



**SCOTTISH BORDERS COUNCIL  
THURSDAY, 28 OCTOBER, 2021**

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

6.	<b>Committee Minutes</b> (Pages 3 - 120)	5 mins
Consider Minutes of the following Committees:-		
(a)	Local Review Body	16 August 2021
(b)	Hawick Common Good Fund	17 August 2021
(c)	Chambers Institution Trust	18 August 2021
(d)	Peebles Common Good Fund	18 August 2021
(e)	William Hill Trust	24 August 2021
(f)	Lauder Common Good Fund	24 August 2021
(g)	Tweeddale Area Partnership	24 August 2021
(h)	Selkirk Common Good Fund	31 August 2021
(i)	Duns Common Good Fund	2 September 2021
(j)	Berwickshire Area Partnership	2 September 2021
(k)	Teviot & Liddesdale Area Partnership	7 September 2021
(l)	Galashiels Common Good Fund	9 September 2021
(m)	Executive	14 September 2021
(n)	Major Contracts Governance Group	14 September 2021
(o)	Kelso Common Good Fund	14 September 2021
(p)	Pension Fund	16 September 2021
(q)	Sustainable Development	17 September 2021
(r)	Audit & Scrutiny	20 September 2021
(s)	Eildon Area Partnership	23 September 2021
(t)	Planning & Building Standards	4 October 2021
(Copies attached.)		

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## **SCOTTISH BORDERS COUNCIL LOCAL REVIEW BODY**

MINUTE of Meeting of the LOCAL REVIEW BODY conducted remotely by Microsoft Teams Live Event on Monday, 16 August 2021 at 10.00 am

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Present:- Councillors S Mountford (Chair), A. Anderson, H. Laing, J. Fullarton, Scott. Hamilton (from para 3), N. Richards and E. Small.

Apologies:- Councillors D. Moffat, C. Ramage.

In Attendance:- Lead Planning Officer (C. Miller), Solicitor (S. Thompson), Democratic Services Team Leader (L McGeoch), Democratic Services Officer (F. Henderson).

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### **MEMBERS**

Having not been present when the following review was first considered, Councillor Anderson left the meeting.

#### **1. CONTINUATION OF REVIEW - 21/00007/RREF**

With reference to paragraph 2 of the Minute of 14 June 2021, there had been re-circulated copies of the request from Lady Angela Buchan Hepburn, per Galbraith, 59 George Street, Edinburgh EH2 2JG to review refusal of the planning application for the erection of a dwellinghouse with associated access on the site East of Dogcraig Cottage, Scotsmill, Peebles. The supporting papers included the Notice of Review; Decision Notice; Officers report; papers referred to in Officer's Report, consultations and a list of policies. Also circulated were copies of further information requested by the Local Review Body, in the form of the ECS Transport Planning Technical Note and two historical maps (dated from 1850's) included in 'Ground of Appeal' document; and responses to the additional information from the Council's Roads and Planning Officers. Following consideration of all relevant information, the Local Review Body concluded that the development was an appropriate addition to the Scotsmill building group, was well contained within the sense of place and capable of safe access. The Members approved the application, subject to conditions, including the requirement for an integral service layby.

### **DECISION**

**AGREED that:-**

- (a) the request for 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 and the comments from the Officer on new information;**
- (c) the proposal would be consistent with the Local 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 reversed and planning permission granted, subject to conditions and Legal Agreement for reasons detailed in Appendix 1 to this Minute.**

**MEMBER**

Councillor Anderson re- joined the meeting prior to consideration of the following review.

**2. REVIEW OF 21/00011/RREF**

There had been circulated copies of the request from Mr J Warnock c/o Ferguson Planning, Shiel House, 54 Island Street, Galashiels TD1 1NU to review the decision to refuse the planning application for the erection of a dwellinghouse with outbuildings and associated work including new access on Land South of Rachan Woodlands, Broughton. The supporting papers included the Notice of Review; Decision Notice; Officer's Report; papers referred to in the Officer's Report; Consultations, general comments, support comments and a list of policies. The Review Body noted that the proposal was for planning permission in principle and initially considered whether there was a building group present and whether the site was well related to the group. Members considered the development to be an appropriate addition to the Rachan building group, well sited in relation to the group, National Scenic Area and capable of a less visually intrusive access from the west. After considering all relevant information, the Local Review Body concluded that the development was considered to be consistent with Policies HD2 and EP4 of the Local Development Plan and relevant Supplementary Planning Guidance. Consequently, the application was approved with Access only from the track along the western boundary of the site.

**DECISION**

**AGREED that:-**

- (a) the request for 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 further procedure on the basis of the papers submitted;
- (c) the proposal would be contrary to the Development Plan but that there were material considerations to justify departure from the Development Plan; and
- (d) the officer's decision to refuse the application be reversed and planning permission in principle be granted, subject to conditions and a legal agreement, for the reasons detailed in Appendix II to this Minute.

**MEMBER**

Councillor Hamilton joined the meeting prior to consideration of the following item.

**3. REVIEW OF 21/00013/RCOND**

There had been circulated copies of the request from Mr Clarke, Penvalla, Broughton to review the decision to refuse the planning application for the erection of ancillary accommodation to dwellinghouse and installation of 12KW ground mounted solar array. The supporting papers included the Notice of Review; Decision Notice; Officer's Report; papers referred to in the Officer's Report; Consultations and a list of policies. The Planning Advisor drew attention to new evidence on the site, in the form of Local Review Statement - Lawful Use of Annex as Holiday Accommodation and the request to vary condition 2 to seek holiday accommodation. This information had not been before the Appointed Planning Officer at the time of determination. The Review Body considered that the new evidence met the test set out in Section 43B of the Town and Country Planning (Scotland) Act 1997, and that this new information was material to the determination of the review. It was therefore agreed that there was a need for further procedure in the form of written submissions to afford the Roads Planning Officer and Appointed Officer the opportunity of assessing this new evidence and submitting his views.

**DECISION**

**AGREED that:-**

- (a) the request for review had been competently made in terms of Section 43A of the Town and Country Planning (Scotland) Act 1997;
- (b) the new information submitted with the Notice of Review documentation met the test set out in Section 43B of the Town and Country Planning (Scotland) Act 1997 and that the review could not be considered without further procedure in the form of written submissions in respect of that new evidence;
- (c) to request representations from the Roads Planning Officer and Planning Officer on the new evidence in the form of written submissions about the Local Review Statement - Lawful Use of Annex as Holiday Accommodation and the request to vary condition 2 to seek holiday accommodation as well as the other requests in the suggested condition; and
- (d) consideration of the review be continued to a future meeting on a date to be confirmed.

#### 4. REVIEW OF 21/00014/RREF

There had been circulated copies of the request from Eyestore Limited, 16 Briery Dene, St Abbs, Eyemouth TD5 7UG to review the decision to refuse the planning application for 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. The supporting papers included the Notice of Review; Decision Notice; Officer's Report; papers referred to in the Officer's Report; Consultations, general comments, objection comments and a list of policies. The Review Body noted that the applicant had requested further procedure in the form of a hearing, written representations and a site visit but did not consider further procedure necessary in this instance and proceeded to determine the case. The review Body further noted that the proposal was for a 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. After considering all relevant information, the Local Review Body concluded that consent for the development was consistent with Policies PMD2 and ED1 of the Local Development Plan. The change of use represented employment land and local business expansion on an allocated industrial estate. The palisade fencing was considered necessary for security reasons although the line of the fencing required to be set back from The Loaning, by planning condition, in order to reduce the visual impact. Consequently, the application was approved subject to the condition listed in the Appendix.

#### DECISION

AGREED that:-

- (a) the request for 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 further procedure on the basis of the papers submitted;
- (c) the officer's decision to refuse the application be reversed and planning permission be granted, subject to conditions, for the reasons detailed in Appendix III to this Minute.

#### 5. REVIEW OF 21/00015/RREF

There had been circulated copies of the request from Mr S Lamb, 3 Rowan Court, Cavalry Park, Peebles to review the decision to refuse the planning application for the Change of Use of part of the ground floor to Class10 – Non-residential institutions and the conversion of the loft to accommodate additional office space, Class 4 – Business. The supporting papers

included the Notice of Review; Decision Notice; Officer's Report; papers referred to in the Officer's Report; Consultations and a list of policies. The Planning Advisor drew attention to new evidence on the site, in the form of DDL Care Hub Ltd – Business Plan and Cavalry Park – List of Companies. This information had not been before the Appointed Planning Officer at the time of determination. The Review Body considered that the new evidence met the test set out in Section 43B of the Town and Country Planning (Scotland) Act 1997, and that this new information was material to the determination of the review. It was therefore agreed that there was a need for further procedure in the form of written submissions to afford the Planning Officer, Economic Development and Chief Social Work the opportunity of assessing this new evidence and submitting their views.

**DECISION**

**AGREED that:-**

- (a) **the request for review had been competently made in terms of Section 43A of the Town and Country Planning (Scotland) Act 1997;**
- (b) **the new information submitted with the Notice of Review documentation met the test set out in Section 43B of the Town and Country Planning (Scotland) Act 1997 and that the review could not be considered without further procedure in the form of written submissions in respect of that new evidence;**
- (c) **to request written submissions from the Appointed Planning Officer, Economic Development and Social Work Chief Officer on the new evidence in the form of DDL Care Hub Ltd – Business Plan and Cavalry Park – List of Companies; and**
- (d) **consideration of the review be continued on a date to be confirmed.**

*The meeting concluded at 12.55 p.m.*



## **SCOTTISH BORDERS COUNCIL LOCAL REVIEW BODY INTENTIONS NOTICE**

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**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**

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**Local Review Reference:** 21/00007/RREF

**Planning Application Reference:** 20/01350/PPP

**Development Proposal:** Erection of dwellinghouse with associated access

**Location:** Site East of Dograig Cottage, Scotsmill, Peebles

**Applicant:** Lady Angela Buchan Hepburn

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### **DECISION**

The Local Review Body reverses the decision of the appointed officer and indicates that it intends to grant planning permission for the reasons set out in this intentions notice subject to conditions, informative and the applicants entering into a Section 75, or other suitable Legal Agreement, as set out below.

### **DEVELOPMENT PROPOSAL**

The application relates to the erection of a dwellinghouse with associated access. The application drawings and documentation consisted of the following:

<b>Plan Type</b>	<b>Plan Reference No.</b>
Location Plan	2020/26/101
Site Plan	2020/26/102A
Elevations	2020/26/104
Floor Plan	2020/26/103
Section	2020/26/105
3D image	
Indicative access	21003_003

### **PRELIMINARY MATTERS**

The Local Review Body initially considered the review, which had been competently made, under section 43A (8) of the Town & Country Planning (Scotland) Act 1997 at its meeting on 14<sup>th</sup> June 2021.

After examining the review documentation at that meeting, which included a) Notice of Review (including the Decision Notice and Officer's Report; b) Papers referred to in Officer's Report; c) Consultations; and d) List of Policies, the Review Body considered whether certain matters included in the review documents constituted new evidence under Section 43B of the Act and whether or not this evidence could be referred to in their deliberations. This related to further information in the form of an ECS Transport Planning Technical Note and two historical maps (dated from 1850's) included in the 'Ground of Appeal' document.

Members agreed that the information was new and considered that it met the Section 43B test, that it was material to the determination of the Review and could be considered. However, as expert opinion on the information was required, there was a requirement for further procedure in the form of written submissions to enable the Planning Officer and Roads Planning Officer to comment on the new information.

The Review was, therefore, continued to the Local Review Body meeting on 16<sup>th</sup> August 2021 where the Review Body considered all matters, including responses to the further information from the Planning Officer and Roads Planning Officer, and the applicant's reply to those responses. The Review Body also noted the applicant's request for further procedure in the form of 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: PMD1, PMD2, PMD4, HD2, HD3, EP1, EP2, EP3, EP5, EP7, EP10, EP13, EP15, EP16, IS2, IS7, IS8 and IS9

## Other Material Considerations

- SBC Supplementary Planning Guidance on Placemaking & Design 2010
- SBC Supplementary Planning Guidance on Privacy and Sunlight 2006
- SBC Supplementary Planning Guidance on Development Contributions 2011
- SBC Supplementary Planning Guidance on New Housing in the Borders Countryside 2008
- SBC Supplementary Planning Guidance on Landscape and Development 2008
- SBC Supplementary Planning Guidance on Trees and Development 2008
- SBC Supplementary Planning Guidance on Waste Management 2015
- SBC Supplementary Planning Guidance on Biodiversity 2005
- SBC Supplementary Planning Guidance on Local Landscape Designations 2012
- SBC Supplementary Planning Guidance on SUDS 2020
- Local Biodiversity Action Plan 2001

The Review Body noted that the proposal was for the erection of a dwellinghouse with associated access on land East of Dogcraig Cottage, Scotsmill, Peebles.

Members firstly considered whether there was a building group in the vicinity under Clause A of Policy HD2. They noted that there were at least three existing houses in the immediate vicinity at Scotsmill, including converted buildings and the nearest being "Dogcraig Cottage". Members were satisfied that this constituted a building group under Clause A of Policy HD2. In terms of whether there was capacity for the group to be expanded, the Review Body also noted that there were no existing permissions for any further houses at the group and that the planning consent on the adjoining intervening site had expired. They concluded that, subject to the site being considered to be an acceptable addition to the group, there was capacity for the development in compliance with Policy HD2 and the relevant SPG.

Members then considered the relationship of the site with the group and whether it was within the group's sense of place and in keeping with its character. In this respect, they had regard to the positions of other houses in the group, especially "Dogcraig Cottage", and they particularly noted that there was a history of previous consents between that property and the site. Members considered that the principle of extending the group to the east had, therefore, already been previously accepted and that the site, whilst beyond the previous approved site, was still well contained in the landscape. The woodland, riverbank and roadway provided strong boundaries to the site and allowed the Review Body to consider the site as lying within the natural boundaries of the group. Members also noted the presence of a former ruined cottage on the site and the historic evidence of former garden ground. Subject to careful siting of the house and new planting, Members concluded that the site would not be ribbon development and could be considered to be in compliance with Clause A of Policy HD2 and the Housing in the Countryside SPG.

The Review Body also noted the applicant's previous occupation at Kailzie but, in terms of Clause F of Policy HD2, did not consider it necessary to test the proposal due to their support under Clause A relating to building group addition.

Members then considered the issues of road safety and access from the B7062. Taking into account the comments from the Roads Planning Officer and applicant and noting the amended plans which detailed a suggested access, they concluded that there were no road safety reasons to oppose the development. The Review Body considered that road users would be slowing down due to the presence of a building group and existing accesses, including the one in close proximity to the site serving "Dogcraig Cottage". They noted that speeds would be unlikely to be in excess of 40mph and that the existing road geometry and visibility contributed to this. Members were also aware that a lay-by would be formed at the access junction for service vehicles. Subject to appropriate access details being agreed at the next planning stage, the Review Body concluded that the proposal was in compliance with Policy PMD2 in relation to road access and safety.

The Review Body finally considered other material issues relating to the proposal including the siting of the house, separation from the river, retention of trees, flood avoidance and ecological matters but were of the opinion that appropriate conditions could address them satisfactorily. They also noted that development contributions for education would also be required, to be secured by legal agreement.

## **CONCLUSION**

After considering all relevant information, the Local Review Body concluded that the development was consistent with Policy HD2 of the Local Development Plan and relevant Supplementary Planning Guidance. The development was considered to be an appropriate addition to the Scotsmill building group, well contained within the sense of place and capable of safe access. Consequently, the application was approved subject to legal agreement.

## **DIRECTIONS**

1. Application for approval of matters specified in the conditions set out in this decision shall be made to the Planning Authority before whichever is the latest of the following:

- a. the expiration of three years from the date of this permission, or
- b. the expiration of six months from the date on which an earlier application for approval of matters specified in the conditions set out in this decision notice was refused or dismissed following an appeal.

Only one application may be submitted under paragraph (b) of this condition, where such an application is made later than three years after the date of this consent.

Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

2. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the matters specified in the conditions set out in this decision.

Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

## CONDITIONS

1. No development shall commence until the details of the layout, siting, design and external appearance of the building(s), the means of access thereto and the landscaping of the site have been submitted to and approved in writing by the Planning Authority. The landscaping shall include tree planting to form a strong boundary to the north-west. Thereafter the development shall be carried out in accordance with the agreed details.

Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

2. No development shall commence until all matters specified in conditions have, where required, been submitted to and approved in writing by the Planning Authority. Thereafter the development shall only take place in strict accordance with the details so approved.

Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

3. No development to be commenced until a drawing is submitted to, and approved in writing by, the Planning Authority, demonstrating that no development will occur within 20m of the riverbank and the development site boundary not within 10m of the riverbank. Once approved, the development to be implemented maintaining the approved buffer separation in perpetuity.

Reason: To ensure there are no adverse effects on the River Tweed SAC

4. The finished floor level of the dwellinghouse to be no lower than 160.2m AOD as shown on Drawing 2020/26/105.

Reason: To safeguard the property from the risk of flooding.

5. Prior to commencement of development, a Species Protection Plan for bats, otter, badger, red squirrel and breeding birds 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 in writing SPP.

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

6. Prior to commencement of development a Construction Environmental Management Plan (CEMP) incorporating the latest good practice guidelines and statutory advice (as outlined: CAR GBR 10 and GPP5: Works and maintenance in and around water) to protect the River Tweed SAC/SSSI shall be submitted to and approved in writing by the Planning Authority. Any works shall thereafter be carried out strictly in accordance with the approved in writing scheme.

Reason: To protect the ecological interest in accordance with Local Development Plan policies EP1, EP2 and EP3

7. No development to be commenced until an arboricultural assessment and tree survey identifying the existing trees within the site are submitted to, and approved in writing by, the Planning Authority. The identified trees then agreed for retention to be protected at all times during construction and building operations, by the erection of substantial timber fence around the trees or tree areas, together with such other measures as are necessary to protect the trees and their roots from damage. Details of the methods it is proposed to use shall be submitted by the applicant to the Local Planning Authority and be approved by them in writing. The approved protective measures shall be undertaken before any works commence on the site and must, thereafter be observed at all times until the development is completed.

Reason: To ensure that adequate precautions are taken to protect trees during building operations.

8. No development shall take place except in strict accordance with a scheme of hard and soft landscaping works, which has first been submitted to and approved in writing by the planning authority. Details of the scheme shall include (as appropriate):

- I. existing and finished ground levels in relation to a fixed datum preferably ordnance
- II. trees to be retained within the site
- III. existing landscaping features, hedgerows and trees to be retained, protected and, in the case of damage, restored
- IV. location and design, including materials, of walls, fences and gates
- V. soft and hard landscaping works including new tree planting within the site
- VI. existing and proposed services such as cables, pipelines, sub-stations
- VII. A programme for completion and subsequent maintenance.

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

9. No development to be commenced until further details of access and parking provision are submitted to, and approved in writing by, the Planning Authority. Thereafter the development to be completed in accordance with the approved details prior to occupation of the dwellinghouse unless otherwise agreed. The details shall include:

- I. The main access to include visibility splays of 2.4m by 120m in both directions and an integral service layby, including construction and levels details.
- II. 2 no. parking spaces, not including any garage, and turning area to be provided within the curtilage of the site and retained thereafter in perpetuity

Reason: To ensure satisfactory form of access and adequate parking and turning provision, in the interests of road safety.

10. No development to be commenced until the details of water and drainage provision are submitted to, and approved in writing by, the Planning Authority. Once approved, the development then to be completed in accordance with those details.

Reason: To ensure that the development is adequately serviced and in the interests of public health.

11. No development to be commenced until a scheme of waste storage has been submitted to, and approved in writing by, the Planning Authority. Once approved, provision to be made in accordance with the approved details prior to occupation of the dwellinghouse.

Reason: To ensure adequate provision for waste storage within the site.

## **Informative**

SEPA have given the following Regulatory advice:

Authorisation is required under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR) to carry out engineering works in or in the vicinity of inland surface waters (other than groundwater) or wetlands. Inland water means all standing or flowing water on the surface of the land (e.g. rivers, lochs, canals, reservoirs).

Management of surplus peat or soils may require an exemption under The Waste Management Licensing (Scotland) Regulations 2011. Proposed crushing or screening will require a permit under The Pollution Prevention and Control (Scotland) Regulations 2012. Consider if other environmental licences may be required for any installations or processes.

You will need to comply with [CAR General Binding Rule 10](#) which requires, amongst other things, that all reasonable steps must be taken to ensure that the discharge does not result in pollution of the water environment. The detail of how this is achieved may be required through a planning condition.

Details of regulatory requirements and good practice advice for the applicant can be found on the [Regulations section](#) of our website or by contacting [waterpermitting@sepa.org.uk](mailto:waterpermitting@sepa.org.uk) or [wastepermitting@sepa.org.uk](mailto:wastepermitting@sepa.org.uk).

## **LEGAL AGREEMENT**

The Local Review Body required that a Section 75, or other suitable legal agreement, be entered into to secure developer contributions for Peebles High School and Priorsford Primary School.

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, 4<sup>th</sup> 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.

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## **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.

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**Signed...Councillor S Mountford**  
Chairman of the Local Review Body

**Date.....31 August 2021.....**

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## SCOTTISH BORDERS COUNCIL LOCAL REVIEW BODY INTENTIONS NOTICE

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### 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

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**Local Review Reference:** 21/00011/RREF

**Planning Application Reference:** 20/00030/PPP

**Development Proposal:** Erection of dwellinghouse with outbuildings and associated work including new access

**Location:** Land South West of Rachan Woodlands, Broughton

**Applicant:** Mr J Warnock

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## DECISION

The Local Review Body reverses the decision of the appointed officer and indicates that it intends to grant planning permission for the reasons set out in this intentions notice subject to conditions, informative and the applicants entering into a Section 75, or other suitable Legal Agreement, as set out below.

## DEVELOPMENT PROPOSAL

The application relates to the erection of a dwellinghouse with outbuildings and associated work including new access. The application drawings and documentation consisted of the following:

Plan Type	Plan Reference No.
Location Plan	20038-PPP-001-D
Indicative Site Plan	20038-PPP-002-D
Indicative Plan and Elevations	20038-PPP-201-A
Floor Plan	2020/26/103

## 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 16<sup>th</sup> August 2021.

After examining the review documentation at that meeting, which included a) Notice of Review (including the Decision Notice and Officer's Report; b) Papers referred to in

Officer's Report; c) Consultations; d) General Comments; e) Support Comments; and f) List of Policies, the Review Body noted that the applicant had stated new information had been submitted with the Review. This related to amended location and site plans showing a second vehicular access onto the track to the western boundary of the site.

Members agreed that the information was new but did not consider it necessary to apply the Section 43B test as the site boundary already adjoined the existing access track to the west, the application was only for planning permission in principle and the potential for an access to the west had been considered by the Appointed Officer before the application was determined.

The new information was, therefore, accepted for consideration and Members 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: SEPlan 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, EP3, EP4, EP5, EP10, EP12, EP13, IS2, IS7 and IS9

### Other Material Considerations

- SBC Supplementary Planning Guidance on Placemaking & Design 2010
- SBC Supplementary Planning Guidance on Privacy and Sunlight 2006
- SBC Supplementary Planning Guidance on Development Contributions 2011
- SBC Supplementary Planning Guidance on New Housing in the Borders Countryside 2008
- SBC Supplementary Planning Guidance on Landscape and Development 2008
- SBC Supplementary Planning Guidance on Trees and Development 2008
- SBC Supplementary Planning Guidance on Waste Management 2015
- SBC Supplementary Planning Guidance on Biodiversity 2005
- SBC Supplementary Planning Guidance on Local Landscape Designations 2012
- SBC Supplementary Planning Guidance on SUDS 2020
- Scottish Planning Policy 2014

The Review Body noted that the proposal was for the erection of a dwellinghouse with outbuildings and associated work including new access on land South West of Rachan Woodlands, Broughton

Members firstly considered whether there was a building group in the vicinity under Clause A of Policy HD2. They noted that there were at least four existing houses in the immediate vicinity to the west, including converted stables and a more detached modern house known as "The Norlands". The Review Body also noted further existing houses within a wider grouping amongst woodland at Rachan. Members were satisfied that this constituted a building group under Clause A of Policy HD2. In terms of whether there was capacity for the group to be expanded, the Review Body also noted that there were no existing permissions for any further houses at the group. They concluded that, subject to

the site being considered to be an acceptable addition to the group, there was capacity for the development in compliance with Policy HD2 and the relevant SPG.

Members then considered the relationship of the site with the group and whether it was within the group's sense of place and in keeping with its character. In this respect, they had regard to the location and spacings of other houses in the group, especially "The Norlands", which they felt set a precedent for separation from the houses to the north within the converted stables. The Review Body felt that the site provided the opportunity for a similar spacing between the new house and "The Norlands", especially if the house and garage were positioned in the western part of the site, transposed with the position of the sheds as shown originally in the indicative site plan. It was agreed this could be advised by an Informative on any consent.

Subject to a more westerly position for the house, Members accepted that all other siting and design details were matters for agreement at the next planning stage. They also considered that with a new and robust planting scheme to the southern part of the site, the development would appear to be well contained within the existing and proposed woodland structure with no significant detrimental effect on the landscape. This allowed Members to consider the site as an appropriate addition to the building group in compliance with Clause A of Policy HD2 and the Housing in the Countryside SPG. The new planting and more westerly siting of the house would also provide acceptable mitigation of landscape impact, allowing compliance with Policies EP4 and EP10.

The Review Body also noted the applicant's previous occupation at Rachan Home Farm, the intention for a retirement house and the continued operation of the farm by family. However, in terms of Clause F of Policy HD2, Members did not consider it necessary to test the proposal due to their support under Clause A relating to building group addition.

Members then considered the issue of access to the site and expressed concern at the potential landscape impacts caused by the proposed access across the field from the public road to the east. Taking into account the comments from the Roads Planning Officer, Landscape Officer and applicant and noting the amended plans, which detailed a second access into the site from the western access track, they considered this to be the only acceptable access point and considered the lengthy easterly access to be inappropriate. Subject to this being restricted and controlled by condition, the Review Body concluded that the proposal was in compliance with Policy PMD2 in relation to road access and safety and Policies PMD2, EP4 and EP10 in relation to landscape impact.

The Review Body finally considered other material issues including water and drainage but were of the opinion that appropriate conditions could address them satisfactorily. They also noted that development contributions for education would also be required, to be secured by legal agreement.

## **CONCLUSION**

After considering all relevant information, the Local Review Body concluded that the development was consistent with Policies HD2 and EP4 of the Local Development Plan and relevant Supplementary Planning Guidance. The development was considered to be an appropriate addition to the Rachan building group, well sited in relation to the group and National Scenic Area and capable of a less visually intrusive access from the west. Consequently, the application was approved subject to legal agreement.

## **DIRECTIONS**

1. Application for approval of matters specified in the conditions set out in this decision shall be made to the Planning Authority before whichever is the latest of the following:
  - a. the expiration of three years from the date of this permission, or

- b. the expiration of six months from the date on which an earlier application for approval of matters specified in the conditions set out in this decision notice was refused or dismissed following an appeal.

Only one application may be submitted under paragraph (b) of this condition, where such an application is made later than three years after the date of this consent.

Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

2. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the matters specified in the conditions set out in this decision.

Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

## CONDITIONS

- No development shall commence until the details of the layout, siting, design and external appearance of the building(s), the means of access thereto and the landscaping of the site have been submitted to and approved in writing by the Planning Authority. The landscaping shall include tree planting to form a strong boundary to the north-west. Thereafter the development shall be carried out in accordance with the agreed details.

Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

- No development shall commence until all matters specified in conditions have, where required, been submitted to and approved in writing by the Planning Authority. Thereafter the development shall only take place in strict accordance with the details so approved.

Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

- No development shall commence until an arboricultural assessment and tree protection plan are submitted to, and approved in writing by, the Planning Authority. The identified trees to be protected at all times during construction and building operations, by the erection of substantial timber fence around the trees or tree areas, together with such other measures as are necessary to protect the trees and their roots from damage. Details of the methods it is proposed to use shall be submitted by the applicant to the Local Planning Authority and be approved by them in writing. The approved protective measures shall be undertaken before any works commence on the site and must, thereafter be observed at all times until the development is completed.

Reason: To ensure that adequate precautions are taken to protect trees during building operations.

- No development shall take place except in strict accordance with a scheme of hard and soft landscaping works, which has first been submitted to and approved in writing by the planning authority. Details of the scheme shall include (as appropriate):

- existing and finished ground levels in relation to a fixed datum preferably ordnance
- trees to be retained within the site
- existing landscaping features, hedgerows and trees to be retained, protected and, in the case of damage, restored
- location and design, including materials, of walls, fences and gates

- V. soft and hard landscaping works including new tree planting within the site and structure planting to the southern boundary

- VI. existing and proposed services such as cables, pipelines, sub-stations

- VII. A programme for completion and subsequent maintenance.

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

- 5. Notwithstanding what is shown on the approved drawings, access to the site shall only be taken from the section of track adjoining the western boundary of the site and there shall be no other access to the site from any other direction. No development to be commenced until further details of access and parking provision are submitted to, and approved in writing by, the Planning Authority. Thereafter the development to be completed in accordance with the approved details prior to occupation of the dwellinghouse unless otherwise agreed. The details shall include:

- I. A single access point into the site to include visibility splays, construction and levels details.

- II. 2 no. parking spaces, not including any garage, and turning area to be provided within the curtilage of the site and retained thereafter in perpetuity

Reason: To ensure satisfactory form of access and adequate parking and turning provision, in the interests of road safety.

- 6. No development to be commenced until the details of water and drainage provision are submitted to, and approved in writing by, the Planning Authority. Once approved, the development then to be completed in accordance with those details.

Reason: To ensure that the development is adequately serviced and in the interests of public health.

- 7. No development to be commenced until a scheme of waste storage has been submitted to, and approved in writing by, the Planning Authority. Once approved, provision to be made in accordance with the approved details prior to occupation of the dwellinghouse.

Reason: To ensure adequate provision for waste storage within the site.

## **Informative**

In the Application for Matters Specified as Conditions, consideration should be given to siting the house and garage towards the western part of the site, by transposing the position of the house/garage with the sheds, as originally shown on the indicative site plan submitted with the PPP application. A more westerly siting was considered to create a stronger and more inclusive relationship with the building group.

## **LEGAL AGREEMENT**

The Local Review Body required that a Section 75, or other suitable legal agreement, be entered into to secure developer contributions for Peebles High School.

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, 4<sup>th</sup> 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.

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

8. 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.

9. 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.
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**Signed...**Councillor S Mountford  
Chairman of the Local Review Body

**Date.....31 August 2021**



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

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**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**

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**Local Review Reference:** 21/00014/RREF

**Planning Application Reference:** 20/00809/FUL

**Development Proposal:**

**Location:** Phase 4 Store and Yard, Acredale Industrial Estate, Eyemouth

**Applicant:** Eyestore Limited

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**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 the condition as set out below.

**DEVELOPMENT PROPOSAL**

The application relates to the 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. The application drawings and documentation consisted of the following:

<b>Plan Type</b>	<b>Plan Reference No.</b>
Location Plan	PDK-20-136-002
Site Layout	PDK-20-136-001 Rev 2

**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 16<sup>th</sup> August 2021.

After examining the review documentation at that meeting, which included a) Notice of Review (including Decision Notice and Officer's Report); b) Papers referred to in Officer's Report; c) Consultation Replies; d) General Comments; e) Objection Comments and f) List of Policies, the Review Body noted that the applicant had requested further procedure in the form of a hearing, written representations and a site visit but did not consider further procedure 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: SEPlan 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, PMD3, ED1, ED10, HD3, EP11, EP13, IS5 and IS7

#### Other Material Considerations

- SBC Supplementary Planning Guidance on Trees and Development 2008
- SBC Supplementary Planning Guidance on Designing Out Crime 2007
- SPP 2014
- PAN 65 Planning and Open Space
- Roads (Scotland) Act 1984
- SBC Landscape Guidance Note 2
- SBC Landscape Guidance Note 3

The Review Body noted that the proposal was for the 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.

Members firstly considered the change of use under Policy ED1. They noted that the current business was located on Acredale Industrial Estate which is an allocated District Safeguarded site in the Policy. Members welcomed the expansion of the existing Class 6 storage business and supported the additional areas of ground being incorporated into the yard space associated with that business. The Review Body accepted that the proposed use was in compliance with the supported uses in Policy ED1.

The Review Body then considered the proposed fencing, under the relevant criteria of Policies PMD2 and ED1. They noted that the fencing had partly been erected and that, whilst revisions had been proposed in the form of set-back of the fence line and paint treatment of the fencing during consideration of the planning application by the Appointed Officer, only the potential planting in front of the fence was now being suggested by the applicant. Members considered all aspects of the fencing and all potential amendments, including the original proposals without amendments. They recognised the need for security fencing and also had no objection in principle to the height or design of the fencing proposed.

Whilst recognising that there was an industrial context to the area, Members also noted there were rural and wooded boundary elements to The Loaning. Concern was expressed over the visual impacts of the palisade fencing with regard to its proximity to The Loaning. The Review Body noted that the line of the fencing was proposed, and had partly been erected, along the full extent of the ownership boundary which had given the impression of narrowing The Loaning. Members were not concerned, however, that there was any impediment to access as they still noted that access was available past the fenceline. There was greater concern at the visual impacts of the fence as a result of the proximity.

Members considered methods of mitigating these impacts, including set-back, screen-planting and paint treatment. The Review Body considered that paint treatment would not be appropriate for the location and they also considered that screen planting would require an amount of set-back with potential impacts on the space required for both the business and The Loaning. Members concluded that a set-back of one metre from the current fence and ownership line alongside The Loaning would reduce the visual impact of the fence from The Loaning whilst not significantly impacting on the yard space for the

business. A condition was requested to achieve the set-back whilst also ensuring that the unauthorised section of fence was either removed or relocated within six months.

The Review Body then considered other material issues relating to the proposal including the Greenspace Policy, types of access and potential impacts on a water main but were of the opinion that such issues did not influence their decision to support the proposal and that the recommended condition could also partly address the issues.

## **CONCLUSION**

After considering all relevant information, the Local Review Body concluded that consent for the development was consistent with Policies PMD2 and ED1 of the Local Development Plan. The change of use represented employment land and local business expansion on an allocated industrial estate. The palisade fencing was considered necessary for security reasons although the line of the fencing required to be set back from The Loaning, by planning condition, in order to reduce the visual impact. Consequently, the application was approved subject to the condition listed.

## **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 proposed fence along the full length of the south-western boundary of the site bordering The Loaning Core Path to be set back in a north-easterly direction one metre from the ownership boundary (which is shown in blue on drawing PDK-20-136-001 Rev 2) and erected on the set-back line. The current fencing erected within the one metre zone shall be removed or relocated to the approved position within six months of the date of this consent.

Reason: To increase the separation of the fencing from The Loaning Core Path in order to safeguard the visual amenity of the area.

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, 4<sup>th</sup> 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.

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

10. 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.
11. 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 Mountford**  
Chairman of the Local Review Body

**Date.....31 August 2021 ...**



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

MINUTES of Meeting of the HAWICK  
COMMON GOOD FUND SUB-COMMITTEE  
held Via Microsoft Teams on Tuesday, 17  
August 2021 at 4.00 pm

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Present:- Councillor G Turnbull (Chairman), D Paterson, N. Richards, C Ramage, Mr J Campbell (Hawick CC) Mr W Fletcher (Burnfoot CC).

Apologies: Councillor S Marshall, W. McAteer, Mr W Fletcher (Burnfoot CC).

In Attendance:- Estates Strategy Manager (N Curtis), Managing Solicitor (R Kirk), Pensions and Investment Manager (K Robb), Property Officer (F Scott), Democratic Services Officers (F Henderson and W, Mohieddeen).

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**1. MINUTE**

There had been circulated copies of the Minute of the meeting held on 18 June 2021.

**DECISION**

**APPROVED the Minute of the meeting held on 18 June 2021 for signature by the Chairman.**

**2. MATTERS ARISING FROM THE MINUTE**

With reference to paragraph 8 of the Minute of 25 May 2021, Mr Curtis advised that following the market being advertised via Economic Development, Communities & Partnerships team (SBC), Business Gateway (now SoSE) and Communities team (SoSE) and through SBC social media channels an expression of Interest had been received. Mr Curtis was in contact with the interested party as there initial submission required further information to be supplied. Mr Curtis suggested that a special private meeting be arranged to discuss the application received and update the sub-committee on final plans for car parking, including specific area for Campervans, and landscaping around the flood protection works, which required sign off before going to planning.

**DECISION**

**AGREED that a special private meeting be held to discuss the application received for the Hawick Market within the next 4 weeks.**

**3. MONITORING REPORT FOR 3 MONTHS TO 30 JUNE 2021**

There had been circulated copies of a report by the Executive Director Finance & Regulatory providing details of income and expenditure for the Hawick Common Food Fund three months to 30 June 2021, a full year projected out-turn for 2021/22, and projected balance sheet values as at 31 March 2022. Appendix 1 to the report provided the projected income and expenditure position for 2021/22. This showed a projected surplus of £25,644 for the year, which was better than the surplus figure reported at the previous meeting. Appendix 2 provided a projected balance sheet value as at 31 March 2022 and showed a projected decrease in reserves of £38,697. Appendix 3a provided a breakdown of the property portfolio showing projected rental income and net projected net return for 2021/22 and actual property expenditure to 30 June 2021. Appendix 3b provided a breakdown of the property portfolio showing projected property expenditure for 2021/22 and actual property expenditure to 30 June 2021. Appendix 4 provided a breakdown of the property portfolio showing projected property valuations at 31 March 2022. Appendix 5 showed the value of the Aegon Asset Management Investment Fund to 30 June

2021. Mrs Robb answered members' questions and advised that Aegon would be presenting to the Council later in the year.

#### **DECISION**

- (a) **AGREED the projected income and expenditure for 2021/22 in Appendix 1 as the revised budget for 2021/22.**
- (b) **NOTED:**
  - (i) **the projected balance sheet value as at 31 March 2022 in Appendix 2;**
  - (ii) **the summary of the property portfolio in Appendices 3 and 4; and**
  - (iv) **the current position of the Aegon Asset Management Investment Fund in Appendix 5.**

#### **FINANCIAL ASSISTANCE**

##### **4. Hawick Ambulance Station**

There had been circulated copies of an application for financial assistance from Hawick Ambulance Station in the sum of £60 towards the cost of outside shrubs and plants. The application explained that there were currently seven large planters, two small planters and a small rockery outside the entrance to Hawick Ambulance Station. Unfortunately these had not been maintained in recent years and the ambulance crew were looking for support to purchase some small shrubs and perennial flowers to brighten the entrance and help them de-stress. Representatives from the ambulance station were unable to attend the meeting.

#### **DECISION**

**AGREED to award £60 towards the cost of purchasing shrubs and perennial flowers for the planters and rockery at the entrance to Hawick Ambulance Station.**

##### **5. EARL OF MINTO PORTRAIT**

With reference to paragraph 2.1 of the Minute 16 March 2021, Ian Brown reported that on 14 July Councillors Turnbull and McAteer, along with Nuala McKinlay and Ian Brown met on Zoom with the Earl of Minto to discuss the possibility of the painting being accommodated on the Minto estate. The Earl of Minto expressed a willingness to help find a suitable home for the painting and offered space in the "Old Dairy". This offer was welcomed and it was agreed that the next step would be for Ian Brown and Shona Sinclair (Live Borders Museum Service) to visit the Old Dairy and assess its suitability.

- 5.1 Ian Brown and Shona Sinclair met with the Earl on 10 August 2021 at the Old Dairy and whilst the space was certainly not 100% ideal it did appear to be suitable. Although the building was relatively small it did have walls that were high enough to accommodate the painting. The Dairy was a substantial stone building and should be able to provide a relatively stable environment. When visited the humidity level was high but this was immediately after a very wet spell of weather and the building was already equipped with a dehumidifier and an alarm system. The Estate use the building for small meetings and functions and portraits of two other family members, including the 1<sup>st</sup> Earl's wife hung on the walls. These portraits had been hanging for about 12 months and appeared in relatively good condition. As this was a building that already had an element of use it should be possible to include an agreement for reasonable access should there be particular reason for requests to view the painting. The condition of the painting would require to be closely monitored on a three monthly basis initially for any deterioration. The National Gallery of Scotland (NGS) would be approached for a condition report so that there was a base line for monitoring the condition of the painting, which Live Borders had agreed to undertake on an annual basis. Mr Brown recommended that the Earl's offer to provide accommodation for the painting should be pursued and the next steps would be to draft a loan agreement that was acceptable to both parties. The agreement would be a loan arrangement between Hawick Common Good and the Earl of Minto.

- 5.2 Councillor Paterson raised concerns that leasing the portrait to the Earl of Minto may result in the loss of the portrait through the passing of time and proposed that the painting be sold as it was a Hawick Common Good asset. The majority of those present were in favour of the portrait being re-housed with the Earl of Minto, who would be responsible for the insurance and bound by a legally enforceable agreement, as the portrait required to be removed from the National Gallery and an alternative found. The Sub- Committee considered selling the portrait and were advised of the cost of sending the portrait to auction. The Sub-Committee agreed to accept Lord Minto's open invitation to visit the building prior to making a final decision.
- 5.3 Councillor Paterson moved that the portrait be sold, there was no seconder and the motion fell. Councillor Paterson asked that his dissent be recorded.

**DECISION**  
**AGREED:-**

- (a) **to accept Lord Minto's open invitation to visit the building prior to making a final decision.**
- (b) **that Ian Brown arrange for the Sub-Committee to visit with Lord Minto as soon as possible and advise the Councillors.**

**6.0 PROPERTY UPDATE**

**6.1 Sir James Wilson**

Mr Scott reported that the Sir James Wilson statue had been vandalised and two fingers and the thumb had been broken off. Mr Scott was seeking the culprits be charged for the malicious damage. As this was not the first time damage had been done to the statue, Mr Scott was suggesting that the statue be placed in a glass casing and presented images of possible solutions. The Sub-Committee considered the possible ongoing cost of repairs agreed to request further information.

**DECISION**

**AGREED that Mr Scott undertake the following prior to the next meeting:**

- **Costings for the proposed casing and installation**
- **Seek advice from Planning on the possible permissions required**
- **Seek advice from Gillian Jardine about possible funding available**

**6.2 Tour of Britain**

Mr Scott reported that he had been approached to erect the common riding bunting (which belonged to the Common Good) in the Town for Stage 7 of the Tour of Britain which was starting from Hawick on Saturday, 11 September 2021. It was noted that the bunting would generally be put up by the Common Riding Committee at a cost of £700.

**DECISION**

**AGREED that:-**

- (a) **the Common Riding Bunting be erected for the Tour of Britain;**
- (b) **the Common Good would pay for the bunting to be erected; and**
- (c) **Mr Scott arrange the necessary contractors to erect the bunting**

**URGENT BUSINESS**

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

**6.3 Moat Park, Hawick**

Mr Curtis raised the maintenance of the Motte at Moat Park and advised that the Callants Club had expressed an interest in undertaking seasonal work and an agreement had been drawn up. It was subsequently advised at the meeting that the Callants Club were no longer interested in undertaking this work.

**DECISION  
NOTED.**

**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 the appropriate paragraphs of Part I of Schedule 7A to the Act.**

**SUMMARY OF PRIVATE BUSINESS**

**7.0 PRIVATE MINUTE**

Members approved the Private Minute of Hawick Common Good Fund Sub Committee held on 16 March 2021.

**8.0 HAWICK GOLF CLUB**

This item was deferred to the next scheduled meeting.

**9.0 FACILITY FOR CAMPERVANS AT THE COMMON HAUGH**

There was an update on the progress of the possible installation of the Sluice at the Common Haugh for visiting campervans.

**10.0 PROPERTY UPDATE**

The property Officer and Estates Strategy Manager updated the Sub-Committee on the annual Property visits carried out on 23 June 2021.

*The meeting concluded at 5.20 pm*

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

MINUTE of Meeting of the CHAMBERS  
INSTITUTION TRUST held in Via Microsoft  
Teams on Monday, 18 August 2021 at 3.00  
pm

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Present:- Councillors K. Chapman (Chairman), H. Anderson, S. Bell, S. Haslam,  
E. Small

Apologies:- Councillor R. Tatler

In Attendance:- Capital & Investments Manager, Estates Manager, Solicitor (G. Sellar),  
Estates Surveyor (T. Hill), Localities Development Co-ordinator (K. Harrow),  
Democratic Services Team Leader

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**1. MINUTE**

There had been circulated copies of the Minute of the meeting held on 19 April 2021.

**DECISION**

**AGREED to approve the Minute.**

**2. MATTERS ARISING**

With reference to paragraph 3 of the Minute of 19 April 2021, that Chairman advised that he had not been in contact with Keith Belville, Chairman of the Memorial Hall, Innerleithen User Group and would try to arrange this for the next ordinary meeting.

**DECISION**

**NOTED.**

**3. PROPERTY UPDATE**

3.1 With reference to the various property matters discussed at the meeting on 19 April 2021, there had been circulated copies of a briefing paper by the Estates Manager providing an update on various matters as detailed below.

3.2 The quotes for the kitchen were all from local tradesmen and the Estates Manager advised that while the costs were reasonable there was still a chance that they might increase given the current problems with the supply of materials. Councillor Bell proposed that the costs totalling £13,408 plus VAT be accepted and that an increase in costs of 10% be allowed without recourse to the Trust for further approval.

3.3 The appendix containing the proposals for the digital flythrough from Page & Park had been omitted from the agenda pack and were circulated to Members at the meeting. The Estates Manager proposed that Members accept either option 2 or option 4. Councillor Haslam, seconded by Councillor Anderson proposed that option 2 be accepted and this was agreed. With regard to public consultation Mr Harrow advised that he would start mapping the wider stakeholder group and advised that the recently appointed Community Engagement Officers would be able to assist with this work. Online meetings provided an effective tool to engage with hard to reach groups. It was agreed that a further meeting be arranged to receive a preview of the digital flythrough once it had been prepared by Page & Park.

- 3.4 Members noted that the works to provide a post box for the CAB had been completed. With regard to their desire for additional rooms there were no areas available at present.
- 3.5 The Estates Manager commented on the various enquires that had been received regarding the space formally occupied by Visit Scotland. Now that Live Borders staff were returning from furlough and the reopening of contact centres were being discussed there needed to be further discussion on the use of this space and a report would be brought back to a future meeting. Councillor Bell suggested that each of the interested parties be asked when they wanted to use the space from and for how long so that this issue could be resolved as soon as possible.
- 3.6 The Estates Manager updated Members on other general property matters including energy performance, signage and plans by Live Borders. The Chairman highlighted the need for Live Borders plans to align with the allowed uses of the building. Councillor Haslam proposed that Ewan Jackson, Chief Executive of Live Borders be invited to attend the next meeting to share their vision for the use of the building.
- 3.7 The Chairman advised that he had received an email from Malcolm Bruce on behalf of the Men's Shed regarding access to the rear of the building for fire escape purposes. The Estates Manager confirmed he would investigate.
- 3.8 The Chairman advised that the trees in the quadrangle would be planted this autumn. Members asked for confirmation that it was Acers which were to be planted and that the work would be carried out before Remembrance Sunday. The Chairman further advised that he had been in touch with officers to ensure that the Memorial was checked and the Tommies erected for Remembrance Sunday.

**DECISION**  
**AGREED:-**

- (a) **to accept the quotes for the kitchen upgrade totalling £13,408 plus VAT and that an increase in costs of 10% be allowed without recourse to the Trust for further approval to take account of increases in the cost of materials;**
- (b) **that option 2 be accepted for the Page & Park Flythrough and that a special meeting be arranged to preview this; and**
- (c) **that Ewan Jackson, Chief Executive of Live Borders be invited to attend the next meeting to share their vision for the use of the building;**

**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 to keep Members informed.

**5. MEMBERSHIP**

The Chairman advised that there had been correspondence between both Peebles Community Council and Peebles Civic Society with the Chief Executive on the subject of Membership and the Chief Legal Officer had provided replies. Ms Sellar advised that the report for Council was being prepared and, following some further consultation, would be presented to Council in the near future. In response to a question from Councillor Haslam on the role of Trust Members when the report was considered, Ms Sellar advised that she would provide guidance for Trust Members in advance of the report being considered by Council.

**DECISION  
NOTED**

**7. DATE OF NEXT MEETING**

**DECISION**

**AGREED that a special meeting to preview the Page & Park Flythrough be held on Wednesday, 29 September 2021 at 5.30 p.m.**

*The meeting concluded at 3.55 p.m.*

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

MINUTE of Meeting of the PEEBLES  
COMMON GOOD FUND SUB-COMMITTEE  
held via Microsoft Teams on Wednesday, 18  
August 2021 at 5.00 p.m.

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Present:- Councillors H. Anderson (Chair) , S. Bell, K. Chapman, S. Haslam, E. Small and Community Councillor L. Hayworth

Apology:- Councillor R. Tatler

In Attendance:- Pension & Investment Manager (K.Robb), Solicitor (G. Sellar), Estates Surveyor (T. Hill), Democratic Services Team Leader

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**1. MINUTE**

The Minute of the Meeting of Peebles Common Good Fund Sub-Committee held on 10 June 2021 had been circulated. With reference to paragraphs 1.1 and 1.2 of the Minute the Estates Surveyor reported that Underdog had ceased trading and The Flower of Milk would not be operating until summer 2022.

**DECISION**

**AGREED to approve the Minute for signature by the Chairman.**

**2. BUDGET MONITORING FOR THE 3 MONTHS TO 30 JUNE 2021**

There had been circulated copies of a report by the Executive Director, Finance & Regulatory providing details of the income and expenditure for the Peebles Common Good Fund for the three months to 30 June 2021, a full year projected outturn for 2021/22 and projected balance sheet values as at 31 March 2022. Appendix 1 provided the actual income and expenditure position for 2021/22 and showed a surplus of £18,028 for the year. Appendix 2 provided a projected balance sheet value as at 31 March 2022 and showed a projected decrease in the reserves of £53,532. Appendix 3a provided a breakdown of the property portfolio showing projected rental income and net return for 2021/22. Appendix 3b provided a breakdown of the property portfolio showing projected property expenditure for 2021/22. Appendix 4 provided a breakdown of projected property valuations at 31 March 2022. Appendix 5 showed the value of the Aegon Asset Management Investment Fund to 30 June 2021. The Pension & Investment Manager highlighted the main points in the report. In response to a query on the map of assets to match the list shown in Appendix 3a as to whether an interim version could be made available until all ownerships were checked, the Solicitor agreed to raise with the team involved to see if it could be made public with a caveat attached

**DECISION**

**AGREED:-**

- (a) **the projected income and expenditure for 2021/22 in Appendix 1 to the report and the revised budget for 2021/22;**
- (b) **to note the projected balance sheet value as at 31 March 2022 in Appendix 2 to the report;**

- (c) to note the summary of the property portfolio in Appendices 3 and 4 to the report; and
- (d) to note the current position of the Aegon Asset Management Investment Fund in Appendix 5 to the report.

### 3. APPLICATION FOR FUNDING

There had been circulated copies of an application from Tweeddale Youth Action requesting £7,840 to fund refurbishment works in their building. Mr David Hodson was present at the meeting and explained why the works were required. Members discussed the request and noted that the Group leased their property from the Council. Although the Sub-Committee were supportive of the application they asked that the Estates Surveyor check the terms of the lease regarding responsibility for maintenance of the building. Councillor Haslam, seconded by Councillor Chapman proposed that the request be approved and this was unanimously accepted.

#### DECISION

AGREED:-

- (a) to award a grant of £7,840 to Tweeddale Youth Action; and
- (b) that the Estates Survey report back on the terms of the lease regarding maintenance of the building.

### 4. PROPERTY UPDATE

#### 4.1 Victoria Park Funfair

A request had been received to operate a funfair in Victoria Park between 19-26 September and a fee of £801 would be charged.

#### DECISION

AGREED to approve the request subject to the operator making good any damage to the park.

#### 4.2 Braw Brew Street Trader

A request had been received from Braw Brew Street Trader to operate at either Kingsmeadows Car Park or Haylodge Park. It was recommended that Haylodge Park be not approved. Members expressed concern at the possible number of traders on site and the need to ensure that there were not more than 2 traders operating at any one time. Members agreed that a proposal was required for the operation of mobile vendors on Common Good land and requested that the Estates Surveyor bring back a proposal for consideration.

#### DECISION

AGREED to that a proposal covering the operation of mobile vendors operating on Common Good land be prepared for consideration before any further requests were granted.

#### 4.3 Tweedgreen Pavilion

It was noted that interest had been expressed in leasing the Tweedgreen Pavilion as a seasonal café. It was suggested that this could also come under the policy requested above. It was agreed that the Estates Surveyor could continue to have discussions with the interested party and noted that detailed proposal would be submitted if this was to be progressed.

#### DECISION

AGREED that the Estates Survey have further discussions with the interested party and that detailed proposal would be brought back for consideration in due course.

**4.4 Annual Fireworks Display**

A request had been received from the Peebles Round Table to hold their annual fireworks display in Victoria Park on 6 November. It was noted that this would require the temporary closure of the playpark.

**DECISION**

**AGREED to approve the request.**

**5. EASTGATE THEATRE FISHES SCULPTURE**

Councillor Anderson, in the absence of Councillor Tatler, reported that Bonnie Peebles had requested that in return for the repair and maintenance of the Fishes Sculpture adjacent to the Eastgate Theatre that they be allowed to collect the coins thrown into the surrounding pond. They had also requested that a new plaque attributing the provision of the sculpture to the Common Good Fund be erected. Members agreed that a detailed request in writing was required before a decision could be taken and agreed that the matter be deferred until this was provided.

**DECISION**

**AGREED to defer consideration until further information in writing was received from Bonnie Peebles.**

**6. PEEBLES HIGHLAND GAMES – SITING OF SHIPPING CONTAINER**

A paper on the proposed relocation of the Peebles Highland Games container had been circulated. However, the Chairman did not consider that the item should be considered as urgent business and asked the representatives from the Highland Games Committee to have a detailed discussion with officers on what might be acceptable on that site before a report was considered by the Sub-Committee.

**DECISION**

**AGREED to defer consideration to allow further discussions with officers and that a detailed proposal by officers be brought back for consideration in due course.**

**7. 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**

**8. PROPERTY UPDATE**

Members received an update from the Estates Surveyor and agreed safety works at Venlaw Quarry and noted an update on Jedderfield Farm.

*The meeting concluded at 6.10 p.m.*

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**SCOTTISH BORDERS COUNCIL  
WILLIAM HILL TRUST SUB-COMMITTEE**

MINUTE of Meeting of the WILLIAM HILL TRUST SUB-COMMITTEE held via Microsoft Teams on Tuesday, 24 August 2021 at 1.30 p.m.

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Present:- Councillors D. Parker (Chairman), T. Miers  
Apologies:- Councillor J. Linehan  
In Attendance:- Pensions & Investment Manager, Principal Solicitor, Democratic Services Team Leader, Democratic Services Officer (W. Mohieddeen)

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**1. MINUTES**

There had been circulated copies of the Minutes of 15 June 2021.

**DECISION**

**NOTED the Minutes.**

**2. BUDGET MONITORING REPORTS FOR 3 MONTHS TO 30 JUNE 2021**

There had been circulated copies of a report by the Executive Director Finance & Regulatory detailing income and expenditure for the William Hill Trust Fund for three months to 30 June 2021. The report provided the projected income and expenditure for 2021-22 which showed a projected surplus of £670. The Pensions and Investments Manager noted that the Aegon Asset Management Investment Fund had performed as anticipated.

**DECISION**

**AGREED:-**

- (a) **the projected income and expenditure for 2021/22 in Appendix 1 to the report as the revised budget for 2021/22;**
- (b) **to note the projected balance sheet value as at 31 March 2022 in Appendix 2 to the report;**
- (c) **to note the current position of the Aegon Asset Management Investment Fund in Appendix 3 to the report.**

**3. GRANT SUMMARY**

With reference to paragraph 3 of the Minute of the meeting held on 15 June 2021, there had been circulated copies of a summary of grants and donations made by the William Hill Trust since 2006/2007. Members were grateful for the information and noted that the spreadsheet had not been presented clearly in the agenda pack. Members thanked the Pensions and Investments Manager for the information and requested it to be resent in a spreadsheet format.

**DECISION**

**AGREED:-**

- (a) **to note the information in the grant summary; and**
- (b) **that information be resent to members in a spreadsheet.**

4. **APPLICATION FOR FINANCIAL ASSISTANCE**

There had been circulated copies of an application for financial assistance from Melrose and District Community Council. The application requested financial assistance of £1048.80 to upgrade Christmas light equipment. The total cost of the project was £2548.80 and an application had already been made to the Eildon Community Fund for £1,500. Members were happy to support the application

**DECISION**

**AGREED to award a grant of £1048.80 to Melrose Community Council.**

*The meeting concluded at 1.45 p.m.*

## **SCOTTISH BORDERS COUNCIL LAUDER COMMON GOOD FUND SUB-COMMITTEE**

MINUTE of Meeting of the LAUDER  
COMMON GOOD FUND SUB-COMMITTEE  
held remotely via Microsoft Teams on  
Tuesday, 24 August 2021 at 2.00 p.m.

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Present:- Councillors D. Parker (Chairman), T. Miers, Community Councillor A. Smith  
Apologies:- Councillor J. Linehan  
In Attendance:- Pension & Investments Manager, Principal Solicitor (H. MacLeod), Estates Surveyor (J. Stewart), Democratic Services Team Leader, Democratic Services Officer (W. Mohieddeen).

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### **1. MINUTE**

There had been circulated copies of the Minute of the meeting held on 15 June 2021.

#### **DECISION**

**NOTED the Minute for signature by the Chairman.**

### **2. BUDGET MONITORING REPORTS FOR 3 MONTHS TO 30 JUNE 2021**

There had been circulated copies of a report by the Executive Director Finance and Regulatory detailing income and expenditure for the Lauder Common Good Fund for the 3 months to 30 June 2021. Appendix 1 to the report provided projected income and expenditure position for 2021-22. This showed a projected surplus for the year of £2,684. Appendix 2 to the report provided a projected balance sheet value as at 31 March 2022. This showed a decrease in projected reserves of £23,649. Appendix 3(a) and 3(b) provided a breakdown of the property portfolio which showed projected rental income, net return for 2021-22, actual property income to 30 June 2021 and actual property expenditure to 30 June 2022. Appendix 4 provided a breakdown of the property portfolio showing projected property valuations at 31 March 2022. Appendix 5 detailed the value of the funds invested with Aegon Asset Management Investment Fund to 30 June 2021. The Pensions and Investments Manager highlighted the main points of the report and commented on the return from Aegon being better than had been anticipated and that expenditure on Woodland Planting would commence in 2021-22.

#### **DECISION**

**AGREED to:-**

- (a) **note the projected income and expenditure for 2021/22 in Appendix 1 to the report;**
- (b) **note the projected balance sheet value as at 31 March 2022 in Appendix 2 to the report;**
- (c) **note the summary of the property portfolio in Appendices 3 and 4 to the report; and**
- (d) **note the current position of the Aegon Asset Management Investment Fund in Appendix 5 to the report.**

### **3. GENERAL PROPERTY UPDATE**

- 3.1 The Estates Surveyor provided a verbal general property update. Fly-tipping of asbestos was reported on the Stow Road. Specialist contractors were called to dispose of the waste which cost £2350 plus VAT. Enquiries were being made to determine liability of the costs of disposal.
- 3.2 With reference to paragraph 4.2 of the Minute of 15 June 2021, discussions continued with the interested party regarding the grazing let. The water pump was to be replaced with a hand-held pump for the benefit of ponies. A small section of additional fencing on riverside was required and a quote for the cost had been requested.
- 3.3 Ms Stewart advised that although Lauder Public Hall had been built by the Council it sat on Common Good land. The hall had been leased to Live Borders until 2036 and they had submitted a request to sublet Lauder Public Hall to the Lauder Leisure Centre on a short-term basis with a view to a long-term let. Members discussed whether the sublet may constitute a change of use for the facility. Members were notified that caveats could be put in place and for additional details to be submitted regarding longer term use of the hall. It was noted that Live Borders could sublet the facility subject to landlord's consent within reason. Members agreed that Ms Stewart request further information regarding the proposed use of the hall from Live Borders before a short-term lease was agreed. It was further agreed that the decision whether or not to agree to the short-term lease be delegated to the Estates Surveyor in consultation with the Members of the Sub-Committee.

#### **DECISION**

- (a) **NOTED the update.**
- (b) **AGREED to delegate authority to the Estates Surveyor in consultation with sub-committee members regarding the possible short-term sub-lease of Lauder Public Hall.**

### **4. FORESTRY UPDATE**

The Estates Surveyor provided a verbal forestry update. Members heard that the community woodland land transfer had been documented by the Scottish Government and a final signature document was pending from Michael Middlemiss on behalf of the Lauderhill Sheep Company. A contract had been signed with Scottish Forestry to be implemented in October. There was a contingency for gorse mulching to address a fire hazard which would have an additional cost of £26,800.

#### **DECISION**

**NOTED the update.**

*The meeting concluded at 2.20 p.m.*

# **SCOTTISH BORDERS COUNCIL**

## **TWEEDDALE AREA PARTNERSHIP**

MINUTES of Meeting of the TWEEDDALE AREA PARTNERSHIP held Via Microsoft Teams on Tuesday, 24 August 2021 at 7.00 pm

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Present:-	Councillors R. Tatler (Chairman), H. Anderson, S. Bell, S. Haslam, E. Small together with 18 representatives from Partner Organisations, Community Councils and members of the public.
Absent:-	Councillor K. Chapman
In Attendance:-	Service Director Customer & Communities, Communities & Partnership Manager, Locality Development Co-ordinator (K. Harrow), Portfolio Manager (J. Lamb), Democratic Services Team Leader, Democratic Services Officer (D. Hall)

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### **1. WELCOME AND MEETING PROTOCOLS**

The Chairman welcomed everyone to the meeting of the Tweeddale Area Partnership being held via Microsoft Teams and outlined how the meeting would be conducted and how those both in the meeting and watching via the Live Stream could take part.

### **2. FEEDBACK FROM PREVIOUS MEETINGS.**

The Minute of the meetings of the Tweeddale Area Partnership held on 15 June 2021 had been circulated and this was noted. The Minute of the special meetings of the Tweeddale Area Partnership held on 13 July 2021 and 4 August 2021 had been circulated and these were noted.

### **3. ADDITIONAL INFORMATION DOCUMENT**

The Chairman explained that the additional information document included reference to a wide range of information that would be referred to during the meeting.

### **4. PLACE MAKING UPDATE**

4.1 Portfolio Manager, James Lamb, gave a presentation providing an update of the Place Making Approach. The aim of this initiative was to facilitate a more joined-up, collaborative and participative approach to services, land and buildings, across all sectors within areas. This aimed to enable better outcomes for everyone and increased opportunities for people and communities to shape their own lives. The intention was to build on learning from the operation of the Community Assistance Hubs and Resilience Teams which had worked effectively during the Covid-19 pandemic. The presentation detailed the progress being made on the Place Making approach. Phase 3 would focus on agreeing and developing Place Programme workstreams with delivery being started in Phase 4 at the end of the year and on into 2022. James Lamb outlined the role of the Area Partnership.

4.2 Jenni Craig, Service Director Customer & Communities provided an update on progress in implementing the recommendations of the Place Making report. It had proposed a framework, based on initial engagement with Area Partnerships and partner organisations, for transforming joint working with Communities across the Borders. The

proposed framework aimed to draw on the ambitions of local communities. The approach would be consistent across all 5 of the Area Partnerships. A town centre index would be used to identify areas that required investment. The proposals aimed to transform the working relationship between the Council and the communities it served. The proposals also built on the Place Principle agreed between CoSLA and the Scottish Government. In response to questions, James Lamb stated that from their work it was clear that when action happened at community level it was most likely to flourish. He further stated that they had concluded it was prudent to provide support and examples of best practice to all those involved. The Chairman thanked those involved for their presentation. It was agreed that a link to the Council report and a copy of the slide presentation would be issued.

*Councillor H. Anderson joined during the discussion of the above item.*

**5. AREA PARTNERSHIP CONSULTATION**

The Chairman asked Kenny Harrow to provide an update on the Area Partnership Consultation. Mr Harrow advised that the consultation had concluded on 1 August and the results of the consultation were being examined and collated. However, further feedback on the area partnership was welcomed and any comments should be emailed to him.

**6. TWEEDDALE COMMUNITY ASSISTANCE HUB**

Margaret Smail, Tweeddale Community Hub lead gave an update on the work of the Community Assistance Hub. They had fostered a great sense of belonging amongst the community. They had worked very hard to build on their previous work, the largest part of which was food assistance requests and help with Covid-19 recovery. Margaret Smail extended an invite to all those who wished to attend the weekly meetings of the hub.

**7. R-EVOLVE PROJECT & YOUTH DISCUSSION**

Richard McDowell from Community Learning & Development reported on his work with R-evolve, a local social enterprise that aimed to engage with young people to improve their attendance rate at school. He provided a breakdown of the positive youth work that had taken place. Together with Aeigar MacIver, he gave a presentation of a grass roots project to create a bespoke garden arch using recycled bicycles that had taken place under the umbrella of the R-Evolve project. The project had been a success and had made a positive impact on the school attendance rates of those involved. Mr McDowell stated that plans were being made to make a bench using similar bike parts. Dave Hodson gave a Youth Update. The drop-ins for Youth Clubs in Peebles were opening up on a Wednesday and Friday, Innerleithen was to come. The Chairman and others in attendance voiced their support for this type of work in the local community. Regarding Community Funding, the R-Evolve group was invited to make an application for support.

**8. OUTSIDE THE BOX - BUDDIES PROJECT**

Ruth Noble from Outside the Box gave a brief update on the work being undertaken by Outside the Box. She explained that the Buddies Project tried to help those with anxiety about meeting up with other people take steps in a positive direction. A wide variety of assistance was available, from risk assessments to helping people "get back to normal" with the help of a buddy. Given the state of the pandemic, the assistance could be offered digitally. However, physical signposting had also been undertaken to try and reach those in the community who were not necessarily active in the digital world. Ms Noble also noted that they had worked well with other organisations, such as the Community Assistance Hub. Councillor Tatler commended them for their excellent work and suggested that if further funding was required they consider applying to the Build Back a Better Borders Fund. In response to a question, Ms Noble advised that she was happy for anyone to make a referral to her.

**9. BIODIVERSITY AND ECOLOGY GROUP**

Neil McIntyre gave an update on a project that had taken place at Peebles Golf club. They had begun work on a long-term project to increase the biodiversity of the area, with a

particular focus on bees and other pollinators. They had converted close to 2500 square metres of land into a wild flower meadow. They had hired a contractor and sown the meadow with wild flower seeds which had bloomed. Mr McIntyre displayed an image of the meadow in bloom. The Councillors in attendance were impressed with the beauty of the meadow and the overall success of the project. In particular, attention was drawn to the sustainability of the project, with perennial plants being used. Councillor Anderson recommended that the experiences of Mr McIntyre were fed into the Sustainable Development Committee and shared with community councils. Mr McIntyre was happy to share his experience with any party who would like to try and begin a similar project of their own and advised that they had a Facebook page that gave details of how to get in touch.

#### **10. COMMUNITY FUND UPDATE/ APPLICATIONS**

Kenny Harrow gave an update on community fund applications. He explained that he would soon be meeting with the assessment panel members to begin looking at applications. He hoped that a special meeting to consider applications would be take place in mid to late September. In response to a question from Councillor Tatler, Mr Harrow explained that none of the outstanding applications were time sensitive. Mr Harrow further outlined that the UK Government had launched further funding initiatives and stated that he was happy to help and support those interested in making an application.

#### **11. BUILD BACK A BETTER BORDERS RECOVERY FUND UPDATE/APPLICATIONS**

- 11.1 Kenny Harrow provided an update on a Build Back a Better Borders (BBBB) Recovery fund application received from Peebles Citizens Advice Bureau (CAB). The application was for £13410 to allow Peebles CAB the additional staffing hours to support the development of an effective training programme to get new trainees ready to start work in an advisor role. The additional staff hours would allow the CAB to develop in house training which could be used repeatedly. £1400 of the grant would be used to buy laptop computers for new trainees. Some concerns were raised about whether BBBB funds should be spent on salaries. The manager of the Peebles CAB clarified that the funding would allow those involved to prepare a training programme that would be a useful ongoing resource. Members spoke in favour of the application, highlighting the good work of the CAB in difficult times. Councillor Anderson, seconded by Councillor Bell moved approval of £13410 and this was unanimously approved.
- 11.2 Mr Harrow then provided an update on the budget. He stated that the fund was left with £49050 at the end of May 2021. The Chairman invited more applications.

#### **12. PEEBLES PARKING SUB GROUP**

The Chairman gave an update on the work of the group. A meeting was held in July, the minutes of which would be published soon. The timeframe of the work was explained, with meetings due to be held in September, November, February and April. A report was expected October 2022. In response to a question on the timescale of the work, the Chairman explained that due to COVID-19 restrictions the group was unable function, and that they would work to the new planned timescale.

#### **13. DATE OF NEXT AREA PARTNERSHIP MEETING**

The next full meeting of the Area Partnership was scheduled for 2 November 2021 and the Chairman asked for agenda item suggestions to be submitted.

#### **14. OPEN FORUM**

- 14.1 The Chairman opened the Open Forum section of the meeting. The following items were discussed:
- 14.2 **Afghanistan Humanitarian Crisis**  
In response to a question regarding local initiatives to coordinate donations for the refugee situation triggered by events in Afghanistan, Councillor Haslam outlined the work that she was aware of. Work was underway by various charities to co-ordinate the

collection of donations of household goods. Potential housing was being identified for families across the Borders. She was also aware of a previously successful project by the Volunteer Centre Borders in helping Syrian refugees adjust and get involved with their local communities by volunteering, and explained that she would look to encourage this approach to help any new arrivals integrate with their local community.

**14.3 Speed Limits**

Regarding the imposition of a 20mph speed limit across the borders towns and villages there was a discussion about whether a consultation would take place with Community Councils. Councillor Anderson explained that specific meetings had been set up to discuss these matters and she would raise this point.

- 14.4 Mr Harrow advised that his team were looking at the use of “Mentee” and “Slido” which were tools to allow better participation at meetings. He hoped to be able to offer a demonstration at the next meeting.

**15. MEETING EVALUATION**

Mr Harrow reminded everyone to provide their feedback via the link on the agenda.

***The meeting concluded at 9.09 pm***

**SCOTTISH BORDERS COUNCIL**  
**SELKIRK COMMON GOOD FUND SUB COMMITTEE**

MINUTE of Meeting of the SELKIRK  
COMMON GOOD FUND SUB COMMITTEE  
conducted remotely by Microsoft Teams on  
Tuesday, 31 August 2021 at 3.00 pm

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Present:- Councillors G. Edgar (Chairman), C. Cochrane, E Thornton-Nicol and Community Councillor Ian King

In Attendance:- Pension and Investments Manager, Solicitor (J. Webster), Estates Strategy Manager (N. Curtis), Property Officer (F. Scott), Democratic Services Officers (F. Henderson & D. Hall).

**1. MINUTE**

There had been circulated copies of the Minute of 9 June 2021.

**DECISION**

**APPROVED the Minute for signature by the Chairman.**

**2. FINANCIAL MONITORING REPORT FOR 3 MONTHS TO 30 JUNE 2021**

There had been circulated copies of a report by the Executive Director Finance & Regulatory providing details of income and expenditure for the Selkirk Common Good Fund for three months to 30 June 2021, a full year projected out-turn for 2021/22 and projected balance sheet values as at 31 March 2022. Appendix 1 to the report provided the projected income and expenditure position for 2021/22. This showed a projected surplus of £3733 for the year. Appendix 2 to the report provided the projected balance sheet value as at 31 March 2022 and showed a projected decrease in reserves of £106,348. Appendix 3a to the report provided a breakdown of the property portfolio and a projected rental income and projected net return for 2021/22 together with actual property expenditure to 30 June 2021. Appendix 3b to the report provided a breakdown of the property portfolio and a projected property expenditure for 2021/22 and actual property expenditure to 30 June 2021. Appendix 4 of the report provided a breakdown of the property portfolio detailing projected property valuations at 31 March 2022. Appendix 5 to the report showed the value of the Aegon Asset Management Investment Fund to 30 June 2021. Members discussed the report and whether the current financial reserve was a reasonable amount. The Chairman proposed that £30,000 be transferred into the Aegon Asset Management Investment Fund and the Members unanimously agreed.

**DECISION**

**(a) AGREED:**

- (i) the projected income and expenditure for 2021/22 in Appendix 1 to the report as the revised budget for 2021/22; and**

- (ii) that £30,000 from the reserve Fund be invested with Aegon Asset Management Investment Fund.

**(b) NOTED:**

- (i) the projected balance sheet value as at 31 March 2022 in Appendix 2 to the report;
- (ii) the summary of the property portfolio in Appendices 3 and 4 to the report; and
- (iii) the current position of the Aegon Asset Management Investment Fund in Appendix 5 to the report.

**3. APPLICATION FOR FINANCIAL ASSISTANCE**

There had been circulated copies of an application for Financial Assistance from Selkirk Regeneration (SR) in the sum of £7,500 to cover additional expenses incurred during the renovation of 5 Tower Street, Selkirk. The application explained that SR was a community charity (SCIO), whose purpose was to initiate and administer projects that would benefit the people and environment of Selkirk and surrounding areas and was open to any resident within the TD7 catchment area who supported that aims of the SCIO. There were 43 active members from across the Community and a Board of Trustees was appointed to manage the affairs of the charity. The renovation of the former derelict fish shop at 5 Tower Street was near completion and would be used as a community resource and home the CCF-funded Sustainable Selkirk project. The application detailed the work undertaken and explained that during the renovation, some additional costs had arisen including contractors adjustments to works, increased QS fee, electrical isolation switch and contract insurance . As a result the final cost of the project was £14,396 over budget. Selkirk Regeneration had limited uncommitted funds available to cover additional costs and a grant of £7,500 was sought to allow the project to be completed. Members considered the financial operation of the charity, the initial grant made by Selkirk Common Good in February 2019, and agreed to grant the funding.

**DECISION**

**AGREED to award a grant in the sum of £7,500 to Selkirk Regeneration.**

**4. PROPERTY UPDATE**

4.1 With reference to paragraph 3 of the Minute of 9 June 2021 the Estates Strategy Manager, Norrie Curtis gave a property update. He explained that quotes for works to Buxton Bridge had been provided over 2 years ago and would require to be updated following a review of the current condition of the bridge. The SBC engineer had completed an initial review of the bridge and identified two potential options. These being, extensive renovation which would involve the bridge being dismantled and rebuilt at an estimated cost of £15,000- £20,000 or alternatively, only the most severe defects be repaired. Following considerable discussion, the Mr Curtis undertook to obtain further details of the extensive repair work required, including the expected duration of the works and costings, in order to fully inform the Members.

4.2 Mr Curtis went on to explain that artefacts belonging to the SCGF were being moved to St Mary's Mill, which was leased to Live Borders. He undertook to request a site visit whilst they are present.

**DECISION**

- (a) AGREED that the Estates Surveyor would acquire details on works to be carried out at Buxton Bridge; and
- (b) NOTED the property update in respect of SCGF artefacts stored municipal buildings.

5. **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**

6. **MINUTE**

The private section of the Minute of 9 June 2021 was approved.

7. **PROPERTY UPDATE**

Members noted the property update from the Estates Surveyor in respect of Private Business and agreed to instruct work at Smedhugh.

*The meeting concluded at 3.33pm.*

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

MINUTES of Meeting of the DUNS  
COMMON GOOD FUND SUB-COMMITTEE  
held via Microsoft Teams on Thursday, 2  
September 2021 at 5.00 pm

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Present:- Councillors J. Greenwell, D. Moffat and M. Rowley

Apologies:- Community Councillor A. Mitchell

In Attendance:- Director - Finance & Corporate Governance, Clerk to the Council.

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**1. MINUTE.**

Copies of the Minute of Duns Common Good Fund Sub-Committee meeting of 3 September 2020 had been circulated.

**DECISION**

**AGREED to approve the Minute for signature by the Chairman.**

**2. MONITORING REPORT FOR 12 MONTHS TO 31 MARCH 2021 AND PROPOSED BUDGET FOR FINANCIAL YEAR 2021/22**

There had been circulated copies of a report by the Director - Finance & Corporate Governance providing details of the income and expenditure for the Duns Common Good Fund for the year 2020/21 including balance sheet values at 31 March 2021 and proposed budget for 2020/21. Appendix 1 to the report provided the actual Income and Expenditure position for 2020/21 which currently showed a surplus of £523 for the year, which was better than the previously reported surplus on 20 April 202, due to an improvement in the return from the Aegon Asset Management Fund. Appendix 2 to the report contained a balance sheet value to 31 March 2021 and showed an increase in the reserves of £3,244, partly due to the unrealised loss on the Aegon Asset Management Fund. Appendix 3 to the report showed the value of the Aegon Asset Management Fund to 31 March 2021. In response to a question regarding cash available, the Director – Finance & Corporate Governance explained that £2,300 was available or the cash investments with Aegon could be realised so it was ultimately up to the Sub-Committee to decide what to do. In terms of income during the year, the dividend could be used but in order to preserve the Fund's capital assets the income helped with the running costs. The net funds available to disburse without impacting on capital would be £523, which was the surplus for the year 2020/21.

**DECISION**

**AGREED to:**

- (a) **note the actual income and expenditure for 2020/21 as detailed in Appendix 1 to the report;**
- (b) **approve the proposed budget for 2023/22 as shown in Appendix 1 to the report;**
- (c) **note the final balance sheet value as at 31 March 2021, and projected balance sheet value as at 31 March 2022 in Appendix 2 to the report; and**

- (d) note the current position of the investment in the Aegon Asset Management Investment Fund in Appendix 3 to the report.

*The meeting concluded at 5.15 pm*

# **SCOTTISH BORDERS COUNCIL BERWICKSHIRE AREA PARTNERSHIP**

**MINUTES of Meeting of the BERWICKSHIRE  
AREA PARTNERSHIP held Via MS Teams on  
Thursday, 2 September 2021 at 6.30 pm**

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Present:-	SBC Councillors: J. A. Fullarton (Chairman), J. Greenwell, H. Laing, D. Moffat and M. Rowley. Other organisations attendees: Ms J. Amaral (BAVS), Mr J. Anderson (Eyemouth & District CC), Ms L. Anderson (Eyemouth & District CC), Mr A. Cockerill (Cockburnspath Community Shop), Mr J. Brown (Swinton & Ladykirk CC), Mr K. Dickinson (Gavinton, Fogo & Polwarth CC), Mr L. Inglis (Reston CC), Ms K. Lerpiniere (Parent Space), Ms A. McIntosh (Allanton Village Hall), Ms A. McNeill (A Heart for Duns), Mr D. McNeill (Fire & Rescue Service), Mr A. Mitchell (Duns CC), Mr D. Paterson (BHA), Ms H. Richards (Parent Space), Ms J. Sutton (Cockburnspath Community).
Apologies:-	Councillor C. Hamilton.
In Attendance:-	Service Director Customer & Communities, Locality Development Co-ordinator, Communities and Partnership Manager, Portfolio Manager, Clerk to the Council, Democratic Services Officer (W. Mohieddeen).

## **1. WELCOME AND MEETING PROTOCOLS**

The Chairman welcomed everyone to the meeting of the Berwickshire Area Partnership. The meeting was held via Microsoft Teams and the Chairman outlined how the meeting would be conducted and how those both in the meeting and watching via the Live Stream could take part.

## **2. FEEDBACK FROM MEETING OF 1 JULY**

The Minute of the meeting of the Berwickshire Area Partnership held on 1 July 2021 had been circulated and was noted. There had been no evaluations completed after the last meeting so feedback from that evening's meeting was encouraged, with details on how to provide feedback on the agenda.

## **3. PLACE-MAKING UPDATE**

With reference to paragraph 3 of the Minute of 1 July 2021, SBC Service Director Customer & Communities, Mrs Jenni Craig, and SBC Portfolio Manager, Mr James Lamb, were in attendance to present an update on Place Making. Mr Lamb summarised the progress of the previous Place Making workshop held with Diarmaid Lawlor of Scottish Futures Trust where key issues and success factors had been identified. The output from all workshops held with Area Partnerships were included in a report considered by Scottish Borders Council in August 2021. The main purpose of Place Making was to develop joint working by Scottish Borders Council, partner organisations, and communities, to build on existing work and to learn from experiences related to the COVID-19 pandemic. Place Making would be a multi-year project that would see communities developing local plans suited to each community. As part of the presentation, feedback was requested on the project's principles, framework, resources and plan. The meeting was asked for agreement on the project principles, criteria for identifying communities to be prioritised, affirming Place Making

governance, and to agree next steps. It was noted that Scottish Borders Council had agreed on the draft principles to develop place-making and that seven had been suggested by stakeholders, with a further six added that Scottish Borders Council felt was important to include. It was hoped that the Area Partnership would form a Locality Programme Board to have oversight of the Locality Plan and prioritise communities' activities in Place making. Mrs Craig emphasised that an inclusive and collective approach should be pursued to ensure equality between rural and urban communities; locality plans were owned by the Area Partnerships which were to be built on community plans, and that the project should be taken forward with mutual trust. The aspiration was that every community would be supported to develop its own plan but this would take time and could not all be done at once. The project had a short-term plan to take forward to early 2022 so that actions could be agreed and communities could observe changes and feed back to the Are Partnership.

- 3.2 Mr Mitchell enquired as to the status of Duns in the report and whether towns that did not have completed plans would get assistance, whether each Area Partnership would set their own framework and what timescale there was to have locality plans produced. Ms McNeill expressed concern that the project seemed not to be community-led as the additional posts were employed by Scottish Borders Council with no direct community capacity building; Duns did not fall within any of the indices referred to in the report while Eyemouth did; and was disappointed that the initial focus was on those towns which already had plans. Mrs Craig responded that Duns and a number of other places in Berwickshire were referred to in the report and that town centre index was not the only measurement of need. Work on the expansion of the indices was required to reflect smaller settlements to allow Area Partnerships to prioritise. It was noted that the framework was a draft and that feedback on alternatives was welcome. With reference to common frameworks, it was noted that the preference was for a common framework to be in place across all the Area Partnerships using a model recognised by Scottish Futures Trust and place-based investment programmes. It was confirmed that the purpose of the staff resources was to be focussed on communities to support locality plan development.
- 3.3 Ms Amaral enquired whether the framework was to be taken to community councils for confirmation and whether there was flexibility for community council boundaries to capture other interested groups. It was good to see officers' time would be spent in developing capacity in communities but it would also be helpful to have budgets going directly to communities to do things for themselves. Mr Dickinson referred to agreement on the principles, priorities and framework by 7 September and if so, that timescale was too rushed. Councillor Rowley noted that having nine staff funded was positive for the Place Making project in the Borders. In terms of each of the 69 Community Councils across the Borders having their own plan, perhaps consideration could be given to Community Councils working together. There may also be cross-community themes which could work in a themed plan rather than in geographic plans. Councillor Rowley suggested some of the larger settlements may consider working with the hinterland and not just with community councils but include other community groups as well. The criteria in the Council report had been a first draft and areas identified where it was thought benefits could be achieved quickly. There were a number of funds available to communities from Scottish Government, Borderlands, etc. and it was necessary to have projects worked up enough to get funding released, and it was recognised that some communities would need assistance to get to this stage. Communities working together either formally or informally was to be welcomed, and the idea of using a Community Council boundary for a plan was the smallest area and a matter for local discussion and agreement.

## **DECISION**

**NOTED that feedback on the Place making proposals should be sent to Mr Lamb, SBC Portfolio Manager, by 30 September 2021.**

#### **4 PARTICIPATORY BUDGETING UPDATE**

The Locality Development Co-ordinator gave a verbal update on Participatory Budgeting. Scottish Borders Council was to upgrade the play park in John's Road, Eyemouth. A budget of £50-60,000 had been identified for the community to participate in how the upgrade budget should be used, with the selection of play equipment prioritised before suppliers would be sought. The Locality Development Co-ordinator would be contacting community groups directly to participate in this exercise and it was hoped to come back to the Area Partnership in December for a decision on the model and equipment.

#### **DECISION**

**NOTED the update.**

#### **5 SCOTTISH FIRE AND RESCUE SERVICE**

**5.1** Mr MacNeil of the Scottish Fire and Rescue Service delivered a verbal update of activities being undertaken by the Service. With regard to operational responses:

- Fire and Rescue Service (FRS) had adapted and amended operations to reflect COVID-19 measures;
- FRS facilities were not accepting non-essential visitors;
- There had been a moratorium on safety visits and community engagement, but that was now starting to relax;
- There had been a priority on outdoor safety reflective on recent incidents in Scotland regarding water safety. Mr MacNeil informed the committee that water safety information had been posted on social media and popular swimming sites and water safety awareness had been delivered on location in Kelso;
- Home fire safety had been affected by the pandemic and was to be restarted once COVID-19 restrictions were lifted.
- Fire stations across the Scottish Borders were being used as asymptomatic COVID-19 testing centres which had previously been carried out by the military, with PCR testing being carried out by the NHS.
- New smoke detection standards for domestic housing would come into effect from February 2022. Domestic properties would require one smoke alarm in the room most frequently used during the day, a smoke alarm in a place with most air circulation, one smoke alarm in each level, a smoke alarm and heat alarm in the kitchen and for alarms to have interlinked connectivity. Mr MacNeil advised that if a homeowner was considered high risk, the Service would fit smoke alarms with wi-fi connectivity free of charge.

**5.2** Councillor Greenwell asked whether the fire brigade deliver a defibrillator service and Mr MacNeil explained that fire engines carried defibrillators as part of emergency response but would not routinely mobilise unless an ambulance was delayed. In response to a question from Councillor Rowley, Mr MacNeil advised that information on the criteria for vulnerable people getting help would be made available and added that unregulated companies had targeted vulnerable people with leaflets causing concerns regarding costs and scams. Mr MacNeil confirmed that COP26 preparations were affecting the FRS across Scotland. Recruitment was underway in Eyemouth and Duns for retained fire fighters and anyone interested in this should contact him for further information.

#### **DECISION**

**NOTED the update.**

#### **6 AREA PARTNERSHIP CONSULTATION UPDATE**

The Chair advised that the consultation closed on 1 August and officers were in the process of forming a paper to go to Scottish Borders Council later in the year with recommendations

for the development of the Area Partnerships based on the outcomes of the consultation. It was noted that an update would be provided at the next meeting of the Berwickshire Area Partnership on 2 December 2021.

**DECISION**

**NOTED the update.**

**7 COMMUNITY ASSISTANCE HUB UPDATE**

The Locality Development Co-ordinator, Ms Jardine, advised that the Community Assistance Hub was continuing to respond to individuals' requests for support. Community meetings were continuing fortnightly and were focusing on the Whole Systems Approach, which was running in Eyemouth, and on transport in Berwickshire. A more detailed update would be provided to the December meeting of the Area Partnership.

**DECISION**

**NOTED the update.**

**8 BERWICKSHIRE COMMUNITY FUND 2020-21 EVALUATION FROM COCKBURNSPATH COMMUNITY SHOP**

Mr Alex Cockerill of Cockburnspath Community Shop presented an update on the progress of the Cockburnspath Community Shop since receiving funding from the Berwickshire Community Fund. Since opening in June 2021, the shop had made 9,000 transactions in two months and they estimated to have saved 235,000 kilometres in shopping journeys elsewhere. They had recruited 20 volunteers from the community. Having received feedback from walkers, they found that the shop was a focal point for the end of the Southern Upland Way after many visited the shop for provisions and refreshments. Feedback from the community was that people felt the shop's presence aided community resilience; there was greater social interaction in the community through the shop; volunteers were having fun; and there was appreciation for the delivery service for housebound individuals. The community shop had learnt the importance of regulations and legislation to comply with such as food hygiene, alcohol licensing, and allergen labelling, and also that having a team with the right attitude and skills helped with these challenges. It was explained that the shop was open for 64 hours a week and that there were two paid, part-time staff working a total of 40 hours alongside the shop volunteers. It was noted that community engagement was essential and that Cockburnspath Community Shop was working hard, through conduction surveys, to ensure that it was not just the loudest voices that were being heard. Councillor Fullarton praised the Cockburnspath Community Shop noting it was a fantastic story, congratulating the volunteers, and noting that the shop served not just the residents of Cockburnspath but the hinterland as well. He hoped that others who had received funding from the Community Fund had just as much success with their projects.

**DECISION**

**NOTED the update.**

**9 FUNDING TABLE OVERVIEW**

The Locality Development Co-ordinator, Ms Jardine, presented the table of available funds in the Berwickshire area. It was highlighted that in the Community Fund £17,249.61 was being assessed at the meeting and if approved there would be £40,010.39 funds available. The opening balance of the Build Back a Better Borders fund was £87,783, that £1,065 had been awarded and there were £16,405.60 funds being assessed at the meeting which if approved would leave £70,312.40 funding available. It was noted that across all grant funds available in Berwickshire, there was an approximate total of £160,000 available.

**DECISION**

**NOTED the update.**

**10 BERWICKSHIRE COMMUNITY FUND CODE OF CONDUCT FOR ASSESSMENT PANEL MEMBERS**

Keith Dickinson presented the Code of Conduct for the Assessment Panel which was a good practice guide which the Panel had been working to throughout the process.

**DECISION**

**AGREED to approve the Code of Conduct to be followed by members of the Berwickshire Community Fund Assessment Panel.**

**11 COMMUNITY FUND PROCESS AND APPLICATIONS**

The Chair of the Community Fund Assessment Panel, Mr Keith Dickinson, updated the meeting on the Community Fund process. Mr Dickinson thanked all those that had been involved in the development of the process and advised that a fair, robust and transparent grant system was now in place. He described the process used by the Assessment Panel which consisted of five voting members from the community and three Scottish Borders Councillors with non-voting membership. Four applications had received for assessment and these had been blind-marked by each member of the Panel, with scores tabulated and returned to officers prior to a meeting of the Panel. Mr Dickinson explained that while the level of marks had differed between members of the Panel, the order of marks was consistent from each individual. There was consensus on the recommendations for each application and no votes were needed.

**(a) Allanton Village Hall - £3,150 for repair of retaining wall**

The Panel noted that there was clear information on the aims of the project, the definition of need, the problem the group faced and the financial justification. The Panel also noted that the application proposed a solution to their problem with advice sought from a structural engineer. The Panel recommended funding the applicant the full amount.

**(b) Parent Space - £4,977.61 for childhood stages courses**

The Panel reported that the application did not appear clearly focused on Berwickshire, the demand for the project work had not been quantified, and there was an absence of detail as to what work would take place and where it would be delivered. Furthermore, the Panel noted that there was an absence of detail on the potential impact of the project and evidence of impact from past work. Mr Dickinson added that there was support for the group, however the Panel was led by criteria which had not been met in the application. The Panel did not recommend funding the current application, but advised that they would welcome another application that addressed the feedback.

**(c) Cockburnspath Allotment Association - £5,000**

The Panel was supportive of the overall aims of the project however had a number of questions related to the application. The Panel had concern related to the scale of the project including a significant sum to hire a gardener and allotment developer and recommended instead that the applicants connect with Abundant Borders. The Panel further noted that the applicants had significant reserves and could have done more to clearly define their financial commitments. The Panel recommended that the applicants were funded £5,000 specifically for the polytunnel with the caveat that the polytunnel has not been included as part of another grant application or award.

**(d) BAVS - £4,122 for a community e-bike pilot study**

The Panel was supportive of the aim of the project and while expressing some concern that the application for two bikes may be too small, noted that it may be appropriate for

a pilot. The Panel considered it would be important for the applicants to gauge demand for e-bikes, that dissemination of the pilot study findings were critical and it would be valuable to extend the pilot to other Berwickshire towns in due course. The Panel recommended that £4122 be awarded for the project with the requirement that the e-bikes would be passed on to another community if the Duns pilot study proves unsuccessful.

Councillor Fullarton congratulated the assessment panel on their progress.

#### **DECISION**

**AGREED to the following in relation to the Berwickshire Community Fund:**

- (a) **to award Allanton Village Hall the sum of £3,150 as a contribution towards the costs of repairing a retaining wall;**
- (b) **to make no award to Parent Space but to encourage a future submission that contained more detail and was clearly focussed on the criteria for the Fund;**
- (c) **to award Cockburnspath Allotment Association the sum of £5,000 specifically for the purchase of a Polytunnel, with the funding being released once it had been confirmed by the Allotment Association that the Polytunnel had not been included in any other grant application or award; and**
- (d) **to award Berwickshire Association of Voluntary Services the sum of £4,122 for a Community E-bike pilot study, on the condition that the bikes would be passed to another community should the pilot study in Duns prove unsuccessful.**

#### **12. BUILD BACK A BETTER BORDERS RECOVERY FUND APPLICATIONS**

The Locality Development Co-ordinator, Ms Jardine, presented the summary of applications to the Build Back a Better Borders Recovery Fund:

- (a) **Roxburgh & Berwickshire Citizens Advice Bureau**

An application had been received for £4,395.60 to recruit a Citizens Advice Bureau Champion to work across Berwickshire on a six-month contract to promote volunteering opportunities. It was noted that the Citizens Advice Bureau requested the Champion to cover their full geographic reach and were requesting that costs were shared with Berwickshire, Cheviot and Teviot & Liddesdale Build Back a Better Borders funds. The application was assessed as high as it met a number of fund criteria.

#### **DECISION**

**AGREED to award the sum of £4,395.60, subject to the following conditions:**

- (i) **the applicant must follow Scottish Government Covid19 guidance; and**
- (ii) **the rate of pay given to the Volunteer Co-ordinator must meet the National Living Wage.**

- (b) **Eyemouth Enhancement Group**

An application had been received for £11,200 to fund the purchase of a lawn tractor mower to manage current pathways and increase the number of pathways the group were responsible for and to maintain the BMX track on behalf of Eyemouth Community Council. The Locality Development Co-ordinator, Ms Jardine, noted that the insurance costs were an estimate and not confirmed, and recommended that if insurance costs were less than the estimate, the grant should be adjusted to reflect the difference, or if the insurance costs were greater than the estimate, then the applicant would meet the

difference. It was noted that the application was assessed with a high score, meeting several criteria requirements.

**DECISION**

**AGREED to award the sum of up to £11,200, with the final amount depending on confirmation of the actual insurance costs and subject to the following:**

- (iii) the applicant must follow Scottish Government Covid19 guidance;
- (iv) the equipment must be made available for use by other community based organisations;
- (v) appropriate insurance cover must be in place to cover all users; and
- (vi) permissions and risk assessments must be in place.

**(c) A Heart for Duns**

An application had been received for £11,521 to provide opportunities for social contact through a programme of cultural and educational events. It was noted that the application scored high against assessment criteria due to focusing on socially isolated people, events catered for older people, events would be free and would enable organisational recovery.

**DECISION**

**AGREED to award the sum of £11,521, subject to the applicant following Scottish Government Covid-19 guidance for events.**

**13. COMMUNITY OWNERSHIP FUNDING**

The Chair advised that the Community Ownership Fund was part of the UK Government's Levelling Up Fund. Funding was available for community groups looking to take over community assets which provided a community need and which were at risk of being lost to the community. It was stressed that community groups needed a well-developed business plan and were able to evidence community need. The Chair informed the meeting that the Scottish Borders Council Communities and Partnerships team were available to support any group interested in applying and information was available via a link in the additional information document circulated with the meeting agenda.

**DECISION**

**NOTED.**

**14. ADDITIONAL INFORMATION FOR NOTING**

The Chair highlighted additional information included with the agenda including links to the Area Partnership's information pack and the Community Empowerment Act which were available on the Scottish Borders Council website. Members were reminded that if they had any suggestions for additions to this information to contact the Locality Development Co-ordinator, Ms Jardine.

**DECISION**

**NOTED.**

**15. NEXT AREA PARTNERSHIP MEETING**

It was noted that the next Berwickshire Area Partnership meeting would take place on 2 December 2021. The Chair advised that if there were any agenda items that members wished to add to contact their appropriate Councillor or to contact the Locality Development Co-ordinator, Gillian Jardine, or another member of the Communities & Partnerships Team.

**DECISION**

**NOTED.**

**16. ANY OTHER FORMAL BUSINESS**

16.1 Mr Keith Dickinson advised that there were still three vacancies on the Berwickshire Community Fund Assessment Panel and that anyone who was interested in joining was to contact the Locality Development Co-ordinator, Gillian Jardine.

**DECISION**

**NOTED.**

16.2 Mr Andrew Mitchell asked if there were plans to commemorate the Queen's Platinum Jubilee. The Clerk to the Council advised that the Convener of the Council was due to hold a meeting with the 3 Lord Lieutenants in the area after which announcements should be made about a Jubilee Fund which would allow communities to make arrangements to mark the occasion.

**DECISION**

**NOTED.**

**17. FUTURE MEETING DATES**

The future meeting dates of the Berwickshire Area Partnership were noted as:

- 2 December 2021
- 3 February 2022
- 3 March 2022
- 9 June 2022

*The meeting concluded at 8:30pm.*

# **SCOTTISH BORDERS COUNCIL**

## **TEVIOT & LIDDESDALE AREA PARTNERSHIP**

MINUTES of Meeting of the TEVIOT & LIDDESDALE AREA PARTNERSHIP held  
Via MS Teams on Tuesday, 7 September 2021 at 6.00 pm

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Present:-	SBC Councillors: N. Richards (Chair), W. McAteer, D. Paterson, C. Ramage, G. Turnbull. Other organisations attendees: Ms H. Batsch (The Bridge), Mr W. Douglas, Ms B. Elborn (Newcastleton CC), Mr W. Fletcher (Burnfoot CC), Mr W. George, Mr P. Kerr (Southdean CC), Mr C. Knox (Hawick CC), Ms A. McGraith (Roxburgh & Berwickshire CAB), Mr D. Tait (Future Hawick), Mr A. Warburton (Upper Liddesdale & Hermitage CC), Ms R. Woods (Southdean CC), Mr F. Wight (Hawick CC).
Apologies:-	Councillor S. Marshall.
In Attendance:-	Service Director Customer & Communities, SBC Portfolio Manager, Locality Development Co-ordinator (G. Jardine), Communities and Partnership Manager, Clerk to the Council, Democratic Services Officer (W. Mohieddeen).

### **1. WELCOME AND MEETING PROTOCOLS**

The Chairman welcomed everyone to the meeting of the Teviot & Liddesdale Area Partnership. The meeting was held via Microsoft Teams and the Chairman outlined how the meeting would be conducted and how those both in the meeting and watching via the Live Stream could take part.

### **2. FEEDBACK FROM MEETINGS AND EVALUATION OF MEETINGS**

The Minutes of the meetings of the Teviot & Liddesdale Area Partnership held on 8 June 2021 and 22 July 2021 had been circulated.

### **DECISION**

**APPROVED the Minutes.**

### **3. PLACE-MAKING UPDATE**

With reference to paragraph 3 of the Minute of 8 June 2021, the Service Director Customer & Communities, Mrs Jenni Craig, and SBC Portfolio Manager, Mr James Lamb, presented an update on progress with Place Making. Mr Lamb gave a recap of the previous meeting including the output of the workshop led by Diarmaid Lawlor of Scottish Futures Trust; transforming joint working with communities; this being a multi-year programme so not everything could not be done at cones; and the central role of the Area Partnership in this process. Feedback and input was required into the joint principles, the framework and the proposals for getting started and the proposed next steps. Mrs Craig confirmed that feedback was being sought on an ongoing basis. Overall the Council wanted to take a new approach to Place Making by working in a much more collaborative way than previously. The first 7 proposed joint principles had come directly from conversations with Area Partnerships and the remaining principles had been included to add value. Details were given on the proposed joint framework which built on existing work. With regard to how

initial communities could be identified, Mrs Craig advised that Place making should be seen as an evolving, rolling programme of work, with the ambition that all communities would be supported but with limited resources there had to be a priority order. A matrix which included a number of aspects had been developed to potentially be used to prioritise communities and include smaller settlements. In terms of resources, there were additional SBC posts which could be used to help communities and co-ordinate and align resources. Feedback was sought by the end of October on the proposed joint principles and framework; the priorities; and the place making governance role.

- 3.2 Councillor Paterson commented that priorities may be regarded differently for those in different areas and asked how prioritisation would work in localities across the Area Partnerships. Mrs Craig explained that it needed to be acknowledged that every community and its plan was different and there would be different ways to deal with priorities, and officers would work with each Area Partnership to make those decisions about their own communities. Councillor Ramage referred to different ways of engaging the public e.g. the public was invited to develop ideas for the Hawick flood protection scheme, groups were arranged in a workshop and thus the public was involved. Mr Kerr welcomed the fact that communities would have a part in this and asked about rural proofing. It looked as though communities with an existing place plan were being prioritised which would lead to a widening disparity and perhaps the focus should be on those communities with no plans. Every area was different and all rural communities in particular should be invited to participate if they wished. Mrs Craig referred to the Berwickshire Area Partnership that had considered some community councils working together to develop local plans. The Council could look at supporting a town, a rural area or a combination of rural areas. Ms Elborn advised that Newcastle did not have a place plan but it did have a development strategy, which was a different thing entirely. Ms Elborn expressed concern that older people would not be able to participate in the Citizen Space consultation and Mr Lamb explained that the intention at this stage was to target community groups with the Citizen Space survey and not the general public. Ms Elborn asked that a range of methods be used as that may not be wholly representative of communities. Ms Batsch emphasised the importance of considering the hinterland beyond towns which was fundamentally important to that town with a real symbiotic relationship with schools, shopping and GP surgeries, so using town or Community Council boundaries may not identify a true local area. Mrs Craig thanked everyone for their comments and feedback which would help shape the Place making programme.

**DECISION**

**NOTED the update.**

**4 AREA PARTNERSHIP CONSULTATION UPDATE**

The Chair advised that the consultation on Area Partnerships had closed on 1 August and officers were in the process of forming a paper to go to Scottish Borders Council later in the year with recommendations for the development of the Area Partnerships based on the outcomes of the consultation. It was noted that an update would be provided at the next meeting of the Teviot & Liddesdale Area Partnership on 6 November 2021.

**DECISION**

**NOTED the update.**

**5 COMMUNITY ASSISTANCE HUB**

The Locality Development Co-ordinator, Ms Jardine, advised that the Community Assistance Hub was continuing to respond to individuals' requests for support and calls were being made to those self-isolating. Thanks were expressed to volunteers for their help. Community partners were meeting weekly to assess need and look at provision in the TD9 area. Feedback from the Older People's Survey carried out during the pandemic had

showed that people felt well supported for practical help e.g. shopping, but people's experiences of feeling connected or engaged in their community was not so good. That was currently being examined to see what help could be given, which included mapping community activity in the TD9 area. The NHS Borders Health Improvement Team was leading on this work and hoped to create a resource to signpost people to activities and services. It was acknowledged that community groups may find it difficult to start up in the current circumstances so the mapping would help identify gaps in people's wellbeing.

**DECISION**  
**NOTED the update.**

**6 EXTENSION OF THE BORDERS RAILWAY**

Ms Elborn gave a presentation on a community project funded by the Community Fund. This had been originally named the Community Voices Project and now, with the extension of the Borders Railway, was talking about the benefits of this for the South of Scotland. Members of the community had been invited to create films about the potential benefits to them of an extension to the line, given the success of the current line. Five films had been made which was to be launched on the 'Extending the Borders Railway' social media channels the following day. The Locality Development Co-ordinator, Ms Jardine, advised that the link could be promoted if shared with officers. All Community Councils in the area would be sent the details. Ms Elborn further advised that outcome of the UK Government connectivity review was still awaited – this had been delayed due to the larger number of responses received than had been anticipated.

**DECISION**  
**NOTED the update.**

**7 FLOODING UPDATE**

A written update from Duncan Morrison of the Flood and Coastal Management Team had been circulated with the agenda and a more detailed update would be provided at the November Teviot & Liddesdale Area Partnership meeting. Mr Kerr noted that Scottish Borders Council had carried out good work in the Chesters area but the ditches that had been cleared earlier in the year were starting to fill up. There was a need to get a maintenance programme in place as this would not be a one-off task.

**DECISION**  
**NOTED the update.**

**8 FORESTRY/WIND FARMS PLANNING FOR NOVEMBER**

Mr Kerr provided an update advising that 40% of Southdean land mass was covered by forestry. The Wheel Causeway was a core path where 80-90% was reported as being fine but 10% was overgrown causing issues. This was a heritage, historic path and Mr Kerr was keen to work with operators such as the Forestry Commission and Tillhill and neighbours to resolve this and also look at regular maintenance. Mr Kerr requested that anyone interested should contact him. With regards to climate change, Mr Kerr had made enquiries to Scottish Forestry to attend the Area Partnership to present plans for the next 10 years for the area including what to do with run off. It was noted that Scottish Forestry would be prepared to attend the November meeting. Regarding timber transport, it was noted that communities were seeing an increase in traffic. Mr Kerr was interested in seeing details of volume of traffic and on the driving of operators and he would liaise with Councillor Turnbull on the issue. Regarding wind farms, Mr Kerr added that with regard to the virtual exhibition for Hobkirk, one of the panels was over 50MB which may cause difficulties for downloading and he would raise this with developers. Big maps/files presented difficulties. A planning application was likely to be submitted to the Council at the end of this year, beginning of next, and there needed to be hard copies of maps and plans available to local communities.

**DECISION**  
**NOTED the update.**

- 9 COMMUNITY UPDATE**
- 9.1 Mr Tait asked about the Volunteer Park Stand and expressed concern that the project had been stopped by the pandemic. It was noted that clubs that used the stand had spent money to improve facilities. Councillor Richards advised that an update would be provided at the November meeting of the Area Partnership or before then if possible. Councillor Turnbull confirmed that he had been raising the issue for 15 years, including looking at a Trust or Foundation, and demolishing the Stand and rebuilding. He had spoken with the Chief Executive and was currently awaiting a response.
- 9.2 Ms Elborn asked if there was an update regarding 20mph zones. Councillor Richards advised that Napier University was analysing data and that Councillors had been invited to an update of findings in early October. Mr Kerr noted that some speed alerts only gave feedback on speeds up to 28mph and it may be more beneficial to register higher speeds and continue the slow down message to motorists. Councillor Paterson commented that there had been a mixed response on 20mph zones from the public.
- 10 COMMUNITY FUND**
- 10.1 Copies of a presentation giving proposals for the governance of the Community Fund had been circulated. The Clerk to the Council gave a recap of what Scottish Borders Council had agreed in March 2021 and the Area Partnership had agreed in June 2021 with regard to the Community Fund. A number of options were given on what could happen to the funding allocated to a Community Council in the Pot A Fund where no Assessment Panel had been set up; and also details were given of a proposed way of making appointments to the Assessment Panel for the Pot B Fund. For Pot A, these options were that a Community Council could allocate their funding to another Community Council; could deal with any applications to their funding directly at one of their Community Council meetings; or could allocate their funding to Pot B, with that funding ring-fenced for that particular area until the end of 2021 and any applications would be dealt with by the Pot B Assessment Panel. It would be up to the particular Community Council to make that decision. At the end of 2021, any unspent funding for that Community Council ring-fenced in Pot B, along with unspent funding from Pot A, would transfer to the wider Pot B fund.
- 10.2 With regard to the Assessment Panel for Pot B, it was suggested that the number of members be set at between 7 and 11, including a maximum of 3 SBC Elected Members who would be non-voting. A recruitment campaign would be run by SBC Officers and Community Council members would be eligible to put in their application as well as members of other organisations or the public. It was further proposed that the appointment of the members of the Panel would be delegated to the Director of Customer & Communities in consultation with the Chair of the Teviot & Liddesdale Area Partnership and the SBC Executive Member for Community Development & Localities. To allow for immediate opening of the fund for Pot B, it was suggested that until the Assessment Panel members were appointed, Council officers would assess applications received using previous fund criteria, and these assessments would be brought directly to the Area Partnership for decision. This was an interim measure and once an Assessment Panel was in place it would take over the assessment of applications and recommendations to the Area Partnership.
- 10.3 Mr Kerr objected to the proposed membership of the Assessment Panel for Pot B, advising that the original plan was for each Community Council to be represented and that being augmented by other representatives. Ms Woods advised that they had struggled to get people not in the Community Council involved and while it was hoped to bring in people from the wider community, this was not practical at this stage. The Communities & Partnership

Manager, Ms Smith, reminded the members of the previous SCDC report which advocated a wide community involvement from other organisations not just Community Councils and also the decisions of Scottish Borders Council in March. An open recruitment campaign would comply with this. Members of the Area Partnership discussed the options and did not find favour with the proposed allocation of members to the Assessment Panel for Pot B. As a compromise, the Clerk to the Council suggested that a representative from each Community Council area could be appointed to the Assessment Panel, with an open recruitment campaign for a further 3 to 5 members, that number depending on the applications received. This was accepted by those present. The scoring matrix, application form and guidance which had been circulated for Pot A applications, was approved to also cover applications to Pot B.

#### **DECISION**

#### **AGREED:**

- (a) that it would be for those Community Councils without an Assessment Panel in place for their allocated Pot A fund to choose whether to allocate this funding to another Community Council, or deal with any applications directly at one of their Community Council meetings, or allocate their funding to Pot B, with the funding ring-fenced for that particular area until the end of 2021, and any applications would be dealt with by the Pot B Assessment Panel;**
- (b) that at the end of 2021, any unspent funding in either Pot A or any ring-fenced money in Pot B would transfer to the wider Pot B fund and be open to applications from across the Teviot and Liddesdale area;**
- (c) that the Pot B Assessment Panel would comprise a representative from each of the Community Council areas in the Teviot and Liddesdale area and an open recruitment would be carried out for a further 3 to 5 other members from the wider community;**
- (d) no SBC Elected Members would be included in the membership of the Pot B Assessment Panel;**
- (e) that appointment of members from the wider community to the Pot B Assessment Panel would be delegated to the Service Director Customer & Communities, in consultation with the Chair of the Teviot & Liddesdale Area Partnership and the Executive Member for Community Development & Localities;**
- (f) that applications to the Pot B Fund would open on 1 October 2021; and**
- (g) to approve the scoring matrix, application form and guidance for the Pot A Fund and that this be extended to cover the Pot B Fund.**

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#### **FUNDING TABLE OVERVIEW**

The Locality Development Co-ordinator, Ms Jardine, presented the overview of funds available in Teviot & Liddesdale, highlighting that the Teviot & Liddesdale Community Fund had £47,799.26 remaining and that the Build Back a Better Borders would have £30,435.40 should the applications to be considered next on the agenda were approved.

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#### **BUILD BACK A BETTER BORDERS RECOVERY FUND APPLICATIONS**

The Locality Development Co-ordinator, Ms Jardine, presented the summary of applications to the Build Back a Better Borders Recovery Fund:

**(a) Hawick Youth Rugby**

An application had been received for £5,553 to support travel costs for the under-15s team to participate in rugby matches within and out-with the Borders and for equipment including match balls, corner flags and a team first aid kit. The application was assessed as medium, noting that the under-15s team provided a new opportunity for young people in the Hawick area, helping to re-engage young people following the postponement of team activity caused by the pandemic.

**DECISION**

**AGREED to award Hawick Youth Rugby the sum of £5,553, subject to the following conditions:**

- (i) that the Club would actively promote that the annual could be waivered, where deprivation was identified, to ensure that all U15s could participate in the sport; and**
- (ii) that Hawick Youth Rugby would continue to follow Scottish Government Covid19 guidance.**

**(b) Roxburgh & Berwickshire Citizens Advice Bureau**

An application had been received for £4,395.60 to recruit a Citizens Advice Bureau Champion to work across the Teviot & Liddesdale area on a six-month contract to promote volunteering opportunities. It was noted that the Citizens Advice Bureau requested the Champion to cover their full geographic reach and were requesting that costs were shared with Berwickshire, Cheviot and Teviot & Liddesdale Build Back a Better Borders funds. The application was assessed as high as it met a number of fund criteria. The Area Partnership discussed the application noting that a higher bid for funding would have been welcome, noting the impact of the work of Roxburgh & Berwickshire Citizens Advice Bureau and that a further application would be welcomed.

**DECISION**

**AGREED to award Roxburgh & Berwickshire CAB the sum of £4,395.60, subject to the following conditions:**

- (i) the applicant must follow Scottish Government Covid19 guidance; and**
- (ii) the rate of pay given to the Volunteer Co-ordinator must meet the National Living Wage.**

**(c) Campaign for a Scottish Borders National Park (on behalf of Twelve Towers of Rule Team)**

An application had been received for £12,566 to commission Archaeology Scotland to undertake an exploratory excavation of the Bedrule Castle site, paying for staff time and volunteer expenses. It was noted that the application was assessed as medium, recognising the ambitions of the project to help regenerate the area by attracting new interest and tourists and also providing learning opportunities for those disadvantaged by the COVID-19 pandemic. It was noted that the applicant still needed to undertake community engagement activity to ensure workshop spaces and open day spaces were filled and volunteers were recruited.

**DECISION**

**AGREED to award the Capaign for a Scottish Borders National Park (on behalf of Twelve Towers of Rule Team) the sum of £12,566, subject to the following conditions:**

- (i) the applicant must follow Scottish Government Covid19 guidance;**

- (ii) the Group must continue to liaise with SBC's Archaeology Officer for the duration of this project and satisfy any Officer requirements, particularly before (towards a project design for the fieldwork), during and after (for the reporting) of any fieldwork;
- (iii) the applicant must discuss with SBC ideas for the new information boards and digital/audio-visual interpretation; and
- (iv) all staff costs must meet the National Living Wage.

**(d) Hornshore Gateway Development Group**

An application had been received for £15,000 to fund four Wildlife Watch day workshops for young people and for people living in the Burnfoot area and beyond. It was noted the application was assessed as medium noting that the applicant may need to show flexibility in how the project engaged participants.

**DECISION**

**AGREED to award the Hornshore Gateway Development Group the sum of £15,000, subject to the following conditions:**

- (i) the applicant must follow Scottish Government Covid19 guidance;
- (ii) equipment would be available for use by other Groups; and
- (iii) all staff costs must meet the National Living Wage.

**(e) Alchemy Film & Arts**

An application had been received for £15,000 to fund a project engaging people in creative activities leading to a film resulting from sessions with over 60 young people to be shown at a public event, digitising local archive film footage, and funding equipment and facilities. It was noted that the application was assessed as medium with Alchemy Film & Arts demonstrating an ability to deliver activities on a range of platforms.

**DECISION**

**AGREED to award Alchemy Film & Arts the sum of £15,000, subject to the following conditions:**

- (i) the applicant must follow Scottish Government Covid19 guidance;
- (ii) equipment would be available for use by other Groups; and
- (iii) all staff costs must meet the National Living Wage.

**13. COMMUNITY OWNERSHIP FUNDING**

The Chair advised that the Community Ownership Fund was part of the UK Government's Levelling Up Fund and available for community groups looking to take over community assets which provided a community need and was at risk of being lost to the community. It was stressed that community groups needed to have a well-developed business plan in place, were able to evidence community need, and could match funding. The SBC Communities and Partnerships team was available to support groups interested in applying and information was available via a link in the additional information document circulated with the meeting agenda.

**DECISION**  
**NOTED the update.**

**14. ADDITIONAL INFORMATION FOR NOTING**

The Chair highlighted additional information included with the agenda including links to the Area Partnership's information pack and the Community Empowerment Act which were available on the Scottish Borders Council website. Members were reminded that if there were any suggestions for additions to contact the Locality Development Co-ordinator.

**DECISION**  
**NOTED.**

**15. NEXT AREA PARTNERSHIP MEETING**

15.1 It was noted that the next Teviot & Liddesdale Area Partnership meeting would take place on 2 November 2021. The Chair asked that if anyone wished to propose any items for the agenda to contact one of the Councillors, the Locality Development Co-ordinator, or another member of the Communities & Partnerships Team.

15.2 The frequency of meetings was discussed and whether there should be more frequent meetings of the Area Partnership, perhaps some specifically to consider funding applications. It was noted that there may be challenges with capacity in holding additional meetings and this would be considered.

15.3 Ms Elborn asked that the availability of Scottish Borders Council resources to support community councils be added as an item on the agenda of the November meeting. This should include consideration of having SBC staff putting information from Community Councils on the SBC website.

**DECISION**  
(a) **NOTED the update.**  
(b) **AGREED to include SBC resources for Community Councils on the agenda of the November meeting of the Teviot & Liddesdale Area Partnership.**

**16. ANY OTHER FORMAL BUSINESS**

No matters were raised.

**17. FUTURE MEETING DATES**

The future meeting dates of the Berwickshire Area Partnership were noted as:

- 2 November 2021
- 25 January 2022
- 22 March 2022
- 21 June 2022

*The meeting concluded at 8:25pm.*

**SCOTTISH BORDERS COUNCIL  
GALASHIELS COMMON GOOD FUND SUB COMMITTEE**

MINUTES of Meeting of the GALASHIELS  
COMMON GOOD FUND SUB COMMITTEE  
held in Via Microsoft Teams on Thursday, 9  
September 2021 at 10.00 am

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Present:- Councillors S. Aitchison (Chairman), A. Anderson, E. Jardine and Community Councillor R. Kenney

Apologies:- Councillor H. Scott

In Attendance:- Treasury Business Partner (S. Halliday), Managing Solicitor-People and Court (C. Donald), Estates Surveyor (J. Stewart), Democratic Services Team Leader, Democratic Services Officer (D. Hall).

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**1. MINUTE.**

There had been circulated copies of the Minute of 18 March 2021.

**DECISION**

**APPROVED the Minute for signature by the Chairman.**

**2. FINANCIAL MONITORING REPORT FOR 3 MONTHS TO 30 JUNE 2021.**

There had been circulated copies of a report by Executive Director, Finance & Regulatory that provided details of the income and expenditure for the Galashiels Common Good Fund for the 3 months to 30 June 2021, a full year projected out-turn for 2021/22, and projected balance sheet values as at 31 March 2022. Appendix 1 to the report provided the projected income and expenditure for 2021/22. This showed a projected surplus of £3,433 for the year. Appendix 2 to the report provided a projected balance sheet as at 31 March 2022 and showed a projected decrease in reserves of £50,876. Appendix 3a to the report provided a breakdown of the property portfolio and a projected rental income and projected net return for 2021/22 together with actual property income to 30 June 2021. Appendix 3b to the report provided a breakdown of the property portfolio and a projected property expenditure for 2021/22 and actual property expenditure to 30 June 2021. Appendix 4 to the report provided a breakdown of the property portfolio detailing projected property valuations at 31 March 2022. Appendix 5 of the report showed the value of the Aegon Investment Management Investment Fund to 30 June 2021.

**DECISION**

**NOTED:-**

- (a) the projected income and expenditure for 2021/22 in Appendix 1 to the report;
- (b) the projected balance sheet value as at 31 March 2022 in Appendix 2 to the report;
- (c) the summary of the property portfolio in Appendices 3 and 4 to the report; and
- (d) the current position of the Aegon Asset Management Investment Fund in Appendix 5 to the report.

**3. PROPERTY UPDATE**

- 3.1 With reference to paragraph 3 of the Minute of 18 March 2021 the Estates surveyor, Josephine Stewart, gave a verbal update on the proposal to harvest the mature trees at

Ladhope. She explained that she had attended a meeting with the Golf Club and Agriforest, a forestry contractor. They had discussed a number of issues concerning the practicalities of extraction, including potential risks and access routes to the woodlands. Two potential routes of accessing the trees had been identified. These being, access via the Golf Club road or alternatively, over the top of Ladhope moor. Following considerable discussion, the Estates Surveyor undertook to instruct Agriforest to carry out research and produce a report on the financial implications of the two options, in order to fully inform the Members. The charge for this options appraisal work would be approximately £1k. Members discussed alternative methods of funding an access road over the moor and the potential for it to become a walking route. It was noted that the Community Council had previously discussed plans for walking routes and it was suggested that the Community Council be approached to ascertain if any progress had been made. It was agreed that a Special meeting of the Common Good Fund Sub-Committee be arranged once the information had been received from Agriforest.

- 3.2 Ms Stewart went on to explain other matters relating to the golf course. Minor repairs were required to the wall on the east side at the golf course, the cost of which would be shared. Discussions were also ongoing regarding the potential erection of a storage shed, details of which would be reported back at a future meeting.
- 3.3 Ms Stewart moved on to issues arising from woodland planting. Tweed Forum had produced a report that recommended that more hand weeding was carried out to deal with the undesirable growth of certain plant species. The Ecology Officer would draw down funds from the Penmanshiel fund to retain a maintenance contractor for the next 3 years to carry out the required weeding.

**DECISION**

(a) **AGREED that:-**

- (i) **the Estates Surveyor would instruct Agriforest to prepare a report on the two options of extraction as detailed above; and**
- (ii) **that a special meeting be arranged once the information was available.**

(b) **NOTED the verbal property update.**

4. **URGENT BUSINESS**

Under Section 50B(4)(b) of the Local Government (Scotland) Act 1973, the Chairman was of the opinion that the items 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. **RENEWABLE ENERGY**

The Chairman suggested that an item be included on the agenda for the next meeting of the Sub-Committee to explore the possibility of placing renewable energy sources on Common Good Fund owned property.

**DECISION**

**NOTED.**

6. **PRIVATE BUSINESS**

**DECISION**

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

**SUMMARY OF PRIVATE BUSINESS**

**7. PROPERTY UPDATE**

The Sub-Committee received updates pertaining to Common Good Property.

*The meeting concluded at 10.50 am*

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# **SCOTTISH BORDERS COUNCIL EXECUTIVE COMMITTEE**

**MINUTES of Meeting of the EXECUTIVE COMMITTEE held Via Microsoft Teams on Tuesday, 14 September, 2021 at 10.00 am**

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Present:- Councillors S. Haslam (Chairman), S. Aitchison (Vice-Chairman), G. Edgar, C. Hamilton (from paragraph 3), S. Mountford, M. Rowley, R. Tatler, G. Turnbull and T. Weatherston

Also Present:- Councillor H. Scott

Apologies:- Councillors S. Hamilton and E. Jardine

In Attendance:- Chief Executive, Executive Director Finance & Regulatory, Service Director Assets & Infrastructure, Democratic Services Team Leader, Democratic Services Officer (W. Mohieddeen)

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## **1. MINUTE**

There had been circulated copies of the Minute of the meeting of 17 August 2021.

### **DECISION**

**APPROVED for signature by the Chairman.**

## **2. STRATEGIC HOUSING INVESTMENT PLAN 2022-2027**

- 2.1 There had been circulated copies a report seeking approval of the Strategic Housing Investment Plan (SHIP) 2022-2027 so that it could be submitted to the Scottish Government as required by 31 October 2021 deadline. Local Authorities were required by the Scottish Government to produce a rolling five-year SHIP submission to the Scottish Government annually. It was highlighted that 107 homes were built in the period 2020-2021, falling short of the target of 128 due to the impact of the UK lockdown caused by the COVID-19 pandemic and for the period 2021-22, 312 homes were projected to have been built exceeding annual targets. The report also highlighted that around 1213 homes could be delivered in the Scottish Borders in the five year period of the SHIP. It was noted that the SHIP was the first Council document to reference the Regional Economic Strategy.
- 2.2 Members commended the scale of work in the SHIP, noting the achievements of Registered Social Landlords (RSLs). It was noted that each RSL was progressing with a programme of activity. The Cheviot Area Partnership had invited the RSLs to come along and give a presentation on the activity in that area. Members commented on the need for more 4-bedroom housing and the amenity needs for housing outside of town centres, noting the connectivity, recreation and anti-social behaviour issues at Melrose Gait, Galashiels. In response to a question on Town Centre development, the Chief Planning Officer advised that this was already under consideration with meetings to take place on regeneration of Galashiels town centre and housing solutions in Innerleithen.

### **DECISION**

**AGREED to approve the SHIP 2022-2027, as contained in Appendix 1 to the report, for submission to the Scottish Government - More Homes division.**

### **3. 2020-21 ANNUAL PROCUREMENT REPORT/STANDING ORDERS AMENDMENT**

- 3.1 There had been circulated copies of the report by the Executive Director Finance & Regulatory presenting the 2020/21 Annual Procurement Report. The report was mandatory required by the Procurement Reform (Scotland) Act 2014. It was noted that the recommendation should refer to the 2020/21 report. The report included a dedicated section noting the support and service provided in response to the Covid-19 pandemic. The key areas of support included payment and reporting of all relevant business support, managing financial sustainability support for Social Care Providers and working as part of a cross functional team on the sourcing, supply and distribution of personal protective equipment (PPE). The report also included the adjustment of Procurement and Contract Standing Orders to amend the process of approving the appointment of consultants. It was proposed that individual Directors undertake this approval, rather than the current process by the Corporate Management Team.
- 3.1 The report highlighted that £70 million in business grants were made to around 5,000 local businesses with specific support payments made to early years, childcare and transport services. Social Work contract facilitated payments in excess of £1.5 million to support long-term sustainability of key social care providers. There had been a 357% increase in PPE use with £1.2 million spent for staff during the pandemic. Payment performance highlighted that 95% of invoices were processed within 30 days, 60% of invoices were processed within 10 days and 98% of payments were processed by BACS payments. The report further highlighted that £178,830,146 in total was spent in procurement with £106,355,721 being spent on micro, small and medium sized-businesses. The work on the Hawick Flood Protection Scheme was included as part of a case study which showed that to protect 900 homes in Hawick, 6km of flood defence work took place that supported the employment of 59 people where 44% of the workforce on the scheme were from the Hawick area and £1.2 million of sub-contract activity was spent on local businesses.
- 3.2 Members thanked Ms Dickson and her team for their hard work and were pleased to note the improved performance in the payment of invoices. With regard to the proposed changes to standing orders, the Executive Director Finance & Regulatory confirmed that the appointment of consultants would still be subject to strict controls managed by the Procurement Service. Members noted the summary of community benefits and hoped these would continue to increase.

#### **DECISION**

- (a) **AGREED to approve the Annual Procurement Report 2020-21, as contained in the Appendix to the report**
- \* (b) **AGREED TO RECOMMEND to Council the amendment of the Procurement & Contract Standing Orders to provide for the approval by Directors of the appointment of consultants.**

#### **MEMBER**

Councillor Rowley left the meeting.

### **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 it involved the likely disclosure of exempt information as defined in Paragraphs 8 and 9 of Part I of Schedule 7A to the Act.**

## SUMMARY OF PRIVATE BUSINESS

### 5. **ANGLEE ROUNDABOUT**

The Committee approved a report by the Service Director Assets and Infrastructure on the provision of a roundabout at the junction of the C77 Langshaw Road and the B6374 Melrose Road.

*The meeting concluded at 10.55 a.m.*

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# **SCOTTISH BORDERS COUNCIL**

## **MAJOR CONTRACTS GOVERNANCE GROUP**

MINUTE of Meeting of the MAJOR CONTRACTS GOVERNANCE GROUP held Via Microsoft Teams on Tuesday, 14 September 2021 at 2.00 pm

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Present:- Councillors M. Rowley (Chairman), A. Anderson, G. Edgar, S. Haslam, J. Fullarton, E. Thornton-Nicol, T. Weatherston.

In Attendance:- Executive Director Finance & Regulatory Services, Chief Officer Roads, Financial Service Manager, Contracts Manager, Estimator (M. Douglas), J. Scully, L. Teaz and G. Newman (CGI), Clerk to the Council, Democratic Services Officer (D. Hall)

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### **1. MINUTE**

There had been circulated copies of the Minute of the meeting of the Major Contracts Governance Group of 6 June 2021.

#### **DECISION**

**NOTED the Minute of the Major Contracts Governance Group of 6 June 2021.**

### **2. CHANGE IN SCHEME OF ADMINISTRATION**

Copies of an extract from the Scheme of Administration, giving amended details for the Major Contracts Governance Group, had been circulated. The Executive Director Finance & Regulatory Services explained that following a motion by Councillor Thornton-Nicol which had been agreed by Council there had been a change to the Scheme of Administration with regard to the remit of the Major Contracts Governance Group. The Group would scrutinise SBC Contracts and CGI, with the performance of Live Borders now being reviewed by the Executive Committee.

#### **DECISION**

**NOTED the change to the Scheme of Administration for the Major Contracts Governance Group.**

### **3. Public/ Private Reports**

With reference to paragraph 3.2 of the Private Minute of the meeting of 1 June, the Chairman advised that there were proposed changes to the way in which business would be considered by the Group. Most of the business had previously been taken in private due to commercial confidentiality, but moving forward it was hoped to have more discussion in public. The Executive Director Finance & Regulatory Services explained the situation and the impact of the changes. Under the Local Government (Scotland) Act 1973 the Group was obligated to keep commercially sensitive information private. Using the proposed approach, genuine commercially sensitive information would be discussed in private, but, where possible, it would be separated from aspects that could be discussed in public. Where necessary, multiple reports (one public, one private) could be produced, or commercially sensitive information could be included as a private appendix to a public report. Members discussed the changes and unanimously agreed to the new approach.

#### **DECISION**

**AGREED to conduct as much Major Contracts Governance Group business in public as practicable.**

**4. PRIVATE BUSINESS**

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

**SUMMARY OF PRIVATE BUSINESS**

**5. MINUTE**

Members approved the Private Section of the Minute of the Major Contracts Governance Group of 6 June 2021.

**6. SBC CONTRACTS TRADING OPERATION UPDATE**

Members considered a report on the trading and financial position of SBc Contracts for the period to 30 June 2021.

**7. CGI EXECUTIVE PERFORMANCE REVIEW**

Members considered the CGI Performance Review.

*The meeting concluded at 4.00 p.m.*

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

MINUTE of MEETING of the KELSO COMMON GOOD FUND SUB-COMMITTEE held via Microsoft Teams on Tuesday, 14 September 2021 at 5.15 p.m.

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Present: - Councillors S. Mountford, T. Weatherston and Community Councillor D. Weatherston.

Apologies:- Councillor E. Robson.

In Attendance: - Pensions and Investments Manager, Chief Legal Officer, Democratic Services Officer (F. Henderson).

Members of the Public: - 0

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**1.0 MINUTE**

There had been circulated copies of the Minute of the Kelso Common Good Fund Sub-Committee held on 15 June 2021.

**DECISION**

**AGREED to note the Minutes for signature by the Chairman.**

**2.0 MONITORING REPORT FOR 3 MONTHS TO 30 JUNE 2021**

There had been circulated copies of a report by the Executive Director, Finance & Regulatory providing details of the income and expenditure for the Kelso Common Good Fund for three months to 30 June 2021, a full year projected out-turn for 2021/22, and projected balance sheet values as at 31 March 2022. Appendix 1 to the report provided the projected Income and Expenditure position for 2021/22 which showed a surplus of £6,611 for the year. Appendix 2 to the report provided a projected balance sheet value as at 31 March 2022 and showed a projected decrease in reserves of £52,518. Appendix 3(a) to the report provided a breakdown of the property portfolio showing projected rental income and projected net return for 2021/22 and actual property income to 30 June 2021. Appendix 3(b) provided a breakdown of the property portfolio showing projected property expenditure for 2021/22 and actual property expenditure to 30 June 2021. Appendix 4 provided a breakdown of the property portfolio showing projected property valuations at 31 March 2022. Appendix 5 detailed the value of the Aegon Asset Management Investment Fund to 30 June 2021. The Pension & Investment Manager highlighted the main points in the report, answered Members questions and advised that Aegon Asset Management would be presenting to members on the Council later in the year.

**DECISION**

**NOTED the :-**

- (a) projected income and expenditure for 2021/22 in Appendix 1;**
- (b) projected balance sheet value as at 31 March 2022 in Appendix 2;**
- (c) summary of the property portfolio in Appendices 3 and 4; and**
- (d) current position of the Aegon Asset Management Investment Fund in Appendix 5.**

*The meeting closed at 5.20 p.m.*



# **SCOTTISH BORDERS COUNCIL**

## **PENSION FUND COMMITTEE AND PENSION BOARD**

MINUTES of Meeting of the PENSION FUND COMMITTEE AND PENSION BOARD held via Microsoft Teams on Thursday, 16 September 2021 at 2.00pm.

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Present:- Councillors D. Parker, S. Aitchison, G. Edgar, D. Moffat, S. Mountford S. Scott; Mr D. Bell, Mr A. Daye, Mr M. Drysdale, Mr M. Everett, Ms K. Hughes (from paragraph 6), Ms H. Robertson, Ms L. Ross.

Apologies:- Councillors J Brown, C. Hamilton.

In Attendance: Executive Director Finance & Regulatory, Pensions and Investment Manager, HR Shared Services Manager, Chief Officer Audit & Risk, Clerk to the Council, Democratic Services Officer (D.Hall).

Also in Attendance: Mr A Haseeb, Audit Scotland, Mr A Singh and Mr A. Ross, Isio.

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### **1. MINUTE**

There had been circulated copies of the Minute of the Meeting held on 10 June 2021.

### **DECISION**

**NOTED for signature by the Chairman.**

### **2. SELF SERVICE PRESENTATION**

The HR Shared Service Manager, Ian Angus, gave a demonstration of the Self Service Pension System under development. Mr Angus demonstrated an exact replica of the system and outlined some of its features, which included live information updates and a pension benefit slide bar tool that would provide users the details of their lump sum against annual pension. Mr Angus noted that this tool would save considerable time for the Pension Administration team, and provide pension scheme members a valuable tool. He went on to provide statistics on the number of sign ups and emails that had been sent out to promote the Self Service system to scheme members. There had been 860 successful new sign ups, 229 instances of assistance provided in signing up and 4235 benefit calculations. The Chairman thanked Mr Angus for his presentation.

### **DECISION**

**NOTED.**

### **3. EXTERNAL AUDIT PLAN**

Copies of the Scottish Borders Council Pension Fund Annual Audit Plan 2020/21 from Audit Scotland had been circulated. Mr Asif Haseeb of Audit Scotland advised that the Plan had been considered at the meeting of the Audit and Scrutiny Committee held on 8 March 2021. The audit was nearing conclusion and it would be presented at the meeting to be held on 20 October 2021.

### **DECISION**

**NOTED.**

#### **4. RISK REGISTER UPDATE**

There had been circulated copies of a report by the Executive Director Finance and Regulatory Services on the Risk Register Update. The report formed part of the risk review requirements and provided the Members of the Pension Fund Committee and Pension Board with an update of progress on the management actions previously agreed to further mitigate the risks. The report explained that identifying and managing risk was a cornerstone of effective management and was required under the Council's Risk Management Policy and process guide and the 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. . The revised Risk Register was approved by the Joint Pension Fund Committee and Pension Fund Board on 10 June 2021. Appendix 1 to the report detailed the risks within the approved risk register which had been identified, management actions and the progress of these actions to date. There were no new risks identified during the review.

#### **DECISION**

##### **AGREED to:**

- (a) note the management actions progress as contained in Appendix 1 to the report;**
- (b) note no new quantifiable risks had been identified since the last review; and**
- (c) an update on progress of management actions would be presented in December 2021.**

#### **5. EARLY RETIREMENT STRAIN FACTORS**

There had been circulated copies of a report by the Service Director HR and Communications on Early Retirement Strain Factors. The report advised on a review that had been undertaken by the Fund Actuary Hymans Robertson of the Early Retirement Strain Cost Factors for Scottish Borders Council Pension Fund and proposed the implementation of amended factors, along with a commitment to review those as part of the triennial valuation. The manual that had been provided as part of the review would remain current and ensure that strain factors were interpreted and applied in the correct manner. The Fund needed strain cost factors to determine the added cash which an employer must pay whenever a member was granted early retirement with unreduced benefits. These benefits, now being taken early would cost the Fund more than had originally been expected based on normal retirement age, so the employer must pay the Pension Fund for the additional cost. The current Fund factors, which had not been reviewed since 2005, had been compared to the proposed factors; the current factors overstated the strain cost in most circumstances, and therefore adopting the new factors would generally give rise to lower strain costs required from employers. The proposed factors were outlined within Appendix 1 to the report. The Pensions Administration Team would look to implement the new factors in accordance with the best practice advice provided by Hymans Robertson, which was outlined at section 4.5 of the report.

#### **DECISION**

##### **AGREED to:-**

- (a) approve the implementation of the new Early Retirement Strain Cost Factors;**
- (b) approve the review of Early Retirement Strain Cost Factors at each future triennial valuation; and**
- (c) note the provision of the Manual for future reference.**

#### **MEMBER**

Ms K. Hughes joined the meeting.

#### **6. COMMUNICATION POLICY REVIEW**

There had been circulated copies of a report by Service Director HR and Communications on the Communication Policy Review. The report provided a review on the Communication Policy and an update on the review of forms and communication, including annual benefit statements. In line with the Pension Fund business plan the Policy should be reviewed on an annual basis. The report discharged that requirement. Appendix 1 to the report contained the revised Communication policy which had a number of amendments made to the previously approved version, these were all within section 5 to update the improved communication methods that were deployed by the Fund. The Pension Fund website continued to be a useful resource and had been visited on a regular basis. This continued to be updated to reflect the current Regulations and any relevant documents or news stories were published accordingly. The Pensions Administration team had carried out a review of the supporting information provided along with the Annual Benefit Statements for deferred members this year and looked to encourage members to sign up to the new Members Self Service portal. Work continued to review processes and associated Forms making use of emerging digital technologies wherever possible. In response to a question on the difference between visits and usage, Mr Angus explained that usage was defined as repeated visits by the same user, whereas visits were single instances.

#### **DECISION**

##### **AGREED to:**

- (b) approve the Communication Strategy as set out in Appendix 1 to the report;**
- (b) note the website performance; and**
- (c) note that work had continued on the review of Forms and the Annual Benefit statement documentation had been reviewed**

#### **7. PENSION FUND BUDGET MONITORING TO 30 JUNE 2021**

There had been circulated copies of a report by the Executive Director Finance and Regulatory Services on the Pension Fund Budget Monitoring to 30 June 2021. The purpose of the report was to provide the Pension Fund Committee and Pension Fund Board with an updated position of the Pension Fund budget to 30 June 2021 including projections to 31 March 2022. The Local Government Pension Scheme (Scotland) Regulation 2014 required Administering Authorities to ensure strong governance arrangements and set out the standards they were to be measured against. To ensure the Fund met the standards a budget was approved on 4 March 2021 following the recommendations within the CIPFA accounting guidelines headings. This report was the first quarterly monitoring report of the approved budget for 2020/21. The total expenditure to 30 June 2021 was £0.131m, with a projected total expenditure of £7.129m against a budget of £7.008m. This projected a budget variance of £121k, which represented an error in the original budget setting, related to work in connection with “strain on Fund” factors, investment manager procurements and the ESG workshop and policy review.

#### **DECISION**

##### **AGREED:-**

- (a) to note the actual expenditure to 30 June 2021; and**
- (b) the projected out-turn as the revised budget.**

#### **8. RESPONSIBLE INVESTMENT POLICY REVIEW**

There had been circulated copies of a report by the Executive Director Finance and Regulatory Services on the Responsible Investment Policy Review. The purpose of the

report was to approve the updated Responsible Investment Policy for the Pension Fund. The Pension Fund as part of its fiduciary duties was required to ensure appropriate consideration was given to Environmental, Social and Governance (ESG) issues as part of its investment decisions, whilst acting in the best interest of the scheme beneficiaries. The Committee and Board, to ensure fiduciary duties were met and in line with good practice, previously agreed the review and update of the Statement of Responsible Investment. A workshop was held on 23rd August with all members of the Committee and Board to discuss and agree the ESG beliefs. The output of the workshop had been incorporated in the draft Responsible Investment Policy contained in Appendix 1 to the report. The draft Policy had been available on the Scottish Borders Council Pension Fund website for members of the fund to review and comment on. The Stewardship Code and Task Force for Climate Related Financial Disclosure (TCFD) which the Fund would be required to adhere to both had extensive reporting and monitoring requirements. The Policy increased the level of monitoring to ensure these requirements could be fully met. The scoping and costing of this was being developed.

#### **DECISION**

#### **AGREED to:-**

- (a) approve the Statement of Responsible Investment as contained in Appendix 1 to the report; and**
- (b) the scoping and costing of the additional reporting requirements being reported to future meetings.**

#### **9. REVIEW OF UK STEWARDSHIP CODE 2020**

There had been circulated copies of a report by the Executive Director Finance and Regulatory Services on the Review of UK Stewardship Code. The purpose of the report was to review the Stewardship Code 2020 with a view to Scottish Borders Council Pension becoming a signatory to further demonstrate sound management and governance of the Fund. The Stewardship Code was not a statutory requirement, however both the UK Ministry of Housing, Communities & Local Government, and the TPR, recommended that administering authorities of LGPS funds should become signatories to the Code. The Code was not prescriptive in its reporting format or content but did require the submission to demonstrate how the Fund had applied the set of 12 principles which were shown in paragraph 4.3 of the report. To allow the Fund to evidence it had fully met the requirements of the Code there were some key actions required to be undertaken. Those actions were shown in paragraph 4.6 of the report along with completion dates. The completion of the required actions would allow the Fund to make an application in the next round of submissions in October 2022 based on the 2021/22 Annual Accounts and report. The Fund currently required its Fund Managers to be signatories of the United Nations Principles for Responsible Investment (UNPRI). The Fund could also require its Managers to become signatories of the Stewardship Code. Currently 70% of the funds invested were with Managers who were signatories.

#### **DECISION**

#### **AGREED to:-**

- (c) approve in principle the Pension Fund becoming signatories to the Code;**
- (b) approve the required actions detailed in paragraph 4.6 of the report;**
- (c) an application being prepared for submission in October 2022; and**
- (d) approve the requirement for Fund Managers to be signatories to the Code.**

#### **10. INFORMATION UPDATE**

There had been circulated copies of a Briefing Paper by the Executive Director Finance and Regulatory Services providing an information update. This briefing paper provided members of the Committee and the Board with an update on a number of areas which were being monitored and areas where work was progressing. Details were provided on Cyber Security, National Insurance Database, Scheme Advisory Board, and Future Meetings. Full reports on the individual areas would be tabled as decisions and actions were required.

**DECISION**  
**NOTED.**

11. **PRIVATE BUSINESS**  
**AGREED under Section 50A(4) of the Local Government (Scotland) Act 1973 to excluded the public from the meeting during consideration of the business contained in the following items on the grounds that they involved the likely disclosure of exempt information as defined in paragraph 6 and 8 of Part 1 of Schedule 7A to the Act.**

**SUMMARY OF PRIVATE BUSINESS**

12. **MINUTE**  
The Committee noted the Private Minute of the Meeting of 10 June 2021.
13. **INVESTMENT PERFORMANCE QUARTER TO 30 JUNE 2021**  
The Committee considered a private report by Isio.
14. **PASSIVE ESG EQUITY MANDATE PROCUREMENT**  
The Committee considered a report by the Executive Director Finance & Regulatory Services and approved the recommendations.

*The meeting concluded at 3.32p.m.*



## **SCOTTISH BORDERS COUNCIL SUSTAINABLE DEVELOPMENT COMMITTEE**

MINUTE of Meeting of the SUSTAINABLE  
DEVELOPMENT COMMITTEE held remotely  
by Microsoft Teams on Friday, 17 September  
2021 at 10.00 am

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Present:- Councillors S. Aitchison (Chairman), H. Anderson, J. Greenwell, H. Laing, J. Linehan, and D. Paterson.

Apologies:- Councillors, K. Chapman, G. Edgar and S. Scott

In Attendance:- Chief Planning & Housing Officer (I. Aikman), Corporate Policy Advisor (M. Cook), Environmental Strategy Officer (L. Cox), Cleaning & Facilities Manager (J. Gray), Education rep (D. Matthewson), Waste Manager (R. Sharp-Dent), Project Management Team Leader (E. Doyle), Youth Engagement Officer (P. Rigby), Clerk to the Council, Democratic Services Officer (D. Hall)

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### **1. MINUTE**

There had been circulated copies of the Minute of the Meeting of 4 June 2021. With reference to paragraph 6.2 of the Minute and the sentence "Councillor Anderson asked if Community Council representatives could be invited to make a presentation..", this should have read "Councillor Anderson asked if representatives of Pesticide Action Network could be invited to make a presentation...".

### **DECISION**

**APPROVED for signature by the Chairman, subject to the above amendment.**

### **2. SUSTAINABILITY IN COUNCIL CATERING AND CLEANING**

With reference to paragraph 3 of the Minute of 5 March 2021, there had been circulated copies of a joint report by the Service Director Assets and Infrastructure and the Service Director Young People, Engagement and Inclusion which set out progress following a presentation by the Youth Ambassadors for Sustainability to the Sustainable Development Committee on 5 March 2021 on the subject of 'Stopping the Use of Plastic Bottles in Schools'. The report noted that, while progress in decommissioning plastic bottles, particularly single use bottles, in schools was objectively and symbolically important, it remained an individual step in a broader suite of actions aimed at delivering a sustainable Catering and Cleaning Service. The report placed action in the context of the global climate and nature emergencies, the legal and regulatory obligations upon public bodies to prioritise and take account of climate and the circular economy in their procurement activity and the Council's own commitments pursuant to the Scottish Borders Climate Change Route Map, including the commitment to embed Net Zero practices in SBC's own operations, capital programmes and value chains. Progress had been made through more sustainable product packaging choices in the region's primary and high schools, catering generally and cleaning. Some of the practical challenges in balancing occasionally conflicting priorities to maintain nutritional standards, whilst also removing unsustainable packaging, were also identified. Waste and our collective responsibility to reduce, reuse and recycle was highlighted, together with the vital importance of education, cultural and behavioural change, with schools playing a central role. Current progress on both of those work streams was set out.

It was acknowledged that a holistic approach was essential to making further progress in ensuring that products and processes were as fully sustainable as possible, supported by a strategic approach which built in qualitative and quantitative performance metrics. Lastly, it was proposed a follow up report on Sustainable Procurement in Catering and Cleaning would be brought to the Sustainable Development Committee on 3 December 2021. John Gray, Cleaning & Facilities Manager, provided some context to the report and explained that guest speakers from the food and drinks industry would make presentations to explain what was happening in the sector with regard to reducing greenhouse gas emissions.

2.2 Andrew Gibbons of AG Barr joined the meeting. Mr Gibbons gave an outline of the work that was undertaken by his company to improve the carbon footprint of their soft drinks business, this included measures such as using a higher percentage of recycled plastics in their bottles and packaging. The presentation gave an insight into the work that the soft drink industry was doing to reduce the impact of their business upon the environment, including:

- Doing the Right Thing and No Time to Waste Programme
- Contribution to the UN Sustainable Goals and Environmental Standard ISO14001
- Carbon net zero to be achieved by 2040 or sooner if possible
- Packaging to be recycled, not discarded as litter
- 100% of soft drinks packaging currently recyclable
- 100% recycled films in multipacks and paper straws in cartons

2.3 In response to questions from Members, Mr Gibbons advised that information was still awaited on the bottle return scheme which was being set up by Circularity Scotland and would hopefully be in place by summer 2022. Mr Aikman, Chief Planning & Housing Officer, added that previously the Committee had considered the removal of plastic bottles from schools, but this was a much wider issue concerning packaging, products and recycling, which involved not just other Services within the Council, but suppliers as well. Mr Gibbons confirmed that this was a partnership between governments, suppliers and end users, and added that the presentation could be used within schools if desired. Members asked that only scientific details from the presentation were used in schools and not inadvertently the promotion of soft drinks. It was not about the contents but the packaging itself that was the focus.

2.4 Colin Dyer and Amy Marshall of Campbell Brothers joined the meeting. Ms Marshall gave a presentation that outlined the work that had gone on within their business to alleviate some of the environmental impact of their meat and fish business, including:

- Overview of Campbell Bros butchers and fishmongers only working with sustainable suppliers
- Market trends and developments
- Sourcing meat locally where possible and fish from Scotland when in season
- Accreditations for meat and fish
- Reduction of single use plastic
- Carbon footprint reduction, currently zero waste to landfill and reductions in fleet emissions
- Meat in a net zero world and alternative products

2.5 In response to questions from Members, Mr Dyer explained that due to food safety reasons, when packaging and selling fresh meat products there would always be an element of single use plastic; however work was ongoing to create a biodegradable solution. Regarding short supply chains, Mr Dyer advised the committee that an experiment had taken place with SBC to use locally reared lamb in school meals, however ongoing logistical and economic challenges remained. While the company would like to use Borders lamb and beef, a consistent supply was needed, so while 10kgs of lamb could be needed in a week, this would only be part of the carcass so options on what to do with the remainder remained

unresolved. With regard to the impact of Brexit, Mr Dyer advised that the company had confidence in the products they were bringing in to the country and no product was purchased that did not meet their current standards, which was the same as previously. The company had responsibility and accountability to meet BRC accreditation (certification against food, packaging, storage and distribution standards) so any of their suppliers had to be able to provide the required information. Members thanked the presenters for their attendance and their insightful presentations.

- 2.6 Noting that the focus of the present report and activity it outlined was product packaging, Mr Gray explained to the committee that the two presentations reflected the holistic approach that was required across all of society to make systemic changes to waste and consumer habits. As reflected in the report, extensive decommissioning of single use plastics in both primary and secondary schools. Particular progress had been made in Primary Schools with large scale removal of plastic bottles and the replacement of plastic containers through the use of crockery. The catering offering within High Schools presented more of a challenge as pupils could choose to go elsewhere. The key point was the need to work with suppliers. Mr Sharp-Dent outlined the situation with regards to waste management in schools, explaining that the aim was not to get packaging into the market place in the first place and what there was would be as recyclable as possible, with the use of the least amount of raw materials. There would always be packaging of some sort, so more insight was needed in what was happening within our school buildings. A pilot scheme was proposed for one school which would seek to acquire data and build a case for rolling out further waste management techniques across all schools. The challenge for Waste Services was in identifying resources for this as Covid still provided a challenge. Debbie Matthewson, from the Education Service, commented on a couple of projects within schools on reducing waste. There was a local authority network with Education Scotland and SBC services could also work together to address issues. Members paid tribute to all those involved in the production of the report.

## **DECISION**

**(a) NOTED:-**

- (i) the progress made in decommissioning the use of single-use plastic bottles for sale as part of the Council's catering offer within Scottish Borders Primary Schools;**
- (ii) the progress made in substituting products for sale as part of the Council's catering offer within Scottish Borders schools which were assessed as more consistent with the Council's sustainable procurement duties;**
- (iii) that progress on Sustainable Procurement sat within the Resilience Theme of the Climate Change Route Map and that Officers were progressing a holistic approach to embedding further sustainable practice, bringing together Education, Catering and Cleaning, Procurement and Waste Services to support further action; and**
- (iv) that it was proposed to scope and seek approval for a pilot waste management exercise in a high school which would involve the provision of comprehensive recycling facilities to assess the behaviour patterns of users of the buildings and the quantities of materials deposited. Subject to approval, progress of the pilot would be reported to the Sustainable Development Committee.**

**(b) ENDORSED the broader approach to prioritising and taking account of climate and circular economy in the Council's procurement activity.**

**(c) AGREED that:-**

- (i) the Council would provide dedicated support to develop the Learning for Sustainability agenda within all Scottish Borders Council schools. This officer resource would link strategic management decisions to curriculum opportunities supporting positive behaviour changes both within schools and in wider domestic and community life; and
- (ii) a follow up report on Sustainable Procurement in Catering and Cleaning, setting out further progress, would be brought to the Sustainable Development Committee on 3 December 2021.

**MEMBER**

Councillor Patterson left the meeting during discussion of the above item.

**3 REGIONAL LAND USE PARTNERSHIP UPDATE**

3.1 Senior Policy Advisor, Douglas Scott, gave a presentation on the Regional Land Use Partnership (RLUP). He explained that Regional Land Use Partnerships were a key element of the National Land Use policy. They aimed to identify opportunities for land use change to deliver environmental, socio-economic and climate change through the production of a regional Land Use Framework. This would be achieved through collaborative working with all stakeholders to optimise land use in a fair and inclusive way. A joint bid from Dumfries and Galloway Council (DGC), Scottish Borders Council (SBC) and South of Scotland Enterprise Agency (SOSE) was submitted in January 2021. The South of Scotland (SoS) was chosen as one of five pilot Regional Land Use Partnerships in Scotland in April 2021. The first phase of the project up to March 2022 was for the pilot regions to undertake the development of the required governance and to build to the appropriate relationships to enable the RLUPs to function. The second phase from April 2022 to March 2023 was for the RLUP to develop its Regional Land Use Framework. The final stage from March 2023 onwards would focus on delivering the objectives in the framework by making collaborative land use change decisions in the SoS. The project would be managed through a steering group comprising senior officers from SBC, DGC, SOSE and chaired by the two Councils. Scottish Borders Council would administer the award, SOSE would carry out the appointment process with the two Councils, and SOSE would employ the project manager. The application process to appoint the Project Manager was ongoing, with interviews scheduled to take place on 23 September 2021.

3.2 Members expressed their gratitude for the update. In response to a question regarding Members' representation on the steering group, Mr Scott explained that they would set up the governance of the group and make recommendations. The group would be guided by consensus. Mr Scott confirmed that a report would be presented to Council with further details in due course.

**DECISION**

**NOTED the presentation attached as an Appendix to this Minute.**

**MEMBER**

Councillor Paterson re-joined the meeting during discussion of the above item.

**4. CLIMATE CHANGE ROUTE MAP PROGRESS UPDATE**

With reference to Paragraph 10 of the Minute of the Meeting of Scottish Borders Council on 17 June 2021, the Chief Housing and Planning Officer, Ian Aikman, provided an update on the Climate Change Route Map. Transport, Energy and Waste were identified as the first themes of the key priority actions. Potentially significant funding opportunities associated

with the UK Government Levelling Up Fund had been identified to support projects across the Transport theme and town centre regeneration which would also support access to local services - thus offering emissions reductions in both domestic energy and local travel. Candidates had been interviewed for the post of Climate Change Officer, however the preferred candidate had chosen not to accept the position. Officers were considering how to proceed, including the modification of the role description and the terms and conditions. This was an area where quite a number of other local authorities and organisations were currently trying to recruit. In terms of carbon literacy training, it was confirmed that 19 people had now received certification. Mr Aikman further explained that part of the Officer Group was to share best practice and encourage partners to do likewise, so there was mutual support in driving the agenda forward. The current focus was on key things that the Council could do but as we moved forward in the medium/longer term, that focus could shift to a Borders-wide perspective. On the topic of corporate Governance changes, it was noted that John Curry, Director of Infrastructure & Environment was now providing oversight and had helped link key elements together, which had moved the work agenda forward.

**DECISION**

**NOTED the presentation attached as an Appendix to this Minute.**

**5. URGENT BUSINESS**

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

**6. COP 26 UPDATE**

The Corporate Policy Advisor, Michael Cook, gave an update on matters relating to COP26. He outlined the different zones that would be present at the event: the UN managed blue zone; the UK Government managed green zone and fringe events managed by the Scottish Government. Regarding participation in the event, it was explained that the first application made was for the green zone for the South of Scotland natural capital proposition. COSLA was responsible for co-ordinating a Local Authority application, and that application had been lodged. Unfortunately, the South of Scotland application had been unsuccessful. Mr Cook noted that the application process was opaque and that no feedback had been provided on why applications had not been successful. Given the timeframe, Mr Cook went on to explain that any official participation by SBC was now extremely unlikely. The Chairman thanked the officers involved for their excellent work in preparing the applications on behalf of the Council, expressed his disappointment at the outcome and resolved to participate in any way that technology would allow.

**DECISION**

**NOTED.**

**7. PESTICIDE ACTION NETWORK**

With reference to paragraph 6.2 of the Minute of 4 June 2021, the Chairman advised that the possibility of a pilot to go pesticide-free in Peebles was still being investigated. Officers in Neighbourhood teams were so involved in their day to day work it had not been possible to arrange a meeting yet, but it would hopefully happen over the next few weeks. Covid was still impacting heavily on Council front line services, the provision of which needed to be maintained.

**DECISION**

**NOTED.**

***The meeting concluded at 12.24pm.***

**SCOTTISH BORDERS COUNCIL  
AUDIT AND SCRUTINY COMMITTEE**

MINUTES of Meeting of the AUDIT AND SCRUTINY COMMITTEE held via MS Teams on Monday, 20 September 2021 at 10.15 am

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Present:- Councillors S. Bell (Chairman), H. Anderson, J. A. Fullarton, J. Greenwell (from paragraph 8), N. Richards E. Robson, H. Scott, S. Scott, and E. Thornton-Nicol; Ms H. Barnett.

Apologies:- Mr M. Middlemiss.

In Attendance:- Executive Director Finance & Regulatory (David Robertson), Director Infrastructure & Environment (John Curry), Chief Officer Audit & Risk (Jill Stacey), Clerk to the Council, Democratic Services Officer (W. Mohieddeen).

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**1. ORDER OF BUSINESS**

The Chair notified the Committee he was minded to change the order of business. Due to the nature of the content and likely discussion of item 7 on the agenda, Progress Update on LDS Financial Management Update, this could lead to the identification of recipients of particular services provided by the Learning Disability Service.

**DECISION**

**AGREED to take item 7 on the agenda as private business, within the terms of paragraphs 3 and 10 of Part 1 of Schedule 7 of the Local Government (Scotland) Act 1973,**

**2. MINUTE**

There had been circulated copies of the Minute of the meeting of the Audit and Scrutiny held on 19 August 2021. With reference to the decisions at paragraph 2.4, Responsible Dog Ownership, the Clerk to the Council advised that an update on when the Committee would receive the information requested would be brought to the next meeting of the Committee. With reference to paragraph 3, a potential Scottish Borders Autism Survey review, the Clerk advised that the Strategy had been agreed during the shadow year of the H&SC Integrated Joint Board, and further information was being sought on the likely review process. This would be provided to the next meeting of the Committee.

**DECISION**

**AGREED the Minute for signature by the Chairman.**

**3. ACTION TRACKER**

There had been circulated copies of the Action Tracker. The Chief Officer Audit and Risk presented the Action Tracker and confirmed that it did not at this point include actions relating to Scrutiny business. The Executive Director Finance & Regulatory provided a verbal ICT Cybersecurity update in relation to action 3 from the meeting held on 10 May

2021. Officers had been working with CGI in the last few months on updating the PSN accreditation with the Cabinet Office. Penetration testing had been carried out and there were a number of remediation points to address before a submission was anticipated at the end of September. A piece of work had been requested from CGI on wider Cybersecurity, with further details requested on the specific work and pricing elements for this. A further quote for this work was anticipated shortly.

#### **DECISION**

**(a) NOTED the Action Tracker.**

**(b) AGREED to remove action 3 from the meeting of 10 May 2021 from the Action Tracker.**

#### **4. RISK MANAGEMENT IN SERVICES**

4.1 A verbal presentation of Risk Management in the Assets & Infrastructure Service was delivered by the Director Infrastructure & Environment, Mr John Curry. The Director presented the structure of risks managed across the teams noting the recent change of directorates which included Assets and Infrastructure now being called Infrastructure and Environment, and that included Planning and Building Standards which would be included in the next update. Corporate risks managed by the Director included property, capital projects and climate change. In response to questions from Members, Mr Curry explained that some work was being outsourced at the moment to local specialists. That would continue but there needed to be consistency of support and marketing to make the best of the Council's assets. While it was noted that house prices were at a premium in some areas, a balance was needed in terms of selling of Council property to get the best return, and linking that to place making and getting the best for communities. Discussion then centred on the full use of older buildings and properties that were difficult to convert, and issues with being factors on tenanted land (Common Good farms). Mr Curry explained that this related to the corporate landlord model with a piece of work to do to recognise land ownership and management. Councillor Anderson suggested that the ward-by-ward discussions take place with Councillors on property, given the successful discussions around playparks which had been held with Members, and Mr Curry advised he would pick up on this suggestion. With regards to the relationship with Live Borders, Mr Curry confirmed that both organisations held large estates with specialisms e.g. schools and swimming pools and all were visible, public buildings. These suffered to a certain extend with maintenance and age-related issues. There was only so much resource available and that needed to be balanced against priorities. There were possibly opportunities around the capital investment programme to address some age-related issues with the estate and the Council would work with Live Borders to deliver a more sustainable estate in future. In response to a question about community centres and their potential loss of business as previous tenants had found alternative venues due to Covid closures, this would be picked up with the Live Borders Management Team as well as their Property Officer.

4.2 The Director continued the presentation covering capital projects. The capital programme was significant, setting out need and addressing the best ways to address these needs. It was noted that due to the pandemic there was a materials shortage in construction including inflated prices which was having an impact on the Scottish Borders Council programme. In terms of climate change, it was hoped to reduce the reliance on fossil fuels, but bio mass heating may not be the way forward in terms of heating buildings. Work was needed on the fabric of buildings to ensure they were as high performing as possible and not so reliant on additional heating. Buildings also needed to be the right size to get the most value and should existing buildings be repurposed, then that needed to be taken into account at the beginning of a project. Capital projects would continue to be monitored in light of climate change mitigations, including whether any planning policies needed to be amended. The Executive Director, Finance & Regulatory, further advised that the new High School building

projects had very tight environmental targets linked to project funding from Scottish Government which were extremely onerous, so the design of the buildings, their size and the way they would be used was fundamental. The design team was aware of the Council's ambitions in this regard.

- 4.3 Details were also given of the Service risks associated with facilities, passenger transport, property, roads & infrastructure and waste. In terms of facilities management, work was being undertaken on digitising the mailing system to handle confidential mail and remove where possible human error risks from the equation. With regards to passenger transport, there was a high risk from the impact of the pandemic on operators with some routes being regarded as less viable and work had been ongoing with operators to assess the actual impact. Work had also been undertaken along with support from Human Resources to ensure operators had adequately trained escorts in place for vulnerable children and adults. Mr Curry advised that the Waste Transfer Station was having a fire suppressant system; health and safety inspections were being carried out across waste sites following a couple of incidents involving members of the public; and the trade waste database was being reviewed with CGI. In terms of Utility Companies digging up roads and pavements and then providing shabby replacement materials, Mr Curry advised work was underway with the companies to set out expectations, communications to the public, etc. The Council would need to be very clear at the start what standard was expected before they could have any recourse with the Company. The Executive Director, Finance & Regulatory, added that it may be possible for officers to provide a briefing note on the legal position regarding road repairs and the Chief Legal Officer could be asked to provide a note of the powers of the Council. Mr Curry confirmed that, given changes to the skills required of a future workforce, e.g. changes to heating systems, work was already with the South of Scotland Agency and Borders College on training. In terms of bus passes for youths, this was funded but there was a cap in place and work was underway with commercial services on that. The Waste Manager was also in conversation with Zero Waste Scotland on the changing rules on recycling and the types of materials, with an update due to be provided to Elected Members in due course.

## **DECISION**

**NOTED the update.**

**5. ANNUAL TREASURY MANAGEMENT REPORT 2020-21**

There had been circulated copies of the Annual Treasury Management Report 2020-21 by the Executive Director, Finance & Regulatory Services. The CIPFA Code of Practice on Treasury Management in the Public Services required an annual report on treasury management to be submitted to Council following the end of each financial year and the report highlighted the Council's treasury activity undertaken in the year ending 31 March 2021 and the performance of the Treasury function. Appendix 1 to the report contained the annual report of treasury management activities for 2020/21 and an analysis of performance against targets set in relation to Prudential and Treasury Management Indicators. The performance comparisons reported were based on the revised indicators agreed as part of the mid-year report approved on 23 November 2020. This showed the Council's borrowing requirement to fund the capital investment undertaken during 2020/21, how much the Council actually borrowed against the sums budgeted, and the level of external debt within approved limits. During the year, the Council had again, where possible, deferred borrowing using surplus cash rather than undertake new borrowing. However, the Council did undertake temporary borrowing for cash flow purposes amounting to £15m during the year. Treasury management activity for the year had been undertaken in compliance with approved policy and the Code. The Council remained under-borrowed against its Capital Financing Requirement at 31 March 2021. In response to Members' questions, the Director, Mr Robertson, advised that, with regard to the capital expenditure being down by 20% and the timing and execution of the capital programme, this relied heavily on the forecasting of project managers, and should they be over-optimistic then this in turn impacted on the

treasury management forecast. The programme was also impacted by inflation and the shortage of construction materials which in turn could impact on the ability to spend capital funds by March 2022. The Pension & Investments Manager, Ms Kirsty Robb, confirmed that Link Asset Services, the Council's Treasury Advisors, would be in attendance at a future briefing to speak to Members about the capital programme and PFIs in relation to treasury management. Mr Robertson further advised that the capital financing requirement was the amount that still had to be put in place to ensure the capital programme was fully funded and the gross borrowing noted in the strategy was the amount already actually borrowed. It was a complicated position to manage the cash position of the Council with outflows and inflows being reviewed to a daily basis, to ensure enough liquidity was maintained. In terms of funding resources, Ms Robb confirmed that some temporary borrowing had been carried out with other local authorities, and SBC could also lend to other local authorities, although traditionally the Council had not carried out the latter. Each project within the capital programme had different nuances as to why it was not in line with forecast and any variances were reported in the quarterly capital monitoring reports to the Executive Committee. Mr Robertson added that the size and complexity of the current capital programme dwarfed previous ones, and the slippage picture was complicated. Work was currently underway to bring forward a 10 year plan for both capital and revenue which would include assumptions such as the impact of longer term inflation.

## **DECISION**

**NOTED that treasury management activity in the year to 31 March 2021 was carried out in compliance with the approved Treasury Management Strategy and Policy as detailed in the report and in Appendix 1 of the report.**

### **6. INTERNAL AUDIT WORK TO AUGUST 2021**

6.1 There had been circulated copies of a report by the Chief Officer, Audit & Risk, on Internal Audit Work to August 2021. The report provided Members with details of the recent work carried out by Internal Audit and the recommended audit actions agreed by Management to improve internal controls and governance arrangements. The work Internal Audit had carried out in the period from 12 June to 27 August 2021 associated with the delivery of the approved Internal Audit Annual Plan 2021/22 was detailed. A total of 2 final Internal Audit reports had been issued – Scottish Government Support Grants and Performance Management Local Government Benchmarking Framework - and there were 3 recommendations (medium rated) made associated with the Support Grants report. An Executive Summary of the final Internal Audit reports issued, including audit objective, findings, good practice, recommendations (where appropriate) and the Chief Officer Audit & Risk's independent and objective opinion on the adequacy of the control environment and governance arrangements within each audit area, was shown in Appendix 1 of the report.

The SBC Internal Audit function conformed to the professional standards as set out in Public Sector Internal Audit Standards (PSIAS)(2017), including the production of the report to communicate the results of the reviews.

6.2 It was highlighted that in financial year 2020-21 work had been done early on coronavirus business support funds, including the audit of Scottish Government support grants. Legislation surrounding these grants was complex and introduced different grants that had to be incorporated into processes and procedures quickly to allow payments to be made in a timely manner. It was noted that in terms of forms, processes and due diligence checks regarding genuine suppliers, fraudulent attempts had been reported through appropriate bodies and shared with other Councils to try to ensure no payment was made in the first place. Cabinet Office and Audit Scotland developed National Fraud Initiative and initial data checks requested of public sector organisations but in the Chief Officer's opinion, enough checks were made on the genuineness of applications. The recommendations on Council tax rebates could be applied to other aspects of Council business.

**DECISION****NOTED:**

- (a) the final assurance reports issued in the period from 12 June to 27 August 2021 associated with the delivery of the approved Internal Audit Annual Plan 2021/22;
- (b) the Internal Audit Assurance Work in Progress and Internal Audit Consultancy and Other Work carried out in accordance with the approved Internal Audit Charter; and
- (c) the assurance provided on internal controls and governance arrangements in place for the areas covered by this Internal Audit work.

**MEMBER**

Councillor Greenwell joined the meeting.

**7. AUDIT SCOTLAND FRAUD AND IRREGULARITY UPDATE 2020-21**

There had been circulated copies of the recently published Audit Scotland Fraud and Irregularity Update 2020-21 along with a covering report by the Chief Officer, Audit & Risk, which aimed to make members aware of the Audit Scotland Update and the Management Actions required in response for improvement and assurance purposes. Having robust fraud prevention and investigation arrangements in place contributed to safeguarding the Council's financial resources, for delivery of services, as part of protecting the public purse. A focus on prevention and detection and promotion of anti-fraud culture across the Council, taking account of reducing resources, was associated with the Council's Counter Fraud Policy, which stated the roles and responsibilities in tackling fraud; with the primary responsibility for the prevention, detection and investigation of fraud resting with Management. During discussion, the role of the Integrity Group was covered highlighting that this was an officers' forum which had representatives from across the Council's Services to support Management to fulfil their responsibilities in tackling fraud. Its purpose was to improve the Council's resilience to fraud, theft, corruption, and crime; overseeing the counter fraud policy framework; agreeing and monitoring the implementation of counter fraud improvement actions; raising awareness as a method of prevention; and performing self-assessment checks against best practice. Mrs Stacey confirmed that information could be sent out to staff on a regular basis and the link to the Audit Scotland update included. While there had been an increase in scams and phishing, regular staff updates had been issued to remind all staff, including those working from home, of the dangers. With regard to Cybersecurity, the CGI Cyber Security Officer attended a number of different groups and the IT Client Manager also had internal responsibility, with appropriate system based controls in place.

**DECISION**

- (a) NOTED the Audit Scotland Fraud and Irregularity Update 2020/21, published in July 2021.
- (b) AGREED:
  - (i) to request that the Integrity Group considers the report as part of their counter fraud role and responsibilities and determines any Management Actions required in response for improvement and assurance purposes;
  - (ii) to request that the Integrity Group, at the same time, revisits the assessment of counter fraud controls associated with the covid-19-emerging-fraud-risks carried out during 2020/21, and assesses progress on

- any agreed actions;
- (iii) to request that the Integrity Group reports back to the Committee on findings and necessary actions; and,
- (iv) that the Chief Officer Audit & Risk arranged to disseminate the Audit Scotland Update to Council staff as necessary.

8. **ANY OTHER AUDIT ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT**

The Chair advised that an additional meeting of the Audit & Scrutiny Committee was due to be held on 5 October to consider a petition which had been received. The meeting due to be held on 21 October would consider both audit and scrutiny business, with the audit business being heard first.

**DECISION**  
**NOTED.**

9. **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 Paragraphs 3 and 10 of Part I of Schedule 7A to the Act.**

**SUMMARY OF PRIVATE BUSINESS**

10. **PROGRESS UPDATE ON LDS FINANCIAL MANAGEMENT RECOMMENDATION**

The Committee considered a verbal update from the Joint Manager of the Learning Disability Service on progress with the LDS Financial Management Recommendation.

*The meeting concluded at 12:55pm.*

MINUTE of Meeting of the EILDON AREA PARTNERSHIP held remotely by Microsoft Teams on Thursday, 23 September 2021 at 6.00 pm

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Present:- Councillors G. Edgar (Chairman), S. Aitchison, E. Jardine, J. Linehan, H. Scott and E Thornton-Nicol together with 18 representatives of Partner Organisations, Community Councils, and members of the public.

Apologies:- Councillors D. Parker, C. Cochrane, T. Miers

In Attendance:- Locality Development Co-ordinator (K. Harrow), Portfolio Manager (J. Lamb), Democratic Services Team Leader, Democratic Services Officer (D. Hall)

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**1. WELCOME**

The Chairman welcomed everyone to the meeting of the Eildon Area Partnership held remotely via Microsoft teams, which included elected Members, guests attending within the meeting and those watching via the Live Stream. The Chairman outlined how the meeting would be conducted.

**2. FEEDBACK AND EVALUATION FROM MEETING OF 24 JUNE 2021**

The Minute of the meeting of the Eildon Area Partnership held on 24 June 2021 had been circulated and was noted.

**3. ADDITIONAL INFORMATION DOCUMENT**

It was noted that further consultations had been added relating to ScotRail Services and Social Work Charging Policy.

**4. PLACE MAKING APPROACH**

4.1 Portfolio Manager, James Lamb, gave a slide presentation providing an update on the Place Making Approach. A full report, Place Making - Next Steps had been agreed by Scottish Borders Council at the meeting on 26 August 2021. Mr Lamb explained that following significant consultation with all 5 Area Partnerships, the focus was now on transforming how the council worked with its communities, using consistent methods to provide fair opportunities for development across the region. Each Area Partnership was asked to agree to a proposed joint framework. Mr Lamb outlined some of the proposed Joint Principles and explained that those presented at this meeting were a suggestion, and that feedback on the principles was welcomed. Mr Lamb went on to explain how initial areas for development could be identified using various criteria, such as the Town Centre Index, Existing Locality Plans, Funding-Ready Projects and Economic & Demographic Growth factors. Plans including criteria to promote the development of smaller communities were also being worked on. It was noted that it was highly desirable to draw upon community knowledge rather than purely statistical analysis.

4.2 Regarding the availability of resources, Mr Lamb referred to paragraph 8 of the full report. He drew attention to paragraph 8.6 which outlined that 9 new Scottish Borders Council posts have been created: 2 Community Place Planning and Regeneration Officers, 5 Community Engagement Officers, 1 Climate Change Officer and 1 Green Space Programme Officer who would support place-making activity. Mr Lamb went on to stress that the speed of action and what would happen was in the hands of the Area Partnership. He asked the Area Partnership to provide feedback on the proposed joint

principles, the proposed framework and possible options for Area Partnerships to prioritise where place making activity started and how it could be extended to include all communities as part of a multi-year programme. Mr Lamb would circulate a feedback form via email following the meeting, the responses to which would be analysed and presented at the next appropriate meeting.

- 4.3 The Chairman thanked Mr Lamb for his presentation. It was agreed that a link to the August Council Paper, the draft terms of reference and a copy of the slide presentation would be issued.

**5. AREA PARTNERSHIP CONSULTATION**

The Chairman asked Kenny Harrow to provide an update on the Area Partnership Consultation. Mr Harrow advised that the consultation had concluded on 1 August and the results of the consultation were being examined and collated. Mr Harrow would make a presentation on the consultation at the next appropriate meeting.

**6. ANDY'S MAN CLUB**

Alex McClintock, the project development champion from Andy's Man Club gave a talk about his group, who they were and what they were doing in the local area. He explained that they were a peer support group, providing an opportunity for men to talk about any difficulties that they may be facing in life. He went on to explain that they had opened their first group in the Borders in Galashiels, meeting at the in the hospitality suite of Galashiels Rugby Club on Mondays from 7pm to 9pm. The group were continuing to grow and Mr McClintock encouraged any man who was facing challenges in life to attend a meeting to get help and support. The group had developed an extensive social media presence, and enquiries could be directed via Facebook and to [info@andysmanclub.co.uk](mailto:info@andysmanclub.co.uk). The Members in attendance spoke highly of the goals of the club and offered their support and encouragement.

**7. COMMUNITY ASSISTANCE HUB**

Oonagh McGarry, the Lead of the Community Assistance Hub gave an update on the work of her group. The hub continued to operate and provide support in the community by delivering emergency food packages, medicine, and Covid-19 support to those who were required to self-isolate. She went on to state that she had continued to chair weekly meetings at the CAH to explore potential areas in Health and Social care that could require attention, for example what issues could arise following the change to Universal Credit. The Chairman thanked Ms McGarry for her presentation and the Community Assistance Hub for its excellent work.

**8. EXPLORERS GROUP**

Louise Rawlins, CLDS Worker, gave a presentation on the Muddy Boots and Curious Minds project, which supported young people in the area trying to achieve a John Muir award. The project had identified young people in their final year at secondary school who were at risk of not moving into work, training or further education. They had worked with Borders Forest Trust to deliver life skills training and education on the local countryside to those involved. All of those who had taken part had succeeded in gaining the John Muir Trust "Explorer" award after they demonstrated their leadership skills, knowledge of nature and the ability to lead guided walks. The project had been a great success and promoted further education opportunities, which had helped the young people realise the potential career opportunities available working outdoors or with young people. Mrs Rawlins extended her gratitude to the Borders Children's Charity who had provided £200 to enable the purchase of hiking equipment for the young people. Members congratulated everyone involved on their work and what they had achieved. The Chairman commended all those involved for their excellent work and suggested that if further funding was required they consider applying to the Build Back a Better Borders Fund.

**9. FUNDING TABLE OVERVIEW**

A copy of the Eildon Area Partnership Funding Table had been circulated. Regarding the Community Fund 2021/22, Mr Harrow referred to the table and explained that £53,889.79 had been awarded. He advised that if the pending applications were approved there would be a balance of £9417.04 to last until the new financial year. Mr Harrow went on to explain that The Build Back a Better Borders fund had to date awarded £12,989.33. He advised that if the pending applications were approved there would be a balance of £98,921.81.

## **10. COMMUNITY FUND UPDATE / APPLICATIONS**

- 10.1 A report outlining the recommendations of the Eildon Area Partnership Assessment Panel on five applications to the Eildon Community Fund had been circulated. Mr Harrow explained that the panel had met for the first time, discussed the applications and made recommendations. Jenny Mushlin had been appointed as Chair and she gave an outline of each application before providing comments and an explanation of the reasons for each recommendation. She confirmed that all decisions by the Panel had been unanimous.
- 10.2 **Selkirk Regeneration**  
The application from Selkirk Regeneration was for a grant of £5,220 to help fund the publication of 150 books on the return of fishing rights to their rightful owners. The book described in detail how that was done. The panel was of the opinion that the project didn't clearly evidence the local need or demonstrate wider community access to the resource. Following considerable discussion, the application was denied and funding was not granted.
- 10.3 **Bird Garden Scotland**  
The application under consideration was for a grant of £3,960 to enable the purchase of 10 picnic tables by Bird Garden Scotland to allow visitors to sit and have refreshments at a local greenspace. The grant would also enable those with low mobility and similar challenges to visit the area safely and comfortably. The request for £3,960 was granted in full.
- 10.4 **St Marys Loch Sailing Club**  
St Marys Loch Sailing Club had applied for a grant of £15,000 for the purchase of a new club safety boat. The boat was part of the club's five year strategy, enabling the club to deliver a variety of extra courses and training camps for those of all ages. Members discussed the application and recognised the increased usage of the loch, the importance of safety when engaged in water based activities and the positive impact that the extra courses could have on youths in the area. The request for a grant of £15,000 received unanimous approval.
- 10.5 **Newstead Village Community Trust**  
Newstead Village Community trust had applied for a grant of £13,758 to appoint a professional to help develop a community action plan for Newstead. The application was deferred until the Area Partnership meeting to be held in November to allow time for follow-up questions to be asked and answered.
- 10.6 **Yoga Frog**  
Yoga Frog had applied for a grant of £1,500 to deliver 3 blocks of 5 free yoga sessions to the community, with a focus on stress relief and well-being. The level of community demand and who would be eligible to access the sessions was not clear in the application. The application for a grant of £1,500 was rejected. Mr Harrow informed the meeting that he would follow up with those seeking the grant to work on identifying community need and to create a more structured application.

## **11. BUILD BACK A BETTER BORDERS RECOVERY FUND UPDATE / APPLICATIONS**

- 11.1 The Chairman asked Mr Harrow to provide an overview of the applications to the Build Back a Better Borders Fund. Mr Harrow drew attention to posts on Flickr, an online photo

management and sharing application, of projects that had been funded by the BBBB initiative. Mr Harrow noted that the application from Miracle Woodlands had been withdrawn, whilst the application from Yoga Frog would not be considered at the meeting due to an error on the application and would be brought back at a later date. Mr Harrow proceeded to give an outline of each application.

**11.2 Langlee Community Centre**

Langlee Community Centre Management committee applied for a grant of £2,227 to meet the cost of offering free lets to 10 affiliated groups over a 2 month period. The grant would allow the groups to return to the centre without a financial burden, and aimed to alleviate any concerns about the viability of groups meeting due to low attendance rates. Members discussed the application and raised some concerns regarding the high level of financial reserves held by the centre relative to the grant application as well as a lack of consultation with the affiliated groups involved. Following considerable discussion it was agreed that the application would be deferred to allow the centre some time to conduct user group consultations and provide the results.

**11.3 Stow Community Trust**

The application from Stow Community Trust was for £15,000 to part fund the employment of a manager for 6 months to set up and develop the Stow Cycle Hub based at the Station House. The role of the manager would be to set up the cycle hub with a range of services and to support activities that promote cycling and walking. The Cycle Hub would provide a bike repair and refurbishment service together with personal development opportunities for the local community. Following considerable discussions the application for £15,000 was unanimously granted.

**11.4 Selkirk Baptist Church**

Selkirk Baptist Church was applying for £6796.97 to assist in improving a large garden space on their premises. The funding would allow the area to be made into a safe and comfortable area for the local community to sit and enjoy. It was noted that the garden was overgrown and unsuitable for relaxation. The requested funding would allow the Church to appoint a gardener for 4 hours per week for a 6 month period to work alongside volunteers to maintain the garden. The application included a full price breakdown of other items, such as garden furniture and tools, which the group wished to purchase to improve and manage the garden. Members praised the application and unanimously granted the funding of £6796.97.

**12. OPEN FORUM**

Mr Harrow took the opportunity to demonstrate Menti, a tool designed to allow better participation in online meetings. The tool worked by asking users to scan a QR code with a mobile phone or tablet computer. It then allowed them to provide feedback or ask questions that could be shared on screen. It was also possible to use a standard web-based link. Mr Harrow stated that he hoped to make use of the tool in future Area Partnership meetings.

**13. NEXT AREA PARTNERSHIP**

The next meeting was scheduled for Thursday 11 November 2021. Suggestions for agenda items could be sent to the Locality Development Co-ordinator at [kenny.harrow@scotborders.gov.uk](mailto:kenny.harrow@scotborders.gov.uk).

**CHAIRMAN**

The Chairman thanked everyone for their attendance and closed the meeting.

*The meeting concluded at 7.45 p.m.*

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

MINUTE of Meeting of the PLANNING AND  
BUILDING STANDARDS COMMITTEE held  
via Microsoft Teams on Monday, 4 October  
2021 at 10.00 a.m.

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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 (C. Miller), Lead Planning Officer (B. Fotheringham), Solicitor (F. Rankine), Democratic Services Team Leader, Democratic Services Officer (W. Mohieddeen)

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**1. MINUTE**

There had been circulated copies of the Minute of the Meeting held on 6 September 2021.

**DECISION**

**APPROVED for signature by the Chairman.**

**2. APPLICATION**

There had been circulated copies of a report by the Chief Planning and Housing Officer for an application for planning permission 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 had been received in respect of Greenloaning, The Loan, West Linton - 21/00958/CLPU;

(b) There remained two appeals previously reported on which a decision was still awaited when the report was prepared on 23 September 2021 and related to the sites at:

• 1 Broad Street, Eyemouth	• Rowanside, The Row, Longformacus, Duns
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(c) review requests had been received in respect of:-

(i) Alterations and extension to dwellinghouse, Whinfield, Chesters Brae, Chesters, Hawick - 21/00074/FUL;

(ii) Erection of dwellinghouse, formation of new access and associated work, Plot 1 Site Adjacent Stroma, Charlesfield Industrial Estate, St Boswells – 21/00839/PPP;

- (iii) Erection of dwellinghouse, formation of new access and associated work, Plot 2 Site Adjacent Stroma, Charlesfield Industrial Estate, St Boswells – 21/00840/PPP;
- (d) The decision of the Appointed Officer had been upheld in respect of erection of dwellinghouse, Land East of Renton Bush, Reston – 21/00624/PPP;
- (e) There remained five reviews previously reported on which decisions were still awaited when reports were prepared on 23 September 2021 and related to sites at:-

<ul style="list-style-type: none"> <li>• Penvalla, Broughton</li> <li>• Slaters Yard off Charles field Road, St Boswells</li> <li>• Land South of Crunzion Cottage, Earlston Road, Stow, Galashiels</li> </ul>	<ul style="list-style-type: none"> <li>• 3 Rowan Court Suite 3, Cavalry Park, Peebles</li> <li>• Land Adjacent Carnlea, Main Street, Heiton</li> </ul>
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- (f) The Reporter had sustained the Section 36 Public Local Inquiry in respect of erection of eleven turbines, four No turbines up to 149.9m high to tip, three No turbines 174.5m high to tip, and four No turbines 200m high to tip and associated works, Crystal Rigg Wind Farm, Cranshaws, Duns – 18/00768/S36;
- (g) There remained no S36 PLIs previously reported on which decisions were still awaited when this report was prepared on 23rd September 2021.

#### 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.

#### 5. PROPOSED SITE VISIT

The Lead Planning Officer advised members that a planning application regarding a new quarry on land at Slipperfield, West Linton was expected to be brought to the December meeting for consideration and enquired whether members would find a site visit helpful.

#### DECISION

**AGREED that a site visit be arranged to Slipperfield, West Linton.**

*Meeting concluded 11.50 a.m.*

**APPENDIX I**  
**APPLICATION FOR PLANNING PERMISSION**

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
21/01137/FUL	Variation of condition 1 of planning consent 17/00010/FUL to increase the duration of Consent from 25 to 40 years from the date of final commissioning	Land South West of Lurgiescleuch (Pine Burn)

Decision: Approved subject to the following conditions:

**Commencement and Conformity**

1. The consent is for a period of 30 years from the date of Final Commissioning. Written confirmation of the date of First Commissioning shall be submitted to the Planning Authority no later than one calendar month after that date.  
Reason: To define the duration of the consent.
2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the application, drawings, Environmental Statement and Supplementary Environmental Information (as supplemented or amended by any further or additional environmental information) and other documentation lodged in support of the application and approved by the Planning Authority.  
Reason: To ensure that the development is carried out in accordance with the approved details.
3. Should the consent be assigned, the Company shall notify the Planning Authority in writing of the name of the assignee, the principal named contact and contact details within 14 days of the assignation.  
Reason: To ensure efficient communication over the obligations of the consent if transferred to another company.

**Micro-Siting**

1. All wind turbines, buildings, masts, areas of hardstanding and tracks shall be constructed in the location shown on Drawing Reference Figure 3.1a. Wind turbines, buildings, masts, areas of hardstanding and tracks may be adjusted by micro-siting within the site. However, unless otherwise approved in advance in writing by the Planning Authority (in consultation with SEPA and Scottish Natural Heritage), micro-siting is subject to the following restrictions:
  - a. No wind turbine foundation shall be positioned higher, when measured in metres Above Ordinance Datum (Newlyn), than the position shown on Figure 3.1a unless a scheme of details, including wirelines showing the alternative positioning of the turbine have been submitted to and approved in writing by the Planning Authority (in consultation with Scottish Natural Heritage and SEPA) and thereafter no development shall take place except in strict accordance with the approved details;
  - b. No wind turbine, building, mast, access track or hardstanding shall be moved more than 50 metres from the position shown on the approved plan (Figure 3.1a);
  - c. No micro-siting shall take place within areas of peat of greater depth than the original location;
  - d. No micro-siting shall take place within areas hosting Ground Water Dependent Terrestrial Ecosystems;

- e. No micro-siting shall take turbines closer to watercourses or residential properties not financially involved with the development;
- f. All micro-siting permissible under this condition must be approved in advance in writing by the planning authority, in consultation with the Environmental Clerk of Works (ECoW). No later than one month after the date of First Commissioning, an updated site plan must be submitted to the Planning Authority showing the final position of all wind turbines, masts, areas of hardstanding, tracks and associated infrastructure forming part of the development. The plan should also specify areas where micro-siting has taken place and, for each instance, be accompanied by copies of the Planning Authority's approval, as applicable.

Reason: To control environmental impacts, while taking account of local ground conditions, and to restrict micro-siting to a reasonable distance to ensure that any movement of turbines or infrastructure does not give rise to significant change to the layout and appearance of the development.

### **Design and Operation of Turbines**

- 5. No development shall commence until full details of the specific wind turbines to be installed (including, but not limited to, the power rating and sound power levels, the size, type, external finish and colour, which should be non-reflective pale grey semi-matt) and all associated apparatus have been submitted to and approved in writing by the Planning Authority. The development is to be constructed and operated in accordance with the approved details and maintained in the approved colour, free from external rust, staining or discolouration, until such time as the wind farm is decommissioned, unless otherwise agreed in writing by the Planning Authority.

Reason: To ensure that the turbines are compatible with the locality in terms of their appearance and noise output, to protect residential and visual amenities.

### **Substation and Ancillary Development**

- 6. No development shall commence until final details of the siting, external appearance, dimensions and external materials of the substation building, associated compounds, any construction compound boundary fencing, external lighting and parking areas have been submitted to and approved in writing by the Planning Authority. The substation building, associated compounds, fencing, external lighting and parking areas shall be constructed in accordance with the approved details.

Reason: To ensure that the environmental impacts of the sub-station and ancillary development forming part of the development conform to the impacts assessed in the Environmental Statement and in the interests of the visual amenity of the area.

### **Signage**

- 7. Notwithstanding the provisions of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 none of the wind turbines, buildings other structures, means of enclosure or plant shall display any name, logos, sign, lettering or other advertisement (other than health and safety signage) without the prior written approval of the Planning Authority.

Reason: To safeguard visual amenities.

### **Turbine Failure/Removal**

- 8. In the event of any wind turbine failing to produce electricity supplied to the local grid for a continuous period of 12 months, not due to it being under repair or replacement, then it will be deemed to have ceased to be required and, unless otherwise agreed in writing with

the Planning Authority, the wind turbine foundation to a depth of 1.2 metres below ground level, the wind turbine and its ancillary equipment shall be dismantled and removed from the site and the site restored to a condition to be agreed by the Planning Authority. The restoration of the land shall be completed within 6 months of the removal of the turbine, or any such longer period agreed by the Planning Authority.

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

### **Construction Hours**

9. Construction work which is audible from any noise-sensitive receptor shall only take place on the site between the hours of 07.00 to 18.00 on Monday to Friday inclusive and 08.00 to 14.00 on Saturdays, with no construction work taking place on a Sunday or on national public holidays. Outwith these specified hours, development on the site shall be limited to concrete pours, turbine erection, maintenance, emergency works, dust suppression and the testing of plant and equipment, unless otherwise approved in advance in writing by the Planning Authority. HGV movements to and from the site (excluding abnormal loads) during construction of the wind farm shall be limited to 07.00 to 18.00 Monday to Friday and 08.00 to 14.00 on Saturdays, with no HGV movements to or from site taking place on a Sunday or on national public holidays.

Reason: To safeguard residential amenity.

### **Noise**

10. No development shall commence until a Construction Method Statement has been submitted to and approved in writing by the Planning Authority. The development is then to be carried out in accordance with the agreed Statement.

Reason: To safeguard residential amenity.

11. The rating level of noise emissions from the combined effects of the wind turbines forming part of the development (including the application of any tonal penalty) shall not exceed the values for the relevant integer wind speed set out in, or derived from, the tables attached to this condition at any dwelling which is lawfully existing or has planning permission at the date of this consent. The turbines shall be designed to permit individually controlled operation or shut down at specified wind speeds and directions in order to facilitate compliance with noise criteria and:

- a. The Company shall continuously log power production, wind speed and wind direction. These data shall be retained for a period of not less than 24 months. The Company shall provide this information to the Planning Authority within 14 days of receipt in writing of a request to do so;
- b. There shall be no First Commissioning of the Development until the Company has received written approval from the Planning Authority of a list of proposed independent consultants who may undertake compliance measurements in accordance with this condition. Amendments to the list of approved consultants shall be made only with the prior written approval of the Planning Authority;
- c. Within 21 days from receipt of a written request from the Planning Authority following a complaint to it from an occupant of a dwelling alleging noise disturbance at that dwelling, the Company shall, at its expense, employ a consultant approved by the Planning Authority to assess the level of noise emissions from the wind farm at the complainant's property. The written request from the Planning Authority shall set out at least the date, time and location to which the complaint relates and any identified atmospheric conditions, including wind direction, and include a statement as to

whether, in the opinion of the Planning Authority, the noise giving rise to the complaint contains or is likely to contain a tonal component;

- d. The assessment of the rating level of noise emissions shall be undertaken in accordance with an assessment protocol that shall previously have been submitted to and approved in writing by the Planning Authority. The protocol shall include the proposed measurement location(s) where measurements for compliance checking purposes shall be undertaken, whether noise giving rise to the complaint contains or is likely to contain a tonal component, and also the range of meteorological and operational conditions (which shall include the range of wind speeds, wind directions, power generation and times of day) to determine the assessment of rating level of noise emissions. The proposed range of conditions shall be those which prevailed during times when the complainant alleges there was disturbance due to noise, having regard to the written request of the Planning Authority under paragraph c above, and such others as the independent consultant considers likely to result in a breach of the noise limits;
- e. Where the property to which a complaint is related is not listed in the tables attached to this condition, the Company shall submit to the Planning Authority for written approval proposed noise limits selected from those listed in the tables to be adopted at the complainant's property for compliance checking purposes. The proposed noise limits are to be those limits selected from the tables specified for a listed location which the independent consultant considers as being likely to experience the most similar background noise environment to that experienced at the complainant's property. The rating level of noise emissions resulting from the combined effects of the wind turbines shall not exceed the noise limits approved in writing by the Planning Authority for the complainant's property;
- f. The Company shall provide to the Planning Authority the independent consultant's assessment of the rating level of noise emissions within 2 months of the date of the written request of the Planning Authority for compliance measurements to be made under paragraph e, unless the time limit is extended in writing by the Planning Authority. Certificates of calibration of the instrumentation used to undertake the measurements shall be submitted to the Planning Authority with the independent consultant's assessment of the rating level of noise emissions;
- g. Where a further assessment of the rating level of noise emissions from the wind farm is required, the Company shall submit a copy of the further assessment within 21 days of submission of the independent consultant's assessment pursuant to paragraph d above unless the time limit has been extended in writing by the Planning Authority.

**Table 1 – Between 07:00 and 23:00 – Noise limits expressed in dB LA90,10 minute as a function of the standardised wind speed (m/s) at 10 metre height as determined within the site averaged over 10 minute periods.**

<i><b>Location (including coordinate s)</b></i>	<i><b>Standardised wind speed at 10 meter height (m/s) within the site averaged over 10-minute periods</b></i>											
	<3	4	5	6	7	8	9	10	11	12		
Lurgiescleuch	3551	6068	45.	45.	45.	45.	45.	45.	45.	45.	45.	45.
	97	37	0	0	0	0	0	0	0	0	0	0
Langburnshiel	353411	6041	35.	35.	35.	35.	38.	41.	43.	44.	44.	44.
		38	0	0	0	0	2	4	7	7	7	7
Slitrig Cottage	353576	6040	35.	35.	35.	35.	38.	41.	43.	44.	44.	44.
		32	0	0	0	0	2	4	7	7	7	7
Wyndburgh Cottage	353622	6040	35.	35.	35.	35.	38.	41.	43.	44.	44.	44.
		08	0	0	0	0	2	4	7	7	7	7
Shankendshiel	353323	6040	35.	35.	35.	35.	38.	41.	43.	44.	44.	44.
		17	0	0	0	0	2	4	7	7	7	7

Home Covert	356235	6083 02	35. 0	35. 0	35. 0	35. 0	35. 0	35. 0	35. 0	35. 0	35. 0	35. 0
Harwood	356519	6083 11	35. 0	35. 0	35. 0	35. 0	35. 0	35. 0	35. 0	35. 0	35. 0	35. 0
Signal Box	352550	6055 52	35. 0	35. 0	35. 1	37. 2	39. 4	41. 1	41. 9	41. 9	41. 9	41. 9
Shankend Station	352400	6057 19	35. 0	35. 0	35. 1	37. 2	39. 4	41. 1	41. 9	41. 9	41. 9	41. 9
Shankend Farm	352323	6059 63	35. 0	35. 0	35. 1	37. 2	39. 4	41. 1	41. 9	41. 9	41. 9	41. 9

**Table 2 – Between 23:00 and 07:00 – Noise limits expressed in dB LA90,10-minute as a function of the standardised wind speed (m/s) at 10 metre height as determined within the site averaged over 10 minute periods.**

<b>Location (including coordinate s)</b>	<b>Standardised wind speed at 10 meter height (m/s) within the site averaged over 10-minute periods</b>											
			<3	4	5	6	7	8	9	10	11	12
Lurgiescleuch	3551 97	6068 37	45. 0	45. 0	45. 0	45. 0	45. 0	45. 0	45. 0	45. 0	45. 0	45. 0
Langburnshiel	353411	6041 38	43. 0	43. 0	43. 0	43. 0	43. 0	43. 0	43. 0	43. 0	46. 5	47. 2
Slitrig Cottage	353576	6040 32	43. 0	43. 0	43. 0	43. 0	43. 0	43. 0	43. 0	43. 0	46. 5	47. 2
Wyndburgh Cottage	353622	6040 08	43. 0	43. 0	43. 0	43. 0	43. 0	43. 0	43. 0	43. 0	46. 5	47. 2
Shankendshiel	353323	6040 17	43. 0	43. 0	43. 0	43. 0	43. 0	43. 0	43. 0	43. 0	46. 5	47. 2
Home Covert	356235	6083 02	35. 0	35. 0	35. 0	35. 0	35. 0	35. 0	35. 0	35. 0	35. 0	35. 0
Harwood	356519	6083 11	35. 0	35. 0	35. 0	35. 0	35. 0	35. 0	35. 0	35. 0	35. 0	35. 0
Signal Box	352550	6055 52	43. 0	43. 0	43. 0	43. 0	43. 0	43. 0	43. 0	43. 0	43. 5	43. 5
Shankend Station	352400	6057 19	43. 0	43. 0	43. 0	43. 0	43. 0	43. 0	43. 0	43. 0	43. 5	43. 5
Shankend Farm	352323	6059 63	43. 0	43. 0	43. 0	43. 0	43. 0	43. 0	43. 0	43. 0	43. 5	43. 5

Reason: To protect nearby residents from undue noise and disturbance and to ensure that noise limits are not exceeded and to enable prompt investigation of complaints.

### **Shadow Flicker**

12. No development shall commence until a written scheme has been submitted to and approved in writing by the Planning Authority setting out a protocol for the assessment of shadow flicker in the event of any complaint to the Planning Authority from the owner or occupier of a dwelling which lawfully exists or for which planning permission has been granted at the date of this permission. The written scheme shall include mitigation measures to alleviate any shadow flicker attributable to the development. Operation of the turbines shall take place in accordance with the approved protocol unless the Planning Authority gives its prior written approval to any variations.

Reason: To offset impacts of shadow flicker on residential amenity.

### **Television interference**

13. The development shall be implemented in accordance with the Television Reception Mitigation Plan, which was agreed on 26<sup>th</sup> April 2019 in response to Condition 13 of consent 17/00010/FUL, unless otherwise agreed in writing with the Planning Authority. Any claim by any individual person regarding television picture loss or interference at their house, business premises or other building, made during the period from installation of any turbine forming part of the development to the date falling twelve months after the date of Final Commissioning, shall be investigated by a qualified engineer appointed by the developer/operator and the results shall be submitted to the Planning Authority. Should any impairment to the television signal be attributable to the development, the developer/operator shall remedy such impairment so that the standard of reception at the affected property is equivalent to the baseline television reception.
- Reason: To ensure local television services are sustained during the construction and operation of this development.

### **Air Traffic Safety**

14. No development shall commence until the developer has provided written confirmation to the Planning Authority and the Ministry of Defence of the:
- a. Anticipated date of commencement of each stage of construction;
  - b. The maximum height above ground level of construction equipment, each turbine and any anemometry mast and
  - c. The position of each turbine (in latitude and longitude).
- The developer shall provide the Planning Authority and Ministry of Defence with details of any changes to this information as soon as reasonably practicable.
- Reason: In the interests of aviation safety.
15. Prior to the erection of the first wind turbine a scheme of aviation lighting for the wind farm shall be submitted to and approved in writing by the Planning Authority in consultation with the Ministry of Defence. This lighting shall be installed at the highest practical point on the perimeter turbines, and shall be infrared warning lighting with an optimised flash pattern of 60 flashes per minute of 200ms to 500ms duration. The turbines shall be erected with the approved lighting installed and the lighting shall remain operational throughout the duration of the consent.
- Reason: In the interests of safety for military aviation.

### **Threat Radar**

16. No development shall commence until a Radar Mitigation Scheme setting out measures to be undertaken to address the impact of the wind farm upon military testing and training, in particular, the operation of threat radar type equipment at the remote threat radar sites at Larriston Fell and Wigg Knowe and the military testing and training activities that utilise the radars, has been submitted to and approved in writing by the Planning Authority in consultation with the Ministry of Defence. No turbines shall become operational until those measures within the Radar Mitigation Scheme have been fully implemented and evidence of this has been submitted to and approved in writing by the Planning Authority, in consultation with the Ministry of Defence. The development is then to be operated fully in accordance with the approved Radar Mitigation Scheme for the operational life of the wind farm or during the time that the remote threat radar sites at Larriston Fell and Wigg Knowe are retained by the Ministry of Defence for the purposes of military testing and training.
- Reason: To secure mitigation of impacts on the threat radar type equipment at the remote threat radar sites at Larriston Fell and Wigg Knowe and the military testing and training activities that utilise the radars.

## Road Safety

17. No development shall commence until a Traffic Management Plan (TMP) has been submitted to and approved in writing by the Planning Authority. The TMP to include:
  - a. The detailed delivery route and vehicle numbers for all cars, HGV deliveries and abnormal loads associated with the development and measures to ensure that the specified routes are adhered to, including monitoring procedures;
  - b. Details of all ancillary works required to the public road network to facilitate deliveries, including all signage and lining arrangements, a programme and timescales for implementation and reinstatement proposals after the development is complete and a programme and timescales for completion;
  - c. Road condition survey of the 'C' Class road from Hawthornside to the B6399 carried out prior to the development commencing and details of any upgrading (passing places and strengthening) and a regime for routine maintenance during construction of the development. Any remedial works required as a result of damage/deterioration by construction traffic (to be highlighted in a post-construction road condition survey) to be rectified at the expense of the developer after the development has been completed in accordance with an agreed timescale;
  - d. Details of tree or hedge removal along the route for the abnormal loads and a scheme for replacement planting and a timescale for its implementation and completion;
  - e. Swept path analysis drawings for agreed areas of concern along the route for the abnormal loads and remedial measures;
  - f. Areas of the abnormal load route where the removal of street furniture, including lighting, is required and all temporary lighting measures required for the duration of the abnormal load movements;
  - g. A detailed engineering drawing of the proposed access and visibility splays from the B6399;
  - h. Name and contact details of a nominated person to whom any road safety issues can be referred.

The approved TMP thereafter to be implemented in full, unless otherwise agreed in advance in writing by the Planning Authority and all work within the public road boundary to be undertaken by a contractor first approved by the Council.

Reason: To ensure all construction traffic access the site in a safe manner and that any upgrading works or repairs to public roads are carried out timeously to the Council's specifications, in the interests of road safety.

## Access Tracks

18. No development shall commence until details of the position, length, width, materials and drainage of the new and upgraded tracks within the site have been submitted to and approved in writing by the Planning Authority. The tracks then to be installed in accordance with the approved details. Newly formed hard surfaces should be attenuated to existing greenfield runoff rates.  
Reason: To safeguard areas of ecological interest, watercourses and visual amenities and to ensure there is no increased flood risk to downstream receptors within Hobkirk and Bonchester Bridge.
19. No development shall commence until details of all watercourse crossings, culverts and alterations to existing crossings (position and design) have been submitted to and approved in writing by the Planning Authority, in consultation with SEPA. These should be designed to convey the 1 in 200 year flow. The development then to be completed in accordance with the approved details.

Reason: To ensure that all construction operations are carried out in a manner that minimises their impact on the water environment and thereby minimising residual impacts on the River Tweed Special Area of Conservation.

### **Public Access**

20. No development shall commence until a scheme for enhancing public access within the site upon completion of the development has been submitted to and approved in writing by the Planning Authority. This is to include tracks used for construction or service vehicles and creating a new link path between Turbines T4 and T7 suitable for use by walkers, cyclists and horse riders, unless otherwise agreed in writing by the Planning Authority. Where any access tracks pass through or nearby the development area, sign boards to be erected detailing information on routes that are accessible and those routes that are temporarily closed due to construction.

Reason: To enhance public access and to assist with the safe management of the site.

### **Private Water Supplies**

21. No development shall commence until a Private Water Supplies Risk Assessment has been submitted to and approved in writing by the Planning Authority, detailing all mitigation measures to be delivered to secure the quality, quantity and continuity of water supplies to properties which are served by private water supplies at the date of this consent and which may be affected by the development. The Risk Assessment shall include water quality sampling methods and shall specify abstraction points. The approved method statement shall thereafter be implemented in full.

Reason: To maintain a secure and adequate quality water supply to all properties with private water supplies that may be affected by the development.

### **Borrow Pits**

22. No development shall commence until a site specific scheme for the working and restoration of each borrow pit forming part of the development has been submitted to and approved in writing by the Planning Authority in consultation with SEPA. The scheme shall include:
  - a. A detailed working method statement based on site survey information and ground investigations;
  - b. Details of the handling of any overburden (including peat, soil and rock);
  - c. Drainage, including measures to prevent surrounding areas of peatland, water dependant sensitive habitats and Ground Water Dependant Terrestrial Ecosystems (GWDTE) from drying out;
  - d. A programme of implementation of the works described in the scheme; and
  - e. Full details of the reinstatement, restoration and aftercare of the borrow pit(s) at the end of the construction period, to include topographic surveys of pre-construction profiles, and details of topographical surveys to be undertaken of the restored borrow pit profiles. The approved scheme shall thereafter be implemented in full.

Reason: To ensure that excavation of materials from the borrow pit(s) is carried out in a manner that minimises the impact on road safety, amenity and the environment, and that the mitigation measures contained in the Environmental Statement accompanying the application, or as otherwise agreed, are fully implemented. To secure the restoration of borrow pit(s) at the end of the construction period.

23. Blasting shall only take place on the site between the hours of 10.00 to 16.00 on Monday to Friday inclusive and 10.00 to 12.00 on Saturdays, with no blasting taking place on a Sunday or on national public holidays, unless otherwise approved in advance in writing by the Planning Authority. Ground vibration from blasting shall not exceed a peak particle

velocity of 6mm/second at agreed blasting monitoring locations. The measurement shall be the maximum of three mutually perpendicular directions taken at the ground surface. Reason: To ensure that blasting activity is carried out within defined timescales to control impact on amenity.

## **Archaeology**

24. The development shall be implemented in accordance with the Written Scheme of Investigation (WSI), which was agreed on 22<sup>nd</sup> April 2019 in response to Condition 24 of consent 17/00010/FUL, unless otherwise agreed in writing with the Planning Authority. Reason: The site is within an area where ground works may interfere with, or result in, the destruction of, archaeological remains and it is therefore desirable mitigate the loss and potential loss of known and unknown archaeological features.
25. No development shall commence until a detailed scheme of cultural heritage enhancement has been submitted to and approved in writing by the Planning Authority. The approved scheme then to be implemented in full before the development hereby approved becomes operational. Reason: To improve the understanding, appreciation and experience of heritage assets where their settings and historic landscape contexts are affected by the development.

## **Ecology**

26. No SUDS ponds or settlement lagoons shall be placed on areas deemed to be Ground Water Dependent Terrestrial Ecosystems. Reasons: To avoid impacts on wetland ecology.
27. The development shall be implemented in accordance with the appointment of the Ecological Clerk of Works (ECoW) which was agreed on 12<sup>th</sup> June 2019 in response to Condition 27 of consent 17/00010/FUL, unless otherwise agreed in writing with the Planning Authority. The Ecological Clerk of Works (ECoW) shall be appointed to carry out pre-construction ecological surveys, to inform a Construction Environmental Management Plan (CEMP) and to oversee compliance with the Construction Environment Management Plan, Species Protection Plan, Ecological Monitoring Plan and Decommissioning, Restoration and Aftercare Plan ("the ECoW works"). The terms of the appointment shall be submitted for the approval in writing by the Planning Authority in consultation with SEPA and SNH. The terms shall include the requirement to:
  - a. Impose a duty to monitor compliance with the ecological and hydrological commitments provided in the Environmental Statement and other information lodged in support of the application, the Construction Environmental Management Plan and other plans; and
  - b. Require the ECoW to report to the Company's nominated construction project manager, the Planning Authority and SEPA any incidences of non-compliance with the ECoW works.Reason: To secure effective monitoring of and compliance with the environmental mitigation and management measures associated with the development.
28. No development shall commence until a Construction Environment Management Plan (CEMP) has been submitted to and approved in writing by the Planning Authority, in consultation with SEPA. The CEMP shall include:
  - a. Risk assessment of potentially damaging construction activities;
  - b. Identification of "biodiversity protection zones";
  - c. Method Statements to avoid or reduce impacts during construction, to include the location and timing of sensitive works to avoid harm to biodiversity features, the times during construction when specialist ecologists need to be present on site to oversee works, include the use of protective fences, exclusion barriers and warning signs;

- d. A Drainage Management Plan;
  - e. A Site Waste Management Plan;
  - f. An Accident Management Plan;
  - g. Responsible persons and lines of communication;
  - h. The role and responsibilities on site of an Ecological Clerk of Works (ECoW).
- The approved CEMP shall be implemented throughout the construction period and operational phase as appropriate, strictly in accordance with the approved details, unless otherwise agreed in writing by the Planning Authority in consultation with SEPA.
- Reason: To ensure that all construction operations are carried out in a manner that minimises their impact on the water environment and thereby minimising residual impacts on the River Tweed SAC and that mitigation measures contained in the Environmental Statement accompanying the application, or as otherwise agreed, are fully implemented.

29. No development shall commence until a Species Protection Plan, including measures for bats, otters, badgers, red squirrels, breeding birds (including goshawk and crossbill), reptiles and amphibia as appropriate, has been submitted to and approved in writing by the Planning Authority. This to be informed by pre-commencement surveys carried out no more than 8 months prior to construction works commencing. Any works shall thereafter shall be carried out in accordance with the approved scheme.  
Reason: To ensure that the species affected by the development are afforded suitable protection from the construction, operation and decommissioning of the development.
30. No development shall commence until a Habitat Management Plan, including measures to compensate for habitat loss and enhance existing habitats including blanket bog, wet modified bog, acid grassland, marshy grassland, calcareous grassland, dry dwarf shrub heath and woodland habitats, has been submitted to and approved in writing by the Planning Authority. Any works shall thereafter be carried out in accordance with the approved scheme.  
Reason: To mitigate the loss of habitats as a result of the development.
31. No development shall commence until an ecological monitoring programme, including monitoring for breeding waders in years 1, 3, 5, 10 and 15 following construction, has been submitted to and approved in writing by the Planning Authority. This should also include proportionate post-construction monitoring of protected mammals (bats, otters, badgers and red squirrels as appropriate) and habitats. Any works shall thereafter be carried out in accordance with the approved scheme.  
Reason: To ensure suitable procedures are in place to monitor the impacts of the development on ecological interests.
32. The development shall be implemented in accordance with the Goshawk Mitigation and Monitoring Plan which was agreed on 9<sup>th</sup> July in response to Condition 32 of consent 17/00010/FUL, unless otherwise agreed in writing with the Planning Authority. Any works shall thereafter be carried out in accordance with the approved scheme.  
Reason: To ensure that the species affected by the development are afforded suitable protection from the construction, operation and decommissioning of the development.

### **Replanting of Forestry**

33. No development shall commence until a forestry and woodland planting scheme to compensate for the removal of woodland areas and forestry within the site ("the Replanting Scheme") has been submitted to and approved in writing by the Planning Authority, in consultation with Forestry Commission Scotland. The Replanting Scheme must comply with the requirements set out in the UK Forestry Standard (Forestry Commission, 2011. ISBN 978-0-85538-830-0) and the guidelines to which it refers, or

such replacement standard as may be in place at the time of submission of the Replanting Scheme for approval. The Replanting Scheme must include:

- a. Details of the location of the area to be planted;
- b. Details of land owners and occupiers of the land to be planted;
- c. The nature, design and specification of the proposed woodland to be planted;
- d. Details of all consents required for delivery of the Replanting Scheme and timescales within which each will be obtained;
- e. The phasing and associated timescales for implementing the Replanting Scheme;
- f. Proposals for the maintenance and establishment of the Replanting Scheme, including annual checks, replacement planting, fencing, ground preparation and drainage; and
- g. Proposals for reporting to the Planning Authority on compliance with timescales for obtaining the necessary consents and thereafter implementation of the Replanting Scheme.

Unless otherwise agreed in writing by the Planning Authority, the development shall not be commissioned to supply electricity on a commercial basis unless all relevant consents necessary for implementation of the approved Replanting Scheme in accordance with the phasing and timescales set out therein have been obtained.

In the event that there is no reasonable prospect of the relevant consents necessary for implementation of the approved Replanting Scheme being obtained, then the developer shall submit an amended Replanting Scheme to the Planning Authority for approval in consultation with Forestry Commission Scotland. Unless otherwise agreed in writing by the Planning Authority, the development shall not be commissioned to supply electricity on a commercial basis unless all relevant consents necessary for implementation of the approved amended Replanting Scheme in accordance with the phasing and timescales set out therein have been obtained. The approved Replanting Scheme (or, as the case may be, an approved amended Replanting Scheme) shall be implemented in full, unless otherwise agreed in writing by the Planning Authority after consultation with Forestry Commission Scotland.

Reason: To secure replanting to mitigate against effects of deforestation arising from the development.

### **Decommissioning and Financial Guarantee**

34. The Development will be decommissioned and will cease to generate electricity by no later than the date falling thirty years from the date of Final Commissioning. The total period for restoration of the site in accordance with this condition shall not exceed three years from the date of Final Decommissioning without prior written approval of the Planning Authority. No development shall commence until a Decommissioning, Restoration and Aftercare Plan has been submitted to and approved in writing by the Planning Authority in consultation with SEPA and Scottish Natural Heritage. The Plan shall detail measures for the decommissioning of the development, restoration and aftercare of the site and will include proposals for the removal of the above ground elements of the development, the treatment of ground surfaces, the management and timing of the works and environmental management provisions. No later than 3 years prior to decommissioning of the development the Decommissioning, Restoration and Aftercare Plan to be revised and submitted to and approved in writing by the Planning Authority in consultation with SNH and SEPA. The revised Decommissioning, Restoration and Aftercare Plan will provide updated and detailed proposals for the removal of above ground elements of the development, the treatment of ground surfaces, the management and timing of the works and environment management provisions. The development shall be decommissioned, site restored and aftercare thereafter undertaken in accordance with the approved Plan, unless otherwise agreed in writing in advance with the Planning Authority in consultation with SNH and SEPA. Any decommissioning works shall be carried out in accordance with the approved Plan.

Reason: To ensure the decommissioning and removal of the development in an appropriate and environmentally acceptable manner and the restoration and aftercare of the site, in the interests of safety, amenity and environmental protection.

35. No development shall commence until the developer/operator has delivered a bond or other form of financial guarantee in terms acceptable to the Planning Authority which secures the cost of performance of all decommissioning, restoration and aftercare obligations contained in condition 34. The financial guarantee shall thereafter be maintained in favour of the Planning Authority until the date of completion of all restoration and aftercare obligations. The value of the financial guarantee shall be determined by a suitably qualified independent professional as being sufficient to meet the costs of all decommissioning, restoration and aftercare obligations contained in condition 34. The value of the financial guarantee shall be reviewed by a suitably qualified independent professional no less than every five years and increased or decreased to take account of any variation in costs of compliance with restoration and aftercare obligations and best practice prevailing at the time of each review.

Reason: to ensure that there are sufficient funds to secure performance of the decommissioning, restoration and aftercare conditions attached to this deemed planning permission in the event of default by the developer/operator.

#### Informatives

1. **The length of the permission:** This planning permission will lapse on the expiration of a period of three years from the date of this decision notice, unless the development has been started within that period (See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).
2. **Notice of the start of development:** The person carrying out the development must give advance notice in writing to the planning authority of the date when it is intended to start. Failure to do so is a breach of planning control. It could result in the planning authority taking enforcement action (See sections 27A and 123(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).
3. **Notice of the completion of the development:** As soon as possible after it is finished, the person who completed the development must write to the planning authority to confirm the position (See section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended)).
4. **Display of notice:** A notice must be displayed on or near the site while work is being carried out. The planning authority can provide more information about the form of that notice and where to display it (See section 27C of the Town and Country Planning (Scotland) Act 1997 Act (as amended) and Schedule 7 to the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013).
5. **Relevant scheme:** All conditions above relate to the details of the development and supporting information, including all approved plans, drawings and diagrams that was granted planning consent following appeal on 17 August June 2018, under application reference 17/00010/FUL, including the subsequent non-material variations referred to in this report.