

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

6.	<p>Committee Minutes (Pages 3 - 80)</p> <p>Consider Minutes of the following Committees:-</p> <ul style="list-style-type: none"> (a) Local Review Body 15 August 2022 (b) Tweeddale Area Partnership 23 August 2022 (c) Innerleithen Common Good Fund 24 August 2022 (d) Planning & Building Standards 5 September 2022 (e) Melrose Common Good Fund 8 September 2022 (f) Galashiels Common Good Fund 8 September 2022 (g) Jedburgh Common Good Fund 12 September 2022 (h) Executive 13 September 2022 (i) Kelso Common Good Fund 13 September 2022 (j) Chambers Institution Trust 14 September 2022 (k) Pension Fund 15 September 2022 (l) Pension Board 15 September 2022 (m) Innerleithen Common Good Fund 15 September 2022 (n) Local Review Body 22 September 2022 (o) Planning & Building Standards 3 October 2022 (p) Executive 4 October 2022 <p>(Copies attached.)</p>	5 mins
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(a)	Local Review Body	15 August 2022
(b)	Tweeddale Area Partnership	23 August 2022
(c)	Innerleithen Common Good Fund	24 August 2022
(d)	Planning & Building Standards	5 September 2022
(e)	Melrose Common Good Fund	8 September 2022
(f)	Galashiels Common Good Fund	8 September 2022
(g)	Jedburgh Common Good Fund	12 September 2022
(h)	Executive	13 September 2022
(i)	Kelso Common Good Fund	13 September 2022
(j)	Chambers Institution Trust	14 September 2022
(k)	Pension Fund	15 September 2022
(l)	Pension Board	15 September 2022
(m)	Innerleithen Common Good Fund	15 September 2022
(n)	Local Review Body	22 September 2022
(o)	Planning & Building Standards	3 October 2022
(p)	Executive	4 October 2022

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SCOTTISH BORDERS COUNCIL LOCAL REVIEW BODY

MINUTE of Meeting of the LOCAL REVIEW BODY held in the Council Chamber, Council Headquarters, Newtown St Boswells on Monday, 15 August 2022 at 10 a.m.

Present:- Councillors S Mountford (Chair), J. Cox (from para 3), M. Douglas, D. Moffat, A. Orr, V. Thomson, N. Richards, S. Scott, E. Small (from para 3)

In Attendance:- Principal Planning Officer, Solicitor (S. Thompson), Democratic Services Team Leader, Democratic Services Officer (F. Henderson).

MEMBERS

Having not been present when the following review was first considered, Councillors Cox and Small left the meeting.

1. CONTINUATION OF REVIEW 21/00739/PPP

With reference to paragraph 2 of the Minute of 20 June 2022, the Local Review Body continued their consideration of the request from F J Usher's Children Trust, c/o Hannah Belford, Agent, Wemyss House, 8 Wemyss Place, Edinburgh to review the decision to refuse the planning application for the erection of two dwellinghouses on Land East of Delgany, Old Cambus, Cockburnspath. The supporting papers included the Notice of Review (including the Decision Notice and Officer's Report); Papers referred to in the Officer's report; additional information, correspondence, consultation replies; objection comments, general comments, further representations; list of policies and submission by the Planning Officer and Environmental Health and the Applicant response. Members firstly considered whether there was a building group in the vicinity under Clause A of Policy HD2 and following discussion, were satisfied that the existing houses constituted a building group, albeit they did not include "Dalgeny" due to its separation by distance and woodland belts. They also accepted that there was capacity for the group to be expanded. Members then considered the relationship of the site and whether it was within the group's sense of place. Whilst the indicative site plan and photomontages were noted, the Review Body were not persuaded that detailed siting and design at a future planning stage could resolve their fundamental concerns over the inappropriate location, shape and height of the site. After considering all relevant information, the Local Review Body concluded that the development was contrary to the Development Plan and that there were no other material considerations that would justify departure from the Development Plan. Consequently, the application was refused.

DECISION

DECIDED 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;
- (c) the development would be contrary to Policy HD2 of the Scottish Borders Local Development Plan 2016 and the New Housing in the Borders Countryside Supplementary Planning Guidance 2008 in that it would not relate sympathetically to the character of the existing building group. The proposal would not respect the scale, siting and hierarchy of buildings

within the existing group and would degrade its strong sense of place. This conflict with the Local Development Plan was not overridden by any other material considerations.

- (d) the officer's decision to refuse the application be upheld and the application refused, for the reasons detailed in Appendix I to this Minute.**

MEMBER

Having been unable to attend the site visit, Councillor Moffat left the meeting.

2. CONTINUATION OF REVIEW 21/01846/PPP

With reference to paragraph 6 of the Minute of 20 June 2022, the Local Review Body continued their consideration of the request from Aitken Turnbull Architects, 5 Castle Terrace, Edinburgh EH1 2DP to review the non-determination of a planning application for the erection of two dwellinghouses on Land North of Ivanhoe, Dingleton Road, Melrose. The Review Body noted that the review was submitted against non-determination of the planning application, as the Council had not determined the application within the application processing period. This constituted a deemed refusal and they were required to make a 'De Novo' decision on the application. The supporting papers included the Notice of Review; additional information; consultation replies; objection comments; correspondence; List of Policies and submissions by the Planning and Ecology Officers and Applicants response. Members accepted that the site was an infill site within the defined settlement boundary of Melrose and noted that the site was part of the overall housing allocation EM32B in the Local Development Plan, albeit shown on the Settlement Proposals Map as part of the structure planting within that land allocation, reflecting the fact that the site contained orchard trees protected by SBC TPO 21. The Review Body noted that the application was for planning permission in principle and there were no detailed siting and design proposals, although a site plan with house positions and tree positions had been submitted. Having considered all the submissions and informed by their site inspection, the Review Body were of the opinion that this was a suitable infill development opportunity but that the proposal for two houses represented overdevelopment given the constraint of protected trees on the site and insufficient space to achieve and maintain replacement planting. As there were no other material considerations that would justify departure from the Development Plan. Consequently, the application was refused.

DECISION

DECIDED that:-

- (e) 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;**
- (c) The development would be contrary to Policy EP13 of the Local Development Plan 2016 and the Trees and Development SPG 2008 in that there would be an unacceptable and detrimental impact on the orchard trees forming part of the SBC TPO 21 ("Dingleton Hospital Site") as a consequence of loss of protected trees, prejudice to the remaining trees and insufficient space for adequate and acceptable compensatory planting, resulting in adverse impacts on the character and amenity of the area. Furthermore, the development has not demonstrated that public benefit would outweigh the loss of, and impacts on, the trees.**
- (d) the deemed refusal of the application be upheld and the application refused, for the reasons detailed in Appendix II to this Minute.**

MEMBERS

Councillors Cox, Moffat and Small joined the meeting prior to consideration of the following review.

3. REVIEW 22/00127/FUL

There had been circulated copies of a request from Daina McFarlane, Leitvale, Eden Road, Gordon to review the decision to refuse the planning application for the change of Use from Industrial (Class 4, 5 ,6) to Fitness Studio (Class 11)(retrospective) at Unit C, Whinstone Mill, Netherdale Industrial Estate, Galashiels. The supporting papers included the Notice of Review (including the Decision Notice and Officer's Report); Papers referred to in the Officer's report; additional information; consultation replies; support letters and list of policies. The Planning Adviser drew attention to information on the availability of Industrial Units within Netherdale Industrial Estate, Galashiels, which had been submitted with the Notice of Review but which had not been before the Appointed Officer at the time of determination. Members agreed that the information was new but considered that it met the Section 43B test, was material to the determination of the Review and could be considered. However, they also agreed that the matter could not be considered without enabling the Planning Officer and Economic Development Service to respond to the information on the availability of Industrial Units within Netherdale Industrial Estate. Members, therefore, agreed that the application be continued for further procedure in the form of written submission to seek comments from the Planning Officer and Economic Development.

DECISION

DECIDED 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) new evidence submitted with the Notice of Review in the form of information about the availability of Industrial Units within Netherdale Industrial Estate, Galashiels met the test set in Section 43B of the Town and Country Planning (Scotland) Act 1997 and was material to the determination;**
- (c) the review could not be considered without the need for further procedure in the form of written submissions;**
- (d) the Planning Officer and Economic Development be given the opportunity to comment on the information on the availability of industrial units within the Netherdale Industrial Estate, Galashiels provided by the applicant.**
- (e) consideration of the review be continued to a future meeting on a date to be confirmed.**

4. REVIEW 21/00706/FUL

There had been circulated copies of a request from Mr Drew Glendinning, c/o Ferguson Planning, Shiel House, 54 Island Street, Galashiels to review the decision to refuse the planning application for the erection of a dwellinghouse on Plot 4, Westcote Farm, Westcote, Hawick. The supporting papers included the Notice of Review (including the Decision Notice and Officer's Report); Papers referred to in the Officer's report; additional information; consultation replies; objection comments and list of policies. The Planning Adviser drew attention to the revised location plan submitted with the Notice of Review but not before the Appointed Officer at the time of determination. Members agreed that the information was new but considered that it met the Section 43B test, was material to the determination of the Review and could be considered without the need for further procedure. Members firstly considered whether there was a building group under Clause A of Policy HD2 and noted that there were a number of existing houses in the immediate vicinity consisting of the original farmhouse, several conversions and new-builds to the north of the site. Members were satisfied that this constituted a building group and there

was notional capacity for addition. In considering whether the site was within the group's sense of place and in keeping with its character, the Review Body noted the location of the site within a field on the southern edge of the group, and Members were concerned that the proposal was not within the cluster of buildings and houses around the original farmhouse and that it appeared to constitute ribbon development, lying outwith the group and breaking into a field. Members were also concerned that this could set a precedent for further sporadic development in the field. After full discussion, the Review Body concluded that the building group was complete and that the site was not an appropriate addition to the group. After considering all relevant information, the Local Review Body concluded that the development was contrary to the Development Plan and that there were no other material considerations that would justify departure from the Development Plan. Consequently, the application was refused.

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;**
- (c) The development was contrary to Policy HD2 of the Local Development Plan 2016 and New Housing in the Borders Countryside Guidance 2008 because it would constitute housing in the countryside that would not relate well to the existing building group and would lead to an unjustified sporadic expansion of development into a previously undeveloped field. Furthermore, there is no overriding economic justification to support the development. Material considerations do not outweigh the resulting harm; and**
- (d) the officer's decision to refuse the application be upheld and the application refused, for the reasons detailed in Appendix III to this Minute.**

MEMBER

The Chairman left the meeting and Councillor Richards took the chair for the remainder of the meeting.

5. REVIEW OF 22/00093/PPP

There had been circulated copies of a request from Mr James Hewitt c/o Ferguson Planning, 54 Island Street, Galashiels to review the decision to refuse the planning application for the erection of a dwellinghouse with associated infrastructure works on Land adjoining 16 Hendersyde Drive, Kelso. The supporting papers included the Notice of Review (including the Decision Notice and Officer's Report); Papers referred to in the Officer's report; consultation replies; objection comments; further representations and list of policies. The Review Body considered the comments from Scottish Water in terms of the equipment contained within the site, the Flood Risk Officers comments and those comments from the roads officer. Members expressed concern with regard to the possible loss of green space and the potential for the site to flood.

VOTE

Councillor Moffat, seconded by Councillor Douglas moved that an unaccompanied site visit be held.

Councillor Small, seconded by Councillor Scott moved as an amendment that the application be determined without a site visit.

On a show of hands Members voted as follows:-

Motion - 4 votes
Amendment - 4 votes

As there was an equality of votes, the Chairman exercised his casting vote in favour of an unaccompanied site visit.

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 not be considered without the need for further procedure in the form of an unaccompanied visit to the site;**
- (c) consideration of the review be continued to a future meeting on a date to be confirmed.**

6. REVIEW OF 21/01625/PPP

There had been circulated copies of a request from Mr and Mrs Jerry and Shona Ponder, c/o Ferguson Planning, 54 Island Street, Galashiels to review the decision to refuse the planning application for the erection of a residential dwelling with associated amenity, parking, infrastructure and access on land to the East of South Laws, Duns. The supporting papers included the Notice of Review (including the Decision Notice and Officer's Report); Papers referred to in the Officer's report; additional information, consultation replies and list of policies. The Review Body agreed that there was an existing building group and noted that although there had been one consent granted within the current Local Development Plan period, that had since lapsed and there was capacity to expand the group. Members considered the relationship of the site with the group and whether it was within the group's sense of place and were concerned that the proposed site lay outwith and was not related to the building group, constituting ribbon development and breaking into the corner of an arable field. Members were also concerned that a precedent would be set for further development within the field. The Review Body noted the objection of SEPA over the potential for flood risk at the site. Whilst Members had concerns over this issue, they accepted that the Appointed Officer had refused the application for other reasons and it was, therefore, not necessary to investigate the issue further. Consideration was then given to the issue of loss of prime agricultural land and compliance with Policy ED10 of the Local Development Plan. Members agreed with the Appointed Officer that the site was within a field being used and available for agricultural purposes. After considering all relevant information, the Local Review Body concluded that the development was contrary to the Development Plan and that there were no other material considerations that would justify departure from the Development Plan. Consequently, the application was refused.

VOTE

Councillor Moffat, seconded by Councillor Cox moved that the application be approved.

Councillor Thomson, seconded by Councillor Orr moved as an amendment that the application be refused.

On a show of hands Members voted as follows:-

Motion - 3 votes
Amendment - 5 votes

The amendment was accordingly carried and the application was refused.

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;**
- (c) The proposed development failed to comply with Policy HD2 of the Local Development Plan 2016 and Supplementary Planning Guidance, New Housing in the Countryside 2008, as it would not relate well to the existing building group, would break into an undeveloped field, outwith the building group's sense of place and would result in ribbon development long the public road which would adversely impact upon the composition and quality of the landscape character. The development also failed to comply with Policy ED10 as it would result in the permanent loss of prime quality agricultural land.**
- (d) the officer's decision to refuse the application be upheld and the application refused, for the reasons detailed in Appendix IV to this Minute.**

The meeting concluded at 1:05 p.m.

SCOTTISH BORDERS COUNCIL TWEEDDALE AREA PARTNERSHIP

MINUTES of Meeting of the TWEEDDALE
AREA PARTNERSHIP held Via Microsoft
Teams on Tuesday, 23 August 2022 at 7.00
pm

Present:- Councillors M. Douglas (Chairman), D. Begg, J. Pirone, E. Small, R. Tatler, and V. Thomson.

Also present:- Peter Maudsley (Peebles Community Council), Gordon Daly (Innerleithen Community Council), Joe Fernand (Renew Crew), Chris Lewin (Upper Tweed Community Council), Elizabeth Johnson (Tweeddale Assessment Panel), Lorna McCullough (The Bridge), Crick Carleton (Chair of the Tweeddale Area Partnership Place Making Working Group), Frank Drummond (Tweeddale Access Panel), Les Turnbull (Peebles Community Council), and Esther Daborn (Skirling Community Council).

In Attendance:- Community Co-ordinator (K. Harrow), Community Engagement Officer (H. Lacon), Principal Transport Officer (G. Grant) Democratic Services Officer (D. Hall)

1. **WELCOME AND INTRODUCTIONS**

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 MEETING ON 27 JUNE 2022**

The Minutes of the meeting of the Tweeddale Area Partnership meeting held on 27 June 2022 were noted. Those in attendance requested that the attendance of future meetings listed attendee's names on the Minute, this was unanimously agreed. Councillor Pirone requested that any attendee who wished for their name to be included on the Minute included their name and organisation in the chat function of the meeting.

3. **UPDATE FROM PINGO PILOT IN BERWICKSHIRE**

3.1 The Chairman welcomed Mr Gordon Grant of Scottish Borders Council to the meeting. Mr Grant explained that he is the Principal Transport Officer, and has responsibility for local bus services and community transport. Regarding the PINGO service, a bid had been to the Community Renewal Fund to carry out a Demand Responsive Transport (DRT) trial across the region, the application was unsuccessful. Scottish Borders Council had then funded a DRT solely in the Berwickshire locality which had been named PINGO. The aim of the trial was to ascertain the effectiveness and operational realities of operating a DRT service within the Scottish Borders. The PINGO service consisted of two mini buses that did not operate on a fixed bus route schedule, instead users would book via app or telephone the service, with a route being plotted following the receipt of bookings. The feedback of the trial had been positive, with a steady increase in the number of under 22s that had used the service. Mr Grant explained that a key aim of the service was to allow people to travel from areas that were not on the passenger transport network to somewhere they could then pursue onward travel on public transport. The feedback and results of the trial would be fed into the major passenger transport network review.

3.2 In response to a question regarding the licences which drivers needed to operate the bus, Mr Grant explained that the buses were operated by Borders Buses, and that the licence to operate the bus was similar to the normal licence required to operate a mini bus. Regarding the replacement of printed timetables at bus stops across the region with QR codes to scan, Mr Grant explained that throughout Covid there had been huge, ongoing

changes to bus services across the region. Weekly changes to the timings of services had rendered printed timetables obsolete on a regular basis, and the decision had been made to use a QR code service to cater to the approximate 1000 bus stops in order to avoid continual confusion and resource deployment. Regarding funding for the trial, Mr Grant confirmed that Scottish Borders Council funded the pilot, and that because Reston Station was due to begin operation the decision was made to carry out the trial in Berwickshire. In light of the comments regarding the use of QR codes for bus timetable access, the Community Co-ordinator, Mr Kenny Harrow, invited anyone to get in contact with the Communities and Partnerships team if they were struggling with issues regarding digital access. In response to a question regarding whether communities could operate their own mini bus to tie in with the Network, Mr Grant explained that it would be challenging for a community to set themselves up as an operator. Their buses would require a ticket machine and would have to operate as a registered service. Particular focus of the ongoing transport network review was on future proofing, and the need to provide a holistic network that was fit for purpose rather than individual solutions to problems facing the network. Regarding meeting with user groups and communities in Tweeddale to discuss the transport network, Mr Grant stated that he was happy to meet those groups in order to help gain an understanding of users' needs and requirements, and was happy to allow groups to contact him via email or through the Communities and Partnerships team. In response to a question regarding the 101/102 bus service, Mr Grant explained that the contract to provide that service had gone to tender, and that the cost had risen significantly beyond what had been expected. The DRT pilot ongoing, and DRT in general, was not a viable solution to the ongoing issues related to the 101/102 service.

4. **PLACE MAKING UPDATE**

Mr Crick Carleton, Chair of the Tweeddale Area Partnership was present at the meeting to provide an update. The Group had held 2 face-to-face meetings since the last meeting of the Area Partnership. Mr Carleton advised that there were now 9 communities that had expressed interest in participating in the place making programme. The meeting held in Walkerburn was well attended, with representatives from the 4 communities in Tweeddale East present. With regard to the meeting held in West Linton, which covered communities based in Tweeddale West, representatives from all but 2 of the relevant communities had attended. The meetings had provided an opportunity for communities to understand what place-making and place plans were. Followed by a presentation to help understand where communities stood, understand their capacity and the issues that they faced. Mr Carleton explained that a key part of the meetings had been to explain to communities where place plans fit into the planning sector, and to manage the expectations and realities inherent to the area. It was hoped that as communities and the Working Group developed they would be able to present their evidenced needs and wishes to planning partners and Scottish Borders Council. Different communities were at different stages of place making, and the ability to consult with other communities and different organisations would be key to the development of plans. The communities involved in place-making could generally be categories into 3 different sizes based on their population. The 3 larger communities had a population over 1000; 3 were mid-sized with a population between 500 and 1000; and 3 were smaller, with a population less than 500. Through the use of share-point, a database of materials had begun to take shape, with a range of reports, files, and guidance related to place-making available to the communities. The files had also been compressed and sent to those without access to share-point. Those in attendance expressed their thanks for the update from Mr Carleton and recognised that through the work undertaken by the Working Group, communities had gained a better understanding of the place making landscape. Councillor Tatler expressed an interest in joining the Working Group, which was unanimously agreed.

5. **FUNDING TABLE OVERVIEW**

The Community Engagement Officer, Ms Hannah Lacon provided an overview of the funds that were able in the Tweeddale locality. The initial balance of the Neighbourhood Support Fund (NSF) was £93,357. Prior to the meeting a total of 6 applications had been

awarded funding, which had totalled £19,638.38. There were 4 NSF applications that were assessed and awaited decision, which totalled £14,347.30.

6. **NEIGHBOURHOOD SUPPORT FUND**

6.1 There had been circulated copies of the Tweeddale Assessment Panel Recommendations from 27 June 2022 with the agenda. Ms Esther Daborn of the Tweeddale Assessment Panel provided an overview of the applications and other business related to the Panel. Ms Daborn explained that 2 members of the Panel had left the Panel, and that 2 replacements had been identified following a recruitment process. It was unanimously agreed to appoint Elizabeth Johnstone and Sheila Turnbull to the Tweeddale Assessment Panel.

6.2 **Walkerburn Community Craft Club**

The application from West Linton Community Craft Club was for £4,500 towards a £5,000 project aimed to expand the group and publicise what they were doing. The funding would be used to acquire 2 sewing machines and equipment haberdashery, pay for tutor costs and the hiring of a hall. Ms Daborn explained the Panel had recommended to fund the application despite a lack of information and some uncertainty around group size and the necessity of purchasing industrial sewing machines as they felt that the group was a good cause and liked their ideas. Those in attendance highlighted that previous applications had been refused due to lack information and requested that applications be considered on a consistent basis. The Elected Members in attendance spoke highly of the Group and their application, highlighting that they were extremely well organised, produced high quality goods, supported a unique social cohort and that they had not previously sought funding. Ms Lacon explained that, following discussions with the group, the industrial style sewing machines were for more experienced members of the group, and that they would allow higher quality products to be created. Members unanimously agreed to provide £4,500, subject to the Group exploring the viability of purchasing second hand equipment.

6.3 **Interest Link Borders**

Interest Link Borders had applied for £7,000 as part of a larger £60k+ project. The group had been active since 1990, with 4 branches across the Scottish Borders. The application was for activities, rent and tutor fees. The group was noted as running befriending projects for children aged 8 and above with learning disabilities. Ms Daborn explained that the Neighbourhood Support Fund criteria stipulated that applications for sums exceeding £5k had to evidence that project funding had been sought from other sources. In this instance as funding had not been sourced from other funding providers, the maximum value that the Panel could recommend was £5,000. Members unanimously agreed to provide £5,000.

6.4 **West Linton Enterprise Group**

The application from the West Linton Enterprise Group was for £1,500 to improve a building that they used by installing loft insulation, flooring and an access ladder. The building in question was used as a community shop, named 'The Knot'. The application had stipulated that there was a long term plan for the community to purchase the building that they used. Ms Daborn explained that as the building was owned by a private individual, with no long term lease in place, the Panel was uncomfortable approving funding for the application and had recommended not to fund. Mr Ian Reid, one of the committee members of the Group was in attendance, and was welcomed by the Chairman to provide his insight into the application. Mr Reid clarified that the shop which operated in the building was a community conceived, community run shop. The money raised by the shop was invested back into the community. The building had been listed for sale by the Red Cross, and was purchased by a local member of the community with a view to selling the building to the community once the requisite funds had been raised. Mr Reid explained that the current owner of the shop did not wish to profit from the sale, and that the Group was confident that the necessary funds would be raised within one year following work in conjunction with the Scottish Land Fund. Members in attendance

expressed that whilst what the Group sought to do had merit and deserved to be funded, the concerns raised due to the uncertainty inherent to the building being owned by a private individual needed to be addressed. It was therefore unanimously agreed by the Members in attendance to defer the application to allow the Group to seek an appropriate letter of comfort that would provide assurance regarding the occupancy of the building.

6.5 **Peebles Biodiversity and Ecology Group**

The application from the Peebles Biodiversity and Ecology Group was for £1347.30 to fund the purchase of a commercial strimmer with battery and charger for a recently planted wild flower meadow. Members unanimously agreed to fund the application in full.

7. **GROUP EVALUATION AND COST OF LIVING INPUT - PEEBLESSHIRE FOODBANK**

7.1 Fiona Dalgleish of the Peeblesshire Foodbank was welcomed to the meeting to provide a project evaluation and an insight into the work that the Foodbank was engaged in. The Foodbank had received £11,000 to purchase a van to assist in their distribution of food parcels. The van was significantly more effective when compared to an individual using their own private car. The van was capable of holding 6 double food boxes in one journey. Ms Dalgleish explained that the number of people using the services of the Foodbank had increased, with record numbers receiving packages. The Foodbank had given out more than double the amount of food than they had received. The rise in the number of people using the Foodbank, and concurrent drop in donations, was a very worrying trend and was attributed to the ongoing cost of living crisis.

7.2 The Foodbank planned to work with Foodpunks on the low and slow pilot project, which would provide some of the most vulnerable families in the area with a slow cooker, ingredients and recipe cards as well as training on how to produce delicious, nutritious food using the slow cooker. The Foodbank had also provided meals to some of the most vulnerable families over the summer holidays, with a total of more than 3,000 meals delivered. The Group planned to carry out a similar project across the October school holiday. Those in attendance expressed their gratitude for the work of the Foodbank, congratulated Ms Dalgleish on her excellent work in trying times and encouraged her to engage with the Community and Partnership team to apply to the Neighbourhood Support Fund if required. In response to a question regarding whether planned breakfast clubs had begun, Ms Dalgleish explained that the breakfast club at Kingsland Primary School had started, and that Halyrude and Walkerburn were planned to start soon. The clubs had made a positive impact and had considerably reduced lateness. In response to a question regarding a newly recruited member of staff, Ms Dalgleish explained that the new member of staff would be involved in campaigns to help raise awareness of food poverty and action to try and reduce it.

8. **OTHER BUSINESS**

Mr Ian Reid explained that he was impressed by the constructive tone of the Area Partnership, however he was concerned that the wider public was unaware of the forum. The Chairman explained that the agenda for the meeting was published publicly and made available to Community Councils and any interested party. Mr Harrow explained that work was ongoing with the Communications and Marketing team to examine different ways in which the Area Partnership could be publicised and encouraged all attendees to share and publicise the content of the meeting. The Community and Partnerships team welcomed hints and suggestions that could help increase the profile of the Area Partnership meetings. Mr Turnbull suggested that the structural makeup of the Area Partnership, chaired by the Elected Members, was not conducive to attracting and keeping attendees. Councillor Tatler suggested that a Public Forum item on the agenda was added as a standing item, which was unanimously agreed. In response to the issue of attendance numbers, the Chairman agreed to explore the potential for holding meetings in public in the future.

9. **MEETING EVALUATION VIA MENTI**

Ms Lacon carried out a survey of the meeting using the interactive Menti tool.

10. **NEXT AREA PARTNERSHIP 1 NOVEMBER. AGENDA ISSUED 18 OCTOBER.**
The next full meeting of the Area Partnership was scheduled for 1 November 2022. The Chairman suggested that given the ongoing cost of living crisis, a standard agenda item should be placed on the agenda to discuss such matters. Any other suggestions for agenda items could be sent to the Communities and Partnerships team.

The meeting concluded at 8.45 pm

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SCOTTISH BORDERS COUNCIL

MINUTES of Meeting of the INNERLEITHEN
COMMON GOOD FUND SUB-COMMITTEE
held via Microsoft Teams on Wednesday,
24th August, 2022 at 3.00 pm

Present:- Councillors M. Douglas, J. Pirone and R. Tatler.
Also Present:- R. McGinn (Memorial Hall User Group)
In Attendance:- Treasury Business Partner (S. Wilson), Solicitor (G. Sellar), Estates Surveyor
(T. Hill), Democratic Services Officer (D. Hall).

1. **APPOINTMENT OF CHAIRMAN**

Councillor Tatler, seconded by Councillor Pirone proposed that Councillor Douglas be appointed as Chairman of the Innerleithen Common Good Fund Sub-Committee. There being no other nominations, Councillor Douglas was appointed as Chairman and took the Chair.

DECISION

AGREED that Councillor Douglas be appointed as the Chairman of the Innerleithen Common Good Fund Sub-Committee.

2. **MINUTE**

The Minute of Meeting of the Innerleithen Common Good Fund Sub-Committee held on 15 December 2021 had been circulated.

DECISION

APPROVED the Minute for signature by the Chairman.

3. **MONITORING REPORT FOR 12 MONTHS TO 31 MARCH 2022 AND PROPOSED BUDGET FOR FINANCIAL YEAR 2022/23**

There had been circulated copies of a report by Director, Finance and Corporate Governance which provided details of the assets held by the Innerleithen Common Good Fund as at 31 March 2022, a full year revenue out-turn for 2021/22 and projected balance sheet values as at 31 March 2023. Appendix 1 to the report provided the actual Income and Expenditure account for the year to 31 March 2022. Appendix 2 to the report provided an actual balance sheet value as at 31 March 2022. It showed a decrease in the reserves of £31,230 which was due to the annual release from the Revaluation Reserve. In response to a question regarding arts and artefacts uncovered as a result of the consultation on Common Good assets, Ms Wilson confirmed that the Principal Solicitor had headed up that exercise and that a report outlining the result of the consultation would be brought to a future meeting of the Sub-Committee.

DECISION

AGREED:-

- (a) to note the actual income and expenditure for 2021/22 in Appendix 1 to the report;**
- (b) the proposed budget for 2022/23 as shown in Appendix 1 to the report;**
- (c) to note the final balance sheet value as at 31 March 2022, and projected balance sheet value as at 31 March 2023 in Appendix 2 to the report; and**
- (d) note the summary of the property portfolio in Appendix 3 to the report.**

4. **SECURE BIKE STORAGE**

There had been circulated copies of a proposal by ESO Sports to install 2 secure bicycle parking pods within the grounds of the Memorial Hall, Innerleithen. ESO sports was based in Innerleithen and had secured funding from Cycling Scotland for the pods. A representative of the group was not present due to the timing of the meeting. Mr Ross McGinn of the Memorial Hall User Group explained that the proposals had been extensively discussed with the User Group, and that a location had been identified that was suitable. Members explained that there were no objections from Planning, and that discussions had been held with the Community Council, who were in favour of the pods. The Estates Surveyor recommended that a brief agreement with ESO Sports should be sought regarding the placement of the pods.

DECISION

AGREED to approve the proposal to install 2 secure bicycle parking pods within the grounds of the Memorial Hall, Innerleithen

5. **WAR MEMORIAL GARDEN**

Mr McGinn provided an update on maintenance and upkeep of the War Memorial Garden. The upkeep for the gardens had been carried out by a group of volunteers, who had felt that the gardens were an important asset that should be maintained. A project was planned to restore the gardens to the state that they were originally laid down, however the progress had been slower than anticipated, and the upkeep of the gardens in their current state required attention. Members agreed to write to the Parks Department of Scottish Borders Council to request that assistance was provided to help with the maintenance of the gardens. In response to a question regarding the funding being sought by the Group for the major project, Mr McGinn explained that the project had been priced at £60k, and that the funding was being sought from a variety of different funding sources. Mr McGinn confirmed that the clock at the Hall had been returned from repair work and was due to be installed.

DECISION

AGREED that the Members of the Innerleithen Common Good Fund Sub-Committee would write to the Parks Department seeking assistance with maintenance issues at the War Memorial Gardens.

The meeting concluded at 9.35 am

SCOTTISH BORDERS COUNCIL PLANNING AND BUILDING STANDARDS COMMITTEE

MINUTES of Blended Meeting of the
PLANNING AND BUILDING STANDARDS
COMMITTEE held in Council Chamber,
Council Headquarters, Newtown St. Boswells
and via Microsoft Teams on Monday 5
September, 2022 at 10.00 am

- Present:- Councillors S. Mountford (Chair), J. Cox, M. Douglas, D. Moffat (from application 22/00019/AMC), A. Orr, N. Richards, S. Scott, and E. Small.
- Apologies:- Councillor V. Thomson
- In Attendance:- Planning and Development Standards Manager, Lead Planning Officer (B. Fotheringham), Lead Roads Planning Officer (D. Inglis), Solicitor (F. Rankine), Democratic Services Team Leader, Democratic Services Officer (W. Mohieddeen).

1. **MINUTE**

There had been circulated copies of the Minute of the Meeting held on 1 August 2022.

DECISION

AGREED to approve the Minute for signature by the Chairman.

2. **APPLICATIONS**

There had been circulated copies of a report by the Chief Planning and Housing Officer on applications for planning permission which required consideration by the Committee.

DECISION

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

MEMBER

Councillor Moffat joined the meeting at 10.20 am during discussion of application 22/00518/FUL. Councillor Moffat was advised that as he had not been present at the start of the discussion, he should leave the meeting until discussion of the application concluded.

3. **APPEALS AND REVIEWS**

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

DECISION

NOTED that:

(a) Review requests had been received in respect of:

- (i) Erection of dwellinghouse, Garden Ground of Cheviot View, Eden Road, Gordon;**

- (ii) Erection of two dwellinghouses with access and associated works, Land West of 1 The Wellnage, Station Road, Duns;
 - (iii) Erection of dwellinghouse, Woodland Strip, North of Springhall Farm, Kelso; and,
 - (iv) Erection of dwellinghouse, Land South of Stable Cottage (Plot 4), Westcote, Hawick.
- (b) The following reviews had been determined as shown:
- (i) Erection of dwellinghouse, Land South of Stable Cottage (Plot 4), Westcote, Hawick – Decision of Appointed Officer Upheld;
 - (ii) Erection of 2no dwellinghouses, Land East of Delgany, Old Cambus, Cockburnspath – Decision of Appointed Officer Upheld;
 - (iii) Erection of dwellinghouse and formation of new access, Land East of The Garden Cottage, South Laws, Duns – Decision of Appointed Officer Upheld; and,
 - (iv) Erection of two dwellinghouses, Land North of Ivanhoe, Dingleton Road, Melrose – Refused.
- (c) There remained seven reviews previously reported on which decisions were still awaited when the report was prepared on 25 August 2022 which related to sites at:
- | | |
|--|--|
| • Land North East of Woodend Farmhouse, Duns | • Unit C, Whinstone Mill, Netherdale Industrial Estate, Galashiels |
| • Land East of 16 Hendersyde Avenue, Kelso | • Plot 1, Land North of Belses Cottage, Jedburgh |
| • Plot 2, Land North of Belses Cottage, Jedburgh | • Land West of Cavers, Hillhead, Cavers, Hawick |
| • Land North of Carterhouse, Jedburgh | |
- (d) There remained one Section 36 Public Local Inquiry previously reported on which a decision was still awaited when this report was prepared on 25 August 2022 which related to a site at: Land West of Castleweary (Faw Side Community Wind Farm), Fawside, Hawick.

The meeting concluded at 11.47 am.

APPENDIX I
APPLICATION FOR PLANNING PERMISSION

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
22/00518/FUL	Demolition of the existing school and swimming pool, erection of a community campus, external sports provision, including covered tennis facility, service access, car parking and landscaping.	Land North And East Of And Incorporating Galashiels Academy And Swimming Pool

DECISION: Approved as per officer recommendation, subject to minor amendment to include the Applicant Informative as a Condition of consent – (Informative to be deleted) and the following conditions:

1. No development shall commence until precise details of the external materials (including colour) finishes for all buildings which include; the new Community Campus, Tennis Court enclosure and ancillary structures have first been submitted to and agreed in writing with the Planning Authority. This should also include large scale detailing for key junctions/features around the new Community Campus building. The development shall thereafter be carried out in accordance with the agreed finishes and detailing.
Reason: To ensure external materials are visually appropriate to the development and sympathetic to the surrounding area.
2. No development commence until a scheme of phasing has been submitted to, and agreed in writing by, the Planning Authority. This shall include a programme for completion of the main elements within the development – the community campus, outdoor sports facilities, all access roads and paths and the demolition of the existing Galashiels Academy. Once approved, the development then to be carried out in accordance with the approved scheme.
Reason: To ensure the development is carried out in a structured and orderly manner which ensures minimum disruption to educational and sporting facilities on site.
3. The new Gen2 Multi Sport pitch and 3G synthetic pitch shall be floodlit and shall be designed and constructed by a recognised (e.g., SAPCA* registered) specialist pitch contractor(s). Details of the contractor(s) and pitch specification shall be submitted for the written approval of the planning authority prior to the commencement of development. *SAPCA is The Sports and Play Construction Association (www.sapca.org.uk)
Reason: To ensure appropriate replacement provision is provided.
4. The 3G synthetic pitch shall include an appropriate shock pad to ensure IRB (International Rugby Board) standards compliance.
Reason: To ensure the pitch can be used for rugby use.
5. At least 4 tennis courts shall be marked to the recognised tennis court dimensions in the Gen2 Multi Sport pitch.
Reason: To ensure replacement of tennis courts.
6. No development shall commence until an Arboricultural Impact Assessment has been submitted to and approved in writing by the Planning Authority and thereafter,

no development shall take place except in strict accordance with those details. The submitted details shall include:

- a) A plan identifying the location of protective fencing in accordance with BS5837:2012 which is to be erected around trees identified for retention on Drawing No GCC_RFL-00-ZZ-DR-L-0003 and thereafter the fencing shall only be removed when the development has been completed.
- b) A programme of works to detail the removal of trees identified within the Drawing No GCC_RFL-00-ZZ-DR-L-0003 for removal.

Reason: Further information is required regarding tree removal and protection to ensure impacts on trees are minimised, in the interests of maintaining the landscape setting of the site and amenity of neighbouring properties.

7. Other than those identified for removal within Drawing No GCC_RFL-00-ZZ-DR-L-0003, no trees within the application site shall be felled, lopped, lifted or disturbed in any way without the prior consent of the Planning Authority

Reason: The existing tree(s) represent an important visual feature which the Planning Authority considered should be substantially maintained.

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 and thereafter the development shall be completed in accordance with the agreed details. Details of the scheme shall include;

- i. Existing and finished ground levels in relation to a fixed datum preferably ordnance
- ii. Location and design, including materials, of walls, fences and gates
- iii. All surfacing materials for all roads, footpaths, steps and all other hard surfaces
- iv. Precise location of all new trees, shrubs, hedges and grassed areas
- v. Schedule of plants to comprise species, plant sizes and proposed numbers/density,
- vi. Comprehensive programme for completion, establishment and subsequent long term maintenance, completion being no later than the end of the concurrent or next available planting season to the new school building becoming operational.

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

9. The development shall be carried out in accordance with the archaeological evaluation and watching brief detailed within the approved Galashiels Community Campus Archaeological Desk-Based Assessment (Report No 4088) prepared by CFA Archaeology Limited. Access should be afforded to allow investigation by a contracted archaeologist(s) nominated by the developer and agreed to by the Planning Authority. The developer shall allow the archaeologist(s) to;

- Conduct a programme of evaluation prior to development. This will include the below ground excavation of evaluation trenches and the full recording of archaeological features and finds.
- Observe relevant below ground excavation during development, investigate and record features of interest and recover finds and samples if necessary

Results will be submitted to the Planning Authority for review in the form of a Data Structure Report. If significant archaeology is discovered the nominated archaeologist(s) will contact the Archaeology Officer for further consultation. The developer will ensure that any significant data and finds undergo post-excavation analysis, the results of which will be submitted to 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 to afford a reasonable opportunity to record the history of the site.

10. No development shall commence until a scheme of details to improve the appearance of the existing entrance in to Scott Park has been submitted to and agreed in writing with the Planning Authority and thereafter the works shall be completed prior to the development becoming operational.
Reason: To improve the appearance of the entrance to Scott Park which also provides access to the development.
11. No development shall commence until a scheme of details for a signalised pedestrian crossing on Scott Street have been submitted to and agreed in writing with the Planning Authority. Thereafter the crossing shall be installed and operational before the development becomes operational.
Reason: To ensure the pedestrian crossing required to safely assist pedestrian flow is designed and installed to the satisfaction of the Council.
12. The four parking bays to the southern side of the Community Campus at the Enhanced Drop Off area shall be marked out as disabled person spaces.
Reason: To ensure there is appropriate parking provision and accessibility for all at this location and to prevent miss-use.
13. No development shall commence until engineering details for all new roads (including car parking areas) and footways/footpaths have been submitted to and agreed in writing with the Planning Authority. Thereafter all routes shall be constructed in accordance with the agreed details before the development becomes operational.
Reason: To ensure that all new roads and footways/footpaths are constructed to an appropriate fit for purpose standard.
14. No development shall commence until a scheme of details for the provision of electric charging points have been submitted to and agreed in writing with the Planning Authority. Details shall include number, location, layout and associated infrastructure. Provision shall also be included for increasing the number of charging points to meet future demand.
Reason: To ensure the development hereby permitted caters for sustainable travel modes of transport.
15. No development shall commence until details of proposed cycle stands have been submitted to and agreed in writing with the Planning Authority. Thereafter the approved details to be installed and operational prior to the development becoming operational.
Reason: To ensure there is adequate secure and covered provision for cyclists and the development caters for sustainable forms of transport.
16. No development shall commence until a Traffic Management Plan (TMP), relating to construction traffic, has been submitted to, and approved by, the Council. Thereafter the works are to proceed in accordance with the approved plan unless otherwise agreed in writing.
Reason: To ensure the safety of all road users during the construction phase of the development and to ensure that the construction traffic does not have a detrimental impact on the existing traffic movements.
17. No development shall commence until a Path Planning Study has been submitted to and approved in writing by the Planning Authority and thereafter, no development shall take place except in strict accordance with those details. The submitted details shall include:

 - a) All existing core paths, rights of way, or other used paths/ tracks;

- b) Areas where statutory rights of access will apply and any areas proposed for exclusion from statutory access rights for reasons of privacy, disturbance or curtilage, in relation to proposed buildings, structures or fenced off areas;
- c) Any diversions of paths - temporary or permanent - proposed for the purposes of the development

Reason: To protect path access through the development site during development works.

18. The existing manhole access to the culverted Moss Burn shall be retained, unless an alternative access detailing to the burn are submitted to and agreed in writing with the Planning Authority and thereafter any new access shall be suitably retained.

Reason: In the interests of flood risk and to ensure access to the culverted burn is maintained.

19. No development shall commence on each phase of demolition of the existing school buildings (as agreed by Condition 2) or the felling of trees identified for removal under Condition 7, until the developer has provided the Planning Authority with either;

- a) a copy of the relevant European Protected Species licence,
- b) a copy of a statement in writing from Scottish Natural Heritage (NatureScot) (licensing authority) stating that such a licence is not necessary for the specified development

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

20. No development shall commence until the following Ecological mitigation measures have been submitted to and approved in writing by the Planning Authority and thereafter, no development shall take place except in strict accordance with those details. The submitted details shall include:

- a) a Species Protection Plan (SPP) for bats
- b) a SPP for breeding birds which shall include a pre-development supplementary survey, in the event that development works are sought to be commenced during the breeding bird season (March to August)
- c) a SPP for red squirrel
- d) A sensitive lighting scheme to minimise impact of floodlights on bats and breeding birds

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

21. No works shall commence until a Biodiversity Enhancement Plan for the site has been submitted to, and approved in writing, by the Planning Authority. The scheme shall include the provision of compensatory bird nest boxes, bat boxes and details on the compensatory tree planting. The development shall thereafter be carried out in accordance with the approved details or such alternatives as may be approved in writing with the planning authority.

Reason: To ensure the development accords with the requirements of policies within the Local Development Plan

22. No development shall take place until a construction environmental management plan, has been submitted to and approved in writing by the planning authority. The CEMP shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".

- c) Method Statements to avoid or reduce impacts during construction, the location and timing of sensitive works to avoid harm to biodiversity features and the use of protective fences, exclusion barriers and warning signs.
- d) The times during construction when specialist ecologist need to be present on site to oversee works.
- e) Responsible persons and lines of communication.
- f) The role and responsibilities on site of Ecological Clerk of Works (ECoW) or similar competent person.
- g) A Drainage Management Plan
- h) A Site Waste Management Plan

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.

Reason: To ensure all construction operations are carried out in a manner that minimise their impact on the environment.

23. No development shall take place until precise details of the location and specification of screening to be erected to minimise noise during construction at noise sensitive receptors identified in the Noise Assessment. The screening shall be installed before the commencement of demolition works and shall remain in place until the works have been completed.

Reason: To safeguard surrounding residential amenity.

24. Any noise emitted by plant and machinery used on the premises will not exceed Noise Rating Curve NR20 between the hours of 2300 – 0700 and NR 30 at all other times when measured within all noise sensitive properties (windows can be open for ventilation). The noise emanating from any plant and machinery used on the premises should not contain any discernible tonal component.

Tonality shall be determined with reference to BS 7445-2

Reason: To safeguard on-site amenity and surrounding residential amenity.

25. No development shall commenced until a scheme of noise mitigation measures for the equipment to be installed and used at the Sports Pitches in accordance with paragraph 4.7.2 of the Noise Assessment (Report No 4633 prepared by ITP Energised – dated 24 March 2022), has been submitted to and agreed in writing with the Planning Authority and thereafter the mitigation shall be installed and suitably maintained before operation of the facilities.

Reason: To safeguard surrounding residential amenity.

26. Within 12 months of the school hereby approved becoming operational, a School Travel Plan shall be submitted to and approved in writing by the Planning Authority. The Plan shall be implemented in accordance with approved details unless otherwise agreed in writing by the Planning Authority.

Reason: To ensure the school operates in a sustainable manner with regard to travel and transport.

NOTE

Councillor David Parker spoke in support of the application. Mr. John Campbell QC, on behalf of Friends of Scott Park, spoke against the application, and Mr Steven Renwick, the applicant, and Mr Stewart Davie, on behalf of the applicant, spoke in support.

Reference
22/00019/AMC

Nature of Development
Erection of 6 no. dwellinghouses (approval of all matters specified in planning permission 19/01687/PPP)

Location
Land North East Of The Lodge Philiphaugh Mill, Ettrickhaugh Road, Selkirk

DECISION: Approved as per officer recommendation subject to the following conditions and informatives:

1. No development shall commence until evidence confirming that mains water and foul drainage connections have been approved by Scottish Water has been submitted for the written approval of the Planning Authority. The development shall be serviced only using the approved mains water and foul drainage connections, unless otherwise agreed in writing with the Planning Authority.
Reason: To ensure the development is adequately serviced
2. Prior to development commencing, further details of the landscaping specified on drawing number P063/001 rev B shall be submitted for the written approval of the Planning Authority. The details shall comprise:
 - a) staking and protection specifications for new tree planting;
 - b) density of hedging;
 - c) location of hedge species;
 - d) a revised hedge route for Plot 1 that safeguards 2.4 metres by 33 metres visibility plays for the plot entrance in both directions
 - e) hedging protection;
 - f) implementation timescale; and, maintenance scheme.All trees shall be rootballed; all hedging shall be cell grown; and at least 50% of the hedging shall be of native mix (not Beech). All failed planting within the first five years shall be replaced on a like-for-like basis. All planting shall be implemented and maintained in accordance with the approved details and plan, and none of the trees or hedging shall be subsequently felled, lopped or otherwise disturbed unless in accordance with the approved maintenance scheme or otherwise agreed in writing with the Planning Authority.
Reason: To ensure the development has a sympathetic landscape and visual impact, and compensates for biodiversity loss associated with removal of existing trees and hedging
3. Prior to development commencing, details of two swallow cups (location and specification) shall be submitted for the written approval of the Planning Authority. The swallow cups shall be implemented in accordance with the approved details prior to occupancy of any dwellinghouse, and shall be retained and maintained in the same manner as bird and bat boxes specified in the Biodiversity Enhancement Plan (BEP) approved under this consent. Notwithstanding the landscape scheme specified within the approved BEP, the landscaping shall accord with the details approved in pursuance of Condition 2.
Reason: To provide appropriate biodiversity enhancement within the development
4. Surface water drainage within each plot shall be provided in accordance with the measures (adjusted to suit the approved revised site layout shown on drawing number P063/001 rev C) specified in the Drainage Strategy & Surface Water Management Plan 2021-501-R001 Revision 0 Christie Gillespie, and parking areas/driveways shall be constructed with permeable paving in accordance with the landscape plan (P063/001

rev B) unless alternative means are otherwise agreed in writing with the Planning Authority.

Reason: To ensure sustainable management of surface water

5. Protective fencing, of a specification that accords with BS5837:12, shall be erected along the routes shown on the approved site plan (P063/001 rev C) prior to development commencing and shall be retained until development is complete. No works shall be carried out within the protected areas unless compliant with BS5837:12. Hedging to the south-west and the four trees being protected shall be subsequently retained and shall not be felled, lopped or otherwise disturbed without the prior written consent of the Planning Authority.

Reason: To minimise risk to trees and hedging with public amenity value

6. Bin storage shall be provided within each plot prior to each dwellinghouse being occupied sufficient for one general waste and one recycling wheelie bin, behind the principal elevation (i.e. to the side/rear of the house), in a location that does not affect the parking area, and shall be retained free from obstruction for the storage of bins associated with each approved dwellinghouse.

Reason: To ensure the visually sympathetic and accessible storage of bins

7. The widening of Ettrickhaugh Road and turning head into plot 6 shall be implemented in accordance with the Council's adoptable standards prior to development commencing on the erection of any dwellinghouse, with their final wearing course laid within a timescale first agreed with the Planning Authority prior to such works commencing and; the footway and visitor parking shall be implemented in accordance with the Council's adoptable standards prior to the occupation of the first dwellinghouse, all unless otherwise agreed in writing with the Planning Authority

Reason: To ensure the increased road width and formal turning head are in place to accommodate the increase in traffic during and after construction and ensure the dwellinghouses have the benefit of an appropriate pedestrian link and visitor parking

8. The accesses and parking spaces within each plot shall be implemented prior to the occupancy of each dwellinghouse in accordance with the approved site plan (P063 /001 rev C), ensuring that each dwellinghouse is served by at least two parking spaces and plot 6 served by a turning area. Plot 5 shall incorporate splays to match entrances to plots 2, 3 and 4. All accesses, parking spaces and turning area shall be retained free from obstruction for the movement and parking of vehicles

Reason: To ensure the development is adequately serviced with off-street parking and turning in a manner that safeguards road safety

9. The development shall be implemented in accordance with the external material specifications approved under this consent, subject to the following having been submitted to and approved in writing by the Planning Authority:
 - a) A specification, and sample where required by the Planning Authority, of the slate-effect tile
 - b) Colours of the external wall renders, which shall be smooth render finishes
 - c) An amended specification for the front projecting gable on the Yarrow house typeThe development shall be implemented only in accordance with the approved details. The detached garage on plot 6 shall be finished in roof and wall materials to match plot 6's dwellinghouse and shall have a finished floor level no higher than that of plot 6's dwellinghouse, unless otherwise agreed in writing with the Planning Authority.

Reason: To ensure the development has a sympathetic visual impact

10. Plot 6 shall not be completed prior to the completion of all houses within plots 1-5

Reason: To ensure the development has a sympathetic visual impact

Informatives

- 1 Conditions 2, 11, 12 and 13 (19/01687/PPP) remain applicable in requiring that the development be implemented in accordance with all approved plans and drawings, including the approved CEMP, Biodiversity Enhancement Plan and Species Protection Plans
- 2 For native mix hedging (Condition 2) a mix of *Crataegus monogyna* and *Prunus spinosa* (45% of each) with 5% of each *Rosa canina* and *Ilex aquifolium* (rather than *Rosa rugosa*) is recommended
- 3 For Condition 2 (d), adjustment to the plot boundary to accord with the adjusted hedge route, is likely to be agreeable, rather than only relocating hedging.
- 4 Condition 6 (19/01687/PPP) requires that the path to the north-east be kept free during and after construction, and this remains applicable.
- 5 Condition 14 (19/01687/PPP) remains applicable as regards implementation and recording requirements which should be carried out in accordance with the approved WSI.
- 6 The new footway, turning head, road widening, drainage and any enhanced street lighting required will be subject to a Road Construction Consent as these features will potentially be adopted by the Council upon satisfactory completion. The carriageway widening will have to tie in with the existing carriageway in a manner acceptable to the Council as Roads Authority. All prospectively adoptable work must be undertaken by a contractor first approved by the Council.

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
22/00372/FUL	Erection of ticket booth, access gates, and overflow carpark	Bowhill House Estate, Bowhill, Selkirk

DECISION: approved as per officer recommendation subject to the following conditions and applicant informative:

1. The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans and specifications approved by the Local Planning Authority.
Reason: To ensure that the development is carried out in accordance with the approved details.
2. The external surfaces of the development hereby permitted shall be completed in the materials shown on the plan hereby approved, and no other materials shall be used without the prior written consent of the Local Planning Authority.
Reason: To ensure a satisfactory form of development, which contributes appropriately to its setting.
3. Further details of the automatic number plate recognition cameras and supporting structure as well as out of hours intercom units, shall be submitted to and approved in writing by the planning authority before they are installed. The development shall thereafter take place only in strict accordance with the details so approved.
Reason: To ensure a satisfactory form of development, which contributes appropriately to its setting.
4. The entrance and exit gates to the overflow car park, shown on drawing number PL002 Rev A, shall remain unlocked at all times, unless otherwise agreed in writing by the planning authority.
Reason: To ensure adequate access is maintained at all times to the overflow car park.
5. No development shall take place until the applicant has secured and implemented a programme of archaeological work and reporting in accordance with a **Written Scheme of Investigation (WSI)** outlining an **Archaeological Battlefield Survey**. The requirements of this are:
 - The WSI shall be formulated and implemented by a contracted archaeological organisation working to the standards of the Institute for Archaeologists (IfA) approval of which shall be in writing by the Planning Authority.
 - The developer shall allow sufficient time in advance of development for all archaeological works to be conducted to the satisfaction and written approval of the Planning Authority.
 - The developer shall allow the archaeologist(s) access to all areas where development is to be undertaken.
 - Results will be submitted prior to development to the Planning Authority for review and agreement in writing in the form of a **Battlefield Survey Report**.
 - In the event that the report highlights areas of archaeological potential these will require further targeted evaluation prior to development.
 - If significant archaeology is identified by the contracted archaeologists and in agreement with the Planning Authority, a further scheme of mitigation subject to an amended WSI shall be implemented.

Reason: The site is within an area where ground works may interfere with, or result in the destruction of, battlefield remains, and it is therefore desirable to afford a reasonable opportunity to record the history of the site.

Informatives

1. In relation to Condition 5 above the applicant/developer shall account for the guidance below when completing groundworks required to form the bell-mouth junctions:
 - if anything going below topsoil depths then a systematic metal-detector sweep over would be suitable together with watching for, recovery and reporting of any finds as per the usual law of the land for archaeological finds in Scotland (as per previous Philiphaugh recommendations – the standard wording of the battlefield metal-detecting survey condition below).
 - if purely within topsoil depth then an informative for the watching for, recovery and reporting of any finds as per the usual law of the land for archaeological finds in Scotland.

The site should be stripped and left to weather a few days in case any features and/or deposits reveal themselves as the likes of different coloured soils, and if so revealed then excavations/recording might be necessary.

SCOTTISH BORDERS COUNCIL MELROSE COMMON GOOD FUND SUB COMMITTEE

MINUTES of Meeting of the MELROSE
COMMON GOOD FUND SUB COMMITTEE
held via Microsoft Teams on Thursday, 8
September 2022 at 9.00 am

Present:- Councillors J. Linehan (Chairman), D. Parker J. PatonDay, and Community
Councillor M. Douglas.
In Attendance:- Principal Solicitor, Democratic Services Officer (D. Hall),

1. **CONSULTATION ON HERITABLE AND MOVEABLE ASSET REGISTERS FOR FORMER BURGH OF MELROSE**

There had been circulated copies of a report by the Principal Solicitor which advised on the outcome of the consultation under the Community Empowerment (Scotland) Act 2015, and sought approval of the final Common Good Register for Melrose. Under the Community Empowerment (Scotland) Act 2015 the Council was required to establish and maintain a register of property which was held by the authority as part of the Common Good (a "Common Good Register"). Before establishing a Common Good Register, the Act required the Council to publish a list of property that it proposed to include in the Register and consult the public on the list. The Melrose Common Good Sub-Committee approved the draft asset register in December 2021 and agreed to the commencement of the public consultation. The consultation ran from December 2021 to 31 March 2022. The Sub-Committee was required to consider the responses received to the consultation and approve the final register to be recommended to Council for publication. The Principal Solicitor, Mrs Hannah Macleod, presented the report, and highlighted that 6 of the 65 substantive responses had been related to Melrose. The Chairman advised of a family related declaration of interest related to the triangle, where a family bereavement had brought an ownership issue into awareness. Mrs Macleod advised that "the Triangle" was held as part of the Ormiston trust, and that the plan would be forwarded on to Estates.

DECISION AGREED:-

- (a) **to note the consultation responses and officers' comments thereon, as set out in Appendix 1 to the report;**
- (b) **to approve the contents of the final list of heritable and moveable property assets held by the Council within the former Burgh of Melrose, as set out in Appendix 2 to the report; and**
- * (c) **to recommend to Council the said final asset list for publication as a completed Common Good Register for Melrose.**

MEMBER

Those in attendance expressed their thanks and well wishes to the Principal Solicitor, who was leaving the Council to pursue employment with the Faculty of Actuaries.

The meeting concluded at 9.10 am

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SCOTTISH BORDERS COUNCIL

GALASHIELS COMMON GOOD FUND SUB COMMITTEE

MINUTES of Meeting of the GALASHIELS
COMMON GOOD FUND SUB COMMITTEE
held via Microsoft Teams on Thursday, 8
September 2022 at 10.00 am

Present:- Councillors H. Steel (Chairman), N. Mackinnon, F. Sinclair, and Community
Councillor R. Kenney
Apologies:- Councillor E. Jardine.
In Attendance:- Principal Solicitor, Managing Solicitor – People and Court, Estates Surveyor
(J. Stewart), Pensions and Investments Manager, Democratic Services
Officer (D. Hall).

1. **ORDER OF BUSINESS.**

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

2. **MINUTE.**

The Minute of the Meeting of the Galashiels Common Good Fund Sub-Committee held on 30 June 2022 had been circulated. The Managing Solicitor advised that her job title, “Managing Solicitor – People and Court” had not been accurately recorded in the attendance list of the Minute, and it was agreed to amend the Minute accordingly

DECISION

NOTED for signature by the Chairman as amended

3. **CONSULTATION ON HERITABLE AND MOVEABLE ASSET REGISTERS FOR
FORMER BURGH OF GALASHIELS**

There had been circulated copies of a report by the Principal Solicitor which advised on the outcome of the recent consultation under the Community Empowerment (Scotland) Act 2015, and sought approval of the final Common Good Register for Galashiels. Under the Community Empowerment (Scotland) Act 2015 the Council was required to establish and maintain a register of property which was held by the authority as part of the Common Good (a “Common Good Register”). Before establishing a Common Good Register, the Act required the Council to publish a list of property that it proposed to include in the Register and consult the public on the list. The Galashiels Common Good Fund Sub-Committee approved the draft asset register in December 2021 and agreed to the commencement of the public consultation. The consultation ran from December 2021 to 31 March 2022. The Sub-Committee was required to consider the responses received to the consultation and approve the final register to be recommended to the Council for publication. The Principal Solicitor, Mrs Hannah Macleod, presented the report and responded to Members questions. The consultation had received 65 substantive responses, of which 12 related to Galashiels. The comments by legal, finance and estates to responses were set out in appendix 1 to the report. The Principal Solicitor explained that the Register would be reviewed on at least a five yearly basis, and that if new information or evidence was discovered it could be considered at any point. In response to a question regarding the land ownership of Scott Park, the Principal Solicitor confirmed that the consultation process involved examining assets on an individual case-by-case basis, and that where land had been acquired for statutory purposes it would not form part of the Common Good’s assets. The land at Scott Park had been acquired for a statutory purpose and the legal opinion of a QC had been sought on the matter, whom had agreed with Scottish Borders Council’s legal department’s opinion that the asset was owned by Scottish Borders Council, and not the Common Good. There was a set date at which land was defined as Common Good owned or not, specifically 1 May 1976. In

response to a question regarding whether the change of use of land had the potential to affect ownership, Mrs Macleod explained that title burdens, that is restrictions on land defined within title deeds which required the owner to either do, or refrain from doing something, was a complex area, but that following the extinction of the feudal land system in Scotland, those type of burdens were no longer legally enforceable. Mrs Macleod explained that burdens in general were only enforceable in the form of a neighbour burden, which was not the circumstances regarding Scott Park.

**DECISION
AGREED:-**

- (a) to note the consultation responses and officers' comments thereon, as set out at Appendix 1 to the report;**
- (b) to approve the contents of the final list of heritable and moveable property assets held by the Council within the former Burgh of Galashiels, as set out in Appendix 2 to the report; and**
- *(c) to recommend to Council the final asset list for publication as a completed Good Register for Galashiels.**

4. PROPERTY UPDATE

The Estates Surveyor provided an update on Common Good property matters. Discussions had been held with the woodland consultant regarding the extraction of the woodland on Ladhope hill. The consultant had explained that the work was not immediately necessary, and recommended to review the price of timber at the end of the first financial quarter of next year. A timeline would then be discussed in principle with the golf club, followed by formal talks and a discussion on the practicalities of extraction. Following discussions with the Penmanshiel Fund it had been confirmed that financial assistance would not be available should a loss be incurred by the Common Good due to the woodland extraction. The Fund could only assist in the planting of new trees. Regarding road repairs to the golf club road, the works had been instructed but had been delayed due to resourcing issues within SBContracts. The Estates Surveyor had received assurance that the works would commence within weeks. In response to a question regarding the need to upgrade the Haliburton Place recreation area, The Estates Surveyor undertook to discuss the matter with colleagues in Neighbourhood Services.

**DECISION
NOTED the update.**

5. MONITORING REPORT FOR 3 MONTHS TO 30 JUNE 2022

There had been circulated copies of a report by Acting Chief Executive which provided the details of income and expenditure for the Galashiels Common Good Fund for the three months to 30 June 2022, a full year projected out-turn for 2022/23, and projected balance sheet values as at 31 March 2023. Appendix 1 to the report provided the project income and expenditure position for 2022/23, which showed a projected surplus of £1,174. A projected balance sheet value as at 31 March 2023 was shown in Appendix 2 to the report, with a projected decrease in reserves of £53,135. Appendix 3a to the report provided a breakdown of the property portfolio which showed projected rental income and projected net return for 2022/23 and actual property income to 30 June 2022, whereas Appendix 3b to the report provided a breakdown of the property portfolio which showed projected property expenditure for 2022/23 and actual property expenditure to 30 June 2023. A breakdown of the property portfolio showing projected property valuations at 31 March 2023 was provided in Appendix 4 to the report. Appendix 5 to the report showed the value of the Aegon Asset Management Investment Fund to 30 June 2022. The Pensions and Investments Manager presented the report, highlighted that the grants budget of £500 remained unallocated and that the investment with the Aegon Asset Management Investment Fund was progressing on target.

AGREED:-

- (a) the projected income and expenditure for 2022/23 in Appendix 1 to the report as the revised budget for 2022/23;
- (b) to note the projected balance sheet value as at 31 March 2023 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.

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 Paragraph 6 of Part I of Schedule 7A to the Act

SUMMARY OF PRIVATE BUSINESS

7. **MINUTE**

The Sub-Committee approved the private section of the Minute of the Meeting held on 30 June 2022.

The meeting concluded at 10.30 am

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SCOTTISH BORDERS COUNCIL
JEDBURGH COMMON GOOD FUND SUB-COMMITTEE

MINUTE of MEETING of the
JEDBURGH COMMON GOOD FUND
SUB-COMMITTEE held via Microsoft
Teams on Monday, 12 September 2022
at 4.30 p.m.

Present: - Councillors S. Scott, (Chairman), P. Brown, S. Hamilton and
Community Councillor J. Taylor.

In Attendance: - Pension and Investments Manager, Principal Solicitor – Hannah
Macleod, Democratic Services Officer (F. Henderson).

Members of the Public: - 0

1.0 MINUTE

There had been circulated copies of Minute of the Jedburgh Common Good Fund Sub-Committee held on 13 June 2022.

DECISION

AGREED Minute of Meeting held on 13 June 2022.

2.0 JEDBURGH THISTLE RFC

With reference to paragraph 2 of the Private Minute of 21 March 2022, the Democratic Services Officer advised that the funding agreed for the extension to the Jedburgh RFC Club rooms was no longer required. Mr Kerr had advised that due to the current economic climate, the Club had decided not to proceed with the project and therefore the monies agreed would not be paid. The Jedburgh Thistle RFC had instead decided on a much smaller project to improve the storage available. Mr Kerr had been advised that should the club wish to apply to the Common Good for funding a completely new application together with costings and audited club accounts would be required.

DECISION

NOTED.

3.0 MONITORING REPORT FOR 3 MONTHS TO 30 JUNE 2022

- 3.1 There had been circulated copies of a report by the Acting Chief Executive which provided the income and expenditure for the Jedburgh Common Good Fund for the three months to 30 June 2022, a full year projected out-turn for 2022/23, and projected balance sheet values as at 31 March 2023. Appendix 1 provided the projected income and expenditure for 2022/23 which showed a projected deficit of £44,016 for the year. Appendix 2 provided a projected balance sheet value as at 31 March 2023 and showed a decrease in reserves of £55,549. Appendix 3(a) provided a breakdown of the property portfolio showing actual rental income and projected net return for 2022/23 and actual property income to 30 June 2022. Appendix 3(b) provided a breakdown of the property portfolio showing projected expenditure to 30 June 2022. Appendix 4 provided a breakdown of the property portfolio showing projected property valuations at 31 March 2023. Appendix 5 showed the value of the Aegon

Asset Management Investment Fund to 30 June 2023. The Pension and Investments Manager was present and answered Members questions.

DECISION

NOTED:-

- (a) the projected income and expenditure for 2021/22 in Appendix 1;**
- (b) the projected balance sheet value as at 31 March 2023 in Appendix 2;**
- (c) the summary of the property portfolio in Appendices 3 and 4; and**
- (d) the current position of the Aegon Asset Management Investment Fund in Appendix 5.**

4.0 CONSULTATION ON HERITABLE AND MOVEABLE ASSET REGISTERS FOR FORMER ROYAL BURGH OF JEDBURGH

With reference to paragraph 1 of the Minute of 8 December 2021, copies of a report by the Principal Solicitor advising on the outcome of the recent consultation under the Community Empowerment (Scotland) Act 2015 and seeking approval of the final Common Good Register for Jedburgh, had been circulated. Under the Act, the Council was required to establish and maintain a register of property which was held by the authority as part of the Common Good (“a Common Good Register”). Before establishing a Common Good Register, the Act required the Council to publish a list of property that it proposed to include in the Register and consult the public on that list. The Sub-Committee had approved the draft asset register at its meeting in December 2021, and agreed to the commencement of the public consultation, which ran from December 2021 to 31 March 2022. The consultation - which was advertised on the Council website and through the Area Partnership - published the draft list of assets, together with a location plan for each of the land or building assets. Members of the public were asked for comments on (i) whether a proposed asset should be included as part of the Common Good, and (ii) whether there should be other assets included in the Common Good asset list. There were 65 responses in total to the consultation which covered all Common Goods across the Borders, and 4 of these responses related to Jedburgh. The responses, along with officers’ considerations, were detailed in Appendix 1 to the report. The proposed final Register on Heritable and Moveable Asset Registers for the former Burgh of Jedburgh was details in Appendix 2 of the report. Should the Sub-Committee approve the final Register, approval would be sought from full Council for publication of all the Common Good Assets in the Scottish Borders by 30 September 2022. It would be possible to add to the Register should other assets be identified after this date. The Register would be reviewed at least every five years. Community Councillor Taylor sought clarification on the ownership of the fenced area to the right of the area marked LB on page 29 of the Agenda Pack and the Principal Solicitor advised that this would be investigated and confirmed. Community Councillor Taylor questioned if the location of the George Tinline Plates in the Former library had been checked and the Principle Solicitor advised that this was awaiting confirmation. In response to a question about specific details of artefacts contained in the Mary Queen of Scot’s Building, the Principal Solicitor advised that there was not the resources to carry out such detailed work and Mr Taylor referred to detailed information by Hugh Wight, which he would pass to Scottish Borders Council.

DECISION

AGREED:

- (a) to note the consultation responses and officers’ comments thereon, as set out in Appendix 1 to the report;**

- (b) to approve the contents of the final list of heritable and moveable property assets held by the Council within the former Burgh of Jedburgh, as set out in Appendix 2 to the report;
- (c) that the Principal Solicitor investigate and confirm the ownership of the fenced area to the right of the area marked LB on page 29 of the Agenda Pack;
- (d) that the location of the George Tinline Plates in the former library be confirmed; and
- * (e) to recommend to Council the said final asset list for publication as a completed Common Good Register for Jedburgh.

5.0 APPLICATIONS FOR FINANCIAL ASSISTANCE

5.1 JEDBURGH ROTARY – BIRL AND BEER

There had been circulated copies of an application, together with a copy of the Trustees' Annual Report dated 1 July 2021 to 30 June 2022 from the Jedburgh Rotary requesting financial support for the Birl and Beer Festival in the sum of £1,500. Mr Christ Scott, Jedburgh Rotary presented the application via Microsoft teams and answered Members questions.

- 5.2 The application explained that as the pandemic had continued to restrict fund-raising opportunities, support was being sought for 30% of the running costs in 2022. The Birl and Beer Festival which was held on 27 August 2022 and 210 tickets had been sold. The Band Stand and Town Hall had been utilised to show local music and beers and to hold more family orientated events, than in previous years. As the submission deadline had not been met, the application was retrospective. The Rotary had used their surplus funds to stage the event, including new marketing, the purchase of festival glasses etc. and the Pension and Investments Manager highlighted that support was being requested when the event had already taken place. The Elected Members raised concerns about the sustainability of the event as the Common Good had paid grants for the past five years and the event required to be self - sustaining. Mr Scott acknowledged that the event had gone as far as it could relying on charity and a more commercial side was needed to take the event forward. The consensus was that the money raised from the Birl and Beer should be ring fenced for future Birl and Beer events and no distributed to other groups. The Common Good had previously supported the event and the Rotary had hoped to be self- funded using the proceeds from previous events and local sponsorship by 2021, however the pandemic had restricted the timescale to raise sponsorship for the event.

DECISION

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

5.3 CAPON TREE PRESERVATION

There had been circulated copies of an application in the sum of £3,000, together with copies of the Financial Statement to 30 September 2021 and a letter dated 3 August 2022 from Lothian Estates (owners of the Capon Tree) in support of the proposed works to the tree and surrounding area. Mr Steele on behalf of the Jedburgh Community Trust was present via Microsoft teams and answered Members questions.

- 5.4 The proposal, which had been co-ordinated by Jedburgh Community Trust, as a legally constituted body on behalf of Jedburgh Community Trust, Jethart Callants Club, Jethart Callants Festival and Jedburgh Community Council also had the support of other organisations including Jethart Ex-Callants Association, Jedforest Pathways and Jedburgh Events Forum. The application explained that the Capon Tree was a Sessile Oak (*Quercus petraea*), between 500 and 1000 years old, and one of the few remaining trees from the ancient Jed Forest. It had been recognised as a Heritage Tree and Tree of National Special interest in the Ancient Tree Inventory of the Woodland Trust, listed as one of Great Britain's 50 greatest trees by The Tree Council, and recognised as an important historic tree by the Borders Forest Trust. It is a "classic" ancient tree, with a wide girth, hollow trunk and the upper crown of the tree retrenched, allowing nutrients to be utilised in keeping the tree alive and was owned by Lothian Estates, who were supporting the ongoing work to preserve it. The application went on to explain that in July 2021 the Capon tree suffered severe damage when a supported/propped limb collapsed, which in turn raised concerns about the future of the tree, in particular the question of how well the exposed remaining limb would stand up to wind loading and/or storm damage.
- 5.5 In March 2022 the JCT appointed Heritage Services to undertake a condition survey of the Capon Tree and provide recommendations of how the tree could best be preserved, retained and protected to prolong its life and maintain its position and role in the Jedburgh Community. Funding of £1,789.20, representing 90% of the total cost of undertaking the technical report was secured from Cheviot Community Fund. The application detailed the proposed work to the tree and how the work would benefit the Town of Jedburgh.

DECISION

AGREED:-

- (a) to award a grant in the sum of £3,000 to Jedburgh Community Trust for the preservation, retention and protection to prolong its life and maintain its position and role in the Jedburgh Community; and
- (b) that the Jedburgh Community Trust report back to the Common Good on the progress and success of the proposed work

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 14 of Part I of Schedule 7A to the Act.

SUMMARY OF PRIVATE BUSINESS

6.0 MINUTE

The Private Section of the Minute of 13 June 2022 had been circulated.

The meeting closed at 5.35 p.m.

SCOTTISH BORDERS COUNCIL EXECUTIVE COMMITTEE

MINUTES of the Blended Meeting of the EXECUTIVE COMMITTEE held in the Council Chamber, Council Headquarters, Newtown St Boswells and via Microsoft Teams on Tuesday, 13th September, 2022 at 10.00 am

Present:- Councillors S. Hamilton (Chair), L. Douglas, J. Greenwell, C. Hamilton, S. Hamilton, J. Linehan, S. Mountford, D. Parker, J. Pirone, E. Robson, M. Rowley, R. Tatler, E. Thornton-Nicol and T. Weatherston.

Also Present:- Councillors W. McAteer, S. Scott.

Apologies:- Councillor E. Jardine

Absent:- Councillors C. Cochrane

In Attendance:- Acting Chief Executive, Director - Resilient Communities, Director - People Performance & Change, Acting Chief Executive and Chief Officer - Economic Development, Acting Chief Financial Officer, Democratic Services Team Leader, Democratic Services Officer (D. Hall); Ms S Harkins (South of Scotland Enterprise) and Mr D. Nisbet (Scottish Government).

ECONOMIC DEVELOPMENT BUSINESS

Present: Mr G Clark (Federation of Small Businesses)

CHAIRMAN

In the absence of Councillor Jardine, Councillor S. Hamilton chaired the meeting. The Chairman advised those in attendance that a book of condolence was available at Council Headquarters following the passing of Her Majesty Queen Elizabeth II.

1. ORDER OF BUSINESS

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

2. DECLARATIONS OF INTEREST

Councillor Rowley declared an interest in the following three items of business in terms of Section 5 of the Councillors Code of Conduct and left the meeting during the discussion.

3. ECONOMIC DEVELOPMENT UPDATE

There had been circulated copies of a report by the Director of Resilient Communities which provided Elected Members with an update on the current economic development landscape affecting the Scottish Borders. The report identified the major policies and strategies that were driving economic development. The UK Shared Prosperity Fund (UKSPF) was a central pillar of the UK Government's Levelling Up policy agenda. The Scottish Borders had been allocated funding of £4,442,628 for UKSPF and a further £927,345 for Multiply, which was concerned with improving numeracy for employability purposes. It was anticipated that the investment plans for that funding would be agreed by the UK Government in October. The Levelling Up Fund (LUF) was established by the UK Government during the 2020 Spending Review and prioritised regeneration and growth. The UK Government issued a Prospectus for a Second Round of bids to the LUF as part of the Chancellor of the Exchequers Spring Statement. Scottish Borders Council had submitted three funding applications to the LUF for that round, which consisted of applications for its two parliamentary constituencies, each for approximately £20m, and

also a Scottish Borders transport bid. The Scottish Government's National Strategy for Economic Transformation (March 2022) was a 10 year strategy which contained priorities and actions towards a wellbeing economy. Within the Borderlands Inclusive Growth Deal, the Scottish Borders would benefit from £64m of Government investment in ten programmes and projects. The initial group of projects that had reached Full Business Case stage would be reporting on progress to the Council in the autumn and winter of 2022/23. The Regional Prosperity Framework (RPF) would build on the ambitions of the Edinburgh and South East Scotland Region Deal. A 'Regional Prosperity Delivery Framework' which took the previously identified nine 'Big Moves' and translated those into a Delivery Framework of eight Delivery Programmes supported by a number of specific projects had been developed. The Regional Economic Strategy (RES) for the South of Scotland of 2021 was a ten-year strategy that sought to maximise economic opportunities in the South of Scotland, which took account of the area's key challenges. The six priority themes identified in the RES provided the ambition and intent for the South of Scotland RES Delivery Plan 2022-2025, which comprised actions by South of Scotland Regional Economic Partnership partner organisations, including Scottish Borders Council, and others, based on priorities identified under each theme. The Director, Resilient Communities welcomed Mr Garry Clark of the Federation of Small Businesses to the first Economic Development themed meeting of the Executive Committee of the new administration and expressed hope that future meetings would be attended by the new representative from the Borders Chambers of Commerce. The Chief Officer – Economic Development, Ms Samantha Smith presented the report and, in response to comments from Members, explained that work was ongoing to help address the cost of business crisis faced by businesses across the region. Ms Smith highlighted that further discussions on supporting businesses would be addressed specifically later in the meeting. Members thanked Officers for their thorough update.

DECISION

AGREED to:-

- (a) note the information that was provided regarding the current economic development landscape affecting the Scottish Borders; and**
- (b) support those projects within the Scottish Borders that had been developed from the various policies and strategy, and also note where future progress on the projects was to be reported to Council.**

4. LOCAL AUTHORITY COVID ECONOMIC RECOVERY FUND

There had been circulated copies of a report by the Director, Resilient Communities which provided an update on additional funding from the Scottish Government that had been allocated to Local Authorities to provide a flexible response to assist economic recovery and provide additional support for local businesses during the current financial year. Scottish Government announced an £80m Local Authority Covid Economic Recovery (LACER) fund in February 2022. The purpose of that funding was to help support local economic recovery and potentially provide additional funding for low-income households and local businesses. Scottish Borders Council was allocated funding of £1.724m for that purpose. A report was taken to Scottish Borders Council in March 2022 which recommended that £1.407m of the allocation was distributed immediately, which left £317k of funding to be allocated for business support at a later date. A further report was taken to Scottish Borders Council in August 2022 which agreed that £200k of financial support from reserves could be released to top up existing support to businesses which provided a total business support fund of £517k. Following discussions with strategic partners the most appropriate and effective way to utilise the available funding was to work with South of Scotland Enterprise (SOSE) to establish an Emergency Fund that would provide immediate financial support to businesses where significant jobs were at risk in the Scottish Borders. The Director, Resilient Communities presented the report, highlighted that the key focus was on securing the future of jobs at risk and responded to Members questions. In response to a question regarding the thresholds for qualifying for

support, the Director explained that access to the Emergency Fund would be flexible, holistic and administered in such a way as to avoid being too prescriptive. In response to a question regarding the process that would be in place to get support, Ms Smith explained that the message to businesses was to contact Business Gateway and SOSE for assistance in the first instance, and that further interventions would be made as part of the wider package of support. Members welcomed the report and highlighted its importance to businesses across the region.

DECISION

AGREED:-

- (a) to approve the allocation of £317k from the Scottish Government Local Authority Covid Economic Recovery Fund and the release of a £200k underspend from the 2021/22 outturn from reserves to provide support to businesses during 2022/23;**
- (b) that officers work with colleagues in South of Scotland Enterprise (SOSE) to establish an Emergency Fund that would provide immediate financial support for businesses where significant jobs are at risk in the Scottish Borders;**
- (c) to delegate authority to the Director of Resilient Communities and the Chief Financial Officer to distribute the allocation identified in section 4 of the report; and**
- (d) that officers bring back a report to Elected Members at a later date detailing the support provided to businesses.**

5. SUPPORTING ENTERPRISE IN THE SCOTTISH BORDERS

The Chief Officer, Economic Development introduced Ms Susan Harkins of SOSE to the meeting to make a joint presentation on supporting enterprise in the Scottish Borders. Ms Smith explained that SOSE was established in April 2020, and that in November 2020 a strategic partnership protocol was signed between SBC and SOSE. SOSE remained an independent organisation, and the agreement between the two parties did not affect the statutory responsibilities of SBC. Ms Harkins made a presentation to the Committee on the background, operation and work of SOSE. The overarching aim of SOSE was to drive inclusive growth, increase competitiveness and tackle inequality in the South of Scotland. The first quarter of 2021 had been focussed on recruitment, with the number of front facing staff increased from 1 to 5. SOSE was happy to work with businesses at any stage in the business life cycle, and was not restricted to any specific sector or business size. It was explained that the Business Gateway service had been aligned to focus on pre-start and the initial stages of start-ups and trading. SOSE had further added support to the Business Gateway service by employing three coaches focused on women, young enterprise and innovation and entrepreneurship coaches. One to one support was available for those developing business plans, with industry specific expert help also available. Considerable focus was placed on the creation of a culture of fair work, and SOSE encouraged businesses that it supported to consider adopting low carbon practises. A key part of the approach to the work of SOSE was a focus on real, effective partnerships. The Chief Officer, Economic Development explained that regular reports on delivery would be brought back to the Committee, and that joint communications would be issued in the future. Members welcomed the presentation and thanked Ms Harkins for her update. Regarding the issue of low wages in the Scottish Borders, Ms Smith highlighted that the fair work element of SOSE's approach was in place to encourage businesses to provide a living wage. Ms Smith explained that the approach to working with businesses on the issue of low wages was not exclusionary, instead a focus was on encouraging the adoption of best practise and development. Mr Clarke highlighted that the approach by SOSE had been well joined up and that they had provided an excellent service.

DECISION

NOTED the presentation.

MEMBER

Councillor Rowley re-joined the meeting following the discussion of the above item.

6. R100 BROADBAND ROLLOUT

- 6.1 The Chair welcomed Mr Duncan Nisbet, who had been seconded to the Scottish Government as a Stakeholder Director. Mr Nisbet provided a presentation on the R100 broadband rollout in Scotland and responded to Members questions. Mr Nisbet explained that over £1billion had already been invested to transform Scotland's rural, remote and island communities in terms of digital connectivity. The Scottish Government had received £28.5million of the UK Government's Project Gigabit and as part of the principle of 'No One Left Behind' central to the Scottish Governments joint Digital strategy with COSLA, the investment had been focused on the R100 programme. As part of the programme, £600m would be invested, which would focus on areas that would not normally be picked up by commercial developments or investment. Scotland had been split into three regional lots, North, Central and South. The approach had been designed to maximise interest from telecoms suppliers. There had also been mandated areas, which forced bidders to provide service in certain areas. The South contract, worth £133m had been awarded to BT in December 2019. Mr Nisbet explained that there had been contract extensions for the North and South regions, with £36million further invested into the two areas, with revised development plans extended to March 2025 in the South. The plans were subject to revision in the South, with work in some areas pushed back and others brought forward.
- 6.2 Mr Nisbet explained that R100 Scottish Broadband Voucher Scheme provided those that were not in any deployment plans and received less than 30 Mbps with up to £5k to assist in the provision of superfast broadband to their property. There were 64 registered suppliers nationwide, with 19 active in the Scottish Borders. Mr Nisbet explained that in the Scottish Borders 91% of properties had superfast broadband. 773 properties had been delivered full fibre to the property (FFTP), with 6,362 planned installations of FFTP. 2165 properties were eligible for vouchers, with 317 vouchers delivered. Mr Nisbet stressed that the figures were likely to have a margin for error. A data portal had been set up, with access to data on R100 contracts and voucher data with Local Authorities. Full fibre coverage had trebled in the preceding 3 years.
- 6.3 The Chair thanked Mr Nisbet for his presentation. In response to a question regarding the uptake levels of vouchers within the Scottish Borders, Mr Nisbet explained that a key part of ensuring higher levels of uptake was awareness, and that there was often a reluctance from the public to seek the alternative. Members highlighted the importance of the need to future proof the digital infrastructure in Scotland, in particular in rural areas where commercial action was unlikely to reach. Regarding aggressive marketing practises in the retail market, Mr Nisbet acknowledged the nature of the market and explained that there were account managers in place that worked with voucher suppliers to manage issues. In response to a question regarding refusal to provide services, Mr Nisbet undertook to communicate directly with Members as required. In response to a question regarding 4G infill and the provision of services via masts, Mr Nisbet explained that masts were often built as part of the emergency services network, and that if an operator wished to provide service it was then possible for commercial services to be delivered via that mast. Members highlighted their hopes that the provision of broadband was genuinely future proofed given the rise of homeworking. In response to a question Mr Nisbet explained that the method used to identify qualifying properties focused on the broadband speed at the property, and that work would proceed across the region to upgrade exchanges up to 2026.

DECISION

NOTED the presentation.

OTHER BUSINESS

7. WINTER SERVICE PLAN FOR YEAR 2022/23

There had been circulated copies of a report by the Director of Infrastructure and Environment which provided a review of the performance of Scottish Borders Council's Winter Service during 2021/22 and presented SBC's proposed Winter Service Plan for 2022/23. SBC provided a winter service on almost 3,000km of roads and 800 km of footway across the Scottish Borders. The Winter Service Plan was reviewed annually and presented to Elected Members to outline the steps that aimed to ensure, within available resources, that the road and footway network was safe in the upcoming winter. As part of the Fit for 2024 programme of transformational change, the Council was required to modernise and adapt all of its services to meet present and anticipated future needs in a responsive and agile manner, ensuring that services could continue to be delivered cost effectively and sustainably, while delivering efficiencies and savings where required. The winter of 2021/22 was not significant in terms of snowfall, which was limited to a few occasions. Incidents of ice and prolonged frost were also less than the previous five year average and significantly down on those experienced the previous winter. In particular, this led to a reduced need to treat primary and secondary routes as frequently and resulted in lower than average salt usage. The Winter Service Plan for 2022/23 was on similar lines to the previous 2021/22 Plan in terms of policy, priorities, routes, call out arrangements and resource planning. Section 5 of the report provided details on a revised salt spread rate regime that was being trialled on approximately half of the primary precautionary salting routes this winter. Infrastructure Manager, Mr Brian Young, presented the report and responded to Members questions. Regarding whether less salt would be used with the same positive impacts, Mr Young explained that depending on conditions more or less could be used, however, that at minus 1 degrees Celsius slightly less salt would be used than previously. In response to a request to share the details of which routes would be part of the trial in relation to salting spread rates, Mr Young agreed to share the specific routes with Members if they desired. Regarding salt boxes, and whether communities could use them to salt footways and other areas, Mr Young explained that the salt in the boxes was for the salting of the road network, and that he discouraged the use of salt from the boxes by communities where possible.

DECISION

AGREED to:-

- (a) note the performance of the SBC winter service during 2021/22;**
- (b) endorse the Winter Service Plan for 2022/23; and**
- (c) note the continuation of a trial in relation to the salting spread rates applied on 50% of the primary precautionary salting routes.**

8. MINUTE

There had been circulated copies of the Minute of the meeting held on 16 August 2022.

DECISION

APPROVED for signature by the Chairman.

9. COUNCIL TAX AND NON DOMESTIC RATES WRITE OFFS REPORT - 1 APRIL 22 TO 30 JUNE 22

With reference to paragraph 5 of the Minute of 14 June 2022, there had been circulated copies of a report by the Director of Resilient Communities which reported on the levels of both Council Tax and Non-Domestic Rates debt written off under delegated authority in the first quarter of 2021/23. The total net value of write-offs for those categories during the first quarter was £40,263 as detailed in the report. There were ongoing risks

associated with the management of the Council's debts and those might lead to an increase in the level of debts that could require to be written off as irrecoverable in future years. Those were identified in the report, and the Council maintained an appropriate bad debt provision to manage those risks. The Director of Resilient Communities presented the report and highlighted that comparisons between different financial years and quarters would be a difficult exercise due to differing levels of write off activity. In particular the Director highlighted that considerable work had been undertaken in 2019 to clear a backlog of write-offs and to tidy up the Councils accounts. In response to a question regarding how up-to-date the figures were, the Director explained that there was no backlog, and that standard write off activity continued to proceed as routine. Regarding what levels of write-offs were planned for in the context of setting the Council budget, the Acting Chief Executive explained that the Council did not budget for a 100% collection rate of Council Tax, and that provision was also made for bad debts that the Council would incur.

DECISION

AGREED to note the update provided on debtor balances written off during the first quarter, under delegated authority, as requested by the Committee at its meeting on 14 June 2022.

MEMBERS

Councillors Linehan and Thornton-Nicol left the meeting following the discussion of the above item.

10. HIGH STREET / MARKET PLACE, JEDBURGH

There had been circulated copies of a report by the Director – Infrastructure and Environment which provided an update on the demolition of the dangerous building at High Street / Market Place, Jedburgh. The report identified how the Council would deliver a replacement building on the site in conjunction with Eildon Housing Association and sought approval to use £2.2m from the second homes council tax affordable housing investment budget. The Director – Infrastructure and Environment presented the report and responded to Members questions. In response to a question, the Director confirmed that the schedule for construction was on track, and that monitoring was ongoing to manage inflation as far was possible. Regarding whether lessons could be learned from the delays experienced to the project, the Director explained that a range of different services within the Council were involved in the project, and therefore a structured session would be planned to ensure that lessons would be learned.

DECISION

AGREED to:-

- (a) note the progress made in relation to demolition on the site and future development proposals; and**
- (b) approve the use of £2.2m from the second homes council tax affordable housing investment budget to fund abnormal costs in relation to demolition and the replacement building. That included the £0.1m additional cost associated with the dismantling of the dangerous building and the £2.1m costs in relation to the replacement building.**

11. ANNUAL PROCUREMENT REPORT 2021/22

There had been circulated copies of a report by the Acting Chief Financial Officer which presented the 2021/22 Annual Procurement Report (APR) for review, a mandatory report required by the Procurement Reform (Scotland) Act 2014. Organisations required to prepare a procurement strategy were required to also publish an annual procurement report. Those documents were part of the reporting landscape for the public sector to support increased transparency and visibility of public expenditure and to embed sustainability into public sector procurement. The purpose was to demonstrate to

stakeholders that procurement spend was being used to best achieve better public services; social, economic and environmental outcomes in the area; and compliance with a range of local and national policies. The report included a dedicated section which noted the support and service provided the reporting period. The Acting Chief Financial Officer, Ms Suzanne Douglas, presented the report and highlighted substantial work that Kathryn Dickson had carried out to produce the report. Members thanked officers and highlighted the positive nature of the report. In response to a question in terms of invoicing, Ms Douglas explained that work was continually ongoing to engage better with companies, and that recent work had streamlined the invoicing process with care providers to ensure that payments were made as quickly as possible. Ms Douglas confirmed that early warnings were often shared with local industries and companies on procurements issues and product availability that were being faced by the Council. In response to a question regarding community benefits, the Acting Chief Executive explained that the Appendix to the report set out an analysis of job creation, modern apprenticeships and the benefit to local economies of other contracts awarded by the Council.

DECISION

AGREED to approve the Annual Procurement Report 2021/2022, as appended to the report, for submission to Scottish Government.

12. SCOTTISH BORDERS COUNCIL'S QUARTER 1 2022/23 PERFORMANCE INFORMATION

With reference to paragraph 6 of the Minute of the Meeting of 14 June 2022, there had been circulated copies of a report by the Director – People, Performance and Change which presented a summary of Scottish Borders Council's Quarter 1 2022/23 performance information. The information contained within the report would be made available on the SBC website. The Director presented the report, explained that a new report format had been used, and welcomed feedback and input into the report. Members highlighted that previous tables in the report had been easier to read and analyse, and the Director undertook to re-assess how the tables were presented. Regarding unpopulated figures in tables, the Director confirmed that due to the timescales of reporting no data had been available for the quarter and that future versions of the report would be populated with data.

DECISION

AGREED to:-

- (a) note the Quarter 1 2022/23 Council Plan Performance Report in Appendix 1 to the report;**
- (b) note the Quarter 1 2022/23 Community Action Team Performance Report in Appendix 2 to the report;**
- (c) note the Quarter 1 2022/23 Performance indicators summary in Appendix 3 to the report; and**
- (d) note the approach being taken for the performance indicators as detailed in the report.**

13. PRIVATE BUSINESS

AGREED under Section 50A(4) of the Local Government (Scotland) Act 1973 to exclude the public from the meeting during consideration of the business detailed in Appendix 1 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

14. **MINUTE**

The Private section of the Minute of the Meeting held on 16 August 2022 was approved.

The meeting concluded at 12.30 pm

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, 13 September 2022 at 5.30
p.m.

Present: - Councillors E. Robson (Chairman), T. Weatherston, S. Mountford.

Apologies:-

In Attendance: - Pensions and Investments Manager, Principal Solicitor, Clerk to the Council.

Members of the Public: - 0

CHAIR'S REMARKS

The Chair advised that during the time the meeting was being held, Her Majesty the late Queen's coffin was due to leave Scotland for the last time, and proposed that as a mark of respect for Her dedicated service to this country and the Commonwealth, a minute's silence be held. The meeting then resumed at 5:31 p.m.

1 MINUTE

- 1.1 Copies of the Minute of the Kelso Common Good Fund Sub-Committee held on 21 June 2022 had been circulated.

DECISION

AGREED to APPROVE the Minute for signature by the Chairman.

- 1.2 With reference to paragraph 3 of the Minute, in terms of the decision at (a)(ii) "that the Tree Officer be requested to carry out a survey of the trees contained within the Pinnaclehill Woodland to be reported to a future meeting", the Chair advised that he had walked round the Woodland recently and it was important that the safety of the public was assured. Unfortunately, Mr Simon Wilkinson, the Tree Officer, had been unable to attend this meeting due to another engagement. Councillor Weatherston referred to the original reason for the purchase of the Woodland which he believed was for a field archery course. The Chair referred to a number of issues, with some residents of Pinnaclehill Park concerned by trees overhanging their gardens and also the state of some of the paths and trees within the Woodland. Members discussed the options available to them and the timing of these. Councillor Weatherston also referred to the potential to speak with SBHA which had recently appointed a contractor to map and survey each tree in their ownership.

DECISION

AGREED:

- (a) that the Democratic Services Officer (Mrs Henderson) arrange a site visit for members of the Common Good Fund Sub-Committee with the Council's Tree Officer and any other relevant officer to Pinnaclehill Woodland to check the safety of the trees and paths;
- (b) as part of the site visit, that consideration would be given to what work was needed on trees overhanging residents' gardens; and
- (c) that an update on potential work required at Pinnaclehill Woodland would be given to the next meeting of the Common Good Fund Sub-Committee and background papers on the original purchase of the Woodland would also be provided to that meeting.

2 **MONITORING REPORT FOR 3 MONTHS TO 30 JUNE 2022**

Copies of a report by the Acting Chief Executive providing details of the income and expenditure for the Kelso Common Good Fund for the three months to 30 June 2022, a full year projected out-turn for 2022/23, including balance sheets values as at 31 March 2022, a full year projected out-turn for 2022/23, and projected balance sheet values as at 31 March 2023. Appendix 1 to the report provided the projected Income and Expenditure position for 2022/23, which showed a projected surplus of £7,804 for the year. Appendix 2 to the report provided a projected balance sheet value as at 31 March 2023 and showed a projected decrease in reserves of £53,675. Appendix 3(a) to the report provided a breakdown of the property portfolio showing rental income and net return for 2022/23, and actual property income to 30 June 2022. Appendix 3(b) provided a breakdown of the property portfolio showing projected property expenditure for 2022/23, and actual property expenditure to 30 June 2022. Appendix 4 provided a breakdown of the property portfolio showing projected property valuations at 31 March 2023. Appendix 5 detailed the value of the Aegon Asset Management Investment Fund to 30 June 2022. The Pension & Investment Manager highlighted the main points in the report and answered Members' questions on the total value of the Common Good, the options for investment with Aegon, and the need to set a property budget for this year should work be required to Pinnaclehill Woodland.

DECISION

(a) NOTED:

- (i) the projected income and expenditure for 2022/23 in Appendix 1 to the report;**
- (ii) the projected balance sheet value as at 31 March 2023 in Appendix 2 to the report;**
- (iii) the summary of the property portfolio in Appendices 3 and 4 to the report; and**
- (iv) the current position of the Aegon Asset Management Investment Fund in Appendix 5 to the report.**

(b) AGREED that no decision be made about further investment with Aegon until after the potential future works at the Pinnaclehill Woodland was known.

3 **CONSULTATION ON HERITABLE AND MOVEABLE ASSET REGISTERS FOR THE FORMER BURGH OF KELSO**

With reference to paragraph 2 of the Minute of 8 December 2021, copies of a report by the Principal Solicitor advising on the outcome of the recent consultation under the Community Empowerment (Scotland) Act 2015 and seeking approval of the final Common Good Register for Kelso, had been circulated. Under the Act, the Council was required to establish and maintain a register of property which was held by the authority as part of the Common Good ("a Common Good Register"). Before establishing a Common Good Register, the Act required the Council to publish a list of property that it proposed to include in the Register and consult the public on that list. The Sub-Committee had approved the draft asset register at its meeting in December 2021, and agreed to the commencement of the public consultation, which ran from December 2021 to 31 March 2022. The consultation - which was advertised on the Council website and through the Area Partnership - published the draft list of assets, together with a location plan for each of the land or building assets. Members of the public were asked for comments on (i) whether a proposed asset should be included as part of the Common Good, and (ii) whether there should be other assets included in the Common Good asset list. There were 65 responses in total to the consultation which covered all Common Goods across the Borders, and 7 of these responses related to Kelso. Several of these simply agreed with the draft Register, but the 3 substantive responses, along with officers' considerations, were detailed in Appendix 1 to the report. The proposed final Register on Heritable and Moveable Asset Registers for the former Burgh of Kelso was detailed in Appendix 2 of the report. Should the Sub-Committee approve the final Register, approval would be sought from full Council for publication of all the Common Good Assets in the Scottish Borders by 30 September 2022. It would be possible to add to the Register should other assets be identified after this date. The Register would be reviewed at least every five years.

DECISION

AGREED:

- (a) to note the consultation responses and officers' comments thereon, as set out in Appendix 1 to the report;
- (b) to approve the contents of the final list of heritable and moveable property assets held by the Council within the former Burgh of Kelso, as set out in Appendix 2 to the report; and
- * (c) to recommend to Council the said final asset list for publication as a completed Common Good Register for Kelso.

4 ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT

4.1 Toilets in Kelso

Councillor Weatherston asked that a future item be placed on the agenda for the Common Good Sub-Committee, once the Council had agreed a position on the future of public toilet provision.

DECISION

AGREED that the future provision of public toilets be considered by the Common Good Sub-Committee once the Council policy on future public toilet provision was known.

4.1 Tait Hall Sound System

Community Councillor Horsburgh referred to the outdated sound system currently in the Tait Hall and asked what could be done to renew this for the Hall's many users. The system had broken down during an event in Civic Week which had proved embarrassing. Councillor Weatherston advised that Live Borders was intending to do some upgrade work on the Tait Hall and he would check to see whether that included a new sound system and advise the next meeting of the Sub-Committee accordingly.

DECISION

NOTED.

The meeting closed at 6.00 p.m.

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SCOTTISH BORDERS COUNCIL
CHAMBERS INSTITUTION TRUST

MINUTE of MEETING of the
CHAMBERS INSTITUTION TRUST held
via Microsoft Teams on 14 September
2022 at 4.00 p.m.

Present:- Councillors R. Tatler (Chairman), M. Douglas, J. Pirone, E Small.
Apologies:- Councillor D. Begg, V. Thomson.
In Attendance:- Chief Legal Officer, Capital and Investments Manager, Estates
Strategy Manager, Estates Surveyor (T. Hill), Democratic Services
Team Leader.

1. **MINUTE**

There had been circulated copies of the Minute of the Meeting held on 3 August 2022.

DECISION

APPROVED for signature by the Chairman.

2. **BENEFICIARIES GROUP**

The Chairman reported on the most recent meeting of the Group held the previous evening and shared a copy of the Actions that the Group wished to be taken forward, a copy of which is appended to this Minute. As Live Borders managed the property the Chairman agreed to write to the Chief Executive, Ewan Jackson to raise the requests for work to be carried out. It was noted that the Director Resilient Communities should also be copied in as she had oversight of Live Borders. The Chairman advised that he had spoken to the Actin Chief Executive regarding support for the Group who would hopefully be able to identify some resource.

DECISION

AGREED to support the actions contained in Appendix I to this Minute.

3. **PROPERTY UPDATE**

The Estates Strategy Manager advised that Listed Building Consent had now been approved for the works to the ceiling although some conditions had been attached which needed to be resolved e.g. the colour scheme. He was currently discussing with his manager who would be responsible for project managing the works. In response to a question by the Chairman on how quickly the works needed to be carried out, Mr Curtis advised that there were timescales attached to the grant funding and there was also the issue of build price inflation.

DECISION

NOTED the update.

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 detailed

in the Appendix II to this Minute on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 9 of Part I of Schedule 7A to the Act.

SUMMARY OF PRIVATE BUSINESS

5. MINUTE

The private section of the Minute of the meeting held on 3 August 2022 was approved.

6. LEASE UPDATE

The Chief Legal Officer gave Members an update on the lease of 25 High Street..

The meeting concluded at 4.25 p.m.

CHAMBERS INSTITUTION TRUST
14 SEPTEMBER 2022
APPENDIX i

NOTE OF ACTIONS AGREED BY CHAMBERS INSTITUTION BENEFICIARIES GROUP ON 13/9/22

1. Wi fi to be installed in the Burgh Hall
2. Administrative support from SBC is to be arranged for the Chambers Institution Beneficiaries Group.
3. Series of “walk through” events to be arranged for interested parties to view the Chambers Institution buildings and the areas that could be changed. Fiona Colton of LIVE Borders has agreed to assist with this process.
4. Following the visits above there will be a presentation and discussion with Page and Park who will explain their proposed approach to developing the Chambers Institution.
5. After both of these events have taken place there will be a Workshop arranged with an independent facilitator who will lead a discussion involving members of the Chambers Institution Beneficiaries Group and the Chambers Institution Trustees. The focus of this discussion will be to agree a shared vision for the way forward for the Chambers Institution buildings. From this it is hope will come a renewed SWOT analysis, an agreed overall Project Plan, suggested funding sources, a series of small/medium and large targets and a project GANT chart (timetable).
6. The aim in all of this is that the two bodies – Chambers Institution Beneficiaries and Chambers Institution Trust – will work as one to achieve a shared vision of achieving the best outcome for the buildings to benefit the people of Peeblesshire/Tweeddale.
7. An article outlining the agreed process above will be prepared by Councillor Tatler in agreement with members of the Chambers Institution Beneficiaries Group and will be published in Peebles Life and the Peeblesshire News. It will encourage people to actively engage in this process.

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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, 15
September 2022 at 10.00 am

Present:- Councillors D. Parker (Chairman), P. Brown, C. Hamilton, W. McAteer, D. Moffat, S. Mountford, J. Pirone, S. Scott, D. Parker (Chairman), P. Brown, C. Hamilton, W. McAteer, D. Moffat, S. Mountford, S. Scott, J. Pirone, Mr D Bell, Mr A Daye, Mr M Everett and Ms K M Hughes.

Apologies:- Mr M. Drysdale

In Attendance: Acting Chief Executive, Acting Chief Financial Officer, Chief Officer Audit and Risk, Pensions and Investment Manager, HR Shared Services Manager, Democratic Services Officer (D. Hall).

Also in Attendance: Ms A Fitzpatrick (Audit Scotland), Mr A Ross, Mr A Singh (Isio).

CHAIRMAN

The Chairman welcomed Ms Claire Scott, who had been appointed as an external consultant to the Pension Fund. Ms Scott was undertaking work related to the Fund and its corporate governance.

1. MINUTE

There had been circulated copies of the Minute of the Meeting held on 29 June 2022. A typographical error was present in the Minute of the previous meeting related to the spelling of the Chief Officer, Audit and Risk's name, where "Ms Stacy" was present instead of "Ms Stacey" in paragraph 3.2.

DECISION

NOTED for signature as amended by the Chairman.

2. RISK REGISTER UPDATE

With reference to paragraph 8 of the Minute of the meeting held on 29 June 2022 there had been circulated copies of a report by the Acting Chief Finance Officer which formed part of the risk review requirements and provided an updated full register and proposed management actions to mitigate the risks. The report explained that identifying and managing risk was a corner stone of effective management and was required under the Council's Risk Management Policy and process guide and CIPFA's guidance "Delivering Governance in Local Government Framework 2007". It was further reflected and enhanced in the "Local Government Pension Scheme" published by CIPFA. A virtual risk workshop was held on 4 May 2022 with Officers from relevant Departments to review and update the full risk register. The revised Risk Register was approved by the Joint Pension Fund Committee and Pension Fund Board on 29 June 2022. 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. The Pensions and Investment Manager, Ms Kirsty Robb, presented the report and explained that the main elements that had been updated concerned training – which had been circulated to Members of the Pension Fund Committee and the Pension Board, and taken up appropriately. Ms Robb highlighted that the review of the single code had been highlighted as a risk and that Ms Scott hoped to report in December 2022.

**DECISION
AGREED to:-**

- (a) note the management actions progress as contained in Appendix 1 to the report;**
- (b) note new quantifiable risks had been identified since the last review; and**
- (c) to an update on progress of management actions to be presented in December 2022.**

3. PENSION FUND BUDGET MONITORING TO 30 JUNE 2022

With reference to paragraph 10 of the meeting held on 29 June 2022 there had been circulated copies of a report by the Acting Chief Finance officer which provided the an updated position of the Pension Fund budget to 30 June 2022 including projections to 31 March 2023. 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 17 March 2022 following the recommendations within the CIPFA accounting guidelines headings. The report was the first quarterly monitoring report of the approved budgets. The total expenditure to 30 June 2022 was £0.113m with a projected total expenditure of £7.400m against a budget of £7.296m. This projected a budget variance of £104k which represented the additional modules for the Pension Administration system and an allowance to allow the review work required for the single code as identified in the business plan. Ms Robb presented the report and highlighted that two additional elements required budget allocation, the additional systems administration as detailed in paragraph 5, and the work related to governance that Ms Scott was conducting. Those elements were included in the business plan. Regarding cash flow monitoring, Ms Robb explained that adequate data was present to allow the fund to monitor the flow on a quarterly basis. In response to a question regarding draw down notices from infrastructure managers, Ms Robb clarified that the notices were part of the Fund's commitment to invest in infrastructure, and that investment in this area differed from equity markets in that the investment was not paid in as one lump sum. When the project was in a suitable state of readiness a notice would be issued, after which the Fund would have 10 days to provide the balance. Ms Robb highlighted that the Fund was able to use its cash surplus to deal with draw down notices, and highlighted that it had not been required to disinvest from any equities at inopportune moments as a result.

**DECISION
AGREED:-**

- (a) to note the actual expenditure to 30 June 2022; and**
- (b) the projected out-turn as the revised budget.**

4. COMMUNICATION POLICY REVIEW

With reference to paragraph 6 of the Minute of the meeting held on 16 September 2021, there had been circulated copies of a report which provided a review on the Communication Policy and an update on the review of forms and communication, including annual benefit statements. The report outlined that 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, those were within sections 5 and 6 to update on the improved communication methods that would be deployed by the Fund in response to feedback received in the Stewardship Code application, and recognised the implementation of the Member Self Service portal for the delivery of Annual Benefit Statements. The Pension Fund website continued to be a useful resource and had been visited on a regular basis.

The website continued to be updated to reflect the current Regulations and any relevant documents or news stories were published accordingly. Additionally, the link to the Member Self Service portal had been added. The Pensions Administration team had carried out a review of the supporting information published along with the Annual Benefit Statements and officers continued to encourage scheme members to sign up to the Members Self Service portal. Work continued to review processes and associated Forms, making use of emerging digital technologies where possible.

DECISION

AGREED to:-

- (a) approve the Communications 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.**

5. PENSION ADMINISTRATION SYSTEM

With reference to paragraph 4 of the Minute of the meeting held on 12 September 2019, there had been circulated copies of a report by the Director – People, Performance and Change which sought approval to delegate responsibility for the procurement of the Altair Image and Altair Insights modules, as a supplement to the existing Pensions Administration, for the Scottish Borders Council Pension Fund to the Director – People, Performance and Change. The report explained that in 2019 the Fund had agreed to the procurement and continued use of the Aquila Heywood (now known as Heywood Technologies) Pensions Administration System for a period of five years with the option to extend for a further five year period on the approval of the Joint Committee and Board. Officers had been in discussion with Heywood Technologies over the pricing of those additional modules and had secured discounts for the Fund. The total additional cost for the licence fees, implementation and annual support and maintenance, less the savings for the Data Quality report were £228,100 over the seven years of the contract. With the move to homeworking as a result of the global pandemic, and the Council looking to rationalise the property estate, the Fund needed to consider how it could move away from traditional paper based files for scheme members to a modernised digital solution whilst addressing the deliverable as agreed in the Pension Fund Business Plan. The additional modules would also deliver a significantly improved experience for the Pensions Administration team who would be able to access all of the documents/images regarding a member in a single system. The implementation of the Altair Insights, whilst at an additional cost, did deliver savings on an annual basis in relation to the Pension Regulator Data Quality Report that Heywood Technologies had been providing the Fund. The module would also provide the Fund with access to key reports as it moved towards the outcome and implementation of McCloud regulation changes and the Pensions Dashboard through the provision of out of the box reporting, as well as reporting capabilities that would be used to produce the data required in the Pensions Administration Strategy annual report. Members welcomed the report and highlighted that the modernisation of the Fund’s administration, coupled with financial savings, was a positive.

DECISION

AGREED to approve the delegation of responsibility for the additional modules provided by Heywood Technologies to the Director – People, Performance and Change, with additional costs restricted to a maximum of £228,110 over the seven year duration of the contract, subject to indexation on an annual basis for the support and maintenance, including implementation costs for the new modules.

6. RESPONSIBLE INVESTMENT METRICS AND TARGETS REPORT

- 6.1 There had been circulated copies of a report by Isio on Responsible Investment Metrics and Targets with the agenda. The Chairman welcomed Mr Andrew Singh and Mr Alex Ross of Isio to present the report. Mr Singh explained that since the publication of the agenda updated figures had been provided by some fund managers, and that he would highlight the impact of those changes where appropriate. The report followed training for Members on Responsible Investment which had taken place in August 2022. Mr Singh highlighted that the monitoring information in the report was also required for the 2020 UK Stewardship code and was expected to be required to comply with upcoming TCFD regulation. The training for Members had highlighted Responsible Investment considerations, climate science and TCFD Regulations; the importance of monitoring ESG metrics; and the various environmental and climate related metrics that could be monitored. The report detailed the results of the Fund's first annual Responsible Investment Metrics and Targets Assessment. It also documented each investment manager's ability to report on the required metrics and their current position. Those results should be used to guide decision making and action taken as a result could be documented. Mr Singh explained that the four responsible investment metrics that the managers had been asked to report on were carbon emissions, carbon footprint, implied temperature rise, and climate-related engagements. Carbon emissions and carbon footprint had the highest percentage of data, with 70% of managers able to report. 57% of managers could report on climate-related engagements, which was an acceptable rate. Mr Singh expected that the percentage of managers that could report on the implied temperature rise metric, which was the lowest at 31%, would rise at an appropriate rate.
- 6.2 A table outlining how each manager had performed against the metrics was provided in the report. The infrastructure investments made in conjunction with the Lothian Pension Fund was omitted from the table due to its overall small size, and its expected contribution was low. The reporting of data in this area was evolving, and had the potential to drive improvement in a major way. Mr Singh outlined the revised data, highlighting that Permira had gone from 22,726 to 504 with regard to their carbon emissions. M&G had also reduced significantly from 769,006 to 8,000 with regard to carbon emissions. Overall, using the adjusted numbers, the total greenhouse gas emissions for the portfolio was 162,269 metric tonnes. On a normalised basis, the adjusted emissions were 2,324 metric tonnes. The weighted average carbon footprint of the portfolio was 17 metric tonnes per \$1 million investment. The implied temperature rise ranged from 1.8 degrees Celsius to 3.2 degrees Celsius. Normalised implied temperature rise across the managers was 2.5 degrees Celsius. There were 290 individual climate engagements with companies that had been reported. Normalised across the managers there were 48 engagements, with an expectation that this would increase in the future. The biggest emitter in the portfolio was the M&G Alpha Opportunities Fund from an absolute perspective, whilst LGT reported a higher carbon footprint than Permira despite having a lower absolute emissions level. Mr Singh advised that Isio would engage with the largest emitters across the portfolio to assess the direction of travel and to seek a decrease in the emissions, and would push for better data consistency. In response to a question regarding how carbon emissions could be physically weighed, Mr Singh explained that a metric ton was a standard unit of measurement used scientifically across industry and the world. Regarding implied temperature rise projection and monitoring, Mr Singh explained that following the Paris agreement there was a globally agreed goal to restrict temperature rises below 2 degrees Celsius, and that a variety of scenario modelling would have been undertaken by companies which took into account business plans that would predict what pathway they were aligned to. A growing number of ESG data providers and climate modellers were active in the area, with many fund managers engaging specialists to assess the impact and predict a temperature rise based on their available data. Isio were actively engaged in the area to verify the accuracy of those models and to provide independent analysis. In response to a question regarding whether administration costs would increase as a result of regulatory changes, Mr Singh explained that managers would be required to comply with regulation changes for all of their clients, and that it was therefore expected that managers would spread any increased administrative costs across their clients on an equitable basis. Regarding the Bailie Gifford Paris Aligned

Equity Fund, and its categorisation as amber within the report despite being chosen as an investment fund due to its green credentials, Mr Singh advised that the Fund excluded fossil fuels and high emissions from investment, and that the Fund sought to improve the emissions levels of the companies that it invested in. In response to a request, Mr Singh undertook to present progress updates rather than solely provide a snapshot with future reports.

DECISION

NOTED the report.

7. REVIEW OF UK STEWARDSHIP CODE (2021)

With reference to paragraph 5 of the Minute of the meeting held on 15 September 2021 there had been circulated copies of a report by the Acting Chief Financial Officer which sought to review and approve the Stewardship Code application for submission by 31 October. 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 Local Government Pension Scheme (LGPS) funds should become signatories to the code. The Committee agreed on 15 September 2021 that the Fund should apply to become signatories. An application to become a signatory was submitted to the Financial Reporting Council (FRC) in October 2021 reflecting the Funds activities for 2020 but was unsuccessful. The feedback received was positive and provided guidance of the areas where future applications be improved on to improve the chances of a successful application. The feedback provided by FRC had been reviewed and incorporated into a draft application for 2021 was contained in Appendix 1 to the report. The Local Authority Pension Fund Forum (LAPFF) was an established organisation representing 85 LGPS and 6 LGPS pools across the UK. Membership of LAPFF would enhance the engagement activities of the Fund. A Summary of the benefits of joining LAPFF were contained in Appendix 2 to the report. In response to a question regarding the amount of pensions paid during 2021/22, the Acting Chief Executive clarified that a typographical error was present on page 3 of the Stewardship code submission – where reference to “£265.3m” should read “£26.53m”. The submitted document had been amended accordingly.

DECISION

AGREED:-

- (a) to approve the proposed application for the Fund to become a signatory to the Stewardship code contained in Appendix 1 to the report;**
- (b) the submission to the Financial Reporting Council; and**
- (c) membership of the Fund to the Local Authority Pension Fund Forum.**

8. INFORMATION UPDATE

- 8.1 There had been circulated copies of a briefing paper by the Acting Chief Financial Officer which provided an update on a number of areas which were being monitored and areas where work was progressing. Full reports on the individual areas would be tabled as decisions and actions were required. The HR Shared Services Manager explained that a full business continuity exercise for the Scottish Borders Council Pension Administration system had last been carried out in September 2021, and that the 2022 test was planned for September 2022. Officers had completed the questionnaire related to the LGPS Cyber Scorecard offered by AON in collaboration with PLSA. A further update would be provided at a future meeting. The Annual Benefit Statements for the year ended 31 March 2022 had been produced and were available for all active and deferred members. The final results for Cost Cap valuations had been released and suggested no changes to member benefits contribution rates.

- 8.2 With regards to the Scheme Advisory Board (SAB), the Chairman explained that he was appointed Chair of the Scheme in August. As part of a structural review four detailed business cases for different options had been prepared. The project manager whom had carried out that work had declined to continue in post. The estimated cost for the next steps was upwards of £100k, with no clear estimate produced. There remained disagreement between the union and employer sides on how to proceed, and a joint letter to Ministers had not been agreed upon. Extensive discussions had also taken place regarding the national care service proposals. The Chairman confirmed that he had written to the Scottish Government regarding the potential of the reforms to affect the viability of Local Government Pension Schemes as part of his role on the SAB. In response to a question regarding the potential impact of a mooted merger between the Lothian and Falkirk Pension Funds, the Chairman advised that the merger was voluntary in nature and that the SAB were in favour of mergers on a voluntary basis, but not those which were compulsory. Ms Robb highlighted the training opportunities that were available, and, in response to a question regarding diary clashes, explained that training providers scheduled their events in such a way as to avoid clashes but fund managers could unfortunately schedule their events in conflict with others.

DECISION

NOTED the briefing paper.

CHAIRMAN

The Chairman advised the meeting that Ms Kirsty Robb was leaving her post with Scottish Borders Council to take up a role with Borders College. The Chairman extended his gratitude to Ms Robb for her tireless work with the Fund and wished her well in her future endeavours. Those in attendance echoed the Chairman's farewell. Ms Robb advised that she would attend future meetings of the Joint Pension Fund and Pension Board as Borders College's representative on the Pension Board.

9. **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

10. **MINUTE**

The Committee noted the Private Minute of the meeting of 29 June 2022.

11. **INVESTMENT PERFORMANCE QUARTER TO 30 JUNE 2022**

The Committee noted a report by Isio on investment performance.

The meeting concluded at 11.35 am

SCOTTISH BORDERS COUNCIL PENSION BOARD

MINUTES of Meeting of the PENSION BOARD held via Microsoft Teams on Thursday, 15 September 2022 following the Joint Meeting of the Pension Fund and Pension Board.

Present:- Councillors J. Pirone (Chairman), Mr D Bell (Vice-Chairman), Mr A Daye, Mr M Everett and Ms K M Hughes

Apologies:- Mr M Drysdale and Ms L Steven

In Attendance:- Pension and Investment Manager, HR Shared Services Manager, Democratic Services Officer (D. Hall)

1. **MINUTE**

There had been circulated copies of the Minute of the meeting held on 29 June 2022.

DECISION

NOTED for signature by the Chairman.

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

The Chairman invited those present to raise any matters which had been discussed at the joint meeting. The Pensions and Investments Manager, Ms Kirsty Robb advised that Ms Laura Steven had been appointed to the board as a representative of Live Borders. Ms Robb advised that there was a vacancy on the Pension Fund Investment and Performance Sub-Committee for an employer representative. It was agreed that Ms Robb, who was leaving her role at Scottish Borders Council to take up a position with Borders College, would be appointed as an employer representative.

DECISION

AGREED that there were no issues to raise.

3. **DATE OF NEXT MEETING**

The date of the next meeting of the Pension Board is 19 October 2022.

The meeting concluded at 11.45 am

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

MINUTES of Meeting of the INNERLEITHEN
COMMON GOOD FUND SUB-COMMITTEE
held via Microsoft Teams on Thursday, 15th
September, 2022 at 1.30 pm

Present:- Councillors M. Douglas (Chairman), J. Pirone and R. Tatler
In Attendance:- Principal Solicitor, Democratic Services Officer (D. Hall)

**1. CONSULTATION ON HERITABLE AND MOVEABLE ASSET REGISTERS FOR
FORMER BURGH OF INNERLEITHEN**

There had been circulated copies of a report by the Principal Solicitor which advised on the outcome of the consultation under the Community Empowerment (Scotland) Act 2015, and sought approval of the final Common Good Register for Innerleithen. Under the Community Empowerment (Scotland) Act 2015 the Council was required to establish and maintain a register of property which was held by the authority as part of the Common Good (a "Common Good Register"). Before establishing a Common Good Register, the Act required the Council to publish a list of property that it proposed to include in the Register and consult the public on the list. The Innerleithen Common Good Sub-Committee approved the draft asset register in December 2021 and agreed to the commencement of the public consultation. The consultation ran from December 2021 to 31 March 2022. The Sub-Committee was required to consider the responses received to the consultation and approve the final register to be recommended to Council for publication. The Principal Solicitor, Mrs Hannah Macleod, presented the report, and highlighted that 3 of the 65 substantive responses had been related to Innerleithen. In response to a question, the Principal Solicitor agreed to add a note to the asset register regarding the Cameron Memorial, which would explain that whilst the Memorial was not Common Good owned it had been erected by public subscription.

**DECISION
AGREED:-**

- (a) to note the consultation responses and officers' comments thereon, as set out in Appendix 1 to the report;**
- (b) to approve the contents of the final list of heritable and moveable property assets held by the Council within the former Burgh of Melrose, as set out in Appendix 2 to the report; and**
- * (c) to recommend to Council the said final asset list for publication as a completed Common Good Register for Melrose.**

The meeting concluded at 1.40 pm

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SCOTTISH BORDERS COUNCIL LOCAL REVIEW BODY

MINUTE of Meeting of the LOCAL REVIEW BODY held in the Council Chamber, Council Headquarters, Newtown St Boswells on Thursday, 22 September 2022 at 10 a.m.

Present:- Councillors S Mountford (Chair), J. Cox, M. Douglas, D. Moffat, A. Orr, V. Thomson, N. Richards, S. Scott, E. Small.

In Attendance:- Principal Planning Officer, Solicitor (S. Thompson), Democratic Services Team Leader (via Microsoft Teams), Democratic Services Officer (F. Henderson).

ORDER OF BUSINESS

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

MEMBERS

Having not been present when the following review was first considered, Councillors Mountford and Scott left the meeting. Councillor Richards chaired the meeting for the following item.

1. CONTINUATION OF REVIEW 22/00093/PPP

With reference to paragraph 5 of the Minute of 15 August, the Local Review Body continued their consideration of the request from Mr James Hewitt c/o Ferguson Planning, 54 Island Street, Galashiels to review the decision to refuse the planning application for the erection of a dwellinghouse with associated infrastructure works on Land adjoining 16 Hendersyde Drive, Kelso. The supporting papers included the Notice of Review (including the Decision Notice and Officer's Report); Papers referred to in the Officer's report; consultation replies; objection comments; further representations and list of policies. Consideration of the review **had been** continued to allow members to undertake a site visit which was held on 29 August 2022. The Members confirmed that the site visit had been worthwhile and had given them a better sense of the size of the site and the overhang of the nearby trees. The Members considered the comments from Scottish Water in terms of the equipment contained within the site, the Flood Risk Officers comments and those comments from the roads officer. In particular members were concerned about the risk from surface flooding as no evidence had been provided to evaluate the potential impacts.

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 not be considered without the need for further procedure in the form of written submissions;
- (c) the Applicant be requested to submit either a Flood Risk Assessment or a Drainage Impact Assessment in line with the advice from the Flood Risk Officer, following which the Flood Risk Officer would be given the opportunity to comment; and

- (d) **consideration of the review be continued to a future meeting on a date to be confirmed.**

MEMBERS

Councillors Mountford and Scott joined the meeting prior to consideration of the following review.

2. CONTINUATION OF REVIEW 21/01421/PPP

With reference to paragraph 4 of the Minute of 18 July 2022, the Local Review Body continued their consideration of the request from Mr and Mrs J Seed c/o Ferguson Planning, 54 Island Street, Galashiels Duns to review the decision to refuse the planning application for the erection of a dwellinghouse, on Land North East of Woodend Farmhouse, Gavinton, Duns. The supporting papers included the Notice of Review; Decision Notice; Officers Report; papers referred to in the Officers report; consultation replies; list of policies and written submission from the Planning Officer and Applicants response. Also circulated were the Planning Officers comments and Applicant response on new information submitted in terms of the Soil Fertility Report; 3D image of proposed new House in relation to Existing House and Revised Site Plan indicating a reduced development boundary. Members considered whether there was a building group in the vicinity and noted there were at least three existing houses in the immediate vicinity, including the existing farmhouse and cottages and were satisfied that this constituted a building group. Members also agreed there was capacity for the group to be expanded; The Review Body concluded that the site balanced the group, allowing the farmhouse to occupy a central position and that the site mirrored the location of the cottages whilst being necessarily separated from the access and buildings relating to the working farm. The Review Body also noted the applicants' current occupation at Woodend 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 whether the proposal would be contrary to Policy ED10 in relation to the loss of prime quality agricultural land and were satisfied with the findings of the Soil Fertility Report, accepting that the site occupied a poorer grade of land at the field margin and that the reduced extent of the site also resulted in a smaller land take. After considering all relevant information, the application was approved subject to conditions and a legal agreement.

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**
- (c) **The Local Review Body reversed the decision of the appointed officer and indicated that it intended to grant planning permission for the reasons set out in the intentions notice subject to conditions and the applicants entering into a Section 75, or other suitable Legal Agreement, as set out in Appendix I to this Minute.**
- ### **3. REVIEW 22/00207/FUL**
- There had been circulated copies of a request from Mr & Mrs C & J Stephens, c/o Ferguson Planning, Shiel House, 54 Island Street, Galashiels to review the decision to refuse the planning application for the change of use of barn and alterations and extension to form dwellinghouse on Land North of Carterhouse, Jedburgh. The supporting papers included the Notice of Review (including the Decision Notice and Officer's Report); Papers referred to in the Officer's report; consultation replies and list of

policies. Members firstly noted that as the building lay outwith any defined settlement boundary or building group, the development must be considered against Part C of Policy HD2 which referred to conversion of existing buildings to houses in the countryside. The Review Body assessed the proposals against that part of the Policy but also the relevant criteria within Policy PMD2, as well as the detailed guidance in the Housing in the Countryside Supplementary Planning Guidance and the Farm Steading Conversions Advice Note at Appendix 2 of the SPG. While being supportive of the conversion of buildings in principle, the Review Body were firmly of the opinion that the building had insufficient architectural character or merit. Following conversion, the building would still retain the appearance of an agricultural shed and Members could, therefore, not accept that such conversion work would either improve the appearance and merit of the building, or make it appear suitable for residential purposes.

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;**
- (c) The development was contrary to criteria a) of Part C of Policy HD2 of the Local Development Plan 2016 and New Housing in the Borders Countryside Guidance 2008 in that the existing building was not worthy of conversion in terms of its architectural or historic merit and nor did it appear physically suited for residential use. The site lay outwith any recognised settlement or building group and no overriding essential business need had been substantiated for a house in this isolated location. The proposal would lead to sporadic residential development in the countryside and other material considerations did not outweigh the conflict with the Local Development Plan and harm that would result.**
- (d) the officer's decision to refuse the application be upheld and the application refused, for the reasons detailed in Appendix II to this Minute.**

4. REVIEW 21/01639/FUL

There had been circulated copies of a request from Mark McGlone, 20 Birch Avenue, Elgin c/o ACJ Group, 5 Moycroft Industrial Estate, Elgin to review the decision to refuse the planning application for the erection of a dwellinghouse at Cavers Hillhead, Hawick. The supporting papers included the Notice of Review (including the Decision Notice and Officer's Report); Papers referred to in the Officer's report; consultation replies; support comments; further representations and list of policies. Members noted that the application was for the erection of a dwellinghouse at land West of Cavers Hillhead, Cavers, Hawick. They went onto consider whether there was a building group present and noted that whilst the site lay adjoining an existing dwellinghouse known as Cavers Hillhead, there were no other houses in the immediate vicinity and concluded that there was no building group present. Members also considered that, if approved, the development would have contravened policy and guidance by breaking into an underdeveloped field outwith the character and sense of place. Members then considered if there was a justified business case for a dwellinghouse on the site and while generally sympathetic to the principle and divided on the issue, they ultimately concluded that there was insufficient evidence to support on economic case to justify the erection of a house on the site.

VOTE

Councillor Moffat, seconded by Councillor Scott moved that application be refused.

Councillor Thomson, seconded by Councillor Orr moved as an amendment that the application approved.

On a show of hands Members voted as follows:-

Motion - 6 votes

Amendment - 3 votes

The motion was accordingly carried.

DECISION

DECIDED 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;**
- (c) **The development was contrary to Policy HD2 of the Local Development Plan 2016 and New Housing in the Borders Countryside Guidance 2008 because it would constitute housing in the countryside that would not relate well to the existing building group and would lead to an unjustified sporadic expansion of development into a previously undeveloped field. Furthermore, there was no overriding economic justification to support the development. Material considerations did not outweigh the resulting harm.**
- (d) **the officer's decision to refuse the application be upheld and the application refused, for the reasons detailed in Appendix III to this Minute.**

5. REVIEW OF 21/00992/PPP

There had been circulated copies of a request from Mr Christopher Wilson c/o Ferguson Planning, 54 Island Street, Galashiels to review the decision to refuse the planning application for the erection of a dwellinghouse on Plot 1 at Land North of Belses Cottage, Jedburgh. The supporting papers included the Notice of Review (including the Decision Notice and Officer's Report); Papers referred to in the Officer's report; additional information; consultation replies; objection comments and list of policies. The Planning Advisor drew attention to information, in the form of a Transport Technical Note, which had been submitted with the Notice of Review documentation but which had not been before the Appointed Planning Officer at the time of determination. Members agreed that the information was new but considered that it met the Section 43B test, was material to the determination of the Review and could be considered. However, they also agreed that the Transport Technical Note could not be considered without affording the Roads Officer and Planning Officer an opportunity of making representations on this new information.

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) **new evidence submitted with the Notice of Review in the form of a Transport Technical Note met the test set in Section 43B of the Town and Country Planning (Scotland) Act 1997 and was material to the determination;**
- (c) **the review could not be considered without the need for further procedure in the form of written submissions;**

- (d) the Roads and Planning Officer be given the opportunity to comment on the new evidence submitted with the Notice of Review; and**
- (e) consideration of the review be continued to a future meeting on a date to be confirmed.**

6. REVIEW OF 21/00993/PPP

There had been circulated copies of a request from Mr Christopher Wilson c/o Ferguson Planning, 54 Island Street, Galashiels to review the decision to refuse the planning application for the erection of a dwellinghouse on Plot 2 at Land North of Belses Cottage, Jedburgh. The supporting papers included the Notice of Review (including the Decision Notice and Officer's Report); Papers referred to in the Officer's report; additional information; consultation replies; objection comments and list of policies. The Planning Advisor drew attention to information, in the form of a Transport Technical Note, which had been submitted with the Notice of Review documentation but which had not been before the Appointed Planning Officer at the time of determination. Members agreed that the information was new but considered that it met the Section 43B test, was material to the determination of the Review and could be considered. However, they also agreed that the Transport Technical Note could not be considered without affording the Roads Officer and Planning Officer an opportunity of making representations on this new information.

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) new evidence submitted with the Notice of Review in the form of a Transport Technical Note met the test set in Section 43B of the Town and Country Planning (Scotland) Act 1997 and was material to the determination;**
- (c) the review could not be considered without the need for further procedure in the form of written submissions;**
- (d) the Roads and Planning Officer be given the opportunity to comment on the new evidence submitted with the Notice of Review; and**
- (e) consideration of the review be continued to a future meeting on a date to be confirmed.**

The meeting concluded at 12:20 p.m.

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SCOTTISH BORDERS COUNCIL PLANNING AND BUILDING STANDARDS COMMITTEE

MINUTES of Blended Meeting of the
PLANNING AND BUILDING STANDARDS
COMMITTEE held in Council Chamber,
Council Headquarters, Newtown St. Boswells
and via Microsoft Teams on Monday 3
October 2022 at 10.00 am

Present:- Councillors S. Mountford (Chair), J. Cox, M. Douglas, D. Moffat, A. Orr,
N. Richards, S. Scott, E. Small., V. Thomson.
In Attendance:- Lead Planning Officer (B. Fotheringham), Senior Roads Planning Officer (A.
Scott), Solicitor (F. Rankine), Democratic Services Team Leader.

1. **MINUTE**

There had been circulated copies of the Minute of the Meeting held on 5 September 2022.

DECISION

AGREED to approve the Minute for signature by the Chairman.

2. **APPLICATION**

There had been circulated copies of a report by the Chief Planning and Housing Officer on an application for planning permission which required consideration by the Committee.

DECISION

DEALT with the applications a detailed in Appendix I of this Minute.

3. **APPEALS AND REVIEWS**

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

DECISION

NOTED that:

- (a) **an appeal had been received against the refusal of the planning application for the erection of dwellinghouse on Land South West of West Lodge, Minto;**
- (b) **an appeal had been received against enforcement action in respect of the siting of static caravan clad in timber and land engineering works undertaken on Land South West of Yethouse Farmhouse, Newcastleton;**
- (c) **review requests had been received in respect of:**
 - (i) **Demolition of agricultural building, erection of dwellinghouses with ancillary accommodation on Derelict Agricultural Building North of Ladyurd Farmhouse, West Linton;**
 - (ii) **Replacement windows and door (retrospective), Caddie Cottage, Teapot Street, Morebattle, Kelso;**

- (iii) Alterations and extension to dwellinghouse at Deanfoot Cottage, Deanfoot Road, West Linton.
- (d) the following reviews had been determined as shown:
- (i) Erection of dwellinghouse, Land North East of Woodend Farmhouse, Duns – Decision of Appointed Officer overturned;
 - (ii) Erection of dwellinghouse, Land West of Cavers, Hillhead, Cavers, Hawick – Decision of Appointed Officer Upheld;
 - (iii) Change of use of barn and alterations and extension to form dwellinghouse, Land North of Carterhouse, Jedburgh - Decision of Appointed Officer Upheld,
- (e) There remained seven reviews previously reported on which decisions were still awaited when the report was prepared on 25 August 2022 which related to sites at:

• Unit C, Whinstone Mill, Netherdale Industrial Estate, Galashiels	• Land East of 16 Hendersyde Avenue, Kelso
• Plot 1, Land North of Belses Cottage, Jedburgh	• Plot 2, Land North of Belses Cottage, Jedburgh
• Woodland Strip, North of Springhall Farm, Kelso	• Garden Ground of Cheviot View, Eden Road, Gordon
• Land West of 1 The Wellnage, Station Road, Duns	• Land North and East of Tweed Lodge, Hoebridge East Road, Gattonside

- (f) There remained one Section 36 Public Local Inquiry previously reported on which a decision was still awaited when the report was prepared on 23 September 2022 which related to a site at: Land West of Castleweary (Faw Side Community Wind Farm), Fawside, Hawick.

The meeting concluded at 11.15 a.m.

APPENDIX I
APPLICATION FOR PLANNING PERMISSION

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
22/00323/FUL	Erection of two dwellinghouses with associated access	Land West and North of Village Hall, Smailholm

DECISION: Approved as per officer recommendation and the following conditions:

1. The development shall be implemented in accordance with the plans and drawings approved under this consent, unless otherwise agreed in writing with the Planning Authority
Reason: To ensure that the development is carried out in accordance with the approved details.
2. A sample of all materials to be used on all exterior surfaces of the development hereby permitted shall be submitted to and approved in writing by the Planning Authority before development.
Reason: The materials to be used require further consideration to ensure a satisfactory form of development, which contributes appropriately to its setting.
3. No development shall commence until precise details of:
 1. the PV Solar panels and the fixing/ mounting details to the roofs (Panels to be mounted flat to the surface of the platform unless otherwise agreed.)
 - ii. Large scale details (drawings) of key junctions of the houses hereby approved, including doors (including reveals and threshold), windows (including reveals and cills), eaves, skews, ridge and chimneys. (Window and door reveals should be deep)have first been submitted to and approved in writing by the Planning Authority, and thereafter no development shall take place except in strict accordance with those details.
Reason: The materials require further consideration to ensure a satisfactory form of development, which contributes appropriately to the conservation area.
4. No development shall commence until written confirmation from Scottish Water confirming that public mains water and public foul drainage connections are available to serve this site, has first been submitted to and approved in writing by the Planning Authority. The development shall be serviced only using the approved public mains water and foul drainage arrangements, unless otherwise agreed in writing with the Planning Authority. All surface water drainage shall be managed in accordance with SUDS principles in a manner that maintains surface water run-off from the site at pre-development levels.
Reason: To ensure the development is adequately serviced and manages surface water drainage
5. Parking and turning for four vehicles (two spaces per dwelling) shall be provided within the curtilage of the site prior to occupation of the first dwelling hereby approved and retained thereafter in perpetuity.
Reason: To ensure the dwelling is served by adequate parking provision and turning at all times.
6. No development shall commence until engineering details, including construction details and a long section drawing, for the roadside footway and the pedestrian link between the site and the village hall have first been submitted to and agreed in writing by the Council. Thereafter the roadside footway and the pedestrian link to be constructed in accordance with the approved details prior to occupation of the first dwelling.
Reason: To ensure safe pedestrian access.

7. The vehicular access to the site as shown on site plan L(-1) 101 C hereby approved to be formed to Council standard specification DC-6 prior to occupation of the first dwelling.
Reason: In the interests of road safety and to allow for safe servicing of the properties hereby approved.
8. No development shall take place except in strict accordance with a scheme of soft landscaping works, which shall first have been submitted to and approved in writing by the Local Planning Authority, and shall include (as appropriate):
 - i. indication of existing trees, shrubs and hedges to be removed, those to be retained and, in the case of damage, proposals for their restoration
 - ii. location of new trees, shrubs, hedges and grassed areas (new trees to be planted at a ratio of 2:1 replacement.)
 - iii. schedule of plants to comprise species, plant sizes and proposed numbers/density
 - iv. programme for completion and subsequent maintenance.
 Reason: To enable the proper form and layout of the development and the effective assimilation of the development into its wider surroundings.
9. No development shall commence until precise details of all boundary treatments, which shall include a scheme of hedging forward of any privacy fencing as well as the height and design of fences, has first been submitted to and approved in writing by the Planning Authority. The boundary treatments shall be implemented only in accordance with the approved details, and planting shall be implemented during the first planting season following completion of the development.
Reason: To ensure the development has a sympathetic visual impact for the conservation area.
10. Before any part of the development hereby approved is commenced, the trees identified for retention on drawing number L(-1) 101 C shall be protected by a barrier in accordance with BS5837:2012 Trees in Relation to Design, Demolition and Construction and the barriers shall be removed only when the development has been completed.
Reason: To enable the proper effective assimilation of the development into its wider surroundings, and to ensure that those existing tree(s) representing an important visual feature are protected and retained.
11. Unless otherwise agreed in writing and in advance by the Planning Authority, prior to any development commencing on site, a scheme will be submitted by the Developer (at their expense) to identify and assess potential contamination on site. No construction work shall commence until the scheme has been submitted to, and approved, by the Council, and is thereafter implemented in accordance with the scheme so approved.

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

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

and thereafter

- b) Where required by the desk study, undertaking a detailed investigation of the nature and extent of contamination on site, and assessment of risk such contamination presents.

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

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

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

- 12. Prior to the felling of those trees identified for removal on approved drawing L(-1) 101 C a breeding bird checking survey shall be carried out by a suitably qualified person and the results of the survey submitted to the planning authority for written approval. Where nesting birds have been identified, no development shall take place during the breeding bird season (March – September) unless otherwise agreed in writing by the planning authority.

Reason: In the interests of biodiversity and in order to protect breeding birds

- 13. Prior to the occupation of the houses hereby approved, refuse and recycling bin stances for both plots shall be provided in accordance with details, which shall first be submitted to and approved in writing by the planning authority.

Reason: To ensure adequate provision is made for the storage of bins.

Informative

- 1. The Roads Planning Service advises that the proposed roadside hedge is set back from the private drive to allow for a small grinding margin for vehicles. Only contractors first approved by the Council may work within the public road boundary.

NOTES

- 1. Mr Will Grime spoke against the application.
- 2. Vote
Councillor Thomson, seconded by Councillor Scott, moved that the application be approved as per the officer recommendation
Councillor Moffat, seconded by Councillor M. Douglas, moved as an amendment that the application be refused on the grounds that it was contrary to Policy EP9 of the Local Development Plan in that the design of the houses was not compatible with the conservation area and would have an unacceptable adverse impact on the character and appearance of the conservation area.

On a show of hands Members voted as follows:-

Motion – 5 votes

Amendment – 3 votes

The Motion was accordingly carried and the application approved.

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SCOTTISH BORDERS COUNCIL EXECUTIVE COMMITTEE

MINUTES of Meeting of the EXECUTIVE COMMITTEE held in Council Chamber, Council Headquarters, Newtown. St Boswells and via Microsoft Teams on Tuesday, 4th October, 2022 at 10.00 am

Present:- Councillors E. Jardine (Chairman), C. Hamilton, L. Douglas, J. Greenwell, S. Mountford, E. Robson, M. Rowley, R. Tatler, E. Thornton-Nicol
Apologies:- Councillors C. Cochrane, S. Hamilton, D. Parker and T. Weatherston
Absent:- Councillor J. Linehan
In Attendance:- Director Resilient Communities, Director Infrastructure and Environment, Chief Planning Officer, Lead Officer, Housing Strategy and Development, Democratic Services Team Leader, Democratic Services Officer (D. Hall)

1. **MINUTE**

There had been circulated copies of the Minute of the meeting held on 13 September 2022.

DECISION

APPROVED for signature by the Chairman.

2. **STRATEGIC HOUSING INVESTMENT PLAN 2023 - 2028**

With reference to paragraph 7 of the Minute of the meeting held on 14 June 2022, there had been circulated copies of a report by the Director, Infrastructure and Environment which sought approval of the Strategic Housing Investment Plan (SHIP) 2023-2028 prior to its submission to the Scottish Government by the deadline of 28 October 2022. The report explained that Local Authorities were required to submit a SHIP to the Scottish Government on annual basis. Scottish Borders Council, with the involvement of its key partners via the SHIP Working Group, had prepared the SHIP Submission. The SHIP articulated how the Council and its relevant Registered Social Landlord (RSL) partners would seek to deliver the Border's affordable housing investment needs and priorities, as identified in the Council's Local Housing Strategy 2017-2022 over a rolling 5 year planning horizon. Based on available Resource Planning Allocations from the Scottish Government and resource planning assumptions, RSL partner private sector borrowing and commitment from the Council's Affordable Housing Budget, approximately 165 new homes could be delivered during 2022/23 and potentially up to 1320 new affordable homes over the five-year SHIP 2023-2028 period. The latter figure assumed that all identified challenges and infrastructure issues were resolved in a timely manner, funding was available and that agreement was reached between all interested parties and the construction sector had capacity to deliver the identified projects. The Lead Officer, Housing Strategy and Development, Ms Donna Bogdanovic presented the report and responded the Members questions. In response to an issue raised regarding whether continued housing developments could negatively impact the unique small town character of the towns of the Borders, Ms Bogdanovic acknowledged the point, and highlighted that a diverse range of views were considered when producing the SHIP and Local Housing Strategies. Regarding delays to a housing development on Glensax Road in Peebles, Ms Bogdanovic undertook to brief local Members outside of the meeting. The Chief Planning Officer explained that with regard to housing developments in the Northern Borders, considerable challenges existed to reach consensus on and securing the right land and areas to develop, with a renewed focus on town centre regeneration. In response to a question regarding assumed levels of funding, Ms Bogdanovic explained that the SHIP was an extremely ambitious plan and she was had no concerns that the target of 128 homes per year would not be met. Additionally, Ms Bogdanovic explained

that the second homes council tax budget could be utilised in challenging circumstances to help assist the delivery of affordable homes. Regarding the publication of an impact assessment, Ms Bogdanovic informed Members that the assessment would be published online following the approval of the SHIP. Members highlighted the need to ensure that sufficient infrastructure, including bus routes, were ready in conjunction with new homes. Members thanked officers for their extensive report, highlighted the considerable amount of work that had taken place to produce it, and emphasised a need to ensure that negative connotations associated with affordable homes were tackled.

DECISION

AGREED to approve the Strategic Housing Investment Plan 2023-2028 for submission to the Scottish Government – More Homes Division.

The meeting concluded at 10.40 am