

Public Document Pack



SCOTTISH BORDERS COUNCIL THURSDAY, 29TH MARCH, 2018

A MEETING of the SCOTTISH BORDERS COUNCIL will be held in the COUNCIL CHAMBER,
COUNCIL HEADQUARTERS, NEWTOWN ST. BOSWELLS on THURSDAY, 29TH MARCH, 2018
at 10.00 AM

J. J. WILKINSON,
Clerk to the Council,
22 March 2018

BUSINESS																																		
1.	Convener's Remarks.																																	
2.	Apologies for Absence.																																	
3.	Order of Business.																																	
4.	Declarations of Interest.																																	
5.	<p>Minutes (Pages 5 - 64)</p> <p>Consider Minutes of Scottish Borders Council held on 25 January and 20 February 2018 for approval and signing by the Convener. (Copies 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) Tweeddale Area Partnership</td><td style="text-align: right;">10 January 2018</td></tr> <tr><td>(b) Audit & Scrutiny</td><td style="text-align: right;">15 January 2018</td></tr> <tr><td>(c) Civic Government Licensing</td><td style="text-align: right;">19 January 2018</td></tr> <tr><td>(d) Local Review Body</td><td style="text-align: right;">22 January 2018</td></tr> <tr><td>(e) Eildon Area Partnership</td><td style="text-align: right;">25 January 2018</td></tr> <tr><td>(f) Executive</td><td style="text-align: right;">30 January 2018</td></tr> <tr><td>(g) Berwickshire Area Partnership</td><td style="text-align: right;">1 February 2018</td></tr> <tr><td>(h) Lauder Common Good Fund</td><td style="text-align: right;">2 February 2018</td></tr> <tr><td>(i) Planning & Building Standards</td><td style="text-align: right;">5 February 2018</td></tr> <tr><td>(j) Jedburgh Common Good Fund</td><td style="text-align: right;">7 February 2018</td></tr> <tr><td>(k) Kelso Common Good Fund</td><td style="text-align: right;">7 February 2018</td></tr> <tr><td>(l) Hawick Common Good Fund</td><td style="text-align: right;">7 February 2018</td></tr> <tr><td>(m) Cheviot Area Partnership</td><td style="text-align: right;">7 February 2018</td></tr> <tr><td>(n) Police, Fire & Rescue and Safer Communities</td><td style="text-align: right;">9 February 2018</td></tr> <tr><td>(o) Executive</td><td style="text-align: right;">14 February 2018</td></tr> <tr><td>(p) Selkirk Common Good Fund</td><td style="text-align: right;">14 February 2018</td></tr> </tbody> </table>	(a) Tweeddale Area Partnership	10 January 2018	(b) Audit & Scrutiny	15 January 2018	(c) Civic Government Licensing	19 January 2018	(d) Local Review Body	22 January 2018	(e) Eildon Area Partnership	25 January 2018	(f) Executive	30 January 2018	(g) Berwickshire Area Partnership	1 February 2018	(h) Lauder Common Good Fund	2 February 2018	(i) Planning & Building Standards	5 February 2018	(j) Jedburgh Common Good Fund	7 February 2018	(k) Kelso Common Good Fund	7 February 2018	(l) Hawick Common Good Fund	7 February 2018	(m) Cheviot Area Partnership	7 February 2018	(n) Police, Fire & Rescue and Safer Communities	9 February 2018	(o) Executive	14 February 2018	(p) Selkirk Common Good Fund	14 February 2018	5 mins
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7.	Open Questions	15 mins
8.	<p>Scottish Borders Community Fire and Rescue Plan (Pages 65 - 82)</p> <p>Consider the Community Fire and Rescue Plan for Scottish Borders 2018. (Copy plan attached.)</p>	15 mins
9.	<p>Child Protection Annual Report 2016/17 (Pages 83 - 108)</p> <p>Consider report by Chief Social Work officer. (Copy attached.)</p>	15 mins
10.	<p>Adult Protection Annual Report 2016/17 (Pages 109 - 140)</p> <p>Consider report by Chief Social Work Officer. (Copy attached.)</p>	15 mins
11.	<p>Supplementary Guidance on Renewable Energy (Pages 141 - 428)</p> <p>Consider report by Service Director Regulatory Services. (Copy attached. Due to the size of the document the accompanying Ironside Farrar report is published as a separate supplement to this agenda.)</p>	20 mins
12.	<p>Hawick Flood Protection Scheme - Request for Delegated Authority (Pages 429 - 438)</p> <p>Consider report by Service Director Assets and Infrastructure. (Copy attached.)</p>	10 mins
13.	<p>Scheme of Delegation (Pages 439 - 484)</p> <p>Consider report by Chief Executive. (Copy attached.)</p>	10 mins
14.	<p>Draft Calendar of Meetings (Pages 485 - 492)</p> <p>Consider approval of Meeting Dates from August 2018 to July 2019. (Copy draft calendar attached.)</p>	5 mins
15.	<p>Scottish Borders Living Wage Group Membership</p> <p>Appoint Members to Scottish Borders Living Wage Group.</p>	5 mins
16.	<p>COSLA Membership</p> <p>Consider replacement of Councillor Jardine with Councillor Weatherston on the COSLA Health & Social Care Board. (Copy attached.)</p>	5 mins
17.	<p>Appointment to Outside Bodies</p> <p>Appoint Galashiels and District Ward Councillor to replace Councillor Jardine as the Council Representative for the Focus Centre, Galashiels.</p>	5 mins

18.	<p>Motion by Councillor Bell</p> <p>Consider Motion by Councillor Bell in the following terms:-</p> <p>“In light of the similar and very worrying forecasts by both the UK and the Scottish Governments of the potential negative impact on the economy of all of the different Brexit options, and in light of the forecast of a double digit decline in the economy of the neighbouring North East of England in the event of a Hard Brexit:-</p> <p>a) Council requests the Leader to write to the Prime Minister to inform her of the Council’s considered opinion that after Britain leaves the EU it remains within both the Customs Union and the Single Market, and;</p> <p>b) Asks the Chief Executive to bring to Council within three months an analysis of the impact and potential mitigations for the Borders Economy of a Hard Brexit.”</p>	5 mins
19.	<p>Motion by Councillor Haslam</p> <p>Consider Motion by Councillor Haslam in the following terms:-</p> <p>“The Elected Members, communities and individuals of the Scottish Borders want to pay tribute to, and offer thanks for, the tireless work of the SBC teams that were out and about during the recent bad weather. All involved worked incredibly hard to make sure that our communities remained safe throughout the unprecedented weather. We also wish to thank support staff in the NHS, Mountain rescue teams, 4x4 drivers, resilient community groups and volunteers for all of their work to transport essential workers, clear snow and help residents in our towns and villages. Thanks also to the staff at Headquarters who spent their nights and days in the emergency bunker co-ordinating the services in very difficult conditions.”</p>	5 mins
20.	Any Other Items Previously Circulated	
21.	Any Other Items Which the Convener Decides Are Urgent	
22.	<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>	
23.	<p>Minute (Pages 493 - 494)</p> <p>Consider private Section of Minute of Scottish Borders Council held on 25 January 2018. (Copy attached.)</p>	1 mins
24.	Committee Minutes	2 mins

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25.	<p>South of Scotland Economic Partnership - Update (Pages 495 - 520)</p> <p>Consider report by Executive Director. (Copy attached.)</p>	15 mins														
26.	<p>Tweedbank Future Development Opportunities (Pages 521 - 588)</p> <p>Consider joint report by Executive Director and Service Director Assets and Infrastructure. (Copy attached.)</p>	15 mins														
27.	<p>Borders Innovation Park Update (Pages 589 - 602)</p> <p>Consider report by Service Director Assets and Infrastructure. (Copy attached.)</p>	10 mins														
28.	<p>Common Riding Policy</p> <p>Update by Chief Executive.</p>	10 mins														

NOTES

1. **Timings given above are only indicative and not intended to inhibit Members' discussions.**
2. **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

SCOTTISH BORDERS COUNCIL

MINUTE of MEETING of the SCOTTISH BORDERS COUNCIL held in Council Headquarters, Newtown St. Boswells on 25 January 2018 at 10.00 a.m.

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

Apologies:- Councillors: A. Anderson, J. Fullarton, W. McAteer, S. Mountford

In Attendance:- Chief Executive, Executive Director (R. Dickson), Service Director Assets and Infrastructure, Service Director Children and Young People, Service Director Regulatory Services, Chief Financial Officer, Democratic Services Team Leader.

1. CONVENER'S REMARKS

- 1.1 The Convener advised that Council meeting scheduled for 8 February would now be held on 20 February for budget setting.
- 1.2 The Convener congratulated Catherine Lothian (known as Irene) who had been employed as a cleaner at Duns Primary School for 50 years, which was an outstanding achievement. Catherine had received a voucher from the Council and had been invited to attend, as one of the Council's guests, this year's Garden Party at Holyrood.

DECISION

AGREED that congratulations be passed to Catherine Lothian.

2. MINUTES

The Minute of the Meeting held on 21 November 2017 was considered.

DECISION

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

3. COMMITTEE MINUTES

The Minutes of the following Committees had been circulated:-

Chambers Institute Trust	29 November 2017
Peebles Common Good Fund	29 November 2017
Pension Board	4 December 2017
Lauder Common Good Fund	13 December 2017
Civic Government Licensing	15 December 2017
Local Review Body	18 December 2017
Planning Building Standards	8 January 2018

DECISION

APPROVED the Minutes listed above.

4. OPEN QUESTIONS

The questions submitted by Councillors Laing, Marshall and Paterson were answered.

DECISION

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

The Convener advised that items 5 and 6 below would be approved together. He advised that as there had already been discussion between the various political groups in the preparation of the consultation response that these items would not be further debated at the meeting. Councillor Robson's dissent was noted.

5. **EDUCATION GOVERNANCE REVIEW – NEXT STEPS**

There had been circulated copies of a report by the Service Director, Children and Young People updating on the position of the Association of Directors of Education in Scotland in response to the "Governance Review: Next Steps" paper published in June 2017 by the Scottish Government, copies of which were appended to the report. The report provided a proposal regarding Regional Collaboration produced by the South East Alliance in response to the Next Steps paper "South East Alliance: South East Improvement Collaborative: Collaboration to Deliver Excellence and Equity" as detailed in Appendix 3 to the report. The Scottish Government published its Education Governance: Next Steps paper in June 2017 in response to the Delivery Plan and Consultation document "Empowering Teachers, Parents and Communities to Achieve Excellence and Equity in Education". Scottish Borders Council submitted an extensive response to this consultation contained in Appendix 4 to the report. At the heart of this response was a clear statement of the Borders' identity as a region in its own right, the importance of local partnership working in delivering education and the statutory responsibility of Scottish Borders Council to provide education and be accountable for the outcomes delivered for children and young people. This response also highlighted the importance of the partnership agenda in localities and communities and highlighted why services for children and young people must be part of local government governance, as the school existed within a wider concept of service delivery and could not be separated out from the range of service provision and partnerships available locally if the Getting It Right For Every Child (GIRFEC) principles were to be realised. This submission was very much in accordance with the submissions made by Headteachers through their local Associations and Trade Unions, who all declared nationally that improving the quality of education was not about new structures and the centralising of education.

DECISION

NOTED the South East Improvement Collaborative proposal as detailed in Appendix 3, to the report, and Scottish Borders Council's continued role in the South East Improvement Collaborative.

6. **EMPOWERING SCHOOLS: A CONSULTATION ON THE PROVISIONS OF THE EDUCATION (SCOTLAND) BILL**

There had been circulated copies of a report by the Service Director Children & Young People seeking approval on the Council's response to the "Empowering Schools: A consultation on the Provisions of the Education (Scotland) Bill, attached at Appendix 1 to the report. Linked to this response a separate connected report was being considered as a separate item on this Agenda "Education Governance Review: Next Steps" which outlined the work of the South East Regional Improvement Collaborative and sought approval for Scottish Borders Council's continued role within this Regional Improvement Collaborative. The consultation sought responses on key aspects of Education Governance: the role of Scottish Government, Local Authorities, Regional Improvement Collaboratives, Education Workforce Council, Education Scotland, Headteachers, parents/carers and young people. The Council's response, as contained in the amended Appendix 3 which had been circulated, was very clear in that within statute the Local Authority was accountable for the provision of education and outcomes for children and young people in the Scottish Borders and this must be recognised in all aspects of Governance. It was important to note that a school or Headteacher had no legal entity in respect of accountability linked to Education provision. There were many aspects of the Consultation that the Council was supportive of, but there were some areas where the Council had suggested amendments. The Council had expressed in its response concern regarding some areas of responsibility in the new Headteachers' Charter, improvement planning and the newly established Regional Collaboratives. The goals of the provisions of the Education (Scotland) Bill 2018, to improve

the outcomes of children and young people, were very much at the heart of the Council's response. There were a number of responses that the Council was fully supportive towards: the changes which looked to increase the participation and inclusion of parents/carers and young people in improving Education and the establishment of the "Education Workforce Council.

DECISION

AGREED the Council's response to 'Empowering Schools, A Consultation on the Provisions of the Education (Scotland) Bill', as detailed in the amended Appendix 3 to the report.

7. **SESPLAN: FINANCE RATIFICATION**

There had been circulated copies of a report by the Service Director Regulatory Services seeking ratification of SESplan proposals for 2018/19. The SESplan operating budget for 2018/19 was proposed to be set at £183,248 with each authority expected to contribute £10,000 and the remainder of the operating budget taken from existing SESplan reserves. Councillor Bell, former Chair of SESplan Joint Committee, advised that Scottish Government's planned legislation could result in the activities of SESplan being taken over by a wider regional partnership and therefore SESplan would cease to exist. However, it there was a delay in the introduction of this legislation SESplan would continue and there might be a requirement to provide further in future. Councillor Miers, on behalf of the Council, thanked Councillor Bell for his time as Chairman of SESplan.

DECISION

AGREED to ratify the SESplan budget proposals for 2018/19.

8. **TWEEDBANK MASTERPLAN (SPATIAL FRAMEWORK)**

There had been circulated copies of a report by the Service Director Assets & Infrastructure updating on the development of the outline masterplan and spatial framework which had been developed for Tweedbank following on from the last Council report on 21 December 2017. The development of the masterplan, by Proctor Matthews Architects, was the starting point against which the Council could begin to fulfil its commitment within the Borders Railway Blueprint and City Deal to maximise the full economic potential of the Borders Railway and comprised a mixed-use development, primarily focused on the delivery of residential and Class 4, 5 and 6 business space. There remained significant work to be undertaken that would include commencing the formal planning process to adopt the masterplan as Supplemental Planning Guidance, developing a communications and branding strategy which would attract private sector investment through an agreed delivery mechanism, development of business cases for individual projects as they come forward, analysis of risk and detailed costed proposals for the comprehensive development of the area. A parallel report on the Galashiels masterplan would also be brought to Council but it should be noted these provided and demonstrated fundamentally different approaches. Galashiels was an established urban centre, therefore the masterplan focused on opportunities for regeneration. The Tweedbank masterplan was seen as a significant expansion to the existing Tweedbank settlement as well as repositioning the current Tweedbank Industrial Estate as a new Borders Innovative Park. The masterplan was intended as a 'vision' document that demonstrated one architect's proposals and architectural language for how the area could be developed. As more formative proposals, and detailed planning applications were brought forward, these would be subject to change and likely to reflect private developer's aspirations for the site, particularly in relation to the proposed residential development sites. In response to members questions, the Service Director clarified that there were four Masterplans covering Tweedbank, Galashiels and two from Midlothian, along the length of the railway corridor. The timeline for the project was anticipated at 15-20 years and it was hoped to attract as much private funding as possible. The Executive Member for Business and Economic Development welcomed Members' support for the masterplan and emphasised that this was an opportunity to build on the success of the Borders Railway and attract investors and visitors to the Scottish Borders.

DECISION

AGREED:-

- (a) to note the contents of the Tweedbank masterplan document;
- (b) that the Service Director Regulatory Services ensured the masterplan was now used to inform the preparation of a statutory Supplementary Planning Guidance to support the planned future development at Tweedbank;
- (c) that further reports would be brought to Council in respect of the development opportunities at Tweedbank outlining:
 - (i) how development proposals would strengthen planned investment to deliver strategic outcomes;
 - (ii) how the masterplan would be publicised to leverage private sector interest and investment in both the residential element and the Borders Innovation Park; and
 - (iii) the most appropriate public/private sector delivery vehicle.

9. GALASHIELS MASTERPLAN (REGENERATION FRAMEWORK)

There had been circulated copies of a report by the Service Director Assets & Infrastructure updating on the development of the outline masterplan which had been developed for Galashiels to support the wider regeneration of the town centre. The development of the masterplan, by Stellan Brand Architects, was also the starting point against which the Council could begin to fulfil its commitment within the Borders Railway Blueprint to maximise the full economic potential of the Borders Railway and comprised a variety of mixed use proposals, primarily focused on the delivery of residential retail, business space and regeneration led activities. There remained significant work to be undertaken that would include updating the Local Development Plan to incorporate appropriate masterplan proposals, developing a communications and branding strategy in conjunction with partners such as Energise Galashiels or as part of the Galashiels BID (Business Improvement District), which would attract private sector investment through agreed delivery mechanisms, development of business cases for individual projects as they came forward, analysis of risk and detailed costed proposals for the comprehensive development of the area. With reference to the parallel report on the Tweedbank masterplan detailed above it was noted these provided and demonstrated fundamentally different approaches. Galashiels was an established urban centre, therefore that masterplan focused on opportunities for regeneration. The Tweedbank masterplan was seen as a significant expansion to the existing Tweedbank settlement as well as repositioning the current Tweedbank Industrial Estate as a new Borders Innovation Park. The masterplan was intended as a 'vision' document that demonstrated one architect's proposals and architectural language for how the area could be developed. As more formative proposals, and detailed planning applications were brought forward, those would be subject to change and likely reflect private developer's aspiration for individual sites or proposals. Officers were currently managing the 2nd stage application for TCRG (Regeneration Grant) funding for GToS Visitor Attraction. This bid had positioned the GToS building as Phase 1 of a wider Galashiels Regeneration proposal. The masterplan document was intended therefore to support the identification, development and delivery of second and subsequent phases of future regeneration projects. Members commended the masterplan and the prospect of attracting both the public and private sector into Galashiels. In response to a question on education provision the Service Director advised that the architects had previous involvement with the Schools Estates' Review and an assessment of education provision in Galashiels and that the Service Director Children and Young People was currently reviewing the need for investment in the High School estate.

DECISION

AGREED:-

- (a) **NOTED the contents of the Galashiels masterplan document;**
- (b) **that the Service Director Regulatory Services gave due consideration to the adoption of appropriate components of the masterplan in the production of the new Local Development Plan;**
- (c) **that the Executive Director bring forward a report to a future Economic Development themed Executive meeting outlining:**
 - (i) **how the masterplan proposals could best be utilised to strengthen existing activities;**
 - (ii) **publicised to leverage private sector interest and investment in the town; and**
 - (iii) **what measures proposed within the masterplan the Council could implement following the opening of the Great Tapestry of Scotland visitor attraction to further reinforce the ambitions for the regeneration of Galashiels town centre.**

10. AMENDED CALENDAR OF MEETINGS

With reference to paragraph 17 of the Minute of 21 December 2017, there had been circulated copies of an amended calendar of meetings. The Convener reminded Members that a further change was required to move the Special Council meeting to deal with the budget from 8 February to 20 February 2018.

DECISION

APPROVED the amended calendar of meetings as contained in Appendix II.

11. MOTION BY COUNCILLOR TATLER

Councillor Tatler seconded by Councillor Laing, moved the Motion as detailed on the agenda in the following terms:-

“Scottish Borders Council, as a fully committed living wage employer, will seek to establish and lead a Living Wage Group. The Scottish Borders Living Wage Group will include representatives from employers currently paying the Living Wage, Unions, business groups such as the Federation of Small Businesses and the voluntary sector. Its single aim will be to reverse the scourge of low wages in the Scottish Borders by encouraging all employers based in the Scottish Borders to pay all their employees the recognised Living Wage, currently £8.75.”

Councillor Tatler spoke in support of his motion which was unanimously approved.

DECISION

AGREED to approve the Motion as detailed above.

12. PRIVATE BUSINESS

DECISION

AGREED under Section 50A(4) of the Local Government (Scotland) Act 1973 to exclude the public from the meeting during consideration of the business detailed in 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

13. Minute

The private section of the Council Minute of 21 December 2017 was approved.

14. **Committee Minutes**

The private sections of the Committee Minutes as detailed in paragraph 3 of this Minute were approved.

15. **Tweedbank Future Development Opportunities**

Members approved a private report by the Service Director Assets and Infrastructure on future development opportunities at Tweedbank.

The meeting concluded at 12.05 p.m.

SCOTTISH BORDERS COUNCIL
25 JANUARY 2018
APPENDIX 1

OPEN QUESTIONS

Question from Councillor Laing

Ullapool's primary school children are to be commended for their successful and inspirational "Nae Straw at Aw" campaign to stop the use of plastic straws which have been found in abundance polluting their local beaches. Can the Executive Member tell us if there are any plans to emulate this campaign of awareness-raising with the pubs, restaurants and shops within the Scottish Borders?

Answer from Councillor Aitchison

The BBC's 'Blue Planet II' programmes have brought much-needed public prominence to the issue of discarded non-biodegradable plastics and their impact on our environment, especially our oceans and coastlines. The 'Nae Straw At Aw' initiative is a commendable response to such pollution. It highlights two matters: first, how should individuals and organisations respond to the problem of plastics and, second, what should they do to further promote that agenda with others?

Applauded by the Marine Conservation Society, pupils from Ullapool Primary School and Sunnyside Primary in Glasgow have set an example in eliminating plastic straws from their schools and in promoting a campaign for others to reduce their use of plastics. I share their ambition. For the last 6 years, the Council's Catering Team has been engaged in a strategy to reduce the use of plastics in our catering and especially our schools. As a result, all coffee cups are bio-degradable and the plastic cutlery we use is compostable. The particular issues of plastic straws has been picked up nationally by Scotland Excel which has asked all suppliers of food and drinks cartons to Schools in Scotland, including Scottish Borders Council, to consider how the issue can be addressed. In addition, the Council's Waste Services team continues to monitor closely all of the waste streams entering the system, with a view to improving our recycling rates and making improvements that support the circular economy. Councillor Aitchison added that there will be a debate within schools in the near future.

Questions from Councillor Paterson

To the Executive Member for Roads and Infrastructure

1. I seem to have had more complaints this year compared to other years with regards Winter Maintenance, with one elderly lady having to pay someone to get her area cleared of snow Can I ask the Executive Member please tell me if there has been a financial reduction in the Winter Maintenance Budget?

Answer from Councillor Edgar

Included within the current agreed financial revenue plan 17/18 is a saving of £100k arising from changes to the way in which the winter service is delivered, however the service remains unaffected and the savings are being delivered through other efficiencies

2. How much of a reduction has there been in the number of Winter Maintenance Staff in the last 5 years as I seem to have had more complaints this year than previous bad Winters about pavements and roads not getting gritted.

Answer from Councillor Edgar

There has been no reduction in the numbers of winter maintenance staff. All Rotas remain at the same level as previous years and are fully resourced. The Council publishes its Winter Service plan annually and details of this, or further information on the treatment of roads and footpaths, can be provided on request.

3. Can the Executive Member please tell me why during this bad spell of weather this Council have failed consistently to replenish salt/grit bins in areas that I represent causing a lot of real hardship to people that I represent, was this just a Hawick problem or was it all over the Borders?

Answer from Councillor Edgar

The provision of salt bins to support community resilience is a valuable resource and it is refreshing to know that the people of Hawick have utilised them positively to supplement the efforts of the Council. The Council maintains 1105 grit bins, an increase of 33% over years. Hawick has 105, an increase of 38% over the same period.

Given the prevailing severe snow events of recent days/weeks the Councils resources had been prioritised to focus on the agreed strategic approach to winter service. Therefore resources were deployed on primary/secondary and tertiary routes in that order.

The logistics associated with recovery, including the restocking of salt bins for ongoing community resilience, is being undertaken as resources allow. Whilst the snow melt is now causing flood issues, the winter teams are also engaged in that capacity at present. If Members are aware of isolated issues where salt bins are not replenished within a reasonable period, they can request via the relevant Neighbourhood manager for them to be restocked.

Questions from Councillor Marshall

To the Executive Member for Roads and Infrastructure

Can the Executive Member responsible for roads and infrastructure provide the following information concerning the roads network across the Scottish Borders:-

- a) How many claims have been made against the council with regard to damage caused to vehicles as a result of pot-holes or similar road defects during the past 12 months and has the figure increased from the previous year?
- b) How many applicants were successful?
- c) How long on average is it taking for each claim to be processed end to end?
- d) How many claims have been made against the council in respect of pedestrians falling into pot holes or injuring themselves on defective footpaths/ bridges etc., and has the figure increased from the previous year?

Answers from Councillor Edgar

- a) There have been 173 claims for vehicle damage in the Scottish Borders as a result of potholes/carriageway defects in the 12 Month period since 22 January 2017 – this is a decrease on the previous 12 months when the comparable figure was 355 claims.
- b) At present 54 of these claims have been settled, this figure may eventually change as not all claims received in the last 12 months have been closed.
- c) I cannot provide this information as yet, due to the systems SBC currently have in place to record claims – officers have however requested this information from the Council's insurers.
- d) There were 17 claims received in the last 12 months in regards to injury to pedestrians from trips related to carriageway/footway defects – this is a decrease on the previous 12 months when the figure was 24 claims.

For Info only costs of pot hole claims

Year of Payment	Sum of Payment
2014	£8,092
2015	£10,430
2016	£21,597
2017	£12,928

Supplementary

Councillor Marshall requested that the information also include the number of cyclists involved in accidents from alleged defective roads and potholes.

**SCOTTISH BORDERS COUNCIL
25 JANUARY 2018
APPENDIX II**

**AMENDED CALENDAR OF MEETINGS
JANUARY - JULY 2018**

Jan-18				
MON (SH)	1	JAN	HOLIDAY	
TUES (SH)	2	JAN	HOLIDAY	
WED (SH)	3	JAN		
THUR (SH)	4	JAN		
FRI (SH)	5	JAN		
SAT	6	JAN		
SUN	7	JAN		
MON	8	JAN	PLANNING AND BUILDING STANDARDS	10.00 a.m.
TUES	9	JAN		
WED	10	JAN	TWEEDDALE AREA PARTNERSHIP	7.00 p.m.
THUR	11	JAN		
FRI	12	JAN		
SAT	13	JAN		
SUN	14	JAN		
MON	15	JAN	AUDIT & SCRUTINY COMMITTEE	10.15 a.m.
TUES	16	JAN	HAWICK COMMON GOOD FUND SUB-CTEE	5.30 p.m.
WED	17	JAN		
THUR	18	JAN		
FRI	19	JAN	LICENSING BOARD	10.00 a.m.
FRI	19	JAN	CIVIC GOVERNMENT LICENSING COMMITTEE	11.00 a.m.
SAT	20	JAN		
SUN	21	JAN		
MON	22	JAN	LOCAL REVIEW BODY	10.00 a.m.
TUES	23	JAN	LOCAL LICENSING FORUM	4.00 p.m.
WED	24	JAN	JCG: STAFF	10.00 a.m.
THUR	25	JAN	SCOTTISH BORDERS COUNCIL	10.00 a.m.
THUR	25	JAN	EILDON AREA PARTNERSHIP	6.30 p.m.
FRI	26	JAN		
SAT	27	JAN		
SUN	28	JAN		
MON	29	JAN	-	-
TUES	30	JAN	EXECUTIVE COMMITTEE (EDUCATION/ECONOMIC DEVELOPMENT)	10.00 a.m.
WED	31	JAN		
Feb-18				
THUR	1	FEB	BERWICKSHIRE AREA PARTNERSHIP	6.30 p.m.
FRI	2	FEB	LAUDER COMMON GOOD FUND SUB-COMMITTEE	9.30 a.m.
SAT	3	FEB		
SUN	4	FEB		
MON	5	FEB	PLANNING AND BUILDING STANDARDS	10.00 a.m.
TUES	6	FEB		

WED	7	FEB	JEDBURGH CGF SUB-COMMITTEE	4.30 p.m.
WED	7	FEB	HAWICK COMMON GOOD FUND SUB-CTEE	5.30 p.m.
WED	7	FEB	KELSO CGF SUB-COMMITTEE	5.30 p.m.
WED	7	FEB	CHEVIOT AREA PARTNERSHIP	6.30 p.m.
THUR	8	FEB		
FRI (SH)	9	FEB	POLICE, FIRE & RESCUE AND SAFER COMMUNITIES BOARD	9.30 a.m.
SAT	10	FEB		
SUN	11	FEB		
MON (SH)	12	FEB		10.00 a.m.
TUES (SH)	13	FEB	-	-
WED	14	FEB	EXECUTIVE COMMITTEE (FINANCE/PERFORMANCE/TRANSFORMATION)	10.00 a.m.
WED	14	FEB	SELKIRK CGF SUB-COMMITTEE	3.00 p.m.
THUR	15	FEB	AUDIT & SCRUTINY COMMITTEE	10.00 a.m.
FRI	16	FEB	LICENSING BOARD	10.00 a.m.
FRI	16	FEB	CIVIC GOVERNMENT LICENSING COMMITTEE	11.00 a.m.
SAT	17	FEB		
SUN	18	FEB		
MON	19	FEB	LOCAL REVIEW BODY	10.00 a.m.
TUES	20	FEB	SCOTTISH BORDERS COUNCIL (SPECIAL)	10.00 a.m.
TUES	20	FEB	LAUDER COMMON GOOD FUND SUB-COMMITTEE	2.00 p.m.
TUES	20	FEB	HAWICK COMMON GOOD FUND SUB-CTEE	4.00 p.m.
TUES	20	FEB	TEVIOT & LIDDESDALE AREA PARTNERSHIP	6.30 p.m.
WED	21	FEB	JCG: TEACHERS	2.00 p.m.
THUR	22	FEB	Selkirkshire Ward By-election	-
FRI	23	FEB		
SAT	24	FEB		
SUN	25	FEB		
MON	26	FEB	PENSION FUND INVESTMENT & PERFORMANCE SUB	10.00 a.m.
TUES	27	FEB	EXECUTIVE COMMITTEE (EDUCATION)	10.00 a.m.
WED	28	FEB	CHAMBERS INSTITUTION TRUST	4.00 p.m.
WED	28	FEB	PEEBLES COMMON GOOD FUND SUB-COMMITTEE	5.00 p.m.
Mar-18				
THUR	1	MAR	SCOTTISH BORDERS COUNCIL	10.00 a.m.
THUR	1	MAR		
FRI	2	MAR		
SAT	3	MAR		
SUN	4	MAR		
MON	5	MAR	PLANNING AND BUILDING STANDARDS	10.00 a.m.
TUES	6	MAR	MAJOR CONTRACTS GOVERNANCE GROUP	2.00 p.m.
WED	7	MAR	TWEEDDALE AREA PARTNERSHIP	7.00 p.m.
THUR	8	MAR	PENSION FUND COMMITTEE/PENSION BOARD	10.00 a.m.
THUR	8	MAR	EDUCATION PERFORMANCE SUB-CTEE	10.00 a.m.
THUR	8	MAR	COMMUNITY PLANNING STRATEGIC BOARD	2.00 p.m.
THUR	8	MAR	EMPLOYEE COUNCIL	3.00 p.m.
THUR	8	MAR	GALASHIELS CGF SUB-COMMITTEE	5.30 p.m.

THUR	8	MAR	EILDON AREA PARTNERSHIP	6.30 p.m.
FRI	9	MAR		
SAT	10	MAR		
SUN	11	MAR		
MON	12	MAR	LOCAL REVIEW BODY	10.00 a.m.
TUES	13	MAR	EXECUTIVE COMMITTEE (FINANCE/PERFORMANCE/TRANSFORMATION)	10.00 a.m.
WED	14	MAR		
THUR	15	MAR		
FRI	16	MAR		
SAT	17	MAR		
SUN	18	MAR		
MON	19	MAR	AUDIT & SCRUTINY COMMITTEE	10.15 a.m.
TUES	20	MAR	HAWICK COMMON GOOD FUND SUB-CTEE	4.00 p.m.
TUES	20	MAR	LOCAL LICENSING FORUM	4.00 p.m.
WED	21	MAR		
THUR	22	MAR		
FRI	23	MAR	LICENSING BOARD	10.00 a.m.
FRI	23	MAR	CIVIC GOVERNMENT LICENSING COMMITTEE	11.00 a.m.
SAT	24	MAR		
SUN	25	MAR		
MON	26	MAR	PLANNING AND BUILDING STANDARDS	10.00 a.m.
TUES	27	MAR		
WED	28	MAR	CHEVIOT AREA PARTNERSHIP	6.30 p.m.
THUR	29	MAR	SCOTTISH BORDERS COUNCIL	10.00 a.m.
FRI (SH)	30	MAR		
SAT	31	MAR		
Apr-18				
SUN	1	APR		
MON(SH)	2	APR		
TUES(SH)	3	APR		
WED(SH)	4	APR		
THUR(SH)	5	APR		
FRI(SH)	6	APR		
SAT	7	APR		
SUN	8	APR		
MON (SH)	9	APR		
TUES (SH)	10	APR		
WED (SH)	11	APR		
THUR (SH)	12	APR		
FRI (SH)	13	APR		
SAT	14	APR		
SUN	15	APR		
MON	16	APR	LOCAL REVIEW BODY	10.00 a.m.
TUES	17	APR	EXECUTIVE COMMITTEE (ECONOMIC DEVELOPMENT)	10.00 a.m.
TUES	17	APR	TEVIOT & LIDDESDALE AREA PARTNERSHIP	6.30 p.m.
WED	18	APR		
THUR	19	APR	AUDIT & SCRUTINY COMMITTEE	10.00 a.m.

FRI	20	APR	LICENSING BOARD	10.00 a.m.
FRI	20	APR	CIVIC GOVERNMENT LICENSING COMMITTEE	11.00 a.m.
SAT	21	APR		
SUN	22	APR		
MON	23	APR		
TUES	24	APR		
WED	25	APR		
THUR	26	APR	SCOTTISH BORDERS COUNCIL	10.00 a.m.
FRI	27	APR		
SAT	28	APR		
SUN	29	APR		
MON	30	APR	PLANNING AND BUILDING STANDARDS	10.00 a.m.
	May-18			
TUES	1	MAY	EXECUTIVE COMMITTEE (EDUCATION)	10.00 a.m.
WED	2	MAY		
THUR	3	MAY		
FRI (SH)	4	MAY		
SAT	5	MAY		
SUN	6	MAY		
MON (SH)	7	MAY	MAY DAY HOLIDAY	
TUES	8	MAY		
WED	9	MAY	PEEBLES COMMON GOOD FUND SUB-COMMITTEE	5.00 p.m.
THUR	10	MAY	GALASHIELS CGF SUB-COMMITTEE	5.30 p.m.
THUR	10	MAY	EILDON AREA PARTNERSHIP	6.30 p.m.
FRI	11	MAY		
SAT	12	MAY		
SUN	13	MAY		
MON	14	MAY	AUDIT & SCRUTINY COMMITTEE	10.15 a.m.
TUES	15	MAY	HAWICK COMMON GOOD FUND SUB-COMMITTEE	4.00 p.m.
WED	16	MAY		
THUR	17	MAY	-	-
FRI	18	MAY	POLICE, FIRE & RESCUE AND SAFER COMMUNITIES BOARD	9.30 a.m.
SAT	19	MAY		
SUN	20	MAY		
MON	21	MAY	LOCAL REVIEW BODY	10.00 a.m.
TUES	22	MAY	EXECUTIVE COMMITTEE	10.00 a.m.
WED	23	MAY	INNERLEITHEN COMMON GOOD FUND SUB	3.00 p.m.
WED	23	MAY	TWEEDDALE AREA PARTNERSHIP	7.00 p.m.
THUR	24	MAY		
FRI	25	MAY	LICENSING BOARD	10.00 a.m.
FRI	25	MAY	CIVIC GOVERNMENT LICENSING COMMITTEE	11.00 a.m.
SAT	26	MAY		
SUN	27	MAY		
MON	28	MAY		
TUES	29	MAY		
WED	30	MAY		
THUR	31	MAY	SCOTTISH BORDERS COUNCIL	10.00 a.m.

THUR	31	MAY	EMPLOYEE COUNCIL	3.00 p.m.
Jun-18				
FRI	1	JUN		
SAT	2	JUN		
SUN	3	JUN		
MON	4	JUN	PLANNING AND BUILDING STANDARDS	10.00 a.m.
TUES	5	JUN	EXECUTIVE COMMITTEE (FINANCE/PERFORMANCE/TRANSFORMATION)	
TUES	5	JUN	MAJOR CONTRACTS GOVERNANCE GROUP	2.00 p.m.
WED	6	JUN	JCG: TEACHERS	2.00 p.m.
WED	6	JUN	KELSO CGF SUB-COMMITTEE	4.30 p.m.
WED	6	JUN	JEDBURGH CGF SUB-COMMITTEE	5.30 p.m.
WED	6	JUN	CHEVIOT AREA PARTNERSHIP	6.30 p.m.
THUR	7	JUN	AUDIT & SCRUTINY COMMITTEE	10.00 a.m.
THUR	7	JUN	EDUCATION PERFORMANCE SUB-CTEE	10.00 a.m.
THUR	7	JUN	BERWICKSHIRE AREA PARTNERSHIP	6.30 p.m.
FRI	8	JUN		
SAT	9	JUN		
SUN	10	JUN		
MON	11	JUN	-	-
TUES	12	JUN	LOCAL LICENSING FORUM	4.00 p.m.
WED	13	JUN	JCG: STAFF	10.00 a.m.
WED	13	JUN	SELKIRK CGF SUB-COMMITTEE	3.00 p.m.
THUR	14	JUN		
THUR	14	JUN	PENSION FUND COMMITTEE/PENSION BOARD	10.00 a.m.
THUR	14	JUN	COMMUNITY PLANNING STRATEGIC BOARD	2.00 p.m.
FRI	15	JUN		
SAT	16	JUN		
SUN	17	JUN		
MON	18	JUN	LOCAL REVIEW BODY	10.00 a.m.
TUES	19	JUN	EXECUTIVE COMMITTEE (EDUCATION)	10.00 a.m.
TUES	19	JUN	LAUDER COMMON GOOD FUND SUB-COMMITTEE	4.00 p.m.
TUES	19	JUN	TEVIOT & LIDDESDALE AREA PARTNERSHIP	6.30 p.m.
WED	20	JUN		
THUR	21	JUN		
FRI	22	JUN	LICENSING BOARD	10.00 a.m.
FRI	22	JUN	CIVIC GOVERNMENT LICENSING COMMITTEE	11.00 a.m.
SAT	23	JUN		
SUN	24	JUN		
MON	25	JUN	PLANNING AND BUILDING STANDARDS	10.00 a.m.
TUES	26	JUN	AUDIT & SCRUTINY COMMITTEE	10.15 a.m.
WED	27	JUN	SCOTTISH BORDERS COUNCIL	10.00 a.m.
THUR (SH)	28	JUN		
FRI (SH)	29	JUN		
SAT	30	JUN		
Jul-18				
SUN	1	JUL		

MON (SH)	2	JUL		
TUES (SH)	3	JUL		
WED (SH)	4	JUL		
THUR (SH)	5	JUL		
FRI (SH)	6	JUL		
SAT	2	JUN		
SUN	3	JUN		
MON (SH)	9	JUL		
TUES (SH)	10	JUL		
WED (SH)	11	JUL		
THUR (SH)	12	JUL		
FRI (SH)	13	JUL		
SAT	14	JUL		
SUN	15	JUL		
MON (SH)	16	JUL	LOCAL REVIEW BODY	10.00 a.m.
TUES (SH)	17	JUL		
WED (SH)	18	JUL		
THUR (SH)	19	JUL		
FRI (SH)	20	JUL	LICENSING BOARD	10.00 a.m.
FRI (SH)	20	JUL	CIVIC GOVERNMENT LICENSING COMMITTEE	11.00 a.m.
SAT	21	JUL		
SUN	22	JUL		
MON (SH)	23	JUL		
TUES (SH)	24	JUL		
WED (SH)	25	JUL		
THUR (SH)	26	JUL		
FRI (SH)	27	JUL		

(SH) School Holiday

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SCOTTISH BORDERS COUNCIL

MINUTE of SPECIAL MEETING of the
SCOTTISH BORDERS COUNCIL held in
Council Headquarters, Newtown St. Boswells
on 20 February 2018 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. Fullarton, J. Greenwell,
C. Hamilton, 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, T. Weatherston.

In Attendance:- Chief Executive, Executive Director (P. Barr), Executive Director (R. Dickson),
Service Director Assets and Infrastructure, Service Director Customer and
Communities, Service Director HR, Service Director Regulatory Services, Chief
Financial Officer, Chief Social Worker, Clerk to the Council.

1. SCOTTISH BORDERS COUNCIL'S CORPORATE PLAN 2018-2023

There had been circulated copies of a report by the Chief Executive seeking approval for a new Corporate Plan for Scottish Borders Council for the period 2018- 2023 and a campaign to promote the new approach proposed within the Plan. The report explained that the Council had approved its last Corporate Plan in April 2013, with eight priorities to address for the Scottish Borders over a five year period. Recent years had seen significant progress across these eight priorities, as well as internal and external changes, and combined with the ongoing tightening of public sector finances a review of the Corporate Plan and priorities was now necessary and timely. A new Corporate Plan, which was appended to the report, proposed a strategic direction for the Council for the five year period 2018 to 2023 and built on the priorities in the previous Plan, as well as the Council Administration's vision within "Connected Borders", current opportunities and challenges now being faced by the Scottish Borders. The Plan focused on what SBC will do, under four themes, namely "Our services for you", "Independent achieving people", "A thriving economy with opportunities for everyone" and "Empowered, vibrant communities". To ensure that the Council was able to respond effectively to ongoing budget pressures in line with what was being proposed within the 5 year Financial Plan, a change in approach was proposed within the Corporate Plan. Not only did it state the work that the Council was committing to do for the next 5 years but it suggested where individuals, families, businesses, partners and communities could "play their part" to improve outcomes for the Scottish Borders. A campaign to promote this approach had been designed to sit alongside the Plan and would include the involvement of Community Planning partners. When the last Corporate Plan was approved, a Performance Management Framework (PMF) was also developed to ensure that the Council, its partners and the public, could monitor progress on a regular basis. Given changes to the internal and external context, and the proposed new plan and approach, this PMF also required to be amended.

DECISION

AGREED to:-

- (a) approve the new Corporate Plan 2018-2023 as contained in Appendix 1 to the report;**
- (b) approve the new approach and the "#yourpart" campaign to support the approach, involving community planning partners; and**

- (c) **note that a revised Performance Management Framework would be brought back to Council in August 2018 for approval.**

2. **CORPORATE TRANSFORMATION PROGRAMME ANNUAL PROGRESS REPORT**

With reference to paragraph 3 of the Minute of 9 February 2017, there had been circulated copies of a report by the Executive Director, Mr R. Dickson, providing an update on progress delivering the Council's Corporate Transformation Programme over the past year and setting out proposed changes to ensure that the programme remained best placed to respond to the challenges facing the Council, and was aligned to the plans and priorities of the new Administration. The report explained that the Corporate Transformation Programme had been designed to help achieve 8 Corporate Priorities and deliver significant savings as set out in the 5-year Financial Plan. The Programme and previous Business Transformation projects had delivered substantial change and was on target to deliver £35.5m in savings since 2013/14. The Programme currently comprised 14 sub-programmes and projects including digital and workforce transformation, Children and Young people, Information management, Alternative Service Delivery models, the Integration of Health and Social Care and realising the benefits of investment in the Borders railway. Regular progress updates had been provided on a quarterly basis to the Council's Executive Committee and progress against each of the 14 projects over the last year was detailed in the report. Looking to the future, the Council would continue to face major challenges and opportunities. The Scottish Borders' mainly rural geography and increased demand for services from an ageing population posed specific challenges to service delivery and redesign and would mean that a further £32.5m of savings would need to be achieved over the next 5 years to balance the Financial Plan. The programme, in its current form, was well established but a number of factors made this an appropriate time to take stock and reshape the way it was configured. The report proposed a revised programme structure with 5 re-focussed and simplified strands as follows:

- Digital Transformation
- Workforce Transformation
- Children & Young People
- Corporate Landlord (incorporating Property & Assets and Energy Efficiency)
- Health & Social Care (incorporating Adult Services)

Members welcomed the reduction from 14 to 5 strands and noted the importance of workforce transformation. In response to a question regarding the Waste Management Strategy, Mr Dickson advised that he would provide a note to Members of progress.

DECISION

AGREED:-

- (a) **to note progress in delivering the programme;**
- (b) **the role of the programme in delivering the corporate plan and the Council's 5-year financial plan;**
- (c) **the planned activity for the programme in the year ahead; and**
- (d) **that the Executive Committee continue to receive quarterly monitoring reports in respect of Programme delivery alongside Performance Management and Budget Monitoring.**

3. **BUDGET COMMUNICATION STRATEGY**

There had been circulated copies of a report by the Chief Financial Officer on the steps taken to engage with stakeholders as part of a consultation exercise on the budget. The report detailed the budget Communication Strategy used and provided feedback gathered from the Dialogue Community Engagement tool and the social media Question & Answer session with the Council Leader and the Executive Member for Finance. As part of the agreed budget consultation exercise on the Council's updated Financial Plan, the Dialogue Community

Engagement tool was made available from 16 November 2017 to members of the public on the Council website. This interactive tool allowed residents and other stakeholders to provide ideas and suggestions on how the Council could do things differently to save money in a challenging economic climate as well as allowing them to comment on other ideas already logged. This approach was being developed within the Council's new Corporate Plan (Our plan – and your part in it). As at 31 January 2018, the Dialogue Community Engagement tool was contributed to by stakeholders across 27 differently themed discussion threads. In total, 74 suggestions and follow up comments were made. This feedback had been considered as part of the 2018-2023 Financial Planning process. The Council also undertook a Live Question and Answer (Q&A) session on the Council's Facebook page and Twitter feed with the general public. This was a session with the Council Leader and the Council's Executive Member for Finance. A summary of the public feedback from the Dialogue tool was detailed in Appendix 1 to the report and a summary of the social media discussions was included in Appendix 2. Members welcomed the public engagement.

DECISION

NOTED:-

- (a) the budget Communication Strategy used;**
- (b) the feedback from the Dialogue Community Engagement tool and the Q&A Sessions and how the Council has used this feedback to inform the Financial Planning process, as detailed in Appendices 1 and 2 to the report; and**
- (c) that the actual responses from the Dialogue tool with all comments would be available on the Council's website and a hard copy available in the Member's Library.**

4. REVENUE AND CAPITAL RESOURCES AND COUNCIL TAX 2018/19

There had been circulated copies of a report by the Chief Financial Officer on the estimated revenue and capital resources available for financial year 2018/19 following publication of the local government finance settlement on the 14 December 2017 and subsequent funding notifications from Scottish Government for 2018/19 on 23 and 31 January 2018. The report recommended the financial strategy to be followed by the Council next year, identified the financial constraints and major risks to be addressed and also outlined the process supporting the construction of the draft revenue and capital Financial Plans for 2018/19 as well as draft plans for future years. The Corporate Management Team had worked with political groups to support Members in setting a corporate revenue and capital budget, meeting identified pressures facing the Council. These pressures had arisen from a variety of factors, the principle pressures identified were due to the anticipated continuing constraints on external revenue and capital funding from central government, the increasing pressures from demographics, particularly the increasing numbers of very elderly people requiring care services, as well as inflation and employment costs. The budget process had been conducted to ensure that the financial plans of the Council were aligned with its business and people planning objectives and the level of resources available. Total resources of £272.665m were available to Elected Members assuming the Council accepted the 2018/19 settlement offer from Scottish Government and approved a 3% increase in the council tax rate. The benefits, in terms of financial stability and effective change management, derived from adopting a longer term corporate approach to the revenue and capital planning process, were widely accepted. Financial year 2018/19 provided the opportunity to prepare a new 5 year financial plan for the Council. The estimated resources available over the following four financial years were also shown and would continue to be updated annually as the detail of the financial settlement from Scottish Government became known. The Council's 2016/17 statutory report from Audit Scotland highlighted the good practise previously adopted by the Council with regard to medium term 5 year financial planning and recommended that this approach be extended to encompass scenario planning over a longer period. In considering the likely levels of resource availability in future years the Council had therefore modelled a

range of scenarios with regard to Scottish Government grant, Council Tax increases and estimated future inflation. This analysis was included at Appendix 2 to the report and it was envisaged that this approach to scenario planning would increasingly feature as part of the Council's financial planning process. The report also sought approval of the financial strategy for the Council covering the period 2018/19 – 2022/23. The strategy provided the overall framework for the financial management of the Council and covered the revenue budget, capital investment plan, the Council's treasury management arrangements and the recommended policy on reserves. The financial plan was highly dependent on the delivery of savings and a risk based approach had once again been used to set the level of recommended balances. These were held both as contingency against unforeseen circumstances, to facilitate the delivery of savings and to smooth the financial plan in the event of non-realisation of the savings envisaged.

DECISION

AGREED to:-

- (a) note the estimated revenue resources for 2018/19 to 2022/23;**
- (b) note the estimated capital resources for 2018/19 to 2027/28 and the requirement to adhere to the prudential code for capital borrowing;**
- (c) note the requirement to set a band D council tax for 2018/19;**
- (d) approve the financial strategy set out in the report having considered the risk register contained in Appendix 1 to the report;**
- (e) proceed to consider the Administration's proposed Financial Plan for 2018/19, and approves the council taxes to be paid for 2018/19 in respect of all chargeable dwellings to fund these plans as part of the budget motion.**

5. TREASURY MANAGEMENT STRATEGY 2018/19

There had been circulated copies of a report by the Chief Financial Officer seeking approval of the Treasury Management Strategy for 2018/19. The Treasury Management Strategy was the framework which ensured that the Council operated within prudent, affordable financial limits in compliance with the CIPFA Code. The Strategy for 2018/19 was appended to the report and reflected the impact of the Administration's Financial Plans for 2018/19 onwards on the prudential and treasury indicators for the Council. There were two significant changes to the Strategy since the previous year. These included an increase in the Capital Financing Requirement (CFR) for 2018/19 due to the inclusion of the new Kelso High School in the Councils Fixed Assets in 2017/18. Also impacting on the CFR movement was the anticipated capital borrowing requirements associated with the re-phasing of projects from 2017/18 into 2018/19 and future years as well as movements in the scheduled debt amortisation projections for the year. There was also an increase in the Authorised Limit in 2018/19 associated with debt following the completion of Kelso High School and the resulting Long Term liability and the increase in external borrowing resulting from the capital plan.

DECISION

AGREED to:-

- (a) approve the Treasury Management Strategy 2018/19 as set out in Appendix 1 to the report;**
- (b) note that the draft Treasury Management Strategy had been considered by the Audit & Scrutiny Committee on 15 January 2018;**
- (c) review capital expenditure plans going forward to ensure they remained realistic, affordable and sustainable; and**

- (d) **ensure that the revenue consequences of all capital projects be fully reviewed in all investment decisions.**

6. FINANCIAL PLAN EQUALITY IMPACT ASSESSMENTS

There had been circulated copies of a report by the Chief Financial Officer providing assurance that any potential equality impacts of the proposals brought forward within the Council's Financial Plan from 2018/19 had been identified and would be managed accordingly. The report explained that initial Equality Impact Assessments had been undertaken in respect of the 63 key component revenue Financial Plan savings proposals and 26 Capital Plan proposals. Of these total proposals, 75 (54 revenue and 21 capital) had been held to have some relevance to the Council's duties under the Equality Act 2010. They potentially could impact in a positive or negative way on one or more equality groups and any potential negative impact would require ongoing management through their implementation stage, in terms of mitigating and alleviating these impacts. Any positive impacts identified at this stage should be maximised during the planning and implementation stage of the proposals.

DECISION

AGREED:-

- (a) **to note the summary outcomes of the 89 Initial Equality Impact assessments undertaken in respect of the 2018/19 Financial Plan proposals;**
- (b) **to undertake further and ongoing Equality Impact work in respect of the 45 proposals where it had been identified that they had a relevance to the Council's duty under the Equality Act 2010, with specific reference to the equality groups on whom there may be possible negative impact;**
- (c) **that where there was an identified relevance to the Council's statutory duty and there was a possible positive impact on one or more equality characteristic group, actions to maximise this impact were identified and implemented as part of the project planning and delivery of each proposal or project; and**
- (d) **that where there was an identified relevance to the Council's statutory duty and where there was a possible negative impact on one or more equality characteristic group, actions to mitigate and alleviate this impact were identified and implemented as part of the project planning and delivery of each proposal or project.**

7. DRAFT 5 YEAR REVENUE AND 10 YEAR CAPITAL FINANCIAL PLAN

7.1 There had been detailed on the agenda Motions by both the Administration and the Opposition Groups and supporting papers had been circulated relating to each. The Convener advised Members how the debate would be managed in that each Motion would be presented by the Mover. The Mover and Seconder would then speak to their Motions and this would be followed by the debate. At the conclusion of the debate the vote would be taken.

7.2 Councillor Haslam, seconded by Councillor Turnbull, moved:-

1. The Conservative Independent Administration recommend approval of the 5 year revenue budget and the 10 year capital plan set out in document 10(a)(i) and in doing so ask Council to note:
 - The Administration's budget plans include a five year revenue plan of £1.3bn and a ten year capital plan of £294m.
 - The budget builds on opportunities and improves the lives of Borderers, whatever their age. It focuses on delivering quality services, opportunities for all in a thriving economy,

empowering communities and enabling people to live independently and achieve their goals.

- This Administration are committed to investing in services to help the most vulnerable in society, both young and old, deliver improvements to our roads, build new schools and support businesses by stimulating the local economy and improving our town centres.
- This budget also protects teacher numbers and frontline Council services, whilst also recognising that we must modernise service delivery and make efficiencies.
- The Administration’s budget specifically proposes:
 - £2.1m over three years for new and improved outdoor community spaces
 - £0.282m for a community policing team to prevent low level criminal activity and deal with issues such as parking in our towns
 - £4.8m for a new specialist dementia residential facility
 - Over £22m investment in roads and bridges over three years, with £79m planned investment over the next 10 years
 - £89m to improve the school estate over 10 years
 - £8.3m contribution to the £41m Hawick Flood Protection Scheme
 - £1m to assist in delivering town centre regeneration including investment in Eyemouth and £150,000 match funding to progress a new Conservation Area Regeneration Scheme (CARS) in Hawick.

2. On behalf of the Conservative and Independent Administration it is proposed that:

- a) Scottish Borders Council approves a band D Council Tax of **£1,150.02** in 2018/19, a 3% increase on the 2017/18 charge, with revised charges applying from 1st April 2018 to 31st March 2019 for all council tax bands as shown below. This Council Tax being sufficient, net of government grant and other sources of income, to fund the financial plan of the Council

2018/19 Band	Proportion of Band D Tax	£
A	6/9	£766.68
B	7/9	£894.46
C	8/9	£1,022.24
D	9/9	£1,150.02
E	12/9	£1,510.99
F	15/9	£1,868.78
G	18/9	£2,252.11
H	22/9	£2,817.54

- b) Scottish Borders Council proceeds to approve the revenue and capital plans as set out in document 10(a)(i).
- c) Scottish Borders Council agrees the fees and charges applicable for financial year 2018/19 as set out in document 10(a)(ii).

Councillor Haslam and Councillor Turnbull spoke in support of the Motion. Councillor Turnbull, seconded by Councillor Edgar, further moved that the vote be taken by roll call and this was unanimously approved.

7.3 Councillor Bell, seconded by Councillor H. Anderson, moved:-

1. The Opposition Parties on Scottish Borders Council – the Scottish National Party and the Liberal Democrat Party - recommend approval of an alternative 5 year budget for the Scottish Borders including the following principals and proposals:

- Scottish Borders Council upholds the key principle of fairness for all our citizens and communities;
 - Council initiates and finances a two year pilot of a Fairness Fund to address rural poverty and isolation;
 - Council initiates and finances a Cleaner Communities Initiative in conjunction with Police Scotland;
 - Council reschedules its Capital Plan as detailed in document 10(b)(i) to put more resource into school rebuilding and refurbishment;
 - Council approves the detail of expenditures and resourcing in the 5 year Revenue plan and in the 10 year Capital plan as set out in document 10(b)(i);
 - Council approves the schedule of fees and charges as set out in document 10(b)(ii);
 - Scottish Borders Council approves a band D Council Tax of **£1,150.02** in 2018/19, a 3% increase on the 2017/18 charge, with revised charges applying from 1st April 2018 to 31st March 2019 for all council tax bands as shown below. This Council Tax being sufficient, net of government grant and other sources of income, to fund the financial plan of the Opposition Parties.
2. On behalf of the Opposition Parties it is proposed that:
- a) Scottish Borders Council approves a band D Council Tax of **£1,150.02** in 2018/19, a 3% increase in the 2017/18 charges with charges applying from 1st April 2018 to 31st March 2019 for all bands as shown below. This Council Tax being sufficient, net of government grant and other sources of income, to fund the financial plan as set out in document 10(b)(i).

2018/19 Band	Proportion of Band D Tax	£
A	6/9	£766.68
B	7/9	£894.46
C	8/9	£1,022.24
D	9/9	£1,150.02
E	12/9	£1,510.99
F	15/9	£1,868.78
G	18/9	£2,252.11
H	22/9	£2,817.54

The increase in Council Tax by 3% across all bands ensures that Scottish Borders Council can both continue to deliver core services and also increase investment in roads, schools, footpaths and communities, as well as providing value for money for the taxpayer.

For 85% of households in the Scottish Borders, this increase amounts to less than 86p per week. For 55% of households it is equivalent 50p per week or less. For 15% it represents an increase of between £1.05 and £1.58 per week.

Support through the Council Tax Reduction Scheme will continue to be available for those most in need and eligible. The Council will also continue to provide a welfare advice service to protect the most vulnerable through the introduction of Universal Credit later this year.

- b) Scottish Borders Council proceeds to approve the revenue and capital plans as set out in document 10(b)(i).
- c) Scottish Borders Council agrees the fees and charges applicable for financial year 2018/19 as set out in document 10(b)(ii).

Councillor Bell and Councillor Anderson spoke in support of the Motion.

- 7.4 Members debated both Motions and further expanded on the details of proposals contained within each. At the conclusion of the debate the roll call vote was taken as detailed below.

MEMBER

Councillor Paterson left the meeting during the discussion

7.5 Roll Call Vote

Motion by Councillor Haslam

Councillor Aitchison
Councillor Edgar
Councillor Fullarton
Councillor Greenwell
Councillor C. Hamilton
Councillor S. Hamilton
Councillor Haslam
Councillor Jardine
Councillor Marshall
Councillor McAteer
Councillor Miers
Councillor Mountford
Councillor Parker
Councillor Richards
Councillor Rowley
Councillor H. Scott
Councillor S. Scott
Councillor Small
Councillor Tatler
Councillor Turnbull
Councillor Weatherston

Motion by Councillor Bell

Councillor A. Anderson
Councillor H. Anderson
Councillor Bell
Councillor Brown
Councillor Chapman
Councillor Drum
Councillor Laing
Councillor Moffat
Councillor Ramage
Councillor Robson
Councillor Thornton-Nicol

There were 21 votes for Councillor Haslam's Motion and 11 votes for Councillor Bell's Motion. Councillor Haslam's Motion was therefore carried.

DECISION

DECIDED to approve the Motion as detailed in paragraph 7.2 above including the Administration's Budget as contained in the Appendix to this Minute.

The meeting concluded at 12.45 p.m.



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Scottish Borders Council

Administration's Draft Financial Plans

20 February 2018



Draft Revenue & Capital Financial Plan
Revenue 2018/19 - 2022/23, Capital 2018/19-2027/28

Scottish Borders Council
 Draft Financial Plan 2018/19 to 2022/23
 Revenue Resources

	2018/19 £'000	2019/20 (Provisional) £'000	2020/21 (Provisional) £'000	2021/22 (Provisional) £'000	2022/23 (Provisional) £'000	Total £'000
Aggregate External Finance						
General Revenue Support	167,539	164,759	160,755	157,838	154,965	805,856
Assumed SG grant reductions (2% 2019/20, 1.5% thereafter)		(4,004)	(2,917)	(2,873)	(2,830)	(12,624)
Ring fenced grants	2,966	2,966	1,125	1,125	1,125	9,307
Health & Social Care Partnership	7,188	7,188	7,188	7,188	7,188	35,940
Non-domestic Rates	32,790	32,790	32,790	32,790	32,790	163,950
	210,483	203,699	198,941	196,068	193,238	1,002,429
Repay Reserves	(677)	(677)	0	0	0	(1,354)
Earmarked Balance (including £0.767m SG funding)	2,782	0	0	0	0	2,782
Council Tax (Band D £1,150.02 - increase of 3% in 2018/19)	60,077	61,448	62,827	64,027	65,227	313,606
Total	272,665	264,470	261,768	260,095	258,465	1,317,463

Scottish Borders Council
Draft Financial Plan 2018/19 to 2027/28
Capital Resources

	3 yr operational £000's	7 year strategic £000's	Total £000's	Est External Funding £000's	Est. SBC Contribution £000's
Specific Grants from Scottish Government	27,639	10,426	38,065	38,065	0
Other External Grants & Contributions	7,909	0	7,909	7,909	0
Developer Contributions	1,540	700	2,240	2,240	0
Capital Receipts	4,360	0	4,360	0	4,360
General Capital Grant	43,824	98,000	141,824	0	141,824
Plant & Vehicle Replacement - P&V Fund	6,000	14,000	20,000	20,000	0
Synthetic Pitch Replacement Fund	364	3,338	3,702	3,702	0
Borrowing	38,538	37,323	75,861	1,200	74,661
Total	130,174	163,787	293,961	73,116	220,845

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Detailed Capital funding can be found at the back of this budget pack

Scottish Borders Council
Draft Financial Plan 2018/19 to 2022/23
Summary of Revenue Budget Movement

	2018/19 £'000	2019/20 (Provisional) £'000	2020/21 (Provisional) £'000	2021/22 (Provisional) £'000	2022/23 (Provisional) £'000	Total £'000
Base Budget (approved 9 February 2017)	267,647	272,665	264,470	261,768	260,095	1,326,645
Manpower adjustments	4,723	1,890	2,059	2,233	2,481	13,386
Non-pay and department specific inflation	951	656	978	781	792	4,158
Service Specific priorities & National policy changes	10,775	(5,226)	83	47	151	5,830
Total Pressures	16,449	(2,680)	3,120	3,061	3,424	23,374
<u>Savings Proposals</u>						
Corporate	(3,670)	(1,844)	(4,915)	(4,582)	(4,904)	(19,915)
Contracted Services (Live Borders/SBCares)	(1,240)	(658)	(88)	(87)	(85)	(2,158)
Assets & Infrastructure	(1,554)	(544)	(120)	(10)	(10)	(2,238)
Economic Development & Corporate Services	(1,398)	(496)	0	0	0	(1,894)
Health & Social Care	(208)	0	(10)	(10)	(10)	(238)
Children & Young People	(2,088)	(1,464)	(531)	(5)	(5)	(4,093)
Customer & Communities	(311)	(11)	25	0	0	(297)
Finance, IT & Procurement	(302)	(293)	(143)	0	0	(738)
Human Resources	(79)	0	0	0	0	(79)
Regulatory Services	(581)	(205)	(40)	(40)	(40)	(906)
Total Savings	(11,431)	(5,515)	(5,822)	(4,734)	(5,054)	(32,556)
	272,665	264,470	261,768	260,095	258,465	1,317,463
Funding	272,665	264,470	261,768	260,095	258,465	1,317,463

Scottish Borders Council
Draft Financial Plan 2018/19 to 2027/28
Summary of Capital Budget Movement

	3 yr operational £000's	7 year strategic £000's	Total £000's	Est External Funding £000's	Est. SBC Contribution £000's
Base Budget (approved 9 February 2017)	117,833	204,248	322,081	(103,546)	218,535
CFCR	(684)	0	(684)	684	0
Specific Grants from Scottish Government	12,278	(34,568)	(22,290)	22,290	0
Other External Grants & Contributions	1,736	(1,540)	196	(196)	0
Developer Contributions	(1,256)	(2,000)	(3,256)	3,256	0
Capital Receipts	(1,603)	(300)	(1,903)	0	(1,903)
General Capital Grant	(2,323)	0	(2,323)	0	(2,323)
Plant & Vehicle Replacement - P&V Fund	0	0	0	0	0
Synthetic Pitch Replacement Fund	0	473	473	(473)	0
Borrowing	4,193	(2,526)	1,667	4,869	6,536
Total Funding Adjustments	12,341	(40,461)	(28,120)	30,430	2,310
Funding	130,174	163,787	293,961	(73,116)	220,845
Investment Proposals					
Corporate	900	2,100	3,000	0	3,000
Contracted Services (Live Borders/SBCares)	10,920	6,127	17,047	(9,601)	7,446
Asset & Infrastructure	88,492	109,740	198,232	(61,215)	137,017
Economic Development & Corporate Services	5,305	4,019	9,324	(1,000)	8,324
Health & Social Care	5,508	707	6,215	0	6,215
Children & Young People	17,321	37,172	54,493	(1,300)	53,193
Customer & Communities	0	0	0	0	0
Finance, IT & Procurement	1,728	3,922	5,650	0	5,650
Human Resources	0	0	0	0	0
Regulatory Services	0	0	0	0	0
Total Investment	130,174	163,787	293,961	(73,116)	220,845

Detailed Capital Investment by year can be found at the back of this budget pack

Scottish Borders Council
 Draft Financial Plan 2018/19 - 2022/23
 Service Level Summary

	2018/19 £'000	2019/20 (Provisional) £'000	2020/21 (Provisional) £'000	2021/22 (Provisional) £'000	2022/23 (Provisional) £'000	Total £'000	Capital Investment (10 years)
Corporate	(108)	261	(2,306)	(4,361)	(6,455)	(12,969)	3,000
Contracted Services (Live Borders/SBCares)	14,042	13,147	13,088	13,030	12,945	66,252	17,047
Assets & Infrastructure	29,826	27,027	27,091	27,266	27,441	138,651	198,232
Economic Development & Corporate Services	458	208	448	438	428	1,980	9,324
Health & Social Care	47,910	46,880	46,880	46,880	46,880	235,430	6,215
Children & Young People	117,023	114,669	114,047	114,361	114,680	574,780	54,493
Customer & Communities	18,635	18,798	18,827	18,831	18,925	94,016	0
Finance, IT & Procurement	34,557	33,373	33,332	33,329	33,340	167,931	5,650
Human Resources	2,634	2,634	2,634	2,634	2,634	13,170	0
Regulatory Services	7,688	7,473	7,727	7,687	7,647	38,222	0
Total	272,665	264,470	261,768	260,095	258,465	1,317,463	293,961

Corporate

Corporate budget movements which cross more than one service

Capital Investment	3 yr operational £'000s	7 year strategic £'000s	Total £'000s	Est External Funding £'000s	Est. SBC Contribution £'000s	Detail
Emergency & Unplanned	900	2,100	3,000	0	3,000	Budget to deliver emergency works in year
Total Investment	900	2,100	3,000	0	3,000	

Corporate Pressures	2018/19 £'000s	2019/20 £'000s	2020/21 £'000s	2021/22 £'000s	2022/23 £'000s	Detail
Pay Inflation	4,594	1,861	2,030	2,204	2,481	To provide for the assumed pay award for all employees. 2%/3% in 2018/19. This includes all SB Cares staff
Insurance	94	24	26	27	27	To provide for Insurance inflation across the council
Utilities	18	114	116	119	123	To provide for Utilities inflation across the council
Rates	(179)	103	104	105	107	To provide for Rates inflation across the council
One-off 2017/18 budget allocations	(1,600)	0	0	0	0	Removal of one off Scottish Government funding received in 2017/18
Water Rates Valuation	0	50	50	50	50	To allow for anticipated increases from water revaluation
Road Fuel (all services)	0	21	22	22	22	To allow for inflationary road fuel increases across the council
Council Tax Reduction scheme (CTRS)	635	40	0	0	0	Provided by Scottish Government to assist Councils with Tax reform changes
Total Pressures	3,562	2,213	2,348	2,527	2,810	

Savings Proposals	2018/19 £'000s	2019/20 £'000s	2020/21 £'000s	2021/22 £'000s	2022/23 £'000s	Detail
Organisational Efficiencies	(601)	0	0	0	0	Efficiencies driven through changes to staffing and optimising resources across different staffing models. The Council's HR Policies and Procedures will be utilised to manage and mitigate any staffing changes/reductions
Changes to working practices	(548)	0	0	0	0	Efficiencies driven through changes to working practices including more efficient working patterns. The Council's HR Policies and Procedures will be utilised to manage and mitigate any staffing changes/reductions
Digital Transformation	(1,175)	(975)	(500)	(500)	(500)	Efficiency driven through Digital Transformation within the Council. The Council's HR Policies and Procedures will be utilised to manage and mitigate any staffing changes/reductions
Property & Assets	(284)	0	0	0	0	Review of SBC property and its use
Vehicle Tracking and Scheduling	(100)	0	0	0	0	Increased efficiency and productivity enabling more efficient/less costly travel. Technology dependent

Corporate

Corporate budget movements which cross more than one service

Savings Proposals	2018/19 £'000s	2019/20 £'000s	2020/21 £'000s	2021/22 £'000s	2022/23 £'000s	Detail
Mobile phone contracts	(30)	0	0	0	0	A review of mobile phone usage to ensure best value and where and when they are required. Assume 20% reduction
Corporate Commissioning	(232)	(400)	(400)	(400)	(400)	Savings from a review of commissioned services to ensure consistent best practice across the council
Corporate Landlord	(100)	(215)	(250)	(251)	0	Savings resulting from implementing the corporate landlord model across the council
Shared Services	0	(100)	(100)	(100)	(100)	To target opportunistic shared service possibilities with partners and other councils
Council Tax Reduction Scheme	(100)	0	0	0	0	Reduced spend based on current levels per 17/18 monitoring
Service proposals to be developed	0	(154)	(3,665)	(3,331)	(3,904)	Proposals and change across the council to be developed, including transformation opportunities
Top slice external grants received	(500)	0	0	0	0	Administrative top-slice charge on all grants received where allowed under the grant conditions
Total Savings	(3,670)	(1,844)	(4,915)	(4,582)	(4,904)	

Revenue Closing Position	2018/19 £'000s	2019/20 £'000s	2020/21 £'000s	2021/22 £'000s	2022/23 £'000s
Net Pressures & Savings	(108)	261	(2,306)	(4,361)	(6,455)
Net position	(108)	261	(2,306)	(4,361)	(6,455)

Contracted Services: SB Cares; LIVE Borders (Sport, Heritage and Culture)

SB CARES: Provision of Social Care and Support Services including Residential Care, Care at Home, Day Services, Extra Care Housing, Night Support, Equipment and Technology

LIVE Borders: Sport Facilities, Active Schools, Cultural Services (Libraries, Museums, Halls & Community Centres, Arts Development + SBC Capital Projects)

Capital Investment	3 yr operational £'000s	7 year strategic £'000s	TOTAL	Est External Funding	Est. SBC Contribution	Detail
Sports Infrastructure	1,294	6,028	7,322	(3,702)	3,620	Capital allocation to Sports Trusts to improve and refurbish SBC owned Sport and Leisure facilities and a Synthetic Pitch replacement fund to manage the replacement of synthetic pitches across the Borders
Culture & Heritage	4,060	99	4,159	(2,699)	1,460	Public Halls upgrades, new upgraded Jim Clark Museum in Duns and the upgrade and redevelopment of the Sir Walter Scott Courthouse in Selkirk
Great Tapestry of Scotland	5,566	0	5,566	(3,200)	2,366	To provide a permanent home for the Great Tapestry of Scotland in Galashiels town centre
Total Investment	10,920	6,127	17,047	(9,601)	7,446	

Revenue Opening Position	2018/19 £'000s	2019/20 £'000s	2020/21 £'000s	2021/22 £'000s	2022/23 £'000s
Base Budget (approved 9 February 2017) Expenditure	15,639	14,739	13,844	13,785	13,727
Base Budget (approved 9 February 2017) Income	(697)	(697)	(697)	(697)	(697)
Base Budget (approved 9 February 2017) Net	14,942	14,042	13,147	13,088	13,030

Budget Pressures	2018/19 £'000s	2019/20 £'000s	2020/21 £'000s	2021/22 £'000s	2022/23 £'000s	Detail
SB Cares Contract inflation	29	29	29	29	0	SB Cares Contract inflation to cover increased utilities costs
Synthetic Sports Pitches (Live Borders)	45	0	0	0	0	To provide for the increased running costs of the new 3G pitches being developed
Live Borders Contract inflation	266	(266)	0	0	0	To provide for Live Borders inflationary pressures such as utility and pay inflation
Total Pressures	340	(237)	29	29	0	

Contracted Services: SB Cares; LIVE Borders (Sport, Heritage and Culture)

SB CARES: Provision of Social Care and Support Services including Residential Care, Care at Home, Day Services, Extra Care Housing, Night Support, Equipment and Technology

LIVE Borders: Sport Facilities, Active Schools, Cultural Services (Libraries, Museums, Halls & Community Centres, Arts Development + SBC Capital Projects)

Savings Proposals	2018/19 £'000s	2019/20 £'000s	2020/21 £'000s	2021/22 £'000s	2022/23 £'000s	Detail
SB Cares						
SB Cares Contribution to SBC General Fund per Original Business Case	(162)	(152)	0	0	0	As per SB Cares approved Business Plan, there are forecast increases to the profitability of SB Cares through additional income streams and more efficient service delivery
SB Cares Structure Review	(100)	0	0	0	0	Review of SB Cares structures targeting increased effectiveness in the provision of all services. This is expected to provide a saving through redefining roles and responsibilities and process redesign. The Council's HR Policies and Procedures will be utilised to manage and mitigate any staffing changes/reductions
Implement relief staff management tool	(80)	0	0	0	0	Implement improved management processes and systems to deliver an effective relief bank resulting in reduced costs through a reduction in rates paid, compared to current 3rd party costs
Offer new relief bank of staff agency service for other Borders providers at commercial rate.	(20)	0	0	0	0	This is a commercial opportunity. This would be offered to other providers in the Borders at a rate below city agency rates and allow services to continue in all areas
Implement equitable support worker structure in Care Home	(20)	0	0	0	0	Staffing changes will be required as a result of this proposal. No overall FTE effect. Council HR policy will be consistently applied throughout review
Review of how Sleep-Ins are provided	(80)	0	0	0	0	To deliver greater efficiency. Any potential increase in risk to clients would require mitigation assurances and work with Health and Social Care required to ensure no duplication. The Council's HR Policies and Procedures will be utilised to manage and mitigate any staffing changes/reductions
Review of Finance System – use Business World as an alternative - Licence & Maintenance Fee Saving	(20)	0	0	0	0	Consistency with other SBC services and subsidiaries and reduced cost through no longer requiring a separate financial management information system
Increase pool car fleet in homecare	(20)	0	0	0	0	Reduced costs through reduced mileage claimed and increased efficiency due to reliable vehicles
Review provision of fleet across all services	(10)	0	0	0	0	Cost savings arising from greater efficiency in the economy, deployment and use of vehicles
Brokerage service – Management fee for promoting services – Community provision e.g. Care & Repair	(10)	0	0	0	0	Increased signposting activity that would enable clients (unassessed) to access a wider range of support services

Contracted Services: SB Cares; LIVE Borders (Sport, Heritage and Culture)

SB CARES: Provision of Social Care and Support Services including Residential Care, Care at Home, Day Services, Extra Care Housing, Night Support, Equipment and Technology

LIVE Borders: Sport Facilities, Active Schools, Cultural Services (Libraries, Museums, Halls & Community Centres, Arts Development + SBC Capital Projects)

Savings Proposals	2018/19 £'000s	2019/20 £'000s	2020/21 £'000s	2021/22 £'000s	2022/23 £'000s	Detail
East Lothian collaboration for the provision of Alarms Service	(250)	0	0	0	0	This provides a Telecare Services Association (TSA) accredited solution which will enable sales to the third sector. This also improves current alarm service to current client base and provides some financial savings. A total saving of 7 FTE is anticipated. The Council's HR Policies and Procedures will be utilised to manage and mitigate any staffing changes/reductions
Review of Bordercare and Community Equipment Service delivery structures	(80)	0	0	0	0	Review to deliver an integrated service provision for Bordercare and Community Equipment Service following transfer of Call Response service to East Lothian. This is expected to provide a saving through redefining roles and responsibilities and process redesign, and could reduce the workforce by up to 2 FTE. The Council's HR Policies and Procedures will be utilised to manage and mitigate any staffing changes/reductions
LIVE BORDERS						
Management Fee reduction to Live Borders	(388)	(506)	(88)	(87)	(85)	Proposals to increase income, reduce management and back office staffing (3.8 FTE) and improve efficiency within the Trust with regards to procurement and energy efficiency
Total Savings	(1,240)	(658)	(88)	(87)	(85)	

Revenue Closing Position	2018/19 £'000s	2019/20 £'000s	2020/21 £'000s	2021/22 £'000s	2022/23 £'000s
Base Budget - Expenditure	14,739	13,844	13,785	13,727	13,642
Base Budget - Income	(697)	(697)	(697)	(697)	(697)
Base Budget - Net	14,042	13,147	13,088	13,030	12,945

Asset and Infrastructure

Property Management, Estates, Catering, Cleaning, Design, Major Projects, Neighbourhood Services, Infrastructure & Assets, SBC Contracts, Fleet, Pay & Display, Waste Management

Capital Investment	3 yr operational £'000s	7 year strategic £'000s	TOTAL	Est External Funding	Est. SBC Contribution	Detail
Land & Property Infrastructure	13,790	21,788	35,578	0	35,578	Capital works on the Council estate including parks and play facilities, encompassing structural, energy efficiency, Health & Safety works, improvements and upgrades
Roads & Transport Infrastructure	24,132	58,211	82,343	(130)	82,213	Encompasses the Roads, Bridges and Lighting blocks and a number of other infrastructure projects
Cycling, Walking & Safer Streets	562	1,649	2,211	(2,211)	0	Specific Scottish Government funding to encourage walking and cycling, especially to schools and to connect communities
Peebles Bridge	0	420	420	0	420	Preparatory work to consider the future requirement for a new bridge in Peebles to support future development per the Local Development Plan
Flood & Coastal Protection works	1,614	3,850	5,464	(3,500)	1,964	Small scale capital flood works projects and flood studies for future major schemes. Flood studies and scheme preparation fully funded by Scottish Government
Hawick Flood Protection	33,033	8,217	41,250	(32,934)	8,316	Infrastructure project to protect residential and commercial properties from flood risk within the River Teviot's flood plain in Hawick. Scottish Government 80% funding of the project partially confirmed
Waste Management	1,400	600	2,000	(1,200)	800	Easter Langlee cell provision and leachate management, CRC skip infrastructure and provision of waste containers
Easter Langlee Waste Transfer Station	5,099	0	5,099	0	5,099	Construction of new waste transfer station at Langlee
Waste Collection (Non P&V)	1,432	365	1,797	0	1,797	Contribution to refuse lorry replacements not provided by Plant and Vehicle fund, funded by Waste revenue budget contribution for specific funding
Reston Station Contribution	1,430	640	2,070	(1,240)	830	Council contribution to provision of new platform and car parking at Reston, supported by potential funding from developer contributions
Plant & Vehicle Fund	6,000	14,000	20,000	(20,000)	0	Rolling programme of fleet replacement to meet council requirements, fully funded from the Plant and Vehicle fund and replenished by revenue budgets over vehicle lives
Total Investment	88,492	109,740	198,232	(61,215)	137,017	

Revenue Opening Position	2018/19 £'000s	2019/20 £'000s	2020/21 £'000s	2021/22 £'000s	2022/23 £'000s
Base Budget (approved 9 February 2017) Expenditure	61,987	63,453	60,666	60,740	60,925
Base Budget (approved 9 February 2017) Income	(33,514)	(33,627)	(33,639)	(33,649)	(33,659)
Base Budget (approved 9 February 2017) Net	28,473	29,826	27,027	27,091	27,266

Asset and Infrastructure

Property Management, Estates, Catering, Cleaning, Design, Major Projects, Neighbourhood Services, Infrastructure & Assets, SBC Contracts, Fleet, Pay & Display, Waste Management

Budget Pressures	2018/19 £'000s	2019/20 £'000s	2020/21 £'000s	2021/22 £'000s	2022/23 £'000s	Detail
Property Maintenance Fund Inflation	0	47	49	50	50	To allow for anticipated inflationary increases of materials and works associated with maintaining the Council estate
New Kelso High School	206	0	0	0	0	Increased revenue costs associated with the lifecycle costs of new Kelso High School
Catering (Food) Inflation	0	28	29	29	29	Estimated inflationary price increase of food costs
Winter Maintenance (Salt) Inflation	0	14	15	15	15	Estimated inflationary price increase of salt costs
Aggregates & Bitumen Inflation	0	5	5	5	5	Estimated inflationary price increase of bitumen and aggregates
Roads Investment	1,800	(1,800)	0	0	0	One-off injection into the Roads budget which will be targeted at roads across the region
Vehicle Spare Parts Inflation	0	13	13	13	13	Estimated inflationary price increase of spare parts
Waste Plant & Vehicle Fund	200	0	0	0	0	To provide for additional depreciation and interest payments associated with previously invested capital to allow rolling fleet replacement within Waste Services
Landfill Tax Inflation	70	70	73	73	73	Estimated inflationary price increase of Landfill tax which is set by the Scottish Government
Reduced Flood allocation	(1)	0	0	0	0	Minor adjustment by Scottish Government as detailed in Settlement
Shared Access Paths	350	(350)	0	0	0	Match funding to be used to access external funding to develop shared access paths linking up specific towns for cycling and recreational use
Community Policing	282	(282)	0	0	0	Community policing team which will be deployed to target local issues under the direction of SBC e.g. anti-social behaviour. The team will work closely with the new Locality Committees and Elected Members and will seek to do more to prevent low level criminal activity and deal with issues such as parking
Total Pressures	2,907	(2,255)	184	185	185	

Asset and Infrastructure

Property Management, Estates, Catering, Cleaning, Design, Major Projects, Neighbourhood Services, Infrastructure & Assets, SBC Contracts, Fleet, Pay & Display, Waste Management

Savings Proposals	2018/19 £'000s	2019/20 £'000s	2020/21 £'000s	2021/22 £'000s	2022/23 £'000s	Detail
Energy Efficiency Project	(119)	(103)	(103)	0	0	Spend to save investments in a range of energy efficiency measures designed to reduce our Carbon Footprint and make cashable savings
Public-Private Partnership (PPP)	(100)	0	0	0	0	Extract savings on utilities from PPP contract. Early engagement with PPP Contract holders required to reach a common position and realise savings
Staff Canteen Efficiency	(60)	0	0	0	0	Replacement of existing staff canteen service with a sandwich, snacks and coffee service at an alternative location within HQ
Additional service for nursery meals based on the 7 pilot nursery meals uptake	(71)	0	0	0	0	Roll out of current pilot which provides Free School Meals to children attending full day nursery under the expansion of Early Years provision to 1140 hours
Improved Income from higher Secondary Schools Meals uptake	(75)	0	0	0	0	Anticipated increased income through increased uptake of school meals in Secondary Schools
Catering Marketing reduction	(20)	0	0	0	0	Reduction to marketing budget based on current spend levels
Cleaning Services Rationalisation (inc Janitor, crossings)	(80)	0	0	0	0	Completion of a project to deliver rationalisation of the cleaning service including Janitorial & Crossing Patrols. Expected reduction of 5.1 FTE. The Council's HR Policies and Procedures will be utilised to manage and mitigate any staffing changes/reductions
Major projects Feasibility Study budget reduction	(30)	0	0	0	0	Reduced ability to evaluate possible future projects with the most important potential projects being prioritised to mitigate this risk
New delivery model for Public Toilet provision	0	(100)	0	0	0	Phase 2 of the public convenience review. Service impacts still to be assessed with review recommendations
Review winter working patterns / overtime	(50)	0	0	0	0	Review of staffing arrangements regarding providing winter services, no service impact expected
Neighbourhoods : Grass cutting, Biodiversity and Floral Detail	(345)	(100)	0	0	0	Redesign of Council grass cutting, £100k Review of Path Maintenance and £30k from Floral Gateway savings. The Council's HR Policies and Procedures will be utilised to manage and mitigate any staffing changes/reductions
Children & Young People grounds maintenance transfer	(20)	0	0	0	0	Transfer budget to Neighbourhood Services to be managed as part of the service and within the normal framework of maintenance. The Council's HR Policies and Procedures will be utilised to manage and mitigate any staffing changes/reductions

Asset and Infrastructure

Property Management, Estates, Catering, Cleaning, Design, Major Projects, Neighbourhood Services, Infrastructure & Assets, SBC Contracts, Fleet, Pay & Display, Waste Management

Savings Proposals	2018/19 £'000s	2019/20 £'000s	2020/21 £'000s	2021/22 £'000s	2022/23 £'000s	Detail
Review of Street Lighting Energy Efficiency Project (SLEEP) provision	0	(7)	(7)	0	0	Completion of SLEEP project
Roads review savings	(100)	0	0	0	0	Implementation of new Roads structure and delivery model. Expected reduction of 3FTE posts. The Council's HR Policies and Procedures will be utilised to manage and mitigate any staffing changes/reductions
Increase the surplus budget of the Fleet Management service	(56)	(22)	0	0	0	Bringing Fleet budget in line with historic performance. No service impact expected
Waste services Kerbside Collection Review	(175)	(200)	0	0	0	Savings arising from the proposal of a new optimised model of service delivery, including route optimisation, review of working patterns and depot rationalisation (est 3FTE impact). The Council's HR Policies and Procedures will be utilised to manage and mitigate any staffing changes/reductions
Waste Services Leachate Management budget reduction	(100)	0	0	0	0	Peak demands for leachate movement now to be met from the Council's Weather Reserve which will reduce the risk of under and over spends due to the variability of demand for this service which is weather dependent
Waste Services Community Recycling Centre Review	(40)	0	0	0	0	Realign annual operating hours to focus more on periods of peak demand, changes to working patterns will be required to ensure staff are contracted to work during periods of high demand, Estimated increase of 3FTE as weekend working is contracted. The Council's HR Policies and Procedures will be utilised to manage and mitigate any staffing changes/reductions
Waste Fees & Charges	(105)	0	0	0	0	Increased Trade Waste charges as agreed as part of the 2017/18 Financial Plan
Additional Fees & Charges Income across Assets & Infrastructure and Regulatory Services	(8)	(12)	(10)	(10)	(10)	Extra income from higher Fees & Charges which have been increased in line with inflation. Possible reductions in demand due to higher prices have been factored into the assumed additional income
Total Savings	(1,554)	(544)	(120)	(10)	(10)	

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Revenue Closing Position	2018/19 £'000s	2019/20 £'000s	2020/21 £'000s	2021/22 £'000s	2022/23 £'000s
Base Budget - Expenditure	63,453	60,666	60,740	60,925	61,110
Base Budget - Income	(33,627)	(33,639)	(33,649)	(33,659)	(33,669)
Base Budget - Net	29,826	27,027	27,091	27,266	27,441

Economic Development & Corporate Services

Corporate Policy, Economic Development, Commercial Property Income, Emergency Planning, Communications & Marketing, Corporate Transformation

Capital Investment	3 yr operational £'000s	7 year strategic £'000s	Total £'000s	Est External Funding £'000s	Est. SBC Contribution £'000s	Detail
Town Centre Regeneration	300	700	1,000	0	1,000	To support the outcome of the Locality/Town review work, including development of new CARS schemes in Hawick and Eyemouth
Central Borders Business Park	2,500	0	2,500	(1,000)	1,500	To support the development of necessary infrastructure to maximise inward investment and the future growth of the Scottish Borders economy
Newtown St Boswells Regeneration	56	344	400	0	400	Initial development phase for the village centre regeneration
Eyemouth Regeneration	799	0	799	0	799	To support the regeneration of Eyemouth
Tweedbank Development	500	0	500	0	500	Funds to commence delivery of the Tweedbank Masterplan
Private Sector Housing Grant	1,150	2,975	4,125	0	4,125	Grant funding to assist the provision of major adaptations to Private Sector housing following a needs and priority assessment by Social Work
Total Investment	5,305	4,019	9,324	(1,000)	8,324	

Revenue Opening Position	2018/19 £'000s	2019/20 £'000s	2020/21 £'000s	2021/22 £'000s	2022/23 £'000s
Base Budget (approved 9 February 2017) Expenditure	1,411	1,728	1,478	1,728	1,728
Base Budget (approved 9 February 2017) Income	(1,270)	(1,270)	(1,270)	(1,280)	(1,290)
Base Budget (approved 9 February 2017) Net	141	458	208	448	438

Budget Pressures	2018/19 £'000s	2019/20 £'000s	2020/21 £'000s	2021/22 £'000s	2022/23 £'000s	Detail
Transformational Change support	500	(250)	250	0	0	To support transformational change across the organisation
Scottish Enterprise Regeneration	25	0	0	0	0	Further funding from Scottish Government as detailed in settlement
Total Pressures	525	(250)	250	0	0	

Economic Development & Corporate Services

Corporate Policy, Economic Development, Commercial Property Income, Emergency Planning, Communications & Marketing, Corporate Transformation

Savings Proposals	2018/19 £'000s	2019/20 £'000s	2020/21 £'000s	2021/22 £'000s	2022/23 £'000s	Detail
Shared Service opportunities with Dumfries & Galloway	(150)	0	0	0	0	Enabled by sharing services with Dumfries & Galloway to deliver the South of Scotland Economic Partnership Work Plan. Area of saving not yet confirmed, possible implication of 2/3FTE. The Council's HR Policies and Procedures will be utilised to manage and mitigate any staffing changes/reductions
Business Gateway	(10)	0	0	0	0	Use of technology to reduce travel time to ensure minimal impact
Housing Strategy savings	(30)	0	0	0	0	Work only required once every 5 years
Commercial Rent income	0	0	(10)	(10)	(10)	Inflationary rent increases
Travel in Emergency Planning	(4)	0	0	0	0	Minimal impact as pool cars will be used
Resilient Communities materials budget	(5)	0	0	0	0	Work with communities to fund and deliver differently to minimise impact
Communications Web and Digital Media post	(9)	0	0	0	0	Change grade 8 to Modern Apprentice (MA) or Grade 5- Short term training requirement
Total Savings	(208)	0	(10)	(10)	(10)	

Revenue Closing Position	2018/19 £'000s	2019/20 £'000s	2020/21 £'000s	2021/22 £'000s	2022/23 £'000s
Base Budget - Expenditure	1,728	1,478	1,728	1,728	1,728
Base Budget - Income	(1,270)	(1,270)	(1,280)	(1,290)	(1,300)
Base Budget - Net	458	208	448	438	428

Health and Social Care

Child & Adult Protection, Emergency Duty, Business Support, Quality Improvement, Criminal Justice, Safer Communities, Older People, Learning Disability, Mental Health, Physical Disability, Generic

Capital Investment	3 yr. operational £'000s	7 year strategic £'000s	TOTAL	Est External Funding	Est. SBC Contribution	Detail
Adult Services Facilities Upgrade (Older People)	550	293	843	0	843	Planned Residential Care Home upgrades to enhance and improve facilities for residents
Care Inspectorate Requirements (Older People)	158	414	572	0	572	Residential Care Home works in order to deliver specific recommendations within the Joint Older People's Services Inspection Report
Residential Dementia (Older People)	4,800	0	4,800	0	4,800	Proposed specialist Dementia Residential Facility to deliver a specific Health and Social Care Partnership priority on Dementia
Total Investment	5,508	707	6,215	0	6,215	

Revenue Opening Position	2018/19 £'000s	2019/20 £'000s	2020/21 £'000s	2021/22 £'000s	2022/23 £'000s
Base Budget (approved 9 February 2017) Expenditure	60,786	61,478	60,448	60,448	60,448
Base Budget (approved 9 February 2017) Income	(13,568)	(13,568)	(13,568)	(13,568)	(13,568)
Base Budget (approved 9 February 2017) Net	47,218	47,910	46,880	46,880	46,880

Budget Pressures	2018/19 £'000s	2019/20 £'000s	2020/21 £'000s	2021/22 £'000s	2022/23 £'000s	Detail
Older People demographic increases	343	348	348	348	348	Forecast additional cost of increasing numbers of Older People 65-74 and 74+
COSLA Residential Care Home Contract (Older People)	74	75	75	75	75	Inflationary Provision for COSLA residential care home contract
Dementia care services (Older People)	534	(534)	0	0	0	increase in beds in proposed dementia unit - revenue consequences remain unknown at the current time
Increased young adults with learning / physical disabilities	250	250	250	250	250	Forecast additional cost of increasing numbers of young adults in transition from Children's to Adult Services
Health & Social Care Integration (IJB - Older People, Learning Disability and Physical Disability)	(667)	(673)	(673)	(673)	(673)	The above demographic pressures have been identified. The SBC Financial Plan assumes however, that as in 2016/17 and 2017/18, these pressures will be met in full via the direction of additional social care funding by the Integration Joint Board
SBC share of £66m for H & SC (All)	1,537	0	0	0	0	Per settlement - to support additional investment in social care in recognition of a range of pressures Local Authorities are facing including new commitments
Choose Life	19	0	0	0	0	Additional funding as detailed in Settlement
Total Pressures	2,090	(534)	0	0	0	

Health and Social Care

Child & Adult Protection, Emergency Duty, Business Support, Quality Improvement, Criminal Justice, Safer Communities, Older People, Learning Disability, Mental Health, Physical Disability, Generic

Savings Proposals	2018/19 £'000s	2019/20 £'000s	2020/21 £'000s	2021/22 £'000s	2022/23 £'000s	Detail
Purchase Criminal Justice Service (CJS) training (e.g. Health and Safety) from Scottish Borders Council instead of an external provider	(2)	0	0	0	0	Greater cost-effectiveness of existing SBC training provision - Criminal Justice Service will no longer seek this provision externally but instead use the Council's in-house service
Review of Day Services (Older People and Learning Disability)	(290)	(400)	0	0	0	The Re-imagining Day Services Review project is ongoing, a key pillar of the Integration Joint Board Integrated Transformation Programme. Following implementation of its recommendations, including new service provision, some existing day centre provision will be decommissioned. This may impact on the current SB Cares General Fund Contribution level and on current the level of service required from SB Cares. This will not have an impact in Health & Social Care staffing although there may be potential impact for SB cares staff. The Council's HR Policies and Procedures will be utilised to manage and mitigate any staffing changes/reductions
Following analysis of contract utilisation, review of non-day service functions commissioned from SB Cares aimed at increasing efficiency and reducing cost (decommissioning of Day Services is already in Financial Plan (£690k)) (Older People)	(100)	0	0	0	0	New, fitter-for-purpose, more cost effective services will be commissioned. This will save money and improve efficiency but may impact on the current SB Cares General Fund Contribution level. This will not have an impact in Health & Social Care staffing although there may be potential impact for SB Cares staff. The Council's HR Policies and Procedures will be utilised to manage and mitigate any staffing changes/reductions
Review and re-commission of Specialist Care and Support Services (Older People)	(250)	0	0	0	0	Greater efficiency through more effective and economic specialist service provision commissioned from external organisations
Review the Shopping Service (Older People)	(41)	0	0	0	0	Alternative delivery models are now available which clients can access which may mean this service can be decommissioned (subject to consultation)
Review Commissioned Services including SB Cares within Learning Disability Service	(100)	0	0	0	0	New, more cost effective services will be commissioned in addition to a comprehensive review of all existing commissioning arrangements. This will save money and improve efficiency but may impact on the current SB Cares General Fund Contribution level and their levels of staffing although the majority of services (and cost) are commissioned from external providers. The Council's HR Policies and Procedures will be utilised to manage and mitigate any staffing changes/reductions

Health and Social Care

Child & Adult Protection, Emergency Duty, Business Support, Quality Improvement, Criminal Justice, Safer Communities, Older People, Learning Disability, Mental Health, Physical Disability, Generic

Savings Proposals	2018/19 £'000s	2019/20 £'000s	2020/21 £'000s	2021/22 £'000s	2022/23 £'000s	Detail
Decommission Learning Disability Services with new alternatives	(76)	0	0	0	0	An evaluation of Social Enterprises has been undertaken resulting in a decision by Learning Disability Service for one grant contract for a social enterprise being decommissioned. This work is now delivered by Project Search and has been successful to date
Reduction in Night-Time Support (note the wider context of a future strategic review of Night-Time Support) (Learning Disability)	(74)	0	0	0	0	Formal Project underway in collaboration with Learning Disability Service providers to look at reducing the amount of night time support. Target reduction of 2 FTE for the project. Extensive work has already been undertaken by a previous project. Any impact will be mitigated. No impact on H&SC staff however potential impact on SB Cares staff
Decommission Learning Disability Services delivered by Borders College	(24)	0	0	0	0	New, more appropriate alternative services have been developed for implementation from Autumn Term 2018 with no further cost to the Council
Return adults with high supported living needs to the Scottish Borders, decommissioning high-tariff out of area placements (Learning Disability)	0	(52)	0	0	0	Longer-term, requires significant capital and revenue partnership investment, but for the specific clients identified, will provide better outcomes to meet specialist client needs at considerably reduced cost. Potential for unquantified increase in front line staff although options for commissioning the service are being considered
Decommission a specific Adults with Learning Disability contract	(10)	0	0	0	0	This client-specific service is currently being decommissioned as it is no longer required
Decommission 2 Mental Health services with identified alternatives	(53)	0	0	0	0	For one service, there is now a national telephone helpline available which clients would be able to access and for the other, if they wish to continue, clients would be able to access the service using Self Directed Support
Greater Use of Technology	(100)	0	0	0	0	Through further increasing the use of technology and equipment, it is anticipated we will reduce the number of lower-level care at home packages
Undertake a productivity review programme across Adult Social Work services, savings are targeted year 1 and 2 and will require investment to commission the review	(88)	(44)	0	0	0	This is currently underway across some services in NHS Borders – clinical and non clinical, has identified considerable cashable savings through increased efficiency by productivity. Potential reduction of 2FTE following work study although exact potential is unknown until process review. The Council's HR Policies and Procedures will be utilised to manage and mitigate any staffing changes/reductions

Health and Social Care

Child & Adult Protection, Emergency Duty, Business Support, Quality Improvement, Criminal Justice, Safer Communities, Older People, Learning Disability, Mental Health, Physical Disability, Generic

Savings Proposals	2018/19 £'000s	2019/20 £'000s	2020/21 £'000s	2021/22 £'000s	2022/23 £'000s	Detail
Review management arrangements across all Adult social work services	(60)	0	0	0	0	There would be impacts and risks attached to this due to reduced capacity but the opportunity for more joined up management and efficiency exists. Before 2019/20, where vacancies arise beforehand, joint posts will be considered and there will be potential regrading of roles. There will be increased vigilance in all vacancy management. The Councils HR Policies and Procedures will be utilised to manage any staffing changes/reductions
Review Community Based Services (considering posts / skill mix) covering Occupational Therapy and Social Work in order to maximise benefit of Enablement and Buurtzorg	(110)	0	0	0	0	New, innovative, community based health and social care services will result in constraining costs for traditional (and more intensive) social care services - better for the client and more cost-effective
Review all small grants, contributions to communities and payments to 3rd sector organisations across all Adult social work services	(20)	0	0	0	0	This review will be targeted at maintaining the quality of support currently provided. Will place greater focus on a more commissioned-based relationship between SBC and the organisations, with a focus on clear outcomes
Total Savings	(1,398)	(496)	0	0	0	

Revenue Closing Position	2018/19 £'000s	2019/20 £'000s	2020/21 £'000s	2021/22 £'000s	2022/23 £'000s
Base Budget - Expenditure	61,478	60,448	60,448	60,448	60,448
Base Budget - Income	(13,568)	(13,568)	(13,568)	(13,568)	(13,568)
Base Budget - Net	47,910	46,880	46,880	46,880	46,880

Children & Young People

Early Years, Primary Schools, Secondary Schools, Additional Support Needs, Children & Families Social Work, Educational Psychology, Central Schools, School Meals, Transport, Community Learning & Development (CLD).

Capital Investment	3 yr operational £'000s	7 year strategic £'000s	TOTAL	Est External Funding	Est. SBC Contribution	Detail
Broomlands Primary School	6	0	6	0	6	Final costs relating to the new Broomlands Primary School (opened 9th January 2018)
Langlee Primary School	3	0	3	0	3	Final costs relating to the new Langlee Primary School (opened August 2017)
Jedburgh Learning Campus	3,687	0	3,687	(300)	3,387	A new 3-18 learning campus in Jedburgh replacing 2 Primary Schools and the High School. The capital budget provision is primarily for project management, incidentals and the new 3G synthetic pitch provision
School Estate Block	10,551	24,655	35,206	(1,000)	34,206	Programme of works across the school estate to ensure compliance with a range of legislation in relation to health and safety, care inspectorate, environmental health and Insurers and to enable improvement of safety in schools
School Estate Review	3,074	12,517	15,591	0	15,591	Ambitious large scale project to significantly improve the school estate to match current and future demand
Total Investment	17,321	37,172	54,493	(1,300)	53,193	

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Revenue Opening Position	2018/19 £'000s	2019/20 £'000s	2020/21 £'000s	2021/22 £'000s	2022/23 £'000s
Base Budget (approved 9 February 2017) Expenditure	118,429	118,738	116,389	115,772	116,091
Base Budget (approved 9 February 2017) Income	(1,710)	(1,715)	(1,720)	(1,725)	(1,730)
Base Budget (approved 9 February 2017) Net	116,719	117,023	114,669	114,047	114,361

Budget Pressures	2018/19 £'000s	2019/20 £'000s	2020/21 £'000s	2021/22 £'000s	2022/23 £'000s	Detail
Expansion of Early Years to 1,140 hours (fully funded)	482	0	0	0	0	Expansion of Early Years provision to 1,140 hours in seven locations (more locations will follow). This expansion will be fully funded by the Scottish Government
Supply Teacher settlement	100	0	0	0	0	Provision to provide for changes in supply teachers Terms & Conditions including restoring the rate of pay to the individual's appropriate point on the main grade scale rather than scale point 1
Langlee Primary School	38	0	0	0	0	Langlee Primary School opened in August 2017. The full year impact of the opening is estimated at £101k with £63k having been provided in the 2017/18 Financial Plan
Broomlands Primary School	24	0	0	0	0	Broomlands Primary School opened on the 9th January 2018. The full year impact of the forecast pressure is £64k with £40k having been included in the 2017/18 Financial plan

Children & Young People

Early Years, Primary Schools, Secondary Schools, Additional Support Needs, Children & Families Social Work, Educational Psychology, Central Schools, School Meals, Transport, Community Learning & Development (CLD).

Budget Pressures	2018/19 £'000s	2019/20 £'000s	2020/21 £'000s	2021/22 £'000s	2022/23 £'000s	Detail
Unitary Charge Public-Private Partnership (PPP) Schools	305	310	315	319	324	This is the forecast contractual inflationary increase required for the 3 High Schools built with PPP funding. An inflation rate of 3.6% has been used
New Kelso High School	144	0	0	0	0	The new Kelso High School opened on the 14th November 2017. The full year impact of the opening is estimated at £192k with £48k reflected in the 2017/18 Financial Plan. Increased Non Domestic Rates accounts for a significant part of this
Jedburgh funding charges	0	0	975	0	0	The proposed new multi-generational Jedburgh campus is being funded by a combination of SBC capital funding / Scottish Government grant & revenue funding. This pressure relates to the revenue funding element only
Jedburgh lifecycle maintenance	0	0	300	0	0	This is a provision for maintaining the new multi-generational Jedburgh campus in an as new condition, including regular painting, replacement of boilers etc
Jedburgh increased Facilities Management (FM) charges	0	0	160	0	0	This pressure relates to increased revenue costs related to the new multi-generational Jedburgh campus (mainly Non Domestic Rates)
Pupil Equity Fund	11	0	(1,841)	0	0	Pupil Equity Fund of £1.841m is based on free school meal entitlement. This is fully funded by Scottish Government and assumed to continue to 2020/21. The Pupil Equity Fund is allocated directly to schools and targeted at closing the poverty related attainment gap. The funding is spent at the direction of Head teachers working in partnership with each other and the local authority
1 + 2 languages	63	0	0	0	0	Fully funded in December 2017 Scottish Government settlement to expand and improve language learning to equip young people with the language skills they need
Sensory Impairment	14	0	0	0	0	Training materials for people with sensory impairment. Guidance from RNIB and Action for Hearing. Fully funded in December 2017 Scottish Government settlement
British Sign Language	11	0	0	0	0	Fully funded in December 2017 Scottish Government settlement to support British Sign Language interpreters and costs of training courses
ASN Residential Placements and Respite Care	500	(500)	0	0	0	Funding will support the creation of a 6 or 8 bedded residential unit in partnership with Aberlour which will bring children with severe and complex needs back to the Borders creating savings. It will also enable the development of respite care and emergency beds for our most vulnerable children and young people preventing escalation to external residential placements

Children & Young People

Early Years, Primary Schools, Secondary Schools, Additional Support Needs, Children & Families Social Work, Educational Psychology, Central Schools, School Meals, Transport, Community Learning & Development (CLD).

Budget Pressures	2018/19 £'000s	2019/20 £'000s	2020/21 £'000s	2021/22 £'000s	2022/23 £'000s	Detail
Children & Young People Prevention, Intervention and Innovation	500	(500)	0	0	0	Activities and programmes led by Children and Young People and involving partner agencies to tackle ongoing issues affecting young people including mental and emotional health issues, behaviour improvement, and positive choices regarding exercise, diet, nutrition and lifestyle alongside school/community led activity projects
Access to Youth opportunities	200	(200)	0	0	0	To increase access to education and work for Young people through travel and digital initiatives
Total Pressures	2,392	(890)	(91)	319	324	

Savings Proposals	2018/19 £'000s	2019/20 £'000s	2020/21 £'000s	2021/22 £'000s	2022/23 £'000s	Detail
Review of Early Years Service aligning budget with 2017/18 service delivery	(320)	0	0	0	0	The Early Years Service has delivered a budget underspend of £200k in 2017/18 and it is anticipated that further economies will be delivered in 2018/19 delivering permanent saving of £320k with minimal impact. There will be no staff to be deployed as separate funding from the Scottish Government to fund the expansion of Early Years provision from 600 hours to 1,140 hours will result in an increase in Early Years staff. Expansion of Early Years provision from 600 hours to 1,140 hours will result in an increase in Early Years staff
Teacher allocations and class organisation	(230)	(770)	(380)	0	0	Subject to maintaining the Pupil / Teacher ratio as directed by the Scottish Government, there will be an opportunity to review the placement of teachers in light of roll projections, class organisation/timetable structures and the national allocation of newly qualified teachers. It is anticipated that teacher numbers and the ratios will be maintained in 2018 and that Council HR Policies and Procedures will be utilised to manage staffing deployments. In 2019 further developments in class organisation / timetable structures will release savings which could effect teacher numbers and pupil/teacher ratios
School Estate Review	(85)	(289)	(146)	0	0	Delivering school estate savings will be subject to approval of the Scottish Government. Closure of St Margaret's (Hawick) is progressing through the statutory process. Priority will be to identify potential opportunities to deploy/redeploy staff from schools being "mothballed"
Music Tuition Review	(50)	0	0	0	0	Review of provision to deploy existing resources more effectively. The Council's HR Policies and Procedures will be utilised to manage and mitigate any staffing changes/reductions

Children & Young People

Early Years, Primary Schools, Secondary Schools, Additional Support Needs, Children & Families Social Work, Educational Psychology, Central Schools, School Meals, Transport, Community Learning & Development (CLD).

Savings Proposals	2018/19 £'000s	2019/20 £'000s	2020/21 £'000s	2021/22 £'000s	2022/23 £'000s	Detail
Outdoor Education Review	(55)	0	0	0	0	Closure of Whiteadder Sailing school which is only used by a few schools. More responsibility for service delivery in outdoor education will now be within the outdoor localities within the school community to maximise learning time for pupils and provide more regular access to the outdoors. The Council's HR Policies and Procedures will be utilised to manage and mitigate any staffing changes/reductions
School Library Review	(75)	0	0	0	0	There will be a review of Literacy Support Services within schools which will consider how best to support pupils' development of literacy skills. Pilots will develop and provide opportunities for learning. Following a pilot in three secondary schools it is anticipated the Secondary School Library Service will be redesigned. There is likely to be a reduction in FTE. The Council's HR Policies and Procedures will be utilised to manage and mitigate any staffing changes/reductions
Central Schools Review	(476)	0	0	0	0	This review has identified an opportunity to review all centrally funded budgets as practice has developed in a number of areas affecting allocations to key projects eg links to the Pupil Equity Fund allocation. Centrally funded training, continuing professional development (CPD) spend and other discretionary spend will be reviewed in line with expenditure forecasts for 2017/18
Additional Support Needs (ASN) - Passenger Transport Review - reducing private taxi provision to clients	(200)	0	0	0	0	The transport provision for ASN pupils (£1.2m) will be reviewed. This is expected to result in less use of private taxi services and reduce the need for associated special escort service. Staff consultation will take place through our normal HR process
Children & Families Social Work – reduce external placements	(400)	(400)	0	0	0	Expenditure on external placements in 2017/18 is forecast to deliver a significant underspend and the service will continue to focus on preventative action to avoid spend on external placements in future years
Review of Children & Families Social Work service	(100)	0	0	0	0	This is likely to have a minimal impact on service delivery where priority is in taking preventative action to deliver reductions in external placements etc. The service restructure is delivering considerable savings with permanent appointments replacing the use of supply staff

Children & Young People

Early Years, Primary Schools, Secondary Schools, Additional Support Needs, Children & Families Social Work, Educational Psychology, Central Schools, School Meals, Transport, Community Learning & Development (CLD).

Savings Proposals	2018/19 £'000s	2019/20 £'000s	2020/21 £'000s	2021/22 £'000s	2022/23 £'000s	Detail
Reduce the use of Social Work agency staff	(42)	0	0	0	0	The reduced use of agency staff will enable delivery of this saving with minimal impact on service delivery. The Council's HR Policies and Procedures will be utilised to manage and mitigate any staffing changes
Increased Fees & Charges	(5)	(5)	(5)	(5)	(5)	Forecast fees & charges increase to be agreed. (No increase to school meals is included)
Review of Community Learning & Development (CLD) service (Adults & Youth)	(50)	0	0	0	0	There will be a change in service provision in some localities to reflect local needs. Staff to be deployed in response to service demands with minimal impact on staff numbers. The Council's HR Policies and Procedures will be utilised to manage and mitigate any staffing changes/reductions
Total Savings	(2,088)	(1,464)	(531)	(5)	(5)	

Revenue Closing Position	2018/19 £'000s	2019/20 £'000s	2020/21 £'000s	2021/22 £'000s	2022/23 £'000s
Base Budget - Expenditure	118,738	116,389	115,772	116,091	116,415
Base Budget - Income	(1,715)	(1,720)	(1,725)	(1,730)	(1,735)
Base Budget - Net	117,023	114,669	114,047	114,361	114,680

Customer & Communities

Business Support, Business Planning Performance & Policy Development, Community Planning & Engagement, Localities Fund, Customer Advice & Support, Democratic Services, Business Change & Programme Management, Discretionary Housing Payments, Housing Benefits, Non Domestic Rates Relief, Scottish Welfare Fund

Revenue Opening Position	£'000s	2019/20 £'000s	2020/21 £'000s	2021/22 £'000s	2022/23 £'000s
Base Budget (approved 9 February 2017) Expenditure	51,650	51,452	51,615	51,644	51,648
Base Budget (approved 9 February 2017) Income	(32,817)	(32,817)	(32,817)	(32,817)	(32,817)
Base Budget (approved 9 February 2017) Net	18,833	18,635	18,798	18,827	18,831

Budget Pressures	2018/19 £'000s	2019/20 £'000s	2020/21 £'000s	2021/22 £'000s	2022/23 £'000s	Detail
Localities Bid Fund	(250)	250	0	0	0	To continue Locality bid fund at a permanent £500k by 2019/20
Contract Inflation	0	4	4	4	4	To allow for small inflationary increases to external contracts
Universal Credit impact & reduced funding	157	0	0	0	0	Departmental pressure arising from reduced Department for Work and Pensions administration grant and legislative changes arising from Universal Credit
Temporary Accommodation	185	0	0	0	0	Temporary Accommodation funding per settlement
Council Tax Reduction Scheme (CTRS) Administration	10	0	0	0	0	CTRS administration funding allocated per settlement
Direct Housing Payment (DHP) Administration	21	0	0	0	0	DHP administration funding allocated per settlement
Local Government election	(90)	0	0	0	90	Adjustment of budget required to run local government elections every 5 years
Men's Shed Co-ordinator	30	(30)	0	0		To coordinate and promote the development of Men's Sheds across the Borders
Localities Public Nuisance Funding	50	(50)	0	0		£10k per locality for communities to bid into to deal with local antisocial behavioural issues
Total Pressures	113	174	4	4	94	

Customer & Communities

Business Support, Business Planning Performance & Policy Development, Community Planning & Engagement, Localities Fund, Customer Advice & Support, Democratic Services, Business Change & Programme Management, Discretionary Housing Payments, Housing Benefits, Non Domestic Rates Relief, Scottish Welfare Fund

Savings Proposals	2018/19 £'000s	2019/20 £'000s	2020/21 £'000s	2021/22 £'000s	2022/23 £'000s	Detail
Maximise funding opportunities from partners	(100)	0	0	0	0	Opportunity to raise income through delivering engagement, research, Project Management etc on behalf of partners
Performance Team: Grade 8 to Modern Apprentice (MA)	(15)	0	0	0	0	Minimal impact, although short term training requirement
Integrated Customer Services Model	(161)	(11)	0	0	0	Reduction to costs following amalgamation of Customer Services, Welfare Benefits and Housing staff following a review of how these services are delivered (3.5FTE). This will also include a review of the welfare and debt advice provided by the Citizens Advice Bureau. The Council's HR Policies and Procedures will be utilised to manage and mitigate any staffing changes/reductions
Housing Benefits overpayment	0	0	25	0	0	This was a temporary increase to income which will reduce by 2020/21
Democratic Services vacancy	(35)	0	0	0	0	Removal of existing vacancy (1FTE)
Total Savings	(311)	(11)	25	0	0	

Revenue Closing Position	2018/19 £'000s	2019/20 £'000s	2020/21 £'000s	2021/22 £'000s	2022/23 £'000s
Base Budget - Expenditure	51,452	51,615	51,644	51,648	51,742
Base Budget - Income	(32,817)	(32,817)	(32,817)	(32,817)	(32,817)
Base Budget - Net	18,635	18,798	18,827	18,831	18,925

Finance, IT and Procurement

Chief Executive, Corporate Finance, Financial Services, Information Technology, Capital Financed from Current Revenue , Interest on Revenue Balances, Loan Charges, Provision for Bad Debts, Recharge to Non-General Fund

Capital Investment	3 yr operational £'000s	7 year strategic £'000s	TOTAL	Est External Funding	Est. SBC Contribution	Detail
ICT - Out with existing contract Scope	240	560	800	0	800	IT works outwith the scope of the CGI contract
ICT Transformation	1,488	3,362	4,850	0	4,850	IT replacements, upgrades and transformation across the Council
Total Investment	1,728	3,922	5,650	0	5,650	

Revenue Opening Position	2018/19 £'000s	2019/20 £'000s	2020/21 £'000s	2021/22 £'000s	2022/23 £'000s
Base Budget (approved 9 February 2017) Expenditure	40,922	45,364	44,180	44,139	44,136
Base Budget (approved 9 February 2017) Income	(10,792)	(10,807)	(10,807)	(10,807)	(10,807)
Base Budget (approved 9 February 2017) Net	30,130	34,557	33,373	33,332	33,329

Budget Pressures	2018/19 £'000s	2019/20 £'000s	2020/21 £'000s	2021/22 £'000s	2022/23 £'000s	Detail
IT Contract Inflation	504	(97)	(97)	0	0	Inflation and changes to funding assumptions
IT costs per previously agreed contract	3,943	(963)	166	(23)	0	ICT contract including initial transformation spend
Loan charges to provide for capital	282	169	33	20	11	Revenue cost of capital borrowing for new projects
Total Pressures	4,729	(891)	102	(3)	11	

Savings Proposals	2018/19 £'000s	2019/20 £'000s	2020/21 £'000s	2021/22 £'000s	2022/23 £'000s	Detail
Procurement savings across all departments	(250)	(143)	(143)	0	0	Ongoing efficiencies through Procurement activity
Self insurance approach	0	(150)	0	0	0	Alternative approach to move to self insurance model. May involve higher policy excess. Saving subject to retender
Common Good Grants	(27)	0	0	0	0	Stop current grant to common good trusts and review the model of charging for SBC support
IT Licensing	(10)	0	0	0	0	Corporate approach regarding concurrent or per seat licenses
NHS Borders IT disaster recovery	(15)	0	0	0	0	Shared disaster recovery suite with other CPP partners. SBC would host using existing disaster recovery facility. Subject to negotiation
Total Savings	(302)	(293)	(143)	0	0	

Revenue Closing Position	2018/19 £'000s	2019/20 £'000s	2020/21 £'000s	2021/22 £'000s	2022/23 £'000s
Base Budget - Expenditure	45,364	44,180	44,139	44,136	44,147
Base Budget - Income	(10,807)	(10,807)	(10,807)	(10,807)	(10,807)
Base Budget - Net	34,557	33,373	33,332	33,329	33,340

Human Resources

Human Resources, HR Shared Services, Early Retirement/Voluntary Severance

Revenue Opening Position	2018/19 £'000s	2019/20 £'000s	2020/21 £'000s	2021/22 £'000s	2022/23 £'000s
Base Budget (approved 9 February 2017) Expenditure	3,084	2,654	2,654	2,654	2,654
Base Budget (approved 9 February 2017) Income	(20)	(20)	(20)	(20)	(20)
Base Budget (approved 9 February 2017) Net	3,064	2,634	2,634	2,634	2,634

Budget Pressures	2018/19 £'000s	2019/20 £'000s	2020/21 £'000s	2021/22 £'000s	2022/23 £'000s	Detail
Early Retirement/Voluntary Severance (ERVS) reduction	(351)	0	0	0	0	Reduction of the central ERVS funding
Total Pressures	(351)	0	0	0	0	

Savings Proposals	2018/19 £'000s	2019/20 £'000s	2020/21 £'000s	2021/22 £'000s	2022/23 £'000s	Detail
Human Resources, HRSS Discretionary spend	(10)	0	0	0	0	Budget reduction based on 17/18 expenditure levels
Reduce Subscription for Licenses	(5)	0	0	0	0	Budget reduction based on 17/18 expenditure levels
Apprenticeship Levy income assumption	(50)	0	0	0	0	Reduced budget pressure from 17/18 based on current projections
Salary Sacrifice income assumption	(14)	0	0	0	0	Reduced budget pressure from 17/18 based on current projections
Total Savings	(79)	0	0	0	0	

Revenue Closing Position	2018/19 £'000s	2019/20 £'000s	2020/21 £'000s	2021/22 £'000s	2022/23 £'000s
Base Budget - Expenditure	2,654	2,654	2,654	2,654	2,654
Base Budget - Income	(20)	(20)	(20)	(20)	(20)
Base Budget - Net	2,634	2,634	2,634	2,634	2,634

Regulatory Services

Planning, Assessors; Passenger Transport, Audit and Risk; Legal; Protective Services, Housing Strategy

Revenue Opening Position	2018/19 £'000s	2019/20 £'000s	2020/21 £'000s	2021/22 £'000s	2022/23 £'000s
Base Budget (approved 9 February 2017) Expenditure	20,067	19,770	19,655	19,909	19,869
Base Budget (approved 9 February 2017) Income	(11,940)	(12,082)	(12,182)	(12,182)	(12,182)
Base Budget (approved 9 February 2017) Net	8,127	7,688	7,473	7,727	7,687

Budget Pressures	2018/19 £'000s	2019/20 £'000s	2020/21 £'000s	2021/22 £'000s	2022/23 £'000s	Detail
Building Warrant Income	(32)	0	0	0	0	Income assumption per the settlement
Bus Contracts (renewal) Inflation	139	0	304	0	0	Expected inflationary increase in re-tendering bus contracts due for renewal
Galashiels Transport Interchange	(5)	(10)	(10)	0	0	Reduced revenue pressure from Gala TI due to higher income
Smoking in cars	40	0	0	0	0	Per 2017/18 settlement to enforce the legislation
Total Pressures	142	(10)	294	0	0	

Savings Proposals	2018/19 £'000s	2019/20 £'000s	2020/21 £'000s	2021/22 £'000s	2022/23 £'000s	Detail
Planning Fee Income	(100)	(100)	0	0	0	Additional Planning Fee Income based on a forecast increase in applications
Phase 2 staffing reductions within Planning Service	(50)	0	0	0	0	Offers an opportunity to develop staff. The Council's HR Policies and Procedures will be utilised to manage and mitigate any staffing changes/reductions (2FTE)
Generate further additional income from providing Pre-Submission East Scotland Planning Authority (SESPlan) Payment	(10)	0	0	0	0	Additional service to be provided
Assessors: reduction in canvassers	(22)	0	0	0	0	Reduce number of Canvassers with associated savings in travel & overtime. Requires new competitively priced laptops. Possible reduction in the effectiveness of maintaining the Electoral Roll
Assessors Printing	(10)	0	0	0	0	Use of Xerox bulk printing from June 2018 onwards to make savings in current printing costs, no service impact expected
Regulated Bus Fares	(40)	(40)	(40)	(40)	(40)	Extra income from higher fares in line with inflation. Higher cost of bus travel in The Borders
Transport Review savings	(200)	(100)	0	0	0	Savings to be achieved from Bus Subsidies & partnership arrangement with Border Buses
Provision of shared service with Midlothian Council for Audit and Risk Services	(34)					Income for SBC, currently undertaking a 6 month pilot. Makes use of existing SBC resource and expertise to provide a shared service

Regulatory Services

Planning, Assessors; Passenger Transport, Audit and Risk; Legal; Protective Services, Housing Strategy

Savings Proposals	2018/19 £'000s	2019/20 £'000s	2020/21 £'000s	2021/22 £'000s	2022/23 £'000s	Detail
Legal	(3)	0	0	0	0	Budget reduction to reflect reduced subscription costs, no service impact expected
Shared "on call" service for environmental health incidents	(4)	0	0	0	0	Dependent on engagement of partners with whom consultation will take place to engage full support
Provide animal feed service for other rural local authorities	(30)					Positive impact locally, with potential job creation and income for SBC. Additional net income of £30k assumed in 2018/19
Protective Services Staffing	(43)	0	0	0	0	Further staffing reductions in addition to savings made from 17/18 restructure. Savings from grading changes to vacant posts and the deletion of 1 vacant post. Limited impact against current resourcing as it is vacant posts that will yield the saving (1FTE)
Total Savings	(581)	(205)	(40)	(40)	(40)	

Revenue Closing Position	2018/19 £'000s	2019/20 £'000s	2020/21 £'000s	2021/22 £'000s	2022/23 £'000s
Base Budget - Expenditure	19,770	19,655	19,909	19,869	19,829
Base Budget - Income	(12,082)	(12,182)	(12,182)	(12,182)	(12,182)
Base Budget - Net	7,688	7,473	7,727	7,687	7,647

Scottish Borders Council
Draft Capital Financial Plan 2018/19 to 2027/28
Capital Investment Proposals

CAPITAL INVESTMENT PROPOSALS		2018/19 £'000	2019/20 £'000	2020/21 £'000	Total Operational Plan	2021/22 £'000	2022/23 £'000	2023/24 £'000	2024/25 £'000	2025/26 £'000	2026/27 £'000	2027/28 £'000	Total Strategic Plan	Total £'000	Specific Project Funding	Net cost to SBC Capital
Plant & Vehicle Fund																
	Plant & Vehicle Replacement - P&V Fund	2,000	2,000	2,000	6,000	2,000	2,000	2,000	2,000	2,000	2,000	2,000	14,000	20,000	(20,000)	0
Waste Collection Vehicles - Non P&V Fund																
	Waste Collection Vehicles - Non P&V Fund	1,100	300	0	1,400	0	0	300	300	0	0	0	600	2,000	(1,200)	800
Flood & Coastal Protection																
Block	Flood Studies	350	350	350	1,050	350	350	350	350	350	350	350	2,450	3,500	(3,500)	0
Block	General Flood Protection Block	164	200	200	564	200	200	200	200	200	200	200	1,400	1,964	0	1,964
	Hawick Flood Protection	4,390	12,607	16,036	33,033	7,909	193	115	0	0	0	0	8,217	41,250	(32,934)	8,316
Land and Property Infrastructure																
Block	Asset Rationalisation	950	950	750	2,650	750	0	0	0	0	0	0	750	3,400	0	3,400
Block	Building Upgrades	630	730	730	2,090	730	770	770	770	770	770	770	5,350	7,440	0	7,440
Block	Cleaning Equipment Replacement Block	50	50	50	150	50	50	50	50	50	50	50	350	500	0	500
Block	Commercial Property Upgrades	50	50	50	150	50	50	50	50	50	50	50	350	500	0	500
Block	Contaminated Land Block	38	52	52	142	52	52	52	52	52	52	52	364	506	0	506
	Energy Efficiency Works	1,545	1,045	1,045	3,635	1,045	1,045	1,045	1,045	1,045	1,045	1,045	7,315	10,950	0	10,950
Block	Health and Safety Works	635	835	835	2,305	835	835	835	835	835	835	835	5,845	8,150	0	8,150
Block	Parks & Open Spaces - Upgrades	333	130	105	568	106	107	108	110	111	111	111	764	1,332	0	1,332
NEW	Outdoor Community Spaces	700	700	700	2,100	700	0	0	0	0	0	0	700	2,800	0	2,800
Road & Transport Infrastructure																
	A72 Dirtpot Corner - Road Safety Works	2,066	0	0	2,066	0	0	0	0	0	0	0	0	2,066	0	2,066
Block	Accident Investigation Prevention Schemes Block	50	50	50	150	50	50	50	50	50	50	50	350	500	0	500
Block	Cycling Walking & Safer Streets	156	207	199	562	211	221	232	244	247	247	247	1,649	2,211	(2,211)	0
	Galashiels Developments	416	205	0	621	0	0	0	0	0	0	0	0	621	0	621
	Innerleithen to Walkerburn - Shared Access Route	265	0	0	265	0	0	0	0	0	0	0	0	265	(130)	135
Block	Lighting Asset Management Plan	250	300	200	750	200	200	200	200	200	200	200	1,400	2,150	0	2,150
	Peebles Bridge	0	0	0	0	0	0	0	0	0	0	420	420	420	0	420
	Reston Station Contribution	330	500	600	1,430	640	0	0	0	0	0	0	640	2,070	(1,240)	830
Block	Roads & Bridges -inc. RAMP, Winter Damage & Slopes	5,360	6,610	7,410	19,380	7,410	11,365	9,910	6,342	7,114	7,160	7,160	56,461	75,841	0	75,841
	Union Chain Bridge	240	400	260	900	0	0	0	0	0	0	0	0	900	0	900
Waste Management																
Block	CRC - Improved Skip Infrastructure	146	0	0	146	0	0	0	0	0	0	0	0	146	0	146
	Easter Langlee Cell Provision	40	550	110	700	0	0	0	0	0	0	0	0	700	0	700
	Easter Langlee Leachate Management Facility	23	377	42	442	0	0	0	0	0	0	0	0	442	0	442
	New Easter Langlee Waste Transfer Station	5,090	9	0	5,099	0	0	0	0	0	0	0	0	5,099	0	5,099
	Waste Containers	48	48	48	144	50	50	51	53	53	54	54	365	509	0	509

Scottish Borders Council
Draft Capital Financial Plan 2018/19 to 2027/28
Capital Investment Proposals

	CAPITAL INVESTMENT PROPOSALS	2018/19 £'000	2019/20 £'000	2020/21 £'000	Total Operational Plan	2021/22 £'000	2022/23 £'000	2023/24 £'000	2024/25 £'000	2025/26 £'000	2026/27 £'000	2027/28 £'000	Total Strategic Plan	Total £'000	Specific Project Funding	Net cost to SBC Capital
	Corporate															
Block	ICT - Outwith CGI Scope	80	80	80	240	80	80	80	80	80	80	80	560	800	0	800
	ICT Transformation	473	449	566	1,488	599	468	526	381	336	526	526	3,362	4,850		4,850
	School Estate															
	Broomlands Primary School	6	0	0	6	0	0	0	0	0	0	0	0	6	0	6
	Langlee Primary School	3	0	0	3	0	0	0	0	0	0	0	0	3	0	3
	Jedburgh Learning Campus incorporating 3G Pitch	3,168	519	0	3,687	0	0	0	0	0	0	0	0	3,687	(300)	3,387
Block	School Estate Block	3,930	4,551	2,070	10,551	2,300	6,905	5,890	2,390	2,390	2,390	2,390	24,655	35,206	(1,000)	34,206
	School Estate Review	0	740	2,334	3,074	3,800	3,410	1,374	1,833	700	700	700	12,517	15,591	0	15,591
	Sports Infrastructure															
Block	Culture & Sports Trusts - Plant & Services	350	290	290	930	290	290	290	290	290	290	290	2,030	2,960	0	2,960
	Synthetic Pitch Replacement Fund	0	364	0	364	153	358	369	380	1,792	473	473	3,998	4,362	(3,702)	660
	Culture & Heritage															
Block	John Clark Museum	1,305	5	0	1,310	0	0	0	0	0	0	0	0	1,310	(699)	611
	Public Halls Upgrades	72	0	208	280	99	0	0	0	0	0	0	99	379	0	379
	Walter Scott - Phase 2	60	760	1,590	2,410	0	0	0	0	0	0	0	0	2,410	(2,000)	410
	Trimontium, Melrose	60	0	0	60	0	0	0	0	0	0	0	0	60	0	60
	Economic Regeneration															
Block	Great Tapestry of Scotland - Building	2,612	2,924	30	5,566	0	0	0	0	0	0	0	0	5,566	(3,200)	2,366
	Borders Town Centre Regeneration Block	100	100	100	300	100	100	100	100	100	100	100	700	1,000	0	1,000
	Central Borders Business Park	2,500	0	0	2,500	0	0	0	0	0	0	0	0	2,500	(1,000)	1,500
	Newtown St'Boswells Regeneration	16	20	20	56	84	84	120	56	0	0	0	344	400	0	400
	Eyemouth Regeneration	286	513	0	799	0	0	0	0	0	0	0	0	799	0	799
	Development Tweedbank	500	0	0	500	0	0	0	0	0	0	0	0	500	0	500
	Housing Strategy & Services															
	Private Sector Housing Grant - Adaptations	375	375	400	1,150	400	400	425	425	425	450	450	2,975	4,125	0	4,125
	Social Care Infrastructure															
Block	Adult Services Facilities Upgrades	150	200	200	550	200	59	34	0	0	0	0	293	843	0	843
Block	Care Inspectorate Requirements & Upgrades	51	53	54	158	55	57	58	59	61	62	62	414	572	0	572
NEW	Residential Dementia Care	100	4,700	0	4,800	0	0	0	0	0	0	0	0	4,800	0	4,800
	Other															
	Emergency & Unplanned	300	300	300	900	300	300	300	300	300	300	300	2,100	3,000	0	3,000
	Total	43,912	46,198	40,064	130,174	31,798	30,049	25,884	18,945	19,601	18,545	18,965	163,787	293,961	(73,116)	220,845

Scottish Borders Council
Draft Capital Financial Plan 2018/19 to 2027/28
Capital Funding Proposals

	2018/19 £'000	2019/20 £'000	2020/21 £'000	Total Operational Plan	2021/22 £'000	2022/23 £'000	2023/24 £'000	2024/25 £'000	2025/26 £'000	2026/27 £'000	2027/28 £'000	Total Strategic Plan	Total £000
CAPITAL FUNDING													
Specific Grants from Scottish Government													
Hawick Flood Protection	(3,512)	(9,686)	(12,829)	(26,027)	(6,327)	0	0	0	0	0	0	(6,327)	(32,354)
Flood Studies	(350)	(350)	(350)	(1,050)	(350)	(350)	(350)	(350)	(350)	(350)	(350)	(2,450)	(3,500)
Cycling Walking & Safer Streets	(156)	(207)	(199)	(562)	(211)	(221)	(232)	(244)	(247)	(247)	(247)	(1,649)	(2,211)
School Estate Review	0	0	0	0	0	0	0	0	0	0	0	0	0
Other External Grants & Contributions													
Hawick Flood Protection	0	(500)	(80)	(580)	0	0	0	0	0	0	0	0	(580)
Innerleithen to Walkerburn - Shared Access Route	(130)	0	0	(130)	0	0	0	0	0	0	0	0	(130)
Jedburgh Learning Campus incorporating 3G Pitch	(300)	0	0	(300)	0	0	0	0	0	0	0	0	(300)
Jim Clark Museum	(699)	0	0	(699)	0	0	0	0	0	0	0	0	(699)
Sir Walter Scott - Phase 2	0	(460)	(1,540)	(2,000)	0	0	0	0	0	0	0	0	(2,000)
Great Tapestry of Scotland - Building	(1,600)	(1,600)	0	(3,200)	0	0	0	0	0	0	0	0	(3,200)
Central Borders Business Park	(1,000)	0	0	(1,000)	0	0	0	0	0	0	0	0	(1,000)
Developer Contributions													
Peebles Bridge	0	0	0	0	0	0	0	0	0	0	0	0	0
Reston Station Contribution	(595)	(645)	0	(1,240)	0	0	0	0	0	0	0	0	(1,240)
School Estate Block	(100)	(100)	(100)	(300)	(100)	(100)	(100)	(100)	(100)	(100)	(100)	(700)	(1,000)
Capital Receipts	(2,300)	(1,760)	(300)	(4,360)								0	(4,360)
General Capital Grant	(14,432)	(15,392)	(14,000)	(43,824)	(14,000)	(14,000)	(14,000)	(14,000)	(14,000)	(14,000)	(14,000)	(98,000)	(141,824)
Plant & Vehicle Replacement - P&V Fund	(2,000)	(2,000)	(2,000)	(6,000)	(2,000)	(2,000)	(2,000)	(2,000)	(2,000)	(2,000)	(2,000)	(14,000)	(20,000)
Synthetic Pitch Replacement Fund	0	(364)	0	(364)	(153)	(358)	(369)	(380)	(1,132)	(473)	(473)	(3,338)	(3,702)
Borrowing				0								0	0
- General	(16,438)	(12,834)	(8,666)	(37,938)	(8,657)	(13,020)	(8,533)	(1,571)	(1,772)	(1,375)	(1,795)	(36,723)	(74,661)
Waste Collection Vehicles - Non P&V Fund	(300)	(300)	0	(600)	0	0	(300)	(300)	0	0	0	(600)	(1,200)
Total	(43,912)	(46,198)	(40,064)	(130,174)	(31,798)	(30,049)	(25,884)	(18,945)	(19,601)	(18,545)	(18,965)	(163,787)	(293,961)



COMMUNITY FIRE AND RESCUE PLAN FOR SCOTTISH BORDERS 2018



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Foreword

'It is reassuring that a modern and innovative Scottish Fire and Rescue service have published a new community plan that properly recognises the strengths of a highly skilled and experienced public service. The plan is entirely focussed on delivering real safety benefits to our community by working in partnership and providing professional services in the most efficient and effective way. As chair of Scottish Borders Police, Fire and Rescue and Safer Communities Board, I fully endorse the plan and look forward to working with colleagues towards improving safety and well-being for all who live or visit the Scottish Borders'.

Councillor Watson McAteer

Chair of the Scottish Borders Police, Fire and Safer Communities Board



Partnership working in the Scottish Borders

Introduction

Welcome to the Scottish Fire and Rescue Service (SFRS) Community Fire and Rescue Plan for the Scottish Borders. This plan has been developed to support the delivery of agreed local outcomes for the people of Scottish Borders in conjunction with the national priorities contained within the SFRS Strategic Plan 2016- 2019. Our ambition is to work in partnership to improve community safety and enhance the well-being of those living in the Scottish Borders whilst tackling issues of social inequality. This plan will set out our priorities in order to support this ambition.

This plan recognises what we have delivered in the past and looks forward to what we aim to achieve in the coming years. The safety of our communities is at the heart of everything we do, whether it is responding to emergencies or providing prevention advice and measures. The plan will highlight our resources in the Scottish Borders, the changing risks to local communities, and how we aim to deliver our services to meet the challenges we face.

As a public service and a statutory member of the Scottish Borders Community Planning Partnership, we recognise that to be effective and efficient, we must work closely with our partners in order to identify and provide for those most at risk. By working this way, we will look to reduce duplication, share resources and information and make improvements. We will actively contribute to the shared Vision, Themes, and Outcomes set out in the *Scottish Borders Community Plan, Our Scottish Borders, Your community plan 2017*, <https://www.scotborders.gov.uk/communityplanning> and it is our intention that the Community Fire and Rescue Plan is viewed as an extension of the Scottish Borders Community Plan.

Whilst we will continue to prepare for and respond to incidents such as fires and road traffic collisions, we must also ensure we are ready to deal with the changing risks society face, including an ageing population, the effects of climate change on the environment, and terrorism. This change in how and what we respond to has already been experienced in the Scottish Borders with local crews responding to Out of Hospital Cardiac Arrests (OHCA), as a pilot project, in support of our Scottish Ambulance Service (SAS) colleagues. A separate initiative in the Scottish Borders has seen our home safety visits evolve into a more holistic approach, taking into account the risk of slips, trips and falls in the home as well as identifying those at risk from fuel poverty and other vulnerabilities. As we move forward, we will look to build on these innovative approaches whilst ensuring our staff are trained, equipped and located appropriately to respond to emergencies, promote prevention, and protect communities.

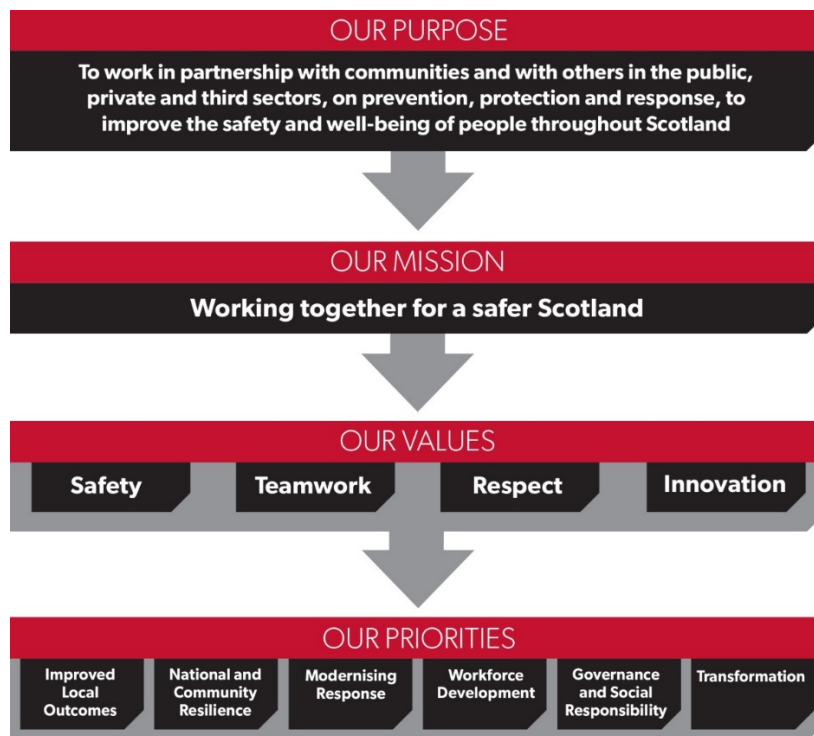
As the SFRS evolves, we will continue to play a key part in public service reform and explore new opportunities to broaden our role within society to ensure as a modern Fire and Rescue Service, we provide the appropriate protection for the communities of the Scottish Borders.

Stephen Gourlay
Local Senior Officer
Midlothian, East Lothian and Scottish Borders

National Context

Scottish Ministers set out their specific expectations for the Scottish Fire and Rescue Service in the Fire and Rescue Framework for Scotland 2016. This provides the outline we should follow to ensure our resources and activities are aligned with the Scottish Government's Purpose and national outcomes.

Our Strategic Plan 2016-19 has been designed to meet these national expectations. Set against a complex and evolving backdrop our Strategic Plan encapsulates our mission, values and strategic priorities.

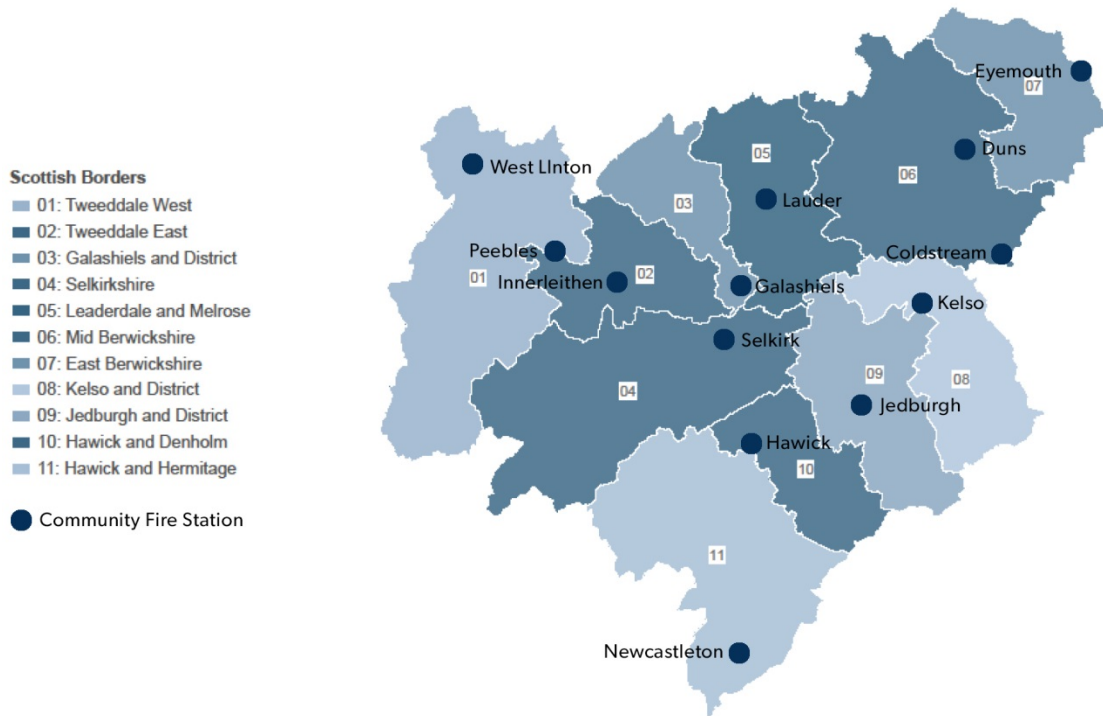


These have been shaped with due regard to the challenges we face and to what we need to achieve to be a highly effective, sustainable public service. Operating within a climate of significant financial uncertainty and public service reform means we need to transform how we operate. This will particularly include how we prepare for and respond to changing societal needs, the impact of climate change and the threat of terrorism.

Strong leadership, supported by sound governance and management arrangements are at the very core of our foundations. These arrangements will direct and provide assurance that we comply with our statutory responsibilities. In addition, they will provide the Local Senior Officer with supporting mechanisms to deliver services specifically tailored to local needs.

Local Context

The Scottish Borders has a population of just over 114,000 people who reside within an area including and ranging from major towns such as Galashiels and Hawick to single dwellings in remote rural locations. The diagram below outlines the electoral ward boundaries whilst highlighting the locations of our 13 Community Fire Stations.



Over the past five years, the SFRS responded to 7538 incidents within the Scottish Borders, which is an average of 1508 incidents each year. The Key Performance Indicator table below details our operational response over the same period by incident type.

Key performance indicator	2012/13	2013/14	2014/15	2015/16	2016/17
Dwelling fires	108	110	84	109	89
All fire casualties and fatalities	18	28	15	18	17
All deliberate fires excl. dwellings	63	79	92	100	97
Special Service - RTCs	86	76	92	107	94
Unwanted Fire Alarm Signals	919	878	905	800	878

Whilst reducing Dwelling Fires, Fire Casualties and Fatalities will continue to be at the heart of our prevention activities, over the last two decades, and similar to the rest of the UK, we have seen a gradual decrease in the amount of dwelling fires we attend. Dwelling Fires accounted for 7% of our operational activity last year with 2.5 people in every 10,000 in the Scottish Borders requiring the attendance of the SFRS for a fire in their home. Fire casualties have averaged 17 over the last five years, unfortunately this included one fire fatality each year.

Prevention will continue to be a core activity for SFRS staff in the Scottish Borders. Our Home Fire Safety programme, which commenced over 10 years ago has proved successful in terms of reducing dwelling fires and associated casualties whilst providing thousands of homes with early warning smoke detection. Approximately 2000 Home Fire Safety Visits (HFSV) are completed every year in the Borders by operational crews or dedicated community safety staff.

Our Living safely in the Home pilot in the Cheviot locality has proved to be very successful and we will look to build on this whilst adapting how we deliver home safety visits. Our visits will become more holistic and take into account a range of risks in the home including, slips, trips and falls, fuel poverty, frailty and dementia amongst other vulnerabilities.

Deliberate fires (not including dwellings) are often, but not always, of a malicious nature. Deliberate fires accounted for approximately 10% of our operational activity over the last five years and typically involved refuse, grass, wood and scrubland. Increases in this type of incident activity are generally seasonal and often linked to anti-social behaviour. Deliberate fires of a malicious nature place an unnecessary demand on SFRS resources as well often affecting communities socially and economically.

Responding to Road Traffic Collisions (RTC's) has unfortunately become an increasing part of our operational activity over the last decade. In general terms we have seen a year on year increase in the amount of RTC's we attend in the Scottish Borders that ultimately has resulted in more road fatalities and injuries.

Reducing RTC's and its impacts has also been recognised as a concern within Borders communities and was ranked sixth out of 24 priorities through a recent Police Scotland public consultation survey, *Your View Counts*, www.scotland.police.uk This priority is further reflected in the *Scottish Borders Community Plan, Our Scottish Borders, Your community plan 2017 Our Quality of Life* theme "Fewer people killed or seriously injured on our roads", <https://www.scotborders.gov.uk/communityplanning>

The term "Special Service" is used to describe non-fire related incidents and includes RTC's, Flooding, OHCA, Water Rescue and Hazardous Materials incidents amongst others. Throughout the last 15-20 years, Fire and Rescue Services across the UK have seen a significant increase in attendance at these types of incident whilst domestic property fires decrease. During 2016-17, Special Service incidents accounted for 21% of all emergency calls in the Scottish Borders.

Recent history demonstrates that severe wet weather and subsequent flooding is a major risk for particular parts of the Borders and this will remain a focus of our emergency response capability, particularly for our Water Rescue and Flood Response teams located at Galashiels and Hawick Community Fire Stations. When required we will also work in partnership with Scottish Borders Council Emergency Planning and other service providers either as an emergency response or in a preventative capacity.

Due to the location and skills sets of our community-based resources, and the remote nature of much of the Scottish Borders, we have been able to provide assistance to our partners, such as Police Scotland and the SAS, on an increasing basis and for a variety of reasons including medical co- response, effecting entry and professional advice. The Scottish Borders has been at the forefront of change and innovation with three of our Community Fire Stations, out of an initial 10 across Scotland, selected to take part in a pilot that has seen SFRS crews responding to OHCA's in support of SAS colleagues. By assisting our SAS colleagues we aim to not only increase an individual's chances of survival but also improve their longer term recovery outcomes.

Unwanted Fire Alarm Signals (UFAS) have accounted for over 50% of our operational incidents in the Scottish Borders over the last five year. Similar to other operational activities, this type of incident demand is not unique to the Scottish Borders with the UK as a whole facing challenges in relation to reducing UFAS. With disruption to local businesses, schools, healthcare facilities and others, these unwanted calls can have a significant impact across the Scottish Borders area. Following national policy and using local initiatives we will continue to prioritise the reduction of UFAS whilst engaging with key stakeholders, partners and those with responsibilities for the premises involved.

Our 13 Community Fire Stations include two wholetime stations at Galashiels and Hawick with both stations also employing Retained Duty System (RDS) units, the remaining 11 stations are staffed by RDS crews. Wholetime stations are permanently staffed 24/7 throughout the year whilst our RDS staff operate on an "on call" basis and are alerted by pager for emergency calls.

Our operational crews provide a wide range of "traditional" Fire and Rescue emergency response as well as specialisms such as Water Rescue, Flood Response, and Incident support capability from Gala and Hawick. As part of a national pilot, enhanced training was provided to our staff at Coldstream, Hawick and Lauder Community Fire Stations to allow them to provide a response to OHCA incidents.

Frontline staff are also supported by a team of local and national officers from the Training and Employee Development (TED) directorate. The local TED officers are based at Galashiels Community Fire Station and provide dedicated support to operational crews in terms of acquiring new skills, maintaining existing skills and ensuring role competency.

Prevention and Protection (P&P) officers, formerly known as Community Safety staff, are also located at Galashiels. The team consists of Fire Safety Enforcement officers who deal with legislative matters including the auditing of relevant premises. The remainder of P&P staff form the Community Action Team and carry out an engagement role through a diverse and wide reaching range of prevention activities. In addition to this, a SFRS Local Area Liaison Officer acts as a coordinator for engagement activities whilst liaising with external partners as an embedded member of the Scottish Borders Safer Communities team.

An Area Manager, or Local Senior Officer (LSO), has overall responsibility for discharging the functions of the SFRS within the Scottish Borders. Day to day management of resources is devolved to the Scottish Borders Group Manager (GM) responsible for Service Delivery. Community Fire Stations are clustered into three geographical groups, East, West and North with each group managed by a Station Manager (SM). The Senior Management team also consists of a further GM and two SM's who have responsibility for P&P and TED across the LSO area of Midlothian, East Lothian and the Scottish Borders.

Working in Partnership to achieve better outcomes for the people of the Scottish Borders

This plan and its priorities reflect a partnership approach whilst sharing the vision and themes that will lead to improved outcomes for the communities of the Scottish Borders. The examples below highlight some of the ways in which we aim to contribute to the Scottish Borders Community Plan 2017. The list is not exhaustive and we will continually look for innovative ways to help improve outcomes.

Scottish Borders Community Plan Theme

How we plan to contribute

<p><i>Our Economy, Skills and Learning</i></p>	<ul style="list-style-type: none"> • By consolidation and where possible, development of existing youth engagement initiatives such as the TD1 project in Galashiels. By participating in these programmes, younger people will acquire new skills, practical and theoretical, learn to work within a team and build self-confidence. The programme will promote better citizenship whilst potentially improving opportunities for employment. • By reducing the impact of unwanted fire alarm signals on local businesses and education establishments.
<p><i>Our Health, Care & Wellbeing</i></p>	<ul style="list-style-type: none"> • We will provide a range of prevention advice and measures through holistic home safety visits with the aim of keeping people safe in their homes. • We will explore opportunities to work closer with our Health and Social care colleagues in order to reach those most vulnerable in our communities whilst contributing to longer term health outcomes.
<p><i>Our Quality of Life</i></p>	<ul style="list-style-type: none"> • In partnership with Police and other CPP members, we will prioritise the reduction of anti-social related Deliberate Fire Setting (excluding Dwellings) through a range of prevention, intervention and diversionary activities. • We will continue to be an active member of the Scottish Borders Safer Communities team and carry out a range of preventative and intervention activities. This will include addressing social issues such as, reducing Domestic Abuse, identifying those at risk from Drugs and Alcohol, Frailty and Dementia. • In partnership, we will aim to reduce the amount of people killed or seriously injured on our roads through active participation as a member of the Scottish Borders Road Safety Working Group

	<ul style="list-style-type: none">• Whilst also contributing to prevention initiatives such as Police Scotland's Drivewise initiative and continuing our "make it or break it" programme that highlights the consequences of RTC's to new and potential young drivers.
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<i>Our Place</i>	<ul style="list-style-type: none">• By identifying those suffering from fuel poverty during home safety visits or attendance at operational incidents and offering assistance through partner referral and advice.
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Local Priorities

As part of a Community Partnership approach, we will make people safer in their homes

Traditionally, the Fire and Rescue Service have focussed on reducing the risk of fire in the home through advice and providing domestic smoke detection. We will never lose sight of this crucial element of our work in the community however we recognise that we can also contribute to safety in other ways. Unintentional Harm in the home, however minor, can have far-reaching and long-term effects on individuals, families and service providers.

With people living longer, risks in the home have evolved and whilst we have reduced the number of dwelling fires and associated casualties, the amount of persons suffering a fall in their home requiring medical attention has increased. Evidence suggests that young children, particularly under 5's are at risk from unintentional harm ranging from choking to trapping fingers in doors. Other vulnerabilities include conditions or dependences such as Dementia, Frailty, Drugs and Alcohol and Fuel Poverty.

By adapting our approach to home safety and assessing risk holistically, in partnership our aim is to reduce a wide range of unintentional harm in the home extending beyond fire. This can be achieved by preventative advice, physical measures or referral to the SFRS or an appropriate partner agency.

This priority also supports the aims within the Scottish Borders Community Plan 2017 themes, *Our Quality of Life and Our Place*

We will achieve it by:

- *Providing a highly skilled, well trained and appropriate firefighting response.*
- *In Partnership, proactively identifying those most at risk from Unintentional Harm in the home*
- *Conducting holistic Home Safety Visits that assess a range of risks within the home including fire, slips, trips and fall and other vulnerabilities*
- *Exchanging risk information with partners including referrals.*

We will monitor progress by:

- *Reviewing and reporting the number of accidental dwelling fires and associated casualties and fatalities*
- *Reviewing and reporting the number of home safety visits conducted and smoke detectors fitted/issued*
- *Reviewing and reporting the number of home safety visits that have provided advice or measures with the aim of reducing unintentional harm and injury in the home, including partnership referrals.*

Expected Outcomes

- *Support the independent living of vulnerable people within the Scottish Borders*
- *Reduce the social and economic cost of Unintentional Harm in the Home including fires, slips, trips and falls.*

We will promote Community Resilience whilst contributing to improved outcomes for people involved in non-fire emergencies

“Special Service” is the Fire & Rescue Service term given to non-fire related emergencies/incidents including, Road Traffic Collisions, Rescue from Water, Flooding, Height, Confined Space, Structural Collapse, Hazardous Material incidents and Out of Hospital Cardiac Arrest co-response with the Scottish Ambulance Service. Unfortunately, when incidents of this type occur they often involve casualties and sometimes fatalities.

The Scottish Borders has a diverse range of Special Service risks including busy A&B class roads that are used regularly by commuters and tourists, the Borders rail link, extensive waterways including the River Tweed and many commercial businesses such as farming and textiles.

On average, 20% of all SFRS incidents each year in the Scottish Borders are Special Service calls. As the SFRS explore opportunities for assisting our partners through emergency intervention there is a potential for associated casualty figures to continue to rise as we attend more Special Service incidents.

We will look to improve existing preventative strategies with Community Partners whilst ensuring that should we need to provide emergency response, we can do, effectively and efficiently, in order to improve outcomes for all Special Service Casualties.

This priority also supports the Scottish Borders Community Plan 2017 themes, *Our Health, Care and Wellbeing and fewer people killed or seriously injured on our roads.*

We will achieve it by:

- *Being an integral component of Scottish Borders Community Planning and championing an effective partnership approach to risk reduction*
- *Education and awareness aimed at high-risk groups within our communities*
- *Training our staff and locating our resources in order to provide an effective and efficient emergency response*
- *Building on our relationships with other emergency services and improving how we work together through prevention and intervention.*

We will monitor progress by:

- *Reviewing and reporting on the number of Special Service Casualties including OHCA, RTC, Water/ Flood Rescue, and effecting entry*
- *Monitoring and evaluating SFRS participation in community events and initiatives designed to enhance community resilience.*

Expected Outcomes:

- *Improved outcomes for persons suffering an Out of Hospital Cardiac Arrest in the Scottish Borders*
- *Reduce the social and economic cost of Special Service Casualties*
- *Where capacity exists, reduce the demand on Community Partners through prevention and intervention activities.*

Together with our Community Partners, we will contribute to making Scottish Borders roads safer

Whilst road traffic collisions (RTC's) and associated casualty figures in Scotland have reduced over the previous twenty years, RTC's occur on an all too frequent basis in the Scottish Borders and accounted for 28% of our non-fire emergency calls last year.

As well as providing an emergency response to accidents on our roads, the SFRS have a key role to play in reducing RTC's through education and raising awareness in partnership with our Community Partners. By using experience and statistical evidence we will identify those most likely to be involved in a RTC in the Scottish Borders, with these groups being the focus of attention for prevention activities based on risk.

We will aim to build on existing local prevention initiatives and in partnership look to utilise our resources innovatively, efficiently and proactively with the ultimate aim of making the roads in the Scottish Borders safer.

This priority also supports the Scottish Borders Community Plan 2017 theme *Our Quality of Life, fewer people killed or seriously injured on our roads.*

We will achieve it by:

- *Working with our partners within the Scottish Borders to identify those groups most at risk*
- *Delivering the appropriate prevention activities to those most at risk whilst being proactive and innovative*
- *Continued support of the Scottish Borders Safer Communities Unit and Community Planning Partnership Road Safety Working Group*
- *Encouraging young drivers and other groups to be responsible road users through active engagement and education.*

We will monitor progress by:

- *Reviewing and reporting on the number and type of road traffic collisions within the Scottish Borders*
- *Reporting and evaluating the effectiveness of our partnership prevention activities.*

Expected Outcomes:

- *SFRS to have contributed towards reducing the number of people killed or seriously injured on roads in the Scottish Borders*
- *SFRS to have contributed to the reduction of road traffic collisions within the Scottish Borders*
- *SFRS to have contributed to reducing the consequences and associated community impacts of RTC's.*

As part of a Community Partnership, we will challenge Anti-Social Behaviour

Anti-social behaviour can manifest itself in many ways and often has a significant detrimental effect on communities for a number of reasons.

The SFRS generally experience anti-social behaviour either through physical or verbal violence to our crews or Deliberate Fire Setting. Thankfully, the former is a rare occurrence in the Scottish Borders however the figures relating to Deliberate Fire Setting are not so positive.

There is often a close link between deliberate fires and anti-social behaviour and predominately involves malicious ignition of refuse, grass and woodland. Incidents of this type accounted for approximately 10% of our operational activity over the last five years. Due to the sporadic and random nature of many deliberately started fires, prevention activities are often reactive.

As a Service, we recognise our responsibility in reducing anti-social behaviour and its impact, this extends to not only fire related instances but includes other social issues such a Domestic Abuse.

This priority also supports the Scottish Borders Community Plan 2017 themes, *Our Quality of Life, Fewer people experiencing anti-social behaviour or violence.*

We will achieve it by:

- *In Partnership identifying those parts of the Scottish Borders affected by deliberate fire setting whilst, when required, delivering effective prevention activities*
- *Acting as role models to promote good citizenship, especially with those who have or are likely to become involved in deliberate fire setting and potentially wider anti-social behaviour*
- *Exploring opportunities to lead and participate in innovative projects*
- *Continuing to support the Scottish Borders Safer Communities Unit and Multi Agency Risk Assessment Conferences (MARAC) in relation to Domestic Abuse.*

We will monitor progress by:

- *Reviewing and reporting on the number and type of deliberate fire setting incidents within the Scottish Borders.*
- *Evaluating and reporting on the effectiveness of our youth engagement/intervention programmes and monitoring our attendance at MARACs.*

Expected Outcomes:

- *Promotion of active and responsible citizenship across the Scottish Borders*
- *Communities feeling safe from crime, disorder and danger*
- *Reduce the number of attendances to fires of a deliberate nature*
- *Reduce the adverse effects and negative impacts, which deliberate fire setting and other types of anti-social behaviour has on people's lives within the Scottish Borders.*

In partnership, we will aim to reduce the occurrence and impact of Unwanted Fire Alarm Signals.

Unwanted Fire Alarm Signals (UFAS) are defined as incidents where an automated fire alarm system activates and results in the mobilisation of SFRS when there is no fire. Whilst a small number of fire alarm signals generated are due to confirmed fire conditions, the vast majority are “false alarms”.

With UFAS accounting for over 50% of our incident activity it's clear that this places a significant burden on the SFRS in terms of resources, time and associated costs.

The impact of UFAS in the wider community can be significant in terms of business disruption, effects on health care premises, education establishments and any other non-domestic premises effected by this. The level of unnecessary blue light response journeys increases road risks and hazards to firefighters and to the public and also have a detrimental impact on the environment through additional carbon emissions. Active and positive engagement with occupiers to take responsibility in limiting the number of UFAS incidents within their premises is integral to reducing these impacts.

This priority also supports the Scottish Borders Community Plan 2017 themes, *Our Economy, Skills and Learning*.

We will achieve it by:

- *Investigating the cause of each UFAS call and documenting the information gained*
- *Engaging with duty holders and those responsible for fire safety management of premises to examine causes of UFAS calls and provide advice to prevent re-occurrence*
- *Look to reduce the number of fire appliances mobilised using a risk-based approach to responding to automated fire alarms*
- *Maintaining a dedicated UFAS champion within the Scottish Borders area to oversee performance and best practice approaches to UFAS reduction.*

We will monitor progress by:

- *Reviewing and reporting on the number of UFAS calls in the Scottish Borders area*
- *Reviewing and reporting on risk based reductions in the SFRS weight of response to premises with automated fire alarm systems.*

Expected Outcomes:

- *Reduce the demand on the SFRS from UFAS*
- *Reduce the economic cost to commerce in the Scottish Borders from disruption from UFAS*
- *Reduce the impact on education premises and health care facilities from UFAS*
- *Reduced vehicle movements, increasing capacity for other activity, improved road safety and reduced carbon footprint.*

Review

To ensure this Local Fire and Rescue Plan remains flexible to emerging local or national priorities a review may be carried out at any time but will be reviewed at least once every three years. A review may also be carried out if the Scottish Minister directs it or if a new Strategic Plan is approved. Following a review the Local Senior Officer may revise the Plan.

Contact Us

We are fully committed to continually improving the service we provide to our communities and recognise that to achieve this goal we must listen and respond to the views of the public and our partners.

We use all feedback we receive to monitor our performance and incorporate this information into our planning and governance processes in order to continually improve our service. We are proud that the majority of feedback we receive is positive and we are keen to hear examples of good practice and quality service delivery that exemplifies the standards of service that we strive to provide for the communities of Scotland.

If you have something you'd like to share with us or you would like more information, you can get in touch in a number of ways:

Write to: Scottish Fire and Rescue Service
Galashiels Community Fire Station
143 Croft Street
Galashiels
TD1 3BS

Phone: 01896 758326

Visit our website: www.firescotland.gov.uk

Follow us on Twitter @scotfire_MELSB

Like us on Facebook Scottish Fire and Rescue Service



SCOTTISH
FIRE AND RESCUE SERVICE

Working together for a safer Scotland

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SCOTTISH BORDERS CHILD PROTECTION COMMITTEE ANNUAL REPORT 2016-2017

**Report by Chief Social Work Officer
SCOTTISH BORDERS COUNCIL**

29 MARCH 2018

1 PURPOSE AND SUMMARY

- 1.1 **This report informs Members of the activities of the Child Protection Committee during the period 1st August 2016–31st July 2017 aimed at protecting children and young people in the Scottish Borders from abuse and neglect.**
- 1.2 The Annual Report (in Appendix 1) covers the main activities of the multi-agency Child Protection Committee (CPC) and its Sub Committees. The report highlights the continuing work being undertaken in the Scottish Borders to meet the Council's statutory duties to protect children and young people at risk of harm. This includes information on the work of the Child Protection Committee, the statistical information collated and the significant training and development that has been provided in this area.

2 RECOMMENDATIONS

- 2.1 **It is recommended that the Council:-**
- (a) Endorse the content of the Child Protection Committee Annual Report.**
 - (b) Agree that the report be published on the Council's website and distributed to interested parties.**

3 BACKGROUND

- 3.1 Scottish Borders Child Protection Committee (SBCPC) is an inter-agency group of senior staff which provides leadership in promoting the continual improvement of services in this area of work. This entails ensuring that there is an efficient and effective multi-agency response to reports of abuse through, for instance, reviewing and revising practice guidelines, providing joint training and reviewing of individual cases – all conducted within a culture of continuous learning. In addition, the Committee has a role to promote the safety of children through raising awareness in communities across the Scottish Borders to support the key role which members of the public play.
- 3.2 The Child Protection Committee reports directly to the Critical Services Oversight Group (CSOG) consisting of Chief Executive (SBC), Chief Executive (NHS Borders) and Divisional Commander Police Scotland (Police).
- 3.3 During the reporting period 1st August 2016 to 31st July 2017, CPC was chaired by Duncan MacAulay, previously an experienced Chief Social Work Officer.
- 3.4 Members of CPC remain committed to the protection of children as the focus of the Committee's work and the group has met regularly during the year. Much has been achieved by CPC and its Sub Groups through its inter-agency agenda and effective partnership work which is detailed in the report. During the period a new sub group structure was put in place: the CPC Practice Development sub group met for the last time in January 2017 whilst the CPC Review sub group met monthly until August 2017 when the new Quality Assurance & Improvement subgroup was put in place. Communication is greatly improved by the implementation of regular joint meetings of CPC with Adult Protection Committee, Offender Management and Safer Communities.

4 ANNUAL REPORT

The work of the Committee is detailed in the Annual Report and a summary of the key issues are highlighted below.

- 4.1 The Scottish Borders Child Protection Committee (SBCPC) oversees the development of all multi-agency child protection policies and procedures in the Scottish Borders and at the very forefront of this work are the online multi-agency child protection procedures. During this period a number of new sections and protocols were added or updated to ensure best practice and that they are in line with national guidance and legislation.
- 4.2 The SBCPC continues to self-evaluate, to ensure good practice and reflective review, and also to seek areas for improvement following the Care Inspectorate visit in early 2016 and the Business Plan 2016-2019 reflects this. At the time of writing the SBCPC have also implemented a yearly action plan to further prioritise actions.
- 4.3 The management of child protection performance and practice is overseen by CPC. Performance information and self-evaluation reports continued to be routinely reviewed by CPC and on a single agency basis to identify trends and inform practice as required. The report details that 593 child protection referrals were followed up resulting in 37 children being placed on the Scottish Borders Child Protection Register between 1st August 2016

and 31st July 2017. We protect the rights of the child by ensuring that all child protection conferences record the views of the child and by asking a member of staff who is known to the child to speak regularly to them about how safe they feel.

- 4.4 Lessons learned for Case Reviews and good practice examples from National and local child protection case reviews were brought to CPC through the Practice Development and Review Sub Committees. Where required, updates were made to the child protection procedures and learning was shared. There is improved two-way communication with workers as CPC has representation at the Child Protection Operational Managers Meeting (CPOMM) which is held every six weeks.
- 4.5 CPC continued to maintain and develop strong working links with local and national strategic groups. The CPC Chair, Lead Officer and CPC Training Officer attended a number of National Child protection meetings during the period.
- 4.6 CPC continued its commitment to raising awareness of child protection through the delivery of multi-agency child protection training events, the CPC website and CPC newsletters.
- 4.7 Child Protection Training remains a key responsibility of CPC with a range of multi-agency and single agency events being held throughout the year. A Training Strategy 2016-2017 was developed and courses are detailed in the report which over 2,991 people attended.
- 4.8 As of August 2016 teaching and non-teaching staff as well as Early Years practitioners and CLD workers attend an annual Child Protection update to keep child protection to the forefront of their thinking.
- 4.9 CPC continued its commitment to creating a positive and transparent culture of continuous learning based upon feedback from those who use and experience our services.
- 4.10 Work has continued to promote Child Protection in schools and Child Sexual Exploitation (CSE) Action Plan was developed. CPC also expanded awareness of CSE with the Licensing Department and Public Transport Section.

5 IMPLICATIONS

5.1 Financial

There are no costs attached to any of the recommendations contained in this report.

5.2 Risk and Mitigations

The Annual Report is an important document for monitoring activity and for identifying areas of improvement. The risk of not collating information in this way would be a reduction in the quality of strategic work relating to Child Protection.

- 5.2.1 CP is a critical area of risk for all the agencies involved in protecting children and we can never fully mitigate the risk of adults in our community abusing children. CPC is fully aware of this and is constantly working to mitigate risk by providing robust guidance and training and within available resources conducting audit of child protection activity, this involves, reviewing files, speaking to staff and families etc. In addition CPC requests information from

the single agencies i.e. Social Work, Police and Health about their audits of activity. National inspection activity also provides an element of external scrutiny which CPC has responded to in order to make improvements.

5.3 Equalities

It is anticipated that there are no adverse impact due to race, disability, gender, age, sexual orientation or religion/belief arising from the proposals in this report.

5.4 Acting Sustainably

There are no significant impacts on the economy, community or environment arising from the proposals contained in this report.

5.5 Carbon Management

There are no significant effects on carbon emissions arising from the proposals contained in this report.

5.6 Rural Proofing

This Report does not relate to new or amended policy or strategy and as a result rural proofing is not an applicable consideration.

5.7 Changes to Scheme of Administration or Scheme of Delegation

There are no changes to be made to either the Scheme of Administration or the Scheme of Delegation as a result of the proposals contained in this report.

6 CONSULTATION

6.1 The Chief Financial Officer, the Monitoring Officer, the Chief Legal Officer, the Chief Officer Audit and Risk, the Chief Officer HR, and the Clerk to the Council have been consulted and their comments have been incorporated into the final report.

6.2 Others to be consulted if required are –

- Corporate Equalities and Diversity Officer – for any new or revised policies/strategies to assure Equality Impact Assessment.
- Corporate Transformation and Services Director – any new or proposed changes to existing IT systems and telephones. This includes any office moves where pcs, printers and telephones are having to be moved.
- Procurement Officer – if you are buying any goods or services.
- Corporate Communications – if what you are proposing involves likely media interest or high public information dissemination.

Approved by

Murray Leys
Chief Social Work Officer

Signature

Author(s)

Name	Designation and Contact Number
Gillian Nicol	Child Protection Lead Officer – 01835 825080

Background Papers: Nil

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. Linsey McGillivray can also give information on other language translations as well as providing additional copies.

Contact Linsey McGillivray, People Department, Scottish Borders Council, Council HQ, Newtown St. Boswells, Melrose, TD6 0SA. Tel: 01835 825080

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Scottish Borders Child Protection Committee

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Our Vision:

All children in the Scottish Borders have the right to grow up safe from abuse and neglect

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For copies of this leaflet in large print, electronic or other languages and format please contact **01835 825080**

Scottish Borders Child Protection Committee

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MESSAGE FROM THE CHAIR

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I am delighted to present to you the Scottish Borders Child Protection Committee (SBCPC) Annual Report from 1st August 2016 to 31st July 2017 which provides a summary of the key work of the Committee over the year. In November 2016 the CPC examined its structure and the relationship to its sub groups and from January 2017 the Practice Development Sub Group ceased and its tasks were referred to the Review Sub Group and the Training Sub Group. In June 2017 it was agreed that the Review Sub Group would be known as the Quality Assurance and Improvement Group and the Training Sub Group would become the Training & Communications Sub group.

Following the Inspection of the services for children and young people in the Scottish Borders which took place earlier in 2016, a focussed Business Plan was progressed and we continue to further improve self-evaluation processes and outcomes for children. Surveys took place, a new information leaflet was produced and a new working tool was implemented. The Training and Development team's updated training programme in conjunction with other agencies has been received well.

I believe effective partnership working and strong leadership are key strengths in the protection of Scottish Borders children and young people. Having Chaired the CPC since October 2013, I now resign from the post and I would like to thank the Chief Officers Group, SBCPC Members and the Sub Group Members for their ongoing contribution and support to the protection of children and young people in the Scottish Borders. I wish Michael Batty all the best in his appointment as new Independent Chair.



Duncan MacAulay
Independent Chair
Scottish Borders Child Protection
Committee



Michael Batty
Independent Chair from September 2017
Scottish Borders Child Protection
Committee

Scottish Borders Child Protection Committee ANNUAL REPORT 2016/17

SCOTTISH BORDERS CHILD PROTECTION COMMITTEE MEMBERSHIP

Child Protection Committees were established across Scotland in 1991. Their role is to provide individual and collective leadership and direction for the management of child protection services across Scotland. They work in partnership with their respective Chief Officers' Groups and the Scottish Government to take forward child protection policy and practice across Scotland.

Effective links are in place between SBCPC and wider partnership planning groups such as Children and Young People's Leadership Group and Violence Against Women Partnership. There are also strong links with the Adult Protection Committee, the Alcohol and Drugs Partnership, Offender Management and the Safer Communities Team who all meet as the Joint Child Protection/Adult Protection/Offender Management Committee.

The SBCPC Chair and the Child Protection Lead Officer attend the National CPC Chairs, Child Protection Lead Officers and various Scottish Government meetings. They also attend a variety of seminars and conferences on behalf of the SBCPC.

The SBCPC Training and Development Officers participate in the National Child Protection Trainers Group.

Scottish Borders CPC vision for its children and young people:

**ALL CHILDREN IN THE SCOTTISH BORDERS HAVE THE
RIGHT TO GROW UP SAFE FROM ABUSE AND NEGLECT**



Scottish Borders Child Protection Committee

ANNUAL REPORT 2016/17

POLICIES, PROCEDURES AND PROTOCOLS

SBCPC oversees the development and updating of all multi-agency child protection policies and procedures. They are continually being reviewed to ensure good practice and seek areas for improvement. The following identified actions for improvement have been implemented:

- The Neglect Toolkit use is underway with over 150 practitioners having been trained to use the toolkit. Training is ongoing.
- The Protocol for informing 3rd Sector agencies working with young people who do not have Social Work involvement should further risks be identified was implemented.
- The way information from the CPC is disseminated to frontline staff and views are sought by CPC was further improved.
- A return to school discussion for a child who has been found after being reported as missing procedure was developed and implemented in October 2016.
- A protocol on Female Genital Mutilation (FGM) was produced and disseminated.

- We now require all agencies to provide a report to Case Conferences. A group of senior managers are made aware where CPCCs are cancelled because this has not happened.
- A Child Sexual Exploitation Strategy is now in place.



The Scottish Borders online child protection procedures are available at: www.sb-cpc-procedures.org.uk or through the SBCPC website: www.onlineborders.org.uk/community/cpc.

Scottish Borders Child Protection Committee ANNUAL REPORT 2016/17

THE JOINT INSPECTION OF CHILDREN AND YOUNG PEOPLE'S SERVICES WITHIN THE SCOTTISH BORDERS

Following a disappointing Inspection of the Integrated C&YP Services in January 2016 an extensive review was undertaken resulting in an action plan of learning and training being implemented across all partner agencies. As a means of measuring if progress has been made and sustained, it was agreed to undertake a Pilot Inter-agency Audit of Child Protection cases using the Care Inspectorate audit tools. The findings from these Reviews are discussed by the SBCP Quality Assurance & Improvement Group to ensure learning and improvement.

The Child Protection Committee took action following the Inspection by focussing on some key objectives:

- A new Quality Assurance & Improvement Group was created to review practice from a range of activity and ensure the learning leads to change.
- Improvements were made to two-way communication, dissemination of learning and change by use of newsletters and meetings.
- A "things you may have missed" newsletter was produced and managers ensured it was distributed.
- Improvements were made to Chronologies and Risk Assessments and these are regularly reviewed on a single and multi-agency basis.
- Focus has been made on "neglect" through an extensive training programme.
- Reflective practice meetings have been introduced.
- Reports from all agencies to Child Protection Case Conferences are required and periodically audited.
- Independent reviews have been commissioned and actions are in place to ensure this learning makes a difference for the future.

Scottish Borders Child Protection Committee ANNUAL REPORT 2016/17

PERFORMANCE MANAGEMENT AND PROMOTING GOOD PRACTICE AND DATA

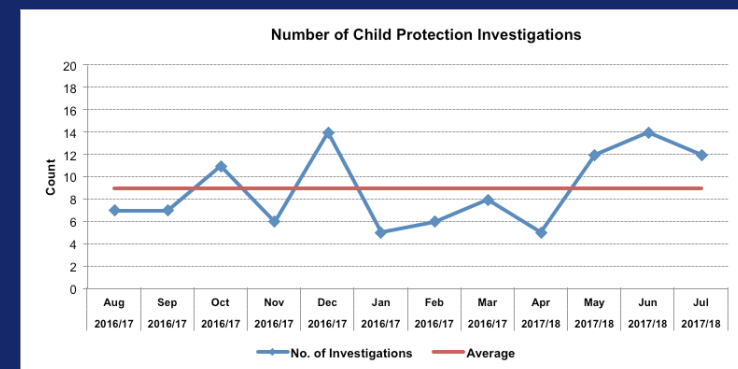
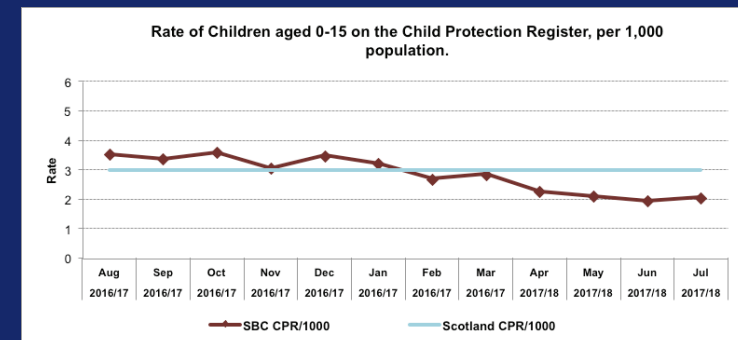
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The multi-agency Child Protection performance / self-evaluation framework, which provides a clear and measurable data set, is used to understand the activity and outcomes of the current child protection practices. This highlights questions that need to be asked and answered about the effectiveness of that practice. There are a range of auditing tools and processes which are utilised to gather information (data set) on different areas of child protection practice.

A performance management report is reviewed by SBCPC on a regular basis.

SBCPC continues to promote the principles and implementation of the GIRFEC approach which ensures the child or young person is always at the centre of every process and decision. All child protection training includes sign posting to GIRFEC.

The number of children on our Child Protection Register and Investigations is expected to vary. Variation between national and local figures is monitored and in this period the numbers are within the range we expect. Reviews are made of children who are on the Register to ensure children get the best service we can provide.



Scottish Borders Child Protection Committee ANNUAL REPORT 2016/17

ENGAGING WITH STAFF AND FAMILIES AND PUBLIC INFORMATION

- We continue to make significant effort to ensure the views of parents and children are listened to.
- A strategy has been developed to promote awareness to staff and to the public of the risks from Child Sexual Exploitation.
- Links and shared learning have been improved with Adult Protection, Criminal Justice and Community Safety by holding regular joint meetings.
- Public awareness of child protection and what to do if they have concerns has been improved by use of newsletters, intranets, CPC website, training and leaflets.
- A Communication Strategy has been produced.
- The visibility of the CPC is improved by raising awareness through meetings and sub group meetings which involve multi-agency staff to support the focus on the importance of protecting children from all forms of abuse.

Public Information

Practitioners and members of the public continue to be sign posted to the SBCPC website for information on local and national child protection news as well as information on training, the Child Protection procedures and what to do if they have concerns about a child or young person.

A biannual SBCPC newsletter is disseminated widely to staff across all agencies. The newsletter is available on the SBCPC website, SBC intranet and Health intranet.



Scottish Borders Child Protection Committee

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ENGAGING WITH YOUNG PEOPLE

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Work has started locally to integrate CP and CSE into a Wellbeing pathway for Scottish Borders children attending Education from the Early Years until the end of Secondary school. This will ensure a co-ordinated, equitable and accessible delivery of CP/CSE messages to all children within mainstream schooling in an age appropriate manner.

Early in 2017 a number of events were held to engage with young people to gain their views on how best to tackle CSE in the Scottish Borders. This happened via World Cafes in Secondary Schools.

Pupil Council representatives will receive Child Protection training and will support the promotion of Child Protection Training for Senior Pupils who will be 'buddies' for younger pupils. A group of young people will disseminate key CPC messages through their social media channels.

A Communications plan is being developed with the young people to improve communication between young people and the Child Protection Committee. Pupil representatives from all 9 High Schools and other organisations will receive Child Protection training and the plan will

provide a shared understanding with parents and children and young people. Pupil representatives are invited to attend SBCPC meetings for specific discussion.



Scottish Borders Child Protection Committee ANNUAL REPORT 2016/17

LEARNING AND STAFF DEVELOPMENT

The Scottish Borders Child Protection Committee Training Strategy 2016 – 2017 has been developed, alongside an action plan, to provide clear direction for training opportunities.

The training calendar continues to be produced twice a year to advise workers on multi-agency Child Protection Training and learning opportunities. Specific training matrices have been developed for NHS, Social Work, Education, Early Years and Community Learning and Development (CLD) staff. Work has also been undertaken to develop a Child Protection training matrix for Live Borders employees.

Courses are advertised through various means of communication including via CPC and Sub-Group members, newsletters, flyers and social media. We work with our colleagues in Communications to develop further the ongoing use SBC Facebook page and Twitter account.

As of August 2016 teaching and non-teaching staff as well as Early Years practitioners and CLD workers attend an annual Child Protection update instead of them attending the Essential Issues in Child Protection practice every three years. The rationale is that child protection will be kept at the forefront of their thinking and that this arrangement is more conducive to their working practices.

Scottish Borders Child Protection Committee

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LEARNING AND STAFF DEVELOPMENT

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Promoted staff and senior management continue to attend the multi-agency Child Protection courses.

Current Workforce Child Protection Training (multi-agency) courses include:

- E-Learning Introduction (General Workforce - 40 minutes)
- Essential Issues in Child Protection Practice (General Workforce - 3 hours)
- Roles and Responsibilities in Child Protection (Specific Workforce - 2½ hours)
- A Child's Journey through Child Protection (Intensive Workforce - full day)
- Child Sexual Exploitation (3 hours)



LEARNING AND STAFF DEVELOPMENT

Available Training Statistics for the period August 2016 - July 2017:

CHILD PROTECTION E-LEARNING

(Mandatory for NHS Borders and Scottish Borders Council staff)

- Completed by **83%** of SBC employees (July 2017)



ROLES AND RESPONSIBILITIES IN CHILD PROTECTION

(Specific contact workforce)

- 6 sessions **79** attended (59 % increase from last year).



CP ANNUAL UPDATES 2016-17

(Teaching/non-teaching staff, CLD, Early Years practitioners)

- **33** sessions 1832 attended (exempt for staff who had attended CP training in last year)



A CHILD'S JOURNEY THROUGH CHILD PROTECTION

(Specific contact workforce)

- 4 sessions **81** attended (41% increase from last year).



ESSENTIAL ISSUES IN CHILD PROTECTION PRACTICE

(General contact workforce)

- **13** sessions with 290 attended (reduction of 34% - expected due to annual updates)



REVIEWING OUR COURSES

All participants are asked to tell us if the course improved their understanding. This information is used to constantly update our courses. Our courses generally receive positive evaluation.



LEARNING AND STAFF DEVELOPMENT

CHILD SEXUAL EXPLOITATION

(CSE) Training

- 6 sessions **104** attended (a 36% increase from last year).

FEMALE GENITAL MUTILATION

In collaboration with Safer Communities (Health Practitioners targeted)

- 4 sessions **30** attended

JOINT INVESTIGATIVE INTERVIEW TRAINING

(Intensive workforce) (JIIT)/Video Recording Interviewing (VRI):

- 4 trained to monitor for quality assurance/consistency purposes
- 6 trained in conducting Joint Investigative Interviews/VRI evidence in court



BESPOKE CP TRAINING

- SBC Passenger transport drivers have all had training 26 over 3 sessions.
- Housing and Housing Associations - 2 sessions 16 attended
- Live Borders - 6 sessions 95 attended – numbers of attendees has increased to 178 over 5 sessions – increase of 53%.



NEGLECT TOOLKIT TRAINING

(Targeted mainly for Children and Families Social Workers, Health Visitors, School Nurses, Pastoral teachers, Head and Deputy Head Teachers and Locality Integration Police Officers)

- 8 sessions **165** trained



BESPOKE CP TRAINING

- Borders College – 1 session 36 attended - 1 session on 15 February 2017 with 19 attending.
- NHS volunteers – 3 sessions 30 attended
- Citizens Advice Bureau – 3 sessions

Scottish Borders Child Protection Committee ANNUAL REPORT 2016/17

SELF-EVALUATION

SBCPC recognises the responsibility of all partner agencies who work with children and their families, to offer services which meet national standards for child protection, and where possible, to exceed them.

SBCPC are committed to creating a positive and transparent culture of continuous learning based upon feedback from those who use and experience our services – children and young people, their families, local communities, staff and volunteers from front line practitioners to senior strategic managers. Surveys also contribute to feedback and recent surveys include a survey on Child Sexual Exploitation and a children’s survey, parental survey and CPRO survey following on from Case Conferences.

Parents have a right to appeal a Case Conference decision. During the year we have had 4 appeals, 2 of which have been upheld.

A Significant Case Review is a multi-agency process for establishing the facts of a situation where a child has died or been significantly harmed, within a child protection context, in order to learn lessons with and make improvements to services. The CPC completed 2 Significant Case Reviews and these have been reported to CSOG. All recommendations are either complete or have been

allocated to more appropriate groups to be completed and all relevant actions have been passed to the relevant groups to be taken forward. CPC will ensure all actions are completed.

A Quality and Improvement Calendar has been implemented for multi-agency planning and data collection. CPC will respond to the findings of the key self-evaluation activities around the child protection process to improve child protection services.



Scottish Borders Child Protection Committee

ANNUAL REPORT 2016/17

BUSINESS PLAN

Some of SBCPC's priorities for the forthcoming years 2016-2019 are:

- CPC and CSOG will work closely together to collate and consider information on best practice and use this information to govern effectively including directing resources effectively.
- We will improve outcomes for children associated with safety and neglect by improving our self-evaluation methods
- We will improve quality of risk assessments and care plans.
- We will increase the effective contribution of children, young people, carers and families to decision making on safety and well-being.
- We will establish a system which will ensure that practice changes/developments are embedded and implemented by each agency and CPC representatives are accountable for service actions and can be evidenced.

- We will improve governance through better communication between groups and by sharing robust information on CP issues.
- We will implement 'Neglect' Assessment Model
- We will ensure learning from ICRs, SCR's and Practice Reviews are appropriately shared with staff



Scottish Borders Child Protection Committee ANNUAL REPORT 2016/17

CONCLUSION

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The SBCPC continues to make improvements as recommended following Inspection. Services are self-evaluated to enable updates and outcomes to be fed back to the SBCPC in order to improve outcomes for children and their families involved in the Child Protection system.

SBCPC acknowledges the work of all concerned in protecting children in the Scottish Borders and is committed through its Business Plan to building on the progress that has been made.



Scottish Borders Child Protection Committee

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LIST OF ACRONYMS



CP	-	Child Protection	ICR	-	Initial Case Review
CPC	-	Child Protection Committee	JiIT	-	Joint Investigative Interview Training
CPRO	-	Child Protection Reviewing Officer	MAC	-	Meeting Around the Child
CLD	-	Community Learning and Development	NHS	-	National Health Service
CSE	-	Child Sexual Exploitation	SBC	-	Scottish Borders Council
C&FSW	-	Children and Families Social Work Team	SBCPC	-	Scottish Borders Child Protection Committee
C&YP	-	Children & Young People	VRI	-	Video Recording Interviewing
FGM	-	Female Genital Mutilation	SCR	-	Significant Case Review
GIRFEC	-	Getting it Right for Every Child	CSOG	-	Critical Services Oversight Group

Scottish Borders Child Protection Committee ANNUAL REPORT 2016/17

WHAT TO DO IF YOU HAVE A CONCERN

Child Protection is everyone's responsibility!

DUTY TEAM

Any concerns about the Safety of Children. All new referrals for a C&F Social Work Service should be directed to the duty team, if you are unsure and want to discuss concerns you have about a child please contact:

C & F Social Work Duty Team
Unit 8 Langlee Complex
Marigold Drive
Galashiels
TD1 2LP
(Tel – 01896 662787)

LONG TERM TEAMS

If the child is open to one of the Long Term Teams please contact the relevant team as follows:

LONG TERM TEAM WEST	LONG TERM TEAM EAST
Galashiels: 01896 664158	Duns: 01361 886115
Peebles: 01721 726310	Hawick: 01450 364777

Emergency Duty Team (EDT) out-with office hours: 01896 752111 (ask for Social Work)



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Scottish Borders Child Protection Committee website <http://onlineborders.org.uk/community/cpc>

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Scottish Borders Council | Council Headquarters | Newtown St Boswells | MELROSE | TD6 0SA
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www.scotborders.gov.uk





SCOTTISH BORDERS ADULT PROTECTION COMMITTEE ANNUAL REPORT (2016 – 2017)

Report by Chief Social Work Officer SCOTTISH BORDERS COUNCIL

29 March 2018

1 PURPOSE AND SUMMARY

- 1.1 **This report updates members of the continuing progress in Scottish Borders in the development of an interagency approach to the support and protection of adults who are at risk of harm (as defined in the Adult Support & Protection (Scotland) Act 2007).**
- 1.2 The Annual Report (in Appendix 1) covers the activities of the Scottish Borders Adult Protection Committee during the period 1st April 2016 – 31st March 2017. The report highlights the continuing work being undertaken in the Scottish Borders in regard to meeting the Council's statutory duties to support and protect adults at risk of harm in the area. This includes information on the Adult Protection Committee and its subcommittees; statistical information collated by the Adult Protection Unit; the operational work undertaken in order to meet the statutory requirements of the Adult Support & Protection (Scotland) Act 2007 Act; and the Learning & Development programme adopted by the Scottish Borders.

2 RECOMMENDATIONS

- 2.1 **It is recommended that the Council:-**
 - (a) **Endorse the Annual Report of the Scottish Borders Adult Protection Committee 2016/17**
 - (b) **Agree that it be published on the Council's website and distributed.**

3 BACKGROUND

- 3.1 The interagency Scottish Borders Adult Protection Committee and the Adult Protection Unit were established in 2005. This is the twelfth Annual Report published, on behalf of the Adult Protection Committee.
- 3.2 The Adult Support & Protection (Scotland) Act 2007 was passed by the Scottish Government in February 2007 and received Royal Assent on 22 March 2007. Part 1 of the Act deals with the protection of adults at risk of harm and was implemented in October 2008. It introduced new measures to protect individuals who fall into the category of 'adults at risk'.

4 ANNUAL REPORT 2016 - 2017

- 4.1 The Annual Report details the range and variety of activity undertaken by the Adult Protection Committee in working together to protect adults at risk in the Scottish Borders, and implement fully the Adult Support & Protection (Scotland) Act 2007.
- 4.2 In order to achieve its objectives, the Adult Protection Committee agreed an Interagency Business Plan for the Protection of Adults at Risk in order to meet the statutory requirements of the Adult Support & Protection (Scotland) Act 2007. There are three subcommittees established in order to help the Adult Protection Committee and the Adult Protection Unit achieve the priorities in the current Interagency Strategy. The current interagency strategy and business plan for 2015 – 2017 is in place.
- 4.3 The number of cases progressing from Referral to Adult Protection concerns (AP Referrals), as defined by the Act, displays an increased pattern with 204 cases in 2016-2017 compared to 171 cases in 2015-2016 and 169 cases the previous period. Adult Protection concerns were investigated where it was known or believed that an adult was at risk.

'Adults at risk' are adults who:

- Are unable to safeguard their own well – being, property, rights or other interests
- Are at risk of harm, and
- Because they are affected by disability, mental disorder, illness or physical or mental infirmity, are more vulnerable to being harmed than adults who are not so affected.

For those referrals that did not meet the above criteria, they did not progress to an Adult Protection concern, as defined above, a significant number were signposted to other services for support.

- 4.4 Under the Adult Support & Protection (Scotland) Act 2007, the Council has a duty to inquire and investigate situations where harm is suspected. The majority of inquiries and investigations are managed through the use of supportive interventions without resorting to the use of Protective Orders available via this Act or other appropriate interventions via the Mental Health (Care & Treatment) (Scotland) Act 2003 or the Adults with Incapacity (Scotland) Act 2000. This is in line with the principles of these Acts and in line with what would be the least restrictive, most beneficial and proportionate response. Most situations are progressed by negotiation and co-operation, and consideration is given to other legal avenues where

appropriate. The sharing of appropriate information between partner agencies has ensured that individuals are suitably protected from harm without unnecessary intervention.

- 4.5 The Learning & Development programme adopted by the Scottish Borders delivers a bespoke approach to learning. The rolling programme of standard training sessions is open to all agencies (statutory, independent and third sector) based in the Scottish Borders, and the outcomes are based on the national training programme developed for the Scottish Government. It is acknowledged that it is important for all partners to work together in supporting and protecting adults at risk of harm, and multi-agency training helps to deliver this message to people who may have contact with adults at risk. In 2016-2017, a total of 2,300 people completed training modules including Social Work, Health Care, Police, staff in the Voluntary Sector and Independent Sector. Adult Support and Protection E-learning continues to be mandatory for SBC and NHS Borders.
- 4.6 Activity – Financial and physical harm continue to be the most prominent types of harm in the Scottish Borders. Work with trading standards last year to tackle financial harm and scams has seen a positive impact on adult protection referrals, particularly in the age range 65 – 79 years of age, as figures are down by a third. Most cases of physical harm happen in the adults own home usually by someone known to them. Reports of physical harm and neglect are also reported in private care home settings. Scottish Borders investigate all incidents of harm in these settings and have now delivered bespoke adult protection training into all 22 care homes within the Scottish Borders. Within the under 65 year age range, social media and smart phone technology is particularly impacting on relationships. Many adults are introduced to a wider group of friends / acquaintances through this technology. However this technology can also be used in some situations, to target and harm our most vulnerable adults.
- 4.7 Priorities for 2017 – 2018

There are a number of priorities for the Adult Protection Committee:

- (a) Financial harm - Progress has been made in this area. A recent financial harm event was very well attended by professionals and speakers included trading standards, banking and the office of the Public Guardian. This area continues to feature prominently in the Scottish Borders and further work is planned through local media campaigns and smart boards throughout Scottish Borders.
- (b) Client and Carer feedback - Scottish Borders has made progress in securing client and carer feedback and is using this to better inform, service delivery. Scottish Borders are keen to see further improvement by introducing outcome focused risk assessments and protection plans which keep the service user at the heart of the process.
- (c) Key structures and processes are in place to support Adults at Risk in the Scottish Borders. We recognise the challenge to further develop quality assurance systems to demonstrate performance and outcomes.

5 IMPLICATIONS

5.1 Financial

There are no costs attached to any of the recommendations contained in this report.

5.2 **Risk and Mitigations**

This report makes an important contribution to the overall management of risks of the Council and the governance of this important area of activity.

Whilst the Committee and partner agencies work tirelessly to protect adults at risk of harm, we can never fully mitigate this risk. In addition to ongoing improvements to working practices, policies, procedures, audit and quality assurance work, we also respond to external audit and inspections to ensure that any areas highlighted for improvement are acted upon.

5.2.1 The Adult Protection Committee follows the Council's Corporate Risk Management Policy and framework and has a strategic risk register in place that is reviewed by the Committee on a quarterly basis, with the latest review taking place on 12 December 2017. This ensures that adequate scrutiny and oversight is given to the risks that threaten the achievement of the Adult Protection Committee's objectives.

5.2.2 The Adult Protection Unit has a service level risk register with the latest review taking place on 10 January 2018. Both the Adult Protection Committee and the Adult Protection Unit risk registers recognise that appropriate adult protection training, regular review and update of policies and procedures, plus ensuring quality assurance and audit work are undertaken, are critical to ensuring adult protection.

5.2.3 The Chief Social Work Officer owns a risk on the Council's Corporate risk register regarding the protection of adults and children which ensures strategic scrutiny and oversight of the work undertaken to mitigate this risk.

5.2.4 Risk registers are in place for the Learning Disability Service, Mental Health Service and Emergency Duty Team and adult protection is a priority theme across these service risk registers.

5.2.5 It is also worth mentioning that the Council's Protective Services also has a risk regarding the protection of vulnerable people from financial scams and rogue traders.

5.3 **Equalities**

It is anticipated there will be no adverse equality implications due to race, disability, gender, age, sexual orientation or religion/belief arising from the proposals contained in this report.

5.4 **Acting Sustainably**

There are no known effects on economic, social or environmental implications arising from this report.

5.5 **Carbon Management**

There are no known effects on carbon emissions arising from this report.

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

There are no known changes required to either the Scheme of Administration or the Scheme of Delegation as a result of the proposals in this report.

6 CONSULTATION

- 6.1 The Chief Financial Officer, the Monitoring Officer, the Chief Legal Officer, the Chief Officer Audit and Risk, the Chief Officer HR, and the Clerk to the Council have been consulted and their comments have been incorporated into the final report.
- 6.2 The Adult Protection Committee and relevant subgroups were consulted.

Approved by

Murray Leys
Chief Social Work Officer

Signature

Author(s)

Name	Designation and Contact Number
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Background Papers: Nil

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

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Scottish Borders Adult Protection Committee

Annual Report 2016 - 2017



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1. Executive Summary

This is the twelfth annual report of the Scottish Borders Adult Protection Committee covering the period from 1st April 2016 - 31st March 2017. The report provides a summary of the work undertaken during this period by the Committee, its Sub Committees and the Adult Protection Unit, with particular reference to the implementation of the Interagency Strategy 2015-2017 for the protection of Adults at Risk in the Scottish Borders.

Adults at Risk as defined by the Adult Support and Protection (Scotland) Act 2007, are individuals aged 16 or over who:-

1. Are unable to safeguard their own well-being, property, rights or other interests;
2. Are at risk of harm;
3. Because they are affected by disability, mental disorder, illness or physical or mental infirmity, are more vulnerable to being harmed than adults who are not so affected.

Where adults meet all of the above criteria, often referred to as the Three Point Test, then they can be considered Adults at Risk as defined by the Act. For those cases that do not meet the above criteria a significant number will be provided with support or referred to other services for support and guidance.

The number of cases progressing from Referral to Adult Protection concerns (AP Referrals), as defined by the Act, displays an increased pattern with 204 cases in 2016-2017 compared to 171 cases in 2015-2016 and 169 cases the previous period.

The Adult Support and Protection (Scotland) Act 2007 defines harm as:

1. Conduct which causes physical harm.
2. Conduct which causes psychological harm.
3. Unlawful conduct which appropriates or adversely affects property, rights or interests (for example theft, fraud, embezzlement, or extortion).
4. Conduct which causes self-harm.

Importantly the term "conduct" includes neglect and others failure to act.

A review of Adult Protection activity during the period shows that, as in previous years, the majority of concerns relate to older people and those adults with a learning disability. As previously, the majority of referrals relate to females as opposed to males. Financial and physical harm continue to be the most prevalent type of harm reported.

With particular regard to financial abuse, which has become more sophisticated, partner agencies including Banks, Trading Standards, The Public Guardian, Police, Health Service and Scottish Borders Council held a seminar earlier this year, with a commitment to tackle this challenging area of abuse, which is being monitored by the Adult Protection Committee.

A review of Adult Protection arrangements formed part of the Adult Inspection conducted by the Care Inspectorate earlier this year. At the time of writing an action plan is being agreed with the Care Inspectorate to address areas, which had already been identified, for development.

Obtaining feedback from service users and carers in order to influence future practice has always been a challenge and it is noted that significant progress has been made in this respect.

Key structures and processes are in place to support Adults at Risk in Scottish Borders. We recognise the challenge to further develop quality assurance systems, to demonstrate performance and outcomes.

I am grateful to all members of the Adult Protection Committee and sub committees for the professionalism and commitment to protecting Adults at Risk in the Scottish Borders. Once again I would like to thank the Adult Protection Co-ordinator and the administrative team who provide invaluable support to Committee and Adult Protection activity.

Jim Wilson
Independent Chair, Scottish Borders Adult Protection Committee

2. The Adult Protection Committees and Adult Protection Unit

The Adult Protection Committee

In order to meet the statutory requirements of the Adult Support & Protection (Scotland) Act 2007 (ASPA) the Adult Protection Committee (APC) implemented its agreed 'Inter-agency Strategy' and Plan for Protection of Adults at Risk (2015-2017). Inter-agency Strategies are informed by the legislative requirements that were made on Adult Protection Committees under the Act (Sections 42 - 46), as well as local issues that the Committee is aware need to be actioned in order to maximise the safeguarding measures for Adults at Risk in the Scottish Borders.

The Inter-agency Strategies are regularly reviewed and updated at the Committee's bi-monthly meeting in order to make sure that there is progress towards achieving the objectives.

The Inter-agency Strategy for 2015-2017 aims to focus on four specific areas of work:

- To keep under review the procedures and practices relating to the safeguarding of adults at risk;
- To promote the highest standard of inter-agency prevention or dealing with the causes and effects of harm to adults at risk;
- To give information and advice to any public body or office holder on the exercise of functions which relate to safeguarding of adults;
- To ensure appropriate co-operation between agencies.

Our Vision - All adults at risk in Scottish Borders are supported and protected from harm and are enabled to live their lives. How do we know we've done it? Adults in Scottish Borders feel safer and better supported.

Within Scottish Borders there is a clear multi-agency Training Programme and Training Strategy. Specialist development sessions and forums are in place to disseminate knowledge, share good practice, and enhance practitioner's skills. In Scottish Borders the Adult Protection Unit (APU) has a good interface between Criminal Justice, Multi-Agency Public Protection Arrangements (MAPPA), Domestic Violence and Children's Services. Adult Protection Committee also link into the Critical Services Oversight Group (CSOG) where there is senior corporate oversight and scrutiny of a range of public protection issues including multi-agency public protection arrangements and Child / Adult Protection.

Following on from last year where the APC made links with trading standards, local banks, and building societies, there was both a national and local media campaign. This will be followed up by a planned financial harm event for professionals in May of 2017 which will involve the Scottish Resilience Centre, Office of the Public Guardian, Trading Standards and the Royal Bank of Scotland representing the banking / building society perspective. Financial harm, scams and internet harm will be covered and useful to the professionals who attend and who often encounter or investigate this type of harm. A further event designed specifically for clients, carers and the public will also be planned in the near future.

Adult Protection in care homes has been a national priority over the last couple of years. This year saw the rolling out of bespoke training to all care home managers and staff working in care homes in Scottish Borders. These sessions were well received by care homes and managers as the examples used were specific to care home settings and more relevant to their area of practice. It is hoped within time that this training will build better communication between care homes and social work practice teams and that Large Scale Investigations (LSIs) are reduced through earlier communication and appropriate multi-agency intervention.

Below the Child and Adult Protection threshold a process was introduced to support young people at risk of significant harm. This process which is called the Vulnerable Young Person's Protocol (VYP) is now well established and regularly used to support under 21 year olds in crisis or at significant risk of harm. This process is a good example of cross co-operation between Child and Adult Protection Committees, and the process is working with partners to reduce risk of harm to young people in Scottish Borders.

The Committee has three standing sub committees set up in order to achieve priorities of the Inter-agency Strategy.

The Adult Protection Audit Subgroup

The Audit Subgroup continues to meet every two months. Some of the key areas of work currently being addressed by the group are as follows:-

Improve Service User and Carer involvement. Work was identified in the last annual report, to improve Service User and Client involvement within Adult Protection. The identified system to gain this information has not yielded the results we were expecting. Therefore further work is required through the Adult Protection Inter-agency Operational Group, to improve evidence in this area. This work will continue into next year with evidence of improvement available in next year's annual report.

2016 - 2017 has seen more focus on specific audits and quality assurance. Within the Adult Protection Unit we have designed a specific Adult Protection audit tool. This tool meets the needs of the Inter-agency business plan and helps report on the key performance indicators set out in the business plan. Regular audits of adult protection work will be a regular feature of quality assurance and have been introduced to ensure strong standards across all areas of Scottish Borders.

Potential Large Scale Investigation cases and cases which come into the LSI process are monitored by the Adult Protection Audit Subgroup. Regular updates on developments and progress are discussed and tracked by the multi-agency partners. We have had 5 meetings held under the LSI process. In order to support the LSI process the Community Care Reviewing Team (CCRT) have a well-established process which highlights early indicators of harm / concern at an early stage. The CCRT team will work in partnership with professionals and the care provider to maintain quality and standards within registered care homes. Here in Scottish Borders a nominated Reviewing Officer is attached to each and all of the care homes.

Significant Case and Incident Review (SCIR). We have had no SCIR in this period but have had one Practice Review. The learning has led to a better understanding of reporting and responding to harm where this is responsibility and crossover between partner agencies.

The Adult Protection Inter-agency Operational Group

The Adult Protection Inter-agency Operational Group acts as the operational arm of Adult Protection Committee. This is a multi-agency group with good cross representation across service delivery areas, the key partners, SBC contracting and the third sector. As well as taking on work on behalf of the AP Committee, each partner agency can bring a range of issues around support or protection to this group for discussion. Once issues have been discussed or addressed these can be sent back to AP Committee for approval and then the information can be shared more widely. Scottish Borders have good information sharing arrangements through organisations such as Borders Voluntary Care Voice and third sector partners.

The focus of the Operational Group has changed within the last year and this has seen an opportunity to review the work of the Operational Group. The group have moved to a more inclusive agenda: all multi-agency partners now have much more opportunity to contribute, update and be more actively involved in the groups work. This has been a positive more inclusive change by the group.

Much of the focus of the Operational group this year has been taken up by the Inter-agency business plan and key performance indicators. These Key Performance Indicators (KPIs) are areas where practice can be measured, audited and benchmarked. These KPIs will be built into the AP process as part of quality assurance and audit, and should measure progress in some of the areas highlighted for improvement through self-evaluation.

Scottish Borders have been through an Older Adults Inspection and many of the findings which link to Adult Protection will be overseen and taken forward by this group. This will include oversight and input into any improvement plans.

The Adult Protection Learning and Development Subgroup

Adult Support and Protection Training report:-31/3/16 to 1/4/17 The Learning and Development Group of Scottish Borders Adult Protection Committee has responsibility for the design and delivery of the Adult Support and Protection Learning and Development (ASP L&D) Strategy. This provides a framework for multi-agency training at 4 levels, from induction through to specialist and advanced knowledge. Additionally bespoke training is delivered throughout the multi-agency partnership as required. A focus of the work of the L&D group has been to review and renew Scottish Borders ASP L&D Training Matrix, and looking ahead to January 2018, the following approach will be adopted for ASP training programmes, as outlined below:

DRAFT - Scottish Borders Adult Support and Protection Training Matrix 2017/18

<p>Introduction</p>	<p>Essential Roles, Duties and Responsibilities:</p>	<p>Senior and Specialist Professional Roles, Duties and Responsibilities</p>	<p>Accredited Council Officers</p>
<p>NHS Borders Corporate Induction Includes an introductory session on Adult Support and Protection.</p> <p>Scottish Borders Adult Support and Protection eLearning module This mandatory module must be completed by all staff employed by Scottish Borders Council, NHS Borders and SB Cares every two years. This module can be accessed at a charge by third sector agencies via the Community Portal*.</p> <p>Public Protection Briefing Session This briefing session can be requested by services that require an overview of Public Protection. Attendance at this session does not meet mandatory training requirements for staff members who have contact with Adults at Risk.</p>	<p>The relevant mandatory classroom-based session from the list below should be attended by selected multi-agency staff:</p> <p>Target audience illustrative example: Social Workers, Community Care Assessors, Support Workers, Police Officers, Medical staff, Registered Nurses & Midwives, Health Visitors, Allied Health Professionals, Healthcare Support Workers, Home Care Assistants, Advocacy Workers, Care Home staff</p> <p>*Adult Support and Protection: Awareness Raising (targeted at Home Care Assistants) *Supporting & Protecting People with Learning Disabilities *Adult Support & Protection in Mental Health Settings (hospital and community) *Adult Support & Protection in General Hospital Settings *Adult Support & Protection in Care Home Settings *Adult Support & Protection in Community Settings</p>	<p>This is a mandatory course for multi-agency staff in senior and specialist professional roles:</p> <p>Day 1 should be attended by SBC Team Leaders/Assistant Team Leaders and staff eligible to become accredited Adult Support and Protection Council Officers; NHS Borders Service Managers, Team Managers & Senior/Specialist Clinicians; and Police Scotland Senior/Specialist Officers.</p> <p>Day 2 should be attended by staff responsible for managing and conducting Adult Support and Protection investigations: Team Leaders/Team Managers/Assistant Team Leaders, staff eligible to become accredited Adult Support and Protection Council Officers.</p>	<p>Refresher Training Sessions</p> <p>Accredited Adult Support and Protection Council Officers are required to attend the following as mandatory refresher training:</p> <p>*Two Council Officer Forum meetings annually.</p> <p>*A Council Officer Refresher classroom-based training session every two years.</p>

	<p>Refresher: Following attendance multi-agency staff should refresh by completing Scottish Borders Adult Support and Protection eLearning module and passing the required assessment every two years thereafter.</p>		
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The approach for e-Learning in relation to Adult Support and Protection (ASP) has been further enhanced and it is now mandatory for all staff employed by Scottish Borders Council and NHS Borders to complete Scottish Borders ASP e-Learning module and pass the required assessment every two years.

In addition, there have been three well-attended ASP training sessions delivered in relation to the complex interface and implementation of public protection legislation, including the Adult Support and Protection (Scotland) Act 2007, the Adults with Incapacity (Scotland) Act 2000 and Section 13za of the Social Work (Scotland) Act.

The Learning & Development group will be facilitating a Financial Harm Seminar in May 2017, to be attended by multi-agency representatives, to raise public awareness and consider the issues of Financial Harm affecting Adults at Risk. This will include informative presentations from the Scottish Business Resilience Centre, Public Guardian, Scottish Borders Council Trading Standards, and the Royal Bank of Scotland.

The Scottish Borders Adult Protection Unit

The Scottish Borders Adult Protection Unit currently sits within a co-located building in Galashiels. Police Scotland, Child Protection and Adult Protection are all on site. This particular model is seen as a major strength as it encourages closer working relationships, partnership and communication between agencies. A good example of multi-agency co-operation is the Inter-agency Referral Discussion (IRD) process. This is a formal conversation which is built into the Adult Protection process to share information and to agree and co-ordinate a response. Having Police and Child Protection on site means that cases with cross-over can be discussed quickly and appropriately by suitably skilled and experienced colleagues.

The Adult Protection Unit consists of the Adult Protection Co-ordinator who line manages two Adult Protection Officers, and a joint NHS/SBC Training and Development Officer. In addition to these employees we have the dedicated support of three skilled administration staff.

The Adult Protection Officers (APOs) are experienced practitioners who have a wealth of knowledge, skills and experience to draw upon. The Officers offer independent support and advice to practice teams and partner agencies. The APOs offer independent chairing of Adult Protection Case Conferences to practice teams, undertake the chairing and co-ordination of Large Scale Investigation (LSI) and have a quality assurance role as part of their remit.

3. Adult Protection Activity (2016 - 2017)

The APU continue to monitor the statistics from the social work information management system (Mosaic) The Adult Support & Protection Act was implemented on 31 October 2008 and from this time the APU has been collecting the Adult Protection data sets requested by the Scottish Government. Unless otherwise stated, the figures below were collected in the period 1st April 2016 - 31st March 2017.

Initial referrals & screening of harm in Scottish Borders Council

Referrals to Scottish Borders Council occur where any person suspects an adult is at risk of harm. Referrals come from a large variety of sources; they come into SBC either through the customer services team within office hours (Tel 0300 100 1800) or through the Emergency Duty Team out-with office hours (Tel 01896 752111).

Police Adult Concern Forms and Fire Service Referrals are referred in directly through the Adult Protection Unit, uploaded to the information system then passed to the locality social work teams for response. During the course of 2016 - 2017 the following numbers of harm referrals were thought to be Adult Protection by referring agencies and partners.

Table 1

Total number of referrals around harm thought to be Adult Protection
Annual figure 420

There are differing levels of knowledge, training and experience of adult protection across partner agencies in Scottish Borders. This often happens because adult protection is a small part of what an agency may do and their levels of experience vary. The responsibility for screening all referrals lies with Social Work practice or specialist teams (Learning Disability & Mental Health). Every referral about harm is screened and assessed into welfare or protection. Welfare issues are signposted to a Social Work response or referred to specialist teams such as Alcohol or Substance Misuse where a case is appropriate or requires a particular skill set.

Of the 420 referrals reported by external agencies to be adult protection, 216 were graded as welfare concerns and dealt with accordingly.

Of the 420 referrals assessed to be possible protection cases (204) proceeded as AP Referrals and were overseen by the Team leader / Team manager of the locality or specialist team. The Team Leader / Team Manager will allocate, direct, oversee and sign off all work under the Adult Support and Protection (Scotland) 2007 Act, 204 cases proceeded as Protection work and therefore AP Referrals.

Adult Protection Referrals

Table 2 - lay out the number and source of protection referrals which required AP intervention.

Total number of actual AP Referrals
Annual 204

Table 3 - The number of 204 AP Referrals over the last year is broken down into quarters. When we break down this year's annual figures into quarters we see that quarter 2 of 2016 / 2017 is showing the biggest increase. Further investigation into quarter 2 demonstrated that there was no specific incident which caused numbers to increase. The period of July, Aug and Sept of 2016 saw a spike across all teams and across all ranges of harm. There are 7 area or specialist teams inputting into this figures, so a small increase in every team leads to quarterly spikes out-with the mean average.

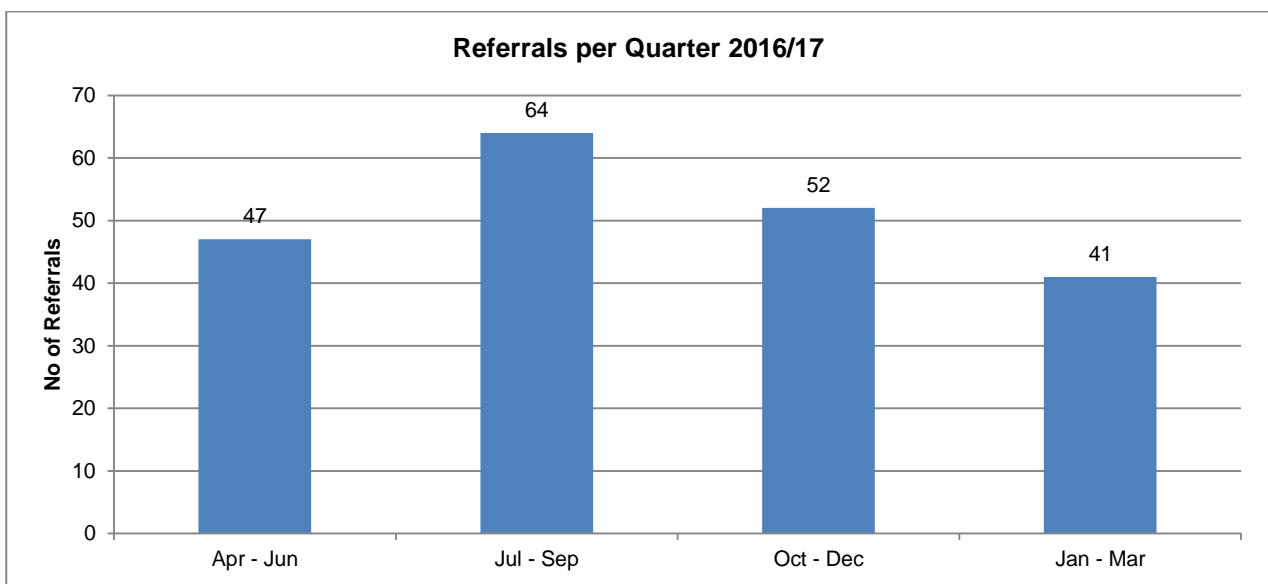
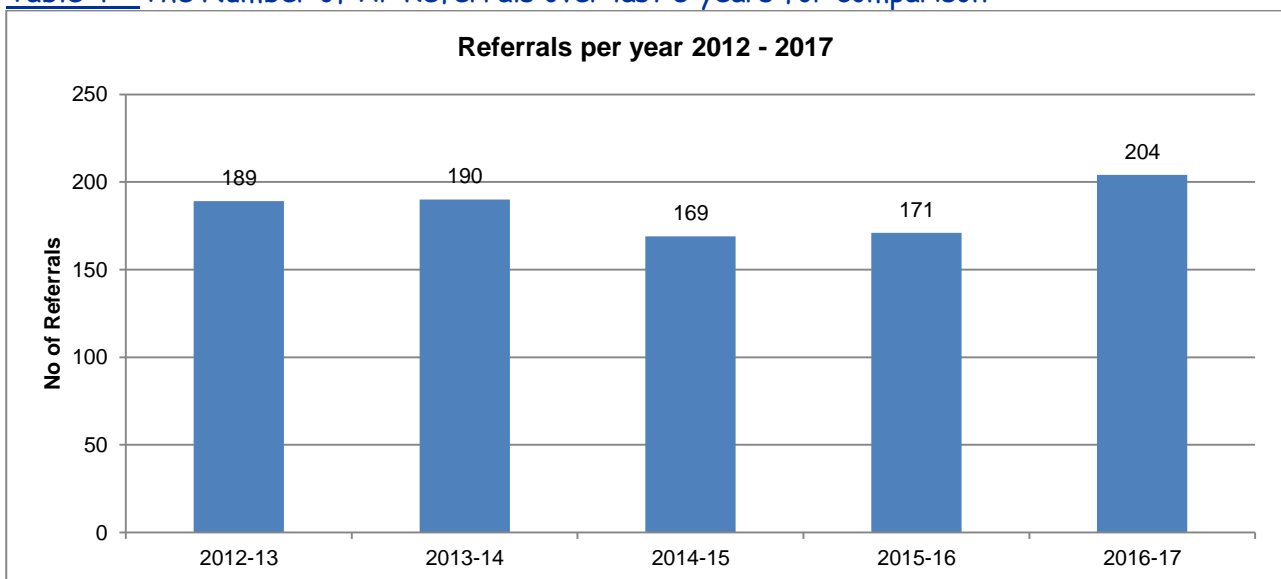


Table 4 - The Number of AP Referrals over last 5 years for comparison



From table 4 above we can see a slight increase in AP Referrals from the previous year, this increase is only 10 % and is within a fluctuation range over a longer 5 year timeframe.

Percentage of Adult Protection Referrals by Gender

Table 5

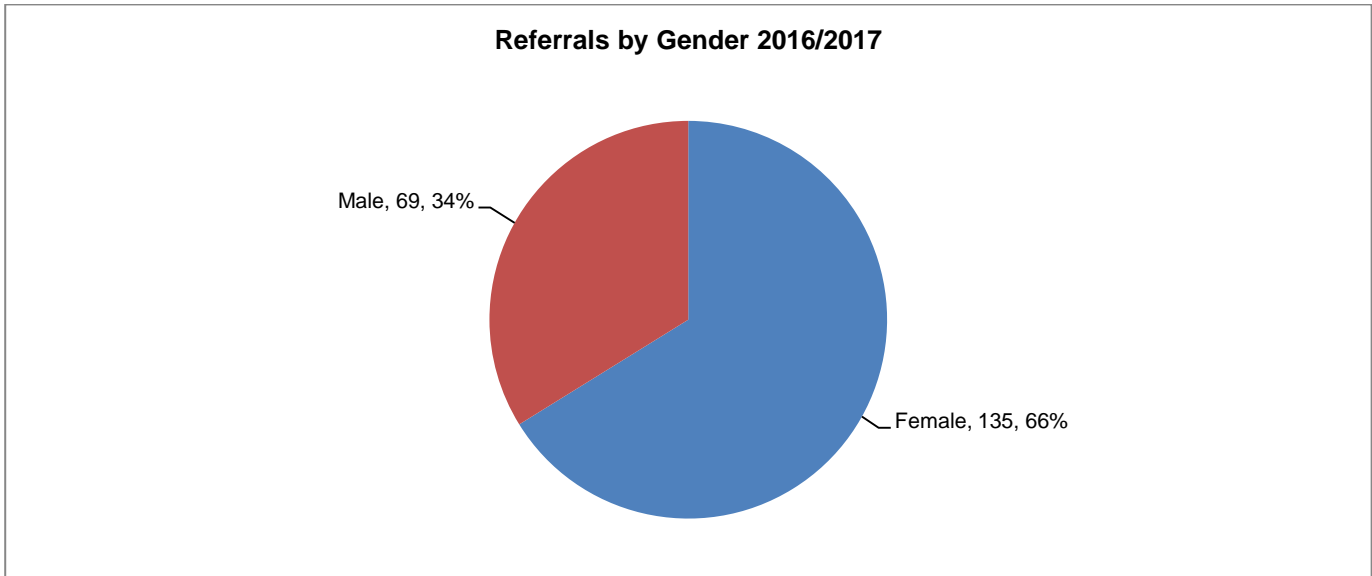


Table 5 above enables us to see Adult Protection Referrals and gender. This year's figures are a modest 10 % increase on last year's figures and if we look at AP Referrals over a 5 year timeframe there is little fluctuation out-with a 10 % range over 5 years. Females beyond the age of 71 years become more at risk of harm than males. This is a pattern repeated over the national AP landscape. Females often live longer or are more likely to be living on their own and when illness, dementia or disability is present, this increases their risk.

Number of Adult Protection Referrals by Age Range

Table 6

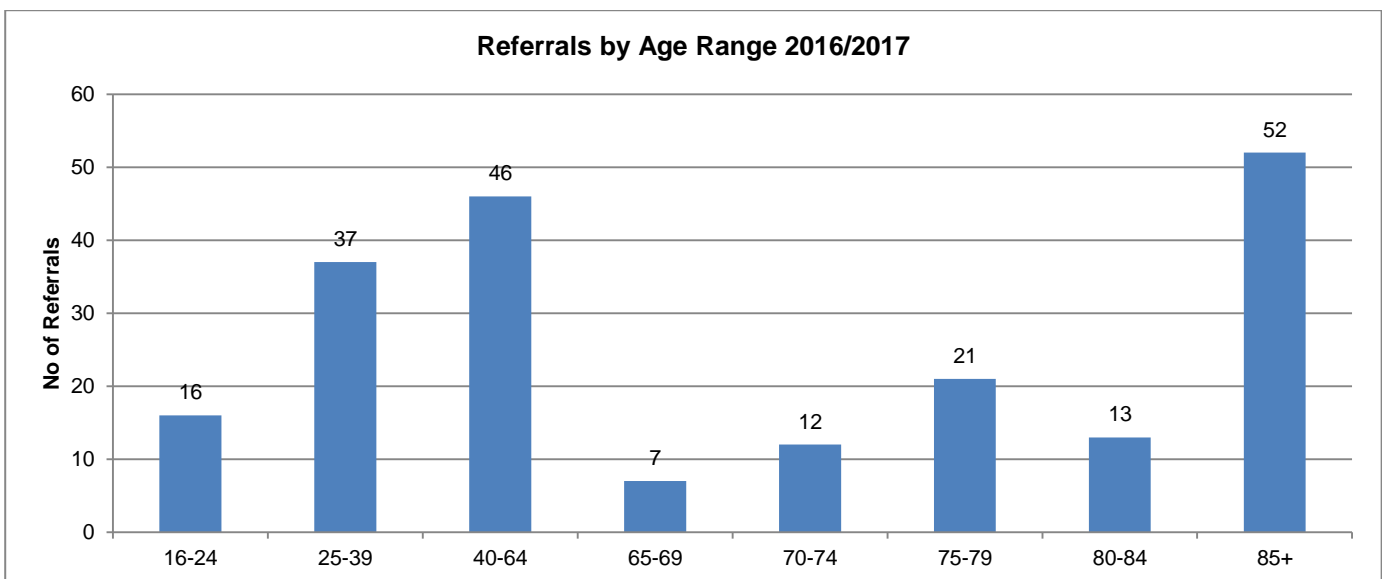


Table 6 above highlights the age range of AP Referrals from 2016/2017.

From the data supplied we can demonstrate that numbers in the 16-24 age range are fairly stable and consistent over the timeframe. The age range 25 to 64 tends to fluctuate when it comes to victims of harm. The Learning Disability, Mental Health Service users are particularly vulnerable to harm through perceived friends or through associations with adults who become harmers. Financial and material harm can often occur through opportunity or deliberate targeting of adults in the 25-64 age range.

For older adults over the age of 75 years, the numbers have slightly increased from 76 last year to 86 this year. Reviewing this information over a longer timeframe helps us to see a growth trend in harm to adults over the age of 75. Adults are generally living longer and financial and physical harm are the two areas mostly affecting the over 75 age range. This group is less likely to keep pace with rapid changes in technology and the sophisticated ways harmers use to illegally access our money. Internet phishing of emails, bogus bank calls and convincing scams are all used to access our money. When these adults have substantial savings or pensions and then develop illness, dementia or physical infirmity this leaves them even more vulnerable to financial harm.

Referrals by Type of Harm Reported

Table 7

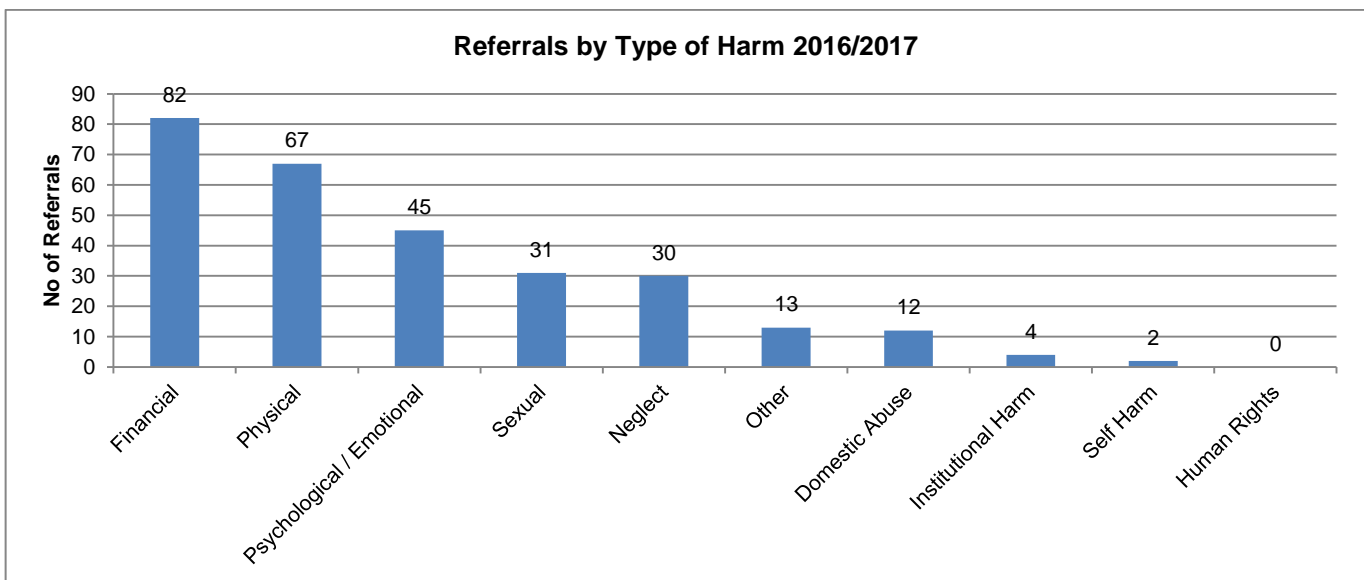


Table 7 Types of harm and specific trends

Financial harm continues to be a challenge both in Scottish Borders and nationally. Scottish Borders have been proactive in working with local banks, building societies and trading standards to highlight and prevent harm. A financial harm conference featuring these key partners is planned for the 24th of May 2017. Speakers will include the Office of the Public Guardian, the Scottish Resilience Centre, Trading Standards and the Royal Bank of Scotland.

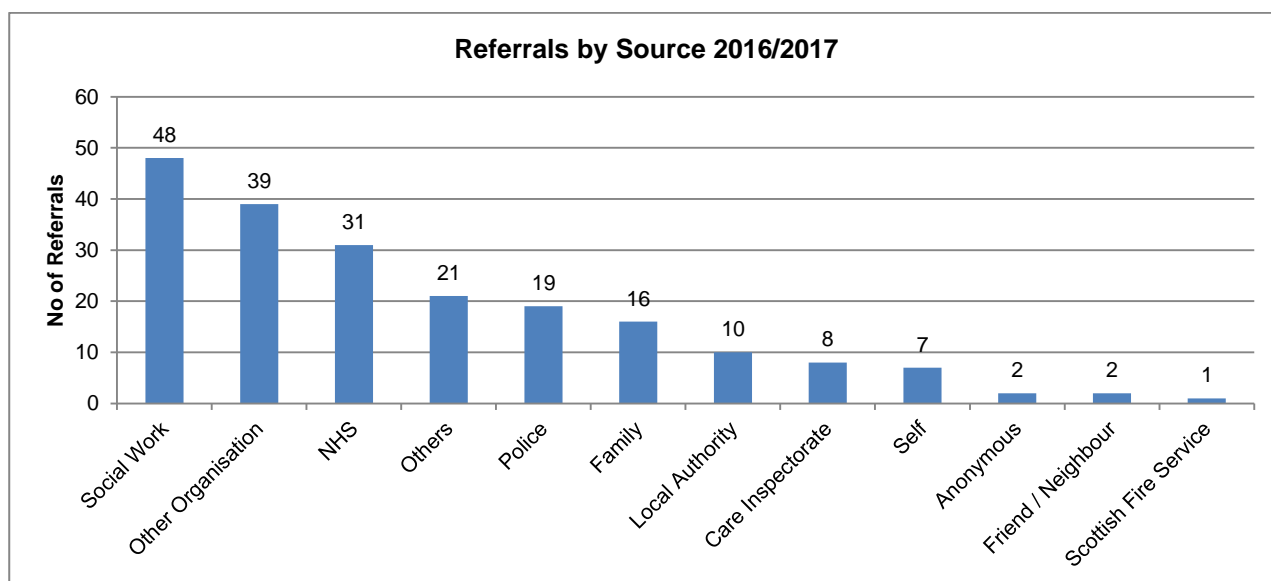
Physical and psychological, emotional harm often go along with each other and we are required by Scottish Government to report the primary type of harm. Support networks such as MARAC (Multi-agency Risk Assessment Conference) have been proactive in highlighting and supporting victims of domestic violence and this has helped many victims move on from sustained and repeated violent behaviour by mostly male offenders. Alleged physical harm mostly occurs from paid

professionals, family members and people usually known to the adult or through perceived friendship or acquaintances. These friendships are not always supportive, respectful or balanced. Where physical assault is highlighted to Scottish Borders Council about adults at risk of harm, we work very closely with Police Scotland, NHS Borders and our partners to address and track harm.

Alleged sexual harm figures have risen from last year, and although this type of harm can be serious and often traumatic to the victim, not all alleged harm can be substantiated. Scottish Borders Council and partners can work closely with victims around safety planning and risk management to help the individual make positive choices to avoid further harm.

Source of AP Referral

(Table 8)



As can be seen from table 8 above we receive AP referrals from many sources, including multi-agency partners, clients, carers, family members, and agencies in the third sector. The figures listed above are made of concerns which have been reviewed and were known or believed to be Adult at Risk concerns. It is important to note that Scottish Borders review all referrals and the ones listed above are from the 204 believed to be protection concerns. Welfare concerns which don't make this list are dealt with through Social Work Services or signposted to key partners for specialised services or support.

Independent agencies and the category of "Other", which includes the voluntary sector, banks and addiction services, are the highest reported of Adult Protection referrals. Many staff working in the voluntary sector attend our Scottish Borders Adult Protection training. These staff go on to work in frontline service delivery with service users and it is reassuring that this group are reporting harm.

NHS Borders and Police Scotland continue to make referrals and be involved operationally and strategically in adult protection. We have a co-located Public Protection Unit in Scottish Borders and a particular key strength of co-location is that communication and cooperation happen quickly, particularly around child and adult protection cases which have crossover.

Adult Protection referrals from concerned family members continue to be well reported in Scottish Borders. These can be incidents of financial harm or physical harm particularly where an Adult at Risk is unable to report harm, or where a friend or acquaintance exerts undue pressure over an adult not to report an incident.

Referrals by Locality Team / Area of Scottish Borders

Table 9

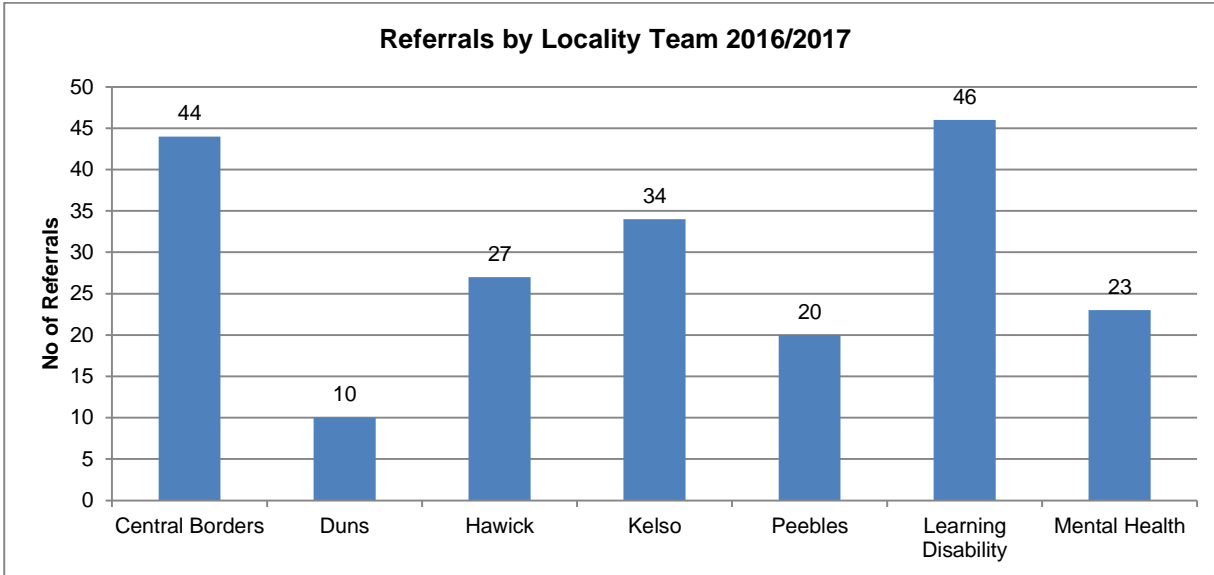


Table 9 above helps us understand levels of harm across Scottish Borders, we have 5 locality teams which cover Scottish Borders geographically and 2 specialised teams: Learning Disability and Mental Health. Learning Disability covers all of Scottish Borders and this group of adults have complex needs and risks. Central team covers the urban areas of Galashiels, Melrose, Selkirk, Earlston, Newtown and St Boswells and many smaller villages. The catchment area population in relation to other areas means there are more people and more referrals of alleged harm. Every Adult Protection Referral will go through an investigation and/or investigation process to assess the extent of harm and formulate the most appropriate response.

4. Adult Protection Intervention

All Adult Protection referrals received in Scottish Borders receive an intervention. This intervention process involves three distinct steps Duty to Inquire, Inter-agency Referral Discussion, and Adult Protection Investigation. These three steps are used to share information with the key agencies involved and to assess whether the adult is in need of further support or protection. For the purpose of this annual report we will report on Inter-agency Referral Discussion (IRD) which is a formal conversation and AP Investigation which is the stage after initial Investigation and where a visit or interview is required. Scottish Government now requires AP Investigation information only as part of their national data collection information. Collecting information from AP Investigation only, enables Local Authorities and Scottish Government to compare like for like information across Scotland in order to inform a National Adult Protection landscape.

Table 10

Number of Adult Protection Referrals	204
Number of cases which required AP Intervention(Investigation/IRDIInvestigation)	204
Specific Intervention which required AP IRD	79
Specific Intervention which required an AP Investigation (visit / interview)	118

Adult Protection Inter-agency Referral Discussions (IRD)

(Table 11)

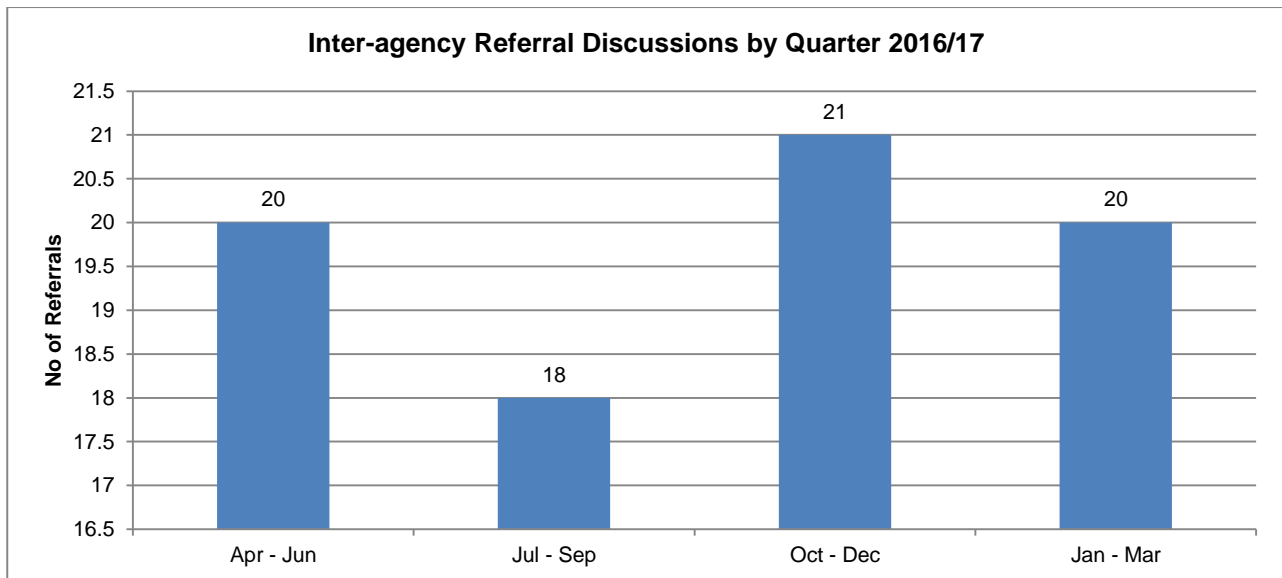


Table 11 The Inter-agency Referral Discussion is a formal discussion between Social Work, Police and NHS Borders where there has been a crime or a significant event and/or harm that requires multi-agency discussion and a response. The table above highlights the number of Inter-agency Referral Discussions (IRD) held each quarter, the total number of adult IRDs for the year is 79. This is an increase of around 25 % on last year's figures. The rationale for this is an increase in alleged adult protection cases which have an element of possible crime.

The IRD involves the multi-agency sharing of information and a clear recorded record of risk. The partner agencies involved will agree which agency leads on which component of an investigation and agree lines of feedback to an IRD conclusion. IRD numbers are similar to last year and most IRDs involve a conversation between Social Work and Police Scotland, but an IRD can involve NHS Borders, the Care Inspectorate and a senior manager of any independent agency. All IRDs in Scottish Borders are subject to external scrutiny by an IRD Review group. This IRD Review group consists of the Adult Protection Co-ordinator, Police Inspector and the Associate Director for Nursing Mental Health NHS Borders.

Adult Protection Investigation

(Table 12)

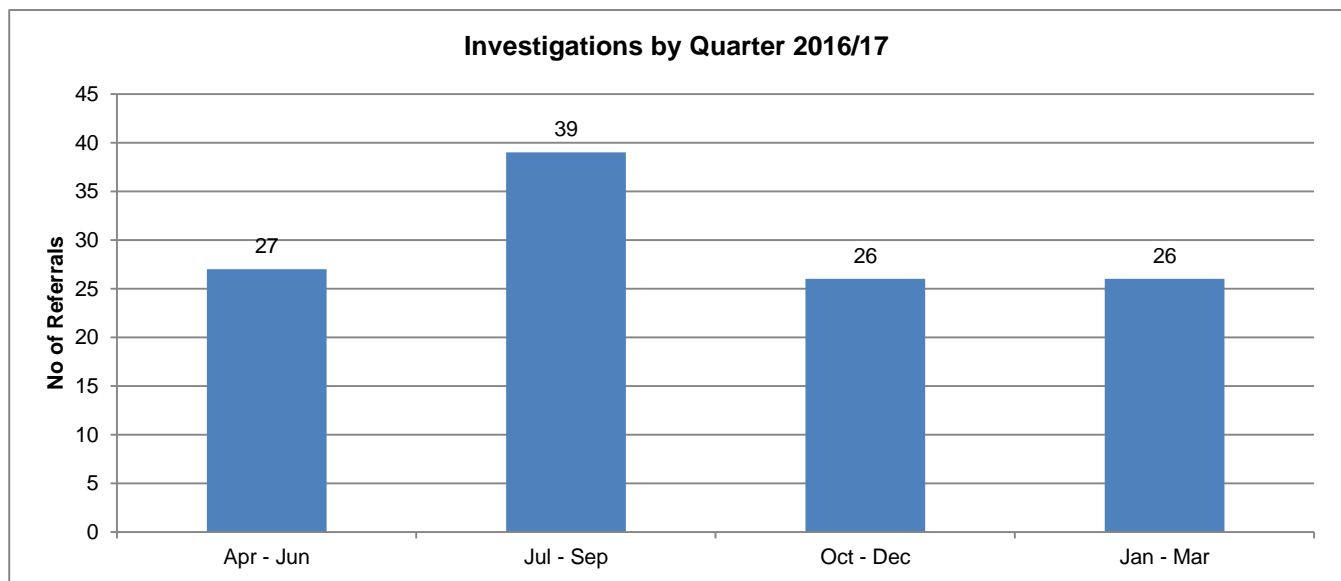


Table 12 above highlights the number of cases per quarter which required a visit, interview or access to records such as bank statements. The AP Investigation phase follows on from AP Investigation and tends to be at the end of an AP intervention process. This investigation helps us finally determine whether an adult is still an adult at risk of harm and in need of an AP Case Conference or whether the intervention and steps taken have been enough to support the adult and that the risk is reduced or can be managed by an alternative means where the adult is deemed not to meet all three points of the Adults at Risk test.

There have been 118 cases over the last year which required a Council Officer visit or interview to establish whether someone was an Adult at Risk of harm or not. This is also an increase on last year and partially relates to more IRD's but can also be explained by changes to the Adult Protection Process which allowed teams quicker access to the investigation process.

All Adult Protection investigations must be undertaken by a trained Council Officer under The Adult Support & Protection (Scotland) 2007 Act and the process is directed and overseen by the Team Leader or Team Manager in that locality or specialist team. Investigations are further broken down into the information and charts listed below.

Type of Principle Harm at Investigation

(Table 13)

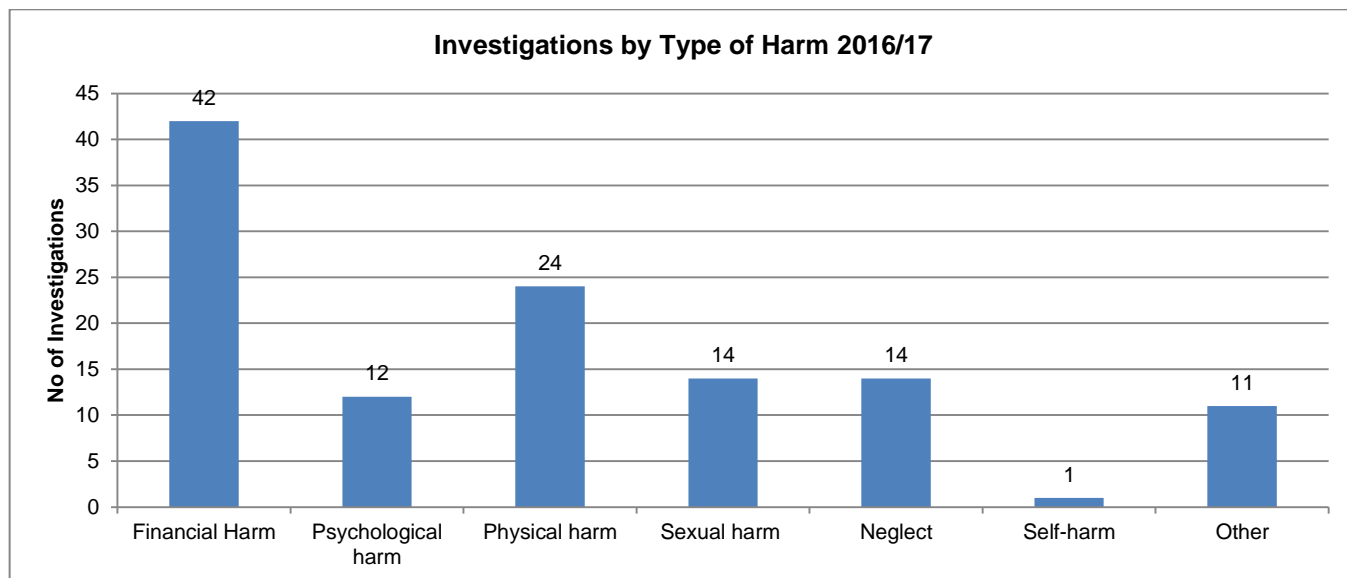


Table 13 Scottish Government request the principle type of harm from a specified list. Emotional or psychological harm often happen alongside principle harm such as physical harm but it's the principle or primary harm that is counted for national and local purposes. Financial harm and physical harm continue to be the two highest types of harm in Scottish Borders. This is a recurring trend over a 5 year timeframe and is mirrored in national figures.

Alleged sexual harm figures have gone up from 6 to 14 this year, with a marked increase in adults with personality disorder reporting this type of harm, some on multiple occasions.

Neglect figures include self-neglect and institutional neglect were previously reported separately but Scottish Government want these combined under one grouping.

The area called "other" includes domestic abuse, emotional harm, human rights or information harm. Domestic abuse figures have increased around Adults at Risk of harm, as there is a better understanding of the issue and more reporting to MARAC (Multi-agency Risk Assessment Conference) which is the multi-agency domestic abuse forum, which supports victims of this type of harm.

Investigation By Service User Group

(Table 14)

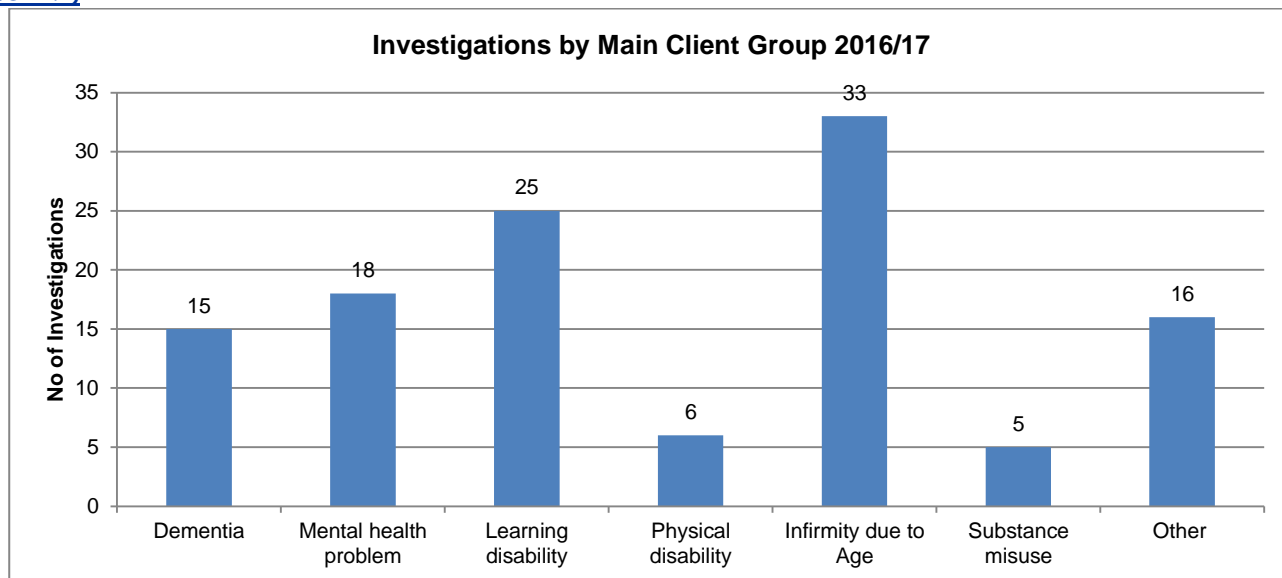


Table 14 this graph lays out the service user numbers and groups which required a visit or interview under AP Investigation. Infirmity due to age is a new term from Scottish Government which covers older adults with mobility issues and who may be at greater risk of falls. Older adults or over 65s continue to be the largest grouping of Adults at Risk of harm followed by Learning Disability. Adult Protection investigations around mental health have increased this year due to this group being targets of financial or material harm and from some female service users being victims of reported sexual harm. The area of Other covers acquired head injury, emotional disturbance, mobility issues not defined as physical disability and this accounts for 16 Investigations.

Location of Harm at Investigation

(Table 15)

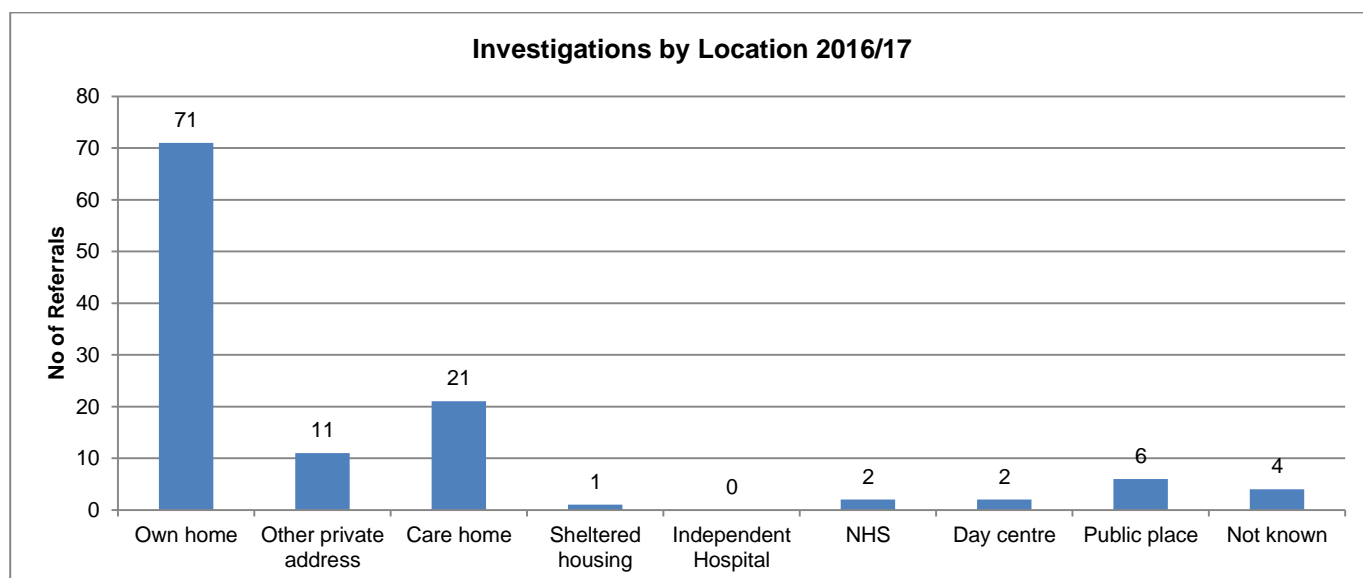


Table 15 above - The majority of harm occurs in a client's own home, usually by someone known to them. The second highest setting of harm comes from private care homes. Adults in care homes are a particularly vulnerable group of people and these include adults with dementia and adults who may be physically frail or who have a nursing need through illness. The range of harm in care homes varies and does not always involve allegations against paid care staff. Sometimes a resident will have an incident with another resident; dementia can lead to changes in personality and in some service users challenging behaviours. How client groups are mixed and managed takes a skilled staff team. There continues to be ongoing training into care homes around dementia, care home standards and Adult Protection. All concerns in care homes are reviewed, but any themes or patterns which arise are overseen by a link Social Worker from the Community Care Review Team and care home performance is monitored by a care home quality group and the regulator the Care Inspectorate.

Outcome of the Adult Protection Investigation

(Table 16)

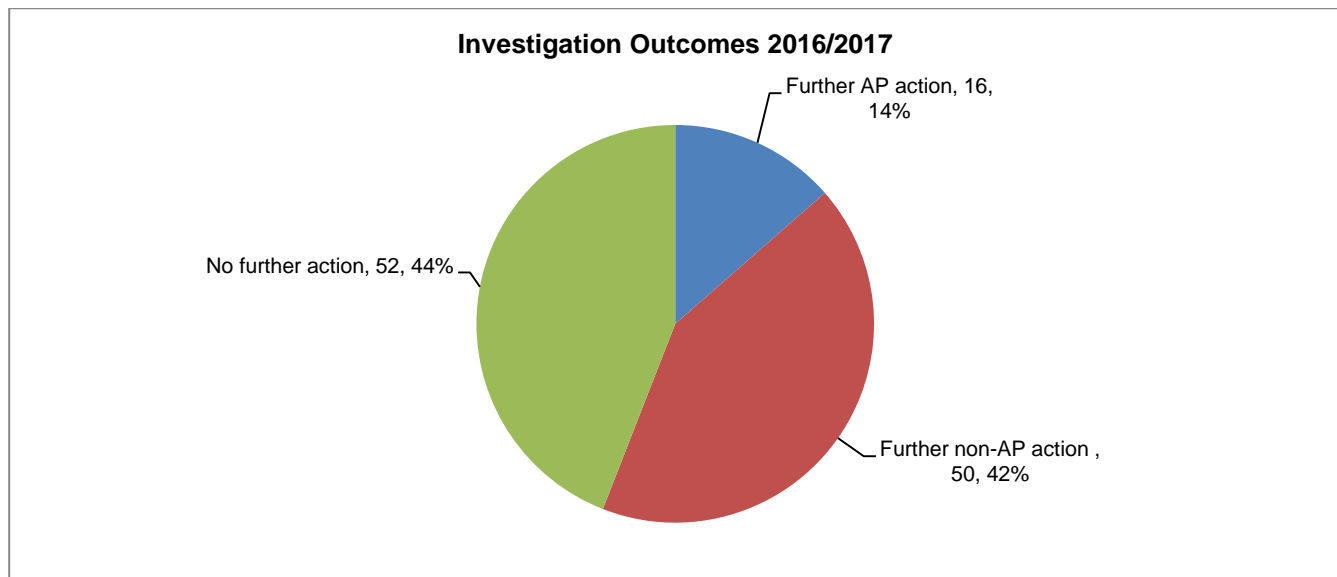


Table 16 The Adult Protection Investigation is often the final stage in the intervention process: allegations of harm are weighed and measured in terms of facts, evidence and corroboration. From the 204 actual adult protection referrals, 118 cases required investigation. Not all allegations of harm result in further adult protection action, 52 cases were deemed not to meet the Adult at Risk, 3 point test, following investigation. These cases left the adult protection process, and progress would be tracked through a chronology of significant events. A further 50 cases did not meet the adult protection criteria for Case Conference, but did require access to Social Work or multi-agency support. These cases progressed under a case management approach.

5. Case Conferences and Meetings

Adult Protection Case Conference and Review

(Table 17)

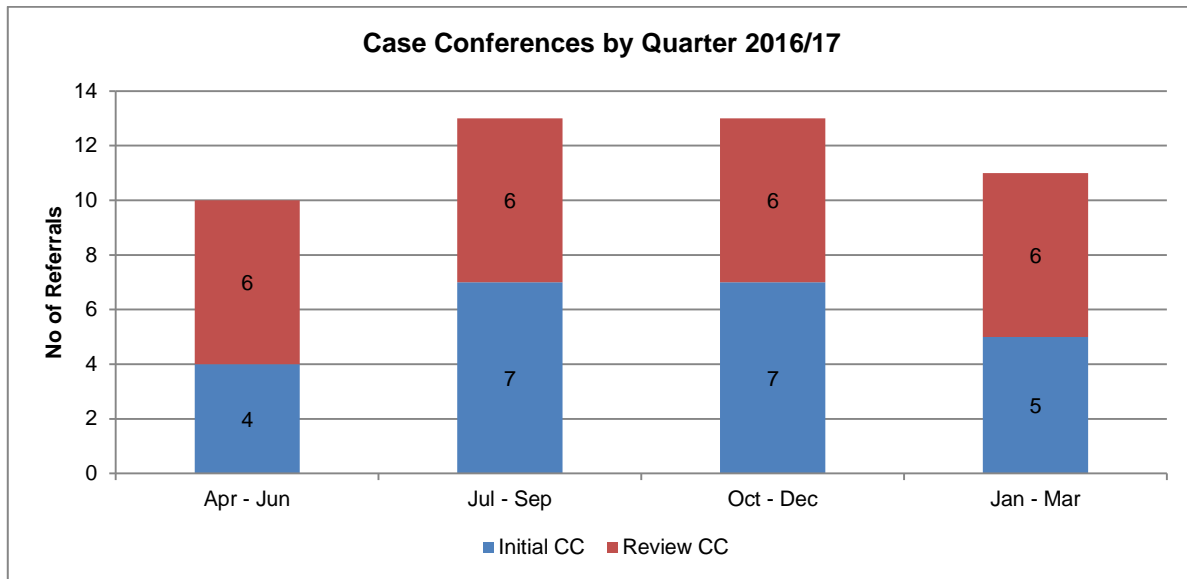


Table 17 the majority of cases in Scottish Borders which come into the AP process do not reach AP Case Conference. The process has been designed to be proportionate and responsive to risk. On many occasions following intervention or supportive measures we see the risk addressed or managed. There were however, 19 cases which required an AP Case Conference and a further 18 cases proceeded to AP Case Conference Review. This is an increase on the previous year but still lower than the national average of 51 cases across Scotland. The Adult Protection Committee and the Critical Services Oversight Group have highlighted concern around this decrease. Work has happened to address this and numbers of Conferences have risen beyond this report, and will feature in next year's annual report.

Here in Scottish Borders we introduced a Vulnerable Young Persons Protocol for children and young people at significant risk of harm but who may not have a formal mental health diagnosis. This has been a proactive approach to supporting young people at risk of harm. In 2016 / 2017 we had 9 Adult VYP cases which may not have met Adult Protection thresholds but required a multi-agency response to risk and harm.

Large Scale Investigations

The Large Scale Investigation (LSI) process is designed to meet larger issues of harm in any care settings. Within this reporting period this type of harm has been specific to Care Home settings. The important figure is the number of Full LSIs. There have been no full new LSIs in this period. However we have had 3 subsequent meetings in this timeframe around cases which were potential LSIs but were managed through communication and agreed actions with the provider.

The refreshed LSI process now ensures that all information and assessment is gathered as part of a Professional Concerns meeting and this information is passed to the Chief Social Work Officer to enter or manage the risk by LSI or alternative means. This process is more balanced and proportionate and ensures that only genuine risk around large groups of adults qualifies for an LSI approach.

(Table 18)

Full LSI	0
LSI Reviews from existing cases	0

Significant Case & Incident Reviews (Table)

(Table 19)

ICR / SCRs in this period	3 ICRs & 1 SCR
Practice Reviews in this period	1

Adult Incident Case Reviews (ICRs) happen where there has been a death or a near miss of an adult with support needs or vulnerability. The outcome of an ICR should determine if a Significant Case Review (SCR) is warranted or whether the case has learning for all agencies. There were 3 Adult ICRs in 2016 / 2017 and one proceeded to full SCR.

One practice review was carried out within this period around two separate Self Directed Support cases. Practice reviews are reflective incidents where issues of unmet need provide learning as to how services can respond in more effective ways to risk.

Warrants and Protection Orders under Adult Support and Protection Act

(Table 20)

Removal Order	0
Assessment Order	0
Banning Order	1

There was 1 Protection Order granted in this annual year end of April 2016 to March 2017. This was a Temporary Banning Order under Adult Support and Protection (Scotland) 2007 Act. The alleged offender then received a custodial sentence for criminal activity and the risk was removed to the service user.

6. Advocacy and Client and Carer feedback

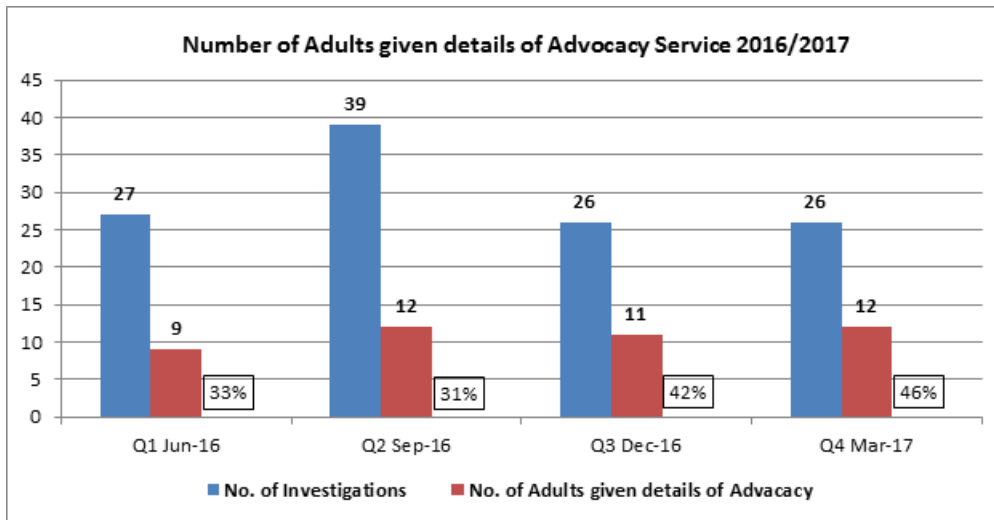


Table 21 above - Borders Independent Advocacy Service (BIAS) reports to APC on a quarterly basis regarding service users involved in the AP process referred to them for support. During this period BIAS received a small number of new referrals, and continued to work with an existing client base.

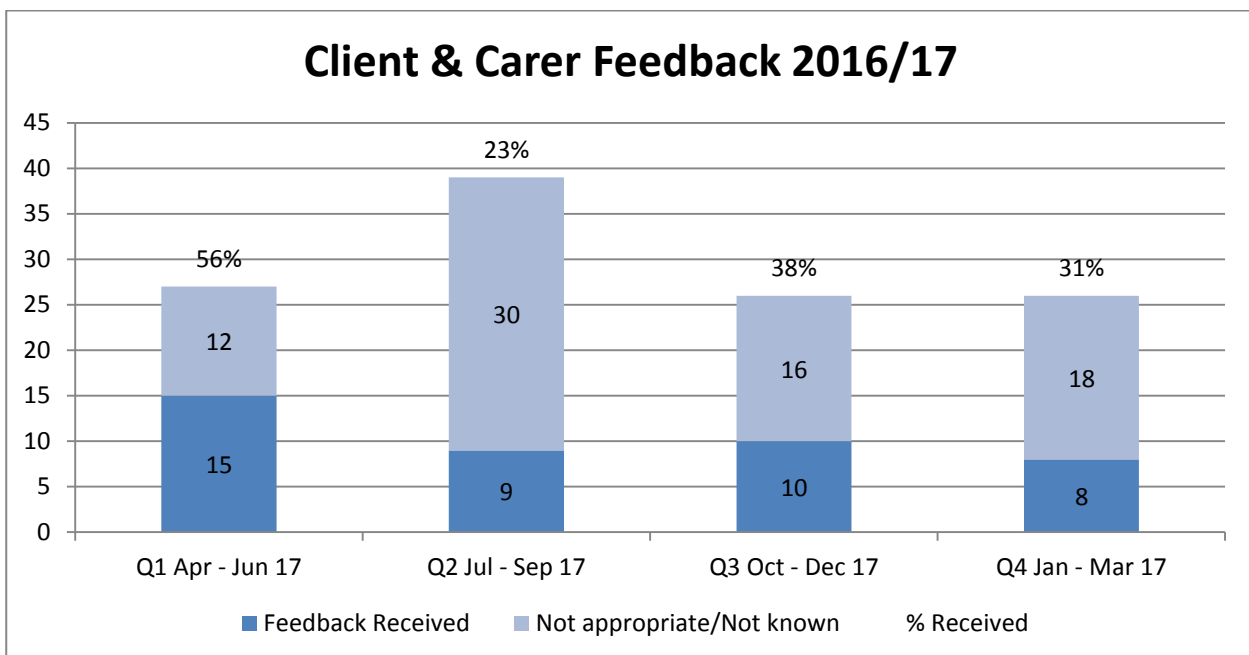
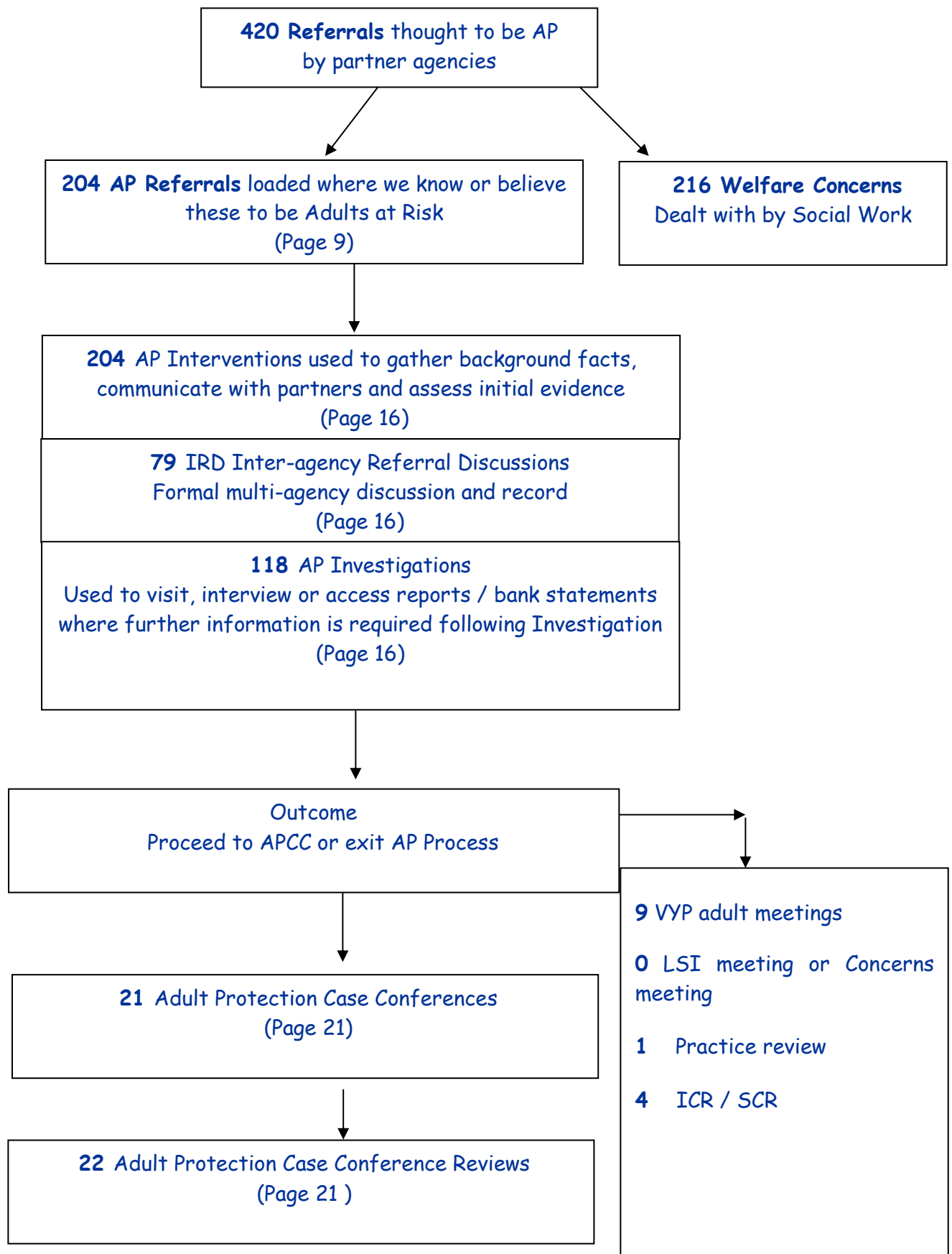


Table 22 above - A new addition to this report is the use of client and carer feedback at the end of investigations. Where any adult has been interviewed or had a visit under Adult Protection, the visiting Council Officer will seek permission from the adult, legal appointee or carer for feedback on their experience of the Adult Protection process. In future annual reports we aim to improve this feedback and use this to inform our Adult Protection practice.

7. Schematic Diagram demonstrating Adult Protection activity through the process (Table 23)



8. Commentary on Annual Activity

When we review the amount of welfare referrals to Scottish Borders we see a gradual increase year on year. Police Scotland continues to be proactive in highlighting both welfare and protection concerns as they come into contact with issues through their in role. Adult Protection referrals have been consistent over the last few years in Scottish Borders and appear stable. Not all concerns coming to Scottish Borders are met with an Adult Protection response; every concern is carefully screened and dealt with appropriately. Importantly there is an additional layer of scrutiny of Police Concern Forms to ensure the most critical cases are not missed.

Financial and Physical harm continue to be the two most prominent types of harm reported in Scottish Borders. We are a large rural location with a large population of adults over the age of 65 years. Many of these adults may have retirement packages or savings accrued in preparation of retirement. As technology continues to change and progress some older adults find it difficult to adjust as quickly as young people born in the 21st century. When we add cognitive impairment, disability, illness or mobility to older adults, their risk factors around harm increase, this is a local and national issue. Modern thieves can be clever, articulate and very creative in finding ways to exploit adults through financial harm.

Allegations of physical harm continue to be reported across service user groups and trends and patterns are monitored through chronologies and inter-agency communication. The Multi-agency Risk Assessment Conference (MARAC) and Violence Against Women Partnerships continue to do great work to highlight and tackle domestic abuse from a public protection approach. This process is part of Safer Communities and has cross over into Adult Support & Protection in applicable cases.

Although the under 65 group face the same challenges of physical and financial harm. Younger adults make use of social media and smart phone technology; they often have a broader network of relationships, friendships and associations. In some situations this has led to adults being befriended, targeted and harmed. Some of this harm is opportunistic and some is specifically targeted against someone's vulnerability. Case examples would include numerous visitors to an adult's home, to the point the home is overrun and anti-social behaviour or crime occurs. Adults with learning disability or mental health can be unable to safeguard, their home and property. They may need intervention of professionals to reset a healthy balance. Support agencies and professionals must continue to be vigilant to scams, mate/hate crime and relationships where healthy boundaries are compromised and where adults become Adults at Risk of harm.

The Vulnerable Young Persons Protocol (VYP) was a process which was created to span children and young people and to address significant risk of harm. This process does not take priority over Child or Adult Protection, but gives agencies a new process to address risk and harm, particularly where harm is serious but the criteria for Child or Adult protection is not met. The uptake of VYP meetings has increased significantly on last year: this is an encouraging uptake of a very creative support mechanism specifically for young people and risk.

Harm in care home settings continues to be both a local and national issue. We have a specialised Community Care Review Team and contracts department who work specifically with these challenges. In addition to this the Adult Protection Learning and Development group in Scottish

Borders continues to be proactive in meeting the training and staff development needs across all agencies and the third sector. The bespoke Adult Protection in Care Home training is a good example of adapting training to address the level of reported harm in private care home settings. This bespoke training was tailored to meet the needs of staff and managers separately and should help care providers to record and report more swiftly and work alongside the local authority and partners to deliver good safe outcomes for this client group.

9. Closing Statement

2016 / 2017 saw the Care Inspectorate undertake an inspection of older adult services in Scottish Borders including Adult Protection. The Care Inspectorate is the national regulator of Social Work services and care settings across Scotland. Further work is required in 2017 / 2018 to improve chronologies and evidence good risk management; Scottish Borders relishes the challenge to demonstrate the commitment and professionalism of its staff and partners in reducing and tackling harm.

More focus on quality assurance, increased audits and key performance indicators will continue to develop and be useful tools to benchmark progress around Adult Protection work and allow us to evidence progress as we move towards a further Adult Services Inspection later in 2018.

Last year will see more focus on client and carer feedback, and on how this feedback influences our practice and response to harm. An outcomes approach has been borrowed from English Safeguarding to ensure the adult is kept at the centre of an approach and that good risk management helps build better community capacity and resilience.

2017 /2018 may see a move away from the traditional single service approach linking in with partners to tackle risk from a public protection perspective. Instead of sole focus on the adult, there may be a move to an integrated multi-agency Public Protection Unit. This Unit will be collocated and view and manage risk from a family approach. Some complex cases have children, adults, substance misuse, domestic violence and mental health. By better use of services and more integrated approaches we can tackle multiple strands of harm more efficiently and more effectively. Multi-assessment screening hubs have been popular in England and Wales, and this may be one of the first operational Public Protection hubs in Scotland.

Keeping children, young people and adults safe is everyone's responsibility and I would encourage our communities to be vigilant and to report signs of harm. As a collective we can achieve safer outcomes for our residents and in our communities.

David Powell
Adult Protection Co-ordinator





SUPPLEMENTARY GUIDANCE RENEWABLE ENERGY

Report by Service Director Regulatory Services
SCOTTISH BORDERS COUNCIL

29 March 2018

1 PURPOSE AND SUMMARY

- 1.1 This report seeks the approval of Supplementary Guidance on Renewable Energy (Appendix 1).**
- 1.2 Scottish Borders Council Local Development Plan (LDP) was adopted on 12 May 2016. As recommended by the Directorate for Planning and Environmental Appeals following the Examination of the LDP, the LDP required the Council to produce Supplementary Guidance (SG) on Renewable Energy. The SG was approved by the Council on 22 December 2016 and was sent out for a 12 week public consultation.
- 1.3 The purpose of this report is to inform Members of the representations received following the public consultation and officers responses to the points raised.

2 RECOMMENDATIONS

- 2.1 I recommend that the Council:**
- a) Approves the Supplementary Guidance, as detailed in Appendix 1**
 - b) Note the representations received and responses within Appendix 2**
 - c) Note the Environmental Report**
 - d) Following Council approval agrees to forward the Supplementary Guidance to Scottish Ministers.**

3 BACKGROUND

- 3.1 National planning policy and guidance promotes and supports renewable energy to facilitate the transition to a low carbon economy. The Climate Change (Scotland) Act 2009 requires all public bodies to contribute to the emissions targets in the Act and to deliver the Government's climate change programme. The need to mitigate the causes of climate change and the need to adapt to its short and long term impacts should be taken into account in all decisions within the planning process. National Planning Framework 3 and Scottish Planning Policy (SPP) are supportive of promoting renewable energy and also identify the need to support other key sustainability principles of social, economic and environmental considerations.
- 3.2 Scottish Borders Council has been proactive in supporting a range of renewable energy types. In implementing statutory duties to support both renewable energy and protect the landscape and the environment, the Council seeks a balance between these objectives within the decision making process. This balance is particularly challenging when considering wind farm proposals. It is therefore vital that the Council has up to date Supplementary Guidance in place which takes cognisance of all relevant national and local policy advice and legislation in order that it can be used within the Development Management process and considered at Public Inquiries and Hearings.
- 3.3 Following the Examination of the proposed new Local Development Plan (LDP), as recommended by the Reporter, policy ED9 – Renewable Energy Development confirms Scottish Borders Council will produce this SG and submit it to Scottish Ministers within 12 months of the adoption of the new Plan.
- 3.4 Policy ED9 states that the SG will accord with Scottish Planning Policy (SPP) and should set out detailed policy considerations against which all proposals for wind energy and other forms of renewable energy will be assessed, based on those considerations set out in para 169 of SPP. The guidance on wind energy will contain the onshore spatial framework as required by SPP, identifying areas where wind farms will not be acceptable, areas of significant protection, areas with potential for wind farm development and indicating the minimum scale of onshore development that the framework applies to. The SG has taken cognisance of responses received during the public consultation.
- 3.5 At its meeting on 17 December 2015 the Council considered the Reporters' decision letter. Members ultimately agreed to accept the recommendations and the Plan was consequently referred to Scottish Ministers as part of the formal adoption process. Following formal adoption of the LDP work commenced on the production of the SG as required. As also agreed by Members on 17 December 2015 the Council wrote to the Chief Planner, Chief Reporter and the Chairman of the Planning Review Committee expressing serious concerns on the approach taken by the Reporter on Renewable Energy policy and Housing Land provision, and on the time taken to deliver the Examination Report. Following Council agreement work then commenced on the draft SG.

4 SUPPLEMENTARY GUIDANCE

- 4.1 The Council has existing Supplementary Planning Guidance (SPG) on Wind Energy 2011 and Renewable Energy 2007. Whilst these documents have given most useful guidance in practice, large parts of the documents are out of date. Consequently, it was agreed that this SG should be a single document which updates and encompasses both of the SPGs. The new SG is designed to be concise and easily navigated, making reference and expanding upon what are considered to be the salient matters to be addressed and giving electronic links to further information on specific subjects where required.
- 4.2 The SG makes reference to the requirements of National Planning Framework 3, SPP, the Strategic Development Plan 2013, the LDP and makes reference to other documents from a wide range of sources which are considered useful guidance for any interested party to refer to. The SG confirms that Scottish Borders Council supports the Scottish Government's promotion of sustainable development and moving towards a low carbon economy. The Council produced the Scottish Borders Low Carbon Economic Strategy 2023 in 2013 which sets out a series of strategic aims, initiatives and priority actions. The SG confirms the Council will continue to support renewable energy proposals within appropriate locations.
- 4.3 In terms of wind energy, the SG produces a spatial framework as required by SPP identifying areas where wind farms will not be acceptable, areas of significant protection and areas with potential for wind farm development. The SG incorporates an update of the Ironside Farrar Landscape Capacity and Cumulative Impact study July 2013 which was part of the formal consultation process. The study investigated the capacity of each of the Scottish Borders Landscape Character Areas to accommodate turbines taking cognisance of matters such as landform, approved turbines to date, impact on key receptors, the identification of opportunities and constraints and any cumulative impact issues. The SG also expands upon and gives useful guidance with regards to a number of Development Management considerations identified within both policy ED9 of the LDP and SPP.
- 4.4 Although wind energy is the main component part of the SG, reference is also given to a range of other types of renewable energy which are considered the most common and emerging types where useful guidance could be given. These other renewable energy types include micro-renewables including photovoltaic panels, field scale solar voltaics, biomass, energy from waste, anaerobic digestion, hydro and ground source heat pumps. For each of these energy types, reference is given to useful background information and good planning practice guidance.
- 4.5 An Environmental Report has been prepared alongside the draft SG. Hard copies of the Environmental Report and the SG, which includes the updated Ironside Farrar study, are available in the Member's Room. An Equalities Impact Assessment and Rural Proofing have also been undertaken.

4.6 The Council's recently adopted SG on Housing was subject to a Habitats Regulation Appraisal (HRA) in respect of the allocated housing sites. The HRA gave consideration to impacts and mitigation in respect of species and habitats within these formal allocations. However, this SG does not formally identify any definitive sites where turbines can or cannot be supported. Although a spatial framework has been produced as required by SPP which identifies areas where there is "potential for wind farms", these areas not definitive and consideration must also be given to the updated Ironside Farrar Landscape Capacity study 2016 which identifies only indicative site boundaries of where turbines may be able to be supported. Consequently an HRA cannot be provided in this instance nor indeed would produce any meaningful outputs. A screening opinion was produced by the Council which concluded this and Scottish Natural Heritage has agreed this stance. The screening opinion is incorporated within the Environmental Report. Obviously matters relating to any potential effects on habitats and species would be addressed on a case by case basis during the planning application process which would include reference to an accompanying Environmental Assessment.

5 PUBLIC CONSULTATION

5.1 Following approval of the draft SG at the meeting of the Council on 22 December 2016 the document was then sent out for a 12 week public consultation from 23 January to 17 April 2017. Following the public consultation period, a total of 33 responses were received from a range of bodies including the development industry, community councils and local interest groups. The responses covered a wide range of issues, often with many conflicting views, particularly on wind farms given the differing opinions on the subject. Summaries of the representations received and officer's consequent responses can be viewed in the responses table within Appendix 2 to this report. Appendix 2 confirms the representation issue and which party submitted it, the officer response and any consequent proposed amendments to the SG. Appendix 2 also includes comments received in response to the SEA.

5.2 A no of changes have been made to the SG following the public consultation. These include :

- An update of work regarding heat mapping as requested by Scottish Government.
- Safety issues regarding turbines and public routes will be considered on a case by case basis taking account of the status of the route, its condition and usage.
- More flexibility regarding decommissioning given the removal of roads and concrete bases of turbines may cause further environmental and biodiversity issues which have adapted and settled within the lifespan of turbines.
- Some minor amendments and further clarity on certain matters to the updated Ironside Farrar Landscape Capacity and Cumulative Impact Study 2016.
- Minor grammar changes, points made clearer, updated document references.

- Reference to the salient points within recently published Scottish Government documents in December 2017 on Onshore Wind Policy Statement and Scottish Energy Strategy : The Future of Energy in Scotland.

6 IMPLICATIONS

6.1 Financial

There are no substantive cost implications arising for the Council in respect of the Supplementary Guidance

6.2 Risk and Mitigations

As stated in para 3.3 the Council has a requirement to produce the SG following the Examination of the LDP, and therefore consideration of the risk of not providing the SG is not an option to be considered. Risk mitigation associated with the production of this SG are as follows :

- a) As detailed in Sections 5.1 and 5.2, part of the process of compiling this SG was the engagement with stakeholders through a public consultation to gather views on the proposed content. Comments were assessed and where appropriate the SG was amended. The full consultation is attached as Appendix 2 to this report and the transparency of this process mitigates the risk of failing to engage with stakeholders which could result in poor Guidance and opposition to the content of the Guidance after publication.
- b) The SG will be an up to date document which seeks to address the issues required by current national guidance which includes the development of an updated framework and the identification of a range of issues to be addressed by planning applications.
- c) If applications for wind turbines are refused by the Council in accordance with the SG, given the SG follows national planning guidance requirements this should strengthen the Council's position in terms of appeal decisions.
- d) The SG provides advice to applicants/developers on a wide range of issues, including good practice advice, giving applicants/developers a better awareness of all issues to be addressed within their application submissions.
- e) The SG should enable development management officers to provide clear guidance on wind farm related issues and considerations and process applications effectively and efficiently.

Although the SG suggests mitigation of risks associated with the development and planning process, Council should be aware that it is likely the parts of the SG will be challenged by third parties during the processing period of renewable energy planning applications.

6.3 Equalities

An Equalities Impact Assessment has been carried out on these proposals and it is anticipated that there are no adverse equality implications.

6.4 Acting Sustainably

- a) **Economic Growth**

The proposed will ensure economic benefits of renewable energy projects are acknowledged and given due weighting within the planning application decision making process.

b) **Social Cohesion**

The guidance contained within the SG identifies equal benefits across the Scottish Borders.

c) **Protection of the Environment**

The SG has been subject to environmental appraisal under the terms of the Environmental Assessment (Scotland) Act 2005. An Environmental Report has been prepared alongside the SG. The Environmental Report sets out a detailed assessment of the potential impacts of the proposals within the SG, and puts forward any necessary mitigation requirements.

6.5 **Carbon Management**

Any perceived carbon emission issues are identified within the SG and require necessary mitigation measures to be addressed.

6.6 **Rural Proofing**

The proposals within the SG have been subject to assessment, including rural impact.

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

There are no changes to be made.

7 CONSULTATION

7.1 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 have all been consulted and comments received have been incorporated into the final report.

Approved by

Brian Frater

Service Director, Regulatory Services

Signature

Author(s)

Name	Designation and Contact Number
Charles Johnston	Lead Planning Officer (Planning Policy and Access)

Background Papers:

- Full Council Committee Report, 22 December 2016

Previous Minute Reference: There had been circulated copies of a report by the Service Director Regulatory Services seeking approval of the draft Supplementary Guidance on Renewable Energy, a copy of which was appended to the report, as a basis for public consultation. The report explained that the Scottish Borders Council Local Development Plan (LDP) was adopted on 12 May 2016. As recommended by the Directorate for Planning and Environmental Appeals following the Examination of the LDP, the LDP required the Council to

produce Supplementary Guidance (SG) on Renewable Energy. A draft SG had now been produced that provided planning guidance on a wide range of renewable technologies. Although wind energy was the main component part of the SG, reference was also given to a range of other types of renewable energy which were considered the most common and emerging types where useful guidance could be given. It was proposed that the draft SG be approved for public consultation for a period of 12 weeks. Following public consultation, a report would be brought back to a future meeting of the Scottish Borders Council to seek final agreement. Once agreed the SG would be referred to Scottish Ministers and on approval it would become part of the Development Plan. It was noted that presentations on the Draft SG would be made at each of the Area Forums.

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, Environment and Infrastructure, Scottish Borders Council, Council Headquarters, Newtown St Boswells, Melrose, TD6 0SA, Tel 01835 825431, Fax 01835 825071, email eitranslationrequest@scotborders.gov.uk

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MARCH
2018

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SCOTTISH BORDERS COUNCIL
SUPPLEMENTARY GUIDANCE
RENEWABLE ENERGY



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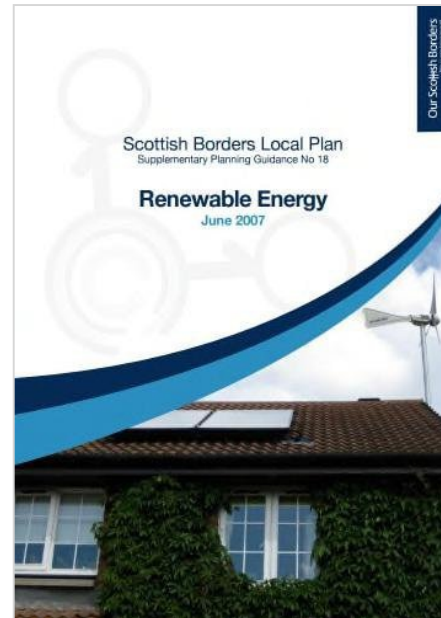
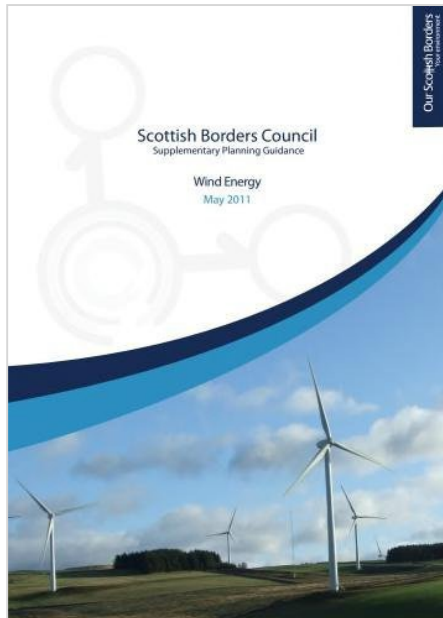
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CHAPTER 1: INTRODUCTION

This draft Supplementary Guidance (SG) entitled “Renewable Energy” encompasses updates of previous Supplementary Planning Guidance (SPG) on Wind Energy 2011 and Renewable Energy 2007 as a single document.

Following the Examination of the proposed new Local Development Plan (LDP), as recommended by the Reporter, policy ED9 – Renewable Energy Development confirms Scottish Borders Council will produce this SG and submit it to Scottish Ministers within 12 months of the adoption of the new Plan. The new Plan was adopted on 12th May 2016.

Policy ED9 states that the SG will accord with Scottish Planning Policy (SPP) and should set out detailed policy considerations against which all proposals for wind energy and other forms of renewable energy will be assessed, based on those considerations set out in para 169 of SPP. The guidance on wind energy will contain the onshore spatial framework as required by SPP, identifying areas where wind farms will not be acceptable, areas of significant protection, areas with potential for wind farm development and indicating the minimum scale of onshore development that the framework applies to. The SG has taken cognisance of responses received during the public consultation.



CHAPTER 2: BACKGROUND

National planning policy and guidance promotes and supports renewable energy to facilitate the transition to a low carbon economy. The Climate Change (Scotland) Act 2009 requires all public bodies to contribute to the emissions targets in the Act and to deliver the Government's climate change programme. The need to mitigate the causes of climate change and the need to adapt to its short and long term impacts should be taken into account in all decisions within the planning process.

National Planning Framework 3 and SPP are supportive of promoting renewable energy and also identify the need to support other key sustainability principles of social, economic and environmental considerations (see chapter 4).

Scottish Borders Council has been proactive in supporting a range of renewable energy types. In implementing statutory duties to support both renewable energy and protect the landscape and the environment, the Council seeks a balance between these objectives within the decision making process. This is particularly a more challenging balance with regards wind farms proposals. It is therefore vital that the Council has up to date Supplementary Guidance in place which takes cognisance of all relevant national and local policy advice and legislation in order that it can be used within the Development Management process and considered at Public Inquiries and Hearings.

This SG has been prepared under Part 2 of Town and Country Planning (Scotland) Act 1997, specifically Section 22 as amended by the Planning etc Scotland Act 2006 and will ultimately form part of the Development Plan for the Scottish Borders. It will have a status in decision making in line with section 25 of the Town and Country Planning (Scotland) Act 1997.

CHAPTER 3: AIM OF SUPPLEMENTARY GUIDANCE

This SG is considered to be concise and easily navigated, making reference and expanding upon what are considered to be the salient matters to be addressed and giving electronic links to further information on specific subjects where required.

This SG produces the following main key outputs in order to guide the Development Management process when dealing with applications for renewable energy:

- Guidance on Renewable Energy types (chapter 6)
- Spatial Framework relevant to consideration of wind energy proposals (chapter 7)
- Landscape Capacity Study relevant to wind energy proposals (chapter 8)
- Further guidance on criteria referenced within LDP policy ED9 – Renewable Energy Developments (chapter 8)

Wind farm proposals with a capacity below 50 megawatts (MW) are determined under planning legislation. Larger wind farms of 50MW or greater are determined under Section 36 of the Electricity Act 1989, in which case the Council as planning authority is a statutory consultee. The guidance in this SG applies to both categories of development i.e. above and below 50MW.

Further information on the procedures for applications governed by the Section 36 process can be found on the [Scottish Government website](#).

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CHAPTER 4: POLICY CONSIDERATIONS

NATIONAL POLICY

NATIONAL PLANNING FRAMEWORK 3 (NPF3)

[National Planning Framework 3](#) is a longer term spatial expression of the Government Economic Strategy. One of the principal thrusts of this strategy for Scotland is the promotion and support for increasing sustainable economic growth. It promotes renewable energy; expressing delivery targets to be achieved and recognises the need to support sustainability principles of protecting the landscape and the environment.

SCOTTISH PLANNING POLICY (SPP)

[Scottish Planning Policy](#) is supportive of renewable energy and identifies the requirement to promote key other sustainability principles of social, economic and environmental issues.

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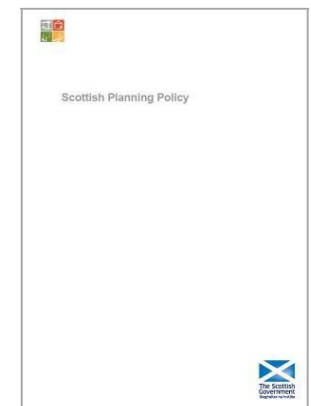
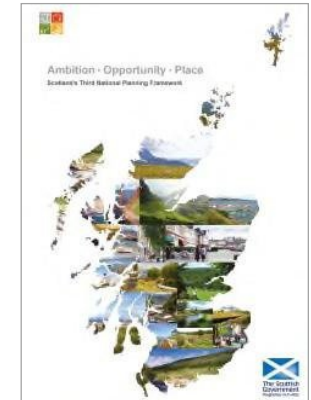
Paragraph 154 of SPP requires planning authorities, through their development plan,

- to support the development of a diverse range of electricity generation from renewable energy technologies - including the expansion of renewable energy generation capacity
- to guide development to appropriate locations and to advise on the issues that will be taken into account when specific proposals are being assessed

SPP seeks to ensure the full potential for renewable energy generation is achieved whilst at the same time giving due regard to environmental, community and cumulative impacts. SPP does not single out any sustainable types to have extra weighting over others. Para 28 states that the planning system should “achieve the right development in the right place: it is not to allow development at any cost”

Table 1 within SPP requires the preparation of a spatial framework. In essence this comprises of a sieving exercise of constraints, identifying areas where turbines will not be acceptable, areas of significant protection and ultimately identifying areas with potential for wind farm developments. This approach is set out in chapter 7 of this SG.

Paragraph 169 lists recognised material considerations to be addressed by Development Management with regards to energy infrastructure developments. Further guidance on these considerations is given in chapter 8 of the SG.



CHAPTER 4: POLICY CONSIDERATIONS

REGIONAL POLICY

STRATEGIC DEVELOPMENT PLAN 2013

Policy 10 – Sustainable Energy Technologies is a high level policy which states that the Strategic Development Plan seeks to promote sustainable energy sources. It requires that Local Development Plans will:

Set a framework for the encouragement of renewable energy proposals that aims to contribute towards achieving national targets for electricity and heat, taking into account relevant economic, social, environmental and transport considerations, to facilitate more decentralised patterns of energy generation and supply and to take account of the potential for developing heat networks.



LOCAL POLICY

SCOTTISH BORDERS ADOPTED LOCAL DEVELOPMENT PLAN 2016

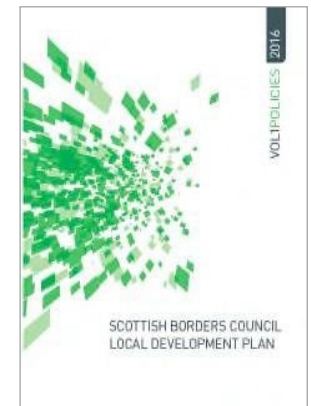
Renewable energy is a wide ranging subject and many LDP policies need to be considered during the application processing period. However, the most relevant is policy ED9 – Renewable Energy Development.

Policy ED9 in essence is supportive of a wide range of renewable energy types provided that there are no unacceptable significant adverse impacts or effects which cannot be mitigated. If there are then development will only be approved if the Council is satisfied that the wider economic, environmental and other benefits of the proposal outweigh the potential damage arising from it.

Throughout this SG rather than constantly refer to the lengthy phrase “unacceptable significant adverse impacts or effects” from policy ED9 each time it requires referral, the SG has shortened this phrase to “unacceptable impacts” for simplicity. **However, this does not diminish the fact that this is done solely for ease of text and is not being suggested as an alternative policy test.**

This SG provides additional detail and guidance to that referred to in policy ED9 in chapter 8.

The adopted LDP can be viewed at www.scotborders.gov.uk/ldp policy ED9 - Renewable Energy Development can viewed on pages 55 - 59 within Volume 1 - Policies.



CHAPTER 4: POLICY CONSIDERATIONS

OTHER CONSIDERATIONS

NATIONAL ENERGY TARGETS

[Scottish Planning Policy and Electricity Generation Policy Statement](#) sets out the Scottish Government's current position regarding renewables. Paragraph 154 of SPP states that the planning system should support the transformational change to a low carbon economy, consistent with national objectives and targets, including deriving:

- 30% of overall energy demand from renewable sources by 2020;
- 11% of heat demand from renewable sources by 2020; and
- the equivalent of 100% of electricity demand from renewable sources by 2020;

There is no cap on these targets and the Council must therefore continue to support renewable energy proposals within appropriate locations. Progress on renewables approvals and implementations can be viewed on the [Scottish Government's Energy Statistics for Scotland](#). (Please see reference to *Scottish Energy Strategy : the future of energy in Scotland* below regarding further updated energy targets).

SCOTTISH GOVERNMENT PUBLICATIONS DECEMBER 2017

Onshore Wind Policy Statement

This Statement confirms clear support for wind energy promoting the economic benefits it offers, helping to substantively decarbonise our electricity supplies, heat and transport systems, thereby boosting our economy, and meeting local and national demand. This needs developers and communities to work together to ensure that projects continue to strike the right balance between environmental impacts, local support, benefit, and – where possible – economic benefits deriving from community ownership. Indeed, securing economic benefit is an important objective to reward support for the industry within local communities. Achieving appropriate environmental protection means that the relevant planning and consenting processes must remain aligned with the policy context and desired outcomes. A major review of the Scottish planning system is well under way; it will continue, as now, to fully reflect the important role of renewable energy and energy infrastructure, in the right places and with appropriate protection for the environment. The Statement can be viewed on the following link - <http://www.gov.scot/Publications/2017/12/2064>

Scottish Energy Strategy : the future of energy in Scotland

Scotland's first Energy Strategy will strengthen the development of local energy, protect and empower consumers, and support Scotland's climate change ambitions while tackling poor energy provision. The strategy sets out two new energy targets for the Scottish Energy system by 2030. These are :

- The equivalent of 50% of the energy for Scotland's heat, transport and electricity consumption to be supplied from renewable sources.
- An increase by 30% in the productivity of energy use across the Scottish economy.

Built around the six energy priorities, this Strategy will guide the decisions that the Scottish Government, working with partner organisations, needs to make over the coming decades. The Strategy can be viewed on the following link - <http://www.gov.scot/Publications/2017/12/5661>

CHAPTER 4: POLICY CONSIDERATIONS

SOCIAL / ECONOMIC AND OTHER BENEFITS

When processing applications for renewable energy proposals consideration must be given to any social, economic or environmental benefits the proposal offers. These are material considerations to be taken into account and typical examples of such benefits can include:

- benefits derived from undertakings directly related to the development such as improved infrastructure
- wider socio- economic community benefits in terms of job creation, associated business and chain supply opportunities
- benefits derived from community ownership in the development. Further information on this can be viewed [here](#).

The Scottish Government's [Good Practice Principles for Community Benefits from Onshore Renewable Energy Developments 2015](#) confirms community benefits which are not material considerations. These include, for example:

- voluntary monetary payments to the community that are not related to anticipated impacts of the planning application usually provided via an annual cash sum, often referred to as a community benefit fund
- other voluntary benefits which the developer provides to the community (i.e. direct funding of projects, one-off funding, local energy discount scheme or any other site specific benefits)

Reference should also be made where necessary to the Scottish Government's Good Guidance practice in terms of shared ownership <https://consult.gov.scot/energy-and-climate-change-directorate/principles-for-shared-ownership-of-o/>

SCOTTISH BORDERS COUNCIL WEB PAGE ADVICE

The Council produces on line advice covering a wide range of guidance and documents for the interests and use of any interested party which is regularly updated. These include a windfarm database, maps of windfarm and turbine sites and screening and scoping opinions for wind development. Further details on this information and links to them can be found in Appendix A.

CHAPTER 5: ROLE OF THE COUNCIL

As stated in chapter 4 NPF3 and SPP confirm the requirement for Council's to support sustainable development and help attain national energy targets by approving renewable energy proposals within appropriate locations.

SCOTTISH BORDERS LOW CARBON ECONOMIC STRATEGY 2023 IN 2013

The Council supports the Scottish Government's promotion of sustainable development and moving towards a low carbon economy. The Council produced [Scottish Borders Low Carbon Economic Strategy 2023](#) in 2013 with its related Action Plan. The Strategy sets out a series of strategic aims, initiatives and priority actions.

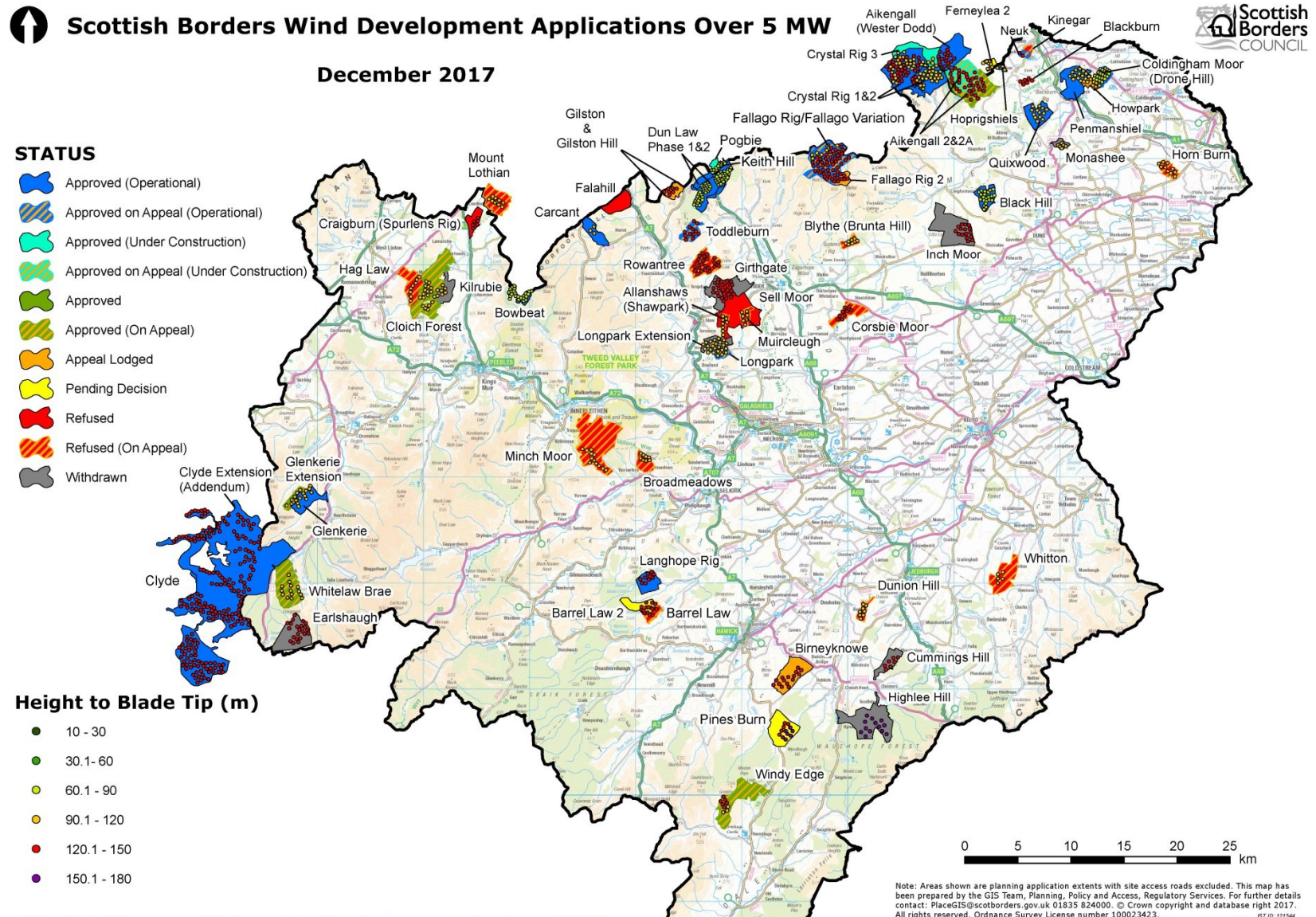
A vision for a Scottish Borders low carbon future has been developed based on consultation with stakeholders:

'By 2023 the Scottish Borders will have a more resilient low carbon economy. By supporting businesses and communities to reduce their carbon footprint our business competitiveness and quality of life will be improved.'

Page 160 SUPPORT OF RENEWABLE ENERGY PROPOSALS

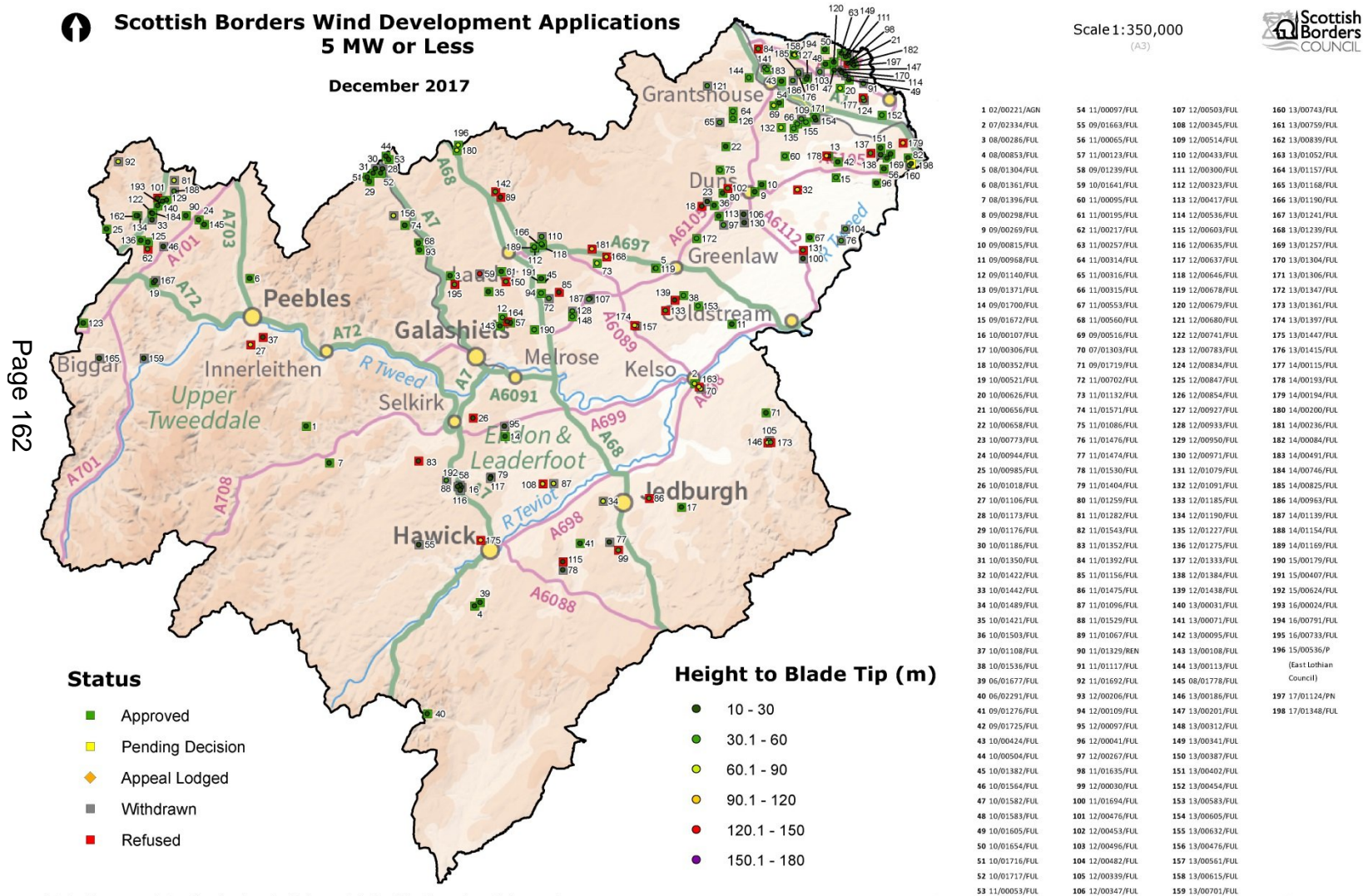
The Council has been proactive in supporting a high number of renewable energy proposals. The continuing development interest, extent and wide range of these approvals can be viewed on figures 1, 2 and 3. Figure 3 relates to more major applications for renewable energy types other than wind farms. The Council will continue to support renewable energy proposals within appropriate locations.

FIGURE 1: WIND ENERGY APPLICATIONS OVER 5MWs



CHAPTER 5: ROLE OF THE COUNCIL

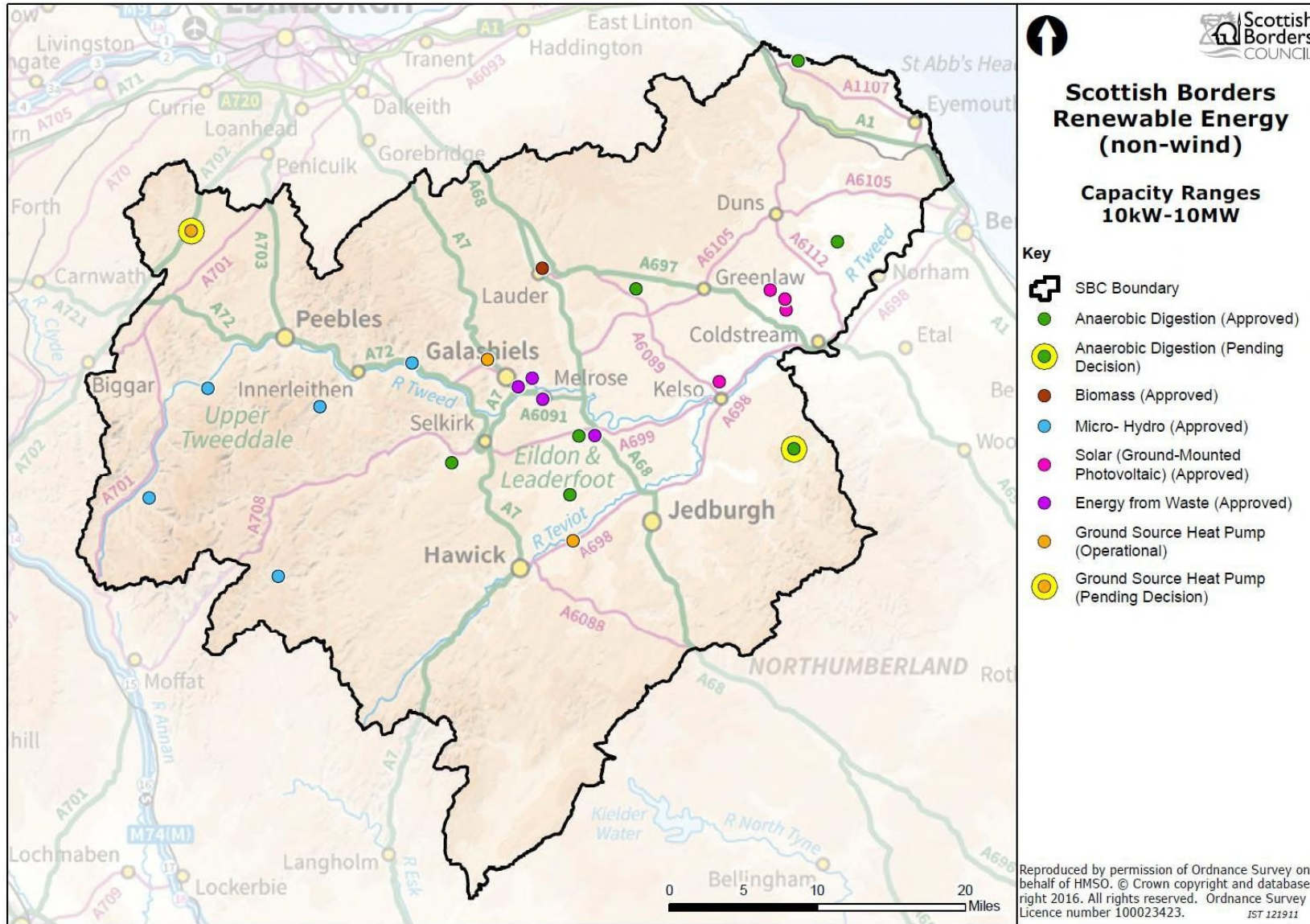
FIGURE 2: WIND ENERGY APPLICATIONS 5MWs OR LESS



Note: Locations are approximate and may have been altered to improve clarity. Specific locations can be provided on request. This map has been prepared by the GIS Team, Planning, Policy and Access, Regulatory Services. For further details contact: PlaceGIS@scotborders.gov.uk 01835 824000. Reproduced by permission of Ordnance Survey on behalf of HMSO. © Crown copyright and database right 2017. All rights reserved. Ordnance Survey Licence number 100023423.

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FIGURE 3: APPLICATIONS FOR OTHER TYPES OF RENEWABLE ENERGY



HEAT MAPPING

Introduction and Background to District Heating and Heat Networks

This part of the SG seeks to identify where heat networks, heat storage and energy centres exist or would be appropriate. The generation of heat from renewable sources and low-carbon technologies can help to reduce Scotland's dependence on fossil fuels and reduce the output of harmful emissions. The Scottish Government wishes Scotland to be able to produce 11% of heat demand from renewable sources by 2020. Its *Heat Policy Statement* provides a "Scottish Heat System" (see diagram) which aims to reduce the need for heat, enable heat to be supplied efficiently and at least cost to consumers, and use renewable and low carbon heat. The Council endorses the messages from the Scottish Government on ensuring the provision of environmentally sustainable methods to produce heat and some of the key methods are expanded on elsewhere in chapter 6, including biomass and anaerobic digestion. Further draft documents which include guidance on the provision of heat in Scotland have been produced by the Scottish Government including the *Scottish Energy Strategy* and the *Consultation on Heat & Energy Efficiency Strategies, and Regulation of District -Heating*. The Council will continue to develop opportunities for heat mapping, heat storage and energy centres.

District heating is a means of delivering heat from a point of generation to end users – homes, offices, leisure centres, and other users of heat. A district heating scheme generally consists of:

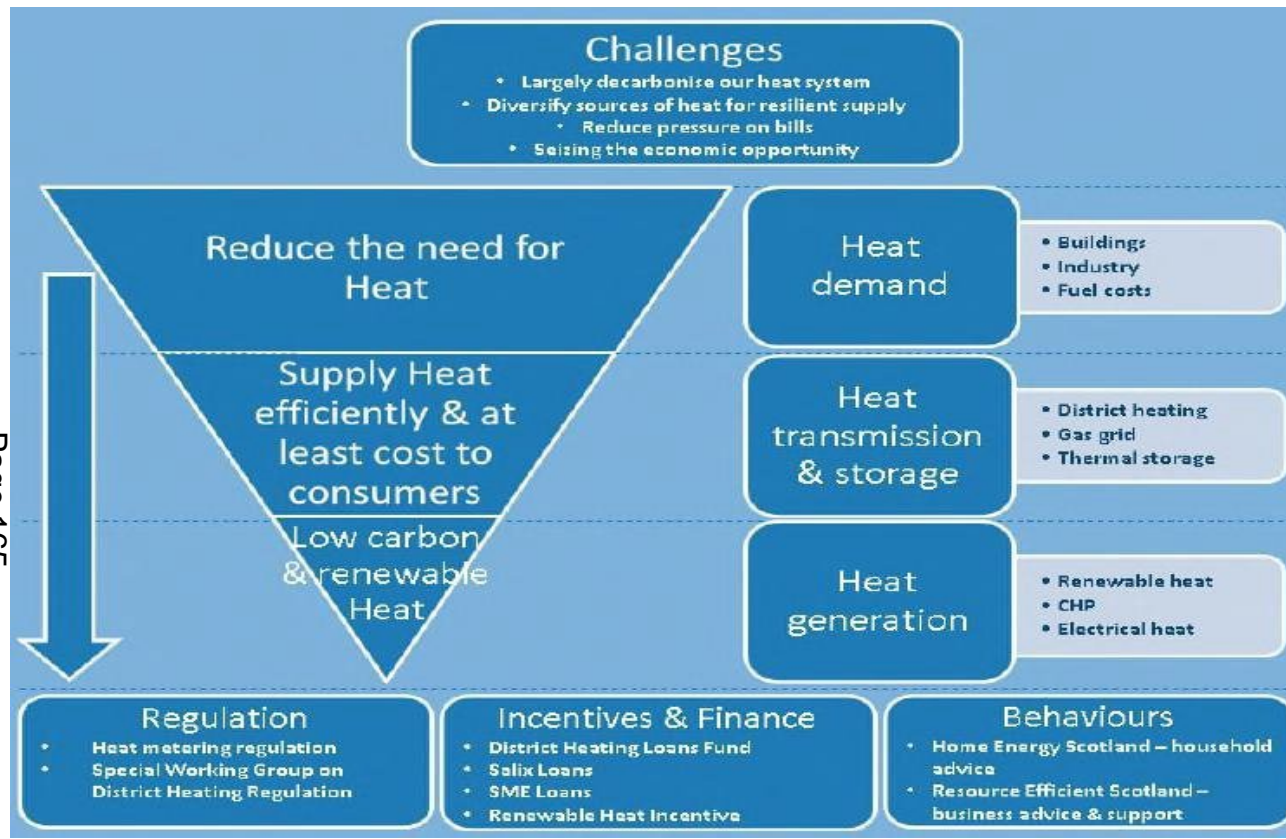
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- A heat source, often in the form of a dedicated central energy centre; and
- A network of insulated pipes used to deliver heat, in the form of water or steam. They provide efficient generation and distribution of heat, helping to secure a significant reduction in CO2 emissions in comparison to conventional heating approaches.

Paras 158-160 of SPP explain how plans should support use heat mapping to identify the potential for co-locating developments with a high heat demand with sources of heat supply, and create a number of planning policies which support the development of heat networks. Maps which show areas with the highest heat demand and potential sources of heat supply are shown on pages 16 and 17.

The Council will work towards identifying short, medium and longer term opportunities within development plans and actions programmes for Combined Heat and Power, district heating and cooling networks, and encourage development proposals to investigate the feasibility of district heating where appropriate. Opportunities for Scottish Borders Council, developers and existing businesses to install facilities or identify routes for pipework within development for future integration into heat networks should be identified in appropriate development proposals. It should be noted when reviewing this section of the SG that the physical implementation of the Council's heat networks is currently being progressed. The Council intends to expand further on its heat network guidance within the next Local Development Plan.

Scottish Heat System and Heat Hierarchy. Taken from the Scottish Government’s “Planning and Heat Demand”



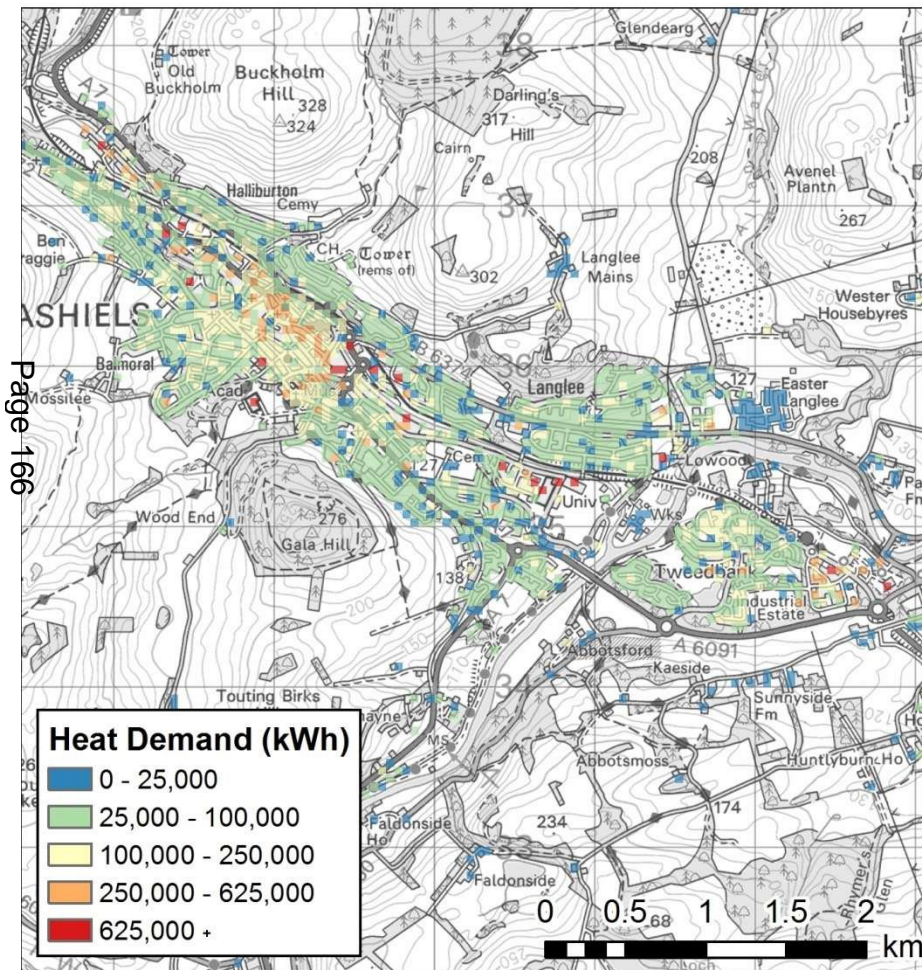
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Identifying where heat networks, heat storage and energy centres exist or would be appropriate

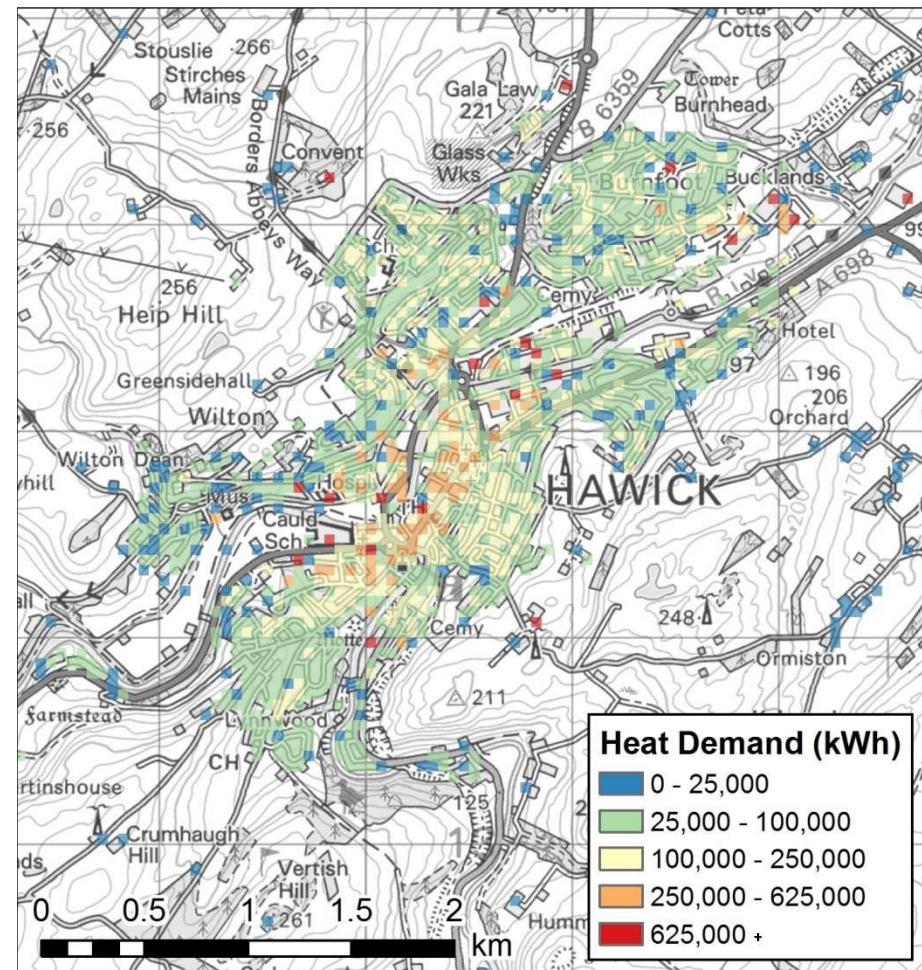
The Government encourages local authorities to identify the potential for co-locating developments with a high heat demand with sources of heat supply, to support the development of heat networks in as many locations as possible and to identify where heat networks, heat storage and energy centres exist or would be appropriate. The Scottish Government has provided digital mapping data for Councils to be able to locate places of high heat demand and supply, and the following maps have been created from this data. The Council can use this data and these maps to progress its identifying potential for new and extended heat networks.

Maps showing heat demand in Galashiels, Tweedbank and Hawick

Galashiels & Tweedbank Heat Demand (50 m grid)



Hawick Heat Demand (50 m grid)



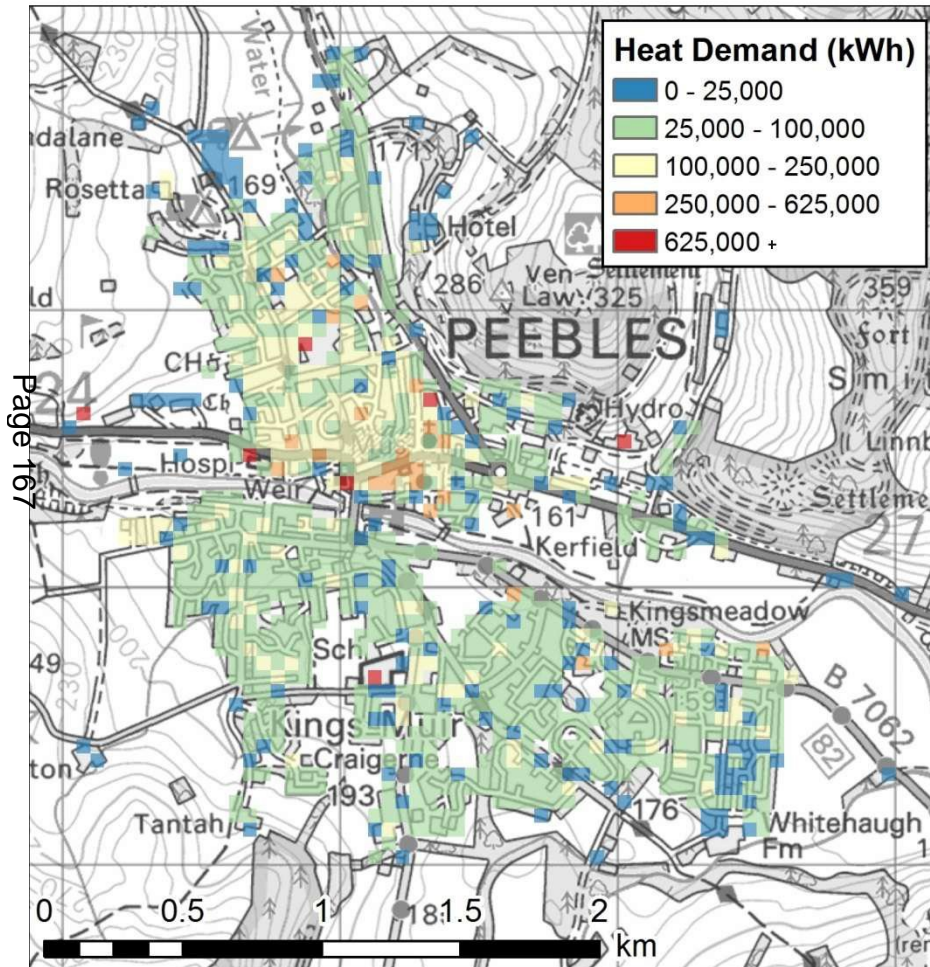
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CHAPTER 5: ROLE OF THE COUNCIL

Map showing heat demand in Peebles

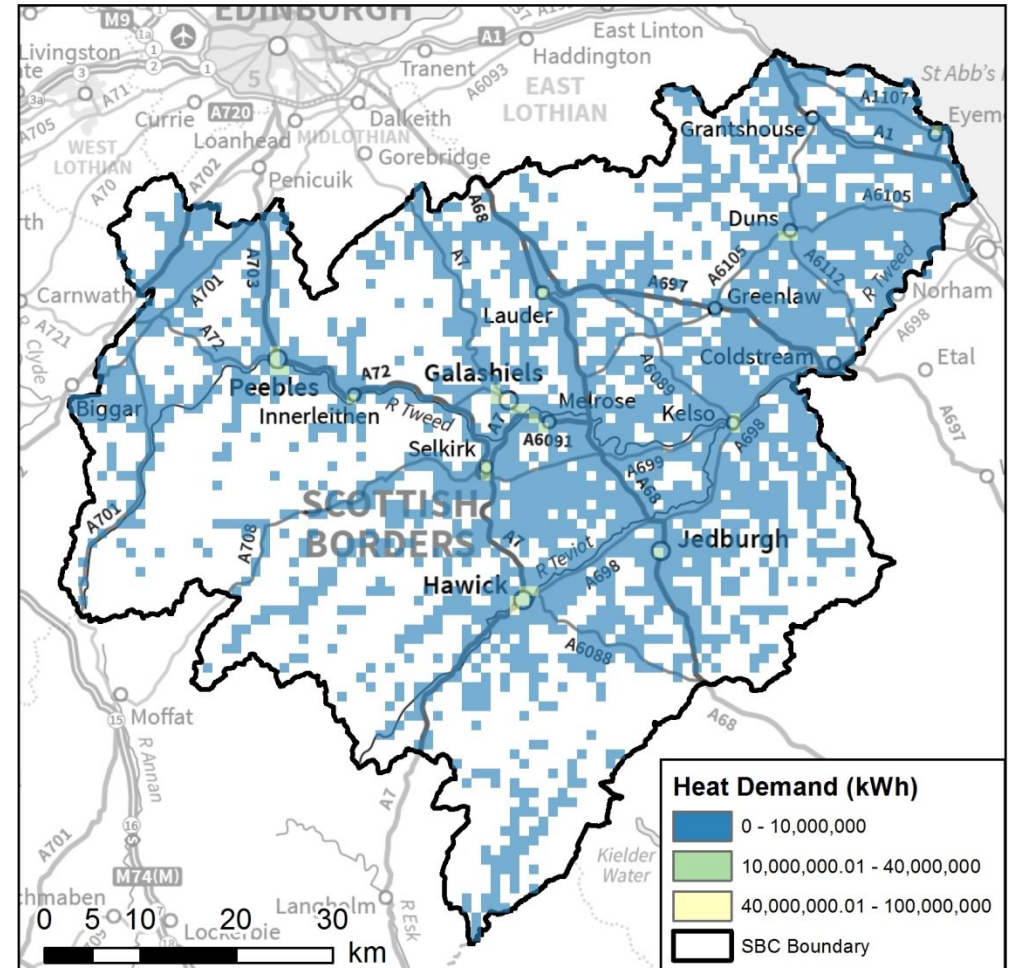
Peebles Heat Demand (50 m grid)



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Strategic map indicating heat demand within the Scottish Borders

Scottish Borders Heat Demand (1 km grid)

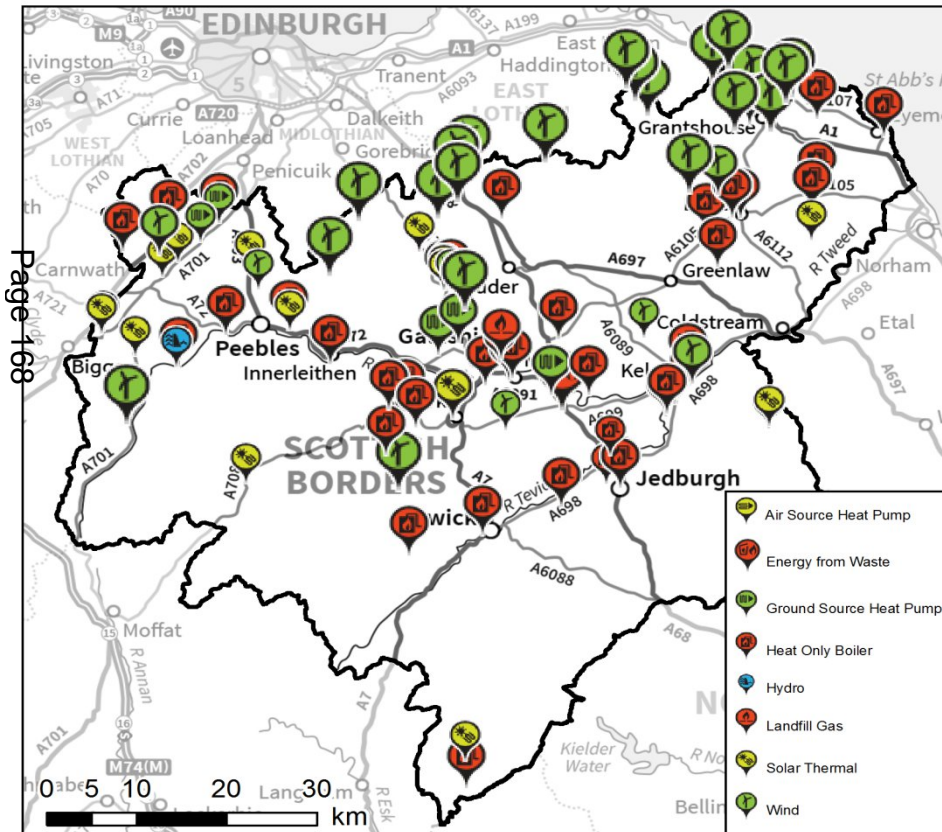


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CHAPTER 5: ROLE OF THE COUNCIL

The maps below show existing and potential energy supplies. The key existing energy supplies are air source heat pumps, biomass projects, onshore wind turbines, and solar thermal projects. Most of the potential energy supplies are onshore wind developments. There is also a biomass project at Greenlaw, and a number of possible Ground Source Heat Pump and Wastewater Effluent projects.

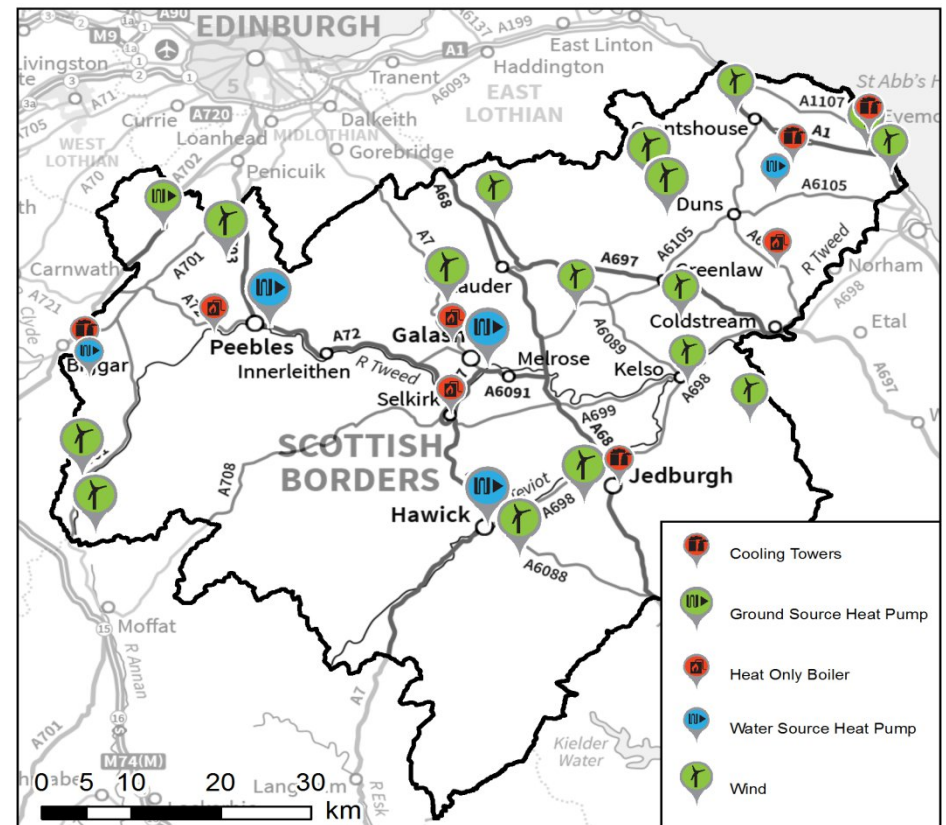
Scottish Borders Existing Energy Supplies



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Scottish Borders Potential Energy Supplies



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CHAPTER 6: RENEWABLE ENERGY TYPES

The Council remains supportive of a wide range of renewable energy and promotes and supports its Low Carbon Economic Strategy. The Council supports the development of heat networks and the effective use of renewables, and is taking forward work on heat mapping.

Proposals for all types of Renewable Energy will fundamentally be considered against the requirements of policy ED9. Policy ED9 makes reference to the consideration of Other Renewable Energy Development (i.e. proposals other than wind energy) stating that small scale or domestic renewable energy developments including community schemes, single turbines and micro-scale photovoltaic/solar panels will be encouraged where they can be satisfactorily accommodated into their surroundings in accordance with the protection of residential amenity and the historic and natural environment. Renewable technologies that require a countryside location such as the development of bio fuels, short crop rotation coppice, “biomass” or small scale hydro-power will be assessed against the relevant environmental protection and promotion policies, and other relevant policies in the local development plan. Waste to energy schemes involving human, farm and domestic waste will be assessed against Policy IS10 Waste Management Facilities.

There are a number of different types of renewable energy technologies and this part of the SG makes reference to some of the more common and emerging types, making reference to good practice procedures Development Management or any other interested party should consider. **Wind Energy proposals are referred to separately in chapters 7 and 8.**

MICRO-RENEWABLES INCLUDING SOLAR PHOTOVOLTAIC PANELS (PV)

Micro-renewables are generally defined as installations of less than 50kW (electrical) or less than 45kW (thermal) from renewable energy technologies which harness the power of wind, water, daylight/ sun to produce heat and electricity.

The generation of heat and/or electricity from micro-renewables may provide an attractive alternative to heating and powering homes etc. by oil and gas due to increasing fossil fuel prices. Microgeneration has a long history and the cost of purchasing micro-renewables is steadily declining.

Small scale wind energy developments include roof mounted turbines and free standing structures which are typically located within the curtilage of houses. Solar photovoltaic panels (PV) convert daylight into electricity and are available in a variety of colours and formats including roof tiles. Wall mounted cladding and free-standing solar PV arrays are also available. In essence water is heated by the sun using panels which is then stored in a hot water cylinder. The visually acceptable levels of roof/wall cover will vary with the technology. For example solar tiles, which have a similar appearance to traditional roof coverings, may cover a large percentage of the roof, whereas conventional flat plate collectors that look

similar to roof lights will generally need to cover a smaller area of the roof, particularly where they are installed in traditional tiled roofs. In order to operate most efficiently, solar PV cells should face as close to due south as possible to maximise the hours of sunlight they will receive during the day. In the UK panels should be mounted at an angle of about 30° to 40° from the horizontal although, practically, the existing roof pitch often governs the angle. Any siting chosen should be as free from shadow as possible. Solar cells do not need constant direct sunlight, and will still produce energy on even overcast days. However, the stronger the sunshine, the more electricity is produced. Similarly, the larger the area covered with solar cells, the more electricity is produced.



EXAMPLE OF SOLAR PHOTOVOLTAIC PANELS

CHAPTER 6: RENEWABLE ENERGY TYPES

In some cases micro renewable developments fall into the category of permitted development which means that the works will not require planning consent. This can be confirmed on the [Scottish Borders Council website](#). In terms of noise many domestic turbines are permitted development and do not require planning consent. Any consequent noise complaints would be investigated by the Council after installation and appropriate mitigation / abatement measures would be investigated at that stage on a case by case basis

For applications which may affect historic buildings, historic environment, monuments and sites, reference should be made to [Historic Scotland's guidance on micro renewables](#).

GOOD PLANNING PRACTICE FOR DOMESTIC SCALE PHOTOVOLTAICS:

- PV panels are less likely to be visible on valley roofs, double pitched roofs, roofs contained within parapets, low pitched roofs not easily seen from the street, flat roofs and platformed roofs
- Wherever possible solar panels should be flush with the roof and mounted at the same angle as the roof to minimise contrast
- Free standing arrays within garden ground are preferred to conspicuous roof locations

Most micro-renewable schemes are unlikely to have significant impacts on nature and landscapes, especially where they are located in built up areas. In some places however, the installation of micro-renewables could have an impact on protected areas and some species which are protected by law. In such instances reference should be made to the following SNH publication on [Micro-renewables and the natural heritage \(2009\)](#).

FIELD-SCALE SOLAR PHOTOVOLTAICS (PV)

Solar technologies are concerned with capturing energy from the sun. Field-scale solar PV is a relatively new renewable technology and proposals are likely to consist of groups of solar PV panels installed in 'arrays' of 18-20 panels with each PV panel typically able to generate 220 watts of electrical power.

Panels are dark in colour as a result of their non-reflective coating to maximise absorption of light. They are encased in an aluminium frame, supported by aluminium or steel stands mounted and secured either on pre-moulded concrete block 'anchors', or foundations. Some developments contain panels that can be manually rotated and/or tilted several times a year to enable the arrays to track the sun. The technology does exist to allow for automatic tracking, although this is rarer.



CHAPTER 6: RENEWABLE ENERGY TYPES

Panels are held at a fixed angle between 20-40 degrees from the horizontal, facing south to maximise absorption of energy from the sun. Arrays are sited in rows with intervening gaps between them for access and to ensure that the individual panels are not in the shade of another panel. The actual arrangement of the arrays within the landscape varies from scheme to scheme depending upon the site contours and orientation. The height of the racks of solar panels varies depending on the panel manufacturer and installer, but they tend to be between 2-4m off the ground. Grazing by some livestock is possible dependent on the height of the solar panels. This is a compatible form of land management, as it ensures that growing vegetation does not affect the efficiency of the panels, and allows for traditional rural land management to continue.

Field-scale solar PV installations can occupy substantial areas of ground which may be visible (particularly where sites are able to be viewed from adjacent higher ground) and therefore the following should be considered:



GOOD PLANNING PRACTICE FOR FIELD SCALE PHOTOVOLTAICS:

- Consideration to be given to inherent characteristics of landscape to absorb panels. Solar PV development should be located on flat landforms or on lower slopes/within folds in gently undulating lowland landscapes rather than on prominent upland landforms, highly visible slopes, or coastal headlands.
- Consideration to be given to impacts on sensitive receptors e.g. residencies, public roads, tourist routes, long distance footpaths and other Rights of Ways
- Landscape Management Plans to be submitted and agreed by Planning Authority
- A glint / glare assessment to be submitted with an application
- A more cautious approach to be taken within designated landscapes
- Developments should preferably be in landscapes where screening is already provided by woodland, hedgebanks or high hedges. Screen planting may be necessary to ensure the solar panels and associated infrastructure are screened from view. This has to be at sufficient distance to avoid casting shade over the peripheral panels.
- Avoid siting PV developments across multiple fields in areas with a small scale irregular field pattern that is important to landscape character
- Suitable materials (such as cladding of buildings) and finish colours should be used that integrate any new buildings with their surroundings
- Avoid adversely affecting areas of semi-natural habitat, and designated historic and archaeological sites directly or indirectly
- Proposals should not affect the character or setting of the built heritage
- Ensure that any PV developments do not detract from prominent landmarks. Avoid locating solar PV developments where they could be directly overlooked at close quarters from important or sensitive viewpoints
- Consideration to be given to any potential impacts regarding the detailed design of any required deer/securing fencing

Further guidance and good planning practice regarding large photovoltaic arrays can be found on the [Scottish Government website](#).

CHAPTER 6: RENEWABLE ENERGY TYPES

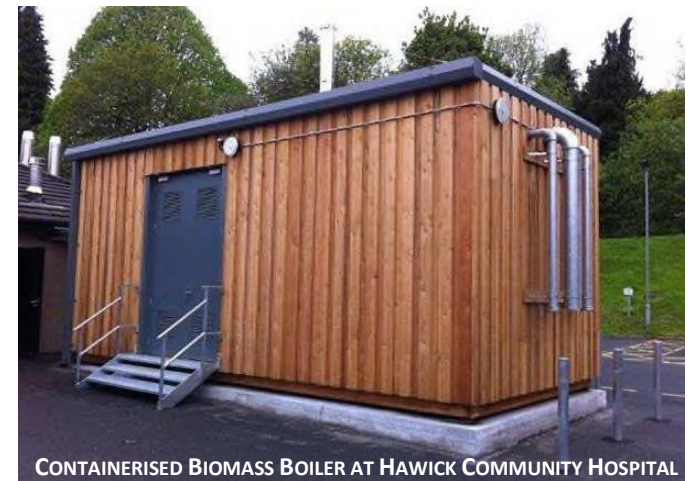
BIOMASS

Biomass is the generic term for organic matter from forestry or agricultural sources which is processed to form either solid or liquid fuel (e.g. wood chip / wood pellets, bio-diesel). Biomass is burnt to generate energy in domestic, public and commercial settings. The most common use of biomass is the direct burning of wood. Large biomass power stations require structures such as a furnace, generator and a transformer while the smallest installations consist of a wood burning stove. Smaller biomass developments tend to be sited near urban areas where the heat or electricity generated can be used, while larger biomass developments requiring more fuel need to be sited close to the fuel source – possibly in a rural area near a forest.

Correctly managed, biomass is a sustainable fuel that can offer a wide range of benefits. Biomass is a “carbon lean” fuel producing a fraction of the Carbon emissions of fossil fuels. UK sourced biomass can offer local business opportunities and support the rural economy. The establishment of local networks of production and usage allows financial and environmental costs of transport to be minimized.

There are likely to be three scales of biomass plants of relevance to the Scottish Borders:

- Small scale installations which have a capacity of up to 50kW used to heat single buildings. Organic matter of recent origin is burnt in a biomass furnace. In domestic situations this is usually wood or a forestry co-product such as wood chip or pellets. Biomass energy can be used to heat an individual house or flat using a stand-alone pellet stove to provide space heating in a room, or incorporate boilers connected to a central heating and hot water system. A biomass heating system can also connect to an existing chimney.
- Medium scale installations with a capacity of up to 2MW used to provide power for large commercial buildings and some district heating systems
- Commercial biomass power stations or large district heating systems



Smaller biomass installations may not require planning permission if they are to be accommodated inside a building, although it may be that parts of the installation do demand planning permission such as the flue or an external storage facility. Medium scale installations will usually require planning permission. Parts of the development which may require the most careful planning are the flue, the fuel storage area, and the transport and access needs. Large scale power stations or heating systems will need to be considered with regard to transport, landscape and build environment impacts as well as wider constraints and sensitivities. The re-use of wasted materials from the process should be considered.

Further Scottish Government on line advice on woody biomass can be found [here](#).

CHAPTER 6: RENEWABLE ENERGY TYPES

GOOD PLANNING PRACTICE FOR BIOMASS:

It is considered that when submitting an application for a biomass plant the following good practice guidance should be followed:

- Consideration to be given to the source and security of the supply of woodfuel
- Consideration to be given to the scale of the biomass plant and its impact on surrounding buildings, landscape and other land uses
- Proposals should not be sited in prominent locations where there is a significant visual impact, particularly from the flue, on key views or landmarks
- Consideration to be given to issues regarding transport and access for work traffic carrying fuel. Large applications may require a transport statement
- Proposals should have no unacceptable impact on the amenity of any surrounding residential areas, including noise impact
- Proposals should be integrated or adjacent to existing industrial areas or other buildings unless another location can be fully justified as the preferred option
- There should be appropriate management and storage of the biomass resource and proportionate harvesting of any wood resource - a Woodland Management Strategy must accompany any plans which make use of woodlands in the Borders as fuel
- Biomass plants can have adverse impacts on air quality. Levels of pollutants should be minimised through the use of best available technology, including abatement technology
- Suitable materials (such as cladding of buildings) and finish colours should be used that integrate structures with their surroundings
- Tree planting (using native species) that helps filter views of the biomass plant should be considered from key public vantage points. This may include tree planting at a distance from the biomass plant
- Proposals should not adversely affect the character and appearance of the built heritage
- Proposals should not affect the value of historic monuments, buildings, archaeological sites and remains or their settings, or the ecological value of semi-natural habitats
- Heat mapping should be referred to which can confirm the best locations for where district heating and heat networks might exist. (Note – the Council is currently progressing work on heat mapping).

ENERGY FROM WASTE

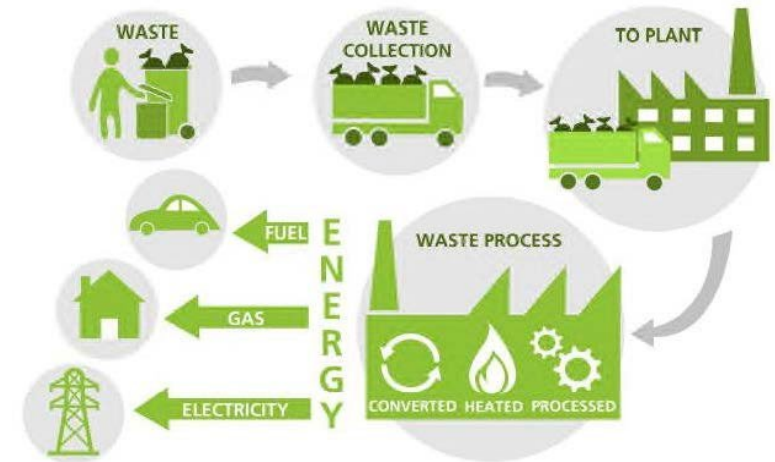
Energy from waste primarily involves the use of thermal processes to convert municipal and commercial waste streams to energy and heat. The [Zero Waste Plan](#) (ZWP) for Scotland sets out how Scotland can move towards being a zero waste society. This does not mean we never throw anything away, but that we make the most effective use of resources contained in waste. An important part of achieving a zero waste Scotland is maximising reuse and recycling. Actions must be taken to increase the quantity and quality of materials collected for recycling. Recycling materials must be sorted into separate streams to avoid contamination with other wastes and materials.

The planning system has a crucial role in delivering waste management facilities for all waste to ensure the objectives and targets of the ZWP are met. Moving to zero waste means more facilities will be required to collect, sort, reuse, recycle and process waste. There will also be opportunities to harness heat and power generated from waste recovery processes.

CHAPTER 6: RENEWABLE ENERGY TYPES

The [Waste \(Scotland\) Regulations 2012](#) provide a statutory framework to maximise the quantity and quality of materials available for recycling and to minimise the need for residual waste infrastructure. Good practice supporting that goal and the sustainability principles of SPP will secure new ways of capturing the economic value of waste resources.

The Scottish Government published updated [online guidance](#) for planning and waste management in July 2015. Proposals must comply with SEPA's Thermal Treatment of Waste Guidelines (http://www.sepa.org.uk/media/28983/thermal-treatment-of-waste-guidelines_2014.pdf) and the National Waste Plan for Scotland Regulations 2007 can be viewed [here](#). Authorisation from SEPA for an EfW plant is also required (see guidelines <http://www.sepa.org.uk/regulations/waste/energy-from-waste/>)



SIMPLIFIED DIAGRAM SHOWING PROCESS OF PRODUCING ENERGY FROM WASTE

GOOD PLANNING PRACTICE FOR ENERGY FROM WASTE

- Buildings should be located as close to the waste resource as possible
- Installations should not be sited in prominent locations or on exposed skylines. Existing landmarks should remain prominent and installations should not detract from views to these landmarks
- Proposals should not affect the value of historic monuments, buildings, archaeological sites and remains or their settings, or the ecological value of semi-natural habitats
- Suitable materials (such as cladding of buildings) and finish colours should be used that integrate structures with their surroundings
- Tree planting (using native species) that helps filter views of the plant should be considered from key public vantage points
- Measures should be taken to minimise any visual, odour and noise impacts on local residents associated with the operation of the plant and delivery of feedstocks
- Consideration to be given to the suitability of local access roads to adequately accommodate large scale delivery / service vehicles

ANAEROBIC DIGESTION

Anaerobic digestion (AD) is a method of waste treatment that can either produce a biogas with high methane content or, following a similar process, produces hydrogen, both from organic materials such as organic agricultural, household and industrial wastes and sewage sludge (feedstocks). The methane or hydrogen can be used to produce heat, electricity, or a combination of the two. Alternatively hydrogen can be used for storage of energy in hydrogen cells or as a medium for transporting energy for use elsewhere.

CHAPTER 6: RENEWABLE ENERGY TYPES

Anaerobic digesters utilising farm and food wastes bring considerable benefits. They convert methane, a significant greenhouse gas and a major by-product of animal slurries from livestock farming and anaerobic decomposition of food waste, into energy (electricity and heat). They make a significant contribution to reducing greenhouse gas emissions, both by reducing the quantities of methane released into the atmosphere, and by providing a low carbon energy source that substitutes for energy generated from fossil fuels.

An AD plant typically consists of a digester tank, buildings to house ancillary equipment, a biogas storage tank and a flare stack (3 – 10m in height). The digester tank is usually cylindrical or egg-shaped, its size being determined by the projected volume and nature of the waste. It can be part buried in the ground.

There are likely to be three scales of anaerobic digestion plant of relevance to the Scottish Borders:

- Small scale plants dealing with the waste from a single farm (generating in the region of 10kW) with the biogas potentially used to heat the farmhouse and other farm buildings in the winter when farm wastes are available
- A medium-sized centralised facility (CAD) dealing with wastes from several farms supplemented by other feedstocks and potentially producing up to 2MW
- A large scale facility serving a broader strategic purpose

Planning permission is likely to be required for all anaerobic digestion plant installations. It will be incumbent upon potential developers to liaise with the Planning Authority to establish whether any such planning application will need to be accompanied by an Environmental Statement and/or whether an Environmental Impact Assessment will be required.

Small-scale AD plants and those dealing with wastes from one or two farms offer significant potential for the generation of electricity and heat within Scottish Borders. Provided digesters are integrated into the existing farm complex, or building groups, and natural screening is provided where appropriate, small digesters can be incorporated into the wider landscape and should not conflict with the Local Development Plan objectives.

Larger digesters, shared between a number of farms, or located to provide heat and energy to groups of houses, will need to be considered in terms of traffic movements and the potential impacts on landscape and the built environment.

Large commercial AD plants may be acceptable within Scottish Borders, but this will depend mainly on site specific and wider constraints and sensitivities, therefore potential developers are advised to make early contact with the Development Management Service to discuss whether any such potential may be available.

One of the main issues to be addressed are the consideration of possible impacts of nearby residential properties in terms of odour and noise. It is advised that applicants contact SEPA and the Council's Environmental Health section to discuss requirements to be addressed and mitigated. Any proposed AD within 250m of a residence may require more rigorous



CHAPTER 6: RENEWABLE ENERGY TYPES

testing issues although that will be considered on a case by case basis. There may be a need for an AD plant to obtain authorisation from SEPA and the biogas produced from AD plants requires to comply with SEPA's The Thermal Treatment of Waste Guidelines 2014 (see http://www.sepa.org.uk/media/28983/thermal-treatment-of-waste-guidelines_2014.pdf)

It is considered that when submitting an application for an anaerobic digestion plant the following good practice guidance should be followed:

- Buildings should be located as close to the waste resource as possible
- They should be integrated within or be adjacent to existing buildings or farmsteads
- The digester tank should be part buried in the ground
- Installations should not be sited in prominent locations or on exposed skylines – the flare stack can be prominent
- Existing landmarks should remain prominent and installations should not detract from views to these landmarks
- Proposals should not affect the value of historic monuments, buildings, archaeological sites and remains or their settings, or the ecological value of semi-natural habitats
- Suitable materials (such as cladding of buildings) and finish colours should be used that integrate structures with their surroundings
- Tree planting (using native species) that helps filter views of the AD plant should be considered from key public vantage points
- Measures should be taken to minimise any visual, odour and noise impacts on local residents associated with the operation of the plant and delivery of feedstocks
- Consideration to be given to the suitability of local access roads to adequately accommodate large scale delivery / service vehicles

Planning authorities role in dealing with proposals for AD plants are set out in [Scotland's Zero Waste Plan 2011](#). Further information regarding anaerobic digestion and related guidance and good planning principals can be found on the [Scottish Government website](#).

HYDROPOWER

Hydropower systems convert potential energy stored in water to turn a turbine to produce electricity. They can be connected to the main electricity grid or be part of a stand-alone (off-grid) power system. The end user (or grid connection point) needs to be close to the hydropower system, and for an off-grid hydro system, a back-up power system may be needed to compensate for seasonal variations in water flow.

Hydro power schemes can be a variety of scales and are very site specific, reliant entirely on having a suitable watercourse. The suitability of a watercourse is determined by the average flow rate, the available 'head' (often closely linked to gradient) and the accessibility to an end user and a national grid connection where relevant. The greater the head and flow, the more power can be produced. Without all of the above it is very unlikely that a hydro scheme would be viable.

The [Scottish Hydropower Resource Study](#) produced for the Forum for Renewable Energy Development



CHAPTER 6: RENEWABLE ENERGY TYPES

in Scotland (FREDS) in autumn 2008, found that there is huge untapped potential - and a sustainable and profitable future - in smaller and micro hydro schemes. It suggests that there are financially viable hydroelectricity schemes to exploit in Scotland.

Environmental considerations need to be addressed in terms of, for example, any impacts on the water environment including the disruption to any water flows, potential flood risk, disturbance of aquatic species and the consideration of impacts on riparian habitats. In terms of any larger scale hydro schemes consideration should be given to any adverse visual impacts on the environment particularly in the case of steeply sloping sites. Hydropower schemes require authorisation from SEPA and guidance can be found on the following link - <http://www.sepa.org.uk/media/136104/planning-guidance-on-hydropower-developments.pdf>

The Scottish Borders has traditionally many towns which were built around mills next to water courses. It is considered the opportunity to utilise this resource should be maximised where possible. The majority of small hydro schemes within the Scottish Borders are likely to be 'run-of-the river' where water is taken from a river from behind a low weir, with no facilities for water storage and returned to the same water course after passing through the turbine. Many of the larger tributaries and main watercourses within Scottish Borders are designated as part of the River Tweed SAC, parts of which are also designated as SSSI. In assessing impacts, connectivity to the protected areas (SAC) including via non-designated watercourses, needs to be considered.

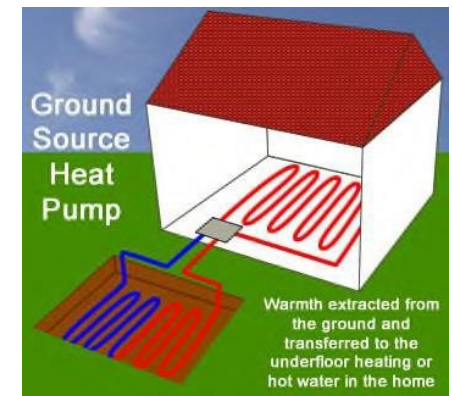
GOOD PLANNING PRACTICE FOR HYDROPOWER

- Ensure any potential impacts on water courses are addressed including protected areas, the ecological interest and protected species. Further guidance is available from [SNH](#) and [SEPA](#)
- Consideration to be given to potential noise and visual impact
- Consideration to be given to any potential implications and conflicts with any recreation and access issues
- A Flood Risk Assessment is likely to be required
- An Environmental Assessment is likely to be required

GROUND SOURCE HEAT PUMPS

Ground source heat pumps transfer heat from the ground into a building to provide space heating and, in some cases, to pre-heat domestic hot water. This transfer requires an energy input (usually electricity) generating a far greater output (usually heat). They consist of a length of pipe filled with water (and anti-freeze) which is buried underground (either in a trench or borehole) and a heat pump which acts like a refrigerator and removes the heat from the water and converts it into heat and hot water. The heat distribution system consists of either an underfloor heating system or radiators for space heating, and in some cases water storage for hot water supply. Water source heat pumps are also available. Some heat pumps may also be used to provide both heating and cooling.

Ground source heat pumps may not be suitable for every building. Most systems feature pipes laid in a trench, as trenches are often cheaper to dig than boreholes. For a trench system a large amount of land is required, although the land can be returned to its previous use



CHAPTER 6: RENEWABLE ENERGY TYPES

or be landscaped following installation of the pipes. A borehole system will need less land area, but may be more expensive to install, and may not be suitable for every site. Obviously trenches and boreholes must avoid any underground services, and the underlying geology may also be a factor. Consent may be needed from SEPA for a borehole ground source heat pump and SEPA should be contacted at an early stage.

GOOD PLANNING PRACTICE FOR GROUND SOURCE HEAT PUMPS

- Consideration to ensure trenching works or boreholes have no adverse impact on any ecological or archaeological site without ensuring adequate mitigation (PAN 2/2011 Planning and Archaeology allows for objection to permitted development and also the potential for stop notices, if archaeology will be impacted)
- Ensure the pipe is free from the threat of any future development
- If the property is within a conservation area or is listed the planning authority should be contacted in order to confirm if any formal consents are required
- Ensure the pipe system will not affect any public access on land or water
- The excavation works should have no impacts on any water course

CHAPTER 7: WIND ENERGY

Parts of the Scottish Borders, particularly the upland areas where the landscape offers better wind speed opportunities for turbines, have enabled a number of approvals. To date there have been 510 no approved turbines of over 15m in height to blade tip and these turbines have the potential to generate 832MW of energy.

Many of the larger scale commercial approvals have taken place in the Lammermuir Hills within the northern part of the Scottish Borders, predominantly at Crystal Rig, Aikengall and Fallago Rig. There have been several approvals within the Moorfoot Hills at Dun Law and development interest continues in the area to the south in the vicinity of Lauder Common. There is now developer interest in the southern part of the Scottish Borders and it is envisaged further applications will be submitted for large scale developments within that area. There have been a number of smaller scale non-commercial proposals for single and small groups of turbines. This is particularly prevalent within Berwickshire. As a result of these approvals cumulative impact is a significant issue to be considered, including proposals in the extreme west of the Scottish Borders where cognisance must be given to the extensive turbine development in the Clyde Valley. Figures 1, 2 and 3 confirm the continuing interest in wind farms proposals and the high number of approvals within the Scottish Borders.



SPATIAL FRAMEWORK

With regards to wind farms, the spatial framework as laid down in table 1 of SPP in essence seeks to identify areas where wind farms will not be acceptable, areas which have significant protection and areas which have potential. The spatial framework relates to wind farm proposals and is a requirement for this SG. Table 1 requires identification of the following parts:

FIGURE 4: SPATIAL FRAMEWORK REQUIREMENTS AS PER SPP

Group 1 : Area where windfarms will not be acceptable:		
National Parks and National Scenic Areas		
Group 2 : Areas of Significant Protection:		
Recognising the need for significant protection, in these areas wind farms may be appropriate in some circumstances. Further consideration will be required to demonstrate that any significant effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation		
National and International Designations	Other nationally important mapped environmental interests	Community separation for consideration of visual impact
<ul style="list-style-type: none"> • World Heritage Sites • Natura 2000 and RAMSAR sites • Sites of Special Scientific Interest • National Nature Reserves • Sites identified in the Inventory of Gardens and Designed Landscapes • Sites identified in the Inventory of Historic Battlefields 	<ul style="list-style-type: none"> • Areas of wild land as shown on the 2014 SNH map of wild land areas • Carbon rich soils, deep peat and priority peatland habitat 	<ul style="list-style-type: none"> • An area not exceeding 2km around cities, towns and villages identified on the local development plan with an identified settlement envelope or edge. The extent of the area will be determined by the planning authority based on landform and other features which restrict views out from the settlement
Group 3 : Areas with potential for wind farm development:		
Beyond groups 1 and 2, wind farms are likely to be acceptable, subject to detailed consideration against identified policy criteria		

CHAPTER 7: WIND ENERGY

With regards to the Scottish Borders the requirements of the spatial framework can be summarised as follows and the relevant component parts for each part are identified in figure 5.

GROUP 1 - AREAS WHERE WIND FARMS WILL NOT BE ACCEPTABLE

There are no National Parks within the Scottish Borders and therefore the only recognised constraints within this group are the National Scenic Areas at Eildon & Leaderfoot and Upper Tweeddale. These are identified in fig 5 (i).

GROUP 2 - AREAS OF SIGNIFICANT PROTECTION

The spatial framework requires the identification of the “National and International Designations” and these have been incorporated into fig 5 (ii). “Other Nationally Important Mapped Environmental Interests” have been identified and incorporated into fig 5(iii).

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The identification of “Community Separation for consideration of Visual Impact” raises a number of practical issues. In the case of the Scottish Borders there are 88no identified settlements within the adopted LDP 2016. This presents a major exercise to be carried out for each of these settlements, bearing in mind factors such as the variable topography within many of these settlements and the consequent variations of views over a 2km area, the implications of different turbine types and sizes which should be addressed and confirming what proportion or part of a turbine may be acceptable to view within the 2km distance.

Furthermore, whatever the output proposals are for each settlement, in practice if any developer wished to propose turbines within 2kms of a settlement they would produce more detailed site specific visualisations in relation to their proposal in any event. It is therefore considered a more appropriate means of addressing this issue is to identify the 2km as required by the spatial framework around all recognised LDP settlements and test any applications against the following:

AS RECOGNISED BY SPP A 2KM AREA AROUND SETTLEMENTS IDENTIFIED WITHIN THE LDP IS A MORE SENSITIVE AREA FOR WIND TURBINES AND THE CONSIDERATION OF TURBINES WITHIN THESE AREAS SHOULD BE JUDGED IN TERMS OF CONSIDERING ANY POTENTIAL ADVERSE IMPACTS ON RESIDENTS WITHIN THE 2KM DISTANCE. APPLICANTS ARE REQUIRED TO DEMONSTRATE THE ACCEPTABILITY OF SUCH PROPOSALS WITH ANY MITIGATION MEASURES REQUIRED.

The 2km sensitivity areas identified around all LDP settlements are shown in figure 5 (iv).

CHAPTER 7: WIND ENERGY

Having carried out the sieving exercise of the identification of constraints as required by SPP and identified within figures 4 and 5, figure 6 confirms the remaining areas as Group 3 – Areas with Potential for Wind Farm Development. Consequently **figure 6 sets out the Spatial Framework**. The spatial framework applies to all turbines which exceed 15m in height. The spatial framework is an important initial starting point to be considered for all wind turbine proposals which exceed the aforesaid height.

FIGURE 5: SPATIAL FRAMEWORK COMPONENT PARTS

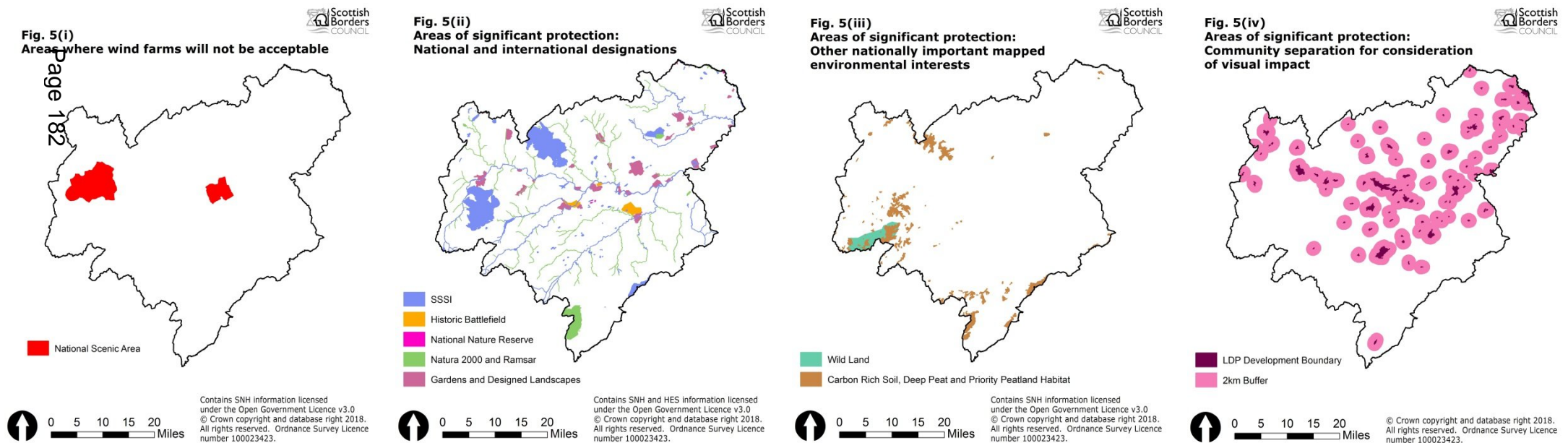
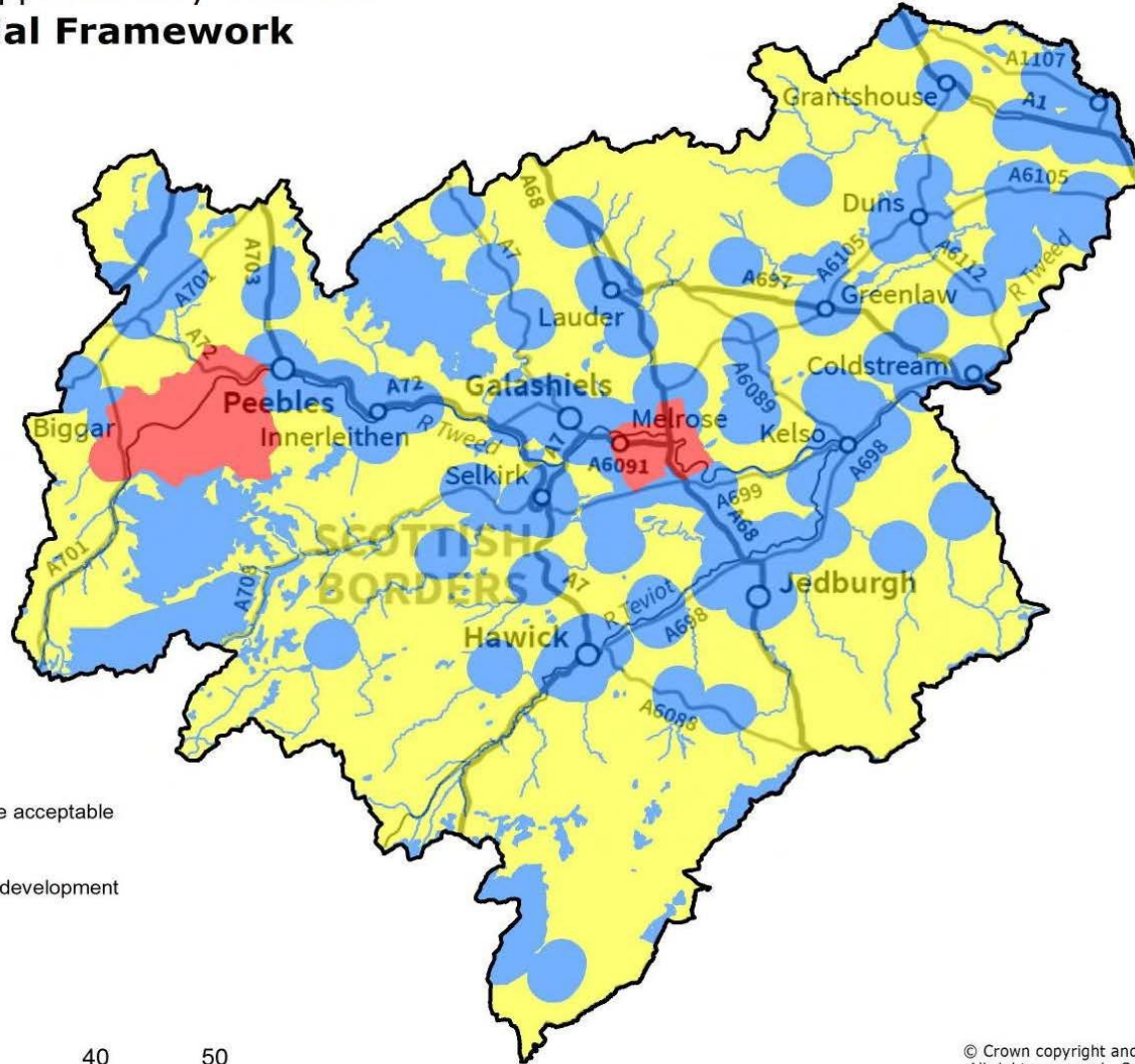
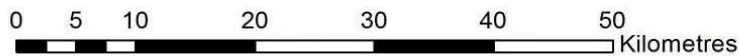


FIGURE 6: SPATIAL FRAMEWORK

Renewable Energy: Supplementary Guidance
Wind Energy Spatial Framework



- Areas where wind farms will not be acceptable
- Areas of significant protection
- Areas with potential for wind farm development



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CHAPTER 8: DEVELOPMENT MANAGEMENT CONSIDERATIONS

Under the section entitled “Consideration of Wind Energy Proposals” within policy ED9 of the adopted LDP there are listed a number of subjects for Development Management to consider during the application processing period. This section expands upon the listed subjects by giving more detailed guidance and useful information where possible for the benefit of a range of users. Where relevant there is an additional guidance at the beginning of each subject. Each subject is listed as follows and are laid out in order of their references within policy ED9:

- A) Onshore Spatial Framework
- B) Landscape and Visual Impacts and Effects on Wild Land
- C) Cumulative impacts
- D) Impacts on Communities and Individual Dwellings (including visual impact, residential amenity, noise and shadow flicker)
- E) Impacts on Carbon Rich Soils, Public Access, Historic Environment, Tourism, Recreation, Aviation and Defence Interest and Seismological Recording, Telecommunications and Broadcasting Installations and adjacent trunk roads and roads traffic
- F) Effects on the natural heritage (including birds, hydrology, the water environment and flood risk)
- G) Opportunities for Energy Storage
- H) Net economic impact, including socio-economic benefits such as employment, associated business and supply chain opportunities
- I) The scale of contribution to renewable energy generation targets and the effect on greenhouse emissions
- J) Planning Conditions relating to the decommissioning of developments, including ancillary infrastructure and site restoration (including the use of planning obligations)

A) ONSHORE SPATIAL FRAMEWORK

The spatial framework as required by SPP is identified in figure 6.

B) LANDSCAPE AND VISUAL IMPACTS AND EFFECTS ON WILD LAND

LANDSCAPE IMPACT

Landscape Impact Assessment deals with effects of change and development on the landscape as a resource in its own right (GVLIA 3rd edition; chapter 5)

THE COUNCIL WILL SUPPORT PROPOSALS IF:

THEY ARE CAPABLE OF BEING ACCOMMODATED IN THE LANDSCAPE IN A MANNER WHICH RESPECTS ITS MAIN FEATURES AND CHARACTER AS IDENTIFIED IN THE SCOTTISH BORDERS “LANDSCAPE CAPACITY AND CUMULATIVE IMPACT STUDY” (2016) AND WHICH MINIMISES EFFECTS ON THE LANDSCAPE AND THE WIDER AREA THROUGH A CAREFUL CHOICE OF SITE, LAYOUT AND OVERALL DESIGN

CHAPTER 8: DEVELOPMENT MANAGEMENT CONSIDERATIONS

The diversity of character within Scottish Borders was analysed by Ash Consulting Group in 1995 and the “Borders Landscape Assessment” was published in 1998. This identified within Scottish Borders 30 landscape character types within 5 broad categories namely: upland types, upland fringe types, lowland types, coastal types and river valley types.

Broadly, the landscapes of the Borders are formed by a horseshoe of hills surrounding the valley of the River Tweed and its tributaries and the Borders Landscape Assessment has described 6 distinct ‘Regional Landscape Areas’ namely:

- Tweed Lowlands
- Lammermuir and Moorfoot Hills
- Central Southern Uplands
- Cheviot Hills
- Midland Valley
- Coastal Zone

The Borders Landscape Assessment provides the baseline descriptions for subsequent landscape studies. The Ironside Farrar Landscape Capacity and Cumulative Impact Study (2016) is referred to in this chapter and comprises of three main themes:

- A strategic landscape capacity study investigating the underlying capacity of landscapes within Scottish Borders to accommodate wind energy development;
- A cumulative assessment examining the level of cumulative development of operating, consented and proposed wind turbines and windfarms in Scottish Borders;
- Guidance on remaining development capacity and on the size and types of wind turbine development throughout Scottish Borders that would be acceptable in landscape terms, taking account of the first two considerations.

It is the Council’s view that the design and location of any wind farm must seek to minimise landscape and visual effect on the character of local landscapes, achieving a scale and nature of effect that can be deemed acceptable. In this respect, the Borders Landscape Assessment (1998 – currently being updated) should be used as landscape baseline to inform the assessment of wind energy development and should be used to assess the following:

- Effects on elements and features of the landscape
- Effects on character of the landscape including adjacent landscape character areas
- Effects on landscapes that are designated for their quality, scenic value, tranquillity or wildness, recreation opportunities, nature conservation or its historic and cultural associations, e.g. National Scenic Areas, Special Landscape Areas and Wild Land Areas.
- Chapter 3 of SNH guidance ‘Siting and Designing Wind Farms in the Landscape, Vers 3 2017 covers the range of landscape issues in more detail and should be used to inform the scope of the Landscape Impact Assessment.

The Ironside Farrar Study (2016) will be used as a further tool to inform future wind energy proposals.

CHAPTER 8: DEVELOPMENT MANAGEMENT CONSIDERATIONS

VISUAL IMPACT

Visual Impact Assessment deals with effect of change and development on the views available to people and their visual amenity (GVLIA 3rd edition 2013; chapter 6)

THE COUNCIL WILL SUPPORT PROPOSALS IF:

THEY DO NOT HAVE AN UNACCEPTABLE VISUAL IMPACT, TAKING INTO ACCOUNT VIEWS EXPERIENCED FROM SURROUNDING RESIDENTIAL PROPERTIES AND SETTLEMENTS, PUBLIC ROADS AND PATHS, SIGNIFICANT PUBLIC VIEWPOINTS AND IMPORTANT RECREATIONAL ASSETS AND TOURIST ATTRACTIONS

Wind turbines are large structures and either singly or in groups have the potential to create significant visual impacts. Associated development such as access tracks and buildings also need to be considered.

These impacts are influenced by the distance from which the turbines will be viewed and whether the turbines are seen in isolation or with other features in the landscape including other windfarms. As a general rule, the prominence of wind turbines in an open landscape, often described as the nature of the effect of visual impact, diminishes as the distance between the observer and the object increases. This general rule will vary depending on weather conditions, screening by intervening landform or by vegetation and with the height and spread of the turbines. Consideration of visual effects is also influenced by the nature of receptor of the observer, often described as the receptor sensitivity so that significant effects are a function of magnitude and sensitivity.

Perception is also influenced by the scale of the landscape itself with larger scale more open landscapes, often found in the uplands, usually better able to accommodate large scale turbines than more complex landscapes where detailed features such as trees and buildings can emphasise the height of adjacent turbines.

An assessment of visual effects deals with the effects of change and development on the views available to people and their visual amenity. Guidance from Scottish Natural Heritage advises that wind farms should be of a minor vertical scale in relation to key features of the landscape and of minor size compared to other features and foci within the landscape or separated from these by a sufficiently large area of open space so that direct scale comparison does not occur. To inform the visual assessment of future proposals, the Council will request that proposals should reflect the good practice published by Scottish Natural Heritage and include:

- A Zone of Theoretical Visibility (ZTV) map showing the areas from which turbines may be seen. (N.B. This needs to be at an adequately detailed scale, at least 1:50,000 for areas where windfarms may be prominent.)
- Computer generated wire line diagrams where appropriate.
- An analysis of the visual impacts on viewpoints including representative samples from a variety of short and long range positions. (N.B. These viewpoints positions should be agreed with the Council.)
- Photomontages of the proposed development from sensitive key viewpoints (receptors)

CHAPTER 8: DEVELOPMENT MANAGEMENT CONSIDERATIONS

- Video montages (if appropriate)

An assessment of the visual effects on the following interests (where relevant) will be requested:

- Residences, towns and villages within 2km of a windfarm
- Significant landscape features including areas of highest visual sensitivity identified in Ironside Farrar study (2016)
- The settings of Scheduled Ancient Monuments, Inventory Battlefields and significant un-designated archaeological sites, structures and historic or archaeological landscapes (see Historic Environment Section from page 44 and link to Historic Environment’s Managing Change guidance on page 45). Guidance on visualisations for determining setting impacts follows SNH guidance
- Locally prominent and valued buildings, including listed buildings and conservation areas
- Historic Gardens and designed landscapes
- Designated coastal and scenic areas
- Scenic driving and recreational routes
- Nationally recognised cycle and walking routes.
- Core path network
- Significant transport corridors
- Special landscape areas
- Effects of Talla - Hart Fell Wild Land Area and its character and setting
- Impacts on and views from identified Iconic Viewpoints (see appendix D – Iconic Viewpoints)

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A range of viewpoints should be chosen which are representative of issues in the area and which are likely to experience significant effects. In choosing viewpoints, applicants should consider the likely effects on difference receptors, such as residents, people travelling to work on a regular basis and those involved in recreation within the area. The mode of transport (e.g. foot, cycle, car, train etc.) also needs to be considered.

The extent of likely visibility of different types of windfarms/turbines on the local landscape features and viewpoints is also considered within the Ironside Farrar study (2016). The degree of openness or enclosure which influences visibility, including the amount of screening created by topography (topographical containment) and by woodland, should also be considered.

In terms of the requirement to install lighting on to turbines reference should be made to page 46 of this SG

Further guidance is provided by:

Landscape Institute:

- Guidelines for landscape and Visual Impact Assessment, 3rd edition (2013)

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SNH:

- <https://tethys.pnnl.gov/publications/siting-and-designing-wind-farms-landscape-version-3> (2017)
- [Siting and design of small scale wind turbines of between 15 and 50 metres in height](#) (2012)
- [Good practice advice on visual representation of wind farms](#) (2014)

Historic Environment Scotland's [Guidance on Managing Change in the Historic Environment: Setting 2016](#) should also be referred to where relevant.

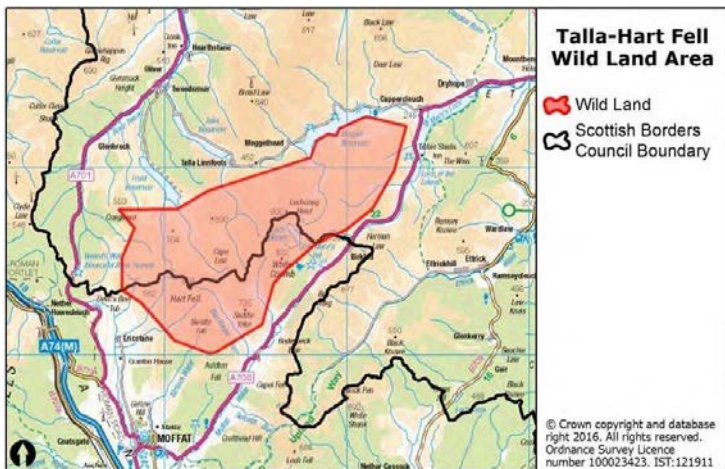
Developers should reflect this advice within their proposals.

WILD LAND

Within the Scottish Borders there is a wild land area identified at Talla-Hart Fell. This wild land area is identified within a map published by [Scottish Natural Heritage](#) which is recognised within NPF3. The sensitivity and need to protect the character of these wild land areas is stated in para 200 of SPP. Although Wild Land areas are not a statutory designation they are identified within the SPP spatial framework as areas of significant protection.

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Para 169 of SPP and policy ED9 of the LDP refer to the need to give consideration to the effects of proposals on wild land. The consideration of the effects of proposals upon the wild land qualities as identified in the wild land area description should not be limited solely to development within the wild land area. SNH will shortly be publishing guidance on Wild Land. The Talla- Hart Fell wild land area is shown in figure 7.

FIGURE 7: TALLA-HART FELL WILD LAND AREA



TALLA-HART FELL WILD LAND AREA



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C) CUMULATIVE IMPACTS

THE COUNCIL WILL SUPPORT PROPOSALS IF:

THEIR CUMULATIVE IMPACT IN COMBINATION WITH OPERATIONAL AND APPROVED WIND ENERGY DEVELOPMENTS AND APPLICATIONS PENDING DETERMINATION, HAVE NO UNACCEPTABLE IMPACTS

With a large number of operational and consented windfarms within Scottish Borders and close to its boundaries, the assessment of the cumulative impact of proposals will be increasingly relevant in determining the acceptability of future proposals. Consideration of cumulative impacts will be guided by SNH advice and in particular by [Assessing the cumulative impact of onshore wind energy developments \(2012\)](#).

GLVIA3 refers to both changes to landscape and visual amenity caused by the proposed development in conjunction with other development, past, present or likely to occur in the future.

Cumulative landscape effects can impact on

1. the physical fabric by affecting the landscape components such as woodlands, rural roads and hedgerows, or
2. the character of the landscape by changing the landscape character to such an extent that they create a different landscape character type, including the character of landscapes recognised to be of special value, this recognition may take the form of national or local designations such as National Scenic Areas or Special landscape Areas (and Wild Land Areas)

Cumulative effects on visual amenity can be caused by

1. combined visibility - where the observer is able to see two or more developments from one viewpoint, either in combination - where the developments are in the observers view at the same time, or in succession - where the observer has to turn his or her head to see two or more developments
2. sequential effects where the observer has to move to another viewpoint to see different developments and are generally assessed for routes such as roads, railway lines and paths. Two windfarms need not be intervisible, or even visible from a common viewpoint – to have impacts on the landscape experience for those travelling through an area.

Assessments of cumulative landscape and visual impacts should take account of all of the above forms of effect.

Section 2 of the Ironside Farrar Study (2016) specifically addresses cumulative impacts and guidance on potential cumulative effects is given for each landscape character type at Table 6.1 where relevant. Figure 13 identifies where cumulative impact is an issue to be addressed.

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Cumulative impacts will most frequently involve landscape and visual impacts but may also affect ornithological, aviation and historic interests. Cumulative impact assessment will require to consider existing windfarms, those which have permission and those that are subject to valid but undetermined applications. In addition, windfarm impacts will be assessed along with other impacts from other land uses (e.g. quarry uses) which in combination may produce significant adverse cumulative impacts. The threshold of acceptability will be monitored and where it is judged that the limit of acceptable cumulative impact has been reached, this will limit the capacity for further development.

There will be a presumption against all wind farm development in areas where cumulative impacts are judged to be unacceptable when weighed up against the economic and other benefits of the proposal.

The assessment of cumulative impacts is complex and will be informed by relevant guidance including the SNH guidance, June 2015, titled: “[Spatial Planning for Onshore Wind Turbines – natural heritage considerations](#)”. This includes reference to the consideration of clusters of wind farms that are in separate landscape character types and where the objective is to maintain the distinction between those character types.

D) IMPACTS ON COMMUNITIES AND INDIVIDUAL DWELLINGS (IN TERMS OF VISUAL IMPACT, RESIDENTIAL AMENITY, NOISE AND SHADOW FLICKER)

THE COUNCIL WILL SUPPORT PROPOSALS IF:

THEY DO NOT HAVE AN UNACCEPTABLE IMPACT ON THE AMENITY OF NEARBY RESIDENTS, INCLUDING FROM NOISE AND SHADOW FLICKER

COMMUNITIES AND INDIVIDUAL DWELLINGS

VISUAL IMPACT

Visual impacts of wind turbines and wind farms on individual residences or groups of houses are an important planning consideration when considering any wind energy application. This has potential to be a significant factor even when the turbines are small.

The presence of turbines can substantially alter the perception of residents about their enjoyment of their private residential amenity. This can relate to the dwelling, its curtilage and approaches to and from the dwelling. In relation to groups of dwellings similar impacts may be experienced by communities moving in and around the building group during day-to-day activity. The potential for visual impacts to be significant depends on where and how the turbines (and associated development such as buildings and infrastructure) have been sited in relation to the dwellings and their environs, which could include approaches to and from the dwelling.

Non-commercial turbines can cause adverse visual impacts if they are sited too close to residences, especially if there is no intervening landform, buildings or vegetation to offset the impacts. Sensitive and sensible siting of turbines should involve making use of landform, buildings and vegetation to provide screening and to provide a sense of visual separation that minimises visual effects. Residents should not expect to encounter overtly dominant turbines in relation to their day-to-day activities; it is anticipated that with this

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range of turbine size there will be opportunities in many scenarios to guide development to the least sensitive locations where landform, buildings and vegetation are utilised to minimise effects.

Larger commercial turbines and wind farms tend to cause more obvious visual impacts because their relationship in terms of scale with other items in the landscape means that they become the tallest structures in most scenarios. They have the capacity to stand out above mature woodlands and will generally be sited on high ground to achieve good wind capture.

Significant visual impacts on residential amenity can occur over greater distances than it might first be considered. For example, if a prominent ridge or hill visible from a substantial area of a settlement would be occupied by prominent turbines at distances of up to 5 kilometres, this could be said to cause harmful visual impacts, especially if views to such a ridge or hill are strongly associated with the settlement.

However, it is considered that the most significant visual impacts occur when commercial turbines are sited within approximately 2km of residences. At this distance and below, the sense of proximity tends to be heightened, although specific circumstances will reduce specific effects at any distance, if landform and vegetation (topography) are available and they are adequate to mitigate impacts.

If such interventions are not available, usually visual effects begin to require careful consideration in particular where the distance falls to less than 2km. At this distance and below, it is most likely that the perception of turbines to strongly influence the amenity experiences of residences (and groups) will potentially occur. It is expected that any applications for commercial-sized turbines will be accompanied by material reflecting assessment of residential amenity impacts, in particular where those impacts occur at 2km or less.

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NOISE

This advice provides guidance for applicants on the noise information required to allow a full assessment of the potential noise impacts of individual wind turbines. It also considers the appropriate methodology and criteria to determine turbine noise impacts at noise sensitive receptors. In most cases turbine assessments should be based on a 2km radius from the site.

In broad terms there are two types of wind turbines, large turbines and small turbines.

Small Wind Turbines

A turbine is considered small where the rotor swept area is less than 200m² and/or the power output is less than 50kW. The Renewable UK standard follows the method set out in IEC 61400-2 ED 3.0 (2013-12) and is an appropriate method for assessing small wind turbines.

Where there is adequate octave band data available the methodology for a large turbine can be used if the LAeq is taken as the LA90. This is because there is no evidence to suggest that the relationship between LAeq and LA90 for large turbines is the same for small turbines.

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Large Wind Turbines

These should be assessed using The Assessment and Rating of Noise from Wind farms (ETSU-R-97) in conjunction with the Institute of Acoustics Good Practice Guide 2013 (IOA GPG). Under ETSU-R-97 there are two methods of assessment, a simplified assessment where no background monitoring is required or a full assessment where limits are set in relation to the background noise or a fixed limit whichever is greater.

Scottish Borders Council will look to condition developments to a fixed day time limit of LA90, 10mins35 dB unless satisfactory justification in line with the criteria set out in ETSU-R-97 is provided. A background noise survey should not be carried out until an Environmental Health Officer at the Council has been consulted and a methodology agreed. Any noise assessment submitted as part of a planning application should follow the format as set out in chapter 6 of the IOA Good Practice Guide Reporting Results of the Noise Assessment.

To ensure the operation of the newly commissioned wind farm will operate within the prescribed noise limits as set out in conditions, the Planning Service will through an appropriate condition request a noise assessment report from an independent Acoustic consultant to be submitted.

Cumulative Impact

The IOA GPG provides some guidance on how to assess cumulative noise impacts. However each development is different and the applicant should consult with an Environmental Health Officer to agree on a methodology. In most cases cumulative assessments will need to be carried out based on the noise limits from the surrounding developments.

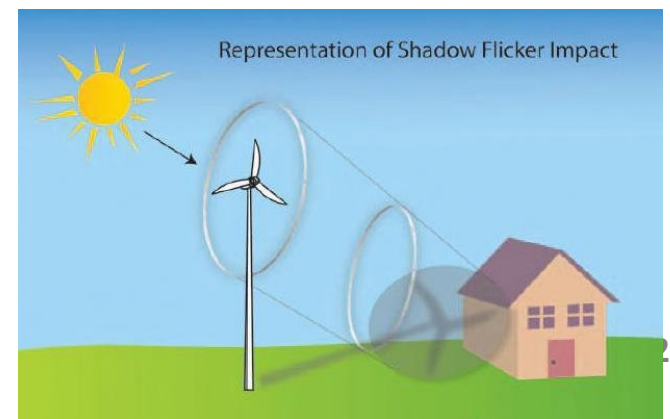
Financially involved properties

If an applicant wishes for the higher ETSU limit of LA90, 10mins 45dB to be applied to a receptor then evidence will need to be provided. This should demonstrate that the occupiers received a direct benefit from the proposed development.

SHADOW FLICKER

Under certain combinations of geographical position, time of day and time of year when the sun passes behind rotating blades a shadow can be cast over neighbouring residential properties. The rotation of the blades creates a shadow which appears to flicker on and off, this “shadow flicker” can be disruptive and create significant annoyance.

Although there is some general acceptance which suggests at a distance of greater than 10 rotor diameters of a turbine shadow flicker should not be an issue, the study by SLR entitled the [“Review of the Visual, Shadow Flicker and Noise Impacts of onshore Wind farms”](#) in 2015 states there is some recent evidence that shadow flicker can be experienced at greater than 10 rotor diameter distance and that the modelling of those residences within 10X rotor



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diameter may not capture all homes where people experience shadow flicker effects. Where requested by the Council, the developer will be required to produce shadow flicker assessments modelled to take into account all residential property within 2km of a wind turbine. This distance threshold should take into account any screening of turbines offered by topography.

E) IMPACTS ON CARBON RICH SOILS, PUBLIC ACCESS, HISTORIC ENVIRONMENT, TOURISM, RECREATION, AVIATION AND DEFENCE INTEREST AND SEISMOLOGICAL RECORDING, TELECOMMUNICATIONS AND BROADCASTING INSTALLATIONS AND ADJACENT TRUNK ROADS AND ROADS TRAFFIC

THE COUNCIL WILL SUPPORT PROPOSALS IF:

THEY DO NOT HAVE AN UNACCEPTABLE IMPACT ON CARBON RICH SOILS, PUBLIC ACCESS ROUTES, THE HISTORIC ENVIRONMENT, TOURISM, RECREATION, AVIATION AND DEFENCE INTEREST AND SEISMOLOGICAL RECORDING, TELECOMMUNICATIONS AND BROADCASTING INSTALLATIONS AND ADJACENT TRUNK ROADS AND ROADS TRAFFIC

CARBON RICH SOILS

Fig 5(iii) showing the component parts of the spatial framework identifies areas of carbon rich soil, deep peat and priority peatland habitat and these areas of land are identified by SPP as “Areas of Significant Protection”. These soil types provide a significant national carbon store. Where peat and other carbon rich soils are present on site, applicants will be required to assess the likely effects of development on carbon dioxide (CO₂) emissions. CO₂ will be released when peatland is drained and developments will be required to demonstrate how any release will be minimised.

The Scottish Government’s published method for assessing carbon losses and savings requires to be carried out. Developers are expected to follow best practice for minimising carbon emissions and disturbance of peat, and the carbon calculator represents a useful tool in assessing proposed practices. Full details of this can be found on the [Scottish Government website](#).

Current SEPA guidance emphasises that developing on peat sites can raise significant issues in relation to re-use of excavated peat and disposal of peat. There are important waste management implications regarding measures to deal with surplus peat as set out within SEPA’s Regulatory Position Statement – Developments on Peat. The disposal of significant depths of peat is considered landfill waste and this may not be granted under SEPA’s regulations. Reference should be made to SEPA’s [Regulatory Position Statement – Developments on Peat](#) and [Guidance on the Assessment of Peat Volumes, Reuse of Excavated Peat and Minimisation of Waste](#)

SNH’s [Carbon and Peatland 2016 map](#) is a useful consolidated spatial dataset of ‘carbon rich soil, deep peat and priority peatland habitats’ in Scotland derived from existing soil and vegetation data. The map is a predictive tool which provides an indication of the likely presence of peat on each individually mapped area, at a coarse scale.

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PUBLIC ACCESS

If any turbines are proposed within 2km of a core path or significant access route the onus will be on the applicant to provide evidence to confirm any such turbines will not have a significantly detrimental impact on the path or route. Any proposals which have such an impact will be considered on a case by case basis taking cognisance of any mitigation measures. Interests of safety will be judged by the Council on a case by case basis taking note of, for example, the status of the route, its usage and condition.

HISTORIC ENVIRONMENT

The Scottish Borders historic environment comprises designated and undesignated archaeology, built heritage, conservation areas, battlefields, historic or archaeological landscapes, and gardens and designed landscapes. It forms the background to virtually all aspects of living and working in the region and contributes to local identity, the sense of place and regional distinctiveness that has attracted visitors from around the world.

Assessment

The Council requires that potentially significantly adverse impacts / effects to the historic environment through development are identified, defined and evaluated through an Environmental Statement (ES) on Cultural Heritage, must be conducted by an archaeologist working to the standards of the Chartered Institute for Archaeologists (CIfA), or provided as supporting information if the proposal falls below the environmental assessment threshold. This should predict the direct and indirect impacts on the resource and propose recommendations for mitigation or off-setting. The ES will identify through desk-based assessment of relevant documents and records all designated and undesignated historic environment assets within the proposal area, and within an area beyond this where there might be indirect impacts to the setting of significant (both designated and undesignated) archaeological sites, historic buildings, historic or archaeological landscapes, battlefields and gardens and designed landscapes. This will normally be supplemented by field survey that will seek to assess the potential impacts to, and current conditions of, known and previously unknown heritage assets.

Direct Impacts

Direct impacts are any impact where an asset, and the archaeological or historic information they contain, will be wholly or partly lost or destroyed by development. In order to understand the resource, the ES or supporting information will include a baseline desk-based assessment. The desk-based assessment, including information from the Council's Historic Environment Record, will inform a gazetteer of known heritage assets. This will be followed by site surveys which might include an archaeological walkover survey of the development area, focussing on designed infrastructure, detailed survey of known assets where impacts are predicted, and identification, classification and assessment of previously unknown assets. These studies may be supplemented by other data such as LIDAR survey or aerial photogrammetry. From this, the developer will predict potential direct impacts from development and either seek to avoid these through design or propose mitigation in the event that preservation of the assets in situ is not possible. Assessment should follow an understanding of an assets cultural significance and value at the national (both designated and undesignated), regional and local levels. Historic Environment Scotland must be consulted in the event of predicted direct impacts to designated assets including Scheduled Monuments, A Listed Buildings, Inventory Battlefields and Gardens and Designed Landscapes.

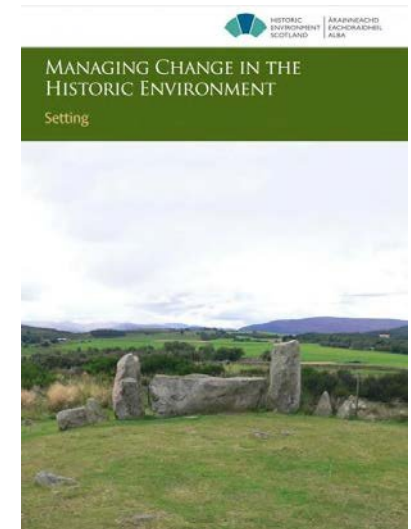
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Proposals that will have an adverse direct impact on historic environment assets will only be permitted if it can be demonstrated that the benefits of the proposal will clearly outweigh the heritage significance and value of the asset. Where adverse impacts are predicted the ES will propose a mitigation strategy acceptable to the Planning Authority. Developers may be required to carry out detailed investigations in advance of development in a manner acceptable to the Council, or, in the event of this being a Scheduled Monument, Historic Environment Scotland.

Indirect Impacts – Setting

In 2016, Historic Environment Scotland produced their revised guidance on [Managing Change in the Historic Environment: Setting](#). This states that ‘setting can be important to the way in which historic structures or places are understood, appreciated and experienced’ and sets out principles by which this can be defined and impacts of development assessed. An assessment of the proposed development impacts on setting – including, Scheduled Monuments, Listed Buildings, Conservation Areas, Gardens & Designed Landscapes, significant undesignated historic environment assets, historic or archaeological landscapes and historic battlefields – will be made following the Managing Change guidance and any scoping requests made by the Council and Historic Environment Scotland. The assessment should be undertaken by a suitably qualified historic environment consultant and incorporated within an ES or provided as supporting information if the proposal falls below the environmental assessment threshold.

This will be prepared in line with a Zone of Theoretical Visibility (ZTV) and all assets with a predicted setting impact within the ZTV will be assessed. Specific wireframes and/or photomontages may be required to demonstrate the significance of an asset, its setting and the development’s impacts. For designated assets, Historic Environment Scotland act as statutory consultee on setting impacts and their views will be balanced along with those of other consultees. Ultimately it is for the planning authority to determine the acceptability of impacts in line with SPP, Local Plan policies and other material considerations.



TOURISM / RECREATION

Any possible impacts or effects on tourism and recreation must be considered as part of any planning application submitted. Consequently an accompanying statement must be submitted along with any planning application giving details of any possible impacts, effects or benefits a proposal may raise.

AVIATION AND DEFENCE INTERESTS

Aviation

Airports and their associated airspace are recognised as significant components of national infrastructure. Gradual erosion of airspace through windfarm development has the potential to compromise safety, flexibility, capacity and potentially the viability of the airport. Wind turbines are also known to have significant adverse impacts on instrument landing systems, navigational aids, radar systems and air traffic control. Applicants are therefore encouraged to have early discussions with airport operators, [National Air Traffic](#)

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[Services](#), Civil Aviation Authority and the Ministry of Defence prior to an application being submitted. Where developers can specify technological or other mitigation solutions in relation to specific developments they will be required to demonstrate agreement between themselves and the relevant operator that it can be delivered within a reasonable timeframe and will provide appropriate mitigation.

The Civil Aviation Authority (CAA) is responsible for providing advice regarding aviation safety. The CAA produced a document entitled [Policy Guidelines on Wind Turbines 2016](#) which provides CAA policy and guidance on a range of issues associated with wind turbines and their effect on aviation which will need to be considered by aviation stakeholders, wind energy developers and planning authorities when assessing wind turbine developments. The document states that if any turbine is over 150m in height there is a requirement to fit medium intensity steady red lights to the structure. Further advice on this can be read within chapter 3 of the document from para 3.8. It is advised that any interested developer contacts the CAA at an early stage to discuss and confirm their lighting requirements. The need for such permanent night time lighting on large turbines is a major planning consideration to be addressed in terms of visual impact. Para 2.13 of SNH's Siting and Designing Wind Farms in the Landscape 2017 states *'These effects (of visible lighting) are likely to be more significant in areas with less artificial lighting, including remoter rural locations, Wild Land Areas and dark sky sites where the absence of artificial lighting contributes to the feeling of remoteness or the direct appreciation of the night sky. Lit turbines may lessen the contrast between developed and undeveloped areas, e.g. when viewed from nearby settlements. Whilst it may be possible to mitigate these effects, they should still be considered in the assessment. Effects at dawn and dusk should also be considered where these could be significant'*. Further information regarding this can be viewed on [SNH guidance](#) on Visual Representation of Wind Farms Feb 2017

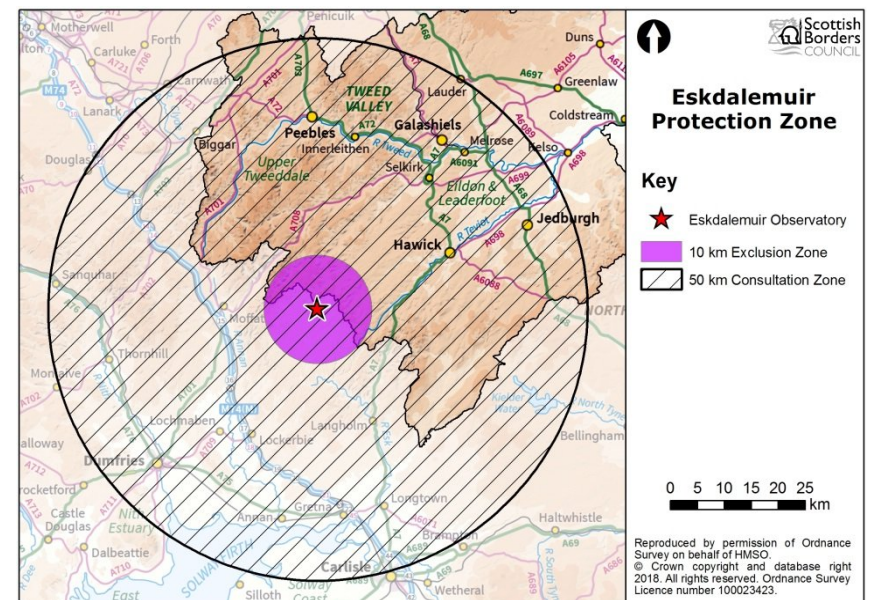


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Defence Interests

Consideration must be given to any adverse interference turbines may have on the Ministry of Defence's (MoD) Seismic Testing station at Eskdalemuir near Langholm in Dumfries and Galloway. The Eskdalemuir Seismic Array is one of 170 seismic stations across the globe used to monitor compliance with the Comprehensive Nuclear-Test-Ban Treaty. The UK is bound by the Test-Ban Treaty not to compromise the detection capabilities of the Eskdalemuir station, and it is the responsibility of the MoD to safeguard this station.

The buffer zone around Eskdalemuir has been reviewed and recently confirmed within the Scottish Government's Onshore Wind Policy Statement Dec 2017. The Statement confirms the Exclusion Zone will remain at 10km with a surrounding 50m consultation zone as confirmed on the map. In the first instance it is suggested any interested party contacts the MoD directly to discuss any wind turbine proposal with them in order to confirm their current stance.



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Broadcasting Installations

The siting of wind turbines must take cognisance to radio, television and other communication systems in order to ensure transmission links are not compromised. Guidance on these effects can be viewed within the [Ofcom document](#).

If turbines are assessed as causing interference to a protected link, discussions with the appropriate operator is required at an early stage to determine if there is a solution through siting, design or other form of mitigation. A planning condition should be attached to any consent to ensure any consequent interference after construction is rectified.

Road and Traffic Implications

During construction, wind energy developments have the potential to generate significant levels of traffic, including abnormal loads associated with transporting the turbine components. The Council expects all proposals to fully consider potential impacts of the development on the Scottish Borders road network in terms of the structural and physical ability of both roads and bridges to accommodate the additional traffic generated and the need to minimise any disturbance to local communities. Should turbine transportation routes require to cross third party land, the applicant should ensure that appropriate agreements are in place to allow access to be achieved. Early contact should be made with the Council's roads planning section in terms of the scope and extent of a Transport Assessment and Construction Traffic Management Plan which would be required to address issues such as routeing, timing of deliveries, community liaison and road infrastructure improvements.

F) EFFECTS ON THE NATURAL HERITAGE (INCLUDING BIRDS, HYDROLOGY, THE WATER ENVIRONMENT AND FLOOD RISK)

THE COUNCIL WILL SUPPORT PROPOSALS IF:

THEY DO NOT HAVE AN UNACCEPTABLE EFFECT ON NATURAL HERITAGE FEATURES, INCLUDING PROTECTED HABITATS AND SPECIES, AND TAKING INTO ACCOUNT THE CRITERIA OF THE LDP POLICY: INTERNATIONAL NATURE CONSERVATION SITES AND PROTECTED SPECIES (EP1), NATIONAL NATURE CONSERVATION SITES AND PROTECTED SPECIES (EP2), LOCAL BIODIVERSITY (EP3), AND THEY DO NOT HAVE AN UNACCEPTABLE IMPACT ON THE WATER ENVIRONMENT

Protected Areas : Natural Heritage including international, national and locally protected species and habitats

Scottish Borders has a rich and varied natural heritage which comprises of a wide range of important habitats including important moorland, woodland, wetland, grassland and coastal habitats. These are protected through European and National legislation and a variety of non-statutory designations. The area lies largely within the catchment of the River Tweed large parts of which are designated as a SAC and SSSI.

At an International level, European legislation offers protection to sites which are of international significance. These are designated as Natura sites, a term given to Special Areas of Conservation (SACs) designated under the Habitats Directive



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and Special Protection Areas (SPA's) designated under the Birds directive. Any development which is likely to have a significant effect on sites within the Natura network will be subject to an appropriate assessment of the implications for the site in view of the site's conservation objectives.

Development on or affecting a Natura site is only likely to be approved if that assessment concludes that the development will not adversely affect the integrity of the site or it can be shown that there are no alternative solutions, and there exist imperative reasons of overriding public interest, including those of a social or economic nature and compensatory measures are provided to ensure that the overall coherence of the Natura network is protected. Any development proposal within the catchment of the River Tweed SAC will need to demonstrate that potential impacts on the SAC have been taken into consideration in the design layout of the proposal, particularly regarding infrastructure and appropriate measures to prevent pollution and sedimentation, mitigate impacts on flows, channel substrates and riparian habitats, of watercourses on and near the site which will be incorporated into a Construction Environmental Management Plan including Construction Method Statements.

At a national level protection is offered by the designation of a number sites which are of Special Scientific Interest (SSSI's). Development which would affect a designated or proposed SSSI will only be permitted where an ecological appraisal has demonstrated to the satisfaction of the Council that there will not be an adverse effect on the integrity of the site and any adverse effects are outweighed by social, environmental and economic benefits that clearly outweigh the national nature conservation value of the site.

The European and national sites are afforded significant protection and are included in the spatial framework shown in figure 6.

Local Biodiversity

Local natural heritage designations include:

Local Wildlife Sites, Local Biodiversity Sites and Green Networks. The process of assessing and approving Local Biodiversity Sites is ongoing and will be subject to further Supplementary Guidance.

A developer must demonstrate there will not be a significant adverse impact on these and take into account the criteria of the LDP policy EP3 (Local Biodiversity).

Through Local Development Plan policy EP3 the Council takes an ecosystem approach to protecting the natural heritage which involves conserving designated and local sites, the wider supporting habitat network and species and consideration of an integrated approach to ecosystems services having regard to the principles for sustainable land use set out in the Scottish Government's Land Use Strategy. In accordance with Ecological Impact Assessment Adopting good practice¹ the Council will expect avoidance, mitigation and compensation to be integrated into the planning and design of the development. Ecological Impact Assessment should be in accordance with recognised guidelines².

No Net Loss

Where development impacts on areas of nature conservation value (non-designated) which may include habitats of conservation concern including woodlands, grasslands, wetlands

¹ Biodiversity- Code of practice for planning and development. BS42020:2013 British Standards Institute 2013.

² CIEEM (2016) Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater and Coastal, 2nd edition. Chartered Institute of Ecology and Environmental Management, Winchester

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and heathlands, hedgerows, habitat networks and wildlife corridors and water features, and sites containing important populations of Borders Notable Species where the reasons in favour of development clearly outweigh retaining such features, compensation will be required to offset the loss to ensure that there is no net loss of LBAP habitats and biodiversity. The Council has successfully adopted this approach to ensure delivery of compensatory schemes (biodiversity offsets) for black grouse, natural flood management and woodland.

This approach is set out in the Council's Supplementary Guidance for biodiversity and contributes to the Council's duty under the Nature Conservation (Scotland) Act 2004 to further the conservation of biodiversity.

Protected Species

The presence or potential presence of a legally protected species is an important consideration when considering future development. If there is evidence that protected species are present on site or will be affected by the development it will be necessary to take steps to establish their presence. The level of protection afforded by legislation must be factored into the planning and design of the development and any impacts fully considered prior to the determination of the application. Bats (European Protected Species) are vulnerable to impacts arising from wind turbines including through collision and barotrauma. Guidance on survey requirements are included in [Bat Conservation Trust guidelines](#) (see 2nd edition for "Surveying proposed onshore wind turbine developments"). New UK [guidance](#) is proposed. Planning permission will not be granted for development that would be likely to have an adverse effect on protected species unless it can be justified in accordance with relevant protected species legislation.

Ornithology

An [assessment](#) of a proposed wind farm's effect on the bird interest of a site should consider the potential risk to birds through displacement, collision and habitat loss for each key bird species which uses the site. Areas of high, moderate and low or unknown ornithological sensitivity for species at risk from wind farm developments (though collision, disturbance and displacement) are identified in: RSPB/SNH Bird Sensitivity Map to Provide Locational Guidance for Onshore Windfarms in Scotland³. Further information on bird distribution and abundance including for breeding waders is available from the South-East Scotland Bird Atlas 2008-13⁴, and important areas for geese (Mitchell⁵) and black grouse (Warren⁶) have been identified. Information is also available on Natural Heritage Zones (NHZ) Bird Population Estimates⁷, the relevant NHZ⁸ are Borders Hills and Eastern Lowlands.

Habitat Management Plans

The opportunities for wind turbine development for enhancements and adaptations for climate change through the maintenance of high quality ecosystems and restoration of

³ J.A. Bright, R. H. W. Langston¹, R. Bullman, R. J. Evans, S. Gardner, J. Pearce-Higgins & E. Wilson (2006) Bird sensitivity Map to provide locational guidance for onshore wind farms in Scotland RSPB Research report No.20 https://www.rspb.org.uk/Images/sensitivitymapreport_tcm9-157990.pdf

⁴ South-East Scotland bird Atlas 2008-13 (In prep). Scottish Ornithologists Club

⁵ Mitchell, C. (2012) Mapping the distribution of feeding Pink-footed and Iceland Greylag Geese in Scotland WWT/SNH

⁶ Warren, P (2016) Black grouse conservation in southern Scotland - Phase 2 Development of a regional strategic conservation plan. GWCT (.

⁷ Wilson, M.W., Austin, G.E., Gillings S. and Wernham, C.V. (2015) Natural Heritage Zones Bird Population Estimates. SWBSG Commissioned report No. 1504 www.swbsg.org

⁸ SNH Natural Heritage Zones <http://www.snh.gov.uk/about-snh/what-we-do/nhf/>

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degraded ecosystems should be considered. This can be achieved through changes to land management practices or through active restoration as part of the scheme. These opportunities should be set out within the Environmental Statement and in detail within a draft Habitat Management Plan. The Council will encourage the development of habitat management plans and subsequent restoration plans that promote the actions identified within the Scottish Borders Local Biodiversity Action Plan.

Biosecurity and invasive species, pests and diseases

Invasive non-native species (INNS) can spread rapidly and have adverse ecological and economic impacts. INNS may also affect health. Pre-construction surveys to establish the status and distribution of INNS should be undertaken and appropriate mitigation policies and procedures should be confirmed during construction and restoration phases of the windfarm to mitigate the risk of spread. Refer to SNH [Good practice during wind farm construction-version 3](#).

Additional Information

SNH provide a range of information on assessing impacts and managing the risk from wind turbines to habitats and species, this includes impacts on peat, bats and birds and assessment of cumulative impacts on birds. Applicants should reflect this [guidance and advice](#) in their assessment of the site and future management. Guidance is also available on good practice during wind farm construction.⁹ to minimise ecological and hydrological impacts

HYDROLOGY/ WATER ENVIRONMENT/ FLOOD RISK

Planning authorities have a duty to safeguard and seek improvements to the water environment and consequently the potential impact of wind farm construction on the local hydrology requires to be assessed with protective and preventive strategies put in place to reduce the potential risk to the ecology of the area. Proposals for wind turbines should avoid areas which are considered likely to be affected by flooding or if it is considered a proposal will exacerbate the likelihood of flooding elsewhere. The Council will consult the Council's Flood Risk team and SEPA for advice where required. Site drainage should take account of likely flood events and local storm intensity. To minimise pollution risks to local water courses and sensitive habitats and groundwater infrastructure such as culverts, settlement ponds and other pollution mitigation techniques on site should be designed to accommodate 1 in 200 year flood events. [SEPA's engineering guidance](#) gives more advice and should be referenced. Should proposals be granted, where appropriate a planning condition should be attached to the consent requiring the long term monitoring of impacts on the water environment. Application submissions should identify private water supplies within the vicinity of the application site and the site design must ensure the proposal causes no risks to any private water supply. SEPA have produced a background paper on Renewable Energy <https://www.sepa.org.uk/media/162922/lups-bp-gu2c-iii-land-use-planning-background-paper-on-renewable-energy.pdf>. In terms of Groundwater Dependent Terrestrial Ecosystems these are mentioned in Appendix A as part of the Land Use Planning System SEPA Guidance Note 4 Planning - guidance on onshore windfarm developments (May 2014) (page 69). In relation to SUDS reference should also be made to Scotland's [Water Assessment and Drainage Assessment Guide](#) and should accord with the [SUDS Manual \(C753\)](#). SEPA's wind farm guidance can be viewed at <http://www.sepa.org.uk/media/136117/planning-guidance-on-on-shore-windfarms-developments.pdf> and reference to SEPA's Water Framework Directive should be made which ensures impacts of hydrology and from river engineering and pollution are appropriately considered

⁹ Good practice during wind farm construction (version 3).(2015) Scottish Renewables, SNH, SEPA, FCS, HES.

CHAPTER 8: DEVELOPMENT MANAGEMENT CONSIDERATIONS

G) OPPORTUNITIES FOR ENERGY STORAGE

Within the decision making process the Council will take cognisance and give weight to the incorporation of energy storage associated with a wind turbine proposal

Energy storage allows the opportunity for renewable energy to be captured and set aside for future use. Energy storage technologies are developing and it is considered that energy storage opportunities could facilitate the expansion of variable renewable energy sources such as wind and solar panels. Further investment into research of the development of energy storage is required. It is anticipated that as technology and the market advances, more developments of this type are likely to be submitted. The Council will consider proposals for energy storage on a case by case basis. Scottish Government on line advice on Energy Storage can be viewed [here](#).

H) NET ECONOMIC IMPACT, INCLUDING SOCIO-ECONOMIC BENEFITS SUCH AS EMPLOYMENT, ASSOCIATED BUSINESS AND SUPPLY CHAIN OPPORTUNITIES

The Council will support proposals if:

It is considered that the net economic impact outweighs any other possible unacceptable impacts or effects which cannot be satisfactorily mitigated

Policy ED9 states that “Renewable energy developments, including wind energy proposals, will be approved provided that there are no relevant unacceptable significant adverse impacts or effects that cannot be satisfactorily mitigated. If there are judged to be relevant significant adverse impacts or effects that cannot be satisfactorily mitigated, the development will only be approved if the Council is satisfied that the wider economic, environmental and other benefits of the proposal outweigh the potential damage arising from it”.

Wind energy proposals should be accompanied by detailed information outlining possible economic benefits of the development for the local area. This should include reference to: direct job creation e.g. associated with site construction and operation, and indirect job creation e.g. supply-chain opportunities for local businesses; and any wider benefits to the local economy. Any possible negative impacts should also be identified.

I) THE SCALE OF CONTRIBUTION TO RENEWABLE ENERGY GENERATION TARGETS AND THE EFFECT ON GREENHOUSE EMISSIONS

The Council will support proposals if:

It is considered that the scale of contribution towards renewable energy targets outweighs any other possible unacceptable impacts or effects which cannot be satisfactorily mitigated

CHAPTER 8: DEVELOPMENT MANAGEMENT CONSIDERATIONS

Government policy emphasises the role of local authorities and the planning system in meeting national renewable energy targets. Although there is not a cap on these targets, they include: 100% electricity demand from renewables by 2020; and 30% overall energy demand from renewables by 2020. If there are judged to be significant adverse impacts or effects that cannot be satisfactorily mitigated consideration and weighting must be given as to the contribution the proposal makes towards the national energy targets.

J) PLANNING CONDITIONS RELATING TO THE DECOMMISSIONING OF DEVELOPMENTS, INCLUDING ANCILLARY INFRASTRUCTURE AND SITE RESTORATION (INCLUDING THE USE OF PLANNING OBLIGATIONS)

The Council will seek to ensure appropriate measures are put in place to ensure satisfactory decommissioning and site restoration where required

When consent is granted a condition is normally applied requiring the developer to agree a scheme for the decommissioning of the wind farm 21 months before the expiry of the consent. A second condition is also normally applied requiring a financial guarantee to cover the cost of decommissioning in the event the development is abandoned. Parties to the financial guarantee would be the Council, the developer and the landowner.

Page 202 In order to be able to accurately quantify the financial guarantee a draft decommissioning statement is prepared to cover the removal of the turbines and tracks as well as all ancillary plant and equipment i.e. control building and transformer units.

In discussion with the developer it is assumed that above ground plant and machinery will be dismantled for off-site disposal. The level of access track removal and turbine bases will be considered on a case by case basis. The tracks which are to be retained would normally be reduced in width to reflect the proposed agricultural use.

To facilitate the debate on the quantum the Council has produced a decommissioning table covering various aspects of works which are considered necessary for the removal of the facility and the reinstatement of the land (See Appendix B).

Developers normally allow a reduction in the quantum to reflect scrap values for the equipment, however the view of the Council is that the quantum should fully reflect the cost associated with removal and reinstatement of the wind farm and therefore the Council would not agree to a reduction in the quantum.

Whilst the costs can be considered in the same manner as a normal civil engineering project, most developers submit the costing based on a Mw production basis. The Council have collated over a period of time costing based on this approach. In circumstances where the developers' Mw costings are substantially different from what is anticipated the Council would engage with developer on an individual item by item assessment of the figures to understand where the shortfall is in the overall cost submission.

Once the quantum has been agreed consideration will then be given to the best means to secure the financial guarantee. There are various forms of guarantee available with different risk profiles for the Council. Heads of Planning Scotland have produced a helpful document entitled [Position Statement on operation of Financial Mechanisms to Secure Decommissioning, Restoration and Aftercare of Developments](#) which sets out the various options and the associated levels of risk with each option.

CHAPTER 8: DEVELOPMENT MANAGEMENT CONSIDERATIONS

Whichever mechanism is chosen to deliver the financial guarantee, specific clauses require to be included in the document to allow for reviews of the financial guarantee to be undertaken, usually at 5 years intervals, and that an annual inflation component is included to allow the quantum to be maintained during the life of the guarantee.

The financial guarantee would be secured by means of a Section 75 legal agreement which should be between the developer and the Council. If a third party is included there could be a risk that they may draw down funds as part of a restoration program, however if they don't fully complete the works there may not be sufficient funds available to the Council to deliver the required restoration without putting at risk public finances.

To ensure compliance with the conditions attached to major wind farm consents and to ensure best practices are adopted which will mitigate possible impacts of the development on the environment the Planning Service will through an appropriate condition request regular reports from an independent monitoring consultant during the construction, operation and decommissioning phases of the development. To ensure the efficient discharge of conditions attached to major wind farm consents, post consent the Planning Service will through an appropriate condition request the appointment of an independent assessor to assist in the process.

An Energy and Resources Sub-Committee of the Heads of Planning Scotland has produced a [Position Statement on the Operation of Financial Mechanisms to Secure Decommissioning, Restoration and Aftercare of Development Sites](#). The Position Statement seeks to:

- identify the best financial tools available to secure decommissioning, restoration and aftercare of windfarm, mineral, landfill and coal extraction sites develop a standardised section 75 Agreement template
- establish a standardised template for assessment of restoration, aftercare and decommissioning costs
- establish best practice for the review of financial guarantees through the life time of the development
- establish standards for compliance and monitoring

OTHER DEVELOPMENT MANAGEMENT CONSIDERATIONS

LANDSCAPE CAPACITY STUDY

Whilst the spatial framework in fig 6 identifies areas of protection and potential for wind farms, it takes no cognisance of landscape capacity issues which are material considerations for wind energy proposals. The importance and role of landscape capacity studies to give guidance to development management is acknowledged within the Scottish Government paper entitled "[Scottish Planning Policy – Some Questions Answered](#)" and policy ED9 of the LDP. Policy ED9 also makes specific reference to the requirement to consider the Ironside Farrar Landscape Capacity and Cumulative Impact study as an initial reference point.

CHAPTER 8: DEVELOPMENT MANAGEMENT CONSIDERATIONS

Consequently reference and outputs from the Ironside Farrar Landscape Capacity Study must be referred to as well as the spatial framework in order to give best advice to any interested party. It is advised that any developer makes reference to the output recommendations of the Landscape Capacity study at a very early stage of their site investigation procedures in order to ascertain and fully understand any issues which need to be addressed and will be referred to within the application submission period. It is considered this would be in the best interests of a developer.

LANDSCAPE CAPACITY AND CUMULATIVE IMPACT STUDY BY IRNSIDE FARRAR 2013

The initial study in 2013 was prepared by Ironside Farrar (IF) who are widely recognised as knowledgeable and experienced landscape consultants. This study investigated the capacity of each of the Scottish Borders Landscape Character Areas to accommodate turbines taking cognisance of matters such as landform, approved turbines to date, impact on key receptors, the identification of opportunities and constraints and any cumulative impact issues. The study has been updated in 2016 as part of this SG. The updated study primarily takes account of any approved turbines in the interim period and gives consideration to any consequent landscape or cumulative impacts they may have. The updated study can be viewed in Appendix C of this SG.

The updated study is a strategic level study providing a context for consideration of capacity for, and the cumulative effects of, existing and potential future wind farm developments. No site specific conclusions should be drawn from it in relation to currently proposed or potential future wind turbines and wind farms.

If turbines are proposed which exceed the turbine heights identified within the Ironside Farrar study 2016 the onus would be on the applicant to demonstrate how the impacts of the proposal on the key constraints and any unacceptable significant adverse effects can be mitigated in an effort to show a proposal can be supported.

Table 6.1 within the study gives a summary of what is considered to be the landscape capacity for each Landscape Character Area (LCA) within the Scottish Borders for 5no identified turbine typologies (15 – 35m, 35 – 50m, 50 – 80m, 80 – 120m and over 120m). These conclusions are identified spatially on output maps which are identified in figs 8 to 13 within this SG. It is advised that as an initial starting point any interested party makes reference to the relevant LCA within table 6.1 and the corresponding relevant output map.

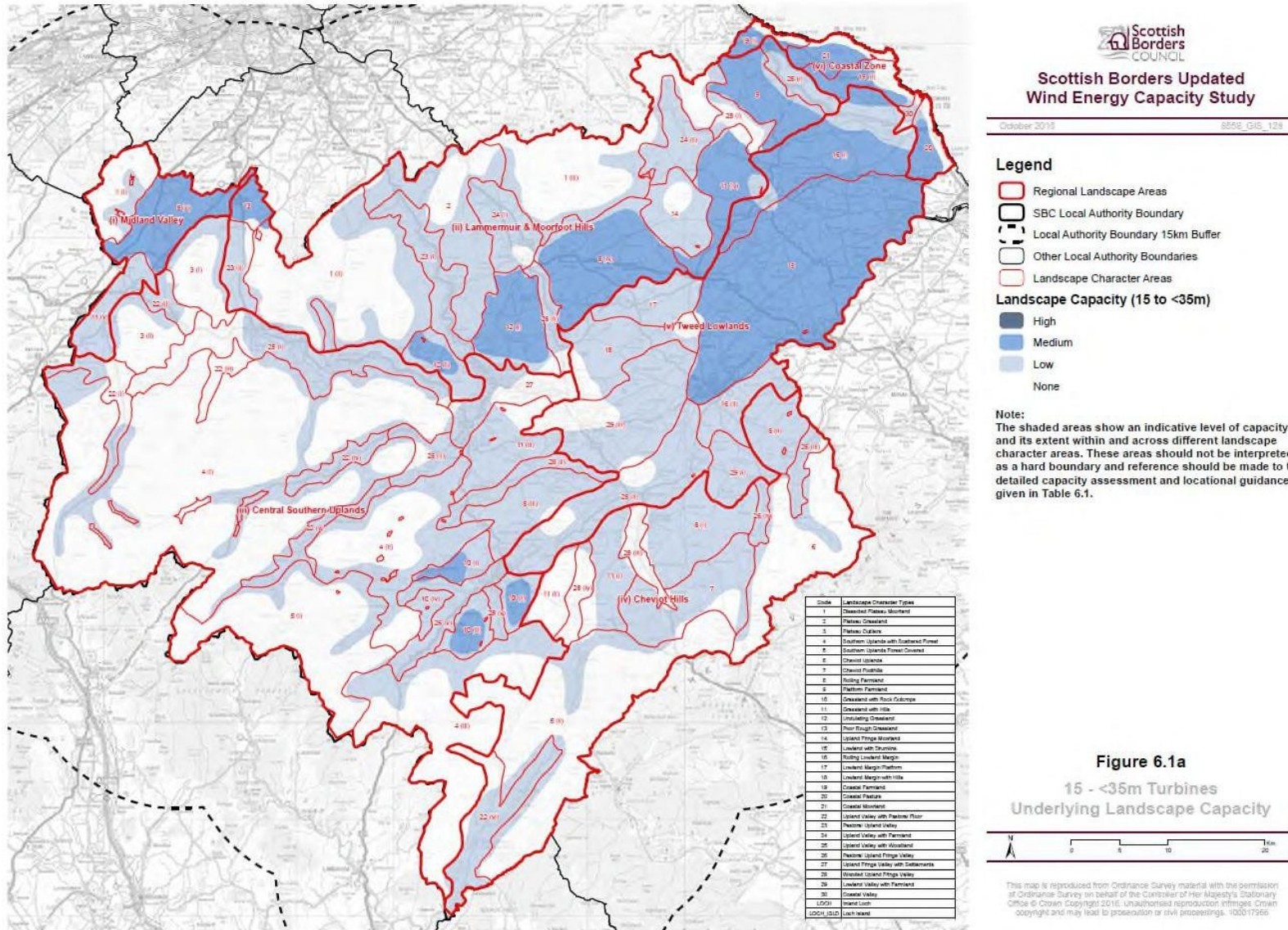
Para 162 of SPP requires planning authorities to identify where there is strategic capacity for windfarms. Although the Council does not have any definitive statistics confirming this, figure 13 gives a spatial reference as to the potential overall strategic opportunities for turbines.

LANDSCAPE AND VISUAL GUIDANCE ON SINGLE AND GROUPS OF 2 OR 3 WIND TURBINES IN BERWICKSHIRE IN 2013 (UPDATED 2015)

This guidance was instigated due to the high number of planning applications being submitted for single and groups of 2 and 3 wind turbines in Berwickshire and sought to give guidance to any interested party. The study can be viewed on the [Scottish Borders Council website](#). This study will be updated again separately. Any applications for single and groups of 2 and 3 turbines in Berwickshire should refer to this study.

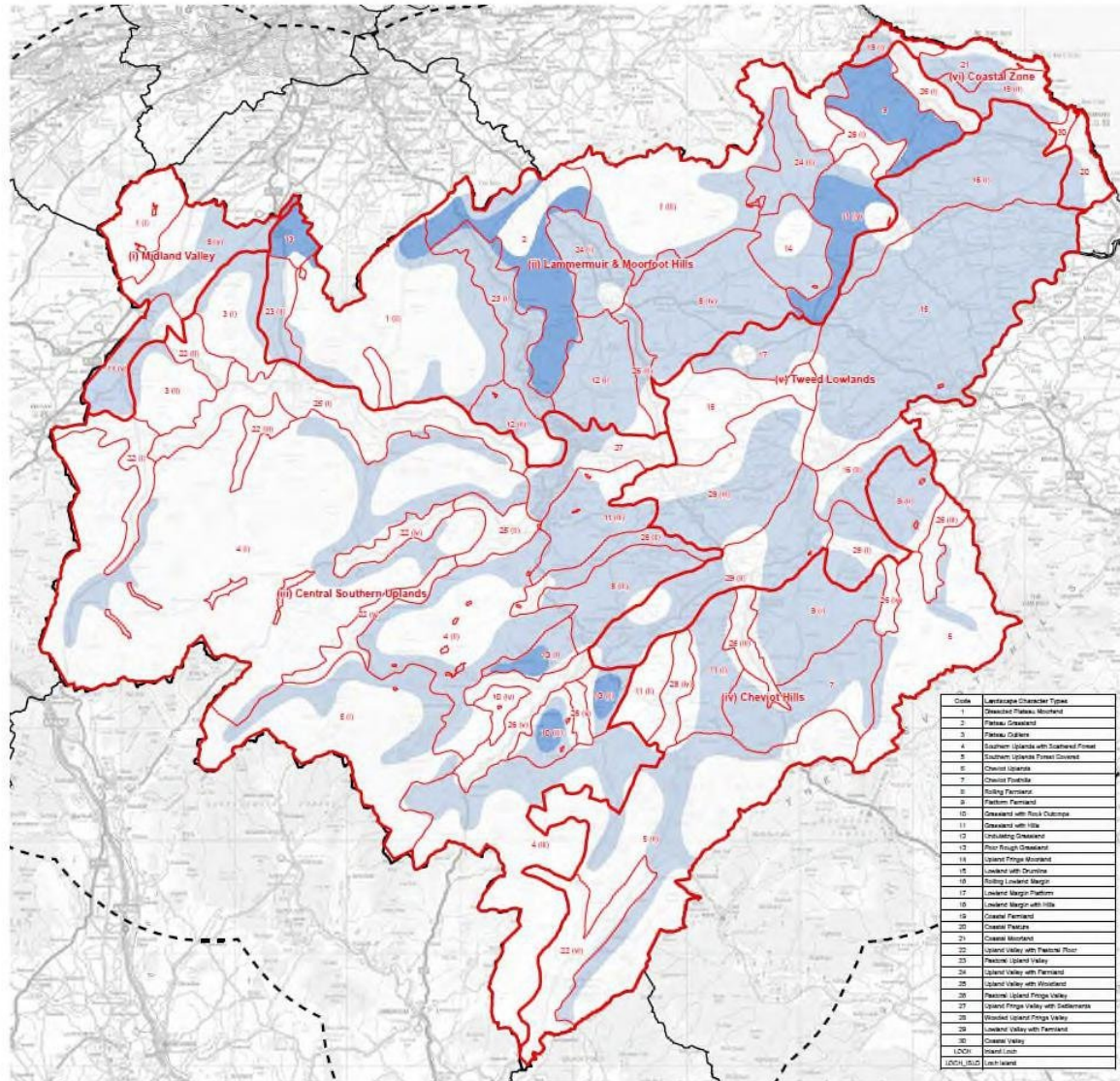
CHAPTER 8: DEVELOPMENT MANAGEMENT CONSIDERATIONS

FIGURE 8 – UNDERLYING LANDSCAPE CAPACITY FOR TURBINES BETWEEN 15 – 35M



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FIGURE 9 – UNDERLYING LANDSCAPE CAPACITY FOR TURBINES BETWEEN 35 – 50M






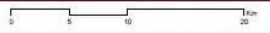
Scottish Borders Updated
Wind Energy Capacity Study
 October 2016 8558_015_129

- Legend**
- Regional Landscape Areas
 - SBC Local Authority Boundary
 - Local Authority Boundary 15km Buffer
 - Other Local Authority Boundaries
 - Landscape Character Areas
- Landscape Capacity (35 to <50m)**
- High
 - Medium
 - Low
 - None

Note:
 The shaded areas show an indicative level of capacity and its extent within and across different landscape character areas. These areas should not be interpreted as a hard boundary and reference should be made to the detailed capacity assessment and locational guidance given in Table 6.1.

Code	Landscape Character Types
1	Overland Plateau Moorland
2	Plateau Grassland
3	Plateau Outcrop
4	Eastern Uplands with Scattered Forest
5	Eastern Uplands Forest Grassland
6	Central Uplands
7	Central Foothills
8	Rolling Foothills
9	Foothill Farmland
10	Overland with Rock Outcrops
11	Overland with Hills
12	Rolling Overland
13	River Rough Grassland
14	Upland Fringe Moorland
15	Uplands with Scrubline
16	Rolling Lowland Marger
17	Lowland Marger Platform
18	Lowland Marger with Hills
19	Central Farmland
20	Central Pasture
21	Coastal Moorland
22	Upland Valley with Pasture Floor
23	Pasture Upland Valley
24	Upland Valley with Farmland
25	Upland Valley with Woodland
26	Pasture Upland Fringe Valley
27	Upland Fringe Valley with Settlements
28	Wooded Upland Fringe Valley
29	Lowland Valley with Farmland
30	Coastal Marsh
31	Inland Loch
32	Lochland

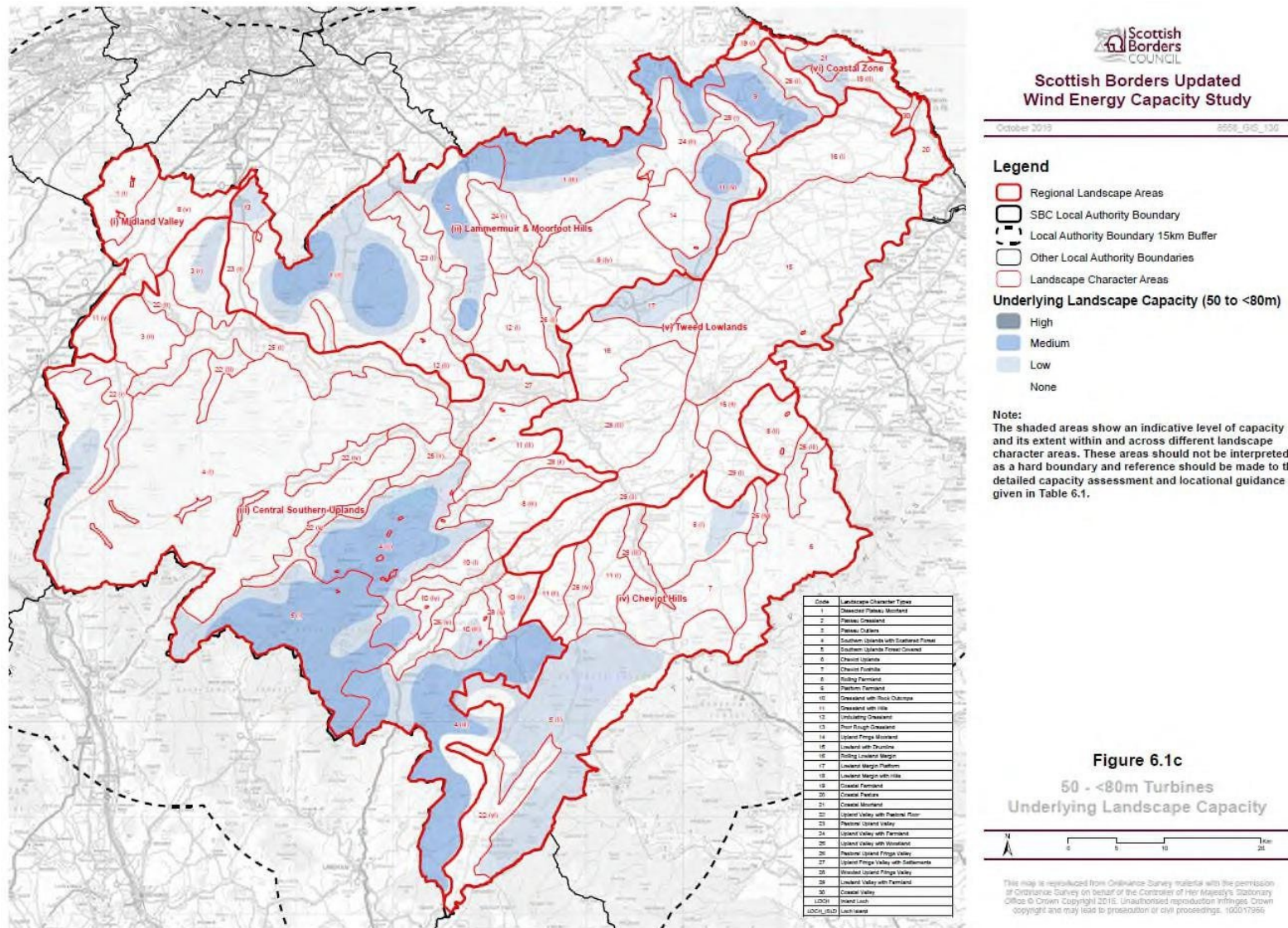
Figure 6.1b
 35 - <50m Turbines
 Underlying Landscape Capacity

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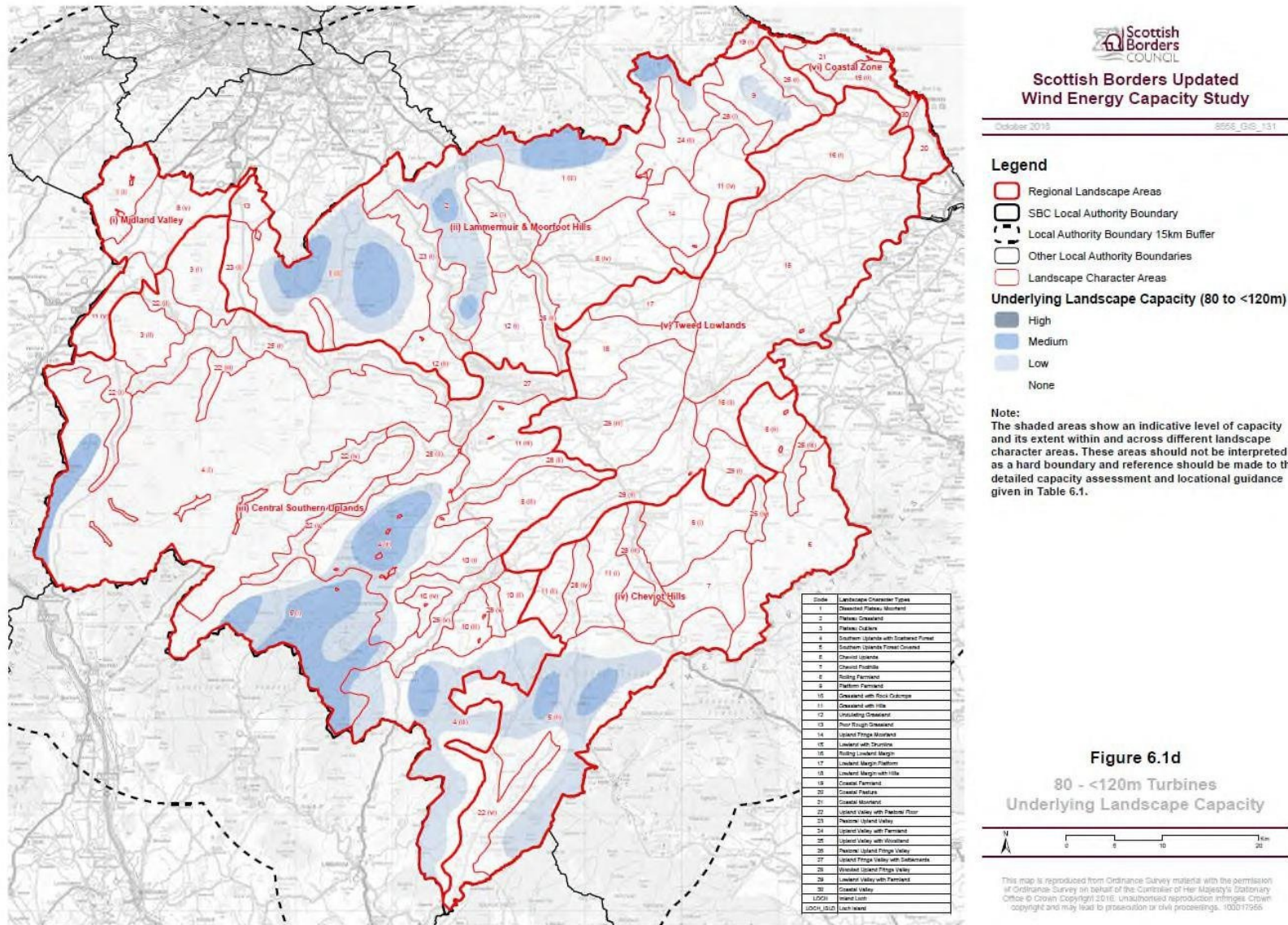
CHAPTER 8: DEVELOPMENT MANAGEMENT CONSIDERATIONS

FIGURE 10 – UNDERLYING LANDSCAPE CAPACITY FOR TURBINES BETWEEN 50 – 80M



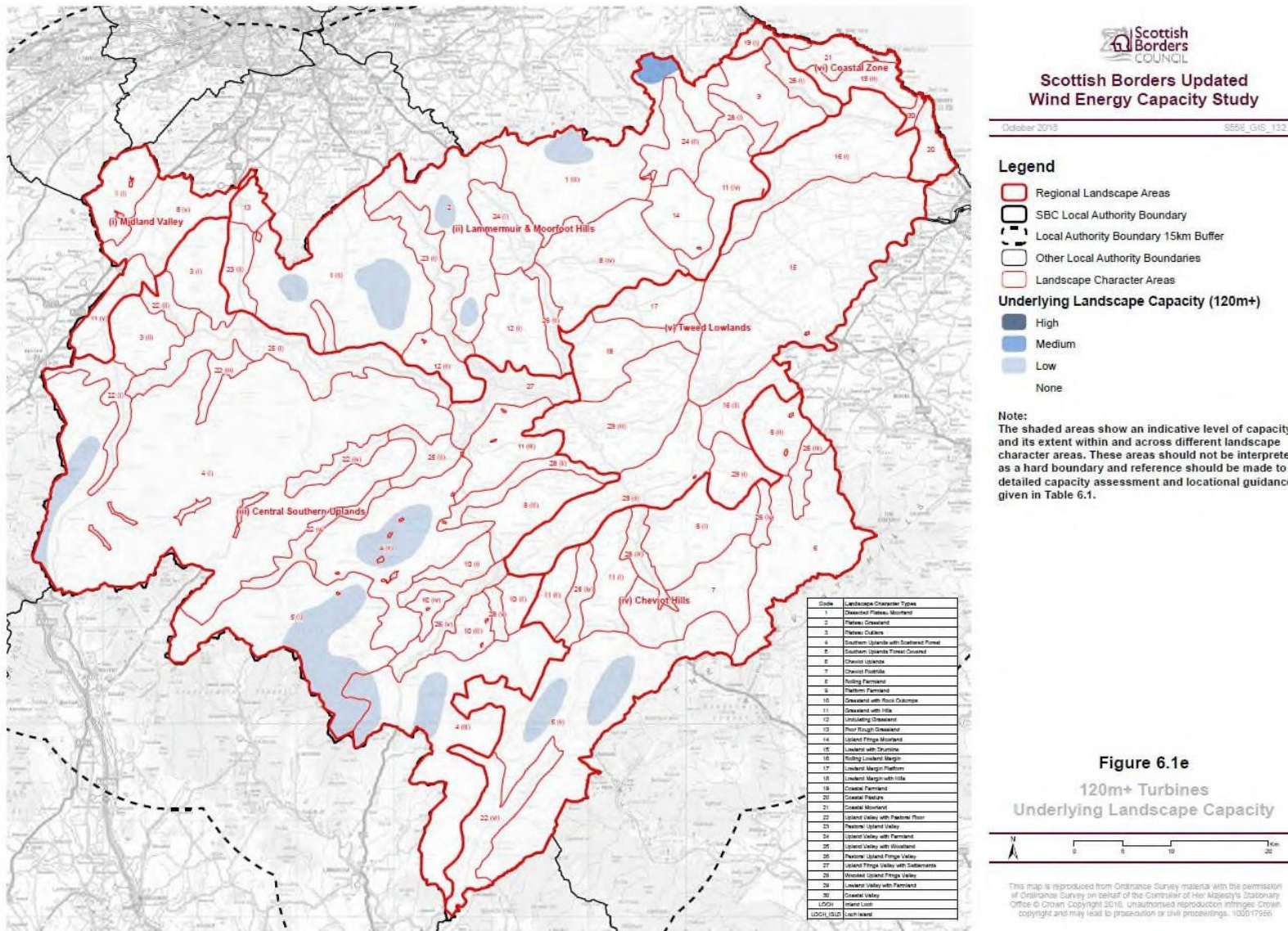
CHAPTER 8: DEVELOPMENT MANAGEMENT CONSIDERATIONS

FIGURE 11 – UNDERLYING LANDSCAPE CAPACITY FOR TURBINES BETWEEN 80 - 120M



CHAPTER 8: DEVELOPMENT MANAGEMENT CONSIDERATIONS

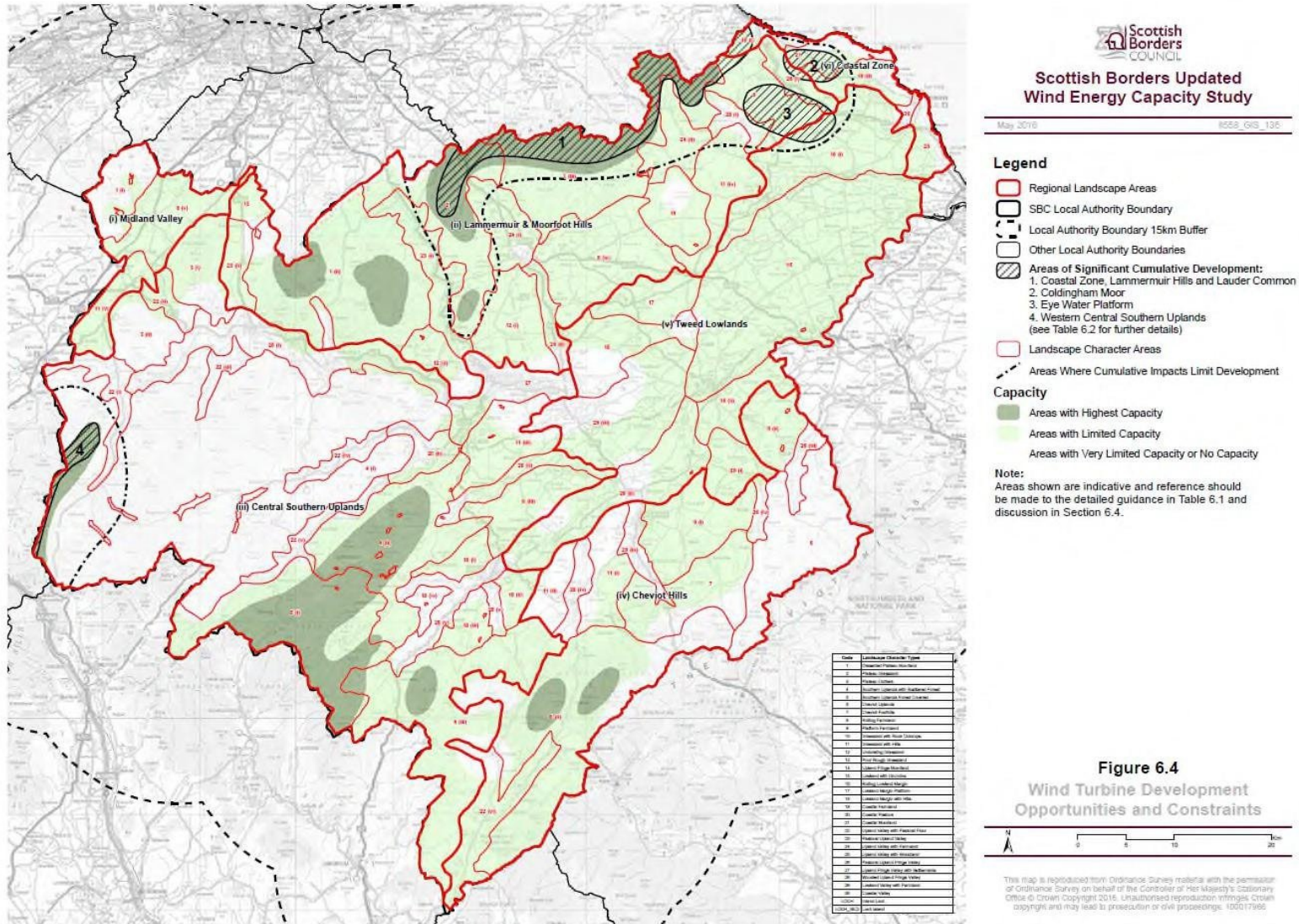
FIGURE 12 – UNDERLYING LANDSCAPE CAPACITY FOR TURBINES 120M +



CHAPTER 8: DEVELOPMENT MANAGEMENT CONSIDERATIONS

FIGURE 13 - SUMMARY MAP OF WIND TURBINE OPPORTUNITIES AND CONSTRAINTS

(THE OUTPUTS FROM FIGURES 8 - 12 ARE INCORPORATED IN FIGURE 13 WHICH ALSO TAKES COGNISANCE OF CUMULATIVE IMPACT ISSUES)



CHAPTER 8: DEVELOPMENT MANAGEMENT CONSIDERATIONS

Repowering

Para 170 of SPP refers to areas for wind farms being suitable for use “in perpetuity” which relates to the future re-use of sites for repowering. This is a significant change in policy in that turbine sites must now be considered for permanent use which is re-affirmed by the Scottish Government in their paper entitled “[Scottish Planning Policy – Some Questions Answered](#)”. Consequently this makes it even more vital that proper scrutiny is given to wind farm proposals on repowering to ensure full policy appraisal.

It is acknowledged that where existing turbine infrastructure exists there is an opportunity to re-use this when the lifespan of turbines expires and also to make turbine outputs more efficient. It is also acknowledged that turbines are now manufactured to increasingly greater heights, partly due to increase efficiency and the loss of subsidy. The fact a wind farm exists on a site, which would be picked up in an EIA, should be a material consideration to any repowering planning application and repowering offers opportunities to consider improvements to site layout and reassess environmental benefits. However, as part of the repowering process in instances where turbine heights are proposed to be increased, quite significantly in many cases, there are significant issues to be addressed. Existing turbines have been approved taking great care to consider how they will be fitted into the landscape, a procedure which regularly involves amended plans, reductions in heights and numbers and the finished approved heights are ultimately justified in any decision notice either by planning officials or Scottish Ministers. To increase the height of turbines could be contentious in many instances as higher turbines raises new parameters in terms of matters such as their prominence and suitability within the landscape and impacts on receptors. It therefore cannot be considered that such proposals will be fait accomplis on the grounds that turbines already exist on the site and such proposals should be considered de novo.

It is considered that this SG, policy ED9 of the LDP and para 6.6 of the Ironside Farrar Landscape Capacity and Cumulative Impact Study 2016 give useful guidance for any application submitted for the repowering of an existing wind farm. SNH will shortly be providing guidance on repowering.

Forestry and Woodland

Where woodlands within the Scottish Borders are affected by wind farm developments, the Scottish Government’s policy on the [Control of Woodland Removal](#) will apply.

Consideration of the effects on woodlands will be informed by advice from the forestry regulator (Forestry Commission Scotland) and will normally be based on minimising forest loss by:

- Replacing felled areas on the basis of ‘no net loss’ of woodland area.
- Minimising woodland loss for wind turbines by adopting the ‘keyholing’ approach rather than large scale clearance.
- Locating replacement woodland planting within the application site as far as possible.
- Providing ‘off-site compensation planting’, as a last resort, as close to the application site as possible within the Scottish Borders.

All replacement and compensatory planting, covered by condition, will remain the responsibility of the applicant.

CHAPTER 8: DEVELOPMENT MANAGEMENT CONSIDERATIONS

Consideration must also be given to how any forestry waste will be disposed of. Further information on this can be obtained from SEPA's Guidance on [Management of Forestry Waste](#).

Policy EP13 – Trees, Woodlands and Hedgerows of the LDP 2016 encourages developers to take account of the woodland resource at the outset and requires that the public benefits of a development clearly outweigh the loss of landscape, ecological, recreational, historical or shelter value. It confirms the need to seek appropriate replanting where there is unavoidable loss of the woodland resource. This policy is informed by the [Scottish Borders Woodland Strategy 2005](#).

Any turbine development is initially likely to be judged taking cognisance of existing woodland in the vicinity and how the proposal will relate to it. However, as required by SPP, proposals need to be considered “in perpetuity”, and therefore consideration must also be given to changing woodland pattern through future tree felling and re-stocking as well as natural tree growth and further afforestation. It is therefore expected that any accompanying Environmental Statement should incorporate detailed reference to woodland management and felling, taking also into consideration required access roads and infrastructure.

Cross Boundary Issues

It is important that cross boundary issues are addressed in order that neighbouring planning authorities are fully aware and in agreement of each other's spatial strategies and wind energy policies. Neighbouring planning authorities were consulted on this SG and their comments and responses have been incorporated into the finalised document where required. It should also be noted that there is a wind farm Cross Boundary Liaison Group comprising of representatives from the Council, neighbouring planning authorities and Scottish Natural Heritage. Consideration of any potential impacts on the Northumberland National Park needs to be considered requiring consultation with the Northumberland National Park Authority where appropriate.

Contaminated Land

Policy IS13 of the LDP should be referred to where relevant. This policy seeks to allow development on land where contamination is known or suspected but in a manner that ensures the redevelopment of such sites is made possible without unacceptable risk to human health and the wider environment. Consideration should also be given in instances where coal mining activity has left a legacy and potential public safety and stability problems can be triggered.

CHAPTER 9: CONCLUSION

This SG gives further advice and guidance relating to policy ED9 - Renewable Energy Developments of the Council's Local Development Plan 2016. This SG has been prepared for the benefit of any interested party as to where in principle renewable energy proposals can be supported. It covers a wide range of material considerations and complies with SPP and Scottish Government advice by following the principle of accommodating renewable energy proposals where appropriate, whilst also taking cognisance of economic and other benefits a proposal may offer.

The SG, including its appendices, are material considerations to future decision making on all planning applications for on-shore wind energy development and associated infrastructure and will form part of the Development Plan. It is advised that any developers take cognisance of the Guidance at any early stage of proceedings and address parts relevant to their specific proposal.

GLOSSARY OF TERMS

BIODIVERSITY

The variability in living organisms and the ecological complexes of which they are part. This includes diversity within species, between species and of ecosystems (UN Convention on Biological Diversity, 1992).

CLIMATE CHANGE ADAPTATION

The adjustment in economic, social or natural systems in response to actual or expected climatic change, to limit harmful consequences and exploit beneficial opportunities.

CLIMATE CHANGE MITIGATION

Reducing the amount of greenhouse gases in the atmosphere and reducing activities which emit greenhouse gases to help slow down or make less severe the impacts of future climate change.

CO₂ CARBON DIOXIDE

The main greenhouse gas, formed by the combustion of all fossil fuels.

CULTURAL HERITAGE

Cultural Heritage encompasses the tangible and intangible creations of past and present cultural groups. This includes the historic environment (archaeological sites, monuments, historic buildings, designed landscapes, historic landscapes), artistic expressions, traditions and stories and aspects of the natural environment with cultural associations. Cultural heritage is inherited, informs identity and sense of place and is passed on to future generations

COMMUNITY

A body of people. A community can be based on location (for example people who live or work in or use an area) or common interest (for example the business community, sports or heritage groups).

CUMULATIVE IMPACT

Impact in combination with other development. That includes existing developments of the kind proposed, those which have permission, and valid applications which have not been determined. The weight attached to undetermined applications should reflect their position in the application process.

CUMULATIVE EFFECTS *(IN THE CONTEXT OF THE STRATEGIC TRANSPORT NETWORK)*

The effect on the operational performance of transport networks of a number of developments in combination, recognising that the effects of a group of sites, or development over an area may need different mitigation when considered together than when considered individually.

ENERGY CONSERVATION

The reduction of energy consumption usually achieved by changing habits or patterns of use and not requiring significant investment.

ENHANCEMENT

To improve the quality of an area affected by a wind energy development.

ENVIRONMENTAL IMPACT ASSESSMENT

The process used for describing, analysing and evaluating the range of environmental effects that are caused by a wind energy proposal

GLOSSARY OF TERMS

ENVIRONMENTAL STATEMENT

The document supporting a planning application that sets out the findings of the Environmental Impact Assessment.

HISTORIC ENVIRONMENT

Scotland's historic environment is the physical evidence for human activity that connects people with place, linked with the associations we can see, feel and understand.

LANDSCAPE CHARACTER

A distinct pattern or combination of elements that occurs consistently in a particular landscape.

LANDSCAPE CHARACTER CLASSIFICATION

A process for describing areas which have broadly consistent and recognisable characteristics. An assessment was carried out for the Scottish Borders in 1995. It describes 70 distinct "Landscape Character Areas" which have been grouped into 31 defined "Landscaped Types". These in turn fall into five broad categories namely the "Upland Types", the "Upland Fringes Types", the "Lowland Types", the "Coastal Types" and the "River Valley Types". These reflect the diversity and pattern of landscape character areas that occur within the region.

LANDSCAPE CHARACTER AREAS

These are single unique areas which are discrete geographical areas of a particular landscape type

LANDSCAPE CHARACTER ASSESSMENT

The process of identifying and describing variation in the character of the landscape, and using this information to assist in managing change in the landscape. It seeks to identify and explain the unique combination of elements and features that make landscapes distinctive. The process results in the production of a Landscape Character Assessment

LANDSCAPE CHARACTER TYPES

These are distinct types of landscape that are relatively homogeneous in character. They are generic in nature in that they may occur in different areas in different parts of the country, but wherever they occur they share broadly similar combinations of geology, topography, drainage patterns, vegetation and historical land use and settlement pattern, and perceptual and aesthetic attributes.

LANDSCAPE SENSITIVITY

The extent to which the character and visual amenity of a landscape is susceptible to change brought about by the introduction of wind energy development.

LANDSCAPE VALUE

The relative importance that stakeholders attach to a landscape for a variety of reasons including scenic quality, perceptual aspects such as wildness, remoteness or tranquillity that contribute to a sense of place, rarity, presence and influence of other conservation interests and special cultural associations.

MEGA WATT

A watt is an electrical unit of power. A megawatt is a million watts.

MICRO-GENERATION

Very small scale power generation schemes, typically providing energy to a single household/office. These schemes are less than 50kw or 45kw (thermal) – Source Energy Act 2004

GLOSSARY OF TERMS

MITIGATION

The act of amending a wind energy development to reduce/remove harmful impacts.

NATIONAL NATURE RESERVE (NNR)

An area considered to be of national importance for its nature conservation interests.

NATIONAL SCENIC AREA (NSA)

An area which is nationally important for its scenic quality.

OFFSHORE

Location on the sea bed, below the mean low tide level, for a number of prospective renewable energy sources including wind, tidal and wave.

PLANNING ADVICE NOTE (PAN)

A series of documents that are produced at the national level and which provide advice on good practice.

RAMSAR SITES

Wetlands designated under the Ramsar Convention on Wetlands of International Importance.

RENEWABLE ENERGY

Collective term for energy flows that occur naturally and repeatedly in the environment. It includes energy derived by the sun, such as wind, solar hot water, solar electric (photo-voltaic), hydro power, wave, tidal, biomass, bio fuels, and from geothermal sources, such as ground source heat pumps.

SCHEDULED MONUMENT

Archaeological sites, buildings or structures of national or international importance. The purpose of scheduling is to secure the long-term legal protection of the monument in the national interest, in situ and as far as possible in its existing state and within an appropriate setting.

SECTION 36 APPLICATIONS

Applications for turbines which exceed 50MW in size require to be determined under section 36 of the Electricity Act 1989. These applications are submitted to the Scottish Government and planning authorities are consulted on these proposals.

SECTION 69 AGREEMENT

This method of payment requires the applicant / developer to make the necessary development contribution prior to consent being issued. Section 69 Agreements will be processed on the basis that, should the contribution not be disbursed for the purpose contributed within five years of the agreement, it shall be repaid to the contributor with interest.

SECTION 75 AGREEMENT

A legal agreement which regulates the development or use of land and is entered into by the Planning Authority and any person interested in the land to which it relates.

GLOSSARY OF TERMS

SENSITIVE RECEPTOR

Aspect of the environment likely to be significantly affected by a development, which may include for example, population, fauna, flora, soil, water, air, climatic factors, material assets, landscape and the inter-relationship between these factors. In the context of planning for Zero Waste, sensitive receptors may include aerodromes and military air weapon ranges.

SETTING

Setting is more than the immediate surroundings of a site or building, and may be related to the function or use of a place, or how it was intended to fit into the landscape of townscape, the view from it or how it is seen from areas round about, or areas that are important to the protection of the place, site or building.

SITE OF SPECIAL SCIENTIFIC INTEREST (SSSI)

An area which is designated for the special interest of its flora, fauna, geology or geomorphological features.

SUSTAINABLE DEVELOPMENT

Development that meets the needs of the present without compromising the ability of future generations to meet their own needs. The Brundtland Definition. Our Common Future, The World Commission on Environment and Development, 1987.

SUSTAINABLE ECONOMIC GROWTH

Building a dynamic and growing economy that will provide prosperity and opportunities for all, while ensuring that future generations can enjoy a better quality of life too.

VISUAL RECEPTORS

Individuals and/or defined groups of people who have the potential to be affected by a proposal

ZONE OF THEORETICAL VISIBILITY (ZTV)

The area from which a development is potentially visible as determined by topography and other intervening features on the ground

APPENDIX A – COUNCIL WEB PAGE ADVICE ON WIND ENERGY

APPENDIX A – COUNCIL WEBPAGE ADVICE ON WIND ENERGY

The following information is available on the Councils' webpage.

The [windfarm database](#) includes information on planning applications, applications being considered by the Scottish Government (Section 36 Applications) and sites where preliminary screening and scoping opinions have been issued.

Three [maps of windfarm and turbine sites](#) are also available to download, split into small and medium turbine locations, large scale turbine locations, and sites subject to screening and scoping requests. These maps confirm the high number of application submissions within the Scottish Borders and the consequent pressure the area is under from turbine proposals.

Before a planning application is submitted for a larger windfarm development, the applicant will normally ask for the Council's opinion on screening and scoping. A screening opinion will normally be in response to the question of whether an Environmental Impact Assessment (EIA) is required to accompany a planning application, while a scoping opinion will normally be about what that assessment should include.

The Council records the location of all sites subject to screening and scoping opinions for wind energy development in the Scottish Borders on the [Screening and Scoping Opinions for Wind Development PDF map](#).

Note: Once an application for planning permission has been lodged, the proposal will be removed from this list and will then appear on the windfarm database.

APPENDIX B - DECOMMISSIONING TABLE

APPENDIX B – DECOMMISSIONING TABLE

Decommissioning Cost Estimate				
Description	Quantity	Unit	Rate (£)	Total (£)
Decommission Turbines				
Decommission Turbines – including all required carnage, loading/ unloading and transport for disposal off site				
Oil Disposal – disposal of wind turbine generator oils assume 1 turbine per day including disposal off site and all plant and equipment				
NO turbine scrap value should be taken into consideration				
Transport – transport off site for recycling distance not exceeding 100km				
Transformers/ Package Substations				
Decommission package substations				
Decommission Turbine Foundations				
Decommission and make good foundation areas not exceeding XXm ² x 1m below F.G.L (m ³)				
General allowance for turbine foundation area landscaping assume grading and seeding or similar				
Cost of material offsite as inert waste				
Decommission Site Roads (inc. SuDS)				
Quantity of site roads requiring decommissioning				
Site Road Programme – programme for site road decommissioning				
Labour				
Plant				
Does the site require imported fill material?				
Imported fill material from off site				
Decommission Crane Hardstandings				
Number of hardstandings to be decommissioned as standard set to number of turbines but can be altered				
Hardstanding Programme 0 programme for hardstandings decommissioning				
Labour				
Plant				
Does the site require imported fill material?				
Crane hardstanding size				
Material				
Decommission Substation Building(s)				
Allowance for substation control building and compound decommissioning civil works only including disposal of all material off site				
Decommission substation electrical installation including taking into account residual value of equipment				
Additional Decommissioning Civil Works				
Site Entrance – decommission site entrance				
Signage – remove site signage and install new where appropriate				
Fencing and hedging – remove/adjust site fencing and hedging where applicable				
Additional works – defined by the user				
Electrical Infrastructure Cost				
Works involved in removing cable from trenches and making good on completion				
Independent Engineering Design and Consultants				
General allowance for engineering costs through decommissioning phases of the works				
Decommission Met Mast				
Decommission met mast at the same time as turbines				
Management and Preliminaries				
Management and staff time				
Preliminaries				
Insurance				
Insurance rate as advised				

Total

APPENDIX C - IRONSIDE FARRAR STUDY ON LANDSCAPE CAPACITY AND CUMULATIVE IMPACT 2016

APPENDIX D - ICONIC VIEWPOINTS

Appendix D - Iconic Viewpoints

Route	Location	Grid Reference	Angle of View (degrees)	Direction of View	Main points of interest
Southern Upland Way	Pikestone Rig, Yarrow	NT 244176	180	NW	Highest hills in the Scottish Borders
	Blake Muir, Traquair	NT 304306	270	NE	Tweed Valley & Moorfoot Hills
	Minchmoor	NT 355336	360		Tweed and Yarrow valleys
	Browne Knowe	NT 390327	360		Tweed and Yarrow valleys
	Three Brethren	NT 4333320	360		Much of the Scottish Borders
	Chester Hill, Lauder	NT 525465	270	NE	Lauderdale & Lammermuir Hills
	Twin Law, Longformacus	NT 625548	270	SE	The Merse & Cheviot Hills
	Penmanshiel, Co'path	NT 795690	90	NW	Coast
St Cuthbert's Way	Eildon Hills		360		Much of the Scottish Borders
	Lilliardsedge	NT 620275	270	SW	Eildon Hills & Cheviot Hills
	Littledeanlees Crailing	NT 695234	180	NW	Teviot Valley
	Grubbit Law to Crookedshaws Hill	NT 792239 to NT 805248	360		Eastern & Central Borders, Cheviot Hills
Pennine Way (Border Ridge)	White Law	NT 857263	360		Eastern & Central Borders, north Northumberland & Cheviot Hills
	The Schil	NT 870224	360		Cheviot Hills
	Auchope Cairn	NT 890198	180	W	Cheviot foothills, Eastern Borders
	Windy Gyle	NT 855153	360		Cheviot Hills
	Coastal Path	Lamberton	NT 973580	270	NE
Burnmouth		NT 957613	180	E	Burnmouth, coast & sea
Fancove, Eyemouth		NT 954626	360		Coast, sea & eastern Borders
Fort Point, Eyemouth		NT 944650	180	NW	Coast & sea
St Abbs Head			360		Coast, sea & eastern

					Lammermuir Hills
	Tun Law	NT 894693	360		Firth of Forth, coast, sea & eastern Borders
	Dowlaw to Pease Bay	NT 855700 to NT 800705	180	NW	Firth of Forth
Borders Abbeys Way	Black Law, Jedburgh	NT 619182	360		Cheviot Hills, Rubers Law, & Teviot valley
	Drinkstone Hill, Hawick	NT 484186	360		Teviot Valley, Cheviot Hills & Tweedsmuir Hills
	Hartwoodmyers	NT 435245	180	NE	Ettrick & Yarrow valleys and Moorfoot Hills
	Shawmount to Cauldshiels Loch	NT 490297 to NT 507316	180	NW	Yarrow & Tweed valleys, Moorfoot Hills
John Buchan Way	Cademuir Hill, Peebles	NT 238387 to NT 225371	360		Manor Valley, Tweed valley, Tweedsmuir Hills & Moorfoot Hills
	Easter Dawyck, Stobo	NT200375	180	NW	Tweed Valley, Tweedsmuir Hills & Broughton Heights
	Stobo	NT155385	360		Tweed Valley, Tweedsmuir Hills & Broughton Heights
Dere Street	Whitton Edge to Pennymuir	NT 740190 to NT753150	360		Cheviot Hills & Central Borders
Tweed Trails	Cauldstane Slap, West Linton	NT 597118	360		Pentland Hills and particularly NW into Lothians & S to Tweedsmuir Hills.
Newcastleton Paths	Larriston Fell	NY 560915	180	W	Liddesdale
	Carby Hill	NY 486842	180	W	Liddesdale
	Blackburn	NY 474854	180	NE	Liddesdale
B6438	Preston to Auchencrow (Bunkle)	NT 804596	180	S	The Merse
A68	Carter Bar	NT 697068	180	N	Cheviot Hills, Eastern & Central Borders
A6105	Greenlaw Moor	NT 715475	180	SW	Central Borders

Minor road	Talla	NT 140201	90	NW	Talla Reservoir & Tweedsmuir hills
Hills	Rubers Law, Denholm	NT 580155	360		Teviot Valley & Cheviot Hills
	Black Hill, Earlston	NT 585370	360		Eildon Hills, Lauderdale Lammermuir Hills & central Borders
	Duns Law, Duns	NT 785546	270	SE	Merse, coast & eastern Lammermuir Hills
	White Meldon, Peebles	NT 219429	360		Moorfoot Hills, Pentland Hills & Tweedsmuir Hills
	Lee Pen, Innerleithen	NT 325386	360		Tweed valley, Moorfoot & Tweedsmuir Hills
	Dirrington Little Law, Westruther	NT 686532	360		Lammermuir Hills, Greenlaw Moor & the Merse
	Peniel Heugh	NT 653263	360		Cheviot Hills, Teviot valley eastern & central Borders
Historic Sites	Smailholm Tower	NT637347	360		Lammermuir Hills, Cheviot Hills, Eildon Hills & Tweed valley
	Scott's View	NT 594343	180	W	Eildon Hills & Tweed valley
	Hume Castle	NT 705414	360		Lammermuir Hills, Cheviot Hills, Eildon Hills & Tweed valley

Responses Table

Subject	Respondent	Summary of Response	Council Response	Recommendation
<p>General</p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 227</p>	<p>Alistair Lings / Gala Waterways Group</p>	<p>Agree that the development of hydropower 'should be maximised where possible' (page 21). We urge SBC to prohibit development that could inhibit or restrict the potential reuse of historic hydropower infrastructure in Galashiels</p>	<p>Comments noted. The Council cannot predict where a third party may wish to locate a future hydropower scheme and therefore any potential inhibitions or restrictions would not be reasonable nor justified</p>	<p>No change</p>
	<p>Alan Bailey / Ruberslaw Wild Woods Camping</p>	<p>Our direct and local experience of customer preferences for camping in unspoilt unindustrialised scenery is, we accept, at odds with the sweeping assertions made by VisitScotland et al that windfarms don't harm tourism at a national level. While their assertions may be defensible as relying on nation-wide statistical analysis which includes the urban tourist, their approach does not take into account actual experience at a specific and local level and is dangerous for small tourism businesses such as ours. The impact on our Tourism business through degradation of the scenic assets of the landscapes south of the Teviot, and particularly in Rulewater and in the Carter Bar and Ruberslaw panoramic zones of visibility, from the following windfarm proposals is of special concern to us:</p> <p>Hawick and Hermitage Ward: 55 turbines Selkirk Ward: 17 turbines Hawick and Denholm Ward: 84 turbines Additional turbines in withdrawn or refused</p>	<p>Comments noted. There are instances where third parties have named wind farms as having a negative impact on tourism e.g. references within the Biggar Economics – Economic Impact of Wind Energy in the Scottish Borders 2013. However, there is no recognised national guidance nor studies which are recognised by Scottish Government as having any major impacts on tourism and therefore the Council cannot make up its own rules regarding this matter. The Council can request supporting information at the planning stage regarding any possible impacts on tourism for its consideration</p>	<p>No change</p>

	Jane Bower	<p>applications that could be resurrected.</p> <p>I am disappointed that my local Community Council, Upper Liddesdale and Hermitage CC, seem to be unable even to draft a short letter. I wish to register my personal objection to the current draft SPG on renewable energy. It would seek to turn this area into a landscape of wind turbines. This would drive out even more of the people in an area suffering from depopulation, and discourage even the low level of tourism which the area currently experiences.</p>	<p>The Ironside Farrar Landscape Capacity study does identify areas within the Upper Liddesdale and Hermitage area where the landscape could absorb larger turbines. However, such proposals would be tested by planning applications and cumulative impact and other potential issues would be addressed at that stage</p>	No change
	The Coal Authority	<p>As you will be aware, the Scottish Borders Council area has been subjected to coal mining activity which has left a legacy. Whilst most past mining is generally benign in nature, potential public safety and stability problems can be triggered and uncovered by development activities. It is important that new development recognises the problems and how they can be positively addressed. However, it is important to note that land instability and mining legacy is not a complete constraint on new development. Whilst the draft SG document identifies a range of considerations for the various types of renewable energy development, The Coal Authority notes that no reference is made to the safety and stability implications posed by past coal mining activities and how this legacy should be taken into account in formulating development proposals. The Coal Authority is, however, aware that adopted Local Development Plan Policy IS13: <i>Contaminated Land</i>, requires developers to assess the risk posed by unstable land and, if necessary, undertake appropriate or remedial measures to</p>	<p>Comments noted. It is confirmed reference to the need to give consideration to policy IS13 – Contaminated Land has been incorporated within the SG.</p>	<p>Within Section “Other Development Considerations” a reference to policy 1S13 – Contaminated Land and its objectives has been included</p>

	<p>Minto Hills Conservation Group / Borders Network of Conservation Groups</p>	<p>render the site suitable for its proposed use. We therefore consider that it would be prudent to signpost Policy IS13 and its requirements within the SG.</p> <p>We are very conscious of the fact that the Draft Supplementary Guidance (SG) is heavily and unavoidably influenced by Scottish Government policy on planning and energy. What is clear is that SBC has made an admirable effort to reflect that while allowing for as much local input as is admissible. It is also clear that this Guidance should assist in protecting the Borders from the wrong wind farms in the wrong locations and from wind turbines which are too tall for given landscapes.</p> <p>Nevertheless, we have attempted to consider the published draft with objectivity and to apply logical and rational thought to that consideration. Where we suggest that something should be amended in the interests of fairness, transparency and ethical planning integrity we have, wherever possible, offered reasonable solutions, accepting that there may be others, all in an effort to be positively constructive.</p> <p>We appreciate that developers may view the draft from a different perspective and some may even seek to undermine as much of it as they feel could make life difficult for them and/or reduce their profit margins. However, although we are fairly confident that SBC will not need this reminder, we still take the opportunity to remind the Council and any developers who may venture to read this response, that the duty of the Council is to be fair and reasonable to all interested parties but that</p>	<p>Comments noted. The acknowledgement of the need to satisfy national planning requirements is noted. It is considered that the independent Landscape Capacity and Cumulative Impact study has confirmed that significant parts of the Scottish Borders are not capable of accommodating some of the larger turbines which the development industry are likely to seek to install.</p>	<p>No change</p>
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	Cockburnspath and Cove Community Council	<p>that does not, and never should, extend to seeking to protect the economic and financial interests of developers. If the latest subsidy regime means that developers seek to erect turbines which are much taller than those seen onshore in the UK before (two or three times the height of the turbines being considered when the precursors to this guidance were being drawn up), in order to make similar profits, then they cannot be surprised if the available selected landscape (which is more or less constant and its value therefore more or less absolute) cannot accommodate those greater heights.</p> <p>There can be no doubt that in our particular area (Cockburnspath (Ironside Farrar area 19i) significant developments have occurred over the last few years, and we are now faced, especially within the Lammermuir foothills, with an area of windfarm development, rather than an area with such developments. We particularly welcome the Ironside Farrar designated landscape study which identifies cumulative impact and makes comments on the scope for further development, identifying potentially more acceptable heights, acknowledging that the Lammermuir foothills around the border with East Lothian are reaching capacity and the necessity to “contain” developments within the landscape.</p> <p>SPP states that there are some areas of specific protection, but it is notable that in Group 3, reflected in the draft SG (pg 24) there appears to be a presumption in favour of wind energy development, if no significant areas of protection are identified. However, we welcome the emphasis</p>	<p>Support for the Ironside Farrar Landscape Capacity and Cumulative Impact study is noted. It is confirmed that the spatial framework as stated in SPP does in essence state that outwith areas of significant protection wind farms are likely to be acceptable. However this is subject to detailed consideration of identified policy criteria and requires consideration of landscape capacity and cumulative impact matters .</p>	No change
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		<p>placed on the “balancing act” similar to that contained in the old LDP policy D4 which introduces, alongside the landscape capacity study and spatial strategy, an attempt to ensure that turbine developments sit within the landscape in which they are proposed. We feel this is a very important clarification and one that should be defended rigorously in the planning process. When the first developments occurred at Crystal Rig, the turbines sat within a “bowl” in the landscape and were not particularly visible to the coastal margins. However, in recent years, the coastal margin has become more and more severely impacted by higher and higher turbines, which now significantly alter the local landscape forms and dominate the skyline for miles around. In particular, those at Aikengall are highly visible.</p> <p>The encroachment into the coastal margins, with turbines at Hoprigshiels, Ferneylea and Neuk demonstrate the creeping nature of such developments which are having a major effect on the scenic nature of the surrounding landscape, not to mention residential amenity of home owners. Although this community’s resistance to the Neuk turbines is well known to the Council, we are very concerned that there appears to be an acceptance that once turbines appear in a landscape, further turbines become somehow more acceptable. Whilst an altered landscape with existing turbines may make additional ones more acceptable in planning terms (due to the altered landscape from baseline) they are not acceptable in areas of “saturation” by communities living with them. We note the helpful designations of cumulative and</p>	<p>If a site is approved for a wind farms then it follows that consideration can reasonably be given as to whether there are opportunities for the site to be extended. In some more remote upland areas, for example, where the landscape may be more appropriate for wind farms extensions of existing wind farms may be supported. However, it is acknowledged that a wide range of opinions exist regarding this matter and the planning application process allows these to be submitted and considered.</p>	<p>No change</p>
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		<p>sequential effects, but in practice, have not seen these effects being fully taken account of in planning decisions, particularly where such decisions are taken under a Section 36, or where they are the focus of an appeal to ScotGov Reporters. It is very important that communities and Community Councils understand the various cumulative effects and we are grateful for the clarification in the SG.</p> <p>Maps are difficult to interpret in the draft SG, as there are few landmarks relating to villages/towns etc and it can be difficult to locate your particular area and therefore access related information. We would like to recommend the clearer mapping of some central towns, such as Eyemouth, Duns, Kelso etc in order to orientate the reader more easily, and on the on-line version, a zoom tool to allow more detail to be explored.</p> <p>Cockburnspath and Cove welcome the draft SG, and hope that it is accepted by Scottish Ministers as it provides much needed clarification and is well presented. It provides needed, updated guidance to developers and to communities, and supports SPP and NPF3 whilst strengthening the Council's position in terms of approvals or refusals by giving clear reference points which justify decisions and assist the transparency of the decision making process.</p>	<p>Although it is not considered justified for the 4no small individual maps on page 32 which make up the spatial framework to have settlement names added to them which would clutter their appearance given their small scale, the finalised spatial framework is the key output map. Consequently it has been enlarged onto a separate page with settlement names added.</p> <p>Support noted</p>	<p>The spatial framework has been enlarged in size with settlement names added to the base map.</p> <p>No change</p>
	<p>Denholm & District Community Council</p>	<p>As Chair of Denholm and District Community Council, I wish to express the collective and unanimous dismay of my colleagues, following the</p>	<p>It is acknowledged that there is a very wide range of often strong and certainly conflicting opinions regarding wind</p>	<p>No change</p>

		<p>presentation we received recently by an officer of Scottish Borders Council regarding the Draft SPG Guidance on Renewable Energy, and the consideration of windfarm development applications in our Region.</p> <p>I have no intention of going into great detail, which I understand has been very well represented to you by our neighbouring Southdean Community Council. However, it is important that you understand the level of consternation that this proposed change of policy has caused amongst our community. The position of SBC was presented as simply needing to implement Scottish Government policy, and that you have little option but to comply, but we would like to make it clear that we do not agree with that position.</p>	<p>farms and some parties do not agree with Scottish Government's support and the statutory processes which are laid down to test wind farm applications. However, it must be acknowledged that any guidance produced by planning authorities must follow national planning requirements. If these national planning requirements are ignored within the preparation of this Supp Guidance in the first instance it would not be accepted by Scottish Ministers when it is referred to them. Consequently the considerable period of time spend by a range of bodies in preparing the SG and the efforts and time spent by consultees in submitting comments would be wasted. However, it must be recognised that within the legislation requirements there still remains an inevitable degree of subjectivity to be applied case by case as to the suitability of proposed turbines within a landscape as part of the planning application process.</p>	<p>No change</p>
		<p>The changes proposed are based on a commercial consultant's assessment of the topography of the Borders and its ability to absorb windfarms of various sizes, and their cumulative effects. It appears that, as a result of the Draft SPG Guidance, the whole approach to considering planning applications for wind farms would change, with the possibility of far more developments being proposed and approved.</p>	<p>The Council has refused a number of applications for wind turbines where it was considered these were not appropriate and therefore it is not the case at all that the Council considers these applications as fait accompli approvals. It is considered the SG strikes the correct balance between supporting renewable energy proposals</p>	

		<p>It is worth noting that the original SBC local plan made particular note of the landscape, including the important iconic viewpoints, and of course this scenery has not changed. It is hard to understand how the consultancy company engaged for the task, Ironside Farrar, could possibly have surveyed the entire Borders area in such detail. One is left wondering what criteria they used to assess how suitable a particular area was for windfarm development.</p> <p>Hitherto a prospective developer was required to demonstrate that his project would not impact detrimentally on the surrounding landscape, from a variety of perspectives, such as visual impact, natural wild life environment, drainage etc, etc. It seems to us that under the new guidelines, the situation could be summarised thus: a developer will now be presented with a landscape which has already been categorised into various levels of suitability for windfarm development. Thus, if he is able to secure access to a particularly attractive area, provided he meets certain limitations such as blade tip height among others, he can be confident that he will not need to argue in favour of his application – he will simply get the green light. It seems to us that the onus of justification has been</p>	<p>whilst also giving due weight to other matters such as the protection of the landscape and the environment. It must be stated that Ironside Farrar, the consultants who carried out the Landscape Capacity study, are independent consultants with no commercial interests.</p> <p>The Council is satisfied the Ironside Farrar study has been carried out in an appropriate manner. This has involved digital mapping outputs and site visits. The study is of a strategic nature and lays down issues to be addressed via more detailed site specific visualisations and information submitted as part of a formal planning application submissions. As part of that process communities have the opportunity to submit their comments for consideration. It is contended the SG complies with national planning guidelines.</p>	No change
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	Hobkirk Community Council	<p>reversed. We are left with the impression that the Scottish Government, in pursuit of its well documented thinking in favour of on-shore windfarms, (and by implication SBC) intend to ride rough-shod over the concerns of local residents, disregarding their opposition to such developments, at considerable detriment to the local tourist industry and economy. We predict that this will inevitably lead to a new rash of windfarm applications, some for projects previously rejected; indeed we see this has already occurred in the case of Barrel Law windfarm. We accept that there is an overall need for cleaner sources of energy. Nevertheless, we would contend that the position of SBC, in its response to SG, should be to reflect the views of its communities, and we would urge you to support our community in its general opposition to windfarm developments in our area, and therefore to oppose the implementation of the Draft SPG Guidance on Renewable Energy in its current form.</p> <p>Hobkirk Community Council welcomes the guidance in principle. It provides a framework for developers and individual householders wishing to develop renewable energy and also a framework for individuals and the community against which to judge proposals. It should make it less likely in future that proposals which are extremely unlikely to succeed do not demand excessive time and effort in consultation from individuals and community councillors who are unpaid volunteers. It should also make it less likely that in future there will be such an unequal playing field between full time professionals submitting proposals on behalf</p>	Support for the SG is noted.	No change
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	<p>Mountaineering Scotland</p>	<p>of developers and communities with very limited time and resources</p> <p>We recognise that Local Development Plans (LDP) and Supplementary Guidance (SG) are required to confirm to Scottish Planning Policy. Lacking local discretion, all local authority LDPs and SG are therefore very similar in substantive content. This draft SG is no exception but we commend its layout and clarity.</p> <p>There appears to be an error on page 44, Part H, where the text in the shaded box is the same as that in Part I on the same page.</p>	<p>Comments and support noted.</p> <p>The text within the boxes referred to is the same as the text is relevant to both topics, in essence confirming that the scale of contribution towards renewable energy targets must be weighed up against other significant adverse impacts which cannot be satisfactorily mitigated. However, for absolute clarity the blue box in respect of part H) has been amended to make reference to “..net economic impact...”</p>	<p>No change</p> <p>The blue box relating to part H) has been amended to refer to “..net economic impact...”</p>
	RES Ltd	<p>Generally support the aims and objectives of the supplementary guidance which is largely in accordance with Scottish Planning Policy. Comments in relation to chapter 8 listed separately</p>	<p>General support noted. Comments relating to chapter 8 are responded to separately</p>	No change
	Scottish Water	<p>Scottish Water is required to ensure that the proposed activity does not impact on the ability of Scottish Water to meet its regulatory requirements. Under Article 7 of the Water Framework Directive, waters used for the abstraction of drinking water are designated as Drinking Water Protected Areas (DWPA). The objective is to ensure that any activity</p>	<p>Comments noted. The Council will continue to consult Scottish Water on wind farm applications</p>	No change

		<p>does not result in deterioration of waters within the DWPA. We would request that any proposals or applications for wind farms, solar farms or fuel storage are submitted to Scottish Water for review, to identify whether there are DWPAs present which would require protection through mitigation actions. Wind farms can have other potential impacts on our operations. For example, our below ground assets such as water and sewer mains can be affected by heavy construction traffic and may require protection. Some of our radio telemetry signals can be interfered with by wind turbine blades, depending on the location of the turbines. We would request that the document advises all proposals and applications be sent to Scottish Water for review so that we can assess for any impact on the following;- - Drinking water quality and quantity - Below-ground assets - Radio telemetry interference This allows Scottish Water to assess any potential impact on our operations and suggest adequate control measures if required.</p>		
	SEPA	<p>In general we support this SG as this is in accordance with the aspirations of SPP paragraph 154 which indicates that the planning system should 'support the transformational change to a low carbon economy...including deriving electricity and heat from renewable sources'. For information SEPA have produced a background paper on Renewable Energy</p>	<p>Support noted. The link to SEPA's background paper on Renewable Energy has been added to the SG</p>	<p>The link to SEPA's background paper on Renewable Energy has been added to the SG on page 50</p>
	Community Windpower	<p>The draft SG takes an overly cautious and constrained approach, contrary to emerging national policy and ignores market requirements. There needs to be more explicit recognition of the</p>	<p>It is strongly argued that the SG is in accordance with national planning requirements. It is acknowledged that turbines are likely to increase in height.</p>	<p>No change</p>

	<p>Jones Lang LaSalle on behalf of 2020 Renewables Ltd and EDF Energy Renewables Ltd</p>	<p>need to accept higher tip heights overall: in the same way that 120m for turbine height became relatively 'standard' in the industry, there needs to be acceptance, for the reasoning set out above, that much higher tip heights approaching 200m will become the new normal. The draft SG needs to be much more realistic in order for the Scottish Borders to continue to play its part in helping to deliver Government policy objectives and to attract investment in the sector. This does not mean that environmental considerations should be ignored, but they do need to be properly balanced against the matters set out above with proper recognition given to the opportunities to deliver more energy yield – that can only come through larger schemes in conjunction with increased tip heights.</p> <p>Circular 6/2013 covers the matters that can be included within SG as part of the LDP process. It is clear that Regulation 27(2) of the Town and Country Planning (Development Planning) (Scotland) Regulations 2008 requires Supplementary Guidance to: <i>"1. cover topics specifically identified in the SDP or LDP as being topics for Supplementary Guidance; and</i></p>	<p>However it must be acknowledged that this does not mean the Scottish Borders landscape can and must automatically accommodate e.g. turbines of 200m in height, and any adverse impacts on the landscape and environment should not be downplayed nor ignored. If the Landscape Capacity study, following a very detailed and comprehensive methodology, indicated a maximum height for turbines within certain areas where anything above that would be considered unacceptable in terms of impacts on the landscape, it would be extremely difficult for the Council to disregard this work and the conclusions and significantly change this stance i.e despite the Council having expressed via the Landscape Capacity study what is considered to be an acceptable height of turbines, it is now suggesting support for much larger turbines which they previously stated would be unacceptable.</p> <p>It is disagreed that the Supp Guidance goes beyond the requirements of Circular 6/2013 and Regulation 27(2) of the Town and Country Planning (Development Planning) (Scotland) Regulations 2008. The production of this SG was a requirement by the Reporter following the Examination of the LDP and is referred to within policy</p>	<p>No change</p>
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		<p><i>2. be limited to the provision of further information or detail in respect of policies or proposals set out in the SDP or LDP. There must be a sufficient 'hook' in the SDP or LDP policies or proposals to hang the Supplementary Guidance on, in order to give it statutory weight."</i></p> <p>It is accepted that wind energy is a suitable topic for inclusion within SG however it is submitted that the inclusion of the 2016 LCS goes beyond the provision of further information and detail in respect of the wind energy policy within the LDP. In addition, the various 'blue box' policy tests throughout Chapter 8 go beyond the provisions and significantly differ from the policy test in Policy ED9 of the LDP.</p> <p>The Scottish Government advice as set out in the 'All Heads of Planning Letter', 15 January 2015, is clear in providing that: <i>"In order to qualify as supplementary guidance under section 22(1) of the Act, and so on adoption form part of the development plan in accordance with section 24, the guidance must meet the requirements of Regulation 27(2) of the Town and Country Planning (Development Planning) (Scotland) Regulations 2008. For supplementary guidance to be issued in connection with a local development plan, this means that the guidance may only deal with the provision of further information or detail in respect of policies or proposals set out in the local development plan and then only provided those are matters which are expressly identified in a statement contained in the plan as matters which are to be dealt with in</i></p>	<p>ED9 of the LDP, stating that the Supp Guidance "will set out detailed policy considerations...based on those considerations set out in para 169 of SPP". It is considered the SG has satisfied the test and has a clear hook within the policy text.</p> <p>The role and worth of Landscape Capacity studies is acknowledged within SPP (paras 169 bullets 4 and 6, paras 202 – 204 & SPP FAQs Dec 2014) and The Ironside Farrar Landscape capacity study is specifically referenced within policy ED9 as laid down by a Reporter following the Examination of the LDP 2016. This gives a "hook" for the IF study to be incorporated as part of the SG. Whilst the IF study is a technical study it nevertheless is considered it should form part of the SG. In terms of the "blue box" reference the Scottish Government have identified the South Ayrshire Supplementary Guidance on Wind Energy 2015 to be an exemplar example of an SG. The South Ayrshire SG incorporates supplementary "blue box" tests which SBC have mirrored within the SG. Consequently it is absolutely fair and fully justified that the SBC can follow this exemplar case supported by Scottish Govt and include within it the aforesaid boxes. However in the</p>	<p>No change. Removal of the word "policy" from first para in chapter 8</p>
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		<p><i>supplementary guidance</i>".</p> <p>The Government's letter on the topic of Supplementary Guidance made it very clear that supplementary guidance "<i>may only deal with the provision of further information or detail in respect of policies or proposals set out in the local development plan and then only provided those are matters which are expressly identified in a statement contained in the plan as matters which are to be dealt with in supplementary guidance</i>".</p> <p>The July 2013 LCS is referred to in the LDP Policy ED9 and it is clear from the policy wording that there will be SG prepared on wind energy. The update to the 2013 LCS document is welcomed. However, it is submitted that the inclusion of the LCS and the inclusion of new policy tests (which are considered to go well beyond the relevant policies in the LDP) within the SG are inappropriate and do not satisfy the required tests.</p> <p>The SNH report entitled 'Landscape Capacity Scotland - a review guide to good practice' (2010) includes as one of its main findings that Landscape Capacity Studies can be useful to inform development plans. It is submitted that the 2016 LCS should be a document to inform the LDP but should not form part of the LDP through inclusion as an appendix or as an integral part of the SG. The document entitled SNH Guidance 'Spatial Planning for Onshore Wind Turbines – natural heritage considerations' (June 2015) provides further advice on the role of Landscape Capacity Studies and states that they form part of the evidence base for development plan documents: "<i>The guidance provides advice on additional</i></p>	<p>opening para in Chapter 8 reference is made to the blue boxes being an "additional guidance <u>policy</u>". This is not technically correct to be considered as an additional policy and reference to this as being a policy has been removed.</p> <p>The role and worth of Landscape Capacity studies is acknowledged within SPP (paras 169 bullets 4 and 6, paras 202 – 204. SPP FAQs Dec 2014 confirms this relevance). The IF Landscape Study is clearly acknowledged and referenced within policy ED9 of the LDP as a document which clearly has an important role to play in guiding the LDP. The Council consider it undoubtedly has an integral role within the SG and therefore should be recognised as a component part of it. It is acknowledged that the IF study is a strategic study and is not site specific</p>	No change
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Page 241		<p><i>assessments, such as landscape capacity studies, which can provide an evidence base for the Development Plan and the production of supplementary guidance.”</i></p> <p>Figure 1 on page 4 of the document clearly shows that Landscape Capacity Studies should not be part of SG documents but used to support it. Box 1 on page 10 states:</p> <p><i>“Box 1 Landscape capacity study process</i> <i>It is important that landscape capacity studies for wind farms are robust and transparent.</i> <i>We are keen to work with planning authorities to ensure that landscape capacity studies are kept up to date. Authorities are encouraged to approach SNH for further support where this is required.</i> <i>In order to achieve this, capacity studies should be:</i></p> <ul style="list-style-type: none"> <i>-easy to access, particularly in electronic format located and referenced clearly on appropriate web pages.</i> <i>-developed through a transparent process, including an open formal public consultation.</i> <i>-underpinned by a robust and objective assessment.</i> <i>-easy to follow and understand.</i> <i>-ideally, kept up to date, to reflect the rapidly evolving pattern of development. In some areas they may require updating every 2-3 years, and this may not fit in with the regular development plan cycle.</i> <i>-referred to in the development plan, which should include policies on how they will be used to support decisions.</i> <p><i>The absence of a completed (or up to date) landscape capacity study should not be used to delay decision making.”</i></p>	<p>and planning applications can test its recommendations on a case by case basis. However its role should not be underplayed by the development industry. Although The SNH report entitled ‘Landscape Capacity Scotland - a review guide to good practice’ (2010) states that “The findings of a study is likely to be required to inform the development plan (para 8.1)” this does not necessarily mean a study should not be part of the development plan.</p>	
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		<p>It is submitted that Landscape Capacity Studies are useful in indicating relative sensitivities of landscape character areas and perform an important role in the protection of certain landscapes.</p> <p>They are also useful in identifying potentially suitable areas for wind farm development. However they are not able to provide a substitute for professional assessment of individual applications. It is submitted that the 2016 LCS should be referred to in the SG as a document that has informed the SG but should not be part of the SG itself. Our client objects to the inclusion of the 2016 LCS as part of the SG for the following reasons:</p> <ul style="list-style-type: none"> • it places undue weight on the 2016 LCS within the planning process; • it does not adequately facilitate the judgement of individual schemes on their own merits; • the 2016 LCS would not be able to respond to the ever changing cumulative situation; and • the 2016 LCS' inclusion in the SG (and therefore the LDP) is contrary to SNH Guidance that Landscape Capacity Studies should be a reference document to support the SG. <p>The way in which the LCS has been prepared is a concern. It is considered that the LCS is not in fact a landscape capacity study but is a review of landscape sensitivity to wind farm development. Please note that Moray Council has recently consulted on its draft Onshore Wind SG and associated updated Landscape Capacity Study.</p>	<p>It is considered the IF study has been carried out in the appropriate manner and is similar to other Landscape Studies Ironside Farrar have carried out for other planning authorities. These are recognised as competent studies and the Council has no reason to</p>	<p>No change</p>
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	Banks Renewables	<p>Moray Council had originally intended to include the Landscape Capacity Study (LCS) as part of the SG but in response to representations on the matter, has decided that the appropriate approach is to have the LCS as a Technical Study and a material consideration, but it will not form part of the statutory SG. It is recommended that SBC consider the Moray Council approach.</p> <p>In summary, Section 22 of the 1997 Act enables the adoption of supplementary guidance in connection with an LDP. Regulation 27(2) of the Town and Country Planning (Development Planning) (Scotland) Regulations 2008 describes the allowable content of supplementary guidance, and provides that it should only be adopted if the matters contained in it are expressly identified in a statement contained in the LDP as a matter to be dealt with in supplementary guidance. The same Regulation makes clear that supplementary guidance “may only deal with the provision of further information or detail in respect of the policies of proposals set out in the LDP.”</p> <p>The elements of the draft SG relating to wind farms are written in a very negative manner. They have not been written in the spirit of encouraging further onshore wind farm development within the Scottish Borders, putting it at odds with the suite of documents the Scottish Government published in January, namely Draft Climate Change Plan, Scottish Energy Strategy and the Onshore Wind Policy Statement, which all encourage further onshore wind farm development to ensure that the targets set by the Climate Change (Scotland) Act can be met at the lowest cost.</p>	<p>downplay their value or the methodology in which they are produced. Whilst the development industry challenge landscape studies when they do not support their proposals, it must be stated they completely contradict this position and inform the Council of the value of landscape studies when the studies support their position. The Council does not agree with the Moray approach referred to and is satisfied the SG, the need of which has been clearly identified within policy ED9 of the adopted LDP 2016, has been prepared in the correct manner</p> <p>It is strongly disagreed that the text is written in a negative manner. Banks Renewables’ response completely ignores the need to strike a balance between supporting renewable energy and given weighting to protecting the landscape and the environment. These are very clearly laid out in SPP and NPF3. NPF3 promotes sustainable development though this is not at any cost, stating that this is to be achieved “...whilst protecting our natural and</p>	Ref to the new Scott Govt documents referred to have been added on page 8
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	<p>Borders Network of Conservation Groups/ Minto hills Conservation Group</p> <p>Mark Steele Consultants Ltd</p>	<p>Although they been active in supporting its member groups in objecting to the inappropriate siting of wind farms and in communicating concerns over policy and procedures to Scottish Government and Scottish Borders Council, it does not set its face against appropriate, efficient and beneficial renewable energy production. Indeed, many of the individuals who belong to our member groups have installed micro-renewable schemes for their own homes or businesses.</p> <p>With reference to the Draft SG: Renewable Energy it is concluded that it should be updated to reflect</p>	<p>cultural assets” (para 1.1). SPP re affirms support for renewable energy and need to attain national energy targets. However a balance must be sought “The right development in the right place: it is not to allow development at any cost” (para 28), and “The planning system should.... facilitate positive change while maintaining and enhancing distinctive landscape character” (para 194) The Scottish Govt documents referred to were only draft documents at the time of this draft Supp Guidance being prepared and therefore they could not be referred to as the finalised version were unknown. However, in Dec 2017 the final policy versions were published. Reference to these has been added to this SG on page 8 and electronic links have been added for further reference</p> <p>Comments noted</p> <p>It is considered sufficient reference is</p>	<p>No change</p> <p>No change</p>
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	<p>and Ian Kelly on behalf of Burncastle Farming Ltd</p> <p>Ian Kelly on behalf of Burncastle Farming Ltd / Ian Kelly on behalf of Raeshaw Farms Ltd</p>	<p>current SNH guidance documents and that key statements referring to landscape impact, cumulative impact and landscape capacity should be retained in the final version. Caution should also be exercised with the use of the term acceptability</p> <p>Although the Draft Guidance is well intentioned it is considered that there is possibly too much detail especially in Section 8. Two aspects arise from that. Firstly, as has been seen in wind farm Public Inquiries elsewhere, when Supplementary Guidance has been addressed in evidence and cross examination, there have been clear suggestions that the detail in such Supplementary Guidance is going beyond the tests set out in the relevant “parent” policy. Secondly, it is perhaps this excessive detail that is leading to the possibility that, as part of the Scottish Government’s new Planning Act, the use of Supplementary Guidance could be either banned or be significantly restricted.</p> <p>With the Scottish Borders Council experience of a variety of wind farm proposals it could be suggested that many of the technical issues are well known and well understood. Therefore, notwithstanding the comments that follow, it is submitted that there is a strong case for the Supplementary Guidance to focus on the Spatial Framework in combination with a revised and consistent assessment of the remaining landscape capacity having regard to cumulative impact and additional cumulative impact. Having such a dual</p>	<p>given to up to current SNH guidance documents and links to those relevant are incorporated within the SG</p> <p>It is inevitable when an SG is prepared for a contentious subject there will be a wide range of responses with often conflicting views. It is therefore impossible to produce an SG on a subject such as renewable energy which all parties will agree upon. Section 8 relates to Development Management where is it considered substantial text is required to give guidance for the benefit of a wide range of users. It is considered section 8 is fair, is of a sufficient size and key information and guidance would be lost if it was substantially reduced in size. The Council is satisfied the SG complies with national requirements</p> <p>It is considered the SG raises and reiterates the relevant key issues and there is no reason to reduce its size as is suggested. The preparation of spatial framework is very clear and straightforward and there is no reason to expand upon this further. The Ironside Farrar study gives sufficient advice on landscape and cumulative impact issues to be considered</p>	<p>No change</p> <p>No change</p>
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		<p>focus in the final version of the Supplementary Guidance would be entirely consistent with the two overarching effects set out in paragraph 6 above.</p> <p>Having regard to the known situation of wind farm applications being approved on appeal contrary to the terms of Supplementary Guidance it is considered that the Guidance needs to openly address the issue of the public's perception of the document. Whilst it is accepted that it is a strategic study that cannot go into the detail of a wind farm specific LVIA (whether or not that is part of an EIA process) the public do give considerable weight to the plain English meaning of the words used. Therefore, if an area is assessed as having, say, no landscape capacity for turbines over 80m, then the clear expectation of the public is that no such turbines will be approved. There are no easy answers to this aspect but it is considered that the Guidance needs to specifically grapple with it.</p> <p>It is clear that the continuation of the no subsidy regime for on shore wind turbines will, in Scotland, lead to two overarching effects:</p> <ul style="list-style-type: none"> a. A focus on larger turbines probably from 150m to 200m in height b. A focus on repowering applications for existing sites with those repowering proposals consisting of turbines of the above larger scale <p>It is respectfully submitted that the comments included in this response, should be considered positively by the Council. However, it is also submitted that, given the above two overarching effects and given that these effects are already apparent, the Council needs to rapidly produce</p>	<p>It is not agreed that the public believe that if a proposal does not comply with the Ironside Farrar Landscape Study it will automatically be refused. The SG makes it clear that if a proposal exceeds the findings of the IF study the onus is on the applicants to show through more detailed site specific information and visualisations that the proposal can be supported. The Council is not aware of any widespread evidence which suggests the public does not understand this.</p> <p>Comments noted. It must be acknowledged that the development capacity of a landscape to absorb wind turbines must have a limitation. Whilst there will be disagreement by a range of parties as to what that limitation will be, if for example, a landscape capacity study suggests a maximum height of turbines as being appropriate within a landscape, it would be extremely difficult to then suggest and convince others that that landscape is now capable of accommodating, e.g</p>	<p>No change</p> <p>No change</p>
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	<p>Natural Power Consultants on behalf of Fred Olsen Renewables Ltd</p>	<p>revised, consistent and more focussed Supplementary Guidance to address the spatial framework and the remaining landscape capacity, particularly for very large turbines. A further (but short timeframe) round of public consultation would be appropriate.</p> <p>Given the release of national policy documents by the Scottish Government for consultation on Scotland's energy strategy and policy framework it is essential that the SG is amended in terms of its general direction and approach as well as any specific elements to reflect and implement the requirements of these important national policy documents. Whilst it is recognised that these national policy documents are currently still in draft stage, they nevertheless represent a significant milestone in the development of a national energy strategy and must therefore be reflected in the final version of the SG. If the final SG is adopted ahead of these national documents being finalised, it would then a commitment should be made that the Council's policies and guidance will be updated in accordance with updated national policy.</p> <p>The Supplementary Guidance (SG) and its general approach is welcomed however it should be ensured that it is produced as a guidance document which supplements the policies in the LDP and not an additional policy document forming additional policies which might be contradictory to</p>	<p>turbines a further 60m in height. Whilst the Council is well aware turbine heights will increase, this does not mean that inappropriately large scales of turbines must be accommodated in the landscape where they have been previously deemed unsuitable. There is no justification to amend or reconsult on the SG as suggested. Planning applications will continue to be dealt with on a case by case basis</p> <p>The Scottish Govt documents referred to were only draft documents at the time of this draft Supp Guidance being prepared and therefore they could not be referred to as the finalised version were unknown. However, in Dec 2017 the final policy versions were published. Reference to these has been added to this SG on page 8 and electronic links have been added for further reference</p> <p>It is strongly argued that the format of the SG is appropriate. It must be acknowledged that the SG will be used by a range of bodies with different interests and needs and the</p>	<p>Ref to the new Scott Govt documents referred to have been added on page 8</p> <p>The words "Supplementary Planning policy 1" have been removed from the</p>
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Page 248		<p>the established requirements of the LDP. With that in mind we strongly suggest that introduction to the document be deleted in its current form and rewritten to reflect the supplementary nature of the document. As a starting point we suggest the introduction to the SG on page 7 is a better reflection of this point than that given on page 3. In terms of how this is presented in the detail of the SG Policy ED9 alongside the current SPP provide an adequate policy framework for assessing planning and other applications relating to wind and other renewable energy developments. Throughout the document however the council has sought to introduce additional policies and policy requirements which are in some case at odds with policy ED9 and the SPP or without explanation or justification go beyond the requirements of ED9 and the SPP.</p> <p>This is at odds with the purpose and intention of supplementary Guidance as set out in 27(2) of the Town and Country Planning (Development Planning) (Scotland) Regulations 2008 which state that:</p> <p>‘Supplementary guidance adopted and issued under section 22(1) of the Act in connection with a particular strategic development plan or local development plan may only deal with the provision of further information or detail in respect of the policies or proposals set out in that plan and then only provided that those are matters which are expressly identified in a statement contained in the plan as matters which are to be dealt with in supplementary guidance.’</p> <p>The SG should therefore be limited to the provision of further information or detail in respect of policies</p>	<p>development industry are not in a position to dictate its format. The Council has no vested interest in the SG and only seeks to ensure it is prepared in what they consider to be in a fair and well laid out format. The Council considers this to be the case. It is considered the SG is in compliance with 27(2) of the Town and Country Planning (Development Planning) (Scotland) Regulations 2008, giving further relevant advice and guidance. It does not go beyond these requirements. It must be noted that the blue boxes referred to within the SG mirror those included within South Lanarkshire’s SG : Wind Energy 2015. That SG is touted by the Scottish Govt as a good example of such an SG and therefore the practice of including the blue boxes was acceptable and agreed by them. It is acknowledged that in the first “blue box” on page 25 reference is made to it being a Supplementary Guidance Policy. However, this is not technically correct to be considered as an additionally policy and therefore this reference has been removed</p>	<p>blue box on page 31</p>
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		set out in the LDP. Whilst welcoming the information with respect to the topic of renewable energy introduced by policy ED9 which it has done, we object to the additional policies within it. These are generally included (but not limited to) the framed blue shaded text in the SG. We therefore strongly recommend removing the blue shaded areas of text and retaining and where necessary updating the relevant remaining text as guidance throughout the SG having regard to the additional requirements set out in the Scottish Governments draft Energy Strategy.		
Introduction	Jones Lang LaSalle on behalf of 2020 Renewables Ltd and EDF Energy Renewables Ltd	<p>The third paragraph on page 3 correctly relates the draft SG relates to Policy ED9 of the LDP. The text should make it clear that the SG forms part of the Development Plan for the Scottish Borders supplementing the relevant policy within the LDP, namely policy ED9, but making it clear that the SG does not go beyond the provisions of that policy. It should also be made clear that the advice in the SG provides a fuller interpretation of LDP policies as they relate to onshore wind energy development.</p> <p>Circular 6/2013 and the Town and Country Planning (Development Planning) (Scotland) Regulations 2008, together with the All Heads of Planning letter of 15 January 2015 in relation to Supplementary Guidance make it very clear that there are important parameters to the scope and content of SG. This needs to be specifically acknowledged and properly adhered to in the final SG.</p>	The SG was required by the Reporter following the Examination of the LDP. The SG as has a recognised purpose as suggested by the title – it is supplementary guidance to policy ED9. Quite clearly it therefore must expand upon the component parts of policy ED9 otherwise there is no purpose in the Reporter requesting it. It does not pretend nor state it has elevated status above the LDP. It is not considered necessary to re-enforce this. The letter from the Chief Planner to all heads of Planning referred to states “ <i>..the guidance may only deal with the provision of further information or detail in respect of policies or proposals set out in the local development plan and then only provided those are matters which are expressly identified in a statement contained in the plan as matters which are to be dealt with in supplementary guidance.</i> ” The Council	No change

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	Banks Renewables	Whilst the term 'spatial framework' is correctly referenced elsewhere in the SG, it is described as an "...onshore spatial strategy..." on page 3. To avoid confusion with previous SBC Supplementary Planning Guidance (SPG) whereby it refers to spatial strategies, it should be renamed as the 'spatial framework' to accord with Scottish Planning Policy (SPP)	is clear the SG satisfies this Agree with comment. In terms of consistency the text should be amended where required to consistently refer to the spatial <i>framework</i> as opposed to the spatial <i>strategy</i>	Text has been amended where required to refer to spatial <i>framework</i> as opposed to spatial <i>strategy</i>
	Borders Network of Conservation Groups	The concept of "identifying areas where wind farms will not be acceptable, areas of significant protection, areas with potential for wind farm development..." is first mentioned here although it is a concept with which SBC and interested parties are familiar given the initial Landscape Capacity Assessment produced by Ironside Farrar in 2013. However, it is worth pointing out that this framework leads to the only logical conclusion, even when considered alongside the "need to mitigate the causes of climate change", ie that there is finite capacity for wind farms in any given landscape. The meaning of the phrase "and indicating the minimum scale of onshore development that the framework applies to" is unclear - eg does it refer to the minimum height of turbines to which the framework applies, or does it somehow refer to the minimum level of total renewables development within the Scottish Borders (unlikely, but it could be read that way).	It is agreed that there is finite capacity for any given landscape. The phrase "and indicating the minimum scale of onshore development that the framework applies to" was required via para 161 of SPP and refers to the minimum height to which the framework applies	No change
	Minto Hills Conservation	The concept of "identifying areas where wind farms will not be acceptable, areas of significant	It is agreed that there is finite capacity for any given landscape.	No change

	Group	protection, areas with potential for wind farm development..." is first mentioned here although it is a concept with which SBC and interested parties are familiar given the initial Landscape Capacity Assessment produced by Ironside Farrar in 2013. However, it is worth pointing out that this framework leads to the only logical conclusion, even when considered alongside the "need to mitigate the causes of climate change", ie that there is finite capacity for wind farms in any given landscape.		
Page 251	Jones Lang LaSalle on behalf of 2020 Renewables Ltd and EDF Energy Renewables Ltd	On page 4 there is reference to the planning balance the Council will seek between renewable energy development and environmental considerations. This is appropriate, however it is considered unnecessary to state that " <i>this is particularly a more challenging balance with regards wind farm proposals</i> " – there is no evidence to indicate that this is the case and such unsubstantiated value judgements should be left out of the document.	Planning applications for wind farms are very contentious proposals given the wide range of conflicting opinions they generate. The main issue is predominantly the balance between supporting renewable energy against any perceived impacts on the landscape and environments. Consequently it is considered the wording within the SG is justified.	No change
	Borders Network of Conservation Groups	In the third paragraph on page 4 the second sentence begins "This is particularly a more challenging balance..." without indicating what is being compared, ie more than what? It is suggested the meaning would remain if it were phrased as "This is a particularly challenging balance...".	It is considered wind farm proposals more than any other types of proposals challenge the question of balance between supporting renewable energy and protecting the landscape and environment. It is therefore considered the text is correct.	No change
Aim of Supp Guidance	Jones Lang LaSalle on behalf of 2020 Renewables Ltd and EDF Energy Renewables Ltd	On page 5 (second paragraph) there is reference to what are termed " <i>main key outputs in order to guide the development management process</i> ". It should be made clear here that the guidance on renewable energy, the spatial framework and further guidance and criteria referenced within	SPP makes reference to the value and important role of Landscape Capacity studies (paras 169 bullets 4 and 6, paras 202 – 204 & SPP FAQs Dec 2014) and the use and reference to the Ironside Farrar Landscape Study is	No change

	<p>Ian Kelly on behalf of Burncastle Farming Ltd / Ian Kelly on behalf of Raeshaw Farms</p>	<p>policy ED9 are all included within the SG. However, for the reasons set out should be made clear that the 2016 LCS is a technical study and forms a material consideration supporting the SG but does not form part of it.</p> <p>The fourth bullet on page 5 is important: namely, it states that the SG provides further guidance on the criteria referenced within Policy ED9 of the LDP. This is a correct description of what the SG should be doing, however, it is clear that Chapter 8 of the draft SG goes well beyond the provisions of policy ED9, introduces different terminology and indeed in our view introduces additional policy tests which are inappropriate.</p> <p>It is considered that the aims should be focussed on the two middle bullet points – the spatial framework and landscape capacity. However, the stated intention that the Guidance should apply equally to wind energy proposals both above and</p>	<p>specifically mentioned within policy ED9 of the LDP. Whilst acknowledging the IF study is a technical study it is disagreed that their role should be underplayed and the Council considers it should be considered to form part of the SG.</p> <p>Clearly for the SG to have any meaningful use it must expand upon identified policy criteria, giving as the title clearly suggests - “supplementary guidance”. It is not considered that the SG does go beyond the provisions of SG. The Scottish Government have identified the South Ayrshire Supplementary Guidance on Wind Energy 2015 to be an exemplar example of an SG. The South Ayrshire SG incorporates supplementary “blue box” tests which SBC have mirrored within the SG. It is acknowledged that in the first “blue box” on page 25 reference is made to it being a Supplementary Guidance Policy. However, this is not technically correct to be considered as an additionally policy and therefore this reference has been removed</p> <p>Renewable energy covers a very wide range of topics and issues to be addressed and it would not be appropriate to focus only on the spatial framework and landscape capacity.</p>	<p>The words “Supplementary Planning policy 1” have been removed from the blue box on page 31</p> <p>No change</p>
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	Ltd	below the 50MW S36 threshold is very much welcomed.	Support regarding the intention of the SG is noted.	
	Mark Steele Consultants on behalf of Burncastle Farming Ltd	Chapter 3 'Aim of Supplementary Guidance' confirms that 'This SG is considered to be concise and easily navigated, making reference and expanding upon what are considered to be the salient matters to be addressed and giving electronic links to further information on specific subjects where required. However, the lack of paragraph numbers makes referencing the document difficult and potentially confusing.	It is considered the SG can be easily navigated without the need for paragraph numbering.	No change
Policy Considerations Page 253	Hobkirk Community Council	We believe that the policy concentrates too much on reducing CO2 through the development of renewable technologies at the expense of tackling the emissions caused by transport and domestic heating. Furthermore we think that there is an overemphasis on the development of onshore wind at the expense of other forms of renewable energy.	It is acknowledged that the majority of the SG relates to wind energy. However, there is no doubt that given the volume of correspondence and debate the subject generates it is justified this is an area of renewable energy which needs addressed the most. It is considered the text regarding Other Renewable Energy types is fit for purpose and gives the correct level of advice and detail. A section on the promotion of heat mapping has been added to the SG at the request of the Scottish Government	A reference to heat mapping has been added to chapter 5 of the SG
	Scottish Government	The Scottish Government have recently published a consultation draft Energy Strategy and Onshore Wind Strategy. You may wish to take this into account in chapter 4 policy considerations.	The Scottish Govt documents referred to were only draft documents at the time of this draft Supp Guidance being prepared and therefore they could not be referred to as the finalised version were unknown. However, in Dec 2017	Reference to the Scott Govt policy documents on Energy Strategy and Onshore wind Strategy has been

Page 254	<p>Jones Lang LaSalle on behalf of 2020 Renewables Ltd and EDF Energy Renewables Ltd</p>	<p>Page 7 correctly references policy ED9 of the LDP and highlights the terminology referred to in the policy and the critical part of the ED9 policy test, namely that renewable energy developments, including wind energy proposals will be approved <i>“provided that there are no relevant unacceptable significant adverse impacts or affects that cannot be satisfactory mitigated”</i>. This is the terminology that should be consistently used in the draft SG and not departed from.</p>	<p>the final policy versions were published. Reference to these has been added to this SG on page 8 and electronic links have been added for further reference</p> <p>Comments noted. The particular wording in question is a part of policy ED9 (Renewable Energy Development) which in essence relates to giving consideration to the balance between consideration of environmental impacts and economic benefits of a proposal. The text makes reference to the consideration of “..... relevant <i>unacceptable significant adverse impacts or affects</i> that cannot be satisfactory mitigated....” which was added by the Reporter following the Examination of the LDP. However it must be pointed out that in the next sentence the Reporter does not refer to this specific wording, omitting the word “unacceptable”. Consequently the policy wording is not entirely consistent as to what text wording should be applied. On the assumption the test within policy ED9 should incorporate the word “<i>unacceptable</i>”, rather than constantly making reference throughout the SG to the “<i>unacceptable significant adverse impacts or affects</i>” every time this test needs to be referred to, within para 5 on page 7 of Chapter 4 : Policy Considerations it has been stated that reference to this will be shortened to</p>	<p>made on page 8</p> <p>At the end of the section on Local Policy on page 7 text has been added which confirms that ref to policy ED9 text relating to “<i>unacceptable significant adverse impacts or affects</i>” will be shortened to “<i>unacceptable impacts</i>” within the SG. However, it is confirmed this does not change the full policy test as worded in policy ED9</p>
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		<p>Page 8 makes reference to “national energy targets” but only refers to those relating to the year 2020. The references would seem to be copied directly from paragraph 154 of SPP which is correct however, Scotland’s carbon reduction targets (and indeed those of the UK) extend well beyond 2020 as set out in the Climate Change (Scotland) Act and the recently produced draft Scottish Energy Strategy and Climate Change Plan – all of which set out ambitious stretching targets for 2030, 2050 and into the very long term. Whilst it is acknowledged that some of these specific targets in the draft Scottish Government documents may change, there may be an opportunity for the Council to take into account the settled position on these additional targets before it finalises the draft SG and such references could be made in this section in Chapter 4.</p> <p>Page 8 also makes reference to social / economic and other benefits. Whilst the references in the three bullet points under the heading are welcome, it is noted that there is no reference to the benefit of “<i>associated business and supply chain opportunities</i>” – this is a specific criteria at paragraph 169 of SPP and should be included.</p> <p>The draft SG provides a link to the Government’s</p>	<p>“<i>unacceptable impacts</i>”. It is made clear that this is solely for ease of text and is not being suggested as an alternative to the main policy test.</p> <p>The Scottish Govt document referred to was only a draft document at the time of this draft Supp Guidance being prepared and therefore they could not be referred to as the finalised version was unknown. However, in Dec 2017 the final policy version was published. Reference to this has been added to this SG on page 8 and an electronic link has been added for further reference</p> <p>Comments noted. The reference has been extended to include “associated business and supply chain opportunities”</p> <p>There are probably a few hundred</p>	<p>Reference to Scottish Govt updated national energy targets are added on page 8</p> <p>Reference to social economic benefits has been amended to include reference to “...associated business and supply chain opportunities”</p> <p>The SG has been</p>
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	Banks Renewables	<p>Good Practice principles relating to community benefits. It is noted that there is no link to the Government's Good Practice guidance in terms of shared ownership. Shared ownership is an important consideration and this was emphasised to all Heads of Planning in the Government's letter of November 2015 and should be referred to.</p> <p>For consistency with SPP, paragraph 5 (on page 6) should set out that the 'spatial framework' is specifically for onshore wind (as indicated within SPP paragraph 161).</p> <p>The reference to the Scottish Government's Good Practice Principles for Community Benefits from Onshore Renewable Energy Developments 2015 (on page 8) is incorrect. It should state "...community benefits which are not material considerations", not simply "benefits" as it currently does. There are circumstances where community benefits can be material. This section of the SG should therefore be changed to reflect this, making reference to the requirement to assess community benefits against the test in the Scottish Government circular to ascertain if they are material or not.</p>	<p>documents, advice / guidance notes, etc from a vast range of sources with some relevance to wind farms. The SG cannot reference them all. The Council is aware of the Government's Good Practice guidance in terms of shared ownership. However, as this matter has been raised the SG has been amended to include reference to the Scottish Government's Good Guidance practice in terms of shared ownership.</p> <p>Comments noted. The SG has been amended to confirm that the spatial framework relates only to wind farm proposals.</p> <p>Given that the sentence is specifically referring to the "... <i>Community Benefits</i>..." document it is hard to believe any party would then misinterpret that the corresponding "benefits" in the same sentence referred to something else. However, for absolute clarity the word "community" has been added to the sentence.</p>	<p>amended to include reference to the Scottish Government's Good Guidance practice in terms of shared ownership on page 9</p> <p>The SG has been amended to confirm that the spatial framework relates only to wind farm proposals in the 1st para on page 30</p> <p>The SG has been amended to include the word "community" in the 2nd para on page 9</p>
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	Borders Network of Conservation Groups	<p>The sentence on page 6 which states “SPP does not single out any of the aforesaid sustainable principles to have extra weighting over others” does not make fully clear to which principles it refers. It is suggested that these principles should appear under a heading ‘sustainable principles’ for clarity.</p>	<p>Comments noted. Text has been amended to confirm SPP does not single out any sustainable types to have extra weighting over others.</p>	<p>Sentence 2 in the 4th para on page 6 has been amended to confirm SPP does not single out any sustainable types to have extra weighting over others.</p>
	Borders Network of Conservation Groups / Minto Hills Conservation Group	<p>On page 7, in the second paragraph under the heading ‘Local Policy’ we suggest that the first sentence would convey the intended meaning better if the word ‘sufficiently’ was inserted between “unacceptable impacts which cannot be” and “mitigated”. Otherwise the implication is that even the lowest possible level of mitigation would be sufficient to make the application acceptable. Mitigation will always be a question of degree and it is of course up to the planning authority to assess whether the mitigation is sufficient, or falls well short of what is required.</p> <p>The following sentence properly refers to the balance between the wider economic, environmental and other benefits of the proposal and the potential damage arising from it. We make a procedural suggestion on this in Chapter 8 on Development Management Considerations and, if accepted, that could helpfully also be reflected here.</p>	<p>The text referred to was incorporated into policy ED9 of the LDP in line with the recommendation of the Reporter following the Examination of the LDP. The Council cannot change this particular line of text within the adopted LDP. Proposed text amendments re Chapter 8 have been responded to in that section of this table. It is not considered any amendments need to be made to the text within the “Local Policy” heading section</p>	<p>No change</p>
		<p>On page 8, under ‘National Energy Targets’, it is stated that there is no cap on these.</p>	<p>Comments noted. Whilst it is acknowledged that some parties will</p>	<p>No change</p>

	Borders Network of Conservation Groups	<p>We accept that, if something in public policy is desirable, eg a decrease in infant mortality, then it makes no sense to stop efforts towards that end once a target has been achieved. However, we contend that it is not fully established that wind energy is the best or even a good way to create the proportion of energy in Scotland that it does at present. In contrast to the action required to reduce infant mortality, which presumably has no harmful effects, increasing the electricity produced by wind energy does. Nevertheless we appreciate that SBC is obliged to follow Scottish Government policy in this regard. However, the logic and rationale behind the obligation of local authorities to assist the Scottish Government in meeting these targets, as well as the effect of that obligation on SBC's statutory duty as a planning authority, dissipates as soon as the targets are reached. We therefore suggest that, since the target for electricity produced by renewables will be met by all of the constructed and consented wind farms in the pipeline, the contribution towards Scottish Government targets of any wind farm subject of a planning application while that circumstance pertains is not a material consideration or, at very best, should not carry nearly as much weight as it would have prior to this circumstance.</p> <p>There are UK national factors to take into account, as follows.</p> <ol style="list-style-type: none"> 1. The main responsibilities for energy production and regulation in Scotland are reserved by the UK Government. In that respect it should be noted that the Levy Control Framework (LCF) caps subsidies at £7.6bn in 2020 (albeit with a generous 20% extra 	<p>feel it unjustified to give weighting to consider how much contribution a proposal may give to national targets when these targets have already been reached, the Council cannot overrule these requirements set by Scottish Government.</p> <p>Comments noted. It is acknowledged there are concerns from third parties who are concerned there will be no embargos on further wind farms when the Scottish Govt renewable energy targets have been met, resulting in unnecessary wind farms. However,</p>	No change
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	<p>Borders Network of Conservation Groups / Minto Hills Conservation Group</p>	<p>headroom). 2. The LCF cap is based on operational and currently consented renewable electricity generation capacity achieving an implied output of approximately 110 TWh by 2020. The Renewable Energy Foundation currently estimates the likely figure at about 148 TWh, or an overshoot of about 30%. Therefore, under current UK policies, there is simply no requirement for further consented capacity. 3. Whilst it can be claimed that SPP2 specifically rules out grid capacity as a reason for refusing individual wind farms, it must be remembered that UK policy governs energy production. Can wind farms be consented when there is no economic justification for doing so, and with no prospect of the generated power being needed or subsidised? It is clear that UK policy renders this particular part of Scottish policy irrelevant and it should therefore be ignored.</p> <p>Still on page 8, the social and economic benefits listed should, as we have proposed above, be factors in a comprehensive estimate prepared as part of a developers application and actual performance and outcomes subsequently judged against that after date of first operation if an application is approved.</p> <p>Also in this section the subject of community</p>	<p>there is no cap on the energy targets and the Council cannot change Scottish Govt policy via the LDP or this Supp Guidance.</p> <p>The Council will accept information provided by developers alongwith their application in good faith. If we are in doubt about information submitted we may ask for further clarity. It is acknowledged that predicting social and economic benefits can be difficult. The accuracy of these forecasts can be checked after any approval, although any conclusions from that could not result in a decision being retracted.</p> <p>Comments noted. It is considered that</p>	<p>No change</p> <p>No change</p>
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ownership is referenced. We note that, in the Glossary of Terms pp 57-60, 'community' is defined as "A body of people. A community can be based on location (for example people who live or work in or use an area) or common interest (for example the business community, sports or heritage groups)". While accepting that this is as good a general definition of community as one might expect in a dictionary, for the purpose of this SG we suggest that it is not nearly specific enough. As it stands, a 'community' seeking community ownership or a stake in ownership of a wind farm in the Scottish Borders could be two members of ISIS based in the Middle East, or all of the wind developer's employees living outwith Scotland who might be gifted a stake as part of a staff incentive, or two pupils at a local kindergarten. Furthermore, there can be no guarantee that even a dozen members of a local community are in any way representative of that local community: they may just be the people with enough capital and the minimum sense required to invest in such a precarious enterprise. We suggest that a closer definition be sought, including residency in the immediate area as at least one criterion, with perhaps a requirement that some percentage of the profits made be invested locally. Likewise, we suggest that, although **community benefits** are quite properly not a material consideration, the fact that they are mentioned on page 8 provides the opportunity to consider whether there should be a definition of community for this purpose also, which should probably differ from the definition for community ownership since the aim must be to ensure that the projects or

the definition of "community" within the SG is a fair and reasonable description. However community payments are handled and given out is outwith the scope of the Council.

	Ian Kelly on behalf of Burncastle Farming Ltd / Ian Kelly on behalf of Raeshaw Farms Ltd	<p>initiatives most needed, in the opinion of the community councils concerned, should receive priority. We offer this since it has come to our notice that community benefits from a wind farm in the Southern Borders have gone to communities as far afield as Perth.</p> <p>This chapter simply repeats what is in other policy documents that are already in the public domain and, therefore, is not needed.</p>	A summary of salient policy considerations relevant to renewable energy is considered vital to the SG for easy reference and clarity. The chapter on policy considerations should therefore remain in the SG	No change
Role of the Council Page 261	Jones Lang LaSalle on behalf of 2020 Renewables Ltd and EDF Energy Renewables Ltd	This is an extremely short chapter and it is considered that the brief text would be better included in the introduction to the SG. This would then leave Figures 1, 2 and 3 in the Chapter, however these simply provide a 'snapshot' in time of planning application status in the SBC area and will very quickly go out of date. It is suggested that these would be better included in an Appendix to the SG. Furthermore, the graphics on Figures 1 and 2 are confusing and not clear. If these figures are to be reproduced the graphic illustrations need to be better defined.	It is important to highlight early in the SG that the Council remains supportive of renewable energy whilst at the same time addresses the need to support sustainable requirements of protecting the landscape and environment. Figures 1 and 2 confirm the high number of applications submitted and their status. This is important to confirm the continuing development interest in turbines. This is a very real matter to acknowledge in order to foresee the overall pressures within the Scottish Borders in terms of, for example, cumulative impact. These should be of interest to a range of parties and should not be hidden away in an appendix as the respondent suggests. Although there is a lot of information in the figures the electronic	No change, although it should be noted a section on heat mapping has been added to the chapter on the Role of the Council

	<p>Banks Renewables</p> <p>Borders Network of Conservation Groups / Minto Hills Conservation Group</p> <p>Ian Kelly on behalf of Burncastle Farming Ltd / Ian Kelly on behalf of Raeshaw Farms Ltd</p>	<p>At the point at which the SG is likely to become adopted, Figure 1 will be nearly 1 year out of date. It would be useful to have this figure is updated prior to adopting the SG.</p> <p>No comment other than that the maps showing distribution of different renewable energy applications are useful, as always.</p> <p>The text here is entirely superfluous and could be deleted. The figures/maps are potentially very useful, but also show up an important technical issue that needs to be addressed, especially for the later spatial framework and landscape capacity figures. Interested parties will either download these figures and print them or view them on a mobile or other device. For many of them the underlying OS detail can be very difficult to see precisely, meaning that it can be difficult to check the Guidance provisions for a specific location. It would be helpful to find some way of enabling higher resolution figures.</p>	<p>versions can be zoomed into for clarity. It should be noted a section on heat mapping has been added to the chapter on the Role of the Council</p> <p>Figs 1 and 2 (Re renewable energy approvals) have updated prior to the SG being finalised</p> <p>Support noted</p> <p>The text referred to is entirely relevant to laying down the Council's role in the process and should remain within the SG. Figures / maps within the SG can be zoomed into on the electronic version</p>	<p>Figs 1 and 2 on pages 11 and 12 have been updated prior to the SG being finalised</p> <p>No change</p> <p>No change</p>
<p>Renewable Energy Types</p>	<p>Scottish Government</p>	<p>The SG provides useful guidance on the planning considerations around various low carbon potential heat sources however is does not provide the level of detail that is expected through Scottish Planning</p>	<p>It is stated within the introductory text to policy ED9 of the LDP that further work will be developed with regards to heat mapping. However, given the</p>	<p>Reference to heat mapping has been incorporated into chapter 5 of the SG</p>

	<p>Borders Network of Conservation Groups / Minto Hills Conservation group</p>	<p>Policy (SPP). While the LDP does contain policy that is supportive of heat networks eg Policy PMD2 (a), and makes reference to the opportunity for heat from waste at Easter Langlee in Galashiels, neither the LDP or SG provide the level of detail on the location of heat networks or policies to support the implementation of heat networks. It is recommended that the SG be revised to identify where heat networks, heat storage and energy centres exist or would be appropriate and include policies to support the implementation of district heating, in accordance with paragraphs 158 – 160 of the SPP. You may wish to note that we have provided online guidance on Planning and Heat which may be helpful in developing policy on heat networks.</p> <p>In responding to this chapter we believe that the explanations given in the draft are missing a degree of objectivity, portraying each of the types of renewables other than wind power in the most positive possible lights. We believe that it is necessary to balance this with some of the actual and recognised negatives, including environmental impact, so offer the following additional information which we suggest should be incorporated in order to put each of the energy production types into context, both for developers and for those within SBC, officers and members, involved in planning. Clearly, you may wish to seek independent assurance on this.</p>	<p>comments from the Scott Govt heat mapping works has been incorporated as part of this SG. This is referred to in chapter 6 of the SG and includes reference to supply and demand. The opportunities for heat mapping will continue to be developed and it is considered that what is now included within the SG is a useful reference and progress which will continue to be develop via the new LDP. It is understood by the Council that Circular 6/2013, which covers matters that can be included within the SG, and Regulation 27(2) of the Town and Country Planning (Development Planning) Scotland Regs 2008 prevent the provision of further “policies” as suggested.</p> <p>Renewable energy types other than wind farms are generally much less contentious than wind farm proposals and it is considered that the text and the balance of issues and matters to be considered referred is a fair reflection.</p>	<p>No change</p>
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<p style="text-align: center;">Page 264</p> <p><i>Micro-renewables incl</i></p>	<p>Ian Kelly on behalf of Burncastle Farming Ltd / Ian Kelly on behalf of Raeshaw Farms Ltd</p> <p>Borders Network of Conservation Groups / Minto Hills Conservation Group</p>	<p>It is considered that there is too much superfluous text here. The important aspects are the lists of good planning practice. These should be retained alongside perhaps a diagram or two to succinctly convey this information much of which will, in any event, be obvious to the users of the document.</p> <p>'Micro' in this context means 'very small'. Their contribution to total generation is minimal, to energy security, zero and because, perversely, the subsidy for small scale developments is greater than for large ones, the cost, ultimately borne by all consumers, is out of proportion to any national benefit.</p> <p>While solar panels generally have minimal impact and raise few objections from neighbours, this is not always the case for small scale wind. Small turbines can be disproportionately noisy and the usual fin stabilisation causes them to yaw, increasing visual impact. Their installation has led to serious conflict with neighbours. Vibration can also cause damage if they are mounted on a building. These factors should be mentioned in this chapter in order to alert applicants, planners and members of the Planning and Building Standards Committee to the pitfalls which they should seek to avoid.</p>	<p>It is considered that the balance of text is fair and justified in relation to each topic referred to within this section.</p> <p>It is agreed micro turbines have a much greater potential to cause noise disturbance and should not be permitted close to properties whose residents do not benefit from them. Many such turbines are permitted development and do not require planning consent and therefore any consequent noise complaints would be investigated by the Council after installation and appropriate mitigation / abatement measures would be investigated at that stage on a case by case basis</p>	<p>No change</p> <p>Within the <i>micro-renewables including solar photovoltaic panels</i> section text has been added to read “ In terms of noise many domestic turbines are permitted development and do not require planning consent. Any consequent noise complaints would be investigated by the Council after installation and appropriate mitigation / abatement measures would be investigated at that stage on a case by case basis”</p>
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<i>Biomass</i>	Borders Network of Conservation Groups / Minto Hills Conservation Group	<p>The actual sustainability of biomass is questionable. Burning wood releases about 25% more carbon dioxide per kilowatt hour of energy than burning coal. Sustainability thus depends on how the fuel is produced. The use of straw, if the cereal is replanted, or coppiced brushwood, will mean that the CO2 can be reabsorbed rapidly. On the other hand, whole trees will take 20-50 years to do this. There is insufficient woodland in the UK to sustain large scale biomass consumption and there is no effective control over how the production of imported fuel is managed, therefore no guarantee that it is sustainable.</p>	Comments noted. Whilst it is acknowledged that the respondents have some clear concerns as to the actual contribution of biomass to sustainability it nevertheless is a renewable energy type supported and promoted by the Scott Govt and consequently requires reference within this SG.	No change

<p style="text-align: center;"><i>Energy from Waste</i></p>	<p>Cockburnspath and Cove Community Council</p>	<p>Small scale biomass can provide useful domestic heating for properties which are not on the gas grid. However there can be issues around fuel storage, reliability, and the ability of elderly home owners to handle 10kg bags of pellets. The use of biomass should be discouraged where piped gas is available.</p> <p>We note the mention of ZWP in this respect and fully endorse the need to move to a zero waste society. Effective use of waste is key to this process, and the harnessing of heat and power thus generated is a crucial contribution towards both ZWP , renewable targets and a sustainable society. An EfW plant therefore needs to harness as much of the “waste” heat and use it effectively. Heat networks are central to this, but in reality, difficult to put into place, as few places require heat 24/7. EfW therefore needs to be situated close to end users of such heat to allow a heat plan to operate successfully and not just minimise a business’s own overheads. There needs to be a gain to others in terms of the use of that heat reflecting a reduction in reliance on traditional heat production and carbon emissions. In Denmark and some other continental countries, small EfWs are located in communities, reducing transport of waste, and also allowing heat to be used by the local community. This would seem to be a sustainable model, but in rural areas, such as we have in Scottish Borders, such effective use of waste heat is often very difficult to achieve, and we find ourselves with large scale EfWs located some distance away from waste production, necessitating numerous and increasing vehicle deliveries in order</p>	<p>Comments and support noted</p>	<p>No change</p>
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	SEPA	<p>to transport waste around the country. This is not, in our view sustainable. We therefore back the points made on page 18 of the draft SG.</p> <p>We support the reference to the Zero Waste Plan. We also welcome the reference to the need to consider waste in relation to forestry management associated with wind farms, however this requirement may be applicable also for other type of renewable energy and therefore we recommend expanding on this as appropriate in the SG. We also support the reference to district heating and heat mapping as appropriate for the types of renewable energy proposed. This is in line with our guidance. Ref is made to SEPA paper on heat networks and district heating</p> <p>Energy from Waste (EfW)- We recommend highlighting the need for a developer of an EfW plant to obtain an authorisation from SEPA. There is also no signposting to the guidelines on SEPA's website. See http://www.sepa.org.uk/regulations/waste/energy-from-waste/</p> <p>We would welcome reference in the SG to the fact that proposals require information to demonstrate that the proposal will comply with the Thermal Treatment of Waste Guidelines in terms of the efficiency of the plant and the acceptability in principle of the proposed heat plan. Please see link to the guideline below: http://www.sepa.org.uk/media/28983/thermal-treatment-of-waste-guidelines_2014.pdf</p> <p>When consulted on EfW facilities we will consider the energy efficiency of the facility and also opportunities for heat recovery and the potential to</p>	<p>Support noted. The SG has been updated to include the need for an EfW plant to obtain SEPA authorisation and the guidance note on the SEPA website referred to.</p> <p>Reference has also been made for the need that a proposal should comply with the Thermal Treatment of Waste Guidelines in terms of the efficiency of the plant and the acceptability in principle of the proposed heat plan with a link to the guidance identified.</p>	<p>SG has been updated on page 24 to include ref for the need for an EfW plant to obtain SEPA authorisation and the guidance note on the SEPA website is referred to. Reference has also been made on page 26 for the need that a proposal should comply with the Thermal Treatment of Waste Guidelines and a link is given to the guidance</p>
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<p><i>Anaerobic Digestion</i></p> <p>Page 268</p>	<p>Borders Network of Conservation Groups / Minto Hills Conservation Group</p>	<p>site new plants close to existing and potential users of heat and power.</p> <p>If suitable sites and quantities of feedstock are available then combustion of waste to generate electricity could be sensible. Rather than recycling plastics and paper it might be better to combust these in a specially designed power station. However any such facility would have a significant local impact and would have to be located on an industrial site.</p>	<p>Comments noted. It is considered there are adequate planning policies within the LDP which lay down sufficient tests to gauge such proposals</p>	<p>No change</p>
	<p>Cockburnspath and Cove Community Council</p>	<p>Some concerns have been expressed locally about the tendency for crops being grown specifically to feed anaerobic digestion, thus losing/using actual agricultural land to feed waste needs and achieve subsidies. Higher consideration needs to be given to protecting agricultural land from adverse planning in order to protect it for food production and we would like to see this emphasised within the SG.</p>	<p>The planning system has no jurisdiction over farmers carrying out other farming operations within their holding. However, if a change of use of the land is required for a non- agricultural use, consideration can be given to the loss of any prime quality agricultural land.</p>	<p>No change</p>
	<p>SEPA</p>	<p>There may be a need for a developer of an AD plant to obtain authorisation from SEPA depending on the inputs to and the capacity of the plant. We recommend that this is mentioned in the SG. The use of the biogas produced from AD plants requires to comply with The Thermal Treatment of Waste Guidelines 2014 and is a material planning consideration in determining relevant planning applications. We would therefore welcome reference to the guidelines for detailed planning information requirements. http://www.sepa.org.uk/media/28983/thermal-treatment-of-waste-guidelines_2014.pdf</p>	<p>The SG has been amended to confirm an AD plant may require authorisation from SEPA and a link to the SEPA Thermal Treatment of Waste Guidelines referred to is included.</p>	<p>The SG has been amended on page 26 to confirm an AD plant may require authorisation from SEPA and a link to the SEPA Thermal Treatment of Waste guidance is included</p>

	<p>Borders Network of Conservation Groups / Minto Hills Conservation Group</p>	<p>The original justification for this process was to consume organic waste. However most installations import plant material specifically grown for this purpose, what some would describe as a misuse of arable land, and certainly not something which can accurately be described under the general umbrella of waste treatment, as in Chapter 6.</p> <p>Nevertheless, if that is really what the majority of the public and their representatives want (provided they even know this) then of course that is fine, BUT the process should not be described as the recycling of 'waste'. The local impact of AD plants not consuming on-site waste or other feedstock can be particularly severe in terms of very large numbers of vehicle movements during the short harvesting season. In addition, a visual impact is created by the large scale storage facilities needed for an entire year's feedstock. Where these storage facilities do not exist, feedstock is continuously supplied from storage points where it was originally produced/ harvested. For example, a large amount of bagged silage/haylage is currently being moved piecemeal from its point of production (last year) in a field some miles away from the large AD plant at Charlesfield to that plant. Smaller AD plants are even more likely to be supplied by off site fuels on a continuous basis due to a lack of adequate storage facilities.</p> <p>Bio fuel being grown on prime agricultural land uses up acreages previously used to produce human food thus the production comes at a cost of home grown and local food sustainability.</p> <p>The gas produced is of low quality and requires</p>	<p>Comments noted. It is considered the text gives sufficient reference to the issues identified and these would be considered in detail at the planning application stage</p>	<p>No change</p>
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<p style="text-align: center;"><i>Hydropower</i></p> <p style="text-align: center;">Page 270</p>	<p style="text-align: center;">SEPA</p>	<p>processing before it can be fed to the gas grid. Small-scale installations using genuine waste or other feedstock <i>produced on-site</i> should be acceptable on isolated farms where there the gas can be used locally. All AD plants generate machinery noise to a greater or lesser degree since this is needed for loading the plant on a frequent basis.</p> <p>Hydropower - SEPA aims to ensure that an appropriate balance between promoting hydropower and protecting the water environment and other water users is always achieved. We recommend highlighting the need for a developer of a hydropower scheme to obtain an authorisation from SEPA. This section should also mention that hydropower schemes must ensure the objectives of the Water Framework Directive are met. Of key relevance is the potential for cumulative impacts across water catchment and development plans provide an opportunity to identify and address these. In terms of hydroelectric schemes our guidance states:</p> <ul style="list-style-type: none"> • Development Plans should encourage such proposals to be sited and designed appropriately to avoid individual and cumulative adverse impacts on the water environment. • Development plans should identify suitable and unsuitable areas of search for hydropower proposals and/or a criteria based policy providing guidance on where 	<p>Text has been added to confirm hydropower schemes require an authorisation from SEPA. A link to the SEPA guidance referred to has also been included</p>	<p>Text has been added on page 27 to confirm hydropower schemes require an authorisation from SEPA. A link to the SEPA guidance referred to has also been included</p>
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<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 271</p>	<p>Borders Network of Conservation Groups / Minto Hills Conservation Group</p>	<p>hydropower proposals can be located. We would welcome specific reference to the SEPA hydropower guidance, available at: http://www.sepa.org.uk/media/136104/planning-guidance-on-hydropower-developments.pdf</p> <p>River run hydropower can be environmentally friendly but the potential for this in Southern Scotland is likely to be very limited. As referred to in this section of Chapter 6, it has been posited recently in the Scottish Borders that the mill lades and races constructed to power woollen and textile mills and no longer used for that purpose might be potential starting points for small scale hydro. While this is certainly possible in theory, the actual output is likely to be insignificant and hugely expensive. Only large scale hydropower makes sense. Medium and small scale hydro like Pitlochry which was constructed decades ago has only had a long term pay-off because inflation wiped out the initial capital cost. Small scale hydro is economically questionable.</p>	<p>It is acknowledged that there may be financial issues in implementing hydropower schemes but that is not a reason to prevent promoting such schemes within the SG</p>	<p>No change</p>
<p><i>Ground Source Heat Pumps</i></p>	<p>Borders Network of Conservation Groups / Minto Hills Conservation Group</p>	<p>Heat pumps are in general unsuitable for existing properties as they require extensive internal works to install underfloor or extra large radiators. This is because they cannot efficiently produce heat at the temperatures used by conventional central heating systems, and so need two to three times the area of radiators (which are actually convectors rather than radiators). Ground source heat pumps may be a sensible option for new build properties which are not connected to the gas grid.</p>	<p>Comments noted. Ground source heat pumps remain an alternative sustainable energy option and should remain in the SG. The option as to whether they are implemented or not will lie with the householder.</p>	<p>No change</p>

	SEPA	<p>Air source heat pumps will be inefficient in Scottish winters, are noisy and so unsuitable for use except for isolated properties.</p> <p>There may be a need for a developer of a borehole ground source heat pump to obtain authorisation from SEPA depending on the design</p>	Text has been added to state that consent may be needed from SEPA for a borehole ground source heat pump and SEPA should be contacted at an early stage.	Text has been added on page 28 to state that consent may be needed from SEPA for a borehole ground source heat pump and SEPA should be contacted at an early stage.
<p>Wind Energy General 272</p>	<p>2020 Renewables Ltd / EDF Energy Renewables Ltd</p> <p>Borders Network of Conservation Groups / Minto Hills Conservation Group</p>	<p>Chapter 7 introduces the first proposed new “supplementary guidance policy” number 1 – in a blue box. It is noted that the other policy boxes which appear throughout Chapter 8 are un-numbered which is confusing and inconsistent.</p> <p>In the second sentence, which refers to the number of approved turbines at time of writing in the Scottish Borders and their energy producing potential, we suggest that informative and useful contextual information would be provided if that amount of energy, ie 747 MW, were compared to the amount of electricity required by homes in the Scottish Borders, also at time of writing.</p>	<p>It is not considered the policy boxes are either confusing nor inconsistent</p> <p>There is no doubt that the energy supplied by wind farms approved to date within the Scottish Borders far exceed the needs of the Scottish Borders. However, it is not the case that each planning authority should only supply the needs for within their own administrative boundaries and it is acknowledged that some planning authority landscapes offer limited opportunities for turbines, often those</p>	<p>No change</p> <p>No change</p>

	<p>Ian Kelly on behalf of Burncastle Farming Ltd, Ian Kelly on behalf of Raeshaw Farms</p>	<p>It would be more relevant to give this chapter the title of “Wind Energy Spatial Framework” as that is what the chapter is actually about. It is considered that it would be helpful if the limitations of the SPP2 Table 1 approach were set out. The most obvious of these is the failure to include areas that merit significant protection on account of cumulative impact and/or the absence of landscape capacity.</p>	<p>with the highest population density e.g city areas. Confirming this output and its proportion to the Scottish Borders population would therefore serve little purpose.</p> <p>The Wind Energy Spatial framework is clearly referred to in Chapter 7. It is clearly set out within Table 1 in SPP and there is no remit to deviate from it. It specifically does not take cognisance of cumulative impact although that is addressed via Landscape Capacity studies</p>	<p>No change</p>
	<p>Ian Kelly on behalf of Burncastle Farming Ltd / Ian Kelly on behalf of Raeshaw Farms Ltd</p>	<p>It is perfectly understandable that the Council might wish to further explain or to give more detailed guidance on how the criteria in LDP Policy ED9 will be applied by the Council. However, when Adopted the Supplementary Guidance now acquires Development Plan status. It is this key statutory provision that has led, in other cases, to the claims that the similar detailed content of other Supplementary Guidance is seeking to either:</p> <ol style="list-style-type: none"> Introduce tests that go beyond the tests set out in the parent policy, or Set a different threshold for acceptability from that which would flow from the application of the parent policy <p>The operation of Policy ED9 should be perfectly obvious from the policy wording itself. If that is not the case then the Policy should be modified rather than be “supported” by detailed explanations in Supplementary Guidance. It is submitted that the text in this chapter should be removed.</p>	<p>Policy ED9 as modified by the Reporter following the Examination of the LDP lists development management considerations. That in itself is of little benefit as further guidance is required for the benefit of a range of interested parties. That is the role of the document as supplementary <i>guidance</i>. It is considered the SG does not go beyond the tests nor the threshold of acceptability of policy ED9. It is considered the text is appropriate.</p>	<p>No change</p>

	Minto Hills Conservation Group / Border Network of Conservation Groups	<p>This chapter covers the subjects which Development Management should consider during the application processing period. The Council needs better information than it possesses or receives at present to be in a position to assess these subjects adequately for the purpose of (a) assessing whether there are unacceptable significant adverse impacts which cannot be mitigated and (b) judging whether the wider economic, environmental and other benefits of the proposal outweigh the potential damage arising from it. That information (whether gleaned from general research or specific information provided by a developer) should relate to the quantitative and qualitative difference between eg landscape and visual impact assessed by developers before existing wind farms were built, and the actuality once constructed. The same is true for noise and shadow flicker nuisance to adjacent dwellings, as well as for anticipated economic benefits compared to actual benefits during and following construction. We are aware that BNCG has suggested that Council appreciation of this type of wider knowledge might be achieved by conducting the type of comparative studies commissioned by its neighbour Northumberland County Council, or at least by referring to these studies in reaching its assessments of applications. The truth is of course that the Scottish Government should be commissioning independent research on anticipated and actual impacts of wind farms, and if it does not do so that may be tantamount to neglect of the welfare and wellbeing of citizens of rural</p>	<p>It is considered that information submitted by developers at the planning application stage re for example, energy production from turbines, is generally sufficient, although further info can be requested if required. It is extremely difficult to make a judgement or suggest there is some acknowledged national formula which clearly balances and gives a definitive conclusively tests the weight given to the economic benefits of a windfarms against any perceived adverse impacts on the environment / landscape. In the absence of such information, which would be most unlikely to be agreed by all parties in any event, it is inevitable there will continue to be a degree of subjectivity when considering wind farm applications</p>	No change
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areas, as well as of its own duties in respect of planning integrity and effectiveness. In order to make the best possible kind of judgements necessary for policy ED9, planning authorities such as SBC would also need to know from the developer eg the minimum contribution to energy production expected of each turbine, in its specific wind location, relative to its connection to a specific section of the National Grid, as well as the level of constraint payments likely given that grid position. Therefore, in order to be able to assess “the wider economic, environmental and other benefits of the proposal” we suggest that it would be reasonable for SBC to require developers to submit as accurate as possible an estimate of all of these factors and for the result to be judged against the average for these factors across existing onshore windfarms in the UK.

There must be realistic sanctions for failure to deliver ‘promised’ benefits, otherwise developers are susceptible to the practice of over-promising and under-delivering, to the detriment of the environment, communities and energy production. We suggest that one reasonable way of applying such a deterrent sanction would be requiring the developer to pay for an independent assessment commissioned by the planning authority, within 12 months of the wind farm coming into operation, of whether or not, for example, economic benefits have been achieved and, if the result of this falls short of what was estimated by a given proportion over a given period of time (eg 10% over 12 months) then

Comments noted. Application submissions and supporting information are taken in good faith and it is acknowledged that predicted levels of economic benefits, job creations etc may prove to be wrong in practice. Any consequent review of this could not revoke the planning consent. Any proposals regarding penalties for such anomalies in practice are outwith the remit of the Council

No change

<p style="text-align: center;">Page 276</p>		<p>the developer should be required to either (a) pay a pre-set level of punitive compensation for as long as that situation persists, split 50:50 between a charity set up by the SBC for the purpose of aiding those in fuel poverty or some such cause and the community councils most closely affected by the wind farm, or (b) de-construct the wind farm.</p> <p>One of the negatives in the balance of net economic outcomes of the construction of wind farms must be the considerable damage inflicted on the narrow country roads in the Scottish Borders by hugely greater and much heavier than normal traffic flow during the construction period. We feel sure that SBC Roads Department would be able to quantify and cost this relatively easily, even if just based on the Robertson road leading to Langhope Rig Wind Farm. We believe that it is extremely unfair that cash-strapped councils (a) can not insist on a planning fee commensurate with the size of application; and (b) are not allowed to insist on a large contribution to local infrastructure. We suggest that this needs to be raised with the Scottish Government, perhaps via the Heads of Planning forum.</p>	<p>Comments noted. As part of the Env Assessment submitted with the planning application there would be a Transport Assessment which would consider the likely access routes to the site. If approval was granted a consequent Traffic Management scheme would be submitted confirming the routes for normal and other vehicles (e.g turbine site delivery vehicles) and the condition of the road would be monitored before and after construction works ceased. Any damage to the road as a result of site vehicles would require an upgrade by the developer.</p>	<p>No change</p>
<p><i>Spatial Framework</i></p>	<p>Mark Steele Consultants Ltd on behalf of Burncastle Farming Ltd</p>	<p>SG Chapter 7 acknowledges that 'Many of the larger scale commercial approvals have taken place in the Lammermuir Hills within the northern part of the Scottish Borders, predominantly at Crystal Rig, Aikengall and Fallago Rig' and that (in addition to other approvals within and outwith the Scottish Borders) '...cumulative impact is a significant issue to be considered'. However, it should be made clear (as explained in</p>	<p>Comments noted. It is acknowledged that combined cumulative impacts is an issue to be addressed and it is considered that reference to this issue is fairly acknowledged in chapter 8 part B. There are a wide range of cumulative impact issues to be addressed and it is considered these are also satisfactorily referenced within</p>	<p>No change</p>

		<p>the SG Spatial Framework) that it is the combined cumulative effects (i.e. the ‘total’ effects rather than the ‘additional’ effects attributable to individual developments) that are of principal concern. This is due to the attritional cumulative effects of incremental windfarm and/or windfarm extension developments constructed in close proximity. Adverse effects are compounded by variable turbine type, height and blade diameter. This is a result of the largely unplanned creation of windfarm ‘clusters’ and the adverse effects are clearly demonstrated by the Crystal / Aikengall ‘cluster’ (but poorly illustrated by the SG photograph (page 23) of the Crystal Rig Windfarm). The SG Spatial Framework section on ‘Landscape Impact’ confirms that ‘The Council will support proposals if:</p> <p>They are capable of being accommodated in the landscape in a manner which respects its main features and character as identified in the Scottish Borders “Landscape Capacity and Cumulative Impact Study” (2016) and which minimises effects on the landscape and the wider area through careful choice of site, layout and overall design’.</p> <p>It is important that the final part of this paragraph is maintained in the final version of the SG.</p> <p>The SG Spatial Framework section on ‘Landscape Impact’ also confirms that ‘The Borders Landscape Assessment provides the baseline descriptions for subsequent landscape studies. The Ironside Farrar Landscape Capacity and Cumulative Impact Study (2016) is referred to in this chapter and comprises of three main themes:</p> <ul style="list-style-type: none"> • A strategic landscape capacity study 	<p>the IF Landscape study. Chapter 8 part C of the SG states links to other relevant documents</p> <p>It is considered the first 2 bullet points are very clear and fair, in that an area of land may offer opportunities for turbine development, but that does not mean there should be no limit as to how much it can be developed before it is considered the part of landscape in question has reached saturation point</p>	No change
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<p style="text-align: center;">Page 279</p>	<p>Minto Hills Conservation Group / Borders Network of Conservation Groups</p>	<p>Page 24 sets out the spatial framework requirements of the latest Scottish Planning Policy (SPP). The section on ‘community separation for consideration of visual impact’ contains the SPP descriptor “An area not exceeding 2km around cities, towns and villages identified on the local development plan with an identified settlement envelope or edge. The extent of the area will be determined by the planning authority based on landform and other features which restrict views out from the settlement”. We agree with the SBC stance that it would be inefficient and unnecessary to carry out 2km surveys of each of the 88 identified settlements in the LDP. However, we would add that the SPP descriptor appears to mean that anyone living in an isolated house or a group of houses without an identified settlement envelope or edge has less right to be protected by the planning authority than someone living in the middle of a town. Towns are built-up areas already and town and city dwellers accept that there is understandably likely to be more development there than in rural areas. However, the kind of thinking betrayed by the SPP descriptor and its implications, which we accept has been prevalent in wind farm planning for years and is imposed by Scottish Government policy, is nevertheless inherently, even if unintentionally, iniquitous and turns logic on its head. Quite apart from the above iniquity there have been recent wind farm applications in the Scottish Borders where there have been a considerable number of dwellings, not actually constituting a</p>	<p>It is agreed the spatial framework within SPP does not specifically identify individual dwellings under the heading “Community separation for consideration of visual impact”. The Council cannot amend the text references. However, para 169 of SPP makes reference for Development management to consider “impacts on communities and <i>individual dwellings</i>”. Consequently impacts on individual dwellings can be considered within the decisions making process.</p>	<p>No change</p>
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	<p>Banks Renewables</p>	<p>village, within 2km of the nearest turbine of a proposed wind farm. In many instances these numbers amount to many more than the number of dwellings in many identified Borders villages. We have to assert that this is illogical, unreasonable and, most importantly, grossly unfair. For all of these reasons we strongly suggest that, while abiding by SPP, SBC ought to insert its own addition to that descriptor in SG Policy 1 on page 25. This should reflect the point that, while the 2km separation imposed by SPP applies to towns and villages identified in the LDP, SBC considers that 2km of protection for all dwellings whether single, multiple or in identified settlements or not, is a fair and equitable starting point from which to consider the separation of any dwelling from turbines in respect of visual and noise impact, accepting that every case will have to be judged individually on landform, screening etc.</p> <p>Banks Renewables consider the wording “...<i>important initial starting point</i>...” in relation to the spatial framework somewhat reduces the spatial frameworks significance as the primary method for identifying areas that are likely to be most appropriate for onshore wind farms in accordance with SPP. Paragraph 163 of SPP clearly sets out that “...<i>additional constraints should not be applied at this stage</i>.” The phrase ‘important initial starting point’ implies that there are additional constraints to be considered, an approach which is contrary to SPP. Banks Renewables request the sentence “<i>The spatial framework is an important starting point to be considered for all wind turbine proposals which exceed the aforesaid height</i>” replaced with</p>	<p>The spatial framework has an important role to play. However, it is not the sole test for determining planning applications and it is considered the text referred to is fair.</p>	<p>No change</p>
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		<p>the following wording taken from SPP – <i>The spatial framework identifies those areas that are likely to be most appropriate for onshore wind farms.</i></p> <p>As with the landscape capacity outputs inserted into the SG, it would be useful to have the spatial framework breakdown and spatial framework itself magnified to make the plans more legible.</p>	<p>Electronic on line versions of the maps can be zoomed into. The final spatial framework has had place names added to the base map to ease navigation</p>	<p>The spatial framework on page 33 has had place names added to the base map</p>
<p>Development Management Considerations – <i>Landscape and Visual Impacts and effects on wild land</i> Page 281</p>	<p>Mark Steele Consultants Ltd on behalf of Burncastle Farming Ltd</p>	<p>The reference to ‘Siting and designing wind farms in the landscape – Version 2’ (page 30) should be amended to ‘Siting and designing wind farms in the landscape – Version 3 (February 2017)’</p> <p>The statement that ‘SNH will shortly be publishing guidance on Wild Land’ should be amended to reflect the now published SNH Guidance.</p> <p>The SG Spatial Framework section on ‘Cumulative Impacts’ confirms that ‘The Council will support proposals if: Their cumulative impact in combination with operational and approved wind energy developments and applications pending determination, is acceptable’.</p> <p>It is important that the reference to ‘in combination’ is retained in the final version.</p> <p>However the use of the term ‘acceptable’ is problematic, as acceptability should be determined</p>	<p>Since the draft SG was produced some new / amended relevant documents have been produced and it is agreed the SG should make reference to them. Such inclusions are confirmed elsewhere within this table. The SG has been amended to include reference to the updated SNH document ‘Siting and designing wind farms in the landscape – Version 3 (February 2017)’. The Council is not aware that the finalised SNH Guidance on Wild Land has been published.</p> <p>Comments noted. In keeping with text amendments relating to policy ED9 as stated elsewhere in this table, within the “Cumulative Impact” section it is proposed the words <i>is acceptable</i> are replaced by the words <i>have no unacceptable impacts</i>.</p> <p>While the SNH definition is the basis for assessment of cumulative effects in GLVIA, the Council has paraphrased it to reaffirm the basis on which the</p>	<p>The SG has been amended to include reference to the updated SNH document ‘Siting and designing wind farms in the landscape – Version 3 (February 2017) on page 38</p> <p>Within the “Cumulative Impact” section on page 39 the words <i>is acceptable</i> have been replaced by the words <i>have no unacceptable impacts</i> in the blue box.</p> <p>The following has</p>

		<p>with reference to the overall planning balance within the operation of planning policy.</p> <p>The SG Spatial Framework section on ‘Cumulative Impacts’ refers to ‘...three forms of cumulative effect...’ However, these definitions are no longer in frequent use and the reference to ‘combined’ visibility can be confused with the previous reference to ‘in combination’.</p> <p>Therefore, these paragraphs should be deleted, as the reference to SNH guidance should suffice.</p> <p>As previously discussed, the reference to ‘threshold of acceptability’ (page 32) is problematic</p> <p>Furthermore, the statement that ‘There will be a presumption against all wind farm development in areas where cumulative impacts are judged to be significant and adverse’ implies that the ‘threshold of acceptability’ is ‘significant and adverse’ cumulative effects. Whilst the reference to ‘acceptability’ should be amended, it is important that the reference to ‘significant and adverse’ cumulative effects is retained in the final version.</p> <p>The SG Spatial Framework section on ‘Cumulative Impacts’ states that ‘The assessment of cumulative impacts is complex and will be informed by relevant guidance including the SNH guidance, June 2015, titled: “Spatial Planning for Onshore Wind Turbines – natural heritage considerations”. This includes reference to the consideration of clusters of wind farms that are in separate landscape character types and where the objective is to maintain the distinction between those character types’.</p> <p>‘Spatial Planning for Onshore Wind Turbines – natural heritage considerations’ (page 10) quotes the SPP (page 70) definition of cumulative impacts: ‘Impact in combination with other development.</p>	<p>cumulative assessment is undertaken, but small amendments to text have been undertaken to ensure it more closely reflects SNH (2012)</p> <p>The following has been inserted into SG after paragraph 1 of the <i>Cumulative Impacts</i> section which starts ‘With a large number of operational and consented windfarms within.....’</p> <p>GLVIA3 refers to both changes to landscape and visual amenity caused by the proposed development in conjunction with other development, past, present or likely to occur in the future.</p> <p>Cumulative landscape effects can impact on</p> <ol style="list-style-type: none"> 1. the physical fabric by affecting the landscape components such as woodlands, rural roads and hedgerows, or 2. the character of the landscape by changing the landscape character to such an extent that they create a different landscape character type, including the character of landscapes recognised to be of special value, this recognition may take the form of national or local designations such as National Scenic Areas or Special landscape Areas (and Wild Land Areas) <p>Cumulative effects on visual amenity can be caused by</p> <ol style="list-style-type: none"> 1. combined visibility - where the observer is able to see two or more 	<p>been inserted into SG after paragraph 1 of the <i>Cumulative Impacts</i> section which starts ‘With a large number of operational and consented windfarms within.....’</p> <p>GLVIA3 refers to both changes to landscape and visual amenity caused by the proposed development in conjunction with other development, past, present or likely to occur in the future.</p> <p>Cumulative landscape effects can impact on</p> <ol style="list-style-type: none"> 1. the physical fabric by affecting the landscape components such as woodlands, rural roads and hedgerows, or 2. the character of the landscape by
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	<p>Jones Lang LaSalle on behalf of 2020 Renewables Ltd and EDF Energy Renewables Ltd</p>	<p>cumulative effects arising from windfarm ‘clusters’ and proposals to add to or extend the life of these clusters.</p> <p>Chapter 8 is a key chapter in the SG and will have a number of comments on its contents. The first paragraph of Chapter 8 appropriately references policy ED9 of the LDP. It sets out that the section expands upon the listed subjects of policy ED9 “<i>giving more detailed guidance and useful information</i>”. However the text goes on to say “where relevant there is an additional guidance policy at the beginning of each subject”.</p>	<p>combination’ in final version.</p> <p>The text means additional guidance will be given to policy ED9 as opposed to being a new policy in itself. The text has been amended to clarify this.</p>	<p>Text in chapter 8 which refers to “where relevant there is an additional guidance policy at the beginning of each subject” has been amended to exclude the word “policy”.</p>
	<p>Northumberland National Park Authority</p>	<p>On page 25 it is also stated that there are no National Parks located within the Scottish Borders and that therefore the only recognised constraints within this group are the National Scenic Areas at Eildon & Leaderfoot and Upper Tweeddale which are identified in fig 5(i). In addition, figure 6 on page 26 identifies large swathes of land as being potentially suitable for wind farm development with all turbines being of a height greater than 15 metres. A portion of this area appears to also include the Cheviot Uplands and the Cheviot Foothills Special Landscape Areas. However, given the fact that Northumberland National Park lies to the south east boundary it is puzzling as to why it is not referred to in any great detail in the draft supplementary guidance document as is the fact that any potential cross border implications have not been examined.</p>	<p>The spatial framework has been prepared in full accordance with SPP. The Northumberland National Park is located outwith the Scottish Borders and therefore it cannot be identified within the spatial framework. However, it is acknowledged that cross boundary issues are an important consideration and clearly the Northumberland National Park Authority would be consulted on any planning applications which may be of interest to them. It is agreed the SG can be amended to make specific reference to the consideration of any impacts of turbines on Northumberland national park within the “Cross Boundary Section” on page 62.</p>	<p>SG has been amended to make specific reference to the consideration of any impacts of turbines on Northumberland national park within the “Cross Boundary Section” on page 62.</p>

	2020 Renewables Ltd / EDF Energy Renewables Ltd	<p>The spatial framework plans which follow on page 26 need to be made clearer in terms of their graphics and consideration should be made to providing some base map reference in the background graphic so as to aid orientation of designation zonings within the SBC area. Full page graphics would be better than the very small ‘thumbnails’ currently included within Figure 5.</p>	<p>Although it is not considered justified for the 4no small individual maps which make up the spatial framework to have settlement names added to them which would clutter their appearance given their small scale, the finalised spatial framework is the key output map. Consequently it has been enlarged onto a separate page with settlement names added.</p>	Settlement names have been identified on the base map of the spatial framework on page 33
	Banks Renewables	<p>Banks Renewables is concerned that in comparison to the SG’s commentary on spatial frameworks, there is considerably more emphasis throughout the document on the “Landscape Capacity and Cumulative Impacts Study” (2016). As set out in SPP landscape and visual impact is a development management consideration and therefore it should be addressed on a site by site basis through site specific studies. The spatial framework should be considered as the overarching locational, strategic and spatial document for the acceptability of siting wind farms. Banks Renewables objects to the text proposed in the blue box on page 27, as there is not reference to site specific studies, acceptability appears to be based on compliance with the 2016 capacity study. To address this concern, the following text should be removed from the blue box “as identified in the Landscape Capacity and Cumulative Impact Study 2016”.</p>	<p>The spatial framework is clearly set out by SPP and offers no flexibility. Consequently the spatial framework is very easy to prepare and map and is self explanatory and therefore there is very little accompanying text required. The Landscape Capacity Study however is a major document given the vast size of the Scottish Borders and the many detailed component parts which need to be addressed. It is considered the volume of text required to explain the document and summarise the main component parts is justified. The role and use of Landscape Capacity studies are acknowledged by Scottish Government /SPP and the SG refers to the Ironside Farrar study accordingly. It is considered the text referred to within the blue box is justified</p>	No change
		<p>It should be made clear that the Borders Landscape Assessment (1998) and the Ironside</p>	<p>The Borders Landscape Assessment and the Ironside Farrar study are</p>	No change

		<p>Farrar Study (2016) should act as reference documents only and should not be the single two considerations in assessing the acceptability of wind energy proposals. This is currently the interpretation of the wording and this is contrary to SPP as there is a complete disregard of the purpose of the spatial framework. By acting as reference documents instead, there is still the flexibility for a site specific assessments to be carried out, which will be done at a finer detail than a regional assessment, to demonstrate the suitability of the site.</p> <p>Banks Renewables objects to the text contained in the blue box (on page 28) as it is contrary to SPP and the Local Development Plan 2016 (LDP). With regards to impact on the natural environment, paragraph 203 of SPP sets out that the test is an "...unacceptable impact on the natural environment." not simply a significant impact. The test in the blue box currently does not include a test of acceptability. It is therefore contrary to SPP. In addition it is also contrary to the test set out in LDP Policy ED9. Policy ED9 sets out that renewable energy developments will be supported where they can be "...accommodated without unacceptable significant adverse impacts or effects..." By their very nature, large scale onshore wind farm developments will result in some significant effects and to infer that the council will only support wind farm proposals if they do not have a significant detrimental effect would effectively preclude all onshore wind farm developments. This would be contrary to Scottish Government policy. To ensure</p>	<p>important documents to be considered and it is correct that reference should be made to them. It is not suggested these are the sole reference documents and other relevant documents are referenced throughout the SG. For example the spatial framework is specifically and very clearly referenced within the SG as being a material consideration though this reference is not further required nor be expanded upon within the Landscape & Visual Impact section.</p> <p>Comments noted. The particular wording in question is a part of policy ED9 (Renewable Energy Development) which in essence relates to giving consideration to the balance between consideration of environmental impacts and economic benefits of a proposal. The text makes reference to the consideration of "..... relevant <i>unacceptable significant adverse impacts or affects</i> that cannot be satisfactory mitigated...." which was added by the Reporter following the Examination of the LDP. However it must be pointed out that in the next sentence the Reporter does not refer to this specific wording, omitting the word "unacceptable". Consequently the policy wording is not entirely consistent as to what text wording should be applied. On the assumption the test</p>	<p>At the end of the section on Local Policy on page 7 text has been added which confirms that ref to policy ED9 text relating to "<i>unacceptable significant adverse impacts or affects</i>" will be shortened to "<i>unacceptable impacts</i>" within the SG. However, it is confirmed this does not change the full policy test as worded in policy ED9</p>
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	<p>Natural Power Consultants on behalf of Fred Olsen Renewables Ltd</p>	<p>compliance with national and local policy, the test in the blue box should be change to ‘They do not have an unacceptable significant adverse effect ...’</p> <p>Whilst areas of wild land are afforded significant protection under SPP, SPP does not preclude onshore wind farm development within these designations. The SG should be worded more positively to reflect SPP. At the end of the first paragraph it the SG should states “further consideration will be required to demonstrate that any significant effect on the qualities of the wild land can be substantially overcome by siting, design or other mitigation.”</p> <p>(p31) ‘The consideration to the effects on wild land should not be limited to solely development within them.’ Unless and until guidance is released by SNH, this statement should be removed. Having to assess</p>	<p>within policy ED9 should incorporate the word “<i>unacceptable</i>”, rather than constantly making reference throughout the SG to the “<i>unacceptable significant adverse impacts or affects</i>” every time this test needs to be referred to, within para 5 on page 7 of Chapter 4 : Policy Considerations it has been stated that reference to this will be shortened to “<i>unacceptable impacts</i>”. It is made clear that this is solely for ease of text and is not being suggested as an alternative to the main policy test. The blue box test referred to was used by South Ayrshire Council within their SG on Wind Energy 2015 which is recognised by the Scott Govt as an exemplar case.</p> <p>It is considered level of reference and balance between wind turbines and wild land areas is correct and accurately reflects SPP</p> <p>Para 169 of SPP states that consideration should be given to the effect of proposals on wild land. If there is a proposal for, for example, a small single turbine within a wild land area</p>	<p>No change</p> <p>No change</p>
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		<p>potential effects upon a development out with such a designation has the effect of creating additional buffers around the area and as per paragraph 196 of SPP: 'Buffer zones should not be established around areas designated for their natural heritage importance.</p> <p>(p32) 'In addition, windfarm impacts will be assessed along with other impacts from other land uses (e.g. quarry uses) which in combination may produce significant adverse cumulative impacts.' We have concerns about the inclusion of this statement as an additional general requirement of the SG. Whilst it is acknowledged that on occasion there may be site specific issues that arise where there may be a cumulative effect on a given receptor from an adjacent land use and a proposed wind farm, these will by their nature be both site and topic specific and should where relevant, be considered as part of the detailed scoping process of the wind farm. Any subsequent requirement for assessment can then be discussed and if necessary and justified agreed through the Scoping process. Such a requirement should be not however be ubiquitous. It is not clear from the Council's LDP that other (non-energy related) development proposal would have to consider renewable energy development in their cumulative assessments. We therefore suggest this part is</p>	<p>and another proposal for a number of large dominating turbines marginally outwith the wild land area, it cannot be argued that only the small turbine can qualify for consideration of any effects on the wild land area when clearly the larger proposal is much more contentious in terms of effects. Consequently unless the awaited SNH guidance confirms to the contrary, the reference within the SG is correct and justified.</p> <p>It is considered that the statement "In addition, windfarm impacts will be assessed along with other impacts from other land uses (e.g. quarry uses) which in combination may produce significant adverse cumulative impacts" is entirely justified, although clearly such assessment would only be required in certain cases.</p>	<p>No change</p>
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	Amec Foster Wheeler on behalf of EDF Energy Renewables	<p>removed.</p> <p>Page 28 – 3rd bullet: “<i>Guidance on remaining development capacity...</i>” This should be changed to ‘Strategic <i>guidance on remaining development capacity...</i>’ in order to reflect the strategic nature of the Updated LCS and the fact that it is not a Cumulative Landscape and Visual Assessment of any proposed development and as such the limitations of the document should also be acknowledged.</p> <p>Page 28 – “It is the Council’s view that the design and location of any wind farm must reflect the scale and character of local landscapes. In this respect, the Borders Landscape Assessment (1998) and the Ironside Farrar Study (2016) will inform the assessment of future wind energy proposals.” The use of the term ‘reflect the scale and character of local landscapes is ambiguous and open to a range of interpretation, not least because it will be difficult for any wind farm development to fully equate to the scale of the landscape.</p> <p>The following alternative is recommended: ‘<i>It is the Council’s view that the design and location of any wind farm must seek to minimise landscape and visual effect on the character of local landscapes, achieving a scale and nature of effect that can be deemed acceptable. In this respect, the Borders Landscape Assessment (1998) and the Ironside Farrar Study (2016) will inform the assessment of future wind energy proposals.</i>’</p>	<p>It is made quite clear within the SG that Landscape Capacity studies are strategic studies (e.g. 4th para on page 54) and this is recognised by all parties throughout the planning process. There is no justification to keep re-iterating this point.</p> <p>It is agreed that alternative text be added to state “<i>It is the Council’s view that the design and location of any wind farm must seek to minimise landscape and visual effect on the character of local landscapes, achieving a scale and nature of effect that can be deemed acceptable. In this respect, the Borders Landscape Assessment (1998 currently being updated) will inform the assessment of future wind energy proposals.</i>’ The need for reference to the Ironside Farrar Study 2016 is referred to further within the text on page 35</p>	<p>No comment</p> <p>Amended text has been added to page 35 to read “It is the Council’s view that the design and location of any wind farm must seek to minimise landscape and visual effect on the character of local landscapes, achieving a scale and nature of effect that can be deemed acceptable. In this respect, the Borders Landscape Assessment (1998 currently being</p>
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		<p>In the 'blue shaded' box it is noted that what the Council will support in relation to Visual Effects appears to be disproportionately higher than the equivalent comment on Landscape in a blue shaded box on page 27. The former requires that wind farm development would not have 'significant detrimental impact', whereas the latter (on landscape) and in line with the relevant policies and policy ED9 of the LDP, requires an 'accommodation' approach and or 'unacceptable significant impact'. It should be noted that as significant landscape and visual effects are unavoidable for wind farm development a 'test' of no 'significant detrimental impact' is unreasonable. Please also refer to the comments raised by JLL in the cover letter – namely that the proposed new policy 'tests' set out in the draft SG (in the 'blue boxes') are inconsistent with and go much further than the lead policy in the LDP, namely Policy ED9.</p> <p>No explanation is provided as to what constitutes a 'significant public viewpoint' or an 'important recreational asset and tourist attractions'.</p>	<p>The blue box within the visual section has been amended to read "The Council will support proposals if : They have an <i>unacceptable</i> visual impact...."</p> <p>This is in keeping with text within other blue boxes within the SG and it is confirmed the blue boxes are not new policies, instead giving further guidance on the specific subject matter. It is not considered the blue box within the Landscape Impact section requires amending.</p> <p>The reference to public viewpoints and important recreational assets and tourist attractions is justified. These recreational assets and tourist</p>	<p>updated) will inform the assessment of future wind energy proposals.' The need for reference to the Ironside Farrar Study 2016 is referred to further within the text on page 35</p> <p>The blue box within the visual impact section has been amended to read "The Council will support proposals if : They do not have an <i>unacceptable</i> visual impact...."</p> <p>No change</p>
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Page 293		<p>scale comparison does not occur.” It would be noted that in providing this guidance, SNH is promoting an aim or objective for wind farm development, but that it is not something that can practically be achieved when viewed from all viewpoints or receptor locations. Whilst development should accord with the general guidance and ‘spirit’ of the SNH guidance, particular objectives, such as this should not be singled out or elevated to development requirements.</p> <p>Page 29, Under the heading “An assessment of the visual effects on the following interests (where relevant) will be requested” the 3rd, 4th and 5th bullets should be removed and referenced in the Heritage section, unless a clarification ensuring that a Landscape and Visual Impact Assessment (LVIA) is required as opposed to a Heritage assessment, is provided as follows:</p> <ul style="list-style-type: none"> • The landscape and visual amenity of heritage sites which are visited by people to enjoy the landscape such as Scheduled Ancient Monuments, Inventory Battlefields and significant un-designated archaeological sites, structures and historic or archaeological landscapes. • The landscape and visual amenity of locally prominent and valued buildings, including listed buildings and conservation areas which are visited by people to enjoy the landscape. • Historic Gardens and designed landscapes, open to the public to enjoy the landscape. <p>Additional bullets could be considered to include as</p>	<p>Visual effects cover a number of scenarios and subject matters and it is considered correct that this part of the SG should make reference to possible impacts on the built and natural heritage. How much weight is given to potential impacts will take cognisance of matters such as the status and the no of visitors an attraction has.</p>	No change
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<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 294</p>		<p>follows:</p> <ul style="list-style-type: none"> • The landscape and visual amenity of other tourist / visitor sites and attractions where the focus of the receptor will be on the enjoyment of the landscape for example well visited hill tops, picnic sites and features of tourist / visitor interest, include Historic Environment Scotland and National Trust properties or similar. • The landscape and visual amenity of other recreational sites / locations and attractions where the focus of the receptor involves an appreciation of the landscape, for example parks and golf courses. • The landscape and visual amenity of other community sites / locations and public realm areas where the focus of the receptor involves an appreciation of the landscape, for example cemeteries or town squares. • Scotland's Great Trails and other nationally promoted tourist / recreational routes for walkers, road users, cyclists and horse riders. <p>Page 30 – for completeness, the Draft SG should include a list of 'Iconic Viewpoints' as an appendix rather than referring back to the 2011 SPG. The list of 'Iconic Viewpoints' should also be reviewed to ensure that they are fully justified.</p>	<p>It is agreed the SG should list "Iconic Viewpoints" rather than require reference back to the 2011 SPG on Wind Energy. These have been reviewed and are incorporated within Appendix D</p>	<p>Iconic Viewpoints within the Scottish Borders to be considered at the planning application stage have been taken from the SG on Wind Energy 2011 and incorporated into Appendix D</p>
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	<p>Borders Network of Conservation Groups / Minto</p>	<p>Page 30, 1st paragraph – It should be noted that assessment viewpoints for LVIA are not ‘representative’. To accord with GLVIA 3 they may be ‘representative’ or ‘illustrative’ or ‘specific’. They often fall into the latter category and represent the ‘worst case’ rather than the ‘representative’ view from a road or route for example.</p> <p>Page 30, last 3 bullets – It should be noted that the SNH guidance referred to has been updated: <i>SNH Siting and Designing Windfarms in the Landscape Version 3 (February 2017)</i> and that further updates on guidance are anticipated. SBC should re-check the status of all windfarm guidance, and any new guidance, prior to adopting this Draft SG.</p> <p>Page 32 – “There will be a presumption against all wind farm development in areas where cumulative impacts are judged to be significant and adverse.” This statement, as explained by JLL in the cover letter, is contrary to national planning policy and guidance and is not acceptable. In many cases there will be significant and adverse cumulative effects, but each application must be judged on a case by case basis and consideration given to whether the proposed development can be accommodated and if the effects are acceptable.</p> <p>Agree that the Borders Landscape Assessment (1998) and the updated Ironside Farrar Study (2016)(once revised in response to our valid</p>	<p>It is considered the word “representative” is appropriate for the purposes of the test in question</p> <p>It is acknowledged that when an SG is prepared and finally adopted within the interim period of a number of months some documents referred to have updated. The SG has been updated to incorporate any such changes and the SNH updated guidance referred to has been included within the document</p> <p>It is agreed that the determination of applications involves more than a test as to whether a wind farm has a significant and adverse impact and that any such impacts must be weighed up against the wider economic benefits. Text has been amended to confirm this</p> <p>Comments noted</p>	<p>No change</p> <p>SG has included reference to <i>SNH Siting and Designing Windfarms in the Landscape Version 3 (February 2017)</i> on page 38</p> <p>On the 2nd para on page 40 the removal of words “significant and adverse” and replaced by the words “unacceptable when weighed up against the economic and other benefits of the proposal”</p> <p>No change</p>
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<p style="text-align: center;">Page 296</p>	<p>Hills Conservation Group</p>	<p>concern outlined stated elsewhere) should inform the assessment of future wind energy proposals and as such become material planning considerations as soon as this SG document is adopted by SBC.</p> <p>In general we are satisfied that the remainder of this chapter covers appropriate guidance for Development Management Considerations. However, we would suggest the following additions and amendments as reasonable and logical procedures both to ensure that some of the considerations outlined are indeed taken into account, and to clarify or emphasise others. On page 29 reference is made to good practice in the assessment of visual effects published by SNH. The last of these mentioned is “video montages (if appropriate)”. We would contend that this is appropriate in <i>all</i> cases since all wind turbines move, for at least some of the time. It is not as if the latest technology available to produce video montages is either difficult or expensive so it is perfectly reasonable to expect video montages for all applications for wind turbines other than single, domestic scale proposals. Guidance for public consultation should strongly recommend that such video montages are included in face to face consultations and hyper-links included in the EIA. We deem this to be only reasonable and eminently</p>	<p>It is considered video montages can be useful and should be requested where considered relevant. However, it is not considered this should be an absolute requirement for all applications. In many instances it is considered the information provided is sufficient.</p>	<p>No change</p>
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		<p>fair.</p> <p>There is a list of interests for which a visual assessment will be requested where relevant. The first of these is naturally “residences, towns and villages within 2km of a wind farm”. Very many of the nearby residents who have commented on a planning application for a wind farm or even a single turbine have indicated to us how astonished they were to learn of the proposal, not officially, but by word of mouth, often long after the application has been submitted. We suggest that, despite the statutory requirement for notification of a planning application to nearby residents being limited to those within 20m of the proposed site, a planning authority must be perfectly entitled, in the case of structures exceeding a minimum height, eg 40m, to extend this notification requirement on applicants to residences within 2km of the nearest turbine, failing which a graded extension of notification, increasing with the height of the structure(s) concerned might be considered. Again, we are certain that this would be both reasonable and fair, especially since developers will need to ascertain the dwellings within a 2km radius in any case. We also suggest that, where turbines of 120m and more are being considered, a planning authority should logically and reasonably impose a significantly greater set-back distance. This guidance could either be included here or later, on</p>	<p>The Council has no jurisdiction to extend the neighbour notification distance over and above the Scottish Government’s listed statutory requirement. It is considered that as part of the Council’s consultation and advertisement process interested / affected parties become aware of proposals, although it is acknowledged this procedure is not perfect. Any amendments to the neighbour notification distance would need to be instigated by the Scottish Government</p>	<p>No change</p>
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Page 298		<p>page 33 within chapter 8, after the first paragraph.</p> <p>In the same list (on page 29 - 30) we suggest that 'common riding routes' are included, either within an existing heading, such as the third bullet point, or as a stand-alone bullet point. Naturally, SPP does not mention these since they are largely unique to the Borders and so unlikely to be on the radar of civil servants and politicians outwith this Borderland, but this 'interest' would surely be a justified inclusion of a local circumstance since the routes are of considerable historical, cultural and civic significance to all of the people of the Scottish Borders.</p> <p>In the paragraph following the list (on page 30) the document gives guidance on selecting viewpoints. While this guidance is appropriate we believe the import of the second sentence "In choosing viewpoints, applicants should consider the likely effects on different receptors, such as residents..." could be enhanced by an encouragement to developers to be more outward-looking and inclusive in this respect. No matter how assiduous developers might be in selecting appropriate viewpoints, it is highly unlikely that they will be able to acquire the local knowledge and sensitivity of place available from local communities. We therefore suggest that developers should be advised to seek some of the locally</p>	<p>The list referred to is not definitive and the Council may ask for visual assessments to be carried out for further interests when considered necessary on a case by case basis. This would include consideration of Common Riding Routes and it should be noted this has been requested and provided previously.</p> <p>At present selecting viewpoints is largely down to the opinions of the Council's planning officers and landscape architects and SNH. It is considered this is sufficient, although if during the consultation process other potential viewpoints are identified by other parties these can be considered. If an applicant does not submit requested information then there would be an issue to be considered that the proposal may not be able to be fully judged due to the lack of full information. This would not be in the applicant's best interests.</p>	<p>No change</p> <p>No change</p>
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Page 299		<p>relevant viewpoints by contacting the community councils, within the normal distance from the proposed windfarm for formal consultation, prior to submission of the application, in order to seek any relevant viewpoints additional to those selected by developers themselves, plus any other local iconic viewpoints deemed particularly important for inclusion by them and the residents they represent. We also suggest that compliance with the aim of this list should be encouraged by adding something along the following lines to the paragraph following the list: 'Any omission of one or more of these interests where relevant prior to the P&BSC consideration of same, without adequate explanation, after an applicant has been alerted to it/them by the SBC or via a submission to the SBC by a statutory consultee, may become a material consideration against approval'. This cannot be objected to by developers since there would be adequate opportunity for them to either heed the alert, or provide an adequate explanation why an interest has not been addressed, with either of these actions/options naturally being subject to objective scrutiny by the Planning Department prior to P&BSC consideration. Yet again, we seek to encourage compliance through reasonable measures.</p> <p>In the following paragraph which mentions screening by topography and woodland, we suggest that the reference, instead of being to</p>	<p>With regards to the proposed text reference "woodland which is not likely to be harvested within the following 25 years", it is a transient matter and it would be difficult to confidently or</p>	No change
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<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 300</p>	<p>Scottish Natural Heritage</p>	<p>simply “woodland” should be to ‘woodland which is not likely to be harvested within the following 25 years’. Commercial woodland is never going to constitute permanent screening and therefore is unlikely to outlast the wind farm, especially if approaching maturity at the time of application. Whilst some developers may protest that commercial woodland is very likely to be replanted where felled, others already accept this point and make reference to it in the EIAs submitted. To argue against this principle is illogical as there will be a gap of almost two human generations during growth, in which screening is not present.</p> <p>The information on landscape and visuals on pages 28 to 29 is useful but we suggest that they are separated out more clearly. This should include a bullet point list for landscape that is similar to those for visual effects on page 29. Specific elements of landscape that may need to be assessed in addition to Landscape Character Assessment and how the proposal conforms to the capacity study include:</p> <ul style="list-style-type: none"> • National Scenic Areas and their special qualities; • Special Landscape Areas; • Wild land areas. <p>We consider that it is important to set this information out clearly, given the effects upon these areas are often less clearly assessed and articulated than visual effects.</p>	<p>accurately predict the lifespan of any forestry or woodland. However, wirelines give indications of the prominence of turbines without any woodland presence</p> <p>This part of the SG has been amended to address the points raised</p>	<p>Some text on page 35 within the Landscape Impact and Visual Impact sections has been amended to address comments raised by SNH</p>
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We welcome the reference to our good practice publications on page 29 and recommend that this should also include our Visualisation guidance. We note that it is included in references at the end of Chapter 8 but suggest that more explicit inclusion within the chapter should be made. This would align with the national requirement that submitted visuals are up to the standard set out in our guidance.

The section on Wild Land on page 31 is generally clear and we support this section of the guidance. However, reference should be made to the description available on our website as it forms the baseline for the assessment of the effects of proposals on the wild land area. The SNH guidance on assessing effects is currently out for consultation but we welcome the link to it, and support the use of signposting to our website. At present, this section advises that: *“The consideration to the effects on wild land should not be limited to solely development within them.”* Our experience from elsewhere suggests that it may be more helpful to applicants to amend that sentence to: *“The consideration of the effects of proposals upon the wild land qualities as identified in the wild land area description should not be limited solely to development within the wild land area.”* This would ensure that any assessment, whether the proposal

Support for reference to the SNH guidance is noted. It is considered sufficient reference is made to it.

Comments noted. It is agreed text which states *“The consideration to the effects on wild land should not be limited to solely development within them.”* should be amended to read: *“The consideration of the effects of proposals upon the wild land qualities as identified in the wild land area description should not be limited solely to development within the wild land area.”*

No change

Text which states *“The consideration to the effects on wild land should not be limited to solely development within them.”* has been amended on page 38 to read: *“The consideration of the effects of proposals upon the wild land qualities as identified in the wild land area description should not be limited solely to development within the wild land area.”*

	<p>Jones Lang LaSalle on behalf of 2020 Renewables Ltd and EDF Energy Renewables Ltd</p>	<p>is in or outside of the wild land area boundary, will be tailored and specific to the wild land qualities that are of most importance to the Talla – Hartfell wild land area.</p> <p>The second new policy relating to visual impacts (page 28) states that the Council will only support proposals if “<i>they do not have significant detrimental visual impact</i>” and this relates to residential properties, settlements, roads and paths, significant public view points, recreational assets and tourist attractions, none of which are defined or located on a map. The new test of “significant detrimental impact” fundamentally differs from the test in the parent policy ED9 which is that the Council will support proposals provided there are “<i>no relevant unacceptable significant adverse impact or affects that cannot be satisfactory mitigated</i>”. It is submitted that there is no need for the proposed additional policy tests in the SG or the proposed significant changes in terminology – the SG should simply be providing further guidance to assist with the application of policy ED9 which contains a development management test. It may be the case that some development projects could be judged to result in some significant impacts that would be detrimental – but that is a very different matter from and unacceptable impact or one that may not be able to be satisfactory mitigated. This distinction needs to be drawn out and made explicit.</p>	<p>Comments noted. The particular wording in question is a part of policy ED9 (Renewable Energy Development) which in essence relates to giving consideration to the balance between consideration of environmental impacts and economic benefits of a proposal. The text makes reference to the consideration of “..... relevant <i>unacceptable significant adverse impacts or affects</i> that cannot be satisfactory mitigated....” which was added by the Reporter following the Examination of the LDP. However it must be pointed out that in the next sentence the Reporter does not refer to this specific wording, omitting the word “unacceptable”. Consequently the policy wording is not entirely consistent as to what text wording should be applied. On the assumption the test within policy ED9 should incorporate the word “<i>unacceptable</i>”, rather than constantly making reference throughout the SG to the “<i>unacceptable significant adverse impacts or affects</i>” every time this test needs to be referred to, within para 5 on page 7 of Chapter 4 : Policy Considerations it has been stated that reference to this will be shortened to “<i>unacceptable impacts</i>”. It is made clear that this is solely for ease of text</p>	<p>The blue box under section Visual Impact section has been amended to read “...they do not have an <i>unacceptable</i> impact...”</p>
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		<p>On page 29 the reference to visual effects mixes in references to the settings of scheduled ancient monuments, battlefields, and other cultural heritage assets and references listed buildings and conservation areas – these matters would be better placed within a specific cultural heritage subsection. Such an approach would be consistent with paragraph 169 of SPP which refers to “<i>impacts on the historic environment, including scheduled monuments, listed buildings, and their settings</i>”. The current approach in the draft SG confuses straightforward visual impact with the specific approach of addressing effects in relation to the settings of cultural heritage assets which requires proper reference to Historic Environment Scotland guidance, of which there is no mention.</p> <p>On page 31 there is reference to wild land and the impending publication of SNH Guidance. This guidance has now being produced in draft form and it may be the case that before the finalisation of the draft SG, the SNH guidance is available in its final form. This should be referred to as appropriate in due course.</p>	<p>and is not being suggested as an alternative to the main policy test. The blue box under section Visual Impact has been amended to read “...they do not have an <i>unacceptable</i> impact...”</p> <p>Whilst it is agreed visual effects cover a number of scenarios and subject matters and it is considered correct that this part of the SG should make reference to such impacts on the built and natural heritage, it is also agreed that setting and ‘visual effects’ somewhat conflates separate issues. Setting impacts aren’t always a visual effect. But where there are potentially visible setting impacts we ask for visualisations as do HES per the Managing Change Guidance. SPP also references cultural landscape, which can include archaeological and historical landscape as material consideration. This could include direct physical intrusion and setting impacts. It is agreed cross reference to this should be made</p> <p>The Council is not aware that draft guidance on assessing impacts on wild land is now finalised. However, until the final document is produced little weight can be given to the draft. Obviously as soon as it is produced it will become a material consideration to the decision making process</p>	<p>Historic Env Scotland’s Managing Change guidance within the Historic Environment section has been cross referenced within the visual effects interests referred to on page 37. It is also confirmed that guidance on visualisations for determining setting impacts follows SNH guidance.</p> <p>No change</p>
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<p>Development Management Considerations – Cumulative Impact Impacts on Communities and Individual Dwellings (incl visual impact, residential amenity, noise and shadow flicker)</p> <p>Page 304</p>	<p>Scottish Government</p> <p>Jones Lang LaSalle on behalf of 2020 Renewables Ltd and EDF Energy Renewables Ltd</p>	<p>Draft Guidance on assessing impacts on wild land is now available from SNH with respect to the wild land section of chapter 8.</p> <p>Strongly objects to the inclusion of these additional polices within the draft SG as set out in the blue boxes for each subject. As set out at the start of this letter, these additional policies go well beyond the provisions of policy ED9: they are inconsistent with the provisions of Policy ED9 and conflict with the tests set out in the Circular and the Development Planning Regulations referenced above.</p> <p>For example, the first ‘policy box’ concerning landscape impact on page 27 states that the Council will only support proposals if they are accommodated in the landscape in a way that respects features and character and which minimises effects on the landscape and the wider area.</p>	<p>The Council is aware that draft guidance on assessing impacts on wild land was produced from SNH. However, until the final document is produced little weight can be given to the draft. Obviously as soon as it is produced it will become a material consideration to the decision making process.</p> <p>The Scottish Government have identified the South Ayrshire Supplementary Guidance on Wind Energy 2015 to be an exemplar example of an SG. The South Ayrshire SG incorporates supplementary “blue box” tests which SBC have mirrored within the SG. Consequently it is absolutely fair and fully justified that the SBC can follow this exemplar case supported by Scottish Govt and include within it the aforesaid boxes. However in the opening para in Chapter 8 reference is made to the blue boxes being an “additional guidance <u>policy</u>”. However, this is not technically correct to be considered as an additional policy and reference to this as being a policy has been removed.</p>	<p>No change</p> <p>The word “policy” has been removed from the second sentence of the opening para in Chapter 8</p>

	Cockburnspath and Cove Community Council	<p>Subject C refers to cumulative impacts and on page 32 introduces a presumption against development: it states “<i>there will be a presumption against all wind farm development in areas with cumulative impacts are judged to be significant and adverse</i>”. This statement is unacceptable – SPP and national renewables guidance does not refer to the requirement to introduce a ‘presumption against’ policy approach. The Council needs to recognise that here may well be situations where there could be cumulative impacts arising from development proposals that will be significant and deemed adverse. The key point is that such affects should not automatically be equated to a position of unacceptability or lead to a presumption against.</p> <p>We feel that in addition to the aspects of residential amenity protection offered within the relevant section of the SG, some consideration should be given to the effects of nearby turbine development on house prices. In this day and age, many people have their savings tied up in their properties, and nearby developments can radically and disastrously affect the value of their homes. The location of the Neuk turbines now erected, are much closer to the homes of people at Hoprig Crossroads hamlet of Cockburnspath, and dominate their views, obliterating the pleasure of the coastal view they used to enjoy, and which was also a major selling point of their homes. Whilst we agree in principle with renewable energy, we feel that the presence of such high turbines in close proximity to towns and villages/hamlets, who have no financial interest in the development, do</p>	<p>It is agreed that the determination of applications involves more than a test as to whether a wind farm has a significant and adverse impact and that any such impacts must be weighed up against the wider economic benefits.</p> <p>The planning system allows consideration of potential impact on the amenity of residential properties. However, any perceived financial impacts on properties as a result of wind farms is not something the planning system has any remit to address. In any event this would likely be extremely difficult to confirm and quantify with all parties agreement</p>	<p>In the 2nd para on page 40 the removal of the words “significant and adverse” have been replaced by the words “unacceptable when weighed up against the economic and other benefits of the proposal”</p> <p>No change</p>
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		<p>radically affect residential amenity – they cannot fail to alter the desirability of homes in close proximity. We would firmly back the adherence to the 2km separation distance and want to see any encroachment on this as a major drawback to the development unless landform mitigation is present.</p> <p>For many years, this community has been very concerned about noise from wind energy developments. This relates not only to the noise emitted by turbine blades etc but also to infra noise. Recently, a couple obtained a noise meter after significant tinnitus and sleep loss, to discover that the noise was coming from two turbines about 2 miles away. Also, there is significant noise at a distance from turbines – something the residents of Dowlaw Farm experience from Drone Hill, which is not experienced closer to the site. The current ETSU instrument used by developers and noise assessment/acoustic engineers, does not measure cumulative noise properly. The phenomena of “background noise” in an area of current turbine development e.g. Lammermuir foothills, INCLUDES, we understand, the noise of existing turbines, so effectively, the background assessment continues to rise. We would like to see the background assessment in areas of multiple development, being taken as the original background noise assessment for the area in question e.g. the original assessment for Crystal Rig 1 or Aikengall 1 for example. Otherwise, noise continues to rise and rise and the cumulative effect gets greater all the time. Noise assessments should be carried out by independent experts, but not directly paid for by the developer, otherwise</p>	<p>Meters used for wind farm work must comply with the technical standards specified in the Guidance. The ETSU Guidance is quite clear. Existing wind turbines should not be counted as now part of the background noise – The Section entitled “<i>Cumulative Impact</i>” in ETSU on p58 refers. Data analysis techniques exist that can allow noise from existing developments to be filtered out of future assessments. If this cannot be done, Guidance states that it is acceptable to use survey data gathered before any turbines were constructed, subject to the data being filtered to exclude measurements that do not meet modern quality assurance requirements, and subject to there being no fundamental change in the character of the area. This approach has been confirmed as valid by Appeal Reporters. Pre-existing background data has already been used in several recent Applications, although some Objector Groups have challenged its use. It would be difficult to find any Noise Consultant with the resources to undertake this work, who has no</p>	<p>No change</p>
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	<p>Hobkirk Community Council</p>	<p>they can never be seen as independent. Perhaps the Council could take a bond from the developer and appoint an independent expert to carry out this role, making it much less developer led?</p> <p>We welcome the policy that 'the right development in the right place' is a central guideline and hope that this will prevent the submission of applications which are inappropriate. We welcome the clarification of what is defined by visual amenity for individual households. This will hopefully prevent developers in future claiming that because a development cannot be viewed from all windows at a particular property it is acceptable. The draft policy makes it clear that there are more aspects to the impact on householders. We have difficulties with the guidance of a 2km separation from households. Firstly, this guidance seems to have been formulated when turbines were much smaller and has not changed with the increased heights being demanded by current developers. Secondly we have problems with what the definition of a settlement is and would welcome guidance on the definition of a village. Thirdly, we have difficulty understanding the logic of a distance being required for a town or village but no such restraint being applied to individual houses or groups of</p>	<p>connection with the Wind Energy Industry. Consultants have standards of professional practice and give independent advice. The Council is unaware of any case where it has been demonstrated that there has been collusion between Consultants and Applicants to produce misleading noise data. Experience to date in the Borders has revealed that justified wind farm noise complaints have been due to mechanical issues.</p> <p>Support noted. The 2km separation distance in essence means this is acknowledged as a more sensitive distance between turbines and residencies and such applications require more scrutiny. This is not to say that there may be properties outwith this distance who may have some amenity impact issues to be addressed. However, it must be noted that the 2km sensitivity area is identified within SPP and SBC cannot extend (or reduce) this zone. It should be noted any impacts of turbines on even a single property is a material consideration to any planning application (para 169 of SPP)</p>	<p>No change</p>
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	Oxnam Water Community Council	<p>houses. Many properties within Hobkirk are individual or in small clusters and we are concerned that developers will see this as green light to seek to develop in areas which would be unacceptable to individual householders.</p> <p>The Response of Oxnam Water Community Council (452) to Further Information Request 03 – Issues 003, 026 to 042 + 330 (published on 19 February 2015 during the Scottish Borders Proposed Local Plan examination) continues to refer. With reference to the summary at the end of that response we remain concerned that an area of significant protection is not shown around Oxnam, Pleasants and Swinside in Figure 6: Spatial Framework of the Draft SG on Renewable Energy. In their Report to Scottish Borders Council, Proposed Scottish Borders Local Development Plan Examination, dated 30 October 2015, the Reporters commented (in their conclusions dealing with issues 26-42 and 330, and issue 3 in so far as it relates to renewable energy): "While a reasonable case could be made out for making Oxnam an identified settlement in the proposed plan, the position is less clear for Pleasants and Swinside because of their small size. However, there are implications arising from being identified as a settlement beyond having a community separation distance (not exceeding 2km) applied under group (2) areas of the spatial framework, including the possible provision of opportunities for other types of new development. I also note that, under Scottish Planning Policy (2014), a wind farm may be appropriate in some circumstances in group (2) areas. Given these factors, I consider</p>	<p>SPP requires identification of a 2km sensitivity area around cities, towns and villages identified in the Local Development Plan. Oxnam, Pleasants and Swinside are not incorporated within the LDP and therefore have no such buffer area formally identified around them. However, if wind turbine applications are submitted in proximity to the aforesaid villages any impacts on them will be considered. The Council has been in discussion with Oxnam Water CC recently with a view to them submitting a proposal to have Oxnam included as a recognised settlement within the next Local Development Plan.</p>	No change
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	RES Ltd	<p>that the identification of these places as settlements requires further consideration, and I agree with the planning authority that this is best looked at in preparing the next local development plan."</p> <p>We look forward to discussing this matter with Scottish Borders Council during the coming months as part of their preparation for the new Local Development Plan.</p> <p>RES would suggest further clarification is required within Chapter 8 in relation to D) Impacts on Communities and Individual Dwellings (In terms of visual impact, residential amenity and shadow flicker). The Council seem to use both in this section and other sections, an arbitrary 2km buffer to determine both potential impact and need for further assessment. Whilst this is guidance, it provides little assistance if it provides such an arbitrary measurement. There is no clarity on the basis the 2km buffer is applied, other than perhaps its mention in Table 1 of SPP in relation to the preparation of spatial frameworks for onshore wind energy development. Even here though its arbitrary nature is recognised, as it alludes to planning authorities refining this potential buffer to less than 2km from identified settlements in the development plan whereby topography and screening limits views. In terms of non-commercial turbines the guidance appears to recognise the "Lavender Principle" relating to the scale, height and proximity of turbines to residential properties in having a harmful impact on residents' enjoyment of their property due to dominance and overbearing appearance in relation to the property. However</p>	<p>Undoubtedly it is the case that in some more extreme instances "Significant visual impacts on residential amenity can occur over greater distances than it might first be considered. For example, if a prominent ridge or hill visible from a substantial area of a settlement would be occupied by prominent turbines at distances of up to 5 kilometres, this could be said to cause harmful visual impacts, especially if views to such a ridge or hill are strongly associated with a settlement." If it was considered by the Council that information should be provided on a case by case basis for any settlement, group of houses or any individual houses (para 169 of SPP) in order to gauge impacts of turbines on them, this this would be considered a reasonable and justified request.</p>	No change
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Page 310		<p>this is not repeated for larger commercial turbines, whereby such impacts are more likely due to the scale and height of such turbines. In this section the Council incorrectly reference harmful visual impacts which relate to views rather than dominance and overbearing impacts. It is clear in development management terms and reinforced by many appeal decisions on wind farm development that harmful views due to people's perception and dislike of wind turbines are not a material consideration for the determination of an application. RES must therefore strongly object to the inclusion of the last paragraph on page 33 of the document "Significant visual impacts on residential amenity can occur over greater distances than it might first be considered. For example, if a prominent ridge or hill visible from a substantial area of a settlement would be occupied by prominent turbines at distances of up to 5 kilometres, this could be said to cause harmful visual impacts, especially if views to such a ridge or hill are strongly associated with a settlement." As this clearly relates to views from a settlement/properties rather than any direct impact on the residential amenity of that property or settlement from the over-dominating and overbearing effect of very large scale turbines looming in close proximity to that property or settlement.. The right to a view is not a material consideration. As such this last paragraph requires removal from the document as it clearly provides the wrong guidance to stakeholders.</p> <p>The guidance then on page 34 appears to suggest that a Residential Impact Assessment should be</p>	<p>Information required as part of a Residential Impact Assessment would</p>	<p>No change</p>
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	<p>Jones Lang LaSalle on behalf of 2020 Renewables Ltd and EDF Energy Renewables Ltd</p>	<p>submitted for commercial wind turbines within 2km, although it recognises that specific circumstances such as topography might reduce effects within this distance. The terminology used “ accompanied by material reflecting assessment of residential amenity impacts, in particular where those impacts occur at 2km or less.” is not entirely helpful to stakeholders. Further clarity on what the Council would envisage is submitted beyond the noise impact and shadow flicker impact assessments subsequently described in this section, would be useful here.</p> <p>SG policy 1 states that with regard to a 2km area around settlements, consideration of turbines within these areas “<i>should be judged in terms of considering any potential adverse impacts on residents within the 2km distance</i>”. The 2km reference in SPP relates only to the consideration of visual impact not “any adverse impacts”. Furthermore, SPP and national renewables guidance (May 2014) does not refer to “buffer areas”. The reference to buffers on page 25 of the draft SG should be struck out. The text should also be amended to properly reflect the consideration set out at paragraph 169 of SPP namely “<i>impact from communities and individual dwellings, including visual impact, residential amenity, noise and shadow flicker</i>”</p>	<p>be considered on a case by case basis. This may include information of, for example, photomontages from selected rooms within houses, parts of garden ground</p> <p>Within SPP the 2km sensitivity area is categorised under Group 2 as Areas of Significant Protection. Whilst it is acknowledged the 2km distance is not an absolute no go area, quite clearly the sensitivity is high due to them being identified as having <i>significant</i> protection. It is agreed the reference to these areas as <i>buffer</i> areas should be removed and replaced with the word <i>sensitivity</i> areas. It is not considered necessary to re-iterate again within the SG the reference to consideration of “<i>impacts on communities and individual dwellings, including visual impact, residential amenity, noise and shadow flicker</i>”</p>	<p>On page 31 reference to the 2km distance is referred to as <i>sensitivity</i> areas as opposed to <i>buffer</i> areas.</p> <p>No change</p>
	<p>Jones Lang LaSalle on behalf of 2020 Renewables Ltd</p>	<p>The second paragraph makes a claim that turbines can substantially “<i>alter the perception of residents about their enjoyment</i>” in terms of residential amenity. There is no evidence on this topic relating</p>	<p>Following the approval of wind farm applications the Council is well aware of aggrieved parties stating their concerns about the impacts turbines have on</p>	

	and EDF Energy Renewables Ltd	<p>to perception and the text should refer specifically to the need to consider impacts on individual dwellings, including visual impact and the other residential amenity considerations as set out in paragraph 169 of SPP – on an objective basis. Furthermore, the reference to “day to day activities” in the third paragraph is vague and it is unclear as to whether this relates to within a property curtilage or further afield.</p> <p>The last paragraph on page 33 refers to significant visual impacts on residential amenity and claims that this can occur up to distances of up to 5km with effects that state it can be harmful “<i>especially if views to such a ridge or hill are strongly associated with the settlement</i>”. There is no evidence to substantiate this alleged level of harm at distances of 5km. The reference to the need for careful consideration of residential amenity considerations within a 2km distance is supported and that should be the focus of the guidance. The role of residential visual amenity assessments should be referred to. They are a well-established tool in the industry and well used in the development management process.</p>	<p>their amenity and enjoyment of their residences. These concerns are very real and the development industry should not simply ignore this. The meaning of “day to day activities” relates to daily activities and movements within and around the curtilage of residents’ dwellings</p> <p>Undoubtedly it is the case that in some more extreme instances “Significant visual impacts on residential amenity can occur over greater distances than it might first be considered. For example, if a prominent ridge or hill visible from a substantial area of a settlement would be occupied by prominent turbines at distances of up to 5 kilometres, this could be said to cause harmful visual impacts, especially if views to such a ridge or hill are strongly associated with a settlement.” The Council feels this text is correct</p>	No change
	Banks Renewables	<p>Banks Renewables object to the introduction of a presumption against all wind farm development in areas where cumulative impacts are judged to be significant and adverse. This statement should be deleted from the SG as it is contrary to SPP. Paragraph 169 of SPP sets out that local authorities can identify areas where where cumulative impact may limit capacity, not preclude. SBC have gone beyond what is set out in SPP.</p>	<p>It is agreed that the determination of applications involves more than a test as to whether a wind farm has a significant and adverse impact and that any such impacts must be weighed up against the wider economic benefits. Text has been amended to confirm this. There is no doubt cumulative impact is a major matter to be considered which</p>	Text has been amended in the 2 nd para on page 40 to state “There will be a presumption against all wind farm development in areas where cumulative impacts

		<p>By precluding development from areas SBC are effectively introducing an additional constraint to development which is contrary to paragraph 163 of SPP.</p> <p>Identifying whether there is scope in the landscape to accommodate further development should be left to site specific assessments.</p> <p>Banks Renewable object to the text contained in the blue box (box D), as it does not include an acceptability test on significant impacts. Please see our comments on the blue box on page 28 of the SG (highlighted in blue above for ease of reference) for further information. The test in the blue box should read ‘They do not have an unacceptable significant adverse effect...’</p> <p>Banks Renewables deem it to be overly restrictive to explicitly reference that the Council will look to condition developments to a simplified fixed day time limit of 35dB – “unless satisfactory justification in line with the criteria set out in ETSU-R-97 is provided”. This sets a precedent when it is not necessary to do so.</p> <p>Ultimately each site should have limits set based on “site specific factors” in consultation with the Environmental Health Officer and in line with ETSU-R-97; this should be sufficient guidance. It is standard practice for wind farms to carry out background noise monitoring to determine what noise limits should be derived in addition to setting out other material influences on noise limits, such</p>	<p>can preclude wind farm proposals It is not agreed the SG goes beyond the requirements of SPP</p> <p>It is stated on page 7 of the SG, rather than constantly repeating throughout the document the long worded phrase that consideration should be given re - “unacceptable significant adverse impacts or effects” as stated within policy ED9, this has been simplified to refer to “unacceptable impacts”. This simplification does not suggest an alternative test to the aforesaid policy ED9 extract.</p> <p>In the interests of protecting local amenity Scottish Borders Council aims to set fixed turbine noise limits to the lower end of the ETSU permitted range of values, unless there is a persuasive case for a higher limit. It is understood that this has been accepted at Appeal. Levels are set according to site specific background noise survey results. Conditioned limits are tabulated for each receptor at each integer wind speed, in a format produced by the Scottish Government Energy Consents unit. Under the ETSU guidance, night time limits can be set at a higher level.</p>	<p>are judged to be unacceptable when weighed up against the economic and other benefits of the proposal”</p> <p>Text in Box D on page 40 has been amended to state “The Council will support proposals if : They do not have an <i>unacceptable impact</i> on...”</p> <p>No change</p>
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	<p>Natural Power Consultants on behalf of Fred Olsen Renewables Ltd</p>	<p>as the financial involvement of a property. Banks Renewables are concerned that there is a lack of clarity regarding what is considered “satisfactory justification” in this situation considering some of the complexities of setting noise limits. Furthermore there is no recognition within SG that noise limits might differ for “night time” periods and therefore as it is currently written, it could be misconstrued that the 35dB limit will be applied to all periods throughout the day.</p> <p>As referenced within the “Onshore Wind Energy Planning Conditions Guidance Note – A report for Renewables Advisory Board and Berr”, only dwellings within 130 degrees either side of north relative to a turbine can be affected and the shadow can be experienced only within 10 rotor diameters of a wind farm. Whilst there is a suggestion that properties at a greater rotor distance could experience some effects, Banks Renewables consider it to be excessive to require all residential properties within 2km of a wind turbine to be assessed. It is also premature as the results of the further work commissioned by the Scottish Government are unknown. The wording does not take into account the degrees at which shadow flicker may occur and ultimately shadow flicker impacts associated with large scale wind farms, they can be mitigated via conditions.</p> <p>(p33) ‘Significant visual impacts on residential amenity can occur over greater distances than it might first be considered. For example, if a prominent ridge or hill visible from a substantial area of a settlement would be occupied by</p>	<p>The requirement for any shadow flicker assessments will be requested by the Council where considered necessary on a case by case basis. This work would be carried out in accordance with legislative requirements which will include the forthcoming Scottish Government commissioned paper following its publication</p> <p>Undoubtedly it is the case that in some more extreme instances “Significant visual impacts on residential amenity can occur over greater distances than it might first be considered. For example,</p>	<p>No change</p> <p>No change</p>
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	<p>Natural Power Consultants on behalf of Fred Olsen Renewables Ltd</p>	<p>prominent turbines at distances of up to 5 kilometres, this could be said to cause harmful visual impacts, especially if views to such a ridge or hill are strongly associated with the settlement.’ The SG notes in the previous paragraph that ‘larger commercial turbines and wind farms tend to cause more obvious visual impacts because their relationship in terms of scale with other items in the landscape means that they become the tallest structures in most scenarios. They have the capacity to stand out above mature woodlands and will generally be sited on high ground to achieve good wind capture.’ The combination of the two statements above is prejudicial to the assessment of any given proposals and therefore completely unacceptable. As standard, an applicant will provide an assessment of potential landscape and visual effects which will be tailored through the pre-application and scoping process to the specific proposal. Only through a properly conducted LVIA process can the impact of any given proposal be assessed. The SG should not therefore include the sweeping statements noted above. The wording in general on page 33 is not acceptable and as such should be removed and rewritten having regard to the draft Energy Strategy.</p> <p>(p35) The SG correctly identifies shadow flicker as a potential effect of wind farm development. It is however a relatively rare effect which can be modelled and where necessary avoided and or mitigated for. The SG references one study undertaken by SLR</p>	<p>if a prominent ridge or hill visible from a substantial area of a settlement would be occupied by prominent turbines at distances of up to 5 kilometres, this could be said to cause harmful visual impacts, especially if views to such a ridge or hill are strongly associated with a settlement.” Reference to impacts being more of an issue for larger scale commercial wind farms is fair comment – it is not understood how the respondents would challenge or disagree with this. It is contended that these statements within the SG are very fair and justified.</p> <p>The requirement for any shadow flicker assessments will be requested by the Council where considered necessary on a case by case basis. This work would be carried out in accordance with legislative requirements which will</p>	<p>No change</p>
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		<p>and notes that it states shadow flicker may occur beyond 10 rotor diameter distance, noted in paragraph 5.46 of the study which goes on in paragraph 5.47 to state that: ‘Several of the comments indicate that respondents may confuse shadow flicker impacts with visual impacts, commenting on the former when they meant the latter. It should also be noted that the responses to the questions on light and shadow effects (including shadow flicker) illustrate that there may be different understandings of what is meant by these terms, despite them being separately defined in the Survey.’</p> <p>The study notes that there may be some confusion amongst recipients of what shadow flicker is and nowhere does it make a recommendation for extending the assessment area to 2 km. The study recommends further research and therefore the SG should not be recommending a significantly larger assessment area until new guidance on shadow flicker is published. Given the obvious limitations of this study we suggest that it does not form an appropriate basis upon which to develop policy and should be removed.</p> <p>Given the Scottish Government issued advice that shadow flicker is generally regarded not to be an issue beyond 10 rotor diameters it is considered unlikely that significant adverse effects (as required under Policy ED9) will be experienced beyond this limit. As such the additional requirement to investigate beyond this distance is unnecessary and unreasonable and should be removed from the SG. In the unlikely event that shadow flicker effects are experienced during operation they can be investigated and dealt with accordingly and such</p>	<p>include the forthcoming Scottish Government commissioned paper following its publication</p>	
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	<p>Minto Hills Conservation Group / Borders Network of Conservation Groups</p> <p>Amec Foster Wheeler on behalf of EDF Energy Renewables</p>	<p>action enforced through an appropriately worded planning condition.</p> <p>On page 33, under the title of “Communities and Individual Dwellings” the proposed change we have outlined on page 8 of this response, regarding notification to residents within 2km of nearest turbine, might be included or, if referred to earlier, acknowledged here.</p> <p>This section mixes up Residential Visual Amenity Assessment (RVAA) with visual assessment (LVIA). The two are different and separate reference to each should be made in the document. In terms of Visual Assessment – this applies to the LVIA study area as defined by Visual Representation of Windfarms, SNH (2006, currently being updated). The focus of the study area is influenced by the ZTV and viewpoint analysis to ensure that the scope of the assessment is focused on those areas and receptors where significant effects are likely. This could extend for 5-10km or more and is likely to include receptors such as settlements defined in the LDP. In contrast, the key determining issue for RVAA is not the identification of significant effects on views, but whether the proposed turbines would have an overbearing / dominant effect and/or result in unsatisfactory living conditions, leading to a property being regarded, objectively, as an unattractive (as opposed to a less attractive) place in which to live. Mixing up these terms, confuses these two issues and could have the effect of devaluing the quality and purpose of each form of assessment. It should also be noted that RVAA is</p>	<p>It is confirmed that the SG cannot overrule or re-write regulations regarding Scott Govt neighbour notification rules</p> <p>It is not considered that the section on Communities and Individual Dwellings mixes up RVAA with visual assessment. There is a whole section earlier in Chapter 8; Section B “Landscape and Visual Impact and Effects on Wild Land” in the SG, that covers visual Impacts and it should be clear from the heading that Section D deals with “Impacts on Communities and Individual Dwellings”. Note – Under the main heading “Communities and Individual Dwellings” the term “Visual Impact” has been added</p>	<p>No change</p> <p>On page 40 under the main heading “Communities and Individual Dwellings” the term “Visual Impact” has been added</p>
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		separate from other considerations related to residential amenity such as noise and shadow flicker.		
Development Management Considerations – <i>Impacts on Carbon Rich Soils, Public Access, Historic Environment, Tourism, Recreation, Aviation and Defence Interest and Seismological Recording, Telecomms and Broadcasting Installations and adjacent trunk roads and roads traffic</i>	Historic Environment Scotland	<p>We are broadly content with the content of the draft Supplementary Guidance for our historic environment interests, subject to the following detailed comments on the Historic Environment section of Chapter 8:</p> <p><i>Assessment:</i> you state that assessments should include recommendations for mitigation or off-setting. Off-setting is not normally an appropriate form of mitigation for impacts on historic environment assets. In view of this, it may be more helpful to instead require assessments to identify mitigation in line with the mitigation hierarchy.</p> <p><i>Direct impacts:</i> we recommend that this section should explain that works which would have a direct impact on a Scheduled monument would require scheduled monument consent, which must be sought from Historic Environment Scotland. This section states that proposals that will have an adverse direct impact on historic environment assets will only be permitted if it can be demonstrated that the benefits of the proposal will clearly outweigh the heritage significance and value of the asset. Whilst this reflects your policy on non-designated archaeology, you should be satisfied that this is also in line with your policy for other historic environment assets. In view of this, and as this section primarily focuses on the level of information and assessment required to support proposals, it may be preferable to remove this line and replace with a reference to SPP and local</p>	Support noted. The Councils feels the text in question is in line with relevant LDP policy text and therefore does not need to amend the text	No change

	<p>RES Ltd</p>	<p>development plan policies.</p> <p>In terms of the advice under the section relating to Public Access on page 36 of the document it is again unclear where the arbitrary 2km buffer to a core path or significant access route is taken from and on what evidence it is based. Again matters such as scale and height of turbine and intervening topography would have a bearing on potential impact to users.</p> <p>The advice under the heading of Tourism/Recreation on page 38 is unhelpful to stakeholders as it advises that an accompanying statement must be submitted with a planning application giving details of perceived impacts, effects and benefits a proposal may have on tourism and recreation. RES would consider the key word is perceived, it is clear from the many studies and surveys undertaken by various</p>	<p>Fig 8 of PAN45 Renewable Energy Technologies identifies a 2km distance of a wind farm in an open landscape as being “likely to be a prominent feature”. It is acknowledged that this PAN has been superseded, although it is considered that this widely accepted rule of thumb remains relevant. Indeed the spatial framework within SPP makes reference to the 2km distance as a sensitivity area around settlements. Consequently it is considered the 2km is an accepted distance to be referred to when considering potential impacts on receptors. Clearly solely because a wind turbine is within 2km of a receptor does not automatically mean it will not be acceptable. A number of other matters must be considered including, for example, consideration of any intervening land and any consequent reduction in impact.</p> <p>It is acknowledged that there are parties who consider turbines have an impact on tourism. This was confirmed within the study by independent consultants Biggar Economics on Economic Impacts of Wind Turbines within the Scottish Borders 2013, although such comments were in the minority. The fact some parties do feel</p>	<p>No change</p> <p>The word “perceived” in para 4 of page 45 has been replaced by the word “possible”</p>
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		<p>stakeholders relating to the impact on tourism from wind farms, that there is not a perceived impact as many suggest and that the majority of tourists would not be deterred from visiting a location merely due to the sight of some wind turbines. It is unclear therefore why the Council's guidance requires some form of statement to this effect. It may be possible to make a visual impact assessment from key recreational or tourist receptors as part of an LVIA, and to outline any bespoke tangible benefits that might arise in such terms from a proposal in terms of tourist and recreational facilities. It is completely unjustified however for the Council to suggest any form of tourism and recreational impact assessment is undertaken for onshore wind energy development relating to perceived impacts, which national research confirms is unfounded. As such RES would request that the guidance in this section is clarified and better aligned with national planning policy guidance on this subject.</p>	<p>turbines have an impact should not be belittled nor ignored by the respondent. However no studies on possible detrimental impacts on tourism are recognised by Scottish Government as having conclusive evidence and consequently the SG cannot state this is a significant issue. If it is considered there may be possible impacts on tourism further information can be sought on this at the planning application stage. It is agreed the word <i>perceived</i> should be replaced by the word <i>possible</i>.</p>	
	Scottish Government	<p>You wish to note that in terms of defence interests of chapter 8 - the draft Onshore Wind Strategy proposes a change to the Eskdalemuir Exclusion Zone.</p>	<p>Following a longstanding consultation in respect of Eskdalemuir, the Scottish Govt's Onshore Wind Policy Statement Dec 2017 confirms the new MoD position regarding the safeguarding of Eskdalemuir. This includes a 10km non-development zone and a 50km consultation zone.</p>	<p>The SG and related map has been updated on page 46 to confirm the updated MoD position regarding the safeguarding of Eskdalemuir</p>
	Scottish Natural Heritage	<p>Visible turbine lighting is an increasingly significant issue in renewables casework, particularly the assessment of effects on landscape character, visual amenity and appreciation of dark skies. The</p>	<p>It is acknowledged that visible turbine lighting is a significant issue to be addressed. It is agreed with the respondents suggested amendment</p>	<p>The text proposed by SNH has been incorporated into the text on page 46</p>

Page 321		<p>related issues of assessment and production of visualisations is therefore of importance. It would therefore be worth considering tying this issue back in to the visuals section on page 29, with an additional sub-section on larger turbines. Our justification for such requirements is set out in a new paragraph in our Siting and Design Guidance and in our Visualisation Guidance: <i>‘These effects (of visible lighting) are likely to be more significant in areas with less artificial lighting, including remoter rural locations, Wild Land Areas and dark sky sites where the absence of artificial lighting contributes to the feeling of remoteness or the direct appreciation of the night sky. Lit turbines may lessen the contrast between developed and undeveloped areas, e.g. when viewed from nearby settlements. Whilst it may be possible to mitigate these effects, they should still be considered in the assessment. Effects at dawn and dusk should also be considered where these could be significant’</i> Para. 2.13, Siting and designing wind farms in the landscape, Feb.2017</p> <p>and:</p> <p><i>‘Where an illustration of lighting is required, a basic visualisation showing the existing view alongside an approximation of how the wind farm might look at night with aviation lighting may be useful. This is only likely to be required in particular situations where the wind farm is likely to be regularly viewed at night (e.g. from a settlement, transport route) or where there is a particular sensitivity to lighting (e.g. in or near a Dark Sky Park or Wild Land Area). Not all viewpoints will need to be</i></p>	<p>and the text they have proposed relating to lighting of turbines has been incorporated into the SG. Reference is made to the link to the SNH guidance on Visual representation of Wind farms 2017</p>	<p>with a cross reference to this on page 37 of the visual impact section . Reference is made to the link to the SNH guidance on Visual representation of Wind farms 2017 on page 46</p>
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	<p>SEPA</p> <p>Jones Lang LaSalle on behalf of 2020 Renewables Ltd and EDF Energy Renewables Ltd</p>	<p>illustrated in this way. <i>The visualisation should use photographs taken in low light conditions⁸, preferably when other artificial lighting (such as street lights and lights on buildings) are on, to show how the wind farm lighting will look compared to the existing baseline at night. It is only necessary to illustrate visible lighting, not infrared or other alternative lighting requirements.</i>’ Para. 175, Visual representation of wind farms, Feb. 2017</p> <p>Some of this justification and explanation could be usefully set out in the Supplementary Guidance, with reference to the requirement for additional visuals to be discussed with Scottish Borders Council and SNH.</p> <p>We welcome the section on carbon rich soils in page 36 of the SG. We recommend making reference to the Guidance on the Assessment of Peat Volumes, Reuse of Excavated Peat and Minimisation of Waste</p> <p>This subject refers amongst other matters to the historic environment. On page 37 what seems to be a further new policy test is introduced (albeit it is noted it is not contained within a ‘blue box’) – the text states that any proposal which has “<i>an adverse direct impact on historic environment assets will only be permitted if it can be demonstrated that the benefits in the proposal will clearly outweigh the heritage significant in the asset</i>”. This wording is different from the test set out in SPP at paragraph 145 with regard to scheduled monuments. The text should be amended to accord with SPP.</p> <p>Page 38 makes reference to the topic of tourism</p>	<p>Support noted. The SG has been amended to incorporate the SEPA document referred to</p> <p>It is considered the text in question within the SG is in accordance with the relevant LDP policy text which has the same principles as SPP. It is not considered there is any reason to change it.</p> <p>It is agreed the word <i>perceived</i> should</p>	<p>Reference has been made to the SEPA guidance referred to on page 43</p> <p>No change</p> <p>The word</p>
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	<p>Banks Renewables</p>	<p>and recreation and refers to what is termed “<i>perceived impacts or effects on tourism and recreation</i>”. It states that perceived impacts must be considered as part of any planning application submitted. The text adds that a planning application must give details of any perceived impacts, effects of benefits. This further reference to perceived impacts is considered inappropriate. The guidance should refer to likely effects of a development and in terms of EIA development likely significant effects. The approach should be based on an objective assessment as opposed to perceived impact. Perception of effect is not sufficient in a planning determination – planning appraisals should be based upon an evidence based approach following an objective assessment. The emphasis should be on such an approach in the guidance.</p> <p>Banks Renewable object to the text contained in the blue box (box E) , as it does not include an acceptability test on significant impacts. Please see our comments on the blue box on page 28 of the SG (highlighted in blue above for ease of reference) for further information.</p> <p>The test in the blue box should read ‘They do not have an unacceptable significant adverse effect...’ Like similar issues Banks Renewables have identified within the SG, the test for impacts public access should be reflective of LDP policy ED9 and SPP, it should be based on a test for “unacceptable significant adverse impacts”.</p> <p>In light of the test for acceptability, the second sentence is overly onerous whereby it states that “any proposals which will impact on a core path or</p>	<p>be removed and replaced with the word <i>possible</i>.</p> <p>Comments noted. The particular wording in question is a part of policy ED9 (Renewable Energy Development) which in essence relates to giving consideration to the balance between consideration of environmental impacts and economic benefits of a proposal. The text makes reference to the consideration of “..... relevant <i>unacceptable significant adverse impacts or affects</i> that cannot be satisfactory mitigated....” which was added by the Reporter following the Examination of the LDP. However it must be pointed out that in the next sentence the Reporter does not refer to</p>	<p><i>perceived</i> to be replaced by the word <i>possible</i> on page 45</p> <p>The blue box under section E referred to has been amended to read “The Council will support proposals if : They do not have an <i>unacceptable impact</i> on...” The first para on page 44 confirms that in terms of impacts on a core path or significant access route, the text has</p>
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		<p>other significant access route will require the applicant to provide an alternative route.” Firstly Banks Renewables recommend that “impact” should be defined as those which are unacceptable in accordance with the policy; secondly the requirement to find a suitable alternative route based on any impact is again overly onerous as this test is weak and unclear and Banks Renewables are not of the view that any impact warrants the provision of an alternative route. Banks Renewables envisage that there are likely to be technical issues which could arise from the requirement to provide alternative access routes which are out with the control of the applicant. The test should be for those that are having “an unacceptable significant adverse and direct impact”.</p> <p>Banks Renewables object to the requirement that turbines should be located the height of the turbine plus 10% away from core paths or significant access routes. Banks Renewables are not aware of</p>	<p>this specific wording, omitting the word “unacceptable”. Consequently the policy wording is not entirely consistent as to what text wording should be applied. On the assumption the test within policy ED9 should incorporate the word “<i>unacceptable</i>”, rather than constantly making reference throughout the SG to the “<i>unacceptable significant adverse impacts or affects</i>” every time this test needs to be referred to, within para 5 on page 7 of Chapter 4 : Policy Considerations it has been stated that reference to this will be shortened to “<i>unacceptable impacts</i>”. It is made clear that this is solely for ease of text and is not being suggested as an alternative to the main policy test. The blue box under section E referred to has been amended to read “The Council will support proposals if : They do not have an <i>unacceptable impact</i> on...” In terms of impacts on a core path or significant access route it is agreed the text should be reworded to confirm that any significant impacts from proposed turbines should be judged on a case by case basis and should take cognisance of any mitigation measures</p> <p>The Council considered the “turbine height plus 10%” to be a sufficiently safe distance from core paths or significant access routes. However, the</p>	<p>been reworded to confirm that any significant impacts from proposed turbines should be judged on a case by case basis and should take cognisance of any mitigation measures</p> <p>Text on page 44 has been amended to remove reference to the</p>
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		<p>any statutory guidance or policy which requires such a threshold to be cited and deem that this requirement is wholly unnecessary and should be removed.</p>	<p>Council is not aware of any recognised statutory safety distances and it is acknowledged some parties consider the distance inappropriate. It is acknowledged that in some instances it is agreed that significant access routes which run through a site are upgraded as part of the planning approval. Consequently it cannot said that the suggested safety distance can or will be consistently used and this reference has been removed from the SG. Instead each proposal will be dealt with on a case by case basis taking cognisance of, for example, the status of the route in question, its usage and its condition.</p>	<p>safety distance of turbines in relation to public access routes to being the turbine height plus 10% to stating each application will be dealt with on a case by case basis taking cognisance of the status of the route, its usage and condition.</p>
	<p>Borders Network of Conservation Groups / Minto Hills Conservation Group</p>	<p>Banks Renewables request that the sentence “Gradual erosion of airspace through wind farm development has the potential to compromise safety, flexibility, capacity and potentially the viability of the airport.” is removed from the SG. It is extremely negative and incorrect. Provided appropriate mitigation is put in place wind farm developments do not impact upon aviation safety and/or airport viability.</p> <p>On page 36, under the heading, ‘Public Access’ we suggest that ‘and Common Riding routes’ be added to emphasise the point already made on page 9 of this response.</p>	<p>The sentence “Gradual erosion of airspace through wind farm development has the potential to compromise safety, flexibility, capacity and potentially the viability of the airport.” is entirely fair and justified and no objections to it have been stated by the Aviation Authority. This matter should not be underplayed.</p> <p>The Council may ask for visual assessments to be carried out for further interests when considered necessary on a case by case basis. This would include consideration of Common Riding Routes and it should be noted this has been requested and</p>	<p>No change</p> <p>No change</p>

		<p>On page 37, under the headings “Historic Environment” and “Assessment” the words “normally conducted by an archaeologist..” should be replaced by “must be conducted by an archaeologist”. We believe that there is no point in leaving grey areas to be exploited by any unscrupulous or corner-cutting developers, should such creatures exist.</p> <p>On page 38, under the heading “Tourism/Recreation” we suggest that this paragraph should be expanded considerably to reflect the increasing economic importance of tourism and recreation and its primary reliance on what remains of the unspoilt the landscape of the Scottish Borders. For instance, developers should be required to conduct an audit of tourism and recreation assets within the ZTV eg accommodation providers, iconic viewpoints, commercial shooting and fishing beats. We trust that the Borders Tourism Partnership will be consulted on this SG.</p>	<p>provided previously.</p> <p>Agreed. The text should be further expanded to state “must be conducted by an archaeologist working to the standards and guidance of the Chartered Institute for Archaeologists”</p> <p>Comments noted. There are instances where third parties have named wind farms as having a negative impact on tourism e.g. references within the Biggar Economics – Economic Impact of Wind Energy in the Scottish Borders 2013. However, there is no recognised national guidance nor studies which are recognised by Scottish Government as having any major impacts on tourism and therefore the Council cannot make up its own rules regarding this matter. The Council can request supporting information at the planning stage regarding any perceived impacts on tourism for its consideration. Although Visit Scotland and Visit Scotland Borders were both consulted Borders Tourism Partnership were not. However, they have since verbally confirmed they do not wish to comment on the SG.</p>	<p>Para 3 on page 44 has been amended to state “must be conducted by an archaeologist working to the standards and guidance of the Chartered Institute for Archaeologists”</p> <p>No change</p>
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	<p>Natural Power Consultants on behalf of Fred Olsen Renewables Ltd</p>	<p>On page 40, under the heading “Road and Traffic Implications” the references to a Transport Assessment and Traffic Management Plan and community liaison should be expanded to include a stand alone website updated daily by the developer, with all abnormal load movements and their timings, and any updates on expected peak periods for other traffic to and from the site during construction. This is not asking for much but it is surprising how few developers provide such reasonable community liaison. A reference should also be made here to the need to avoid designated conservation areas with abnormal loads.</p> <p>(p36) The subjective assessment requirement and additional tests imposed by the SG in relation to public access are unacceptable and should be removed. Instead the SG should clarify that turbines and other infrastructure should where possible avoid direct and effects or impacts on public paths and other access routes. Where direct impacts are unavoidable then reasonable mitigation should be put in place for example during construction to ensure that the health and safety of users is properly considered.</p>	<p>Issues regarding road and traffic implications for turbine developments can vary considerably depending upon matters such as, for example, the magnitude of the development and consequent vehicle movements, the standard of the roads to be used to access the site. Consequently, the Council cannot insist upon a daily web page being set up by a developer nor could check how accurate it was – an issue in the production line for a range of reasons could delay or postpone traffic movements and deliveries. However, the Council would suggest and encourage this as a good practice and PR exercise</p> <p>In terms of impacts on a core path or significant access route it is agreed the text should be reworded to confirm that any significant impacts from proposed turbines should be judged on a case by case basis and should take cognisance of any mitigation measures. In terms of safety distances the Council considered the “turbine height plus 10%” to be a sufficiently safe distance from core paths or significant access routes. However, the Council is not aware of any recognised statutory safety distances and it is acknowledged some parties consider the distance inappropriate. It is acknowledged that</p>	<p>No change</p> <p>The first para on page 44 confirms that in terms of impacts on a core path or significant access route, the text has been reworded to confirm that any significant impacts from proposed turbines should be judged on a case by case basis and should take cognisance of any</p>
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(p37) “The Council requires that any impacts to the historic environment through development are identified, defined and evaluated through an Environmental Statement.....”
 The inclusion of ‘any’ in the above statement is not acceptable and should be removed. Environmental Impact Assessments generally should focus on assessing potentially significant impacts/effects. Policy ED9 requires consideration to be given to ‘significant adverse effects’. This additional requirement to consider any impacts appears to be without justification, is unreasonable in the policy context and should be removed. The remaining

in some instances it is agreed that significant access routes which run through a site are upgraded as part of any planning approval. Consequently it cannot said that the suggested safety distance can or will be consistently used and this reference has been removed from the SG. Instead each proposal will be dealt with on a case by case basis taking cognisance of, for example, the status of the route in question, its usage and its condition

It is agreed the word “any” should be replaced by the text “potentially significant adverse impacts / effects”

mitigation measures
 In the 1st para on page 44 removal of text stating that turbines should be located the height of the turbine plus 10% away from core paths or significant access routes. This has been replaced by text confirming safety issues will be addressed on a case by case basis taking account of status of route, its usage and condition.

On page 44 para 3 text has been amended to make reference to the consideration of “potentially significant adverse impacts / effects”

	Amec Foster Wheeler on behalf of EDF Energy Renewables	<p>requirements of this section should be reviewed in terms of the normal requirements under relevant LDP and SPP policies and draft Energy Strategy. Any additional and disproportionate requirements in this section should be removed and replaced by reference to the appropriate LDP policies.</p> <p>It is not clear if this section relates to LVIA, or rather to issues of maintaining safe and available public access? Matters related to the visual amenity and views experienced from rights of way, the core path network and other known, promoted recreation routes through the landscape, including Scotland's Great Trails would normally be assessed as part of the LVIA.</p> <p>No definition of 'significant access route' is provided. If the term is to be used, it should be defined and examples provided to avoid ambiguity.</p> <p>SNH guidance (<i>Visual Representation of Windfarms</i>, 2006, currently being updated) and <i>SNH Siting and Designing Windfarms in the Landscape Version 3</i>, February 2017) includes attention to lighting and provide advice on mitigation of lighting which may include 'light shields' (as commonly used on modern road lighting schemes).</p> <p>It is notable that the Draft SG does not consider the LVIA / EIA of site access and other infrastructure related issues such as location and design of substations, temporary construction compounds and borrow pits for example. These aspects should be considered as part of the design and assessment of the whole project, not just the wind</p>	<p>This section relates to both LVIA and public safety. A "significant access route" would comprise of Scotland's Great Trails, Core paths, Paths Around Towns and Rights of Ways.</p> <p>Comments noted</p> <p>If there is considered to be a justified reason for matters such as site access and other infrastructure related issues to be included within LVIA's / EIA then this can be requested. However, in most instances this would not be considered necessary, other than, for</p>	<p>No change</p> <p>Links to the SNH documents have been added to the SG on page 38</p> <p>No change</p>
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		turbines.		
	Borders Network of Conservation Groups	On matters relating to road traffic generated by wind farm construction , we suggest that the application from a developer must provide full details of proposed routes so that SBC can make a judgement on whether these are acceptable or not, bearing in mind other use of the roads concerned etc.	example, if a new access route was considered to perhaps have a major impact on the landscape	No change
	Borders Network of Conservation Groups / Minto Hills Conservation Group	One of the negatives in the balance of net economic outcomes of the construction of wind farms must be the considerable damage inflicted on the narrow country roads in the Scottish Borders by hugely greater and much heavier than normal traffic flow during the construction period. We feel sure that SBC Roads Department would be able to quantify and cost this relatively easily, even if just based on the Robertson road leading to Langhope Rig Wind Farm. We believe that it is extremely unfair that cash-strapped councils (a) can not insist on a planning fee commensurate with the size of application; and (b) are not allowed to insist on a large contribution to local infrastructure. We suggest that this needs to be raised with the Scottish Government, perhaps via the Heads of Planning forum.	As part of the planning application submitted with the Env Assessment there would be a Transport Assessment which would consider the likely access routes to the site. If approval was granted a consequent Traffic Management scheme would be submitted confirming the routes for normal and other vehicles (e.g turbine site delivery vehicles) and the condition of the road would be monitored before and after construction works ceased. Any damage to the road as a result of site vehicles would require an upgrade by the developer.	No change
Development	Scottish Natural	Overall, we consider that this section sets out the	Text within this part of the SG has been	Text within the

<p>Management Considerations – <i>Effects on the natural heritage (including birds, hydrology, the water environment and flood risk)</i></p> <p>Page 331</p>	<p>Heritage</p>	<p>relevant information for developers and consultants but the structure could mean that key information and advice is overlooked. This includes the decision to separate out advice on birds but not for habitats. Presenting habitats as an issue in their own right would establish a clearer approach to advice on assessment of impacts.</p> <p>To maintain an up-to-date approach to assessment, we suggest that detail on requirements is left to links to guidance as this may be updated independently of updates to the supplementary guidance. For example, the advice on bird surveys on page 42, which states that “<i>should consider the potential risk to birds through displacement, collision and habitat loss for each bird species which uses the site</i>” is out of date. Our guidance advises that there is a focus on key species using the site</p> <p>The discussion of Local Development Plan Policy EP3 (Local Biodiversity) and offsetting/compensation on page 41 is somewhat mixed with the introduction of local natural heritage designations. We recommend that these two separate but related issues are more clearly separated in the final version of the Supplementary Guidance.</p> <p>Similarly, enhancement and restoration is presented under the ‘<i>Ornithology</i>’ sub-section but the subject matter is clearly broader than that topic. The Council has an effective, proven approach to enhancement and restoration, including off-site works and we recommend that these issues are separated out from the sections they currently sit in and set out in their own sub-section.</p> <p>Given that the majority of wind farm proposals in</p>	<p>Re-jigged to address the points raised by SNH</p>	<p>section <i>Effects on the natural heritage (including birds, hydrology, the water environment and flood risk)</i> has been re-jigged and amended to address the comments raised by SNH</p>
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	<p>SEPA</p>	<p>Scottish Borders have the potential to impact on the River Tweed Special Area of Conservation (SAC), we suggest that the supplementary guidance should more explicitly state that any development proposal within the catchment of the River Tweed will need to demonstrate that potential impacts on the SAC have been taken into consideration in the design layout of the proposal. This will be particularly relevant to its infrastructure and requirements that appropriate measures to prevent pollution, sedimentation, etc. of watercourses on and near the site will be incorporated into any construction method statement/plan.</p> <p>Under development management consideration we support the reference to the avoidance of peat and carbon rich soils, however we note that there is no reference in the SG to the avoidance of Groundwater Dependent Terrestrial Ecosystems (GWDTE). We note that this aspect has been considered in the Environmental Report (ER), however there is no specific reference in the SG itself. These habitats are protected under the Water Framework Directive (WFD) and may be impacted upon by renewable energy development through the excavation of soil and bedrock during construction. Indeed dewatering of below-ground activities may cause localised disruption to groundwater flow. This can impact on GWDTEs and abstractions. GWDTEs are mentioned in Appendix A as part of the Land Use Planning System SEPA Guidance Note 4 Planning - guidance on onshore windfarm developments (May 2014) (page 69).</p>	<p>The SG has been amended to make reference to the avoidance of Groundwater Dependent Terrestrial Ecosystems (GWDTE).</p>	<p>The SG has been amended to make reference to the avoidance of Groundwater Dependent Terrestrial Ecosystems (GWDTE) on page 50</p>
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We recommend making specific reference in the information required to Sustainable Urban Drainage Systems (SUDS) and to waste water drainage which does not appear to be mentioned in the SG. We recommend connection to the public sewage system and discussions with Scottish Water for the relevant type of renewable energy (e.g. Energy from Waste, anaerobic digestion, etc.) to ensure that there is capacity for the connection at the time of construction.

We expect surface water from all developments to be treated by SUDS in line with Scottish Planning Policy (Paragraph 268) and, as appropriate, the requirements of the Water Environment Controlled Activities Regulations (CAR). SUDS help to protect water quality as well as reducing potential for flood risk. Guidance on the design and procedures for an effective drainage system can be found in Scotland's [Water Assessment and Drainage Assessment Guide](#)

SUDS should accord with the [SUDS Manual \(C753\)](#) and the importance of preventing runoff from the site for the majority of small rainfall events (interception) is promoted. Applicants should use the Simple Index Approach (SIA) Tool to ensure the types of SUDS proposed are adequate

In the Hydrology / Water Environment / Flood Risk section there is a reference to private water courses. Perhaps this is meant to refer to 'private water supplies'? The section should also mention that wind energy developments must ensure the objectives of the Water Framework Directive are met by ensuring the impacts to hydrology and from,

Text has been added making reference for the need to carry out SUDS with a link to Scotland's [Water Assessment and Drainage Assessment Guide](#) and should accord with the [SUDS Manual \(C753\)](#).

Text has been amended to refer to "private water supplies" as opposed to "private water courses" and reference has been made to SEPA windfarm guidance referred to.

Text has been added in the last para page 50 making reference for the need to carry out SUDS with a link to Scotland's [Water Assessment and Drainage Assessment Guide](#) and should accord with the [SUDS Manual \(C753\)](#).

Text has been amended to refer to "private water supplies" as opposed to "private water courses" on page 50 and

	Banks Renewables	<p>river engineering and pollution are appropriately considered and mitigated. We would welcome specific reference to the SEPA windfarm guidance, available at: http://www.sepa.org.uk/media/136117/planning-guidance-on-on-shore-windfarms-developments.pdf</p> <p>Banks Renewable object to the text contained in the blue box (box F), as it does not include an acceptability test on significant impacts. Please see our comments on the blue box on page 28 of the SG (highlighted in blue above for ease of reference) for further information. The test in the blue box should read ‘They do not have an unacceptable significant adverse effect...’ The test related to the impact on local biodiversity does not include an acceptability test and therefore it is contrary to SPP and the LDP. To address this ‘an unacceptable’ should be insert before significant in this sentence.</p>	<p>Comments noted. The particular wording in question is a part of policy ED9 (Renewable Energy Development) which in essence relates to giving consideration to the balance between consideration of environmental impacts and economic benefits of a proposal. The text makes reference to the consideration of “..... relevant <i>unacceptable significant adverse impacts or affects</i> that cannot be satisfactory mitigated....” which was added by the Reporter following the Examination of the LDP. However it must be pointed out that in the next sentence the Reporter does not refer to this specific wording, omitting the word “unacceptable”. Consequently the policy wording is not entirely consistent as to what text wording should be applied. On the assumption the test within policy ED9 should incorporate the word “<i>unacceptable</i>”, rather than constantly making reference throughout the SG to the “<i>unacceptable significant adverse impacts or affects</i>” every time this test needs to be referred to, within</p>	<p>reference has been made to SEPA windfarm guidance referred to on page 50</p> <p>The blue box under within section F referred has been amended to read “...they do not have an <i>unacceptable</i> impact...” Para 5 on page 7 confirms reference to consideration of “unacceptable impacts”</p>
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Page 335	Fred Olsen	(p42) Biosecurity – whilst recognising the reasoning behind this section, if the imposition of such a requirement across the Borders is justified by current experience, then this should be included as a general policy in the LDP not imposed exclusively and therefore disproportionately on renewable energy developers.	<p>para 5 on page 7 of Chapter 4 : Policy Considerations it has been stated that reference to this will be shortened to “<i>unacceptable impacts</i>”. It is made clear that this is solely for ease of text and is not being suggested as an alternative to the main policy test. The blue box under within section F referred has been amended to read “...they do not have an <i>unacceptable</i> impact...”</p> <p>It is reasonable to include this within the SG as it clearly refers to the requirements of Good Practice Guidance (Construction of wind farms). However, the SG cannot add new policy to the LDP, it can only produce further guidance. It should be noted this can be reviewed and expanded upon within the Renewable Energy Development policy when the new LDP is prepared</p>	No change
Development Management Considerations – <i>Net economic impact, including socio-economic benefits such as employment, associated business and supply chain opportunities</i>	Jones Lang LaSalle on behalf of 2020 Renewables Ltd and EDF Energy Renewables Ltd	<p>On page 44 under the subject, a new policy test is introduced namely that the Council will only support proposals if it is considered that “<i>the scale of contribution towards renewable energy targets outweighs any other perceived significant adverse impacts or effects that cannot be satisfactory mitigated</i>”.</p> <p>This new policy test is closer to the wording in policy ED9 but still differs from it in that the Council will take into account “perceived significant impacts”. As noted above, the test in the LDP is whether or not the effects arising in any given case would be acceptable or not and that wording should</p>	It is agreed the word <i>perceived</i> should be replaced by the word <i>possible</i> . Comments noted. The particular wording in question is a part of policy ED9 (Renewable Energy Development) which in essence relates to giving consideration to the balance between consideration of environmental impacts and economic benefits of a proposal. The text makes reference to the consideration of “..... relevant <i>unacceptable significant adverse impacts or affects</i> that cannot be	The word <i>perceived</i> has been replaced by the word <i>possible</i> where required within the SG. Para 5 on page 7 confirms the term “ <i>unacceptable significant adverse impacts or affects</i> ” will be shortened to “ <i>unacceptable</i>

	<p>Banks Renewables</p>	<p>be followed. Again, it is not a matter of perception of significant effects - the reference should be to predicted or assessed effects on an objective and evidence based approach. Furthermore, the narrow reference to energy targets in this new policy test is not acceptable – paragraph 169 of SPP refers to a wider range of benefits that need to be taken into account in the planning balance in any given case. We note that the second paragraph on page 44 quotes the key test of Policy ED9 namely that developments will be approved provided there are no relevant “<i>unacceptable significant adverse impacts or effects that cannot be satisfactory mitigated</i>”. It is odd that this key test in policy ED9 only appears in this part of Chapter 8: it should be upfront and this terminology should be used consistently throughout the whole of the draft SG.</p> <p>The current test for net economic impact makes no reference to social or economic benefits. Information provided in the first blue appears to repeat the information provided in the second blue box on page 44. The first blue box should be amended to related directly related to socio-economic benefits rather than renewable energy targets.</p>	<p>satisfactory mitigated....” which was added by the Reporter following the Examination of the LDP. However it must be pointed out that in the next sentence the Reporter does not refer to this specific wording, omitting the word “unacceptable”. Consequently the policy wording is not entirely consistent as to what text wording should be applied. On the assumption the test within policy ED9 should incorporate the word “<i>unacceptable</i>”, rather than constantly making reference throughout the SG to the “<i>unacceptable significant adverse impacts or affects</i>” every time this test needs to be referred to, within para 5 on page 7 of Chapter 4 : Policy Considerations it has been stated that reference to this will be shortened to “<i>unacceptable impacts</i>”. It is made clear that this is solely for ease of text and is not being suggested as an alternative to the main policy test.</p> <p>It is agreed the text in the blue box within part H) should be amended to read that the Council will support proposals if “It is considered that the scale of contribution towards <i>economic impact</i> outweighs any other potential significant adverse impacts or effects which cannot be satisfactorily mitigated”</p>	<p><i>impacts</i>”</p> <p>The text in the blue box within part H) should be amended to read that the Council will support proposals if “It is considered that the scale of contribution towards <i>economic impact</i> outweighs</p>
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	<p>Borders Networks of Conservation Groups / Minto Hills Conservation Group</p>	<p>Page 44 refers to Net Economic Impact. We suggest that the sentence beginning “Wind energy proposals should be accompanied by detailed information outlining perceived economic benefits...” should be altered slightly to mitigate against developers being over-optimistic about likely benefits. The word “perceived” virtually allows a subjective element to be brought into play so we suggest it be replaced by ‘accurately estimated’</p> <p>On the same page the Scale of Contribution to Renewable Energy Generation Targets etc is re-visited and so again, we would contend that, while we appreciate the mood music emerging from Scottish Government about targets not being caps, it is still the logical case that once a target has been reached in Scotland by all constructed and consented wind farms a planning application’s likely contribution to meeting that target becomes irrelevant as a planning consideration, <i>because there is no contribution to the target</i>. The point we have made earlier in this response about the LCF cap also applies here.</p>	<p>It is agreed the word <i>perceived</i> should be removed and replaced with the word <i>possible</i></p> <p>It is acknowledged that once the national renewable energy targets are reached cognisance of contributions towards these targets will be irrelevant. However, the promotion of renewable energy will continue and applications will continue to be dealt with on a case by case basis.</p>	<p>any other potential significant adverse impacts or effects which cannot be satisfactorily mitigated”</p> <p>The word <i>perceived</i> has been replaced with the word <i>possible</i> where required within the SG</p> <p>No change</p>
	<p>Natural Power Consultants on behalf of Fred Olsen Renewables</p>	<p>(p 44) Reference to policy ED9 in this section is welcomed. This should be replicated in other sections rather than the introduction of additional requirements which go beyond ED9 and other</p>	<p>Support noted. Policy ED9 is referred to elsewhere in the SG and it is not justified nor would serve any purpose to keep referring to it constantly</p>	<p>No change.</p>

	<p>Ltd</p> <p>Borders Network of Conservation Groups/ Minto Hills Conservation Group</p>	<p>relevant LDP/SPP policies.</p> <p>BNCG would point out, as it has done already in meetings with SBC, that the Council needs better information than it possesses or receives at present to be in a position to assess these subjects adequately for the purpose of (a) assessing whether there are unacceptable significant adverse impacts which cannot be mitigated and (b) judging whether the wider economic, environmental and other benefits of the proposal outweigh the potential damage arising from it. That information (whether gleaned from general research or specific information provided by a developer) should relate to the quantitative and qualitative difference between eg landscape and visual impact assessed by developers before existing wind farms were built and the actuality once constructed. The same is true for noise and shadow flicker nuisance to adjacent dwellings, as well as for anticipated economic benefits compared to actual benefits during and following construction. We have suggested that Council appreciation of this type of wider knowledge might be achieved by conducting the type of comparative studies commissioned by its neighbour Northumberland County Council, or at least by referring to these studies in reaching its</p>	<p>throughout the document. The SG would have no purpose or benefits at all if it merely re-iterated relevant LDP / SPP requirements and did not add any further information.</p> <p>It is considered that the information submitted as part of the planning application is generally sufficiently detailed. When necessary the Council will ask for further information. Application submissions and supporting information are taken in good faith and it is acknowledged that predicted levels of economic benefits, job creations etc may prove to be wrong in practice. Any consequent review of this could not revoke the planning consent. Any proposals regarding penalties for such anomalies in practice are outwith the remit of the Council</p>	<p>No change</p>
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Page 339		<p>assessments of applications. In order to make the best possible kind of judgements necessary for policy ED9, planning authorities such as SBC would also need to know from the developer eg the minimum contribution to energy production expected of each turbine, in its specific wind location, relative to its connection to a specific section of the National Grid, as well as the level of constraint payments likely given that grid position. Therefore, in order to be able to assess “the wider economic, environmental and other benefits of the proposal” we suggest that it would be reasonable for SBC to require developers to submit as accurate as possible an estimate of all of these factors and for the result to be judged against the average for these factors across existing onshore windfarms in the UK. Furthermore, there must be realistic sanctions for failure to deliver ‘promised’ benefits, otherwise developers are susceptible to the practice of over-promising and under-delivering, to the detriment of the environment, communities and energy production.</p>		
Development Management Considerations – <i>The scale of contribution to renewable energy generation targets and the effect on greenhouse</i>	Jones Lang LaSalle on behalf of 2020 Renewables Ltd and EDF Energy Renewables Ltd	<p>The text which follows this title introduces what seems to be two new policy tests beyond that which is in policy ED9. Firstly, in the ‘blue box’ it states that the Council will only support proposals if it is considered that the scale of contribution “<i>towards renewable energy targets outweighs any other perceived significant adverse impacts or effects that cannot be satisfactory mitigated</i>”. In the text that immediately follows the blue box,</p>	<p>Text in the 2no parts (of section I) referred to have been amended to make reference to consideration of <i>unacceptable impacts</i> as confirmed in para 5 on page 7 in order to tie in with one another. It is agreed the word <i>perceived</i> should be replaced by the word <i>possible</i>. It is considered the reference to consideration of national</p>	<p>Text in section I to be amended to make consistent reference to “unacceptable impacts”. The word <i>perceived</i> has been replaced by</p>

emissions		<p>text is introduced that states “<i>if there are judged to be significant adverse impacts or effects that cannot be satisfactory mitigated consideration and weighting must be given as to the contribution the proposal makes towards national energy targets</i>”. The reference to “perceived significant adverse impacts” does not appear in this latter test. In addition, the reference to national energy targets is correct but is too narrow a consideration – reference has been made earlier to matters such as net economic impact, including local and community social economic benefits and supply chain opportunities – these are all considerations that would require to be given weight as appropriate in any given case against any identified planning harm in a balancing exercise.</p>	energy targets is correct	the word <i>possible</i> in the blue box in section I.
	<p>Banks Renewables</p> <p>Minto Hills Conservation Group/ Borders Network of Conservation Groups</p>	<p>In line with the Scottish Government’s draft Onshore Wind Policy Statement (2017), it would be beneficial if the latest aspirations and targets for community benefits including community ownership are incorporated into SG to reflect the continued benefits the Scottish Government would like onshore wind farm developments to provide for in communities. This includes the Scottish Government’s ambition to ensure that by 2020, at least half of newly consented renewable energy projects will have an element of share ownership.</p> <p>On the same page the Scale of Contribution to Renewable Energy Generation Targets etc is re-visited and so again, we would contend that, while we appreciate the mood music emerging from Scottish Government about targets not being caps, it is still the logical case that, once a target has</p>	<p>The Scottish Govt document referred to was only a draft document at the time of this draft Supp Guidance being prepared and therefore it could not be referred to as the finalised version were unknown. However, in Dec 2017 the final policy version was published. Reference to it has been added to this SG and an electronic link has been added for further reference</p> <p>Comments are acknowledged. It is envisaged that in practice once there is agreement that the national targets have been met (although for all interested parties to agree when this has been reached would likely be a</p>	<p>Ref to the Scott Govt’s policy paper from Dec 2017 on Onshore Wind has been referred to on page 8</p> <p>No change</p>

		been reached in Scotland by all constructed and consented wind farms, a planning application's likely contribution to meeting that target becomes irrelevant as a planning consideration, because there is no contribution to the target.	major challenge) future debate as to proposals contribution towards national targets would seem irrelevant. It is assumed proposals would continue to be dealt with on a case by case basis without making specific reference to the contribution towards national targets.	
Development Management Considerations – <i>Planning Conditions relating to the decommissioning of developments, including ancillary infrastructure and site restoration (including the use of planning obligations)</i>	RES Ltd	On page 46 of the document the Council confirm that in order to ensure compliance with the conditions attached to major wind farm consents and to ensure best practices are adopted to mitigate impacts of the development, a condition will be imposed on planning permissions requiring an independent monitoring consultant and assessor during the construction, operation and decommissioning phases of development. If in relation to this advice the Council are referring to an Ecological Clerk of Works to be appointed and to provide such monitoring in terms of the environmental mitigation identified and required as part of the development, this is acceptable. However this is not entirely clear. If the Council are expecting a planning condition monitoring officer to confirm that conditions are appropriately complied with and not breached, then this is a procedural matter for the Council to undertake as part of their service responsibility and not for an applicant to provide resource for albeit an independent one. RES would recommend that the advice in this section is clarified to confirm what the Council are referring to in terms of monitoring.	The responsibility to ensure conditions are discharged and complied with rests solely with the developer. It is common place for conditions to be placed on decision notices requiring a planning monitoring officer to be appointed independently by a developer. The benefit of having a PMO is that the developer can demonstrate their development is complying with the consent they have secured, which in turns provides comfort to the statutory agencies involved and the wider community at large. The statement in the SG is clear that the developer will be required to appoint a PMO	No change
	Banks Renewables	Banks Renewables consider that the sentence	Comments noted. Whilst in theory it	Text has been

		<p>suggesting a minimum of 50% of track to be removed is too prescriptive, in addition to specifying a use for the remainder of it (being retained for agricultural use). In some instances, it may be preferable and/or better for the environment to leave access tracks in-situ (i.e. for commercial forestry). In addition a considerable amount of time passes between the commissioning and decommissioning phases of a wind farm and due to other reasons, it may be better to leave tracks in-situ. Decommissioning should be considered on a site by site basis and SG should allow for this flexibility. Banks Renewables therefore would like to see this paragraph removed from the SG.</p> <p>Banks Renewables objects to the restriction that the financial guarantee would be limited to the Council and the Developer. The landowner should also have access to the financial guarantee. The SG should be reworded to ensure that the Council have the first right to call upon any guarantee and it is only if the Council do not make a call upon the guarantee that the landowners can access it. This approach is common practice and includes appropriate protection for the Council. Requiring two separate guarantees to be put in place is</p>	<p>would initially appear the natural scenario to return land back to its original use, in many instances it is acknowledged this could be problematic in that that the complete removal of access tracks may cause further environmental and biodiversity issues which have settled and adapted within the lifespan of turbines. Current good practice (SNH 2016 and SNH Commissioned report 591)ⁱⁱⁱ advises considering sites on their merits, in some instances removal of turbine bases might be more environmentally harmful. This would be assessed as part of the Decommissioning Management Plan process. It is therefore confirmed that reference to the suggestion that a minimum of 50% of the access track should be removed has been removed from the text, stating that such decommissioning matters will be dealt with on a case by case basis.</p> <p>The purpose of the financial guarantee provisions in the Planning Permission is to provide a sum of monies which would available to the Local Planning Authority to discharge the planning obligation of the developer and the landowner in the event of the developer and the landowner failing to meet the terms of the Planning Permission. However, as suggested by the contributor it not unreasonable for a</p>	<p>amended in para 4 on page 52 to remove reference to the suggestion that a minimum of 50% of the access track should be removed, stating instead that such decommissioning matters will be dealt with on a case by case basis</p> <p>Text in the second para on page 52 has been amended to confirm the financial guarantee would be agreed between the Council, the developer and the landowner.</p>
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		contrary to the Scottish Governments drive to make onshore wind more competitive.	landowner to be a party to the financial guarantee, subject to the appropriate safeguard being put in place to ensure the required restoration can be provided by the LPA in the event that no other party undertakes the works. Amended text has consequently been added to the SG	
	Borders Network of Conservation Groups / Minto Hills Conservation Group	On page 45 relating to decommissioning , we note that, in the third paragraph, there is no mention of concrete turbine bases being removed and in-filled. We suggest that there should be since a wind farm site would not be truly decommissioned and made ready for a return to the ecological habitat prevailing prior to construction.	It is believed that the complete removal of concrete bases may cause further environmental and biodiversity issues which have settled and adapted within the lifespan of turbines. Consequently there remains differing opinions on the necessity to require the removal of the bases in all instances. Current good practice (SNH 2016 and SNH Commissioned report 591) ^{iiiiv} advises considering sites on their merits, in some instances removal of turbine bases might be more environmentally harmful. This would be assessed as part of the Decommissioning Management Plan process on a case by case basis.	No change
		BNCG / MHCG fully agree with the SG position on not reducing the quantum to reflect scrap values for the equipment. It is up to the developers to offset the costs of decommissioning by selling materials for scrap, this risk should not be transferred to the public purse.	Comments noted.	No change
	Natural Power	(p45) On the basis that there is considerable	Comments noted. It is agreed that	Text within the

	<p>Consultants on behalf of Fred Olsen Renewables Ltd</p>	<p>variation in the restoration and decommissioning requirements of local authorities across Scotland the upfront this subject in the SG is welcomed in principle. Fred Olsen Renewables Ltd. has previously contributed to discussions between Scottish Government, Scottish Renewables and the Heads of Planning group on this matter and suggest that the latest industry position as stated in the response from Scottish Renewables in September 2016 is considered and reflected in this section of the final SG.</p> <p>Clarification of the statement contained in the third paragraph of page 45 is required. Suggest “...it is assumed that the site.....” is changed to “it is assumed that above ground plant and machinery...”.</p> <p>Although the SG assumes a minimum of 50% of access track should be removed upon decommissioning, this will be very much dependent upon landowner requirements and other environmental factors on a site by site basis. It could be argued that removing tracks may not be environmentally beneficial, and that indeed natural regeneration should be allowed. Suggest as this is an assumption which in itself is subject to several variables that “minimum” in this sentence is replaced with “approximately”. (p45) Scrap Value. Not including the potentially substantial realisable value of plant and equipment is not acceptable and must be reviewed. Unlike other forms of development in rural areas, the potential value in reusing and or salvaging plant</p>	<p>restoration and decommissioning measures will be dealt with on a case by case basis and text has been amended to state that the complete removal of roads etc may cause further environmental and biodiversity issues which have settled and adapted within the lifespan of turbines.</p> <p>It is agreed the amended wording should be incorporated as proposed to read to “it is assumed that above ground plant and machinery...”.</p> <p>Whilst in theory it would initially appear the natural scenario to return land back to its original use, in many instances it is acknowledged this could be problematic in that that the complete removal of access tracks may cause further environmental and biodiversity issues which have settled and adapted within the lifespan of turbines. Current good practice (SNH 2016 and SNH Commissioned report 591)^{vi} advises considering sites on their merits, in some instances removal of turbine bases might be more environmentally harmful. This would be assessed as part of the Decommissioning</p>	<p>“Decommissioning” section has been amended to confirm that the removal of roads etc will be judged on a case by case basis</p> <p>The SG has been amended on page 52 to read to “it is assumed that above ground plant and machinery...”.</p> <p>Text amended in within the “Decommissioning” section to confirm the removal of access tracks and turbine bases will be dealt with on a case by case basis</p>
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Page 345		<p>can be considerable. Discounting this without proper assessment places an unreasonable and unnecessary burden on wind farm developer and operators which is not reflected elsewhere in the planning process. The commitments associated with the value of plant and equipment can be reviewed on a regular basis to ensure that all key parameters within the decommissioning document are in line with current expectations (in terms of environmental practice, landowner preferences and salvage value) Given that to our knowledge Scottish Borders has never had to call in such a bond for a wind farm development, the current proposals in the SG are considered disproportionate and at odds with the vision in the Draft Energy Strategy of creating;</p> <p>“A modern, integrated, clean energy system, delivering reliable energy supplies at an affordable price in a market that treats all consumers fairly.” (p45) Reference has been made to Heads of Planning Scotland’s document: Position Statement on operation of Financial Mechanisms to Secure Decommissioning, Restoration and Aftercare of Developments. However as set out above, reference should also be made to Scottish Renewables response to this document, where it’s noted that HoPS is required to work with industry to ensure the guidance is both clear and flexible, as it currently stands this is not the case. Therefore this reference should be updated.</p>	<p>Management Plan process. It is therefore confirmed that reference to the suggestion that a minimum of 50% of the access track should be removed has been removed from the text, stating that such decommissioning matters will be dealt with on a case by case basis.</p>	
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<p>Repowering</p>	<p>Alan Bailey / Ruberslaw Wild Woods Camping</p>	<p>In the early days of applications for Planning Permission by windfarm developers the public was regularly assured that the lifespan of a windfarm would be 20-25 years or so, and that decommissioning thereafter as the technology became redundant would mean that the impacts would be “temporary”. Subsequently clarification was issued indicating that sites proposed for windfarms should be suitable in perpetuity, even though windfarms were portrayed as a temporary use.</p> <p>Now, as the industry matures, repowering of the earlier development with larger turbines is becoming a recognisable possibility/probability, opening up possibilities of changes in design and layout and number of turbines using the earlier degradation of the landscape as a precedent. The presence of an existing windfarm will be used as an excuse for re-sizing the windfarm as never originally envisaged by the Planning authority. We believe that the SPG should address this issue head-on, for example by ensuring that full decommissioning of the first development is assumed and backed up by enforceable penalties, and by requiring any repowering to be assessed against the original landscape etc. benchmarks, not the condition of the site with a windfarm already on it.</p> <p>The purpose of this would be to ensure that developments previously permitted on a temporary basis do not achieve permanent status by the back door.</p>	<p>The planning enforcement process would ensure the removal of turbines when the approved timescale ceases. However, the developer would have the option in advance of the expiry of the time limit to apply to extend the consent or to apply to amend the proposal under repowering considerations. The Council has no authority to prevent the submission and consideration of such proposals. Whether these would be approved or not would be down to the consideration of the merits of each case submitted.</p>	<p>No change</p>
	<p>RES Ltd</p>	<p>RES understands the Council’s concerns and guarded advice in relation to the use of significantly</p>	<p>Comments noted. Whilst the economic benefits of producing taller turbines is</p>	<p>No change</p>

		<p>taller turbines. The Council are correct in their assertion of the existing development being a material consideration, establishing the principle of such landuse, and it is for the merits of any such application to be assessed to confirm if the design and scale of any replacement development are acceptable. It requires to be acknowledged however, that existing developments are predicated on smaller turbines that are no longer available, and that larger fewer, more efficient machines may have a lesser environmental impact than the ones they are replacing. In addition the current targets are not a cap, but the level of renewable onshore wind energy generation that currently contributes to these targets, if lost due to a lack of repowering, will significantly reduce current renewable energy generation within the network, which will have to be replaced. This will surely be a significant material consideration to any repowering application, and should therefore be reflected in the Council's guidance. The current guidance is overly negative and needs to address the above points to provide a more balanced approach by the Council, better aligning with the national policy view on repowering and the use of taller turbines.</p>	<p>acknowledged, there is little doubt that in many instances higher turbines will have a major impact on landscapes, bearing also in mind in many instances approval was granted at what was considered to be the maximum acceptable height. It is considered the Council's text in relation to repowering is fair and justified and consequent applications will be dealt with on a case by case basis</p>	
	Scottish Natural Heritage	<p>We are supportive of the detail in the section on repowering on page 54. However, as this is likely to be a key issue in coming years we suggest that it may be useful to give it more prominence by placing it earlier in the document.</p>	<p>It is considered reference to repowering is within an appropriate location within the SG</p>	No change
	Community Windpower	<p>We support the idea of updating the study to take cognisance of turbine approvals since January 2013, adopting new turbine size typology ranges</p>	<p>Comments noted. The merits of repowering are fully appreciated and</p>	No change

including an upper category of 120m+ to allow more detailed consideration of greater turbine heights which are becoming routine in the industry. It is also pleasing that that sites considered for re-powering (Para 170 of SPP) refers to areas for wind farms being suitable for use “in perpetuity” which relates to the future re-use of sites for repowering. This is a significant change in policy in that turbine sites must now be considered for permanent use which is re-affirmed by the Scottish Government in their paper entitled “Scottish Planning Policy – Some Questions Answered”. Consequently this makes it even more vital that proper scrutiny is given to wind farm proposals on repowering to ensure full policy appraisal. It is acknowledged that where existing turbine infrastructure exists there is an opportunity to re-use this when the lifespan of turbines expires and also to make turbine outputs more efficient. It is also acknowledged that turbines are now manufactured to increasingly greater heights. The fact a wind farm exists on a site should be a material consideration It is also good to recognised there will be consideration of greater turbine heights which are becoming more prevalent and welcome the opportunity to comment. However there are aspects which need further review and clarity. The Renewables industry, do not want to be faced with a situation where sites are screened out in advance of any assessment which the robust EIA process already places upon the developer. As some of the often ‘hidden’ constraints (such as defence or aviation interests) are addressed new land suitable for large scale development may be freed up and it is vital that sites are decided on their

will be given weighting within the decision making process. However, landscape capacity to absorb turbines remains a material consideration. It should not be the case that landscapes considerations are considerably lessened as the respondent suggests. The benefits suggested by the respondent would be tested at the planning application stage.

own merits. Indeed in order for the Scottish Governments own 16 GW onshore aspiration cited in the current draft Scottish Onshore Wind Strategy document, then additional land for large scale projects needs to be made available in the Scottish borders. Wind energy development remains an important consideration as reflected in the draft Scottish Energy Strategy of 2017, and especially the important sections devoted to onshore wind and the loss of support leads to larger machines of greater capacity and height and also the potential inclusion of current innovation and such elements as storage and solar generation to ensure project viability. Given the UK Government has implemented the early closure of the Renewables Obligation and has indicated that onshore wind will not feature in the next rounds of Contracts for Difference, it will therefore be new developments with larger than current tip heights and repowering of existing wind farms that can make very effective contributions to the Scottish and UK Government targets and policy objectives. In terms of repowering, the approach takes advantage of already sunk and committed investment and in locations where there are already characterising effects arising from wind farms, which have been judged as being acceptable (whether built or consented). Given this it is considered that the draft SG and the does not adequately address the opportunity presented. More land could be designated as favourable for large scale development and the categories below the larges should also be readdressed to allow larger machines. Scottish Borders need to allow technological innovation, the need for increased tip

	<p>Borders Network of Conservation Groups / Minto Hills Conservation Group</p>	<p>heights as well as new development sites. Scotland's new Energy Strategy will recognise the need for taller onshore wind turbines, allowing advantage to be taken of advances in technology and satisfying market requirements for commercial viability. There should also be recognition that larger turbines can mean in some situations fewer turbines, with larger spacing, slower rotational speeds and landscape advantages. The recent proposals for demonstration 'Kite Turbines' at West Freugh in Scotland would reach a height of 750m (full sized kites are expected to be some 40m wide), whilst clearly a different technology, demonstrate the importance of not stifling innovation by way of inflexible policy.</p> <p>On page 54 under the heading 'Repowering', the third sentence avers that the prospect of repowering "makes it even more vital that proper scrutiny is given to wind farm proposals on re-powering to ensure full policy appraisal". While we support this statement, we point out that, since the prospect of re-powering and 'in perpetuity' have arisen, it is equally as necessary that the Environmental Impact Assessment submitted with a first instance application is subject to more scrutiny than ever before. It is no longer the case that planning officials and planning authority members can assume that, after a period of 25-30 years, a wind farm and the site on which it is located can eventually be returned to its previous state. Planners and planning authority members are now expected to have a degree of foresight which is completely beyond human capability. The responsibility of making decisions 'in perpetuity' is</p>	<p>Comments noted. It is considered that the text within the SG, policy ED9 and other material guidance (e.g from SNH, Scott Govt) give sufficient guidance on how applications for how all wind turbine proposals, notably including repowering proposals, should be considered. The specific points raised by the respondents are acknowledged and would be considered at the planning application stage on a case by case basis. It is not considered the proposed additional text is necessary</p>	<p>No change</p>
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an unenviably onerous, extremely difficult, and ultimately thankless task. If the truth were faced up to by those who have imposed this task on our elected members, it is an impossible task - who can know the future to the extent of perpetuity? . Perhaps even more importantly in this section, in those cases where re-powering is applied for with higher turbines (as is likely to be the case more often than not), we believe that one of the most important factors involved has been overlooked here. New, taller turbines are very likely to require different locations than the previous turbines because of the greater separation distances required and the need to aim for optimum performance. This complicates the planning considerations because:

- new locations mean that more concrete (up to 100% more) would be required, thus destroying up to 100% more ecological habitat
- taller turbines clearly have, at the very least, not to mention the greater adverse effect on other key constraints, an exponentially greater landscape and visual impact
- increased distances between turbines mean that there will be a larger wind farm footprint, extending beyond the outer limits of the previous wind farm and therefore very likely to have a greater landscape and visual impact, possibly a greater impact on the cultural landscape, and potentially a greater contribution to cumulative impact.

These considerations need to be included in the SG so that the landscape and the people of the Scottish Borders receive the lawful protection to which they have a right.

Page 352	Natural Power Consultants on behalf of Fred Olsen Renewables Ltd	(p54) It is welcomed that the SG recognises the existing use of a site for a wind farm as a material consideration for determining a repowering proposal. We suggest however that it goes further to clarify that such existing use will form the baseline for an environmental impact assessment.	The SG confirms the existing use of a site for a wind farm is a material consideration for determining a repowering proposal. It would follow that this would be picked up within the EIA, although quite clearly there are many other matters and issues to be identified within the EIA	Para 2 on page 61 of the SG confirms the existing use of the site would be incorporated within an EIA submission
	Amec Foster Wheeler on behalf of EDF Energy Renewables	Page 54, 2 nd paragraph – “Existing turbines have been approved taking great care to consider how they will be fitted into the landscape, a procedure which invariably involves amended plans, reductions in heights and numbers and the finished approved heights are ultimately justified in any decision notice either by planning officials or Scottish Ministers.” This should be noted as ‘and example’ as it is also the case that some developments do not involve amended plans, some do not have Design Statements, some have involved increases in turbine heights along with repositioning of turbines and ultimately approved. An increase in turbine height and or repowering should not be regarded as negative.	Comments noted. It is considered that the para the extraction is contained within is entirely correct and justified. However, the word “invariably” should be replaced by the word “regularly”.	The word “invariably” has been replaced by the word “regularly” within 2 nd para page 61 of the SG
Lighting	Scottish Government	You may wish to note that Renewables UK has led an industry working group with CAA to explore the issue of lighting for turbines over 150m with respect to the aviation section of chapter 8.	Comments noted. The findings of the working group will be confirmed at the necessary high level and will consequently become a material consideration for relevant applications	No change
	Banks Renewables	Based upon our experience of undertaking night-time visual assessments of visible aviation lighting we believe the image presented in the SG is misleading due to the intensity of the lights. We	There are a number of photos available of turbine lighting and it is considered this is a typical example. There is no reason to remove the photo included	No change

		request that this image is removed from the SG.		
Eskdalemuir	Banks Renewables	Banks Renewables are of the understanding that the Eskdalemuir noise budget was increased in 2014. We therefore request that the SG is amended to reflect this rather than stating "...it would appear the MoD have now increased..."	Following a longstanding consultation in respect of Eskdalemuir, the Scottish Govt's Onshore Wind Policy Statement Dec 2017 confirms the new MoD position regarding the safeguarding of Eskdalemuir. This includes a 10km non-development zone and a 50km consultation zone.	The SG and related map has been updated on page 46 to confirm the updated MoD position regarding the safeguarding of Eskdalemuir
Cross Boundary Issues	Fred Olsen	(p55) It would be welcomed if other bodies such as the Energy Consents Unit, Scottish Enterprise and wind energy industry/developer representation is facilitated on the cross-boundary liaison group or be given opportunities to liaise with said group.	The liaison group is made of local authority officials and reps from Scot Govt bodies such as Scottish Natural Heritage and Historic Environment Scotland. However, it is important that the Group cannot be accused of any bias or being led by parties with a vested interest in renewable energy. Consequently no members of the development industry, or indeed any anti wind farm bodies, should be part of the Group	No change
Ironside Farrar Landscape Capacity Study Update 2016	Hobkirk Community Council	This guidance is welcomed in principle as it should help reduce the massive waste of submissions which are unlikely to be acceptable. We also welcome the policy of avoiding particular areas becoming wind farm landscapes and the further definition of cumulative impact. This should assist developers in future. However, we note that some developers seem to have taken little notice of previous policy guidelines, including some of those currently in the planning system. There has been a very large upgrading of the potential capacity for wind farms in the area covered by the current proposals for Wauchope Forest and Newcastleton Forest and there does not seem to be any	Support noted. The Ironside Farrar (IF) Landscape Capacity study is considered a most useful study for a range of users as a starting point. If developers disregard it or submit proposals which are considerably at odds with its findings, then it is most likely it will be extremely difficult for planning officers to support the proposals submitted. The IF 2013 study identified opportunities for turbines over 100m+, which was the studies upper class limit, in the Wauchope Forest area. The 2016	No change

		<p>justification for this change. This has the potential to have an unacceptable impact on parts of Hobkirk and particularly Southdean</p>	<p>updated study uses different typology types and the upper class limit is 120m+. The 2016 study identifies opportunities for turbines 120m+ in height. Given the different typology types it is sometimes difficult to directly relate the findings to one another. It should be reaffirmed that as stated within the output maps the boundaries identifying typology types are indicative only. It is believed some parties have taken these boundaries as being definitive and have consequently drawn wrong conclusions when comparing the 2013 and 2016 studies</p>	
	Mountaineering Scotland	<p>The SG adds specific local value through its incorporation of the Ironside Farrar <i>Study on Landscape Capacity and Cumulative Impact</i>, 2016. This is a substantial and valuable study and its inclusion is welcomed.</p>	<p>Support noted</p>	No change
	Northumberland National Park	<p>NNPA considers that there could potentially be cross-border landscape implications in relation to views from the Cheviot Hills area of Northumberland National Park resulting from the cumulative impact should a large number of wind farm applications be permitted in the area identified by figure 6. Indeed the Wind Energy Landscape Capacity Study (2016) states that “<i>the Cheviot Hills upland landscape is contiguous with the upland landscape within Northumberland and the Northumberland National Park to the south and south east.</i>” The Study also identifies the Cheviot Uplands and Foothills Special Landscape Areas</p>	<p>The IF study is a strategic study and not site specific and therefore it is not the case nor purpose of the study to go into greater detail than is stated. More site specific issues would be addressed at the planning application stage as to the suitability or otherwise of a proposal. NNPA would be consulted on any relevant planning application</p>	No change

		<p>and a number of other designated landscapes to the immediate west of the National Park boundary (see figure 3.5). It would be beneficial for these potential implications to be explored further within the draft guidance document.</p> <p>Additionally, the potential development of the identified area for wind farms could also have significant implications for Scottish tourism as mentioned in section 4.2.3 which states that the Cheviot Hills have <i>“a higher visibility and sensitivity than the previous visibility mapping due to the location of the Pennine Way along the England/Scotland Border and the number of viewpoints along this route looking onto the landscape. This includes the Carter Bar Viewpoint on the A68 England/ Scotland border which allows for a wide panoramic view over the Scottish Borders and provides a first impression of Scotland to visitors.”</i> This would also apply to tourism on the other side of the border, the implications of which should be examined in further detail within the guidance document.</p> <p>It is noted and welcomed that the study identifies <i>‘areas within the Cheviot Hills, Upland Fringe and River Valleys’</i> as areas of limited underlying capacity (pg 68). However, it might also be worth making this point clearer in the guidance document and perhaps outlining in more detail that these areas would not necessarily be suitable for large scale wind farm development.</p>	<p>Whilst it is acknowledged that there are concerns regarding turbines impacts on tourism, there are a number of highly conflicting opinions on this and the Scottish Government advice is that it is considered there is no sufficient tangible evidence which can support this and therefore this should carry little weight within the decision making process. Developers can be asked to produce a statement on the impact of their turbine proposal on tourism</p> <p>The IF study is a strategic study and is a considerable size as it is. It cannot be justified that more text is required to explain further issues on any specific sites. More detailed matters would be considered following the submission of a site specific planning application</p>	<p>No change</p> <p>No change</p> <p>No change</p>
	Oxnam Water Community Council	Figures 4.3a-e in Appendix 3: Visibility Analysis of the 2016 study would appear to be identical for 8(i)	Oxnam, Pleasants and Swinside are not recognised settlements within the	No change

		<p>Oxnam LCA and 7 Falla Group LCA to Figures 4.3a-e in Appendix 3: Visibility Analysis of the 2013 study. With reference to the summary at the end of our response mentioned above we are therefore concerned that Oxnam, Pleasants and Swinside have again not been identified as receptors for the purpose of Ironside Farrar's visibility analysis. This obviously affects the assessment and guidance for 8. Rolling Farmland: (i) Oxnam LCA and 7. Cheviot Foothills: Falla Group LCA summarised in Table 6.1(iv) and Figures 6.1a-e of the 2016 study.</p> <p>Appendix 6: Assessment of Landscape Capacity for Landscape Character Types (of the 2016 study), 8. Rolling Farmland, Visual Sensitivity, Receptors includes the statement, "The Oxnam area has fewer receptors, sparsely distributed farmsteads and dwellings east of Jedburgh." Please could Ironside Farrar explain the basis upon which it arrived at that opinion when so many of the dwellings in 8(i) Oxnam LCA are in elevated positions (with long distance views), and the Borders Landscape Assessment (ASH Consulting Group for SNH, 1998) lists as a key characteristic of the same Rolling Farmland, Landscape Type 8: "Moderately densely settled, with frequent farmsteads and small villages"? We are also concerned that in the same table no reference is made to the effect on sensitivity of the long length of the Major Promoted Path, Dere Street, passing through the centre of this LCA which also contains a shorter section of St Cuthbert's Way in its northern area. This contrasts with the mention (three times in the table) of the Southern Upland Way, located near the north western edge of 8(iv) Weststruther Platform LCA, which Ironside Farrar</p>	<p>Local Development Plan and therefore are not identified as recognised receptors within the IF study. It is considered that in comparison to other more densely populated areas and settlements that "...the Oxnam area has fewer receptors, sparsely distributed farmsteads and dwellings east of Jedburgh". It is considered this is a fair statement. The IF study does not make reference to absolutely every potential constraint and obviously any planning applications for turbines in the vicinity of the Oxnam area would be dealt with on a case by case basis with full public consultations. Impacts on any possible affected public access routes and iconic viewpoints would be considered as part of the application process.</p>	
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	David Walmsley	<p>considers "will slightly increase sensitivity" (Figure 4.2 Tourism Infrastructure of the 2016 study refers).</p> <p>General comment: The assessment at Table 6.1 of the Ironside Farrar 2016 study for both 4. Southern Uplands with Scattered Forest: (iii) Cauldcleuch Head Group and 5. Southern Uplands Forest Covered: (ii) Wauchope/Newcastleton is also of concern. Wind turbines in these areas could have a significant adverse effect on the important and extensive views looking out from the Cheviot Hills Regional Character Area (including upland fringe areas) east of the A68.</p> <p>I believe that most of the policy proposals are sensible and should be acceptable elsewhere. I do however have serious concerns in respect of the inconsistencies and conflicting wording in the Ironside Farrar 2016 study which also appears to conflict with the previous 2013 version without apparent explanation.</p> <p>The area in question is that to the south and west of Chesters and Bonchester Bridge, the Border Ridge and south towards Newcastleton in Wauchope Forest as shown on map 6.3 . As examples, if one takes windfarm locations most changes are relatively small e.g.:</p> <p>Birneyknowe from a max height 25m to max height 15m Highlee Hill from a max height 50m to max height 80m Pines Burn from a max height 100m plus to max height 120m Wauchope West from max height 100m plus to max height 120m +</p>	<p>Comments regarding turbines relating to the areas identified are noted. These matters would be addressed at the planning application stage.</p> <p>Within the draft IF study 2016 it is clearly stated on each of the 5no Underlying Landscape Capacity Maps (figs 6.1a – e) that the shaded areas shown on these maps are an indicative level of capacity and these areas should not be interpreted as a hard boundary. In some instances it appears some consultation representations have missed this point and have taken the indicative boundaries as being definitive. This has consequently lead to a misinterpretation of figs 6.1a – e. As the IF study 2016 has 5no turbine typology categories as opposed to 3no within the 2013 study, the typology types overlap and in some instances it is difficult to directly to relate to one another. However, fundamentally it is not considered that the general</p>	<p>No change</p> <p>Fig 6.3 the Future Wind Energy Landscape Type in Table 6.1 has been amended to include Uplands with Wind Turbines along with ...Occasional and ...No Wind Turbines and the Development Capacity section should state that the LCA should not become predominantly a Landscape with Wind Turbines.</p>
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	<p>Community</p>	<p>These locations have stayed relatively close to their previous bandings. There are however two cases where a suggested jump of several bandings with little evidence in the accompanying text to justify such a radical change: Wauchope East from max height 50m to 120m + Newcastleton Forest from max height 50m to 120m. This suggests that the windfarms proposed for Wauchope Forest will in fact become part of a Landscape of Wind Turbines. This was previously identified in the 2013 study in the text as an area "that should not become a landscape of wind turbines" and born out in the accompanying diagram for the 2013 study in map 6.3 which showed a very small amount of the area in brown. The same text is repeated in the 2016 edition, "... should not become a landscape of wind turbines", so it is unclear why the map reflects something very different. This contradiction requires clarification: should it be the intention to sacrifice the Wauchope Forest as a landscape of turbines (it would be a complete disaster for this area of the Borders) then an explanation of why this is occurring should be forthcoming.</p> <p>We support the idea of updating the study to take</p>	<p>conclusions as to the suggested maximum heights of turbine heights is significantly at odds with one another. In terms of comments relating to Wauchope East / Newcastleton Forest figure 6.3 has been updated in 2016 to include two areas of Landscape with Wind Turbines in LCA 5(ii):</p> <ul style="list-style-type: none"> • The small western area reflects the presence of the consented Windy Edge windfarm. • The larger eastern area, straddling the B6357, reflects the capacity of this area, assessed in both the 2013 and 2016 reports, for windfarms with taller turbines • The remainder of LCA 5(ii) is consistent with the 2013 report, being shown as a Landscape with Occasional Wind Turbines and Landscape with no Wind Turbines near Carter Bar and the NNP. <p>The text in Table 6.1 is consistent with the 2013 study in that it is still the intention that LCA 5(ii) as a whole does not become a Landscape with Wind Turbines. However, Fig. 6.3 has been amended to more accurately reflect the current cumulative situation and proposed capacity by indicating the proportions of the area which have accommodated a windfarm, or could do so within the stated capacity.</p> <p>Support noted. The updated IF study</p>	<p>No change</p>
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	<p>Windpower</p> <p>Jones Lang LaSalle on behalf of 2020 Renewables Ltd and EDF Energy Renewables Ltd</p>	<p>cognisance of turbines approvals since January 2013, adopting new turbine size typology ranges including an upper category of 120m+ to allow more detailed consideration of greater turbine heights which are becoming routine in the industry.</p> <p>Page 46 (Chapter 8) refers to “other development management considerations” and refers in some detail to the Landscape Capacity Study (2016 LCS). Key points of concern include the following:</p> <ul style="list-style-type: none"> • The reference on Page 46 to the consultants that have prepared the study, namely that they are “widely recognised as knowledgeable and experienced landscape consultants” is a subjective judgement which should be struck out from the SG Document. There is no need for this type of comment in the SG. • Under the sub heading ‘Repowering’, there is reference (Page 54) to Paragraph 170 of SPP which refers to areas for wind farms being suitable for use “in perpetuity”. There follows a comment which states that it is now “<i>vital that proper scrutiny is given to wind farm proposals</i>”. The premise is not accepted that in the past there has been inadequate scrutiny of wind farm development – it needs to be recognised that planning permissions and Electricity Act consents for wind energy developments have not been granted before the latest SPP was published only because they would be in existence on a temporary basis 	<p>2016 does not necessarily confirm opportunities for higher turbines, it reflects the fact higher turbines are being erected and the extra categories give more guidance as to the potential of proposed turbine heights</p> <p>The Council is entirely satisfied that Ironside Farrar are “widely recognised as knowledgeable and experienced landscape consultants”. This statement confirms the study has credibility as having carried out by them. This statement is absolutely fair and justified to be included and should not be removed. Presumably the respondents feel the omission would downplay the weight of the document as is presumably their desire.</p> <p>The respondents have misquoted the statement in the SG. The SG states that due to repowering principles and the possibility of larger turbines being erected on existing sites permanently it “... makes it even more vital that proper scrutiny is given to wind farm proposals ...” The SG does not suggest there was inadequate scrutiny previously.</p>	<p>No change</p> <p>No change</p>
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		<ul style="list-style-type: none"> • The text in relation to repowering, states that it is acknowledged that turbines “<i>are now manufactured to increasingly greater heights</i>”. Whilst that is correct, the SG should acknowledge the recognition by the Scottish Government in the recently published ‘Onshore Wind Policy Statement’ that an imperative for the onshore wind industry in Scotland is the need for a clear route to market and ensuring viability of development. This will necessitate amongst other matters, demand for increased tip height. Therefore it is not simply a matter of changing manufacturing ability – there is the Government policy drive to support the industry in a situation where development will now be subsidy free. This matter should be recognised in the supporting text of the SG. • The repowering text on Page 54 states that proposals cannot be considered a “fait accomplis” on the grounds that turbines already exist on a site and such proposals should be considered “de novo”. This stance is not considered acceptable. The approach set out SPP with regard to “existing wind farm sites” at Paragraph 174 should be followed, namely “the current use of the site as a wind farm will be a material consideration in any such proposals”. Therefore it is inappropriate to follow a de novo approach and existing wind farm use 	<p>The Scott Govt’s Onshore Wind Policy Statement Dec2017 has been referred to within the SG identifying key points. Text has been amended to confirm the need for higher turbines to increase efficiency and due to the loss of subsidy</p> <p>The Council disagrees with this suggestion. If a site has planning consent for, for example, turbines of 90 metres in height it should not be a fait accompli that via repowering of, say 150m in height, will be acceptable simply because there are already existing turbines on the site. It is acknowledged that the fact there are existing turbines on the site, the height of which have previously been approved, will carry some weight. The extended height of these turbines are</p>	<p>Text has been added to para 2 on page 61 to confirm that the need for higher turbines is to increase efficiency and due to the loss of subsidy</p> <p>No change</p>
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Page 361	Banks Renewables	<p>and consented (but not yet built developments) will be a material considerations – this has to be recognised.</p> <p>Banks Renewables object to the current wording of this paragraph (4th para page 46) in bold. It seeks to give the landscape capacity study the same weight as the spatial framework. This is approach is contrary to paragraph 163 of SPP as it is effectively adding additional constraints to the spatial framework.</p> <p>As set out in SPP landscape and visual impact is a development management consideration. The SG should therefore set out clearly that the Ironside Farrar Landscape Capacity Study should be used as a reference document and that sites will be assessed on a site by site basis using site specific assessments. The spatial framework is the primary document for guiding onshore wind development to appropriate locations.</p> <p>Banks Renewable object to the text in bold on page 47 3rd para, as it does not include an acceptability test on significant impacts.</p> <p>Please see our comments on the blue box on page 28 of the SG (highlighted in blue above for ease of reference) for further information.</p> <p>The test in the bold should read ‘any unacceptable significant adverse effects’</p> <p>Banks Renewables object to this paragraph and the figures that follow it as it is a miss interpretation</p>	<p>unquestionably a new material consideration with a new wide range of issues to be addressed and therefore the planning application for these increased heights of turbines should be considered “de novo”.</p> <p>The wording referred to relates to applicants taking cognisance of the IF Landscape study at an early stage as this would be in their best interests in order that any landscape issues can be noted and addressed. This is surely good working practice for any applicant and the Council is absolutely correct to state this. The text makes no reference nor comparison between weight given to the spatial strategy and the IF study. Whilst the respondents appear keen to belittle the role of the IF study it is a material consideration with a role to play and cannot be played down, the text makes it clear it is a strategic study and a useful starting point.</p> <p>It is agreed given the statement is made in bold that the full policy ED9 wording should be included which in this instance requires the addition of the word “<i>unacceptable</i>”. Any unacceptable significant adverse effects would be identified on a case by case basis</p>	<p>No change</p> <p>In para 5 on page 54 the word unacceptable should be added to the phrase “.... any <i>unacceptable</i> significant adverse impacts..”</p>
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		<p>of SPP. Banks Renewables wish to see this paragraph and the figures removed from the SG.</p> <p>The information provided on the landscape capacity output maps appears to be presented as strategic spatial information in the context of SPP spatial frameworks. This approach is incorrect. The outputs of the landscape capacity work should not be confused with the requirements of SPP paragraph 162 which is related to the spatial framework and SPP table 1 only. The outputs of the landscape capacity work, as referenced in SG, should not be considered in the spatial framework. By stating that figure 13 gives spatial reference to the potential strategic opportunities for turbines, SBC have effectively added additional constraints to the spatial framework, an approach which is contrary to SPP and therefore should be removed from the SG.</p> <p>Identifying whether there is scope in the landscape to accommodate development should be left to site specific assessments.</p>	<p>SPP recognises the role Landscape Capacity studies play in helping identify sites for wind farms. It is completely pointless for the Council to carry out such studies at considerable cost to the rate payers if the development industry refuse to acknowledge their worth – it must be noted the development industry make reference to the key role and importance of the Landscape Capacity study when it supports a proposal they've submitted. It is considered the text within the SG is completely justified and should not be altered. The IF study and the text referred to do not supersede nor reduce the status of the spatial framework, the SG does not state this. The IF study is correctly referred to as another spatial feature to be considered as part of the planning application process. Before Landscape Capacity studies were carried out developers spend a considerable amount of time and money preparing sites for consideration. Likewise planning officials spent much time considering each site with the absence of such studies. This was highly time consuming. Whilst it is acknowledged that many parties within the development industry are highly critical</p>	<p>No change</p>
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	<p>Borders Network of Conservation Groups / Minto Hills Conservation Group</p>	<p>Reference to the updated Landscape Capacity Study carried out by Ironside Farrar in 2016 is made on pages 46 & 47 prior to some of the relevant mapping on following pages. We believe that the sentence in bold type on page 47 would be clearer and less apparently loaded towards planning approval if it read: 'If turbines are proposed which exceed the turbine heights identified within the Ironside Farrar study 2016 the onus would be on the applicant to demonstrate how the impacts of the proposal on the key constraints and significant adverse effects [remove 'can'] <i>might</i> be mitigated in an effort to show [insert] <i>to what extent</i> a proposal [remove 'can'] <i>might</i> be supported.</p> <p>The later sentence beginning "The Council does not [?]" is missing a verb and is therefore unclear. For this reason we would appreciate sight of the amended sentence and the opportunity to comment on it.</p>	<p>of such studies at the Development Management stage when they do not support their proposals, the Council is clear the important and useful role of Landscape Capacity studies as also acknowledged at SPP level</p> <p>It is considered the text referred to on pages 46 and 47 is fair and should remain.</p> <p>There is a word missing in the sentence which should read "Although the Council does not have any significant statistics...". The word "have" has been added to the sentence.</p>	<p>No change</p> <p>The word <i>have</i> has been added to the sentence "Although the Council does not <i>have</i> any significant statistics..." in para 7 on page 54</p> <p>Text in IF study has been amended to confirm that LCA</p>
	<p>Borders Network of Conservation Groups / Minto</p>	<p>Welcomes the IF update and understands the thinking behind the changes in bandings of turbine heights. However, we agree with the concerns</p>	<p>The update of the IF study fundamentally sought to take on board any new wind turbine approvals and</p>	

	Hills Conservation Group / Southdean CC	<p>already expressed by Southdean Community Council on specific inconsistencies and conflicting commentary affecting that area of the Southern Borders. We anticipate that these inconsistencies are errors since they do not appear logical or rational and so complicate an otherwise lucid document. We believe that, if not addressed, this would create uncertainties in the planning process. We note in particular that part of the Southdean CC area has now been identified as a strategic area for wind farm development, but that the text and methodology used in reaching that conclusion are conflicting in nature, and also not consistent with the previous study from 2013.</p> <p>In most of the revised 2016 study there appears to be a consistency in the assessed capacities, as translated into the revised turbine height bandings. However there are parts of the latest study results where the application of changed turbine height bandings to the Landscape Character Units (LCUs) do not appear to follow on logically from the 2013 study results. The location in Southdean CC that has been identified as a strategic location, also has been identified in Figure 6.3 as a “Landscape with Wind Turbines”. This was not the case in the 2013 study.</p> <p>Compared with the 2013 study the following points have been noted:</p> <ul style="list-style-type: none"> · The location of existing wind farms and their revised capacity shows an inconsistency that is not explained in the text. · Some existing wind farm locations have been assessed differently, as shown below. · Whilst the landscape capacity study states that no specific site should be deemed to be specifically 	<p>consider any new matters they may raise e.g possibility of consequent cumulative impact issues. The study has identified 5no turbine typology types as opposed to 3no within the 2013 study and therefore types it is sometimes difficult to directly relate the findings to one another. It is clearly stated within the output maps refs 6.1a – e that the site boundaries shown are indicative only and must not be considered to be hard definitive boundaries. It is believed this point has been misrepresented by some respondents. The text in Table 6.1 is consistent with the 2013 study in that it is still the intention that LCA 5(ii) as a whole does not become a <i>Landscape with Wind Turbines</i>. However, Fig. 6.3 has been amended to more accurately reflect the current cumulative situation and proposed capacity by indicating the proportions of the area which have accommodated a windfarm, or could do so within the stated capacity. It is contended that the 2016 does not materially change the landscape capacity for the areas identified. The IF study is a strategic study and site specific issues would be addressed on a case by case basis.</p>	5(ii) as a whole does not become a <i>Landscape with Wind Turbines</i> .
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referenced, in practice all developers are supposed to assess the location of their site against the underlying capacity deemed for the area.

We understand why the increase in the number of turbine height bandings inevitably led to some adjustments in perceived capacity. However, while the locations of six proposed wind farms have seen consistent changes in the suggested height that can be accommodated within the revised turbine banding, the other two definitely do not.

Birneyknowe from max height 25m to max height 15m
 Cummings Hill from max height 25m to max height 50m
 Highlee Hill from max height 50m to max height 80m
 Pines Burn from max height 100m plus to max height 120m
 Wauchope West from max height 100m plus to max height 120m plus
 Windy Edge has also been approved subsequent to the previous study,

We note that, as would be expected, the new bandings for all of the locations mentioned above overlap with the previous bandings and, with the exception of Cummings Hill, none of these wind farm locations have moved up a banding category. But there are two cases where the changes, in the absence of a landform change of geological enormity, imply a significant reassessment of the receiving landscape, with little evidence in the accompanying text to justify such radical change.

Wauchope East from max height 50m to 120m plus
 Newcastleton Forest from max height 50m to 120m

		<p>Both locations lie within the Scottish National Forest estate. This manoeuvre or mistake has promoted their assessed capacity through more than one banding, thus making them eligible for turbines of a significantly increased height, while also changing their relative rank when compared to others. It seems that undue preference has been given to the Wauchope Forest sites by such a manoeuvre/mistake.</p> <p>We note that the overall location of the Wauchope East and Wauchope West proposed sites have now been identified as part of a “Landscape with Wind Turbines” and that they are located in LCU Wauchope/Newcastleton. This was previously identified in the 2013 study in the text as somewhere “that should not become a landscape of wind turbines”.</p> <p>This was reflected in the accompanying diagram 6.3 for the 2013 study which showed a very small amount of the LCU as a “Landscape with Wind Turbines”.</p> <p>The same text is repeated in the 2016 edition, “... should not become a landscape of wind turbines”, so it is unclear why the new Figure 6.3 represents something different.</p> <p>Another confusion arises from a change between the 2013 and 2016 studies in the areas deemed to be least visually sensitive. On page 14 of the 2013 study there is a list of sites deemed to be least visually sensitive, and this includes “Area within the Cheviot hills east of the B6357 (not the area bordering the Northumberland national park)”. In the 2016 version, where the list appears again on page 16, the only area which had been included in</p>	<p>The Wauchope/ Newcastleton LCA has been assessed as having a Low visual sensitivity, based on the visibility analysis. This assessment is consistent between the 2013 and 2016 studies (see Table 6.1 p.47 in both studies). This feeds into the overall assessment of capacity as shown in Figs 6.1a-e. The removal of the area from the bullet</p>	No change
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	Southdean CC	<p>the 2013 version and does not appear in 2016 is just that area of the Cheviot Hills. This change, which is presumably the result of a re-appraisal, when considered along with the commentary in the description of development capacity for Wauchope/Newcastleton LCU, does not suggest that this is a strategic area for wind turbine development and so runs contrary to the commentary elsewhere.</p> <p>Near the beginning of the 2016 version on page 13 when there was a list of sites deemed to be least visually sensitive, the only area omitted which had been included in the 2013 version was "Area within the Cheviot hills east of the B6357 (not the area bordering the Northumberland national park). The omission along with the commentary in the description of development capacity for Wauchope/Newcastleton LCU does not suggest that this is a strategic area for wind turbine development and runs contrary to the commentary elsewhere.</p> <p>Southdean CC has had the opportunity to assess the visual impact from the Borders Ridge to the South West of Carter Bar stretching to the Watershed at Peel Fell . Not only is the outlook very impressive, there is also imagery from existing wind farm applications which provide evidence of the impact of single and cumulative schemes in the area and which shows a highly significant effect. Viewpoint 19 from the Highlee Hill application along with Viewpoint 6 both show how large sized turbines totally change the receiving landscape, when viewed from the ridge and also looking toward the Cheviot.</p> <p>The Borders Ridge is noted in the SPG particularly</p>	<p>list is not a definitive statement as the list is referred to as 'The areas likely to be least visually sensitive include...'</p> <p>and the two largest areas are still in the list. The IF study has confirmed this is a relatively small area compared to the other two.</p> <p>The Wauchope/ Newcastleton LCA has been assessed as having a Low visual sensitivity, based on the visibility analysis. This assessment is consistent between the 2013 and 2016 studies (see Table 6.1 p.47 in both studies). This feeds into the overall assessment of capacity as shown in Figs 6.1a-e. The removal of the area from the bullet list is not a definitive statement as the list is referred to as '<i>The areas likely to be least visually sensitive include...</i>' and the two largest areas are still in the list. The extracts from the documents referred to are noted.</p>	No change
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with reference to the Pennine Way which traverses the ridge going east from Carter Bar and is on the edge of the Northumberland National Park
However the Borders Ridge to the Southwest of Carter Bar also has significance, and has appeared in several books and magazines which focus on the outdoors and walking.

The book “ The Marches” , by Rory Stewart follows one route which includes the ridgeline from south west to north east.

There is an article by Cameron McNeish in the Scots magazine and the whole view is also featured in Ribbon of Wildness by Peter Wright
From the Ribbon of Wildness Page 48 starts the Chapter “The Reiver March” As you climb Peel Fell from the English side by Kielderhead, there is a great sense of anticipation, for this is open moor is but the precursor to a remarkable journey of discovery that runs the length of Scotland. Nearing the summit of the Fell, the sweep of the horizon steadily widens to reveal the full circle. The cairn which has been the target of the ascent is now eclipsed by this expanded panorama, stretching out in every direction. The first inviting view of the Reiver March reaches ahead in many hues of green and brown, across rolling hills, moorland and forest. The curtain has been raised, and the stage is set for a unique experience, in which the sleeping giant, the Watershed of Scotland, will be roused.

This is an excellent vantage point for the first scene in this epic drama, and it is well worth spending some time taking it in and appreciating where it all begins. To the south, morning light catches the surface of Kielder Water, in marked contrast to the

surrounding dark green forest. Beyond, the tight and familiar profile of the Lakeland Fells stands out, with Skiddaw and Blencathra marking the highest points, as seen from this direction. Turn clockwise, and the Solway Firth comes into view as its waters widen towards the Irish Sea. The Isle of Man forms a vague shape in the horizon's haze; the southern shore of Galloway drifts off into uncertainty to the south-west. The rippling rolling hills through which the Watershed meanders take up the western vistas, and somewhere in their folds lie the upper reaches of the River Tweed. To the north, the great wide basin which forms the mid and lower Tweed valley is punctuated by the Eildon Hills, standing sentinel above those fertile lands, which the Romans, the Abbots, and the great estates tilled. The final feature in the scene-setting panorama is dominated to the east by the Cheviot, with its tail of smaller hills running southwards.

And from the Scots magazine (July 2016).
Cameron's country..page 96

Leaving Kirk Yetholm we headed for Carter Bar , the 1371 foot high border point between Scotland and England, the historic barrier between Celt and Saxon. From the warm comfort of the campervan we were blasted by the arctic chill of a northern wind as we squeezed into our boots and windproofs and searched for gloves and warm hats.

We were better prepared for the wind by the time we broke free of the trees and tramped over the frozen turf of Carter Fell where the full splendour of the view burst upon us. To the south, the sinuous twists of Redeswire Dale dropping down to the Catscleuch Reservoir in its conifer covered cradle.

Eastwards, straddling the border, lay the broad slopes of Redeswire, famous for its 16th century skirmish between border families. Beyond it, across the borderlands, lay the massive bulk of the Cheviot.

Grand though these views were it was the view north that was most heartwarming. Yellowed moors led the eye to the Eildon hills. From the Lammermuirs to the Moorfoots to the Tweedale, Teviotdale and Ettrick hills,, everything was gleaming in the springtime sun.

Two such highly respected writers with an appreciation for the great outdoors have commented eloquently about a panorama that is at risk from large scale wind turbine development and would be affected by the new designation of the "Area within the Cheviot hills east of the B6357" as a landscape of Wind Turbines.

The value of the view from the Borders Ridge highlighted in prominent publications by recognised authors, in the opinion of Southdean CC, validates the precautionary comment provided in the text of the Ironside Farrar study that the Wauchope /Newcastleton LCU should not be a Landscape of Wind Turbines.

Consequently Southdean CC recommends that a consistent approach be adopted to the Landscape capacity of the area referred to. As such it suggests that the area within Southdean CC designated as being able to absorb turbines of 120m + is reduced to 80m. A similar change should be made to the area on the ridgeline heading down to Newcastleton (from 120m to 80m).

Whilst such a change would not prevent wind farm development there would be an onus on the

	<p>Ian Kelly on behalf of Burncastle Farming Ltd, Mark Steele Consultants Ltd on behalf of Burncastle Farming Ltd</p>	<p>developer to show why larger turbines than those recommended could be absorbed in that landscape. This was the case in the 2013 Study and there has been no justification shown in the background documents why such a radical change in perceived ability of the landscape to absorb such large turbines has been proposed.</p> <p>The findings of the Update of Wind Energy Landscape Capacity and Cumulative Impact Study are contradictory, as the capacity of the Lammermuir Hills is found to be “low” in Table 6.1(ii) and is described as “close to capacity” in paragraph 6.3.3, whilst parts of the Lammermuir Hills are identified as being of the “highest” capacity in Figure 6.4. This aspect requires to be addressed urgently with a revised text published for consultation in advance of the Fallago Rig Extension and Time Extension applications coming to Inquiry in August 2017</p>	<p>Table 6.1 on page 29 confirms the limited remaining capacity in the Lammermuir plateau. Whilst it is considered this landscape has an underlying potential for a number of turbines, a number have already been built which limits further opportunities bearing also in mind cumulative impacts to be addressed</p>	<p>No change</p>
	<p>Ian Kelly on behalf of Burncastle Farming Ltd, Ian Kelly on behalf of Raeshaw Farms Ltd</p>	<p>Figures 8 to 13 are potentially very useful in terms of setting out the considerations of underlying landscape capacity. The issue of the resolution, in terms of identifying the underlying locational geography needs to be addressed. It is also submitted that there are inherent contradictions in the mapping and between this mapping and the spatial framework mapping. Perhaps this is reflective of the very short time that it has taken to produce this draft. In these circumstances it is not considered that it would be a sensible use of time (and, therefore, of clients’ fees) to embark on a detailed sub area by sub area, typology by typology</p>	<p>Support noted. The spatial framework and the IF study have separate purposes and therefore clearly have different outputs. Both should be referred to. The IF study is a strategic study and not site specific. The Council considers figures 8 to 13 to be accurate and has no reason to carry out and further work relating to them</p>	<p>No change</p>

	<p>Mark Steele Consultants Ltd on behalf of Burncastle Farming Ltd</p>	<p>commentary. Rather it is submitted that the Council should, itself, review these figures in the light of the clear pattern in development management decisions as well as talking account of inherent capacity. In the light of what is said elsewhere in this submission the priority should be to assess the capacity for the likely very large turbines that will be the feature of future proposals.</p> <p>With reference to the 'Update of Wind Energy Landscape Capacity and Cumulative Impact Study' the SG (page 47) confirms that it is '...a strategic level study providing a context for consideration of capacity for, and the cumulative effects of, existing and potential future wind farm developments. No site specific conclusions should be drawn from it in relation to currently proposed or potential future wind turbines and wind farms'. It is important that the last sentence is retained in the final version. The above point is reiterated in 'Update of Wind Energy Landscape Capacity and Cumulative Impact Study' paragraph 1.5 and it is also confirmed that 'All wind energy proposals should be considered on their own unique locational and design characteristics as well as their strategic context'.</p> <p>With reference to windfarm extensions, 'Update of Wind Energy Landscape Capacity and Cumulative Impact Study' paragraph 6.2.4 states that 'In some cases, it is more appropriate to extend an existing windfarm than to create a new focus of development with a new set of separation distances. The acceptability of such extensions</p>	<p>Comments noted</p> <p>If a wind farm exists on a site then cognisance of this must be acknowledged if an application for larger turbines on the site is submitted. The test must be whether the higher turbines are appropriate within the site in question. In terms of the baseline this</p>	<p>No change</p> <p>Reference has been made to SNH's Siting and Designing Windfarms within the IF study</p>
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		<p>depends upon the extent to which the original approved site has occupied the space available and whether additional turbines will push on to visually sensitive areas or sensitive landscapes. Extensions should fit harmoniously to form a single coherent composition with the previously existing windfarm’.</p> <p>However, for windfarms consented prior to SPP there is no assumption that the site is suitable for windfarm development in perpetuity. Therefore, if a new application were lodged on completion of the twenty five year approval period then it would be assessed on the baseline of no existing turbines. This would allow a proper review of the actual effects of consented schemes.</p> <p>Therefore, the assessment of proposed extensions should also determine whether the existing development fits ‘harmoniously’ with the landscape and visual baseline. Furthermore, a precautionary approach would require that the proposed extension be assessed as a ‘stand alone’ scheme, in the event that a renewal of the existing development is not consented.</p> <p>With reference to windfarm re-powering, ‘Update of Wind Energy Landscape Capacity and Cumulative Impact Study’ paragraph 6.2.5 states that ‘The existing windfarm forms part of the visual baseline for assessment’.</p> <p>However, this would not be the case where a re-powering application is lodged on completion of the twenty five year approval period.</p>	<p>is a point best considered in relation to proposed windfarm extensions post-dating the original windfarm by a significant proportion of the 25 year consent. This raises the possibility of the extension becoming a standalone scheme in its own right, but also the likelihood that, as technology advances, the proposed extension turbines may differ significantly from the original turbines in size and appearance.</p> <p>4.16-17 of SNH’s Siting and Designing Windfarms in the Landscape briefly alludes to these issues in the design and assessment of extensions. To the Council’s knowledge, there is no consistent accepted approach to assessment and design responding to this issue.</p> <p>It is not clear whether this view is applied to both pre- and post-SPP windfarms. However, as with extensions, it becomes an increasingly relevant consideration as the existing windfarm ages, and the consent period of the proposed windfarm extends significantly beyond the lifetime of the existing consent. SNH’s guidance on repowering is currently under preparation. However, in their guidance</p>	<p>No change</p>
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		<p>'Update of Wind Energy Landscape Capacity and Cumulative Impact Study' Figure 6.1 (ii) illustrates operational and consented turbine sizes within the 'Lammermuir and Moorfoot Regional Area'.</p> <p>With reference to the Dissected Plateau Moorland: (iii) Lammermuir Plateau', the 'Update of Wind Energy Landscape Capacity and Cumulative Impact Study' Table 6.1(ii) 'Summary of Landscape Capacity and Cumulative Effects and Guidance for Future Wind Energy Development – Lammermuir and Moorfoot Hills' confirms the following:</p> <ul style="list-style-type: none"> Existing Consented Developments (July 2016): 'Extensive large scale windfarm development within and adjacent to this area. There is an extensive cluster of windfarms (Crystal Rig/Aikengall) on the border of ELC and SBC in the east of the LCA with 127 turbines between 100 and 145m tall operating or consented. Fallago Rig windfarm has 48 turbines at 110/125m. Dun Law windfarm with 61 turbines of 67-75m and Pogbie and Keith Hill (11 turbines) are located immediately to the west and have some visual influence on the LCA'; and Current Wind Energy Landscape Type(s): Wind Turbine Landscape/ Uplands with 	<p>on repowering in section 6 of Visual Representation of Windfarms, it is recommended that the baseline panorama is shown with the existing windfarm removed but that a visualisation comparing the existing and proposed windfarm is also prepared.</p> <p>Comments noted</p>	<p>No change</p>
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Wind Turbines/Occasional Wind Turbines.

Table 6.1(ii) 'Summary of Landscape Capacity and Cumulative Effects and Guidance for Future Wind Energy Development – Lammermuir and Moorfoot Hills' also states the following:

- Landscape Analysis: 'The Lammermuir Hills is an extensive area of undulating heather moorland plateau with deeply-riven valleys straddling Scottish Borders and East Lothian between the A68 and the coastal fringes of the North Sea. The northern and eastern escarpments form a backdrop with wide undulating skylines to the surrounding lowland and coastal areas. The vast majority of this LCA is covered by local landscape designation in Scottish Borders and East Lothian. The long distance Southern Upland Way runs along the south of this LCA in Scottish Borders. Extensive large scale wind energy developments are located within and adjacent to the LCA: the northern part of the LCA on the boundary with East Lothian is reaching capacity and becoming a Landscape with Wind Turbines with areas of Wind Turbine Landscape around Crystal Rig/Aikengall and Fallago Rig'; and
- Development Capacity: 'The Lammermuir Plateau has been subject to extensive windfarm development and much of its underlying capacity is occupied. There is capacity for limited additional development of larger turbines provided this is associated with existing windfarms. Extensions should

Comments noted.

No change

		<p>maintain significant separation between the established wind energy clusters, taking advantage of areas with topographical containment and lower intervisibility to avoid increasing the overall prominence of existing windfarms beyond the LCA. There is capacity for smaller sized turbines in peripheral areas or valleys where sited alongside farmsteads and dwellings, and read as domestic/agricultural generation, well separated from the larger developments in the highest areas’.</p> <p>The reference to the ‘The northern and eastern escarpments form a backdrop with wide undulating skylines to the surrounding lowland and coastal areas’ is particularly relevant to visual effects from East Lothian (where the adverse effects of existing windfarms are apparent).</p> <p>The acknowledgement that ‘the northern part of the LCA on the boundary with East Lothian is reaching capacity’ is important and should be retained in the final version.</p> <p>The reference to ‘taking advantage of areas with topographical containment and lower intervisibility to avoid increasing the overall prominence of existing windfarms’ is also of particular importance. Table 6.1(ii) ‘Summary of Landscape Capacity and Cumulative Effects and Guidance for Future Wind Energy Development – Lammermuir and Moorfoot Hills’ concludes that the ‘Remaining Landscape Capacity’ is described as ‘Low’ for all turbine sizes.</p> <p>‘Update of Wind Energy Landscape Capacity and Cumulative Impact Study’ paragraph 6.3.3 concludes that ‘The Lammermuirs area is now</p>	<p>Table 6.1 on page 29 explicitly addresses the limited remaining capacity in LCA 1(ii) Lammermuir</p>	<p>No change</p>
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		<p>close to capacity as any further separate development between the three main windfarm clusters at Crystal Rig, Fallago Rig and Dun Law (each with separation gaps of ca. 7-8km) would be likely to create extensive areas of Wind Turbine Landscape in which the character of the plateaus would be dominated by wind turbines. A similar scenario exists in the Plateau Grasslands between the Gala and Leader Waters, where any significant development between Toddleburn and Long Park (separated by ca. 9km) may create a Wind Turbine Landscape unless carefully sited.</p> <p>There is also the potential for a Wind Turbine Landscape to extend east from the Lammermuirs across the Platform Farmland and Coastal Farmland due to consents for windfarms or small turbine clusters at Aikengall II, Quixwood, Hoprigsheils, Fernylea and Neuk Farm'.</p> <p>The acknowledgement that the Lammermuir area is 'close to capacity' is important and should be retained in the final version.</p> <p>However, the capacity of the landscape is not just affected by 'separate' developments. This conclusion does not address the attritional cumulative effects of incremental extensions to existing windfarms and clusters.</p> <p>'Update of Wind Energy Landscape Capacity and Cumulative Impact Study' paragraph 6.4.1 states that 'Areas in Scottish Borders with the highest underlying capacity for wind energy development are potentially able to accommodate windfarms with larger turbine sizes' and that 'Areas of Dissected Plateau Moorland within the Lammermuir Hills where there is a large scale</p>	<p>Plateau, stating: 'There is capacity for limited additional development of larger turbines provided this is associated with existing windfarms. Extensions should maintain significant separation between the established wind energy clusters, taking advantage of areas with topographical containment and lower intervisibility to avoid increasing the overall prominence of existing windfarms beyond the LCA'</p> <p>Comments noted</p>	<p>No change</p>
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		<p>undulating landform, a simple landscape pattern and topographic screening and lower visibility within and beyond the LCA. This area is designated as an SLA and is limited to the south by the Southern Upland Way long distance route'. It should be noted that the original assessment for the Special Landscape Area excluded the Crystal Rig/Aikengall windfarm cluster, as it was found to be incompatible with a SLA designation.</p> <p>Table 6.2: 'Description and Guidance for Areas of Significant Cumulative Development' of the 'Update of Wind Energy Landscape Capacity and Cumulative Impact Study' identifies the following 'Key Objectives' for the 'Coastal Zone, Lammermuir Hills and Lauder Common':</p> <ul style="list-style-type: none"> <input type="checkbox"/> Retaining sufficient spacing between individual windfarms and turbines so as not to exceed a Landscape with Wind Turbines typology outside the main Wind Turbine Landscape clusters of Crystal Rig/ Aikengall, Fallago Rig and Dun Law/Toddleburn; <input type="checkbox"/> To prevent visual coalescence with cumulative areas 2 and 3; <input type="checkbox"/> To prevent a proliferation of turbines visible from the A1 and East Coast Mainline Railway corridor; To prevent the overdevelopment of the Upland landscape, Plateau Grassland (Lauder Common) LCA and to avoid this landscape from developing into a Wind Turbine Landscape; <input type="checkbox"/> To prevent the close proximity of larger turbines to settlements and individual dwellings in the surrounding Upland Fringe, Coastal Zone and River Valley areas; <input type="checkbox"/> To support an organised pattern of development 	<p>The statement in the last sentence is an extract from the guidance section for LCA 1(ii). As such it is applicable to Area of Significant Cumulative Development 1 (Coastal Zone, Lammermuir Hills and Lauder Common). However, we consider this statement is best suited to Table 6.1 as it is written more as specific guidance than as a key objective. Indeed, following this guidance would help to achieve most of the objectives stated in Table 6.2 for Area 1.</p>	<p>No change</p>
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		<p>that sites are suitable for development and that windfarms are sited and designed to minimise impacts and to protect amenity’.</p> <p>It is also implicit that existing windfarm sites should be ‘suitable for development and that windfarms are sited and designed to minimise impacts and to protect amenity’.</p> <p>‘Update of Wind Energy Landscape Capacity and Cumulative Impact Study’ Figure 6.1c suggests that there is a low to medium underlying landscape capacity for 80 to 120m high turbines within the northern part of the Lammermuirs Dissected Plateau Moorland Landscape Character Type. However, the area indicated is inconsistent with previous statements regarding the capacity for further development.</p>	<p>There is some confusion regarding this statement:</p> <ul style="list-style-type: none"> • Fig 6.1c shows capacity for 50- <80m turbines. • It is not clear which ‘previous statements’ are referred to. <p>It is assumed that the reference is to Fig 6.1d and the previous statements refer to limited remaining capacity as discussed in Table 6.1 and Section 6.3.3. If this is the case, it is pointed out that Figure 6.1d is consistent with Table 6.1 and section 6.3.3 in that it indicates underlying landscape capacity as shown to the left of Table 6.1 and discussed in para 2 of section 6.3.3, not remaining landscape capacity as shown on the right of Table 6.1 and discussed section 6.3.3 page 64.</p>	<p>No change</p>
		<p>‘Update of Wind Energy Landscape Capacity and Cumulative Impact Study’ Figure 6.4 is contradictory as an ‘Area of Highest Capacity’ within the Lammermuir Hills (Area 1) coincides with an ‘Area where Cumulative Impacts Limit Development’ and an ‘Area of Significant Cumulative Development’.</p>	<p>Table 6.1 on page 29 explicitly addresses the limited remaining capacity in LCA 1(ii) Lammermuir Plateau, stating:</p> <p>‘There is capacity for limited additional development of larger turbines provided this is associated with existing</p>	<p>No change</p>

	<p>Natural Power Consultants on behalf of Fred Olsen Renewables Ltd</p>	<p>This contradicts 'Update of Wind Energy Landscape Capacity and Cumulative Impact Study' paragraph 6.3.3 which concludes that 'The Lammermuirs area is now close to capacity...' Therefore, 'Area of Highest Capacity: Area 1' should be deleted from Figure 6.4.</p> <p>(p46-47) Whilst recognising that LCAs should where relevant be considered in evaluations, the assessment of LVIA should be undertaken on a case by case basis and have regard to wider considerations and guidance such as GLVIA. Request the deletion of the bold text on p47 which raises additional tests not outlined elsewhere and the last sentence of bold text on p46. Suggest also changing 'must' to 'should' in the first sentence of bold on page 46. Delete first sentence of last paragraph on p46 'The initial study....'.</p>	<p>windfarms. Extensions should maintain significant separation between the established wind energy clusters, taking advantage of areas with topographical containment and lower intervisibility to avoid increasing the overall prominence of existing windfarms beyond the LCA'</p> <p>The Council is adamant that any developer should refer to the IF study at an early stage. This would be beneficial to all parties involved in the application process. The proposed text referred to in the SG is correct. Ironside Farrar have carried out a no of similar landscape studies and are widely acknowledged as knowledgeable and experienced landscape consultants. This is a fact which gives credibility to the study. A fundamental part of the IF study which is a strategic and not site specific study is that if proposals exceed the turbine heights identified in the IF study the onus is on the applicants to demonstrate how the proposal can be supported. This is a fair comment and should be included in the SG.</p>	<p>No change</p>
	<p>Minto Hills Conservation Group / Borders Network of Conservation Groups</p>	<p>MHCG agrees that the Borders Landscape Assessment (1998) and the updated Ironside Farrar Study (2016)(once revised in response to our valid concern outlined on pages 13 & 14 of this response) should inform the assessment of future wind energy proposals and</p>	<p>Support noted</p>	<p>No change</p>

Page 382		<p>as such become material planning considerations as soon as this SG document is adopted by SBC.</p> <p>Reference to the updated Landscape Capacity Study carried out by Ironside Farrar in 2016 is made on pages 46 & 47 prior to some of the relevant mapping on following pages. We believe that the sentence in bold type on page 47 would be clearer and less apparently loaded towards planning approval if it read: 'If turbines are proposed which exceed the turbine heights identified within the Ironside Farrar study 2016 the onus would be on the applicant to demonstrate how the impacts of the proposal on the key constraints and significant adverse effects [remove 'can'] might be mitigated in an effort to show [insert] to what extent a proposal [remove 'can'] might be supported.</p> <p>The later sentence beginning "The Council does not [?]" is missing a verb and is therefore unclear. For this reason we would appreciate sight of the amended sentence and the opportunity to comment on it.</p>	<p>It is considered the text referred to on pages 46 and 47 is fair and should remain. The word <i>have</i> has been added to the sentence "Although the Council does not have any definitive statistics..."</p>	<p>The word <i>have</i> has been added to the sentence "Although the Council does not <i>have</i> any definitive statistics..." in para 7 on page 54</p>
	Amec Foster Wheeler on behalf of EDF Energy Renewables	<p>Page 46 – It is important that the final SG clearly acknowledges the role of the updated LCS in the planning process. Further planning observations on this point are provided by JLL in their covering letter. The updated LCS is an overall strategic guidance document and should be considered a starting point beyond which individual applications need to be considered on a case by case basis, judged on their respective merits.</p> <p>The role of the updated LCS should be to identify</p>	<p>It is acknowledged within the SG the IF study is a strategic guidance document and a useful starting point for any interested party to take cognisance of. However, its role must not be downplayed.</p> <p>Comments noted. The role of</p>	<p>No change</p> <p>No change</p>

		<p>sensitivity at a strategic level rather than trying to determine capacity or remaining capacity – whatever that may be. Whilst landscape and visual impact assessments (LVIA) undertaken for each wind farm application should take appropriate account of the updated LCS, as a starting point and a material consideration, it should also be recognised that LVIA are very important to the decision making process as they provide specific assessment of the proposed development in accordance with the advice of SNH and GLVIA 3 (pages 77-79). It should be made clear that the LCS cannot anticipate all design responses that may come forward on any given site and its utility needs to be viewed in that context.</p> <p>The Updated LCS does not allow for the detailed design, siting or mitigation of wind farm development which in practice is often used to ensure that a scheme can be considered as acceptable in planning terms. The possibility of design solutions and site specific circumstances should not be ruled out by statements of ‘no capacity’ or ‘limited capacity’, particularly where this is predicated to avoid significant effects on landscape character.</p> <p>It is also noted that the Updated LCS does not consider predetermined numbers of turbines, but is rather focused on turbine height. Thus there is difference, not accounted for in the Updated LCS, between a larger numbers of smaller turbines in comparison with a smaller number of large turbines. SNH guidance (University of Newcastle</p>	<p>Landscape Capacity studies are recognised by the Scottish Govt and they are material considerations. The studies are entitled “Capacity “ studies and therefore must consider “capacity”. It is acknowledged that at the planning application more detailed site specific matters such as LVIAs would be considered. It is considered text within the SG clearly confirms the role the IF Landscape Capacity study has.</p> <p>Para 4 on page 54 of the SG confirms the IF study is a strategic study and no site specific conclusions can be drawn from it. Detailed site specific design matters and mitigation proposals are considered at the planning application stage. In essence such submissions seek to challenge any suggestions in the IF study that a particular landscape has “no capacity” or “limited capacity” for turbines.</p> <p>The IF study covers all matters relevant to its role as a strategic study. This leaves the planning application stage to consider more specific details including turbine nos and heights via the submission of detailed LVIAs etc</p>	<p>No change</p> <p>No change</p>
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		<p>and Scottish Natural Heritage, Visual Assessment of Wind Farms: Best Practice 2002) refers to perceptual studies that point to a public preference for a ‘smaller number of large turbines’ whereas the Updated LCS applies increased sensitivity to larger or taller turbines. This is a further example of why the Updated LCS should focus on identifying sensitivity at a strategic level and otherwise avoid comments on absolute capacity. Indeed, in the absence of a defined capacity target for the area covered, the LCS could never be more than a study of the relative sensitivities of landscape character types at a strategic level.</p> <p>Page 46, last paragraph – “Ironsides Farrar (IF) who are widely recognised as knowledgeable and experienced landscape consultants.” This statement should be removed as it is subjective and promotes a private practice in a public document. Individuals undertaking LVIA should be chartered members of the Landscape Institute or similar with an appropriate level of experience. It is not acceptable that one firm of private consultants should be promoted above others in this manner.</p> <p>Page 47, 2nd paragraph – This section of the Draft SG should be highlighted in bold: “The updated study is a strategic level study providing a context for consideration of capacity for, and the cumulative effects of, existing and potential future wind farm developments. No site specific conclusions should be drawn from it in relation to currently proposed or</p>	<p>IF were appointed as they were adjudged to be the best competitor via the procurement process. The Council is entirely satisfied that Ironsides Farrar are “widely recognised as knowledgeable and experienced landscape consultants”. This statement confirms the study has credibility as having carried out by them. This statement is absolutely fair and justified to be included and should not be removed as suggested by the respondents.</p> <p>There is no justifiable reason as to why this sentence should be highlighted above others within the SG other to undermine its role which is presumably the respondents wish. It is a simple straightforward straightforward sentence within the SG.</p>	<p>No change</p> <p>No change</p>
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<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 385</p>		<p>potential future wind turbines and wind farms.”</p> <p>Page 47, 3rd paragraph – The Draft SG notes: “<i>If turbines are proposed which exceed the turbine heights identified within the Ironside Farrar study 2016 the onus would be on the applicant to demonstrate how the impacts of the proposal on the key constraints and any significant adverse effects can be mitigated in an effort to show a proposal can be supported.</i>” This is an unreasonable request as the Updated study is strategic and further significant adverse effects are an evitable consequence of wind farm development. Rather the obligation should be for the applicant to provide LVIA and design which, minimises the landscape and visual effects, achieving a scale and nature of effect that can be accommodated within the landscape setting. It should be accepted that at a strategic level the Updated LCS may signal concerns, but these may be resolved through detailed siting and design and thorough assessment. Conversely, a poorly designed / located scheme that has not been adequately assessed, may prove unacceptable even though it may be considered positively in the Updated LCS.</p> <p>Page 47, 4th paragraph – Text should be amended to read “identified in figures 8 to 12”.</p> <p>Page 47, 5th paragraph – There are missing words in this paragraph. Brief explanation should be provided regarding the difference between Figures 8-12 which demonstrate ‘Underlying Landscape</p>	<p>The sentence referred to is very useful and informative. The IF study is a starting point and lays down a marker as a suggested maximum height for turbines in a particular area. This is done via a detailed and fair methodology. If developers feel higher turbines can be erected then they would need to quantify this by means of detailed site specific evidence. If this evidence satisfactorily confirms higher turbines can be erected, the Council can support the proposal.</p> <p>Fig 13 is a summary map of tables 8 to 12 and is correctly included within the text ref as “identified in figures 8 to 13”.</p> <p>The word <i>have</i> has been added to the sentence “Although the Council does not <i>have</i> any definitive statistics...” Figure 13 is a summary figure of the</p>	<p>No change</p> <p>No change</p> <p>The word <i>have</i> has been added to the sentence “Although the Council does</p>

		<p>Capacity' in three bands in addition to areas of no capacity (which should be termed 'sensitivity') and Figure 13 which although titled 'Wind Turbine Development Opportunities and Capacity' also shows a different pattern of 'capacity' in three bands (which should be termed sensitivity).</p> <p>The current LCS, executive summary, conclusions notes: <i>"The assessment of landscape capacity and cumulative effects of current consented development indicates that there is remaining capacity for further turbine developments within areas of the Coastal Zone, Lammermuir and Moorfoot Hills, Central Southern Uplands and small areas of the Cheviot Hills. Nevertheless there are also areas in the Lammermuirs, Coastal Zone and western Southern Uplands where current cumulative impact limits further development."</i></p> <p>The equivalent summary of the Updated LCS notes: "The assessment indicates that there is most remaining capacity for further wind energy developments within areas of the Moorfoot Hills, and forested southern areas of the Central Southern Uplands and western Cheviot Hills. Conversely, there are also areas in the Lammermuirs, Coastal Zone and western Southern Uplands where current cumulative development is close to, or exceeds capacity and impacts limit further development"</p> <p>In comparing Table 6.1(ii). Summary of Landscape Capacity and Cumulative Effects and Guidance for</p>	<p>previous figures 8 -12. It is considered the figures are correct and self - explanatory</p> <p>Whilst the 2no executive summaries do not have identical text the general themes are the same. The 2no IF studies relate to different typology categories, the 2013 referring to 3no categories, the 2016 one relating to 5no categories. Consequently, it is difficult to directly relate the findings of the studies to one another as they are making statements in relation to different typology categories. It is contended that the general outputs and conclusions remain consistent</p>	<p>not <i>have</i> any definitive statistics..." in para 7 on page 54</p> <p>No change</p>
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		<p>Future Wind Energy Development – Lammermuir and Moorfoot Hills, in the Updated LCS with the current LCS the following observations are made:</p> <p>Landscape Sensitivity: No Change There is no change to the landscape character sensitivity, landscape sensitivity or landscape value ratings. However the visual sensitivity has reduced from Medium / High in the current LCS to Medium in the Updated LCS. It is believed that this is due to the correction of a typing error in the current LCS as in checking back to Appendix 6: Assessment of Landscape Capacity for Landscape Character Types it is noted that there has been no update or change to this part of the assessment of the Dissected Plateau Moorlands in comparison to the current LCS.</p> <p>Underlying Landscape Capacity: Low to Medium The current LCS records Low capacity for all turbine heights, including those above 100m to tip. The Updated LCS however, indicates an increased ‘Medium’ underlying capacity for turbine heights of 50-120m to tip, which does not take account of the current turbines. This is also reflected in Figures 6.1a-e. This approach assessing the ‘underlying’ capacity is a departure from the current LCS and appears as a ‘backward step’ as the Updated LCS is attempting to ‘re-set’ the clock here, rather than sticking to the brief and assessing the remaining capacity considering wind farms consented since the date of the current LCS.</p>	<p>The rating for visual sensitivity should be Medium/ High in the 2016 report, corresponding with the table on Appendix 6 page A25 which highlights the Lammermuir Plateau.</p> <p>The 2016 assessment assesses both underlying and remaining capacity for each landscape character area. The assessment of remaining capacity takes into account all operational and consented windfarms. The process is explained in the report in chapter 2 and section 6.1 and demonstrated in Table 6.1. In respect of the Lammermuir Plateau LCA, Table 6.1 shows the underlying capacity for turbines at 50-<80m and 80<120m to be Medium but the remaining capacity, taking into account consented wind energy development, to</p>	<p>Text relating to the Lammermuir plateau LCA (ii) in the IF study 2016 has been amended to give the rating for visual sensitivity to be Medium/ High</p> <p>No change</p>
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		<p>New Wind Farm Consents since the date of the current LCS: None All of the current wind farm applications are noted rather than any which have emerged since the date of the current LCS. It is notable that in comparing Figure 5.1 of the current LCS with the Updated LCS there has been no increase in the number of consented turbines within the Lammermuir Plateau. There has been an increase in turbines in the northeast within East Lothian (Crystal Rig / Aikengall) and a refused application (Brunta / Blyth Farm) in the south of this area. Figure 5.1 of the Updated LCS notes new applications at Fallago Rig 2 and Aikengall IIA, but according to the methodology these are not included in the updated LCS.</p> <p>Current Wind Energy Landscape Type and Capacity There is a change here from the current LCS which notes “<i>Northern area Uplands with Wind Turbines, southern area Uplands with Occasional Wind</i></p>	<p>be Low. This corresponds with the 2013 report which shows capacity taking all of the above into account. The purpose of the staged process in the 2016 LCS is to show the assessment and reasoning in a transparent manner, taking account of the character of the underlying landscape and the changes resulting from consented development. We consider this to be an improvement on the 2013 report</p> <p>We confirm that the changes to consented wind energy schemes in this area are as described by EDF, but also include Pogbie and Keith Hill schemes to the northwest, close to the eastern end of the Dun Law group of windfarms (see para 5.2.1 of the report) We confirm that applications are not included in the cumulative baseline for the assessment.</p> <p>Noted. The areas of Wind Turbine Landscape identified around Crystal Rig/Aikengall, Fallago Rig and Dun Law</p>	<p>No change</p> <p>Comments noted</p>
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		<p><i>Turbines</i>” in comparison with the updated LCS which records “<i>Wind Turbine Landscape/ Uplands with Wind Turbines /Occasional Wind Turbines</i>”. The identification of a ‘wind farm landscape’ applies to the ‘northern area’ around Crystal Rig / Aikengall as predicted in the current LCS, which notes that there is still capacity around the existing Fallago Rig Wind Farm as follows: <i>“... however there is still capacity for limited development within small areas around Fallago Rig taking advantage of areas with lower intervisibility and topographical containment for further windfarm developments of large or very large sized turbines. To limit cumulative impacts any development should visually be read as part of an existing cluster development.”</i></p> <p>Updated LCS - Remaining Landscape Capacity: Low <i>The Updated LCS notes Low remaining capacity for all turbine heights as per the current LCS. However the Updated LCS considers that there is capacity for approximately 64 turbines in a range of heights. In particular capacity is noted for approximately 25 turbines at 80-120 tip height and / or 25 turbines at 120m+ to tip height within this area, with a minimum group separation of 5-10km. This is not an indication of Low capacity and conflicts with Figure 6.4 which indicates this area is amongst the ‘Highest capacity’, although limited by cumulative development.</i></p>	<p>are considered to better reflect the landscape in these very extensively developed areas, compared with the overall Landscape with Wind Turbines shown in the 2013 LCS. They do not otherwise reflect any development changes between 2013 and 2016, consented or proposed.</p> <p>The numbers of turbines in a group and the separation distances between groups are indicative guidance for the scale and density of development that could be implemented across the LCA without exceeding the capacity of the landscape. The group size of 25 is indicative of the scale of suitable schemes. The indicated capacity is based on the underlying landscape capacity and the proposed maximum level of development expressed as a wind turbine landscape type. It does not reflect the remaining capacity but</p>	<p>No change</p>
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		<p>Updated LCS: Analysis <i>The updated LCS notes “the northern part of the LCA on the boundary with East Lothian is reaching capacity and becoming a Landscape with Wind Turbines with areas of Wind Turbine Landscape around Crystal Rig/Aikengall and Fallago Rig.” This is a departure from the guidance provided in the current LCS, which as noted above considers that there is still capacity in and around Fallago Rig and does not identify the area of Fallago Rig as a ‘wind farm landscape’.</i></p>	<p>indicates an overall maximum limit to scale and density of development, subject to other specific written elements of the guidance. In the case of the Lammermuir Plateau, the underlying capacity is Medium and the proposed landscape type of Wind Turbine Landscape/ Uplands with Wind Turbines/ Occasional Wind Turbines is stated in Table 6.1 and shown in Figure 6.3. This landscape type is already reflected in large operational and consented schemes separated at distances of 5-10km. Therefore, there is Low remaining capacity. The resulting guidance is that there may be capacity for carefully sited extensions to existing schemes, rather than for separate schemes located between the existing schemes.</p> <p>This is not a ‘departure’ from 2013 and the written guidance in the 2016 LCS continues to indicate that there is potential for extensions to existing windfarms, stating in the guidance: ‘There is capacity for limited additional development of larger turbines provided this is associated with existing windfarms. Extensions should maintain significant separation between the established wind energy clusters, taking advantage of areas with topographical containment and lower intervisibility to</p>	No change
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		<p>Updated LCS: Development Capacity The Updated LCS considers that <i>“much of its underlying capacity is occupied”</i>. However, in addition to the stated ‘Low’ capacity and the guidance of numbers of turbines that could be accommodated the Updated LCS notes <i>“There is capacity for limited additional development of larger turbines provided this is associated with existing windfarms. Extensions should maintain significant separation between the established wind energy clusters, taking advantage of areas with topographical containment and lower intervisibility to avoid increasing the overall prominence of existing windfarms beyond the LCA.”</i> This advice is similar to the current LCS, although it does not mention Fallago Rig specifically. The proposed Fallago Rig 2 is noted as an application on Figure 5.1.</p> <p>Pages 67-68 of the Updated LCS confirms the Dissected Plateau Moorland as an area of greatest underlying capacity. <i>“The LCTs with the greatest underlying capacity for development are the upland areas in the northern, western and southern edges of Scottish Borders; principally the Dissected Plateau Moorland, Plateau Grassland, Southern Uplands with Scattered Forest and Southern Uplands Forest Covered.”</i> On page 72 the Updated LCS also confirms that due to existing cumulative development <i>“The Lammermuir Hills could accommodate additional larger turbines but only as extensions to existing windfarms.”</i></p>	<p>avoid increasing the overall prominence of existing windfarms beyond the LCA.’</p> <p>Fallago Rig/ Fallago Rig 2 is not specifically cited as this is strategic guidance - see bold font at end of section 1.5 of the LCS: ‘It is emphasised that this is a strategic level landscape and visual study, providing a context for considering the capacity for, and the cumulative effects of, existing and potential future wind turbine developments in Scottish Borders. No site specific conclusions should be drawn from it in relation to current, proposed or future wind energy schemes’</p> <p>Noted. This is explained throughout the LCS.</p>	<p>No change</p> <p>No change</p>
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		<p>However, the document also notes that “<i>There may be limited scope for extension of larger operational windfarms in Upland LCTs as an alternative to locating new smaller windfarms in lowland or upland fringe areas.</i>”</p> <p>To conclude, there is little change between the current LCS and the Updated LCS in terms of the Dissected Plateau Moorland: Lammermuir Plateau. Whilst there has been no change to the level of existing and consented wind farm development within this area (excepting the increase in East Lothian in the northeast) the guidance has been adjusted. Although ‘wind farm landscapes’ are noted at each of the large wind farm sites, capacity for further development remains. The scale of that considered and noted in the Updated LCS (e.g. 25 turbines at 120m+ to tip height) is not indicative of Low landscape capacity.</p> <p>It is noted that the Updated LCS advises that in assessing proposals for repowering, the “<i>existing windfarm forms part of the visual baseline for assessment</i>”. Further assessment requirements are noted on page 73 of the Updated LCS as follows: “<i>The design of extensions and repowering schemes should take into account the scale and context of existing wind energy development in the surrounding area that will be added to, replaced and/or operational during the lifetime of the proposed extension / repowering scheme.</i>” It would be unreasonable to expect any future assessment of repowering to account for existing development that might be extended, replaced or</p>	<p>Noted with respect to little change between 2013 and 2016 LCS In respect of Low landscape capacity, this is Low remaining capacity, taking the Medium underlying capacity and the level of existing cumulative development into account</p> <p>It is not suggested that any repowering considerations should be estimated but should instead take account of any live or approved planning applications</p>	<p>No change</p> <p>No change</p>
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		<p>still operational during the lifetime of the proposed extension / repowering scheme, without reference to a valid planning application. It would be unreasonable to expect assessments of repowering schemes to 'guess' in this respect.</p> <p><i>"In the case of extensions, the location and design of extensions relative to the original scheme is critical. This should take account of turbine size and layout, remaining capacity for extension without unduly extending effects, and the remaining lifespan of the original scheme."</i></p> <p>Given that wind farm development is likely to be extend in perpetuity, it is unreasonable to seek to limit the remaining lifespan of the original scheme, if the technology allows longer operation. Applications to alter the operational period should be considered on a case by case basis and not artificially limited.</p> <p><i>"Particularly in the case of repowering, opportunities for mitigating adverse effects of earlier, less well designed, schemes should be grasped. This may include more harmonious turbine arrangements or reducing the developed area as more energy can now be delivered by fewer, larger turbines."</i> Whilst opportunities for mitigating adverse effects of earlier, less well designed, schemes may be achievable in some cases, it should not be a strict requirement or retrospectively affect the remaining operational life of any existing and consented development. Further, the report does not allow for the possibility that detailed design, siting or mitigation of wind farm development and more detailed LVIA might</p>	<p>It is not a fait accompli that wind farm development is likely to be extended in perpetuity. This would be considered on a case by case basis and it is considered the text within the SG is correct</p> <p>Comments noted. It is the case that a satisfactory application for repowering can allow higher turbines to be built on an existing operational site. This is considered to have been made clear within the SG</p>	<p>No change</p> <p>No change</p>
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		<p>allow a higher tip height scheme to be deemed acceptable. This caveat in relation to site specific possible design responses is important and needs to be made explicit throughout the document.</p> <p>The definition for landscape capacity, used in the report dates from the Scottish Natural Heritage & Countryside Agency, Landscape Character Assessment, Guidance for England and Scotland, Topic Paper 6: Techniques and Criteria for Judging Capacity and Sensitivity (2002), which was a workshop study aimed at generating further debate and development of this area of landscape and visual assessment. Since the date of that report other definitions of landscape capacity and sensitivity have developed including:</p> <ol style="list-style-type: none"> 1. From SNH's current glossary of terms: "The ability of a landscape to accommodate different amounts of change or development of a specific type. Capacity reflects the landscape's sensitivity to the type of change, and the value attached to the landscape, and is therefore dependent on judgements about the desirability of retaining landscape characteristics and the acceptability of their loss." http://www.snh.gov.uk/protecting-scotlands-nature/looking-after-landscapes/landscape-resource-library/glossary-of-terms/). 2. From GLVIA page 158 "Sensitivity - A term applied to specific receptors, combining judgements of the susceptibility of the receptor to the 	<p>The two definitions provided do not raise any particular cause for concern regarding the approach taken in the 2016 LCS. The definition of capacity quoted by EDF very much underlines the approach have taken. i.e. a staged, descriptive and detailed approach in which the judgements made concerning sensitivity and value are transparent to the reader and decision makers.</p>	No change
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		<p>specific type of change or development proposed and the value related to that receptor.”</p> <p>It is noted that the updated LCS does not refer to the most recent guidance from SNH on capacity studies: A Guide to Commissioning a Landscape Capacity Study, published in 2015. This document refers to a range of emerging methodology and best practice, conducted across Scotland, including work previously undertaken by Ironside Farrar. This should have been a key document relating to the work of the updated LCS.</p> <p>The following recommendations are also noted in relation to the Updated LCS: The use of definitions should be reviewed against alternative and more recent / emerging definitions of landscape capacity for example.</p>	<p>Comments noted. It is understood that the SNH capacity study guidance dates to 2010 or 2011, not 2015. We are satisfied that the approach in the LCS is in alignment with the approach recommended in the SNH guidance, in which previous similar wind energy capacity work undertaken by IF is cited as an example. It is noted the definition of landscape capacity in this SNH guidance is taken from the 2002 paper cited in para 3.5.2 of EDF’s response. It is noted that some of the references cited on page 74, including SPP, have not been updated to the latest versions applicable to the 2016 date of the study.</p> <p>It is considered that the two definitions provided do not raise any particular cause for concern regarding the approach taken in the 2016 LCS. The definition of capacity quoted by EDF very much underlines the approach the study has taken. i.e. a staged, descriptive and detailed approach in which the judgements made concerning sensitivity and value</p>	<p>References cited on page 74 of the IF study, including SPP, have been updated to the latest versions applicable to the 2016 date of the study.</p> <p>No change</p>
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		<p>It is recommended that the updated LCS is limited to the identification of landscape sensitivity and that any subsequent discussion about cumulative effects / remaining capacity are clearly set out under a separate heading for each landscape, whilst equally acknowledging that there may be design solutions and specific circumstances to consider at a more detailed scale of assessment. Judgements on absolute capacity should not be made.</p>	<p>are transparent to the reader and decision makers.</p> <p>SPP clearly requires local authorities to make an assessment of suitability for wind energy development, identify areas of strategic capacity and areas of greatest potential for accommodating wind energy (paras 161 and 162). In doing so it also requires judgements to be made regarding the cumulative impacts of existing and consented development limiting capacity for further development (para 169). It is not possible to prepare strategic guidance or to exercise development control based entirely on an assessment of relative sensitivity without understanding how the cumulative extent of wind energy has and can change landscapes.</p> <p>It is considered that the study is sufficiently transparent such that it is possible to see how separate and combined judgements on sensitivity, value, capacity and cumulative development have been made for each landscape character area, type and region. It is not possible to make an informed judgement on future development by separating these judgements.</p> <p>In respect of specific circumstances and schemes, it is acknowledged in the final 2 paragraphs of section 1.5 of the</p>	No change
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		<p>There is little change between the current LCS and the Updated LCS in terms of the Dissected Plateau Moorland: Lammermuir Plateau. Whilst there has been no change to the level of existing and consented wind farm development within this area (excepting the increase in East Lothian in the northeast) the guidance has been adjusted. The scale of capacity for further development noted in the Updated LCS is indicative of Medium capacity rather than Low capacity and has been underestimated; particularly as this is an area where the landscape character is most suitable to wind farm development, in comparison to other lowland areas for example.</p>	<p>2016 LCS, and further throughout the report that this is a strategic study not applicable to specific sites or proposals. Such schemes should be assessed on their own characteristics, taking account of the wider context detailed in the guidance. The study does not make judgements on absolute capacity in terms of turbine numbers. Instead it provides an indication of capacity in terms of landscape typology and guidance on turbine size, numbers and separation as well as further written guidance for accommodating wind energy within capacity. It is for developers to demonstrate that their proposals are sited and designed in a manner that does not significantly deviate from the objectives of the guidance.</p> <p>The 2016 LCS guidance on capacity is not under-estimated. The guidance correctly indicates Medium underlying capacity reduced to Low remaining capacity due to significant cumulative development within and around the Lammermuir Plateau.</p>	<p>No change</p>
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		<p>It is not clear if current applications are / are not included in the assessment as there are shown on the figures and referred to in the document, indicating that they may have influenced the updated LCA?</p> <p>Whilst we welcome the inclusion of repowering projects the following aspects should be noted: Some of the assessment requirements noted on page 73 are onerous and should be reviewed and reduced appropriately. In particular, the baseline should make it clear that the objective is to reflect known planning applications and consented / operational periods, rather than attempting to estimate if existing sites will be repowered / extended.</p> <p>Whilst opportunities for mitigating adverse effects of earlier, less well designed, schemes may be achievable in some cases, it should not be a strict requirement or retrospectively affect the remaining operational life of any existing and consented development.</p>	<p>Applications current at the time of the assessment are not included in determining levels of cumulative development or remaining capacity. The baseline includes operating and consented schemes only, as there is no certainty in the status of proposed schemes. Applications current at the time the 2016 LCS was undertaken (cutoff date July 2016) are shown in Figures 5.1 and 5.2 and discussed in chapter 5 of the LCS. This is for information only.</p> <p>The 2016 LCS has not been influenced by applications current at the time of assessment.</p> <p>It is not considered that the assessment requirements referred to are onerous. Para 170 of SPP states that wind farm proposals should be dealt with “in perpetuity” and therefore applications must consider turbines with longer term aspirations in mind.</p> <p>If there are opportunities to carry out improved mitigation measures as part of repowering proposals then this should be investigated</p>	<p>No change</p> <p>No change</p> <p>No change</p>
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		The report does not allow for the possibility that detailed design of wind farm development may allow a higher tip height scheme to be deemed acceptable. This caveat in relation to site specific possible design responses is important and needs to be made explicit throughout the document.	This matter would be taken account of when an application for repowering is submitted.	No change
Landscape and Visual Guidance on Single and Groups of 2 and 3 Wind Turbines in Berwickshire Page 399	Scottish Government	In terms of compliance with the Local Development Plan (LDP) examination and subsequently Policy ED9: Renewable Energy Development of the LDP it does not appear that the landscape and visual guidance on single and groups of 2 or 3 wind turbines in Berwickshire has been updated. A response to the Reporter's recommendation would be helpful.	The Council updated the Berwickshire Landscape Capacity study in 2015. Due to the lack of subsidies and Feed in Tariffs there is a drop in the number of proposals for single and groups of single and 2 and 3 turbines in Berwickshire which the study relates to and it is therefore questionable as to the value of preparing an update which will likely be of little practical value. It is considered the current Berwickshire study lays down a sufficient base line in order to judge any new proposals and it must be noted that the IF Landscape study 2016 update has been based on the typology types within the Berwickshire study and so the IF has great value in helping guide all types of turbine proposals. Despite SPP support for Landscape Studies, as is clear from some responses within this table they are not given the weighting nor respect they deserve. Bearing in mind all the aforesaid matters and the considerable time, effort and cost to update the Berwickshire study, it is most unlikely the update can be	No change, although Scottish Government will be contacted stating the reasoning for the Berwickshire study being unlikely to be updated as explained

	Borders Network of Conservation Goups / Minto Hills Conservation Group	BNCG / MHCG appreciates the work undertaken in compiling the Berwickshire guidance for groups of two and three wind turbines in Berwickshire, as referenced on page 47, and suggests that some indication be given here of whether this guidance might be of some use to any developers seeking similar permissions in other parts of the Scottish Borders.	justified or be carried out It is considered that the Berwickshire study will be of limited value for other parts of the Scottish Borders. Although some specific Landscape Character Types can be found in other parts of the region, they are likely to have other features and characters which will mean they cannot be directly equated to one another	No change
Page 400	RES Ltd	The Council state that the SG is a material consideration to future decision making on all planning applications for onshore wind energy development and associated infrastructure, and rightly confirm that developers should take cognisance of it at early stages of proceedings. However within Chapter 2 it is correctly advised that the SG once formally adopted will form part of the Council's development plan and have the according status under the principal Act? The document needs clarity to confirm that the SG will comprise part of the development plan rather than merely be a material consideration for decision making purposes and as such the wording in Chapter 9 should be revised accordingly.	It is not considered further clarity is required. It is stated that the SG will form part of the Development Pan and consequently will be a material consideration to the determination of any planning application. To reaffirm this the conclusion has stated as well as the SG being a material consideration it will form part of the Development Plan.	The conclusion in part 9 has stated that as well as the SG being a material consideration it will form part of the Development Plan
Scottish Government Targets for Generation by Wind	Alan Bailey / Ruberslaw Wild Woods Camping	The Scottish Government sees no policy limits to the expansion of onshore wind generating capacity, and does not see the meeting of previously-set government targets for wind generation as a reason to stop building windfarms. However the inexorable rise in constraint payments to wind farms (i.e. payments to stop generating) clearly indicates that their policy aspirations must be	Comments noted and the points the respondent makes are understood. However, national planning guidance does not make reference to the need to require a forecast of Constraint Payments to be received and therefore the Council cannot incorporate this within the SG	No change

Page 401		<p>sensibly interpreted by local planning authorities, when assessing the economic impacts of proposed new windfarms.</p> <p>The National Grids 2017 summer Outlook Report clearly explains the situation on Page 45 saying under “Constraints And Power Flows”:</p> <p><i>“There are some areas of the network where the rapid growth in connected generation has resulted in significant constraint volumes. One example of this is the transfer of power from Scotland to England under windy conditions”.</i></p> <p>Adding a further 156 turbines (as above – worst case scenario) to the Scottish Borders windfarm array is only going to cost consumers more in constraint payments, while at the same time undermining the local Tourism industry.</p> <p>We believe that the new SPG should require every new application for a wind farm to detail a forecast of likely Constraint Payments to be received over the proposed lifetime of the windfarm, to facilitate a better understanding by the Planning Authority of:</p> <ul style="list-style-type: none"> • the anticipated excess capacity being proposed by the applicant • the likely economic costs to the consumer / taxpayer of constraint payments. <p>The National Grid is able to make forecasts of likely constraint payments over future seasons, and windfarm developers should similarly be able to make use of such methodology with reference to their own proposals.</p> <p>We would like to see the revised SPG make absolutely clear that, in these circumstances where constraint payments are the norm and also are foreseeable for future periods, further contributions by windfarms to government policy</p>		
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	Cockburnspath and Cove Community Council	<p>aspirations for electricity produced by renewables – while subject to proper consideration in line with Government guidelines - is not a material consideration of any weight, when balancing the economic benefits and dis-benefits of adding further capacity. I don't believe it does so as presently worded.</p> <p>Professor Pontin's report recently demonstrated that renewable targets for 2020 have already been reached. Whilst we fully appreciate that this does not mean there is no further case for future development, we welcome the clarification that the "bar" will therefore have to be higher in certain areas, to justify continued development. We also understand that the Council are not in a position to designate a landscape as having reached saturation point, but there is a need to fully recognise the significant and detrimental landscape and visual impacts of continued development in certain areas e.g. Berwickshire. 747Mw of energy is now generated from renewables, and in wind terms, much of this comes from Scottish Borders, who are a net exporter of energy, consumed by cities and the rest of the grid. In light of this, we would hope that Scottish Government would respect the assessment of landscape architects and planning officers if further developments are refused in light of the significant cumulative impacts, and not over rule them for the sake of energy production at any cost. This SG provides the opportunity to justify local decision making in a manner less open to challenge. Local Authorities need to be listened to, and there needs to be a much louder community voice in the planning</p>	<p>Comments and support noted. Despite Professor Pontin's figures and whether or not they are agreed upon by all interested parties, this does not change the fact that there is no bar on the no of wind farm approvals. The Council is able to state when it believes a landscape has reached saturation point in terms of wind farm approvals, although there will remain the opportunity for any developer to indicate otherwise via visualisations as part of a planning application that they feel further turbines could be supported.</p>	No change
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	Community Windpower	<p>process. To this end, we consider the draft SG gives a sound balancing exercise, which allows appropriate development, but limits, by reference to material factors, unacceptable ones. This is in line with para 28 of SPP.</p> <p>The Scottish Government is very clear in its consistent position that its target to meet an equivalent of 100% demand for electricity from renewable energy by 2020, and its targets for reducing greenhouse gas emissions under the Climate Change (Scotland) Act 2009 remain very challenging. It is important therefore that further onshore wind be deployed to help meet climate change and renewables targets – an overly constrained approach hinders these policy objectives from being attained. A related consequence is the opportunity cost for further investment in the Borders. Commercial contracts destined for the Scottish Borders and Scotland may be lost as a result of any loss of confidence in Scotland achieving her own onshore aspirations, with the resultant missed opportunity to create long term employment for civil and electrical contractors and engineers as well as rents, rates and financial benefits to local communities. The draft Renewable Energy Supplementary guidance takes an overly cautious and constrained approach, contrary to emerging national policy and does not fully recognised market requirements.</p>	<p>It is not considered the SG is overly cautious but is a very fair and balanced document. Whilst supporting renewable energy it also gives sufficient weighting and reference to the protection of the landscape and the environment in keeping with national planning policies requirements.</p>	No change
	Banks Renewables	<p>From the time of publishing draft SG (December 2016), the Scottish Government have produced the following documents which Banks Renewables consider should also be cited under 'Other</p>	<p>The Scottish Govt documents referred to were only draft documents at the time of this draft Supp Guidance being prepared and therefore they could not</p>	<p>Reference to the Scottish Govt's policy statements in Dec 2017 on</p>

<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 404</p>	<p>Minto Hills Conservation Group Borders Network of Conservation Groups</p>	<p>Considerations – National Energy Targets’: - Draft Climate Change Plan (January 2017), - Draft Scottish Energy Strategy (January 2017), - Draft Onshore Wind Policy Statement (January 2017). All three of the above documents clearly set out the Scottish Government’s ongoing support for renewable energy (including onshore wind) and establish revised energy targets. Commentary should be provided on the three documents highlighting the Scottish Government’s ongoing support for renewable energy development, including future onshore wind.</p> <p>On page 8, under ‘National Energy Targets’, it is stated that there is no cap on these. We accept that, if something in public policy is desirable, eg a decrease in infant mortality, then it makes no sense to stop efforts towards that end once a target has been achieved. However, we contend that it is not fully established that wind energy is the best or even a good way to create the proportion of energy in Scotland that it does at present. In contrast to the action required to reduce infant mortality, which presumably has no harmful effects, increasing the electricity produced by wind energy does. We appreciate that SBC is obliged to follow Scottish Government policy in this regard, but we point out that the logic and rationale behind the obligation of local authorities to assist the Scottish Government in meeting these targets, as well as the effect of that obligation on SBC’s statutory duty as a planning authority, dissipates as soon as the targets are reached. We therefore suggest that, since the target for electricity produced by</p>	<p>be referred to as the finalised version were unknown. However, in Dec 2017 the final policy versions of the Onshore Wind and the Scottish Energy Strategy were published. Reference to these has been added to this SG on page 8 and electronic links have been added for further reference</p> <p>Comments noted. However, as the respondent states the Council is not in a position to overrule Scottish Government advice and policy by means of placing a cap on the no of wind farm approvals. This includes giving less weight to approvals if it is considered the national energy targets have been met.</p>	<p>Onshore Wind and the Scottish Energy Strategy has been made on page 8</p> <p>No change</p>
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		renewables will be met by all of the constructed and consented wind farms in the pipeline, the contribution towards Scottish Government targets of any wind farm which is the subject of a planning application while that circumstance pertains is not a material consideration or, at very best, should not carry nearly as much weight as it would have prior to this circumstance.		
Definition of Community Page 405	Alan Bailey / Ruberslaw Wild Woods Camping	<p>We note that the definition of community to be used when considering Community benefits included in the draft SPG is</p> <p><i>“A body of people. A community can be based on location (for example people who live or work in or use an area) or common interest (for example the business community, sports or heritage groups)”.</i></p> <p>This definition leaves open the possibility that a “Community” not local to and having no connection to the area to be affected by a proposal could, in the name of their own “community benefit”, seek to over-ride the rights of the affected real locational community. The ability of residents of rural areas to protect their peaceful enjoyment of their environment is further undermined through the mechanism of the 2 km exclusion zone around settlements as defined, which appears to give the protection of the visual amenity of people in settlements from the visual impact of windfarms more importance than that of people living in the countryside but not in a defined settlement. Surely every rate payer should be treated equally as regards to protection of their visual amenity, rather than having one rule for some and a less</p>	It is considered the definition of “community” is fair. The Council has no active role to play in the handing out / agreeing community benefits and it is therefore considered this should be left to others to determine. The 2km sensitivity zone referred to is set out in SPP. However, it can be the case that properties, including individual properties, can be adversely affected and consideration for such instances can be considered on a case by case basis. Para 169 of SPP acknowledges the need to consider impacts on even individual houses. The Council has no authorisation to change the statutory regulations and set distances regarding the neighbour notification procedures	No change

		protective rule for others? We have direct experience of this in that we have not received the same notifications from the Birneyknowe applicant as have the residents of Denholm, while our remote woodland campsites are directly visually impacted but then residents of Denholm are not. We believe that the new SPG on Renewable energy should be reworded to remove these two examples of the weakening of the status and rights of non-urban dwellers.		
Tourism Page 406	Alan Bailey / Ruberslaw Wild Woods Camping	We believe the SPG should take the opportunity to require an applicant developer of a windfarm to carry out a full audit of the economic value of tourism and recreation assets within the ZTV e.g. tourist attractions such as castles and iconic viewpoints, accommodation businesses, tour operating businesses (whether based locally or providing access to local assets from bases elsewhere) commercial shooting and fishing beats, walks and cycle rides, horse riding routes to reflect the increasing economic importance of tourism and recreation and its primary reliance on the Borders Scenic Assets. This should be in addition to the assessment of visual impact on these receptors. The purpose would be to assist the Planning Authority in its assessment of the existing income generating capacity likely to be put at risk by the degradation of the scenic assets. Such an audit was called for by the Scottish Borders Tourism Partnership at the last revision of the SPG on Renewable Energy, and they should be consulted again.	Comments noted. A full audit of economic values of tourism and recreational values would be extremely difficult to produce and quantify and would no doubt generate much conflict of opinion on how accurate and fair the audit was. The Council is not aware of there being a statutory requirement for such any audit to be carried out	No change
Planning Officer	Cockburnspath and	In the past, developers have utilised the advice and	There is no doubt fees from wind farm	No change

Intervention	Cove Community Council	skills of planning officers to substantially alter their applications several times, without having to resubmit them and pay additional fees. In effect, they avail themselves of design and layout advice and take up valuable time of the officer, without additional payment. In playing such a major role in the re-design of a renewable development, the PO is therefore potentially less likely to refuse it, as it then adheres to their own advice. POs should, we feel, assess an application, feedback on it via a decision notice (with relevant input from Planning Committees, LRBs etc if applicable) and leave it to the developer to reapply if the application is refused. The decision notice should form the basis of the decision, and the developer is then responsible for any subsequent redesign, or submission. It would then attract a further fee, which could be used to pay for the officer's time and the work of the Planning and Building Standards Dept. Fees should reflect the level of work undertaken by the Council.	proposals do not always cover planning authorities application processing costs (including potential appeals, consultant's fees etc). However, planning authorities should always exchange dialogue with all applicants in order to be transparent and explain issues, allowing the opportunity for amended plans where possible.	
Photomontages	Cockburnspath and Cove Community Council	Photomontages must be subject to intense scrutiny, as our experience of recent developments has demonstrated that they can, at times, bear little resemblance to reality. We have all heard stories about developer's photographers lying under hedges in order to get views that reflect best on the ability of a turbine to be hidden by landscape features! Communities should continue to be able to suggest viewpoints for photomontages, in addition to those offered by the developer.	Wind farm planning applications must satisfy the design standard requirements of SNH. Photomontages submitted within this form ensure the plans viewed are accurate.	No change
FITs / ROCs	Cockburnspath and Cove Community	In Chapter 6, reference is made to FITs payments – we understand that these are no longer being	Reference to Feed in Tariffs has been removed from the SG	Chapter 6 has been amended to

	Council	offered for new development, and wonder if this section needs to be updated?		remove reference to Feed in Tariffs
Social and Economic Benefits	Cockburnspath and Cove Community Council	Chapter 4 p 8 states that job creation both in terms of any renewable build, or operation, are material considerations to be taken account of. In our considerable experience locally, we are not aware of any significant use of local contractors or materials (other than during the BHA/Hoprigshiels construction which did attempt to use local businesses) which had a major impact on social or economic benefits. Most of the turbines are made abroad, and transported to Blyth then by road by specialised English haulage companies to site. Many of the labourers/contractors on site are from abroad – in fact during the erection of the Neuk turbines recently, the different accents on site were commented on. Much of the ongoing running of wind energy developments are done remotely, and there is no major contribution towards local employment – a handful of jobs may result, but in practice, this type of work is fairly specialised and tends to attract people already in the industry, or wishing to move away from other highly technical jobs, such as the North Sea oil industry. Our point in this is that there are spurious and unsubstantiated references made to the “creation of jobs” and the “retention of existing jobs” plus “use of local business and materials where possible”. In reality, we have seen no real benefit to local employment and feel this needs to be clearly and definitively proven if stated in any application process. The Council should ask to see clear proof of these benefits if they are to be used as mitigating factors (e.g. substantiated within	Comments noted. The Council takes cognisance of application submissions relating to job creations and accepts these in good faith. In reality it is acknowledged that sometimes these forecasts by developers prove to be incorrect. The council will continue to scrutinise such evidence, although there is no mechanism in place for Council’s to ensure these forecasts do come to fruition	No change

		<p>business plans etc).</p> <p>Community Ownership is also mentioned in this respect. Whilst this can work for some smaller renewable sources e.g. small hydro plants etc it has proven very difficult to truly become involved in ownership of a turbine, or part ownership. There are so many different and difficult factors to include, that most communities find the process too complicated and onerous, and developers also find it difficult to negotiate through. In some cases, community ownership has been hinted at during the application process, only to be withdrawn later.</p>	<p>It is acknowledged that in practice Community Ownership has had little direct take up. The comments raised by the respondent are acknowledged and the Council is aware of other communities raising similar practical issues.</p>	No change
	Hobkirk Community Council	<p>Economic Benefits Developments are always more welcome if they provide economic benefits – especially the prospect of quality employment. To date suggestions of possible employment of many renewable proposals has been unconvincing and it has been difficult to make a case for the acceptability of the landscape and environmental effects being justified by likely jobs provided. We would like to see guarantees given as part of the application. We would also like consideration given to what happens if developments are sold subsequent to permission being granted. Material considerations cannot be allowed to be speculative. We warmly welcome the clear statement that so-called ‘community benefit’ is not a material consideration in a planning application. This will hopefully prevent what are widely perceived as ‘bribes’ disappearing from future applications and we hope that council officials will advise developers accordingly.</p>	<p>It is fully acknowledged that in practice many of wind farm developers indicated economic benefits have never come to fruition. Whilst this concern is fully understood, there is no mechanism within the national planning guidelines which can guarantee such estimated benefits are implemented. Comments on community benefits are noted.</p>	No change
Para 170 Of SPP –	Cockburnspath and	We agree that the inclusion of this paragraph within	Support noted. Any new factors which	No change

<p>“In Perpetuity” Clause</p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 410</p>	<p>Cove Community Council</p>	<p>SPP elevates the importance of the initial planning assessment, although in practice, living with a “wrong” decision for 25 years is important enough! However, we welcome the increased scrutiny this may represent. Material changes to turbine design, height and layout must, as suggested, be considered de novo, and sites not repowered as a matter of course at the end of the planned lifespan. However, during a 25 plus year initial approval period, there may also be material changes to typography, and in particular to residential areas which also need to form part of any repowering assessment. Will any other material factors be considered in any repowering process? If a hamlet or small village enlarges, would this also be a material factor in repowering assessment or would it be the onus of any housing developer to ensure that purchasers were aware of the “in perpetuity” nature of the development?</p>	<p>have materialised within the 25 years of the lifespan of turbines on a site will be acknowledged as being material new considerations to a subsequent repowering planning application where relevant.</p>	
<p>Manufacturing</p>	<p>Hobkirk Community Council</p>	<p>Disappointingly, there is no mention in the draft guidance of manufacturing. We would like to see encouragement to developers to support local manufacturing of components. Currently most components are imported.</p>	<p>Whilst the Council would like to see the local manufacture of turbines, this would have no bearing on decision making and it is not considered justified to add this text. The promotion of local businesses to manufacture turbines would be addressed through other mechanisms</p>	<p>No change</p>
<p>Forestry and Woodland</p>	<p>Banks Renewables</p>	<p>Banks Renewables object to the requirement to provide off-site compensatory planting as close to the application site as possible within the Scottish Borders. The Control of Woodland Removal policy requires compensatory planting to be take place in Scotland (end note ix). It does not require compensatory</p>	<p>This is a requirement of LDP policy EP13 Trees, Woodlands and Hedgerows (see part b) as informed by the Scottish Borders Woodland Strategy Technical Advice Note (2012). which seeks to ensure the compensation is delivered in areas</p>	<p>No change</p>

		planting to be provided in the area within which the deforestation occurred. Restricting the area within which compensatory planting can take place could result in otherwise acceptable schemes being stalled due to land for compensatory planting not being secured in Scottish Borders due to the lack of land availability or commercial reasons.	affected by the development. In the unlikely event that sites could not be found within Scottish Borders it would be reasonable to seek locations elsewhere in Scotland. Such scenarios would require issues to be addressed such as ensuring implementation measures given the replanting would take place on land outwith the jurisdiction of the Council.	
Glossary of Terms	Borders Network of Conservation Groups / Minto Hills Conservation Group Amec Foster Wheeler on behalf of EDF Energy Renewables	<p>Apart from the suggestion that ‘community’ needs to be more closely defined (see page 4 of this Response), the only comment we would make on the Glossary is that it might benefit from the inclusion of an explanation of ‘cultural heritage’ or, at the very least, that term being included in the list of reasons why stakeholders attach importance to ‘Landscape Value’.</p> <p>It is requested that landscape related terminology should adopt the glossary provided in GLVIA 3 to avoid confusing issues and meaning of technical terms. The following GLVIA 3 definitions should be referred to:</p> <p>“Enhancement: <i>Proposals that seek to improve the landscape resource and the visual amenity of the proposed development site and its wider setting, over and above its baseline condition.”</i></p> <p>“Landscape Value: <i>The relative value that is attached to different landscapes by society. A landscape may be valued by different stakeholders for a whole variety of reasons.”</i></p> <p>“Landscape character: <i>A distinct, recognisable and consistent pattern of elements in the landscape that makes one landscape different from another,</i></p>	<p>A definition of “Cultural Heritage” has been added to the Glossary list.</p> <p>There is no one universal definition for each of the terms within the Glossary. There are variations of definitions between different documents and the dictionary, although in essence the general meanings are the same. It is considered the definitions in the Glossary are fine, though some suggestions which are not within the glossary have been added where considered appropriate</p>	<p>A definition of “Cultural Heritage” has been added to the Glossary list.</p> <p>Further definitions have been added to the glossary where relevant</p>

rather than better or worse.”

“Landscape Character Areas (LCAs): These are single unique areas which are discrete geographical areas of a particular landscape type.”

“Landscape Character Assessment (LCA): The process of identifying and describing variation in the character of the landscape, and using this information to assist in managing change in the landscape. It seeks to identify and explain the unique combination of elements and features that make landscapes distinctive. The process results in the production of a Landscape Character Assessment.”

“Landscape Character Types (LCTs): These are distinct types of landscape that are relatively homogeneous in character. They are generic in nature in that they may occur in different areas in different parts of the country, but wherever they occur they share broadly similar combinations of geology, topography, drainage patterns, vegetation and historical land use and settlement pattern, and perceptual and aesthetic attributes.”

“Sensitivity: A term applied to specific receptors, combining judgements of the susceptibility of the receptor to the specific type of change or development proposed and the value related to that receptor.”

“Landscape receptors: Defined aspects of the landscape resource that have the potential to be affected by a proposal.”

“Susceptibility: The ability of a defined landscape or visual receptor to accommodate the specific proposed development without undue negative consequences.”

“Visual receptors: Individuals and/or defined

		<p><i>groups of people who have the potential to be affected by a proposal.”</i></p> <p>“Zone of Theoretical Visibility (ZTV; sometimes Zone of Visual Influence): <i>A map, usually digitally produced, showing areas of land within which a development is theoretically visible.”</i></p>		
<p>Noise</p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 413</p>	<p>Borders Network of Conservation Groups / Minto Hills Conservation Group</p>	<p>Planning officers will perhaps not be surprised by our wish to comment on Noise as covered on pages 34 and 35. We are increasingly of the view, and trust that SBC may now share this view, that noise assessment as conducted by developers needs to take on board the points, some of which were most recently made in relation to the How Park Wind Farm application, but all of which were more comprehensively covered earlier in the Briefing Paper by Professor Gordon Hughes, as attached, which has been submitted to SBC on two previous occasions. We believe that all of the section on Noise in the SG needs to reflect this more developed understanding of noise assessment.</p> <p>Some more minor points in relation to the SG text are as follows. Under the heading “Large Wind Turbines” on page 34 the first sentence of the second paragraph should have an addition: “...and the professional qualification relating to noise and acoustics of the person or persons conducting the Assessment should be included in that Assessment”. On the following page, the condition that an independent noise assessment will be carried out once the wind farm is operating does not mention what sanctions might be used should such an assessment reveal a significant excess of</p>	<p>The Howpark Development is currently at Appeal and no conclusions can yet be reached on the adequacy of the submitted information.</p> <p>Breaches of Conditioned noise limits will be treated in the same manner as any other Planning Breach.</p>	<p>No change</p> <p>No change</p>

		<p>noise from that anticipated. We suggest that this is an important point to include to encourage compliance.</p> <p>Briefing note for SBC Planning Department prepared by Professor Gordon Hughes EIA Noise Assessments for Wind Farms. What are the identified weaknesses? It has become obvious that many of the noise assessments undertaken on behalf of wind farm developers to support their applications for planning consents are seriously flawed. In many cases consultants are employed to do this work, and produce bland reassuring assessments, often backed up with lengthy appendices to justify the conclusions. The mantra of compliance with the “ETSU Guidelines” is used as if this represents an official seal of approval.</p> <p>Background to ETSU-R-97 Guidelines As background, the ETSU-R-97 Guidelines were published in 1997 and are based on what was regarded as good practice in acoustics more than 20 years ago. Careful reading of the Guidelines reveals that they provide general advice rather than prescribing a single method of procedure. During the last two decades regulatory requirements for acceptable methods of data collection, statistical analysis and interpretation have changed radically and the Guidelines have not kept up with best practice. In addition, the interpretation of the ETSU Guidelines by consultants is frequently inconsistent with the legal requirements concerning environmental (impact) assessments (EA). Since noise assessments are simply one component of</p>	<p>The Council is not aware of any peer-reviewed evidence to support the statement that previous assessments have been deficient.</p> <p>ETSU Guidance has been updated by Supplementary Guidance, with six Appendices, produced by the Institute of Acoustics. The Scottish Government and Appeal reporters both acknowledge this now to be part of Official Guidance for assessing noise from wind energy developments.</p>	<p>No change</p> <p>No change</p>
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		<p>an EA, the fundamental principle must be that noise assessments comply with the purpose and legal framework for any EA.</p> <p>In EU and Scottish legislation the purpose of environmental assessment is (a) to identify potential adverse impacts of a project, and (b) to propose measures that will mitigate such impacts, especially when the impacts are significant.</p> <p>The decision-maker must then weigh any residual impacts against the potential benefits of the project. Despite the claims often made by consultants, the ETSU Guidelines do not override these requirements, nor do they establish any kind of presumption that noise levels below certain thresholds are acceptable.</p> <p>British Standard BS 4142.</p> <p>The key document on environmental noise is BS 4142:2014 – the most recent version of the British Standard on methods for assessing industrial and commercial noise. This includes many recommendations that are inconsistent with the application of the ETSU Guidelines. Two are particularly important:</p> <p>The representative background noise level will usually not be the average of background noise measurements. In fact, their example uses the most frequent noise level – the peak of the statistical distribution – as the appropriate background noise level. Other than in very unusual circumstances, this will always be lower than the average and is often much lower.</p> <p>1</p>	<p>ETSU and the IoA Supplementary Guidance are the guidance documents approved by the Scottish Government for the assessment of wind farm noise.</p>	<p>No change</p>
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		<p>noise, wind farms or music venues. It is both more up to date and more comprehensive than the ETSU guidelines and it has the force of any other British Standard.</p> <p>There is no basis or logic to any claim that it is irrelevant in the current context.</p> <p>Data collection and analysis.</p> <p>The starting point for any assessment of noise impacts is the collection and analysis of data on background noise. It is important to understand the implications of the way in which the data is collected and analysed. Drawing upon recent EIA assessments we have found many features that may introduce serious biases into the results. These include:</p> <ul style="list-style-type: none"> (a) poor siting of equipment and frequent breakdowns; (b) the exclusion of data on an apparently random basis or for reasons that do not reflect conditions – e.g. rain or stream noise – at the location being monitored; (c) problems in excluding extraneous sources of noise including nearby construction or wind farms; and (d) reliance upon data collected over short periods that are not representative of the conditions in which the wind farm will operate. <p>It is essential that the background noise data collected must be scrutinised carefully and consultants must be required to collect additional data when initial investigations are not satisfactory. The analysis of background noise data is an area of even greater concern. Acoustics consultants may be knowledgeable about acoustics but it</p>	<p>BS4142:2014 urges caution in its use at wind speeds over 5 metres per second. Most large wind energy developments operate at speeds well above this. The Guidance specifies the minimum survey duration and data capture requirements for all wind farm noise surveys. Non-compliant data can be discarded provided that the minimum data capture requirements are met. No evidence has been led to demonstrate that “<i>the exclusion of data on an apparently random basis</i>” occurs. In terms of the Guidance, Developers are required to exclude data gathered periods of rainfall. Stream noise at the monitoring location is a valid part of the normal background noise level. As explained above, data filtering techniques exist to remove the influence of existing wind energy developments on the background noise measurements. As mentioned previously, the Guidance specifies minimum survey durations and data capture. A specified minimum number of measurements must be captured over the full range of wind speeds and directions.</p>	No change
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		<p>appears that they have no expertise in statistical analysis. As a consequence, the statistical results presented in noise</p> <p>2 assessments would not pass regulatory scrutiny in medicine or other environmental disciplines. It is extremely unfortunate that ETSU-R-97 makes no reference to any statistical methods but instead uses, without valid justification, what is in effect an average figure at each wind speed. One does not have to be a statistician, however, to realise that this is totally inappropriate. People do not experience noise as an average over time, but as how it is heard at any instant. Typical rural background noise measurements show the instantaneous level varying by up to 15-20dB, which represents a perceived variation in noise of three to four times. While the average level may be one at which it is claimed (but has never in fact been demonstrated) that turbine noise will be masked, masking will certainly not occur at the lowest background levels. It cannot reasonably be argued that this is acceptable because at other times turbine noise may be more than adequately masked. Most frequent background noise level is thus more sensible and at least as simple to compute. However, even this must be applied with care as the real question needing to be addressed is quite obvious.</p> <p>(a) Will those exposed to noise from the project experience an increase in the noise – especially in the evenings and at night? (b) If so, how significant is the increase?</p>	<p>The methods for statistical analysis of the data are specified in Guidance and SBC has no remit in the matter. The use of time averaged noise levels is standard across many areas of acoustic. This metric has been specified in Guidance and SBC has no remit to change it. Turbine manufacturers are required to produce test results in respect of their products. These tests are undertaken using an internationally agreed methodology which can be independently repeated by other observers. The Council is unaware of any instances where this data has been successfully challenged. The masking data criteria have been set as part of the Guidance and SBC has no remit in the matter. The most frequent back ground level <u>is</u> what is used – L₉₀ is the level which is not exceeded for 90% of the time.</p> <p>These matters have already been discussed, above. The levels are specified in Guidance and have been based on WHO guidelines for</p>	<p>No change</p> <p>No change</p>
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<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 419</p>	<p>Natural Power Consultants on behalf of Fred Olsen Renewables Ltd</p>	<p>This cannot be answered by reference to averages. It is reasonable that those affected will want to know whether time spent in the garden during evenings or their sleep may be disturbed by turbine noise. How frequently will such effects occur – once a month or 2-3 days per week? Answering such questions requires a more sophisticated analysis of the background noise data which puts more emphasis on uncertainty and the variability of noise from different directions rather than overly simplified noise computations. All of this is emphasised in the guidance offered by BS 4142 but is usually ignored by those responsible for preparing the noise assessments for wind farms.</p> <p>(p34) The Council's intention to apply conditions with fixed day time limits of LA90, 10mins 35 dB is completely unacceptable, is at odds with the requirements at a national level to accommodate sustainable forms of energy generation, is at odds with the terms of policy ED9 and is at odds with the successful operation of wind farms across the UK under the normal and accepted implementation of ETSU R96. Circular 4/1998 lists 6 key tests that planning conditions must pass to be fit for purpose. These include being relevant to the development and reasonable in all other aspects. Using a standard condition in this case is not directly relevant to the proposed development and the potential noise restrictions that the project has been designed to work under and which may therefore be reasonable and appropriate to impose. This requirement should be deleted and replaced with the normal implementation of ETSU R96 noise</p>	<p>residential noise exposure. SBC has no remit in this matter. Noise penalties are added to noise predictions to account for measurement and other uncertainties. This is specified in the Guidance. BS4142:2014 is not approved by the Scottish Government for the assessment and rating of noise from wind energy developments. SBC has no remit in the matter.</p> <p>In the interest of protecting local amenity Scottish Borders Council aims to set fixed turbine noise limits to the lower end of the ETSU permitted range of values, unless there is a persuasive case for a higher limit.</p>	<p>No change</p>
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	<p>Minto Hills Conservation Group</p>	<p>standards.</p> <p>Noise is covered on pages 34 and 35. We are increasingly of the view, and trust that SBC may now share this view, that noise assessment as conducted by developers needs to take on board the points, some of which were most recently made in relation to the How Park Wind Farm application, but all of which were more comprehensively covered earlier in the Briefing Paper by Professor Gordon Hughes which we understand has been submitted to SBC on two previous occasions. We believe that all of the section on Noise in the SG needs to reflect this more developed understanding of noise assessment.</p> <p>Some more minor points in relation to the SG text are as follows. Under the heading “Large Wind Turbines” on page 34 the first sentence of the second paragraph should have an addition: “...and the professional qualification relating to noise and acoustics of the person or persons conducting the Assessment should be included in that Assessment”. On the following page, the condition that an independent noise assessment will be carried out once the wind farm is operating does not mention what sanctions might be used should such an assessment reveal a significant excess of noise from that anticipated. We suggest that this is an important point to include to encourage compliance.</p>	<p>The Howpark Development is currently at Appeal and no conclusions can yet be reached on the adequacy of the submitted information.</p> <p>It is a standard requirement for all Technical reports, that the qualifications of the Author are specified. Reports submitted without this information, will be rejected. Breaches of Conditioned noise limits will be treated in the same manner as any other Planning Breach.</p>	<p>No change</p> <p>No change</p>
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Responses to Environmental Report

<u>Issue</u>	<u>Respondent</u>	<u>Summary of Response</u>	<u>Council Response</u>	<u>Action</u>
General	Scottish Environment Protection Agency	We are content that the Environmental Report (ER) provides a satisfactory general assessment of the likely significant environmental effects of the Scottish Borders Council (SBC) Draft Supplementary Guidance (SG) – Renewable Energy. Subject to the detailed comments below we are generally content with the assessment findings. We are satisfied that our scoping report comments have been taken into account in the preparation of the ER and welcome the response of the SBC to our comments in Appendix A – Consultation Authorities Responses to Scoping Report. In general we welcome the reference to other LDP policies as mitigation measures in Appendix C-Full Assessment Results.	Support noted	No action required
	Scottish Environment Protection Agency	In para 4.3 text should be amended to make reference to “Renewable Energy SG” as opposed to “Wind Energy SPG”.	Agree	Para 4.3 has been amended to make reference to Renewable Energy SG
	Scottish Environment Protection Agency	We are satisfied that the Groundwater Dependent Terrestrial Ecosystems (GWDTEs) have been considered in the assessment as there is an objective related to it, however we note that GWDTEs have not been mentioned in the SG itself. As one of the aims of the SEA is to influence the preparation of the plan it relates to, we would recommend that the SG is changed	It is confirmed that the GWDTEs have now been referenced within the SG	The GWDTEs have been referenced within the SG

	Scottish Environment Protection Agency	<p>accordingly</p> <p>While we are satisfied with the assessment for the SEA Topic of Water, we would recommend making reference in the commentary to ‘the water environment’ rather than just water courses. It would be useful if both the SG and the ER clarified that the water environment includes wetlands, rivers, lochs, transitional waters (estuaries), coastal waters and groundwater</p>	Comments noted. Where required reference is made within both the SG and the ER to “the water environment” rather than just “water courses”	Where required reference is made within both the SG and the ER to “the water environment” rather than just “water courses” and what this term can include
Relationship with other plans and programmes	<p>Scottish Natural Heritage</p> <p>Scottish Natural Heritage</p>	<p>Key considerations in Table 2 (page 10) include “<i>Requirement for appropriate assessment</i>”. To reflect all stages in the process, including appropriate assessment, this should be updated to “<i>Requirement for Habitats Regulations Appraisal</i>”.</p> <p>On page 11, Table 2 includes “<i>Boxes to be added</i>” under National PPS for <i>Population and Human Health</i>. There appears to be information missing here and, to assist with future monitoring, we suggest that relevant considerations for greenspace would be “<i>Sets a vision for increased participation in walking and cycling</i>”.</p>	<p>Comments noted. It is confirmed the text has been changed as suggested to read “Requirement for Habitats Regulations Appraisal”.</p> <p>Comments noted. It was the intention to fill in the relevant information when it is confirmed / known. The text referred to is most useful and has been added to table 2</p>	<p>Text in table 2 (page 10) referring to “Requirement for appropriate assessment” has been changed to “Requirement for Habitats Regulations Appraisal”</p> <p>With reference to greenspace within table 2 reference is made to the considerations of “Sets a vision for increased participation in walking and cycling”</p>
Table 3 – Environmental	Scottish Natural Heritage	The following key consideration for Population and Human Health: “ <i>Having no adverse effect on human</i>	Comments noted. It is agreed that a more	The term “Having no adverse effect

perspectives and SEA objectives	Scottish Natural Heritage	<p><i>health.</i>” would benefit from review. We suggest that a more achievable criterion, in terms of monitoring and ability to revise proposals, would be “<i>Avoiding or minimising adverse effects on human health.</i>”</p> <p>The first key consideration under the Soil topic concludes with “...<i>maintaining a high level of soil quality</i>”. This is quite general and, as it relates to a range of soil types including peat, it may be useful to take this into a separate consideration which encompasses the following in support of more targeted monitoring:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Maintain or improve organic matter content; <input type="checkbox"/> Reduce pollution levels in soils; <input type="checkbox"/> Promote good/best land management practices. 	<p>achievable criterion would be the removal of “Having no adverse effect on human health” To be replaced by “Avoiding or minimising adverse effects on human health.”</p> <p>It is agreed the text can be developed to incorporate more detailed reference to</p> <ul style="list-style-type: none"> • Maintain or improve organic matter content; • Reduce pollution levels in soils; • Promote good / best land management practices. 	<p>on human health” to be replaced by “Avoiding or minimising adverse effects on human health”</p> <p>Text to be updated to include reference to</p> <ul style="list-style-type: none"> • Maintain or improve organic matter content; • Reduce pollution levels in soils; • Promote good / best land management practices
Table 4 – Environmental Baseline Information	Scottish Natural Heritage	Information on carbon rich soils is available on the Scotland’s Soils website ¹ . It should however, be noted that this website is in Beta at present and any feedback on content would be welcomed.	Comments noted	Comments noted. No change
	Scottish Natural Heritage	The European Landscape Convention ² (ELC) highlights the importance of all landscapes, encouraging more attention to their care and planning. As the UK is a signatory to the ELC, baseline information in support of the all landscape approach should be included in the SEA. We therefore recommend that the Borders Landscape Character Assessment is added as relevant baseline information.	The Borders Landscape Character Assessment has been added as relevant baseline information.	The Borders Landscape Character Assessment has been added as relevant baseline information within table 4
Likely evolution of the	Scottish Natural Heritage	We generally agree with the assessment of the likely future changes if the supplementary guidance were not in place. However, we suggest that it is non-designated	Comments noted	No change

environment without the SG on Renewable Energy		sensitive landscapes and habitats that would not be sufficiently protected as designated sites are protected whether the supplementary guidance is in place or not.		
Changes to the Supplementary Guidance as a result of the SEA	Historic Environment Scotland	Appendix A, in response to advice from the Consultation Authorities, states that the Environmental Report will identify any changes to the Plan as a result of the SEA. However, this information was not included within the Environmental Report. The Post Adoption Statement should explain how the environment considerations and the environmental report have influenced development of the Supplementary Guidance.	Comments noted. The post Adoption Statement will explain how the environment considerations and the environmental report have influenced development of the Supplementary Guidance	Comments noted. The post Adoption Statement will explain how the environment considerations and the environmental report have influenced development of the Supplementary Guidance
Assessment Findings	Historic Environment Scotland	It is unclear why the assessment of the spatial framework has focused only on the effect upon two heritage asset types (Inventory Battlefields and Inventory Designed Landscapes) which fall within <i>Group 2: Areas of significant protection</i> . The assessment should also have considered effects on other heritage assets which are classified as <i>Group 3: Areas with potential for wind farm development</i> and are therefore more likely to be subject to negative effects, requiring the identification and implementation of effective mitigation.	Group 3 Areas with potential for wind farm development are effectively very large areas of land across the Scottish Borders. It is not considered reasonable nor justified to carry out long winded and highly time consuming exercises to consider issues / mitigation measures for land which only a very small part of may have applications for wind farms submitted within them. When such applications are submitted, relevant site specific environmental issues and potential mitigation	No change

			measures will be addressed at that stage	
Assessment Results of Wind Energy SPG	Scottish Natural Heritage	<p>The summary of the effects set out in this section of the Environmental Report presents a useful overview of the assessment. However, the language used in places is lacking in objectivity, such as at paragraph 4.3.2 where wind farms are described as “...<i>the main threat</i>...” to biodiversity. The assessment should consider <i>impacts</i>, both positive and negative, rather than <i>threats</i>.</p> <p>The summary of the assessment of effects on landscape in paragraph 4.3.10 does not include wild land, which is included in Table 1 of Scottish Planning Policy (SPP) as a nationally important mapped environmental interest. Scottish Borders includes one of the areas shown on the Wild Land Areas 2014 map3 (number 2: Talla – Hart Fell). It is not currently clear that this area of significant protection has been included in the assessment. This information is also omitted from <i>Appendix B: SEA Baseline Data</i>.</p>	<p>The word threat has been removed from the Env Report</p> <p>Reference to Wild Land at Tall - Hart Fell has been added to the EA and Appendix B</p>	<p>The word threat has been removed from the Env Report</p> <p>Reference to Wild Land at Tall - Hart Fell has been added to the EA and Appendix B : SEA baseline data</p>
Monitoring	Scottish Natural Heritage	The proposal that monitoring is incorporated into existing performance monitoring seems proportionate. However, it is essential that there is a link to significant environmental effects and your identified indicators if those are not already included in your current performance monitoring regime.	Comments noted. Monitoring of planning approvals and ensuring implementation and required mitigation measures are carried out is an important part of the process. The Council ensures consent and related planning requirements are fully implemented	No change
Shadow Flicker	Scottish Environment Protection Agency	The issue of shadow flicker for wind farms does not seem to be covered in the ER. Is it meant to be included in the visual effects? This could be a significant negative effect in relation to human health. We note however that this	Shadow flicker is included within the SG and referred to in para 3.5.1 of the ER, although it is rarely a major	Reference to shadow flicker has been further added to the EA in table 3

		has been covered in the SG itself (page 35).	issue within SBC's experience. However reference to shadow flicker has been further referred to in the ER	and para 4.3.3
Appendix A	Scottish Environment Protection Agency	On a small note, please note that there is repetition of some text in page 9 of Appendix A and Table 2 has reference to 'boxes to be added'.	Text repetition will be removed. Relevant text has been added to table 2 in respect of the "boxes to be added" comments	Text repetition will be removed. Relevant text has been added to table 2 in respect of the "boxes to be added" comments
Appendix C: Full Assessment Results	Scottish Natural Heritage Scottish Environment Protection Agency	The information in Appendix C is very clearly presented and accessible, we welcome the approach used to set out scoring, commentary, mitigation and monitoring. In Appendix A (C) – Full Assessment, we note that for air the objective relates to toxins or gases but the commentary refers to noise and odour. The compliance with the SEPA Guidance and regulatory regimes should ensure that harmful emissions are minimised (especially for Energy from Waste proposals). Please see link to the Thermal Treatment of Waste Guidelines: http://www.sepa.org.uk/media/28983/thermal-treatment-of-waste-guidelines_2014.pdf	Support noted Text amended and link referred to as suggested by SEPA	Support noted Text amended and link referred to as suggested

ⁱ Decommissioning and Restoration Plans for wind farms. SNH (2016)

ⁱⁱ Research and guidance on restoration and decommissioning of onshore wind farms: SNH Commissioned Report No. 591

ⁱⁱⁱ Decommissioning and Restoration Plans for wind farms. SNH (2016)

^{iv} Research and guidance on restoration and decommissioning of onshore wind farms: SNH Commissioned Report No. 591

^v Decommissioning and Restoration Plans for wind farms. SNH (2016)

^{vi} Research and guidance on restoration and decommissioning of onshore wind farms: SNH Commissioned Report No. 591

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HAWICK FLOOD PROTECTION SCHEME REQUEST FOR DELEGATED AUTHORITY

Report by Service Director Assets & Infrastructure
SCOTTISH BORDERS COUNCIL

29 March 2018

1 PURPOSE AND SUMMARY

- 1.1 **This report requests that the Council provides the Service Director Assets & Infrastructure the delegated authority to commence the land purchase negotiations and use the appropriate Compulsory Purchase Order powers where required; and provide the Chief Legal Officer the delegated authority to use the powers under the Flood Risk Management (Scotland) Act 2009 to allow entry to land for the construction of the Scheme.**
- 1.2 The reports that were submitted to Scottish Borders Council in 2017 did not provide the appropriate officers the delegated authority to use legislative powers to take entry to land or purchase land. This report requests this delegated permission.
- 1.3 Following a six week re-publication of the Scheme, following a Final decision to Confirm the Scheme by Scottish Borders Council on 21 December, there were no appeals registered with the Sheriff Court in Selkirk which means that the Scheme is now 'Operative' under the Flood Risk Management (Scotland) Act 2009. This is a key milestone in achieving the 80% Scottish Government funding for the Main Works.
- 1.4 The detailed design and advanced works are commencing well and the Project Team continue to proactively engage with the public in relation to both elements.
- 1.5 Now that Hawick Flood Protection Scheme 2017 is 'Operative' the project team will support the Planning Team to submit the package of information to Scottish Ministers to consider 'Deemed Planning' in accordance with Regulation 14 of Flood Risk Management (Flood Protection Schemes, Potentially Vulnerable Areas and Local Plan Districts) (Scotland) Regulations 2010.

2 RECOMMENDATIONS

2.1 It is recommended that the Council:

- (a) **provides the Service Director Assets & Infrastructure the delegated authority to commence the land purchase negotiations and use the appropriate Compulsory Purchase Order powers where required.**

- (b) provides the Chief Legal Officer the delegated authority to use the powers under the Flood Risk Management (Scotland) Act 2009 to allow entry to land for the construction of the Scheme.**
- (c) provides the Chief Legal Officer the delegated authority to use the powers under the Flood Risk Management (Scotland) Act 2009, if required, to request a Sheriff or justice of the peace to authorise entry to land if entry has been obstructed.**

3 CURRENT APPROVAL BY COUNCIL

3.1 On 21 December 2017 Scottish Borders Council made a Final Decision to 'Confirm' the Hawick Flood Protection Scheme 2017. As part of that decision the Council also agreed the following recommendations:

- c) Provides the Scheme's Project Executive with the authority to: continue the Scheme's Detailed Design; commence the Advanced Works; and undertake the procurement of a Main Works Contractor; and**
- d) Authorises the Scheme's Project Executive, in consultation with the Chief Legal Officer to manage any appeal against the Scheme in the event that such an appeal is made to the Sheriff Court; and**
- e) Provides the Scheme's Project Executive with the authority to request that the Scottish Ministers direct that planning permission is deemed to be granted in accordance with Regulation 14 of the FRM's 2010 Regulations after the commencement of the Scheme.**

4 CURRENT STATUS OF PROJECT

- 4.1 As detailed in the report of 21 December 2017 the Scheme was re-published (as per Paragraph 10 (2) of Schedule 2 of the Flood Risk Management (Scotland) Act 2009) on 19 January 2018. The notifications were undertaken as per the original publication of the Scheme on 28 April 2017, with circa 4000 letters to owners/occupiers/tenants of land affected; street notices and publications in the local press including the Edinburgh Gazette.
- 4.2 There were no actions raised with the Sheriff Court in Selkirk by the deadline of 2 March 2018, therefore the Scheme is now 'Operative' and has a legal standing in relation to the Flood Risk Management (Scotland) Act 2009, the Town & Country Planning (Scotland) Act 2006 and other associated Acts and it has obtained another Milestone in achieving 80% Scottish Government funding towards the Main Works Contract.
- 4.3 The detailed design and the advanced works are both progressing at pace and continue to require the communities involvement. The works to remove utilities from the footprint of the works will commence in April/May 2018 and continue for at least 12 months, with the likelihood of an overlap with the main works.
- 4.4 The detailed design will be complete by Summer 2018 to allow the commencement of the Main Works Contractor procurement to commence in Autumn 2018.
- 4.5 The Project Team are working with Sustrans at the moment to identify significant improvement opportunities to create a cycle route through the town to connect residential areas with business and recreational areas and promote sustainable transport. This potential scheme could attract significant funding from Sustrans if approved.

5 LAND PURCHASE

5.1 The Scheme will be constructed over a period of approx. 36 months

and has a design life of 100 years. The Scheme's defences will change the landscape permanently within the town and it will be difficult to envisage a situation where the new flood defences are no longer required in 100 years. The Scheme must therefore consider land ownership for both the construction period (temporary) and thereafter (permanent for maintenance / repair / replacement).

5.2 The project team have identified four difference approaches through which the Scheme can gain access to land under the Flood Risk Management (Scotland) Act 2009:

- (1) Compulsory Land Purchase;
- (2) Negotiated Land Purchase;
- (3) Temporary Land Take; and
- (4) Permanent Land Take.

Two further approaches to land take have been identified and are proposed by the Scheme, however it is noted that in many ways these are simply bespoke tailoring of the four main approaches above:

- (5) Disposal of Land; and
- (6) Individual Agreements.

5.3 Compulsory Land Purchase:

The Flood Risk Management (Scotland) Act 2009 does not empower the Council to obtain land through compulsory purchase; it merely makes provision for empowering the Council to take entry to land. Compulsory Purchase of land not involving a new road or railway would require to be advanced under the provisions of the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947.

5.4 Negotiated Land Purchase:

This approach advocates that the Scheme will purchase outright, through a negotiated agreement with the land owner, an area of land for the purposes of delivering the Scheme. In each specific instance where this is proposed a unique business case will be developed. It is not intended to purchase land simply to own the land but rather to purchase it where the advantages of ownership greatly outnumber the disadvantages. It is further noted that in each case the Scheme will consider if it can dispose of some or all of the land once the construction stage is complete.

5.5 Temporary Land Take:

In most instances the Scheme will not purchase land. Instead it will require temporary use of areas of land to undertake the construction work. This is defined as temporary land take. The Council is empowered by Section 79 (2) (e) of the Flood Risk Management (Scotland) Act 2009 to take entry to the land. The boundary of the temporary land take is generally within the Limit of Land Affected, but in some cases it will be necessary to take access to land out with the Limit of Land Affected (e.g. some of the proposed site compounds). Powers to gain access to this land will require to be carried out separately under agreement with the land owner. The duration of the use of the land will be defined by the construction plans and the construction programme however it is recognised that in some

instances the duration may be a season longer than the works e.g. where agricultural production is lost for a season / year. In these situations the land will remain in the ownership of the existing owner and the Scheme will hand back the land at the end of the period of use. During the period of usage it is assumed that no access will be available to the existing owner. As most of the land required by the Scheme is to be obtained through this approach it is not considered possible to provide the full detail of the locations where this is proposed in this report as in most cases the individual owners have not been contacted by the Project Team yet in relation to this topic.

5.6 Permanent Land Take:

This approach is similar to the temporary land take approach as defined in section 5.5. The difference here is that the areas in question are being considered from the end of the construction period and indefinitely thereafter. In most instances, these areas will be permanently removed from their current usage due to the presence of the new flood protection defences e.g. the area taken up by the new embankments/walls. The ownership of the land will remain with the existing owner. In almost every case the permanent area will be smaller than the comparable temporary area at that location, and will in every case be contained within the Limit of Land Affected. As most of the land required by the Scheme is to be obtained through this approach it is not considered possible to provide the full detail of the locations where this is proposed in this report as in most cases the individual owners have not been contacted by the Project Team yet in relation to this topic. .

5.7 Disposal of Land:

The Scheme will change the physical landscape due to the presence of new defences (e.g. flood walls, flood embankments and new culverted sections). In some instances this will result in small areas of land becoming isolated from the remaining part of an owners land and vice versa. It is proposed that for this reason, and also so that the Scheme can sell/transfer land that is not essential to remain in Council ownership, that the Scheme have an approach to disposing of land. Depending on how the land was acquired in the first place will determine the disposal route:

- a) Land obtained through Compulsory Purchase – this route requires any excess land to be offered back to the original owner (at market rates) prior to any sale on the open market.
- b) Land obtained through negotiation – this route provides the Council the flexibility to dispose of any excess land through the most appropriate means.

5.8 Individual Agreements:

The Project Team have only at this point negotiated one individual agreement to enter land in advance of the Scheme becoming 'Operative'. On the basis on this project status this option will no longer be required.

5.9 It is noted that the Council are a land owner and that in a number of locations the Council owns land on which the Scheme is to be built (e.g. Common Good Land, High School etc). In these instances the land can be treated through any / all of the Land Take approaches that are

appropriate. The relevant Council manager for the land will be engaged with in the same way as any other land owner so that the correct approach can be agreed on.

- 5.10 The Scheme recognises that the Council does not wish to own land simply to own it. The Scheme will therefore only progress with land purchases where it is most beneficial to the Scheme and will endeavour to return/dispose of as much land as possible on completion of the Scheme. In both instances it will strive to obtain greatest benefit to the Scheme and the Council within the context of the Scheme's Objectives.
- 5.11 A full database of landownership within the Limit of Land Affected is held by the project team and the consultation with owners will commence if the recommendations of this report are approved

6 TEMPORARY ACCESS TO LAND

- 6.1 Sections 79, 80 & 81 in Part 6 of the Flood Risk Management (Scotland) Act 2009 provides the ability for the local authority to enter any land on which scheme operations are to be carried out, for the purposes of carrying out the operations or of executing any temporary works in relation to them.
- 6.2 This report has identified that the majority of the works will be carried out on land not owned by the authority at this point (this may change depending on the Land Purchase Strategy). Where areas of land remain in 3rd party ownership at the point of construction (Advanced Works or Main Works) the Authority will have to utilise the powers in Section 79, 80 & 81 in Part 6 of the Flood Risk Management (Scotland) Act 2009. Therefore this report requests that the delegated authority is provided to the Chief Legal Officer to use the appropriate powers within the Flood Risk Management (Scotland) Act 2009 when access to land is required.

7 PROGRESS UPDATE - DEEMED PLANNING CONSENT

- 7.1 Where a Scheme is confirmed 'Operative' under the Flood Risk Management (Scotland) Act 2009, 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 Flood Risk Management (Scotland) Act 2009 and Regulation 14 of the 2010 Regulations.
- 7.2 Regulation 14 (2) & (3) of the 2010 Regulations states that:
- (2) A request under paragraph (1) must be made to the Scottish Ministers in writing and must be accompanied by –
- a) A brief description of the nature and purpose of the confirmed scheme;
 - b) A copy of the confirmed scheme;
 - c) A summary of the scheme documents; and
 - d) A summary of the environmental statement (if any).
- (3) A request under paragraph (1) may be accompanied by any other material which the local authority considers relevant to the grant of deemed planning permission.
- 7.3 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.

- 7.4 Now that the scheme has reached the milestone of being 'Operative' the Project Team will be in a position in April 2018 to request that the Scottish Ministers direct that planning permission is deemed to be granted in accordance with Regulation 14, and supported by the suite of documentation produced by the Project Team under Regulation 14 (2) and (3).

8 IMPLICATIONS

8.1 Financial

- (a) The District Valuer is currently undertaking a robust analysis of land and compensation cost associated with the proposed temporary and permanent land take for the works. This assessment will be fed into the total scheme costs and replace the current estimate and risk allowances that exist.
- (b) The Project Team and Sustrans are continuing to discuss the approval of funding towards a new cycleway network within Hawick.

8.2 Risk and Mitigations

There is a Hawick Flood Protection Scheme project risk register that is regularly reviewed and updated. The key risks relating to this stage in the project process are as follows:

- (a) There is a risk that even with the use of Compulsory Purchase Order powers (to be used as a last resort) we will not have the land required vested in the Council at the point where we need to take entry to deliver the works. This risk is mitigated in Flood Risk Management (Scotland) Act 2009 by providing powers of entry for the authority to undertake the works and conclude any outstanding land purchase requirements in parallel or after the works are complete.
- (b) If an individual landowner obstructs the access to land to allow the authority to undertake any of the duties allowed under the Flood Risk Management (Scotland) Act 2009, then the Chief Legal Officer would have to raise an action with the Sheriff Court to warrant entry to the land. Unfortunately this process could take several months to complete and should only be used as a last resort. The project team will be mitigating this risk through proactive engagement with all landowners if the recommendations of this report are agreed.
- (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.

8.3 Equalities

A full Equalities Impact Assessment for the scheme has been undertaken. Equalities issues have been taken into account as the scheme has developed and will continue to be monitored and analysed through the detailed design phase. The project aligns with Priority 1, 4, 5 & 7 of the Council eight equalities priorities of the 'Mainstreaming Report and Equalities Outcomes 2017 - 2021.

8.4 Acting Sustainably

There are no effects at this stage of the project.

8.5 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.

8.6 Rural Proofing

Not applicable.

8.7 Changes to Scheme of Administration or Scheme of Delegation

Not applicable.

9 CONSULTATION

- 9.1 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)

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Background Papers: 28 March 2013, 29 September 2016, 23 February 2017, 2 November 2017, 21 December 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.

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SCHEME OF DELEGATION

Report by Chief Executive

SCOTTISH BORDERS COUNCIL

29 March 2018

1 PURPOSE AND SUMMARY

- 1.1 **This report seeks approval for an amended Scheme of Delegation to take account of changes in management structure within the Council and some legislative updates.**
- 1.2 It is a statutory requirement for the Council to keep a list of delegated powers to Officers and this is detailed in the Scheme of Delegation. The Scheme of Delegation is one part of the Council's wider governance framework, which also includes Standing Orders, Scheme of Administration and Financial Regulations, and these documents collectively encapsulate and define the Scottish Borders Code of Governance. By delegating authority to Officers, this allows speedy and responsive decisions on a day to day basis; freeing up the formal decision making structure of Council to focus on strategic decisions which are taken under full public scrutiny; and in turn, Officers are held fully accountable for the decisions they take.
- 1.3 The current Scheme of Delegation was last approved in its entirety by Council on 26 June 2014 to take account of a new management structure, and there have been a number of minor amendments to the Scheme since then, either approved by Council, or made by the Clerk to the Council using her delegated authority. The latest edition of the Scheme is attached in the Appendix to this report, with proposed changes marked in red. The main changes are being made to take account of the current corporate management structure/job titles, and also some updates to delegated powers for Officers, which are highlighted in paragraph 4.2 of the report.

2 RECOMMENDATIONS

- 2.1 **I recommend that the Council approves the amended Scheme of Delegation as detailed in the Appendix to this report.**

3 BACKGROUND

- 3.1 Section 50(G)(2) of the Local Government (Scotland) Act 1973 states that “the local authority shall maintain a list (a) specifying those powers of the authority which, for the time being, are exercisable from time to time by officers of the authority in pursuance of arrangements made under this Act or any other enactments for their discharge by those officers; and (b) stating the title of the officer by whom each of the powers so specified is for the time being so exercisable; but this subsection does not require a power to be specified in the list if the arrangements for its discharge by the officer are made for a specified period not exceeding six months. The Council’s Scheme of Delegation fulfils this requirement, detailing those functions, both statutory and non-statutory, which Council has chosen to delegate to Officers.
- 3.2 The Scheme of Delegation is one part of the Council’s wider governance framework, which also includes Standing Orders, Scheme of Administration and Financial Regulations, and these documents collectively encapsulate and define the Scottish Borders Code of Governance. By delegating authority to Officers, this allows speedy and responsive decisions on a day to day basis; freeing up the formal decision making structure of Council to focus on strategic decisions which are taken under full public scrutiny; and in turn, Officers are held fully accountable for the decisions they take.
- 3.3 Officers exercising delegated powers in terms of the Scheme of Delegation are expected, where appropriate, to consult with, and keep advised, the relevant Executive member(s) and local Members. The Officers named in this Scheme may choose to further delegate any of these powers to other appropriate officers within their Service, as long as a written record of such further delegation(s) is kept within the relevant Service.

4 AMENDMENTS TO THE SCHEME OF DELEGATION

- 4.1 The current Scheme of Delegation was last approved in its entirety by Council on 26 June 2014 to take account of a new management structure, and there have been a number of minor amendments to the Scheme since then, either approved by Council, or made by the Clerk to the Council using her delegated authority to amend the Scheme to take account of new or amended legislation, Council policy and procedures, or Council decisions.
- 4.2 The latest edition of the Scheme is attached in the Appendix to this report, with changes marked in red. The main changes are being made to take account of the changes to the corporate management structure/job titles. The other areas where changes have been made are –
- (a) Emergency Planning Officer – updated authority to take account of the Regional or Local Resilience Partnership Groups (replacing the Lothian & Borders Strategic Co-ordinating Group and Lothian & Borders Tactical Sub-Group)
 - (b) Executive Director – removal of authority regarding sports and leisure events, activities and venues as this is now carried out by Live Borders

- (c) Chief Planning Officer – minor amendments to take account of changes to legislation; homologation of current activities for roads construction and vehicular accesses
- (d) Assessor and Electoral Registration Officer – demarcation of roles for Assessor and Electoral Registration
- (e) Chief Legal Officer – amendment to delegated authority in Protective Services to better reflect legislation and to include all legislation within an Appendix to the Scheme
- (f) Chief Officer – Health and Social Care Integration – new role included in the Scheme to reflect management of Council services but with no specific delegated functions at present

5 IMPLICATIONS

5.1 Financial

There are no costs attached to any of the recommendations contained in this report.

5.2 Risk and Mitigations

It is a statutory requirement that the Council keeps a list of delegated powers to Officers. Should these decision-making powers not be delegated to Officers then reports would require to be considered by Council committees which in turn would have a major impact on the day to day operation of Council services. Officers with delegated powers are held fully accountable for the decisions they take.

5.3 Equalities

There are no adverse impacts in terms of age, disability, gender, race, sexual orientation, pregnancy and maternity or religion and belief, from the proposals in this report.

5.4 Acting Sustainably

There are no economic, social or environmental effects from the proposals within this report.

5.5 Carbon Management

There are no effects on the Council's carbon emissions from the proposals in this report.

5.6 Rural Proofing

There is no specific impact on rural areas from the proposals in this report.

5.7 Changes to Scheme of Administration or Scheme of Delegation

This report details changes to the Scheme of Delegation. There are no changes to the Scheme of Administration.

6 CONSULTATION

- 6.1 The Chief Financial Officer, the Monitoring Officer, the Chief Legal Officer, the Chief Officer Audit and Risk, the Service Director HR and the Corporate

Management Team have been consulted and any comments received have been incorporated into the final report.

Approved by

Tracey Logan
Chief Executive

Signature

Author(s)

Name	Designation and Contact Number
Jenny Wilkinson	Clerk to the Council (01835 825004)

Background Papers: Nil

Previous Minute Reference: Scottish Borders Council, 26 June 2014

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, Council Headquarters, Newtown St Boswells, TD6 0SA
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Scottish Borders Code of Governance

The Scheme of Delegation

Openness

Accountability

Responsiveness

Democracy

Scottish Borders Council
(29 March 2018)

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SECTION I INTRODUCTION

This revised Scheme of Delegation is to be approved by Scottish Borders Council on **21 December 2017** to meet the requirements of Section 50G(2) of the Local Government (Scotland) Act 1973. The Scheme contains details of those functions, both statutory and non-statutory, which Council has chosen to delegate to Officials.

This Scheme of Delegation needs to be read and used alongside the Council's Standing Orders, Financial Regulations, and Scheme of Administration, which together make up the wider framework of governance within the Borders, and collectively encapsulate and define the 'Scottish Borders Code of Governance'. That Scottish Borders Code of Governance is based on the principles of:-

- Openness
- Accountability
- Responsiveness
- Democracy

The Scheme of Delegation contributes to the Code of Governance and these fundamental principles by defining a route for certain decisions which enables the Council to be:-

- Speedy and responsive: in the taking of decisions;
- Efficient: by freeing the formal decision-making structures of the Council to focus on other key decisions which have to be taken under full public scrutiny;
- Accountable: by holding appropriate staff fully accountable for the decisions they take.

Officers exercising delegated powers in terms of this Scheme will be expected, wherever appropriate, to consult with and keep advised the relevant Executive Member(s) and Local Members.

Scottish Borders Council authorises any Officer with specific delegated powers, duties or responsibilities referred to within this Scheme - with the approval of the Chief Executive or ~~Depute Chief Executive(s)~~ **Executive Director** or their **Service Director** - to further delegate any of these powers etc. to other appropriate officers, as long as a written record of such further delegation(s) is kept within the relevant Service. Any Officer using delegated powers will be fully accountable to Scottish Borders Council for their actions.

The Chief Executive or either of the ~~Depute Chief Executives~~ **Executive Directors** are also authorised to act in the absence of any **Service Director**.

The authority delegated to Officers through this Scheme must be used not only in accordance with the terms of the Council's Standing Orders, Financial Regulations, and Scheme of Administration, but also in accordance with all relevant Council Policies, Procedures and Guidelines.

SECTION II

PROVISIONS APPLICABLE TO CHIEF EXECUTIVE, ~~DEPUTE CHIEF EXECUTIVES~~ EXECUTIVE DIRECTORS AND ALL SERVICE DIRECTORS

The Chief Executive, ~~Depute Chief Executives~~ Executive Directors and all Service Directors are authorised to:

1. Amend the organisational structure of their Services, including the number and designations of posts, and any compulsory redundancy, subject to the following conditions:
 - (a) the appropriate Executive Member(s) has/have been consulted and give approval;
 - (b) the costs of the amendments are within the existing Revenue or Capital Budget(s) and this is confirmed by the Chief Financial Officer or representative;
 - (c) the ~~Chief Officer~~ – Service Director - Human Resources or representative approves the grading and designation of posts;
 - (d) the Executive Committee notes any pension and other termination costs falling on the Council, arising from any compulsory redundancy;
 - (e) the Executive Committee approves any pension and other termination costs falling on the Council, arising from the termination of any employment contracts, other than compulsory redundancy.
2. Appoint all employees, within their respective Services and agreed Service Budgets, below the level of Chief Officer, except any Teacher whose appointment is subject to parental involvement legislation.
3. Dismiss all employees within their respective Services.
4. Set the salary placing of all new employees on appointment within the grade applicable to the post.
5. Action virement within the overall Revenue Budget for their Services, in accordance with Financial Regulations, and subject to confirmation by the Chief Financial Officer or representative.
 - 6. Appoint consultants and other third parties, within approved policy and budget, to provide services in accordance with Standing Orders and Financial Regulations.
7. Consult and negotiate with recognised Trades Unions in consultation with Human Resources.
8. Approve attendance of any employee within their respective services at conferences or other similar events within the UK.
9. Sign contracts for works and the supply of goods and services in accordance with Standing Orders and Financial Regulations and in compliance with the Council's approved Procurement Strategy and Procedures.

10. Bid for external work in accordance with relevant Council policies and legislation.
11. **Sign off responses** Respond to Scottish Government, UK Government, EU/EC and other relevant consultations **which relate to operational processes where a professional or technical response is required, on the proviso that the response is:**
 - (a) consistent with the Council's existing policy position; and
 - (b) complies with Officers' duty of political impartiality.

SECTION III

CHIEF EXECUTIVE

A. General

1. The Chief Executive is authorised to carry out all functions and responsibilities (except where a specific professional qualification is required to be held) in terms of all relevant legislation and regulations, and within policy and budget, for **all Council** the following services, including the following specifically:-

Emergency Planning
Business Continuity
Safety Advisory Group (SAG)

2. The Chief Executive also holds the appointment of Returning Officer for the Scottish Borders Council area, and is entitled to exercise all functions relevant to that post, including the determination of arrangements for local government elections and the fees payable to persons carrying out duties in that connection, without further reference to or authorisation from the Council. In the absence of the Chief Executive, these functions shall be exercised by the Depute Returning Officer(s).

B. Specific Delegated Functions

The following specific functions of Council are delegated:-

Chief Executive

1. Maintain list of politically restricted posts. (*Local Government and Housing Act 1989*)
2. Act as Head of Paid Service. (*Local Government and Housing Act 1989*)
3. Authorise the implementation of National and Local Agreements relating to pay and conditions of service, in consultation with the ~~Chief Officer~~ **Service Director** - Human Resources.
4. Appoint an acting ~~Depute Chief Executive~~ **Executive Director, Service Director** or second-tier Officer when an ~~Depute Chief Executive~~ **Executive Director, Service Director** or second-tier officer is absent or if the post is vacant, in consultation with the Leader of the Council and the appropriate Executive Member(s).
5. Take any appropriate measures which may be required, either in response to emergency situations, or in the event of a Major Incident being declared and the procedures in the Major Incident Plan invoked, subject to informing the Leader and appropriate Executive Member(s). This will include the authorisation of expenditure in accordance with the Financial Regulations.
6. Authorise civic hospitality within agreed budget in consultation with the Convener or Vice Convener of the Council.

7. Take Emergency Powers in compliance with Procedural Standing Order No. 49 of the Scottish Borders Code of Governance.
8. Decide whether the Vexatious Complaints and Correspondence Policy is to be applied or not – a nominated Depute can make this decision on behalf of the Chief Executive.
9. Act as Authorising Officer. (*Regulation of Investigatory Powers (Scotland) Act 2000*)
10. Convene meetings as required of the Members Sounding Board: Political Management Arrangements, in consultation with the Convener, in the following terms:
 - (a) Constitution: Convener, Leader, and one member from each of the constituted political groups in the Council;
 - (b) Quorum: 3 members of the Board
 - (c) Function: to consider any matters requiring broad political input prior to consideration by Council.

NOTE

In the absence of the Chief Executive, the above delegated functions may be carried out by one of the ~~Depute Chief Executives~~ **Executive or Service Directors**.

EMERGENCY PLANNING OFFICER

1. In the absence of the Chief Executive and in the event of an emergency, that involves or threatens danger to life or substantial damage to property, take action and incur expenditure to mitigate the effects of that emergency. (*Local Government (Scotland) Act 1973, Section 84 as amended*).
2. Act on decisions of the **Regional Resilience Partnership or the Local Resilience Partnership groups** in relation to emergency planning issues.
3. Undertake tasks on behalf of the Lothian and Borders **Local Resilience Partnership in** relation to emergency planning issues.
4. Incur expenditure, within policy and budget, in providing training to members of recognised voluntary groups who would be involved in the response to major emergencies (e.g. **Salvation Army**, Red Cross).

SECTION IV

EXECUTIVE DIRECTOR

A. General

1. The ~~Corporate Transformation and Services~~ **Executive** Director is authorised to carry out all functions and responsibilities (except where a specific professional qualification is required to be held) in terms of all relevant legislation and regulations, and within policy and budget, for the following services:

- Strategic Policy
- Economic Development
- Business Gateway
- Regeneration
- Rural Development
- EU Programmes
- Employment Infrastructure
- Tourism & Events
- Low carbon economy

B. Specific Delegated Functions

The following specific functions of Council are delegated:-

CHIEF OFFICER - ECONOMIC DEVELOPMENT

1. Authorise economic grants, within budget, according to current Council policy.
2. Respond to Scottish Government, UK Government, EU/EC and other consultations relevant to economic development as appropriate.

SECTION V EXECUTIVE DIRECTOR

A. General

1. The Executive Director is authorised to carry out all functions and responsibilities (except where a specific professional qualification is required to be held) in terms of all relevant legislation and regulations, and within policy and budget, for the following services:

Commercial Contracts
Arm's Length Bodies
Live Borders
SB Cares (including Bordercare)

B. Specific Delegated Functions

The following specific functions of Council are delegated:-

Community Services and Sports Trusts

1. Negotiate partnership and service level agreements and disburse grant funding to organisations and individuals.
2. Make grants, within policy and budget, to relevant local Sports Councils and the Borders Sports Development Group to enable them to make grants to local Sports Clubs, individuals and Borders Sports Associations.
3. ~~Vary the rates for Sport and Leisure events, activities, and resources to maximise participation and accessibility.~~
4. ~~Vary management arrangements for venues, including opening hours, to maximise business productivity.~~
3. Authorise payments to Live Borders, the Jedburgh Leisure Trust, BREST, and other relevant Trusts or Organisations within the contractual terms and approved budget.

SECTION VI

CHIEF FINANCIAL OFFICER

CHIEF FINANCIAL OFFICER (S.95 Officer)

A. General

1. The Chief Financial Officer is designated by Council as the officer responsible for the administration of the Council's financial affairs in terms of Section 95 of the Local Government (Scotland) Act 1973.
2. The Chief Financial Officer is authorised to carry out all functions and responsibilities in terms of all relevant legislation and regulations, and within policy and budget, for the following services:-

- Key Capital Projects
- Financial Services
- Revenue Monitoring and Reporting
- Capital Monitoring
- Credit Control
- Corporate Accounting Services
- Pensions Investments
- Trusts and Charities
- Treasury and Banking
- Financial Systems
- Procure to Pay
- Budgeting & Funding
- Insurance
- ICT
- Energy Efficiency

Note: In the absence of the Chief Financial Officer, the Corporate Finance Manager and Financial Services Manager are authorised to undertake the delegated functions of the Section 95 Officer.

3. The Chief Financial Officer is authorised to execute formal Agreements, Orders and other documents, including Financial Instruments and Loan Agreements on behalf of the Council and Pension Fund.

B. Specific Delegated Functions

The following specific functions of Council are delegated:-

Financial Services

1. Discharge Section 95 duties. (*Local Government (Scotland) Acts*)
2. Approve the terms of purchasing works and service supply contracts to be undertaken for the Council and partner organisations in furtherance of the Council's Procurement Strategy.
3. Authorise all non-competitive action for procurement solely by the Council for the Council e.g. contract extensions and single tenders.

4. Develop and manage the capital financial planning processes in accordance with Corporate Financial Strategy and associated codes of practice.
5. Produce the Council's annual accounts in accordance with codes of practice.
6. Take and/or authorise all operational decisions regarding the Council's investments and borrowing, in accordance with approved Treasury Management Policy and Strategy.
7. Responsible for execution and administration of treasury management decisions in accordance with the Council's Treasury Management policy statement and Treasury Management Practice, and if (s)he is a CIPFA member, CIPFA's *Standard of Professional Practice on Treasury Management*.
8. In terms of Treasury Management, from time to time, formulate suitable criteria for assessing and monitoring the credit risk of investment counterparties and construct a lending list defining appropriate limits.
9. Borrow, in advance of need, where, for instance, a sharp rise in interest rates is expected, and so borrowing early at fixed interest rates will be economically beneficial or meet budgetary constraints. Adopt a cautious approach to any such borrowing, and a business case to support the decision-making process must consider:
 - (a) the benefits of borrowing in advance,
 - (b) the investment risks created by the existence of investments at the same time as additional borrowing being outstanding; and
 - (c) how far in advance it is reasonable to borrow, considering the risks identified. Any such advance borrowing shall be reported through the mid-year or annual Treasury Management reporting mechanism.
10. Take the most appropriate form of borrowing depending on the prevailing interest rates at the time, taking into account the risks shown in the forecast contained in the Treasury Management Strategy.
11. Maintain a counterparty list consistent with the Investment Counterparty Selection Criteria and revise the criteria and submit them to Committee for approval as necessary, and in addition, set out the types of investment to be made (Permitted Investments).
12. Accept and reclaim grants from the Scottish Government and other parties in consultation with the relevant Director(s).
13. Complete and return all grant claims, subsidy returns and statistical returns relative to the service.
14. Authorise the necessary financial checks on proposed suppliers and contractors to the Council.

15. Make determinations regarding ex gratia payment proposals up to £1,000.
16. Write off un-presented cheques and other payments.
17. The amendment of Financial Regulations as required to take account of new or amended legislation, Council policies and procedures, Council decisions, etc.
18. Develop and manage the revenue financial planning processes in accordance with Corporate Financial Strategy and associated codes of practice.
19. Authorise the necessary financial checks on proposed customers to the Council.
20. Write off individual debts which are irrecoverable up to a maximum of £100,000 and report annually to the Executive Committee on the aggregate amount written off, in accordance with Financial Regulations.
21. Determine the recovery and enforcement of arrears procedures for external invoices issued by the Council, including the instruction of Actions for Payment, and the appointment and instruction of Sheriff Officers and debt recovery agents in accordance with policy and statute.
22. Dispose of Education Maintenance Award (EMA) Appeals via the EMA Panel within the terms of the Scottish Government's policy and guidance.
23. Make suitable arrangements for the Council's insurance matters, including claims handling and approve settlement proposals.
24. Determine the recipient of any benefit under the Life Assurance Scheme.
25. Authorise the allocation of Affordable Housing Policy funding collected by the Council to assist the delivery of individual projects.

Information Technology

1. Secure, maintain and develop the provision of the Council's Information Technology infrastructure, within agreed policy and budget.
2. Negotiate and agree the supply of IT services to the Council and relevant external organisations, including framework agreements.

SECTION VII

SERVICE DIRECTOR – ASSETS & INFRASTRUCTURE

A. General

1. The Service Director – Assets and Infrastructure is authorised to carry out all functions and responsibilities (except where a specific professional qualification is required to be held) in terms of all relevant legislation and regulations, and within policy and budget, for the following services:-

- Assets & Infrastructure
- Engineering Design
- Estates
- Architects
- Catering
- Cleaning
- Fleet
- Waste Management
- Neighbourhoods and Environmental
- Property Management
- Capital Projects
- Homelessness Property
- Roads and Infrastructure

B. Specific Delegated Functions

The following specific functions of Council are delegated:-

1. Conduct, or authorise staff to conduct, in consultation with local Members, the following activities as appropriate in order to promote a CPO and subsequent acquisition of land in terms of relevant legislation and regulations
 - (i) Instruct legal searches to identify owners and others with legal interest in the land to be acquired;
 - (ii) Prepare a scheme for intended use of the Land;
 - (iii) Procure a development partner to provide delivery of the desired use of the land through the competitive tendering process;
 - (iv) Negotiate a "framework agreement" with the Development partner for the delivery of the desired use of the land;
 - (v) Prepare a "Statement of Reasons" to promote a CPO;
 - (vi) Draft Compulsory Purchase Order;
 - (vii) Give Notice of Making of the Order by Advertisement and Service;
 - (viii) Submit the Order to the Confirming Authority;
 - (ix) Attend and submit evidence at any Public Local Inquiry which may be called;
 - (x) Give Notice of Confirmation of the Order by advertisement and Service on interested parties;
 - (xi) Follow statutory procedure to take title and entry of the land; and
 - (xii) Conduct any other activity necessary for successful promotion of a CPO and subsequent acquisition of land.

2. Act as the Council's representative on the Hub South East Territory Partnering Board with delegated authority to make any decisions on the Council's behalf in consultation with the Leader, Depute Leader (Finance), Chief Executive or ~~Depute Chief Executive~~ **Executive Director** and Chief Financial Officer which require to be taken by the Territory Partnering Board pursuant to its constitution.
3. Approve local traffic management schemes after consultation with local Members, or consultation with Area Partnerships for major changes.
4. 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.

Facilities and Estates

1. Seek external work within the scope of current legislation.
2. Act as corporate client for Council property.
3. In consultation with the Chief Financial Officer, the Chief Legal Officer and where appropriate, operational departments, undertake:-
 - Disposals of land and/or buildings.
 - Acquisitions of land and/or buildings.
 - Negotiations for leases of land and/or buildings to or from the Council including new leases, lease renewals, lease variations and associated consents/permissions for alteration works, assignments and sub-lettings etc.
 - The negotiation of charges for the use of open spaces for fairgrounds, circuses and other outdoor events.
 - Rent reviews affecting land and/or buildings, including charges associated with the use of public parks and open spaces.
 - Negotiations for wayleaves, rights of way, servitudes, and deeds of dedication etc. affecting land and/or buildings.
 - The negotiation of excambions and part exchanges involving land and/or buildings.
 - The negotiation of compensation claims arising from compulsory purchase orders and other legislation entitling the Council to take entry onto land and/or buildings.

In doing so the Service Director – Assets and Infrastructure is authorised to negotiate and agree provisional heads of terms at market value up to a capital value of £500,000, and conclude land and/or buildings related transactions and/or agreements in consultation with the Chief Financial Officer, the Chief Legal Officer and where appropriate, operational departments.

4. For land and/or buildings with a capital value of less than £500,000 declared surplus, and not required by any other department, the Service Director – Assets and Infrastructure shall consult with local Members, the appropriate Executive Member, the Chief Financial Officer and the Chief Legal Officer to determine the future of the property.

5. Terminate leases and initiate the recovery of property and rent arrears, in consultation with the Chief Financial Officer, the Chief Legal Officer and where appropriate, operational departments,; and allow the surrender of leases where a business intends to expand into larger Council premises or allow the surrender of a lease when a tenant runs into serious financial difficulties.
6. Undertake maintenance works that are not the responsibility of the Council under lease agreements or title obligations, to protect the Council's position, where the liable party is unable to meet its obligations.
7. Seek work to balance work load within the scope of current legislation.
8. Seek work within the current scope of legislation.

Engineering Infrastructure

1. After consultation with the Chief Executive or ~~Depute Chief Executive~~ **Executive Director**, agree terms for Bridge Agreements with Rail Property Ltd, Railtrack PLC or their successors and terms of discharge of the Council's liability for annual maintenance and renewal charges in that connection.
2. After consultation with the Chief Constable consider and, where acceptable in road safety terms, approve locations for advertisements on road safety barriers and similar structures.
3. Act as "Engineer" or appoint an "Engineer" in accordance with the terms and conditions appropriate to Council roads and transportation contracts, or other client contracts.
4. Seek external work to balance workload within the scope of current legislation
5. Make charges for consultancy work.
6. Authorise the Temporary Traffic Regulation Orders. (*Road Traffic Regulations Act 1984*)
7. Instruct the relevant officers to grant wayleaves in respect of public utilities and utility companies.
8. Seek external work to balance workload within the scope of current legislation.
9. Subject to funds being available, acquire "Bargain" used or ex-demonstration plant and equipment in conjunction with the Head of Procurement and Chief Financial Officer.
10. Authorise staff, in consultation with local Members, to promote Traffic Regulation Orders.
11. Make arrangements for the management of car parks, etc.

12. Approve the use of car parks, or part thereof, by other persons or bodies, and, following consultation with the Chief Financial Officer, determine the imposition or waiving of charges for such use.
13. Erect and keep in position barriers on roads for the purposes of securing public order or public safety.
14. Authorise location of and the maintenance of bus shelters, bus stops and timetable cases.

Neighbourhood Operations and Waste Services

1. Arrange for the deployment of services or staff to other local authorities or statutory bodies in serious emergencies where the protection of public health is at risk, or where such services are essential
2. Approve the use of Pay Parking income (restricted to specific towns only), subject to the agreement of at least 50% of the Members in the relevant Ward(s).
3. Seek external work within the scope of current legislation.
4. Arrange for the collection of household, commercial and industrial waste. (*Environmental Protection Act 1990*)
5. Specify the types of waste receptacles. (*Environmental Protection Act 1990*)
6. Arrange for the safe treatment and disposal of waste. (*Environmental Protection Act 1990*)
7. Arrange for the cleansing of highways and open spaces in accordance with Environmental protection act - Code of practice for litter and refuse 2006
8. Arrange for the cleansing of parks and open spaces in accordance with the Environmental Protection Act – Code of Practice for Litter and Refuse 2006.
9. Serve exclusion orders for people who persistently break Management Rules for Parks. (*Civic Government (Scotland) Act 1982*)
10. Instruct the relevant officers to dispose of small areas of open space at market value.
11. Instruct the relevant officers to agree wayleaves and charges.
12. Instruct the relevant officers to negotiate charges for the use of open spaces for fairgrounds, circuses and other outdoor events, and, in consultation with other relevant officers, arrange appropriate lets for such events.
13. Arrange for the provision, maintenance and emptying of litter/dog fouling bins sited on highways and open spaces. (*Litter Act 1983*)

14. Arrange education and enforcement regarding littering (*Environmental Protection Act 1990*)
15. Arrange education and enforcement regarding dog fouling (*Dog Fouling (Scotland) Act 2003*)
16. Seek grants from outside agencies.
17. Dispose of the Dead. (*Burial Grounds (Scotland) Act 1855*)
18. Maintain Statutory burial registers. (*Section 31 - Burial Grounds (Scotland) Act 1855*)
19. Sell exclusive right of burial. (*The Church of Scotland (Property and Endowments) Act 1925, section 32*)
20. Authorise Service Level Agreements with internal and external clients.

CHIEF OFFICER - ROADS

1. Carry out all functions and responsibilities in terms of relevant legislation and regulations, and within policy and budget, for SBc Contracts, operating as a Trading Organisation. SBc Contracts is designated a Significant Trading Organisation (STO). (*Local Government in Scotland Act 2003*)

SECTION VIII

SERVICE DIRECTOR - CHILDREN & YOUNG PEOPLE

A. General

1. The Service Director – Children and Young People is authorised to carry out all functions and responsibilities (except where a specific professional qualification is required to be held) in terms of all relevant legislation and regulations, and within policy and budget, for the following services:-

Children & Families Social Work Services
Education Services
Education Psychologists
Out of Hours Service (including Emergency Duty Team)
Statutory Quality, Standards and Inspections

B. Specific Delegated Functions

The following specific functions of Council are delegated:-

Education

1. Duty to secure provision of education. (*Standards in Scotland's Schools etc. Act 2000*)
2. Determine school session arrangements.
3. Approve minor variations to the School for the Future Policies for Primary and Secondary Schools and associated Accommodation Schedules.
4. Determine and implement, on behalf of the Council, all matters within the terms of the Local Recognition and Procedure Agreement for Teachers.
5. Exclusion of pupils from school.
6. Authorise placement requests and early admission requests.
7. Authorise and approve educational excursions.
8. Disposal of appeals by parents on school transport.
9. Make payments to individuals from education trusts and SBC Education Trust according to set criteria.

SECTION IX

SERVICE DIRECTOR – CUSTOMER & COMMUNITIES

A. General

1. The Service Director – Customer and Communities is authorised to carry out all functions and responsibilities (except where a specific professional qualification is required to be held) in terms of all relevant legislation and regulations, and within policy and budget, for the following services:-

Customer Services
Benefits Assessment & Advice
Administration of Council Tax, Business Rates and Grants
Homeless & Housing Support
Business Support
Democratic Services
Clerk to the Council
Community Planning & Engagement
Business planning, performance & policy
Business change and programme management

B. Specific Delegated Functions

The following specific functions of Council are delegated:-

1. Act as Authorising Officer. (*Regulation of Investigatory Powers (Scotland) Act 2000*)
2. Approve applications for funding up to the value of £500 from the SBC Community Enhancement Trust and SBC Welfare Trust;
3. Approve applications for grants from £501 to £2,500 to the SBC Welfare Trust, subject to the agreement of at least 50% of the Members in the relevant Wards; and
4. Approve applications for grants from £501 to £5,000 to the SBC Community Enhancement Trust, subject to the agreement of at least 50% of the Members in the relevant Wards.
5. Approve projects for funding and authorise grants up to the value of £500 from the Community Grants Scheme.
6. Approve applications for grants from £501 to £5,000 to the Scottish Borders Community Grants, subject to the agreement of at least 50% of the Members in the relevant Wards.

Customer Services

7. Determine all applications for reliefs, remissions, exemptions and discounts for Council Tax in accordance with policy and statute.

8. Determine the recovery and enforcement of arrears of Council Tax, including making application for Summary Warrants; instructing Actions for Payment; requesting deductions from Income Support/JSA and Pension Credit; appointment and instruction of Sheriff Officers and debt recovery agents; and instructing execution of diligence, actions for sequestration or liquidation and letter so inhibition in accordance with policy and statute.
9. Determine all reliefs, remissions, and exemptions for Non-Domestic Rates in accordance with policy and statute.
10. Determine the recovery and enforcement of arrears of Non-Domestic Rates, including making application for Summary Warrants; instructing Actions for Payment; requesting deductions from Income Support/JSA and Pension Credit; appointment and instruction of Sheriff Officers and debt recovery agents; and instructing execution of diligence, actions for sequestration or liquidation and letters of inhibition in accordance with policy and statute.
11. Represent the Council at Appeal Tribunal Hearings for Housing and Council Tax Benefits.
12. Determine all applications for Housing and Council Tax Benefits in accordance with policy and statute.
13. Determine whether overpayments of Housing and Council Tax Benefits are recoverable and whether, and from whom, recovery should be sought.
14. Determine the recovery and enforcement of all outstanding housing benefit overpayments; instructing Actions for Payment; requesting deductions from state benefits; appointment and instruction of Sheriff Officers and debt recovery agents; and instructing execution of diligence.
15. Determine to whom, and at what level, Discretionary Housing Payments and Scottish Welfare Fund payments should be made.
16. Write off individual debts which are irrecoverable up to a maximum of £1,000.
17. Accept and reclaim grants from the Scottish Government and other parties in consultation with the relevant Director(s).
18. Complete and return all grant claims, subsidy returns and statistical returns relative to the service.
19. Calculate and award, within budget, bursaries/grants to individuals to a limit of £1,600, including clothing and footwear.
20. The periodic revision of the discretionary fees for Registration Services and consequent payments to Registrars.

CLERK TO THE COUNCIL

1. The determination of Members' rights of access to Council documents which disclose exempt information. (*Local Government (Scotland) Acts*)
2. The determination of public rights of access to agenda, reports, etc. (*Local Government (Scotland) Acts*)
3. The receipt of Members' Declarations of Acceptance of Office and Notices of resignation. (*Local Government (Scotland) Acts*)
4. The receipt of Members' disclosures of pecuniary, etc. interest and the maintenance of the Register of such disclosures. (*Local Government (Scotland) Acts*)
5. The appointment of suitable persons as River Tweed Commissioners. (*River Tweed Acts*)
6. The approval of the constitutions, standing orders and other related documents of community councils in accordance with the Scheme for the Establishment of Community Councils.
7. The preparation and adjustment as necessary of the calendar of meetings and holidays in consultation with the Convener and/or Leader of the Council, as appropriate.
8. The execution of formal Agreements, Orders and other documents, and the advertisement of Public Notices. In the absence of the Clerk to the Council, the Democratic Services Team Leader has authority to execute such documents and place such advertisements.
9. The amendment of the Scheme of Delegation and Scheme of Administration as required to take account of new or amended legislation, Council policies and procedures, Council decisions, etc.
10. The review of Polling Districts and Polling Places under the Council's Polling Scheme. (*Representation of the People Act 1983*)
11. The registration of Political Groups in the Council.

SECTION X

SERVICE DIRECTOR – HR

A. General

1. The Service Director – HR is authorised to carry out all functions and responsibilities (except where a specific professional qualification is required to be held) in terms of all relevant legislation and regulations, and within policy and budget, for the following services:-

- Corporate Transformation
- Communications & Marketing
- HR Case Management
- HR Advisory Service
- HR Policies
- Change Management
- Organisational Development
- Organisational Design
- Workforce Planning
- Learning & Development
- HR Equalities
- Pensions
- Payroll
- HR Administration
- HR Systems Development
- HR Helpdesk

B. Specific Delegated Functions

The following specific functions of Council are delegated:-

1. Determine the grade/remuneration and designation of all posts, in consultation with the Chief Executive, ~~Depute Chief Executives~~ **Executive Directors**, and **Service** Directors as appropriate.
2. Consult and negotiate with recognised Trades Unions and conclude Local Agreements in consultation with the Chief Executive, ~~Depute Chief Executives~~ **Executive Directors**, **Service** Directors as appropriate, subject to approval by the Executive Committee of significant Local Agreements.
3. Negotiate and agree individual compromise agreements with employees as required in consultation with the Chief Executive, ~~Depute Chief Executives~~ **Executive Directors**, Leader, Depute Leader (HR) and Chief Financial Officer.
4. Determine the recipient of any benefit under the LGPS Death Grant in consultation with Chief Financial Officer as required.
5. Determine payroll frequencies and payment methods.
6. Negotiate terms and operate staff loans and leasing schemes.

7. Authorise the implementation of nationally agreed allowances, including travel and subsistence allowances, for Elected Members.
8. Implement Arrestment Orders and over-payment recovery action.

SECTION XI

SERVICE DIRECTOR – REGULATORY SERVICES

A. General

1. The Service Director – Regulatory Services is authorised to carry out all functions and responsibilities (except where a specific professional qualification is required to be held) in terms of all relevant legislation and regulations, and within policy and budget, for the following services:-

Strategic Planning
Development Management
Building Standards
Roads Planning
Passenger Transport
Audit
Risk
Licensing
Assessor & Electoral Registration
Legal
Health & Safety
Protective Services

2. Act as Senior Responsible Officer in terms of the Regulation of Investigatory Powers (Scotland) Act 2000 (RIPSA), including the power to amend the Council Policy and Procedure on RIPSA, together with the associated forms as required, and to ensure that appropriate and adequate training is given to staff in respect of the Policy and Procedures.

B. Specific Delegated Functions

The following specific functions of Council are delegated:-

1. Act as Monitoring Officer. (*Local Government and Housing Act 1989*)
2. Act as Chairman of the Freedom of Information Advice Group. (*Freedom of Information (Scotland) Act 2002*)
3. Execute formal Agreements, Orders and other documents, and the advertisement of Public Notices.
4. Determine and administer the policy regarding the recruitment and appointment and review of appointees to the Panel of Curators ad Litem.
5. Passenger Transport
Authorise school transport services to carry fare paying passengers. (*Public Passenger Vehicles Act 1981*)
6. Authorise not-for-profit community groups to make use of Council minibuses. (*Transport Acts*)

7. Enter into agreements with neighbouring authorities for passenger transport route planning across the Council's boundaries.
8. Manage the poor performance of transport providers within the conditions of contract. Failure to comply with any contract may result in the termination of the contract.
9. Authorise Service Level Agreements with internal and external clients.
10. Authority to respond to government and other passenger transport related consultations, surveys and enquiries on behalf of the Council.

CHIEF OFFICER – AUDIT AND RISK

1. Determine the appropriate action to be taken on alleged frauds dependent upon the circumstances which caused the fraud and in accordance with counter fraud policies and procedures.
2. Act as Authorising Officer. (*Regulation of Investigatory Powers (Scotland) Act 2000*)

CHIEF PLANNING OFFICER

1. Authorise grants, within policy and budget, for Listed Buildings, properties in Conservation Areas, and externally supported Schemes.
2. Authorise grants, within policy and budget, for improvements to landscape and the environment.
3. Authorise grants, within policy and budget, to improve access to the Countryside.
4. Act as the Council's representative for functions of the Register General of Scotland as regards statistics and Census.
5. Bid for external work in accordance with relevant Council policies and legislation.
6. Authorise staff, contractors or others to act on behalf of Scottish Borders Council under the terms of Section 13 [Uphold Access Rights], Section 14 [Prohibitions signs, obstructions, dangerous impediments, etc.], Section 15 [Measurers for safety protection, guidance and assistance] and Section 23 [Ploughing, etc.] of the Land Reform (Scotland) Act 2003.
7. Authorise or refuse applications to exclude land from Access Rights. (*Section 11 of the Land Reform (Scotland) Act 2003*)
8. Authorise staff, contractors or others operating on behalf of Scottish Borders Council to enter land. (*Land Reform (Scotland) Act 2003; town & Country Planning (Scotland) Act 1997; Building (Scotland) Act 2003; Roads (Scotland) Act 1984*)
9. Respond to Scottish Government, UK Government, EU/EC and other consultations as appropriate.

10. Exercise the functions of the Council in relation to dangerous buildings, unauthorised works, **or works not in accordance with a warrant and in relation to continuing requirement enforcement notices**; reporting contraventions of the Act to the Procurator Fiscal and requiring existing buildings to comply with Building Standards Regulations **as directed by Scottish Ministers** up to the point of issuing instructions for the authorisation of direct works by the Council in excess of £30,000 (tender price)(*Building (Scotland) Acts*)
11. Exercise the function of the Council in relation to building operations to secure building sites and demolition sites against entry, including any direct action works which may be required to secure compliance under Regulation 13 of the Building (Scotland) Regulations.
12. Exercise the functions of the Council in relation to repairs to buildings and to the safety of temporary platforms and licensing of Houses in Multiple Occupation. (*Civic Government (Scotland) Act 1982*)
13. Comment on behalf of the Council on Notices of Requirements served by the Firemaster. (*Fire Precautions Act 1971*)
14. Exercise the functions of the Council in relation to the safety of covered spectator viewing facilities at or within sports grounds. (*Fire Safety and Safety of Places of Sport Act 1987*)
15. Exercise the functions of Planning and Building Standards in relation to Section 50 of the Licensing (Scotland) Act 2005.
16. Exercise the functions of the Council in relation to the safety of spectator viewing facilities at or within sports grounds. (*Safety at Sports Grounds Act 1975*)
17. Determine applications for building warrants ~~and applications for relaxation of Building Standards Regulations subject to the right of appeal to the relevant Committee.~~ (*Building (Scotland) Acts*)
18. ~~Grant extensions to the life of building warrants and to the periods of use of buildings intended to have a limited life provided such requests are reasonable.~~ **Extend the validity period of building warrants and period of use of limited life buildings as deemed appropriate.** (*Building (Scotland) Acts*)
19. ~~Grant or refuse applications for Certificate of Completion, subject to a right of appeal to the Committee.~~ **Accept or reject completion certificate submissions.** (*Building (Scotland) Acts*)
20. **Impose, discharge, and variation of, continuing requirements for compliance with Building Regulations.**
21. Act as the Council's Access Officer in terms of the needs of the disabled in relation to access to and facilities within buildings.
22. Evacuate buildings and carry out works in case of immediate danger.

23. Decline to determine an application in accordance with Section 39 – relates to identical applications submitted within 2 years of a refusal or appeal dismissal. (*Town and Country Planning (Scotland) Act 1997*)
24. Vary planning permissions granted where the variation sought is not material. (*Town and Country Planning (Scotland) Act 1997*)
25. Determine applications for the display of advertisements.
26. Determine, ~~or where required to do so under relevant regulations, submit directly to Scottish Ministers or Historic Scotland, as appropriate,~~ applications for Listed Building consent and Conservation Area consent to which ~~fewer than 5 objections have been lodged,~~ and to approve applications for Listed Building Consent or Conservation Area Consent which have raised no objections nor substantive comments from Scottish Ministers or Historic Environment Scotland.
26. ~~Submit directly to Scottish Ministers or Historic Scotland as appropriate applications for Listed Building consent and Conservation Area consent which have been processed in tandem with an application delegated to the appointed officer under S43A of the Town and Country Planning (Scotland) Act 1997.~~
27. ~~Issue planning consent for a development which the planning authority propose to carry out in their area to which there have been no objections, including applications where Scottish Ministers, having been notified, indicate no objections nor intention to intervene or the period for so indicating has expired.~~
28. ~~Grant Listed Building consent and planning permission after reference of the application to Scottish Ministers and they have either made no observations or observations of a kind which should competently be made the subjects of appropriate planning conditions.~~
27. Determine applications for variation or modification of planning obligations submitted under Section 75A or the Town and Country Planning (Scotland) Act 1997 (as amended).
28. Authorise minor amendments to Section 75 Agreements where the changes sought is not considered material and where such a change accords with any policy or decision of Council.
29. Issue decision notices where Scottish Ministers have made a Direction requiring the planning authority to refuse an application and where the planning authority has no alternative.
30. Determine whether or not to grant prior approval of the siting, design, or external appearance of agricultural or forestry buildings which constitute permitted development.
31. Evaluate applications and determine whether an Environmental Impact Assessment is required.

32. Determine applications for certificates of lawful use ~~where there is adequate evidence to justify the issue of a certificate and no objections have been received.~~
33. Determine ~~routine~~ applications for hazardous substance consent.
34. Make observations on behalf of the planning authority on ~~routine~~ proposals by statutory undertakers, or on ~~routine~~ consultations to the Council as planning authority.
35. Serve the following Enforcement Notices –
 - Section 125 – Planning Contravention Notices
 - Section 127 – Enforcement Notices
 - Section 136A – Penalty Notices where enforcement notice has not been complied with
 - Section 140 – Stop Notices
 - Section 144A - Temporary Stop Notice
 - Section 145 – Breach of Conditions Notices
 - Section 145A - Fixed Penalty Notice where breach of condition notice has not been complied with
 - Section 168 – Enforcement Action in relation to Trees
 - Section 179 – Proper Maintenance of Land (*Town and Country Planning (Scotland) Act 1997*)
 - Section 27 – Building Warrant Enforcement Notice
 - Section 28 - Defective Building Notice
 - Sections 29 & 30 – Dangerous Buildings
 - Regulation 13 – Protective Works (*Building (Scotland) Act 2003*)
36. Exercise the functions of the Council in relation to all breaches of planning control, reporting contraventions of the Planning Acts to the Procurator Fiscal up to the point of issuing instructions for the authorisation of direct works by the Council in excess of £30,000 (Tender price). (*Town and Country Planning (Scotland) Act 1997, Planning etc. (Scotland) Act 2006*)
37. Determine applications to fell, lop or top trees protected by Tree Preservation Orders or by virtue of their inclusion within conservation areas.
38. Confirm provisional Tree Preservation Orders, where no objections have been received.
39. Serve Tree Preservation Orders that are considered necessary to ensure the immediate protection of trees.
40. Respond to Scottish Government, UK Government, EU/EC and other consultations, as appropriate.
41. Prepare and issue documents as part of the Strategic Development Plan process, except at the stage of Notice of Intention to Prepare; Consultative Draft; and Finalised Plan.
42. Prepare and issue documents as part of the Local Development Plan process, except at the stage of ~~Notice of Intention to Prepare;~~

Consultative Draft; Finalised Plan; Local Inquiry; and Notice of Intention to Adopt.

43. Determination of High Hedges Notices.
44. Determination of all applications for Road Construction consent, except where there are unresolved technical or engineering objections, and to enforce the terms and conditions of such consents.
45. Keep, manage, maintain and update the List of Public Roads; adding and removing roads from the List, including through the use of appropriate stopping up orders, and determine the extent of public roads for the purposes of the List of Public Roads.
46. Determination of applications for the formation of vehicular accesses on to the public road.
47. Award and manage contracts, in accordance with Council procedures, in relation to security associated with road construction.
48. Exercise the functions of the Council in relation to all breaches of roads planning control, reporting contraventions of the Roads (Scotland) Act to the Procurator Fiscal.
49. Keep, maintain, and update Public Registers as they relate to building standards, planning and roads planning functions.

NB Powers delegated to the Chief Planning Officer for determining planning applications are specified in the separate scheme of delegation prepared in accordance with Section 43A of the Town and Country Planning (Scotland) Act 1997 and Part 2 of the Town and Country Planning (Schemes of Delegation and Local Review Procedure)(Scotland) Regulations 2008.

ASSESSOR AND ELECTORAL REGISTRATION OFFICER

- ~~1. The Assessor and Electoral Registration Officer is authorised by Statute to carry out all functions and responsibilities in terms of all relevant legislation and regulations, and within policy and budget, for the following services: Non Domestic Rates Valuation; Council Tax Valuation; and Electoral Registration.~~
1. The Assessor is authorised by the Valuation Acts to carry out all functions and responsibilities, within policy and budget, to compile and maintain the Valuation Roll (Non-Domestic Rates) and the Council Tax Valuation List.
2. The Electoral Registration Officer is responsible for the maintenance and annual publication of the revised Register of Electors.

CHIEF LEGAL OFFICER

Legal Services

1. The administration of all Civic Government licensing; public procession notices; street names and house numbers; public charitable collections. (*Civic Government (Scotland) Act 1982*)

2. The grant of licences in the absence of objections, and, where appropriate, the revocation of licences with immediate effect. (*Civic Government (Scotland) Act 1982*)
3. The grant, in the absence of objections, of licences for marriage venues, and, where appropriate, the revocation of licences with immediate effect. (*Marriage (Scotland) Acts*)
4. The grant, in the absence of objections, of licences for Caravan Sites and, where appropriate, the variation or revocation of such licences. (*Caravan Sites Acts*)
5. The determination of applications for the display of signs and advertisements on private hire cars and taxis.
6. The periodic revision of fees chargeable in respect of the licensing of marriage venues.
7. The periodic revision of fees chargeable in respect of licensing functions under the Civic Government (Scotland) Act and miscellaneous licensing fees.
8. The consideration of applications and authorisation of payments from miscellaneous Trusts under the control of the Council, in consultation with the Chief Financial Officer, the Local Member(s) and the Chairman or Vice-Chairman of the Area Forum.
9. The revisions periodically of the fees payable for Civic Government and Miscellaneous licences.
10. Payment of expenses of members of the Scottish Borders Licensing Board and the Local Licensing Forum. (*Licensing (Scotland) Acts*)
11. Act as Clerk to the Scottish Borders Licensing Board. (*Licensing (Scotland) Acts*)
12. Appoint Members of the Local Licensing Forum.
13. Transact, by way of acquisition, disposal, lease etc. of interests in heritage on the basis of terms recommended by the Director Commercial Services subject to compliance with the terms of the Council's Scheme of Administration.
14. Conclude leases, servitudes, etc. in consultation with the Director Commercial Services and relevant Director.
15. Act as Chairman of a Panel comprising 3 Service Directors or Chief Officers to determine appeals. (*Smoking, Health and Social Care (Scotland) Act 2005*).
16. Institute and defend proceedings on behalf of the Council.

17. Obtain the Opinion or other services of Counsel and or external legal practitioners and appoint Parliamentary Agents when required.
18. Revise periodically fees for legal services.
19. Grant licence applications to which no objections have been lodged.
20. Vary the standard conditions applicable to licences.
21. Attach such conditions as deemed appropriate to any licence.
22. Grant landowner's consent on land and property subject to payment of an appropriate fee.
23. Submit prosecution reports to the Procurator Fiscal.
24. Execute formal Agreements, Orders and other documents, and the advertisement of Public Notices. In the absence of the Chief Legal Officer, the Legal Services Manager has the authority to execute such documents and place such advertisements.
25. Approve all matters relating to street naming and numbering, where not delegated to officers, subject to the agreement of at least 50% of the Members in the relevant Wards.
26. Approve all ceremonial matters, including the use of former and current Robes and Regalia.
27. Act as Authorising Officer. (*Regulation of Investigatory Powers (Scotland) Act 2000*)
28. Be responsible for rights of entry and inspection of licensed premises, vehicles or vessels. (*Civic Government (Scotland) Act 1982*)

Protective Services

29. Authorise Protective Services personnel to discharge the Council' statutory duties in relation to public health, contaminated land, air quality, anti-social behaviour, noise, pest control, dogs, animal health, public health/nuisance, food safety, food standards, health and safety at work, age restricted products, weights and measures, consumer safety, consumer protection, animal health and welfare in terms of current legislation and any new and/or subsequent or amending legislation as detailed in the list of statutes in the Appendix to this Scheme, and linked to Protective Services staff authorisation cards. Such powers shall include the powers of entry, inspection (including the inspection of documents), sampling, purchase of goods and services, opening of containers, seizure serving notices where appropriate and including the power to issue Notices (including Suspension Notices, Improvement Notices, Prohibition Notices, Emergency Notices, Remediation Notices) on behalf of the Council in terms of the Acts and Regulations/Orders made thereunder listed in the Appendix to this Scheme.
30. Appoint a duly qualified officer to act as Chief Inspector of Weights and Measures. (*Weights and Measures Act 1985*)

31. Authorise Trading Standards personnel for the purpose of issuing fixed penalty notices. (*Section 27, Tobacco and Primary Medical Services (Scotland) Act 2010*)
32. Authorise the Protective Services Manager to be the person to whom representation should be sent as to why a fixed penalty notice ought not to have been given, and the person who may give notice withdrawing any fixed penalty notice issued. (*Section 27 and Schedule (paragraph 8), Tobacco and Primary Medical Services (Scotland) Act 2010*)
33. Authorise relevant officers to refer matters to the Procurator Fiscal and/or initiate proceedings under primary or secondary legislation relating to consumer protection, trading standards or environmental health.
34. Arrange for the waiving of stray dog service charges in whole, or in part, in appropriate cases, in consultation with the Chief Financial Officer.
35. Waive pest control service charges in whole, or in part, in appropriate cases, in consultation with the Chief Financial Officer.
36. Make charges for consultancy work.
37. Add or remove Consultants, Contractors and Suppliers from the Approved Lists as necessary.
38. Maintain statutory registers and lists. (*Environment and Safety Information Act 1988*)
39. Maintain statutory registers and lists. (*European Communities Act 1972*)

SECTION XII

CHIEF OFFICER – HEALTH AND SOCIAL CARE INTEGRATION

A. General

1. The Chief Officer – Health and Social Care Integration is authorised to carry out all functions and responsibilities (except where a specific professional qualification is required to be held) in terms of all relevant legislation and regulations, and within policy and budget, for the following Council services:-

Health and Social Care Integration, including:
Adults and Older People Social Care
Services and support for adults with physical or learning disabilities
Mental Health Services
Drug and Alcohol Services
Support to Carers
Community Care Assessment
Support services including Housing Support
Residential Care
Occupational Therapy, Re-ablement, Equipment and Assistive
Technology
Day Services
Respite
Health Improvement

B. Specific Delegated Functions

The following specific functions of Council are delegated:-

SECTION XIII

CHIEF SOCIAL WORK OFFICER

A. General

1. The Chief Social Work Officer is the designated Chief Social Work Officer of the Authority and will carry out all duties and functions in accordance with Principles, Requirements and Guidance pursuant to Section 5(1) of the Social Work (Scotland) Act 1968.
2. The Chief Social Work Officer is authorised to carry out all functions and responsibilities (except where a specific professional qualification is required to be held) in terms of all relevant legislation and regulations, and within policy and budget, for the following services:-

Social Work Professional Leadership
Agency Decision Maker
Out of Hours Service (including Emergency Duty Team)
Criminal Justice Services
Community Safety
Mental Health Officer

B. Specific Delegated Functions

The following specific functions of Council are further delegated:-

1. Carry out all functions of Chief Social Work Officer. (*Social Work (Scotland) Act 1968, as amended; Local Government etc (Scotland) Act 1994; etc*).
2. Appointment of Mental Health Officers. (*Mental Health (Care and Treatment) (Scotland) Act 2003*)
3. Consider and determine recommendations made by the Adoption and Fostering Panel.
4. Approve grants to voluntary organisations within policy and budget.
5. Approve Guardianship applications. (*Mental Health (Care and Treatment)(Scotland) Act 2003; Adults with Incapacity (Scotland) Act 2000*)
6. Authorise all secure accommodation placements for children. (*Children (Scotland) Act 1995*)
7. Transfer of a child subject to supervision requirement in case of necessity. (*Children (Scotland) Act 1995*)
8. Provision of services and after-care services for people with a mental disorder. (*Mental Health (Care and Treatment)(Scotland) Act 2003*)
9. Welfare of certain hospital patients. (*Mental Health (Care and Treatment)(Scotland) Act 2003*)

10. Training and occupation for people with learning disabilities. (*Mental Health (Care and Treatment)(Scotland) Act 2003*)
11. Consider and determine recommendations made by the Adoption and Fostering Panel for assistance with legal fees (in consultation with the Chief Legal Officer) and medical expenses.

Community Justice

12. Ensure oversight and management of Registered Sex Offenders.
13. Oversee and ensure the required provision of supervision on all offenders referred to the Criminal Justice Team under the specific legislation and in accordance with the National Minimum Standard and Requirement, as may vary from time to time.

APPENDIX

Authorised Officers - Protective Services

Sub delegation of these functions is by the Protective Services Manager to carry out the duties appropriate to the designation under the legislation hereinafter referred to and under any amending Acts, Regulations or Orders made thereunder.

- 1) Consumer Advice and Fair Trading
Accommodation Agencies Act 1953
Advanced Television Services Regulations 2003
Business Protection from Misleading Marketing Regulations 2008
Cancer Act 1939
Companies Act 2006
Companies (Trading Disclosures) Regulations 2008
Consumer Contracts (Information, Cancellations and Additional Charges) Regulations 2013
Consumer Protection (Distance Selling) Regulations 2000
Consumer Protection Act 1987
Consumer Rights Act 2015
Consumer Protection from Unfair Trading Regulations 2008
Consumer Rights (Payment Surcharges) Regulations 2012
Enterprise Act 2002
Estate Agents Act 1979
European Communities Act 1972
Electronic Commerce (EC Directive) Regulations 2002
Footwear (Indication of Composition) Labelling Regulations 1995 Package
Travel, Package Holidays and Package Tours Regulations 1992
Provision of Services Regulations 2009
Radio Equipment and Telecommunications Terminal Equipment Regulations 2000
Rights of Passengers in Bus and Coach Transport (Exemptions and Enforcement) Regulations 2013
Single Use Carrier Bags Charge (Scotland) Regulations 2014 Textile Products (Labelling and Fibre Composition) Regulations 2012
Unsolicited Goods and Services Act 1971

- 2) Consumer Credit and Prices
Consumer Credit Acts 1974 and 2006
Debt Arrangement and Attachment (Scotland) Act 2002
Development of Tourism Act 1969
European Communities Act 1972
Prices Act 1974
Price Indications (Bureau de Change) (No. 2) Regulations 1992 Price Marking Order 2004
Timeshare, Holiday Products, Resale and Exchange Contracts Regulations 2010
Financial Services Act 2012
Financial Services Act 2012 (Consumer Credit) Order 2013 Financial Services (Distance Marketing) Regulations 2004 Financial Services and Markets Act 2000
Legal Services Act 2007

- 3) Petroleum and Dangerous Substances
Clean Air Act 1993
Civic Government (Scotland) Act 1982
European Communities Act 1972
Explosives Acts 1875 and 1923
Explosives Regulations 2014
Fireworks Act 2003
Fireworks Regulations 2004
Health and Safety at Work etc. Act 1974 (sections 20, 21, 22 and 25) and, by virtue of section 19(1) of the Act, any other related Health and Safety Regulation for which Scottish Borders Council is responsible
Petroleum (Consolidation) Regulations 2014
Pyrotechnic Articles (Safety) Regulations 2015
Volatile Organic Compounds in Paints, Varnishes and Vehicle Refinishing Products Regulations 2012
- 4) Consumer Safety and Poisons
Aerosol Dispensers Regulations 2009
Antisocial Behaviour etc. (Scotland) Act 2004
Biocidal Products and Chemicals (Appointment of Authorities and Enforcement) Regulations 2013
Biofuel (Labelling) Regulations 2004
Cat and Dog Fur (Control of Import, Export and Placing on the Market) Regulations 2008
Chemicals (Hazard Information and Packaging for Supply) Regulations 2009
EC No. 1272/2008 Classification, Labelling and Packaging Regulations
Children and Young Persons (Protection from Tobacco) Act 1991
Cigarette Lighter Refill (Safety) Regulations 1999
Construction Products Regulations 2013
Cosmetic Products Enforcement Regulations 2013
Consumer Protection Act 1987
Detergents Regulations 2010
Electrical Equipment (Safety) Regulations 2016
Electromagnetic Compatibility Regulations 2016
Energy Act 1976
Energy Conservation Act 1996
Energy Information Regulations 2011
Food Imitations (Safety) Regulations 1989
Furniture and Furnishings (Fire)(Safety) Regulations 1988 as Appliances (Safety) Regulations 1995
General Product Safety Regulations 2005
Household Appliances (Noise Emission) Regulations 1990
Medical Devices Regulations 2002
Motorcycle Noise Act 1987
Motor Fuel (Composition and Content) Regulations 1999
Motor Vehicle Tyres (Safety) Regulations 1994
Nightwear (Safety) Regulations 1985
N-nitrosamines and N-nitrosatable Substances in Elastomer or Rubber Teats and Dummies (Safety) Regulations 1995
Oil Heaters (Safety) Regulations 1977
Packaging (Essential Requirements) Regulations 2015
Passenger Car (Fuel Consumption and CO2 Emissions Information) Regulations 2001
Pedal Bicycles (Safety) Regulations 2010

- Personal Protective Equipment Regulations 2002
 - Pesticides (Fees and Enforcement) Act 1989
 - Plant Protection Products Regulations 2011
 - Plugs & Sockets etc. (Safety) Regulations 1994
 - Poisons Act 1972
 - Pressure Equipment (Safety) Regulations 2016
 - REACH Enforcement Regulations 2008
 - Recreational Craft Regulations 2004
 - Regulation 765/2008/EC on Accreditation and Market Surveillance
 - Road Traffic Act 1988 (sections 17 and 18)
 - Road Vehicles (Brake Linings Safety) Regulations 1999
 - Standardised Packaging of Tobacco Products Regulations 2015
 - Tobacco Advertising and Promotion Act 2002
 - Tobacco for Oral Use (Safety) Regulations 1992
 - Tobacco and Primary Medical Services (Scotland) Act 2010
 - Tobacco and Related Products Regulations 2016
 - Tobacco Products (Manufacture, Presentation and Sale) (Safety) Regulations 2002
 - Toys (Safety) Regulations 2011
 - Simple Pressure Vessels (Safety) Regulations 2016
 - Supply of Machinery (Safety) Regulations 2008
- 5) Trade Descriptions and Hallmarking
- Copyright, Designs and Patents Act 1988
 - Copyright, etc. and Trade Marks (Offences and Enforcement) Act 2002
 - Energy Conservation Act 1996
 - European Communities Act 1972
 - Hallmarking Act 1973
 - Housing (Scotland) Act 2006
 - Intellectual Property Act 2014
 - Olympic Symbol etc. (Protection) Act 1995
 - Trade Descriptions Act 1968
 - Trade Marks Act 1994
 - Registered Designs Act 1949
 - Video Recording Acts 1984 and 2010
- 6) Quality Control, Food and Agriculture
- Agriculture Act 1970
 - Animal By-Products (Enforcement) (Scotland) Regulations 2013
 - Animal Feed (Scotland) Regulations 2010
 - EC Fertilisers (Scotland) Regulations 2006
 - European Communities Act 1972
 - Feed (Hygiene and Enforcement) (Scotland) Regulations 2005
 - Food and Environment Protection Act 1985
 - Genetically Modified Animal Feed (Scotland) Regulations 2004
 - Medicines Act 1968
 - Official Feed and Food Controls (Scotland) Regulations 2009
 - Trade in Animals and Related Products (Scotland) Regulations 2012
- 7) Quantity Control
- European Communities Act 1972
 - Measuring Container Bottles (EEC Requirements) Regulations 1977
 - Measuring Instruments Regulations 2016
 - Measuring Instruments (EEC Requirements) Regulations 1988

Non-automatic Weighing Instruments Regulations 2016
Weights and Measures Acts 1976 and 1985

- 8) Animal Health (TS)
Animal Boarding Establishments Act 1963
Animal Health Act 1981
Animal Health and Welfare (Scotland) Act 2006
Animals (Scotland) Act 1987
Anthrax Order 1991
Avian Influenza (Preventive Measures in Zoos) (Scotland) Regulations 2005
Avian Influenza (Preventive Measures) (Scotland) Order 2007
Avian Influenza and Influenza of Avian Origin in Mammals (Scotland) Order 2006
Avian Influenza (Slaughter and Vaccination) (Scotland) Regulations 2006
Avian Influenza (H5N1 in Poultry) (Scotland) Order 2007
Avian Influenza (H5N1 in Wild Birds) (Scotland) Order 2007
Breeding of Dogs Act 1973
Breeding and Sale of Dogs (Welfare) Act 1999
Cattle Identification (Scotland) Regulations 2007
Dangerous Wild Animals Act 1976
Disease Control (Interim Measures) (Scotland) Order 2002
Diseases of Animals (Approved Disinfectants) (Scotland) Order 2008
Diseases of Poultry (Scotland) Order 2003
Diseases of Swine Regulations 2014
Foot-and-Mouth Disease (Scotland) Order 2006
Foot-and-Mouth Disease (Slaughter and Vaccination) (Scotland) Regulations 2006
Horse Identification (Scotland) Regulations 2009
Importation of Animal Pathogens Order 1980
Importation of Animals Order 1977
Infectious Diseases of Horses Order 1987
Non-Commercial Movement of Pet Animals Order 2011
Pet Animals Act 1951
Pigs (Records, Identification and Movement) (Scotland) Order 2011
Rabies (Control) Order 1974
Rabies (Importation of Dogs, Cats and other Mammals) Order 1974
Riding Establishments Act 1964
Sheep and Goats (Records, Identification and Movement) (Scotland) Order 2009
Sheep Scab (Scotland) Order 2010
Transmissible Spongiform Encephalopathies (Scotland) Regulations 2010
Transport of Animals (Cleansing and Disinfection) (Scotland) Regulations 2005
Tuberculosis (Scotland) Order 2007
Welfare of Animals at Markets Order 1990
Welfare of Animals (Transport) (Scotland) Regulations 2006
Welfare of Farmed Animals (Scotland) Regulations 2010
Welfare of Horses at Markets (and Other Places of Sale) Order 1990
Wildlife and Countryside Act 1981
Zoo Licensing Act 1981
- 9) Environmental Health
Air Quality Standards (Scotland) Regulations 2010
Air Quality (Scotland) Regulations 2000, as amended 2002 and 2016
Agriculture Act 1970

Antisocial Behaviour etc. (Scotland) Act 2004
 Building (Scotland) Act 2003
 Caravan Sites and Control of Development Act 1960
 Civic Government (Scotland) Act 1982
 Clean Air Act 1993
 Control of Pollution Act 1974
 Control of Pollution (Amendment) Act 1989
 Dog Fouling (Scotland) Act 2003
 Environment Act 1995
 Environmental Noise (Scotland) Regulations 2006
 Health and Safety at Work etc. Act 1974
 Housing (Scotland) Act 1987
 Housing (Scotland) Act 2006
 Housing (Scotland) Act 2014
 Licensing (Scotland) Act 2005
 Local Government (Scotland) Act 1973
 National Assistance Act 1948 (Section 50)
 Noise and Statutory Nuisance Act 1993
 Prevention of Damage by Pests Act 1949
 Private Housing (Tenancies) Scotland Act 2014
 Private Rented Housing (Scotland) Act 2011
 Private Water Supplies (Scotland) Regulations 2006
 Public Health etc. (Scotland) Act 2008
 Refuse Disposal (Amenity) Act 1978
 Reservoirs Act 1975
 Reservoirs (Scotland) Act 2011
 Sewerage (Scotland) Act 1968
 Water Services etc. (Scotland) Act 2005

10) Environmental Protection

Civic Government Scotland Act 1982
 Dog Fouling Scotland Act 2003
 Environmental Protection Act 1990
 Environmental Protection (Duty of Care)(Scotland) Regulations 2014
 Public Health etc (Scotland) Act 2008
 Refuse Disposal Amenity Act 1978
 Road Traffic Act 1991
 Road Traffic (Vehicle Emissions)(Fixed Penalty)Scotland Regulations 2003
 Smoking, Health and Social Care Scotland Act 2005

11) Food Safety

Contaminants in Food (Scotland) Regulations 2003
 Country of Origin of Certain Meats (Scotland) Regulations 2016
 Deer (Scotland) Act 1996
 European Communities Act 1972 (and Regulations made thereunder)
 Food Safety Act 1990 (And Regulations made thereunder)
 Food Hygiene (Scotland) Regulations 2006
 Food and Environment Protection Act 1985
 Food (Hot Chilli and Hot Chilli Products) (EmergencyControl)(Scotland) Regulations 2003
 Food Information (Scotland) Regulations 2014
 Game Licences Act 1860
 Imported Food Regulations 1997
 Official Feed and Food Control (Scotland) Regulations 2005

Products of Animal Origin (Import and Export) Regulations 1996, as amended
Products of Animal Origin (Third Country Imports)(Scotland) Regulations
2007
The Spirit Drinks Regulations 2008

12) Food Safety

Service of Hygiene Emergency Prohibition Notices under Regulation 8 of the
Food Hygiene (Scotland) Regulations 2006
Service of Emergency Prohibition Notices under Section 12 of the Food Safety
Act 1990
Service of Remedial Action Notices and or Detention Notices (Regulation 9 of
the Food Hygiene (Scotland) Regulations 2006

13) Health and Safety at Work etc. Act 1974

The officer is empowered to authorise any person to accompany him/her, if
necessary on visits to premises for the purpose of carrying out his/her
duties in terms of the Health and Safety at Work, etc. Act 1974. This officer
is also hereby authorised to exercise the power of an inspector specified
in:-

- (a) Sections 20, 21, 22 and 25 of the Health and Safety at Work etc Act
1974;
- (b) Any health and safety regulations made under the above Act; and
- (c) The provisions specified in the third column of Schedule 1 of the Act
which and of the regulations, orders or other instruments of a legislative
character made or having effect under any provision so specified.

14) Animal Welfare

Animal Health Act 1981
Animal Health and Welfare (Scotland) Act 2006
Civic Government (Scotland) Act 1982
Control of Dogs (Scotland) Act 2010
Dog Fouling (Scotland) Act 2003
Environmental Protection Act 1990
Local Government (Scotland) Act 1992
Microchipping of Dogs (Scotland) Regulations 2016
The Control of Dogs Order 1992

15) Pest Control

Prevention of Damage by Pests Act 1949

16) Contaminated Land

Contaminated Land (Scotland) Regulations 2000
Contaminated Land (Scotland) Regulations 2005
Environment Act 1995

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SCOTTISH BORDERS COUNCIL				
CALENDAR OF MEETINGS				
AUGUST 2018 - JULY 2019				
Aug-18				
MON (SH)	30	JUL		
TUES (SH)	31	JUL		
WED (SH)	1	AUG		
THUR (SH)	2	AUG		
FRI (SH)	3	AUG		
SAT	4	AUG		
SUN	5	AUG		
MON (SH)	6	AUG		
TUES (SH)	7	AUG		
WED (SH)	8	AUG		
THUR (SH)	9	AUG		
FRI (SH)	10	AUG		
SAT	11	AUG		
SUN	12	AUG		
MON (SH)	13	AUG	PLANNING AND BUILDING STANDARDS	10.00 a.m.
TUES (SH)	14	AUG		
WED (SH)	15	AUG		
THUR (SH)	16	AUG		
FRI (SH)	17	AUG		
SAT	18	AUG		
SUN	19	AUG		
MON (SH)	20	AUG	LOCAL REVIEW BODY	10.00 a.m.
TUES	21	AUG	EXECUTIVE COMMITTEE (FINANCE/PERFORMANCE/TRANSFORMATION)	10.00 a.m.
TUES	21	AUG	HAWICK CGF SUB-COMMITTEE	4.00 p.m.
TUES	21	AUG		
WED	22	AUG		
THUR	23	AUG	AUDIT & SCRUTINY COMMITTEE	10.00 a.m.
THUR	23	AUG	INNERLEITHEN CGF SUB-COMMITTEE	3.00 p.m.
FRI	24	AUG	LICENSING BOARD	10.00 a.m.
FRI	24	AUG	CIVIC GOVERNMENT LICENSING COMMITTEE	11.00 a.m.
SAT	25	AUG		
SUN	26	AUG		
MON	27	AUG	PENSION FUND INVESTMENT & PERFORMANCE SUB	10.00 a.m.
TUES	28	AUG		
WED	29	AUG	PEEBLES CGF SUB-COMMITTEE	5.00 p.m.
THUR	30	AUG	SCOTTISH BORDERS COUNCIL	10.00 a.m.
FRI	31	AUG	POLICE, FIRE & RESCUE AND SAFER COMMUNITIES BOARD	9.30 a.m.
Sep-18				
SAT	1	SEP		
SUN	2	SEP		
MON	3	SEP	PLANNING AND BUILDING STANDARDS	10.00 a.m.
TUES	4	SEP	EXECUTIVE COMMITTEE	10.00 a.m.
WED	5	SEP	SELKIRK CGF SUB-COMMITTEE	3.00 p.m.
WED	5	SEP	TWEEDDALE AREA PARTNERSHIP	7.00 p.m.
THUR	6	SEP	EDUCATION PERFORMANCE SUB-COMMITTEE	10.00 a.m.
THUR	6	SEP	EMPLOYEE COUNCIL	3.00 p.m.
THUR	6	SEP	DUNS CGF SUB-COMMITTEE	5.00 p.m.
THUR	6	SEP	BERWICKSHIRE AREA PARTNERSHIP	6.30 p.m.
FRI	7	SEP		
SAT	8	SEP		
SUN	9	SEP		
MON	10	SEP		
TUES	11	SEP	TEVIOT & LIDDESDALE AREA PARTNERSHIP	6.30 p.m.
WED	12	SEP	JEDBURGH CGF SUB-COMMITTEE	4.30 p.m.
WED	12	SEP	KELSO CGF SUB-COMMITTEE	5.30 p.m.
WED	12	SEP	CHEVIOT AREA PARTNERSHIP	6.30 p.m.
THUR	13	SEP	PENSION FUND COMMITTEE/PENSION BOARD	10.00 a.m.
THUR	13	SEP	GALASHIELS CGF SUB-COMMITTEE	10.00 a.m.

THUR	13	SEP	COMMUNITY PLANNING STRATEGIC BOARD	2.00 p.m.
THUR	13	SEP	EILDON AREA PARTNERSHIP	6.30 p.m.
FRI	14	SEP		
SAT	15	SEP		
SUN	16	SEP		
MON	17	SEP	LOCAL REVIEW BODY	10.00 a.m.
TUES	18	SEP	EXECUTIVE COMMITTEE (ECONOMIC DEVELOPMENT)	10.00 a.m.
TUES	18	SEP	MAJOR CONTRACTS GOVERNANCE GROUP	2.00 p.m.
WED	19	SEP	JCG: TEACHERS	2.00 p.m.
THUR	20	SEP	LAUDER CGF SUB-COMMITTEE	2.00 p.m.
THUR	20	SEP	WILLIAM HILL TRUST SUB-COMMITTEE	3.00 p.m.
FRI	21	SEP	LICENSING BOARD	10.00 a.m.
FRI	21	SEP	CIVIC GOVERNMENT LICENSING COMMITTEE	11.00 a.m.
SAT	22	SEP		
SUN	23	SEP		
MON	24	SEP	AUDIT & SCRUTINY COMMITTEE	10.15 a.m.
TUES	25	SEP		
WED	26	SEP		
THUR	27	SEP	SCOTTISH BORDERS COUNCIL	10.00 a.m.
FRI	28	SEP		
SAT	29	SEP		
SUN	30	SEP		
Oct-18				
MON	1	OCT	PLANNING AND BUILDING STANDARDS	10.00 a.m.
TUES	2	OCT	EXECUTIVE COMMITTEE (EDUCATION)	10.00 a.m.
TUES	2	OCT	LOCAL LICENSING FORUM	4.00 p.m.
WED	3	OCT		
THUR	4	OCT		
FRI (SH)	5	OCT		
SAT	6	OCT		
SUN	7	OCT		
MON (SH)	8	OCT		
TUES (SH)	9	OCT		
WED (SH)	10	OCT		
THUR (SH)	11	OCT		
FRI (SH)	12	OCT		
SAT	13	OCT		
SUN	14	OCT		
MON	15	OCT	LOCAL REVIEW BODY	10.00 a.m.
TUES	16	OCT	EXECUTIVE COMMITTEE	10.00 a.m.
WED	17	OCT	JCG: STAFF	10.00 a.m.
THUR	18	OCT		
FRI	19	OCT	LICENSING BOARD	10.00 a.m.
FRI	19	OCT	CIVIC GOVERNMENT LICENSING COMMITTEE	11.00 a.m.
SAT	20	OCT		
SUN	21	OCT		
MON	22	OCT		
TUES	23	OCT		
WED	24	OCT		
THUR	25	OCT	SCOTTISH BORDERS COUNCIL	10.00 a.m.
FRI	26	OCT		
SAT	27	OCT		
SUN	28	OCT		
MON	29	OCT	PENSION FUND INVESTMENT & PERFORMANCE SUB	10.00 a.m.
TUES	30	OCT		
WED	31	OCT		
Nov-18				
THUR	1	NOV	AUDIT & SCRUTINY COMMITTEE	10.00 a.m.
FRI	2	NOV		
SAT	3	NOV		
SUN	4	NOV		
MON	5	NOV	PLANNING AND BUILDING STANDARDS	10.00 a.m.
TUES	6	NOV	EXECUTIVE COMMITTEE (ECONOMIC DEVELOPMENT)	10.00 a.m.

TUES	6	NOV	MAJOR CONTRACTS GOVERNANCE GROUP	2.00 p.m.
WED	7	NOV	TWEEDDALE AREA PARTNERSHIP	7.00 p.m.
THUR(SH)	8	NOV		
FRI (SH)	9	NOV	POLICE, FIRE & RESCUE AND SAFER COMMUNITIES BOARD	9.30 a.m.
SAT	10	NOV		
SUN	11	NOV		
MON	12	NOV		
TUES	13	NOV	TEVIOT & LIDDESDALE AREA PARTNERSHIP	6.30 p.m.
WED	14	NOV		
THUR	15	NOV	EILDON AREA PARTNERSHIP	6.30 p.m.
FRI	16	NOV	LICENSING BOARD	10.00 a.m.
FRI	16	NOV	CIVIC GOVERNMENT LICENSING COMMITTEE	11.00 a.m.
SAT	17	NOV		
SUN	18	NOV		
MON	19	NOV	LOCAL REVIEW BODY	10.00 a.m.
TUES	20	NOV	EXECUTIVE COMMITTEE (FINANCE/PERFORMANCE/TRANSFORMATION)	10.00 a.m.
WED				
THUR	22	NOV	EDUCATION PERFORMANCE SUB-CTEE	10.00 a.m.
THUR	22	NOV	COMMUNITY PLANNING STRATEGIC BOARD	2.00 p.m.
FRI	23	NOV		
SAT	24	NOV		
SUN	25	NOV		
MON	26	NOV	AUDIT & SCRUTINY COMMITTEE	10.15 a.m.
TUES	27	NOV		
WED	28	NOV	SELKIRK CGF SUB-CTEE	3.00 p.m.
WED	28	NOV	PEEBLES CGF SUB-COMMITTEE	5.00 p.m.
THUR	29	NOV	SCOTTISH BORDERS COUNCIL	10.00 a.m.
FRI	30	NOV		
Dec-18				
SAT	1	DEC		
SUN	2	DEC		
MON	3	DEC	ST ANDREWS DAY HOLIDAY	
TUES	4	DEC	EXECUTIVE COMMITTEE	10.00 a.m.
WED	5	DEC	JOINT MEETING LICENSING BOARD/LLF	4.00 p.m.
WED	5	DEC	JEDBURGH CGF SUB-COMMITTEE	4.30 p.m.
WED	5	DEC	KELSO CGF SUB-COMMITTEE	5.30 p.m.
WED	5	DEC	CHEVIOT AREA PARTNERSHIP	6.30 p.m.
THUR	6	DEC	PENSION FUND COMMITTEE/PENSION BOARD	10.00 a.m.
THUR	6	DEC	GALASHIELS CGF SUB-COMMITTEE	10.00 a.m.
THUR	6	DEC	EMPLOYEE COUNCIL	3.00 p.m.
THUR	6	DEC	BERWICKSHIRE AREA PARTNERSHIP	6.30 p.m.
FRI	7	DEC		
SAT	8	DEC		
SUN	9	DEC		
MON	10	DEC	PLANNING AND BUILDING STANDARDS	10.00 a.m.
TUES	11	DEC	HAWICK CGF SUB-CTEE	4.00 p.m.
WED	12	DEC	STANDARDS COMMITTEE	10.00 a.m.
THUR	13	DEC	AUDIT & SCRUTINY COMMITTEE	10.00 a.m.
THUR	13	DEC	LAUDER COMMON GOOD FUND SUB-COMMITTEE	2.00 p.m.
THUR	13	DEC	INNERLEITHEN COMMON GOOD FUND SUB-COMMITTEE	2.00 p.m.
FRI	14	DEC	LICENSING BOARD	10.00 a.m.
FRI	14	DEC	CIVIC GOVERNMENT LICENSING COMMITTEE	11.00 a.m.
SAT	15	DEC		
SUN	16	DEC		
MON	17	DEC	LOCAL REVIEW BODY	10.00 a.m.
TUES	18	DEC		
WED	19	DEC		
THUR	20	DEC	SCOTTISH BORDERS COUNCIL	10.00 a.m.
FRI	21	DEC		
SAT	22	DEC		
SUN	23	DEC		
MON (SH)	24	DEC		

TUES (SH)	25	DEC	HOLIDAY	
WED (SH)	26	DEC	HOLIDAY	
THUR (SH)	27	DEC	HOLIDAY	
FRI (SH)	28	DEC	HOLIDAY	
SAT	29	DEC		
SUN	30	DEC		
MON (SH)	31	DEC	HOLIDAY	
Jan-18				
TUES (SH)	1	JAN	HOLIDAY	
WED (SH)	2	JAN	HOLIDAY	
THUR (SH)	3	JAN		
FRI (SH)	4	JAN		
SAT	5	JAN		
SUN	6	JAN		
MON	7	JAN	PLANNING AND BUILDING STANDARDS	10.00 a.m.
TUES	8	JAN		
WED	9	JAN		
THUR	10	JAN		
FRI	11	JAN		
SAT	12	JAN		
SUN	13	JAN		
MON	14	JAN	AUDIT & SCRUTINY COMMITTEE	10.15 a.m.
TUES	15	JAN	EXECUTIVE COMMITTEE (EDUCATION)	10.00 a.m.
WED	16	JAN	TWEEDDALE AREA PARTNERSHIP	7.00 p.m.
THUR	17	JAN		
FRI	18	JAN	LICENSING BOARD	10.00 a.m.
FRI	18	JAN	CIVIC GOVERNMENT LICENSING COMMITTEE	11.00 a.m.
SAT	19	JAN		
SUN	20	JAN		
MON	21	JAN	LOCAL REVIEW BODY	10.00 a.m.
TUES	22	JAN	LOCAL LICENSING FORUM	4.00 p.m.
WED	23	JAN	JCG: STAFF	10.00 a.m.
THUR	24	JAN	SCOTTISH BORDERS COUNCIL	10.00 a.m.
THUR	24	JAN	EILDON AREA PARTNERSHIP	6.30 p.m.
FRI	25	JAN		
SAT	26	JAN		
SUN	27	JAN		
MON	28	JAN		
TUES	29	JAN	EXECUTIVE COMMITTEE (ECONOMIC DEVELOPMENT)	10.00 a.m.
WED	30	JAN	JEDBURGH CGF SUB-COMMITTEE	4.30 p.m.
WED	30	JAN	KELSO CGF SUB-COMMITTEE	5.30 p.m.
WED	30	JAN	CHEVIOT AREA PARTNERSHIP	6.30 p.m.
THUR	31	JAN		
Feb-19				
FRI	1	FEB		
SAT	2	FEB		
SUN	3	FEB		
MON	4	FEB	PLANNING AND BUILDING STANDARDS	10.00 a.m.
TUES	5	FEB		
WED	6	FEB		
THUR	7	FEB	BERWICKSHIRE AREA PARTNERSHIP	6.30 p.m.
FRI	8	FEB	POLICE, FIRE & RESCUE AND SAFER COMMUNITIES BOARD	9.30 a.m.
SAT	9	FEB		
SUN	10	FEB		
MON	11	FEB		
TUES	12	FEB	EXECUTIVE COMMITTEE (FINANCE/PERFORMANCE/TRANSFORMATION)	10.00 a.m.
WED	13	FEB	SELKIRK CGF SUB-COMMITTEE	3.00 p.m.
THUR	14	FEB	AUDIT & SCRUTINY COMMITTEE	10.00 a.m.
FRI(SH)	15	FEB		
SAT	16	FEB		
SUN	17	FEB		

MON(SH)	18	FEB	LOCAL REVIEW BODY	10.00 a.m.
TUES(SH)	19	FEB	LAUDER COMMON GOOD FUND SUB-COMMITTEE	2.00 p.m.
TUES(SH)	19	FEB	TEVIOT & LIDDESDALE AREA PARTNERSHIP	6.30 p.m.
WED	20	FEB	JCG: TEACHERS	2.00 p.m.
THUR	21	FEB	SCOTTISH BORDERS COUNCIL (SPECIAL)	10.00 a.m.
FRI	22	FEB	LICENSING BOARD	10.00 a.m.
FRI	22	FEB	CIVIC GOVERNMENT LICENSING COMMITTEE	11.00 a.m.
SAT	23	FEB		
SUN	24	FEB		
MON	25	FEB	PENSION FUND INVESTMENT & PERFORMANCE SUB	10.00 a.m.
TUES	26	FEB	EXECUTIVE COMMITTEE (EDUCATION)	10.00 a.m.
WED	27	FEB	PEEBLES COMMON GOOD FUND SUB-COMMITTEE	5.00 p.m.
WED	27	FEB		
THUR	28	FEB	SCOTTISH BORDERS COUNCIL	10.00 a.m.
Mar-19				
FRI	1	MAR		
SAT	2	MAR		
SUN	3	MAR		
MON	4	MAR	PLANNING AND BUILDING STANDARDS	10.00 a.m.
TUES	5	MAR	MAJOR CONTRACTS GOVERNANCE GROUP	2.00 p.m.
WED	6	MAR		
THUR	7	MAR	PENSION FUND COMMITTEE/PENSION BOARD	10.00 a.m.
THUR	7	MAR	EDUCATION PERFORMANCE SUB-CTEE	10.00 a.m.
THUR	7	MAR	COMMUNITY PLANNING STRATEGIC BOARD	2.00 p.m.
THUR	7	MAR	INNERLEITHEN COMMON GOOD FUND SUB-CTEE	3.00 p.m.
THUR	7	MAR	EILDON AREA PARTNERSHIP	6.30 p.m.
FRI	8	MAR		
SAT	9	MAR		
SUN	10	MAR		
MON	11	MAR	AUDIT & SCRUTINY COMMITTEE	10.15 a.m.
TUES	12	MAR	EXECUTIVE COMMITTEE (FINANCE/PERFORMANCE/TRANSFORMATION)	10.00 a.m.
WED	13	MAR	TWEEDDALE AREA PARTNERSHIP	7.00 p.m.
THUR	14	MAR	GALASHIELS CGF SUB-COMMITTEE	10.00 a.m.
THUR	14	MAR	EMPLOYEE COUNCIL	3.00 p.m.
FRI	15	MAR		
SAT	16	MAR		
SUN	17	MAR		
MON	19	MAR	LOCAL REVIEW BODY	10.00 a.m.
TUES	19	MAR	LOCAL LICENSING FORUM	4.00 p.m.
TUES	19	MAR	HAWICK COMMON GOOD FUND SUB-CTEE	4.00 p.m.
WED	20	MAR		
THUR	21	MAR		
FRI	22	MAR	LICENSING BOARD	10.00 a.m.
FRI	22	MAR	CIVIC GOVERNMENT LICENSING COMMITTEE	11.00 a.m.
SAT	23	MAR		
SUN	24	MAR		
MON	25	MAR	PLANNING AND BUILDING STANDARDS	10.00 a.m.
TUES	26	MAR		
WED	27	MAR		
THUR	28	MAR	SCOTTISH BORDERS COUNCIL	10.00 a.m.
FRI	29	MAR		
SAT	30	MAR		
SUN	31	MAR		
Apr-19				
MON(SH)	1	APR		
TUES(SH)	2	APR		
WED(SH)	3	APR		
THUR(SH)	4	APR		
FRI(SH)	5	APR		
SAT	6	APR		
SUN	7	APR		
MON (SH)	8	APR		

TUES (SH)	9	APR		
WED (SH)	10	APR		
THUR (SH)	11	APR		
FRI (SH)	12	APR		
SAT	13	APR		
SUN	14	APR		
MON	15	APR	LOCAL REVIEW BODY	10.00 a.m.
TUES	16	APR	EXECUTIVE COMMITTEE (ECONOMIC DEVELOPMENT)	10.00 a.m.
TUES	16	APR	TEVIOT & LIDDESDALE AREA PARTNERSHIP	6.30 p.m.
WED	17	APR	CHEVIOT AREA PARTNERSHIP	6.30 p.m.
THUR	18	APR	AUDIT & SCRUTINY COMMITTEE	10.00 a.m.
FRI(SH)	19	APR	LICENSING BOARD	10.00 a.m.
FRI(SH)	19	APR	CIVIC GOVERNMENT LICENSING COMMITTEE	11.00 a.m.
SAT	20	APR		
SUN	21	APR		
MON	22	APR		
TUES	23	APR		
WED	24	APR		
THUR	25	APR	SCOTTISH BORDERS COUNCIL	10.00 a.m.
THUR	25	APR		
FRI	26	APR		
SAT	27	APR		
SUN	28	APR		
MON	29	APR	PLANNING AND BUILDING STANDARDS	10.00 a.m.
TUES	30	APR	EXECUTIVE COMMITTEE (EDUCATION)	10.00 a.m.
May-19				
WED	1	MAY		
THUR	2	MAY	BERWICKSHIRE AREA PARTNERSHIP	6.30 p.m.
FRI (SH)	3	MAY		
SAT	4	MAY		
SUN	5	MAY		
MON (SH)	6	MAY	MAY DAY HOLIDAY	
TUES	7	MAY		
WED	8	MAY		
THUR	9	MAY		
FRI	10	MAY		
SAT	11	MAY		
SUN	12	MAY		
MON	13	MAY	AUDIT & SCRUTINY COMMITTEE	10.15 a.m.
TUES	14	MAY		
WED	15	MAY		
THUR	16	MAY		
FRI	17	MAY	POLICE, FIRE & RESCUE AND SAFER COMMUNITIES BOARD	9.30 a.m.
SAT	18	MAY		
SUN	19	MAY		
MON	20	MAY	LOCAL REVIEW BODY	10.00 a.m.
TUES	21	MAY	EXECUTIVE COMMITTEE	10.00 a.m.
WED	22	MAY		
THUR	23	MAY	GALASHIELS CGF SUB-COMMITTEE	10.00 a.m.
THUR	23	MAY	EILDON AREA PARTNERSHIP	6.30 p.m.
FRI	24	MAY	LICENSING BOARD	10.00 a.m.
FRI	24	MAY	CIVIC GOVERNMENT LICENSING COMMITTEE	11.00 a.m.
SAT	25	MAY		
SUN	26	MAY		
MON	27	MAY		
TUES	28	MAY	HAWICK COMMON GOOD FUND SUB-COMMITTEE	4.00 p.m.
WED	29	MAY	PEEBLES COMMON GOOD FUND SUB-COMMITTEE	5.00 p.m.
THUR	30	MAY	SCOTTISH BORDERS COUNCIL	10.00 a.m.
FRI	31	MAY		
Jun-19				
SAT	1	JUN		
SUN	2	JUN		

MON	3	JUN	PLANNING AND BUILDING STANDARDS	10.00 a.m.
			EXECUTIVE COMMITTEE	
TUES	4	JUN	(FINANCE/PERFORMANCE/TRANSFORMATION)	10.00 a.m.
TUES	4	JUN	MAJOR CONTRACTS GOVERNANCE GROUP	2.00 p.m.
WED	5	JUN	JCG: TEACHERS	2.00 p.m.
WED	5	JUN	KELSO CGF SUB-COMMITTEE	4.30 p.m.
WED	5	JUN	JEDBURGH CGF SUB-COMMITTEE	5.30 p.m.
WED	5	JUN	CHEVIOT AREA PARTNERSHIP	6.30 p.m.
THUR	6	JUN	AUDIT & SCRUTINY COMMITTEE	10.00 a.m.
THUR	6	JUN	EDUCATION PERFORMANCE SUB-CTEE	10.00 a.m.
THUR	6	JUN	INNERLEITHEN COMMON GOOD FUND SUB-CTEE	3.00 p.m.
THUR	6	JUN	BERWICKSHIRE AREA PARTNERSHIP	6.30 p.m.
FRI	7	JUN		
SAT	8	JUN		
SUN	9	JUN		
MON	10	JUN		
TUES	11	JUN	LOCAL LICENSING FORUM	4.00 p.m.
TUES	11	JUN	TEVIOT & LIDDESDALE AREA PARTNERSHIP	6.30 p.m.
WED	12	JUN	JCG: STAFF	10.00 a.m.
WED	12	JUN	SELKIRK CGF SUB-COMMITTEE	3.00 p.m.
WED	12	JUN	TWEEDDALE AREA PARTNERSHIP	7.00 p.m.
THUR	13	JUN	PENSION FUND COMMITTEE/PENSION BOARD	10.00 a.m.
THUR	13	JUN	COMMUNITY PLANNING STRATEGIC BOARD	2.00 p.m.
FRI	14	JUN		
SAT	15	JUN		
SUN	16	JUN		
MON	17	JUN	LOCAL REVIEW BODY	10.00 a.m.
TUES	18	JUN	EXECUTIVE COMMITTEE (EDUCATION)	10.00 a.m.
TUES	18	JUN	LAUDER COMMON GOOD FUND SUB-COMMITTEE	2.00 p.m.
TUES	18	JUN	WILLIAM HILL TRUST SUB-COMMITTEE	3.00 p.m.
WED	19	JUN		
THUR	20	JUN	EMPLOYEE COUNCIL	3.00 p.m.
FRI	21	JUN	LICENSING BOARD	10.00 a.m.
FRI	21	JUN	CIVIC GOVERNMENT LICENSING COMMITTEE	11.00 a.m.
SAT	22	JUN		
SUN	23	JUN		
MON	24	JUN	PENSION FUND INVESTMENT & PERFORMANCE SUB	10.00 a.m.
TUES	25	JUN	AUDIT & SCRUTINY COMMITTEE	10.15 a.m.
WED	26	JUN		
THUR	27	JUN	SCOTTISH BORDERS COUNCIL	10.00 a.m.
FRI	28	JUN		
SAT	29	JUN		
SUN	30	JUL		
Jul-19				
MON	1	JUL	PLANNING AND BUILDING STANDARDS	10.00 a.m.
TUES	2	JUL		
WED (SH)	3	JUL		
THUR (SH)	4	JUL		
FRI (SH)	5	JUL		
SAT	6	JUN		
SUN	7	JUN		
MON (SH)	8	JUL		
TUES (SH)	9	JUL		
WED (SH)	10	JUL		
THUR (SH)	11	JUL		
FRI (SH)	12	JUL		
SAT	13	JUL		
SUN	14	JUL		
MON (SH)	15	JUL	LOCAL REVIEW BODY	10.00 a.m.
TUES (SH)	16	JUL		
WED (SH)	17	JUL		
THUR (SH)	18	JUL		
FRI (SH)	19	JUL	LICENSING BOARD	10.00 a.m.

FRI (SH)	19	JUL	CIVIC GOVERNMENT LICENSING COMMITTEE	11.00 a.m.
SAT	20	JUL		
SUN	21	JUL		
MON (SH)	22	JUL		
TUES (SH)	23	JUL		
WED (SH)	24	JUL		
THUR (SH)	25	JUL		
FRI (SH)	26	JUL		
(SH) School Holiday				

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