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

6.	<p><b>Committee Minutes</b> (Pages 3 - 38)</p> <p>Consider Minutes of the following Committees:-</p> <table><tr><td>(a) Scrutiny and Petitions</td><td>19 October 2023</td></tr><tr><td>(b) Tweeddale Area Partnership</td><td>31 October 2023</td></tr><tr><td>(c) Planning and Building Standards</td><td>6 November 2023</td></tr><tr><td>(d) Executive Committee</td><td>14 November 2023</td></tr></table> <p>(Copies attached.)</p>	(a) Scrutiny and Petitions	19 October 2023	(b) Tweeddale Area Partnership	31 October 2023	(c) Planning and Building Standards	6 November 2023	(d) Executive Committee	14 November 2023	5 mins
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| (c) Planning and Building Standards | 6 November 2023  |
| (d) Executive Committee             | 14 November 2023 |

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# SCOTTISH BORDERS COUNCIL SCRUTINY & PETITIONS COMMITTEE

MINUTES of Meeting of the SCRUTINY &  
PETITIONS COMMITTEE held via Microsoft  
Teams on Thursday, 19 October 2023 at 2 pm

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Present:- Councillor N. Richards (Chair), M. Douglas, J. Anderson, J. PatonDay, S. Scott, F. Sinclair

Apologies:- Councillors P. Brown, J. Cox, E. Robson and E. Thornton-Nicol

In Attendance:- Chief Legal Officer, Director Infrastructure & Environment (from 2.45pm), P. Gilhooly, D. Faulds (Deputy Petitioner), Clerk to the Council, Finance Analyst (T. Hutchison) and Democratic Services Officer (L. Cuerden)

## 1. **PETITION – CRAILING JUNCTION**

1.1 The Chair welcomed everyone to the meeting, in particular the Deputy Petitioner, Ms Dinah Faulds. The meeting was held via Microsoft Teams and livestreamed and the Chair gave details of the protocols for the meeting.

### 1.2 **Petitions Procedure**

There had been circulated copies of an extract from Scrutiny and Petitions Committee procedure. The Chair outlined the process and in particular the procedure which would be followed during the meeting and the options available to members of the Committee once they had considered all the information before them.

### 1.3 **Crailing Junction**

There had been circulated copies of a petition entitled 'Improve Road Safety on the A698 at the Crailing Junction (D153/4) which had been signed by each of the 65 householders in the village. There had also been circulated copies of a briefing report by Philippa Gilhooly, Infrastructure and Environment which detailed progress made since the site visit on 21 September 2023. In the petition statement it was explained that residents were increasingly anxious and frightened for their lives and those of their passengers when exiting and entering the village junction due to lack of visibility and speed of vehicles on A698. It was requested that Scottish Borders Council and Police Scotland address these issues as a matter of urgency before someone was injured or killed. Several measures to improve the situation were suggested: the removal of trees from the village junction (D153/4) to the Toll House; a reduction in speed limit to 40mph with signage at each end of the village; installation of a speed camera; and a tapered slip road into the village approaching from Jedburgh and exiting the village towards Kelso.

1.4 The Chair invited Ms Faulds, Deputy Petitioner, to present the petition on behalf of the Principal Petitioner Nicola Cowe. In support of the petition statement, Ms Faulds advised that the petition had been lodged on behalf of the village of Crailing. There had been progress since the site visit of 21 September. In terms of signage, pedestrian warning signs, 'Please drive carefully' signs and SLOW road markings on the A698 had been agreed. SBC had accepted responsibility for the maintenance of the verges and embankments to the East of Crailing. SBC had also commenced the thinning of self-seeded saplings and further removal work was requested by Ms Faulds and the community to fully restore the previous

sightline up to the Toll House. There had been a local agreement reached with residents for the trimming of the beech hedge to the West of Crailing. There remained an issue related to a corner of overgrown land at Crailing Barn Road (D147/4). Ms Faulds requested that ownership and maintenance of the land be established by SBC. There had been a request for tapered splay lines and slip road on entry to and exit from the village; this had been deemed inappropriate by SBC and Police Scotland on the grounds of cost and land availability. There was also a request for a central lane to be installed to assist drivers turning right. Concern was raised about the speed of vehicles travelling through the village. The current speed limit on the A698 was 60 mph, the maximum permitted on this class of road. 2019 speed statistics had recorded an average 56 mph. The safety of children and other vulnerable pedestrians was highlighted: the suction created by passing traffic particularly lorries; a higher volume of vehicles in recent years; and electric vehicles which were harder to hear. Some children were not permitted to cross the road alone and those wishing to access the footpaths had been limited in their ability to do so due to traffic speed and volume. There were seven junctions onto the A698 and the appropriateness of a lower speed limit of 40 mph along this stretch of the road was raised. There was a request to consider deviation from the guidelines, e.g. the number of accidents or the requirement of 20 houses to front onto the road, to allow investigation into a reduction in the speed limit. Reference was made to St Boswells where a gradual speed limit reduction had been established on approach along the A68, a trunk road. Ms Faulds stressed that the community wished to mitigate the risk of injury or fatality to drivers and pedestrians using the A698.

- 1.5 The Chair thanked Ms Faulds for a comprehensive report that expressed the concerns of Crailing residents and then invited Members of the Committee to ask questions of which there were none. Sympathy was expressed for the situation experienced by the Crailing residents.
- 1.6 Philippa Gilhooly, Team Leader Road User Management presented a response to the petition. A site visit had been attended by residents, John Lamont MP, Councillor Thornton-Nicol and a Police Scotland representative. The maintenance of the verges east of Crailing had been carried out by the Council since its purchase in 1975 and had been omitted from the maintenance schedule. Ms Gilhooly confirmed that contractors were to return and that the verges were to be maintained by SBC forthwith with consideration given to biodiversity. There was to be consultation with residents as to the positioning of pedestrian warning signs. With regards to the installation of gateway signage at either end of the village, as in the case of Eckford, it was highlighted that in Eckford there were several houses that fronted on to the road, the area was more developed, and it was more obvious to drivers that they were entering a village. This was not the case with Crailing where the developed areas were set back from the A698. With regards to the reduction in the speed limit from 60 to 40 mph, it was highlighted that such a measure was not a simple undertaking. Compliance and enforcement would be required, expected compliance may lead to a false sense of security and the stretch of road was not an apparent 40mph zone for drivers. Ms Gilhooly stated that it was not uncommon for there to be signposted junctions directly onto A class roads in the Borders and there had been no history of accidents to date. The Safety Camera Partnership had been deployed 17 times in the past 12 months; one offence had been detected during 30 hours of monitoring. A signage audit had been carried out which found that signage was appropriate. With regards to St Boswells, it was confirmed that the speed limit reduction was in place to act as a buffer zone into the more built-up area of the town and the regulations differed for trunk roads.
- 1.7 In response to Members' questions. Ms Gilhooly confirmed that visibility had been improved with the removal of some trees and saplings, with more to be done soon, therefore the addition of a slip road was deemed unnecessary on the A698. The deployment of a safety camera was viewed as a deterrent and was evidenced by the low number of offences. Their

deployment was tightly controlled and legislated. In addition, Police Scotland patrol vehicles had been positioned at other sites along the stretch of road. With regards to the general speed of vehicles on the A698, and specifically to trucks which posed a risk to pedestrians when passing at speed, Ms Gilhooly highlighted that truck drivers were not permitted to travel at 60mph. Ms Gilhooly was unable to find any UK cases of pedestrians injured due to any 'suction' effect. With regards to the use of double or solid white lines to deter overtaking at Crailing junction, such a measure would require to be introduced along the entire length of the A698, and as such was not appropriate. The addition of the red texture flecks at the location was an additional measure already taken by SBC. In response to a question about a larger sign to alert drivers to the village, Ms Gilhooly reported that the size of and location of signage was dictated by 3 factors: 85<sup>th</sup> percentile vehicle speeds; average vehicle speeds; and daily flow of vehicles. Ms Gilhooly confirmed that vehicle speed data referenced in her response to the petition was from the period April 2022 – March 2023. This data was sampled from in-car telemetry obtained via sat-nav systems; this data was purchased by companies such as Agilysis to aggregate and sample data. Agilysis had also been used by SBC for a validation and verification testing exercise of vehicle speed data at 125 sites repeatedly surveyed during the 20mph initiative. Results for this had been accurate and SBC were satisfied with the validity of data obtained from the Agilysis 'Speed Compliance Tool'. Accident data obtained from Crashmap Pro was dated from January 2021 to December 2021 and Police Scotland confirmed there had been no incidents reported. Ms Faulds reported an incident in the village in the days before the site visit which had been described by Police Scotland as down to driver error. Crashmap area maps of the Crailing area were shared with Members and illustrated the number of Police Scotland reported injury accidents between 2017 and 2021, which was zero. Average speed data at various sections of the A698 by Crailing, all below 60mph, was also shared with Members. In response to a question about any other measures that could be taken, Ms Gilhooly reported that local authorities nationally were looking for a solution to inappropriate driver behaviour, which was difficult to influence. Intelligent Speed Assist was to be fitted by vehicle manufacturers to all new cars July 2023; cameras and sensors would enable a reduction of power to the engine to limit vehicle speed and ensure speed limit compliance. The impact of this technology was anticipated to reduce vehicle speeds overall.

- 1.8 Ms Faulds then commented on several aspects of the response: there was a plea to reduce the speed limit as it was not obvious to drivers that they were driving through a village; the lack of sightlines at Crailing junction for a Police Scotland vehicle to legally and safely monitor the A698 illustrated the difficulty faced by Crailing residents on a daily basis; and the contention that compliance would be too hard to police was not a credible argument. Villager would continue to be fearful of crossing the A698 on foot or in a vehicle without speed reduction measures.
- 1.9 The Chair then asked each Member to share their opinions and then the Committee considered their next steps. The mitigations taken by SBC to date were acknowledged and an ongoing commitment to review the situation in light of new technologies and capabilities was given. The Committee generally agreed, given the data and reasons provided, that it was not possible to reduce the speed limit on the A698 at Crailing Junction.

## **DECISION**

**AGREED that the issue raised did not merit or did not require further action, other than those measures already undertaken.**

## **ADJOURNMENT**

The Chair adjourned the meeting at 3.05 p.m. and the meeting reconvened at 3.10 p.m.

## **2. MINUTE**

Copies of the Minute of Meeting held on 17 August 2023 had been circulated.

## **DECISION**

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

### **3. INDUSTRIAL ESTATES IN THE SCOTTISH BORDERS**

- 3.1 The Director Infrastructure and Environment gave a short presentation, the purpose of which was to provide Members with an overview of Industrial Estates in the Scottish Borders. A report was due to be presented to Council later in 2023. The Scottish Borders covered an area of 4,724 km<sup>2</sup> and comprised 97 settlements and a population of approximately 115,000. A summary map of all sites where SBC currently owned Economic Development sites/ Business Land was provided – 13 in total across Berwickshire, Eildon, Teviot & Liddesdale and Cheviot localities. A summary map of Local Development Plan (LDP) sites was provided – 9 across all five localities. An officer working group had been established which met monthly to progress Economic Development sites and with a view to the development of a plan of action for the sites. The group comprised Estates, Economic Development, Planning and Capital Programme Management. A market assessment had been completed in collaboration with SOSE and partners and a summary was provided in relation to supply and demand of office space, small industrial units and serviced land/sites and barriers which included access to development finance and investment capital among others. Several recommendations were detailed in the assessment: coordination of market demand/supply information; identification of areas of market potential by public bodies; interventions to make land serviced and developable; public sector funded development; and market intervention to ensure local demand and attraction of mobile projects.
- 3.2 Information was shared on the Net Zero Starts Here Investment Guide; an initiative launched on 30 August 2023 by a South of Scotland multi-agency partnership which focussed on building the economy of the future around a renewable, values-based economy and the region's natural capital. The website had been launched and detailed guidance in several sectors: energy transition; digital business services; digital financial services; food and drink innovation; health & technology; and software & IT.
- 3.3 In relation to SBC's Site Analysis and Prioritisation, five criteria had been developed and were as follows: Strategic Fit; Market Assessment; Transport & Access; Economic Input; and Development Potential. The working group assessment had identified several key priority sites: Duns Industrial Estate; three Eyemouth Gunsgreenhill sites; Galapark and Burnfoot, Hawick; St Mary's Mill, Selkirk; Tweedbank; and Tweeddale. A summary of action to date on other sites in the region was provided in terms of the number of plots available now and those in need of funding or development, the number of active enquiries and plots let or sold.
- 3.4 In response to a question about the Jedburgh Oxnam Industrial Estate, it was confirmed that electrical works on site was still required but funding was needed. The demand in the area was low and consequently, development had been delayed. A Strategic Working Group had been established to liaise with Scottish Water, Scottish Gas, BT and Scottish Power to achieve better alignment of priorities and subsequent investment. In relation to the lack of SBC owned sites in the Tweeddale LDP available, it was confirmed that there were two land holdings of interest for which SBC Estates and Economic Development teams were in discussion with landowners. In addition, early discussions had taken place with an Innerleithen landowner around the prospect of repurposing some of their holdings. There was a need for there to be a closer alignment between land allocation in the LDP and business needs and demand. In response to a question about Reston sites, it was confirmed that land in Reston had been allocated and was part of the consultation of the new LDP. It was acknowledged that more work was required to effectively promote the availability of SBC owned sites and target advertising to particular business sectors.



**DECISION**  
**NOTED the presentation.**

4. **DATE OF NEXT MEETING**

The next scheduled meeting of the Scrutiny & Petitions Committee was due to be held on 7 December 2023 at 10 am.

***The meeting concluded at 3:35 pm***

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# SCOTTISH BORDERS COUNCIL TWEEDDALE AREA PARTNERSHIP

MINUTES of Meeting of the TWEEDDALE  
AREA PARTNERSHIP held in Walkerburn  
Village Hall, Galashiels Road, EH43 6AA on  
Tuesday, 31 October 2023 at 7.00 pm

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Present:- Councillors M. Douglas (Chair), J. Pirone, E. Small, R. Tatler, V. Thomson

Apologies:- Councillor D. Begg

In Attendance:- Community Engagement Officer (K. Harrow), Democratic Services Officer (L. Cuerden).

Also In Attendance:- C. Lewin (Tweeddale Assessment Panel), P. Maudsley (Chair, Peebles Community Council), Crick Carleton (Chair, Tweeddale Area Partnership Place Making Working Group), S. Meikle (Innerleithen & District Community Council), C. Kerr, L. Thornton, P. Waller (Walkerburn & District Community Council); J. Jepson (Clovenfords & District Community Council) C. Oliver, R. Roberts (NHS Borders), M. Davey (Peeblesshire News)

## 1. **WELCOME AND INTRODUCTIONS**

The Chair welcomed everyone to the meeting of the Tweeddale Area Partnership and outlined how the meeting would be conducted.

## 2. **MINUTE AND ACTION TRACKER**

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

## **DECISION**

**NOTED and AGREED the Minute of 22 August 2023.**

## 3. **NHS TIME FOR CHANGE INPUT**

3.1 Ralph Roberts, Chief Executive NHS Borders delivered a short presentation, the slides for which were to be circulated as an Appendix to this Minute. This was to be the first of the five Area Partnership sessions to present 'Time For Change' a wide ranging conversation with communities to consider the range of NHS services in the Scottish Borders and to feed into a refresh of NHS Borders Medium Term Plan. The scale of challenges in planning and delivering health services to meet need were unprecedented; significant workforce challenges allied with a smaller working age population (45% vs 65% nationally), over a large rural area and a growing financial deficit. Under the four suggested discussion headings: Services In the Community; Community Bed Based Services; Acute Hospital Services; and Mental Health Services there had been an audit of provision, public feedback, achievements and areas of focus. A further community engagement drop-in session was to be held in the Drill Hall, Walker's Haugh, Peebles on 14 November from 2pm-7pm, with sessions taking place in each of the five localities in the Borders. The planned public conversations were to be a means to discuss further how to start doing things differently. Crick Carleton, Chair of Peebles Placemaking Working Group and NHS Borders were to arrange to meet to share information that they had gathered already from community members during place making workshops.

3.2 There followed a discussion during which several questions were raised. The review was to feed into a wider national discussion on the future of NHS services and would overlap

with the Lothians and South of Scotland. In relation to pandemic planning, it was acknowledged that there was currently not enough capacity in the system and there were lessons to be learned from the outcome of the Covid-19 inquiry. In response to a question about shared public services outreach in smaller communities, further discussions were needed with communities to identify the kind of services they wanted in the future and how they would like to access them. It was confirmed that there was to be online and face to face consultations in the future within an evolving engagement plan. The need for the consultation process to be accessible for all was highlighted. It was envisaged that this 3-year plan was to inform much longer-term plans into the future and a Borders specific plan was needed. In response to a question about doctor/GP shortages, there was an acknowledgement that workforce planning was needed in the face of increasing challenges around the percentage of working age population.

#### **DECISION**

**NOTED the presentation.**

#### **4. FLOOD MANAGEMENT IN TWEEDDALE**

With reference to paragraph 6 of the Minute of 22 August 2023, Colin Kerr provided an update on the progress of the Flood Management Working Group. Mr Kerr reiterated the benefit of communities working together to establish an early warning system for rising river levels. Walkerburn, Innerleithen, Peebles and Upper Tweeddale had agreed to participate in the group with a view to improving the communications between communities. There was to be a meeting with Resilience Groups on 1 November. A wider discussion was to be had later, potentially involving local communities, SEPA, SBC and Scottish Water. There followed a brief discussion during which the quantity and availability of sandbags was raised. It was acknowledged that the strategic siting and deployment of equipment was important; there was a sandbag store at Innerleithen Fire Station from which individuals could collect. The distribution of flood defence equipment and signage was already undertaken by Infrastructure and Environment and local contractors where necessary. Input from Councillor Marshall who had been involved with the Hawick Flood Group was to be welcomed and Ralph Roberts, Chief Executive, NHS Borders had expressed interest in any upcoming discussions to help target vulnerable people in communities. An update was to be provided at the meeting of 6 February 2024.

#### **DECISION**

**NOTED the update.**

#### **5. PEEBLES PARKING WORKING GROUP**

There had been circulated copies of a final report by Councillor Tatler, Chair of the Peebles Parking Working Group. The following recommendations had been agreed at the meeting of the Working Group on 25 October 2023:

- 1. Any changes to the off-street parking regime in Peebles were to be reviewed after a period of 18 months from implementation.**
- 2. There were to be no changes to the charging regime for the Neidpath, Kingsmeadows, Greenside or Swimming Pool car parks.**
- 3. There should be improved signage at entrances (and possibly junctions) in the Town indicating the name, capacity and charging regime for all Car Parks. Consideration should be given to including information about the availability of public toilets at the Kingsmeadows and East Station Car Parks.**
- 4. There should be improved signage at the Pay Stations at the Greenside, Swimming Pool and East Station Car Parks, indicating that funds from parking fees and fines (less maintenance and staff costs) were to go directly towards Town Centre improvements. These improvements could be better visitor information, path and pavement maintenance, environmental work (flower beds and baskets) and promotion of the Town for visitors.**
- 5. For the benefit of residents there should be a promotional campaign to encourage the purchase of Annual Car Parking Passes which were available**

**from Scottish Borders Council for £26 a year. The Pass allowed for free parking in any of the Peebles Car Parks and some of the other Car Parks across the Scottish Borders.**

**6. There was to be no change to the current charging regime at East Station Car Park.**

Councillor Tatler informed attendees of a proposed parking charge pilot at Innerleithen whereby drivers were to be invited to contribute to the local community via a QR code in lieu of standardised parking charges. The remarking of the parking bays at East Station and Kingsmeadows car parks was welcomed. Councillor Tatler thanked all those involved in the work of the Peebles Parking Working Group, the business of which was now concluded.

**DECISION**

**NOTED the report recommendations.**

**6. FUNDING TABLE OVERVIEW**

There had been circulated copies of the Tweeddale Funding Table which showed available funds in the Tweeddale area. Kenny Harrow reported that there was an opening balance of £60,138.77 at 1 April 2023. Were both applications under consideration to be successful, there would be £45,766.78 left. There was a request that the local media publicised the availability of the Neighbourhood Support Fund and the deadline of early January 2024 for applications to be considered at the February meeting.

**DECISION**

**NOTED**

**7. NEIGHBOURHOOD SUPPORT FUND**

- 7.1 Chris Lewin of the Tweeddale Assessment panel provided an overview of each of the applications. The Assessment Panel had carefully considered each application and any conflicts of interest were declared during the Panel's deliberations.

Linton Hotspur Football Club had requested £3671.99 towards the purchase of a new set of mobile goals to allow more than one group to play 11-a-side matches at a time. The Club was to pay the balance of the £4079.99 total cost for which a supplier's quotation had been provided. The award was approved.

**DECISION:**

**AGREED TO FUND £3671.99 to Linton Hotspur Club towards the cost of a new set of mobile goals.**

Conservation Without Borders had resubmitted their request for £7,500 to make a documentary about the flight of Ospreys through the Tweed Valley. The Panel felt that the project was still insufficiently Tweeddale specific. The group were unable to provide assurances that arrangements with local schools, retirement homes and community centres had been made and there had been no other applications to other Neighbourhood Support Funds in other localities to offset any contribution by the Tweeddale Area Partnership.

**DECISION**

**AGREED NOT TO FUND**

- 7.2 There followed a brief discussion on the possibility of allocating some of the £45k balance in the Neighbourhood Support Fund (NSF) to Resilience Groups to purchase additional equipment/supplies. Kenny Harrow agreed to investigate the process by which this might be possible. There was to be a meeting of the SBC Resilience Groups on 1 November at

which Colin Kerr undertook to question what can and cannot be funded from SBC Resilience Group funding.

8. **DATE OF NEXT MEETING**

The next meeting of the Tweedale Area Partnership was noted as 6 February 2024 which was to be online via Microsoft Teams.

*The meeting concluded at 8.30 pm*

# 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, 6 November, 2023 at 10.00 am

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

Apologies:- Councillors J. Cox.

In Attendance:- Lead Planning Officer (B. Fotheringham), Lead Roads Planning Officer (D. Inglis), Solicitor (S. Thomson), and Democratic Services Officers (L. Cuerden and F. Henderson).

## 1. **MINUTE**

There had been circulated copies of the Minute of the Meeting held on 2 October 2023.

### **DECISION**

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

## 2. **APPLICATION**

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

### **DECISION**

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

## 3. **APPEALS AND REVIEWS.**

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

### **DECISION**

**NOTED that:**

(a) **An appeal had been received in respect of:**

(i) **Erection of Advert on Gable, 2 Gladstone Street, Hawick – 23/00041/ADVERT;**

(b) **Review requests had been received in respect of:**

(i) **Change of use from agricultural land to lorry storage yard and erection of building, Land East of Unit 3 Croft Park Industrial Estate, Morebattle, Kelso – 23/00553/FUL;**

(ii) **Erection of dwellinghouse, Garden Ground of Cheviot View, Eden Road, Gordon – 23/00716/FUL;**

(c) **The following reviews had been determined as shown:**

- (i) **Erection of dwellinghouse with detached garage, Land South of Headshaw Farmhouse, Ashkirk – 22/01947/FUL – Decision of Appointed Officer Overturned (Subject to Conditions);**
  - (ii) **Erection of dwellinghouse, Land South of 1 Netherwells, Jedburgh– 23/00331/FUL – Decision of Appointed Officer Upheld (Terms of Refusal Varied);**
  - (iii) **Erection of dwellinghouse, Plot C Land West of Hedgehope Cottage, Winfield – 23/00507/PPP - Decision of Appointed Officer Upheld (Terms of Refusal Varied);**
  - (iv) **Erection of dwellinghouse, Land East of Dunedin Lodge, Crossrig – 23/00508/PPP – Decision of Appointed Officer Upheld;**
  - (v) **Erection of dwellinghouse, Land North East of Alba Cottage, Fishwick – 23/00509/PPP – Decision of Appointed Officer Upheld (Terms of Refusal Varied);**
- (d) **There remained 3 appeals previously reported on which decisions were awaited when the report was prepared on 26 October 2023 which related to sites at:**

<ul style="list-style-type: none"> <li>• <b>Land at Menzion Forest Block, Quarter Hill, Tweedsmuir</b></li> </ul>	<ul style="list-style-type: none"> <li>• <b>Land East of Kirkwell House, Preston Road, Duns</b></li> </ul>
<ul style="list-style-type: none"> <li>• <b>Land Adjacent Rose Cottage, Maxwell Street, Innerleithen</b></li> </ul>	

- (e) **There remained 2 reviews previously reported on which decisions were awaited when the report was prepared on 26 October 2023 which related to sites at:**

<ul style="list-style-type: none"> <li>• <b>Site Adjacent The Steading, Whiteburn Farm, Lauder</b></li> </ul>	<ul style="list-style-type: none"> <li>• <b>U-Stor Business Units, Spylaw Road, Kelso</b></li> </ul>
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- (f) **There remained one Section 36 Public Local Inquiry previously reported on which a decision was still awaited when the report was prepared on 26 October 2023 which related to a site at Land West of Castleweary (Faw Side Community Wind Farm), Fawside, Hawick.**

*The meeting concluded at 10.30 am.*



**APPENDIX I**  
**APPLICATIONS FOR PLANNING PERMISSION**

<b><u>Reference</u></b>	<b><u>Nature of Development</u></b>	<b><u>Location</u></b>
19/00210/PPP	Re-development of auction mart facilities including mixed use development comprising Class 1 retail, Class 2 professional, Class 3 (including sui generis) food and drink, Class 4-6 business/light industry, Class 7 hotel, Class 8 residential institutions (college/training centre), Class 9 dwellinghouses (including sui generis - flats) Class 10 non-residential institutions, Class 11 Assembly and leisure, access (including roundabout on A68), car parking, demolition of buildings and associated works.	Auction Mart and Land Northeast of Auction Mart, Newtown St Boswells

DECISION: Approved as per officer recommendation, subject to the following conditions, Informatives and legal agreement.

**Timescale**

1. Approval of the details of the layout, siting, design and external appearance of the building(s), the means of access thereto and the landscaping of the site shall be obtained from the Local Planning Authority.  
Reason: to achieve a satisfactory form of development and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
2. Application for approval of matters specified in the conditions set out in this decision shall be made to the Planning Authority before whichever is the latest of the following:  
(a) the expiration of five years from the date of this permission, or  
(b) the expiration of six months from the date on which an earlier application for approval of matters specified in the conditions set out in this decision notice was refused or dismissed following an appeal.  
Only one application may be submitted under paragraph (b) of this condition, where such an application is made later than three years after the date of this consent.  
Reason: to achieve a satisfactory form of development and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
3. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the matters specified in the conditions set out in this decision.  
Reason: to achieve a satisfactory form of development and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

**General**

4. A detailed master plan for the site, including a phasing programme, detailed design, built form and layout guidance, to be submitted to and approved in writing by the Planning Authority with the first application for approval of matters specified in

conditions. The development then to be designed and implemented in accordance with the approved master plan.

Reason: To ensure a well-planned and phased development and minimise adverse impacts on the scenic qualities of the National Scenic Area.

5. Any retailing elements within Zone B not to be stand-alone units and remain ancillary to the main Class 4-6 Uses, occupying no more than 10% of the overall gross floor area of each Use.

Reason: To ensure that the scale and nature of retailing elements remain ancillary to the main uses in compliance with LDP Policies PMD4 and ED3.

### Landscape

6. Further details and specification of all landscape proposals to be submitted for the approval of the Planning Authority, in consultation with Scottish Natural Heritage, as part of the required Masterplan, including areas of open space, tree and hedgerow retention along the A68, B6395 and within and adjoining the wooded deans, measures to reduce landscape and visual impacts and provide visual containment to the development along the boundaries of the site, maintenance and management. Existing trees should be protected in accordance with BS 5837.

Reason: To protect the tree and hedge resource along the A68 and character of the NSA and to retain the amenity, screening effect and green corridor connectivity of the trees in this location until the detail of the future railway is known.

7. Prior to commencement of the development, details of the frontage landscaping treatment along the trunk road boundary shall be submitted to, and approved by, the Planning Authority, after consultation with Transport Scotland.

Reason: To ensure that there will be no distraction to drivers on the trunk road and that the safety of the traffic on the trunk road will not be diminished.

8. No development to occur within a buffer zone of at least 15 metres from the boundary of the woodland SAC/SSSI within the application site boundary and no development to commence until the planting of the buffer zone and boundary details with the development are submitted and agreed in writing by the Planning Authority, in consultation with Scottish Natural Heritage.

Reason: To protect the existing woodland SAC/SSSI from damage during and after the development process and offset the impacts on the NSA and designed landscapes.

9. No development to occur within the "Community Rural Recreation Area" shown on the approved drawing NSB.AR(PL)012, the landscape and boundary treatments of this area to be submitted for the approval of the Planning Authority, in consultation with Scottish Natural Heritage, with the submission of the Masterplan and overall landscape proposals.

Reason: To protect the existing woodland resource from damage during and after the development process and offset the impacts on the NSA and designed landscapes.

10. No development to be commenced until a scheme of children's' play space is submitted to, and approved in writing by, the Planning Authority. Once approved, the scheme to be implemented in accordance with an agreed timescale consistent with the provisions of the legal agreement.

Reason: To ensure the development makes adequate provision for children's' play space.

### Ecology

11. No development, other than works to existing footpaths approved separately under this consent, to be carried out within the boundaries of the River Tweed and Borders Woods SACs.  
Reason: To protect the ecological interest in accordance with Local Development Plan policies EP1, EP2 and EP3.
12. Prior to the commencement of development, the developer shall provide to the Planning Authority:
  - a) a copy of the relevant European Protected Species licence, or, Bat Low Impact Licence as appropriate
  - b) a copy of a statement in writing from Scottish Natural Heritage (licensing authority) stating that such a licence is not necessary for the specified developmentReason: To protect the ecological interest in accordance with Local Development Plan policies EP1 and EP3.
13. Prior to commencement of development, a Species Protection Plan for bats, otter, badger, other mammals, breeding birds, reptiles and amphibia shall be submitted to and approved in writing by the Planning Authority. The SPP shall incorporate provision for a pre-development supplementary survey and a mitigation plan, including demonstration through the design of the development that mammals will still be able to move freely between the fingers of the woodland SAC/SSSI. No development shall be undertaken except in accordance with the approved in writing SPP.  
Reason: To protect the ecological interest in accordance with Local Development Plan policies EP2 and EP3.
14. Prior to commencement of development a Construction Environmental Management Plan incorporating the latest good practice guidelines and statutory advice (including as outlined in GPP1, GPP2, GPP4, GPP5 and PPG6 and BS5837:2012 and consistent with any CAR licence requirements), to protect the River Tweed SAC, Borders Woods SAC, local waterbodies and biodiversity, shall be submitted to and approved in writing in writing by the Planning Authority in consultation with Scottish Natural Heritage. Any works shall thereafter be carried out strictly in accordance with the approved in writing scheme  
Reason: To protect the ecological interest in accordance with Local Development Plan policies EP1, EP2 and EP3.
15. Prior to commencement of development a Construction Method Statement to manage, store and protect soils shall be submitted to and approved in writing by the Planning Authority in consultation with Scottish Natural Heritage. Any works shall thereafter be carried out strictly in accordance with the approved in writing scheme  
Reason: To protect the ecological interest in accordance with Local Development Plan policies EP1, EP2 and EP3.
16. Prior to commencement of development, a Biodiversity Enhancement and Management Plan (BEMP) shall be submitted for approval in writing by the Planning Authority. The BEMP shall include the provision and long-term maintenance of a minimum 15m buffer no-development planted area around the designated woodland habitat, the creation and long-term maintenance of species rich grassland habitat and the creation of other habitats to enhance biodiversity as appropriate for the site context and scale of the development. No development shall be undertaken except in accordance with the approved in writing BEMP.  
Reason: To protect and enhance the ecological interest in accordance with Local Development Plan policies EP1, EP2 and EP3 and NPF4 policy 3.
17. Prior to the commencement of development an Ecological Clerk of Works (ECoW) shall be appointed to carry out pre-construction ecological surveys in order to monitor

compliance with the Construction Environmental Management Plan, Species Protection Plans and Landscape and Habitat Management Plan and Invasive Non-Native Species Management Plan.

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

18. Prior to commencement of development a sensitive lighting scheme incorporating the latest good practice guidelines (as outlined: Guidance Note 8/18 (2018): Bats and artificial lighting in the UK and consistent with the lighting submissions made to satisfy the Trunk Roads and Environmental Health conditions), to protect bats shall be submitted to and approved in writing in writing by the Planning Authority. Any works shall thereafter be carried out strictly in accordance with the approved in writing scheme

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

19. Prior to commencement of development, an Invasive Non-Native Species Management Plan, shall be submitted to and approved in writing by the Planning Authority in consultation with Scottish Natural Heritage, including measures to prevent non-native species becoming established in the SAC/SSSI woodland and buffer zone. Meadow seed mix should not include sainfoin *Onobrychis viciifolia*, or musk mallow *Malva moschzta*. No development shall be undertaken except in accordance with the approved in writing INNMP.

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

20. Prior to commencement of development, a Woodland Management Plan for the SAC/SSSI woodland within and adjacent to the site boundary, shall be submitted to and approved in writing by the Planning Authority in consultation with Scottish Natural Heritage. The Plan shall address planting of native tree and shrub species of local origin and the long-term maintenance of the woodland. No development shall be undertaken except in accordance with the approved in writing WMP.

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

### Cultural Heritage

21. Detailed proposals for the retention, restoration, phasing, use and maintenance of the Category B Listed Auction Ring building, including preservation of its setting, must be submitted to and approved in writing by the Local Planning Authority with the first application for approval of matters specified in conditions. No development should commence until the proposals have been agreed. The development should then proceed in accordance with the agreed proposals, including timescale and phasing, and maintained in perpetuity

Reason: To ensure the preservation and after-use of a building of special historic character.

22. The design, uses and layout of Zone "E" and the area marked for "future development", in proximity to the Category C Listed former Railway Hotel, should provide for the conservation and enhancement of the setting of the building and its features.

Reason: To safeguard the setting of a building of special historic character.

23. No development shall take place within the development site as outlined in red on the approved plan until the developer has secured a Written Scheme of Investigation (WSI) detailing a programme of archaeological works. The WSI shall be formulated and implemented by a contracted archaeological organisation working to the standards of the Chartered Institute for Archaeologists (CIfA). The WSI shall be

submitted by the developer no later than 1 month prior to the start of development works and approved by the Planning Authority before the commencement of any development. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording, recovery of archaeological resources within the development site, post-excavation assessment, reporting and dissemination of results are undertaken per the WSI.

Reason: The site is within an area where development may damage or destroy archaeological remains, and it is therefore desirable to afford a reasonable opportunity to record the history of the site.

### Trunk Road

24. Prior to the occupation of any part of the development hereby permitted, and following consultation with Transport Scotland as Trunk Roads Authority, the new roundabout junction with the A68(T), generally as illustrated on Goodson Associates Drawing No. 700 Rev. B, shall be completed and fully operational.

Reason: To ensure that the standard of access layout complies with the current standards and that the safety of the traffic on the trunk road is not diminished.

25. No development, including the construction of the western arm from the proposed new access roundabout on the A68(T), shall be commenced on the east side of the A68 trunk road, until such times as a scheme for the provision of appropriate pedestrian / cycle crossing facilities across the A68(T) has been submitted to and approved in writing by the Planning Authority, in consultation with Transport Scotland.

Reason: To ensure that the movement of pedestrians and cyclists is confined to the permitted means of access, without interfering with the safety and free flow of traffic on the trunk road.

26. The agreed pedestrian / cycle crossing facilities referred to in condition 25 will require to be constructed and fully operational, in consultation with Transport Scotland, prior to the commencement of any development on the east side of the A68 trunk road.

Reason: To ensure that the movement of pedestrians and cyclists is confined to the permitted means of access, without interfering with the safety and free flow of traffic on the trunk road.

27. Unless otherwise agreed in writing by the Planning Authority, after consultation with Transport Scotland, the number of residential units hereby permitted within the development shall not exceed 150.

Reason: To ensure that the scale of development does not exceed that assessed by the supporting Transport Assessment, and to ensure that the scale and operation of the proposed development does not adversely affect the safe and efficient operation of the trunk road network.

28. Prior to the commencement of the development details of the lighting within the site (consistent with the lighting submissions made to satisfy the Ecology and Environmental Health conditions) shall be submitted for the approval of the Planning Authority, after consultation with Transport Scotland, as the Trunk Roads Authority.

Reason: To ensure that there will be no distraction or dazzle to drivers on the trunk road and that the safety of the traffic on the trunk road will not be diminished.

29. Prior to commencement of the development, details of the barrier proposals along the trunk road boundary shall be submitted to, and approved by, the Planning Authority, after consultation with Transport Scotland.

Reason: To minimise the risk of pedestrians and animals gaining uncontrolled access to the trunk road with the consequential risk of accidents

### Roads

30. All access roads, and form of development, must take account of the potential future expansion of the Borders Rail Line, including levels for the western arm of the proposed roundabout, surrounding development and accesses to the Council and public car parks and industrial units.  
Reason: To safeguard the extension of the Border Railway Line as per Policy IS3 of the Council's Local Development Plan.
31. All parking levels must be in accordance with SEStrans Parking Standards.  
Reason: To ensure the development hereby approved is served by an adequate level of parking.
32. Detailed engineering drawings must be provided at detailed planning stage relating to matters such as, but not limited to, road layouts, building floor levels, parking ratios, road and parking levels.  
Reason: To ensure all development hereby approved is designed to acceptable gradients that allow for future development potential.
33. Swept path analysis for all prospectively public roads shall be required as part of any detailed application.  
Reason: To ensure that all prospective public roads can accommodate all associated traffic including service, emergency and public transport vehicles where applicable.
34. A Transport Assessment must be submitted to, and agreed in writing by the Planning Authority, at detailed stage covering all aspects of transport associated with such a development and cover pedestrian, cycle and vehicular transport (including public transport). All measures identified via the agreed TA must be included within the detailed stage submission unless otherwise agreed in writing with the Planning Authority, following discussions with Transport Scotland if required, and completed to an agreed timescale thereafter.  
Reason: To ensure the adjacent public road network can accommodate the traffic associated with the development hereby approved.
35. A Traffic Management Plan (TMP) covering each individual phase of the development hereby approved must be submitted to and agreed in writing by the Planning Authority prior to works commencing on each relevant phase of the development.  
Reason: To ensure that all appropriate measures are in place to ensure the safety of residents and other road users during the construction phases of the development.
36. The development within Zone E to accommodate a new road link for access from the site to the Waste Water Treatment Works, as per planning consent ref. 19/01626/FUL.  
Reason: To facilitate improved access for vehicles to the Waste Water Treatment Works.

### Pedestrian Access

37. A Path Planning Study should be commissioned within the title deed extent of the landowner affected. A detailed plan of public access (pedestrian, cycle, horse, all ability routes), across and out with the site, (existing, during construction and upon completion) should be provided by the developer for the consideration of the Planning Authority, in liaison with Scottish Natural Heritage. This should show:
1. All existing rights of way, core paths or other paths/ tracks used for public access;
  2. Any diversions of paths - temporary or permanent - proposed for the purposes of the development;
  3. Details of improvements which the developer will implement in terms of:
    - a. Upgrading the existing path network within the site boundary e.g. widening and surfacing the path as shown blue on map 2, replacing existing old timber steps as shown green on map 2, with raised steps and walkway;

- b. Provision of high-quality public access routes linking the site with the wider access network of paths and tracks;
- c. Provision of high-quality public access routes within the proposed development site, for example the creation of an easy access path/ footway around the development boundary constructed to an adoptable standard, as shown in red on the map 2;
- d. Provision of additional path furniture required in terms of signage and interpretation.
- e. Mitigation relating to the potential impacts of the footpath improvements on the character and integrity of the Borders Woods and River Tweed Special Areas of Conservation.

Reason: To ensure full pedestrian connectivity between the development and the existing path networks and to preserve the natural heritage of the designated sites containing the paths.

### Environmental Health

38. Unless otherwise agreed in writing and in advance by the Planning Authority, prior to any development commencing a scheme will be submitted by the Developer (at their expense) to identify and assess potential contamination on site. No construction work shall commence until the scheme has been submitted to, and approved, by the Council, and is thereafter implemented in accordance with the scheme so approved.

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

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

and thereafter

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

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

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

39. Information on impacts on local air quality, including cumulative impacts with other development, should be submitted with the first application for approval of matters specified as conditions and no development to commence until the information has been assessed and any recommendations arising from assessment have been agreed. The development should then proceed in accordance with any recommendations agreed.  
Reason: To ensure that impacts on local air quality are fully assessed and mitigated.
40. No development shall take place within any of the development zones west of the A68 until an Odour Impact Assessment on the potential for odour from the auction mart affecting new residential, commercial or public uses proposed in those zones, has been submitted to and been approved in writing by the Planning Authority. The Assessment shall be submitted with the first application for matters specified as conditions for any of the aforementioned zones and any mitigation then implemented in accordance with the approved Assessment and timescales.  
Reason: In order to protect residential amenity and ensure compatibility between proposed and existing uses.
41. No development shall take place until an assessment on the potential for noise from the development affecting residential or commercial properties in the area has been submitted to and been approved in writing by the Planning Authority. The assessment shall include, but not be limited to, noise sources identified in the submitted Noise Impact Assessment (neo Environmental, 3/1/19).  
If the assessment indicates that noise from the development is likely to affect neighbouring residential or commercial properties, then a detailed scheme of noise mitigation measures shall be submitted to and approved in writing by the Planning Authority prior to the commencement of the development. The approved scheme shall be implemented prior to the operation of any uses and be permanently maintained thereafter.  
Reason: In order to protect residential or other amenity.
42. A report detailing the lighting scheme and predicted light levels at residential properties (and consistent with the lighting submissions made to satisfy the Trunk Roads and Ecology conditions) must be submitted to and be approved in writing by the Planning Authority with the first application for approval of matters specified as conditions. No development should commence until the report has been assessed and any recommendations arising from assessment have been agreed. The development should then proceed in accordance with any recommendations agreed, including timescale and phasing, and maintained in perpetuity  
Reason: To ensure that impacts of light pollution on residential amenity are fully assessed and mitigated.

#### Water and Drainage

43. A scheme of water and drainage provision must be submitted to and be approved in writing by the Local Planning Authority, in consultation with SEPA, with the first application for approval of matters specified as conditions. No development should commence until the scheme has been agreed. The development should then proceed in accordance with the agreed scheme including timescale and phasing. The scheme shall include the following:
1. Detailed SUDs proposals in relation to site topography, taking into account the proximity of the River Tweed SAC/SSSI.
  2. Maintenance of the drainage systems including SUDs.
  3. No drainage connections to the trunk roads network.
  4. Overland flow pathways identified within the appendix of the submitted Flood Risk Assessment are maintained and no built development should be proposed or carried out within these areas.



5. All building finished floor levels are set a minimum of 600mm above existing ground levels.

Reason: To ensure that the site is fully serviced and connected to public services, to ensure the long-term functionality and maintenance of the system, to minimise flood risk, to safeguard the River Tweed SAC/SSSI and to ensure that the efficiency of the existing trunk road drainage network is not affected.

#### Other matters

44. An Energy Statement shall be submitted with the first application for approval of matters specified as conditions and no development to commence until the Statement and any recommendations have been agreed. The Statement should demonstrate feasibility studies into District Heating and its findings incorporated into the design of the development, illustrated in the required Design and Access Statement.

Reason: To ensure sustainable development and use of energy resources.

45. A Site Waste Management Plan shall be submitted with the first application for approval of matters specified as conditions and no development to commence until the Plan and any recommendations have been agreed. The Plan should incorporate provision for both construction and operation of the development and its findings incorporated into the design of the development, illustrated in the required Design and Access Statement.

Reason: To ensure sustainable waste management provision.

#### Flooding

46. Prior to the submission of the first AMC application, an updated Flood Risk Assessment (FRA) should be submitted to and approved by the Planning Authority in consultation with SEPA. The updated FRA should determine the flood risk areas associated with the blockage scenarios when applied to the 200-year plus climate change flows. This should be accompanied by an updated site plan clearly showing the site layout avoids all flood risk areas including those associated with the 200 year plus climate change plus culvert blockage overland flow pathways. Thereafter, all AMC applications should account for the conclusions of the updated FRA.

Reason: To ensure that the baseline flood risk scenario is 200 year plus climate change and that all development is outwith the flood risk area, as required by NPF4.

#### **Informatives**

1. In terms of Class 1 Retail development, there is preference for this to be concentrated within Zone E or the "Future Development Area" within the village centre rather than within Zone D towards the A68. Any applications for retail submitted within Zone D will be assessed sequentially, including an assessment of what opportunities there are for more central location for the proposed development.

2. Advice from SBC Access Officer

Mapping of the wider path network across the Scottish Borders can be found at:

[www.scotborders.gov.uk/mapadvanced](http://www.scotborders.gov.uk/mapadvanced)

3. Advice from SBC Archaeology Officer

The ALGAO guidance for historic building recording can be found at:

[www.algao.org.uk/sites/default/files/documents/ALGAO\\_Scotland\\_Buildings\\_Guidance\\_2013.pdf](http://www.algao.org.uk/sites/default/files/documents/ALGAO_Scotland_Buildings_Guidance_2013.pdf)

4. Advice from SBC Heritage Officer

The Masterplan required in Condition 4 should be prepared in full compliance with the “Placemaking” SPG and “Designing Streets” Guidance.

The retention of other historic structures and spaces associated with historic mart use could positively inform new design interventions and reinforce connection to the past and strong placemaking.

Similarly, the potential impact of development upon the setting and longer views of heritage assets and historic viewpoints out with the site should be demonstrably conserved and enhanced.

5. Advice from SBC Flood Risk Officer

The applicant should be made aware that flooding can occur from other sources including run-off from surrounding land, blocked road drains, surcharging sewers and blocked bridges and culverts.

6. Advice from SBC Environmental Health

In relation to air quality, new applications should be supported by such information as is necessary to allow a full consideration of the proposal on local air quality. It may also be necessary to consider cumulative impacts from other developments in the local area. Consideration should be given to the Institute of Air Quality Management ‘Land-Use Planning & Development Control: Planning for Air Quality’.

In relation to lighting, consideration shall be given to the Institute of Lighting Professionals Guidance Notes for the Reduction of Obtrusive Lighting (2020).

In relation to odour assessment, this should be guided by Institute of Air Quality Management “Guidance on the assessment of odour for planning”.

In relation to noise assessment, this shall be carried out by a suitably qualified acoustic consultant/engineer and shall take into account the provisions of BS 8233:2014 Guidance on sound insulation and noise reduction for buildings, and BS 4142:2014 Methods for rating and assessing industrial and commercial sound.

7. Advice from Transport Scotland

The applicant should be informed that the granting of planning consent does not carry with it the right to carry out works within the trunk round boundary and that permission must be granted by Transport Scotland Roads Directorate. Where any works are required on the trunk road, contact details are provided on Transport Scotland’s response to the planning authority which is available on the Council’s planning portal.

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

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

The road works which are required due to the above Conditions will require a Road Safety Audit as specified by the Design Manual for Roads and Bridges.

Any trunk road works will necessitate a Minute of Agreement with the Trunk Roads Authority prior to commencement.

8. Advice from Roads Planning

All prospectively public roads shall be subject to a Road Construction Consent application. This must include details of, but not restricted to, road levels, geometry, lighting and drainage (including SUDS).

Technical Approval shall be required for any retaining structures which are to be adopted by the Council.

Design details of all retaining structures which are adjacent to prospectively public roads but are to remain private must be submitted to the Council for approval.

9. Advice from SEPA

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

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

A Controlled Activities Regulations (CAR) construction site licence will be required for management of surface water run-off from a construction site, including access tracks, which:

- a. is more than 4 hectares,
- b. is in excess of 5km, or
- c. includes an area of more than 1 hectare or length of more than 500m on ground with a slope in excess of 25°

See SEPA's Sector Specific Guidance: Construction Sites (WAT-SG-75) for details.

Site design may be affected by pollution prevention requirements and hence we strongly encourage the applicant to engage in pre-CAR application discussions with a member of the regulatory services team in your local SEPA office.

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

Details of regulatory requirements and good practice advice for the applicant can be found on the Regulations section of our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the regulatory services team in your local SEPA office.

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# SCOTTISH BORDERS COUNCIL EXECUTIVE COMMITTEE

MINUTES of the Blended Meeting of the  
EXECUTIVE COMMITTEE held in Council  
Chamber, Council Headquarters, Newtown  
St Boswells and via Microsoft Teams on  
Tuesday, 14 November 2023 at 10.00 am

Present:- Councillors E. Jardine (Chairman), L. Douglas, M. Douglas, J. Greenwell,  
S. Hamilton, J. Linehan, D. Parker, E. Robson, M. Rowley, F. Sinclair,  
R. Tatler, E. Robson, E. Thornton-Nicol, and T. Weatherston.

Apologies:- Councillors C. Cochrane, and C. Hamilton

In Attendance:- Director – Corporate Governance, Director - Finance and Procurement,  
Director- Infrastructure and Environment, Director - Resilient Communities,  
Democratic Team Leaders (D. Hall and L. McGeoch)

## 1. **MINUTE**

There had been circulated copies of the Minute of the meeting held on 3 October 2023.

### **DECISION**

**APPROVED for signature by the Chairman.**

## 2. **MONITORING OF THE CAPITAL FINANCIAL PLAN 2023/24**

With reference to paragraph 3 of the Minute of the meeting held on 15 August 2023 there had been circulated copies of a report by the Director – Finance and Procurement which provided an update on the progress of the delivery of the 2023/24 Capital Financial Plan and sought approval for the virements and reallocation of funds required following the review of funding and forecasts as at the September Month end. The monitoring tables on actual expenditure to 30 September 2023 and the key issues and highlights identified in those numbers were summarised within the report. The September month end position reflected a projected outturn of £116.6m against a budget of £130.4m, a net budget variance of £13.8m. That budget variance included net timing movements from 2023/24 into future years of £17.0m offset by funding increases of £3.2m. Further timing movements from 2023/24 were likely as the year progressed and the delivery timescales of major projects became clearer. The construction materials supply chain continued to experience disruption which was causing delays in sourcing essential materials and impacting on project timelines, therefore spend projections should be viewed as indicative and may change materially. However, experience had demonstrated it was likely that significant slippage would be experienced at the year-end compared to initial budgetary estimates. That would offset pressures in year but delay them into future years. A number of macro-economic factors continued to affect the Capital Plan in 2023/24. Recent 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, material shortages and longer lead times. The impact on tender prices for major projects and the wider Capital Plan continued to be assessed and built into forecast costs as they were identified. Current legally committed projects had a smaller risk of impact and block programmes of work could operate within a cash constrained budget and were considered lower risk; although it was likely to impact on the scale of project delivery within the blocks. The most significant risk lay in the contracts that were being tendered this year, including Galashiels Academy, Peebles High School and Tweedbank Care Home, which would result in budget pressures in future years - as had been highlighted through reports taken to Council during the first 6 months of the year. The financial implications from those unfavourable market conditions would continue to be reported through the regular budget monitoring cycle with the longer-term impacts reflected in the financial planning process.

During the 2023/24 budget setting process a Planned Programming Adjustment budget line was added to the Financial Plan, that was offset where unspent project budgets became available through the year. The balance to address in 2023/24 remains at £0.833m as no further budget had been identified as available since the Q1 report was completed. As highlighted to Council through separate reports, pressures in new build projects at Earlston Primary School, Galashiels Academy, Peebles High School, and Tweedbank Care Village had increased the Planned Programming Adjustment in future years of the plan by £19.8.5m. The funding of those pressures would be considered as part of the 2024/25 financial planning process. Appendix 2 to the report contained a list of the block funding allocations currently approved for the year as well as the approved projects, actual spend to the end of September and the movement requiring virements within the blocks. Appendix 3 to the report contained the list of estimated whole project capital costs for projects which in the main would not be completed in the current financial year. In response to a question regarding potential capital receipts for the 2023/24 financial year, the Director – Finance and Procurement, Mrs Suzy Douglas, explained that no buildings were expected to be disposed of in the current year. The Director – Infrastructure and Environment explained that whilst there were no assets due to be disposed in the year, work was ongoing regarding future sales and a report on the rationalisation of the Council's estate would be brought to a future meeting.

## **DECISION**

### **AGREED:-**

- (a) the projected outturn in Appendix 1 to the report as the revised capital budget and approved the virements required;**
- (b) to note the list of block allocations in Appendix 2 to the report and approved the required virements; and**
- (c) to note the list of whole project costs detailed in Appendix 3 to the report.**

## **3. MONITORING OF THE GENERAL FUND REVENUE BUDGET 2023/24**

- 3.1 With reference to paragraph 4 of the Minute of the meeting held on 15 August 2023 there had been circulated copies of a report by the Director – Finance and Procurement which provided budgetary control statements for the Council's General Fund based on actual expenditure and income to 30 September 2023 along with explanations of the major variances identified between projected outturn and the current approved budget. Budget pressures continued to be experienced across the Council as a result of activity levels, statutory requirements and the ongoing impact of high inflation levels. That posed a significant risk to the Council's ability to balance the 2023/24 budget. Unfunded pressures of £1.3m were currently being reported at this point in the current year which had arisen as a result of further demand and inflationary cost increases associated with placements within Children and Families Social Work. Further pressures of £3.1m associated with inflation and the ongoing implications of COVID recovery had been identified across the Council and were being managed within existing service budgets. In response to those significant budget pressures the Council Management Team (CMT) had agreed a number of management actions to enable the Council to deliver a balanced year end position. Those actions were intended to fund the identified pressures of £1.3m in Children and Families Social Work and also support services to manage their services within existing budget. The measures included the introduction of a 6-week recruitment delay to non-frontline staffing to increase savings from natural staff turnover; restriction on discretionary spend budgets not yet committed over the remainder of the year; and limiting future earmarking to that specifically agreed by Council Policy e.g. DSM, Second Homes council tax at this time. Financial plan savings of £11.5m required to be delivered in 2023/24. An analysis of deliverability was shown in Appendix 3 to the report. Following the September 2023 month end £6.2m (53%) savings had been delivered permanently by September, £3.8m (33%) were profiled to be delivered by 31 March 2024 and £1.6m (14%) had been delivered on a temporary basis through alternative savings.

- 3.2 The Director – Finance and Procurement presented the report and responded to Members questions. In response to a question regarding the cost of utilities, Mrs Douglas explained that the Council purchased its utilities in advance, which was of benefit when costs were increasing. Discussions were ongoing at local and national level to understand the implications of the cost of utilities decreasing. Regarding the ongoing early years review, Mrs Douglas confirmed that the review was focused on allowing service managers to operate with a lower funding envelope and undertook to provide further details at a future meeting. In response to a question regarding the 6-week freeze on the hiring of non-frontline staff, Mrs Douglas explained that there was no strict definition of staff to be considered as frontline. Staff working in schools, care and roads were to be considered frontline. It was confirmed that Directors could proceed with hiring in instances where they had deemed filling a post essential. The Chief Executive confirmed that a report on out of area children’s placements was expected to be presented in December. Regarding the impact of savings on the older people budget, Mrs Douglas outlined that as part of the financial planning process money that was ring fenced by the Scottish Government for the delivery of specific services was placed in holding locations. Virements reflected the reporting of the movement of those funds to where they were needed. It was confirmed that work to review saving plans was undertaken on a continual basis.

#### **DECISION**

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

- (a) **note the projected corporate monitoring position reported at 30 September 2023, the remaining pressures identified, the underlying cost drivers of this position and the identified areas of financial risk as reflected in Appendix 1 to the report;**
  - (b) **note the CMT management actions agreed to mitigate the pressures contained within Appendix 1 and request a report on Placements within Children and Families Social Work to explain the current challenges within the service and how the Council intends to address the issues;**
  - (c) **note the impact of ongoing service pressures on the 2024/25 Financial planning process**
  - (d) **note the Recovery Fund resources detailed in Appendix 2 to the report;**
  - (e) **note the progress made in achieving Financial Plan savings in Appendix 3 to the report and**
  - (f) **approve the virements attached in Appendices 4 and 5 to the report.**
4. **BALANCES AT 31 MARCH 2024**

With reference to paragraph 5 of the Minute of the meeting held on 14 August 2023, there had been circulated copies of a report by the Director – Finance and Procurement which provided an analysis of the Council’s balances as at 31 March 2023 and advised of the projected balances at 31 March 2024. The Council’s General Fund useable reserve (non-earmarked) balance was £9.980m at 31 March 2023. The General Fund useable reserve was projected to be around £8.4m at 31 March 2024 in line with the Council’s Financial Strategy and recognised the requirement to draw down from reserves during 2023/24 to fund the 2023/24 pay award which was yet to be agreed. The total of all useable balances, excluding development contributions, at 31 March 2024 was projected to be £60.531m as summarised in the report. The projected balance on the Capital Fund of £10.677m would be affected by any further capital receipts, development contributions, interest received, and any expenditure authorised to be financed from the Fund during the remainder of the financial year.

## **DECISION**

### **NOTED:-**

- (a) the audited 2022/23 revenue balances as at 31 March 2023;
- (b) the projected revenue balances as at 31 March 2024 as contained in Appendices 1 and 2 to the report; and
- (c) the projected balance in the Capital Fund as contained in Appendix 3 to the report.

#### **5. CORPORATE DEBTS – WRITE OFFS IN 2023/24 MID YEAR UPDATE**

With reference to paragraph 6 of the Minute of their meeting held on 15 November 2022 there had been circulated copies of a report by the Director – Finance and Procurement which detailed the aggregate amounts of debt written off during the first 6 months of 2023/24 under delegated authority, as required by the Financial Regulations. 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 between 1 April 2023 and 30 September 2023 was £198.1k. The Director presented the report and highlighted that the annual budget provision for Council Tax was in fact £887k, not the originally reported figure of £839k. In response to a question regarding variations to the amount of time barred debt written off, Mrs Douglas explained that the Council was proactive in its pursuit of debt and that variations to the amount recouped over time was not unexpected. Mrs Douglas confirmed that outside agencies were used in the recovery of debt, and that the cost associated with that was reported as part of the Finance service budget through revenue monitoring.

## **DECISION**

**NOTED the debtor balances written off under delegated authority of the period 1 April 2023 to 30 September 2023.**

#### **6. SCOTTISH BORDERS COUNCIL'S ANNUAL COMPLAINTS PERFORMANCE REPORT: 2022/23**

There had been circulated copies of a report by the Director – Resilient Communities which presented a summary of Scottish Borders Council's "Complaints Annual Performance Report for 2022/23". The report set out how many complaints had been received, how effectively complaints had been dealt with, trends over time and how Scottish Borders Council (SBC) compared to other similar rural Local Authorities and the national average. It also provided a summary of eight performance indicators, four of which the Scottish Public Services Ombudsman (SPSO) required all Local Authorities to report against. The Annual Report was a requirement for all Local Authorities and allowed the SPSO to assess the effectiveness of Councils' Complaint Handling Procedures (CHP). It also ensured an ongoing focus on learning from complaints received, to inform continuous improvement. During 2022/23, SBC received 1131 complaints, of which 866 were defined as valid. In 2022/23 Scottish Borders Council's performance relating to the processing of complaints performed well against the Scottish National averages in some indicators, specifically those relating to Stage One, but performance was poorer in relation to indicators that measure timeliness of responses. In that area there had been a decline for a number of years. The Director – Resilient Communities, Mrs Jenni Craig, presented the report and responded to Members questions. In request for a breakdown of complaints by subject matter, Mrs Craig explained that the data was not available for such a breakdown but confirmed that there was an expectation that such information could be provided as part of the reporting in future years. Members highlighted that a considerable number of complaints received related to services which were not provided by the Council. The Council had a responsibility to signpost those making complaints to the correct organisation. In response to a question regarding multi-faceted complaints, Mrs Craig confirmed that if there were multiple complaints submitted over a range of time by



the same individual then they would be treated as individual complaints, but otherwise would be considered as a single complaint. Mrs Craig undertook to provide a breakdown of complaints by directorate to Members via email. In response to a question regarding the increase in the number of complaints received since 2017/18, Mrs Craig outlined that there had been a trend seen nationally whereby the number of complaints received by local authorities had risen. The ability to make complaints had become simpler and the public had been encouraged to submit complaints where appropriate. It was agreed that a briefing on the complaints system be held.

## **DECISION**

**NOTED the performance of handling complaints for the period 1 April 2022 to 31 March 2023.**

### **7. REVIEW OF FINANCIAL SUPPORT TO COMMUNITY COUNCILS**

- 7.1 With reference to paragraph 10 of the Minute of the meeting held on 13 June 2023 there had been circulated copies of a report by the Director – Resilient Communities which set out a series of recommendations following the review of financial support to community councils which was undertaken by a short life working group following agreement by the Executive Committee in June 2023. Scottish Borders Council currently provided in the region of £80,696 of financial support to community councils per year. That could vary due to the amount of funding claimed via reimbursement or changes to insurance premiums. Areas of financial support considered during this review were Annual support grants; insurance; local community paths maintenance grants; hall hire reimbursement; and data protection renewals. A comprehensive survey of community councils was carried out between 20/07/23 – 16/08/23, the results of which were used alongside information obtained from annual accounts, to understand the financial pressures on community councils and to inform the review. A total of 38 community councils responded to the survey. That represented a 55% response rate. Community councils from all localities responded representing at least 50% of operational community councils in each annual support grant bracket. When asked whether the support grant covered all costs five community councils responded that it did whilst 33 said it did not. Of those, 20 community councils said that they took steps to identify funding elsewhere, whereas 13 said that they were limited in what they did.
- 7.2 The Director – Resilient Communities presented the report and responded to Members questions. In response to a question on whether the grant for path maintenance had to be applied for, Mrs Craig confirmed that an application was required, and that work was ongoing to prepare community councils so that they were aware what they automatically received and what they needed to apply for. Mrs Craig confirmed that defibrillators were considered as assets for insurance purposes. Work was planned to ensure that appropriate signposting was undertaken for third party organisations following community councils being disallowed from using their annual support grant to provide support. Members highlighted that it was of the utmost importance that communications with community councils ensured they were aware of the different types of financial and grant support available. Mrs Craig acknowledged the disappointment at the return rate of 55%. It was confirmed that community councils would be made aware of their obligations for the insurance of new events. In response to a question regarding whether it would be possible for the Council to sell end of life equipment to community councils, the Director – Infrastructure and Environment explained that enquiries had previously been received but there was no formal process in place for such sales. Mr Curry undertook to assess whether a formal process could be put in place, however advised that end of life equipment was typically not suitable for further use. Mrs Craig confirmed that a briefing note on what support was available to community councils could be prepared. As part of work on the new council website, there was expected a space for up-to-date information on support for community councils.
- 7.3 Following extensive discussion on whether the recommendations in the report were adequate, there was a difference of opinion so a vote was required as follows:

## VOTE

*Councillor Pirone, seconded by Councillor Leagh Douglas, moved that the recommendations as contained in the report be approved.*

*Councillor Marshall Douglas, seconded by Councillor Thornton-Nicol, moved as an amendment that recommendation b) be altered to read “to review the annual support grant after one year.”*

*On a show of hands Members voted as follows:-*

*Motion – 11 votes*

*Amendment – 4 votes*

*The Motion was accordingly carried.*

## DECISION

### DECIDED:-

- (a) to increase the annual community support grant by 10% representing a budget increase of £4,970;
- (b) to review the annual support grant every three years;
- (c) to limit spend of the annual support grant to operational matters in the first instance and other initiatives thereafter;
- (d) to disallow community councils from using of the annual support grant to fund third party organisations,
- (e) to cover the cost of all community council insurance premiums, capped at the current level of assets and events, at an additional cost of approximately £6,000 for 2024/25 allowing for annual increases thereafter;
- (f) to increase the maximum local community paths maintenance grant to £600 per applicant, representing a budget increase of £5,100;
- (g) that Officers were to support a review of Scottish Borders Community Councils’ Network to consider the establishment of locality-based networks in consultation with community councils;
- (h) to maintain SBCCN annual grant at current level, to be reviewed once the future of SBCCN had been agreed, and
- (i) that the wider support available to community councils be reviewed

## DECLARATIONS OF INTEREST

Councillors Leagh Douglas, Thornton-Nicol and Weatherston declared an interest in the following item of business in terms of Section 5 of the Councillors Code of Conduct given their involvement in various festival committees and left the meeting during the discussion.

### 8. SCOTTISH BORDERS COUNCIL LOCAL FESTIVAL GRANT SCHEME REVIEW

With reference to paragraph 9 of the Minute of the meeting held on 13 June 2023 there had been circulated copies of a report by the Director – Resilient Communities which advised of the outcomes of a review of the Local Festival Grant Scheme (LFGS) and sought approval for an increase in funding to the Scheme from 2024/25 onwards. Feedback gathered from stakeholders as part of the review process was provided in the

report. A funding increase of the Scheme by £30,000 to be used for insurance, public protection and health and safety costs was proposed. The membership of the Scheme would be maintained and would not be extended to include new festivals or events. Festivals whose annual support grant did not fully cover their insurance and public protection costs could apply for an additional grant of up to 50% of their annual support grant from 2024/25 onwards. All festivals within the Scheme could apply for funding to support health and safety costs. It was proposed that decision making should be made at Officer level with final approval and sign off by the Director, Resilient Communities. The report also asked Members to consider proposals for in-kind support for festivals and events delivered across Scottish Borders. The Scheme would be reviewed every three years, with the next review due to take place in 2026/27. Members welcomed the report and expressed their thanks to officers for undertaking the review. Mrs Craig confirmed that all the festivals had completed equality statements. Conversations with Police Scotland regarding the level of support that they were able to provide were expected to take place. The Chairman highlighted the importance of ensuring that accessing help and information from the Council was straightforward for volunteers supporting events.

## **DECISION**

### **AGREED:-**

- (a) that the total monies available in the Local Festival Grant Scheme be increased from £85,110 to £115,110;**
- (b) that decision making for additional grant awards as detailed in the report be agreed at Officer level with final approval and sign off by the Director, Resilient Communities;**
- (c) that officers explore the opportunities for in-kind support from SBC for local festivals and events;**
- (d) that festival and event organisers have access to a digital SBC Community Events toolkit which will provide guidance and information for those hosting local events; and**
- (e) that Officers strengthen grant evaluations to gather information on the economic and social benefits festivals bring to the local area.**

## **MEMBERS**

Councillors Leigh Douglas, Thornton-Nicol and Weatherston re-joined the meeting.

### **9. SCOTTISH BORDERS LOCAL HOUSING STRATEGY 2023/2028**

With reference to paragraph 8 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 sought approval of the Local Housing Strategy (LHS) 2023-2028 due to be submitted to the Scottish Government in November 2023. The Housing (Scotland) Act 2001 placed a statutory requirement on local authorities to develop a Local Housing Strategy (LHS), supported by an assessment of housing need and demand. The LHS provided direction for tackling housing issues and informed future investment in housing and related services. The new Local Housing Strategy set strategic outcomes and a delivery plan framework for the period 2023-2028. The strategy brought together the local authority's responses to the whole housing system including requirements for market and affordable housing; preventing and tackling of homelessness; delivering specialist housing; meeting housing support needs; addressing housing conditions across tenures and improving the energy efficiency of all homes to support a transition to Net Zero. The Lead Officer, Housing Strategy and Development, Ms Donna Bogdanovic, presented the report and responded to Members questions. In response to a question regarding a lack of reference in the report to infrastructure associated with housing developments, Ms Bogdanovic explained that the scope of the LHS was limited to the delivery of new homes.

Infrastructure, and other strategic assessments, were considered as a separate element of projects. The Principal Planning Officer, Mr Ian Aikman, advised that there was a close working relationship between the appropriate services of the Council to ensure that suitable infrastructure provision was considered as part of developments. Ms Bogdanovic confirmed that there had been considerable engagement with social care providers and the NHS to ensure that projections of demand was accurate and informed.

#### **DECISION**

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

- (a) the submission of the Local Housing Strategy and the action plan to the Scottish Government in November 2023;**
- (b) implementation of the Local Housing Strategy where there were no additional financial resource implications; and**
- (c) note that officers would bring back proposals related to those actions identified as potentially having resource implications.**

#### **10. GRASS MANAGEMENT REVIEW**

There had been circulated copies of a report by the Director – Infrastructure and Environment which provided an update on grass management undertaken within the Parks & Environment Service, outlining the current situation, and proposed next steps. Grass Management Services were provided by Parks & Environment as part of a suite of amenity services. Further to changes made in 2018, and following the appointment of a new Service Manager, Officers had been reviewing performance and the wider policy context to inform a future approach to grass management, reflective of resources, community feedback and the Council Plan. Based on those findings the report outlined some steps being taken including a proposed revised model of operation, designed to address deficiencies with the current model, to be piloted during 2024/25. The Parks and Environment Manager, Ms Carol Cooke, presented the report and responded to Members questions. In response to a question regarding performance statistics, Ms Cooke acknowledged that staff sickness had impacted on performance to a considerable degree. Cutting crews were unable to operate flexibly when sickness rates reached a certain threshold, which impacted on the ability of crews to meet the cutting schedule. It was confirmed that succession plans were in place, with four modern apprentices currently engaged. Regarding unpredictable growth rates, Ms Cooke explained that it was key that agility was built into the system to adapt to environmental conditions. In response to a question regarding communication of the plans with the public, Ms Cooke explained undertook to ensure that visual aids, including maps, be incorporated into communications. Members welcomed the report and highlighted that where grass was not cut for biodiversity reasons it was important that the public were aware of the reasons not to cut grass.

#### **DECISION**

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

- (a) note the findings of the Grass Management performance review; and**
- (b) approve a Pilot Study, testing out a revised model of operation, to be piloted in 2024**

#### **11. HEADSTONE SAFETY**

11.1 There had been circulated copies of a report by the Director – Infrastructure and Environment which provided an update on Headstone Safety, as agreed at Council in March, reporting findings from the Headstone Reinstatement Pilot Study that was undertaken at Lennel Cemetery. The report also set out proposed options and potential next steps. A report to Council in March on Headstone Safety included a range of

proposals aimed at improving outcomes for communities in the future management of Headstone Safety. Those proposals were:

- Proposal 1: New Headstone Safety Policy - encompassing the development of a Monumental Masons Registration Scheme, a Transfer of Rights Scheme, a programme of strip foundation installations and a refresh of standards for future headstone testing programmes.
- Proposal 2: Communications Refresh – including an overhaul of communications to members, communities and social media around Headstone safety works aimed at raising awareness and education.
- Proposal 3 – Headstone Reinstatement Pilot Study – to trial the re-erection of any headstones that had been laid flat by Scottish Borders Council, enabling further analysis of risk, resource, and cost implications.

11.2 The Parks and Environment Manger presented the report and responded to Members questions. In response to a question regarding the steps taken where it was not possible to contact lair holders' ancestors, Ms Cooke explained that the first step was to place a sign at the headstone, however if there were no visitors to a grave then that was not expected to be effective. The Council did not hold records on the ownership of lairs. The Council's Bereavement Officer, Ms Diane Munro, confirmed that conversations with the Commonwealth War Graves Commission would also take place to try and locate family members. Ms Cooke confirmed that work to future proof the system was ongoing. In response to a question regarding financial support for those struggling to afford repairs, Ms Cook confirmed that support available through the hardship scheme would help address issues of affordability. Members welcomed the report, acknowledged that getting communications right was key, and that public safety was of paramount importance.

#### **DECISION**

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

- (a) note the findings of the Headstone Reinstatement Pilot;**
- (b) approve the implementation of option 5 in the report as the preferred option as part of the 24/25 financial planning process; and**
- (c) the preparation of a new Headstone Safety Policy.**

***The meeting concluded at 13.00 pm***

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