

**Please find attached the Public Minutes in respect of
Item 7 on the agenda for the above meeting**

7.	<p>Committee Minutes (Pages 3 - 74)</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: 65%;">Kelso Common Good Fund</td> <td style="width: 30%; text-align: right;">19 November 2019</td> </tr> <tr> <td>(b)</td> <td>Chambers Institution Trust</td> <td style="text-align: right;">20 November 2019</td> </tr> <tr> <td>(c)</td> <td>Peebles Common Good Fund</td> <td style="text-align: right;">20 November 2019</td> </tr> <tr> <td>(d)</td> <td>Hawick Common Good Fund</td> <td style="text-align: right;">26 November 2019</td> </tr> <tr> <td>(e)</td> <td>Planning & Building Standards</td> <td style="text-align: right;">9 December 2019</td> </tr> <tr> <td>(f)</td> <td>Local Review Body</td> <td style="text-align: right;">16 December 2019</td> </tr> <tr> <td>(g)</td> <td>Pension Fund Board</td> <td style="text-align: right;">17 December 2019</td> </tr> <tr> <td>(h)</td> <td>Pension Fund Committee</td> <td style="text-align: right;">17 December 2019</td> </tr> <tr> <td>(i)</td> <td>Selkirk Common Good Fund</td> <td style="text-align: right;">18 December 2019</td> </tr> <tr> <td>(j)</td> <td>Planning & Building Standards</td> <td style="text-align: right;">13 January 2020</td> </tr> <tr> <td>(k)</td> <td>Standards</td> <td style="text-align: right;">16 January 2020</td> </tr> </table> <p>(Copies attached.)</p>	(a)	Kelso Common Good Fund	19 November 2019	(b)	Chambers Institution Trust	20 November 2019	(c)	Peebles Common Good Fund	20 November 2019	(d)	Hawick Common Good Fund	26 November 2019	(e)	Planning & Building Standards	9 December 2019	(f)	Local Review Body	16 December 2019	(g)	Pension Fund Board	17 December 2019	(h)	Pension Fund Committee	17 December 2019	(i)	Selkirk Common Good Fund	18 December 2019	(j)	Planning & Building Standards	13 January 2020	(k)	Standards	16 January 2020	5 mins
(a)	Kelso Common Good Fund	19 November 2019																																	
(b)	Chambers Institution Trust	20 November 2019																																	
(c)	Peebles Common Good Fund	20 November 2019																																	
(d)	Hawick Common Good Fund	26 November 2019																																	
(e)	Planning & Building Standards	9 December 2019																																	
(f)	Local Review Body	16 December 2019																																	
(g)	Pension Fund Board	17 December 2019																																	
(h)	Pension Fund Committee	17 December 2019																																	
(i)	Selkirk Common Good Fund	18 December 2019																																	
(j)	Planning & Building Standards	13 January 2020																																	
(k)	Standards	16 January 2020																																	

This page is intentionally left blank

(a)	Kelso Common Good Fund	19 November 2019
(b)	Chambers Institution Trust	20 November 2019
(c)	Peebles Common Good Fund	20 November 2019
(d)	Hawick Common Good Fund	26 November 2019
(e)	Planning & Building Standards	9 December 2019
(f)	Local Review Body	16 December 2019
(g)	Pension Fund Board	17 December 2019
(h)	Pension Fund Committee	17 December 2019
(i)	Selkirk Common Good Fund	18 December 2019
(j)	Planning & Building Standards	13 January 2020
(k)	Standards	16 January 2020

This page is intentionally left blank

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
Tuesday, 19 November 2019 at 5.15 p.m.

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

1.0 MINUTE

1.1 There had been circulated copies of the Minute of the Kelso Common Good Fund Sub-Committee held on 17 September 2019.

DECISION

AGREED to note the Minutes for signature by the Chairman.

2.0 MONITORING REPORT FOR 6 MONTHS TO 30 SEPTEMBER 2019

2.1 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 2019, a full year projected balance sheet values as at 31 March 2020. Appendix 1 provided the projected income and expenditure position which showed a projected surplus of £9,595 for the year. Appendix 2 provided the projected balance sheet value to 31 March 2020 and projected a decrease in reserves of £32,905. Appendix 3 provided a breakdown of the property portfolio showing projected rental income for 2019/20 and actual property expenditure to 30 September 2019. Appendix 4 showed the value of the Kames Capital Investment Fund to 30 September 2019.

DECISION

NOTED:-

- (i) the projected income and expenditure for 2019/20 in Appendix 1 of the report;**
- (ii) the projected balance sheet value as at 31 March 2020 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.**

3.0 APPLICATIONS FOR FINANCIAL ASSISTANCE

Kelso Over 60s Club

3.1 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 coach trips during the year, entertainment at monthly meetings between October and May and an Annual Christmas Dinner for Over 60s within the Kelso area. Formerly, Kelso OAP Association, the club has been going since the 1950s and had 85 paid members at

present who paid an 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. The Pensions and Investments Manager highlighted that the club had made a net profit of £762.73 in 2018 and had funds totalling £1,548.41 as at December 2018. It was acknowledged that there was a hard working Committee running the club and the Annual Christmas lunch was of significant value to those who may be socially isolated and look forward to this event every year. Councillor Mountford expressed discomfort that the Club submitted a request for the same amount every year, regardless of other funding received and balances.

DECISION

AGREED:-

- (a) 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 2019; and**

- (b) that the Club be advised that there were other competing applications made to the Common Good and it may not always be able to financially support to the same level each year.**

The meeting closed at 5.25 p.m.

SCOTTISH BORDERS COUNCIL
CHAMBERS INSTITUTION TRUST

MINUTE of MEETING of the CHAMBERS
INSTITUTION TRUST held in the Council
Chamber, Rosetta Road, Peebles on 20
November 2019 at 3.00 p.m.

Present:- Councillors K. Chapman (Chairman), S Bell, E Small, R Tatler.
Apologies:- Councillors H. Anderson, S. Haslam
In Attendance:- Chief Financial Officer, Project Manager (S. Renwick), Estates Manager,
Solicitor (E. Moir), Democratic Services Team Leader.

1. **MINUTE**

There had been circulated copies of the Minute of the meeting held on 21 August 2019.

DECISION

AGREED to approve the Minute.

2. **MATTERS ARISING**

- 2.1 With reference to paragraph 3 of the Minute of 21 August 2019, copies of the usage figures provided by Live Borders for the Museum and Library were circulated. Figures for the Burgh hall were not available. The Chairman advised that he would contact the Chief Executive to see if these could be obtained.
- 2.2 With reference to paragraph 3 of the Minute of 21 August 2019, Councillor Tatler commented on an article which had appeared in the Peeblesshire News regarding the poor state of the electrics in the Burgh Hall which was going to impact on concerts in the hall and that this had not been mentioned as part of the tour held at the last meeting. The Estates Manager advised he was aware of the problem, which was the responsibility of Live Borders, and it was as serious as indicated in the newspaper article. He undertook to make sure the matter was rectified. The conditions of the curtains was also mentioned and it was not clear from the agreement with Live Borders who was responsible for their replacement. Members asked for a proposal to replace the curtains.
- 2.3 With reference to paragraph 5.5 of the Minute of 21 August 2019, it was reported that unfortunately due to late notification no member of the Communications team had been available to attend. However, they were very happy to meet with Members at another time to discuss the needs of the Trust.

DECISION

AGREED that:-

- (a) **the Chairman contact the Chief Executive of Live Borders regarding usage figures for the Burgh Hall;**
- (b) **the Estates Manager arrange to repair the electrics at the Burgh Hall and provide a proposal for the replacement of the stage curtains, while ascertaining who was financially responsible for these matters; and**
- (c) **that the Trust Members meet with the Communications Team at a mutually suitable time.**

3. **EXISTING RENTS AND LEASES**

With reference to paragraph 5.1 of the Minute of 21 August 2019, there had been circulated copies of a joint report by the Service Directors Regulatory Services and Assets & Infrastructure providing an overview of existing rents and leases. It was proposed that a rent review be carried out and the service charge also be reviewed. With regard to the area occupied by Scottish Borders Council, the Chief Financial Officer advised that when the Trust was brought back into Council control in 2015 the leasing agreement ceased on the basis that the Council would be responsible for the maintenance of the building. In response to questions on matters such as whether the Trust could have a lease with the Council and the purpose of the Trust, Ms Moir undertook to ascertain the exact powers of the Trust in terms of its relationship with the Council and would report back at the next meeting. With regard to the unlet spaces it was noted that following the success of the Tweed Valley Tourism BID they would occupy the space previously let to VisitScotland. The Estates Manager would confirm what charge would be made. The validity of the existing sub-lease with the CAB would also be checked in light of the Chief Financial Officer's comments about the head lease having ceased to operate.

**DECISION
AGREED:-**

- (a) **to instruct the Council's Estate Manager to proceed with formal rent reviews and a review of the service charge of those premises where they were due;**
- (b) **that clarification of the purpose and powers of the Trust would be provided at the next meeting; and**
- (c) **that the position of leases for the Tweed Valley Tourism BID and CAB would be reported at the next meeting.**

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 and to keep Members informed.

5. **CHAMBERS INSTITUTION QUADRANGLE**

The Chief Financial Officer advised that CGI were involved in a national tree planting scheme which included the Borders and could be asked to plant replacement trees in the quadrangle. It was also reported that a request had been received from the Community Council for funds to pay for the planting of flowers in the quadrangle and it was agreed that the Trust would meet costs up to a maximum of £1,000 for the next year.

**DECISION
AGREED:-**

- (a) **that the possibility of CGI providing trees be investigated; and**
- (b) **a maximum of £1,000 be provided for the planting of the flower beds in the quadrangle.**

6. **DATE OF NEXT MEETING**

Members agreed that to meet the budget planning timescale it would be necessary to bring forward their meeting currently scheduled for 26 February 2020 to 31 January 2020.

DECISION

AGREED that the next meeting of the Trust be held on Thursday, 31 January 2020 in Council Headquarters following the meeting of Council that day.

PRIVATE BUSINESS

7. **DECISION**

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

SUMMARY OF PRIVATE BUSINESS

8. **CHAMBER INSTITUTION PROJECT BUSINESS CASE**

Members considered the project business case and agreed to proceed with phase 1, improvements to the Burgh hall.

The meeting concluded at 4.20 p.m.

This page is intentionally left blank

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

MINUTE of MEETING of the PEEBLES
COMMON GOOD FUND SUB-COMMITTEE
held in the Council Chamber, Rosetta Road,
Peebles on 20 November 2019 at 5.00 p.m.

Present:- Councillors R. Tatler (Chairman), H. Anderson (from paragraph 2), S. Bell,
K. Chapman, E. Small, Community Councillor L. Hayworth
Apology:- Councillor S. Haslam
In Attendance:- Chief Financial Officer, Solicitor (E. Moir), Estates Manager, Democratic
Services Team Leader

Members of the Public:- 9.

1. **MINUTE**

The Minutes of the Meetings of Peebles Common Good Fund Sub-Committee held on 21 August and 5 November 2019 had been circulated.

DECISION

AGREED to approve the Minutes.

2. **MONITORING REPORT FOR 3 MONTHS TO 30 SEPTEMBER 2019**

There had been circulated copies of a report by the Chief Financial Officer providing details of the income and expenditure for the Peebles Common Good Fund for the six months to 30 September 2019 and full year projected out-turn for 2019/20 and projected balance sheet values as at 31 March 2020. Appendix 1 to the report provided a projected Income and Expenditure position which currently showed a projected surplus of £31,322 for the year. Appendix 2 to the report contained a projected Balance Sheet to 31 March 2020 and projected a decrease in the reserves of £6,119. Appendix 3 to the report detailed the breakdown of the property portfolio showing projected rental income for 2019/20 and actual property expenditure to 30 September 2019. Appendix 4 to the report showed the value of the Kames Capital Investment Fund to 30 September 2019. The Chief Financial Officer highlighted the main points in the report. In response to a question regarding the inclusion of new properties on the list at Appendix 3 and the lack of rental income against them, the Estates Manager undertook to provide a full report at the next meeting. He further confirmed that good progress was being made with regards to the map plotting the location of land and property owned by the Common Good Fund.

DECISION

AGREED:-

- (a) **the projected Income and Expenditure for 2019/20, as detailed in Appendix 1 to the report;**
- (b) **to note the projected Balance Sheet value as at 31 March 2020, as detailed in Appendix 2 to the report;**
- (c) **to note the summary of the property portfolio, as detailed in Appendix 3 to the report;**
- (d) **to note the current position of the investment in the Kames Investment Fund, as detailed in Appendix 4 to the report; and**

- (e) that the Estates Manager provide a report on the properties which had been added to the list together with recommendations regarding possible rental for these.

3. **HAYLODGE PARK, PEEBLES**

There had been circulated copies of a plan showing plans for planting to improve the biodiversity of Haylodge Park, which included the creation of an orchard. Councillor Anderson advised that this had been prepared following a walk around the park with officers and community council members. Members confirmed they were happy with these proposals.

DECISION

AGREED to approve the plans for planting to improve the biodiversity of Haylodge Park.

4. **PARKRUN**

There had been circulated copies of a request from the Parkrun organisers to offer a Parkrun on Christmas Day. If this proved successful then they planned to offer runs on both Christmas Day and New Years Day in future years. In response to a question regarding toilets it was noted that the Rugby Club allowed runners to use their facilities.

DECISION

AGREED to approve the request to hold a Parkrun on Christmas Day.

5. **JEDDERFIELD FARM**

- 5.1 The Estates Manager advised that Edwin Thompson, Chartered Surveyors had been tasked with preparing a report on Jedderfield Farm and other areas of grazing in the ownership of the Common Good Fund and it was hoped that this would be available soon. The Solicitor outlined the legal issues which required to be resolved before any decisions regarding the future of the farm could be taken. As the previous tenant had died without a will there was a possibility that the tenancy may pass to another family member through intestate succession. If the farm was not passed on in this way then the current lease would terminate. Contact had been made with the next of kin but there had been no response so far. In response to a question it was noted that there may require to be a level of reimbursement for any leaseholder improvements. The solicitor confirmed that she had checked and was able to confirm that the land was not inalienable but any asset transfer would require a full consultation procedure.

- 5.2 In light of the information provided above it was agreed that Tweedgreen could give their presentation on proposals for the farm but the Sub-Committee could make no comment on them at this time. Mr. Scott Noble representing Tweedgreen, a local environmental group, gave a presentation on their vision for the future use of the farm. They would like a 25 year lease under Community Asset Transfer to turn the farm into a community asset which promoted good environmental practice. The initial phase would be to improve the buildings including renewal power sources such as hydroelectric. They wished to create an example of self-sufficient living and a larger community garden. There would also be provision for a number of other activities including wood storage, biodiversity, an orchard, an affordable hostel, an education centre and food production. It was also proposed to have full-time caretakers living on the site. The Chairman thanked Mr. Noble for his presentation.

DECISION

NOTED the current position with regard to the future of Jedderfield Farm.

6. **PEEBLES TENNIS CLUB**

The Chairman invited Mr Gordon Russell from Peebles Tennis Club to outline his plans to the Sub-Committee. Mr Russell advised that the Lawn Tennis Association were encouraging them to provide facilities for disabled players including wheelchair tennis. The current clubhouse had been examined to see if conversion was possible but was found to be in very

poor condition with issues such as woodworm and would cost many thousands of pounds to repair. The best option was to replace the clubhouse with a similar but more modern building. It was noted that planning permission and a building warrant would be required for a new building and the permission of the Sub-Committee would be required prior to submission. In response to a question on the number of members Mr Russell advised that there were currently around 160 members with the aim to increase this to 250. Members agreed that they would give their approval so that the Tennis Club could apply for planning permission. Changes to the building would require the current lease to be amended and this would be considered at a future meeting.

DECISION

AGREED that Peebles Tennis Club could apply for planning permission for the erection of a new clubhouse and that a report on the lease implications be considered at a future meeting.

DECLARATION OF INTEREST

Community Councillor Hayworth declared an interest in the following two item of business and took no part in the discussion.

7. APPLICATIONS FOR FUNDING

7.1 Community Council of the Royal Burgh of Peebles and District

There had been circulated copies of a request from the Community Council for funding of £2,200 towards the upkeep of the flower beds in Peebles for the coming year. Mr. Turnbull, Community Council Chairman advised that following agreement of the Chambers Institution Trust to provide £1000 for the beds in their quadrangle the request was now only for £1,200. Mr Turnbull advised that they had recruited over 60 volunteers to plant and maintain the flower beds. They provided their own tools and the funding was for the plants. Members agreed to approve the request.

DECISION

AGREED to grant funding of £1,200 to the Community Council of the Royal Burgh of Peebles and District.

7.2 Peebles Ex-Servicemen's Pipe Band

With reference to paragraph 3.1 of the Minute of 29 May 2019, there had been circulated copies of a request from the Pipe Band for funding of £3,500. Ms Starr, Pipe Band Secretary advised that the Pipe Band had now secured its new accommodation and were now applying for the remainder of the funding previously requested in May to meet rental costs and the building of new storage cupboards. Members agreed to approve the request.

DECISION

AGREED to grant funding of £3,500 to Peebles Ex-Servicemen's Pipe Band.

DECLARATION OF INTEREST

Councillor Chapman 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.

7.3 Peebles and District Citizens Advice Bureau

There had been circulated copies of a request from the Citizens Advice Bureau for funding of £2,000 toward the cost of new IT equipment. Mr Kelso, CAB Board Member, advised that it was essential that the CAB moved over to Windows 10 to enable the continuation of service provision and this required that the current hardware be updated. He advised that there were applications made to other funders to assist with the full cost. In response to a question he confirmed that the majority of clients lived in Peebles. Members agreed to approve the request.

DECISION

AGREED to grant funding of £2,000 to Peebles and District Citizens Advice Bureau.

8. **PRIVATE BUSINESS
DECISION**

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

SUMMARY OF PRIVATE BUSINESS

9. **Minute**

Approved the private section of the Minute of the meeting held on 21 August 2019.

The meeting concluded at 6.05 p.m.

SCOTTISH BORDERS COUNCIL HAWICK COMMON GOOD FUND SUB-COMMITTEE

MINUTES of Meeting of the HAWICK
COMMON GOOD FUND SUB-COMMITTEE
held in Lesser Hall, Town Hall, Hawick on
Tuesday, 26 November 2019 at 4.00 pm

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

In attendance:- Pension and Investments Manager, Managing Solicitor, Estates Surveyor,
Property Officer (F Scott), Cultural Services Advisor, Democratic Services
Officer (J Turnbull).

1. **WELCOME**

The Chairman welcomed everyone to the meeting and introduced Mr Jock Campbell, Hawick Community Council's new representative on the Sub-Committee.

**DECISION
NOTED.**

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.

3. **MINUTE**

There had been circulated copies of the Minute of the meeting held on 20 August 2019.

DECISION

APPROVED the Minute of the Meeting held on 20 August 2019 for signature by the Chairman.

4. **URGENT ITEM**

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

5. **FUTURE HAWICK - WELCOME HOSTS**

With reference to paragraph 5.1 of the Minute 19 March 2019, the Chair welcomed Mr Tait, Chair of Future Hawick, who was in attendance to provide an evaluation on the Welcome Hosts. Their report on Hawick Welcome 2019 had been circulated to Members prior to the meeting. Mr Tait advised that there had been 5,000 visitors to the town, which had exceeded expectations. The number of coaches, first time visitors, camper vans to the town had also risen. The Sub-Committee thanked Mr Tait for the evaluation and congratulated him on the continued success of the project.

**DECISION
NOTED.**

6. **FINANCIAL ASSISTANCE**

6.1 **Hawick Pantomime Group**

There had been circulated copies of an application for financial assistance from Hawick Pantomime Group requesting £1,040 towards the cost of storage and transportation of costumes, scenery and advertising. The Chairman asked that Hawick Pantomime Group also consider applying for a community grant.

DECISION

AGREED to award a grant of £1,040.00 to Hawick Pantomime Group towards the cost of storage and transportation of costumes, scenery and advertising,

6.2 **Hawick Congregational Community Church Reaching Out Project**

There had been circulated copies of an application for financial assistance from Hawick Congregational Community Church Reaching Out Project for £4,000.00. The funding would be used to assist with, develop and sustain their day to day activities in particular Souplaunch and the Friendship Afternoon during 2020. It was noted that this application was not eligible for a community grant.

DECISION

AGREED to award a grant of £4,000.00 to Hawick Congregational Community Church Reaching Out Project to assist with, develop and sustain their day to day activities in particular Souplaunch and the Friendship Afternoon.

6.3 **Hawick in Bloom**

There had been circulated copies of an application for financial assistance from Hawick in Bloom (a sub group of Hawick Community Council) for £1,779.35 to purchase bedding plants for the area surrounding the War Memorial in Wilton Lodge Park. An estimate for the cost of the plants was attached to the application. Following discussion it was agreed to award the grant and also to grant funding for the cost of the 2021 and 2022 summer and winter bedding plants. Hawick in Bloom would provide details of the amounts required.

DECISION

AGREED:

- (a) **To award a grant of £1,779.35 to purchase summer and winter bedding plants for the area surrounding the War Memorial in Wilton Lodge Park; and**
- (b) **To award further annual grants for 2021 and 2022 to purchase summer and winter bedding plants for the area surrounding the War Memorial in Wilton Lodge Park.**

(Note: Following the meeting, Hawick in Bloom advised that the amount required for 2021 was £1,832.74, and, for 2022 £1,887.72. This covered the cost of summer and winter bedding plants).

6.4 **Hawick Reivers Association**

There had been circulated copies of an application for financial assistance from Hawick Reivers Association requesting £3,000.00 towards the overall running costs of the festival including insurance, marketing, venues etc. This would allow Hawick Reivers Association to continue to provide many of the events free of charge to the local population and visitors alike. The Sub-Committee discussed the application and unanimously agreed that as the Hawick Reivers Festival was of economic benefit to the town, it should receive annual funding from the Council's Community Fund.

DECISION

- (a) **AGREED to award a grant of £3,000.00 towards the overall running costs of the festival including insurance, marketing, venues etc.**

- * (b) **AGREED TO RECOMMEND TO COUNCIL that Hawick Reivers Association receive annual funding from the Council’s Festival budget.**

6.5 **Hawick Honorary Provosts Council**

There had been circulated copies of an application for financial assistance from the Honorary Provost’s Council requesting £2,500.00 for their continued running costs.

DECISION

AGREED to award a grant of £2,500.00 for the continued running costs of the Hawick Honorary Provosts Council.

6.6 **50th Anniversary Celebration Group**

There had been circulated copies of an application for financial assistance from the 50th Anniversary Celebration Group requesting £200.00 towards a specimen tree and materials, anniversary plaque, invitation cards and refreshments for the 50 years of youth work celebration of the former Hawick Youth Centre.

DECISION

AGREED to award £200.00 to the 50th Anniversary Celebration Group towards specimen tree, anniversary plaque, invitations and refreshments.

6.7 **Future Hawick (Town of the Horse)**

There had been circulated copies of an application for £2,000 to employ an architect to create 3D visual drawings of the proposed redevelopment of Hawick Moor for a public consultation. The Sub-Committee were advised that this application was not eligible for a community grant which could not pay salaries.

DECISION

AGREED to award £2,000.00 toward employment of an architect to create 3D visual drawings of the proposed redevelopment of Hawick Moor for a public consultation.

6.8 **Cycling without Age Scotland – Hawick Chapter**

There had been circulated copies of an application for £7,000.00 towards a second Trishaw through the Cycling without Age Scheme. It was noted that the organisation had received community grant funding for their first Trishaw, on the condition of an operation pilot to ensure there were no issues for other users.

DECISION

AGREED to award £7,000.00 to obtain funding for the purchase of a Trishaw through the Cycling without Age Scotland scheme.

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

With reference to paragraph 5 of the Minute of 11 December 2018, 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.

DECISION

- (a) **AGREED to grant a lease of the Common Haugh to K Stuart, Family Fun Fair as follows:-**

(i)	Thursday	26 March 2020	6.00 pm to 9.30 pm
	Friday	27 March 2020	6.00 pm to 10.00 pm
	Saturday	28 March 2020	1.00 pm to 10.00 pm
	Sunday	29 March 2020	2.00 pm to 4.30 pm.
(ii)	Thursday	2 April 2020	6.00 pm to 9.30 pm
	Friday	3 April 2020	6.00 pm to 10.00 pm
	Saturday	4 April 2020	1.00 pm to 10.00 pm

- (b) **To request that K Stuart Family Fun Fair and Hawick Reivers Association are advised of any impact the flood protection works might have on the Common Haugh during the Reivers Festival weekend.**

8. **MONITORING REPORT FOR NINE MONTHS TO 30 SEPTEMBER 2019**

With reference to paragraph 4 of the Minute of 20 August 2019, 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 2019, a full year projected out-turn for 2019/20 and projected balance sheet values as at 31 March 2020. Appendix 1 to the report provided the projected income and expenditure position. This showed a projected surplus of £134,211 for the year which included a proposed increase to the budget for grants and donations. Appendix 2 provided a projected balance sheet value as at 31 March 2019 and showed a projected decrease in reserves of £94,620. Appendix 3 provided a breakdown of the property portfolio showing projected rental income for 2019/20 and actual property expenditure to 30 September 2019. Appendix 4 showed the value of the Kames Capital Investment Fund to 30 September 2019. Mrs Robb advised that with the grants awarded above, the surplus would be reduced to £120k for 2019/20 and it was agreed to increase the grants budget to £80k.

DECISION

- (a) **AGREED the projected income and expenditure for 2019/20 in Appendix 1 to the report, as the revised budget for 2019/20.**
- (b) **NOTED within the appendices to the report:-**
- (i) **The projected balance sheet value as at 31 March 2020 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.**

9. **TREE FELLING AND COMMUNITY BENEFITS**

The Chair advised that at a Members briefing on 5 November 2019 by the Flood Protection Team. Members present had requested that any trees felled as a result of the protection scheme works, be sold by the project team. Any money arising from the sale would be ring fenced for community benefit projects. The details of which would be confirmed e.g. project type, suitability.

DECISION

AGREED that any trees felled by the Flood Protection Team be sold, with any money arising to be ring fenced for community benefit projects.

(Note: A member of public raised a query regarding trees that bordered Violet Woods. As this was not a Common Good matter the Ward Councillor advised he would facilitate a meeting with officers out with the meeting).

10. **PROPERTY UPDATE**

10.1 **Williestruther Reservoir**

With reference to paragraph 4.2 of the Minute of 14 November 2017, the Property Officer confirmed that Williestruther Reservoir had passed the annual inspection.

DECISION

NOTED.

11. **PRIVATE BUSINESS**
AGREED 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.
12. **PRIVATE MINUTE**
Members approved the Private Minute of the Hawick Common Good Fund Sub-Committee held on 20 August 2019.
13. **MATTERS ARISING FROM THE MINUTE**
There was a discussion on the Wee Haugh, Hawick
14. **HAWICK COMMON HAUGH**
The Sub-Committee considered a report by the Service Director Assets & Infrastructure.
15. **MOVEABLE ASSETS INVENTORY - ADDITIONAL ITEM**
The Sub-Committee considered a report by Executive Director.
16. **PROPERTY UPDATE**
The Property Officer and Estates Surveyor gave a verbal update on matters pertaining to Common Good properties.

The meeting concluded at 6.00 pm

This page is intentionally left blank

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 on Monday, 9 December 2019 at 10.00 am

Present:- Councillors T. Miers (Chairman), S. Hamilton, H. Laing, S. Mountford, C. Ramage and E. Small.
Apologies:- Councillor S. Aitchison, A. Anderson, J. Fullarton.
In Attendance:- Planning and Development Standards Manager, Lead Planning Officer (B. Fotheringham), Lead Roads Planning Officer, Solicitor (R. Kirk), Democratic Services Officer (F. Henderson).

1. **MINUTE.**
There had been circulated copies of the Minute of the Meeting held on 4 November 2019.

DECISION
APPROVED for signature by the Chairman.

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

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

DECLARATION OF INTEREST

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

3. **TREE PRESERVATION ORDER SBC 57 HAIG HOUSE, PRINCES STREET, HAWICK**
There had been circulated copies of a report by the Service Director Regulatory Services to consider the confirmation, modification or revoking of Tree Preservation Order SBC57. The report explained that the Tree Preservation Order SBC57 which replaced Order SBC 32 had been made under delegated powers on 10 June 2019 and covered 12 individual and groups of trees containing mixed semi and mature trees and included Oak, Limes Yew and Cypresses at 25 Princes Street and replaced an earlier Order made at the same site. The trees varied in, providing different age class, diversity of colour and included broadleaf and conifer species. The order was as a result of an independent tree preservation order assessment following a review of all orders. The trees were visible from Commercial Road and Princes Street, Hawick. The report detailed the background to the Tree Preservation Order, which required to be made, confirmed, modified or revoked within 6 months of the order being made.

DECISION
AGREED to confirm the Tree Preservation Order SBC 57.

4. **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) there remained 2 appeals outstanding in respect of :-**
 - (i) Land West of Whitslaid (Barrel Law), Selkirk; and**
 - (ii) Land North West of Gilston Farm, Heriot**
- (b) Review requests had been received in respect of**
 - (i) Erection of dwellinghouse on Land North West of Poultry Farm, Stow Road, Lauder – 18/01766/PPP;**
 - (ii) Erection of two dwellinghouses on Garden Ground of 7 Heriot House, Heriot – 18/01766/PPP;**
 - (iii) Demolition of existing dwellinghouse and erection of replacement dwellinghouse at Folly Cottage, Woodside Far, Kelso – 19/00965/FUL; and**
 - (iv) Erection of porch and replacement boundary fence at 4 Lauder Road, Earliston – 19/01018/FUL**
- (c) the decision of the Appointed Officer had been upheld in respect of Replacement windows at 5-1 Sandbed, Hawick – 19/00203/FUL**
- (d) there remained two reviews previously reported on which decisions were still awaited when the report was prepared on 28th November 2019.**

<ul style="list-style-type: none">• Land North East of Maxton House, St Boswells	<ul style="list-style-type: none">• Land North East of Hoprigshiel Farmhouse, Cockburnspath
--	---

- (e) there remained 3 S36 PLI's previously reported on which decisions were still awaited when the report was prepared on 28th November 2019. These related to**

<ul style="list-style-type: none">• Fallago Rig 1, Longformacus• Crystal Rigg Wind Farm, Cranshaws, Duns	<ul style="list-style-type: none">• Fallago Rig 2, Longformacus•
---	---

The meeting concluded at 12.30 p.m.

APPENDIX I
APPLICATION FOR PLANNING PERMISSION

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
19/01116/FUL	Change of use from dwellinghouse to hotel	Hartree House, Hartree, Biggar

Decision: Approved subject to the schedule of conditions and informatives set out below:

Conditions:

1. No development shall commence until a report by a suitably qualified person has been submitted to and approved in writing by the planning authority, demonstrating the provision of an adequate water supply to the development in terms of quality and quantity and the impacts on surrounding supplies or properties. The report must also detail all mitigation measures to be delivered to secure the quality, quantity and continuity of water supplies to properties in the locality and which may be affected by the development. The provisions of the approved report shall be implemented prior to the change of use hereby approved taking place.

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.

2. The hotel hereby approved shall not be brought into operation until the drainage system has been fully implemented and written evidence has been provided for approval by the planning authority that arrangements are in place to ensure that the private drainage system will be maintained in a serviceable condition. All surface water drainage shall comply with the SUDS manual.

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

3. No development shall commence until further details of the proposed parking area north of drive and accesses thereto, shown on approved drawing L(90)01 revision B, have first been submitted to and approved in writing by the planning authority. Details shall include: the trees to be retained; the trees to be removed; the proposed layout; methods of demarcation of parking bays; the construction make-up of the parking area and access routes.

The development thereafter shall be implemented in strict accordance with the approved details.

Reason: To give full consideration to those details yet to be submitted and to protect and enhance the appearance and character of the site and locality.

4. No development shall commence until a detailed 'method statement' in relation to all works within the root protection area (RPA) of retained trees has been submitted to and approved in writing by the planning authority. Specific issues to be dealt with in the method statement:
 - a) a scaled plan showing the position, size, RPA, species and unique identification reference of each retained tree affected by the works and including details of the extent and nature of all works within the RPA of retained trees;
 - b) a written statement detailing the proposed works including hand digging, use of filter cloth, timber edging, cellular ground reinforcement, porous surfaces etc. as relevant;
 - c) a specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing;

- d) a specification for ground protection within tree protection zones.
The development thereafter shall be implemented in strict accordance with the approved details.

Reason: To ensure that the trees to be retained will not be damaged during construction operations and to protect and enhance the appearance and character of the site and locality.

5. The hotel hereby approved shall not be brought into operation until a passing place has first been installed on the main access track to the east of the gated (northern) entrance, identified on drawing L(90)01, revision B. The precise location of the passing place shall be agreed on site with the planning authority.

Reason: To minimise the potential for conflicting traffic movements at the western entrance to Hartree House, in the interest of road safety.

6. No development shall take place until a scheme of mitigation of noise, arising from events or functions held within the hotel, has first been submitted to and approved in writing by the planning authority. The hotel shall not be brought into use until the developer has confirmed in writing to the planning authority that the measures in the approved scheme of mitigation of noise have been fully implemented or, as required, put in place.

Reason: To protect local residents from noise arising from events or functions held within the hotel.

7. No music - either amplified or otherwise - and no amplified sound (including speech) shall be played after midnight.

Reason: To protect local residents from noise arising from events or functions held within the hotel.

Informatives:

1. Private Drainage System

Private drainage systems often impact on amenity and cause other problems when no clear responsibility or access rights exist for maintaining the system in a working condition.

Problems can also arise when new properties connect into an existing system and the rights and duties have not been set down in law. To discharge the condition relating to the private drainage arrangements, the developer should produce documentary evidence that the maintenance duties on each unit served by the system have been clearly established by way of a binding legal agreement. Access rights should also be specified.

2. Passing Place

In order to comply with condition 5, the passing place should be formed in accordance with the council's standard passing place drawing DC-1 or as otherwise agreed in writing with the planning authority. Drawing DC-1 can be obtained from the Roads Planning Service.

NOTE

Councillor Heather Anderson commented on the application

Dr Graham Dobbie, Mrs Martine Purves and Mr Alan France, Residents spoke against the application

Mr Mike Goddard, Applicant spoke in support of the application

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
19/01244/FUL	19/01244/FUL: 19/01245/LBC	Former Kelso High School, Bowmont Street Kelso

Decision: Continued with delegated powers to Officer to allow negotiation, in consultation with the Chairman, on amended house designs on Plots 1 – 6 fronting Bowmont Street.

19/01244/FUL – subject to the following conditions and legal agreement.

1. No development shall commence until a scheme of external materials (including specifications and samples of materials and colours) for all new buildings within the development, has first been submitted to and approved in writing by the Planning Authority. The materials shall include natural slate roofing for the new houses. Thereafter, no development shall take place except in strict accordance with the approved scheme.
Reason: To ensure external materials are visually appropriate to the development and sympathetic to the surrounding area.
2. No development shall commence until a scheme of external materials (including specifications and samples of materials and colours) for the retained former high school building has first been submitted to, and approved in writing by, the Planning Authority. The materials shall include the cladding to the proposed first floor extension, the proposed external wall treatments of the building and full details and specifications of the existing and replacement windows, including analysis of options considered to improve the thermal efficiency of the existing windows. Thereafter, no development shall take place except in strict accordance with the approved scheme.
Reason: To ensure external materials are sympathetic to the character of the listed building and appropriate to the visual character of the surrounding area.
3. 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.
4. No development shall commence until a Scheme of Archaeological Interpretation to recall the former Croft House and Croft House Cottages has been submitted to, and approved in writing by, the Planning Authority. The Interpretation then to be implemented in accordance with the details of the agreed Scheme.
Reason: There is archaeological interest in terms of former development on the site and it is desirable to record this history.

5. No development shall commence until a scheme of phasing of the development, including provision for the vehicular link to Orchard Park and pedestrian link to Inchmead Crescent, is first submitted to, and approved in writing by the Planning Authority. Once approved, the development shall proceed in accordance with the scheme.
Reason: To ensure the development is carried out in appropriate stages to reflect townscape, infrastructure and environmental constraints.
6. All approved Extra-Care residential units proposed within the former high school building shall meet the definition of “affordable housing” as set out in the adopted Scottish Borders Local Development Plan 2016 and Supplementary Planning Guidance “Affordable Housing” 2015 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 prior to development commencing.
Reason: The Extra Care Units are proposed to meet the affordable housing requirement for the new private market housing on the site and conversion of the building for unrestricted market housing would not comply with development plan policies and guidance with respect to contributions to infrastructure and services, including local schools.
7. Prior to the commencement of development, the developer shall submit for approval in writing by the Planning Authority written confirmation that the Species Protection Plan for bats, as outlined in the Preliminary Roost Assessment, Former Kelso High School, Kelso, The Wildlife Partnership, November 2019 shall be implemented in full. Thereafter, no development shall take place except in strict accordance with the outlined Species Protection Plan.
Reason: To protect the ecological interest in accordance with Local Development Plan policies EP1 and EP3.
8. No development shall be undertaken during the breeding bird season (March to August), unless the developer submits for approval in writing by the Planning Authority written confirmation that the detailed Species Protection Plan for breeding birds, as outlined in the Preliminary Roost Assessment, Former Kelso High School, Kelso, The Wildlife Partnership, November 2019, shall be implemented in full. Thereafter, no development shall take place except in strict accordance with the approved plan.
Reason: To protect the ecological interest in accordance with Local Development Plan policies EP2 and EP3.
9. Unless otherwise agreed in writing and in advance by the Planning Authority, prior to any development commencing on site, a scheme will be submitted by the Developer (at their expense) to identify and assess potential contamination on site. No construction work shall commence until the scheme has been submitted to, and approved, by the Council, and is thereafter implemented in accordance with the scheme so approved.

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

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

and thereafter

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

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

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

- 10. No development shall commence until a revised site plan has been submitted to, and approved in writing by the Planning Authority indicating further setback of the proposed houses on plots 1-6 from Bowmont Street and any necessary repositioning of gardens, parking and plot boundaries to the rear. The development then to proceed in accordance with the revised and approved layout.
Reason: To safeguard the character and visual amenity of the townscape and adjoining Conservation Area.
- 11. No development shall commence until further details of proposed levels within the site have first been submitted to, and approved in writing by the Planning Authority. These details shall include existing and proposed ground, road and other hardstanding levels; proposed house and finished floor levels. The levels shall relate to a fixed, off-site datum point. The development shall be carried out in accordance with the approved details
Reason: To ensure levels within the site achieve a sympathetic visual appearance, preserve residential amenity and make satisfactory provision for surface water drainage.
- 12. No development shall commence until precise details of the surfacing materials for the proposed roads, footpaths and parking spaces have been submitted to, and approved in writing by the Planning Authority. The development shall be completed in 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 which enhances the character and visual appearance of the development and the setting of the listed building.
- 13. The proposed roads, footpaths and parking spaces/areas indicated on the approved drawings shall be constructed to ensure that each dwelling unit, before it is occupied, shall be served by a properly consolidated and surfaced carriageway, parking area and footpath/shared surface.
Reason: To ensure that the development hereby approved is served by an appropriate access and parking facility.
- 14. Prior to commencement of development, the developer must formally request in writing that the Council promote an appropriate Traffic Regulation Order for parking restrictions on

Bowmont Street along the site frontage. Thereafter the developer must implement any signage and lining in accordance with the outcome of that order.

Reason: To ensure the free flow traffic on the existing public road.

15. Prior to commencement of development an amended site plan to be submitted to, and agreed by, the Planning Authority taking into account the requirements of the swept path analysis included in the Transport Statement submitted November 2019 or subsequently approved version. Thereafter the development to be carried out in accordance with the agreed details unless otherwise agreed in writing.

Reason: To ensure the site can be adequately serviced.

16. No development shall commence until a detailed scheme of soft landscaping and planting (incorporating protection of existing trees, new trees, hedges, layout, location, species, schedule, implementation date(s) and future maintenance of all new planting and communal open space within the site) has first been submitted to and approved in writing by the Planning Authority. The development shall only be carried out in accordance with the approved details in implementation and maintenance of the approved scheme.

Reason: Further information is required to achieve an acceptable landscape scheme for the site.

17. No development shall commence, (notwithstanding the details provided in the approved drawings), until a further detailed scheme of site and plot boundary treatment (walls, railings and fencing) has first been submitted to and approved in writing by the Planning Authority. This should include retention and renovation of the boundary walling around the site and the curved walls and gate piers fronting Bowmont Street, including consideration of replacement railings. The scheme shall include their detailed design, height and materials. All boundary treatments within the application site shall accord with the approved scheme.

Reason: Further information is required to achieve an acceptable boundary treatment scheme for the site.

18. With the exception of those marked for removal on the approved plans, all other existing trees within the site to be retained. No development to be commenced until a Tree Survey and Tree Protection Plan are submitted to, and approved in writing by, the Planning Authority. The development then to proceed in accordance with the requirements and mitigation approved in the Tree Protection Plan.

Reason: To safeguard existing trees within the site.

19. No development shall commence until further details are submitted to, and approved in writing by the Planning Authority, relating to the provision of a water supply and both foul and surface water drainage, including SUDs details. This should include written evidence on behalf of Scottish Water that the development will be serviced by mains drainage and water supply. The development then to be implemented fully in accordance with the approved details.

Reason: To ensure the development can be adequately serviced and minimise risk of off-site surface water run-off

Informatives

1. All prospectively adoptable roads, pavements and associated infrastructure will require Road Construction Consent. The applicant should discuss this separately with the Council's Roads Planning Service to establish the scope and requirements of Council adoption. All works within the public road boundary must be undertaken by a contractor first approved by the Council.

2. It should be borne in mind that only contractors first approved by the Council may work within the public road boundary.
3. The developer shall be responsible for meeting the costs associated with the promotion of any traffic orders and for the installation of any lining and signage required should that order be successful.
4. Parking bays to be a minimum of 2.5 by 5.0 metres, excluding any paths adjacent to parking bays. Where enclosed by any physical feature such as walling or fencing the bays must be widened to 3.0 metres to ensure adequate access/egress from parked vehicles. The length of the bays will need to be increased to 5.5 metres when situated hard up against the building. Nose to tail parking arrangements should be a minimum of 12 metres in length to ensure vehicles do not overhang the carriageway/footway.
5. Development should be carried out in a manner consistent with British Standard guidance on construction works, to maintain neighbouring amenity, in particular BS5228.

19/01245/LBC

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with the provisions of Section 16 of the Town and Country Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, as amended by The Planning etc. (Scotland) Act 2006.
2. No development shall commence until a scheme of external materials (including specifications and samples of materials and colours) for the retained former high school building has first been submitted to, and approved in writing by, the Planning Authority. The materials shall include the cladding to the proposed first floor extension, the proposed external wall treatments of the building and full details and specifications of the existing and replacement windows, including analysis of options considered to improve the thermal efficiency of the existing windows. Thereafter, no development shall take place except in strict accordance with the approved scheme.
Reason: To ensure external materials are sympathetic to the character of the listed building and appropriate to the visual character of the surrounding area.
3. No development shall commence, (notwithstanding the details provided in the approved drawings), until a further detailed scheme of site and plot boundary treatment (walls, railings and fencing) has first been submitted to and approved in writing by the Planning Authority. This should include retention and renovation of the boundary walling around the site and the curved walls and gate piers fronting Bowmont Street, including consideration of replacement railings. The scheme shall include their detailed design, height and materials. All boundary treatments within the application site shall accord with the approved scheme.
Reason: Further information is required to achieve an acceptable boundary treatment scheme for the site and to ensure satisfactory preservation of this Listed Building.

NOTE

Mr H Tomczyk, Kelso Community Councillor commented on the application.

This page is intentionally left blank

Public Document Pack

SCOTTISH BORDERS COUNCIL LOCAL REVIEW BODY

MINUTE of Meeting of the LOCAL REVIEW BODY held in the Council Chamber, Council Headquarters, Newtown St Boswells, TD6 0SA on Monday, 16 December 2019 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. **DECLARATION OF INTEREST.**

Councillor Miers declared an interest in the following review of application 19/01178/PPP in terms of Section 5 of the Councillors Code of Conduct and left the Chamber during the discussion.

CHAIRMAN

The meeting was chaired by Councillor Hamilton for consideration of the following review.

2. **REVIEW OF 19/01178/PPP**

There had been circulated copies of the request from Mr and Mrs Richard and Alison Thomas, per Liston Architects, 33 London Street, Edinburgh, to review refusal of the planning application for erection of a dwellinghouse on land North East of Maxton House, St Boswells. The supporting papers included the Notice of Review and associated documents; Decision Notice; Officer's Report; papers referred to in the Officer's Report; Consultations; support and general comments; objection comments; additional representation; and a list of policies. Members accepted that there was a building group centred around Maxton House, that there was capacity within the group to accommodate a further house and that, in respect of spacing of houses within the group, the distance of the proposed site from the existing houses to the west was no greater than the distance between those existing houses. However, having noted that the proposed site was within a previously undeveloped field and within a group of fields surrounding the existing building group, Members' opinion was divided about whether the site was well-related to the building group and whether it contributed to the sense of place of the group.

VOTE

Councillor Laing, seconded by Councillor Ramage, moved that the decision to refuse the application be upheld.

Councillor Mountford, seconded by Councillor Fullarton, moved as an amendment that the decision to refuse the application be reversed and the application approved.

On a show of hands Members voted as follows:-

Motion - 3 votes
Amendment - 2 votes

The motion was accordingly carried and the application was refused.

DECISION

DECIDED that:-

- (a) the request for a review had been competently made in terms of Section 43A of the Town and Country Planning (Scotland) Act 1997;
- (b) the review could be considered without the need for any further procedure on the basis of the papers submitted;
- (c) the proposal would be 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 be refused, for the reasons detailed in Appendix I to this Minute.

CHAIRMAN

Councillor Miers returned to the Chamber and chaired the meeting for the remaining two reviews.

3. REVIEW OF 19/01018/FUL

There had been circulated copies of the request from Mr Bryan Moore, per Kevin Andison, Mitchell Glass, Currie Road, Galashiels, to review the decision to grant approval subject to conditions of the planning application for erection of a porch and replacement boundary fence at 4 Lauder Road, Earlston. The supporting papers included the Notice of Review and associated photographs; Decision Notice; Officer's Report; papers referred to in the Officer's Report; Consultations; and a list of policies. Members noted that the application was for the erection of a front porch and a timber fence of 1.8 m to the front and rear gardens of the property. They agreed with the decision of the officer to approve the proposal for the porch and went on to consider Condition 2 of the planning consent which restricted the height of the proposed fence to 1.2 m and which was the reason for the request for review. Following a lengthy discussion about the visual impact of a fence of 1.8 m on the street scene and having taken into account existing screening and the nature of adjoining and local boundary treatments, Members agreed that the restriction of height to 1.2 m was justified.

DECISION

AGREED:-

- (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 outlined in the request for review 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 approve the application, subject to the conditions stated, be upheld for the reasons detailed in Appendix II to this Minute.

4. REVIEW OF 19/00965/FUL

There had been circulated copies of the request from Mr and Mrs Roddy and Rachel Jackson, per Ferguson Planning, Shiel House, 54 Island Street, Galashiels, to review

refusal of the planning application for demolition of existing dwellinghouse and erection of replacement dwellinghouse at Folly Cottage, Woodside Farm, Kelso. The supporting papers included the Notice of Review and associated documents (including the Decision Notice and Officer's Report); papers referred to in the Officer's Report; Consultations; and a list of policies. Members noted that the proposal was to demolish an existing dwellinghouse and to erect a replacement dwellinghouse and garage, which differed from previous planning consents in 2010 and 2017 for the site, which remained valid and which were for reinstatement/conversion of the existing building with extensions. In taking into account the fact that the proposed design was similar to previous consents and in fact was slightly smaller than the dwellinghouse approved in 2017, Members considered that impacts on the surrounding countryside were similar and remained acceptable. Members accepted that the building was an existing house for the purposes of policy and that the proposal represented an appropriate rebuilding of an existing house. They agreed that, if possible, existing stonework from the demolition should be re-used in the development and asked for this to be added as an informative.

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 was consistent with the Development Plan; and**
- (d) the officer's decision to refuse the application be reversed and planning permission be granted, subject to conditions and informatives, for the reasons detailed in Appendix III to this Minute.**

The meeting concluded at 11.25 am

This page is intentionally left blank



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: 19/00025/RREF

Planning Application Reference: 19/01178/PPP

Development Proposal: Erection of dwellinghouse

Location: Land North-East of Maxton House, St Boswells

Applicant: Mr and Mrs Richard and Alison Thomas

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 proposal is contrary to policies HD2 and EP6 of the Local Development Plan 2016 and Supplementary Planning Guidance New Houses in the Borders Countryside 2008 in that the site is outwith the Development Boundaries of St Boswells and Maxton and is not a logical extension to any building group, is divorced from the existing housing, outwith that sense of place. In addition, the proposal would break into a previously undeveloped field and the location would not respect the spacing between existing properties within the building group.
2. Furthermore, the need for a house at this particular location has not been adequately demonstrated as being a direct operational requirement of any agricultural, horticultural, forestry or other enterprise which is itself appropriate to the countryside. The erection of a dwellinghouse on this site would lead to an unjustified and sporadic expansion of residential development into the open countryside and within the area designated as Countryside Around Towns.

DEVELOPMENT PROPOSAL

The application relates to the erection of a dwellinghouse on the site. The application drawings and documentation consisted of the following:

Plan Type	Plan Reference No.
Location Plan	1809_B_001
Site Plan	1809_B_002

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 16th December 2019.

After examining the review documentation at that meeting, which included a) Notice of Review and associated documents; b) Decision Notice; c) Officer's Report; d) Papers referred to in Officer's Report; e) Consultations; f) Support and general comments; g) Objection comments; h) Additional representation and i) 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: PMD1, PMD2, HD2, HD3, EP1, EP2, EP3, EP5, EP6, EP13, IS2, IS3, IS5, IS7 and IS9

Other Material Considerations

- SBC Supplementary Planning Guidance on Placemaking and Design 2010
- SBC Supplementary Planning Guidance on Privacy and Sunlight 2006
- SBC Supplementary Planning Guidance on Trees and Development 2008
- SBC Supplementary Planning Guidance on Landscape and Development 2008
- SBC Supplementary Planning Guidance on Development Contributions 2011
- SBC Supplementary Planning Guidance on New Housing in the Borders Countryside 2008

The Review Body noted that the proposal was for Planning Permission in Principle to erect a dwellinghouse on the site. Members noted the planning history within the grounds of Maxton House although this was outwith the application site and dated back to the 1990's.

The Review Body firstly considered the location of the site, being outwith the settlement boundaries of St Boswells and Maxton and, therefore, subject to the housing in the countryside Policy HD2 in the Local Development Plan and the associated Supplementary Planning Guidance (SPG).

Members accepted that there was a building group to the west of the site, centred around Maxton House, under Section A of Policy HD2. They did not consider the houses and buildings north-east of the site to be part of the group. The group contained more than the required minimum of three existing houses and there appeared to be capacity within the group to accommodate a further house, under the scale of addition rule within the Policy.

The Review Body then considered the relationship of the site with the building group, taking into account the advice contained within the SPG. Although the Appointed Officer had partly refused the application due to the site not respecting the spacing between houses within the group, Members accepted the applicants' position that the site was of a similar distance away from existing houses to the west than the existing houses were from each other. They also accepted that, in terms of landscape impact, the site was well concealed by distance and screening from existing houses and the public realm.

However, Members considered that for a site to be well-related to the building group and be contained within a sense of place, this required more than matching the distance between houses within the group. They took into account the other characteristics of the group and noted that the site was one of a number of fields and paddocks surrounding existing houses which were part of the character of the group. Members were particularly concerned that the development represented incursion into a previously undeveloped field, visually separated from other houses by screened boundaries. This was contrary to the advice within the SPG and contributed to their view that the site was not part of the natural sense of place of the building group and did not connect well with the other buildings.

The Review Body then considered the application under Section F of Policy HD2 but noted that the application was not supported by any economic justification to establish the need for a house on the site. Whilst there was also some concern expressed over whether the site was the appropriate location for contemporary design, Members accepted this was not a material factor in determining the Review as the submitted drawings were purely indicative in support of an application for Planning Permission in Principle.

The Review Body finally considered other issues relating to the proposal including road access, trees, ecology and residential amenity but concluded that the site was not appropriate for the aforementioned reasons relating to Policy HD2, undeveloped fields and being outwith the sense of place. They noted that had the application been supported, then development contributions for education and the Waverley Line would have been secured by legal agreement.

CONCLUSION

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

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 S Hamilton
Chairman of the Local Review Body

Date.....21 December 2019



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: 19/00027/RCOND

Planning Application Reference: 19/01018/FUL

Development Proposal: Erection of porch and replacement boundary fence

Location: 4 Lauder Road, Earlston

Applicant: Mr Bryan Moore

DECISION

The Local Review Body upholds the decision of the appointed officer to grant planning permission as explained in this decision notice and subject to the conditions as set out below.

DEVELOPMENT PROPOSAL

The application relates to the erection of a porch and replacement boundary fence. The application drawings and documentation consisted of the following:

Plan Type	Plan Reference No.
Location Plan	
Proposed Plans	27766(MOORE)PL01
Photograph	Proposed Photo

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 16th December 2019.

After examining the review documentation at that meeting, which included a) Notice of Review and associated photographs; b) Decision Notice; c) Officer's Report; d) Papers referred to in Officer's Report; e) Consultations and f) List of Policies, the Review Body noted that the

applicant had requested a site visit but did not consider it necessary in this instance and 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 IS7

Other Material Considerations

- SBC Supplementary Planning Guidance on Placemaking and Design 2010
- SBC Supplementary Planning Guidance on Privacy and Sunlight 2006

The Review Body noted that the proposal was for planning permission to erect a glazed front porch and 1.8m high timber fencing to the front and rear gardens of the property. They noted that the Review was in relation to Condition 2 relating to the height of the fencing but that they were required to assess the complete proposal, including the front porch. They noted that the Appointed Officer had approved the porch and Members were also in agreement with this element of the proposals. The Review Body also noted that the height of the fencing to the rear of the property, being restricted by Condition 2 to the existing height, did not appear to be in dispute. They accepted this fencing and the limitations contained within Condition 2

The Review Body then considered the remainder of Condition 2 which related to the front and side fences facing the A68 and intervening minor lane. Although they noted there was some existing screening and took into account the nature of adjoining and other local boundary treatments which included fences, hedges and walls, they agreed with the Appointed Officer that a fence of 1.8m height would appear imposing on the street scene, presenting an overwhelming visual impact and blankness to the detriment of the visual amenity of the area. They agreed that a reduction to 1.2m height was justified and supported Condition 2 as imposed on the consent.

They also felt the property was in closer proximity to the public road than other examples in the vicinity and that privacy could be achieved by other means not requiring planning permission, including blinds within the porch and the planting of boundary hedging.

CONCLUSION

After considering all relevant information, the Local Review Body concluded that the development was consistent with Policies PMD2 and HD3 of the Local Development Plan and that there were no other material considerations that would justify departure from the Development Plan. Consequently, the application was approved subject to the conditions below.

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 porch hereby permitted shall not be carried out otherwise than in complete accordance with the drawing (Number: 27766(Moore) PL01), materials and specifications approved by the Planning Authority.

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

2. The fence and gate to be erected on the front and side boundaries of the front garden facing the A68 to be no more than 1.2m in height (the fence on the north/side boundary to be no higher than the existing fence).

Reason: To safeguard visual amenities.

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 Regulation 22 of the Town & Country Planning (Schemes of Delegation and Local Review procedure) (Scotland) Regulations 2013.

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.....23 December 2019

...



APPENDIX III

**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: 19/00028/RREF

Planning Application Reference: 19/00965/FUL

Development Proposal: Demolition of existing dwellinghouse and erection of replacement dwellinghouse and garage

Location: Folly Cottage, Woodside Farm, Kelso

Applicant: Mr & Mrs Roddy & Rachel Jackson

DECISION

The Local Review Body reverses 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.

DEVELOPMENT PROPOSAL

The application relates to the demolition of an existing dwellinghouse and erection of replacement dwellinghouse and garage. The application drawings and documentation consisted of the following:

Plan Type	Plan Reference No.
Location Plan	812P2-01
Proposed Site Plan	812P2-02
Existing Plan	812P2-02
Existing Elevations	812P2-03
Existing Elevations	812P2-04
Ground Floor Plan	812P2-06
First Floor Plan	812P2-07
Proposed Elevations	812P2-08B
Proposed Elevations	812P2-09B
Proposed Garage	812P2-10A

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 16th December 2019.

After examining the review documentation at that meeting, which included a) Notice of Review and associated documents (including Decision Notice and Officer's Report); b) Papers referred to in Officer's Report; c) Consultations 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: PMD1, PMD2, HD2, HD3, EP1, EP2, EP3, EP5, EP8, EP13, EP16, IS2, IS7 and IS9

Other Material Considerations

- Scottish Planning Policy 2014
- SBC Supplementary Planning Guidance on Placemaking & Design 2010
- SBC Supplementary Planning Guidance on Privacy and Sunlight 2006
- SBC Supplementary Planning Guidance on Landscape and Development 2008
- SBC Supplementary Planning Guidance on New Housing in the Borders Countryside 2008
- SBC Supplementary Planning Guidance on Developer Contributions 2011
- SBC Supplementary Planning Guidance on Local Landscape Designations 2012

The Review Body noted that the proposal was for planning permission to demolish an existing dwellinghouse and erect a replacement dwellinghouse and detached garage on the site. They noted that the proposal was for an entirely new-build, differing from the three previous recent consents which were for reinstatement/conversion with extensions. Members also noted from the submissions that, by virtue of access junction improvements, the 2010 consent had been commenced and remained valid, as did the 2017 consent.

The Review Body carefully studied and compared the current proposals with the previous consents and were of the view that the proposed design was very similar in all respects to the previous consents, even being slightly smaller in footprint than the design approved in 2017. This was a significant material factor in their consideration of the Review, that the design would look little different to the previous designs and that the impacts on the surrounding countryside would be similar and remain acceptable. There was also comment that existing stonework from the demolitions could be salvaged and re-used in the development. Members considered that this could be addressed through a Condition and Informative on any consent.

The Review Body then assessed the application against Section E of Local Development Plan Policy HD2 and the relevant Supplementary Planning Guidance. They noted this was the only Section of that policy which covered entire rebuilding proposals, Sections C and D relating to conversions and retention of parts of buildings. They considered the views of the Appointed Officer and applicants with regard to whether the building was an existing house and noted that the property had been a house in the past. They also noted that there was no specific definition contained with Section E as to what constituted an existing house, particularly in relation to whether the house had to be in a habitable condition.

After discussion, the Review Body accepted the building was an existing house for the purposes of the Policy. They concluded that the proposal was in compliance with Section E of Policy HD2, representing an appropriate rebuilding of an existing house. As the details of the rebuilding were very similar to previous consents and were also supported by the Archaeology Officer, Members also considered that the proposal met with the criteria under Section E, including being in keeping with the scale and character of the existing building and providing a positive contribution to the landscape, allowing a deteriorating building to be replaced with an appropriate design. The Review Body also considered the principle to be in accordance with Scottish Planning Policy and provided additional benefits of energy efficiency.

The Review Body finally considered other material issues relating to the proposal including ecology, archaeology, road access, water and drainage but were of the opinion that appropriate conditions could address these satisfactorily. They also noted that development contributions were not required for the proposal as they had not been sought on earlier consents which remained valid.

CONCLUSION

After considering all relevant information, the Local Review Body concluded that the development was consistent with Policies PMD2, HD2 and EP5 of the Local Development Plan and relevant Supplementary Planning Guidance. The development was considered to be an appropriately designed replacement dwellinghouse with acceptable impact on the landscape. Consequently, the application was approved.

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 development hereby approved shall only be carried out in strict accordance with details of the materials (and colour of these materials) to be used on the external walls and roof of the proposed building(s) which shall first have been submitted to and approved in writing by the Planning Authority.
Reason: To ensure a satisfactory form of development, which contributes appropriately to its setting
2. Parking and turning for two vehicles, excluding garages, must be provided within the site before the dwellinghouse is occupied and retained in perpetuity.
Reason: To ensure sufficient in-curtilage parking within the site, the interests of road safety.
3. Visibility splays of 3m x 120m to be provided at the junction with the minor public road prior to occupation and retained thereafter in perpetuity.

Reason: To ensure safe access and egress to the site.

4. A scheme of details for the provision of 120m forward visibility for vehicles travelling south to be provided to, and approved by, the Planning Authority prior works commencing on site. Thereafter the works to be completed prior to occupation and retained thereafter in perpetuity.
Reason: To ensure the development hereby approved is served by a junction with suitable visibility.
5. No development should commence until the applicant has provided evidence that arrangements are in place to ensure that the private drainage system will be maintained in a serviceable condition
Reason: To ensure that the development does not have a detrimental effect on amenity and public health.
6. No development is to commence until a report has been submitted to and approved in writing by the Planning Authority that the public mains water supply is available and can be provided for the development. Prior to the occupation of the building(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.
7. No water supply other than the public mains water supply 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.
8. 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.
9. No development to be commenced until further landscaping details are submitted to, and approved in writing by, the Planning Authority. Once approved, the details then to be implemented concurrently with the development or during the next planting season thereto and maintained thereafter in perpetuity.
Reason: To safeguard the visual amenity of the area.
10. No development shall be undertaken during the breeding bird season (March to September), unless in strict compliance with a Species Protection Plan for breeding birds including barn owl, including provision for pre-development supplementary survey, that shall be submitted to and approved in writing by the Planning Authority.

Reason: To protect the ecological interest in accordance with Local Development Plan policies EP2 and EP3.

INFORMATIVES

1. With regard to Condition 1, consideration should be given to incorporating stone from the demolitions within the new development.
2. Forward visibility of 120m must be provided for vehicles approaching the access from the north so as to ensure that vehicles approaching the site have adequate awareness of any vehicle that may be sitting waiting to turn right into the site.
3. It should be borne in mind that only contractors first approved by the Council may work within the public road boundary.

4. Private Drainage System

Private drainage systems often impact on amenity and cause other problems when no clear responsibility or access rights exist for maintaining the system in a working condition.

Problems can also arise when new properties connect into an existing system and the rights and duties have not been set down in law.

To discharge the Condition relating to the private drainage arrangements, the Applicant should produce documentary evidence that the maintenance duties on each dwelling served by the system have been clearly established by way of a binding legal agreement. Access rights should also be specified.

5. Stoves and Use of Solid Fuel

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

Accordingly this advice can assist you to avoid future problems.

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

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

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

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

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

If you live in a Smoke Control Area you must only use an Exempt Appliance <http://smokecontrol.defra.gov.uk/appliances.php?country=s> and the fuel that is Approved for use in it <http://smokecontrol.defra.gov.uk/fuels.php?country=s> .

In wood burning stoves you should only burn dry, seasoned timber. Guidance is

available on -

[http://www.forestry.gov.uk/pdf/eng-woodfuel-woodasfuelguide.pdf/\\$FILE/eng-woodfuel-woodasfuelguide.pdf](http://www.forestry.gov.uk/pdf/eng-woodfuel-woodasfuelguide.pdf/$FILE/eng-woodfuel-woodasfuelguide.pdf)

Treated timber, waste wood, manufactured timber and laminates etc. should not be used as fuel.

Paper and kindling can be used for lighting, but purpose made firelighters can cause fewer odour problems.

6. Proposed works include septic tank drainage to soakaway and SUDS for surface water. SEPA Pollution Prevention Guidelines (e.g. GPP5 and GBR10) should be adopted to avoid potentially polluting substances entering the water environment.

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 Regulation 22 of the Town & Country Planning (Schemes of Delegation and Local Review procedure) (Scotland) Regulations 2013.

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.....23 December 2019

This page is intentionally left blank

SCOTTISH BORDERS COUNCIL PENSION BOARD

MINUTES of Meeting of the PENSION BOARD held in Cleaning Academy, Opposite Council Headquarters, Newtown St Boswells on Tuesday, 17 December 2019 at 11.45 am.

Present:- Mr A Barclay (Chair), Mr M Drysdale, Mr M Everett, Mrs H Robertson, Ms L Ross.
Apologies:- Councillor S Aitchison, Ms K M Hughes, Ms C Stewart.
In Attendance:- Pension & Investments Manager, HR Shared Services Manager, Ms A Fitzpatrick (Audit Scotland), Democratic Services Officer (J Turnbull)

1. **MINUTE**

There had been circulated copies of the Minute of the Meeting of 12 September 2019.

DECISION

NOTED for signature by the Chairman.

2. **JOINT MEETING OF PENSION COMMITTEE AND PENSION BOARD**

The Board advised that the McCloud update had been useful and noted that this might have an impact on the 2020 valuation process and liabilities of the Fund. The HR Shared Services Manager, Mr Angus, advised that further updates would be given to keep the Pension Fund Committee and Pension Board fully informed.

DECISION

NOTED.

3. **DATE OF NEXT MEETING**

The next meeting was scheduled to be held on 5 March 2020, following the Pension Fund Committee and Pension Board joint meeting.

DECISION

NOTED.

The meeting concluded at 11.55 am

This page is intentionally left blank

SCOTTISH BORDERS COUNCIL PENSION FUND COMMITTEE AND PENSION BOARD

MINUTES of Meeting of the PENSION FUND COMMITTEE AND PENSION BOARD held in Cleaning Academy (Opposite Council Headquarters) Newtown St Boswells on Tuesday, 17 December 2019 at 10.15 am

Present:- Councillors S Mountford (Chairman), J Brown, G Edgar, C Hamilton, D Moffat, S Scott, Mr A Barclay, Mr M Drysdale, Mr M Everett, Ms H Robertson and Ms L Ross

Apologies:- Councillor S Aitchison, D Parker, Ms C Stewart, Ms K M Hughes.

In Attendance:- HR Shared Services Manager, Pension & Investments Manager, Mr D O'Hara (KPMG), Ms J West (Hymans Robertson), Ms A Fitzpatrick (Audit Scotland)

1. **MINUTE**

There had been circulated copies of the Minute of the Meeting of 12 September 2019

DECISION

NOTED for signature by the Chairman.

2. **PENSION FUND INVESTMENT AND PERFORMANCE SUB-COMMITTEE**

There had been circulated copies of the Minute of the Pension Fund Investment and Performance Sub-Committee held on 30 September 2019.

DECISION

NOTED.

3. **RISK REGISTER UPDATE**

With reference to paragraph 5 of the Minute of 12 September there had been circulated copies of a report by the Chief Financial Officer which formed part of the risk review requirements and provided the Pension Fund Committee and Pension Board with a full register and proposed management actions to mitigate risks. Identifying and managing risk was a corner stone of effective management and was required under the Council's Risk Management Policy and process guide and CIPFA's guidance "Delivering Governance in Local Government Framework 2007. It was further reflected and enhanced in the "Local Government Pension Scheme" published by CIPFA. A full risk review has been undertaken on 15 April 2019 and the revised risk register approved by the Joint Pension Fund Committee and Pension Board on 13 June 2019, with an update of the actions undertaken on 12 September 2019. Appendix 1 to the report detailed the risks within the approved risk register which had been identified as management actions to date. Mrs Robb advised, that with regard to Risks 1.1 and 1.4, the majority of Pension Fund Committee and Pension Board members had completed the minimum requirement attending two training events this year. Regarding Risk 1.9, work had commenced in preparation for the 2020 valuation.

DECISION

(a) **NOTED:**

(i) **The management actions progressed as contained in Appendix 1 to the report;**

(ii) That no new quantifiable risks have been identified since the last review.

(b) **AGREED to a key risk review being undertaken in March 2020 and reporting of progress on the risk management actions.**

4. **BUSINESS PLAN PERFORMANCE UPDATE**

With reference to paragraph 7 of the Minute of 13 June 2019, there had been circulated copies of a report by the Chief Financial Officer providing members of the Pension Fund Committee and Pension Board with an update on delivery of the actions within the approved Business Plan. The 2019/20 – 2021/22 Business Plan for the Pension Fund was approved on 13 June 2019. Included within the Plan were key objectives and actions with target dates. As part of the risk register update approved on 12 September 2019, it was agreed a mid-year progress report on the Business Plan actions would be presented at the December 2019 meeting and a further progress report and update at the June 2020 meeting. The report explained that there were 19 key tasks due for completion during 2019/20. Of these 11 were fully completed, four were on track to be completed by the approved target date and four required revised dates as detailed below. In response to a question regarding the Cessation and Discretion Policy, the HR Shared Services Manager, Mr Angus, advised that this was to ensure that if any individual employers ceased to be part of the Fund, there would be no adverse effect.

DECISION

(a) **NOTED the progress of the 2019/20 actions within the Business Plan.**

(b) **AGREED:**

- (i) **A revised target date of 31 March 2020 for completion of action P2-A1 - review of current taxation position;**
- (ii) **A revised target date of 31 March 2020 for completion action P4-A1 - develop and gain approval for Cessation and Discretion Policy;**
- (iii) **A revised target date of 31 March 2020 for completion of P6-A1 – complete full reconciliation of Guaranteed Minimum Pension between Fund and HMRC;**
- (iv) **A revised target date of 31 March 2020 for completion of action P6 – A1 – complete full reconciliation of Guaranteed Minimum Pension between the Fund and HMRC;**
- (v) **A revised target date of 31 December 2019 for completion of action P6-A2 – creation of rectification plan measuring of Common and specific data following annual review and return to the Pension Regulator; and**
- (vi) **A further update be presented at the June 2020 meeting.**

5. **PENSION FUND BUDGET MONITORING TO 30 SEPTEMBER 2019**

With reference to paragraph 10 of the Minute of 12 September, there had been circulated copies of a report by the Chief Financial Officer providing the Pension Fund Committee and Pension Board with an update of the Pension Fund budget to 30 September 2019 including projections to 31 March 2020. The Local Government Pension Scheme (Scotland) Regulations 2014 required Administrating Authorities to ensure strong governance arrangements and sets out the standards they were to be measured against. To ensure the Fund met the standards a budget was approved on 7 March 2019 following the recommended structure within the CIPFA accounting guideline headings. The report was the second quarterly monitoring report of the approved budgets. The report detailed the total expenditure to 30 September 2019 was £0.067m with a projected total expenditure of £6.458m against a budget of £6.458m. There was no projected variance. Mrs Robb highlighted that the Cost Transparency Initiative detailed in the report, was part of the process of monitoring Investment Managers' fees, with some managers now providing quarterly returns in the new format. All, except for one manager, had confirmed

they would provide the necessary information in the requested template format for the 2019/20 accounts.

DECISION

NOTED the actual expenditure to 30 September 2019 and the projected budget outturn to 31 March 2020.

6. INFORMATION UPDATE

6.1 There had been circulated copies of a briefing paper by the Chief Financial Officer providing members of the Committee and Board with updates on a number of areas which were being monitored and where work was progressing. Full reports on individual actions would be tabled as decision and actions were required.

6.2 GMP Reconciliation

With reference to paragraph 12.2 of the Minute of 12 September 2019, it was noted that the final report from HM Revenue and Customs was still awaited.

6.3 AVC Update

Mr Angus advise that there had been an increase to 58 employees who had joined the Shared Cost AVC scheme. The scheme would continue to be promoted.

6.4 SBCares Reintegration with Scottish Borders Council

All employees of SB Cares transferred to Scottish Borders Council from 1 December 2019. Policy documents would be updated to reflect the change of status from an active to closed admitted body.

6.5 Scheme Advisory Board

With reference to paragraph 12.5 of the Minute of 12 September 2019, copies of the Scheme Advisory Board (SAB) consultation report had been circulated with the agenda. The Chairman advised that the preference from the majority of pension schemes in Scotland was for the status quo to remain with more collaboration. The option of pooling had been rejected unanimously. However, the Minister has asked for it to remain an option for the next stage of the review. Further research on the different options was required and an update would be provided at the next meeting. In response to a questions, the Chair advised that pooling of funds would require primary legislation. Mrs Robb added that pooling set up was expensive with an anticipated 15-20 years to recoup costs. If Funds decided to merge, protection could be built in to allow for employers to have differing employer contribution rates.

6.6 McCloud Update

Following a ruling by the Court of Appeal, Mr Angus explained that there was no further information in respect of transitional protection and this could have an effect on LGPS. The Fund Actuary, Ms West, added that only those employees with high salary growth during the period might find an impact on their pensions.

6.7 Auto-enrolment

The report explained that opt outs had been received from 23 of the 55 employees who had been re-enrolled, resulting in 58% of those enrolled remaining in the scheme,

6.8 Training Opportunities

It was noted that any member interested in attending the PSLA Investment Conference from 11 – 12 March 2020 should advise Mrs Robb out with the meeting.

DECISION

NOTED.

7. ITEMS LIKELY TO BE TAKEN IN PRIVATE

AGREED under Section 50A(4) of the Local Government (Scotland) Act 1973 to exclude the public from the meeting during consideration of the business contained in the following items on the ground that they involved the likely disclosure of exempt information as defined in paragraphs 6 and 8 of the part 1 of Schedule 7A to the Act.

SUMMARY OF PRIVATE BUSINESS

8. **MINUTE**
The Committee noted the Private Minute of the meeting of 12 September 2019.
9. **PENSION FUND INVESTMENT & PERFORMANCE SUB COMMITTEE**
The Committee noted the Private Minute of the meeting of 30 September 2019.
10. **KPMG UPDATE**
The Committee and Board received a verbal report from the Investment Manager regarding KPMG.
11. **QUARTER PERFORMANCE UPDATE**
The Committee noted a private report by the Chief Financial Officer which updated on infrastructure investment made by the Fund under delegated authority.
12. **INFRASTRUCTURE UPDATE**
The Committee noted a private report by the Chief Financial Officer which updated on infrastructure investment made by the Fund under delegated authority.

The meeting concluded at 11.30 am

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 on Wednesday, 18 December
2019 at 3.00 pm

Present:- Councillors G. Edgar (Chairman) and E. Thornton-Nicol

Apologies:- Councillors C. Penman

In Attendance:- Treasury Business Partner (S. Halliday), Solicitor (R. Kirk), Estates Surveyor (N. Curtis), Democratic Services Officer (F. Walling).

1. **MINUTE**

1.1 There had been circulated copies of the Minute of 9 September 2019.

DECISION

APPROVED the Minute for signature by the Chairman.

1.2 With regard to paragraph 4.4 of the Minute, regarding use of part of Victoria Park car park for motorbike driver training, Councillor Edgar advised that the trainer concerned had found an alternative location.

DECISION

NOTED

2. **FINANCIAL MONITORING REPORT FOR 6 MONTHS TO 30 SEPTEMBER 2019**

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 2019, full year projected out-turn for 2019/20 and projected balance sheet values as at 31 March 2020. Treasury Business Partner, Sara Halliday, highlighted the main points of the report. Appendix 1 to the report provided a projected income and expenditure position. This showed a projected surplus of £13,805 for the year. With reference to the out-turn position reported at the last meeting, Ms Halliday explained that, following consultation with the Estates Surveyor, the projected expenditure on property had been amended from £71k to £35k, resulting in a surplus, rather than deficit, position at the end of the financial year. The projected cash balance at 31 March 2020 was £84,049. Appendix 2 to the report provided a projected balance sheet value as at 31 March 2020, showing a projected decrease in reserves of £55,507. A breakdown of the property portfolio, showing projected rental income for 2019/20 and actual property expenditure to 30 September 2019 was shown in Appendix 3. The value of the Kames Capital Investment Fund to 30 September 2019 was shown in Appendix 4 to the report. The fund had a -1.98% unrealised gain 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 + 6.9 % since investment in February 2018. Members discussed the report and received further clarification where requested.

DECISION

- (a) **NOTED within the appendices to the report:-**
- (i) **the projected balance sheet value as at 31 March 2020 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.**
- (b) **AGREED the projected income and expenditure for 2019/20 as shown in Appendix 1 to the report as the revised budget for 2019/20.**

3. **APPLICATION FOR FINANCIAL ASSISTANCE FROM SELKIRK HIGH SCHOOL NETBALL CLUB**

There had been circulated copies of an application for financial assistance on behalf of Selkirk High School Netball Club. It was explained in the application that the club was set up in August 2019 through the Active Schools network and with qualified Level 1 Netball Coaches. The club was aimed at S1 and S2 pupils with the hope to widen this to S3 – S6 in the next two years. Training was after school and the S1 and S2 teams now played in the Borders Netball League. The aim of the club was to develop a pathway from primary to secondary school as Selkirk High School was the only secondary school in the Scottish Borders not to have a secondary netball team competing last year. Financial assistance was being sought for new kit and equipment and also support in the initial set up of the club. Members were keen to support this newly established club, noting that it had been set up under Sport Scotland's Active Schools network. After discussion they agreed to give a contribution of £2000 towards the cost of equipment and initial set up. However, as the club did not currently have a bank account, the grant would be payable only once a bank account had been set up or alternatively if payment could be to a partner organisation and ring-fenced for the club by an arrangement approved by the Chief Financial Officer.

DECISION

AGREED to grant to Selkirk High School Netball Club a sum of £2,000, subject to the arrangement for payment of the grant being approved by the Chief Financial Officer.

4. **PROPERTY**

4.1 **Shawburn Toll and Embankment**

The Estates Surveyor, Norrie Curtis, gave a summary of feedback to the public consultation, for ideas to tidy up the area around Shawburn Toll and Embankment. There had been a good reaction to the consultation with approximately 250 responses. 82.4% of respondents lived in Selkirk and all were from individuals rather than from organisations. 93.6% thought that there should be changes to Shawburn Toll Embankment and there were around 240 comments/ideas about what should be done. 56.8% of respondents indicated that they would like to take part in future discussions about the Embankment. Mr Curtis explained that the comments would be collated and brought to the next meeting for discussion. Members welcomed the good response to the consultation and looked forward to further discussion. Councillor Edgar drew attention to a piece of Common Good-owned amenity ground at the bottom of Shawburn Road and asked Mr Curtis and solicitor Mr Kirk to look into its alienability.

DECISION

- (a) **NOTED the response to the consultation about Shawburn Toll and Embankment and agreed to look at this in more detail at the next meeting.**
- (b) **AGREED to request officers investigate the alienability of the piece of amenity ground at Shawburn Road.**

- 4.2 Councillor Edgar advised that the Common Riding Trust was paying for a memorial to William Lindsay, who had bequeathed substantial sums of money for local benefit. The Trust was asking Members of the Common Good Fund Sub Committee for permission to install this memorial, a birdbath, in the circular garden to the right of the Victoria Hall. Members agreed to this request subject to the Trust accepting responsibility for future maintenance. Mr Curtis confirmed that he would notify Live Borders about the proposal.

DECISION

AGREED to give permission for the installation of the William Lindsay Memorial in the garden ground of the Victoria Hall, subject to the Selkirk Common Riding Trust accepting responsibility for its future maintenance.

4.3 **Green Shed**

Councillor Edgar drew attention of the Estates Surveyor to maintenance work still to be carried out on the Green Shed. He asked for confirmation that the tree branches had been cut back and advised that the repairs to the gutters were urgently needed. Councillor Edgar also asked the Estates Surveyor to change the lock on the Green Shed to increase security. He stressed that it was only the tenant, Scotts Selkirk, who should have access to the building. Keys for new security locks should therefore be provided only to a Scotts Selkirk agreed representative.

DECISION

AGREED that the matters identified above in connection to the Green Shed be taken forward by the Estates Surveyor.

The meeting concluded at 3.25 pm

This page is intentionally left blank

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 on Monday, 13 January 2020 at 10.00 am

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

In Attendance:- Planning and Development Standards Manager, Lead Planning Officer (B. Fotheringham), Senior Roads Planning Officer, Solicitor (E. Moir), Democratic Services Team Leader, Democratic Services Officer (F. Henderson).

1. **MINUTE.**
There had been circulated copies of the Minute of the Meeting held on 9 December 2019.

DECISION
APPROVED for signature by the Chairman.

DECLARATION OF INTEREST
Councillor Ramage declared an interest in application 1900509/FUL in terms of Section 5 of the Councillors Code of Conduct and left the Chamber during the discussion.

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.

DECISION
NOTED that:-

- (a) **an Appeal in respect of Enforcement had been received in respect of the Erection of boundary fence forward of the front elevation greater than 1 m in height at Silver Grange, Old Greenlaw Farm, Greenlaw, Duns.**
- (b) **there remained 2 appeals outstanding in respect of :-**
 - (i) **Land West of Whitslaid (Barrel Law), Selkirk; and**
 - (ii) **Land North West of Gilston Farm, Heriot**
- (c) **Review requests had been received in respect of:-**

- (i) Erection of dwellinghouse on Land South West of Carlenrig Farm, Teviothead, Hawick – 19/00514/FUL; and
 - (ii) Erection of fence on Land South East of Bungalow, Denholm Mill, Denholm – 19/00857/FUL;
- (d) the decision of the Appointed Officer had been overturned in respect of the Demolition of existing dwellinghouse and erection of replacement dwellinghouse at Folly Cottage, Woodside Farm, Kelso – 19/00965/FUL
- (e) the decision of the Appointed Officer had been upheld in respect of:-
- (i) the erection of a porch and replacement boundary fence at 4 Lauder Road, Earlston – 19/01018/FUL; and
 - (ii) Erection of dwellinghouse on Land North East of Maxton House, St Boswells – 19/01178/PPP
- (f) there remained three reviews previously reported on which decisions were still awaited when the report was prepared on 28th November 2019.

<ul style="list-style-type: none"> • Land North East of Hoprigshiel Farmhouse, Cockburnspath 	<ul style="list-style-type: none"> • Land North West of Poultry Farm, Stow Road, Lauder
<ul style="list-style-type: none"> • Garden Ground of 7 Heriot House, Heriot 	

- (e) there remained 3 S36 PLI's previously reported on which decisions were still awaited when the report was prepared on 19th December 2019. These related to

<ul style="list-style-type: none"> • Fallago Rig 1, Longformacus 	<ul style="list-style-type: none"> • Fallago Rig 2, Longformacus
<ul style="list-style-type: none"> • Crystal Rigg Wind Farm, Cranshaws, Duns 	<ul style="list-style-type: none"> •

The meeting concluded at 11.00 a.m.

APPENDIX I
APPLICATION FOR PLANNING PERMISSION

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
19/00509/FUL	Erection of Class1 retail store and restaurant with drive thru and takeaway facilities	Land W of Store J and R Elliot Ltd, Commercial Road, Hawick

Decision: Approved subject to conditions, applicant informatives and clearance from Scottish Ministers

- 1 Notwithstanding the details submitted in support of the planning application, no development shall commence until, EITHER:
(a) revised versions of all of the approved site layout plans have first been submitted to, and approved in writing by, the Planning Authority, which all consistently describe the footprint and foundations of the retail unit building hereby approved, set back such as to be at least a minimum distance of 4m away from the existing property boundary with the garden ground of Haig House, No 23 Princes Street; OR
(b) an arboricultural report prepared by a qualified professional arboriculturalist, which identifies and describes the impacts of the proposal upon all trees along the western boundary of the site, has first been submitted to, and approved in writing by, the Planning Authority and includes appropriate mitigation of these impacts.
Thereafter, the development shall only be implemented and operated in accordance with the approved details including any and all measures specifically identified to conserve the trees in question.
Reason: To retain effective control over the development in the interests of conserving appropriately trees on neighbouring land and within a TPO, which make a valuable contribution to the visual amenities of the site and surrounding area and to the residential amenity of No 23 Princes Street and its neighbours.
- 2 No development shall commence until an Arboricultural Method Statement (AMS) fully compliant with BS5837:2012, has first been submitted to, and approved in writing by the Planning Authority, which details in full, the approach and measures that are to be taken during the construction period and within the construction works themselves, to minimise impacts upon all trees within the TPO area, including all such impacts upon and within the Root Protection Areas and canopy spreads of all trees that root into, and/or overhang, the site. This shall include all measures that are to be put in place or operated in order to minimise such impacts during construction works (including excavations) to accommodate any and all services (including water supply) and within the formation of any and all areas that are to be surfaced in hard standing. Further to the approval of this AMS, the development shall then be implemented in accordance with the approved details, including any and all mitigation measures required to protect the root systems within the area concerned.
Reason: To retain effective control over the development in the interests of conserving appropriately trees on neighbouring land and within a TPO, which make a valuable contribution to the visual amenities of the site and surrounding area.
- 3 No development shall commence until a written programme and timetable for the implementation of the development, which addresses in full the matters set out in Informative Note 1 attached to this planning permission, has first been submitted to, and approved in writing by, the Planning Authority after consultation with the Council's Roads Planning Section and the Hawick Flood Protection Scheme project team. Thereafter, the development shall only be delivered and implemented in

accordance with the details of the approved programme and timetable unless any subsequent change or changes to the approved details are first agreed in writing by the Planning Authority prior to the implementation of this change/these changes.

Reason: To retain effective control over the delivery and implementation of the development in the interests of road safety, by ensuring that sufficient measures are in place to manage vehicular and pedestrian movements at and around the site during the development period; and in the interests of mitigating appropriately the risk of any unacceptable flood risk impacts at the site and in the surrounding area during the same period by ensuring the delivery and effectiveness of the Hawick Flood Protection Scheme are not compromised by the development.

- 4 Notwithstanding the details submitted in support of the planning application, and unless otherwise agreed in writing by the Planning Authority in advance of the commencement of construction on the retail unit building hereby approved, no development shall commence upon the superstructure of this aforementioned building until a scheme of details describing the proposed external materials and finishes of the external surfaces of this same building, has first been submitted to, and approved in writing by, the Planning Authority. Thereafter, the development shall be implemented in accordance with the approved details and the external walls of the aforementioned building shall be so finished, by a point in time that is no later than six months after the day of the first occupation of this same building.

Reason: To ensure a finished appearance for the same building that is sympathetic to the visual amenities of the site and surrounding area, including Commercial Road and the Conservation Area.

- 5 Notwithstanding the details submitted in support of the planning application, and unless otherwise agreed in writing by the Planning Authority in advance of the commencement of construction on the restaurant building with drive thru and takeaway facilities hereby approved, no development shall commence upon the superstructure of this aforementioned building until a scheme of details describing the proposed external materials and finishes of the external surfaces of this building, has first been submitted to, and approved in writing by, the Planning Authority. Thereafter, the development shall be implemented in accordance with the approved details and the external walls of the aforementioned building shall be so finished, by a point in time that is no later than six months after the day of the first occupation of this same building.

Reason: To ensure a finished appearance for the same building that is sympathetic to the visual amenities of the site and surrounding area, including Commercial Road and the Conservation Area.

- 6 Notwithstanding the details submitted in support of the planning application, none of the following ancillary structures shall be erected or installed on site, other than in accordance with a scheme of details for each, which shall in each case, first have been submitted to, and approved in writing by, the Planning Authority, and which shall furthermore in each case, also include full details of the proposed size (including dimensions) and proposed finished appearance (including design, materials and finishes) of each, and each type of, ancillary structure:

(a) storage container;

(b) trolley bay shelter;

(c) cycle store; and

(d) play area, including details of all proposed play equipment, the surfacing and any enclosure.

Thereafter, the development shall be implemented in accordance with the approved details.

Reason: To ensure a finished appearance for the site that is sympathetic to the visual amenities of the site and surrounding area, including Commercial Road and the Conservation Area.

- 7 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-excitation assessment, reporting and dissemination of results are undertaken per the WSI. (Please see Informative Note 2 for related advice and guidance).

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.

- 8 Unless otherwise agreed in writing and in advance by the Planning Authority, no development shall commence until a ground investigation report has first been submitted to and approved in writing by the Planning Authority. The report shall include identification and assessment of potential contamination on the site [in accordance with PAN 33 (2000) and BS10175:2011 or subsequent revisions/replacements] and shall include [as applicable] a remediation strategy, validation report and monitoring statements, including timescales for the implementation of all such measures. Development shall not commence until the report is approved by the Planning Authority. Thereafter, the development shall be carried out only in accordance with the approved report, including approved remediation, validation, monitoring measures and timescales for their implementation.

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

- 9 Notwithstanding the details submitted in support of the planning application, and unless otherwise agreed in writing by the Planning Authority in advance of the commencement of development, no development shall commence until all of the following have first been submitted to, and approved in writing by, the Planning Authority after consultation with Transport Scotland:

(a) a scheme of details of street lighting (including the proposed locations, dimensions, materials and finishes of the columns; the proposed numbers, specifications, luminance and operation of the lamps; and the lighting design); and

(b) a scheme of details describing the treatment of the site boundary with the A7 Trunk Road, including measures to regulate public access between the site and the carriageway of the Trunk Road.

Thereafter, the development shall be implemented and operated in accordance with the approved details and the site shall not be occupied for the first time, or be made, accessible to the general public, until all of the approved street lights have all first been installed and are all fully operational; and the roadside boundary treatment has first been fully implemented, and the measures to regulate public access to and from the Trunk Road are first in situ. Furthermore, the aforementioned measures shall thereafter be maintained and operated in perpetuity in accordance with the approved

details (including any and all repairs and replacement as necessary, to maintain this boundary treatment in situ, and to the required specification).

Reason: To ensure that there is no distraction or dazzle to drivers on the Trunk Road and that the safety of the traffic on the Trunk Road is not diminished; and to minimise the risk of pedestrians and animals gaining uncontrolled access to the trunk road with the consequential risk of accidents.

- 10 Notwithstanding the details submitted in support of the planning application, no development shall commence until revised versions of the approved site layout plans, which address in full the concerns of the Roads Planning Service (set out within Informative Note 3), have first been submitted to, and approved in writing by, the Planning Authority. Thereafter the development shall be implemented and operated in accordance with the approved details. Furthermore, and unless otherwise agreed in writing and in advance by the Planning Authority, no part of the development hereby approved shall be opened to, or otherwise made accessible to, the general public until the road access, footways and car parking provision described on the approved drawings have all first been fully constructed and completed, and made fully available to, and for use by, visiting members of the public.

Reason: To retain effective control over the construction and operation of the site in the interests of road and public safety.

- 11 Surface water drainage from the site shall not be connected into the existing surface water drainage system which serves the carriageway of the A7 Trunk Road. No development shall commence until a revised version of the Approved Site Drainage Plan, which addresses in full the concerns of Informative Note 4, has first been submitted to, and approved in writing by, the Planning Authority. Thereafter, the development shall be implemented and operated in accordance with the approved details. Furthermore, and unless otherwise agreed in writing and in advance by the Planning Authority, no part of the development hereby approved shall be opened to, or otherwise made accessible to, the general public until the approved surface water drainage system has first been completed and fully implemented.

Reason: To retain effective control over the construction and operation of the site in the interests of road and public safety.

- 12 Notwithstanding the details submitted in support of the planning application, this consent shall not purport to grant consent for any of the following structures or installations that are described or indicated on the Approved Drawings, including the Approved Site Plan:

- (a) "Pumping station";
- (b) "Totem"; and/or
- (c) "Banner".

Please see Informative Note 5 for related advice and guidance.

Reason: To retain effective control over the development. The permission is not specifically an approval of the pumping station (or any other infrastructure) which is to be installed or operated by the Hawick Flood Prevention Scheme under a different consent. Any advertisements require Advertisement Consent.

- 13 Notwithstanding the details shown on the approved drawings, the development hereby approved shall not take place except in strict accordance with a scheme of hard and soft landscaping works, which shall first have been submitted to, and approved in writing by, the Planning Authority before the commencement of development. Details of the scheme shall take full account of the advice and guidance of Informative Note 6, and shall include:

- (a) location and design, including materials, of any walls, fences and gates;

- (b) all soft and hard landscaping works;
- (d) a planting schedule and programme for subsequent maintenance.

Unless otherwise agreed in writing and in advance by the Planning Authority, all planting, seeding and turfing comprised in the approved details of new soft landscaping shall all be carried out during the first full planting and seeding seasons following the first occupation of the first of the two buildings hereby approved (regardless of whether this is the retail unit building or the restaurant building), and shall be maintained thereafter and replaced as necessary for a period of five years from the date of completion of the planting, seeding or turfing. Further to the completion of all approved new planting during the first full planting and seeding seasons following the first occupation of the first of the two buildings hereby approved, written notice shall be given to the Planning Authority for its information and inspection.

Reason: To ensure the satisfactory form, layout and assimilation of the development and to ensure that the proposed landscaping is carried out as approved.

- 14 No trees within the application site shall be felled, lopped, lifted or disturbed in any way without the prior written consent of the Planning Authority. Further, and unless otherwise agreed in writing and in advance by the Planning Authority, there shall be no excavation or raising or lowering of levels within the Root Protection Area(s) of any retained tree(s).

Reason: To ensure that the trees to be retained will not be damaged during demolition or construction, because the existing tree(s) represent an important visual feature which the Planning Authority considered should be substantially maintained.

Informatives

INFORMATIVE NOTE 1:

The timetable and programme required under Planning Condition No 3 attached to this Consent, should identify the precise times, periods (in calendar dates) and arrangements for the operation and management of all vehicular and pedestrian movements at, to, from and around the site, during all of the following phases of the implementation and progress of the development hereby consented, and any interludes in between these:

- (a) the commencement, progress and completion of any use of the site for the accommodation of any and all operations relating to the progress of the Hawick Flood Protection Scheme works; and
- (b) the commencement, progress and completion of the re-development of the site hereby approved, including the timetables and programmes for the completion of both the retail unit building and of the completion of the restaurant building.

The details shall include the proposed access arrangements to and from the site during all of these periods, and identify any and all measures required within the operation of the surrounding streetscape and wider road network, required to manage safely and expeditiously all vehicular and pedestrian movements at and around the site during these phases.

INFORMATIVE NOTE 2:

The Written Scheme of Investigation required under Planning Condition 7 should include a proposed protocol for identifying whether or not there are any appropriate opportunities to conserve a record of the presence of the mill lade on the site, including any potential to conserve and display any actual physical remnant(s) in situ; and/or to provide any other

interpretative resource to advise visiting members of the public about the site's industrial heritage.

INFORMATIVE NOTE 3:

The details of the revised Site Plan Drawing required under Planning Condition 10, should be revised to address the following points highlighted by the Roads Planning Section:

- The radii on the left of the exit from the restaurant drive-thru should be larger and sweeter to ensure vehicles can manoeuvre out without having to use both lanes of the access road;
- The tie-in path with Aldi conflicts with a parking space in the Aldi layout and also has steps present. This should be an at grade route. A revised detail for this area is required;
- The crossing point located adjacent to the two disabled bays at the corner of the access road should either be relocated so as not to conflict with the adjacent parking bay or omitted. Pedestrians from that corner of the parking area and the link path should be encouraged to travel to the crossing in front of the main access;
- The trolley store and goods display zones still interfere with the free-flow of pedestrians/customers, particularly the one at the south east corner of the store;
- an upstand kerb should be utilised where the link path passes through the parking areas to the right of the restaurant. This will prevent vehicles driving across this area, protect the pedestrians and protect the footpath. (If flush kerbs are retained, the construction of the path is not to a standard suitable for vehicles and may deteriorate quicker than expected); and

A flush kerb should be provided between the two disabled bays to assist with access to the restaurant.

INFORMATIVE NOTE 4:

The details of the revised Site Drainage Plan Drawing required under Planning Condition 11, should be revised to address appropriately all of the following points highlighted by the Roads Planning Section:

- As described on the Proposal Drawings, surface water may flow on to the pedestrian area in front of the restaurant due to the road levels and the flush kerb for the pedestrian crossing, to the left of the disabled bays;
- The levels indicate a low point in the corner of the parking area adjacent to Commercial Road [100.300]. This area may be suspect to ponding as the construction does not appear to be porous;
- There does not appear to be any drainage for the access path around the store building; and
- The gullies indicated for the parking areas along the main access road would be better placed on the carriageway side of the flush kerb, rather than on the parking side.

INFORMATIVE NOTE 5:

Please note that the signage shown on the Approved Drawings is not approved under this Planning Consent. An Advertisement Consent Application is required for the proposed signage unless the signage is compliant with exemptions under the Advertisement Regulations.

INFORMATIVE NOTE 6:

Planting plans must provide sufficient information to be enforceable by detailing the following:

- i.) Plan is to an identified true scale (e.g. 1:200).
- ii.) Boundary of the application site is clearly marked.
- iii.) Site orientation is indicated by a North point or OS grid lines.
- iv.) All existing trees, shrubs and hedges to be retained are clearly marked.
- v.) Take account of site factors such as slope, aspect, soil conditions, proximity of buildings and minimum distances from pipe and cable runs, when choosing planting positions. Where necessary, seek professional landscape advice.
- vi.) Planting positions are clearly marked showing individual trees and shrubs and / or planting area boundaries using dimensions as necessary.
- vii.) All species of plants identified using their full botanical name (e.g. oak - *Quercus robur*)
- viii.) All plant numbers to be identified individually or by group or area as appropriate. Species mixes can be identified by percentages and an overall number or a specified area and a planting density (e.g. *Betula pendula* 30%, *Quercus robur* 70%, 120 square metres @ 1 plant per 4 square metres = 9 *B. pendula* & 21 *Q. robur*)
- ix.) A planting schedule identifies all the proposed planting by species and specification indicating size and nature of plants to be used (e.g.: Extra heavy standard tree 14-16cms girth or shrub 60-75cms high in 2 litre pot.)
- x.) Notes on the plan describe how the planting is to be carried out and maintained to ensure successful establishment.
- xi.) The plan indicates when the work will be completed and ready for inspection taking account of planting seasons (e.g. November to end March each year for bare rooted plants.)

N.B. Planting conditions are only discharged following an inspection of the completed work

Please also note that the programme for completion and subsequent maintenance must include action points describing actions that will definitely be taken by the Applicant, and must also note precisely when these are to be carried out (i.e. definite actions to be carried out at clearly identifiable times). Use of ambiguous, vague or otherwise non-committal words or phrases (including "should", "could" or "may") must be avoided in favour of words and phrases that are clear and definite (such as "will" and "shall") when detailing these actions that the Applicant will carry out. A critical concern is that the detail and timing of the measures are capable of being checked if necessary by a third party, rather than left as discretionary or optional.

INFORMATIVE NOTE 7:

The granting of planning consent does not carry with it the right to carry out works within the Trunk Road boundary and that permission must be granted by Transport Scotland Trunk Road and Bus Operations. Where any works are required on the Trunk Road, contact details are provided on Transport Scotland's response to the Planning Authority which is available on the Council's Planning Portal.

Trunk road modification works shall in all respects, comply with the Design Manual for Roads and Bridges and the Specification for Highway Works published by the HMSO. The developer shall issue a certificate to that effect, signed by the design organisation.

Trunk road modifications shall in all respects, be designed and constructed to arrangements that comply with the Disability Discrimination Act: Good Practice Guide for Roads published by Transport Scotland. The developer shall provide written confirmation of this, signed by the design organisation.

INFORMATIVE NOTE 8:

The Roads Planning Section has raised concerns with respect to the need to manage the use of customer parking provision at the site, including the restaurant's operation of its own dedicated customer parking provision, as well as the temporary requirement for customer parking areas within the site to be set aside at times, for the use and movement of delivery vehicles. Ultimately, the site's operators should be aware of the need for good and effective regulation of the parking and access arrangements on site work, to ensure that these work optimally and safely; avoiding any and all unnecessarily exclusive, restrictive or overly elaborate arrangements that would be liable to reduce parking options available to customers, particularly during peak times of the day. Ultimately it is with the operators, and is in the operators' best interests, to ensure that these matters are addressed appropriately.

NOTE

Councillor Stuart Marshall spoke in support of the application

SCOTTISH BORDERS COUNCIL STANDARDS COMMITTEE

MINUTE of Meeting of the STANDARDS COMMITTEE held in Council Chamber, Council Headquarters, Newtown St Boswells, Melrose, TD6 0SA on 16 January 2020 at 10.00 am

Present:- Councillors S. Aitchison (Chairman), K. Drum, J. Greenwell, E. Jardine, E. Robson and S. Scott

Apologies:- Councillors A. Anderson, C. Hamilton
In Attendance:- Monitoring Officer and Service Director Regulatory Services, Chief Legal Officer, Trainee Democratic Services Officer.

1. **MINUTE**

There had been circulated copies of the Minute of the meeting held on 17 January 2019.

DECISION

APPROVED the Minutes.

2. **ANNUAL REPORT ON COUNCILLORS' COMPLIANCE WITH THE ETHICAL STANDARDS FRAMEWORK FOR 2018-19**

- 2.1 There had been circulated copies of a report by the Monitoring Officer which provided details on Scottish Borders Council's compliance with the Ethical Standards Framework for 2018–19 and also considered matters relating to Training, Register of Interest and the Hospitality Register. The report provided some additional information and recommendations on the progress with the review of the National Code of Conduct for Councillors and Community Councillors and the Community Councils Scheme review (which included a review of the Code of Conduct for Community Councillors).
- 2.2 The Commissioner for Ethical Standards in Public Life in Scotland's Annual Report was laid before Parliament on 31 October 2019. During 2018-19 the Commissioner received a total of 173 complaints relating to 117 cases, which represented an increase in both the number of complaints and number of cases over the previous years. The subject matters which attracted complaints were detailed in the report and the main changes to category definitions, specifically related to how complaints related to disrespect were reported and recorded. The figures now distinguished between respect towards Councillors and disrespect towards employees and members of the public. The main changes from 2017-18 included a significant increase in complaints relating to disrespect and failures to declare an interest and lobbying with a significant reduction in relation to alleged breaches of key principles and misconduct on individual planning applications. The majority of complaints (148) were made by members of the public followed by complaints submitted by Councillors (21).
- 2.3 During 2018-19, 5 complaints were lodged against 5 Scottish Borders Councillors. Four were submitted by a fellow Councillor with one complaint from a member of the public. The complaints received in 2018-19 covered the following areas: (a) Disrespect towards fellow Councillors (4 complaints) and (b) Disrespect towards employee (1 complaint). Two of the complaints received were resolved internally following discussion with relevant parties and one complainant decided not to pursue the complaint further. The 2 remaining complaints were referred to the Standards Commissioner. One of those cases

was determined by the Commissioner not to constitute a breach while the other case remained outstanding. In addition to those cases, a further complaint dating from the 2017-18 reporting year remained with the Standards Commissioner for determination during the year and was finally determined in November 2019 and would be reported in the 2019-20 report.

- 2.4 The report went on to explain that the Elected Members' Registers of Interests were published on the Council's website and were also available to view in paper format from Democratic Services. The Registers were reviewed every six months and were amended according to the information provided by the Members. Members were also required to comply with Section 4 of the Code of Conduct whereby the Registers were updated when a Registerable Interest changed. The Monitoring Officer reminded Members to maintain and regularly update any register of interest. It was recognised that it was complicated with the Borders being such a small area and if Members were in any doubt they must declare an interest.
- 2.5 Elected Members were required, on a monthly basis, to complete a Hospitality Register within which they would declare hospitality/gifts offered (valued at over £50), whether accepted or not. Members were also required to send a completed monthly pro-forma return (including nil returns) to Democratic Services, who maintained the Members' Hospitality Register. All forms were scanned electronically and published on the Council's website. In addition, a summary sheet of all responses for the current financial year was kept with the paper copy of the Register for ease of reference. A quarterly report was submitted to the Service Director Regulatory Services in his role as Monitoring Officer. The Monitoring Officer emphasised to Members the importance of submitting their monthly hospitality returns. Members asked if the process for submitting any claims on-line could be assessed and they were advised that this would be looked into.
- 2.6 Training on the Ethical Standards Framework was provided to Members as part of the Induction training held in May 2017 and Members were provided as a matter of course with links to briefing papers produced by the Commissioner for Ethical Standards including recent case reviews. Members were also advised of the publication of revised Guidance on the Councillors' Code of Conduct and to the availability of that guidance on the Standard Commission's website. Recent revisions had included an Amendment of the Code in July 2018 and the provision of guidance on Bullying and Harassment and membership of Arms-Length Organisations. An ongoing programme of further monthly briefings and training events continued to be provided covering a wide range of subject matters including, where appropriate, guidance on Conduct related issues. An electronic library of Member Guidance provided access to relevant information available to Members.
- 2.7 The Monitoring Officer went on to refer to the future work programme and advised that two pieces of work would be undertaken in the forthcoming year to include a review of the Council's own Protocol on Councillor's Personal Conduct/Behaviour and a review of the Community Council Code of Conduct which was embedded in Scottish Borders Council's Community Council Scheme. Work on the review of the Community Councils was now underway and it was anticipated that this would be brought to Council in Autumn 2020. In early 2019, the Scottish Government announced its intention to undertake a comprehensive review of the National Code of Conduct and that work had also commenced and again it was anticipated that proposals would be forthcoming in 2020. As the Local Code would have to have regard to the National Code there was considered to be little merit in progressing with that work until the terms of the new National Code were known.
- 2.8 Discussions followed and the Monitoring Officer answered further questions raised by Members. He emphasised the importance of attending Members' briefings and confirmed that attendance records were kept for each session. With regard to the review of the Community Council Scheme and the National Code of Conduct, it was reported that this

work was ongoing. The Community Council Scheme would be brought to Council later in the year while the new Code of Conduct would be brought back to the Standards Committee once it had been published. Members were satisfied that all queries from the previous meeting had been fully answered. The Monitoring Officer further advised that this was his sixth and final report presented to Members and that the Chief Legal Officer would take over the role of Monitoring Officer. The Chairman thanked Mr Frater very much for all his work over the years and for the time spent working with this Committee and wished him well for the future. The Chairman also welcomed Mrs McKinlay as the new Monitoring Officer. The Chairman also advised that, due to the two remaining outstanding reports, the Committee would reconvene at any time through liaison with the Monitoring Officer.

**DECISION
NOTED:-**

- (a) the details on the Council's compliance with the Ethical Standards Framework for 2018-19, training, registers of interest and hospitality;**
- (b) the progress with the review of the National Code of Conduct for Councillors which had delayed work on a review of the SBC Protocol on Councillors' Personal Conduct/Behaviour; and**
- (c) that the Monitoring Officer would provide a report at the appropriate time on the Ethical Standards Framework Compliance for 2019/20**

The meeting concluded at 10.35 am

This page is intentionally left blank