

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

6.	<p>Committee Minutes (Pages 3 - 94)</p> <p>Consider Minutes of the following Committees:-</p> <ul style="list-style-type: none"> (a) Berwickshire Area Partnership 30 March 2023 (b) Local Review Body 17 April 2023 (c) Teviot and Liddesdale Area Partnership 18 April 2023 (d) Peebles Common Good Fund 19 April 2023 (e) Planning and Building Standards 24 April 2023 (f) Chambers Institution Trust 10 May 2023 (g) Local Review Body 15 May 2023 (h) Gibson Trust 15 May 2023 (i) Executive 16 May 2023 (j) Jedburgh Common Good Fund 29 May 2023 (k) External Services Providers 30 May 2023 (l) Scrutiny and Petitions 1 June 2023 (m) Innerleithen Common Good Fund 1 June 2023 (n) Executive 13 June 2023 (o) Galashiels Common Good Fund 15 June 2023 <p>(Copies attached.)</p>	5 mins
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(a)	Berwickshire Area Partnership	30 March 2023
(b)	Local Review Body	17 April 2023
(c)	Teviot and Liddesdale Area Partnership	18 April 2023
(d)	Peebles Common Good Fund	19 April 2023
(e)	Planning and Building Standards	24 April 2023
(f)	Chambers Institution Trust	10 May 2023
(g)	Local Review Body	15 May 2023
(h)	Gibson Trust	15 May 2023
(i)	Executive	16 May 2023
(j)	Jedburgh Common Good Fund	29 May 2023
(k)	External Services Providers	30 May 2023
(l)	Scrutiny and Petitions	1 June 2023
(m)	Innerleithen Common Good Fund	1 June 2023
(n)	Executive	13 June 2023
(o)	Galashiels Common Good Fund	15 June 2023

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SCOTTISH BORDERS COUNCIL BERWICKSHIRE AREA PARTNERSHIP

MINUTES of Meeting of the
BERWICKSHIRE AREA PARTNERSHIP
held in Cockburnspath Village Hall,
Cockburnspath, TD13 5XY on Thursday, 30
March 2023 at 6.45 pm

Present:- Councillors J. Anderson and M. Rowley

Other organisations attendees: Mr J. Aitchison and Mr G. Power (Eyemouth CC); Ms J. Amaral (BAVS), Ms T. Collin (Allanton, Whitsome and Edrom CC), Ms M. Douglas and Ms E. Scott (Greenlaw and Hume CC); Ms K. Duncan, Ms P. Hood and Mr S. Kennedy (Cockburnspath and Cove CC); Ms A. McNeill (A Heart for Duns), Mr A. Mitchell (Duns CC), Mr D. Morgan (Hutton and Paxton CC), Mr K. Pattison, Mr G. Pearson (Leitholm, Eccles and Birgham CC), Mr I. Woolley, Mr K. Morton and Mr B. Purvis (Swinton and Ladykirk CC).

Apologies:- Councillors J. Greenwell, C. Hamilton, D. Moffat and A. Orr

In Attendance:- Community Co-ordinator, Community Engagement Officer (J. Purves), PC Suzanne Jacobs (Police Scotland), WC Gale Coates (Scottish Fire and Rescue), Ms E. Torrance (National Development Team for Inclusion), Democratic Services Officer (W. Mohieddeen).

QUORUM

Due to the submission of apologies from elected Members, the meeting was not quorate. Attendees proceeded with the meeting on the understanding that decisions were not able to be made.

1. WELCOME

The Chair welcomed everyone to the meeting of the Berwickshire Area Partnership and to Cockburnspath Village Hall.

2. FEEDBACK FROM MEETING OF 9 FEBRUARY 2023

There had been circulated copies of the Minute of the Meeting held on 9 February 2023. Mr Andrew Mitchell of Duns Community Council advised that he had also been in attendance at the Meeting.

3. POLICE SCOTLAND UPDATE

The Chair welcomed PC Suzanne Jacobs to provide an update on policing matters in Berwickshire. PC Jacobs provided an overview of resources in Berwickshire and explained that there were two community officers based in Eyemouth, one community officer based in Duns and a school liaison officer based in Eyemouth which covered the Berwickshire area. PC Jacobs explained that Police Scotland endeavoured to attend community council meetings when they were invited. Complaints in Berwickshire tended to address parking and speeding. Speeding cameras normally focused on schools and particular 'hotspots'. Community councils were reminded to check that they received Police Scotland multi-ward reports. Attendees discussed speeding vehicles and adherence to 20 mph speed limit in towns. PC Jacobs advised attendees when speeding vehicles were identified to inform the police. Councillor Anderson encouraged attendees inform councillors of concerns so that they may be raised with Police Scotland.

4. **SCOTTISH FIRE AND RESCUE UPDATE**

The Chair welcomed Watch Commander Gail Coates to provide an update on fire and rescue matters in Berwickshire. Fire incidences in the Berwickshire area were summarised and attendees were advised that there had been call-outs to seven road traffic accidents and nine incidents to assist other agencies. There were nine incidents of flooding and two other non-fire incidents. With regards to unwanted fire alarm signals, there were 36 recorded as 'good intent' and two recorded as 'malicious' from incidents in schools. 51 home fire safety visits had taken place. Scottish Fire and Rescue had visited Eyemouth High School to talk to S6 pupils about fire safety while living alone. CPR visits were to take place in Eyemouth Primary School on 8 June which all were welcome to attend. Specialist PPE had been received in Coldstream with training in its use due to take place. Duns station had seen success in recruiting double its number of on-call firefighters. In discussion of fire alarms in public buildings, attendees were advised to ask for an alarm inspector to demonstrate how to properly use fire alarms in public halls.

5. **DRAFT HEALTH AND SOCIAL CARE STRATEGIC FRAMEWORK DISCUSSION**

5.1 There had been circulated copies of a slide deck from Elaine Torrance of the National Development Team for Inclusion (NDTI). The Chair welcomed Ms Torrance to present an update on the development of a Health and Social Care Strategic Framework for Scottish Borders. Ms Torrance was in attendance to gather feedback and comments on the draft framework which set out how health and social care services would be delivered over the next three years. The aims of the NDTI's engagement activity were summarised which were to update attendees on work in the development of the strategic framework, to present an outline of the framework and seek further comments and to seek further involvement in the planning, design and monitoring of the framework. The framework had been informed by the NDTI engaging and listening to communities to understand their expressed needs which the NDTI summarised in their We Have Listened report; understanding the public health needs of the population which was presented in the NDTI Needs of our Communities report; reviewing performance against national health and wellbeing outcomes; and considering current and future challenges. Ms Torrance explained that the We Have Listened report included information specific to Berwickshire. 85 responses were received to the NDTI survey of what was important about health and social care, and a community event took place in Duns. Ms Torrance presented the high level mission, vision and aims of the framework. These were:

- Mission: "to help the people of the Scottish Borders to live their lives to the full, by delivering seamless services that place their needs at the heart of everything that we do";
- Vision: "That all people in the Scottish Borders will be able to live their lives to the full"
- Aims: "To improve and continue to support the health and wellbeing of the citizens of Scottish Borders".

5.2 Ms Torrance presented the strategic issues of the framework and the objectives, which detailed what the Health and Social Care Partnership would prioritise to deliver its vision. Ms Torrance explained to attendees that the NDTI were seeking views on the framework, and if anything was missing; how communities could be involved in developing the framework and actions; and on monitoring the implementation and impact of the framework at community, local and Borders-wide levels. In discussion of the draft framework, Ms Torrance advised that the framework would be approved by the Integrated Joint Board (IJB) which consisted of NHS officers and elected Members, and would be presented to the Scottish Government. Attendees discussed how the consultation of the framework would operate alongside place making, that communities may feel 'consultation fatigue' and that duplication should be avoided. It was noted that previous place making exercises had highlighted concerns about a lack of nursing home places.

5.3 Councillor Anderson led attendees in advising what would be priorities for health and social care in each of their communities. Issues raised during the exercise were:

- Access to services
- Social care support
- Transport to GP services and local surgeries
- Prevention measures
- Care in the community
- Recruitment into the Borders
- Dementia services
- Available parking at health surgeries
- Distance to dentist surgeries

5.4 Attendees discussed workforce challenges in health and social care and noted that a multi-agency approach to recruitment would be needed to promote the Borders as a viable place to move for work. Councillor Anderson thanked Ms Torrance and attendees noted the presentation.

5.5 The Chair invited attendees to present the issues of importance to their localities. The following issues were presented by attendees:

- Relationship between public transport, housing and jobs
- Public transport, education and apprenticeship opportunities
- Costs associated with place making activities
- Redevelopment of existing buildings for social housing
- Lack of community facilities in Berwickshire to engage with Borders College
- Public transport as a factor for young people leaving Berwickshire
- Public transport services for the Borders General Hospital
- Availability of affordable and rented housing
- Housing for retirees
- Homes lying empty in communities
- PINGO and investment in community transport
- Parking in Duns industrial estate
- Waiting list for new Duns dental practice
- Apprenticeship opportunities

5.6 Attendees discussed and noted the items raised.

6. **BERWICKSHIRE FUNDING TABLE 2022-23**

There had been circulated copies of the Berwickshire funding table which outlined available funds and grant opportunities in Berwickshire. The Community Engagement Officer presented the paper and advised that the opening balance for the Neighbourhood Support Fund was £99,997.19 and that 56 applications had been received which requested a total of £208,719 in grant funding. The Berwickshire Area Partnership had approved 25 applications for a total of £95,497.19 in grant funding. £4,500 of the carried forward funds had been reserved by the funding panel for Horse Time dependent on receipt of a satisfactory evaluation report. Attendees noted the information in the funding table.

7. **BERWICKSHIRE NEIGHBOURHOOD SUPPORT FUND 2023-24**

There had been circulated copies of a paper outlining a recommendation for the assessment panel to undertake to source external funding to supplement the Neighbourhood Support Fund. It was advised that the 2023-24 Neighbourhood Support Fund would total £50,153. The assessment panel recommended that the Area Partnership delay opening the 2023-24 Neighbourhood Support Fund until June, so that other funding opportunities are explored, and to have three rounds of funding which would take place in September and December 2023 and March 2024. Attendees discussed the recommendation and considered feedback on the proposal. Further information was sought from attendees on how external funding would affect the funding requirements. Concern was also raised that the Neighbourhood Support Fund had been significantly oversubscribed. Attendees advised that the assessment panel should meet to consider submitting a report to the Area Partnership outlining an approach to seeking additional funding and how the requirements of the Neighbourhood Support Fund may be affected. Attendees noted that the fund should be opened in June regardless of the proposal to seek additional funding for the Neighbourhood Support Fund. Attendees further noted

that additional mapping should be outlined for available funding for communities in Berwickshire.

8. **PLACE MAKING UPDATE**

8.1 The Chair invited attendees to provide updates on place making in local communities. Ms Amaral advised that funding had been awarded for the pilot of a Berwickshire place making toolkit and that further information would be provided at the next meeting of the Area Partnership. A Vision for Eyemouth meeting was to take place in April, to be delivered by BAVS.

8.2 Ms McNeill presented feedback to the Area Partnership on place making activity and advised that meaningful community engagement had taken place in communities which included Duns, Greenlaw, Chirnside and Coldstream. Ms McNeill advised that engagement should be led by those that live and work in the community and not by those with an outside interest. Ms McNeill further advised that the role of Scottish Borders Council should be to facilitate and support the place making process and not to lead. However resource and capacity were a challenge faced by communities reliant on volunteers dedicating time to place making which should be addressed. Attendees noted the update.

9. **NEXT MEETING OF THE BERWICKSHIRE AREA PARTNERSHIP**

It was confirmed that the next meeting of the Berwickshire Area Partnership would take place on Thursday 1 June at the Volunteer Hall, Duns.

The meeting concluded at 8.25 pm.

**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, 17 April 2023 at 10 a.m.

- Present:- Councillors M. Douglas (Chair), J. Cox, D. Moffat, A. Orr, N. Richards, S. Scott, E. Small.
- Apologies: Councillors S. Mountford, V. Thomson.
- In Attendance:- Principal Planning Officer (C. Miller), Planning Officer (S Shearer), Solicitor (S. Thompson), Democratic Services Team Leader, Democratic Services Officer (F. Henderson).

ORDER OF BUSINESS

The Chair 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.

PROCEDURAL HEARINGS

1. Mrs Thompson, Solicitor explained that that the following applications had been placed on the Agenda as procedural hearings as a result of the Scottish Government introducing the National Planning Framework 4 (NPF4) on 13 February 2023, which superseded previous guidance and now formed part of the Development Plan. In accordance with the terms of Section 25 of the Town and Country Planning (Scotland) Act 1997, the Planning Authority must ensure that Planning Decisions and Reviews took account of the new Framework. It was therefore agreed that comments on the impact of NPF4 on the planning application and subsequent review be sought from the Planning Officer and Applicant, prior to the following applications being presented to the Local Review Body for consideration.
2. **REVIEW OF 23/00009/RREF**
There had been circulated copies of a request from Jane Prady c/o WT Architecture, 4-6 Gote Lane, South Queensferry EH30 9PS to review the decision to refuse the planning application for the alteration and extension to dwellinghouse at Ratchill Farmhouse, Broughton. The supporting papers included the Notice of Review (including the Decision Notice and Officer's Report); Papers referred to in the Officer's report and consultation replies.

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 Planning Officer and Applicant be given the opportunity to submit an NPF4 statement; and**
- (d) **consideration of the review be continued to a future meeting on a date to be confirmed.**

3. **REVIEW OF 23/00010/RREF**

There had been circulated copies of request from Mr I Maxwell c/o Ferguson Planning, 37 George Street, Edinburgh EH2 2HN to review the decision to refuse the planning application for modification of condition No. 1 of planning permission 15/01355/FUL to allow the holiday chalet to be occupied as a dwellinghouse on Land at Disused Railway Line, Rachan, Broughton. The supporting papers included the Notice of Review (including the Decision Notice and Officer's Report); Papers referred to in the Officer's report; Support comments; Consultation replies and Objection comments.

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 Planning Officer and Applicant be given the opportunity to submit an NPF4 statement; and**
- (d) **consideration of the review be continued to a future meeting on a date to be confirmed.**

4. **REVIEW OF 23/00011/RREF**

There had been circulated copies of a request from Mr Alistair Hodgson c/o CSY Architects, 9 West Street, Berwick-Upon-Tweed to review the decision to refuse the planning application for the installation of photo voltaic array at Scott House, Douglas Square, Newcastleton. The supporting papers included the Notice of Review (including the Decision Notice and Officer's Report); Papers referred to in the Officer's report and Consultation Replies.

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 Planning Officer and Applicant be given the opportunity to submit an NPF4 statement; and**
- (d) **consideration of the review be continued to a future meeting on a date to be confirmed.**

5. **REVIEW OF 23/00012/RREF**

There had been circulated copies of a request from Ian Swann c/o MAKAR Ltd, Clachandreggy, Torbreck, Inverness IV2 6DJ to review the decision to refuse the planning application for the erection of a dwellinghouse with detached garage on Land West of the Old Barn, Westwater, West Linton, The supporting papers included the Notice of Review (including the Decision Notice and Officer's Report); Papers referred to in the Officer's report and Consultation Replies.

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 Planning Officer and Applicant be given the opportunity to submit an NPF4 statement; and
- (d) consideration of the review be continued to a future meeting on a date to be confirmed.

6. **REVIEW OF 23/00014/RNONDT**

There had been circulated copies of a request from Gary Neale c/o Robert Slaney, 48 Bruntsfield Gardens, Edinburgh EH10 4DZ to review the decision to refuse the planning application for the alterations and dormer extension to dwellinghouse at 11 Tweed Avenue, Peebles. The supporting papers included the Notice of Review; Consultation Replies and Support Comments.

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 Planning Officer and Applicant be given the opportunity to submit an NPF4 statement; and
- (d) consideration of the review be continued to a future meeting on a date to be confirmed.

MEMBERS

Having not been present when the following review was first considered, Councillor Cox left the meeting. Having not been present at the site visit, Councillor Small left the meeting.

7. **CONTINUATION OF REVIEW 22/00039/RREF**

7.1 With reference to paragraph 8 of the Minute of 20 February 2023, the Local Review Body continued their consideration of a request from James Neil and Son per Sam Edwards, 37 One George Street, Edinburgh to review the decision to refuse the planning application for the erection of holiday let accommodation on Land North East of Runningburn Farm, Stichill. The supporting papers included the written submissions from the Planning Officer and Applicant in respect of NPF4; written submissions from the Planning Officer and Applicant in respect of new information; Notice of Review (including the Decision Notice and Officer's Report); Papers referred to in the Officer's report; Additional Information and Consultation Replies.

7.2 Members considered the principle of the development under Policy ED7 and whilst they noted that the Appointed Officer considered the submitted Business Plan did not provide sufficient economic benefit to outweigh the environmental impacts of the development, Members accepted the Business Plan on the basis of farm diversification and the contribution such accommodation would make to the existing wedding venue business at the farm. Members considered the criteria set down in Policy ED7 and PMD2 on siting, landscape and relationship with adjoining uses and, having carried out an accompanied site inspection, saw the benefits of the location in a secluded position, in place of an

existing building, distant from other properties and hidden from the nearest public road. In terms of the access, Members noted that the Roads Officer was content with the alternative access route, which had less potential conflict with the farm steading and subject to conditions, including a condition securing the details and completion of the alternative access route, the Review Body concluded that the development was in accordance with the accessibility requirements of Policies PMD2 and ED7.

DECISION

AGREED that:-

- (a) the request for review had been competently made in terms of Section 43A of the Town and Country Planning (Scotland) Act 1997;**
- (b) the review could be considered without the need for further procedure;**
- (c) NPF4 Policies did not alter their conclusion.**
- (d) the officer's decision to refuse the application be overturned and the application approved, for the reasons detailed in Appendix I to this Minute.**

MEMBERS

Councillors Cox and Small re-joined the meeting prior to consideration of the following application.

8. CONTINUATION OF REVIEW 22/00040/RREF

- 8.1 With reference to paragraph 9 of the Minute of 20 February 2023, the Local Review Body continued their consideration of a request from Mr and Mrs O McLaren c/o Richard Amos, 2 Golden Square, Duns to review the decision to refuse the planning application for the erection of 2 No. dwellinghouses on Land at Silo Bins, Edington Mill, Chirnside. The supporting papers included the written submissions from the Planning Officer and Applicant in respect of NPF4; written submissions from the Planning Officer and Applicant in respect of new information; Notice of Review (including the Decision Notice and Officer's Report); Papers referred to in the Officer's report; Additional Information and Consultation Replies; Support Comments and Objection comments.
- 8.2 Members considered the application in relation to Policy HD2 of the Local Development Plan, Policy 17 of NPF4 and the Housing in the Countryside SPG and noted the comments of all parties, the submitted drawings and visual presentation and that both the applicant and Case Officer agreed upon the existence of a building group within the river valley to the south and it was the relationship of the site with this group that was in dispute. Members accepted that even allowing for the extant consents, there was capacity to add to the group under Clause A) of Policy HD2, however, they did not agree that the application site was part of that group as it was not within the river valley enclosing the group. Members were of the opinion that as the four consented houses were not in existence at this stage, they could not be taken into consideration. In terms of the conflict between the proposed houses and the agricultural building to the north of the site it was noted that the building was used for storage of poultry manure and taking into account all submissions and noting the concerns from the objector, Case Officer and Environmental Health over residential amenity issues caused by odour and flies, the Review Body did not consider that the site was appropriate for housing on the basis of likely incompatibility of uses and close proximity between houses and the agricultural building.

DECISION

AGREED that:-

- (a) the request for review had been competently made in terms of Section 43A of the Town and Country Planning (Scotland) Act 1997;**

- (b) **the review could be considered without the need for further procedure;**
- (c) **the proposal would be contrary to Policies HD2 (Housing in the Countryside), PMD2 (Quality Standards) and HD3 (Protection of Residential Amenity) of the Local Development Plan 2016, Policy 17 of NPF4 and the New Housing in the Borders Countryside Supplementary Planning Guidance 2008 as the erection of dwellinghouses at this location would be poorly related to an established building group and would be incompatible with neighbouring farm uses, with a reasonable likelihood of unacceptable residential amenity impacts arising for the future occupants of the proposed dwelling units. Other material considerations do not justify a departure from the development plan in this regard.**
- (d) **that the Officer's decision to refuse the application be upheld and varied and the application be refused, for the reasons detailed in Appendix II to this Minute.**

9. CONTINUATION OF REVIEW 22/00044/RREF

- 9.1 With reference to paragraph 3 of the Minute of 20 February 2023, the Local Review Body continued their consideration of a request from the Firm of Corstane, c/o Ferguson Planning, 54 Island Street, Galashiels to refuse the planning application for the siting of shepherds hut and siting of cabin (retrospective) to form holiday let accommodation on Land South West of Corstane Farmhouse, Broughton. The supporting papers included the Officer submission and Applicant response to NPF4 statements; Officer submission and Applicant response to new information; the Notice of Review (including the Decision Notice and Officer's Report); Papers referred to in the Officer's report; consultation replies and support comments.
- 9.2 Members considered the principle of the development under Policy ED7 and noted the Policy supported tourism accommodation in the countryside provided there was a business case. They then considered the criteria set down in Policy ED7 and PND2 on siting, landscape and relationship with adjoining uses and noted the concerns of the Appointed Officer, particularly with regard to segregation from the existing farm. Members considered the site avoided conflict with the operational farm and accepted the findings of the sequential information that it was the most appropriate location for a tourism development. In terms of impact on the landscape setting, Members were satisfied that the site was well concealed by existing roadside hedging and any landscape and visual impacts as a result of the siting of the development would not be harmful, subject to conditions to agree material finishes, including appropriate colours.

DECISION

AGREED that:-

- (a) **the request for review had been competently made in terms of Section 43A of the Town and Country Planning (Scotland) Act 1997;**
- (b) **the review could be considered without the need for further procedure;**
- (c) **the officer's decision to refuse the application be overturned and the application be approved, subject to conditions, for the reasons detailed in Appendix III to this Minute.**

10. CONTINUATION OF REVIEW 22/00039/RREF

With reference to paragraph 5 of the Minute of 20 February 2023, the Local Review Body continued their consideration of a request from Mr and Mrs Craig Fletcher, c/o Ferguson Planning, 54 Island Street, Galashiels to review the decision to refuse the planning application for alterations and extension to dwellinghouse at 17 George Street, Eyemouth. The supporting papers included the written submissions from the Planning

Officer and Applicant response in respect of NPF4; written submissions from the Planning Officer and Applicant in respect of new information; Notice of Review (including the Decision Notice and Officer's Report); Papers referred to in the Officer's report; Additional Information and Consultation Replies and list of policies.

- 10.1 Members noted the requirements of the LDP Policy PMD2 and Policy EP9 in terms of scale, massing and height of any house extensions and alterations and the preservation and enhancement of the special character architectural or historic character and appearance of a conservation Area. Members noted that the proposal was located within a densely developed part of the Conservation Area and although the development would result in the loss of a parking space, were satisfied that the amended scale of the proposed extension did not represent overdevelopment of the existing building or surrounding area. The design of the extension and alterations were modern but would complement the character and appearance of the existing building and Conservation Area. Members considered it important to ensure that the development was completed with suitable material finishes which included the finishes of all windows and doors, and were satisfied that this matter could be addressed by an appropriately worded planning condition. In terms of the impact of the development on residential amenity, Members were satisfied that any impacts were not significantly adverse.

DECISION

AGREED that:-

- (a) **the request for review had been competently made in terms of Section 43A of the Town and Country Planning (Scotland) Act 1997;**
- (b) **the review could be considered without the need for further procedure;**
- (c) **the development was consistent with Policies PMD2, EP9 and HD3 of the of the Local Development Plan and Policies 7, 14 and 16 of National Planning Framework 4.**
- (d) **the officer's decision to refuse the application be overturned and the application be approved, subject to conditions, for the reasons detailed in Appendix IV to this Minute.**

MEMBERS

Having not been present when the following two reviews were first considered, Councillor Small left the meeting. Councillor Scott also left the meeting.

11. CONTINUATION OF REVIEW 22/00039/RREF

- 11.1 With reference to paragraph 6 of the Minute of 20 February 2023, the Local Review Body continued their consideration of a request from Mr W Hannah, c/o Ferguson Planning, 54 Island Street, Galashiels to review the decision to refuse the planning application for the alterations and extension to dwellinghouse at Dove Cottage, The Gatehouse Lodge, Press Castle, Coldingham. The supporting papers included the written submissions from the Planning Officer and Applicant in respect of NPF4; written submissions from the Planning Officer and Applicant in respect of new information; Notice of Review (including the Decision Notice and Officer's Report); Papers referred to in the Officer's report; Additional Information and Consultation Replies, support comments and list of policies.
- 11.2 Members noted that there was an associated refusal of listed building consent for extensions and alterations to the property and that this was a matter for the DPEA should an appeal against that refusal be submitted. The proposal at Review was in relation to refusal of planning permission for the same works and Members noted that the proposal required to be assessed against the relevant Development Plan Policies relating to the refusal of planning permission. There had been submitted two versions of the proposals during the processing of the planning application, Drawing no. 22/B943/PL03 which had

been superseded by 22/B943/PL03 Revision A, the latter being the drawing that was refused planning permission by the Appointed Officer. The applicant had submitted the Review only on the basis of the original drawing i.e. Drawing no. 22/B943/PL03. The Review Body noted both drawings and differences between them and that they were entitled to consider both in their determination of the Review. Members noted the requirements of the LDP Policy PMD2 in terms of scale, massing and height of any house extensions and alterations and to recognise context and finish in materials which complemented the existing building and area. It was noted that Dove Cottage was a Category C statutorily listed building and that LDP Policy EP7 and NPF4 Policy 7 seek to protect the character and integrity of the listed building, together with high quality materials and design.

Members considered both versions of the drawing and all submissions on the proposals and did not consider that the overall design of the extensions integrated successfully with the listed building, Members expressed particular concern in that the flat roofs and means by which the extensions were attached to the house would jar with the appearance of the house and impact on its character and integrity. The proposals may have complied more with Policy if the approach had been a traditional design with pitched roofing or possible detachment from the dwellinghouse.

DECISION

AGREED that:-

- (a) the request for review had been competently made in terms of Section 43A of the Town and Country Planning (Scotland) Act 1997;**
- (b) the review could be considered without the need for further procedure;**
- (c) the proposed development was contrary to Local Development Plan 2016 policy EP7 (Listed Buildings) and Policy 7 of NPF4 as it would not respect the original structure due to its excessive scale and poorly related design. The proposed development would not maintain the special architectural or historic quality of the building and would have a significant adverse impact on its special character and appearance.**
- (d) the Officer's decision to refuse the application be upheld and varied and the application be refused, for the reasons detailed in Appendix V to this Minute.**

MEMBERS

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

12. CONTINUATION OF REVIEW 22/00047/RREF

- 12.1** With reference to paragraph 4 of the Minute of 20 February 2023, the Local Review Body continued their consideration of a request from Marchmont Estates c/o Smith & Garratt, The Guildhall, Ladykirk, Berwick-Upon-Tweed to review the decision to refuse the planning application for the Erection of Class 4 joinery workshop with associated access and parking on Land North and East of Clay Dub Duns Road, Greenlaw. The supporting papers included the written submissions from the Planning Officer and Applicant in respect of NPF4 and New Information; Notice of Review (including the Decision Notice and Officer's Report); Papers referred to in the Officer's report; additional information; further representations; consultation replies; support comments; objections; and Applicant response; additional information; consultation replies and objections.
- 12.2** Members considered the principle of the development under Policies PMD4 and ED7, noting that the site lay outwith the defined settlement boundary for Greenlaw and that the development was consequently for business development in the countryside. The Review Body noted that there was community support for the site, including from the Community

Council, and that the allocated site on the Edinburgh Road in the village had not been taken up. Members further noted that the intended occupant of the building was a local joinery firm presently operating in Eccles and offered significant local economic benefits to the area if taken up by the firm, being a more sustainable location for employees. Having also conducted an unaccompanied site inspection, the Review Body concluded that the proposal justified an exception to Policy PMD4 and was both an extension to the settlement boundary which would create positive community benefits through local job opportunities and allowing existing firms to expand, whilst also representing a logical extension to the boundary adjoining an existing industrial estate. For similar reasons, they also accepted the proposal under Policy ED7, there being no obvious demand to take up the existing allocated site to the west of the village and the proposal representing an employment generating use on an appropriate site. Members also considered the loss of prime agricultural land and compliance with Policy ED10, but were of the opinion that the loss was outweighed by the need for the site to allow the expansion of a local business with associated economic benefits. Finally consideration was given to the siting, design and the likely impact on the surrounding area, but Members were content that appropriate conditions on the development details, landscaping and operation of the use would ensure compliance with the Development Plan.

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 officer's decision to refuse the application be overturned and the application approved for the reasons detailed in Appendix VI to this Minute and subject to conditions.**

MEMBERS

Councillors Cox and Small re-joined the meeting prior to consideration of the following applications.

13. CONTINUATION OF REVIEW 23/00001/RREF

With reference to paragraph 5 of the Minute of 20 February 2023, the Local Review Body continued their consideration of a request from Mr Richard Spray per John Handley Associates Ltd, 65A Leamington Terrace, Edinburgh EH10 4JT to review the decision to refuse the planning application for the Erection of timber storage and processing facility with new access junction, yard area, landscaping, tree planting, SUDs and associated works and planning permission in principle for associated dwellinghouse with office for the timber processing facility on Land South West of West Loch Farmhouse, Peebles. The supporting papers included the written submissions from the Planning Officer and Applicant in respect of NPF4; Notice of Review (including the Decision Notice and Officer's Report); Papers referred to in the Officer's report; further representations and Applicant response; additional information; consultation replies; objections and list of Policies. The Planning Adviser drew attention to information, in the form of a Legal Opinion from Mr Neil Collar; Tree Protection Plan; Ecology Appraisal Plan; Noise Impact Assessment and Photographs – PB02/PB03 and PB06 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 new information could not be considered without affording the Planning Officer, Ecology Officer and SBC Solicitor an opportunity of making representations. As the application required to be continued, Members requested

that an accompanied site visit to the existing and proposed sites be arranged prior to a decision.

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 Legal Opinion from Mr Neil Collar; Tree Protection Plan; Ecology Appraisal Plan; Noise Impact Assessment and Photographs – PB02/PB03 and PB06 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 be not considered without the need for further procedure in the form of written submissions and an accompanied site visit;
- (d) the Planning Officer, Ecology Officer and SBC Solicitor be given the opportunity to comment on the new evidence submitted with the Notice of Review ;
- (e) consideration of the review be continued to a future meeting on a date to be confirmed.

DECLARATION OF INTEREST

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

14. CONTINUATION OF REVIEW 23/00002/RREF

With reference to paragraph 6 of the Minute of 20 February 2023, the Local Review Body continued their consideration of a request from Mr Robert Gaston, Ravelaw Farm, Whitsome, Duns to review the decision to refuse the planning application for the Erection of agricultural building (retrospective). The supporting papers included the written submissions from the Planning Officer and Applicant in respect of NPF4; Notice of Review (including the Decision Notice and Officer's Report); Papers referred to in the Officer's report; additional information; consultation replies, general comments; objections and list of Policies. The Planning Adviser drew attention to information, in the form of a Solicitors Letter dated 20 December 2022; New Support letter from Garth Pig Practice Ltd; Signed Letter from Neighbours and set of amended site plans 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 new information could not be considered without affording the Planning Officer an opportunity of making representations. As the application required to be continued, Members requested that an accompanied site visit be arranged prior to a decision.

DECISION

AGREED that:-

- (a) the request for review had been competently made in terms of Section 43A of the Town and Country Planning (Scotland) Act 1997;
- (b) the new evidence submitted with the Notice of Review in the form of a Solicitors Letter dated 20 December 2022; New Support letter from Garth Pig Practice Ltd; Signed Letter from Neighbours and set of amended site plans

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 be not considered without the need for further procedure in the form of written submissions and an accompanied site visit;**
- (d) the Planning Officer be given the opportunity to comment on the new evidence submitted with the Notice of Review ;**
- (e) consideration of the review be continued to a future meeting on a date to be confirmed.**

The meeting concluded at 2.30 p.m.

SCOTTISH BORDERS COUNCIL TEVIOT AND LIDDESDALE AREA PARTNERSHIP

MINUTES of Meeting of the TEVIOT AND
LIDDESDALE AREA PARTNERSHIP held in
on Tuesday, 18 April 2023 at 6.00 pm

- Present:- Councillors C. Ramage (Chair), J. Cox, N. Richards, W. McAteer and A. Smart
- Apologies:- Councillor S. Marshall
- In Attendance:- Community Coordinator (G. Jardine), Community Engagement Officer (S. Culverwell), Sgt A. Grainger (Police Scotland), Ms C. Hayden (National Team for Development and Inclusion) Mr M. Dickson (Campaign for a Scottish Borders National Park), Democratic Services Officer (W. Mohieddeen).

1. **WELCOME**

The Chair welcomed attendees to the meeting of the Teviot and Liddesdale Area Partnership which was held via Microsoft Teams.

2. **FEEDBACK FROM MEETING OF 21 FEBRUARY 2023**

There had been circulated copies of the Minute of the Meeting held on 21 February 2023. The Chair advised attendees that following feedback from Newcastleton and District Community Council, on administration support from Scottish Borders Council, community councils would be engaged on their ongoing needs and challenges, and information would be available in due course. The request for the April Meeting of the Area Partnership to be held on Teams had been actioned and the request for representatives of the Scottish Borders National Park campaign to attend the April meeting had been actioned.

DECISION

AGREED to approve the Minute for signature by the Chair.

3. **POLICE SCOTLAND UPDATE**

The Chair welcomed Community Sergeant Alison Grainger to the meeting to provide an update on policing matters in Teviot and Liddesdale. Sergeant Grainger introduced herself and explained that she covered the Hawick and Denholm and Hawick and Hermitage wards. Sgt Grainger advised attendees of resources in the area and explained that there were two community PCs that covered Hawick and Denholm and two that covered Hawick and Hermitage which filled the quota for community PCs for the Hawick area. A community link officer was being interviewed the day after the Meeting of the Area Partnership. Sgt Grainger advised that there was an additional PC that covered the Burnfoot area and that alongside Teviot and Liddesdale, Sgt Grainger covered Cheviot and Berwickshire areas. The Community Action (CAT) team was funded and tasked by Scottish Borders Council and comprised two sergeants and 12 PCs. Sgt Grainger advised that Police Scotland could attend community council meetings on request. Attendees were encouraged to email Sgt Grainger and to ensure they were receiving multi-ward reports from Police Scotland. Concerns related to speeding and parking were raised with Police Scotland. In 2022, between May to August, there were 180 events in the Scottish Borders with 136 which required a police presence which ranged from two to fifteen officers. Community officers were normally used which placed a high demand on community policing. Response officers were sometimes used however use of community officers with local knowledge was preferable. Sgt Grainger was thanked by the Chair.

DECISION

NOTED the update.

4. DRAFT HEALTH AND SOCIAL CARE STRATEGIC FRAMEWORK DISCUSSION

- 4.1 The Chair welcomed Carol Hayden of the National Development Team for Inclusion (NDTI) to present an update on the development of a Health and Social Care Strategic Framework for Scottish Borders. Ms Hayden was in attendance to gather feedback and comments on the draft framework which set out how health and social care services would be delivered over the next three years. The aims of the NDTI's engagement activity were summarised which were to update attendees on work in the development of the strategic framework, to present an outline of the framework and seek further comments and to seek further involvement in the planning, design and monitoring of the framework. The framework had been informed by the NDTI engaging and listening to communities to understand their expressed needs which the NDTI summarised in their We Have Listened report; understanding the public health needs of the population which was presented in the NDTI Needs of our Communities report; reviewing performance against national health and wellbeing outcomes; and considering current and future challenges. Attendees were encouraged to read the reports produced by the NDTI. The key challenges found by the NDTI were summarised with particular emphasis on the impact of the Covid-19 pandemic. Drop-in consultation events highlighted workforce pressures and the importance of attracting and retaining healthcare professionals. Ms Hayden presented the high level mission, vision and aims of the framework. These were:
- Mission: "to help the people of the Scottish Borders to live their lives to the full, by delivering seamless services that place their needs at the heart of everything that we do";
 - Vision: "That all people in the Scottish Borders will be able to live their lives to the full"
 - Aims: "To improve and continue to support the health and wellbeing of the citizens of Scottish Borders".

- 4.2 Ms Hayden presented highlights of what the draft framework sought to achieve including that 85% of adults that were supported at home agree they were supported to live independently which was at 73.1%. Ms Hayden presented the strategic issues of the framework and the objectives, which detailed what the Health and Social Care Partnership would prioritise to deliver its vision. Ms Hayden explained to attendees that the NDTI were seeking views on the framework, and if anything was missing; how communities could be involved in developing the framework and actions; and on monitoring the implementation and impact of the framework at community, local and Borders-wide levels.

DECISION

NOTED the update.

5. CAMPAIGN FOR A SCOTTISH BORDERS NATIONAL PARK

- 5.1 There had been circulated copies of a slide deck from the Campaign for a Scottish Borders National Park. The Chair welcomed Malcolm Dickson to the meeting to present on the Campaign for a Scottish Borders National Park. The campaign had been running for approximately 7 years, instigated by a supporters that felt that having a national park could regenerate the economy of the Scottish Borders. In 2000, the National Parks (Scotland) Act was passed by the Scottish Parliament and two national parks had been created since; the Cairngorms National Park, and the Loch Lomond and the Trossachs National Park. The campaign believed that the natural beauty and cultural heritage of the Borders lent itself to having a national park designated to the area. The campaign identified that the Scottish Borders was within 90 minutes' drive for approximately 5.5 million people in Scotland and the North of England. Further reasons given for support of the campaign included that the Borders had a struggling economy and an aging population and that national parks encouraged young professional and working families to live or visit. The campaign identified falling reducing tourism trends. Mr Dickson advised that as national parks crossed multiple local authority areas, this may arise concerns over

planning. However, a Borders national park would be contained within the Scottish Borders Council boundary and would allow for straightforward planning considerations. The campaign had sought to address concerns around pressure on services, responsible tourists and house prices. Mr Dickson further advised that farmers within national park boundaries received more subsidies per acre than those outside a national park. Mr Dickson explained that it was an important step for the campaign to receive political endorsement from Scottish Borders Council and advised that the Campaign for a Scottish Borders National Park may be seen to have a weaker case without support of the Council. Mr Dickson advised that the process of developing a report for advancing the endorsement of a Borders national park may be too slow and consideration should be given to speeding the process up.

- 5.2 Attendees discussed the presentation and Mr Dickson answered questions on the campaign. Mr Dickson advised that windfarms that already existed before national park designation wouldn't impact the application however future windfarm applications may be affected within a national park area. It was expected that the procedure of designation of a new national park would continue in light of the change of First Minister. Governance of national park authorities were outlined in the 2000 National Parks (Scotland) Act. More than half of the park authority would be local people with other members drawn from Scottish Government experts. Scottish Borders Council elected members would be amongst the local members of the governing body. Most national park funding was drawn from an annual funding grant from the Scottish Government, and other funding would be received from park fundraising such as endowments. Mr Dickson advised that he could circulate further information about elections to the park authority through SBC officers. It was raised that there should be assurances that a national park authority's elections and business should be as transparent as possible.

DECISION

NOTED the update.

6. TEVIOT AND LIDDESDALE FUNDING TABLE 2022-23

There had been circulated copies of the Teviot and Liddesdale Funding Table 2022-23 which showed available funding in the Teviot and Liddesdale area. The Communities Co-ordinator presented the funding table and advised that the Neighbourhood Support Fund started with £79,039.56 and 22 applications had received total grant funding of £65,397.27. If the applications presented to the meeting were awarded then this would leave £14,924.90 to carry forward and be split between the Pot A and Pot B funds.

DECISION

NOTED the update.

7. NEIGHBOURHOOD SUPPORT FUND - POT A FUND RECOMMENDATIONS

- 7.1 There had been circulated copies of Pot A Fund recommendations from Upper Liddesdale and Hermitage Community Council and Denholm and District Community Council.

7.2 Denholm and District Community Council

An application had been received from Denholm and District Community Council for £1,130 to fund the printing and distribution of 2000 maps of the Denholm area showing local features and history for local residents and visitors. This would fund the second run of maps after the first batch had been exhausted. Subsequent to the meeting, the cost of printing had been reviewed and the cost of the project was confirmed as £1,012.40. The panel recommended that the Teviot and Liddesdale Area Partnership approve funding the application for the full amount of the reviewed project cost.

7.3 Upper Liddesdale and Hermitage Community Council

An application had been received from Hermitage Hall for £3,783.23 to fund a Landscape Design Plan. The Panel recommended Teviot and Liddesdale Area Partnership approve the requested grant amount.

DECISION

AGREED:

(a) **To grant Denholm and District Community Council an award of £1,012.40; and,**

(b) **To grant Hermitage Hall an award of £3,783.23.**

8. NEIGHBOURHOOD SUPPORT FUND - POT B FUND RECOMMENDATIONS

8.1 There had been circulated copies of a report from the Teviot and Liddesdale Neighbourhood Support Fund Pot B assessment panel which detailed recommendations for two applications for funding.

8.2 Live Music Hawick

An application had been received Live Music Hawick for £1,653 to fund the pilot of an annual community music festival

8.3 Hermitage Hall

An application had been received from Hermitage Hall for £1,200 to fund the obtaining of a landscape plan for land donated by Buccleuch Estates. The panel advised that a discussion took place while considering the application which covered the bank balance of the applicant and the progression of associated projects of the applicant. The panel approved the recommendation to fund the applicant by a majority vote.

DECISION

AGREED:

(a) **To grant Live Music Hawick £1,653; and,**

(b) **To grant Hermitage Hall £1,200.**

9. NEIGHBOURHOOD SUPPORT FUND 2023-24 ARRANGEMENTS

There had been circulated copies of a report by Communities Coordinator that proposed arrangements for the 2023-24 Neighbourhood Support Fund. There was a total of £49,376.39 for the Teviot and Liddesdale Neighbourhood Support Fund (NSF) which would be split 50-50 between a Pot A and a Pot B fund. The Pot A fund would be split into 10 shares with each rural community council receiving one share totalling £2,123, and Hawick and Burnfoot community councils would receive two shares each totalling £4,246.50. Any community councils with surplus Pot A fund money would carry forward the surplus into their 2023-24 Pot A fund. The underspend Pot B money was proposed to be carried forward to the 2023-24 Pot B fund. No community council had placed an application limit on their Pot A fund. Newcastleton and District Community Council had placed a limit of one application per organisation for their 2023-24 Pot A fund. Upper Teviotdale and Borthwick Water Community Council had previously handed over their Pot A funds to Hawick Community Council and were due to decide whether to have their own Pot A fund for 2023-24 which would open on 16 May 2023, the day after the meeting when the decision was due to be made. It was proposed that if the recommendations were accepted by the Area Partnership, all other Pot A funds would open the day following the Area Partnership meeting. The £5,000 application limit for Pot B was proposed to be retained with no minimum application amount. Due to the closeness of the next Area Partnership meeting, it was proposed to open the next Pot B funding round for the September meeting of the Teviot and Liddesdale Area Partnership.

DECISION

(a) **AGREED:**

- (i) To approve the £49,376.39 funding split of Pot A and Pot B;
- (ii) To approve the carry forward of surplus 2022-23 Pot A funds to the relevant community council's 2023-24 Pot A fund;
- (iii) To approve the removal of the minimum application level for the Pot B fund;
- (iv) To open the Pot B fund for the September meeting of the Area Partnership;
- (v) To open a Pot A fund for Upper Teviotdale and Borthwick Water Community Council on 16 May 2023 should the community council decide to operate a Pot A fund for 2023-24;
- (vi) That salary costs would no longer be an eligible cost however sub-contractor and professional costs would be eligible when required for the successful completion of a project; and,

(b) NOTED the report.

10. **PLACE MAKING**

10.1 The Chair invited attendees to share with the Area Partnership progress of Place Making within their communities.

10.2 Mr Kerr advised that Southdean Community Council were anticipating the results of neighbouring rural communities to complete their community surveys so that Place Plans covering data zones may be developed. Mr Kolbe advised that Upper Liddesdale and Hermitage Community Council was proceeding with its survey with was to be concluded by the end of April 2023. The chair advised that a Moving Hawick Forward Have Your Say event was to take place in Hawick Town Hall on 23 April 2023.

DECISION

NOTED the update.

11. **COMMUNITY COUNCIL UPDATES**

The Chair invited community council representatives to share activities of good practice and activities in their communities, and also to introduce a discussion following an energy transitions meeting with Scottish Power. Mr Kerr raised concerns regarding traffic plans related to the Pines Burn windfarm development and subsequent disruption to communities and businesses. A meeting was due to be arranged to discuss with relevant parties the impact of traffic arrangements and how to better communicate to communities the plans for movements of abnormal loads. The Chair agreed that a meeting with developers related to the impact wind farm traffic would have on communities should take place.

DECISION

NOTED the update.

12. **DATE OF THE NEXT MEETING OF THE TEVIOT AND LIDDESDALE AREA PARTNERSHIP**

The next Area Partnership meeting was due to be rearranged due to a clash with Hawick Common Riding.

DECISION

NOTED the update.

13. **ANY OTHER BUSINESS**

Mr Kerr advised that Nature Scotland announced that investment to create 185,000 hectares of native woodland was being made. There may be an opportunity for a presentation to the Area Partnership from Natural Scotland to show how investment could be made into communities and natural capital opportunities. Mr Kerr would liaise with the Communities Coordinator on this issue.

DECISION

NOTED the update

The meeting concluded at 7.30 pm.

SCOTTISH BORDERS COUNCIL PEEBLES COMMON GOOD FUND SUB-COMMITTEE

MINUTES of Meeting of the PEEBLES
COMMON GOOD FUND SUB-COMMITTEE
held via Microsoft Teams on Wednesday,
19th April, 2023 at 1.30 pm

Present:- Councillors R. Tatler (Chair), D. Begg, M. Douglas, E. Small.
Apologies: Councillors J. Pirone and V. Thomson, Acting Chief Financial Officer, Acting
Chief Officer Corporate Governance
In Attendance:- Principal Solicitor G. Sellar, Democratic Services Officer (L. Cuerden)

1. ORDER OF BUSINESS

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

2. MINUTE

There had been circulated copies of the Minute of the Meeting held on 22 March 2023.

DECISION

AGREED the minute.

3. APPLICATIONS FOR FUNDING

- 3.1 There had been circulated copies of two funding applications from Peebles Youth Voice and Peebles Bowling Club. Peebles Youth Voice had requested £3,000 to help stage a series of teen events at the Eastgate Theatre. A project plan had been provided which detailed administrative arrangements and a financial plan. A draft plan of six events had been drawn up in collaboration with Eastgate Theatre which aimed to provide a safe place for the local youth to meet with friends and listen to music or watch films of their choice. The grant requested was to enable the launch of the initiative at a discounted price for the first year of operation.

DECISION

AGREED to approve the funding application from Peebles Youth Voice for £3,000 to fund a series of six youth events at Eastgate Theatre

- 3.2 There followed a brief discussion on the application from Peebles Bowling Club for a grant of £10,000. The Club were to embark on a major refurbishment programme, total expenditure £367,064, and had already applied to a number of other funding sources. In line with advice from the Acting Chief Financial Officer, it was agreed in principle to approve the application, pending the outcome of the external funding bids. The Club were to return to the Sub-Committee once other funding was in place to confirm the contribution from the Common Good Fund. Gillian Sellar informed members that under the Community Empowerment Act there was a statutory requirement for an 8 week community consultation exercise regarding the proposed change of use, due to it being sited on Common Good land.

DECISION

AGREED IN PRINCIPLE TO APPROVE the funding application from Peebles Bowling Club for £10,000, on condition of the outcome of the external funding bids.

4. ANY OTHER BUSINESS

- 4.1 With reference to paragraph 2 of the Minute of 22 March 2023, the Chair advised members that the process of designing and producing the pop up panels for the Peebles Common Good Fund Exhibition was underway. The proposed designs were to be circulated to members for approval via email given the timescales involved.
- 4.2 The Chair informed members of the offer of a small number of additional fruit trees to be planted in Haylodge Park. There had been a number of fruit trees already donated and planted near the playpark and Rae Burn with a view to creating a community orchard. There was general agreement to the planting. There followed a brief discussion on how to proceed with all future tree planting opportunities with a proposal that the responsibility be delegated to officers within the Parks Service. It was suggested that due consideration was given to the site and extent of each planted area and its biodiversity. To that end it was proposed that members apportion areas of Haylodge Park for specific types of planting under the guidance of the appropriate officer. It was agreed that the matter be added to the agenda for the next meeting of Peebles Common Good Fund Sub-Committee on 24 May 2023, with input from relevant officers where possible.

DECISION

AGREED:

- (a) to designs for the pop up panels to be circulated for approval via email;
 - (b) to the additional planting of fruit trees at the site near the playpark and Rae Burn, Haylodge Park; and
 - (c) to add an item to the agenda of 24 May 2023 to discuss areas for planting in Haylodge Park with input from relevant officers where possible.
5. **PRIVATE BUSINESS**
DECISION
AGREED under Section 50A(4) of the Local Government (Scotland) Act 1973 to exclude the public from the meeting during consideration of the business detailed in the Appendix to this Minute on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 6 of Part I of Schedule 7A to the Act.
6. **MINUTE**
Members considered the Private Section of the Minute of the Meeting held on 22 March 2023.

7. **PEEBLES RUGBY CLUB**

Members considered a presentation by Peebles Rugby Club.

The meeting concluded at 2:25 pm

Public Document Pack

SCOTTISH BORDERS COUNCIL PLANNING AND BUILDING STANDARDS COMMITTEE

MINUTES of Meeting of the PLANNING AND BUILDING STANDARDS COMMITTEE held in Council Chamber, Council Headquarters, Newtown St Boswells and via Microsoft Teams on Monday, 24th April, 2023 at 10.00 am

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

In Attendance:- Lead Planning Officer (B. Fotheringham), Lead Roads Planning Officer (D. Inglis), Solicitor (S. Thompson), Democratic Services Team Leader, and Democratic Services Officer (W. Mohieddeen).

1. **MINUTE**

There had been circulated copies of the Minute of the Meeting held on 27 March 2023.

DECISION

AGREED to approve the Minute for signature by the Chair.

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.

3. **REVOCAION OF PLANNING PERMISSION**

There had been circulated copies of a report by Chief Planning and Housing Officer that sought Members' approval of a revocation Order under Section 65 of the Town and Country Planning (Scotland) Act 1997, to revoke planning permission 11/01527/FUL for the erection of a dwelling with carport and stables/workshop/store on land North West of Greenlawdean Farmhouse, Greenlaw. Under Section 65 of the Town and Country Planning (Scotland) Act 1997, the planning authority had the power to revoke or modify any permission to develop land granted on an application. In exercise of this function, the planning authority must have had regard to the development plan and any other material considerations. Revocation of planning permission under Section 65 of the Act may be exercised where the permission related to the carrying out of a building or other operations, at any time before those operations have been completed. The Lead Planning Officer presented the report with associated slides and advised Members that executors of the late applicant Mr Peter Leggate had been instructed to apply for revocation of the planning permission following the death of Mr Leggate in the summer of 2022. The Leggate family as successors to the estate of Mr Peter Leggate decided that the planning permission was no longer needed nor did they desire to proceed with the approved dwelling. The Leggate family had agreed to remove the existing section of foundation and restore the land to its former condition. There was a Section 75 agreement associated with the planning permission which the agent was aware of and a separate application would be made to remove it. The extant planning permission was assessed against policies that had since been superseded by NPF4. The Lead Planning Officer advised that there had not been a significant shift in policy since the planning permission was approved, however there had been a significant change in personal

circumstances and the need for the new dwelling no longer exists. The Committee agreed with the recommendations of the report.

DECISION

AGREED that the Committee exercise the power conferred by Section 65 of the Town and Country Planning (Scotland) Act 1997 and make an Order revoking the planning permission granted under reference 11/01527/FUL.

4. 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 in respect of Installation of insulated plasterboard system to walls, 68 High Street, Coldstream;**
- (b) There remained 2 appeals previously reported on which decisions were still awaited when this report was prepared on 13th April 2023. This related to sites at:**

<ul style="list-style-type: none">• 1 Hall Street, Galashiels	<ul style="list-style-type: none">• The Old Cow Shed, Lennel, Coldstream
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- (c) Review requests received in respect of:**
 - (i) Alterations and dormer extension to dwellinghouse, 11 Tweed Avenue, Peebles – 27/00788/FUL;**
 - (ii) Erection of 2no dwellinghouses, Land South of 1 Kelso Road, Coldstream – 22/01416/PPP;**
 - (iii) Erection of dwellinghouse with detached garage, Land West of The Old Barn Westwater, West Linton – 22/01739/FUL;**
 - (iv) Erection of dwellinghouse, Paddock West of Hardens Hall, Duns – 22/01740/PPP;**
 - (v) Installation of timber gates (retrospective), Church House, Raemartin Square, West Linton – 22/01935/FUL;**
 - (vi) Erection of dwellinghouse, Land North of Belses Cottage, Jedburgh-23/00034/PPP;**
 - (vii) Change of Use from Class 4 to Class 2 Veterinary Practice, 2 Rowan Court, Cavalry Park, Peebles – 23/00056/FUL;**
- (d) The following review had been determined as shown:**
 - (i) Erection of dwellinghouse, Land South West of Castleside Cottage, Selkirk – 21/01618/FUL – Decision of Appointed Officer Upheld;**
- (e) There remained 15 reviews previously reported on which decisions were awaited when the report was prepared on 13 April 2023 which related to sites at:**

<ul style="list-style-type: none"> • Land North East of Runningburn Farm, Stichill 	<ul style="list-style-type: none"> • Land at Silo Bins Edington Mill Chirnside, Edington Mill Road, Chirnside
<ul style="list-style-type: none"> • Land South West of Corstane Farmhouse, Broughton 	<ul style="list-style-type: none"> • Land North and East of Clay Dub, Duns Road, Greenlaw
<ul style="list-style-type: none"> • 17 George Street, Eyemouth 	<ul style="list-style-type: none"> • Dove Cottage Gate Lodge Press Castle, Coldingham, Eyemouth
<ul style="list-style-type: none"> • Ravelaw Farm, Duns 	<ul style="list-style-type: none"> • Land South West of West Loch Farmhouse, Peebles
<ul style="list-style-type: none"> • 100 Abbotseat, Kelso 	<ul style="list-style-type: none"> • Land West of Greenburn Cottage, Auchencrow
<ul style="list-style-type: none"> • Land South of Ebbastrand, Coldingham Sands, Coldingham 	<ul style="list-style-type: none"> • The Millers House Scotsmill Kailzie, Peebles
<ul style="list-style-type: none"> • Ratchill Farmhouse, Broughton 	<ul style="list-style-type: none"> • Land at Disused Railway Line Rachan, Broughton
<ul style="list-style-type: none"> • Scott House, Douglas Square, Newcastleton 	

- (f) There remained one Section 36 Public Local Inquiry previously reported on which a decision was still awaited when the report was prepared on 13 April 2023 which related to a site at Land West of Castleweary (Faw Side Community Wind Farm), Fawside, Hawick.

The meeting concluded at 11.35 am.

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APPENDIX I
APPLICATIONS FOR PLANNING PERMISSION

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
21/01134/S36	Wind farm development comprising of 12 turbines (149.9 metres in height), associated infrastructure and battery energy storage system.	Cloich Forest Wind Farm, Land West Of Whitelaw Burn, Eddleston

DECISION: Members agreed with the Officers' recommendation and do not object to the proposed development. Members also agreed to a minor modification of suggested Conditions 21 and 22 to replace the word 'mitigate/mitigation' with 'avoid/avoidance'. It was recommended that the following conditions are attached to any consent that may be granted:

1. Duration of Consent

The consent is for a period of 40 years from the date of Final Commissioning. Written confirmation of the date of First Commissioning shall be provided to the Planning Authority and Scottish Ministers no later than one calendar month after that date.

Reason: To define the duration of the consent

2. Commencement of Development

Commencement of Development shall be no later than five years from the date of this consent, or in substitution such other period as the Scottish Ministers may hereafter direct in writing. Written confirmation of the intended date of Commencement of Development shall be provided to the Scottish Ministers and the Planning Authorities no later than one calendar month before that date.

Reason: To avoid uncertainty and ensure that consent is implemented within a reasonable period, and to allow the Scottish Ministers and the Planning Authorities to monitor compliance with obligations attached to this consent and deemed planning permission as appropriate.

3. Non Assignment

The company shall not be permitted to assign this consent without the prior written authorisation of the Scottish Ministers. The Scottish Ministers may assign the consent (with or without conditions) or refuse assignment as they may, in their own discretion, see fit. The consent shall not be capable of being assigned, alienated or transferred otherwise than in accordance with the foregoing procedure. The company shall notify the local planning authority in writing of the name of the assignee, principal named contact and contact details within 14 days of written confirmation from the Scottish Ministers of an assignment having been granted.

Reason: to safeguard the obligations of the consent if it is assigned to another company

4. Serious Incident Reporting

In the event of any breach of health and safety or environmental obligations relating to the development during the period of this consent, the company will provide written notification of the nature and timing of the incident to the Scottish Ministers, including confirmation of remedial measures taken and/ or to be taken to rectify the breach, within 24 hours of such an incident occurring.

Reason: to keep the Scottish Ministers informed of any such incidents which may be in the public interest.

5. Implementation in accordance with approved plans and requirements

Except as otherwise required by the terms of this section 36 consent and deemed planning permission, the Development shall be undertaken in accordance with the Application (including the EIAR as amended or supplemented by the AEI).

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

6. Design and operation of turbines

a. There shall be no Commencement of Development unless full details of the proposed wind turbines (including, but not limited to, the power rating and sound power levels, the size, type, external finish and colour (which should be non-reflective pale grey semi-matt), any anemometry masts and all associated apparatus have been submitted to and approved in writing by the planning authority.

b. The turbines shall be consistent with the candidate turbine or range assessed in the environmental statement, and the tip height thereof shall not exceed 149.9 metres above ground level.

c. The development shall be constructed and operated in accordance with the approved details and maintained in the approved colour, free from external rust, staining or discolouration, until such time as the wind farm is decommissioned.

d. All wind turbine blades shall rotate in the same direction.

e. None of the wind turbines, anemometers, power performance masts, switching stations or transformer buildings/enclosures, ancillary buildings or above ground fixed plant shall display any name, logo, sign or other advertisement (other than health and safety signage) unless otherwise approved in advance in writing by the planning authority.

Reason: To ensure that the environmental impacts of the turbines forming part of the development conform to the impacts of the candidate turbine assessed in the environmental statement and in the interests of the visual amenity of the area

7. Design of sub-station and ancillary development

There shall be no Commencement of Development unless final details of the external appearance, dimensions, and surface materials of the substation building, associated compounds, any construction compound boundary fencing, external lighting and Battery Energy Storage System (BESS) facility and parking areas have been submitted to and approved in writing by the planning authority. The substation building, associated compounds, fencing, external lighting and BESS facility and parking areas shall be constructed in accordance with the approved details.

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

8. Micro-siting

(1) Subject to paragraph (2), all wind turbines, buildings, masts, areas of hard standing and tracks shall be constructed in the location shown on Figure 2.1 of the Supplementary Environmental Information submitted on 1 December 2022

(2) Wind turbines, buildings, masts, areas of hard-standing and tracks may be adjusted by micro-siting within the site, but micro-siting is subject to the following restrictions, unless otherwise approved in advance in writing by the Planning Authority (in consultation with SEPA and SNH)—

(a) no wind turbine foundation shall be positioned higher, when measured in metres Above Ordinance Datum (Newlyn), than the position shown on Figure 4.1;

(b) no building, mast, access track or hard-standing shall be moved more than 50 metres from the position shown on the original approved plans;

(c) no wind turbine shall be moved more than 50 metres from the position shown on the original approved plans and no turbines (T2, T3, T4 and T5) shall be moved closer than the location specified in figure 2.1 of the Supplementary Environmental Information submitted on 1 December 2022 to any of the dwellings at Upper Stewarton, the Stewarton group (Nether Stewarton Farmhouse, Stewarton House, Stewarton Toll, Stewarton Lodge) and the Harehope group (Harehope Cottage, Harehope Steading, Old Harehope, Harehope Farmhouse);

(d) all micro-siting permissible under this condition must be approved in advance in writing by the Ecological Clerk of Works.

(2) No later than one month after the date of First Commissioning, an updated site plan must be submitted to the Planning Authority showing the final position of all wind turbines, masts, areas of hard-standing, tracks and associated infrastructure forming part of the Development. The plan should also specify areas where micro-siting has taken place and, for each instance, be accompanied by copies of the Ecological Clerk of Works or Planning Authority's approval, as applicable.

Reason: to control environmental impacts while taking account of local ground conditions, and specifically to limit changes to positioning of turbines where they are closest to residential property and where their relocation would have the potential to change the level of impact on residential amenity and hydrology to that hereby consented.

9. Borrow Pits

There shall be no Commencement of Development unless a scheme for the working of each borrow pit forming part of the development has been submitted to and approved in writing by the planning authority in consultation with SEPA. The scheme shall include;

a. A detailed working method statement;

b. Details of the handling of any overburden (including peat, soil and rock);

c. Drainage, including measures to prevent surround areas of peatland from drying out;

d. A programme of implementation of the works described in the scheme; and e. Full details of the reinstatement, restoration and aftercare of the borrow pit(s) at the end of the construction period. The approved scheme shall thereafter be implemented in full.

Reason: to ensure that excavation of materials from the borrow pit(s) is carried out in a manner that minimises the impact on road safety, amenity and the environment, and that the mitigation measures contained in the environmental

statement accompanying the application, or as otherwise agreed, are fully implemented. To secure the restoration of borrow pit(s) at the end of the construction period.

10. Planning Monitoring Officer

There shall be no commencement of development unless the planning authority has first approved the terms of appointment by the company of an independent and suitably qualified environmental consultant to assist the council in the monitoring of compliance with conditions attached to this deemed planning permission during the period from commencement of development to the date of Final Commissioning and thereafter throughout the period of operation of the wind farm.

Reason: to enable the development to be suitably monitored during the construction phase to ensure compliance with the consent issued

11. Ecological Clerk of Works

There shall be no commencement of development unless the planning authority has approved in writing the terms of appointment by the company of an independent Ecological Clerk of Works (in consultation with NatureScot and SEPA). The terms of appointment shall:

- a. Impose a duty to monitor compliance with the ecological and hydrological commitments provided in the environmental statement and other information lodged in support of the application, the Construction and Environmental Management Plan and other plans approved in terms of the Construction Method Statement and Habitat Management and Enhancement Plan (conditions 12 and 15); and
- b. Require the Ecological Clerk of Works to report to the company's nominated construction project manager any incidences of non-compliance with the works for which the Ecological Clerk of Works is responsible for monitoring at the earliest practical opportunity.

The Ecological Clerk of Works shall be appointed on the approved terms from commencement of development, throughout any period of construction activity and during any period of post construction restoration works approved in terms of condition 12.

No later than 18 months prior to decommissioning of the development or the expiration of this consent (whichever is the earlier), the company shall submit details of the terms of appointment by the company of an independent Ecological Clerk of Works throughout the decommissioning, restoration and aftercare phases of the development to the planning authority for approval in consultation with Scottish Natural Heritage and SEPA. The Ecological Clerk of Works shall be appointed on the approved terms throughout the decommissioning, restoration and aftercare phases of the development.

Reason: to secure effective monitoring compliance with the environmental mitigation and management measures associated with the development.

12. Construction Method Statement

There shall be no commencement of development unless a Construction Method Statement outlining site specific details of all on-site construction works, post-construction reinstatement, drainage and mitigation, together with details of their

timetabling, has been submitted to and approved in writing by the planning authority in consultation with Scottish Natural Heritage and SEPA.

The Construction Method Statement shall include (but shall not be limited to):

- a. a Construction Environmental Management Plan outlining the procedures, mechanisms and responsibilities for implementing the environmental controls outlined in the Construction Method Statement and the separate management plans listed below;
- b. site waste management plan (dealing with all aspects of waste produced during the construction period other than peat), including details of contingency planning in the event of accidental release of materials which could cause harm to the environment;
- c. details of the formation of the construction compound, welfare facilities, any areas of hard-standing, turning areas, internal access tracks, car parking, material stockpiles, oil storage, lighting columns, and any construction compound boundary fencing;
- d. details of borrow pit excavation and restoration;
- e. a dust management plan;
- f. details of measures to be taken to prevent loose or deleterious material being deposited on the local road network including wheel cleaning and lorry sheeting facilities, and measures to clean the site entrances and the adjacent local road network;
- g. a pollution prevention and control method statement, including arrangements for the storage of oil and fuel on the site;
- h. soil storage and management;
- i. a peat management plan;
- j. a drainage management strategy, demonstrating how all surface and waste water arising during and after development will be managed and prevented from polluting any watercourses or sources
- k. sewage disposal and treatment;
- l. temporary site illumination;
- m. the construction of the access into the site and the creation and maintenance of associated visibility splays;
- n. the method of construction of the crane pads;
- o. the method of construction of the turbine foundations;
- p. the method of working cable trenches;
- q. the method of construction and erection of the wind turbines and meteorological masts;
- r. details of watercourse crossings;
- s. post-construction restoration/ reinstatement of the working areas not required during the operation of the development, including construction access tracks, borrow pits, construction compound and other construction areas. Wherever possible, reinstatement is to be achieved by the careful use of turfs removed prior to construction works. Details should include all seed mixes to be used for the reinstatement of vegetation;
- t. a wetland ecosystems survey and mitigation plan, where appropriate; and
- u. a felling and forestry wastes management plan, where appropriate;
- v. a strategy for monitoring, control and mitigation in respect of construction noise, and a methodology to be applied in instances where complaints are received in relation to construction noise.

The development shall be implemented thereafter in accordance with the approved Construction Method Statement unless otherwise approved in advance in writing by the planning authority in consultation with NatureScot and SEPA.

Reason: to ensure that all construction operations are carried out in a manner that minimises their impact on road safety, amenity and the environment, and that the mitigation measures contained in the environmental statement accompanying the application, or as otherwise agreed, are fully implemented.

13. Construction Hours

Construction work which is audible from any noise-sensitive receptor shall only take place on the site between the hours of 07.00 to 19.00 on Monday to Friday inclusive and 07.00 to 16.00 on Saturdays, with no construction work taking place on a Sunday or on Bank Holidays or Public Holidays . Outwith these specified hours, development which is audible from any noise sensitive property shall be limited to turbine foundation construction, turbine installation, maintenance, emergency works, dust suppression, and the testing of plant and equipment, unless otherwise approved in advance in writing by the relevant Planning Authority.

Reason: In the interests of local amenity.

14. Traffic Management Plan

There shall be no commencement of development until a Traffic Management Plan (TMP) has been submitted to and approved in writing by the Planning Authority. The TMP to include:

- a. The detailed delivery route and vehicle numbers for all cars, HGV deliveries and abnormal loads associated with the development and measures to ensure that the specified routes are adhered to, including monitoring procedures;
- b. Details of all ancillary works required to the public road network to facilitate deliveries, including all signage and lining arrangements, a programme and timescales for implementation and reinstatement proposals after the development is complete and a programme and timescales for completion;
- c. Road condition survey of all proposed access routes carried out prior to the development commencing and details of any upgrading works and a regime for routine maintenance during construction of the development. Any remedial works required as a result of damage/deterioration by construction traffic (to be highlighted in a post-construction road condition survey) to be rectified at the expense of the developer after the development has been completed in accordance with an agreed timescale. Any emergency repairs identified during the construction period to be rectified within one week, unless otherwise agreed;
- d. Details of tree or hedge removal along the route for the abnormal loads and a scheme for replacement planting and a timescale for its implementation and completion;
- e. Swept path analysis drawings for agreed areas of concern along the route for the abnormal loads and remedial measures;
- f. Areas of the abnormal load route where the removal of street furniture, including lighting, is required and all temporary lighting measures required for the duration of the abnormal load movements;
- g. Name and contact details of a nominated person to whom any road safety issues can be referred.
- h. A trial run to be undertaken on the finalised abnormal load route, with representatives from the Council present.

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

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

15. Habitat Management and Enhancement Plan

There shall be no commencement of development unless a Habitat Management and Enhancement Plan has been submitted to and approved in writing by the planning authority in consultation with RSPB Scotland, Forestry Commission Scotland and SEPA. The Habitat Management and Enhancement Plan shall set out proposed long term management and enhancement of the wind farm site and shall provide for the maintenance, monitoring and reporting of habitat on site in relation to bats, schedule 1 raptors, breeding birds, reptiles, amphibia, woodland, wetland, grassland and heathland management.

The approved Habitat Management and Enhancement Plan will be updated to reflect ground condition surveys undertaken following construction and prior to the date of Final Commissioning and submitted to the planning authority for written approval in consultation with RSPB Scotland, Forestry Commission Scotland and SEPA.

Unless otherwise agreed in advance in writing with the planning authority, the approved Habitat Management and Enhancement Plan shall be implemented in full.

Reason: in the interests of good land management and the protection and enhancement of habitats

16. Biodiversity Monitoring and Management

Prior to the commencement of the development and, in the case of items (b) and (c) prior to the commencement of any on-site works or development, the following plans, programmes and/or survey results shall have been submitted to, and approved by the Planning Authority:

- (a) a programme of monitoring of Schedule 1 raptor species and protected mammals including bats and badgers, agreed with the Planning Authority and in consultation with Scottish Natural Heritage and RSPB Scotland;
- (b) supplementary surveys for protected species (including otter, bat, badger, red squirrel, breeding birds), carried out by a suitably qualified person or persons in a manner appropriate to the phasing of the development, to inform a Species Mitigation and Management Plan;
- (c) a Species Mitigation and Management Plan relating to the species identified in clause (b);

(d) an Integrated Water Quality and Fisheries Management Plan agreed with Marine Scotland-Freshwater Laboratory and River Tweed Commissioners (at least 12 months before construction starts), with a programme of pre-construction water quality and fisheries surveys to establish a baseline, plus during and after construction water quality monitoring (in addition to visual checks required under the Construction and Environmental Monitoring Plan). In the case of (a), the programme shall be undertaken pre-construction, during construction, and for years 1, 2, 3, 5, 10 and 15 once the wind farm becomes operational.

In the case of (b), the results of these surveys should be used to inform construction activities and any required mitigation proposals for protected species on the site, and shall be strictly adhered to in the course of development.

In the case of (c) and (d), all on-site works and development shall thereafter be carried out in accordance with the approved plan(s).

Reason: To ensure that reasonable protection is given to biodiversity on and utilising the site; species protected by law are not harmed as a result of the development taking place; the protected species are afforded due protection (and to enable greater understanding of the impacts of development of this nature); and proposed mitigation measures are effective in protecting fisheries within and downstream of the proposed development.

17. Breeding Birds

There shall be no commencement of development unless a Breeding Bird Protection Plan (BBPB) has been submitted to and approved in writing by the planning authority in consultation with RSPB Scotland and thereafter shall be implemented in accordance with the agreed details. The BBPB shall set out mitigation to limit the disturbance of the development on goshawk and crossbill.

Reason: To ensure suitable protection is given to breeding birds and ensure they are not harmed as a result of any effects of the development.

18. Archaeological Clerk of Works

There shall be no commencement of development unless the planning authority, in consultation with Historic Environment Scotland, has approved the terms of appointment by the company of an independent Archaeological Clerk of Works, and the company has secured the implementation of a written scheme of investigation outlining a programme of archaeological mitigation. The scope of the Archaeological Clerk of Works's appointment shall include:

- a. Monitoring implementation and compliance with a programme of archaeological mitigation works approved by the planning authority in a written scheme of investigation which shall specify:
 - i. An archaeological watching brief on relevant excavations where unknown archaeological deposits or features may exist;
 - ii. A paleo-environmental sampling and dissemination strategy in areas where deep peat will be impacted by development;
 - iii. A post-excavation research and dissemination strategy in the event of significant discoveries determined as such by the Archaeological Clerk of Works and planning authority. All post-excavation research and dissemination shall be completed within 3 years of the completion of on-site investigations;
 - iv. The erection of suitable fencing around known archaeological assets, to be determined by the Archaeological Clerk of Works and planning authority, where there is potential damage during development;
 - v. A strategy of LiDAR survey of the impacted historic landscape to be agreed between the company and the planning authority and to include community engagement, interpretation and dissemination;
- b. Advising the company on adequate protection of archaeological interests on the site;
- c. Checking for new records of archaeological interests for which additional mitigation may be required;
- d. Directing the micro-siting and placement of turbines and tracks away from known assets and discovered assets of archaeological significance where in situ preservation is warranted;

- e. Monitoring the compliance with mitigation, reinstatement and restoration measures approved in this consent; and
- f. Reporting any breaches of the mitigation, reinstatement and restoration measures approved in this consent to the planning authority in writing.

The Archaeological Clerk of Works shall be appointed on the approved terms throughout the period from commencement of development, throughout any period of construction activity and during any period of post construction restoration works approved in terms of condition 12.

No later than 18 months prior to decommissioning of the development or the expiration of this consent (whichever is the earlier), the company shall submit details of the terms of appointment by the company of an independent Archaeological Clerk of Works throughout the decommissioning, restoration and aftercare phases of the development to the planning authority for approval, in consultation with Historic Environment Scotland. The Archaeological Clerk of Works shall be appointed on the approved terms throughout the decommissioning, restoration and aftercare phases of the development.

Reason: To ensure the protection or recording of archaeological features impacted by development.

19. Replanting of Forestry

There shall be no commencement of the development unless a woodland planting scheme to compensate for the removal of existing woodland (“the Replanting Scheme”) has been submitted for the written approval of the planning authority in consultation with Forestry Commission Scotland Conservator.

The Replanting Scheme must comply with the requirements set out in the UK Forestry Standard (Forestry Commission, 2011. ISBN 978-0-85538-830-0) and the guidelines to which it refers, or such replacement standard as may be in place at the time of submission of the Replanting Scheme for approval. The Replanting Scheme must include:

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

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

In the event that there is no reasonable prospect of the relevant consents necessary for implementation of the approved Replanting Scheme being obtained, then the company shall submit an amended Replanting Scheme to the planning authority for approval in consultation with Forestry Commission Scotland. Unless otherwise agreed in writing by the planning authority, the

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

The approved Replanting Scheme (or, as the case may be, an approved amended Replanting Scheme) shall be implemented in full, unless otherwise agreed in writing by the planning authority after consultation with Forestry Commission Scotland Conservator.

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

20. Noise

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

a. The company shall continuously log power production, wind speed and wind direction. These data shall be retained for a period of not less than 24 months. The company shall provide this information to the planning authority within 14 days of receipt in writing of a request to do so.

b. There shall be no First Commissioning of the Development until the company has received written approval from the planning authority of a list of proposed independent consultants who may undertake compliance measurements in accordance with this condition. Amendments to the list of approved consultants shall be made only with the prior written approval of the planning authority.

c. Within 21 days from receipt of a written request from the planning authority following a complaint to it from an occupant of a dwelling alleging noise disturbance at that dwelling, the company shall, at its expense, employ a consultant approved by the planning authority to assess the level of noise immissions from the wind farm at the complainant's property. The written request from the planning authority shall set out at least the date, time and location to which the complaint relates and any identified atmospheric conditions, including wind direction, and include a statement as to whether, in the opinion of the planning authority, the noise giving rise to the complaint contains or is likely to contain a tonal component.

d. The assessment of the rating level of noise immissions shall be undertaken in accordance with an assessment protocol that shall previously have been submitted to and approved in writing by the planning authority. The protocol shall include the proposed measurement location(s) where measurements for compliance checking purposes shall be undertaken, whether noise giving rise to the complaint contains or is likely to contain a tonal component, and also the range of meteorological and operational conditions (which shall include the range of wind speeds, wind directions, power generation and times of day) to determine the assessment of rating level of noise emissions. The proposed range of conditions shall be those which prevailed during times when the complainant alleges there was disturbance due to noise, having regard to the

written request of the planning authority under condition 19 paragraph c above, and such others as the independent consultant considers likely to result in a breach of the noise limits.

e. Where the property to which a complaint is related is not listed in the tables attached to this condition, the company shall submit to the planning authority for written approval proposed noise limits selected from those listed in the tables to be adopted at the complainant's property for compliance checking purposes. The proposed noise limits are to be those limits selected from the tables specified for a listed location which the independent consultant considers as being likely to experience the most similar background noise environment to that experienced at the complainant's property. The rating level of noise immissions resulting from the combined effects of the wind turbines shall not exceed the noise limits approved in writing by the planning authority for the complainant's property.

f. The company shall provide to the planning authority the independent consultant's assessment of the rating level of noise immissions within 2 months of the date of the written request of the planning authority for compliance measurements to be made under paragraph e, unless the time limit is extended in writing by the planning authority. Certificates of calibration of the instrumentation used to undertake the measurements shall be submitted to the planning authority with the independent consultant's assessment of the rating level of noise immissions.

g. Where a further assessment of the rating level of noise immissions from the wind farm is required, the company shall submit a copy of the further assessment within 21 days of submission of the independent consultant's assessment pursuant to condition 19 paragraph d above unless the time limit has been extended in writing by the planning authority.

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

Location including co-ordinates	Standardised wind speed at 10 metre height (m/s) within the site averaged over 10 minute periods											
	1	2	3	4	5	6	7	8	9	10	11	12
Nether Stewarton Properties*	37	37	37	37	37	37	37	37	38	40	41	42
Ruddenleys Properties**	35	35	35	35	35	35	35	36	39	41	43	44
Cloich Farm	35	35	35	35	35	35	35	36	38	41	44	48
Harehope Properties***	35	35	35	35	35	35	35	39	42	45	47	49
Upper Stewarton	39	39	39	39	39	39	39	39	39	40	41	42

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

Location including co-ordinates	Standardised wind speed at 10 metre height (m/s) within the site averaged over 10 minute periods											
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	1	2	3	4	5	6	7	8	9	10	11	12
Nether Stewarton Properties*	43	43	43	43	43	43	43	43	43	43	43	45
Ruddenleys Properties**	43	43	43	43	43	43	43	43	43	43	43	43
Cloich Farm	43	43	43	43	43	43	43	43	43	43	43	43
Harehope Properties***	43	43	43	43	43	43	43	43	43	43	46	49
Upper Stewarton	43	43	43	43	43	43	43	43	43	43	43	45

* Nether Stewarton Farm, Stewarton House, Stewarton Lodge, Stewarton Toll

** White Heather Cottage Ruddenleys, The Carriage House Ruddenleys, Ruddenleys Cottage, Ruddenleys House

***Harehope Cottage, The Steading Harehope, Old Harehope, Harehope Farmhouse

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

21. Private Water Supplies

There shall be no commencement of development unless the following private water supply matters have been submitted to and agreed in writing with the Planning Authority:

- a) a method statement (private water supply plan) has been submitted to and approved in writing by the planning authority, detailing all avoidance measures to be delivered to secure the quality, quantity and continuity of water supplies to properties which are served by private water supplies at the date of this consent and which may be affected by the development. In particular, the method statement shall include a water quality and quantity (yield) monitoring plan for every private water supply which may be affected by the development during the construction, operational and decommissioning phases of the development.
- b) a site-specific emergency response plan has been submitted to and approved in writing by the planning authority, detailing all additional (emergency) measures to be delivered in the event of the avoidance measures (identified as part a.) unpredictably failing to secure a sufficient supply of wholesome water to properties which are served by private water supplies at the date of this consent and which may be affected by the development. In particular, the plan shall identify all measures necessary to secure a sufficient and continuous supply of wholesome water to the properties until such time as the pre-development water supply conditions (quality, quantity and continuity) are reinstated, along with the criteria necessary for liability for the unpredicted event(s) to be attributed to the development and the duration of this liability, as far as reasonably practicable. Finally, in the event that the pre-development water supply conditions cannot be reinstated or the additional measures include new infrastructure (e.g. source, pipework, tank, treatment, etc.), the plan must include consideration of any long-term additional operation and maintenance tasks, including running costs, and confirmation of where liability for and/or responsibility thereof is to be attributed to the development/applicant.

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

22. Private water supply – Turbine 3

There shall be no commencement of development in relation to the construction of Turbine 3 (T3) or any of its associated infrastructure (including the new access track between T3 and T4/T5) until a scheme of details has first been submitted to and approved in writing by the planning authority, informing on the groundwater table and/or groundwater flow direction to demonstrate that the development will not impact the Nether Stewarton (“Stewarton”) private water supply system in terms of quality, quantity and continuity of water supply. In the event that any assessment or site investigation concludes that the location of T3 or its infrastructure could adversely impact the Stewarton or any other private water supply system(s), a scheme of details to avoid the impact(s) on the private water supply system(s) should be submitted to and approved in writing. Alternatively, it may be appropriate for T3 and its infrastructure be re-sited to another location under Condition 8, providing no adverse impacts to any private water supply systems as a consequence of the re-siting are able to be confirmed in writing and approved by the planning authority

Reason: Further information is required to determine the impact of the Turbine 3 (T3) development site on private water supplies and seek to maintain a secure and adequate supply to all properties with private water supplies which may be affected by the development.

23. Water and Flood Risk Management

There shall be no commencement of development unless the following matters have been submitted to and approved in writing by the planning authority and thereafter the development shall be carried out in accordance with the approved details:

- a. design details of new crossings or alterations to previous crossings to ensure that there is no decrease in flow conveyance and subsequently increased flood risk caused by the crossings;
- b. details of regular maintenance relating to new water crossings and drains, to mitigate by reducing surface water runoff impact;
- c. details of levels of discharges from SUDS or other drainage, confirming how it will be kept to existing Greenfield run-off rates;
- d. written explanation of how it is proposed to manage the minimisation of sediment entering the surrounding water courses.

Reason: to minimise impact on the water environment and to ensure that flood risk is ameliorated.

24. Redundant turbines

If one or more turbine fails to generate electricity for a continuous period of 12 months, then unless otherwise agreed in writing by the planning authority, the Company shall:

- a. by no later than the date of expiration of the 12 month period, submit a scheme to the planning authority setting out how the relevant turbine(s) and associated infrastructure will be removed from the site and the ground restored; and
- b. implement the approved scheme within six months of the date of its approval, all to the satisfaction of the planning authority.

Reason: To ensure that any redundant wind turbine is removed from Site, in the interests of safety, amenity and environmental protection

25. Aviation Safety

There shall be no commencement of development until the company has provided the planning authority, Ministry of Defence, Defence Geographic Centre and NATS with the following information, and has provided evidence to the planning authority of having done so:

- a. the date of the expected commencement of each stage of construction;
- b. the height above ground level of the tallest structure forming part of the development;
- c. the maximum extension height of any construction equipment; and
- d. the position of the turbines and masts in latitude and longitude.

Reason: in the interests of aviation safety

26. Aviation Lighting

Prior to the erection of the first wind turbine, the company shall submit a scheme for aviation lighting for the wind farm to the planning authority for written approval. The scheme shall include details of infra-red aviation lighting to be applied. No lighting other than that described in the scheme may be applied at the site, other than as required for health and safety, unless otherwise agreed in advance and in writing by the planning authority. No turbines shall be erected on site until the scheme has been approved in writing. The development shall thereafter be operated fully in accordance with the approved scheme.

Reason: in the interests of aviation safety

27. Site Decommissioning, Restoration and Aftercare

The development will be decommissioned and will cease to generate electricity by no later than the date falling twenty five years from the date of Final Commissioning. The total period for restoration of the site in accordance with this condition shall not exceed three years from the date of Final Commissioning without prior written approval of the Scottish Ministers in consultation with the Planning Authority.

There shall be no commencement of development unless a decommissioning, restoration and aftercare strategy has been submitted to and approved in writing by the planning authority in consultation with NatureScot and SEPA. The scheme shall detail measures for the decommissioning of the development, restoration and aftercare of the site and will include, without limitation, proposals for the removal of the above ground elements of the development, the treatment of ground surfaces, the management and timing of the works, and environmental management provisions.

No later than 3 years prior to decommissioning of the development or the expiration of this consent (whichever is the earlier) a detailed decommissioning, restoration and aftercare plan, based upon the principles of the approved decommissioning, restoration and aftercare method statement, shall be submitted to the planning authority for written approval in consultation with NatureScot and SEPA. The detailed decommissioning, restoration and aftercare

plan will provide updated and detailed proposals for the removal of above ground elements of the development, the treatment of ground surfaces, the management and timing of the works and environment management provisions which shall include:

- a. a site waste management plan (dealing with all aspects of waste produced during the decommissioning, restoration and aftercare phases);
- b. details of the formation of the construction compound, welfare facilities, any areas of hard-standing, turning areas, internal access tracks, car parking, material stockpiles, oil storage, lighting columns, and any construction compound boundary fencing;
- c. a dust management plan;
- d. details of measures to be taken to prevent loose or deleterious material being deposited on the local road network including wheel cleaning and lorry sheeting facilities, and measures to clean the site entrances and the adjacent local road network;
- e. a pollution prevention and control method statement, including arrangements for the storage of oil and fuel on the site;
- f. soil storage and management;
- g. sewage disposal and treatment;
- h. temporary site illumination;
- i. the construction of any temporary access into the site and the creation and maintenance of associated visibility splays;
- j. details of watercourse crossings;
- k. a species protection plan based on surveys for protected species (including birds) carried out no longer than 18 months prior to submission of the plan.

The development shall be decommissioned, site restored and aftercare thereafter undertaken in accordance with the approved plan, unless otherwise agreed in writing in advance with the planning authority in consultation with NatureScot SEPA.

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

28. Financial Guarantee

There shall be no commencement of development unless the company has delivered a bond or other form of financial guarantee in terms acceptable to the planning authority which secures the cost of performance of all decommissioning, restoration and aftercare obligations contained in condition 25 to the planning authority. The financial guarantee shall thereafter be maintained in favour of the planning authority until the date of completion of all restoration and aftercare obligations.

The value of the financial guarantee shall be determined by a suitably qualified independent professional as being sufficient to meet the costs of all decommissioning, restoration and aftercare obligations contained in condition 25. The value of the financial guarantee shall be reviewed by a suitably qualified independent professional no less than every five years and increased or decreased to take account of any variation in costs of compliance with restoration and aftercare obligations and best practice prevailing at the time of each review.

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

29. Public Path/Access Protection, Enhancement and Management

There shall be no commencement of development until a Public Path and Access Management Plan has been submitted to and approved in writing by the planning authority, in consultation with the Forestry Commission Scotland Ranger. The plan shall include (but not be limited to) the following:

- a. timings of any intended diversion, closure or obstruction of any public right of way (note that these are likely to need a separate consent);
- b. measures for ensuring that paths kept open during development are safe and can be traversed without undue harm to the amenity of users;
- c. measures to ensure that users of the path network and accessible areas more generally are able to navigate through and adjacent to the site, including mapping and signage;
- d. any temporary installations such as gates, stiles and bridges and the duration of their installation;
- e. proposals to restore original paths to an acceptable condition between construction and decommissioning and once full decommissioning has taken place; and
- f. proposals to enhance public access within and adjacent to the site during the lifetime of the development.

Reason: the development would interact with a range of public paths and accessible areas, with development effects causing changes that require careful management to ensure that the experience of users is not harmed unacceptably or, where it will be harmed, that the level and nature of harm is limited and controlled to minimise development effects.

Informatives

1. In relation to Condition 22, the potential re-siting or micro-siting of any turbines and associated infrastructure has the potential to impact private water supply systems, particularly if the sources have not been fully risk assessed (i.e. the true source locations have not been determined) and the aquifers (origin of the water) or distribution networks (pipework, tanks, etc.) serving said sources are undetermined and inadvertently impacted by the re-sited infrastructure. As such, as far as reasonably practicable, it must be ensured that all private water supply systems have been suitably risk assessed, and so it is recommended that the following information request be attached to the planning consent for this purpose:

(a) An ArcGIS overlay (plate/map/figure) should be provided of the PWS Search Zone (i.e. including the site boundary of the wind farm, the area within 3 km of the site boundary and source catchments) showing every PWS source point (i.e. the point where water is collected/sourced) risk assessed as per Section 5 and Table 10.1 of Technical Appendix A10.2 (PWSRA) of the EIA Report. Each source point should be labelled with the Source Reference Number as detailed in Table 10.1 and, if any source point depicted is not the true location of the source (“true source location”) but it is simply the first point (e.g. a chamber) through which the water is being channelled or collected, then this should also be identified – e.g. through appropriate colouring, symbol shape, etc.

(b) An ArcGIS overlay should be provided of the PWS Search Zone showing every PWS source point screened-out of the risk assessment as per Table 10.2 of Technical Appendix A10.2 (PWSRA) of the EIA Report. Each source point should be labelled with the Source Reference Number as detailed in Table 10.2 and, if any source point is not the true source location, then this should also be identified – e.g. through appropriate colouring, symbol shape, etc.

(c) An ArcGIS overlay should be provided of the PWS Search Zone showing every property which has an undetermined water supply/source point, as per Table 10.3 of PWSRA V2. Each property (or collection of properties in close proximity to one another) should be labelled with the Source Reference Number as detailed in Table 10.3 of Technical Appendix A10.2 (PWSRA) of the EIA Report.

NOTES

1. Vote

Councillor Moffat, seconded by Councillor Scott, moved that the application be approved as per the officer recommendation

Councillor Douglas, seconded by Councillor Richards, moved as an amendment that the application be refused on the grounds that it was contrary to Policies 1, 2 and 11 of the National Policy Framework 4 (NPF4), Policy ED9 of the Local Development Plan in that the development would have unacceptable adverse landscape and visual impacts on the broader landscape as a result of the increased height of the proposed turbines which will be prominent and wholly contained within the landscape. Further, it is contrary to Policy 7 of NPF4 and Policy EP8 of the Local Development Plan in that the proposed development will have significant adverse impact on the historic environment, particularly the setting of Whaup Law Cairn.

On a show of hands Members voted as follows:-

Motion – 6 votes

Amendment – 3 votes

The Motion was accordingly carried and the application approved.

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
22/01876/FUL	Variation of Condition 1 of planning permission 97/00461/FUL to allow year-round occupation of caravans.	Pease Bay Caravan Site, Land West Of Whitelaw Burn, Eddleston

DECISION: Approved as per officer recommendation subject to the following condition:

1. The development hereby approved shall be occupied for holiday use only and shall not be used as a person or persons' sole or main residence. The operator shall maintain an up-to-date register of the names of all holiday-makers staying in the holiday units and their principal home addresses. This information shall be made available for inspection at all reasonable times by an authorised officer of the Planning Authority.

Reason: To ensure compliance with the adopted development contributions policy, to retain effective control over the development and to ensure that the development, in line with the details presented in support of the planning application, is only ever used for holiday use and is not used as a private dwellinghouse by any permanent residents.

**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 May 2023 at 10 a.m.

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

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

PROCEDURAL HEARINGS

1. Mrs Thompson, Solicitor explained that that the following applications had been placed on the Agenda as procedural hearings as a result of the Scottish Government introducing the National Planning Framework 4 (NPF4) on 13 February 2023, which superseded previous guidance and now formed part of the Development Plan. In accordance with the terms of Section 25 of the Town and Country Planning (Scotland) Act 1997, the Planning Authority must ensure that Planning Decisions and Reviews took account of the new Framework. It was therefore agreed that comments on the impact of NPF4 on the planning application and subsequent review be sought from the Planning Officer and Applicant, prior to the following applications being presented to the Local Review Body for consideration.

2. **REVIEW OF 23/00013/RREF**

There had been circulated copies of a request from Ms Norma Conroy, Hardens Hall (Ard Na Greine), Hardens Road, Duns to review the decision to refuse the planning application in respect of the erection of a dwellinghouse at Paddock West of Hardens Hall, 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 and consultation replies.

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 Planning Officer and Applicant be given the opportunity to submit an NPF4 statement; and**
- (d) **consideration of the review be continued to a future meeting on a date to be confirmed.**

3. **REVIEW OF 23/00017/RREF**

There had been circulated copies of request from Mr Andrew Douglas-Home, per Camerons Strachan Yuill Architects, 1 Wilderhaugh, Galashiels to review the decision to refuse the planning application in respect of the erection of 2 No. dwellinghouses on Land South of 1 Kelso Road, Coldstream. The supporting papers included the Notice of Review (including the Decision Notice and Officer's Report); Consultation replies and Objection comments.

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 Planning Officer and Applicant be given the opportunity to submit an NPF4 statement; and
- (d) consideration of the review be continued to a future meeting on a date to be confirmed.

4. REVIEW OF 23/00019/RREF

There had been circulated copies of a request from Mr J M and Mrs G Barton c/o Ferguson Planning, 54 Island Street, Galashiels to review the decision to refuse the planning application in respect of the installation of timber gates (retrospective) at Church House, Raemartin Square, West Linton. The supporting papers included the Notice of Review (including the Decision Notice and Officer's Report); Papers referred to in the Officer's report and Consultation Replies.

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 Planning Officer and Applicant be given the opportunity to submit an NPF4 statement; and
- (d) consideration of the review be continued to a future meeting on a date to be confirmed.

BUSINESS

5.0 CONTINUATION OF REVIEW OF 23/00004/RREF

5.1 With reference to paragraph 3 of the Minute of 20 March 2023, there had been circulated copies of a request from W A Mole & Son, c/o Cockburn's Consultants, 1A Belford Park, Edinburgh to review the decision to refuse the planning application for the erection of 4 No. dwellinghouses on Land West of Greenburn Cottage, Auchencrow. The supporting papers included the written submissions from the Planning Officer and Applicant in respect of NPF4; Notice of Review (including the Decision Notice and Officer's Report); Additional Information and Consultation Replies and list of policies.

5.2 Members noted that Auchencrow was not a recognised settlement within the Local Plan, therefore the key issues were compliance with LDP Policy HD2 on housing in the countryside, PMD2 on visual impacts and road safety and SPGs on housing in the countryside and placemaking and design. The Appointed Officer and the applicants were in agreement that there was an established building group at Auchencrow and that there was numerical capacity within the building group for an additional four houses under the terms of Policy HD2. There was concern with regard to loss of prime agricultural land and the Members requested that the application be continued to allow for a site visit and for

the site to be marked out for their inspection to assist with their understanding of its relationship with the building group.

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 a site visit;**
- (c) **the proposed site be marked out in order that they could visualise the amount of agricultural land to be used; and**
- (d) **consideration of the review be continued to a future meeting on a date to be confirmed.**

6. CONSIDER REVIEW 22/00005/RREF

6.1 There had been circulated copies of a request from Mr Alan Hislop, 100 Abbotseat, Kelso to refuse the planning application in respect of the erection of Boundary fence (retrospective) at 100 Abbotseat, Kelso. The supporting papers included the written submissions from the Planning Officer and Applicant in respect of NPF4; Notice of Review (including the Decision Notice and Officer's Report); papers referred to in the Officer Report; Support Comment; Consultation Replies and list of policies.

6.2 Members noted that it was unfortunate that the works had taken place and the application was retrospective. Members noted that the garden ground was previously enclosed by hedging and that some hedging had been retained elsewhere on the boundary on the opposite side of the gate. The Review Body noted that the rear garden ground was small and overlooked by neighbours and this impacted on its amenity. Members considered that it was important for the property to benefit from improved amenity space and this had to be balanced against any potential harm to the visual amenity of the area. The Local Review Body further noted that the plots mutual boundary with No 2 Abbotseat was separated by a taller timber fence which was visible from the street. The fence was judged to be visually bold but had been designed to a high quality and it was noted that it did not pose any harmful impacts on the residential amenity of any neighbouring properties and that it did not result in any road safety issues.

VOTE

Councillor Moffat, seconded by Councillor Thomson, moved that the officer's decision be overturned and the application approved.

Councillor Scott, seconded by Councillor Small moved as an amendment that the officer's decision be upheld and the application approved.

On a show of hands Members voted as follows:-

Motion - 7 votes

Amendment - 2 votes

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 further procedure;**
- (c) NPF4 Policies did not alter their conclusion.**
- (d) the officer's decision to refuse the application be overturned and the application approved, for the reasons detailed in Appendix I to this Minute.**

7.0 CONTINUATION OF REVIEW 22/00007/RREF

7.1 With reference to paragraph 9 of the Minute of 20 February 2023, the Local Review Body continued their consideration of a request from Mr and Mrs Peter Newell, The Miller's House, Scotsmill, Kailzie, Peebles to review the decision to refuse the planning application in respect of the formation of access and boundary fence at the Miller's House, Scotsmill, Kailzie, Peebles. The supporting papers included the written submissions from the Planning Officer and Applicant in respect of NPF4; Notice of Review (including the Decision Notice and Officer's Report); Papers referred to in the Officer's report; Consultation Replies; Objections and list of policies.

7.2 The Planning Advisor drew attention to new evidence submitted with the Notice of Review documentation regarding the access to the site, in the form of a revised plans GD L (9) P101C – Site Location Plan (Block Plan) and GD L (9) P102C – Site Layout 1-200 (Block Plan) which had been submitted with the review but which had not been before the Appointed Planning Officer at the time of determination. The Review Body considered that the new evidence met the test set out in Section 43B of the Town and Country Planning (Scotland) Act 1997, and that this new information was material to the determination of the review. It was therefore agreed that there was a need for further procedure in the form of written submissions to afford the Planning Officer and Roads Officer the opportunity of assessing this new evidence and submitting their views.

DECISION

AGREED that:-

- (a) the request for review had been competently made in terms of Section 43A of the Town and Country Planning (Scotland) Act 1997;**
- (b) new evidence submitted with the Notice of Review in the form of revised plans 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 be not considered without the need for further procedure in the form of written submissions;**
- (d) the Planning Officer and Roads Officer be given the opportunity to comment on the new evidence submitted with the Notice of Review;**
- (e) consideration of the review be continued to a future meeting on a date to be confirmed.**

8.0 CONTINUATION OF REVIEW 23/00008/RREF

8.1 There had been circulated copies of a request from Mr Rob Cameron c/o Ferguson Planning, 54 Island Street, Galashiels to review the decision to refuse the planning application in respect of the erection of dwellinghouse and associated work on Land South of Ebbastrand, Coldingham Sands, Coldingham. The supporting papers included the written submissions from the Planning Officer and Applicant in respect of NPF4; Notice of Review (including the Decision Notice and Officer's Report); Papers referred to in the Officer's report; support comments; consultation replies; Objections and list of policies.

- 8.2 Members noted that there had been three previous applications for erection of a house on this site, in 2010, 2011 and 2013 all withdrawn. There are also other notable and related applications, especially the implemented consent for the redevelopment of the former Shieling nursing home opposite the site which was now 8 apartments known as The Bay. Members firstly considered if there was a building group under Clause A of Policy HD2 and whether there was scale of addition capacity to add a further house to the group, the allowance under Policy HD2 being no more than 2 new houses within the LDP period or 30%, whichever was the greater. Members were in agreement that there appeared to be a building group, however they also noted a difference of opinion in terms of whether the development known as The Bay was under construction prior to Local Development Plan adoption in May 2016. This would make a significant difference to the scale of capacity allowance and Members continued the review for further written submissions by requesting evidence from both parties to support their position on this matter. Members also agreed to carry out 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 be not considered without the need for further procedure in the form of written submissions and a site visit;**
- (d) the Planning Officer and Applicant be given the opportunity to comment on the difference of opinion between the Applicant and Planning Officer in terms of whether 'The Bay' (Reference 13/00299/FUL) was under construction at the time of the adoption of the Local Development Plan on 12 May 2016;**
- (e) consideration of the review be continued to a future meeting on a date to be confirmed.**

9.0 CONTINUATION OF REVIEW 23/00014/RNONDT

- 9.1 With reference to para 6 of the Minute of 17 April 2023, there had been circulated copies of a request from Mr Gary Neale, c/o Robert Slaney, 48 3F2, Bruntsfield Gardens, Edinburgh to review the decision to refuse the planning application in respect of alterations and dormer extension to dwellinghouse at 11 Tweed Avenue, Peebles. 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 agreed application processing period. This constituted a deemed refusal and Members were required to make a 'De Novo' decision on the application. The supporting papers included written submissions from the Applicant and Officer in NPF4; the Notice of Review; Additional Information and list of policies.

- 9.2 Members noted the requirements of the LDP Policy PMD2 and Policy EP9 in terms of scale, massing and height of any house extensions and alterations and the preservation and enhancement of the special character architectural or historic character and appearance of a conservation Area. Members further noted that the proposal was located within a densely developed part of the Conservation Area and although the development would result in the loss of a parking space, were satisfied that the amended scale of the proposed extension did not represent overdevelopment of the existing building or surrounding area. The design of the extension and alterations were modern but would complement the character and appearance of the existing building and Conservation Area. Members considered it important to ensure that the development was completed with suitable material finishes which included the finishes of all windows and doors, and were satisfied that this matter could be addressed by an appropriately worded planning condition. Although Members did not raise concerns about the impact of the development on; the existing building, conservation area or residential amenity, Members

agreed that the development could not proceed until an Ecological survey, including the relevant survey (Preliminary Roost Assessment) had been carried out and submitted.

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 form of an Ecological survey, including the relevant survey (Preliminary Roost Assessment) had been carried out and submitted;**
- (c) consideration of the review be continued to a future meeting on a date to be confirmed.**

The meeting concluded at 12.20 p.m.

SCOTTISH BORDERS COUNCIL

MINUTES of Meeting of the CHAMBERS
INSTITUTION TRUST held via MICROSOFT
TEAMS on Wednesday, 10th May, 2023 at
2.00 pm

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

Apologies:- Councillors E. Small

In Attendance:- Principal Solicitor (G. Sellar), F. Colton (Live Borders), Localities
Development Co-Ordinator (K. Harrow), S. Coe, Democratic Services Team
Leader

1. MINUTE AND ACTION TRACKER

There had been circulated copies of the Minute of the Meeting held on 15 March 2023 and the Action Tracker. With reference to the Action Tracker it was noted that all actions had been carried out with the exception of the final 2 which were not able to be updated in the absence of a representative from the Estates Section.

DECISION

AGREED to approve the action tracker and the Minute for signature by the Chair.

2. BENEFICIARIES GROUP UPDATE

2.1 The Chair provided a brief summary of the meeting held on 9 May 2023 and a copy of the Minute is contained in the appendix to this Minute. With regard to the Burgh Hall the majority of the works had now been carried out with a few minor items which should be completed by the end of the week. However, some additional works had been required to deal with rot which had been discovered around a fan which had cost an additional £15k. It was reported that the vestibule had not been included as part of the hall works and it was agreed that it should be repainted in the same colours as the hall. The Trust approved the repainting subject to the receipt of quotes for the work. It was further noted that there was some damage to the glass in the sunburst windows. A quotation of £1,297 had been received for the works and this was approved by the Trust. The Chair reminded everyone that this was just Phase 1 of works to the hall and that future works would also be needed to areas such as the floor, the stage and access to the kitchen. The Chair thanked officers, the contractors, the Beneficiaries Group and the Trust Members for their input into ensuring that the works so far had been so successful.

DECISION

AGREED to approve:-

(a) **the repainting of the vestibule to match the colours of the hall subject to obtaining quotes for the works; and**

(b) **the quotation of £1,297 for the works to repair the sunburst window.**

2.2 The Chair invited Fiona Colton to update the Trust on an event which had been organised for 19 May. Ms Colton advised that the hall would be open from 3 p.m. to 8 p.m. on Friday 19 May to allow the public to come and see the refurbished hall. There would also be information regarding the Chambers Anniversary, how to book the hall and a chance to

meet those involved in the works. In response to a question about publicity she confirmed it would be on their website and there would be signage out on the street. Any assistance with publicity would be appreciated and she agreed to send the details to the Peeblesshire News. The Chair suggested she contact Gareth Smith to obtain the photographs which he had taken showing the progress of the works and also to display the pop-ups relating to the consultation. A further event was being organised by Lorna McCullough of Borders Community Action for 27 May. This was a fair for volunteers which would be held both in the Burgh Hall and on Tweed Green. Adrian Lucas had also been assisting on behalf of the Lord-Lieutenant of Tweeddale. Kerrie Guiney from the new Peebles Retailers Association was also organising events in the town on that day.

- 2.3 The Chair advised that a Business Planning Group was now to be established and the members were Councillor Pirone as Chair together with Councillor Marshall Douglas, Sam Coe, Brian McCrow, Peter Maudsley and Kerrie Guiney. Fiona Colton agreed that she would also be happy to attend meetings. Details of the remit and role of the Group would be submitted at the next meeting of the Beneficiaries Group in July. There would also be a special meeting of the Beneficiaries Group in June to discuss the consultation process in detail. There had been a meeting of the Sub-Group with Page Park to discuss the feasibility study and there would be a further session with the Beneficiaries Group to discuss proposals.
- 2.4 The Beneficiaries Group had discussed the Condition Survey and the need to also include dimensions. Fiona Colton had shared her thought regarding the management of the spaces and the need to take advantage of the options to use the building in a sustainable way. A Group had been set up to look at fund raising which comprised Councillor Tatler, Peter Maudsley and Lorna McCullough.
- 2.5 Sam Coe reported on the works which had been carried out to the roof with the wrong type of slate and without the benefit of an application for listed building consent. This was of great concern on an 'A' listed building. He expected the Council to lead by example in such circumstances and expressed the hope that a retrospective application would be submitted and the slates replaced with the correct type. The Chair confirmed that this would be looked at as part of the overall project with the slates being replaced with "like for like"

DECISION

NOTED the update on the Beneficiaries Group meeting.

3. CONDITION SURVEY

In the absence of Gareth Smith, Property Officer, the Chair advised that as mentioned above a detailed discussion had been held at the Beneficiaries Group where it had been agreed that the survey should also cover dimensions in addition to condition. It was suggested that Page Park provide a specification on what the survey should cover. They were also able to recommend contractors for this type of work. The Estates Section would be required to obtain quotes.

DECISION

AGREED to include dimensions in the survey and to continue this item to the next meeting for an update.

4. FACILITATOR APPOINTMENT

Kenny Harrow, Community Engagement Officer advised that if the appointment of a facilitator was included in the place making process for Peebles this would give access to the place planning procurement framework, would help maximise the place making process by including the plans for the Chambers Institution together with the wider plans for Peebles and allow opportunities to access funding. Mr Harrow confirmed that it could

also allow involvement in other place plans over the whole of Tweeddale. Members agreed to this approach on the basis that other funding opportunities needed to be found to realise the ambition for the Chambers Institution with the only concern being that it might slow progress down. Mr Harrow reassured Members that this should not be an issue as Peebles was already well ahead with its plans.

DECISION

AGREED that the appointment of a facilitator be included as part of the place making proposals for Peebles to allow access to the procurement framework.

5. JOHN BUCHAN MUSEUM

The Chair advised that the John Buchan Museum had been discussed at the Beneficiaries Group and had also been raised by the Community Council as there was a desire to improve the look of the building and the signage. This would be taken forward by Gareth Smith and Neil Pringle. Discussions would also require to be held with the Planning Officer as it was a listed building.

DECISION

NOTED the update.

6. DATES OF FUTURE MEETINGS

6.1 It was noted that it had been previously agreed that meetings would now be held every second month going forward. However, at the request of the Chair it was agreed that the June meeting be moved to 26 July and that to keep the 2 monthly cycle dates from September onwards would be agreed at the next meeting.

6.2 The Chair advised that the Trust currently only received annual financial reports. However, given the recent level of expenditure it was agreed that the Finance Department be asked to provide a report to either the July or September meeting so that the Trust had a clear picture of the current financial position.

DECISION

AGREED that:-

- (a) the next meeting of the Trust be held on 26 July 2023;**
- (b) a schedule of meetings for September, November, January, March and May be considered at the next meeting; and**
- (c) a financial report be requested for either the July or September meeting.**

The meeting concluded at 2.50 pm

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SCOTTISH BORDERS COUNCIL GIBSON TRUST

MINUTE of Meeting of the GIBSON TRUST
held by Microsoft Teams on Monday, 15 May
2023 at 11.00 a.m.

Present:- Councillors J. Linehan, D. Parker and J. PatonDay.
In Attendance:- Chief Legal Officer, Interim Estates Strategy Manager, Estates Surveyor (A. Watson), and Democratic Services Officer (D. Hall),

1. CHAIRMAN

Councillor Parker, seconded by Councillor PatonDay proposed that Councillor Linehan be appointed as Chair of the Gibson Trust. This was unanimously agreed, and Councillor Linehan assumed the Chair.

DECISION

AGREED to appoint Councillor Linehan as Chair of the Gibson Trust.

2. MELROSE FOOTBALL CLUB PROPOSED EXTENSION TO PREMISES AT OLD FIRE STATION, GIBSON PARK

There had been circulated copies of a report by the Director – Infrastructure and Environment which proposed that Melrose Football Club were permitted to extend the leased premises at the Old Fire Station and were granted a longer lease with a larger site area. The report explained that permission would be conditional on the successful outcome of a community consultation, grant of planning and conservation area consent and proof of funding. The Interim Estates Strategy Manager, Ms Jo Stewart, provided an overview of the premises in their current condition, and what changes were proposed by the Club. It was hoped that the proposed extension and improvements made to the building would enable wider community use. All of the trees which had been marked for removal would be replanted. The Chair highlighted that there was concern amongst the wider community that the occupier of the policeman's cottage, and parts of the wider community, had not been notified. The Chief Legal Officer explained that in terms of the trust deed, the trustees were entitled to permit the temporary erections on the land in question for usage in conjunction with sports such as football, tennis and other athletic and leisure pursuits. Mrs McKinlay confirmed that the land which would be part of a new lease was owned by the Gibson Trust. Members explained that they had no objections to the proposals and highlighted that any issues which had arisen as part of the planning application would be best dealt with by the planning department. Ms Stewart confirmed that the planning application had been submitted, but there was no final report. Regarding a proposed community consultation, Mrs McKinlay explained that whilst it was not required by the trust deed, in the interests of transparency and governance it would be prudent that one took place. Mr Greg Simpson of Melrose Football Club was in attendance at the meeting, and explained that the plans to extend the building would allow a greater degree of utilisation by the wider community. It was expected that the social space would be hireable for meetings, and that the local primary School would be able to access the full facility. Mr Simpson highlighted that the School had provided favourable comments on the planning application. In response to a question regarding the length of time that any consultation would be active, Mrs McKinlay explained that 4-6 weeks would be sufficient for a single, specific subject. Mrs McKinlay advised that it would be sensible for the Club to carry out the consultation, and that direction could be provided by SBC if necessary. Mr Simpson confirmed that Melrose Football Club had been granted charitable status, which was expected to assist with grant funding. Regarding the ownership of the completed building, Mrs McKinlay explained that under Scots property law anything built on land belonged to the owner of the land, and that the building would be owned by the Trust. Members discussed what duration of lease would be appropriate, and on the advice of Mrs McKinlay agreed that a lease of 40 years would

be sufficient to allow the club demonstrate the security of their tenancy as part of grant and funding applications. Mrs McKinlay agreed to provide a letter of comfort which would set out that the Trust was happy for the Club to proceed with development, subject to the conditions of the decision.

DECISION

AGREED:-

- (a) to grant approval in principle for the extension of the “old fire station” subject to community consultation, planning and conservation area consent and proof of adequate funding
- (b) to grant approval in principle to lease MFC a larger area of land to include the footprint of the building extension and external works, subject to community consultation, planning and conservation area consent and proof of adequate funding;
- (c) to grant approval in principle to extend the lease by 25+ years lease so that MFC are able to apply for grant funding for the proposed extension, subject to planning and conservation area consent and proof of adequate funding; and
- (d) that the Legal Department would issue a letter of comfort to Melrose Football Club outlining that the Trust was contented with the proposed development.

3. MELROSE TENNIS CLUB

The Estates Surveyor, Mr Alasdair Watson, provided an overview of a proposal to place solar panels on the roof of the Waverly Tennis Club. Approval from the Trust, as landlord, was required prior to the installation. The necessary planning permissions had been granted. The proposal involved the installation of 15 solar panels on the south facing elevation of the roof of the tennis pavilion. The cost of the installation would be met by the Club. Members discussed the proposals and considered whether a community consultation would be appropriate prior to the installation. It was agreed that because planning approval had been granted it would not be appropriate to place further quasi-planning conditions on the Club prior to installation. Members unanimously agreed to approve the installation. The Chief Legal Officer advised that as part of planning process careful consideration would have been paid to a range of matters, including local amenity, and highlighted that because the building was located in a conservation area a greater degree of deliberation would have taken place by planners. It was not necessary to consult publicly on all matters, and the Trust as landlord should be focused primarily on the prudent management of the property and land it held where it was evident that appropriate regulatory steps were being undertaken.

DECISION

AGREED to approve the installation of solar panels at Melrose Tennis Club.

4. PRIVATE BUSINESS

DECISION

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

SUMMARY OF PRIVATE BUSINESS

5. CARAVAN PARK

Members considered an update on matters relating to Melrose Caravan Club.

The meeting concluded at 11.55 a.m.

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SCOTTISH BORDERS COUNCIL EXECUTIVE COMMITTEE

MINUTES of Meeting of the EXECUTIVE
COMMITTEE held in the Council Chamber,
Council Headquarters, Newtown St Boswells
and via MS Teams on Tuesday, 16 May
2023 at 9.00 am

Present:- Councillors E. Jardine (Chair), M. Douglas, J. Greenwell, C. Hamilton, S. Hamilton, J. Linehan (from para 5), S. Mountford, D. Parker J. Pirone, E. Robson, M. Rowley, F. Sinclair, R. Tatler, E. Thornton-Nicol, and T. Weatherston.

Apologies: Councillors C. Cochrane and L. Douglas.

In Attendance:- Chief Executive, Acting Chief Financial Officer, Director – People, Performance and Change, Director – Resilient Communities, Director- Infrastructure and Environment, Democratic Services Team Leader, Democratic Services Officer (D. Hall)

1. **MINUTE**

There had been circulated copies of the Minute of the meeting held on 18 April 2023.

DECISION

APPROVED for signature by the Chairman.

2. **OFFICE PREMISES**

With reference to paragraph 7 of the Minute of the meeting held on 18 April 2023, there had been circulated copies of a report by the Director – Infrastructure and Environment which set out the proposed approach for how Scottish Borders Council intended to utilise its office accommodation, post pandemic, to realise best value and support communities effectively. A programme of work, which had commenced during the pandemic, was in progress and remained to be completed. There were some key areas within Council Headquarters that were the current area of focus which, once completed, would offer flexible solutions to office accommodation and enable improved opportunities for inter-agency and third party collaborative working. Members highlighted that the works to re-imagine how Council HQ was used had the potential to deliver huge benefits for the local community of Newtown St. Boswells, cut costs for Scottish Borders Council with regards to rental paid on behalf third sector agencies, provide the Council with appropriate training suites and a vibrant workplace for Council employees. Councillor Hamilton proposed amended recommendations, which were shared on screen for attendees. Regarding reference in the report to Covid safe capacity of the workspace at Council HQ, the Director – Infrastructure and Environment explained that due to previous legal Covid requirements the office was laid out in specific distanced manner, with adequate space between desks. Capacity of the office could be increased quickly, dependent on the acquisition of computer screens, docking stations and other information technology. Members highlighted that whilst hybrid working, and holding meetings via Microsoft Teams, had allowed Council services to be provided throughout the pandemic, connectivity problems remained a concern. In response to a question regarding the works at Paton Street, Galashiels, the Chief Executive confirmed that the works had been completed and the building was occupied. Regarding the capital receipts received from the sale of property in Hawick, the Chief Executive explained that the receipts related to the sale of flatted accommodation above the contact centre, and that Council policy was not to ring fence receipts received, but to use the funds as part of the overall capital programme. Regarding the building at Tweedbank which was part occupied by CGI and the Inspire Academy, there was approximately 300m² vacant which remained vacant.

The space had been marketed for lease, with three ongoing enquiries. The space needed to be fitted out by whomever became the tenant of the space in the building. Following concerns raised on the necessity of a working group a vote was held. Councillor Thornton-Nicol, seconded by Councillor Sinclair, proposed that the recommendations of the report be approved as they originally were. Councillor Hamilton, seconded by Councillor Mountford moved as an amendment that his recommendations, which had been displayed on screen in the Council Chamber and online, be approved.

VOTE

Councillor Thornton-Nicol, seconded by Councillor Sinclair moved that the recommendations in the report be approved as they had been circulated with the agenda.

Councillor Hamilton, seconded by Councillor Mountford moved as an amendment that his proposed recommendations were approved.

Due to the number of Elected Members present online it was not viable to vote by the normal show of hands and therefore Members gave a verbal response as to how they wished to vote the result of which was as follows:-

Motion – 4 votes

Amendment – 10 votes

The amendment was accordingly carried.

DECISION

DECIDED to:-

- (a) establish a dedicated Member/Officer working group to oversee and drive the implementation of the HQ re-provisioning project, ensuring effective co-ordination and accountability;**
- (b) give initial endorsement to the Proposal and Vision for the new HQ as outlined in Section 4 of the report while empowering the Member/Officer working group to finalise the project scope, considering stakeholder feedback and expert input;**
- (c) approve the planned works for Council HQ, as detailed in Section 7 of the report, with a budget allocation of £480k from the Asset Rationalisation & Demolition Capital Block. This would enable the necessary improvements to be carried out promptly;**
- (d) encourage the exploration of additional development opportunities for the remaining areas of the HQ campus, maximising its potential to meet future demands, enhance operational efficiency, and accommodate other public services seeking collaborative space. An update on this to come to the Executive Committee by September 2023;**
- (e) request a comprehensive assessment of the flexible working policy's effectiveness, implications for the Council, and its impact on Service Delivery. This report should be presented to the Executive Committee by September 2023, allowing for timely evaluation and potential adjustments; and**
- (f) actively promote and support an authentic hybrid working approach, encouraging staff members to work remotely and in the office whenever feasible. This flexible arrangement could foster a productive and adaptable workforce while maintaining the benefits of face-to-face collaboration.**

3. **SCOTTISH BORDERS COUNCIL QUEEN'S PLATINUM JUBILEE FUND**

With reference to paragraph 8 of the Minute of the Meeting held on 16 November 2021, there had been circulated copies of a report by the Director- Resilient Communities which provided evaluation and outcomes of the awards made in relation to the Queen's Platinum Jubilee Fund, which was open from 5 January 2022 to 30 April 2022. The report explained that the Committee had agreed on 16 November 2021 to allocate £70k to create a Queen's Platinum Jubilee Fund. The purpose of that Fund was to enable non-profit making community/voluntary groups, schools and churches within the Borders to apply for grant funding to take part in celebratory events/community and legacy projects to mark the late Queen's platinum Jubilee Weekend 2-5 June 2022. Approval for decision making for the fund was agreed at Officer level, with final approval and sign off by the Director – Resilient Communities. The Committee had asked that a report providing evaluation and outcomes of the awards made in relation to the Queen's Platinum Jubilee Fund be brought back at a later date. The Director – Resilient Communities presented the report and responded to Members questions. Regarding the number of organisations which had been unsuccessful in their application for funding, 18 groups had either withdrawn or been refused. In response to a question regarding the amount of funds which groups had applied for, discussions had been held with all of the applicants to determine what level of funding they needed to secure in order to ensure that their project or event was successful prior to awards being made. The Director confirmed that the overspend by the Council on the Fund had stemmed from high demand, combined with some applications taking longer than others to be submitted. That had resulted in concerns that some communities would feel aggrieved that they had not been able to access the Fund. The decision had been made through delegated powers by the Director of Resilient Communities and the Chief Financial Officer to increase the budget for the Fund based on the levels of demand which had been seen. The Director confirmed that the decision had been made at an officer level based on those delegated powers. The Chief Executive outlined the timing of the Fund, confirming that the celebrations had taken place in early June 2022, and that the application process had closed on 30 April 2022. Reporting of the expenditure was made retrospectively on 14 June 2022 and 22 August 2022 following the celebrations. The reporting of the expenditure, which had been a relatively small amount in the context of the budgets involved, had been made via the established virements process. Members highlighted that the level of community interest in the Fund had been extremely high, and that for reasons of fairness it would have been difficult to exclude some communities from accessing funding due to their lack of capacity to apply early in the application window. It was explained that due to the pre-election period of the local government elections held in May 2022, it would have been difficult, if not impossible, to make a decision on all of the applications at an Elected Member level. Members congratulated the officers involved for their work. In response to a question regarding the rate of return of evaluations, which was 85.7%, the Director confirmed that engagement with groups who had not returned evaluation forms was ongoing, and invited Members to help encourage their communities to engage with the Communities and Partnership team who could assist with the completion and return of the forms.

DECISION

AGREED to note the number, evaluation and outcomes of the awards made from the Queen's Platinum Jubilee Fund.

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 Appendix 1 to this Minute on the grounds that it involved the likely disclosure of exempt information as defined in Paragraphs 1 and 6 of Part I of Schedule 7A to the Act.

SUMMARY OF PRIVATE BUSINESS

5. **PRIVATE MINUTE**

The Private Section of the Minute of the meeting held on 18 April 2023 was noted for signature by the Chairman.

6. **SECOND HOMES COUNCIL TAX AFFORDABLE HOUSING INVESTMENT BUDGET PROPOSALS**

A report by the Director – Infrastructure and Environment was considered and the recommendations approved.

The meeting concluded at 10.10 am

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, 29 May 2023 at
4.30 p.m.

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

In Attendance: - Acting Chief Financial Officer (Suzy Douglas), Solicitor (Scott
Archibald), Democratic Services Officer (F. Henderson).

Members of the Public: - 0

1. **MINUTE**

There had been circulated copies of Minute of the Jedburgh Common Good Fund Sub-Committee held on 30 January 2023.

2. **ACTION TRACKER**

With reference to paragraph 5.2 of the Minute of 30 January 2023, the Democratic Services Officer advised that although a grant of £2,500 had been agreed for the repair to the Ceremonial Robes a payment of £2,000 had been made to the Community Council. Community Councillor Taylor advised that the Priest who was to repair the robes was no longer available and an alternative would require to be found and it was unclear if the costs would remain the same. Following discussion, it was agreed that until an alternative had been secured, the balance of £500 would remain allocated but unpaid.

DECISION

AGREED that:-

- (a) **the Minute of Meeting held on 30 January be approved;**
- (b) **the balance of £500 in respect of the repairs to the Ceremonial Robes be retained until an alternative repairer had been identified; and**
- (c) **that completed actions be removed from the Tracker.**

2.1 The Democratic Services Officer confirmed the dates that Financial Assistance payments had been made and it was agreed that the actions be removed from the Tracker.

3.0 **MONITORING REPORT FOR 12 MONTHS TO 31 MARCH 2023**

3.1 There had been circulated copies of a report by the Acting Chief Financial Officer which provided the income and expenditure for the Jedburgh Common Good Fund for the year

2022/23 including balance sheet values as at 31 March 2023, a full year projected out turn for 2022/23 and projected balance sheet values as at 31 March 2024. Appendix 1 provided the actual income and expenditure position for 2022/23. This showed a surplus of £30,382 for the year, which was higher than the previously reported deficit and was a result of an underspend in the Grants and Donations budget. Scheduled works for the new Allerley Well Play Park had been deferred into 2023/24. Appendix 2 provided an actual balance sheet value as at 31 March 2023, which showed a decrease in reserves of £99,792. Appendix 3a provided a breakdown of the property portfolio showing actual rental income and net return for 2022/23. Appendix 3b provided a breakdown of the property portfolio showing actual property expenditure for 2022/23. Appendix 4 provided a breakdown of the property portfolio showing actual property valuations at 31 March 2023. Appendix 5 showed the value of the Aegon Asset Management Investment Fund to 31 March 2023. The Acting Chief Financial Officer was present and answered Members questions.

DECISION

(a) AGREED:-

- (i) the projected income and expenditure for 2023/24 contained in Appendix I to the report as the revised budget for 2023/24;**

(b) NOTED

- (i) the actual income and expenditure for 2022/23 as shown in Appendix I to the report**
- (i) the final balance sheet value as at 31 March 2023 and projected balance sheet value as at 31 March 2-24 contained in Appendix 2 to the report;**
- (ii) the summary of the property portfolio in Appendices 3 and 4; and**
- (iii) the current position of the Aegon Asset Management Investment Fund in Appendix 5 to the report.**

The meeting closed at 4.45 p.m.

SCOTTISH BORDERS COUNCIL

EXTERNAL SERVICES/PROVIDERS MONITORING GROUP

MINUTES of Meeting of the EXTERNAL SERVICES/PROVIDERS MONITORING GROUP held via Microsoft Teams on Tuesday, 30 May 2023 at 2.00 pm

Present:- Councillors M. Rowley (Chair), P. Brown, M. Douglas, J. Greenwell, S. Hamilton, E. Jardine and E. Thornton-Nicol
In Attendance:- Director - Infrastructure and Environment, Contracts Manager (P. McNulty), Estimator (M. Douglas) and Democratic Services Officer (D. Hall).

1. MINUTE

There had been circulated copies of the Minute of the Meeting held on 7 March 2023.

DECISION

AGREED to approve the Minute for signature by the Chair.

2. SB CONTRACTS FINAL QUARTER REPORT 2022/23

2.1 There had been circulated copies of a report by the Chief Officer Roads which provided a summary of SBc Contracts for the financial year 2022/23 up to 31 March 2023. The Director – Infrastructure and Environment, Mr John Curry, presented the report and explained that the work undertaken by SBc Contracts included infrastructure improvements across the Council's roads and built estate. Works involving road surface treatment, civil engineering, internal building, bond coat application, traffic management and sign manufacture would be taken on. There had been 21 surface dressing patching sites, 9 carriageway patching sites, 8 screed sites, 12 capital resurfacing schemes, contracts for private clients and 3 Strategic Timber Transport Scheme (STTS) sites. Mr Curry highlighted the opportunities for young people to gain work experience as part of the capital works at Earlston High School.

2.2 Members welcomed the report, and highlighted that the Pothole Pro appeared to have made a positive experience on working practises and the teams who operated it. In response to a question regarding the standard by which repairs to pot holes were assessed, Mr Curry explained that it was important to draw the distinction between temporary and permanent repairs. Temporary repairs were often washed out as part of the thaw-freeze conditions prevalent throughout the winter, and were aimed at making roads safe by use of coal tar and similar products. Regarding permanent repairs, the Contracts Manager, Mr Peter McNulty, explained that Scottish Borders Council's Roads Asset Team would direct SBc Contracts where works were required, and then inspect the finished repair. If the repair was not done to an acceptable standard then the Roads Asset Team would request that the work be carried out again. The relationship between the client and contractor was professional and ensured that a high standard of work was delivered. In response to a question regarding whether a new process was in place for reporting pot holes, Mr Curry explained that Roads Inspectors had been undertaking assessments of road conditions across the region, and reporting by the public via an online interface, had allowed the timely identification of sites which required repairs. Sites would be categorised based on factors such as road classification and the likelihood of the hole causing damage to vehicles. Mr Curry undertook to share the classification system with Members via email. Regarding road planings, Mr McNulty explained that they were a waste material and that the preference was to recycle or resale the product where possible. Certain procedures needed to be followed to allow disposal. Mr Curry encouraged Members to use the Members Enquiries Portal to raise instances where projects required materials such as planings. Students from across the region could access work experience opportunities as part of the Capital Programme works taking

place in the Borders. Mr Curry undertook to promote the opportunities available via the Communications Department and through the Human Resources team where possible. The Estimator, Mr Douglas confirmed that there was a clear preference to source materials locally where possible. In instances where specifications or contracts dictated then it could be a requirement to import materials. Where possible there was a drive to use locally sourced materials. Between 90-95% of materials would be sourced from within the Scottish Borders. In response to a question regarding benchmarking the usage of the Pothole Pro compared to other Local Authorities, Mr Curry explained that SBC had been the first in Scotland to purchase the machine, and that once more statistical information became available then benchmarking could be explored. Regarding the opportunity to repair multiple pot holes on a single stretch of road where some holes had not been reported, Mr McNulty explained that if a pot hole was not marked for repair then it would not be filled. Mr Curry undertook to investigate pot hole repair operations with crew members to determine whether more pot holes could be repaired if they were discovered on a single stretch of road during planned works. The Pothole Pro was not as fast at repairs compared to conventional patching, however it was safer and produced a higher standard of finish. The potential of putting technology in recycling and refuse collection lorry cabs to allow the detection and reporting of road conditions was highlighted as something that should form part of the long term goal for the Scottish Borders to become the first smart rural region in the UK. Mr Curry undertook to investigate whether it would be possible to give waste collection crews a smart phone to facilitate communication with the depot. It was confirmed that in instances where there was a grouping of multiple holes, each individual hole would be counted for statistical purposes.

DECISION

AGREED:-

- (a) to note the performance of SBc Contracts for the final quarter of 2022/23;
- (b) that the Director – Infrastructure and Environment would examine whether operational the parameters of pothole repairs could be adjusted to ensure that multiple visits to the same stretch of road were not required; and
- (c) that the Director – Infrastructure and Environment would investigate smart phone provision for waste collection crews.

3. PRIVATE BUSINESS

DECISION

AGREED under Section 50A(4) of the Local Government (Scotland) Act 1973 to exclude the public from the meeting during consideration of the business detailed in the Appendix to this Minute on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 8 of Part I of Schedule 7A to the Act

SUMMARY OF PRIVATE BUSINESS

4. MINUTE

Members considered the Private Section of the Minute of the Meeting held on 7 March 2023.

5. SB CONTRACTS FINAL QUARTER REPORT 2022/23

Members considered a report by the Chief Officer – Roads and noted its recommendations.

The meeting concluded at 3.10 pm

SCOTTISH BORDERS COUNCIL SCRUTINY & PETITIONS COMMITTEE

MINUTES of Meeting of the SCRUTINY &
PETITIONS COMMITTEE held via Microsoft
Teams on Thursday, 1 June 2023 at 10.00
am

Present:- Councillors E. Thornton-Nicol (Chair), J. Anderson, J. Cox, M. Douglas,
J. PatonDay, N. Richards, E. Robson, S. Scott and F. Sinclair.

Apologies:- Councillor P. Brown.

In Attendance:- Chief Officer Corporate Governance, Director Resilient Communities, Clerk to
the Council, and Democratic Services Officer (F. Henderson)

1. MINUTE AND SCRUTINY ACTION SHEET

1.1 Copies of the Minute of Meeting held on 20 April 2023 had been circulated.

DECISION

APPROVED the Minute for signature by the Chair.

1.2 Copies of the Action Tracker for Scrutiny decisions had been circulated. The Clerk to the Council explained that with reference to paragraph 2.4 of the Minute of 12 January 2023, while no generic emails had yet gone out to Community Councils regarding waste and recycling communications, officers would copy in Members to these emails so they could check they had been received and disseminated wider within communities. With reference to paragraph 2.4 of the Minute of 13 January 2022, as the use of school facilities was now part of the new Scrutiny Review programme, the discussion on this would be taken forward through the Place Making agenda and also as part of that future review.

1.3 With reference to paragraph 1(a) of the Minute of 29 December 2021, the Director Resilient Communities explained that a report was due to be presented to the Executive Committee on 13 June 2023, seeking approval for a review of the Local Festival Grant Scheme, to be undertake prior to the commencement of the 2024/25 budget planning process. The review would be carried out through a short-life Member/Officer Working Group which would engage with relevant stakeholders and report back to the Executive Committee.

DECISION

NOTED the update to the Action Tracker and that these items be removed from the Action Tracker.

2. RURAL PROOFING POLICY UPDATE

With reference to paragraph 2 of the Minute of 9 December 2021, the Director Resilient Communities explained that having had an initial look at the Rural Proofing Policy, the thinking had now changed in terms of how to approach this. This Policy was initially developed to ensure people living and working in rural areas were taken into account in any new policies. This was in 2008 and a checklist was developed at that time to make an assessment. Things had moved on some way in terms of impact assessments since then, and the Scrutiny & Petitions Committee had suggested that rather than staying as a separate item, it should be part of the UN Sustainable Development Goals and Integrated Impact Assessment checklists and strengthen those to ensure rurality was fully incorporated. It had now been recognised that the UN Sustainable Development Goals

were a global standard so we could not change or add to that process. Instead, staff were being encouraged to consider rural aspects and ensure these were taken into account when looking at the checklist for the UN Sustainable Goals to ensure that any inequalities as a result of living in a rural area were recognised. Rather than changing the checklist, the guidance in completing the checklist would be amended. In terms of Integrated Impact Assessments (IIAs), rural proofing was fundamental to this and officers were now suggesting that rural proofing be built into IIAs going forward which would allow the separate Rural Proofing checklist to be removed. Work was underway to amend the IIA and guidance. The Director suggested that this should be completed and then in 6 months an evaluation be carried out to ensure it was working properly and a report brought to Scrutiny & Petitions Committee at that time.

DECISION

NOTED that the Integrated Impact Assessment (IIA) would be amended to incorporate rural proofing and a report would be brought to Scrutiny & Petitions Committee in 6 months to ensure the new IIA was working as planned.

3. SCRUTINY REVIEW WORK PROGRAMME

3.1 With reference to paragraph 2 of the Minute of 20 April 2023, there had been circulated copies of a report by the Clerk to the Council, which provided further details of those subjects submitted for consideration for review by the Scrutiny and Petitions Committee and sought approval for their inclusion in the Scrutiny Review Work Programme to be recommended to Council. The report explained that there were 9 topics being take forward for inclusion in the Scrutiny Review Programme as follows:-

1. Public Toilet Provision in the Scottish Borders
2. Employability Service Public Engagement
3. Private Sector Housing Grants and Assessment Process
4. Industrial Estates in the Scottish Borders
5. Covid Recovery Funds
6. Community Access to Schools out-with school hours
7. Shared Lives
8. E-Fleet
9. See Hear Grant Funding

3.2 In providing further information for each review, consideration had been given to the potential scale of each review, the resources required to take it forward, the timing of such a review and the method of taking the review forward i.e. by way of an information hearing or focussed hearing. Working Groups were not being considered at this time due to the current pressure on staff. The breadth of some reviews would require to be taken into consideration, as would the number of reviews being undertaken at any given time, to ensure that Members and Officers did not become over-burdened and resources were not stretched too thinly. Depending on the subject matter, Officers from various Services of the Council could provide support to Scrutiny & Petitions hearings.

3.3 With regard to the review of Public Toilet Provision, Members were keen to be updated on progress with this work before the suggested date of Winter 2024, due to the public interest in the matter. It was suggested that interim update reports on progress with the programme for public toilet provision would be brought to the Committee, with the first such report to be in December 2023 and this was unanimously agreed.

DECISION

(a) AGREED the Scrutiny Review Work Programme as detailed in the Appendix to this Minute.

(b) NOTED that the Review Work Programme may be added to at a later date, subject to approval by Scottish Borders Council.

- * (c) **AGREED to RECOMMEND to Scottish Borders Council that the Scrutiny Review Work Programme as detailed in the Appendix be approved.**

4. **FUTURE MEETING DATES**

The Committee noted the dates for future meetings detailed on the agenda.

The meeting concluded at 10.25 am

SCRUTINY & PETITIONS COMMITTEE

SCRUTINY PROPOSED REVIEWS

1. PUBLIC TOILET PROVISION IN THE SCOTTISH BORDERS (Director lead – John Curry)

- 1.1 A request for a review of Public Toilet provision was submitted by Cllr Sinclair and a further request was also received from Stow Community Council to review the closure of the public toilet in Stow. After discussing the requests at its meeting on 20 April 2023, the Scrutiny & Petitions Committee agreed to include both requests into the one review to cover public toilet provision in the Scottish Borders. At its meeting on 30 March 2023, Scottish Borders Council approved the future provision of public toilets across the Borders by providing one Council facility per each major existing settlement; and to undertake a condition survey which would lead to enhancements through capital investment (in 2024/25). There was currently additional provision in shops, filling stations, pubs, cafes and non-Council operated visitor attractions across the region and a mapping exercise would be carried out, as part of a co-ordinated communications strategy, to improve awareness and online and physical signposting of facilities for residents, tourists and visitors. The Council would also facilitate community-led initiatives to operate new or additional toilet facilities, although this would not include grant funding communities to take on redundant Council facilities. Where there were gaps in provision, the Council would also consider however, what support could be provided to operate community or business led 'Comfort Schemes' within the constraints of resource and available budget.
- 1.2 As the work to review and enhance the retained Council operated toilet facilities is due to take place over the next 2 years, it is considered best to allow this work to start, and then for Scrutiny & Petitions Committee to hold an Information Hearing to assess the following:
- The results of the surveys of SBC public toilets and the proposed enhancements
 - The results of the mapping exercise for toilet facilities open to the public
 - The communications/signage in place for public toilet facilities across the region
 - Complaints received by the Council on public toilet facilities (or the lack of facilities)
 - Any 'Comfort Scheme' facilities planned/in operation

At the end of the hearing, the Scrutiny & Petitions Committee will then consider whether they are satisfied with the information received, whether they require further information, or whether they wish to make recommendations to either the Director or appropriate Committee. Such recommendations must be in line with current budget and resources.

- 1.3 Timeline – a Hearing to be held in Winter 2024 to allow the work to be well advanced. Interim update reports on progress with the programme for public toilet provision will be brought to Committee before this time, with the first such report in December 2023.

2. EMPLOYABILITY SERVICE PUBLIC ENGAGEMENT (Director lead – Jenni Craig)

- 2.1 A request for a review of how the Employability Service publicised its work within the Borders was submitted by Cllr Anderson. The Employment Support Service is an outcome focused service which provides support for those who may need

additional help to find and sustain paid work e.g. care experienced young people, people with a learning and/or physical disability, people with a sensory impairment, people recovering from a mental illness, those who are homeless or under threat of being homeless, etc. The Employment Support Service offers a variety of services, all designed specifically to assist people in entering the workplace and moving on to working independently.

- 2.2 The Service is currently working on an updated communications plan and it is suggested that an Information Hearing is held which will allow the Scrutiny & Petitions Committee to assess the following:
- Current communications and marketing on the different SBC Employment services available
 - Partnership work and linking in with other organisations
 - Employers' engagement
 - Future developments

At the end of the hearing, the Scrutiny & Petitions Committee will then consider whether they are satisfied with the information received, whether they require further information, or whether they wish to make recommendations to either the Director or appropriate Committee. Such recommendations must be in line with current budget and resources.

- 2.3 Timeline – due to the current work on the updated communications plan, an Information Hearing is to be held in March 2024.

3. PRIVATE SECTOR HOUSING GRANTS AND ASSESSMENT PROCESS (Director Lead – Stuart Easingwood; Officer leads – Gwyneth Lennox and Donna Bogdanovich)

- 3.1 A request for a review of the Private Sector Housing Grants and Assessment Process was submitted by Cllr Robson. If a person is disabled or lives with someone who has a disability, they may be entitled to a grant to help adapt their home. Mandatory grants are available to provide structural alterations to help meet the needs of a disabled person. These grants allow for up to 80% funding of the total cost of any alteration and any grant level about 80% is calculated on a means tested basis. All requests for grant assistance are assessed through the Social Work service, and an Occupational Therapist will carry out the assessment to see if the individual is eligible for a grant. A priority system is in operation to ensure those with critical needs receive services first.

- 3.2 It is suggested that an Information Hearing is held which will allow the Scrutiny & Petitions Committee to assess the following:
- The process involved within the Council in applying for a housing grant, the OT assessment and arranging the work
 - The budget and resources available each year
 - How clients are kept informed

At the end of the hearing, the Scrutiny & Petitions Committee will then consider whether they are satisfied with the information received, whether they require further information, or whether they wish to make recommendations to either the Director or appropriate Committee. Such recommendations must be in line with current budget and resources.

- 3.3 Timeline – an Information Hearing is to be held in December 2023.

4. INDUSTRIAL ESTATES IN THE SCOTTISH BORDERS (Lead Director(s) – John Curry, Jenni Craig)

- 4.1 A request for a review of the Unused Trading Estate on Lennel Road, Coldstream, was submitted by Coldstream Community Council. The request advised that this

site had no tenants and had stood unused for over 10 years. Understanding was sought from SBC about future plans for the site to ensure the grant monies used to create the site were not wasted and actually generated a return and jobs for the community. After discussing the request at its meeting on 20 April 2023, the Scrutiny & Petitions Committee agreed to expand this review to cover current and future use of industrial estates across the Borders.

- 4.2 A briefing had been provided to the Leaders' Group earlier this year and a report will be coming to Council later this year on Business Parks and Economic Development land that sets out the priorities and provides progress reports on development, demand, occupancy, etc. It is suggested that an information report is provided to the Scrutiny & Petitions Committee detailing what work is being proposed prior to the report being considered at Council.
- 4.3 Timeline – an information report is to be brought in October 2023.

5. COVID RECOVERY FUNDS (Lead Officer – Suzy Douglas)

- 5.1 A request for review of the Scottish Government Grant Funding, including a full analysis of its purpose and use, was submitted by Cllr M. Douglas and a request for a review of the Council's Covid Recovery Fund purpose and spend to date was also submitted by Cllr Thornton-Nicol. After discussing the requests at its meeting on 20 April 2023, the Scrutiny & Petitions Committee agreed to cover both requests in the one review.
- 5.2 It is suggested that an Information Hearing is held which will allow the Scrutiny & Petitions Committee to assess the following:
- The funding which had been received from Scottish Government throughout the Covid-19 pandemic, the criteria for its spend, and the actual spend and outcomes achieved
 - The funding which the Council had put into its Covid Recovery Fund, the criteria for its spend, and the actual spend and outcomes achieved

At the end of the hearing, the Scrutiny & Petitions Committee will then consider whether they are satisfied with the information received, whether they require further information, or whether they wish to make recommendations to either the Director or appropriate Committee. Such recommendations must be in line with current budget and resources.

- 5.3 Timeline – an Information Hearing is to be held in August 2023.

6. COMMUNITY ACCESS TO SCHOOLS OUT-WITH SCHOOL HOURS (Lead Director(s) – Lesley Munro/Jenni Craig)

- 6.1 A request for review of Community access to school facilities out-with school hours, and the availability of janitorial staff to open/close the premises, was submitted by Cllr M. Douglas. Use of school sports facilities by the community is encouraged, and both indoor and outdoor spaces can be hired e.g. sports halls, artificial/grass pitches, dance studios, etc. Different facilities are available at individual schools.
- 6.2 It is suggested that an Information Hearing is held which will allow the Scrutiny & Petitions Committee to assess the following:
- The availability of school facilities across the region for community use, including availability of janitorial staff to open/close premises
 - The cost of hiring school facilities

At the end of the hearing, the Scrutiny & Petitions Committee will then consider whether they are satisfied with the information received, whether they require further information, or whether they wish to make recommendations to either the Director or

appropriate Committee. Such recommendations must be in line with current budget and resources.

6.3 Timeline – an Information hearing is to be held in March 2024.

7. SHARED LIVES (Lead Director – Chris Myers; Lead Officer – Simon Burt)

7.1 A request for review of the costs of the annual contract for Shared Lives, the performance against KPIs and whether savings were being met, was submitted by Cllr Thornton-Nicol. In Shared Lives, an adult or young person who needs long term support is matched with a carefully approved Shared Lives carer. Together, the person needing support and the Shared Lives carer share the carer's family and community life. Half of the people using Shared Lives move in with their chosen Shared Lives carer to live as part of their household; and half visit for day support or overnight breaks. People get safe, personal care and support, in a place which feels like home. They make friends and become more active, with improved social lives and greater involvement in their community.

7.2 It is suggested that an Information Hearing is held which will allow the Scrutiny & Petitions Committee to assess the following:

- The services provided by Cornerstone Shared Lives
- Performance of outcomes/KPIs within the contract
- What savings have been achieved

At the end of the hearing, the Scrutiny & Petitions Committee will then consider whether they are satisfied with the information received, whether they require further information, or whether they wish to make recommendations to either the Director or appropriate Committee. Such recommendations must be in line with current budget and resources.

7.3 Timeline – an Information hearing is to be held in May 2024.

8. E-FLEET IMPACT (Lead Directors – John Curry, Clair Hepburn)

8.1 A request for review of the impact of pool cars on the cost of reimbursing mileage to staff had been submitted by Cllr Thornton-Nicol. The Council has a fleet of electric vehicles for staff to book for site visits, etc. rather than using their own vehicles and claiming back mileage expenses.

8.2 It is suggested that an Information Hearing is held which will allow the Scrutiny & Petitions Committee to assess the following:

- The cost of E-fleet vehicles, their locations and useage
- The amount of mileage being paid to staff for use of own vehicles

At the end of the hearing, the Scrutiny & Petitions Committee will then consider whether they are satisfied with the information received, whether they require further information, or whether they wish to make recommendations to either the Director or appropriate Committee. Such recommendations must be in line with current budget and resources.

8.3 Timeline – an Information hearing is to be held in late summer 2024. This will allow costs from financial year 2023/24 to be analysed prior to the hearing.

9. SEE HEAR GRANT FUNDING (Lead Director – Stuart Easingwood; Lead Officer – Michael Curran)

9.1 A request for review of the impact of the grant funding for "See Hear" and the outcomes which are being achieved from this, had been submitted by Cllr Thornton-Nicol. See Hear is the national, strategic framework for sensory impairment in Scotland which promotes a seamless, multi-agency approach to assessment, care

and support to people with a sensory impairment (hearing loss, sight loss, or dual sensory loss).

- 9.2 It is suggested that an Information Hearing is held which will allow the Scrutiny & Petitions Committee to assess the following:
- The services provided through See Hear
 - Performance of outcomes

At the end of the hearing, the Scrutiny & Petitions Committee will then consider whether they are satisfied with the information received, whether they require further information, or whether they wish to make recommendations to either the Director or appropriate Committee. Such recommendations must be in line with current budget and resources.

- 9.3 Timeline – an Information hearing is to be held in Autumn 2024.

SCOTTISH BORDERS COUNCIL INNERLEITHEN COMMON GOOD FUND SUB COMMITTEE

MINUTE of Meeting of the INNERLEITHEN
COMMON GOOD FUND SUB-COMMITTEE
held via Microsoft Teams on Thursday 1
June 2023 at 3.00 pm.

Present:- Councillors M. Douglas, J. Pirone and R. Tatler.
Also Present:- R. McGinn (Memorial Hall User Group)
In Attendance:- Acting Chief Financial Officer, Principal Solicitor (G. Sellar), Estates Surveyor
(T. Hill), Democratic Services Officer (D. Hall).

1. **MINUTE**

The Minute of Meeting of the Innerleithen Common Good Fund Sub-Committee held on 8 March 2023 had been circulated.

DECISION

APPROVED the Minute for signature by the Chairman.

2. **ACTION TRACKER**

The Action Tracker had been circulated. The Chairman confirmed that items which had been completed could be removed.

DECISION

NOTED the Action Tracker.

3. **FINANCIAL MONITORING REPORT TO 31 MARCH 2023 AND PROPOSED BUDGET FOR 2023/24**

There had been circulated copies of a report by Acting Chief Financial Officer which provided details of the assets held by the Innerleithen Common Good Fund as at 31 March 2023, a full year revenue out-turn for 2022/23 and projected balance sheet values as at 31 March 2024. Appendix 1 to the report provided the actual Income and Expenditure account for the year to 31 March 2023. Appendix 2 to the report provided an actual balance sheet value as at 31 March 2023. It showed a decrease in the reserves of £40,174. The Acting Chief Financial Officer presented the report and highlighted that the depreciation charge was not a cash transaction and was off-set by a corresponding contribution from the Revaluation Reserve at the end of the financial year. As such, the net income/expenditure impact was nil.

DECISION

AGREED:-

- (a) to note the actual income and expenditure for 2022/23 in Appendix 1 to the report;
- (b) the proposed budget for 2023/24 as shown in Appendix 1 to the report;
- (c) to note the final balance sheet value as at 31 March 2023, and projected balance sheet value as at 31 March 2024 in Appendix 2 to the report; and
- (d) to note the summary of the property portfolio in Appendix 3 to the report.

4. **MEMORIAL GARDEN**

The Chairman invited Mr Ross McGinn of the Memorial User Group to provide an update on the War Memorial Garden. Mr McGinn explained the history of the Memorial and that

when custody of the Memorial had been accepted by Provost Mathieson in 1921 he had given a speech stressing the importance of safeguarding its future for all time. The importance of the community in safeguarding and caring for the memorial had been key, and the Community Trust had undertaken responsibility for its maintenance. Work to restore the Memorial Garden to its original condition, with a rock garden representative of the Leithen valley, appropriate planting and removal of shrubs continued to be planned. Funding had been used to acquire drawings of what work was required to restore the garden. Quotations had been sought from 4 different landscaping companies, of which 2 were unwilling to provide a price and one gave no response. Mr McGinn stressed that due to the nature of grant funding, where providers often required multiple quotes before considering an application, it had proved challenging to get the appropriate support for the entire project. Plans were now being put in place to divide the project into smaller phases. The works would involve the use of machinery to excavate and dispose of material, and it was hoped that Scottish Borders Council could assist with the latter element. It was expected that volunteers would be cleaning up the garden ahead of the summer games and again prior to Remembrance Sunday. Members thanked Mr McGinn for his update and all of his tireless work on the Memorial Garden project. Members advised that a release had been sent out by Scottish Borders Council seeking community projects which required funding, and Councillor Tatler undertook to share the details and provide a link via email. In response to a question regarding the original quotation, Mr McGinn explained that the quote was £58,150 plus VAT. Mr McGinn explained that financial assistance from Poppy Scotland was often limited to plaques and plinths, and was unlikely to be applicable to the whole Memorial Garden. Councillor Pirone undertook to contact Poppy Scotland to enquire about potential support. Members expressed hopes that the project would be a success using its current strategy.

DECISION

AGREED:-

- (a) to note the update; and**
- (b) that Councillor Pirone would write to Poppy Scotland to enquire about potential support available for the Memorial Garden project.**

5. WILDFLOWER PLANTING IN COMMON GOOD PARKS

There had been circulated copies of a report which sought agreement to adopt management principles that aligned with the wider "Pollinators along the Tweed" project for a 10 year period at Damside, Innerleithen. Those included management principles included wildflower planting through seeding, plug plants and bulb planting. Less intensive grass cutting practices would also be used in selected areas where appropriate. Members confirmed that they were happy to adopt the principles in the area which they had authority over.

DECISION

AGREED to

- (a) adopt and align with the Pollinators along the Tweed Management Principles at Damside; and**
- (b) enter into the Landowner Agreement outlined in the report.**

5. URGENT BUSINESS

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

5.2 Energy Efficiency in Common Good Buildings

Councillor Tatler explained that the Members of the Peebles Common Good Fund Sub-Committee had recently agreed to ask officers for an update on the energy efficiency and sustainability of its buildings. Members unanimously agreed to ask that the same process be undertaken for the Memorial Hall, Innerleithen. The Estates Surveyor, Ms Tricia Hill, advised undertook to contact the appropriate officers and request that the work be undertaken. The review would likely take the form of an energy efficiency audit.

DECISION

AGREED to request an update from Scottish Borders Council's Property Department on the energy efficiency and sustainability of Innerleithen Common Good Fund owned buildings.

6 FUTURE MEETING DATES

Members advised that the next scheduled meeting of the Innerleithen Common Good Fund Sub-Committee due to be held on 17 August 2023 at 3pm was not suitable due to other commitments and agreed to hold the meeting one week later.

DECISION

AGREED to reschedule the next Innerleithen Common Good Fund Sub-Committee from 17 August 2023 to 24 August 2023.

The meeting concluded at 15.40 pm.

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SCOTTISH BORDERS COUNCIL EXECUTIVE COMMITTEE

MINUTES of Meeting of the EXECUTIVE COMMITTEE held in the Council Chamber, Council Headquarters, Newtown St Boswells and via MS Teams on Tuesday, 13 June 2023 at 10.00 am

Present:- Councillors E. Jardine (Chair), L. Douglas, M. Douglas, J. Greenwell, C. Hamilton (from para. 2), S. Hamilton, J. Linehan, S. Mountford, J. Pirone (from para. 2), E. Robson, M. Rowley, F. Sinclair, R. Tatler, E. Thornton-Nicol, and T. Weatherston.

Apologies: Councillors C. Cochrane and D. Parker.

In Attendance:- Director - Education and Lifelong Learning, Director- Infrastructure and Environment, Director – People, Performance and Change, Director – Resilient Communities, Acting Chief Financial Officer, Democratic Services Team Leader, Democratic Services Officer (D. Hall)

1. **MINUTE**

There had been circulated copies of the Minute of the meeting held on 16 May 2023.

DECISION

APPROVED for signature by the Chairman.

MEMBER

Councillors Carol Hamilton and Pirone joined the meeting during the discussion of the item below.

2. **CAPITAL FINANCIAL PLAN 2022/23 – FINAL UNAUDITED OUTTURN**

There had been circulated copies of a report by the Acting Chief Financial Officer which provided a statement which compared the final capital outturn for 2022/23 with the final budget for the year and identified the main reasons for any significant variations. The final capital outturn statement for 2022/23 was included at Appendix 1 to the report and included the reasons identified by the Project Managers and Budget Holders for the variances to the final approved budget. That identified an outturn expenditure of £63.537m which was £11.583m below the final revised budget of £75.120m including timing movement in the final quarter of £10.445m. A number of macro-economic factors affected the Capital Plan during 2022/23. Unprecedented levels of inflation along with disruption in the construction materials supply chain continued to impact on the wider economy and consequently the Council. A surge in demand coupled with constraints on supply had led to price increases, shortages and longer lead times. Financial implications from those market conditions were reported within the final outturn report for 2022/23.

The outturn position provided the basis to inform the Capital Plan requirements in 2023/24, with any longer term impacts reflected in the financial planning process for future years. In anticipation of inflationary pressures an inflation contingency of £1.253m was established at the 2021/22 year end to support potential budget pressures. Through the first three quarters of 2022/23 that contingency was increased to £3.501m, with a timing movement of that approved into 2023/24 to support the 2023/24-2032/33 Capital Investment Plan. The contingency was being increased by a further £1.022m in this final quarterly monitoring of 2022/23 with that being used to offset Planned Programming Adjustments in 2023/24. The Acting Chief Financial Officer, Mrs Suzy Douglas, presented the report and responded to Members questions. In response to a question regarding whose responsibility it was for ensuring Integrated Impact Assessments (IIA) were carried out Mrs Douglas explained that there was a positive relationship between the Finance and

Project Management Teams and confirmed that the Director – Infrastructure and Environment was responsible for project management IIAs. Regarding the £3.245m set aside for inflation contingency within the budget, Mrs Douglas confirmed that the amount set aside was subject to review and there were no concerns regarding its current level. Members welcomed the report.

DECISION

(a) AGREED:-

- (i) the final outturn statement in Appendix 1 to the report;**
- (ii) the block allocations detailed in Appendix 3 of the report.**

(b) NOTED:-

- (i) the adjustments to funding in Appendix 1 to the report;**
- (ii) the final block allocations in Appendix 2 to the report**
- (iii) the whole project costs detailed in Appendix 4 to the report.**

3. 2022/23 UNAUDITED REVENUE OUTTURN

There had been circulated copies of a report by the Acting Chief Financial Officer which provided a statement comparing final revenue outturn expenditure and income for 2022/23 with the final approved budget for the year along with explanations for significant variances. A net, unaudited outturn underspend of £1.532m was achieved in the 2022/23 revenue budget. The £1.532m net underspend (less than 0.5% of final approved budget) was delivered following a number of earmarked balances being carried forward from 2022/23 into 2023/24. In total, those amounted to £31.142m and related to a number of initiatives across the Council and specifically included £1.187m of carry forward into the Council's Recovery Fund and £3.589m of carry forward by schools under the Devolved School Management scheme (DSM). Council services had delivered an underspend position whilst delivering significant financial plan savings totalling £12.027m. A high level summary of the outturn position in each Service was detailed in the report. The Council's finances and operating model had continued to be affected by the COVID-19 recovery period during 2022/23. Unprecedented market conditions and inflationary pressures, pressures from pay award and staff recruitment and retention challenges had also continued to impact. Those financial challenges had resulted in a total draw down of £10.591m from the Recovery Fund during the year. During 2022/23 detailed revenue monitoring reports were reviewed by the Council Management Team (CMT) allowing proactive corporate management action to be taken during the year where required. In line with Financial Regulations quarterly monitoring reports were approved by the Executive Committee, authorising the necessary adjustments to the budget throughout the year. Most recent communications from Scottish Government indicated that pay negotiations required Councils to fund 3% pay increases for all staff groups for 2023/24 on a permanent basis. The Council budgeted for a 2% pay increase which had left a 1% gap. A 1% increase in pay for all staff groups would require around £1.8m additional funding. On that basis the £1.532m 2022/23 revenue underspend would be ring-fenced within the Council's General Fund balance as a contribution towards pay pressures in 2023/24. As previously reported, there were significantly more savings delivered permanently in 2022/23 when compared to 2021/22. The level of savings required by the financial plan totalled £12.027m in 2022/23. An analysis of delivery of savings was provided in Appendix 3 to the report. The outturn position showed that £8.934m (74%) savings were delivered permanently in line with approved plans with the remaining £3.093m (26%) delivered on a temporary basis through alternative savings. Members welcomed the report, highlighted that the staff had done an excellent job at making savings on a yearly basis and stressed that it was prudent to ring fence financial

resources to help meet the impact of pay negotiations. The importance of building future capacity within the region to avoid sending people, in particular children, on out of area placements as part of social work and practice services was raised. Regarding the learning disability underspend of £25k, Members highlighted that additional budget had been provided to the service throughout the year and that what had been listed as an underspend in fact represented a smaller overspend. In response to a question regarding a budget pressure of £505k identified in the Strategic Commissioning & Partnership service as part of increased service charges and mobile telephony costs, Mrs Douglas confirmed that the overspend was an additional cost experienced as part of licensing arrangements. The costs were incurred on the back of changes made as part of the transformation programme, and needed to be addressed through change. Regarding the likelihood of pay increases going beyond the additional 1% set aside, Mrs Douglas explained that discussions with the Scottish Government had given firm indications that Councils could budget for a 3% rise. The Director – People, Performance and Change explained that pay negotiations were ongoing, and that whilst there had been a move to balloting union membership on a settlement, agreement was not expected in the near future. Members expressed their hopes that they would be able to use future financial savings to help deliver better services to the communities of the Scottish Borders.

DECISION

AGREED:-

- (a) the content of the report and noted the favourable outturn position for 2022/23 prior to Statutory Audit;**
- (b) to approve the ring-fencing of £1.532m 2022/23 revenue underspend within the Council's General Fund balance to provide for 2023/24 pay pressures;**
- (c) to note the draft unaudited outturn position would inform the budgetary control process during 2023/24 and inform the financial planning process for future years; and**
- (d) to approve the sums earmarked under delegated authority by the Director, Finance and Corporate Governance as well as adjustments to previously approved earmarked balances as shown in Appendix 1 to the report.**

4. BALANCES AT 31 MARCH 2023

There had been circulated copies of a report by the Acting Chief Financial Officer which provided an analysis of the Council's balances as at 31 March 2023. The Council's General Fund useable reserve (non-earmarked) balance was £8.448m at the end of the financial year. The 2022/23 balances were before a series of technical accounting adjustments, the effect of which were expected to be broadly neutral. Adjustments required as a result of the Statutory Audit process would be reported at the conclusion of the Audit. The total of all useable balances, excluding developer contributions, at 31 March 2023 was £61.482m compared to £64.481m at 31 March 2022. Members thanked staff for their hard work preparing finance reports. In response to a question regarding the anticipated value of developer contributions, Mrs Douglas explained that Appendix 3 to the report set out the contributions and highlighted that the sub-total stood at £8.543m at 31 March 2023.

DECISION

NOTED:-

- (a) the revenue balances as at 31 March 2023 contained in Appendices 1 and 2 to the report, including movement in reserves since the last reporting period; and**
- (b) the balance in the Capital Fund contained in Appendix 3 to the report.**

5. **CORPORATE DEBTS – WRITE OFFS IN 2022/23**

There had been circulated copies of a report by the Acting Chief Financial Officer which, as required by the Financial Regulations, detailed the aggregate amounts of debt written off during 2022/23 under delegated authority. The report covered the areas of Council Tax, Non-Domestic rates, Sundry Debtors, Housing Benefit Overpayments and aged debt from the balance sheet. The total value of write-offs increased from £0.39m in 2021/22 to £0.66m in 2022/23. There were ongoing risks associated with the management of the Council's debts, and those could lead to an increase in the level of debts that could be required to be written off as irrevocable in future years. Those had been identified in the report. The Council maintained an appropriate bad debt provision to help manage those risks. Mrs Douglas presented the report and highlighted that the Council only wrote debt off when specific circumstances arose. Members expressed frustration that the Council had to write off bad debts, provided assurance that debts were pursued where appropriate, and acknowledged that write offs could be compassionate in nature, in particular where they related to debtors who had deceased or faced financial hardship. Regarding issues related to accessing personal bankruptcy cases, the Director – Resilient Communities undertook to provide a briefing note for Members. In response to a question regarding whether there was alarm at the high number of write offs in cases of insolvency, the Director explained that the analysis provided in the report represented the work which had been undertaken by staff, and did not necessarily present an accurate picture of what had happened with businesses and people across the region. A wide range of support was present for businesses and individuals across the Scottish Borders, including the assistance offered by the South of Scotland Enterprise's through its Business Gateway, and Citizens Advice Bureaus respectively. Regarding whether it would be economical to insure the debts of the Council, Mrs Douglas explained that the Council's bad debt provision set aside financial resources to cover what was written off and to estimate what was required in future years.

DECISION

NOTED the debtor balances written off during 2022/23

6. **PEEBLES SWIMMING POOL**

With reference to paragraph 10 of the Minute of the Meeting held on 18 April 2023 there had been circulated copies of a report which provided a further update on the repair works to Peebles Swimming Pool. Members had requested that a report exploring alternative methods of funding the additional works be brought back to the Committee. Officers had examined the options and they were set out in the report. Reinstatement works had begun in January 2023 focused on repairs to the damaged roof, plant room, and the internal fabric of the main pool hall. During works, a number of other issues were identified which the Council were addressing alongside the reinstatement works. Works were due to be completed to enable reopening of the swimming pool for operation by Live Borders in July 2023. The Director – Infrastructure and Environment, Mr John Curry, presented the report and responded to Members questions. Members highlighted that a thorough lessons learned report needed to be produced. Mr Curry indicated that he hoped the report would be ready for the autumn, and that the report would take account of other due diligence of the Council and LiveBorders estate which was going to be undertaken. In response to a question regarding whether it would be possible to extend the installation of solar panels to other similar facilities, Mr Curry explained that a number of energy efficiency improvement works were underway at four different locations, of which the Peebles swimming pool was one. Planning for works to improve energy consumption and renewable energy projects was being undertaken for future years. Mr Curry acknowledged that the report had stated there would be no impact on energy efficiency due to the roof works in error and confirmed that there would be an impact due to the solar panel installation. The primary repair to the roof was focused on reinstatement, and the insulation levels would not necessarily be improved. Mr Curry undertook to investigate the expected kilowatt-hour production from the solar panels. In response to a question regarding references in the report to 2025/26, Mr Curry explained

that the programme of works would finish in 2023, but financial resources from future blocks would be used to meet the cost of the works.

DECISION

AGREED to:-

- (a) approve the funding proposal to re-profile the Building Upgrade Block through acceleration from 2025/26 as detailed in the report; and**
- (b) note the progress made on reinstatement and refurbishment of Peebles Swimming Pool and completion and reopening in July 2023.**

MEMBER

Councillor Carol Hamilton left the meeting during the discussion below.

7. LOCAL HOUSING STRATEGY 2017/22 (23) SIX YEAR SUMMARY REPORT

There had been circulated copies of a report by the Director – Infrastructure and Environment which sought endorsement of the Annual progress Report, which set out achievements and progress in the delivery of the Local Housing Strategy (LHS) 2017-22(23) and approval to submit that to the Scottish Government More Homes Division. The Housing (Scotland) Act 2001 placed a statutory requirement on local authorities to develop a Local Housing Strategy, supported by an assessment of housing need and demand. That strategy set out the strategic direction for housing investment and service delivery in the Scottish Borders for 2017-22(23). The Council and its partners had made good progress since the LHS was formally approved in September 2017. Year six had seen some challenges as a result of the legacy of the Covid-19 pandemic, the war in Ukraine and the Cost of Living Crisis, however, activity during 2022/23 included the delivery of 146 affordable homes, the submission of an ambitious Strategic Housing Investment Plan, delivery of 220 energy efficiency measures underpinned by £1.8m in investment, delivering the Warm and Well Borders project, initiating development of the Local Heat and Energy Efficiency Strategy, progress related to empty homes, progress in delivery of the Rapid Re-Housing Transition Plan and 68 major adaptations completed in the private sector. The Principal Housing Officer, Ms Donna Bogdanovic, presented the report and explained that a number of key highlights had been drawn out of the full report as part of the summary. Members welcomed the progress which had been made in delivering affordable homes throughout the period, and stressed that even more needed to be done over the coming years. In response to a question regarding a pilot energy efficiency project which had previously been run in Peebles, Ms Bogdanovic explained that whilst the pilot had been successful and well received, no appropriate funding was available to offer future schemes or a repeat of the pilot. The Local Heat and Energy Efficiency Strategy (LHEES) was expected to drive future work in the area of energy efficiency. Ms Bogdanovic highlighted that there was a high degree of work related to energy efficiency and climate change being undertaken across the Council by dedicated officers. The importance of reducing stigma associated with affordable housing was stressed. In response to a question regarding what steps were taken to ensure that homes were built that did not require subsequently expensive alterations, and how the Registered Social Landlords ensured they had adequate housing stock, Ms Bogdanovic explained that her team worked closely with the RSLs to ensure that appropriate homes were built. Challenges remained in convincing the private sector to build wheelchair accessible standard homes. In response to a question regarding the proportion of homes rented in the private sector, Ms Bogdanovic explained that approximately 13% were private rented, 20% social rented and the remainder owner occupied. A Scottish Government consultation was expected later in the year on the requirement to maintain private rented homes to the same standard as the social rented sector. Where issues with private tenancies the Council's Private Sector Liaison and Enforcement Officer could assist landlords with guidance on bringing their property up to the required standard. Regarding the level of collaboration between Planning and Housing, the Chief Planning Officer, Mr Ian Aikman, explained that both teams reported to him. Following the change

in guidance enacted by the National Planning Framework 4, climate change, biodiversity and net zero were of the highest importance in the context of planning and housing moving forward. Mr Aikman undertook to prepare a Members Briefing regarding the perception of affordable homes, and explained that he expected that the Chief Executives of the appropriate RSLs would attend. It was highlighted that a briefing at the Anti-Poverty Members Reference Group on the subject would also be helpful.

DECISION

AGREED to:

- (a) note the progress made in delivering on the strategic actions as set out in the appended Annual Progress Report and Monitoring and Evaluation Matrix; and**
- (b) approve submission of the Annual progress Report and Matrix to the Scottish Government More Homes division.**

8. STRATEGIC HOUSING INVESTMENT PLAN PROGRESS FOR 2022/23

With reference to paragraph 2 of the Minute of the Meeting held on 4 October 2022 there had been circulated copies of a report by the Director – Infrastructure and Environment which advised of the affordable housing annual completions and progress made in the delivery of the Strategic Housing Investment Plan projects for the period 2022/23 and report on progress related to empty homes. The Strategic Housing Investment Plan (SHIP) was the sole document for targeting affordable housing investment in Scottish Borders. It was prepared and submitted to Scottish Government on an annual basis, and provided a rolling 5 year planning horizon of identified and prioritised affordable housing development intentions. Scottish Borders Council's SHIP 2023- 2028 received positive feedback from Scottish Government Officials. The report advised Members that for the financial period 2022-2023, 146 affordable homes were delivered. That exceeded the Council's Local Housing Strategy annual target of 128 new affordable homes. Of the 146 homes delivered, Registered Social Landlords delivered 120 additional homes through new building and conversion and an additional 13 via purchases of existing homes. Five homes were delivered through the Rural Housing Grant and 8 individual house purchases were assisted by Scottish Government's Open Market Shared Ownership scheme. That represented a 6 year average annual delivery of 174 affordable homes; 131 of which were 'new' supply. The report also provided some contextual commentary on empty homes activity and progress in 2022/23, including 36 homes brought back in to use. Members welcomed the report and stressed that excellent work had been delivered in extremely challenging times. Members highlighted the positive impact that the work of the Empty Homes Officer was having, and that with further investment and work even more homes could be brought back into habitation. In response to a question regarding the response to the letters which had been sent to the owners of empty homes, Ms Bogdanovic undertook to investigate with the Empty Homes Officer and to respond offline. Regarding the use of empty homes to help house Ukrainian refugees, Ms Bogdanovic explained that she was working closely with the Director of Social Work and Practice to assist with settlement, but that due to the level of disrepair inherent to empty homes, it was not financially viable to use them in the short term.

DECISION

AGREED to:-

- (a) endorse the progress made in the delivery of affordable housing in 2022/23; and**
- (b) note the progress made in addressing Empty Homes.**

DECLARATION OF INTEREST

Councillors L. Douglas, E. Thornton-Nicol and T. Weatherston declared an interest in the following item of business in terms of Section 5 of the Councillors Code of Conduct and left the Chamber during the discussion.

MEMBER

Councillor Mountford left the meeting prior to the item below.

9. **SCOTTISH BORDERS COUNCIL LOCAL FESTIVAL GRANT SCHEME**

There had been circulated copies of a report by the Director – Resilient Communities which sought approval for a review of the Local Festival Grant Scheme to consider future provision of the Scheme from 2024/25 onwards. 29 festivals across the Borders were provided with an annual grant to support insurance costs and public protection measures. To ensure the continuity of grants whilst the review was undertaken it was proposed that grants were issued as normal for 2023/24. The review would involve stakeholders of the Scheme to ensure the options presented were reflective of the needs of local communities. Members welcomed the report, highlighted that a review was overdue and that it was important that consideration was given to events which did not currently receive support. In response to a question regarding Other Spend in Appendix 2 to the report, the Director explained that the costs were wide and varied and agreed to provide a breakdown via email. Analysis would also be undertaken prior to the first meeting of the Working Group. It was hoped that the review would ensure that vital support could continue to be provided to support local festivals, whilst also ensuring appropriate attention was paid to transparency and proper governance.

DECISION

AGREED to:-

- (a) **approve the review of the Local Festival Grant Scheme which would be carried out in advance of 2024/25 budget planning;**
- (b) **approve the establishment of a short-life Member/Officer Working Group to undertake the review and report back to the Executive Committee. The Working Group would include an Elected Member from each of the five localities; and**
- (c) **delegate authority to the Director - Resilient Communities to appoint the members of the Group in consultation with the relevant Executive portfolio holder.**

MEMBER

Councillors L. Douglas, E. Thornton-Nicol and T. Weatherston re-joined the meeting following the item above.

10. **REVIEW OF SUPPORT TO COMMUNITY COUNCILS**

There had been circulated copies of a report by the Director – Resilient Communities which proposed to mitigate against the effect of the increase seen in community council insurance premiums, payable by community councils, between 2021/22 and 2022/23 and commence a review of financial support to community councils. As of May 2023 there were community councils operational in 66 of the 69 community council areas across the Borders. The last review of funding and support in kind was undertaken in 2009. Since then the funding and in kind support had been enough to cover the cost of the core functions of community councils. However, the sharp rise in inflation had seen costs rise to a level that community councils were struggling to meet. The current budget commitment to support community councils was £80,696.94. This was held within the Resilient Communities and Infrastructure and Environment departments. The Director presented the report and responded to questions. In response to a question regarding delayed payment of grants, the Director – Resilient Communities, Ms Jenni Craig, undertook to investigate with the relevant team whether any perceived delays had been

due to SBC processing times. An analysis of Community Council Grants would form part of the review. Ms Craig confirmed that discussions regarding the provision of suitable premises for meetings, taking into account online or blended capacity, to community councils would also be part of the review. The Director confirmed that the Scottish Borders Community Councils' network was subject to the same conditions related to annual accounts and Minute keeping as individual community councils. In response to a question regarding inconsistent changes to insurance costs, Ms Craig explained that all insurance was provided under the Council's insurance through Zurich. The fact that some councils insurance costs had increased whilst others decreased was due to the type of activities and events organised by the respective council. Where larger events were held, a larger level of insurance cost could be expected. It was confirmed that employers' liability insurance was in place at the request of 5 Community Councils because they had hired people to provide expertise or undertake other work. Ms Craig confirmed that where volunteers carried out work, such as planting flowers, on behalf of a community council they would be covered by the appropriate insurance. Members unanimously agreed to the formation of a Member/Officer Working Group to steer the review. It was emphasised that it was important that the review considered the empowerment and role of community councils, and the role of Elected Members in the context of community councils.

DECISION

AGREED:-

- (a) that a review of financial support to community councils was undertaken and agreed changes fed in to the budget setting process for 2024/25;**
- (b) that the difference in cost of the additional annual insurance premiums, payable by community councils, between 2021/22 and 2022/23 was covered by SBC on a one off basis;**
- (c) that support provided to the Community Council Network was also considered as part of the review;**
- (d) to approve the establishment of a short-life Member/Officer Working Group to undertake the review and report back to the Executive Committee. The Working Group would include an Elected Member from each of the five localities; and**
- (e) to delegate authority to the Director - Resilient Communities to appoint the members of the Group in consultation with relevant Executive portfolio holder.**

11. SCOTTISH BORDERS COUNCIL'S QUARTER 4 AND ANNUAL 2022/23 PERFORMANCE INFORMATION

With reference to paragraph 5 of the Minute of the Meeting held on 14 March 2023 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 4 and Annual 2023/23 performance information. The information contained in the report would be made available on the SBC website. The Director – People, Performance and Change, Ms Clare Hepburn, presented the report and highlighted that further work had gone into developing the infographics presented alongside the report. Members thanked Council staff for their work and highlighted that the graphics were easier to read and understand. In response to a question regarding super-fast broadband, Ms Hepburn undertook to investigate whether that referred to broadband to the property or the cabinet. Regarding reference in the infographics to the 2012 Respectful Relationships Policy being updated and the Respectful Relationship and Anti-Bullying Policy 2023 being in final draft, Ms Hepburn explained that due to production deadlines it had not been possible to amend the infographics prior to publication. The covering report had explained that the Policy had been completed and agreed. In response to a question regarding the school

attendance rate being below the rate pre-Covid, and its impact on attainment, the Director of Education and Lifelong Learning acknowledged the correlation between attendance and attainment and explained that attendance was above target at 93%. Schools were attempting to maximise attendance, and had accessed pupil equity funding to employ attendance officers and improve levels of attendance. In response to a question regarding whether it would be possible to explain in the Community Action Team report that some major incidents could result in figures being lower than previous reports, Ms Hepburn explained that reporting had previously been done for events such as the funeral of the Queen and undertook to investigate whether a more effective way of capturing key data for the report could be established.

**DECISION
AGREED to:**

- (a) **note the Quarter 4 2022/23 Council Plan Key Milestones and Performance Indicators Report in Appendix 1 to the report;**
- (b) **note the Quarter 4 2022/23 Community Action Team Performance Report in Appendix 2 to the report; and**
- (c) **note the Annual 2022/23 Performance Report in Appendix 3 to the report.**

12. COUNCIL HEADQUARTERS RE-PROVISIONING WORKING GROUP

Councillor Jardine, seconded by Councillor Scott Hamilton, proposed that Councillors David Parker, Watson McAteer, Drummond Begg, Elaine Thornton-Nicol, Euan Jardine, Simon Mountford, Mark Rowley and Leigh Douglas be appointed to the Council Headquarters Re-Provisioning Working Group. The proposal was unanimously approved.

DECISION

AGREED to appoint Councillors David Parker, Watson McAteer, Drummond Begg, Elaine Thornton-Nicol, Euan Jardine, Simon Mountford, Mark Rowley and Leigh Douglas to the Council Headquarters Re-Provisioning Working Group.

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 the relevant paragraphs of Part I of Schedule 7A to the Act.

SUMMARY OF PRIVATE BUSINESS

14. PRIVATE MINUTE

The Private Section of the Minute of the meeting held on 16 May 2023 was approved for signature by the Chairman.

The meeting concluded at 12.50 pm

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SCOTTISH BORDERS COUNCIL GALASHIELS COMMON GOOD FUND SUB COMMITTEE

MINUTE of Meeting of the GALASHIELS
COMMON GOOD FUND SUB
COMMITTEE conducted remotely by
Microsoft Teams on Thursday, 15 June
2023 at 10.00 am.

Present:- Councillors H. Steel (Chair), E. Jardine, F. Sinclair and Community Councillor R. Kenney (from para. 2).
Apologies:- Councillor N. Mackinnon.
In Attendance:- Acting Chief Financial Officer, Interim Estates Strategy Manager (J. Stewart), Democratic Services Officer (D. Hall).

1. **MINUTE**

The Minute of the Meeting of the Galashiels Common Good Fund Sub-Committee held on 2 March 2023 had been circulated.

DECISION

APPROVED for signature by the Chairman.

2. **MONITORING REPORT FOR 9 MONTHS TO 31 DECEMBER 2022 AND PROPOSED BUDGET FOR FINANCIAL YEAR 2023/23**

There had been circulated copies of a report by the Acting Chief Financial Officer which provided the details of the income and expenditure for the Galashiels Common Good Fund for the year 2022/23, including balance sheet values at 31 March 2023, a full year projected out-turn for 2023/24 and projected balance sheet as at 31 March 2024. Appendix 1 to the report provided the actual income and expenditure position for 2022/23. That showed a projected surplus of £1,882, which was better than the previously reported surplus on 2 March 2023 as a result of an increase to the interest rate. Appendix 2 to the report provided a projected balance sheet value as at 31 March 2023, and showed a projected decrease in reserves of £92,561. Appendix 3a provided a breakdown of the property portfolio, and showed actual rental income and net return for 2022/3, whereas Appendix 3b to the report provided a breakdown of the property portfolio and showed actual property expenditure for 2022/23. A breakdown of the property portfolio, showing actual property valuations at 31 March 2023 was provided in Appendix 4 to the report. The value of the Aegon Asset Management Investment Fund to 31 March 2023 was provided in Appendix 5 to the report. The Acting Chief Financial Officer, Ms Suzy Douglas, presented the report and highlighted that the Central Support Charge for 2023/24 was set in the budget at 2%, but would not be confirmed until a pay award had been agreed for 23/24. Ms Douglas stressed that it was important to view the returns of the Aegon Investment Fund over the long term.

DECISION

AGREED:-

- (a) to note the projected income and expenditure for 2022/23 in Appendix 1 to the report as the revised budget for 2022/23;
- (b) the proposed budget for 2023/24 as shown in Appendix 1 to the report;

- (c) to note the projected balance sheet value as at 31 March 2023 Appendix 2 to the report;
- (d) to note the summary of the property portfolio in appendices 3 and 4 to the report; and
- (e) to note the current position of the Aegon Asset Management Investment Fund in Appendix 5 to the report.

3. **PROPERTY**

The Interim Estates Strategy Manager, Ms Jo Stewart, provided an update on plans to extract the timber located at the Ladhope Golf Club. Ms Stewart explained that a meeting was due to be held on Monday, 19 June 2023 with the Golf Course and the proposed Woodland Consultant. The outcome of the meeting was expected to finalise the process for extraction, agree timelines and allow financial figures to be updated. It was hoped that an agreed programme for extraction would be agreed by the end of the summer. The Estates department had received notification from colleagues in Environmental Health that the property at 47 Ladhope Crescent had been experiencing outflows, possibly related to a septic tank leak. The matter was under investigation by Environmental Health to determine the origin of the outflow, and whether it originated from the Golf Course. In response to a question regarding planting at Bank Street Gardens, and whether it would be possible for the Common Good to fund additional planting in line with recently published guidance Ms Jo Stewart undertook to investigate the matter with Neighbourhood Services. Regarding the condition of Leebræ Park, Ms Stewart undertook to discuss the condition of the park, including its general disrepair and grass cutting regime, with Neighbourhood Services.

DECISION

AGREED:-

- (a) note the update on woodland extraction; and
- (b) that the Interim Estates Strategy Manager would contact Neighbourhood Services regarding:-
 - (i) the planting options available to the Common Good at Bank Street Gardens; and
 - (ii) the condition of Leebræ Park, including grass cutting and general disrepair.

The meeting concluded at 10.15 pm.