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

6.	<p>Committee Minutes (Pages 3 - 24)</p> <p>Consider Minutes of the following Committees:-</p> <table data-bbox="261 748 1187 918"><tr><td>(a)</td><td>Jedburgh Common Good Fund</td><td>16 August 2021</td></tr><tr><td>(b)</td><td>Executive</td><td>17 August 2021</td></tr><tr><td>(c)</td><td>Audit & Scrutiny</td><td>19 August 2021</td></tr><tr><td>(d)</td><td>Civic Government Licensing</td><td>20 August 2021</td></tr><tr><td>(e)</td><td>Planning & Building Standards</td><td>6 September 2021</td></tr></table> <p>(Copies attached.)</p>	(a)	Jedburgh Common Good Fund	16 August 2021	(b)	Executive	17 August 2021	(c)	Audit & Scrutiny	19 August 2021	(d)	Civic Government Licensing	20 August 2021	(e)	Planning & Building Standards	6 September 2021	5 mins
(a)	Jedburgh Common Good Fund	16 August 2021															
(b)	Executive	17 August 2021															
(c)	Audit & Scrutiny	19 August 2021															
(d)	Civic Government Licensing	20 August 2021															
(e)	Planning & Building Standards	6 September 2021															

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

MINUTES of Meeting of the JEDBURGH
COMMON GOOD SUB-COMMITTEE held
via Microsoft Teams on Monday, 16 August
2021 at 4.30 pm

Present:- Councillors J. Brown, S. Hamilton.
Apologies:- Councillor S. Scott, Community Councillor J Taylor.
In Attendance:- Pension & Investment Manager, Chief Legal Officer,
Democratic Services Officer (F. Henderson).
Members of the Public:- 0

1.0 APPLICATION FOR FINANCIAL ASSISTANCE

Jedburgh Rotary

- 1.1 There had been circulated copies of an application, together with a copy of recently audited accounts from the Jedburgh Rotary requesting financial support for the Birl and Beer Festival to be held in September 2021.
- 1.2 The Common Good had previously supported the event and the Rotary had hoped to be self-funded using the proceeds from previous events and local sponsorship by 2021, however the pandemic had restricted the timescale to raise sponsorship for the event and the Rotary were requesting that the JCGF assists with 33% of the running costs for the event, which was an increase on previous years. The Application explained that the funding was required to partially cover the running costs of the event, which had been held in previous years. Following feedback from the Community, there would be more focus on the entertainment aspect of the event, using local musicians, which should appeal to a wider audience and increase footfall.
- 1.3 Mr Chapman, Event Organiser was present via Microsoft Teams and explained that Jedburgh Rotary Club raised money from many sources to aid and assist projects within the local community, Foodbank, Borders children's charity, JGS projects to name a few. The benefits such an event can bring to the town, especially following the restrictions over the past 18 months were immeasurable. This festival was now fixed in the annual events calendar of the town and would bring a much-needed economic boost to other third-party businesses trading in the Royal Burgh. The spin off economy that The Birl and Beer would bring not only benefits economically but benefits the community as a whole.

DECISION

AGREED to award £1,500 to the Jedburgh Rotary towards the running costs of the Birl and Beer Festival.

PRIVATE BUSINESS

DECISION

AGREED under Section 50A(4) of the Local Government (Scotland) Act 1973 to exclude the public from the meeting during consideration of the business detailed in the Appendix to this Minute on the grounds that they involved the likely

disclosure of exempt information as defined in paragraph 14 of part 1 of Schedule 7A to the Act.

SUMMARY OF PRIVATE BUSINESS

2.0 Jedburgh Legion Football Club

2.1 With reference to paragraph 3 of the Minute of 7 June 2021, there had been circulated copies of an application from the Jedburgh Legion Football Club requesting financial support towards the upgrade of the Pavilion. The Sub-Committee considered the application and sought further information.

The meeting closed at 4.30 p.m.

SCOTTISH BORDERS COUNCIL EXECUTIVE COMMITTEE

MINUTES of Meeting of the EXECUTIVE
COMMITTEE held in Via Microsoft Teams on
Tuesday, 17th August, 2021 at 10.00 am

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

Apologies:- Councillors M. Rowley and G. Turnbull

In Attendance:- Chief Executive, Executive Director Finance & Regulatory, Service Director
Assets & Infrastructure, Services Director Human Resources &
Communications, Chief Social Work & Public Protection Officer, Chief
Operating Officer Adult Social Work & Social Care, Democratic Services
Team Leader, Democratic Services Officer (D.Hall)

1. ORDER OF BUSINESS

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

2. MINUTE

There had been circulated copies of the Minute of the meeting of 8 June 2021.

DECISION

APPROVED for signature by the Chairman

3. OUR PLAN AND YOUR PART IN IT: SBC'S CORPORATE PERFORMANCE AND IMPROVEMENT REPORT QUARTER 1 2021/22

There had been circulated copies of a report by the Service Director, Human Resources and Communications which presented a high level summary of Scottish Borders Council's 2021/22 performance information with more detail contained within Appendices 1 – 3 to the report, with a summary of the Community Action Team's activity provided in Appendix 4. The report included highlights of the progress of change and improvement projects across Scottish Borders Council (SBC), under the fit for 2024 programme. During Quarter 1 2021/22, SBC had continued to press ahead with a range of important initiatives and innovations, including the embedding of new streamlined, digital processes to improve the digital processing and management of Education Maintenance Allowance applications; the successful replacement of out of date IT equipment in 16 schools, with work underway in a further 11; the full roll out of the Print to Post service to all departments. Members welcomed the report and the continued improvements. Members highlighted the excellent work done by the Council despite being subject to significant pressure due to COVID-19. The Service Director, Human Resources and Communications answered Members questions and undertook to provide an update on the provision of IT in schools. In response to a question regarding complaints she advised that a new complaints procedure was being introduced which would allow for better tracking and escalation to managers.

DECISION

- (a) **AGREED to approve the Quarterly Reports set out at Appendices 1-4 to the report.**
- (b) **NOTED:-**
 - (i) **the progress update relating to Change and Improvement Projects referenced in Section 4 and detailed further in Appendix 1 of the report;**
 - (ii) **the changes to performance indicators outlined in Section 5 of the report;**
 - (iii) **the performance summarised in Sections 6 and 7 of the report and the action that is being taken within services to improve or maintain performance.**

4. DESTINATION TWEED - POLLINATORS ALONG THE TWEED PROJECT

There had been circulated a report by the Service Director, Assets and Infrastructure which proposed that Scottish Borders Council (SBC) support and work in partnership to help deliver the proposed “Pollinators along the Tweed” Project being developed by Tweed Forum in partnership with Buglife. The report explained that the project came under the auspices of the “Destination Tweed” project, a series of interconnected schemes and proposals along the length of the River Tweed being developed by Tweed Forum, SBC and other partners. The report set out the context, aims and objectives of the project. The project aimed to create and enhance pollinator habitats along the River Tweed corridor, involving local communities in the creation and management of those habitats. The report outlined the anticipated funding bid by Tweed Forum to the Heritage Lottery Fund and the required commitments from SBC. Members discussed the report, stating their support for the project. Members highlighted the importance of education, communication and the need to gain and retain public trust in the project.

DECISION

AGREED:-

- (a) **in principle to Scottish Borders Council signing up to the 10 year management plan;**
- (b) **to consider the future resource implications within the Parks and Environment Service; and**
- (c) **to further explore possible funding streams to roll out the approach across the region as outlined in the report.**

5. MONITORING OF THE GENERAL FUND REVENUE BUDGET 2021-22

5.1 There had been circulated copies of a report by the Executive Director Finance & Regulatory providing budgetary control statements for the Council’s General Fund based on actual expenditure and income along with explanations of the major variances identified between projected outturn expenditure/income and the current approved budget. The Council had continued to experience impacts from the COVID-19 pandemic into the new financial year with a number of variations from budget evident. The report explained that due to the very challenging operating environment it remained essential that the Council continue to operate as efficiently as possible to ensure that any financial implications not yet clear could be managed as the financial year progressed.

5.2 Forecasts had been completed at the first quarter of 2021/22 at 30 June which projected the Council to be in a balanced position at the financial year end. The forecast position reflected the carry forward of resources from 2020/21, and assumed that the COVID-19 reserve would be drawn down over the course of the year to meet identified financial

pressures. The latest forecast included all known pressures, including loss of income, confirmed Scottish Government funding, the effects of the continued freeze on discretionary spend and the assumptions around delivery of Financial Plan savings.

- 5.3 The report outlined that significant confirmed funding is in place for 2021/22, with a commitment that additional expenditure incurred through the Integration Joint Board (IJB) delivering Health & Social Care services be funded by the Scottish Government. The report detailed the breakdown of confirmed COVID-19 funding for 2021/22, stating that a total of £31.614M was available. The total COVID-19 funding was split between funding which had been ring-fenced to be used for a specific purpose (£13.462m) such as education recovery, IJB funding, admin funding and funding to support communities, and that which could be used more generally by the Council to address COVID-19 pressures (£18.152m). Full details of funding available was provided in Appendix 2 to the report. There was likely to be an ongoing impact on the delivery of planned Financial Plan savings during 2021/22 as a result of the diversion of management time to the pandemic during 2020/21 and into 2021/22. The level of savings required by the financial plan, totalled £9.301, in 2021/22 and an analysis of delivery of savings was provided in Appendix 5 to the report. Savings of £2.099m were delivered permanently, £2.950m (32%) was profiled to be delivered by 31 March 2022 and £4.252m (46%) was to be delivered on a temporary basis through alternative savings. The Executive Director, Finance & Regulatory answered Members questions regarding the report.

DECISION

AGREED:-

- (a) to note the projected corporate monitoring position reported at 30 June 2021, the remaining pressures identified, the underlying cost drivers of this position and the identified areas of financial risk as reflected in Appendix 1 to the report;**
- (b) to note the COVID-19 funding detailed in Appendix 2 to the report;**
- (c) to approve the virements contained in Appendix 3 & 4 to the report; and**
- (d) to note the progress made in achieving Financial Plan savings in Appendix 5 to the report.**

6. MONITORING OF THE CAPITAL FINANCIAL PLAN 2021-22

- 6.1 There had been circulated copies of a report by the Executive Director Finance & Regulatory providing an update on the progress of the 2021/22 Capital Financial Plan and seeking approval for virements and the reallocation of funds. The monitoring tables in Appendix 1 to the report detailed actual expenditure to 30 June 2021. Key issues identified in the tables were summarised within the main report. The report explained that the June month end of position reflected a projected outturn of £99.762m, with a net budget variance of £0.779m. More significant movements from 2021/22 were likely as the year progressed and there was further clarity on timing of major projects. It was noted that the construction materials supply chain had been subject to unprecedented disruption in recent months. A surge in demand, coupled with constraints on supply had led to price increases, shortages and longer lead times and the impact of this on the Capital Plan was being assessed.
- 6.2 Current legally committed projects had a small risk of impact and block programmes of work could operate within a cash constrained budget and were low risk. The report stated that the most significant risk lay in the small number of contracts to be tendered this year which might result in budget pressure. Any financial implications from these market

conditions would be reported through the regular budget monitoring cycle, with any longer term impacts reflected in the financial planning process.

- 6.3 The list of block allocations approved for the year and various approved and proposed projects to be allocation from them within the 2021/22 Capital Plan was outlined in Appendix 2 to the report. The list of estimated whole project capital costs for single projects which would not be completed in the current financial year was outlined in Appendix 3 to the report. Members discussed the report and highlighted that the report gave a good snapshot of the Capital Financial Plan.

DECISION

- (a) **AGREED the projected outturn in Appendix 1 to the report as the revised capital budget and approved the virements required.**
- (b) **NOTED:**
- (i) **the budget virements previously approved by the Executive Director, Finance & Regulatory and the Service Director Assets & Infrastructure detailed in Appendix 2 to the report under delegated authority;**
- (ii) **the list of block allocations detailed in Appendix 2 to the report; and**
- (iii) **the list of whole project costs detailed in Appendix 3 to the report.**

MEMBER

Councillor C. Hamilton joined the meeting and Councillor Tatler left the meeting during the consideration of the above report.

7. BALANCES AT 31 MARCH 2021

There had been circulated copies of a report by the Executive Director Finance & Regulatory which provided an analysis of the Council's balances as at 31 March 2021 and advised Members of the projected balances at 31 March 2022. The report explained that the unaudited Council's General Fund useable reserve (non-earmarked) balance was £8.831m at 31 March 2021. The General Fund useable reserve was projected to be at least £6.315m at 31 March 2022 in line with the Council's Financial Strategy. The total of all useable balances, excluding development contributions, at 31 March 2022 was projected at £34.970m, compared to £48.264m at 31 March 2021. The decrease in balances between 2020/21 and 2021/22 was attributed to the allocation of one-off funding being carried forward in the COVID-19 reserve from 2020/21 to support the 2021/22 budget. The report noted the projected balance on the Capital Fund of £6.870m would be affected by any further capital receipts, developer contributions, interest credited and any expenditure authorised to be financed from the Fund during the remainder of the financial year. The Executive Director, Finance & Regulatory answered Members questions and confirmed that developer contributions relating to the railway were still being collected.

DECISION

NOTED:-

- (a) **the unaudited 2020/21 revenue balanced at 31 March 2021;**
- (b) **the projected revenue balances as at 31 March 2022 detailed in Appendices 1 & 2 to the report; and**
- (c) **the projected balance in the Capital Fund as detailed in Appendix 3 to the report.**

8. INCOME MANAGEMENT POLICY

There had been circulated copies of a report by Executive Director, Finance & Regulatory which presented an updated Income Management Policy. The report explained that the Financial Regulations on Banking Arrangements, Income, Petty Cash, Cash Floats and Security were supplemented by the Income Management Policy. Appendix 1 to the report contained the Council's Income Management policy, which was amended to reflect changes to Council structure, roles and responsibilities, and working practices.

DECISION

AGREED to approve the amendments to the Income Management Policy.

9. **DEBT RECOVERY POLICY**

There had been circulated copies of a report by Executive Director, Finance & Regulatory which presented an updated Debt Recovery Policy. The report explained that the Debt Recovery Policy sets out a framework for providing a fair, consistent and transparent approach to collecting sundry debt ensuring that the Council continued to maximise collection performance. Appendix 1 to the report contained the Council's Debt Recovery Policy, which had been amended to reflect changes to Council structure, roles and responsibilities, working practices, and an update of Performance Indicators and Targets. The Executive Director advised that a more streamlined approach had been taken to the policy with the more operational aspects being removed.

DECISION

AGREED to approve the amendments to the Debt Recovery Policy.

The meeting concluded at 11.10 am

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SCOTTISH BORDERS COUNCIL AUDIT AND SCRUTINY COMMITTEE

MINUTES of Meeting of the AUDIT AND
SCRUTINY COMMITTEE held via MS
Teams on Thursday, 19 August 2021 at
10.00 am

Present:- Councillors S. Bell (Chairman), H. Anderson, J. Greenwell, N. Richards (Vice-Chairman), H. Scott and E. Thornton-Nicol

Apologies:- Councillors J. A. Fullarton, E. Robson and S. Scott

In Attendance:- Executive Director (Finance & Regulatory), Principal Regulatory Services Officer – Trading Standards & Animal Health (Bethany Lloyd), Clerk to the Council, Democratic Services Officer (W. Mohieddeen).

1. **MINUTE.**

There had been circulated copies of the Minute of the meeting held on Tuesday, 29 June 2021.

DECISION

APPROVED for signature by the Chairman.

2. **RESPONSIBLE DOG OWNERSHIP STRATEGY REVIEW**

2.1 There had been circulated copies of a presentation on the Responsible Dog Ownership Strategy Review 2018-2022 along with the original Update report and appendices on the Responsible Dog Ownership Strategy & Measures to Control Dog Fouling, which was considered and approved at the meeting of full Council on 31 May 2018. The Principal Regulatory Services Officer – Trading Standards & Animal Health, Ms Lloyd gave the presentation and confirmed that the 2018 recommendations to Council had all been completed. This included securing the supply of dog bags from The Dogs Trust. However, this supply had now ceased due to the impact of the COVID-19 pandemic on The Dogs Trust and a new supplier of dog bags at a low or zero cost was being sought. It was further noted that the post of Information and Education Officer was currently being advertised.

2.2 Ms Lloyd gave details of the progress made on the key objectives of the Strategy. The key objectives outlined were:

- To educate dog owners in the principles of responsible dog ownership.
- To raise awareness of the legal responsibilities associated with dog ownership.
- To reduce the number of dog fouling instances through education, partnership working and enforcement.
- To improve the use of information and intelligence and share this with key partners.
- To clarify and raise awareness of the roles and responsibilities of Scottish Borders Council and those of our key partners including Police Scotland.
- To improve and simplify the way in which members of the public can report instances of dog fouling.
- To work more closely with communities on developing local solutions.
- To ensure that robust enforcement action is taken, where appropriate.

2.3 Alongside the progress made on the Responsible Dog Ownership Strategy, Ms Lloyd also spoke of the impact of the objectives. Campaign materials aimed at children were

produced as part of the education programme on safe behaviour with dogs and keeping dogs safe. Visits were made to events in communities alongside poster campaigns to promote responsible dog ownership. Work was undertaken with PDSA at community events to provide a free basic health check for dogs. Community events visits were ceased due to the onset of the COVID-19 but work in this objective area led to Scottish Borders Council winning the Dogs Trust Partnership Scheme 2018-19. The legal responsibility of dog owners was highlighted. Where dogs were found not to be under control, Scottish Borders Council's dedicated control officer could enforce relevant legislation to serve a dog control notice including a mandate requiring dogs to be walked on a lead, wear a muzzle or only to be walked in certain areas. It was noted that to support compliance with legislation that Scottish Borders Council had a free programme to implant dog microchips. A stencil and poster campaign was used to pursue a reduction in dog fouling instances. In highlighting work on improving the use of information and intelligence, it was noted that legislation was under review to determine if a dog control database was required. Ms Lloyd added that a new procedure for dog barking complaints had also been introduced. It was noted that there had been a drop in complaints due to the onset of the COVID-19 pandemic. A small proportion of complaints were referred to police due to people not willing to act as a witness or being unable to identify owners.

- 2.4 Members discussed the presentation. In response to questions, Ms Lloyd clarified that dogs were not explicitly banned from certain parks and playing fields, however the Land Reform (Scotland) Act allowed for restrictions to be placed on public access on certain recreational spaces although there was not specific reference to dogs. The Dog Education Officer and the Enforcement Officer were full-time positions. Training could be targeted for certain groups of people which could include staff of Registered Social Landlords if they wished to participate. Members discussed the confidentiality of complaints and noted that the Control of Dogs Act prevented information to be released of sanctions, including to the complainer as they were also protected by the General Data Protection Regulations. Members also discussed the work on responsible dog ownership and communicating progress with Community Councils. The work of Innerleithen Community Council, that had been granted £5,000 to secure 20 bins with dog waste bag dispensers and surveyed the community to determine positions of bins, was highlighted as an example of community involvement. The Community Council had worked with the Council's Neighbourhood Services team to uplift from these additional bins. It was suggested that the Education Officer make contact with Innerleithen Community Council to find out further details if this had not already happened. Ms Lloyd advised that often it was not the siting of bins, but having them emptied which was sometimes an issue. Members also discussed activity in Newtown St Boswells through its Dog Friendly Newtown campaign that had seen an 88% drop in incidences of unlifted dog waste in 3 months. The major issue was the placement of bins and their emptying. Newtown had also provided bio-degradable dog waste bags. It was noted that with The Dogs Trust no longer supplying bags, there was an opportunity to source a supplier of bio-degradable dog bags but funding would need to be found for this, although opportunities to look for partners could also be explored. The Executive Director (Finance & Regulatory) also raised the issue of what happened to dog poo once it was collected, with the current solution to put it into landfill. This was a huge challenge for society and needed to be addressed in a holistic way. Cllr Thornton-Nicol commented on systems whereby poo in biodegradable bags could be composted or used to generate heat for electricity. The Chairman thanked Ms Lloyd for the work carried out on the Strategy and her excellent presentation.

DECISION
AGREED to:

- (a) **request that the Head of Waste Services and Head of Neighbourhood Services attend a future meeting of the Committee to discuss options for the Council on the collection and processing of dog waste;**

- (b) request the Principal Regulatory Services Officer – Trading Standards & Animal Health engage with Registered Social Landlords to discuss training of related issues to responsible dog ownership;
- (c) to request the Principal Regulatory Services Officer – Trading Standards & Animal Health addressed further communication issues with communities, by providing short presentations for Community Councils and Area Partnerships, with a focus on communities and what they could do in partnership on an individual, social and material basis to help prevent dog fouling and establish responsible dog ownership;
- (d) to request the Service Director Young People, Inclusion and Engagement consider how best to raise the issue with children of responsible dog ownership and what material could be provided for schools, perhaps through the Inspire Learning I pads; and
- (e) to endorse the exploration of options for provision of bio-degradable dog bags from a third party supplier.

3. **ANY OTHER SCRUTINY ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT.**
Councillor Greenwell raised the matter of the Scottish Borders Autism Strategy which had been launched in 2015 and needed to be reviewed to assess its effectiveness and whether this could be included in the Scrutiny Work Programme. Members heard that the Scottish Borders Autism Strategy was owned by the H&SC Integrated Joint Board and not by Scottish Borders Council so may be better reviewed through the Integrated Joint Board and undertook to check on the most appropriate process for a review of the Scottish Borders Autism Strategy. Members were supportive of the Committee reviewing the effectiveness of the Strategy if possible.

DECISION

AGREED that the Clerk to the Council would update the Audit and Scrutiny Committee at its next meeting on an appropriate process to review the Scottish Borders Autism Strategy.

The meeting concluded at 11.25 am

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SCOTTISH BORDERS COUNCIL CIVIC GOVERNMENT LICENSING COMMITTEE

MINUTES of Meeting of the CIVIC
GOVERNMENT LICENSING COMMITTEE
held via Microsoft Teams on Friday, 20
August 2021 at 10.30 am

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

Apologies:- Councillors J. Brown, S. Scott, R. Tatler and T. Weatherston

In Attendance:- Managing Solicitor (Property and Licensing), Licensing Standards and Enforcement Officers (M. Wynne, J. Scott and H. Wood), Chief Inspector J. McGuigan, PC Sharon Lackenby, Democratic Services Officers (W. Mohieddeen and F. Henderson)

1. **MINUTE**

The minute of the meeting held on Friday, 23 July 2021 had been circulated.

DECISION

APPROVED and signed by the Chairman.

2. **LICENCES ISSUED UNDER DELEGATED POWERS**

For Members' information there had been circulated copies of lists of licences dealt with under delegated powers for the period 15 July 2021 – 6 August 2021.

DECISION

NOTED

3. **LICENSING OF STREET TRADERS**

3.1 There had been circulated copies of an application for the grant of a Street Traders Licence in respect of Ben's Hot Rolls operating from the Craighurn Layby opposite the Leadburn Woodland on the A703 together with a letter of objection.

3.2 Mr Wynne, Licensing Enforcement Officer advised that the Craighurn layby had been used by a previous catering van for a number of years and no objections or issues had been brought to the Council's attention during that period. The layby was vacant and Mr Ates had applied for and been granted the appropriate permissions from the Roads Department. Mr Wynne went on to explain that the Friends of Leadburn Community Woodland (FLCW) owned the land adjoining the Craighurn lay-by and over the last 15 months the woodland had seen a marked increase in visitors using the layby to enjoy walks in the vicinity. The FLCW had raised concerns with regard to littering from the catering van. Police Scotland had no comments to make on the application.

3.3 On being invited to address the Committee, Mr Ates explained that he intended to serve morning rolls, hot drinks and soft drinks from the catering van and had agreed to provide bins and to clear all litter pertaining to his business each day.

DECISION

APPLICATION GRANTED

4. **PRIVATE BUSINESS
DECISION**

AGREED under Section 50A(4) of the Local Government (Scotland) Act 1973 to exclude the public from the meeting during consideration of the business detailed in the Appendix to this Minute on the grounds that they involved the likely disclosure of exempt information as defined in paragraph 14 of part 1 of Schedule 7A to the Act.

SUMMARY OF PRIVATE BUSINESS

5. **MINUTE**

The private section of the minute of the meeting held on Friday, 23 July 2021.

**DECISION
APPROVED**

The meeting concluded at 10.50 am

SCOTTISH BORDERS COUNCIL
PLANNING AND BUILDING STANDARDS COMMITTEE

MINUTE of Meeting of the PLANNING AND
BUILDING STANDARDS COMMITTEE held
via Microsoft Teams on Monday 6
September at 10.00 a.m.

Present:- Councillors S Mountford (Chairman), A. Anderson, J. Fullarton, S.
Hamilton, H. Laing, D. Moffat, C. Ramage, N. Richards, E. Small
In Attendance: - Lead Planning Officer (B. Fotheringham), Lead Roads Planning Officer,
Solicitor (Fraser Rankine), Democratic Services Officers (F. Henderson &
D. Hall).

-
1. **MINUTE**
There had been circulated copies of the Minute of the Meeting held on 2 August 2021.
DECISION
APPROVED for signature by the Chairman.
2. **APPLICATIONS**
There had been circulated copies of a report by the Chief Planning and Housing Officer on
applications for planning permission requiring consideration by the Committee.
DECISION
DEALT with the applications as detailed in Appendix I to this Minute.
3. **APPEALS AND REVIEWS**
There had been circulated copies of a briefing note by the Chief Planning Officer on Appeals
to the Scottish Ministers and Local Reviews.
DECISION
NOTED that:-
- (a) **An appeal had been received in respect of Replacement Windows at Rowanside,
The Row, Longformacus, Duns – 21/00338/LBC.**
 - (b) **The Reporter had dismissed an appeal in respect of the Installation of bill board
signage at Lidl UK GmbH, Wilton Path, Hawick – 20/01544/ADV. ;**
 - (c) **There remained one appeal previously reported on which a decision was still
awaited when the report was prepared on 26 August 2021 related to the site at 1
Broad Street, Eyemouth – 20/01327/FUL;**
 - (d) **Review requests had been received in respect of:-**

- (i) the Erection of dwellinghouse on Land adjacent Carnlea, Main Street, Heiton – 20/01327/FUL;
 - (ii) the Erection of 4 no dwellinghouse with associated infrastructure and access on Land South of Crunzion Cottage, Earlston Road, Stow, Galashiels – 20/01620/PPP; and
 - (iii) the Erection of dwellinghouse on Land East of Renton Bush, Reston – 21/00624/PPP.
- (e) The decision of the appointed Officer had been overturned in respect of:-
- (i) change of use of site to business and industrial land with associated perimeter security fence at Phase 4 Store and Yard, Acredale Industrial Estate, Eyemouth (subject to conditions) – 20/00809/FUL; and
 - (ii) replacement windows and door at Linden, Causewayend, Ancrum, Jedburgh (subject to conditions) - 20/00962/FUL;
 - (iii) the Erection of dwellinghouse with associated access at the site at East of Dogcraig Cottage, Scotsmill, Peebles (Subject to conditions and Legal Agreement) – 20/01350/PPP;
 - (iv) the Erection of dwellinghouse with outbuildings and associated work including new access on Land South West of Rachan Woodlands, Broughton (Subject to conditions and Legal Agreement) – 21/00030/PPP; and
 - (v) the Erection of dwellinghouse on Land West of The Old Barn Westwater, West Linton (Subject to Conditions and Legal Agreement)– 21/00285/PPP
- (f) there remained three reviews previously reported on which a decision was still awaited when the report was prepared on 26 August 2021 and related to the site at:
- | | |
|---|--|
| • Penvalla, Broughton | • 3 Rowan Court Suite 3, Cavalry Park, Peebles |
| • Slaters Yard off Charlesfield Road, St Boswells | |
- (g) There remained one S36 PLI previously reported on which a decision was still awaited when the report was prepared on 26 August 2021 related to the site at Crystal Rigg Wind Farm, Cranshaws, Duns.

Meeting concluded at 11:33 a.m.

APPENDIX I
APPLICATION FOR PLANNING PERMISSION

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
21/00442/FUL	3 mobile shepherds huts, formation of car parking area and access track	Land South West Of Branxholm Park House, Hawick

Decision: Approved subject to the following conditions and Informatives

1. The occupation of the shepherds huts hereby approved shall be restricted to genuine holidaymakers for individual periods not exceeding 3 weeks in total within any consecutive period of 13 weeks. A register of holidaymakers shall be kept and made available for inspection by an authorised officer of the Council at all reasonable times.
Reason: A permanent residential site in this location would conflict with the established planning policy for this rural area and to retain effective control over the development.
2. No development shall commence until precise details including the colour finish of the external materials of the shepherds huts have been submitted to and approved in writing by the Planning Authority and thereafter the development shall be completed in accordance with the approved details.
Reason: To safeguard the visual amenity of the area.
3. No trees within or immediately surrounding the application site shall be felled, lopped, lifted or disturbed in any way without the prior consent of Planning Authority.
Reason: The existing tree(s) represent an important visual feature that the Planning Authority considered should be substantially maintained.
4. No development shall commence until a scheme of hard and soft landscaping works, has first been submitted to and approved in writing by the planning authority. Details of the scheme shall include:
 - i. existing and finished ground levels in relation to a fixed datum preferably ordnance
 - ii. Existing landscaping features, walls, hedgerows and trees to be retained, protected and, in the case of damage, restored
 - iii. Any trees proposed for removal
 - iv. Location and design, including materials, of any walls fences and gates
 - v. soft and hard landscaping works including new tree and hedge planting
 - vi. Screen planting to the south west and north-west boundaries of the site
 - vii. A programme for completion and subsequent maintenance.
 Reason: To ensure the satisfactory form, layout and assimilation of the development.
5. No development shall commence until a scheme of details outlining improvements to the access road and parking specification have been submitted to and approved in writing with the Planning Authority. Details of the scheme shall include;
 - i. Precise details of the passing place
 - ii. Location and design of signage to be erected along the access track to control the safe movement of vehicles
 - iii. Precise details of all surfacing materials to be used on all roads, footpaths and parking spaces
 Once approved the works shall be completed prior to occupation of the first shepherds hut.

Reason: To ensure the road access network is capable of accommodating the increase in vehicular traffic associated with this development.

6. No development shall commence until a scheme of waste storage for each shepherds hut is submitted to, and approved in writing by the Planning Authority. Once approved, the development then to be operated in accordance with the approved scheme.

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

7. No development shall commence until precise details of the water supply and disposal of surface water drainage have first been submitted to and approved in writing by the Planning Authority. Details of the proposed water supply shall be included in a report prepared by a suitably qualified person, demonstrating the provision of an adequate water supply to the development in terms of quality, quantity and the impacts of this proposed supply on surrounding supplies or properties. The provisions of the approved report and the disposal of surface water drainage shall be implemented prior to the first occupation of the shepherds huts hereby approved.

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

8. The new septic tank private drainage system shall be installed prior to occupation of the first shepherds hut and thereafter the system shall be maintained and managed to ensure it remains within a suitable working condition.

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

Informatives

1. Persons using the accommodation may access existing paths and tracks and the proposed tracks for non-vehicular recreational access to nearby roads, farmland and woodland. The public have a right of responsible access to most land and water in Scotland under the Land Reform (Scotland) Act 2003. The Act also confirms responsibilities of landowners. If this development is approved alongside neighbouring application, it should be expected that there will be a proportional increase in the numbers of persons accessing the surrounding tracks and land in this immediate area, by walking, including dog-walking, and also possibly, cycling and horse riding.
2. The Scottish Outdoor Access Code is recommended to be promoted to inform visitors at this accommodation if approved. The code can be seen at www.outdooraccess-scotland.scot

Reference

21/00382/FUL

Nature of Development

Erection of 4 no timber glamping pods with associated pathways and lighting

Location

Land South Of Glenormiston
Coach House
Innerleithen

Decision: Approved subject to the following conditions and Informatives

1. The occupation of the pods shall be restricted to genuine holidaymakers for individual periods not exceeding 4 weeks in total within any consecutive period of 13 weeks. A register of holidaymakers shall be kept and made available for inspection by an authorised officer of the Council at all reasonable times.

Reason: A permanent residential development in this location would conflict with the established planning policy for this rural area.

2. The existing stables building shall be used only for purposes ancillary to the management of the development (excluding any leisure or entertainment use by visitors), including provision of storage facilities associated with its operation, and shall not be used for any other purpose

Reason: To ensure the development complies with the Local Development Plan 2016 with regards to development in the countryside and safeguards neighbouring amenity

3. No development shall commence except in strict accordance with a landscape scheme (which shall comprise a parkland planting scheme incorporating the application site and the applicant's land to the north, west and south-west), which shall first have been submitted to and approved in writing by the Planning Authority, and shall include:
 - i. location of new trees, shrubs, hedges and grassed areas
 - ii. schedule of plants to comprise species, plant sizes and proposed numbers/density
 - iii. programme for completion and subsequent maintenance.

Reason: To enable the effective assimilation of the development into its wider surroundings, all to minimise its landscape and visual impacts within the Special Landscape Area and Designed Landscape.

4. No development shall commence until the following have been implemented in accordance with details first submitted to and approved in writing by the Planning Authority:
 - i. improvements to the surfacing of the Glenormiston road;
 - ii. alterations to the site junction,
 - iii. and provision of signage at the site entrance and both road entrances (Glenormiston and Velvet Hall junctions) onto the A72

Details shall include specifications for all the works, and legal confirmation that the works can and will subsequently be retained in perpetuity throughout the operational use of the development

Reason: To ensure the site is accessed in a manner which minimises potentially adverse effects on road safety

5. Prior to commencement of development, a Species Protection Plan for badger shall be submitted to and approved in writing by the Planning Authority. The SPP shall incorporate provision for a pre-development supplementary survey and a mitigation plan. No development shall be undertaken except in accordance with the approved SPP.

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

6. No development shall be undertaken during the breeding bird season (March to August), unless in strict compliance with a Species Protection Plan for breeding birds, 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.

7. No lighting shall be installed until further details have been submitted to and approved in writing by the Planning Authority that include their number and location (notwithstanding the approved plan), height, design, colour and light spread, and demonstrate compliance with good practice guidelines for bat impacts (Guidance Note 8/18 (2018): Bats and artificial lighting in the UK)
Reason: To limit the potential visual impact of the lights on the Special Landscape Area, Designed Landscape and neighbouring amenity and to protect the ecological interest in accordance with Local Development Plan policies EP1, EP2 and EP3
8. Trees shall be protected during the construction period in accordance with a Tree Protection Plan which has been submitted to and approved in writing by the Planning Authority prior to development commencing. No trees within the application site shall be felled, lopped or otherwise disturbed during or after construction without the prior written approval of the Planning Authority
Reason: To safeguard trees that provide landscape value to the setting of the site, Special Landscape Area and Designed Landscape
9. No pod shall be occupied until the parking area, path and bin storage area have all been implemented/made available for use, and until the deck fencing and post and wire fencing have been implemented in accordance with the approved plans and drawings and all shall be retained throughout occupancy of the development. The use of the site for tourist accommodation (and incidental activities) authorised under this consent shall be limited to the application site and shall not extend into the remaining field beyond the path and post and wire fencing
Reason: To ensure the development is adequately serviced with parking provision, path facilities and bin storage, and to mitigate potential impacts on neighbouring amenity
10. No pod shall be occupied unless with a) the approved foul drainage scheme in operation (unless an alternative arrangement has been submitted to and approved in writing by the Planning Authority), and b) unless with an approved water supply in operation, in accordance with a report demonstrating an adequate water supply in terms of quality and quantity (and any necessary mitigation measures), which has been submitted to and approved in writing by the Planning Authority. The foul drainage shall be maintained in accordance with a scheme which shall be agreed in writing with the Planning Authority prior to development commencing
Reason: To ensure the development is adequately serviced
11. All pods, decks and deck fencing shall be unstained/naturally stained timber; all glazing framing shall be to the same specification as the pods or dark grey or black in colour; all servicing (including power routes) of the development shall be underground, and, the surfacing of the path shall comprise compacted stone of a detailed specification first agreed in writing with the Planning Authority
Reason: To minimise the landscape and visual impacts of the development on the Special Landscape Area and Designed Landscape
12. All pods and decking shall be sited in accordance with the approved levels, and the path shall be provided to a maximum 1 in 20 gradient on existing ground levels, unless otherwise agreed in writing with the Planning Authority. Any ground altered to facilitate the pods shall be graded to the minimum practicable slope and grass seeded during the first planting season following commencement of development

Reason: To minimise the landscape and visual impacts of the development on the Special Landscape Area and Designed Landscape

Informatives

1. It is the applicant's responsibility to ensure no existing services (such as drainage or water supply routes) within the site are affected by the development.
2. With regard to Condition 3, the applicant is recommended to commission a professional landscape architect in order to achieve a suitable landscape scheme that sympathetically integrates the development into the Special Landscape Area and Designed Landscape
3. The provision of signage to address the requirements of Condition 4 may require Advertisement Consent.
4. The water supply requirements for Condition 10 shall comprise:
 - 1) A description of the source(s) / type of the supply – i.e. whether the supply is taken from a watercourse, loch, spring, well or borehole, or any other source or combination of sources.
 - 2) The location of the source(s) of the supply – i.e. the appropriate eight figure Ordnance Survey National Grid Reference(s).
 - 3) The estimated maximum average volume of water provided by the supply in cubic metres per day (m³/day), including the details of any pump tests / flow rate tests undertaken to determine this estimate. For boreholes / wells, refer to BS ISO 14686:2003 "Hydrometric determinations - Pumping tests for water wells - Considerations and guidelines for design, performance and use".
 - 4) The intended use of the proposed building(s) – e.g. owner-occupied domestic dwelling(s), rented domestic dwelling(s), holiday accommodation, etc.
 - 5) Where there are existing users of the supply:
 - (a) the addresses of all properties served;
 - (b) the existing occupancy levels of all such properties, as far as is reasonably practicable. As a minimum, the provision of the number of bedrooms per property will allow an estimate to be made of potential occupancy levels;
 - (c) the current use of all properties served – i.e. as above;
 - (d) information identifying if and how the development will impact on the existing users; and
 - (e) the details of any mitigating measures to be implemented to ensure the quality, quantity and continuity of the water supply to the existing users will be secured.
 - 6) Where there are other properties' private water supplies in the vicinity of the development that may be affected thereby (e.g. neighbouring boreholes, wells, springs, etc.):
 - (a) information identifying if and how the development will impact on these other supplies; and
 - (b) the details of any mitigating measures to be implemented to ensure the quality, quantity and continuity of the water supply to these other properties will be secured.

- 7) Details of all laboratory analysis / tests carried out to demonstrate that the water supplied to the development will be wholesome. For clarification, the quality of the water throughout the building(s) must conform to the requirements of the legislative provisions appropriate to the use of the supply, as described below.
- 8) Details of all water treatment systems to be installed to ensure that the water supplied to the development will be wholesome.

For information, the minimum daily volume of water that requires to be supplied by a private water supply must be equivalent to 200 litres of water per person per day who will be using the supply. It is the provision of this quantity that must be ensured and, as such, water storage facilities may be necessary for this purpose. When designing storage facilities, the minimum recommended capacity is three days' reserve, in order to allow for supply interruption / failure.

If the supply only serves owner-occupied domestic dwellings, the quality of the water must comply with the requirements of The Private Water Supplies (Scotland) Regulations 2006 ("the 2006 Regulations"). For all other supplies, the water quality must comply with the requirements of The Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017 ("the 2017 Regulations").

If the supply falls under the remit of the 2017 Regulations, it will also require to be sampled / monitored on at least an annual basis, and the local authority will also require to carry out a risk assessment of the supply. As such, if the development is the sole reason for the supply falling into this category, the applicant should contact the Environmental Health Department of Scottish Borders Council prior to the occupation of the building(s) to ensure that compliance with the legislative provisions is able to be secured.

NOTE

Mrs Jennifer Jamieson-Ball spoke against the application.

Mr Erik Smolenski, Applicant spoke in support of the application.