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**Please find attached the Public Minutes in respect Item  
No. 6 on the agenda for the above meeting**

6.	<p><b>Committee Minutes</b> (Pages 3 - 38)</p> <p>Consider Minutes of the following Committees:-</p> <table data-bbox="255 739 1197 985"><tr><td>(a)</td><td>Local Review Body</td><td>15 October 2018</td></tr><tr><td>(b)</td><td>Executive</td><td>16 October 2018</td></tr><tr><td>(c)</td><td>Civic Government Licensing</td><td>19 October 2018</td></tr><tr><td>(d)</td><td>Chambers Institution Trust</td><td>25 October 2018</td></tr><tr><td>(e)</td><td>Audit &amp; Scrutiny</td><td>1 November 2018</td></tr><tr><td>(f)</td><td>Planning and Building Standards</td><td>5 November 2018</td></tr><tr><td>(g)</td><td>Executive</td><td>6 November 2018</td></tr></table> <p>(Copies attached.)</p>	(a)	Local Review Body	15 October 2018	(b)	Executive	16 October 2018	(c)	Civic Government Licensing	19 October 2018	(d)	Chambers Institution Trust	25 October 2018	(e)	Audit & Scrutiny	1 November 2018	(f)	Planning and Building Standards	5 November 2018	(g)	Executive	6 November 2018	5 mins
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| (a) | Local Review Body               | 15 October 2018 |
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| (e) | Audit & Scrutiny                | 1 November 2018 |
| (f) | Planning and Building Standards | 5 November 2018 |
| (g) | Audit & Scrutiny                | 5 November 2018 |
| (h) | Executive                       | 6 November 2018 |

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# SCOTTISH BORDERS COUNCIL LOCAL REVIEW BODY

MINUTE of Meeting of the LOCAL REVIEW  
BODY held in the Council Chamber, Council  
Headquarters, Newtown St Boswells, TD6  
0SA on Monday, 15 October 2018 at 10.00  
am

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

## 1. **PRE-EXAMINATION MEETING 18/00929/PPP**

There had been circulated copies of the request from Mr & Mrs Eric Forster, per Ferguson Planning, Shiel House, 54 Island Street, Galashiels for review of refusal of the planning application in respect of the erection of dwelling on land north east of Ladywood, Lower Greenhill. Members considered the manner in which this review should be considered under the terms of Regulation 14(1) of The Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013. They noted that the agent had put forward reasons why a site visit should be held and also that there were differences in opinion between the Appointed Officer and the agent regarding the levels and containment of the site.

### **DECISION**

#### **AGREED:-**

- (a) **to hold an unaccompanied site visit on a date to be arranged prior to consideration of the review of application 18/00929/PPP; and**
- (b) **to defer consideration of application 18/00929/PPP to the Local Review Body meeting scheduled for 19 November 2018.**

## 2. **PRE-EXAMINATION MEETING 18/00832/PPP**

There had been circulated copies of the request from Mr Mike Orr, per Mr Steven Irvine, Stainiebrae, Lower Greenhill, Selkirk for review of refusal of the planning application in respect of the erection of two dwelling houses on land North East of Stainiebrae, Lower Greenhill, Selkirk. Members considered the manner in which this review should be considered under the terms of Regulation 14(1) of The Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013. They noted that the agent had put forward reasons why a site visit should be held and that a site visit was being held for review of an application on an adjacent site. In the interests of fairness, Members decided that a site visit should also be held for this review and that for reasons of efficiency, both site visits should be carried out on the same day.

### **DECISION**

**AGREED to hold an unaccompanied site visit on a date to be arranged prior to consideration of the review of application 18/00832/PPP which was due to take place at the LRB meeting scheduled for 19 November 2019.**

## 3. **REVIEW OF 18/00929/PPP**

Consideration of this review was deferred to the Local Review Body meeting scheduled for 19 November 2018, as detailed in paragraph 1 above.

## 4. **REVIEW OF 18/00686/FUL.**

There had been circulated copies of the request from Thomas and Pamela Atkinson, Flatt Farm, Newcastleton, Roxburghshire for review of refusal of the planning application in respect of the change of use of land (optional locations) to Site 2 No glamping units for holiday let on land North West, East and South East of Flatt Farmhouse, Newcastleton. The supporting papers included the Notice of Review; Decision Notice; Officer's Report; papers referred to in the officer's report; consultations; and a list of relevant policies. Members' attention was drawn to new evidence submitted with the Notice of Review documentation in the form of letters of support from neighbours and local businesses. They concluded that under the terms of Section 43B of the Town and Country Planning (Scotland) Act 1997 this evidence could be referred to in the determination of the review. In a lengthy discussion Members were broadly supportive of the proposals which represented an expansion of an existing farm diversification business based on tourism. There were views expressed about there being insufficient information with the application to enable a full assessment of the impacts of the development but Members concluded that their concerns could be addressed by appropriate conditions and by limiting consent to a temporary period in the first instance.

## **DECISION**

### **AGREED that:-**

- (a) the request for a review had been competently made in terms of Section 43A of the Town and Country Planning (Scotland) Act 1997;**
- (b) in accordance with Section 43B of the Town and Country Planning (Scotland) Act 1997 the review could be determined with reference to the new evidence submitted with the Notice of Review documentation;**
- (c) the review could be considered without the need for any further procedure on the basis of the papers submitted;**
- (d) the proposal would be in keeping with the Development Plan; and**
- (e) the officer's decision to refuse the application be reversed and planning permission be granted subject to conditions and informatives, for the reasons detailed in Appendix I to this Minute**

## **5. REVIEW OF 18/00745/FUL**

There had been circulated copies of the request from David and Claire McTaggart, per RG Licence Architect, Hillend, Cliftonhill, Kelso for review of refusal of the planning application in respect of the change of use of steading, alterations and extension to form dwellinghouse (revision to planning permission 17/00915/FUL) at Billerwell Farm, Hawick. The supporting papers included the Notice of Review; Decision Notice; Officer's Report; papers referred to in the officer's report; consultations; and a list of relevant policies. Members noted that there was a previous valid consent for conversion of the steading building into a dwellinghouse and agreed that the building was suitable for conversion. Their ensuing discussion focussed on the proposed revision of the design and layout which was sought by the applicant to improve the residential accommodation. In particular Members considered the impact of the proposed increased height and scale on the character of the building and the surrounding farm steading and after lengthy debate their opinions remained divided.

## VOTE

*Councillor Hamilton, seconded by Councillor Mountford, moved that the decision to refuse the application be reversed and the application approved.*

*Councillor Aitchison, seconded by Councillor Laing, moved as an amendment that the decision to refuse the application be upheld.*

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

*Motion - 5 votes*

*Amendment - 4 votes*

*The motion was accordingly carried and the application approved.*

**DECISION**

**DECIDED that:-**

- (a) **the request for a review had been competently made in terms of Section 43A of the Town and Country Planning (Scotland) Act 1997;**
- (b) **the review could be considered without the need for any further procedure on the basis of the papers submitted;**
- (c) **the proposal would be in keeping with the Development Plan; and**
- (d) **the officer's decision to refuse the application be reversed and planning permission be granted subject to conditions and informatives, for the reasons detailed in Appendix II to this Minute.**

**6. REVIEW OF 18/01039/FUL**

There had been circulated copies of the request from Mrs Laura Paterson, 41 North Hermitage Street, Newcastleton for review of refusal of the planning application in respect of replacement windows (revision to planning permission 18/00211/FUL). The supporting papers included the Notice of Review; Decision Notice; Officer's Report; papers referred to in the officer's report; and a list of relevant policies. Members noted that the application for uPVC top-hung replacement windows was a revision to previous planning consent for uPVC sash and case replacements. Whilst accepting that the property was outwith the Core Frontage part of the Newcastleton Conservation Area and that there were a mixture of window styles and materials in neighbouring properties, Members were keen to maintain the traditional profile of the windows on this frontage.

**DECISION**

**AGREED that:-**

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

*The meeting concluded at 11.50 am*

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# SCOTTISH BORDERS COUNCIL EXECUTIVE COMMITTEE

MINUTE of Meeting of the EXECUTIVE COMMITTEE held in Council Chamber, Council Headquarters, Newtown St Boswells, TD6 0SA on Tuesday, 16 October, 2018 at 10.00 am

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

Apologies:- Councillor S. Haslam  
Also present:- Councillor H. Scott  
In Attendance:- Chief Executive, Chief Financial Officer, Service Director Regulatory Services, Group Manager Housing Strategy & Services, Clerk to the Council, Trainee Democratic Services Officer; Mr A. Haseeb, Audit Scotland.

1. **MINUTE**  
There had been circulated copies of the Minute of the meeting of the Executive Committee held on 2 October 2018.

## **DECISION**

**AGREED that the Minute be approved and signed by the Chairman.**

2. **PROPOSED FUNDING CONTRIBUTIONS FOR DELIVERING EXTRA CARE HOUSING IN GALASHIELS**

With reference to paragraph 7 of the Minute of 28 June 2018, there had been circulated copies of a joint report by the Service Director Regulatory Services and the Chief Financial Officer recommending that the Council financially assist the delivery of the extra care housing development at Langhaugh Galashiels, which would provide 39 affordable housing, through the use of its Affordable Housing Investment Budget. The report also presented the progress as set out in the Extra Care Housing Framework Eildon Housing Association (EHA) to the development of the Langhaugh site in Galashiels. In order to support the delivery of the project, the Scottish Government had agreed to provide a significant enhanced grant and EHA were contributing higher than usual private borrowing per unit. However, issues with contamination had emerged through site demolition and clearance works which indicated a funding gap of up to £1.8m. The sums recommended for approval were included in the Integrated Strategic Plan for Older Peoples Housing, Care and Support Needs, which was approved by Council in June 2018. The Chief Financial Officer explained that the proposed 39 affordable homes in Langhaugh would be a major investment and would generate around £0.039m in annual Council Tax income for the Council. If the full amount of £1.8m was not required it could be made available to assist with a variety of other affordable housing across the region. It was noted that asbestos had only been discovered on site within the floor slab in the former mill when this was being broken up by the demolition contractors. Members welcomed the project.

## **DECISION**

**(a) AGREED:**

- (i) **to approve the contribution of up to £1.8m of grant funding from the Council's Affordable Housing Investment Budget to Eildon Housing**

**Association to enable the commencement of development of the extra care housing development at Langhaugh, Galashiels; and**

**(ii) to delegate authority to the Chief Financial Officer to liaise with Eildon Housing Association to agree arrangements to make payment to dovetail with project spend profile requirements.**

**(b) NOTED that Officers would continue to keep the specification for future extra care developments under review to ensure the maximisation of best value in line with the decision to gap fund the extra care project at Duns.**

**3. STRATEGIC HOUSING INVESTMENT PLAN 2019-2024 SUBMISSION**

With reference to paragraph 3 of the Minute of 17 October 2017, there had been circulated copies of a report by the Service Director Regulatory Services seeking approval of the Strategic Housing Investment Plan (SHIP) 2019-2024 due to be submitted on line and by hard copy to the Scottish Government by 26 October 2018. The report explained that Local Authorities were required to produce an annual SHIP submission to Scottish Government and that this was the Council's 10<sup>th</sup> report. Scottish Borders Council, with the involvement of its key partners via the SHIP Working Group, had prepared this SHIP submission. The SHIP articulated how the Council and its RSL partners would seek to deliver the Borders affordable housing investment needs and priorities identified in the Council's Local Housing Strategy (LHS) 2017-2022 over a 5 year planning horizon. Homes would be counted towards the Scottish Parliament's target of 50,000 Affordable Homes. Based on Resource Planning Assumptions (RPAs) from Scottish Government Officials of £44.855m for the period 2018-2021, £4.6m from charitable bonds, Registered Social Landlords (RSLs) partner private sector borrowing and a commitment from the Council's Affordable Housing budget, approximately 751 new affordable homes would be delivered over the next 2 years and up to 1,047 within the next 5 year period. This latter figure assumed that all identified challenges and infrastructure issues were resolved in a timely manner, funding was available and that agreement had been reached between all interested parties and the construction sector had capacity to deliver projects. SHIP also included a number of new build extra care housing developments in key Borders towns. It was noted that a total investment of £185m had contributed to various affordable homes within the Region. Eildon Housing Association was also building a number of passive houses which would dramatically reduce the cost of heating for tenants and that this could be a major switch for housing standards across the Borders.

**DECISION**

**APPROVED the SHIP 2019-2024 for submission to the Scottish Government More Homes Division by 26 October 2018.**

**4. PROPOSED FINANCIAL ASSISTANCE TO WAVERLEY HOUSING TO PURCHASE FORMER RIGHT TO BUY FLATS**

4.1 There had been circulated copies of a joint report by the Service Director Regulatory Services and the Chief Financial Officer seeking to financially assist Waverley Housing to acquire up to 6 privately owned "Right to Buy" flats in Upper Langlee Galashiels, through the use of the Council's Affordable Housing Investment Budget. Waverley Housing proposed to embark on a housing-led regeneration on part of Upper Langlee in Galashiels where they were the majority owner. This large scale regeneration project was dependent on the demolition and re-modernisation of a number of unpopular housing blocks. Waverley Housing would acquire these 6 privately owned flats to build an estimated 115 new build homes through a phased re-development approach. This was a high cost project funded via housing association grant and high levels of private sector borrowing by Waverley Housing and the Council's contribution would assist to fill the gap of £1.5m to Waverley Housing with other monies coming from grant funding from Scottish Government. This development would bring benefits to the whole Langlee area, with residents welcoming the transformation work.

- 4.2 It was advised that the Group Manager Housing Strategy and Services, Ms Fancy, would be leaving Scottish Borders Council and Members thanked her for her exceptional work with the SHIP and other housing projects over the years and wished her well for the future.

**DECISION**

**AGREED:**

- (a) to approve the contribution of up to £300k by way of grant funding from the Council's Affordable Housing Investment Budget to Waverley Housing to fund the acquisition of up to 6 flats in Upper Langlee Galashiels, on condition that it enabled the demolition of the Block; and
  - (b) to delegate authority to the Chief Financial Officer to liaise with Waverley Housing to agree arrangements to make payment to dovetail with project spend profile requirements.
5. **PRIVATE BUSINESS**  
**AGREED** under Section 50A(4) of the Local Government (Scotland) Act 1973 to exclude the public from the meeting during consideration of the business detailed in the Appendix to this minute on the grounds that it involved the likely disclosure of exempt information as defined in the relevant paragraphs of part 1 of schedule 7A to the Act.

**SUMMARY OF PRIVATE BUSINESS**

6. **MINUTE**

The private Minute of the meeting held on 2 October 2018 was approved.

***The meeting concluded at 10.25 am***

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# SCOTTISH BORDERS COUNCIL CIVIC GOVERNMENT LICENSING COMMITTEE

MINUTE of Meeting of the CIVIC  
GOVERNMENT LICENSING COMMITTEE  
held in Committee Rooms 2 and 3 on Friday,  
26 October 2018 at 10.00 am

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Present:- Councillors J. Greenwell (Chairman), J. Brown, D. Paterson, N. Richards,  
S. Scott, R. Tatler, E. Thornton-Nicol and G. Turnbull

Apologies:- Councillor T. Weatherston

In Attendance:- Managing Solicitor – Property and Licensing, Licensing Services Team  
Leader, Licensing Standards and Enforcement Officers (Mr I. Tunnah and Mr  
M. Wynne), Democratic Services Officer (F. Walling), Inspector T Hodges -  
Police Scotland

1. **MINUTE**

The Minute of the Meeting of 21 September 2018 had been circulated.

**DECISION**

**APPROVED and signed by the Chairman.**

2. **LICENCES ISSUED UNDER DELEGATED POWERS**

There had been circulated copies of the Civic Government and Miscellaneous Licences issued under delegated powers between 13 September 2018 and 12 October 2018.

**DECISION**

**NOTED.**

3. **PRIVATE BUSINESS**

**DECISION**

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

## SUMMARY OF PRIVATE BUSINESS

4. **LICENSING OF METAL AND ITINERANT METAL DEALERS**

Consideration of an application for the grant of an Itinerant Metal Dealers Licence, in respect of which Police objections had been received, was deferred to the next meeting due to the non-attendance of the applicant.

5. **MINUTE**

The Private section of the Minute of 21 September 2018 was approved.

*The meeting concluded at 10.10 am*

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**SCOTTISH BORDERS COUNCIL**  
**CHAMBERS INSTITUTION TRUST**

MINUTE of MEETING of the  
CHAMBERS INSTITUTION TRUST held  
in the Council Headquarters, Newtown  
St. Boswells on 25 October 2018 at  
11.30 a.m.

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Present:- Councillors K Chapman (Chairman), H. Anderson, S Bell, S Haslam, E  
Small, R Tatler.  
In Attendance:- Democratic Services Team Leader.

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1. **CHAMBERS INSTITUTION WAR MEMORIAL**

It was reported that a request had been received to erect two 6' tall metal outline "tommy" silhouettes next to the war memorial. Members discussed the proposal and agreed that they could support a temporary installation around 11 November 2018.

**DECISION**

**AGREED to approve the erection of two "tommy" silhouettes next to the war memorial which should be removed after 11 November 2018.**

2. **URGENT BUSINESS**

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

3. **BOER WAR MEMORIAL PLAQUE**

The Chairman advised that he had been contacted regarding the re-location of the Boer War Memorial Plaque which was currently located in the local Ex-Servicemen's Club which could be attached to the wall next to the war memorial. Pictures of the plaque were tabled at the meeting. Members considered that an outside location was not appropriate and that the plaque, together with some related photographs would be best transferred to the Museums Service for retention and display.

**DECISION**

**AGREED that the plaque and associated photographs be transferred to the Museums Service.**

4. **DATE OF NEXT MEETING**

**AGREED that the next meeting be held on Wednesday, 28 November 2018 at 3 p.m. in the Council Chamber, Rosetta Road.**

*The meeting concluded at 11.40 a.m.*

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# SCOTTISH BORDERS COUNCIL AUDIT AND SCRUTINY COMMITTEE

MINUTE of Meeting of the AUDIT AND SCRUTINY COMMITTEE held in Council Chamber, Council Headquarters, Newtown St Boswells on Thursday 1 November 2018 at 10.00 am

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

In Attendance:- Service Director Assets & Infrastructure, Network Manager, Chief Officer Economic Development, Clerk to the Council, Trainee Democratic Services Officer (E. Graham); Lead Petitioner (K. Payne), Cockburnspath & Cove Community Council (N. Simpson)

## 1. WELCOME AND INTRODUCTIONS

The Chairman welcomed those present to the meeting and introductions were made.

## 2. MEMBER

In terms of Section 5 of the Councillors' Code of Conduct, Councillor Fullarton declared himself as the local Member, but did not declare an interest and participated in the meeting.

## 3. MINUTE

There had been circulated copies of the Audit and Scrutiny Committee Minute of 24 September 2018.

## DECISION

**APPROVED for signature by the Chairman.**

## 4. COVE CAR PARK PETITION

4.1 There had been circulated copies of an extract from the Audit and Scrutiny Committee Petitions procedure. The Chairman explained the procedure to be followed and highlighted the main points. The Chairman then welcomed Mr Kevin Payne, Lead Petitioner, who is in attendance to present a petition on Cove Car Park and who is accompanied by Mr Neil Simpson, Cockburnspath & Cove Community Council. Mr Payne commenced his presentation by explaining further the information in the supporting statement and referred to the photographs attached to the papers. The Petitions submission form had been submitted with a total of 41 signatures, from 33 properties of which 25 were permanently occupied. This is due to the increasing number of visitors to Cove and residents had raised concerns over road safety, parking and the road conditions.

*The petition requested that consideration be given to:-*

*(i) Speed Control*

*(ii) No through road signage*

*(iii) Residents' parking areas*

*(iv) Limitation on size of vehicles entering the Cove (other than service/emergency vehicles)*

4.2 Mr Payne advised that there were no speed restrictions, other than 'Slow' painted on the road. Street lighting is only present on part of the road and it is single track with no pavements or grass verges. The road is the only access to Cove Harbour and is used by villagers, visitors, children and families. Traffic volumes were also a factor and a 'No

Through Road' sign would help reduce the number of vehicles entering Cove. The road is not suitable for large vehicles and there is an increasing number of tour buses and very large motorhomes coming into the village. The road ran along a cliff top and had been protected in the past from erosion. Vehicle numbers had vastly increased and this is limiting parking in the village, especially during Summer weekends. Residents were having difficulty parking near to their homes which is impacting on young families and the elderly. Emergency vehicles and refuse vehicles were also having difficulty accessing properties. The existing signage in the car park for 'No Overnight Camping' is unpoliced and not enforced; and residents who had erected their own parking signs on private properties had noticed an observable difference. There had been multiple pleas to the Council for designated residents' parking. In conclusion, the residents were asking the Council to act on a simple, low cost request to make Cove a safer place for residents and visitors and to:-

- (i) Designate ten parking spaces for residents use only;
- (ii) Introduce a 15mph speed limit into the village;
- (iii) Limit vehicle size into the village; and
- (iv) Erect a "No through road" sign.

4.3 Members then asked Mr Payne a number of questions. Mr Payne advised that the speed limit on the road is 60mph from the A1, which reduced to 30mph where there were streetlights. In Summer, tourists walked from Cockburnspath to Cove on the road, which had no grass verges, no room for pavements, and no passing places, which meant pedestrians had to move into residents' driveways to allow vehicles to pass. Councillor Fullarton explained that parking in Cove and Cockburnspath had always been an issue, particularly in the Summer, with approximately 12 houses having no private parking. In response to a question about whether consideration had been given to an asset transfer of the car park under the Community Empowerment (Scotland) Act, Mr Payne advised that some residents were against this due to the potential economic liability. While there is no space to make the car park larger, a possible location for another car park had been identified but this could prove controversial. Cove Harbour Conservation Ltd owned the harbour and generated some income from film/photoshoots, but the harbour lay around ½ a mile from the village, with no additional land available. Any revenue raising possibilities would be for the harbour and not the community.

4.4 There had been circulated copies of a briefing note by the Service Director Assets & Infrastructure responding to the Petition on Cove Car Park. The report stated that the Council is in the process of introducing an area-wide Traffic Regulation for off-street car parks in the Scottish Borders. At Cove, the intention is to restrict vehicles to under 3.5 tonnes and for the maximum stay to be 48 hours. This reduced period is in response to complaints about non-residents, particularly those in motorhomes, parking in the vicinity to the exclusion of residents. Reducing the speed limit is currently being considered but it is proposed to be 30mph in line with other villages in the Borders. There is no proposal for the Council to promote a Traffic Regulation Order (TRO) to limit the size or weight of vehicles on this route. The "No Through Road Sign" at the top of the road into Cove had been amended to read Cove (only). In addition, a "No Through Road – unsuitable for HGVs and Buses" sign is currently on order. Mr Young, the Network Manager, reported that there were constraints on what could be done and there were no plans to introduce residential parking. To reserve 10 spaces for residents would put added pressure on the remaining car parking spaces. To introduce informal parking would cause problems when residents came to sell their properties as parking rights would not be part of title. The road to Cove is the national speed limit of 60mph but would fit the criteria for a 30mph speed limit; 20mph is generally in place around schools to protect children and families. The proposed TRO would give the Council the power to deal with any complaints. The signs would show that the road is not suitable for HGVs or buses. While the Council had adopted and maintained the car park, the ownership of the ground would need to be checked, as adoption did not necessarily mean ownership. It may be possible to re-visit the layout of the car park to see if more spaces could be created, but a turning space would also need to be created for larger vehicles. The Council would undertake surveys on the usage of the car park. Members then discussed the issues of having a TRO and

signage which would not be monitored on a regular basis. Any review of speed limits would be carried out as part of a Borders wide review as it is a major exercise, carried out in conjunction with the police, and due to start in Summer 2019. There is also a discussion around residents' car parking permits; the street lighting; and whether plans were in place to look at the future impact of erosion on the road, although officers confirmed that current monitoring showed there were no structural concerns at this stage. In response to a question as to whether there could be a '20's plenty' sign on the road, the officer explained that Transport Scotland no longer permitted these signs as research had shown they were ineffective.

- 4.5 The petitioners thanked the officers for their continued help and thanked Councillors for their support. The Chairman summarised the points raised and asked officers to consider the options and to report back with practical solutions. The Chairman thanked the petitioners and officers for their attendance and the comprehensive, clear reports that were provided to the Committee.

## **DECISION**

**AGREED to refer the issues raised by the Cove Car Park petition to the Service Director Assets & Infrastructure to carry out the following work:**

- (a) Introduce the new TRO proposing a restriction on vehicle size to under 3.5 tonnes and a time limit for parking of 48 hours;**
- (b) include the Cove road in the proposed review of speed limits due to start in Summer 2019, with the aim of reducing the speed limit on the road to 30mph;**
- (c) ensure the signage "Unsuitable for HGV/buses" and "No Through Road" be erected as soon as possible;**
- (d) review the current layout of the car parking spaces to ascertain if further spaces could be made, including a turning area for large vehicles e.g. the refuse lorry;**
- (e) consider erecting a "Slow pedestrians" sign;**
- (f) seek clarification on the ownership of the car park; and**
- (g) consider options for permitted parking for residents, liaising with Mr Payne and Cove residents about any way forward.**

## **5. BROADBAND REVIEW**

- 5.1 With reference to paragraph 3 of the Minute of 3 September 2018, the Chairman welcomed Mr Bryan McGrath, the Council's Chief Officer Economic Development, who gave Members an initial presentation as part of Scrutiny's review of the progress made in delivering improved broadband services in the Scottish Borders by the Digital Scotland Superfast Broadband Programme. The Chairman referred to the review and that Scottish Borders Council had contributed significantly to the rollout of the Scottish Government's Digital Scotland Superfast Broadband (DSSB) programme, contributing £8.4m over two years to help extend the rollout as far as possible in the Scottish Borders. It is noted that two special Scrutiny meetings had been arranged for Monday 5 November and Wednesday 21 November and papers would be compiled with previous reports for the first meeting. Members of the Digital Scotland Superfast Broadband (DSSB) would be attending on 5 November to give a presentation. A glossary of acronyms would be made available to assist Members with the complex terminology.

- 5.2 Mr McGrath's presentation explained that the focus of the DSSB programme is on improving the digital infrastructure across Scotland. DSSB were working on the roll-out of fibre on a much wider basis, but still relying on the existing copper cable network to get back to people's houses and businesses. Fibre to the Cabinet (FTTC) is key to the programme with a top speed on copper cables of 80Mbps with Fibre to the Premises (FTTP) currently running up to 300Mbps. However, using the old copper cables means that the quality of the signal falls away the further a household or business is from the cabinet. If a premises is more than a mile from a cabinet it would likely not receive the full superfast broadband speed. There is complexity around fibre to the cabinet in particular within rural areas. A lot of houses and businesses were spread over considerable distances and were connected to 'exchange only' lines, a line that goes back directly to

the telephone exchange. This created a challenge on how to provide a superfast service. Solutions for these 'exchange only' lines were developed later in the programme. The practicalities in putting in the cabinets and boxes had been a massive engineering project. There is a huge requirement on the role of local authorities, the co-ordination process between contractors, roads authorities and all other local authorities. Road works were ongoing with the challenge around land ownership where boxes need to be fitted. Stickers were put on cabinets in conservation areas with challenges around the siting of the cabinets.

- 5.3 A relatively small number of connections were being provided by Fibre to the Premises (FTTP). These full-fibre connections have only started to appear in the latter part of the roll-out, and provide the fastest speeds available. Work had been carried out on overhead/underground cables and following existing phone lines in place with distances between telegraph poles being reviewed. Internal customer wiring required to be reviewed and the installation work is also different. FTTC connections can be activated easily by the householder, but if FTTP is required this involved an engineer visiting the premises. The DSSB roll-out is aiming to roll-out fibre as far as possible as it helps to future proof the network. DSSB had recognised that they would only get to 95% of premises in Scotland but Scottish Government's commitment recognised the importance of 100% in premises and the proposed R100 programme would reach this by the end of 2021. It is noted that the R100 programme is in the procurement process at the moment, with the anticipated date for the contracts being Spring/Summer 2019. In response to a question on digital data being transferred by satellite and whether this could be a solution to reach outlying properties, it is reported that this is sometimes the only option for a connection but the Government is pushing for funding for full fibre into as many premises as possible in future. It is further reported that many sub-Saharan countries did not have a legacy of copper networks and were therefore using full-fibre networks already, while other countries had put massive public funding into fibre at an earlier stage.
- 5.4 Discussions were held on the format of the future meetings and it is noted that R100 would not be considered as the review is about DSSB, which should then feed in to the R100 programme. Members were advised to scan through the papers that would be circulated and to consider the expectations of DSSB and on what had actually been achieved. There is a short discussion on the Scottish Wide Area Network (SWAN). The Council had signed up to be part of the public services network in order to get communication networks into schools, contact centres and council premises.

## **DECISION**

### **NOTED:**

**(a) the presentation; and**

**(b) that a special meeting of Audit and Scrutiny Committee to consider the Broadband Review would be held on Monday 5 November at 1pm in Committee Room 2 with a presentation by Scottish Government Digital Scotland Superfast Broadband (DSSB) team; and a further meeting would be held on Wednesday 21 November at 10.30am in the Council Chamber, Council Headquarters.**

***The meeting concluded at 12:45***

**SCOTTISH BORDERS COUNCIL  
PLANNING AND BUILDING STANDARDS COMMITTEE**

MINUTE of Meeting of the PLANNING  
AND BUILDING STANDARDS  
COMMITTEE held in Council  
Headquarters, Newtown St Boswells TD6  
0SA on Monday, 5 November 2018 at  
10.00 a.m.

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

1. **MINUTE**

There had been circulated copies of the Minute of the Meetings held on 1 October 2018.

**DECISION**

**APPROVED for signature by the Chairman.**

2. **APPLICATIONS**

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

**DECISION**

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

3. **APPEALS AND REVIEWS**

There had been circulated copies of a briefing note by the Chief Planning Officer on Appeals to the Scottish Ministers and Local Reviews.

**DECISION**

**NOTED that:-**

(a) **Appeals had been received in respect of:-**

- (i) **Certificate of Lawfulness for an Existing Use: Class 9 Residential at Glenacre, Camptown, Jedburgh - 18/00849/CLEU; and**
- (ii) **Erection of Chalet in Field Land East of Keleden, Ednam – 17/00131/UNDEV**

- (b) **Scottish Ministers had upheld an appeal in respect of the Erection of 2 No wind turbines 11.8m high to tip on Land South West of 6 Lamberton Holding, Lamberton**
- (c) **there remained three appeals outstanding in respect of:-**
- **Land South West of Easter Happrew Farmhouse, Peebles**
  - **Hutton Hall Barns, Hutton**
  - **Land North West of Gilston Farm, Heriot**
- (d) **Review Requests had been received in respect of:-**
- (i) **Alterations and extension to dwellinghouse and erection of detached garage/workshop at Elsiele, 61 West High Street, lauder – 18/00580/FUL;**
  - (ii) **Change of use from Class 4 to include Class 11 (Leisure) and Class 3 (Café) at Factory Plexus facility, Tweedside Park, Tweedbank, Galashiels – 18/00764/FUL;**
  - (iii) **Erection of dwellinghouse (renewal of planning permission 15/00036/PPP) on land North West of Chapel Cottage, Melrose - 18/00644/PPP;**
  - (iv) **Change of Use of land (optional locations) top site 2 No Glamping units for holiday let on Land North West, East and South East of Flatt Farmhouse, Newcastleton – 218/00686/FUL;**
  - (v) **Change of use of Steading, alterations and extension to form dwellinghouse(revision to planning permission 17/00915/FUL) at Steading Buildings Billerwell Farm, Hawick – 18/00745/FUL;**
  - (vi) **Erection of dwellinghouses on Land North East of Stainie Brae, Lower Greenhill, Selkirk – 18/00832/PPP; and**
  - (vii) **Replacement windows (revision to planning permission 18/00211/FUL) at 41 North Hermitage Street, Newcastleton**
- (e) **the decision of the Appointed Officer had been Overturned in respect of:-**
- (i) **Erection of dwellinghouse with associated access road, parking area and combined entrance/layby on Land West of Langton Birches, Duns – 18/00270/PPP;**
  - (ii) **Change of use from retail to tattoo studio (retrospective) at 52 Bank Street, Galashiels – 18/00398/FUL**
  - (iii) **Change of Use of land (optional locations) top site 2 No Glamping units for holiday let on Land North West, East and South East of Flatt Farmhouse, Newcastleton – 218/00686/FUL;**
  - (iv) **Change of use of Steading, alterations and extension to form dwellinghouse (revision to planning permission 17/00915/FUL) at Steading Buildings Billerwell Farm, Hawick – 18/00745/FUL;**

- (v) **Change of use from retail (Class 1) to mortgage shop (Class 2) and external re-decoration at 37 Bank Street, Galashiels**
- (f) **the decision of the Appointed Officer had been upheld in respect of replacement windows (revision to planning permission 18/00211/FUL)**
- (g) **there remained one Review outstanding in respect of Land North East of Ladywood, Lower Greenhill, Selkirk**
- (h) **there remained three Section 36 Public Local Inquiries Outstanding in respect of:-**
  - **Fallago Rig 1, Longformacus**
  - **Fallago Rig 2, Longformacus**
  - **Birneyknowe Wind Farm, Land North, South, East and West of Birnieknowe Cottage, Hawick**

**4. PRIVATE BUSINESS  
DECISION**

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

**SUMMARY OF PRIVATE BUSINESS**

- 5. REQUEST TO REDUCE DEVELOPMENT CONTRIBUTION REQUIREMENTS WITH RESPECT OF A MIXED USE DEVELOPMENT COMPRISING RESIDENTIAL DEVELOPMENT, RELOCATION OF ALLOTMENTS AND FORMATION OF WORKSHOPS AND EMPLOYMENT USES – MARCH STREET MILLS, PEEBLES**
- The Committee considered a report by the Chief Planning Officer. It was agreed that, in view of the fact that applications 17/00063/PPP and 17/00064/CON had been deferred to allow Members to visit the site, the report be deferred to a future meeting.

*The meeting concluded at 12.40 p.m.*

**APPENDIX I**  
**APPLICATIONS FOR PLANNING PERMISSION**

<b><u>Reference</u></b>	<b><u>Nature of Development</u></b>	<b><u>Location</u></b>
18/01090/FUL	Erection of Dwellinghouse	J Rutherford Workshop Rhymers Mill Road Earlston

Decision: Approved subject to (the approval of the Scottish Ministers,) a legal agreement addressing contribution towards education and the Borders Railway and the following conditions:

1. Unless otherwise agreed in writing and in advance by the Planning Authority, prior to any development commencing on site, a scheme will be submitted by the Developer (at their expense) to identify and assess potential contamination on site. No construction work shall commence until the scheme has been submitted to, and approved, by the Council, and is thereafter implemented in accordance with the scheme so approved.

The scheme shall be undertaken by a competent person or persons in accordance with the advice of relevant authoritative guidance including PAN 33 (2000) and BS10175:2011 or, in the event of these being superseded or supplemented, the most up-to-date version(s) of any subsequent revision(s) of, and/or supplement(s) to, these documents. This scheme should contain details of proposals to investigate and remediate potential contamination and must include:-

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

and thereafter;

- b) Where required by the desk study, undertaking a detailed investigation of the nature and extent of contamination on site, and assessment of risk such contamination presents.
- c) Remedial Strategy (if required) to treat/remove contamination to ensure that the site is fit for its proposed use (this shall include a method statement, programme of works, and proposed validation plan).
- d) Submission of a Validation Report (should remedial action be required) by the developer which will validate and verify the completion of works to a satisfaction of the Council.
- e) Submission, if necessary, of monitoring statements at periods to be agreed with the Council for such time period as is considered appropriate by the Council.

Written confirmation from the Council, that the scheme has been implemented completed and (if appropriate), monitoring measures are satisfactorily in place, shall be required by the Developer before any development hereby approved commences.



Where remedial measures are required as part of the development construction detail, commencement must be agreed in writing with the Council.

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

2. Notwithstanding the description of the materials in the application, no development shall be commenced until precise details of the materials to be used in the construction of the external walls and roofs of the building have been submitted to and approved in writing by the Planning Authority, and thereafter no development shall take place except in strict accordance with those details.

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

3. No development shall take place except in strict accordance with a scheme of soft landscaping works, which shall first have been submitted to and approved in writing by the Local Planning Authority, and shall include (as appropriate):

- a) indication of existing trees, shrubs and hedges to be removed, those to be retained and, in the case of damage, proposals for their restoration
- b) location of new trees, shrubs, hedges and grassed areas
- c) schedule of plants to comprise species, plant sizes and proposed numbers/density
- d) programme for completion and subsequent maintenance.

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

4. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and shall be maintained thereafter and replaced as may be necessary for a period of two years from the date of completion of the planting, seeding or turfing.

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

5. Details of all proposed means of enclosure to be submitted to and approved in writing by the Planning Authority before the development commences. The development then to be completed in accordance with the approved details.

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

6. The proposed boundary wall to the front (north west boundary) and side (north east boundary) of the property must be not greater than 950mm in height (including any cope).

Reason: To ensure appropriate visibility is provided for the junction of Rhymers Avenue and the nose in parking spaces on Mill Road.

7. Two parking spaces shall be provided within the curtilage of the property prior to occupation of the dwellinghouse and retained thereafter in perpetuity.

Reason: To ensure the development is served by appropriate parking at all times.

8. The first two metres of the access shall be surfaced to the following specification prior to the occupation of the dwellinghouse: 75mm of 40mm size single course bituminous layer blinded with bituminous grit all to BS 4987 laid on 375mm of 100mm broken stone

bottoming blinded with sub-base, type 1. Only contractors first approved by the Council may work within the public road boundary.

Reason: To protect the integrity of the public road boundary and to ensure an appropriate verge crossing is formed.

9. Any gates to be hung so as not to swing out over the public road boundary.  
Reason: To prevent obstruction of the public road or footpath.
10. The dwellinghouse hereby approved shall have a finished floor level of 102.64mAOD. Details of ground levels surrounding the dwellinghouse (designed to convey overland flow away from the development) and drainage measures (to intercept overland flow) shall first be submitted to and approved in writing by the Planning Authority before the development commences. The development shall then be completed in accordance with the approved details.  
Reason: To safeguard the dwellinghouse from flooding.
11. No development shall commence until a Noise Impact Assessment has been submitted to and approved in writing by the Planning Authority. This to provide information on the existing noise environment and the likely impact of the workshop use on the proposed development. If the outcome of the assessment concludes there will be an adverse impact the report should identify methods of noise control and mitigation to reduce the impact to an acceptable level. The mitigation measures to be implemented before the dwellinghouse is occupied or during occupation, as appropriate.  
Reason: To safeguard residential amenities.
12. Details of the water supply and foul and surface water drainage to be submitted to and approved in writing by the Planning Authority before the development commences. The development then to be connected to the approved water and drainage systems before the dwellinghouse is occupied.  
Reason: To ensure the development is adequately serviced.

#### Informative

##### Flood Risk

1. It is recommended that the applicant adopts water resilient materials and construction methods as appropriate in the development and that the applicant reviews the Online Planning Advice on Flood Risk. The applicant may also wish to consider Property Level Protection measures, details of which can be provided by SBC Emergency Planning Department.  
To receive flood warnings from SEPA for Earlston the applicant should sign up to FLOODLINE at [www.sepa.org.uk](http://www.sepa.org.uk) or by telephone on 0845 988 1188. It would also be advisable for the applicant to develop an evacuation plan for the building during times of flood warning.

##### Noise Impact Assessment

2. The Noise Impact Assessment should use the assessment method described in BS4142:2014: Method for Rating and Assessing Industrial and Commercial Sound. The report should have regard for recommended guidance and methodologies laid out in Planning AN 1/2011, TAN and BS4142:2014. Any departure from those methodologies should be clearly explained, with the reasons clearly stated.

The report should include assessments of night time and day time noise. Time periods should be taken as:

Day – 07:00 to 23:00 hours  
Night – 23:00 to 07:00 hours

The noise report should contain the following:

- Details of the author and their qualifications;
- The noise equipment used and details of latest calibration;
- The proximity of any noise sources to the proposed dwelling, giving distances as necessary. This should be illustrated on a scaled plan;
- Details of the existing noise climate. The choice of location and duration for measurements should be explained in the report.

If the outcome of the assessment concludes there will be an adverse impact the report should identify methods of noise control and mitigation to reduce the impact to an acceptable level (including the calculations of the expected reduction in decibels). All appropriate methods of mitigation should be considered and an explanation of why each method has been chosen or dismissed should be provided, to demonstrate that all reasonable steps have been taken to manage noise.

#### Stoves and Use of Solid Fuel

3. The proposals include a chimney which suggests a flue serving a solid fuel appliance. Emissions from these types of appliances can impact on local air quality and have the potential to cause smoke and odour nuisance to neighbouring properties. Provide that it is less than 45kW no further information needs to be provided. If it is greater than 45kW then the applicant needs to declare this and provide additional information so that a screening assessment can be carried out.

These installations can cause smoke and odour complaints and any Building and Planning Consents for the installation do not indemnify the applicant in respect of Nuisance action. In the event of nuisance action being taken there is no guarantee that remedial work will be granted building/planning permission.

Accordingly this advice can assist you to avoid future problems.

The location of the flue should take into account other properties that may be downwind.

The discharge point for the flue should be located as high as possible to allow for maximum dispersion of the flue gasses.

The flue should be terminated with a cap that encourages a high gas efflux velocity.

The flue and appliance should be checked and serviced at regular intervals to ensure that they continue to operate efficiently and cleanly.

The appliance should only burn fuel of a type and grade that is recommended by the manufacturer.

In wood burning stoves you should only burn dry, seasoned timber. Guidance is available on - [http://www.forestry.gov.uk/pdf/eng-woodfuel-woodasfuelguide.pdf/\\$FILE/eng-woodfuel-woodasfuelguide.pdf](http://www.forestry.gov.uk/pdf/eng-woodfuel-woodasfuelguide.pdf/$FILE/eng-woodfuel-woodasfuelguide.pdf)

NOTE

Mrs Irene Falconer, 1 Rhymers Avenue, Earlston spoke against the application.

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
17/00063/PPP	Erection of residential units, to form dwellinghouse from engine house form office/employment use from dwellinghouse, relocation of allotment space, erection of workshop units with associated access and infrastructure works	March Street Mills March Street Peebles
17/00064/CON	Demolition of mill buildings	

Decision: Continued to next available meeting to allow Members to visit the site.

NOTE

Councillor Heather Anderson, Les Turnbull, Convener of Peebles Community Council Planning Sub Group and Crick Carleton, Chairman of Peebles Civic Society spoke on behalf of the Local Community against the application. Mr Colin Smith and Andrew Menzies spoke on behalf of the Agent in support of the application.

# SCOTTISH BORDERS COUNCIL AUDIT AND SCRUTINY COMMITTEE

MINUTE of Special Meeting of the AUDIT AND SCRUTINY COMMITTEE held in Council Chamber, Council Headquarters, Newtown St Boswells on Monday 5 November 2018 at 1.00pm

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

Apologies:- Councillor K. Chapman

Also Present:- Councillor M. Rowley

In Attendance:- Chief Officer Economic Development, Clerk to the Council, Trainee Democratic Services Officer (E. Graham)

Scottish Government DSSB Team representatives: (Ms S. Budge, Mr J. Carsley, Ms F. Muir, Ms R. Darroch)

## 1. WELCOME AND INTRODUCTIONS

The Chairman welcomed those present to the meeting and introductions were made.

## 2. DIGITAL SCOTLAND SUPERFAST BROADBAND (DSSB)

2.1 The Chairman welcomed Scottish Government representatives: Programme Director for Digital Scotland, Sarah Budge; Senior Stakeholder Manager for Digital Scotland, Fiona Muir, Deployment Lead for Scottish Government, Rachael Darroch and Programme Director for Openreach, James Carsley. In 2014, the DSSB programme set out to ensure that, when combined with commercial coverage, 85% of Scottish premises had access to fibre broadband by the end of 2015 and 95% of Scottish premises had access to fibre broadband by the end of Contract 1. This 85% coverage is the step-change in terms of access to broadband. The contract required that each local authority area is to have a minimum of 75% coverage. In the Scottish Borders, a Minute of Agreement had been signed between the Council and Scottish Government in July 2013, with the Council paying £8.4m to increase coverage to an indicative 93.8% of premises. This assumed that commercial deployment would be completed as planned. In total 93.7% (figure to be verified), as at 30 September 2018, of premises were currently connected to the fibre broadband enabled network. This coverage dealt with access, not speed. The Thinkbroadband organisation statistics for Scottish Borders as at 1 November 2018 showed 83.5% of premises above 24Mbps speed and 93.81% of premises having partial fibre/full at any time. There were also a number of constraints at the time of the contract signing, as well as the real complexity and challenges in the Scottish Borders with 80% being classified as rural and also Borders having some of the longest cable runs in Scotland.

2.2 The Scottish Borders Progress Coverage showed that structures/installations completed in 56 exchange areas: Fibre to the Cabinet (FTTC) at 79; Fibre to the Premises (FTTP) at 38; FTTC CuRe (Copper Rearrangement) existing lines were moved from either an exchange or a cabinet, to a new cabinet at 82. In the early stage of the Programme, Total Homes Passed (THP) had high returns on the structures deployed with an average of 183 per structure. As the programme is now in the most challenging areas to deploy, and the change in technology mix of deployment, this return is now much reduced (around 30 to 40 premises per structure) - the more rural, the more challenging the build. At times, a decision is made to go slower with the build to ensure the best value option is made. In terms of the speed, Scottish Borders progress showed 36,500 premises had been connected to fibre infrastructure by DSSB, with 31,000 having access to speeds over 24Mbps (85%) and 33,000 >2Mbps (91%).

- 2.3 Additional funding from 'Gainshare' (£15.6m) had been invested into the contract allowing for deployment to be extended into 2019. This meant there is the possibility for further work in around 40 exchange areas, with the potential to address 3,000 homes, bringing a mix of additional coverage and speed uplift. Work is being carried out in some of the most remote areas which brought many challenges but these would be addressed as soon as possible. The take up levels for the Superfast broadband service within the Scottish Borders is marginally lower at 44.2% in comparison to the Rest of Scotland at 46.2%. However, a lot of effort is being put in to increase this with a new campaign launched recently. Information is available on where and when fibre broadband would be rolled-out in any area by visiting [www.scotlandsuperfast.com](http://www.scotlandsuperfast.com). Once it is available in any area, people would need to contact their service providers to switch to fibre broadband – this is not an automatic process. The DSSB team also reported that the website is a very useful tool with information and videos. Members were asked to make contact if there is missing information or anything further that could be added. The information on-line is post code driven and when entered, information on each property is available. In summary, an incredible number of premises had been provided access to fibre as a result of DSSB intervention. The programme is focussed on taking fibre as far as possible within the funding available, increasing coverage and uplifting speed. There were a number of key points to note especially around the scale and complexity of the task in hand, as it is not always possible to connect all areas at once. Both the current commercial and DSSB programmes were still in the process of rolling out fibre broadband. Plans could change once the work commenced where unanticipated issues occurred, often these only coming to light once spades were in the ground. In terms of benchmarking, there is only a 2% difference in coverage between that in Scottish Borders and that in Dumfries & Galloway. There were great variations within Highlands & Islands from urban to very rural with the added challenge of having very little infrastructure to begin with in the west of the area.
- 2.4 Members asked the DSSB team a number of questions, including about R100, which is a different programme, with a separate team, and is currently out for procurement. R100 committed to 100% of Scottish premises having access to more than 30Mbps by 2021, with some of these using non-fibre solutions. DSSB would continue to provide fibre and a superfast service as soon as possible and would complement R100. In terms of coverage within the DSSB contract, the original focus is on FTTC (fibre to the cabinet), and then copper from the cabinet to premises. Access to fibre broadband may be through copper or an exchange but this still counted as coverage. In 2014, in terms of long lines and speed, this infrastructure had never been done before so work on DSSB had been based on a model. The primary priority had been to get fibre as far as it would go and uplift the speed above 2Mbps. Within 1.5km of a cabinet, speed should be at least 24Mbps. It is known that speed would reduce over copper over a distance. However, if fibre had been taken all the way to premises, then coverage would have been much reduced due to the high costs of FTTP connections. There were ways to enhance copper speeds. At the moment, 83.94% of premises could access superfast broadband with speeds of 24Mbps or more. Further funding for the DSSB programme going beyond March 2019 is being investigated. In terms of the coverage to be fulfilled by March 2019, the Chairman asked that the representatives consider what figures could be released, acknowledging that the way this is calculated had changed since 2012. The 'postcode' basis of the DSSB programme had been one of the challenging parts of the process, whereas R100 would be 'premises' based. The postcode base had been driven by the open market research process, with DSSB building on the planned commercial provision. It had not been anticipated quite how difficult it would be to establish which premises within a postcode area would be impacted in terms of connections and speeds. Some cabinets were also reaching or already at capacity, and these were being monitored so an upgrade could be planned or an additional cabinet put in as necessary.
- 2.5 The Chairman thanked DSSB representatives for attending the meeting, for their presentation, and for answering all the questions. It is further noted that the background reports attached to the agenda were for Members' reference and any questions arising from these would be dealt with at the next meeting.

**DECISION**

**NOTED:**

- (a) the presentation;
- (b) that a special meeting of the Audit and Scrutiny Committee to further consider the Broadband Review would be held on Wednesday 21 November at 10.30am in the Council Chamber, Council Headquarters; and
- (c) that the DSSB would provide further data if possible on the number of properties not connected and the number of properties not passed the level of >2Mbps.

*The meeting concluded at 3pm*

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# SCOTTISH BORDERS COUNCIL EXECUTIVE COMMITTEE

MINUTE of Meeting of the EXECUTIVE  
COMMITTEE held in Council Chamber,  
Council Headquarters, Newtown St Boswells,  
TD6 0SA on Tuesday, 6th November, 2018  
at 10.00 am

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Present:- Councillors S. Haslam (Chairman), M Rowley (Chairman – Economic Development), G. Edgar, E. Jardine, T. Miers, S. Mountford, R. Tatler and T. Weatherston

Also present:- Councillors Bell, W. McAteer, S. Marshall and N. Richards

Apologies:- Councillors S Aitchison (Vice-Chairman), C. Hamilton, G. Turnbull

In Attendance:- Executive Director (R. Dickson), Chief Officer Economic Development, Democratic Services Team Leader, Trainee Democratic Services Officer (E Graham)

## **ECONOMIC DEVELOPMENT BUSINESS**

Present:- Mr J Clark (Borders Chamber of Commerce), Mr G Clark (Federation of Small Businesses)

### 1. **CHAIRMAN**

Councillor Rowley chaired the meeting for consideration of the Economic Development business.

### 2. **ECONOMIC DEVELOPMENT UPDATE**

2.1 With reference to paragraph 3 of the Minute of 17 April 2018, there had been circulated copies of a briefing note providing an update on recent Economic Development activities. The Chief Officer Economic Development, Mr McGrath, summarised the main points. With regard to business activity during the quarter, Business Gateway had assisted 129 business start-ups and 11 of these had met the new classification of “Early Stage” growth. Advisers had delivered 22 Start-up workshops and 22 Growth workshops to 418 attendees. Business Gateway was promoting services available and in total 67 Intermediary visits had been held. Further General Data Protection Regulation (GDPR) Masterclass workshops were held during the period. Business Gateway Advisers had facilitated 10 Digital Boost 1-2-1s for clients with another 10 pending, against a target of 15. The Scottish Borders Business Fund had received 17 applications between 16 March 2018 and 15 October 2018. 10 grants to the value of £33,409.56 had been approved with a forecast economic impact of £325,373.50 GVA and potential creation of 14 jobs. For the same period, the Scottish Borders Business Loan Fund approved 3 applications and approved 1 loan to the value of £20,000 with a forecast economic impact of £21,790 GVA and potential creation of 0.5 jobs.

2.2 Regeneration updates were set out as part of the Town Centre Regeneration Action Plan 2018/19 with the Hawick Conservation Area Regeneration Scheme (CARS) details provided at paragraph 4 below. Mr McGrath advised Members that the Selkirk CARS scheme would be completed in late Spring 2018 and related Town Centre Streetscape project and Court House stonework repairs completed over the Summer / Autumn 2018. An Economic Impact Appraisal had been undertaken as part of the final assessment for the project which highlighted a number of points that showed the impact and evidence of the identified work to justify future regeneration schemes. Selkirk BID scheme was at

implementation stage and had established a new Selkirk Business Improvement District Board with 7 town centre businesses represented. The conservation scheme in Jedburgh had just started with the first funded repair projects on site in Jedburgh with more to follow in Autumn 2018. Hawick Business Growth Project planning and development work was well underway. A planning application had been submitted for the demolition of the former Armstrong's department store building and two former church buildings in Teviot Crescent to seek approval to create a new three-storey building. The new Hawick Textiles Training Centre for Excellence aimed to tackle a critical skills shortage in textile companies. A new Centre Manager started on 5 November 2018 and progress was well underway to make a real impact for Hawick and the Scottish Borders. Hawick Marketing Project was a new initiative led by a Steering Group made up of local businesses which was a positive step forward to highlight partnership and good engagement. Three applications had been submitted at the first stage of the application process for the Scottish Government Regeneration Capital Grant Fund 2018 which was aimed to provide new and/or improved infrastructure. The deadline for the second stage was early December 2018 and notification would be given to applicants of funding recommendations by the end of February 2019. BID for Galashiels was progressing well with their final electioneering campaign to the run-up to the ballot on 29 November 2018. Tweed Valley Tourism BID had appointed 2 part-time managers and aim to progress to ballot in October 2019.

- 2.3 Mr McGrath reported that Scottish Borders Council had been successful in their application to the VisitScotland Rural Tourism Infrastructure Fund for improvements to the Eildon Hill upland pathways. Work was planned for new visitor welcome signage for both Galashiels and Selkirk Town Centres. The Council had supported a number of strategic events over the Spring and Summer of 2018 to develop and increase visitor numbers and economic impact. European Funding was available through the Scottish Borders LEADER and European Maritime Fisheries Fund 2014-2020 programmes. Applicants whose grant funding was agreed and contracted by June 2019 would be able to complete their projects.
- 2.4 Property enquiries received to date were 99 and had resulted in 21 new leases which would generate £73.7k in annual rental income for the Council. Occupancy levels for the last quarter (July to September 2018) were 87%. In response to a question on the cost of disposal of the properties, Mr McGrath responded that he would provide this information for the Committee. It was noted that although it had previously been agreed to refresh the Scottish Borders Economic Strategy 2023 it was now considered that it was no longer appropriate to carry out a full revision of the strategy due to the extensive work and significant uncertainties around the economic impact of Brexit. However, it was proposed to update the action plan. An updated action plan would be submitted to the Executive Committee at their meeting on 29 January 2019.
- 2.5 Mr Dickson and Mr McGrath answered Members questions on a number of matters. With regard to the dangerous building in Jedburgh it was noted that the Council were working with partners to resolve the issue and a meeting had been held with Ward Members to discuss the way forward. With regard to the timescales around the works in Hawick Members were advised that this was in the planning process and once approved the timeline to deliver would be finalised. A "Made in Hawick" Project Manager had been appointed and met with a number of businesses to develop a website and social media around the campaign. In response to a question on progress with the proposed distillery in Jedburgh, Mr Dickson advised he would obtain an update for Members. Concerns were expressed that the CARS Scheme in Selkirk still had a number of minor works outstanding and it was agreed they would be taken back to the Project Manager for completion in advance of the official opening. With regard to progress on the Great Tapestry of Scotland Building it was reported that work was progressing positively and within the next 2 weeks the tender would be awarded for the construction work.

## **DECISION**

**NOTED the update.**

**3. BUSINESS GATEWAY ANNUAL REPORT AND SERVICE UPDATE 2018-2019**

3.1 With reference to paragraph 2 of the Minute of Executive Committee dated 19 September 2017, there had been circulated copies of a report by the Executive Director which summarised the Business Gateway service's performance in 2017/18 and provided details of the targets set for 2018/19. Business Gateway offered information, advice and guidance to people who were considering starting a business or growing their existing business. It was a national service with built-in local flexibilities. 2017/18 had seen a good performance on start-up and the lower end growth targets. Account Management targets were also again met, although some difficulties were encountered in the mid-range growth targets. The new classification of Early Stage Growth allowed additional support to new businesses employing staff. The plan for 2018/19 was to continue to use the European Regional Development Fund to deliver Growth activity. This funding paid for 2 additional advisers and allowed for consultants to be funded assisting businesses with development projects. The focus on geography continued with advisers being allocated by locality. Emphasis continued to be applied in the areas of Exporting and Innovation for local businesses. In the next 12 months, Business Gateway would continue to deliver against the agreed National Service Specification and would aim to achieve the outcomes set out in the ERDF operation plan. In order to continue to build on the quality performance of the service, a series of actions would be implemented during 2018/19 as part of a Performance Improvement Plan.

3.2 The start-up service provided by the team continued to be well received from those thinking of starting a business in the Scottish Borders. In 2018/19, the Start-up and Growth teams would continue to have dedicated advisers. Workshops and events held had allowed the Business Gateway service to be delivered to a wide audience of businesses. In order to continue to build on the quality performance of the service, a series of actions would be implemented during 2018/19, as part of a Performance Improvement Plan. These were shown in Appendix 1 of the report. Mr McCreadie answered Members questions and noted the request to expand on the export figures and on any barriers. The workshops held included the export association explaining the benefits of exporting to address the issues and that tourism could also be classed as exporting. There was no common theme on why businesses did not develop in the area although there were difficulties working in a rural environment. In response to a question on whether we had a suitable workforce it was noted that the new Textile Centre in Hawick, work with Borders College and Skills Development Scotland were designed to address this.

**DECISION**

**AGREED:-**

(a) **to acknowledge the strong performance and positive impact of the Business Gateway service in 2017-2018;**

(b) **to approve the 2018-2019 targets for Business Gateway in line with the national service specification, including the proposed reporting indicators in Table 2 within the report; and**

(c) **the Improvement Plan set out in Appendix 1 to the report.**

**4. HAWICK CONSERVATION AREA REGENERATION SCHEME (CARS)**

There had been circulated copies of a report by the Executive Director to update the Committee on the progress of the development of a potential Hawick Conservation Area Regeneration Scheme (CARS) and to seek formal approval for a funding bid to Historic Environment Scotland (HES). Hawick town centre had declined in recent years with a significant reduction in footfall and a noticeable cluster of vacancies at the southern end of the High Street. There were a number of prominent buildings including the former Liberal Club which had deteriorated and required major external repair works. A heritage focused

regeneration proposal had been developed for Hawick following the model used for other successful heritage based town centre initiatives delivered in Kelso and Selkirk and currently in Jedburgh. The proposal would seek to begin to reverse the decline by conserving and enhancing key properties within the Hawick Conservation Area and act as a catalyst for wider regeneration in the town. Historic Environment Scotland announced Round 8 of their CARS Scheme in early Summer with a deadline of 15 November 2018. Council officers had been developing a proposal for Hawick CARS in consultation with Members as well as representatives of the Community Council, FutureHawick and Hawick Archaeology Society. The proposal included a five year programme of works from 2019/20 – 2023/24 with a total Programme budget of £1,935,000 and a Common Fund budget of £1,577,000 from the public sector. The funding application was scheduled to be submitted to Historic Environment Scotland by the required deadline of 15 November 2018 and the report sought formal approval of the submission and match funding from the Council. It was further proposed that recommendation (a) be amended to change the word “to” to “at least” in terms of the funding amount and this was agreed. Members welcomed the scheme and noted that initial discussions with property owners had been mainly positive.

## **DECISION**

### **AGREED:-**

- (a) to approve the proposed bid for a Hawick Conservation Area Regeneration Scheme on the basis of match funding contributions from the Council of at least £157,700 from the existing Revenue budget; and**
- (b) the funding bid be submitted to Historic Environment Scotland’s CARS Programme by the 15 November 2018 deadline.**

## **5. SOUTH OF SCOTLAND ENTERPRISE AGENCY - UPDATE**

5.1 With reference to paragraph 7 of the Minute of Scottish Borders Council dated 31 May 2018, there had been circulated copies of a report by the Executive Director to update Members on the progress being made by the South of Scotland Economic Partnership in consulting across the South of Scotland and delivering its Work Plan. The report also provided an update on the development of the new South of Scotland Enterprise Agency. In order to prepare for the South of Scotland Enterprise Agency, the Scottish Government had set up the South of Scotland Economic Partnership (SoSEP) as an interim solution to ensure that the South of Scotland benefitted from a new approach to economic development as soon as possible. The South of Scotland Enterprise Bill had been introduced in the Scottish Parliament on 24 October 2018 with the aim of ensuring that the new Agency is operational by 1 April 2020, subject to Parliamentary approval. The Partnership had been working towards fulfilling its three purposes: to develop and deliver a clear and prioritised work programme, piloting new approaches to benefit the South; delivering a strong programme of engagement with stakeholders across the South of Scotland, to influence and inform the proposals for the new Agency; and finally influencing the design of the new Agency, offering views to the Scottish Government on options for the structure and functions of the new Agency, ensuring the Agency was responsive to, and informed by, the needs of the region. Good progress had been made across all of these activities.

5.2 The shape of the initial work plan had been considered in March this year and focussed on the public sector partners to date. The Partnership had established a process and clear criteria for assessing the development of proposals and Appendix 1 of the report summarised the projects supported. A lot of activity had taken place to deliver a strong programme of engagement with stakeholders across South of Scotland by holding a series of events across the Region. Twenty six engagement events took place during the period from April to June 2018. A formal report recording and assessing the outcome of the events had been published and was publicly available on line <http://www.sosep.co.uk/stakeholder.html>. This was a valuable supplement to the analysis

of the Scottish Government's written consultation with a copy of the consultation attached as Appendix 2 to the report. This highlighted the key messages and strengths that needed to be captured on an ongoing basis. Government focussed on the number of stages in the legislative process for the Bill and Scottish Parliament was to begin at Stage 1, where a lead Committee would be appointed to scrutinise the Bill. Councillor Rowley, along with relevant officers, would attend the Committee. Mr Dickson reported that a discussion took place on 24 August 2018 and the outcome from the consultation had been positive. In view of the significant amount of activity under way Members agreed that Professor Russel Griggs attend the next Economic Development themed Executive Committee. Members welcomed the wide range of projects that included all sizes of business and agreed that community ownership of the agency was vital to future success. In response to a question on the involvement of Community Planning Partners it was noted that this would form part of the legislation.

## **DECISION**

### **(a) NOTED:-**

- (i) the progress made in securing funding for key South of Scotland and Scottish Borders projects, as set out in Appendix 1 to the report; and**
- (ii) the findings of the Scottish Government's South of Scotland Enterprise Agency consultation, as set out in Appendix 2 to the report.**

### **(b) AGREED:-**

- (i) that officers continue to work jointly with Dumfries & Galloway Council, and other partners, to deliver key actions in the SoSEP Work Plan;**
- (ii) that Councillor Rowley, Executive Member for Business and Economic Development, should represent the Council at Parliamentary Committees relating to the South of Scotland Enterprise Bill, as appropriate;**
- (iii) to invite Professor Russel Griggs, Chair of the South of Scotland Economic Partnership, to update the Committee in January 2019; and**
- (iv) to receive further reports on the South of Scotland Economic Partnership and the new Agency as work progressed.**

## **6. RESPONSE TO HISTORIC ENVIRONMENT SCOTLAND'S DRAFT CORPORATE PLAN CONSULTATION**

There had been circulated copies of a report by the Executive Director to agree a formal Scottish Borders Council response to Historic Environment Scotland's (HES) Draft Corporate Plan, published on 31 August 2018. The Consultation proposed a new Corporate Plan for HES, to run from 2019-2022. The Council had a significant role in preserving the historic environment in the Scottish Borders and promoting economic prosperity. HES proposed five outcomes, in relation to the social, environmental, economic, cultural, and organisation facets of its work. The Consultation was appended to the report as Appendix A and a Scottish Borders Council response had been prepared and was appended to the Report as Appendix B. The Consultation ended on 2 November 2018. Through agreement with HES, a copy of the draft response had been lodged with the understanding that a finalised version be submitted, subject to Member consideration, immediately after the Executive Committee meeting on 6 November 2018. The Council's response considered a number of key points including how we would engage with Historic Scotland and promote the borders economically.

## **DECISION**

**APPROVED** the draft Consultation Response appended to the Report as contained in Appendix B to the report.

7. **MINUTE**

There had been circulated copies of the Minute of the meeting of the Executive Committee held on 16 October 2018.

**DECISION**

**AGREED** that the Minute be approved and signed by the Chairman.

8. **CENTENARY FIELDS INITIATIVE**

8.1 There had been circulated copies of a report by the Service Director Assets & Infrastructure setting out the aims of the Centenary Fields initiative to commemorate World War 1, recommending 3 sites for nomination as a Centenary Field: Wilton Lodge Park, Hawick; Lower Green, West Linton; and Duns Park, Duns. Centenary Fields (CF) was a partnership programme led by Fields in Trust and the Royal British Legion to commemorate World War 1 through protecting green spaces. It had been launched by HRH The Earl of Strathearn in 2014 to mark the centenary of World War 1 and would close in 2018. CF aimed to protect at least one site (containing WW1 war memorial(s), and used for active recreation/sport/play) in each local authority area across the UK which met specific criteria relating to ownership, accessibility, land use, management and wartime heritage. This was aimed at creating a long-lasting legacy of WW1, protecting and promoting green space for recreation, increasing physical activity, promoting social cohesion and improving the environment. Upon a successful application to Fields in Trust for Centenary Field status, sites were subject to a Minute of Agreement, similar to those which were in place on all King George V Playing Fields. This safeguarded the sites for recreational use as protected green space.

8.2 Following a regional appraisal and in consultation with communities and Fields in Trust, three sites had been identified in the Scottish Borders as potentially appropriate - Wilton Lodge Park, Hawick, Lower Green at West Linton and Duns Park. Upon designation, a commemorative plaque (supplied by CF) would be installed. The site name would not change and there were no funds associated with CF status. Designation as a Centenary Field would not only protect the historic and conservation value of these sites, but would also strengthen the case to attract external funding. The management of these sites would be retained by the local authority. The report proposed that Area Partnerships for the relevant areas should also be consulted and it was agreed that the recommendation be amended to reflect this. If the outcome of this consultation was favourable then the sites would be formally nominated.

**DECISION**

**APPROVED** the nomination of Wilton Lodge Park, Duns Park and Lower Green, West Linton for Fields in Trust Centenary Field status, subject to consultation with the relevant Area Partnerships.

*The meeting concluded at 11.30 am*