

# Public Document Pack



## PETITIONS AND DEPUTATIONS COMMITTEE TUESDAY, 1ST MARCH, 2016

A MEETING of the PETITIONS AND DEPUTATIONS COMMITTEE will be held in the COUNCIL CHAMBER, COUNCIL HEADQUARTERS, NEWTOWN ST BOSWELLS, TD6 0SA on TUESDAY, 1 MARCH 2016 at 10.00 am

J. J. WILKINSON,  
Clerk to the Council,

23 February 2016

<b>BUSINESS</b>		
1.	<b>Apologies for Absence</b>	
2.	<b>Order of Business</b>	
3.	<b>Declarations of Interest</b>	
4.	<b>Minute</b> (Pages 1 - 4)  Minute of Meeting of 10 December 2015 to be noted and signed by the Chairman (copy attached)	2 mins
5.	<b>The Petitions Procedure</b> (Pages 5 - 6)  Note meeting procedure (copy of extract from the Scottish Borders Council Petitions Procedure attached).	2 mins
6.	<b>Heriot's access to public transport has been considerably worsened by the railway and the subsequent underpass.</b>	30 mins
	(a) <b>Petition</b>  Copy attached of petition submission form. The original petition and total list of signatures will be available for inspection prior to and at the meeting.	(Pages 7 - 22)
	(b) <b>Briefing Note by Depute Chief Executive (Place)</b>  (Copy attached)	(Pages 23 - 24)
7.	<b>Petition considered inadmissible</b> (Pages 25 - 26)  Consider Briefing Note by Clerk to the Council (copy attached).	2 mins
8.	<b>Any Other Items previously circulated</b>	

9.	<b>Any Other Items which the Chairman decides are urgent</b>	

**NOTES**

- 1. Timings given above are only indicative and not intended to inhibit Members' discussions.**
- 2. Members are reminded that, if they have a pecuniary or non-pecuniary interest in any item of business coming before the meeting, that interest should be declared prior to commencement of discussion on that item. Such declaration will be recorded in the Minute of the meeting.**

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**Membership of Committee:-** Councillors A. J. Nicol (Chairman), S. Bell, D. Parker, D. Paterson, J. Torrance and T. Weatherston

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Please direct any enquiries to Fiona Walling 01835 826504  
Email:- [fwalling@scotborders.gov.uk](mailto:fwalling@scotborders.gov.uk)

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**SCOTTISH BORDERS COUNCIL  
PETITIONS AND DEPUTATIONS COMMITTEE**

MINUTE of Meeting of the PETITIONS AND DEPUTATIONS COMMITTEE held in the Council Chamber, Council Headquarters, Newtown St Boswells, TD6 0SA on Thursday, 10 December, 2015 at 10.00 am

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- Present:- Councillors A. J. Nicol (Chairman), S. Bell, D. Paterson, J. Torrance and T. Weatherston
- Apologies:- Councillors D. Parker  
Also Present:- Councillors S. Marshall, W. McAteer
- In Attendance:- Service Director Commercial Services (from para 3.5), Strategic Transport Services Manager, Clerk to the Council, Democratic Services Officer (F. Walling).
- Petitioner:- Mr Andy Maybury

1. **MINUTE**

There had been circulated copies of the Minute of 1 October 2015.

**DECISION**

**APPROVED and signed by the Chairman.**

2. **THE PETITIONS PROCEDURE**

There had been circulated copies of an extract from the Scottish Borders Council Petitions Procedure which set out the process to be followed at the meeting.

**DECISION**

**NOTED.**

3.1 **PETITION: 20/120 BUS SERVICE**

There had been circulated copies of a petition, submitted to the Council on 19 August 2015, entitled "120 Bus Petition". The form was accompanied by a large number of signatures and was submitted by the Chairman of Hawick Community Council. However it was explained that action had been co-ordinated with other Community Councils, with elected Councillors and the local MSP. There had also been circulated copies of a briefing note by the Service Director Neighbourhood Services. The Chairman welcomed Mr Andy Maybury to the meeting to present the petition on behalf of the Principal Petitioner and asked for a round of introductions from Members of the Committee and officers.

- 3.2. On being invited by the Chairman to address the Committee, Mr Maybury explained that the petition had grown out of a number of concerns, some general and some specific to the bus service about which the petition referred. He challenged an often expressed view that one must have a car to survive in the Borders, maintaining that 85 – 90% of the population of the Scottish Borders lived within major settlements but 20% of households did not have a car. Bus services were the key for transport between settlements and, although once considered a public service, were more recently left to be run on a commercial basis. Mr Maybury explained that the No. 20 (later No.120) bus service was a combination of four services: Hawick to Jedburgh; Jedburgh to Kelso; a Jedburgh loop

incorporating Howdenburn; and Hawick loop incorporating Weensland Road. The route was taken over in 2011 by First Borders and operated on a commercial basis resulting in a significant increase in fares and subsequent outcry from users. The Council had then provided a subsidy for some return fares to reduce these to a more reasonable level. However sometime in December 2014/ January 2015 First Borders dropped the service from its standard schedule and said they would pull out. A separate timetable was issued for Services 120 and 20 with temporary financial support from Scottish Borders Council. Mr Maybury alleged that nothing more was communicated to the public domain until late summer when the Council's temporary support ended and the service was threatened. It was at this stage that the petition to save this bus service was started. Mr Maybury outlined that after 17 August a revised bus timetable resulted in the previous 13 Hawick – Jedburgh and 9 Jedburgh – Kelso journeys being reduced to 6 and 3 respectively. After particular engagement with residents in Eckford the timetable was further revised to offer 8 Hawick – Jedburgh and 7 Jedburgh – Kelso journeys but Mr Maybury pointed out that this service was still a reduction from the original. He concluded by saying that the petition asked for the retention of this bus service.

- 3.3 Members welcomed the petition. In response to a request for further clarification about exactly what petitioners were requesting, Mr Maybury said he had not seen any communication from the Council to indicate that the support for the bus service would extend beyond the end of the calendar year. He gave examples of where there was still room for improvement in the service offered and expressed general concern that, where bus services were passed to commercial operators, less-used routes would become unworkable. However he clarified that the main purpose of the petition was that the service be retained. In a reply to a question about passenger numbers on the 120/20 bus service, Mr Maybury believed this to fluctuate significantly from a sole passenger to in excess of twelve. However he pointed out that for a few people the service was their only option for means of travel to work, school, health centre, etc. He was aware and accepted that the provision of bus services was not a statutory service for the Council and that there had to be a judgement in terms of what services could be offered on a limited budget.
- 3.4 Scottish Borders Council's Strategic Transport Services Manager, Mr Timothy Stephenson, gave a response to the petition on behalf of the Service Director Commercial Services. He gave further information on the background to the situation. The bus route in question was operated on a commercial basis by First Borders, with no subsidy from the Council, until January 2015 at which time First Borders decided that they were no longer able to operate the route commercially. The Council stepped in and offered a temporary solution to subsidise the service with First Borders until a re-tender of bus services could be undertaken in the Summer of 2015. It was explained to Councillors at the time that this was a temporary solution for 6 months and budget would be found from existing resources. Following the re-tender it became obvious that the cost of operating this route was far in excess of any available budget. Mr Stephenson explained that one of the Bus Service regulations set by the Traffic Commissioner was that the Council must not run a subsidised service alongside a commercial service. He also clarified that the only bus services whose provision was statutory for the Council were the home to school services. To address the local concern a restructured service 120 (re-numbered 20) was designed using a single bus operating with a reduced timetable and frequency based on passenger numbers gathered from data collected since January 2015. This revised timetable was sent out to communities for consultation in July 2015. As part of the consultation Mr Stephenson had attended a meeting of local residents at Eckford. As a result, and taking into account other feedback, some minor changes were made to the timetable to try to accommodate community requests, particularly around provision to Eckford, within Jedburgh, and Weensland Road, Hawick. The revised service had operated since 17 August 2015. Further timetable changes were introduced on 28 September 2015 – these were small frequency enhancements made largely at the Community Councils' request to accommodate local traveller demand. The service was supported by Demand Responsive Transport and the regulation services to college and schools which could be used by members of the public. Mr Stephenson added that to

date there had been very little negative passenger response to the changes in this service and that the service would continue at least until the end of the current financial year at 31 March 2016. After that date, support from the Council would depend on the amount allocated in the budget for subsidising bus services and competition with other bus routes; the current total budget for subsidised services being £1.9m for the whole of the Borders area. From early in 2016 the Council would begin to engage with Community Councils and with commercial operators in order to determine priorities for services and where money should be spent in terms of subsidised services. At present 30% of bus services in rural areas were commercial and 70% were subsidised. For the Central Borders area these figures were reversed.

- 3.5 In response to Members' questions Mr Stephenson gave further detailed information about the service route and its level of usage. He confirmed that, if the budget was available, there was no intention to reduce the 20/120 service. Mr Maybury thanked Mr Stephenson for the sympathetic response to the petition and complemented the process carried out by the Council. Replying to his question about who was best placed to determine a bus service timetable, Mr Stephenson reiterated that the Council would engage in a big conversation with the public about priorities for services and timetables in Spring 2016. The consultation would include use of VOiCE, the Council's on-line community engagement tool. Mr Stephenson's personal view was that each Community Council should have a 'Transport Champion' with whom the Council could liaise 1:1 about timetables and who could pass on information and requests from the community. The Council would also use 'ambassadors' to provide assistance and collect information from passengers on buses, following the lead and effective use of ambassadors for the Borders railway. With regard to Demand Responsive Transport, Mr Stephenson advised that this service, whereby bookings were taken the previous day, was proving successful for a Hawick – Newcastleton service and also for a route in Kelso. Discussion continued on the size of buses used for certain routes in relation to usage. It was noted that it was more effective to keep the same vehicle on one route and that as well as being limited by vehicle availability size was dependent on peak demand at school times and the requirement for accessibility at all times.
- 3.6 On behalf of Members of the Committee, the Chairman thanked Mr Maybury for his attendance and excellent presentation of the petition, and Mr Stephenson for his helpful and sympathetic response. He also asked Mr Maybury to pass on thanks to the Principal Petitioner and others for raising this petition which had allowed discussion and a clear expansion of the issues. After further discussion Members recognised the importance of effective communication going forward, with the users of bus services, in order to achieve best value in terms of the decision about where the Council's budget for subsidised bus services be directed. It was agreed to refer the petition and associated Minute to the Service Director Commercial Services for his attention.

## **DECISION**

### **(a) NOTED:-**

- (i) the petition calling for the retention of the 20/120 bus service;**
- (ii) that although there was general satisfaction with the current level of this service the timetable could be improved by being extended; and**
- (iii) that from early 2016 the Council would be carrying out public consultation to identify priorities in terms of provision of subsidised bus services.**

### **(b) AGREED:-**

- (i) **to recognise that a bus service was being provided which was satisfactory for some passengers, albeit with some gaps;**
- (ii) **to applaud the Strategic Transport Services' ongoing communication with communities in respect of the 20/120 bus service; and**
- (iii) **to refer the petition to the Service Director Commercial Services with the recommendation that he investigate the necessary mechanism for effective communication with communities, including through Community Councils, to ensure correct identification of priorities, in terms of the provision of subsidised bus services by the Council within the limitations of the budget.**

4. **PETITION CONSIDERED INADMISSIBLE**

There had been circulated copies of a briefing note by the Clerk to the Council advising the Committee of the non-acceptance of a petition received against the siting of a 3G Pitch in Victoria Park, Peebles. The note explained that the petition was received on 26 November 2015. The Executive Committee had agreed at its meeting on 29 September 2015 that Victoria Park was the preferred location for a 3G synthetic pitch in Peebles. Within the terms of the Petitions Procedure agreed at Council, petitions would not be accepted which 'relate to a decision made by the Council or a committee during the preceding six months'. A letter was therefore written to the Principal Petitioner on 2 December 2015 advising that the petition could not be accepted for consideration by the Petitions and Deputations Committee at this time. In the ensuing discussion Councillor Bell advised that he had since been contacted by the Principal Petitioner and had provided information on the process in relation to the proposed 3G Pitch in terms of future decisions on the application for planning consent, consideration of the use of the land by the Peebles Common Good Fund Sub Committee, and provision of capital budget.

**DECISION  
NOTED.**

*The meeting concluded at 11.35 am*

**Extract from the Scottish Borders Council Petitions Procedure**

15. The procedure at the meeting, for each petition considered, shall be as follows:
- (i) the meeting shall be in public unless the subject matter of the petition would be deemed to be confidential under the terms of Section 7A of the Local Government (Scotland) Act 1973;
  - (ii) the principal petitioner, or named deputy, shall give a statement in explanation of the petition;
  - (iii) there will be an opportunity for Members of the Committee to ask questions of the petitioner or their named deputy;
  - (iv) there will be an opportunity for any Director(s), Executive Member(s) and Community Planning Partner representative(s) present to ask questions of the petitioner or their named deputy;
  - (v) a response to the petition may be heard from a Director, Executive Member and/or Community Planning Partner representative present at the meeting;
  - (vi) there will be an opportunity for Members of the Committee to ask questions of any Director, Executive Member(s) and Community Planning Partner representative(s) present at the meeting;
  - (vii) there will be an opportunity for the petitioner or their named deputy to ask questions of any Elected Member, Director or Community Planning Partner representative present at the meeting;
  - (viii) Members of the Committee shall then discuss the information available and consider their findings. The Committee may defer a decision should further information be required.

Note: any contribution on behalf of the petition from a second or other speaker(s) shall be at the discretion of the Chairman. The public will not be allowed to speak at the meeting unless invited to do so by the Chairman.

16. The Petitions Committee shall agree to one of the following:-
- (i) refer the petition to another Committee or Director, with or without a recommendation or comment. That Committee or Director shall then make the final decision which could include taking no further action;

- (ii) refer the petition to the relevant Community Planning Partner, with or without a recommendation or comment, if appropriate;
  - (iii) that the issue(s) raised do not merit or do not require further action.
17. The decision of the Petitions Committee, and any reason for that decision, shall be recorded in the Minute of the Meeting and a copy of the Minute shall be sent to the principal petitioner by Democratic Services staff. Where the petition is referred to a Director or another body, the responsibility for communicating the final outcome of the petition is also referred. Updates on these outcomes will be provided to the Petitions Committee.
18. There will be no right of appeal in response to a final decision made in response to a petition.



Reference (official use)



## Petitions – submission form

If you wish to submit a petition for consideration by the Petitions Committee, please complete the form below. You are advised to refer to the Guidance Questions and Answer sheet provided.

<b>Details of Principal Petitioner</b>	
Please enter the name and contact details of the person raising the petition. <i>The Principal Petitioner must be on the Register of Electors for the Scottish Borders Council area.</i>	
<b>Name:</b>	<b>Patricia Sinclair-Hood</b>
<b>Address:</b>	<b>Bank Cottage</b>
	<b>Heriot Way</b>
	<b>Heriot</b>
<b>Postcode:</b>	<b>EH38 5YN</b>
<b>Telephone no:</b>	
<b>Email:</b>	

<b>Title of Petition and Petition Statement</b>
Please enter the title of the Petition and a statement to cover the main subject of the Petition or the action you would like the Council to take.
<b>Heriot's access to public transport has been considerably worsened by the Railway and the subsequent underpass.</b>

**Statement (no more than 250 words):**

Construction of the Borders Railway, has subjected Heriot Village to the worst disruption of any community along the entire line. The landscape has been desecrated and the entrance to Heriot subsequently turned into an ugly services yard for the Railway, whilst ironically Heriot did not get a station. The original access, between the village and the A7, has been closed and a new road for vehicles built about half a mile away. The only pedestrian access to the A7 and bus stops is via the new underpass which, as you will see from the chain of emails attached, is not fit for purpose. It is causing enormous problems for all users, but mainly the elderly and school children. This petition is to try to get some action taken by the relevant Authorities to rectify this appalling situation.

Heriot, due to its elevated position, receives the blunt end of any severe weather. As there is no cover provided on the underpass, rain simply cascades down the steps causing flooding. The steps themselves are permanently water filled. When they freeze or are snow covered, the steps and ramp are treacherous and become impossible to negotiate. The ramp has proved very tedious to use in general and our only disabled and regular user of the buses has had to find an alternative route. Whilst other communities along the new Borders Railway are jubilant, Heriot is still suffering. This petition calls for SBC to take responsibility for maintaining pedestrian access to public transport.

**Further information.**

Please enter below any measures already taken, or persons/organisations approached to attempt to resolve the issues. Attach additional sheets to this form if required but please note that this information must be limited to no more than 4 sides of A4 paper.

Heriot CC has attempted to resolve the outstanding issues repeatedly with BAM, Network Rail, Transport Scotland and SBC. Local Councillors have been lobbied, together with Christine Grahame and Calum Kerr. Heriot CC has also approached Keith Brown, Cabinet Secretary for Infrastructure. He visited Heriot and inspected the underpass amongst many other outstanding issues affecting Heriot caused by the construction of the Borders Railway. He has instructed Transport Scotland to resolve these, and many have subsequently put right. However, maintenance of the underpass will rest with SBC, and there has been complete refusal to accept this by Philip Barr, Depute Chief Executive.

Attached are lengthy email chains with correspondence between Heriot and Philip Barr. Please note the comment from Transport Scotland stating they know of no other similar structure in Scotland which is neglected in this way.

**Presentation of petition to the Committee.**

Please indicate below if you would like the opportunity to make a statement at the meeting of the Petitions Committee when your petition is considered. Whether or not you will be invited to do so will be at the discretion of the Chairman.

\*I do/~~do not~~ wish the opportunity to make a brief statement about the petition.

\*I would like my deputy named below to make a statement on my behalf.

Name of deputy .....

Contact details .....

Signature of deputy.....

\* please delete as appropriate

**Signature of Principal Petitioner.**

If you are satisfied your petition meets all the requirements as stated in the Guidance Questions and Answers please add your signature and date below.

Signature of Principal Petitioner.....

Date..... 30 JAN 2016 .

**Signature of Principal Petitioner.**

If you are satisfied your petition meets all the requirements as stated in the Guidance Questions and Answers please add your signature and date below.

Signature of Principal Petitioner.....

Date..... 30 JAN 2016 .....

**Accompanying signatures.**

Your petition must be accompanied by at least 10 signatures in total, from persons aged 16 and over, resident in the Scottish Borders. The signatures must be from a minimum of 3 separate addresses.

Please be aware that if the petition is on the agenda for a meeting of the Petitions Committee the names and addresses, but not signatures, of all signatories will be published on the Council website.

	Name	Address	Signature
1	SUZANNE CHALK	BLACHTOPE FARM HERIOT, EH38 5YE	
2	Simon Clark	BLACHTOPE, HERIOT EH38 5YE	
3	COLIN HOOD	15 HERIOT WAY HERIOT EH38 5YM	
4	MEELIN SMITH	PIRN LODGE, STOW TD1 2SU	
5	<sup>BOWES-LYON</sup> <del>KAROL BOWES-LYON</del>	HERIOT WATER HERIOT MURDOCHAN EH38 5YE	
6	Alice Guller	CROOKSTON STABLES HERIOT	
7	Jim Green	h	
8	Kler	Klenet town Heriot	

	Name	Address	Signature
9	MUNA GRANT	RIVERSIDE HERIOT	
10	Nathan Wagstaffe	Parishope HERIOT	
11	Uma Helen	Hartree, Heriot	
12	C. SIMON	HERIOT MILL	
13	F. OTTON	CHOICELEA HERIOT	
14	K. MCQUILLIN	THE SCHOOL HOUSE HERIOT	
15	A. MCQUILLIN	THE SCHOOL HOUSE HERIOT	
16	ABROWN	SHOESTANDS RD HERIOT	

Attach additional sheets of signatures if you wish. \*

**Please submit this form and any additional sheets to:-**  
 Clerk to the Council, Scottish Borders Council, Council Headquarters,  
 Newtown St Boswells, Melrose, TD6 0SA, or email to  
 committeeapers@scotborders.gov.uk

\* Total no. signatures 58



## Aitchison, Sandy (Councillor)

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**Subject:** FW: Heriot Underpass

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**From:** Moffat, Gail [mailto:Gail.Moffat@scotland.nhs.uk] **On Behalf Of** Barr, Philip  
**Sent:** 13 August 2015 10:40  
**To:** 'John Williams & Jane Fothergill'; Barr, Philip  
**Cc:** Aitchison, Sandy (Councillor); frank connelly; Gavin Whittaker ; Mitchell, John (Councillor); White, Bill (Councillor)  
**Subject:** RE: Heriot Underpass

Dear John

Thank you for your recent e-mail.

Firstly I note your concern that the underpass will not be part of the priority salting network. As David Richardson explained during your recent meeting, there is not sufficient resource available to provide primary treatment in the vicinity of the new underpass. The proposed winter service levels for this location would have been the same had the new infrastructure been in place for a number of years. The formation of a Resilient Community in Heriot is not seen by the Council as a way for it to reduce service levels, but as a way for the local community to complement what the Council is able to provide and for the Council to provide additional resources in the form of training, equipment and materials to assist the community. I wish you well with regard to becoming a Resilient Community and I look forward to learning of your progress.

I acknowledge that the return of the railway line at Heriot after many years required a new crossing of the line to be made, albeit Transport Scotland consulted on two alternatives and that the resulting underpass has changed the local environment. However, the intended level of winter service to be provided at Heriot is similar to many rural communities across the region, who may be equally or more remote from main roads.

Regarding the underpass I am pleased to say that we are making progress with Bam to ensure a satisfactory outcome, they have proposed to lighting cowls to reduce glare, the lighting itself is to be modified and we will accept the provision of a timing switch.

Regarding additional lighting near the bus stop I have sympathy with the Community Council's view. The proximity of the junction lighting does not however represent an additional risk to pedestrians, as previously indicated there is a sufficient distance between the lit section and the location of the bus stop to allow the road users vision to have adjusted to the change in lighting levels between the two areas. The lighting design is such that the driver is not exposed to the lit section of road for a long period of time when passing through the junction area making the adaptation period from light to dark required shorter than if the eye had been exposed to a prolonged period of bright light. Also with the provision of lighting both at the new junction into Heriot and along the approaches of the A7 to the junction, pedestrians should be able to clearly see any approaching vehicles in the lit section of road or vehicle headlights on the unlit section of road to allow them to make a judgement on whether it is safe to cross the road or not. I regret therefore that the Council does not intend to proceed with the work at this time.

I hope you find the above information helpful.

Regards

Philip Barr

**Philip Barr, Depute Chief Executive - Place  
Scottish Borders Council  
Council Headquarters  
Customer Services: 0300 100 1800  
E-mail: [Philip.Barr@scottishborders.gov.uk](mailto:Philip.Barr@scottishborders.gov.uk)**

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**From:** John Williams & Jane Fothergill [<mailto:John.Williams@scottishborders.gov.uk>]  
**Sent:** 23 July 2015 16:31  
**To:** Barr, Philip  
**Cc:** Aitchison, Sandy (Councillor); frank connelly; Gavin Whittaker ; Mitchell, John (Councillor); White, Bill (Councillor)  
**Subject:** RE: Heriot Underpass

Dear Philip,

Thank you for your comprehensive email , which I have circulated to Heriot CC Councillors. We discussed the underpass in detail last night at our CC meeting, which John Mitchell kindly attended.

We have noted that winter maintenance of the underpass will not be part of the priority salting network. We have grave reservations about this news. We are going to continue to see if we can form a sufficient number of volunteers so Heriot can become a Resilient Community, and we welcome the help this would bring from SBC. My colleague Frank Connolly will continue to work on this, and we will also ensure we inform all the residents near the underpass about the prospective situation.

However, it seems clear to us that whilst local volunteers would undoubtedly lend a hand in any emergency such as really severe weather, we do not see how such people should be expected to effectively replace SBC staff when routine action needs to be taken to deal with ice and frost. Given our Borders weather, in a severe winter this would mean local people turning out every day, probably twice a day, to salt and treat the underpass by hand and push spreaders – when the gritting lorry would be sweeping into the village and then sweeping out again.

May I point out that Heriot had perfectly good access to the main road before the road was cut off by the railway – and that this route was part of the primary treatment route. Now we have local residents (and many of the Heriot Station residents are elderly and some disabled) faced with having to use the underpass to access public transport. People of working age will mostly be unaffected as they have cars, so it is precisely those least able to cope who will be faced with using the underpass. We suspect many of them will simply refuse to use it when they feel unsure if it is safe to do so. Can I also point out that in the evenings the school bus does not come into Heriot, but drops the children at the underpass on the A7.

We recognise resources are stretched, and are unsure what remedy would be best, but may I again emphasise Heriot has been presented with a fait accompli.

Your assurances on the underpass lighting have been noted, and we look forward to early progress on cutting down the awful glare. We agree that a timing switch would be a good idea as well.



However, we do not accept your comments about lighting on the A7. Currently the glare from the underpass makes it impossible to see headlights from southbound cars approaching the corner just north of the bus stop so pedestrians cannot judge when it is safe to cross, and have to be prepared to dash across. Impractical for many residents. So that situation is NOT the same as it was before the underpass was built. We also continue to have grave reservations about motorists driving north out of a lighted area into a dark road area and immediately reaching an area where there may be pedestrians. We do not see how this can be judged a safe way to manage the conflict in the road requirements. It allows at the most 5/6 seconds for motorists eyes to adjust from the lighted area to darkness, and we doubt that is sufficient. Nor do we understand how it can be assumed pedestrians will be able to judge whether it is safe to cross or not in bad weather, if they are unable to cross swiftly, or if they just simply do not see an approaching car for some reason. Might I ask when you or your staff attempted to do this on the A7 in the dark with cars travelling at 60/70 and even 80 miles an hour? I frankly find it quite frightening and very difficult to judge, and I do not think elderly or indeed young people should be regularly exposed to such risks.

I look forward to hearing further constructive thoughts from you and your colleagues at SBC.

Regards John

John Williams Chairman Heriot CC

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**From:** Moffat, Gail [<mailto:>]  
**Sent:** 09 July 2015 12:47  
**To:** 'John Williams & Jane Fothergill'  
**Subject:** FW: Heriot Underpass

On Behalf Of Barr, Philip

Dear John

Thank you for your e-mail of 18 June. Taking your comments in turn, our Officers have also noted some 'puddling' on the underpass surface and will need to be satisfied that the situation is acceptable before adopting our elements of the underpass.

The Council will be responsible for maintaining the operation of the installed drainage system within the underpass and the pump arrangement for discharging the collected surface water to the nearby watercourse. Our Asset Management section will be checking the operation of the systems installed to ensure that they are in working order and meet the required expectations.

At your recent meeting David Richardson advised that in providing its Winter service across the region, the Council had to prioritise its adopted road and footway network within available resources. This meant that, whilst the new road layout into Heriot would continue to be included within the Council's primary salting network, it would not be possible to provide a primary treatment service to the ramps and stepped areas of the new underpass. Mr Richards further advised that where the Council was unable to provide primary treatment, consideration would be given to providing salt bins to allow self-help for the community and he felt that the underpass location met this criterion.

I understand that at your meeting you also discussed the possibility of Heriot Community Council becoming a Resilient Community and the following information provided by our Emergency Planning Officer, Jim Fraser, will hopefully be of help and assistance to you. Should Heriot progress this initiative and identify a co-ordinator and volunteers, we will supply them with the following:

- Community Council insurance for the volunteers identified.
- A specific Heriot Community Council Resilient Communities Plan.
- Training for the co-ordinator of the plan.
- First Aid training for the volunteers.
- Equipment manifest equivalent to the number of volunteers and this contains: salt spreader, snow shovels, shovels, Personal Protective Equipment, first aid kits, torches, florescent jackets etc.
- In addition to the above a storage shed can be supplied for the equipment, if required.
- One tonne lockable salt storage bin with an annual fill up.
- A wooden sandbag store for flooding will be provided, if required.
- A two way messaging system via SB Alert to keep us updated on any issue with the underpass during severe weather.

With this insurance, training and equipment in conjunction with the early warning alert messages of weather situations, crime information and road closures etc. via SB Alert, the community has the possibility of becoming more resilient and prepared.

Our Street Lighting section continue to liaise with BAM and their designers' URS regarding the lighting installation at the underpass, proposals have been submitted and accepted to half the number of lanterns fitted to light the ramp sections of the underpass which will in turn bring the lighting levels to within the relevant British Standard. The possibility of attaching lights on the outside ramps was considered, however, an acceptable solution has been found without the need to do this while still providing lighting levels that are acceptable. The issue of glare for both the residents of Heriot and the road users on the A7 has also been discussed and we currently await options from BAM and URS as to how they propose to eliminate the problem. With regard to the switching of the lights we would be content for them to switch off at a set time after the last bus has passed though at night and then come back on again a suitable period before the first bus in the morning, this switching regime allows flexibility as to how the lights can be controlled and the ability to alter the timings if need be. The lighting in the underpass itself is fed on a separate circuit to the ramp sections and as such will be left on during the hours of darkness.

Historically there has not been lighting for pedestrians crossing the A7 from the bus stop on the south bound lane into the village of Heriot, as such the situation with regards to traffic approaching the bus stop on the south bound lane remains the same as it was before the railway works commenced. The lighting provision for the new B709 junction extends around 250m from the centre of the junction to the last light along the north bound lane, there is then a distance of around 200 – 220m from the last light to the bus stop on the south bound lane which is a sufficient distance to allow the road users vision to have adjusted to the change in lighting levels between the two areas. Also with the provision of lighting both at the new junction into Heriot and along the approaches of the A7 to the junction, pedestrians should be able to clearly see any approaching vehicles to allow them to make a judgement on whether it is safe to cross the road or not.

I trust my reply is useful to you and we look forward to the works concluding as swiftly as possible and should I be unavailable, please feel free to contact Jonathan Hepton our Liaison Officer who is aware of developments. I remain highly involved in the issues surrounding Heriot and share with you the objective of reaching a satisfactory conclusion to the above issues.

Thank you once again for your input.

PHILIP

Philip Barr, Depute Chief Executive - Place  
Scottish Borders Council

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**From:** Moffat, Gail **On Behalf Of** Barr, Philip  
**Sent:** 29 June 2015 15:07  
**To:** 'John Williams & Jane Fothergill'  
**Cc:** Aitchison, Sandy (Councillor); Gavin Whittaker ; Ovens, Colin; frank connelly; White, Bill (Councillor); Richardson, David  
**Subject:** RE: Heriot Underpass

Dear John

Thanks for your e:mail and apologies for the delay in responding. I note the comments you have made and will receive an update from David on your meeting with him.

I am happy for you to liaise with David and Colin, however, I can still be contacted on any matter in relation to the Underpass where you feel I can be of assistance.

Thanks

PHILIP

**Gail Moffat**  
**PA to Philip Barr, Depute Chief Executive - Place**  
**Corporate Management Support Team**  
**Scottish Borders Council**  
**Council Headquarters**  
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**From:** John Williams & Jane Fothergill [[mailto:](mailto:john.williams@scottishborders.gov.uk)]  
**Sent:** 18 June 2015 15:23  
**To:** Barr, Philip  
**Cc:** Aitchison, Sandy (Councillor); Gavin Whittaker ; Ovens, Colin; frank connelly; White, Bill (Councillor); Richardson, David  
**Subject:** RE: Heriot Underpass

Dear Philip,

I have been waiting to reply to your email until we had the opportunity to talk to Network Rail and BAM again. I am pleased to say we had a constructive meeting with them yesterday – no doubt a considerable factor in the changed atmosphere is a direct result of the trains running on schedule.

It was made clear to us that every effort will be made to resolve issues. We were assured that work will be done to try to ensure that “puddling” does not occur in the underpass in future. I guess this is something that trial and error can eradicate. We were promised that the calculations for the drainage and pump will be revisited to ensure that they can cope with the sort of weather the Borders experiences. I think this is something that SBC should ask to see at some point, to ensure your engineers agree.

I am hoping to meet David Richardson next week to discuss salt provision and snow clearance. There is a whole new problem in Heriot now if it snows heavily. How will the underpass be cleared so it can be used? We would still suggest that covering for the area above both sets of steps should be considered both for rain, but especially for snow.

Hugh Wark invited our views on the lighting as he offered 4 options. My off the cuff view was that half the current lights should be removed, an appropriate number should be mounted on the second outside ramp, therefore facing away from the village, and they should all have cowls to prevent “spillage”. I think the ramps are wide enough that properly designed cowls will not be a hazard to pedestrians – and vandalism in Heriot is pretty unlikely. I gather SBC is against “trembler” switches to enable most of the lights to go off late at night until morning hours. Can that please be reconsidered? By far the happiest solution for Heriot would be a period of darkness between say 11pm and 6am. If the odd fox triggers it, so what?

Finally, we need to consider the lighting on the A7. We have lost the fight to keep the junction dark. However, this means that north bound drivers leave the lighted area and immediately into the dark reach the spot where Heriot Pedestrians will be crossing the A7 from the bus stop. No lights, a sharp bend nearby, but cars doing at least 60mph. In our view this is a tragedy waiting to happen. Can you please ensure this is looked at very carefully before winter is upon us again? In our view, sadly but necessarily, the road lighting will have to be extended a short distance.

We would like to be kept in touch with the elements that rest with SBC, which the above broadly covers. I gather you are now seldom at SBC HQ for a temporary period, so perhaps we should liaise with one of your colleagues?

Regards John

John Williams Chairman Heriot CC

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**From:** Moffat, Gail [mailto: ]

**Sent:** 07 May 2015 13:59

**To:** 'John Williams & Jane Fothergill'

**Cc:** Aitchison, Sandy (Councillor)

**Subject:** Heriot Underpass

**On Behalf Of** Barr, Philip

Dear John

Thank you for your e-mail of 21 March.

Regarding your comments, I would like to reassure you that Scottish Borders Council (SBC) staff have been monitoring the completion of the underpass. We are advised by Bam that measures to prevent groundwater leakage into the underpass have been completed. Our Technical staff will need to be satisfied this is the case, before adopting our elements of the underpass.

I should also say that Scottish Borders Councils' Technical staff have a working knowledge of the Design Manual for Roads & Bridges (DMRB), SBC having been a designer and contractor on major trunk road schemes. We would agree that the recommendations in DMRB TD 36/93 regarding a crossfall and other matters are clearly worthwhile. In the case of works designed and delivered by the railway project, SBC's role was limited. We needed to be satisfied that the works are safe, maintainable and adequate for their purpose. Because the underpass is a railway authority structure, there was no requirement on the project to apply the recommendations in DMRB, however, we did provide feedback to the project regarding proposed drainage arrangements.

We do not believe that the underpass is unduly at risk from flood events on the basis of the supporting information we received. Bam have also indicated that the final underpass surfacing to be applied will prevent falling water gathering on surfaces. SBC will need to maintain drainage elements of the underpass as your correspondent indicates and we recognise the need to undertake these activities, which will be funded by Transport Scotland. Also I can confirm that SBC will make winter maintenance arrangements to include salt bins.

Regarding the underpass lighting I agree that it is excessive. Over 100 technical submissions for our agreement were submitted to SBC from Network Rail and in general this process has been satisfactory, however, Network Rail did not provide sufficient information on the underpass lighting before installation. We have now obtained lighting calculations from the Project and we have identified that it does not conform to the most applicable guidance and thus, our requirements. The design utilises the fittings on one ramp to light the second adjoining, ramp. Due to the nature of the installation and the luminaires that have been installed there is a lot of glare from the fittings both from a road user perspective as well as the residents of Heriot. Network Rail have advised us that their designer will now review the design. We will keep in close touch with them about this, as we are not minded to adopt the lighting which is currently provided.

I regret that I am unable to meet with you to discuss the underpass at this time, but I hope the information I have provided is useful to you. Rest assured we continue to monitor the progress that Network Rail are making with the outstanding works at Heriot.

Yours sincerely

Philip Barr  
Depute Chief Executive (Place)  
Scottish Borders Council  
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**From:** John Williams & Jane Fothergill [<mailto:john.williams@sbc.gov.uk>]  
**Sent:** 22 April 2015 17:22

**To:** Barr, Philip  
**Cc:** Aitchison, Sandy (Councillor); 'frank connelly'; 'Gavin Whittaker '; 'Henry Gibson'; Hepton, Jonathan  
**Subject:** Heriot Underpass

Philip,

I sent the email below to you on March 21st. I had hoped to hear back from you by now. Has there been any progress? We had a bruising meeting yesterday with Hugh Wark and his team, and really made little progress. From the responses one would think that they had not heard about any of the issues we raised recently, especially the ones referred to in this email.

It would be heartening to hear that SBC was making some progress.

Dear Philip,

Thank you very much for attending our community council meeting and doing your best to reassure the community that issues outstanding from the construction of the railway would be dealt with properly.

You heard that we have severe doubts about the underpass, and that in particular we are concerned about the drainage and lighting. I told you that Henry Gibson, who is Chairman of Tynewater CC, is a highly experienced architect and has considerable knowledge which we have freely drawn upon. He has made the following points several times to various representatives of Network Rail and Transport Scotland, and to Keith Brown when he visited Heriot. These failings have not been properly acknowledged, nor have remedies been proposed. I was therefore considerably surprised, and very disappointed, to hear you tell us that SBC Engineers have given technical approval and consider there are no identified issues with maintenance and access arrangements. Keith Brown has made similar comments in a letter I have just received, confirming the stance SBC are taking.

Henry Gibson has made the following observations:

*“There are three aspects to the underpass drainage.*

- A. The failure of the water bar construction resulting in leakage of groundwater into the underpass.***
- B. The failure to follow the recommendations of DMRB, TD 36/93, on the provision of a cross fall and side gutter to the underpass walkway.***

*The following two clauses from the Design Manual for Roads and Bridges, TD 36/93 (Subways for Pedestrians and Pedal Cyclists Layout and Dimensions) has the following relevant observations on the subject of drainage:*

*6.15 The floors of pedestrian subways should be cambered with transverse slopes of about 3% and shallow channels on each side. It is preferable for the subway to slope longitudinally at a gradient of not less than 0.7%. (I have missed out the bit about cyclists.)*

*6.16 The drainage system should be large enough to deal with the water and detritus entering the subway from the ramps and stairs. The specification and siting of gulley gratings and channel gratings should be carefully considered in the interests of women with stiletto heeled shoes and cyclists with narrow tyred wheels. Lockable or hinged gratings are recommended in*

*situations where vandalism or theft is a problem. Adequate provision should be made for the cleaning and maintenance of gulleys and drains*

**C. *The apparent inadequacy of the single ACO Drain outlet, the two sumps and the pump to deal with 'exceptional rainfall events' without 'ponding'.***

*The ACO drainage capacity is set out in the tables that form part of ACO's publication 'ACO MultiDrain™ MD' which is available from [www.aco.co.uk/download.php?id=173](http://www.aco.co.uk/download.php?id=173) I followed the design method set out on page 42 which includes data derived from BS EN 752 including assumptions about rain fall intensity. The capacity of the first sump, directly below the ACO drain was excluded from my calculation as the out flow pipe appears to be close to the base of the sump so the sump is probably acting as a sediment trap rather than a true storage sump. The capacity of the second sump was derived from the drawings (plan dimensions) and the pump description (freeboard / depth) which gave me a usable volume of about 3000 litres. This volume is less than the predicted runoff volume produced by an 'extreme rainfall event' falling on the catchment area represented by the underpass ramps and walkways but is probably just adequate to deal with a 'peak rain fall event' provided some 'ponding' is accepted.*

*My calculations may not be 100% accurate as I did not have access to all the relevant information but they were sufficient for me to be concerned. The lack of any apparent simple provision for clearing the sediment trap below the ACO drain and the distance between the vehicular turning head and the top of the pump chamber suggested to me that the design may not have been fully thought through. To my mind a failure to clear the sediment traps and the pump chamber on a regular basis could quickly reduce the storage capacity of the pump chamber and increase the risk of the underpass surface drainage system being overwhelmed in quite modest rainfall events.*

*I acknowledge that there are a number of engineering design judgements to be made here, including the fairly complex issue of assessing the significance of rainfall statistics and the performance of a pumping system but I could see no evidence that these engineering design judgements had been exposed to any debate with the body responsible for its long term operation, Scottish Borders Council."*

I would be grateful if you and the relevant colleagues could carefully consider the points Henry Gibson has raised. **I consider there needs to be a meeting at the underpass with Network Rail, the appropriate staff from SBC, Henry Gibson and ourselves.**

At the very least we will want to ask who in SBC authorised the departure from the DMRB TD 36/93 recommendations and what were the reported resource implications of that decision? We will also want to ask how often do SBC think the underpass will be flooded to a depth of 50 mm or more each year and how often the sumps will be cleared of silt? (We must now assume SBC know the answers to these questions because Keith Brown says so in his letter.) Also, in the absence of any crossfall what provision have SBC made for keeping the walkway free of ice? What we would prefer to hear is that SBC will be insisting that these problems are stopped now by proper remedial work being carried out.

On lighting it is clear that the current lights do not comply with modern requirements for lighting in rural areas. I attach the appropriate guidance. *Most of the actual information is in the Control of Light Pollution. Table 2 spells out that the upward component of any fitting in a village environment (E2 from Table 1) should be no more than 2.5%.*

This can be discussed on site at the same time, but I did get the impression that you have already noticed how intrusive the lights are and you may be aware of the required regulations without us having to prod.

<<...>> <<...>>

Regards, John

John Williams Chairman Heriot CC

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**PETITION – HERIOT’S ACCESS TO PUBLIC TRANSPORT HAS BEEN CONSIDERABLY WORSENERD BY THE RAILWAY AND SUBSEQUENT UNDERPASS**

**Briefing Note by the Depute Chief Executive - Place**  
**PETITIONS AND DEPUTATIONS COMMITTEE**

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**1 March 2016**

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**1 SUMMARY**

- 1.1 **This briefing note advises the Petitions and Deputations Committee of the background to a petition received in relation to Heriot’s access to public transport being worsened by the railway and subsequent underpass. Officers recommend no further action is taken at this time.**
- 1.2 It is acknowledged that the return of the railway line at Heriot after many years required a new crossing of the line to be made, albeit Transport Scotland consulted on two alternatives and the resulting underpass has changed the local environment.
- 1.3 During and following the construction phase of the underpass, Officers have continued to have discussions with BAM in order to resolve outstanding issues, in particular, matters concerning the lighting and drainage. Our understanding is that BAM have made progress with works to ensure that a satisfactory outcome has been reached in terms of water issues and resolving the glare from the lighting which includes a timing switch.
- 1.4 An audit process is still underway in relation the adoption of roads, bridges and other infrastructure along the length of the Borders railway line which the Council will adopt in future. Whilst the underpass will remain the ownership of Network Rail, an audit was undertaken and no outstanding works were identified, the ramps have been installed to meet DDA requirements.
- 1.5 Officers have previously commented on the provision of additional lighting near the bus stop and have indicated that the provision of lighting at the new junction into Heriot and along the approaches of the A7 would lead to pedestrians being able to clearly see any approaching vehicles in the lit section of the road or vehicle headlights on the unlit section of the road to allow them to make judgement on whether it is safe to cross the road. The Council does not light crossing points at rural bus stop sites as a matter of course and therefore we do not intend to proceed with any further works at this time.
- 1.6 With regards to the provision of winter service, the Council accepts that Heriot sits at an elevated position and can on occasions receive the ‘blunt end of severe weather’.

- 1.7 Officers have reviewed the policy around treatment of rural areas ensuring that when assessing Heriot fairness and consistency has been applied in this case. Similarly Officers have reviewed the available resources in relation to the level of service that can be provided in treating the underpass and can confirm that there are not sufficient resources available to provide primary treatment in the vicinity of the new underpass. The Council remains committed to supporting Heriot through the Resilient Community banner, to provide additional resources in the form of training, equipment and materials to assist the community.
- 1.8 In providing salt bins at the underpass, Scottish Borders Council is not relinquishing its responsibility to provide a winter service to the community at Heriot. The Council currently provides over 1,000 salt bins across the region in areas where it does not provide primary treatment. The additional salt bin provision at the underpass will now increase the total number of salt bins in Heriot to four and these additional salt bins will provide a further self-help facility for the community during times of winter weather when the Council's resources are being deployed in higher priority areas.
- 1.9 The Council monitors complaints and service requests through its Complaints procedures and Customer Relations Management System (CRM). In analysing this over the winter period, November to mid February, there has been only one service request in relation to winter treatment in and around the Heriot underpass area – 'empty grit bin'. One assumes therefore that the Community has managed the process within the resources available to them.

## 2 CONCLUSION

- 2.1 **I recommend that the Committee acknowledges the Petition for Heriot's access to public transport being worsened by the railway and subsequent underpass but takes no further action at this time.**

### Approved by

**Depute Chief Executive - PLACE**

**Signature .....**

### Author(s)

Name	Designation and Contact Number
Philip Barr	Depute Chief Executive - Place

**Background Papers:** Petitions Procedure

**Previous Minute Reference:** None

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Contact us at Jacqueline Whitelaw, Environment and Infrastructure, Scottish Borders Council, Council Headquarters, Newtown St Boswells, Melrose, TD6 0SA, Tel 01835 825431, Fax 01835 825071, email [eitranlationrequest@scotborders.gov.uk](mailto:eitranlationrequest@scotborders.gov.uk).

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**PETITION IN SUPPORT OF A 3G PITCH AT VICTORIA PARK,  
PEEBLES, IF THERE IS NO OTHER VIABLE SITE**

**Briefing Note by Clerk to the Council**

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**PETITIONS AND DEPUTATIONS COMMITTEE**

**1 March 2016**

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**1 SUMMARY**

- 1.1 **This briefing note advises the Petitions and Deputations Committee of the non-acceptance of a petition received in support of the siting of a 3G Pitch at Victoria Park, Peebles, if there is no other viable site.**
- 1.2 I received a petition on 29 December 2015 in support of the siting of a 3G Pitch in Victoria Park, Peebles, if there is no other viable site. A statement within the form explained that the petition had been raised in response to a recent petition against the siting of a 3G pitch at Victoria Park. While a large number of signatures had been appended to the petition form, the part on the form where 10 signatures are required had not been completed. Having checked the Council's committee papers, I have confirmed that the Executive Committee agreed at its meeting on 29 September 2015 that Victoria Park was the preferred location for a 3G synthetic pitch in Peebles.
- 1.3 Within the terms of the Petitions procedure agreed at Council, petitions will not be accepted which:-
- 'relate to a decision made by the Council or a committee during the preceding six months'.
- 1.4 For the above reasons and after acknowledging receipt of the petition, I wrote in more detail to the Principal Petitioner on 27 January advising that the petition could not be accepted for consideration by the Petitions and Deputations Committee at this time.

**2 CONCLUSION**

- 2.1 **I recommend that the Committee notes the non-acceptance at this time of the Petition in support of the Siting of the 3G Pitch at Victoria Park, Peebles, if there is no other viable site.**

**Approved by**

**Clerk to the Council**

**Signature .....**

**Author(s)**

Name	Designation and Contact Number
Jenny Wilkinson	Clerk to the Council 01835 825004

**Background Papers:** Petitions Procedure

**Previous Minute Reference:** Petitions & Deputations Committee 10 December 2015

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