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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 - 12)</p> <p>Consider Minutes of the following Committees:-</p> <p>(a) Local Review Body 22 January 2024 (b) Jedburgh Common Good 29 January 2024 (c) External Services-Providers Monitoring Group 6 February 2024</p> <p>(Please see separate Supplement containing the public Committee Minutes.)</p>	5 mins
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- (a) Local Review Body 22 January 2024
- (b) Jedburgh Common Good 29 January 2024
- (c) External Services-Providers Monitoring Group 6 February 2024

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# SCOTTISH BORDERS COUNCIL LOCAL REVIEW BODY

MINUTE of Meeting of the LOCAL REVIEW  
BODY held in the Council Chamber, Council  
Headquarters, Newtown St Boswells on  
Monday, 22 January 2024 at 10 a.m.

- Present: - Councillors S. Mountford (Chair), M. Douglas, D. Moffat, S. Scott, V. Thomson, Councillor E. Small.
- Apologies:- Councillors J. Cox, A. Orr, and N. Richards
- In Attendance: - Lead Planning Officer, Managing Solicitor (S. Thompson), Democratic Services Officers (F. Henderson and L. Cuerden).

## 1.0 REVIEW OF 23/00048/RREF

There had been circulated copies of a request from Rivertree Residential Ltd c/o Aitken Turnbull Associates, 5 Castle Terrace, Edinburgh to review the decision to refuse the planning application in respect of the erection of a dwellinghouse on Land North of Ivanhoe Road, Melrose. The supporting papers included the Notice of Review (including the Decision Notice and Officer's Report; Additional Information; Further Representations and Applicant's Response; Objections and List of Policies.

1.2 The Review Body noted that the proposal was for the erection of a single dwellinghouse on land North of Ivanhoe, Dingleton Road, Melrose. The LRB also noted that they previously refused permission for appeal 22/00015/RONDT which sought permission for two houses on this site primarily on grounds that the development would result in the loss of existing trees within the site, to the detriment of the character and visual amenity of the surrounding area with insufficient space left for adequate compensatory planting.

1.3 Members considered the application against Policies PMD2 and PMD5 of the Local Development Plan and Policies 14 and 16 of NPF4. They accepted that the site was within the settlement boundary of Melrose and may present an infill opportunity. They recognised that the site was still part of the overall housing allocation EM32B in the Local Development Plan, albeit shown on the Settlement Proposals Map as part of the structure planting and landscaping within that land allocation, reflecting the fact that the site contained orchard trees protected by SBC TPO 21. The key issue was whether the site had the capacity to accommodate the revised proposal for a single house without adversely affecting the protected trees in a manner which would allow the site to be developed without harming the amenity of the surrounding area.

1.4 Following consideration of all relevant information, the Local Review Body concluded that the development was contrary to the Development Plan and that there were no other material considerations that would justify departure from the Development Plan. Consequently, the application was refused.

## DECISION

### AGREED that:-

- (a) the request for review had been competently made in terms of Section 43A of the Town and Country Planning (Scotland) Act 1997;
- (b) the review could be considered without the need for further procedure;

- (c) **The development would be contrary to policy 6 of the National Planning Framework 4 and policies EP10 and EP13 of the Scottish Borders Local Development Plan 2016 and SBC Supplementary Planning Guidance: Trees and Development 2020.**
- (d) **the Officer's decision to refuse the planning application be upheld, for the reasons detailed in Appendix I to this Minute.**

## 2.0 **CONSIDER REVIEW OF 23/00049/RREF**

- 2.1 There had been circulated copies of a request from Mr Graeme Forsyth c/o Yeoman Architecture Limited, Suite 6, 5 Kings Mount, Ramparts Business Park, Berwick-Upon-Tweed to review the decision to refuse the planning application in respect of the change of use of derelict agricultural building and extension to form dwellinghouse and erection of 17.8m high wind turbine (tip height) at The Blue House, Near Swansfield Farm, Reston, Eyemouth. The supporting papers included Notice of Review (including the Decision Notice and Officer's Report); Papers referred to in the Officer's Report; further information and List of Policies. The Planning Advisor drew attention to information, in the form of a Bat Survey Report, which had been submitted with the Notice of Review documentation, but which had not been before the Appointed Planning Officer at the time of determination. Members agreed that the information was new but considered that it met the Section 43B test, was material to the determination of the Review and could be considered. However, they also agreed that the Bat Survey Report could not be considered without affording the Planning Officer and Ecology Officer an opportunity of making representations on this new information.

### **DECISION**

#### **AGREED that;**

- (a) **the request for review had been competently made in terms of Section 43A of the Town and Country Planning (Scotland) Act 1997;**
- (b) **new evidence submitted with the Notice of Review in the form of a Bat Survey Report met the test set in Section 43B of the Town and Country Planning (Scotland) Act 1997 and was material to the determination;**
- (c) **the review could not be considered without the need for further procedure in the form of written submissions;**
- (d) **the Planning and Ecology Officer be given the opportunity to comment on the new evidence submitted with the Notice of Review; and**
- (e) **consideration of the review be continued to a future meeting on a date to be confirmed.**

## 3. **CONSIDER REVIEW OF 23/00050/RREF**

- 3.1 There had been circulated copies of a request from M & J Ballantyne, 24 Shedden Park, Road, Kelso TD5 7AL to review the decision to refuse the planning application in respect of the change of use from amenity land to garden ground at 58 Waldie Griffiths Drive, Kelso. The supporting papers included Notice of Review (including the Decision Notice and Officer's Report); Papers referred to in the Officer's Report; additional information; Consultation replies and List of Policies.
- 3.2 The Local Review Body noted that 58 Waldie Griffiths Drive was a new build dwellinghouse which had been constructed as part of the East Broomlands residential development. The proposals sought to extend the garden of the dwelling by including land which formed part of a wedge of open space within the residential development into the property's curtilage. Members observed that if approved the development would require

the existing boundary fence to be repositioned and a public footpath which was to be constructed adjacent to the boundary of the application to be re-routed.

- 3.3 Members observed that the wider residential development did not benefit from large areas of open space and any loss potentially impacted on its usability. Although the area of ground would provide the applicants with additional garden ground, the extent of the proposed extension was not necessarily judged to significantly improve the applicant's amenity. There was concern that the repositioning of the fence to the southwest would increase its prominence and affect the balance of the landscape layout at this part of the development. In addition, there would be required an awkward realignment of the path which could affect its usability by elderly residents and would detract from the streetscape and its wider masterplan layout.

#### **DECISION**

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

- (a) the request for review had been competently made in terms of Section 43A of the Town and Country Planning (Scotland) Act 1997;**
- (b) the review could be considered without the need for further procedure;**
- (c) The proposal would be contrary to Policy 20 of National Planning Framework 4 and Policies PMD2 and EP11 of the Local Development Plan 2016 and the Supplementary Planning Guidance on Placemaking and Design 2010.**
- (d) the Officer's decision to refuse the planning application be upheld, for the reasons detailed in Appendix II to this Minute.**

*The meeting concluded at 10.52 a.m.*

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

MINUTE of MEETING of the  
JEDBURGH COMMON GOOD FUND  
SUB-COMMITTEE held via Microsoft  
Teams on Monday, 29 January 2024 at  
4.30 p.m.

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

In Attendance: - Statutory Reporting and Treasury Business Partner, Solicitor (Ron  
Kirk), Democratic Services Officer (F. Henderson).

Members of the Public: - 0

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1. **MINUTE**

There had been circulated copies of Minute of the Jedburgh Common Good Fund Sub-Committee held on 13 November 2023.

**DECISION**

**AGREED to approve the Minute of Meeting held on 13 November 2023.**

2. **ACTION TRACKER**

There had been circulated copies of the Action Tracker. The Democratic Services Officer advised that completed evaluation forms for Grants paid were awaited.

**DECISION**

**NOTED the remaining Actions.**

3.0 **MONITORING REPORT FOR 9 MONTHS TO 31 DECEMBER 2023**

- 3.1 There had been circulated copies of a report by the Director of Finance and Procurement which provided the income and expenditure for the Jedburgh Common Good Fund for the nine months to 31 December 2023, full year projected out-turn for 2023/24, and projected balance sheet values as at 31 March 2024 and proposed budget for 2024/25. Appendix 1 provided the projected income and expenditure position for 2023/24 and showed a projected deficit of £34,498 for the year. Appendix 2 provided a projected balance sheet value as at 31 March 2024, which projected a decrease in reserves of £47,535. Appendix 3a provided a breakdown of the property portfolio showing projected rental income and actual property income to 31 December 2023. Appendix 3b provided a breakdown of the property portfolio showing projected property expenditure of 2023/24 and actual property expenditure to 31 December 2023. Appendix 4 provided a breakdown of the property portfolio showing projected property valuations at 31 March 2024. Appendix 5 showed the value of the Aegon Asset Management Investment Fund to 31 December 2023, which highlighted the fund had an 8.34% unrealised loss in capital market value since investment, an improvement on last quarter following the continuing improvement of markets

and taking account of the income received the fund had achieved a total return of 24.15% since investment in February 2018. The investment objective of the Fund was to generate income of 5% per annum with the potential for capital growth in the medium term. This was reflected in the asset allocation of the Fund with over 50% of the Fund being Bonds whose credit returns had improved following the markets anticipation of rate cuts. The Statutory Reporting and Treasury Business Partner was present and answered Members questions.

#### **DECISION**

- (a) AGREED the actual income and expenditure for 2023/24 and the projected budget for 2024/25 as shown in Appendix I to the report;**
  
- (b) NOTED:-**
  - (i) the projected balance sheet value as at 31 march 2024 detailed in Appendix II;**
  - (ii) the summary of the property portfolio in Appendices III and IV; and**
  - (iii) the current position of the Aegon Asset Management Investment Fund in Appendix V to the report.**

*The meeting closed at 4.50 p.m.*

# SCOTTISH BORDERS COUNCIL EXTERNAL SERVICES/PROVIDERS MONITORING GROUP

MINUTES of Meeting of the EXTERNAL  
SERVICES/PROVIDERS MONITORING  
GROUP held via Microsoft Teams on  
Tuesday 6 February 2024 at 10.00am

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Present:- Councillors M. Rowley (Chair), J. Anderson, J. Greenwell, S Hamilton

Apologies:- Councillors M. Douglas, E. Jardine, J. Pirone and E. Thornton-Nicol

In Attendance:- Chief Officer Roads, Contracts Manager (P. McNulty), Estimator (M. Douglas) and Democratic Services Officer (L. Cuerden).

## 1. MINUTE

There had been circulated copies of the Minute of the Meeting held on 21 November 2023.

## DECISION

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

## 2. SBC CONTRACTS 3RD QUARTER REPORT 2023-24

- 2.1 There had been circulated copies of a report by the Chief Officer Roads, the purpose of which was to provide Members with a summary on the performance of SBc Contracts for the financial year 2023/24 up to 31 December 2023. Mark Douglas presented the report and provided a workload update. In relation to road surfacing activity, there had been 23 surface dressing patching site, 7 carriageway patching sites, 11 screed sites, 16 capital resurfacing schemes and contracts for private clients. SBc Contracts had completed the year's surface dressing programme across an area of approximately 187,040 sq.m.
- 2.2 Work had been completed on numerous Civil Engineering projects: bridgeworks, floodworks, building and footpaths. Some contracts were scheduled to extend beyond the end of 2023/24 financial year. Since April 2023 work had commenced on 90 new sites, 13 of which remained active.
- 2.3 The report contained detailed information on three projects undertaken to highlight the work and the benefit to communities. A summary of the works for NHS Borders: Borders General Hospital, Destination Tweed and the former Cross Keys site, Selkirk was provided.
- 2.4 A management update was provided. The Pothole Pro had been deployed to 6 sites of the A Class network. Work had also started in urban areas of Jedburgh, Kelso, Selkitk and Coldstream. To date, 1440 potholes had been repaired with 8157 sq.m. of asphalt.
- 2.5 The Chair welcomed the commencement of work on the Destination Tweed project, and Members expressed gratitude for the ongoing beneficial work undertaken by the department. In response to a question about private contracts, Mr Douglas confirmed that small scale private contracts e.g. driveways were welcomed by SBc Contracts. In response to a question on the fleet reductions, Mr Hedley reported that the use of Pothole Pro and swap body system gritters had resulted in improved safety, flexibility, and manoeuvrability of operations. SBc Contracts was to take delivery of a third swap body system comprised of a haulage vehicle and a jet patcher. Moving forward there was the intention to build on these acquisitions to reduce carbon emissions.

**DECISION**

**NOTED** the performance of SBc Contracts for the 3rd quarter of 2023/24; and

3. **ITEMS LIKELY TO BE TAKEN IN PRIVATE**

**DECISION**

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

4. **MINUTE**

Members considered the Private Section of the Minute of the Meeting held on 21 November 2023.

5. **SBC CONTRACTS TRADING OPERATION TO 31 DECEMBER 2023**

Members considered a report by the Chief Officer – Roads.

*The meeting concluded at 10.45 am*