

Public Document Pack



SCOTTISH BORDERS COUNCIL THURSDAY, 2 NOVEMBER, 2017

A MEETING of the SCOTTISH BORDERS COUNCIL will be held in the COUNCIL CHAMBER, COUNCIL HEADQUARTERS, NEWTOWN ST. BOSWELLS on THURSDAY, 2 NOVEMBER, 2017 at 10.00 AM

J. J. WILKINSON,
Clerk to the Council,
27 October 2017

BUSINESS																																						
1.	Convener's Remarks.																																					
2.	Apologies for Absence.																																					
3.	Order of Business.																																					
4.	Declarations of Interest.																																					
5.	<p>Minute (Pages 5 - 22)</p> <p>Consider Minute of Scottish Borders Council held on 28 September 2017 for approval and signing by the Convener. (Copy attached.)</p>	2 mins																																				
6.	<p>Committee Minutes</p> <p>Consider Minutes of the following Committees:-</p> <table style="width: 100%; border-collapse: collapse;"> <tbody> <tr><td>(a) Community Planning Strategic Board</td><td style="text-align: right;">7 September 2017</td></tr> <tr><td>(b) Berwickshire Locality</td><td style="text-align: right;">7 September 2017</td></tr> <tr><td>(c) Cheviot Locality</td><td style="text-align: right;">13 September 2017</td></tr> <tr><td>(d) Pension Fund</td><td style="text-align: right;">14 September 2017</td></tr> <tr><td>(e) Pension Board</td><td style="text-align: right;">14 September 2017</td></tr> <tr><td>(f) Local Review Body</td><td style="text-align: right;">18 September 2017</td></tr> <tr><td>(g) Executive</td><td style="text-align: right;">19 September 2017</td></tr> <tr><td>(h) LLP Strategic Governance</td><td style="text-align: right;">19 September 2017</td></tr> <tr><td>(i) Teviot & Liddesdale Locality</td><td style="text-align: right;">19 September 2017</td></tr> <tr><td>(j) Lauder Common Good Fund</td><td style="text-align: right;">21 September 2017</td></tr> <tr><td>(k) William Hill Trust</td><td style="text-align: right;">21 September 2017</td></tr> <tr><td>(l) Civic Government Licensing</td><td style="text-align: right;">22 September 2017</td></tr> <tr><td>(m) Audit & Scrutiny</td><td style="text-align: right;">25 September 2017</td></tr> <tr><td>(n) Innerleithen Common Good Fund</td><td style="text-align: right;">27 September 2017</td></tr> <tr><td>(o) Planning & Building Standards</td><td style="text-align: right;">2 October 2017</td></tr> <tr><td>(p) Tweeddale Locality</td><td style="text-align: right;">4 October 2017</td></tr> <tr><td>(q) Local Review Body</td><td style="text-align: right;">16 October 2017</td></tr> <tr><td>(r) Executive</td><td style="text-align: right;">17 October 2017</td></tr> </tbody> </table>	(a) Community Planning Strategic Board	7 September 2017	(b) Berwickshire Locality	7 September 2017	(c) Cheviot Locality	13 September 2017	(d) Pension Fund	14 September 2017	(e) Pension Board	14 September 2017	(f) Local Review Body	18 September 2017	(g) Executive	19 September 2017	(h) LLP Strategic Governance	19 September 2017	(i) Teviot & Liddesdale Locality	19 September 2017	(j) Lauder Common Good Fund	21 September 2017	(k) William Hill Trust	21 September 2017	(l) Civic Government Licensing	22 September 2017	(m) Audit & Scrutiny	25 September 2017	(n) Innerleithen Common Good Fund	27 September 2017	(o) Planning & Building Standards	2 October 2017	(p) Tweeddale Locality	4 October 2017	(q) Local Review Body	16 October 2017	(r) Executive	17 October 2017	5 mins
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	(Please see separate Supplement containing the public Committee Minutes.)	
7.	Open Questions	15 mins
8.	Local Development Plan: Development Plan Scheme 2017 (Pages 23 - 40) Consider report by Service Director Regulatory Services. (Copy attached.)	5 mins
9.	Scottish Borders Community Plan (Pages 41 - 84) Consider report by Service Director Customer & Communities. (Copy attached.)	15 mins
10.	Area Partnership Proposals (Pages 85 - 96) Consider report by Service Director Customer and Communities. (Copy attached.)	15 mins
11.	Edinburgh and South East Scotland City Region Deal (Pages 97 - 124) Consider report by Executive Director. (Copy attached.)	10 mins
12.	Hawick Flood Protection Scheme (Pages 125 - 250) Consider report by Service Director Assets and Infrastructure. (Copy attached.)	15 mins
13.	Boundary Commission for Scotland - Review of UK Parliament Constituencies (Pages 251 - 254) Consider report by Chief Executive. (Copy attached.)	10 mins
14.	Motion by Councillor Paterson Consider Motion by Councillor Paterson in the following terms:- “That the Leader of Scottish Borders Council writes to the UK Government expressing the Council’s concerns about reports that the changes that are being introduced by the UK government in 2019 will lead to a real-term cut in Scottish Government Funding for investment in the railways in Scotland. It has been announced that there could be as much as a £600 million gap in funding for projects that the Scottish Government has earmarked and these projects may not now happen. There are real concerns that this may be the death knell for any plans to extend the Borders Railway from Tweedbank to Hawick and then on to Carlisle via Newcastleton; this move by the UK Government may also have a detrimental effect on future rail improvements to the Borders Railway”.	5 mins
15.	Major Contacts Governance Group Consider appointment of Members to the Group.	5 mins
16.	Representatives on Outside Bodies Consider appointment of replacement for Councillor Marshall on the Roxburgh Sports Council.	5 mins
17.	Any Other Items Previously Circulated	

18.	Any Other Items Which the Convener Decides Are Urgent															
19.	<p>Private Business</p> <p>Before proceeding with the private business, the following motion should be approved:-</p> <p>“That under Section 50A(4) of the Local Government (Scotland) Act 1973 the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in the relevant paragraphs of Part 1 of Schedule 7A to the aforementioned Act.”</p>															
20.	<p>Minute (Pages 255 - 256)</p> <p>Consider private Section of Minute of Scottish Borders Council held on 28 September 2017. (Copy attached.)</p>	1 mins														
21.	<p>Committee Minutes</p> <p>Consider private Sections of the Minutes of the following Committees:-</p> <table border="0"> <tr> <td>(a) Cheviot Locality</td> <td>13 September 2017</td> </tr> <tr> <td>(b) Pension Fund</td> <td>14 September 2017</td> </tr> <tr> <td>(c) Executive</td> <td>19 September 2017</td> </tr> <tr> <td>(d) LLP Strategic Governance</td> <td>19 September 2017</td> </tr> <tr> <td>(e) Civic Government Licensing</td> <td>22 September 2017</td> </tr> <tr> <td>(f) Planning & Building Standards</td> <td>2 October 2017</td> </tr> <tr> <td>(g) Executive</td> <td>17 October 2017</td> </tr> </table> <p>(Please see separate Supplement containing private Committee Minutes.)</p>	(a) Cheviot Locality	13 September 2017	(b) Pension Fund	14 September 2017	(c) Executive	19 September 2017	(d) LLP Strategic Governance	19 September 2017	(e) Civic Government Licensing	22 September 2017	(f) Planning & Building Standards	2 October 2017	(g) Executive	17 October 2017	2 mins
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22.	<p>BorderCare Monitoring (Pages 257 - 264)</p> <p>Consider report by Executive Director. (Copy attached.)</p>	10 mins														

NOTES

- Timings given above are only indicative and not intended to inhibit Members' discussions.**
- Members are reminded that, if they have a pecuniary or non-pecuniary interest in any item of business coming before the meeting, that interest should be declared prior to commencement of discussion on that item. Such declaration will be recorded in the Minute of the meeting.**

Please direct any enquiries to Louise McGeoch Tel 01835 825005
email lmcgeoch@scotborders.gov.uk

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SCOTTISH BORDERS COUNCIL

MINUTE of MEETING of the SCOTTISH BORDERS COUNCIL held in Council Headquarters, Newtown St. Boswells on 28 September 2017 at 10.00 a.m.

Present:- Councillors D. Parker (Convener), S. Aitchison, A. Anderson, H. Anderson, J. Brown, S. Bell, K. Chapman, K. Drum, G. Edgar, J. A. Fullarton, J. Greenwell, S. Hamilton, S. Haslam, E. Jardine, H. Laing, S. Marshall, W. McAteer, T. Miers, D. Moffat, S. Mountford, D. Paterson, C. Ramage, N. Richards, E. Robson, M. Rowley, H. Scott, S. Scott, E. Small, R. Tatler, E. Thornton-Nicol, G. Turnbull.

Apologies:- Councillors M. Ballantyne, C. Hamilton, T. Weatherston.

In Attendance:- Chief Executive, Executive Director (P. Barr), Executive Director (R. Dickson), Service Director Customer & Communities, Service Director Children & Young People, Service Director Regulatory Services, Chief Financial Officer, Chief Officer Audit & Risk, Clerk to the Council.

1. **MINUTE**

The Minute of the Meeting held on 24 August 2017 was considered.

DECISION

AGREED that the Minute be approved and signed by the Convener.

2. **COMMITTEE MINUTES**

The Minutes of the following Committees had been circulated:-

(a) Planning & Building Standards	7 August 2017
(b) Executive	15 August 2017
(c) Hawick Common Good Fund	15 August 2017
(d) Teviot & Liddesdale Locality	15 August 2017
(e) Civic Government Licensing	18 August 2017
(f) Local Review Body	21 August 2017
(g) Police, Fire & Rescue and Safer Comms.	25 August 2017
(h) Audit & Scrutiny (Special)	28 August 2017
(i) Selkirk Common Good Fund	29 August 2017
(j) Peebles Common Good Fund	30 August 2017
(k) Tweeddale Locality	30 August 2017
(l) Planning & Building Standards	4 September 2017
(m) Executive	5 September 2017
(n) Duns Common Good Fund	7 September 2017
(o) Jedburgh Common Good Fund	13 September 2017
(p) Kelso Common Good Fund	13 September 2017
(q) Galashiels Common Good Fund	14 September 2017
(r) Eildon Locality	14 September 2017

DECISION

APPROVED the Minutes listed above.

3. **OPEN QUESTIONS**

The questions submitted by Councillors Robson, S. Scott, Drum, H. Anderson, Chapman and Jardine were answered.

DECISION

NOTED the replies as detailed in Appendix I to this Minute.

4. MOTION BY COUNCILLOR HASLAM

4.1 Councillor Haslam, seconded by Councillor Aitchison, moved her Motion as detailed on the agenda in the following terms:-

“That Scottish Borders Council approves the Administration’s vision “Connected Borders 2017 – 2022” for delivering better communities across the Scottish Borders”.

Councillor Haslam spoke in support of her Motion. Members discussed the Vision document and a number of amendments were submitted by Members of the Opposition as follows:-

- (a) Councillor Bell, seconded by Councillor H. Anderson, moved as an amendment that on Page 6 a second sentence be added to the end of the last bullet point of the “WE WILL” commitments – “So that the state of the Borders roads, as measured by the national Roads Condition Index, is at least at the average of comparable local authorities”.
- (b) Councillor Laing, seconded by Councillor Bell, moved as an amendment that on Page 6 a second sentence be added to the end of the second (sub) bullet point of the first item of the “WE WILL” commitments – “We will work with our colleagues in Westminster to lobby Network Rail to ensure that the promises made to deliver Reston Station in control period 6 (2019-2024) will be realized.”
- (c) Councillor Elaine Thornton-Nicol, seconded by Councillor Bell, moved as an amendment that on Page 6 a new bullet point be added to the end of the “WE WILL” commitments – “Defend the provision of local public bus services in the Borders.”
- (d) Councillor A. Anderson, seconded by Councillor Bell, moved as an amendment that on Page 6 a new bullet point be added to the end of the “WE WILL” commitments – “Establish a cost effective enforcement solution to act as a deterrent in towns blighted by anti-social on-street parking.”
- (e) Councillor H. Anderson, seconded by Councillor Bell, moved as amendment that on Page 8 a new section be added – Farming and fishing sectors are a vital component of our local economy, ensuring both food security and the achievement of climate change targets. Recognizing that the proposed UK exit from the European Union will impact significantly on the economic vitality of both sectors
WE WILL
 - Commission an evaluation of the potential economic impact of withdrawal from the EU on both sectors and of the actions we as a Council can take to ameliorate any detrimental impact
 - Target our Business Gateway function to encourage and support co-operative investments by farmers and fishing interests to ensure as much value from the Borders primary production is processed by local manufacturing and marketing capacity.”
- (f) Councillor Ramage, seconded by Councillor Bell, moved as amendment that on Page 12 that a second bullet point be added to the “WE WILL” commitments – “Maintain the average rate of the school building programme achieved in the last decade as this is rectifying the years of under investment, by accelerating the programme of repair and maintenance of our current schools, both old and new.”
- (g) Councillor Drum, seconded by Councillor Bell, moved as an amendment that on Page 15 a new bullet point be added at the end of the “WE WILL” commitments – “Build community engagement so that at least 1% of the Council annual budget is decided by community choices/participative processes.”

Adjournment

The Convener adjourned the meeting for 30 minutes to allow Members of the Administration time to consider the amendments detailed above.

- 4.2 Following the meeting being reconvened, Councillor H. Anderson advised that although as a farmer she had no personal interest, given the general nature of the subject matter of her amendment she advised that it would now be moved by Councillor Bell and seconded by Councillor Laing. Councillor Fullarton advised that he was also a farmer and given the general nature of the amendment did not wish to declare an interest but would not vote on that item.
- 4.3 Councillor Haslam advised that following consideration of the 7 amendments detailed above she was prepared to accept amendment (c) into her Motion but considered that the remaining 6 amendments were either already incorporated in the spirit of the Vision document, were premature or had significant budget implications. With regard to amendment (d) she proposed, seconded by Councillor Edgar, that the Parking Working Group be re-established by the Executive Committee and this was unanimously accepted. Members discussed the amendments and then voted by a show of hands on each as follows:-

VOTE

Amendment (a)

For - 12 votes

Against - 18 votes

Amendment (b)

For - 11 votes

Against - 19 votes

Amendment (d)

For - 12 votes

Against - 16 votes

Amendment (e)

For - 8 votes

Against - 19 votes

Amendment (f)

For - 12 votes

Against - 18 votes

Amendment (g)

For - 12 votes

Against - 18 votes

All the amendments accordingly fell.

DECISION

DECIDED:-

- (a) to approve the Administration’s vision “Connected Borders 2017 – 2022” for delivering better communities across the Scottish Borders, subject to the addition on page 6 of a new bullet point at the end of the “WE WILL” commitments which read “Defend the provision of local public bus services in the Borders.”; and**

- (b) to delegate to the Executive Committee the re-establishment of the Parking Working Group .**

5. LOCALITIES BID FUND 2017-2018: PROCESS FOR DETERMINING FUNDING APPLICATIONS AND VOTING

With reference to paragraph 8 of the Minute of the meeting held on 27 June 2017, there had been circulated copies of a report by the Service Director Customer and Communities seeking approval for the application, assessment and voting process for the Localities Bid Fund as requested by Council at its meeting on 27 June 2017. The report explained that the proposed model would be managed through Area Partnerships (Locality Committees), supported by Council officers and would address a specific theme or outcome within the Scottish Borders Community Planning Partnerships' Community Plan, or an agreed local priority. Bids would be invited from local communities and pre-assessed by the Borders Assessment Panel, which would be chaired by the Executive Member for Neighbourhoods and Locality Services and include all Area Partnership Chairs and key SBC officers, before going to a public vote. The appendices to the report contained details of the proposed model together with the process, application form, guidance and timetable. The first application process would commence on 15 October 2017 with applications being assessed in December 2017, publically voted on in January 2018 followed by the issue of funds in February 2018. Evaluation would commence after stage 1 and be reported after stage 2 bids had been completed. Members supported the proposals.

DECISION

AGREED:-

- (a) the proposed model as detailed in Appendix 1 to the report;**
- (b) the proposed process as detailed in Appendix 2 to the report**
- (c) to note the draft application form, guidance and proposed timetable as detailed in Appendices 3 and 4 to the report.**

6. SCHEME OF ADMINISTRATION

There had been circulated copies of a report by the Chief Executive containing details of a review of the Council's decision making structure and seeking approval for a new Scheme of Administration. The report outlined the background to the current governance structure. The recent change in the corporate structure of the Council demonstrated a cross-cutting approach to service provision, not just within the Council, but in conjunction with other public bodies and organisations both nationally and in the Scottish Borders. Any proposed new committee structure would need to take this changed way of working into account. A new Scheme of Administration was attached as an Appendix to the report, which highlighted the suggested changes to the existing Scheme. The report also detailed the rationale behind each of the suggested changes. It was also noted that should these changes be approved, the Scheme of Delegation would also require to be amended. The Leader thanked officers for their work to date but advised that further amendment was still required. Councillor Bell, seconded by Councillor Aitchison, proposed that the recommendations be amended to read as follows:

- (a) to retain the Executive/Scrutiny model for its decision making structure;**
- (b) to approve the amended Scheme of Administration as attached in the Appendix, with the exception of the proposals for Area Partnerships, and instead - on an interim basis - retain the existing Locality Committees' membership and remit, and include an additional function "Consider applications for financial assistance from the Localities Bid Fund";**
- (c) to appoint the members of the Major Contracts Governance Group;**

- (d) that, with the functions from the Petitions and Deputations Committee transferring to the Audit and Scrutiny Committee, to delegate authority to the Clerk to the Council to amend the petitions procedure accordingly;
- (e) to amend the Scheme of Delegation and delegate authority to the Chief Executive to set up a Members Sounding Board, in consultation with the Convener, to consider any matters requiring broad political input prior to consideration by Council, as necessary;
- (f) that a report be brought back to Council on the final membership and remit of Area Partnerships, with the intention that these replace Locality Committees in due course.

These proposed amendments were unanimously accepted. It was noted that reference to the Lothian & Borders Criminal Justice Authority would be deleted as it was no longer operational. It was further agreed that the appointment of members to the Major Contacts Governance Group be deferred until the next meeting of the Council.

DECISION

AGREED to approve the recommendations detailed above subject to recommendation (c) being deferred until the next Council meeting.

MEMBER

Councillor Marshall left the meeting.

7. POLICE SCOTLAND – SCOTTISH BORDERS LOCAL POLICE PLAN 2017-2020

There had been circulated copies of the Scottish Borders Local Police Plan 2017-2020. Superintendent Jim Royan was present at the meeting and gave Members a presentation which sought to explain the rationale for the Scottish Borders Local Police Plan, 2017-2020, provide an overview of the content and priorities contained within the Policing Plan and to gain approval of the Scottish Borders Local Police Plan from Scottish Borders Council. He explained that the priorities for the Borders had been identified as Domestic Abuse, Road Safety, Violent Crime, Anti-Social Behaviour, Drug & Alcohol Misuse, Protecting People and Acquisitive Crime. He also commented on how outcomes and success would be measured. Communities and partners would be provided with a comprehensive summary of crime trends and statistics to allow for appropriate and transparent scrutiny. Performance Indicators had been identified from Police Scotland Quarterly Management Information, from Your View Counts Surveys and from User Satisfaction Surveys. These would be used to measure how well they were achieving their outcomes. These indicators would be considered in tandem with 'partner indicators' contained within the Scottish Borders Community Plan once it had been completed. Councillor McAteer welcomed the Plan, acknowledged that Police Scotland was facing a difficult time and that the Council wanted to help them achieve their goals, to ensure that the Borders was a safe and secure place. Superintendent Royan answered Members' questions and agreed that there was a need to keep people updated on the outcome of their cases. He would be happy to work with the Council on youth engagement and commented on an existing partnership protocol in the Borders relating to people who went missing from care settings. With reference to officer numbers, he advised that J Division had just appointed 27 new recruits to J Division who had just started at Tulliallan Police College and 9 of those would be coming to the Scottish Borders. With reference to rural crime he advised that Inspector John Scott had just been appointed to deal with rural crime. He also commented on the use of "no cold calling" zones and SB Alert. In response to a question on public confusion regarding 999/101/crime-stoppers numbers, he advised that he would look at how communication regarding the best number to use could be improved.

DECISION

AGREED to approve The Scottish Borders Local Police Plan 2017-2020.

MEMBER

Councillor Turnbull left during consideration of the above item.

ADJOURNMENT

The Convener adjourned the meeting for a short comfort break

MEMBERS

Councillors Haslam, Jardine, Miers, H. Scott and S. Scott did not re-join the meeting.

8. SCOTTISH BORDERS COUNCIL FINAL REPORTS AND ACCOUNTS 2016-17

There had been circulated copies of a report by Audit Scotland, the Council's Auditors, together with a report by the Chief Financial Officer and a copy of the Annual Accounts 2016/17. The Chief Financial Officer's report explained that the Council's External Auditors were now Audit Scotland. They also covered the Council's related charities but KPMG continued to provide the external audit of SB Cares, SB Supports and Bridge Homes. KPMG had concluded their audit and had raised no issues. Audit Scotland had now completed the audit of the Council's 2016/17 Annual Accounts and had provided an unqualified independent audit opinion. The Annual Audit Report summarised Audit Scotland's conclusions, including:

- An unqualified audit opinion
- They concurred with management's accounting treatment and judgements;
- They concluded positively in respect of financial management, financial sustainability, governance and transparency and value for money.

Audit Scotland had identified four 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, Scottish Borders Council's Pension Fund, SBC Common Good Funds, the SBC Charitable Trusts, Bridge Homes LLP, SB Support and SB Cares - copies of which had also been circulated - had been presented to the Audit & Scrutiny Committee prior to signature. Councillor Bell, as Chairman of the Audit and Scrutiny Committee, commented on that Committee's review of the accounts and the unqualified opinion which had been received in respect of all accounts. He noted that Mr Samson from Audit Scotland was in the public benches that day.

DECISION

AGREED to approve the following audited accounts:-

- (a) the Scottish Borders Council's audited Annual Accounts for the year to 31 March 2017;**
- (b) the Scottish Borders Council Common Good Funds' (Charity SC031538) audited Annual Accounts for the year to 31 March 2017;**
- (c) the SBC Welfare Trust (Charity SC044765) audited Annual Accounts for the year to 31 March 2017;**
- (d) the SBC Education Trust (Charity SC044762) audited Annual Accounts for the year to 31 March 2017;**
- (e) the SBC Community Enhancement Trust (Charity SC044764) audited Annual Accounts for the year to 31 March 2017;**
- (f) the Thomas Howden Wildlife Trust (Charity SC015647) audited Annual Accounts for the year to 31 March 2017;**
- (g) the Ormiston Trust for Institute Fund (Charity SC019162) audited Annual Accounts for the year to 31 March 2017;**
- (h) the Scottish Borders Council Charity Funds' (Charity SC043896) audited Annual Accounts for the year to 31 March 2017;**

- (i) the Bridge Homes LLP audited Annual Accounts for the year to 31 March 2017;
- (j) the SB Supports audited Annual Accounts for the year to 31 March 2017;
- (k) the SB Cares audited Annual Accounts for the year to the 31 March 2017; and
- (l) the Scottish Borders Council's Pension Fund audited Annual Accounts for the year to 31 March 2017.

9. **ANNUAL REPORT ON TREASURY MANAGEMENT 2017/18**

With reference to paragraph 12 of the Minute of 15 December 2016, there had been circulated copies of a report by the Chief Financial Officer containing the annual report of treasury management activities undertaken during the 2016/17 financial year. The annual report provided an analysis of performance against targets 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 in December 2016. The report also detailed the Council's borrowing requirement to fund capital investment undertaken during 2016/17, how much the council actually borrowed against the sums budgeted, and the level of external debt carried on the council's balance sheet within approved limits. During the year the Council had, where possible, deferred borrowing using surplus cash rather than undertaking new borrowing and therefore did not undertake additional long term borrowing during the year. However, the Council did undertake short term borrowing for cash flow purposes and long term borrowing for capital purposes during the year, amounting to £9m and £12m respectively. Treasury management activity for the year had been undertaken in compliance with approved policy and the Code and the Council remained under-borrowed against its Capital Financing Requirement (CFR) at 31 March 2017.

**DECISION
AGREED:-**

- (a) to note that treasury management activity in the year to 31 March 2017 had been carried out in compliance with the approved Treasury Management Strategy Policy; and
- (b) the annual report of Treasury Management activities for 2016/17 as detailed in Appendix 1 to the report.

10. **MARKETS IN FINANCIAL INSTRUMENTS DIRECTIVE (MiFID II)**

There had been circulated copies of a report by the Chief Financial Officer providing information on the rules for implementation of the Markets in Financial Instruments Directive (MiFID II), which was effective from 3 January 2018. The report explained that following a review by the European Commission the rules for Markets in Financial Instruments Directive (MiFID) were due to change on 3rd January 2018. The change would result in all UK Local Authority pension funds being automatically reclassified from "professional investors" to "retail" clients by default. The re-classification of "retail" would result in the Council being unable to invest any financial instrument including the Council's current investments as set out in the Treasury Strategy. To allow continued investment in the required classes the Council required to apply to "opt-up" to "professional" status. The Local Government Association was currently developing a reporting template in conjunction with the Investment Association, which the Council would be able to utilise for the "opt up" process.

**DECISION
AGREED:-**

- (a) to note the pending reclassification of the Council to "retail" status under MiFID II; and

- (b) that the Council would complete the required documentation to “opt up” to “professional” status.

11. **AMENDMENTS TO CALENDAR OF MEETINGS**

There had been circulated copies of an amended calendar of meetings to allow the Council meeting to be moved away from the school holidays/in-service days in November.

DECISION

AGREED to approve the amended calendar as contained in appendix II to this Minute.

12. **ANNUAL REPORT OF THE CHIEF SOCIAL WORK OFFICER**

There had been circulated copies of a report by the Chief Social Work Officer containing the 10th annual report on the work undertaken on behalf of the Council in the statutory role of Chief Social Work Officer. The report provided the Council with an account of decisions taken by the Chief Social Work Officer in the statutory areas of Fostering and Adoption, Child Protection, Secure Orders, Adult Protection, Adults with Incapacity, Mental Health and Criminal Justice. The report of the Chief Social Work Officer was attached as Appendix A to the report and also contained an overview of regulation and inspection, workforce issues and social policy themes over the year April 2016 to March 2017, and highlighted some of the key challenges for Social Work for the coming year. Members expressed their appreciation for the work of the Chief Social Work Officer, Elaine Torrance, who had recently retired from the post.

DECISION

AGREED to approve the report of the Chief Social Work Officer and noted the successes and challenges detailed in the covering report

13. **PRIVATE BUSINESS**

DECISION

AGREED under Section 50A(4) of the Local Government (Scotland) Act 1973 to exclude the public from the meeting during consideration of the business detailed in Appendix II to this Minute on the grounds that it involved the likely disclosure of exempt information as defined in Paragraphs 1, 6, 8 and 9 of Part I of Schedule 7A to the Act.

SUMMARY OF PRIVATE BUSINESS

14. **Minute**

The private section of the Council Minute of 24 August 2017 was approved.

15. **Committee Minutes**

The private sections of the Committee Minutes as detailed in paragraph 2 of this Minute were approved.

16. **Common Good Fund and Trust Fund Investments**

Members approved a report by the Chief Financial Officer.

DECLARATION OF INTEREST

Councillors McAteer and Paterson declared an interest in the following item of business in terms of Section 5 of the Councillors Code of Conduct and left the Chamber during the discussion.

17. **Proposed Replacement Building at St. Leonard’s Park, Hawick**

Members approved a report by the Service Director Assets and Infrastructure.

The meeting concluded at 1.55 p.m.

SCOTTISH BORDERS COUNCIL
28 SEPTEMBER 2017
APPENDIX I

Questions from Councillor Robson

1. To Executive Member for Transformation & HR

How can members obtain answers on a regular basis to the questions which Audit Scotland says should be asked about equal pay as set out in the following extract at Exhibit 9 on page 20 of Audit Scotland's report 'Equal Pay in Scotland's Councils' published on 7th September 2017

"Questions for elected members in overseeing, challenging and scrutinising equal pay

- *Have I been updated on the number of ongoing equal pay claims at my council? Am I satisfied they are being dealt with effectively?*
- *Have I been updated on the potential cost of equal pay claims?*
- *Have I been updated on the steps my council is taking to mitigate against the risks of equal pay claims? For example:*
- *Have I seen my council's equal pay audit? Did it meet EHRC good practice guidance? Are there any pay gaps? Can we sufficiently justify any differences in pay gaps?*
- *Have I seen action plans and progress reports against my council's equal pay policy?*
- *Have I been updated on changes in case law that might affect my council?*
- *Have I seen equality impact assessments on any changes to my council's pay and grading system?*
- *Has my council fully implemented the SJC third edition guidance and recommendations?*
- *Have I been informed about whether my council has allocated adequate resources to proactively carry out equality work around equal pay/gender pay gap beyond responding to equal pay claims?"*

Reply from Councillor Mountford

In response to your questions I can confirm that Scottish Borders Council has received relatively few equal pay claims compared to other authorities.

A total of 154 claims were lodged with the Employment Tribunal. All but 46 of those have been settled by mutual agreement.

All of these claims relate to the implementation of the Single Status Agreement, and the pay protection emanating therefrom, which was part of the national Single Status agreement, as noted in the report.

While the Council has not received any equal pay claims since then, and I am confident that the Council's Pay and Grading system is fair and non – discriminatory, we remain vigilant to ensure that this remains the case.

This includes ensuring that the system is compliant with Single Status version 3, robustly carrying out Equality Impact Assessments on any changes and taking into account lessons to be learned from cases involving other authorities.

The latest Equality Mainstreaming Report published in April 2017 shows a gender pay gap of 11.9%, which is lower than the national figure of 14.9%. We are, however, committed to reducing that.

As the report details, equal pay and the gender pay gap are separate but related matters.

I am confident that the Council has enshrined the principle of equal pay for equal work.

The report lists several other causes which may contribute to the gender pay gap. These include a lack of flexible working opportunities, disadvantaging women who remain the main care providers, and occupational segregation.

The Council has a comprehensive Flexible Working policy, which allows employees to request a range of flexible working practices. Such applications are considered favourably, subject to service requirements.

We are addressing the issue of occupational segregation through mandatory Equality and Diversity training for all employees, and the provision of Modern Apprenticeships and other employment opportunities.

I am also pleased that the figures from the latest Mainstreaming Report show that 52.94% of the highest paid 2% and 45.14% of the highest paid 5% of employees are women. Both of these figures have seen a consistent increase over the last 3 years.

The Council have 46 equal pay claims outstanding.

These are made up of 37 "first wave" claims, which are claims in respect of the period prior to the implementation of the Single Status Agreement, and 9 "second wave" claims, which are in respect of a 3 year period of pay protection paid to employees who were adversely affected by the implementation.

A further 108 claims lodged with the Employment Tribunal have been settled by agreement.

These cases have been on hold for some time, largely pending the resolution of other cases which would set relevant precedents.

However, SBC have now made increased offers to settle the vast majority of the claims. The exceptions are 6 cases in which the particular circumstances of the claim mean it is inappropriate to make an offer.

Elected members are updated on the potential cost of equal pay claims through the annual accounts, which include a provision for equal pay claims.

The Equality Mainstreaming report 2013, update report 2015 and new Mainstreaming report 2017 give details of employees' pay with reference to a number of the protected characteristics in the Equality Act, including gender.

These were considered and approved by Council on the following dates:

- Equality Mainstreaming Report 2013 – 25/04/13
- Update Report – 02/04/15
- Equality Mainstreaming Report – 30/03/17

Copies of the relevant reports and minutes are available on the Councils website.

Elected members will continue to receive progress reports and action plans which are contained within the Equality Mainstreaming and Update reports.

There have been two significant Court of Session decisions in the Equal Pay sphere over recent years, both involving Glasgow City Council:

1. A decision that employees of Council owned arms -length organisations can compare themselves to Council employees for equal pay purposes. This does not have a significant effect on SBC because employees of the Council's arms- length organisation, SB Cares, retain the same terms and conditions as SBC employees, including the pay and grading procedure. Any change to that requires to be approved by elected members.
2. A decision that Glasgow City Council's job evaluation system, and pay protection paid to employees who lost out on the introduction of the Single Status Agreement had not been shown to be non- discriminatory.

This decision very much turns on its particular circumstances, and the decision was based on the fact that the onus was on Glasgow to positively establish the lack of discrimination and the way they presented the case did not go far enough to do that

As detailed above, offers have been made to resolve the small number of second wave claims which are outstanding.

An Equality Impact Assessment was carried out on the Job Evaluation Scheme used to implement the Single Status Agreement.

Further changes were made in 2013, through a negotiation relating to pay and terms and conditions.

This resulted in the removal of the top incremental point for grades 8-12 and Chief Officers; removal of enhancement payments for weekend work and a change to the rate of enhancement and time of applicability for night work.

Again an Equality Impact Assessment was carried out and is available on the Council's webpage.

Supplementary

Councillor Robson asked if consideration would be given to publishing this information on the Council's website and updating it on a regular basis. Councillor Mountford advised that EIA and Mainstreaming reports were already published but he would ask officers if it was practical to go beyond that.

To the Executive Member for Roads and Infrastructure

Can the Executive Member advise whether a traffic management study or any kind of traffic or transport survey was carried out prior to, or has been conducted during, the construction of the new Broomlands Primary School in Kelso and if so what conclusions were drawn and proposals made therein?

Reply from Councillor Edgar

As is normal in developments of this scale, a Transport Statement was prepared as part of the Planning Application process. This was undertaken in November 2015 by Goodson Associates.

Its conclusions were that the proposed development would integrate well with the existing transport network, with pedestrians, cyclists, public transport patrons and car users all catered for in a sustainable manner and that there were no transport related issues preventing the award of planning consent.

It should be emphasised that the new primary school at Broomlands is still currently under construction, resulting in considerable additional traffic movements in the area in preparation for its scheduled winter opening.

This traffic is in addition to the normal day to day school related activity from the existing adjacent school. Once the transfer to the new school is complete and the existing school demolished it is anticipated that parking and traffic management in the area will be much improved.

In the interim staff continue to work with Police Scotland, the main Contractor and the Head Teacher to minimise disruption.

Supplementary

Councillor Robson asked if the parking information during the demolition phase could be conveyed to the Parent Council who did not seem to be aware of this and had safety concerns for the children. Councillor Edgar advised that safety of the children was always paramount and he would ask officers to liaise with the Parent Council.

Question from Councillor S. Scott

To the Leader

Can you please explain what if anything the Council is proposing to do, to provide extra care beds in order to relieve the problem of delayed discharge at Borders General Hospital?

Reply from Councillor Haslam

An Intermediate Care facility has been developed within Waverly Care Home in Galashiels which provides 16 transitional care beds. This facility supports discharge from acute care at BGH for people who are clinically fit but who would benefit from a period of additional rehabilitation and support to enable them to return home wherever possible. Work is ongoing to explore options with other care homes who might also be able to offer intermediate care beds.

Work is currently under way to develop a facility in Tweedbank which will initially provide further beds to enable timely discharge of patients from BGH so that assessment for their ongoing care requirements can take place in a more appropriate environment than an acute hospital bed.

NHS Borders and Scottish Borders Council have worked in partnership to develop an appropriate Winter Plan which identifies options and processes to increase capacity in community settings across care sectors in order to support discharge processes within BGH and community hospitals.

Borders Health & Social Care Partnership's Transformational Change Programme includes the development of an "out of hospital" community services model which will incorporate a range of bed and non-bed based models of care to support people to remain at or return to home or community settings wherever possible. This will support discharge processes from BGH and also help to prevent admissions wherever possible.

Question from Councillor Drum

To the Executive Member for Business and Economic Development

The Scottish Governments Programme for Scotland, 2017 – 18 has some ambitious plans to ensure Scotland is fully digitally connected. As part of these plans, they aim to deliver free Wi-Fi throughout major towns and city centres across Scotland. Can I ask what are the council's plans to ensure our Towns in the Scottish Borders are included as 'Major Towns'?

Reply from Councillor Rowley

Scottish Borders Council has very close links with the Digital Team at the Scottish Government. It has been indicated to officers by the lead official looking after this scheme that Scottish Borders towns are within the scope of this Initiative. Currently the Scottish Government is carrying out an information gathering exercise covering towns and city centres throughout Scotland to find out what gaps there are in the provision of free wifi. Following this survey, decisions will be made on the towns and city centres to be covered. Our officials will work closely with the Scottish Government to ensure as many towns in the Scottish Borders are included as is possible in the implementation of the Initiative.

Question from Councillor H. Anderson

To the Executive Member for Neighbourhoods and Communities

At a recent meeting with the Communities and Partnership Manager I was advised that a total of £1.88 million had been awarded to community groups across all 5 localities over the 2 year period from 2015-17. This funding had comprised SBC Community Grant Scheme, SBC Quality of Life Scheme, SBC Small Schemes, Pay parking funds, Village Hall Funding, Local Festival Grants and EU Leader funding.

Just over one quarter of this sum, £456,235, was specifically allocated from the Quality of Life fund, the Small Schemes fund and the Community Grant scheme and an analysis of the proportion of the Community Grants Scheme by category for the Tweeddale area was provided for the longer period from 2012-17.

Can a similar analysis of the awards by category from the Quality of Life and Small Grants Scheme funds be provided?

Reply from Councillor Aitchison

Yes a similar analysis can be provided and the Communities & Partnership Manager is already working on this.

It is also worth noting that a review of funding streams is taking place and a report will be coming forward to Council in due course.

Questions from Councillor Chapman

1. Executive Member for Culture & Sport

2018 marks an important year for the Jim Clark Rally, marking the anniversary of Jim Clark's death in 1968. I would therefore like to ask if the Museum be open in time?

Reply from Councillor Jardine

The project programme has been established and agreed for some time in that while construction works will commence in 2018, the current expectation is that the new museum will be available to open in March 2019. This is subject to the "Approval to Proceed" from HLF which, in turn, will be dependent on all other matters being resolved & agreed with them.

The team would be more than happy to look at undertaking or assisting in an event during the construction stage to recognise the 2018 milestone.

2. Executive Member for Transformation & HR

To ask the Council Executive what provision has it, or intends to implement to train all staff and elected member of Scottish Borders Council in The United Nations Convention on the Rights of the Child? How does this Council intend to embed the principles of the Charter throughout all the policies and decision making processes of this Council?

Reply from Councillor Mountford

A Child Rights and Engagement Strategy is being prepared by the Children & Young People Department. This is being led by the Engagement and Participation Officer.

An e-learning package covering Child Rights and the Child Rights Ambassador Programme is currently available on the Council's e-learning system. It is available to employees and elected members.

This will be formally rolled out when the Strategy is launched.

The Child Rights Ambassador Programme is designed to encourage children and young people to become Ambassadors for Child Rights.

Ambassadors will have three main tasks:

1. Tell children and young people about their rights under the Convention.
2. Tell children and young people about Scotland's Commissioner for Young People.
3. Organise events and activities which promote child rights in their community.

A handbook giving details of rights under the Convention and further detail on the Ambassador Programme has been prepared and will be available in every Primary and Secondary School in the Borders.

Unicef run a "Rights Respecting School" award, which recognises that Child Rights are embedded within an individual school.

Every school in the Borders has achieved the Recognition of Commitment stage, at which they plan towards formally obtaining a Level 1 award and thereafter Level 2.

Several schools have already obtained the Level 1 award.

3. Executive Member for Children and Young People

What advice is being given to schools on what IT system to use when reporting bullying in our schools?

Reply from Councillor Haslam in the absence of Councillor C Hamilton

Scottish Borders Council "Respectful Relationships Policy 2012" advises that incidents of a bullying nature are to be recorded in SEEMIS (National Information System for Schools used across all 32 Local Authorities). The recordings should take place within the Bullying and Equalities Module.

Within the new Business Support Structure for Schools our Business Managers now have the responsibility and opportunity to streamline all key information recording processes across the school cluster. As part of their role they are looking at the use of SEEMIS by all schools and will be providing support to ensure all schools are following advice and guidance as referred to above.

Supplementary

Councillor Chapman advised that there seemed to be mixed messages in schools and that Members had been advised that there had been no cases of LGBT bullying which he did not believe was correct. He asked that it was ensured that all teachers were using the correct system. Councillor Haslam agreed that safeguarding children was of primary importance and she would take responsibility to make sure that teachers were properly advised.

4. Executive Member for Neighbourhoods and Localities

What steps are being taken to ensure appropriate future burial sites are being identified, with many of the current graveyards – such as the site in Peebles – reaching capacity in the coming years?

Reply from Councillor Aitchison

As well as the currently allocated sites within the SBC Local Development Plan, the Council continues to review its Capital Programme on an annual basis and in doing so responds to future investment priorities.

The Burial and Cremation (Scotland) Act 2016 also places duties and provides powers to Local Authorities which have to be taken into consideration when developing plans for future burial ground requirements. The Act and its potential implications for the Scottish Borders will need to be considered as part of a strategic review of Burial Grounds and a report on the matter will be brought forward to the Council in due course.

5. Executive Member for Neighbourhoods and Localities

How much of tax payers' money is being used to clean up after dog fouling? What action is being taken by this Council to identify and prosecute the small number of irresponsible dog owners who regularly ignore the rules? In addition, what action is being taken by this Council to better promote responsible dog ownership?

Reply from Councillor Aitchison

The Councils Street Cleansing budget is currently in the region of £1.4m per annum based on LFR (Local Finance Returns) and contained within this budget are the costs incurred for the clearing of dog fouling. The ledger does not separately records costs associated with this activity.

As Members may be aware, the Council has recently completed a pilot project on Dog Fouling Enforcement and the Responsible Dog Ownership Strategy and a report on the Pilot including recommendations for next steps will be brought to Council in the near future.

Importantly, Elected Members will understand that a balanced approach to the scourge of Dog Fouling is required whereby individuals to take personal responsibility for their actions, whilst enabling responsible dog owners, who are the vast majority, to support the Council in its efforts. This approach when harnessed with increased public awareness and improved access to facilities are likely to be the building blocks of our approach to dog fouling and responsible dog ownership in future.

Supplementary

Councillor Chapman commented on the work being carried out in Newtown St. Boswells and he asked what role the Council played in extending such best practice to other Border towns. Councillor Aitchison advised that consideration always needed to be given on how best to spend the budget but he was happy to meet any community who wanted to get involved.

6. Executive Member for Adult Social Care

Our demographic projections show that our over-60 years of age population living in the Scottish Borders will grow by 50% in the next years, just two terms of office, including this one. What action is being taken by this Council to ensure we are ready to support residents within the local authority area, regardless of where they live within the Scottish Borders?

Reply from Councillor Haslam in the absence of Councillor Weatherston

The demographic projections have been used and continue to be used to inform service development across health and social care to ensure equitable and appropriate provision of care and support. In addition to the projected increase in the older adult population, other demographic and public health information, needs assessment, local housing plans etc are also used routinely to plan future service development and delivery.

Continued joint working with partner agencies, including third sector and the development of robust locality planning processes as part of the integration agenda will ensure that service development is aligned with the needs of local communities.

Supplementary

Councillor Chapman asked what investment the Council was making into home care support especially in rural areas. Councillor Haslam advised that a pilot was currently underway based on the Buurtzorg model of care, which would be reported back.

Question from Councillor Jardine

To the Executive Member for Finance

I was startled to read recently that many Councils across Scotland are not prepared for the transition from the old £1 coin to the new £1 coin. Can I please be made aware if the Scottish Borders Council is fully ready for the old £1 coin withdrawal from circulation? I ask with particular interest in the readiness of car parking meters throughout the region.

Reply from Councillor Turnbull

All Pay & Display parking machines in the Scottish Borders have been fitted with new validators and can take both the new and old £1 pound coins.

All catering machines that take £1 coins have been changed and the companies that supply these machines have also been instructed to return in October to disable the old £1 coins from being accepted.

The Council is fully ready for the new £1 coin.

SCOTTISH BORDERS COUNCIL
28 SEPTEMBER 2017
APPENDIX II

AMENDMENT TO CALENDAR OF MEETINGS

Oct-17				
MON	30	OCT	TRADING OPERATIONS SUB-COMMITTEE	10.00 a.m.
TUES	31	OCT	STANDARDS COMMITTEE	2.00 p.m.
Nov-17				
WED	1	NOV		
THUR	2	NOV	SCOTTISH BORDERS COUNCIL	10.00 a.m.
THUR	2	NOV	INNERLEITHEN CGF SUB-COMMITTEE	3.00 p.m.
FRI	3	NOV		
SAT	4	NOV		
SUN	5	NOV		
MON	6	NOV	PLANNING AND BUILDING STANDARDS	10.00 a.m.
TUES	7	NOV	EXECUTIVE COMMITTEE (EDUCATION)	10.00 a.m.
TUES	7	NOV	LLP STRATEGIC GOVERNANCE GROUP	2.00 p.m.
WED	8	NOV		
THUR SH)	9	NOV		
FRI (SH)	10	NOV	POLICE, FIRE & RESCUE AND SAFER COMMUNITIES BOARD	9.30 a.m.
SAT	11	NOV		
SUN	12	NOV		
MON	13	NOV	AUDIT & SCRUTINY COMMITTEE	10.15 a.m.
TUES	14	NOV	HAWICK CGF SUB-CTEE	4.00 p.m.
TUES	14	NOV	TEVIOT & LIDDESDALE LOCALITY COMMITTEE	6.30 p.m.
WED	15	NOV		
THUR	16	NOV		
FRI	17	NOV	LICENSING BOARD	10.00 a.m.
FRI	17	NOV	CIVIC GOVERNMENT LICENSING COMMITTEE	11.00 a.m.
SAT	18	NOV		
SUN	19	NOV		
MON	20	NOV	LOCAL REVIEW BODY	10.00 a.m.
TUES	21	NOV	EXECUTIVE COMMITTEE (FINANCE/PERFORMANCE/TRANSFORMATION)	10.00 a.m.
WED	22	NOV		
THUR	23	NOV	EDUCATION PERFORMANCE SUB-CTEE	2.00 p.m.
THUR	23	NOV	COMMUNITY PLANNING STRATEGIC BOARD	2.00 p.m.
FRI	24	NOV		

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LOCAL DEVELOPMENT PLAN: DEVELOPMENT PLAN SCHEME 2017

Report by Service Director Regulatory Services
SCOTTISH BORDERS COUNCIL

2 November 2017

1 PURPOSE AND SUMMARY

- 1.1 This report proposes that Council approves the annual update of the Development Plan Scheme.**
- 1.2 Publishing a Development Plan Scheme at least annually is a statutory duty and it must include a participation statement setting out how, when and with whom the Council will consult on the various Local Development Plan stages.
- 1.3 The proposed Development Plan Scheme 2017 (Appendix 1) has been prepared to provide information on the development plan process. It sets out the latest position on the Council's development plans.
- 1.4 In summary, this report brings forward the annual update of the Development Plan Scheme (Development Plan Scheme 2017) for Council approval.

2 RECOMMENDATIONS

- 2.1 **I recommend that the Council:-**
 - (a) approves the proposed Development Plan Scheme 2017, as detailed in Appendix 1, for publication, deposit and copying to Scottish Ministers;**
 - (b) agrees that the Development Plan Scheme be reviewed and published at least annually, and;**
 - (c) authorises the Service Director Regulatory Services to make any necessary minor editing and design changes to the Development Plan Scheme prior to publishing it.**

3 BACKGROUND

- 3.1 The Planning etc. (Scotland) Act 2006 requires a Development Plan Scheme (DPS) to be prepared at least annually for the Local Development Plan (LDP). Its purpose is to set out the Council's programme for preparing, reviewing and consulting on its LDP.
- 3.2 After adopting a DPS, the Act requires the Authority to publish it (including electronically), send two copies to Scottish Ministers, and place copies in all public libraries. There is no requirement to consult on the content of development plan schemes and no provision for Ministers to approve them.
- 3.3 The DPS must include a Participation Statement (PS) which should indicate when, how and with whom consultation on the LDP is likely to take place. It should also set out the authority's proposals for public involvement in plan-making. Development Planning Regulations (2008) also require the DPS to contain a timetable.
- 3.4 The Scottish Planning Policy (SPP), published June 2014, states that the Planning Service should be plan-led with plans being up-to-date and relevant.
- 3.5 The SPP states that throughout the planning system "*... opportunities are available for everyone to engage in the development decisions which affect them. Such engagement between stakeholders should be early, meaningful and proportionate*".
- 3.6 Best practice in consultation and engagement is set out in Planning Advice Note (PAN) 3/2010 Community Engagement. The aim is to make plan-making more open, inclusive and accessible. People are expected to be engaged early in the LDP process and PAN 3/2010 identifies a number of actions as the means of meeting this requirement.
- 3.7 The formal requirements aside, there is also an expectation in the wider stakeholder community that the DPS should contain the activities for consulting stakeholders, tailored to local circumstances and to the issues being dealt within the plan.
- 3.8 It should be noted that the Scottish Government have recently consulted on 'Places, People and Planning – A consultation on the future of the Scottish planning system'. The publication of that document follows a review of the planning system which was published in May 2016. It is further noted, that the Scottish Government have also produced a follow-on document – 'Places, people and Planning – Position Statement (June 2017)', which was also subject to public consultation. Any future changes to the planning system could result in changes to the current arrangements for bringing forward the Development Plan for the Scottish Borders.
- 3.9 The preparation of LDP2 has been delayed due to the requirements as part of the Examination of the LDP to produce Supplementary Guidance on both Housing and Renewable Energy. It is therefore important that the Council now moves swiftly in the preparation of the LDP2 to ensure the Scottish Borders maintains an up-to date Development Plan. It must also be ensured that the details of the DPS are reasonable but also sufficiently flexible and deliverable to take account of any material timeline changes from a potential range of sources.

4 PROPOSED DEVELOPMENT PLAN SCHEME

4.1 The DPS which is attached as Appendix 1 to this report makes reference to the following component parts :

- Confirmation of the purpose of the DPS including reference to relevant national planning legislation
- Identification of the component parts which make up the development plan including reference to the National Planning Framework for Scotland, Strategic Development Plan and the Local Development Plan
- The current status of development plan documents. This includes likely dates of adoption where relevant
- The process for preparing the LDP2 including reference to key documents. This includes reference to preparation of the Main Issues Report, the proposed LDP 2, Examination of the Plan and required neighbour notification and public consultation
- Confirm of where SBC is within the LDP2 production process
- A participation statement. This gives an indication as to when and how public engagement will take place at different production stages of the process.
- Confirmation as to how any interested parties can get involved in the process. This includes reference to opportunities available to raise awareness and view relevant documents, attend public events and how representations can be submitted.

5 IMPLICATIONS

5.1 Financial

The programme set out in the Development Plan Scheme 2017 can be funded by the existing budget allocated to cover anticipated costs.

5.2 Risk and Mitigations

The DPS is required under the terms of the Planning Act. The contents of the DPS set out current and potential future activities aimed at keeping the Development Plan for the Borders up to date to mitigate the risk of non compliance with legislation, thus the need to bring this report to Council to approve a DPS at this time.

5.3 Equalities

There are no direct equality implications arising from this report. There will be a requirement for consultation to be accessible by all sections of the community.

5.4 **Acting Sustainably**

There are no direct environmental implications arising from this report.

5.5 **Carbon Management**

There are no direct environmental implications arising from this report.

5.6 **Rural Proofing**

It is anticipated there will be a neutral impact on the rural environment from the DPS.

5.7 **Changes to Scheme of Administration or Scheme of Delegation**

There are no changes to be made.

6 CONSULTATION

6.1 The Chief Financial Officer, the Monitoring Officer, the Chief Legal Officer, the Chief Officer Audit and Risk, the Chief Officer Human Resources and the Clerk to the Council are being consulted and any comments received will be incorporated into the final report.

Approved by

Brian Frater

Service Director Regulatory Services

Signature

Author(s)

Name	Designation and Contact Number
T. Connolly	Planning Officer, 01835 825255

Background Papers: Nil

Previous Minute Reference: Scottish Borders Council, 19 May 2016

Note – You can get this document on tape, in Braille, large print and various computer formats by contacting the address below. Jacqueline Whitelaw can also give information on other language translations as well as providing additional copies.

Contact us at Jacqueline Whitelaw, Scottish Borders Council, Council Headquarters, Newtown St Boswells, Melrose, TD6 0SA, Tel 01835 825431, Fax 01835 825071, email eitranslationrequest@scotborders.gov.uk.

Development Plan Scheme November 2017

- Community Engagement must happen at an early stage to influence the shape of plans and proposals
- It is essential for people or interest groups to get involved in the preparation of Development Plans as this is where decisions on the Strategy, for Growth or Protection, are made.





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1 What is the Development Plan Scheme?

- 1.1 This is the Development Plan Scheme (DPS) for Scottish Borders Council. The Town and Country Planning (Scotland) Act 1997 (as amended by the Planning etc (Scotland) Act 2006) and the Town and Country Planning (Development Planning) (Scotland) Regulations 2008, require planning authorities to prepare a Development Plan Scheme each year.
- 1.2 In line with the new planning system the Council adopted its first Local Development Plan (LDP) in May 2016 - The Scottish Borders Local Development Plan 2016. That new plan replaced the Consolidated Local Plan 2011.
- 1.3 This DPS has been prepared to provide information on our progress in updating our LDP (adopted May 2016). The DPS includes a timetable of when we intend to reach key stages in the process of preparing our new Local Development Plan 2 (LDP2), which will eventually replace our current adopted LDP, and also includes a Participation Statement explaining how we will engage with our communities and stakeholders.

2 What are Development Plans?

- 2.1 The planning system provides the basis for land use management and affects everyone. Development plans contain the strategy for the future development of an area and set out policies and proposals to guide the future development and use of land. The plans are expected to cover topics on the environment, housing, transport and infrastructure, economic development and retailing.
- 2.2 Under the planning system, decisions on where and how development will take place in Scotland will be influenced by three statutory documents:

National Planning Framework for Scotland: this is produced by the Scottish Government and sets out, at the national level, the Scottish Government's long term vision for development and investment across Scotland over the next 20 to 30 years. NPF3 was published in June 2014.

<http://www.gov.scot/Resource/0045/00453683.pdf>

Strategic Development Plan: these are produced by the Strategic Development Planning Authorities (SDPAs) which are set up for Scotland's four largest city regions. The Scottish Borders lies within the SESplan Strategic Development Plan (SDP) area that also includes the council areas of East Lothian, Edinburgh, Fife (south), Midlothian and West Lothian. SDPs set out a long term (20 years or more) spatial planning strategy indicating in broad terms where future development will be located and what is needed to deliver it. The DPS for SESplan can be found at www.sesplan.gov.uk

Local Development Plan: these are produced by the local planning authorities and set out more detailed policies and proposals to guide development. These plans, which are adopted by the local planning authority, must accord with the approved SDP (in the case of the city regions) and seek to implement its requirements on a site-specific basis.

- 2.3 The Strategic Development Plan and the Local Development Plan form the statutory Development Plan for the Scottish Borders area. In addition, Supplementary Guidance on a specific planning topic may be prepared and form part of the statutory development plan but only where it has been specifically trailed as needed in an SDP or LDP.

3 What Development Plans do we have in the Interim?

- 3.1 The Strategic Development Plan (SDP) was formally approved in June 2013. Therefore, the development plans for the Scottish Borders area are as follows:

SESplan Strategic Development Plan 2013-2032:

The Strategic Development Plan for Edinburgh and South East Scotland was approved in June 2013. The approval included the requirement to produce Supplementary Guidance on Housing Land. The Supplementary Guidance on Housing Land was adopted on 28 October 2014.


Scottish Borders Local Development Plan 2016:

The Local Development Plan for the Scottish Borders was adopted in May 2016. The adoption included the requirement to produce Supplementary Guidance on Housing Land and on Renewables.

3.2 The Supplementary Guidance on Housing Land has been informed by a 'call for sites' in which developers and house builders were able to put forward proposals for consideration by the Council in order to meet the additional requirement of 916 houses. The Council approved the Finalised Supplementary Guidance in August 2017, and the document has been submitted to Scottish Ministers for scrutiny. It is anticipated that the Council will formally adopt the Supplementary Guidance in November 2017.

4 What is involved in the process of preparing a Local Development Plan?

- 4.1 The Local Development Plan (LDP) process is a lengthy and detailed process. The process is commenced by **gathering evidence** - this includes reviewing current LDP policies through a Monitoring Report. This will form the basis for a period of pre-consultation.
- 4.2 The first formal consultation takes place following the production of the **Main Issues Report** (MIR). This document focuses on the key areas of change from the last LDP, and will present a range of options for comment. This stage is a key stage in terms of public consultation as it will be from this consultation that the Council comes to a view on what should be in the new LDP.
- 4.3 Following the consideration of the consultation responses to the MIR, the Council will prepare the **Proposed Local Development Plan 2**. The Proposed Plan will represent the settled view of the Council. The type of consultation at this stage of the process is different to that what came before, in that this stage the Proposed Plan will be subject to a period of representation. Neighbour Notification letters are also sent out at this stage informing immediate neighbours of new development proposals. The Proposed Plan will also be accompanied by a draft Action Programme.
- 4.4 Should the Council receive objections to the Proposed Local Development Plan 2 that are not resolved they will be sent to the Planning and Environmental Appeals Division (DPEA) of the Scottish Government. An **Examination** would then be conducted by an appointed Scottish Government Reporter into the unresolved objections to the Proposed Plan. A Report including recommendations will be produced by the Reporter.

- 
- 4.5 On receipt of the Examination Report the Council will then move towards **Adoption of the Local Development Plan 2**. As the reporters recommendations from the Examination are largely binding on the Council, the Council may be required to modify the Proposed Plan. Once that is undertaken, the Council is required to submit the Proposed Plan as modified to the Scottish Ministers and advertise its intention to Adopt the plan.
- 4.6 Further information on the above key stages is set out in Planning Circular 6/2013: Development Planning. That document contains guidance on the legislative procedural requirements relating to the preparation of development plan in Scotland.

5 Where we are now

- 5.1 We are currently at the very start of the process having recently adopted the Local Development Plan in May 2016. The first step is to gather evidence to help us prepare the Local Development Plan 2 (LDP2). We will start this with gathering information for our Monitoring Report.
- 5.2 In contribution of this process, the Communities and Partnerships Team, on behalf of the Community Planning Partnership hosted a series of workshops across the Scottish Borders during February and March 2016. These workshops allowed individuals and groups to complete the Place Standard Tool which was available in both paper and online format. At each of the events members from the Planning Policy Team were also present. The outcomes from this survey will contribute to the evidence gathering stage.
- 5.3 As part of the preparation for the Main Issues Report the Council has held a series of public events and workshops across the Scottish Borders. As a result of these events a number of questionnaires and comments have been submitted and these will inform the production of the Main Issues Report.
- 5.4 We are also currently building up a contacts database of all those who would like to be engaged in the LDP2 process. If you would like to be added to this database please let us know by contacting us (details of how you can contact us are in section 7).



6 Participation Statement

- 6.1 LDP Authorities must include a Participation Statement (PS) in their Development Plan Schemes. It should set out when consultation is likely to take place, with whom, its form and the steps that we will take to involve the public in the LDP's preparation or review stages.
- 6.2 The Scottish Government sets out guidance on how the community can effectively engage in the planning process in Planning Advice Note 3/2010: Community Engagement. Early engagement is defined as being the LDP Main Issues Report (MIR) stage. However, proposals have been developed to extend engagement proposals beyond the PAN's minimum requirement.
- 6.3 Scottish Borders Council has in the past extensively consulted throughout the Local Development Plan Process and intend to do this again within the Local Development Plan 2 process.

Potential Consultation Programme (subject to review)

1 Press release and launch (Spring / Summer 2017)

Purpose: raise awareness of LDP process and set out in general terms the task that lies ahead, generate interest, and identify those parties that are interested in engaging in the LDP process. This will obtain first input from interested individuals/organisations. We aim to make sure the process is delivered efficiently by making it easy to make responses electronically.

2 Formal MIR Consultation (Summer 2018)

Purpose: to seek views of individuals/organisations on the content of the published MIR – an opportunity to submit representation on the various LDP development options for the area.

3 Proposed LDP2 published and formal representation phase (Winter 2019)

Purpose: to give stakeholders and consultees the opportunity to submit formal representations to the plan. Any unresolved representations not withdrawn, will be considered in a subsequent Examination.

4 Examination of Proposed LDP2 (Summer 2020)

Purpose: to allow unresolved representations to be considered by an independent reporter.

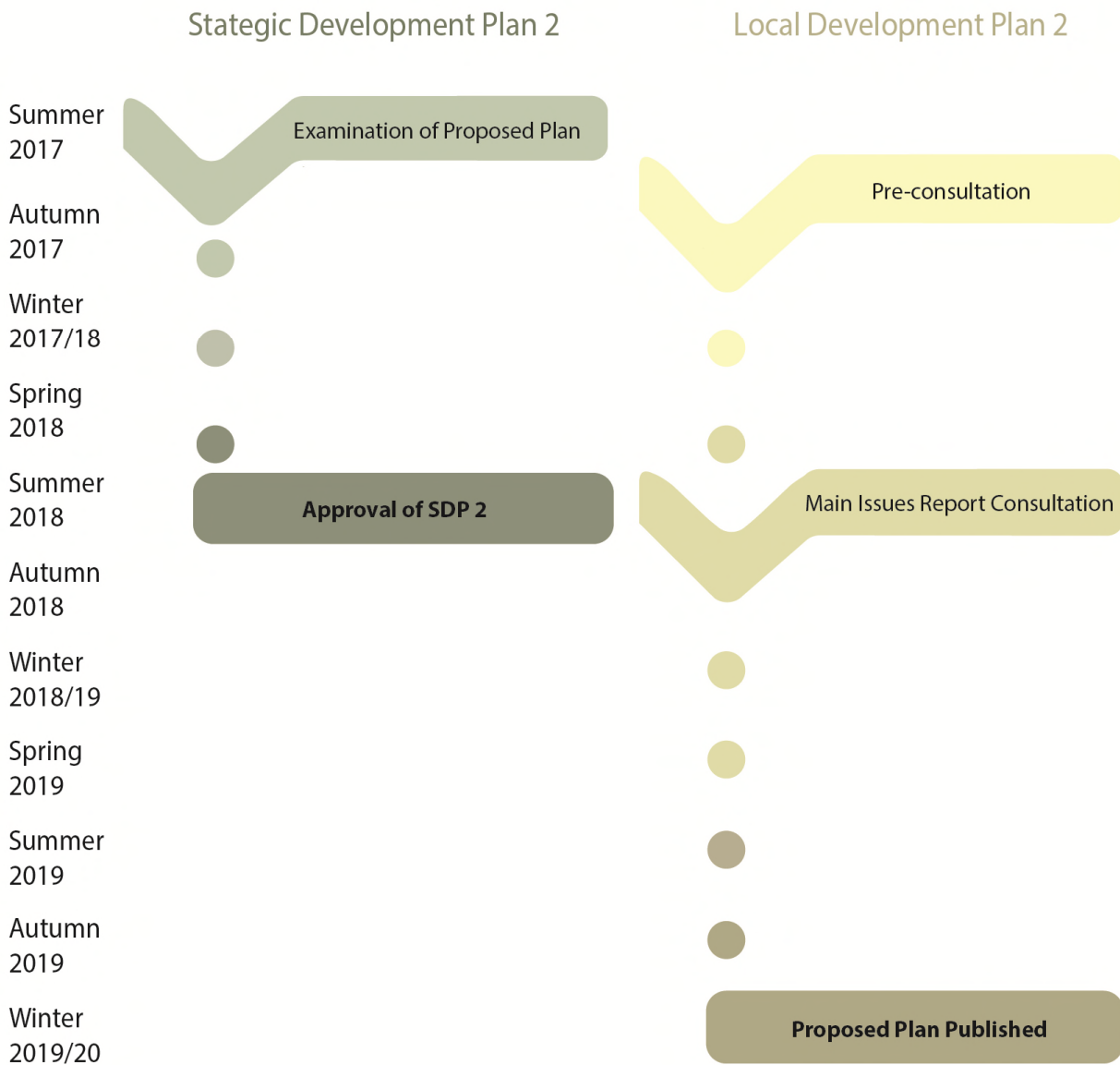
5 Proposed Modifications to LDP2 (Winter 2020)

Purpose: to give stakeholders and consultees the opportunity to be informed on the proposed modifications by the Council to the LDP2 following public examination.

6 Adoption of LDP2 (Spring 2021)

6.4 This reflects our current thinking but the timing and content of planned consultation stages are approximate at this stage given the time horizon involved, and the requirement for the SESplan strategic development plan to receive formal approval. Subsequent annual reviews of the DPS will allow increased precision in the timetable. The diagram below shows the current timeframe of the Strategic Development Plan and the Local Development Plan coming forward.

Strategic Development Plan / Local Development Plan Timeframe (subject to review)



Keeping you informed

- 6.5 We will notify interested parties and stakeholders at periodic stages throughout the LDP2 process, but we want to do more than that and maintain a flow of project information. The main home for this real time information will be our web site at www.scotborders.gov.uk
- 6.6 We will try to accommodate the range of consultees and interests with an interest in the future of the Borders, including agencies and organisations, community councils, businesses and the general public.

7 Getting involved

In the past some people have, for various reasons, not been able to, or have chosen not to get involved in the planning process. But it's vital we hear from a wide range of interests. So we want to make it as easy as we can to get people involved in the LDP project by making access to information and communication with us as straightforward as possible. There will be opportunities for people to comment on our process and main plan stage outputs.

We plan to use a range of techniques, including:

- publicising an e-mail address where you can ask questions about the LDP process and get a personal response
- keeping a record of everyone who responds in a database for newsletters or up and coming events
- publishing key documents on our website
- providing paper copies of key plan stage documents at libraries and council area offices
- press releases and awareness-raising publicity at each key stage of the LDP process
- making translations of key documents into the main community languages available on request.

If you want to be involved in the LDP process you can contact us by:

Emailing us at:

localplan@scotborders.gov.uk

or,

Writing to us at:

Forward Planning Team
Scottish Borders Council
Newtown St Boswells
Melrose
TD6 0SA

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SCOTTISH BORDERS COMMUNITY PLAN

Report by Service Director Customer and Communities

SCOTTISH BORDERS COUNCIL

2 NOVEMBER 2017

1 PURPOSE AND SUMMARY

- 1.1 **This report presents the draft Local Outcome Improvement Plan (LOIP) for the Scottish Borders to Scottish Borders Council. In the Scottish Borders the LOIP will be known as the Community Plan and specifies the improvement priorities that have been identified for the Community Planning Partnership (CPP). The Community Plan focuses on clear outcomes to improve the lives of communities and reduce inequalities.**
- 1.2 Part 2 (Community Planning) of the Community Empowerment (Scotland) Act 2015 came into force on 20 December 2016, which places Community Planning Partnerships (CPPs) on a statutory footing and imposes duties on them around the planning and delivery of local outcomes, and the involvement of community bodies at all stages of community planning.
- 1.3 Under the 2015 Act, CPPs are responsible for preparing and publishing a plan which has a specific focus on tackling inequalities and improves outcomes for those residing in the area of the local authority to which the plan relates.
- 1.4 The plan aims to meet the needs and ambitions of local people so the voices of local people are especially important. CPPs will also have to produce locality plans at a more local level for areas experiencing particular disadvantage. In Scottish Borders, we will call our plan The Scottish Borders Community Plan.
- 1.5 The draft Scottish Borders Community Plan (presented at Appendix 1) specifies the outcomes that have been identified for the Scottish Borders CPP and focuses the partnership on delivering better outcomes for the people of the Scottish Borders. It sets out our joint commitment to the delivery of an agreed set of priority outcomes based on the conclusions of the refreshed Strategic Assessment, Scottish Index of Multiple Deprivation (SIMD), other plans, strategies and initiatives, practitioner knowledge and engagement with communities and other key stakeholders. The Community Plan presents these outcomes under 4 themes:
 - a) Our Economy, Skills and Learning - outcomes
 - More people are working more productively for higher wages

- More business people benefitting from greater investment and better support for their new and existing businesses, particularly in key growth sectors
- b) Our Health, Care & Wellbeing - outcomes
- More people in good health and leading an active lifestyle at every age and stage of life
 - More people in good mental health at every age and stage of life
 - Improved support and care for older people
- c) Our Quality of Life - outcomes
- Fewer people experiencing violence (incl. domestic abuse)
 - Fewer people experiencing anti-social behaviour (ASB)
 - Fewer people killed or seriously injured on our roads
- d) Our Place - outcomes
- More people able to afford to heat their homes
 - More people living independently in affordable and sustainable homes
- 1.6 The draft Scottish Borders Community Plan will be presented to the Community Planning Strategic Board on 23 November 2017. Partners will be asked to approve the plan to ensure that they are satisfied that it presents their priorities accurately. If the draft plan is approved, an action plan, indicators and performance measures will then be developed which will allow them to monitor progress of the Community Plan.
- 1.7 Whilst the focus of the Plan is only on those outcomes that have been identified as a priority for the Scottish Borders CPP at this time, there are a number of ongoing areas of work which will in due course inform the ongoing development of the Plan.
- a) Each community planning partnership must prepare and publish a locality plan for each locality which will provide specific local outcomes and thus inform the Community Plan.
- b) As key strategies across the CPP are refreshed, their alignment will be considered in relation to the outcomes within Community Plan

2 RECOMMENDATIONS

2.1 I recommend that Scottish Borders Council:

- (a) Approves the draft Scottish Borders Community Plan (presented at Appendix 1) as the key strategic document for partnership working in the Scottish Borders.**
- (b) Agrees that the draft Scottish Borders Community Plan goes forward to the Scottish Borders Community Planning Partnership Strategic Board for approval on 23 November 2017.**

3 BACKGROUND

- 3.1 The Community Empowerment (Scotland) Act 2015 was created by Scottish Government to help empower community bodies through ownership of land and buildings, and by strengthening their voices in the decisions that matter to them.
- 3.2 It will also improve outcomes for communities by improving the process of community planning, ensuring that local service providers work together even more closely with communities to meet the needs of the people who use them. The Bill was passed by the Scottish Parliament on 17 June 2015 and received Royal Assent, becoming an Act, on 24 July 2015.
- 3.3 Effective community planning brings together the collective talents and resources of local public services and communities to drive positive change on local priorities. It focuses on where partners' collective efforts and resources can add more value for their local communities, with particular emphasis on reducing inequalities.
- 3.4 The Community Empowerment (Scotland) Act 2015 makes a number of significant changes to community planning legislation:
 - a) Preparing and publishing a Community Plan which sets out the local outcomes which the CPP will prioritise for improvement.
 - b) Identify smaller areas within the local authority area which experience the poorest outcomes, and prepare and publish locality plans to improve outcomes on agreed priorities for these communities.
 - c) The 2015 Act gives community planning a statutory purpose for the first time. This focuses on improving outcomes and tackling inequalities of outcome, including in localities whose communities experience the poorest outcomes.
 - d) The 2015 Act places specific duties on community planning partners, all linked to improving outcomes. These include:
 - (i) Co-operating with other partners in carrying out community planning
 - (ii) Taking account of Community Plans in carrying out its functions
 - (iii) Contributing such funds, staff and other resources as the CPP considers appropriate to improve local outcomes in the Community Plan and secure participation of community bodies throughout community planning
- 3.5 The 2015 Act places duties to support shared leadership and collective governance on specified community planning partners:
 - a) The Local Authority
 - b) NHS
 - c) Police Scotland
 - d) Scottish Fire and Rescue Service
 - e) Scottish Enterprise
- 3.6 These duties include facilitating community planning and taking all reasonable steps to ensure the CPP conducts its functions effectively and efficiently.

4 SCOTTISH BORDERS COMMUNITY PLANNING APPROACH TO DEVELOPING THE COMMUNITY PLAN

4.1 The Scottish Borders CPP have set out their ambition through the following vision – “Working together with our communities and through targeted partnership action, the quality of live will improve for all who live, work or study in the Scottish Border”

4.1 In order to ensure that the Scottish Borders Community Planning Partnership based its priorities on a robust evidence base and to help identify inequalities and pull together our understanding of the key issues and challenges from across the Scottish Borders, the CPP have used a range of information sources, notably:

- a) National and local data and statistics
- b) Community views
- c) Professional knowledge and expertise

This approach places the key data and analysis in one place for decision makers and helped the broad range of partners within the Community Planning Partnership to engage with the prioritisation of outcomes for the Scottish Borders. It also allows the Scottish Government to see that the Scottish Borders CPP is committed to using data and evidence effectively to establish priorities, a key principle of community planning.

4.2 Following detailed analysis of the information sources, a number of outcomes have been agreed because:

- a) They affect the whole of the Scottish Borders (as opposed to one local area, as these would be captured in the relevant area Locality Plan)
- b) They will benefit from a strategic partnership approach
- c) They are not the sole responsibility of one organisation
- d) There is a clear, evidence-based and strong understanding of the Borders-wide need, issue and/or opportunity.

4.3 We recognise that there are a number of other published plans that look to address some of the challenges the Borders faces, for example on Health & Social Care. The ambition is to bring together these plans where appropriate and have one plan for the Scottish Borders and one plan for each of the five localities.

5 DELIVERY OF THE COMMUNITY PLAN

5.1 It is the responsibility of the CPP Joint Delivery Team to ensure that their current work programmes are fully addressing the ambition and vision of this plan, and that any new programmes and projects are developed in order to ensure the outcomes within the plan are delivered.

5.2 Once the actions, indicators and measures are developed, a performance framework will link these into the Council’s corporate and business planning and performance process, and to ensure these align to the priorities within the Council’s Corporate Plan.

6 IMPLICATIONS

6.1 Financial

Full analysis will need to be undertaken to determine cost implications of achieving the outcomes of the Scottish Borders Community Plan.

6.2 Risk and Mitigations

- (a) There is a risk that if Scottish Borders Council does not demonstrate leadership within community planning it will not fulfil its statutory duty under the duties of the Community Empowerment Act (Scotland) 2015. The development of a robust Community Plan that is performance managed will mitigate this risk.
- (b) There is a risk that the outcomes within the Community Plan will not be effectively implemented and scrutinised. A robust performance management framework will be required in order to monitor progress on the actions, indicator and measures being developed. This risk will be mitigated by building on the performance management framework that has been developed for the existing CPP "Grow our Economy" theme.

6.3 Equalities

- (a) An Equalities Impact Assessment has been carried out on this proposal and it is anticipated that there are no adverse equality implications.
- (b) If an adverse impact is identified this would warrant a fuller analysis of impact and likelihood and associated management or political response. The summary of this and any mitigating actions should be included within this paragraph.

6.4 Acting Sustainably

- (a) A Community Plan with a clear focus on reducing inequalities and improving outcomes for communities within the Scottish Borders will increase knowledge and skills, and will deliver economic, social and environmental benefits.

6.5 Carbon Management

- (a) There are no known effects on carbon emissions within the Community Plan.

6.6 Rural Proofing

- (a) The Community Plan is a "plan for place" and as such considers the rural context within which SBC and CPP partners operate.

7 CONSULTATION

- 7.1 The Chief Financial Officer, the Monitoring Officer, the Chief Legal Officer, the Chief Officer Audit and Risk, the Service Director HR and the Clerk to the Council have been consulted and any comments received have been incorporated into the final report.

Approved by

Jenni Craig
Service Director Customer and Communities

Signature

Author(s)

Name	Designation and Contact Number
Shona Smith	Communities and Performance Manager, 01835 825504

Background Papers:
Previous Minute Reference:

Note – You can get this document on tape, in Braille, large print and various computer formats by contacting the address below. [Shona Smith] can also give information on other language translations as well as providing additional copies.

Contact us at Shona Smith, Communities & Partnership Manager, Scottish Borders Council Headquarters, Newtown St Boswells. 01835 82 4000 ext:5504, smsmith@scotborders.gov.uk]



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Scottish Borders Community Plan

October 2017

“Working together with our communities and through targeted partnership action, the quality of life will improve for all who live, work or study in the Scottish Borders.”

Our Vision, Scottish Borders Community Planning Partnership

Our Scottish Borders
Your community

1	2	3	4	5
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Front cover images

1 © St Abbs Lifeboat | 2 © Kelso Farmers Market | 3 © Melrose Rugby Club | 4 and 5 © VisitScotland

Scottish Borders Community Planning Partnership

Community planning is the process by which Councils and other public bodies work with local communities, businesses and community groups to plan and deliver better services and improve the lives of people who live in Scotland.

The Scottish Borders Community Planning Partnership¹ is tasked with taking this forward here in the Borders. The following organisations are represented on the partnership:

STATUTORY PARTNERS

- NHS Borders
- Police Scotland
- Scottish Borders Council
- Scottish Enterprise
- Scottish Fire & Rescue Service
- Borders College
- Health & Social Care Integration Joint Board
- Historic Environment Scotland
- Scottish Environmental Protection Agency
- Scottish Natural Heritage
- Scottish Sports Council (represented by Live Borders)
- SEStran
- Skills Development Scotland
- VisitScotland

Shared
responsibility
in leading the
Partnership

NON-STATUTORY PARTNERS

- Berwickshire Housing Association
- Eildon Housing
- Scottish Borders Community Council Network
- Scottish Borders Housing Association
- Third Sector
- Waverley Housing

¹ Community Planning Partnership (Appendix A)

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Introduction - The Scottish Borders



Whilst the Borders offers many an excellent quality of life we recognise there are significant local challenges too ...



... all set against an increasing demand for better, local public services at a time when there is significant financial pressure on funding.

Why have a plan?

To effectively tackle these challenges and improve outcomes, the Community Planning Partnership should work together, and with local communities and businesses.

Under the Community Empowerment (Scotland) Act 2015 the Scottish Government has made this a requirement, with a particular focus on reducing inequalities.

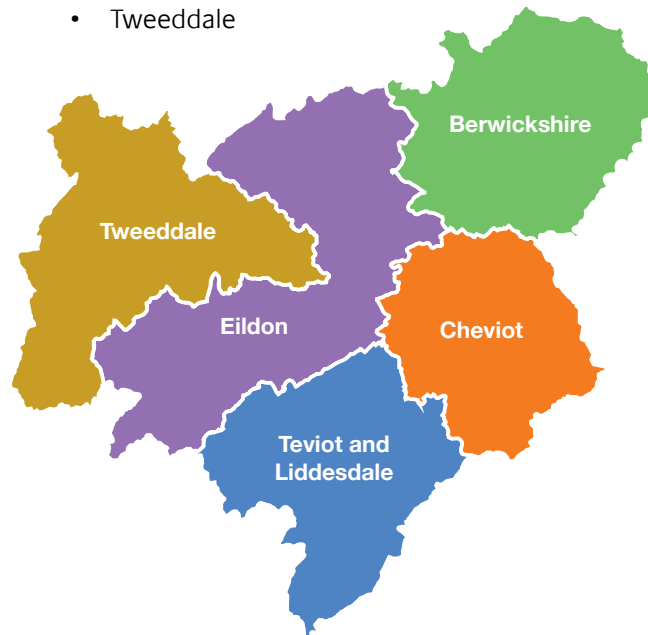
Scottish Borders Community Plan

This plan² looks to highlight what the Borders-wide inequalities are, and how the Community Planning Partnership (CPP) together and with local communities and businesses can address those inequalities and improve outcomes³.

Locality Plans

Some inequalities and outcomes are not Borders-wide but much more localised to specific communities, for example rural isolation. To reflect these more localised inequalities five locality plans are being prepared. There is one local plan for each of the following areas:

- Berwickshire
- Cheviot
- Eildon
- Teviot & Liddesdale
- Tweeddale



What is an outcome?

An outcome is the result we want to achieve, for example, improved support and care for older people.

What do we mean by “reducing inequalities”?

Closing the gap between our least and most disadvantaged in our communities. For example in our most disadvantaged areas people are more likely to have low incomes and experience more health problems, whilst those living in the most affluent areas tend to live longer, healthier lives. The reasons for this are complex. However a focus of the Partnership is to reduce these gaps, and improve outcomes for our most disadvantaged communities.

² In line with the Community Empowerment (Scotland) Act 2015 this plan is our version of a Local Outcomes Improvement Plan and will replace the 2013 Single Outcome Agreement.
³ Local outcomes must be consistent with the Scottish Government's National Outcomes (Appendix D).

Our Approach

To help identify inequalities and pull together our understanding of the key issues and challenges from across the Scottish Borders we have used a range of information sources⁴, notably:

- National and local data and statistics
- Community views
- Professional knowledge and expertise

Following detailed analysis of the information sources a number of outcomes (p9) have been agreed because:

- They affect the whole of the Scottish Borders (as opposed to one local area, as these would be captured in the relevant Locality Plan)
- They will benefit from a strategic partnership approach
- They are not the sole responsibility of one organisation (for example, Scottish Borders Council has sole responsibility for roads maintenance (non-trunk road))
- There is a clear, evidence-based and strong understanding of the Borders-wide need, issue and/or opportunity

And if they meet one or more of the following:

- Future demand projections (for example, a growing ageing population)
- Statistically, the Scottish Borders is worse than the Scotland average
- Statistically, the Scottish Borders is experiencing a long-term negative trend
- Strength of community response, including businesses



Other Partners' Plans

We recognise that there are a number of other published plans that look to address some of the challenges the Borders faces, for example on Health & Social Care. The ambition is to bring together these plans where appropriate and have one plan for the Scottish Borders and one plan for each of the five localities. Appendix F details the plans that have been used to inform this plan.

⁴Sources of Information (Appendix E)

Our Vision and Themes

Our ambition is set out through the following vision:

“Working together with our communities and through targeted partnership action, the quality of life will improve for all who live, work or study in the Scottish Borders.”

This plan will set out the outcomes we want to improve, the inequalities we want to reduce and how we will do that.

As detailed in Our Approach (p7) our understanding of the Borders is vital in recognising what we need to do now and in the years to come. A key statistic, for example, is our projected population change (p11).

The population charts reinforce the projection of a growing ageing population but also clearly show the challenge of encouraging younger generations to stay or even re-locate to the Borders.

Set against this projection we have structured this plan around four themes.

Community Plan Themes

Our Economy,
Skills & Learning

Our Health,
Care & Wellbeing

Our Quality of Life

Our Place

“How do we build and improve **our economy, skills and learning?**”

“How do we promote and improve **our health, care and wellbeing?**”

“How do we protect and improve **our quality of life?**”

“How do we develop and improve **our place?**”

Our Outcomes for the Scottish Borders

The following outcomes have been agreed for the Scottish Borders as per Our Approach outlined on page 8:

OUTCOMES by Theme	PAGE
Our Economy, Skills & Learning	
More people working more productively for higher wages	13
More business people benefitting from greater investment and better support for their new and existing businesses, particularly in key growth sectors	14
More highly skilled workers	15
More people shopping, visiting and spending in local town centres	16
More people benefitting from better digital connectivity	17
More LAC (looked after and accommodated) children and young people in positive and sustained destinations	18
More children, particularly those living in poverty, achieving higher levels of attainment	19
Our Health, Care & Wellbeing	
More people in good health and leading an active lifestyle at every age and stage of life	20
More people in good mental health at every age and stage of life	21
Improved support and care for older people	22
Our Quality of Life	
Fewer people experiencing violence (incl. domestic abuse)	23
Fewer people experiencing anti-social behaviour (ASB)	24
Fewer people killed or seriously injured on our roads	25
Our Place	
More people able to afford to heat their homes	26
More people living independently in affordable and sustainable homes	27

Our Way of Working

To support the delivery of these outcomes the following ways of working should be adopted by the Community Planning Partnership:

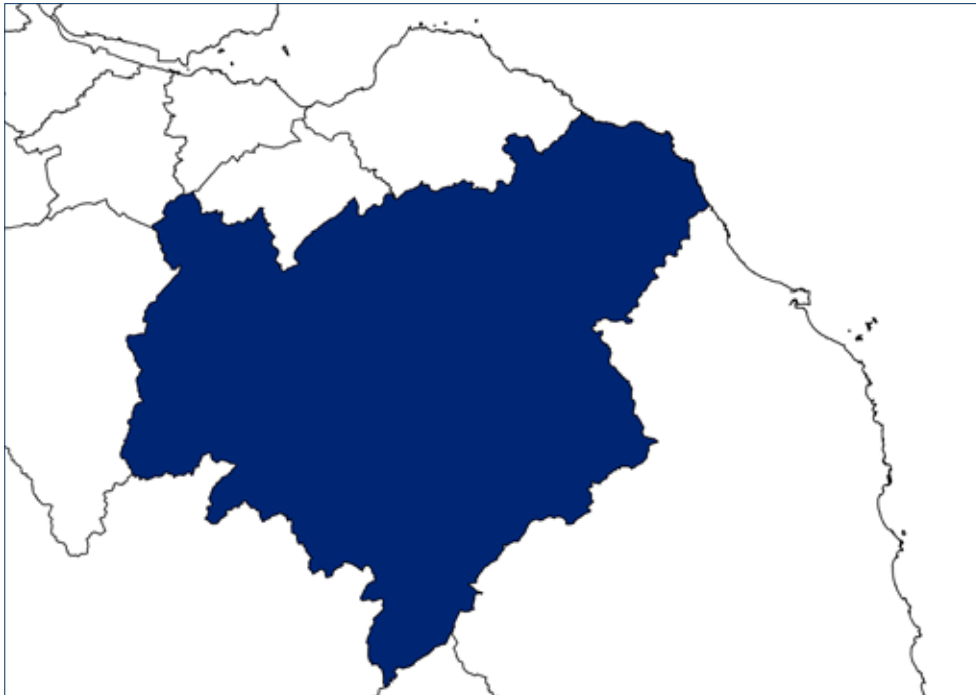
- **Reduce inequalities** - close the gap between the least and most disadvantaged in our communities
- **Inclusion** - bring all groups of people together to ensure that everyone, as feasibly as possible, is involved (including our duties under the Equality Act (2010) - Appendix B)
- **Listen to, engage with and build capacity within our communities** - embed the practice of co-production
- **Prevention and early intervention** - understand and address the cause of an issue or need (rather than continuing to deal with the consequences)
- **Sustainability** - support the objectives and targets of the Climate Change Duty (Appendix C)
- **Impact assess** - those lead partners identified for key actions will need to impact assess their actions, for example against environmental, equality and/or health impact assessments
- **Continue to reform public services**







What we know about the Scottish Borders

Our Area Profile







Page 57



POPULATION 114,050 	47% of the population live in a rural area
HOUSEHOLDS 53,787 	25% of the population is of pensionable age
SQ KM 4,732 km	30% live in settlements with less than 500 people
MALE LIFE EXPECTANCY 	FEMALE LIFE EXPECTANCY 
74.7 years in Galashiels West 83.6 years in Berwickshire Central Scottish Borders average 78.1 years	79.1 years in Galashiels North 89.5 years in Ettrick, Yarrow and Yair Scottish Borders average 82 years

Source: Scottish Borders Community Planning Partnership - Strategic Assessment 2016

Projected population numbers from 2014 to 2039 by age group in the Scottish Borders (2014-based)

AGE 0 TO 15	AGE 16 TO 29	AGE 30 TO 49	AGE 50 TO 64	AGE 65 TO 74	AGE 75 +
-16 population -0.1% change 	-1,072 population -7.0% change 	-4,279 population -15.5% change 	-5,068 population -19.7% change 	+ 3,162 population +21.4% change 	+ 10,353 population + 89.5% change 
Scotland +1.4%	Scotland -7.64%	Scotland -2.3%	Scotland -6.4%	Scotland +27.4%	Scotland +85.4%

Source: National Records of Scotland

Scottish Index of Multiple Deprivation (SIMD)

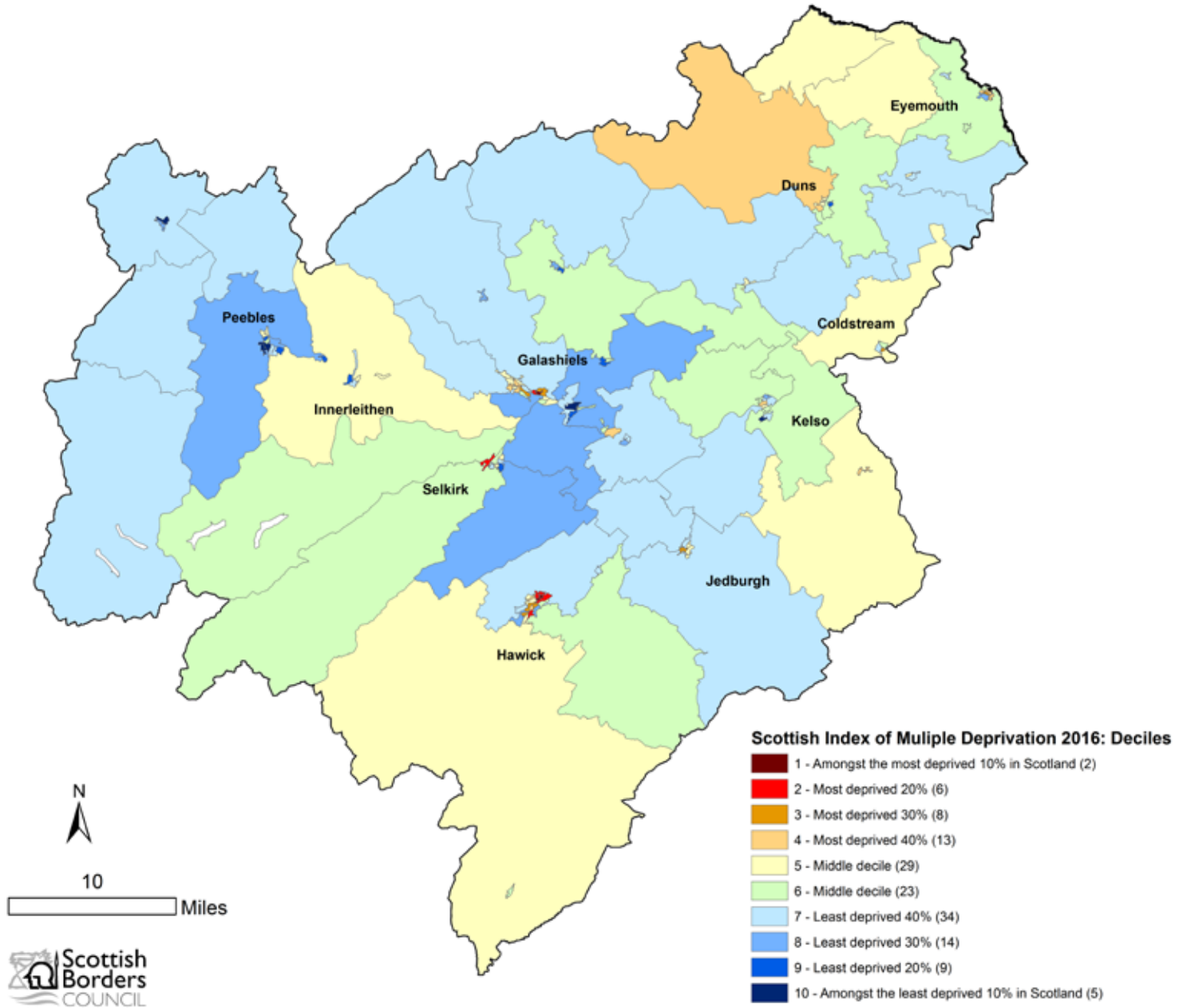
The Scottish Index of Multiple Deprivation (SIMD) identifies small area concentrations of multiple deprivation across all of Scotland in a consistent way. SIMD ranks small areas (called data zones) from the most deprived to least deprived.

A data zone is a small geographical area, showing statistics for a population of between 500 and 1,000 people.

A decile is one part of ten equal groups into which a population can be divided.

Appendix G provides a more detailed breakdown of the SIMD deciles by the following areas:

- Berwickshire
- Cheviot
- Eildon
- Teviot & Liddesdale
- Tweeddale



Source: Scottish Borders Community Planning Partnership - Strategic Assessment 2016

What we know about the Scottish Borders

Our Economy, Skills & Learning

Outcome: More people working more productively for higher wages

Our Understanding

Why do we want to improve this outcome? Because ...

Weekly wages are lower in the Scottish Borders than Scotland. The weekly wage for those working in the Borders is the lowest in Scotland.

Gross Value Added (GVA – a measure for productivity) is lower in the Scottish Borders than Scotland.

When compared with Scotland, the Scottish Borders also has a higher proportion of enterprises in agriculture, forestry and fishing but a lower proportion of enterprises in professional, scientific and technical activities, which continues to adversely affect GVA.

WEEKLY WAGES 2016

£499 (live in Borders*)
£453 (work in Borders)
Scotland = £535



*this will include people who commute out of the area to work, accessing higher paid jobs

GVA PER CAPITA 2015

£17,196
Scotland = £23,685
UK = £25,601



ENTERPRISES 2016

23.6% agriculture, forestry and fishing
Scotland = 10.2%



10.7% professional, scientific and technical activities
Scotland = 18.7%

Source: Office for National Statistics, Scottish Borders Community Planning Partnership – Strategic Assessment 2016

Our Measures and Targets

Currently being drafted.

Key Actions

Currently being drafted.

What we know about the Scottish Borders

Our Economy, Skills & Learning

Outcome: More business people benefitting from greater investment and better support for their new and existing businesses, particularly in key growth sectors

Our Understanding

Why do we want to improve this outcome? Because ...

There is an opportunity to build on the success of existing businesses in key growth sectors:

- Food & Drink
- Financial and Business Services
- Life Sciences
- Energy (including Renewables)
- Sustainable Tourism (Tourism related industries)
- Creative Industries (including Digital)

GROWTH SECTORS 2016

Number of companies (GVA – 2014 figures), jobs

LIFE SCIENCES

10 (n/a), n/a

Edinburgh = 105 (£140.7M), 2,200 jobs



FINANCIAL & BUSINESS SERVICES

560 (£84.6M), 2,300 jobs

Edinburgh = 4,570 (£1.128.3M), 57,500 jobs



ENERGY

50 (£69.4M), n/a

Edinburgh = 275 (£540.7M), 3,800 jobs



FOOD & DRINK

1,185 (£32.4M), 5,300 jobs

Edinburgh = 195 (£92.4M), 2,300 jobs



CREATIVE INDUSTRIES

320 (£43.7M), 1,000 jobs

Edinburgh = 3,180 (£799.9M), 15,200 jobs



SUSTAINABLE TOURISM

50 (£45.7M), 4,000 jobs

Edinburgh = 1,780 (£580.2M), 34,600 jobs



Source: Scottish Government

Our Measures and Targets

Currently being drafted.

Key Actions

Currently being drafted.

What we know about the Scottish Borders

Our Economy, Skills & Learning

Outcome: More highly skilled workers

Our Understanding

Why do we want to improve this outcome? Because ...

The majority of work opportunities in the Borders from 2016-2024 will require individuals with a higher level of qualification.

Skill shortage vacancies are more common in the Scottish Borders compared to Scotland; 1.3% compared to 0.8%, a 0.5% difference. Hard to fill vacancies due to skill shortages accounted for 1.4% of the workforce in the Scottish Borders.

In the Scottish Borders there are two occupation areas where the skills gap is more prominent in comparison to Scotland; these are skilled trades and associate professionals (e.g. technicians).

QUALIFICATIONS 2016-2024

Forecast employment change



The requirement to attain:
SCQF levels 7-12 will **increase** from

6,700 to **7,800** (+16%).

The requirement to attain:
SCQF levels 0-6 will **decrease** from

7,000 to **5,800** (-17%).

SKILLS SHORTAGE & HARD TO FILL VACANCIES, 2015

Scottish Borders v Scotland

Skill Shortage vacancies in the Scottish Borders is **1.3%** compared to **0.8%** in Scotland.

In the Scottish Borders Hard to Fill vacancies are **1.4%** compared to **1.1%** in Scotland.

DENSITY OF SKILLS

Gaps & Groups affected

SKILLED TRADES

12% Scottish Borders
Scotland = 7%

ASSOCIATE PROFESSIONALS

10% Scottish Borders
Scotland = 5%

Source: Skills Development Scotland: Regional Skills Assessment 2016 – Borders.

Our Measures and Targets

Currently being drafted.

Key Actions

Currently being drafted.

What we know about the Scottish Borders

Our Economy, Skills & Learning

Outcome: More people shopping, visiting and spending in local town centres

Our Understanding

Why do we want to improve this outcome? Because ...

Town centres are at the heart of our communities and help make the Scottish Borders, and each of our towns, distinctive and special.

It is clear that the future nature, make-up and role of our town centres is changing so we must continue to support change and adaptation in town centres.

The Scottish Borders Town Centre Index (Appendix H) tells us that some towns are in greater need of regeneration than others.

TOWN CENTRE REGENERATION PRIORITY TOWNS

1. Hawick
1. Jedburgh
3. Eyemouth
4. Galashiels
5. Selkirk



Source: Scottish Borders Town Centre Index 2016



Our Measures and Targets

Currently being drafted.

Key Actions

Currently being drafted.

What we know about the Scottish Borders

Our Economy, Skills & Learning

Outcome: More people benefitting from better digital connectivity

Our Understanding

Why do we want to improve this outcome? Because ...

The availability of good broadband speeds in the Scottish Borders is below the average for Scotland.

The % of geographic area with no reliable signal in the Scottish Borders is greater than the average for Scotland.

A large proportion of residents who have accessibility issues name poor or lack of public transport as a key factor.

BROADBAND COVERAGE 2016

30% of premises unable to receive 30 Megabit per second (Mbit/s)
Scotland = 22%

SUPERFAST BROADBAND

69% of premises have Superfast Broadband coverage in Scottish Borders
Scotland = 78%



MOBILE COVERAGE 2016

4G
36.5% geographic area with no reliable signal
Scotland = 28.53%



3G
25.17% geographic area with no reliable signal
Scotland = 17.41%

ACCESSIBILITY ISSUES 2015

% of people reporting (responses)



- 20%** Public Transport (2,225)
- 12% Health (1,986)
- 10% Social/Recreational (2,009)
- 8% Information (2,006)
- 7% Work (1,900)
- 6% In and around home (2,079)
- 6% Education (1,912)

Source: OFCOM - Connected Nations 2016, Scottish Borders Household Survey 2015

Our Measures and Targets

Currently being drafted.

Key Actions

Currently being drafted.

What we know about the Scottish Borders

Our Economy, Skills & Learning

Outcome: More LAC (looked after and accommodated) children and young people in positive and sustained destinations

Our Understanding

Why do we want to improve this outcome? Because ...

Fewer of our looked after school leavers have recently been going into positive destinations, and now sit below the Scotland average.

A positive destination can be one of the following:

- higher education
- further education
- employment
- training
- voluntary work
- activity agreements (a plan of learning and activity)
- Preventing homelessness and sustaining tenancies

POSITIVE DESTINATIONS Looked after school leavers



	Scottish Borders	Scotland
2015/16	73%	78%
2014/15	75%	77%
2013/14	100%	80%

Source: Education Outcomes for Scotland's Looked After Children, 2015-16



Our Measures and Targets

Currently being drafted.

Key Actions

Currently being drafted.

What we know about the Scottish Borders

Our Economy, Skills & Learning

Outcome: More children, particularly those living in poverty, achieving higher levels of attainment

Our Understanding

Why do we want to improve this outcome? Because ...

The attainment gap between the most deprived and least deprived is widening.

CURRICULUM FOR EXCELLENCE (CfE)

% difference between most and least deprived in the Scottish Borders



	Reading	Writing	Listening & Talking	Numeracy
P1	8%	8%	-1%	8%
P4	17%	22%	17%	19%
P7	26%	29%	15%	28%

Source: Achievement of Curriculum for Excellence Levels tables, 2015/16

Our Measures and Targets

Currently being drafted.

Key Actions

Currently being drafted.

What we know about the Scottish Borders

Our Health, Care & Wellbeing

Outcome: More people in good health and leading an active lifestyle at every age and stage of life

Our Understanding

Why do we want to improve this outcome? Because ...

71% of adults in the Borders are overweight compared to 65% for Scotland.

Between 2009 and 2014 the number of people registered with Type 2 diabetes in the Borders increased by 26.4%, slightly higher than the Scottish increase of 25.9%.

Due to changing demographics the numbers of those with Type 2 diabetes and other long term conditions associated with obesity and inactivity are expected to rise.

Smoking in pregnancy is significantly higher in Borders at 20.6% compared to 17.3% in Scotland.

OVERWEIGHT

Prevalence by NHS Board
All Adults 2012-2014

71% Borders
65% Scotland



DIABETES (TYPE 2)

Number of those affected
NHS Borders

5,726 2015

5,565	2014
5,349	2013
5,160	2012
4,846	2011
4,728	2010
4,530	2009



SMOKING DURING PREGNANCY

by NHS Board
3 year rolling average, 2014-2016

20.6% Borders
17.3% Scotland

Source: Scottish Health Survey, Scottish Diabetes Surveys, ISD Scotland

Our Measures and Targets

Currently being drafted.

Key Actions

Currently being drafted.

What we know about the Scottish Borders

Our Health, Care & Wellbeing

Outcome: More people in good mental health at every age and stage of life

Our Understanding

Why do we want to improve this outcome? Because ...

Close to one in five people in the Borders have a mental health problem, which is above the Scottish average.

Poor mental health can affect people at all stages of life, from childhood onwards, and means people are likely to have poor outcomes in other areas of their lives including physical health, employment and participation.

GENERAL HEALTH QUESTIONNAIRE (GHQ12)

by NHS Board
All Adults, 2012-2015



18% of the adults in the Borders have a GHQ12 score of 4+, indicating the presence of a possible psychiatric disorder

Scotland = 15%

Source: Scottish Health Service



SIX WAYS TO BE WELL



Our Measures and Targets

Currently being drafted.

Key Actions

Currently being drafted.

What we know about the Scottish Borders

Our Health, Care & Wellbeing

Outcome: Improved support and care for older people

Our Understanding

Why do we want to improve this outcome? Because ...

By the year 2039 our project population for those aged over 75 years increases by 89.5% to 21,921, and those aged 65-74 years increases by 21.4% to 17,924.

Alongside the growing ageing population there is also an increase in the complexity of need, for instance the proportion of older people with two or more health conditions increases with age, bringing additional needs for care, support and treatment.

Borders residents ranked providing high quality care for older people as second in their list of neighbourhood priorities.

PROJECTED POPULATION
% change from 2014 to 2039



75+

89.5% Borders
85.4% Scotland

65-74

21.4% Borders
27.4% Scotland

CARE

“Providing high quality care for older people” is second in the list of the top five neighbourhood priorities for the Scottish Borders.



Source: National Records of Scotland / Scottish Borders Household Survey 2015

Our Measures and Targets

Currently being drafted.

Key Actions

Currently being drafted.

What we know about the Scottish Borders

Our Quality of Life

Outcome: Fewer people experiencing violence (incl. domestic abuse)

Our Understanding

Why do we want to improve this outcome? Because ...

Violent crime has increased in the Scottish Borders by 53% compared to 11% in Scotland since 2014/15. Assaults have increased by 8% with 776 recorded in 2016/17 in the Borders.

The number of recorded incidents of domestic abuse has increased by 8% compared to Scotland which has decreased by 2%.

There has been a rise in sexual crimes of 27% compared to Scotland which has seen a 12% increase.

Domestic abuse was ranked 12/24 in Police Scotland's 2016/17 'Your View Counts' survey.

VIOLENT CRIME
Recorded Incidents
2014/15-2016/17



53% increase Scottish Borders
11% increase Scotland

776 recorded assaults in 2016/17
in Scottish Borders

DOMESTIC ABUSE
Recorded Incidents 2016/17



968 recorded incidents of
Domestic Abuse in the Scottish
Borders

SEXUAL CRIMES
(non-domestic incidents)
Recorded Incidents 2014/15-2016/17

2016/17	159
2015/16	135
2014/15	125

Source: Police Scotland

Our Measures and Targets

Currently being drafted.

Key Actions

Currently being drafted.

What we know about the Scottish Borders

Our Quality of Life

Outcome: Fewer people experiencing anti-social behaviour (ASB)

Our Understanding

Why do we want to improve this outcome? Because ...

Anti-Social Behaviour (ASB) was ranked 1/24 in Police Scotland's 2016/17 'Your View Counts' survey.

Hate crime within the Scottish Borders has increased by 38%.

Online ASB has increased in the Scottish Borders by 96% compared to 52% in Scotland.

ASB
Police Scotland Your View
Counts Survey 2016/17



1/24 ranked **top priority** by the
Scottish Borders community.

Source: Police Scotland

HATE CRIME
Recorded Incidents
2014/15-2016/17



38% increase in **Scottish Borders**

ONLINE ASB
Recorded Incidents
2014/15-2016/17



2016/17	580
2015/16	489
2014/15	296

Our Measures and Targets

Currently being drafted.

Key Actions

Currently being drafted.

What we know about the Scottish Borders

Our Quality of Life

Outcome: Fewer people killed or seriously injured on our roads

Our Understanding

Why do we want to improve this outcome? Because ...

Road Safety was ranked 6/24 in Police Scotland's 2016/17 'Your View Counts' survey.

Fatalities on the roads have increased by 57% in the Scottish Borders compared to -9% in Scotland.

People killed or seriously injured in the Borders have increased by 12% compared to Scotland which has decreased by -13%.

FATALITIES

Recorded Incidents
2014/15-2016/17



57% increase in the Borders
compared to **-9%** in Scotland

KILLED/SERIOUSLY INJURED

Recorded Incidents
2014/15-2016/17



77 people killed or seriously injured
in the Scottish Borders 2016/17

ROAD SAFETY

Police Scotland Your View
Counts Survey 2016/17



6/24 ranked **6th priority** by the
Scottish Borders community

Source: Police Scotland

Our Measures and Targets

Currently being drafted.

Key Actions

Currently being drafted.

What we know about the Scottish Borders

Our Place

Outcome: More people able to afford to heat their homes

Our Understanding

Why do we want to improve this outcome? Because ...

Fuel poverty affects a large proportion of households in the Scottish Borders.

Fuel poverty is defined as the need to spend more than 10% of income to pay for fuel bills.

FUEL POVERTY 2013-2015

39% of households in the Borders are fuel poor
Scotland = 35%



Source: Local Housing Strategy 2017-2022

Our Measures and Targets

Currently being drafted.

Key Actions

Currently being drafted.

What we know about the Scottish Borders

Our Place

Outcome: More people living independently in affordable and sustainable homes

Our Understanding

Why do we want to improve this outcome? Because ...

The right supply of housing is important in meeting the needs of our communities, and particularly in light of the projected population change.

HOUSING FOR OLDER PEOPLE

89.5% increase in projected population for **over 75's by 2039**

Source: Local Housing Strategy 2017-2022

AFFORDABLE HOUSING

£173,575 av. house price in the Scottish Borders **7% higher** than Scotland



£43,000 household income required to access mortgage for av. house price. Av. income in Scottish Borders **5% lower** than Scotland (£32,785)

RENTAL MARKET

50% of local households cannot afford av. market rent in Scottish Borders (£519 per month)



Our Measures and Targets

Currently being drafted.

Key Actions

Currently being drafted.

Community views

Communities across the Scottish Borders have been asked and express their views in many different ways.

For example, the Scottish Borders Household Survey has been used over a number of years and more recently the Community Planning Partnership asked for views through events and surveys held in February and March 2017, including with local businesses. Community views have been expressed through:

- Scottish Borders Household Survey
- Our Place Survey
- Business Breakfasts
- Graffiti Wall Posters

Within the Our Place Survey it has been highlighted by communities that sustainable public and community focused transport is an issue. Further work needs to be undertaken to understand what this means at locality level.

A summary of the key findings from community views now follows.

A good place to live - top three reasons:

1. Good neighbours/friendly/respectful/good community spirit
2. Quiet/peaceful/nice area
3. Beautiful countryside/scenery



Neighbourhood problems - top three problems:

1. Parking problems
2. Rubbish and litter lying around
3. Dangerous driving or speeding

SCOTTISH BORDERS HOUSEHOLD SURVEY 2015

2,706 responses

Neighbourhood priorities - top five:

1. Growing the economy of the Borders, and supporting local retailers and businesses
2. Providing high quality care for older people
3. Tackling poverty and inequality
4. Raising educational attainment and achievement and helping people of all ages obtain the skills they need for learning, life and work
5. Providing activities and facilities for younger people

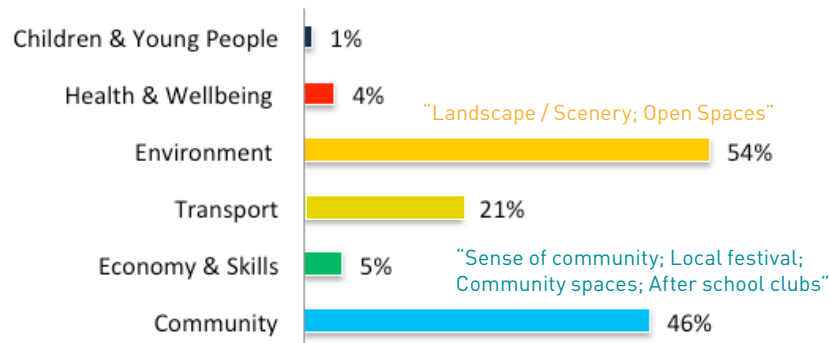
Employment - top three priorities for improving employment opportunities:

1. Bringing jobs to the area
2. Getting more young people into work
3. Creating more apprenticeships

OUR PLACE SURVEY (MINI) - FEBRUARY/MARCH 2017

167 respondents

What do you like about where you live?



BUSINESS BREAKFASTS - FEBRUARY/MARCH 2017

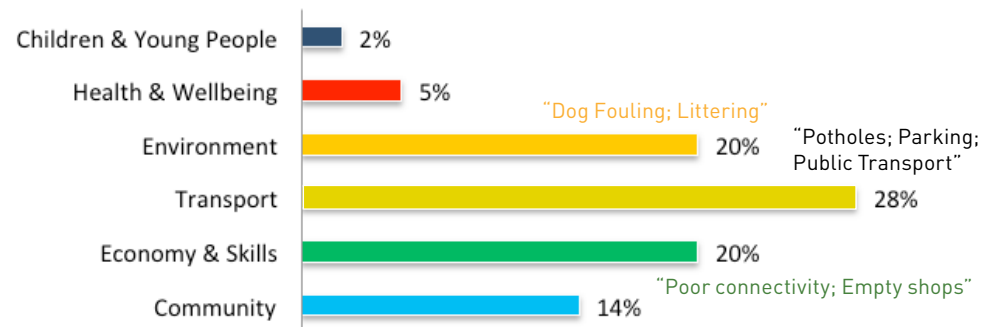
54 attendees

A summary of the key issues raised:

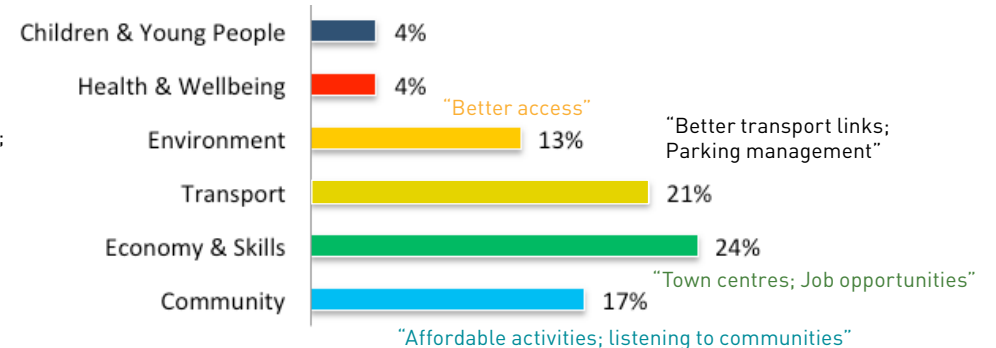
- Sustainable public and community focused transport
- Broadband and mobile coverage
- Employment:
 - Shortage of skilled workforce / Attracting skilled people to the area
 - Young people not ready for work and lacking the right skills
 - Better joint working required with educational establishments
- Lack of supply of suitable premises
- Planning needs to be simplified
- Business rates
- Funding is often too complex to navigate
- Extending the Borders Railway
- Build on tourism opportunities
- Condition of roads
- Parking in town centres
- Ageing population and care for the elderly
- Brexit: Retention of Eastern European staff / Impact on agriculture

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What do you not like about where you live?



What would you change about where you live?



YOUR GRAFFITI WALL



LIKE

What do you like about where you live?

Nice / good community
Friends
Family
Safe
Fun
Activities / Sport
Countryside / Nature
Walks
Parks / Skate Parks
School
Local Shops

DISLIKE

What don't you like about where you live?

Neighbourhood
None of my friends live nearby
Litter
School
Bullies
Dog mess
Not enough things to do
People smoking
Druggies
Drunk people
High Street
Need to travel to go to
better shops

CHANGE

What would make where you live better?

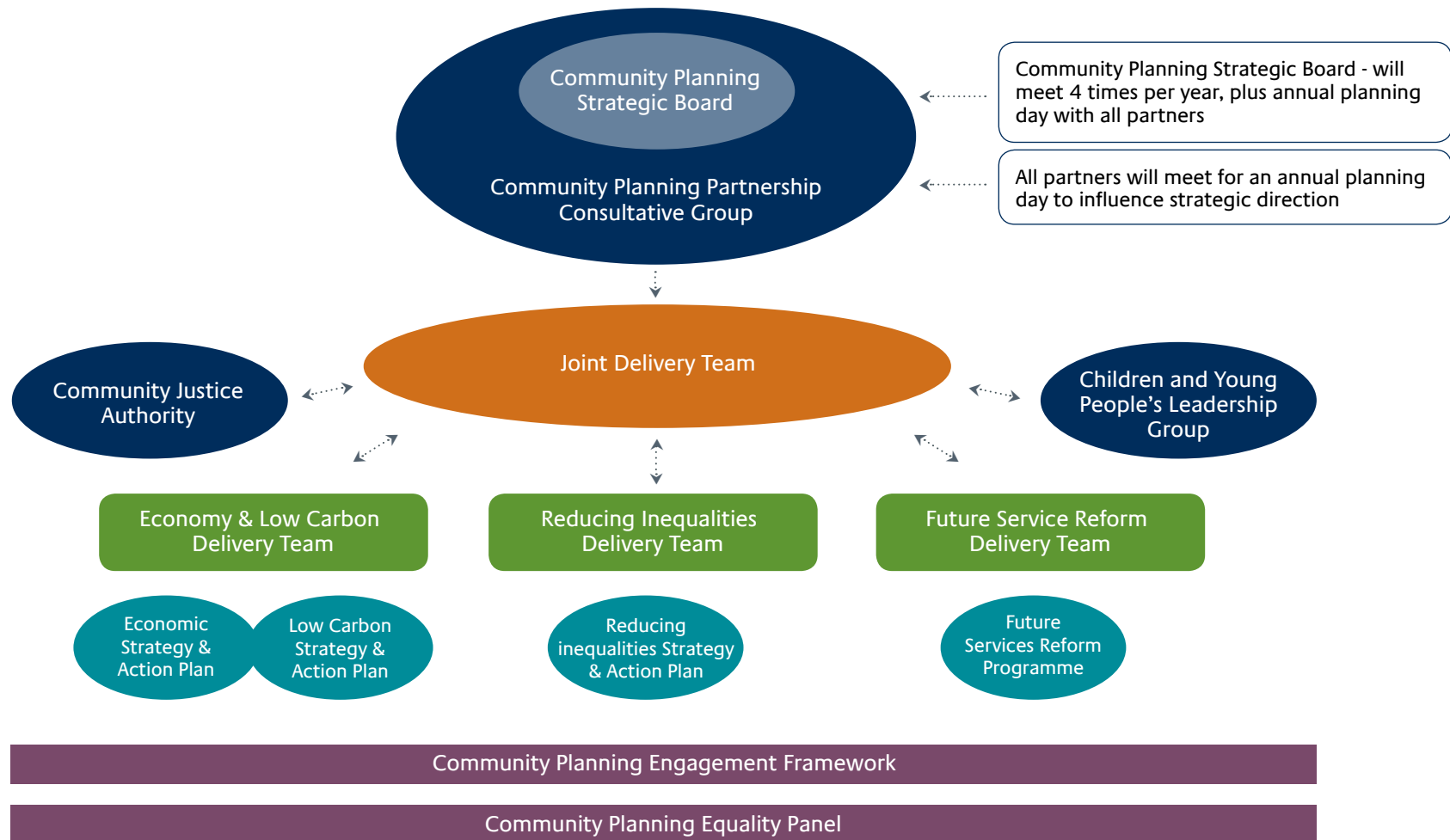
More friends (living nearby)
Bigger skate park
More funding for youth clubs
More flowers / plants
Less dog mess
More shops
Cinema
Train station
Respect
More police in the area
Free activities
Free places to go and sit
More things to do, particularly
at night

Write, scribble, draw your thoughts, ideas, feelings about where you live

Appendix A

Scottish Borders Community Planning Partnership Governance Model

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Appendix B

Equality Duty

As a Community Planning Partnership we also have a Public Sector Equality Duty under the Equality Act (2010). We have a duty to:

- Eliminate unlawful discrimination, harassment and victimisation.
- Advance equality of opportunity between people who share a characteristic that is protected under the Act, and those who don't.
- Foster good relations between people who share a characteristic and those who don't. This involves tackling prejudice and building understanding.

The characteristics that are protected under the Act are:

<p>AGE Younger people, older people, or any specific age group</p>	<p>DISABILITY Including physical, sensory, learning, mental health and health conditions</p>	<p>GENDER Male, Female and Transgender</p>
<p>MARRIAGE AND CIVIL PARTNERSHIP Including single, divorced, civil partnership, married, separated</p>	<p>PREGNANCY AND MATERNITY Including breastfeeding</p>	<p>RACE People from ethnic minorities including Gypsy Travellers and Eastern European immigrants</p>
<p>RELIGION OR BELIEF Including people who have no belief</p>	<p>SEXUAL ORIENTATION Bisexual, Gay, Heterosexual and Lesbian</p>	<p>CARERS Both formal and informal carers</p>

Appendix C

Climate Change Duty

The Climate Change (Scotland) Act 2009 places duties on public bodies to deliver their services in a way which supports the objectives and targets of the Act.

These duties relate to both internal activities, such as energy saving within buildings, and their work with partners to deliver joint services.

The duties on the face of the Act require that a public body must, in exercising its functions, act:

- in the way best calculated to contribute to the delivery of the targets set in or under Part 1 of the Act. This refers to emissions reduction targets, known as climate change mitigation.
- in the way best calculated to help deliver any programme laid before the Scottish Parliament under section 53. This section refers programmes for adaptation to climate change, i.e. preparing for the effects of a changing climate.
- in a way that it considers is most sustainable.

Carbon Reduction Targets

The Act set a target of a 42% reduction in carbon emissions by 2020, an 80% reduction in emissions by 2050, and that 100% of gross electricity consumption should come from renewables by 2020.

Appendix D

National Outcomes

The following table sets out how our outcomes for the Scottish Borders are consistent with the National Outcomes.

COMMUNITY PLAN OUTCOMES	NATIONAL OUTCOMES
More people working more productively for higher wages	1, 2
More business people benefitting from greater investment and better support for their new and existing businesses, particularly in key growth sectors	1, 2
More highly skilled workers	1, 3
More people shopping, visiting and spending in local town centres	11, 13
More people benefitting from better digital connectivity	1, 16
More LAC (looked after and accommodated) children and young people in positive and sustained destinations	7, 8
More children, particularly those living in poverty, achieving higher levels of attainment	7, 8
More people in good health and leading an active lifestyle at any age or stage in life	6, 9
More people in good mental health at any age or stage in life	6, 9
Improved support and care for older people	6, 9, 16
Fewer people experiencing violence (including domestic abuse)	10
Fewer people experiencing anti-social behaviour (ASB)	10, 12
Fewer people killed or seriously injured on our roads	10
More people able to afford to heat their homes	7, 8, 9
More people living independently in affordable and sustainable homes	7, 9, 11

NATIONAL OUTCOMES	
1.	We live in a Scotland that is the most attractive place for doing business in Europe
2.	We realise our full economic potential with more and better employment
3.	Opportunities for our people. We are better educated, more skilled and more successful, renowned for our research and innovation
4.	Our young people are successful learners, confident individuals, effective contributors and responsible citizens
5.	Our children have the best start in life and are ready to succeed
6.	We live longer, healthier lives
7.	We have tackled the significant inequalities in Scottish society
8.	We have improved the life chances for children, young people and families at risk
9.	Our people are able to maintain their independence as they get older and are able to access appropriate support when they need it
10.	We live our lives safe from crime, disorder and danger
11.	We live in well-designed, sustainable places where we are able to access the amenities and services we need
12.	We have strong, resilient and supportive communities where people take responsibility for their own actions and how they affect others
13.	We value and enjoy our built and natural environment and protect it and enhance it for future generation
14.	We take pride in a strong, fair and inclusive national identity
15.	We reduce the local and global environmental impact of our consumption and production
16.	Our public services are high quality, continually improving, efficient and responsive to local people's needs

Appendix E

Sources of Information

- National Records of Scotland
- Scottish Borders Community Planning Partnership: Strategic Assessment 2016
- Office for National Statistics
- Scottish Government
- Skills Development Scotland: Regional Skills Assessment 2016 – Scottish Borders
- Scottish Borders Town Centre Index 2016
- OFCOM: Connected Nations 2016
- Scottish Borders Household Survey 2015
- Scottish Health Surveys 2012-15
- Scottish Diabetes Surveys 2009-15
- ISD Scotland
- Education Outcomes for Scotland LAC 2015/16
- Achievement of Curriculum for Excellence Levels Table 2015/16
- Police Scotland
- Local Housing Strategy 2017-2022
- Our Place Surveys 2017
- Business Breakfasts 2017
- Graffiti Wall Posters 2017

Appendix F

Other Plans, Strategies and Initiatives

We recognise that there are a number of other published plans that look to address some of the challenges the Scottish Borders faces. The ambition is to bring together these plans where appropriate and have one plan for the Scottish Borders and one plan for each of the five localities.

This plan has been informed in consultation and dialogue with the stakeholders involved in developing the plans, strategies, programmes and strategic initiatives listed below:

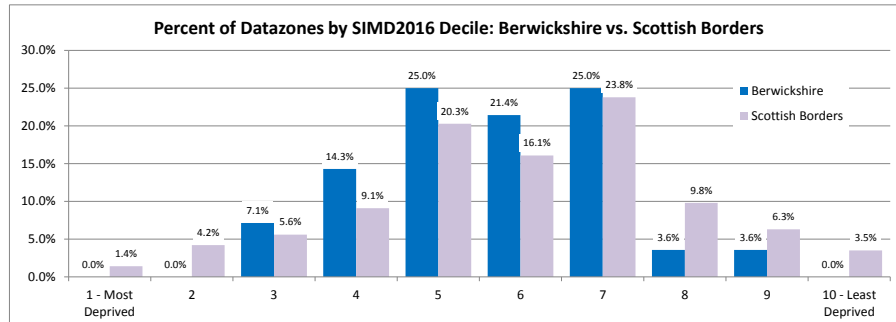
- Scottish Borders Economic Strategy
- Edinburgh and South East Scotland City Region Deal
- Proposed South of Scotland Enterprise Agency
- Borderlands Initiative
- Scottish Borders Reducing Inequalities Strategic Plan
- Scottish Borders Public Health Report
- Scottish Borders Health & Social Care Partnership Strategic Plan
- Local Fire & Rescue Plan for the Scottish Borders
- Scottish Borders Local Police Plan
- Community Justice Outcomes Improvement Plan
- Integrated Children & Young People's Plan
- Local Housing Strategy
- Scottish Borders Local Development Plan
- Scottish Borders Council Corporate Plan
- Regional Transport Strategy

This consultative approach will continue throughout the delivery of this plan.

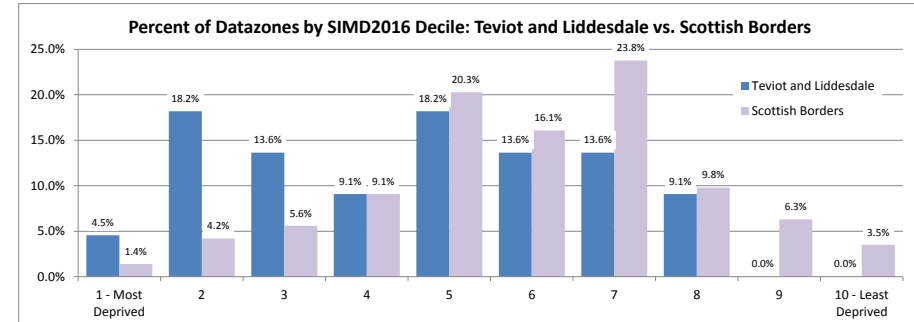
Appendix G

Scottish Index of Multiple Deprivation (SIMD) for Scottish Borders

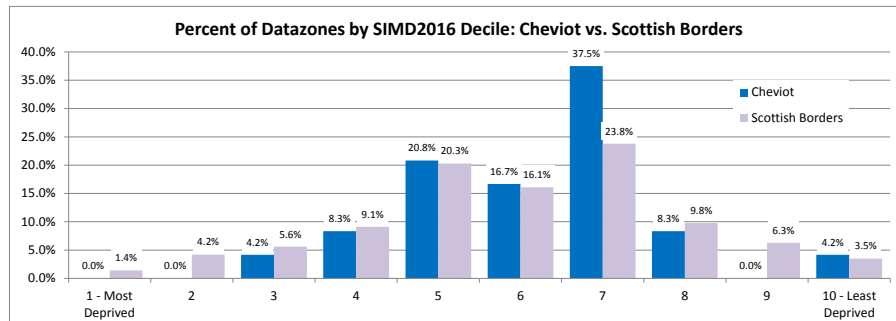
Berwickshire



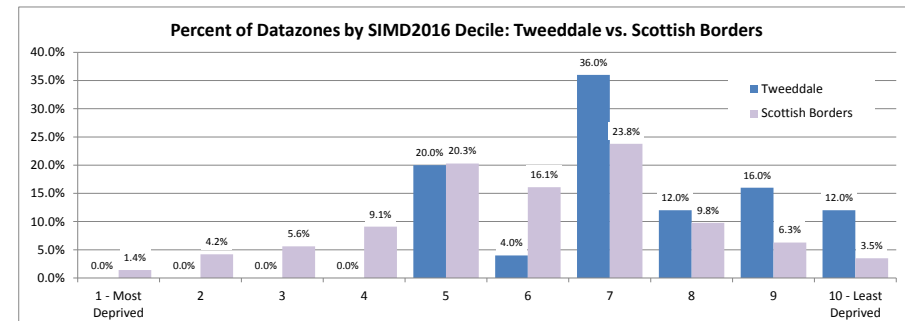
Teviot & Liddesdale



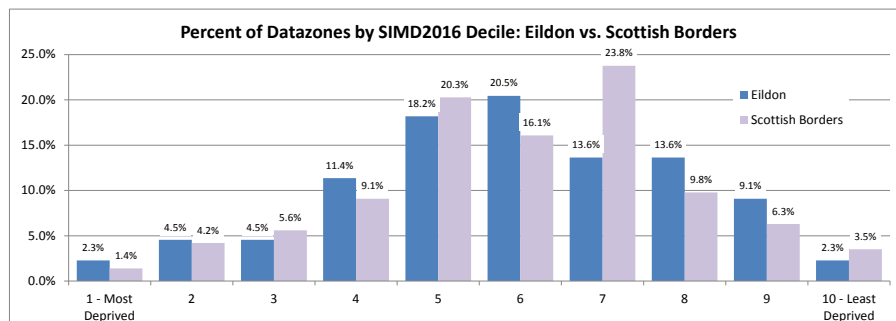
Cheviot



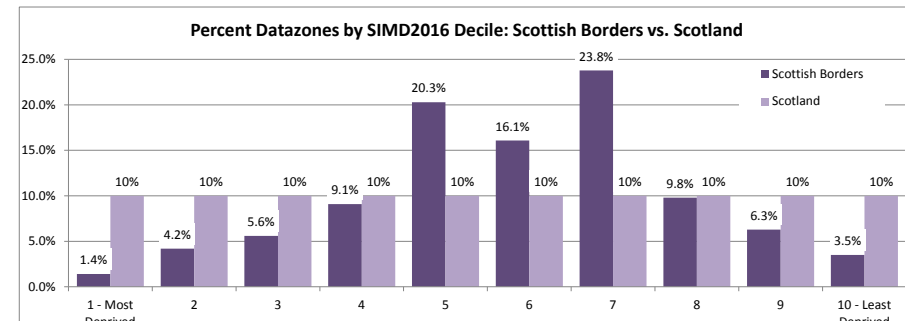
Tweeddale

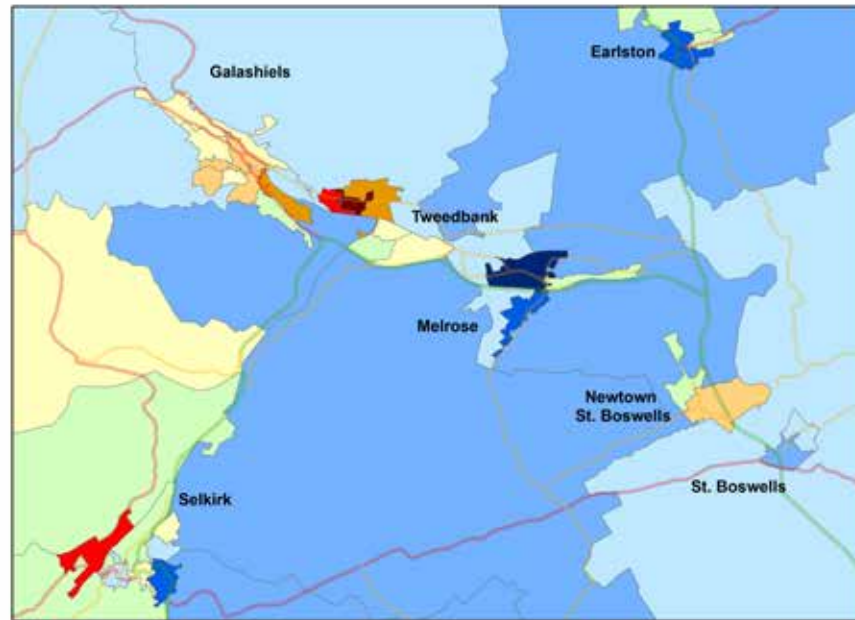


Eildon



Scottish Borders





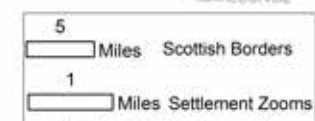
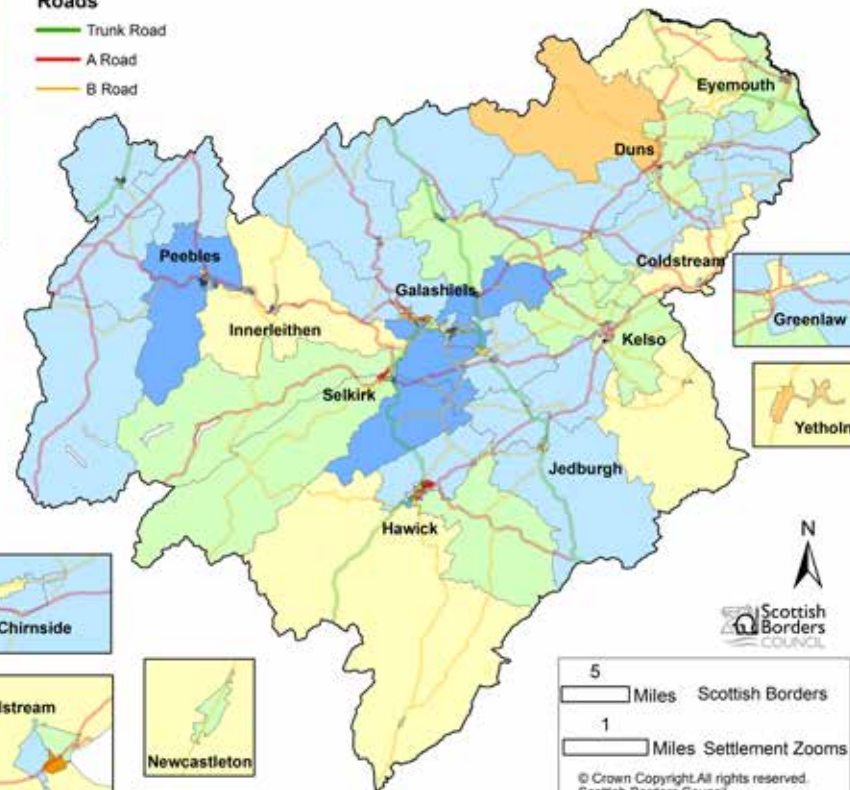
SIMD2016 for Scottish Borders Datazones

Scottish Index of Multiple Deprivation 2016: Deciles

- 1 - Amongst the most deprived 10% in Scotland (2)
- 2 - Most deprived 20% (6)
- 3 - Most deprived 30% (8)
- 4 - Most deprived 40% (13)
- 5 - Middle decile (29)
- 6 - Middle decile (23)
- 7 - Least deprived 40% (34)
- 8 - Least deprived 30% (14)
- 9 - Least deprived 20% (9)
- 10 - Amongst the least deprived 10% in Scotland (5)

Roads

- Trunk Road
- A Road
- B Road



The number in the () is the number of the 143 datazones (2011 based) in the group.

Appendix H

Scottish Borders Town Centre Index 2016

The Town Centre Index has been created from a selection of measures in the Town Matrix and provides a way to better understand the economic and social robustness/potential need of our town centres in the Scottish Borders, relative to one another. Within the index, a ranking of “1” indicates greatest potential need and “10” least potential need.

THEME	MEASURE	HAWICK	GALASHIELS	PEEBLES	KELSO	SELKIRK	JEDBURGH	EYEMOUTH	INNERLEITHEN	DUNS	MELROSE
POPULATION CONTEXT	% Age 16 - 64	8	10	4	2	7	9	3	5	6	1
	% Pop Change (2008 to 2014)	3	5	7	8	1	2	9	4	6	10
% IN SIMD2016 QUINTILE	1 (20% Most Deprived of Scotland)	1	3	4	4	2	4	4	4	4	4
	5 (20% Least Deprived of Scotland)	1	1	9	5	6	1	1	7	8	10
JOBSEEKER ALLOWANCE (JULY 2016)	JSA claimants as proportion of 16-64	1	2	8	5	3	4	8	6	6	10
TOWN CENTRE FOOTFALL[^]	Footfall 2015	6	9	8	7	3	4	2	n/a	1	5
	% Change Footfall 2015-2012	1	5	6	9	3	2	7	n/a	4	8
	Footfall 2015 Rate Per 1,000	1	6	8	7	2	4	5	n/a	3	9
RETAIL UNITS AND VACANCY	Retail Units per 1000	7	6	8	2	10	4	5	9	3	1
	Summer 2016 -Vacancy Rate	3	1	9	4	6	2	6	10	5	6
	Change in Vacancy Rate (W2012 to S2016)	8	7	9	1	10	1	5	4	6	3
	Vacant Floor space Sumer 2016	4	2	8	6	4	1	7	9	9	2
	Long term Vacancy Rate 2016 (5 years +)	3	2	8	7	1	5	3	8	5	8
HOUSING TENURE	Owned	5	1	10	6	7	4	2	9	3	8
SOCIAL GRADE (% HOUSEHOLDS AGED 16-64)	Professional and Managerial	2	4	9	5	6	3	1	8	6	10
QUALIFICATIONS (% ALL PEOPLE AGED 16 AND OVER)	None	1	8	9	3	6	4	2	7	5	10
	Degree or higher	1	7	9	4	6	2	3	8	5	10
	Ranking Score	56	79	133	85	83	56	73	98	85	115
	Overall Rank	1	4	10	6	5	1	3	8	6	9

[^]Town Centre Footfall not collected for Innerleithen.

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COMMUNITIES & PARTNERSHIPS TEAM

Scottish Borders Council | Council Headquarters | Newtown St Boswells | MELROSE | TD6 0SA
tel: 0300 100 1800 | email: communityplanning@scotborders.gov.uk
www.scotborders.gov.uk/communityplanning



AREA PARTNERSHIPS - PROPOSALS

Report by Service Director Customer and Communities

SCOTTISH BORDERS COUNCIL

2 November 2017

1 PURPOSE AND SUMMARY

- 1.1 **This report brings forward for Members' consideration proposals on the functions, framework and initial core membership, and future operation of Area Partnerships.**
- 1.2 At its meeting on 28 September 2017, the Council considered proposals to amend the current Locality Committees to become Area Partnerships as part of the review of the Council's Scheme of Administration. Members agreed to defer a decision on changes to the Locality Committees until there had been further political discussion. Subsequently the Members Sounding Board: Political Management Arrangements met on 3 occasions: 3 October, 18 October and 25 October 2017, to consider proposals for the new Area Partnerships.
- 1.3 To reflect the new statutory duties under the Community Empowerment (Scotland) Act 2015, it is proposed that the Locality Committees change their constitution, remit and focus to one of community engagement and involvement; at the same time it is proposed that they change their name to that of Area Partnerships to reflect this. With the greater emphasis on community empowerment, participative budgeting, and locality planning – not just for the Council, but for other public authorities/services - their main aim will be to form a community engagement platform to develop priorities and outcomes for the area. They will act as a community consultation body, not just for the Council but other service providers in the area, becoming a strong voice for their own area.
- 1.4 A number of options were considered in terms of core membership for the new Area Partnerships, with proposals being recommended to have the relevant SBC Ward members (voting) and 4 Community Council representatives (non-voting) as core members, with invitations to wider representatives – including the Community Planning partners and representatives from communities of interest - to attend and consider matters on a meeting by meeting basis. Each Area Partnership can increase its core membership up to a maximum of 20. It is also suggested that locality Community Council networks are set up in each of the 5 areas, but this would be for the Community Councils themselves to agree and manage.

- 1.5 It is important that any change to the focus of Area Partnerships should be reflected in their future operation. The basis and format of these meetings will need to change to move away from the report-driven/officer presentation style of current meetings. Meetings of Area Partnerships would be structured around the Locality Plan, with an open forum section, a themed section (from the Locality Plan), a progress update on the Locality Plan, and the final section on any decisions required by Councillors on Small Schemes, Quality of Life, or Pay Parking funding.
- 1.6 The membership framework and functions of Area Partnerships are detailed in the Appendix to this report. There are 2 functions from Locality Committees which will be considered in future by the Executive Committee, after consultation with local Members, and 2 functions which will be delegated to the Service Director Assets & Infrastructure in the Scheme of Delegation, and these are detailed in section 7 of this report. It is further proposed that Area Partnerships are reviewed after 18 months in operation.

2 RECOMMENDATIONS

2.1 I recommend that the Council agrees:

- (a) to amend the Scheme of Administration and replace Locality Committees with Area Partnerships, as detailed in the Appendix to this report, with effect from 1 January 2018; and**
- (b) to include within the Executive Committee functions in the Scheme of Administration "Approve all matters relating to street naming and numbering (where not already delegated to officers), after consultation with the relevant local Members";**
ing:
- (c) to include within the Scottish Borders Council functions in the Scheme of Administration "Consider and make recommendations for Local Byelaws and Management Rules, after consultation with the relevant local Members";**
- (d) to include in the Scheme of Delegation the following authority to the Service Director Assets & Infrastructure:**
 - (i) Approve local traffic management schemes after consultation with local Members, or consultation with Area Partnerships for major changes;**
 - (ii) Approve the making of temporary, permanent or experimental orders for the regulation of traffic, including stopping-up orders, after consultation with local Members, or consultation with Area Partnerships for major changes; and**
- (e) to review Area Partnerships after 18 months in operation.**

3 BACKGROUND INFORMATION

- 3.1 At its meeting on 28 September 2017, the Council considered proposals to amend the current Locality Committees to become Area Partnerships as part of the review of the Council's Scheme of Administration. Members agreed to defer a decision on changes to the Locality Committees until there had been further political discussion. Subsequently the Members Sounding Board: Political Management Arrangements met on 3 occasions: 3 October, 18 October and 25 October 2017, to consider proposals for the new Area Partnerships.
- 3.2 The Council has had a number of iterations of Locality Committees over the years, as Area Committee, Area Forums, and latterly Locality Committees. At various points from 2002, each Area Committee remit included planning and building control matters, civic government licensing, and Common Good Funds; matters that now rest with other Committees and Groups. In August 2010, following a review, the Council disbanded 3 of the Area Committees (Berwickshire, Eildon and Tweeddale) with a Members Working Group on 'Engaging with the Borders Community' set up in October 2010, reporting to Council in February 2012, with the recommendation that these Area Committees be re-introduced.
- 3.3 The report of the Christie Commission in June 2011 noted that key objectives of the Scottish Public Service reform programme "must be to ensure that public services are built around people and communities, their needs, aspirations, capacities and skills, and work to build up their autonomy and resilience." It is important therefore that the role, function and operation of local committees or partnerships should take account of:
- The need identified through the Household Survey or other means to increase public awareness of local services and priorities, and for wider public involvement in decision making.
 - The need for regular community engagement in all localities.
 - Local opinions on priorities for their own area.
- 3.4 The Community Empowerment (Scotland) Act 2015 names 5 lead statutory partners (Scottish Borders Council, NHS Borders, Police Scotland, Scottish Fire and Rescue Service, and Scottish Enterprise), along with the named partners in Schedule 1 of the Act (Scottish Borders Joint Integration Board, Borders College, Scottish Environment Protection Agency, Scottish Natural Heritage, Scottish Sports Council, Skills Development Scotland, SESTRANS, and Visit Scotland) for community planning. These partners have a duty to carry out planning for the area of the local authority as a Community Planning Partnership, working together for the "improvement in the achievement of outcomes resulting from, or contributed to by, the provision of services delivered by or on behalf of the local authority or the persons (organisations) listed in Schedule 1". These 'local' outcomes must be consistent with the national outcomes, which are determined by Scottish Ministers having regard to the reduction of inequalities of outcome which result from socio-economic disadvantage.
- 3.5 The business currently conducted at Locality Committees has remained virtually unchanged for a number of years. Agendas have standing items

such as reports from Police and Fire Services, Community Council spotlight, and Open Questions from the public. However, these have concentrated on retrospective information provision and local community events. There has been little strategic discussion and the focus has been on the Council and its service provision.

4 FUNCTIONS

4.1 To reflect the new statutory duties under the Community Empowerment (Scotland) Act 2015, it is proposed that the Locality Committees change their constitution, remit and focus to one of community engagement and involvement; at the same time it is proposed that they change their name to that of Area Partnerships to reflect this. With the greater emphasis on community empowerment, participative budgeting, and locality planning – not just for the Council, but for other public authorities/services - their main aim will be to form a community engagement platform to develop priorities and outcomes for the area. They will act as a community consultation body, not just for the Council but other service providers in the area, becoming a strong voice for their own area. They will thus have the following functions:

1. Champion/lead the preparation and publication of a Locality Plan for the area, while taking account of the Scottish Borders Community Plan.
2. Inform the Locality Plan by involving local communities in establishing:
 - (a) a shared understanding of need in the area;
 - (b) the outcomes and priorities for the area;
 - (c) the proposed outcomes to be achieved.
3. Approve the Locality Plan and recommend final approval by the Community Planning Strategic Board.
4. Review and monitor the progress of the Locality Plan, including approval of an annual progress report for publication, and receive progress and performance reports on local services, making recommendations to the relevant body/committee, as appropriate..
5. Where there is a local dimension to a Borders-wide plan, or a specific locality plan, act as a community consultation body.
6. Consider applications for financial assistance from the Council, through:
 - (a) Small Schemes;
 - (b) Quality of Life Funding; and
 - (c) Pay Parking Income (where available).

Note: Only SBC Councillors have decision-making powers for the above funds.
7. Promote and support the Localities Bid Fund, and encourage communities to get involved and participate.

- 4.2 The Locality Plan thus becomes the major focus for the community. The production and publication of this Locality Plan is a statutory requirement for the five lead statutory partners in the Community Planning Partnership – Scottish Borders Council, NHS Borders, Scottish Enterprise, Police Scotland, and the Scottish Fire and Rescue Service. All of the Community Planning partners are the main providers of public and other services throughout the Scottish Borders. It is envisaged that any of these partners will also be encouraged to bring their own specific locality plans to the Area Partnership to allow engagement with, and input from, local communities, and in the longer term, these separate plans should become part of the Community Planning Locality Plan, thus having a joined up plan for the local area.
- 4.3 At the moment, Locality Committees agree funding of projects through the Small Schemes Fund, Quality of Life Fund, and from Pay Parking income (where available). This will continue, but while there may be discussion with other partners, the final decision on this funding will be made only by SBC Councillors. The Localities Bid Fund, a pilot for participatory budgeting, has a different process, whereby proposed project bids will be subject to a public vote for the award of funding.

5 MEMBERSHIP FRAMEWORK– INTERIM AND LONGER TERM

- 5.1 While it is possible to appoint members, other than Councillors, to a local authority committee, there are some restrictions. Section 57(3) of the Local Government (Scotland) Act 1973, as amended, states that: “a committee, other than a committee for regulating or controlling the finance of their local authority or of their area....may include persons who are not members of the appointing authority”. Section 14(1) of the Local Government and Housing Act 1989, as amended, states that: “members of a local authority committee who are not local authority members shall be appointed as non-voting members”. It is anticipated that, as the focus of the Area Partnerships changes to that of a community engagement platform, agreement by consensus will be the way forward. There may be times when agreement is not required as a variety of community views are being sought. However, should consensus not be achieved (and one is required), then the final decision will need to rest with SBC Members to ensure compliance with legislation.
- 5.2 At its meetings held on 3, 18 and 25 October 2017, the Members Sounding Board considered future membership and attendance at Area Partnerships, including representatives from Community Councils, Community Planning partners, local bodies and organisations, and also those from communities of interest.
- 5.3 In terms of Community Council representation, there are currently 69 Community Councils across the Scottish Borders: Berwickshire – 21, Cheviot – 16, Eildon – 12, Teviot & Liddesdale – 8, and Tweeddale – 12. At the moment, each Community Council has a non-voting representative on their Locality Committee, although not all attend. There is a wide variation in the size of Community Councils, with constituencies varying from a few hundred electors to several thousand, and also between urban and rural locations. The original proposal presented to Council on 28 September 2017 was to have Community Council representation on Area Partnerships at a ratio of 1:6 (i.e. Berwickshire - 4, Cheviot – 3, Eildon – 2, Teviot &

Liddesdale – 2, and Tweeddale 2). However, while this could be helpful in Berwickshire, members did not feel this gave enough representation between urban and rural areas. A further proposal was discussed, whereby a maximum of 4 Community Council representatives would be appointed to each Area Partnership. It would be up to the Community Councils in each Locality to decide who would represent them. A further suggestion related to the Scottish Borders Community Council Network, and whether it would be more practical to have a separate Community Council network in each Locality area, given the difficulties of travel distance, number of meetings, etc. The Chairs of these local Community Council Locality networks could form the Scottish Borders Community Council Network, should there be a wish for that to continue. Discussion at local network as well as Borders-wide level could also take place electronically to ensure information and viewpoints were being circulated widely. However, it would be for Community Councils to take this forward and manage these local networks.

- 5.4 As the focus for Area Partnerships changes to that of Community Planning and the Locality Plan, consideration was given to appointing some of the lead statutory partners as members e.g. NHS Borders, Police Scotland and Scottish Fire & Rescue Service. Other Community Planning partners, along with local bodies or organisations, could be invited to send representatives to meetings where there was a specific interest. Representatives from 'communities of interest' were also discussed. These could match to some of the Council's Champions i.e. Armed Forces & Veterans, Children & Young People, Equalities, Learning Disabilities, Older People, and the Voluntary Sector, and would allow a local network of representatives to develop which could also assist the Council's Champions in their work.
- 5.5 However, this membership proposal could potentially cause difficulties in terms of total numbers for Area Partnerships. An example for Berwickshire could be:
- 6 SBC Councillors;
 - up to 21 Community Council representatives;
 - 4 statutory Community Planning partners;
 - up to 9 further Community Planning partners;
 - up to 6 representatives from communities of interest;
 - up to 6 representatives from other local groups/bodies.

This could mean a variation in number of members of the Area Partnership of between 6 and 52. The practicalities of having a large number of members of a committee need to be taken into account. By restricting the number of core members of the Area Partnership, representatives of other interested parties can be invited on a meeting by meeting basis initially. It is proposed that a cap of 20 is put on core membership. The meetings could be themed to match the outcomes of the Community Plan and Locality Plans, and representatives could be invited to reflect these particular themes.

- 5.6 A number of options were considered in terms of core membership in taking this forward, with all options including invitations to wider representatives to attend and consider matters on a meeting by meeting basis. The main point is to ensure the various communities feel involved and able to engage in any discussions. This can be achieved, not necessarily through

membership of the Area Partnerships, but through inclusion in their business. There could also be an incremental change to membership, once the Area Partnerships have been in operation for a time. It will then be for each Area Partnership to decide which core members to have, taking into consideration the service providers/customers within their own particular area, and the priorities within their individual Locality Plan, up to the maximum core membership of 20. In this regard, there will be an expectation that invitations to meetings would be issued to those not specifically core members of the Area Partnership but who are likely to have an interest in the business at any given meeting.

6 OPERATION OF AREA PARTNERSHIPS

- 6.1 It is important that any change to the focus of Area Partnerships should be reflected in their future operation. The basis and format of these meetings will need to change to move away from the report-driven/officer presentation style of current meetings. The Scottish Borders Community Plan has a number of themes – Our Economy & Skills; Our Health & Wellbeing; Our Children & Young People; Our Vulnerable Adults & Families; and Our Ageing Population – which are likely to be mirrored by the Locality Plans, as well as any locally agreed themes/priorities. These Locality Plans must describe the local priorities, what improvements are planned, when these improvements will be made, and must meet the needs and ambitions of local people so voices of local people are especially important. Participation with communities lies at the heart of community planning, and Community Partnerships must support community bodies to participate in all parts of the process; in the development, design and delivery of the Locality Plan; in reviewing and reporting on progress; and increasing community capacity where appropriate. In developing Locality Plans, the Area Partnerships must take account of existing Council or Community Planning partner policies, legislative requirements and decisions concerning service provision. The Area Partnerships will not have the power to direct or change or reinstate Council or partner services. However, the Area Partnerships and communities will be able to input into service planning through consultations and where communities wished to undertake services through the Localities Bid Fund, this could be considered, bearing in mind that some services are statutory and could not be delivered by communities themselves.
- 6.2 In future, once the Locality Plans have been developed and agreed, it is proposed that meetings of Area Partnerships will be based on each of the themes within the Locality Plan. Again, to move away from the more traditional committee meeting style, it is proposed that formal committee reports will not be considered by Area Partnerships, but briefing information will be sent out with the agenda with questions or areas for open debate at the meeting. If papers for meetings are issued 2 weeks prior to each meeting, then members of the public and others could be invited to submit comments in advance which could be circulated and taken into account in any debate at the meeting. A programme of business will be set up for each Area Partnership which will likely meet about 5 times per year, given the nature of the strategic business being considered (potentially Aug/Sep; Nov/Dec; Jan/Feb; March and June). Having more meetings than this may not be feasible as there would need to be enough time between meetings

for actions to be carried out and progress made. In a similar way, it would not be possible to include any "old style" meetings in the programme.

- 6.3 Greater officer support will be required to enable these changes to take place and for the Area Partnerships to be successful. There will be a requirement for officer time - working with Chairs - on agenda development; different styles of briefing information to go out with agendas; officers presenting information in a different way and facilitating debate and discussion; publicity/ marketing of the meetings; training on chairing this type of meeting. A locality lead officer could be put in place on a temporary secondment basis for each locality to enable the new structure to be set up and running. It is further proposed that the Area Partnerships are reviewed after 18 months of operation.

7 CHANGES TO THE SCHEMES OF ADMINISTRATION AND DELEGATION

- 7.1 With the focus of Area Partnerships moving to community planning, there are a number of existing functions of Locality Committees which will need to be either deleted or moved. These functions are:

- (a) *Determine local holiday dates* – this function is to be deleted as the Council has no locus to approved these dates.
- (b) *Consider and make recommendations for Local Byelaws and Management Rules* – in future this will be decided by the Council after consultation with the relevant local Members.
- (c) *Approve all matters relating to street naming and numbering, where not delegated to officers* – in future this will be decided by the Executive Committee after consultation with the relevant local Members.
- (d) *Approve local traffic management schemes* – in future authority will be delegated to the Service Director Assets and Infrastructure, after consultation with local Members, or consultation with Area Partnerships for major changes.
- (e) *Approve the making of temporary, permanent or experimental orders for the regulation of traffic, including stopping-up orders* – in future authority will be delegated to the Service Director Assets and Infrastructure, after consultation with local Members, or consultation with Area Partnerships for major changes.

8 IMPLICATIONS

8.1 Financial

There is currently no budget for the operation of Locality Committees. Any marketing and advertising costs would need to be factored in to the budget, along with the costs associated with any seconded officer posts to support Locality Committee chairs.

8.2 Risk and Mitigations

There is a risk the Council and the wider Community Planning partners will be perceived as being remote from the people it serves unless opportunities

to engage with, involve, and consult local communities on any future service planning. This could be mitigated by addressing the membership of Locality Committees; inviting a variety of representatives to meetings to participate in debate and put forward views from the community; and changing the style of meetings in general so they are less report-driven.

8.3 Equalities

It is anticipated that opening up Locality Committee meetings to wider community representation should have no adverse impact due to race, disability, gender, age, sexual orientation or religion/belief.

8.4 Acting Sustainably

There are no economic, social or environmental effects of the changes proposed to Locality Committees.

8.5 Carbon Management

Changes to Locality Committees should have no effect on the Council’s carbon emissions.

8.6 Rural Proofing

There should be a positive effect on the rural population of the Borders in terms of providing an opportunity for rural community representatives to either be members of Locality Committees, or be invited to attend and participate in meetings.

8.7 Changes to Scheme of Administration and Scheme of Delegation

The changes from Locality Committees to Area Partnerships in the Scheme of Administration are detailed in the Appendix to this report; and the changes to the Scheme of Delegation are detailed in Section 7 of the report.

9 CONSULTATION

9.1 The Members Sounding Board: Political Management Arrangements has been consulted, along with the Chairs of Locality Committees, on the options for changes to Locality Committees.

9.2 *The Chief Financial Officer, the Monitoring Officer, the Chief Legal Officer, the Chief Officer Audit and Risk, and the Service Director HR will be consulted on any draft report to Council and any comments received will be incorporated into the final report.*

Approved by

Jenni Craig

Service Director Customer and Communities

Signature

Author(s)

Name	Designation and Contact Number
Jenny Wilkinson	Clerk to the Council Tel: 01835 825004

Background Papers: Nil

Previous Minute Reference: Scottish Borders Council, 28 September 2017

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AREA PARTNERSHIPS

Constitution

1. Each Area Partnership will comprise –

(a) Core Members:

- (i) The elected Scottish Borders Councillors representing –
 - **Berwickshire Area Partnership:** the six Elected Members for the Wards of East Berwickshire and Mid-Berwickshire;
 - **Cheviot Area Partnership:** the six Elected Members for the Wards of Kelso & District and Jedburgh and District;
 - **Eildon Area Partnership:** the ten Elected Members for the Wards of Galashiels & District, Leaderdale & Melrose, and Selkirkshire;
 - **Teviot & Liddesdale Area Partnership:** the six Elected Members for the Wards of Hawick & Denholm and Hawick & Hermitage;
 - **Tweeddale Area Partnership:** the six Elected Members for the Wards of Tweeddale East and Tweeddale West;
- (ii) One representative from each of four different Community Councils in the Area Partnership area as non-voting members;
- (iii) Any other non-voting member appointed by the Area Partnership up to a total core membership maximum of 20.

(b) Additional Invited members:

Invitations to attend and participate as non-voting members in meetings where there are relevant agenda items:

- (i) appropriate representative(s) from the Community Planning partners (NHS Borders, Scottish Police, Scottish Fire & Rescue Service, Scottish Enterprise, Live Borders, RSLs, Borders College, Health & Social Care Integration Board, SEPA, SNH, Skills Development Scotland, SESTRAN, Third Sector, Visit Scotland);
- (ii) a representative from any other Community Group or Local body, as appropriate; and
- (iii) a representative from any other community of interest group, as appropriate.

Chairman/Vice Chairman

The Chairman and Vice Chairman of each Area Partnership shall be a Member of Scottish Borders Council.

Quorum

Three of the Scottish Borders Council Members of each Locality Committee, including at least one representative from each Ward, shall constitute a quorum, except for the Eildon Area Partnership where five shall constitute a Quorum.

Functions Referred

The following functions of the Council shall stand referred to each Area Partnership, in compliance with any statute and regulations governing those public, private and voluntary sector organisations involved:-

1. Champion/lead the preparation and publication of a Locality Plan for the area, while taking account of the Scottish Borders Community Plan.
2. Inform the Locality Plan, by involving local communities in establishing:
 - (a) a shared understanding of need in the area;
 - (b) the outcomes and priorities for the area;
 - (c) the proposed improvement(s) to be achieved.
3. Approve the Locality Plan and recommend final approval by the Community Planning Strategic Board.
- *4. Review and monitor the progress of the Locality Plan, including approval of an annual progress report for publication, and receive progress and performance reports on local services, making recommendations to the relevant body/committee, as appropriate.
- *5. Where there is a local dimension to a Borders-wide plan, or a specific locality plan, act as a community consultation body.
6. Consider applications for financial assistance from the Council, through:
 - (a) Small Schemes;
 - (b) Quality of Life Funding; and
 - (c) Pay Parking Income (where available).

Note: Only SBC Councillors have decision-making powers for the above funds.
7. Promote and support the Localities Bid Fund, and encourage communities to get involved and participate.

Functions Delegated

All functions above NOT marked *. Those functions marked * are referred to the Committee for consideration and recommendation only and must receive approval of the relevant other Council committee.

General

In addition to the functions referred and delegated to the Area Partnerships, the Council or other Organisations may from time to time seek the views of Area Partnerships on specific matters or applications out-with their normal remit.



EDINBURGH AND SOUTH EAST SCOTLAND CITY REGION DEAL

Report by Executive Director
SCOTTISH BORDERS COUNCIL

2 November 2017

1 PURPOSE AND SUMMARY

- 1.1 This report provides an update on the overall composition of the City Deal, including both Governments' financial offer and the Heads of Terms document signed in July and seeks authority to progress and implement the Edinburgh and South East Scotland City Region Deal through the establishment of a Joint Committee, and to delegate authority to the Chief Executive, in consultation with the Leader, to enter into a minute of agreement.**
- 1.2 The City Region Deal covering the City of Edinburgh and the South East Scotland Region involves East Lothian, Midlothian, West Lothian, Fife, City of Edinburgh and Scottish Borders Councils as the partners shaping the City Region Deal, along with input from universities and colleges, the private sector, the third sector and relevant public sector agencies. The City Region Deal aims to make a step change in economic growth across the region through a wide-ranging programme of investment. The proposals have been shaped around the following four interconnected programmes, with projects prioritised on strategic fit, impact and deliverability:
- a) Innovation hubs;
 - b) Infrastructure investment;
 - c) A regional housing programme; and
 - d) Culture and tourism programme.
- 1.3 Terms of Reference for a Deal were agreed in March 2016, Heads of Terms (detailed in Appendix 1 to this report) were received by partners from the Governments on 19 July 2017 and authority was granted to the Leader to sign the Heads of Terms of Agreement through an Emergency Powers Report on 19 July 2017.
- 1.4 The specific financial offer in the City Deal for Scottish Borders amounts to £15m (against an "ask" of £26.9M), mainly to be used for development of the Business Park at Tweedbank/Lowood. The overall costs of delivering the Tweedbank/Lowood project are estimated to be in the region of £58m. The funding commitment approved by the Council in the capital programme is currently £5m over 2017/18 and 2018/19, with a further £1.7m being provided by Scottish Enterprise towards the development of business infrastructure. Commercial rents and contributions of £10.6m are assumed

as part of the funding package. This indicates a current shortfall in capital funding of £25.7m to deliver the full project.

1.5 Authority is now sought to.

2 RECOMMENDATIONS

2.1 **I recommend that Council:**

(a) Notes the Heads of Terms of Agreement at Appendix 1 to this report;

And Agrees:

(b) To establish a Joint Committee under Section 57 of the Local Government (Scotland) Act 1973 with City of Edinburgh, East Lothian, Fife, Midlothian, and West Lothian Councils, representatives from the higher education and further education sector, and business to oversee the governance arrangements for the Edinburgh and South East of Scotland City Region Deal;

(c) The arrangements that will inform the proposed Minute of Agreement establishing the Joint Committee as detailed in Appendix 2 to this report;

(d) That the Leader of the Council be appointed to represent the Council on the Joint Committee;

(e) To delegate authority to the Chief Executive, in consultation with the Leader of the Council, to negotiate and agree the final Minute of Agreement (the draft attached at Appendix 3) establishing the Joint Committee, in line with the principles stated in Appendix 2 to this report, and any financial and resource contributions, if they are required; and

(f) That updates will be provided to the Economic Development themed meetings of Executive on an ongoing basis on progress with the implementation of the Edinburgh and South East of Scotland City Region Deal.

3 BACKGROUND

- 3.1 At its meeting held on 29 June 2016, Scottish Borders Council considered a report giving an update on the development of a City Region Deal covering the City of Edinburgh and the South East Scotland Region. East Lothian, Midlothian, West Lothian, Fife, City of Edinburgh and Scottish Borders Councils are the partners involved in shaping the City Region Deal, along with input from universities and colleges, the private sector, the third sector and relevant public sector agencies. The priorities for the Deal that form the basis of negotiations with UK and Scottish Governments are agreed by the Joint Committee, comprising representatives from the six local authorities and university and business sectors. This Joint Committee is supported by the Chief Executives Group.
- 3.2 The City Region Deal aims to make a step change in economic growth across the region through a wide-ranging programme of investment. The proposals have been shaped around the following four interconnected programmes, with projects prioritised on strategic fit, impact and deliverability:
- a) Innovation hubs;
 - b) Infrastructure investment;
 - c) A regional housing programme; and
 - d) Culture and tourism programme.
- 3.3 In 2016, the then Chancellor of the Exchequer, announced that the Government would be pursuing a City Region Deal for Edinburgh and South East Scotland. Terms of Reference for a Deal were agreed in March 2016, and Heads of Terms were expected by Spring 2017, although these were subsequently delayed by the announcement of the General Election in May 2017.

4 HEADS OF TERMS

- 4.1 The Heads of Terms, as received by partners on 19 July 2017 from the Governments, are detailed in Appendix 1 to this report. The Heads of Terms cover key commitments in:
- a) Research, Development and Innovation Programme
 - b) Employability and Skills
 - c) Transport
 - d) Culture
 - e) Housing
 - f) Governance and Assurance

4.2 The offer across the whole region is summarised below:

Theme / Project Name	UK Govt contribution (£m)	Scot Govt contribution (£m)	Total
Innovation	350 (between both Governments)		350
- Data-driven innovation projects and Queen Margaret University Food and Drink Innovation Campus	250		250
- Enabling infrastructure	50		50
- Economic infrastructure programme for Fife and Scottish Borders	50		50
Integrated Regional Skills Programme	-	25 (over 8 years)	25
Infrastructure	-	140	140
- A720 Bypass improvements at Sheriffhall	-	120	
- West Edinburgh	-	20	
Culture	10	10	20
- IMPACT	10	10	
Housing		65	65
- Regional infrastructure fund	-	50	
- Establishment of a new housing company		15	
TOTAL			600

4.3 The original ask for Scottish Borders amounted to £26.9m and the subsequent offer equates to £15m, mainly to be used for development of the Business Park at Tweedbank/Lowood.

4.4 Given the very tight timescale officers sought and were granted authority for the Leader to sign the Heads of Terms of Agreement through an Emergency Powers Report on 19 July 2017. A signing ceremony and announcement of the Deal was held on Thursday 20 July 2017, with Ministers from both Governments, Council Leaders and University and Business partners present.

4.5 Following the signing of the Heads of Terms of Agreement detailed work has begun on the full Deal document. This work will include developing detailed business cases to HMT Green Book standard. These will be presented to Council for consideration and approval in due course. The

target date for completion of the work and signing of the full Deal is 31 March 2018.

5 GOVERNANCE

Background

- 5.1 In June 2016, the six local authorities agreed to the principle of establishing a joint committee for the City Region Deal programme. Shadow delivery governance has been established, with the Leaders from the six partner local authorities providing strategic direction for the negotiations with the UK and Scottish Governments to secure agreement of the Heads of Terms in July 2017.
- 5.2 The role of the committee was highlighted as:
- a) Determine strategic focus;
 - b) Agree investment priorities;
 - c) Oversee planning and implementation activity; and
 - d) Monitor Impact
- 5.3 Although a joint committee has been meeting on a shadow basis (as the Leaders' group) since June 2016, it has not been established formally and the next steps are to establish this committee, its remit and membership.
- 5.4 The wider regional governance model to deliver the Edinburgh and South East of Scotland Deal will include:
- (a) A new cross-regional Business Leadership Group to bring together voices from across the private sector to play a full role across the City Regional development and delivery process
 - (b) An Executive Board comprising the six regional local authority chief executives, six regional local authority directors with a remit for the economy, plus a representative for the region's universities and colleges, and a programme management officer function. Its remit will be to support the Joint Committee in the delivery of the City Deal Programme; and
 - (c) A Programme Management Office (PMO). Experience from other Scottish City Region Deals has suggested that a well-resourced and led PMO that provides a central point of contact for all parties is essential. This must be in place before the funding of the deal can start to flow. Councils will be expected to contribute staff or financial resources to the PMO.
- 5.5 The Local Government (Scotland) Act 1973 gives power to local authorities to discharge their functions either by delegating power to a committee, sub-committee, officer or to another local authority in Scotland. This includes the power to appoint a joint committee made up of two or more local authorities.
- 5.6 The Joint Committee will aim to deliver increased value for money from the Edinburgh and South-East Scotland City Region Deal and wider

regional collaboration and provide the appropriate oversight and strategic direction

Remit

- 5.7 The local authorities have the power to delegate which decisions they feel necessary for the joint committee to be able to progress work streams. The remit contained in Appendix 2 provides decision making powers but would require any decision to commit funds and resources, to be undertaken by individual governing bodies rather than the joint committee. Significantly, the delegation of powers to a joint committee does not preclude the individual local authorities from still making those decisions.
- 5.8 The proposed powers are outlined in Appendix 2 to this report.
- 5.9 Constituent Councils will be able to add further powers to the remit of the Joint Committee at a later date if this is felt necessary. Non-Council members will be able to delegate further powers to their representatives when required.

Membership

- 5.10 It is proposed that the membership includes a representative from each local authority. Fife Council who have two co-leaders will have two members, although they will only have one vote between the two members.
- 5.11 The Local Government (Scotland) Act 1973 also allows the committee to contain members who are not councillors. If, as will be the case, the committee regulates or controls the finance of the local authority or its area then only councillors are permitted to be voting members.
- 5.12 The joint committee is a local authority decision making body. The non-Council members would make up three of the ten members and would include a minimum of one business representative and one higher education/further education representative.
- 5.13 It would be a decision for the higher education/further education and business member organisations whether they were content to empower their representatives on the committee to commit their organisations to the decisions made at the Joint Committee.

Minute of Agreement

- 5.14 It is proposed that a minute of agreement, a draft is attached at Appendix 3, is signed that will set out arrangements of the Joint Committee and how it will operate. These include amongst other things the membership, voting rights, period of office, quorum and who would chair the meeting. The details laid out in Appendix 2 to this report would form part of this minute of agreement.
- 5.15 It is proposed that the power to agree the Minute of Agreement is delegated to the Chief Executive, in consultation with the Leader of the Council, to allow for the details of the minute of agreement to be finalised but for there

to be no delay in the creation of the Joint Committee.

- 5.16 It is recommended that progress with implementing the Edinburgh and South-East Scotland City Region Deal and the work of the Joint Committee will be reported to the Economic Development themed meetings of Executive on a regular basis.

6 IMPLICATIONS

6.1 Financial

- (a) The Heads of Terms agreement provides £50m for infrastructure in the Scottish Borders and Fife Council areas. It is understood that the split of this sum is £35m for Fife and £15m for Scottish Borders. This is payable over a 15 year period. No profile for the funding has yet been provided. It should also be noted that the Heads of Terms document is silent on the mechanism by which funding will be provided, either via grant as enabling funding, staged payments, as a post construction grant claim or a payment by results mechanism.
- (b) The overall costs of delivering the Tweedbank/Lowood project are estimated to be in the region of £58m. The master planning exercise for Tweedbank is progressing and these costs will vary significantly depending on the scale of the development delivered, the level of public infrastructure required, and the eventual cost of any land acquisition.
- (c) The funding commitment approved by the Council in the capital programme is currently £5m over 2017/18 and 2018/19, with a further £1.7m being provided by Scottish Enterprise towards the development of business infrastructure. Commercial rents and contributions of £10.6m are assumed as part of the funding package.
- (d) Extant project cost estimates modelled on 2016 prices indicate a current shortfall in capital funding of £25.7m to deliver the project, assuming commercial income is delivered as presently envisaged.
- (e) With regard to Revenue consequences, the annual borrowing costs to finance this shortfall would be £1.2m. Should the scope of the project increase, each additional £1m of borrowing based on an assumed PWLB borrowing rate of 2.48% over 30 years, would cost a further £0.047m per annum.
- (f) The final project at Tweedbank and its financial consequences will only be known with any degree of certainty when the phasing of construction is modelled as part of the final business case approval.
- (g) The Heads of Terms document is currently silent on any revenue consequences arising from the regional skills programme.

6.2 Risk and Mitigations

- (a) There is currently limited information on the approach to risk for the City Region Deal; this may be shared between local authorities at a

programme level or be held by individual authorities on a project by project basis.

- (b) The region requires a long term programme of sustained capital investment to tackle existing issues such as congestion that constrain growth as well as open up opportunities to remain internationally competitive. Without this investment programme, there is a risk that the city region loses out on investment by the private sector and reduces its current contribution to the UK and Scottish economies. There is a further risk that the current situation where many residents in the region lack the opportunity to share in the region's economic prosperity does not change.
- (c) All City Deals require authorities participating to demonstrate a strong, local and accountable governance structure that includes each of the authorities participating in the Deal. The proposed governance is detailed in the main report and recommended for this Council to approve.
- (d) The key risk to the Council is that it will be required to front fund the net costs of Capital and revenue projects taken forward within the Scottish Borders. At present the grant funding levels and mechanisms around the City Region Deal and whether any "payment by results" model will apply, remains subject to agreement with the UK and Scottish Governments.

6.3 **Equalities**

All propositions aim to reduce inequalities across the city region. Inclusive Growth is one of the Scottish Government's four priority areas in its Economic Strategy. The integrated regional skills programme will work to ensure that all residents throughout the region have the ability to share in future success

6.4 **Acting Sustainably**

A City Region Deal would provide a mechanism to help drive forward investment in sustainable place making. A cross-cutting approach to sustainable growth is at the heart of the City Region Deal.

6.5 **Carbon Management**

No effect on carbon emissions are anticipated from the recommendations of this report.

6.6 **Rural Proofing**

It is anticipated there will be no adverse impact on the rural area from the proposals contained in this report.

6.7 **Changes to Scheme of Administration or Scheme of Delegation**

No changes are required to the Scheme of Administration or Scheme of Delegation.

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EDINBURGH AND SOUTH EAST SCOTLAND CITY REGION DEAL Heads of Terms



Our signing of this document confirms our joint commitment to achieve full implementation of the Edinburgh and South East Scotland City Region Deal.

.....
Keith Brown MSP
Cabinet Secretary for Economy, Jobs and Fair
Work
Scottish Government

.....
Damian Green MP
First Secretary of State
UK Government

.....
Cllr Willie Innes

Leader of East Lothian Council

.....
Cllr Adam McVey

Leader of The City of Edinburgh Council

.....
Cllr David Alexander

Co-Leader of Fife Council

.....
Cllr David Ross

Co-Leader of Fife Council

.....
Cllr Derek Milligan

Leader of Midlothian Council

.....
Cllr Shona Haslam

Leader of Scottish Borders Council

.....
Cllr Kirsteen Sullivan

Depute Leader of West Lothian Council

.....
Prof Charlie Jeffery

Convener, ESES FE&HE Consortium
University of Edinburgh

.....
Sir John Elvidge

Convener, ESES Business Consortium

EXECUTIVE SUMMARY

1. The Edinburgh and South East Scotland City Region comprises the six local authorities of City of Edinburgh, Fife, East Lothian, Midlothian, Scottish Borders and West Lothian. It is one of the most prosperous and productive UK regions and includes Scotland's iconic capital city, recognised worldwide for its culture, history and architecture.
2. The city region has a population of approximately 1.4 million people, more than a quarter of the Scottish population. Regional partners calculate that it contributes over £33 billion per year to the Scottish and UK economies.
3. A key driver for the investment in this deal is the opportunity to address inclusion across the region. Prosperity and success is not universal across the region: 21% of children are living in poverty; there is a lack of mid-market and affordable housing; and too many people are unable to move on from low wage/low skill jobs. The deal will address these issues, create new economic opportunities, and is expected to provide up to 21,000 new jobs. The region's new skills programme, alongside improved transport and housing provision, will ensure that businesses and communities across the region will benefit and will be given the chance to take advantage of these exciting new opportunities.
4. Since Spring 2016, the Scottish and UK Governments have been working with local partners to develop a transformational and inclusive city deal for the region that will:
 - Build on the region's strengths such as its high growth sectors that will provide the jobs of the future, its world class universities that are working with businesses on ground breaking R&D and innovation and Edinburgh's world class cultural offer.
 - Address key economic barriers with significant new investment in housing and transport.
 - Address issues which are constraining the region's economic potential and which match the strategic priorities for growth as outlined in the Scottish Government's Economic Strategy and the UK Government's emerging Industrial Strategy.
5. This heads of terms is a tripartite agreement between the Scottish Government, the UK Government and regional partners. **Both Governments are committed to jointly investing up to £600m over the next 15 years subject to:**
 - approval of final business cases for all projects and programmes;
 - development of a final city deal document and implementation plan;
 - establishment of clear and robust governance arrangements; and
 - the consent of all constituent local authorities and partners.
6. Regional partners have committed to contributing up to £501m to match fund the joint commitment from both governments. Overall this represents a deal worth over £1.1bn of investment.
7. This document represents a heads of terms agreement. Further detail on the implementation of specific commitments will follow in a finalised City Region Deal

document. This heads of terms document has been produced for the purposes of outlining the principles of the deal and does not form a legally binding contract.

THE COMMITMENTS

RESEARCH, DEVELOPMENT, AND INNOVATION PROGRAMME

8. Innovation is the lifeblood of the region's economy. The region is already home to world class research and development activity, much of which acts as an anchor for the development of new products and services through innovation in the private sector.
9. In Edinburgh city centre, approximately 2,400 people are employed in 570 technology led businesses, in close proximity to the University of Edinburgh. Growth has been impressive, with an increase of 58% and 48% in GVA and turnover respectively between 2010-14. Both Governments and local partners recognise the potential to further accelerate the development of key sectors (e.g. data science, robotics, financial services, fintech, agritech, creative and digital sectors) and to ensure the benefits of this growth are spread across the region.
10. As such the UK Government, Scottish Government and local partners have agreed a transformational Research, Development and Innovation programme (RD&I) for the region. This will drive further growth in the above sectors of the city region's economy and will support wider reform and improvement in public service provision.

Key commitments include

11. The UK Government and the Scottish Government will provide up to £350m of capital funding over a fifteen-year period to support the development of:
 - **Data storage and analysis technology that will allow large datasets to be brought together, in a secure environment, from public and private sector organisations.** This data analysis repository will allow the development of new products and services within key sectors. It will be based at the UK's National Supercomputer Centre at Easter Bush and will be connected to a region-wide Internet of Things (IoT) network.
 - **Five RD&I sectoral hubs** that will draw on the data repository and support RD&I activity in key sectors.
 - **The Bayes Centre for data**, a facility adjacent to the existing School of Informatics, which will provide shared working spaces for world-leading applied researchers, students, existing data science institutes and industry to drive data-driven Innovation.
 - **The Quartermile Old Royal Infirmary** will bring together researchers, businesses and key public sector organisations to drive RD&I in financial services, fintech, creative and media technology, tourism and public service provision

- **The Usher Institute** building within Edinburgh’s BioQuarter will house a centre for utilising data at scale to support data-driven health research, medical informatics and population health sciences.
 - **The National Robotarium** will be co-located on the Heriot-Watt University campus. It will offer access to leading-edge applied research in autonomous systems, sensor technologies, existing micro-assembly equipment. The Robotarium will also have access to the resources of both Heriot-Watt University and the University of Edinburgh.
 - Scaled-up incubation space for bioscience businesses and specialist facilities at **Easter Bush**, delivering alignment with the Roslin Institute’s research excellence in agritech and extensive industry partnerships.
- **A Food and Drink Innovation Campus located at Queen Margaret University** which will enhance and grow the nation’s food and drink sector. This will stimulate economic growth based on both national and international markets.
 - **An Edinburgh and South East Scotland programme of investment in economic infrastructure** to ensure that businesses and communities across the region are fully able to engage in the data-driven innovation opportunities, **including industrial and business premises, to ensure maximum impact from the innovation investment.** Local partners and the private sector will invest significant additional funding to deliver key regional economic priorities including new industrial and business premises at Tweedbank, in the Scottish Borders, and across Fife.
12. Complementing the Government investment, the private sector and local partners will invest £52m of capital funding to support the development of the RD&I hubs and a further £201m over a 10-year period, to provide a university-led innovation support programme that will:
- support companies to undertake RD&I activities in the RD&I sectoral hubs;
 - support research and commercialisation of new products and services;
 - create and deliver new Higher Education courses; and
 - support the development of a new generation of entrepreneurs – working in key sectors.

EMPLOYABILITY AND SKILLS

13. The Scottish Government’s recent Enterprise and Skills Review identified opportunities to strengthen regional delivery to achieve better outcomes.

14. Key commitments include:

- The Scottish Government will support the regional partners to stimulate active collaboration to deliver better outcomes for all of the region and particularly those people facing significant disadvantages to securing and sustaining meaningful, high quality employment.

- The Scottish Government will invest up to £25m (over eight years) in the regional partnership to deliver an Integrated Regional Employability and Skills Programme. This will reduce skills shortages and gaps, and deliver incremental system-wide improvements to boost the flow of individuals from disadvantaged groups (e.g. young care leavers, workless, and those in low paid or insecure jobs) into the good career opportunities that will be generated through the city region deal investment. This will deliver better impact from existing public, private and third sector investments.

TRANSPORT

15. This deal will deliver major investments to ensure that Scotland's capital and its region is served by world class transport infrastructure. The recently published SESplan cross-boundary study of the region has helped to show where transport investment will be most effectively targeted.
16. Partners will put in place a regional developer contributions framework which takes account of work being led by SESplan and the emerging findings of the jointly-produced cross-boundary study. These interventions and commitments, taken with the additional transport investment to enable the innovation and housing projects, will help ensure the region continues to grow and flourish.

17. Key commitments include:

- The Scottish Government will invest up to £120m to support improvements to the A720 City Bypass for the grade separation of Sheriffhall Roundabout.
- The Scottish Government will provide £20m investment to support public transport infrastructure improvements identified by the West Edinburgh Transport Appraisal, alongside investment from partners and the private sector.
- The Scottish Government commits to continuing to work collaboratively with the regional partners on identified regionally-led local transport investment priorities through the establishment of a Transport Appraisal Working group, with an agreed and mutually shared remit and proposed outcomes. Partners will have the opportunity to be involved in and influence the second Strategic Transport Projects Review.

CULTURE

18. Scotland's capital city has a world-class cultural offer which is vital in attracting around four million visitors a year who inject £1.3 billion to the region's economy. The new concert hall unlocked through this city deal will deliver £40m private sector investment and make a significant contribution to the ongoing success of Edinburgh's cultural offer.

19. Key commitments include:

- Both Governments will provide up to £10m each (a maximum of £20m) of capital funding to support the delivery of a new IMPACT concert hall that will reinforce Edinburgh's position as a pre-eminent Festival City.

HOUSING

20. As part of this deal, a regional housing programme recognises the very significant housing pressures across the region and the need to provide suitable housing to support sustainable economic growth.
21. The regional partners have committed, supported by the Scottish Government to deliver a 10-year ambitious programme of new housing across the region, delivering certainty to SMEs and maximising the economic benefit from the construction process through a substantial increase in off-site construction methods. This will be supported by existing training programmes through the Construction Scotland Innovation Centre.
22. This joint approach between local partners and Scottish Government will support the delivery of significant numbers of new homes across the region. Key to this scale of delivery is the unlocking of seven strategic sites. These are Winchburgh, Blindwells, Edinburgh's Waterfront, Calderwood, Shawfair, Tweedbank and Dunfermline.
23. The Scottish Government will support this delivery with the following key commitments:
 - Build on the recently committed additional £125 million between 2018/19-2020/21 to support the regional partners' 10-year affordable housing programme, subject to successful progress on this initial phase. Work on the next phase of the programme and the associated funding profile beyond 2020/21 to achieve agreed outcomes will begin in 2018.
 - Guarantee on a risk-sharing basis alongside West Lothian Council, up to £150m of infrastructure investment that will unlock up to 5,000 new homes in Winchburgh, West Lothian.
 - Prioritise and work with local authorities on a site-by-site basis to support local authority borrowing and share the financing risk of infrastructure delivery required across these sites, learning from the Winchburgh approach.
 - Provide housing infrastructure funding of up to £50m, of predominantly private sector loans, to be spent on projects that will unlock housing in strategic development sites across the region and which will build upon the regional strengths in off-site construction creating new economic and export opportunities.
 - Provide a financing and funding package comprised of consent to on-lend up to £248m and an additional one-off £15m capital grant to enable the City of Edinburgh Council to establish a new regional housing company to deliver a minimum of 1,500 homes at mid-market rent and competitive market rent levels.
24. Both Governments will also work with regional partners to maximise the potential contribution of public sector land and property in the region to help unlock further new housing.
25. These interventions will be linked to inclusive growth objectives through the creation of new jobs in deprived areas with investment linked to training opportunities.

GOVERNANCE AND ASSURANCE

26. Strong and effective leadership and governance is paramount to both successful implementation and in providing assurance to governments, local authorities and wider regional partners. To date, the city region deal has been developed through joint working by the region's local authorities and two consortiums, one for the business community and one for Higher and Further Education establishments, led by the University of Edinburgh.

Key commitments include:

27. Local partners will demonstrate the value for money case for each project and programme before funding is made available. As such, all commitments in this document are subject to the approval of final business cases from the relevant Government, or from both Governments in the case of jointly funded projects.

28. Partners will establish a new model of regional governance that will encompass the best practice approaches identified within the regional partnerships work stream of Phase 2 of the Enterprise and Skills Review. Following the recommendations of the Enterprise and Skills Review the model will focus on the needs of the area and will include an integral role for the private and third sectors. The new regional governance will include effective engagement with Scottish Enterprise, Skills Development Scotland and incorporate senior business and industry leadership. In respect of the Scottish Borders, the announcement of the South of Scotland Enterprise Agency will require Scottish Borders Council, all agencies and Government to take an approach that ensures an effective fit between the governance for the City Region Deal and the statutory nature of the new Agency.

29. The Scottish Government is developing an Inclusive Growth monitoring framework which will incorporate clear indicators to measure progress towards the five high-level inclusive growth outcomes (Economic Performance and Productivity, Labour Market Access, Fair Work, People, and Place) and will expect the City Region Deal evaluation and monitoring reports to align with this.

30. Local partners will work with both the UK Government and the Scottish Government to develop a final City Region Deal document, detailed implementation plan with monitoring and evaluation frameworks and associated business cases for all projects and/or programmes receiving funding from the UK and/or Scottish Governments.

31. Local partners will work with both the UK Government and Scottish Government to agree a communications strategy and an operating protocol. Both documents will set out how communications about the City Region Deal and its associated activities are taken forward, in a way that meet the needs of the regional partners as well as the UK and Scottish Governments.

ENDS

Appendix 2 – Joint Committee Arrangements

Membership

There will be one representative from each council, except in the case where there are joint leaders, where two will be permitted. There will be three non-Council representatives (including a minimum of one business and one regional higher and further education representative from the Edinburgh and South East Scotland city region). Each representative organisation will be allocated one vote.

Period of Office

The period off office will be determined by each individual member authority, but must not extend beyond the next local government elections.

Meetings

There will be a minimum of six meetings per annum.

Convener and Vice-Convener

The chair and vice-chair will be rotated annually

Quorum

The quorum will be three elected members and three councils, plus one non-council representative.

Remit

- Oversee the implementation of the Edinburgh and South East Scotland City Region Deal programme;
- Monitor the impact of the Edinburgh and South East Scotland City Region Deal Programme.
- Build and support inclusive growth focusing on the needs of the local area and strengthening the partnership between public, private and third sectors;
- Improve business involvement from the Edinburgh and South East Scotland city region in local decision making;
- Collaborate and work in partnership to assist in delivering regional planning and transport policy linking the Edinburgh and South East Scotland City Region Deal to SESTRAN and SESPlan
- work in partnership on other initiatives across the Edinburgh and South East Scotland city region with the explicit support of individual constituent members.

Any additional powers will be able to be delegated by the constituent councils at any point.

This remit allows for work to commence supporting the new model of governance outlined in phase 2 of the Enterprise and Skills Review for some regional partners but further work is required for any involvement in the development of the regional partnership. In the case of the Scottish Borders, South of Scotland Enterprise Agency will be the primary vehicle for economic development priorities.

Standing Orders

The Joint Committee should adopt its own Standing Orders

Meeting Arrangements

Any minute of agreement should include the arrangements for the location of meetings and which constituent council will administer the meeting.

Timescales

These arrangements will be reviewed by the members after the first six and twelve months. After partners enter the delivery stage, this will be reviewed periodically as deemed appropriate.

APPENDIX 3

MINUTE OF AGREEMENT

among

The City of Edinburgh, East Lothian, Fife,
Midlothian, Scottish Borders and West Lothian
Councils

("The Constituent Councils")

MINUTE OF AGREEMENT

among

The City of Edinburgh, East Lothian, Fife, Midlothian, Scottish Borders and West Lothian Councils

("The Constituent Councils")

WHEREAS:

- First A joint committee is required to discharge a number of functions and the establishment of the committee requires the authorisation of the Constituent Councils.
- Second The Constituent Councils are local authorities constituted under the Local Government etc. (Scotland) Act 1994.
- Third It is provided by Section 56(5) of the Local Government (Scotland) Act 1973 ("the 1973 Act") that two or more local authorities may discharge any of their functions by a Joint Committee of theirs.
- Fourth The Constituent Councils wish to appoint a Joint Committee under Section 57(1) of the 1973 Act for the discharge of the functions referred to below.
- Fifth Access to meetings and meeting documents of the Joint Committee is subject to the requirements laid out in Section 50 of the Local Government (Scotland) Act 1973.

NOW THEREFORE:

ONE Commencement

This Agreement shall commence and have effect from **DATE** 2017.

TWO Constitution

There is hereby constituted a Joint Committee to be known as "The Edinburgh and South-East Scotland Region Joint Committee" hereinafter referred to as the "Joint Committee" for the discharge of the above specified functions in terms of this Agreement.

THREE Members

The Joint Committee shall consist of the following 10 members:

- a) 1 member from each Constituent Council (excluding Fife Council);
- b) 2 members from Fife Council;
- c) 3 non-Council members of which one must be a business representative and one a further/higher education representative.

Any member of the Joint Committee may be represented by another member of the same authority (such member requiring to be a Councillor of the authority) or non-Council organisation. A person appointed as a substitute shall have the same powers at the meeting as the member whom he or she is representing.

FOUR Voting Rights

Each constituent Council shall have one vote each. Fife Council should nominate the member that will carry the vote.

A simple majority of those members present and voting shall be required in all voting procedures.

Each Constituent Council and non-Council member can opt their organisation out of a proposal and this does not automatically stop the proposal being taken forward by other members.

FIVE Period of Office

Members appointed by the Constituent Councils to the Joint Committee shall hold office for a period determined by their Council but this period must not extend beyond the next local government elections. Immediately after such election, each Constituent Council shall again appoint its number of members to the Joint Committee. Non-Council organisations shall be free to vary the period of office for their members of the Joint Committee.

SIX Vacancies in Membership

A member ceasing to be a member of the Constituent Council which appointed him/her shall cease to be a member of the Joint Committee as at the same date. In that event, or any other time the Constituent Council by which a member was appointed may appoint a member, to take his/her place for the remaining part of his/her period of office. Non-Council organisations may choose to introduce a replacement member of the Joint Committee at any time.

SEVEN Quorum

A quorum of the Joint Committee shall be three members appointed by and representing no less than three of the six Constituent Councils, and one non-Council member. Should the Joint Committee appoint a Sub-Committee, the membership of the Sub-Committee and its quorum shall be determined by the Joint Committee.

EIGHT Standing Orders

The Joint Committee shall adopt its own Standing Orders. In the event of any inconsistency between Standing Orders and the provisions of this Agreement, the provisions of this Agreement shall prevail.

NINE Meetings

The Joint Committee shall hold at least 4 ordinary meetings each year and may meet on such other occasions as may be necessary when a special meeting may be called in terms of Standing Orders.

A schedule of meeting dates and venues will be agreed annually by the Joint Committee.

Copies of notices, agendas and minutes of all meetings of the Joint Committee shall be transmitted to Constituent Councils and others for their information as soon as practicable.

TEN Powers and Duties of Joint Committee

The Constituent Councils are delegating the following powers to the Joint Committee:

- To oversee the implementation of the Edinburgh and South East Scotland City Region Deal programme;
- To monitor the impact of the Edinburgh and South East Scotland City Region Deal Programme.
- To build and support inclusive growth focusing on the needs of the local area and strengthening the partnership between public, private and third sectors;
- To improve business involvement from the Edinburgh and South East Scotland city region in local decision making;
- To collaborate and work in partnership to assist in delivering regional planning and transport policy linking the Edinburgh and South East Scotland City Region Deal to SESTRAN and SESPlan; and
- To work in partnership on other initiatives across the Edinburgh and South East Scotland city region with the explicit support of individual constituent members.

Any financial commitment proposed by the Joint Committee must be referred to each Constituent Council for individual agreement.

The Joint Committee may appoint from its members such Sub-Committees as it may from time to time consider necessary or desirable for the exercise of its functions and may, subject to such limitations as it may impose, delegate or refer to such Sub-Committees, any of the functions delegated to the Joint Committee under this Agreement. The Joint Committee shall appoint the Convener of any Sub-Committee appointed under this paragraph.

Further powers can be delegated to the Joint Committee with the agreement of all Constituent Councils.

ELEVEN Clerk

The Chief Executive of **X Council** or such other person as may be agreed by the Constituent Councils, shall be appointed as Clerk to the Joint Committee. This can be altered with the agreement of all Constituent Councils.

TWELVE Convener and Vice Convener to the Joint Committee

Subject to the provisions of this clause the Joint Committee shall appoint a Convener or Vice-Convener. The Convener and Vice-Convener of the Joint Committee shall be rotated annually at the first meeting of the Joint Committee following each 12 month term. The Convener and Vice-Convener of the Joint Committee shall rotate annually from amongst its members in the following sequence:

<u>Year</u>	<u>Convener</u>	<u>Vice-Convener</u>
1	City of Edinburgh Council	East Lothian Council
2	East Lothian Council	Fife Council
3	Fife Council	Midlothian Council
4	Midlothian Council	Scottish Borders Council
5	Scottish Borders Council	West Lothian Council
6	West Lothian Council	City of Edinburgh Council

Thereafter the same sequence will repeat.

The roles of Convener and Vice-Convener can not be held by the same authority at the same time.

The roles of Convener and Vice-Convener must be held by a constituent Council.

The Convener, when present, shall preside at all meetings of the Joint Committee. In the absence of the Convener the Vice Convener shall preside and in the absence of both, another member shall preside as the members present appoint. Where a vacancy occurs in the case of the Convener or Vice-Convener, the Joint Committee shall appoint a replacement from the same Authority for the remainder of their period of office.

THIRTEEN Resources

On the recommendation of the Chief Officers' Group, comprising of the lead chief officers for the six Councils, a Chief Officer shall be nominated who shall report to the Joint Committee and be responsible for carrying out the functions delegated to the Joint Committee. An Edinburgh and South-East Scotland Region Programme Management

Office shall also be established with financial contributions from all Constituent Councils and other sources.

FOURTEEN Amendment of Agreement

This agreement may be altered with the agreement of all Constituent Councils.

FIFTEEN Difference or Dispute

Any difference or dispute between the Joint Committee and any of the Constituent Councils or among the Constituent Councils concerning the interpretation or any matter arising out of this Agreement, which cannot be resolved by discussion and agreement of the Constituent Councils, shall be referred to the arbitration of the Sheriff Principal of the Sheriffdom of Edinburgh and the Lothians or any person appointed by her/him, whose decision shall be final and binding: IN WITNESS WHEREOF

SIXTEEN Termination of Agreement

If an Authority or non-Council organisation wishes to withdraw from the Joint Committee, they should give all member organisations one months' notice of this intention.



HAWICK FLOOD PROTECTION SCHEME

Report by Service Director Assets & Infrastructure

SCOTTISH BORDERS COUNCIL

2 November 2017

1 PURPOSE AND SUMMARY

- 1.1 **This report requests that the Council makes a Preliminary Decision to confirm the proposed Hawick Flood Protection Scheme 2017 (the Scheme) with no modifications, under the Flood Risk Management (Scotland) Act 2009 (the FRM) and the Flood Risk Management (Flood Protection Schemes, Potentially Vulnerable Areas and Local Plan Districts) (Scotland) Regulations 2010; as the Scheme requires an Environmental Impact Assessment. It also proposes the delegation of further authority to continue the Statutory Approvals Processes, the Scheme's Detailed Design and preparation for the Advanced Works.**
- 1.2 Hawick town has a history of damaging floods from both the River Teviot (which runs through the length of the town) and the Slitrig Water (which enters the Teviot by the town centre via Drumlanrig Bridge).
- 1.3 In 2013, the Project Team obtained Council approval to develop the Preferred Scheme through the Outline Design stage and the publication of the Scheme through the statutory process.
- 1.4 The key principles of the Preferred Hawick Flood Protection Scheme (the Scheme) have been maintained through the development of the Outline Design Process.
- 1.5 On 23 February 2017, Scottish Borders Council approved the Outline Design and authorised the commencement of the Statutory Approvals Process.
- 1.6 As part of the Scheme being approved under the FRM it was required to give notice of the Scheme in accordance with Paragraph 1 of Schedule 2 of the FRM. The date the notice was published under Paragraph 1 (1) (a) was 18 April 2017. The 28-Day Objection Period concluded on 29 May 2017.
- 1.7 Forty eight objections were received to the Scheme. All objections were deemed to be a 'valid objection' as defined within the FRM. The project team, including the Chief Legal Officer, undertook a detailed analysis and consideration of the topics within the objections.
- 1.8 The Project Team provided a detailed reply to every topic identified in every objection and then engaged with the objectors who had expressed

an interest in further discussions and meetings.

- 1.9 It was clear from the meetings with objectors that there were some common misinterpretations of what was being proposed by the Scheme, so the Project Team undertook a series of public events to enable the community to obtain a clear understanding of the proposals and raise any topics of concern. The Project Team believed that these evenings were successful and gave objectors and supporters the chance to express their views in a public forum.
- 1.10 The Project Team believe that all of the points raised in the objections are answered by the mitigation strategies in the suite of published document to provide a balanced scheme to meet all of the project objectives from a national, Council and local perspective. The way forward for the scheme has been developed following the strong interest within the community to be part of the detailed design phase, so Design Working Groups and a Traffic Management Working Group will be formed. The Project Board agree that the Project Team has fully and robustly considered the objections and determine that no modifications are required.
- 1.11 The parallel processes of Deemed Planning and the Water Environment (Controlled Activities) (Scotland) Regulations 2011 (i.e. CAR licence) have progressed well with the CAR licence being issued on 18 September 2017.
- 1.12 Before making a Preliminary Decision on a flood protection scheme with an Environmental Statement the Council must consider the environmental information to comply with Regulation 10 (3) of the FRM's 2010 Regulations. They must also state in their decision that they have done so.

2 RECOMMENDATIONS

2.1 It is recommended that the Council:

- (a) Notes the progress made with the project since the update in February 2017; and**
- (b) Makes a Preliminary Decision to confirm the proposed Hawick Flood Protection Scheme 2017 with no modification, under the Flood Risk Management (Scotland) Act 2009 and the Flood Risk Management (Flood Protection Schemes, Potentially Vulnerable Areas and Local Plan Districts) (Scotland) Regulations 2010; as the Scheme requires an Environmental Impact Assessment; and**
- (c) Confirms that it has taken into account the environmental information as detailed in section 7 of this report; and**
- (d) Provides the Scheme's Project Executive with the authority to commence the preparations for the Advanced Works and the Detailed Design stages to allow the project to stay on programme.**

3 CURRENT APPROVAL BY COUNCIL

- 3.1 Hawick town has a history of damaging floods from both the River Teviot (which runs through the length of the town) and the Slitrig Water (which enters the Teviot by the town centre via Drumlanrig Bridge). The following events are noted:
1. In October 2005 flooding of the River Teviot caused extensive inundation of the urban areas adjacent the River Teviot. This was an approximate 1 in 50 year flood event: it affected hundreds of properties and caused millions of pounds of damage;
 2. Major flood events on the Slitrig Water were recorded in 1767 and 1846 amongst other events.
 3. More recently, December 2015 (storm Desmond) caused flooding of the River Teviot, causing extensive inundation of the urban areas adjacent to the river corridor and the erosion of infrastructure, particularly in the Duke Street area. This was an approximate 1 in 35 year return period event.
- 3.2 On 4 September 2007, the Council approved an Implementation Strategy for the delivery of flood protection schemes in the Borders. The prioritisation of schemes was to be for: (1) Galashiels; (2) Selkirk; and (3) Hawick, in that order. The Galashiels FPS was approved in 2010 and was complete in 2014. The Selkirk FPS was approved in 2012 and was completed in 2017.
- 3.3 On 28 March 2013, at the end of the Option Appraisal Process, Scottish Borders Council agreed to:
1. Acknowledge progress in advancing the design of the proposed Hawick Flood Protection Scheme since June 2012;
 2. Approve the Preferred Hawick Flood Protection Scheme as detailed in the report; and
 3. Delegate authority to the Scheme's Project Board to authorise the Project Team to commence Stage 4 (Outline Design) and Stage 5 (The Statutory Approvals Processes) of the Scheme's design.
- 3.4 The approval of the Preferred Scheme allowed the Project Team to progress the Outline Design stage over the course of 2015 and 2016 based on the Preferred Scheme of 2013, adhering to the original objectives, where possible, as below:
1. *The Scheme will protect against flooding from the River Teviot through the length of the town of Hawick;*
 2. *The Scheme will protect against flooding from the Slitrig Water between Drumlanrig bridge and when it joins the Teviot;*
 3. *The Scheme will not protect against the Slitrig Water above Drumlanrig Bridge;*
 4. *A uniform level of protection will be provided to all areas of the town that are being protected. This will be against the 1 in 75 year flood event. This does not include an allowance for climate change;*
 5. *The foundations of the flood defences will be designed such that the defence heights can be increased to protect against the 1 in 100 year flood event;*
 6. *The total length of flood defences will be approx. 5.5km;*
 7. *The average height of the flood defences will be approx. 1.5m above*

existing ground level;

8. *Where the height of the new flood defences is greater than 1.4m it is intended to raise the existing ground level behind the new defences to restrict the height to no greater than 1.4m;*
9. *It will be required to provide seven new flood gates; and*
10. *New flood walls and embankments will be provided, however wherever it is possible the Scheme will incorporate the walls that currently exist at the edge of the river.*

3.5 During the development of the Outline Design the following amendments have been made to the Project Objectives:

Project Objective (Reference is to section 3.4 of this report)	Updated Project Objective Text (Text in italics is original text, and text that is not italics and is underlined is new/revised)
3.4.4	<i>A uniform level of protection will be provided to all areas of the town that are being protected. This will be against the 1 in 75 year flood event. This does not include an allowance for climate change, thereby <u>protecting 930 residential and commercial properties at risk.</u></i>
3.4.6	<i>The total length of flood defences will be <u>approximately 5.93km, with 5.6km of walls and 0.33km of embankments.</u></i>
3.4.7	<i>The average height of the flood defences will be <u>approximately 1.63m above existing ground level, with a maximum of 2.55m at the High School.</u></i>
3.4.8	<i>Where the height of the new flood defences is greater than 1.4m it is intended to raise the existing ground level behind the new defences <u>where possible, or use strategically placed glass panels to retain the visual connection with the River Teviot.</u></i>
3.4.9	<i>It will be required to provide <u>a maximum of seven new flood gates.</u></i>
New Objective	<u>The walls will be designed for a lifespan of 100 years minimum.</u>
New Objective	<u>Maximise the cultural, heritage, educational, environmental, energy and health opportunities that a major civil engineering project can deliver in partnership with the community and external organisations.</u>
New Objective	<u>Structural analysis of the existing riverside walls has shown that in virtually all cases, the existing walls must be replaced with new structures in order to achieve the 100 year design life.</u>

- 3.6 On 23 February 2017, at the end of the Outline Design stage, Scottish Borders Council agreed to:
1. Approves the Proposed Final Outline Design for the Scheme that had been developed over the previous two years.
 2. Authorises the project team to commence the Statutory Approvals Processes identified in the Flood Risk Management (Scotland) Act 2009 (the FRM), and the Flood Risk Management (Flood Protection Schemes, Potentially Vulnerable Areas and Local Plan Districts) (Scotland) Regulations 2010.
 3. Instruct the Project Team to present the Scheme to Council for a decision, as detailed in the FRM and the 2010 Regulations, as soon as possible after the end of the formal 28-Days objection period.

4 STATUTORY APPROVAL PROCESSES

- 4.1 The Statutory Approvals Process consists of a number of discrete processes through which the Scheme can obtain legal powers for the delivery of the works. The main approvals are:
1. **The Scheme Approval:** under the FRM; and the Flood Risk Management (Flood Protection Schemes, Potentially Vulnerable Areas and Local Districts) (Scotland) Regulations 2010 (2010 Regulations);
 2. **Deemed Planning Consent:** under the FRM; the 2010 Regulations; and section 57 of the Town and Country Planning (Scotland) Act 1997;
 3. **The CAR Licenses:** under the Water Environment (Controlled Activities) (Scotland) Act 2011, also known as a CAR Licence; and
 4. An **Appropriate Assessment** under the Habitat Regulations Appraisal (HRA).

Footnote to section 4 of this report: The Scottish Government issued additional regulations to supplement the FRM and the 2010 Regulations in May 2017. These 2017 Regulations came into force after the publication of the Scheme therefore this Scheme does not take into account the Regulations contained within these new Regulations as is appropriate in this type of situation.

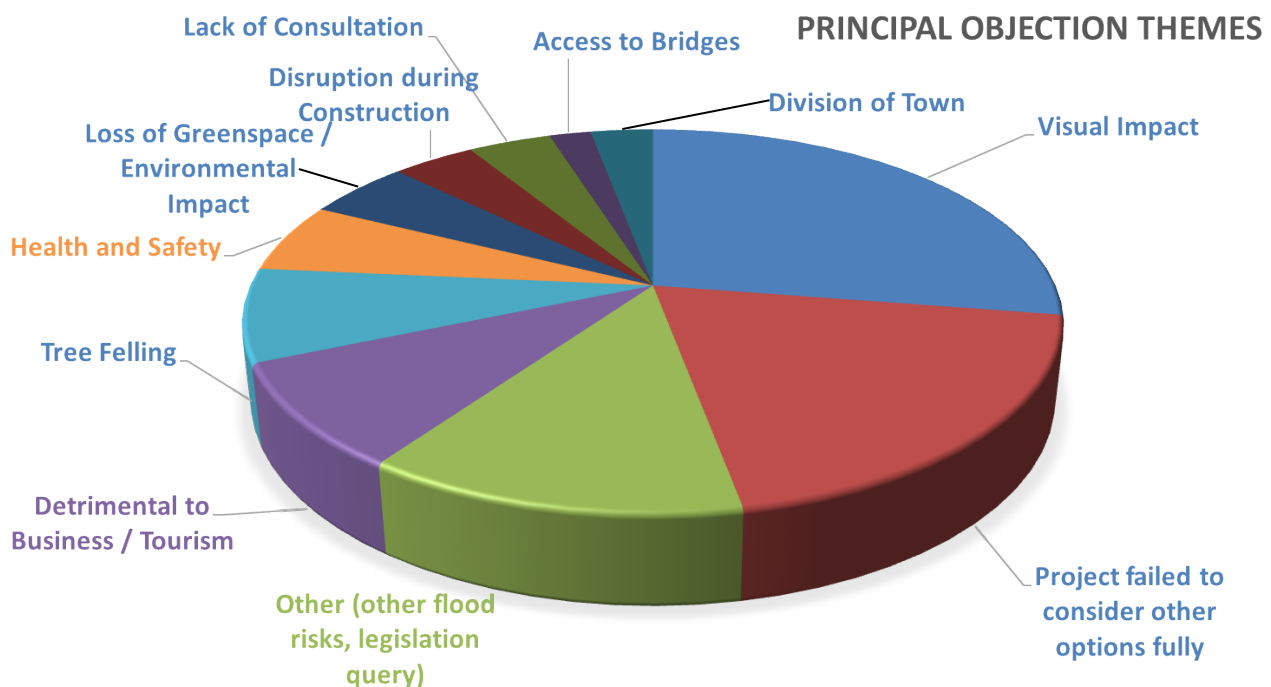
5 PROGRESS UPDATE - SCHEME APPROVAL PROCESS

- 5.1 The Statutory Approvals Process was commenced on 18 April 2017 with the publication of the Scheme under Paragraph 1 of Schedule 2 the FRM and the requirements of Regulation 7 of the 2010 Regulations. There was a 28-Day objection period where any person was entitled to object to the Scheme in accordance with Paragraph 3 of Schedule 2 of the FRM.
- 5.2 The publication process involved the issuing of approximately 4000 letter to owners/occupiers/tenants of land affected by flooding or the proposed works. This was supplemented with on street notices, which were regularly checked by the Project Team and press notices in defined publications (including local press).
- 5.3 Under Paragraph 3 of Schedule 2 of the FRM any person is entitled to object to a proposed scheme. The process through which this is to be achieved is further detailed in Regulation 12 of the 2010 Regulations and a full description of the process was included in the new notice. There are various criteria that determine whether or not an objection is valid and the objections period expires 28 days after the date notice of the Scheme is first published.
- 5.4 The 28-Day objection period closed on 29 May 2017. Forty-eight objections

to the Scheme were received during the objection period and the status of those objections was as follows:

- 5 were non-valid, however the team categorised them as valid so that the themes of the objections could be considered further by the project;
- 43 were valid, as they stated their names and contact details and were submitted within the 28-Day period; and
- There were no objections from statutory stakeholders or other project consultees that have been involved in the development of the Environmental Statement. This means that there is no automatic referral to Scottish Ministers to determine if a Public Local inquiry is required.

5.5 Following the initial consideration of the objections, they were split into eleven key themes which are relatively weighted within the pie chart that is provided below:



5.6 Of the forty eight objections, eight came from individuals directly affected by the 1 in 75 year flood event or the proposed works. Should any of the objections from this group not be withdrawn before the Preliminary Decision is made by the Council, the project will have to be referred to the Scottish Ministers to decide if a Public Local Inquiry is required.

5.7 In relation to the other forty objections, if they cannot be removed it will be a Council decision to determine if a local hearing is required, if the basis of their objections have not been considered robustly and mitigated by the Proposed Scheme.

5.8 The Project Team, including the Chief Legal Officer, undertook a detailed analysis and consideration of the topics within the objections and undertook the following actions:

1. 15 June 2017 - a detailed response was provided to each of the eight objectors (i.e. that are directly affected by works or flooding) responding to the specific points in their objection. A redacted version of a response letter is provided in **Appendix A** (as an example);
2. 19 June 2017 - an interim letter to the thirty-five objectors (i.e. not

directly affected by works or flooding) to inform them that their objection is being considered and a full response will be provided in due course.

3. 21 June 2017 – a detailed response to each of the thirty-five objectors responding to the specific points in their objection. The responses to all issues brought up in the objections is contained in **Appendix B**;
 4. 7 July 2017 - An interim acknowledgement letter was issued to five objectors that were subsequently considered valid (and which are not directly affected by works or flooding);
 5. 13 July 2017 – a detailed response to each of the five objectors, identified in section 5.8.4 of this report, responding to the specific points in their objection;
 6. In parallel with the objection process, three of the objectors were not content with the response to their objection and they issued a complaint through the Council’s internal complaint process. All of these complaints have followed the full process.
 7. 18 August 2017 – Publication of 48 objections via the Scheme’s Website and the Hawick Contact Centre. These are provided in **Appendix C**;
 8. The project team have undertaken as many meetings as possible with objectors who are willing to meet the team to discuss their objection. The face-to-face meetings have taken between two to three hours each, but are understood to have been productive for both parties.
 9. Following this initial set of meetings one objector, within the land affected by flooding or the works, voluntarily removed their objection to the Scheme.
- 5.9 It was felt by the Project Team after this initial set of meetings that there was a degree of misinterpretation about how the key Scheme parameters (route, height and finish) would impact on the town and the community. In order to provide the objectors and wider community with an opportunity to gain clarity on the Scheme proposals, a series of evening meetings was arranged for 29th, 30th & 31st August 2017.
- 5.10 All of the forty-eight objectors were provided a direct invitation to this series of community events and this was supplemented with press adverts, notices placed on street and an email distributed to the Scheme’s Stakeholders who are on the Scheme’s emailing database.
- 5.11 The first public meeting focused on the area of the town between the High School and Teviot Crescent. There were approximately fifty people who attended this Scheme walk and it was clear that the community believed that the walls were two metres high throughout the town and were going to box in the watercourse. The Project Team were able to respond to queries regarding wall heights, dredging and visual impact. The Project Team also highlighted the opportunities the Scheme has that could enhance the water corridor and deliver a cycle path linking Wilton Lodge Park with Weensland.
- 5.12 The second public meeting focused on the area of the town between Laidlaw Terrace and Weensland. There were approximately ninety people attended this Scheme walk and they appeared to share the same misconceptions of the Scheme that were identified on the first night. The Project Team were able to respond to queries regarding wall heights, dredging and visual impact. The visual impact was a particular area of concern in this area of the town due to the density of residential properties adjacent to the watercourse. The Project Team used visual aids to demonstrate the height of walls along

the Scheme and highlighted the mitigation measures to continue to allow visual and physical connection with the River Teviot.

- 5.13 The third meeting was a formal event in the Town Hall, chaired by Andrew Farquhar, where the Project Team (Project Executive, Project Manager & Design Manager) undertook a formal presentation and were available to answer any questions from the audience. Approximately one hundred and twenty five people attended the meeting. The meeting lasted three hours, with a forty-five minute presentation and over two hours of questions from the audience. The team provided answers to the following key question themes (amongst many others):

- Wall heights;
- Visual impact;
- Dredging;
- Natural Flood Management; and
- Alternative solutions to fixed walls;

The most poignant moment of the evening was when a resident from Duke Street reminded the audience in the room the emotional and mental trauma when your home has been devastated by flooding and still remains unprotected.

It was felt that just as during the two Scheme walks the Project Team were able to robustly defend the Proposed Scheme and the processes that it has followed to date as it has travelled from a concept through the Option Appraisal Process and Outline design.

- 5.14 At the end of the meeting members of public were encouraged to submit a ballot paper to confirm whether they 'I support the scheme', 'I am undecided' or 'I do not support the scheme'. The results showed:
- 58 people at the meeting supported the scheme;
 - 4 people at the meeting were undecided; and
 - 3 people at the meeting still did not support the scheme.
- 5.15 Following these community meetings the Project Team received confirmation from two objectors who reside within the area affected by the works and/or flooding, that they wished to voluntarily remove their objection to the Scheme. This left five objectors within this boundary and forty objectors out with this boundary at that point.
- 5.16 The Project Team re-engaged with the objectors following the evening meetings to continue to answer the concerns and identify if any further information regarding the proposed scheme, or commitments around the community involvement in the detailed design process, was required to allow the removal of individual objections.
- 5.17 Through the engagement process with the community there has been a clear desire from the community to be involved in the detailed design phase to help shape the hard and soft landscaping of the scheme. The Project Team will publish a Design Statement and are committed to the community being involved in the Detailed Design phase.
- 5.18 The Project Team have also committed to creating a community Traffic Management Working Group for the development of the plans for the Advanced Works and the Main Construction Period to enable public and business input into agreeing the best balance for the works and to keep the town functioning during these periods.

- 5.19 At the time of writing this report the status of objections is as follows:
1. The eight objectors within the area affected by the 1 in 75 year flood event and/or the works have removed their objections. Therefore there is no automatic referral to Scottish Ministers for a Public Local Inquiry;
 2. From the forty objectors, out with the affected zone, not all have removed their objections (4 removed and 36 upheld), however the Project Team have provided a considered and robust response to their concerns and there is no need to modify the scheme to address their objections. Some of these objectors have confirmed that they will not remove their objection despite the information provided and the remainder have not indicated that they wished to be contacted further.
 3. The Council can now make a Preliminary Decision without the need for a local hearing or a modification to the Scheme.

A full schedule of the engagement with the objectors is provided in **Appendix D**.

- 5.20 In accordance with the FRM, at the end of any 28-day objection period there are a number of different routes through which a Scheme can achieve approval. The route chosen is not optional but dependant on the specifics of, initially, the objections and, thereafter, the actions taken in dealing systematically with the objections. For example:

1. In the event that no valid objections were received then the Council must make a decision as detailed in Paragraph 4 of Schedule 2 of the FRM. For this Scheme, as forty-eight valid objection were received this route was not possible.
2. Paragraph 5 of Schedule 2 of the FRM provides for a situation where at least one valid objection is received. In this instance the Council must make a Preliminary Decision. This is the current position for this Scheme, therefore this report requests that the Council make that Preliminary Decision. This process is fully detailed in section 8 of this report.

6 PROGRESS UPDATE - DEEMED PLANNING CONSENT

- 6.1 Where a Scheme is confirmed under the FRM, the Council must request that the Scottish Ministers direct that planning permission for any development described in the Scheme is deemed to be granted. This is detailed in Section 65 of the FRM and Regulation 14 of the 2010 Regulations.
- 6.2 In order that the requirements of Regulation 14 of the 2010 Regulations are adequately addressed, the Project Team are currently assembling the information required by the Scottish Ministers. Scottish Borders Council Regulatory Services are also currently undertaking a full review of the Scheme from a planning perspective and will produce a report for submission to the Scottish Ministers to assist them in their consideration.
- 6.3 At this point there is no action required of the Council in relation to the Deemed Planning Permission part of the Statutory Approvals Process, therefore it is not proposed to discuss it further within this report.

7 PROGRESS UPDATE - THE CONTROLLED ACTIVITIES REGULATIONS LICENCES

- 7.1 Following detailed discussion between the Project Team and SEPA, it was determined that one Engineering licence under the Water Environment

(Controlled Activities) (Scotland) Regulations 2011 would be required. The key dates are as follows:

- This application was submitted to SEPA on 27 March 2017 and was confirmed as received by SEPA on 30 March 2017;
- The notice was published on 12 May 2017 and the associated objection period closed on 9 June 2017; and
- The draft licence was received from SEPA on 28 August 2017.
- The final licence was received from SEPA on 18 September 2017.

7.2 There is no further action required of the Council in relation to this CAR Licence part of the Statutory Approvals Process therefore it is not proposed to discuss it further within this report.

8 MAKING A PRELIMINARY DECISION FOLLOWING OBJECTIONS

8.1 The process through which the Scheme is being approved is contained within the FRM and its 2010 Regulations. There is no clear path through these pieces of legislation and at each stage the next step needs to be determined on the basis of the outcome of the previous step. The process is summarised in the Scheme's notice and the legislation legal process flow chart, a copy of both are provided in **Appendix E** of this report. In arriving at a point where the Council must make a Preliminary Decision the following points are noted:

- (1) The Scheme has been notified and has had a 28 day objections period, as is required of the process;
- (2) If no valid objections had been received then the local authority must make a 'decision where no valid objections are received' in accordance with Paragraph 4 (1) of Schedule 2 of the FRM;
As forty-eight valid objections have been received this is not possible;
- (3) Therefore the local authority (the Council) must make a 'Preliminary Decision following objections' in accordance with Paragraph 5 (1) of Schedule 2 of the FRM and as indicated in section 5.20 of this report;
- (4) Once the Preliminary Decision is made the Council must notify the objectors and offer them the opportunity to withdraw their objection in writing.

8.2 The following is a direct copy of Paragraph 5 (1) of Schedule 2 of the FRM:
Where, in relation to a proposed flood protection scheme, the local authority receives a valid objection, it must make a preliminary decision to –

- (a) Confirm the proposed scheme without modifications,*
- (b) Confirm the proposed scheme with modifications, or*
- (c) Reject the proposed scheme.*

8.3 Paragraph 5 (2) of Schedule 2 of the FRM instructs the local authority to consider any valid objections to the Scheme. Consideration of the valid objections by the Project Team was undertaken and this is reported in sections 5 of this report so that the Council can consider whether the project team have considered the objections robustly to support the recommendations of this report.

8.4 The Project Team believe that they have considered all of the objections robustly and provided appropriate responses and evidence to the objectors to answer their concerns, and have demonstrated that the Proposed Scheme is the best solution for the town taking account of all of the constraints and objectives of the project. The Project Team will produce a Detailed Design

Statement that commits to the formulation of groups within the community to help development of the hard and soft landscaping elements of the detailed design process. This position was agreed at Project Board on 19 September 2017.

- 8.5 Regulation 10 of the 2010 Regulations identifies that a local authority may not make a decision in relation to a flood protection scheme with an environmental statement unless they have taken into account the environmental information referred to in Regulation 10, Paragraph (3) of the 2010 Regulations. They must also state in their decision that they have done so.
- 8.6 On 19 September 2017 the Project Board approved the recommendation to Council that the Preliminary Decision should be made without modification to the Scheme. A summary of how the Project Team have met the requirements of the FRM and the 2010 Regulations is provided in **Appendix F**.

9 THE ENVIRONMENTAL STATEMENT

- 9.1 This is a comprehensive document and it is considered to be too detailed and too complex to summarise it in this report. A decision has therefore been taken to make the Environmental Statement available to members such that they can consider the environmental impact of the proposed Scheme before taking a Preliminary Decision. It will be available in the Members Support office for Members to review and at the following website link <http://www.hawickfloodscheme.com/finalscheme/>

10 REPRESENTATIONS

- 10.1 Three representations were made on the Scheme during the 28-Day Objections Period from persons/consultative bodies stipulated in the FRM and the 2010 Regulations and their representation must therefore be considered by members as environmental information as detailed in section 8.3 of this report. These representations are provided in **Appendix G** to this report and were from:
1. The River Tweed Commissioners;
 2. Scottish Natural Heritage; and
 3. SEPA.
- 10.2 In their email of representation the River Tweed Commissioners state: *'The River Tweed Commission (RTC) has engaged in detailed pre application discussions with Scottish Borders Council (SBC), SEPA and SNH, which has included attending SBC's Environmental Consent Working Group. This consultation process on the River Teviot at Hawick has proved to be constructive and extremely positive, and I take this opportunity to thank you for your consultation on the above proposal. The RTC is fully committed to this flexible approach working closely with other Agencies involved in this project.'*
- 10.3 In their letter of representation Scottish Natural Heritage state: *'There are natural heritage interests of national and international importance on the site, but in our view, these will not be adversely affected by the proposal.'*
- 10.4 In their email of representation SEPA state: *'We have no objection to the scheme'*

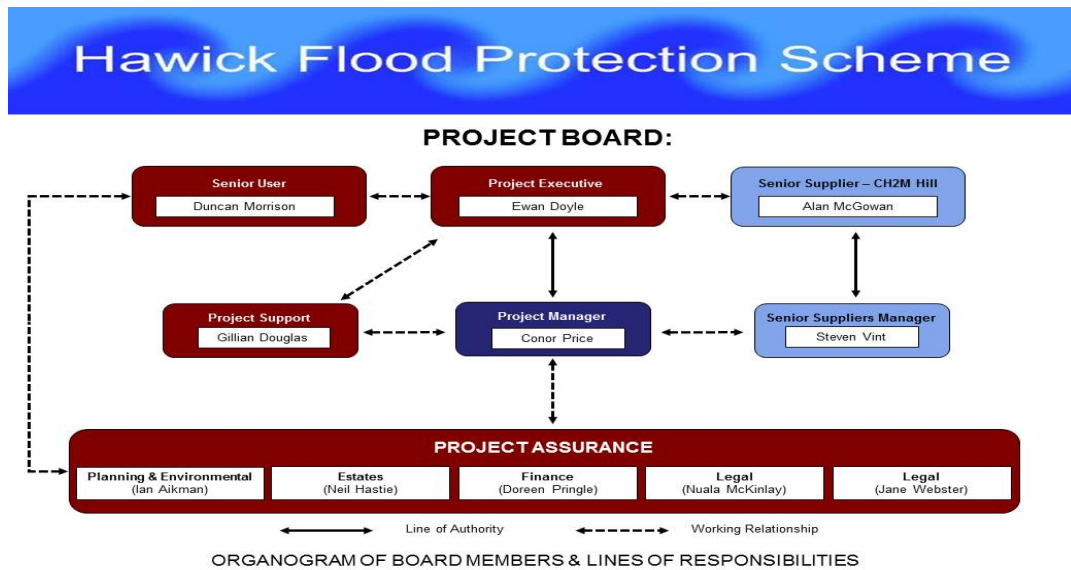
11 THE NEXT STEPS

- 11.1 Once the Preliminary Decision is made by the Council, notice must be given to every person who submitted an objection and which is considered by the Council in making their Preliminary Decision. This is in accordance with Paragraph 5 (3) of Schedule 2 of the FRM. In this instance there were forty eight objections received: of these thirty-six remain as four have been withdrawn, therefore notice will be provided to these remaining thirty-six.
- 11.2 It is within these notices issued to the objectors after the Preliminary Decision that the offer to withdraw their objection will be made. This is in accordance with Regulation 13 of the 2010 Regulations. It is the response of the objectors to that offer that will determine the remaining processes prior to the Final Decision under Paragraph 9 (1) of Schedule 2 of the FRM being made.
- 11.3 Further to section 11.2 of this report it is noted that there are effectively two categories of objectors, namely:
1. Those from within the flooding and/or works areas (i.e. the 1 in 75 year flood event area and/or the construction works area). There are no - such objectors remaining; and
 2. Those from outside of the flooding and/or works areas (i.e. the 1 in 75 year flood event area and/or the construction works area). There are now thirty-six such objectors remaining.
- 11.4 Further to the definitions in section 11.3 of this report, as there are no objectors remaining within the 1 in 75 year flood event area and/or the construction works area, the Final Decision, in accordance with Paragraph 9 (1) of Schedule 2 of the FRM, can be made by the Council.
- 11.5 Further to section 11.4 it anticipated that the Project Board will authorise the project to advance a recommendation to Council to make a Final Decision under Paragraph 9 (1) at the Council meeting on 14 December 2017.
- 11.6 Further to section 11.4 of this report, it is noted that notwithstanding the rights of Council to take a Final Decision, there may remain outstanding objections from the 40 other objectors. The Council must therefore reflect on whether or not these objections and/or the themes identified within them have been appropriately considered by the Scheme before making a Final Decision.

12 COMMENCING THE NEXT STAGES

- 12.1 The project is being run through the PRINCE2 System for managing projects and in accordance with this system a Project Board is in place to manage the project.
- 12.2 The Project Board was established in early 2012 and has been there to manage the project since that point. The Board formally meets approximately every two months but members of the Board meet on an ad-hoc basis as required to allow the Project Executive and/or Project Manager to advance the project. A schematic of the Project Board's structure is provided in figure 12.2 below.

Figure 12.2 – The Project Board Organogram



12.3 The project is being advanced in discrete stages, which is in accordance with the PRINCE2 System, and these stages have been designed to align with the major stages in advancing a flood protection scheme. A schematic programme is provided in figure 12.3 that both illustrate the six discrete stages, but also the timescales associated with each of these stages.

Figure 12.3 – Schematic Programme (based on scenario with final decision to confirm Scheme in December 2017)

	2017	2018	2019	2020	2021	2022
Objection Resolution	█					
Scheme Confirmed	◆					
Detailed Design	█	█				
Advance Works		█	█			
Procurement		█	█			
Construction			█	█	█	

12.4 It is proposed that Scottish Borders Council provide the Project Board with the authority to commence the preparation for the Advanced Works (Public Utility diversions) and the Detailed Design stage to allow the project to keep to the current programme and the Council’s commitment to have Hawick protected from flooding by June 2021.

13 IMPLICATIONS

13.1 Financial

- (a) The current approved budget estimate for the project was determined in September 2016 during the Outline Design development stage and the drafting of the Environmental Statement, and at that time this

estimate informed the preparation of the emerging Capital Financial Plan. The proposed budget and profile was approved by Council on 9 February 2017 and subsequently adjusted with Executive approval to meet the timing of the Scheme progression and is as follows:

Table 13.1(a) – Approved Budget as per Executive Committee on 5 September 2017.

	Historic al costs	2017/ 18 £000s	2018/ 19 £000s	2019/ 20 £000s	2020/ 21 £000s	2021/ 22 £000s	TOTAL
Total Estimate 1	2,127	884	1,945	11,948	15,703	8,103	40,710

- (b) Following the finalisation of the Outline Design and Environmental Statement however, and a subsequent update to the quantified risk assessment in August 2017 (as part of the risk management strategy for the project), a revised budget estimate has been established as follows:

Table 13.1(b) – Current Scheme Estimate following Finalised Outline Design

	Historic al costs	2017/ 18 £000s	2018/ 19 £000s	2019/ 20 £000s	2020/ 21 £000s	2021/ 22 £000s	2022/ 23 £000s	TOTAL
Current Estimate	2,127	1,234	4,040	12,607	16,036	7,909	308	44,261

- (c) The capital scheme estimate which will be submitted into the capital financial planning process now has more certainty with the completion of the Outline Design and the identification of additional works and additional funding. The project has increased in value (£3,551M), but the Project Team have also brought in additional funding from partnering agencies. The total additional cost to Scottish Borders Council is £710k. The breakdown of the main changes are as follow:
- Commercial Road – complete replacement of the existing wall from river to cope. This has increased the cost of this section from £2.3M to £4.6M. An agreement has been reached with Transport Scotland to contribute £500k, with Scottish Government contributing £1.44M, and SBC fund the remaining £360k;
 - Scottish Water Waste-Water Treatment Works – Mansfield Road. The works are estimated to be £400k with Scottish Water contributing £80k, the Scottish Government contributing £320k, and SBC not required to contribute at all;
 - The Public Utility designs are ongoing, but the current estimate for this element is now £3.4M, which is £1.7M more than our available budget for this. The Scottish Government contribution would be £1.36M and SBC would then fund the remaining £0.34M. These costs will be refined by the end of 2017 to give a more robust estimate;
 - Project and Council Management estimate has now been updated to

reflect the staffing model of internal and external resources that were used to successfully deliver the Selkirk Flood Protection Scheme which has just been completed. It is seen as critical to resource this Scheme appropriately given the sheer scale of the project, the complexity, and the number of stakeholders and people in Hawick that the project team will need to interact with over the coming years;

- The Works estimate currently contains a 25.8% level of Optimism Bias as per the Treasury Green Book and the approved methodology of KPMG when auditing the Selkirk FPS; and
- The District Valuer has provided input into the Land & Compensation estimate for the project and this will be updated by the end of the 2017.

(d) Table 13.1 (d) provides a summary of the funding contributions towards the project.

Table 13.1(d) –Funding Summary (Based on £44,261M budget estimate)

Funder	Estimated Contribution (£000s)
Scottish Government	34,763
Scottish Borders Council (Capital)	8,918
Transport Scotland	500
Scottish Water	80
TOTAL	44,261

- (e) While the updated estimate for the project details a potential increase in cost to Scottish Borders Council of £710k from the proposed budget approved in February 2017, it is not proposed to change the £40,710M estimate at this point in time as the project team are still pursuing returns from the Public Utility companies and undertaking a detailed evaluation of the potential Land & Compensation costs. Furthermore, the quantified Risk Register will be re-evaluated following which is appropriate as the Scheme advances. If the Scheme successfully negotiates that Statutory Approvals Process the estimate will be re-assessed in the report to Council to make the Final Decision to 'Confirm' the Scheme. (It should also be noted that all these costs are pre-tender estimates which will be competitively tendered in the marketplace).
- (f) The Scheme is 16th on the national priority list and the Scottish Government has funded 80% of cost incurred to date and confirmed funding at the same intervention rate for 2017/18 and part of 2018/19. This equates to a commitment to date of £3,647M.
- (g) The current estimated total Scottish Government funding, based on an 80% intervention rate, would equate to £32,545M, based on the approved Capital Financial Plan.
- (h) In 2013 the Project Team provided an assessment of the Benefit Cost Ratio for the project, based on the Total Avoided Damages (or Benefits), calculated in line with the DEFRA FCERM-AG and following best practice using "The Benefits of Flood and Coastal Risk

Management: A Manual of Assessment Techniques” (Flood Hazard Research Centre, 2005), often referred to as the Multi Coloured Manual. The Multi Coloured Manual method provides the user with mechanisms to estimate the likely damages caused by flooding. The manual includes methods to assess the following types of damages: (i) damage to residential properties and the expense of clearing; (ii) damage to non-residential properties and the expense of clearing up; (iii) damage to agricultural land and the expense of clearing up; (iv) damage as a consequence of the closure of transport links; (v) expense incurred by emergency services; (vi) damage caused by the loss of energy supply; and (vii) intangible damage caused by flooding e.g. stress and poor health. The costs of these damages are not specific costs that would be incurred by SBC: they are the total costs that could be expected to be borne by all parties in the event of the flood being realised. The original table is provided below: Table 7.1(d)- BCR Summary of 2013 Preferred Scheme

Detail of the Preferred Scheme Total Scheme Cost (By cell)				
Cell No.	Cell Name	Present Value Costs (Q3 2012)		
		Capital & Maintenance Costs	Benefits	Benefit to Cost Ratio (BCR)
1	Volunteer Park, Hawick High School & Sandbed	£4,594,784	£16,453,987	3.58
2	Common Haugh & Commercial Road	£4,684,635	£21,734,876	4.63
3	Teviot Road, Teviot Crescent & Laidlaw Terrace	£4,182,320	£8,907,724	2.13
4	Duke Street	£3,505,975	£17,216,378	4.91
5	Mansfield Road (including HRFC to SBC Depot)	£8,726,800	£17,463,660	2.00
6	Weensland	£2,284,447	£2,617,206	1.26
7	Natural Flood Management (NFM)	£0	£0	0
TOTALS		£27,968,961	£84,393,831	3.02

- (i) The 2013 Preferred Scheme provided an average Benefit Cost Ratio of 3.02 across all six cells and this information was used as supporting evidence to obtain a placing on the SEPA priority funding list for 2016 to 2022. Based on the current estimated cost of £40,710M and with no inflation added to the original benefits derived of £84,393M the updated Benefit Cost Ratio is 2.08 maintaining a positive benefit for the public money that will be invested.

- (j) If we were to apply inflation to the calculated benefits, following the BCIS index for construction inflation, the benefits at today's prices would be increased by 30.05% (£109,754M), equating to a Benefit Cost Ratio of 2.69.

13.2 Risk and Mitigations

- (a) The Scheme has received forty-eight objections which could cause the Scheme to be deferred to a Public Local Inquiry. The Project Team have mitigated this risk with the comprehensive responses to each objector, the meetings and the public events. This has resulted in eight objectors within the flood zone and land affected by the work to voluntarily remove their objections. The Council would then make the decision on whether or not to hold a Local Hearing if it determined that the project team had not appropriately and robustly considered the objection out with the affected zones.
- (b) The District Valuer continues to evaluate the estimate for potential compensation. The risk of exposure to compensation claims has increased in Commercial Road with the current development of a new Aldi store and a distillery. The Project Team are working very closely with both developers to understand the interfaces with the proposed project and how to mitigate any issues.
- (c) The Final Outline Design contains a number of risks that will need to be investigated and mitigated at the Detailed Design stage. The Project Team have identified the risks and quantified their impact for inclusion in the project's budget estimate.
- (d) The Project Team are currently developing a strategy to deal with flood risk during construction. This involves the detailed modelling of several scenarios to find the best sequence of the work and identify the remaining risk for the Main Works Contractor to control.
- (e) The Hawick Flood Protection Scheme is 16th on the national priority list and Scottish Government has funded 80% of cost incurred to date and confirmed funding at the same intervention rate for 2017/18 and part of 2018/19. This equates to a commitment to date of £3,647M. On the current programme for delivery the project is in a good position to receive the funding for the construction period, however delay will put at risk the protect delivery by March 2022 and the potential funding for the scheme.

13.3 Equalities

There are no effects at this stage of the project.

13.4 Acting Sustainably

There are no effects at this stage of the project.

13.5 Carbon Management

- (a) The construction of a flood protection scheme will generate a carbon footprint through the construction of the reinforced concrete walls and sheet piling. This is unavoidable in Hawick to deliver the project objective of a 1 in 75 level of protection with a 100 year design life.
- (b) The impact has been mitigated by delivering a lower level of protection for direct defences and focusing on up-stream Natural Flood Management provisions to increase the level of protection in future

years.

- (c) Carbon will be reduced by the scheme with the removal of flood risk below 1 in 75 and the associated works to repair infrastructure and property after every event.

13.6 Rural Proofing

Not applicable.

13.7 Changes to Scheme of Administration or Scheme of Delegation

Not applicable.

14 CONSULTATION

- 14.1 The Chief Financial Officer, the Monitoring Officer, the Chief Legal Officer, the Chief Officer Audit and Risk, the Chief Officer HR, the Clerk to the Council and Corporate Communications have been consulted and comments received have been incorporated into the final report.

Approved by

Martin Joyce

Service Director Assets & Infrastructure – Signature

Author(s)

Name	Designation and Contact Number
Ewan Doyle	Project Executive – 01835 825124
Conor Price	Senior Project Manager – 01835 826765
Steven Vint	CH2M Design Manager

Background Papers: 28 March 2013, 29 September 2016, 23 February 2017

Previous Minute Reference:

Note – You can get this document on tape, in Braille, large print and various computer formats by contacting the address below. Jacqueline Whitelaw can also give information on other language translations as well as providing additional copies.

Contact us at Jacqueline Whitelaw, Place, Scottish Borders Council, Council Headquarters, Newtown St Boswells, Melrose, TD6 0SA, Tel 01835 825431, Fax 01835 825071, email eitranslationrequest@scotborders.gov.uk.

APPENDIX A

REDACTED VERSION OF AN OBJECTION RESPONSE LETTER (WITHIN THE LIMIT OF FLOODING)

Please ask for:

Our Ref:

Your Ref:

E-Mail:

Date:

Hawick FPS

15 June 2017

Dear [REDACTED]

Thank you for your recent correspondence relating to the Hawick Flood Protection Scheme (HFPS), which constitutes a valid objection in accordance with Schedule 2, Paragraph 3(2) of the Flood Risk Management (Scotland) Act 2009 (FRM).

Scottish Borders Council (SBC) consider that you are a person to whom Paragraph 5(6)(b) of Schedule 2 of the FRM applies, as you have interest in land where the flow has been altered as a result of the flood protection operation (i.e. your property is no longer flooded by the 1 in 75 year flood event).

We have considered the content of your correspondence and offer the following responses to your concerns, which we hope explains why SBC has chosen this particular scheme to reduce the flood risk to over 700 residential and business properties in Hawick.

General Information

SBC is committed to a three phased approach to deliver the most effective flood risk management solutions for Hawick and the River Teviot catchment:

- Phase 1 took place in 2013 and 2016/17 to deliver small scale works to provide local improvements to managing flood risk during very low return period floods (up to the 1 in 10 year event), including the provision of kerbs along Duke Street and Mansfield Road and the raising of the Common Haugh car park exit. This programme is ongoing.
- Phase 2 refers to the HFPS which will provide protection against the 1 in 75 year return period flood event (for reference, the October 2005 flood had a 1 in 50 year return period). 1 in 75 is the minimum standard of protection for properties to be considered by insurers to be protected against flooding; noting that many flood prone properties currently cannot obtain affordable insurance. It is currently planned to complete the HFPS in 2021.
- Phase 3 refers to the feasibility assessment and subsequent delivery of flood risk management measures within the wider River Teviot catchment upstream of Hawick, which could include measures such as natural flood management (NFM) and deliberate flooding of farmland. Our analysis shows that Hawick cannot be protected to the required minimum standard by these measures alone. These measures could enhance the HFPS standard of protection and provide flood risk reduction throughout the catchment, but the emerging nature of the analysis techniques to prove the effectiveness of NFM measures means that their flood risk benefits are likely to take many years, if not decades, to be realised.

In August 2012, SBC presented the results of a comprehensive option appraisal process at a public exhibition, which explained why options such as river dredging, natural flood management and deliberate flooding of farmland upstream could not be taken forward under the Phase 2 HFPS.



Your Specific Concerns

With regard to your concern relating to wall heights:

The walls along [REDACTED] require to be constructed to the proposed height to ensure that the minimum standard of flood protection (protect against the effects of the 1 in 75 year flood event) can be provided.

SBC have continually recognised the impact that the proposed HFPS may have on the ability of tourists, pedestrians and residents to continue to enjoy views of the river from the riverside footpaths, as well as the wider concerns on general visual impact. These concerns have been raised at the many public events we have hosted and have led to the design of the HFPS being refined over the last year to include the following measures.

- Full Environmental Impact Assessment which considers the visual impact of the walls and develops specific mitigation measures to reduce that impact, including how the walls will be finished (stone, patterned concrete);
- Setting walls back from the edge of the river wherever possible, such that existing riverside paths can be maintained with uninterrupted views of the river (Hawick High School, Common Haugh, Little Haugh);
- Raising of footpaths wherever possible to maintain a maximum height between wall cope and footpath of 1.4m, to reflect the minimum requirement for edge protection for combined foot/cycle paths. Such paths are proposed to be provided along Teviot Road (new path), Duke Street and Glebe Mill Street;
- Provision of glass viewing panels at a number of locations to allow views of the river to be maintained. The exact distribution and dimensions of the viewing panels is still to be determined during the detailed design stage;
- Provision of a formal viewing area at the upstream end of the Little Haugh where the height of the wall will be reduced to 1.0m above the footpath to allow panoramic views of the river;
- Maintain and, where possible, enhance existing Key Greenspace as set out in the SBC Local Development Plan 2016.
- New unhindered views of the river by virtue of a new footpath on the flood defence embankment crest at Weensland, and;
- Maintain ability to safely access the riverbank at the Cobble Cauld, Common Haugh, upstream end of Duke Street and on the haugh opposite Hawick RFC.

We acknowledge your scepticism over the provision of viewing windows and art projects and, subject to scheme approval being granted later this year, will ensure that the detailed design takes into account all feedback we have received on the scheme proposal to date.

The design team has worked with SBC's heritage and landscape department to devise a series of wall finishes which will compliment the local area. The type of finish will depend on the predominant land use adjacent to the wall, but in general where the wall face can be viewed by the public, the finish will either be stone, reconstituted stone or patterned concrete, complimented with a stone and/or concrete coping detail. Please refer to our Environmental Statement¹ for a series of plans which explain the proposed distribution of these wall finishes.

¹ http://www.hawickfloodscheme.com/finalscheme/5_ES/Hawick%20FPS%20ES_Volume%201_FINAL.pdf

We are also focusing on delivering a number of multiple benefits as part of the HFPS design which integrate with the ongoing projects such as the Wilton Lodge Park improvements, including:

- Enhanced landscaping works at Common Haugh, Little Haugh, Weensland and Duke Street;
- A combined foot / cycle path from Wilton Park to Weensland, and;
- Community art project.

With regard to your concern about water backing up through the drains:

The HFPS aims to provide protection against a number of sources of flooding, including surface water backing up through drains which cannot discharge into the river when it is in flood. We intend to deal with the surface water drainage issue in the following manner:

- With no HFPS in place, if heavy rainfall generates surface water flows which are greater than the capacity of the road drainage network, excess water would pond and then flow over the banks into the river.
- With the HFPS in place, the walls could create a barrier to this escape mechanism and cause flooding. Our design includes for a high capacity drainage system along the back of the new walls to take the excess flows to a large chamber. If the river levels aren't high (eg summer thunderstorm), the water will discharge via gravity from the chamber into the river. If the river is in flood (eg winter storm), the excess water will be pumped from the chamber via an underground pumping station into the river.

Whilst your property has not flooded directly from the River Teviot in the past, the most extreme event in recorded history was the October 2005 event, which was a 1 in 50 year event. Our computer model of the river shows that the 1 in 75 year event we are protecting against will cause flooding of the ground floor of your property

Many of the points raised above will require further development during the detailed design stage, which is planned to take place between summer 2017 and summer 2018. We will ensure that the public will be kept informed of progress and have the opportunity to comment on the details via newsletters, public engagement sessions and our website and Facebook pages.

We hope that the information provided above in response to your written objection offers you the evidence that SBC will effectively and proactively mitigate the impacts the HFPS may have on the River Teviot and the businesses and residents of Hawick.

In order to conclude this matter to the mutual satisfaction of all parties, we would be keen to meet with you at a venue and date to suit you. We will be in contact shortly with you to arrange.

Yours sincerely



Project Executive

APPENDIX B

REDACTED VERSION OF AN OBJECTION RESPONSE LETTER (OUTWITH THE LIMIT OF FLOODING)

Please ask for:

Our Ref:

Your Ref:

E-Mail:

Date:

Hawick FPS

21 June 2017

Dear

Thank you for your recent correspondence relating to the Hawick Flood Protection Scheme (HFPS), which constitutes a valid objection in accordance with Schedule 2, Paragraph 3(2) of the Flood Risk Management (Scotland) Act 2009 (FRM).

We have considered the content of your correspondence and offer the following responses to your concerns, which we hope explains why Scottish Borders Council (SBC) has chosen this particular scheme to reduce the flood risk to over 700 residential and business properties in Hawick.

General Information

SBC is committed to a three phased approach to deliver the most effective flood risk management solutions for Hawick and the River Teviot catchment:

- Phase 1 took place in 2013 and 2016/17 to deliver small scale works to provide local improvements to managing flood risk during very low return period floods (up to the 1 in 10 year event), including the provision of kerbs along Duke Street and Mansfield Road and the raising of the Common Haugh car park exit. This programme is ongoing.
- Phase 2 refers to the HFPS which will provide protection against the 1 in 75 year return period flood event (for reference, the October 2005 flood had a 1 in 50 year return period). 1 in 75 is the minimum standard of protection for properties to be considered by insurers to be protected against flooding; noting that many flood prone properties currently cannot obtain affordable insurance. It is currently planned to complete the HFPS in 2021.
- Phase 3 refers to the feasibility assessment and subsequent delivery of flood risk management measures within the wider River Teviot catchment upstream of Hawick, which could include measures such as natural flood management (NFM) and deliberate flooding of farmland. Our analysis shows that Hawick cannot be protected to the required minimum standard by these measures alone. These measures could enhance the HFPS standard of protection and provide flood risk reduction throughout the catchment, but the emerging nature of the analysis techniques to prove the effectiveness of NFM measures means that their flood risk benefits are likely to take many years, if not decades, to be realised.

In August 2012, SBC presented the results of a comprehensive option appraisal process at a public exhibition, which explained why options such as river dredging, natural flood management and deliberate flooding of farmland upstream could not be taken forward under the Phase 2 HFPS.

Your Specific Concerns

With regard to your concern over the height of walls on Duke Street and Mansfield Road and visual impacts generally:

The wall heights proposed across the HFPS, and including Duke Street and Mansfield Road, are necessary to protect the town against the effects of the 1 in 75 year flood event. The design team has made considerable effort to reduce these wall heights, including:

- Raising of the Lawson, Victoria and Mansfield footbridges by up to 1.0m to allow wall heights upstream of the bridges to be lowered by up to 1.0m;
- Setting back the defences in the Common Haugh and Little Haugh to allow space for flood water to bypass the bridges, further reducing the flood level by up to 0.4m.

SBC have continually recognised the impact that the proposed HFPS may have on the ability of pedestrians and residents to continue to enjoy views of the river from the riverside footpaths. These concerns have been raised at the many public events we have hosted and have led to the design of the HFPS being refined over the last year to include the following measures:

- Full Environmental Impact Assessment which considers the visual impact of the walls and develops specific mitigation measures to reduce that impact, including how the walls will be finished (stone, patterned concrete);
- Setting walls back from the edge of the river wherever possible, such that existing riverside paths can be maintained with uninterrupted views of the river (Hawick High School, Common Haugh, Little Haugh);
- Raising of footpaths wherever possible to maintain a maximum height between wall cope and footpath of 1.4m, to reflect the minimum requirement for edge protection for combined foot/cycle paths. Such paths are proposed to be provided along Teviot Road (new path), Duke Street and Glebe Mill Street;
- Provision of glass viewing panels at a number of locations to allow views of the river to be maintained. The exact distribution and dimensions of the viewing panels is still to be determined during the detailed design stage;
- Provision of a formal viewing area at the upstream end of the Little Haugh where the height of the wall will be reduced to 1.0m above the footpath to allow panoramic views of the river;
- New unhindered views of the river by virtue of a new footpath on the flood defence embankment crest at Weensland, and;
- Maintain ability to safely access the riverbank at the Cobble Cauld, Common Haugh, upstream end of Duke Street and on the haugh opposite Hawick RFC.

The design team has worked with SBC's heritage and landscape department to devise a series of wall finishes which will complement the local area. The type of finish will depend on the predominant land use adjacent to the wall, but in general where the wall face can be viewed by the public, the finish will either be stone, reconstituted stone or patterned concrete, complimented with a stone and/or concrete coping detail. Please refer to our Environmental Statement for a series of plans which explain the proposed distribution of these wall finishes.

We are also focusing on delivering a number of multiple benefits as part of the HFPS design which integrate with the ongoing projects such as the Wilton Lodge Park improvements, including:

- Enhanced landscaping works at Common Haugh, Little Haugh, Weensland and Duke Street;
- A combined foot / cycle path from Wilton Park to Weensland, and;
- Community art project.

With regard to your concern that the Duke Street and Mansfield Road trees are being felled:

From the inception stage of the project SBC have been committed to minimising the environmental impact of the scheme. Since July 2012 the project team have met with key environmental stakeholders to gain an understanding of the potential impact, as the scheme progressed SBC established working groups to ensure the design was constantly monitored by external third parties who had a keen interest to the environmental impact. Members of these groups included representatives from Scottish Environmental Protection Agency (SEPA), Scottish National Heritage (SNH), Hawick Angling Club and Scottish Water, to name a few. The feedback the team received from these groups proved invaluable; as a result of this feedback the design team adopted a construction methodology which minimised the footprint of the proposed flood walls. This alternative method will result in less trees being removed than would have been required with a more traditional method.

The felling of the trees along Duke Street is a decision the Council has taken following review of the probable health and safety impacts during and after construction. The sheet pile foundations of the flood wall will sever the roots of the trees, causing them to potentially suffer from stability problems in the future. The first time we may notice such deterioration could well be after a winter gale which has caused the tree to fall on top of someone, their house or car. Such a risk is deemed to be unacceptable. Following completion of the construction works, the remediation of Duke Street is proposed to include:

- Raised footpath / cycleway to with maximum surface to wall cope height of 1.4m;
- Viewing windows installed at locations along Duke Street (distribution and dimensions to be confirmed);
- Planting of new heavy standard (semi-mature specimens up to 3.5m in height) streetscape style trees, and;
- Removal of the overhead telecommunications poles and lines.

SBC is committed to providing at least two new trees for every tree which is felled as part of the HFPS, with the exact location, distribution and species of trees to be confirmed during the forthcoming detailed design phase.

With regard to your concern over enclosing of the Teviot Crescent grass area and playpark in 2 metre high walls:

We presume that your concern relates the safety and security of people using the Little Haugh. In designing flood defence schemes, we are encouraged to set the walls and embankments back from the river where possible to allow the river to flood naturally onto parts of the flood plain which is not occupied by property. In this instance, the setback defences allow water to flood onto the Little Haugh, reducing the wall heights by around 600mm in conjunction with raising the Victoria footbridge. This explains why the flood defence alignment runs around the park, rather than along the edge of the river.

SBC are committed to investigating all possible options for the reinstatement and landscaping works for to the Little Haugh. We believe that the following design attributes go some way to mitigating the safety and security issues:

- Safe means of egress from the park via the ramped access the southern (upstream) end;
- The entire park will be visible from the proposed raised platform at the southern end of the Little Haugh, and from the raised Victoria Bridge, and;
- The path network in the park will be accompanied by replacement lighting columns to improve safety at night.

It is noted that the existing hedge which runs along the eastern side of the park creates a visual barrier from Teviot Road, which will be made no worse by construction of the flood defences.

With regard to your concern over the reduction in space of the main upper Common Haugh and use of ramps to access the bridge.

The Common Haugh car park overall plan area will be temporarily reduced during the flood defence construction works. The grassed area to the northwest of the car park will be used as a site compound during the construction period. Upon completion of the works, this site compound area will be converted into the same area of parking lost as a result of the new floodwall alignment, preserving the 400 spaces which are currently available. The strip of land between the flood wall and the river is one of our four key areas for delivering landscape improvement. We are unsure why you are objecting to the ramps to access the bridge, which will have a gradient of less than 1 in 20 – please confirm the reason for your objection.

With regard to your concern over the wall in front of the cricket pitch and the general wall alignment at Volunteer Park:

The relatively recently created leisure / sports infrastructure in Volunteer Park has not been protected against flooding due to the following reasons:

- In designing flood protection schemes, there is an obligation on the designer to retain as much of the existing flood plain as possible, unless there are over-riding human safety / health issues. In this case, there is adequate egress to a point of safety during a flood event for all users of the sports pitches.
- The new 3G pitch has been subject to a rigorous flood risk assessment, to ensure that the pitch level is high enough to provide a standard of protection against the 1 in 50 year flood event. Apart from its far northwest corner, the majority of the 2G hockey pitch is similarly protected by virtue of its location and level.
- Please note that a flood embankment alongside the river to Wilton Lodge Park was considered during the option appraisal stage, but was rejected due to the unacceptable increase to the flood levels and wall heights further downstream towards the Common Haugh and High School.

The alignment of the wall to the west of the cricket pavilion is necessary to avoid the following difficulties with routing the wall to the east of the pavilion:

- A zone of dead space would be created between the pavilion and wall, leading to the probable accumulation of rubbish and difficult maintenance;
- The High School access road would require to be narrowed, leading to traffic safety concerns, and;
- The pavilion would remain at risk of flooding.

In order to maintain views of the cricket matches, we will discuss options with the Hawick and Wilton Cricket Club during the detailed design stage, which may include the provision of glass panelling, or alternative viewing arrangements built into or adjacent to the flood wall.

With regard to your concern over the use of numerous ramps to gain access to footbridges:

Can you please provide us with further details of your objection in relation to the access ramps, which will be fully compliant with the requirements of the Disability Discrimination Act.

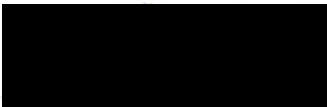
With regard to your concern over disconnection and separation:

We feel that the use of high quality materials to enhance the appearance of the walls, combined with measures to mitigate the visual impact of their height, provide the most appropriate balance between delivering the minimum standard of flood protection to Hawick and limiting the impact on the outstanding landscape and environment. The various regulatory bodies and the public have provided the design team with comments on the HFPS over the last two years of design development, which will be taken into account during the final detailed design stages.

Many of the points raised above will require further development during the detailed design stage, which is planned to take place between summer 2017 and summer 2018. We will ensure that the public will be kept informed of progress and have the opportunity to comment on the details via newsletters, public engagement sessions and our website and Facebook pages.

We hope that this response offers you some comfort that SBC is committed to providing Hawick's residents, businesses and visitors with the most appropriate balance between effective flood protection and the impacts the HFPS may have. If you would like further information or clarification, we are available to meet you in person at a venue and date to suit you. Please contact the undersigned to arrange.

Yours sincerely



Project Executive

APPENDIX C

PUBLISHED REDACTED OBJECTIONS

From: [REDACTED]
Sent: 17 May 2017 18:00
To: Legal
Subject: Hawick Flood Prevention Scheme 2017 Objection

***** This email was received from the GCSX *****

Dear Sirs

I wish to raise a formal objection to the Hawick Flood Prevention Scheme Report 2017. My husband and I travel to Hawick shopping with our two young granddaughters regularly. [REDACTED]

[REDACTED]. We mainly visit Morrison's Supermarket both to shop and visit their cafe [REDACTED]. We then usually go across to the river Teviot at Duke Street.

There we can enjoy the river, its sounds, its view and its wildlife. [REDACTED]

[REDACTED].
[REDACTED]

None of us will now be able to get a natural view of the river as a planned Flood wall of height 1.8 metres is to be constructed along Duke Street. Our enjoyment of the river will be completely ruined. My husband might be able to see out of a small viewing window which will be no substitute for a panoramic view of the river. Myself and my two granddaughters will not be able to use the viewing windows which to be honest are no substitute for the experience we currently enjoy there.

We might not return to Hawick again if this Proposed Flood Prevention Scheme is implemented as we have lost our rights to enjoyment of the land at the riverside. I hope you will give due regard to the points I have raised. If for any reason you need to contact me please only contact me by email [REDACTED]

Yours Faithfully

[REDACTED]

17.05.2017

This email has been scanned by the Symantec Email Security.cloud service.
For more information please visit <http://www.symanteccloud.com>

From: [REDACTED]
Sent: 22 May 2017 15:34
To: Legal
Subject: Hawick Flood Defences

***** This email was received from the GCSX *****
Dear Sir or Madam,

We wish to object most strongly about the 2m high flood protection walls which are solution proposed to protect the low-lying areas of the town from flooding. They will completely spoil the pleasant views of the river which is one of its attractions. To think of Duke Street with no trees and just a concrete monstrosity either side of the river is a travesty.

From the point of view of tourism, visitors to the town will get the impression they are entering a warzone and as for residents looking out on the bare concrete wall it will certainly seem as if they are staring at the Berlin Wall.

Please can you register our opposition to this proposal and re-consider other alternatives.

Yours sincerely,

[REDACTED]

This email has been scanned by the Symantec Email Security.cloud service.
For more information please visit <http://www.symanteccloud.com>

-----Original Message-----

From: [REDACTED]
Sent: 23 May 2017 09:44
To: Legal
Subject: Hawick Flood Scheme

***** This email was received from the GCSX *****

[REDACTED]

I would like to object to the height of the proposed walls in the above scheme, I feel they are too high and will have a detrimental effect on the town by obliterating the riverside views the town is known for as well as creating a divide between one side of the town and the other.

Many householders will be faced with a massive wall as an outlook and this could also have an impact on property values in areas where houses already struggle to sell.

I agree that some kind of flood defence is required but do not feel that this is the best option available and urge that other options are considered.

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From: [REDACTED]

Sent: 24 May 2017 11:58

To: Legal

Subject: Hawick Flood Scheme

***** This email was received from the GCSX *****

I object to the current Flood Scheme proposals for Hawick on the following grounds:

1. Hawick relies significantly on its position on the River Teviot to attract visitors and encourage passing visitors to pause awhile in the town. Erection of flood walls along Commercial Street and the bank opposite Commercial Street will significantly disrupt the connection between the river and the town centre conservation area both physically and visually.
2. The council has argued that the impact of the flood walls might be lessened by the raising of ground levels behind them. In effect that argument supports the case for removing spoil from the river as there is no practical difference between the raising of the height of a wall and the lowering of the ground level on one or other side of it
3. The council uses the argument that the options to use natural flood prevention methods and lowering the river bed should be discounted because they may be controversial. Since controversy and planning are often closely intertwined this argument could be used to avoid making almost any planning decision. In using this argument the council admit to not having fully explored these options and cannot, therefore, present either their preferred option or alternative option as the best available.
4. The government requires a certain level of cost benefit for the support of the scheme. A number of the cells, principally those against which objection is lodged, fall below or far below that target. ~There is no comparable cost/benefit analysis for the options preferred by many townspeople of dredging the river and restoring the watercourse to its natural channel supported by dispersal of floodwater by flooding at the points established in earlier centuries which could still be renovated at significantly lower cost than that of the proposed scheme.



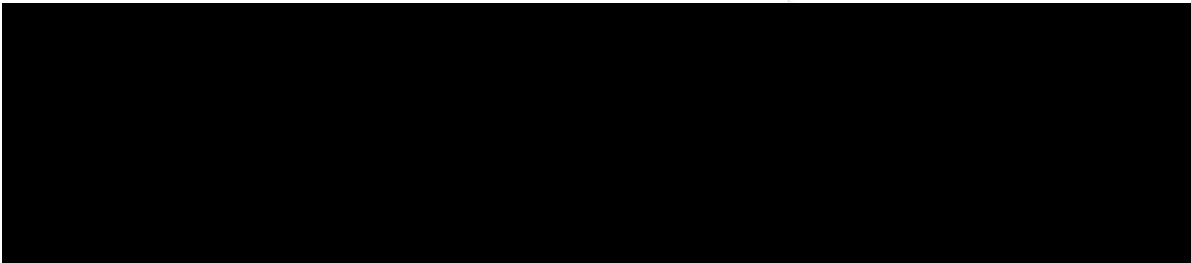
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Regulatory Services

25 MAY 2017

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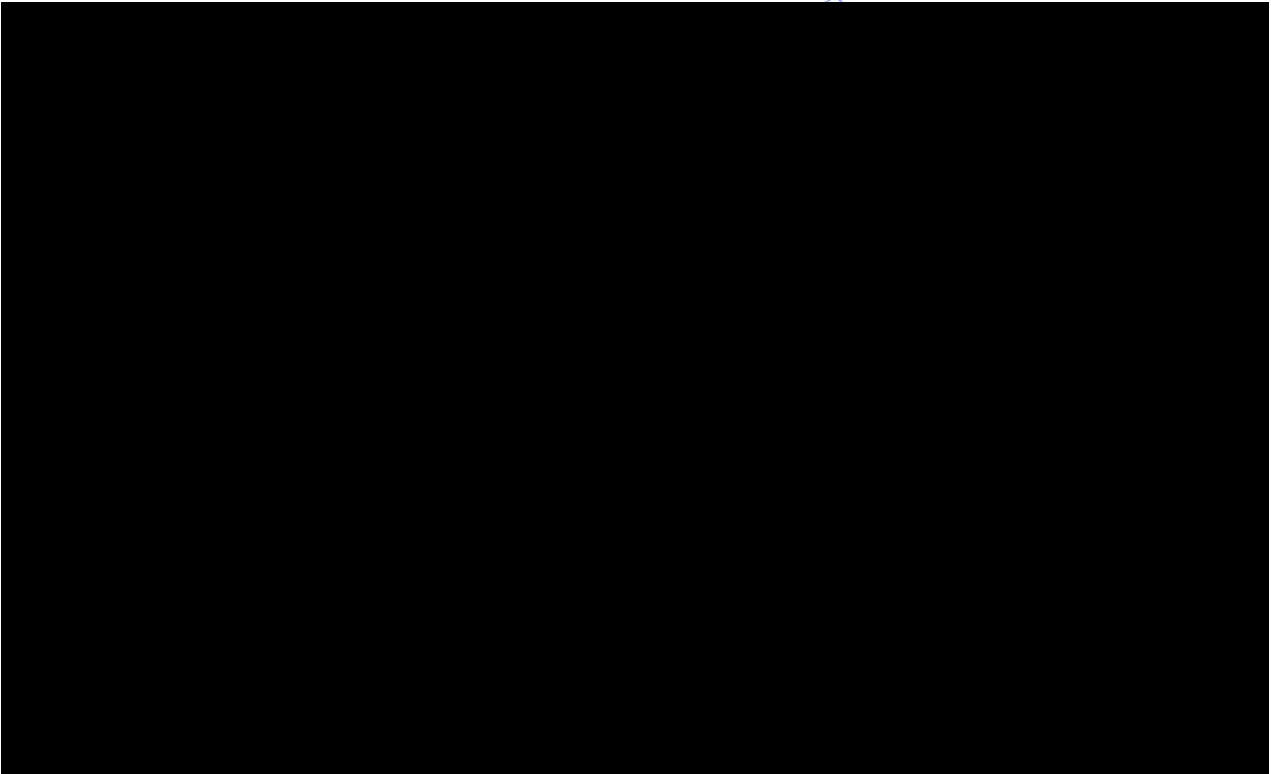
Chief Legal Officer
Scottish Borders Council, Council Headquarters,
Newtown St. Boswells,
Melrose, TD6 0SA.

24th May 2017.

Dear Ms. 

Hawick Flood Protection Scheme

We, the undersigned, are joint owners of land registered with title number  shown on the attached plan. The southern course of the River Teviot (in normal flow) is marked blue, with our riparian ownership extending to the centre of the river. We are therefore persons to whom Paragraph 5(6)(b) of Schedule 2 of the Flood Risk Management (Scotland) Act 2009 applies, and we set out our objections to the Hawick Flood Protection Scheme 2017 for the reasons in the attached statement.



Statement of Reasons for Objection.

██████████ has been involved with the Hawick Flood Protection Scheme team at every stage of stakeholder engagement. However, despite verbal statements to the effect that the Flood Protection Scheme will not affect ██████████ as there is a requirement to ensure flood risk is not exacerbated elsewhere as a result of any flood protection scheme implemented under the Flood Risk Management (Scotland) Act 2009”, we note statements within the Flood Protection Scheme documentation that indicate that this will not be the case. We object on the following five grounds.

1. Upstream Flood Storage Areas.

██████████ is concerned that this key alternative to the preferred scheme has not been fully tested as required by the EIA legislation. It seems to have been dismissed at an early stage on the grounds of cost, and the likely attitude of landowners. However, the Preferred Scheme Report states that one advantage of the Upstream Flood Storage Areas solution would be to “offer a degree of flood risk reduction to much of Teviotdale, including Denholm” (our emphasis). Source: Section 4 of the Preferred Scheme Report; Response to Feedback; page 3 – 11. It therefore seems to ██████████ that the preferred Flood Protection Scheme will exacerbate flooding in Denholm, as an alternative scheme has been identified that would reduce the flood risk to the ██████████, but has not been pursued to any great extent.

Nevertheless, as the report states: “flood storage remains technically viable and is part of Scottish Borders Council’s overall long term Teviot catchment flood risk management strategy”.

For this reason, ██████████ believes that this alternative should have been tested in far more depth, as it is part of a long term strategy and that this matter must be reviewed.

2. Cell 6 : Flood Wall

██████████ notes that the flood wall shown on Work Section 32 is designed to protect allotment gardens. (Source: Report of Review of Public Exhibition Appendix A, Page 11). We object to this. The area of ground covered by the allotments must be considered to comprise part of the existing functioning flood plain, must not be lost, and should be retained as such to alleviate risk of flooding downstream. In Table 4 – 1 it states that the flood embankment proposed to the north of Weensland Mill is designed to retain the use of land between the River Teviot and the setback defences as functioning floodplain. However, Figure B4.1 clearly shows that this land is outwith the flood plain at present and, with the allotments being protected the Cell 6 works as designed will exacerbate flooding downstream.

3. Culmination with other Schemes

The Flood Risk Management (Flood Protection Schemes, Potentially Vulnerable Areas and Local Plan Districts) (Scotland) Regulations 2010 state, in Schedule 1: Characteristics of the Scheme; that the characteristics of the scheme must be considered having regard

to the cumulations with other schemes. [REDACTED] note that the Environmental Statement; Volume 1, Main Report, Part 15 Cumulative Impacts, page 333, looks at the impact on the Jedburgh Flood Protection Scheme. However, it ignores other operations between the two Flood Protection Schemes that have, and could continue to come forward outwith the control of Statutory Undertakers and the Council. Two flood embankments have been created between Hawick and Denholm in recent years.

- a. The Deanfoot Farm Embankment constructed in 2006.
- b. The Honeyburn Farm Embankment constructed in 2016.

Both these embankments are designed to reduce the area of existing floodplain over agricultural land adjacent to the River Teviot. When both were under construction representations were made by members of [REDACTED] to both Scottish Borders Council and SEPA, but no action was deemed necessary to control construction. [REDACTED] is therefore extremely concerned that these two precedents could extend to other farmland between Hawick and Denholm thus reducing the area of existing flood plain with the potential to exacerbate flooding conditions at [REDACTED]. In order to comply with the request to consider the cumulation with other schemes (whether identified or not), [REDACTED] would request that Scottish Borders Council seek an Article 4 Direction under the Town and Country Planning (General Permitted Development) (Scotland) Order 2011 that restrict Part 6: Agricultural Operations under Classes 18A and 20, Land Drainage Works. At present this allows agricultural operations that comprise the carrying out of any works in connection with the improvement or maintenance of watercourses. Such a Direction would not affect Statutory Undertakers who would be exempt under the terms of Article 4, (6)(b)(v), but would prevent farmers from unilateral and uncontrolled action to alter flood plains by construction of embankments, in the vicinity of the Hawick Flood Protection Scheme and to the detriment of [REDACTED].

4. Increase in Flood Risk at Denholm

At the meeting held in Denholm on 18th May 2016 it was stated that:

" ... the Flood Protection Scheme will not materially increase the flood risk to any other property including those in Denholm " (our emphasis). Source: Environmental Statement Volume 1: Main Report; Part 5 Stakeholder Engagement (Page 44). This is a clear indication that there will be some element of an increase of flood risk at [REDACTED]. [REDACTED] has appointed [REDACTED] to advise us and to produce sections and levels of the River Teviot in relation to the [REDACTED]. [REDACTED] These surveys can be made available electronically if requested. The sections show that, on the highest observed flood level on 5th December 2015, the river level rose to 74.309 mAOD. At that time the freeboard to the lowest property threshold [REDACTED] was only 386m. In 4.5 Freeboard on page 4 – 3 of the Preferred Scheme Report, [REDACTED] note that the Hawick Flood Protection Scheme has adopted a consistent allowance of 600 mm across the whole scheme. At [REDACTED] the highest river level is in excess of the design allowance by 155%, showing the extreme sensitivity of the location.

From: [REDACTED]

Sent: 26 May 2017 14:26

To: Legal

Subject: Hawick Flood Prevention Scheme

***** This email was received from the GCSX *****

Dear Sirs

I am writing to object to the proposed plans for the Hawick Flood Prevention Scheme.

While I understand, all too well, the need for measures to be put in place, I believe the proposed measures are in the extreme and will completely ruin Hawick and it's river side.

The proposed height of walls through the town are ludicrous, and will turn what is a picturesque stretch of river into a concrete barrier between the two sides of town. While I understand the need to try and keep the water in the river is there really any need for the walls to be made so high. And if the water is so high it would go over the already existing wall at the High School I am sure the river will have flooded much more than those on it's banks, by making its way behind any proposed barriers before it even gets to them. These wall may be to keep the water coming from the Teviot side but what about the water coming for the houses sides it need a way to escape. There also has to be a balance between prevention and everyday life. Hawick's waterways play a big part in making Hawick look and feel as it does these plans do not seem to take this into account. Stop using flood planes for building on, stop turning natural slow soaking land areas into built areas (such as the Astro pitch and £G at the Volunteer) which cause water to run off much more quickly.

Also I believe there is a proposal to lift all bridges by 1 meter, Surely it would be less costly and more sensible to lower the river bed levels, yes they fill up again, but they will still fill up even if the bridges are lifted, thus negating the change in height, easier to remove stone regularly.

Regards

[REDACTED]

[REDACTED]

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From: [REDACTED]

Sent: 28 May 2017 11:08

To: Legal

Subject: Hawick Flood Prevention Scheme

***** This email was received from the GCSX *****

I attended the consultation exercise in Hawick Town Hall in 2016 and discussed issues with members of the presentation team.

Last week I spent almost 2 hours examining the extensive information provided in the Town Hall Offices.

Objections to the scheme are:

1) there is insufficient planning and a lack of proposals to implement river basin management upstream of Hawick.

The Borthwick and Teviot characteristically react rapidly to heavy rainfall and subside just as quickly after it has cleared.

High water levels in Hawick would be reduced if measures to minimise rapid surface run-off and use haughlands as storage basins were implemented.

Clear-felling of large areas should be limited and planting of native species such as alder should be carried out. These measures would be cheaper than the extensive wall building program envisaged in the plan.

The use of haughland as emergency flooded areas would, in all probability, be of the order of less than once in 20 years - based on past experience. Such measures have been used extensively in the United States and Europe to reduce the impact of flooding in sensitive areas.

2) the proposed height of the walls will have a major impact on the visibility of and access to the river by locals, changing forever the character of the relationship between townsfolk and the river and its wildlife.

3) confining the river between ever higher walls will increase the speed and depth of the river and its ability to move ever larger material which could cause greater damage to unprotected areas.

4) high walls with flaps on drainage outlets will mean that surface run-off from the growing area of built-up land within the town will be prevented from access to the river causing back-up in the drains to reach more areas than previously.

To conclude, there is no objection to building flood prevention walls but the proposed heights are likely to create problems as much as solve problems.

[REDACTED]

From: [REDACTED]
Sent: 26 May 2017 18:22
To: Legal
Subject: Flood defences

***** This email was received from the GCSX *****

The reason I am infuriated at the proposals is that I have seen what they look like at Selkirk. I walk a lot, including Selkirk and this year faced the Great Wall from the car park at the west end. After passing the dump I found myself walking in a corridor caused by a huge wall which prevented me seeing anything of note. I can't believe such a high wall is needed, for example, has there ever been a time when the river even approached two metres.? After walking for about two hours I still couldn't get it out of my head.

To see this monstrosity in Hawick is really unbelievable. We talked about it and even forecast the effect it would have.

We wondered who on earth was responsible and what planet do they live on. As for viewing Windows, that is surely for the likes of The Eiger.

I suggest a wall more like the one up river at Selkirk which allows one to see the surrounding area. I can't imagine tourist walking up a drain like this.

[REDACTED]
[REDACTED]
[REDACTED].

[REDACTED]

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From: [REDACTED]

Sent: 27 May 2017 12:32

To: Legal

Subject: Flood Defences Hawick

***** This email was received from the GCSX *****

I would like to put my objections forward to the flood defences proposed for Hawick. In my opinion the river is the focal point of the town and to encase it in a high wall all the length of the river from the Haugh to Mansfield seems to me to be using a sledgehammer to crack a nut. To spend millions of pounds on a scheme to prevent a flood that would probably only occur once in 10 or five years seems to me to be utterly ridiculous. I live at [REDACTED] and have installed our own flood defences by [REDACTED]. Please allow common sense to take priority over a ridiculous flood prevention scheme in its current form. I am sure there are less obtrusive and cheaper ways to prevent flooding.

[REDACTED]

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From: [REDACTED]

Sent: 27 May 2017 20:57

To: Legal

Subject: Fwd: Hawick Flood Scheme - Objections

***** This email was received from the GCSX *****

FAO Chief Legal Officer,

Please regard this email as an official objection to the proposed scheme for the Hawick Flood Defence.

There are a number of areas where I would like to object:

1. The feeling of trees in Duck Street
2. The feeling of trees in Mansfield Road
3. The height of the proposed wall in Duke Street & Mansfield Road
4. The proposed wall that is aligned with the A7 in Buccleuch Road & cuts in front on the cricket pavilion.

The trees in Duke Street & Mansfield Road are of great importance to the town and the people living in the vicinity. The trees help soften what would be a stark outlook on to a long and featureless terraced row of flats. Many of these flats do not have their own garden and there is already a lack of green space in this area. The thought of losing these trees and the wildlife that goes with them would be extremely detrimental to the town. These streets are viewed by those travelling through Hawick whilst crossing the river at the Station or travelling down Mansfield Road to the rugby ground.

The height of the wall is far too high being proposed for Duke Street & Mansfield Road. Never has the river come up so high. Past flooding in these areas is a result of water backing up not the river toppling the embankment. A wall of 1 foot high is more than adequate providing the water doesn't back up from down river.

It is unacceptable for the people of the town to view the river by looking through glass panels!!!! These will be covered in scratch marks and graffiti in no time, making a view impossible through an opaque window!!! Do the designers know nothing about the importance of the river Teviot to the manufacturing of Cashmere in the town?? The softness of the water is unique in this industry and makes Hawick the home of Cashmere manufacturing throughout the world. Why would we want to block off the view of the river that makes the town famous?

I really do not understand the proposed design where the defence wall will follow the A7 down Buccleuch Street and cut back in front of the cricket pavilion. Why do the designers think it is a good idea to create a flood plain

where the 2g hockey pitch, the newly built 3g pitch and the new tennis courts are??? How are people going to view a cricket match if there is wall in front of the pavillion - do we sit on top?

These areas should be equally protected by creating a new embankment to follow the river through Wilton Lodge Park.

I would appreciate acknowledgement of my objections by return.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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From: [REDACTED]
Sent: 28 May 2017 14:07
To: Legal
Subject: Objection to Proposed Hawick Flood Defences

***** This email was received from the GCSX *****

Dear Sirs,

I would like to register my objection to the proposed flood prevention scheme due to be constructed along the Teviot through Hawick. Having looked at the scale of the proposed walls I was shocked by the impact which they will undoubtedly have on the look of the town. I am amazed that, in this day and age, a gigantic monolithic wall is the most advanced solution that the council can come up with. The glass viewing panes which are supposed to punctuate this wall seem to me a feeble attempt to maintain some relationship between the town and the river. Surely if you are going to acknowledge that the river should be seen and appreciated then there are other ways to implement flood defences. Land in the borders is relatively cheap and I am certain that a comprehensive tree-planting program upstream would provide an equal benefit in the long term without leaving a scar across Hawick for generations to come.

I understand that the town needs to be made safe quickly and that the money will go elsewhere if it is not spent soon but this process feels incredibly rushed and I do not believe that the council has engaged with or consulted locals and residents sufficiently. The proposals seem heavy handed and completely unsympathetic to the town or its inhabitants. I am sure that other towns in exactly the same situation have negotiated the perils of seasonal flooding without carving themselves in two.

Yours sincerely,

[REDACTED]

[REDACTED]

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From: [REDACTED]
Sent: 28 May 2017 18:01
To: Legal
Cc: [REDACTED]
Subject: Hawick Flood Scheme Formal Objection

***** This email was received from the GCSX *****

Dear Chief Legal Officer

I hereby wish to formally object to the Hawick Flood Scheme Report and the preferred option that lies within it. There are 4 points of objection I wish to raise.

My first point of objection involves the permanent closing off of a Right of Way. A Right of Way currently exists within cell 2 of your plan on the north side of the River Teviot. This path is accessible from Commercial road and is a riverside path that goes underneath the bridge known locally as the Burns Club Bridge. The path allows you to come out next to the Hawick Haugh. If I have studied the flood scheme report correctly then the proposal put forward for consideration would involve permanently closing off this Right of Way. I am prepared to offer more details in relation to this path if subsequently required.

My second point of objection is related to health and safety. Over the years there have been many accidents involving people or pets within the river Teviot. If for example someone was to fall from the Station Road Bridge into the river Teviot it would be almost impossible to save them if your plan was implemented. The likelihood that they would be seen falling into the river would be significantly reduced. The ability to reach them in order to help them would be virtually impossible as it would involve climbing on average a 2 metre high wall to reach them. If they themselves managed to scramble to the river banking they could possibly be trapped and injured behind a flood wall possibly with no one knowing they were there. If the current carried them down river how would rescuers know where they were and how would they attempt to get them out of the water? This argument would also hold true for anyone climbing over a flood wall in order to access the riverside who later found themselves in difficulty. In addition to this, there is a specific part of the flood plan in cell 5 where you plan to allow river access at the bottom of Mansfield opposite the rugby ground. If the flood plan is approved this will essentially be the only place on the north side of the river Teviot outside of the Haugh where children can access the river. Apart from a view from the access ramp this riverside location will be entirely hidden from view by a 2.3m wall. This huge wall will mean that this location will be far too dangerous to be left open in case children are tempted to access the riverside there unattended.

My third point of objection is related to tourism and commerce. Hawick is currently a beautiful riverside town. The people of Hawick have made a great effort over the years to improve the town's amenities and make the town more attractive to tourists. There is a realistic possibility that the Waverley Line will be extended to Hawick and then onto Carlisle. There has recently been media coverage of a six month study and plan to open a rail line between Leeds and Edinburgh via Hawick. With all the improvements that have been made to increase the attractiveness of Hawick to both tourists and day shoppers and the real prospect of a rail connection coming to the town it would be incredibly catastrophic to implement this flood scheme. The ramifications of hiding the River Teviot with giant flood walls and uprooting so much of the beautiful natural environment at this time might be incalculable. It is imperative that other flood plan options should be looked into more thoroughly including new innovative methods that have been developed during the time it has taken for this flood scheme to progress.

My fourth point of objection is that my own enjoyment of the river Teviot and its riverbanks and its paths will be severely depreciated. The uprooting of much of the natural environment next to the river Teviot, along with the closing of direct access in many places, and the building of disproportionate high walls parallel to the river Teviot will seriously disturb and impact upon my enjoyment of the land. I live in Hawick and I am married with two children. I either visit or directly pass by the River Teviot every day often with members of my family, accessing the natural environmental green space that almost exclusively lies within the areas the flood scheme report described as cell 2, 3, 4, and 5. I would therefore state that my interest in this natural environmental green space land that sits within and next to the river Teviot will be unequivocally destroyed.

I wonder if you would be kind enough to send me an email receipt for this email.

Yours faithfully

A large black rectangular redaction box covering the signature area.

28 May 2017

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[REDACTED]
[REDACTED]
[REDACTED]

Hawick Flood Prevention Scheme.

Let me start by saying I welcome the idea of a flood prevention scheme for Hawick. In the 16 years we have owned a property in the town there have been at least 3 major floods.

Before we moved permanently to Hawick we lived in [REDACTED] which, like Hawick, has a confluence of 2 rivers in the town centre. Like Hawick this means that the town centre is liable to flooding. Unlike in Hawick when the Environment Agency planned the flood defence scheme for [REDACTED] they realised that the towns major visual asset was its riverside views, this resulted in the defence walls having large, panoramic , viewing windows to retain the riverside views.

In Hawick the major visual asset is the riverside views, the proposed scheme will destroy this asset. Solid walls with small viewing windows will not enhance the visual amenity of the town. I have heard it described as the Berlin wall, it will effectively split the town in two with the people on one side of the river being unable to see anything on the other.

What is needed is the same approach as the one taken in [REDACTED] where the riverside was recognised as a major asset and steps were taken to preserve it, the scheme proposed for Hawick seems determined to destroy the town's major visual asset.

The council say they are prioritising the regeneration of Hawick with tourism as a major focus, how will this proposal help this aspiration?

This scheme needs to be turned on its head with panoramic windows strengthened by periodic pillars preserving the asset of the riverside views. This will protect both the riverside properties and the riverside views.

[REDACTED]

From: [REDACTED]
Sent: 28 May 2017 20:03
To: Legal
Subject:

***** This email was received from the GCSX *****

Sent from Windows Mail
Proposed Hawick Flood prevention scheme

With reference to the above I feel I must record my objection to the scheme as planned. I have viewed the details of the proposed scheme and feel strongly that they will have a massive detrimental effect on Hawick far outwaying their intended purpose. Of course a flood prevention scheme is required to prevent a repeat of previous floods but these plans go way over the top and the effects will be even more detrimental to the town.

Plans to build massive substantial walls on both sides of the river will without doubt alter the visual amenity of the river Teviot for residents and visitors alike. Walls of 2 metres in height cannot be disguised as anything other than what they are. The views of the river will be obliterated to locals and visitors alike. No amount of viewing panels or view points will ever change this fact.

Hawick is trying hard to entice tourists to the town and surrounding area, this scheme would make this effort very much more difficult. This project would have a devastating effect on tourism and visitor numbers with the local economy suffering accordingly.

This plan would in effect split Hawick in two parts, possibly to be named hawick north and hawick south in the future. This is not required and goes against the traditional spirit of the people of Hawick.

There are very many alternative solutions which could be implemented which would not have such a detrimental impact on the town.

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From: [REDACTED]

Sent: 28 May 2017 20:50

To: Legal

Subject: Hawick Flood prevention scheme

***** This email was received from the GCSX *****

To Whom It may Concern

I am writing to express my concerns about the proposed flood prevention measures in Hawick. although I havnt heard much about it until recently and I am not fully informed I was alarmed to be told that there are going to be walls built at the sides of the river, possibly even blocking it from view!

Hawick is a town which has been built on a river and is important to its heritage. The river is an integral part of the town and adds to its attraction. Myself and many others love to walk beside the river, to hear and see the birds there, sometimes otters, and take the kids or dogs to the riverbank to throw stones in.

I know the river has been destructive when in flood recently and something needs to be done to address this. I remember walking in Selkirk recently and there appeared to be an embankment built up which I could walk along to still be able to see the river there. Im sure there must also be other options available.

I and many others I have spoken to do not consider it an option to build walls and hide the river from view in our town to the detriment of the majority of people. I think we need some other suggestions and let people see mock-ups of what it will look like. Not enough information has been given to the people in the town.

Regards

[REDACTED]

--

[REDACTED]

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From: [REDACTED]

Sent: 28 May 2017 20:52

To: Legal

Subject: Flood Scheme - Hawick

***** This email was received from the GCSX *****

I strongly object to the proposed flood prevention scheme for Hawick. I find it incredible that the solution is to cut down beautiful trees and build ridiculously high walls so the river will not be visible. The river is a much loved part of the town, so surely this must be looked at much more sympathetically. A balance must be found between flood prevention and preserving the view of the area, as well as keeping as many trees as possible.

[REDACTED]

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From: [REDACTED]

Sent: 28 May 2017 21:02

To: Legal

Subject: Flood Prevention Scheme for Hawick

***** This email was received from the GCSX *****

I am writing to object to the proposed flood scheme for Hawick. I believe that the scheme will be visually intrusive, ruin views of the river and spoil the look of the town. I realise that some measures must be taken, but a compromise, such as lower wall height should be considered.

[REDACTED]

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From: [REDACTED]
Sent: 28 May 2017 21:34
To: Legal
Subject: Hawick Flood Prevention Scheme 2017

***** This email was received from the GCSX *****

Dear Sir,

I object to this scheme for the following reasons.

The scheme takes insufficient account of the importance of the Rivers Teviot and Slitrig to Hawick. These rivers formed and shaped Hawick. Their waters powered the mills. Their economic importance as a source of energy has waned but because they flow through the centre of the town they are vital constituents of the town. Most people in Hawick will see the rivers during the day, they will enjoy the open views they provide and the wildlife and vegetation; they notice whether the river is up or down. They can get to the rivers to swim, to fish or to walk their dogs. The rivers are an essential amenity for Hawick. Perhaps they are taken for granted.

These plans will completely sever the close and dynamic link between town and the Teviot, in particular. They will create a hard physical barrier between the people of Hawick and their river. In many cases the river will no longer be visible except through a glass viewing pane, a pathetic substitute for unmediated contact with the river and its atmosphere. In some places there are to be raised walkways. But that brings an artificiality to the whole experience of being near the river. The wonder of the river experience as it exists is that it is immediate and ever present. There are many places where you can walk down to the river, without worrying about climbing a wall or going through a gap in the wall.

These concerns are recognised in the Environmental Statement ("ES"); the proposers of the scheme however pretend that the effects of this traumatic severance can be mitigated by certain measures: the viewing panes, viewing points, public art (I assume they mean graffiti) and tree planting (after many trees are cut down). In my view, none of these will go anywhere near repairing the damage. The view of the river will be of a watercourse confined within massive barriers. The river will no longer be seen in relation to the buildings and the life going on along its banks. The experience will be akin to looking at a canal in an industrial estate, or eating a Mars bar with the wrapper on.

Consider the Teviot between Mansfield Road and Duke Street. Here there are wide tree lined boulevards. The Johnstons of Elgin building is a fine edifice; looking at it, you are transported to the Continent. Here is how it is described on the website of British Listed Buildings: "The administration block at Eastfield Mills has the grandest façade of any of the textile buildings in Hawick and it makes a major contribution to the streetscape. Its French Renaissance chateau style is highly distinctive and the building is both imposing and impressively detailed." If you sit in the Johnstons' restaurant you look out through the large windows and the trees at the attractive cottages on the south bank. Not surprisingly it is a popular place to go. This will be utterly changed if this scheme goes ahead. The huge walls will obstruct the view of the river and of the buildings on the other bank.

I do not believe that Hawick is so rich in places of genuine charm and beauty that it can afford to diminish such an important area as this in the interests of flood protection. It seems to me that Hawick has a great, if as yet poorly exploited potential for a certain type of tourism. It is relatively difficult to get to and has remained unspoiled as a result. It is surrounded by beautiful countryside and historic places and towns. In my view, it could do even more to push itself as a centre for walking and cycling. But there is competition in the market for tourism: Hawick isn't chocolate box pretty; I find it beautiful but not everyone does. This flood prevention scheme will be ugly and will divorce the river from the town. I cannot see how it could be anything but detrimental to the town's economic prospects in the long term.

How has Hawick got to the point where it is even considering this monster remedy? I am not a hydrologist, but I believe that it is accepted that the best way to deal with flooding is to slow the effect of gravity on rainwater: in other words you try to keep the rain where it lands as long as possible and slow its eventual course to the sea. The techniques are known as Natural Flood Management ("NFM") and involve inter alia planting deciduous trees and creating dams on the burns feeding the bigger rivers. NFM was indeed considered by the project sponsors: it is option 38 in the ES. But it seems to have been dismissed at a very early stage as a front runner, being relegated to stage 3, after the flood walls in Hawick have been built. The reasons given are at page 37 of the ES: they are "Currently difficult to make a sound economic case, and difficult to quantify the flood risk reduction at this time. Would require a

culture shift by upland landowners and farming community. NB Would deliver the Scheme objective for NFM, so is considered as part of the phase 3 longer term ". From the brief note of the meeting with the upstream landowners and farmers on 12 September 2012 it seems that they were against keeping the water on farmland for as long as possible. It is not entirely clear why. So NFM was relegated to a subsidiary measure.

Judging by the ES, the sponsors simply failed to engage with the landowners and farmers energetically enough. They are reasonable people and I am sure that they would be willing to help were it explained to them that if they did not wholeheartedly and urgently embrace NFM they would condemn Hawick to these ghastly flood protection measures. And to make it easier for them to do so they could of course be offered compensation when flooding occurs on their land.

The benefits of massive NFM measures cannot be overstated. Not only will large scale deciduous planting help save the planet, it will also be an invaluable tourism resource and will help redress the damage done to the Border hills by sheep and commercial forestry. If, as some predict, Brexit will destroy the UK's lamb industry as well as removing the existing subsidy regime, famers may find that planting the hills and accepting occasional flooding provides a valuable means of diversification. They may now be more receptive to NFM. How wonderful would it be to have a new Border forest a la Carrifran between Hawick and MossPaul.

Finally, the public consultation has in my view been a failure. I do not live in the town but I have worked here for 24 years and I am interested in what goes on. I only found about the **scale** of the Scheme 14 days ago. I immediately started to ask people if they knew about the plans. I would say that 70% of the people I asked had no idea and they all live in the town. Most of those to whom I spoke were appalled when I told them what was proposed. I appreciate that there have been public exhibitions, albeit thinly attended. But for a scheme of this magnitude and importance to the town there should have been something dramatic like a mock up of the flood wall along Duke Street. The residents would have said "what the hell is going on" and a real debate would have started. Instead, the scheme has crept forward under most people's radar, without any rigorous public scrutiny.

Yours sincerely,

A large black rectangular redaction box covering the signature area.

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From: [REDACTED]
Sent: 28 May 2017 21:59
To: Legal
Cc: [REDACTED]
Subject: Chief Legal Officer Hawick Flood Scheme

***** This email was received from the GCSX *****

28 May 2017

Dear Chief Legal Officer

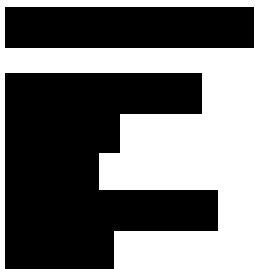
I hereby wish to formally object to the Hawick Flood Scheme Report and the preferred option that lies within it.

My objection involves the conservation of bats. Findlay Ecology Services of Kelso carried out an initial surveys scoping survey in 2015 and then carried out a full bat survey report in 2016. The report stated that the level of bat foraging activity was high along the length of the proposed Flood Prevention Scheme. The report concluded that if any of the proposed works directly or indirectly impacted the roosts sites identified within this report it would be necessary to obtain a derogation licence from the Scottish Natural Heritage Species Licensing Team before the planned works could take place. The authors of the flood scheme report acknowledge that they will have to apply for these derogation licences for this scheme to be implemented. As derogation licences can only be obtained when there is no satisfactory alternative to the granting of a licence it is therefore reasonable to assume that the preferred option cannot be altered any way that would negate the need to apply for such a licence.

In my opinion this could mean one of two things, firstly that the progression of this flood proposal to this stage is either a huge gamble or that there is a belief that the licence will be granted because there is a strong argument that the benefits of implementing the preferred option outweighs the negative impact it would have on bats. However in my opinion it cannot be argued that there is no alternative solution and the licence should not be sought or granted. The report states there were originally 50 flood protection options, even after only having studied flood option one section table 4.6 in the Main Report Environmental statement it is clear that this option was not thoroughly expanded upon. The report cannot be more specific than stating that between 5 and 9 upstream online storage areas would be needed. This is incredibly vague considering that the report states that average price of each upstream online storage area is £7.5 million The report fails to give any details on the flood defences that would be needed to be setup in Hawick to compliment the upstream online storage, nor does it give any indication of the impact that option one would have on the local bat population if it was implemented.

In my opinion it is clear that option one is still a viable alternative option and it was not investigated thoroughly enough to argue that there is no satisfactory alternative available that would prevent the need for issuing a derogation licence. This option appears to have been dismissed at such an underdeveloped stage because of resistance from the sections of the farming community who either attended a public exhibition or attended the farmers meeting in 2012. What exactly did the farmers reject to 5,6,7,8 or 9 upstream online storage areas being sited? Also on realising the impact that the preferred option would have on bat conservation and that there would need to be an application for a derogation licence I would have expected to have seen evidence in the flood report that other options including new ones would have been looked at in some depth again. My understanding of bat derogation licences are that they provide the licensee temporary immunity from prosecution from carrying out an illegal act. Hence they really only should be applied for and granted in exceptional circumstances when there really is no alternative. Could you please acknowledge this objection.

Kind regards



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-----Original Message-----

From: [REDACTED]

Sent: 28 May 2017 22:15

To: Legal

Subject: Hawick Flood Prevention Scheme 2017

***** This email was received from the GCSX *****

Dear Sir,

I would like to object to the proposed Hawick Flood Prevention scheme. Recently Hawick has been badly flooded, residents have had their houses badly damaged and there does need to be a flood prevention scheme to protect the town. But the proposed scheme is not in the right one for the following reasons;

It would partition the town from the Teviot river. The river is an intrinsic part of Hawick both historically and aesthetically. The town would lose a great deal of its charm and the residents would lose much of the pleasure they take in living alongside the river. The massive walls proposed would be oppressive and unattractive. The touristic appeal of Hawick would also be much reduced.

The proposed scheme would channel any flood between vertical and immovable walls. The effect of this would be to increase the speed of the river in flood through Hawick and so to increase the risk from flooding for places such as Denholm which are downstream of Hawick.

In the past the risk of flooding in Hawick was reduced by allowing the river to flood upstream or by damming it upstream. If farmers were payed a reasonable sum of money to allow their fields either to be subject to flooding or to operate some type of sluice system to divert flood waters away from Hawick this would be a much more environmentally friendly and sustainable way of dealing with the floods. I find it hard to believe that farmers would not be prepared to take part in such a scheme if adequately rewarded especially since agricultural subsidies are likely to decrease after Brexit. If the potential flood risk was reduced in this way there would not be a need for such a massive and intrusive scheme in Hawick itself. In the longer term planting trees would also help to alleviate the flood risk.

The right scheme for Hawick needs to balance the gain from flood prevention with the negative impact of the scheme itself. The proposed scheme will have a very substantial negative effect on the town and the downstream area. It is my belief that if other flood prevention measures were implemented then a much less obtrusive and hopefully cheaper scheme could be built.

[REDACTED]

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-----Original Message-----

From [REDACTED]

Date: 19-May-2017 10:20

To: <legal@scotborders.gov.uk>

Subj: Hawick Flood Scheme Objection

Dear Sir or Madam

19 May 2017

I wish to raise a formal objection to the proposed Hawick flood prevention scheme 2017. I was brought up next to the river and would describe Hawick as a river town. I have planned to spend the rest of my life here in this beautiful town. The river is an integral part of Hawick, it is both part of the towns culture and history. In my view the river Teviot is the lifeblood of the town. Many people choose to traverse the town via the various paths that adjoin the river. The proposed flood prevention proposal will involve socially excluding most of the residents of Hawick from the river. Walls some in excess of 2 metres in height will hide the river from the people of the town. The people of Hawick depend on the environment around them for their physical and mental health and general well being. These walls will exclude much of the river Teviot and the associated green space from the people of Hawick. [REDACTED]

[REDACTED] I personally rely on the river for my general well being and all the areas of the river I am currently able to access will be lost to me if this proposed plan is put into place. To clarify I am objecting to the plan because I believe that the exclusion from the river that I will have to endure will prevent me from being able to enjoy the river and will thus have an effect on my health and wellbeing.

I am also objecting to the plan because I believe that the people of Hawick and the surrounding area will be excluded from accessing the vast majority of the river Teviot that flows through the town. It is this social exclusion from the river that will prevent the people of Hawick from fully being able to enjoy the river. This I argue will also have an effect on the health and wellbeing of many of the residents of Hawick.

Regards

[REDACTED]

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From: [REDACTED]
Sent: 28 May 2017 11:17
To: Legal
Subject: RE: rivers

***** This email was received from the GCSX *****

Subject : Hawick Flood Protection Scheme - OBJECTION

Dear Sir,

I object to the proposed flood protection in Hawick Why? Simply no common sense whatever has been applied to this project and this is all that is needed to solve the problem. For the benefit of the people who spent to long sitting in university rather than in the real world getting their hands dirty I will explain the obvious!!! Floods in Hawick in my [REDACTED] years in the town were all but unheard of due to the fact the river banks were maintained and islands that now exist were simply not present nor were the river banks allowed to grow outwards in the Summer when water levels are low [are you going to wait until it joins in the middle? !!!!] helped in its quest by gravel build up. I will not attempt to point out any one part of the river Teviot running through the town as between the High School and Mansfield Park the majority of this stretch is a disgrace and one wonders if anyone really looks at the so very obvious problem with the bare minimum of common sense. Would it not make good sense to look back at the way the rivers were maintained in the past not forgetting in the Burgh of Hawick days people had brains then just the same and unless I am much mistaken floods were not a problem in the town.

Talking to a resident form Mansfield Road last week about the problem was very interesting a couple over [REDACTED] years of age by all accounts who had lived there many years and seen all the changes to the river over those years shared my opinion and to be frank many people seem to doubt the merits of this scheme.

Wildlife has been raised as a reason for not pulling the banks back to allow greater flow of the water yet when in flood where does the wildlife go ? Are the poor people in the affected houses not more important ?

There is talk of a body outwith the borders council who seem to have a say on what happens as regards the waterways if this is indeed the case and it is there incompetence to blame for the scheme put forward steps must be taken - whatever it takes to bring control back to the council in the hope of a logical way to tackle the problem.

The idea of walls all round town is going to look hideous at best not to mention the major upset + delays to the roads throughout the town to put the proposal into operation! do we also leave the River Teviot in the unkempt state it is now? I have never seen it look so untidy and uncared for.

I do not doubt for a moment this complaint will have any impact but if nobody makes comment I have never made comment such as this before in my lifetime living in Hawick but for my own piece of mind simply could not let this go forward without making my personal feelings be known, please look at this problem with just a little common sense and ask people in the town the best way to sort out this problem - you will find most share my logical opinion.

From: [REDACTED]
Sent: 28 May 2017 11:21
To: Legal
Subject: Objection to hawick flood defence proposal

***** This email was received from the GCSX *****

Dear sir,

I would like to object to the proposed plans for Hawick flood scheme.

I have viewed the proposed plans and I have great concerns over the size of the retaining walls within the town at 2metres tall they will have the effect of dividing the town in two, also blocking views of the river. This proposal will have a very detrimental impact on the landscape within the town. I think this will have a very bad effect on visitors to the town and subsequently damage the town's economy.

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED].

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From: [REDACTED]
Sent: 28 May 2017 14:54
To: Legal
Cc: [REDACTED]
Subject: Hawick Flood Scheme Formal Objection

***** This email was received from the GCSX *****
28 May 2017

Chief Legal Officer

I hereby wish to formally object to the Hawick Flood Scheme Report and the preferred option that lies within it. There are 3 points of objection I wish to raise.

I have set up home in Hawick and live here with my husband and two young sons [REDACTED] [REDACTED]. After having read the Report I wish to raise the following points of objection.

My first point of objection is that my family and I will no longer be able to experience the River Teviot unless we visit Hawick Park. On a day to day basis we all travel by the river, often on foot and sometimes by car. All the services we use within the town and the people and places we visit will mean viewing high walls instead of a beautiful riverside. This means we will no longer be able to truly experience the river Teviot on a daily basis. Things like taking the children to feed the ducks next to the nursery will no longer be possible. In my opinion we will no longer be living in a riverside town because the flood plan essentially involves enclosing the river Teviot behind two large walls as it travels through Hawick. This plan is too severe and will completely destroy the relationship my family and I and the people of Hawick currently have with the river Teviot.

My second point of objection is that the plan states that the Scheme will take years to complete. In my opinion the disruption caused during the building of the flood scheme will be too severe. My [REDACTED] [REDACTED] and the possibility of having to take numerous detours to access shops, nurseries and services is worrying me. I also read that some play facilities within the town would have to be dismantled during the process and will not be reinstated until a considerable amount of time had elapsed.

My third objection involves the issue of health and safety. I will give you an example of one riverside walk that I often take with my children. The walk I am referring to is on the south side of the river Teviot and sits within cell 4 of your flood plan. At the end of the walk there is a small play park. I do not think I would take this walk in future if the planned walls were built. While on this walk I can currently see and be seen from the other side of the river. The other side of the river is usually quite busy, with people coming and going from places like the nursery, a mill and commercial garages that are there. People are often in their gardens or at their windows looking over enjoying the view from the Mansfield side. I feel somewhat reassured by this and believe that if I was faced by either a real or perceived threat that someone on the other side would notice what was happening, particularly if I shouted out for help. I would not now have this feeling of security if large walls being built on both sides of the river blocking any view of this path from the north side. Other vulnerable people including those who have no choice but to use this path might now do so both with a feeling of trepidation and with an actual increased level of risk. I think this

argument would hold for the majority of riverside paths in Hawick where there are plans to build large high walls.

I wonder if you could furnish me with an email receipt of this emailed Objection

Yours Faithfully

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From: [REDACTED]

Sent: 28 May 2017 23:08

To: Legal

Subject: Hawick flood protection scheme

***** This email was received from the GCSX *****
To whom it may concern.

I hereby log my objection to the design of the scheme within residential areas of Hawick. My objection is in regard to the solid block style design where the river is hidden from view. Other than a few all windows. This will adversely affect residents daily environs and have a huge impact on visitors to the town and future developments along the rivers.

I would highlight the keswick scheme where long areas of see through walls are used. I would like to see this approach taken to all residential areas, and the solid style used in industrial and non residential areas.

The benefits must not outweigh the costs incurred.

Kind regards

[REDACTED]

[REDACTED]

Sent from Samsung Mobile

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-----Original Message-----

From: [REDACTED]

Sent: 29 May 2017 10:45

To: Legal

Cc: [REDACTED]

Subject: Hawick Flood Scheme Formal Objection

***** This email was received from the GCSX *****

Chief Legal Officer

29 May 2017

I hereby wish to formally object to the Hawick Flood Scheme Report and the preferred option that lies within it.

My first point of objection is that the implementation of this flood proposal will completely alter and almost destroy the relationship that the people of Hawick have with the River Teviot. Hawick will no longer be a riverside town because its residents will be unable to access or experience the River Teviot in the ways that they currently enjoy. I am great grandmother who was born in Hawick and I have lived here my entire life. [REDACTED]

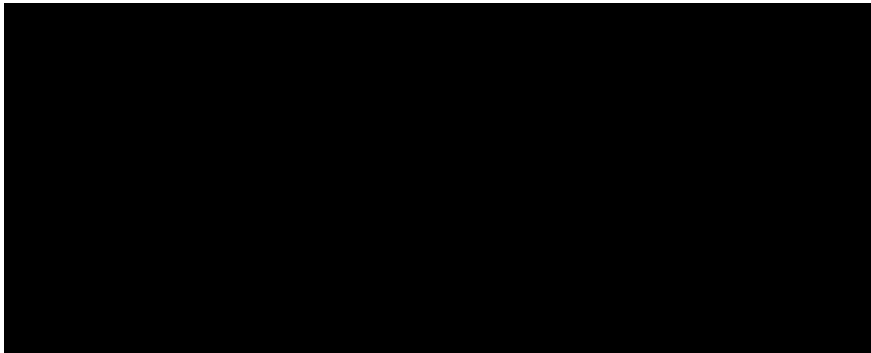
[REDACTED] The people in these areas of the town have a specific relationship with the river which is not dissimilar to the relationship people who live by the sea have with the coast. As a child I often frequented the riverside to experience its beauty and wildlife. The areas of Mansfield and Trinity which includes Duke Street are riverside areas of Hawick. These areas are many comprised of tenement housing, around 90 per cent of which are council tax band A. It is this very relationship that people from these areas have with the river Teviot that makes these areas attractive to the people who live there.

If you build high walls along both sides of the river then they will no longer really be riverside areas. If the preferred option is put in place there will be two large tenement areas next to two large walls with no access to the river. This in my view can do nothing but lead to a decrease in attractiveness of these areas. Tenement properties within Hawick have become increasingly difficult to sell or rent out in recent years. How attractive are these areas going to be to prospective buyers or tenants when they basically become walled up tenement areas? Also please consider the children and pensioners from these areas who will have no choice but to lose their relationship with the river. In general I believe that this flood proposal will be seriously detrimental to the town of Hawick, but being more specific I believe that it will be catastrophic for the people whose homes are in the Mansfield and Trinity areas of Hawick.

My second point of objection is that my own interest and enjoyment of the land at the riverside will be lost. I will no longer be able to experience the river Teviot in the ways I currently do. I also believe that the implementation of this proposal will not only decrease the enjoyment I have of Hawick in general but that it will also reduce my enjoyment of own home. I have worked, invested and made decisions for my future all based on the fact I would retire and live in Hawick for the rest of my life. When I made these decisions it was not reasonable for me to assume that there would be a flood plan for Hawick that would be on a scale or a level of severity of the one proposed. The scale and severity of this proposal is so great that if it is implemented I will essentially be living in a different town. It is also stated within the report that the preferred option will take years to complete. On no occasion during my life when I made important decisions relating to property, investments or pensions did I ever consider that I could be spending most of my retirement in Hawick while massive works were being carried out, which will cause massive disruption, dust and noise.

Please could you send me an email receipt of this objection.

Yours Faithfully



22/05/2017

Chief Legal Officer
Scottish Borders Council
Council Headquarters
Newtown St Boswells
TD6 0SA

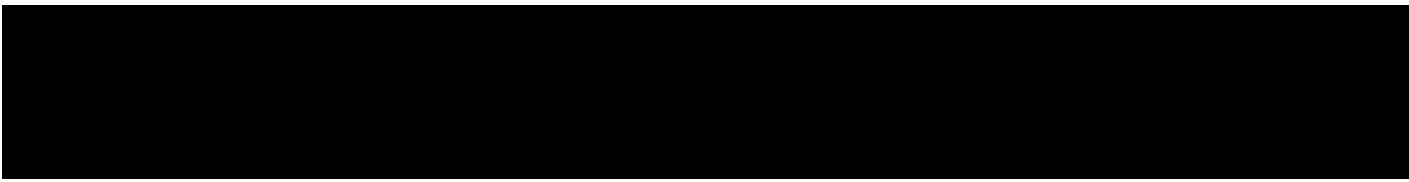
Regulatory Services
26 MAY 2017
Legal & Licensing

Dear Sirs

I wish to put in an objection regarding the flood defence scheme planned for the A7 in Commercial Road Hawick.

I have [redacted] along Commercial Road Hawick, which is going to be one of the areas in the path of this proposal.

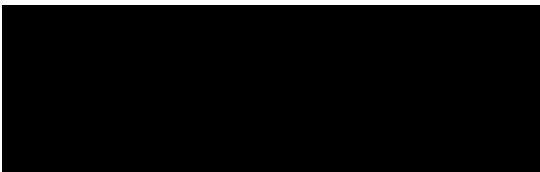
My objection is mostly about the closure of the main A7 Road, in regards to the length of time this is to be closed (6 months plus being the current estimate for this work). I would also like to know what access is going to be given regarding [redacted] am I going to be able to take my car along to the [redacted], this may seem trivial but I am [redacted] would like to know that I can drive to outside [redacted] rather than have to walk from the car park which is some distance away.



I think the flood defence scheme is being railroaded forward without any thought to the various companies and businesses in this area.

I therefore wish to put in a strong objection to this planned scheme along the A7 in Commercial Road Hawick.

Yours faithfully



From: [REDACTED]
Sent: 29 May 2017 12:24
To: Legal
Subject: Hawick Flood Protection Scheme - objection.

***** This email was received from the GCSX *****

The Chief Legal Officer
Scottish Borders Council
Council Headquarters
Newton St Boswells
Melrose
TD6 OSA

May 29th, 2017

Dear Sir/Madam

Hawick Flood Protection Scheme 2017

Thank you for your letter of April 21st advising that the Council is now promoting the Hawick Flood Protection Scheme 2017 (" the scheme"). We have reviewed the scheme documents at the Council's offices in Hawick and would comment as follows

Proposed construction method on Commercial Road – from the watercourse

- We are concerned that the proposed cantilever wall construction represents a risk to [REDACTED]. [REDACTED] The proposals for working in the river in particular do not take into account the impact on [REDACTED].
- [REDACTED]
- We are concerned that the proposed construction method using vibro-driving or vibro-piling will threaten both [REDACTED] and the pipework under the A7 [REDACTED].
- We acknowledge the efforts made to reduce the wall height on the left hand bank from the initial 2.3m to the current 1.68m. However we remain concerned about the visual impacts in relation to the view across the river to the Wee Haugh and with the design's immediate impact on neighbouring buildings. The [REDACTED] [REDACTED] and we have not seen in the current scheme any reflection of the importance of maintaining the Town's connection to the River.

Further, we remain concerned that the impact of a high wall in such close proximity to [REDACTED] will be detrimental to the working conditions for staff [REDACTED].

- We note that the proposals to use the Wee Haugh as the entry point to the River for the part of the scheme that concerns Commercial Road. We are concerned that the potential noise and visual impacts have not been quantified.

- We are concerned that the scheme acknowledges the need to remove trees but does not offer any solutions in mitigation other than replacement in another unspecified location.

Proposed Road Closure – A7

- We do not consider that the current proposals offer sufficient detail for businesses along Commercial Road to realistically assess the impact on trading. All of the businesses are dependent on the number of visitors/clients/shoppers that can access their premises. We acknowledge that some disruption is inevitable but see no proposals for detailed prior planning , mitigation or commitments to timescales.
- We cannot ascertain from the current proposals what the implications are for Bath Road [REDACTED]
[REDACTED]

We acknowledge the importance of the scheme for Hawick and in particular for those residents downstream from Commercial Road . It is in this spirit that we offer these objections for your consideration.

Yours Sincerely

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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From: [REDACTED]
Sent: 29 May 2017 14:12
To: Legal
Subject: Fw: HAWICK FLOOD PROTECTION SCHEME

***** This email was received from the GCSX *****

From: [REDACTED]
Sent: Monday, May 29, 2017 1:54 PM
To: LEGAL@SCOTBORDER.GOV.UK
Subject: HAWICK FLOOD PROTECTION SCHEME

We at [REDACTED] **object** on the grounds that we have major concerns on the building work that will be carried out on the **Mansfield Road** area of the Town. We have had nobody in contact with us in regard to this matter. We have no idea if there will road closures or what kind of obstructions will be in place. We at [REDACTED] fear that any road closures will have a severe impact on our business and affect our livelihood. We can not ignore this and hope the Council also doesn't ignore our concerns.

Regards

[REDACTED]

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From: [REDACTED]
Sent: 29 May 2017 14:41
To: Legal
Subject: Hawick Flood Protection Scheme

***** This email was received from the GCSX *****

Ref: The Hawick Flood Protection Scheme under the Flood Risk Management (Scotland) Act 2009 (the Act) and the Flood Risk Management (Flood Protection Schemes, Potentially Vulnerable Areas and Local Plan Districts) (Scotland) Regulations 2010 (the Regulations).

Dear Sirs,

I write to lodge my objection to the flood protection walls that have been proposed in the report that has recently been made available to the public. I fully accept and support that something has to be done to avoid the types of floods we have seen in recent years, however I feel that 2 metre high concrete walls being built the length of the town, which would completely obscure the river from view in parts of the town, would be detrimental to Hawick.

The town is currently trying to rebuild and regenerate after the significant decline of the textile industry, and one of these regeneration schemes has been to improve the Wilton Lodge and Volunteer parks. The river is a fundamental part of these tourist attractions in the town, and to hide it from view would be ridiculous. People have worked hard to make the park an area of natural beauty, and tourists (and locals) do not want to come to such a place and look at concrete walls. There is also regeneration ongoing in Commercial Road with retail and tourist attractions opening, i.e. the new Whisky Distillery and the large children's soft play centre, as well as the new Aldi retail unit. Could the current wall not be replaced or reinforced at its current height? The river is also recognised during the town's Common Riding festival, how will towns people and tourists see the Cornet dip his flag in the Cobble Pool when there is a 2 metre wall stopping access?

This river is an important landmark in the town and should not been hidden behind concrete walls. As stated above, I fully support a flood protection scheme for the town and those most at risk, but this proposal should be a last resort after all less invasive options have been exhausted.

Yours faithfully

[REDACTED]

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From: [REDACTED]

Sent: 29 May 2017 22:38

To: Legal

Subject: Hawick Flood Scheme

***** This email was received from the GCSX *****

Hi,

I am objecting against the felling of trees in Duke Street and Mansfield Road and the very high walls that will make it difficult to see the river.

Thank you

[REDACTED]

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From: [REDACTED]

Sent: 29 May 2017 22:43

To: Legal

Subject: Hawick Flood Scheme

***** This email was received from the GCSX *****

Hello,

I do not want the trees to be chopped down in Duke street. The trees are nice and make the street green and are a home for birds.

I am scared that if you fall in the river that you will not climb out because the walls are very very tall and no one will see you.

[REDACTED]

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From: [REDACTED]

Sent: 29 May 2017 22:42

To: Legal

Subject: Object to Hawick flood protection scheme

***** This email was received from the GCSX *****

I am [REDACTED] Hawick and wish to object to the size of the protection wall outside my property. I have lived here for [REDACTED] years and in that time have NEVER seen the river flood outside my property. I understand that some sort of protection is needed but a wall the size of what is proposed is ridiculous. Anything higher than a metre would just be monstrous. I also object to the removal of the lovely trees.

[REDACTED]

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From: [REDACTED]
Sent: 29 May 2017 22:34
To: Legal
Subject: Hawick Flood Scheme

***** This email was received from the GCSX *****

Hi,

I would like to object to the beautiful trees in Duke Street and Mansfield Road being chopped down.

[REDACTED]

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From: [REDACTED]
Sent: 29 May 2017 22:31
To: Legal
Subject: Hawick Flood Protection Scheme Objections

***** This email was received from the GCSX *****

Hello,

I would like to make the following objections with the design of the proposed Hawick Flood Protection Scheme.

1. The height of the walls in Duke Street & Mansfield Road
2. The felling of the mature trees in Duke Street & Mansfield Road
3. The enclosing of the Teviot Crescent (lower haugh) grass area and playpark in 2mtr high walls
4. The reduction in space of the main upper common haugh and the use of ramps to access the bridge
5. The 2mtr high wall that will run in front of the cricket pavilion cutting the building off from the pitch
6. Using the new 3g pitch, the hockey pitch and the new tennis courts as a flood plain
7. The use of numerous ramps throughout the town to gain access on to foot bridges
8. The negative visual impact to visitors and tourists
9. The disconnection between the river and the town
10. The distinct separation and barrier that will be created on both sides of the town

[REDACTED]

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From: [REDACTED]

Sent: 29 May 2017 22:13

To: Legal

Subject: Flood Prevention Scheme Hawick

***** This email was received from the GCSX *****
[REDACTED]

My objection to the proposed scheme are:

Height of wall, 2.3m seems excessive. It will be an eyesore and block the view of the river, spoiling the heart of the town. Will this solve the problem of the water backing up through the drains?

Would flood plains outside the town be an alternative?

Could the river bed be lowered?

I would like to add that the information was very difficult to find. I think that artists impressions of the proposed scheme should have been displayed in the windows of Hawick's empty shops to obtain the views of the townsfolk.

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Formal Objection to Hawick Flood Scheme Proposal

29 May 2017

Dear Chief Legal Officer,

I am writing to object to the proposal put forward May 2017 relating to the Hawick Flood Scheme. The reasons of which are stated clearly below.

Environmental Impact

In particular the concrete walls and disruption to the river habitat will undoubtedly impact on the natural environment. Specific indigenous plant life and associated wildlife will be detrimentally affected by their removal during the construction process. This natural environment will never be replaced despite proposals for 'landscaping'. Many species and their habitats will inevitably be lost including the bats that roost along the many established trees along the Duke Street section of the river. These are a protected species that rely on strict legislation to ensure they do not become endangered or extinct.

Children's Participation

Within Scotland, we are bound to the ratification of the United Nations Convention of the Child, 1989. The Children and Young Peoples Commissioner for Scotland has to actively promote and uphold the UN Articles and advocate on behalf of the children and young people of Scotland to their legal right to be fully informed and consulted. Such a project as this definitely falls into these legal categories. The children and young people of Hawick, and recently Selkirk, have been manipulated and tokenised at all stages of the Scheme. In the specific area of Duke Street and the Mansfield area of the river, children will cease to have a view or ready access to the river or its banks.

Children (Scotland) Act 1995 and the relatively new legislation of Children and Young People (Scotland) Act 2014 specifically make provision for full Participation. Participation is a term which does not merely describe 'taking part' but rather denotes a full unequivocal right to have a voice, empowering the young people of Scotland to have shared autonomy with adults. This has definitely not been incorporated within this proposal.

The Equality Act 2010 is also breached due to the protected characteristic of age as much of the proposal will severely impact on the children and young people of Hawick placing them as being directly discriminated against.

Disability

The Equality Act 2010 also states that Disability is a protected characteristic. Anyone with a disability has been directly discriminated against from the planning stages, published proposal, public scrutiny process and the entire proposal for the Flood Scheme. Not one member of the Flood Protection Scheme has taken into account the very real issues faced by individuals with a disability. It took an emailed

complaint before Flood Scheme planning notice posters were placed at a lower height so wheelchair users could read the plans. Concrete walls will prevent the viewing of the river areas and even the 'planned viewing windows' are to be placed at a minimum height of 1.4m. The average height of a seated wheelchair user is 98cm. These are just one or two examples of direct discrimination and the construction of the Flood Scheme has not even begun.

Tourism and Commerce

In recent years Hawick has experienced a decline in the number of manufacturing jobs, the once booming mill town is experiencing times of real economic hardship and an aging demographic. The one shining gem we have as a town is that of its historical beauty, the river being a major part within this. The river is the lifeblood of the town and with tourism within Scotland on the increase, it is essential that Hawick taps into this market. The highly successful mills such as Johnston's of Elgin are placed along the Mansfield/Duke Street area of the river and benefit from a large number of tourists who visit them. The new distillery currently under construction further upriver will also boost the tourist numbers that visit each year. Part of their brand within any Hawick Company is the town's heritage and beauty and this cannot be emphasised enough. It is therefore imperative that the river and surrounding Green space areas retains their aesthetic if the economic future of the town is to be secure.

Personal Safety

My final reason for objection is that of perceived or actual threat. Many of the current routes will be made very unsafe due to the nature of the proposed walls and the subsequent reduction in footfall. Some areas of the proposed scheme will in fact become extremely unsafe due to being obstructed from view leading to antisocial behaviour and may even place individuals at risk. In relation to this aspect, there are also the health and safety factors to consider if someone was to find oneself in the river, essentially becoming trapped or unable to call for help.

Thank you very much for considering these objections, if I could possibly have an emailed acknowledgement that would be very much appreciated.

Yours faithfully

[Redacted signature block]

From: [REDACTED]

Sent: 29 May 2017 19:56

To: Legal

Subject: Hawick Flood Scheme

***** This email was received from the GCSX *****

I have read the article on the above and was horrified to hear that you would even consider building a wall on the side of the river Teviot. I am now well over [REDACTED], attended Hawick High School and have lived in the Teviot valley all my life and would hate to see the town and river vandalised in this way. I have seen high rivers in my time but not the destruction of recent years probably because common sense was used and the river was dredged regularly and farmers up the valley were allowed to use gravel for gateways, roads etc.

Please stop this harebrained idea before it is too late.

[REDACTED]
[REDACTED]
[REDACTED]

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From: [REDACTED]
Sent: 29 May 2017 19:42
To: Legal
Subject: Hawick Flood Protection Scheme - Objection

***** This email was received from the GCSX *****

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

I reside in the area of Hawick affected by flooding and I have serious reservations about the 'belt and braces' flood prevention scheme currently being proposed. My neighbourhood will be adversely changed by the construction of a 2 metre high wall down [REDACTED] and the planned removal of the beautiful trees would be organisational vandalism. The Teviot River is celebrated in song, poetry and paintings and obliterating it from view will leave the town of Hawick a poor relation in terms of aesthetics -we are supposed to be encouraging tourists. Who wants to look at walls with windows? I also object to being fobbed off with contemporary works of art being placed strategically along the route - nature transcends art - I'd rather watch the wildlife. My [REDACTED] mother lives in [REDACTED] and experienced the aftermath of flooding in 2005 - she was out of her home for [REDACTED] living with [REDACTED] whilst repairs were carried out so I am fully aware of the consequences if no measures are taken. With regard to [REDACTED] it was the [REDACTED] [REDACTED] which flooded - the water came up through the drains, not the river, so a high wall in front of the building would have been of no use. Before these drastic measures are taken I implore the powers that be to investigate alternative flood prevention schemes. We do not need a Berlin Wall running through Hawick and I am deeply concerned that the only winners in this debacle will be the outside construction firms who will be given a blank cheque to ruin our proud town.

Yours sincerely
[REDACTED]

Sent from Samsung tablet

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From: [REDACTED]
Sent: 29 May 2017 18:36
To: Legal
Cc: [REDACTED]
Subject: Hawick Flood Scheme Objections

***** This email was received from the GCSX *****
Chief Legal Officer

I hereby wish to formally object to the Hawick Flood Scheme Report and the preferred option that lies within it.

My first point of objection is that the implementation of this plan will lead to a significant reduction in natural green space in Hawick. The entire river Teviot that flows through Hawick and the vegetated land that surrounds it is green space. The vast majority of this will be lost if the preferred option is implemented. The flood scheme report and associated documentation fails to truly acknowledge that the river Teviot and its riverbanks are green space. The loss of this green space and the knock on effects it will have on areas such as health and wellbeing will be too great if the preferred option is implemented.

My second point of objection is that I believe that Scottish Borders Council and the agents acting on its behalf have failed to eliminate unlawful discrimination under the Equality Act 2010. In my opinion the flood scheme report fails to show that due regard was given to people with the protected characteristics of age (primary school children) or disability (wheelchair or mobility scooter users). The flood scheme report states that viewing windows will be placed in certain areas to provide an alternative to the current natural view. The flood report also states that the viewing windows will on average start from a height of 1.4metres. In my opinion it is clear from the report that there is a general assumption that viewing windows starting at a height of 1.4 metres will provide an acceptable alternative to the current natural view of the river. However these windows cannot provide an acceptable alternative view to a primary school child or any person with a disability who uses a wheelchair or mobility scooter. The people with these protected characteristics will be unable to see the river Teviot from these windows. In my opinion the flood report completely fails to acknowledge this fact. The report also fails to give any reasons why discriminating against people with these protected characteristics would be justifiable when placing the viewing windows at a height starting at 1.4 metres. Nowhere within the report do I recall seeing any attempt to specifically obtain the views of people with these protected characteristics on the issue of viewing window heights. I have also failed to find any evidence within the report of any meaningful explanation being given to people with the above mentioned protected characteristics as to why the viewing windows will be placed at a height that prevents them from participating in the same way as everyone else at the riverside. These failures have led me to believe that Scottish Borders Council and the agents acting on their behalf have failed to eliminate unlawful discrimination under the Equality Act 2010 and will continue to do so if they approve this preferred option.

My third point of objection is that the flood report does not provide enough evidence that alternative options have been thoroughly considered. This is particularly important considering the size, scale cost and impact of the preferred option. The report mentions an earlier report from 2004 which states that a flood scheme similar to the one being proposed might have a severe effect on the amenity of Hawick. Therefore I was surprised to see that many of the fifty original

flood plan options were disregarded very quickly. For example the option to create upstream online storage areas was dropped because a few people from the farming community objected to it at while attending a public exhibition or at later farmers meeting that took place in 2012. This does not give me confidence that the preferred option is the best or indeed the only available option. Also the apparent ease of which these other options appear to have been rejected seriously weakens any argument the Council might use to justify breaching the Human Rights of the people of Hawick in carrying out their duty to reduce the likelihood of flooding.

My fourth point of objection is that my own personal enjoyment of the land next to the river Teviot will be lost. I live in the Weensland area of Hawick and always walk into the town. There are only two ways to walk into the centre of Hawick from where I live, one is down the main road the A698 and the other is via the riverside. Currently I will almost always walk by the riverside to reach my destination. I take this route to visit family and friends, the library, the health centre and the shops. I also visit the sports grounds in Mansfield by walking by the riverside. I currently enjoy a beautiful panoramic view of the river while walking this route. If this plan is implemented I will be shadowed by high walls for the entire journey. This on average is 15 minute walk. There is no way I will continue to use these riverside paths and roads if these walls are built. The main reason I walk by the river is to see it and experience it. The buildings that run parallel to the river Teviot on the walks I currently take include boarded up mills, tenement blocks, and sewage works. It is the beauty of the riverside that balances out the ugliness of some of the buildings that run parallel to the Teviot. Replacing this panoramic riverside view with a wall will turn these routes into ugly areas that hardly anyone will want to walk along. Also if I no longer travel by riverside routes then I will no longer visit any pubs, shops, cafes or sports grounds that are accessible on this route. In conclusion my own enjoyment of the land next to the riverside will be lost and I will now traverse the town of Hawick using completely different routes.

My fifth point of objection is related to connectivity. The preferred option report mentions increasing connectivity by adding some very short paths to the areas next to the river. However how can this possibly be expected to increase connectivity when the plan is to simultaneously build high walls next to these short paths that will block the natural view of the river. The preferred option completely fails to understand that the main reason people in Hawick travel by the river are to see and experience it. For example no child from Burnfoot, which is the Scottish Borders largest housing estate, will be able to get a natural view of the river if they travel by the river to the town centre. This is an average 25 minute walk. Not only is this shocking in its own right but will also mean that the children themselves will probably take the main road into the town and completely avoid these bricked up riverside routes that are next to places like the sewage works and Council yards.

In conclusion, I hope you seriously consider all of the above objections on each of their own merits.

Please could you forward me an email receipt for this objection?

Yours Faithfully

A large black rectangular redaction box covering the signature area.

29 MAY 2017

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From: [REDACTED]
Sent: 29 May 2017 18:29
To: Legal
Subject: Objection to Hawick Flood Scheme

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Chief Legal Officer

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online storage areas was dropped because a few people from the farming community objected to it at while attending a public exhibition or at later farmers meeting that took place in 2012. This does not give me confidence that the preferred option is the best or indeed the only available option. Also the apparent ease of which these other options appear to have been rejected seriously weakens any argument the Council might use to justify breaching the Human Rights of the people of Hawick in carrying out their duty to reduce the likelihood of flooding.

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In conclusion, I hope you seriously consider all of the above objections on each of their own merits.

Please could you forward me an email receipt for this objection?

Yours Faithfully

A large black rectangular redaction box covers the signature area, obscuring the name and any handwritten notes.

29 MAY 2017

From: [REDACTED]
Sent: 29 May 2017 17:12
To: Legal
Subject: Hawick Flood Scheme Proposal - Comments and Objections

***** This email was received from the GCSX *****

To Whom it May Concern,

We are (very belatedly) writing to put forward our objections regarding the plans for the proposed flood prevention scheme. As [REDACTED] of [REDACTED] which flooded on 5th December 2015 we know first hand what flooding can do to a home, business, town and community! [REDACTED] flooding however, **did not come from the river bursting it's banks**. Yes there was flooding on the road behind [REDACTED] from the river, but it DID NOT reach the [REDACTED] our flooding came through the basement walls.....this was caused by the level of the water table rising underground....something which no wall will stop! Other flooding is caused by the water 'backing up' from the river downstream when the water downstream has nowhere to go. We now live in [REDACTED] which is in the flood zone.and granted we are on the [REDACTED] floors, we do have our entrance and a pretty private courtyard on ground level and our property is built on foundations which have flooded in the past, so any severe flooding could potentially still affect us personally. But STILL we are against the level of change proposed.

The building of the proposed wall will destroy many trees and will really spoil the look of a town built on the river...these rivers were the lifeblood of Hawick, what the town was built on, and to block the river from view in so many places along the banks is an awful prospect.

The trees and benches along the river banks of Mansfield rd, Duke st, and Common Haugh for instance which look to be removed to make way for the wall, are a huge asset to not only these streets and areas but are also seen and appreciated from every angle, including being seen from the main road which many passers by will see when coming through Hawick. Many properties are without gardens, what lovely spots to enjoy and be proud of, to sit in and walk through.

The proposed Perspex panel and the wall itself are just blank canvasses for vandals and will soon just become covered in graffiti, the panels themselves becoming scratched and not at all easy to see through.

The 3G,2G, Tennis Courts and Cricket pitch are included in the flood plain?? These areas have had huge amounts of money put into them, why are they not even protected by the wall?

Basically what we are saying is that we (and many people we have spoken) to feel that the wall and the destruction which will come with it is going to ruin the look of central parts of the town and that there is absolutely no need to have this height of wall placed in these beautiful areas central to the town.

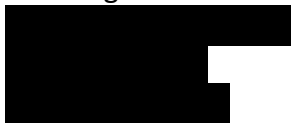
We appreciate that our letter is coming to you very late in the day but we weren't aware that there was an opportunity to object, let alone that there was a deadline! It was just through chance that a friend was handed a leaflet and shared it on Facebook!

We feel we could have so much more to say, but this letter has been rushed through as we didn't have much time, so we would certainly have more to add had we had more time to study the plans and proposals in more detail.

Hopefully our comments will be taken on board,

We look forward to hearing from you,

Kind Regards



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From: [REDACTED]

Sent: 25 May 2017 23:02

To: Planning & Regulatory Services

Subject: Hawick flood prevention scheme!

I object strongly to the wall being constructed as part of flood prevention on the grounds it will destroy the towns economy! Be detrimentally damaging to wildlife!

From: [REDACTED]

Sent: 25 May 2017 22:42

To: Planning & Regulatory Services

Subject: Hawick flood prevention scheme. 'The wall'.

I am completely apposed to this style of flood prevention on the grounds of damage to conservation. Division of the town. And safety to towards the public.

28/5/17

Re HANWICK FLOOD PROTECTION SCHEME

I am objecting to the building of a fortress around a common ground in Teviot Road, and along the river bank. £42m! The riverside is and should remain a pleasant walkway. Dredging the river would be less costly, less unpleasant for residents and businesses to live with. And the Council could recoup some of the cost by selling the removed stone.

The flooding has become more frequent with the build-up of rocks and debris.

Please, for once, listen to your employers, i.e. the taxpayers.

From: [REDACTED]
Sent: 24 May 2017 08:19
To: Legal
Subject: Hawick Flood Scheme proposal - river wall

***** This email was received from the GCSX *****

I would like to make my views known on this matter. I am unhappy that alternative proposals are not being discussed. Please consider dredging and filtering systems/works so as to retain the view of the river.

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-----Original Message-----

From: [REDACTED]

Sent: 26 May 2017 08:23

To: Legal

Subject: Hawick Flood Prevention Scheme

***** This email was received from the GCSX *****

I am contacting you to express my concern at the height of the proposed wall stretching along the riverside.

While I do believe that the town requires flood defences I think some of the other options should be considered rather than destroying the access to and views of the river with such a high wall.

[REDACTED]

[REDACTED]

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-----Original Message-----

From: [REDACTED]

Sent: 22 May 2017 12:45

To: mail@hawickfloodscheme.com

Subject: Feedback Form from Hawick FPS Website [EXTERNAL]

Below is the result of your feedback form. It was submitted by
[REDACTED] on Monday, May 22, 2017 at 12:44:55

name: [REDACTED]

address: [REDACTED]
[REDACTED]

email: [REDACTED]

phone: [REDACTED]

comments: The Scheme proposes a monstrously ugly solution, which would irrevocably damage a beautiful Borders town. Not enough thought has gone into this. I propose a redesign, which mitigates the flood risk, while taking into account the need to preserve views of the river and trees.

contactviaemail: Yes

APPENDIX D

OBJECTOR ENGAGEMENT TRACKER

HAWICK FLOOD PROTECTION SCHEME
OBJECTION TRACKER



Project Code:	██████████
Revision Date:	11/10/2017
Completed By:	Gillian Douglas

Page 223

Count	Date Received	Objection Reference	Comment / Objection Details				Objection Publication	Correspondance							
			How Contact was Made	Summary of Concern / Objection	Considered Yes / No	Valid Objection Yes / No		Response to request to publish objection	Trigger referral to Ministers - Section 5 (5) Yes / No	Action	Date of Response Letter sent	Request to publish Objection	Request for meeting sent	Date of Meetings held	Date Objection Removed
1	17/05/2017	HFPS-Objection-001-██████████	Email	Loss of view and enjoyment of River	Yes	Yes		No	Provide response to objection letter	21/07/2017	11/07/2017				
1	22/05/2017	HFPS-Objection-002-██████████	Email	Loss of view and enjoyment of River	Yes	Yes	Yes	No	Provide response to objection letter	21/07/2017	11/07/2017	27/09/2017			
1	23/05/2017	HFPS-Objection-003-██████████	Email	Loss of view to River Division of Town Impact on property values	Yes	Yes		No	Provide response to objection letter	21/07/2017	11/07/2017	27/09/2017			
1	24/05/2017	HFPS-Objection-004-██████████	Email	Disrupt connection between Town and River Height of Walls Discounting of NFM Many flood cells fall below BCR - No BCR analysis undertaken for dredging	Yes	Yes		No	Provide response to objection letter	21/07/2017	11/07/2017				
1	24/05/2017	HFPS-Objection-005-██████████	Letter	NFM not been fully tested Cell 6 works will exacerbate flooding downstream No consideration of Deanfoot Farm and Honeyburn Farm Embankments Increase in Flood Risk to Denholm	Yes	Yes	Yes	Yes	Clarification required on issues they are objecting about - Meeting required Matter of disputed fact - Have data to state does not increase flooding - Do not believe this triggers section 5 (5) No decision taken at this time - Objection to be further considered	20/06/2017	11/07/2017		08/08/2017	03/10/2017	
1	26/05/2017	HFPS-Objection-006-██████████	Email	Height of Walls Division of Town Suggest lowering River bed levels	Yes	Yes		No	Provide response to objection letter	21/07/2017	11/07/2017	27/09/2017			
1	28/05/2017	HFPS-Objection-007-██████████	Email	Lack of River Basin Management upstream Height of walls Confining River will increase speed and depth Surface run-off will be prevented from access to River	Yes	Yes	Yes - Only name to be published	No	Provide response to objection letter	13/07/2017	11/07/2017		28/07/2017 27/09/2017		
1	26/05/2017	HFPS-Objection-008-██████████	Email	Height of Walls	Yes	Yes		No	Provide response to objection letter	21/07/2017	11/07/2017	27/09/2017			
1	27/05/2017	HFPS-Objection-009-██████████	Email	Scheme in general is ridiculous Cheaper and less obtrusive ways to prevent flooding	Yes	Yes	Yes - No personal information to be published	Yes	Could consider has interest in land as lives there - Could trigger section 5 (5) Engagement with ██████████ required	15/06/2017	11/07/2017				01/09/2017
1	27/05/2017	HFPS-Objection-010-██████████	Email	Tree Felling Height of Walls Using 2G/3G/Tennis Courts as Flood Plain	Yes	Yes		No	Provide response to objection letter	21/07/2017	11/07/2017				
1	28/05/2017	HFPS-Objection-011-██████████	Email	Height of Walls Suggest tree planting upstream Public engagement not sufficient	Yes	Yes		No	Provide response to objection letter	20/07/2017	11/07/2017				
1	28/05/2017	HFPS-Objection-012-██████████	Email	Closing off of Right of Way Path Health and Safety concern re. Difficulty in rescuing those who may have fallen in River Detrimental to Tourism Loss of enjoyment of River	Yes	Yes		No	Provide response to objection letter	21/07/2017	11/07/2017				
1	28/05/2017	HFPS-Objection-013-██████████	Email	Consider what has been done at Northwich by EA	Yes	Yes		No	Provide response to objection letter	21/07/2017	11/07/2017		02/10/2017		
1	28/05/2017	HFPS-Objection-014-██████████	Email	Height of Walls Division of Town Detrimental to Tourism	Yes	Yes		No	Provide response to objection letter	21/07/2017	11/07/2017	Error - Email undelivered			
1	28/05/2017	HFPS-Objection-015-██████████	Email	Height of Walls	Yes	Yes		No	Provide response to objection letter	21/07/2017	11/07/2017	27/09/2017			
1	28/05/2017	HFPS-Objection-016-██████████	Email	Tree Felling Height of Walls	Yes	Yes		No	Provide response to objection letter	20/07/2017	11/07/2017	27/09/2017			
1	28/05/2017	HFPS-Objection-017-██████████	Email	Visually Intrusive Loss of view of River	Yes	Yes		No	Provide response to objection letter	21/07/2017	11/07/2017	27/09/2017			
1	28/05/2017	HFPS-Objection-018-██████████	Email	Rivers essential amenity Sever link between Town and Teviot Loss of enjoyment of River Detrimental to Town's economic prospects Consider NFM Failure to engage energetically enough Public Consultation failure	Yes	Yes	Yes	No	Provide response to objection letter	21/07/2017	11/07/2017		20/07/2017 27/09/2017		
1	28/05/2017	HFPS-Objection-019-██████████	Email	Conservation of Bats Option 1 not investigated thoroughly enough	Yes	Yes		No	Provide response to objection letter	21/07/2017	11/07/2017	27/09/2017			
1	28/05/2017	HFPS-Objection-020-██████████	Email	Sever link between Town and Teviot Increase flood risk to Denholm Upstream flood storage to be relocated at	Yes	Yes	Yes	No	Provide response to objection letter	21/07/2017	11/07/2017		27/09/2017		
1	19/05/2017	HFPS-Objection-021-██████████	Email	Height of Walls Loss of enjoyment of River	Yes	Yes		No	Provide response to objection letter	21/07/2017	11/07/2017				
1	28/05/2017	HFPS-Objection-022-██████████	Email	Dredge River banks Hideous Walls Disruption during construction	Yes	Yes		No	Provide response to objection letter	21/07/2017	11/07/2017	27/09/2017	02/10/2017	10/10/2017	
1	28/05/2017	HFPS-Objection-023-██████████	Email	Height of Walls Division of Town Damage Town's economy	Yes	Yes		No	Provide response to objection letter	21/07/2017	11/07/2017	27/09/2017			
1	28/05/2017	HFPS-Objection-024-██████████	Email	Loss of enjoyment of River Disruption during construction Safety concerns due to lack of visibility because of high walls	Yes	Yes		No	Provide response to objection letter	21/07/2017	11/07/2017				

1	28/05/2017	HFPS-Objection-025-████████	Email	Impact on Tourism Use see through walls in all residential areas	Yes	Yes		No	Provide response to objection letter	13/07/2017	11/07/2017			
1	29/05/2017	HFPS-Objection-026-Loftus	Email	Sever link between Town and Teviot Loss of enjoyment of River Difficulty in selling properties Disruption during construction	Yes	Yes		No	Provide response to objection letter	21/07/2017	11/07/2017			
1	22/05/2017	HFPS-Objection-027-████████	Letter	Closure of A7 Disruption to Businesses	Yes	Yes		Yes	Engagement with ██████████ required	15/06/2017	11/07/2017		20/07/2017	
1	29/05/2017	HFPS-Objection-028-████████	Email	████████████████████ ████████████████████ ████████████████████ Visual Impacts Height of Walls Lack of tree replanting plan Closure of A7	Yes	Yes		Yes	Engagement with ██████████ required	15/06/2017	11/07/2017		10/07/2017 21/09/2017	
1	29/05/2017	HFPS-Objection-029-████████	Email	No contact from SBC Disruption during Construction	Yes	Yes		Yes	Engagement with ██████████ required	15/06/2017	11/07/2017		10/07/2017	10/07/2017
1	29/05/2017	HFPS-Objection-030-████████	Email	Height of Walls Loss of view of River Impact on Tourism	Yes	Yes		No	Provide response to objection letter	21/07/2017	11/07/2017	27/09/2017		
1	29/05/2017	HFPS-Objection-031-████████	Email	Tree Felling Height of Walls	Yes	Yes		No	Provide response to objection letter	21/07/2017	11/07/2017			
1	29/05/2017	HFPS-Objection-032-████████	Email	Tree Felling Height of Walls	Yes	Yes		No	Provide response to objection letter	21/07/2017	11/07/2017			
1	29/05/2017	HFPS-Objection-033-████████	Email	Tree Felling Height of Walls	Yes	Yes		Yes	Engagement with ██████████ required	15/06/2017	11/07/2017		28/07/2017	05/09/2017
1	29/05/2017	HFPS-Objection-034-████████	Email	Tree Felling	Yes	Yes		No	Provide response to objection letter	21/07/2017	11/07/2017			
1	29/05/2017	HFPS-Objection-035-████████	Email	Height of Walls Tree Felling Enclosing of Teviot Crescent Reduction in Common Haugh Cutting off Cricket Pavilion for Pitch Using Volunteer Sport facilities as Flood Plain Use of ramps to access bridges Negative visual impact to Visitors and Tourists Disconnection between River and Town Barrier created between two sides of the town	Yes	Yes		No	Provide response to objection letter	21/07/2017	11/07/2017			
1	29/05/2017	HFPS-Objection-036-████████	Email	Height of Walls Loss of view of River Information difficult to find	Yes	Yes	No	No	Provide response to objection letter	21/07/2017	11/07/2017	27/09/2017		
1	29/05/2017	HFPS-Objection-037-████████	Email	Environmental Impact No consultation with Children People with disabilities not taken into consideration Impact of Tourism and Economic future Height of Walls - H&S Issue	Yes	Yes		No	Provide response to objection letter	21/07/2017	11/07/2017			
1	29/05/2017	HFPS-Objection-038-████████	Email	Height of Walls Dredge River	Yes	Yes	Yes - Name only to be published	No	Provide response to objection letter	21/07/2017	11/07/2017	27/09/2017		
1	29/05/2017	HFPS-Objection-039-████████	Email	Height of Walls Tree Felling Impact of Tourism	Yes	Yes	Yes - No personal information to be published	Yes	Engagement with ██████████ required	15/06/2017	11/07/2017		10/07/2017 22/09/2017	
1	29/05/2017	HFPS-Objection-040-████████	Email	Reduction of Green Space Failed to eliminate unlawful discrimination Alternative option not been fully considered Loss of Enjoyment of River Loss of Connectivity	Yes	Yes	Yes - Name & address only	No	Provide response to objection letter	21/07/2017	11/07/2017		21/09/2017	
1	29/05/2017	HFPS-Objection-041-████████	Email	Reduction of Green Space Failed to eliminate unlawful discrimination Alternative option not been fully considered Loss of Enjoyment of River Loss of Connectivity	Yes	Yes	Yes - Name & address only	No	Provide response to objection letter	21/07/2017	11/07/2017		21/09/2017	
1	29/05/2017	HFPS-Objection-042-████████	Email	Tree Felling Loss of Amenity Perspex panels will be damaged Using Volunteer Sport facilities as Flood Plain Height of Walls	Yes	Yes		Yes	Engagement with ██████████ required	15/06/2017	11/07/2017		20/07/2017 20/09/2017	10/10/2017
1	29/05/2017	HFPS-Objection-043-████████	Email	Detrimental to Economy	Yes	Yes		No	Provide response to objection letter	13/07/2017	11/07/2017	27/09/2017		
1	29/05/2017	HFPS-Objection-044-████████	Email	Damage to Conservation Division of Town Safety of Public	Yes	Yes		No	Provide response to objection letter	13/07/2017	11/07/2017	27/09/2017		
1	28/05/2017	HFPS-Objection-045-████████	Letter	Building of Flood Wall Loss of Riverside Walkway Dredge River	Yes	Yes		No	Provide response to objection letter	21/07/2017	11/07/2017			
1	24/05/2017	HFPS-Objection-046-████████	Email	Alternative proposals not being discussed Loss of view of River Dredge River & use Filtering Systems	Yes	Yes		No	Provide response to objection letter	13/07/2017	11/07/2017			
1	26/05/2017	HFPS-Objection-047-████████	Email	Height of Walls Consider other options	Yes	Yes		No	Provide response to objection letter		11/07/2017			
1	22/05/2017	HFPS-Objection-048-████████	Email	Monstrously ugly solution Damage to Town Propose Redesign	Yes	Yes		No	Provide response to objection letter	21/07/2017	11/07/2017	27/09/2017		

APPENDIX E

SCHEME NOTICE

AND

LEGISLATION LEGAL PROCESS FLOW CHART

SCOTTISH BORDERS COUNCIL

FLOOD RISK MANAGEMENT (SCOTLAND) ACT 2009 AND THE FLOOD RISK MANAGEMENT (FLOOD PROTECTION SCHEMES, POTENTIALLY VULNERABLE AREAS AND LOCAL PLAN DISTRICTS) (SCOTLAND) REGULATIONS 2010

HAWICK FLOOD PROTECTION SCHEME 2017

In accordance with Section 60 and Schedule 2 of the above Act and Parts II, III & IV of the above Regulations, the Council proposes the Hawick Flood Protection Scheme (the scheme). This constitutes a notice under Paragraph 1 of Schedule 2 of the Act and under Paragraph 7 of the Regulations.

The effects of the proposed flood protection operations will be:

- To mitigate the effects of flooding from the River Teviot to residential, community and business properties on the left hand bank of the River Teviot in Hawick, through the provision of flood defence walls at or in the vicinity of the Common Haugh, Commercial Road and Mansfield Road.
- To mitigate the effects of flooding from the River Teviot to residential, community, and business properties on the right hand bank of the River Teviot in Hawick, through the provision of flood defence walls and embankments at or in the vicinity of Volunteer Park, Hawick High School, Royal Mail Sorting Office, Orrock Hall, Sonia's Bistro, Teviot Road, Little Haugh, Laidlaw Terrace, Duke Street, Glebe Mill Street and at Weensland.
- To mitigate the effects of flooding from the River Teviot to residential, community and business properties on both banks of the River Teviot through raising of the Lawson, Victoria and Mansfield footbridges.
- To mitigate the effects of flooding from the Slitrig Water to residential, community and business properties on both banks of the Slitrig Water from Drumlanrig Bridge to the River Teviot confluence, through provision of flood defence walls.
- To mitigate the effects of flooding from the Stirches Burn and backwater effects of the River Teviot at the Scottish Borders Council Roads Depot, through provision of a new culvert.

The scheme is likely to have a significant effect on the environment and consequently an environmental impact assessment has been undertaken. The results of the environmental impact assessment have been incorporated into an environmental statement which is included with the other scheme documents. These documents can be inspected from 28/04/2017 until the date a decision is made under paragraphs 4(1), 7(4) or, as the case may be, 9(1) of Schedule 2 of the above Act at:

1. Scottish Borders Council, Council Headquarters, Newtown St Boswells, Melrose, TD6 0SA, between 8.45am and 5.00pm, Mon to Thurs and between 8.45am and 3.45pm on Fri.
2. Scottish Borders Council Contact Centre, High Street, Hawick, TD9 9EF, between 9.00am and 5.00pm on Mon, Tues and Thurs; between 9.30am and 5.00pm on Wed and 9.00am and 3.45pm on Fri.
3. Online at www.hawickfloodscheme.com

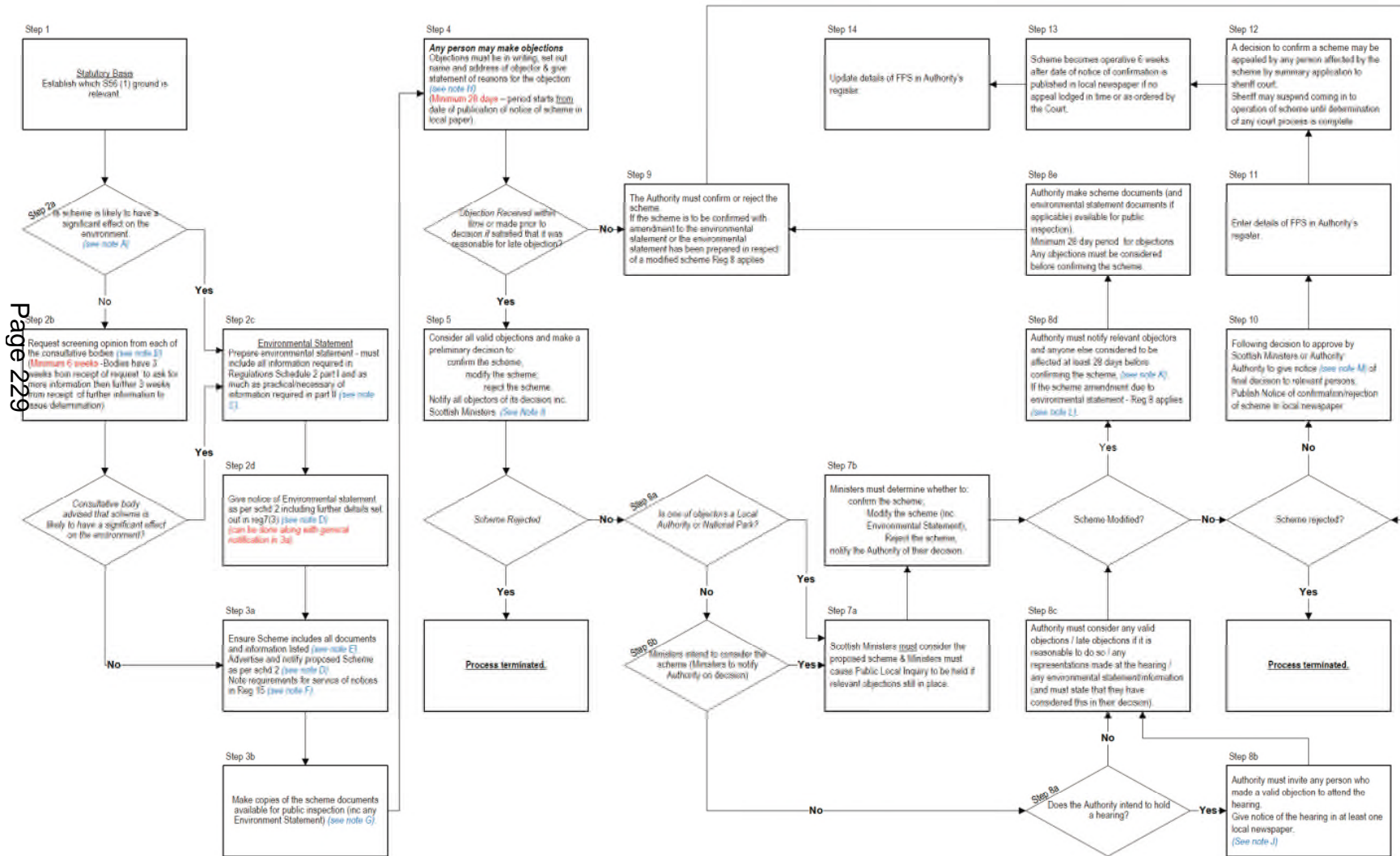
Please note that both offices will be closed on Monday, 1st May 2017.

Objections in writing can be made about the scheme during the period from 28/04/2017 to 29/05/2017 inclusive to: the Chief Legal Officer, Scottish Borders Council, Council Headquarters, Newtown St Boswells, Melrose TD6 0SA or by email to: legal@scotborders.gcsx.gov.uk. Any objection to the proposed scheme must be accompanied by a statement of reasons for the objection. Where an objector has an interest in any land on which the proposed operations are to be carried out or which may be affected by any of the proposed operations or by any alteration in the flow of water caused by any of the operations that person's objection must include details of the land in which the objector has an interest, disclosure of the nature of the objector's interest in the land, and details of which aspects of the proposed operations affect the objector. If no valid objections are made to the scheme, then the Council must make the final decision to confirm or reject the proposed scheme. If, however there are objections which are not valid objections under Paragraph 3(2) of Schedule 2 of the Act, the Council may make a preliminary decision and hold a hearing to consider the proposed scheme, before confirming or rejecting the scheme. Where valid objections are made to the scheme, the Council will consider the objections and make a preliminary decision to either (a) confirm the proposed scheme without modification, or (b) confirm the proposed scheme with modifications, or (c) reject the proposed scheme. Where an objection is received from a relevant objector, who is a person to whom Paragraph 5(6) of Schedule 2 of the Act applies, the Council must notify Scottish Ministers of the preliminary decision. The Scottish Ministers must then decide whether to consider the scheme or not. If the Scottish Ministers decide to consider the scheme and valid objections remain, then the Scottish Ministers must cause a Public Local Inquiry to be held. After considering the outcome of the Public Local Inquiry, the Scottish Ministers must make the final decision to: (a) confirm the proposed scheme without modification, or (b) confirm the proposed scheme with modifications, or (c) reject the proposed scheme. Where the Scottish Ministers decide not to consider the scheme; the Council must hold a hearing to consider the proposed scheme. Following the outcome of the hearing, the Council must make the final decision to (a) confirm the proposed scheme without modification, or (b) confirm the proposed scheme with modifications, or (c) reject the proposed scheme. Notification of the final decision, whether made by the Council or the Scottish Ministers will be given.

Nuala McKinlay, Chief Legal Officer, Scottish Borders Council, Council Headquarters, Newtown St. Boswells, TD6 0SA.

Legal Process

It has been assumed that technical appraisals, design, costing and initial informal public consultation has all been done



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APPENDIX F

SUMMARY OF ADHERENCE TO FRM ACT 2009

Procedure 1 – Publication

3.1 Overview

Section 60 and Schedule 2 (Paragraphs 1 and 2) of the FRMA and Parts II and III of the FRMR make detailed provision for how the Local Authority should prepare, notify and advertise the flood protection scheme. For flood protection schemes with an environmental statement, Regulations 4 and 7 of the FRMR make further provision with regard to notification and duty to consider the effects of the scheme of the environment.

The following sections take each part of the legislation in turn associated with the publication processes and demonstrate how the project team have complied with it. Copies of the relevant compliance documentation is contained in Appendix C1, or where relevant, hyperlinks to the electronic copies which are available on the Scheme website, hawickfloodscheme.com.

3.2 Compliance with FRMA

3.2.1 Section 60 – flood protection schemes

Only paragraph 2 within section 60 of the FRMA places specific duties on the Local Authority with regard to publishing a flood protection scheme. Table 3-1 reproduces those duties and summarises the compliance measures undertaken by Scottish Borders Council:

Clause	Local Authority Duty under FRMA	Compliance Measure	Date completed
60 (2)	A proposed flood protection scheme must:		
(a)	Contain a description of the operations the local authority proposes to carry out	Full description of the operations are provided in the Scheme document entitled "Schedule of Scheme Operations". Refer to hyperlink A at bottom of this table	Posted on Scheme website 26 th April 2017
(b)	Include such maps, plans and specifications as may be specified by regulations by the Scottish Ministers	Full suite of plans, cross sections and descriptions as stipulated by Section 11 of the FRMR (see table 3-8 for further details). Refer to hyperlink B at bottom of this table	Posted on Scheme website 26 th April 2017
(c)	State how the operations will contribute to the implementation of current measures described in any relevant local flood risk management plan (LFRMP)	Refer to Section 1.2 of this report. The HFPS is contained within the implementation part of the LFRMP of PVA 13/12 for Hawick within the Tweed LPD. The preamble to the Schedule of Scheme Operations contains a statement to this effect	Posted on Scheme website 26 th April 2017
(d)	Inasmuch as they will not contribute, state the reasons why the local authority considers carrying them out will not affect implementation of those measures	Not Applicable in this case	

Table 3-1: Section 60 compliance

Hyperlink A:

http://www.hawickfloodscheme.com/finalscheme/1_Scheme_Operations/Schedule%20of%20Operations_V1.0_ISSUE.pdf

Hyperlink B:

http://www.hawickfloodscheme.com/finalscheme/2_Scheme_Drgs/Scheme%20Drawings%20COMBINED_V1.0_ISSUE.pdf

3.2.2 Schedule 2, Paragraph 1 - Notification

Within Paragraph 1 of Schedule 2, sub-paragraphs (1) to (4) are relevant. Table 3-2 reproduces the requirements within those sub-paragraphs and summarises the compliance measures undertaken

Clause	Local Authority Duty under FRMA	Compliance Measure	Date completed
Sched 2, Para 1, sub para (1)	The local authority must give notice of a proposed flood protection scheme:		
Sub para (a)	In at least one newspaper circulating in the local authority's area	Adverts placed in the Hawick News and Hawick Paper, refer to Appendix C1-1	28 th April 2017
(b)	Not applicable		
(c)	In the Edinburgh Gazette	Advert placed in the Edinburgh Gazette – refer to Appendix C1-1	Gillian, can you please add to C1-1
(d)	To every person known to the local authority – (i) To have an interest in any land on which the proposed operations are to be carried out (ii) Whose interest in any other land may be affected by any of the proposed operations or by any alteration in flow of water caused by any of the operations	Major exercise carried out to determine land ownership and serve notice on land owners within three separate zones: 1) those with an interest in land within the limit of land affected by the operations, as shown on the Scheme plans; 2) those whose land was previously flooded by the 1 in 75 year flood event which will now be protected 3) a wider area beyond zones 1 and 2 to capture all land and property who may be indirectly affected by the works Utilised combination of SBC records, one to one discussions and specialist external land ownership consultants to obtain some gap site information. Resulted in database of over 3700 land and property owners and occupiers	Database complete 21 st April 2017 Notices served 21 st , 24 th and 25 th April 2017 Notices received latest 28 th April 2017
(e)	Not applicable		
(f)	To the following persons- (i) SEPA (ii) Scottish Natural Heritage (iii) Not applicable (iv) Not applicable (v) Any responsible authority whose flood risk related functions may be affected by any of the operations..... (vi) Any statutory undertaker whose statutory undertaking may be affected by the operations..... (vii) Any other person specified by order of the Scottish Ministers, and	Notice was served to a large number of statutory and non-statutory stakeholders and undertakers – refer to Appendix C1-2 for details of the database	Database complete 21 st April 2017 Notices served 25 th April 2017 Notices received latest 28 th April 2017
(g)	In such other manner as the authority considers appropriate	Not applicable for this project	
Sched 2 Para 1	The local authority must also display a notice of the proposed flood protection scheme in a	The Scheme notice was displayed at 135 locations across Hawick. The notices were maintained	Complete by 27 th April 2017

sub para (2)	prominent position in the locality in which the operations were carried out	throughout the 28 day objection period. Appendix C1-3 contains a plan showing the locations of the notices and a schedule of their maintenance. Photographs of the notice locations are available on request.	
Sched 2 Para 1 sub para (3)	<p>A notice given under sub-paragraph (1) or (2) must –</p> <p>(a) Contain a general description of the effect of the proposed scheme including-</p> <p>(i) A summary of the operations to be carried out, and</p> <p>(ii) A summary of the benefits which the local authority considers are likely to be derived from carrying out the operations</p> <p>(b) State where and at what times the scheme documents can be inspected in pursuance of paragraph 2, and</p> <p>(c) State that objections can be made about the proposed scheme to the local authority before the expiry of 28 days beginning with the date notice is first published under sub-paragraph (1)(a)</p>	A copy of the notice is contained within the Scheme website – see hyperlink C at bottom of this table.	<p>Posted on Scheme website 26th April 2017.</p> <p>Completed</p>
Sched 2 Para 1 sub para (4)	Notices under sub-paragraph (1)(d) and (f) and sub-paragraph (2) must be given or, as the case may be, displayed no later than the date that notice is first published under sub-paragraph (1)(a)	All notices posted to those under sub-paras (1)(d) and (1)(f) and displayed under sub-para (2) were completed prior to the adverts appearing in the local newspapers and the Edinburgh Gazette – refer to Appendix C1-1 for details of the relevant dates	
Sched 2 Para 1 sub para (5)	Not applicable		

Table 3-2: Schedule 2, Paragraph 1 compliance

Hyperlink C: http://www.hawickfloodscheme.com/finalscheme/8_Notice_Letter/HFPS_notice.pdf

3.2.3 Schedule 2, Paragraph 2 – Public Inspection of scheme proposal

Within paragraph 2 of Schedule 2 of the FRMA, all sub-paragraphs are relevant to the HFPS. Table 3-3 reproduces the requirements within those sub-paragraphs and summarises the compliance measures undertaken by Scottish Borders Council

Clause	Local Authority Duty under FRMA	Compliance Measure	Date completed
Sched 2, Para 2, sub para (1)	The local authority must make a copy of the scheme documents available for public inspection in a place in the authority's area	The documents were made available at the Council HQ in Newtown St Boswells, TD6 0SA and at the SBC offices in Hawick High Street, TD9 9EF and on the Scheme's website hawickfloodscheme.com	27 th April 2017, available for inspection from 28 th April 2017
Sub para (2)	Not applicable		
Sub para (3)	The scheme documents must be available for inspection at all reasonable times during the period from the date notice is given under paragraph 1(1)(a) until the date a decision is made under paragraph 4(1), 7(4) or 9(1)	Hard copies continue to be made available at the locations identified above (during their normal periods of opening identified on the scheme notice) until such time a decision is made in accordance with this sub-para. The documents are also available for inspection on the website.	27 th April 2017, available for inspection from 28 th April 2017

Table 3-3 – Schedule 2, Paragraph 2 compliance

3.3 Compliance with FRMR

3.3.1 Regulation 4 – duty to consider environmental impact of proposed flood protection scheme

Within Regulation 4 of the FRMR, the local authority must consider if the scheme is likely to have a significant impact on the environment. Table 3-4 reproduces the requirements within that section and summarises the compliance measures undertaken by Scottish Borders Council.

Clause	Local Authority Duty under FRMR	Compliance Measure	Date completed
Reg 4, para (1)	<p>Prior to-</p> <p>(a) Giving notice of a proposed flood protection scheme under paragraph 1 of schedule 2 to the Act</p> <p>(b) See procedure 4 in this document</p> <p>(c) See procedure 5 in this document;</p> <p>the local authority must consider whether the scheme as proposed at that stage is likely to have a significant effect on the environment</p>	The preferred Scheme report in March 2013 identified that any scheme taken forward by Scottish Borders Council to protect Hawick to a 1 in 75 year standard of protection was likely to have potentially significant impacts on the environment. During the Outline Design stage, consideration of Schedule 1 to the FRMR confirmed that the risk of significant effect on the environment remained. The notice identified in Hyperlink C to this document states this to be the case.	Ongoing throughout project

Table 3-4: Regulation 4 compliance

3.3.2 Regulation 5 – screening opinions

If the local authority considers that the scheme is likely to have a significant effect on the environment, it must seek a screening opinion from each of the consultative bodies, with requirements and compliance measures set out in Table 3-5.

Clause	Local Authority Duty under FRMR	Compliance Measure	Date completed
Reg 5, para (1)	Where a local authority considers that a propose flood protection scheme is likely to have a significant effect on the environment, it shall request a screening opinion from each of the consultative bodies	In September 2015, the Scheme designer, CH2M, wrote to SBC Planning to advise that the Scheme was likely to have a significant effect on the environment and that a screening and scoping opinion for an EIA was requested. SBC Planning requested that the bodies identified in Appendix C1-4 provide the screening and scoping opinions	CH2M letter to SBC 15/9/2015

Reg 5, other paras	These procedures relate to timescales for the consultative bodies to respond and other information that may be required and are not within the scope of this document		
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Table 3-5: Regulation 5 compliance

3.3.3 Regulation 6 – environmental statements

Table 3-6 identifies the specific environmental statement (ES) requirements and compliance measures undertaken by Scottish Borders Council for Regulation 6 of the FRMR.

Clause	Local Authority Duty under FRMR	Compliance Measure	Date completed
Reg 6, para (1)	<p>Where –</p> <p>(a) A local authority considers under regulation 4 that a proposed flood protection scheme is likely to have a significant effect on the environment; or</p> <p>(b) A consultative body has concluded in a screening opinion under Regulation 5 that a proposed flood protection scheme is likely to have a significant effect on the environment,</p> <p>The local authority must prepare an environmental statement in accordance with paragraph (2)</p>	<p>Both the local authority and consultative bodies concurred with the project team's original position that the scheme is likely to have a significant effect on the environment.</p> <p>An environmental statement was produced to accompany the flood protection scheme documents and plans. Hyperlinks D, E, F, G and H link to the appropriate documentation</p>	Uploaded to website on 26 th April 2017
Reg 6, para (2)	<p>An environmental statement must identify, describe and assess the direct and indirect effects of the proposed scheme on the following factors-</p> <p>(a) Human beings, flora and fauna</p> <p>(b) Soil, water, air climate and the landscape</p> <p>(c) Material assets including architectural and archaeological heritage; and</p> <p>(d) The interaction between the factors mentioned in sub-paragraph (a) to (c)</p>	<p>The relevant chapters which identify, describe and assess the impacts (and identify mitigation measures) within the environmental statement are:</p> <p>Stakeholder engagement; population, recreation and amenity; Biodiversity and nature conservation; noise and vibration; townscape / landscape and visual impacts; water and resilience to climate change; geomorphology; soils, geology and land contamination; archaeology and cultural heritage; traffic and transportation; cumulative impacts</p>	Uploaded to website on 26 th April 2017
Reg 6, para (3)	<p>An environmental statement must include –</p> <p>(a) The information referred to in Part 1 of Schedule 2; and</p> <p>(b) Such of the information referred to in Part II of Schedule 2 as reasonably required to assess the environmental effects of the proposed scheme and which, having regard in particular to current knowledge and methods of assessment, the local authority can reasonably be required to compile.</p>	<p>The environmental statement fully complies with the requirements of Part 1 of Schedule 2 which are:</p> <ol style="list-style-type: none"> 1. Description of the scheme comprising information on the site, design and size of the scheme (Chapter 4 of ES) 2. A description of the measures envisaged in order to avoid, reduce and, if possible, remedy significant adverse effects (Chapter 16 summary) 3. The data required to identify and assess the main effects which the scheme is likely to have on the environment (all chapters of the ES contain 	Uploaded to website on 26 th April 2017

		<p>desk study and survey data)</p> <p>4. The main alternatives studied by the local authority and main reasons for its choice, taking into account the environmental effects (Chapter 4.7 of the ES)</p> <p>5. A Non-technical summary (Volume 3 of the ES, see hyperlink H below)</p> <p>The environmental statement fully complies with the requirements of Part II of Schedule 2:</p>	
Reg 6, para (4)	Only required if the Scheme requires to be confirmed with modification	Currently not applicable	

Table 3-6: Regulation 6 compliance

Hyperlink D – http://www.hawickfloodscheme.com/finalscheme/5_ES/Hawick%20FPS%20ES_Volume%201_FINAL.pdf

Hyperlink E – http://www.hawickfloodscheme.com/finalscheme/5_ES/ES_Appendix_A.pdf

Hyperlink F – http://www.hawickfloodscheme.com/finalscheme/5_ES/ES_Appendix_B.pdf

Hyperlink G – http://www.hawickfloodscheme.com/finalscheme/5_ES/ES_Appendix_C.pdf

Hyperlink H – http://www.hawickfloodscheme.com/finalscheme/5_ES/Hawick%20FPS%20ES_Volume%201_FINAL.pdf

3.3.4 Regulation 7 – notification of scheme with environmental statement

Regulation 7 applies to the Hawick FPS because SBC has prepared an environmental statement. Table 3-7 highlights the additional notification requirements for schemes with an environmental statement and the compliance measures undertaken by SBC.

Clause	Local Authority Duty under FRMR	Compliance Measure	Date completed
Reg 7, para (2)(b)	<p>The local authority must make a copy of the environmental statement available for public inspection alongside the scheme documents that are made available in accordance with paragraph 2 of schedule 2 to the Act</p> <p>NB: Para (2)(a) covered elsewhere</p>	ES was part of the overall package information made available for public inspection at Council HQ and SBC contact centre in Hawick. Also published on the website as per hyperlinks E to H above.	Uploaded to website on 26 th April 2017, available for public inspection from 28 th April 2017
Reg 7, para (3)	<p>A notice under paragraph (2)(a) must, in addition to the information required by paragraph 1(3) of schedule 2 to the Act include a statement-</p> <p>(a) that the scheme is likely to have a significant effect on the environment;</p> <p>(b) that the scheme documents are accompanied by an environmental statement which is available for public inspection;</p> <p>(c) describing the circumstances under the Act in which the Scottish Ministers may cause a public inquiry into the application;</p> <p>(d) setting out the nature of possible decisions that may be taken in relation to the scheme</p>	The notice which was issued / displayed at the commencement of the notification process (refer to Hyperlink C) contains all of the required information	
Reg 7,	The local authority must supply a copy of the scheme documents and the environmental	The following bodies were made aware of the publication of the ES on the Scheme website and	26 th April 2017

para (4)	statement to the consultative bodies no later than the date that the notice referred to in paragraph (2)(a) is given	<p>follow up phone calls made to ensure the information was able to be downloaded:</p> <ul style="list-style-type: none"> • Scottish Environment Protection Agency, Mossilee Road, Galashiels; • Scottish Natural Heritage, Galashiels • River Tweed Commission, Drygrange, Melrose <p>and electronically transferred to all Scottish Borders Council officers involved in the screening and scoping opinion</p>	
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Table 3-7: Regulation 7 compliance

3.3.5 Regulation 11 – maps, plans and specifications

Regulation 11 relates to the specific requirements associated with the plans accompanying the scheme operations. Table 3-8 highlights the requirements and compliance measures undertaken by Scottish Borders Council


Clause	Local Authority Duty under FRMR	Compliance Measure	Date completed
Reg 11, para (1)	<p>A proposed flood protection scheme must include a description, by reference to maps, plans and specifications of:</p> <p>(a) The extent and scale of the scheme operations</p> <p>(b) The land which the local authority considers may be affected by those operations, and;</p> <p>(c) Any land on which the local authority would require to enter (whether temporarily or otherwise) for the purposes of carrying out the operations</p>	<p>The plans referred to in Hyperlink B of this document are:</p> <p>Drawn to a scale of 1 in 250 at A3</p> <p>Clearly identify the limit of land affected by means of a red dashed line, and;</p> <p>Describe that red dashed line as:</p> <p>Limit of the land which the local authority considers may be affected by those operations; and any land on which the local authority would require to enter (whether temporarily or otherwise) for the purposes of carrying out the operations</p> 	
Reg 11, para (2)	The maps and plans referred to in paragraph (1) must be at an appropriate scale to enable interested persons to identify whether their land will be affected by the scheme operations	The plans are drawn to a scale of 1 in 250, with full OS background mapping, which is more than adequate to interpret land ownership extents and boundary features	26 th April 2017
Reg 11, para (3)	A proposed flood protection scheme must include an estimate of the cost of the scheme operations proposed to be carried out	The Schedule of Scheme Operations (hyperlink A of this document) contains the scheme cost estimate	26 th April 2017

Table 3-8: regulation 11 compliance

3.3.6 Regulation 15 – serving of notices

To be completed after prelim decision

Procedure 2 – Objections

4.1 Overview

Schedule 2 (Paragraphs 3 and 5) of the FRMA and Regulations 12 and 13 of the FRMR make provisions for how the Local Authority should manage objections associated with the flood protection scheme before making its preliminary decision. This method is required for the Hawick FPS, because the option to confirm the scheme under paragraph 4 is not available due to the presence of at least one valid objection.

The following sections take each part of the legislation in turn associated with the publication processes and demonstrate how the project team have complied with it. Copies of the relevant compliance documentation is contained in Appendix C2, or where relevant, hyperlinks to the electronic copies which are available on the Scheme website, hawickfloodscheme.com.

4.2 Compliance with FRMA

4.2.1 Schedule 2, paragraph 3

It is noted that Schedule 2, paragraph 3 of the FRMA does not place any specific duty on the local authority in terms of legislation compliance – it sets out the criteria by which an objection to the scheme must be assessed once received.

For the Hawick FPS:

- There were 48 valid objections, which were received in a time period which started on the 28th April 2017 and concluded on the 29th May 2017, a duration of 31 calendar days (in excess of the minimum 28 day period to account for the local elections and bank holiday Monday);
- All were considered to be valid;
- None were late objections

4.2.2 Schedule 2, paragraph 5

Paragraph 5 of Schedule 2 identifies the need for the local authority to make a preliminary decision in the event it has received valid objections. The specific requirements placed on the local authority in relation to managing the objections are detailed in table 4-1 along with the compliance measures taken by Scottish Borders Council.

It is noted that under sub-paragraphs 5(5) and 5(6) that 8 of the 48 objections were received from persons with either an interest in the land affected by the operations, or by persons whose interest in the land has been affected by an alteration in the flow of water caused by the operations. These objections could require Scottish Ministerial review unless withdrawn.

Clause	Local Authority Duty under FRMR	Compliance Measure	Date completed
Sched 2, para 5, sub-para (2)	<p>Before making its preliminary decision, the local authority-</p> <p>(a) Must consider-</p> <p>(i) And valid objections (unless withdrawn), and</p> <p>(ii) Any late objection if the authority is satisfied that it was reasonable for</p>	<p>SBC have carried out the following exercises to fully consider the objections:</p> <p>1) Written a specific letter to each of the 48 objectors which fulfils the following duties:</p> <ul style="list-style-type: none"> • acknowledge that they have made a valid objection; • identify that the local authority is 	<p>Letters issued by 21st June</p> <p>Face to face discussions took place between 10th July and 24th August</p> <p>Public meetings</p>

	<p>the objector to make the objection after the deadline for doing so.</p> <p>(b) May also consider any other matters it considers appropriate</p>	<p>considering their objection;</p> <ul style="list-style-type: none"> • provide a response to each of the points raised in the objection • offers contact names, numbers and email addresses for further discussion <p>2) Carried out face to face discussions with 18 of the 48 objectors</p> <p>3) Written to all 48 objectors to invite them to the public meetings on 29th, 30th and 31st August 2017</p>	<p>took place between 29th and 31st August</p> <p>Preliminary decision anticipated to be made at full Council on 28th September 2017</p>
<p>Note that all other compliance requirements will be documented after the Preliminary decision is made</p>			

Table 4-1: Schedule 2, paragraph 5 compliance

4.3 Compliance with FRMR

4.3.1 Regulation 12 – Objections

Regulation 12 of the FRMR makes further provision for assessing the validity and categorization of objections received. There are no legislative duties placed on the local authority within this regulation.

All 48 objections received set out the reasons for the objection (thus complying with paragraph (1)), and those that had an interest in the land or had an interest in land affected by alteration in the flow of water caused by the operations set out (a) details of the land in which the objector has an interest, (b) disclosure of the nature of the objector’s interest in the land, and (c) details of which aspects of the proposed operations affect the objector

4.3.2 Regulation 13 – Withdrawal of objections

Regulation 13 of the FRMR discusses the procedures associated with objection withdrawal after the local authority has made a preliminary decision to confirm the proposed scheme. Further details to be provided as necessary.

APPENDIX G

STATUTORY REPRESENTATIONS

Dear [REDACTED]

Background

The scheme involves the construction of new and replacement flood walls and embankments on the banks of the River Teviot and at the bottom of Slitrig Water through Hawick Town Centre. The River Tweed Commission (RTC) has engaged in detailed pre application discussions with Scottish Borders Council (SBC), SEPA and SNH, which has included attending SBC's Environmental Consent Working Group.

RTC Appraisal

The River Tweed Commission (RTC) is charged under The Scotland Act 1998 (River Tweed) Order 2006 with the general preservation and increase of Salmon, Sea Trout, trout and other fresh water fish in the River Tweed and its Tributaries. This consultation process on the River Teviot at Hawick has proved to be constructive and extremely positive, and I take this opportunity to thank you for your consultation on the above proposal. In looking at issues concerning Migration of Fish and potential issues re spawning beds, the RTC has consulted with River Tweed Foundation Biologists.

Migration of salmon and Sea Trout through this part of the Teviot at Hawick can usually be expected between the start of October and the end of January, however, this can alter due to weather, climate and flood events. Where unpredictability exists must also be a willingness to work closely on the ground with Contractors and other Agencies, allowing flexibility to adapt and if necessary change. The RTC is fully committed to this flexible approach working closely with other Agencies involved in this project.

In summary, I can cover the following points thus :-

Migration of Salmon and Trout

For Salmonid migration, we do not know whether piling vibration will deter fish from moving upstream. With the construction of the access channels for machinery, it would be expected that a lot of vibration would be damped out by the time it reaches the river. This, combined with the higher flows when fish migrate suggests that vibration in the water column will be minimal and therefore the probability of Adult Salmonids being affected is minimal.

Disturbance to Spawning Beds

It is important to note that most spawning (but not all) happens at night when there would presumably be no works being carried out, although adults can hold in spawning areas during the day and could be disturbed. Narrowing the river to allow vehicle access will also affect flows and this may then affect spawning site selection. If work is to be restricted in the proposed areas, then it would ideally be from early November to the end of January. It could be reasonable to suggest that vibratory piling could be used near spawning areas in the spawning period, but not hammer driving.

Access

The RTC will require to have access to the River at all times, for law enforcement issues (eg Poaching), obstacle clearance, and monitoring of fish numbers and spawning beds etc. This will necessitate access onto work sites, and as such RTC Staff and Tweed Foundation Biologists must undergo Induction Procedures as soon as contractors begin this process. Finally, further to my discussion with Steven Vint, it is essential that some form of access and exit points/slip ways are included so that a boat may be launched if required (eg in Emergency).

If I can be of any further assistance please do not hesitate to contact me.

Yours sincerely

[Redacted]

Superintendent
The River Tweed Commission

Mob: [Redacted]

Tel: [Redacted]

[Redacted]

Website: www.rtc.org.uk



Scottish Natural Heritage

All of nature for all of Scotland

[REDACTED]
Chief Legal Officer
Scottish Borders Council
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA

26 May 2017

Our ref: CDM145838
Your ref: TS11/3G/JW/IM

Dear [REDACTED]

**Hawick Flood Protection Scheme 2017
Flood Risk Management (Scotland) Act 2009
River Tweed Special Area of Conservation (SAC)
River Tweed Site of Special Scientific Interest (SSSI)**

Thank you for your consultation on the above proposal dated 21 April 2017.

Summary

There are natural heritage interests of national and international importance on the site, but in our view, these will not be adversely affected by the proposal.

Background

The scheme predominantly consists of the construction of new and replacement flood walls and embankments on the banks of the River Teviot and Slitrig Water through Hawick. We have engaged in detailed pre-application discussions with Scottish Borders Council (SBC), SEPA and the River Tweed Commission (RTC) over a number of years, including attending SBC's Environmental Consent Working Group. This has enabled us to provide advice in relation to natural heritage interests as the scheme has developed, in particular the potential impacts of the scheme on the SAC. We have also had the opportunity to comment on a draft Environmental Statement (ES) and Appropriate Assessment (AA) as part of this process.

We are aware that some details of the scheme design, relating to construction practices, will only be finalised once a contractor has been appointed. However, we note that this has been taken into account in the AA, and that the contractor will operate within pre-defined thresholds, as set out in the current scheme design.

Much of the engineering work for the scheme also requires authorisation from SEPA under the Water Environment (Controlled Activities) (Scotland) Regulations 2011 (As amended) (CAR).

SNH Appraisal of the Proposal

The River Teviot and the Slitrig Water are part of the River Tweed SAC, which is designated for its Atlantic salmon, river lamprey, brook lamprey, sea lamprey, European otter and as a watercourse characterised by water crowfoot species. The River Teviot is also part of the River Tweed SSSI, which is designated for its Atlantic salmon, sea, river and brook lamprey, flies, beetles, vascular plants and trophic range river/stream.

The site's SAC status means that the requirements of the Conservation (Natural Habitats, &c.) Regulations 1994 as amended (the "Habitats Regulations") or, for reserved matters the Conservation of Habitats and Species Regulations 2010 as amended apply. Consequently, SBC is required to consider the effect of the proposal on the SAC before it can be consented (commonly known as Habitats Regulations Appraisal (HRA)). Our website has a summary of the legislative requirements (<http://www.snh.gov.uk/docs/A423286.pdf>).

In our view, this proposal is likely to have a significant effect on the qualifying interests of the SAC. Consequently, SBC, as competent authority, is required to carry out an AA in view of the site's conservation objectives for its qualifying interests.

We note that SBC have already produced a draft AA, which has been updated following initial comments from ourselves, SEPA and RTC. We are also aware that SEPA are conducting their own AA as part of their HRA under CAR, and that there has been ongoing liaison between SBC and SEPA during this period. We note that SEPA's initial advice is that the scheme is potentially consentable under CAR.

With the above in mind, in our view, the content of SBC's AA adequately addresses the potential impacts of the scheme on the SAC and we agree with the conclusion that the proposal will not adversely affect the integrity of the site.

We are also satisfied that the potential impacts of the scheme on the designated interests of the River Tweed SSSI have been adequately covered and addressed in both the ES and AA.

Please do not hesitate to contact me at our Galashiels office if you have any queries on the above advice.

Yours sincerely

By email



Operations Officer (Southern Scotland)

[REDACTED]

[REDACTED]

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BOUNDARY COMMISSION FOR SCOTLAND - REVIEW OF UK PARLIAMENT CONSTITUENCIES

Report by Chief Executive

SCOTTISH BORDERS COUNCIL

2 November 2017

1 PURPOSE AND SUMMARY

- 1.1 This report gives details of the Boundary Commission for Scotland's revised proposals from its Review of UK Parliament constituencies in Scotland which impact on the constituents in the Council's Tweeddale East and West Wards.**
- 1.2 The 2018 Review of Westminster parliamentary constituencies is being conducted simultaneously by the four Boundary Commissions in Scotland, England, Northern Ireland and Wales, with the aim of reducing the number of constituencies from 650 to 600, with Scottish constituencies decreasing from 59 to 53. There is a number of criteria applied by the Commission in its proposals for Scottish Constituencies relating to geographic size, Council boundaries and minimum/maximum electorate numbers.
- 1.3 The proposed constituencies which cover the Scottish Borders Council area are Berwickshire, Roxburgh & Selkirk County Constituency, and Midlothian and Upper Tweeddale County Constituency. This latter Constituency covers the Midlothian Council area, along with SBC Ward 1 (Tweeddale West), and part of SBC Ward 2 (Tweeddale East), where the boundary partly follows the Royal Burgh of Peebles & District Community Council area and an historic ward boundary. In effect, this means that Innerleithen and Walkerburn move away from the rest of Tweeddale into the Berwickshire, Roxburgh and Selkirk County Constituency. However, if the electorate within Traquair (c. 200), Innerleithen (c. 2,500) and Walkerburn (c.590) were to be placed in Midlothian and Upper Tweeddale, this would increase the total electorate for that constituency to 80,114, which is beyond the maximum allowed electorate of 78,507.

2 RECOMMENDATIONS

- 2.1 I recommend that the Council notes the proposals for Boundary Commission for Scotland's Review of UK Parliament constituencies in Scotland and the changes affecting the constituents in the Tweeddale East and West Wards.**

3 BACKGROUND

- 3.1 The 2018 Review of UK Parliamentary constituencies is a requirement of the Constituencies Act 1986. It is being conducted simultaneously by the four Boundary Commissions in Scotland, England, Northern Ireland and Wales. Across the UK, the number of constituencies is being reduced from 650 to 600, with Scottish constituencies decreasing from 59 to 53.
- 3.2 The electoral quota for the Review, which is the average electorate per constituency across the UK, is 74,762, with the electorate of each constituency having to be within 5% of that. That means the smallest permitted electorate for a constituency is 71,031, and the largest 78,507. The electorate for this Review is taken from the Electoral Register published on 1 December 2015. Subject to these conditions, the Commission may take into account, as they see fit, other factors, namely:
- special geographical considerations, including the size, shape, and accessibility of a constituency;
 - boundaries of council areas and electoral wards;
 - existing Westminster constituency boundaries; and
 - any local ties which would be broken by changes in constituencies.

4 PROPOSED CONSTITUENCY CHANGES

- 4.1 The proposed constituencies which cover the Scottish Borders Council area are Berwickshire, Roxburgh & Selkirk County Constituency, and Midlothian and Upper Tweeddale County Constituency.
- 4.2 The proposed Berwickshire, Roxburgh and Selkirk County Constituency covers 3,999 sq km, with an electorate of 73,812. The proposed Midlothian and Upper Tweeddale County Constituency covers 1,099 sq km, with an electorate of 76,824. This latter Constituency covers the Midlothian Council area, along with SBC Ward 1 (Tweeddale West), and part of SBC Ward 2 (Tweeddale East), where the boundary partly follows the Royal Burgh of Peebles & District Community Council area and an historic ward boundary.
- 4.3 At the moment, the electorate in SBC Ward 1 and part of Ward 2 (without the Clovenfords Polling District) currently sit within the Dumfriesshire, Clydesdale and Tweeddale County Constituency. SBC Ward 1 in its entirety will move to the new Midlothian and Upper Tweeddale County Constituency. SBC Ward 2 (Tweeddale East) has a total electorate of 8,159, and of that, 4,073 would be placed in Midlothian and Upper Tweeddale, and 4,086 would be placed in Berwickshire, Roxburgh and Selkirk. This latter number includes the Clovenfords Polling District (electorate c. 880) which is already in the existing Berwickshire, Roxburgh and Selkirk Constituency.
- 4.4 In effect, Innerleithen and Walkerburn move away from the rest of Tweeddale into Berwickshire, Roxburgh and Selkirk County Constituency. However, if the electorate within Traquair (c. 200), Innerleithen (c. 2,500) and Walkerburn (c.590) were to be placed in Midlothian and Upper Tweeddale, with the rest of Tweeddale, this would increase the total electorate for that constituency to 80,114, which is beyond the maximum allowed electorate of 78,507. Cardrona (electorate c.770) has been placed in Midlothian and Upper Tweeddale and could move into Berwickshire, Roxburgh and Selkirk, without impacting on the maximum electorate allowed in either constituency, but Cardrona is within the Royal Burgh of Peebles & District Community Council area. Moving Cardrona into the Berwickshire, Roxburgh and Selkirk constituency would thus mean a split in that Community Council area.

5 TIMETABLE AND PROCEDURES

- 5.1 The Secretary of the Boundary Commission wrote to the Chief Executive on 16 October 2017 advising that revised proposals for the 2018 Review of UK Parliamentary Constituencies would be published on 17 October 2017 for an eight week final consultation period. All comments on these revised proposals need to be sent to the Commission by 11 December 2017, which is the end of the statutory consultation period, after which the Commission will finalise its recommendations and submit these to the Secretary of State for Scotland in September 2018.

6 IMPLICATIONS

6.1 Financial

There are no costs attached to any of the recommendations contained in this report.

6.2 Risk and Mitigations

The only potential risk to the Council not responding to the consultation is that constituents within SBC Wards 1 and 2 may wish the Council to take a viewpoint. However, based on the criteria for the new constituencies, officers have been unable to provide a different proposal to that being suggested. Political parties, individual Councillors, community groups and members of the public can all submit their own comments directly to the Commission.

6.3 Equalities

No equality impact assessment (EIA) has been carried out as nothing in the recommendations in the report is considered to discriminate on the basis of age, disability, gender, race, sexual orientation, pregnancy and maternity or religion and belief.

6.4 Acting Sustainably

There are no economic, social or environmental effects contained in the recommendations of this report.

6.5 Carbon Management

There is no impact on the Council's carbon emissions contained in the recommendation in this report.

6.6 Rural Proofing

There is no impact on rural areas contained in the recommendations in this report.

6.7 Changes to Scheme of Administration or Scheme of Delegation

There are no changes required to either the Scheme of Administration or the Scheme of Delegation as a result of the recommendations in this report.

7 CONSULTATION

- 7.1 *The Chief Financial Officer, the Monitoring Officer, the Chief Legal Officer, the Service Director Strategy and Policy, the Chief Officer Audit and Risk, the Chief Officer HR, and the Clerk to the Council. Any comments received will be incorporated in the final report.*

Approved by

Chief Executive

Signature

Author(s)

Name	Designation and Contact Number
Jenny Wilkinson	Clerk to the Council 01835 825004

Background Papers: Letter from Secretary to Local Government Boundary Commission for Scotland dated 14 October 2017

Previous Minute Reference: Nil

Note – You can get this document on tape, in Braille, large print and various computer formats by contacting the address below. Jenny Wilkinson can also give information on other language translations as well as providing additional copies.

Contact us at Jenny Wilkinson, Democratic Services, Council Headquarters, Newtown St Boswells, Melrose, TD6 0SA. Tel: 01835 825004 Email: jjwilkinson@scotborders.gov.uk

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