis. Mrs Robb would circulate to the Sub-Committee the amount the Fund had generated this year for information.

**DECISION
NOTED.**

12. **BURN MILL PATH**

Community Councillor Smith requested Lauder Common Good Sub-Committee's permission for the planting of 30 trees on either side of the Burn Mill path. This was agreed and Mr Morison would liaise with Community Councillor Smith regarding.

**DECISION
NOTED.**

The meeting concluded at 2.35 pm.

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SCOTTISH BORDERS COUNCIL
WILLIAM HILL TRUST

MINUTE of Meeting of the WILLIAM HILL TRUST SUB-COMMITTEE held in The Leader's Office, Council Headquarters, Newtown St Boswells on Wednesday, 30 September, 2015 at 3.00 pm

Present:- Councillors I Gillespie (Chairman), D Parker, J Torrance.
Apologies:- Mr W Windrum.
In attendance:- Solicitor (H McLeod), Capital and Investment Manager (K Robb), Democratic Services Officer (J Turnbull).

1. **MINUTE.**

The Minute of Meeting of 28 October 2014 had been circulated.

DECISION

NOTED for signature by the Chairman.

2. **MATTERS ARISING**

With reference to paragraph 5(c) of the Minute of 28 October 2014, the Chairman advised that Melrose Golf Club had not requested additional financial assistance.

DECISION

NOTED.

3. **MONITORING REPORT FOR TWELVE MONTHS TO 31 MARCH 2015**

There had been circulated copies of a report by the Chief Financial Officer providing the year end out-turn for the year 2014/15 and included balance sheet values at 31 March 2015 and the proposed budget for 2015/16. Ms Robb explained that the income for the year was £6,632. Grants and other donations amounting to £3,752 had been dispersed. Overall the Fund had a £5,702 surplus. The final out-turn for the Newton Investment at the end of March showed a market value of £168,960 however, owing to the financial markets the value was presently in the region of £160k. Members discussed the financial details in Appendices 1 to 4 and Ms Robb provided clarification on points raised.

DECISION

(a) NOTED the report and Appendices.

(b) APPROVED the proposed budget for 2015/16 as detailed in Appendix 1 to the report.

The meeting concluded at 3.50 pm.

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SCOTTISH BORDERS COUNCIL PETITIONS AND DEPUTATIONS COMMITTEE

MINUTE of Meeting of the PETITIONS AND DEPUTATIONS COMMITTEE held in the Council Chamber, Council Headquarters, Newtown St Boswells, TD6 0SA on Thursday, 1 October, 2015 at 10.00 am

Present:- Councillors A. J. Nicol (Chairman), S. Bell, J. Greenwell, D. Parker, D. Paterson, J. Torrance and T. Weatherston
Also present:- Councillors S. Aitchison, M. Ballantyne, G. Logan, S. Marshall, W. McAteer, B. White.
In Attendance:- Corporate Transformation & Services Director, Clerk to the Council, Democratic Services Officer (F. Walling).
Petitioner:- Mr B. McCrow

1. THE PETITIONS PROCEDURE

There had been circulated copies of an extract from the Scottish Borders Council Petitions Procedure which set out the process to be followed at the meeting.

DECISION NOTED.

PETITION: THE GREAT TAPESTRY OF SCOTLAND BUILDING

2.1 The Chairman welcomed the Principal Petitioner, Mr Brian McCrow, to the meeting and asked for a round of introductions from Members of the Committee and officers. There had been circulated copies of a petition entitled The Great Tapestry of Scotland building. There had also been circulated copies of a Briefing Note by the Corporate Transformation and Services Director accompanied by relevant reports to Council of 29 May 2014 and 18 December 2014 and minutes of those meetings. The petition, which contained in excess of 4,000 signatures, stated "We believe that the decision made by Scottish Borders Council to fund a building in Tweedbank to house the Great Tapestry of Scotland is an unacceptable use of our Council budget at a time when essential services are being cut. As residents and tax payers of Scottish Borders Council, we therefore request our elected members to overturn the decision to spend £3.5m in this manner". A file containing all the signatures and names making up the petition was available to view at the meeting. Although this petition had been delivered to the Council by Mr McCrow on 2 March of this year Mr McCrow had been advised that it was not in the correct format, under the terms of the Council's Petitions Procedure and was invited to resubmit. The Chairman confirmed that the petition currently before the Committee had been received on 17 September 2015 and had been correctly compiled and submitted.

2.2. On the invitation of the Chairman, Mr McCrow addressed the Committee. He explained that at the beginning of February 2015 he had been compelled to raise a petition in response to the Council's proposal to allocate £3.5m to support the construction of a building at Tweedbank to house the Great Tapestry of Scotland. The majority of signatures, which included names from an online petition through Change.org, had been obtained over a 4-week period. A sample of comments from the on-line petition had also been included with the papers circulated. Mr McCrow said that he supported the Tapestry coming to the Borders but was against the Council spending this amount of money on the new building and that this was a poor use of public funds. He believed that although Scottish Borders Council was usually responsive to the needs of the local community in

this case the decision appeared to have by-passed the community and the Council had not responded to views being expressed through the media. Mr McCrow criticised the feasibility study, alleging that there had been no serious investigation of alternative and cheaper sites; no polling of prospective visitors; the design of the signature building would cost twice the square footage cost of, say, the Abbotsford visitor centre; and that the risk of the project was seen to be too high versus the poor level of anticipated profits in the longer term. He criticised the choice of location between a housing area and industrial space, emphasising that there was a lack of parking space; inadequate stopping area for coaches; no other facilities or attractions within walking distance; and that it may not be able to attract public funding. Mr McCrow believed that to meet conditions recommended by the Council's Planning Officer - should the building obtain planning consent - would cause the estimated budget to increase. He also referred to the proposal to charge for entry to see the Tapestry noting that the Tapestry Trustees Charter stated that it should be available for viewing by the public at no cost. Mr McCrow asked elected Members to overturn the decision, but if they did not do so he asked, as a minimum, for the Council to: review the basis of the feasibility study; undertake polling surveys of prospective visitors to test their willingness to pay for a return rail ticket plus entrance fee; review the financial case; review the risk factors; conduct public consultations to obtain views on the business case and willingness to pay for this building over the next 30 years; and to consider alternative sites in the Borders e.g. Galashiels based Scottish Centre of Textiles. Mr McCrow also requested that the case be referred to another Council or to the Scottish Ministers for independent appraisal. In conclusion he expressed the hope that the views of the petitioners would be respected.

- 2.3 Before putting their questions to Mr McCrow, Members of the Committee thanked him for his statement, congratulated him on his presentation and welcomed the opportunity of a full and robust debate of the issue. Initial questioning queried the basis of the petition and exactly what was being requested. Members welcomed Mr McCrow's confirmation of his own view, that he did want the Great Tapestry of Scotland to be permanently housed for display in the Borders, it being noted that it was specifically the location and cost of the building to which he objected. However it was put to him that within the statement and from the individual comments placed on the on-line petition there were a wide variety of different reasons given for adding names to the petition. There were at least 6 separate issues raised which were not all consistent with Mr McCrow's support for the Tapestry coming to the Borders but not the location. Mr McCrow was asked about the original basis on which the petition was raised and to weight the different issues to enable a judgement on the petition to be made. In response Mr McCrow clarified that the issue was the decision to fund the building in Tweedbank and that the belief was the Tapestry could be housed cheaper elsewhere in the Borders in a multi-use building. However he confirmed that he had included in his statement issues raised in the comments added on-line after the petition had first been raised. He personally believed that anything that attracted tourists to the Borders should be encouraged, giving the Heart of Hawick project as a good example. In response to a question as to whether he was aware of any alternative building to house the Tapestry at a reduced cost or whether he carried out any investigation himself, Mr McCrow said he was not in possession of that information but that he believed there had been just a desk study carried out. He would like to see a full investigation of all the alternatives. Further questions were asked about the basis of Mr McCrow's doubt that tourist numbers would be sufficient to support the enterprise based on the fact that 320,000 people had already viewed the Tapestry and also his view of 'value added' of such a project to the Borders' economy. Reference was also made to the Aim Up project at Innerleithen and the Heart of Hawick project. Mr McCrow pointed out that there had apparently been no market testing to show that, rather than gaining free entry to view the Tapestry, as had been the case, visitors would be prepared to pay for travel to Tweedbank plus the cost of entry to the attraction. With regard to the concept of 'value added' he maintained that the project should be looked at solely in terms of its own viability in terms of future profit and loss. He believed that any element of 'value added' to the wider local economy was difficult to prove in business terms.

- 2.4 In response to the petition Mr Rob Dickson, Corporate Transformation & Services Director, set out the background context and process in respect of decisions made by the Council regarding the Great Tapestry of Scotland. When this matter was first considered by full Council in May 2014, initial work had been completed in respect of a possible permanent location for the Tapestry with Tweedbank being the most likely viable option. Following agreement by Council, Jura Consultants were appointed to prepare a detailed business case. Work was also undertaken at that time to consider alternative locations but this was with the knowledge that the Trustees wanted the Tapestry displayed very close to a significant public transport link, and that Tweedbank was the preferred location. The subsequent report to Council in December 2014 not only informed Members of the outputs following the feasibility design proposals and detailed Business Case prepared by Jura Consultants but also drew attention to the significance of the ambitions contained in the 'Borders Railway, Maximising the Impact: a Blueprint for the future' that was announced by the then first Minister in November 2014. Working with Midlothian and City of Edinburgh Councils, alongside the Scottish Government, Scottish Enterprise, Transport Scotland and VisitScotland, Scottish Borders Council had to rise to the challenge to deliver a range of initiatives that would maximise the economic impact from the Borders Railway, the Blueprint being backed with £10m Scottish Government funding. The Blueprint confirmed the important role that the development of a permanent home for the Tapestry in the Scottish Borders could play in achieving the ambitions set out in that document. The railway and tapestry were emphatically linked and, as part of the Blueprint, Scottish Government had intimated that it would provide £2.5m towards the cost of construction of the Tapestry building.
- 2.5 Questions were put to the Director by Members and by Mr McCrow. In response to the question of how the Council would be able to charge for entry to view the Tapestry under the Trustees Charter, Mr Dickson explained that discussions were ongoing with the current Trustees on the principle of a new Trust being established with different Articles of Association within which charging would be permitted. There would also be an option on the proposed lease that a commercial rent could be paid to the Council once the project was in a profit-making position. Initial work had indicated that these proposals would be acceptable to the Charity Commission. It was also confirmed that it would be for the Trustees to take into account and assess the views of the stitchers of the Tapestry. With regard to the point raised by Mr McCrow about a planning condition recommended by the Council's Planning Officer, Mr Dickson advised that this related to the Tweedbank Business Park project and as such did not have implications on the budget for the Tapestry building. On the question of whether visitors would travel out of their own locality to view the Tapestry, bearing in mind it had already been seen by 320,000, Mr Dickson emphasised that Jura Consultants were widely experienced and familiar with this type of project. The consultants had no doubt that this would be a major tourist and visitor attraction. They viewed the attraction as being of international as well as national significance. In that context they had no doubt that visitors would travel from Edinburgh and further afield and did not conclude that people would not wish to, nor pay, to see it more than once. On the question of 'value added' of tourism related projects, Mr Dickson emphasised that even more important than the sustainable business case of the project was its link to the Blueprint under the theme 'Great Destinations to Visit'. An outline economic impact appraisal had been undertaken to assess the likely economic benefit of the project. There were several questions about which alternative buildings had been considered by the Council to house the Tapestry and about the cost of the new building. Mr Dickson advised that a range of options for alternative locations had been looked at, but this had been carried out with the knowledge that the Trustees were not content with the Tapestry being located a significant distance from the railway. A number of options in Galashiels had been explored and two, the Transport Interchange and old Post Office building, were looked at further. He went on to give details of why both these options were ruled out due to the costs for the adaptation of each significantly exceeding the estimate for the building at Tweedbank. He pointed out that generally the costs of conversion of an existing building were higher than those of a new build and he believed that the estimate for the proposed building was a robust figure and value for money.

- 2.6 Members considered the information which had been presented. Again the difficulty of assessing what was being asked in the petition was referred to, due to the wide range of opinions, priorities and reasons for signing evident in the comments that accompanied the on-line petition. However, Members respected and expressed sympathy with the views put forward. It was recognised that in making recommendations to Council relating to the proposed Tapestry building officers had made a judgement on both the viability of the project and on the potential 'value-added' in terms of increased footfall and economic activity. Members' discussion focused on this 'value-added' potential and expressed the view that the Council sometimes needed to act with imagination and vision. Comparisons were made with other specific projects in Scotland and in the Scottish Borders where there had initially been significant opposition but where the Council's decision to invest had subsequently been proved to be correct in terms of return on investment as reflected by positive economic impact and local regeneration. It was noted that the Scottish Government had looked at the Business Case and pledged £2.5m towards the cost. There was further discussion about alternative buildings and locations which had been suggested within the petition e.g. NGT building in Selkirk, ex-Post Office in Galashiels, ex-Borders College site in Galashiels. Details were given on why each had been judged to be unsuitable, either due to location away from the railway link, excessive size, excessive cost of conversion or where use may have jeopardised alternative planned development and inward investment. In general Members expressed the view that there had been a considerable amount of work carried out in relation to this project and that it should now proceed.
- 2.7 Councillor Torrance, seconded by Councillor Weatherston, moved that the issue raised did not require further action. Councillor Paterson moved as an amendment that the petition be referred to Council for consideration, but his amendment received no seconder and therefore fell. Councillor Paterson requested that his dissent be recorded. The Chairman thanked Mr McCrow and the Committee members for their attendance.

DECISION

- (a) **NOTED the petition requesting Members to overturn the decision to fund a building in Tweedbank to house the Great Tapestry of Scotland.**
- (b) **AGREED that the issue raised did not require further action.**

ADJOURNEMENT

The meeting was adjourned for 5 minutes at 11.50 am.

3. **PETITION: 120 BUS SERVICE**
There had been circulated copies of a petition, submitted to the Council on 19 August 2015, entitled "120 Bus Petition". As there was no-one in attendance to present the petition this was deferred to a future meeting.

DECISION

AGREED to defer consideration of the 120 bus service petition to a future meeting.

The meeting concluded at 12.00 pm

SCOTTISH BORDERS COUNCIL
PLANNING AND BUILDING STANDARDS COMMITTEE

MINUTE of MEETING of the PLANNING AND BUILDING STANDARDS COMMITTEE held in the Council Headquarters, Newtown St. Boswells on 5 October 2015 at 10.00 a.m.

Present: - Councillors R. Smith (Chairman), M. Ballantyne (from para 2), J. Brown, J. Campbell, J. Fullarton, D. Moffat, B. White.
Apologies:- Councillor I. Gillespie, S. Mountford.
Also Present:- Councillors W. Archibald, S Bell, G. Logan, D. Parker, F. Renton.
In Attendance:- Development Standards Manager, Principal Roads Planning Officer, Chief Legal Officer, Forward Planning Manager, Democratic Services Team Leader, Democratic Services Officer (F Henderson).

MINUTE

1. There had been circulated copies of the Minute of the Meeting held on 7 September 2015.

DECISION

APPROVED for signature by the Chairman.

SUPPLEMENTARY PLANNING GUIDANCE: REPLACEMENT WINDOWS AND DOORS

2. With reference to paragraph 3 of the Minute of 27 April 2015, there had been circulated copies of a report by the Service Director Regulatory Services which sought approval of the Supplementary Planning Guidance on Replacement Windows and Doors, which was contained in Appendix A to the report, as a material consideration in the determination of applications. The report explained that following the public consultation period, a total of seven consultation responses were received and the main elements of each of the consultation responses were detailed in Appendix B to the report along with responses, and officer recommendation. The report went on to advise that a number of minor changes to the SPG had come about as a result of the public consultation and these were detailed in the report. Members thanked officers for their work on this guidance and hoped that the degree of flexibility within the guidance would assist officers in the determination of future applications.

DECISION

AGREED to approve the use of the document as Supplementary Planning Guidance in the determination of planning and listed building applications.

DECLARATION OF INTEREST

Councillors Ballantyne, Fullarton and White declared an interest in application **15/00806/FUL** in terms of Section 5 of the Councillors Code of Conduct and left the Chamber during the discussion.

APPLICATIONS

3. 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.

The meeting adjourned at 1.25 p.m. and reconvened at 2 p.m.

APPEALS AND REVIEWS

4. There had been circulated copies of a report by the Service Director Regulatory Services on Appeals to the Scottish Ministers and Local Reviews.

DECISION

NOTED that:-

- (a) there remained two appeals outstanding in respect of:
- Land South East of Halmyre Mains Farmhouse (Hag Law), Romanno Bridge
 - Land West of Muircleugh Farmhouse, Lauder
- (b) Appeal requests had been received in respect of the following:-
- (i) Construction of wind farm consisting of 8 No turbines up to 100m high to tip with associated external transformers, tracking, new site entrance off A701, borrow pit, underground cabling, substation and compound and temporary construction compound on Land South East of Halmyre Mains Farmhouse (Hag Law), Romanno Bridge – 14/00738/FUL.
- (ii) Wind farm development comprising 7 No wind turbines 110m high to tip with ancillary equipment, access track and associated works on Land West of Muircleugh Farmhouse, Lauder – 14/01081/FUL
- (c) Review requests had been received in respect of the following:-
- (i) External alterations and erection of 4 No flagpoles at Office West Grove, Waverely Road, Melrose - 15/00504/FUL
- (ii) Erection of dwellinghouse on Plot A, Chirnside Station, Chirnside
- (d) Reviews outstanding were as follows:-
- Raebank, Chapel Street, Selkirk
 - Land South West of Pyatshaw Schoolhouse, Lauder
 - 12 Todburn Way, Clovenfords, Galashiels
 - Land South West of Clackmae Farmhouse, Earlston
 - Land South of Riding Centre, Newlands, Sunnyside, Reston

PRIVATE BUSINESS

5. **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 6 of Part 1 of Schedule 7A to the aforementioned Act.

SUMMARY OF PRIVATE BUSINESS

Development Contributions in respect of Planning Application 14/01153/FUL – Erection of 40 dwellinghouses and Associated Works

1. The Committee considered a report by the Service Directory Regulatory Services on Developer contributions.

The meeting concluded at 2.50 p.m.

APPENDIX

APPLICATIONS FOR PLANNING PERMISSION

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
15/00806/FUL	Erection of gallery building to house The Great Tapestry of Scotland and Associated works including landscaping, access and parking	Land West of Unit B, Tweedbank Industrial Estate, Tweedbank

Decision: APPROVED subject to the submission of revised plans covering outstanding issues relating to car and coach parking, and the following conditions and informative notes:

1. No development shall commence until a revised soft landscaping scheme (detailing the location and schedule of all proposed planting, implementation timetable and after care arrangements) has been submitted to and approved by the Planning Authority, and which includes a management scheme for the long-term management of the trees and woodland within the application site. The landscaping and long term management of new planting/woodland shall be implemented in accordance with the approved scheme
Reason: The current landscaping proposals require further revisions to ensure the most appropriate landscape setting for the development; and to offset loss of trees required to be removed to allow for the development; and a longer term management scheme is required to maintain the integrity of new and existing planting and woodland
2. No development shall commence until a revised scheme for Phase 2 which identifies the demolition of the two industrial buildings to the west and north of the car park; incorporates a revised arrangement of hard and soft landscaping, car and coach parking; and specifies a timescale for its implementation, has been submitted to and approved by the Planning Authority. The development shall be carried out in accordance with the scheme so approved
Reason: To achieve an appropriate longer term setting for the tapestry building and to achieve a cohesive long term arrangement of parking and pedestrian access which complements both the building and regeneration proposals for the wider estate
3. No development shall commence until the following details are submitted to and approved by the Planning Authority:
 - a) Further information on external works including benches, retaining walls, statues, gas meter box and cycle stands, sufficient to fully establish their visual appearance;
 - b) Further information on all external lighting (notwithstanding the number, specification and locations identified on the approved plans), including a lighting mitigation plan for both the construction lighting and permanent lighting;
 - c) Construction details and dimensioned plans for all parking, road and access arrangements;
 - d) A scheme for delineating the road frontage (i.e. shared surface area) as a no parking area, permitting service deliveries and coach drop-offs/pick-ups only;
 - e) A detailed scheme of surface water drainage based on the final approved surfacing and parking arrangements
 - f) A scheme of finished floor and ground levels to a fixed off-site datum, and illustrating existing levels (notwithstanding level details identified on the approved plans)
 - g) A scheme of bat and bird boxes within the building or trees within the application siteThereafter no development shall take place except in strict accordance with the details so approved.

Reason: Further information is required to more fully establish the visual impact of external works including street furniture and lighting; to minimise light spillage, including on light sensitive biodiversity (particularly bats); to ensure the final scheme incorporates a sustainable urban drainage scheme; to ensure that detailed levels, construction and parking arrangements are appropriate in terms of road and pedestrian safety; and to compensate for potential loss of bat and bird habitat.

4. No development shall commence until evidence is provided to the Planning Authority on behalf of Scottish Water that mains water, foul and surface water drainage connections have been approved. The development shall operate only with the approved servicing arrangements in place

Reason: To ensure the development can be adequately serviced

5. No development shall commence until a management scheme for coach/bus parking/drop-offs/pick-ups has been submitted to and approved by the Planning Authority. The development shall operate only in accordance with the approved management scheme

Reason: To minimise the potential impact of coach manoeuvres on road and pedestrian safety as far as is reasonably practicable

6. No development shall commence until the following have been submitted to and approved by the Planning Authority:

- a) Samples of all external building and hard surfacing materials

- b) A final detailed scheme for the design of the concrete panelling on the first floor of the building

The development shall be carried out using the approved samples and in accordance with the approved design for the concrete panelling

Reason: Further information is required on the external materials and design treatment of the building to fully establish their visual appearance

7. No development shall commence until a Badger Protection Plan has been submitted to and approved by the Planning Authority. The development shall be implemented in accordance with the approved plan

Reason: To minimise potential risk to badger habitat and foraging/commuting badgers

8. No development shall commence until a revised site plan has been submitted to and approved by the Planning Authority which specifies 1) a footway between the road frontage (i.e. shared surface area) and first bus lay-by; and 2) an additional section of footway at the entrance to the car park. The development shall not become operational until all parking, access and servicing arrangements, and all cycle stands/storage have been implemented in accordance with the approved plans and drawings (including the revised plan approved under this condition), and in accordance with details approved under other relevant conditions in this schedule.

Reason: To ensure the development is adequately serviced in the interests of road and pedestrian safety.

9. Only those trees identified for removal on the approved Tree Felling plan shall be so removed. Remaining trees shall not be lopped, felled or otherwise disturbed without approval in writing by the Planning Authority (which shall include submission of a rechecking survey for bats should these include trees identified within the ecology walkover survey as having roost potential). The development shall be carried out only in accordance with the protection measures specified on the approved Tree Constraints plan

Reason: To ensure only trees identified for removal are so removed and ensure protection of trees that are to remain, in addition to potential bat habitat

10. No tree felling or habitat clearance works shall commence during the breeding bird season (March-August) without the written approval of the Planning Authority. A supplementary breeding bird survey and subsequent mitigation may be required if works are to commence during the breeding season.

Reason: To minimise risk of impacts on breeding birds.

11. Any noise from plant/machinery on or within the building shall not exceed Noise Rating Curve NR20 between the hours of 2300-0700 and NR30 at all other times when measured within any noise sensitive dwelling (windows can be open for ventilation). The noise shall not contain any discernible tonal component. Tonality shall be determined with reference to BS 7445-2. All external plant and machinery on the exterior of the building shall be located behind the parapet and no higher than the parapet unless otherwise agreed in writing with the Planning Authority

Reason: To minimise potential noise disturbance and visual impacts associated with plant and machinery within/on the building.

Informatives

1. With respect to the Badger Protection Plan, the unused sett should be subject to further monitoring to establish use, licencing requirements and subsequent exclusion of sett as appropriate. It would be preferable to remove this sett to avoid potential delays in development. It is recommended that there is further dialogue with SNH to agree an approach to sett exclusion and removal. If the sett or other setts are found to be in use, a badger development licence will be required from SNH. Measures should also be included to protect badgers foraging and commuting across the site (including covering trenches and open pipes overnight/ providing a means of escape, safe storage of chemicals and oils, sensitive security lighting and timing of works). Supplementary survey for badger should be included prior to commencement of works.
2. The Council's Environmental Health Service should be contacted with respect to food registration requirements for the café and to ensure ventilation/extraction complies with guidance with respect to odour control
3. Demolition of the buildings within Phase 2 should be subject to a checking survey for bats. Best practice for this, and checking surveys for trees, should be applied - Bat Survey Good Practice Guidelines. 2nd Ed (Hundt, L 2012). Bat Conservation Trust
4. External signage is outwith the scope of this application. External signage may be require Advertisement Consent depending on the location, size and specification of the signage
5. The Council's Archaeology Officer would welcome discussions on how to maximise local heritage interpretation within the building.

NOTE

Mr Brian McCrow and Mr John B Tait spoke against the application.

Mrs Carolyn Riddell-Carre, Mr David Garrioch and Mr Alistair Moffat spoke in support of the application.

15/00792/FUL

Installation of 125 KW anaerobic digester plant and associated work

Land North East of Ravelaw Farmhouse Whitsome

Decision: APPROVED subject to the following conditions and an informatives:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans and specifications approved by the Local Planning Authority.
Reason: To ensure that the development is carried out in accordance with the approved details.
3. The details and samples of all external finishing materials of the gas holder and CHP building shall be submitted to and approved in writing by the Planning Authority. The development shall be carried out in the materials so approved.
Reason: To ensure the high quality design of the development in the interests of visual amenity.

4. Only waste/feedstock produced on Ravelaw Farm shall be used to feed the anaerobic digester plant.
Reason: To reduce the potential for further intensification of development at the site in the interests of the local residential amenities and to minimise vehicle movements on the surrounding road network.
5. Any noise emitted by plant and machinery associated with the anaerobic digester shall not exceed Noise Rating Curve NR20 between the hours of 2300 – 0700 and NR 30 at all other times when measured within any noise sensitive dwellings (windows can be open for ventilation). The noise emanating from any plant and machinery used on the premises should not contain any discernible tonal component. Tonality shall be determined with reference to BS 7445-2
Reason: To protect the residential amenity of nearby properties.
6. The anaerobic digestion plant shall be constructed and operated in accordance with the Ravelaw Farm Environmental Statement (08 July 2015) and Odour/Risk Management Plan (05 August 2015) unless otherwise agreed in writing with the Planning Authority.
Reason: To safeguard residential amenities
7. All plant must be strictly maintained in accordance with manufacturer's instructions and timescales, as submitted as part of this planning application.
Reason: To safeguard residential amenities
8. Any works to be undertaken during the bird breeding season shall require to be carried out in accordance with details that have first been submitted to, and agreed in writing by the Planning Authority.
Reason: To ensure that impacts on breeding birds are minimised.
9. The facility structure containing the effluent shall be sited at a minimum distance of 10m away from the Leet Water.
Reason: A minimum 10 metre buffer is required to protect the water environment.
10. Prior to the commencement of works a Construction Environmental Management Plan, adopting SEPA Pollution Prevention Guidelines PPG1, PPG5 (general guidance and works affecting watercourses), and PPG 6 (construction and demolition) as appropriate, is to be submitted to for the approval in writing by the Planning Authority. Any works shall thereafter be carried out in accordance with the approved scheme.
In particular the CMS should include details of; i) how run off and pollution from oils will be controlled, and ii) the measures that will be employed to prevent discharge of concrete to the Leet Water.
Reason: To protect the watercourse and ecological interest
11. No development shall take place except in strict accordance with a scheme of soft landscaping works, which shall first have been submitted to and approved in writing by the Local Planning Authority, and shall include
 - i. indication of existing trees, shrubs and hedges to be removed, those to be retained and, in the case of damage, proposals for their restoration
 - ii. location of new trees, shrubs, extended hedges grassed areas and ponds
 - iii. schedule of plants to comprise species, plant sizes and proposed numbers/density
 - iv. programme for completion and subsequent maintenance.
Reason: To enable the proper form and layout of the development and the effective assimilation of the development into its wider surroundings.
12. Prior to the commencement of works, a Landscape and Habitat Management Plan, including measures for small woodland and hedgerow creation to benefit biodiversity and provide additional screening shall be submitted to and agreed in writing by the Planning Authority. Thereafter the works shall be carried out in accordance with the approved scheme.
Reason: To provide screening function to site and enhance ecological interest
13. Prior to commencement of works details of measures to be undertaken in order to ensure construction traffic avoids the post-medieval farmstead 'Ravelaw', as depicted on the Archaeology Map 1 (16 Aug

2015 attached)(approximately 20 metres north of the proposal) shall be submitted to and agreed in writing by the Planning Authority. Thereafter the development will be carried out in accordance with the approved plans.

Reason: To protect the archaeological feature.

14. All potentially contaminated surface water and effluent shall be contained within the AD plant compound and shall be discharged to the AD plant for treatment.

Reason: To protect the water course and ground water.

15. No development shall commence until a clearly identifiable datum point, or clearly identifiable datum points, located outwith the site and sufficient for the purpose of establishing the heights specified on drawing number 300B has been agreed on site with the Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory form of development.

16. No development shall take place until a traffic management plan, to address likely vehicle movements, during the construction phase has been submitted to and approved in writing by the Planning Authority. Thereafter, construction shall only take place in strict accordance with the management plan so agreed.

Reason: To safely manage vehicle movements on the public road network associated with construction of the development hereby approved.

Informatives

The Indicative River, Surface Water & Coastal Hazard Map (Scotland) known as the “third generation flood mapping” prepared by SEPA indicates that the site may be at risk from a flood event with a return period of 1 in 200 years. That is the 0.5% annual risk of a flood occurring in any one year. For further information please visit <http://www.sepa.org.uk/environment/water/flooding/flood-maps/>

The applicant is advised to adopt water resilient materials and construction methods as appropriate in the development as advised in PAN 69 and raise above ground equipment that may be sensitive to flooding above ground level or protected against flooding to avoid any residual impact and damages.

The plant will be regulated by SEPA under a Waste Management Licensing Regulation exemption – specifically under the terms of a Paragraph 51 exemption (the anaerobic digestion of agricultural or distillery waste). Although the proposed activity may be exempt from Waste Management Licensing it is still subject to statutory controls to prevent environmental pollution (including odour and noise) and harm to human health.

SEPA advise that the applicant contacts the Borders Operations team if any further guidance is required with respect to the waste management exemption. Contact SEPA on 01896 754797.

Any water abstraction will require authorisation from SEPA under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended) (CAR).

The silage clamp will be regulated by way of the Silage, Slurry and Agricultural Fuel Oils Regulations.

The abstraction of water from the borehole will be regulated under the terms of General Binding Rules of the Water Environment (Controlled Activities) (Scotland) Regulations (CAR).

Details of regulatory requirements and good practice advice for the applicant can be found on the website at www.sepa.org.uk/planning.aspx

Supplementary checking surveys and appropriate mitigation for breeding birds will be required if habitat clearance is to commence during the breeding bird season.

NOTE 1

Mr Chris Litherland spoke against the application.

Mr Robert Gaston, applicant spoke in support of the application.

NOTE 2

The Planning and Building Standards Committee delegated to Officers from Development Standards and Environmental Health, and in consultation with the Chairman, the decision to determine the appropriateness of attaching a condition relating to the hours of use of the proposed development and to add such a condition if necessary.

15/00681/FUL

Erection of 18 dwelling flats and Associated Parking

Land West of 24 Bowmont Street and Car Park, Roxburgh Street, Kelso

Decision: APPROVED subject to a legal agreement addressing contribution towards play space provision and the following conditions:

1. The development hereby approved shall be carried out wholly in accordance with the amended plans received by the Council on 18 September 2015 and listed in the schedule of drawing numbers on this decision notice.

Reason: To ensure that the development is carried out as approved by the Local Planning Authority.

2. The development hereby approved shall only be carried out in strict accordance with a programme of phasing which has first been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the development proceeds in an orderly manner.

3. Notwithstanding the description of the materials in the application, 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 buildings 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. Sample panels of the external wall finish to be prepared on site for prior approval by the Planning Authority.

Reason: The materials to be used require further consideration to ensure a satisfactory form of development, which contributes appropriately to its setting.

5. The roofing shall be natural slate.

Reason: To ensure a satisfactory form of development, which contributes appropriately to its setting.

6. No development shall commence until precise details of all windows 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 the approved scheme. The details shall include material, colour, glazing, glazing pattern opening method and frame thickness.

Reason: For the avoidance of doubt and to ensure a satisfactory form of development, which contributes appropriately to its setting.

7. 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. existing landscaping features and vegetation to be retained and, in the case of damage, restored
- iii. location and design, including materials, of walls, fences and gates
- iv. soft and hard landscaping works
- v. existing and proposed services such as cables, pipelines, sub-stations
- vi. other artefacts and structures such as street furniture, play equipment
- vii. A programme for completion and subsequent maintenance.

Reason: To ensure the satisfactory form, layout and assimilation of the development.

8. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the

development, whichever is the sooner, and shall be maintained thereafter and replaced as may be necessary for a period of two years from the date of completion of the planting, seeding or turfing.

Reason: To ensure that the proposed landscaping is carried out as approved.

9. Details of all proposed means of enclosure shall be submitted to and approved in writing by the Local Planning Authority before work on the site is commenced.

Reason: To enable the proper effective assimilation of the development into its wider surroundings.

10. The area allocated for parking on the amended plan numbered 2260 L(21)01 Rev D07 shall be properly consolidated, surfaced and drained before the buildings are occupied, and thereafter shall be retained in perpetuity and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: To ensure there is adequate space within the site for the parking of vehicles clear of the public road network.

11. No development shall commence until detailed engineering drawings for the proposed footway crossing on Roxburgh Street 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 the approved scheme.

Reason: In the interests of road safety.

12. The residential units hereby approved shall meet the definition of 'affordable housing' as set out in the adopted Scottish Borders Local Plan 2011 and accompanying supplementary planning guidance on affordable housing (January 2015) and shall only be occupied in accordance with arrangements (to include details of terms of occupation and period of availability) which shall first be submitted to and approved in writing by the local planning authority.

Reason: To ensure the properties hereby approved are retained for affordable housing.

13. No development shall take place pending the approval of an archaeology evaluation Data Structure Report, with the understanding that the evaluation of the development site commenced per an approved Written Scheme of Investigation prior to consent. The results and conclusions of the Data Structure Report will be assessed by the Council's Archaeology Officer. If archaeologically sensitive areas are identified no development shall not take place until the developer has secured the further implementation of a programme of archaeological work in accordance with an Addendum to the existing Written Scheme of Investigation which has been submitted by the developer, agreed by the Archaeology Officer and approved by the Planning Authority.

Reason: The site is within an area where ground works may interfere with, or result in the destruction of, archaeological remains, and it is therefore desirable to afford a reasonable opportunity to record the history of the site.

14. Unless otherwise agreed in writing and in advance by the Planning Authority, prior to any development commencing on site, a scheme will be submitted by the Developer (at their expense) to identify and assess potential contamination on site. **No construction work shall commence until the scheme has been submitted to, and approved, by the Council, and is thereafter implemented in accordance with the scheme so approved.** The scheme shall be undertaken by a competent person or persons in accordance with the advice of relevant authoritative guidance including PAN 33 (2000) and BS10175:2011 or, in the event of these being superseded or supplemented, the most up-to-date version(s) of any subsequent revision(s) of, and/or supplement(s) to, these documents. This scheme should contain details of proposals to investigate and remediate potential contamination and must include:-

a) A desk study and development of a conceptual site model including (where necessary) a detailed site investigation strategy. The desk study and the scope and method of recommended further investigations shall be agreed with the Council **prior to** addressing parts b, c, d, and, e of this condition.

and thereafter;

b) Where required by the desk study, undertaking a detailed investigation of the nature and extent of contamination on site, and assessment of risk such contamination presents.

c) Remedial Strategy (if required) to treat/remove contamination to ensure that the site is fit for its proposed use (this shall include a method statement, programme of works, and proposed validation plan).

- d) Submission of a Validation Report (should remedial action be required) by the developer which will validate and verify the completion of works to a satisfaction of the Council.
- e) Submission, if necessary, of monitoring statements at periods to be agreed with the Council for such time period as is considered appropriate by the Council.

Written confirmation from the Council, that the scheme has been implemented completed and (if appropriate), monitoring measures are satisfactorily in place, **shall be required by the Developer before any development hereby approved commences**. Where remedial measures are required as part of the development construction detail, commencement must be agreed in writing with the Council.

Reason: To ensure that the potential risks to human health, the water environment, property, and, ecological systems arising from any identified land contamination have been adequately addressed.

- 15. No development shall commence until an assessment of the impact of the development on local air quality has been submitted to and approved in writing by the Local Planning Authority and thereafter no development shall take place except in strict accordance with the recommendations/findings of the report. The assessment should quantify the levels of pollutants likely to arise from the development, with reference to the Scottish Air Quality Objectives. The applicants should demonstrate that the proposed flue height is adequate to allow proper dispersal of the products of combustion.

Reason: In the interests of the amenity of the neighbouring properties, to protect the quality of air in the locality and to protect human health and wellbeing.

- 16. No development shall commence until a detailed Construction Method Statement has 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: To ensure that the development of the site proceeds in an effective and orderly manner.

- 17. No development shall commence until precise details of water supply have been submitted to and approved in writing, in consultation with Scottish Water, by the planning authority. Thereafter no development shall take place except in strict accordance with those details.

Reason: To ensure an adequate supply of water is available to serve the site and to ensure that existing users are not compromised.

- 18. No development shall commence until a scheme for sustainable urban drainage (SUDS) for surface water treatment has been submitted to and approved in writing by the planning authority, in consultation with SEPA. Thereafter no development shall take place except in strict accordance with the approved scheme.

Reason: To ensure adequate protection of the water environment from surface water runoff.

- 19. No development shall commence until precise details of both surface water and foul water drainage have been submitted to and approved in writing by the local planning authority, in consultation with Scottish Water. Thereafter, no development shall take place except in strict accordance with the approved scheme.

Reason: To ensure that satisfactory arrangements are made for the disposal of surface and foul water.

Informatives

- 1. The Control of Pollution Act 1974 allows the Council to set times during which work may be carried out and the methods used. The following are the recommended hours for noisy work:

Monday – Friday 0700 – 1900

Saturday 0700 – 1300

Sunday (Public Holidays) – no permitted work (except by prior notification to Scottish Borders Council).

- 2. Contractors will be expected to adhere to the noise control measures contained in British Standard 5228:2009 Code of practice for noise and vibration control on construction and open sites. For more information or to make a request to carry out works outside the above hours please contact an Environmental Health Officer.

3. A stopping up order through the Roads Planning Service of the Council is required for the two existing public car parks. All costs incurred in this process will be borne by the developer. The stopping up order must be confirmed prior to development commencing on site.
4. The developer will be responsible for removing all existing signage associated with the public car parks. These must be removed when use of the car parks cease.

SCOTTISH BORDERS COUNCIL
SELECTION COMMITTEE FOR EXTERNAL MEMBERS OF AUDIT & RISK
COMMITTEE

MINUTE of MEETINGS of the SELECTION
COMMITTEE held in the Council
Headquarters, Newtown St. Boswells on 13,
22 and 23 October 2015.

Present:- Councillors M. Ballantyne (Chairman), G. Garvie, J. Mitchell, A Nicol.
In Attendance:- Chief Officer Audit and Risk

PRIVATE BUSINESS

1. **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 1 of Part I of Schedule 7A to the Act.

SUMMARY OF PRIVATE BUSINESS

External Members of the Audit and Risk Committee

2. The Selection Committee considered the applications received for the two posts of External Member of the Council's Audit and Risk Committee in order to shortlist for interview. The Committee considered which of the ten applicants should be interviewed. Following consideration the Selection Committee agreed that seven candidates be interviewed on Thursday, 22 October and Friday 23 October 2015.

The Selection Committee Reconvened Thursday, 22 October 2015 at 10.00 a.m.

3. The Selection Committee interviewed five of the applicants. It was noted that one applicant had withdrawn.

The Selection Committee Reconvened on Friday, 23 October 2015 at 2.30 p.m.

4. The Selection Committee interviewed the remaining applicant. Following consideration of those who had been interviewed and the existing external member, who had served as an external member of the Audit and Risk Committee for 3 years and had expressed an interest in being considered for reappointment, the Committee agreed that in light of the high calibre of the candidates interviewed they wished to appoint three external members to the Audit and Risk Committee for the period to 31 October 2018. It was further agreed that a recommendation be made to Council asking that the Council's Scheme of Administration be amended to allow the constitution of the Audit and Risk Committee to include 3 non-voting members appointed from an external source.

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SCOTTISH BORDERS COUNCIL
LOCAL REVIEW BODY

MINUTE of MEETING of the LOCAL REVIEW
BODY held in the Council Headquarters, Newtown
St. Boswells on 19 October 2015 at 10.00 a.m.

Present:- Councillors R. Smith (Chairman), M. Ballantyne, J. Campbell, J. Fullarton, S. Mountford.
Apologies:- Councillors J. Brown, I. Gillespie, D. Moffat, B. White.
In Attendance:- Lead Officer Plans and Research, Solicitor (G. Nelson), Democratic Services Team Leader, Democratic Services Officer (F. Walling).

1. **REVIEW OF APPLICATION 15/00616/FUL**

There had been circulated copies of the request from Mr Gethin Chamberlain, Raebank, Chapel Street, Selkirk, to review the decision to refuse the planning application in respect of the installation of 16 No solar photovoltaic (PV) panels to roof at Raebank, Chapel Street, Selkirk. Included in the supporting papers were the Decision Notice, Notice of Review, officer's report of handling, papers referred to in report, comment from Community Council, papers referred to in the report and a list of relevant policies. Members debated the application at length. Although recognising that the proposed photovoltaic panels would have a degree of impact they noted that the roof on which the panels were to be installed was not on a prime frontage within the Conservation Area. On balance they concluded that this impact would be outweighed by the benefits of the development in terms of the provision of renewable energy technology.

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 development was consistent with the Development Plan and there were no other material considerations that would justify departure from the Development Plan; and**
- (d) **the decision of the appointed officer to refuse the application be reversed and the application for planning permission be granted as detailed in Appendix I to this Minute.**

2. **REVIEW OF 15/00504/FUL**

There had been circulated copies of the request from Rural Renaissance Limited, per Felsham Planning and Development, 1 Western Terrace, Edinburgh, to review the decision to refuse the planning application in respect of external alterations and erection of 4 No flagpoles at West Grove, Waverley Road, Melrose. The supporting papers included the Decision Notice, Notice of Review, officer's report of handling, consultations, objections and a list of relevant policies. In considering the application de novo Members initially discussed the proposed external alterations to the building, which they agreed were acceptable. However, they expressed concern about the proposed off-white colour of the render which

they believed was not sensitive to the building or the surrounding area. They agreed that should the application receive consent, the applicant be obliged, by condition, to obtain agreement of the planning officer with regard to the choice of colour. Members' discussion then focused on the proposal to erect four flagpoles and the impact on the character of the surrounding area.

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 an unaccompanied site visit; and**
- (c) as the location was relatively close, the meeting be adjourned to allow an unaccompanied site visit to be carried out.**

2.2 The meeting was adjourned at 11.35 am and reconvened at 12.30 pm.

2.3 Members continued consideration of the review and agreed that the site visit had been helpful in their assessment of the application. However, in view of the limited ground area in front of the building, they expressed concern at the lack of detail in the planning application with respect to the exact position and height of the flagpoles.

VOTE

Councillor Campbell, seconded by Councillor Smith, moved that the decision to refuse the application be upheld.

Councillor Fullarton, seconded by Councillor Mountford, moved as an amendment that the decision should be overturned and the application approved.

On a show of hands Members voted as follows:-

Motion - 3 votes
Amendment - 2 votes

The motion was accordingly carried.

DECISION

AGREED that:-

- (a) the review could now be determined without any further procedure on the basis of the papers submitted and following the site visit;**
- (b) 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**
- (c) the decision of the appointed officer to refuse the application be upheld for the reasons detailed in Appendix II to this Minute.**

The meeting concluded at 12.45 pm

APPENDIX I

SCOTTISH BORDERS COUNCIL LOCAL REVIEW BODY DECISION NOTICE

**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**

Local Review Reference: 15/00021/RREF

Planning Application Reference: 15/00616/FUL

Development Proposal: Installation of 16 no. solar photovoltaic panels to roof

Location: Raebank, Chapel Street, Selkirk

Applicant: Mr G Chamberlain

DECISION

The Local Review Body (LRB) reverses the decision of the appointed planning officer and grants planning permission as set out in the decision notice.

DEVELOPMENT PROPOSAL

The application relates to the erection of 16 no. solar photovoltaic panels on the south east facing roof of this detached property within Selkirk Conservation Area. The application drawings consist of the following :

Plan Type	Plan Reference No.
Location Plan	OS Extract
Planning Layout	Roof layout
Brochures	Solar Panel
Photos	As existing

PRELIMINARY MATTERS

The LRB considered at its meeting on 19th October 2015, that the review had been made under section 43A (8) of the Town & Country Planning (Scotland) Act 1997.

REASONING

After examining the review documentation at that meeting, which included : a) Notice of Review and accompanying papers including the decision notice, officer's report and comment from the Community Council; b) Papers referred to in officer's report and c) List of policies, the LRB

considered that it had sufficient information to determine the review and proceeded to consider the case. In coming to this conclusion, the LRB considered the request from the applicants for further procedure in the form of written representations, one or more hearing sessions and a site visit.

Within the Notice of Review it was noted that the Appellant stated that “The interpretation of what constitutes unacceptable impact on the conservation area is subjective. The application needs to be seen in the context of the surrounding street and the precedent set by the approval of a larger application by the Parish Church has been overlooked”. Members were advised that they should consider the Local Review proposals “de novo”, but should have due regard to whether the Parish Church decision set a relevant precedent that was material to the current application.

Clarification was made in respect of reference given within the Notice of Review by the Appellants to the Town and Country Planning (General Permitted Development) (Domestic Microgeneration) (Scotland) Amendment Order 2009. The LRB acknowledged that the Order lays down the regulations as to whether proposals require planning consent or not – it does not state whether such proposals should or should not be approved. Whether proposals are consequently acceptable or not is guided by policy and other material considerations. The LRB noted that the proposal required planning consent as the property was located within the Selkirk Conservation Area of which the Council had withdrawn all normal permitted development rights.

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 2013 and the consolidated Scottish Border’s Local Plan 2011. The LRB considered that the most relevant of the listed policies were:

- Local Plan policies : G1, BE4 and D4

Other material key considerations the LRB took into account related to:

Other Material Considerations

- Supplementary Planning Guidance on Renewable Energy 2007
- Supplementary Planning Guidance - Placemaking and Design 2010
- Historic Scotland’s Managing Change in the Historic Environment “Micro Renewables” 2010
- Historic Scotland’s Micro-renewables in the Historic Environment 2014
- Scottish Historic Environment Policy 2011
- Scottish Planning Policy
- Scottish Borders Proposed Local Development Plan 2013

Members of the LRB noted the proposed location and proposed array of the solar panels over the majority of the south east face of the roof and that the Appellant considered that the proposal would not be feasible from an economic point of view if the proposed number of panels were reduced.

Members of the LRB also noted the context of the surrounding streets and considered whether a precedent had been set by the approval of a larger application for a solar panel array at the Parish Church within the Selkirk conservation area. While members did consider that the Parish Church was a relevant consideration they considered that it did not set a general precedent for such proposals and that it could be distinguished from the current application given that in overall area terms only a small part of the church roof was covered by the array of solar panels, minimising the impact on the conservation area.

Whilst noting the proposal was within the Selkirk Conservation Area, members noted that the street that the solar array would face was not within the prime frontage. They considered that Chapel Street was not a primary route through the town nor did they consider it was of any great architectural merit. Members considered that the location of the property, and in particular the section of roof on which the panels are proposed, was not particularly prominent within the Conservation Area, that the scale of the panels was not prominent in relation to the context of the street and that in general solar panels were now considered a more common and less contentious means of renewable energy. Members made reference to the recently updated Council Guidance on Replacement Windows which stated that when determining applications for replacement windows cognisance should be given as to how prominent properties were within Conservation Areas, and that there could be more flexibility in more extreme cases. It was considered that this principal could also be applied to this proposal.

As required by policy D4 members weighed up the wider economic and environmental benefits of the solar panels against any perceived detrimental impacts on the Conservation Area. It was considered that in the specific location of the proposal the benefits outweighed any perceived detrimental impacts on the Conservation Area.

CONCLUSION

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

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 R Smith
Chairman of the Local Review Body

Date...2nd November 2015

APPENDIX II

SCOTTISH BORDERS COUNCIL LOCAL REVIEW BODY DECISION NOTICE

**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**

Local Review Reference: 15/00022/RREF

Planning Application Reference: 15/00504/FUL

Development Proposal: External alterations and erection of 4no flagpoles

Location: West Grove, Waverley Road, Melrose

Applicant: Rural Renaissance Ltd

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 on the following grounds:

1. The proposed development is contrary to Adopted Local Plan Policy G1, in that the erection of the four no. flagpoles, would not be compatible with, or respectful of, the character of the surrounding area and neighbouring built form.
2. The proposed development is contrary to Adopted Local Plan Policy BE4 in that the erection of the four no. flagpoles would have an unacceptable adverse impact upon the character and appearance of the Conservation Area as a consequence of the unusual character of this aspect of the development; its siting immediately adjacent to the Conservation Area; and the high visibility of the site, which would mean that the aforementioned impacts would go unmitigated.

DEVELOPMENT PROPOSAL

The application relates to external alterations and the erection of 4no flagpoles at West Grove, Waverley Road, Melrose. The application drawings consisted of the following drawings :

Plan Type	Plan Reference No.
Location Plan	9208.1.01
Floor Plans	9208.1.02
Elevations	9208.1.03 Front

PRELIMINARY MATTERS

The Local Review Body considered at its meeting on 19th October 2015, that the Review had been made under section 43A (8) of the Town & Country Planning (Scotland) Act 1997.

After examining the review documentation at that meeting, which included: a) Notice of Review and accompanying papers including Decision Notice and Officer's report; b) Consultation Responses; c) Objections 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 its conclusion the LRB considered the request from the applicants for a site inspection, further written submissions and one or more hearing sessions.

Within the Notice of Review it was noted that reference was made to a previous approval for flagpoles at the entrance to the applicant's site at Priorwood within the town. The Appellant considers this a precedent whilst the planning officer states that the site location, site characteristics and proposals are different. Members were advised that they should consider the Local Review proposals "de novo", with the issue of whether Priorwood set any precedent that was material to the current case also being a matter for the LRB to consider.

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 2013 and the consolidated Scottish Borders Local Plan 2011. The LRB considered that the most relevant of the listed policies were:

- Local Plan policies : G1 and BE4

Other material key considerations the LRB took into account related to:

Other Material Considerations

Scottish Planning Policy
Scottish Borders Proposed Local Development Plan 2013

LRB members noted the full extent of all parts of the application proposal, and whilst not located within the Conservation Area the application site immediately adjoined it. Some concerns were raised regarding the proposed colour of the external render and that details of the proposal sun dial were limited. However, it was considered that appropriately worded conditions could be attached to any consent issued requiring the agreement of an alternative render and the submission of further details for approval regarding the sun dial. It was therefore not considered there would be any insurmountable issues to resolve these matters.

Members considered that the most contentious part of the proposal was the erection of the 4no flagpoles. Members noted that information regarding the flagpoles was limited, particularly that no specific heights were stated and that it could only be estimated they would be between 8 and 9 metres taking cognisance of plan ref 9208.1.03 which suggests they may be approximately 1 metre above the existing lighting column on site.

In order to fully assess the proposal members visited the site. On site members took cognisance of the proposed location of the flagpoles and their estimated heights, that the surrounding buildings

were primarily residential properties, they considered how prominent they may be from a number of locations within the immediate vicinity and considered any perceived impacts the flagpoles will have on the Conservation Area.

The LRB agreed with the planning officer that Priorswood did not set a precedent effecting this proposal in that the site location, site characteristics and proposals are different.

Whilst having no general objections in principal to flagpoles, the LRB considered that in this specific instance their perceived overall heights, their prominent appearance due to their locations close to the roadside, their cluttered nature, the impact on the adjoining Conservation Area and that they were considered out of character with the residential area prevented members supporting the proposal. Although members considered that an alternative proposal for the siting and scale of the flagpoles could be more acceptable, members agreed that the application required to be judged as submitted.

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.

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 R Smith
Chairman of the Local Review Body

Date ...2nd November 2015

SCOTTISH BORDERS COUNCIL **EXECUTIVE COMMITTEE**

MINUTE of MEETING of the EXECUTIVE COMMITTEE held in the Council Chamber, Council Headquarters, Newtown St. Boswells on Tuesday, 20 October 2015 at 10.00 a.m.

Present:- Councillors S. Aitchison (Chairman - Education Business), S. Bell (from para 3), C. Bhatia, M. J. Cook, V. Davidson (from para 3), G. Edgar, J. Mitchell, D. Moffat, D. Paterson, F. Renton, R. Smith.,

Also Present:- Councillors G. Logan, S. Mountford, T. Weatherston.

Apologies:- Councillors D. Parker, J. Brown.

In Attendance:- Depute Chief Executive – People, Service Director Children and Young People, Chief Officer - Education, Democratic Services Team Leader, Democratic Services Officer (F. Henderson).

EDUCATION BUSINESS

Present:- Mr G. Donald, Mr. J. Walsh, Mr. G. Jarvie, Mrs J. Aitchison, Ms A. Ferhai, Lauren Cardwell, Eilidh Page.

1. **CHAIRMAN**

Councillor Aitchison chaired the meeting for that part which considered education business.

2. **WELCOME**

The Chairman welcomed Lauren Cardwell (Jedburgh Grammar School) and Eilidh Paige (Hawick High School) to their first meeting as Pupil Representatives on the Executive (Education) Committee and hoped the experience was beneficial and interesting for them.

3. **HOME SCHOOLING: SCOTTISH BORDERS COUNCIL SCRUTINY REPORT**

With reference to paragraph 2 of the Scrutiny meeting of 20 August 2015 and paragraph 3.2 of the Scottish Borders Council meeting held on 7 October 2015, there had been circulated copies of a report by the Service Director Children and Young People which proposed that the Executive (Education) Committee consider the decision of the Scrutiny Committee of 20 August 2015 in relation to Home Schooling. The report explained that Home Schooling had been considered at the Scrutiny Meeting providing facts on the numbers of children and young people currently home schooled in the Scottish Borders and the guidance and legislation around governance arrangements. Scrutiny Members had expressed concern around national legislation and agreed to recommend that Scottish Borders Council write to the Scottish Government requesting that the 1980 Education Scotland Act be amended to give Local Authorities the power to enforce Section 36 of the Act in order to ensure that children who were being home schooled received a satisfactory education appropriate to their age and aptitude. Scottish Borders Council had referred the matter to the Executive (Education) Committee for consideration. The view of the Scrutiny Committee was that Scottish Borders as a Local Authority had no method of exercising the powers set out in the Education (Scotland) Act 1980, Section 37(1). For parents who had never sent their children to a Scottish Borders School, officers were unable to acquire any information as to whether the children who were being home schooled received a satisfactory education appropriate to their age and aptitude. The report detailed to duties of the Local Authority under the legislation and the Service Director Children and Young People confirmed that there were situations where it was beneficial to the child to be home schooled and Education would engage with these children and work with the Parents. Members discussed the report and while it was noted that the Education Department tried where possible to work in partnership with parents who were home schooling their children, concerns were expressed regarding

those children who were not being reached. The Chairman invited Councillor Logan as Chairman of Scrutiny to address the Committee. Councillor Logan reinforced the discussion by the Committee and asked that a copy of the letter sent to the Scottish Government be circulated to all Councillors and other members of the Committee for information.

DECISION

AGREED that an appropriate letter be sent by the Leader to the Scottish Government expressing concern about existing guidance and request consideration of an amendment to the 1980 Education Scotland Act, ensuring that children who are home schooled receive a satisfactory education appropriate to their age and aptitude.

4. COMMUNITY LEARNING AND DEVELOPMENT: STRATEGIC PLAN FOR CLD IN SCOTTISH BORDERS 2015-18

- 4.1 There had been circulated copies of a report by the Service Director for Children and Young People recommending approval by the Community Planning Strategic Board of the Community Learning and Development (CKLD) Strategic Plan for 2015-18. The report explained that the CLD Strategic Guidance for Community Planning Partnerships (2012) set out expectations on Community Planning Partnerships (CPP) to use CLD approaches to public service reform and to develop a clear framework for the planning and delivery of CLD by the Local Authority and partners. The CLD Regulations of 2013 required a three year partnership plan for CLD to be developed by the Education Authority by 1 September 2015 and would be subject to scrutiny through the Local Area Network. Local CLD partnerships had been developed in each of the seven learning communities. They had mapped current CLD activity, consulted with learners and community groups and developed action plans to address local priorities. There was clear synergy between the identified CLD priorities and those of the CPP's Reducing Inequalities profile. The CLD Strategic Plan would be instrumental in achievement of key Borders priorities of developing Scotland's young workforce and empowering communities.
- 4.2 Mr Kevin McCall, Lead Senior Education Officer was present and gave a background to the development of the Plan, explained how the plan had been developed, the monitoring and evaluation, building capacity and further development. Mrs Clare De Bolle, Chief Officer (YouthBorders) circulated at the meeting copies of the YouthBorders Impact Report for 2014/2015 and advised that YouthBorders was a membership organisation whose objective was to provide the best youth work possible and be the voice of youth work which was reducing the attainment gap and providing informal out of school education. Funding from the Scottish Government had enabled an evaluation of training being provided throughout the Borders and had highlighted similar priorities and possible projects. In response to a question about the difficulties in attracting adult helpers for voluntary groups the Service Director explained that Volunteer Borders was looking at strategies to make volunteering more attractive. It was highlighted that young people were much more aware of the need for a broad education and being involved in youth work could help to identify future careers and there was collaboration with Borders College. Councillor Bhatia sought clarification regarding the financial resources which would be available, as there were no details within the draft report, and asked whether they would be provided wholly from Scottish Borders Council. The Lead Senior Education Officer advised that there had been a shift in resources approximately 18 months previously and there would be partnership funding, although all available resources had not yet been identified. Councillor Bhatia requested that financial information be included in the report prior to approval.

DECISION

(a) AGREED:-

- (i) **that Scottish Borders Council receive a report on the Community Learning and Development (CLD) Strategic Plan for 2015-18, which would include financial information regarding the delivery of the services to be provided; and**

- (ii) **to support the CLD Strategic Partnership to engage effectively with key CLD partners, facilitating contribution to the annual planning process with members taking an active role within the local area partnerships.**

(b) **NOTED the issues requiring further action during the lifetime of the Plan.**

MEMBER

Mr Walsh left the meeting during consideration of the following item of business.

5. CLOSING THE GAP

The Chief Education Officer explained that the Authority was committed to reducing the inequalities link between attainment and areas of deprivation. The Chief Education Officer referred to a report by the Joseph Rowntree Foundation on why closing the gap was extremely urgent. It was highlighted that children from higher-income households significantly outperformed those from low-income households at ages 3 and 5. By the age of 5, there was a gap of 10 months in problem solving development and 13 months in vocabulary. This gap continued throughout Primary and a clear literacy gap in primary 4 (ages 7-9) widened by Primary 7 (ages 10-12). By S2 (ages 12-14), more than twice as many students from the least deprived areas performed well in numeracy as those from the most deprived. The gap continued throughout Secondary Education and on leaving School, those from deprived families were consistently less likely to go into further/higher education, employment, training, or voluntary work. The Chief Education Officer went on to explain what was being done to reduce barriers within the Scottish Borders. Also present was Sandra Davidson, Headteacher at Langlee Primary School. She advised that 80% of pupils attending Langlee Primary School were in 1-3 deciles, although she emphasised the need to look beyond the deciles as some pupils were achieving very well. Following an HMIe inspection in November 2013 where the school scored satisfactory in terms of Improvement in performance, the school's own data showed that across the school, while many children were performing less well than their peers, almost all were making some progress in reading and writing, and a few were making good progress. The results of a P6 screening in January 2013 illustrated the age of the child compared with their spelling age. Langlee Primary School was then selected to take part in the Scottish Government Raising Attainment for All Project. In January 2015 50% of pupils from P2 – P7 were at or above chronological age for reading and the Staff set themselves a target to increase this by 10% (17 pupils) by May 2015. It was reported that this had not been achieved, however they had achieved an increase of 1% (6 pupils) at or above expected levels; 5 children were only 1 month behind chronological age; a reduction in the number of children 2 or more years behind chronological age and 47% of children had made more than 4 months progress since January 2015. Mrs Davidson explained that the next steps were to continue with reading – use CfE data as well as standardised test data; encourage parents to come into school and work alongside the pupils so that they could assist with homework and use 1-1 coaching with more pupils. The reputation of the school was growing and the school roll had increased by 40 pupils. There was a discussion about the need to change and modernising the methods of engagement with families which might include mediums such as Facebook. In response to a question on the work being done with children before they reached school it was noted that the Early Years Centres were having a very positive impact on learning as this allowed engagement from pre-birth, with antenatal classes being offered.

**DECISION
NOTED.**

MEMBER

Councillor Renton left the meeting.

The Education Business concluded at 11.40 a.m. and there followed a short adjournment.

OTHER BUSINESS

6. **CHAIRMAN**

On the resumption of the meeting, Councillor Bhatia took the Chair for the remaining business.

7. **MINUTE**

The Minute of meeting of the Executive Committee of 29 September 2015 had been circulated.

DECISION

APPROVED for signature by the Chairman.

SUMMARY OF PRIVATE BUSINESS

MINUTE

1. The private section of the Minute of the Executive Committee held on 29 September 2015 was approved.

SOCIAL WORK COMPLAINTS REVIEW SUB-COMMITTEE

2. The Minute of the Social Work Complaints Review Sub-Committee held on 17 September 2015 was approved.

The meeting concluded at 12.45 p.m.

SCOTTISH BORDERS COUNCIL CIVIC GOVERNMENT LICENSING COMMITTEE

MINUTES of Meeting of the CIVIC
GOVERNMENT LICENSING COMMITTEE
held in COMMITTEE ROOMS 2 AND 3,
COUNCIL HEADQUARTERS, NEWTOWN
ST BOSWELLS on Friday, 23rd October,
2015 at 11.00 am

Present:- Councillors W. Archibald, J. Greenwell, B. Herd, G. Logan, D. Paterson,
R. Stewart, J. Torrance and B White.
Apologies:- Councillors J. Campbell, T. Weatherston.
In Attendance:- Solicitor (R. Kirk), Licensing Team Leader, Democratic Services Officer (F
Henderson), P.C. C. Lackenby, Inspector M. Bennett - Police Scotland.

1. **MINUTE.**

The Minute of the Meeting of 25 September 2015 had been circulated.

DECISION

APPROVED and signed by the Chairman

2. **LICENCES ISSUED UNDER DELEGATED POWERS.**

There had been circulated copies of lists detailing the Civic Government and
Miscellaneous Licences issued under delegated powers between 17 September 2015 and
9 October 2015.

DECISION

NOTED.

1. **LICENSING OF TAXIS, PRIVATE HIRE VEHICLES AND DRIVERS.**

There had been circulated copies of an application submitted by Mr Gerard Fox for the
grant of a Taxi Driver Licence together with a letter of objection dated 22 September 2015
received from Police Scotland. Mr Fox, although cited to attend was not present at the
meeting. The Committee agreed that Mr Fox should be present for the determination of
his application and agreed to defer consideration to the next meeting.

- 3.1 Members expressed concern that there appeared to be a number of applicants who did
not attend the meeting for consideration of their application, although cited to attend and
sought clarification about the process advising the applicant of the requirement to attend.

DECISION

**AGREED to defer consideration of the application for the grant of Taxi Driver
Licence submitted by Mr Fox to the next meeting.**

2. **LICENSING OF MARKET OPERATORS.**

There had been circulated copies of an application submitted by Galashiels Market CIC
for the grant of a Market Operator's Licence together with a copy of an email from the
Road User Engineer in relation to other regular use of the location referred to in the
application. On being invited to speak by the Chairman, Inspector Bennett commented
that whilst Police Scotland had made no representations on the application, if the licence
was issued they would need to monitor the market activity because regular vehicular
access would still be required at the proposed location. Although cited to attend, there

was no representative from Galashiels Market CIC present at the meeting. The Committee were unwilling to consider the application without a representative present who could clarify the matters raised.

DECISION

AGREED to defer consideration of the application submitted by Galashiels Market CIC to the next meeting.

The meeting concluded at 11.15 a.m.

SCOTTISH BORDERS COUNCIL **SCRUTINY COMMITTEE**

MINUTES of Meeting of the SCRUTINY
COMMITTEE held in COUNCIL CHAMBER,
COUNCIL HEADQUARTERS, NEWTOWN
ST BOSWELLS on Thursday, 29 October,
2015 at 10.00 am.

Present:- Councillors G Logan (Chairman), W Archibald, K Cockburn, A Cranston,
J Torrance, I Gillespie and A J Nicol.
Apologies:- Councillors I Gillespie and S Mountford.
Also Present: Councillors S Aitchison and D Parker.
In Attendance:- Democratic Services Team Leader, Democratic Services Officer (P Bolson).

1. **MINUTE**

There had been circulated copies of the Minute of 24 September 2015.

DECISION

NOTED for signature by the Chairman.

2. **GREAT TAPESTRY OF SCOTLAND**

With reference to paragraph 4 of the Minute of the Scrutiny Committee of 24 September 2015, Members noted that following a request by Ettrick and Yarrow Community Council to include the Great Tapestry of Scotland in the programme of Scrutiny Reviews, the Scrutiny Committee had deferred its decision until after the Petitions and Deputations Committee had considered the matter at its meeting on 1 October 2015. Copies of the Minute of the Petitions and Deputations Committee of 1 October had been circulated and it was noted that the decision by the Petitions and Deputations Committee at that time was that no further action was required. Members went on to discuss whether or not any further scrutiny of the process was required. Councillor Cockburn proposed that in view of the public disquiet over the decision making process that a working group should be set up to examine this process and ascertain if there were any lessons which could be learned for future projects. Councillors Nicol and Torrance, who were Chairman and Member respectively of the Petitions and Deputations Committee considered that the matter had been fully discussed at the meeting on 1 October and therefore no further action was required.

VOTE

Councillor Cockburn, seconded by Councillor Cranston, moved that a working group should be set up to examine the decision making process in respect of the Great Tapestry of Scotland Project and ascertain if there were any lessons which could be learned for future projects.

Councillor Nicol, seconded by Councillor Archibald, moved as an amendment that no further action was required.

On a show of hand Members voted as follows:-

Motion - 3 votes
Amendment - 3 votes.

There being an equality of votes the Chairman exercised his casting vote in favour of the Motion which was accordingly carried.

Following discussion regarding the possible membership of the Working Group, it was agreed that the appointment of Members to the Group should be deferred until the next

meeting of the Committee to allow all Members to participate in the decision. It was further agreed that the Director of Corporate Transformation and Services would prepare Draft Terms of Reference for the Working Group for consideration at the next meeting scheduled for 26 November 2015.

DECISION

AGREED:-

- (a) to form a Scrutiny Working Group to examine the decision making process in respect of the Great Tapestry of Scotland Project and ascertain if there were any lessons which could be learned for future projects;**
- (b) to defer the appointment of Members to the Scrutiny Working Group until the next meeting of the Scrutiny Committee when it was hoped that all Members of the Committee would be present to participate in the decision; and**
- (c) to consider and agree the draft terms of reference for the Working Group.**

3. RELIGIOUS OBSERVANCE POLICY

3.1 With reference to paragraph 6(a) (i) of the Minute of 26 March 2015, the Chairman welcomed Ms Donna Manson, Service Director Children and Young People and Ms Gillian McKenzie, Senior Education Officer who were present at the meeting to give a presentation on the Religious Observance Policy in schools across the Scottish Borders. There had also been circulated copies of background information relating to the Religious Observance Policy and the provision of religious and moral education in non-denominational schools and religious education in Roman Catholic schools. Ms McKenzie explained that there were key documents which had been fundamental in the development of Religious Observance nationally and across the Scottish Borders. These included the Curriculum for Excellence – Provision of Religious Observance in Schools and a Briefing on this from the Scottish Government and the SBC Religious Observance Policy. Within primary schools, religious observance events took place at least 6 times a year and in some cases, the Chaplain attended every week of term. All Chaplain-led events were mainly Christian but they also contained a universal moral message and the pupils were regularly involved in preparing and presenting assemblies. It was noted that parents were aware of the option for their children to opt out of these events although few actually did so. In some cases, children could attend some aspects of assemblies and opt out of others and there were a range of learning tasks to be completed. A similar arrangement was in place for secondary schools. Again, religious events took place at least six times a year. These were either on a whole school or a by year basis with few pupils opting out and in some cases Chaplains supported the delivery of religious, moral and philosophical studies in the senior phase. It was noted that in cases where pupils did opt out, alternative and supervised activities were provided. An example of a religious observance programme was included in the presentation. Ms McKenzie explained that within the curriculum, enjoyment was considered to be a design principle and was therefore reported to Education Scotland, adding that available evidence demonstrated that pupils did enjoy their religious observance events.

3.2 The Curriculum for Excellence and Religious and Moral Education explained that this was a process for children and young people to engage in a search for meaning, value and purpose in life. This involved the exploration of beliefs and values and how these were expressed. There was a strong focus on knowledge, understanding, skills, attributes and capabilities of the children and young people. Within the broad general education spectrum for 3 to fifteen year olds, there were a range of outcomes and experiences up to fourth level covering Christianity, world religions selected for study and development of beliefs and values and the presentation included an example of these. Religious and moral education was a statutory subject with the Curriculum for Excellence and materials had been developed to support schools delivering the subject within the senior phase. Certified courses Religious, Moral and Philosophical Studies were also available at National 4 and 5, and Higher and Advanced Higher levels. A Development Officer post was created on a secondment basis to develop materials and raise awareness of the range of support across Scotland and these materials were now available within schools. In terms of future

development of religious observance, engagement with schools would continue to ensure that each had the capacity to deliver religious observance at an appropriate level. Engagement between schools and partners, and with parents and Parent Councils, would be further encouraged and a review of the Council's Religious Observance Policy would be carried out.

- 3.3 Discussion followed and Members raised a number of questions. Statistics were available to evidence a decline, for a number of years, in religious observance outwith schools and Ms Manson was asked whether she was aware of any data to show whether the religious observance currently seen in schools then continued into adulthood. In response, Ms Manson indicated that she was not aware of any such evidence to support either view but should new information become available, this would be shared with Members. However, she confirmed that religious observance did promote wider involvement in the community. Members considered it important that delivery of religious observance in schools kept up to date with what was happening in society and in this regard, Ms Manson was asked whether information relating to Humanist values was taught. In response, Ms Manson explained that the three aspects of religious and moral education were balanced and covered within the curriculum and that "Development of Beliefs and Values" was addressed within the context of experience and outcomes covered by "Christianity" and "World Religions Selected for Study". Ms Manson also commented that young people were participating and engaging in this very thorough journey which was now statutory through to Year 6. The Chairman thanked Ms Manson and Ms McKenzie for their presentation and for the excellent work that had been undertaken in this area.

DECISION NOTED.

4. FAITH SCHOOLS

- 4.1 With reference to paragraph 6(a) (ii) of the Minute of 26 March 2015, the Chairman welcomed Ms Donna Manson, Service Director Children and Young People and Ms Helen Ross, Senior Education Officer who were present at the meeting to give a presentation on Faith Schools in the Scottish Borders. There had also been circulated copies of background information relating to religious education in Roman Catholic schools, including Curriculum for Excellence Principles and Practice; Experiences and Outcomes; a Charter for Roman Catholic Schools in Scotland; a briefing from the Scottish Government on the provision of religious observance in schools; and the Scottish Borders Council Schools Admissions Policy. Ms Ross explained that separate denominational schools had been established as a result of the Education (Scotland) Act 1918 and that there were three Scottish Episcopal and one Jewish school in Scotland. The other denominational schools were Roman Catholic which were funded by the Scottish Government and administered by the local authorities. There were also specific legal provisions to ensure the promotion of a Roman Catholic ethos in these schools. In terms of recruitment, applicants for teacher and promoted posts did not require to be of the Roman Catholic faith but the applications did have to be approved by the Catholic Church authorities in Scotland. There were 366 Catholic schools in Scotland with four primary schools in the Scottish Borders – St Margaret's in Hawick, St Joseph's in Selkirk, St Margaret's in Galashiels and Hayrude in Peebles – and it was agreed in 2012 that one headteacher be appointed to these four schools. Ms Ross explained that for Roman Catholic children, proof of entitlement, in the form of a Certificate of Baptism, was required for admission and for non-Roman Catholic children, a placing request was necessary. These requests would be dealt with in the same way as in the general education schools and Ms Manson advised that during the current year, all placing requests had been granted.
- 4.2 The current rolls at the Roman Catholic schools were small, ranging from 14 at St Margaret's in Hawick to 81 at Halyrude in Peebles and this had presented a number of challenges eg in the delivery of the curriculum in one and two teacher schools with multi-composite classes; recruitment and retention of teaching staff which was due, in part, to the small number of Roman Catholic recruits and the need for approval, the perception by some teachers that there were limited opportunities for development in small schools, the lack of recruitment from outside the area and a sense of isolation within smaller schools. With regard to the approval process for teachers in Roman Catholic schools, there were a number of requirements. When seeking approval, a teacher had to demonstrate how

his/her personal "religious belief and character" enabled him/her to undertake the duties of the particular teaching post within the context of a Catholic school, with its particular mission, values and ethos, as outlined in a 'A Charter for Catholic Schools in Scotland'; teachers were also required to provide a reference from a suitable person who could testify to the teacher's personal "religious belief and character"; the reference for Catholic teachers had to be provided by the teacher's parish priest who would be able to testify to the teacher's personal "religious belief and character"; and for those teaching posts which impacted on the teaching of Religious education, teachers would be expected to provide evidence of having obtained an appropriate teaching qualification in Catholic Religious Education. With regard to leadership, it was acknowledged that absences in one and two teacher schools could cause difficulties and robust measures were therefore in place to cover these situations. There had also been some parental concerns in respect of the stability of teaching staff and the reducing school rolls and impact of these on the number of classes. Ms Manson advised that some very valuable work had been carried out to meet these challenges and a range of measures had and were being implemented. Permanent staffing was now in place within the schools; enhanced support had been provided to the four schools to help development and ensure consistency of approach; increased officer engagement with Parent Councils; curriculum progression and tracking and monitoring of pupil development which was manageable and appropriate; and the development and involvement of staff in taking good practice forward in their schools.

- 4.3 A number of questions were raised by Members. With regard to the roll at Haryrude, Ms Manson explained that sometimes, parents just preferred smaller schools and in terms of more young families moving into the area and wishing to enrol at Halyrude, Ms Manson did not consider that the capacity of the school was an issue. When parents submitted placing requests, they were informed of the ethos of the school and given information on what to expect within the school system. Withdrawal from some classes was possible in certain circumstances. Ms Manson advised that no denominational schools in Scotland had been withdrawn from the education system although some had amalgamated with other multi-denominational schools. With regard to withdrawal of religious education in schools, Members were advised that this was raised in the Scottish Parliament two or three years ago and at that time, no action was recommended. Members noted that there were no Catholic schools in Berwickshire and Ms Manson advised that there was currently no demand for this, and any pupils would be transported to the appropriate school as required. Members asked whether, with reducing rolls, consideration would be given to amalgamating schools and Ms Manson advised that any review by Scottish Borders Council of the school estate would, necessarily, take this into account. In addressing the issues of recruitment and approval for teachers within Roman Catholic Schools, Ms Manson explained that a Liaison Officer for SBC was linked with the Gillies Centre in Edinburgh and their role included responsibility for training of non-Catholic teachers working in Catholic schools and supporting and advising staff through the approval process. Discussion following in relation to the locations of Roman Catholic Schools in the Borders and Members were advised that historically, developing mill towns brought in a labour force which created a demand for schools, including the need for Catholic schools in some areas.
- 4.4 The Chairman thanked Ms Manson and Ms Ross for their presentation and complimented them on the work that had been undertaken. Ms Mason stated that community engagement was essential and that comments were welcomed either directly or via Elected Members. As Executive Member for Education, Councillor Aitchison thanked the Scrutiny Committee for the opportunity to make this presentation and commented that the way in which religious education was delivered in schools was more relevant now than ever before and that pride should be taken in the high level of tolerance evidenced within Scottish Borders schools.

**DECISION
NOTED.**

**5. SCRUTINY REVIEWS - UPDATE ON SUBJECTS INCLUDED IN THE FUTURE
SCRUTINY REVIEW PROGRAMME**

With reference to paragraph 4 of the Minute of 24 September 2015, there had been circulated an updated list of subjects which the Scrutiny Committee had been asked to

review and which included the source of the request, the stage the process had reached and the date, if identified, of the Scrutiny meeting at which the information would be presented. In addition, Members were also asked to consider further subjects for inclusion on this list for presentation at future meetings of the Committee. When deciding whether subjects would be reviewed by the Scrutiny Committee, Members required a clear indication from the initiator of the request as to which aspects of the subject they wished to be reviewed. This would enable the Committee to determine whether the subject was appropriate for consideration. It was agreed that guidance should be made available to ensure that requests for Reviews contained sufficient information to enable the Committee to make its decision. Following discussion, Members agreed that a presentation on the impact on Scottish Borders Council of the Community Empowerment Bill, requested by the Liberal Democrats Group, be brought to the next meeting of the Committee on 26 November 2015 and that Councillor Nicol, on behalf of the Group, would provide further information on specific aspects of the Bill to be included in the presentation. It was agreed that Protection of Private Water Supplies requested by Councillor Bhatia would be added to the list of Reviews and that this would be presented to the Scrutiny Committee at a future date. With reference to the Review of the budget for roads repairs and maintenance, Members asked why this had been scheduled for 28 January 2016. An explanation as to the timing of this Review would be presented to the Committee at its meeting on 26 November 2015. Consideration whether or not to conduct a review of the financing arrangements for the Transport Interchange would also be decided in November.

DECISION

AGREED the proposed list of subjects for review by Scrutiny Committee, as appended to the Minute, and any further actions detailed against particular reviews.

6. DATE OF NEXT MEETING

The next meeting of the Scrutiny Committee would take place on Thursday 26 November 2015.

The meeting concluded at 11.35pm.

Scrutiny Committee – Review Subjects

The following are those subject areas which have been requested for Scrutiny to consider and the stage they have reached:

Source	Issue/Description	Stage	Proposed Scrutiny Committee meeting date
Graeme Donald	Religious Observance Policy } }These will be presented together at the } same meeting.	With Service Director Children & Young People	29 October 2015
Scrutiny Committee	Faith Schools }	With Service Director Children & Young People	29 October 2015
Scrutiny Committee	Attainment levels in Schools in Deprived Areas	With Service Director Children & Young People	24 September 2015
Scrutiny Committee	Home Schooling and Non-Schooling	With Service Director Children & Young People	20 August 2015 Completed
Scrutiny Committee	Mainstream Schools and Children with Severe Learning Difficulties	With Service Director Children & Young People	24 September 2015
Ettrick and Yarrow Community Council	Great Tapestry of Scotland – to scrutinise the whole process through which the decision appears to have been taken by SBC Councillors to site the great tapestry of Scotland in a new-build at Tweedbank. In particular, to scrutinise the extent to which a full option appraisal was undertaken of all possible sites and that the detailed business case was presented for all options prior to any decision being made.	Letter from CC dated 15 June 2015. Agreed not to consider until it had been presented to Petitions and Deputations Committee on 1 October 2015. EYCC will be notified.	
Ettrick and Yarrow Community Council – Allocation of	To review the extent to which the SBC budget for road repairs and maintenance is sufficient to meet need and the not unreasonable expectation that roads will be maintained in a safe condition. Within this context, to particularly examine how the allocation of budget for <u>rural roads</u>	Letter from CC dated 15 June 2015. Agreed to consider this.	Date to be agreed.

Source	Issue/Description	Stage	Proposed Scrutiny Committee meeting date
Budgets for Road Maintenance and Repairs	is arrived at and whether more should be allocated.		
Councillor Turnbull	Fees for taxi licensing – the amount paid to outside bodies in administering taxi licensing and how the fees for a licence in the Borders compare with those of neighbouring authorities.	Information to be collated and forwarded to Cllr Turnbull. <i>Scrutiny review on hold.</i>	
Councillor Bhatia	Protection of Private Water Supplies	Request further information from Cllr Bhatia to determine what would be scrutinised. <i>Scrutiny Review on hold.</i>	
Lib Dem Group	Implications of the Community Empowerment Act on the Council	Request further information from the Lib Dem Group to determine what would be scrutinised. <i>Scrutiny Review on hold.</i>	
Scrutiny Committee	Financing arrangements for the Transport Interchange in Galashiels - to include subsidy arrangements and departure charges.	Agreed to consider this.	To be agreed
Scrutiny Committee	Renewable energy – to include arrangements for biomass boilers at high schools.	Likely to be considered by the Executive Committee. <i>Scrutiny Review on hold.</i>	

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SCOTTISH BORDERS COUNCIL
PLANNING AND BUILDING STANDARDS COMMITTEE

MINUTE of MEETING of the PLANNING AND BUILDING STANDARDS COMMITTEE held in the Council Headquarters, Newtown St. Boswells on 2 November 2015 at 10.00 a.m.

Present: - Councillors R. Smith (Chairman), M. Ballantyne, J. Brown, J. Campbell, J. Fullarton, I. Gillespie, D. Moffat, S. Mountford, B. White.
Apologies:- Councillor J. Brown.
In Attendance:- Development Standards Manager, Principal Roads Planning Officer, Solicitor (G Nelson), Democratic Services Team Leader, Democratic Services Officer (F Henderson).

MINUTE

1. There had been circulated copies of the Minute of the Meeting held on 5 October 2015.

DECISION

APPROVED for signature by the Chairman.

DECLARATION OF INTEREST

Councillor White declared an interest in application **15/00774/PPP** in terms of Section 5 of the Councillors Code of Conduct and left the Chamber during the discussion.

APPLICATIONS

2. 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 the Appendix to this Minute.

APPEALS AND REVIEWS

3. There had been circulated copies of a report by the Service Director Regulatory Services on Appeals to the Scottish Ministers and Local Reviews.

DECISION

NOTED that:-

- (a) **there remained two appeals outstanding in respect of:**
 - **Land South East of Halmyre Mains Farmhouse (Hag Law), Romanno Bridge**
 - **Land West of Muircleugh Farmhouse, Lauder**
- (b) **an Appeal request had been received in respect Wind Farm development of 9 No wind turbines and associated infrastructure/buildings/access (further revised scheme – tip heights of Turbines 1, 2 and 4 reduced to 100m – all others to remain at 125m) on Land North East and North West of Farmhouse Braidlie (Windy Edge), Hawick – 13/00789/FUL;**
- (c) **Review requests had been received in respect of the following:-**
 - (i) **Change of use of land to form extension to existing holiday park on Land South West of Northburn Caravan Park, Pocklaw Slap, Eyemouth – 14/01282/FUL;**

- (ii) **Replacement windows (retrospective) at Tushielaw Inn, Ettrick Valley, Selkirk – 15/00601/FUL;**
 - (iii) **Siting of portacabin for use as flour mill on Land North West of Spruce House, Romano Bridge, West Linton – 15/00682/FUL;**
 - (iv) **Erection of dwellinghouse on Land East of Park Lane, Croft Park, Croft Road, Kelso – 15/00745/PPP.**
- (d) **the Local Review Body overturned the Appointed Officers decision to refuse the following:-**
- (i) **Erection of wind turbine 34.4m high to tip and associated infrastructure on Land South West of Clackmae Farmhouse, Earlston – 15/00179/FUL;**
 - (ii) **Erection of dwellinghouse on land South West of Pyatshaw Schoolhouse, Lauder – 15/00403/FUL;**
 - (iii) **Erection of dwellinghouse on Land South of Riding Centre, Newlands, Sunnyside, Reston – 15/00424/FUL;**
 - (iv) **Erection of decking and balustrade at 12 Todburn Way, Clovenfords, Galashiels – 15/00511/FUL; and**
 - (v) **Installation of 16 No solar photovoltaic (PV) Panels to roof at Raebank, Chapel Street, Selkirk**
- (e) **the Local Review upheld the Appointed Officers decision to refuse the External alterations and erection of 4 No flagpoles at Office West Grove, Waverley Road, Melrose – 15/00504/FUL.**
- (f) **there was one Review outstanding in respect of Plot A, Chirnside Station, Chirnside**

SAFEGUARDING OUR BUILT HERITAGE

4. The Chairman introduced Mr Alan Gueldner: Lead Officer Enforcement and Mr Mark Douglas: Lead Officer Built Heritage & Design to give a presentation on the powers available to the Council (Statutory and non-Statutory), the Challenge of dealing with Buildings at risk and the future for safeguarding our Built Heritage. The non-statutory powers included Grant Schemes (including THIs and CARS), where the Council worked with the building owners to provide grant support, although owners still required to provide funding and providing advice, support and pragmatic negotiations about what changes could be made. Traditional Building Repair and Maintenance Talks had been developed for Selkirk Conservation Area Regeneration Scheme (CARS) and it was hoped these could be given to communities outwith the Selkirk CARS catchment area – possibly in Jedburgh and Hawick in 2016. The number of “at risk” buildings in the Scottish Borders included 21 category A listed buildings (=11% of 189 in the Scottish Borders) 60 category B listed buildings (=5% of 1,237); 35 category C listed buildings (=2% of 1,594) and 48 unlisted buildings (the majority of which were in conversation areas). In response to a question about the number of buildings at risk which were owned by the Council, it was noted that less than 5% were owned by the Council. In response to a question about the frequency of updating the national website, it was noted that there was no set system for updating but generally every 3 years. The

Chairman advised that Planning and Building Standards had been shortlisted for the Kelso Regeneration Project in respect of the Scottish Awards for Quality in Planning.

DECISION

(a) **NOTED** the presentation and that a copy would be circulated to all Members of the Committee.

(b) **AGREED** that:-

(i) **Officers Develop and Implement a Strategy and populate the Building Heritage Action Matrix; and**

(ii) **a further progress report be provided in 6 months.**

PLANNING PERFORMANCE FRAMEWORK

5. The Chief Planning Officer was present at the meeting to advise Members on the Planning Performance Framework. It was explained that the Planning Performance Framework (PPF) provided a comprehensive and co-ordinated approach to performance assessment across all 34 Local Planning Authorities and 4 Strategic Development Planning Authorities in Scotland. It provided a mechanism to benchmark performance and to demonstrate the achievements and success of the Planning Service, what steps were taken to improve the service delivery and sharing good practice. The presentation highlighted performance in relation to Decision Making Timescales for Major Developments which had made significant improvement reducing from an average of 73.3 weeks to 30.9 weeks which was now well below the Scottish average of 46.4 weeks. Improvements had also been made in Local (Non-Householder) Development and Household Development applications. The presentation also compared Performance against Key Markers which demonstrated a continued overall improvement over the past three years.

DECISION

(a) **NOTED** presentation.

(b) **AGREED** that Officers continue to disseminate good practice to other local authorities and agencies and to communicate positive developments in the improved operation of the system to Borders residents.

PRIVATE BUSINESS

6. 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 6 of Part 1 of Schedule 7A to the aforementioned Act.

SUMMARY OF PRIVATE BUSINESS

MINUTE

1. The Committee considered the private section of the Minute of 5 October 2015.
2. With reference to the Minute of 5 October 2015, the Committee, having resolved to suspend standing orders, reconsidered the decision in respect of the Development Contributions relating to application 14/01153/FUL.

The meeting concluded at 1.45 p.m.

APPENDIX

APPLICATIONS FOR PLANNING PERMISSION

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
15/00774/PPP	Erection of dwellinghouse	Land East of Castle Heights, Hume

Decision: APPROVED subject to the following conditions and informatives and completion of associated legal agreement.

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 all first been submitted to, and approved in writing by, the Planning Authority. These details shall include provision for new tree planting within the area shaded green on the Approved Location Plan and shall also take full account of the requirements and considerations of **Informative Note 2**. Additionally, a written statement shall also be submitted in association with the first application for Approval of Matters specified in Conditions (AMC), which shall explain how the proposal has been informed by the requirements and considerations of **Informative Note 2**.
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. The finished floor level(s) of the dwellinghouse hereby approved and any associated outbuilding(s), and the finished ground level(s) within the curtilage of the residential property hereby consented, shall all be consistent with levels indicated on a scheme of details that shall first have been approved by the Planning Authority which describe the proposed siting, layout and appearance of the dwellinghouse and landscaping of the site. These details shall include:
 - (i) the proposed finished floor level(s) of the consented dwellinghouse and any associated outbuilding(s);
 - (ii) the existing and proposed ground levels within the curtilage of the consented residential property; and
 - (iii) a clearly identifiable datum point, or clearly identifiable datum points, located outwith the site and sufficient for the purpose of establishing the heights of the existing and proposed levels detailed in (i) and (ii) above, relative to the level(s) of the existing road surface.Reason: To ensure that the consented development does not have any detrimental impact upon the appearance, environment and amenity of the site and surrounding area, or upon the amenity of neighbouring properties, as a consequence of the levels within the site being raised to an inappropriate height.
4. Notwithstanding the detail submitted in support of the planning application, the site shall only be accessible to vehicles in accordance with arrangements that meet in full the requirements of **Planning Condition No 1** with respect to the design of the site access. The dwellinghouse hereby consented, shall not be occupied until:
 - (a) the site access from the public road, and
 - (b) on-site parking and turning provision suitable for at least two vehicles,have all first been completed in accordance with details that shall have been approved at the time of the determination of the first application for Approval of Matters specified in Conditions submitted to address the relevant information requirements of **Planning Condition No 1** attached to this planning permission.
Reason: In the interests of road safety to ensure that safe vehicular access to, and parking at, the site is available for use prior to the occupation of the development.

5. Unless otherwise agreed in writing and in advance by the Planning Authority, no development shall be commenced until the existing bus shelter (or a suitable replacement for this same structure), has first been relocated in accordance with a scheme of details that has first been agreed by the planning authority and made available for use by members of the public. Please see **Informative Note 3** with respect to what specifically is required and expected of the Developer for the purposes of ensuring that the above noted requirements are met.
Reason: To ensure that appropriate provision is made within the timetable of the development, to allow for the appropriate safeguarding, re-accommodation and maintenance by the Local Authority of essential public facilities.
6. Unless otherwise agreed in writing and in advance by the Planning Authority, all planting, seeding and turfing comprised in the approved details of landscaping shall be completed in the first planting and seeding seasons following either the occupation of the dwellinghouse or the completion of the development, whichever occurs soonest, and the tree belt required by **Planning Condition No 1**, shall thereafter be maintained in perpetuity, and in accordance with the approved details. Any tree within the approved landscaping scheme that fails, shall be replaced by one new tree of the same species as the failure, so that the tree belt is fully established and fully maintained in accordance with the approved details.
Reason: To ensure that the landscaping is carried out as approved, and to ensure that the tree belt becomes established, and is thereafter maintained in perpetuity, as a boundary feature appropriate to the definition of the edge of the building group.
7. Notwithstanding the details submitted in support of the planning application, the development shall not be commenced until precise details of:
(a) the arrangements for surface water drainage treatment;
(b) the arrangements for foul drainage treatment; and
(c) the arrangements for water supply,
have all first been submitted to, and approved in writing by, the Planning Authority. Thereafter, the surface water drainage treatment, foul drainage treatment, and water supply shall all be implemented in accordance with the approved details and shall all be functional prior to the occupation of the dwellinghouse hereby approved.
Reason: To ensure that the site is adequately serviced and fit for habitation prior to its occupation.
8. Unless otherwise approved by the Planning Authority at the time of its determination of the details required by condition 1 of this permission, and notwithstanding either (a) the provisions of The Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2011 (or any subsequent provisions amending or re-enacting that Order), or (b) the provisions of The Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended), no development shall thereafter take place within the area of the site that is described by the area shaded in green on the Approved Location Plan, unless an application for planning permission in that behalf, has first been submitted to and approved in writing by the Planning Authority.
Reason: To ensure that the tree belt required by **Planning Condition No 1** both becomes established and is thereafter maintained in perpetuity as a boundary feature appropriate to the definition of the edge of the building group.

Informatives

INFORMATIVE NOTE 1:

It should be noted that ALL information requirements identified in the planning conditions attached to this planning permission require to be made the subject of a subsequent application, or subsequent applications, for Approval of Matters specified in Conditions (AMC).

When making an AMC application to address the information requirements of the planning conditions attached to this planning consent, the Applicant should explicitly state the reference numbers of the relevant planning conditions being addressed.

In the event that the Applicant would seek to address the information requirements of ALL planning conditions attached to this planning permission within one AMC application, they must ensure that they supply

information that fully and properly addresses ALL information requirements identified within ALL planning conditions.

INFORMATIVE NOTE 2:

With respect to the **design of the dwellinghouse**, and subject to an appropriate landscaping treatment, it is anticipated that the scale and traditional design approach described by the indicative drawings would raise no concerns in principle were these to be maintained at the detailed (AMC) application stage. However, it is considered that there would be a need to reduce the horizontal emphasis of the principal elevation, and to establish a clearer sense of a front entrance to the same. It is considered that the former point would be appropriately addressed, by lowering the roof height of one section, to introduce some notable differentiation between the height of the main dwellinghouse and that of a subordinate section. A front door should be included in a central position to ensure the inclusion of a clearly legible entrance to the property.

With respect to the **siting of the dwellinghouse**, this should occupy a building line equivalent to the adjacent property at 'Castle Heights'.

With respect to the design of the **site access**, the Roads Planning Section requires that this be reduced to a simple footway crossing, in accordance with its DC-10 specification. The site access arrangements should also be configured around the retention of the majority of the existing stone boundary wall along the southern boundary of the site. Where the vehicular access is inserted, the aforementioned wall would be appropriately returned into the site in alignment with the radii of the new site access, allowing that appropriate visibility splays are created and are thereafter capable of being maintained.

With respect to **the required tree belt to be established within the area shaded green on the Approved Location Plan**, this: (i) should be composed of a mix of native tree species; (ii) should be the full width and full length of the area shaded green on the Approved Location Plan, in order to constitute a sufficiently dense and robust area of planting. (This is particularly important if the density is equivalent to that of the existing planting around the War Memorial); and (iii) should not feature any buildings or other structures.

With respect to this and all other **landscaping details** at the site, full details of the proposed landscaping treatment for the site, including species, planting requirements (including density, minimum height of new trees and site appropriate protective measures) and maintenance requirements, require to be provided in support of the AMC application which describes the landscaping proposals for the site.

There is no formal requirement for a professionally prepared tree survey to be presented in support of landscape proposals at the AMC stage. However, in the event of the required tree-belt proposal being met in a proposal to extend the existing area of planting around the War Memorial further west onto the Applicant's land (as is the Planning Authority's preferred approach), it would be helpful to all parties if the condition of the existing planting at the War Memorial could be established. This would then allow for full consideration to be given to what would be required in order to establish effectively, an appropriately robust and sustainable area of tree-planting.

Consideration needs to be given within the landscaping proposals to the management of the transition along the northern (field) boundary, from the area of formal garden ground to the area of new tree-planting. It is considered that a hedge of native species would appropriately achieve this, and unite the residential property to its agricultural setting.

With respect to the southern (roadside) boundary, the indicated retention of the existing stone wall is supported.

INFORMATIVE NOTE 3:

With respect to **Planning Condition No 5**, and in the interests of road and public safety, appropriate arrangements for the relocation of the bus stop and bus shelter, require to have been implemented prior to the commencement of development on site.

Planning Condition No 5 has been imposed to ensure that the Developer works within a programme and timetable that reasonably allows for the Council to complete the works needed to maintain appropriate public

facilities within the vicinity of the site, ahead of the commencement of a development that would otherwise be liable to impact the structures and/or operation of the public facilities concerned.

It is the Developer's responsibility to liaise with the Council within a reasonable period of time in advance of the intended start-date for the development, so that there is sufficient time to make all the necessary arrangements for the bus stop and shelter to be repositioned ahead of that start date, as required.

It is anticipated that a month's notice (4 weeks) would be required for this.

INFORMATIVE NOTE 4:

Right of Way BB 137 utilises the pavement/road to the south of the site. It is a legal requirement that this Right of Way is maintained open and free from obstruction during and after development. This is to protect general rights of responsible access.

NOTE

Mr J Nicholls and Mrs N Knowles spoke against the application.

Mr S Bennett spoke in support of the application.

VOTE

Councillor Moffat moved that the application be refused in terms of Policies SJA(44), G1, R1 and D2 there was no seconder.

15/01071/FUL

Erection of dwellinghouse without compliance with condition No 4 of planning permission in principle reference 14/00984/PPP

**Garden Ground of Viewbank,
Douglas Road,
Melrose**

Decision: Approved subject to Section 75 legal agreement (i.e. binding this consent to the current agreement) and the following conditions:

1. Approval of the details of the layout, siting, design and external appearance of the building(s), the means of access thereto, parking provision for two vehicles within the site and the landscaping of the site shall be obtained from 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. 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.

3. 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.

4. No development shall commence until detailed proposals for the provision of one public parking space, including measures identifying it as public visitor parking, and the widening of Dundas Terrace (as identified on the indicative plan submitted in support of the application 14/00984/PPP) and including

details of any retaining walls required to support the same, have been submitted to and approved by the Planning Authority and until the works have been carried out in accordance with the approved details. The public parking space shall at all times be available as public visitor parking in accordance with the approved details

Reason: To ensure the road is capable of accommodating the additional traffic associated with the development and the site is adequately served by visitor parking provision in the interests of road and pedestrian safety and in a manner which safeguards neighbouring amenity

5. The vehicular access to the dwellinghouse and two parking spaces within the site shall be provided in accordance with the details approved under Condition 1 before any development commences on the erection of the dwellinghouse and retained free from obstruction thereafter

Reason: To ensure the site is adequately served by private parking spaces in the interests of road and pedestrian safety and neighbouring amenity during and after construction of the dwellinghouse

6. The means of water supply and of both surface water and foul drainage to be submitted to and approved by the Planning Authority before the development is commenced.

Reason: To ensure that the site is adequately serviced.

7. Approval of the details of the layout, siting, design and external appearance of the building(s), the means of access thereto, parking provision for two vehicles within the site and the landscaping of the site shall be obtained from 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.

8. 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.

9. 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.

10. No development shall commence until detailed proposals for the provision of one public parking space, including measures identifying it as public visitor parking, and the widening of Dundas Terrace (as identified on the indicative plan submitted in support of the application 14/00984/PPP) and including details of any retaining walls required to support the same, have been submitted to and approved by the Planning Authority and until the works have been carried out in accordance with the approved details. The public parking space shall at all times be available as public visitor parking in accordance with the approved details

Reason: To ensure the road is capable of accommodating the additional traffic associated with the development and the site is adequately served by visitor parking provision in the interests of road and pedestrian safety and in a manner which safeguards neighbouring amenity

11. The vehicular access to the dwellinghouse and two parking spaces within the site shall be provided in accordance with the details approved under Condition 1 before any development commences on the erection of the dwellinghouse and retained free from obstruction thereafter

Reason: To ensure the site is adequately served by private parking spaces in the interests of road and pedestrian safety and neighbouring amenity during and after construction of the dwellinghouse

12. The means of water supply and of both surface water and foul drainage to be submitted to and approved by the Planning Authority before the development is commenced.

Reason: To ensure that the site is adequately serviced.

VOTE

Councillor Moffat, seconded by Councillor Campbell, moved that application be refused.

Councillor Fullarton, seconded by Councillor Gillespie, moved that the application be approved on the terms recommended by the officer.

Councillor Ballantyne, seconded by Councillor Mountford, moved as an amendment that the application be approved with the reduction to one parking space and that no widening of the road be required..

As there were three proposals, it was agreed to firstly vote for or against refusal of the application.

On a show of hands Members voted as follows:-

For - 3 Votes

Against - 5 Votes

Accordingly as the motion to refuse the application fell, a subsequent vote was taken on the remaining two options as follows:-

Councillor Fullarton's Motion - 6 Votes

Councillor Ballantyne's Amendment - 2 Votes

The Motion was accordingly carried.

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, 3 November, 2015 at
10.00 am

Present:- Councillors S Aitchison (Chairman – Education Business), S Bell (Chairman – Economic Development Business), D Parker, (Chairman – Other Business), C Bhatia, M J Cook (from para.2.1), G Edgar, J Mitchell, D Moffat, D Paterson, F Renton, R Smith.

Also Present:- Councillors I Gillespie, G Logan, A Nicol, W McAteer, S Marshall, S Mountford.

Apologies:- Councillors J Brown, V Davidson.

In Attendance:- Depute Chief Executive (People), Chief Officer Economic Development, Corporate Transformation and Services Director, Service Director Children & Young People, Service Director Regulatory Services, Business Gateway Manager, Funding & Project Officer, Clerk to the Council, Democratic Services Officer (J Turnbull).

EDUCATION BUSINESS

Present:- Mrs J Aitchison, Mr J Walsh
Apologies:- Mr G Donald, Ms A Ferhai.

1. **CHAIRMAN**

Councillor Aitchison chaired the meeting for consideration of the Education Business. He welcomed Mrs Aitchison and Mr Walsh to this section of the Executive meeting and passed on apologies on behalf of Mr Graeme Donald and Alison Ferhai.

MEMBER

Cllr Cook joined the meeting during consideration of the following item.

2. **HOBKIRK PRIMARY SCHOOL 2.1** There had been circulated copies of a report by the Service Director Children and Young People proposing changes to the status of Hobkirk Primary School in that it be mothballed for a temporary period and that the decision to do so be reviewed within 12 months. The report outlined the background to the falling pupil roll at Hobkirk Primary School, which had resulted in placing requests from parents of the last seven pupils attending the school being granted, leaving no pupils at the school. Arrangements for accommodating the pupils within Denholm Primary School were described in the report and included transport, staffing and the educational and social benefits to be achieved through the process. The Statutory Guidance issued pursuant to the Schools Consultation (Scotland) Act 2010 recognised that on occasions a Local Authority might consider it appropriate to mothball a school. This decision did not need to be subject to the formal requirements of that Act. However, the guidance emphasised that mothballing was temporary and any decision to do so must be kept under review. The Service Director Children and Young People, Ms Donna Manson, advised that parents had identified a number of concerns relating to the size of Hobkirk School and the effect on their children's education. Their children had been attending extra curriculum activities at Denholm Primary School and enjoyed the socialisation of these group events. As a result of discussions all parents made placing requests, all of which had been

granted. Arrangements were then made for the children to attend Denholm Primary School. Engagement with parents of pre-school children had also taken place in Hobkirk and their preference was for their children to attend Denholm Primary School. Ms Manson continued that the new Curriculum for Excellence had an impact on the parents' choice. In answer to Members' questions, Ms Manson clarified that transport for the seven children to Denholm Primary School had been agreed as a management exception as an interim measure and officers would re-engage with those parents of pupils who had already transferred previously. However, transport would not be provided to schools outwith the catchment area. During the interim period the Headteacher would be undertaking a large amount of management tasks, therefore the dual headship role would continue for the time being. In respect of pupils attending Secondary schools there was approximately a 50% split between Jedburgh and Hawick High Schools, with placing requests being used by parents to send their children to the school of their choice.

- 2.2 Mrs Aitchison, Parent Representative, made a comparison between Hobkirk Primary School and Ednam Primary School which were not dissimilar. Mrs Aitchison highlighted the significant impact on communities when the village school no longer existed and expressed concern that in providing free choice for some parents the choice for other parents was denied. When a school was identified as being at risk then engagement with the community should take place at the earliest opportunity to identify ways of sustaining the school. Members discussed the report and referred to Hobkirk Primary School's roll which had reduced from 39 pupils in 2010 to seven pupils in 2015. It was suggested that the small schools policy may need to be reviewed to allow for earlier intervention to support some village schools. Ms Manson further advised that in a mothball situation the legislation stated that the decision should be reviewed at a maximum of three years but good practice suggested a review within one year. The Executive Committee in January 2015 had considered details of the development of a School Estate Strategy and this included a review of the school estate, with further details due to be considered by the Executive Committee in the new year. The Deputy Chief Executive (People) clarified that all parents would be consulted as part of the review of the school estate. The Chairman advised that all the Committee's comments would be included in the review as it went forward. Members agreed, with reluctance, to approve the recommendations.

DECISION AGREED:-

- * a) **to recommend to Council that Hobkirk Primary School be mothballed with immediate effect for a temporary period;**
- (b) **to review the status of the school within the next 12 months; and**
- (c) **in the interim that transport be provided to Denholm Primary School for any new pupils moving into the area.**

MEMBER

Mrs Aitchison and Mr Walsh left the meeting prior to consideration of the following item.

ECONOMIC DEVELOPMENT BUSINESS

Present: Mr J Clark.
Apologies: Mr G Henderson

3. CHAIRMAN

Councillor Bell chaired the meeting for consideration of the Economic Development business. He welcomed Mr Clark to this section of the Executive meeting and passed on the apologies of Mr Henderson.

4. ECONOMIC DEVELOPMENT UPDATE

- 4.1 With reference to paragraph 1 of the Minute of 1 September 2015, there had been circulated copies of a briefing note providing an update on recent Economic Development activities. The Chief Officer Economic Development, Mr Bryan McGrath, summarised the paper and highlighted the main points covering Business, Regeneration, Tourism & Events, Funding, and Low Carbon Economic Strategy. Officers had been working with Business Gateway on the new Borders Railway Tourism Business Opportunities Guide, a copy of which was circulated at the meeting. The document would be available to all businesses as a download and in print and had been very well received at its launch event. Members discussed the update and in particular issues surrounding the numbers travelling by train, and Mr McGrath advised that the addition of extra train carriages was for Scotrail to consider, although it was early days for the new line and he expected numbers to stabilise over the coming months. The 93% business occupancy rate for industrial units was very good, as this was normally 90%, although it also depended on the demand across the region, and reflected that there was more positive business activity underway. Councillor Paterson raised an issue on the SBC Visitor Information Map, which focused on walking and cycling routes for the Central Borders, and Mr McGrath undertook to investigate this further and respond to Councillor Paterson out-with the meeting. Members highlighted that having successfully delivered the Borders Railway, reassessment was now required in terms of the wider economic priorities for the whole of the Scottish Borders. It was also important that every opportunity was taken to use TV and other coverage of major events involving the Council e.g. Tour of Britain, as a promotional tool for the wider Borders area.

DECISION

NOTED the update.

5. VISITSCOTLAND INFORMATION PROVISION – A NEW APPROACH

- 5.1 There had been circulated copies of a report by the Corporate Transformation and Services Director outlining how VisitScotland was responding to the way visitors were now accessing information and making holiday decisions and how this was impacting on the performance of the manned visitor information service throughout Scotland. The report explained that VisitScotland currently operated and managed five VisitScotland Information Centres (VICs) in the Scottish Borders, providing face to face information services, including an accommodation and ticketing service. The VisitScotland Information Centres were partially funded via an annual Minute of Agreement (MOA) between Scottish Borders Council and VisitScotland. The report provided information on the performance of the VICs in the Scottish Borders. Visitors were accessing information from a wide range of sources when they were in Scotland. Trends indicated that online usage for visitor information and booking would continue to rise. In line with this trend, Scottish Borders VisitScotland Information Centres had experienced an overall decline in footfall in recent years – apart from slight increases in Hawick and Kelso - while there had been a significant rise in website visits and digital referrals to Scottish Borders businesses. Recognising the change in consumer behaviour and demand, VisitScotland was undertaking a national review of information provision and the overall customer experience, looking at the best way to ensure that information was delivered to more people in more places using the channels that visitors used the most. The Chief Officer Economic Development, Mr McGrath, advised that VisitScotland was currently carrying out a national review on how it provided information through all its channels. It was proposed to hold a briefing session for all Members late in 2015 or early 2016 – depending on the availability of Visit Scotland senior managers - to provide an outline of the new strategy and options for future visitor information provision being considered. A further report on tourist information would also be presented to Executive Committee once the VisitScotland review had been completed. Members discussed the report and

highlighted that co-hosting VICs was perhaps the way forward to deliver visitor information, for example the VIC partnership with the Heart of Hawick had increased footfall. It was acknowledged that there was a significant change in the way in which consumers accessed information and made bookings. It was hoped that the VisitScotland briefing would include detailed analysis of declining footfall and what plans would be put in place to optimise resources to maximise benefit and visitors to the Scottish Borders. The Chairman advised that the Council provided funding to VisitScotland partly to cover marketing and visitor information provision. It was important that there was good attendance and engagement at the briefing session.

DECISION

AGREED:-

- (a) **to invite senior managers from VisitScotland to provide a special briefing for all Elected Members on the new VisitScotland Customer Experience Strategy and its developing approach to information provision in the Scottish Borders and the rest of Scotland; and**
- (b) **that a further report on tourism information be brought to the Committee in 2016 once VisitScotland had finalised its review.**

MEMBER

Councillor Parker left the meeting prior to consideration of the following item.

- 6. **BUSINESS GATEWAY PROGRESS REPORT: 1 APRIL 2015 – 30 SEPTEMBER 2015**
- 6.1 With reference to paragraphs 5 and 6 of the Minute of 12 May 2015, there had been circulated copies of a report by the Corporate Transformation and Services Director presenting an update on the performance of the Business Gateway in the Scottish Borders, covering the period 1 April 2015 to 30 September 2015. Service delivery was aligned to the National 2012-2017 Business Gateway Service specification, with additional local services funded through EU Projects that added value to the “core” Business Gateway service. This funding ran out on 30 September 2015 and a new round of ERDF funding was expected to start before the end of 2015. The Business Gateway Business Plan 2015/16 was approved in May 2015, and incorporated a Performance Improvement Plan to further enhance the service. By the end of September a total of 331 businesses had accessed advisory services through Business Gateway with a further 635 businesses attending a workshop or event. Performance was good in relation to business starts with 108 recorded showing 109% of year to date (YTD) target. Focus had been put on Potential (PHVSU) and High Growth (HVSU) starts with the appointment of a part time adviser specialising in these areas, this had meant the best ever achievement in these were with 17 PHVSU and 8 HVSU clients representing 189% and 114% of YTD targets respectively. This provided an excellent pipeline of growth clients for future years. LGAS clients were also ahead of target at 18 which was 117% of YTD target. There had been a slower than expected start for higher growth clients and these were below target for the year. Whilst not satisfactory, plans were in place to counter this and annual targets were not a concern at this point. Progress against key performance targets was detailed in Table 1 in section 3.2 of the report, and an update on the Performance Improvement Plan was detailed in Appendix 1 to the report. Mr McCreadie, Business Gateway Manager, advised that following on from the successful Business Week in 2014, a Scottish Borders Business Month had been held in October; there had been 24 events across the Scottish Borders with 200 attendees, with over 600 attendees at events over the six month period. These events would help feed new clients into the segmentation model. In answer to Members’ questions Mr McCreadie further advised that there were three advisors employed by Business Gateway, one full time funded through ERDF. The majority of funding was spent on staffing and this was working well. Mr McGrath added that it was proposed to hold an event on 1 December 2015 following the Executive Committee for Members to engage with Business Gateway customers. The Chairman thanked Mr McCreadie for the informative report.

DECISION

- (a) **NOTED the improving performance of the Business Gateway Service to date and the actions planned for the future.**

- (b) **AGREED**
 - (i) **to continue to receive regular progress reports to monitor performance; and**

 - (ii) **that the Business Gateway provide an update to Committee in February 2016.**

7. SOUTH OF SCOTLAND RURAL REGIONAL ECONOMIC DEVELOPMENT

- 7.1 PROGRAMME - PROGRESS REPORT** With reference to paragraph 13 of the Minute of 10 June 2014, there had been circulated copies of a report by the Corporate Transformation and Services Director on progress in implementing the South of Scotland Rural Regional Economic Development Programme, in partnership with Scottish Enterprise and Dumfries and Galloway Council. The South of Scotland Alliance presented a programme of strategic projects to Scottish Government and Scottish Enterprise in the summer of 2014. The programme aimed to build on the opportunities which were available in the South of Scotland. Four strategic projects were identified at the heart of the programme, Borders Railway/Central Borders Business Park; Mountain Biking – refreshing a world-class product; M74 Corridor Strategic Development Masterplan; and Stranraer Waterfront. The programme was presented to Mr Swinney MSP, Depute First Minister, in June 2014. Since then, the partners had been taking forward the four strands of work and progress against each of these was set out in the report. Progress on the actions would be reported to the Depute First Minister when the South of Scotland Alliance met him in December 2015. Members discussed the report and highlighted that Mountain Biking in the Tweed Valley required wider publicity in terms of signage and links to VisitScotland. Mr McGrath advised that while the Tweed Valley was a world class mountain bike destination which had a high profile in mountain biking circles, one of the aims was to raise the profile and broaden the attraction. The Forestry Commission would have a key role in promoting and linking the product to local businesses. Additional tractions and trailers were required to sustain interest, attract new people and family based activities were also being explored. There was a discussion on the cross border Seven Stanes venue at Newcastleton and it was requested that the venue be developed further, with improved signage and digital connectivity as well as local access to fuel. Moving the trail head into Newcastleton and the installation of the new bridge had helped. There was further discussion on cycling across the Borders and issues with signage for cycle routes.

MEMBER

Councillor Parker returned to the Meeting.

DECISION

- (a) **NOTED the progress made in implementing the four strategic projects that make up the South of Scotland Rural Regional Economic Development Programme.**

- (b) **AGREED to request that the South of Scotland Alliance would seek ongoing support from the Scottish Government for this strategic programme at its meeting with the Depute First Minister in December 2015.**

OTHER BUSINESS

8. CHAIRMAN

Councillor Parker took the Chair for the remaining business.

9. **MINUTE**

The Minute of meeting of the Executive Committee of 20 October 2015 had been circulated.

DECISION

APPROVED for signature by the Chairman.

10. **UK LANDFILL COMMUNITIES FUND** 10.1 With reference to paragraph 6(a)(iii) of the Minute of Meeting of 10 March 2015, there had been circulated copies of a report by the Chief Executive recommending the reallocation of unused UK Landfill Communities Fund to BCCF Environmental - Duns Rugby Football Club. The report explained that on 10 March 2015 the Executive approved a grant of £27,451 to BCCF Environmental – Earlston Community Development Trust. This project, the Adventure Playpark Project, was no longer going ahead and the grant award had been terminated. As a consequence, £27,451 of unallocated funds was held by BCCF Environmental of which £25,536 was available funds and £1,915 was fees. An application from BCCF Environmental – Duns Rugby Football Club – Clubhouse and Community Facility was currently held by SBC awaiting UKLCF funds. It was recommended that the funds awarded to the Earlston Community Development Trust project be reallocated to Duns Rugby Football Club. This would enable the Club to complete its funding package and its project. Members noted that the Duns Rugby Football Club project started in July despite full funding not being in place. While it was unusual to award funds after the project start date, this was allowable under the UKLCF.

DECISION

AGREED to approve a grant of £25,536 to BCCF Environmental – Duns Rugby Football Club.

The meeting concluded at 11.40 am