

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

6.	<p>Committee Minutes (Pages 3 - 84)</p> <p>Consider Minutes of the following Committees:-</p> <table style="width: 100%; border-collapse: collapse;"> <tr><td style="width: 5%;">(a)</td><td style="width: 75%;">Eildon Area Partnership</td><td style="width: 20%;">22 November 2018</td></tr> <tr><td>(b)</td><td>Jedburgh Common Good Fund</td><td>5 December 2018</td></tr> <tr><td>(c)</td><td>Kelso Common Good Fund</td><td>5 December 2018</td></tr> <tr><td>(d)</td><td>Cheviot Area Partnership</td><td>5 December 2018</td></tr> <tr><td>(e)</td><td>Galashiels Common Good Fund</td><td>6 December 2018</td></tr> <tr><td>(f)</td><td>Berwickshire Area Partnership</td><td>6 December 2018</td></tr> <tr><td>(g)</td><td>Planning and Building Standards</td><td>10 December 2018</td></tr> <tr><td>(h)</td><td>Hawick Common Good Fund</td><td>11 December 2018</td></tr> <tr><td>(i)</td><td>Selkirk Common Good Fund</td><td>12 December 2018</td></tr> <tr><td>(j)</td><td>Civic Government Licensing</td><td>14 December 2018</td></tr> <tr><td>(k)</td><td>Local Review Body</td><td>17 December 2018</td></tr> <tr><td>(l)</td><td>Coldstream Common Good Fund</td><td>20 December 2018</td></tr> <tr><td>(m)</td><td>Planning and Building Standards</td><td>7 January 2019</td></tr> </table> <p>(Copies attached.)</p>	(a)	Eildon Area Partnership	22 November 2018	(b)	Jedburgh Common Good Fund	5 December 2018	(c)	Kelso Common Good Fund	5 December 2018	(d)	Cheviot Area Partnership	5 December 2018	(e)	Galashiels Common Good Fund	6 December 2018	(f)	Berwickshire Area Partnership	6 December 2018	(g)	Planning and Building Standards	10 December 2018	(h)	Hawick Common Good Fund	11 December 2018	(i)	Selkirk Common Good Fund	12 December 2018	(j)	Civic Government Licensing	14 December 2018	(k)	Local Review Body	17 December 2018	(l)	Coldstream Common Good Fund	20 December 2018	(m)	Planning and Building Standards	7 January 2019	5 mins
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(m)	Planning and Building Standards	7 January 2019

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MINUTE of Meeting of the EILDON AREA PARTNERSHIP held in the Victoria Hall, Selkirk on Thursday, 22 November 2018 at 6.00 pm

- Present:- Councillors S. Aitchison, G. Edgar, D. Parker, H. Scott and E. Thornton-Nicol
- Apologies:- Councillors A. Anderson, K. Drum, E. Jardine, T. Miers and C. Penman.
- In Attendance:- 20 Partners, Community Councillors, officers and members of the public.

1. **WELCOME AND INTRODUCTIONS**

The Chairman, Councillor Edgar, welcomed everyone to the meeting of the Eildon Area Partnership and thanked Community Councillors, Partners and local organisations for their attendance. Councillor Edgar explained that the theme for the evening's discussion was the Council Budget. There would be a presentation about the Budget process followed by a facilitated discussion when views on the proposed approach to the budget would be welcomed.

2. **FEEDBACK FROM MEETING ON 20 SEPTEMBER 2018**

The Minute of the meeting of the Eildon Area Partnership held on 20 September 2018 had been circulated along with a summary of the discussion on the theme 'our place' attached as an appendix to the Minute. The Locality Development Co-ordinator, Gillian Jardine, summarised the feedback which highlighted priority issues including housing in the countryside, affordable housing and the importance of community hubs, entertainment and shops in town centres.

3. **THEME: COUNCIL BUDGET - ENGAGEMENT WITH COMMUNITIES 2019/20**

- 3.1 The Chairman introduced the Council's Chief Financial Officer, David Robertson, who was in attendance to give a presentation on the preparation of the Budget and to answer questions. He firstly gave the context to the Budget, explaining that in the 5 year plan 2013/14 to 2017/18 permanent recurrent savings of over £35 million had been delivered and a further in year savings of £8.8 million. Easy reductions had been made and future savings would rely on greater use of technology to reduce costs and redesign of services. The Council could not continue to deliver everything presently provided in the same way and the scope and scale of delivery may need to be reduced. Over the next 5 years it was estimated that the Council's projected spend would be £1.3 billion. 2019/20 would be the 2nd year of the 5 year plan first agreed in 2018/19 which required savings of £32 million over 5 years to balance the books. The Council had planned for reductions over the longer term, invested in transformation and avoided the need for the levels of cuts seen in other authority areas. However there were greater challenges ahead which required innovation and the delivery of an ambitious change programme.

- 3.2 Mr Robertson went on to show slides to illustrate the source of Council Revenue Funding, and to project estimated budget gap over the next 5 years. The current incremental gap for 2019/20 was £2,557,000. Charts disclosing the allocation of revenue by Department demonstrated that the highest proportion (43%) of spend was on Children & Young People followed by Health and Social Care (18%). In the 10 year capital spending plan the highest proportion (67%) was on Assets & Infrastructure. There was less money available to fund public services and demand on services was growing – particularly in respect of care for older people. The presentation referred to ways for the Council to modernise and become more efficient. In terms of services, over the next 5 years it was planned to maximise the use of digital technology; drive out waste and inefficiency; and invest in assets and infrastructure in a planned and sustainable way. Also summarised, as part of the 5 year plan, were ways the Council proposed to promote independent achieving people; support a thriving economy with opportunities for everyone; and facilitate empowered vibrant communities.
- 3.3 In response to a question about whether the Council could encourage the use of brownfield sites for development by the purchase of sites and unlocking private investment, Mr Robertson advised that although money could be borrowed effectively there was a limitation on the Council's powers of compulsory purchase. The Council would, however, be keen to attract external income to develop these sites. There was further discussion on transport issues with the request for the Council to put pressure on Scotrail for a full rail service to Stow. The point was made about the importance of investment in roads and support of bus services in addition to the ambition to extend the railway to Carlisle. It was very likely that fewer people would use the bus if the railway was extended. The Council should ensure the provision of reasonable transport for everyone. In response Mr Robertson explained that the Council currently provided in excess of £1 million per year in the form of bus subsidies. He emphasised that the budget was about choices and that this was why the views of the public about priorities for spending were important. He concluded by outlining the ways to provide feedback into the Budget process, either online to <https://scotborders.dialogue-app.com> by email to budgetteam@scotborders.gov.uk, on social media #bordersbudget or by post or telephone.
- 3.4 Following the presentation, officers joined Elected Members, partners and the public at their tables for a discussion on the Budget and spending priorities. Sheets with additional information on Council services and a short series of questions had been provided on the tables to aid the debate. A summary of the output of the discussion is provided as an appendix to this minute.

4. **LOCALITIES BID FUND ASSESSMENT PANEL**

The Chairman referred to the following Council decision in respect of the assessment panel for bids to the Localities Bid Fund (LBF):-

“ that membership of the assessment panel be proposed by each Area Partnership, up to a maximum of 2 Members per locality, with a view to improving gender balance”.

It had been previously agreed that the Chairman of each Area Partnership would be a member of the panel. Councillor Edgar, seconded by Councillor Aitchison, proposed that Councillor Thornton-Nicol be appointed as the second member for the Eildon area. This was unanimously agreed.

DECISION

AGREED to appoint Councillor Thornton-Nicol to the Localities Bid Fund assessment panel.

5. **LOCALITIES BID FUND - UPDATE ON CURRENT FUNDING ROUND**

Ms Jardine gave an update on the Localities Bid Fund (LBF). She explained that in the first round 18 projects in the Eildon area had been awarded total funding of £33,809. 13 of those projects were up and running, four were still to start and one was unable to take up the allocation and that grant had gone back into the Eildon Fund. The second round of

LBF had been launched on 1 July 2018 with £95,802.30 available for Eildon (subsequently increased to £119k with the return of funding from one of the first round projects). There had been a total of 28 applications, 12 of which were from Eildon. However the Assessment Panel had agreed that there were not enough sustainable bids to go forward to the public vote in all five areas. It was therefore proposed to request that Council revise the criteria. If this was approved the LBF would be re-launched in January 2019 with public voting to be carried out in April 2019. All those groups who submitted applications for the second round would be notified about the revised criteria and offered support to re-apply.

6. **NEXT MEETING**

The next meeting of the Eildon Area Partnership was scheduled for Thursday 24 January 2019 with the theme of 'Our Health, Care and Wellbeing'. The venue would be confirmed in due course.

The meeting concluded at 8.15 pm

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Scottish Borders Council Budget			
Question/Issue/Challenge	Proposed Solution (opportunities for area partnerships/communities?)	Consequence/Impact (positive and negative)	Priority rating
<p>Efficiencies Can we do things in a more streamlined way?</p>	<p>Each school have a community which homes the libraries etc that is open for all young people and community member staffed by a librarian. Leisure centres open at more convenient times for people in work- early mornings, evenings and weekends. More people using services = more cost effective= reduced prices. Transport- Dial a bus service for youth groups Electronic bus stops- Gives up to date information. School should be open in the evenings as a community hub and adult learning services. Issue= Single referral for any service within partnership Issue= incompatibility of IT Systems Challenge= Transport access to undrawn services. NHS/SBC Community empowerment act Invest directly in infrastructure Join up partnerships between communities Councils and councillors lack Don't need streetlights in rural areas Rural communities clear snow themselves, can this be done in towns?</p>	<p>Financial, Lack of access to services, decrease in efficiency.</p>	
<p>Identifying priorities Are there services, which in your view, should be prioritised?</p>	<p>Young peoples mental health services Learning support in schools based in library Public Transport Social spaces for young people with free wifi CLD/ Youth voice Leisure facilities/parks Roads maintenance (rural) impact of timber lorries Young people engaged in the process Greater use of facilities Remove barriers to community access to council assets Partnership to encourage ambition to try Mobile libraries Transport in local areas More invest in social care</p>	<p>Personal costs Service costs</p>	
<p>Different models of delivering services Are there services which we could deliver differently, or that communities could take</p>	<p>Community Hub Young people run Community centres – skills training for young people, merge community centres to larger facilities if possible.</p>	<p>Access to services Connectivity</p>	

Eildon Area Partnership

<p>responsibility for to maintain them in the long term?</p>	<p>Community transport Windfarm Take facilities to communities Do people need to travel? Responsive transport</p>		
<p>Increased charges to service users Should we be charging more for some services?</p>	<p>Maybe if reduced rates, more people might go= increased revenue. Would require better promotion. Yes- services cost money Yes if affordable and access for those who cannot</p>		
<p>Other funding options What services in your area do you value most which could be retained, expanded or enhanced through the use of additional funds?</p>	<p>Contract with local farmers for snow services Attracting more behaviour to the area Working in Partnership Traffic wardens more than pay for itself Invest in infrastructure through water assets</p>		

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Notes

Live borders- Town hall management

Costs raised

Bordercare- Twice cost of East Lothian

SBC- better at explaining budget, what is external funding?

Same individuals in communities doing all the work eg call resilience

SCOTTISH BORDERS COUNCIL JEDBURGH COMMON GOOD SUB-COMMITTEE

MINUTES of Meeting of the JEDBURGH
COMMON GOOD SUB-COMMITTEE held in
Meeting Room 1039, Kelso High School,
Angraflat, Kelso on Wednesday, 5th
December 2018 at 5.30 pm

Present:- Councillors J. Brown (Chairman), S. Hamilton, Community Councillor
R. Stewart.
Apologies:- Councillor S. Scott.
In Attendance:- Pension and Investment Manager, Solicitor (Gordon Clerk),
Democratic Services Officer (F. Henderson).

Members of the Public:- 3

1.0 **MINUTE**

- 1.1 There had been circulated copies of Minute of the Jedburgh Common Good Fund Sub-Committee held on 12 September 2018.

DECISION

NOTED the Minute.

2.0 **MONITORING REPORT FOR 3 MONTHS 30 SEPTEMBER 2018**

- 2.1 There had been circulated copies of a report by the Chief Financial Officer which provided the income and expenditure for the Jedburgh Common Good Fund for six months to 30 September 2018, a full year projected out-turn 2018/19 and projected balance sheet values as at 31 March 2019. Appendix 1 provided the projected income and expenditure position which showed a projected surplus of £24,154 for the year. Appendix 2 provided projected Balance Sheet value at 31 March 2019 and showed a projected decrease in the reserves of £12,554. Appendix 3 provided a breakdown of the property portfolio showing projected depreciation charges and actual property expenditure to 30 September 2018. Appendix 4 detailed the value of the Kames Capital Investment Fund to 30 September 2018.

DECISION

- (a) **AGREED the projected income and expenditure for 2018/19 in Appendix 1 to the report.**

(b) **NOTED:-**

- (i) **the projected balance sheet value as at 31 March 2019 in Appendix 2 to the report;**
- (ii) **the summary of the property portfolio in Appendix 3 to the report;**
- (iii) **the current position of the investment in the Kames Capital Investment Fund contained in Appendix 4 to the report.**

3.0 **APPLICATION FOR FINANCIAL ASSISTANCE**

- 3.1 **Jedburgh Football FC**

There had been circulated copies of an application for Financial Assistance from the Jed Football FC for the grant of £31,016.08 towards the cost of upgrading the Football Pavilion. Mr Melrose, Manager and a Committee Member were present at the meeting to answer Members questions. The application explained that this was a one-off project to upgrade the Pavilion in order that it may be used for functions, meetings, trainings, tournaments and to make the building DDA compliant. The Club had previously secured funding of £5,000 for running costs and kit and £1,000 sponsorship from local business, together with work in kind from tradesmen in the Town. The Pavilion required the upgrade in order to keep it viable and having not applied for funding in the past, the club were unsure how to go about this and where to apply. They had applied to the Common Good in the hope that a sum of money could be secured in order to apply to other funding sources to secure further grants. The Committee asked if there would be a place for the pavilion once the proposed Intergenerational campus had been built. In response Mr Melrose advised that the club would be unable to afford the proposed charges for the new facility. Community Councillor Stewart supported the application as the Pavilion was considered an asset for the Community. Following considerable discussion, the Sub-Committee agreed in principle to award the Jedburgh Football FC the sum of £15,000, following confirmation and receipt of all other funding and confirmation of the total costings. The Sub-Committee further agreed that in order to assist the Club access further funding sources, support would be provided by the Funding Officer and that a further application would be considered should the Club be unable to secure the total cost of the project.

**DECISION
AGREED:-**

- (a) in principle, that an award in the sum of £15,000 be made to the Jed Football FC towards the upgrade of the Pavilion;**
- (b) that prior to the release of the funding, the applicant confirm that all other funding had been received;**
- (c) that the funding only be released on receipt of confirmation of total costings;**
- (d) that support be provided by the Funding Officer to the Jed Football FC in order to secure further funding; and**
- (e) to consider a further application, should the Club be unsuccessful in securing the total cost of the project.**

3.2 Jedburgh Gentle Exercise Group

There had been circulated copies of an Application for Financial Assistance from the Jedburgh Gentle Exercise Group in the sum of £200 towards supporting the Group following its transition to independence. The application explained that the Group had been running independently in Jedburgh since April 2017 and while they would break even in their first year, they had requested funding to support its continued independence and provide a small element of financial security for the Group.

DECISION

AGREED to award a grant of £200 to the Jedburgh Gentle Exercise Group in respect of running costs.

The meeting closed at 6.20 p.m.

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SCOTTISH BORDERS COUNCIL
KELSO COMMON GOOD FUND SUB-COMMITTEE

MINUTE of MEETING of the KELSO COMMON
GOOD FUND SUB-COMMITTEE held in the Board
Room 1039, Kelso High School, Angraflat, Kelso on
Wednesday, 5 December 2018 at 4.30 p.m.

Present:- Councillors S. Mountford, E. Robson, Community Councillor D. Weatherston.
Apologies:- Councillors T. Weatherston.
In Attendance:- Capital and Investments Manager, Solicitor (Gordon Clark), Democratic
Services Officer (F. Henderson).
Members of the Public:- 0

1.0 CHAIRMAN

1.1 In the absence of Councillor Weatherston the meeting was chaired by Councillor Mountford.

ORDER OF BUSINESS

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

2.0 MINUTE

2.1 There had been circulated copies of the Minute of the Kelso Common Good Fund Sub-Committee held on 12 September 2018.

DECISION

AGREED to note the Minutes for signature by the Chairman.

3.0 MONITORING REPORT FOR 6 MONTHS TO 30 SEPTEMBER 2018

3.1 There had been circulated copies of a report by the Chief Financial Officer which provided the income and expenditure for the Kelso Common Good Fund for six months to 30 September 2018, a full year projected out-turn for 2018/19 and projected balance sheet values as at 31 March 2019. Appendix 1 provided the projected income and expenditure position which showed a projected surplus of £6,004 for the year. Appendix 2 provided the projected balance sheet value to 31 March 2019 and projected a decrease in reserves of £36,496. Appendix 3 provided a breakdown of the property portfolio showing projected rental income for 2018/19 and actual property expenditure to 30 September 2018. Appendix 4 showed the value of the Kames Capital Investment Fund to 30 September 2018. Councillor Robson raised the matter of insurance for the Pinnaclehill Woodland and questioned whether the Councils Public Liability Insurance covered the Woodland. Gordon Clark agreed to check the deeds and report back to a future meeting.

DECISION

(a) AGREED:-

- (i) the projected income and expenditure for 2018/19 as shown in Appendix 1 to the report as the revised budget for 2018/19; and**
- (ii) that Gordon Clark investigate whether the Councils Public Liability Insurance covered he Pinnaclehill Woodlands, Kelso.**

(b) NOTED:-

- (i) the projected balance sheet value as at 31 March 2019 as detailed in Appendix 2 of the report;
- (ii) the summary of the property portfolio in Appendix 3 of the report; and
- (iii) the current position of the Kames Capital PLC investment Fund contained in Appendix 4 of the report.

4.0 APPLICATIONS FOR FINANCIAL ASSISTANCE

Kelso Over 60s Club

- 4.1 There had been circulated copies of an application for Financial Assistance from Kelso Over 60s Club requesting £400 towards the Over 60's Annual Christmas Lunch. The application explained that the Club provided 2 Outings per year, monthly meetings between January to May and October to December, regular Entertainment and an Annual Christmas Dinner for Over 60s within the Kelso area. There were 77 members at present who paid a £5 annual subscription and a small amount towards the Christmas Lunch. Funding had been received from Charity Begins at Home and Kelso Farmers Market and the application was to cover the remaining costs.

DECISION

AGREED to support the application for financial assistance for Kelso Over 60s Club in the sum of £400 towards the costs of the Annual Christmas Dinner in 2018.

DECLARATION OF INTEREST

Councillor Robson, declared an interest in the following item of business in terms of Section 5 of the Councillors Code of Conduct and left the meeting during the discussion. The meeting therefore became inquorate.

5.0 **Border Arts Development C.I.C**

- 5.1 There had been circulated copies of an application for Financial Assistance from the Border Arts Development C.I.C which was established to promote visual arts and creativity from, and within the Scottish Borders. The Borders Arts Fair held annually at Springwood Park was their flagship and gave local creative practitioners and galleries the opportunity to increase their businesses at an event large enough to attract visitors to the area. The Royal Scottish Academy had agreed to loan works of art from their collection to form the basis of an exhibition to take place in Kelso Town House during the Borders Art Fair. The application initially in the sum of £2,600 was for funds to help with transport, staffing, venue hire and insurance of the exhibition at the Town House. As funding had been received from other sources of funding, the application was reduced to £600.

DECISION

AGREED to recommend refusal of the application submitted by the Border Arts Development C.I.C and that other funding sources be identified.

The meeting closed at 5.05 p.m.

MINUTES of Meeting of the CHEVIOT
AREA PARTNERSHIP held in The
Assembly Hall, Kelso High School on
Wednesday, 5 December 2018 at 6.30
pm

- Present:- Councillors S. Hamilton (Chairman), S. Mountford together with 7
Representatives of Partner Organisations, Community Councils and
Members of the Public.
- Apologies:- Councillors J. Brown, E. Robson, S. Scott, T. Weatherston.
- In attendance:- Chief Financial Officer, Communities and Partnership Manager, Locality
Development Co-ordinator, Democratic Services Officer (F. Henderson)

1.0 WELCOME AND INTRODUCTIONS

- 1.1 The Chairman welcomed everyone to the Cheviot Area Partnership and thanked the
Community Councils, Partners and local organisations for their attendance, and for
participating and putting forward ideas.

2.0 FEEDBACK FROM MEETING ON 12 SEPTEMBER 2018

- 2.1 The minute of the Area Partnership had been circulated which included a summary of
the discussion output as an appendix. The Locality Development Co-ordinator
referred to the general concerns, issues, challenges and opportunities raised at that
meeting. The theme for the focus for debate for the remainder of the meeting was
Council Budget – Engagement with Communities 2019/20.

3.0 THEME: COUNCIL BUDGET – ENGAGEMENT WITH COMMUNITIES 2019/20

- 3.1 The Chair presented the theme for the meeting – Council Budget – Engagement with
Communities 2019/20 – and introduced David Robertson, SBC Chief Financial Officer,
who was in attendance to give a presentation on the preparation of the Budget and to
answer questions. He firstly gave the context to the Budget, explaining that in the 5
year plan 2013/14 to 2017/18 permanent recurrent savings of over £35 million had
been delivered and a further in year savings of £8.8 million. Easy reductions had been
made and future savings would rely on greater use of technology to reduce costs and
redesign of services. The Council could not continue to deliver everything presently
provided in the same way and the scope and scale of delivery may need to be
reduced. Over the next 5 years it was estimated that the Council's projected spend
would be £1.3 billion. 2019/20 would be the 2nd year of the 5 year plan first agreed in
2018/19 which required savings of £32 million over 5 years to balance the books. The
Council had planned for reductions over the longer term, invested in transformation
and avoided the need for the levels of cuts seen in other authority areas. However
there were greater challenges ahead which required innovation and the delivery of an
ambitious change programme.
- 3.2 Mr Robertson went on to show slides to illustrate the source of Council Revenue
Funding, and to project estimated budget gap over the next 5 years. The current
incremental gap for 2019/20 was £2,557,000. Charts disclosing the allocation of
revenue by Department demonstrated that the highest proportion (43%) of spend was
on Children & Young People followed by Health and Social Care (18%). In the 10 year
capital spending plan the highest proportion (67%) was on Assets & Infrastructure.
There was less money available to fund public services and demand on services was

growing – particularly in respect of care for older people. The presentation referred to ways for the Council to modernise and become more efficient. In terms of services, over the next 5 years it was planned to maximise the use of digital technology; drive out waste and inefficiency; and invest in assets and infrastructure in a planned and sustainable way. Also summarised, as part of the 5 year plan, were ways the Council proposed to promote independent achieving people; support a thriving economy with opportunities for everyone; and facilitate empowered vibrant communities.

- 3.3 The use of digital technology was welcomed, however concern was expressed that those not on-line were being forgotten. Co-location of Council Services was highlighted as beneficial, particularly for those with mobility issues. It was highlighted that Kelso High School would have 150 less pupils in 5 years, an illustration of the ageing population within the Borders and work with Young People was required to encourage them to remain in the Borders. The point was made about the importance of investment in roads and economic contributions from those using the roads heavily i.e. timber transportation. Mr Robertson emphasised that the budget was about choices and that this was why the views of the public about priorities for spending were important. He concluded by outlining the ways to provide feedback into the Budget process, either online to <https://scotborders.dialogue-app.com> by email to budgetteam@scotborders.gov.uk, on social media #bordersbudget or by post or telephone.
- 3.2 Colin Banks, Lead Officer for Localities explained that the meeting would now move into the discussion session. As previously, there were information packs available for each group and those present were invited to discuss the main issues relating to 'Council Budget – Engagement with Communities 2019/20'. Thirty minutes were allocated for group discussion and each table was asked to record emerging points on the feedback sheets provided. A summary of the output of the discussions was provided as an appendix to this minute.

4.0 **LOCALITIES BID FUND ASSESSMENT PANEL**

- 4.1 With the agreement of the Chairman, this item was withdrawn from the Agenda due to the fact that the meeting was inquorate. The matter would be considered at a future meeting.

**DECISION
NOTED.**

5.0 **LOCALITIES BID FUND - UPDATE ON CURRENT FUNDING ROUND**

- 5.1 Ms Smith gave an update on the Localities Bid Fund (LBF). She explained that in the first round the funding allocation for the Cheviot area was £35,000 and 3 projects to the value of £49,596 went forward to the public vote. The second round of LBF had been launched on 1 July 2018 with £50,568.20 available for Cheviot, with a funding cap of £5,000 for non-constituted groups and £15,000 for constituted Groups. However the Assessment Panel had agreed that there were not enough sustainable bids to go forward to the public vote in all five areas. It was therefore proposed to request that Council revise the criteria. If this was approved the LBF would be re-launched in January 2019 with public voting to be carried out in April 2019. All those groups who submitted applications for the second round would be notified about the revised criteria and offered support to re-apply.

**DECISION
NOTED.**

6.0 DATE OF NEXT MEETING

- 6.1 The next meeting would be held on Wednesday, 30 January 2019 in Jedburgh at 6.30 p.m. The theme of the meeting would be confirmed in due course.

The meeting closed at 8 p.m.

Cheviot
Area Partnership

Our Scottish Borders
Your community

Cheviot
Area Partnership

Our Scottish Borders
Your community

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Discussion Output: Scottish Borders Council Budget (5th December 2018)			
Question/Issue/Challenge	Proposed Solution (opportunities for area partnerships/communities?)	Consequence/Impact (positive and negative)	Priority rating
Efficiencies Can we do things in a more streamlined way?	Duplication of services, 3 lunch clubs in Jed and another being launched? Don't fill in pot holes then resurface road 3 weeks later. Poor communications. Digital is good but plenty of people not online and not to be forgotten about. Sharing space/co-location – a lot of planning required, early conversation, take the community with you. Co-working Sustainability		
Identifying priorities Are there services, which in your view, should be prioritised?	Infrastructure very important/digital infrastructure Families How to make it more attractive for people to live here. Actively reflecting need and demand before commissioning services.		
Different models of delivering services Are there services which we could deliver differently, or that communities could take responsibility for to maintain them in the long term?	Toilets could be serviced by communities in Jedburgh? Recycling - can we purchase less plastic + reduce waste. Jed leisure trust have put forward a proposed? Grass cutting for example How do we know what goes on in communities? Community log Working with the young people – lot of opportunities here/sharing best practice Importance of voluntary sector		
Increased charges to service users Should we be charging more for some services?	Clarity on who is providing what services. What do the council provide? What do live borders provide for instance? Economic contributions by firms dependant on use of infrastructure		
Other funding options What services in your area do you value most which could be retained, expanded or enhanced through the use of additional funds?	New Jed campus - can JLT be considered Festive lights - Alex Young (4 watts to 6 watts). Council tax? Important to future proof. Spend to save. Ageing population. School roles (150 less school role) Difficult looking at bigger picture – communication, messaging Spend – impact on jobs, keeping the money in the area.		

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SCOTTISH BORDERS COUNCIL GALASHIELS COMMON GOOD FUND SUB COMMITTEE

MINUTE of Meeting of the GALASHIELS
COMMON GOOD FUND SUB COMMITTEE
held in Committee Room 1, Council
Headquarters, Newtown St Boswells. TD6
0SA on Thursday, 6 December 2018 at 10.00
am

Present:- Councillors S. Aitchison (Chairman), E. Jardine and H. Scott.

Apologies:- Councillors A. Anderson and Community Councillor R. Kenney.

In Attendance:- Pension & Investments Manager, Community Services Managing Solicitor,
Estates Surveyor (A. Scott), Democratic Services Officer (F. Walling).

1. MINUTES

- 1.1 There had been circulated copies of the Minutes of 12 September 2018 and of the special meeting on 20 November 2018.

DECISION

APPROVED the Minutes for signing by the Chairman.

- 1.2 With regard to paragraph 3 of the Minute of 12 September 2018, Councillor Aitchison advised that, following the last meeting, he had held discussions with Mr Steven Turnbull to offer thoughts about the campaign to raise funds to secure premises for the organisation Heads Together. The discussions had also involved the Chairman of Hawick Common Good Fund Sub Committee to which Mr Turnbull had similarly applied for financial assistance and the Council's Communities and Partnership Manager. Councillor Aitchison understood that the campaign to raise sufficient funds to purchase the premises at Dovemount Place, Hawick, was not currently looking realistic and that the Council's Communities Team was helping the charity look for alternative premises from which to operate. After discussion Members concluded that Galashiels Common Good Fund was not in a position to offer financial assistance at this stage but would not rule out consideration of a further application once suitable premises were secured. Members were impressed with Mr Turnbull's achievements for Heads Together and expressed best wishes for the organisation's continuing operation.

DECISION

AGREED not to offer financial assistance to Heads Together towards the purchase of the premises at Dovemount Place, Hawick, where the charity was currently based.

2. FINANCIAL MONITORING REPORT FOR 6 MONTHS TO 30 SEPTEMBER 2018

There had been circulated copies of a report by the Chief Financial Officer providing details of income and expenditure for six months to 30 September 2018, full year projected out-turn for 2018/19 and projected balance sheet values as at 31 March 2019. Pension and Investments Manager, Kirsty Robb, highlighted the main points of the report and appendices. The projected income and expenditure position in Appendix 1 to the report showed a projected surplus of £2,487 for the year. Included were dividends from the Common Good Funds investment in Kames Capital Investment Fund amounting to £7,649. Dividends earned to date amounted to £4,754 which was in line with the overall 5% target and the monthly distribution profile projections provided by Kames. The projected Balance Sheet as at 31 March 2019, shown in Appendix 2 to the report,

indicated a projected decrease in the reserves of £33,705 due to the depreciation charge. The breakdown of the property portfolio was shown in Appendix 3. The current position of the Kames Capital investment was shown in Appendix 4 to the report. The additional investment of £10,000 approved at the meeting of 12 September 2018 was estimated to generate £250 for the year. The fund had a 0.46% unrealised loss in market value since investment, largely due to continued volatility in investment markets. Overall, however, taking account of the income received the fund had achieved a return of 1.86% for the year.

DECISION

- (a) **AGREED the projected income and expenditure for 2018/19 in Appendix 1 to the report as the revised budget for 2018/19.**
- (b) **NOTED within the appendices to the report:-**
 - (i) **the projected balance sheet value as at 31 March 2019 in Appendix 2**
 - (ii) **the summary of the property portfolio in Appendix 3; and**
 - (iii) **the current position of the Kames Capital Investment Fund in Appendix 4.**

3. PROPERTY

With reference to paragraph 2.2 of the Private Minute of 20 November 2018, the Estates Surveyor, Annabelle Scott, reported that she had inspected the boundary dykes at Ladhope Golf Course and was obtaining quotes for the repairs required. With reference to paragraph 2 of the Minute of 14 September 2017, fencing for the approved Tree Planting scheme at Ladhope would begin soon. Ms Scott added that she would obtain, from the organising group, a plan of the route of the bike track which it was proposed would cross this area of ground.

DECISION NOTED

- (a) **the update; and**
- (b) **that the Estates Surveyor would obtain a plan of the route of the proposed bike track for the next meeting.**

4. ITEM LIKELY TO BE TAKEN IN PRIVATE

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 this involved the likely disclosure of exempt information as defined in paragraph 8 of part 1 of Schedule 7A to the Act.

PRIVATE BUSINESS

5. MINUTE

5.1 The private Minute of 20 November 2018 was approved.

5.2. ACCESS TO GALASHIELS GOLF CLUB - LADHOPE

Following agreement by Members to carry out repair work to the access road to Galashiels Golf Club, the Estates Surveyor gave an update on the appointment of a contractor to carry out the work.

The meeting concluded at 10.25 am

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SCOTTISH BORDERS COUNCIL BERWICKSHIRE AREA PARTNERSHIP

MINUTE of Meeting of the BERWICKSHIRE
AREA PARTNERSHIP held in Conference
Room, Duns Primary School, Duns on
Thursday, 6 December 2018 at 6.30 pm

Present:- Councillors J. A. Fullarton (Chair), C. Hamilton (from para. 3), H Laing (from para. 3), M. Rowley, together with 16 representatives from Partner Organisations, Community Councils and members of the public

Apologies:- Councillors J. Greenwell
In Attendance:- Chief Financial Officer, Communities and Partnerships Manager, Locality Development Co-ordinator, Clerk to the Council, Trainee Democratic Services Officer

1. **WELCOME AND INTRODUCTIONS**

The Chair, Councillor Fullarton, welcomed everyone to the meeting of the Berwickshire Area Partnership and thanked the Community Councils, Partners and local organisations for their attendance, and outlined the programme for the evening.

2. **FEEDBACK FROM MEETING ON 6 SEPTEMBER 2018**

The Minute of the meeting of the Berwickshire Area Partnership held on 6 September 2018 had been circulated along with a summary of the discussion attached as an appendix to the Minute. Councillor Fullarton gave some highlights from the feedback received at that meeting.

3. **THEME: COUNCIL BUDGET - ENGAGEMENT WITH COMMUNITIES 2019/20**

3.1 The Chairman welcomed David Robertson, SBC Chief Financial Officer, who gave a presentation on the Scottish Borders Council Budget for 2019/2024. The 5 year plan 2013/14 to 2017/18 had delivered permanent recurrent savings of over £35m and further in year savings of £8.8m. The existing planned savings in 2019/20 included contract efficiencies, energy efficiency measures, procurement savings and service reviews e.g. day services, waste and teacher allocations. The easy reductions had already been made and future savings would rely on greater use of technology to reduce costs and redesign services. The Council could not continue to deliver everything they did now in the same way and might need to reduce the scope and scale of service delivery. 2019/20 was the second year of the 5 year plan agreed in 2018/19 which required savings of £32m to balance the books. The Council had planned for reductions over the longer term, invested in transformation, and avoided the need for the levels of cuts seen elsewhere but there was lots still to do with greater challenges ahead. The Council had to remain financially sustainable and over the next 5 years it was estimated that £21m would need to be saved from the current forecasted spend of £1.3 billion. Meeting this challenge was not about making cuts but about investments for the future delivery of services and required forward thinking, innovative and focus on delivering an ambitious change programme. The Council also had a 10 year capital allocation of £294m. There were a number of challenges facing the Council. There was less money to fund public services and income was not keeping pace with real increases in prices and meanwhile demands on services were growing – e.g. increasing numbers of older people - with the population over the age of 75 in the Borders at a higher percentage than in the rest of Scotland. The infrastructure of the region required significant investment. There were still significant pockets of deprivation across the region and hidden poverty in communities and the Council needed to increase opportunity and reduce inequality for all in the Borders. Mr

Robertson outlined where the Council's funding came from and how it was allocated across Council services in terms of both capital and revenue. In order to modernise, the Council needed to make significant savings in what the Council bought; invest in new digital technology to reduce costs; ensure that assets were used as efficiently as possible; ensure that the Council had a capable, motivated workforce that adopted new ways of working and that was flexible enough to deliver savings when and where they were required 7 days a week, 365 days a year; invest in prevention strategies; grow the economy of the Borders; and support all people to live well. Over the next five years the Council planned to implement the following:-

- Design and deliver as many Council services online as possible to maximise the use of digital technology and build the digital skills of Borders communities and staff;
- Develop customer advice and support;
- Drive out waste and inefficiency, cutting red tape and providing better value for money;
- Explore different models of service delivery;
- Reduce the amount of property the Council owned and operated;
- Invest in the roads infrastructure in a planned, sustainable way; and
- Redesign waste services

Mr Robertson also outlined the plans to support the aims of independent achieving people, a thriving economy with opportunities for everyone, to promote future employment opportunities and empowered vibrant communities. He concluded by outlining the ways to provide feedback into the budget process, either online to <https://scotborders.dialogue-app.com> by email to budgetteam@scotborders.gov.uk, on social media #bordersbudget or by post or telephone.

3.2 A number of questions were asked and Mr David Robertson provided appropriate responses:

- Reopening Reston Station – it was confirmed that the Council was fully committed to this with funding contained within the capital programme
- Statutory Services – the Council targeted non-statutory services and while there was clarity on what was a statutory function the level of provision could vary; the fundamental aim was to protect core services
- Community Council Funding – a request was made for an increase in this funding which may not be possible
- Distribution of the Budget to Berwickshire – the Council needed to ensure it was investing in all areas of the Borders but also had to prioritise where there was greatest need while at the same time having finite resources; not all projects could be undertaken at the same time. Investments in new primary and high schools had been made in Berwickshire with 50 new extra care housing and plans around Eyemouth town centre regeneration – with people to get involved in the Borderlands Initiative.
- Broadband – reference was made to a recent review by the Audit and Scrutiny Committee of the Digital Scotland Superfast Broadband Programme and Councillor Rowley gave an explanation of how this report would be used for future broadband infrastructure projects.

MEMBERS

Councillors Laing and Hamilton joined the meeting during consideration of the above item.

3.3 Following the presentation, officers joined Elected Members, partners and the public at their tables for a discussion on the budget and spending priorities. Sheets with additional information on Council services and a short series of questions had been provided on the tables to aid the debate. A summary of the output of the discussion is provided as an Appendix to this Minute. The Chairman thanked Mr Robertson for attending the meeting.

4. LOCALITIES BID FUND ASSESSMENT PANEL

The Chairman referred to the following Council decision in respect of the assessment panel for bids to the Localities Bid Fund (LBF):-

“that membership of the assessment panel be proposed for each Area Partnership, up to a maximum of two members per locality with a view to improving gender balance. The membership of the assessment panel to be 10, plus the Executive member for Neighbourhoods & Locality Services, with a quorum of 6”. As Councillor Fullarton had already been appointed to the Panel previously, Councillor Hamilton, seconded by Councillor Rowley, proposed that Councillor Laing be appointed to the Assessment Panel. This was unanimously agreed.

DECISION

AGREED to appoint Councillor Laing to the Localities Bid Fund – Assessment Panel.

5. LOCALITIES BID FUND - UPDATE ON CURRENT FUNDING ROUND

Ms Smith, SBC Communities and Partnership Manager, gave an update on the Localities Bid Fund (LBF). She advised that the second round of LBF had been launched on 1 July 2018 with a total of £296k available for eligible projects. However, in October the LBF Assessment Panel had agreed that there were not enough sustainable bids to go forward to the public vote in all five areas. It had been therefore proposed that the criteria would be revised, and with that approved at Council on 29 November, the Localities Bid Fund would be re-launched in January 2019, and the Assessment Panel would assess bids received against the criteria with the intention of public voting being carried out in April 2019. The groups who had already submitted applications for the second round had been contacted and would be notified about the revised criteria and offered support to re-apply. The Chairman explained that any monies would be carried forward to April 2019 and the pilot would be re-evaluated.

6. CENTENARY FIELDS INITIATIVE

There had been circulated copies of a report by the Service Director Assets and Infrastructure which set out the aims of the Centenary Fields initiative to commemorate World War 1 and recommended the nomination as a Centenary Field of Duns Park. The report explained that 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 HRS The Earl of Strathearn in 2014 and would close in 2018. CF aimed to protect at least one site (containing WW1 war memorial(s)) and was aimed at creating a long lasting legacy of WW1, protection, 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 Fields status, sites were subject to a Minute of Agreement, similar to those which were in place on all King George V Playing Fields. This would safeguard the sites for recreational used as protected green space. The report advised that 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 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. Duns Park was situated in the south of the town and was home to two wartime commemorative structures - Duns War Memorial and Polish War Memorial - and was also home to a memorial bronze bust of Duns Scotus. It formed the main civic greenspace in the town, with mature planting, informal recreation areas, a play park and tennis court and it was proposed to nominate the civic park area as a Centenary Field.

DECISION

AGREED the nomination of Duns Park for Fields in Trust Centenary Field status

7. DATE OF NEXT MEETING

The next meeting of the Berwickshire Area Partnership was scheduled for Thursday 7 February 2018. It was suggested that the venue for the next meeting could be Eyemouth High School. The Chairman thanked all those who had attended the meeting for their participation and input.

The meeting concluded at 8.25 pm

Discussion Output: Scottish Borders Council Budget (6 th December 2018)			
Question/Issue/Challenge	Proposed Solution (opportunities for area partnerships/communities?)	Consequence/Impact (positive and negative)	Priority rating
<p>Efficiencies Can we do things in a more streamlined way?</p>	<p>Use grey recycled paper like NHS. No colours on council tax leaflets Printing and postage waste. Option for email if you don't want paper. Don't put paving slabs down in Eyemouth high street – lorries and vans wreck them. See Manchester. Pot hole repair in summer! More power to communities. There are a vast range of resources available that could be better utilised if the right level of input is allocated. Integration of health services and social care There are good models Explore innovative methods/ material for road surfacing Do we have to demand the workload coming in (reactive)/instead go out and provide services (proactive)? More joint approaches to procurement and deliver services together Shared services – within and outwith the Borders</p>	<p>People feel better supported in the communities. Lack of funding or funding coming to an end. Better/wellbeing Reduced NHS bed space</p>	
<p>Identifying priorities Are there services, which in your view, should be prioritised?</p>	<p>Digital access in rural areas! Better integration of mental health services for schools. Early intervention and prevention. SB Cares management team needs to be sorted, Care services need to work together. Transport – rail station at Reston Transport to BGH from East Berwickshire Provision of social care for elderly, dementia Services for older people Attracting families into the area Housing developments - affordable, quality of life Connections with work employment- digital/broadband Transport</p>	<p>Difficulty in getting to appointments/visiting</p>	
<p>Different models of delivering services Are there services which we could deliver differently, or that communities could take responsibility for to maintain them in the long term?</p>	<p>Youth projects Neighbourhood services model IJB briefing note not being communicated Deep water harbour Disaggregate services from a central point into 5 areas College provision for eastern borders No charge for green waste services</p> <p>Care services – Resilient communities is a good example of community responsibility More investment in local initiatives ie social enterprises Tourism, agriculture, Care sector Skills shortages- textile centre of excellence</p>	<p>Community focused/pride in service delivery funding/sustainability long term.</p>	
<p>Increased charges to service users Should we be charging more for some services?</p>	<p>People are often keen to make contributions for services that are efficient Do we cover operating costs?</p>	<p>People making difficult choices in order to pay for services</p>	

<p>Other funding options What services in your area do you value most which could be retained, expanded or enhanced through the use of additional funds?</p>	<p>Medical NHS Services/care in the community Social transport Increase funding to invest and seeing that investment. Providing services that could be commercial that doesn't impact on the private sector?</p>	<p>More people supported & connected and services are improved</p>	
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Notes:

Can library services encourage borrowing kindles - Oxford looked into this and it saves a huge costs in transporting heavy books.

Public toilets charging/closing – Hits tourist's towns more, seems to save money but reduces tourist income

Learning from peers

Community spaces

A hub- A heart for duns

**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, 10 December 2018 at
10.00 a.m.

Present:- Councillors T. Miers (Chairman), S. Aitchison, A. Anderson, J. A. Fullarton, S. Hamilton, H. Laing, S. Mountford, C. Ramage, E. Small.
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 5 November 2018.

DECISION
APPROVED for signature by the Chairman.

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

DECLARATION OF INTEREST
Councillor Miers declared an interest in Application 18/00814/FUL in terms of Section 5 of the Councillors Code of Conduct and left the Chamber during the discussion. Councillor Anderson took the Chair for that item of business.

MEMBERS
Councillor Hamilton left the meeting so was not present for the consideration of Application 18/00792/FUL and then returned to consider the remaining items on the Agenda.

3. **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.

4. **APPEALS AGAINST NON-DETERMINATION IN RESPECT OF 17/00063/PPP AND 17/00064/CON, MARCH STREET MILLS, MARCH STREET, PEEBLES**
4.1 With reference to paragraph 2 of the Minute of 5 November 2018, there had been circulated copies of an advice note prepared by Emma Moir, Solicitor. The note advised that applications for the erection of residential units, the formation of a

dwellinghouse from the engine house, the formation of office/employment use, the relocation of allotment space, the erection of workshop units with associated access and infrastructure works, and the demolition of the mill buildings were considered by the Planning and Building Standards Committee at their meeting held on 5th November. Members resolved to continue consideration of the applications in order to carry out a site visit.

- 4.2 It was further explained that prior to the site visit being carried out on 28 November 2018, the applicant lodged appeals with the Planning and Environmental Appeals Division of the Scottish Government (DPEA) against non-determination of the applications by the Planning Authority. Applicants were entitled to appeal against non-determination within three months of the expiry of the normal four month determination period for a major application, or within 3 months of the expiry of the date of any Planning Processing Agreement (PPA) which had been voluntarily entered into, if later. The PPA for the above applications expired on 5th November. Following the Committee's decision to continue the applications for a site visit, the applicant was invited to extend the PPA until the following meeting, but this was declined, and the appeals subsequently lodged.
- 4.3 The appeals had been accepted by the DPEA (references PPA-140-2071 and CAC-140-2000). The effect of this being that the Reporter appointed by the Scottish Ministers would determine the applications and the Committee no longer had the remit to determine the applications. However, the Council had been asked to submit a Planning Authority Response Form (PARF) which would include a statement prepared by officers on behalf of the Committee providing further detail of the Committee's views on the appeals. The Officer recommendation remained that the application be approved. The Committee were therefore invited to consider whether the applications were acceptable on the planning merits and to provide officers with instructions on how to respond to the appeals on behalf of the Committee. Members discussed the application in detail and discussed the issues of the allotments, retention of historic buildings and more employment opportunities. Ultimately it was agreed that the application for planning permission in principle would have been refused by Committee on the grounds that the allotments should be retained in their current position, and that the conservation area consent would also have been refused on the grounds that there was no appropriate redevelopment proposal in place for the buildings to be demolished.

DECISION

AGREED that had the appeal not been lodged, the Committee would have refused the applications on the grounds of retaining the allotments in their current position and no appropriate redevelopment proposal.

5. 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) **an Appeal had been received in respect of the Erection of wind farm comprising 7 No wind turbines up to 132m high to tip, access tracks, hard standings, electrical control building and compound, borrow pits, ancillary infrastructure and associated groundworks on Land West of Whitslaid (Barrel Law), Selkirk – 17/01255/FUL; and**

- (b) an Appeal had been received in respect of works to trees situated at 22 Craigmyle Park, Peel – 18/01057/TPO; and
- (c) the Reporter had upheld an appeal in respect of the:-
 - (i) Erection of poultry building on Land South West of Easter Haprew Farmhouse, Peebles – 16/01377/FUL; and
 - (ii) the Erection of poultry building and associated works at Hutton Hall Barns, Hutton - 17/00623/FUL
- (d) there remained three appeals outstanding in respect of:-
 - Land North West of Gilston Farm, Heriot
 - Glenacre, Camptown, Jedburgh
 - Land East of Keleden, Ednam
- (e) a review request had been received in respect of replacement of shop front windows and door screens at Scott's View Take-Away, Main Street, St Boswells – 18/01010/FUL; and
- (f) the decision of the Appointed Officer had been Overturned in respect of:-
 - (i) Erection of dwellinghouse (renewal of planning permission 15/00036/PPP) on Land North West of Chapel Cottage, Melrose – 18/00644/PPP; and
 - (i) Erection of dwellinghouse on Land North East of Ladywood Lower Greenhill, Selkirk – 18/00929/PPP
- (g) the decision of the Appointed Officer had been upheld in respect of:-
 - (i) Change of Use from Class 4 to include Class 11 (Leisure) and Class 3 (Café) at Factor Plexus Facility, Tweedside Park, Tweedbank, Galashiels – 18/00635/FUL; and
 - (ii) Erection of two dwellinghouses on Land North East of Stainie Brae, Lower Greenhill, Selkirk – 18/00832/PPP
- (h) there remained one Review outstanding in respect of Elsielea, 61 West High Street, Lauder ;
- (i) there remained three Section 36 Public Local Inquiries Outstanding in respect of:-
 - Fallago Rig I, Longformacus
 - Fallago Rig 2, Longformacus
 - Birneyknowe Wind Farm, Land North, South, East and West of Birnieknowe Cottage, Hawick

6. **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

7. **MINUTE**

There had been circulated copies of the Private Minute of 5 November 2018.

8. **ROOF REPAIRS AT CHAPEL STREET, INNERLEITHEN**

There had been circulated copies of a report by the Service Director Regulatory Services which sought authority to carry out roof repairs at 19, 21, 23, 23a, 23b and 25 Chapel Street, Innerleithen.

9. **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, PEBBLES**

There had been circulated copies of a report by the Service Director Regulatory Services which sought a decision on the request made by the applicant for March Street Mills, Peebles to reduce development contribution requirements in accordance with exception policy provision to enable project viability and secure the proposed residential allotment and employee development within the site. The report outlined options in relation to the issues of project viability and developer contributions. In light of the decision of the Applicant to lodge an Appeal with the DPEA against non-determination, the Committee agreed that they could not consider the request until a decision on the planning application was known.

The meeting concluded at 1.40 p.m.

APPENDIX I
APPLICATIONS FOR PLANNING PERMISSION

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
18/01251/FUL	Variation of Condition 1 of Planning consent 13/00789/FUL For an extension to time to initiate Development of Dwellinghouse	Land North East and North West of Farmhouse, Braidlie, Hawick

Decision: APPROVED subject to the following conditions and informatives:

CONDITIONS

Time limit

1. The development shall be begun no later than 3 years from the date of this permission.
Reason: To specify the time period within which development should start.

Siting, Design and Appearance

2. Prior to commencement of the development, the developer shall submit details of the proposed make and model of turbine that will be utilised. Clarification of proposed external colour, rotational direction, noise output and rotational speeds shall be included in the specification provided in response to this condition. No other model of turbine shall be utilised.
Reason: For the avoidance of doubt to enable detailed consideration of any variation from the turbines assessed as part of this application.
3. The overall height of the wind turbines shall not exceed 110 metres for Turbines 1, 2 and 4, and 125 metres for Turbines 3, 5,6,7,8 and 9, to the tip of the blade when the blade is in the vertical position, when measured from natural ground conditions immediately adjacent to the turbine base. The overall height of the hub/nacelle shall not exceed 65 metres for Turbines 1, 2, and 4; and 80 metres for Turbines 3, 5,6,7,8 and 9. The wind turbine blades on all the turbines hereby permitted shall rotate in the same direction.
Reason: To ensure that the development is carried out in accordance with the turbines portrayed within the application, in the interests of visual amenity.
4. Prior to the commencement of development, the confirmed 9 turbine wind farm layout including the locations of all turbines, buildings, borrow pits, hardstandings and temporary and permanent access tracks, plus the location of all on-site cabling trenches shall be submitted to the planning authority. The layout shall be provided on an adequately detailed drawing which includes contours, and shall take account of the 50m micrositing allowance identified within the Environmental Statement where such allowance is known to be required prior to the commencement of development. Supporting commentary shall be provided with the drawing explaining the rationale behind the micrositing and demonstrating that it has taken account of consultee advice relating to impact on the peat environment and groundwater resource. The development shall be carried out in strict accordance with the details included in the drawings submitted in response to this condition. Any further micrositing required during construction within the agreed 50m allowance, adhering to the requirements of condition 24, will be submitted to the planning authority for their information on an amended layout drawing.
Reason: To enable the planning authority to understand precisely where each component of the site will be sited in relation to other elements of the site (including its boundaries), and to allow for minor changes to be made to overcome potential difficulties arising in respect of archaeology, ecology, hydrology.

5. Notwithstanding the details shown in the submitted Environmental Statement, details of external materials relating to construction of the access tracks, crane hardstandings, the control building and any other on site apparatus/equipment shall be submitted to, and approved in writing by the planning authority. The development shall be undertaken in strict accordance with the details approved in response to this condition.

Reason: In the interests of visual amenity.

6. All cables between the turbines and the substation shall be laid underground.

Reason: In the interests of visual amenity.

Safety:

7. All turbines and components shall be installed to meet the safety standards set by British Standard BS EN 61400-1: 2005 'Wind turbine generator systems: Safety requirements' or International Electro-technical Commission IEC 16400.

Reason: In the interests of health and safety of all users of the site and its environs.

Site Decommissioning, Restoration and Aftercare:

8. This consent expires 25 years from the date on which the last wind turbine generator forming part of the development is commissioned and exporting electricity to the national grid (Final Commissioning Date). Confirmation of the Final Commissioning Date must be given in writing to the Planning Authority within 28 working days of that event.

Reason: To define the duration of the consent.

9. No later than 12 months before the decommissioning of the site or expiry of the consent associated with this permission (whichever is the earlier) a decommissioning, restoration and aftercare scheme shall be submitted to the Planning Authority for its written approval which shall provide for the removal of the wind turbines, and associated development above and on the ground (including tracks and hardstanding), and the foundations of the wind turbines to a depth of 1.2 metres below ground level. The scheme shall include proposals for the management and the timing of the works and for the restoration of the site. The scheme shall be implemented as approved within 3 years of the expiry of the consent.

Reason: To ensure that all wind turbines and associated development are removed from site at the expiry of the consent.

Financial Guarantee:

10. There shall be no commencement of development unless the Company has delivered a bond or other form of financial guarantee in terms acceptable to the Planning Authority which secures the cost of performance of all decommissioning, restoration and aftercare obligations contained in Condition 9 to the Planning Authority. The financial guarantee shall thereafter be maintained in favour of the Planning Authority until the date of completion of all restoration and aftercare obligations. The value of the financial guarantee shall be determined by a suitably qualified independent professional as being sufficient to meet the costs of all decommissioning, restoration and aftercare obligations contained in Condition 9. The value of the financial guarantee shall be reviewed by a suitably qualified independent professional no less than every five years and increased or decreased to take account of any variation in costs of compliance with restoration and aftercare obligations and best practice prevailing at the time of each review.

Reason: To ensure that there are sufficient funds to secure performance of the decommissioning; restoration and aftercare conditions attached to this planning permission in the event of default by the Company.

Turbine Failure/Removal:

11. In the event of any wind turbine failing to produce electricity supplied to the local grid for a continuous period of 12 months, not due to it being under repair or replacement then it will be deemed to have ceased to be required, and the wind turbine foundation to a depth of 1.2m below ground level, the wind turbine and its ancillary equipment shall be dismantled and removed from the site and the site restored to a condition to be agreed by the Planning

Authority. The restoration of the land shall be completed within 12 months of the removal of the turbine.

Reason: To safeguard against the landscape and visual environmental impacts associated with the retention of any turbines that are deemed no longer to be operationally required.

Air Traffic Safety:

12. The turbines shall be fitted with MOD-accredited 25 candela omni-directional aviation lighting OR infra – red warning lighting with an optimised flash pattern of 60 flashes per minute of 200ms to 500ms duration at the highest practicable point on the turbines. The turbines will be erected with this lighting installed and the lighting will remain operational throughout the duration of this consent.

Reason: In the interests of aviation safety.

13. Prior to the erection of the first wind turbine, the developer shall provide written confirmation to the Planning Authority and the Ministry of Defence of the anticipated date of commencement of and completion of construction; the maximum height above ground level of construction equipment and the anemometry mast; the position of each wind turbine in latitude and longitude; and the hub height and rotor diameter of each turbine (in metres). The developer shall give the Planning Authority and the Ministry of Defence notice as soon as reasonably practicable if any changes are made to the information required by this condition.

Reason: In the interests of aviation safety.

MoD Air Traffic Control radar:

14. No development shall commence unless and until an Air Traffic Control Radar Mitigation Scheme to address the impact of the wind turbine upon air safety has been submitted to and approved in writing by the Planning Authority.

The Air Traffic Control Radar Mitigation Scheme is a scheme designed to mitigate the impact of the development upon the operation of the Air Traffic Control Radar at Spadeadam (“the Radar”) and the air traffic control operations of the Ministry of Defence (MOD) which is reliant upon the Radar. The Air Traffic Control Radar Mitigation Scheme shall set out the appropriate measures to be implemented to mitigate the impact of the development on the Radar and shall be in place for the operational life of the development provided the Radar remains in operation.

No turbines shall become operational unless and until all those measures required by the approved Air Traffic Control Radar Mitigation Scheme to be implemented prior to the operation of the turbines have been implemented and the Planning Authority has confirmed this in writing. The development shall thereafter be operated fully in accordance with the approved Air Traffic Control Radar Mitigation Scheme.

Reason: In the interests of aviation safety.

NATS Radar

15. No part of any Turbine shall be erected above ground until a Primary Radar Mitigation Scheme agreed with the Operator has been submitted to and approved in writing by the Scottish Borders Council in order to avoid the impact of the development on the Primary Radar of the Operator located at Great Dun Fell and associated air traffic management operations.

Reason: In the interests of aviation safety.

16. No blades shall be fitted to any Turbine unless and until the approved Primary Radar Mitigation Scheme has been implemented and the development shall thereafter be operated fully in accordance with such approved Scheme.

Reason: In the interests of aviation safety.

For the purpose of conditions 15 and 16 above:

"Operator" means NATS (En Route) plc, incorporated under the Companies Act (4129273) whose registered office is 4000 Parkway, Whiteley, Fareham, Hants PO15 7FL or such other organisation licensed from time to time under sections 5 and 6 of the Transport Act 2000 to provide air traffic services to the relevant managed area (within the meaning of section 40 of that Act).

"Primary Radar Mitigation Scheme" or "Scheme" means a detailed scheme agreed with the Operator which sets out the measures to be taken to avoid at all times the impact of the development on the Great Dun Fell primary radar and air traffic management operations of the Operator."

Signage:

17. Notwithstanding the provisions of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984, no symbols, signs, logos or other lettering (other than those required for health and safety reasons) shall be displayed on the turbines, other buildings or structures within the site without the written approval of the Planning Authority.

Reason: To ensure that the development does not unduly prejudice public amenity.

18. No signage, other than that required for health and safety and for traffic management, shall be erected within the application site without the written consent of the Planning Authority.

Reason: To ensure that the development does not unduly prejudice public amenity.

Road Safety & Traffic Management:

19. No construction traffic shall access the site until a Traffic Management and Road Safety Plan has been submitted to and approved in writing by the Planning Authority, which includes detailed information relating to the following matters:

- a) detailed design of any widening or other alteration to the road network and proposals for reinstatement once the loads have been delivered;
- b) management of abnormal vehicle movements and other associated construction traffic movements (including trial runs following agreed road widening works);
- c) date and time schedules for delivery of all components of the development involving abnormal loads;
- d) road condition survey, detailed proposals of finalised road widening/surfacing/improvements to accommodate abnormal loads and a method of ensuring that any damages to the road due to construction and/or abnormal loads associated with the development are repaired in an agreed manner and to an agreed timetable;
- e) all new signage identifying to road users the presence of the site, access and potential to encounter construction traffic; and
- f) wheel washing facilities at the site access.
- g) details of the delivery times for construction materials or equipment taking into account impact on residential amenities

The development shall be undertaken in strict accordance with the details approved in response to this Condition.

Reason: To ensure that the development is compatible with road user amenity, road safety and traffic management objectives, and also to provide adequate restoration to offset the environmental impact of the measures proposed.

Rights of Way:

20. There shall be no obstruction, diversion or closure (caused by implementation of the development) of any Right of Way/public access path within or adjacent to the application site and its proposed accesses before, during or after development unless such actions have been formally agreed in writing by the planning authority.

Reason: To protect the amenity and safety of users of the public path network.

Ecology and Ornithology:

21. Prior to the commencement of development a scheme for the protection of species and habitat enhancement shall be submitted and approved in writing by the Planning Authority. The submitted scheme shall include:

- a) Supplementary/checking surveys for protected species (including schedule 1 birds, otter, badger, bats, water vole, red squirrel and nests of all breeding birds) shall be carried out by a suitably qualified person or persons to inform construction activities and any required mitigation
- b) Species mitigation and management plan
- c) A Before-After-Control-Impact (BACI) monitoring programme for schedule 1 raptors and breeding birds survey (black grouse and wader) at 1, 3, 5, 10 and 15 year intervals
- d) A landscape Habitat Management and Enhancement Plan, including measures appropriate for hen harrier

Upon approval the scheme shall for the protection of species and habitat enhancement shall be implemented unless otherwise agreed in writing by the Planning Authority

Reason: To make sure protected and other species are not harmed during construction and the site is enhanced for the benefit of biodiversity.

Environmental Management:

22. At least 2 months prior to the commencement of development (other than agreed enabling works in terms of Condition 23) a full site specific environmental management plan (EMP) shall be submitted to and approved in writing by the Planning Authority (in consultation with SEPA and other agencies such as SNH as appropriate) and all work shall be carried out in accordance with the details in the plan approved in response to this condition. The plan shall include the following components (this list is not exhaustive):

- a) a study of the site and its environs to establish precisely how local water sources and supplies relate to and/or would be affected by the implementation of the development, plus mitigation in relation to this matter;
- b) a drainage management strategy, demonstrating how all surface and waste water arising during and after development will be managed and prevented from polluting any watercourses or sources (based on SUDS principles – Sustainable Urban Drainage Systems);
- c) a plan for the management of flood risk, in particular in relation to parts of the site close to watercourses and proposed crossings of the watercourse;
- d) a focussed waste management strategy;
- e) a strategy for the management of peat, in the form of a Peat Management Plan;
- f) a strategy for management of dust arising during construction of the tracks, hardstandings and foundations;
- g) details of measures proposed to contain all materials and fuels to be utilised during construction; and
- h) details of borrow pit excavation and reinstatement (including the profile); including proposals for how any groundwater will be dealt with, if encountered.

Reason: To control pollution of air, land and water.

23. Prior to Commencement of Development, the wind farm operator shall prepare a Construction Method Statement (to include a Risk Assessment) for the approval of the Planning Authority, in consultation with SNH and SEPA. The Construction Method Statement shall comprise the following details:

- a) all on-site construction, and construction of access tracks, including drainage; mitigation, post-construction restoration, and reinstatement work, as well as the timetables for such work;
- b) details relating to a 'tool box talk' on archaeology to on-site contractors preparing the site infrastructure;
- c) any temporary diversions of rights of way and associated signage;
- d) surface water drainage measures to comply with national guidance on pollution prevention, including surface water run-off from internal access roads;
- e) details of waste water management during construction;
- f) the arrangement for the on-site storage of fuel oil and other chemicals;
- g) the method, frequency and duration of ecological monitoring, particularly of watercourses, over the Construction Period of the wind farm development;
- h) details of the phasing/timing of construction of all components of the development including dates for delivery of components;
- i) details of water supply;
- j) details of measures to reduce soil erosion;
- k) details of assessment and mitigation in respect of construction noise, including measures adopted during evenings, night time, early mornings, weekends and public holidays
- l) details relating to minimisation of environmental impact of road construction;
- m) details of any watercourse engineering works and measures for the implementation of buffer zones around existing watercourses and features;
- n) details of timescale for the restoration of the site, including the site compound and crane hard-standing areas; and
- o) details of contingency planning in the event of accidental release of materials which could cause harm to the environment.

Subject to the following paragraph, no work shall begin on the development, apart from the enabling works, until the Construction Method Statement has been approved. Once approved, the works specified in the Construction Method Statement shall be carried out as approved.

The enabling works shall not be carried out until details of them (including any necessary measures for public road improvements outwith the site, traffic management, works to be implemented at the entrance to the site to prevent dust and mud entering the public highway, or any related programme of monitoring the condition of public roads) have been submitted to and approved in writing by the Planning Authority, in consultation with SNH and SEPA. All of the enabling works shall be carried out in accordance with the approved details.

Reason: It is essential to ensure that all construction works are carried out in a controlled manner which minimises environmental damage; the CMS will provide a useable document identifying guidelines and conditions for construction, but which also gives recourse to mitigating action in the event of construction deviating from the CMS. The document, with the Environmental Management Plan required by Condition 22 of this permission, shall provide the (Ecological) Clerk of Works (required by Condition 24 of this permission) with information with which to monitor construction and environmental management.

24. Prior to the Commencement of Development and for the period of the enabling works, the wind farm operator shall appoint an independent Ecological Clerk of Works (ECoW) under terms which have first been submitted to and agreed in writing by the planning authority, in consultation with SNH and SEPA, and shall include that the appointment shall be for the period of wind farm construction, including micro-siting and the finalisation of the wind farm layout, as well as subsequent post-construction restoration.

The ECoW's terms of appointment are to impose a duty to monitor compliance with all the ecological and hydrological aspects of the Construction Method Statement, including post-construction restoration, which have been approved under the terms of Condition 23 above. The ECoW's terms of appointment are to require the ECoW to report promptly to the wind farm operator's nominated Construction Project Manager any non-compliance with the hydrological or ecological aspects of the Construction Method Statement. The wind farm operator shall confer on the ECoW (and comply with instructions given in the exercise of) the power to stop any construction or restoration activity on-site which in his or her view (acting reasonably) could lead to significant effects on the environment, and shall without delay, report the stoppage, with reasons, to the wind farm operator's nominated Construction Project Manager and to the Planning Authority, SNH and SEPA.

Reason: The presence of an ECoW at the site is essential to enable unforeseen or unplanned occurrences relating to the environment on and in relation to the site, in particular when it relates to impact on biodiversity and/or the water environment, to be mitigated.

Archaeology:

25. No development shall take place until the applicant has secured a programme of archaeological work in accordance with a Written Scheme of Investigation (WSI) outlining a Watching Brief which must be implemented during relevant development works. The requirements of this are:
- a) The WSI shall be formulated and implemented by a contracted archaeological organisation working to the standards of the Institute for Archaeologists (IfA) approval of which shall be in writing by the Planning Authority;
 - b) Access shall be afforded to the nominated archaeologist to supervise relevant development works, investigate and record features of interest, and recover finds and samples;
 - c) If significant finds, features or deposits are discovered all works shall cease and the nominated archaeologist(s) will contact the Council's Archaeology Officer immediately for consultation which may result in further developer funded archaeological mitigation;
 - d) If significant archaeology is identified by the contracted archaeologists and in agreement with the Planning Authority, a further scheme of mitigation subject to an amended WSI shall be implemented;
 - e) Results shall be submitted to the Planning Authority for approval in the form of a Data Structure Report (DSR) within one month following completion of all on-site archaeological works.
 - f) In the event that significant archaeological materials (deemed so by the Planning Authority in consultation with the developer's archaeological contractor) are recovered either during the course of archaeological investigation or development, the developer will ensure that these undergo post-excavation research by a contracted archaeologist in accordance with a separate Post-Excavation Research Design (PERD) approved in writing by the Planning Authority.
 - g) The results of post-excavation research will be submitted to the Planning Authority and disseminated appropriately through publication and community engagement within one year of the final on-site archaeological investigations and reporting; and
 - h) The applicant's archaeological contractor shall ensure that the full archive of materials and records be submitted to Treasure Trove within one year of the completion of post-excavation research and archived appropriately according to national guidelines

The developer shall give a minimum of two weeks' notice of the commencement of the approved archaeological works in writing to the nominated archaeological contractor and to the Planning Authority. No works shall commence until the two week notice period has expired.

No development shall take place until fencing has been erected, in a manner to be agreed in writing by the Planning Authority, about the identified area of archaeological interest and

no work shall take place inside the fencing without the prior written consent of the Planning Authority

Reason: The site is within an area where ground works may interfere with, or result in the destruction of, archaeological remains. This condition affords a reasonable opportunity to record the history of the site, secure appropriate analysis, allow sufficient time to commence archaeological works and safeguard any sites of archaeological interest.

Noise:

26. Noise levels from the combined effects of the wind turbines forming this development at any noise sensitive premises (in existence at the time of permission) where the occupier of the property has no financial interest in the development shall not exceed an external free field LA90, 10min level of 35dB (A), at any 10 metre height wind speed up to 12 m/s. For properties where the occupier has a financial interest in the development, the above levels should not exceed 45dB (A). Any tonal elements in the noise spectra shall be assessed using the joint Nordic Method and the tone level shall not exceed 2dB above the 'masking Threshold for Tones in Noise'.

Reason: To give protection to residents/occupiers of noise sensitive properties in proximity to the development, in the interests of private amenity.

27. In the event of a complaint, which in the view of the Planning Authority is justified, being received by the Planning Authority following implementation of the development and the wind farm becoming operational, within 21 days of being notified of the complaint by the Planning Authority the wind farm operator shall, at its expense, undertake a professional assessment of the nature of the alleged noise disturbance. The selected consultants used in the analysis shall first have been approved by the planning authority. Thereafter, in the case of each complaint where a noise nuisance is proved to be occurring, mitigation shall be carried out of a nature and within a timeframe to be agreed in writing by the planning authority.

Reason: To give protection to residents/occupiers of noise sensitive properties in proximity to the development, in the interests of private amenity.

Informatives

Relevant scheme: All conditions above relate to the details of the development and supporting information that was granted planning consent following appeal on 9 June 2016, under application reference 13/00789/FUL.

Notice of the start of development: The person carrying out the development must give advance notice in writing to the planning authority of the date when it is intended to start. Failure to do so is a breach of planning control. It could result in the planning authority taking enforcement action (See sections 27A and 123(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).

Notice of the completion of the development: As soon as possible after it is finished, the person who completed the development must write to the planning authority to confirm the position (See section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended)).

Display of notice: A notice must be displayed on or near the site while work is being carried out. The planning authority can provide more information about the form of that notice and where to display it (See section 27C of the Town and Country Planning (Scotland) Act 1997 Act (as amended) and Schedule 7 to the Town and Country Planning (Development Management Procedure) (Scotland) Regulations

Reference

18/00486/FUL

Nature of Development

Erection of 64 dwellinghouses and associated works

Location

Land North of
24 Sergeants Park,
Newtown St Boswells

Decision: Continued to next available PBS Committee. Officers to provide further information on infrastructure capacity issues and how the proposed development would sit within a wider master planning exercise for the Newtown Expansion Area (Housing Allocation ANEWT005).

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
18/00792/FUL	Erection of 38 dwellinghouses, formation of access, landscaping and associated infrastructure	Land North of 48 Thirlstane Drive Lauder

Decision: APPROVED subject to a legal agreement addressing contributions towards education, the Borders Railway and play areas and the provision of on-site affordable housing and the following conditions:

1. The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans and specifications approved by the Planning Authority.
Reason: To ensure that the development is carried out in accordance with the approved details.
2. No development shall take place within the development site as outlined in red on the approved plan until the developer has secured a Written Scheme of Investigation (WSI) detailing a programme of archaeological works. The WSI shall be formulated and implemented by a contracted archaeological organisation working to the standards of the Chartered Institute for Archaeologists (CIfA). The WSI shall be submitted by the developer no later than 1 month prior to the start of development works and approved by the Planning Authority before the commencement of any development. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording, recovery of archaeological resources within the development site, post-excavation assessment, reporting and dissemination of results are undertaken per the WSI.
Reason: The site is within an area where development may damage or destroy archaeological remains, and it is therefore desirable to afford a reasonable opportunity to record the history of the site.
3. The development hereby approved shall only be carried out in strict accordance with a programme of phasing which has first been submitted to and approved in writing by the Planning Authority. The phasing programme to include the timing for the provision of the pedestrian link.
Reason: To ensure that the development proceeds in an orderly manner.
4. Notwithstanding the description of the materials in the application, no development shall commence until a sample of all materials to be used on all exterior surfaces of the development hereby approved have been submitted to and approved in writing by the Planning Authority and thereafter no development shall take place except in strict accordance with the approved details.
Reason: The materials require further consideration to ensure a satisfactory form of development, which contributes appropriately to its setting.
5. No development shall commence until a Construction Method Statement has been submitted to and approved in writing by the Planning Authority. As a minimum this should outline how the site will comply with the British Standard 5228:2009 Code of Practice for noise and vibration control on construction and open sites and should include the hours of construction, how noise complaints will be managed and methods for dust suppression on the site. The development then to be carried out in accordance with the approved Construction Method Statement.

Reason: To safeguard residential amenities.

6. No development shall commence until precise details of the surfacing materials for the proposed roads, footpaths and parking spaces has been submitted to and approved in writing by the Planning Authority. Thereafter no development shall take place except in strict accordance with the approved details.

Reason: To ensure that the proposed development is laid out in a proper manner with adequate provision for traffic and in a manner that enhances the character and visual appearance of the development.

7. The proposed roads, footpaths and parking spaces/areas indicated on the drawings hereby approved shall be constructed to ensure that each dwellinghouse, before it is occupied, is served by a properly consolidated and surfaced carriageway, parking area and footpath/shared surface.

Reason: To ensure that the proposed development is laid out in a proper manner with adequate provision for traffic and pedestrians.

8. The planting, seeding and turfing shown on landscape drawings 143.117.01d, 143.117.02d and 143.117.03d hereby approved, shall be carried out in the first planting and seeding seasons following the occupation of the dwellings or the completion of the development, whichever is the sooner, and shall be maintained thereafter and replaced as necessary for a period of two years from the date of completion of the planting, seeding and turfing.

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

9. No water supply other than the public mains shall be used to supply the development without the written agreement of the Planning Authority.

Reason: To ensure that the development is adequately serviced with a sufficient supply of wholesome water and there are no unacceptable impacts upon the amenity of any neighbouring properties.

10. No drainage system other than the public mains sewer shall be used to service the development without the written consent of the Planning Authority. Prior to occupation of the first dwellinghouse written evidence is to be submitted to and approved in writing by the Planning Authority that the development has been connected to the public water drainage network.

Reason: To ensure that the development does not have a detrimental effect on public health.

Informatives

1. In respect of condition 6, Roads Construction Consent is required for the roads and footways within the site and must be obtained prior to work commencing on site. It should be borne in mind that only contractors first approved by the Council may work within the public road boundary. The connection path to Factors Park should be made up and surfaced to an adoptable standard 2m wide along its entire length through the site.
2. Both during and after construction, the customary/permissive path along the western boundary should remain open and unobstructed.
3. In relation to the Special Area of Conservation, care should be taken to avoid contamination of the water environment by following SEPA good practice guidelines, e.g. GPP 5. SEPA standing advice relating to construction should be followed.

Reference

Nature of Development

Location

18/00814/FUL

Formation of Riding arena and
erection of 3 No.stables block
(retrospective)

Land South East of
Tweedbank, Fishwick
Mains, Fishwick

Decision: APPROVED subject to the following condition and informative.

Conditions

1. The riding arena and stable block hereby approved shall be used for private use only and shall not be used for any commercial purposes without a further application (for a change of use of land) first being submitted to and approved by the planning authority.
Reason: to restrict the use of the development hereby approved to ensure the approved development does not cause an unacceptable increase in traffic levels to and from the site.

Informative

1. Stable Waste: During the use of the stable block, it is likely that refuse/waste materials (i.e. manure/soiled hay) will be produced on the site as a consequence. Therefore, it must be ensured that all such waste materials are not stored on site or disposed of in any manner (for example, burning) which would give rise to Statutory Nuisance conditions developing at neighbouring properties to the site.

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

MINUTES of Meeting of the HAWICK
COMMON GOOD FUND SUB-COMMITTEE
held in Committee Room, Town Hall, Hawick
on Tuesday, 11 December 2018 at 4.00 pm

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

In Attendance:- Chief Financial Officer, Managing Solicitor (R Kirk), Estates Strategy Surveyor
(N Curtis), Property Officer (F Scott), Democratic Services Officer (J Turnbull)

1. **WELCOME**

The Chairman welcomed everyone to the meeting and advised that as Mr Jim Little had retired from Hawick Community Council he was no longer their representative on the Sub-Committee. The Chairman paid tribute to the service Mr Little had given the Sub-Committee over the years and wished him well for the future.

**DECISION
NOTED.**

2. **MINUTE**

There had been circulated copies of the Minute of the meeting held on 21 August 2018

**DECISION
AGREED to approve the Minute of the Meeting held 21 August 2018.**

3. **MATTERS ARISING FROM THE MINUTE**

3.1 **Heads Together**

With reference to paragraph 4.5 of the Minute of 21 August 2018, the Chairman of Heads Together, was in attendance and advised that fundraising had progressed and Heads Together had secured £50,000 towards purchase of the premises at Dovemount Place, where the charity was based. However, funding was still required. The Sub-Committee were advised that the owner had indicated that the premises would not be placed on the open market until March 2019, therefore giving Heads Together a further three months to explore what other funding might be available. Following discussion, the Sub-Committee congratulated Heads Together for the funding raised and approved, in principle, support of the application. It was requested that Heads Together report back to the next meeting with details of the final total raised, shortfall and the amount of funding requested from the Sub-Committee. In response to a question, the Managing Solicitor advised that a Charge could be placed on the property; to ensure that any funding granted would be returned to Hawick Common Good Fund in the event of the premises being sold.

**DECISION
AGREED**

- (a) **To support the application, in principle, from Heads Together for funding towards purchase of the premises at Dovemount Place, Hawick; and**
- (b) **To request Heads Together provide at the next meeting confirmation of total funding raised, shortfall and amount requested from the Sub-Committee.**

3.2 **Welcome Host Evaluation**

With reference to paragraph 2.1 of the Minute of 20 March 2018, the Chairman of Future Hawick and the Hosts' Administrator were in attendance to give an update on the Hawick Welcome 2018 project. Members had already received copies of the 2018 report from Future Hawick. It was noted that there had been over 4,677 visitors to Hawick. The majority of visitors were from the north of England and this was a market that required greater publicity to increase future visitor numbers. Going forward it was hoped to increase the season and extend the number of Welcome Hosts. The Sub-Committee congratulated Hawick Welcome on the success of the project and thanked their Chairman and Host Administrator for their attendance and providing an evaluation of the project.

DECISION

NOTED the evaluation of Hawick Welcome 2018.

4. **APPLICATIONS FOR FINANCIAL ASSISTANCE**

4.1 **Act 1 Youth**

There had been circulated copies of an application for financial assistance from Act 1 Youth requesting £3,500 towards the stage set, hire of microphones and royalty payment for the staging of the Sound of Music in Hawick Town Hall in April 2019.

DECISION

AGREED to award Act 1 Youth £3,500.00 towards the stage set, hire of microphones and royalty payments for the staging of the Sound of Music.

4.2 **Hawick Reivers Association**

There had been circulated copies of an application for financial assistance from Hawick Reivers Association requesting £3,000 towards the overall running costs of the Hawick Reivers Festival. The Chairman of Hawick Reivers Association was in attendance and advised that the Festival brought visitors to the town, boosting the local economy and raising Hawick's profile. It was noted that the Council had provided funding of over £19,000 over the past five years to the Festival. The Sub-Committee agreed to support the application. However, concern was raised regarding the dependency of some organisations on annual funding and consideration should be given to the approval of such applications in the future.

DECISION

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

4.3 **Hawick Primary Ceilidh Group**

There had been circulated copies of an application for financial assistance from Hawick Primary Ceilidh Group requesting £400 toward transportation for children to attend the St Andrew's Day Ceilidh on 30 November 2018. It was noted that the event had already taken place and that a retrospective grant would be required. The Vice-President was in attendance and clarified that the funding would be used to secure the continuation of the event in 2019. The Sub-Committee agreed to support the application and also suggested the Hawick Primary Ceilidh Group considered applying for grant assistance from local community councils.

DECISION

AGREED to grant £400.00 to Hawick Primary Ceilidh Group towards the 2019 St Andrew's Day Ceilidh.

5. **APPLICATION FOR USE OF COMMON HAUGH**

With reference to paragraph 2 of the Minute of 14 November 2017, an application had been received from K Stuart, Family Fun Fair, requesting permission to lease part of the Common Haugh on two weekends in March 2019 for a Fun Fair. It was noted that Mr

Stuart had again requested permission to open on a Sunday. Members considered that as there had been no issues reported with the Sunday opening in 2018, this also be approved.

**DECISION
AGREED**

To grant a lease of the Common Haugh to K Stuart, Family Fun Fair, as follows:

(a)	Thursday	21 March 2019	6.00 pm to 9.30 pm
	Friday	22 March 2019	6.00 pm to 10.00 pm
	Saturday	23 March 2019	1.00 pm to 10.00 pm
	Sunday	24 March 2019	2.00 pm to 4.30 pm.
(b)	Thursday	28 March 2019	6.00 pm to 9.30 pm
	Friday	29 March 2019	6.00 pm to 10.00 pm
	Saturday	30 March 2019	2.00 pm to 10.00 pm

6. MONITORING REPORT FOR NINE MONTHS TO 30 SEPTEMBER 2018

There had been circulated copies of a report by the Chief Financial Officer providing details of the income and expenditure for the Hawick Good Fund Sub-Committee for the six months to 30 September 2018, a full year projected out-turn for 2018/19 and projected balance sheet values as at 31 March 2019. The Chief Financial Officer, David Robertson, highlighted the main points from the report, explaining that the figure in paragraph 4.1 should read £12,514 which was the projected surplus for the year. The projected balance sheet as at 31 March 2018, shown in Appendix 2 to the report, indicated a projected decrease in reserves of £27,077. The breakdown of the property portfolio was shown in Appendix 3. The current position of the Kames Capital investment was shown in Appendix 4 to the report. Mr Robertson explained that the grants and other donations shown in paragraph 4.5 of the report would increase by £6,900 owing to the grants disbursed at today's meeting, as detailed in paragraph 6 above.

DECISION

- (a) **AGREED the projected income and expenditure for 2018/19 in Appendix 1 to the report as the revised budget for 2018/19.**
- (b) **NOTED within the appendices to the report:-**
- (i) **the projected balance sheet value as at 31 March 2019 in Appendix 2**
 - (ii) **the summary of the property portfolio in Appendix 3; and**
 - (iii) **the current position of the Kames Capital Investment Fund in Appendix 4.**

7. JAMES WILSON STATUE

With reference to paragraph 10 of the Minute of 21 August 2018, the Property Officer, Frank Scott, advised that Live Borders had agreed to place the James Wilson statue at the Heritage Hub, by the full height window. Mr Scott advised that he was now in receipt of site drawings. However, he requested approval to instruct a structural engineer to determine the suitability of the proposed location for the statue. Mr Scott also advised that the estimated cost of repair to the statue was £780.

**DECISION
AGREED**

- (a) **That the Property Officer arrange for the repairs to the statue at an approximate cost of £780.00; and**

- (b) **To agree the appointment of a structural engineer to advise of the suitability of the Heritage Hub for the placement of the James Wilson statue.**

8. **PROPERTY UPDATE**

8.1 **Hawick Golf Course**

The Estates Strategy Surveyor, Mr Curtis, advised that the Council had received a request to hire the running green at Hawick Golf Club to erect a marquee to host a wedding on 29 August 2020. Hawick Golf Club had approved the request. The Sub-Committee noted that the applicants would require licences to hold the event and Mr Curtis confirmed that he would negotiate a suitable fee.

DECISION

AGREED to grant permission for use of the running green at Hawick Golf Club to host a wedding on 29 August 2020.

8.2 **Williestruther Loch**

With reference to paragraph 6.2 of the Minute of 21 August 2018, the Property Officer advised that the waste bins had been relocated.

**DECISION
NOTED.**

9. **HAWICK MARKET**

9.1

With reference to paragraph 17.6 of the Minute of 21 August 2018, Mr Curtis gave a brief background to the lease of the Hawick Market site. He explained that in May 2015 Geraud UK Ltd had been granted a five year lease of the Market site. The lease terminated in September 2020 and, until then, Geraud UK Ltd was liable to pay rental of £5,000.00 per annum. Unfortunately, the market had not developed as promised with only a small number of market traders attending each week and officers had been asked to investigate options for Hawick Market. Mr Curtis advised that since spring 2018, the market lease had been advertised, Business Gateway, local market traders and Hawick Mens' Shed has also all been approached, but there had been no interest in taking over the market. The Sub-Committee expressed concern that Geraud UK Ltd was not honouring its responsibility in terms of health and safety, managing traders and increasingly there were number of car boot traders attending the market which was detrimental. However, it was noted that if the Sub-Committee decided to terminate the lease, this would be to the advantage of Geraud UK Ltd as they would no longer be liable to pay rental.

9.2

Discussion followed on options for the market, including relocation, monthly farmers' market and closure. Members asked that if any community groups were interested in taking over the lease on a less commercial basis that they contact Scottish Borders Council. It was also suggested that Members meet with local traders to ascertain their views prior to the next meeting when they situation would be reviewed again.

DECISION

AGREED to bring back for further discussion at the next meeting of the Sub-Committee.

10. **PRIVATE BUSINESS**

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

SUMMARY OR PRIVATE BUSINESS

11. **PRIVATE MINUTE**
Members approved the Private Minute of the Hawick Common Good Fund Sub-Committee held on 21 August 2018.
12. **HORNSHOLE**
The Managing Solicitor gave a verbal update and the Sub-Committee agreed to proceed with the Transfer.
13. **MANAGEMENT OF HAWICK BURGH WOODLANDS**
The Sub-Committee received copies of report from the Service Director Assets & Infrastructure.
14. **PROPOSED WAYLEAVE OVER COMMON LAND**
The Estates Strategy Surveyor gave a verbal report and a presentation would be brought to the next meeting.
15. **ST LEONARD'S STEADING AND BUILDINGS**
The Property Officer provided a verbal report and a report would be brought back to the next meeting.
16. **DATE OF NEXT MEETING**
The next meeting of the Hawick Common Good Sub-Committee is scheduled to be held on 19 March 2018 at 4.00 pm.

The meeting concluded at 6.00 pm

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SCOTTISH BORDERS COUNCIL

SELKIRK COMMON GOOD FUND SUB COMMITTEE

MINUTE of Meeting of the SELKIRK COMMON GOOD FUND SUB COMMITTEE held in Committee Room 1, Council Headquarters, Newtown St Boswells. TD6 0SA on Wednesday, 12 December 2018 at 3.00 pm

Present:- Councillors G. Edgar (Chairman), C. Penman, E. Thornton-Nicol (from para 3) and Community Councillor T. Combe

In Attendance:- Pension & Investments Manager, Solicitor (J. Webster), Estates Surveyor (A. Scott), Democratic Services Officer (F. Walling).

1. **MINUTE**

There had been circulated copies of the Minute of 12 September 2018.

DECISION

APPROVED the Minute for signature by the Chairman.

2. **FINANCIAL MONITORING REPORT FOR 6 MONTHS TO 30 SEPTEMBER 2018**

2.1 There had been circulated copies of a report by the Chief Financial Officer providing the details of income and expenditure for the Selkirk Common Good Fund for the six months to 30 September 2018, a full year projected out-turn for 2018/19 and projected balance sheet values as at 31 March 2019. Pension and Investments Manager, Kirsty Robb, referred to Appendix I to the report which provided the projected income and expenditure position. She advised that since the report had been written it had been brought to her attention that £71k which had been approved for the refurbishment of the Sir Walter Scott courthouse, would be due for payment before the end of the financial year. Therefore rather than the projected surplus of £36,143 shown, there would be a deficit of approximately £29k. Funding would be brought back from the Kames Investment Fund to cover this shortfall. The projected outturn position showed an amount of £68 relating to interest receivable on cash held by SBC. Also included were dividends from the Common Good Funds investment in Kames Capital amounting to £11,568. Dividends earned to date amounted to £7,462 which was in line with the overall 5% target and the monthly distribution profile projections provided by Kames. Appendix 2 provided a projected Balance Sheet value as at 31 March 2019. It showed a projected decrease in reserves of £31,815. A breakdown of the property portfolio and details of the projected annual rental income by individual property and actual property expenditure to 30 September 2018 was shown in Appendix 3 to the report. The current position of the Kames Capital Investment Fund was shown in Appendix 4 to the report. The additional investment of £75,000 approved at the meeting on 12 September had been fully invested and the additional income, estimated at £1,875, generated was reflected in the income assumptions. The fund had a 0.46% unrealised loss in market value since investment, largely due to continued volatility in investment markets. Overall, however taking account of the income received the fund had achieved a return of 1.86% for the year.

2.2 A question was asked about the list of moveable assets included in the appendices to the report. Councillor Edgar believed that the list was incomplete. He advised that paintings had been removed from the Town Hall prior to renovation, stored by Live Borders museums service, but replaced with different paintings. For clarification it was agreed to

request a review of the assets owned by the Selkirk Common Good and to establish their whereabouts. In response to a question about the flat within Victoria Hall, which was currently unoccupied, it was noted that this was under the management and control of Live Borders, being part of the Victoria Hall. However Ms Scott agreed to enquire about the intentions of Live Borders regarding this property.

DECISION

- (a) **AGREED the projected income and expenditure for 2018/19 as shown in Appendix 1 to the report as the revised budget for 2018/19, noting that this did not include an approved payment due for refurbishment work to the Sir Walter Scott Courthouse.**
- (b) **NOTED within the appendices to the report:-**
 - (i) **the projected balance sheet value as at 31 March 2019 in Appendix 2;**
 - (ii) **the summary of the property portfolio in Appendix 3; and**
 - (iii) **the current position of the Kames Capital investment Fund in Appendix 4.**
- (c) **AGREED to request a review of moveable assets owned by Selkirk Common Good Fund presently held by Live Borders; and**
- (d) **AGREED to request that the Estates Surveyor make an enquiry with Live Borders about the intentions regarding the flat at the Victoria Hall which was currently unoccupied.**

MEMBER

Councillor Thornton-Nicol joined the meeting and apologised for her unavoidable delay.

3. PROPERTY

3.1 Selkirk Hill

Ms Scott advised that 2018/19 was the final year of a five-year agreement for the warden management of Selkirk Hill, for which the Common Good paid £10,000 per year. An updated agreement for the next five years would need to be put in place assuming the arrangement continued. In the meantime the payment for the current year would be paid once a copy of the annual accounts for Selkirk Hill Management Group had been received. Ms Scott referred to repairs to the dyke and a replacement gate required on Selkirk Hill to ensure the boundaries were stockproof for the grazing of sheep. Quotes for the repairs would be obtained for the next meeting. As the boundary in question was a march dyke with the tenant's holding a contribution would be sought from the tenant for the repair.

DECISION

AGREED to renew the warden management agreement with the Selkirk Hill Management Group for a further five years.

3.2 Bridge Buxton – Greenhead

Members confirmed that the bridge on the right of way between Buxton and Greenhead was owned by Selkirk Common Good. Ms Scott explained that the bridge was in need of repair and estimates in excess of £7,000 had been obtained. A further update would be brought back once further details of the repairs required were available.

DECISION

NOTED

3.3 **Smedheugh Farm**

Ms Scott advised that quotes were being obtained for repair of the roof and replacement of the track for sliding doors of the conservatory, at Smedheugh Farm. There were also gutters and downpipes in need of repair which would be included in the five year programme of repairs being prepared for the rented farm properties.

DECISION NOTED

3.4 **Victoria Hall**

With reference to paragraph 7.2 of the Minute of 13 June 2018, Ms Scott had obtained quotes for repainting the railings at the Victoria Hall, the lowest of which was £3,485 with the others being substantially higher.

DECISION AGREED that the Estates Surveyor accept the lowest quote and to instruct the work to be carried out to repaint the railings in blue.

3.5 **Shawburn Toll and Embankment**

Selkirk Colonial Society had expressed interest in re-modelling the Shawburn toll and embankment. A public consultation had been suggested to look for ideas both for tidying up the area and for funding to carry out the work. Members referred to money spent in the past to plant the embankment but had no objection to a public consultation being carried out to look for ideas for improvement.

DECISION AGREED that the Selkirk Common Good Fund Sub Committee had no objection to the Selkirk Colonial Society carrying out a consultation to look for ideas to re-model the Shawburn Toll and Embankment.

3.6 **The Green Shed**

Community Councillor Combe drew attention again to the poor state of the gutters on the Green Shed and to the fact that there was graffiti on the front of the building.

DECISION AGREED to request the Estates Surveyor to obtain quotes for repair of the guttering of the Green Shed and to repaint the front of the building.

4. **APPLICATION FOR FINANCIAL ASSISTANCE**

There had been circulated copies of an application for financial assistance on behalf of Selkirk Musical Theatre Company, formerly known as Selkirk Amateur Operatic Society. In the supporting information, it was explained that the cost of staging a production was now heading towards £30,000. Within the Borders circuit, Selkirk had the smallest pool of potential audience numbers and would be the first to cease performing. The annual production had been a key part of the Selkirk social calendar for over 100 years. There was a limit as to what a member could be asked to pay in terms of subscription and a limit to the number of times help from the public could be sought through fundraising events. The application was for an annual contribution of £1,500 which would be used to offset the costs of hiring halls for rehearsals and staging the annual production. In discussing the application, Members noted the significant number of fundraising activities organised by the company. They were supportive of the organisation and sympathetic with the financial pressures faced. Members agreed to grant £1,500 to assist with the costs of staging this year's production. Although they were not prepared to grant this amount on an annual basis as had been requested, they intimated that if the company were to re-apply next year then the application would be given due consideration.

DECISION

AGREED to grant £1,500 to Selkirk Musical Theatre Company.

5. ITEMS LIKELY TO BE TAKEN IN PRIVATE DECISION

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

SUMMARY OF PRIVATE BUSINESS

6. MINUTE

The private section of the Minute of 12 September 2018 was approved.

7. SCOTTISH WATER TANK AT SOUTH COMMON FARM, SELKIRK

Members approved a report by the Service Director Assets & Infrastructure proposing the sale of 4.63 acres to Scottish Water for the installation of a new water storage tank at South Common.

8. PROPERTY

The Estates Surveyor gave a verbal update.

The meeting concluded at 4.30 pm

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,
14 December 2018 at 11.00 am

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

Apologies:- Councillor G. Turnbull.

In Attendance:- Managing Solicitor – Property and Licensing, Licensing Officer (Christine
Watson), Leader, Licensing Standards and Enforcement Officers (Mr I.
Tunnah and Mr M. Wynne), Democratic Services Officer (F. Henderson),
Chief Inspector A. McLean- Police Scotland

1. **MINUTE**

The Minute of the Meeting of 16 November 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 6 November 2018 – 4 December 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

DECLARATION OF INTEREST

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

4. **LICENSING OF STREET TRADERS**

There had been circulated copies of a letter from Police Scotland dated 28 November 2018, requesting that a Street Traders Licence be revoked in terms of Paragraph 11(2)(a) of Schedule 1 of the 1982 Act. There had also been circulated copies of the insurance policy and a statement from the Licence holder. Although cited to attend the Licence holder was not present. Chief Inspector McLean reported that the Police had significant concerns with regard to the road worthiness of the vehicle being used. The Committee

agreed to suspend the Street Traders Licence with immediate effect pending a further hearing in order that the Licence Holder be in attendance.

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

There had been circulated copies of letters from Police Scotland dated 13 and 23 November 2018, requesting immediate suspension of a Taxi Drivers Licence in terms paragraph 12(1) of Schedule 1 of the Civic Government (Scotland) Act 1982 and in terms of paragraph 11(2)(a) and/or (2)(c) of Schedule 1 of the same Act as the Licence holder was no longer a fit and proper person to hold the licence. There had also been circulated copies of a letter from the Licence Holders representative, requesting a postponement to January 2019. The Committee agreed that the suspension of the Taxi Drivers Licence continue until such time as the Licence holder was able to attend a hearing.

6. **MINUTE**

The Private section of the Minute of 16 November 2018 was approved.

URGENT BUSINESS

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

7. **REQUEST FOR REVOCATION OF TAXI DRIVER LICENCE**

With reference to paragraph 5 of the Private Minute of 25 May 2018, the Clerk reminded Members that the decision made at the meeting had been appealed and the Judges ruling had been received. The Clerk advised that once he had had time to consider the ruling a copy would be sent to all Committee Members for information.

8. **RETIREMENT**

At the conclusion of the meeting, the Chairman thanked Chief Inspector MacLean and wished him well for his imminent retirement.

The meeting concluded at 11.20 a.m.

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SCOTTISH BORDERS COUNCIL LOCAL REVIEW BODY

MINUTE of Meeting of the LOCAL REVIEW BODY held in Council Chamber, Council Headquarters, Newtown St Boswells, TD6 0SA on Monday, 17 December 2018 at 10.00 am

Present:- Councillors T. Miers (Chairman), J. A. Fullarton, S. Hamilton, H. Laing, S. Mountford, C. Ramage and E. Small

Apologies:- Councillors S. Aitchison and A. Anderson

In Attendance:- Principal Planning Officer – Major Applications/Local Review, Solicitor (E. Moir), Democratic Services Team Leader, Democratic Services Officer (F. Walling).

1. **ORDER OF BUSINESS.**

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

2. **REVIEW OF 18/01010/FUL**

There had been circulated copies of the request from Mr Abby Lazim, per Hunter Architecture, 231 Galashiels Road, Stow, for review of refusal of the planning application in respect of replacement of shop front windows and door screens at Scotts View Take-Away, Main Street, St. Boswells. The supporting papers included the Notice of Review (including the Decision Notice); Officer's Report; papers referred to in the Officer's Report; and a list of policies. Whilst sympathetic with the applicant, in terms of the potential costs of replacing the shopfront and door, Members noted the need to preserve and enhance property within the Conservation Area by utilising traditional designs and materials. In this respect, their opinion was divided as to whether it was appropriate to retain a uPVC side panel, door and surrounds alongside white painted timber-framed units on the front window screens.

VOTE

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

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

On a show of hands Members voted as follows:-

Motion - 2 votes

Amendment - 4 votes

The amendment was accordingly carried and the application refused.

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 I to this Minute.

MEMBERS

Having not been present at the Local Review Body meeting of 19 November 2018, when the review of 18/00580/FUL, below, was first considered, Councillors Fullarton, Hamilton and Ramage did not take part in the determination of this review and left the Chamber.

3. CONTINUATION OF REVIEW OF 18/00580/FUL

With reference to paragraph 4 of the Minute of 19 November 2018, in respect of the request from Miss Fiona Duff, per Christopher Thomson Design, 63 Queen Charlotte Street, Edinburgh, to review the grant of planning permission subject to conditions in respect of alterations and extension to dwellinghouse and erection of detached garage/workshop at Elsielea, 61 West High Street, Lauder, there had been circulated copies of further information from the applicant and a statement from the Planning Officer. Also re-circulated were the review papers, including the Notice of Review; Decision Notice; Officer's Report; papers referred to in the Officer's Report; consultations; and a list of policies. Members noted the response from the applicant and the reasons for choice of the monopitched design of the proposed garage/workshop. They then turned their attention back to discuss the orientation of the proposed building in respect of its visual impact and relationship with the adjoining building.

DECISION

AGREED:-

- (a) the review could be determined without further procedure on the basis of the papers submitted and the further written submissions:
- (b) the proposal would be in keeping with the Development Plan; and
- (c) the officer's decision to approve the application be varied and planning permission be granted subject to conditions and informatives, with the removal of Condition 2 of the original consent, for the reasons detailed in Appendix II to this Minute.

The meeting concluded at 10.40 am



APPENDIX I

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

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

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

Local Review Reference: 18/00032/RREF

Planning Application Reference: 18/01010/FUL

Development Proposal: Replacement of shop front windows and door screens

Location: Scott's View Take-Away, Main Street, St Boswells

Applicant: Mr Abbay Lazim

DECISION

The Local Review Body upholds the decision of the appointed officer and refuses planning permission as explained in this decision notice and on the following grounds:

1. The UPVC door and side panels, by reason of their design and material, are contrary to policies PMD2 and EP9 of the Scottish Borders Local Development Plan 2016 and Supplementary Planning Guidance: Replacement Windows and Doors 2015 in that they are harmful to the character and appearance of the Conservation Area and would set an undesirable precedent for similar doors which would further erode the character and appearance of the Conservation Area.

DEVELOPMENT PROPOSAL

The application relates to replacement of shop front windows and door screens. The application drawings and documentation consisted of the following:

Plan Type	Plan Reference No.
Location Plan	1349.PI.1
Proposed Elevations	1349.PI.2 Rev A

PRELIMINARY MATTERS

The Local Review Body considered the review, which had been competently made, under section 43A (8) of the Town & Country Planning (Scotland) Act 1997 at its meeting on 17th December 2018.

After examining the review documentation at that meeting, which included: a) Notice of Review (including Decision Notice); b) Officer's Report; c) Papers referred to in officer's report; and d) List of Policies, the Review Body proceeded to determine the case.

REASONING

The determining issues in this Review were:

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

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

- Local Development Plan policies: PMD2, HD3 and EP9

Other Material Considerations

- SBC Supplementary Planning Guidance on Shop Fronts and Shop Signs 2011
- SBC Supplementary Planning Guidance on Replacement Windows and Doors 2015

The Review Body noted that the proposal was for replacement of shop front windows and door screens and that the intention was to replace the front shopfront screens in white painted timber whilst retaining the current white uPVC angled side panel, door and surrounds. They noted that the current shopfront did not have planning permission and that the proposal was submitted by the applicant to attempt to rectify the situation.

The Review Body considered the proposals against Policies PMD2 and EP9 of the Local Development Plan, noting that the Policies within Conservation Areas sought to preserve and enhance property by utilising more traditional designs and materials. Members also noted that the Replacement Windows and Doors and Shop Fronts and Shop Signs Supplementary Planning Guidance sought similar treatments within Conservation Areas.

Whilst there was sympathy from Members in relation to the potential costs in replacing the shopfront and door, they were mindful of the fact that the need for approval and standards expected in the Conservation Area should have been known and contact could have been made with the Case Officer before the works had been carried out. Ultimately, the Review Body considered that the property was in a sensitive location within the Conservation Area and that traditional materials should be used for the entire frontage, in line with current Policies and Guidance. They considered it visually inappropriate to retain a uPVC section when the remainder would be altered to timber and that this partial rectification of the shopfront was not consistent with the aims of preserving and enhancing the character and qualities of the Conservation Area.

Members noted that, whilst there may be other properties within the Conservation Area where claimed inappropriate shopfronts or materials exist, the Policies and Guidance seek to preserve and enhance the special qualities and character of Conservation Areas by utilising the more traditional designs and materials in such Areas. The proposal to only partially amend the shopfront and retain a uPVC element was not consistent with these aims.

CONCLUSION

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

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

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

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

Date.....18 December 2018

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APPENDIX II

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

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

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

Local Review Reference: 18/00029/RCOND

Planning Application Reference: 18/00580/FUL

Development Proposal: Alterations and extension to dwellinghouse and erection of detached garage/workshop

Location: Elsielea, 61 West High Street, Lauder

Applicant: Miss Fiona Duff

DECISION

The Local Review Body varies the decision of the appointed officer and grants planning permission for the reasons set out in this decision notice subject to conditions and informatives as set out below which omits Condition 2 of the original consent 18/00580/FUL and is approved on the basis of Drawing reference 005.

DEVELOPMENT PROPOSAL

The application relates to alterations and extension to dwellinghouse and erection of detached garage/workshop. The application drawings and documentation consisted of the following:

Plan Type	Plan Reference No.
Location Plan	001
Existing Layout	002
Floor Plans	003
Elevations	004
Proposed garage/workshop	005

PRELIMINARY MATTERS

The Local Review Body considered the review, which had been competently made, under section 43A (8) of the Town & Country Planning (Scotland) Act 1997 at its meeting on 19th November 2018. Members continued the Review to enable further procedure and invited the applicant to explain the reasons for the garage height and roof design. The review was then considered further at the Review Body meeting on 17th December 2018.

After examining the review documentation at that meeting, which included: a) Further Information from Applicant; b) Statement from Planning Officer and c) Review Papers (including Notice of Review, Decision Notice, Officer's Report, Papers referred to in Officer's Report, Consultations and List of Policies), the Review Body proceeded to determine the case.

REASONING

The determining issues in this Review were:

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

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

- Local Development Plan policies: PMD2, PMD5, HD3, EP7, EP8, EP9, EP13 and IS7

Other Material Considerations

- SBC Supplementary Planning Guidance on Trees and Development 2008
- SBC Supplementary Planning Guidance on Privacy and Sunlight 2006

The Review Body noted that the proposal was to omit Condition 2 of the original planning consent and seek to erect the garage/workshop building as originally intended by the applicant in accordance with Drawing reference 005.

The Review Body firstly considered the proposals principally against Policies PMD2 and EP9 of the Local Development Plan. They noted that the other alterations to the dwellinghouse, including a rear extension, were accepted by the Appointed Officer and had planning permission. The Review Body considered these elements of the proposal and were content that they were in accordance with Local Development Plan Policies and Supplementary Guidance on development within Conservation Areas and within the setting of Listed Buildings.

The Review Body also noted that the Appointed Officer accepted the design of the proposed garage/workshop and that the issue related to where the high side of the monopitched design was located. There had been discussion regarding whether a dual pitched roof design with potentially reduced ridge height may have been more appropriate in the location proposed and further information was sought from the applicant including the reasons for the monopitched design. Members noted the response from the applicant that the design was intended for enhanced storage in connection with the house renovation and that the applicant felt the design had context within the local area.

On the basis of the further information, Members agreed that a dual pitched roof may have increased visual impact and they, therefore, accepted the principle of the monopitched design. They then considered the impacts of the orientation of the design on the public realm and in relation to Conservation Area Policies. They did not accept the view of the Appointed Officer that relocating the high side of the building to the north would reduce impacts and be more sympathetic to the Conservation Area. They considered that retaining the orientation as originally proposed would allow the ridge height and roofscape to flow more naturally from the adjoining building to the south and reduce the visual impacts. The Review Body also noted that the existing tree within the garden to the south of the proposed garage/workshop would be retained and that this afforded screening to the high side of the building.

In conclusion, the Review Body agreed to vary the Appointed Officer's decision and remove the original Condition 2, the development still being subject to the remaining four Conditions and to the details shown on all originally approved drawings and Drawing reference 005.

CONCLUSION

After considering all relevant information, the Local Review Body concluded that the development was consistent with Policies PMD2, EP9 and EP13 of the Local Development Plan. The development was considered to be a sympathetic proposal in keeping with the character of the Conservation Area and on the basis of the originally proposed garage/workshop building design and orientation.

DIRECTIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

CONDITIONS

- 1 The external surfaces of the development hereby permitted shall be completed in the materials shown on the plan hereby approved, and no other materials shall be used without the prior written consent of the Planning Authority.
Reason: To ensure a satisfactory form of development, which contributes appropriately to its setting.
- 2 No development shall take place within the development site as outlined in red on the approved plan until the developer has secured a Written Scheme of Investigation (WSI) detailing a programme of archaeological works. The WSI shall be formulated and implemented by a contracted archaeological organisation working to the standards of the Chartered Institute for Archaeologists (CIfA). The WSI shall be submitted by the developer no later than 1 month prior to the start of development works and approved by the Planning Authority before the commencement of any development. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording, recovery of archaeological resources within the development site, post-excavation assessment, reporting and dissemination of results are undertaken per the WSI.
Reason: The site is within an area where development may damage or destroy archaeological remains, and it is therefore desirable to afford a reasonable opportunity to record the history of the site.

- 3 No trees within the application site shall be felled, lopped, lifted or disturbed in any way without the prior consent of the Planning Authority.
Reason: The existing tree(s) represent an important visual feature which the Planning Authority considered should be substantially maintained.
- 4 Before any part of the permitted development is commenced, the trees to be retained on the site shall be protected in accordance with BS5837:2012 - Trees in Relation to Design, Demolition and Construction, and the protective fencing/barrier shall be removed only when the development has been completed. During the period of construction of the development:
- (a) No excavations, site works, trenches or channels shall be cut, or pipes or services laid in such a way as to cause damage or injury to the trees by interference with their root structure;
 - (b) No fires shall be lit within the spread of the branches of the trees;
 - (c) No materials or equipment shall be stored within the spread of the branches of the trees;
 - (d) Any accidental damage to the trees shall be cleared back to undamaged wood and be treated with a preservative if appropriate;
 - (e) Ground levels within the spread of the branches of the trees shall not be raised or lowered in relation to the existing ground level, or trenches excavated except in accordance with details shown on the approved plans.
- Reason: In the interests of preserving the health and vitality of existing trees on the development site, the loss of which would have an adverse effect on the visual amenity of the area.

INFORMATIVES

N.B: This permission does not include any consent, approval or licence necessary for the proposed development under the building regulations or any other statutory enactment and the development should not be commenced until all consents are obtained.

Under The Control of Pollution Act 1974, the Council recommends the following hours for noisy construction-related work:

Monday-Friday 0700-1900

Saturday 0800-1300

Sunday and Public Holidays - no permitted work (except by prior agreement with the Council)

Contractors will be expected to adhere to the measures contained in BS 5228:2009 "Code of Practice for Noise and Vibration Control on Construction and Open Sites".

For more information or to make a request to carry out works outside the above hours, please contact an Environmental Health Officer at the Council.

Notice of Initiation of Development

Section 27 of the Town and Country Planning (Scotland) Act (as amended) requires that any person who has been granted planning permission (including planning permission in principle) and intends to start development must, once they have decided the date they will start work on the development, inform the planning authority of that date as soon as is practicable.

Notice of Completion of Development

Section 27B requires that any person who completes a development for which planning permission (including planning permission in principle) has been given must, as soon as practicable after doing so, give notice of completion to the planning authority.

When planning permission is granted for phased development then under section 27B(2) the permission is to be granted subject to a condition that as soon as practicable after each phase, other than the last, is completed, the person carrying out the development is to give notice of that completion to the planning authority.

In advance of carrying out any works it is recommended that you contact Utility Bodies whose equipment or apparatus may be affected by any works you undertake. Contacts include:

Transco, Susiephone Department, 95 Kilbirnie Street, Glasgow, G5 8JD
Scottish Power, Riccarton Mains Road, Currie, Edinburgh, EH14 5AA
Scottish Water, Developer Services, 419 Balmore Road, Possilpark, Glasgow G22 6NU
British Telecom, National Notice Handling Centre, PP404B Telecom House, Trinity Street, Stoke on Trent, ST1 5ND
Scottish Borders Council, Street Lighting Section, Council HQ, Newtown St Boswells, Melrose, TD6 0SA
Cable & Wireless, 1 Dove Wynd, Strathclyde Business Park, Bellshill, ML4 3AL
BP Chemicals Ltd, PO Box 21, Bo'ness Road, Grangemouth, FK2 9XH
THUS, Susiephone Department, 4th Floor, 75 Waterloo Street, Glasgow, G2 7BD
Susiephone System – **0800 800 333**

If you are in a Coal Authority Area (Carlops or Newcastleton), please contact the Coal Authority at the following address: The Coal Authority 200 Lichfield Lane, Berry Hill, Mansfield, Nottinghamshire NG18 4RG.

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

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

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

Date.....18 December 2018

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

MINUTE of MEETING of the COLDSTREAM
COMMON GOOD FUND SUB-COMMITTEE
held in the Committee Room 3, Council
Headquarters, Newtown St. Boswells on 20
December 2018 at 9.15 a.m.

Present:- Councillors J. Greenwell, D. Moffat, M. Rowley
In Attendance:- Principal Solicitor, Neighbourhood Area Manager, Democratic Services
Team Leader

1. **CHAIRMAN**

Councillor Rowley, seconded by Councillor Greenwell, moved that Councillor Greenwell be appointed as Chairman of the Sub-Committee.

DECISION

AGREED that Councillor Greenwell be appointed as the Chairman of the Sub-Committee.

2. **SCOTTISH BORDERS COUNCIL INVESTMENT IN COMMUNITY OUTDOOR SPACES - HOME PARK, COLDSTREAM**

The Neighbourhood Area Manager advised that at its meeting of 31st May 2018 Scottish Borders Council had approved a significant investment programme to deliver a network of strategic outdoor community spaces across the Scottish Borders, to be delivered between 2018/19 and 2022/23. Home Park, Coldstream was included in this programme of investment, and following the recent formation of a Coldstream Common Good Fund with Home Park as an asset it was necessary to consult on the proposals with the Members of Common Good Sub-Committee as part of the delivery of the investment in keeping with the profiled programme. It was explained that Coldstream Outdoor Playpark Project (COPP) were a community led charitable group created with the intention to deliver updated and accessible play in Coldstream for young children and teenagers. COPP had been trying to deliver on their vision since early 2013 and had been successful in harnessing the interest of the local community behind their aspiration but to date had failed to realise this vision mainly due to the challenges they faced in accessing funding. However, Council officers had worked with COPP to create a revised design for Home Park Coldstream and these designs were shared with the Members at the meeting. Members noted that the formation of the playpark would use part of the existing hockey/football pitch. However, Coldstream Football Club were happy with the proposals and there had been wide community engagement on the scheme. Members were happy to support the use of part of Home Park as a new play area.

DECISION

AGREED that permission to use part of Home Park, Coldstream for a new playpark be granted.

3. **DATE OF NEXT MEETING**

It was noted that a further meeting of the Sub-Committee would be required early in 2019 and that the Chairman of Coldstream Community Council should be invited.

DECISION

AGREED that a meeting be arranged for early 2019.

The meeting concluded at 9.35 a.m.

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

MINUTE of Meeting of the PLANNING
AND BUILDING STANDARDS
COMMITTEE held in Council
Headquarters, Newtown St Boswells TD6
OSA on Monday, 7 January 2019 at 10.00
a.m.

Present:- Councillors T. Miers (Chairman), S. Aitchison, A. Anderson, J. A. Fullarton,
H. Laing, S. Mountford, C. Ramage, E. Small.
Apologies:- Councillor S. Hamilton.
In Attendance:- Depute Chief Planning Officer, Lead Planning Officer (Environment and
Infrastructure), 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 10 December 2018.

DECISION

APPROVED for signature by the Chairman.

2. **APPLICATION**

There had been circulated copies of a report by the Service Director Regulatory Services on an application for planning permission requiring consideration by the Committee.

DECISION

DEALT with the application 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. The Depute Chief Planning Officer advised that the Section 36 Public Local Inquiry in respect of Birneyknowe Wind Farm on Land North, South, East and West of Birnieknowe Cottage, Hawick had been dismissed by the Reporter. He went on to highlight the work undertaken by the Appointed Officer (Julie Hayward), Solicitor (Emma Moir) and Principal Officer (Charles Johnston)

DECISION

NOTED that:-

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

- (i) the Erection of residential units, formation of dwellinghouse from engine house, relocation of allotment space, erection of workshop units with associated access and infrastructure works at March Street Mills, March Street, Peebles – 17/00063/PPP;**

- (ii) the demolition of Mill buildings at March Street Mills, March Street, Peebles – 17/00064/CON
 - (iii) an enforcement notice issued for a Residential caravan placed without Planning Permission on Land West of Gallowberry Bank, Blyth Bridge – 15/00045/UNDEV; and
 - (iv) an enforcement notice issued for Use of dwelling house as a Party House, Greenloaing, The Loan, West Linton – 18/00074/UNUSE
- (b) Scottish Ministers had dismissed an appeal in respect of the Certificate of Lawfulness for an Existing Use: Class 9 Residential at Glenacre, Camptown, Jedburgh – 18/00849/CLEU
- (c) there remained four appeals outstanding in respect of:-
- Land North West of Gilston Farm, Heriot
 - Land East of Keleden, Ednam
 - Land West of Whitslaid (Barrel Law), Selkirk
 - 22 Craigmyle Park, Peel
- (d) Review Requests had been received in respect of:-
- (i) the erection of a dwellinghouse on Land North West of Chapel Cottage, Melrose – 18/00956/FUL;
 - (ii) an Extension to dwellinghouse at 10 Townhead Way, Newstead – 18/01215/FUL;
 - (iii) an Extension to provide an additional 7 No workshop units (Class 5/6), 1 No unit to provide dog daycare facility and change of use of paddock to dog exercise area at the Storage Units, Farknowes, Langshaw Road, Galashiels – 18/01229/FUL; and
 - (iv) Erection of dwellinghouse and detached garage/stable on Land North East of River Cottage, Linthill, Melrose – 18/01332/PPP; and
 - (v) Erection of dwellinghouse and detached garage on Land South East of Tarf House, West Linton – 18/01341/PPP
- (e) the decision of the Appointed Officer had been varied (Revised Conditions) in respect of alterations and extension to dwellinghouse and erection of detached garage/workshop at Elsielea, 61 West High Street, Lauder – 18/00580/FUL
- (f) the decision of the Appointed Officer had been upheld in respect of replacement of shop front window and door screens at Scotts View Take-away, Main Street, St Boswells – 18/01010/FUL
- (g) there remained no reviews outstanding.
- (h) there remained three Section 36 Public Local Inquiries Outstanding in respect of:-
- Fallago Rig I, Longformacus

- **Fallago Rig 2, Longformacus**

4. **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 or to keep Members informed.

5. **PLANNING SITE VISITS**

The Chairman referred to two planning applications for Peebles which would come before the Committee in the near future and requested the Committee consider whether or not they wished to visit the sites prior to the applications being presented for consideration. The Committee considered that a formal site visit was not required. However, any Members could visit the site if they so wished..

DECISION

AGREED that no formal site visit be arranged.

The meeting concluded at 10.45 a.m.

APPENDIX I
APPLICATION FOR PLANNING PERMISSION

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
18/00486/FUL	Erection of 64 dwellinghouses and associated works	Land North of 24 Sergeants Park, Newtown St Boswells

Decision: Approved, subject to conclusion of the required legal agreement covering the implementation and maintenance of structural planting to the north of the site and developer contributions towards play space and subject to the undernoted conditions.

1. The proposed residential units shall meet the definition of "affordable housing" as set out in the adopted Scottish Borders Consolidated Local Plan 2016 and accompanying supplementary planning guidance and shall only be occupied in accordance with arrangements (to include details of terms of occupation and period of availability) which shall first have been submitted to and approved in writing by the Planning Authority.
Reason: The permission has been granted for affordable housing, and development of the site for unrestricted market housing would attract contributions to infrastructure and services, including local schools.
2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans and specifications including Drainage Strategies hereby approved by the Planning Authority, unless otherwise agreed in writing by the Planning Authority.
Reason: To ensure that the development is carried out in accordance with the approved details.
3. No development shall commence until precise details (including samples where requested by the Planning Authority) of all external wall and roof finishes for the approved dwellings, and full details of the surfacing of all shared surfaces and footways have been submitted to and approved in writing by the Planning Authority. Thereafter the development shall be completed in accordance with the approved details unless otherwise agreed in writing with the planning authority.
Reason: To ensure the material finishes respect the character and appearance of the surrounding area.
4. No development shall commence until a protective barrier in accordance with BS5837:2012 has been erected in the location identified on Drawing No L (01)02 Rev G. Once erected all development works shall comply with BS5837:2012. The protective barrier shall only be removed when the development has been completed and thereafter the trees shall be retained unless otherwise agreed in writing with the Planning Authority.
Reason: To protect and retain trees which enhance the visual amenity of the surrounding area.
5. No development shall take place except in strict accordance with a scheme of hard and soft landscaping works, which has first been submitted to and approved in writing by the planning authority. Details of the scheme shall include
 - i. Precise details of all soft landscaping works which includes the location of new trees, shrubs, hedges and grassed areas and the schedule of plants to comprise species, plant sizes and proposed numbers/density

- ii. Precise details of all proposed means of enclosure, which include the introduction of boundary walls where the boundaries of Plots 26, 52, 53, 55 and 49/50 face on to the road
- iii. Specification of the barrier to be installed behind the parking area along the top of the embankment
- iv. A programme for completion and subsequent maintenance.

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

6. Notwithstanding the details illustrated on Drawing No L(01)02 Rev G, no development shall commence until the following access and parking mitigation measures 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. The submitted details shall include:

- a) Revised parking proposals which include a reduction in non-allocated parking spaces, inclusion of visitor spaces opposite Plots 39-42 and provision of dedicated disable parking spaces.
- b) A plan which shows that the access points which will provide links into the adjoining sites will be constructed to the boundary of the application site.

Reason: Further details are required to ensure that adequate information is provided to ensure that suitable parking provision and access is provided within the development site.

7. Prior to occupation of the first dwellinghouse a scheme of street lighting details shall be submitted to and agreed in writing by the Planning Authority and thereafter the lighting shall be installed as per the approved details.

Reason: In the interests of road and pedestrian safety and to safeguard residential amenities and limit light pollution.

8. No development shall commence until a Construction Method Statement has been submitted to and approved in writing by the Planning Authority. As a minimum this should outline how the site will comply with the British Standard 5228:2009 Code of Practice for noise and vibration control on construction and open sites and should include the hours of construction, vehicle movements, protection and monitoring of private water supplies, noise mitigation, equipment maintenance, dust mitigation and management and a complaints procedure/communication of noisy works to receptors. **No Heavy Goods Vehicles shall be permitted on Sprouston Road during school drop-off and pick-up times.** The development then to be carried out in accordance with the approved Construction Method Statement.

Reason: To safeguard residential amenities and in the interests of road safety.

9. No development shall commence until a scheme of details for the temporary diversion of Core Path 209 during development works (to include provision of a short link path from the re-aligned route illustrated on Drawing No Drawing No L (01)02 Rev G to the existing path adjacent to the hedge to the west of the site) has first been submitted to and approved in writing by the planning authority. The development shall be completed wholly in accordance with the approved details.

Reason: Further details are required to ensure the right of way remains open and free from obstruction.

10. No development shall commence until precise details of the siting of solar PV panels has been submitted to and agreeing in writing with the Planning Authority and thereafter the development shall be completed in accordance with the approved details.
Reason: To ensure a sustainable form of development which maximises the use of renewable energy resources.
11. Notwithstanding the details shown on Drawing No 120981/2022, no development shall take place until a revised site plan showing all existing and proposed ground levels, as well as finished floor levels of the dwellings hereby approved, has been submitted to and approved in writing by the planning authority. Thereafter the development shall be completed in accordance with the approved plan. The revised plan should ensure that the finished floor levels of all residential properties are satisfactorily above the adjoining finished ground levels.
Reason: To mitigate surface water flood risk.
12. No development shall commence until a detailed report confirming that the public mains water supply is available and can be provided for the development has first been submitted to and approved in writing by the Planning Authority. Prior to the occupation of the first dwellinghouse(s), written confirmation shall be provided to the approval of the Planning Authority that the development has been connected to the public mains water supply.
Reason: To ensure that the Development is adequately serviced with a sufficient supply of wholesome water and there are no unacceptable impacts upon the amenity of any neighbouring properties.
13. No development shall commence until written confirmation has been provided from Scottish Water that the public drainage system can accept the loading of foul and surface water drainage from the development or that works will be undertaken to ensure that the existing drainage infrastructure will have the capacity to serve this development before the first dwellinghouse is occupied. Thereafter prior to the occupation of the first dwellinghouse(s), written confirmation shall be proved for the approval of the Planning Authority that the development has been connected to the public drainage network.
Reason: To ensure that site drainage is adequately handled without impinging on existing users.
14. No development shall commence until a Construction Environmental Management Plan, including measures to protect watercourses and boundary habitats in accordance with the Preliminary Ecological Appraisal (Tweed Ecology, November 2017), shall be submitted to and approved in writing by the Planning Authority. Thereafter no development shall take place except in strict accordance with the approved scheme.
Reason: To ensure that species and habitats affected by the development are afforded suitable protection during the construction and operation of the development.
15. No development shall commence until a Species Protection Plan (SPP) including measures for bats , badger, red squirrel and breeding birds in accordance with the Preliminary Ecological Appraisal (Tweed Ecology, November 2017) shall be submitted to and approved in writing by the Planning Authority. Thereafter no development shall take place except in strict accordance with the approved scheme. No development shall commence during the breeding bird season (March to August), unless in accordance with the SPP. The SPP shall include provision for mitigation including supplementary surveys for badger and birds and no development areas if breeding birds are found.
Reason: To ensure that species and habitats affected by the development are afforded suitable protection during the construction and operation of the development.
16. No development shall commence until a Landscape and Habitat Management Plan, including measures to enhance boundary hedgerow habitats, create new native broad-leaved scrub and wildflower habitat and an enhanced SUDs pond in accordance with the Preliminary Ecological

Appraisal (Tweed Ecology, November 2017), shall be submitted to and approved in writing by the Planning Authority. Thereafter no development shall take place except in strict accordance with the approved scheme.

Reason: To ensure that species and habitats affected by the development are afforded suitable protection during the construction and operation of the development.

17. Notwithstanding the details illustrated on Drawing No L(01)02 Rev G, no development shall commence until a revised site plan which relocates the refuse/recycling bin stances serving Plots 36 - 39 are relocated within the rear curtilage of these plots and provision is made for a refuse/recycling bin stance for Plot 41 is provided. Thereafter no development shall take place except in strict accordance with the approved drawing.

Reason: To satisfy waste collection requirements and ensure that bin stances are sited in appropriate locations which maintain the character and appearance of the development

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